

5758

2011-2012 Regular Sessions

I N S E N A T E

June 14, 2011

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

AN ACT to amend the general municipal law and the education law, in relation to establishing limits upon school district and local government tax levies (Part A); to amend the general municipal law and the legislative law, in relation to mandate relief (Part B); to amend the general municipal law, in relation to real property tax relief and local government mandate reform; to amend the general municipal law, in relation to requiring the state to fund certain programs mandated for municipal corporations; to amend the general municipal law and the legislative law, in relation to requiring fiscal notes for bills enacting mandates upon local governments and school districts; to amend the state administrative procedure act, in relation to requiring fiscal impact notes on regulations, rules or orders affecting political subdivisions; to amend the state technology law, in relation to sending notices, bills and other communications by electronic means in a city with a population of one million or more; to amend the executive law, in relation to detailed reporting of the administration and enforcement of the New York state uniform fire prevention and building code; to amend the general municipal law and the county law, in relation to purchases through the office of general services; to amend the executive law, in relation to the bulk electricity purchasing program; to amend the general municipal law, in relation to providing local governments greater contract flexibility and cost savings by permitting certain shared purchasing among political subdivisions; to amend the insurance law, in relation to authorizing any city with a population of one million or more to provide wrap-up insurance programs and surety bonds for their public building and construction projects; to amend the education law, in relation to requiring the state to fund certain programs mandated for school districts and the effect of mandates on school districts; to amend the education law, in relation to the adoption of professional development plans for teachers; in relation to shared superintendent programs; in relation to approval of certain leases by the commissioner of education; to amend

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

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the general municipal law, in relation to the period of validity of certificates attesting to the satisfactory completion of an approved police basic training program; to amend the penal law and the criminal procedure law, in relation to the storage and destruction of goods and articles relating to the offenses of trademark counterfeiting and unauthorized recordings; to amend the social services law, in relation to co-payment for emergency room services; to amend the tax law, in relation to tax credits for premiums; to amend the social services law and the insurance law, in relation to directing the department of health to submit an amendment to the plan for medical assistance; and to direct the department of insurance to adopt any necessary conforming amendments to regulations or other rules; to amend the education law, in relation to authorizing the board of cooperative educational services to form health insurance trusts with component school districts; to amend the social services law, in relation to applications for medical assistance; to amend the social services law, in relation to allowing local social services districts discretion to provide certain Medicaid services and to cover certain categories of eligibility; in relation to submission of evidence at fair hearings; to amend the mental hygiene law, in relation to the costs of prosecution of an inmate-patient of a state psychiatric facility; to amend the highway law and the vehicle and traffic law, in relation to the maintenance, improvement and repair of certain town highways; to amend the highway law, in relation to permitting two or more towns to jointly purchase highway equipment; to amend the highway law, in relation to raising the threshold for requiring competitive bid contracts for local street or highways projects; to amend the highway law, in relation to consolidated local highway assistance payments and directing the New York state department of transportation to revise codes, rules or regulations in relation thereto; authorizing a county to enter into a cooperative agreement with school districts, towns and villages within such county to provide for health care benefits for their employees; to amend the executive law, in relation to the rule-making powers of the division of criminal justice services; to amend the labor law, in relation to the definition of fiscal officer for the purposes of the prevailing wage for building services employees; to amend the mental hygiene law, in relation to notifying the local department of social services upon the death of an incapacitated person; to amend the social services law, in relation to the use of funds for child care programs and public assistance employment programs; to amend the social services law, in relation to the rule-making powers of the department of social services to provide support and incentives encouraging the merging or cooperating of counties and local social services districts; to amend the executive law, in relation to permitting local social services districts to enter into multi-year contracts and to apply for waivers from certain non-statutory regulations; to amend the general municipal law, the education law and the retirement and social security law, in relation to establishing an optional retirement program for employees of municipalities, local governments and schools; to amend the education law, in relation to certain regional transportation services; to amend the education law, in relation to the evaluation of certain students who have individualized education programs; to amend the education law, in relation to the transportation of students based upon patterns of actual ridership; to amend the education law, in relation to authorizing boards of cooperative educational services to engage in collective

bargaining with employee organizations representing teachers and other employees of component school districts; to require school districts to conform with all federal laws and regulations relating to special education programs and services to students with disabilities; to amend the executive law, in relation to modernizing code enforcement training programs; to amend the insurance law, in relation to excepting from community rating requirements group health insurance policies issued to multiple employer trusts consisting of municipal corporations and public benefit corporations; to amend the general municipal law, in relation to advertising for bids; to amend the education law, in relation to health care premium contribution; to amend the highway law, in relation to services and reimbursement; to amend the labor law, in relation to prevailing wages; to amend the general municipal law and the civil service law, in relation to real property tax relief and local government mandate reform; to amend the labor law, in relation to requiring employers to provide safety ropes and system components to firefighters; and to repeal certain provisions of the penal law relating to the storage and destruction of goods and articles relating to the offenses of trademark counterfeiting and unauthorized recordings (Part C); and to amend the general municipal law, in relation to contracts for public work projects; to amend the insurance law, in relation to authorizing the state, public corporations and public authorities to provide wrap-up insurance programs and surety bonds for their public building and construction projects; to amend the New York city charter, in relation to the publication of the City Record; to amend the general municipal law, in relation to acquisition and use of credit cards by local governments; to amend the local finance law, in relation to credit card agreements by municipalities and school districts; to amend the municipal home rule law, in relation to filing and publication of local laws; to repeal subdivision 5 of section 27 of the municipal home rule law relating thereto; to amend the general municipal law, in relation to the validity of police officer and peace officer training certificates; to amend the correction law and the criminal procedure law, in relation to permitting sex offenders to make electronic appearances in lieu of a personal appearance in certain circumstances; to amend the correction law, in relation to the placement of inmates; to amend the general municipal law, in relation to apportioning the expenses of police department members in attending police training schools; to repeal section 207-m of the general municipal law relating to salary increases for heads of police departments of municipalities, districts or authorities; to amend the criminal procedure law, in relation to the storage and destruction of goods and articles relating to the offenses of trademark counterfeiting and unauthorized recordings; to amend the county law, in relation to residence of assistant district attorneys and to repeal subdivision 6 of section 702 of the county law relating thereto; to amend the criminal procedure law, in relation to the prosecution of the offense of identity theft; to amend the family court act, in relation to inter-county probation; to amend the general municipal law and the public housing law, in relation to filing requirements for municipalities regarding urban renewal plans and creation of urban renewal agencies and authorities; to amend the social services law, in relation to a wage reporting system; to amend the social services law and the eligibility for child care assistance; to amend the state finance law, in relation to the quality child care and protection fund; to amend the tax law, in relation to utilization

of wage information for determining eligibility for child care assistance; to amend the family court act, in relation to court ordered investigations; to amend the family court act and the social services law, in relation to testimony and attendance by telephone, audio-visual means, or other electronic means; to amend the social services law, in relation to the length of licenses to board children, training of child protective service caseworkers and non-residential services for victims of domestic violence; to repeal subdivision 5 of section 423 of the social services law relating to the responsibilities of child protective services; to amend the education law, in relation to census reporting; to amend the education law, in relation to funding of certain capital projects and auditing of claims; to amend the education law, in relation to children with disabilities; and to repeal certain provisions of the education law relating thereto (Part D); to amend the general municipal law, in relation to the municipal redevelopment law authorizing tax increment bonds payable from and secured by real property taxes levied by a school district within a project area (Part E); to amend the real property tax law, in relation to establishing a residential-commercial exemption program (Part F); to amend the tax law, in relation to authorizing certain counties, cities and school districts to impose up to a three percent rate of sales and compensating use taxes pursuant to the authority of article 29 of such law and to preserve the authority of certain counties and a city to impose such taxes at rates in excess of three percent; and to repeal certain provisions of such law relating thereto (Part G); to amend the real property tax law, in relation to tax exemption for new multiple dwellings (Subpart A); to amend the real property tax law, in relation to eliminating the expiration of exemptions of new multiple dwellings from local taxation; to amend chapter 576 of the laws of 1974 amending the emergency housing rent control law relating to the control of and stabilization of rent in certain cases, chapter 329 of the laws of 1963 amending the emergency housing rent control law relating to recontrol of rents in Albany, chapter 555 of the laws of 1982 amending the general business law and the administrative code of the city of New York relating to conversion of residential property to cooperative or condominium ownership in the city of New York, chapter 402 of the laws of 1983 amending the general business law relating to conversions of rental residential property to cooperative or condominium ownership in certain municipalities in the counties of Nassau, Westchester and Rockland, in relation to making the provisions thereof permanent; and to repeal certain provisions of the emergency housing rent control law and the rent regulation reform act of 1997 relating to the expiration of such provisions (Subpart B); and to amend the administrative code of the city of New York and the emergency tenant protection act of nineteen seventy-four, in relation to determining primary residency of rent regulated housing accommodations (Subpart C)(Part H); and to amend the real property tax law, in relation to exemption of newly constructed private homes from local taxation in cities with a population of one million or more (Part I)

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 relating to real property tax levies, rent regulation, exemption from

1 local taxation and mandate relief. Each component is wholly contained
2 within a Part identified as Parts A through I. The effective date for
3 each particular provision contained within such Part is set forth in the
4 last section of such Part. Any provision in any section contained within
5 a Part, including the effective date of the Part, which makes a refer-
6 ence to a section "of this act", when used in connection with that
7 particular component, shall be deemed to mean and refer to the corre-
8 sponding section of the Part in which it is found. Section three of this
9 act sets forth the general effective date of this act.

10 PART A

11 Section 1. The general municipal law is amended by adding a new
12 section 3-c to read as follows:

13 S 3-C. LIMIT UPON REAL PROPERTY TAX LEVIES BY LOCAL GOVERNMENTS. 1.
14 UNLESS OTHERWISE PROVIDED BY LAW, THE AMOUNT OF REAL PROPERTY TAXES THAT
15 MAY BE LEVIED BY OR ON BEHALF OF ANY LOCAL GOVERNMENT, OTHER THAN THE
16 CITY OF NEW YORK AND THE COUNTIES CONTAINED THEREIN, SHALL NOT EXCEED
17 THE TAX LEVY LIMIT ESTABLISHED PURSUANT TO THIS SECTION.

18 2. WHEN USED IN THIS SECTION:

19 (A) "ALLOWABLE LEVY GROWTH FACTOR" SHALL BE THE LESSER OF: (I) ONE AND
20 TWO ONE-HUNDREDTHS; OR (II) THE SUM OF ONE PLUS THE INFLATION FACTOR;
21 PROVIDED, HOWEVER, THAT IN NO CASE SHALL THE LEVY GROWTH FACTOR BE LESS
22 THAN ONE.

23 (B) "AVAILABLE CARRYOVER" MEANS THE AMOUNT BY WHICH THE TAX LEVY FOR
24 THE PRIOR FISCAL YEAR WAS BELOW THE TAX LEVY LIMIT FOR SUCH FISCAL YEAR,
25 IF ANY, BUT NO MORE THAN AN AMOUNT THAT EQUALS ONE AND ONE-HALF PERCENT
26 OF THE TAX LEVY LIMIT FOR SUCH FISCAL YEAR.

27 (C) "COMING FISCAL YEAR" MEANS THE FISCAL YEAR OF THE LOCAL GOVERNMENT
28 FOR WHICH A TAX LEVY LIMIT SHALL BE DETERMINED PURSUANT TO THIS SECTION.

29 (D) "INFLATION FACTOR" MEANS THE QUOTIENT OF: (I) THE AVERAGE OF THE
30 NATIONAL CONSUMER PRICE INDEXES DETERMINED BY THE UNITED STATES DEPART-
31 MENT OF LABOR FOR THE TWELVE-MONTH PERIOD ENDING SIX MONTHS PRIOR TO THE
32 START OF THE COMING FISCAL YEAR MINUS THE AVERAGE OF THE NATIONAL
33 CONSUMER PRICE INDEXES DETERMINED BY THE UNITED STATES DEPARTMENT OF
34 LABOR FOR THE TWELVE-MONTH PERIOD ENDING SIX MONTHS PRIOR TO THE START
35 OF THE PRIOR FISCAL YEAR, DIVIDED BY: (II) THE AVERAGE OF THE NATIONAL
36 CONSUMER PRICE INDEXES DETERMINED BY THE UNITED STATES DEPARTMENT OF
37 LABOR FOR THE TWELVE-MONTH PERIOD ENDING SIX MONTHS PRIOR TO THE START
38 OF THE PRIOR FISCAL YEAR, WITH THE RESULT EXPRESSED AS A DECIMAL TO FOUR
39 PLACES.

40 (E) "LOCAL GOVERNMENT" MEANS A COUNTY, CITY, TOWN, VILLAGE, FIRE
41 DISTRICT, OR SPECIAL DISTRICT INCLUDING BUT NOT LIMITED TO A DISTRICT
42 CREATED PURSUANT TO ARTICLE TWELVE OR TWELVE-A, OR GOVERNED BY ARTICLE
43 THIRTEEN OF THE TOWN LAW, OR CREATED PURSUANT TO ARTICLE FIVE-A, FIVE-B
44 OR FIVE-D OF THE COUNTY LAW, CHAPTER FIVE HUNDRED SIXTEEN OF THE LAWS OF
45 NINETEEN HUNDRED TWENTY-EIGHT, OR CHAPTER TWO HUNDRED SEVENTY-THREE OF
46 THE LAWS OF NINETEEN HUNDRED THIRTY-NINE, AND SHALL INCLUDE TOWN
47 IMPROVEMENTS PROVIDED PURSUANT TO ARTICLES THREE-A AND TWELVE-C OF THE
48 TOWN LAW BUT SHALL NOT INCLUDE THE CITY OF NEW YORK OR THE COUNTIES
49 CONTAINED THEREIN.

50 (F) "PRIOR FISCAL YEAR" MEANS THE FISCAL YEAR OF THE LOCAL GOVERNMENT
51 IMMEDIATELY PRECEDING THE COMING FISCAL YEAR.

52 (G) "TAX LEVY LIMIT" MEANS THE AMOUNT OF TAXES AUTHORIZED TO BE LEVIED
53 BY OR ON BEHALF OF A LOCAL GOVERNMENT PURSUANT TO THIS SECTION,

1 PROVIDED, HOWEVER, THAT THE TAX LEVY LIMIT SHALL NOT INCLUDE THE FOLLOW-
2 ING:

3 (I) A TAX LEVY NECESSARY FOR EXPENDITURES RESULTING FROM COURT ORDERS
4 OR JUDGMENTS AGAINST THE LOCAL GOVERNMENT ARISING OUT OF TORT ACTIONS
5 FOR ANY AMOUNT THAT EXCEEDS FIVE PERCENT OF THE TOTAL TAX LEVIED IN THE
6 PRIOR FISCAL YEAR;

7 (II) IN YEARS IN WHICH THE SYSTEM AVERAGE ACTUARIAL CONTRIBUTION RATE
8 OF THE NEW YORK STATE AND LOCAL EMPLOYEES' RETIREMENT SYSTEM, AS DEFINED
9 BY PARAGRAPH TEN OF SUBDIVISION A OF SECTION NINETEEN-A OF THE RETIRE-
10 MENT AND SOCIAL SECURITY LAW, INCREASES BY MORE THAN TWO PERCENTAGE
11 POINTS FROM THE PREVIOUS YEAR, A TAX LEVY NECESSARY FOR EXPENDITURES FOR
12 THE COMING FISCAL YEAR FOR LOCAL GOVERNMENT EMPLOYER CONTRIBUTIONS TO
13 THE NEW YORK STATE AND LOCAL EMPLOYEES' RETIREMENT SYSTEM CAUSED BY
14 GROWTH IN THE SYSTEM AVERAGE ACTUARIAL CONTRIBUTION RATE MINUS TWO
15 PERCENTAGE POINTS;

16 (III) IN YEARS IN WHICH THE SYSTEM AVERAGE ACTUARIAL CONTRIBUTION RATE
17 OF THE NEW YORK STATE AND LOCAL POLICE AND FIRE RETIREMENT SYSTEM, AS
18 DEFINED BY PARAGRAPH ELEVEN OF SUBDIVISION A OF SECTION THREE HUNDRED
19 NINETEEN-A OF THE RETIREMENT AND SOCIAL SECURITY LAW, INCREASES BY MORE
20 THAN TWO PERCENTAGE POINTS FROM THE PREVIOUS YEAR, A TAX LEVY NECESSARY
21 FOR EXPENDITURES FOR THE COMING FISCAL YEAR FOR LOCAL GOVERNMENT EMPLOY-
22 ER CONTRIBUTIONS TO THE NEW YORK STATE AND LOCAL POLICE AND FIRE RETIRE-
23 MENT SYSTEM CAUSED BY GROWTH IN THE SYSTEM AVERAGE ACTUARIAL CONTRIB-
24 UTION RATE MINUS TWO PERCENTAGE POINTS;

25 (IV) IN YEARS IN WHICH THE NORMAL CONTRIBUTION RATE OF THE NEW YORK
26 STATE TEACHERS' RETIREMENT SYSTEM, AS DEFINED BY PARAGRAPH A OF SUBDIVI-
27 SION TWO OF SECTION FIVE HUNDRED SEVENTEEN OF THE EDUCATION LAW,
28 INCREASES BY MORE THAN TWO PERCENTAGE POINTS FROM THE PREVIOUS YEAR, A
29 TAX LEVY NECESSARY FOR EXPENDITURES FOR THE COMING FISCAL YEAR FOR LOCAL
30 GOVERNMENT EMPLOYER CONTRIBUTIONS TO THE NEW YORK STATE TEACHERS'
31 RETIREMENT SYSTEM CAUSED BY GROWTH IN THE NORMAL CONTRIBUTION RATE MINUS
32 TWO PERCENTAGE POINTS.

33 (H) "TAX" OR "TAXES" SHALL INCLUDE (I) A CHARGE IMPOSED UPON REAL
34 PROPERTY BY OR ON BEHALF OF A COUNTY, CITY, TOWN, VILLAGE OR SCHOOL
35 DISTRICT FOR MUNICIPAL OR SCHOOL DISTRICT PURPOSES, AND (II) SPECIAL AD
36 VALOREM LEVIES AND SPECIAL ASSESSMENTS AS DEFINED IN SUBDIVISIONS FOUR-
37 TEEN AND FIFTEEN OF SECTION ONE HUNDRED TWO OF THE REAL PROPERTY TAX
38 LAW.

39 3. (A) SUBJECT TO THE PROVISIONS OF SUBDIVISION FIVE OF THIS SECTION,
40 BEGINNING WITH THE FISCAL YEAR THAT BEGINS IN TWO THOUSAND TWELVE, NO
41 LOCAL GOVERNMENT SHALL ADOPT A BUDGET THAT REQUIRES A TAX LEVY THAT IS
42 GREATER THAN THE TAX LEVY LIMIT FOR THE COMING FISCAL YEAR. PROVIDED
43 HOWEVER THE TAX LEVY LIMIT SHALL NOT PROHIBIT A LEVY NECESSARY TO
44 SUPPORT THE EXPENDITURES PURSUANT TO SUBPARAGRAPHS (I) THROUGH (IV) OF
45 PARAGRAPH (G) OF SUBDIVISION TWO OF THIS SECTION.

46 (B)(I) THE COMMISSIONER OF TAXATION AND FINANCE SHALL CALCULATE A
47 QUANTITY CHANGE FACTOR FOR EACH LOCAL GOVERNMENT FOR THE COMING FISCAL
48 YEAR BASED UPON THE PHYSICAL OR QUANTITY CHANGE, AS DEFINED BY SECTION
49 TWELVE HUNDRED TWENTY OF THE REAL PROPERTY TAX LAW, REPORTED TO THE
50 COMMISSIONER OF TAXATION AND FINANCE BY THE ASSESSOR OR ASSESSORS PURSU-
51 ANT TO SECTION FIVE HUNDRED SEVENTY-FIVE OF THE REAL PROPERTY TAX LAW.
52 THE QUANTITY CHANGE FACTOR SHALL SHOW THE PERCENTAGE BY WHICH THE FULL
53 VALUE OF THE TAXABLE REAL PROPERTY IN THE LOCAL GOVERNMENT HAS CHANGED
54 DUE TO PHYSICAL OR QUANTITY CHANGE BETWEEN THE SECOND FINAL ASSESSMENT
55 ROLL OR ROLLS PRECEDING THE FINAL ASSESSMENT ROLL OR ROLLS UPON WHICH
56 TAXES ARE TO BE LEVIED, AND THE FINAL ASSESSMENT ROLL OR ROLLS IMME-

1 DIATELY PRECEDING THE FINAL ASSESSMENT ROLL OR ROLLS UPON WHICH TAXES
2 ARE TO BE LEVIED.

3 (II) AFTER DETERMINING THE QUANTITY CHANGE FACTOR FOR THE LOCAL
4 GOVERNMENT, THE COMMISSIONER OF TAXATION AND FINANCE SHALL PROCEED AS
5 FOLLOWS:

6 (A) IF THE QUANTITY CHANGE FACTOR IS NEGATIVE, THE COMMISSIONER OF
7 TAXATION AND FINANCE SHALL NOT DETERMINE A TAX BASE GROWTH FACTOR FOR
8 THE LOCAL GOVERNMENT.

9 (B) IF THE QUANTITY CHANGE FACTOR IS POSITIVE, THE COMMISSIONER OF
10 TAXATION AND FINANCE SHALL DETERMINE A TAX BASE GROWTH FACTOR FOR THE
11 LOCAL GOVERNMENT WHICH IS EQUAL TO ONE PLUS THE QUANTITY CHANGE FACTOR.

12 (III) THE COMMISSIONER OF TAXATION AND FINANCE SHALL NOTIFY THE STATE
13 COMPTROLLER AND EACH LOCAL GOVERNMENT OF THE APPLICABLE TAX BASE GROWTH
14 FACTORS, IF ANY, AS SOON THEREAFTER AS SUCH FACTORS ARE DETERMINED.

15 (C) EACH LOCAL GOVERNMENT SHALL CALCULATE THE TAX LEVY LIMIT APPLICA-
16 BLE TO THE COMING FISCAL YEAR WHICH SHALL BE DETERMINED AS FOLLOWS:

17 (I) ASCERTAIN THE TOTAL AMOUNT OF TAXES LEVIED FOR THE PRIOR FISCAL
18 YEAR.

19 (II) MULTIPLY THE RESULT BY THE TAX BASE GROWTH FACTOR, CALCULATED
20 PURSUANT TO PARAGRAPH (B) OF THIS SUBDIVISION, IF ANY.

21 (III) ADD ANY PAYMENTS IN LIEU OF TAXES THAT WERE RECEIVABLE IN THE
22 PRIOR FISCAL YEAR.

23 (IV) SUBTRACT THE TAX LEVY NECESSARY TO SUPPORT EXPENDITURES PURSUANT
24 TO SUBPARAGRAPH (I) OF PARAGRAPH (G) OF SUBDIVISION TWO OF THIS SECTION
25 FOR THE PRIOR FISCAL YEAR, IF ANY.

26 (V) MULTIPLY THE RESULT BY THE ALLOWABLE LEVY GROWTH FACTOR.

27 (VI) SUBTRACT ANY PAYMENTS IN LIEU OF TAXES RECEIVABLE IN THE COMING
28 FISCAL YEAR.

29 (VII) ADD THE AVAILABLE CARRYOVER, IF ANY.

30 (D) WHENEVER THE RESPONSIBILITY AND ASSOCIATED COST OF A LOCAL GOVERN-
31 MENT FUNCTION IS TRANSFERRED TO ANOTHER LOCAL GOVERNMENT, THE STATE
32 COMPTROLLER SHALL DETERMINE THE COSTS AND SAVINGS ON THE AFFECTED LOCAL
33 GOVERNMENTS ATTRIBUTABLE TO SUCH TRANSFER FOR THE FIRST FISCAL YEAR
34 FOLLOWING THE TRANSFER, AND NOTIFY SUCH LOCAL GOVERNMENTS OF SUCH DETER-
35 MINATION AND THAT THEY SHALL ADJUST THEIR TAX LEVY LIMITS ACCORDINGLY.

36 4. (A) WHEN TWO OR MORE LOCAL GOVERNMENTS CONSOLIDATE, THE STATE COMP-
37 TROLLER SHALL DETERMINE THE TAX LEVY LIMIT FOR THE CONSOLIDATED LOCAL
38 GOVERNMENT FOR THE FIRST FISCAL YEAR FOLLOWING THE CONSOLIDATION BASED
39 ON THE RESPECTIVE TAX LEVY LIMITS OF THE COMPONENT LOCAL GOVERNMENTS
40 THAT FORMED SUCH CONSOLIDATED LOCAL GOVERNMENT FROM THE LAST FISCAL YEAR
41 PRIOR TO THE CONSOLIDATION.

42 (B) WHEN A LOCAL GOVERNMENT DISSOLVES, THE STATE COMPTROLLER SHALL
43 DETERMINE THE TAX LEVY LIMIT FOR THE LOCAL GOVERNMENT THAT ASSUMES THE
44 DEBTS, LIABILITIES, AND OBLIGATIONS OF SUCH DISSOLVED LOCAL GOVERNMENT
45 FOR THE FIRST FISCAL YEAR FOLLOWING THE DISSOLUTION BASED ON THE RESPEC-
46 TIVE TAX LEVY LIMITS OF SUCH DISSOLVED LOCAL GOVERNMENT AND SUCH LOCAL
47 GOVERNMENT THAT ASSUMES THE DEBTS, LIABILITIES, AND OBLIGATIONS OF SUCH
48 DISSOLVED LOCAL GOVERNMENT FROM THE LAST FISCAL YEAR PRIOR TO THE
49 DISSOLUTION.

50 (C) THE TAX LEVY LIMIT ESTABLISHED BY THIS SECTION SHALL NOT APPLY TO
51 THE FIRST FISCAL YEAR AFTER A LOCAL GOVERNMENT IS NEWLY ESTABLISHED OR
52 CONSTITUTED THROUGH A PROCESS OTHER THAN CONSOLIDATION OR DISSOLUTION.

53 5. A LOCAL GOVERNMENT MAY ADOPT A BUDGET THAT REQUIRES A TAX LEVY THAT
54 IS GREATER THAN THE TAX LEVY LIMIT FOR THE COMING FISCAL YEAR, NOT
55 INCLUDING ANY LEVY NECESSARY TO SUPPORT THE EXPENDITURES PURSUANT TO
56 SUBPARAGRAPHS (I) THROUGH (IV) OF PARAGRAPH G OF SUBDIVISION TWO OF THIS

1 SECTION, ONLY IF THE GOVERNING BODY OF SUCH LOCAL GOVERNMENT FIRST
2 ENACTS, BY A VOTE OF SIXTY PERCENT OF THE TOTAL VOTING POWER OF SUCH
3 BODY, A LOCAL LAW TO OVERRIDE SUCH LIMIT FOR SUCH COMING FISCAL YEAR
4 ONLY, OR IN THE CASE OF A DISTRICT OR FIRE DISTRICT, A RESOLUTION,
5 APPROVED BY A VOTE OF SIXTY PERCENT OF THE TOTAL VOTING POWER OF SUCH
6 BODY, TO OVERRIDE SUCH LIMIT FOR SUCH COMING FISCAL YEAR ONLY.

7 6. IN THE EVENT A LOCAL GOVERNMENT'S ACTUAL TAX LEVY FOR A GIVEN
8 FISCAL YEAR EXCEEDS THE TAX LEVY LIMIT AS ESTABLISHED PURSUANT TO THIS
9 SECTION DUE TO CLERICAL OR TECHNICAL ERRORS, THE LOCAL GOVERNMENT SHALL
10 PLACE THE EXCESS AMOUNT OF THE LEVY IN RESERVE IN ACCORDANCE WITH SUCH
11 REQUIREMENTS AS THE STATE COMPTROLLER MAY PRESCRIBE, AND SHALL USE SUCH
12 FUNDS AND ANY INTEREST EARNED THEREON TO OFFSET THE TAX LEVY FOR THE
13 ENSUING FISCAL YEAR. IF, UPON EXAMINATION PURSUANT TO SECTIONS THIRTY-
14 THREE AND THIRTY-FOUR OF THIS CHAPTER, THE STATE COMPTROLLER FINDS THAT
15 A LOCAL GOVERNMENT LEVIED TAXES IN EXCESS OF THE APPLICABLE TAX LEVY
16 LIMIT, THE LOCAL GOVERNMENT, AS SOON AS PRACTICABLE, SHALL PLACE AN
17 AMOUNT EQUAL TO THE EXCESS AMOUNT OF THE LEVY IN SUCH RESERVE IN ACCORD-
18 ANCE WITH THIS SUBDIVISION.

19 7. ALL LOCAL GOVERNMENTS SUBJECT TO THE PROVISIONS OF THIS SECTION
20 SHALL, PRIOR TO ADOPTING A BUDGET FOR THE COMING FISCAL YEAR, SUBMIT TO
21 THE STATE COMPTROLLER, IN A FORM AND MANNER AS HE OR SHE MAY PRESCRIBE,
22 ANY INFORMATION NECESSARY FOR CALCULATING THE TAX LEVY LIMIT FOR THE
23 COMING FISCAL YEAR.

24 S 2. The education law is amended by adding a new section 2023-a to
25 read as follows:

26 S 2023-A. LIMITATIONS UPON SCHOOL DISTRICT TAX LEVIES. 1. GENERALLY.
27 UNLESS OTHERWISE PROVIDED BY LAW, THE AMOUNT OF TAXES THAT MAY BE LEVIED
28 BY OR ON BEHALF OF ANY SCHOOL DISTRICT, OTHER THAN A CITY SCHOOL
29 DISTRICT OF A CITY WITH ONE HUNDRED TWENTY-FIVE THOUSAND INHABITANTS OR
30 MORE, SHALL NOT EXCEED THE TAX LEVY LIMIT ESTABLISHED PURSUANT TO THIS
31 SECTION, NOT INCLUDING ANY TAX LEVY NECESSARY TO SUPPORT THE EXPENDI-
32 TURES PURSUANT TO SUBPARAGRAPHS (I) THROUGH (IV) OF PARAGRAPH I OF
33 SUBDIVISION TWO OF THIS SECTION.

34 2. DEFINITIONS. AS USED IN THIS SECTION:

35 A. "ALLOWABLE LEVY GROWTH FACTOR" SHALL BE THE LESSER OF: (I) ONE AND
36 TWO ONE-HUNDREDTHS; OR (II) THE SUM OF ONE PLUS THE INFLATION FACTOR;
37 PROVIDED, HOWEVER, THAT IN NO CASE SHALL THE LEVY GROWTH FACTOR BE LESS
38 THAN ONE.

39 B. "AVAILABLE CARRYOVER" MEANS THE AMOUNT BY WHICH THE TAX LEVY FOR
40 THE PRIOR SCHOOL YEAR WAS BELOW THE APPLICABLE TAX LEVY LIMIT FOR SUCH
41 SCHOOL YEAR, IF ANY, BUT NO MORE THAN AN AMOUNT THAT EQUALS ONE AND
42 ONE-HALF PERCENT OF THE TAX LEVY LIMIT FOR SUCH SCHOOL YEAR.

43 C. "CAPITAL LOCAL EXPENDITURES" MEANS THE TAXES ASSOCIATED WITH BUDG-
44 ETED EXPENDITURES RESULTING FROM THE FINANCING, REFINANCING, ACQUI-
45 SITION, DESIGN, CONSTRUCTION, RECONSTRUCTION, REHABILITATION, IMPROVEMENT,
46 FURNISHING AND EQUIPPING OF, OR OTHERWISE PROVIDING FOR SCHOOL DISTRICT
47 CAPITAL FACILITIES OR SCHOOL DISTRICT CAPITAL EQUIPMENT, INCLUDING DEBT
48 SERVICE AND LEASE EXPENDITURES, AND TRANSPORTATION CAPITAL DEBT SERVICE,
49 SUBJECT TO THE APPROVAL OF THE QUALIFIED VOTERS WHERE REQUIRED BY LAW.

50 D. "CAPITAL TAX LEVY" MEANS THE TAX LEVY NECESSARY TO SUPPORT CAPITAL
51 LOCAL EXPENDITURES, IF ANY.

52 E. "COMING SCHOOL YEAR" MEANS THE SCHOOL YEAR FOR WHICH TAX LEVY
53 LIMITS ARE BEING DETERMINED PURSUANT TO THIS SECTION.

54 F. "INFLATION FACTOR" MEANS THE QUOTIENT OF: (I) THE AVERAGE OF THE
55 NATIONAL CONSUMER PRICE INDEXES DETERMINED BY THE UNITED STATES DEPART-
56 MENT OF LABOR FOR THE TWELVE-MONTH PERIOD PRECEDING JANUARY FIRST OF THE

1 CURRENT YEAR MINUS THE AVERAGE OF THE NATIONAL CONSUMER PRICE INDEXES
2 DETERMINED BY THE UNITED STATES DEPARTMENT OF LABOR FOR THE TWELVE-MONTH
3 PERIOD PRECEDING JANUARY FIRST OF THE PRIOR YEAR, DIVIDED BY: (II) THE
4 AVERAGE OF THE NATIONAL CONSUMER PRICE INDEXES DETERMINED BY THE UNITED
5 STATES DEPARTMENT OF LABOR FOR THE TWELVE-MONTH PERIOD PRECEDING JANUARY
6 FIRST OF THE PRIOR YEAR, WITH THE RESULT EXPRESSED AS A DECIMAL TO FOUR
7 PLACES.

8 G. "PRIOR SCHOOL YEAR" MEANS THE SCHOOL YEAR IMMEDIATELY PRECEDING THE
9 COMING SCHOOL YEAR.

10 H. "SCHOOL DISTRICT" MEANS A COMMON SCHOOL DISTRICT, UNION FREE SCHOOL
11 DISTRICT, CENTRAL SCHOOL DISTRICT, CENTRAL HIGH SCHOOL DISTRICT OR A
12 CITY SCHOOL DISTRICT IN A CITY WITH LESS THAN ONE HUNDRED TWENTY-FIVE
13 THOUSAND INHABITANTS.

14 I. "TAX LEVY LIMIT" MEANS THE AMOUNT OF TAXES A SCHOOL DISTRICT IS
15 AUTHORIZED TO LEVY PURSUANT TO THIS SECTION, PROVIDED, HOWEVER, THAT THE
16 TAX LEVY LIMIT SHALL NOT INCLUDE THE FOLLOWING:

17 (I) A TAX LEVY NECESSARY FOR EXPENDITURES RESULTING FROM COURT ORDERS
18 OR JUDGMENTS AGAINST THE SCHOOL DISTRICT ARISING OUT OF TORT ACTIONS FOR
19 ANY AMOUNT THAT EXCEEDS FIVE PERCENT OF THE TOTAL TAX LEVIED IN THE
20 PRIOR SCHOOL YEAR;

21 (II) IN YEARS IN WHICH THE SYSTEM AVERAGE ACTUARIAL CONTRIBUTION RATE
22 OF THE NEW YORK STATE AND LOCAL EMPLOYEES' RETIREMENT SYSTEM, AS DEFINED
23 BY PARAGRAPH TEN OF SUBDIVISION A OF SECTION NINETEEN-A OF THE RETIRE-
24 MENT AND SOCIAL SECURITY LAW, INCREASES BY MORE THAN TWO PERCENTAGE
25 POINTS FROM THE PREVIOUS YEAR, A TAX LEVY NECESSARY FOR EXPENDITURES FOR
26 THE COMING FISCAL YEAR FOR SCHOOL DISTRICT EMPLOYER CONTRIBUTIONS TO THE
27 NEW YORK STATE AND LOCAL EMPLOYEES' RETIREMENT SYSTEM CAUSED BY GROWTH
28 IN THE SYSTEM AVERAGE ACTUARIAL CONTRIBUTION RATE MINUS TWO PERCENTAGE
29 POINTS;

30 (III) IN YEARS IN WHICH THE NORMAL CONTRIBUTION RATE OF THE NEW YORK
31 STATE TEACHERS' RETIREMENT SYSTEM, AS DEFINED BY PARAGRAPH A OF SUBDIVI-
32 SION TWO OF SECTION FIVE HUNDRED SEVENTEEN OF THIS CHAPTER, INCREASES BY
33 MORE THAN TWO PERCENTAGE POINTS FROM THE PREVIOUS YEAR, A TAX LEVY
34 NECESSARY FOR EXPENDITURES FOR THE COMING FISCAL YEAR FOR SCHOOL
35 DISTRICT EMPLOYER CONTRIBUTIONS TO THE NEW YORK STATE TEACHERS' RETIRE-
36 MENT SYSTEM CAUSED BY GROWTH IN THE NORMAL CONTRIBUTION RATE MINUS TWO
37 PERCENTAGE POINTS; AND

38 (IV) A CAPITAL TAX LEVY.

39 2-A. TAX BASE GROWTH FACTOR. A. NO LATER THAN FEBRUARY FIFTEENTH OF
40 EACH YEAR, THE COMMISSIONER OF TAXATION AND FINANCE SHALL IDENTIFY THOSE
41 SCHOOL DISTRICTS FOR WHICH TAX BASE GROWTH FACTORS MUST BE DETERMINED
42 FOR THE COMING SCHOOL YEAR, AND SHALL NOTIFY THE COMMISSIONER OF THE TAX
43 BASE GROWTH FACTORS SO DETERMINED, IF ANY.

44 B. THE COMMISSIONER OF TAXATION AND FINANCE SHALL CALCULATE A QUANTITY
45 CHANGE FACTOR FOR THE COMING SCHOOL YEAR FOR EACH SCHOOL DISTRICT BASED
46 UPON THE PHYSICAL OR QUANTITY CHANGE, AS DEFINED BY SECTION TWELVE
47 HUNDRED TWENTY OF THE REAL PROPERTY TAX LAW, REPORTED TO THE COMMISSION-
48 ER OF TAXATION AND FINANCE BY THE ASSESSOR OR ASSESSORS PURSUANT TO
49 SECTION FIVE HUNDRED SEVENTY-FIVE OF THE REAL PROPERTY TAX LAW. THE
50 QUANTITY CHANGE FACTOR SHALL SHOW THE PERCENTAGE BY WHICH THE FULL VALUE
51 OF THE TAXABLE REAL PROPERTY IN THE SCHOOL DISTRICT HAS CHANGED DUE TO
52 PHYSICAL OR QUANTITY CHANGE BETWEEN THE SECOND FINAL ASSESSMENT ROLL OR
53 ROLLS PRECEDING THE FINAL ASSESSMENT ROLL OR ROLLS UPON WHICH TAXES ARE
54 TO BE LEVIED, AND THE FINAL ASSESSMENT ROLL OR ROLLS IMMEDIATELY PRECED-
55 ING THE FINAL ASSESSMENT ROLL OR ROLLS UPON WHICH TAXES ARE TO BE
56 LEVIED.

1 C. AFTER DETERMINING THE QUANTITY CHANGE FACTOR FOR A SCHOOL DISTRICT,
2 THE COMMISSIONER OF TAXATION AND FINANCE SHALL PROCEED AS FOLLOWS:

3 (I) IF THE QUANTITY CHANGE FACTOR IS NEGATIVE, THE COMMISSIONER OF
4 TAXATION AND FINANCE SHALL NOT DETERMINE A TAX BASE GROWTH FACTOR FOR
5 THE SCHOOL DISTRICT.

6 (II) IF THE QUANTITY CHANGE FACTOR IS POSITIVE, THE COMMISSIONER OF
7 TAXATION AND FINANCE SHALL DETERMINE A TAX BASE GROWTH FACTOR FOR THE
8 SCHOOL DISTRICT WHICH IS EQUAL TO ONE PLUS THE QUANTITY CHANGE FACTOR.

9 3. COMPUTATION OF TAX LEVY LIMITS. A. EACH SCHOOL DISTRICT SHALL
10 CALCULATE THE TAX LEVY LIMIT FOR EACH SCHOOL YEAR WHICH SHALL BE DETER-
11 MINED AS FOLLOWS:

12 (1) ASCERTAIN THE TOTAL AMOUNT OF TAXES LEVIED FOR THE PRIOR SCHOOL
13 YEAR.

14 (2) MULTIPLY THE RESULT BY THE TAX BASE GROWTH FACTOR, IF ANY.

15 (3) ADD ANY PAYMENTS IN LIEU OF TAXES THAT WERE RECEIVABLE IN THE
16 PRIOR SCHOOL YEAR.

17 (4) SUBTRACT THE TAX LEVY NECESSARY TO SUPPORT THE EXPENDITURES PURSU-
18 ANT TO SUBPARAGRAPHS (I) AND (IV) OF PARAGRAPH I OF SUBDIVISION TWO OF
19 THIS SECTION FOR THE PRIOR SCHOOL YEAR, IF ANY.

20 (5) MULTIPLY THE RESULT BY THE ALLOWABLE LEVY GROWTH FACTOR.

21 (6) SUBTRACT ANY PAYMENTS IN LIEU OF TAXES RECEIVABLE IN THE COMING
22 FISCAL YEAR.

23 (7) ADD THE AVAILABLE CARRYOVER, IF ANY.

24 B. ON OR BEFORE MARCH FIRST OF EACH YEAR, ANY SCHOOL DISTRICT SUBJECT
25 TO THE PROVISIONS OF THIS SECTION SHALL SUBMIT TO THE STATE COMPTROLLER,
26 THE COMMISSIONER, AND THE COMMISSIONER OF TAXATION AND FINANCE, IN A
27 FORM AND MANNER PRESCRIBED BY THE STATE COMPTROLLER, ANY INFORMATION
28 NECESSARY FOR THE CALCULATION OF THE TAX LEVY LIMIT; AND THE SCHOOL
29 DISTRICT'S DETERMINATION OF THE TAX LEVY LIMIT PURSUANT TO THIS SECTION
30 SHALL BE SUBJECT TO REVIEW BY THE COMMISSIONER AND THE COMMISSIONER OF
31 TAXATION AND FINANCE.

32 4. REORGANIZED SCHOOL DISTRICTS. WHEN TWO OR MORE SCHOOL DISTRICTS
33 REORGANIZE, THE COMMISSIONER SHALL DETERMINE THE TAX LEVY LIMIT FOR THE
34 REORGANIZED SCHOOL DISTRICT FOR THE FIRST SCHOOL YEAR FOLLOWING THE
35 REORGANIZATION BASED ON THE RESPECTIVE TAX LEVY LIMITS OF THE SCHOOL
36 DISTRICTS THAT FORMED THE REORGANIZED DISTRICT FROM THE LAST SCHOOL YEAR
37 IN WHICH THEY WERE SEPARATE DISTRICTS, PROVIDED THAT IN THE EVENT OF
38 FORMATION OF A NEW CENTRAL HIGH SCHOOL DISTRICT, THE TAX LEVY LIMITS FOR
39 THE NEW CENTRAL HIGH SCHOOL DISTRICT AND ITS COMPONENT SCHOOL DISTRICTS
40 SHALL BE DETERMINED IN ACCORDANCE WITH A METHODOLOGY PRESCRIBED BY THE
41 COMMISSIONER.

42 5. ERRONEOUS LEVIES. IN THE EVENT A SCHOOL DISTRICT'S ACTUAL TAX LEVY
43 FOR A GIVEN SCHOOL YEAR EXCEEDS THE MAXIMUM ALLOWABLE LEVY AS ESTAB-
44 LISHED PURSUANT TO THIS SECTION DUE TO CLERICAL OR TECHNICAL ERRORS, THE
45 SCHOOL DISTRICT SHALL PLACE THE EXCESS AMOUNT OF THE LEVY IN RESERVE IN
46 ACCORDANCE WITH SUCH REQUIREMENTS AS THE STATE COMPTROLLER MAY
47 PRESCRIBE, AND SHALL USE SUCH FUNDS AND ANY INTEREST EARNED THEREON TO
48 OFFSET THE TAX LEVY FOR THE ENSUING SCHOOL YEAR.

49 6. (A) NOTWITHSTANDING ANY OTHER PROVISION OF LAW TO THE CONTRARY, IN
50 THE EVENT THE TRUSTEE, TRUSTEES OR BOARD OF EDUCATION OF A SCHOOL
51 DISTRICT THAT IS SUBJECT TO THE PROVISIONS OF THIS SECTION PROPOSES A
52 BUDGET THAT WILL REQUIRE A TAX LEVY THAT EXCEEDS THE TAX LEVY LIMIT FOR
53 THE CORRESPONDING SCHOOL YEAR, NOT INCLUDING ANY LEVY NECESSARY TO
54 SUPPORT THE EXPENDITURES PURSUANT TO SUBPARAGRAPHS (I) THROUGH (IV) OF
55 PARAGRAPH I OF SUBDIVISION TWO OF THIS SECTION, THEN SUCH BUDGET SHALL

1 BE APPROVED IF SIXTY PERCENT OF THE VOTES CAST THEREON ARE IN THE AFFIR-
2 MATIVE.

3 (B) WHERE THE TRUSTEE, TRUSTEES OR BOARD OF EDUCATION PROPOSES A BUDG-
4 ET SUBJECT TO THE REQUIREMENTS OF PARAGRAPH (A) OF THIS SUBDIVISION, THE
5 BALLOT FOR SUCH BUDGET SHALL INCLUDE THE FOLLOWING STATEMENT IN SUBSTAN-
6 Tially THE SAME FORM: "ADOPTION OF THIS BUDGET REQUIRES A TAX LEVY
7 INCREASE OF WHICH EXCEEDS THE STATUTORY TAX LEVY INCREASE LIMIT
8 OF FOR THIS SCHOOL FISCAL YEAR AND THEREFORE EXCEEDS THE STATE TAX
9 CAP AND MUST BE APPROVED BY SIXTY PERCENT OF THE QUALIFIED VOTERS PRES-
10 ENT AND VOTING."

11 7. IN THE EVENT THAT THE ORIGINAL PROPOSED BUDGET IS NOT APPROVED BY
12 THE VOTERS, THE SOLE TRUSTEE, TRUSTEES OR BOARD OF EDUCATION MAY ADOPT A
13 FINAL BUDGET PURSUANT TO SUBDIVISION EIGHT OF THIS SECTION OR RESUBMIT
14 TO THE VOTERS THE ORIGINAL OR A REVISED BUDGET AT A SPECIAL DISTRICT
15 MEETING IN ACCORDANCE WITH SUBDIVISION THREE OF SECTION TWO THOUSAND
16 SEVEN OF THIS PART. UPON ONE DEFEAT OF SUCH RESUBMITTED BUDGET, THE
17 SOLE TRUSTEE, TRUSTEES OR BOARD OF EDUCATION SHALL ADOPT A FINAL BUDGET
18 PURSUANT TO SUBDIVISION EIGHT OF THIS SECTION.

19 8. NOTWITHSTANDING ANY OTHER PROVISION OF LAW TO THE CONTRARY, IF THE
20 QUALIFIED VOTERS FAIL TO APPROVE THE PROPOSED SCHOOL DISTRICT BUDGET
21 UPON RESUBMISSION OR UPON A DETERMINATION NOT TO RESUBMIT FOR A SECOND
22 VOTE PURSUANT TO SUBDIVISION SEVEN OF THIS SECTION, THE SOLE TRUSTEE,
23 TRUSTEES OR BOARD OF EDUCATION SHALL LEVY A TAX NO GREATER THAN THE TAX
24 THAT WAS LEVIED FOR THE PRIOR SCHOOL YEAR.

25 9. NOTHING IN THIS SECTION SHALL PRECLUDE THE TRUSTEE, TRUSTEES, OR
26 BOARD OF EDUCATION OF A SCHOOL DISTRICT, IN THEIR DISCRETION, FROM
27 SUBMITTING ADDITIONAL ITEMS OF EXPENDITURES TO THE VOTERS FOR APPROVAL
28 AS SEPARATE PROPOSITIONS OR THE VOTERS FROM SUBMITTING PROPOSITIONS
29 PURSUANT TO SECTIONS TWO THOUSAND EIGHT AND TWO THOUSAND THIRTY-FIVE OF
30 THIS PART; PROVIDED HOWEVER, EXCEPT IN THE CASE OF A PROPOSITION SUBMIT-
31 TED FOR ANY EXPENDITURE CONTAINED WITHIN SUBPARAGRAPHS (I) THROUGH (IV)
32 OF PARAGRAPH I OF SUBDIVISION TWO OF THIS SECTION, IF ANY PROPOSITION,
33 OR PROPOSITIONS COLLECTIVELY THAT ARE SUBJECT TO A VOTE ON THE SAME
34 DATE, WOULD REQUIRE AN EXPENDITURE OF MONEY THAT WOULD REQUIRE A TAX
35 LEVY AND WOULD RESULT IN THE TAX LEVY LIMIT BEING EXCEEDED FOR THE
36 CORRESPONDING SCHOOL YEAR THEN SUCH PROPOSITION SHALL BE APPROVED IF
37 SIXTY PERCENT OF THE VOTES CAST THEREON ARE IN THE AFFIRMATIVE.

38 S 3. Section 2023 of the education law, as amended by section 24 of
39 part A of chapter 436 of the laws of 1997, subdivision 1 as amended by
40 chapter 682 of the laws of 2002, subparagraphs (v) and (vi) of paragraph
41 b of subdivision 4 as separately amended by section 1 of part D-2 of
42 chapter 57 and chapter 422 of the laws of 2007, subparagraph (vii) of
43 paragraph b of subdivision 4 as added by section 1 of part D-2 of chap-
44 ter 57 of the laws of 2007, subparagraph (vii) of paragraph b of subdivi-
45 sion 4 as added by chapter 422 of the laws of 2007 and paragraph b-1
46 of subdivision 4 as amended by section 5 of part B of chapter 57 of the
47 laws of 2008, is amended to read as follows:

48 S 2023. Levy of tax for certain purposes without vote; contingency
49 budget. 1. If the qualified voters shall neglect or refuse to vote the
50 sum estimated necessary for teachers' salaries, after applying thereto
51 the public school moneys, and other moneys received or to be received
52 for that purpose, or if they shall neglect or refuse to vote the sum
53 estimated necessary for ordinary contingent expenses, including the
54 purchase of library books and other instructional materials associated
55 with a library and expenses incurred for interschool athletics, field
56 trips and other extracurricular activities and the expenses for cafete-

1 ria or restaurant services, the sole trustee, board of trustees, or
2 board of education shall adopt a contingency budget including such
3 expenses and shall levy a tax, SUBJECT TO THE RESTRICTIONS AS SET FORTH
4 IN SUBDIVISION FOUR OF THIS SECTION AND SUBDIVISION EIGHT OF SECTION TWO
5 THOUSAND TWENTY-THREE-A OF THIS PART, for the same, in like manner as if
6 the same had been voted by the qualified voters, subject to the limita-
7 tions contained in subdivisions three and four of this section.

8 2. Notwithstanding the defeat of a school budget, school districts
9 shall continue to transport students to and from the regular school
10 program in accordance with the mileage limitations previously adopted by
11 the qualified voters of the school district. Such mileage limits shall
12 change only when amended by a special proposition passed by a majority
13 of the qualified voters of the school district. In cases where the
14 school budget is defeated by such qualified voters of the school
15 district, appropriations for transportation costs for purposes other
16 than for transportation to and from the regular school program, and
17 transportation that would constitute an ordinary contingent expense
18 pursuant to subdivision one of this section, shall be authorized in the
19 budget only after approval by the qualified voters of the district.

20 3. The administrative component of a contingency budget shall not
21 comprise a greater percentage of the contingency budget exclusive of the
22 capital component than the lesser of (1) the percentage the administra-
23 tive component had comprised in the prior year budget exclusive of the
24 capital component; or (2) the percentage the administrative component
25 had comprised in the last proposed defeated budget exclusive of the
26 capital component.

27 4. a. The contingency budget shall not result in a [percentage
28 increase in total spending over the district's total spending under the
29 school district budget for the prior school year that exceeds the lesser
30 of: (i) the result obtained when one hundred twenty percent is multi-
31 plied by the percentage increase in the consumer price index, with the
32 result rounded to two decimal places; or (ii) four percent.

33 b. The following types of expenditures shall be disregarded in deter-
34 mining total spending:

35 (i) expenditures resulting from a tax certiorari proceeding;

36 (ii) expenditures resulting from a court order or judgment against the
37 school district;

38 (iii) emergency expenditures that are certified by the commissioner as
39 necessary as a result of damage to, or destruction of, a school building
40 or school equipment;

41 (iv) capital expenditures resulting from the construction, acquisi-
42 tion, reconstruction, rehabilitation or improvement of school facili-
43 ties, including debt service and lease expenditures, subject to the
44 approval of the qualified voters where required by law;

45 (v) expenditures in the contingency budget attributable to projected
46 increases in public school enrollment, which, for the purpose of this
47 subdivision, may include increases attributable to the enrollment of
48 students attending a pre-kindergarten program established in accordance
49 with section thirty-six hundred two-e of this chapter, to be computed
50 based upon an increase in enrollment from the year prior to the base
51 year for which the budget is being adopted to the base year for which
52 the budget is being adopted, provided that where the trustees or board
53 of education have documented evidence that a further increase in enroll-
54 ment will occur during the school year for which the contingency budget
55 is prepared because of new construction, inception of a pre-kindergarten

1 program, growth or similar factors, the expenditures attributable to
2 such additional enrollment may also be disregarded;

3 (vi) non-recurring expenditures in the prior year's school district
4 budget; and

5 (vii) expenditures for payments to charter schools pursuant to section
6 twenty-eight hundred fifty-six of this chapter.

7 (vii) expenditures for self-supporting programs. For purposes of this
8 subparagraph, "self-supporting programs" shall mean any programs that
9 are entirely funded by private funds that cover all the costs of the
10 program.

11 b-1. Notwithstanding any other provision of this subdivision to the
12 contrary, in the event a state grant in aid provided to the district in
13 the prior year is eliminated and incorporated into a non-categorical
14 general state aid in the current school year, the amount of such grant
15 may be included in the computation of total spending for the prior
16 school year, provided that the commissioner has verified that the grant
17 in aid has been incorporated into such non-categorical general state
18 aid] TAX LEVY GREATER THAN THE TAX LEVIED FOR THE PRIOR SCHOOL YEAR.

19 [c.] B. The resolution of the trustee, board of trustees, or board of
20 education adopting a contingency budget shall incorporate by reference a
21 statement specifying the projected percentage increase or decrease in
22 total spending for the school year, and explaining the reasons for
23 disregarding any portion of an increase in spending in formulating the
24 contingency budget.

25 [d.] C. Notwithstanding any other provision of law to the contrary,
26 the trustees or board of education shall not be authorized to amend or
27 revise a final contingency budget where such amendment or revision would
28 result in total spending in excess of the spending limitation in para-
29 graph (a) of this subdivision; provided that the trustees or board of
30 education shall be authorized to add appropriations for[:

31 (i) the categories of expenditures excluded from the spending limita-
32 tions set forth in paragraph (b) of this subdivision, subject to
33 approval of the qualified voters where required by law;

34 (ii) expenditures resulting from an actual increase in enrollment over
35 the projected enrollment used to develop the contingency budget,
36 provided that where such actual enrollment is less than such projected
37 enrollment, it shall be the duty of the trustees or board of education
38 to use such excess funds to reduce taxes; and

39 (iii)] the expenditure of gifts, grants in aid for specific purposes
40 or for general use or insurance proceeds authorized pursuant to subdivi-
41 sion two of [subdivision] SECTION seventeen hundred eighteen of this
42 chapter in addition to that which has been previously budgeted.

43 [e. For the purposes of this subdivision:

44 (i) "Base school year" shall mean the school year immediately preced-
45 ing the school year for which the contingency budget is prepared.

46 (ii) "Consumer price index" shall mean the percentage that represents
47 the average of the national consumer price indexes determined by the
48 United States department of labor, for the twelve month period preceding
49 January first of the current year.

50 (iii) "Current year" shall mean the calendar year in which the school
51 district budget is submitted for a vote of the qualified voters.

52 (iv) "Resident public school district enrollment shall mean the resi-
53 dent public school enrollment of the school district as defined in para-
54 graph n of subdivision one of section thirty-six hundred two of this
55 chapter.

1 (v) "Total spending" shall mean the total amount appropriated under
2 the school district budget for the school year.]

3 S 4. Paragraph a of subdivision 7 of section 1608 of the education
4 law, as amended by chapter 238 of the laws of 2007, is amended to read
5 as follows:

6 a. Each year, commencing with the proposed budget for the two thou-
7 sand--two thousand one school year, the trustee or board of trustees
8 shall prepare a property tax report card, pursuant to regulations of the
9 commissioner, and shall make it publicly available by transmitting it to
10 local newspapers of general circulation, appending it to copies of the
11 proposed budget made publicly available as required by law, making it
12 available for distribution at the annual meeting, and otherwise dissem-
13 inating it as required by the commissioner. Such report card shall
14 include: (i) the amount of total spending and total estimated school tax
15 levy that would result from adoption of the proposed budget and the
16 percentage increase or decrease in total spending and total school tax
17 levy from the school district budget for the preceding school year; and
18 (ii) THE DISTRICT'S TAX LEVY LIMIT DETERMINED PURSUANT TO SECTION TWO
19 THOUSAND TWENTY-THREE-A OF THIS TITLE, AND THE ESTIMATED SCHOOL TAX
20 LEVY, EXCLUDING ANY LEVY NECESSARY TO SUPPORT THE EXPENDITURES PURSUANT
21 TO SUBPARAGRAPHS (I) THROUGH (IV) OF PARAGRAPH I OF SUBDIVISION TWO OF
22 SECTION TWO THOUSAND TWENTY-THREE-A OF THIS TITLE, THAT WOULD RESULT
23 FROM ADOPTION OF THE PROPOSED BUDGET; AND (III) the projected enrollment
24 growth for the school year for which the budget is prepared, and the
25 percentage change in enrollment from the previous year; and [(iii)] (IV)
26 the percentage increase in the consumer price index, as defined in para-
27 graph c of this subdivision; and [(iv)] (V) the projected amount of the
28 unappropriated unreserved fund balance that will be retained if the
29 proposed budget is adopted, the projected amount of the reserved fund
30 balance, the projected amount of the appropriated fund balance, the
31 percentage of the proposed budget that the unappropriated unreserved
32 fund balance represents, the actual unappropriated unreserved fund
33 balance retained in the school district budget for the preceding school
34 year, and the percentage of the school district budget for the preceding
35 school year that the actual unappropriated unreserved fund balance
36 represents.

37 S 5. Paragraph a of subdivision 7 of section 1716 of the education
38 law, as amended by chapter 238 of the laws of 2007, is amended to read
39 as follows:

40 a. Each year, commencing with the proposed budget for the two thou-
41 sand--two thousand one school year, the board of education shall prepare
42 a property tax report card, pursuant to regulations of the commissioner,
43 and shall make it publicly available by transmitting it to local newspa-
44 pers of general circulation, appending it to copies of the proposed
45 budget made publicly available as required by law, making it available
46 for distribution at the annual meeting, and otherwise disseminating it
47 as required by the commissioner. Such report card shall include: (i) the
48 amount of total spending and total estimated school tax levy that would
49 result from adoption of the proposed budget and the percentage increase
50 or decrease in total spending and total school tax levy from the school
51 district budget for the preceding school year; and (ii) THE DISTRICT'S
52 TAX LEVY LIMIT DETERMINED PURSUANT TO SECTION TWO THOUSAND
53 TWENTY-THREE-A OF THIS TITLE, AND THE ESTIMATED SCHOOL TAX LEVY, EXCLUD-
54 ING ANY LEVY NECESSARY TO SUPPORT THE EXPENDITURES PURSUANT TO SUBPARA-
55 GRAPHS (I) THROUGH (IV) OF PARAGRAPH I OF SUBDIVISION TWO OF SECTION TWO
56 THOUSAND TWENTY-THREE-A OF THIS TITLE, THAT WOULD RESULT FROM ADOPTION

1 OF THE PROPOSED BUDGET; AND (III) the projected enrollment growth for
2 the school year for which the budget is prepared, and the percentage
3 change in enrollment from the previous year; and [(iii)] (IV) the
4 percentage increase in the consumer price index, as defined in paragraph
5 c of this subdivision; and [(iv)] (V) the projected amount of the unap-
6 propriated unreserved fund balance that will be retained if the proposed
7 budget is adopted, the projected amount of the reserved fund balance,
8 the projected amount of the appropriated fund balance, the percentage of
9 the proposed budget that the unappropriated unreserved fund balance
10 represents, the actual unappropriated unreserved fund balance retained
11 in the school district budget for the preceding school year, and the
12 percentage of the school district budget for the preceding school year
13 that the actual unappropriated unreserved fund balance represents.

14 S 6. Section 2008 of the education law is amended by adding a new
15 subdivision 3 to read as follows:

16 3. NOTWITHSTANDING ANY OTHER PROVISION OF LAW TO THE CONTRARY, ANY
17 PROPOSITION SUBMITTED BY THE VOTERS THAT REQUIRES THE EXPENDITURE OF
18 MONEY SHALL BE SUBJECT TO THE REQUIREMENTS SET FORTH IN SUBDIVISION NINE
19 OF SECTION TWO THOUSAND TWENTY-THREE-A OF THIS PART.

20 S 7. Section 2022 of the education law, as amended by section 23 of
21 part A of chapter 436 of the laws of 1997, subdivisions 1 and 3 as
22 amended by section 8 of part C of chapter 58 of the laws of 1998, subdi-
23 vision 2-a as amended by section 3 of part A of chapter 60 of the laws
24 of 2000, paragraph b of subdivision 2-a as amended by section 5 of part
25 W of chapter 57 of the laws of 2008, subdivision 4 as amended by section
26 7 of part M of chapter 57 of the laws of 2005 and subdivision 6 as added
27 by chapter 61 of the laws of 2003, is amended to read as follows:

28 S 2022. Vote on school district budgets and on the election of school
29 district trustees and board of education members. 1. Notwithstanding any
30 law, rule or regulation to the contrary, the election of trustees or
31 members of the board of education, and the vote upon the appropriation
32 of the necessary funds to meet the estimated expenditures, in any common
33 school district, union free school district, central school district or
34 central high school district shall be held at the annual meeting and
35 election on the third Tuesday in May, provided, however, that such
36 election shall be held on the second Tuesday in May if the commissioner
37 at the request of a local school board certifies no later than March
38 first that such election would conflict with religious observances.
39 [When such election or vote is taken by recording the ayes and noes of
40 the qualified voters attending, a majority of the qualified voters pres-
41 ent and voting, by a hand or voice vote, may determine to take up the
42 question of voting the necessary funds to meet the estimated expendi-
43 tures for a specific item separately, and the qualified voters present
44 and voting may increase the amount of any estimated expenditures or
45 reduce the same, except for teachers' salaries, and the ordinary contin-
46 gent expenses of the schools.] The sole trustee, board of trustees or
47 board of education of every common, union free, central or central high
48 school district and every city school district to which this article
49 applies shall hold a budget hearing not less than seven nor more than
50 fourteen days prior to the annual meeting and election or special
51 district meeting at which a school budget vote will occur, and shall
52 prepare and present to the voters at such budget hearing a proposed
53 school district budget for the ensuing school year.

54 2. Except as provided in subdivision four of this section, nothing in
55 this section shall preclude the trustees or board of education, in their
56 discretion, from submitting additional items of expenditure to the

1 voters for approval as separate propositions or the voters from submit-
2 ting propositions pursuant to [section] SECTIONS two thousand eight and
3 two thousand thirty-five of this [article] PART; PROVIDED HOWEVER THAT
4 SUCH PROPOSITIONS SHALL BE SUBJECT TO THE REQUIREMENTS SET FORTH IN
5 SUBDIVISION NINE OF SECTION TWO THOUSAND TWENTY-THREE-A OF THIS PART.

6 2-a. Every common, union free, central, central high school district
7 and city school district to which this article applies shall mail a
8 school budget notice to all qualified voters of the school district
9 after the date of the budget hearing, but no later than six days prior
10 to the annual meeting and election or special district meeting at which
11 a school budget vote will occur. The school budget notice shall compare
12 the percentage increase or decrease in total spending under the proposed
13 budget over total spending under the school district budget adopted for
14 the current school year, with the percentage increase or decrease in the
15 consumer price index, from January first of the prior school year to
16 January first of the current school year, and shall also include the
17 information required by paragraphs a and b of this subdivision. The
18 notice shall also set forth the date, time and place of the school budg-
19 et vote, in the same manner as in the notice of annual meeting, AND
20 SHALL ALSO INCLUDE THE DISTRICT'S TAX LEVY LIMIT PURSUANT TO SECTION TWO
21 THOUSAND TWENTY-THREE-A OF THIS PART, AND THE ESTIMATED SCHOOL TAX LEVY,
22 EXCLUDING ANY LEVY NECESSARY TO SUPPORT THE EXPENDITURES PURSUANT TO
23 SUBPARAGRAPHS (I) THROUGH (IV) OF PARAGRAPH I OF SUBDIVISION TWO OF
24 SECTION TWO THOUSAND TWENTY-THREE-A OF THIS PART, THAT WOULD RESULT FROM
25 ADOPTION OF THE PROPOSED BUDGET. Such notice shall be in a form
26 prescribed by the commissioner.

27 a. Commencing with the proposed budget for the two thousand one--two
28 thousand two school year, such notice shall also include a description
29 of how total spending and the tax levy resulting from the proposed budg-
30 et would compare with a projected contingency budget adopted pursuant to
31 section two thousand twenty-three of this article, assuming that such
32 contingency budget is adopted on the same day as the vote on the
33 proposed budget. Such comparison shall be in total and by component
34 (program, capital and administrative), and shall include a statement of
35 the assumptions made in estimating the projected contingency budget.

36 b. Commencing with the proposed budget for the two thousand eight--two
37 thousand nine school year, such notice shall also include, in a format
38 prescribed by the commissioner, an estimate of the tax savings that
39 would be available to an eligible homeowner under the basic school tax
40 relief (STAR) exemption authorized by section four hundred twenty-five
41 of the real property tax law if the proposed budget were adopted. Such
42 estimate shall be made in the manner prescribed by the commissioner, in
43 consultation with the office of real property services.

44 3. In all elections for trustees or members of boards of education or
45 votes involving the expenditure of money, or authorizing the levy of
46 taxes, the vote thereon shall be by ballot, or, in school districts that
47 prior to nineteen hundred ninety-eight conducted their vote at the annu-
48 al meeting, may be ascertained by taking and recording the ayes and noes
49 of such qualified voters attending and voting at such district meetings.

50 4. THE BUDGET ADOPTION PROCESS SHALL CONFORM TO THE REQUIREMENTS SET
51 FORTH IN SECTION TWO THOUSAND TWENTY-THREE-A OF THIS PART. In the event
52 that the original proposed budget is not approved by the voters, the
53 sole trustee, trustees or board of education may adopt a final budget
54 pursuant to subdivision five of this section or resubmit to the voters
55 the original or a revised budget pursuant to subdivision three of
56 section two thousand seven of this part. Upon one defeat of such resub-

1 mitted budget, the sole trustee, trustees or board of education shall
2 adopt a final budget pursuant to subdivision five of this section.
3 Notwithstanding any other provision of law to the contrary, the school
4 district budget for any school year, or any part of such budget or any
5 propositions involving the expenditure of money for such school year
6 shall not be submitted for a vote of the qualified voters more than
7 twice.

8 5. If the qualified voters fail to approve the proposed school
9 district budget upon resubmission or upon a determination not to resub-
10 mit for a second vote pursuant to subdivision four of this section, the
11 sole trustee, trustees or board of education, after applying thereto the
12 public school moneys and other moneys received or to be received for
13 that purpose, shall levy a tax for the sum necessary for teachers' sala-
14 ries and other ordinary contingent expenses in accordance with the
15 provisions of this subdivision and [section] SECTIONS two thousand twen-
16 ty-three AND TWO THOUSAND TWENTY-THREE-A of this article.

17 6. Notwithstanding the provisions of subdivision four of section eigh-
18 teen hundred four and subdivision five of section nineteen hundred six
19 of this title, subdivision one of section two thousand two of this arti-
20 cle, subdivision one of this section, subdivision two of section twen-
21 ty-six hundred one-a of this title and any other provision of law to the
22 contrary, the annual district meeting and election of every common,
23 union free, central and central high school district and the annual
24 meeting of every city school district in a city having a population of
25 less than one hundred twenty-five thousand inhabitants that is scheduled
26 to be held on the third Tuesday of May, two thousand three is hereby
27 adjourned until the first Tuesday in June, two thousand three. The trus-
28 tees or board of education of each such school district shall provide
29 notice of such adjourned meeting to the qualified voters in the manner
30 prescribed for notice of the annual meeting, and such notice shall
31 provide for an adjourned budget hearing. The adjourned district meeting
32 or district meeting and election shall be deemed the annual meeting or
33 annual meeting and election of the district for all purposes under this
34 title and the date of the adjourned meeting shall be deemed the state-
35 wide uniform voting day for all purposes under this title. Notwith-
36 standing the provisions of subdivision seven of section sixteen hundred
37 eight or subdivision seven of section seventeen hundred sixteen of this
38 title or any other provision of law, rule or regulation to the contrary,
39 in two thousand three the property tax report card shall be submitted to
40 the department no later than twenty days prior to the date of the
41 adjourned meeting and the department shall make its compilation avail-
42 able electronically at least seven days prior to such date.

43 S 8. Section 2035 of the education law is amended by adding a new
44 subdivision 3 to read as follows:

45 3. ANY PROPOSITION SUBMITTED PURSUANT TO THIS SECTION SHALL BE SUBJECT
46 TO THE REQUIREMENTS SET FORTH IN SUBDIVISION NINE OF SECTION TWO THOU-
47 SAND TWENTY-THREE-A OF THIS PART.

48 S 9. Section 2601-a of the education law, as added by chapter 171 of
49 the laws of 1996, subdivision 2 as amended by section 6 and subdivision
50 4 as amended by section 8 of part M of chapter 57 of the laws of 2005,
51 subdivision 3 as amended by chapter 640 of the laws of 2008, subdivision
52 5 as amended by section 29 of part A of chapter 436 of the laws of 1997,
53 subdivision 6 as amended and subdivision 7 as added by chapter 474 of
54 the laws of 1996, is amended to read as follows:

55 S 2601-a. Procedures for adoption of school budgets in small city
56 school districts. 1. The board of education of each city school district

1 subject to this article shall provide for the submission of a budget for
2 approval of the voters pursuant to the provisions of this section AND IN
3 ACCORDANCE WITH THE REQUIREMENTS SET FORTH IN SECTION TWO THOUSAND TWEN-
4 TY-THREE-A OF THIS TITLE.

5 2. The board of education shall conduct all annual and special school
6 district meetings for the purpose of adopting a school district budget
7 in the same manner as a union free school district in accordance with
8 the provisions of article forty-one of this title, except as otherwise
9 provided by this section. The annual meeting and election of each such
10 city school district shall be held on the third Tuesday of May in each
11 year, provided, however that such annual meeting and election shall be
12 held on the second Tuesday in May if the commissioner at the request of
13 a local school board certifies no later than March first that such
14 election would conflict with religious observances, and any school budg-
15 et revote shall be held on the date and in the same manner specified in
16 subdivision three of section two thousand seven of this title. The
17 provisions of this article, and where applicable subdivisions nine and
18 nine-a of section twenty-five hundred two of this title, governing the
19 qualification and registration of voters, and procedures for the nomi-
20 nation and election of members of the board of education shall continue
21 to apply, and shall govern the qualification and registration of voters
22 and voting procedures with respect to the adoption of a school district
23 budget.

24 3. The board of education shall prepare a proposed school district
25 budget for the ensuing year in accordance with the provisions of section
26 seventeen hundred sixteen of this chapter, including all provisions
27 relating to required notices and appendices to the statement of expendi-
28 tures. No board of education shall incur a school district liability
29 except as authorized by the provisions of section seventeen hundred
30 eighteen of this chapter. Such proposed budget shall be presented in
31 three components: a program component, a capital component and an admin-
32 istrative component which shall be separately delineated in accordance
33 with regulations of the commissioner after consultation with local
34 school district officials. The administrative component shall include,
35 but need not be limited to, office and central administrative expenses,
36 traveling expenses and all compensation, salaries and benefits of all
37 school administrators and supervisors, including business administra-
38 tors, superintendents of schools and deputy, assistant, associate or
39 other superintendents under all existing employment contracts or collec-
40 tive bargaining agreements, any and all expenditures associated with the
41 operation of the board of education, the office of the superintendent of
42 schools, general administration, the school business office, consulting
43 costs not directly related to direct student services and programs,
44 planning and all other administrative activities. The program component
45 shall include, but need not be limited to, all program expenditures of
46 the school district, including the salaries and benefits of teachers and
47 any school administrators or supervisors who spend a majority of their
48 time performing teaching duties, and all transportation operating
49 expenses. The capital component shall include, but need not be limited
50 to, all transportation capital, debt service, and lease expenditures;
51 costs resulting from judgments in tax certiorari proceedings or the
52 payment of awards from court judgments, administrative orders or settled
53 or compromised claims; and all facilities costs of the school district,
54 including facilities lease expenditures, the annual debt service and
55 total debt for all facilities financed by bonds and notes of the school
56 district, and the costs of construction, acquisition, reconstruction,

1 rehabilitation or improvement of school buildings, provided that such
2 budget shall include a rental, operations and maintenance section that
3 includes base rent costs, total rent costs, operation and maintenance
4 charges, cost per square foot for each facility leased by the school
5 district, and any and all expenditures associated with custodial sala-
6 ries and benefits, service contracts, supplies, utilities, and mainte-
7 nance and repairs of school facilities. For the purposes of the develop-
8 ment of a budget for the nineteen hundred ninety-seven--ninety-eight
9 school year, the board of education shall separate its program, capital
10 and administrative costs for the nineteen hundred ninety-six--ninety-
11 seven school year in the manner as if the budget for such year had been
12 presented in three components. Except as provided in subdivision four of
13 this section, nothing in this section shall preclude the board, in its
14 discretion, from submitting additional items of expenditure to the
15 voters for approval as separate propositions or the voters from submit-
16 ting propositions pursuant to sections two thousand eight and two thou-
17 sand thirty-five of this chapter SUBJECT TO THE REQUIREMENTS SET FORTH
18 IN SUBDIVISION NINE OF SECTION TWO THOUSAND TWENTY-THREE-A OF THIS PART.

19 4. THE BUDGET ADOPTION PROCESS SHALL CONFORM TO THE REQUIREMENTS SET
20 FORTH IN SECTION TWO THOUSAND TWENTY-THREE-A OF THIS TITLE. In the event
21 the qualified voters of the district reject the budget proposed pursuant
22 to subdivision three of this section, the board may propose to the
23 voters a revised budget pursuant to subdivision three of section two
24 thousand seven of this title or may adopt a contingency budget pursuant
25 to subdivision five of this section and subdivision five of section two
26 thousand twenty-two of this title. The school district budget for any
27 school year, or any part of such budget or any propositions involving
28 the expenditure of money for such school year shall not be submitted for
29 a vote of the qualified voters more than twice. In the event the quali-
30 fied voters reject the resubmitted budget, the board shall adopt a
31 contingency budget in accordance with subdivision five of this section
32 and subdivision five of such section two thousand twenty-two of this
33 title.

34 5. If the qualified voters fail or refuse to vote the sum estimated to
35 be necessary for teachers' salaries and other ordinary contingent
36 expenses, the board shall adopt a contingency budget in accordance with
37 this subdivision and shall levy a tax for that portion of such sum
38 remaining after applying thereto the moneys received or to be received
39 from state, federal or other sources, in the same manner as if the budg-
40 et had been approved by the qualified voters; subject to the limitations
41 imposed in subdivision four of section two thousand twenty-three of this
42 chapter, SUBDIVISION EIGHT OF SECTION TWO THOUSAND TWENTY-THREE-A OF
43 THIS TITLE and this subdivision. The administrative component shall not
44 comprise a greater percentage of the contingency budget exclusive of the
45 capital component than the lesser of (1) the percentage the administra-
46 tive component had comprised in the prior year budget exclusive of the
47 capital component; or (2) the percentage the administrative component
48 had comprised in the last proposed defeated budget exclusive of the
49 capital component. Such contingency budget shall include the sum deter-
50 mined by the board to be necessary for:

51 (a) teachers' salaries, including the salaries of all members of the
52 teaching and supervising staff;

53 (b) items of expense specifically authorized by statute to be incurred
54 by the board of education, including, but not limited to, expenditures
55 for transportation to and from regular school programs included as ordi-
56 nary contingent expenses in subdivision twelve of section twenty-five

1 hundred three of this chapter, expenditures for textbooks, required
2 services for non-public school students, school health services, special
3 education services, kindergarten and nursery school programs, and the
4 district's share of the administrative costs and costs of services
5 provided by a board of cooperative educational services;

6 (c) items of expense for legal obligations of the district, including,
7 but not limited to, contractual obligations, debt service, court orders
8 or judgments, orders of administrative bodies or officers, and standards
9 and requirements of the board of regents and the commissioner that have
10 the force and effect of law;

11 (d) the purchase of library books and other instructional materials
12 associated with a library;

13 (e) items of expense necessary to maintain the educational programs of
14 the district, preserve the property of the district or protect the
15 health and safety of students and staff, including, but not limited to,
16 support services, pupil personnel services, the necessary salaries for
17 the necessary number of non-teaching employees, necessary legal
18 expenses, water and utility charges, instructional supplies for teach-
19 ers' use, emergency repairs, temporary rental of essential classroom
20 facilities, and expenditures necessary to advise school district voters
21 concerning school matters; and

22 (f) expenses incurred for interschool athletics, field trips and other
23 extracurricular activities; and

24 (g) any other item of expense determined by the commissioner to be an
25 ordinary contingent expense in any school district.

26 6. The commissioner shall determine appeals raising questions as to
27 what items of expenditure are ordinary contingent expenses pursuant to
28 subdivision five of this section in accordance with section two thousand
29 twenty-four and three hundred ten of this chapter.

