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I N A S S E M B L Y

January 22, 2013

A BUDGET BILL, submitted by the Governor pursuant to article seven of the Constitution -- read once and referred to the Committee on Ways and Means -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- again reported from said committee with amendments, ordered reprinted as amended and recommitted to said committee -- again reported from said committee with amendments, ordered reprinted as amended and recommitted to said committee

AN ACT in relation to school district eligibility for an increase in apportionment of school aid and implementation of standards for conducting annual professional performance reviews to determine teacher and principal effectiveness; to amend the education law, in relation to accountability of school districts, the financing of charter schools, annual professional performance review plans, apportionment of school aid, calculation of the gap elimination restoration amount, establishment of a community schools and extended learning time grant program; to amend part A of chapter 57 of the laws of 2012, relating to school district eligibility for an increase in apportionment of school aid and implementation of new standards for conducting annual professional performance reviews to determine teacher and principal effectiveness in relation to the effectiveness of certain provisions thereof; to amend chapter 756 of the laws of 1992 relating to funding a program for work force education conducted by the consortium for worker education in New York city, in relation to apportionment and reimbursement; and in relation to extending the expiration of certain provisions; to amend chapter 169 of the laws of 1994 relating to certain provisions related to the 1994-95 state operations, aid to localities, capital projects and debt service budgets; to amend chapter 82 of the laws of 1995, amending the education law and certain other laws relating to state aid to school districts and the appropriation of funds for the support of government; to amend chapter 147 of the laws of 2001 amending the education law relating to conditional appointment of school district, charter school or BOCES employees; to amend chapter 425 of the laws of 2002 amending the education law relating to the provision of supplemental educational services, attendance at a safe public school and the suspension of pupils who bring a firearm to or possess a firearm at a school; to amend chapter

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

LBD12572-05-3

101 of the laws of 2003 amending the education law relating to implementation of the No Child Left Behind Act of 2001, in relation to extending the expiration of certain provisions of such chapters; to amend chapter 472 of the laws of 1998 amending the education law relating to the lease of school buses by school districts, in relation to extending the provisions of such chapter; in relation to school bus driver training; in relation to the support of public libraries; to provide special apportionment for salary expenses; to provide special apportionment for public pension expenses; in relation to suballocation of certain education department accruals; in relation to purchases by the city school district of Rochester; to amend the education law, in relation to providing transportation after 4 pm for students in NYC; to amend chapter 33 of the laws of 2002, relating to granting the commissioner of education and the education department additional authority over the Roosevelt union free school district, in relation to making certain technical amendments thereto; to amend the education law, in relation to school aid; to amend the general municipal law, in relation to the employee benefit accrued liability reserve fund; and to amend part A of chapter 57 of the laws of 2012 amending the education law relating to transportation to students who remain at school until 4pm or later; and providing for the repeal of certain provisions relating to the suballocation of certain education department accruals (Part A); to amend chapter 58 of the laws of 2006 enacting the "city of Syracuse and the board of education of the city school district of the city of Syracuse cooperative school reconstruction act", in relation to the powers and duties of the joint schools construction board of the city of Syracuse and the city school district (Part A-1); intentionally omitted (Part B); to amend chapter 57 of the laws of 2005 amending the labor law and other laws implementing the state fiscal plan for the 2005-2006 state fiscal year, relating to the New York state higher education capital matching grant program for independent colleges, in relation to the New York state higher education matching grant program for independent colleges and the effectiveness thereof (Part C); intentionally omitted (Part D); to amend the social services law, in relation to increasing the standards of monthly need for aged, blind and disabled persons living in the community (Part E); intentionally omitted (Part F); to amend the executive law and the social services law, in relation to consolidating the youth development and delinquency prevention program and the special delinquency prevention program; and to repeal subdivision 1 of section 420 of the executive law relating thereto (Part G); intentionally omitted (Part H); to amend the executive law, the public health law and the social services law, in relation to the merger of the office of the welfare inspector general with the office of the inspector general; and to repeal certain provisions of the executive law relating thereto (Part I); intentionally omitted (Part J); to amend the private housing finance law, in relation to the community preservation program; and to repeal articles 16 and 17 of such law relating thereto (Part K); to amend the public authorities law, in relation to modernizing the investment powers of the state of New York mortgage agency and the New York state housing finance agency (Part L); in relation to utilizing reserves in the project pool insurance account of the mortgage insurance fund for various housing purposes (Part M); to amend the labor law, in relation to the New York state data center program; and to repeal certain provisions of the economic development law relating thereto (Part N); to amend the labor law, in

relation to increasing unemployment insurance benefits and contributions, to entitlement and eligibility criteria, to work search requirements, to relieving employers of charges for separations caused by misconduct and voluntarily leaving employment without good cause, to reduction of benefits based on pensions and dismissal pay, to enhanced penalties, in relation to fraudulently obtained benefits and new penalties for employers who cause overpayments by failing to timely and accurately respond to information about claims, to approving employer shared work benefit plans, and to the interest assessment surcharge; and to amend chapter 62 of the laws of 2003, amending the state finance law and other laws relating to authorizing and directing the state comptroller to loan money to certain funds and accounts, in relation to the effectiveness thereof; to repeal certain provisions of the labor law relating thereto; and providing for the repeal of certain provisions upon expiration thereof (Part O); intentionally omitted (Part P); to amend the civil service law, in relation to the expiration of paragraph (d) of subdivision 4 of section 209 of such law (Part Q); to amend the racing, pari-mutuel wagering and breeding law, in relation to labor peace agreements (Part R); to amend the education law, in relation to the SUNY challenge grant program (Part S); to amend the social services law, in relation to the twelve month work exemption for certain parents or relatives providing child care (Part T); to amend the education law, in relation to creating the New York DREAM fund commission; eligibility requirements and conditions governing general awards, academic performance awards and student loans; eligibility requirements for assistance under the higher education opportunity programs and the collegiate science and technology entry program; financial aid opportunities for students of the state university of New York, the city university of New York and community colleges; and the program requirements for the New York state college choice tuition savings program; and to repeal subdivision 3 of section 661 of such law relating thereto (Part U); to amend chapter 420 of the laws of 2002 amending the education law relating to the profession of social work; chapter 676 of the laws of 2002 amending the education law relating to the practice of psychology; chapter 130 of the laws of 2010 amending the education law and other laws relating to the registration of entities providing certain professional services and the licensure of certain professions, in relation to reporting requirements and expiration dates; and to amend the education law, in relation to licensure and continuing education of social workers and mental health counselors (Part V); to amend the education law, in relation to dental health certificates for students (Part W); to amend the education law, in relation to the performance of medical services (Part X); and to amend the education law, in relation to establishing the nurse practitioners modernization act; and providing for the repeal of such provisions upon the expiration thereof (Part Y)

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

1 Section 1. This act enacts into law major components of legislation
2 which are necessary to implement the state fiscal plan for the 2013-2014
3 state fiscal year. Each component is wholly contained within a Part
4 identified as Parts A through Y. The effective date for each particular
5 provision contained within such Part is set forth in the last section of

1 such Part. Any provision in any section contained within a Part, includ-
2 ing the effective date of the Part, which makes a reference to a section
3 "of this act", when used in connection with that particular component,
4 shall be deemed to mean and refer to the corresponding section of the
5 Part in which it is found. Section three of this act sets forth the
6 general effective date of this act.

7

PART A

8 Section 1. 1. As used in this section: "base year" shall mean the
9 base year as defined in paragraph b of subdivision 1 of section 3602 of
10 the education law.

11 2. Notwithstanding any inconsistent provision of law, no school
12 district shall be eligible for an apportionment of general support for
13 public schools from the funds appropriated for the 2013-2014 school year
14 and the 2014-2015 school year in excess of the amount apportioned to
15 such school district in the base year unless such school district has
16 submitted documentation that has been approved by the commissioner of
17 education by January 15, 2014 and January 15, 2015, demonstrating that
18 it has fully implemented the standards and procedures for conducting
19 annual professional performance reviews of classroom teachers and build-
20 ing principals in accordance with the requirements of section 3012-c of
21 the education law and the commissioner of education's regulations.

22 3. Any apportionment withheld in the 2013-2014 school year and/or the
23 2014-2015 school year for a district's failure to submit documentation
24 that has been approved by the commissioner of education by January 15,
25 2014 and January 15, 2015, demonstrating that it has fully implemented
26 the standards and procedures for conducting annual professional perform-
27 ance reviews of classroom teachers and building principals in accordance
28 with the requirements of section 3012-c of the education law and the
29 commissioner of education's regulations, shall not occur prior to April
30 1, 2014 and/or April 1, 2015 and shall not have any affect on the base
31 year calculation for use in the subsequent school year.

32 4. If any payments of ineligible amounts pursuant to subdivision 2 of
33 this section were made, and the school district has not submitted
34 documentation that has been approved by the commissioner of education by
35 January 15, 2014 and January 15, 2015 demonstrating that it has fully
36 implemented the standards and procedures for conducting annual profes-
37 sional performance reviews of classroom teachers and building principals
38 in accordance with the requirements of section 3012-c of the education
39 law and the regulations of the commissioner of education, the total
40 amount of such payments shall be deducted by the commissioner of educa-
41 tion from future payments to the school district; provided further that,
42 if the amount of the deduction is greater than the sum of the amounts
43 available for such deductions in the applicable school year, the remain-
44 der of the deduction shall be withheld from payments scheduled to be
45 made to the school district pursuant to section 3609-a of the education
46 law for the subsequent school year.

47 S 2. Intentionally omitted.

48 S 3. Section 317 of the education law, as added by chapter 170 of the
49 laws of 1994, is amended to read as follows:

50 S 317. General education development AND HIGH SCHOOL EQUIVALENCY
51 [exam] EXAMS. Notwithstanding any provision of law, no fee shall be
52 established for admission to the general education development EXAM OR
53 ANY exam THAT WOULD AWARD A HIGH SCHOOL EQUIVALENCY DIPLOMA.

1 S 4. Subdivision 2 of section 2116-b of the education law, as added by
2 chapter 263 of the laws of 2005, is amended to read as follows:

3 2. School districts of less than eight teachers, school districts with
4 actual general fund expenditures totaling less than five million dollars
5 in the previous school year, or school districts with actual enrollment
6 of less than [three hundred] ONE THOUSAND students in the previous
7 school year shall be exempt from this requirement. Any school district
8 claiming such exemption shall annually certify to the commissioner that
9 such school district meets the requirements set forth in this subdivi-
10 sion. ANY SCHOOL DISTRICT WITH ACTUAL ENROLLMENT OF LESS THAN ONE THOU-
11 SAND STUDENTS IN THE PREVIOUS SCHOOL YEAR THAT HAS ESTABLISHED AN INTER-
12 NAL AUDIT FUNCTION MAY DISCONTINUE SUCH FUNCTION, UPON NOTICE TO THE
13 STATE COMPTROLLER AND THE COMMISSIONER.

14 S 5. Paragraph (a) of subdivision 1 of section 2856 of the education
15 law, as amended by section 21 of part A of chapter 58 of the laws of
16 2011, is amended to read as follows:

17 (a) The enrollment of students attending charter schools shall be
18 included in the enrollment, attendance, membership and, if applicable,
19 count of students with disabilities of the school district in which the
20 pupil resides. The charter school shall report all such data to the
21 school districts of residence in a timely manner. Each school district
22 shall report such enrollment, attendance and count of students with
23 disabilities to the department. The school district of residence shall
24 pay directly to the charter school for each student enrolled in the
25 charter school who resides in the school district the charter school
26 basic tuition, which shall be:

27 (i) for school years prior to the two thousand nine--two thousand ten
28 school year and for school years following the [two thousand twelve--two
29 thousand thirteen] TWO THOUSAND THIRTEEN--TWO THOUSAND FOURTEEN school
30 year, an amount equal to one hundred percent of the amount calculated
31 pursuant to paragraph f of subdivision one of section thirty-six hundred
32 two of this chapter for the school district for the year prior to the
33 base year increased by the percentage change in the state total approved
34 operating expense calculated pursuant to paragraph t of subdivision one
35 of section thirty-six hundred two of this chapter from two years prior
36 to the base year to the base year;

37 (ii) for the two thousand nine--two thousand ten school year, the
38 charter school basic tuition shall be the amount payable by such
39 district as charter school basic tuition for the two thousand eight--two
40 thousand nine school year;

41 (iii) for the two thousand ten--two thousand eleven through [two thou-
42 sand twelve--two thousand thirteen] TWO THOUSAND THIRTEEN--TWO THOUSAND
43 FOURTEEN school years, the charter school basic tuition shall be the
44 basic tuition computed for the two thousand ten--two thousand eleven
45 school year pursuant to the provisions of subparagraph (i) of this para-
46 graph, PROVIDED, HOWEVER, THAT FOR A SCHOOL DISTRICT WITH A TOTAL RESI-
47 DENT PUBLIC SCHOOL DISTRICT ENROLLMENT FOR THE BASE YEAR IN EXCESS OF
48 NINE THOUSAND PUPILS, WHERE THE QUOTIENT OF THE BASE YEAR RESIDENT
49 PUPILS ENROLLED IN CHARTER SCHOOLS OTHER THAN CHARTER SCHOOLS CONVERTED
50 FROM AN EXISTING PUBLIC SCHOOL AND FORMED BY A SCHOOL DISTRICT AS A
51 CHARTER ENTITY PURSUANT TO PARAGRAPH (A) OF SUBDIVISION THREE OF SECTION
52 TWENTY-EIGHT HUNDRED FIFTY-ONE OF THIS ACT, DIVIDED BY THE TOTAL RESI-
53 DENT PUBLIC SCHOOL DISTRICT ENROLLMENT, IS TWENTY PERCENT OR MORE, BASED
54 ON DATA ON FILE WITH THE COMMISSIONER AND IN THE DATABASE USED BY THE
55 COMMISSIONER TO PRODUCE AN UPDATED ELECTRONIC DATA FILE ON FEBRUARY
56 FIFTEENTH, TWO THOUSAND THIRTEEN PURSUANT TO PARAGRAPH B OF SUBDIVISION

1 TWENTY-ONE OF SECTION THREE HUNDRED FIVE OF THIS CHAPTER, THE CHARTER
2 SCHOOL BASIC TUITION SHALL BE THE BASIC TUITION COMPUTED FOR THE TWO
3 THOUSAND NINE--TWO THOUSAND TEN SCHOOL YEAR PURSUANT TO THE PROVISIONS
4 OF SUBPARAGRAPH (II) OF THIS PARAGRAPH.

5 S 6. Paragraph (a) of subdivision 1 of section 2856 of the education
6 law, as amended by section 22 of part A of chapter 58 of the laws of
7 2011, is amended to read as follows:

8 (a) The enrollment of students attending charter schools shall be
9 included in the enrollment, attendance and, if applicable, count of
10 students with disabilities of the school district in which the pupil
11 resides. The charter school shall report all such data to the school
12 districts of residence in a timely manner. Each school district shall
13 report such enrollment, attendance and count of students with disabili-
14 ties to the department. The school district of residence shall pay
15 directly to the charter school for each student enrolled in the charter
16 school who resides in the school district the charter school basic
17 tuition which shall be:

18 (i) for school years prior to the two thousand nine--two thousand ten
19 school year and for school years following the [two thousand twelve--two
20 thousand thirteen] TWO THOUSAND THIRTEEN--TWO THOUSAND FOURTEEN school
21 year, an amount equal to one hundred percent of the amount calculated
22 pursuant to paragraph f of subdivision one of section thirty-six hundred
23 two of this chapter for the school district for the year prior to the
24 base year increased by the percentage change in the state total approved
25 operating expense calculated pursuant to paragraph t of subdivision one
26 of section thirty-six hundred two of this chapter from two years prior
27 to the base year to the base year;

28 (ii) for the two thousand nine--two thousand ten school year, the
29 charter school basic tuition shall be the amount payable by such
30 district as charter school basic tuition for the two thousand eight--two
31 thousand nine school year;

32 (iii) for the two thousand ten--two thousand eleven through [two thou-
33 sand twelve--two thousand thirteen] TWO THOUSAND THIRTEEN--TWO THOUSAND
34 FOURTEEN school years, the charter school basic tuition shall be the
35 basic tuition computed for the two thousand ten--two thousand eleven
36 school year pursuant to the provisions of subparagraph (i) of this para-
37 graph, PROVIDED, HOWEVER, THAT FOR A SCHOOL DISTRICT WITH A TOTAL RESI-
38 DENT PUBLIC SCHOOL DISTRICT ENROLLMENT FOR THE BASE YEAR IN EXCESS OF
39 NINE THOUSAND PUPILS, WHERE THE QUOTIENT OF THE BASE YEAR RESIDENT
40 PUPILS ENROLLED IN CHARTER SCHOOLS OTHER THAN CHARTER SCHOOLS CONVERTED
41 FROM AN EXISTING PUBLIC SCHOOL AND FORMED BY A SCHOOL DISTRICT AS A
42 CHARTER ENTITY PURSUANT TO PARAGRAPH (A) OF SUBDIVISION THREE OF SECTION
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44 DENT PUBLIC SCHOOL DISTRICT ENROLLMENT, IS TWENTY PERCENT OR MORE, BASED
45 ON DATA ON FILE WITH THE COMMISSIONER AND IN THE DATABASE USED BY THE
46 COMMISSIONER TO PRODUCE AN UPDATED ELECTRONIC DATA FILE ON FEBRUARY
47 FIFTEENTH, TWO THOUSAND THIRTEEN PURSUANT TO PARAGRAPH B OF SUBDIVISION
48 TWENTY-ONE OF SECTION THREE HUNDRED FIVE OF THIS CHAPTER, THE CHARTER
49 SCHOOL BASIC TUITION SHALL BE THE BASIC TUITION COMPUTED FOR THE TWO
50 THOUSAND NINE--TWO THOUSAND TEN SCHOOL YEAR PURSUANT TO THE PROVISIONS
51 OF SUBPARAGRAPH (II) OF THIS PARAGRAPH.