30 7. Each year, the board of education shall prepare a school district
31 report card, pursuant to regulations of the commissioner, and shall make
32 it publicly available by transmitting it to local newspapers of general
33 circulation, appending it to copies of the proposed budget made publicly
34 available as required by law, making it available for distribution at
35 the annual meeting, and otherwise disseminating it as required by the
36 commissioner. Such report card shall include measures of the academic
37 performance of the school district, on a school by school basis, and
38 measures of the fiscal performance of the district, as prescribed by the
39 commissioner. Pursuant to regulations of the commissioner, the report
40 card shall also compare these measures to statewide averages for all
41 public schools, and statewide averages for public schools of comparable
42 wealth and need, developed by the commissioner. Such report card shall
43 include, at a minimum, any information on the school district regarding
44 pupil performance and expenditure per pupil required to be included in
45 the annual report by the regents to the governor and the legislature
46 pursuant to section two hundred fifteen-a of this chapter; and any other
47 information required by the commissioner. School districts (i) identi-
48 fied as having fifteen percent or more of their students in special
49 education, or (ii) which have fifty percent or more of their students
50 with disabilities in special education programs or services sixty
51 percent or more of the school day in a general education building, or
52 (iii) which have eight percent or more of their students with disabili-
53 ties in special education programs in public or private separate educa-
54 tional settings shall indicate on their school district report card
55 their respective percentages as defined in this paragraph and paragraphs
56 (i) and (ii) of this subdivision as compared to the statewide average.

1 S 10. Paragraph b-1 of subdivision 4 of section 3602 of the education
2 law, as amended by section 26 of part A of chapter 58 of the laws of
3 2011, is amended to read as follows:

4 b-1. Notwithstanding any other provision of law to the contrary, for
5 the two thousand seven--two thousand eight [through] school year and
6 thereafter, the additional amount payable to each school district pursu-
7 ant to this subdivision in the current year as total foundation aid,
8 after deducting the total foundation aid base, shall be deemed a state
9 grant in aid identified by the commissioner for general use for purposes
10 of [sections] SECTION seventeen hundred eighteen [and two thousand twen-
11 ty-three] of this chapter.

12 S 11. Paragraph a of subdivision 1 of section 3635 of the education
13 law, as amended by chapter 69 of the laws of 1992, is amended to read as
14 follows:

15 a. Sufficient transportation facilities (including the operation and
16 maintenance of motor vehicles) shall be provided by the school district
17 for all the children residing within the school district to and from the
18 school they legally attend, who are in need of such transportation
19 because of the remoteness of the school to the child or for the
20 promotion of the best interest of such children. Such transportation
21 shall be provided for all children attending grades kindergarten through
22 eight who live more than two miles from the school which they legally
23 attend and for all children attending grades nine through twelve who
24 live more than three miles from the school which they legally attend and
25 shall be provided for each such child up to a distance of fifteen miles,
26 the distances in each case being measured by the nearest available route
27 from home to school. The cost of providing such transportation between
28 two or three miles, as the case may be, and fifteen miles shall be
29 considered for the purposes of this chapter to be a charge upon the
30 district and an ordinary contingent expense of the district. Transporta-
31 tion for a lesser distance than two miles in the case of children
32 attending grades kindergarten through eight or three miles in the case
33 of children attending grades nine through twelve and for a greater
34 distance than fifteen miles may be provided by the district WITH THE
35 APPROVAL OF THE QUALIFIED VOTERS, and, if provided, shall be offered
36 equally to all children in like circumstances residing in the district;
37 provided, however, that this requirement shall not apply to transporta-
38 tion offered pursuant to section thirty-six hundred thirty-five-b of
39 this article.

40 S 12. Nothing contained in this act shall impair or invalidate the
41 powers or duties, as authorized by law, of a control board, interim
42 finance authority or fiscal stability authority including such powers or
43 duties that may require the tax levy limit, as that term is defined in
44 section one or section two of this act, to be exceeded.

45 S 13. This act shall take effect immediately; provided, however, that
46 sections two through eleven of this act shall take effect July 1, 2011
47 and shall first apply to school district budgets and the budget adoption
48 process for the 2012-13 school year; provided further, that if section
49 26 of part A of chapter 58 of the laws of 2011 shall not have taken
50 effect on or before such date then section ten of this act shall take
51 effect on the same date and in the same manner as such chapter of the
52 laws of 2011, takes effect; provided further, that section one of this
53 act shall first apply to the levy of taxes by local governments for the
54 fiscal year that begins in 2012.

1 Section 1. The general municipal law is amended by adding a new arti-
2 cle 19-C to read as follows:

3 ARTICLE 19-C
4 MANDATE RELIEF

5 SECTION 991. SHORT TITLE.

6 992. LEGISLATIVE FINDINGS AND DETERMINATIONS.

7 993. NEW YORK STATE MANDATE RELIEF COUNCIL.

8 993-A. POWERS AND DUTIES OF THE COUNCIL.

9 993-B. ASSISTANCE OF OTHER AGENCIES.

10 994. DETERMINATION OF UNFUNDED MANDATE.

11 994-A. REQUEST BY A CITY, TOWN, VILLAGE OR COUNTY GOVERNMENT.

12 994-B. REQUEST BY A SCHOOL DISTRICT.

13 994-C. REQUEST BY A FIRE DISTRICT, WATER DISTRICT OR OTHER
14 SPECIAL DISTRICT.

15 994-D. NEW REGULATIONS PROPOSED BY STATE GOVERNMENT.

16 995. CONSIDERATION OF THE ISSUE OF REPEAL OF AN UNFUNDED
17 MANDATE.

18 995-A. REPEAL OF UNFUNDED MANDATES CONTAINED IN CURRENT REGU-
19 LATIONS.

20 995-B. REPEAL OF UNFUNDED MANDATES CONTAINED IN PROPOSED OR NEW
21 REGULATIONS.

22 995-C. REPEAL OF UNFUNDED MANDATES CONTAINED IN STATUTE.

23 996. REPORTS AND RECOMMENDATIONS OF THE NEW YORK STATE MANDATE
24 RELIEF COUNCIL.

25 997. COMPTROLLER REPORT OF UNFUNDED MANDATES.

26 998. FISCAL NOTES FOR BILLS ENACTING MANDATES UPON LOCAL GOVERN-
27 MENTS.

28 999. SEVERABILITY.

29 S 991. SHORT TITLE. THIS ARTICLE SHALL BE KNOWN AND MAY BE CITED AS
30 THE "NEW YORK STATE MANDATE RELIEF ACT".

31 S 992. LEGISLATIVE FINDINGS AND DETERMINATIONS. THE LEGISLATURE HEREBY
32 FINDS AND DETERMINES THAT UNFUNDED MANDATES ESTABLISHED BY THE STATE
33 UPON ITS LOCAL GOVERNMENTS, SCHOOL DISTRICTS, AND FIRE DISTRICTS, PRES-
34 ENT A TREMENDOUS FINANCIAL BURDEN UPON THESE LOCALITIES, AS WELL AS THE
35 PEOPLE OF THE STATE OF NEW YORK.

36 THE LEGISLATURE HEREBY FURTHER FINDS AND DETERMINES THAT THE COST OF
37 THESE UNFUNDED MANDATES HAS SERIOUSLY CONTRIBUTED TO THE FINANCIAL CHAL-
38 Lenges OF THESE LOCAL GOVERNMENTS, SCHOOL DISTRICTS, AND FIRE DISTRICTS,
39 AND HAVE COST THE TAXPAYERS OF THE STATE OF NEW YORK AN ENORMOUS BURDEN
40 IN REAL PROPERTY TAXES, AS WELL AS LIMITING THE ABILITY OF THESE LOCAL
41 GOVERNMENTS, SCHOOL DISTRICTS, AND FIRE DISTRICTS TO ENACT MEASURES
42 WHICH WOULD SAVE BOTH TAXPAYER DOLLARS AND RESPONSIVELY PROVIDE FOR
43 IMPROVED COMMUNITY SERVICES.

44 THE LEGISLATURE HEREBY ADDITIONALLY FINDS AND DETERMINES THAT THERE IS
45 A PRESSING NEED TO DEVELOP COMPREHENSIVE LEGISLATIVE AND ADMINISTRATIVE
46 CHANGES TO END UNFUNDED MANDATES AND ACCOMPLISH MANDATE RELIEF, AND THAT
47 IMPORTANT MANDATE RELIEF MEASURES ARE IMMEDIATELY NECESSARY IN ORDER TO
48 ACCOMPLISH THIS GOAL. THAT IS THE GOAL OF THIS LEGISLATION, IN ESTAB-
49 LISHING THE COUNCIL ON MANDATE RELIEF, TO CREATE AN EFFECTIVE MECHANISM
50 TO ELIMINATE UNFUNDED MANDATES, AND TO BEGIN TO RELIEVE LOCAL GOVERN-
51 MENTS, SCHOOL DISTRICTS, AND FIRE DISTRICTS, AND THE TAXPAYERS THEY
52 REPRESENT, OF THE CRUSHING BURDEN THAT REAL PROPERTY TAXES CURRENTLY
53 PLACE UPON ALL NEW YORKERS.

54 S 993. NEW YORK STATE MANDATE RELIEF COUNCIL. THERE SHALL BE A COUN-
55 CIL OF MANDATE RELIEF, WHICH SHALL BE INDEPENDENT OF THE LEGISLATIVE,
56 EXECUTIVE AND JUDICIAL BRANCHES OF STATE GOVERNMENT. THE COUNCIL SHALL

1 CONSIST OF ELEVEN MEMBERS APPOINTED BY THE GOVERNOR, UPON ADVICE AND
2 CONSENT OF THE SENATE, AS FOLLOWS:

3 1. FIVE MEMBERS UPON NOMINATION OF THE GOVERNOR;

4 2. TWO MEMBERS UPON NOMINATION OF THE TEMPORARY PRESIDENT OF THE
5 SENATE;

6 3. TWO MEMBERS UPON NOMINATION OF THE SPEAKER OF THE ASSEMBLY;

7 4. ONE MEMBER UPON NOMINATION OF THE MINORITY LEADER OF THE SENATE;
8 AND

9 5. ONE MEMBER UPON NOMINATION OF THE MINORITY LEADER OF THE ASSEMBLY.

10 OF THE MEMBERS APPOINTED UPON NOMINATION OF THE GOVERNOR, NO MORE THAN
11 TWO SHALL BE APPOINTED FROM THE SAME POLITICAL PARTY. THE TERM OF OFFICE
12 OF THE MEMBERS OF THE COUNCIL SHALL BE FIVE YEARS. VACANCIES IN THE
13 COUNCIL OCCURRING OTHERWISE THAN BY EXPIRATION OF TERM, SHALL BE FILLED
14 FOR THE UNEXPIRED TERM IN THE SAME MANNER AS THEIR ORIGINAL APPOINTMENT.
15 THE COUNCIL SHALL ELECT A CHAIR AND VICE-CHAIR FROM AMONG ITS MEMBERS.
16 THE CHAIR SHALL BE THE EXECUTIVE OFFICER OF THE COUNCIL. THE CHAIR,
17 WITHIN BUDGET APPROPRIATIONS THEREFORE, MAY APPOINT SUCH EMPLOYEES,
18 PRESCRIBE THEIR DUTIES, AND FIX THEIR COMPENSATION, AS NECESSARY FOR THE
19 SUCCESSFUL OPERATION OF THE COUNCIL. NO MEMBER OF THE COUNCIL SHALL
20 RECEIVE A SALARY, BUT MAY BE REIMBURSED FOR THEIR NECESSARY AND REASON-
21 ABLE EXPENSES.

22 S 993-A. POWERS AND DUTIES OF THE COUNCIL. THE COUNCIL SHALL HAVE THE
23 FOLLOWING POWERS AND DUTIES:

24 1. TO MAKE A DETERMINATION, UPON A REVIEW, PURSUANT TO SECTION NINE
25 HUNDRED NINETY-FOUR OF THIS ARTICLE, AS TO WHETHER A STATUTE, REGU-
26 LATION, RULE OR ORDER IDENTIFIED IN THE RESOLUTION, CONSTITUTES AN
27 UNFUNDED MANDATE;

28 2. TO REPEAL A REGULATION, RULE, OR ORDER, DETERMINED, ACCORDING TO
29 SECTION NINE HUNDRED NINETY-FOUR OF THIS ARTICLE, TO BE AN UNFUNDED
30 MANDATE, PURSUANT TO SECTION NINE HUNDRED NINETY-FIVE, SECTION NINE
31 HUNDRED NINETY-FIVE-A AND/OR SECTION NINE HUNDRED NINETY-FIVE-B OF THIS
32 ARTICLE;

33 3. TO RECOMMEND TO THE STATE LEGISLATURE TO REPEAL A STATUTE, DETER-
34 MINED ACCORDING TO SECTION NINE HUNDRED NINETY-FOUR OF THIS ARTICLE TO
35 BE AN UNFUNDED MANDATE, PURSUANT TO SECTION NINE HUNDRED NINETY-FIVE AND
36 SECTION NINE HUNDRED NINETY-FIVE-C OF THIS ARTICLE;

37 4. TO ISSUE REPORTS AND RECOMMENDATIONS TO THE GOVERNOR AND MEMBERS OF
38 THE LEGISLATURE REGARDING MANDATE RELIEF, PURSUANT TO SECTION NINE
39 HUNDRED NINETY-SIX OF THIS ARTICLE;

40 5. TO MEET AS A PUBLIC BODY NOT LESS THAN TWICE A MONTH FOR THE ACCOM-
41 PLISHMENT OF THE PURPOSES AND PROVISIONS OF THIS ARTICLE;

42 6. TO ESTABLISH RULES, REGULATIONS AND PROCEDURES AS NECESSARY TO
43 ACCOMPLISH THE PURPOSES AND PROVISIONS OF THIS ARTICLE;

44 7. TO ENTER INTO CONTRACTS, WITHIN AMOUNTS APPROPRIATED THEREFOR, WITH
45 INDIVIDUALS, PARTNERSHIPS, CORPORATIONS OR ORGANIZATIONS AS NECESSARY TO
46 ACCOMPLISH THE PURPOSES AND PROVISIONS OF THIS ARTICLE;

47 8. TO MAKE AND SIGN ANY AGREEMENTS, AND TO DO AND TO PERFORM ANY ACTS,
48 THAT MAY BE NECESSARY, DESIRABLE OR PROPER TO CARRY OUT THE PURPOSES OF
49 THIS ARTICLE;

50 9. TO MAINTAIN AN OFFICIAL RECORD OF ITS MEETINGS, DISCUSSIONS, DELIB-
51 ERATIONS AND DETERMINATIONS;

52 10. TO MAINTAIN AN OFFICIAL WEBSITE AND EMAIL ADDRESSES FOR ITS
53 MEMBERS;

54 11. TO ACCEPT GIFTS, CONTRIBUTIONS AND BEQUESTS OF UNRESTRICTED FUNDS
55 FROM INDIVIDUALS, PARTNERSHIPS, CORPORATIONS OR ORGANIZATIONS AS NECES-
56 SARY TO ACCOMPLISH THE PURPOSES AND PROVISIONS OF THIS ARTICLE; AND

1 12. TO EXERCISE AND PERFORM SUCH OTHER POWERS AND DUTIES AS NECESSARY
2 TO ACCOMPLISH THE PURPOSES AND PROVISIONS OF THIS ARTICLE.

3 S 993-B. ASSISTANCE OF OTHER AGENCIES. TO EFFECTUATE THE PURPOSES OF
4 THIS ARTICLE, THE COUNCIL MAY REQUEST FROM ANY DEPARTMENT, BOARD,
5 BUREAU, COMMISSION OR OTHER AGENCY OF THE STATE, AND THE SAME ARE
6 AUTHORIZED TO PROVIDE, SUCH ASSISTANCE, SERVICES AND DATA AS WILL ENABLE
7 THE COUNCIL PROPERLY TO CARRY OUT ITS POWERS AND DUTIES AS PROVIDED IN
8 SUBDIVISION TWO OF THIS SECTION.

9 S 994. DETERMINATION OF UNFUNDED MANDATE. 1. UPON THE REQUEST OF THE
10 GOVERNING BODY OF A CITY, TOWN, VILLAGE OR COUNTY GOVERNMENT, PURSUANT
11 TO SECTION NINE HUNDRED NINETY-FOUR-A OF THIS ARTICLE, OR UPON A REQUEST
12 OF A SCHOOL DISTRICT, PURSUANT TO SECTION NINE HUNDRED NINETY-FOUR-B OF
13 THIS ARTICLE, OR UPON A REQUEST OF A FIRE DISTRICT, WATER DISTRICT OR
14 OTHER SPECIAL DISTRICT PURSUANT TO SECTION NINE HUNDRED NINETY-FOUR-C OF
15 THIS ARTICLE, THE COUNCIL SHALL MAKE A DETERMINATION AS TO WHETHER A
16 STATUTE, REGULATION, RULE OR ORDER IS AN UNFUNDED MANDATE.

17 2. UPON THE SUBMISSION OF A DEPARTMENT, DIVISION, OFFICE, BUREAU OR
18 OTHER AGENCY OF STATE GOVERNMENT, PURSUANT TO SECTION NINE HUNDRED NINE-
19 TY-FOUR-D OF THIS ARTICLE, THE COUNCIL SHALL MAKE A DETERMINATION AS TO
20 WHETHER A STATUTE, REGULATION, RULE OR ORDER IS AN UNFUNDED MANDATE.

21 3. THE COUNCIL, UPON RECEIPT OF THE REQUEST OR SUBMISSION PURSUANT TO
22 SECTION NINE HUNDRED NINETY-FOUR-A, SECTION NINE HUNDRED NINETY-FOUR-B,
23 SECTION NINE HUNDRED NINETY-FOUR-C OR NINE HUNDRED NINETY-FOUR-D OF THIS
24 ARTICLE SHALL HAVE NINETY DAYS TO MAKE A DETERMINATION AS TO WHETHER THE
25 STATUTE, REGULATION, RULE OR ORDER CONTAINED IN THE REQUEST OR
26 SUBMISSION SHALL BE DEEMED TO CONSTITUTE AN UNFUNDED MANDATE. IN MAKING
27 SUCH DETERMINATION, THE COUNCIL SHALL CONSIDER IF THE STATUTE, REGU-
28 LATION, RULE OR ORDER LEGALLY REQUIRES THE CITY, TOWN, VILLAGE OR COUNTY
29 GOVERNMENT, SCHOOL DISTRICT, FIRE DISTRICT, WATER DISTRICT OR OTHER
30 SPECIAL DISTRICT TO PERFORM AN ACT, OR REFRAIN FROM ACTING, IN A MATERI-
31 AL MANNER AND WITH A MATERIAL COST. IN FURTHER MAKING ITS DETERMINATION,
32 THE COUNCIL SHALL FURTHER CONSIDER IF THE COST INCURRED AS A RESULT OF
33 THE GOVERNMENT OR DISTRICT COMPLYING WITH THE STATUTE, REGULATION, RULE
34 OR ORDER IS NOT REIMBURSED TO THE GOVERNMENT OR DISTRICT BY EITHER THE
35 FEDERAL OR STATE GOVERNMENT, OR IF SUCH GOVERNMENT OR DISTRICT IS NOT
36 OTHERWISE PROVIDED WITH THE ABILITY TO COLLECT A FEE OR OTHER MONIES IN
37 RETURN FOR THE COMPLIANCE WITH SUCH STATUTE, REGULATION, RULE OR ORDER.

38 4. THE COUNCIL NEED NOT CONSIDER A REQUEST FOR DETERMINATION PURSUANT
39 TO SUBDIVISION ONE OF THIS SECTION IF THE COUNCIL HAS PREVIOUSLY MADE A
40 DETERMINATION WITHIN FIVE YEARS OF THE REQUEST, REGARDING THE SAME EXACT
41 STATUTORY PROVISION OR REGULATION. IN THE EVENT THAT THE COUNCIL
42 DECLINES TO CONSIDER A REQUEST FOR A DETERMINATION PURSUANT TO SUBDIVI-
43 SION ONE OF THIS SECTION, THE COUNCIL SHALL NOTIFY THE CITY, TOWN,
44 VILLAGE OR COUNTY, IN WRITING, OF ITS DECLINATION TO CONSIDER THE
45 REQUEST, AND SHALL PROVIDE THE CITY, TOWN, VILLAGE OR COUNTY WITHIN SUCH
46 NOTIFICATION WITH A COPY OF THE COUNCIL'S PREVIOUS DETERMINATION ON THE
47 SAME EXACT STATUTORY PROVISION OR REGULATION.

48 5. THE COUNCIL SHALL MAKE ITS DETERMINATION AS TO WHETHER THE STATUTE,
49 REGULATION, RULE OR ORDER CONTAINED IN THE REQUEST OR SUBMISSION CONSTI-
50 TUTES AN UNFUNDED MANDATE, BY MEANS OF A MAJORITY VOTE OF ALL THE
51 MEMBERS OF THE COUNCIL, AFTER DUE CONSIDERATION OF THE FACTS AND UPON
52 DUE DELIBERATION AND DISCUSSION OF THE MEMBERS. THE MEETING TO CONSIDER
53 WHETHER A REQUESTED STATUTE, REGULATION, RULE OR ORDER CONTAINED IN THE
54 REQUEST CONSTITUTES AN UNFUNDED MANDATE, AND ALL THE DELIBERATIONS AND
55 DISCUSSIONS AT SUCH MEETING, SHALL BE SUBJECT TO THE PROVISIONS OF ARTI-
56 CLE SEVEN OF THE PUBLIC OFFICERS LAW. IN THE EVENT THAT THE COUNCIL

1 DETERMINES THAT THE STATUTE, REGULATION, RULE OR ORDER CONSTITUTES AN
2 UNFUNDED MANDATE, IT SHALL NOTIFY THE GOVERNMENT OR DISTRICT WHO MADE
3 THE REQUEST, OR THE DEPARTMENT, DIVISION, OFFICE, BUREAU OR OTHER AGENCY
4 OF STATE GOVERNMENT THAT MADE THE SUBMISSION, AND POST AND PUBLISH A
5 RECORD OF SUCH DETERMINATION ON THE OFFICIAL WEBSITE OF THE COUNCIL.

6 6. NOTWITHSTANDING ANYTHING IN THIS SUBDIVISION TO THE CONTRARY, THE
7 FOLLOWING CATEGORIES OF STATUTES, REGULATIONS, RULES OR ORDERS, SHALL
8 NOT BE CONSIDERED UNFUNDED MANDATES:

9 A. THOSE WHICH ARE REQUIRED TO COMPLY WITH FEDERAL LAWS OR RULES OR TO
10 MEET ELIGIBILITY STANDARDS FOR FEDERAL ENTITLEMENTS;

11 B. THOSE WHICH REPEAL, REVISE OR EASE AN EXISTING REQUIREMENT OR
12 MANDATE OR WHICH REAPPORTION THE COSTS OF ACTIVITIES BETWEEN BOARDS OF
13 EDUCATION, COUNTIES, AND MUNICIPALITIES;

14 C. THOSE WHICH STEM FROM FAILURE TO COMPLY WITH PREVIOUSLY ENACTED
15 LAWS OR RULES OR REGULATIONS ISSUED PURSUANT TO LAW;

16 D. THOSE WHICH IMPLEMENT THE PROVISIONS OF THE STATE CONSTITUTION; AND

17 E. THOSE STATUTES WHICH ARE ENACTED AFTER A PUBLIC HEARING, HELD AFTER
18 PUBLIC NOTICE THAT UNFUNDED MANDATES WILL BE CONSIDERED, FOR WHICH A
19 FISCAL ANALYSIS IS AVAILABLE AT THE TIME OF THE PUBLIC HEARING AND
20 WHICH, IN ADDITION TO COMPLYING WITH ALL OTHER CONSTITUTIONAL REQUIRE-
21 MENTS WITH REGARD TO THE ENACTMENT OF LAWS, ARE PASSED BY AN AFFIRMATIVE
22 VOTE OF THE MEMBERS OF EACH HOUSE OF THE LEGISLATURE AND SIGNED INTO LAW
23 BY THE GOVERNOR.

24 7. NOTWITHSTANDING THE DETERMINATION OF ANY COURT OF COMPETENT JURIS-
25 DICTION, THE COUNCIL SHALL RESOLVE ANY DISPUTE REGARDING WHETHER SUCH A
26 STATUTE, REGULATION, RULE OR ORDER CONSTITUTES SUCH AN UNFUNDED MANDATE.
27 THE DECISIONS OF THE COUNCIL WITH RESPECT TO WHETHER A STATUTE, REGU-
28 LATION, RULE OR ORDER, WHICH CONSTITUTES AN UNFUNDED MANDATE SHALL NOT
29 BE JUDICIAL DETERMINATIONS.

30 S 994-A. REQUEST BY A CITY, TOWN, VILLAGE OR COUNTY GOVERNMENT. ANY
31 CITY, TOWN, VILLAGE OR COUNTY GOVERNMENT MAY MAKE A REQUEST OF THE COUN-
32 CIL TO REVIEW A STATUTE, REGULATION, RULE OR ORDER OF STATE GOVERNMENT,
33 TO DETERMINE WHETHER SUCH STATUTE, REGULATION, RULE OR ORDER CONSTITUTES
34 AN UNFUNDED STATE MANDATE. THE REQUEST FOR A DETERMINATION SHALL BE MADE
35 BY MEANS OF A RESOLUTION PASSED BY A MAJORITY OF THE TOTAL MEMBERS OF
36 THE GOVERNING BODY OF THE CITY, TOWN, VILLAGE OR COUNTY AND TRANSMITTED
37 TO THE COUNCIL WITHIN NINETY DAYS OF THE PASSING OF SUCH RESOLUTION. THE
38 REQUEST OF THE GOVERNING BODY SHALL ALSO SPECIFICALLY IDENTIFY THE STAT-
39 UTE, REGULATION, RULE OR ORDER IN QUESTION. A REQUEST OF THE GOVERNING
40 BODY SHALL FURTHER CONTAIN ONLY ONE STATUTE, REGULATION, RULE OR ORDER
41 UPON WHICH A DETERMINATION IS SOUGHT. NO CITY, TOWN, VILLAGE OR COUNTY
42 GOVERNMENT, SHALL MAKE MORE THAN TEN REQUESTS OF THE COUNCIL FOR A
43 DETERMINATION IN ANY CALENDAR YEAR.

44 S 994-B. REQUEST BY A SCHOOL DISTRICT. ANY SCHOOL DISTRICT MAY MAKE A
45 REQUEST OF THE COUNCIL TO REVIEW A STATUTE, REGULATION, RULE OR ORDER OF
46 STATE GOVERNMENT, TO DETERMINE WHETHER SUCH STATUTE, REGULATION, RULE OR
47 ORDER CONSTITUTES AN UNFUNDED STATE MANDATE. THE REQUEST FOR A DETERMI-
48 NATION SHALL BE MADE BY MEANS OF A RESOLUTION PASSED BY A MAJORITY OF
49 THE TOTAL MEMBERS OF THE GOVERNING BODY OF THE SCHOOL DISTRICT AND TRAN-
50 SMITTED TO THE COUNCIL WITHIN NINETY DAYS OF THE PASSING OF SUCH RESOL-
51 UTION. THE REQUEST OF THE GOVERNING BODY SHALL ALSO SPECIFICALLY IDENTI-
52 FY THE STATUTE, REGULATION, RULE OR ORDER IN QUESTION. A REQUEST OF THE
53 GOVERNING BODY SHALL FURTHER CONTAIN ONLY ONE STATUTE, REGULATION, RULE
54 OR ORDER UPON WHICH A DETERMINATION IS SOUGHT. NO SCHOOL DISTRICT,
55 SHALL MAKE MORE THAN FIVE REQUESTS OF THE COUNCIL FOR A DETERMINATION IN
56 ANY CALENDAR YEAR.

1 S 994-C. REQUEST BY A FIRE DISTRICT, WATER DISTRICT OR OTHER SPECIAL
2 DISTRICT. ANY FIRE DISTRICT, WATER DISTRICT OR OTHER SPECIAL DISTRICT
3 MAY MAKE A REQUEST OF THE COUNCIL TO REVIEW A STATUTE, REGULATION, RULE
4 OR ORDER OF STATE GOVERNMENT, TO DETERMINE WHETHER SUCH STATUTE, REGU-
5 LATION, RULE OR ORDER CONSTITUTES AN UNFUNDED STATE MANDATE. THE REQUEST
6 FOR A DETERMINATION SHALL BE MADE BY MEANS OF A RESOLUTION PASSED BY A
7 MAJORITY OF THE TOTAL MEMBERS OF THE GOVERNING BODY OF THE FIRE
8 DISTRICT, WATER DISTRICT OR OTHER SPECIAL DISTRICT AND TRANSMITTED TO
9 THE COUNCIL WITHIN NINETY DAYS OF THE PASSING OF SUCH RESOLUTION. THE
10 REQUEST OF THE GOVERNING BODY SHALL ALSO SPECIFICALLY IDENTIFY THE STAT-
11 UTE, REGULATION, RULE OR ORDER IN QUESTION. A REQUEST OF THE GOVERNING
12 BODY SHALL FURTHER CONTAIN ONLY ONE STATUTE, REGULATION, RULE OR ORDER
13 UPON WHICH A DETERMINATION IS SOUGHT. NO FIRE DISTRICT, WATER DISTRICT
14 OR OTHER SPECIAL DISTRICT, SHALL MAKE MORE THAN TWO REQUESTS OF THE
15 COUNCIL FOR A DETERMINATION IN ANY CALENDAR YEAR.

16 S 994-D. NEW REGULATIONS PROPOSED BY STATE GOVERNMENT. ALL DEPART-
17 MENTS, DIVISIONS, OFFICES, BUREAUS OR OTHER AGENCIES OF STATE GOVERN-
18 MENT, UPON THE PROMULGATION OF A NEW REGULATION, RULE OR ORDER, OR THE
19 AMENDMENT OF AN EXISTING REGULATION, RULE OR ORDER, WHICH WOULD REQUIRE
20 ANY CITY, TOWN, VILLAGE OR COUNTY, SCHOOL DISTRICT, FIRE DISTRICT, WATER
21 DISTRICT OR OTHER SPECIAL DISTRICT, TO TAKE ANY ACTION, PERFORM ANY
22 DUTY, MAKE ANY EXPENDITURE, OR INCUR ANY COST, MUST BE SUBMITTED TO THE
23 COUNCIL FOR A DETERMINATION, PURSUANT TO SECTION NINE HUNDRED
24 NINETY-FOUR OF THIS ARTICLE, AS TO WHETHER SUCH NEW REGULATION, RULE OR
25 ORDER, OR THE AMENDMENT OF AN EXISTING REGULATION, RULE OR ORDER CONSTI-
26 TUTES AN UNFUNDED MANDATE. THE SUBMISSION BY THE DEPARTMENT, DIVISION,
27 OFFICE, BUREAU OR OTHER AGENCY OF STATE GOVERNMENT, SHALL PROVIDE THE
28 REGULATION, RULE OR ORDER IN QUESTION, TOGETHER WITH AN ANALYSIS AND
29 JUSTIFICATION FOR REGULATION, RULE OR ORDER IN QUESTION, PREPARED BY THE
30 COUNSEL FOR THE DEPARTMENT, DIVISION, OFFICE, BUREAU OR OTHER AGENCY OF
31 THE STATE GOVERNMENT, A COUNSEL WITHIN THE GOVERNOR'S COUNSEL'S OFFICE
32 OR AN ATTORNEY FROM THE NEW YORK STATE DEPARTMENT OF LAW. NO REGULATION,
33 RULE OR ORDER REQUIRED TO BE SUBMITTED PURSUANT TO THIS SECTION SHALL
34 TAKE EFFECT PRIOR TO A DETERMINATION OF THE COUNCIL THAT SUCH REGU-
35 LATION, RULE OR ORDER IS NOT AN UNFUNDED MANDATE, OR PRIOR TO A DETERMI-
36 NATION OF THE COUNCIL THAT SUCH REGULATION, RULE OR ORDER IS AN UNFUNDED
37 MANDATE BUT THAT SUCH REGULATION, RULE OR ORDER SHOULD NOT BE REPEALED
38 PURSUANT TO SECTION NINE HUNDRED NINETY-FIVE-B OF THIS ARTICLE, UNLESS
39 THE COUNSEL FOR THE DEPARTMENT, DIVISION, OFFICE, BUREAU OR OTHER AGENCY
40 OF STATE GOVERNMENT, A COUNSEL WITHIN THE GOVERNOR'S COUNSEL'S OFFICE OR
41 AN ATTORNEY FROM THE NEW YORK STATE DEPARTMENT OF LAW, PROVIDES A LEGAL
42 DETERMINATION WITH THE SUBMISSION REQUIRED PURSUANT TO THIS SECTION,
43 THAT THE FAILURE TO IMMEDIATELY ESTABLISH THE REGULATION, RULE OR ORDER
44 WOULD RESULT IN SUBSTANTIAL AND IMMEDIATE HARM TO THE PEOPLE OF THE
45 STATE OF NEW YORK.

46 S 995. CONSIDERATION OF THE ISSUE OF REPEAL OF AN UNFUNDED MANDATE.
47 WITHIN TWENTY-ONE DAYS OF MAKING A DETERMINATION THAT A STATUTE, REGU-
48 LATION, RULE OR ORDER CONSTITUTES AN UNFUNDED MANDATE, THE COUNCIL SHALL
49 MEET TO CONSIDER THE ISSUE OF THE REPEAL OF THE STATUTE, REGULATION,
50 RULE OR ORDER. THE MEETING TO CONSIDER THE ISSUE OF THE REPEAL OF THE
51 STATUTE, REGULATION, RULE OR ORDER DETERMINED TO BE AN UNFUNDED MANDATE,
52 AND ALL THE DELIBERATIONS AND DISCUSSIONS AT SUCH MEETING, SHALL BE
53 SUBJECT TO THE PROVISIONS OF ARTICLE SEVEN OF THE PUBLIC OFFICERS LAW.

54 S 995-A. REPEAL OF UNFUNDED MANDATES CONTAINED IN CURRENT REGULATIONS.
55 UPON MEETING TO CONSIDER THE ISSUE OF A REPEAL OF AN UNFUNDED MANDATE,
56 PURSUANT TO SECTION NINE HUNDRED NINETY-FIVE OF THIS ARTICLE, THE COUN-

1 CIL SHALL MAKE ITS DETERMINATION AS TO WHETHER THE REGULATION, RULE OR
2 ORDER DETERMINED TO BE AN UNFUNDED MANDATE PURSUANT TO A REQUEST MADE
3 UNDER SUBDIVISION ONE OF SECTION NINE HUNDRED NINETY-FOUR OF THIS ARTI-
4 CLE, SHALL BE REPEALED, BY MEANS OF A MAJORITY VOTE OF ALL THE MEMBERS
5 OF THE COUNCIL, AFTER DUE CONSIDERATION OF THE FACTS AND UPON DUE DELIB-
6 ERATION AND DISCUSSION OF THE MEMBERS. IN THE EVENT THE COUNCIL DETER-
7 MINES THAT THE REGULATION, RULE OR ORDER IN QUESTION SHALL BE REPEALED,
8 THE COUNCIL SHALL INFORM, IN WRITING, THE DEPARTMENT, DIVISION, OFFICE,
9 BUREAU OR OTHER AGENCY OF STATE GOVERNMENT WHICH PROMULGATED OR ISSUED
10 THE REGULATION, RULE OR ORDER IN QUESTION, AS WELL AS THE GOVERNMENT OR
11 DISTRICT THAT REQUESTED IT TO BE DETERMINED AN UNFUNDED MANDATE, AND
12 THEREAFTER SUCH REGULATION, RULE OR ORDER SHALL EXPIRE AND BE DEEMED
13 REPEALED, WITHIN SIXTY DAYS OF THE DATE UPON WHICH THE COUNCIL INFORMED,
14 IN WRITING, THE DEPARTMENT, DIVISION, OFFICE, BUREAU OR OTHER AGENCY OF
15 STATE GOVERNMENT WHICH PROMULGATED OR ISSUED THE REGULATION, RULE OR
16 ORDER IN QUESTION. IN NO EVENT SHALL THE DEPARTMENT, DIVISION, OFFICE,
17 BUREAU OR OTHER AGENCY OF STATE GOVERNMENT WHICH PROMULGATED OR ISSUED
18 THE ORIGINAL REGULATION, RULE OR ORDER IN QUESTION, REPROMULGATE, REIS-
19 SUE OR REINSTATE THE REGULATION, RULE OR ORDER IN QUESTION, WITHOUT
20 HAVING FIRST OBTAINED STATUTORY PERMISSION TO DO THE SAME BY MEANS OF AN
21 ACT OF THE STATE LEGISLATURE.

22 S 995-B. REPEAL OF UNFUNDED MANDATES CONTAINED IN PROPOSED OR NEW
23 REGULATIONS. UPON MEETING TO CONSIDER THE ISSUE OF A REPEAL OF AN
24 UNFUNDED MANDATE, PURSUANT TO SECTION NINE HUNDRED NINETY-FIVE OF THIS
25 ARTICLE, THE COUNCIL SHALL MAKE ITS DETERMINATION AS TO WHETHER THE
26 REGULATION, RULE OR ORDER, DETERMINED TO BE AN UNFUNDED MANDATE PURSUANT
27 TO A SUBMISSION MADE UNDER SUBDIVISION TWO OF SECTION NINE HUNDRED NINE-
28 TY-FOUR OF THIS ARTICLE, SHALL BE REPEALED, BY MEANS OF A MAJORITY VOTE
29 OF ALL THE MEMBERS OF THE COUNCIL, AFTER DUE CONSIDERATION OF THE FACTS
30 AND UPON DUE DELIBERATION AND DISCUSSION OF THE MEMBERS. IN THE EVENT
31 THE COUNCIL DETERMINES THAT THE REGULATION, RULE OR ORDER IN QUESTION
32 SHALL BE REPEALED, THE COUNCIL SHALL INFORM, IN WRITING, THE DEPARTMENT,
33 DIVISION, OFFICE, BUREAU OR OTHER AGENCY OF STATE GOVERNMENT WHICH
34 PROMULGATED OR ISSUED THE REGULATION, RULE OR ORDER IN QUESTION, AND
35 THEREAFTER SUCH REGULATION, RULE OR ORDER SHALL EXPIRE AND BE DEEMED
36 REPEALED, WITHIN SIXTY DAYS OF THE DATE UPON WHICH THE COUNCIL INFORMS,
37 IN WRITING, THE DEPARTMENT, DIVISION, OFFICE, BUREAU OR OTHER AGENCY OF
38 STATE GOVERNMENT WHICH PROMULGATED OR ISSUED THE REGULATION, RULE OR
39 ORDER IN QUESTION. IN NO EVENT SHALL THE DEPARTMENT, DIVISION, OFFICE,
40 BUREAU OR OTHER AGENCY OF STATE GOVERNMENT WHICH PROMULGATED OR ISSUED
41 THE ORIGINAL REGULATION, RULE OR ORDER IN QUESTION, REPROMULGATE, REIS-
42 SUE OR REINSTATE THE REGULATION, RULE OR ORDER IN QUESTION, WITHOUT
43 HAVING FIRST OBTAINED STATUTORY PERMISSION TO DO THE SAME BY MEANS OF AN
44 ACT OF THE STATE LEGISLATURE.

45 S 995-C. REPEAL OF UNFUNDED MANDATES CONTAINED IN STATUTE. 1. UPON
46 MEETING TO CONSIDER THE ISSUE OF A REPEAL OF AN UNFUNDED MANDATE, PURSU-
47 ANT TO SECTION NINE HUNDRED NINETY-FIVE OF THIS ARTICLE, THE COUNCIL
48 SHALL MAKE ITS DETERMINATION AS TO WHETHER THE STATUTE DETERMINED TO BE
49 AN UNFUNDED MANDATE PURSUANT TO SECTION NINE HUNDRED NINETY-FOUR OF THIS
50 ARTICLE, SHOULD BE ENDORSED BY THE COUNCIL FOR REPEAL, BY MEANS OF A
51 MAJORITY VOTE OF ALL THE MEMBERS OF THE COUNCIL, AFTER DUE CONSIDERATION
52 OF THE FACTS AND UPON DUE DELIBERATION AND DISCUSSION OF THE MEMBERS. IN
53 THE EVENT THE COUNCIL DETERMINES THAT THE STATUTE SHOULD BE ENDORSED BY
54 THE COUNCIL FOR REPEAL, THE COUNCIL SHALL INFORM, IN WRITING, ALL THE
55 ENTITIES AFFECTED BY SUCH STATUTE IN QUESTION, AS WELL AS THE GOVERNMENT
56 OR DISTRICT THAT REQUESTED IT TO BE DETERMINED AN UNFUNDED MANDATE

1 PURSUANT TO SECTION NINE HUNDRED NINETY-FOUR OF THIS ARTICLE, AND THERE-
2 AFTER THE COUNCIL SHALL FORWARD SUCH STATUTE, TOGETHER WITH ITS ENDORSE-
3 MENT, TO THE LEGISLATURE, AS PROVIDED BY THIS SECTION.

4 2. WHENEVER THE COUNCIL VOTES TO ENDORSE THE REPEAL OF A STATUTE AS AN
5 UNFUNDED MANDATE, PURSUANT TO THE PROCEDURES OF SUBDIVISION ONE OF THIS
6 SECTION, IT SHALL PREPARE A BILL FOR POSSIBLE SUBMISSION TO THE LEGISLA-
7 TURE, CONCERNING THE REPEAL OF THE STATUTE ENDORSED FOR REPEAL THAT THE
8 COUNCIL DETERMINED TO BE AN UNFUNDED MANDATE PURSUANT TO SECTION NINE
9 HUNDRED NINETY-FOUR OF THIS ARTICLE. SUCH BILL SHALL INCLUDE THE NECES-
10 SARY PROVISIONS FOR REPEAL OF SUCH STATUTE, AS WELL AS ANY OTHER
11 PROVISIONS NECESSARY TO EFFECTUATE THE CONTINUED OPERATIONS OF STATE OR
12 LOCAL GOVERNMENT, WHICH WOULD BE REQUIRED AS A RESULT OF THE REPEAL.

13 3. UPON THE DRAFTING OF THE BILL AS PROVIDED IN SUBDIVISION TWO OF
14 THIS SECTION, THE COUNCIL SHALL CONSIDER WHETHER IT SHOULD PRESENT SUCH
15 BILL TO THE LEGISLATURE AS AN ENDORSED STATUTORY REPEAL BILL. THE MEET-
16 ING TO CONSIDER WHETHER THE COUNCIL SHALL PRESENT SUCH BILL TO THE STATE
17 LEGISLATURE AS AN ENDORSED STATUTORY REPEAL BILL OF THE COUNCIL, AND ALL
18 THE DELIBERATIONS AND DISCUSSIONS AT SUCH MEETING, SHALL BE SUBJECT TO
19 THE PROVISIONS OF ARTICLE SEVEN OF THE PUBLIC OFFICERS LAW. THE COUNCIL
20 SHALL MAKE ITS DETERMINATION AS TO WHETHER THE COUNCIL SHOULD PRESENT
21 SUCH BILL TO THE LEGISLATURE AS AN ENDORSED STATUTORY REPEAL BILL OF THE
22 COUNCIL, BY MEANS OF A MAJORITY VOTE OF ALL THE MEMBERS OF THE COUNCIL,
23 AFTER DUE CONSIDERATION OF THE FACTS AND UPON DUE DELIBERATION AND
24 DISCUSSION OF THE MEMBERS. IN THE EVENT THE COUNCIL DETERMINES THAT THE
25 COUNCIL SHALL PRESENT SUCH BILL TO THE STATE LEGISLATURE AS AN ENDORSED
26 STATUTORY REPEAL BILL OF THE COUNCIL, THE COUNCIL SHALL INFORM, IN WRIT-
27 ING, ALL THE ENTITIES AFFECTED BY THE REPEAL OF SUCH STATUTE IN QUES-
28 TION, AS WELL AS THE GOVERNMENT OR DISTRICT THAT REQUESTED IT TO BE
29 DETERMINED AN UNFUNDED MANDATE, AND THEREAFTER THE COUNCIL SHALL FORWARD
30 SUCH ENDORSED STATUTORY REPEAL BILL OF THE COUNCIL, TO BOTH HOUSES OF
31 THE LEGISLATURE, BY MEANS OF THE OFFICE OF THE SPEAKER OF THE ASSEMBLY
32 AND BY MEANS OF THE OFFICE OF THE TEMPORARY PRESIDENT OF THE SENATE,
33 TOGETHER WITH COPIES OF SUCH ENDORSED STATUTORY REPEAL BILL OF THE
34 COMMISSION TO THE OFFICE OF THE GOVERNOR AND THE OFFICE OF THE MINORITY
35 LEADER OF THE ASSEMBLY AND THE OFFICE OF THE MINORITY LEADER IN THE
36 SENATE.

37 4. IN NO EVENT SHALL THE COUNCIL PRESENT AN ENDORSED STATUTORY REPEAL
38 BILL TO THE LEGISLATURE:

39 A. MORE THAN TWICE IN ANY MONTH;
40 B. IF THE LEGISLATURE IS NOT IN REGULAR SESSION; AND/OR
41 C. IF MORE THAN SIXTY DAYS HAS ELAPSED SINCE THE VOTE WAS TAKEN BY THE
42 COUNCIL TO ENDORSE THE REPEAL OF THE STATUTE IN QUESTION PURSUANT TO
43 SUBDIVISION ONE OF THIS SECTION.

44 5. IN THE EVENT THE LEGISLATURE WAS NOT IN REGULAR SESSION WITHIN THE
45 SIXTY DAYS AFTER THE VOTE WAS TAKEN BY THE COUNCIL TO ENDORSE THE REPEAL
46 OF THE STATUTE IN QUESTION, THE COUNCIL MAY PRESENT SUCH ENDORSED STATU-
47 TORY REPEAL BILL TO THE LEGISLATURE, IN THE MANNER PROVIDED IN SUBDIVI-
48 SION THREE OF THIS SECTION, ANY TIME WITHIN THE FIRST SEVEN DAYS THE
49 LEGISLATURE NEXT CONVENES OR RECONVENES IN REGULAR SESSION. IN NO EVENT
50 HOWEVER, MAY THE COUNCIL PRESENT MORE THAN FIFTEEN ENDORSED STATUTORY
51 REPEAL BILLS TO THE LEGISLATURE IN ANY CALENDAR YEAR.

52 6. UPON ITS PROPER PRESENTMENT TO THE LEGISLATURE, THE ENDORSED STATU-
53 TORY REPEAL BILL SHALL BE INTRODUCED AND VOTED ON BY EACH HOUSE OF THE
54 LEGISLATURE, WITHOUT AMENDMENT AS PRESENTED BY THE COUNCIL, WITHIN THIR-
55 TY DAYS AFTER ITS PROPER PRESENTMENT. THE COUNCIL MAY AMEND THE ENDORSED
56 STATUTORY REPEAL BILL ONE TIME WITHIN SUCH THIRTY DAY PERIOD, WHEREUPON

1 BOTH HOUSES OF THE LEGISLATURE SHALL THEN HAVE THIRTY DAYS FROM THE
2 SUBMISSION OF SUCH AMENDMENT TO VOTE ON THE AMENDED ENDORSED STATUTORY
3 REPEAL BILL. WITHOUT THE CONSENT OF BOTH HOUSES OF THE LEGISLATURE,
4 NEITHER AN ENDORSED STATUTORY REPEAL BILL, NOR AN AMENDMENT MAY BE
5 SUBMITTED BY THE COUNCIL AFTER THE THIRTIETH DAY OF MAY IN ANY YEAR.

6 7. UNDER PROVISIONS CONTAINED IN AN ENDORSED STATUTORY REPEAL BILL, A
7 PROVISION OF SUCH BILL MAY BE EFFECTIVE AT A TIME LATER THAN THE DATE ON
8 WHICH THE BILL OTHERWISE IS EFFECTIVE.

9 S 996. REPORTS AND RECOMMENDATIONS OF THE NEW YORK STATE MANDATE
10 RELIEF COUNCIL. IN ADDITION TO ALL OTHER ACTIVITIES OF THE COUNCIL, IT
11 SHALL ALSO MAKE, UPON A MAJORITY VOTE OF THE MEMBERS OF ITS BOARD, SUCH
12 PUBLIC REPORTS AND RECOMMENDATIONS AS IT DEEMS NECESSARY FOR THE
13 ADVANCEMENT OF ITS POWERS AND DUTIES. ALL MEETINGS TO CONSIDER WHETHER
14 TO MAKE OR ISSUE SUCH A PUBLIC REPORT OR RECOMMENDATION, AND ALL THE
15 DELIBERATIONS AND DISCUSSIONS AT SUCH MEETINGS, SHALL BE SUBJECT TO THE
16 PROVISIONS OF ARTICLE SEVEN OF THE PUBLIC OFFICERS LAW. IN ADDITION TO
17 ALL OTHER REPORTS AND RECOMMENDATIONS THAT THE COUNCIL MAY VOTE TO MAKE,
18 THE COUNCIL SHALL PRODUCE AND PROVIDE AN ANNUAL REPORT OF THE COUNCIL,
19 ITS ACTIVITIES, AND THE ISSUES, STATUTES, REGULATIONS, RULES AND ORDERS
20 WHICH IT EXAMINED AND CONSIDERED. SUCH ANNUAL REPORT SHALL BE PRODUCED
21 AND ISSUED NO LATER THAN THE FIFTEENTH DAY OF DECEMBER, AND SHALL BE
22 PRESENTED TO EACH HOUSE OF THE LEGISLATURE, BY MEANS OF THE OFFICE OF
23 THE SPEAKER OF THE ASSEMBLY AND BY MEANS OF THE OFFICE OF THE TEMPORARY
24 PRESIDENT OF THE SENATE, TOGETHER WITH COPIES OF SUCH ANNUAL REPORT TO
25 THE OFFICE OF THE GOVERNOR AND THE OFFICE OF THE MINORITY LEADER OF THE
26 ASSEMBLY AND THE OFFICE OF THE MINORITY LEADER IN THE SENATE. THE ANNUAL
27 REPORT OF THE COUNCIL SHALL ALSO BE POSTED FOR PUBLIC REVIEW UPON THE
28 COUNCIL'S WEBSITE.

29 S 997. COMPTROLLER REPORT OF UNFUNDED MANDATES. ON OR BEFORE THE THIR-
30 TY-FIRST DAY OF DECEMBER, TWO THOUSAND ELEVEN, AND THEN EVERY FIVE YEARS
31 THEREAFTER, THE OFFICE OF THE STATE COMPTROLLER SHALL ISSUE A REPORT TO
32 THE LEGISLATURE, BY MEANS OF THE OFFICE OF THE SPEAKER OF THE ASSEMBLY
33 AND BY MEANS OF THE OFFICE OF THE TEMPORARY PRESIDENT OF THE SENATE,
34 TOGETHER WITH COPIES OF SUCH ANNUAL REPORT TO THE OFFICE OF THE GOVERNOR
35 AND THE OFFICE OF THE MINORITY LEADER OF THE ASSEMBLY AND THE OFFICE OF
36 THE MINORITY LEADER IN THE SENATE ON THE ISSUE OF UNFUNDED MANDATES BY
37 THE FEDERAL AND STATE GOVERNMENT UPON THE CITIES, TOWNS, VILLAGES AND
38 COUNTY GOVERNMENTS, SCHOOL DISTRICTS, FIRE DISTRICTS, WATER DISTRICTS,
39 AND OTHER SPECIAL DISTRICTS THROUGHOUT NEW YORK STATE. SUCH REPORT SHALL
40 DETAIL, IN SPECIFICITY, THE FINANCIAL IMPLICATIONS OF SUCH MANDATES UPON
41 SUCH GOVERNMENTS AND DISTRICTS, AND THEIR REAL PROPERTY TAXPAYERS, AS
42 WELL AT THE METHODS AND MEANS THAT HAVE BEEN USED BY SUCH GOVERNMENTS
43 AND DISTRICTS TO ADDRESS SUCH MANDATES. SUCH REPORT SHALL FURTHER OFFER
44 RECOMMENDATIONS TO THE STATE LEGISLATURE AND TO CITIES, TOWNS, VILLAGES
45 AND COUNTY GOVERNMENTS, SCHOOL DISTRICTS, FIRE DISTRICTS, WATER
46 DISTRICTS AND OTHER SPECIAL DISTRICTS THROUGHOUT NEW YORK STATE.

47 S 998. FISCAL NOTES FOR BILLS ENACTING MANDATES UPON LOCAL GOVERN-
48 MENTS. ANY BILL WHICH REQUIRES A CITY, TOWN, VILLAGE OR COUNTY GOVERN-
49 MENT, SCHOOL DISTRICT, FIRE DISTRICT, WATER DISTRICT OR OTHER SPECIAL
50 DISTRICT TO TAKE ANY ACTION, OR REFRAIN FROM TAKING ANY ACTION, AND
51 WHICH DOES NOT CONTAIN AN APPROPRIATION FOR SUCH CITY, TOWN, VILLAGE OR
52 COUNTY GOVERNMENT, SCHOOL DISTRICT, FIRE DISTRICT, WATER DISTRICT OR
53 OTHER SPECIAL DISTRICT TO COVER THE COST OF TAKING SUCH REQUIRED ACTION,
54 OR REFRAINING FROM TAKING SUCH ACTION, SHALL CONTAIN A FISCAL NOTE,
55 PRINTED ON THE BOTTOM OF THE BILL, STATING THE ESTIMATED ANNUAL COST
56 SUCH CITY, TOWN, VILLAGE OR COUNTY GOVERNMENT, SCHOOL DISTRICT, FIRE

1 DISTRICT, WATER DISTRICT OR OTHER SPECIAL DISTRICT WILL INCUR IN THE
2 EVENT SUCH BILL IS ENACTED, AND THE SOURCE OF SUCH ESTIMATE. FOR THE
3 PURPOSE OF COMPLYING WITH THIS SECTION, THE OFFICE OF THE STATE COMP-
4 TROLLER, UPON A REQUEST FROM A MEMBER OF THE SENATE OR ASSEMBLY FOR SUCH
5 A FISCAL NOTE, SHALL ISSUE AND PROVIDE SUCH FISCAL NOTE TO SUCH MEMBER
6 OF THE SENATE OR ASSEMBLY, WITHIN FIFTEEN DAYS OF SUCH REQUEST. UPON
7 THE REQUEST OF THE STATE COMPTROLLER, OR FROM A MEMBER OF THE SENATE OR
8 ASSEMBLY, ANY DEPARTMENT, DIVISION, OFFICE, BUREAU OR OTHER AGENCY OF
9 STATE GOVERNMENT SHALL PROVIDE ALL INFORMATION NECESSARY FOR THE PREPA-
10 RATION OF A FISCAL NOTE, WITHIN TEN DAYS OF SUCH REQUEST.

11 S 999. SEVERABILITY. IF ANY CLAUSE, SENTENCE, PARAGRAPH, SUBDIVISION,
12 SECTION OR PART OF THIS ARTICLE SHALL BE ADJUDGED BY ANY COURT OF COMPE-
13 TENT JURISDICTION TO BE INVALID, SUCH JUDGMENT SHALL NOT AFFECT, IMPAIR,
14 OR INVALIDATE THE REMAINDER THEREOF, BUT SHALL BE CONFINED IN ITS OPERA-
15 TION TO THE CLAUSE, SENTENCE, PARAGRAPH, SUBDIVISION, SECTION OR PART
16 THEREOF DIRECTLY INVOLVED IN THE CONTROVERSY IN WHICH SUCH JUDGMENT
17 SHALL HAVE BEEN RENDERED. IT IS HEREBY DECLARED TO BE THE INTENT OF THE
18 LEGISLATURE THAT THIS ARTICLE WOULD HAVE BEEN ENACTED EVEN IF SUCH
19 INVALID PROVISIONS HAD NOT BEEN INCLUDED IN THIS SECTION.

20 S 2. The legislative law is amended by adding a new section 54-c to
21 read as follows:

22 S 54-C. ENDORSED STATUTORY REPEAL BILLS FROM THE NEW YORK STATE
23 MANDATE RELIEF COUNCIL. THE LEGISLATURE MAY BY CONCURRENT RESOLUTION
24 PRESCRIBE RULES FOR THE CONSIDERATION AND DISPOSITION OF ENDORSED STATU-
25 TORY REPEAL BILLS FROM THE NEW YORK STATE MANDATE RELIEF COUNCIL, AS
26 DEFINED IN ARTICLE NINETEEN-C OF THE GENERAL MUNICIPAL LAW.

27 S 3. This act shall take effect immediately.

28

PART C

29 Section 1. The general municipal law is amended by adding a new
30 section 25 to read as follows:

31 S 25. FUNDING OF MANDATES. 1. DEFINITIONS. AS USED IN THIS SECTION,
32 THE FOLLOWING TERMS SHALL HAVE THE FOLLOWING MEANINGS UNLESS THE CONTEXT
33 SHALL OTHERWISE REQUIRE:

34 (A) "MANDATE" MEANS ANY STATE LAW, RULE, REGULATION OR ORDER WHICH
35 CREATES A NEW PROGRAM OR REQUIRES A HIGHER LEVEL OF SERVICE FOR AN
36 EXISTING PROGRAM WHICH A MUNICIPAL CORPORATION IS REQUIRED TO PROVIDE.

37 (B) "UNFUNDED MANDATE" SHALL MEAN:

38 (I) ANY STATE LAW, RULE, REGULATION OR ORDER WHICH CREATES A NEW
39 PROGRAM OR REQUIRES A HIGHER LEVEL OF SERVICE FOR AN EXISTING PROGRAM
40 WHICH A MUNICIPAL CORPORATION IS REQUIRED TO PROVIDE AND WHICH RESULTS
41 IN A NET ADDITIONAL COST TO THE MUNICIPAL CORPORATION; OR

42 (II) ANY ALTERATION IN FUNDING PROVIDED TO A MUNICIPAL CORPORATION FOR
43 THE PURPOSE OF DEFRAYING THE COSTS OF A PROGRAM WHICH IT IS REQUIRED TO
44 PROVIDE, THEREBY RESULTING IN A NET ADDITIONAL COST TO THE MUNICIPAL
45 CORPORATION.

46 (C) "NET ADDITIONAL COST" MEANS THE COST OR COSTS INCURRED OR ANTIC-
47 IPATED TO BE INCURRED WITHIN A ONE YEAR PERIOD BY A LOCAL GOVERNMENT IN
48 PERFORMING OR ADMINISTERING A MANDATE AFTER SUBTRACTING THEREFROM ANY
49 REVENUES RECEIVED OR RECEIVABLE BY THE LOCAL GOVERNMENT ON ACCOUNT OF
50 THE MANDATED PROGRAM OR SERVICE, INCLUDING BUT NOT LIMITED TO:

51 (I) FEES CHARGED TO THE RECIPIENTS OF THE MANDATED PROGRAM OR SERVICE;

52 (II) STATE OR FEDERAL AID PAID SPECIFICALLY OR CATEGORICALLY IN
53 CONNECTION WITH THE PROGRAM OR SERVICE; AND

1 (III) AN OFFSETTING SAVINGS RESULTING FROM THE DIMINUTION OR ELIMI-
2 NATION OF ANY OTHER PROGRAM OR SERVICE DIRECTLY ATTRIBUTABLE TO THE
3 PERFORMANCE OR ADMINISTRATION OF THE MANDATED PROGRAM.

4 2. FUNDING OF MUNICIPAL CORPORATION MANDATES. NOTWITHSTANDING ANY
5 OTHER PROVISION OF LAW, NO UNFUNDED MANDATE SHALL BE ENACTED WHICH
6 CREATES AN ANNUAL NET ADDITIONAL COST TO ANY MUNICIPAL CORPORATION.

7 3. EXEMPTIONS TO THE FUNDING OF MUNICIPAL CORPORATION MANDATES
8 REQUIREMENT. (A) THE STATE SHALL NOT BE REQUIRED TO FUND ANY NEW OR
9 EXPANDED PROGRAMS IF:

10 (I) THE MANDATE IS REQUIRED BY A COURT ORDER OR JUDGMENT;

11 (II) THE MANDATE IS PROVIDED AT THE OPTION OF THE LOCAL GOVERNMENT
12 UNDER A LAW, REGULATION, RULE, OR ORDER THAT IS PERMISSIVE RATHER THAN
13 MANDATORY;

14 (III) THE MANDATE RESULTS FROM THE PASSAGE OF A HOME RULE MESSAGE
15 WHEREBY A LOCAL GOVERNMENT REQUESTS AUTHORITY TO IMPLEMENT THE PROGRAM
16 OR SERVICE SPECIFIED IN THE STATUTE, AND THE STATUTE IMPOSES COSTS ONLY
17 UPON THAT LOCAL GOVERNMENT WHICH REQUESTS THE AUTHORITY TO IMPOSE THE
18 PROGRAM OR SERVICE;

19 (IV) THE MANDATE IS REQUIRED BY, OR ARISES FROM, AN EXECUTIVE ORDER OF
20 THE GOVERNOR EXERCISING HIS OR HER EMERGENCY POWERS; OR

21 (V) THE MANDATE IS REQUIRED BY STATUTE OR EXECUTIVE ORDER THAT IMPLE-
22 MENTS A FEDERAL LAW OR REGULATION AND RESULTS FROM COSTS MANDATED BY THE
23 FEDERAL GOVERNMENT TO BE BORNE AT THE LOCAL LEVEL, UNLESS THE STATUTE OR
24 EXECUTIVE ORDER RESULTS IN COSTS WHICH EXCEED THE COSTS MANDATED BY THE
25 FEDERAL GOVERNMENT.

26 (B) EACH ACT ESTABLISHING A MANDATE SHALL PROVIDE THAT THE EFFECTIVE
27 DATE OF ANY SUCH MANDATE IMPOSED ON MUNICIPAL CORPORATIONS SHALL BE
28 CONSISTENT WITH THE NEEDS OF THE STATE AND MUNICIPAL CORPORATIONS TO
29 PLAN IMPLEMENTATION THEREOF AND CONSISTENT WITH THE AVAILABILITY OF
30 REQUIRED FUNDS.

31 S 2. The general municipal law is amended by adding a new section 25-a
32 to read as follows:

33 S 25-A. FISCAL NOTES FOR BILLS ENACTING MANDATES UPON LOCAL GOVERN-
34 MENTS AND SCHOOL DISTRICTS. 1. ANY BILL WHICH REQUIRES A CITY, TOWN,
35 VILLAGE OR COUNTY GOVERNMENT, SCHOOL DISTRICT, FIRE DISTRICT, WATER
36 DISTRICT OR OTHER SPECIAL DISTRICT TO TAKE ANY ACTION, OR REFRAIN FROM
37 TAKING ANY ACTION, AND WHICH DOES NOT CONTAIN AN APPROPRIATION FOR SUCH
38 CITY, TOWN, VILLAGE OR COUNTY GOVERNMENT, SCHOOL DISTRICT, FIRE
39 DISTRICT, WATER DISTRICT OR OTHER SPECIAL DISTRICT TO COVER THE COST OF
40 TAKING SUCH REQUIRED ACTION, OR REFRAINING FROM TAKING SUCH ACTION,
41 SHALL CONTAIN A FISCAL NOTE, PRINTED ON THE BOTTOM OF THE BILL, STATING
42 THE ESTIMATED ANNUAL COST SUCH CITY, TOWN, VILLAGE OR COUNTY GOVERNMENT,
43 SCHOOL DISTRICT, FIRE DISTRICT, WATER DISTRICT OR OTHER SPECIAL DISTRICT
44 WILL INCUR IN THE EVENT SUCH BILL IS ENACTED, AND THE SOURCE OF SUCH
45 ESTIMATE. FOR THE PURPOSE OF COMPLYING WITH THIS SECTION, THE OFFICE OF
46 THE STATE COMPTROLLER, UPON A REQUEST FROM A MEMBER OF THE SENATE OR
47 ASSEMBLY FOR SUCH A FISCAL NOTE, SHALL ISSUE AND PROVIDE SUCH FISCAL
48 NOTE TO SUCH MEMBER OF THE SENATE OR ASSEMBLY, WITHIN FIFTEEN DAYS OF
49 SUCH REQUEST. UPON REQUEST OF THE STATE COMPTROLLER, OR FROM A MEMBER
50 OF THE SENATE OR ASSEMBLY, ANY DEPARTMENT, DIVISION, OFFICE, BUREAU OR
51 OTHER AGENCY OF STATE GOVERNMENT SHALL PROVIDE ALL INFORMATION NECESSARY
52 FOR THE PREPARATION OF A FISCAL NOTE, WITHIN TEN DAYS OF SUCH REQUEST.

53 2. PRIOR TO THE PROMULGATION, ISSUANCE OR AMENDMENT OF ANY REGULATION,
54 RULE OR ORDER, WHICH MAY REQUIRE AN INCREASE IN THE EXPENDITURES OF
55 MONEYS BY A CITY, TOWN, VILLAGE OR COUNTY GOVERNMENT, SCHOOL DISTRICT,
56 FIRE DISTRICT, WATER DISTRICT OR OTHER SPECIAL DISTRICT, THE DEPARTMENT,

1 DIVISION, OFFICE, BUREAU OR OTHER AGENCY OF STATE GOVERNMENT, SEEKING TO
2 PROMULGATE, ISSUE OR AMEND SUCH REGULATION, RULE OR ORDER SHALL PUBLISH
3 A FISCAL NOTE, STATING THE ESTIMATED ANNUAL COST SUCH CITY, TOWN,
4 VILLAGE OR COUNTY GOVERNMENT, SCHOOL DISTRICT, FIRE DISTRICT, WATER
5 DISTRICT OR OTHER SPECIAL DISTRICT WILL INCUR IN THE EVENT SUCH REGU-
6 LATION, RULE OR ORDER IS PROMULGATED, ISSUED OR AMENDED, AND THE SOURCE
7 OF SUCH ESTIMATE. FOR THE PURPOSE OF COMPLYING WITH THIS SECTION, THE
8 OFFICE OF THE STATE COMPTROLLER, UPON A REQUEST FROM A DEPARTMENT, DIVI-
9 SION, OFFICE, BUREAU OR OTHER AGENCY OF STATE GOVERNMENT FOR SUCH A
10 FISCAL NOTE, SHALL ISSUE AND PROVIDE SUCH FISCAL NOTE TO SUCH DEPART-
11 MENT, DIVISION, OFFICE, BUREAU OR OTHER AGENCY OF STATE GOVERNMENT,
12 WITHIN FIFTEEN DAYS OF SUCH REQUEST. UPON REQUEST OF THE STATE COMP-
13 TROLLER, ANY DEPARTMENT, DIVISION, OFFICE, BUREAU OR OTHER AGENCY OF
14 STATE GOVERNMENT SHALL PROVIDE ALL INFORMATION NECESSARY FOR THE PREPA-
15 RATION OF A FISCAL NOTE, WITHIN TEN DAYS OF SUCH REQUEST.

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

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

22 2. [The] IN ADDITION TO THE PROVISIONS OF SECTION TWENTY-FIVE-A OF THE
23 GENERAL MUNICIPAL LAW, THE legislature [shall] MAY by concurrent resol-
24 ution of the senate and assembly prescribe rules requiring fiscal notes
25 to accompany, on a separate form, bills and amendments to bills, except
26 as otherwise prescribed by such rules, which would substantially affect
27 the revenues or expenses, or both, of any political subdivision.

28 3. [Fiscal] EXCEPT AS TO THE EXTENT REQUIRED IN THE PROVISIONS OF
29 SECTION TWENTY-FIVE-A OF THE GENERAL MUNICIPAL LAW, FISCAL notes shall
30 not, however, be required for bills: (a) subject to the provisions of
31 section fifty of this chapter, or (b) accompanied by special home rule
32 requests submitted by political subdivisions, or (c) which provide
33 discretionary authority to political subdivisions, or (d) submitted
34 pursuant to section twenty-four of the state finance law.

35 4. If the estimate or estimates contained in a fiscal note are inaccu-
36 rate, such inaccuracies shall not affect, impair or invalidate such
37 bill.

38 S 4. The state administrative procedure act is amended by adding a new
39 section 105 to read as follows:

40 S 105. FISCAL IMPACT NOTES ON REGULATIONS, RULES OR ORDERS AFFECTING
41 POLITICAL SUBDIVISIONS. 1. PRIOR TO THE PROMULGATION, ISSUANCE OR
42 AMENDMENT OF ANY REGULATION, RULE OR ORDER, WHICH MAY REQUIRE AN
43 INCREASE IN THE EXPENDITURES OF MONEYS BY A CITY, TOWN, VILLAGE OR COUN-
44 TY GOVERNMENT, SCHOOL DISTRICT, FIRE DISTRICT, WATER DISTRICT OR OTHER
45 SPECIAL DISTRICT, THE DEPARTMENT, DIVISION, OFFICE, BUREAU OR OTHER
46 AGENCY OF STATE GOVERNMENT, SEEKING TO PROMULGATE, ISSUE OR AMEND SUCH
47 REGULATION, RULE OR ORDER SHALL PUBLISH A FISCAL NOTE, STATING THE ESTI-
48 MATED ANNUAL COST SUCH CITY, TOWN, VILLAGE OR COUNTY GOVERNMENT, SCHOOL
49 DISTRICT, FIRE DISTRICT, WATER DISTRICT OR OTHER SPECIAL DISTRICT WILL
50 INCUR IN THE EVENT SUCH REGULATION, RULE OR ORDER IS PROMULGATED, ISSUED
51 OR AMENDED, AND THE SOURCE OF SUCH ESTIMATE. FOR THE PURPOSE OF COMPLY-
52 ING WITH THIS SECTION, THE OFFICE OF THE STATE COMPTROLLER, UPON A
53 REQUEST FROM A DEPARTMENT, DIVISION, OFFICE, BUREAU OR OTHER AGENCY OF
54 STATE GOVERNMENT FOR SUCH A FISCAL NOTE, SHALL ISSUE AND PROVIDE SUCH
55 FISCAL NOTE TO SUCH DEPARTMENT, DIVISION, OFFICE, BUREAU OR OTHER AGENCY
56 OF STATE GOVERNMENT, WITHIN FIFTEEN DAYS OF SUCH REQUEST. UPON REQUEST

1 OF THE STATE COMPTROLLER, ANY DEPARTMENT, DIVISION, OFFICE, BUREAU OR
2 ANY OTHER AGENCY OF STATE GOVERNMENT SHALL PROVIDE ALL INFORMATION
3 NECESSARY FOR THE PREPARATION OF A FISCAL NOTE, WITHIN TEN DAY OF SUCH
4 REQUEST.

5 2. IF THE ESTIMATE OR ESTIMATES CONTAINED IN A FISCAL NOTE ARE INAC-
6 CURATE, SUCH INACCURACIES SHALL NOT AFFECT, IMPAIR OR INVALIDATE SUCH
7 NEWLY PROMULGATED, ISSUED OR AMENDED REGULATION, RULE OR ORDER.

8 S 5. The state technology law is amended by adding a new section 310
9 to read as follows:

10 S 310. ELECTRONIC NOTICING. 1. NOTWITHSTANDING ANY OTHER PROVISION OF
11 THIS ARTICLE OR ANY OTHER LAW, RULE OR REGULATION TO THE CONTRARY, ANY
12 DEPARTMENT, DIVISION, OFFICE, BUREAU OR OTHER AGENCY OF STATE GOVERN-
13 MENT, AND ANY CITY, TOWN, VILLAGE OR COUNTY MAY SEND ANY NOTICE, BILL OR
14 OTHER COMMUNICATION BY ELECTRONIC MEANS IF THE PERSON TO WHOM THE
15 NOTICE, BILL OR OTHER COMMUNICATION IS TO BE SENT HAS AUTHORIZED THE
16 GOVERNMENTAL ENTITY TO SEND SUCH NOTICES, BILLS AND/OR OTHER COMMUNI-
17 CATIONS BY ELECTRONIC MEANS.

18 2. IN ANY LAW, RULE OR REGULATION THAT REQUIRES OR AUTHORIZES A
19 NOTICE, BILL OR OTHER COMMUNICATION TO BE MAILED, THE REFERENCE TO MAIL
20 SHALL BE DEEMED TO INCLUDE ELECTRONIC TRANSMITTAL OF SUCH NOTICE, BILL
21 OR OTHER COMMUNICATION TO ANY PERSON WHO HAS AUTHORIZED THE GOVERNMENTAL
22 ENTITY TO SEND NOTICES, BILLS AND/OR OTHER COMMUNICATIONS BY ELECTRONIC
23 MEANS PURSUANT TO THIS SECTION, AND ANY NOTICE, BILL OR OTHER COMMUNI-
24 CATION SENT BY ELECTRONIC MEANS TO SUCH A PERSON SHALL HAVE THE SAME
25 FORCE AND EFFECT AS ANY NOTICE, BILL OR OTHER COMMUNICATION SENT BY
26 MAIL.

27 3. IN ANY LAW, RULE OR REGULATION THAT REQUIRES OR AUTHORIZES A
28 NOTICE, BILL OR OTHER COMMUNICATION TO BE SENT, A REFERENCE TO THE LAST
29 KNOWN ADDRESS SHALL BE DEEMED TO REFER TO THE LAST KNOWN ELECTRONIC
30 MAILING ADDRESS OF ANY PERSON WHO HAS AUTHORIZED THE GOVERNMENTAL ENTITY
31 RESPONSIBLE FOR SENDING THE NOTICE, BILL OR OTHER COMMUNICATION TO SEND
32 NOTICES, BILLS AND/OR OTHER COMMUNICATIONS BY ELECTRONIC MEANS PURSUANT
33 TO THIS SECTION.

34 4. ANY LAW, RULE OR REGULATION THAT, AS OF THE EFFECTIVE DATE OF THIS
35 SECTION, AUTHORIZES A GOVERNMENTAL ENTITY TO SEND BILLS, NOTICES OR
36 OTHER COMMUNICATIONS BY ELECTRONIC MEANS SHALL NOT BE AFFECTED BY THIS
37 SECTION.

38 S 6. Subdivision 2 of section 381 of the executive law, as amended by
39 chapter 560 of the laws of 2010, is amended to read as follows:

40 2. Except as may be provided in regulations of the secretary pursuant
41 to subdivision one of this section, every local government shall admin-
42 ister and enforce the uniform fire prevention and building code and the
43 state energy conservation construction code on and after the first day
44 of January, nineteen hundred eighty-four, provided, however, that a
45 local government may enact a local law prior to the first day of July in
46 any year providing that it will not enforce such codes on and after the
47 first day of January next succeeding. In such event the county in which
48 said local government is situated shall administer and enforce such
49 codes within such local government from and after the first day of Janu-
50 ary next succeeding the effective date of such local law, in accordance
51 with the provisions of paragraph b of subdivision five of this section
52 unless the county shall have enacted a local law providing that it will
53 not enforce such codes within that county. In such event the secretary
54 in the place and stead of the local government shall, directly or by
55 contract, administer and enforce the uniform code and the state energy
56 conservation construction code. A local government or a county may

1 repeal a local law which provides that it will not enforce such codes
2 and shall thereafter administer and enforce such codes as provided
3 above. Two or more local governments may provide for joint adminis-
4 tration and enforcement of the uniform code, the state energy conserva-
5 tion construction code, or both, by agreement pursuant to article five-G
6 of the general municipal law. Any local government may enter into agree-
7 ment with the county in which such local government is situated to
8 administer and enforce the uniform code, the state energy conservation
9 construction code, or both, within such local government. Local govern-
10 ments or counties may charge fees to defray the costs of administration
11 and enforcement. THE DEPARTMENT SHALL NOT PROMULGATE OR MAINTAIN REGU-
12 LATIONS TO REQUIRE DETAILED REPORTING UNDER THIS SECTION, BUT PURSUANT
13 TO THIS SUBDIVISION (A) EVERY CITY, VILLAGE, TOWN, AND COUNTY, CHARGED
14 UNDER THIS SUBDIVISION WITH ADMINISTRATION AND ENFORCEMENT OF THE
15 UNIFORM CODE MAY ANNUALLY SUBMIT TO THE SECRETARY, ON A FORM PRESCRIBED
16 BY THE SECRETARY, A REPORT OF ITS ACTIVITIES RELATIVE TO ADMINISTRATION
17 AND ENFORCEMENT OF THE UNIFORM CODE; AND (B) EVERY MUNICIPALITY OR OTHER
18 AGENCY SUBJECT TO THIS SUBDIVISION MAY FURTHER PROVIDE FROM THE RECORDS
19 AND RELATED MATERIALS IT MAINTAINS, EXCERPTS, SUMMARIES, TABULATIONS,
20 STATISTICS AND OTHER INFORMATION AND ACCOUNTS OF ITS ACTIVITIES IN
21 CONNECTION WITH ADMINISTRATION AND ENFORCEMENT OF THE UNIFORM CODE, BUT
22 ANY FAILURE TO PRODUCE OR PROVIDE SUCH MATERIALS SHALL NOT PERMIT AN
23 INFERENCE THAT THE MINIMUM STANDARDS OF THIS SECTION, OR ANY REGULATIONS
24 PROMULGATED OR MAINTAINED THEREUNDER, HAVE NOT BEEN MET.

25 S 7. Intentionally omitted.

26 S 8. Subdivision 3 of section 103 of the general municipal law, as
27 amended by chapter 343 of the laws of 2007, is amended to read as
28 follows:

29 3. Notwithstanding the provisions of subdivision one of this section,
30 any officer, board or agency of a political subdivision or of any
31 district therein authorized to make purchases of materials, equipment or
32 supplies, or to contract for services, may make such purchases, or may
33 contract for services, [other than services subject to article eight or
34 nine of the labor law,] when available, through the county in which the
35 political subdivision or district is located or through any county with-
36 in the state subject to the rules established pursuant to subdivision
37 two of section four hundred eight-a of the county law; provided that the
38 political subdivision or district for which such officer, board or agen-
39 cy acts shall accept sole responsibility for any payment due the vendor
40 or contractor. All purchases and all contracts for such services shall
41 be subject to audit and inspection by the political subdivision or
42 district for which made. Prior to making such purchases or contracts the
43 officer, board or agency shall consider whether such contracts will
44 result in cost savings after all factors, including charges for service,
45 material, and delivery, have been considered. No officer, board or agen-
46 cy of a political subdivision or of any district therein shall make any
47 purchase or contract for any such services through the county in which
48 the political subdivision or district is located or through any county
49 within the state when bids have been received for such purchase or such
50 services by such officer, board or agency, unless such purchase may be
51 made or the contract for such services may be entered into upon the same
52 terms, conditions and specifications at a lower price through the coun-
53 ty.

54 S 9. Section 103 of the general municipal law is amended by adding two
55 new subdivisions 1-b and 14 to read as follows:

1 1-B. A POLITICAL SUBDIVISION OR ANY DISTRICT THEREIN SHALL HAVE THE
2 OPTION OF PURCHASING INFORMATION TECHNOLOGY AND TELECOMMUNICATIONS HARD-
3 WARE, SOFTWARE AND PROFESSIONAL SERVICES THROUGH COOPERATIVE PURCHASING
4 PERMISSIBLE PURSUANT TO FEDERAL GENERAL SERVICES ADMINISTRATION INFORMA-
5 TION TECHNOLOGY SCHEDULE SEVENTY OR ANY SUCCESSOR SCHEDULE. A POLITICAL
6 SUBDIVISION OR ANY DISTRICT THEREIN THAT PURCHASES THROUGH GENERAL
7 SERVICES ADMINISTRATION SCHEDULE SEVENTY, INFORMATION TECHNOLOGY AND
8 CONSOLIDATED SCHEDULE CONTRACTS SHALL COMPLY WITH FEDERAL SCHEDULE
9 ORDERING PROCEDURES AS PROVIDED IN FEDERAL ACQUISITION REGULATION
10 8.405-1 OR 8.405-2 OR SUCCESSOR REGULATIONS, WHICHEVER IS APPLICABLE.
11 ADHERENCE TO SUCH PROCEDURES SHALL CONSTITUTE COMPLIANCE WITH THE
12 COMPETITIVE BIDDING REQUIREMENTS UNDER THIS SECTION.

13 14. NOTWITHSTANDING THE PROVISIONS OF SUBDIVISION ONE OF THIS SECTION
14 AND IN ADDITION TO THE PROVISIONS OF SUBDIVISION THREE OF THIS SECTION
15 AND SECTION ONE HUNDRED FOUR OF THIS ARTICLE, ANY OFFICER, BOARD OR
16 AGENCY OF A POLITICAL SUBDIVISION OR OF ANY DISTRICT THEREIN AUTHORIZED
17 TO MAKE PURCHASES OF SERVICES, MATERIALS, EQUIPMENT AND SUPPLIES MAY
18 MAKE SUCH PURCHASES AS MAY BE REQUIRED BY SUCH POLITICAL SUBDIVISION OR
19 ANY DISTRICT THEREIN THROUGH THE USE OF A CONTRACT LET BY ANY OTHER
20 STATE OR POLITICAL SUBDIVISION IF SUCH CONTRACT WAS LET IN ACCORDANCE
21 WITH COMPETITIVE BIDDING AND WAGE REQUIREMENTS THAT ARE CONSISTENT WITH
22 THIS SECTION AND WITH THE INTENT OF EXTENDING ITS USE TO CERTAIN OTHER
23 GOVERNMENTAL ENTITIES. PRIOR TO MAKING SUCH A PURCHASE, THE GOVERNING
24 BOARD OF THE POLITICAL SUBDIVISION OR DISTRICT MAKING THE PURCHASE SHALL
25 DETERMINE, UPON REVIEW OF ANY NECESSARY DOCUMENTATION AND, AS APPROPRI-
26 ATE, UPON ADVICE OF ITS COUNSEL, THAT THE REQUIREMENTS OF THIS SUBDIVI-
27 SION HAVE BEEN MET, AND SHALL CERTIFY, BY RESOLUTION, THAT SUCH PURCHASE
28 IS PERMITTED UNDER THE PROCUREMENT POLICIES AND PROCEDURES OF THE POLI-
29 TICAL SUBDIVISION OR DISTRICT, ADOPTED PURSUANT TO SECTION ONE HUNDRED
30 FOUR-B OF THIS ARTICLE.

31 S 10. Section 104 of the general municipal law, as amended by chapter
32 137 of the laws of 2008, is amended to read as follows:

33 S 104. Purchase through office of general services; CERTAIN FEDERAL
34 CONTRACTS. 1. Notwithstanding the provisions of section one hundred
35 three of this article or of any other general, special or local law, any
36 officer, board or agency of a political subdivision, of a district ther-
37 ein, of a fire company or of a voluntary ambulance service authorized to
38 make purchases of materials, equipment, food products, or supplies, or
39 services available pursuant to sections one hundred sixty-one and one
40 hundred sixty-seven of the state finance law, may make such purchases,
41 except of printed material, through the office of general services
42 subject to such rules as may be established from time to time pursuant
43 to sections one hundred sixty-three and one hundred sixty-seven of the
44 state finance law [or through the general services administration pursu-
45 ant to section 1555 of the federal acquisition streamlining act of 1994,
46 P.L. 103-355]; provided that any such purchase shall exceed five hundred
47 dollars and that the political subdivision, district, fire company or
48 voluntary ambulance service for which such officer, board or agency acts
49 shall accept sole responsibility for any payment due the vendor. All
50 purchases shall be subject to audit and inspection by the political
51 subdivision, district, fire company or voluntary ambulance service for
52 which made. No officer, board or agency of a political subdivision, or a
53 district therein, of a fire company or of a voluntary ambulance service
54 shall make any purchase through such office when bids have been received
55 for such purchase by such officer, board or agency, unless such purchase
56 may be made upon the same terms, conditions and specifications at a

1 lower price through such office. Two or more fire companies or voluntary
2 ambulance services may join in making purchases pursuant to this
3 section, and for the purposes of this section such groups shall be
4 deemed "fire companies or voluntary ambulance services."

5 2. NOTWITHSTANDING THE PROVISIONS OF SECTION ONE HUNDRED THREE OF THIS
6 ARTICLE OR OF ANY OTHER GENERAL, SPECIAL OR LOCAL LAW, ANY OFFICER,
7 BOARD OR AGENCY OF A POLITICAL SUBDIVISION, OR OF A DISTRICT THEREIN,
8 MAY MAKE PURCHASES FROM FEDERAL GENERAL SERVICE ADMINISTRATION SUPPLY
9 SCHEDULES PURSUANT TO SECTION 211 OF THE FEDERAL E-GOVERNMENT ACT OF
10 2002, P.L. 107-347, AND PURSUANT TO SECTION 1122 OF THE NATIONAL DEFENSE
11 AUTHORIZATION ACT FOR FISCAL YEAR 1994, P.L. 103-160, OR ANY SUCCESSOR
12 SCHEDULES IN ACCORDANCE WITH PROCEDURES ESTABLISHED PURSUANT THERETO.
13 PRIOR TO MAKING SUCH PURCHASES THE OFFICER, BOARD OR AGENCY SHALL
14 CONSIDER WHETHER SUCH PURCHASES WILL RESULT IN COST SAVINGS AFTER ALL
15 FACTORS, INCLUDING CHARGES FOR SERVICE, MATERIAL, AND DELIVERY, HAVE
16 BEEN CONSIDERED.

17 S 11. Subdivision 2 of section 408-a of the county law, as amended by
18 section 2 of part X of chapter 62 of the laws of 2003, is amended to
19 read as follows:

20 2. The board of supervisors may, in the case of any purchase contract
21 or any contract for services, [other than services subject to article
22 eight or nine of the labor law,] of the county to be awarded to the
23 lowest responsible bidder after advertisement for bids, authorize the
24 inclusion of a provision whereby purchases may be made or such services
25 may be obtained under such contract by any political subdivision or fire
26 company (as both are defined in section one hundred of the general
27 municipal law) or district. In such event, the board shall adopt rules
28 prescribing the conditions under which, and the manner in which,
29 purchases may be made or services may be obtained by such political
30 subdivision, fire company or district.

31 S 12. The executive law is amended by adding a new section 204 to read
32 as follows:

33 S 204. BULK ELECTRICITY PURCHASING PROGRAM. 1. THE OFFICE OF GENERAL
34 SERVICES, ACTING IN COOPERATION WITH SUCH OTHER GOVERNMENTAL AND
35 NON-GOVERNMENTAL AGENCIES AS IT MAY DEEM NECESSARY, SHALL ESTABLISH AND
36 IMPLEMENT EITHER A SINGLE STATEWIDE BULK ELECTRICITY PURCHASING PROGRAM
37 OR, UTILIZING SUCH GOVERNMENTAL OR NON-GOVERNMENTAL AGENCIES AS MAY BE
38 NECESSARY, ONE OR MORE REGIONAL BULK FUEL PURCHASING PROGRAMS AS MAY BE
39 NEEDED. SUCH PROGRAM SHALL:

40 A. BE AVAILABLE ON A VOLUNTARY BASIS TO MUNICIPALITIES AND SCHOOL
41 DISTRICTS;

42 B. PROVIDE FOR THE PURCHASE BY MAY FIRST OF EACH YEAR, AT A BULK RATE,
43 OF SUFFICIENT QUANTITIES OF ELECTRICITY FOR THE AGENCIES AND DEPARTMENTS
44 OF THE STATE AND FOR ALL PARTICIPATING MUNICIPALITIES AND SCHOOL
45 DISTRICTS IN THE AMOUNT EXPECTED TO BE NECESSARY FOR THE COVERED PERIOD;

46 C. PROVIDE FOR MAINTENANCE RELATED SERVICE, BY THE SUPPLIER OR
47 DISTRIBUTOR OF THE ELECTRICITY;

48 D. PROVIDE THAT THE SUPPLIER OR DISTRIBUTOR OF THE ELECTRICITY SHALL
49 DELIVER SAID FUELS TO THE AGENCIES AND DEPARTMENTS OF THE STATE AND TO
50 THE PARTICIPATING MUNICIPALITIES AND SCHOOL DISTRICTS ON A REGULAR SCHE-
51 DULE AS WELL AS ON AN EMERGENCY BASIS.

52 2. THE OFFICE OF GENERAL SERVICES, IN ESTABLISHING AND IMPLEMENTING A
53 BULK ELECTRICITY PURCHASING PROGRAM, SHALL ENSURE THAT:

54 A. EACH CONTRACT WITH A SUPPLIER OR DISTRIBUTOR, CONSISTENT WITH THE
55 REQUIREMENTS OF FEDERAL AND STATE LAW, RULES AND REGULATIONS, BE ENTERED
56 INTO WITH THE LOWEST RESPONSIBLE BIDDER, PRICE AND OTHER FACTORS CONSID-

1 ERED. OTHER FACTORS SHALL INCLUDE, BUT NOT BE LIMITED TO, RELIABILITY,
2 FLEXIBILITY OF SERVICE, HISTORY OF SERVICE IN THE AREA, HISTORIC LEVELS
3 OF DEPENDENCY ON SOURCES OF SUPPLY, AND RELIABILITY AND MIX OF CURRENT
4 SOURCES OF SUPPLY;

5 B. EACH CONTRACT WITH A SUPPLIER OR DISTRIBUTOR SHALL INCLUDE, AT NO
6 ADDITIONAL COST, PROVISIONS FOR SERVICE AND MAINTENANCE;

7 C. EACH CONTRACT WITH A SUPPLIER OR DISTRIBUTOR SHALL PROVIDE FOR THE
8 BULK PURCHASE AND DELIVERY BY THE OFFICE WHICH MAY UTILIZE ITS CENTRAL-
9 IZED CONTRACTS FOR BULK ELECTRICITY IN ACCORDANCE WITH SECTION ONE
10 HUNDRED SIXTY-THREE OF THE STATE FINANCE LAW;

11 D. EACH CONTRACT WITH A SUPPLIER OR DISTRIBUTOR OF ELECTRICITY SHALL
12 PROVIDE THAT ADDITIONAL AMOUNTS OF ELECTRICITY AT THE BULK RATE SHALL BE
13 AVAILABLE TO THE STATE AND TO ALL PARTICIPATING MUNICIPALITIES AND
14 SCHOOL DISTRICTS IN SUFFICIENT QUANTITIES IN THE EVENT OF SEVERE EMER-
15 GENCIES.

16 3. THE COMMISSIONER OF GENERAL SERVICES, UPON APPLICATION BY THE
17 OFFICE OF GENERAL SERVICES, MAY GRANT, FOR A YEAR, A WAIVER OF IMPLEMEN-
18 TATION OF SUBDIVISION TWO OF THIS SECTION. SUCH APPLICATION SHALL BE
19 GRANTED UPON A SUFFICIENT DEMONSTRATION BY THE OFFICE OF GENERAL
20 SERVICES THAT, FOR A SPECIFIC GEOGRAPHIC AREA:

21 A. NO BIDS WERE RECEIVED FROM A DISTRIBUTOR OR SUPPLIER OF ELECTRIC-
22 ITY;

23 B. NO BIDS WERE RECEIVED FROM A DISTRIBUTOR OR SUPPLIER OF ELECTRICITY
24 AT A BULK RATE;

25 C. INSUFFICIENT NUMBERS OF MUNICIPALITIES AND/OR SCHOOL DISTRICTS HAD
26 AGREED TO PARTICIPATE IN A BULK PURCHASING PROGRAM, AFTER HAVING BEEN
27 PROVIDED WITH NOTICE OF POTENTIAL SAVINGS AND AN OPPORTUNITY TO PARTIC-
28 IPATE; OR

29 D. THE PROGRAM WOULD NOT RESULT IN ELECTRICITY COSTS TO THE STATE AND
30 PARTICIPATING MUNICIPALITIES AND SCHOOL DISTRICTS THAT ARE LESS EXPEN-
31 SIVE THAN ELECTRICITY COSTS OTHERWISE AVAILABLE. THE COMMISSIONER OF
32 GENERAL SERVICES, UPON GRANTING A WAIVER PURSUANT TO THIS PARAGRAPH,
33 SHALL SPECIFY, IN WRITING: (I) THE GROUND OR GROUNDS FOR THE GRANTING OF
34 THE WAIVER AND (II) THE STEPS THAT SHALL BE TAKEN BY THE OFFICE OF
35 GENERAL SERVICES TO MINIMIZE THE NECESSITY OF A FUTURE APPLICATION FOR A
36 WAIVER.

37 4. WHERE FEASIBLE AND APPROPRIATE, EACH BULK ELECTRICITY PURCHASING
38 PROGRAM SHALL:

39 A. WHERE BIDDING DEMONSTRATES ITS PRACTICABILITY, INCLUDE AT LEAST TWO
40 POTENTIAL SUPPLIERS; AND

41 B. PROVIDE FOR THE BULK PURCHASE, STORAGE AND DELIVERY OF THE ELEC-
42 TRICITY BY THE OFFICE OF GENERAL SERVICES.

43 5. THE COMMISSIONER OF GENERAL SERVICES IS HEREBY AUTHORIZED AND
44 DIRECTED TO ADOPT RULES AND REGULATIONS TO IMPLEMENT THE PROVISIONS OF
45 THIS SECTION WITHIN SIXTY DAYS OF THE EFFECTIVE DATE OF THIS SECTION.

46 S 13. Section 103 of the general municipal law is amended by adding a
47 new subdivision 16 to read as follows:

48 16. NOTWITHSTANDING THE PROVISIONS OF SUBDIVISION ONE, TWO AND THREE
49 OF THIS SECTION, AND SECTION ONE HUNDRED FOUR OF THIS ARTICLE, ANY OFFI-
50 CIER, BOARD OR AGENCY OF A COUNTY, POLITICAL SUBDIVISION OR OF ANY
51 DISTRICT THEREIN AUTHORIZED TO MAKE PURCHASES OF APPARATUS, MATERIALS,
52 EQUIPMENT OR SUPPLIES, OR TO CONTRACT FOR SERVICES, MAY MAKE SUCH
53 PURCHASES, OR MAY CONTRACT FOR SUCH SERVICES, AS MAY BE REQUIRED BY SUCH
54 COUNTY, POLITICAL SUBDIVISION OR DISTRICT THEREIN THROUGH THE USE OF A
55 CONTRACT LET BY THE STATE OR ANY OTHER COUNTY OR POLITICAL SUBDIVISION

1 IF SUCH CONTRACT WAS LET IN A MANNER THAT CONSTITUTES A FULL AND OPEN
2 COMPETITION AND MADE AVAILABLE FOR USE BY OTHER GOVERNMENTAL ENTITIES.

3 THE AUTHORITY PROVIDED TO COUNTIES, POLITICAL SUBDIVISIONS AND
4 DISTRICTS THEREIN PURSUANT TO THIS SUBDIVISION SHALL NOT RELIEVE ANY
5 OBLIGATION OF SUCH COUNTY, POLITICAL SUBDIVISION OR DISTRICT TO COMPLY
6 WITH ANY APPLICABLE MINORITY AND WOMEN-OWNED BUSINESS ENTERPRISE PROGRAM
7 MANDATES.

8 S 14. Section 2504 of the insurance law is amended to read as follows:

9 S 2504. Designation of particular insurer, agent or broker for insur-
10 ance in certain public construction contracts. (a) (1) No officer or
11 employee of this state, or of any public corporation as defined in
12 section sixty-six of the general construction law, or of any public
13 authority, and no person acting or purporting to act on behalf of such
14 officer, employee, public corporation or public authority, shall, with
15 respect to any public building or construction contract which is about
16 to be, or which has been, competitively bid, require the bidder to make
17 application to any particular insurance company, agent or broker for or
18 to obtain or procure therefrom, any surety bond or contract of insurance
19 specified in connection with such contract, or specified by any law,
20 general, special or local.

21 (2) In paragraph one hereof, "public corporation" and "public authori-
22 ty" shall not include:

23 (A) a public corporation or public authority created pursuant to
24 agreement or compact with another state, or

25 (B) the city of New York, a public corporation or public authority, in
26 connection with the construction of electrical generating and trans-
27 mission facilities or construction, extensions and additions of light
28 rail or heavy rail rapid transit and commuter railroads.

29 (b) [No] EXCEPT AS SET FORTH BELOW, NO such officer or employee, and
30 no person, firm or corporation acting or purporting to act on behalf of
31 such officer or employee, shall negotiate, make application for, obtain
32 or procure any of such surety bonds or contracts of insurance (except
33 contracts of insurance for builders risk or owners protective liability)
34 which can be obtained or procured by the bidder, contractor or subcon-
35 tractor. NOTWITHSTANDING THE ABOVE, THIS SECTION SHALL NOT PREVENT, FOR
36 ANY CONTRACT THAT IS SUBJECT TO A PROJECT LABOR AGREEMENT PURSUANT TO
37 SECTION TWO HUNDRED TWENTY-TWO OF THE LABOR LAW, ANY CITY WITH A POPU-
38 LATION OF ONE MILLION OR MORE, OR ANY PERSON, FIRM OR CORPORATION ACTING
39 OR PURPORTING TO ACT ON ITS BEHALF, FROM PROVIDING SURETY BONDS OR
40 INSURANCE POLICIES REQUIRED BY ANY PUBLIC BUILDING OR CONSTRUCTION
41 CONTRACT WITHOUT REIMBURSEMENT FROM THE CONTRACTOR OR SUBCONTRACTOR, OR
42 FROM REQUIRING THAT A CONTRACTOR OR SUBCONTRACTOR ACCOUNT FOR, OR OTHER-
43 WISE PROVIDE A CREDIT IN HIS OR HER BID WHICH REFLECTS, THE AMOUNT THE
44 BIDDING CONTRACTOR OR SUBCONTRACTOR WOULD OTHERWISE ADD IF HE OR SHE
45 PROVIDED HIS OR HER OWN INSURANCE AS REQUIRED IN THE BID SPECIFICATIONS.

46 (c) This section shall not, however, prevent the exercise by such
47 officer or employee on behalf of the state or such public corporation or
48 public authority of its right to approve the form, sufficiency, or
49 manner of execution, of surety bonds or contracts of insurance furnished
50 by the insurance company selected by the bidder to underwrite such bonds
51 or contracts.

52 (D) Any provisions in any invitation for bids, or in any of the
53 contract documents, in conflict herewith are contrary to the public
54 policy of this state.

55 S 15. The education law is amended by adding a new section 1527-a to
56 read as follows:

1 S 1527-A. FUNDING OF MANDATES IMPOSED ON SCHOOL DISTRICTS. 1. DEFI-
2 NITIONS. AS USED IN THIS SECTION, THE FOLLOWING TERMS SHALL HAVE THE
3 FOLLOWING MEANINGS UNLESS THE CONTEXT SHALL OTHERWISE REQUIRE:

4 (A) "MANDATE" MEANS ANY STATE LAW, RULE, REGULATION OR ORDER WHICH
5 CREATES A NEW PROGRAM OR REQUIRES A HIGHER LEVEL OF SERVICE FOR AN
6 EXISTING PROGRAM WHICH A SCHOOL DISTRICT ORGANIZED EITHER BY SPECIAL
7 LAWS OR PURSUANT TO THE PROVISIONS OF A GENERAL LAW, IS REQUIRED TO
8 PROVIDE.

9 (B) "UNFUNDED MANDATE" SHALL MEAN:

10 (I) ANY STATE LAW, RULE, REGULATION OR ORDER WHICH CREATES A NEW
11 PROGRAM OR REQUIRES A HIGHER LEVEL OF SERVICE FOR AN EXISTING PROGRAM
12 WHICH ANY SUCH SCHOOL DISTRICT IS REQUIRED TO PROVIDE AND WHICH RESULTS
13 IN A NET ADDITIONAL COST TO SUCH SCHOOL DISTRICT; OR

14 (II) ANY ALTERATION IN FUNDING PROVIDED TO ANY SUCH SCHOOL DISTRICT
15 FOR THE PURPOSE OF DEFRAYING THE COSTS OF A PROGRAM WHICH IT IS REQUIRED
16 TO PROVIDE, THEREBY RESULTING IN A NET ADDITIONAL COST TO SUCH SCHOOL
17 DISTRICT.

18 (C) "NET ADDITIONAL COST" MEANS THE COST OR COSTS INCURRED OR ANTIC-
19 IPATED TO BE INCURRED WITHIN A ONE YEAR PERIOD BY A SCHOOL DISTRICT IN
20 PERFORMING OR ADMINISTERING A MANDATE AFTER SUBTRACTING THEREFROM ANY
21 REVENUES RECEIVED OR RECEIVABLE BY THE SCHOOL DISTRICT ON ACCOUNT OF THE
22 MANDATED PROGRAM OR SERVICE, INCLUDING BUT NOT LIMITED TO:

23 (I) FEES CHARGED TO THE RECIPIENTS OF THE MANDATED PROGRAM OR SERVICE;

24 (II) STATE OR FEDERAL AID PAID SPECIFICALLY OR CATEGORICALLY IN
25 CONNECTION WITH THE PROGRAM OR SERVICE; AND

26 (III) AN OFFSETTING SAVINGS RESULTING FROM THE DIMINUTION OR ELIMI-
27 NATION OF ANY OTHER PROGRAM OR SERVICE DIRECTLY ATTRIBUTABLE TO THE
28 PERFORMANCE OR ADMINISTRATION OF THE MANDATED PROGRAM.

29 2. FUNDING OF SCHOOL DISTRICT MANDATES. NOTWITHSTANDING ANY OTHER
30 PROVISION OF LAW, NO UNFUNDED MANDATE SHALL BE ENACTED WHICH CREATES AN
31 ANNUAL NET ADDITIONAL COST TO ANY SCHOOL DISTRICT.

32 3. EXEMPTIONS TO THE FUNDING OF SCHOOL DISTRICT MANDATES REQUIREMENT.

33 (A) THE STATE SHALL NOT BE REQUIRED TO FUND ANY NEW OR EXPANDED PROGRAMS
34 FOR SCHOOL DISTRICTS IF:

35 (I) THE MANDATE IS REQUIRED BY A COURT ORDER OR JUDGMENT;

36 (II) THE MANDATE IS PROVIDED AT THE OPTION OF THE SCHOOL DISTRICT
37 UNDER A LAW, REGULATION, RULE, OR ORDER THAT IS PERMISSIVE RATHER THAN
38 MANDATORY;

39 (III) THE MANDATE RESULTS FROM THE PASSAGE OF A HOME RULE MESSAGE
40 WHEREBY A SCHOOL DISTRICT REQUESTS AUTHORITY TO IMPLEMENT THE PROGRAM OR
41 SERVICE SPECIFIED IN THE STATUTE, AND THE STATUTE IMPOSES COSTS ONLY
42 UPON THAT SCHOOL DISTRICT WHICH REQUESTS THE AUTHORITY TO IMPOSE THE
43 PROGRAM OR SERVICE;

44 (IV) THE MANDATE IS REQUIRED BY, OR ARISES FROM, AN EXECUTIVE ORDER OF
45 THE GOVERNOR EXERCISING HIS OR HER EMERGENCY POWERS; OR

46 (V) THE MANDATE IS REQUIRED BY STATUTE OR EXECUTIVE ORDER THAT IMPLE-
47 MENTS A FEDERAL LAW OR REGULATION AND RESULTS FROM COSTS MANDATED BY THE
48 FEDERAL GOVERNMENT TO BE BORNE AT THE LOCAL LEVEL, UNLESS THE STATUTE OR
49 EXECUTIVE ORDER RESULTS IN COSTS WHICH EXCEED THE COSTS MANDATED BY THE
50 FEDERAL GOVERNMENT.

51 (B) EACH ACT ESTABLISHING A MANDATE SHALL PROVIDE THAT THE EFFECTIVE
52 DATE OF ANY SUCH MANDATE IMPOSED ON SCHOOL DISTRICTS SHALL BE CONSISTENT
53 WITH THE NEEDS OF THE STATE AND SCHOOL DISTRICTS TO PLAN IMPLEMENTATION
54 THEREOF, AND ALSO CONSISTENT WITH THE AVAILABILITY OF REQUIRED FUNDS.

55 S 16. Section 3004 of the education law is amended by adding a new
56 subdivision 7 to read as follows:

1 7. PROFESSIONAL DEVELOPMENT PLANS REQUIRED TO BE ADOPTED BY SCHOOL
2 DISTRICTS AND BOARDS OF COOPERATIVE EDUCATIONAL SERVICES, AND IN THE
3 CITY OF NEW YORK EACH COMMUNITY SCHOOL DISTRICT, HIGH SCHOOL DIVISION,
4 SPECIAL EDUCATION DIVISION AND THE CHANCELLOR'S DISTRICT, SHALL BE
5 ADOPTED EVERY THREE YEARS AND SHALL BE REVIEWED ANNUALLY AND AMENDED AS
6 NEEDED. THE COMMISSIONER SHALL REQUIRE CERTIFICATION, EVERY THREE YEARS,
7 IN A FORM AS PRESCRIBED BY THE COMMISSIONER, THAT:

8 A. A PROFESSIONAL DEVELOPMENT PLAN IS IN PLACE FOR THE SUCCEEDING
9 SCHOOL YEAR; AND

10 B. THE REQUIREMENTS OF THE PROFESSIONAL DEVELOPMENT PLAN APPLICABLE TO
11 THE CURRENT SCHOOL YEAR HAVE BEEN COMPLIED WITH.

12 S 17. The education law is amended by adding a new section 1527-c to
13 read as follows:

14 S 1527-C. SHARED SUPERINTENDENT PROGRAM. NOTWITHSTANDING ANY OTHER
15 PROVISION OF LAW, RULE OR REGULATION TO THE CONTRARY, THE GOVERNING
16 BOARD OF A SCHOOL DISTRICT WITH AN ENROLLMENT OF LESS THAN ONE THOUSAND
17 STUDENTS IN THE PREVIOUS YEAR SHALL BE AUTHORIZED TO ENTER INTO A SCHOOL
18 SUPERINTENDENT SHARING CONTRACT WITH NO MORE THAN TWO ADDITIONAL SCHOOL
19 DISTRICTS EACH OF WHICH HAVE FEWER THAN ONE THOUSAND IN ENROLLED PUPILS
20 IN THE PREVIOUS YEAR. EACH SHARED SUPERINTENDENT ARRANGEMENT SHALL BE
21 GOVERNED BY THE BOARDS OF EDUCATION OF THE SCHOOL DISTRICTS PARTICIPAT-
22 ING IN THE SHARED CONTRACT. PROVIDED HOWEVER, THAT THIS SECTION SHALL
23 NOT BE CONSTRUED TO ALTER, AFFECT OR IMPAIR ANY EMPLOYMENT CONTRACT
24 WHICH IS IN EFFECT ON OR BEFORE JULY FIRST, TWO THOUSAND THIRTEEN. ANY
25 SCHOOL DISTRICT WHICH HAS ENTERED INTO A SCHOOL SUPERINTENDENT SHARING
26 PROGRAM WILL CONTINUE TO BE ELIGIBLE TO COMPLETE SUCH CONTRACT NOTWITH-
27 STANDING THAT THE ENROLLMENT OF THE SCHOOL DISTRICT EXCEEDED ONE THOU-
28 SAND STUDENTS AFTER ENTERING INTO A SHARED SUPERINTENDENT CONTRACT.

29 S 18. Subdivision 6 of section 2554 of the education law, as amended
30 by chapter 170 of the laws of 1994, is amended to read as follows:

31 6. To lease property required for the purpose of furnishing school
32 accommodations for schools administered by the board of education and to
33 prepare and execute leases therefor. To be eligible for aid pursuant to
34 subdivision six of section thirty-six hundred two of this chapter, any
35 such lease shall be approved by the commissioner prior to execution,
36 PROVIDED THAT THE COMMISSIONER MAY APPROVE A LEASE SUBMITTED FOR
37 APPROVAL AFTER EXECUTION UPON A SHOWING OF GOOD CAUSE FOR THE DELAY; the
38 leased space shall meet requirements for access by individuals with
39 disabilities to both facilities and programs, as defined in regulations
40 of the commissioner; the requirements set forth in paragraphs a, b, c, d
41 and f of subdivision one of section four hundred three-b of this chapter
42 shall be met, except for the requirement of voter approval; and the
43 leased space shall be used to house programs for pupils in grades prek-
44 indergarten through twelve, other than programs funded pursuant to
45 section forty-four hundred ten of this chapter, with minimal associated
46 administrative and support services space as approved by the commission-
47 er.

48 S 19. Paragraph (b) of subdivision 1 of section 209-q of the general
49 municipal law, as amended by chapter 551 of the laws of 2001, is amended
50 to read as follows:

51 (b) A certificate attesting to satisfactory completion of an approved
52 municipal police basic training program awarded by the executive direc-
53 tor of the municipal police training council pursuant to this subdivi-
54 sion shall remain valid:

55 (i) during the holder's continuous service as a police officer or
56 peace officer who has an equivalency certificate for police officer

1 training or an approved course for state university of New York public
2 safety officers issued in accordance with subdivision three of section
3 eight hundred forty-one of the executive law; and

4 (ii) for [two] TWELVE years after the date of the commencement of an
5 interruption in such service where the holder had, immediately prior to
6 such interruption, served as a police officer or peace officer who has
7 an equivalency certificate for police officer training or an approved
8 course for state university of New York public safety officers issued in
9 accordance with subdivision three of section eight hundred forty-one of
10 the executive law, for less than two consecutive years; or

11 (iii) for [four] TWELVE years after the date of the commencement of an
12 interruption in such service where the holder had, immediately prior to
13 such interruption, served as a police officer or peace officer who has
14 an equivalency certificate for police officer training or an approved
15 course for state university of New York public safety officers issued in
16 accordance with subdivision three of section eight hundred forty-one of
17 the executive law, for two consecutive years or longer; or

18 (iv) where the holder, whose interruption in continuous service as a
19 police officer does not exceed [ten] FIFTEEN years, has satisfactorily
20 completed an approved police officer refresher course or where a peace
21 officer, who seeks an equivalency certificate for police officer train-
22 ing or an approved course for state university of New York public safety
23 officers issued in accordance with subdivision three of section eight
24 hundred forty-one of the executive law, has satisfactorily completed
25 relevant police officer training courses, as prescribed by the municipal
26 police training council.

27 S 20. Section 60.27 of the penal law is amended by adding a new subdi-
28 vision 15 to read as follows:

29 15. IF THE OFFENSE OF WHICH A PERSON IS CONVICTED IS DEFINED IN
30 SECTION 165.71, 165.72, 165.73 OR ARTICLE TWO HUNDRED SEVENTY-FIVE OF
31 THIS CHAPTER, AND A LAW ENFORCEMENT AGENCY OR OTHER PUBLIC ENTITY HAS
32 EXPENDED FUNDS FOR THE PURPOSE OF STORING AND/OR DESTROYING GOODS OR
33 ARTICLES SEIZED IN CONNECTION WITH SUCH OFFENSE, THEN NOTWITHSTANDING
34 THE PROVISIONS OF PARAGRAPH (A) OF SUBDIVISION FIVE OF THIS SECTION,
35 SAID AGENCY OR OTHER PUBLIC ENTITY SHALL BE ENTITLED TO RESTITUTION OF
36 THE REASONABLE COST OF SUCH STORAGE AND/OR DESTRUCTION, LESS THE AMOUNT
37 OF ANY FUNDS WHICH HAVE BEEN OR ARE ANTICIPATED TO BE RECOVERED FROM ANY
38 OTHER SOURCE. ANY LAW ENFORCEMENT AGENCY OR OTHER PUBLIC ENTITY SEEKING
39 RESTITUTION PURSUANT TO THIS SUBDIVISION SHALL FILE WITH THE COURT,
40 DISTRICT ATTORNEY AND DEFENSE COUNSEL AN AFFIDAVIT STATING THAT THE
41 COSTS FOR WHICH RESTITUTION IS BEING SOUGHT HAVE NOT BEEN AND ARE NOT
42 ANTICIPATED TO BE RECOVERED FROM ANY OTHER SOURCE OR IN ANY OTHER CIVIL
43 OR CRIMINAL PROCEEDING.

44 S 21. Section 165.70 of the penal law is amended by adding a new
45 subdivision 5 to read as follows:

46 5. THE TERM "REPRESENTATIVE SAMPLE" MEANS A MINIMUM OF ONE HUNDRED
47 TWENTY-FIVE PERCENT OF THE AMOUNT OF GOODS THAT IS REQUIRED TO SUBSTAN-
48 TIATE THE HIGHEST DEGREE OF THE OFFENSE THAT MAY BE CHARGED IN THE ACCU-
49 SATORY INSTRUMENT, AS DETERMINED BY THE AGENCY HAVING CUSTODY OF SUCH
50 GOODS.

51 S 22. Section 165.74 of the penal law is REPEALED and a new section
52 165.74 is added to read as follows:

53 S 165.74 SEIZURE AND DESTRUCTION OF GOODS BEARING COUNTERFEIT TRADE-
54 MARKS.

1 1. ANY GOODS MANUFACTURED, SOLD, OFFERED FOR SALE, DISTRIBUTED OR
2 PRODUCED IN VIOLATION OF THIS ARTICLE MAY BE SEIZED BY ANY POLICE OFFI-
3 CER, OR BY ANY PEACE OFFICER ACTING WITHIN HIS OR HER LAWFUL AUTHORITY.

4 2. IF THE DEFENDANT REQUESTS A HEARING AT ARRAIGNMENT PURSUANT TO
5 SUBDIVISION TEN OF SECTION 170.10, SUBDIVISION SEVEN OF SECTION 180.10
6 OR SUBDIVISION FOUR OF SECTION 210.15 OF THE CRIMINAL PROCEDURE LAW, OR
7 IF ANY OTHER PERSON TIMELY REQUESTS SUCH A HEARING PURSUANT TO SUBDIVI-
8 SION FIVE OF THIS SECTION, THE COURT MUST, WITHIN FORTY-EIGHT HOURS
9 AFTER ARRAIGNMENT OF THE DEFENDANT OR WITHIN FORTY-EIGHT HOURS OF A
10 REQUEST FOR A HEARING PURSUANT TO PARAGRAPH (A) OF SUBDIVISION FIVE OF
11 THIS SECTION, WHICHEVER IS LATER, HOLD A HEARING AND DETERMINE WHETHER
12 PROBABLE CAUSE EXISTS TO BELIEVE THAT GOODS SEIZED PURSUANT TO SUBDIVI-
13 SION ONE OF THIS SECTION WERE MANUFACTURED, SOLD, OFFERED FOR SALE,
14 DISTRIBUTED OR PRODUCED IN VIOLATION OF THIS ARTICLE. THE HEARING TO
15 MAKE SUCH DETERMINATION SHALL BE CONCLUDED AND SUCH DETERMINATION SHALL
16 BE MADE WITHIN FORTY-EIGHT HOURS AFTER THE COMMENCEMENT OF THE HEARING,
17 PROVIDED THAT FOR GOOD CAUSE THE COURT MAY EXTEND THE TIME WITHIN WHICH
18 TO HOLD OR CONCLUDE SUCH HEARING.

19 3. (A) IF A HEARING IS REQUIRED PURSUANT TO SUBDIVISION TWO OF THIS
20 SECTION, AND THE COURT, AFTER SUCH HEARING, FINDS THAT NOTICE PURSUANT
21 TO PARAGRAPH (B) OF SUBDIVISION FIVE OF THIS SECTION, IF REQUIRED, HAS
22 BEEN PROVIDED AND THAT PROBABLE CAUSE EXISTS TO BELIEVE THAT SUCH GOODS
23 WERE MANUFACTURED, SOLD, OFFERED FOR SALE, DISTRIBUTED OR PRODUCED IN
24 VIOLATION OF THIS ARTICLE, THE COURT SHALL AUTHORIZE THAT ALL BUT A
25 REPRESENTATIVE SAMPLE OF SUCH GOODS MAY BE DESTROYED BY THE AGENCY
26 HAVING CUSTODY OF THE SEIZED GOODS. NOTWITHSTANDING THE FOREGOING, IF
27 THE COURT FURTHER FINDS THAT A SUBSTANTIAL ISSUE OF FACT HAS BEEN RAISED
28 WHETHER SUCH GOODS WERE MANUFACTURED, SOLD, OFFERED FOR SALE, DISTRIB-
29 UTED, OR PRODUCED IN VIOLATION OF THIS ARTICLE, THE COURT SHALL REQUIRE
30 THAT SUCH GOODS BE RETAINED AS EVIDENCE PENDING THE TRIAL OF THE DEFEND-
31 ANT OR OTHER DISPOSITION OF THE CRIMINAL PROCEEDINGS INVOLVING THE
32 DEFENDANT.

33 (B) IF A HEARING IS NOT REQUIRED PURSUANT TO SUBDIVISION TWO OF THIS
34 SECTION, THE AGENCY HAVING CUSTODY OF SEIZED GOODS MAY DESTROY ALL BUT A
35 REPRESENTATIVE SAMPLE OF SUCH GOODS IN ACCORDANCE WITH THIS SECTION,
36 PROVIDED THAT NOTICE PURSUANT TO PARAGRAPH (B) OF SUBDIVISION FIVE OF
37 THIS SECTION, IF REQUIRED, HAS BEEN PROVIDED AND ANY TIME FOR REQUESTING
38 SUCH HEARING HAS EXPIRED.

39 4. PRIOR TO THE DESTRUCTION OF GOODS IN EXCESS OF A REPRESENTATIVE
40 SAMPLE PURSUANT TO SUBDIVISION THREE OF THIS SECTION, THE AGENCY HAVING
41 CUSTODY OF SEIZED GOODS SHALL PHOTOGRAPH, VIDEOTAPE OR OTHERWISE RECORD
42 SUCH GOODS IN A MANNER THAT REASONABLY PORTRAYS THEIR QUANTITY AND CHAR-
43 ACTER AND IDENTIFIES THE CASE OR ARREST TO WHICH SUCH GOODS RELATE.
44 WHERE THE GOODS SEIZED CONSIST OF ITEMS OF APPAREL OR FOOTWEAR BEARING A
45 COUNTERFEIT TRADEMARK, WITH THE CONSENT OF THE HOLDER OF THE TRADEMARK
46 THE GOODS MAY BE RELEASED BY SUCH AGENCY HAVING CUSTODY OF SEIZED GOODS
47 TO THE HOLDER OF THE TRADEMARK OR A CHARITABLE ORGANIZATION AUTHORIZED
48 TO RECEIVE SUCH GOODS BY THE HOLDER OF THE TRADEMARK RATHER THAN BEING
49 DESTROYED PURSUANT TO THIS SECTION. SUCH AGENCY SHALL NOT BE REQUIRED TO
50 REMOVE THE COUNTERFEIT TRADEMARK OR OTHERWISE ALTER THE GOODS BEFORE
51 RELEASE PURSUANT TO THIS SUBDIVISION. EXCEPT AS PROVIDED IN THIS SUBDI-
52 VISION, DESTRUCTION SHALL NOT INCLUDE AUCTION, SALE OR DISTRIBUTION OF
53 THE GOODS IN THEIR ORIGINAL FORM.

54 5. (A) A PERSON OTHER THAN THE DEFENDANT MAY REQUEST A HEARING IN THE
55 COURT HAVING JURISDICTION OVER A CRIMINAL PROCEEDING RELATING TO THE
56 DEFENDANT TO DETERMINE WHETHER PROBABLE CAUSE EXISTS TO BELIEVE THAT

1 GOODS SEIZED PURSUANT TO SUBDIVISION ONE OF THIS SECTION WERE MANUFAC-
2 TURED, SOLD, OFFERED FOR SALE, DISTRIBUTED, OR PRODUCED IN VIOLATION OF
3 THIS ARTICLE BY (I) CALLING THE TELEPHONE NUMBER, AS PROVIDED IN THE
4 NOTICE REQUIRED BY PARAGRAPH (B) OF THIS SUBDIVISION, DURING REGULAR
5 BUSINESS HOURS WITHIN TWO BUSINESS DAYS OF THE DATE OF SUCH NOTICE OR
6 FIVE CALENDAR DAYS OF THE DATE OF THE NOTICE WHERE NOTICE HAS BEEN
7 PROVIDED BY FIRST CLASS MAIL OR HAS BEEN PROVIDED PURSUANT TO CLAUSE
8 (III) OF SUBPARAGRAPH TWO OF PARAGRAPH (B) OF THIS SUBDIVISION, OR (II)
9 CONTACTING THE DESIGNATED PERSON OR UNIT WITHIN THE OFFICE OF THE
10 DISTRICT ATTORNEY IN THE COUNTY WHERE THE GOODS WERE SEIZED DURING REGU-
11 LAR BUSINESS HOURS WITHIN TWO BUSINESS DAYS OF THE DATE OF THE SEIZURE,
12 OR FIVE CALENDAR DAYS OF SUCH DATE WHERE NOTICE HAS BEEN PROVIDED BY
13 FIRST CLASS MAIL OR PURSUANT TO CLAUSE (III) OF SUCH SUBPARAGRAPH. SUCH
14 PERSON REQUESTING A HEARING SHALL PROVIDE A SWORN STATEMENT AT OR BEFORE
15 THE HEARING DECLARING THAT HE OR SHE HAS A FINANCIAL OR OWNERSHIP INTER-
16 EST IN GOODS THAT ARE THE SUBJECT OF SUCH HEARING.

17 (B) (1) NOTICE REQUIRED PURSUANT TO THIS PARAGRAPH AT A MINIMUM SHALL
18 INDICATE THE FOLLOWING: (I) THAT THE SEIZED GOODS ARE SUBJECT TO
19 DESTRUCTION PURSUANT TO THIS SECTION; (II) THAT ANY PERSON MAY REQUEST A
20 HEARING, AS PROVIDED IN PARAGRAPH (A) OF THIS SUBDIVISION, TO DETERMINE
21 WHETHER PROBABLE CAUSE EXISTS TO BELIEVE THAT THE SEIZED GOODS WERE
22 MANUFACTURED, SOLD, OFFERED FOR SALE, DISTRIBUTED OR PRODUCED IN
23 VIOLATION OF THIS ARTICLE; (III) THAT SUCH PERSON MUST PROVIDE A SWORN
24 STATEMENT AT OR BEFORE THE HEARING DECLARING THAT HE OR SHE HAS A FINAN-
25 CIAL OR OWNERSHIP INTEREST IN THE SEIZED GOODS; AND (IV) THAT FAILURE TO
26 TIMELY REQUEST SUCH HEARING OR PROVIDE SUCH SWORN STATEMENT SHALL BE
27 DEEMED A WAIVER OF THE RIGHT TO CHALLENGE THE DESTRUCTION OF SEIZED
28 GOODS IN ANY CRIMINAL OR CIVIL ACTION OR PROCEEDING. SUCH NOTICE SHALL
29 PROVIDE A TELEPHONE NUMBER THAT A PERSON MAY CALL DURING REGULAR BUSI-
30 NESS HOURS TO REQUEST A HEARING.

31 (2) NOTICE REQUIRED PURSUANT TO THIS PARAGRAPH SHALL BE PROVIDED AS
32 FOLLOWS: (I) IF ANY OF THE GOODS TO BE DESTROYED PURSUANT TO SUBDIVISION
33 THREE OF THIS SECTION WERE SEIZED FROM A PREMISES, NOTICE SHALL BE
34 CONSPICUOUSLY AFFIXED TO A DOOR OR OTHER LOCATION REASONABLY CALCULATED
35 TO BE VISIBLE TO A PERSON ENTERING THE AREA FROM WHICH THE GOODS WERE
36 SEIZED; (II) IF ANY SUCH GOODS WERE SEIZED FROM A VEHICLE, NOTICE SHALL
37 BE CONSPICUOUSLY AFFIXED TO THE VEHICLE OR LEFT INSIDE SUCH VEHICLE AND
38 MAILED BY FIRST CLASS MAIL TO THE VEHICLE'S REGISTERED OWNER; AND (III)
39 IF ANY PERSON IS KNOWN TO HAVE A FINANCIAL OR OWNERSHIP INTEREST IN THE
40 SEIZED GOODS, NOTICE SHALL BE PROVIDED BY A MEANS REASONABLY CALCULATED
41 TO CONVEY THE INFORMATION SET FORTH IN SUBPARAGRAPH ONE OF THIS PARA-
42 GRAPH.

43 6. FAILURE OF ANY PERSON TO TIMELY REQUEST A HEARING PURSUANT TO THIS
44 SECTION OR PROVIDE A SWORN STATEMENT AS REQUIRED BY PARAGRAPH (A) OF
45 SUBDIVISION FIVE OF THIS SECTION SHALL BE DEEMED A WAIVER OF SUCH
46 PERSON'S RIGHT TO CHALLENGE THE DESTRUCTION OF ANY SEIZED GOODS IN ANY
47 CRIMINAL OR CIVIL ACTION OR PROCEEDING.

48 7. UPON FINAL DETERMINATION OF THE CHARGES, THE COURT SHALL, UPON
49 PROPER NOTICE BY THE DISTRICT ATTORNEY OR REPRESENTATIVE OF THE CRIME
50 VICTIM OR VICTIMS, AFTER PRIOR NOTICE TO THE DISTRICT ATTORNEY AND
51 CUSTODIAN OF THE SEIZED PROPERTY, ENTER AN ORDER PRESERVING ANY OF THE
52 GOODS MANUFACTURED, SOLD, OFFERED FOR SALE, DISTRIBUTED OR PRODUCED IN
53 VIOLATION OF THIS ARTICLE, NOT OTHERWISE DESTROYED OR PERMITTED TO BE
54 DESTROYED PURSUANT TO SUBDIVISION THREE OF THIS SECTION, AS EVIDENCE FOR
55 USE IN OTHER CASES, INCLUDING A CIVIL ACTION. THIS NOTICE MUST BE
56 RECEIVED WITHIN THIRTY DAYS OF FINAL DETERMINATION OF THE CHARGES. THE

1 COST OF STORAGE, SECURITY AND DESTRUCTION OF GOODS SO ORDERED FOR PRES-
2 ERVATION, OTHER THAN FOR A CIVIL ACTION UNDER ARTICLE THIRTEEN-A OF THE
3 CIVIL PRACTICE LAW AND RULES INITIATED BY THE DISTRICT ATTORNEY, SHALL
4 BE PAID BY THE PARTY SEEKING SUCH PRESERVATION. IF NO SUCH ORDER IS
5 ENTERED WITHIN THE THIRTY DAY PERIOD, SUCH GOODS MAY BE DESTROYED BY THE
6 AGENCY HAVING CUSTODY OF SUCH GOODS. WHERE SUCH GOODS CONSIST OF ITEMS
7 OF APPAREL OR FOOTWEAR BEARING A COUNTERFEIT TRADEMARK, WITH THE CONSENT
8 OF THE HOLDER OF THE TRADEMARK THE GOODS MAY BE RELEASED BY SUCH AGENCY
9 HAVING CUSTODY OF SEIZED GOODS TO THE HOLDER OF THE TRADEMARK OR A CHAR-
10 ITABLE ORGANIZATION AUTHORIZED TO RECEIVE SUCH GOODS BY THE HOLDER OF
11 THE TRADEMARK RATHER THAN BEING DESTROYED PURSUANT TO THIS SECTION. SUCH
12 AGENCY SHALL NOT BE REQUIRED TO REMOVE THE COUNTERFEIT TRADEMARK OR
13 OTHERWISE ALTER THE GOODS BEFORE RELEASE PURSUANT TO THIS SUBDIVISION.
14 EXCEPT AS PROVIDED IN THIS SUBDIVISION, DESTRUCTION SHALL NOT INCLUDE
15 AUCTION, SALE OR DISTRIBUTION OF THE GOODS IN THEIR ORIGINAL FORM.

16 8. EXCEPT AS PROVIDED IN SUBDIVISION SEVEN OF THIS SECTION, NOTHING IN
17 THIS SECTION SHALL PROHIBIT THE DESTRUCTION OR OTHER DISPOSITION, PURSU-
18 ANT TO ANY OTHER APPLICABLE PROVISION OF STATE OR LOCAL LAW, OF GOODS
19 SEIZED PURSUANT TO SUBDIVISION ONE OF THIS SECTION WHERE THERE IS NO
20 ONGOING CRIMINAL PROCEEDING THAT HAS BEEN COMMENCED IN RELATION TO SUCH
21 GOODS.

22 S 23. Section 420.00 of the penal law is REPEALED and a new section
23 420.00 is added to read as follows:

24 S 420.00 SEIZURE AND DESTRUCTION OF UNAUTHORIZED RECORDINGS.

25 1. ANY ARTICLE MANUFACTURED, SOLD, OFFERED FOR SALE, DISTRIBUTED OR
26 PRODUCED IN VIOLATION OF ARTICLE TWO HUNDRED SEVENTY-FIVE OF THIS CHAP-
27 TER MAY BE SEIZED BY ANY POLICE OFFICER, OR BY ANY PEACE OFFICER ACTING
28 WITHIN HIS OR HER LAWFUL AUTHORITY.

29 2. IF THE DEFENDANT REQUESTS A HEARING AT ARRAIGNMENT PURSUANT TO
30 SUBDIVISION TEN OF SECTION 170.10, SUBDIVISION SEVEN OF SECTION 180.10
31 OR SUBDIVISION FOUR OF SECTION 210.15 OF THE CRIMINAL PROCEDURE LAW, OR
32 IF ANY OTHER PERSON TIMELY REQUESTS SUCH A HEARING PURSUANT TO SUBDIVI-
33 SION FIVE OF THIS SECTION, THE COURT MUST, WITHIN FORTY-EIGHT HOURS
34 AFTER ARRAIGNMENT OF THE DEFENDANT OR WITHIN FORTY-EIGHT HOURS OF A
35 REQUEST FOR A HEARING PURSUANT TO PARAGRAPH (A) OF SUBDIVISION FIVE OF
36 THIS SECTION, WHICHEVER IS LATER, HOLD A HEARING AND DETERMINE WHETHER
37 PROBABLE CAUSE EXISTS TO BELIEVE THAT THE ARTICLES SEIZED PURSUANT TO
38 SUBDIVISION ONE OF THIS SECTION WERE MANUFACTURED, SOLD, OFFERED FOR
39 SALE, DISTRIBUTED OR PRODUCED IN VIOLATION OF ARTICLE TWO HUNDRED SEVEN-
40 TY-FIVE OF THIS CHAPTER. THE HEARING TO MAKE SUCH DETERMINATION SHALL BE
41 CONCLUDED AND SUCH DETERMINATION SHALL BE MADE WITHIN FORTY-EIGHT HOURS
42 AFTER THE COMMENCEMENT OF THE HEARING, PROVIDED THAT FOR GOOD CAUSE THE
43 COURT MAY EXTEND THE TIME WITHIN WHICH TO HOLD OR CONCLUDE SUCH HEARING
44 OR MAKE SUCH DETERMINATION.

45 3. (A) IF A HEARING IS REQUIRED PURSUANT TO SUBDIVISION TWO OF THIS
46 SECTION, AND THE COURT, AFTER SUCH HEARING, FINDS THAT NOTICE PURSUANT
47 TO PARAGRAPH (B) OF SUBDIVISION FIVE OF THIS SECTION, IF REQUIRED, HAS
48 BEEN PROVIDED AND THAT PROBABLE CAUSE EXISTS TO BELIEVE THAT SUCH ARTI-
49 CLES WERE MANUFACTURED, SOLD, OFFERED FOR SALE, DISTRIBUTED OR PRODUCED
50 IN VIOLATION OF ARTICLE TWO HUNDRED SEVENTY-FIVE OF THIS CHAPTER, THE
51 COURT SHALL AUTHORIZE THAT ALL BUT A REPRESENTATIVE SAMPLE OF SUCH ARTI-
52 CLES MAY BE DESTROYED BY THE AGENCY HAVING CUSTODY OF THE SEIZED ARTI-
53 CLES. NOTWITHSTANDING THE FOREGOING, IF THE COURT FURTHER FINDS THAT A
54 SUBSTANTIAL ISSUE OF FACT HAS BEEN RAISED WHETHER SUCH ARTICLES WERE
55 MANUFACTURED, SOLD, OFFERED FOR SALE, DISTRIBUTED, OR PRODUCED IN
56 VIOLATION OF ARTICLE TWO HUNDRED SEVENTY-FIVE OF THIS CHAPTER, THE COURT

1 SHALL REQUIRE THAT SUCH ARTICLES BE RETAINED AS EVIDENCE PENDING THE
2 TRIAL OF THE DEFENDANT OR OTHER DISPOSITION OF THE CRIMINAL PROCEEDINGS
3 INVOLVING THE DEFENDANT.

4 (B) IF A HEARING IS NOT REQUIRED PURSUANT TO SUBDIVISION TWO OF THIS
5 SECTION, THE AGENCY HAVING CUSTODY OF SEIZED GOODS MAY DESTROY ALL BUT A
6 REPRESENTATIVE SAMPLE OF SUCH ARTICLES IN ACCORDANCE WITH THIS SECTION,
7 PROVIDED THAT NOTICE PURSUANT TO PARAGRAPH (B) OF SUBDIVISION FIVE OF
8 THIS SECTION, IF REQUIRED, HAS BEEN PROVIDED AND ANY TIME FOR REQUESTING
9 SUCH HEARING HAS EXPIRED.

10 4. PRIOR TO THE DESTRUCTION OF ARTICLES IN EXCESS OF A REPRESENTATIVE
11 SAMPLE PURSUANT TO SUBDIVISION THREE OF THIS SECTION, THE AGENCY HAVING
12 CUSTODY OF SEIZED ARTICLES SHALL PHOTOGRAPH, VIDEOTAPE OR OTHERWISE
13 RECORD SUCH ARTICLES IN A MANNER THAT REASONABLY PORTRAYS THEIR QUANTITY
14 AND CHARACTER AND IDENTIFIES THE CASE OR ARREST TO WHICH SUCH ARTICLES
15 RELATE.

16 5. (A) A PERSON OTHER THAN THE DEFENDANT MAY REQUEST A HEARING IN THE
17 COURT HAVING JURISDICTION OVER A CRIMINAL PROCEEDING RELATING TO THE
18 DEFENDANT TO DETERMINE WHETHER PROBABLE CAUSE EXISTS TO BELIEVE THAT
19 ARTICLES SEIZED PURSUANT TO SUBDIVISION ONE OF THIS SECTION WERE MANU-
20 FACTURED, SOLD, OFFERED FOR SALE, DISTRIBUTED, OR PRODUCED IN VIOLATION
21 OF ARTICLE TWO HUNDRED SEVENTY-FIVE OF THIS CHAPTER BY (I) CALLING THE
22 TELEPHONE NUMBER, AS PROVIDED IN THE NOTICE REQUIRED BY PARAGRAPH (B) OF
23 THIS SUBDIVISION, DURING REGULAR BUSINESS HOURS WITHIN TWO BUSINESS DAYS
24 OF THE DATE OF SUCH NOTICE OR WITHIN FIVE CALENDAR DAYS OF SUCH DATE
25 WHERE NOTICE HAS BEEN PROVIDED BY FIRST CLASS MAIL OR PURSUANT TO CLAUSE
26 (III) OF SUBPARAGRAPH TWO OF PARAGRAPH (B) OF THIS SUBDIVISION, OR (II)
27 CONTACTING THE DESIGNATED PERSON OR UNIT WITHIN THE OFFICE OF THE
28 DISTRICT ATTORNEY IN THE COUNTY WHERE THE ARTICLES WERE SEIZED DURING
29 REGULAR BUSINESS HOURS WITHIN TWO BUSINESS DAYS OF THE DATE OF THE
30 SEIZURE, OR WITHIN FIVE CALENDAR DAYS OF SUCH DATE WHERE NOTICE HAS BEEN
31 PROVIDED BY FIRST CLASS MAIL OR PURSUANT TO CLAUSE (III) OF SUCH SUBPAR-
32 AGRAPH. SUCH PERSON REQUESTING A HEARING SHALL PROVIDE A SWORN STATEMENT
33 AT OR BEFORE THE HEARING DECLARING THAT HE OR SHE HAS A FINANCIAL OR
34 OWNERSHIP INTEREST IN ARTICLES THAT ARE THE SUBJECT OF SUCH HEARING.

35 (B) (1) NOTICE REQUIRED PURSUANT TO THIS PARAGRAPH AT A MINIMUM SHALL
36 INDICATE THE FOLLOWING: (I) THAT THE SEIZED ARTICLES ARE SUBJECT TO
37 DESTRUCTION PURSUANT TO THIS SECTION; (II) THAT ANY PERSON MAY REQUEST A
38 HEARING, AS PROVIDED IN PARAGRAPH (A) OF THIS SUBDIVISION, TO DETERMINE
39 WHETHER PROBABLE CAUSE EXISTS TO BELIEVE THAT THE SEIZED ARTICLES WERE
40 MANUFACTURED, SOLD, OFFERED FOR SALE, DISTRIBUTED OR PRODUCED IN
41 VIOLATION OF ARTICLE TWO HUNDRED SEVENTY-FIVE OF THIS CHAPTER; (III)
42 THAT SUCH PERSON MUST PROVIDE A SWORN STATEMENT AT OR BEFORE THE HEARING
43 DECLARING THAT HE OR SHE HAS A FINANCIAL OR OWNERSHIP INTEREST IN THE
44 SEIZED ARTICLES; AND (IV) THAT FAILURE TO TIMELY REQUEST SUCH HEARING OR
45 PROVIDE SUCH SWORN STATEMENT SHALL BE DEEMED A WAIVER OF THE RIGHT TO
46 CHALLENGE THE DESTRUCTION OF SEIZED ARTICLES IN ANY CRIMINAL OR CIVIL
47 ACTION OR PROCEEDING. SUCH NOTICE SHALL PROVIDE A TELEPHONE NUMBER THAT
48 A PERSON MAY CALL DURING REGULAR BUSINESS HOURS TO REQUEST A HEARING.

49 (2) NOTICE REQUIRED PURSUANT TO THIS PARAGRAPH SHALL BE PROVIDED AS
50 FOLLOWS: (I) IF ANY OF THE ARTICLES TO BE DESTROYED PURSUANT TO SUBDIVI-
51 SION THREE OF THIS SECTION WERE SEIZED FROM A PREMISES, NOTICE SHALL BE
52 CONSPICUOUSLY AFFIXED TO A DOOR OR OTHER LOCATION REASONABLY CALCULATED
53 TO BE VISIBLE TO A PERSON ENTERING THE AREA FROM WHICH THE ARTICLES WERE
54 SEIZED; (II) IF ANY SUCH ARTICLES WERE SEIZED FROM A VEHICLE, NOTICE
55 SHALL BE CONSPICUOUSLY AFFIXED TO THE VEHICLE OR LEFT INSIDE SUCH VEHI-
56 CLE AND MAILED BY FIRST CLASS MAIL TO THE VEHICLE'S REGISTERED OWNER;

1 AND (III) IF ANY PERSON IS KNOWN TO HAVE A FINANCIAL OR OWNERSHIP INTER-
2 EST IN THE SEIZED GOODS, NOTICE SHALL BE PROVIDED BY A MEANS REASONABLY
3 CALCULATED TO CONVEY THE INFORMATION SET FORTH IN SUBPARAGRAPH ONE OF
4 THIS PARAGRAPH.

5 6. FAILURE OF ANY PERSON TO TIMELY REQUEST A HEARING PURSUANT TO THIS
6 SECTION OR PROVIDE A SWORN STATEMENT AS REQUIRED BY PARAGRAPH (A) OF
7 SUBDIVISION FIVE OF THIS SECTION SHALL BE DEEMED A WAIVER OF SUCH
8 PERSON'S RIGHT TO CHALLENGE THE DESTRUCTION OF ANY SEIZED ARTICLES IN
9 ANY CRIMINAL OR CIVIL ACTION OR PROCEEDING.

10 7. UPON FINAL DETERMINATION OF THE CHARGES, THE COURT SHALL, UPON
11 PROPER NOTICE BY THE DISTRICT ATTORNEY OR REPRESENTATIVE OF THE CRIME
12 VICTIM OR VICTIMS, AFTER PRIOR NOTICE TO THE DISTRICT ATTORNEY AND
13 CUSTODIAN OF THE SEIZED PROPERTY, ENTER AN ORDER PRESERVING ANY OF THE
14 ARTICLES MANUFACTURED, SOLD, OFFERED FOR SALE, DISTRIBUTED OR PRODUCED
15 IN VIOLATION OF ARTICLE TWO HUNDRED SEVENTY-FIVE OF THIS CHAPTER, NOT
16 OTHERWISE DESTROYED OR PERMITTED TO BE DESTROYED PURSUANT TO SUBDIVISION
17 THREE OF THIS SECTION, AS EVIDENCE FOR USE IN OTHER CASES, INCLUDING A
18 CIVIL ACTION. THIS NOTICE MUST BE RECEIVED WITHIN THIRTY DAYS OF FINAL
19 DETERMINATION OF THE CHARGES. THE COST OF STORAGE, SECURITY AND
20 DESTRUCTION OF ARTICLES SO ORDERED FOR PRESERVATION, OTHER THAN FOR A
21 CIVIL ACTION UNDER ARTICLE THIRTEEN-A OF THE CIVIL PRACTICE LAW AND
22 RULES INITIATED BY THE DISTRICT ATTORNEY, SHALL BE PAID BY THE PARTY
23 SEEKING SUCH PRESERVATION. IF NO SUCH ORDER IS ENTERED WITHIN THE THIRTY
24 DAY PERIOD, SUCH ARTICLES MAY BE DESTROYED BY THE AGENCY HAVING CUSTODY
25 OF SUCH ARTICLES. DESTRUCTION SHALL NOT INCLUDE AUCTION, SALE OR
26 DISTRIBUTION OF THE ARTICLES IN THEIR ORIGINAL FORM.

27 8. EXCEPT AS PROVIDED IN SUBDIVISION SEVEN OF THIS SECTION, NOTHING IN
28 THIS SECTION SHALL PROHIBIT THE DESTRUCTION OR OTHER DISPOSITION, PURSU-
29 ANT TO ANY OTHER APPLICABLE PROVISION OF STATE OR LOCAL LAW, OR ARTICLES
30 SEIZED PURSUANT TO SUBDIVISION ONE OF THIS SECTION, WHERE THERE IS NO
31 ONGOING CRIMINAL PROCEEDING THAT HAS BEEN COMMENCED IN RELATION TO SUCH
32 ARTICLES.

33 9. FOR PURPOSES OF THIS SECTION, THE TERM "REPRESENTATIVE SAMPLE"
34 MEANS A MINIMUM OF ONE HUNDRED TWENTY-FIVE PERCENT OF THE AMOUNT OF
35 ARTICLES THAT IS REQUIRED TO SUBSTANTIATE THE HIGHEST DEGREE OF THE
36 OFFENSE THAT MAY BE CHARGED IN THE ACCUSATORY INSTRUMENT.

37 S 24. Section 170.10 of the criminal procedure law is amended by
38 adding a new subdivision 10 to read as follows:

39 10. WHERE A VIOLATION OF SECTION 165.71, 275.05, 275.15, 275.25 OR
40 275.35 OF THE PENAL LAW IS ALLEGED, THE COURT SHALL INFORM THE DEFENDANT
41 AT ARRAIGNMENT THAT (A) HE OR SHE MAY REQUEST A HEARING TO DETERMINE
42 WHETHER PROBABLE CAUSE EXISTS TO BELIEVE THAT ANY SEIZED GOODS OR ARTI-
43 CLES THAT ARE THE SUBJECT OF SUCH ALLEGED VIOLATION WERE MANUFACTURED,
44 SOLD, OFFERED FOR SALE, DISTRIBUTED OR PRODUCED IN VIOLATION OF ANY SUCH
45 SECTION, AND (B) FAILURE TO REQUEST SUCH A HEARING AT ARRAIGNMENT SHALL
46 BE DEEMED A WAIVER OF SUCH DEFENDANT'S RIGHT TO CHALLENGE THE
47 DESTRUCTION OF THE GOODS OR ARTICLES PURSUANT TO SECTION 165.74 OR
48 420.00 OF THE PENAL LAW IN ANY CRIMINAL OR CIVIL ACTION OR PROCEEDING.
49 SUCH HEARING SHALL BE CONDUCTED IN ACCORDANCE WITH SECTION 165.74 OF THE
50 PENAL LAW, WITH RESPECT TO A VIOLATION OF SECTION 165.71 OF SUCH LAW, OR
51 SECTION 420.00 OF THE PENAL LAW, WITH RESPECT TO ANY VIOLATION OF
52 SECTION 275.05, 275.15, 275.25 OR 275.35 OF SUCH LAW.

53 S 25. Section 180.10 of the criminal procedure law is amended by
54 adding a new subdivision 7 to read as follows:

55 7. WHERE A VIOLATION OF SECTION 165.71, 165.72, 165.73, 275.05,
56 275.10, 275.15, 275.20, 275.25, 275.30, 275.35 OR 275.40 OF THE PENAL

1 LAW IS ALLEGED, THE COURT SHALL INFORM THE DEFENDANT AT ARRAIGNMENT THAT
2 (A) HE OR SHE MAY REQUEST A HEARING TO DETERMINE WHETHER PROBABLE CAUSE
3 EXISTS TO BELIEVE THAT ANY SEIZED GOODS OR ARTICLES THAT ARE THE SUBJECT
4 OF SUCH ALLEGED VIOLATION WERE MANUFACTURED, SOLD, OFFERED FOR SALE,
5 DISTRIBUTED OR PRODUCED IN VIOLATION OF ANY SUCH SECTION, AND (B) FAIL-
6 URE TO REQUEST SUCH A HEARING AT ARRAIGNMENT SHALL BE DEEMED A WAIVER OF
7 SUCH DEFENDANT'S RIGHT TO CHALLENGE THE DESTRUCTION OF THE GOODS OR
8 ARTICLES PURSUANT TO SECTION 165.74 OR 420.00 OF THE PENAL LAW IN ANY
9 CRIMINAL OR CIVIL ACTION OR PROCEEDING. SUCH HEARING SHALL BE CONDUCTED
10 IN ACCORDANCE WITH SECTION 165.74 OF THE PENAL LAW, WITH RESPECT TO A
11 VIOLATION OF SECTION 165.72 OR 165.73 OF SUCH LAW, OR SECTION 420.00 OF
12 THE PENAL LAW, WITH RESPECT TO ANY VIOLATION OF SECTION 275.10, 275.20,
13 275.30 OR 275.40 OF SUCH LAW.

14 S 26. Section 210.15 of the criminal procedure law is amended by
15 adding a new subdivision 4 to read as follows:

16 4. WHERE A VIOLATION OF SECTION 165.71, 165.72, 165.73, 275.05,
17 275.10, 275.15, 275.20, 275.25, 275.30, 275.35 OR 275.40 OF THE PENAL
18 LAW IS ALLEGED, THE COURT SHALL INFORM THE DEFENDANT AT ARRAIGNMENT THAT
19 (A) HE OR SHE MAY REQUEST A HEARING TO DETERMINE WHETHER PROBABLE CAUSE
20 EXISTS TO BELIEVE THAT ANY SEIZED GOODS OR ARTICLES THAT ARE THE SUBJECT
21 OF SUCH ALLEGED VIOLATION WERE MANUFACTURED, SOLD, OFFERED FOR SALE,
22 DISTRIBUTED OR PRODUCED IN VIOLATION OF ANY SUCH SECTION, AND (B) FAIL-
23 URE TO REQUEST SUCH A HEARING AT ARRAIGNMENT SHALL BE DEEMED A WAIVER OF
24 SUCH DEFENDANT'S RIGHT TO CHALLENGE THE DESTRUCTION OF THE GOODS OR
25 ARTICLES PURSUANT TO SECTION 165.74 OR 420.00 OF THE PENAL LAW IN ANY
26 CRIMINAL OR CIVIL ACTION OR PROCEEDING. SUCH HEARING SHALL BE CONDUCTED
27 IN ACCORDANCE WITH SECTION 165.74 OF THE PENAL LAW, WITH RESPECT TO A
28 VIOLATION OF SECTION 165.71, 165.72 OR 165.73 OF SUCH LAW, OR SECTION
29 420.00 OF THE PENAL LAW, WITH RESPECT TO ANY VIOLATION OF SECTION
30 275.05, 275.10, 275.15, 275.20, 275.25, 275.30, 275.35 OR 275.40 OF SUCH
31 LAW.

32 S 27. Paragraph (c) of subdivision 6 of section 367-a of the social
33 services law is amended by adding a new subparagraph (iv) to read as
34 follows:

35 (IV) THE CO-PAYMENT FOR EMERGENCY ROOM SERVICES PROVIDED FOR NON-UR-
36 GENT OR NON-EMERGENCY MEDICAL CARE SHALL BE FIFTY DOLLARS; PROVIDED
37 HOWEVER THAT CO-PAYMENTS PURSUANT TO THIS SUBPARAGRAPH SHALL NOT BE
38 REQUIRED WITH RESPECT TO EMERGENCY SERVICES OR FAMILY PLANNING SERVICES
39 AND SUPPLIES.

40 S 28. Subdivision 2-a of section 369-ee of the social services law, as
41 amended by section 26 of part E of chapter 63 of the laws of 2005, is
42 amended to read as follows:

43 2-a. Co-payments. Subject to federal approval pursuant to subdivision
44 six of this section, persons receiving family health plus coverage under
45 this section shall be responsible to make co-payments in accordance with
46 the terms of subdivision six of section three hundred sixty-seven-a of
47 this article, including those individuals who are otherwise exempted
48 under the provisions of subparagraph (iv) of paragraph (b) of subdivi-
49 sion six of section three hundred sixty-seven-a of this article,
50 provided however, that notwithstanding the provisions of paragraphs (c)
51 and (d) of such subdivision:

52 (i) co-payments charged for each generic prescription drug dispensed
53 shall be three dollars and for each brand name prescription drug
54 dispensed shall be six dollars;

55 (ii) the co-payment charged for each dental service visit shall be
56 five dollars, provided that no enrollee shall be required to pay more

1 than twenty-five dollars per year in co-payments for dental services;
2 [and]

3 (iii) the co-payment for clinic services and physician services shall
4 be five dollars; AND

5 (IV) THE CO-PAYMENT FOR EMERGENCY ROOM SERVICES PROVIDED FOR NON-UR-
6 GENT OR NON-EMERGENCY MEDICAL CARE SHALL BE FIFTY DOLLARS; PROVIDED
7 HOWEVER THAT CO-PAYMENTS PURSUANT TO THIS PARAGRAPH SHALL NOT BE
8 REQUIRED WITH RESPECT TO EMERGENCY SERVICES OR FAMILY PLANNING SERVICES
9 AND SUPPLIES; and provided further that the limitations in paragraph (f)
10 of such subdivision shall not apply.

11 S 29. Subdivision 1 of section 190 of the tax law, as amended by
12 section 17 of part B of chapter 58 of the laws of 2004, is amended to
13 read as follows:

14 1. General. A taxpayer shall be allowed a credit against the tax
15 imposed by this article, other than the taxes and fees imposed by
16 sections one hundred eighty and one hundred eighty-one of this article,
17 equal to [twenty] SEVENTY-FIVE percent of the premium paid during the
18 taxable year [for] IN WHICH THE long-term care insurance WAS PURCHASED,
19 FIFTY PERCENT OF THE PREMIUM PAID IN THE FOLLOWING YEAR AND TWENTY-FIVE
20 PERCENT OF THE PREMIUM PAID IN THE THIRD YEAR. In order to qualify for
21 such credit, the taxpayer's premium payment must be for the purchase of
22 or for continuing coverage under a long-term care insurance policy that
23 qualifies for such credit pursuant to section one thousand one hundred
24 seventeen of the insurance law.

25 S 30. Paragraph 1 of subsection (aa) of section 606 of the tax law, as
26 amended by section 1 of part P of chapter 61 of the laws of 2005, is
27 amended to read as follows:

28 (1) Residents. A taxpayer shall be allowed a credit against the tax
29 imposed by this article equal to [twenty] SEVENTY-FIVE percent of the
30 premium paid during the taxable year [for] IN WHICH THE long-term care
31 insurance WAS PURCHASED, FIFTY PERCENT OF THE PREMIUM PAID IN THE
32 FOLLOWING YEAR AND TWENTY-FIVE PERCENT OF THE PREMIUM PAID IN THE THIRD
33 YEAR. In order to qualify for such credit, the taxpayer's premium
34 payment must be for the purchase of or for continuing coverage under a
35 long-term care insurance policy that qualifies for such credit pursuant
36 to section one thousand one hundred seventeen of the insurance law. If
37 the amount of the credit allowable under this subsection for any taxable
38 year shall exceed the taxpayer's tax for such year, the excess may be
39 carried over to the following year or years and may be deducted from the
40 taxpayer's tax for such year or years.

41 S 31. Paragraph 1 of subsection (k) of section 1456 of the tax law, as
42 amended by section 20 of part B of chapter 58 of the laws of 2004, is
43 amended to read as follows:

44 (1) A taxpayer shall be allowed a credit against the tax imposed by
45 this article equal to [twenty] SEVENTY-FIVE percent of the premium paid
46 during the taxable year [for] IN WHICH THE long-term care insurance WAS
47 PURCHASED, FIFTY PERCENT OF THE PREMIUM PAID IN THE FOLLOWING YEAR AND
48 TWENTY-FIVE PERCENT OF THE PREMIUM PAID IN THE THIRD YEAR. In order to
49 qualify for such credit, the taxpayer's premium payment must be for the
50 purchase of or for continuing coverage under a long-term care insurance
51 policy that qualifies for such credit pursuant to section one thousand
52 one hundred seventeen of the insurance law.

53 S 32. Paragraph 1 of subdivision (m) of section 1511 of the tax law,
54 as amended by section 21 of part B of chapter 58 of the laws of 2004, is
55 amended to read as follows:

1 (1) A taxpayer shall be allowed a credit against the tax imposed by
2 this article equal to [twenty] SEVENTY-FIVE percent of the premium paid
3 during the taxable year [for] IN WHICH THE long-term care insurance WAS
4 PURCHASED, FIFTY PERCENT OF THE PREMIUM PAID IN THE FOLLOWING YEAR AND
5 TWENTY-FIVE PERCENT OF THE PREMIUM PAID IN THE THIRD YEAR. In order to
6 qualify for such credit, the taxpayer's premium payment must be for the
7 purchase of or for continuing coverage under a long-term care insurance
8 policy that qualifies for such credit pursuant to section one thousand
9 one hundred seventeen of the insurance law.

10 S 33. Paragraph (a) of subdivision 25-a of section 210 of the tax law,
11 as amended by section 18 of part B of chapter 58 of the laws of 2004, is
12 amended to read as follows:

13 (a) A taxpayer shall be allowed a credit against the tax imposed by
14 this article equal to [twenty] SEVENTY-FIVE percent of the premium paid
15 during the taxable year [for] IN WHICH THE long-term care insurance WAS
16 PURCHASED, FIFTY PERCENT OF THE PREMIUM PAID IN THE FOLLOWING YEAR AND
17 TWENTY-FIVE PERCENT OF THE PREMIUM PAID IN THE THIRD YEAR. In order to
18 qualify for such credit, the taxpayer's premium payment must be for the
19 purchase of or for continuing coverage under a long-term care insurance
20 policy that qualifies for such credit pursuant to section one thousand
21 one hundred seventeen of the insurance law.