52 S 7. Subdivision 2 of section 3012-c of the education law is amended
53 by adding a new paragraph 1 to read as follows:

54 L. (1) NOTWITHSTANDING ANY PROVISION OF LAW, RULE OR REGULATION TO THE
55 CONTRARY, BY THE WEDNESDAY FOLLOWING THE FIRST FRIDAY IN MAY OF EACH
56 YEAR, IF SUCH SCHOOL DISTRICT IN A CITY WITH A POPULATION OF ONE MILLION

1 OR MORE DOES NOT HAVE AN ANNUAL PROFESSIONAL PERFORMANCE REVIEW PLAN FOR
2 THE FOLLOWING SCHOOL YEAR APPROVED BY THE COMMISSIONER OR DETERMINED
3 PURSUANT TO THIS PARAGRAPH, SUCH SCHOOL DISTRICT AND THE COLLECTIVE
4 BARGAINING REPRESENTATIVES REPRESENTING CLASSROOM TEACHERS AND/OR BUILD-
5 ING PRINCIPALS SHALL SUBMIT WRITTEN EXPLANATIONS OF THEIR RESPECTIVE
6 POSITIONS REGARDING SUCH ISSUES TO THE COMMISSIONER BY SUCH DATE.

7 (2) BY THE WEDNESDAY PRECEDING THE LAST FRIDAY IN MAY OF EACH YEAR, IF
8 SUCH SCHOOL DISTRICT DOES NOT HAVE AN ANNUAL PROFESSIONAL PERFORMANCE
9 REVIEW PLAN FOR THE FOLLOWING SCHOOL YEAR APPROVED BY THE COMMISSIONER
10 OR DETERMINED PURSUANT TO THIS PARAGRAPH, THE COMMISSIONER SHALL CONDUCT
11 AN ARBITRATION PROCEEDING IN ORDER TO SETTLE SUCH DISPUTE AND SHALL HOLD
12 NO MORE THAN TWO DAYS OF HEARINGS ON THE STANDARDS AND PROCEDURES NECES-
13 SARY TO IMPLEMENT AN ANNUAL PROFESSIONAL PERFORMANCE REVIEW PLAN PURSU-
14 ANT TO THIS SECTION. THE PARTIES MAY BE HEARD EITHER IN PERSON, BY COUN-
15 SEL, OR BY SUCH REPRESENTATIVES AS THEY MAY DESIGNATE. THE PARTIES MAY
16 PRESENT, ORALLY OR IN WRITING, STATEMENTS OF FACT, SUPPORTING WITNESSES
17 AND OTHER EVIDENCE, AND ARGUMENTS. THE COMMISSIONER MAY REQUIRE THE
18 PRODUCTION OF SUCH ADDITIONAL EVIDENCE FROM THE PARTIES AND SHALL
19 PROVIDE, AT THE REQUEST OF EITHER PARTY, THAT A FULL AND COMPLETE RECORD
20 BE KEPT OF ANY SUCH HEARINGS, THE COST OF SUCH RECORD TO BE SHARED
21 EQUALLY BY THE PARTIES. IN ALL OTHER RESPECTS NOT INCONSISTENT WITH THE
22 PROVISIONS OF THIS PARAGRAPH, SUCH ARBITRATION PROCEEDING SHALL BE
23 GOVERNED BY ARTICLE SEVENTY-FIVE OF THE CIVIL PRACTICE LAW AND RULES.

24 (3) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, RULE OR REGULATION TO
25 THE CONTRARY, AFTER SUCH HEARING, THE COMMISSIONER SHALL RENDER A FINAL
26 AND BINDING WRITTEN DETERMINATION ON OR BEFORE JUNE FIRST OF EACH YEAR,
27 PRESCRIBING SUCH STANDARDS AND PROCEDURES NECESSARY TO IMPLEMENT AN
28 ANNUAL PROFESSIONAL PERFORMANCE REVIEW PLAN PURSUANT TO THIS SECTION
29 EFFECTIVE FOR THE FOLLOWING SCHOOL YEAR FOR A TERM TO BE DETERMINED BY
30 THE COMMISSIONER. SUCH DETERMINATION SHALL BE LIMITED TO THE REQUIRE-
31 MENTS OF THIS SECTION. IN ADDITION, SUCH DETERMINATION SHALL BE
32 CONSISTENT WITH AND SIMILAR TO THOSE PLANS SUBMITTED BY SCHOOL DISTRICTS
33 AND APPROVED BY THE COMMISSIONER PURSUANT TO PARAGRAPH K OF THIS SUBDI-
34 VISION, INCLUDING BUT NOT LIMITED TO THE TERM OF SUCH PLAN. THE COMMIS-
35 SIONER SHALL SPECIFY IN HIS OR HER DETERMINATION THE BASIS FOR HIS OR
36 HER FINDINGS, TAKING INTO CONSIDERATION ALL RELEVANT FACTORS, INCLUDING
37 THE BEST INTEREST OF STUDENTS. SUCH DETERMINATION SHALL BE DEEMED TO
38 CONSTITUTE THE SUBMISSION BY SUCH SCHOOL DISTRICT OF DOCUMENTATION
39 DEMONSTRATING THAT IT HAS FULLY IMPLEMENTED THE STANDARDS AND PROCEDURES
40 FOR CONDUCTING ANNUAL PROFESSIONAL PERFORMANCE REVIEWS OF CLASSROOM
41 TEACHERS AND BUILDING PRINCIPALS IN ACCORDANCE WITH THE REQUIREMENTS OF
42 THIS SECTION AND FINAL APPROVAL OF SUCH SCHOOL DISTRICT'S ANNUAL PROFES-
43 SIONAL PERFORMANCE REVIEW PLAN IN ACCORDANCE WITH PARAGRAPH K OF THIS
44 SUBDIVISION.

45 (4) NO LATER THAN TEN DAYS AFTER RECEIPT OF THE COMMISSIONER'S DETER-
46 MINATION, THE PARTIES MAY MAKE AN APPLICATION TO THE NEW YORK STATE
47 SUPREME COURT TO VACATE OR MODIFY THE DETERMINATION OF THE COMMISSIONER
48 PURSUANT TO SECTION SEVENTY-FIVE HUNDRED ELEVEN OF THE CIVIL PRACTICE
49 LAW AND RULES. THE COURT'S REVIEW SHALL BE LIMITED TO THE GROUNDS SET
50 FORTH IN SUCH SECTION. THE COMMISSIONER'S DETERMINATION SHALL BE DEEMED
51 TO BE FINAL FOR THE PURPOSE OF SUCH PROCEEDING. IN NO CASE SHALL THE
52 FILING OR THE PENDENCY OF AN APPEAL DELAY THE IMPLEMENTATION OF THE
53 COMMISSIONER'S DETERMINATION.

54 (5) NOTHING IN THIS PARAGRAPH SHALL RESTRICT THE ABILITY OF A SCHOOL
55 DISTRICT IN A CITY WITH A POPULATION OF ONE MILLION OR MORE AND THE
56 COLLECTIVE BARGAINING REPRESENTATIVES REPRESENTING CLASSROOM TEACHERS

1 AND/OR BUILDING PRINCIPALS FROM ENTERING INTO A NEW OR AMENDED AGREEMENT
2 TO IMPLEMENT AN ANNUAL PROFESSIONAL PERFORMANCE REVIEW PLAN PURSUANT TO
3 THIS SECTION. ANY NEW OR AMENDED AGREEMENT MUST BE SUBMITTED TO THE
4 COMMISSIONER PURSUANT TO PARAGRAPH K OF THIS SUBDIVISION FOR HIS OR HER
5 APPROVAL AND SHALL BE APPROVED PROVIDED THAT SUCH TERMS OF THE AGREEMENT
6 ARE CONSISTENT WITH THE PROVISIONS OF THIS SECTION AND THE REGULATIONS
7 OF THE COMMISSIONER.

8 S 8. The closing paragraph of subdivision 5-a of section 3602 of the
9 education law, as amended by section 27 of part A of chapter 58 of the
10 laws of 2011, is amended to read as follows:

11 For the two thousand eight--two thousand nine school year, each school
12 district shall be entitled to an apportionment equal to the product of
13 fifteen percent and the additional apportionment computed pursuant to
14 this subdivision for the two thousand seven--two thousand eight school
15 year. For the two thousand nine--two thousand ten through two thousand
16 [twelve] FOURTEEN--two thousand [thirteen] FIFTEEN school years, each
17 school district shall be entitled to an apportionment equal to the
18 amount set forth for such school district as "SUPPLEMENTAL PUB EXCESS
19 COST" under the heading "2008-09 BASE YEAR AIDS" in the school aid
20 computer listing produced by the commissioner in support of the budget
21 for the two thousand nine--two thousand ten school year and entitled
22 "SA0910".

23 S 9. Paragraph bb of subdivision 1 of section 3602 of the education
24 law, as added by section 25 of part A of chapter 58 of the laws of 2011,
25 is amended to read as follows:

26 bb. "Personal income growth index" shall mean (1) for the two thousand
27 twelve--two thousand thirteen school year, the average of the quotients
28 for each year in the period commencing with the two thousand five--two
29 thousand six state fiscal year and finishing with the two thousand nine-
30 -two thousand ten state fiscal year of the total personal income of the
31 state for each such year divided by the total personal income of the
32 state for the immediately preceding state fiscal year, but not less than
33 one and (2) for the two thousand thirteen--two thousand fourteen school
34 year and each school year thereafter, the quotient of the total personal
35 income of the state for the state fiscal year one year prior to the
36 state fiscal year in which the base year commenced divided by the total
37 personal income of the state for the immediately preceding state fiscal
38 year, but not less than one, PROVIDED HOWEVER, (3) FOR THE TWO THOUSAND
39 FOURTEEN--TWO THOUSAND FIFTEEN SCHOOL YEAR AND EACH SCHOOL YEAR THERE-
40 AFTER CONTINGENT ON THE AVAILABILITY OF APPROPRIATIONS, THE AVERAGE,
41 ROUNDED TO THREE DECIMAL PLACES, OF THE GREATER OF FOR EACH STATE FISCAL
42 YEAR IN THE TEN-YEAR PERIOD FINISHING WITH THE STATE FISCAL YEAR TWO
43 YEARS PRIOR TO THE STATE FISCAL YEAR IN WHICH THE BASE YEAR COMMENCED
44 THE QUOTIENT OF THE TOTAL PERSONAL INCOME OF THE STATE DIVIDED BY THE
45 TOTAL PERSONAL INCOME OF THE STATE FOR THE IMMEDIATELY PRECEDING STATE
46 FISCAL YEAR, ROUNDED TO THREE DECIMAL PLACES, OR ONE.

47 S 9-a. Paragraphs dd and ee of subdivision 1 of section 3602 of the
48 education law, as amended by section 5 of part A of chapter 57 of the
49 laws of 2012, are amended to read as follows:

50 dd. "Allowable growth amount" shall mean FOR THE 2012-13 SCHOOL YEAR
51 AND THE 2014-15 SCHOOL YEAR AND THEREAFTER, the product of the positive
52 difference of the personal income growth index minus one, multiplied by
53 the statewide total of the sum of (1) the apportionments, including the
54 gap elimination adjustment, due and owing during the base year,
55 [commencing with the base year computed for the two thousand twelve--two
56 thousand thirteen school year,] to school districts and boards of coop-

1 erative educational services from the general support for public schools
2 as computed based on an electronic data file used to produce the school
3 aid computer listing produced by the commissioner in support of the
4 enacted budget for the base year plus (2) the competitive awards amount
5 for the base year, AND FOR THE 2013-14 SCHOOL YEAR, THE POSITIVE DIFFER-
6 ENCE OF (1) THE STATEWIDE TOTAL OF THE SUM OF (I) THE APPORTIONMENTS,
7 INCLUDING THE GAP ELIMINATION ADJUSTMENT, DUE AND OWING DURING THE
8 2013-14 SCHOOL YEAR, TO SCHOOL DISTRICTS AND BOARDS OF COOPERATIVE
9 EDUCATIONAL SERVICES FROM THE GENERAL SUPPORT FOR PUBLIC SCHOOLS PLUS
10 (II) THE COMPETITIVE AWARDS AMOUNT FOR THE 2013-14 SCHOOL YEAR MINUS (2)
11 THE STATEWIDE TOTAL OF THE SUM OF (I) THE APPORTIONMENTS, INCLUDING THE
12 GAP ELIMINATION ADJUSTMENT, DUE AND OWING DURING THE 2012-13 SCHOOL
13 YEAR, TO SCHOOL DISTRICTS AND BOARDS OF COOPERATIVE EDUCATIONAL SERVICES
14 FROM THE GENERAL SUPPORT FOR PUBLIC SCHOOLS PLUS (II) THE COMPETITIVE
15 AWARDS AMOUNT FOR THE 2012-13 SCHOOL YEAR, AS COMPUTED BASED ON AN ELEC-
16 TRONIC DATA FILE USED TO PRODUCE THE SCHOOL AID COMPUTER LISTING
17 PRODUCED BY THE COMMISSIONER IN SUPPORT OF THE ENACTED BUDGET FOR THE
18 2013-14 STATE FISCAL YEAR.

19 ee. "Competitive awards amount" shall mean, for the two thousand
20 twelve--two thousand thirteen state fiscal year AND THE TWO THOUSAND
21 FOURTEEN--TWO THOUSAND FIFTEEN STATE FISCAL YEAR and thereafter, fifty
22 million dollars AND FOR THE TWO THOUSAND THIRTEEN--TWO THOUSAND FOURTEEN
23 STATE FISCAL YEAR TWENTY-FIVE MILLION DOLLARS.

24 S 10. Subdivision 12 of section 3602 of the education law, as amended
25 by section 35 of part A of chapter 58 of the laws of 2011, is amended to
26 read as follows:

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

39 For the two thousand nine--two thousand ten through two thousand
40 [twelve] FOURTEEN--two thousand [thirteen] FIFTEEN school years, each
41 school district shall be entitled to an apportionment equal to the
42 amount set forth for such school district as "EDUCATION GRANTS, ACADEMIC
43 EN" under the heading "2008-09 BASE YEAR AIDS" in the school aid comput-
44 er listing produced by the commissioner in support of the budget for the
45 two thousand nine--two thousand ten school year and entitled "SA0910",
46 and such apportionment shall be deemed to satisfy the state obligation
47 to provide an apportionment pursuant to subdivision eight of section
48 thirty-six hundred forty-one of this article.