22 S 34. Section 367-f of the social services law is amended by adding a
23 new subdivision 4 to read as follows:

24 4. THE DEPARTMENT OF HEALTH IS HEREBY AUTHORIZED AND DIRECTED TO
25 SUBMIT TO THE FEDERAL DEPARTMENT OF HEALTH AND HUMAN SERVICES A REQUEST
26 FOR THE AMENDMENT OF THE PLAN FOR MEDICAL ASSISTANCE, WHICH IS MAIN-
27 TAINED IN ACCORDANCE WITH TITLE XIX, OR ANY SUCCESSOR TITLE, OF THE
28 FEDERAL SOCIAL SECURITY ACT, TO ADOPT ANY AND ALL STANDARDS THAT MAY BE
29 DEVELOPED BY THE FEDERAL DEPARTMENT OF HEALTH AND HUMAN SERVICES PURSU-
30 ANT TO SECTION 6021(B) OF THE FEDERAL DEFICIT REDUCTION ACT OF 2005, FOR
31 UNIFORM RECIPROCAL RECOGNITION OF LONG-TERM CARE INSURANCE POLICIES
32 PURCHASED UNDER STATE LONG-TERM CARE INSURANCE PARTNERSHIPS. SUCH
33 REQUEST SHALL BE MADE WITHIN SIX MONTHS OF THE PROMULGATION OF SUCH
34 STANDARDS BY THE FEDERAL DEPARTMENT OF HEALTH AND HUMAN SERVICES, AND,
35 EXCEPT AS REQUIRED BY SUCH STANDARDS, SUCH UNIFORM RECIPROCAL RECOGNI-
36 TION OF LONG-TERM CARE INSURANCE POLICIES SHALL APPLY WITHOUT REGARD TO
37 WHEN A POLICY IS ISSUED.

38 S 35. Section 3229 of the insurance law is amended by adding a new
39 subsection (c) to read as follows:

40 (C) THE SUPERINTENDENT SHALL ADOPT SUCH RULES OR REGULATIONS, OR AMEND
41 SUCH RULES AND REGULATIONS, AS MAY BE NECESSARY TO CONFORM TO THE
42 REQUIREMENTS OF ANY AMENDMENT TO THE PLAN FOR MEDICAL ASSISTANCE, WHICH
43 IS MAINTAINED IN ACCORDANCE WITH TITLE XIX, OR ANY SUCCESSOR TITLE, OF
44 THE FEDERAL SOCIAL SECURITY ACT, MADE PURSUANT TO SUBDIVISION FOUR OF
45 SECTION THREE HUNDRED SIXTY-SEVEN-F OF THE SOCIAL SERVICES LAW.

46 S 36. Subdivision 4 of section 1950 of the education law is amended by
47 adding a new paragraph oo to read as follows:

48 oo. FORM HEALTH INSURANCE TRUSTS WITH COMPONENT SCHOOL DISTRICTS OR
49 DISTRICTS OF CHILDREN WHO RESIDE WITHIN THE BOARD OF COOPERATIVE EDUCA-
50 TIONAL SERVICES TO PURCHASE AND ADMINISTER EMPLOYEES' HEALTH INSURANCE
51 AND WORKERS' COMPENSATION INSURANCE.

52 S 37. Intentionally omitted.

53 S 38. Intentionally omitted.

54 S 39. Section 365-a of the social services law is amended by adding a
55 new subdivision 10 to read as follows:

1 10. NOTWITHSTANDING ANY INCONSISTENT PROVISION OF THIS SECTION OR OF
2 ANY OTHER PROVISION OF THIS CHAPTER OR OTHER LAW, EACH LOCAL SOCIAL
3 SERVICES DISTRICT IS HEREBY AUTHORIZED TO DETERMINE WHICH, IF ANY,
4 SERVICES IT CHOOSES TO PROVIDE TO ELIGIBLE PERSONS OF THOSE SERVICES
5 OTHERWISE REQUIRED TO BE PROVIDED BY APPLICABLE STATE LAW BUT NOT
6 REQUIRED TO BE PROVIDED BY FEDERAL LAW.

7 S 40. Section 366 of the social services law is amended by adding a
8 new subdivision 10 to read as follows:

9 10. NOTWITHSTANDING ANY INCONSISTENT PROVISION OF THIS SECTION OR OF
10 ANY OTHER PROVISION OF THIS CHAPTER OR OTHER LAW, EACH LOCAL SOCIAL
11 SERVICES DISTRICT IS HEREBY AUTHORIZED TO DETERMINE TO WHICH, IF ANY,
12 CATEGORIES OF ELIGIBILITY IT CHOOSES TO PROVIDE MEDICAL ASSISTANCE
13 OTHERWISE REQUIRED TO BE PROVIDED BY APPLICABLE STATE LAW BUT NOT
14 REQUIRED TO BE PROVIDED BY FEDERAL LAW.

15 S 41. The commissioner of health:

16 1. is authorized and directed to apply for any and all federal waiv-
17 ers required to implement the provisions of subdivision 10 of section
18 365-a and subdivision 10 of section 366 of the social services law;

19 2. shall promulgate any and all rules and regulations and take any
20 other measures necessary to implement this act, including but not limit-
21 ed to developing a services and eligibility plan and distributing the
22 same to local social services districts whereby such districts may make
23 such choices as are authorized by subdivision 10 of section 365-a and
24 subdivision 10 of section 366 of the social services law, as added by
25 sections forty-two and forty-three, respectively, of this act, and
26 applicable federal waivers; and

27 3. shall specify dates by which such services and eligibility plans
28 must be returned to said commissioner for review and approval to imple-
29 ment such plans. A district that does not have an approved plan by the
30 deadline set therefor by the commissioner shall provide all services and
31 categories of eligibility required under the state plan as in effect at
32 that time.

33 S 42. Section 22 of the social services law is amended by adding a new
34 subdivision 15 to read as follows:

35 15. THE DEPARTMENT SHALL PERMIT SOCIAL SERVICES DISTRICTS TO SUBMIT
36 THEIR EVIDENTIARY PACKAGES FOR ANY FAIR HEARING TO THE DEPARTMENT SOLELY
37 IN AN ELECTRONIC FORMAT AND SHALL PROVIDE THE MEANS TO FACILITATE THE
38 SOCIAL SERVICES DISTRICTS' USE OF ANY SUCH EVIDENTIARY PACKAGES FOR
39 THEIR EVIDENTIARY PRESENTATIONS AT THE FAIR HEARING. NOTHING CONTAINED
40 IN THIS SECTION SHALL REQUIRE A SOCIAL SERVICES DISTRICT TO SUBMIT ITS
41 EVIDENTIARY PACKAGE IN AN ELECTRONIC FORMAT, NOR SHALL A SOCIAL SERVICES
42 DISTRICT, OR ANY OTHER PARTY TO A FAIR HEARING, BE PRECLUDED FROM OFFER-
43 ING INTO EVIDENCE DOCUMENTATION IN PAPER FORMAT, REGARDLESS OF THE MEDI-
44 UM USED TO CREATE, TRANSMIT, AND DISPLAY THE EVIDENTIARY PACKAGE AT THE
45 FAIR HEARING. IN CASES WHERE A PERSON ENTITLED TO AN APPEAL PURSUANT TO
46 THIS SECTION REQUESTS A PAPER COPY OF THE EVIDENTIARY PACKAGE EITHER
47 BEFORE THE HEARING OR AT THE HEARING, THE SOCIAL SERVICES DISTRICT SHALL
48 PROVIDE SUCH PAPER COPY EVEN IF SUCH DISTRICT WILL UTILIZE AN ELECTRONIC
49 FORMAT AT THE FAIR HEARING. REQUESTS MADE PRIOR TO THE FAIR HEARING
50 SHALL BE PROCESSED IN ACCORDANCE WITH THE REGULATIONS OF THE DEPARTMENT.
51 WHEN NOTIFYING A PERSON ENTITLED TO AN APPEAL TO THE DEPARTMENT OF THE
52 SCHEDULING OF A FAIR HEARING, THE DEPARTMENT SHALL STATE THAT ANY SUCH
53 PERSON MAY REQUEST ORALLY OR IN WRITING A PAPER COPY OF THE EVIDENTIARY
54 PACKAGE TO BE PRESENTED BY THE SOCIAL SERVICES DISTRICT AT THE FAIR
55 HEARING.

1 S 43. The mental hygiene law is amended by adding a new section 29.28
2 to read as follows:

3 S 29.28 PAYMENT OF COSTS FOR PROSECUTION OF INMATE-PATIENTS.

4 (A) WHEN AN INMATE-PATIENT, AS DEFINED IN SUBDIVISION (A) OF SECTION
5 29.27 OF THIS ARTICLE, WHO WAS COMMITTED FROM A STATE CORRECTIONAL
6 FACILITY, IS ALLEGED TO HAVE COMMITTED AN OFFENSE WHILE IN THE CUSTODY
7 OF THE DEPARTMENT, THE DEPARTMENT OF CORRECTIONS AND COMMUNITY SUPER-
8 VISION SHALL PAY ALL REASONABLE COSTS FOR THE PROSECUTION OF SUCH
9 OFFENSE, INCLUDING BUT NOT LIMITED TO, COSTS FOR: A GRAND JURY IMPANELED
10 TO HEAR AND EXAMINE EVIDENCE OF SUCH OFFENSE, PETIT JURORS, WITNESSES,
11 THE DEFENSE OF ANY INMATE FINANCIALLY UNABLE TO OBTAIN COUNSEL IN
12 ACCORDANCE WITH THE PROVISIONS OF THE COUNTY LAW, THE DISTRICT ATTORNEY,
13 THE COSTS OF THE SHERIFF AND THE APPOINTMENT OF ADDITIONAL COURT ATTEND-
14 ANTS, OFFICERS OR OTHER JUDICIAL PERSONNEL.

15 (B) IT SHALL BE THE DUTY OF THE GOVERNING BODY OF ANY COUNTY WHEREIN
16 SUCH PROSECUTION OCCURS TO CAUSE A SWORN STATEMENT OF ALL COSTS TO BE
17 FORWARDED TO THE DEPARTMENT. UPON CERTIFICATION BY THE DEPARTMENT THAT
18 SUCH COSTS AS AUTHORIZED BY THIS STATUTE HAVE BEEN INCURRED, THE DEPART-
19 MENT SHALL FORWARD THE PROPER VOUCHERS TO THE STATE COMPTROLLER. IT
20 SHALL BE THE DUTY OF THE COMPTROLLER TO EXAMINE SUCH STATEMENT AND TO
21 CORRECT SAME BY STRIKING THEREFROM ANY AND ALL ITEMS WHICH ARE NOT
22 AUTHORIZED PURSUANT TO THE PROVISIONS OF THIS SECTION AND AFTER CORRECT-
23 ING SUCH STATEMENT, THE COMPTROLLER SHALL DRAW HIS WARRANT FOR THE
24 AMOUNT OF ANY SUCH COSTS IN FAVOR OF THE APPROPRIATE COUNTY TREASURER,
25 WHICH SUM SHALL BE PAID TO SAID COUNTY TREASURER OUT OF ANY MONEYS
26 APPROPRIATED THEREFOR.

27 (C) THE DEPARTMENT SHALL, AFTER CONSULTATION WITH THE DIRECTOR OF THE
28 BUDGET, PROMULGATE RULES AND REGULATIONS TO CARRY OUT THE PROVISIONS OF
29 THIS SECTION.

30 S 44. The highway law is amended by adding a new section 205-c to read
31 as follows:

32 S 205-C. LOW VOLUME ROADS. 1. WHEN USED IN THIS SECTION, UNLESS OTHER-
33 WISE EXPRESSLY STATED, OR UNLESS THE CONTEXT OR SUBJECT MATTER OTHERWISE
34 REQUIRES, THE FOLLOWING TERMS SHALL HAVE THE FOLLOWING MEANINGS:

35 A. "LOW-VOLUME ROAD" SHALL MEAN A TOWN HIGHWAY OR PORTION THEREOF
36 LOCATED IN A TOWN, WHEN SUCH HIGHWAY HAS AN AVERAGE DAILY TRAFFIC COUNT
37 OF LESS THAN FOUR HUNDRED MOTOR VEHICLES PER DAY. SUCH TERM SHALL NOT
38 APPLY TO ANY HIGHWAY OR ROAD OR PORTION THEREOF WHICH HAS PREVIOUSLY
39 BEEN ABANDONED PURSUANT TO SUBDIVISION ONE OF SECTION TWO HUNDRED FIVE
40 OF THIS ARTICLE BECAUSE IT SHALL NOT HAVE BEEN USED OR TRAVELED AS A
41 HIGHWAY FOR SIX YEARS. LOW VOLUME ROADS MAY BE CLASSIFIED AS FOLLOWS:

42 (I) "LOW-VOLUME COLLECTOR ROAD" SHALL MEAN A LOW-VOLUME ROAD THAT
43 COLLECTS TRAFFIC FROM ANY OTHER CLASSIFICATION AND CHANNELS IT TO A
44 HIGHER LEVEL ROAD, SUCH AS A STATE HIGHWAY, ARTERIAL OR INTERSTATE HIGH-
45 WAY.

46 (II) "RESIDENTIAL ACCESS ROAD" SHALL MEAN A LOW-VOLUME ROAD THAT
47 PROVIDES ACCESS TO RESIDENCES. THE TRAFFIC GENERATED DEPENDS ON THE
48 NUMBER OF RESIDENCES. ALL YEAR ACCESS FOR EMERGENCY VEHICLES AND SCHOOL
49 BUSES MUST BE PROVIDED.

50 (III) "RESOURCE/INDUSTRIAL ACCESS ROAD" SHALL MEAN A LOW-VOLUME ROAD
51 THAT PROVIDES ACCESS TO FORESTS OR INDUSTRIAL OR MINING OPERATIONS.
52 TRAFFIC VOLUME CAN VARY AND INCLUDE HEAVY TRUCKS, EXTRACTIVE MACHINERY
53 AND SIGNIFICANT NUMBERS OF EMPLOYEES' CARS.

54 (IV) "AGRICULTURAL LAND ACCESS ROAD" SHALL MEAN A LOW-VOLUME ROAD THAT
55 PROVIDES ACCESS TO FARM LAND. TRAFFIC VOLUMES ARE LOW AND VARY
56 SEASONALLY. SUCH ROADS SHALL ACCOMMODATE FARM EQUIPMENT.

1 (V) "FARM ACCESS ROAD" SHALL MEAN A LOW-VOLUME ROAD THAT PROVIDES
2 PRINCIPAL MOTOR VEHICLE ACCESS FOR THE TRANSPORT OF GOODS AND SERVICES
3 NECESSARY FOR EFFECTIVE SUPPORT OF A FARM'S DAILY OPERATIONS TO AND FROM
4 THE PRIMARY LOCATION OR CENTER OF SUCH OPERATIONS. TRAFFIC VOLUME IS
5 GENERALLY LOW, SIGNIFICANTLY LESS THAN FOUR HUNDRED MOTOR VEHICLES PER
6 DAY, AND MAY INCLUDE OCCASIONAL HEAVY VEHICLES AND FARM EQUIPMENT AS
7 WELL AS OTHER MOTOR VEHICLES.

8 (VI) "RECREATION LAND ACCESS ROAD" SHALL MEAN A LOW-VOLUME ROAD THAT
9 PROVIDES ACCESS TO RECREATIONAL LAND INCLUDING SEASONAL DWELLINGS, PARKS
10 AND RECREATIONAL LANDS. VOLUMES CAN VARY WITH THE TYPE OF RECREATION
11 FACILITY, ACTIVITY AND SEASON OF THE YEAR.

12 B. "MINIMUM MAINTENANCE ROAD" SHALL MEAN A LOW-VOLUME AGRICULTURAL OR
13 RECREATIONAL ACCESS ROAD OR PORTION THEREOF WITH AN AVERAGE DAILY TRAF-
14 FIC COUNT OF LESS THAN FIFTY MOTOR VEHICLES PER DAY DESIGNATED BY THE
15 TOWN AS MINIMUM MAINTENANCE PURSUANT TO THIS SECTION, EXCEPT FOR A FARM
16 ACCESS ROAD OR A ROAD WHICH PROVIDES ACCESS TO AN INDIVIDUAL YEAR-ROUND
17 RESIDENCE AT THE TIME IT IS PROPOSED TO BE DESIGNATED MINIMUM MAINTEN-
18 NANCE. IN NO WAY SHALL THE TERM "MINIMUM MAINTENANCE" BE CONSTRUED TO
19 MEAN "NO MAINTENANCE" OR "ABANDONMENT", HOWEVER, SUCH ROADS MAY BE
20 CLOSED DURING CERTAIN TIMES OF THE YEAR SUBJECT TO STANDARDS ADOPTED BY
21 THE TOWN BOARD.

22 C. "MOTOR VEHICLE" SHALL MEAN A MOTOR VEHICLE AS DEFINED BY SECTION
23 ONE HUNDRED TWENTY-FIVE OF THE VEHICLE AND TRAFFIC LAW.

24 2. A. THE TOWN BOARD OF ANY TOWN MAY, BY RESOLUTION, DESIGNATE CERTAIN
25 TOWN HIGHWAYS AS LOW-VOLUME ROADS OR PORTIONS THEREOF PURSUANT TO THE
26 CLASSIFICATIONS DEFINED IN THIS SECTION. IN CLASSIFYING SUCH ROADS, THE
27 TOWN BOARD SHALL BASE THE CLASSIFICATION ON TRAFFIC VOLUMES, TYPES OF
28 VEHICLES USING THE ROAD OR PORTION THEREOF, AND THE CURRENT ADJACENT
29 LAND USES. THE TOWN BOARD SHALL REFER PROPOSED CLASSIFICATIONS TO THE
30 TOWN HIGHWAY SUPERINTENDENT AND THE TOWN PLANNING BOARD, IF PRESENT IN
31 SUCH TOWN.

32 B. UPON RECEIPT OF THE PROPOSED RESOLUTION, THE TOWN HIGHWAY SUPER-
33 INTENDENT AND, WHERE APPLICABLE, TOWN PLANNING BOARD, SHALL REPORT THEIR
34 RECOMMENDATIONS TO THE TOWN BOARD, ACCOMPANIED BY A STATEMENT OF THE
35 REASONS FOR SUCH RECOMMENDATIONS WITHIN FORTY-FIVE DAYS OF RECEIPT. UPON
36 RECEIPT OF THE RECOMMENDATIONS FROM THE TOWN HIGHWAY SUPERINTENDENT AND,
37 WHERE APPLICABLE, TOWN PLANNING BOARD, OR UPON THE EXPIRATION OF FORTY-
38 FIVE DAYS FROM THE DATE THE PROPOSED RESOLUTION WAS REFERRED, THE TOWN
39 BOARD MAY ADOPT BY MAJORITY VOTE, THE LOCAL CLASSIFICATION RESOLUTION.

40 3. A. THE TOWN BOARD OF ANY TOWN MAY, AFTER A PUBLIC HEARING, ADOPT A
41 LOCAL LAW DESIGNATING ANY LOW-VOLUME ROAD OR PORTION THEREOF PROVIDING
42 AGRICULTURAL OR RECREATIONAL LAND ACCESS, EXCEPT FOR FARM ACCESS ROADS
43 OR ROADS THAT PROVIDE ACCESS TO AN INDIVIDUAL YEAR-ROUND RESIDENCE AT
44 THE TIME OF DESIGNATION, AS A MINIMUM MAINTENANCE ROAD. NO SUCH LAW
45 SHALL RESTRICT FARM OPERATIONS IN AN AGRICULTURAL DISTRICT. SUCH LOCAL
46 LAW SHALL NOT PREVENT THE STATE FROM MAINTAINING SUCH ROAD IF THE ROAD
47 PASSES OVER, OR PROVIDES ACCESS TO, STATE LAND. NO SUCH LAW DESIGNATING
48 A MINIMUM MAINTENANCE ROAD SHALL BE EFFECTIVE UNTIL MINIMUM MAINTENANCE
49 STANDARDS ARE ADOPTED AND SIGNS ARE POSTED ADVISING THE PUBLIC THAT SUCH
50 ROAD IS A MINIMUM MAINTENANCE ROAD. NO ROAD, ONCE DESIGNATED A MINIMUM
51 MAINTENANCE ROAD, SHALL BE DETERMINED TO HAVE BEEN ABANDONED PURSUANT TO
52 THE PROVISIONS OF SUBDIVISION ONE OF SECTION TWO HUNDRED FIVE OF THIS
53 ARTICLE SOLELY BECAUSE IT HAS BEEN DESIGNATED A MINIMUM MAINTENANCE
54 ROAD.

55 B. AT LEAST FORTY-FIVE DAYS PRIOR TO THE PUBLIC HEARING ON SUCH LOCAL
56 LAW THE TOWN BOARD HAVING JURISDICTION OVER SUCH ROAD SHALL ISSUE FIND-

INGS THAT SUCH ROAD OR PORTION THEREOF SHOULD BE DESIGNATED A MINIMUM MAINTENANCE ROAD. SUCH FINDINGS SHALL INCLUDE, BUT NOT BE LIMITED TO:

(I) THE VOLUME AND TYPE OF MOTOR VEHICLE TRAFFIC ON SUCH ROAD;

(II) A DETERMINATION THAT THE PROPERTY OWNERS OF LAND ABUTTING THE ROAD SHALL CONTINUE TO HAVE ACCESS TO THEIR PROPERTY;

(III) A DETERMINATION THAT THE USERS OF THE ROAD TRAVELING AT A REASONABLE AND PRUDENT SPEED, UNDER THE CIRCUMSTANCES, SHALL NOT BE PLACED IN A HAZARDOUS SITUATION;

(IV) A DETERMINATION THAT SUCH ROAD, OR PORTION THEREOF, DOES NOT CONSTITUTE A FARM ACCESS ROAD AS DEFINED IN THIS SECTION;

(V) THE EFFECT OF SUCH DESIGNATION ON ANY FARM OPERATIONS DEPENDENT UPON THE ROAD, AND THAT SUCH DESIGNATION DOES NOT RESTRICT FARM OPERATIONS IN AGRICULTURAL DISTRICTS; AND

(VI) THE STANDARDS OF MAINTENANCE DEVELOPED IN CONSULTATION WITH THE TOWN HIGHWAY SUPERINTENDENT TO BE PROVIDED FOR SUCH ROAD INCLUDING, BUT NOT LIMITED TO, THE INTENTION TO CLOSE SUCH ROAD DURING CERTAIN TIMES OF THE YEAR.

A COPY OF THE TOWN BOARD'S FINDINGS SHALL BE MADE AVAILABLE FOR PUBLIC INSPECTION IN THE TOWN CLERK'S OFFICE AND POSTED TO THE TOWN WEBSITE IF AVAILABLE.

A COPY OF THE FINDINGS SHALL BE SENT TO THE SCHOOL BOARD OF THE SCHOOL DISTRICT IN WHICH EACH ROAD IS LOCATED AND TO THE TOWN PLANNING BOARD. SUCH SCHOOL BOARD AND PLANNING BOARD MAY REVIEW THE FINDINGS OF THE TOWN BOARD AND WITHIN FORTY-FIVE DAYS FILE WITH THE TOWN CLERK THEIR RECOMMENDATION AND FINDINGS. IN THE EVENT THE SCHOOL OR PLANNING BOARD TAKES NO ACTION WITHIN THE FORTY-FIVE DAY REVIEW PERIOD THE TOWN BOARD MAY PROCEED WITHOUT SAID BOARD'S RECOMMENDATION AND FINDINGS. SCHOOL OR PLANNING BOARD REVIEW MAY BE WAIVED, SHORTENED OR EXTENDED UPON MUTUAL CONSENT OF SAID BOARD AND THE TOWN BOARD. THE TOWN BOARD OF THE TOWN MAY, BY RESOLUTION, ACCEPT, ACCEPT IN PART, OR REJECT THE RECOMMENDATIONS OF EITHER THE SCHOOL OR PLANNING BOARD PRIOR TO ANY VOTE UPON THE PROPOSED LOCAL LAW.

A COPY OF THE FINDINGS SHALL ALSO BE SENT TO THE DEPARTMENT OF ENVIRONMENTAL CONSERVATION OR ANY OTHER RELEVANT STATE AGENCY THAT HAS JURISDICTION OVER THE LAND THAT THE ROAD PROPOSED TO BE DESIGNATED AS MINIMUM MAINTENANCE PASSES OVER OR PROVIDES ACCESS TO.

C. AT LEAST THIRTY DAYS PRIOR TO THE PUBLIC HEARING ON SUCH LOCAL LAW, WRITTEN NOTICE OF SUCH HEARING, INCLUDING A SUMMARY OF THE FINDINGS, SHALL BE SERVED BY CERTIFIED MAIL UPON EVERY OWNER OF REAL PROPERTY, AS DETERMINED BY THE LATEST COMPLETED ASSESSMENT ROLL, ABUTTING SUCH ROAD OR PORTION THEREOF.

D. THE TOWN CLERK SHALL GIVE NOTICE OF SUCH HEARING BY THE PUBLICATION OF A NOTICE IN AT LEAST ONE NEWSPAPER OF GENERAL CIRCULATION IN THE TOWN, AND POST SUCH NOTICE ON THE TOWN WEBSITE IF AVAILABLE, SPECIFYING THE TIME WHEN AND THE PLACE WHERE SUCH HEARING WILL BE HELD, AND IN GENERAL TERMS DESCRIBING THE PROPOSED RESOLUTION. SUCH NOTICE SHALL BE PUBLISHED ONCE AT LEAST FIVE DAYS PRIOR TO THE DAY SPECIFIED FOR SUCH HEARING.

4. A ROAD OR ROAD SEGMENT, WHICH HAS BEEN DESIGNATED MINIMUM MAINTENANCE, SHALL BE MAINTAINED AT A LEVEL WHICH ALLOWS THE ROAD TO BE MADE PASSABLE AND FUNCTIONAL IN A MANNER DETERMINED BY THE TOWN HIGHWAY SUPERINTENDENT IN ACCORDANCE WITH THE STANDARDS DEVELOPED IN CONSULTATION WITH THE TOWN HIGHWAY SUPERINTENDENT AND ADOPTED BY THE TOWN BOARD TO BE CONSISTENT WITH THE VOLUME AND TYPE OF TRAFFIC TRAVELING ON SUCH ROAD. SUCH STANDARDS SHALL NOT RESTRICT ACCESS TO FARMLAND BY A FARM OPERATION ELIGIBLE FOR AGRICULTURAL ASSESSMENT PURSUANT TO ARTICLE TWEN-

1 TY-FIVE-AA OF THE AGRICULTURE AND MARKETS LAW. NORMAL ROAD MAINTENANCE
2 PRACTICES INCLUDING, BUT NOT LIMITED TO, SNOW AND ICE REMOVAL, PAVING,
3 PATCHING, BLADING, DRAGGING OR MOWING MAY BE DONE LESS FREQUENTLY
4 DEPENDING UPON THE EXISTING CONDITIONS AND USE OF THE ROAD BUT SHALL, AT
5 A MINIMUM, BE CONSISTENT WITH OTHER SUPERSEDING STANDARDS OR GUIDELINES
6 DEVELOPED PURSUANT TO STATE LAW. MINIMUM MAINTENANCE ROADS SHALL CONTIN-
7 UE TO BE PART OF THE TOWN HIGHWAY SYSTEM.

8 5. A. ANY PERSON OR PERSONS OWNING OR OCCUPYING REAL PROPERTY ABUTTING
9 A ROAD OR PORTION THEREOF WHICH HAS BEEN DESIGNATED A MINIMUM MAINTENANCE
10 ROAD MAY PETITION THE TOWN HAVING JURISDICTION OVER SUCH ROAD OR
11 PORTION THEREOF TO DISCONTINUE THE DESIGNATION OF SUCH ROAD AS A MINIMUM
12 MAINTENANCE ROAD OR TO MODIFY THE STANDARDS OF MAINTENANCE FOR SUCH
13 ROAD. SUCH PETITION SHALL BE FILED WITH THE CLERK OF THE TOWN HAVING
14 JURISDICTION OVER SUCH ROAD. SUCH PETITION SHALL IDENTIFY THE ROAD OR
15 PORTION THEREOF TO BE DISCONTINUED AS A MINIMUM MAINTENANCE ROAD AND SET
16 FORTH THE REASONS FOR SUCH DISCONTINUANCE OR MODIFICATION. THE TOWN
17 BOARD HAVING JURISDICTION OVER SUCH ROAD SHALL HOLD A PUBLIC HEARING
18 UPON SUCH PETITION WITHIN THIRTY DAYS AFTER ITS RECEIPT. THE TOWN CLERK
19 SHALL GIVE NOTICE OF SUCH HEARING BY THE PUBLICATION OF A NOTICE IN AT
20 LEAST ONE NEWSPAPER OF GENERAL CIRCULATION IN THE TOWN, AND POST SUCH
21 NOTICE ON THE TOWN WEBSITE IF AVAILABLE, SPECIFYING THE TIME WHEN AND
22 THE PLACE WHERE SUCH HEARING WILL BE HELD, AND IN GENERAL TERMS DESCRIB-
23 ING THE PROPOSED RESOLUTION. SUCH NOTICE SHALL BE PUBLISHED ONCE AT
24 LEAST FIVE DAYS PRIOR TO THE DAY SPECIFIED FOR SUCH HEARING.

25 B. IN THE EVENT THE TOWN BOARD, AFTER SUCH PUBLIC HEARING, DETERMINES
26 THAT SUCH DESIGNATION OR STANDARDS SHALL CONTINUE UNCHANGED, NO ADDI-
27 TIONAL PETITION MAY BE SUBMITTED BY A PERSON OR PERSONS PURSUANT TO THIS
28 SECTION UNTIL THE LAPSE OF AT LEAST TWENTY-FOUR MONTHS FROM THE DATE OF
29 THE FILING OF THE PREVIOUS PETITION FILED BY SUCH PERSON OR PERSONS.

30 C. THE TOWN BOARD HAVING JURISDICTION OVER A MINIMUM MAINTENANCE ROAD
31 MAY ADOPT A LOCAL LAW DISCONTINUING SUCH MINIMUM MAINTENANCE ROAD DESIG-
32 NATION IN THE EVENT IT DETERMINES SUCH DISCONTINUANCE TO BE IN THE
33 PUBLIC INTEREST.

34 6. WHERE THE MINIMUM MAINTENANCE ROAD DESIGNATION IS DISCONTINUED, OR
35 A LOW-VOLUME ROAD CLASSIFICATION IS CHANGED, ROAD IMPROVEMENTS MAY, IN
36 ADDITION TO OTHER FINANCING MECHANISMS AVAILABLE FOR ROAD CONSTRUCTION
37 PROJECTS, BE UNDERTAKEN IN ACCORDANCE WITH SECTION TWO HUNDRED OF THE
38 TOWN LAW.

39 S 45. The vehicle and traffic law is amended by adding a new section
40 124 to read as follows:

41 S 124. MINIMUM MAINTENANCE ROAD. A LOW-VOLUME ROAD OR PORTION THEREOF
42 WHICH IS DESIGNATED BY THE TOWN HAVING JURISDICTION OVER SUCH ROAD
43 PURSUANT TO SECTION TWO HUNDRED FIVE-C OF THE HIGHWAY LAW.

44 S 46. Subdivision (a) of section 1683 of the vehicle and traffic law
45 is amended by adding a new paragraph 18 to read as follows:

46 18. DESIGNATE A ROAD OR PORTION THEREOF AS A MINIMUM MAINTENANCE ROAD.

47 S 47. Section 142 of the highway law is amended by adding a new subdi-
48 vision 6 to read as follows:

49 6. A. TWO OR MORE CONTIGUOUS TOWNS MAY, UPON THE REQUEST OF THE HIGH-
50 WAY SUPERINTENDENTS OF SUCH TOWNS AND BY A MAJORITY VOTE OF EACH OF THE
51 TOWN BOARDS OF SUCH TWO OR MORE CONTIGUOUS TOWNS AUTHORIZE THE HIGHWAY
52 SUPERINTENDENTS OF SUCH TOWNS TO PURCHASE AND PROVIDE FOR STORAGE OF
53 HIGHWAY EQUIPMENT AS PROVIDED IN THIS SECTION.

54 B. EACH TOWN THAT SO ELECTS TO PARTICIPATE SHALL BY RESOLUTION OF THE
55 TOWN BOARD AUTHORIZE EXPENDITURE OF FUNDS FOR THE PURPOSE OF JOINT
56 PURCHASE AND USE OF HIGHWAY EQUIPMENT.

1 C. NOTWITHSTANDING ANY PROVISION OF LAW TO THE CONTRARY, A VILLAGE
2 PARTIALLY OR WHOLLY CONTAINED WITHIN A TOWN THAT PARTICIPATES IN A JOINT
3 HIGHWAY EQUIPMENT PURCHASE SHALL NOT BE REQUIRED BUT MAY, BY RESOLUTION
4 OF THE VILLAGE BOARD, ELECT TO PARTICIPATE IN A JOINT TOWN PURCHASE OF
5 HIGHWAY EQUIPMENT.

6 S 48. Paragraph (e) of subdivision 4 of section 10-c of the highway
7 law, as amended by chapter 413 of the laws of 1991, is amended to read
8 as follows:

9 (e) Funds allocated for local street or highway projects under this
10 subdivision shall be used to undertake work on a project either with the
11 municipality's own forces or by contract, provided however, that whenev-
12 er the estimate for the construction contract work exceeds [one] TWO
13 hundred FIFTY thousand dollars such work must be performed by contract
14 let by competitive bid in accordance with the provisions of section one
15 hundred three of the general municipal law.

16 S 49. Subdivisions 6, 7 and 8 of section 10-c of the highway law,
17 subdivision 6 as amended by chapter 755 of the laws of 1992, subdivision
18 7 as added by section 5 of part C of chapter 84 of the laws of 2002 and
19 subdivision 8 as added by chapter 56 of the laws of 1993, are amended to
20 read as follows:

21 6. [On the first day of the third month following the end of its
22 fiscal year ending in nineteen hundred eighty-three and each succeeding
23 fiscal year, each municipality which has received five thousand dollars
24 or more in total funds paid pursuant to subdivision two or four of this
25 section during the preceding fiscal year shall certify to the commis-
26 sioner, pursuant to rules and regulations promulgated by the commis-
27 sioner in relation thereto, that the expenditure by such municipality in
28 such fiscal year of nonstate funds raised by the municipality for the
29 operation and maintenance (exclusive of capital construction) of its
30 highways, bridges and/or highway-railroad crossings was not reduced
31 below the level of the average of the previous two years. Provided,
32 however, that in calculating the expenditures and revenues of the muni-
33 cipality to determine the local maintenance of effort for the fiscal
34 year being certified and the expenditure level of the average of the
35 previous two years, municipalities shall not be required to include the
36 amount of revenues and expenditures for operation and maintenance of its
37 highways, bridges, and/or highway-railroad crossings necessitated by any
38 unforeseen event for which the municipality was officially declared a
39 disaster area. Where a reduction in such spending or non-use has
40 occurred, the distributions above the funding level to such municipality
41 in the then-current state fiscal year shall be reduced by an amount
42 equivalent to the amount of such reduction or non-use, except that no
43 reduction to the funding level shall be taken for an amount caused by
44 any unforeseen event for which the municipality was officially declared
45 a disaster area. Municipalities not required to certify under this
46 section may continue such non-certifying status, with the approval of
47 the commissioner, if the apportionment to such municipality is increased
48 to more than five thousand dollars but less than seven thousand dollars
49 in any local fiscal year. For the purposes of this section, a muni-
50 cipality shall mean a county, city, town or village or two or more such
51 jurisdictions acting jointly.

52 7.] For any city, town, or village which consolidates or merges with
53 another municipality, the resulting successor government shall file with
54 the office of the state comptroller a certificate of any such consol-
55 idation, merger and any accompanying dissolution. In the event that the
56 amount which would otherwise be apportioned to the individual govern-

1 ments exceeds the amount which is payable to the successor government
 2 pursuant to this section, such successor government shall receive no
 3 less in consolidated local highway apportionments than the predecessor
 4 governments would have received in the aggregate had the merger or
 5 consolidation not occurred.

6 [8.] 7. (a) For each fiscal year set out in the schedule hereinbelow
 7 amounts shall be distributed pursuant to annual appropriation from the
 8 local assistance account of the general fund in an amount set out in
 9 such schedule for the corresponding state fiscal year:

| 10 | State Fiscal Year | Appropriation |
|----|-------------------|---------------|
| 11 | 1993-94 | \$72,652,000 |
| 12 | 1994-95 | \$72,652,000 |
| 13 | 1995-96 | \$72,652,000 |
| 14 | 1996-97 | \$72,652,000 |

15 (b) For each fiscal year set out in the schedule hereinbelow amounts
 16 shall be distributed pursuant to annual appropriation from the dedicated
 17 highway and bridge trust fund or by authorization by the legislature for
 18 capital projects in an amount set out in such schedule for the corre-
 19 sponding state fiscal year:

| 20 | State Fiscal Year | Appropriation |
|----|-------------------|---------------|
| 21 | 1993-94 | \$170,000,000 |
| 22 | 1994-95 | \$175,000,000 |
| 23 | 1995-96 | \$180,000,000 |
| 24 | 1996-97 | \$185,000,000 |

25 (c) The moneys appropriated or authorized in each fiscal year pursuant
 26 to the schedules in paragraphs (a) and (b) of this subdivision shall be
 27 distributed in accordance with the procedures contained in subdivisions
 28 three and four of this section. The total of funds distributed in
 29 accordance with the procedures in subdivision three of this section
 30 shall equal one hundred forty-five million dollars in each fiscal year.
 31 The balance of funds shall be distributed in accordance with the proce-
 32 dures in subdivision four of this section. For purposes of calculating
 33 distributions in accordance with subdivision three of this section, the
 34 "funding level" shall be proportioned between amounts distributed pursu-
 35 ant to paragraphs (a) and (b) of this subdivision.

36 S 50. The department of transportation shall revise any code, rule or
 37 regulation consistent with the amendments to section 10-c of the highway
 38 law, made by section fifty-two of this act.

39 S 51. Notwithstanding the provisions of article 47 of the insurance
 40 law, or any other provision of law to the contrary, a county shall be
 41 authorized to enter into a municipal cooperative agreement authorized by
 42 article 5-G of the general municipal law, with one or more school
 43 districts, towns, or villages, in order to provide health care benefits
 44 or establish a health care plan for their respective employees. Such
 45 county shall be authorized to charge an administrative fee to such
 46 school districts, towns, or villages for participation in such agree-
 47 ment.

48 S 52. Subdivision 13 of section 837 of the executive law, as added by
 49 chapter 399 of the laws of 1972 and such section as renumbered by chap-
 50 ter 603 of the laws of 1973, is amended to read as follows:

51 13. Adopt, amend or rescind such rules and regulations as may be
 52 necessary or convenient to the performance of the functions, powers and

1 duties of the division INCLUDING REVISING AND ELIMINATING CERTAIN RECORD
2 KEEPING PROCEDURES TO REFLECT TECHNOLOGICAL ADVANCES;

3 S 53. Subdivision 8 of section 230 of the labor law as added by chap-
4 ter 777 of the laws of 1971, is amended to read as follows:

5 8. "Fiscal officer" [means the industrial commissioner, except for
6 building service work performed by or on behalf of a city, in which case
7 "fiscal officer" means the comptroller or other analogous officer of
8 such city] SHALL BE DEEMED TO BE, ON PUBLIC WORK PERFORMED BY OR ON
9 BEHALF OF THE STATE OR A PUBLIC BENEFIT CORPORATION OR A COUNTY OR A
10 VILLAGE, OR OTHER CIVIL DIVISION OF THE STATE, EXCEPT A CITY WITH A
11 POPULATION IN EXCESS OF ONE MILLION, THE COMMISSIONER OF LABOR; AND ON
12 PUBLIC WORK PERFORMED BY OR ON BEHALF OF A CITY WITH A POPULATION IN
13 EXCESS OF ONE MILLION, THE COMPTROLLER OR OTHER ANALOGOUS OFFICER OF
14 SUCH CITY.

15 S 54. Paragraph 1 of subdivision (c) of section 81.44 of the mental
16 hygiene law, as added by chapter 175 of the laws of 2008, is amended to
17 read as follows:

18 1. serve a copy of the statement of death upon the court examiner, the
19 duly appointed personal representative of the decedent's estate, or, if
20 no [person] PERSONAL representative has been appointed, then upon the
21 personal representative named in the decedent's will or any trust
22 instrument, if known, UPON THE LOCAL DEPARTMENT OF SOCIAL SERVICES and
23 upon the public administrator of the chief fiscal officer of the county
24 in which the guardian was appointed, and

25 S 55. Intentionally omitted.

26 S 56. Subdivision 4 of section 458-b of the social services law is
27 amended by adding a new paragraph (d) to read as follows:

28 (D) PAYMENTS PURSUANT TO THIS SECTION MAY BE MADE BY DIRECT DEPOSIT OR
29 DEBIT CARD, AS ELECTED BY THE RECIPIENT, AND ADMINISTERED ELECTRON-
30 ICALLY, AND IN ACCORDANCE WITH SECTION TWENTY-ONE-A OF THIS CHAPTER AND
31 WITH SUCH GUIDELINES AS MAY BE SET FORTH BY REGULATION OF THE OFFICE OF
32 CHILDREN AND FAMILY SERVICES. THE OFFICE OF CHILDREN AND FAMILY SERVICES
33 MAY ENTER INTO CONTRACTS ON BEHALF OF LOCAL SOCIAL SERVICES DISTRICTS
34 FOR SUCH DIRECT DEPOSIT OR DEBIT CARD SERVICES IN ACCORDANCE WITH
35 SECTION TWENTY-ONE-A OF THIS CHAPTER.

36 S 57. Subdivision 1 of section 341 of the social services law, as
37 amended by section 1 of part D of chapter 61 of the laws of 2006, is
38 amended to read as follows:

39 1. (a) Consistent with federal law and regulations and this title, if
40 a participant has failed or refused to comply with the requirements of
41 this title, the social services district shall issue a notice in plain
42 language indicating that such failure or refusal has taken place, THE
43 EFFECT OF SUCH NONCOMPLIANCE ON THE PARTICIPANT'S PUBLIC ASSISTANCE
44 BENEFITS, and of the right of such participant to conciliation to
45 resolve the reasons for such failure or refusal to avoid a pro-rata
46 reduction OR DISCONTINUANCE in public assistance benefits for a period
47 of time set forth in section three hundred forty-two of this title. The
48 notice shall indicate the specific instance or instances of willful
49 refusal or failure to comply without good cause with the requirements of
50 this title and the necessary actions that must be taken to avoid a pro-
51 rata reduction OR DISCONTINUANCE in public assistance benefits. The
52 notice shall indicate that the participant has [seven] TEN days to
53 request conciliation with the district regarding such failure or refusal
54 [in the case of a safety net participant and ten days in the case of a
55 family assistance participant]. PROVIDED, HOWEVER, THAT FOR A MEMBER OF
56 A HOUSEHOLD WITH DEPENDENT CHILDREN WHO DOES NOT REQUEST A CONCILIATION

1 CONFERENCE WITHIN THE TEN DAY PERIOD, THE LOCAL SOCIAL SERVICES DISTRICT
2 SHALL MAKE AN ADDITIONAL EFFORT TO CONTACT THE HOUSEHOLD, INCLUDING A
3 REASONABLE ATTEMPT FOR TELEPHONE CONTACT, TO OFFER CONCILIATION AND TO
4 INDICATE THAT THE PARTICIPANT HAS TEN DAYS TO REQUEST CONCILIATION. The
5 notice shall also include an explanation in plain language of what would
6 constitute good cause for non-compliance and examples of acceptable
7 forms of evidence that may warrant an exemption from work activities,
8 including evidence of domestic violence, and physical or mental health
9 limitations that may be provided at the conciliation conference to
10 demonstrate such good cause for failure to comply with the requirements
11 of this title. SUCH NOTICE SHALL ALSO INCLUDE INFORMATION TO EXPLAIN
12 THE BENEFITS OF COMPLIANCE, INCLUDING THE AVAILABILITY OF GUARANTEED
13 CHILD CARE BENEFITS. If the participant does not contact the district
14 within the specified number of days, the district shall issue ten days
15 notice of intent to discontinue or reduce assistance, pursuant to regu-
16 lations of the department. Such notice shall also include a statement of
17 the participant's right to a fair hearing relating to such discontin-
18 uance or reduction. If such participant contacts the district within
19 [seven days in the case of a safety net participant or within ten days
20 in the case of a family assistance participant] THE SPECIFIED NUMBER OF
21 DAYS, it will be the responsibility of the participant to give reasons
22 for such failure or refusal.

23 (b) Unless the district determines as a result of such conciliation
24 process that such failure or refusal was willful and was without good
25 cause, no further action shall be taken. If the district determines that
26 such failure or refusal was willful and without good cause, the district
27 shall notify such participant in writing, in plain language and in a
28 manner distinct from any previous notice, by issuing ten days notice of
29 its intent to discontinue or reduce assistance. Such notice shall
30 include the reasons for such determination, the specific instance or
31 instances of willful refusal or failure to comply without good cause
32 with the requirements of this title, the necessary actions that must be
33 taken to avoid a pro-rata reduction OR DISCONTINUANCE in public assist-
34 ance benefits, and the right to a fair hearing relating to such discon-
35 tinuance or reduction. Unless extended by mutual agreement of the
36 participant and the district, conciliation shall terminate and a deter-
37 mination shall be made within [fourteen] THIRTY days of the date a
38 request for conciliation is made [in the case of a safety net partic-
39 ipant or within thirty days of the conciliation notice in the case of a
40 family assistance participant].

41 S 58. Section 20 of the social services law is amended by adding a new
42 subdivision 9 to read as follows:

43 9. TO THE EXTENT APPROPRIATIONS ARE AVAILABLE, THE DEPARTMENT AND THE
44 OFFICE OF CHILDREN AND FAMILY SERVICES SHALL PROMULGATE RULES AND REGU-
45 LATIONS THAT PROVIDE ADMINISTRATIVE SUPPORT AND FINANCIAL INCENTIVES TO
46 ENCOURAGE COUNTIES AND LOCAL SOCIAL SERVICES DISTRICTS TO MERGE LOCAL
47 AGENCIES, DEVELOP INNOVATIVE PROGRAMS, OR PROVIDE CROSS-COUNTY SERVICES.

48 S 59. Subdivision 2 of section 500 of the executive law is amended by
49 adding two new paragraphs (a) and (b) to read as follows:

50 (A) IN ORDER TO PERMIT LOCAL SOCIAL SERVICES DISTRICTS TO ENTER INTO
51 MULTI-YEAR CONTRACTS FOR PURCHASES OF SERVICES THE COMMISSIONER OF THE
52 OFFICE OF CHILDREN AND FAMILY SERVICES SHALL PROMULGATE NEW RULES AND
53 REGULATIONS TO TAKE EFFECT IMMEDIATELY THAT WILL PROVIDE COMMISSIONERS
54 OF LOCAL SOCIAL SERVICES DISTRICTS WITH THE AUTHORITY TO DETERMINE THE
55 CONTRACT LENGTH FOR PURCHASE OF SERVICE CONTRACTS.

1 (B) IN ORDER TO PERMIT LOCAL SOCIAL SERVICES DISTRICTS TO APPLY FOR
2 WAIVERS FROM NON-STATUTORY REGULATORY PROVISIONS THE COMMISSIONER OF THE
3 OFFICE OF CHILDREN AND FAMILY SERVICES SHALL PROMULGATE NEW RULES AND
4 REGULATIONS TO TAKE EFFECT IMMEDIATELY THAT WILL ALLOW LOCAL SOCIAL
5 SERVICES DISTRICTS TO APPLY FOR A WAIVER FROM NON-MANDATORY PROVISIONS
6 THAT WILL NOT ADVERSELY AFFECT THE SAFETY OR WELL-BEING OF CHILDREN OR
7 FAMILIES BASED UPON THE REVIEW OF CERTAIN CRITERIA.

8 S 60. Intentionally omitted.

9 S 61. Intentionally omitted.

10 S 62. Intentionally omitted.

11 S 63. Section 1604 of the education law is amended by adding a new
12 subdivision 21-b to read as follows:

13 21-B. A. THE TRUSTEES ARE AUTHORIZED TO PROVIDE REGIONAL TRANSPORTA-
14 TION SERVICES BY RENDERING SUCH SERVICES JOINTLY WITH OTHER SCHOOL
15 DISTRICTS OR BOARDS OF COOPERATIVE EDUCATIONAL SERVICES. SUCH SERVICES
16 MAY INCLUDE PUPIL TRANSPORTATION BETWEEN HOME AND SCHOOL, TRANSPORTATION
17 DURING THE DAY TO AND FROM SCHOOL AND A SPECIAL EDUCATION PROGRAM OR
18 SERVICE OR A PROGRAM AT A BOARD OF COOPERATIVE EDUCATIONAL SERVICES OR
19 AN APPROVED SHARED PROGRAM AT ANOTHER SCHOOL DISTRICT, TRANSPORTATION
20 FOR FIELD TRIPS OR TO AND FROM EXTRACURRICULAR ACTIVITIES, AND COOPER-
21 ATIVE SCHOOL BUS MAINTENANCE.

22 B. THE TRUSTEES ARE AUTHORIZED TO ENTER INTO A CONTRACT WITH ANOTHER
23 SCHOOL DISTRICT, A COUNTY, MUNICIPALITY, OR THE STATE OFFICE OF CHILDREN
24 AND FAMILY SERVICES TO PROVIDE TRANSPORTATION FOR CHILDREN, INCLUDING
25 CONTRACTS TO PROVIDE SUCH TRANSPORTATION AS REGIONAL TRANSPORTATION
26 SERVICES, PROVIDED THAT THE CONTRACT COST IS APPROPRIATE. IN DETERMINING
27 THE APPROPRIATE TRANSPORTATION CONTRACT COST, THE TRANSPORTATION SERVICE
28 PROVIDER SCHOOL DISTRICT SHALL USE A CALCULATION CONSISTENT WITH REGU-
29 LATIONS ADOPTED BY THE COMMISSIONER FOR THE PURPOSE OF ASSURING THAT
30 CHARGES REFLECT THE TRUE COSTS THAT WOULD BE INCURRED BY A PRUDENT
31 PERSON IN THE CONDUCT OF A COMPETITIVE TRANSPORTATION BUSINESS.

32 S 64. Paragraphs g and h of subdivision 25 of section 1709 of the
33 education law, paragraph g as added by chapter 367 of the laws of 1979
34 and paragraph h as added by chapter 700 of the laws of 1993, are amended
35 to read as follows:

36 g. The board of education is authorized to provide regional transpor-
37 tation services by rendering such services jointly with other school
38 districts or boards of cooperative educational services. Such services
39 may include pupil transportation between home and school, TRANSPORTATION
40 DURING THE DAY TO AND FROM SCHOOL AND A SPECIAL EDUCATION PROGRAM OR
41 SERVICE OR A PROGRAM AT A BOARD OF COOPERATIVE EDUCATIONAL SERVICES OR
42 AN APPROVED SHARED PROGRAM AT ANOTHER SCHOOL DISTRICT, TRANSPORTATION
43 FOR FIELD TRIPS OR TO AND FROM EXTRACURRICULAR ACTIVITIES, and cooper-
44 ative school bus maintenance.

45 h. (I) The board of education is authorized to enter into a contract
46 with another school district, a county, municipality, or the state
47 [division for youth] OFFICE OF CHILDREN AND FAMILY SERVICES to provide
48 transportation for children, INCLUDING CONTRACTS TO PROVIDE SUCH TRANS-
49 PORTATION AS REGIONAL TRANSPORTATION SERVICES, provided that the
50 contract cost is appropriate. In determining the appropriate transporta-
51 tion contract cost, the transportation service provider school district
52 shall use a calculation consistent with regulations adopted by the
53 commissioner for the purpose of assuring that charges reflect the true
54 costs that would be incurred by a prudent person in the conduct of a
55 competitive transportation business.

1 (II) NOTWITHSTANDING THE PROVISIONS OF SUBDIVISION FOURTEEN OF SECTION
2 THREE HUNDRED FIVE OF THIS CHAPTER, SECTION ONE HUNDRED THREE OF THE
3 GENERAL MUNICIPAL LAW, OR ANY OTHER PROVISION OF LAW TO THE CONTRARY,
4 THE BOARD OF EDUCATION SHALL BE AUTHORIZED TO ENTER INTO A SHARED TRANS-
5 PORTATION SERVICES CONTRACT WITH ANOTHER SCHOOL DISTRICT THAT TRANSPORTS
6 STUDENTS PURSUANT TO A CONTRACT WITH A PRIVATE TRANSPORTATION CONTRAC-
7 TOR, PROVIDED THAT THE BOARD FINDS THAT THE CONTRACT COST IS APPROPRIATE
8 AND ENTRY INTO A SHARED TRANSPORTATION SERVICES CONTRACT WILL RESULT IN
9 A COST SAVINGS TO THE SCHOOL DISTRICT. FOR PURPOSES OF THIS PARAGRAPH, A
10 "SHARED TRANSPORTATION SERVICES CONTRACT" MEANS A CONTRACT FOR THE
11 TRANSPORTATION OF STUDENTS THAT: (1) PROVIDES TRANSPORTATION TO A
12 LOCATION OUTSIDE THE STUDENTS' SCHOOL DISTRICT OF RESIDENCE TO WHICH
13 ANOTHER SCHOOL DISTRICT IS ALREADY PROVIDING TRANSPORTATION TO ITS OWN
14 STUDENTS THROUGH AN EXISTING CONTRACT WITH A PRIVATE TRANSPORTATION
15 CONTRACTOR, OTHER THAN A COOPERATIVELY BID CONTRACT; (2) IS ENTERED INTO
16 BY THE PRIVATE TRANSPORTATION CONTRACTOR AND EACH SCHOOL DISTRICT
17 INVOLVED; AND (3) PROVIDES FOR TRANSPORTATION IN ACCORDANCE WITH THE
18 TERMS AND CONDITIONS OF SUCH EXISTING TRANSPORTATION CONTRACT.

19 S 65. Section 305 of the education law is amended by adding a new
20 subdivision 42 to read as follows:

21 42. THE COMMISSIONER SHALL IMPLEMENT REGULATIONS DIRECTING SCHOOL
22 DISTRICTS TO EVALUATE STUDENTS WHO HAVE INDIVIDUALIZED EDUCATION
23 PROGRAMS AND WHO ALSO REQUIRE ACADEMIC INTERVENTION SERVICES, TO DETER-
24 MINE WHICH SERVICES, IF ANY, ARE BEING REPEATED BY BOTH THE PROGRAM AND
25 THE SERVICES. THE COMMISSIONER SHALL PROVIDE THAT IF A SCHOOL DISTRICT
26 DETERMINES THAT AN INDIVIDUALIZED EDUCATION PROGRAM AND THE ACADEMIC
27 INTERVENTION SERVICES REQUIRE THE SAME TASK OR SERVICE, THE SCHOOL
28 DISTRICT SHALL NOT BE REQUIRED TO IMPLEMENT SUCH TASK OR PROVIDE SUCH
29 SERVICE MORE THAN ONCE TO THE STUDENT.

30 S 66. Section 3635 of the education law is amended by adding a new
31 subdivision 8 to read as follows:

32 8. A BOARD OF EDUCATION MAY, AT ITS DISCRETION, PROVIDE STUDENT
33 TRANSPORTATION BASED UPON PATTERNS OF ACTUAL RIDERSHIP. THE ACTUAL
34 RIDERSHIP SHALL BE BASED UPON THE HISTORY AND EXPERIENCE THAT YIELDS A
35 CONSISTENT PATTERN OF ELIGIBLE PUPILS NOT USING DISTRICT TRANSPORTATION;
36 OR MODELING OF FUTURE RIDERSHIP; OR THE SHARING OF TRANSPORTATION
37 REGIONALLY; OR OTHER CRITERIA DETERMINED BY THE SCHOOL DISTRICT THAT
38 ENSURES THAT ALL STUDENTS IN NEED OF TRANSPORTATION RECEIVE IT. NOTHING
39 IN THIS SECTION SHALL REDUCE OR RELIEVE SCHOOL DISTRICTS FROM THE
40 RESPONSIBILITY OF PROVIDING TRANSPORTATION TO STUDENTS OTHERWISE ELIGI-
41 BLE AND ACTUALLY IN NEED OF SUCH TRANSPORTATION. ANY SCHOOL DISTRICT
42 THAT, AT ITS DISCRETION, HAS ELECTED TO PROVIDE STUDENT TRANSPORTATION
43 BASED UPON PATTERNS OF ACTUAL RIDERSHIP SHALL PLACE SUCH PLANS ON THE
44 SCHOOL DISTRICT'S WEBSITE ON OR BEFORE AUGUST FIFTEENTH OF THE SCHOOL
45 YEAR IN WHICH THE TRANSPORTATION PLAN WILL BE IMPLEMENTED.

46 S 67. Intentionally omitted.

47 S 68. Intentionally omitted.

48 S 69. Intentionally omitted.

49 S 70. Paragraph (a) of subdivision 2 of section 376-a of the executive
50 law, as added by section 29 of part B of chapter 56 of the laws of 2010,
51 is amended to read as follows:

52 (a) (I) The approval, or revocation thereof, of code enforcement
53 training programs for code enforcement personnel;

54 (II) IN ORDER TO MODERNIZE CODE ENFORCEMENT TRAINING PROGRAMS THE
55 SECRETARY OF STATE SHALL PROMULGATE NEW RULES AND REGULATIONS TO TAKE
56 EFFECT ON JANUARY FIRST, TWO THOUSAND THIRTEEN IN ORDER TO ALLOW FOR THE

1 FOLLOWING CHANGES TO THE EXISTING DEPARTMENT OF STATE RULES AND REGU-
2 LATIONS CODE ENFORCEMENT TRAINING PROGRAMS: EXTENDING THE TIMEFRAME FOR
3 BASIC TRAINING FOR BOTH FULL AND PART TIME CODE ENFORCEMENT PERSONNEL,
4 ALLOW COURSE WAIVERS FOR CODE ENFORCEMENT PERSONNEL THAT HAVE PROFES-
5 SIONAL LICENSES OR EDUCATIONAL DEGREES THE SECRETARY OF STATE DEEMS
6 APPROPRIATE AND COURSE WAIVERS FOR OTHER THAN THESE PROFESSIONALS AFTER
7 SUCCESSFUL COMPLETION OF AN EXAM, REDUCING THE BASIC TRAINING PROGRAM TO
8 FIVE, TWENTY-ONE HOUR COURSES FOR FULL CERTIFICATION AS CODE ENFORCEMENT
9 OFFICIALS, CREATING A LOWER LEVEL OF CERTIFICATION FOR RURAL MUNICI-
10 PALITIES THAT HAVE THE MAJORITY OF LOW-RISE RESIDENTIAL CONSTRUCTION AND
11 EXISTING BUILDINGS, ALLOWING HALF OF THE REQUIRED IN-SERVICE TRAINING
12 HOURS TO BE THROUGH ON-LINE TRAINING PROGRAMS AFTER CODE ENFORCEMENT
13 PERSONNEL HAVE BEEN CERTIFIED, OFFERING IN-SERVICE ON-LINE COURSES BY
14 THE DEPARTMENT OF STATE AT NO CHARGE TO CODE ENFORCEMENT PERSONNEL.

15 S 71. Subsection (g) of section 3231 of the insurance law, as added by
16 chapter 501 of the laws of 1992, is amended to read as follows:

17 (g) This section shall also apply to policies issued to a group
18 defined in subsection (c) of section four thousand two hundred thirty-
19 five OF THIS CHAPTER, including but not limited to an association or
20 trust of employers, if the group includes one or more member employers
21 or other member groups which have fifty or fewer employees or members
22 exclusive of spouses and dependents, PROVIDED HOWEVER THAT THIS SECTION
23 SHALL NOT APPLY TO POLICIES ISSUED TO A GROUP DEFINED IN SUBPARAGRAPH
24 (D) OF PARAGRAPH ONE OF SUBSECTION (C) OF SECTION FOUR THOUSAND TWO
25 HUNDRED THIRTY-FIVE OF THIS CHAPTER, IF THE GROUP INCLUDES ONE OR MORE
26 MEMBER EMPLOYERS THAT ARE MUNICIPAL CORPORATIONS OR PUBLIC BENEFIT
27 CORPORATIONS THAT HAVE FIFTY OR FEWER EMPLOYEES EXCLUSIVE OF SPOUSES AND
28 DEPENDENTS.

29 S 72. Paragraph 1 of subsection (d) of section 4317 of the insurance
30 law, as amended by section 2 of part A of chapter 494 of the laws of
31 2009, is amended to read as follows:

32 (1) This section shall also apply to contracts issued to a group
33 defined in subsection (c) of section four thousand two hundred thirty-
34 five of this chapter, including but not limited to an association or
35 trust of employers, if the group includes one or more member employers
36 or other member groups which have fifty or fewer employees or members
37 exclusive of spouses and dependents, PROVIDED HOWEVER THAT THIS SECTION
38 SHALL NOT APPLY TO POLICIES ISSUED TO A GROUP DEFINED IN SUBPARAGRAPH
39 (D) OF PARAGRAPH ONE OF SUBSECTION (C) OF SECTION FOUR THOUSAND TWO
40 HUNDRED THIRTY-FIVE OF THIS CHAPTER, IF THE GROUP INCLUDES ONE OR MORE
41 MEMBER EMPLOYERS THAT ARE MUNICIPAL CORPORATIONS OR PUBLIC BENEFIT
42 CORPORATIONS THAT HAVE FIFTY OR FEWER EMPLOYEES EXCLUSIVE OF SPOUSES AND
43 DEPENDENTS.

44 S 73. Subdivision 1 of section 103 of the general municipal law, as
45 amended by section 1 of part FF of chapter 56 of the laws of 2010, is
46 amended to read as follows:

47 1. Except as otherwise expressly provided by an act of the legislature
48 or by a local law adopted prior to September first, nineteen hundred
49 fifty-three, all contracts for public work involving an expenditure of
50 more than [thirty-five] ONE HUNDRED thousand dollars and all purchase
51 contracts involving an expenditure of more than [twenty] FIFTY thousand
52 dollars, shall be awarded by the appropriate officer, board or agency of
53 a political subdivision or of any district therein including but not
54 limited to a soil conservation district, to the lowest responsible
55 bidder furnishing the required security after advertisement for sealed
56 bids in the manner provided by this section. In any case where a respon-

1 sible bidder's gross price is reducible by an allowance for the value of
2 used machinery, equipment, apparatus or tools to be traded in by a poli-
3 tical subdivision, the gross price shall be reduced by the amount of
4 such allowance, for the purpose of determining the low bid. In cases
5 where two or more responsible bidders furnishing the required security
6 submit identical bids as to price, such officer, board or agency may
7 award the contract to any of such bidders. Such officer, board or agency
8 may, in his or her or its discretion, reject all bids and readvertise
9 for new bids in the manner provided by this section. In determining
10 whether a purchase is an expenditure within the discretionary threshold
11 amounts established by this subdivision, the officer, board or agency of
12 a political subdivision or of any district therein shall consider the
13 reasonably expected aggregate amount of all purchases of the same
14 commodities, services or technology to be made within the twelve-month
15 period commencing on the date of purchase. Purchases of commodities,
16 services or technology shall not be artificially divided for the purpose
17 of satisfying the discretionary buying thresholds established by this
18 subdivision. A change to or a renewal of a discretionary purchase shall
19 not be permitted if the change or renewal would bring the reasonably
20 expected aggregate amount of all purchases of the same commodities,
21 services or technology from the same provider within the twelve-month
22 period commencing on the date of the first purchase to an amount greater
23 than the discretionary buying threshold amount. For purposes of this
24 section, "sealed bids", as that term applies to purchase contracts,
25 shall include bids submitted in an electronic format including
26 submission of the statement of non-collusion required by section one
27 hundred three-d of this article, provided that the governing board of
28 the political subdivision or district, by resolution, has authorized the
29 receipt of bids in such format. Submission in electronic format may,
30 [for technology contracts only,] be required as the sole method for the
31 submission of bids. Bids submitted in an electronic format shall be
32 transmitted by bidders to the receiving device designated by the poli-
33 tical subdivision or district. Any method used to receive electronic
34 bids shall comply with article three of the state technology law, and
35 any rules and regulations promulgated and guidelines developed there-
36 under and, at a minimum, must (a) document the time and date of receipt
37 of each bid received electronically; (b) authenticate the identity of
38 the sender; (c) ensure the security of the information transmitted; and
39 (d) ensure the confidentiality of the bid until the time and date estab-
40 lished for the opening of bids. The timely submission of an electronic
41 bid in compliance with instructions provided for such submission in the
42 advertisement for bids and/or the specifications shall be the responsi-
43 bility solely of each bidder or prospective bidder. No political subdi-
44 vision or district therein shall incur any liability from delays of or
45 interruptions in the receiving device designated for the submission and
46 receipt of electronic bids.

47 S 74. Subdivision 1 of section 103 of the general municipal law, as
48 amended by section 2 of part FF of chapter 56 of the laws of 2010, is
49 amended as follows:

50 1. Except as otherwise expressly provided by an act of the legislature
51 or by a local law adopted prior to September first, nineteen hundred
52 fifty-three, all contracts for public work involving an expenditure of
53 more than [thirty-five] ONE HUNDRED thousand dollars and all purchase
54 contracts involving an expenditure of more than [twenty] FIFTY thousand
55 dollars, shall be awarded by the appropriate officer, board or agency of
56 a political subdivision or of any district therein including but not

1 limited to a soil conservation district, to the lowest responsible
2 bidder furnishing the required security after advertisement for sealed
3 bids in the manner provided by this section. In determining whether a
4 purchase is an expenditure within the discretionary threshold amounts
5 established by this subdivision, the officer, board or agency of a poli-
6 tical subdivision or of any district therein shall consider the reason-
7 ably expected aggregate amount of all purchases of the same commodities,
8 services or technology to be made within the twelve-month period
9 commencing on the date of purchase. Purchases of commodities, services
10 or technology shall not be artificially divided for the purpose of
11 satisfying the discretionary buying thresholds established by this
12 subdivision. A change to or a renewal of a discretionary purchase shall
13 not be permitted if the change or renewal would bring the reasonably
14 expected aggregate amount of all purchases of the same commodities,
15 services or technology from the same provider within the twelve-month
16 period commencing on the date of the first purchase to an amount greater
17 than the discretionary buying threshold amount. In any case where a
18 responsible bidder's gross price is reducible by an allowance for the
19 value of used machinery, equipment, apparatus or tools to be traded in
20 by a political subdivision, the gross price shall be reduced by the
21 amount of such allowance, for the purpose of determining the low bid. In
22 cases where two or more responsible bidders furnishing the required
23 security submit identical bids as to price, such officer, board or agen-
24 cy may award the contract to any of such bidders. Such officer, board or
25 agency may, in his, her or its discretion, reject all bids and readver-
26 tise for new bids in the manner provided by this section.

27 S 75. Intentionally omitted.

28 S 76. The highway law is amended by adding a new section 11-a to read
29 as follows:

30 S 11-A. SERVICES AND REIMBURSEMENT. 1. NOTWITHSTANDING ANY INCONSIST-
31 ENT PROVISION OF LAW, GENERAL, SPECIAL OR LOCAL, THE DEPARTMENT, AT THE
32 REQUEST OF A MUNICIPALITY OR PUBLIC AUTHORITY, IS AUTHORIZED TO PROVIDE
33 SERVICES, MATERIALS, EQUIPMENT, PERSONNEL AND OTHER ASSISTANCE TO SUCH
34 MUNICIPALITY OR PUBLIC AUTHORITY. THE DEPARTMENT SHALL KEEP AN ACCOUNT-
35 ING OF ALL COSTS INCURRED IN PROVIDING ASSISTANCE PURSUANT TO THIS
36 SUBDIVISION AND SHALL BE FULLY REIMBURSED BY THE MUNICIPALITY OR PUBLIC
37 AUTHORITY REQUESTING ASSISTANCE. REIMBURSEMENT PURSUANT TO THIS SUBDI-
38 VISION SHALL BE IN THE FORM OF SERVICES, MATERIALS, MONEYS, OFFSETS OF
39 MONEYS DUE BY THE STATE TO SUCH MUNICIPALITY OR PUBLIC AUTHORITY, OR
40 SUCH OTHER CONSIDERATION AS DEEMED APPROPRIATE BY THE DEPARTMENT.

41 2. NOTWITHSTANDING ANY INCONSISTENT PROVISION OF LAW, GENERAL, SPECIAL
42 OR LOCAL, A MUNICIPALITY OR PUBLIC AUTHORITY, AT THE REQUEST OF THE
43 DEPARTMENT, IS AUTHORIZED TO PROVIDE SERVICES, MATERIALS, EQUIPMENT,
44 PERSONNEL AND OTHER ASSISTANCE TO THE DEPARTMENT TO ASSIST THE DEPART-
45 MENT. THE MUNICIPALITY OR PUBLIC AUTHORITY SHALL KEEP AN ACCOUNTING OF
46 ALL COSTS INCURRED IN PROVIDING SUCH ASSISTANCE PURSUANT TO THIS SUBDI-
47 VISION AND SHALL BE FULLY REIMBURSED BY THE STATE FOR ASSISTANCE
48 RENDERED TO THE DEPARTMENT AT THE DEPARTMENT'S REQUEST. REIMBURSEMENT
49 PURSUANT TO THIS SUBDIVISION SHALL BE IN THE FORM OF SERVICES, MATERI-
50 ALS, MONEYS, OFFSETS OF MONEYS DUE BY THE MUNICIPALITY OR PUBLIC AUTHOR-
51 ITY TO THE DEPARTMENT, OR SUCH OTHER CONSIDERATION AS DEEMED APPROPRIATE
52 BY THE MUNICIPALITY OR PUBLIC AUTHORITY.

53 S 77. Paragraphs a and d of subdivision 5 of section 220 of the labor
54 law, paragraph a as amended and paragraph d as added by chapter 447 of
55 the laws of 1983, are amended to read as follows:

1 a. The "prevailing rate of wage," for the intents and purposes of this
2 article, shall be [the rate of wage paid in the locality, as hereinafter
3 defined, by virtue of collective bargaining agreements between bona fide
4 labor organizations and employers of the private sector, performing
5 public or private work provided that said employers employ at least
6 thirty per centum of workers, laborers or mechanics in the same trade or
7 occupation in the locality where the work is being performed. The
8 prevailing rate of wage shall be annually determined in accordance here-
9 with by the fiscal officer no later than thirty days prior to July first
10 of each year, and the prevailing rate of wage for the period commencing
11 July first of such year through June thirtieth, inclusive, of the
12 following year shall be the rate of wage set forth in such collective
13 bargaining agreements for the period commencing July first through June
14 thirtieth, including those increases for such period which are directly
15 ascertainable from such collective bargaining agreements by the fiscal
16 officer in his annual determination. In the event that it is determined
17 after a contest, as provided in subdivision six of this section, that
18 less than thirty percent of the workers, laborers or mechanics in a
19 particular trade or occupation in the locality where the work is being
20 performed receive a collectively bargained rate of wage, then] the aver-
21 age wage paid to such workers, laborers or mechanics in the same trade
22 or occupation in the locality for the twelve-month period preceding the
23 fiscal officer's annual determination [shall be the prevailing rate of
24 wage]. Laborers, workers or mechanics for whom a prevailing rate of
25 wage is to be determined shall not be considered in determining such
26 prevailing wage. THE FISCAL OFFICER SHALL MAKE AN ANNUAL DETERMINATION
27 OF THE PREVAILING WAGE, AND SHALL BE EMPOWERED TO CAUSE AN INVESTIGATION
28 TO BE MADE TO DETERMINE THE WAGES PREVAILING IN ANY LOCALITY IN ALL
29 CRAFTS, TRADES AND OCCUPATIONS INVOLVED IN WORK TO BE PERFORMED; IN
30 MAKING SUCH INVESTIGATION, THE FISCAL OFFICER SHALL UTILIZE WAGE AND
31 FRINGE BENEFIT DATA FROM VARIOUS SOURCES INCLUDING, BUT NOT LIMITED TO,
32 DATA AND DETERMINATIONS OF FEDERAL, STATE OR OTHER GOVERNMENTAL AGEN-
33 CIES, INCLUSIVE OF DATA ENCOMPASSING BOTH EMPLOYERS WHOSE EMPLOYEES ARE
34 SUBJECT TO COLLECTIVE BARGAINING AGREEMENTS AS WELL AS EMPLOYERS NOT SO
35 SUBJECT, AND TO ESTABLISH SUCH RATES IN SUCH A FASHION AS TO GATHER AN
36 ACCURATE AND FAIR MEASURE OF THOSE WAGE RATES.

37 d. "Locality" means [such areas of the state described and defined for
38 a trade or occupation in the current collective bargaining agreements
39 between bona fide labor organizations and employers of the private
40 sector, performing public and private work] THE COUNTY OR, IN THE EVENT
41 THAT A PROJECT CROSSES THE BOUNDARIES OF TWO COUNTIES, THE AVERAGE OF
42 THE PREVAILING WAGE OF THOSE TWO COUNTIES AS DEFINED BY THE FISCAL OFFI-
43 CER. IN THE CASE OF A CITY WITH A POPULATION OF ONE MILLION OR MORE, ALL
44 COUNTIES COMPRISING SUCH A CITY SHALL BE CONSIDERED A SINGLE LOCALITY
45 FOR PURPOSES OF THIS SECTION.

46 S 78. Subdivision 7 of section 230 of the labor law, as added by chap-
47 ter 777 of the laws of 1971, is amended to read as follows:

48 7. "Locality" means [the state, a town, city, village or other civil
49 division or area of the state as determined by the fiscal officer. The
50 fiscal officer may fix a different geographic area in determining the
51 locality for the prevailing basic hourly cash rate of pay and the local-
52 ity for prevailing supplements] THE COUNTY WHERE SUCH BUILDING SERVICES
53 ARE PERFORMED. IN THE CASE OF A CITY WITH A POPULATION OF ONE MILLION OR
54 MORE, ALL COUNTIES COMPRISING SUCH A CITY SHALL BE CONSIDERED A SINGLE
55 LOCALITY FOR PURPOSES OF THIS SECTION.

1 S 79. Paragraph (a) of subdivision 1 of section 234 of the labor law,
2 as added by chapter 777 of the laws of 1971, is amended to read as
3 follows:

4 (a) to cause an investigation to be made to determine the wages
5 prevailing in any locality in all crafts, trades and occupations
6 involved in service work; in making such investigation, the fiscal offi-
7 cer may utilize wage and fringe benefit data from various sources
8 including, but not limited to, data and determinations of federal, state
9 or other governmental agencies, INCLUSIVE OF DATA ENCOMPASSING BOTH
10 EMPLOYERS WHOSE EMPLOYEES ARE SUBJECT TO COLLECTIVE BARGAINING AGREE-
11 MENTS AS WELL AS EMPLOYERS NOT SO SUBJECT, AND TO ESTABLISH SUCH RATES
12 IN SUCH A FASHION AS TO GATHER AN ACCURATE AND FAIR MEASURE OF THOSE
13 WAGE RATES;

14 S 80. The general municipal law is amended by adding a new section 25
15 to read as follows:

16 S 25. CONSIDERATION OF REAL PROPERTY TAX LEVY IMPACTS OF A PUBLIC
17 EMPLOYEE CONTRACT. 1. PRIOR TO ITS PRESENTMENT TO THE GOVERNING BODY OF
18 A MUNICIPAL CORPORATION, THE PUBLIC OFFICER OF THE MUNICIPAL CORPORATION
19 WHO IS LEGALLY RESPONSIBLE FOR SIGNING A COLLECTIVE BARGAINING AGREEMENT
20 WHICH CONTAINS ANY INCREASE IN WAGES OR BENEFITS FOR PUBLIC EMPLOYEES,
21 SHALL FIRST CONSIDER WHETHER SIGNING SUCH CONTRACT WOULD RESULT IN ANY
22 INCREASE TO THE MUNICIPAL CORPORATION'S REAL PROPERTY TAX LEVY. IN THE
23 EVENT THAT SUCH PUBLIC OFFICER ELECTS TO SIGN SUCH COLLECTIVE BARGAINING
24 AGREEMENT, HE OR SHE SHALL, PRIOR TO THE PRESENTMENT OF SUCH AGREEMENT
25 FOR APPROVAL BY THE GOVERNING BODY OF THE MUNICIPAL CORPORATION, INFORM
26 SUCH GOVERNING BODY OF THE AMOUNT OF THE PROJECTED INCREASE IN THE REAL
27 PROPERTY TAX LEVY THAT SUCH COLLECTIVE BARGAINING AGREEMENT WOULD HAVE.

28 2. PRIOR TO TAKING ANY VOTE TO APPROVE ANY COLLECTIVE BARGAINING
29 AGREEMENT WHICH CONTAINS ANY INCREASE IN WAGES OR BENEFITS FOR PUBLIC
30 EMPLOYEES, THE GOVERNING BODY OF A MUNICIPAL CORPORATION SHALL FIRST
31 CONSIDER WHETHER APPROVING SUCH CONTRACT WOULD RESULT IN ANY INCREASE TO
32 THE MUNICIPAL CORPORATION'S REAL PROPERTY TAX LEVY. IN THE EVENT THAT
33 SUCH GOVERNING BODY ELECTS TO APPROVE SUCH COLLECTIVE BARGAINING AGREE-
34 MENT, THEY SHALL CAUSE TO HAVE POSTED ON THE OFFICIAL WEBSITE OF SUCH
35 MUNICIPAL CORPORATION, IF THE MUNICIPAL CORPORATION MAINTAINS ONE, A
36 PUBLIC NOTICE FOR NOT LESS THAN THIRTY DAYS, DETAILING THE TERMS OF THE
37 COLLECTIVE BARGAINING AGREEMENT SO APPROVED, THE INCREASES IN WAGES AND
38 BENEFITS, THE TOTAL AMOUNT OF THE INCREASED EXPENDITURES THE MUNICIPAL
39 CORPORATION WILL HAVE TO MAKE OVER THE TERM OF THE AGREEMENT, AND THE
40 PROJECTED AMOUNT OF THE REAL PROPERTY TAX LEVY INCREASE.

41 S 81. Paragraph (c) of subdivision 4 of section 209 of the civil
42 service law, as amended by chapter 216 of the laws of 1977, subparagraph
43 (iii) as amended by chapter 442 of the laws of 1995 and subparagraph
44 (vi) as amended by chapter 113 of the laws of 2006, is amended to read
45 as follows:

46 (c) (i) upon petition of either party, the board shall refer the
47 dispute to a public arbitration panel as hereinafter provided;

48 (ii) the public arbitration panel BE CONSIDERED A PUBLIC BODY FOR
49 PURPOSES OF ARTICLE SEVEN OF THE PUBLIC OFFICERS LAW AND shall consist
50 of one member appointed by the public employer, one member appointed by
51 the employee organization and one public member appointed jointly by the
52 public employer and employee organization who shall be selected within
53 ten days after receipt by the board of a petition for creation of the
54 arbitration panel. If either party fails to designate its member to the
55 public arbitration panel, the board shall promptly, upon receipt of a
56 request by either party, designate a member associated in interest with

1 the public employer or employee organization he is to represent. Each of
2 the respective parties is to bear the cost of its member appointed or
3 designated to the arbitration panel and each of the respective parties
4 is to share equally the cost of the public member. If, within seven days
5 after the mailing date, the parties are unable to agree upon the one
6 public member, the board shall submit to the parties a list of quali-
7 fied, disinterested persons for the selection of the public member.
8 Each party shall alternately strike from the list one of the names with
9 the order of striking determined by lot, until the remaining one person
10 shall be designated as public member. This process shall be completed
11 within five days of receipt of this list. The parties shall notify the
12 board of the designated public member. The public member shall be chosen
13 as chairman;

14 (iii) the public arbitration panel shall hold PUBLIC hearings on all
15 matters related to the dispute. The parties may be heard either in
16 person, by counsel, or by other representatives, as they may respective-
17 ly designate. The panel may grant more than one adjournment each for
18 each party; provided, however, that a second request of either party and
19 any subsequent adjournments may be granted on request of either party,
20 provided that the party which requests the adjournment shall pay the
21 arbitrator's fee. The parties may present, either orally or in writing,
22 or both, statements of fact, supporting witnesses and other evidence,
23 and argument of their respective positions with respect to each case.
24 The panel shall have authority to require the production of such addi-
25 tional evidence, either oral or written as it may desire from the
26 parties and shall provide at the request of either party that a full and
27 complete record be kept of any such hearings, the cost of such record to
28 be shared equally by the parties;

29 (iv) all matters presented to the public arbitration panel for its
30 determination shall be decided by a majority vote of the members of the
31 panel. The panel, prior to a vote on any issue in dispute before it,
32 shall, upon the joint request of its two members representing the public
33 employer and the employee organization respectively, refer the issues
34 back to the parties for further negotiations;

35 (v) the public arbitration panel shall make a just and reasonable
36 determination of the matters in dispute. In arriving at such determi-
37 nation, the panel shall CONSIDER, ABOVE ALL OTHER FACTORS, THE FINANCIAL
38 ABILITY OF THE PUBLIC EMPLOYER TO PAY. THE PUBLIC EMPLOYER'S ABILITY TO
39 PAY SHALL BE DEFINED AS EXISTING FISCAL CAPACITY WITHOUT RESORT TO
40 EITHER NEW OR INCREASED TAXATION INCLUDING, BUT NOT LIMITED TO, THE
41 LEVEL OF TAXATION IN THE POLITICAL SUBDIVISION COMPARED TO SIMILAR POLI-
42 TICAL SUBDIVISIONS IN OTHER AREAS OF THE STATE, THE TAX BASE, ANY
43 EVIDENCE OF ECONOMIC DECLINE AND ANY OTHER APPLICABLE MEASURES OF FISCAL
44 DISTRESS, OR EXTRAORDINARY REDUCTIONS IN OTHER GOVERNMENTAL EXPENDI-
45 TURES. THE ARBITRATION PANEL SHALL ALSO CONSIDER THE COMPETING FINANCIAL
46 OBLIGATIONS OF THE PUBLIC EMPLOYER WHICH MAY BE AFFECTED BY SUCH DETER-
47 MINATION AND SPECIFICALLY THE IMPACT OF ANY SUCH DETERMINATION ON THE
48 EXISTING LEVEL OF MUNICIPAL SERVICES AND ON ONGOING NEGOTIATIONS OR
49 SUCCESSOR NEGOTIATIONS WITH EMPLOYEE ORGANIZATIONS REPRESENTING OTHER
50 EMPLOYEES OF THE PUBLIC EMPLOYER. THE ARBITRATION PANEL SHALL SPECIFY
51 ITS RATIONALE IN THE DETERMINATION, INCLUDING THE CONSIDERATION OF SUCH
52 ABILITY OF THE PUBLIC EMPLOYER TO PAY WITHOUT RESORTING TO NEW OR
53 INCREASED TAXATION. THE PANEL SHALL specify the basis for its findings,
54 taking into SECONDARY consideration, in addition to any other relevant
55 factors, the following:

1 a. comparison of the wages, hours and conditions of employment of the
2 employees involved in the arbitration proceeding with the wages, hours,
3 and conditions of employment of other employees performing similar
4 services or requiring similar skills under similar working conditions
5 and with other employees generally in public and private employment in
6 comparable communities.

7 b. the GENERAL interests and welfare of the public [and the financial
8 ability of the public employer to pay];

9 c. comparison of peculiarities in regard to other trades or
10 professions, including specifically, (1) hazards of employment; (2)
11 physical qualifications; (3) educational qualifications; (4) mental
12 qualifications; (5) job training and skills; AND

13 d. the terms of collective agreements negotiated between the parties
14 in the past providing for compensation and fringe benefits, including,
15 but not limited to, the provisions for salary, insurance and retirement
16 benefits, medical and hospitalization benefits, paid time off and job
17 security.

18 (vi) the determination of the public arbitration panel shall, WHEN
19 EFFECTING A LOCAL GOVERNMENT, BE PRESENTED AT A REGULAR OR SPECIAL MEET-
20 ING OF THE LOCAL LEGISLATIVE BODY FOR SUCH GOVERNMENT, AND SHALL be
21 final and binding upon the parties for the period prescribed by the
22 panel, but in no event shall such period exceed two years from the
23 termination date of any previous collective bargaining agreement or if
24 there is no previous collective bargaining agreement then for a period
25 not to exceed two years from the date of determination by the panel.
26 Such determination shall not be subject to the approval of any local
27 legislative body or other municipal authority. Notwithstanding the
28 provisions of this subparagraph to the contrary, where the parties to
29 [a] THE public arbitration are those [anticipated by the provisions of
30 paragraphs (e) and (f) of this subdivision the state and such parties
31 may agree to confer authority to the public arbitration panel] WHICH
32 BECAME SUBJECT TO THIS SUBDIVISION BY VIRTUE OF CHAPTER SIX HUNDRED
33 FORTY-ONE OF THE LAWS OF NINETEEN HUNDRED NINETY-EIGHT, THE PUBLIC ARBI-
34 TRATION PANEL SHALL HAVE THE AUTHORITY to issue a final and binding
35 determination for a period up to and including four years. ADDI-
36 TIONALLY, UPON THE ISSUANCE OF SUCH FINAL DETERMINATION BY A PUBLIC
37 ARBITRATION PANEL, NEITHER PARTY SHALL ELECT TO USE A PUBLIC ARBITRATION
38 PANEL FOR PURPOSES OF DISPUTE RESOLUTION UNTIL THE NEXT TWO SUCCEEDING
39 COLLECTIVE BARGAINING AGREEMENTS HAVE EXPIRED.

40 (vii) the determination of the public arbitration panel shall be
41 subject to review by a court of competent jurisdiction in the manner
42 prescribed by law.

43 S 82. Paragraph e of subdivision 1 of section 27-a of the labor law is
44 REPEALED.

45 S 83. Subdivision 4 of section 27-a of the labor law, as amended by
46 chapter 433 of the laws of 2007, is amended to read as follows:

47 4. Safety and health standards. a. The commissioner shall by rule
48 adopt all safety and health standards promulgated under the United
49 States Occupational Safety and Health Act of 1970 (Public Law, 91-596)
50 which are in effect on the effective date of this section, in order to
51 provide reasonable and adequate protection to the lives, safety and
52 health of public employees and shall promulgate and repeal such rules
53 and regulations as may be necessary to conform to the standards estab-
54 lished pursuant to such act or pursuant to paragraph b of this subdivi-
55 sion.

1 b. Notwithstanding the provisions of paragraph a of this subdivision,
2 the commissioner, in consultation with the state occupational safety and
3 health hazard abatement board, shall promulgate rules and regulations
4 recommended to him OR HER by such board which establish standards when-
5 ever such board finds (i) that no federal standard exists for the
6 particular condition being addressed and that such a standard is neces-
7 sary for the protection of the public employees at risk, or (ii) a
8 federal standard exists, but conditions in public workplaces in this
9 state require a different standard, and such state standard will be at
10 least as effective in providing safe and healthful places of employment
11 as the federal standard.

12 c. Except for an employer located in a city with a population of over
13 one million, any employer who employs a firefighter shall [provide safe-
14 ty ropes and system components for use by such firefighter] DEVELOP AND
15 IMPLEMENT A WRITTEN SAFETY PROGRAM THAT INCLUDES BUT IS NOT LIMITED TO
16 THE FOLLOWING: (1) A WRITTEN RISK ASSESSMENT TO DETERMINE THE PRESENCE
17 OF FACTORS OR SITUATIONS IN FIRE SUPPRESSION THAT MIGHT PLACE FIREFIGHT-
18 ERS AT RISK OF INJURY OR DEATH, (2) THE EQUIPMENT AND PROCEDURES NECES-
19 SARY FOR FIREFIGHTERS TO USE WHEN ENGAGED IN FIRE SUPPRESSION AT ABOVE
20 GRADE FLOORS DURING A STRUCTURE FIRE INCLUDING, WITHOUT LIMITATION,
21 EQUIPMENT AND PROCEDURES FOR RAPID SAFE EGRESS.

22 d. The commissioner shall [by rule adopt the codes, standards and
23 recommended practices promulgated by the most recent edition of National
24 Fire Protection Association 1983, Standard on Fire Service Life Safety
25 Rope and System Components, and] PROMULGATE SUCH RULES AND REGULATIONS
26 as are appropriate [to] FOR THE DEVELOPMENT AND IMPLEMENTATION OF WRIT-
27 TEN SAFETY PROGRAMS, WHICH SHALL INCLUDE, WITHOUT LIMITATION, AN EVALU-
28 ATION OF the nature of the risk to which the firefighter shall be
29 exposed. Such [safety ropes and system components] EQUIPMENT AND PROCE-
30 DURES shall be, IN THE DETERMINATION OF THE EMPLOYER, adequate to
31 protect the health and safety of the firefighter.

32 e. The employer shall ensure that the firefighter is instructed in the
33 proper use of the [safety ropes and system components] EQUIPMENT AND
34 PROCEDURES AT THE TIME OF THEIR INITIAL ASSIGNMENT AND ANNUALLY THERE-
35 AFTER. THE EMPLOYER SHALL ALSO ENSURE THAT: (1) A FIREFIGHTER SHALL BE
36 INFORMED OF THE REQUIREMENTS OF THIS SECTION, THE RISKS OF FIRE
37 SUPPRESSION AND THE LOCATION AND AVAILABILITY OF THE WRITTEN SAFETY
38 PROGRAM UPON REQUEST, BY THE EMPLOYER OR THEIR DESIGNATED REPRESENT-
39 ATIVES; AND (2) FIREFIGHTER TRAINING SHALL INCLUDE AT LEAST THE DETAILS
40 OF THE WRITTEN SAFETY PROGRAM DEVELOPED BY THE EMPLOYER.

41 f. In order to ensure the adequacy of the [safety ropes and system
42 components] EQUIPMENT AND PROCEDURES, the employer must routinely
43 inspect and ensure that:

44 (1) Existing [safety ropes and system components] EQUIPMENT AND PROCE-
45 DURES meet the codes, standards and recommended practices adopted by the
46 commissioner.

47 (2) Existing [safety ropes and system components] EQUIPMENT AND PROCE-
48 DURES still perform their function and to identify any of their limita-
49 tions such as but not limited to:

50 (i) Checking the labels or stamps on the equipment; and

51 (ii) Checking any documentation or equipment specifications; and

52 (iii) Contacting the supplier or the [approval agency] MANUFACTURER;

53 (3) Firefighters are informed of the limitations of any [safety ropes
54 and system components] EQUIPMENT AND PROCEDURES;

55 (4) Firefighters are not allowed or required to use any [safety ropes
56 or system components] EQUIPMENT beyond their limitations;

1 (5) Existing and new [safety ropes and system components] EQUIPMENT
2 have no visible defects that limit their safe use;

3 (6) [Safety ropes and system components are] ANY EQUIPMENT IS used,
4 cleaned, maintained and stored according to manufacturer's instructions;

5 (7) The firefighter is instructed in identifying to the employer any
6 defects that the firefighter may find in [safety ropes and system compo-
7 nents] ANY EQUIPMENT; and

8 (8) Any identified defects are corrected or immediate action is taken
9 by the employer to eliminate the use of this equipment.

10 [d.] G. Any person who may be adversely affected by a standard issued
11 under this section may, within thirty days after the effective date of
12 such standard, commence a proceeding for judicial review pursuant to
13 article seventy-eight of the civil practice law and rules.

14 S 84. Severability. If any clause, sentence, paragraph, section or
15 part of this act shall be adjudged by any court of competent jurisdic-
16 tion to be invalid and after exhaustion of all further judicial review,
17 the judgment shall not affect, impair or invalidate the remainder there-
18 of, but shall be confined in its operation to the clause, sentence,
19 paragraph, section or part of this act directly involved in the contro-
20 versy in which the judgment shall have been rendered.

21 S 85. This act shall take effect immediately; provided:

22 1. sections one and fifteen of this act shall be deemed to have been
23 in full force and effect on and after April 1, 2011 and shall apply to
24 any general or special law imposing mandates on municipal corporations
25 or school districts enacted on or after such effective date; and the
26 commissioner of education shall adopt any regulations needed to imple-
27 ment the provisions of sections one, fifteen, seventeen, eighteen, thir-
28 ty-six, sixty-three, sixty-four and sixty-five of this act on or before
29 July 1, 2012;

30 2. the amendments to subdivision 1 of section 103 of the general
31 municipal law made by section seventy-three of this act shall not affect
32 the expiration of such subdivision and shall be deemed to expire there-
33 with, when upon such date the provisions of section seventy-four of this
34 act shall take effect;

35 3. sections twelve, twenty through twenty-six of this act shall take
36 effect on the ninetieth day after it shall have become a law;

37 4. section thirteen of this act shall expire and be deemed repealed 5
38 years after such section takes effect;

39 5. section fourteen of this act shall apply to contracts for which a
40 solicitation was issued within five years of the effective date of such
41 section; except with regard to such contracts, section fourteen of this
42 act shall expire and be deemed repealed five years after the date on
43 which it shall have taken effect;

44 6. the amendments to paragraph (c) of subdivision 6 of section 367-a
45 of the social services law made by section twenty-seven of this act
46 shall not affect the repeal of such paragraph and shall be deemed to be
47 repealed therewith;

48 7. section forty-two of this act shall take effect on the sixtieth day
49 after it shall have become a law;

50 8. sections forty-four, forty-five, forty-six, eighty-three and eight-
51 y-two of this act shall take effect on the one hundred twentieth day
52 after it shall have become a law;

53 9. section fifty-six of this act shall take effect on the same date
54 and in the same manner as section 4 of part F of chapter 58 of the laws
55 of 2010, takes effect;

56 10. section fifty-seven of this act shall take effect October 1, 2011;

1 11. the amendments to paragraph (c) of subdivision 4 of section 209 of
2 the civil service law made by section eighty-one of this act shall not
3 affect the expiration of such subdivision and shall be deemed to expire
4 therewith;

5 12. sections seventy-seven, seventy-eight and seventy-nine of this act
6 shall take effect on the first of January next succeeding the date on
7 which it shall have become a law; and

8 13. the commissioner of labor shall promulgate regulations required
9 under sections eighty-two and eighty-three of this act within one
10 hundred twenty days of the effective date of such sections.

11 PART D

12 Section 1. Subdivision 5 of section 103 of the general municipal law,
13 as amended by section 3 of part FF of chapter 56 of the laws of 2010, is
14 amended to read as follows:

15 5. Upon the adoption of a resolution by a vote of at least three-
16 fifths of all the members of the governing body of a political subdivi-
17 sion or district therein stating that, for reasons of efficiency or
18 economy, there is need for standardization, purchase contracts for a
19 particular type or kind of equipment, material or supplies in excess of
20 the monetary threshold fixed for purchase contracts in this section may
21 be awarded by the appropriate officer, board or agency of such political
22 subdivision or any such district therein, to the lowest responsible
23 bidder furnishing the required security after advertisement for [sealed]
24 bids therefor in the manner provided in this section. Such resolution
25 shall contain a full explanation of the reasons for its adoption.

26 S 2. Subsections (b) and (c) of section 2504 of the insurance law are
27 amended to read as follows:

28 (b) [No such officer or employee, and no person, firm or corporation
29 acting or purporting to act on behalf of such officer or employee, shall
30 negotiate, make application for, obtain or procure any of such surety
31 bonds or contracts of insurance (except contracts of insurance for
32 builders risk or owners protective liability) which can be obtained or
33 procured by the bidder, contractor or subcontractor.] THIS SECTION SHALL
34 NOT PREVENT THE STATE, A PUBLIC CORPORATION OR PUBLIC AUTHORITY, OR ANY
35 PERSON, FIRM OR CORPORATION ACTING OR PURPORTING TO ACT ON ITS BEHALF,
36 FROM PROVIDING SURETY BONDS OR INSURANCE POLICIES REQUIRED BY ANY PUBLIC
37 BUILDING OR CONSTRUCTION CONTRACT WITHOUT REIMBURSEMENT FROM THE
38 CONTRACTOR OR SUBCONTRACTOR, OR FROM REQUIRING THAT A CONTRACTOR OR
39 SUBCONTRACTOR ACCOUNT FOR, OR OTHERWISE PROVIDE A CREDIT IN HIS OR HER
40 BID WHICH REFLECTS, THE AMOUNT THE BIDDING CONTRACTOR OR SUBCONTRACTOR
41 WOULD OTHERWISE ADD IF HE OR SHE PROVIDED HIS OR HER OWN INSURANCE AS
42 REQUIRED IN THE BID SPECIFICATIONS.

43 (c) This section shall not[, however,] prevent the exercise by such
44 officer or employee on behalf of the state or such public corporation or
45 public authority of its right to approve the form, sufficiency, or
46 manner of execution, of surety bonds or contracts of insurance furnished
47 by the insurance company selected by the bidder to underwrite such bonds
48 or contracts.

49 (D) Any provisions in any invitation for bids, or in any of the
50 contract documents, in conflict herewith are contrary to the public
51 policy of this state.

52 S 3. Section 1066 of the charter of the city of New York, as added by
53 vote of the people of the city of New York at the general election held
54 in November of 1989, subdivisions a, e, and f as amended by local law

1 number 59 of the city of New York for the year 1996, is amended to read
2 as follows:

3 S 1066. City Record. a. There shall be published daily, except Satur-
4 days, Sundays and legal holidays, under contract or by the department of
5 citywide administrative services, a paper to be known as the City
6 Record. THE CITY RECORD MAY BE PUBLISHED AND DISTRIBUTED ELECTRONICALLY
7 IN A MANNER THAT THE COMMISSIONER OF CITYWIDE ADMINISTRATIVE SERVICES
8 DETERMINES TO BE APPROPRIATE TO FULFILL THE PROVISIONS OF THIS SECTION.

9 b. There shall be inserted in the City Record nothing aside from such
10 official matters as are expressly authorized.

11 c. All advertising required to be done for the city, except as other-
12 wise provided by law, shall be inserted at the public expense in the
13 City Record and a publication therein shall be sufficient compliance
14 with any law requiring publication of such matters or notices. PUBLICA-
15 TION OF THE CITY RECORD IN ELECTRONIC FORM SHALL HAVE THE SAME FORCE AND
16 EFFECT AS PUBLICATION IN PRINT FORM.

17 d. Nothing herein contained shall prevent the publication elsewhere of
18 any advertisement required by law to be so published.

19 e. The commissioner of citywide administrative services shall cause a
20 continuous series of the City Record to be bound as completed quarterly
21 and to be deposited with his or her certificate thereon in the office of
22 the city register, in the county clerk's office of each county and in
23 the office of the city clerk; and copies of the contents of any part of
24 the same, certified by such register, county clerk or city clerk, shall
25 be received in judicial proceedings as prima facie evidence of the truth
26 of the contents thereof.

27 f. The commissioner of citywide administrative services shall provide
28 copies of each issue of the City Record, IN PRINT OR ELECTRONIC FORM AS
29 DETERMINED BY THE COMMISSIONER, to the municipal reference and research
30 center where they shall be available without charge to any member of the
31 public requesting a copy on the publication date or within a reasonable
32 period of time thereafter, to be determined by the commissioner of
33 records and information services. The commissioner shall also provide
34 free subscriptions to the City Record, IN PRINT OR ELECTRONIC FORM AS
35 DETERMINED BY THE COMMISSIONER, to each borough president, council
36 member, community board, and branch of the public library and to the
37 news media as defined in paragraph three of subdivision b of section one
38 thousand forty-three of the charter. The commissioner of citywide admin-
39 istrative services, each borough president, council member and community
40 board shall, upon receipt, make copies of each issue of the City Record
41 available in their respective offices for reasonable public inspection
42 without charge, PROVIDED THAT COPIES MAY BE MADE AVAILABLE IN ELECTRONIC
43 FORM UNLESS A PAPER COPY OF THE CITY RECORD IS REQUESTED.

44 S 4. The general municipal law is amended by adding a new section 5-c
45 to read as follows:

46 S 5-C. ACQUISITION AND USE OF CREDIT CARDS BY LOCAL GOVERNMENTS. 1.
47 THE FOLLOWING TERMS, WHEN USED OR REFERRED TO IN THIS SECTION, SHALL
48 HAVE THE FOLLOWING MEANING:

49 (A) "CREDIT CARD" MEANS ANY IDENTIFICATION PLATE, CARD OR SIMILAR
50 DEVICE ISSUED BY A PERSON TO A LOCAL GOVERNMENT WHICH MAY BE USED TO
51 PURCHASE OR LEASE PROPERTY OR ACQUIRE SERVICES ON THE CREDIT OF THE
52 PERSON ISSUING THE CREDIT CARD OR A PERSON WHO HAS AGREED WITH THE
53 ISSUER TO PAY OBLIGATIONS ARISING FROM THE USE OF A CREDIT CARD ISSUED
54 TO ANOTHER PERSON. FOR PURPOSES OF THIS SECTION, "CREDIT CARD" SHALL NOT
55 INCLUDE A DEBIT CARD OR SIMILAR DEVICE THE USE OF WHICH AUTHORIZES THE
56 TRANSFER OR WITHDRAWAL OF ANY FUNDS OF THE LOCAL GOVERNMENT, AND NOTHING

1 IN THIS SECTION SHALL BE DEEMED TO AUTHORIZE THE USE, BY OR ON BEHALF OF
2 THE LOCAL GOVERNMENT OF A DEBIT CARD OR SIMILAR DEVICE THE USE OF WHICH
3 AUTHORIZES THE TRANSFER OR WITHDRAWAL OF ANY FUNDS OF THE LOCAL GOVERN-
4 MENT.

5 (B) "CARD ISSUER" MEANS ANY ISSUER OF A CREDIT CARD.

6 (C) "FINANCING AGENCY" MEANS ANY AGENCY DEFINED AS SUCH IN SUBDIVISION
7 EIGHTEEN OF SECTION FOUR HUNDRED ONE OF THE PERSONAL PROPERTY LAW.

8 (D) "PERSON" MEANS ANY INDIVIDUAL, PARTNERSHIP, CORPORATION OR ANY
9 OTHER LEGAL OR COMMERCIAL ENTITY.

10 2. NO CREDIT CARD MAY BE USED BY OR ON BEHALF OF ANY LOCAL GOVERNMENT,
11 AS SUCH TERM IS DEFINED IN SECTION TEN OF THIS ARTICLE, UNLESS THE
12 GOVERNING BOARD OF THE LOCAL GOVERNMENT, BY LOCAL LAW, ORDINANCE OR
13 RESOLUTION, DETERMINES THAT IT IS IN THE PUBLIC INTEREST TO AUTHORIZE
14 SUCH LOCAL GOVERNMENT TO ENTER INTO AN AGREEMENT WITH ONE OR MORE
15 FINANCING AGENCIES OR CARD ISSUERS TO PROVIDE FOR THE ISSUANCE OF ONE OR
16 MORE CREDIT CARDS FOR THE PROCUREMENT OF COMMODITIES AND SERVICES AND
17 FOR USE BY AUTHORIZED OFFICERS AND EMPLOYEES IN CONNECTION WITH TRAVEL
18 AND OTHER ACTUAL AND NECESSARY EXPENSES. THE CREDIT CARD OR CARDS SHALL
19 BE ISSUED IN THE NAME OF THE LOCAL GOVERNMENT AND THE SPECIFIC OFFICERS
20 AND EMPLOYEES, IN THEIR OFFICIAL CAPACITIES, AUTHORIZED PURSUANT TO THE
21 INTERNAL CREDIT CARD POLICY ADOPTED IN ACCORDANCE WITH SUBDIVISION FOUR
22 OF THIS SECTION, TO UTILIZE THE CREDIT CARD OR CARDS ISSUED TO THE LOCAL
23 GOVERNMENT. ANY SUCH LOCAL LAW, ORDINANCE OR RESOLUTION SHALL INCLUDE AN
24 INTERNAL CREDIT CARD POLICY, IN ACCORDANCE WITH SUBDIVISION FOUR OF THIS
25 SECTION, SETTING FORTH REQUIREMENTS FOR THE USE OF CREDIT CARDS ON
26 BEHALF OF THE LOCAL GOVERNMENT. THE TERMS AND CONDITIONS OF SUCH AGREE-
27 MENT MUST BE CONSISTENT WITH THIS SECTION AND THE INTERNAL CREDIT CARD
28 POLICY OF THE LOCAL GOVERNMENT, AND SHALL BE DEEMED TO INCORPORATE THE
29 PROVISIONS OF SUBDIVISION TEN OF THIS SECTION.

30 3. THE OFFICERS AND EMPLOYEES OF ANY LOCAL GOVERNMENT THAT HAS ENTERED
31 INTO AN AGREEMENT WITH A FINANCING AGENCY OR CARD ISSUER AS AUTHORIZED
32 BY THE PROVISIONS OF SUBDIVISION TWO OF THIS SECTION MAY USE CREDIT
33 CARDS ONLY IN ACCORDANCE WITH THE LOCAL GOVERNMENT'S INTERNAL CREDIT
34 CARD POLICY FOR THE PROCUREMENT OF COMMODITIES AND SERVICES FOR PROPERLY
35 AUTHORIZED MUNICIPAL PURPOSES, AND FOR PROPERLY AUTHORIZED TRAVEL AND
36 OTHER ACTUAL AND NECESSARY EXPENSES. ANY SUCH OFFICER OR EMPLOYEE USING
37 SUCH CREDIT CARD OR CARDS SHALL BE PERSONALLY LIABLE FOR ALL COSTS
38 INCURRED BY THE LOCAL GOVERNMENT IN CONNECTION WITH THE IMPROPER OR
39 UNAUTHORIZED USE BY THE OFFICER OR EMPLOYEE OF THE CREDIT CARD OR CARDS.

40 4. THE INTERNAL CREDIT CARD POLICY ADOPTED BY THE GOVERNING BOARD OF
41 ANY LOCAL GOVERNMENT THAT HAS DETERMINED TO USE CREDIT CARDS FOR
42 PROCUREMENT OF COMMODITIES, SERVICES OR TRAVEL AND OTHER ACTUAL AND
43 NECESSARY EXPENSES SHALL CONTAIN PROVISIONS PERTAINING TO:

44 (A) THE PARTICULAR OFFICERS AND EMPLOYEES, OTHERWISE EMPOWERED TO
45 PROCURE COMMODITIES OR SERVICES ON BEHALF OF THE LOCAL GOVERNMENT, OR TO
46 INCUR TRAVEL AND OTHER ACTUAL AND NECESSARY EXPENSES, WHO ARE AUTHORIZED
47 TO UTILIZE THE CREDIT CARD OR CARDS ISSUED TO THE LOCAL GOVERNMENT;

48 (B) AN AUTHORIZED CREDIT LIMIT FOR EACH CARD AND IN THE AGGREGATE FOR
49 ALL CARDS ISSUED TO THE LOCAL GOVERNMENT, AND, IF THE GOVERNING BOARD
50 CHOOSES, AN AUTHORIZED CREDIT LIMIT PER TRANSACTION;

51 (C) LIMITATIONS, IF ANY, ON THE TYPES OF COMMODITIES OR SERVICES, OR
52 TRAVEL AND OTHER ACTUAL AND NECESSARY EXPENSES, FOR WHICH THE CREDIT
53 CARD OR CARDS MAY BE USED, AND THE CIRCUMSTANCES UNDER WHICH THE CREDIT
54 CARD OR CARDS MAY BE USED FOR SUCH PURPOSES;

55 (D) THE PERIODIC MONITORING BY THE APPROPRIATE OFFICIALS OF THE LOCAL
56 GOVERNMENT OF THE USE OF THE CREDIT CARD OR CARDS;

1 (E) THE DOCUMENTATION REQUIRED OF AN OFFICER OR EMPLOYEE USING THE
2 CREDIT CARD FOR COMMODITIES OR SERVICES OR FOR TRAVEL AND OTHER ACTUAL
3 AND NECESSARY EXPENSES, IN ORDER TO FACILITATE THE APPROPRIATE AUDIT OF
4 THE RESULTING CLAIMS SUBMITTED BY A FINANCING AGENCY OR CARD ISSUER, AND
5 THE TIMEFRAME IN WHICH SUCH DOCUMENTATION IS REQUIRED TO BE SUBMITTED BY
6 THE OFFICER OR EMPLOYEE AFTER THEIR USE OF A CREDIT CARD;

7 (F) THE MEANS OF RECOUPING FROM THE RESPONSIBLE OFFICER OR EMPLOYEE
8 COSTS INCURRED WITH RESPECT TO ANY ILLEGAL OR UNAUTHORIZED EXPENDITURES,
9 OR IMPROPER USAGE OF THE CREDIT CARD OR CARDS; AND

10 (G) ANY OTHER TERMS OR CONDITIONS DEEMED BY THE GOVERNING BOARD TO BE
11 NECESSARY TO EFFECTUATE THE PROPER USE OF A CREDIT CARD OR CARDS.

12 5. EXCEPT AS EXPRESSLY PROVIDED IN THIS SECTION, PROCUREMENTS OF
13 COMMODITIES AND SERVICES FOR WHICH A CREDIT CARD IS USED SHALL BE
14 SUBJECT TO ALL LAWS OTHERWISE APPLICABLE TO MUNICIPAL PROCUREMENTS,
15 INCLUDING, BUT NOT LIMITED, TO SECTIONS ONE HUNDRED THREE AND ONE
16 HUNDRED FOUR-B OF THIS CHAPTER. TRAVEL AND OTHER ACTUAL AND NECESSARY
17 EXPENSES FOR WHICH A CREDIT CARD IS USED SHALL BE INCURRED IN ACCORDANCE
18 WITH AND SHALL BE SUBJECT TO ALL LAWS OTHERWISE APPLICABLE TO THE INCUR-
19 RING OF SUCH MUNICIPAL CHARGES BY OFFICERS AND EMPLOYEES.

20 6. NO PAYMENT TO A FINANCING AGENCY OR CARD ISSUER FOR COMMODITIES,
21 SERVICES OR TRAVEL OR OTHER ACTUAL AND NECESSARY EXPENSES FOR WHICH A
22 CREDIT CARD WAS USED MAY BE MADE UNLESS, IN ADDITION TO ALL OTHER
23 REQUIREMENTS FOR THE AUDIT AND APPROVAL OF CLAIMS, THE DOCUMENTATION
24 REQUIRED BY THE LOCAL GOVERNMENT'S INTERNAL CREDIT CARD POLICY ADOPTED
25 IN ACCORDANCE WITH SUBDIVISION FOUR OF THIS SECTION IS SUBMITTED TO THE
26 AUDITING BODY OR OFFICIAL OF THE LOCAL GOVERNMENT AND A CLAIM FROM THE
27 FINANCING AGENCY OR CARD ISSUER IS AUDITED AND APPROVED IN ACCORDANCE
28 WITH LAWS GENERALLY APPLICABLE TO THE LOCAL GOVERNMENT'S AUDIT AND
29 APPROVAL OF CLAIMS FUNCTION.

30 7. IF AFTER A CLAIM IS PRESENTED FOR AUDIT, A CREDIT CARD CHARGE IS
31 DISALLOWED IN WHOLE OR IN PART, THE LOCAL GOVERNMENT SHALL NOT BE
32 RESPONSIBLE FOR PAYMENT OF THE DISALLOWED CHARGE OR ANY INTEREST OR
33 PENALTY WHICH SHALL HAVE ACCRUED AS A RESULT OF SUCH DISALLOWED CHARGE.
34 ANY AGREEMENT THAT IS ENTERED INTO PURSUANT TO THIS SECTION SHALL BE
35 DEEMED TO INCORPORATE THIS PROVISION. NOTHING CONTAINED HEREIN SHALL BE
36 CONSTRUED TO LIMIT ANY RIGHT THAT A FINANCING AGENCY OR CREDIT CARD
37 ISSUER MAY HAVE UNDER LAW TO RECOVER THE AMOUNT OF ANY DISALLOWED CHARGE
38 OR INTEREST OR PENALTY THEREON FROM ANY OTHER PERSON OR ENTITY.

39 8. THE AUDIT OF ANY CLAIM SUBMITTED BY A FINANCING AGENCY OR CARD
40 ISSUER SHALL BE UNDERTAKEN IN A TIMELY FASHION SO THAT, UPON APPROVAL OF
41 THE CLAIM, PAYMENT MAY BE MADE PRIOR TO THE IMPOSITION OF INTEREST OR
42 PENALTY CHARGES.

43 9. CONTRACTS ENTERED INTO PURSUANT TO THIS SECTION BETWEEN LOCAL
44 GOVERNMENTS AND FINANCING AGENCIES OR CARD ISSUERS SHALL BE AWARDED
45 AFTER THE SOLICITATION OF ALTERNATIVE PROPOSALS OR QUOTATIONS IN ACCORD-
46 ANCE WITH THE LOCAL GOVERNMENT'S WRITTEN INTERNAL POLICIES AND PROCE-
47 DURES GOVERNING PROCUREMENTS ADOPTED PURSUANT TO SECTION ONE HUNDRED
48 FOUR-B OF THIS CHAPTER. IN THE CASE OF A SCHOOL DISTRICT OR BOARD OF
49 COOPERATIVE EDUCATIONAL SERVICES, SUCH POLICIES AND PROCEDURES MAY
50 PROVIDE FOR THE SCHOOL DISTRICT OR BOARD OF COOPERATIVE EDUCATIONAL
51 SERVICES TO ENGAGE THE SERVICES OF A FINANCING AGENCY OR CARD ISSUER
52 PURSUANT TO A COOPERATIVE PROCUREMENT AGREEMENT FOR SUCH SERVICES WITH
53 ONE OR MORE LOCAL GOVERNMENTS OF THIS STATE OR OF ANY OTHER STATE, OR
54 THROUGH AN EXISTING COOPERATIVE PROCUREMENT AGREEMENT ENTERED INTO AMONG
55 LOCAL GOVERNMENTS OF THIS STATE OR ANY OTHER STATE FOR SUCH SERVICES IF
56 SUCH EXISTING CONTRACT HAS BEEN AWARDED PURSUANT TO A COMPETITIVE

1 REQUEST FOR PROPOSALS PROCESS AND HAS BEEN EXTENDED OR OFFERED FOR USE
2 BY OTHER LOCAL GOVERNMENTS; PROVIDED, HOWEVER, THAT THE GOVERNING BOARD
3 OF THE SCHOOL DISTRICT OR BOARD OF COOPERATIVE EDUCATIONAL SERVICES
4 SHALL FIRST DETERMINE THAT ENGAGING THE SERVICES OF A FINANCING AGENCY
5 OR CARD ISSUER PURSUANT TO OR THROUGH A COOPERATIVE PROCUREMENT AGREE-
6 MENT WILL RESULT IN COST SAVINGS AND THAT ANY SUCH COOPERATIVE PROCURE-
7 MENT AGREEMENT IS FULLY IN COMPLIANCE WITH THE PROVISIONS OF THIS
8 SECTION.

9 10. NO LIABILITY TO A FINANCING AGENCY OR CARD ISSUER UNDER A CONTRACT
10 ENTERED INTO PURSUANT TO THIS SECTION SHALL CONSTITUTE A GENERAL OBLI-
11 GATION INDEBTEDNESS OF THE LOCAL GOVERNMENT, AND NEITHER THE FAITH AND
12 CREDIT, NOR THE TAXING POWER OF THE LOCAL GOVERNMENT, MAY BE PLEDGED TO
13 THE PAYMENT OF ANY AMOUNT DUE OR TO BECOME DUE UNDER SUCH A CONTRACT.

14 S 5. Section 20.00 of the local finance law is amended by adding a new
15 paragraph e to read as follows:

16 E. NOTHING CONTAINED IN THIS SECTION SHALL BE CONSTRUED TO PREVENT A
17 MUNICIPALITY, SCHOOL DISTRICT OR DISTRICT CORPORATION FROM ENTERING INTO
18 AN AGREEMENT WITH ONE OR MORE FINANCING AGENCIES OR CARD ISSUERS FOR THE
19 ISSUANCE OF A CREDIT CARD OR CARDS IN THE NAME OF THE MUNICIPALITY,
20 SCHOOL DISTRICT OR DISTRICT CORPORATION OR FROM USING SUCH CREDIT CARD
21 OR CARDS FOR THE PROCUREMENT OF COMMODITIES, SERVICES AND EXPENSES IN
22 ACCORDANCE WITH SECTION FIVE-C OF THE GENERAL MUNICIPAL LAW.

23 S 6. Subdivision 2 of section 27 of the municipal home rule law, as
24 amended by chapter 259 of the laws of 1987, is amended to read as
25 follows:

26 2. Each such certified copy shall contain the text only of the local
27 law without the brackets and without the matter within the brackets, the
28 matter with a line run through it, or the italicizing or underscoring,
29 if any, to indicate the changes made by it, except that each such certi-
30 fied copy of a local law enacted by a city with a population of one
31 million or more shall be printed in the same form as the official copy
32 of the proposed local law which became the local law provided that line
33 numbers, the printed number of the bill and explanatory matter shall be
34 omitted[, and also have attached thereto a certificate executed by the
35 corporation counsel, municipal attorney or other principal law officer
36 to the effect that it contains the correct text and that all proper
37 proceedings have been had or taken for the enactment of such local law,
38 which certificate shall constitute presumptive evidence thereof,
39 provided that any failure or omission so to certify shall not invalidate
40 such local law].

41 S 7. Subdivision 5 of section 27 of the municipal home rule law is
42 REPEALED and subdivisions 6 and 7 are renumbered subdivisions 5 and 6.

43 S 8. Subdivisions 1 and 1-a of section 209-q of the general municipal
44 law, subdivision 1 as amended by chapter 735 of the laws of 1988, para-
45 graphs (b) and (c) of subdivision 1 as amended by chapter 551 of the
46 laws of 2001 and subdivision 1-a as added by chapter 671 of the laws of
47 1967, are amended to read as follows:

48 1. (a) Notwithstanding the provisions of any general, special or local
49 law or charter to the contrary, no person shall[, after July first,
50 nineteen hundred sixty,] receive an original appointment on a permanent
51 basis as a police officer of any county, city, town, village or police
52 district unless such person has previously been awarded a certificate by
53 the [executive director] CHAIRMAN of the municipal police training coun-
54 cil created under article thirty-five of the executive law, attesting to
55 his OR HER satisfactory completion of an approved municipal police basic
56 training program; and every person who is appointed [on a temporary

1 basis or for a probationary term or on other than a permanent basis] as
2 a police officer [of any county, city, town, village or police district]
3 shall forfeit his OR HER position as such unless he OR SHE previously
4 has satisfactorily completed, or within the time prescribed by regu-
5 lations promulgated by the governor pursuant to section eight hundred
6 forty-two of the executive law, satisfactorily completes[, a] AN
7 APPROVED municipal police basic training program [for temporary or
8 probationary police officers] and is awarded a certificate by such
9 [director] CHAIRMAN attesting thereto.

10 (b) A certificate attesting to satisfactory completion of an approved
11 municipal police basic training program awarded by the [executive direc-
12 tor] CHAIRMAN of the municipal police training council pursuant to this
13 subdivision shall remain valid:

14 (i) during the holder's continuous service as a police officer [or
15 peace officer who has an equivalency certificate for police officer
16 training or an approved course for state university of New York public
17 safety officers issued in accordance with subdivision three of section
18 eight hundred forty-one of the executive law]; and

19 (ii) for [two] FIVE years after the date of the commencement of an
20 interruption in such service where the holder had, immediately prior to
21 such interruption, served as a police officer [or peace officer who has
22 an equivalency certificate for police officer training or an approved
23 course for state university of New York public safety officers issued in
24 accordance with subdivision three of section eight hundred forty-one of
25 the executive law, for less than two consecutive years]; or

26 (iii) [for four years after the date of the commencement of an inter-
27 ruption in such service where the holder had, immediately prior to such
28 interruption, served as a police officer or peace officer who has an
29 equivalency certificate for police officer training or an approved
30 course for state university of New York public safety officers issued in
31 accordance with subdivision three of section eight hundred forty-one of
32 the executive law, for two consecutive years or longer; or

33 (iv)] where the holder, whose interruption in continuous service as a
34 police officer does not exceed ten years, has satisfactorily completed
35 an approved police officer refresher course [or where a peace officer,
36 who seeks an equivalency certificate for police officer training or an
37 approved course for state university of New York public safety officers
38 issued in accordance with subdivision three of section eight hundred
39 forty-one of the executive law, has satisfactorily completed relevant
40 police officer training courses,] as prescribed by the municipal police
41 training council.

42 (c) As used in this subdivision, the term "interruption" shall mean a
43 period of separation from employment as a police officer [or peace offi-
44 cer who has an equivalency certificate for police officer training or an
45 approved course for state university of New York public safety officers
46 issued in accordance with subdivision three of section eight hundred
47 forty-one of the executive law,] by reason of such officer's leave of
48 absence, resignation or removal, other than removal for cause.

49 1-a. Notwithstanding the provisions of any general, special or local
50 law or charter, the promotion of any police officer to a first-line
51 supervisory position [on or after July first, nineteen hundred sixty-
52 seven,] shall not become permanent unless such police officer has previ-
53 ously been awarded a certificate by the [executive director] CHAIRMAN of
54 the municipal police training council created under article [nineteen-f]
55 THIRTY-FIVE of the executive law, attesting to his OR HER satisfactory
56 completion of an approved course in police supervision as prescribed by

1 the municipal police training council. Any police officer who is
2 promoted on any basis to a first-line supervisory position [on or after
3 July first, nineteen hundred sixty-seven] shall forfeit such promotion
4 unless he OR SHE previously has satisfactorily completed, or within the
5 time prescribed by regulations promulgated by the governor pursuant to
6 section [four hundred eighty-four] EIGHT HUNDRED FORTY-TWO of the execu-
7 tive law satisfactorily completes, the prescribed course in police
8 supervision and is awarded a certificate by such [director] CHAIRMAN
9 attesting thereto.

10 S 9. Subdivision 3 of section 168-n of the correction law, as amended
11 by chapter 684 of the laws of 2005, is amended to read as follows:

12 3. No later than thirty days prior to the board's recommendation, the
13 sex offender shall be notified that his or her case is under review and
14 that he or she is permitted to submit to the board any information rele-
15 vant to the review. Upon receipt of the board's recommendation, the
16 sentencing court shall determine whether the sex offender was previously
17 found to be eligible for assigned counsel in the underlying case. Where
18 such a finding was previously made, the court shall assign counsel to
19 represent the offender, pursuant to article eighteen-B of the county
20 law. At least twenty days prior to the determination proceeding, the
21 sentencing court shall notify the district attorney, the sex offender
22 and the sex offender's counsel, in writing, of the date of the determi-
23 nation proceeding and shall also provide the district attorney, the sex
24 offender and the sex offender's counsel with a copy of the recommenda-
25 tion received from the board and any statement of the reasons for the
26 recommendation received from the board. This notice shall include the
27 following statement or a substantially similar statement: "This
28 proceeding is being held to determine whether you will be classified as
29 a level 3 offender (risk of repeat offense is high), a level 2 offender
30 (risk of repeat offense is moderate), or a level 1 offender (risk of
31 repeat offense is low), or whether you will be designated as a sexual
32 predator, a sexually violent offender or a predicate sex offender, which
33 will determine how long you must register as a sex offender and how much
34 information can be provided to the public concerning your registration.
35 If you fail to appear at this proceeding, without sufficient excuse, it
36 shall be held in your absence. Failure to appear may result in a longer
37 period of registration or a higher level of community notification
38 because you are not present to offer evidence or contest evidence
39 offered by the district attorney." The written notice to the sex offen-
40 der shall also advise the offender that he or she has a right to a hear-
41 ing prior to the court's determination, and that he or she has the right
42 to be represented by counsel at the hearing. If counsel has been
43 assigned to represent the offender at the determination proceeding, the
44 notice shall also provide the name, address and telephone number of the
45 assigned counsel. Where counsel has not been assigned, the notice shall
46 advise the sex offender that counsel will be appointed if he or she is
47 financially unable to retain counsel, and a returnable form shall be
48 enclosed in the court's notice to the sex offender on which the sex
49 offender may apply for assignment of counsel. If the sex offender
50 applies for assignment of counsel and the court finds that the offender
51 is financially unable to retain counsel, the court shall assign counsel
52 to represent the sex offender pursuant to article eighteen-B of the
53 county law. If the district attorney seeks a determination that differs
54 from the recommendation submitted by the board, at least ten days prior
55 to the determination proceeding the district attorney shall provide to
56 the court and the sex offender a statement setting forth the determi-

1 nations sought by the district attorney together with the reasons for
2 seeking such determinations. The court shall allow the sex offender to
3 appear and be heard. THE COURT, IN ITS DISCRETION, MAY DISPENSE WITH
4 THE PERSONAL APPEARANCE OF THE SEX OFFENDER AND CONDUCT AN ELECTRONIC
5 APPEARANCE IN ACCORDANCE WITH THE RULES ISSUED BY THE CHIEF ADMINISTRA-
6 TOR OF THE COURTS PURSUANT TO SECTION 182.20 OF THE CRIMINAL PROCEDURE
7 LAW. The state shall appear by the district attorney, or his or her
8 designee, who shall bear the burden of proving the facts supporting the
9 determinations sought by clear and convincing evidence. Where there is a
10 dispute between the parties concerning the determinations, the court
11 shall adjourn the hearing as necessary to permit the sex offender or the
12 district attorney to obtain materials relevant to the determinations
13 from the state board of examiners of sex offenders or any state or local
14 facility, hospital, institution, office, agency, department or division.
15 Such materials may be obtained by subpoena if not voluntarily provided
16 to the requesting party. In making the determinations the court shall
17 review any victim's statement and any relevant materials and evidence
18 submitted by the sex offender and the district attorney and the recom-
19 mendation and any materials submitted by the board, and may consider
20 reliable hearsay evidence submitted by either party, provided that it is
21 relevant to the determinations. Facts previously proven at trial or
22 elicited at the time of entry of a plea of guilty shall be deemed estab-
23 lished by clear and convincing evidence and shall not be relitigated.
24 The court shall render an order setting forth its determinations and the
25 findings of fact and conclusions of law on which the determinations are
26 based. A copy of the order shall be submitted by the court to the divi-
27 sion. Upon application of either party, the court shall seal any portion
28 of the court file or record which contains material that is confidential
29 under any state or federal statute. Either party may appeal as of right
30 from the order pursuant to the provisions of articles fifty-five,
31 fifty-six and fifty-seven of the civil practice law and rules. Where
32 counsel has been assigned to represent the sex offender upon the ground
33 that the sex offender is financially unable to retain counsel, that
34 assignment shall be continued throughout the pendency of the appeal, and
35 the person may appeal as a poor person pursuant to article eighteen-B of
36 the county law.

37 S 10. Subdivisions 1 and 2 of section 182.20 of the criminal procedure
38 law, subdivision 1 as amended by chapter 332 of the laws of 2009 and
39 subdivision 2 as added by chapter 689 of the laws of 1993, are amended
40 to read as follows:

41 1. Notwithstanding any other provision of law and except as provided
42 in section 182.30 of this article, the court, in its discretion, may
43 dispense with the personal appearance of the defendant, except an
44 appearance at a hearing or trial, and conduct an electronic appearance
45 in connection with a criminal action [pending in Albany, Bronx, Broome,
46 Erie, Kings, New York, Niagara, Oneida, Onondaga, Ontario, Orange,
47 Putnam, Queens, Richmond, St. Lawrence, Tompkins, Chautauqua, Cattaraugus,
48 Clinton, Essex, Montgomery, Rensselaer, Warren, Westchester,
49 Suffolk, Herkimer or Franklin county, provided that the chief adminis-
50 trator of the courts has authorized the use of electronic appearance and
51 the defendant, after consultation with counsel, consents on the record.
52 Such consent shall be required at the commencement of each electronic
53 appearance to such electronic appearance].

54 2. If, for any reason, the court determines on its own motion or on
55 the motion of any party that the conduct of an electronic appearance may
56 impair the legal rights of the defendant, it shall not permit the elec-

1 tronic appearance to proceed. If[, for any other articulated reason,
2 either party requests at any time during the electronic appearance that
3 such appearance be terminated] THE COURT DOES NOT PERMIT THE ELECTRONIC
4 APPEARANCE TO PROCEED OR TERMINATES THE ELECTRONIC APPEARANCE, the court
5 shall [grant such request and] adjourn the proceeding to a date certain.
6 Upon the adjourned date the proceeding shall be recommenced from the
7 point at which the [request for termination of the] electronic appear-
8 ance had been [granted] TERMINATED.

9 S 11. Subdivisions 3, 4 and 13 of section 500-b of the correction law,
10 as added by chapter 907 of the laws of 1984 and subdivision 13 as
11 amended by chapter 574 of the laws of 1985, are amended to read as
12 follows:

13 3. No female confined in a county jail shall be assigned to or housed
14 in a facility housing unit with a male EXCEPT WHEN NECESSARY FOR THE
15 RECEIPT OF CARE OR TREATMENT IN A FACILITY OPERATED INFIRMARY, PROVIDED,
16 HOWEVER, A FEMALE SHALL NOT BE HOUSED IN THE SAME ROOM AS A MALE; and if
17 detained on civil process, or for contempt, or as a witness, she shall
18 not be put or kept in the same room with a man, except her husband OR
19 WHEN NECESSARY FOR THE RECEIPT OF CARE OR TREATMENT IN A FACILITY OPER-
20 ATED INFIRMARY.

21 4. (A) No person under nineteen years of age shall be placed or kept
22 or allowed to be at any time with any prisoner or prisoners [nineteen]
23 TWENTY-TWO years of age or older, in any room, dormitory, cell or tier
24 of the buildings of such institution unless separately grouped to
25 prevent access to persons under nineteen years of age by prisoners
26 [nineteen] TWENTY-TWO years of age or older.

27 (B) PERSONS NINETEEN, TWENTY OR TWENTY-ONE YEARS OF AGE MAY, AT THE
28 DISCRETION OF THE CHIEF ADMINISTRATIVE OFFICER, BE PLACED OR KEPT EITHER
29 WITH PERSONS UNDER NINETEEN YEARS OF AGE OR WITH PERSONS TWENTY-TWO
30 YEARS OF AGE OR OLDER, PROVIDED HOWEVER THAT IN MAKING THE DECISION ON
31 WHERE TO HOUSE SUCH NINETEEN, TWENTY OR TWENTY-ONE YEAR OLD PERSONS, THE
32 CHIEF ADMINISTRATIVE OFFICER SHALL CONSIDER ALL OF THE FACTORS SET FORTH
33 IN PARAGRAPH (A) OF SUBDIVISION SEVEN OF THIS SECTION.

34 13. Where in the opinion of the chief administrative officer an emer-
35 gency overcrowding condition exists in a local correctional facility
36 caused in part by the [prohibition against the commingling of persons
37 under nineteen years of age with persons nineteen years of age or older
38 or the commingling of persons nineteen years of age or older with
39 persons under nineteen years of age] RESTRICTIONS UPON COMMINGLING OF
40 CATEGORIES OF PERSONS SET FORTH IN SUBDIVISION FOUR OF THIS SECTION, the
41 chief administrative officer may apply to the commission for permission
42 to commingle the aforementioned categories of inmates for a period not
43 to exceed thirty days as provided herein. The commission shall acknowl-
44 edge to the chief administrative officer the receipt of such application
45 upon its receipt. The chief administrative officer shall be permitted
46 to commingle such inmates upon acknowledgment of receipt of the applica-
47 tion by the commission. The commission shall assess the application
48 within seven days of receipt. The commission shall deny any such appli-
49 cation and shall prohibit the continued commingling of such inmates
50 where it has found that the local correctional facility does not meet
51 the criteria set forth in this subdivision and further is in substantial
52 noncompliance with minimum staffing requirements as provided in commis-
53 sion rules and regulations. In addition, the commission shall determine
54 whether the commingling of such inmates presents a danger to the health,
55 safety or welfare of any such inmate. If no such danger exists the chief
56 administrative officer may continue the commingling until the expiration

1 of the aforementioned thirty day period or until such time as he deter-
2 mines that the overcrowding which necessitated the commingling no longer
3 exists, whichever occurs first. In the event the commission determines
4 that such danger exists, it shall immediately notify the chief adminis-
5 trative officer, and the commingling of such inmates shall cease. Such
6 notification shall include specific measures which should be undertaken
7 by the chief administrative officer, to correct such dangers. The chief
8 administrative officer may correct such dangers and reapply to the
9 commission for permission to commingle; however, no commingling may take
10 place until such time as the commission certifies that the facility is
11 now in compliance with the measures set forth in the notification under
12 this subdivision. When such certification has been received by the chief
13 administrative officer, the commingling may continue for thirty days,
14 less any time during which the chief administrative officer commingled
15 such inmates following his application to the commission, or until such
16 time as he determines that the overcrowding which necessitated the
17 commingling no longer exists, whichever occurs first. The chief adminis-
18 trative officer may apply for permission to commingle such inmates for
19 up to two additional thirty day periods, in conformity with the
20 provisions and the requirements of this subdivision, in a given calendar
21 year. For the period ending December thirtieth, nineteen hundred eight-
22 y-four, a locality may not apply for more than one thirty day commin-
23 gling period.

24 S 12. Subparagraph 4 of paragraph (c) of subdivision 8 of section
25 500-b of the correction law, as added by chapter 907 of the laws of
26 1984, is amended to read as follows:

27 (4) a woman detained in any county jail or penitentiary upon a crimi-
28 nal charge or as a convict under sentence with a man EXCEPT WHEN NECES-
29 SARY FOR THE RECEIPT OF CARE OR TREATMENT IN A FACILITY OPERATED INFIR-
30 MARY, PROVIDED, HOWEVER, A FEMALE SHALL NOT BE HOUSED IN THE SAME ROOM
31 AS A MALE; and if detained on civil process, or for contempt, or as a
32 witness in a room in which there are no other prisoners with a man,
33 except with her husband OR WHEN NECESSARY FOR THE RECEIPT OF CARE OR
34 TREATMENT IN A FACILITY OPERATED INFIRMARY.

35 S 13. Section 72-c of the general municipal law, as amended by chapter
36 229 of the laws of 1992, is amended to read as follows:

37 S 72-c. Expenses of members of the police department and other peace
38 officers in attending police training schools. The board or body of a
39 county, city, town or village authorized to appropriate and to raise
40 money by taxation and to make payments therefrom, is hereby authorized,
41 in its discretion, to appropriate and to raise money by taxation and to
42 make payments from such moneys, for the annual expenses of the members
43 of the police department of such municipal corporation in attending a
44 police training school, as provided by the regulations of the depart-
45 ment, either within such municipal corporation or elsewhere within the
46 state; and for the payment of reasonable expenses of such members and
47 other police officers or peace officers of the municipality while going
48 to, attending, and returning from any training school conducted by or
49 under the auspices of the federal bureau of investigation, whether with-
50 in or without the state. Notwithstanding any inconsistent provision of
51 any general, special or local law to the contrary, whenever a member of
52 the police department of a municipal corporation[, having a population
53 of ten thousand or less,] has attended a police training school, the
54 expense of which was borne by such municipal corporation, terminates
55 employment with such municipal corporation and commences employment with
56 any other municipal corporation or employer county sheriff, such employ-

1 er municipal corporation or employer county sheriff shall reimburse the
2 prior employer municipal corporation[, having a population of ten thou-
3 sand or less,] for such expenses, including, salary, tuition, enrollment
4 fees, books, and the cost of transportation to and from training school,
5 as follows: on a pro rata basis, to be calculated by subtracting from
6 the number of days in the three years following the date of the member's
7 graduation from police training school, the number of days between the
8 date of the member's graduation from training school and the date of the
9 termination of employment with the municipal corporation which paid for
10 such training, and multiplying the difference by the per diem cost of
11 such expenses, to be calculated by dividing the total cost of such
12 expenses by the number of days in the three years following the date of
13 the member's graduation, if such change in employment occurs within
14 three years of such member's graduation from police training school.
15 Provided, however, the employer municipal corporation or employer county
16 sheriff shall not be required to reimburse the prior employer municipal
17 corporation for that portion of such expenses which is reimbursable by
18 the member to the prior employer municipal corporation under the terms
19 of an employment or labor agreement. Provided, further, however, the
20 employer municipal corporation or employer county sheriff shall not be
21 required to reimburse the prior employer municipal corporation for such
22 basic training if such change in employment occurs after the expiration
23 of the validity of the member's certificate attesting to the satisfac-
24 tory completion of an approved municipal police basic training program.

25 S 14. Section 207-m of the general municipal law is REPEALED.

26 S 15. Intentionally omitted.

27 S 16. Subdivision 6 of section 702 of the county law is REPEALED and a
28 new subdivision 6 is added to read as follows:

29 6. NOTWITHSTANDING ANY OTHER PROVISION OF LAW WITH RESPECT TO REQUIRE-
30 MENT OF RESIDENCE, A DISTRICT ATTORNEY MAY APPOINT ASSISTANT DISTRICT
31 ATTORNEYS WHO DO NOT RESIDE WITHIN THE BORDERS OF SAID COUNTY.

32 S 17. The opening paragraph and paragraph (1) of subdivision 4 of
33 section 20.40 of the criminal procedure law, paragraph (1) as amended by
34 chapter 346 of the laws of 2007, are amended to read as follows:

35 A person may be convicted in an appropriate criminal court of a
36 particular county, of an offense of which the criminal courts of this
37 state have jurisdiction pursuant to section 20.20, committed either by
38 his OR HER own conduct or by the conduct of another for which he OR SHE
39 is legally accountable pursuant to section 20.00 of the penal law, when:

40 (1) An offense of identity theft or unlawful possession of personal
41 [identification] IDENTIFYING information AND ALL CRIMINAL ACTS COMMITTED
42 AS PART OF THE SAME CRIMINAL TRANSACTION AS DEFINED IN SUBDIVISION TWO
43 OF SECTION 40.10 OF THIS CHAPTER OR COMMITTED THROUGH THE CRIMINAL
44 MISUSE OF PERSONAL IDENTIFYING INFORMATION may be prosecuted (i) in any
45 county in which part of the offense took place regardless of whether the
46 defendant was actually present in such county, or (ii) in the county in
47 which the person who suffers financial loss resided at the time of the
48 commission of the offense, or (iii) in the county where the person whose
49 personal [identification] IDENTIFYING information was used in the
50 commission of the offense resided at the time of the commission of the
51 offense. The law enforcement agency of any such county shall take a
52 police report of the matter and provide the complainant with a copy of
53 such report at no charge.

54 S 18. Section 176 of the family court act is amended to read as
55 follows:

1 S 176. Inter-county probation. [If a person placed under probation by
2 the family court resides in or moves to a county other than the county
3 in which he was placed on probation, the family court which placed him
4 on probation may transfer the proceedings to the county in which the
5 probationer resides or to which he has moved or may place him under the
6 supervision of the probation service attached to the family court in
7 which the probationer resides or to which he has moved.]

8 1. WHERE A PERSON PLACED ON PROBATION RESIDES IN ANOTHER JURISDICTION
9 WITHIN THE STATE AT THE TIME OF THE ORDER OF DISPOSITION, THE FAMILY
10 COURT WHICH PLACED HIM OR HER ON PROBATION SHALL TRANSFER SUPERVISION TO
11 THE PROBATION DEPARTMENT IN THE JURISDICTION IN WHICH THE PERSON
12 RESIDES. WHERE, AFTER A PROBATION DISPOSITION IS PRONOUNCED, A PROBA-
13 TIONER REQUESTS TO RESIDE IN ANOTHER JURISDICTION WITHIN THE STATE, THE
14 FAMILY COURT WHICH PLACED HIM OR HER ON PROBATION MAY, IN ITS
15 DISCRETION, APPROVE A CHANGE IN RESIDENCY AND, UPON APPROVAL, SHALL
16 TRANSFER SUPERVISION TO THE PROBATION DEPARTMENT SERVING THE COUNTY OF
17 THE PROBATIONER'S PROPOSED NEW RESIDENCE. ANY TRANSFER UNDER THIS SUBDI-
18 VISION MUST BE IN ACCORDANCE WITH RULES ADOPTED BY THE COMMISSIONER OF
19 THE DIVISION OF CRIMINAL JUSTICE SERVICES.

20 2. UPON COMPLETION OF A TRANSFER AS AUTHORIZED PURSUANT TO SUBDIVISION
21 ONE OF THIS SECTION, THE FAMILY COURT WITHIN THE JURISDICTION OF THE
22 RECEIVING PROBATION DEPARTMENT SHALL ASSUME ALL POWERS AND DUTIES OF THE
23 FAMILY COURT WHICH PLACED THE PROBATIONER ON PROBATION AND SHALL HAVE
24 SOLE JURISDICTION IN THE CASE. THE FAMILY COURT WHICH PLACED THE PROBA-
25 TIONER ON PROBATION SHALL IMMEDIATELY FORWARD ITS ENTIRE CASE RECORD TO
26 THE RECEIVING COURT.

27 3. UPON COMPLETION OF A TRANSFER AS AUTHORIZED PURSUANT TO SUBDIVISION
28 ONE OF THIS SECTION, THE PROBATION DEPARTMENT IN THE RECEIVING JURISDIC-
29 TION SHALL ASSUME ALL POWERS AND DUTIES OF THE PROBATION DEPARTMENT IN
30 THE JURISDICTION OF THE FAMILY COURT WHICH PLACED THE PROBATIONER ON
31 PROBATION.

32 S 19. Section 514 of the general municipal law, as amended by chapter
33 492 of the laws of 1963, is amended to read as follows:

34 S 514. Filing of proposed plans. The municipality or agency, as the
35 case may be, shall file with the commissioner a copy of [each] ANY
36 proposed urban renewal program ASSISTED BY STATE LOANS, PERIODIC SUBSI-
37 DIES OR CAPITAL GRANTS, embodying the plans, layout, estimated cost and
38 proposed [methed] METHOD of financing. Any change made in [the] AN urban
39 renewal program ASSISTED BY STATE LOANS, PERIODIC SUBSIDIES OR CAPITAL
40 GRANTS shall be filed with the commissioner. From time to time prior to
41 completion, and with reasonable promptness after [each] ANY urban
42 renewal program ASSISTED BY STATE LOANS, PERIODIC SUBSIDIES OR CAPITAL
43 GRANTS shall have been completed, upon request of the commissioner, the
44 municipality or agency shall file with the commissioner a detailed
45 statement of the cost thereof.

46 Upon receipt of a copy of a proposed urban renewal program, or any
47 proposed change therein, the commissioner may transmit his criticism and
48 suggestions to the municipality or agency, as the case may be. No change
49 in an urban renewal program assisted by state loans, periodic subsidies
50 or capital grants may be made by a municipality or agency without the
51 approval of the commissioner.

52 S 20. Subdivision 2 of section 553 of the general municipal law, as
53 added by chapter 921 of the laws of 1962, is amended to read as follows:

54 2. An agency shall be a corporate governmental agency, constituting a
55 public benefit corporation. Except as otherwise provided by special act
56 of the Legislature, an agency shall consist of not less than three nor

1 more than five members who shall be appointed by the mayor of a city or
2 village or the town board of a town and who shall serve at the pleasure
3 of the appointing authority. A member shall continue to hold office
4 until his successor is appointed and has qualified. The mayor of a city
5 or village, or the town board of a town, shall designate the first
6 chairman [and file with the commissioner a certificate of appointment or
7 re-appointment of any member]. Such members shall receive no compen-
8 sation for their services but shall be entitled to the necessary
9 expenses, including traveling expenses, incurred in the discharge of
10 their duties.

11 S 21. Subdivision 1 of section 30 of the public housing law, as
12 amended by chapter 620 of the laws of 1942, is amended to read as
13 follows:

14 1. In the case of an authority hereafter established by a special act
15 of the legislature, the mayor of a city or village, or the town board of
16 a town, shall file in [the office of the commissioner, and a duplicate
17 in] the office of the secretary of state, a certificate signed by him or
18 it and setting forth: (a) the date of the passage of the special act
19 establishing the authority; (b) the name of the authority; and (c) the
20 names of the members and their terms, specifying which member is chair-
21 man.

22 S 22. Subdivision 2 of section 30 of the public housing law, as
23 amended by chapter 482 of the laws of 1974, is amended to read as
24 follows:

25 2. Except as otherwise provided by special act of the legislature, an
26 authority shall consist of not less than three nor more than seven
27 members. The members of an authority who are first appointed shall be
28 not more than five in number and shall be designated to serve for terms
29 of one, two, three, four and five years respectively from the date of
30 their appointment, depending upon the number of members constituting the
31 authority. Thereafter the term of office of appointive members shall be
32 five years. A member shall continue to hold office until his successor
33 is appointed or elected and has qualified. The mayor of a city or
34 village, or the town board of a town, shall appoint the appointive
35 members[,] AND designate the first chairman [and file with the commis-
36 sioner a certificate of appointment or the reappointment of any member].

37 S 23. Section 38 of the public housing law, as amended by chapter 260
38 of the laws of 1945, is amended to read as follows:

39 S 38. STATE PROJECT FILING. An authority shall file with the commis-
40 sioner a copy of each proposed STATE project embodying the plans,
41 layout, estimated costs and proposed method of financing. Any change
42 made in [the] A STATE project shall be filed with the commissioner by
43 the authority. With reasonable promptness after each STATE project shall
44 have been completed, and from time to time prior to completion upon
45 request of the commissioner, an authority shall file with the commis-
46 sioner a detailed statement of the cost thereof.

47 Upon receipt of a copy of a proposed state project, or of any proposed
48 change therein, the commissioner may transmit his criticisms and
49 suggestions with reasonable promptness to the authority or the municipi-
50 pality. No change in a state project may be made by an authority or a
51 municipality without the approval of the commissioner.

52 S 24. Subdivision 1 of section 54 of the public housing law, as
53 amended by chapter 542 of the laws of 1971, is amended to read as
54 follows:

55 1. [An] ANY authority WHICH SUPERVISES, MANAGES, OPERATES OR HOLDS ANY
56 INTEREST IN AT LEAST ONE STATE PROJECT shall file with the commissioner

1 a copy of any by-laws, rules and regulations and amendments thereto
2 adopted by it from time to time, which shall become effective upon
3 approval by the commissioner; provided, however, that if the commission-
4 er shall fail to approve or disapprove such proposed by-laws, rules and
5 regulations and amendments within three months after such filing, such
6 by-laws, rules and regulations and amendments shall become effective
7 upon the expiration of such three-month period.

8 S 25. Paragraphs (c) and (d) of subdivision 1 of section 23 of the
9 social services law, paragraph (c) as added by chapter 818 of the laws
10 of 1990 and paragraph (d) as amended by chapter 304 of the laws of 1990,
11 are amended and a new paragraph (e) is added to read as follows:

12 [(c)] (C-1) to the federal parent locator service, maintained by the
13 federal department of health and human services, as required by section
14 one hundred twenty-four of the federal family support act of nineteen
15 hundred eighty-eight, for the purpose of enabling the department to
16 fulfill obligations and responsibilities otherwise incumbent upon the
17 state department of labor[.], AND

18 (d) to the federal social security administration or public agency of
19 another state with which the department has an agreement with respect to
20 wage information pursuant to paragraph (i) of subdivision three of
21 section twenty of this article, AND

22 (E) TO SOCIAL SERVICES DISTRICTS AND THE OFFICE OF CHILDREN AND FAMILY
23 SERVICES FOR THE PURPOSE OF ENABLING THE SOCIAL SERVICES DISTRICT, OR
24 THE OFFICE OF CHILDREN AND FAMILY SERVICES ON BEHALF OF SUCH SOCIAL
25 SERVICES DISTRICT, TO FULFILL ITS OBLIGATION TO DETERMINE AND VERIFY THE
26 ELIGIBILITY OF A FAMILY FOR CHILD CARE ASSISTANCE PURSUANT TO TITLE
27 FIVE-C OF ARTICLE SIX OF THIS CHAPTER.

28 S 26. Subdivision 3 of section 23 of the social services law, as
29 amended by section 2 of part V of chapter 57 of the laws of 2009, is
30 amended to read as follows:

31 3. Information obtained by the office of temporary and disability
32 assistance from the wage reporting system operated by the state depart-
33 ment of taxation and finance shall be considered confidential and shall
34 not be disclosed to persons or agencies other than those considered
35 entitled to such information when such disclosure is necessary for the
36 proper administration of programs of public assistance and care or for
37 the proper administration of the child support program pursuant to title
38 six-A of article three of this chapter, or of eligibility assessments of
39 children for federal payments for foster care and adoption assistance
40 pursuant to the provisions of title IV-E of the federal social security
41 act OR OF FAMILIES FOR CHILD CARE ASSISTANCE PURSUANT TO THE PROVISIONS
42 OF TITLE FIVE-C OF ARTICLE SIX OF THIS CHAPTER. For the purpose of this
43 subdivision, any disclosure made pursuant to subdivision one of this
44 section shall be considered necessary for the proper administration of
45 programs of public assistance and care, or of eligibility assessments of
46 children for federal payments for foster care and adoption assistance
47 pursuant to the provisions of title IV-E of the federal social security
48 act OR OF FAMILIES OF CHILD CARE ASSISTANCE PURSUANT TO THE PROVISIONS
49 OF TITLE FIVE-C OF ARTICLE SIX OF THIS CHAPTER; and the federal parent
50 locator service shall be considered an agency entitled to such informa-
51 tion as is necessary for the proper administration of the child support
52 program pursuant to title six-A of article three of this chapter.

53 S 27. Section 410-x of the social services law is amended by adding a
54 new subdivision 8 to read as follows:

55 8. NOTWITHSTANDING ANY PROVISION OF LAW TO THE CONTRARY, CHILD CARE
56 ASSISTANCE PAYMENTS MADE PURSUANT TO THIS SECTION MAY BE MADE BY DIRECT

1 DEPOSIT OR DEBIT CARD, AS ELECTED BY THE RECIPIENT, AND ADMINISTERED
2 ELECTRONICALLY, AND IN ACCORDANCE WITH SUCH GUIDELINES, AS MAY BE SET
3 FORTH BY REGULATION OF THE OFFICE OF CHILDREN AND FAMILY SERVICES. THE
4 OFFICE OF CHILDREN AND FAMILY SERVICES MAY ENTER INTO CONTRACTS ON
5 BEHALF OF LOCAL SOCIAL SERVICES DISTRICTS FOR SUCH DIRECT DEPOSIT OR
6 DEBIT CARD SERVICES IN ACCORDANCE WITH SECTION TWENTY-ONE-A OF THIS
7 CHAPTER.

8 S 28. Title 5-C of article 6 of the social services law is amended by
9 adding a new section 410-aa to read as follows:

10 S 410-AA. DETERMINING ELIGIBILITY FOR CHILD CARE ASSISTANCE. A SOCIAL
11 SERVICES OFFICIAL OR THE OFFICE OF CHILDREN AND FAMILY SERVICES ON
12 BEHALF OF THE SOCIAL SERVICES DISTRICT SHALL HAVE THE AUTHORITY TO MAKE
13 REQUESTS AND RECEIVE INFORMATION IN ORDER TO FULFILL THE SOCIAL SERVICES
14 DISTRICT'S OBLIGATION TO DETERMINE THE ELIGIBILITY OF A FAMILY FOR CHILD
15 CARE ASSISTANCE PURSUANT TO THIS TITLE. SUCH REQUESTS MAY INCLUDE BUT
16 ARE NOT LIMITED TO ACCESS TO INFORMATION IN THE WAGE REPORTING SYSTEM IN
17 ACCORDANCE WITH SECTION TWENTY-THREE OF THIS CHAPTER AND SECTIONS ONE
18 HUNDRED SEVENTY-ONE-A AND SIX HUNDRED NINETY-SEVEN OF THE TAX LAW.

19 S 29. Subdivision 3 of section 97-www of the state finance law, as
20 amended by section 9 of part D of chapter 58 of the laws of 2006, is
21 amended to read as follows:

22 3. Moneys of the quality child care and protection fund, following
23 appropriation by the legislature and allocation by the director of the
24 budget, shall be made available to the commissioner of the office of
25 children and family services FOR ACTIVITIES BY THE STATE AND LOCAL
26 SOCIAL SERVICES DISTRICTS TO IMPROVE THE INTEGRITY OF THE CHILD CARE
27 ASSISTANCE PROGRAM INCLUDING PREVENTING FRAUD, to provide grants to
28 child day care providers for health and safety purposes, for training of
29 child day care provider staff INCLUDING TRAINING ON THE REQUIREMENTS FOR
30 PROVIDERS CARING FOR CHILDREN RECEIVING CHILD CARE ASSISTANCE, and other
31 activities to increase the availability and/or quality of child care
32 programs.

33 S 30. Subparagraph (ii) of paragraph (a) of subdivision 3 of section
34 171-a of the tax law, as amended by section 3 of part V of chapter 57 of
35 the laws of 2009, is amended and a new subparagraph (iii) is added to
36 read as follows:

37 (ii) for the utilization by the office of temporary and disability
38 assistance of information obtained pursuant to subdivision one of this
39 section, with respect to the parents, the stepparents, the child and the
40 siblings of the child who were living in the same household as a child
41 who is in the custody, care and custody or custody and guardianship of a
42 local social services district or of the office of children and family
43 services during the month that the court proceedings leading to the
44 child's removal from the household were initiated, or the written
45 instrument transferring care and custody of the child pursuant to the
46 provisions of section three hundred fifty-eight-a or three hundred
47 eighty-four-a of the social services law was signed, provided however,
48 that the office of temporary and disability assistance shall only use
49 the information obtained pursuant to this subdivision, for the purpose
50 of determining the eligibility of such child for federal payments for
51 foster care and adoption assistance pursuant to the provisions of title
52 IV-E of the federal social security act. Notwithstanding any other
53 provision of law, the office of temporary and disability assistance is
54 authorized to share information obtained pursuant to this subdivision
55 with any applicable social services district, provided however, that if
56 such information is shared, that such social services district shall

1 only use the information obtained for the purpose of determining the
2 eligibility of such child for federal payments for foster care and
3 adoption assistance pursuant to the provisions of title IV-E of the
4 federal social security act; AND

5 (III) FOR THE UTILIZATION BY THE DEPARTMENT OF FAMILY ASSISTANCE OF
6 INFORMATION OBTAINED PURSUANT TO SUBDIVISION ONE OF THIS SECTION, TO
7 DETERMINE ELIGIBILITY OF A FAMILY FOR CHILD CARE ASSISTANCE PURSUANT TO
8 TITLE FIVE-C OF ARTICLE SIX OF THE SOCIAL SERVICES LAW.