49 S 10-a. Subparagraph 4 of paragraph g of subdivision 3 of section 3602
50 of the education law, as amended by section 13 of part B of chapter 57
51 of the laws of 2008, is amended to read as follows:

52 (4) a value computed by subtracting from fifty-one hundredths the
53 product obtained by multiplying the combined wealth ratio by twenty-two
54 hundredths, provided, however, that for the purpose of computing the
55 state sharing ratio for total foundation aid, the tier four value shall
56 be computed by subtracting from fifty-one hundredths the product

1 obtained by multiplying the combined wealth ratio by one hundred seven-
2 ty-three thousandths and such values shall be computed using the
3 combined wealth ratio for total foundation aid in place of the combined
4 wealth ratio, and, for high need school districts, as determined pursu-
5 ant to clause (c) of subparagraph two of paragraph c of subdivision six
6 of this section for the school aid computer listing produced by the
7 commissioner in support of the enacted budget for the two thousand
8 seven--two thousand eight school year and entitled "SA0708", such values
9 shall be multiplied by one hundred five percent, PROVIDED FURTHER THAT
10 FOR THE TWO THOUSAND THIRTEEN--TWO THOUSAND FOURTEEN SCHOOL YEAR, FOR
11 ANY SUCH HIGH NEED SCHOOL DISTRICT WITH A PUBLIC SCHOOL DISTRICT ENROLL-
12 MENT FOR THE BASE YEAR, AS DEFINED PURSUANT TO PARAGRAPH N OF SUBDIVI-
13 SION ONE OF THIS SECTION, GREATER THAN TWENTY THOUSAND, SUCH VALUE SHALL
14 BE MULTIPLIED BY ONE HUNDRED TWELVE AND FIVE-TENTHS PERCENT.

15 S 10-b. Subdivision 4 of section 3602 of the education law, as amended
16 by section 26 of part A of chapter 58 of the laws of 2011, the opening
17 paragraph, subparagraph 1 of paragraph b and the closing paragraph of
18 subparagraph 2 of paragraph b as amended by section 6-a of part A of
19 chapter 57 of the laws of 2012, paragraph b-1 as amended by section 10
20 of part A of chapter 97 of the laws of 2011, is amended to read as
21 follows:

22 4. Total foundation aid. In addition to any other apportionment
23 pursuant to this chapter, a school district, other than a special act
24 school district as defined in subdivision eight of section four thousand
25 one of this chapter, shall be eligible for total foundation aid equal to
26 the product of total aidable foundation pupil units multiplied by the
27 district's selected foundation aid, which shall be the greater of five
28 hundred dollars (\$500) or foundation formula aid, provided, however that
29 for the two thousand seven--two thousand eight through two thousand
30 eight--two thousand nine school years, no school district shall receive
31 total foundation aid in excess of the sum of the total foundation aid
32 base for aid payable in the two thousand seven--two thousand eight
33 school year computed pursuant to subparagraph (i) of paragraph j of
34 subdivision one of this section, plus the phase-in foundation increase
35 computed pursuant to paragraph b of this subdivision, and provided
36 further that for the two thousand twelve--two thousand thirteen school
37 year [and thereafter], no school district shall receive total foundation
38 aid in excess of the sum of the total foundation aid base for aid paya-
39 ble in the two thousand eleven--two thousand twelve school year computed
40 pursuant to paragraph j of subdivision one of this section, plus the
41 phase-in foundation increase computed pursuant to paragraph b of this
42 subdivision, AND PROVIDED FURTHER THAT FOR THE TWO THOUSAND
43 THIRTEEN--TWO THOUSAND FOURTEEN SCHOOL YEAR AND THEREAFTER, NO SCHOOL
44 DISTRICT SHALL RECEIVE TOTAL FOUNDATION AID IN EXCESS OF THE SUM OF THE
45 TOTAL FOUNDATION AID BASE COMPUTED PURSUANT TO PARAGRAPH J OF SUBDIVI-
46 SION ONE OF THIS SECTION, PLUS THE PHASE-IN FOUNDATION INCREASE COMPUTED
47 PURSUANT TO PARAGRAPH B OF THIS SUBDIVISION and provided further that
48 total foundation aid shall not be less than the product of the total
49 foundation aid base computed pursuant to paragraph j of subdivision one
50 of this section and THE DUE-MINIMUM PERCENT WHICH SHALL BE, FOR THE TWO
51 THOUSAND TWELVE--TWO THOUSAND THIRTEEN SCHOOL YEAR, one hundred and
52 six-tenths percent (1.006) AND FOR THE TWO THOUSAND THIRTEEN--TWO THOU-
53 SAND FOURTEEN SCHOOL YEAR, FOR ANY SCHOOL DISTRICT WITH A PUBLIC SCHOOL
54 DISTRICT ENROLLMENT FOR THE BASE YEAR, AS DEFINED PURSUANT TO PARAGRAPH
55 N OF SUBDIVISION ONE OF THIS SECTION, GREATER THAN SEVEN THOUSAND AND A
56 THREE-YEAR AVERAGE FREE AND REDUCED PRICE LUNCH PERCENT AS COMPUTED

1 PURSUANT TO PARAGRAPH P OF SUBDIVISION ONE OF THIS SECTION GREATER THAN
 2 SIXTY PERCENT (0.6), ONE HUNDRED ONE AND FIFTY-EIGHT HUNDREDTHS PERCENT
 3 (1.0158) AND FOR ANY OTHER SCHOOL DISTRICT, ONE HUNDRED AND SIX-TENTHS
 4 PERCENT (1.006), subject to allocation pursuant to the provisions of
 5 subdivision eighteen of this section and any provisions of a chapter of
 6 the laws of New York as described therein, nor more than the product of
 7 such total foundation aid base and one hundred fifteen percent, and
 8 provided further that for the two thousand nine--two thousand ten
 9 through two thousand eleven--two thousand twelve school years, each
 10 school district shall receive total foundation aid in an amount equal to
 11 the amount apportioned to such school district for the two thousand
 12 eight--two thousand nine school year pursuant to this subdivision. Total
 13 aidable foundation pupil units shall be calculated pursuant to paragraph
 14 g of subdivision two of this section. For the purposes of calculating
 15 aid pursuant to this subdivision, aid for the city school district of
 16 the city of New York shall be calculated on a citywide basis.

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

22 (1) The foundation amount shall reflect the average per pupil cost of
 23 general education instruction in successful school districts, as deter-
 24 mined by a statistical analysis of the costs of special education and
 25 general education in successful school districts, provided that the
 26 foundation amount shall be adjusted annually to reflect the percentage
 27 increase in the consumer price index as computed pursuant to section two
 28 thousand twenty-two of this chapter, provided that for the two thousand
 29 eight--two thousand nine school year, for the purpose of such adjust-
 30 ment, the percentage increase in the consumer price index shall be
 31 deemed to be two and nine-tenths percent (0.029), and provided further
 32 that the foundation amount for the two thousand seven--two thousand
 33 eight school year shall be five thousand two hundred fifty-eight
 34 dollars, and provided further that for the two thousand seven--two thou-
 35 sand eight through two thousand fifteen--two thousand sixteen school
 36 years, the foundation amount shall be further adjusted by the phase-in
 37 foundation percent established pursuant to paragraph b of this subdivi-
 38 sion.

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

45	Labor Force Region	Index
46	Capital District	1.124
47	Southern Tier	1.045
48	Western New York	1.091
49	Hudson Valley	1.314
50	Long Island/NYC	1.425
51	Finger Lakes	1.141
52	Central New York	1.103
53	Mohawk Valley	1.000
54	North Country	1.000

55 (3) The pupil need index shall equal the sum of one plus the extraor-
 56 dinary needs percent, provided, however, that the pupil need index shall

1 not be less than one nor more than two. The extraordinary needs percent
2 shall be calculated pursuant to paragraph w of subdivision one of this
3 section.

4 (4) The expected minimum local contribution shall equal the lesser of
5 (i) the product of (A) the quotient arrived at when the selected actual
6 valuation is divided by total wealth foundation pupil units, multiplied
7 by (B) the product of the local tax factor, multiplied by the income
8 wealth index, or (ii) the product of (A) the product of the foundation
9 amount, the regional cost index, and the pupil need index, multiplied by
10 (B) the positive difference, if any, of one minus the state sharing
11 ratio for total foundation aid. The local tax factor shall be estab-
12 lished by May first of each year by determining the product, computed to
13 four decimal places without rounding, of ninety percent multiplied by
14 the quotient of the sum of the statewide average tax rate as computed by
15 the commissioner for the current year in accordance with the provisions
16 of paragraph e of subdivision one of section thirty-six hundred nine-e
17 of this part plus the statewide average tax rate computed by the commis-
18 sioner for the base year in accordance with such provisions plus the
19 statewide average tax rate computed by the commissioner for the year
20 prior to the base year in accordance with such provisions, divided by
21 three, provided however that for the two thousand seven--two thousand
22 eight school year, such local tax factor shall be sixteen thousandths
23 (0.016), and provided further that for the two thousand eight--two thou-
24 sand nine school year, such local tax factor shall be one hundred
25 fifty-four ten thousandths (0.0154). The income wealth index shall be
26 calculated pursuant to paragraph d of subdivision three of this section,
27 provided, however, that for the purposes of computing the expected mini-
28 mum local contribution the income wealth index shall not be less than
29 sixty-five percent (0.65) and shall not be more than two hundred percent
30 (2.0) and provided however that such income wealth index shall not be
31 more than ninety-five percent (0.95) for the two thousand eight--two
32 thousand nine school year, AND PROVIDED FURTHER THAT SUCH INCOME WEALTH
33 INDEX SHALL NOT BE LESS THAN ZERO FOR THE TWO THOUSAND THIRTEEN--TWO
34 THOUSAND FOURTEEN SCHOOL YEAR. The selected actual valuation shall be
35 calculated pursuant to paragraph c of subdivision one of this section.
36 Total wealth foundation pupil units shall be calculated pursuant to
37 paragraph h of subdivision two of this section.

38 b. Phase-in foundation increase. (1) The phase-in foundation increase
39 shall equal the product of the phase-in foundation increase factor
40 multiplied by the positive difference, if any, of (i) the product of the
41 total aidable foundation pupil units multiplied by the district's
42 selected foundation aid less (ii) the total foundation aid base for aid
43 payable in the two thousand eleven--two thousand twelve school year
44 computed pursuant to paragraph j of subdivision one of this section.

45 (2) The phase-in foundation percent shall equal one hundred thirteen
46 and fourteen one hundredths percent (1.1314) for the two thousand
47 eleven--two thousand twelve school year, one hundred ten and thirty-
48 eight hundredths percent (1.1038) for the two thousand twelve--two thou-
49 sand thirteen school year, one hundred seven and sixty-eight hundredths
50 percent (1.0768) for the two thousand thirteen--two thousand fourteen
51 school year, one hundred five and six hundredths percent (1.0506) for
52 the two thousand fourteen--two thousand fifteen school year, and one
53 hundred two and five tenths percent (1.0250) for the two thousand
54 fifteen--two thousand sixteen school year.

55 For the two thousand eleven--two thousand twelve school year, the
56 phase-in foundation increase factor shall equal thirty-seven and one-

1 half percent (0.375) and the phase-in due minimum percent shall equal
2 nineteen and forty-one hundredths percent (0.1941), for the two thousand
3 twelve--two thousand thirteen school year the phase-in foundation
4 increase factor shall equal one and seven-tenths percent (0.017), [and]
5 for the two thousand thirteen--two thousand fourteen school year THE
6 PHASE-IN FOUNDATION INCREASE FACTOR SHALL EQUAL THREE AND NINE-HUN-
7 DREDTHS PERCENT (0.0309), AND FOR THE TWO THOUSAND FOURTEEN--TWO THOU-
8 SAND FIFTEEN SCHOOL YEAR and thereafter the commissioner shall annually
9 determine the phase-in foundation increase factor subject to allocation
10 pursuant to the provisions of subdivision eighteen of this section and
11 any provisions of a chapter of the laws of New York as described there-
12 in.

13 b-1. Notwithstanding any other provision of law to the contrary, for
14 the two thousand seven--two thousand eight school year and thereafter,
15 the additional amount payable to each school district pursuant to this
16 subdivision in the current year as total foundation aid, after deducting
17 the total foundation aid base, shall be deemed a state grant in aid
18 identified by the commissioner for general use for purposes of section
19 seventeen hundred eighteen of this chapter.

20 c. Public excess cost aid setaside. Each school district shall set
21 aside from its total foundation aid computed for the current year pursu-
22 ant to this subdivision an amount equal to the product of: (i) the
23 difference between the amount the school district was eligible to
24 receive in the two thousand six--two thousand seven school year pursuant
25 to or in lieu of paragraph six of subdivision nineteen of this section
26 as such paragraph existed on June thirtieth, two thousand seven, minus
27 the amount such district was eligible to receive pursuant to or in lieu
28 of paragraph five of subdivision nineteen of this section as such para-
29 graph existed on June thirtieth, two thousand seven, in such school
30 year, and (ii) the sum of one and the percentage increase in the consum-
31 er price index for the current year over such consumer price index for
32 the two thousand six--two thousand seven school year, as computed pursu-
33 ant to section two thousand twenty-two of this chapter. Notwithstanding
34 any other provision of law to the contrary, the public excess cost aid
35 setaside shall be paid pursuant to section thirty-six hundred nine-b of
36 this part.

37 S 11. Subdivision 16 of section 3602 of the education law, as amended
38 by section 18 of part B of chapter 57 of the laws of 2008, the opening
39 paragraph as amended by section 36 of part A of chapter 58 of the laws
40 of 2011 and subparagraph 1 of paragraph a as further amended by section
41 1 of part W of chapter 56 of the laws of 2010, is amended to read as
42 follows:

43 16. High tax aid. Each school district shall be eligible to receive a
44 high tax aid apportionment in the two thousand [eight] THIRTEEN--two
45 thousand [nine] FOURTEEN school year, which shall equal the [greater of
46 (i) the sum of the tier 1 high tax aid apportionment, the tier 2 high
47 tax aid apportionment and the tier 3 high tax aid apportionment or (ii)
48 the product of the apportionment received by the school district pursu-
49 ant to this subdivision in the two thousand seven--two thousand eight
50 school year, multiplied by the due-minimum factor, which shall equal,
51 for districts with an alternate pupil wealth ratio computed pursuant to
52 paragraph b of subdivision three of this section that is less than two,
53 seventy percent (0.70), and for all other districts, fifty percent
54 (0.50). Each school district shall be eligible to receive a high tax aid
55 apportionment in the two thousand nine--two thousand ten through two
56 thousand twelve--two thousand thirteen school years in the amount set

1 forth for such school district as "HIGH TAX AID" under the heading
2 "2008-09 BASE YEAR AIDS" in the school aid computer listing produced by
3 the commissioner in support of the budget for the two thousand nine--two
4 thousand ten school year and entitled "SA0910"] SUM OF (I) THE AMOUNT
5 SET FORTH FOR SUCH SCHOOL DISTRICT AS "HIGH TAX AID" UNDER THE HEADING
6 "2013-14 ESTIMATED AIDS" IN THE SCHOOL AID COMPUTER LISTING PRODUCED BY
7 THE COMMISSIONER IN SUPPORT OF THE EXECUTIVE BUDGET REQUEST SUBMITTED
8 FOR THE TWO THOUSAND THIRTEEN--TWO THOUSAND FOURTEEN STATE FISCAL YEAR
9 AND ENTITLED "BT131-4" AND (II) THE HIGH TAX AID RESTORATION. IN THE TWO
10 THOUSAND FOURTEEN--TWO THOUSAND FIFTEEN SCHOOL YEAR AND THEREAFTER, EACH
11 SCHOOL DISTRICT SHALL BE ELIGIBLE TO RECEIVE A HIGH TAX AID APPORTION-
12 MENT IN THE AMOUNT SET FORTH FOR SUCH SCHOOL DISTRICT AS "HIGH TAX AID"
13 UNDER THE HEADING "2013-14 ESTIMATED AIDS" IN THE SCHOOL AID COMPUTER
14 LISTING PRODUCED BY THE COMMISSIONER IN SUPPORT OF THE ENACTED BUDGET
15 FOR THE TWO THOUSAND THIRTEEN--TWO THOUSAND FOURTEEN STATE FISCAL YEAR
16 AND ENTITLED "SA131-4".