9 S 31. Paragraph 3 of subsection (e) of section 697 of the tax law, as
10 amended by chapter 182 of the laws of 2010, is amended to read as
11 follows:

12 (3) Nothing herein shall be construed to prohibit the department, its
13 officers or employees from furnishing information to the office of
14 temporary and disability assistance relating to the payment of the cred-
15 it for certain household and dependent care services necessary for gain-
16 ful employment under subsection (c) of section six hundred six of this
17 article and the earned income credit under subsection (d) of section six
18 hundred six of this article and the enhanced earned income credit under
19 subsection (d-1) of section six hundred six of this article, or pursuant
20 to a local law enacted by a city having a population of one million or
21 more pursuant to subsection (f) of section thirteen hundred ten of this
22 chapter, only to the extent necessary to calculate qualified state
23 expenditures under paragraph seven of subdivision (a) of section four
24 hundred nine of the federal social security act or to document the prop-
25 er expenditure of federal temporary assistance for needy families funds
26 under section four hundred three of such act. The office of temporary
27 and disability assistance may redisclose such information to the United
28 States department of health and human services only to the extent neces-
29 sary to calculate such qualified state expenditures or to document the
30 proper expenditure of such federal temporary assistance for needy fami-
31 lies funds. Nothing herein shall be construed to prohibit the delivery
32 by the commissioner to a commissioner of jurors, appointed pursuant to
33 section five hundred four of the judiciary law, or, in counties within
34 cities having a population of one million or more, to the county clerk
35 of such county, of a mailing list of individuals to whom income tax
36 forms are mailed by the commissioner for the sole purpose of compiling a
37 list of prospective jurors as provided in article sixteen of the judici-
38 ary law. Provided, however, such delivery shall only be made pursuant to
39 an order of the chief administrator of the courts, appointed pursuant to
40 section two hundred ten of the judiciary law. No such order may be
41 issued unless such chief administrator is satisfied that such mailing
42 list is needed to compile a proper list of prospective jurors for the
43 county for which such order is sought and that, in view of the responsi-
44 bilities imposed by the various laws of the state on the department, it
45 is reasonable to require the commissioner to furnish such list. Such
46 order shall provide that such list shall be used for the sole purpose of
47 compiling a list of prospective jurors and that such commissioner of
48 jurors, or such county clerk, shall take all necessary steps to insure
49 that the list is kept confidential and that there is no unauthorized use
50 or disclosure of such list. Furthermore, nothing herein shall be
51 construed to prohibit the delivery to a taxpayer or his or her duly
52 authorized representative of a certified copy of any return or report
53 filed in connection with his or her tax or to prohibit the publication
54 of statistics so classified as to prevent the identification of partic-
55 ular reports or returns and the items thereof, or the inspection by the
56 attorney general or other legal representatives of the state of the

1 report or return of any taxpayer or of any employer filed under section
2 one hundred seventy-one-h of this chapter, where such taxpayer or
3 employer shall bring action to set aside or review the tax based there-
4 on, or against whom an action or proceeding under this chapter or under
5 this chapter and article eighteen of the labor law has been recommended
6 by the commissioner, the commissioner of labor with respect to unemploy-
7 ment insurance matters, or the attorney general or has been instituted,
8 or the inspection of the reports or returns required under this article
9 by the comptroller or duly designated officer or employee of the state
10 department of audit and control, for purposes of the audit of a refund
11 of any tax paid by a taxpayer under this article, or the furnishing to
12 the state department of labor of unemployment insurance information
13 obtained or derived from quarterly combined withholding, wage reporting
14 and unemployment insurance returns required to be filed by employers
15 pursuant to paragraph four of subsection (a) of section six hundred
16 seventy-four of this article, for purposes of administration of such
17 department's unemployment insurance program, employment services
18 program, federal and state employment and training programs, employment
19 statistics and labor market information programs, worker protection
20 programs, federal programs for which the department has administrative
21 responsibility or for other purposes deemed appropriate by the commis-
22 sioner of labor consistent with the provisions of the labor law, and
23 redisclosure of such information in accordance with the provisions of
24 sections five hundred thirty-six and five hundred thirty-seven of the
25 labor law or any other applicable law, or the furnishing to the state
26 office of temporary and disability assistance of information obtained or
27 derived from New York state personal income tax returns as described in
28 paragraph (b) of subdivision two of section one hundred seventy-one-g of
29 this chapter for the purpose of reviewing support orders enforced pursu-
30 ant to title six-A of article three of the social services law to aid in
31 the determination of whether such orders should be adjusted, or the
32 furnishing of information obtained from the reports required to be
33 submitted by employers regarding newly hired or re-hired employees
34 pursuant to section one hundred seventy-one-h of this chapter to the
35 state office of temporary and disability assistance, the state depart-
36 ment of health, the state department of labor and the workers' compen-
37 sation board for purposes of administration of the child support
38 enforcement program, verification of individuals' eligibility for one or
39 more of the programs specified in subsection (b) of section eleven
40 hundred thirty-seven of the federal social security act and for other
41 public assistance programs authorized by state law, and administration
42 of the state's employment security and workers' compensation programs,
43 and to the national directory of new hires established pursuant to
44 section four hundred fifty-three-A of the federal social security act
45 for the purposes specified in such section, or the furnishing to the
46 state office of temporary and disability assistance of the amount of an
47 overpayment of income tax and interest thereon certified to the comp-
48 troller to be credited against past-due support pursuant to section one
49 hundred seventy-one-c of this chapter and of the name and social securi-
50 ty number of the taxpayer who made such overpayment, or the disclosing
51 to the commissioner of finance of the city of New York, pursuant to
52 section one hundred seventy-one-l of this chapter, of the amount of an
53 overpayment and interest thereon certified to the comptroller to be
54 credited against a city of New York tax warrant judgment debt and of the
55 name and social security number of the taxpayer who made such overpay-
56 ment, or the furnishing to the New York state higher education services

1 corporation of the amount of an overpayment of income tax and interest
2 thereon certified to the comptroller to be credited against the amount
3 of a default in repayment of any education loan debt, including judg-
4 ments, owed to the federal or New York state government that is being
5 collected by the New York state higher education services corporation,
6 and of the name and social security number of the taxpayer who made such
7 overpayment, or the furnishing to the state department of health of the
8 information required by paragraph (f) of subdivision two and subdivision
9 two-a of section two thousand five hundred eleven of the public health
10 law and by subdivision eight of section three hundred sixty-six-a and
11 paragraphs (b) and (d) of subdivision two of section three hundred
12 sixty-nine-ee of the social services law, or the furnishing to the state
13 university of New York or the city university of New York respectively
14 or the attorney general on behalf of such state or city university the
15 amount of an overpayment of income tax and interest thereon certified to
16 the comptroller to be credited against the amount of a default in repay-
17 ment of a state university loan pursuant to section one hundred seven-
18 ty-one-e of this chapter and of the name and social security number of
19 the taxpayer who made such overpayment, or the disclosing to a state
20 agency, pursuant to section one hundred seventy-one-f of this chapter,
21 of the amount of an overpayment and interest thereon certified to the
22 comptroller to be credited against a past-due legally enforceable debt
23 owed to such agency and of the name and social security number of the
24 taxpayer who made such overpayment, or the furnishing of employee and
25 employer information obtained through the wage reporting system, pursu-
26 ant to section one hundred seventy-one-a of this chapter, as added by
27 chapter five hundred forty-five of the laws of nineteen hundred seven-
28 ty-eight, to the state office of temporary and disability assistance,
29 the department of health or to the state office of the medicaid inspec-
30 tor general for the purpose of verifying eligibility for and entitlement
31 to amounts of benefits under the social services law or similar law of
32 another jurisdiction, locating absent parents or other persons legally
33 responsible for the support of applicants for or recipients of public
34 assistance and care under the social services law and persons legally
35 responsible for the support of a recipient of services under section one
36 hundred eleven-g of the social services law and, in appropriate cases,
37 establishing support obligations pursuant to the social services law and
38 the family court act or similar provision of law of another jurisdiction
39 for the purpose of evaluating the effect on earnings of participation in
40 employment, training or other programs designed to promote self-suffici-
41 ency authorized pursuant to the social services law by current recipi-
42 ents of public assistance and care and by former applicants and recipi-
43 ents of public assistance and care, (except that with regard to former
44 recipients, information which relates to a particular former recipient
45 shall be provided with client identifying data deleted), to the state
46 office of temporary and disability assistance for the purpose of deter-
47 mining the eligibility of any child in the custody, care and custody or
48 custody and guardianship of a local social services district or of the
49 office of children and family services for federal payments for foster
50 care and adoption assistance pursuant to the provisions of title IV-E of
51 the federal social security act by providing information with respect to
52 the parents, the stepparents, the child and the siblings of the child
53 who were living in the same household as such child during the month
54 that the court proceedings leading to the child's removal from the
55 household were initiated, or the written instrument transferring care
56 and custody of the child pursuant to the provisions of section three

1 hundred fifty-eight-a or three hundred eighty-four-a of the social
2 services law was signed, provided however that the office of temporary
3 and disability assistance shall only use the information obtained pursu-
4 ant to this subdivision for the purpose of determining the eligibility
5 of such child for federal payments for foster care and adoption assist-
6 ance pursuant to the provisions of title IV-E of the federal social
7 security act, AND TO THE DEPARTMENT OF FAMILY ASSISTANCE TO DETERMINE
8 ELIGIBILITY OF A FAMILY FOR CHILD CARE ASSISTANCE PURSUANT TO THE
9 PROVISIONS OF TITLE FIVE-C OF ARTICLE SIX OF THE SOCIAL SERVICES LAW,
10 and to the state department of labor, or other individuals designated by
11 the commissioner of labor, for the purpose of the administration of such
12 department's unemployment insurance program, employment services
13 program, federal and state employment and training programs, employment
14 statistics and labor market information programs, worker protection
15 programs, federal programs for which the department has administrative
16 responsibility or for other purposes deemed appropriate by the commis-
17 sioner of labor consistent with the provisions of the labor law, and
18 redisclosure of such information in accordance with the provisions of
19 sections five hundred thirty-six and five hundred thirty-seven of the
20 labor law, or the furnishing of information, which is obtained from the
21 wage reporting system operated pursuant to section one hundred seventy-
22 one-a of this chapter, as added by chapter five hundred forty-five of
23 the laws of nineteen hundred seventy-eight, to the state office of
24 temporary and disability assistance so that it may furnish such informa-
25 tion to public agencies of other jurisdictions with which the state
26 office of temporary and disability assistance has an agreement pursuant
27 to paragraph (h) or (i) of subdivision three of section twenty of the
28 social services law, and to the state office of temporary and disability
29 assistance for the purpose of fulfilling obligations and responsibil-
30 ities otherwise incumbent upon the state department of labor, under
31 section one hundred twenty-four of the federal family support act of
32 nineteen hundred eighty-eight, by giving the federal parent locator
33 service, maintained by the federal department of health and human
34 services, prompt access to such information as required by such act, or
35 to the state department of health to verify eligibility under the child
36 health insurance plan pursuant to subdivisions two and two-a of section
37 two thousand five hundred eleven of the public health law, to verify
38 eligibility under the medical assistance and family health plus programs
39 pursuant to subdivision eight of section three hundred sixty-six-a and
40 paragraphs (b) and (d) of subdivision two of section three hundred
41 sixty-nine-ee of the social services law, and to verify eligibility for
42 the program for elderly pharmaceutical insurance coverage under title
43 three of article two of the elder law, or to the office of vocational
44 and educational services for individuals with disabilities of the educa-
45 tion department, the commission for the blind and visually handicapped
46 and any other state vocational rehabilitation agency, for purposes of
47 obtaining reimbursement from the federal social security administration
48 for expenditures made by such office, commission or agency on behalf of
49 disabled individuals who have achieved economic self-sufficiency or to
50 the higher education services corporation for the purpose of assisting
51 the corporation in default prevention and default collection of educa-
52 tion loan debt, including judgments, owed to the federal or New York
53 state government; provided, however, that such information shall be
54 limited to the names, social security numbers, home and/or business
55 addresses, and employer names of defaulted or delinquent student loan
56 borrowers.

1 Provided, however, that with respect to employee information the
2 office of temporary and disability assistance shall only be furnished
3 with the names, social security account numbers and gross wages of those
4 employees who are (A) applicants for or recipients of benefits under the
5 social services law, or similar provision of law of another jurisdiction
6 (pursuant to an agreement under subdivision three of section twenty of
7 the social services law) or, (B) absent parents or other persons legally
8 responsible for the support of applicants for or recipients of public
9 assistance and care under the social services law or similar provision
10 of law of another jurisdiction (pursuant to an agreement under subdivi-
11 sion three of section twenty of the social services law), or (C) persons
12 legally responsible for the support of a recipient of services under
13 section one hundred eleven-g of the social services law or similar
14 provision of law of another jurisdiction (pursuant to an agreement under
15 subdivision three of section twenty of the social services law), or (D)
16 employees about whom wage reporting system information is being
17 furnished to public agencies of other jurisdictions, with which the
18 state office of temporary and disability assistance has an agreement
19 pursuant to paragraph (h) or (i) of subdivision three of section twenty
20 of the social services law, or (E) employees about whom wage reporting
21 system information is being furnished to the federal parent locator
22 service, maintained by the federal department of health and human
23 services, for the purpose of enabling the state office of temporary and
24 disability assistance to fulfill obligations and responsibilities other-
25 wise incumbent upon the state department of labor, under section one
26 hundred twenty-four of the federal family support act of nineteen
27 hundred eighty-eight, and, only if, the office of temporary and disabil-
28 ity assistance certifies to the commissioner that such persons are such
29 applicants, recipients, absent parents or persons legally responsible
30 for support or persons about whom information has been requested by a
31 public agency of another jurisdiction or by the federal parent locator
32 service and further certifies that in the case of information requested
33 under agreements with other jurisdictions entered into pursuant to
34 subdivision three of section twenty of the social services law, that
35 such request is in compliance with any applicable federal law. Provided,
36 further, that where the office of temporary and disability assistance
37 requests employee information for the purpose of evaluating the effects
38 on earnings of participation in employment, training or other programs
39 designed to promote self-sufficiency authorized pursuant to the social
40 services law, the office of temporary and disability assistance shall
41 only be furnished with the quarterly gross wages (excluding any refer-
42 ence to the name, social security number or any other information which
43 could be used to identify any employee or the name or identification
44 number of any employer) paid to employees who are former applicants for
45 or recipients of public assistance and care and who are so certified to
46 the commissioner by the commissioner of the office of temporary and
47 disability assistance. Provided, further, that with respect to employee
48 information, the department of health shall only be furnished with the
49 information required pursuant to the provisions of paragraph (f) of
50 subdivision two and subdivision two-a of section two thousand five
51 hundred eleven of the public health law and subdivision eight of section
52 three hundred sixty-six-a and paragraphs (b) and (d) of subdivision two
53 of section three hundred sixty-nine-ee of the social services law, with
54 respect to those individuals whose eligibility under the child health
55 insurance plan, medical assistance program, and family health plus
56 program is to be determined pursuant to such provisions and with respect

1 to those members of any such individual's household whose income affects
2 such individual's eligibility and who are so certified to the commis-
3 sioner or by the department of health. Provided, further, that wage
4 reporting information shall be furnished to the office of vocational and
5 educational services for individuals with disabilities of the education
6 department, the commission for the blind and visually handicapped and
7 any other state vocational rehabilitation agency only if such office,
8 commission or agency, as applicable, certifies to the commissioner that
9 such information is necessary to obtain reimbursement from the federal
10 social security administration for expenditures made on behalf of dis-
11 abled individuals who have achieved self-sufficiency. Reports and returns
12 shall be preserved for three years and thereafter until the commissioner
13 orders them to be destroyed.

14 S 32. The family court act is amended by adding a new section 654 to
15 read as follows:

16 S 654. COURT ORDERED INVESTIGATIONS. IF A FAMILY COURT JUDGE HAS
17 REASONABLE CAUSE TO SUSPECT THAT A CHILD IN A PROCEEDING UNDER THIS PART
18 MAY BE AN ABUSED OR NEGLECTED CHILD AS DEFINED IN SUBDIVISIONS (E) AND
19 (F) OF SECTION ONE THOUSAND TWELVE OF THIS CHAPTER, THE COURT MAY ORDER
20 THE CHILD PROTECTIVE SERVICES OF THE APPROPRIATE SOCIAL SERVICES
21 DISTRICT TO CONDUCT A CHILD PROTECTIVE INVESTIGATION ONLY AS DESCRIBED
22 BY THE SOCIAL SERVICES LAW AND REPORT ITS FINDINGS TO THE COURT. THE
23 COURT SHALL SET FORTH IN SUCH ORDER THE REASONABLE CAUSE TO SUSPECT THAT
24 A CHILD MAY BE AN ABUSED OR NEGLECTED CHILD. THE TIMEFRAME FOR
25 COMPLETION OF SUCH INVESTIGATION SHALL NOT BE LESS THAN THAT PROVIDED
26 UNDER SECTION FOUR HUNDRED TWENTY-FOUR OF THE SOCIAL SERVICES LAW. THE
27 COURT MAY DIRECT THAT THE CHILD PROTECTIVE SERVICES PROVIDE THE COURT
28 WITH THE SEVEN-DAY PRELIMINARY WRITTEN REPORT OF THE INITIAL INVESTI-
29 GATION FROM SUBDIVISION THREE OF SECTION FOUR HUNDRED TWENTY-FOUR OF THE
30 SOCIAL SERVICES LAW.

31 S 33. The family court act is amended by adding a new section 662-a to
32 read as follows:

33 S 662-A. COURT ORDERED INVESTIGATIONS. IF A FAMILY COURT JUDGE HAS
34 REASONABLE CAUSE TO SUSPECT THAT A CHILD IN A PROCEEDING UNDER THIS PART
35 MAY BE AN ABUSED OR NEGLECTED CHILD AS DEFINED IN SUBDIVISIONS (E) AND
36 (F) OF SECTION ONE THOUSAND TWELVE OF THIS CHAPTER, THE COURT MAY ORDER
37 THE CHILD PROTECTIVE SERVICES OF THE APPROPRIATE SOCIAL SERVICES
38 DISTRICT TO CONDUCT A CHILD PROTECTIVE INVESTIGATION ONLY AS DESCRIBED
39 BY THE SOCIAL SERVICES LAW AND REPORT ITS FINDINGS TO THE COURT. THE
40 COURT SHALL SET FORTH IN SUCH ORDER THE REASONABLE CAUSE TO SUSPECT THAT
41 A CHILD MAY BE AN ABUSED OR NEGLECTED CHILD. THE TIMEFRAME FOR
42 COMPLETION OF SUCH INVESTIGATION SHALL NOT BE LESS THAN THAT PROVIDED
43 UNDER SECTION FOUR HUNDRED TWENTY-FOUR OF THE SOCIAL SERVICES LAW. THE
44 COURT MAY DIRECT THAT THE CHILD PROTECTIVE SERVICES PROVIDE THE COURT
45 WITH THE SEVEN-DAY PRELIMINARY WRITTEN REPORT OF THE INITIAL INVESTI-
46 GATION FROM SUBDIVISION THREE OF SECTION FOUR HUNDRED TWENTY-FOUR OF THE
47 SOCIAL SERVICES LAW.

48 S 34. Subdivision 1 of section 1034 of the family court act, as
49 amended by chapter 627 of the laws of 1978 and the opening paragraph as
50 amended by chapter 329 of the laws of 2009, is amended to read as
51 follows:

52 1. [A] (A) IF A family court judge HAS REASONABLE CAUSE TO SUSPECT
53 THAT A CHILD MAY BE AN ABUSED OR NEGLECTED CHILD AS DEFINED IN SUBDIVI-
54 SIONS (E) AND (F) OF SECTION ONE THOUSAND TWELVE OF THIS ARTICLE, THE
55 COURT may order the child protective [service] SERVICES of the appropri-
56 ate social services district to conduct a child protective investigation

1 ONLY as described by the social services law and report its findings to
2 the court:

3 [(a)] (I) in any proceedings under this article, or
4 [(b)] (II) in ANY PROCEEDING UNDER PART THREE OR FOUR OF ARTICLE SIX
5 OR UNDER ARTICLE SEVEN OF THIS CHAPTER, IN order to determine whether a
6 proceeding under this article should be initiated.

7 (B) THE COURT SHALL SET FORTH IN SUCH ORDER THE REASONABLE CAUSE TO
8 SUSPECT THAT A CHILD MAY BE AN ABUSED OR NEGLECTED CHILD.

9 (C) THE TIMEFRAME FOR COMPLETION OF SUCH INVESTIGATION SHALL NOT BE
10 LESS THAN THAT PROVIDED UNDER SECTION FOUR HUNDRED TWENTY-FOUR OF THE
11 SOCIAL SERVICES LAW. THE COURT MAY DIRECT THAT THE CHILD PROTECTIVE
12 SERVICES PROVIDE THE COURT WITH THE SEVEN-DAY PRELIMINARY WRITTEN REPORT
13 OF THE INITIAL INVESTIGATION FROM SUBDIVISION THREE OF SECTION FOUR
14 HUNDRED TWENTY-FOUR OF THE SOCIAL SERVICES LAW.

15 S 35. The family court act is amended by adding a new section 159 to
16 read as follows:

17 S 159. TESTIMONY AND ATTENDANCE BY TELEPHONE, AUDIO-VISUAL MEANS, OR
18 OTHER ELECTRONIC MEANS. (A) WHERE THE COURT HAS GRANTED AN APPLICATION
19 TO PERMIT A PARTY OR INTERESTED PERSON TO ATTEND, OR A WITNESS TO TESTI-
20 FY BY TELEPHONIC, AUDIO-VISUAL, OR OTHER ELECTRONIC MEANS IN ACCORDANCE
21 WITH THE PROVISIONS OF SECTION 302.4, SEVEN HUNDRED NINETEEN, ONE THOU-
22 SAND NINETEEN OR ONE THOUSAND EIGHTY-SIX-A OF THIS CHAPTER, OR THE
23 PROVISIONS OF SECTION THREE HUNDRED EIGHTY-FOUR-B OF THE SOCIAL SERVICES
24 LAW, ANY TESTIMONY TAKEN BY TELEPHONIC, AUDIO-VISUAL, OR OTHER ELECTRON-
25 IC MEANS SHALL BE RECORDED AND PRESERVED FOR TRANSCRIPTION.

26 (B) WHERE A PARTY, AN INTERESTED PERSON OR WITNESS TESTIFIES BY TELE-
27 PHONIC, AUDIO-VISUAL, OR OTHER ELECTRONIC MEANS DOCUMENTARY EVIDENCE
28 REFERRED TO BY A PARTY, AN INTERESTED PERSON, A WITNESS OR THE COURT MAY
29 BE TRANSMITTED BY FACSIMILE, TELECOPIER, OR OTHER ELECTRONIC MEANS AND
30 MAY NOT BE EXCLUDED FROM EVIDENCE BY REASON OF AN OBJECTION BASED ON THE
31 MEANS OF TRANSMISSION OR THE FACT THAT THE ORIGINAL DOCUMENT IS NOT
32 BEFORE THE COURT.

33 (C) THE CHIEF ADMINISTRATOR OF THE COURTS SHALL PROMULGATE RULES TO
34 FACILITATE THE TAKING OF TESTIMONY BY TELEPHONIC, AUDIO-VISUAL OR OTHER
35 ELECTRONIC MEANS AND THE TRANSMISSION OF DOCUMENTARY EVIDENCE BY FACSIM-
36 ILE, TELECOPIER OR OTHER ELECTRONIC MEANS.

37 S 36. The family court act is amended by adding a new section 302.4 to
38 read as follows:

39 S 302.4. TESTIMONY AND ATTENDANCE BY TELEPHONE, AUDIO-VISUAL MEANS OR
40 OTHER ELECTRONIC MEANS. NOTWITHSTANDING ANY LAW TO THE CONTRARY, THE
41 COURT MAY PERMIT A PARTY OR AN INTERESTED PERSON TO ATTEND, OR A WITNESS
42 TO TESTIFY AT A PRELIMINARY COURT PROCEEDING, DISPOSITIONAL OR PERMANEN-
43 CY HEARING BY TELEPHONIC, AUDIO-VISUAL, OR OTHER ELECTRONIC MEANS, AS
44 AVAILABLE, AT A DESIGNATED FAMILY COURT OR OTHER ACCEPTABLE LOCATION
45 WHERE:

46 1. SUCH PARTY, INTERESTED PERSON OR WITNESS RESIDES IN A COUNTY OTHER
47 THAN THAT OF THE FAMILY COURT WHERE THE CASE IS PENDING;

48 2. SUCH PARTY, INTERESTED PERSON OR WITNESS IS PRESENTLY INCARCERATED
49 AND WILL BE INCARCERATED ON THE DATE ON WHICH THE MATTER IS SCHEDULED TO
50 BE HEARD;

51 3. THE COURT DETERMINES THAT IT WOULD BE AN UNDUE HARDSHIP FOR SUCH
52 PARTY, INTERESTED PERSON, OR WITNESS TO ATTEND OR TESTIFY AT THE FAMILY
53 COURT WHERE THE CASE IS PENDING;

54 4. ALL PARTIES CONCUR; OR

55 5. OTHER GOOD CAUSE IS SHOWN.

1 S 37. The family court act is amended by adding a new section 719 to
2 read as follows:

3 S 719. TESTIMONY AND ATTENDANCE BY TELEPHONE, AUDIO-VISUAL MEANS OR
4 OTHER ELECTRONIC MEANS. NOTWITHSTANDING ANY LAW TO THE CONTRARY, THE
5 COURT MAY PERMIT A PARTY OR AN INTERESTED PERSON TO ATTEND, OR A WITNESS
6 TO TESTIFY AT A PRELIMINARY COURT PROCEEDING, DISPOSITIONAL OR PERMANEN-
7 CY HEARING BY TELEPHONIC, AUDIO-VISUAL OR OTHER ELECTRONIC MEANS, AS
8 AVAILABLE, AT A DESIGNATED FAMILY COURT OR OTHER ACCEPTABLE LOCATION
9 WHERE:

10 (A) SUCH PARTY, INTERESTED PERSON, OR WITNESS RESIDES IN A COUNTY
11 OTHER THAN THAT OF THE FAMILY COURT WHERE THE CASE IS PENDING;

12 (B) SUCH PARTY, INTERESTED PERSON OR WITNESS IS PRESENTLY INCARCERATED
13 AND WILL BE INCARCERATED ON THE DATE ON WHICH THE MATTER IS SCHEDULED TO
14 BE HEARD;

15 (C) THE COURT DETERMINES THAT IT WOULD BE AN UNDUE HARDSHIP FOR SUCH
16 PARTY, INTERESTED PERSON, OR WITNESS TO ATTEND OR TESTIFY AT THE FAMILY
17 COURT WHERE THE CASE IS PENDING;

18 (D) ALL PARTIES CONCUR; OR

19 (E) OTHER GOOD CAUSE IS SHOWN.

20 S 38. The family court act is amended by adding a new section 1019 to
21 read as follows:

22 S 1019. TESTIMONY AND ATTENDANCE BY TELEPHONE, AUDIO-VISUAL MEANS OR
23 OTHER ELECTRONIC MEANS. NOTWITHSTANDING ANY LAW TO THE CONTRARY, THE
24 COURT MAY PERMIT A PARTY OR AN INTERESTED PERSON TO ATTEND, OR A WITNESS
25 TO TESTIFY, AT A PRELIMINARY COURT PROCEEDING OR DISPOSITIONAL HEARING
26 BY TELEPHONIC, AUDIO-VISUAL OR OTHER ELECTRONIC MEANS, AS AVAILABLE, AT
27 A DESIGNATED FAMILY COURT OR OTHER ACCEPTABLE LOCATION WHERE:

28 (A) SUCH PARTY, INTERESTED PERSON OR WITNESS RESIDES IN A COUNTY OTHER
29 THAN THAT OF THE FAMILY COURT WHERE THE CASE IS PENDING;

30 (B) SUCH PARTY, INTERESTED PERSON OR WITNESS IS PRESENTLY INCARCERATED
31 AND WILL BE INCARCERATED ON THE DATE ON WHICH THE MATTER IS SCHEDULED TO
32 BE HEARD;

33 (C) THE COURT DETERMINES THAT IT WOULD BE AN UNDUE HARDSHIP FOR SUCH
34 PARTY, INTERESTED PERSON, OR WITNESS TO ATTEND OR TESTIFY AT THE FAMILY
35 COURT WHERE THE CASE IS PENDING;

36 (D) ALL PARTIES CONCUR; OR

37 (E) OTHER GOOD CAUSE IS SHOWN.

38 S 39. The family court act is amended by adding a new section 1086-a
39 to read as follows:

40 S 1086-A. TESTIMONY AND ATTENDANCE BY TELEPHONE, AUDIO-VISUAL MEANS OR
41 OTHER ELECTRONIC MEANS. NOTWITHSTANDING ANY LAW TO THE CONTRARY, THE
42 COURT MAY PERMIT A PARTY OR AN INTERESTED PERSON TO ATTEND, OR A WITNESS
43 TO TESTIFY AT, SUCH PERMANENCY HEARING BY TELEPHONIC, AUDIO-VISUAL OR
44 OTHER ELECTRONIC MEANS, AS AVAILABLE, AT A DESIGNATED FAMILY COURT OR
45 OTHER ACCEPTABLE LOCATION WHERE:

46 (A) SUCH PARTY, INTERESTED PERSON OR WITNESS RESIDES IN A COUNTY OTHER
47 THAN THAT OF THE FAMILY COURT WHERE THE CASE IS PENDING;

48 (B) SUCH PARTY, INTERESTED PERSON OR WITNESS IS PRESENTLY INCARCERATED
49 AND WILL BE INCARCERATED ON THE DATE ON WHICH THE MATTER IS SCHEDULED TO
50 BE HEARD;

51 (C) THE COURT DETERMINES THAT IT WOULD BE AN UNDUE HARDSHIP FOR SUCH
52 PARTY, INTERESTED PERSON OR WITNESS TO ATTEND OR TESTIFY AT THE FAMILY
53 COURT WHERE THE CASE IS PENDING;

54 (D) THE PARTIES CONCUR; OR

55 (E) OTHER GOOD CAUSE IS SHOWN.

1 S 40. Subdivision 3 of section 384-b of the social services law is
2 amended by adding two new paragraphs (m) and (n) to read as follows:

3 (M) NOTWITHSTANDING ANY LAW TO THE CONTRARY, THE COURT MAY PERMIT AN
4 INCARCERATED PARENT OR GUARDIAN TO ATTEND OR TESTIFY BY TELEPHONIC,
5 AUDIO-VISUAL OR OTHER ELECTRONIC MEANS AT A FACT-FINDING HEARING IN
6 ACCORDANCE WITH THIS SECTION WHERE:

7 (I) THE COURT RECEIVES PROOF OF: (A) PROPER SERVICE UPON THE PARENT OR
8 GUARDIAN OF THE PETITION TO TERMINATE PARENTAL RIGHTS OF SUCH PARENT OR
9 GUARDIAN; AND (B) THAT REASONABLE AND SUBSTANTIAL EFFORTS TO SECURE THE
10 PRESENCE OF THE INCARCERATED PARENT OR GUARDIAN AT SUCH PROCEEDING WERE
11 MADE; AND

12 (II) THE INCARCERATED PARENT OR GUARDIAN (A) IS REPRESENTED BY COUN-
13 SEL; (B) IS AFFORDED THE OPPORTUNITY TO HAVE A PERSONAL REPRESENTATIVE
14 PRESENT AT SUCH PROCEEDING; AND (C) HAS ELECTED IN WRITING OR ON THE
15 RECORD TO APPEAR BY SUCH TELEPHONIC, AUDIO-VISUAL, OR OTHER ELECTRONIC
16 MEANS AS ARE AVAILABLE. NOTHING CONTAINED HEREIN SHALL BE DEEMED TO
17 CREATE ANY RIGHT BEYOND THAT SET FORTH IN SECTION TWO HUNDRED SIXTY-TWO
18 OF THE FAMILY COURT ACT TO REPRESENTATION BY COUNSEL IN TERMINATION OF
19 PARENTAL RIGHTS PROCEEDINGS.

20 (N) NOTWITHSTANDING ANY LAW TO THE CONTRARY, THE COURT MAY PERMIT A
21 PARTY OR AN INTERESTED PERSON TO ATTEND, OR A WITNESS TO TESTIFY, OTHER
22 THAN AT A FACT-FINDING HEARING, BY TELEPHONIC, AUDIO-VISUAL OR OTHER
23 ELECTRONIC MEANS AT A DESIGNATED FAMILY COURT OR OTHER ACCEPTABLE
24 LOCATION WHERE:

25 (I) SUCH PARTY, INTERESTED PERSON OR WITNESS RESIDES IN A COUNTY OTHER
26 THAN THAT OF THE FAMILY COURT WHERE THE CASE IS PENDING;

27 (II) SUCH PARTY, INTERESTED PERSON, OR WITNESS IS PRESENTLY INCARCER-
28 ATED AND WILL BE INCARCERATED ON THE DATE ON WHICH THE MATTER IS SCHED-
29 ULED TO BE HEARD;

30 (III) THE COURT DETERMINES THAT IT WOULD BE AN UNDUE HARDSHIP FOR SUCH
31 PARTY, INTERESTED PERSON OR WITNESS TO ATTEND OR TESTIFY AT THE FAMILY
32 COURT WHERE THE CASE IS PENDING;

33 (IV) ALL PARTIES CONCUR; OR

34 (V) OTHER GOOD CAUSE IS SHOWN.

35 S 41. Subdivision 2 of section 378 of the social services law, as
36 amended by chapter 555 of the laws of 1978, is amended to read as
37 follows:

38 2. Such certificates and licenses shall be valid for not more than
39 [one year] TWO YEARS after date of issue but may be renewed or extended
40 subject to regulations established by the [department] OFFICE OF CHIL-
41 DREN AND FAMILY SERVICES.

42 S 42. Paragraph (c) of subdivision 5 of section 421 of the social
43 services law, as added by chapter 525 of the laws of 2006, is amended to
44 read as follows:

45 (c) require all persons assigned to be a supervisor by a child protec-
46 tive service on or after April first, nineteen hundred eighty-six, shall
47 have satisfactorily completed, within the first three months of employ-
48 ment as a supervisor [or within three months of the effective date of
49 this paragraph, whichever shall occur first], a course in the fundamen-
50 tals of child protection developed by the office of children and family
51 services. Such training course shall, among other things, strengthen and
52 expand current training procedures for child protective service supervi-
53 sors; provide the skills, knowledge and standards to practice effective
54 case planning and case management; provide comprehensive assessment
55 tools needed in critical decision making; require participation in the
56 existing common core training required by child protective service case-

1 workers IF SUCH PERSON HAS NOT COMPLETED COMMON CORE TRAINING WITHIN THE
2 LAST FIVE YEARS; strengthen recognition and response to safety and risk
3 indicators; improve skills to promote consistent implementation of
4 training and practice; provide the necessary tools and assistance to
5 build the ability to coach and monitor child protective service case-
6 workers and model effective investigation practice; increase cultural
7 competency and sensitivity; and establish an annual in service training
8 program specifically focused on child protective service supervisors.

9 S 42-a. Paragraph (b) of subdivision 1, subdivisions 2, 3, 4, 5, and
10 paragraph (c) of subdivision 6 of section 34-a of the social services
11 law, paragraph (b) of subdivision 1 as amended by chapter 231 of the
12 laws of 1987, subdivision 2 as amended by chapter 677 of the laws of
13 1985, subdivisions 3 and 5 as added by chapter 681 of the laws of 1981,
14 subdivision 4 as amended by section 18 of part E of chapter 57 of the
15 laws of 2005, paragraph (b) of subdivision 4 as amended by section 61 of
16 part A of chapter 56 of the laws of 2010, and paragraph (c) of subdivi-
17 sion 6 as added by chapter 160 of the laws of 2004, are amended to read
18 as follows:

19 (b) [Commencing with the years following preparation of the multi-year
20 consolidated services plan, each] EACH local district shall [also] be
21 required BY THE COMMISSIONER to prepare [an annual implementation
22 report] OTHER REPORTS OR UPDATES TO THE MULTI-YEAR SERVICES PLAN TO
23 DESCRIBE ANY SIGNIFICANT CHANGES TO THE SERVICES PLAN THAT OCCUR DURING
24 THE FIVE-YEAR PLAN CYCLE. AS USED IN THIS SECTION, "SIGNIFICANT CHANGE"
25 TO THE PLAN SHALL BE DEFINED AS ANY CHANGE TO THE PLAN THAT: MODIFIES
26 THE ELIGIBILITY STANDARDS FOR SERVICES WHERE SUCH STANDARDS ARE AT THE
27 LOCAL DISTRICT'S OPTION; OR DISCONTINUES, REDUCES OR RESTRICTS THE
28 AVAILABILITY OF EXISTING SERVICES.

29 2. [(a)] The commissioner shall have authority to promulgate regu-
30 lations specifying the contents of both the multi-year services plan and
31 [the annual implementation] ANY OTHER REQUIRED reports OR UPDATES,
32 provided however that such regulations shall not be inconsistent with
33 the standards of review by the commissioner of such plan and reports
34 specified in subdivision four of this section.

35 [(b) The regulations promulgated pursuant to paragraph (a) of this
36 subdivision shall require the multi-year services plan and where appro-
37 priate the annual implementation reports, to include a summary of the
38 understanding between the local social services district and the
39 district attorney's office, which outlines the cooperative procedures to
40 be followed by both parties in investigating incidents of child abuse
41 and maltreatment, consistent with their respective obligations for the
42 investigation or prosecution of such incidents, as otherwise required by
43 law.]

44 3. (a) (I) There shall be a public [hearing] PARTICIPATION PROCESS TO
45 PROVIDE PUBLIC COMMENT on the multi-year services plan [or each annual
46 implementation report. Commencing in nineteen hundred eighty-two, such
47 public hearing shall be held only after fifteen days notice is]. THIS
48 PROCESS MUST BE EASILY ACCESSIBLE TO THE PUBLIC AND MAY INCLUDE USE OF
49 THE INTERNET, A PUBLIC HEARING PROCESS, OR OTHER APPROPRIATE MEANS.
50 NOTICE OF THE PROPOSED PLAN SUBMISSION AND THE PUBLIC PARTICIPATION
51 PROCESS MUST BE provided in a newspaper of general circulation within
52 the county, BY POSTING ON THE COUNTY AND THE SOCIAL SERVICES DISTRICT
53 WEBSITE, BY SIGNAGE WITHIN THE DISTRICT'S OFFICES AND OTHER PUBLIC
54 BUILDINGS, OR BY OTHER MEANS OF BROAD DISTRIBUTION. Such notice shall
55 specifically identify HOW TO ACCESS THE PROPOSED COUNTY PLAN, THE PUBLIC
56 PARTICIPATION PROCESS, the times [of the public hearing in which] FOR

1 RECEIPT OF COMMENTS AND THE MANNER IN WHICH SUCH COMMENTS MAY BE SUBMIT-
2 TED ON the child protective services and other services components of
3 the multi-year services plan or [annual implementation] OTHER REQUIRED
4 reports [are to be considered] OR UPDATES REQUIRING PUBLIC
5 PARTICIPATION.

6 (II) IF THE LOCAL DISTRICT CHOOSES A PUBLIC PARTICIPATION PROCESS
7 PURSUANT TO SUBPARAGRAPH (I) OF THIS PARAGRAPH, THAT DOES NOT INVOLVE A
8 PUBLIC HEARING PROCESS, THE LOCAL DISTRICT SHALL POST ON THE COUNTY OR
9 SOCIAL SERVICES DISTRICT WEBSITE, PUBLIC COMMENTS RECEIVED WHICH ARE
10 RELEVANT TO ASPECTS OF POLICIES PROPOSED IN THE MULTI-YEAR SERVICES
11 PLAN. THE LOCAL DISTRICT SHALL FURTHER POST ON ITS WEBSITE OR THE
12 WEBSITE FOR THE COUNTY, HOW COMMENTS RECEIVED AS PART OF THE PUBLIC
13 PARTICIPATION PROCESS WERE ADDRESSED, IN THE PROPOSED MULTI-YEAR
14 SERVICES PLAN.

15 (b) [Commencing in nineteen hundred eighty-two, after such hearing]
16 FOLLOWING COMPLETION OF THE PUBLIC PARTICIPATION PROCESS, the multi-year
17 services plan or [the annual implementation] OTHER REQUIRED reports OR
18 UPDATES shall be submitted for approval to the chief executive officer
19 of the county or to the legislative body in those counties without a
20 chief executive officer. Full approval of the multi-year services plan
21 or [of the annual implementation report] OTHER REQUIRED REPORTS OR
22 UPDATES by the chief executive officer or legislative body shall be
23 required before submission of such plan or report to the commissioner.

24 (c) [Commencing in nineteen hundred eighty-two, the] THE multi-year
25 services plan [or the annual implementation reports] OR OTHER REQUIRED
26 REPORTS OR UPDATES shall not be forwarded to the commissioner until at
27 least fifteen days have passed from the [date] END of the public [hear-
28 ing thereon] PARTICIPATION PROCESS, IF REQUIRED.

29 4. (a) Except as provided in paragraph (b) of this subdivision, the
30 commissioner shall review both the multi-year services plan and [the
31 annual implementation] ANY OTHER REQUIRED reports OR UPDATES submitted
32 by the social services district, using standards consistent with the
33 provisions of sections [one hundred thirty-one-1,] four hundred nine-d
34 and four hundred twenty-three of this chapter, and shall notify such
35 district, in writing, of approval of such plan [or reports], REPORT OR
36 UPDATE in whole or in part; provided, however, that for any portions not
37 approved, the commissioner shall in writing to the district specify the
38 portions not approved, the reasons for such determination, the actions
39 required for resubmittal of such portions, and the time period of resub-
40 mittal; and provided further, that disapproval of a portion of such plan
41 [or], report OR UPDATE shall not render the entire plan [or], report OR
42 UPDATE invalid. No portion of the multi-year services plan or [of the
43 annual implementation reports] OTHER REPORT OR UPDATE shall be finally
44 disapproved until the district has had at least one opportunity for
45 resubmittal. Upon resubmittal, or if no resubmittal is made within the
46 time specified, the commissioner may grant further extensions to the
47 district to allow it to resubmit any unapproved portions, or may finally
48 disapprove such portions. Any social services district aggrieved by a
49 final disapproval of the commissioner under this section shall have the
50 right to a fair hearing in accordance with the appropriate provisions of
51 this chapter. An adverse fair hearing decision shall be reviewable
52 pursuant to article seventy-eight of the civil practice law and rules.
53 State reimbursement may be withheld for all or a portion of a local
54 district's activities, if the multi-year services plan, [annual imple-
55 mentation report,] OTHER REQUIRED REPORT, UPDATE or portions [of either]
56 THEREOF are disapproved.

1 (b) The commissioner of the office of children and family services
2 shall review and approve or disapprove the diversion services portion of
3 the plan jointly with the director of the office of probation and
4 correctional alternatives or any other successor agency or entity. The
5 requirements for the portion of the plan and report regarding the
6 provision of diversion services shall be jointly established by the
7 commissioner of the office of children and family services and the
8 director of the office of probation and correctional alternatives or any
9 other successor agency or entity. The multi-year services plan and where
10 appropriate [the annual implementation] OTHER REQUIRED reports OR
11 UPDATES shall be based upon a written understanding between the local
12 social services district and the probation department which outlines the
13 cooperative procedures to be followed by both parties regarding diver-
14 sion services pursuant to section seven hundred thirty-five of the fami-
15 ly court act, consistent with their respective obligations as otherwise
16 required by law.

17 5. The commissioner shall promulgate regulations concerning the time
18 by which:

19 (a) each local social services district shall submit its multi-year
20 services plan and [annual implementation report] OTHER REQUIRED REPORTS
21 OR UPDATES;

22 (b) the commissioner shall, in writing, notify a local district of
23 approval or disapproval of all or parts of such district's multi-year
24 services plan or [annual implementation] OTHER REQUIRED reports OR
25 UPDATES; and

26 (c) each local social services district shall submit a revised version
27 of its multi-year services plan or [annual implementation report] OTHER
28 REQUIRED REPORTS OR UPDATES, or parts thereof.

29 (c) The office of children and family services may waive any regulato-
30 ry requirements relating to the content and timing of multi-year consol-
31 idated services plans and [annual implementation] OTHER REQUIRED reports
32 OR UPDATES that may impede the ability of a county to implement a county
33 child and family services plan.

34 S 42-b. Paragraph (a) of subdivision 2 and subparagraph (ii) of para-
35 graph (e) of subdivision 4 of section 153-k of the social services law,
36 as added by section 15 of part C of chapter 83 of the laws of 2002, are
37 amended to read as follows:

38 (a) Notwithstanding the provisions of this chapter or of any other law
39 to the contrary, eligible expenditures by a social services district for
40 foster care services shall be subject to reimbursement with state funds
41 only to the extent of annual appropriations to the state foster care
42 block grant. Such foster care services shall include expenditures for
43 the provision and administration of: care, maintenance, supervision and
44 tuition; supervision of foster children placed in federally funded job
45 corps programs; and care, maintenance, supervision and tuition for adju-
46 dicated juvenile delinquents and persons in need of supervision placed
47 in residential programs operated by authorized agencies and in out-of-
48 state residential programs. Social services districts must develop and
49 implement children and family services delivery systems that are
50 designed to reduce the need for and the length of foster care placements
51 and must document their efforts in the multi-year consolidated services
52 plan and [the annual implementation] OTHER REQUIRED reports OR UPDATES
53 submitted pursuant to section thirty-four-a of this chapter.

54 (ii) Such a plan may include requests for a waiver of any statutory or
55 regulatory requirements established pursuant to sections thirty-four-a,
56 four hundred nine-d and four hundred nine-e of this chapter regarding

1 the form, content, development, or amendment of the child welfare
2 services plan component of the multi-year services plan and [the annual
3 implementation] OTHER REQUIRED reports OR UPDATES, family services plans
4 and uniform case records.

5 S 42-c. Section 409-d of the social services law, as added by chapter
6 611 of the laws of 1979, subdivisions 1 and 2 as amended and paragraph
7 (a) of subdivision 3 as added by chapter 231 of the laws of 1987, is
8 amended to read as follows:

9 S 409-d. District-wide child welfare services plan. 1. Each social
10 services district shall prepare and submit to the [department] OFFICE OF
11 CHILDREN AND FAMILY SERVICES, in such form and manner and times as [the
12 department] SUCH OFFICE shall by regulation require, a district-wide
13 child welfare services plan which shall be a component of the district's
14 multi-year consolidated services plan setting forth REQUESTED INFORMA-
15 TION ABOUT: the child welfare services needs of children and families
16 for whom the social services district is or may be responsible[; histor-
17 ic program and fiscal trends of the district in the level of care, main-
18 tenance and services provided to children and their families, including
19 but not limited to expenditure trends], THE CHILD WELFARE SERVICES
20 PROVIDED AND THE children and families served [and costs of services
21 provided; an assessment of projected program and fiscal requirements of
22 the district in meeting identified needs in the next state fiscal year;
23 and a description of the resources known to be available or likely to
24 become available to meet those needs. Commencing the year following
25 preparation of a multi-year consolidated services plan, each]. WHERE
26 APPLICABLE, THE social services district shall prepare an [annual imple-
27 mentation report] UPDATE related to its child welfare services plan TO
28 DESCRIBE ANY SIGNIFICANT CHANGES TO THE PLAN DURING THE FIVE-YEAR PLAN
29 CYCLE. AS USED IN THIS SECTION, "SIGNIFICANT CHANGE" TO THE PLAN SHALL
30 BE DEFINED AS ANY CHANGE TO THE PLAN THAT: MODIFIES THE ELIGIBILITY
31 STANDARDS FOR SERVICES WHERE SUCH STANDARDS ARE AT THE LOCAL DISTRICT'S
32 OPTION; OR DISCONTINUES, REDUCES, OR RESTRICTS THE AVAILABILITY OF
33 EXISTING SERVICES. As used in this section "services" shall mean and
34 include preventive services, foster care maintenance and services, and
35 adoption services. Such regulations shall [include but need not be
36 limited to criteria and methodology for determining child welfare
37 services needs and the adequacy of the resources known to be available
38 or likely to become available to meet those needs], TO THE EXTENT PRAC-
39 TICABLE, BE LIMITED TO REQUIRING THE INFORMATION NECESSARY FOR THE STATE
40 TO MEET FEDERAL REPORTING REQUIREMENTS AND STATE STATUTORY REQUIREMENTS,
41 AND, TO THE EXTENT PRACTICABLE, PROVIDE A MECHANISM FOR LOCALITIES TO
42 AVOID HAVING TO REPORT DUPLICATE INFORMATION TO MULTIPLE STATE AGENCIES.

43 2. The child welfare services plan and [annual implementation] ANY
44 OTHER REQUIRED reports OR UPDATES shall be developed by the district in
45 consultation with other government agencies concerned with the welfare
46 of children residing in the district, authorized agencies, and other
47 concerned individuals and organizations. The plan AND OTHER REQUIRED
48 REPORTS AND UPDATES as submitted to the [department] OFFICE OF CHILDREN
49 AND FAMILY SERVICES for approval and as approved by [the department]
50 SUCH OFFICE shall be made available to such agencies, individuals and
51 organizations upon request.

52 3. (a) Each social services district shall submit its child welfare
53 services plan and [annual implementation] OTHER REQUIRED reports OR
54 UPDATES pertaining to this plan to the [department] OFFICE OF CHILDREN
55 AND FAMILY SERVICES as a component of the multi-year consolidated
56 services plan and [subsequent annual implementation reports and the

1 department] SUCH OFFICE shall review and approve or disapprove the
2 proposed plan OR OTHER REQUIRED REPORTS OR UPDATES in accordance with
3 the procedures set forth in section thirty-four-a of this chapter.

4 (b) Such plan OR OTHER REQUIRED REPORTS OR UPDATES shall not be
5 approved unless:

6 (i) it complies with the provisions of this section;

7 (ii) it demonstrates that child welfare services included in the plan
8 are appropriate to meet the assessed needs of the children and families
9 for whom the social services district is or may be responsible;

10 (iii) it is consistent with applicable provisions of this chapter and
11 regulations of [the department] SUCH OFFICE promulgated thereunder; and

12 (iv) it is in the format and includes such standardized information
13 [and data] as may be required by [the department] SUCH OFFICE to effec-
14 tively evaluate such [plans] PLAN, REPORT OR UPDATE.

15 S 42-d. Paragraph (a) of subdivision 3 of section 423 of the social
16 services law, as amended by chapter 231 of the laws of 1987 and such
17 paragraph as designated by chapter 707 of the laws of 1988, is amended
18 to read as follows:

19 (a) Each social services district shall prepare and submit to the
20 commissioner, after consultation with local law enforcement agencies,
21 the family court and appropriate public or voluntary agencies [including
22 societies for the prevention of cruelty to children] and after [a] AN
23 OPPORTUNITY FOR public [hearing] PARTICIPATION, a district-wide plan, as
24 prescribed by the commissioner, for the provision of child protective
25 services which shall be a component of the district's multi-year consol-
26 idated services plan. [This]

27 (B) THE PARTICIPATION PROCESS TO PROVIDE PUBLIC COMMENT MUST BE EASILY
28 ACCESSIBLE TO THE PUBLIC AND MAY INCLUDE USE OF THE INTERNET, A PUBLIC
29 HEARING PROCESS, OR OTHER APPROPRIATE MEANS. NOTICE OF THE PROPOSED
30 DISTRICT WIDE PLAN SUBMISSION AND THE PUBLIC PARTICIPATION PROCESS MUST
31 BE POSTED ON THE COUNTY AND THE SOCIAL SERVICES DISTRICT WEBSITE. SUCH
32 NOTICE SHALL SPECIFICALLY IDENTIFY HOW TO ACCESS THE PROPOSED COUNTY
33 PLAN, THE PUBLIC PARTICIPATION PROCESS, THE TIMES FOR RECEIPT OF
34 COMMENTS AND THE MANNER IN WHICH SUCH COMMENTS MAY BE SUBMITTED.

35 (C) THE plan REQUIRED PURSUANT TO PARAGRAPH (A) OF THIS SUBDIVISION
36 shall describe the district's implementation of this title [including
37 the organization, staffing, mode of operations and financing of the
38 child protective service as well as the provisions made for purchase of
39 service and inter-agency relations. Commencing the year following prepa-
40 ration of a multi-year consolidated services plan, each]. WHERE APPLICA-
41 BLE, THE local district shall prepare [annual implementation reports
42 including information] AN UPDATE related to its child protective
43 services plan TO DESCRIBE ANY SIGNIFICANT CHANGES TO THE PLAN DURING THE
44 FIVE-YEAR PLAN CYCLE. AS USED IN THIS SECTION, "SIGNIFICANT CHANGE" TO
45 THE PLAN SHALL BE DEFINED AS ANY CHANGE TO THE PLAN THAT: MODIFIES THE
46 ELIGIBILITY STANDARDS FOR SERVICES WHERE SUCH STANDARDS ARE AT THE LOCAL
47 DISTRICT'S OPTION; OR DISCONTINUES, REDUCES, OR RESTRICTS THE AVAILABIL-
48 ITY OF EXISTING SERVICES. The social services district shall submit the
49 child protective services plan to the [department] OFFICE OF CHILDREN
50 AND FAMILY SERVICES as a component of its multi-year consolidated
51 services plan [and subsequent thereto as a component of its annual
52 implementation reports] and [the department] SUCH OFFICE shall review
53 and approve or disapprove the proposed plan and [reports] ANY OTHER
54 REQUIRED REPORTS OR UPDATES in accordance with the procedures set forth
55 in section thirty-four-a of this chapter.

1 S 42-e. Subdivision 5 of section 423 of the social services law is
2 REPEALED.

3 S 43. Subdivision 2 of section 459-c of the social services law, as
4 added by chapter 169 of the laws of 1994, is amended to read as follows:

5 2. To the extent that funds are appropriated expressly [therefore]
6 THEREFOR and a social services district has exhausted its allocation
7 under title XX of the federal social security act, state reimbursement
8 shall be available for fifty percent of the expenditures made by a
9 social services district for those non-residential services provided to
10 victims of domestic violence which are included in the social services
11 district's multi-year consolidated services plans and [annual implemen-
12 tation] OTHER REQUIRED reports OR UPDATES approved by the [department]
13 OFFICE OF CHILDREN AND FAMILY SERVICES pursuant to section thirty-four-a
14 of this chapter.

15 S 43-a. Paragraphs (b) and (c) of subdivision 2 of section 473 of the
16 social services law, paragraph (b) as amended and paragraph (c) as added
17 by chapter 231 of the laws of 1987, are amended to read as follows:

18 (b) Each social services district shall prepare, with the approval of
19 the chief executive officer, or the legislative body in those counties
20 without a chief executive officer, after consultation with appropriate
21 public, private and voluntary agencies, a district-wide plan for the
22 provision of adult protective services which shall be a component of the
23 district's multi-year consolidated services plan as required in section
24 thirty-four-a of this chapter. This plan shall describe the local imple-
25 mentation of this section including the organization, staffing, mode of
26 operations and financing of the adult protective services as well as the
27 provisions made for purchase of services, AND inter-agency relations[,
28 inter-agency agreements, service referral mechanisms, and locus of
29 responsibility for cases with multi-agency services needs. Commencing
30 the year following preparation of a multi-year consolidated services
31 plan, each]. WHERE APPLICABLE, THE local district shall prepare [annual
32 implementation reports including information related] AN UPDATE to its
33 adult protective services plan DESCRIBING ANY SIGNIFICANT CHANGES TO THE
34 PLAN DURING THE FIVE-YEAR PLAN CYCLE, as required in section thirty-
35 four-a of [the social services law] THIS CHAPTER. AS USED IN THIS
36 SECTION, "SIGNIFICANT CHANGE" TO THE PLAN SHALL BE DEFINED AS ANY CHANGE
37 TO THE PLAN THAT: MODIFIES THE ELIGIBILITY STANDARDS FOR SERVICES WHERE
38 SUCH STANDARDS ARE AT THE LOCAL DISTRICT'S OPTION; OR DISCONTINUES,
39 REDUCES, OR RESTRICTS THE AVAILABILITY OF EXISTING SERVICES.

40 (c) Each social services district shall submit the adult protective
41 services plan to the [department] OFFICE OF CHILDREN AND FAMILY SERVICES
42 as a component of its multi-year consolidated services plan [and subse-
43 quent thereto as a component of its annual implementation reports] and
44 [the department] SUCH OFFICE shall review and approve the proposed plan
45 and ANY OTHER REQUIRED reports OR UPDATES in accordance with the proce-
46 dures set forth in section thirty-four-a of this chapter.

47 S 44. Subdivision 1 of section 3241 of the education law, as amended
48 by chapter 971 of the laws of 1969, is amended to read as follows:

49 1. The board of education of each city, except in cities having a
50 population of one hundred twenty-five thousand or more, shall constitute
51 a permanent census board in such city. Such board shall, under its regu-
52 lations, cause a census of the children in its city to be taken and to
53 be amended from day to day, as changes of residence shall occur among
54 persons in such cities within the ages prescribed in subdivision two of
55 this section and as other persons shall come within the ages prescribed
56 therein and as other persons within such ages shall become residents of

1 such cities, so that there shall always be on file with such board a
2 complete census giving the facts and information required in subdivision
3 two of this section; PROVIDED, HOWEVER, THAT FOR PRE-SCHOOL STUDENTS
4 FROM BIRTH TO FIVE YEARS OF AGE, SUCH CENSUS MAY BE PREPARED AND FILED
5 BIENNIALLY ON OR BEFORE THE FIFTEENTH DAY OF OCTOBER.

6 S 45. Clause (b) of subparagraph 3 of paragraph e of subdivision 6 of
7 section 3602 of the education law, as amended by section 1 of part F of
8 chapter 383 of the laws of 2001, is amended to read as follows:

9 (b) Such assumed amortization for a project approved by the commis-
10 sioner on or after the later of the first day of December, two thousand
11 one or thirty days after the date upon which this subdivision shall have
12 become a law AND PRIOR TO THE FIRST DAY OF JULY, TWO THOUSAND ELEVEN or
13 for any debt service related to projects approved by the commissioner
14 prior to such date where a bond, capital note or bond anticipation note
15 is first issued [on or after such date] THE FIRST DAY OF DECEMBER, TWO
16 THOUSAND ONE to fund such projects, shall commence: (i) eighteen months
17 after such approval or (ii) on the date of receipt by the commissioner
18 of a certification by the district that a general construction contract
19 has been awarded for such project by the district, whichever is later,
20 and SUCH ASSUMED AMORTIZATION FOR A PROJECT APPROVED BY THE COMMISSIONER
21 ON OR AFTER THE FIRST DAY OF JULY, TWO THOUSAND ELEVEN SHALL COMMENCE:
22 (III) EIGHTEEN MONTHS AFTER SUCH APPROVAL OR (IV) ON THE DATE OF RECEIPT
23 BY THE COMMISSIONER OF BOTH THE FINAL CERTIFICATE OF SUBSTANTIAL
24 COMPLETION OF THE PROJECT ISSUED BY THE ARCHITECT OR ENGINEER AND THE
25 FINAL COST REPORT FOR SUCH PROJECT, WHICHEVER IS LATER OR (V) UPON THE
26 DATE OF A FINDING BY THE COMMISSIONER THAT THE CERTIFICATE OF SUBSTAN-
27 TIAL COMPLETION OF THE PROJECT HAS BEEN ISSUED BY THE ARCHITECT OR ENGI-
28 NEER, BUT THE DISTRICT IS UNABLE TO COMPLETE THE FINAL COST REPORT
29 BECAUSE OF CIRCUMSTANCES BEYOND THE CONTROL OF THE DISTRICT. SUCH
30 ASSUMED AMORTIZATION shall provide for equal semiannual payments of
31 principal and interest based on an interest rate established pursuant to
32 subparagraph five of this paragraph for such purpose for the school year
33 during which such certification is received. The first installment of
34 obligations issued by the school district in support of such projects
35 may mature not later than the dates established pursuant to sections
36 21.00 and 22.10 of the local finance law.

37 S 46. Intentionally omitted.

38 S 47. Intentionally omitted.

39 S 48. Intentionally omitted.

40 S 49. Subdivision 1 of section 1724 of the education law, as amended
41 by chapter 259 of the laws of 1975, is amended to read as follows:

42 1. No claim against a central school district or a union free school
43 district, except for compensation for services of an officer or employee
44 engaged at agreed wages by the hour, day, week, month or year or for the
45 principal of or interest on indebtedness of the district, shall be paid
46 unless an itemized voucher therefor approved by the officer whose action
47 gave rise or origin to the claim, shall have been presented to the board
48 of education of the district and shall have been audited and allowed;
49 PROVIDED, HOWEVER THAT IN THE CASE OF A SCHOOL DISTRICT WITH A PUBLIC
50 SCHOOL ENROLLMENT OF TEN THOUSAND STUDENTS OR MORE, THE BOARD OF EDUCA-
51 TION MAY, AT ITS DISCRETION, USE A RISK-BASED OR SAMPLING METHODOLOGY TO
52 DETERMINE WHICH CLAIMS ARE TO BE AUDITED IN LIEU OF AUDITING ALL CLAIMS.
53 The board of education shall be authorized, but not required, to
54 prescribe the form of such voucher.

55 S 50. Intentionally omitted.

56 S 51. Intentionally omitted.

1 S 52. Intentionally omitted.
2 S 53. Intentionally omitted.
3 S 54. Intentionally omitted.
4 S 55. Intentionally omitted.
5 S 56. Intentionally omitted.
6 S 57. Intentionally omitted.
7 S 58. Intentionally omitted.
8 S 59. Intentionally omitted.
9 S 60. Intentionally omitted.
10 S 61. Intentionally omitted.

11 S 62. Subdivision 2 of section 2116-b of the education law, as added
12 by chapter 263 of the laws of 2005, is amended to read as follows:

13 2. School districts of less than eight teachers, school districts with
14 actual general fund expenditures totaling less than five million dollars
15 in the previous school year, or school districts with actual enrollment
16 of less than [three hundred] ONE THOUSAND students in the previous
17 school year shall be exempt from this requirement. Any school district
18 claiming such exemption shall annually certify to the commissioner that
19 such school district meets the requirements set forth in this subdivi-
20 sion.

21 S 63. Intentionally omitted.

22 S 64. Subdivision 17 of section 1950 of the education law is REPEALED.

23 S 65. Section 2215 of the education law is amended by adding a new
24 subdivision 17 to read as follows:

25 17. TO DETERMINE THE ADEQUACY AND APPROPRIATENESS OF THE FACILITIES
26 SPACE AVAILABLE TO HOUSE SPECIAL EDUCATION PROGRAMS IN THE GEOGRAPHIC
27 AREA SERVED BY THE BOARD OF COOPERATIVE EDUCATIONAL SERVICES, CONSISTENT
28 WITH THE LEAST RESTRICTIVE ENVIRONMENT REQUIREMENT.

29 S 66. This act shall take effect immediately, provided, however:

30 (a) sections thirty-two, thirty-three and thirty-four of this act
31 shall take effect on the ninetieth day after it shall have become a law;

32 (b) the amendments to section 182.20 of the criminal procedure law
33 made by section ten of this act shall not affect the repeal of such
34 section and shall be deemed repealed therewith;

35 (c) the amendments to subdivisions 3, 4, 8 and 13 of section 500-b of
36 the correction law made by sections eleven and twelve of this act shall
37 not affect the repeal of such section and shall be deemed repealed ther-
38 ewith;

39 (d) sections thirty-five, thirty-six, thirty-seven, thirty-eight,
40 thirty-nine, forty and forty-three of this act shall take effect on the
41 thirtieth day after it shall have become a law;

42 (e) sections forty-two-a, forty-two-b, forty-two-c, forty-two-d and
43 forty-two-e of this act shall take effect on the thirtieth day after it
44 shall have become a law; and

45 (f) the amendments to paragraph (a) of subdivision 2 and subparagraph
46 (ii) of paragraph (e) of subdivision 4 of section 153-k of the social
47 services law made by section forty-two-b of this act shall not affect
48 the repeal of such section and shall be deemed repealed therewith.

49

PART E

50 Section 1. The first undesignated paragraph of section 970-b of the
51 general municipal law, as added by chapter 916 of the laws of 1984 and
52 such section as renumbered by chapter 686 of the laws of 1986, is
53 amended and a new fourth undesignated paragraph is added to read as
54 follows:

1 It is hereby found and declared that there exists in many communities
2 blighted areas which threaten the economic and social well-being of the
3 people of the state. Blighted areas are characterized by one or more of
4 the conditions set forth in subdivision (a) of section nine hundred
5 [sixty-c] SEVENTY-C of this article.

6 IT IS FURTHER FOUND AND DECLARED THAT SOUND DEVELOPMENT AND REDEVELOP-
7 MENT OF BLIGHTED AREAS INCREASES PUBLIC SCHOOL ENROLLMENT BY PROVIDING
8 AFFORDABLE HOUSING AND EMPLOYMENT OPPORTUNITIES AND THE NEED FOR
9 EXPANDED PUBLIC EDUCATION FACILITIES AND SERVICES.

10 S 2. Subdivisions (b) and (f) of section 970-c of the general municipi-
11 pal law, as added by chapter 916 of the laws of 1984 and such section as
12 renumbered by chapter 686 of the laws of 1986, are amended and a new
13 subdivision (i) is added to read as follows:

14 (b) "Legislative body" means (I) the governing body of a municipality
15 empowered to adopt and amend local laws and ordinances[; provided,
16 however, that in the case of the city of New York, the legislative body
17 shall, for the purposes of this article be the board of estimate], AND
18 (II) THE BOARD OF EDUCATION OF A SCHOOL DISTRICT OF WHICH CONSENTS TO AN
19 ALLOCATION OF TAXES PRESCRIBED IN SECTION NINE HUNDRED SEVENTY-P OF THIS
20 ARTICLE.

21 (f) "Planning agency" means the planning board or commission of [the]
22 A municipality OR THE PLANNING BOARD OR COMMITTEE OF A SCHOOL DISTRICT.

23 (I) "SCHOOL DISTRICT" MEANS ANY SCHOOL DISTRICT, A CITY SCHOOL
24 DISTRICT OR A SCHOOL DISTRICT IN A CITY, AS THOSE TERMS ARE DEFINED IN
25 SECTION 2.00 OF THE LOCAL FINANCE LAW, WHICH APPROVES THE REDEVELOPMENT
26 PLAN AND CONSENTS TO AN ALLOCATION OF TAXES PRESCRIBED IN SECTION NINE
27 HUNDRED SEVENTY-P OF THIS ARTICLE.

28 S 3. Subdivisions (l) and (n) of section 970-f of the general municipi-
29 pal law, as added by chapter 916 of the laws of 1984 and such section as
30 renumbered by chapter 686 of the laws of 1986, are amended and a new
31 subdivision (o) is added to read as follows:

32 (l) shall provide a limitation on the amount of bonds which may be
33 issued pursuant to section nine hundred [sixty-o] SEVENTY-O of this
34 article for the purpose of carrying out or administering the redevelop-
35 ment plan;

36 (n) shall provide a plan for the relocation of families and persons to
37 be temporarily or permanently displaced from housing facilities in the
38 project area, which plan shall include the provision required by section
39 nine hundred [sixty-j] SEVENTY-J OF THIS ARTICLE that no person or fami-
40 ly of low and moderate income shall be displaced unless and until there
41 is suitable housing available and ready for occupancy by such displaced
42 person or family at rents comparable to those paid at the time of their
43 displacement.

44 (O) MAY PROVIDE FOR THE CONSENT TO AND APPROVAL OF THE PROJECT AREA
45 AND THE REDEVELOPMENT PLAN BY THE BOARD OF EDUCATION OF THE SCHOOL
46 DISTRICT.

47 S 4. Subdivisions (b) and (c) of section 970-h of the general municipi-
48 pal law, as added by chapter 916 of the laws of 1984 and such section as
49 renumbered by chapter 686 of the laws of 1986, are amended to read as
50 follows:

51 (b) Notice of the hearing shall be posted in at least four prominent
52 places within the project area for a period of three weeks prior to such
53 hearing and shall be published not less than once a week for three
54 successive weeks prior to the hearing in a newspaper of general circu-
55 lation in the municipality involved. The notice of hearing shall include
56 a legal description of the boundaries of the PROJECT area [or areas]

1 designated in the proposed redevelopment plan [and], a general statement
2 of the scope and objectives of the plan, AND A STATEMENT WHETHER ONE OR
3 MORE SCHOOL DISTRICTS HAVE CONSENTED TO AN ALLOCATION OF TAXES
4 PRESCRIBED IN SECTION NINE HUNDRED SEVENTY-P OF THIS ARTICLE. A copy of
5 the notices shall be mailed to the last known owner of each parcel of
6 land in the area designated in the redevelopment plan. A copy of the
7 notice shall also be mailed to the legislative body of each of the
8 taxing jurisdictions which levies taxes upon any real property in the
9 project area designated in the proposed redevelopment plan.

10 (c) Any and all persons who have any objections to the proposed rede-
11 velopment plan or who deny the existence of blight as defined by subdivi-
12 sion (a) of section nine hundred [sixty-c] SEVENTY-C of this article,
13 in the proposed project area, or the legality or appropriateness of any
14 of the prior proceedings, may appear before the legislative body at such
15 public hearing and show cause why the proposed plan should not be
16 adopted. At any time not later than the hour set for hearing objections
17 to the proposed redevelopment plan, any person may file in writing with
18 the clerk of the legislative body a statement of such person's
19 objections to the proposed plan.

20 S 5. Section 970-m of the general municipal law, as added by chapter
21 916 of the laws of 1984 and as renumbered by chapter 686 of the laws of
22 1986, is amended to read as follows:

23 S 970-m. Amendment of redevelopment plan. If at any time after the
24 adoption of a redevelopment plan for a project area by the legislative
25 body, it becomes necessary or desirable to amend or modify such plan,
26 the legislative body may by resolution amend such plan. Such amendments
27 may include a change in the boundaries of the project area to add land
28 to or, prior to the issuance of indebtedness pursuant to section nine
29 hundred [sixty-o] SEVENTY-O OF THIS ARTICLE as provided by such redevel-
30 opment plan, exclude land from the project area. An amendment or modifi-
31 cation of the plan shall be approved pursuant to subdivisions (a)
32 through (g) of section nine hundred [sixty-h] SEVENTY-H of this article.
33 Upon adoption of the amended plan by the legislative body the legisla-
34 tive body shall transmit the amended plan as provided by subdivision (h)
35 of such section.

36 S 6. Paragraphs (iii), (iv) and (v) of subdivision (a) of section
37 970-n of the general municipal law, as added by chapter 916 of the laws
38 of 1984 and such section as renumbered by chapter 686 of the laws of
39 1986, are amended to read as follows:

40 (iii) If two or more municipalities jointly exercise the powers grant-
41 ed under this subdivision and a redevelopment plan as adopted provides
42 for the allocation of real property tax revenues pursuant to section
43 nine hundred [sixty-o] SEVENTY-O of this article the real property taxes
44 of each municipality shall be allocated pursuant to such section.

45 (iv) If two or more municipalities jointly exercise the powers granted
46 under this subdivision and the redevelopment plan as adopted provides
47 for the issuance of indebtedness pursuant to section nine hundred
48 [sixty-o] SEVENTY-O of this article, such indebtedness shall either be
49 issued jointly by the municipalities and the resolution authorizing the
50 issuance of such indebtedness must be approved by the legislative body
51 of each municipality acting separately or shall be issued by resolution
52 of the [the] designated agent on behalf of the municipality it repres-
53 ents and, by resolution of its legislative body, each municipality shall
54 irrevocably pledge the revenues allocated pursuant to section nine
55 hundred [sixty-p] SEVENTY-P of this article to the repayment of such
56 indebtedness and any interest thereon.

1 (v) The joint exercise of powers authorized by this subdivision shall
2 be permitted only for the purpose of redevelopment of an area located
3 wholly within each municipality AND WITHIN ONE OR MORE SCHOOL DISTRICTS.

4 S 7. Paragraphs (ii) and (iii) and subparagraph 1 of paragraph (v) of
5 subdivision (b) of section 970-n of the general municipal law, as added
6 by chapter 916 of the laws of 1984 and such section as renumbered by
7 chapter 686 of the laws of 1986, are amended to read as follows:

8 (ii) A municipal redevelopment authority shall be a corporate govern-
9 mental agency constituting a public benefit corporation. Except as
10 otherwise provided by special act of the legislature, an authority shall
11 consist of not less than five nor more than nine members. Membership
12 shall be apportioned among the municipalities AND SCHOOL DISTRICTS, and
13 the manner of selection of a chairman determined by an [intermunicipal]
14 agreement approved by local law by each such municipality, AND BY RESOL-
15 UTION OF THE BOARD OF EDUCATION OF EACH SCHOOL DISTRICT. Members shall
16 serve at the pleasure of the appointing authority, and each member shall
17 continue to hold office until his successor is appointed and has quali-
18 fied. The [governing] LEGISLATIVE body shall file with the secretary of
19 state a certificate of appointment or reappointment of any member
20 appointed or reappointed by it. Members shall receive no compensation
21 for their services but shall be entitled to reimbursement of the neces-
22 sary expenses, including traveling expenses, incurred in the discharge
23 of their duties. No action shall be taken by an authority except pursu-
24 ant to the favorable vote of a majority of the members then in office.
25 Any one or more of the members of an authority may be an official or an
26 employee of such municipality. In the event that an official or an
27 employee of such municipality shall be appointed as a member of the
28 agency, acceptance or retention of such appointment shall not be deemed
29 a forfeiture of his OR HER municipal office or employment, or incompat-
30 ible therewith or affect his OR HER tenure or compensation in any way.
31 The term of office of a member of an authority who is an official or an
32 employee of such municipality when appointed as a member thereof by
33 special act of the legislature creating the authority shall terminate at
34 the expiration of the term of his OR HER municipal office. Upon THE
35 creation of an authority, from time to time the [governing] LEGISLATIVE
36 body of a municipality OR A SCHOOL DISTRICT, may, by resolution, appro-
37 priate sums of money to defray the expenses of the authority.

38 (iii) Unless otherwise provided by this subdivision or by the special
39 act of the legislature establishing a municipal redevelopment authority
40 or empowering an existing public corporation to carry out the purposes
41 and provisions of this article, such authority or public corporation
42 shall have the powers, duties and responsibilities granted a municip-
43 ality AND SCHOOL DISTRICT and its legislative body pursuant to sections
44 nine hundred [sixty-d] SEVENTY-D through nine hundred [sixty-m] SEVEN-
45 TY-M of this article, as well as the authority to receive the taxes of
46 each municipality AND SCHOOL DISTRICT allocated and paid pursuant to
47 section nine hundred [sixty-p] SEVENTY-P of this article. Such authority
48 or public corporation shall have the power to designate survey areas and
49 select project areas as provided by sections nine hundred [sixty-d]
50 SEVENTY-D and nine hundred [sixty-e] SEVENTY-E of this article. Such
51 authority or public corporation shall obtain the report and recommenda-
52 tion of the planning agency of each municipality OR SCHOOL DISTRICT on
53 the redevelopment plan and its conformity to the master plan of each
54 municipality AND SCHOOL DISTRICT before presenting the redevelopment
55 plan to the legislative body of each municipality OR SCHOOL DISTRICT.
56 In order for a preliminary plan to be adopted or for a redevelopment

1 plan to be adopted or amended approval must be obtained by resolution of
2 the legislative body of each municipality AND SCHOOL DISTRICT acting
3 separately.

4 (1) An authority or public corporation shall have the powers and
5 duties granted municipalities pursuant to section nine hundred [sixty-o]
6 SEVENTY-O of this article to issue tax increment bonds and tax increment
7 bond anticipation notes. Such bonds and notes shall be bonds and notes
8 of the authority or public corporation and neither the state nor any
9 municipality shall be liable on such bonds and notes and such bonds and
10 notes shall not be a debt of the state or of any municipality.

11 S 8. Subdivisions (a), (b), (g) and (i) of section 970-o of the gener-
12 al municipal law, as added by chapter 916 of the laws of 1984 and such
13 section as renumbered by chapter 686 of the laws of 1986, are amended
14 and a new subdivision (j) is added to read as follows:

15 (a) For the purpose of carrying out or administering a redevelopment
16 plan adopted by the legislative body, a municipality is hereby author-
17 ized, without limiting its authority under other provisions of law, to
18 issue by resolution of its legislative body tax increment bonds or tax
19 increment bond anticipation notes of the municipality which are payable
20 from and secured by real property taxes, in whole or in part, allocated
21 to and paid pursuant to the provisions of section nine hundred [sixty-p]
22 SEVENTY-P of this article. The pledge of such real property taxes allo-
23 cated and paid shall constitute a first lien on the revenues derived
24 therefrom and tax increment bonds or tax increment bond anticipation
25 notes, the repayment of which is secured by such revenues shall not be
26 subordinate to any other indebtedness of the municipality with respect
27 to the pledge of such revenues. The municipality shall have the power to
28 issue renewal notes, to issue bonds to pay notes and whenever it deems
29 refunding expedient, to refund any bonds by the issuance of new bonds,
30 whether the bonds to be refunded have or have not matured, and to issue
31 bonds partly to refund bonds then outstanding and partly for any other
32 purposes.

33 (b) In contracting indebtedness pursuant to subdivision (a) of this
34 section NEITHER a municipality NOR A SCHOOL DISTRICT shall [not] pledge
35 its faith and credit or the faith and credit of the state to the payment
36 of THE principal thereof and the interest thereon. INDEBTEDNESS
37 REFERRED TO IN SECTION SIX OF ARTICLE XVI OF THE STATE CONSTITUTION
38 SHALL NOT APPLY TO A SCHOOL DISTRICT.

39 (g) The amount of any indebtedness contracted under this section shall
40 be excluded in ascertaining the power of the municipality OR A SCHOOL
41 DISTRICT to contract indebtedness within the provisions of the state
42 constitution or the local finance law relating thereto.

43 (i) The municipality may [only] contract indebtedness pursuant to this
44 section for the following objects [and] OR purposes, EACH OF WHICH SHALL
45 BE A PUBLIC USE AND A PUBLIC PURPOSE:

46 (i) acquisition AND ASSEMBLAGE of land INCLUDING ENVIRONMENTAL REMEDI-
47 ATION AND BROWNFIELD REDEVELOPMENT AUTHORIZED IN THE ENVIRONMENTAL
48 CONSERVATION LAW;

49 (ii) demolition and removal of buildings, structures and improvements
50 and site preparation;

51 (iii) installation, construction or reconstruction of streets, walk-
52 ways, docks, drainage, parking facilities, flood control facilities,
53 water and sewer systems and other [public] utilities, parks and play-
54 grounds;

55 (iv) other public improvements or services integral to the redevelo-
56 pment plan authorized by or for which a period of probable usefulness has

1 been established by section 11.00 of the local finance law. [Such
2 objects] OBJECTS and purposes REFERRED TO IN THIS SUBDIVISION shall be
3 deemed to have the period of probable usefulness as provided GENERALLY
4 for such objects and purposes by such section.