17 a. Definitions. (1) "Residential real property tax levy" shall mean
18 the school tax levy imposed on residential property, including condomin-
19 ium properties, in the year commencing in the calendar year two years
20 prior to the calendar year in which the base year began. The final
21 update of such data shall be reported by the commissioner of taxation
22 and finance to the commissioner by February fifteenth of the base year.
23 The commissioner of taxation and finance shall adopt regulations as
24 appropriate to assure the appropriate collection, classification and
25 reporting of such data for the purposes of paying state aid to the
26 schools.

27 (2) "Adjusted gross income" shall mean the adjusted gross income of a
28 school district as used in computation of the district's alternate pupil
29 wealth ratio pursuant to paragraph b of subdivision three of this
30 section, provided, however, that for the computation of apportionments
31 pursuant to this subdivision, the adjusted gross income of a central
32 high school district shall not equal the sum of the adjusted gross
33 income of each of its component school districts.

34 (3) "Tax effort ratio" shall mean the quotient of the district's resi-
35 dential real property tax levy divided by the district's adjusted gross
36 income computed to five decimals without rounding.

37 [(4) "Tier 1 eligible school district" shall mean any school district
38 in which (i) the income wealth index, as computed pursuant to paragraph
39 d of subdivision three of this section, is less than two and one-half,
40 and (ii) the expense per pupil, as computed pursuant to paragraph f of
41 subdivision one of this section, is greater than the statewide average
42 expense per pupil as computed pursuant to subdivision five of this
43 section, and (iii) the tax effort ratio is greater than three and two-
44 tenths percent (0.032). For the two thousand eight--two thousand nine
45 school year, for the purpose of computing aid pursuant to this subdivi-
46 sion, the statewide average expense per pupil shall be ten thousand six
47 hundred fifty dollars.

48 (5) "Tier 2 eligible school district" shall mean any school district
49 in which the tax effort ratio is greater than five percent.

50 (6) "Tier 3 eligible school district" shall mean any school district
51 in which (i) the quotient of (a) the actual valuation of the school
52 district divided by its total wealth pupil units computed pursuant to
53 subparagraph one of paragraph a of subdivision three of this section,
54 divided by (b) the adjusted gross income of a school district divided by
55 its total wealth pupil units computed pursuant to subparagraph one of
56 paragraph b of subdivision three of this section, is greater than four

1 and sixty-two hundredths (4.62), (ii) the combined wealth ratio computed
2 pursuant to subparagraph one of paragraph c of subdivision three of this
3 section is less than six, and (iii) the regional cost index determined
4 pursuant to subparagraph two of paragraph a of subdivision four of this
5 section is greater than one and three-tenths (1.3).

6 b. Tier 1 high tax aid apportionment. For any tier 1 eligible school
7 district, the tier 1 high tax aid apportionment shall be the greater of
8 (1) the product of the public school district enrollment of the district
9 in the base year, as computed pursuant to subparagraph two of paragraph
10 n of subdivision one of this section, multiplied by the product of four
11 hundred fifty dollars multiplied by the state sharing ratio, or (2) one
12 hundred thousand dollars.

13 c. Tier 2 high tax aid apportionment. For any tier 2 eligible school
14 district, the tier 2 high tax aid apportionment shall be the product of
15 (i) the public school district enrollment of the district in the base
16 year, as computed pursuant to subparagraph two of paragraph n of subdi-
17 vision one of this section, multiplied by (ii) one hundred eighty-one
18 thousandths (0.181) multiplied by (iii) the positive difference, if any,
19 of the expense per pupil, as computed pursuant to paragraph f of subdi-
20 vision one of this section, less ten thousand six hundred sixty dollars,
21 multiplied by (iv) an aid ratio computed by subtracting from one the
22 product obtained by multiplying the alternate pupil wealth ratio
23 computed pursuant to subparagraph one of paragraph b of subdivision
24 three of this section by sixty percent, provided, however, that such aid
25 ratio shall not be less than zero nor greater than one, multiplied by
26 (v) the regional cost index.

27 d. Tier 3 high tax aid apportionment. For any tier 3 eligible school
28 district, the tier 3 high tax aid apportionment shall be the product of
29 (i) the public school district enrollment of the district in the base
30 year, as computed pursuant to subparagraph two of paragraph n of subdi-
31 vision one of this section, multiplied by (ii) fifty-two dollars, multi-
32 plied by (iii) the regional cost index.]

33 (4) "TAX EFFORT RATIO INDEX" SHALL MEAN THE QUOTIENT OF THE DISTRICT'S
34 TAX EFFORT RATIO DIVIDED BY THREE AND SEVENTY-SIX THOUSANDTHS (3.076)
35 COMPUTED TO FIVE DECIMALS WITHOUT ROUNDING.

36 (5) "HIGH TAX AID RESTORATION BASE" SHALL MEAN THE POSITIVE DIFFERENCE
37 OF (I) THE AMOUNT SET FORTH FOR SUCH SCHOOL DISTRICT AS "HIGH TAX AID"
38 UNDER THE HEADING "2008-09 BASE YEAR AIDS" IN THE SCHOOL AID COMPUTER
39 LISTING PRODUCED BY THE COMMISSIONER IN SUPPORT OF THE BUDGET FOR THE
40 TWO THOUSAND NINE--TWO THOUSAND TEN SCHOOL YEAR AND ENTITLED "SA0910"
41 MINUS (II) THE AMOUNT SET FORTH FOR SUCH SCHOOL DISTRICT AS "HIGH TAX
42 AID" UNDER THE HEADING "2013-14 ESTIMATED AIDS" IN THE SCHOOL AID
43 COMPUTER LISTING PRODUCED BY THE COMMISSIONER IN SUPPORT OF THE EXECU-
44 TIVE BUDGET REQUEST SUBMITTED FOR THE TWO THOUSAND THIRTEEN--TWO THOU-
45 SAND FOURTEEN STATE FISCAL YEAR AND ENTITLED "BT131-4".

46 B. HIGH TAX AID RESTORATION. THE HIGH TAX AID RESTORATION SHALL BE (I)
47 FOR A DISTRICT WITH A THREE-YEAR AVERAGE FREE AND REDUCED PRICE LUNCH
48 PERCENT AS COMPUTED PURSUANT TO PARAGRAPH P OF SUBDIVISION ONE OF THIS
49 SECTION LESS THAN ONE HUNDRED AND FORTY-THREE ONE THOUSANDTHS (0.143)
50 THE PRODUCT OF THE HIGH TAX AID RESTORATION BASE MULTIPLIED BY FIVE
51 PERCENT (0.05); OR (II) FOR A DISTRICT WITH A THREE-YEAR AVERAGE FREE
52 AND REDUCED PRICE LUNCH PERCENT AS COMPUTED PURSUANT TO PARAGRAPH P OF
53 SUBDIVISION ONE OF THIS SECTION LESS THAN THREE HUNDRED AND FOURTEEN
54 THOUSANDTHS (0.314) AND GREATER THAN OR EQUAL TO ONE HUNDRED AND FORTY-
55 THREE ONE THOUSANDTHS (0.143) THE PRODUCT OF THE HIGH TAX AID RESTORA-
56 TION BASE MULTIPLIED BY THE TAX EFFORT RATIO INDEX MULTIPLIED BY ONE

1 HUNDRED AND FIFTY-ONE THOUSANDTHS (.151); OR (III) FOR A DISTRICT WITH A
2 THREE-YEAR AVERAGE FREE AND REDUCED PRICE LUNCH PERCENT AS COMPUTED
3 PURSUANT TO PARAGRAPH P OF SUBDIVISION ONE OF THIS SECTION GREATER THAN
4 OR EQUAL TO THREE HUNDRED AND FOURTEEN THOUSANDTHS (0.314) THE PRODUCT
5 OF THE HIGH TAX AID RESTORATION BASE MULTIPLIED BY THE TAX EFFORT RATIO
6 INDEX. PROVIDED, HOWEVER, THAT THE HIGH TAX AID RESTORATION FOR A
7 DISTRICT SHALL NOT BE LESS THAN THE PRODUCT OF THE HIGH TAX AID RESTORA-
8 TION BASE MULTIPLIED BY FIVE PERCENT (0.05) OR GREATER THAN THE HIGH TAX
9 AID RESTORATION BASE.

10 S 12. Paragraph (e) of subdivision 17 of section 3602 of the education
11 law, as added by section 6 of part A of chapter 57 of the laws of 2012,
12 is amended to read as follows:

13 [(e)] E. THE GAP ELIMINATION ADJUSTMENT RESTORATION AMOUNT FOR THE TWO
14 THOUSAND THIRTEEN--TWO THOUSAND FOURTEEN SCHOOL YEAR FOR A SCHOOL
15 DISTRICT SHALL EQUAL THE SUM OF:

16 (I) FOR A DISTRICT WITH A COMBINED WEALTH RATIO LESS THAN ONE AND
17 ONE-TENTH (1.1), THE PRODUCT OF (A) TWO HUNDRED FIFTY DOLLARS (\$250.00)
18 MULTIPLIED BY (B) THE POSITIVE DIFFERENCE, IF ANY, OF THE BASE YEAR
19 PUBLIC SCHOOL DISTRICT ENROLLMENT LESS THE PUBLIC SCHOOL DISTRICT
20 ENROLLMENT FOR THE YEAR FOUR YEARS PRIOR TO THE BASE YEAR, AS COMPUTED
21 PURSUANT TO PARAGRAPH N OF SUBDIVISION ONE OF THIS SECTION; AND

22 (II) THE PRODUCT OF (A) FOR CITY SCHOOL DISTRICTS OF THOSE CITIES
23 HAVING POPULATIONS IN EXCESS OF ONE HUNDRED TWENTY-FIVE THOUSAND, TWEN-
24 TY-NINE DOLLARS (\$29.00) AND FOR ALL OTHER DISTRICTS, FIVE DOLLARS
25 (\$5.00), MULTIPLIED BY (B) THE STATE SHARING RATIO FOR THE DISTRICT, BUT
26 NOT LESS THAN FIVE-TENTHS (0.5), MULTIPLIED BY (C) THE BASE YEAR PUBLIC
27 SCHOOL DISTRICT ENROLLMENT, AS COMPUTED PURSUANT TO PARAGRAPH N OF
28 SUBDIVISION ONE OF THIS SECTION MULTIPLIED BY (D) THE EXTRAORDINARY
29 NEEDS INDEX, WHERE THE EXTRAORDINARY NEEDS INDEX SHALL BE THE EXTRAOR-
30 DINARY NEEDS PERCENT FOR THE BASE YEAR, COMPUTED PURSUANT TO PARAGRAPH W
31 OF SUBDIVISION ONE OF THIS SECTION DIVIDED BY THE QUOTIENT OF THE STATE-
32 WIDE TOTAL EXTRAORDINARY NEEDS COUNT FOR THE BASE YEAR, DIVIDED BY THE
33 STATEWIDE PUBLIC SCHOOL DISTRICT ENROLLMENT FOR THE BASE YEAR; AND

34 (III) FOR A DISTRICT WITH A COMBINED WEALTH RATIO GREATER THAN ONE AND
35 ONE-TENTH (1.1) AND A THREE-YEAR AVERAGE FREE AND REDUCED PRICE LUNCH
36 PERCENT GREATER THAN SIX-TENTHS (0.6), THE PRODUCT OF (A) ONE HUNDRED
37 FIFTY DOLLARS (\$150.00) MULTIPLIED BY (B) THE BASE YEAR PUBLIC SCHOOL
38 DISTRICT ENROLLMENT, AS COMPUTED PURSUANT TO PARAGRAPH N OF SUBDIVISION
39 ONE OF THIS SECTION; AND

40 (IV) FOR ANY DISTRICT WITH A GEA/TGFE RATIO GREATER THAN ONE AND ONE-
41 TENTH (1.1), WHERE THE GEA/TGFE RATIO SHALL BE THE QUOTIENT OF THE GAP
42 ELIMINATION ADJUSTMENT FOR THE BASE YEAR FOR THE DISTRICT DIVIDED BY THE
43 TOTAL GENERAL FUND EXPENDITURES OF SUCH DISTRICT IN THE BASE YEAR,
44 DIVIDED BY THE QUOTIENT OF THE STATEWIDE TOTAL GAP ELIMINATION ADJUST-
45 MENT FOR THE BASE YEAR DIVIDED BY TOTAL GENERAL FUND EXPENDITURES IN THE
46 BASE YEAR, THE PRODUCT OF (A) FORTY-FIVE DOLLARS (\$45.00), MULTIPLIED BY
47 (B) THE EXTRAORDINARY NEEDS PERCENT COMPUTED PURSUANT TO PARAGRAPH W OF
48 SUBDIVISION ONE OF THIS SECTION MULTIPLIED BY (C) THE BASE YEAR PUBLIC
49 SCHOOL DISTRICT ENROLLMENT, AS COMPUTED PURSUANT TO PARAGRAPH N OF
50 SUBDIVISION ONE OF THIS SECTION; AND

51 (V) FOR ANY DISTRICT WITH A COMBINED WEALTH RATIO LESS THAN ONE AND
52 ONE-TENTH (1.1) AND A THREE-YEAR AVERAGE FREE AND REDUCED PRICE LUNCH
53 PERCENT GREATER THAN SEVEN-TENTHS (0.7), THE PRODUCT OF (A) SIX DOLLARS
54 (\$6.00), MULTIPLIED BY (B) THE BASE YEAR PUBLIC SCHOOL DISTRICT ENROLL-
55 MENT, AS COMPUTED PURSUANT TO PARAGRAPH N OF SUBDIVISION ONE OF THIS
56 SECTION, MULTIPLIED BY THE LEP INDEX, WHERE THE LEP INDEX SHALL BE THE

1 (C) THE QUOTIENT OF THE PRODUCT OF THE LIMITED ENGLISH PROFICIENCY COUNT
2 COMPUTED PURSUANT TO PARAGRAPH O OF SUBDIVISION ONE OF THIS SECTION
3 MULTIPLIED BY FIFTY PERCENT (0.50), DIVIDED BY THE PUBLIC SCHOOL
4 DISTRICT ENROLLMENT FOR THE BASE YEAR COMPUTED PURSUANT TO PARAGRAPH N
5 OF SUBDIVISION ONE OF THIS SECTION, DIVIDED BY (D) THE QUOTIENT OF THE
6 PRODUCT OF THE STATEWIDE TOTAL OF THE LIMITED ENGLISH PROFICIENCY COUNT
7 MULTIPLIED BY FIFTY PERCENT (0.50), DIVIDED BY THE TOTAL STATEWIDE
8 PUBLIC SCHOOL DISTRICT ENROLLMENT FOR THE BASE YEAR; AND

9 (VI) FOR ANY DISTRICT, THE PRODUCT OF (A) FOR CITY SCHOOL DISTRICTS OF
10 THOSE CITIES HAVING POPULATIONS IN EXCESS OF ONE HUNDRED TWENTY-FIVE
11 THOUSAND, SIXTY-FIVE DOLLARS (\$65.00) AND FOR ALL OTHER DISTRICTS, THIR-
12 TY-ONE DOLLARS AND FIFTY CENTS (\$31.50), MULTIPLIED BY (B) THE CENSUS
13 COUNT AS COMPUTED PURSUANT TO PARAGRAPH Q OF SUBDIVISION ONE OF THIS
14 SECTION, MULTIPLIED BY (C) THE PUBLIC SCHOOL DISTRICT ENROLLMENT FOR THE
15 BASE YEAR COMPUTED PURSUANT TO PARAGRAPH N OF SUBDIVISION ONE OF THIS
16 SECTION; AND

17 (VII) THE AMOUNT SET FORTH FOR SUCH SCHOOL DISTRICT AS "GEA RESTORA-
18 TION" UNDER THE HEADING "2013-14 ESTIMATED AIDS" IN THE SCHOOL AID
19 COMPUTER LISTING PRODUCED BY THE COMMISSIONER IN SUPPORT OF THE EXECU-
20 TIVE BUDGET REQUEST SUBMITTED FOR THE TWO THOUSAND THIRTEEN--TWO THOU-
21 SAND FOURTEEN STATE FISCAL YEAR AND ENTITLED "BT131-4".

22 F. The gap elimination adjustment restoration amount for the [two
23 thousand thirteen--two thousand fourteen] TWO THOUSAND FOURTEEN--TWO
24 THOUSAND FIFTEEN school year and thereafter shall equal the product of
25 the gap elimination percentage for such district and the gap elimination
26 adjustment restoration allocation established pursuant to subdivision
27 eighteen of this section.

28 S 13. Intentionally omitted.

29 S 14. The opening paragraph of section 3609-a of the education law, as
30 amended by section 9 of part A of chapter 57 of the laws of 2012, is
31 amended to read as follows:

32 For aid payable in the two thousand seven--two thousand eight school
33 year and thereafter, "moneys apportioned" shall mean the lesser of (i)
34 the sum of one hundred percent of the respective amount set forth for
35 each school district as payable pursuant to this section in the school
36 aid computer listing for the current year produced by the commissioner
37 in support of the budget which includes the appropriation for the gener-
38 al support for public schools for the prescribed payments and individ-
39 ualized payments due prior to April first for the current year plus the
40 apportionment payable during the current school year pursuant to subdi-
41 vision six-a and subdivision fifteen of section thirty-six hundred two
42 of this part minus any reductions to current year aids pursuant to
43 subdivision seven of section thirty-six hundred four of this part or any
44 deduction from apportionment payable pursuant to this chapter for
45 collection of a school district basic contribution as defined in subdi-
46 vision eight of section forty-four hundred one of this chapter, less any
47 grants provided pursuant to subparagraph two-a of paragraph b of subdi-
48 vision four of section ninety-two-c of the state finance law, less any
49 grants provided pursuant to subdivision twelve of section thirty-six
50 hundred forty-one of this article, or (ii) the apportionment calculated
51 by the commissioner based on data on file at the time the payment is
52 processed; provided however, that for the purposes of any payments made
53 pursuant to this section prior to the first business day of June of the
54 current year, moneys apportioned shall not include any aids payable
55 pursuant to subdivisions six and fourteen, if applicable, of section
56 thirty-six hundred two of this part as current year aid for debt service

1 on bond anticipation notes and/or bonds first issued in the current year
2 or any aids payable for full-day kindergarten for the current year
3 pursuant to subdivision nine of section thirty-six hundred two of this
4 part. The definitions of "base year" and "current year" as set forth in
5 subdivision one of section thirty-six hundred two of this part shall
6 apply to this section. For aid payable in the two thousand twelve--two
7 thousand thirteen school year, reference to such "school aid computer
8 listing for the current year" shall mean the printouts [entitled
9 "SA121-3"] PRODUCED BY THE COMMISSIONER IN SUPPORT OF THE TWO THOUSAND
10 THIRTEEN--TWO THOUSAND FOURTEEN AID TO LOCALITIES BUDGET.

11 S 15. Paragraph b of subdivision 2 of section 3612 of the education
12 law, as amended by section 10 of part A of chapter 57 of the laws of
13 2012, is amended to read as follows:

14 b. Such grants shall be awarded to school districts, within the limits
15 of funds appropriated therefor, through a competitive process that takes
16 into consideration the magnitude of any shortage of teachers in the
17 school district, the number of teachers employed in the school district
18 who hold temporary licenses to teach in the public schools of the state,
19 the number of provisionally certified teachers, the fiscal capacity and
20 geographic sparsity of the district, the number of new teachers the
21 school district intends to hire in the coming school year and the number
22 of summer in the city student internships proposed by an eligible school
23 district, if applicable. Grants provided pursuant to this section shall
24 be used only for the purposes enumerated in this section. Notwithstand-
25 ing any other provision of law to the contrary, a city school district
26 in a city having a population of one million or more inhabitants receiv-
27 ing a grant pursuant to this section may use no more than eighty percent
28 of such grant funds for any recruitment, retention and certification
29 costs associated with transitional certification of teacher candidates
30 for the school years two thousand one--two thousand two through [two
31 thousand twelve--two thousand thirteen] TWO THOUSAND THIRTEEN--TWO THOU-
32 SAND FOURTEEN.

33 S 16. Section 3641 of the education law is amended by adding a new
34 subdivision 6-a to read as follows:

35 6-A. COMMUNITY SCHOOL GRANTS. A. WITHIN THE AMOUNT APPROPRIATED FOR
36 SUCH PURPOSE, SUBJECT TO A PLAN DEVELOPED BY THE COMMISSIONER AND
37 APPROVED BY THE DIRECTOR OF THE BUDGET, THE COMMISSIONER SHALL AWARD
38 COMPETITIVE GRANTS PURSUANT TO THIS SUBDIVISION TO SCHOOL DISTRICTS, OR
39 IN A CITY WITH A POPULATION OF ONE MILLION OR MORE AN ELIGIBLE ENTITY,
40 TO IMPLEMENT, BEGINNING IN THE TWO THOUSAND THIRTEEN--TWO THOUSAND FOUR-
41 TEEN SCHOOL YEAR, A PLAN THAT TARGETS SCHOOL BUILDINGS AS COMMUNITY HUBS
42 TO DELIVER CO-LOCATED OR SCHOOL-LINKED SERVICES IN AREAS SUCH AS ACADEM-
43 IC, HEALTH, MENTAL HEALTH, NUTRITION, COUNSELING, LEGAL AND/OR OTHER
44 SERVICES TO STUDENTS AND THEIR FAMILIES TO IMPROVE STUDENT AND FAMILY
45 OUTCOMES IN SUCH AREAS. IN A CITY OF ONE MILLION OR MORE ELIGIBLE ENTI-
46 TIES SHALL MEAN THE CITY SCHOOL DISTRICT OF THE CITY OF NEW YORK, OR
47 NOT-FOR-PROFIT ORGANIZATIONS, WHICH SHALL INCLUDE NOT-FOR-PROFIT COMMU-
48 NITY-BASED ORGANIZATIONS. AN ELIGIBLE ENTITY THAT IS A NOT-FOR-PROFIT
49 ORGANIZATION MAY APPLY FOR A COMMUNITY SCHOOL GRANT PROVIDED THAT IT
50 COLLABORATES WITH THE CITY SCHOOL DISTRICT OF THE CITY OF NEW YORK AND
51 RECEIVES THE APPROVAL OF THE CHANCELLOR OF THE CITY SCHOOL DISTRICT OF
52 THE CITY OF NEW YORK.

53 (1) SUCH PLAN SHALL INCLUDE, BUT NOT BE LIMITED TO:

54 (I) THE PROCESS BY WHICH A REQUEST FOR PROPOSALS WILL BE DEVELOPED;

55 (II) THE SCORING RUBRIC BY WHICH SUCH PROPOSALS WILL BE EVALUATED,
56 PROVIDED THAT SUCH GRANTS SHALL BE AWARDED BASED ON FACTORS INCLUDING,

1 BUT NOT LIMITED TO: MEASURES OF SCHOOL DISTRICT NEED; MEASURES OF THE
2 NEED OF STUDENTS TO BE SERVED BY EACH OF THE SCHOOL DISTRICTS; THE
3 SCHOOL DISTRICT'S PROPOSAL TO TARGET THE HIGHEST NEED SCHOOLS AND
4 STUDENTS; THE SUSTAINABILITY OF THE PROPOSED COMMUNITY SCHOOLS PROGRAM;
5 AND PROPOSAL QUALITY;

6 (III) THE FORM AND MANNER BY WHICH APPLICATIONS WILL BE SUBMITTED;

7 (IV) THE MANNER BY WHICH CALCULATION OF THE AMOUNT OF THE AWARD WILL
8 BE DETERMINED;

9 (V) THE TIMELINE FOR THE ISSUANCE AND REVIEW OF APPLICATIONS.

10 (2) IN ASSESSING PROPOSAL QUALITY, THE COMMISSIONER IN ADDITION TO
11 THOSE FACTORS CONTAINED IN THE PLAN DEVELOPED PURSUANT TO THIS PARAGRAPH
12 SHALL TAKE INTO ACCOUNT FACTORS INCLUDING, BUT NOT LIMITED TO:

13 (I) THE EXTENT TO WHICH THE SCHOOL DISTRICT'S OR ELIGIBLE ENTITY'S
14 PROPOSAL WOULD PROVIDE SUCH COMMUNITY SERVICES THROUGH PARTNERSHIPS WITH
15 LOCAL GOVERNMENTS AND NOT-FOR-PROFIT ORGANIZATIONS;

16 (II) THE EXTENT TO WHICH THE PROPOSAL WOULD PROVIDE FOR DELIVERY OF
17 SUCH SERVICES DIRECTLY IN SCHOOL BUILDINGS;

18 (III) THE EXTENT TO WHICH THE PROPOSAL ARTICULATES HOW SUCH SERVICES
19 WOULD FACILITATE MEASURABLE IMPROVEMENT IN STUDENT AND FAMILY OUTCOMES
20 SUCH AS INCREASED ACADEMIC PERFORMANCE AND OVERALL PHYSICAL AND MENTAL
21 HEALTH OF THE STUDENT AND FAMILIES BEING SERVED;

22 (IV) THE EXTENT TO WHICH THE PROPOSAL ARTICULATES AND IDENTIFIES HOW
23 EXISTING FUNDING STREAMS AND PROGRAMS WOULD BE USED TO PROVIDE SUCH
24 COMMUNITY SERVICES; AND

25 (V) THE EXTENT TO WHICH THE PROPOSAL ENSURES THE SAFETY OF ALL
26 STUDENTS, STAFF AND COMMUNITY MEMBERS IN SCHOOL BUILDINGS USED AS COMMU-
27 NITY HUBS.

28 B. A RESPONSE TO A REQUEST FOR PROPOSALS ISSUED PURSUANT TO THIS
29 SUBDIVISION MAY BE SUBMITTED BY A SINGLE SCHOOL DISTRICT, JOINTLY BY A
30 CONSORTIUM OF TWO OR MORE SCHOOL DISTRICTS, OR AN ELIGIBLE ENTITY THAT
31 IS A NOT-FOR-PROFIT ORGANIZATION COLLABORATING WITH THE CITY SCHOOL
32 DISTRICT OF THE CITY OF NEW YORK.

33 C. THE AMOUNT OF THE GRANT AWARD SHALL BE DETERMINED BY THE COMMIS-
34 SIONER CONSISTENT WITH THE PLAN DEVELOPED PURSUANT TO PARAGRAPH A OF
35 THIS SUBDIVISION, EXCEPT THAT NO SINGLE DISTRICT MAY BE AWARDED MORE
36 THAN FORTY PERCENT OF THE TOTAL AMOUNT OF GRANT AWARDS MADE PURSUANT TO
37 THIS SUBDIVISION; AND PROVIDED THAT THE MAXIMUM AWARD TO ANY INDIVIDUAL
38 COMMUNITY SCHOOL SITE SHALL BE FIVE HUNDRED THOUSAND DOLLARS AND NONE OF
39 THE GRANTS AWARDED PURSUANT TO THIS SUBDIVISION MAY BE USED TO SUPPLANT
40 EXISTING FUNDING.

41 S 17. Section 3641 of the education law is amended by adding a new
42 subdivision 6-b to read as follows:

43 6-B. EXTENDED LEARNING GRANTS. A. WITHIN THE AMOUNT APPROPRIATED FOR
44 SUCH PURPOSE, SUBJECT TO A PLAN THAT IS DEVELOPED BY THE COMMISSIONER,
45 AND THAT IS APPROVED BY THE DIRECTOR OF THE BUDGET, THE COMMISSIONER
46 SHALL AWARD COMPETITIVE PLANNING AND IMPLEMENTATION GRANTS PURSUANT TO
47 THIS SUBDIVISION TO SCHOOL DISTRICTS OR SCHOOL DISTRICTS IN COLLAB-
48 ORATION WITH NOT-FOR-PROFIT COMMUNITY BASED ORGANIZATIONS THAT PUT
49 FORWARD A PROPOSAL TO IMPROVE STUDENT OUTCOMES BY ADDING AT LEAST TWEN-
50 TY-FIVE PERCENT MORE TIME TO THE ACADEMIC CALENDAR BY EXTENDING THE
51 SCHOOL DAY, SCHOOL YEAR, OR SOME COMBINATION THEREOF, EITHER DISTRICT-
52 WIDE OR IN SELECTED SCHOOL BUILDINGS.

53 (1) SUCH PLAN SHALL INCLUDE, BUT NOT BE LIMITED TO:

54 (I) THE PROCESS BY WHICH A REQUEST FOR PROPOSALS WILL BE DEVELOPED;

55 (II) THE SCORING RUBRIC BY WHICH SUCH PROPOSALS WILL BE EVALUATED,
56 PROVIDED THAT PRIORITY SHALL BE GIVEN TO APPLICANTS BASED UPON THE

1 SCHOOL DISTRICT'S PROPOSAL TO TARGET THE SCHOOLS AND STUDENTS WITH THE
2 GREATEST NEED AND UPON PROPOSAL QUALITY;

3 (III) THE FORM AND MANNER BY WHICH PROPOSALS WILL BE SUBMITTED;

4 (IV) THE TIMELINE FOR THE ISSUANCE AND REVIEW OF PROPOSALS; AND

5 (V) A REQUIREMENT THAT SCHOOL DISTRICTS AWARDED GRANTS UNDER THIS
6 SUBDIVISION SUBMIT TO AN ANNUAL EVALUATION OF PERFORMANCE AND IMPACT OF
7 THE PROPOSAL AS REQUIRED BY THE COMMISSIONER.

8 (2) IN ASSESSING PROPOSAL QUALITY IN ORDER TO AWARD IMPLEMENTATION
9 GRANTS, THE COMMISSIONER SHALL TAKE INTO ACCOUNT FACTORS INCLUDING, BUT
10 NOT LIMITED TO:

11 (I) THE EXTENT TO WHICH THE SCHOOL DISTRICT'S PROPOSAL WOULD MAXIMIZE
12 THE USE OF THE ADDITIONAL LEARNING TIME THROUGH A COMPREHENSIVE RESTRUC-
13 TURING OF THE SCHOOL DAY AND/OR YEAR;

14 (II) THE EXTENT TO WHICH THE PROPOSAL WOULD PROVIDE ADDITIONAL LEARN-
15 ING TIME FOR STUDENTS IN GRADES SIX THROUGH EIGHT; AND

16 (III) HOW THE ADDITIONAL LEARNING TIME WOULD BE UTILIZED, INCLUDING
17 BUT NOT LIMITED TO ADDITIONAL TIME SPENT ON CORE ACADEMICS.

18 B. A SCHOOL DISTRICT'S SCHOOL-WIDE EXTENDED LEARNING IMPLEMENTATION
19 GRANT SHALL EQUAL ITS AVERAGE DAILY ATTENDANCE IN THE SCHOOL-WIDE
20 EXTENDED LEARNING PROGRAM MULTIPLIED BY THE EXPECTED COST PER PUPIL OF
21 THE ADDITIONAL LEARNING TIME. FOR PURPOSE OF THIS SUBDIVISION, THE
22 EXPECTED COST PER PUPIL OF THE ADDITIONAL LEARNING TIME SHALL EQUAL THE
23 GREATER OF FIFTEEN HUNDRED DOLLARS OR (1) THE QUOTIENT OF (I) THE SCHOOL
24 DISTRICT'S APPROVED OPERATING EXPENSE PURSUANT TO PARAGRAPH T OF SUBDI-
25 VISION ONE OF SECTION THIRTY-SIX HUNDRED TWO OF THIS ARTICLE FOR THE
26 YEAR PRIOR TO THE BASE YEAR DIVIDED BY (II) THE DISTRICT'S PUBLIC SCHOOL
27 DISTRICT ENROLLMENT PURSUANT TO SUBPARAGRAPH TWO OF PARAGRAPH N OF SUCH
28 SUBDIVISION FOR THE YEAR PRIOR TO THE BASE YEAR MULTIPLIED BY (2) TEN
29 PERCENT (0.10), MULTIPLIED BY (3) 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 PRECEDING JANUARY FIRST OF THE
32 BASE YEAR, DIVIDED BY (II) THE AVERAGE OF THE NATIONAL CONSUMER PRICE
33 INDEXES DETERMINED BY THE UNITED STATES DEPARTMENT OF LABOR FOR THE
34 TWELVE MONTH PERIOD PRECEDING JANUARY FIRST OF THE YEAR TWO YEARS PRIOR
35 TO THE BASE YEAR.

36 C. IN EXTRAORDINARY CASES, THE COMMISSIONER MAY AWARD GRANTS THAT
37 EXCEEDS THE PER PUPIL LIMIT CALCULATED PURSUANT TO PARAGRAPH B OF THIS
38 SUBDIVISION.