5 (J) IN ADDITION TO THE ALLOCATION OF TAXES AUTHORIZED IN SECTION NINE
6 HUNDRED SEVENTY-P OF THIS ARTICLE, INDEBTEDNESS AUTHORIZED PURSUANT TO
7 THIS SECTION MAY BE SECURED BY A MUNICIPALITY AS FOLLOWS:

8 (I) PURSUANT TO SECTION ONE HUNDRED NINETEEN-O OF THIS CHAPTER, A
9 MUNICIPALITY MAY BY RESOLUTION OF ITS GOVERNING BOARD, PLEDGE A PORTION
10 OF THE SALES TAX RECEIVED IN ANY FISCAL YEAR PURSUANT TO SECTION TWELVE
11 HUNDRED SIXTY-ONE OF THE TAX LAW FROM BUSINESSES OPERATING IN THE
12 PROJECT AREA AND BENEFITTING FROM THE REDEVELOPMENT PLAN TO THE PAYMENT
13 OF THE PRINCIPAL OF AND INTEREST ON SUCH INDEBTEDNESS;

14 (II) A MUNICIPALITY MAY ESTABLISH AN ASSESSMENT AREA, PURSUANT TO THE
15 PROCEDURES IN SECTION 22-2200 OF THE VILLAGE LAW TO ACCESS PARCELS IN
16 THE PROJECT AREA AS BENEFITED PROPERTIES IN THE AMOUNTS AND IN THE YEARS
17 EQUAL TO THE ALLOCATION OF TAXES PROJECTED TO BE COLLECTED AS DETERMINED
18 UNDER SECTION NINE HUNDRED SEVENTY-P OF THIS ARTICLE.

19 S 9. Paragraph (i) of subdivision (d) of section 970-o of the general
20 municipal law, as added by chapter 916 of the laws of 1984 and such
21 section as renumbered by chapter 686 of the laws of 1986, is amended to
22 read as follows:

23 (i) pledging all or a part of the taxes allocated pursuant to section
24 nine hundred [sixty-p] SEVENTY-P of this article or the proceeds from
25 the sale of property acquired with the proceeds of such notes or bonds
26 to secure the payment of such notes or bonds or of any issue thereof,
27 subject to such agreements with bondholders or noteholders as may exist;

28 S 10. Section 970-p of the general municipal law, as added by chapter
29 916 of the laws of 1984 and as renumbered by chapter 686 of the laws of
30 1986, is amended to read as follows:

31 S 970-p. Allocation of taxes. (a) Any redevelopment plan may contain a
32 provision that real property taxes levied upon taxable real property in
33 the project area each year by or for the benefit of the municipality or
34 municipalities AND SCHOOL DISTRICTS after the effective date of the
35 resolution approving the redevelopment plan, shall be divided as
36 follows:

37 (i) that portion of the real property taxes not in excess of the
38 amount which would be produced by applying the rate upon which the tax
39 is levied each year by or for each municipality AND SCHOOL DISTRICT to
40 the total sum of the assessed value of the taxable real property in the
41 project area as shown upon the assessment roll used in connection with
42 the taxation of such property by such municipality AND SCHOOL DISTRICT,
43 last adopted prior to the effective date of the resolution approving
44 such plan, shall be allocated to and when collected shall be paid into
45 the funds of the respective municipalities AND SCHOOL DISTRICTS as real
46 property taxes collected by or for said municipalities AND SCHOOL
47 DISTRICTS adopting the redevelopment plan;

48 (ii) that portion of the real property taxes levied each year in
49 excess of the portion allocated and paid pursuant to paragraph (i) of
50 this subdivision shall be allocated to and when collected shall be paid
51 into the fund or funds established for such purposes to pay the princi-
52 pal and interest on indebtedness incurred by such municipality OR SCHOOL
53 DISTRICT pursuant to section nine hundred [sixty-o] SEVENTY-O of this
54 article or, if the redevelopment plan so provides, the amount allocated
55 and paid in excess of interest and principal and necessary reserves may
56 be expended for amounts of money to be paid in lieu of taxes. Unless and

1 until the total assessed valuation of the taxable property in a project
2 area exceeds the total assessed value of the taxable real property in
3 such project area as shown by the last assessment roll referred to in
4 paragraph (i) of this subdivision, all of the real property taxes levied
5 and collected upon the taxable real property in such project area shall
6 be paid into the funds of the respective municipalities AND SCHOOL
7 DISTRICTS. When such indebtedness, if any and interest thereon, have
8 been paid, all moneys thereafter received from real property taxes upon
9 the taxable real property in such project area shall be paid into the
10 funds of the respective municipalities AND SCHOOL DISTRICTS as real
11 property taxes on all other real property are paid;

12 (iii) whenever the total amount of real property taxes allocated
13 pursuant to paragraph (ii) of this subdivision exceeds the amounts allo-
14 cated and paid for interest and principal and necessary reserves, and
15 for amounts to be paid in lieu of taxes, the amount of taxes in excess
16 of such amounts shall be paid into the funds of the respective munici-
17 palities as taxes on all other real property are paid;

18 (iv) the allocation of taxes authorized by this section (1) shall
19 apply to taxable years beginning after the effective date of the resol-
20 ution approving the redevelopment plan, AND

21 (2) SHALL BE ESTIMATED BY THE APPROPRIATE REAL PROPERTY ASSESSMENT
22 OFFICER PRIOR TO THE ISSUANCE OF SUCH INDEBTEDNESS FOR EACH YEAR THE
23 INDEBTEDNESS TO BE INCURRED BY SUCH MUNICIPALITY PURSUANT TO SECTION
24 NINE HUNDRED SEVENTY-0 OF THIS ARTICLE IS SCHEDULED TO BE OUTSTANDING IN
25 AN AMOUNT SUFFICIENT TO PAY THE PRINCIPAL OF AND INTEREST ON SUCH
26 INDEBTEDNESS IN EACH YEAR REAL PROPERTY TAXES OF THE MUNICIPALITY OR THE
27 SCHOOL DISTRICT LEVIED UPON TAXABLE PROPERTY IN THE PROJECT AREA IS
28 DIVIDED PURSUANT TO THIS SECTION. DURING THE PERIOD SUCH INDEBTEDNESS IS
29 OUTSTANDING, THE APPROPRIATE REAL PROPERTY ASSESSMENT OFFICER SHALL
30 ENDEAVOR IN GOOD FAITH TO DETERMINE ASSESSED VALUES ON PARCELS IN THE
31 PROJECT AREA TO ACHIEVE SUCH ESTIMATE IN EACH SUCH YEAR. UPON REQUEST
32 BY A MUNICIPALITY OR SCHOOL DISTRICT, THE OFFICE OF REAL PROPERTY
33 SERVICES SHALL PROVIDE GUIDANCE ON METHODOLOGIES FOR ASSESSMENTS AND/OR
34 REVIEW SUCH ESTIMATES.

35 (b) [Whenever real property in any redevelopment project has been
36 redeveloped and thereafter is leased by the municipality to any person
37 or persons or whenever the agency leases real property in any redevelop-
38 ment project to any person or persons for redevelopment, the property
39 shall be assessed and taxed in the same manner as privately owned real
40 property and the lease or contract shall provide that the lessee shall
41 pay real property taxes upon the assessed value of the entire real prop-
42 erty and not merely the assessed value of his or her leasehold interest.

43 (c) In any municipality OR SCHOOL DISTRICT subject to the allocation
44 of revenues pursuant to this section the assessed value of taxable real
45 property located in a project area shall be included on the taxable
46 portion of the assessment roll, provided, however, that notwithstanding
47 any provision of law to the contrary, the assessed value determined in
48 accordance with paragraph (ii) of subdivision (a) of this section shall
49 not be included in the taxable value of real property when determining
50 the tax rate for such municipality OR SCHOOL DISTRICT.

51 [(d)] (C) The rate of tax resulting from the levy of real property
52 taxes shall be applied to the assessed value of any real property
53 subject to the allocation provisions of this section as determined
54 pursuant to subdivision (a) of this section, however, the amount of tax
55 levied as a result of the application of the tax rate to the increase in
56 assessed value determined in accordance with paragraph (ii) of subdivi-

1 sion (a) of this section shall not be paid into the fund of the municipi-
2 pality OR THE SCHOOL DISTRICT as real property taxes but shall be allo-
3 cated pursuant to that paragraph.

4 [(e)] (D) The official or officials responsible for the preparation of
5 the assessment roll or rolls specified in subdivision (a) of this
6 section shall provide to the municipality or municipalities AND SCHOOL
7 DISTRICTS, in addition to the assessment roll or rolls, such information
8 as is deemed necessary by the legislative bodies of the municipality or
9 municipalities AND SCHOOL DISTRICTS to effectuate the purpose of this
10 section.

11 [(f)] (E) The allocation of real property taxes authorized by this
12 section shall be permitted only with respect to municipalities AND
13 SCHOOL DISTRICTS which have adopted a redevelopment plan providing for
14 such allocation pursuant to section nine hundred [sixty-h] SEVENTY-H or
15 section nine hundred [sixty-n] SEVENTY-N of this article and such allo-
16 cation shall not apply to special ad valorem levies and special assess-
17 ments as defined by subdivisions fourteen and fifteen of section one
18 hundred two of the real property tax law, EXCEPT AS PROVIDED IN PARA-
19 GRAPH (III) OF SUBDIVISION (J) OF SECTION NINE HUNDRED SEVENTY-O OF THIS
20 ARTICLE.

21 [(g)] (F) If, after adoption of a redevelopment plan, the official or
22 officials responsible for the preparation of the assessment roll or
23 rolls specified in subdivision (a) of this section undertake to revalue
24 real property for real property tax purposes by altering the standard of
25 assessment utilized to establish the value of real property for assess-
26 ment purposes, the assessment of real property within a project area as
27 provided by paragraph (i) of subdivision (a) of this section shall be
28 adjusted in such manner as if such new standard of assessment had been
29 utilized in the preparation of the assessment roll last adopted prior to
30 adoption of the redevelopment plan.

31 (G) WITH RESPECT TO A SCHOOL DISTRICT WHICH CONSENTS TO AN ALLOCATION
32 OF TAXES PRESCRIBED IN THIS SECTION, THE OBJECT OR PURPOSE OF WHICH SUCH
33 INDEBTEDNESS MAY BE INCURRED BY A MUNICIPALITY SHALL BE A SCHOOL BUILD-
34 ING. HOWEVER, THERE SHALL BE NO APPORTIONMENT OF PUBLIC MONEYS UNDER
35 SECTION THREE THOUSAND SIX HUNDRED ONE OF THE EDUCATION LAW WITH RESPECT
36 TO SUCH ALLOCATION OF TAXES LEVIED BY A SCHOOL DISTRICT.

37 (H) IN ESTABLISHING A UNIFORM TAX EXEMPTION POLICY PURSUANT TO SECTION
38 EIGHT HUNDRED SEVENTY-FOUR OF THIS CHAPTER, AN AGENCY SHALL NOT TAKE
39 INTO ACCOUNT THE PORTION OF REAL PROPERTY TAXES MEASURED UNDER PARAGRAPH
40 (II) OF SUBDIVISION (A) OF THIS SECTION IN COMPUTING A PAYMENT IN LIEU
41 OF TAXES AGREEMENT.

42 S 11. This act shall take effect immediately and shall apply to any
43 indebtedness incurred by a municipality pursuant to section 970-o of the
44 general municipal law on or after July 30, 1986.

45 PART F

46 Section 1. The real property tax law is amended by adding a new
47 section 485-n to read as follows:

48 S 485-N. RESIDENTIAL-COMMERCIAL EXEMPTION PROGRAM. 1. DEFINITIONS. AS
49 USED IN THIS SECTION, THE FOLLOWING TERMS SHALL HAVE THE FOLLOWING MEAN-
50 INGS:

51 (A) "APPLICANT" MEANS ANY PERSON OBLIGATED TO PAY REAL PROPERTY TAXES
52 ON REAL PROPERTY FOR WHICH AN EXEMPTION FROM TAXES UNDER THIS SECTION IS
53 SOUGHT.

1 (B) "BENEFIT AREA" MEANS THE AREA WITHIN A MUNICIPALITY, DESIGNATED BY
2 LOCAL LAW, TO WHICH AN EXEMPTION, ESTABLISHED PURSUANT TO THIS SECTION,
3 APPLIES.

4 (C) "COMMERCIAL CONSTRUCTION WORK" MEANS THE MODERNIZATION, REHABILI-
5 TATION, EXPANSION OR OTHER IMPROVEMENT OF THE COMMERCIAL USE PROPERTY OR
6 OF THE PORTION OF MIXED-USE PROPERTY TO BE USED FOR COMMERCIAL PURPOSES.

7 (D) "COMMERCIAL PURPOSE OR USE" MEANS THE BUYING, SELLING OR OTHERWISE
8 PROVIDING OF GOODS OR SERVICES, INCLUDING HOTEL SERVICES, OR OTHER
9 LAWFUL BUSINESS OR COMMERCIAL ACTIVITIES PERMITTED UPON MIXED-USE PROP-
10 ERTY.

11 (E) "COMMERCIAL USE PROPERTY" MEANS REAL PROPERTY ON WHICH WILL EXIST,
12 AFTER COMPLETION OF COMMERCIAL CONSTRUCTION WORK, A BUILDING USED FOR
13 COMMERCIAL PURPOSES OR USE.

14 (F) "MIXED-USE PROPERTY" MEANS REAL PROPERTY ON WHICH WILL EXIST,
15 AFTER COMPLETION OF RESIDENTIAL CONSTRUCTION WORK OR A COMBINATION OF
16 RESIDENTIAL CONSTRUCTION WORK AND COMMERCIAL CONSTRUCTION WORK, A BUILD-
17 ING OR STRUCTURE USED FOR BOTH RESIDENTIAL AND COMMERCIAL PURPOSES.

18 (G) "MUNICIPALITY" MEANS ANY TOWN, CITY, VILLAGE OR OTHER TAXING ENTI-
19 TY, THAT IS NOT A CITY OR WITHIN A CITY HAVING A POPULATION OF ONE
20 MILLION OR MORE.

21 (H) "RESIDENTIAL CONSTRUCTION WORK" MEANS THE CREATION, MODERNIZATION,
22 REHABILITATION, EXPANSION OR OTHER IMPROVEMENT OF DWELLING UNITS, OTHER
23 THAN DWELLING UNITS IN A HOTEL, IN THE PORTION OF MIXED-USE PROPERTY TO
24 BE USED FOR RESIDENTIAL PURPOSES.

25 2. (A) A MUNICIPALITY MAY, BY LOCAL LAW, PROVIDE FOR THE EXEMPTION OF
26 REAL PROPERTY IN A DESIGNATED BENEFIT AREA FROM TAXATION AS PROVIDED IN
27 THIS SECTION.

28 (B) THE LOCAL GOVERNING BOARD OR COUNCIL SHALL ESTABLISH A PLAN
29 CONCERNING THE VARIOUS TYPES OF RESIDENTIAL REAL PROPERTY WHICH MAY BE
30 GRANTED ELIGIBILITY FOR AN EXEMPTION PURSUANT TO PARAGRAPH (A) OF THIS
31 SUBDIVISION. THE EXEMPTION SHALL BE COMPUTED AS PROVIDED IN THIS
32 SECTION. IN ADDITION, SUCH PLAN SHALL IDENTIFY DESIGNATED BENEFIT AREAS,
33 WITHIN WHICH SUCH EXEMPTIONS SHALL BE OFFERED. IN DEVELOPING THE PLAN
34 REQUIRED BY THIS PARAGRAPH, THE LOCAL GOVERNING BOARD OR COUNCIL SHALL
35 CONSIDER THE PLANNING OBJECTIVES OF THE SCHOOL DISTRICT WHICH SERVES
36 SUCH MUNICIPALITY, AND THE NECESSITY OF THE EXEMPTION TO THE ATTRACTION
37 OR RETENTION OF HOME OWNERS AND THE ECONOMIC BENEFIT TO THE AREA OF
38 PROVIDING EXEMPTIONS TO HOME OWNERS.

39 (C) IN ADDITION, THE LOCAL GOVERNING BOARD OR COUNCIL MAY MODIFY ITS
40 PLAN TO IMPROVE THE ECONOMIC CLIMATE THEREIN.

41 (D) A LOCAL GOVERNING BOARD OR COUNCIL MAY, BY LOCAL LAW, RESTRICT
42 REAL PROPERTY ELIGIBLE TO RECEIVE THE EXEMPTION TO REAL PROPERTY
43 CONSTRUCTED FOR THOSE PURPOSES IDENTIFIED IN THE PLAN. SUCH LOCAL LAW
44 SHALL RESTRICT THE AVAILABILITY OF SUCH EXEMPTION TO THE SPECIFIC
45 GEOGRAPHIC AREAS IDENTIFIED IN THE PLAN. UPON THE ADOPTION OF SUCH A
46 LOCAL LAW, THE COUNTY IN WHICH SUCH MUNICIPALITY IS LOCATED MAY, BY
47 LOCAL LAW, AND ANY SCHOOL DISTRICT, ALL OR PART OF WHICH IS LOCATED IN
48 SUCH MUNICIPALITY, MAY, BY RESOLUTION, EXEMPT SUCH PROPERTY FROM ITS
49 TAXATION IN THE SAME MANNER AND TO THE SAME EXTENT AS SUCH MUNICIPALITY
50 HAS DONE.

51 3. UPON THE ADOPTION OF SUCH A LOCAL LAW THE COMMERCIAL USE PROPERTY
52 OR MIXED-USE PROPERTY THAT WAS CONVERTED, CREATED, MODERNIZED, REHABILI-
53 TATED, EXPANDED OR OTHERWISE IMPROVED OR THE COMMERCIAL USE PROPERTY
54 THAT WAS CONVERTED, CREATED, MODERNIZED, REHABILITATED, EXPANDED OR
55 OTHERWISE IMPROVED, SHALL BE EXEMPT FROM TAXATION AND SPECIAL AD VALOREM
56 LEVIES AS PROVIDED FOR IN SUBDIVISION FOUR OF THIS SECTION.

1 4. (A) (I) FOR A PERIOD OF TWELVE YEARS FOLLOWING THE APPROVAL OF AN
 2 APPLICATION, THE INCREASE IN ASSESSED VALUE OF SUCH PROPERTY ATTRIBUT-
 3 ABLE TO SUCH CONVERSION, CREATION, MODERNIZATION, REHABILITATION, EXPAN-
 4 SION OR OTHER IMPROVEMENT SHALL BE EXEMPT AS PROVIDED IN SUBPARAGRAPH
 5 (II) OF THIS PARAGRAPH. SUCH EXEMPTION SHALL BE COMPUTED WITH RESPECT TO
 6 THE "EXEMPTION BASE". THE EXEMPTION BASE SHALL BE DETERMINED FOR EACH
 7 YEAR IN WHICH THERE IS AN INCREASE IN ASSESSED VALUE SO ATTRIBUTABLE
 8 FROM THAT OF THE PREVIOUS YEAR'S ASSESSED VALUE.

9 (II) THE FOLLOWING SHALL DETERMINE THE COMPUTATION OF THE TAX
 10 EXEMPTION:

| 11 YEAR OF EXEMPTION | PERCENTAGE OF EXEMPTION |
|----------------------|-------------------------|
| 12 1 THROUGH 8 | 100% OF EXEMPTION BASE |
| 13 9 | 80% OF EXEMPTION BASE |
| 14 10 | 60% OF EXEMPTION BASE |
| 15 11 | 40% OF EXEMPTION BASE |
| 16 12 | 20% OF EXEMPTION BASE |

17 (B) NO SUCH EXEMPTION SHALL BE GRANTED UNLESS:

18 (I) SUCH CONVERSION, CREATION, MODERNIZATION, REHABILITATION, EXPAN-
 19 SION OR OTHER IMPROVEMENT WAS COMMENCED SUBSEQUENT TO THE DATE ON WHICH
 20 THE MUNICIPALITY'S LOCAL LAW TOOK EFFECT; AND

21 (II) THE COST OF SUCH CONVERSION, CREATION, MODERNIZATION, REHABILI-
 22 TATION, EXPANSION OR OTHER IMPROVEMENT EXCEEDS THE SUM OF TEN THOUSAND
 23 DOLLARS OR SUCH GREATER AMOUNT AS MAY BE SPECIFIED BY LOCAL LAW.

24 (C) FOR PURPOSES OF THIS SECTION THE TERM "CONVERSION, CREATION,
 25 MODERNIZATION, REHABILITATION, EXPANSION OR OTHER IMPROVEMENT" SHALL NOT
 26 INCLUDE ORDINARY MAINTENANCE AND REPAIRS.

27 (D) NO SUCH EXEMPTION SHALL BE GRANTED CONCURRENT WITH OR SUBSEQUENT
 28 TO ANY OTHER REAL PROPERTY TAX EXEMPTION GRANTED TO THE SAME IMPROVE-
 29 MENTS TO REAL PROPERTY, EXCEPT, WHERE DURING THE PERIOD OF SUCH PREVIOUS
 30 EXEMPTION, PAYMENTS IN LIEU OF TAXES OR OTHER PAYMENTS WERE MADE TO THE
 31 MUNICIPALITY IN AN AMOUNT THAT WOULD HAVE BEEN EQUAL TO OR GREATER THAN
 32 THE AMOUNT OF REAL PROPERTY TAXES THAT WOULD HAVE BEEN PAID ON SUCH
 33 IMPROVEMENTS HAD SUCH PROPERTY BEEN GRANTED AN EXEMPTION PURSUANT TO
 34 THIS SECTION. IN SUCH CASE, AN EXEMPTION SHALL BE GRANTED FOR A NUMBER
 35 OF YEARS EQUAL TO THE TWELVE YEAR EXEMPTION GRANTED PURSUANT TO THIS
 36 SECTION LESS THE NUMBER OF YEARS THE PROPERTY WOULD HAVE BEEN PREVIOUSLY
 37 EXEMPT FROM REAL PROPERTY TAXES.

38 5. SUCH EXEMPTION SHALL BE GRANTED ONLY UPON APPLICATION BY THE OWNER
 39 OF REAL PROPERTY ON A FORM PRESCRIBED BY THE STATE BOARD. SUCH APPLICA-
 40 TION SHALL BE FILED WITH THE ASSESSOR OF THE MUNICIPALITY OR COUNTY
 41 HAVING THE POWER TO ASSESS PROPERTY FOR TAXATION ON OR BEFORE THE APPRO-
 42 PRIATE TAXABLE STATUS DATE OF SUCH MUNICIPALITY OR COUNTY. NO APPLICA-
 43 TION SHALL BE APPROVED BY ANY MUNICIPALITY OR COUNTY THAT WAS SUBMITTED
 44 MORE THAN TWELVE YEARS AFTER THE EFFECTIVE DATE OF THIS SECTION.

45 6. IF THE ASSESSOR IS SATISFIED THAT THE APPLICANT IS ENTITLED TO AN
 46 EXEMPTION PURSUANT TO THIS SECTION, HE OR SHE SHALL APPROVE THE APPLICA-
 47 TION AND SUCH REAL PROPERTY SHALL THEREAFTER BE EXEMPT FROM TAXATION AND
 48 SPECIAL AD VALOREM LEVIES AS PROVIDED IN THIS SECTION COMMENCING WITH
 49 THE ASSESSMENT ROLL PREPARED AFTER THE TAXABLE STATUS DATE REFERRED TO
 50 IN SUBDIVISION FIVE OF THIS SECTION. THE ASSESSED VALUE OF ANY
 51 EXEMPTION GRANTED PURSUANT TO THIS SECTION SHALL BE ENTERED BY THE
 52 ASSESSOR ON THE ASSESSMENT ROLL WITH THE TAXABLE PROPERTY, WITH THE
 53 AMOUNT OF THE EXEMPTION SHOWN IN A SEPARATE COLUMN.

54 S 2. This act shall take effect immediately.

1

PART G

2 Section 1. The opening paragraph of section 1210 of the tax law is
3 REPEALED and a new opening paragraph is added to read as follows:

4 NOTWITHSTANDING ANY OTHER PROVISION OF LAW TO THE CONTRARY, BUT
5 SUBJECT TO THE LIMITATIONS AND EXEMPTIONS IN PART II OF THIS ARTICLE,
6 ANY CITY IN THIS STATE OR COUNTY IN THIS STATE, EXCEPT A COUNTY WHOLLY
7 WITHIN A CITY, ACTING THROUGH ITS LOCAL LEGISLATIVE BODY, IS HEREBY
8 AUTHORIZED AND EMPOWERED TO ADOPT AND AMEND LOCAL LAWS, ORDINANCES OR
9 RESOLUTIONS IMPOSING IN SUCH CITY OR COUNTY THE TAXES DESCRIBED IN
10 EITHER SUBDIVISION (A) OR (B) OF THIS SECTION, BUT NOT BOTH, AT THE RATE
11 OF ONE-HALF, ONE, ONE AND ONE-HALF, TWO, TWO AND ONE-HALF OR THREE
12 PERCENT, AND, IF THE CITY OR COUNTY IMPOSES THE TAXES DESCRIBED IN
13 SUBDIVISION (A) OF THIS SECTION AT THE RATE OF THREE PERCENT, ALSO AT
14 THE ADDITIONAL RATE AUTHORIZED IN SUBDIVISION (K) OF THIS SECTION.
15 PROVIDED, FURTHER, SUCH LOCAL LAW, ORDINANCE OR RESOLUTION OF SUCH CITY
16 OR COUNTY AUTHORIZING THE IMPOSITION OF SUCH TAXES SHALL NOT EXCEED TWO
17 YEARS IN DURATION AND MUST BE REAUTHORIZED PURSUANT TO LOCAL LAW, ORDI-
18 NANCE OR RESOLUTION. ANY TAX IMPOSED PURSUANT TO THE AUTHORITY OF THIS
19 SECTION SHALL BE ADMINISTERED, COLLECTED AND DISTRIBUTED BY THE COMMIS-
20 SIONER AS PROVIDED IN SUBPART B OF PART III AND IN PART IV OF THIS ARTI-
21 CLE.

22 S 2. Paragraph 1 of subdivision (a) of section 1210 of the tax law, as
23 amended by section 3 of part GG of chapter 57 of the laws of 2010, is
24 amended to read as follows:

25 (1) Either, all of the taxes described in [article twenty-eight]
26 SECTIONS ELEVEN HUNDRED FIVE AND ELEVEN HUNDRED TEN of this chapter, at
27 the same uniform rate, as to which taxes all provisions of the local
28 laws, ordinances or resolutions imposing such taxes shall be identical,
29 except as to rate and except as otherwise provided, with the correspond-
30 ing provisions in [such] article twenty-eight OF THIS CHAPTER, including
31 the definition and exemption provisions of such article, so far as the
32 provisions of such article twenty-eight can be made applicable to the
33 taxes imposed by such city or county and with such limitations and
34 special provisions as are set forth in this article. The taxes author-
35 ized under this subdivision may not be imposed by a city or county
36 unless the local law, ordinance or resolution imposes such taxes so as
37 to include all portions and all types of receipts, charges or rents,
38 subject to state tax under sections eleven hundred five and eleven
39 hundred ten of this chapter, except as otherwise provided. (i) Any local
40 law, ordinance or resolution enacted by any city of less than one
41 million or by any county or school district, imposing the taxes author-
42 ized by this subdivision, shall, notwithstanding any provision of law to
43 the contrary, exclude from the operation of such local taxes all sales
44 of tangible personal property for use or consumption directly and
45 predominantly in the production of tangible personal property, gas,
46 electricity, refrigeration or steam, for sale, by manufacturing, proc-
47 essing, generating, assembly, refining, mining or extracting; and all
48 sales of tangible personal property for use or consumption predominantly
49 either in the production of tangible personal property, for sale, by
50 farming or in a commercial horse boarding operation, or in both; and,
51 unless such city, county or school district elects otherwise, shall omit
52 the provision for credit or refund contained in clause six of subdivi-
53 sion (a) or subdivision (d) of section eleven hundred nineteen of this
54 chapter. (ii) Any local law, ordinance or resolution enacted by any
55 city, county or school district, imposing the taxes authorized by this

1 subdivision, shall omit the residential solar energy systems equipment
2 exemption provided for in subdivision (ee) and the clothing and footwear
3 exemption provided for in paragraph thirty of subdivision (a) of section
4 eleven hundred fifteen of this chapter, unless such city, county or
5 school district elects otherwise as to either such residential solar
6 energy systems equipment exemption or such clothing and footwear
7 exemption.

8 S 3. Subparagraph (iii) of paragraph 3 of subdivision (a) of section
9 1210 of the tax law is REPEALED and subparagraph (iv) of paragraph 3 of
10 subdivision (a) of section 1210 of the tax law, as added by chapter 933
11 of the laws of 1985, is amended to read as follows:

12 [(iv)] (III) Notwithstanding any other provision of law, [the one
13 percent additional tax which] Cattaraugus county [is authorized to adopt
14 pursuant to the opening paragraph of this section] shall not [be
15 imposed] IMPOSE TAX on the retail sale or use of the energy sources and
16 services described in subparagraph (i) of this paragraph AT A RATE
17 GREATER THAN THREE PERCENT.

18 S 4. Subparagraph (iii) of paragraph 3 of subdivision (b) of section
19 1210 of the tax law is REPEALED.

20 S 5. Section 1210 of the tax law is amended by adding a new subdivi-
21 sion (k) to read as follows:

22 (K) (1) EACH OF THE FOLLOWING COUNTIES THAT IMPOSES THE TAXES
23 DESCRIBED IN SUBDIVISION (A) OF THIS SECTION AT A RATE IN EXCESS OF
24 THREE PERCENT IS HEREBY FURTHER AUTHORIZED AND EMPOWERED TO ADOPT AND
25 AMEND LOCAL LAWS, ORDINANCES OR RESOLUTIONS IMPOSING SUCH TAXES UP TO
26 THE FOLLOWING ADDITIONAL RATE IN EXCESS OF THREE PERCENT, IN ONE-QUARTER
27 PERCENT INCREMENTS, FOR THE PERIOD BEGINNING DECEMBER FIRST, TWO THOU-
28 SAND TEN; PROVIDED HOWEVER, IF AT ANY TIME THIS SECTION AUTHORIZED FOR
29 THE COUNTIES LISTED IN THIS PARAGRAPH A RATE IN EXCESS OF THE RATES
30 LISTED IN THIS PARAGRAPH, SUCH COUNTY SHALL HAVE THE SOLE RIGHT TO
31 IMPOSE SUCH HIGHER RATE:

32 (I) ONE-QUARTER OF ONE PERCENT: NONE.

33 (II) ONE-HALF OF ONE PERCENT: CHAUTAUQUA COUNTY, ONTARIO COUNTY.

34 (III) THREE AND THREE-QUARTERS OF ONE PERCENT: DUTCHESS COUNTY, ESSEX
35 COUNTY, JEFFERSON COUNTY, LEWIS COUNTY, ORANGE COUNTY.

36 (IV) ONE PERCENT: ALBANY COUNTY, BROOME COUNTY, CATTARAUGUS COUNTY,
37 CAYUGA COUNTY, CHEMUNG COUNTY, CHENANGO COUNTY, CLINTON COUNTY, COLUMBIA
38 COUNTY, CORTLAND COUNTY, DELAWARE COUNTY, FRANKLIN COUNTY, FULTON COUN-
39 TY, GENESEE COUNTY, GREENE COUNTY, LIVINGSTON COUNTY, MADISON COUNTY,
40 MONROE COUNTY, MONTGOMERY COUNTY, NIAGARA COUNTY, ONONDAGA COUNTY, ORLE-
41 ANS COUNTY, OSWEGO COUNTY, OTSEGO COUNTY, PUTNAM COUNTY, RENSSELAER
42 COUNTY, ROCKLAND COUNTY, SCHENECTADY COUNTY, SCHOHARIE COUNTY, SCHUYLER
43 COUNTY, SENECA COUNTY, STEUBEN COUNTY, SULLIVAN COUNTY, TIOGA COUNTY,
44 TOMKINS COUNTY, ULSTER COUNTY, WAYNE COUNTY, WYOMING COUNTY, YATES COUN-
45 TY.

46 (V) ONE AND ONE-QUARTER PERCENT: HERKIMER COUNTY, NASSAU COUNTY.

47 (VI) ONE AND ONE-HALF PERCENT: ALLEGANY COUNTY.

48 (VII) ONE AND THREE-QUARTER PERCENT: ERIE COUNTY, ONEIDA COUNTY.

49 (2) EACH OF THE FOLLOWING CITIES THAT IMPOSES THE TAXES DESCRIBED IN
50 SUBDIVISION (A) OF THIS SECTION AT A RATE IN EXCESS OF THREE PERCENT IS
51 HEREBY FURTHER AUTHORIZED AND EMPOWERED TO ADOPT AND AMEND LOCAL LAWS,
52 ORDINANCES OR RESOLUTIONS IMPOSING SUCH TAXES, UP TO THE FOLLOWING ADDI-
53 TIONAL RATE IN EXCESS OF THREE PERCENT, IN ONE-QUARTER PERCENT INCRE-
54 MENTS:

55 (I) ONE-QUARTER OF ONE PERCENT: NONE.

56 (II) ONE-HALF OF ONE PERCENT: NONE.

1 (III) THREE-QUARTERS OF ONE PERCENT: NONE.

2 (IV) ONE PERCENT: CITY OF MOUNT VERNON, CITY OF NEW ROCHELLE, CITY OF
3 WHITE PLAINS, CITY OF YONKERS.

4 (V) ONE AND ONE-QUARTER PERCENT: NONE.

5 (VI) ONE AND ONE-HALF PERCENT: CITY OF NEW YORK.

6 (VII) ONE AND THREE-QUARTER PERCENT: NONE.

7 S 6. Section 1210-A of the tax law is amended by adding a new subdivi-
8 sion (e) to read as follows:

9 (E) NOTWITHSTANDING ANY CONTRARY PROVISION OF THIS ARTICLE, THE
10 ONE-QUARTER PERCENT RATE OF TAX AUTHORIZED BY THIS SECTION SHALL NOT
11 AFFECT OR BE AFFECTED BY THE RATE OF TAX THE COUNTY OF SUFFOLK IMPOSES
12 OR IS AUTHORIZED TO IMPOSE UNDER ANY OTHER PROVISION OF THIS ARTICLE.

13 S 7. Section 1210-B of the tax law is amended by adding a new subdivi-
14 sion (d) to read as follows:

15 (D) NOTWITHSTANDING ANY CONTRARY PROVISION OF THIS ARTICLE, THE
16 ONE-QUARTER PERCENT RATE OF TAX AUTHORIZED BY THIS SECTION SHALL NOT
17 AFFECT OR BE AFFECTED BY THE RATE OF TAX THE COUNTY OF SUFFOLK IMPOSES
18 OR IS AUTHORIZED TO IMPOSE UNDER ANY OTHER PROVISION OF THIS ARTICLE.

19 S 8. Section 1210-C of the tax law is amended by adding a new subdivi-
20 sion (e) to read as follows:

21 (E) NOTWITHSTANDING ANY CONTRARY PROVISION OF THIS ARTICLE, THE
22 ONE-HALF PERCENT RATE OF TAX AUTHORIZED BY THIS SECTION SHALL NOT AFFECT
23 OR BE AFFECTED BY THE RATE OF TAX THE COUNTY OF SCHENECTADY IMPOSES OR
24 IS AUTHORIZED TO IMPOSE UNDER ANY OTHER PROVISION OF THIS ARTICLE.

25 S 9. Section 1210-D of the tax law is REPEALED.

26 S 10. Section 1210-E of the tax law is REPEALED.

27 S 11. Subdivision (a) of section 1211 of the tax law, as amended by
28 chapter 300 of the laws of 1968, is amended to read as follows:

29 (a) On request by a majority vote of the whole number of the school
30 authorities of the school district or districts which are coterminous
31 with, partly within or wholly within a city having a population of less
32 than one hundred twenty-five thousand, such city is hereby authorized
33 and empowered to adopt and amend local laws imposing for school district
34 purposes the taxes authorized under section twelve hundred ten OF THIS
35 SUBPART, at the rate of one-half, one, one and one-half, two, two and
36 one-half or three percent which rate shall be uniform for all taxes
37 imposed pursuant to the authority of this section; provided, however,
38 where a city imposes a tax under the authority of both [sections]
39 SECTION twelve hundred ten OF THIS SUBPART and [twelve hundred eleven]
40 THIS SECTION, the aggregate rate of the taxes imposed pursuant to both
41 sections cannot exceed three percent.

42 S 12. Subdivision (a) of section 1212 of the tax law, as amended by
43 section 40 of part S-1 of chapter 57 of the laws of 2009, is amended to
44 read as follows:

45 (a) Any school district which is coterminous with, partly within or
46 wholly within a city having a population of less than one hundred twen-
47 ty-five thousand, is hereby authorized and empowered, by majority vote
48 of the whole number of its school authorities, to impose for school
49 district purposes, within the territorial limits of such school district
50 and without discrimination between residents and nonresidents thereof,
51 the taxes described in subdivision (b) of section eleven hundred five OF
52 THIS CHAPTER (but excluding the tax on prepaid telephone calling
53 services) and the taxes described in clauses (E) and (H) of subdivision
54 (a) of section eleven hundred ten OF THIS CHAPTER, including the transi-
55 tional provisions in subdivision (b) of section eleven hundred six of
56 this chapter, so far as such provisions can be made applicable to the

1 taxes imposed by such school district and with such limitations and
2 special provisions as are set forth in this article, such taxes to be
3 imposed at the rate of one-half, one, one and one-half, two, two and
4 one-half or three percent which rate shall be uniform for all portions
5 and all types of receipts and uses subject to such taxes. In respect to
6 such taxes, all provisions of the resolution imposing them, except as to
7 rate and except as otherwise provided herein, shall be identical with
8 the corresponding provisions in [such] article twenty-eight of this
9 chapter, including the applicable definition and exemption provisions of
10 such article, so far as the provisions of such article twenty-eight of
11 this chapter can be made applicable to the taxes imposed by such school
12 district and with such limitations and special provisions as are set
13 forth in this article. The taxes described in subdivision (b) of section
14 eleven hundred five OF THIS CHAPTER (but excluding the tax on prepaid
15 telephone calling service) and clauses (E) and (H) of subdivision (a) of
16 section eleven hundred ten OF THIS CHAPTER, including the transitional
17 provision in subdivision (b) of [such] section eleven hundred six of
18 this chapter, may not be imposed by such school district unless the
19 resolution imposes such taxes so as to include all portions and all
20 types of receipts and uses subject to tax under such subdivision (but
21 excluding the tax on prepaid telephone calling service) and clauses.
22 Provided, however, that, where a school district imposes such taxes,
23 such taxes shall omit the provision for refund or credit contained in
24 subdivision (d) of section eleven hundred nineteen of this chapter with
25 respect to such taxes described in [such] subdivision (b) of section
26 eleven hundred five OF THIS CHAPTER unless such school district elects
27 to provide such provision or, if so elected, to repeal such provision.

28 S 13. Subdivisions (a) and (b) of section 1223 of the tax law, subdi-
29 vision (a) as amended by chapter 74 of the laws of 2010, subdivision (b)
30 as separately amended by chapters 4, 8 and 9 of the laws of 2003, are
31 amended to read as follows:

32 (a) (1) No transaction taxable under sections twelve hundred two
33 through twelve hundred four of this article shall be taxed pursuant to
34 this article by any county or by any city located therein, or by both,
35 at an aggregate rate in excess of the highest rate set forth in the
36 applicable subdivision of section twelve hundred one of this article
37 [or, in the case of any taxes imposed].

38 (2) NO TRANSACTION TAXABLE pursuant to the authority of section twelve
39 hundred ten or twelve hundred eleven of this article [(other than taxes
40 imposed by the county of Nassau, Erie, Steuben, Cattaraugus, Suffolk,
41 Oneida, Genesee, Greene, Franklin, Herkimer, Tioga, Orleans, Allegany,
42 Ulster, Albany, Rensselaer, Tompkins, Wyoming, Columbia, Schuyler, Rock-
43 land, Chenango, Monroe, Chemung, Seneca, Sullivan, Wayne, Livingston,
44 Schenectady, Montgomery, Delaware, Clinton, Niagara, Yates, Lewis,
45 Essex, Dutchess, Schoharie, Putnam, Chautauqua, Orange, Oswego, Ontario,
46 Jefferson or Onondaga and by the county of Cortland and the city of
47 Cortland and by the county of Broome and the city of Binghamton and by
48 the county of Cayuga and the city of Auburn and by the county of Otsego
49 and the city of Oneonta and by the county of Madison and the city of
50 Oneida and by the county of Fulton and the city of Gloversville or the
51 city of Johnstown as provided in section twelve hundred ten of this
52 article) at a rate in excess of three percent, except that, in the city
53 of Yonkers, in the city of Mount Vernon, in the city of New Rochelle, in
54 the city of Fulton and in the city of Oswego, the rate may not be in
55 excess of four percent and in the city of White Plains, the rate may not
56 be in excess of four percent and except that in the city of Poughkeepsie

1 in the county of Dutchess, if such county withdraws from the metropol-
2 itan commuter transportation district pursuant to section twelve hundred
3 seventy-nine-b of the public authorities law and if the revenues from a
4 three-eighths percent rate of such tax imposed by such county, pursuant
5 to the authority of section twelve hundred ten of this article, are
6 required by local laws, ordinances or resolutions to be set aside for
7 mass transportation purposes, the rate may not be in excess of three and
8 three-eighths percent] SHALL BE TAXED PURSUANT TO SUCH SECTIONS BY ANY
9 COUNTY OR BY ANY CITY LOCATED THEREIN, OR BY BOTH, AT AN AGGREGATE RATE
10 IN EXCESS OF THREE PERCENT, OTHER THAN TAXES IMPOSED BY A COUNTY OR BY A
11 CITY AS PROVIDED, RESPECTIVELY, IN SUBDIVISION (K) OF SECTION TWELVE
12 HUNDRED TEN OF THIS ARTICLE.

13 (b) If a transaction is taxed by both a county and a city PURSUANT TO
14 THE AUTHORITY OF SECTION TWELVE HUNDRED TWO, TWELVE HUNDRED THREE OR
15 TWELVE HUNDRED FOUR OF THIS ARTICLE, OR PURSUANT TO THE AUTHORITY OF
16 SECTION TWELVE HUNDRED TEN OR TWELVE HUNDRED ELEVEN OF THIS ARTICLE, the
17 rate of tax on such transaction imposed by the county or city, not
18 having prior right thereto pursuant to section twelve hundred twenty-
19 four OF THIS ARTICLE, shall be deemed to be reduced (or the entire tax
20 eliminated, if necessary) to the extent necessary to comply with the
21 [foregoing] requirement OF PARAGRAPH ONE OR TWO OF SUBDIVISION (A) OF
22 THIS SECTION.

23 (C) A tax imposed by a county upon any transaction, to the extent that
24 it would require a reduction in any tax rate imposed thereon by a city,
25 shall not become effective in respect to any transaction taxed by such
26 city (or in respect of other similar transactions outside of the city
27 which, if occurring in such city, would be subject to such city tax)
28 before the commencement of the city's next succeeding fiscal year and
29 then only if the county shall have given notice to such city of its
30 imposition of a tax on such transaction at least six months prior to the
31 commencement of such fiscal year, provided however that the local legis-
32 lative body of such city may waive the requirement of such notice and
33 the postponement of the effective date of such tax. A city tax upon any
34 transaction, to the extent that it would require a reduction in any tax
35 rate imposed by a county thereon, shall not become effective in respect
36 of any transaction taxed by such county before the commencement of the
37 county's next succeeding fiscal year and then only if the city shall
38 have given notice to such county of its imposition of a tax on such
39 transaction at least six months prior to the commencement of such fiscal
40 year, provided, however, that the local legislative body of such county
41 may waive the requirement of such notice and postponement of the effec-
42 tive date of such tax. However, whether or not the six months' notice
43 requirement provided in this section has been waived, a tax imposed
44 pursuant to the authority of section twelve hundred ten or twelve
45 hundred eleven OF THIS ARTICLE shall still be subject to the require-
46 ments provided for in the first three sentences of subdivision (d) of
47 such sections and in subdivision (e) of such sections.

48 S 14. Subdivisions (a), (b) and (c) of section 1224 of the tax law, as
49 amended by chapter 426 of the laws of 1968, paragraph 2 of subdivision
50 (a) and paragraph 2 of subdivision (b) as amended by chapter 506 of the
51 laws of 1976, paragraph 1 of subdivision (b) as amended by section 40 of
52 part Y of chapter 63 of the laws of 2000, are amended to read as
53 follows:

54 (a) Where a county contains one or more cities of less than one
55 million, such county shall have prior right to impose:

1 (1) any or all of the taxes described in subdivisions (c), (d) and (e)
2 of section twelve hundred one OF THIS ARTICLE, as authorized by section
3 twelve hundred two OF THIS ARTICLE.

4 (2) all of the taxes described in article twenty-eight OF THIS CHAPTER
5 as authorized by subdivision (a) of section twelve hundred ten OF THIS
6 ARTICLE, to the extent of one-half the maximum rates authorized under
7 such subdivision, except as otherwise provided in this section.

8 (b) Each city in such a county shall have prior right to impose:

9 (1) any or all of the taxes described in subdivisions (b), (d), (e)
10 and (f) of section eleven hundred five OF THIS CHAPTER, and, where the
11 tax described in subdivision (b) of section eleven hundred five OF THIS
12 CHAPTER is imposed, all of the taxes described in clauses (E), (G) and
13 (H) of subdivision (a) of section eleven hundred ten of this chapter, as
14 authorized by subdivision (b) of section twelve hundred ten of this
15 article.

16 (2) all of the taxes described in article twenty-eight OF THIS CHAPTER
17 as authorized by subdivision (a) of section twelve hundred ten OF THIS
18 ARTICLE, or by section twelve hundred eleven OF THIS ARTICLE, to the
19 extent of one-half the maximum aggregate rates authorized under such
20 subdivision (a) and such section twelve hundred eleven, except as other-
21 wise provided in this section.

22 (c) [However] EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION, where a
23 county containing a city with a population of one hundred twenty-five
24 thousand or more imposes all of the taxes described in article twenty-
25 eight OF THIS CHAPTER as authorized by subdivision (a) of section twelve
26 hundred ten OF THIS ARTICLE (1) for county purposes and (2) for educa-
27 tional purposes or for allocation and distribution to cities and the
28 area outside cities, in accordance with section twelve hundred sixty-two
29 OF THIS ARTICLE, the county shall have the prior right to impose such
30 taxes for county purposes at A RATE not to exceed [one-third of the
31 maximum rate authorized under subdivision (a) of section twelve hundred
32 ten] ONE PERCENT and prior right to impose such taxes for educational
33 purposes or for such allocation and distribution, or both, at A RATE not
34 to exceed [one-third of such maximum rate] ONE PERCENT. In such event,
35 a city in the county shall have prior right to impose such taxes at A
36 RATE not to exceed [one-third of such maximum rate] ONE PERCENT. TO THE
37 EXTENT THAT SUCH A COUNTY IMPOSES TAX AT THE RATE OF FOUR PERCENT OR
38 LESS, AND SUBDIVISION (E) OF THIS SECTION DOES NOT EXTEND TO THAT COUNTY
39 THE SOLE RIGHT TO IMPOSE A RATE OF TAX IN EXCESS OF THREE PERCENT, THE
40 COUNTY AND ANY CITY IN THAT COUNTY SHALL HAVE THE RESPECTIVE RIGHTS
41 PROVIDED IN PARAGRAPH TWO OF SUBDIVISION (A) OR IN SUBDIVISION (B) OF
42 THIS SECTION WITH RESPECT TO THE RATE OF TAX IN EXCESS OF THREE PERCENT,
43 BUT NOT IN EXCESS OF FOUR PERCENT, NOT IMPOSED BY THAT COUNTY.

44 S 15. Subdivisions (d), (e), (f), (g), (h), (i), (j), (k), (l), (m),
45 (n), (o), (p), (q), (r), (t), (u), (v), (w), (x), (y), (z), (z-1), (aa),
46 (bb), (cc), (dd), (ee), (ff) and (gg) of section 1224 of the tax law are
47 REPEALED.

48 S 16. Section 1224 of the tax law is amended by adding four new subdi-
49 visions (d), (e), (f) and (g) to read as follows:

50 (D) FOR PURPOSES OF THIS SECTION, THE TERM "PRIOR RIGHT" SHALL MEAN
51 THE PREFERENTIAL RIGHT TO IMPOSE ANY TAX DESCRIBED IN SECTIONS TWELVE
52 HUNDRED TWO AND TWELVE HUNDRED THREE, OR TWELVE HUNDRED TEN AND TWELVE
53 HUNDRED ELEVEN, OF THIS ARTICLE AND THEREBY TO PREEMPT SUCH TAX AND TO
54 PRECLUDE ANOTHER MUNICIPAL CORPORATION FROM IMPOSING OR CONTINUING THE
55 IMPOSITION OF SUCH TAX TO THE EXTENT THAT SUCH RIGHT IS EXERCISED.

1 HOWEVER, THE RIGHT OF PREEMPTION SHALL ONLY APPLY WITHIN THE TERRITORIAL
2 LIMITS OF THE TAXING JURISDICTION HAVING THE RIGHT OF PREEMPTION.

3 (E) EACH OF THE FOLLOWING COUNTIES AND CITIES SHALL HAVE THE SOLE
4 RIGHT TO IMPOSE THE FOLLOWING RATE OF SALES AND COMPENSATING USE TAXES
5 IN EXCESS OF THREE PERCENT, BUT NOT IN EXCESS OF FOUR PERCENT, THAT SUCH
6 COUNTY OR CITY IS AUTHORIZED TO IMPOSE PURSUANT TO THE AUTHORITY OF
7 SECTION TWELVE HUNDRED TEN OF THIS ARTICLE. SUCH ADDITIONAL RATE OF TAX
8 IN EXCESS OF THREE PERCENT SHALL NOT BE SUBJECT TO PREEMPTION. NOTHING
9 IN THIS SUBDIVISION SHALL PRECLUDE A COUNTY OR A CITY IN THAT COUNTY
10 FROM IMPOSING A RATE OF TAX PURSUANT TO THE AUTHORITY OF SUBDIVISION (A)
11 OR (B) OF SECTION TWELVE HUNDRED TEN OF THIS ARTICLE IN EXCESS OF THREE
12 PERCENT TO THE EXTENT THAT THIS SUBDIVISION DOES NOT RESERVE A RATE IN
13 EXCESS OF THREE PERCENT TO THE COUNTY OR CITY. PROVIDED HOWEVER, IF AT
14 ANY TIME SECTION TWELVE HUNDRED TEN OF THIS ARTICLE AUTHORIZED FOR THE
15 COUNTIES LISTED IN PARAGRAPH ONE OF THIS SUBDIVISION A RATE IN EXCESS OF
16 THE RATES LISTED IN PARAGRAPH ONE OF THIS SUBDIVISION, SUCH COUNTY SHALL
17 HAVE THE SOLE RIGHT TO IMPOSE SUCH HIGHER RATE.

18 (1) COUNTIES:

19 (A) ONE-QUARTER OF ONE PERCENT - NONE.

20 (B) ONE-HALF OF ONE PERCENT - CHAUTAUQUA, ONTARIO, SCHENECTADY.

21 (C) THREE-QUARTERS OF ONE PERCENT - DUTCHESS, ESSEX, JEFFERSON, LEWIS,
22 ORANGE.

23 (D) ONE PERCENT - ALBANY, ALLEGANY, BROOME, CATTARAUGUS, CHEMUNG,
24 CHENANGO, CLINTON, COLUMBIA, DELAWARE, ERIE, FRANKLIN, GENESEE, GREENE,
25 HERKIMER, LIVINGSTON, MONROE, MONTGOMERY, NASSAU, NIAGARA, ONEIDA, ONON-
26 DAGA, ORLEANS, PUTNAM, RENSSELAER, ROCKLAND, SCHOHARIE, SCHUYLER, SENE-
27 CA, STEUBEN, SUFFOLK, SULLIVAN, TIOGA, TOMPKINS, ULSTER, WAYNE, WYOMING,
28 YATES.

29 (2) CITIES:

30 (A) ONE-QUARTER OF ONE PERCENT - NONE.

31 (B) ONE-HALF OF ONE PERCENT - NONE.

32 (C) THREE-QUARTERS OF ONE PERCENT - WHITE PLAINS.

33 (D) ONE PERCENT - MOUNT VERNON, NEW ROCHELLE, YONKERS.

34 (F) EACH OF THE FOLLOWING COUNTIES AND CITIES SHALL HAVE THE SOLE
35 RIGHT TO IMPOSE THE FOLLOWING RATE OF SALES AND COMPENSATING USE TAXES
36 IN EXCESS OF FOUR PERCENT THAT SUCH COUNTY OR CITY IS AUTHORIZED TO
37 IMPOSE PURSUANT TO THE AUTHORITY OF SUBDIVISIONS (A) AND (K) OF SECTION
38 TWELVE HUNDRED TEN OF THIS ARTICLE. SUCH ADDITIONAL RATE OF TAX IN
39 EXCESS OF FOUR PERCENT SHALL NOT BE SUBJECT TO PREEMPTION.

40 (1) COUNTIES:

41 (A) ONE-QUARTER OF ONE PERCENT - HERKIMER, NASSAU.

42 (B) ONE-HALF OF ONE PERCENT - ALLEGANY.

43 (C) THREE-QUARTERS OF ONE PERCENT - ERIE, ONEIDA.

44 (D) ONE PERCENT - NONE.

45 (2) CITIES:

46 (A) ONE-QUARTER OF ONE PERCENT - NONE.

47 (B) ONE-HALF OF ONE PERCENT - NONE.

48 (C) THREE-QUARTERS OF ONE PERCENT - NONE.

49 (D) ONE PERCENT - NONE.

50 (G) EACH OF THE FOLLOWING CITIES IS AUTHORIZED TO PREEMPT THE TAXES
51 IMPOSED PURSUANT TO THE AUTHORITY OF SUBDIVISION (A) OF SECTION TWELVE
52 HUNDRED TEN OF THIS ARTICLE BY THE COUNTY IN WHICH IT IS LOCATED, TO THE
53 EXTENT OF ONE-HALF THE MAXIMUM AGGREGATE RATE AUTHORIZED UNDER SECTION
54 TWELVE HUNDRED TEN OF THIS ARTICLE: AUBURN, IN CAYUGA COUNTY; CORTLAND,
55 IN CORTLAND COUNTY; GLOVERSVILLE OR JOHNSTOWN, IN FULTON COUNTY; ONEIDA,
56 IN MADISON COUNTY; ONEONTA, IN OTSEGO COUNTY. AS OF THE DATE THIS SUBDI-

1 VISION TAKES EFFECT, ANY SUCH PREEMPTION IN EFFECT ON SUCH DATE SHALL
2 CONTINUE IN FULL FORCE AND EFFECT UNTIL THE EFFECTIVE DATE OF A LOCAL
3 LAW, ORDINANCE OR RESOLUTION ADOPTED OR AMENDED BY A CITY TO CHANGE SUCH
4 PREEMPTION. ANY PREEMPTION TO TAKE EFFECT UNDER THIS SUBDIVISION AFTER
5 THE DATE THIS SUBDIVISION TAKES EFFECT SHALL BE SUBJECT TO THE NOTICE
6 REQUIREMENTS IN SECTION TWELVE HUNDRED TWENTY-THREE OF THIS SUBPART AND
7 TO THE OTHER REQUIREMENTS OF THIS ARTICLE.

8 S 17. Subdivisions (s) and (hh) of section 1224 of the tax law, subdi-
9 vision (s) as amended by chapter 117 of the laws of 2004, paragraph 2 of
10 subdivision (s) as amended by section 3-a of part M-1 of chapter 109 of
11 the laws of 2006, subdivision (hh) as added by section 3 of part M-1 of
12 chapter 109 of the laws of 2006, are amended to read as follows:

13 [(s)] (H) (1) Notwithstanding any other provision of this section,
14 each city in the county of Oswego shall have prior right to impose:

15 (A) all of the taxes described in article twenty-eight of this chapter
16 as authorized by subdivision (a) of section twelve hundred ten or by
17 section twelve hundred eleven of this article, up to the maximum rate
18 authorized by the opening paragraph of such section twelve hundred ten.

19 (B) any or all of the taxes described in subdivisions (b), (d), (e)
20 and (f) of section eleven hundred five of this chapter, and, where the
21 tax described in such subdivision (b) of section eleven hundred five is
22 imposed, all of the taxes described in clauses (E), (G) and (H) of
23 subdivision (a) of section eleven hundred ten of this chapter, as
24 authorized by subdivision (b) of section twelve hundred ten of this
25 article.

26 (2) Notwithstanding any provision of this article, [during any period
27 that] TAX IMPOSED BY the county of Oswego [is authorized to impose an
28 additional rate of tax by] PURSUANT TO THE AUTHORITY OF SUBDIVISION (A)
29 OF section twelve hundred ten of this article[, such county shall have
30 the sole right to impose such additional rate, such additional rate of
31 tax shall be in addition to any other tax which such county may impose
32 or may be imposing pursuant to this article or any other law, and such
33 additional rate of tax] AT THE RATE OF FOUR PERCENT OR LESS shall not be
34 subject to [pre-emption and] PREEMPTION BUT shall apply only in the area
35 of the county outside the cities in such county, provided that such
36 [additional] rate of the county shall apply in a city in such county to
37 the extent the city does not impose tax pursuant to the authority of
38 section twelve hundred ten of this article [at a rate greater than three
39 percent].

40 [(hh)] (I) Notwithstanding the foregoing provisions of this section or
41 other law to the contrary:

42 (1) If a county, other than a county to which subdivision (c) of this
43 section applies and other than Oswego county, and a city in the county
44 each impose sales and compensating use taxes pursuant to the authority
45 of subpart B of part one of this article, and

46 (A) neither elects to tax motor fuel and diesel motor fuel as
47 described in subdivision (m) of section eleven hundred eleven of this
48 chapter, the provisions of paragraph two of subdivisions (a) and (b) of
49 this section, EXCEPT AS OTHERWISE PROVIDED IN SUBDIVISIONS (E) THROUGH
50 (G) OF THIS SECTION, shall apply to their rates of tax on motor fuel and
51 diesel motor fuel in such city; or

52 (B) both elect to tax motor fuel and diesel motor fuel as described in
53 subdivision (m) of section eleven hundred eleven of this chapter, each
54 shall have the prior right to the taxes on such fuels as described in
55 subdivision (m) of section eleven hundred eleven of this chapter, to the
56 extent of one-half the maximum rate authorized for such county or city,

1 without regard to whether they have chosen the two dollar or three
2 dollar base on which such taxes may be imposed; or

3 (C) only one of them elects to tax motor fuel and diesel motor fuel as
4 described in subdivision (m) of section eleven hundred eleven of this
5 chapter, the one that did not make such election shall have the prior
6 right to impose taxes on such fuels described in subdivision (m) of
7 section eleven hundred eleven of this chapter, to the extent of one-half
8 the maximum rate, and the one that did make such election shall have the
9 prior right to impose taxes on such fuels described in subdivision (m)
10 of section eleven hundred eleven of this chapter, to the extent of one-
11 half the maximum rate authorized for such locality but with regard to
12 whether it chose the two dollar or three dollar base on which such taxes
13 may be imposed.

14 (2) If a county to which subdivision (c) of this section applies and a
15 city in such county each impose sales and compensating use taxes pursu-
16 ant to the authority of subpart B of part one of this article, and

17 (A) neither elects to tax motor fuel and diesel motor fuel as
18 described in subdivision (m) of section eleven hundred eleven of this
19 chapter, the provisions of subdivision (c) of this section shall apply
20 to their rates of tax on motor fuel and diesel motor fuel in such city;
21 or

22 (B) both elect to tax motor fuel and diesel motor fuel as described in
23 subdivision (m) of section eleven hundred eleven of this chapter, the
24 county shall have the prior right to impose taxes on such fuels as
25 described in subdivision (m) of section eleven hundred eleven of this
26 chapter, to the extent of two-thirds, and the city shall have the prior
27 right to impose taxes on such fuels as described in subdivision (m) of
28 section eleven hundred eleven of this chapter, to the extent of one-
29 third, of the maximum rate authorized for such county and city, without
30 regard to whether they have chosen the two dollar or three dollar base
31 on which such taxes may be imposed; or

32 (C) only one of them elects to tax motor fuel and diesel motor fuel as
33 described in subdivision (m) of section eleven hundred eleven of this
34 chapter, if the county did not make such election, it shall have the
35 prior right to impose taxes on such fuels described in subdivision (m)
36 of section eleven hundred eleven of this chapter, to the extent of two-
37 thirds the maximum rate authorized, and the city shall have the prior
38 right to impose taxes on such fuels described in subdivision (m) of
39 section eleven hundred eleven of this chapter, to the extent of one-
40 third the maximum rate authorized for such city but with regard to
41 whether it chose the two dollar or three dollar base on which such tax
42 may be imposed; and, if the city did not make the election, it shall
43 have the prior right to impose taxes on such fuels described in subdivi-
44 sion (m) of section eleven hundred eleven of this chapter, to the extent
45 of one-third the maximum rate authorized, and the county shall have the
46 prior right to impose taxes on such fuels described in subdivision (m)
47 of section eleven hundred eleven of this chapter, to the extent of two-
48 thirds the maximum rate authorized for such county but with regard to
49 whether it chose the two dollar or three dollar base on which such taxes
50 may be imposed.

51 (3) In Oswego county, references in subparagraph (A) of paragraph one
52 of subdivision [(s)] (H) of this section to tax imposed by a city in
53 such county at the maximum rate authorized or in subparagraph (B) of
54 PARAGRAPH ONE OF subdivision [(s)] (H) of this section to the taxes
55 described in subdivision (b) of section eleven hundred five of this
56 chapter shall include tax imposed by the city pursuant to any election

1 it makes under subdivision (m) of section eleven hundred eleven of this
2 chapter, regardless of whether such city chooses the two dollar or three
3 dollar base on which such tax may be imposed.

4 (4) Nothing in this subdivision or in subdivision (m) of section elev-
5 en hundred eleven of this chapter shall be construed to affect the
6 authority of a county or city to impose an additional rate of tax IN
7 EXCESS OF THREE PERCENT pursuant to this article, provided that, if a
8 county or city makes the election described in subdivision (m) of
9 section eleven hundred eleven of this chapter, such election shall apply
10 uniformly to any tax it imposes pursuant to the authority of subpart B
11 of part one of this article, including any SUCH additional rate of tax
12 it is authorized to impose.

13 (5) For purposes of this section, the terms "maximum rate authorized"
14 and "maximum rate" shall each have the same meaning as in subdivisions
15 (a)[, (b)] and [(c)] (B) of this section.

16 S 18. Paragraph 2 of subdivision (c) of section 1261 of the tax law,
17 as amended by section 9 of part SS-1 of chapter 57 of the laws of 2008,
18 is amended to read as follows:

19 (2) However, the taxes, penalties and interest from the [additional]
20 one percent rate IN EXCESS OF THREE PERCENT which the city of Yonkers is
21 authorized to impose pursuant to section twelve hundred ten of this
22 article, after the comptroller has reserved such refund fund and such
23 cost shall be paid to the special sales and compensating use tax fund
24 for the city of Yonkers established by section ninety-two-f of the state
25 finance law at the times set forth in [the preceding sentence] PARAGRAPH
26 ONE OF THIS SUBDIVISION.

27 S 19. Subdivisions (a) and (b) of section 1262-a of the tax law,
28 subdivision (a) as amended and subdivision (b) as added by chapter 617
29 of the laws of 1992, are amended to read as follows:

30 (a) In the event that the county of Tompkins and the city of Ithaca
31 both impose the same taxes described in section twelve hundred two,
32 twelve hundred three or twelve hundred ten of this [chapter] ARTICLE,
33 the county shall have power to impose or continue to impose such taxes
34 on the area of the county outside such city up to the maximum rate
35 authorized therefor. In such event, notwithstanding the provisions of
36 [the preceding] section TWELVE HUNDRED SIXTY-TWO OF THIS PART, the
37 portion of the net collections received by the county by reason of its
38 additional rate on such area (CONSIDERED WITHOUT REGARD TO THE PORTION
39 OF ANY COUNTY RATE IN EXCESS OF THREE PERCENT), shall be allocated quar-
40 terly to the towns in such area in proportion to their respective popu-
41 lations, and allocated between the towns and villages, if any village
42 elects to take its share in cash, in proportion to their respective
43 populations, determined in accordance with the latest decennial federal
44 census or special population census taken pursuant to section twenty of
45 the general municipal law completed and published prior to the end of
46 the quarter for which the allocation is made.

47 (b) Notwithstanding any other provision of law to the contrary, if the
48 county of Tompkins imposes [the additional one-half or one percent rate
49 of] tax pursuant to the [provisions] AUTHORITY of SUBDIVISION (A) OF
50 section twelve hundred ten of this article AT A RATE IN EXCESS OF THREE
51 PERCENT, the [net collections received by the] county [of Tompkins on
52 account of such additional rate during the first six months such addi-
53 tional rate is in effect] shall [be retained by the county of Tompkins
54 to be used for any county purpose. Thereafter,] RETAIN seventy-five [per
55 centum] PERCENT of net collections attributable to such [additional]
56 rate [shall be retained by the county of Tompkins] IN EXCESS OF THREE

1 PERCENT, to be used for any county purpose, and SHALL ALLOCATE the
2 remaining twenty-five [per centum] PERCENT of [such] net collections
3 [shall be allocated] FROM SUCH RATE IN EXCESS OF THREE PERCENT BETWEEN
4 THE CITY OF ITHACA AND THE AREA OF THE COUNTY OUTSIDE SUCH CITY as
5 follows:

6 (1) Where the city of Ithaca imposes [a] tax pursuant to the authority
7 of subdivision (a) of section [one thousand two] TWELVE hundred ten of
8 this article, [that portion received by] the county [on account of the
9 additional tax imposed by the county] SHALL ALLOCATE THE PORTION OF SUCH
10 NET COLLECTIONS ON ACCOUNT OF ITS RATE OF TAX IN EXCESS OF THREE PERCENT
11 within the city of Ithaca [shall be allocated] to the city of Ithaca to
12 be used for any city purpose. Where the city of Ithaca does not impose
13 [a] tax pursuant to the authority of such subdivision (a) of section
14 [one thousand two] TWELVE hundred ten the amount required to be allo-
15 cated to such city, to be used for any city purpose, shall be determined
16 in proportion to such city's population determined as a portion of the
17 county's total population as determined in accordance with the latest
18 decennial federal census or special population census taken pursuant to
19 section twenty of the general municipal law completed and published
20 prior to the end of the quarter for which the allocation is made.

21 (2) The balance of such twenty-five [per centum] PERCENT OF THE COUN-
22 TY'S NET COLLECTIONS FROM ITS TAX IMPOSED AT A RATE IN EXCESS OF THREE
23 PERCENT, after deduction of the amount allocated to the city of Ithaca
24 pursuant to paragraph one of this subdivision, shall be allocated to the
25 towns of such county, and between towns and villages, if any village
26 elects to take its share in cash, in the manner described in subdivision
27 (a) of this section with respect to the area of the county outside the
28 city of Ithaca.

29 S 20. Section 1262-e of the tax law, as amended by chapter 286 of the
30 laws of 2009, is amended to read as follows:

31 S 1262-e. [Establishment] NASSAU COUNTY - ESTABLISHMENT of local
32 government assistance programs [in Nassau county]. 1. Towns and cities.
33 Notwithstanding any other provision of law to the contrary, for [the]
34 calendar [year] YEARS beginning [on] January first, nineteen hundred
35 ninety-eight and continuing [through the calendar year beginning on
36 January first, two thousand eleven] ANNUALLY THEREAFTER, the county of
37 Nassau shall enact and establish a local government assistance program
38 for the towns and cities within such county to assist such towns and
39 cities to minimize real property taxes; defray the cost and expense of
40 the treatment, collection, management, disposal, and transportation of
41 municipal solid waste, and to comply with the provisions of chapter two
42 hundred ninety-nine of the laws of nineteen hundred eighty-three; and
43 defray the cost of maintaining conservation and environmental control
44 programs. Such special assistance program for the towns and cities with-
45 in such county and the funding for such program shall equal [one-third
46 of] the revenues received by such county from the imposition of [the
47 three-quarters percent] ITS sales and COMPENSATING use [tax during]
48 TAXES IMPOSED AT THE RATE OF ONE-QUARTER OF ONE PERCENT IN EXCESS OF
49 THREE PERCENT EACH calendar [years two thousand one, two thousand two,
50 two thousand three, two thousand four, two thousand five, two thousand
51 six, two thousand seven, two thousand eight, two thousand nine, two
52 thousand ten, and two thousand eleven additional to the regular three
53 percent rate authorized for such county in section twelve hundred ten of
54 this article] YEAR. The monies for such special local assistance shall
55 be paid and distributed to the towns and cities on a per capita basis
56 using the population figures in the latest decennial federal census.

1 Provided further, that notwithstanding any other law to the contrary,
2 the establishment of such special assistance program shall preclude any
3 city or town within such county from preempting or claiming under any
4 other section of this [chapter] ARTICLE the revenues derived from the
5 [additional] COUNTY'S FIRST THREE-QUARTERS OF ONE PERCENT RATE OF tax IN
6 EXCESS OF THREE PERCENT authorized by section twelve hundred ten of this
7 article. Provided further, that any such town or towns may, by resol-
8 ution of the town board, apportion all or a part of monies received in
9 such special assistance program to an improvement district or special
10 district account within such town or towns in order to accomplish the
11 purposes of this special assistance program.

12 2. Villages. Notwithstanding any other provision of law to the contra-
13 ry, for [the] calendar [year] YEARS beginning [on] January first, nine-
14 teen hundred ninety-eight and continuing [through the calendar year
15 beginning on January first, two thousand eleven] ANNUALLY THEREAFTER,
16 the county of Nassau, by local law, is hereby empowered to enact and
17 establish a local government assistance program for the villages within
18 such county to assist such villages to minimize real property taxes;
19 defray the cost and expense of the treatment, collection, management,
20 disposal, and transportation of municipal solid waste; and defray the
21 cost of maintaining conservation and environmental control programs. The
22 funding of such local assistance program for the villages within such
23 county may be provided by Nassau county during any calendar year in
24 which such village local assistance program is in effect and shall not
25 exceed one-sixth of the revenues [received] THE COUNTY RECEIVES from
26 [the imposition of the three-quarters percent] ITS sales and COMPENSAT-
27 ING use [tax that are remaining after the towns and cities have received
28 their funding pursuant to the provisions of subdivision one of this
29 section] TAXES IMPOSED AT THE RATE OF ONE-HALF OF ONE PERCENT IN EXCESS
30 OF THREE PERCENT. The funding for such village local assistance program
31 shall be paid and distributed to the villages on a per capita basis
32 using the population figures in the latest decennial federal census.
33 Provided further, that the establishment of such village local assist-
34 ance program shall preclude any village within such county from
35 [preempting or] claiming under any other section of this [chapter] ARTI-
36 CLE the revenues derived from the [additional] COUNTY'S FIRST
37 THREE-QUARTERS OF ONE PERCENT RATE OF tax IN EXCESS OF THREE PERCENT
38 authorized by section twelve hundred ten of this article.

39 S 21. Section 1262-g of the tax law, as amended by chapter 168 of the
40 laws of 2009, is amended to read as follows:

41 S 1262-g. [Allocation] ONEIDA COUNTY - ALLOCATION and distribution of
42 net collections from the [additional] one percent rate of sales and
43 compensating use taxes in [Oneida county] EXCESS OF THREE PERCENT.
44 Notwithstanding any contrary provision of law, if the county of Oneida
45 imposes sales and compensating use taxes at a rate which is one percent
46 [additional to] IN EXCESS OF the three percent rate, AS authorized by
47 section twelve hundred ten of this article[, as authorized by such
48 section], (a) where a city in such county imposes tax pursuant to the
49 authority of subdivision (a) of such section twelve hundred ten, such
50 county shall allocate, distribute and pay in cash quarterly to such city
51 one-half of the net collections attributable to such [additional] one
52 percent rate of the county's taxes collected in such city's boundaries;
53 (b) where a city in such county does not impose tax pursuant to the
54 authority of such subdivision (a) of such section twelve hundred ten,
55 such county shall allocate, distribute and pay in cash quarterly to such
56 city not so imposing tax a portion of the COUNTY'S net collections

1 attributable to one-half of [the county's additional] SUCH one percent
2 rate of tax calculated on the basis of the ratio which such city's popu-
3 lation bears to the county's total population, such populations as
4 determined in accordance with the latest decennial federal census or
5 special population census taken pursuant to section twenty of the gener-
6 al municipal law completed and published prior to the end of the quarter
7 for which the allocation is made, which special census must include the
8 entire area of the county; and (c) provided, however, [(1) that such
9 county shall dedicate the first five hundred thousand dollars of net
10 collections attributable to such additional one percent rate of tax
11 received by such county after the county receives in the aggregate eigh-
12 teen million five hundred thousand dollars of net collections from such
13 additional one percent rate of tax imposed for the period September
14 first, nineteen hundred ninety-two, through August thirty-first, nine-
15 teen hundred ninety-three, and the first one million five hundred thou-
16 sand dollars of such net collections after the county receives in the
17 aggregate eighteen million five hundred thousand dollars of such net
18 collections for the period September first, nineteen hundred ninety-
19 three, through August thirty-first, nineteen hundred ninety-four, to an
20 allocation on a per capita basis, utilizing figures from the latest
21 decennial federal census or special population census taken pursuant to
22 section twenty of the general municipal law, completed and published
23 prior to the end of the year for which such allocation is made, which
24 special census must include the entire area of such county, to be allo-
25 cated and distributed among the towns and cities of Oneida county by
26 appropriation of its board of legislators; and (2)] that such county
27 shall dedicate the first one million five hundred thousand dollars of
28 net collections attributable to such [additional] one percent rate of
29 tax received by such county after the county receives in the aggregate
30 eighteen million five hundred thousand dollars of net collections from
31 such [additional] one percent rate of tax imposed for any [of the peri-
32 ods: September first, nineteen hundred ninety-four, through August thir-
33 ty-first, nineteen hundred ninety-five; September first, nineteen
34 hundred ninety-five through August thirty-first, nineteen hundred nine-
35 ty-six; September first, nineteen hundred ninety-six, through August
36 thirty-first, nineteen hundred ninety-seven; September first, nineteen
37 hundred ninety-seven through August thirty-first, nineteen hundred nine-
38 ty-eight; September first, nineteen hundred ninety-eight through August
39 thirty-first, nineteen hundred ninety-nine; September first, nineteen
40 hundred ninety-nine through August thirty-first, two thousand; September
41 first, two thousand through August thirty-first, two thousand one;
42 September first, two thousand one through August thirty-first, two thou-
43 sand two; September first, two thousand two through August thirty-first,
44 two thousand three; September first, two thousand three through August
45 thirty-first, two thousand four; September first, two thousand four
46 through August thirty-first, two thousand five, September first, two
47 thousand five through August thirty-first, two thousand six; September
48 first, two thousand six through August thirty-first, two thousand seven,
49 September first, two thousand seven through August thirty-first, two
50 thousand eight; September first, two thousand eight through August thir-
51 ty-first, two thousand nine; September first, two thousand nine through
52 August thirty-first, two thousand ten; and September first, two thousand
53 ten through August thirty-first, two thousand eleven] TWELVE MONTH PERI-
54 OD COMMENCING SEPTEMBER FIRST AND ENDING THE FOLLOWING AUGUST
55 THIRTY-FIRST, to an allocation on a per capita basis, utilizing figures
56 from the latest decennial federal census or special population census

1 taken pursuant to section twenty of the general municipal law, completed
2 and published prior to the end of the year for which such allocation is
3 made, which special census must include the entire area of such county,
4 to be allocated and distributed among the towns of Oneida county by
5 appropriation of its board of legislators; provided, further, that noth-
6 ing herein shall require such board of legislators to make any such
7 appropriation until it has been notified by any town by appropriate
8 resolution and, in any case where there is a village wholly or partly
9 located within a town, a resolution of every such village, embodying the
10 agreement of such town and village or villages upon the amount of such
11 appropriation to be distributed to such village or villages out of the
12 allocation to the town or towns in which it is located.

13 S 22. Section 1262-h of the tax law, as amended by chapter 284 of the
14 laws of 2009, is amended to read as follows:

15 S 1262-h. [Allocation] STEUBEN COUNTY - ALLOCATION and distribution of
16 net collections from the [additional] one percent rate of sales and
17 compensating use taxes in [Steuben county] EXCESS OF THREE PERCENT.
18 Notwithstanding any provision of law to the contrary, of the net
19 collections received by the county of Steuben as a result of the imposi-
20 tion of the [additional] one percent rate of tax IN EXCESS OF THREE
21 PERCENT authorized by section twelve hundred ten of this article [(a)
22 during the period beginning December first, nineteen hundred ninety-
23 three and ending November thirtieth, nineteen hundred ninety-four, the
24 county of Steuben shall pay or cause to be paid to the city of Hornell
25 the sum of two hundred thousand dollars, to the city of Corning the sum
26 of three hundred thousand dollars, and the sum of five hundred thousand
27 dollars to the towns and villages of the county of Steuben, on the basis
28 of the ratio which the full valuation of real property in each town or
29 village bears to the aggregate full valuation of real property in all of
30 the towns and villages in such area. Of the net collections received by
31 the county of Steuben as a result of the imposition of said additional
32 one percent rate of tax authorized by section twelve hundred ten of this
33 article during the period beginning December first, nineteen hundred
34 ninety-four and ending November thirtieth, nineteen hundred ninety-five,
35 the county of Steuben shall pay or cause to be paid to the city of
36 Hornell the sum of three hundred thousand dollars, to the city of Corn-
37 ing the sum of four hundred fifty thousand dollars, and the sum of seven
38 hundred fifty thousand dollars to the towns and villages of the county
39 of Steuben, on the basis of the ratio which the full valuation of real
40 property in each town or village bears to the aggregate full valuation
41 of real property in all of the towns and villages in such area; and (b)
42 during the period beginning December first, nineteen hundred ninety-five
43 and ending November thirtieth, two thousand seven, the county of Steuben
44 shall annually pay or cause to be paid to the city of Hornell the sum of
45 five hundred fifty thousand dollars, to the city of Corning the sum of
46 six hundred thousand dollars, and the sum of seven hundred fifty thou-
47 sand dollars to the towns and villages of the county of Steuben, on the
48 basis of the ratio which the full valuation of real property in each
49 town or village bears to the aggregate full valuation of real property
50 in all of the towns and villages in such area; and during the period
51 beginning December first, two thousand seven and ending November thirti-
52 eth, two thousand nine, the county of Steuben shall annually pay or
53 cause to be paid to the city of Hornell the sum of six hundred ten thou-
54 sand dollars, to the city of Corning the sum of six hundred fifty thou-
55 sand dollars, and the sum of seven hundred fifty thousand dollars to the
56 towns and villages of the county of Steuben, on the basis of the ratio

1 which the full valuation of real property in each town or village bears
2 to the aggregate full valuation of real property in all of the towns and
3 villages in such area; and] during the period beginning December first,
4 two thousand [nine] ELEVEN and ending November thirtieth, two thousand
5 [eleven] TWELVE, AND CONTINUING FOR SUCH TWELVE-MONTH PERIODS THEREAFT-
6 ER, the county of Steuben shall annually pay or cause to be paid to the
7 city of Hornell the sum of seven hundred ten thousand dollars, to the
8 city of Corning the sum of seven hundred ten thousand dollars, and the
9 sum of seven hundred fifty thousand dollars to the towns and villages of
10 the county of Steuben, on the basis of the ratio which the full valu-
11 ation of real property in each town or village bears to the aggregate
12 full valuation of real property in all of the towns and villages in such
13 area.