39 D. NO DISTRICT SHALL RECEIVE A GRANT IN EXCESS OF THE TOTAL ACTUAL
40 GRANT EXPENDITURES INCURRED BY THE DISTRICT IN THE CURRENT YEAR AS
41 APPROVED BY THE COMMISSIONER.

42 E. NO SINGLE DISTRICT MAY BE AWARDED MORE THAN FORTY PERCENT OF THE
43 TOTAL AMOUNT OF GRANT AWARDS MADE PURSUANT TO THIS SUBDIVISION.

44 S 18. Intentionally omitted.

45 S 19. Intentionally omitted.

46 S 20. Intentionally omitted.

47 S 21. Subdivision 6 of section 4402 of the education law, as amended
48 by section 12 of part A of chapter 57 of the laws of 2012, is amended to
49 read as follows:

50 6. Notwithstanding any other law, rule or regulation to the contrary,
51 the board of education of a city school district with a population of
52 one hundred twenty-five thousand or more inhabitants shall be permitted
53 to establish maximum class sizes for special classes for certain
54 students with disabilities in accordance with the provisions of this
55 subdivision. For the purpose of obtaining relief from any adverse fiscal
56 impact from under-utilization of special education resources due to low

1 student attendance in special education classes at the middle and
2 secondary level as determined by the commissioner, such boards of educa-
3 tion shall, during the school years nineteen hundred ninety-five--nine-
4 ty-six through June thirtieth, two thousand [thirteen] FOURTEEN of the
5 [two thousand twelve--two thousand thirteen] TWO THOUSAND THIRTEEN--TWO
6 THOUSAND FOURTEEN school year, be authorized to increase class sizes in
7 special classes containing students with disabilities whose age ranges
8 are equivalent to those of students in middle and secondary schools as
9 defined by the commissioner for purposes of this section by up to but
10 not to exceed one and two tenths times the applicable maximum class size
11 specified in regulations of the commissioner rounded up to the nearest
12 whole number, provided that in a city school district having a popu-
13 lation of one million or more, classes that have a maximum class size of
14 fifteen may be increased by no more than one student and provided that
15 the projected average class size shall not exceed the maximum specified
16 in the applicable regulation, provided that such authorization shall
17 terminate on June thirtieth, two thousand. Such authorization shall be
18 granted upon filing of a notice by such a board of education with the
19 commissioner stating the board's intention to increase such class sizes
20 and a certification that the board will conduct a study of attendance
21 problems at the secondary level and will implement a corrective action
22 plan to increase the rate of attendance of students in such classes to
23 at least the rate for students attending regular education classes in
24 secondary schools of the district. Such corrective action plan shall be
25 submitted for approval by the commissioner by a date during the school
26 year in which such board increases class sizes as provided pursuant to
27 this subdivision to be prescribed by the commissioner. Upon at least
28 thirty days notice to the board of education, after conclusion of the
29 school year in which such board increases class sizes as provided pursu-
30 ant to this subdivision, the commissioner shall be authorized to termi-
31 nate such authorization upon a finding that the board has failed to
32 develop or implement an approved corrective action plan.

33 S 22. The education law is amended by adding a new section 3627 to
34 read as follows:

35 S 3627. TRANSPORTATION AFTER 4 PM. 1. NOTWITHSTANDING ANY OTHER
36 PROVISIONS OF THIS SECTION TO THE CONTRARY, FOR THE TWO THOUSAND THIR-
37 TEEN--TWO THOUSAND FOURTEEN SCHOOL YEAR, A CITY SCHOOL DISTRICT LOCATED
38 IN A CITY HAVING A POPULATION OF ONE MILLION OR MORE PROVIDING TRANSPOR-
39 TATION PURSUANT TO THIS SECTION SHALL BE RESPONSIBLE FOR (I) PROVIDING
40 TRANSPORTATION AFTER FOUR O'CLOCK IN THE AFTERNOON FOR THOSE CHILDREN
41 ATTENDING PUBLIC AND NONPUBLIC SCHOOLS IN GRADES KINDERGARTEN THROUGH
42 SIX WHO REMAIN AT THE SAME SCHOOL FOR WHICH THEY ARE ENROLLED FOR REGU-
43 LARLY SCHEDULED ACADEMIC CLASSES FROM HALF-PAST NINE O'CLOCK IN THE
44 MORNING OR EARLIER UNTIL FOUR O'CLOCK IN THE AFTERNOON OR LATER, ON
45 WEEKDAYS, AND RESIDE AT LEAST ONE MILE FROM THEIR SCHOOL OF ATTENDANCE
46 FOR GRADES THREE THROUGH SIX, AND AT LEAST ONE-HALF MILE FROM THEIR
47 SCHOOL OF ATTENDANCE FOR GRADES KINDERGARTEN THROUGH TWO OR (II) REIM-
48 BURSING THE COST INCURRED BY LICENSED TRANSPORTATION CARRIERS PURSUANT
49 TO CONTRACTS WITH SUCH SCHOOL DISTRICT FOR PROVIDING TRANSPORTATION FOR
50 THOSE CHILDREN ATTENDING PUBLIC AND NONPUBLIC SCHOOLS IN GRADES KINDER-
51 GARTEN THROUGH SIX WHO REMAIN AT THE SAME SCHOOL FOR WHICH THEY ARE
52 ENROLLED FOR REGULARLY SCHEDULED ACADEMIC CLASSES FROM HALF-PAST NINE
53 O'CLOCK IN THE MORNING OR EARLIER UNTIL FOUR O'CLOCK IN THE AFTERNOON OR
54 LATER, ON WEEKDAYS, AND RESIDE AT LEAST ONE MILE FROM THEIR SCHOOL OF
55 ATTENDANCE FOR GRADES THREE THROUGH SIX, AND AT LEAST ONE-HALF MILE FROM
56 THEIR SCHOOL OF ATTENDANCE FOR GRADES KINDERGARTEN THROUGH TWO. NOTHING

1 HEREIN SHALL PROHIBIT THE SCHOOL DISTRICT FROM REIMBURSING FOR COSTS
2 INCURRED FOR SUCH CONTRACTS BETWEEN THE SCHOOL DISTRICT AND ANY ENTITY
3 PROVIDING OR CONTRACTING FOR SUCH TRANSPORTATION SERVICE. A DISTRICT
4 DOES NOT SATISFY ITS OBLIGATION UNDER THIS SECTION BY PROVIDING PUBLIC
5 SERVICE TRANSPORTATION.

6 2. THE CHANCELLOR OF SUCH SCHOOL DISTRICT, IN CONSULTATION WITH THE
7 COMMISSIONER, SHALL PRESCRIBE THE MOST COST EFFECTIVE SYSTEM FOR IMPL-
8 MENTING THE REQUIREMENTS OF THIS SECTION, TAKING INTO CONSIDERATION THE
9 COSTS ASSOCIATED WITH PARAGRAPHS (I) AND (II) OF SUBDIVISION ONE OF THIS
10 SECTION, WHILE AT THE SAME TIME ATTEMPTING TO MAXIMIZE STUDENT SAFETY
11 WITH CONSIDERATION OF THE AGE OF THE STUDENT TO BE TRANSPORTED.
12 PROVIDED FURTHER THAT TRANSPORTATION REQUIRED PURSUANT TO THIS SECTION
13 SHALL NOT BE DEEMED TO MAXIMIZE STUDENT SAFETY IF THE PICK-UP OR
14 DROP-OFF SITE FOR THE STUDENT IS:

15 A. FURTHER THAN SIX-HUNDRED FEET FROM THE STUDENT'S RESIDENCE; AND/OR

16 B. AT DIFFERENT LOCATIONS FOR ANY FAMILY THAT HAVE CHILDREN IN GRADES
17 KINDERGARTEN THROUGH SIX AT THE SAME RESIDENCE WHO ATTEND TWO OR MORE
18 DIFFERENT SCHOOLS.

19 3. THE TRANSPORTATION PROVIDED PURSUANT TO THIS SECTION SHALL NOT BE
20 DEEMED TO BE THE MOST COST EFFECTIVE SYSTEM AS REQUIRED PURSUANT TO
21 SUBDIVISION TWO OF THIS SECTION IF A LICENSED TRANSPORTATION CARRIER CAN
22 DEMONSTRATE, IN ACCORDANCE WITH ALL STATE AND LOCAL LAWS, RULES AND
23 REGULATIONS, THAT IT CAN PROVIDE TRANSPORTATION FOR THE STUDENTS IDENTI-
24 FIED IN SUBDIVISION ONE OF THIS SECTION, WHILE ATTEMPTING TO MAXIMIZE
25 STUDENT SAFETY WITH CONSIDERATION OF THE AGE OF THE STUDENT TO BE TRANS-
26 PORTED, FOR AT LEAST TEN PERCENT LESS THAN THE COST THAT THE CITY SCHOOL
27 DISTRICT IN A CITY HAVING A POPULATION OF ONE MILLION OR MORE WOULD PAY
28 TO ANOTHER LICENSED TRANSPORTATION CARRIER FOR THE SERVICES REQUIRED
29 PURSUANT TO SUBDIVISION ONE OF THIS SECTION.

30 4. THE PARENT OR GUARDIAN OR ANY REPRESENTATIVE AUTHORIZED BY SUCH
31 PARENT OR GUARDIAN SHALL HAVE NOTIFIED THE SCHOOL DISTRICT IN WRITING IN
32 THE SAME MANNER AND UPON THE SAME DATES AS ARE REQUIRED FOR A REQUEST
33 FOR TRANSPORTATION PURSUANT TO SUBDIVISION TWO OF SECTION THIRTY-SIX
34 HUNDRED THIRTY-FIVE OF THIS ARTICLE WITH NO OPTION TO REQUEST TRANSPOR-
35 TATION AT A LATER DATE PROVIDED THAT A REQUEST FOR SUCH TRANSPORTATION
36 FOR THE TWO THOUSAND THIRTEEN--TWO THOUSAND FOURTEEN SCHOOL YEAR MAY BE
37 SUBMITTED WITHIN THIRTY DAYS AFTER THE AFFECTIVE DATE OF THIS SECTION.

38 S 23. Subdivision 8 of section 4401 of the education law, as amended
39 by chapter 57 of the laws of 1993, is amended to read as follows:

40 8. "School district basic contribution" shall mean an amount equal to
41 the total school district local property and non-property tax levy for
42 the base year divided by the base year public school district enrollment
43 of resident pupils of the school district as defined in paragraph n of
44 subdivision one of section thirty-six hundred two of this chapter,
45 EXCEPT THAT FOR THE TWO THOUSAND FOURTEEN--TWO THOUSAND FIFTEEN SCHOOL
46 YEAR AND THEREAFTER, FOR SCHOOL DISTRICTS OTHER THAN CENTRAL HIGH SCHOOL
47 DISTRICTS AND THEIR COMPONENTS, SUCH TAX LEVY FOR THE BASE YEAR SHALL BE
48 DIVIDED BY THE YEAR PRIOR TO THE BASE YEAR PUPIL COUNT AS DETERMINED BY
49 THE COMMISSIONER PURSUANT TO PARAGRAPH F OF SUBDIVISION ONE OF SECTION
50 THIRTY-SIX HUNDRED TWO OF THIS CHAPTER FOR ANY SCHOOL DISTRICT IN WHICH
51 SUCH YEAR PRIOR TO THE BASE YEAR PUPIL COUNT EXCEEDS ONE HUNDRED FIFTY
52 PERCENT OF SUCH BASE YEAR PUBLIC SCHOOL DISTRICT ENROLLMENT OF RESIDENT
53 PUPILS.

54 S 24. Subparagraph (ii) of paragraph c of subdivision 11 of section
55 4410 of the education law, as amended by chapter 205 of the laws of
56 2009, is amended to read as follows:

1 (ii) Payments made pursuant to this section by a municipality shall,
2 upon conclusion of the July first to June thirtieth school year for
3 which such payment was made, be subject to audit against the actual
4 difference between such audited expenditures and revenues. The munici-
5 pality shall submit the results of any such audit to the commissioner
6 and the commissioner of social services, if appropriate, for review and,
7 if warranted, adjustment of the tuition and/or maintenance rates. The
8 municipality is authorized to recover overpayments made to a provider of
9 special services or programs pursuant to this section as determined by
10 the commissioner or the commissioner of health based upon their adjust-
11 ment of a tuition and/or maintenance rate, PROVIDED THAT FOR PURPOSES OF
12 MAKING SUCH ADJUSTMENT AND RECOVERY, THE MUNICIPALITY SHALL BE DEEMED TO
13 HAVE PAID ONE HUNDRED PERCENT OF THE DISALLOWED COSTS. Such recovery
14 may be accomplished by withholding such amount from any moneys due the
15 provider in the current year, or by direct reimbursement.

16 S 25. Section 3 of chapter 33 of the laws of 2002, relating to grant-
17 ing the commissioner of education and the education department addi-
18 tional authority over the Roosevelt union free school district, is
19 amended to read as follows:

20 S 3. Additional authority of commissioner of education. 1. Notwith-
21 standing any other provision of law, rule, or regulation to the contra-
22 ry, the commissioner of education shall have the following powers, in
23 addition to those currently granted the commissioner under the education
24 law, and may delegate such powers except where the provisions of this
25 act specifically require the commissioner to exercise such powers and
26 duties:

27 (a) To appoint and supervise the superintendent of schools of the
28 Roosevelt union free school district, and to remove the superintendent
29 in accordance with the terms and procedures in the superintendent's
30 contract, as if such removal were by the board of education, provided
31 that the power to appoint and remove the superintendent shall not be
32 delegated to any other person;

33 (b) To disapprove appointments of assistant or associate superinten-
34 dents of schools, building principals and other school administrators and
35 supervisors, including tenure appointments; and

36 (c) To exercise fiscal control over the Roosevelt union free school
37 district in accordance with section four of this act.

38 2. The commissioner of education shall have the additional authority
39 outlined in this section until June 30, [2011. Provided, however, that
40 if the commissioner of education determines that the Roosevelt union
41 free school district has not demonstrated sufficient improvement to
42 warrant termination of the additional authority, the commissioner of
43 education shall be authorized to continue to exercise such authority
44 until June 30, 2013] 2018.

45 S 26. Section 7 of chapter 472 of the laws of 1998 amending the educa-
46 tion law relating to the lease of school buses by school districts, as
47 amended by section 71 of part A of chapter 58 of the laws of 2011, is
48 amended to read as follows:

49 S 7. This act shall take effect September 1, 1998, and shall expire
50 and be deemed repealed September 1, [2013] 2015.

51 S 27. Subdivision b of section 2 of chapter 756 of the laws of 1992,
52 relating to funding a program for work force education conducted by the
53 consortium for worker education in New York city, as amended by section
54 13 of part A of chapter 57 of the laws of 2012, is amended to read as
55 follows:

1 b. Reimbursement for programs approved in accordance with subdivision
2 a of this section [for the 2009-10 school year shall not exceed 64.1
3 percent of the lesser of such approvable costs per contact hour or elev-
4 en dollars and fifty cents per contact hour, reimbursement] for the
5 2010--2011 school year shall not exceed 62.6 percent of the lesser of
6 such approvable costs per contact hour or twelve dollars and five cents
7 per contact hour, reimbursement for the 2011--2012 school year shall not
8 exceed 62.9 percent of the lesser of such approvable costs per contact
9 hour or twelve dollars and fifteen cents per contact hour, [and]
10 reimbursement for the 2012--2013 school year shall not exceed 63.3
11 percent of the lesser of such approvable costs per contact hour or
12 twelve dollars and thirty-five cents per contact hour, AND REIMBURSEMENT
13 FOR THE 2013--2014 SCHOOL YEAR SHALL NOT EXCEED 62.3 PERCENT OF THE
14 LESSER OF SUCH APPROVABLE COSTS PER CONTACT HOUR OR TWELVE DOLLARS AND
15 SIXTY-FIVE CENTS PER CONTACT HOUR, where a contact hour represents sixty
16 minutes of instruction services provided to an eligible adult. Notwith-
17 standing any other provision of law to the contrary, [for the 2009-10
18 school year such contact hours shall not exceed one million seven
19 hundred sixty--three thousand nine hundred seven (1,763,907) hours;
20 whereas] for the 2010--2011 school year such contact hours shall not
21 exceed one million five hundred twenty-five thousand one hundred nine-
22 ty-eight (1,525,198) hours; whereas for the 2011--2012 school year such
23 contact hours shall not exceed one million seven hundred one thousand
24 five hundred seventy (1,701,570) hours; whereas for the 2012--2013
25 school year such contact hours shall not exceed one million six hundred
26 sixty-four thousand five hundred thirty-two (1,664,532) hours; WHEREAS
27 FOR THE 2013--2014 SCHOOL YEAR SUCH CONTACT HOURS SHALL NOT EXCEED ONE
28 MILLION SIX HUNDRED FORTY-NINE THOUSAND SEVEN HUNDRED FORTY-SIX
29 (1,649,746) HOURS. Notwithstanding any other provision of law to the
30 contrary, the apportionment calculated for the city school district of
31 the city of New York pursuant to subdivision 11 of section 3602 of the
32 education law shall be computed as if such contact hours provided by the
33 consortium for worker education, not to exceed the contact hours set
34 forth herein, were eligible for aid in accordance with the provisions of
35 such subdivision 11 of section 3602 of the education law.