14 S 23. Section 1262-i of the tax law, as amended by chapter 420 of the
15 laws of 2003, is amended to read as follows:

16 S 1262-i. [Allocation] TIOGA COUNTY - ALLOCATION of net collections
17 from the [additional] one percent rate of sales and compensating use
18 taxes in [the county of Tioga] EXCESS OF THREE PERCENT. Notwithstanding
19 any contrary provision of law, one-half of the net collections received
20 by the county of Tioga from the one percent RATE OF sales and compensat-
21 ing use taxes in [addition to the] EXCESS OF three percent [rate, each
22 as] authorized by section twelve hundred ten of this article[,] shall be
23 deposited in the general fund of such county and one-half of such
24 collections shall be deposited by the county of Tioga in a capital
25 reserves fund. Disbursements from such capital reserves fund shall sole-
26 ly be made for the purposes of capital projects and repaying any debts
27 incurred for such capital projects in the county of Tioga.

28 S 24. Section 1262-j of the tax law, as amended by chapter 180 of the
29 laws of 1995, subdivision (b) as amended by chapter 27 of the laws of
30 2001, subdivision (c) as amended by chapter 283 of the laws of 2009, is
31 amended to read as follows:

32 S 1262-j. [Allocation] SUFFOLK COUNTY - ALLOCATION and distribution of
33 net collections from the [additional] ONE PERCENT RATE OF sales and
34 compensating use taxes in [Suffolk county] EXCESS OF THREE PERCENT. [(a)
35 Notwithstanding any provision of law to the contrary, of the net
36 collections received by the county of Suffolk as a result of the imposi-
37 tion of up to the additional one percent rate of tax authorized by
38 section twelve hundred ten of this chapter during the period beginning
39 January first, nineteen hundred ninety-four and ending December thirty-
40 first, nineteen hundred ninety-five, the county of Suffolk shall allo-
41 cate such net collections as follows: one-eighth of the net collections
42 received shall be dedicated for public safety purposes; an appropriate
43 amount shall be used to bring the maximum funds dedicated to the sewer
44 stabilization fund to twelve million five hundred thousand dollars annu-
45 ally; and, the balance shall be deposited in the general fund of the
46 county of Suffolk.

47 (b) Notwithstanding any provision of law to the contrary, of the net
48 collections received by the county of Suffolk as a result of the
49 increase of three-quarters of one percent to the tax authorized by
50 section twelve hundred ten of this article for the period beginning
51 January first, nineteen hundred ninety-six and ending May thirty-first,
52 two thousand one, imposed by local laws or resolutions (by simple major-
53 ity) by the county legislature, and signed by the county executive, the
54 county of Suffolk shall allocate such net collections as follows: an
55 amount equal to no less than one-eighth and no more than one-quarter of
56 net collections which would be received from the imposition of a full

1 one percent rate increase, shall be dedicated for public safety purposes
2 and the balance shall be deposited in the general fund of the county of
3 Suffolk.

4 (c)] Notwithstanding any provision of law to the contrary, [of the net
5 collections received by] IF the county of Suffolk [as a result of the
6 increase] IMPOSES SALES AND COMPENSATING USE TAXES AT THE RATE of one
7 percent [to the tax] IN EXCESS OF THREE PERCENT, AS authorized by
8 section twelve hundred ten of this article [for the period beginning
9 June first, two thousand one and ending November thirtieth, two thousand
10 eleven], imposed by local laws or resolutions (by simple majority) by
11 the county legislature, and signed by the county executive, the county
12 of Suffolk shall allocate [such] net collections FROM SUCH ONE PERCENT
13 RATE IN EXCESS OF THREE PERCENT as follows: no less than one-eighth and
14 no more than three-eighths of such net collections received shall be
15 dedicated for public safety purposes and the balance shall be deposited
16 in the general fund of the county of Suffolk.

17 S 25. Subdivision (d) of section 1262-k of the tax law, as added by
18 chapter 117 of the laws of 2004, is amended to read as follows:

19 (d) Subdivisions (a) and (b) of this section shall apply only with
20 respect to taxes imposed at a rate not to exceed three percent by the
21 county of Oswego and by any city in such county and without regard to
22 any [additional] rate of tax IN EXCESS OF THREE PERCENT that such county
23 or any such city may be authorized to or does impose.

24 S 26. Section 1262-l of the tax law, as amended by chapter 155 of the
25 laws of 2009, is amended to read as follows:

26 S 1262-l. [Allocation] ROCKLAND COUNTY - ALLOCATION and distribution
27 of net collections from the [additional] ONE PERCENT rate of sales and
28 compensating use tax in [Rockland county] EXCESS OF THREE PERCENT. [1.]
29 Notwithstanding any provision of law to the contrary, if the county of
30 Rockland imposes the [additional five-eighths of] one percent rate of
31 tax IN EXCESS OF THREE PERCENT authorized by section twelve hundred ten
32 of this article [during the period beginning March] EFFECTIVE DECEMBER
33 first, two thousand [two, and ending November thirtieth, two thousand]
34 eleven AND THEREAFTER, such county shall allocate and distribute [twenty
35 percent] (1) ONE-EIGHTH of the net collections from such [additional]
36 ONE PERCENT rate to the towns and villages in the county in accordance
37 with subdivision (c) of section twelve hundred sixty-two of this part on
38 the basis of the ratio which the population of each such town or village
39 bears to such county's total population; and

40 [2. Notwithstanding any provision of law to the contrary, if the coun-
41 ty of Rockland imposes the additional three-eighths of one percent rate
42 of tax authorized by section twelve hundred ten of this article during
43 the period beginning March first, two thousand seven, and ending Novem-
44 ber thirtieth, two thousand eleven, such county shall allocate and
45 distribute sixteen and two-thirds percent] (2) ONE-EIGHTH of the net
46 collections from such [additional] ONE PERCENT rate to the general funds
47 of towns and villages within the county of Rockland with existing town
48 and village police departments [from March first, two thousand seven
49 through December thirty-first, two thousand seven and thirty-three and
50 one-third percent of the net collections from such additional rate from
51 January first, two thousand eight through November thirtieth, two thou-
52 sand eleven. The monies allocated and distributed pursuant to this
53 subdivision shall be allocated and distributed to towns and villages
54 with police departments] on the basis of the number of full-time equiv-
55 alent police officers employed by each police department and shall not
56 be used for salaries heretofore or hereafter negotiated.

1 S 27. Section 1262-l of the tax law, as added by chapter 207 of the
2 laws of 2002, is amended by adding a new subdivision (c) to read as
3 follows:

4 (C) THIS SECTION SHALL APPLY TO TAXES IMPOSED IN WARREN COUNTY ONLY AT
5 THE RATE OF THREE PERCENT OR LESS.

6 S 28. Section 1262-m of the tax law, as amended by chapter 371 of the
7 laws of 2003, is amended to read as follows:

8 S 1262-m. [Allocation] CHENANGO COUNTY - ALLOCATION of net collections
9 from the [additional] one percent rate of sales and compensating use
10 taxes in [the county of Chenango] EXCESS OF THREE PERCENT. Notwithstand-
11 ing any contrary provision of law, all net collections received by the
12 county of Chenango from the one percent RATE OF sales and compensating
13 use taxes in [addition to] EXCESS OF the three percent rate[, each as]
14 authorized by section twelve hundred ten of this article[,] shall be
15 used, in the first instance, to pay the cost of constructing and repay-
16 ing any debts incurred in the construction of the Chenango county public
17 safety building project, and any operational costs related to the
18 Chenango county public safety building. Any and all revenue derived from
19 such [additional] one percent RATE OF tax IN EXCESS OF THREE PERCENT,
20 after the construction and debt financing costs of the Chenango county
21 public safety building project annex, and any operational costs related
22 to the Chenango county public safety building are paid, shall be depos-
23 ited by the county of Chenango in a capital reserves fund. Disbursements
24 from such capital reserves fund shall solely be made for the purposes of
25 capital projects and repaying any debts incurred for such capital
26 projects in the county of Chenango.

27 S 29. Section 1262-n of the tax law, as amended by chapter 149 of the
28 laws of 2009, is amended to read as follows:

29 S 1262-n. [Disposition] NIAGARA COUNTY - DISPOSITION of net
30 collections from the [additional] one percent rate of sales and compen-
31 sating use taxes in [the county of Niagara] EXCESS OF THREE PERCENT.
32 Notwithstanding any contrary provision of law, if the county of Niagara
33 imposes the [additional] one percent rate of sales and compensating use
34 taxes IN EXCESS OF THREE PERCENT authorized by section twelve hundred
35 ten of this article for [all or] any [portion of the] period beginning
36 [March] ON OR AFTER DECEMBER first, two thousand [three and ending
37 November thirtieth, two thousand] eleven, the county shall use all net
38 collections from such [additional] one percent rate IN EXCESS OF THREE
39 PERCENT to pay the county's expenses for Medicaid[. The] AND SUCH net
40 collections [from the additional one percent rate imposed pursuant to
41 this section] shall be deposited in a special fund to be created by such
42 county separate and apart from any other funds and accounts of the coun-
43 ty. Any and all remaining net collections from such [additional] one
44 percent tax IN EXCESS OF THREE PERCENT, after the Medicaid expenses are
45 paid, shall be deposited by the county of Niagara in the general fund of
46 such county for any county purpose.

47 S 30. Section 1262-o of the tax law is REPEALED.

48 S 31. Section 1262-p of the tax law, as amended by chapter 136 of the
49 laws of 2009, is amended to read as follows:

50 S 1262-p. [Disposition] LIVINGSTON COUNTY - DISPOSITION of net
51 collections from the [additional] one percent rate of sales and compen-
52 sating use taxes in [the county of Livingston] EXCESS OF THREE PERCENT.
53 Notwithstanding any contrary provision of law, if the county of Living-
54 ston imposes the [additional] one percent rate of sales and compensating
55 use taxes IN EXCESS OF THREE PERCENT authorized by section twelve
56 hundred ten of this article for [all or] any [portion of the] period

1 beginning [June] ON OR AFTER DECEMBER first, two thousand [three and
2 ending November thirtieth, two thousand] eleven, the county shall use
3 all net collections from such [additional] one percent rate to pay the
4 county's expenses for Medicaid. The net collections from [the addi-
5 tional] SUCH one percent rate [imposed pursuant to this section] shall
6 be deposited in a special fund to be created by such county separate and
7 apart from any other funds and accounts of the county. Any and all
8 remaining net collections from such [additional] one percent [tax] RATE,
9 after the Medicaid expenses are paid, shall be deposited by the county
10 of Livingston in the general fund of such county for any county purpose.

11 S 32. Section 1262-q of the tax law, as amended by chapter 266 of the
12 laws of 2010, is amended to read as follows:

13 S 1262-q. Erie county-disposition of net collections from the one
14 percent rate of sales and compensating use taxes in excess of three
15 percent. Notwithstanding any provision of law to the contrary, OTHER
16 THAN THE PROVISIONS CONTAINED IN SECTION TWELVE HUNDRED SIXTY-TWO-T OF
17 THIS PART, if the county of Erie imposes the [additional] one percent
18 rate of sales and compensating use taxes IN EXCESS OF THREE PERCENT
19 authorized by section twelve hundred ten of this article during [the]
20 ANY period beginning January first, two thousand seven, or thereafter,
21 the county shall allocate each calendar year the first twelve million
22 five hundred thousand dollars of the net collections from such one
23 percent rate to the cities of such county and the area in such county
24 outside its cities to be applied or distributed in the same manner and
25 proportion as the net collections for such cities and area are applied
26 or distributed under the revenue distribution agreement entered into
27 pursuant to the authority of subdivision (c) of section twelve hundred
28 sixty-two of this part in effect on January first, two thousand six, and
29 subject to all provisions of such agreement governing the net
30 collections for such cities and area and shall retain the remainder of
31 such net collections for any county purpose.

32 S 33. Section 1262-r of the tax law, as added by chapter 374 of the
33 laws of 2006, is amended to read as follows:

34 S 1262-r. [Allocation] OSWEGO COUNTY - ALLOCATION and distribution of
35 certain net collections [in the county of Oswego]. Notwithstanding any
36 other provision of law to the contrary, if the city of Fulton does not
37 impose any tax pursuant to the authority of section twelve hundred ten
38 of this article: (1) the county of Oswego shall impose sales and compen-
39 sating use taxes pursuant to the authority of subdivision (a) of section
40 twelve hundred ten of this article at [the maximum rate authorized
41 therefor] A RATE OF NOT LESS THAN FOUR PERCENT; (2) such county shall,
42 by local law, ordinance or resolution, allocate and distribute monthly
43 to the city of Fulton net collections in the amount of five hundred
44 eight thousand eight hundred twenty dollars, commencing on the first day
45 of the first month in which the repeal of such city's taxes takes
46 effect, and continuing monthly unless the city of Fulton imposes tax
47 pursuant to the authority of such section twelve hundred ten; (3) such
48 monthly amount allocated and distributed to such city shall be deemed to
49 be paid from the county's net collections set aside for county purposes
50 and shall not affect the amount of net collections to be allocated and
51 distributed by the county to the area of the county outside the cities
52 in the county pursuant to subdivision (c) of section twelve hundred
53 sixty-two of this part; and (4) such county shall not be required to
54 allocate net collections to the city of Fulton pursuant to subdivision
55 (c) of such section twelve hundred sixty-two unless net collections from
56 the county's sales and compensating use taxes exceed thirty-four million

1 dollars per year, in which case the county shall allocate ten percent of
2 its net collections in excess of thirty-four million dollars on the
3 basis of population to the city of Fulton and such area of the county
4 outside the cities.

5 S 34. Subdivision (b) of section 1262-r of the tax law, as added by
6 chapter 37 of the laws of 2006, is amended to read as follows:

7 (b) [The] NOTWITHSTANDING SECTION TWELVE HUNDRED SIXTY-TWO-W OF THIS
8 PART, THE county shall allocate net collections from its taxes imposed
9 at the rate of one and one-half percent pursuant to the authority of
10 section twelve hundred ten of this article and also from [an additional]
11 THE FIRST one-eighth of one percent rate of [such] ITS taxes [authorized
12 by such section twelve hundred ten] IMPOSED IN EXCESS OF THREE PERCENT
13 during the entire period [in which such additional rate is authorized]
14 THAT THE COUNTY IMPOSES ANY RATE OF TAX IN EXCESS OF THREE PERCENT to
15 the cities, towns and villages in the county (i) on the basis of their
16 respective populations, determined in accordance with the latest decen-
17 nial federal census or special population census taken pursuant to
18 section twenty of the general municipal law, completed and published
19 prior to the end of the quarter for which the allocation is made, which
20 special census must include the entire area of the county (the "popu-
21 lation method"), or (ii) on the basis of the ratio which the full valu-
22 ation of real property in each city, town and village bears to the
23 aggregate full valuation of real property in all of the cities, towns
24 and villages in such county (the "full valuation method"), or (iii) on
25 the basis of the two thousand four base amounts described in subdivision
26 (d) of this section, or (iv) on the basis of specific amounts set aside
27 for each city in the county, or (v) on the basis of a combination of
28 such methods, provided, that the county shall apply the population meth-
29 od and the full valuation method uniformly throughout the county.

30 S 35. Section 1262-s of the tax law, as amended by chapter 111 of the
31 laws of 2009, is amended to read as follows:

32 S 1262-s. [Disposition] HERKIMER COUNTY - DISPOSITION of net
33 collections from the [additional] one-quarter of one percent rate of
34 sales and compensating use taxes in [the county of Herkimer] EXCESS OF
35 FOUR PERCENT. Notwithstanding any contrary provision of law, if the
36 county of Herkimer imposes the [additional] one-quarter of one percent
37 rate of sales and compensating use taxes IN EXCESS OF FOUR PERCENT
38 authorized by SUBDIVISION (K) OF section twelve hundred [ten-E] TEN of
39 this article for [all or] any [portion of the] period beginning ON OR
40 AFTER December first, two thousand [seven and ending November thirtieth,
41 two thousand] eleven, the county shall use all net collections from such
42 [additional] one-quarter of one percent rate to pay the county's
43 expenses for the construction of additional correctional facilities. The
44 net collections from [the additional] SUCH ONE-QUARTER OF ONE PERCENT
45 rate [imposed pursuant to section twelve hundred ten-E] shall be depos-
46 ited in a special fund to be created by such county separate and apart
47 from any other funds and accounts of the county. Any and all remaining
48 net collections from such [additional tax] ONE-QUARTER OF ONE PERCENT
49 RATE, after the expenses of such construction are paid, shall be depos-
50 ited by the county of Herkimer in the general fund of such county for
51 any county purpose.

52 S 36. The tax law is amended by adding twelve new sections 1262-t,
53 1262-u, 1262-v, 1262-w, 1262-x, 1262-y, 1262-z, 1262-aa, 1262-bb, 1262-
54 cc, 1262-dd, and 1262-ee to read as follows:

55 S 1262-T. ERIE COUNTY - NET COLLECTIONS FROM SALES AND COMPENSATING
56 USE TAXES IMPOSED AT THE RATE OF THREE-QUARTERS OF ONE PERCENT IN EXCESS

1 OF FOUR PERCENT. NOTWITHSTANDING ANY LAW TO THE CONTRARY, NET
2 COLLECTIONS FROM ERIE COUNTY'S SALES AND COMPENSATING USE TAXES IMPOSED
3 AT THE RATE OF THREE-QUARTERS OF ONE PERCENT IN EXCESS OF FOUR PERCENT
4 PURSUANT TO THE AUTHORITY OF SUBDIVISION (K) OF SECTION TWELVE HUNDRED
5 TEN OF THIS ARTICLE SHALL BE PAID TO THE COUNTY, SHALL BE USED BY THE
6 COUNTY SOLELY FOR COUNTY PURPOSES, AND SHALL NOT BE SUBJECT TO ANY
7 AGREEMENT ENTERED INTO BY THE COUNTY AND THE CITIES IN THE COUNTY UNDER
8 SUBDIVISION (C) OF SECTION TWELVE HUNDRED SIXTY-TWO OF THIS PART.

9 S 1262-U. ONEIDA COUNTY - NET COLLECTIONS FROM SALES AND COMPENSATING
10 USE TAXES IMPOSED AT THE RATE OF THREE-QUARTERS OF ONE PERCENT IN EXCESS
11 OF THREE PERCENT. NOTWITHSTANDING ANY LAW TO THE CONTRARY, NET
12 COLLECTIONS FROM ONEIDA COUNTY'S SALES AND COMPENSATING USE TAXES
13 IMPOSED AT THE RATE OF THREE-QUARTERS OF ONE PERCENT IN EXCESS OF THREE
14 PERCENT SHALL NOT BE SUBJECT TO ANY AGREEMENT ENTERED INTO BY THE COUNTY
15 AND THE CITIES IN THE COUNTY UNDER SUBDIVISION (C) OF SECTION TWELVE
16 HUNDRED SIXTY-TWO OF THIS PART.

17 S 1262-V. HERKIMER COUNTY - NET COLLECTIONS FROM SALES AND COMPENSAT-
18 ING USE TAXES IMPOSED AT THE RATE OF ONE PERCENT IN EXCESS OF THREE
19 PERCENT. NOTWITHSTANDING ANY LAW TO THE CONTRARY, HERKIMER COUNTY'S ONE
20 PERCENT RATE OF SALES AND COMPENSATING USE TAXES IN EXCESS OF THREE
21 PERCENT SHALL NOT BE SUBJECT TO PREEMPTION PURSUANT TO THE AGREEMENT
22 ENTERED INTO BETWEEN THE COUNTY OF HERKIMER AND THE CITY OF LITTLE FALLS
23 ON APRIL TWELFTH, NINETEEN HUNDRED NINETY-FOUR, AND FILED WITH THE CLERK
24 OF THE COUNTY LEGISLATURE OF THE COUNTY OF HERKIMER.

25 S 1262-W. ONTARIO COUNTY - NET COLLECTIONS FROM A PORTION OF SALES AND
26 COMPENSATING USE TAXES IMPOSED AT THE RATE OF ONE-HALF OF ONE PERCENT IN
27 EXCESS OF THREE PERCENT. NOTWITHSTANDING ANY LAW TO THE CONTRARY, AFTER
28 ONTARIO COUNTY ALLOCATES NET COLLECTIONS FROM THE FIRST ONE-EIGHTH OF
29 ONE PERCENT RATE OF ITS TAXES IN EXCESS OF THREE PERCENT PURSUANT TO THE
30 AUTHORITY OF SECTION TWELVE HUNDRED SIXTY-TWO-R OF THIS PART, THE
31 REMAINDER OF NET COLLECTIONS FROM ONTARIO COUNTY'S SALES AND COMPENSAT-
32 ING USE TAXES IMPOSED AT THE RATE OF ONE-HALF OF ONE PERCENT IN EXCESS
33 OF THREE PERCENT SHALL BE SET ASIDE FOR COUNTY PURPOSES AND SHALL NOT BE
34 SUBJECT TO ANY AGREEMENT ENTERED INTO BY THE COUNTY AND THE CITIES IN
35 THE COUNTY PURSUANT TO THE AUTHORITY OF SUBDIVISION (C) OF SECTION
36 TWELVE HUNDRED SIXTY-TWO OR SECTION TWELVE HUNDRED SIXTY-TWO-R OF THIS
37 PART.

38 S 1262-X. ALBANY COUNTY - ALLOCATION OF CERTAIN NET COLLECTIONS.
39 NOTWITHSTANDING ANY INCONSISTENT PROVISION OF LAW, IF THE COUNTY OF
40 ALBANY IMPOSES A ONE PERCENT RATE OF SALES AND COMPENSATING USE TAXES IN
41 EXCESS OF THREE PERCENT AS AUTHORIZED BY SECTION TWELVE HUNDRED TEN OF
42 THIS ARTICLE, THEN THE COUNTY OF ALBANY SHALL ALLOCATE AND DISTRIBUTE
43 NET COLLECTIONS FROM SUCH ONE PERCENT RATE IN EXCESS OF THREE PERCENT
44 QUARTERLY TO THE CITIES AND THE AREA OF THE COUNTY OUTSIDE THE CITIES IN
45 THE SAME PROPORTION THE COUNTY ALLOCATES AND DISTRIBUTES NET COLLECTIONS
46 FROM THE COUNTY'S THREE PERCENT RATE OF SUCH TAXES AS OF JULY ELEVENTH,
47 TWO THOUSAND NINE. SUCH PORTION OF NET COLLECTIONS ATTRIBUTABLE TO SUCH
48 ONE PERCENT RATE SHALL BE ALLOCATED AND DISTRIBUTED TO THE TOWNS AND
49 VILLAGES IN SUCH COUNTY IN THE SAME MANNER AS NET COLLECTIONS ATTRIBUT-
50 ABLE TO SUCH COUNTY'S THREE PERCENT RATE OF SUCH TAXES ARE ALLOCATED AND
51 DISTRIBUTED TO SUCH TOWNS AND VILLAGES AS OF THAT DATE. IF A CITY IN THE
52 COUNTY OF ALBANY EXERCISES ITS PRIOR RIGHT TO IMPOSE TAX PURSUANT TO
53 SECTION TWELVE HUNDRED TWENTY-FOUR OF THIS ARTICLE, THEN THE COUNTY
54 SHALL NOT BE REQUIRED TO ALLOCATE AND DISTRIBUTE NET COLLECTIONS IN
55 ACCORDANCE WITH THIS SECTION FOR ANY PERIOD OF TIME DURING WHICH ANY
56 SUCH CITY TAX IS IN EFFECT.

1 S 1262-Y. CLINTON COUNTY - NET COLLECTIONS FROM ADDITIONAL RATE NOT
2 SUBJECT TO AGREEMENT. NET COLLECTIONS FROM ANY RATE OF SALES AND COMPEN-
3 SATING USE TAXES CLINTON COUNTY IMPOSES IN EXCESS OF THREE PERCENT
4 DURING THE PERIOD COMMENCING DECEMBER FIRST, TWO THOUSAND SEVEN, AND
5 ENDING NOVEMBER THIRTIETH, TWO THOUSAND ELEVEN, PURSUANT TO THE AUTHORI-
6 TY OF SECTION TWELVE HUNDRED TEN OF THIS ARTICLE, SHALL BE PAID TO THE
7 COUNTY AND THE COUNTY SHALL SET ASIDE SUCH NET COLLECTIONS AND USE THEM
8 SOLELY FOR COUNTY PURPOSES. SUCH NET COLLECTIONS SHALL NOT BE SUBJECT TO
9 ANY REVENUE DISTRIBUTION AGREEMENT ENTERED INTO BY THE COUNTY AND THE
10 CITY IN THE COUNTY PURSUANT TO SUBDIVISION (C) OF SECTION TWELVE HUNDRED
11 SIXTY-TWO OF THIS PART.

12 S 1262-Z. COLUMBIA COUNTY - ALLOCATION OF CERTAIN NET COLLECTIONS.
13 NOTWITHSTANDING ANY PROVISION OF LAW TO THE CONTRARY, IF COLUMBIA COUNTY
14 IMPOSES A ONE PERCENT RATE OF SALES AND COMPENSATING USE TAXES IN EXCESS
15 OF THREE PERCENT AS AUTHORIZED BY SECTION TWELVE HUNDRED TEN OF THIS
16 ARTICLE FOR ANY PERIOD, THEN THE COUNTY SHALL ALLOCATE AND DISTRIBUTE
17 QUARTERLY TO THE CITY OF HUDSON AND THE AREA OF THE COUNTY OUTSIDE SUCH
18 CITY THE SAME PROPORTION OF NET COLLECTIONS ATTRIBUTABLE TO SUCH ONE
19 PERCENT RATE AS THE COUNTY WAS ALLOCATING AND DISTRIBUTING NET
20 COLLECTIONS FROM THE COUNTY'S THREE PERCENT RATE OF SUCH TAXES ON JANU-
21 ARY TWENTY-EIGHTH, NINETEEN HUNDRED NINETY-FIVE, AND SUCH PORTION OF NET
22 COLLECTIONS FROM SUCH ONE PERCENT RATE SHALL BE ALLOCATED AND DISTRIB-
23 UTED TO THE TOWNS AND VILLAGES IN THE COUNTY IN THE SAME MANNER AS NET
24 COLLECTIONS ATTRIBUTABLE TO THE COUNTY'S THREE PERCENT RATE OF SUCH
25 TAXES WERE ALLOCATED AND DISTRIBUTED TO SUCH TOWNS AND VILLAGES ON JANU-
26 ARY TWENTY-EIGHTH, NINETEEN HUNDRED NINETY-FIVE. IF THE CITY OF HUDSON
27 EXERCISES ITS PRIOR RIGHT TO IMPOSE A TAX PURSUANT TO SECTION TWELVE
28 HUNDRED TWENTY-FOUR OF THIS ARTICLE, THEN THE COUNTY SHALL NOT BE
29 REQUIRED TO ALLOCATE AND DISTRIBUTE NET COLLECTIONS IN ACCORDANCE WITH
30 THIS SECTION FOR ANY PERIOD DURING WHICH ANY SUCH CITY TAX IS IN EFFECT.

31 S 1262-AA. GENESEE COUNTY - ALLOCATION OF CERTAIN NET COLLECTIONS.
32 NOTWITHSTANDING ANY OTHER PROVISION OF LAW TO THE CONTRARY, IF GENESEE
33 COUNTY IMPOSES SALES AND COMPENSATING USE TAXES AT A RATE IN EXCESS OF
34 THREE PERCENT FOR ANY PERIOD, THE COUNTY SHALL ALLOCATE AND DISTRIBUTE
35 NET COLLECTIONS FROM SUCH RATE IN EXCESS OF THREE PERCENT IN THE SAME
36 MANNER AND PROPORTION AS IT DOES NET COLLECTIONS FROM SUCH TAXES IMPOSED
37 AT THE RATE OF THREE PERCENT.

38 S 1262-BB. MONROE COUNTY - ALLOCATION OF CERTAIN NET COLLECTIONS. (A)
39 NOTWITHSTANDING THE PROVISIONS OF SUBDIVISIONS (B) AND (C) OF SECTION
40 TWELVE HUNDRED SIXTY-TWO AND SECTION TWELVE HUNDRED SIXTY-TWO-G OF THIS
41 PART, NET COLLECTIONS FROM MONROE COUNTY'S SALES AND COMPENSATING USE
42 TAXES IMPOSED AT A RATE OF ONE PERCENT IN EXCESS OF THREE PERCENT, AS
43 AUTHORIZED PURSUANT TO THE AUTHORITY OF SECTION TWELVE HUNDRED TEN OF
44 THIS ARTICLE, SHALL BE ALLOCATED AND DISTRIBUTED AS FOLLOWS: FOR THE
45 PERIOD OF DECEMBER FIRST, TWO THOUSAND ELEVEN, THROUGH NOVEMBER THIRTI-
46 ETH, TWO THOUSAND TWELVE, IN CASH, FIVE PERCENT TO THE SCHOOL DISTRICTS
47 IN THE AREA OF THE COUNTY OUTSIDE THE CITY OF ROCHESTER, THREE PERCENT
48 TO THE TOWNS LOCATED WITHIN THE COUNTY, ONE AND ONE-QUARTER PERCENT TO
49 THE VILLAGES LOCATED WITHIN THE COUNTY, AND NINETY AND THREE-QUARTERS
50 PERCENT TO THE CITY OF ROCHESTER AND COUNTY OF MONROE. THE REMAINING
51 NINETY AND THREE-QUARTERS PERCENT OF NET COLLECTIONS FROM SUCH ONE
52 PERCENT RATE IN EXCESS OF THREE PERCENT SHALL BE ALLOCATED AND DISTRIB-
53 UTED TO THE CITY OF ROCHESTER OR RETAINED BY THE COUNTY SO THAT THE
54 COMBINED TOTAL ALLOCATION AND DISTRIBUTION TO THE CITY AND COMBINED
55 AMOUNT TO BE RETAINED BY THE COUNTY FROM THE COUNTY'S SALES TAX REVENUES
56 PURSUANT TO SECTIONS TWELVE HUNDRED SIXTY-TWO AND TWELVE HUNDRED SIXTY-

1 TWO-G OF THIS PART AND THIS SECTION SHALL RESULT IN THE SAME TOTAL
2 AMOUNT BEING ALLOCATED AND DISTRIBUTED TO THE CITY OF ROCHESTER AND THE
3 COUNTY. THE AMOUNT SO RETAINED BY THE COUNTY SHALL BE USED FOR COUNTY
4 PURPOSES. THE FOREGOING CASH PAYMENTS TO THE SCHOOL DISTRICTS SHALL BE
5 ALLOCATED ON THE BASIS OF THE ENROLLED PUBLIC SCHOOL PUPILS THEREOF, AS
6 SUCH TERM IS USED IN SUBDIVISION (B) OF SECTION TWELVE HUNDRED SIXTY-TWO
7 OF THIS PART, RESIDING IN THE COUNTY OF MONROE. THE CASH PAYMENTS TO
8 THE TOWNS LOCATED IN THE COUNTY OF MONROE SHALL BE ALLOCATED ON THE
9 BASIS OF THE RATIO WHICH THE POPULATION OF EACH TOWN, EXCLUSIVE OF THE
10 POPULATION OF ANY VILLAGE OR PORTION THEREOF LOCATED WITHIN A TOWN,
11 BEARS TO THE TOTAL POPULATION OF THE TOWNS LOCATED IN THE COUNTY, EXCLU-
12 SIVE OF THE POPULATION OF THE VILLAGES LOCATED IN SUCH TOWNS. THE CASH
13 PAYMENTS TO THE VILLAGES LOCATED IN THE COUNTY SHALL BE ALLOCATED ON THE
14 BASIS OF THE RATIO WHICH THE POPULATION OF EACH VILLAGE BEARS TO THE
15 TOTAL POPULATION OF THE VILLAGES LOCATED IN THE COUNTY. THE TERM POPU-
16 LATION AS USED IN THIS SECTION SHALL HAVE THE SAME MEANING AS USED IN
17 SUBDIVISION (B) OF SECTION TWELVE HUNDRED SIXTY-TWO OF THIS PART.

18 (B) NET COLLECTIONS FROM SUCH ONE PERCENT RATE IN EXCESS OF THREE
19 PERCENT SHALL NOT BE INCLUDED IN DETERMINING A SALES TAX INCREASE OR
20 DECREASE AS DEFINED IN PARAGRAPHS (C) AND (D) OF SUBDIVISION ONE OF
21 SECTION TWELVE HUNDRED SIXTY-TWO-G OF THIS PART.

22 S 1262-CC. ONONDAGA COUNTY - ALLOCATION OF CERTAIN NET COLLECTIONS.
23 NOTWITHSTANDING ANY CONTRARY PROVISION OF LAW, NET COLLECTIONS FROM THE
24 ONE PERCENT RATE OF SALES AND COMPENSATING USE TAXES IN EXCESS OF THREE
25 PERCENT ONONDAGA COUNTY MAY IMPOSE DURING THE PERIOD COMMENCING DECEMBER
26 FIRST, TWO THOUSAND ELEVEN, AND ENDING NOVEMBER THIRTIETH, TWO THOUSAND
27 TWELVE, PURSUANT TO THE AUTHORITY OF SECTION TWELVE HUNDRED TEN OF THIS
28 ARTICLE, SHALL NOT BE SUBJECT TO ANY REVENUE DISTRIBUTION AGREEMENT
29 ENTERED INTO PURSUANT TO SUBDIVISION (C) OF SECTION TWELVE HUNDRED
30 SIXTY-TWO OF THIS PART, BUT SHALL BE ALLOCATED AND DISTRIBUTED OR PAID,
31 AT LEAST QUARTERLY, AS FOLLOWS: (I) 72.70 PERCENT TO THE COUNTY FOR ANY
32 COUNTY PURPOSE; (II) 11.35 PERCENT TO THE CITY OF SYRACUSE; (III) 13.04
33 PERCENT TO THE TOWNS OF THE COUNTY ON THE BASIS OF POPULATION AND TO THE
34 VILLAGES IN THE AREA OF THE COUNTY OUTSIDE THE CITY OF SYRACUSE, IN
35 ACCORDANCE WITH SUBDIVISION (C) OF SECTION TWELVE HUNDRED SIXTY-TWO OF
36 THIS PART; AND (IV) 2.91 PERCENT TO THE SCHOOL DISTRICTS IN ACCORDANCE
37 WITH SUBDIVISION (A) OF SECTION TWELVE HUNDRED SIXTY-TWO OF THIS PART.

38 S 1262-DD. ORANGE COUNTY - NET COLLECTIONS FROM ADDITIONAL RATE NOT
39 SUBJECT TO AGREEMENT. NOTWITHSTANDING SUBDIVISION (C) OF SECTION TWELVE
40 HUNDRED SIXTY-TWO OF THIS PART, NET COLLECTIONS FROM ANY RATE OF SALES
41 AND COMPENSATING USE TAXES IN EXCESS OF THREE PERCENT IMPOSED BY ORANGE
42 COUNTY DURING THE PERIOD COMMENCING DECEMBER FIRST, TWO THOUSAND ELEVEN,
43 AND ENDING NOVEMBER THIRTIETH, TWO THOUSAND TWELVE, PURSUANT TO THE
44 AUTHORITY OF SECTION TWELVE HUNDRED TEN OF THIS ARTICLE, SHALL BE USED
45 BY THE COUNTY SOLELY FOR COUNTY PURPOSES AND SHALL NOT BE SUBJECT TO ANY
46 REVENUE DISTRIBUTION AGREEMENT ENTERED INTO PURSUANT TO THE AUTHORITY OF
47 SUBDIVISION (C) OF SECTION TWELVE HUNDRED SIXTY-TWO OF THIS PART.

48 S 1262-EE. ULSTER COUNTY - ALLOCATION OF CERTAIN NET COLLECTIONS. IF
49 ULSTER COUNTY IMPOSES SALES AND COMPENSATING USE TAXES AT A RATE IN
50 EXCESS OF THREE PERCENT PURSUANT TO THE AUTHORITY OF SECTION TWELVE
51 HUNDRED TEN OF THIS ARTICLE FOR ANY PERIOD COMMENCING DECEMBER FIRST,
52 TWO THOUSAND ELEVEN, AND ENDING NOVEMBER THIRTIETH, TWO THOUSAND TWELVE,
53 NET COLLECTIONS FROM SUCH RATE IN EXCESS OF THREE PERCENT SHALL BE
54 SUBJECT TO SUCH COUNTY'S EXISTING AGREEMENT WITH THE CITY OF KINGSTON
55 ENTERED INTO PURSUANT TO SUBDIVISION (C) OF SECTION TWELVE HUNDRED

1 SIXTY-TWO OF THIS PART AND SUCH NET COLLECTIONS SHALL BE ALLOCATED IN
2 ACCORDANCE WITH SUCH AGREEMENT.

3 S 37. This act shall take effect September 1, 2011, and shall apply in
4 accordance with the applicable transitional provisions in sections 1106
5 and 1217 of the tax law; provided that a county, city or school district
6 shall be authorized immediately after this act shall have become a law
7 to adopt or amend local laws, ordinances or resolutions to impose sales
8 and compensating use taxes at a rate in excess of the rate authorized in
9 the opening paragraph of section 1210 of the tax law, as added by
10 section one of this act, pursuant to the authority of this act to take
11 effect September 1, 2011, or thereafter, subject to the provisions of
12 subdivisions (d) and (e) of section 1210, 1211, or 1212-A or subdivi-
13 sions (e) and (f) of section 1212 of the tax law.

14 PART H

15 Section 1. This act enacts into law major components of legislation
16 relating to real property tax exemptions and rent control. Each compo-
17 nent is wholly contained within a Subpart identified as Subparts A
18 through C. The effective date for each particular provision contained
19 within such Subpart is set forth in the last section of such Subpart.
20 Any provision in any section contained within a Subpart, including the
21 effective date of the Subpart, which makes a reference to a section "of
22 this act", when used in connection with that particular component, shall
23 be deemed to mean and refer to the corresponding section of the Subpart
24 in which it is found. Section three of this act sets forth the general
25 effective date of this act.

26 SUBPART A

27 Section 1. The opening paragraph of item (A) of subparagraph (iv) of
28 paragraph (a) of subdivision 2 of section 421-a of the real property tax
29 law, as amended by chapter 618 of the laws of 2007, is amended to read
30 as follows:

31 Unless excluded by local law, in the city of New York, the benefits of
32 this subparagraph shall be available in the borough of Manhattan for new
33 multiple dwellings on tax lots now existing or hereafter created south
34 of or adjacent to either side of one hundred tenth street [which] THAT
35 commence construction after July first, nineteen hundred ninety-two [and
36 before December twenty-eighth, two thousand ten] only if:

37 S 2. Subparagraph (ii) of paragraph (c) of subdivision 2 of section
38 421-a of the real property tax law, as amended by chapter 618 of the
39 laws of 2007, is amended to read as follows:

40 (ii) construction is commenced after January first, nineteen hundred
41 seventy-five [and before December twenty-eighth, two thousand ten]
42 provided, however, that such commencement period shall not apply to
43 multiple dwellings eligible for benefits under subparagraph (iv) of
44 paragraph (a) of this subdivision;

45 S 3. Paragraph (d) of subdivision 2 of section 421-a of the real prop-
46 erty tax law, as amended by chapter 692 of the laws of 1995, is amended
47 to read as follows:

48 (d) [As of July first, nineteen hundred seventy-five] FOR ANY BUILDING
49 GRANTED TAX EXEMPTION PURSUANT TO THIS SECTION BY THE LOCAL HOUSING
50 AGENCY ON OR SUBSEQUENT TO JULY FIRST, NINETEEN HUNDRED SEVENTY-ONE, if
51 the aggregate floor area of commercial, community facility and accessory
52 use space exceeds twelve [per cent] PERCENT of the aggregate floor area,

1 as defined herein, [of any building granted tax exemption pursuant to
2 this section on or subsequent to July first, nineteen hundred seventy-
3 one] OF SUCH BUILDING, tax exemption shall be reduced by an amount equal
4 to the [per cent] PERCENT of the aggregate floor area by which the
5 aggregate floor area of commercial, community facility and accessory use
6 space exceeds twelve [per cent] PERCENT of the aggregate floor area of
7 the building provided, however, that accessory use space shall not
8 include accessory parking located not more than twenty-three feet above
9 the curb level and provided, further, that whenever a building contain-
10 ing two or more separately assessed parcels of real property has commer-
11 cial, community facility and accessory use space in excess of such
12 twelve percent, the tax arising out of the reduction in exemption for
13 such excess space shall not be apportioned pro rata among all of the
14 separately assessed parcels in the building but shall be applied first
15 to those separately assessed parcels which are unrelated to the residen-
16 tial use of the building; and only after such unrelated parcels are
17 fully taxable shall the remainder of such tax be apportioned pro rata
18 among the remaining separately assessed parcels and provided further,
19 that no such exemption for commercial, community facility and accessory
20 use space shall be applicable prior to July first, nineteen hundred
21 seventy-five. To be eligible for exemption under this section such
22 construction shall take place on land which, thirty-six months prior to
23 the commencement of such construction, was vacant, predominantly vacant,
24 under-utilized, or improved with a non-conforming use, provided that if
25 such new multiple dwelling displaces or replaces a building or buildings
26 containing more than twenty-five occupied dwelling units in existence on
27 December thirty-first, nineteen hundred seventy-four and administered
28 under the local emergency housing rent control act, the rent stabiliza-
29 tion law of nineteen hundred sixty-nine, or the emergency tenant
30 protection act of nineteen seventy-four, such new multiple dwelling
31 shall not be eligible in the city of New York unless a certificate of
32 eviction has been issued for any of the displaced or replaced units
33 pursuant to the powers granted by the city rent and rehabilitation law,
34 and that the sale, transfer or utilization of air rights over residen-
35 tial buildings that were not demolished shall not be construed as a
36 displacement or replacement of the dwelling units contained within those
37 buildings within the meaning of this subdivision.

38 S 4. Subdivision 3 of section 421-a of the real property tax law, as
39 amended by chapter 857 of the laws of 1975, the opening paragraph as
40 amended by chapter 655 of the laws of 1978, paragraph (iv) as amended by
41 chapter 703 of the laws of 1976, and such section as renumbered by chap-
42 ter 110 of the laws of 1977, is amended to read as follows:

43 3. Application forms for exemption under this section shall be filed
44 with the [assessors between February first and March fifteenth and,
45 based on the certification of the local housing agency as herein
46 provided, the assessors shall certify to the collecting officer the
47 amount of taxes to be abated] LOCAL HOUSING AGENCY, WHICH SHALL ISSUE A
48 CERTIFICATE CERTIFYING THE APPLICANT'S ELIGIBILITY PURSUANT TO SUBDIVI-
49 SIONS TWO AND FOUR OF THIS SECTION. If there be in a city of one
50 million population or more a department of housing preservation and
51 development, the term "housing agency" shall mean only such department
52 of housing preservation and development. [No such application shall be
53 accepted by the assessors unless accompanied by a certificate of the
54 local housing agency certifying the applicant's eligibility pursuant to
55 subdivisions two and four of this section.] No such certification of
56 eligibility shall be issued by the local housing agency until such agen-

1 cy determines the initial adjusted monthly rent to be paid by tenants
2 residing in rental dwelling units contained within the multiple dwelling
3 and the comparative adjusted monthly rent that would have to be paid by
4 such tenants if no tax exemption were applicable as provided by this
5 section. The initial adjusted monthly rent will be certified by the
6 local housing agency as the first rent for the subject dwelling units. A
7 copy of such certification with respect to such units shall be attached
8 by the applicant to the first effective lease or occupancy agreement.
9 The initial adjusted monthly rent shall reflect the full tax exemption
10 benefits as approved by the agency.

11 The agency shall determine the amount of the initial adjusted monthly
12 rent as follows:

13 (i) The total project cost shall be determined by adding the following
14 items:

15 (a) Land acquisition cost or purchase price, if purchased within two
16 years prior to the date on which construction or alteration is
17 commenced; or land acquisition cost or purchase price or an appraisal
18 prepared by a qualified independent appraiser, in such form as is
19 acceptable to the agency, if purchased more than two years prior to such
20 date. Land acquisition cost or purchase price, where used, shall be
21 certified to by an independent certified public accountant;

22 (b) Costs incurred in the process of preparing the site for
23 construction, including but not limited to operating losses, relocation
24 expenses, demolition expenses and carrying charges, such costs to be
25 certified by an independent certified public accountant to a date not
26 more than ninety days prior to the filing of an application for certifi-
27 cation of eligibility and the balance of such costs to be estimated;

28 (c) Construction costs for constructing or rehabilitating the multiple
29 dwelling as determined by the agency in accordance with subdivision four
30 of this section, plus such amount, if any, representing unique and
31 special costs as may be allowed by the agency for a particular multiple
32 dwelling;

33 (d) An allowance for estimated off-site costs, including but not
34 limited to architects, engineers and legal fees, interest and taxes
35 during construction, insurance, title and mortgage fees, as determined
36 by the agency in accordance with subdivision four of this section, and

37 (e) such other amounts as are ordinarily and customarily incurred in
38 connection with the construction or rehabilitation of a multiple dwell-
39 ing, as determined by the agency in accordance with subdivision four of
40 this section.

41 (ii) The total expenses of the multiple dwelling shall be determined
42 by adding the following items:

43 (a) The amount that the agency determines to be the reasonable annual
44 costs for the continuing maintenance and operation of the multiple
45 dwelling in accordance with subdivision four of this section;

46 (b) The amount that the agency determines to be an appropriate annual
47 provision for vacancies, contingency reserves and management fees in
48 accordance with subdivision four of this section.

49 (c) The projected real property taxes to be levied on the multiple
50 dwelling and the land on which it is situated at the time of estimated
51 initial occupancy;

52 (d) Fourteen (14) [per cent] PERCENT of the total project cost, as
53 hereinabove defined, which amount will include all expenses for debt
54 service; and

1 (e) Deducting from said total the estimated annual income to be
2 derived from any commercial, community facility or accessory use space
3 in the building.

4 (iii) The total expenses shall be divided by the room count to provide
5 the adjusted monthly rent per room per month.

6 (iv) The adjusted monthly rent per room per month shall be multiplied
7 by the room count of each rental dwelling unit to provide the initial
8 adjusted monthly rent for such dwelling unit. The agency may allow
9 adjustments in the initial adjusted monthly rent for any particular
10 dwelling units provided that the total of the initial adjusted monthly
11 rents for all of the rental dwelling units in a multiple dwelling shall
12 not exceed the total expenses of such multiple dwelling.

13 The agency shall determine the estimated comparative adjusted monthly
14 rent that would have to be paid if no tax exemption were applicable as
15 provided by this section by adding to the adjusted monthly rent for each
16 dwelling unit as hereinabove computed an amount equal to (a) the differ-
17 ence between the projected real property taxes which would be levied on
18 the multiple dwelling and the land on which it is situated at the time
19 estimated initial occupancy if no tax abatement were applicable as
20 provided by this section and the projected real property taxes hereina-
21 bove utilized in connection with the computation of total expenses; (b)
22 divided by the room count of the building as per this section; and (c)
23 multiplied by the applicants approved room count of each such dwelling
24 unit.

25 The local housing agency may promulgate rules and regulations to carry
26 out the provisions of this section, not inconsistent with the provisions
27 hereof, [and may require a reasonable filing fee in an amount provided
28 by such rules and regulations] INCLUDING, BUT NOT LIMITED TO, RULES AND
29 REGULATIONS RELATING TO THE FILING FEE AUTHORIZED PURSUANT TO PARAGRAPH
30 B OF SUBDIVISION FOUR OF THIS SECTION. NOTWITHSTANDING THE PROVISIONS OF
31 ANY GENERAL, SPECIAL OR LOCAL LAW, THE LOCAL HOUSING AGENCY IN A CITY OF
32 ONE MILLION OR MORE MAY REQUIRE THAT APPLICATIONS FOR EXEMPTION UNDER
33 THIS SECTION THAT ARE FILED ON OR AFTER THE EFFECTIVE DATE OF THIS ACT
34 BE FILED ELECTRONICALLY.

35 S 5. Paragraph b of subdivision 4 of section 421-a of the real proper-
36 ty tax law, as added by chapter 744 of the laws of 2004, is amended to
37 read as follows:

38 b. The local housing agency [may] SHALL require a filing fee not to
39 exceed the greater of (i) four-tenths of one percent of the total
40 project cost, or (ii) if the building will be owned as a cooperative or
41 condominium, four-tenths of one percent of the total project cost or
42 four-tenths of one percent of the total project sell-out price stated in
43 the last amendment to the offering plan accepted for filing by the
44 attorney general of the state, at the option of the applicant. Such
45 total project cost or total project sell-out price shall be determined
46 pursuant to rules promulgated by the local housing agency. Notwithstand-
47 ing the foregoing, the local housing agency may promulgate rules impos-
48 ing an additional fee if an application, or any part thereof, or
49 submission in connection therewith, is defective and such defect delays
50 the processing of such application or causes the local housing agency to
51 expend additional resources in the processing of such application.

52 S 6. Subparagraph (i) of paragraph (a) of subdivision 6 of section
53 421-a of the real property tax law, as added by chapter 110 of the laws
54 of 2005, is amended to read as follows:

55 (i) "Covered project." (A) A new building located within the Green-
56 point - Williamsburg waterfront exclusion area, (B) two or more build-

1 ings which are part of one contiguous development entirely located with-
2 in the Greenpoint - Williamsburg waterfront exclusion area, (C) two or
3 more buildings which are located within the Greenpoint - Williamsburg
4 waterfront exclusion area and are part of a single development parcel
5 specifically identified in section [62-831] 62-931 of the local zoning
6 resolution, or (D) where so authorized in writing by the local housing
7 agency, one or more buildings located within the Greenpoint - Williams-
8 burg waterfront exclusion area and one or more buildings located outside
9 the Greenpoint - Williamsburg waterfront exclusion area but within
10 Community District Number One in the borough of Brooklyn. The cumulative
11 number of affordable units located outside the Greenpoint - Williamsburg
12 waterfront exclusion area in all covered projects described in clause
13 (D) of this subparagraph shall not exceed two hundred. A building
14 located outside the Greenpoint - Williamsburg waterfront exclusion area
15 which is part of a covered project described in clause (D) of this
16 subparagraph shall not contain any affordable units with respect to
17 which an application pending before a governmental entity on the effec-
18 tive date of this subdivision or a written agreement in effect on the
19 effective date of this subdivision provided for the development of such
20 affordable units.

21 S 7. Intentionally omitted.

22 S 8. This act shall take effect immediately, provided, however, that
23 the amendments to item (A) of subparagraph (iv) of paragraph (a) of
24 subdivision 2 and subparagraph (ii) of paragraph (c) of subdivision 2 of
25 section 421-a of the real property tax law made by sections one and two
26 of this act shall be deemed to have been in full force and effect as of
27 December 28, 2010.

28

SUBPART B

29 Section 1. Section 17 of chapter 576 of the laws of 1974, amending the
30 emergency housing rent control law relating to the control of and
31 stabilization of rent in certain cases, as amended by chapter 82 of the
32 laws of 2003, is amended to read as follows:

33 S 17. Effective date. This act shall take effect immediately [and
34 shall remain in full force and effect until and including the fifteenth
35 day of June 2011]; except that sections two and three shall take effect
36 with respect to any city having a population of one million or more and
37 section one shall take effect with respect to any other city, or any
38 town or village whenever the local legislative body of a city, town or
39 village determines the existence of a public emergency pursuant to
40 section three of the emergency tenant protection act of nineteen seven-
41 ty-four, as enacted by section four of this act, and provided that the
42 housing accommodations subject on the effective date of this act to
43 stabilization pursuant to the New York city rent stabilization law of
44 nineteen hundred sixty-nine shall remain subject to such law upon the
45 expiration of this act.

46 S 2. Subdivision 2 of section 1 of chapter 274 of the laws of 1946,
47 constituting the emergency housing rent control law, is REPEALED.

48 S 3. Section 2 of chapter 329 of the laws of 1963, amending the emer-
49 gency housing rent control law relating to recontrol of rents in Albany,
50 as amended by chapter 82 of the laws of 2003, is amended to read as
51 follows:

52 S 2. This act shall take effect immediately [and the provisions of
53 subdivision 6 of section 12 of the emergency housing rent control law,

1 as added by this act, shall remain in full force and effect until and
2 including June 15, 2011].

3 S 4. Section 10 of chapter 555 of the laws of 1982, amending the
4 general business law and the administrative code of the city of New York
5 relating to conversion of residential property to cooperative or condo-
6 minium ownership in the city of New York, as amended by chapter 82 of
7 the laws of 2003, is amended to read as follows:

8 S 10. This act shall take effect immediately; provided, that [the
9 provisions of sections one, two and nine of this act shall remain in
10 full force and effect only until and including June 15, 2011; provided
11 further that] the provisions of section three of this act shall remain
12 in full force and effect only so long as the public emergency requiring
13 the regulation and control of residential rents and evictions continues
14 as provided in subdivision 3 of section 1 of the local emergency housing
15 rent control act; provided further that the provisions of sections four,
16 five, six and seven of this act shall expire in accordance with the
17 provisions of section 26-520 of the administrative code of the city of
18 New York as such section of the administrative code is, from time to
19 time, amended; provided further that the provisions of section 26-511 of
20 the administrative code of the city of New York, as amended by this act,
21 which the New York City Department of Housing Preservation and Develop-
22 ment must find are contained in the code of the real estate industry
23 stabilization association of such city in order to approve it, shall be
24 deemed contained therein as of the effective date of this act; and
25 provided further that any plan accepted for filing by the department of
26 law on or before the effective date of this act shall continue to be
27 governed by the provisions of section 352-eeee of the general business
28 law as they had existed immediately prior to the effective date of this
29 act.

30 S 5. Section 4 of chapter 402 of the laws of 1983, amending the gener-
31 al business law relating to conversions of rental residential property
32 to cooperative or condominium ownership in certain municipalities in the
33 counties of Nassau, Westchester and Rockland, as amended by chapter 82
34 of the laws of 2003, is amended to read as follows:

35 S 4. This act shall take effect immediately; provided, that [the
36 provisions of sections one and three of this act shall remain in full
37 force and effect only until and including June 15, 2011; and provided
38 further that] any plan accepted for filing by the department of law on
39 or before the effective date of this act shall continue to be governed
40 by the provisions of section 352-eee of the general business law as they
41 had existed immediately prior to the effective date of this act.

42 S 6. Subdivision 6 of section 46 of chapter 116 of the laws of 1997,
43 constituting the rent regulation reform act of 1997, is REPEALED.

44 S 7. This act shall take effect immediately.

45

SUBPART C

46 Section 1. Clause 10 of subparagraph (i) of paragraph 2 of subdivision
47 e of section 26-403 of the administrative code of the city of New York,
48 as amended by chapter 422 of the laws of 2010, is amended to read as
49 follows:

50 (10) Housing accommodations not occupied by the tenant, not including
51 subtenants or occupants, as his or her primary residence, as determined
52 by a court of competent jurisdiction. For the purposes of determining
53 primary residency, a tenant who is a victim of domestic violence, as
54 defined in section four hundred fifty-nine-a of the social services law,

1 who has left the unit because of such violence, and who asserts an
2 intent to return to the housing accommodation shall be deemed to be
3 occupying the unit as his or her primary residence. FOR PURPOSES OF
4 DETERMINING PRIMARY RESIDENCY, AS SUCH TERM IS USED IN THIS CHAPTER, THE
5 FOLLOWING SHALL APPLY: (I) THE FAILURE TO FILE A CITY RESIDENT INCOME
6 TAX RETURN BY AN INDIVIDUAL REQUIRED BY LAW TO FILE SUCH A RETURN, SHALL
7 RESULT IN A DETERMINATION THAT THE TENANT DOES NOT OCCUPY THE HOUSING
8 ACCOMMODATION AS HIS OR HER PRIMARY RESIDENCE; PROVIDED, HOWEVER, THAT
9 THIS PROVISION SHALL NOT APPLY TO AN INDIVIDUAL WHO HAS REQUESTED AN
10 EXTENSION OF TIME FOR PAYMENT OF TAX OR WHERE ANY OTHER FACTOR EXISTS
11 WHICH WOULD EXCUSE THE TIMELY FILING OF THE RETURN; PROVIDED FURTHER,
12 THAT THE TIMELY FILING OF SUCH RETURN SHALL NOT, IN AND OF ITSELF,
13 RESULT IN A DETERMINATION THAT THE INDIVIDUAL DOES OCCUPY THE HOUSING
14 ACCOMMODATION AS HIS OR HER PRIMARY RESIDENCE OR (II) A VOTE IS CAST BY
15 A TENANT DURING THEIR TENANCY IN ANY ELECTION HELD IN ACCORDANCE WITH
16 THE PROVISIONS OF THE ELECTION LAW CONDUCTED IN ANY ELECTION DISTRICT
17 OTHER THAN THE ONE DESIGNATED FOR THE HOUSING ACCOMMODATION LOCATED IN
18 THE CITY SHALL RESULT IN A DETERMINATION THAT THE TENANT DOES NOT OCCUPY
19 THE HOUSING ACCOMMODATION AS HIS OR HER PRIMARY RESIDENCE. No action or
20 proceeding shall be commenced seeking to recover possession on the
21 ground that a housing accommodation is not occupied by the tenant as his
22 or her primary residence unless the owner or lessor shall have given
23 thirty days notice to the tenant of his or her intention to commence
24 such action or proceeding on such grounds.

25 S 2. Subparagraph (f) of paragraph 1 of subdivision a of section
26 26-504 of the administrative code of the city of New York, as amended by
27 chapter 422 of the laws of 2010, is amended to read as follows:

28 (f) not occupied by the tenant, not including subtenants or occupants,
29 as his or her primary residence, as determined by a court of competent
30 jurisdiction[, provided, however that no]. FOR PURPOSES OF DETERMINING
31 PRIMARY RESIDENCY, AS SUCH TERM IS USED IN THIS CHAPTER, THE FOLLOWING
32 SHALL APPLY: (I) THE FAILURE TO FILE A CITY RESIDENT INCOME TAX RETURN
33 BY AN INDIVIDUAL REQUIRED BY LAW TO FILE SUCH A RETURN, SHALL RESULT IN
34 A DETERMINATION THAT THE TENANT DOES NOT OCCUPY THE HOUSING ACCOMMO-
35 DATION AS HIS OR HER PRIMARY RESIDENCE; PROVIDED, HOWEVER, THAT THIS
36 PROVISION SHALL NOT APPLY TO AN INDIVIDUAL WHO HAS REQUESTED AN EXTEN-
37 SION OF TIME FOR PAYMENT OF TAX OR WHERE ANY OTHER FACTOR EXISTS WHICH
38 WOULD EXCUSE THE TIMELY FILING OF SUCH RETURN; PROVIDED FURTHER, THAT
39 THE TIMELY FILING OF SUCH RETURN SHALL NOT, IN AND OF ITSELF, RESULT IN
40 A DETERMINATION THAT THE INDIVIDUAL DOES OCCUPY THE HOUSING ACCOMMO-
41 DATION AS HIS OR HER PRIMARY RESIDENCE OR (II) A VOTE CAST BY A TENANT
42 DURING TENANCY IN ANY ELECTION HELD IN ACCORDANCE WITH THE PROVISIONS OF
43 THE ELECTION LAW CONDUCTED IN ANY ELECTION DISTRICT OTHER THAN THE ONE
44 DESIGNATED FOR THE HOUSING ACCOMMODATION LOCATED IN THE CITY SHALL
45 RESULT IN A FINDING THAT THE TENANT DOES NOT OCCUPY THE UNIT AS HIS OR
46 HER PRIMARY RESIDENCE. NO action or proceeding shall be commenced seek-
47 ing to recover possession on the ground that a housing accommodation is
48 not occupied by the tenant as his or her primary residence unless the
49 owner or lessor shall have given thirty days notice to the tenant of his
50 or her intention to commence such action or proceeding on such grounds.
51 SUCH ACTION OR PROCEEDING MAY BE BROUGHT AT ANY TIME DURING THE COURSE
52 OF A TENANT'S LEASE OR ANY RENEWAL LEASE. IN THE EVENT AN ACTION OR
53 PROCEEDING IS COMMENCED PRIOR TO THE DATE THAT AN OFFER OF A RENEWAL
54 LEASE IS OTHERWISE REQUIRED TO BE MADE BY THE OWNER TO THE TENANT, THE
55 COMMENCEMENT OF SUCH ACTION OR PROCEEDING SHALL SUBSTITUTE FOR THE
56 SERVICE OF ANY OTHER NOTICE PERTAINING TO SUCH RENEWAL, INCLUDING BUT

1 NOT LIMITED TO A NOTICE OF NON-RENEWAL OF SUCH LEASE. For the purposes
2 of determining primary residency, a tenant who is a victim of domestic
3 violence, as defined in section four hundred fifty-nine-a of the social
4 services law, who has left the unit because of such violence, and who
5 asserts an intent to return to the housing accommodation shall be deemed
6 to be occupying the unit as his or her primary residence. For the
7 purposes of this subparagraph where a housing accommodation is rented to
8 a not-for-profit hospital for residential use, affiliated subtenants
9 authorized to use such accommodations by such hospital shall be deemed
10 to be tenants, or

11 S 3. Paragraph 11 of subdivision a of section 5 of section 4 of chap-
12 ter 576 of the laws of 1974, constituting the emergency tenant
13 protection act of nineteen seventy-four, as amended by chapter 422 of
14 the laws of 2010, is amended to read as follows:

15 (11) housing accommodations which are not occupied by the tenant, not
16 including subtenants or occupants, as his or her primary residence, as
17 determined by a court of competent jurisdiction. FOR PURPOSES OF DETER-
18 MINING PRIMARY RESIDENCY, AS SUCH TERM IS USED IN THIS ACT, THE FOLLOW-
19 ING SHALL APPLY: (I) THE FAILURE TO FILE A STATE RESIDENT INCOME TAX
20 RETURN BY AN INDIVIDUAL REQUIRED BY LAW TO FILE SUCH A RETURN, SHALL
21 RESULT IN A DETERMINATION THAT THE TENANT DOES NOT OCCUPY THE HOUSING
22 ACCOMMODATION AS HIS OR HER PRIMARY RESIDENCE; PROVIDED, HOWEVER, THAT
23 THIS PROVISION SHALL NOT APPLY TO AN INDIVIDUAL WHO HAS REQUESTED AN
24 EXTENSION OF TIME FOR PAYMENT OF TAX OR WHERE ANY OTHER FACTOR EXISTS
25 WHICH WOULD EXCUSE THE TIMELY FILING OF THE RETURN; PROVIDED FURTHER,
26 THAT THE TIMELY FILING OF SUCH RETURN SHALL NOT, IN AND OF ITSELF,
27 RESULT IN A DETERMINATION THAT THE INDIVIDUAL DOES OCCUPY THE HOUSING
28 ACCOMMODATION AS HIS OR HER PRIMARY RESIDENCE OR (II) A VOTE CAST BY A
29 TENANT DURING TENANCY IN ANY ELECTION HELD IN ACCORDANCE WITH THE
30 PROVISIONS OF THE ELECTION LAW CONDUCTED IN ANY ELECTION DISTRICT OTHER
31 THAN THE ONE DESIGNATED FOR THE HOUSING ACCOMMODATION LOCATED IN THE
32 CITY OF NEW YORK SHALL RESULT IN A FINDING THAT THE TENANT DOES NOT
33 OCCUPY THE HOUSING ACCOMMODATION AS HIS OR HER PRIMARY RESIDENCE. SUCH
34 ACTION OR PROCEEDING MAY BE BROUGHT AT ANY TIME DURING THE COURSE OF A
35 TENANT'S LEASE OR ANY RENEWAL LEASE. IN THE EVENT AN ACTION OR PROCEED-
36 ING IS COMMENCED PRIOR TO THE DATE THAT AN OFFER OF A RENEWAL LEASE IS
37 OTHERWISE REQUIRED TO BE MADE BY THE OWNER TO THE TENANT, THE COMMENCE-
38 MENT OF SUCH ACTION OR PROCEEDING SHALL SUBSTITUTE FOR THE SERVICE OF
39 ANY OTHER NOTICE PERTAINING TO SUCH RENEWAL, INCLUDING BUT NOT LIMITED
40 TO A NOTICE OF NON-RENEWAL OF SUCH LEASE. For the purposes of determin-
41 ing primary residency, a tenant who is a victim of domestic violence, as
42 defined in section four hundred fifty-nine-a of the social services law,
43 who has left the unit because of such violence, and who asserts an
44 intent to return to the housing accommodation shall be deemed to be
45 occupying the unit as his or her primary residence. For the purposes of
46 this paragraph, where a housing accommodation is rented to a not-for-
47 profit hospital for residential use, affiliated subtenants authorized to
48 use such accommodations by such hospital shall be deemed to be tenants.
49 No action or proceeding shall be commenced seeking to recover possession
50 on the ground that a housing accommodation is not occupied by the tenant
51 as his or her primary residence unless the owner or lessor shall have
52 given thirty days notice to the tenant of his or her intention to
53 commence such action or proceeding on such grounds.

54 S 4. This act shall take effect immediately.

55 S 2. Severability clause. If any clause, sentence, paragraph, subdivi-
56 sion, section or part of this act shall be adjudged by any court of

1 competent jurisdiction to be invalid, such judgment shall not affect,
2 impair, or invalidate the remainder thereof, but shall be confined in
3 its operation to the clause, sentence, paragraph, subdivision, section
4 or part thereof directly involved in the controversy in which such judg-
5 ment shall have been rendered. It is hereby declared to be the intent of
6 the legislature that this act would have been enacted even if such
7 invalid provisions had not been included herein.

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

11 PART I

12 Section 1. The real property tax law is amended by adding a new
13 section 421-l to read as follows:

14 S 421-L. EXEMPTION OF CERTAIN PRIVATE HOMES FROM LOCAL TAXATION. 1.
15 FOR PURPOSES OF THIS SECTION, THE FOLLOWING TERMS SHALL HAVE THE FOLLOW-
16 ING MEANINGS:

17 (A) "COMMENCE CONSTRUCTION" SHALL MEAN THAT THE AGENCY OR DEPARTMENT
18 OF THE CITY HAVING JURISDICTION HAS ISSUED A PERMIT FOR CONSTRUCTION OF
19 A PRIVATE HOME AND SUCH WORK HAS BEGUN IN GOOD FAITH IN ACCORDANCE WITH
20 SUCH PERMIT ON OR BEFORE APRIL FIRST, TWO THOUSAND FOURTEEN.

21 (B) "COMPLETE CONSTRUCTION" SHALL MEAN THAT THE AGENCY OR DEPARTMENT
22 OF THE CITY HAVING JURISDICTION HAS ISSUED A TEMPORARY OR PERMANENT
23 CERTIFICATE OF OCCUPANCY FOR ALL RESIDENTIAL AREAS OF THE PRIVATE HOME.

24 (C) "ELIGIBLE PROJECT" SHALL MEAN A NEWLY CONSTRUCTED PRIVATE HOME,
25 INCLUDING BOTH LAND AND IMPROVEMENTS, TO BE OCCUPIED AS A RESIDENCE FOR
26 THE FIRST TIME, WHICH COMMENCES CONSTRUCTION ON OR AFTER JULY FIRST, TWO
27 THOUSAND TEN AND ON OR BEFORE DECEMBER THIRTY-FIRST, TWO THOUSAND FOUR-
28 TEEN, AND COMPLETES CONSTRUCTION NO LATER THAN DECEMBER THIRTY-FIRST,
29 TWO THOUSAND SIXTEEN, AND WHICH IS DESIGNED AND OCCUPIED EXCLUSIVELY FOR
30 RESIDENTIAL PURPOSES.

31 (D) "EXEMPTION COMMENCEMENT DATE" SHALL MEAN THE FIRST TAXABLE STATUS
32 DATE AFTER THE LATER TO OCCUR OF THE COMPLETION OF SUCH CONSTRUCTION OR
33 THE SALE TO THE INITIAL PURCHASER OR, IN THE CASE OF A PRIVATE HOME IN A
34 CONDOMINIUM FORM OF OWNERSHIP, THE FIRST TAXABLE STATUS DATE AFTER THE
35 LATER TO OCCUR OF THE COMPLETION OF SUCH CONSTRUCTION OR THE SALE TO THE
36 FIRST INITIAL PURCHASER OF A CONDOMINIUM DWELLING UNIT IN SUCH PRIVATE
37 HOME.

38 (E) "INITIAL PURCHASER" SHALL MEAN THE FIRST PURCHASER OF A NEWLY
39 CONSTRUCTED PRIVATE HOME OR, IN THE CASE OF A PRIVATE HOME IN A CONDO-
40 MINIUM FORM OF OWNERSHIP, THE FIRST PURCHASER OF EACH DWELLING UNIT IN
41 SUCH NEWLY CONSTRUCTED PRIVATE HOME.

42 (F) "LOCAL HOUSING AGENCY" SHALL MEAN AN "AGENCY" AS DEFINED PURSUANT
43 TO SECTION SIX HUNDRED NINETY-TWO OF THE GENERAL MUNICIPAL LAW.

44 (G) "PURCHASE PRICE" SHALL MEAN THE ACTUAL PURCHASE PRICE TO BE PAID
45 FOR THE PRIVATE HOME BY THE INITIAL PURCHASER.

46 (H) "MAXIMUM PURCHASE PRICE" SHALL MEAN THE PURCHASE PRICE OF A
47 PRIVATE HOME WHICH, IF EXCEEDED, WILL MAKE ANY EXEMPTION PURSUANT TO
48 THIS SECTION UNAVAILABLE.

49 (I) "MAXIMUM PURCHASE PRICE LIMITS" SHALL MEAN THE STATE OF NEW YORK
50 MORTGAGE AGENCY LOW INTEREST RATE MORTGAGE PROGRAM IN THE NON-TARGET
51 CATEGORY FOR THE COUNTY WHERE SUCH PROPERTY IS LOCATED, OR IN THE CASE
52 OF AN INDIVIDUAL CONDOMINIUM UNIT, FOUR HUNDRED THOUSAND DOLLARS.

53 (J) "MULTIPLE DWELLING" SHALL MEAN A MULTIPLE DWELLING WITHIN THE
54 MEANING OF SECTION FOUR OF THE MULTIPLE DWELLING LAW.

1 (K) "PRIVATE HOME" SHALL MEAN AN OWNER OCCUPIED PRIVATE OR MULTIPLE
2 DWELLING CONTAINING NOT MORE THAN THREE DWELLING UNITS, AS INDICATED ON
3 THE CERTIFICATE OF OCCUPANCY FOR SUCH STRUCTURE.

4 2. (A) WITHIN A CITY HAVING A POPULATION OF ONE MILLION OR MORE, AN
5 ELIGIBLE PROJECT SHALL BE EXEMPT FROM ALL LOCAL AND MUNICIPAL TAXES,
6 OTHER THAN ASSESSMENTS FOR LOCAL IMPROVEMENTS, DURING THE TAX YEAR OR
7 YEARS NEXT FOLLOWING THE EXEMPTION COMMENCEMENT DATE AS FOLLOWS: WITH
8 RESPECT TO PRIVATE HOMES CONTAINING LESS THAN FOUR DWELLING UNITS, TWO
9 YEARS OF EXEMPTION FROM ALL SUCH TAXES; FOLLOWED BY ONE YEAR OF
10 EXEMPTION FROM SEVENTY-FIVE PERCENT OF SUCH TAXES; FOLLOWED BY ONE YEAR
11 OF EXEMPTION FROM SIXTY-TWO AND ONE-HALF PERCENT OF SUCH TAXES; FOLLOWED
12 BY ONE YEAR OF EXEMPTION FROM FIFTY PERCENT OF SUCH TAXES; FOLLOWED BY
13 ONE YEAR OF EXEMPTION FROM THIRTY-SEVEN AND ONE-HALF PERCENT OF SUCH
14 TAXES; FOLLOWED BY ONE YEAR OF EXEMPTION FROM TWENTY-FIVE PERCENT OF
15 SUCH TAXES; AND FOLLOWED BY ONE YEAR OF EXEMPTION FROM TWELVE AND
16 ONE-HALF PERCENT OF SUCH TAXES.

17 (B) NOTWITHSTANDING THE PROVISIONS OF PARAGRAPH (A) OF THIS SUBDIVI-
18 SION, EXEMPTION FROM LOCAL AND MUNICIPAL TAXES UNDER THIS SECTION SHALL
19 NOT BE AVAILABLE TO THE TAX LOT (LAND AND IMPROVEMENTS) UPON WHICH A
20 PRIVATE HOME IS CONSTRUCTED IF ANY PORTION OF SUCH TAX LOT (LAND AND
21 IMPROVEMENTS): (I) IS EXEMPT FROM LOCAL AND MUNICIPAL TAXES UNDER ANY
22 OTHER PROVISION OF LAW; OR (II) CONTAINS A PRIVATE HOME THAT EXCEEDS THE
23 MAXIMUM PURCHASE PRICE OR AN INDIVIDUAL CONDOMINIUM UNIT THAT EXCEEDS A
24 PURCHASE PRICE OF FOUR HUNDRED THOUSAND DOLLARS; OR (III) PREVIOUSLY
25 CONTAINED A PRIVATE OR MULTIPLE DWELLING THAT HAS BEEN FULLY DEMOLISHED
26 OR REMOVED, AND LESS THAN THREE YEARS HAVE ELAPSED BETWEEN THE DATE OF
27 ISSUANCE OF THE PERMIT AUTHORIZING SUCH DEMOLITION AND REMOVAL AND THE
28 DATE THAT THE NEW PRIVATE HOME COMMENCES CONSTRUCTION.

29 (C) NOTWITHSTANDING THE PROVISIONS OF PARAGRAPH (A) OF THIS SUBDIVI-
30 SION, THE TAX LOT (LAND AND IMPROVEMENTS) UPON WHICH THE PRIVATE HOME IS
31 CONSTRUCTED SHALL AT ALL TIMES BE SUBJECT TO LOCAL AND MUNICIPAL TAXES
32 IN AN AMOUNT NOT LESS THAN THE AMOUNT OF LOCAL AND MUNICIPAL TAXES THAT
33 WOULD BE PAYABLE THEREON BASED UPON THE ASSESSED VALUATION OF THE LAND
34 APPEARING ON THE ASSESSMENT ROLL IN THE FIRST YEAR AFTER COMPLETION OF
35 CONSTRUCTION.

36 3. (A) BASED ON THE CERTIFICATION OF THE LOCAL HOUSING AGENCY PURSUANT
37 TO THIS SECTION CERTIFYING ELIGIBILITY FOR EXEMPTION PURSUANT TO THIS
38 SECTION, THE DEPARTMENT OF FINANCE OF THE CITY OF NEW YORK SHALL IMPLE-
39 MENT THE AMOUNT OF EXEMPTION FROM LOCAL AND MUNICIPAL TAXES.

40 (B) THE LOCAL HOUSING AGENCY MAY PROMULGATE RULES AND REGULATIONS TO
41 CARRY OUT THE PROVISIONS OF THIS SECTION AND MAY REQUIRE PAYMENT OF A
42 NON-REFUNDABLE FILING FEE IN THE AMOUNT OF TWO HUNDRED DOLLARS PER
43 DWELLING UNIT FOR EACH APPLICATION FOR TAX EXEMPTION PURSUANT TO THIS
44 SECTION.

45 (C) UPON A FINDING BY THE LOCAL HOUSING AGENCY OR BY ANOTHER AGENCY
46 DESIGNATED BY SUCH LOCAL HOUSING AGENCY THAT A PRIVATE HOME IS NOT BEING
47 USED FOR RESIDENTIAL PURPOSES, IS THE SUBJECT OF A VIOLATION FOR AN
48 ILLEGAL OCCUPANCY, OR NOT OWNER OCCUPIED, EXEMPTION FROM TAXATION UNDER
49 THIS SECTION SHALL BE REVOKED AND SHALL TERMINATE PROSPECTIVELY;
50 PROVIDED, HOWEVER, THAT IN THE CASE OF AN ILLEGAL OCCUPANCY, THE OWNER
51 SHALL REPAY ALL TAXES, WITH INTEREST, FROM WHICH SUCH PRIVATE HOME WAS
52 EXEMPTED AND SUCH AMOUNT, IF UNPAID, SHALL BECOME A TAX LIEN AGAINST THE
53 PROPERTY.

54 S 2. This act shall take effect immediately, and no exemption shall be
55 allowed pursuant to this act for any construction which is commenced
56 after April 1, 2014.

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

10 S 3. This act shall take effect immediately provided, however, that
11 the applicable effective date of Parts A through I of this act shall be
12 as specifically set forth in the last section of such Parts.