36 S 28. Section 4 of chapter 756 of the laws of 1992, relating to fund-
37 ing a program for work force education conducted by the consortium for
38 worker education in New York city, is amended by adding a new subdivi-
39 sion r to read as follows:

40 R. THE PROVISIONS OF THIS SUBDIVISION SHALL NOT APPLY AFTER THE
41 COMPLETION OF PAYMENTS FOR THE 2013--2014 SCHOOL YEAR. NOTWITHSTANDING
42 ANY INCONSISTENT PROVISIONS OF LAW, THE COMMISSIONER OF EDUCATION SHALL
43 WITHHOLD A PORTION OF EMPLOYMENT PREPARATION EDUCATION AID DUE TO THE
44 CITY SCHOOL DISTRICT OF THE CITY OF NEW YORK TO SUPPORT A PORTION OF THE
45 COSTS OF THE WORK FORCE EDUCATION PROGRAM. SUCH MONEYS SHALL BE CREDITED
46 TO THE ELEMENTARY AND SECONDARY EDUCATION FUND-LOCAL ASSISTANCE ACCOUNT
47 AND SHALL NOT EXCEED THIRTEEN MILLION DOLLARS (\$13,000,000).

48 S 29. Section 6 of chapter 756 of the laws of 1992, relating to fund-
49 ing a program for work force education conducted by the consortium for
50 worker education in New York city, as amended by section 15 of part A of
51 chapter 57 of the laws of 2012, is amended to read as follows:

52 S 6. This act shall take effect July 1, 1992, and shall be deemed
53 repealed on June 30, [2013] 2014.

54 S 29-a. Paragraph a-1 of subdivision 11 of section 3602 of the educa-
55 tion law, as amended by section 7 of part A of chapter 57 of the laws of
56 2012, is amended to read as follows:

1 a-1. Notwithstanding the provisions of paragraph a of this subdivi-
2 sion, for aid payable in the school years two thousand--two thousand one
3 through two thousand nine--two thousand ten, and two thousand eleven--
4 two thousand twelve through two thousand [twelve] THIRTEEN--two thousand
5 [thirteen] FOURTEEN, the commissioner may set aside an amount not to
6 exceed two million five hundred thousand dollars from the funds appro-
7 priated for purposes of this subdivision for the purpose of serving
8 persons twenty-one years of age or older who have not been enrolled in
9 any school for the preceding school year, including persons who have
10 received a high school diploma or high school equivalency diploma but
11 fail to demonstrate basic educational competencies as defined in regu-
12 lation by the commissioner, when measured by accepted standardized
13 tests, and who shall be eligible to attend employment preparation educa-
14 tion programs operated pursuant to this subdivision.

15 S 30. Subdivision 1 of section 167 of chapter 169 of the laws of 1994,
16 relating to certain provisions related to the 1994-95 state operations,
17 aid to localities, capital projects and debt service budgets, as amended
18 by section 17 of part A of chapter 57 of the laws of 2012, is amended to
19 read as follows:

20 1. Sections one through seventy of this act shall be deemed to have
21 been in full force and effect as of April 1, 1994 provided, however,
22 that sections one, two, twenty-four, twenty-five and twenty-seven
23 through seventy of this act shall expire and be deemed repealed on March
24 31, 2000; provided, however, that section twenty of this act shall apply
25 only to hearings commenced prior to September 1, 1994, and provided
26 further that section twenty-six of this act shall expire and be deemed
27 repealed on March 31, 1997; and provided further that sections four
28 through fourteen, sixteen, and eighteen, nineteen and twenty-one through
29 twenty-one-a of this act shall expire and be deemed repealed on March
30 31, 1997; and provided further that sections three, fifteen, seventeen,
31 twenty, twenty-two and twenty-three of this act shall expire and be
32 deemed repealed on March 31, [2014] 2015.

33 S 31. Subdivisions 22 and 24 of section 140 of chapter 82 of the laws
34 of 1995, amending the education law and certain other laws relating to
35 state aid to school districts and the appropriation of funds for the
36 support of government, as amended by section 18 of part A of chapter 57
37 of the laws of 2012, are amended to read as follows:

38 (22) sections one hundred twelve, one hundred thirteen, one hundred
39 fourteen, one hundred fifteen and one hundred sixteen of this act shall
40 take effect on July 1, 1995; provided, however, that section one hundred
41 thirteen of this act shall remain in full force and effect until July 1,
42 [2013] 2014 at which time it shall be deemed repealed;

43 (24) sections one hundred eighteen through one hundred thirty of this
44 act shall be deemed to have been in full force and effect on and after
45 July 1, 1995; provided further, however, that the amendments made pursu-
46 ant to section one hundred nineteen of this act shall be deemed to be
47 repealed on and after July 1, [2013] 2014;

48 S 32. Section 12 of chapter 147 of the laws of 2001, amending the
49 education law relating to conditional appointment of school district,
50 charter school or BOCES employees, as amended by section 20 of part A of
51 chapter 57 of the laws of 2012, is amended to read as follows:

52 S 12. This act shall take effect on the same date as chapter 180 of
53 the laws of 2000 takes effect, and shall expire July 1, [2013] 2014 when
54 upon such date the provisions of this act shall be deemed repealed.

1 S 32-a. Subdivision 10 of section 6-p of the general municipal law, as
2 amended by section 30-a of part A of chapter 57 of the laws of 2012, is
3 amended to read as follows:

4 10. Notwithstanding any provision of law to the contrary, the govern-
5 ing board of a school district may, during the [two thousand twelve--two
6 thousand thirteen] TWO THOUSAND THIRTEEN--TWO THOUSAND FOURTEEN school
7 year, authorize a withdrawal from this fund in an amount not to exceed
8 the lesser of: (a) the dollar value of excess funding in the fund as
9 determined by the comptroller pursuant to section thirty-three of this
10 chapter or (b) the amount of the school district's remaining gap elimi-
11 nation adjustment as calculated by the commissioner of education pursu-
12 ant to subdivision seventeen of section thirty-six hundred two of the
13 education law. Funds withdrawn pursuant to this subdivision may only be
14 used for the purpose of maintaining educational programming during the
15 [two thousand twelve--two thousand thirteen] TWO THOUSAND THIRTEEN--TWO
16 THOUSAND FOURTEEN school year which otherwise would have been reduced as
17 a result of such gap elimination adjustment. Governing boards which make
18 such a withdrawal shall submit, in a form prescribed by the commissioner
19 of education, relevant information about the withdrawal, which shall
20 include but not be limited to, the amount of such withdrawal, the date
21 of withdrawal, and the use of such withdrawn funds.

22 S 33. Section 4 of chapter 425 of the laws of 2002, amending the
23 education law relating to the provision of supplemental educational
24 services, attendance at a safe public school and the suspension of
25 pupils who bring a firearm to or possess a firearm at a school, as
26 amended by section 21 of part A of chapter 57 of the laws of 2012, is
27 amended to read as follows:

28 S 4. This act shall take effect July 1, 2002 and shall expire and be
29 deemed repealed June 30, [2013] 2014.

30 S 34. Section 5 of chapter 101 of the laws of 2003, amending the
31 education law relating to implementation of the No Child Left Behind Act
32 of 2001, as amended by section 22 of part A of chapter 57 of the laws of
33 2012, is amended to read as follows:

34 S 5. This act shall take effect immediately; provided that sections
35 one, two and three of this act shall expire and be deemed repealed on
36 June 30, [2013] 2014.

37 S 35. School bus driver training. In addition to apportionments other-
38 wise provided by section 3602 of the education law, for aid payable in
39 the 2013--2014 school year, the commissioner of education shall allocate
40 school bus driver training grants to school districts and boards of
41 cooperative education services pursuant to sections 3650-a, 3650-b and
42 3650-c of the education law, or for contracts directly with not-for-pro-
43 fit educational organizations for the purposes of this section. Such
44 payments shall not exceed four hundred thousand dollars (\$400,000) per
45 school year.

46 S 36. Support of public libraries. The moneys appropriated for the
47 support of public libraries by the chapter of the laws of 2013 enacting
48 the aid to localities budget shall be apportioned for the 2013--2014
49 state fiscal year in accordance with the provisions of sections 271,
50 272, 273, 282, 284, and 285 of the education law as amended by the
51 provisions of this chapter and the provisions of this act, provided that
52 library construction aid pursuant to section 273-a of the education law
53 shall not be payable from the appropriations for the support of public
54 libraries and provided further that no library, library system or
55 program, as defined by the commissioner of education, shall receive less
56 total system or program aid than it received for the year 2001--2002

1 except as a result of a reduction adjustment necessary to conform to the
2 appropriations for support of public libraries.

3 Notwithstanding any other provision of law to the contrary the moneys
4 appropriated for the support of public libraries for the year 2013--2014
5 by a chapter of the laws of 2013 enacting the aid to localities budget
6 shall fulfill the state's obligation to provide such aid and, pursuant
7 to a plan developed by the commissioner of education and approved by the
8 director of the budget, the aid payable to libraries and library systems
9 pursuant to such appropriations shall be reduced proportionately to
10 assure that the total amount of aid payable does not exceed the total
11 appropriations for such purpose.

12 S 37. Special apportionment for salary expenses. a. Notwithstanding
13 any other provision of law, upon application to the commissioner of
14 education, not sooner than the first day of the second full business
15 week of June, 2014 and not later than the last day of the third full
16 business week of June, 2014, a school district eligible for an appor-
17 tionment pursuant to section 3602 of the education law shall be eligible
18 to receive an apportionment pursuant to this section, for the school
19 year ending June 30, 2014, for salary expenses incurred between April 1
20 and June 30, 2014 and such apportionment shall not exceed the sum of (i)
21 the deficit reduction assessment of 1990--1991 as determined by the
22 commissioner of education, pursuant to paragraph f of subdivision 1 of
23 section 3602 of the education law, as in effect through June 30, 1993,
24 plus (ii) 186 percent of such amount for a city school district in a
25 city with a population in excess of 1,000,000 inhabitants, plus (iii)
26 209 percent of such amount for a city school district in a city with a
27 population of more than 195,000 inhabitants and less than 219,000 inhab-
28 itants according to the latest federal census, plus (iv) the net gap
29 elimination adjustment for 2010--2011, as determined by the commissioner
30 of education pursuant to chapter 53 of the laws of 2010, plus (v) the
31 gap elimination adjustment for 2011--2012 as determined by the commis-
32 sioner of education pursuant to subdivision 17 of section 3602 of the
33 education law, and provided further that such apportionment shall not
34 exceed such salary expenses. Such application shall be made by a school
35 district, after the board of education or trustees have adopted a resol-
36 ution to do so and in the case of a city school district in a city with
37 a population in excess of 125,000 inhabitants, with the approval of the
38 mayor of such city.

39 b. The claim for an apportionment to be paid to a school district
40 pursuant to subdivision a of this section shall be submitted to the
41 commissioner of education on a form prescribed for such purpose, and
42 shall be payable upon determination by such commissioner that the form
43 has been submitted as prescribed. Such approved amounts shall be payable
44 on the same day in September of the school year following the year in
45 which application was made as funds provided pursuant to subparagraph
46 (4) of paragraph b of subdivision 4 of section 92-c of the state finance
47 law, on the audit and warrant of the state comptroller on vouchers
48 certified or approved by the commissioner of education in the manner
49 prescribed by law from moneys in the state lottery fund and from the
50 general fund to the extent that the amount paid to a school district
51 pursuant to this section exceeds the amount, if any, due such school
52 district pursuant to subparagraph (2) of paragraph a of subdivision 1 of
53 section 3609-a of the education law in the school year following the
54 year in which application was made.

55 c. Notwithstanding the provisions of section 3609-a of the education
56 law, an amount equal to the amount paid to a school district pursuant to

1 subdivisions a and b of this section shall first be deducted from the
2 following payments due the school district during the school year
3 following the year in which application was made pursuant to subpara-
4 graphs (1), (2), (3), (4) and (5) of paragraph a of subdivision 1 of
5 section 3609-a of the education law in the following order: the lottery
6 apportionment payable pursuant to subparagraph (2) of such paragraph
7 followed by the fixed fall payments payable pursuant to subparagraph (4)
8 of such paragraph and then followed by the district's payments to the
9 teachers' retirement system pursuant to subparagraph (1) of such para-
10 graph, and any remainder to be deducted from the individualized payments
11 due the district pursuant to paragraph b of such subdivision shall be
12 deducted on a chronological basis starting with the earliest payment due
13 the district.

14 S 38. Special apportionment for public pension accruals. a. Notwith-
15 standing any other provision of law, upon application to the commission-
16 er of education, not later than June 30, 2014, a school district eligi-
17 ble for an apportionment pursuant to section 3602 of the education law
18 shall be eligible to receive an apportionment pursuant to this section,
19 for the school year ending June 30, 2014 and such apportionment shall
20 not exceed the additional accruals required to be made by school
21 districts in the 2004--2005 and 2005--2006 school years associated with
22 changes for such public pension liabilities. The amount of such addi-
23 tional accrual shall be certified to the commissioner of education by
24 the president of the board of education or the trustees or, in the case
25 of a city school district in a city with a population in excess of
26 125,000 inhabitants, the mayor of such city. Such application shall be
27 made by a school district, after the board of education or trustees have
28 adopted a resolution to do so and in the case of a city school district
29 in a city with a population in excess of 125,000 inhabitants, with the
30 approval of the mayor of such city.

31 b. The claim for an apportionment to be paid to a school district
32 pursuant to subdivision a of this section shall be submitted to the
33 commissioner of education on a form prescribed for such purpose, and
34 shall be payable upon determination by such commissioner that the form
35 has been submitted as prescribed. Such approved amounts shall be payable
36 on the same day in September of the school year following the year in
37 which application was made as funds provided pursuant to subparagraph
38 (4) of paragraph b of subdivision 4 of section 92-c of the state finance
39 law, on the audit and warrant of the state comptroller on vouchers
40 certified or approved by the commissioner of education in the manner
41 prescribed by law from moneys in the state lottery fund and from the
42 general fund to the extent that the amount paid to a school district
43 pursuant to this section exceeds the amount, if any, due such school
44 district pursuant to subparagraph (2) of paragraph a of subdivision 1 of
45 section 3609-a of the education law in the school year following the
46 year in which application was made.

47 c. Notwithstanding the provisions of section 3609-a of the education
48 law, an amount equal to the amount paid to a school district pursuant to
49 subdivisions a and b of this section shall first be deducted from the
50 following payments due the school district during the school year
51 following the year in which application was made pursuant to subpara-
52 graphs (1), (2), (3), (4) and (5) of paragraph a of subdivision 1 of
53 section 3609-a of the education law in the following order: the lottery
54 apportionment payable pursuant to subparagraph (2) of such paragraph
55 followed by the fixed fall payments payable pursuant to subparagraph (4)
56 of such paragraph and then followed by the district's payments to the

1 teachers' retirement system pursuant to subparagraph (1) of such para-
2 graph, and any remainder to be deducted from the individualized payments
3 due the district pursuant to paragraph b of such subdivision shall be
4 deducted on a chronological basis starting with the earliest payment due
5 the district.

6 S 39. a. Notwithstanding any other law, rule or regulation to the
7 contrary, any moneys appropriated to the state education department may
8 be suballocated to other state departments or agencies, as needed, to
9 accomplish the intent of the specific appropriations contained therein.

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

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

20 d. Notwithstanding any other law, rule or regulation to the contrary,
21 moneys appropriated to the state education department for general
22 support for public schools may be interchanged with any other item of
23 appropriation for general support for public schools within the general
24 fund local assistance account office of prekindergarten through grade
25 twelve education programs.

26 S 40. Notwithstanding the provision of any law, rule, or regulation to
27 the contrary, the city school district of the city of Rochester, upon
28 the consent of the board of cooperative educational services of the
29 supervisory district serving its geographic region may purchase from
30 such board for the 2013--2014 school year, as a non-component school
31 district, services required by article 19 of the education law.

32 S 41. The amounts specified in this section shall be a setaside from
33 the state funds which each such district is receiving from the total
34 foundation aid:

35 a. for the purpose of the development, maintenance or expansion of
36 magnet schools or magnet school programs for the 2013--2014 school year.
37 To the city school district of the city of New York there shall be paid
38 forty-eight million one hundred seventy-five thousand dollars
39 (\$48,175,000) including five hundred thousand dollars (\$500,000) for the
40 Andrew Jackson High School; to the Buffalo city school district, twen-
41 ty-one million twenty-five thousand dollars (\$21,025,000); to the
42 Rochester city school district, fifteen million dollars (\$15,000,000);
43 to the Syracuse city school district, thirteen million dollars
44 (\$13,000,000); to the Yonkers city school district, forty-nine million
45 five hundred thousand dollars (\$49,500,000); to the Newburgh city school
46 district, four million six hundred forty-five thousand dollars
47 (\$4,645,000); to the Poughkeepsie city school district, two million four
48 hundred seventy-five thousand dollars (\$2,475,000); to the Mount Vernon
49 city school district, two million dollars (\$2,000,000); to the New
50 Rochelle city school district, one million four hundred ten thousand
51 dollars (\$1,410,000); to the Schenectady city school district, one
52 million eight hundred thousand dollars (\$1,800,000); to the Port Chester
53 city school district, one million one hundred fifty thousand dollars
54 (\$1,150,000); to the White Plains city school district, nine hundred
55 thousand dollars (\$900,000); to the Niagara Falls city school district,
56 six hundred thousand dollars (\$600,000); to the Albany city school

1 district, three million five hundred fifty thousand dollars
2 (\$3,550,000); to the Utica city school district, two million dollars
3 (\$2,000,000); to the Beacon city school district, five hundred sixty-six
4 thousand dollars (\$566,000); to the Middletown city school district,
5 four hundred thousand dollars (\$400,000); to the Freeport union free
6 school district, four hundred thousand dollars (\$400,000); to the Green-
7 burgh central school district, three hundred thousand dollars
8 (\$300,000); to the Amsterdam city school district, eight hundred thou-
9 sand dollars (\$800,000); to the Peekskill city school district, two
10 hundred thousand dollars (\$200,000); and to the Hudson city school
11 district, four hundred thousand dollars (\$400,000).

12 b. notwithstanding the provisions of subdivision a of this section, a
13 school district receiving a grant pursuant to this section may use such
14 grant funds for: (i) any instructional or instructional support costs
15 associated with the operation of a magnet school; or (ii) any instruc-
16 tional or instructional support costs associated with implementation of
17 an alternative approach to reduction of racial isolation and/or enhance-
18 ment of the instructional program and raising of standards in elementary
19 and secondary schools of school districts having substantial concen-
20 trations of minority students. The commissioner of education shall not
21 be authorized to withhold magnet grant funds from a school district that
22 used such funds in accordance with this paragraph, notwithstanding any
23 inconsistency with a request for proposals issued by such commissioner.

24 c. for the purpose of attendance improvement and dropout prevention
25 for the 2013--2014 school year, for any city school district in a city
26 having a population of more than one million, the setaside for attend-
27 ance improvement and dropout prevention shall equal the amount set aside
28 in the base year. For the 2013--2014 school year, it is further provided
29 that any city school district in a city having a population of more than
30 one million shall allocate at least one-third of any increase from base
31 year levels in funds set aside pursuant to the requirements of this
32 subdivision to community-based organizations. Any increase required
33 pursuant to this subdivision to community-based organizations must be in
34 addition to allocations provided to community-based organizations in the
35 base year.

36 d. for the purpose of teacher support for the 2013--2014 school year:
37 to the city school district of the city of New York, sixty-two million
38 seven hundred seven thousand dollars (\$62,707,000); to the Buffalo city
39 school district, one million seven hundred forty-one thousand dollars
40 (\$1,741,000); to the Rochester city school district, one million seven-
41 ty-six thousand dollars (\$1,076,000); to the Yonkers city school
42 district, one million one hundred forty-seven thousand dollars
43 (\$1,147,000); and to the Syracuse city school district, eight hundred
44 nine thousand dollars (\$809,000). All funds made available to a school
45 district pursuant to this subdivision shall be distributed among teach-
46 ers including prekindergarten teachers and teachers of adult vocational
47 and academic subjects in accordance with this subdivision and shall be
48 in addition to salaries heretofore or hereafter negotiated or made
49 available; provided, however, that all funds distributed pursuant to
50 this section for the current year shall be deemed to incorporate all
51 funds distributed pursuant to former subdivision 27 of section 3602 of
52 the education law for prior years. In school districts where the teach-
53 ers are represented by certified or recognized employee organizations,
54 all salary increases funded pursuant to this section shall be determined
55 by separate collective negotiations conducted pursuant to the provisions
56 and procedures of article 14 of the civil service law, notwithstanding

1 the existence of a negotiated agreement between a school district and a
2 certified or recognized employee organization.

3 S 41-a. Subdivision 3 of section 33 of part A of chapter 57 of the
4 laws of 2012, amending the education law relating to transportation to
5 students who remain at school until 5pm or later, is amended to read as
6 follows:

7 3. Section sixteen of this act shall take effect July 1, 2012 and
8 shall expire and be deemed repealed June 30, [2013] 2014;

9 S 42. Severability. The provisions of this act shall be severable, and
10 if the application of any clause, sentence, paragraph, subdivision,
11 section or part of this act to any person or circumstance shall be
12 adjudged by any court of competent jurisdiction to be invalid, such
13 judgment shall not necessarily affect, impair or invalidate the applica-
14 tion of any such clause, sentence, paragraph, subdivision, section, part
15 of this act or remainder thereof, as the case may be, to any other
16 person or circumstance, but shall be confined in its operation to the
17 clause, sentence, paragraph, subdivision, section or part thereof
18 directly involved in the controversy in which such judgment shall have
19 been rendered.

20 S 43. This act shall take effect immediately, and shall be deemed to
21 have been in full force and effect on and after April 1, 2013, provided,
22 however, that:

23 1. The amendments to paragraph (a) of subdivision 1 of section 2856
24 of the education law made by section five of this act shall be subject
25 to the expiration and reversion of such subdivision pursuant to subdivi-
26 sion d of section 27 of chapter 378 of the laws of 2007, as amended,
27 when upon such date the provisions of section six of this act shall take
28 effect;

29 2. Section seven of this act shall expire and be deemed repealed April
30 1, 2015, provided, that the expiration and repeal of such section shall
31 not affect the duration of any annual professional performance review
32 plan implemented on or before the expiration and repeal of such section;

33 3. Sections one, ten-a, ten-b, eleven, twelve, fourteen, fifteen,
34 twenty-one, twenty-three, twenty-seven, twenty-eight, thirty-five and
35 forty-one of this act shall take effect July 1, 2013;

36 4. The amendments to paragraph b-1 of subdivision 4 of section 3602 of
37 the education law made by section ten-b of this act shall not affect the
38 expiration of such paragraph and shall be deemed to expire therewith;

39 5. The amendments to subdivision 6 of section 4402 of the education
40 law made by section twenty-one of this act shall not affect the repeal
41 of such subdivision and shall be deemed repealed therewith;

42 6. Section twenty-two of this act shall take effect on July 1, 2013
43 and shall expire and be deemed repealed on June 30, 2014;

44 7. The amendments to chapter 756 of the laws of 1992, relating to
45 funding a program for work force education conducted by a consortium for
46 worker education in New York city, made by sections twenty-seven and
47 twenty-eight of this act shall not affect the repeal of such chapter and
48 shall be deemed repealed therewith; and

49 8. Section thirty-nine of this act shall expire and be deemed repealed
50 June 30, 2014.

51

PART A-1

52 Section 1. Subdivisions (f), (h) and (j) of section 4 of part A-4 of
53 chapter 58 of the laws of 2006 enacting the "city of Syracuse and the

1 board of education of the city school district of the city of Syracuse
2 cooperative school reconstruction act" are amended to read as follows:

3 (f) ["JSC board" shall mean the joint schools construction board of
4 the city and the city school district as set forth in an agreement,
5 dated as of April 1, 2004, between the city school district and the city
6 as such agreement may be from time to time amended or supplemented,
7 acting as agent for the city, school district, or both] "JSC BOARD"
8 SHALL MEAN THE JOINT SCHOOLS CONSTRUCTION BOARD OF THE CITY AND THE CITY
9 SCHOOL DISTRICT ESTABLISHED TO ADMINISTER, MANAGE, DESIGN, RENOVATE AND
10 EFFECT THE FINANCING OF EXISTING PUBLIC SCHOOLS WITHIN THE SYRACUSE CITY
11 SCHOOL DISTRICT. SUCH BOARD SHALL CONSIST OF THE MAYOR OF THE CITY OF
12 SYRACUSE AND TWO ADDITIONAL MEMBERS DESIGNATED BY THE MAYOR WHO SHALL
13 SERVE AT THE PLEASURE OF THE MAYOR FOR A TERM NOT EXCEEDING ONE YEAR,
14 THE SUPERINTENDENT OF THE SYRACUSE CITY SCHOOL DISTRICT AND TWO ADDI-
15 TIONAL MEMBERS DESIGNATED BY THE SUPERINTENDENT WHO SHALL SERVE AT THE
16 PLEASURE OF THE SUPERINTENDENT FOR A TERM NOT EXCEEDING ONE YEAR, AND A
17 SEVENTH MEMBER, NOT EMPLOYED BY THE CITY OR THE SCHOOL DISTRICT, JOINTLY
18 DESIGNATED BY THE MAYOR AND THE SUPERINTENDENT WHO SHALL SERVE AT THE
19 PLEASURE OF THE MAYOR AND THE SUPERINTENDENT FOR A TERM NOT EXCEEDING
20 ONE YEAR. TO ENSURE FLEXIBILITY AND CONTINUITY, THE MAYOR AND/OR THE
21 SUPERINTENDENT MAY FROM TIME TO TIME DESIGNATE AND AUTHORIZE THEIR CHIEF
22 OF STAFF, CHIEF FINANCIAL OFFICER, OR OTHER DESIGNEE, TO ATTEND AND VOTE
23 IN THEIR STEAD.

24 (h) "Project" shall mean work at an existing school building site that
25 involves the design, reconstruction, or rehabilitation of an existing
26 school building for its continued use as a school of the city school
27 district, which may include an addition to an existing school building
28 for such continued use at a cost, for such addition, of, FOR PROJECTS
29 IDENTIFIED IN SUBDIVISION (A) OF SECTION FIVE OF THIS ACT, no more than
30 nine million dollars, AND, FOR PROJECTS IDENTIFIED IN SUBDIVISION (B) OF
31 SECTION FIVE OF THIS ACT, NO MORE THAN TWENTY MILLION DOLLARS, and which
32 also may include (1) the construction or reconstruction of athletic
33 fields, playgrounds, and other recreational facilities for such existing
34 school building, and/or (2) the acquisition and installation of all
35 equipment necessary and attendant to and for the use of such existing
36 school building AND/OR THE ACQUISITION OF ADDITIONAL REAL PROPERTY
37 NECESSARY FOR THE PROJECT.

38 (j) "Program manager" shall mean an independent program management
39 firm hired by the JSC board to assist it in: (1) developing and imple-
40 menting procedures for the projects undertaken and contracted for by the
41 JSC board; (2) reviewing plans and specifications for projects; (3)
42 developing and implementing policies and procedures to utilize employ-
43 ment resources to provide sufficient skilled employees for such
44 projects, including developing and implementing training programs, if
45 required; [and] (4) managing such projects IF REQUIRED BY THE JSC BOARD;
46 (5) DEVELOPING AND MANAGING A FINANCIAL PLAN TO MAXIMIZE THE EFFICIENT
47 USE OF STATE BUILDING AID; AND (6) MANAGING THE PROJECT BUDGET.
48 PROVIDED, HOWEVER THAT THE CITY AND THE CITY SCHOOL DISTRICT ACTING
49 THROUGH THE JSC BOARD MAY HIRE OR RETAIN ONE OR MORE EMPLOYEES TO
50 PERFORM SOME OR ALL OF THE AFOREMENTIONED PROGRAM MANAGEMENT FUNCTIONS.

51 S 2. Section 5 of part A-4 of chapter 58 of the laws of 2006 enacting
52 the "city of Syracuse and the board of education of the city school
53 district of the city of Syracuse cooperative school reconstruction act"
54 is amended to read as follows:

55 S 5. (A) No more than seven projects, one each at the Central High
56 School, the Blodgett School, the Shea Middle School, the H.W. Smith

1 Elementary School, the Clary Middle School, the Dr. Weeks Elementary
2 School and the Fowler High School, up to a total cost of two hundred
3 twenty-five million dollars; AND (B) NO MORE THAN TWENTY PROJECTS AT
4 LOCATIONS TO BE DETERMINED BY THE CITY SCHOOL DISTRICT AND APPROVED BY
5 THE JSC BOARD, UP TO A TOTAL COST OF THREE HUNDRED MILLION DOLLARS,
6 shall be authorized and undertaken pursuant to this act, unless other-
7 wise authorized by law.

8 S 3. Sections 6 and 7 of part A-4 of chapter 58 of the laws of 2006
9 enacting the "city of Syracuse and the board of education of the city
10 school district of the city of Syracuse cooperative school recon-
11 struction act" are amended to read as follows:

12 S 6. (1) Before formal selection of the projects IDENTIFIED IN SUBDI-
13 VISION (A) OF SECTION FIVE OF THIS ACT occurs, the JSC board shall
14 develop a comprehensive plan recommending and outlining the projects it
15 proposes to be potentially undertaken pursuant to this act. Such plan
16 shall include: (a) an estimate of total costs to be financed, proposed
17 financing plan, proposed method of financing, terms and conditions of
18 the financing, estimated financing costs, and, if city general obli-
19 gation bonds or notes are not proposed as the method of financing, a
20 comparison of financing costs between such bonds or notes and the
21 proposed method of financing. The plan should also address what specific
22 options would be used to ensure that sufficient resources exist to cover
23 the local share of any such project cost on an annual basis; (b) infor-
24 mation concerning the potential persons to be involved in the financing
25 and such person's role and responsibilities; (c) estimates on the
26 design, reconstruction and rehabilitation costs by project, any adminis-
27 trative costs for potential projects, and an outline of the time-frame
28 expected for completion of each potential project; (d) a detailed
29 description of the request for proposals process and an outline of the
30 criteria to be used for selection of the program manager and all
31 contractors; (e) any proposed amendments to the city school district's
32 five year capital facilities plan submitted in accordance with subdivi-
33 sion 6 of section 3602 of the education law and the regulations of the
34 commissioner; and (f) a diversity plan, in compliance with subdivision
35 [(e)] (B) of section eight of this act, to develop diversity goals,
36 including appropriate community input and public discussion, and develop
37 strategies that would create and coordinate any efforts to ensure a more
38 diverse workforce for the projects. The diversity plan should address
39 accountability for attainment of the diversity goals, what forms of
40 monitoring would be used, and how such information would be publicly
41 communicated.

42 Prior to the development of the comprehensive plan, the JSC board
43 shall hold as many public hearings as may be necessary to ensure suffi-
44 cient public input and allow for significant public discussion on the
45 school building needs in such city, with at least one hearing to be held
46 in each neighborhood potentially impacted by a proposed project.

47 The JSC board shall submit the components of such comprehensive plan
48 outlined in [subdivision] PARAGRAPH (a) of SUBDIVISION ONE OF this
49 section to the comptroller, along with any other information requested
50 by the comptroller, for his or her review and approval.

51 (2) BEFORE FORMAL SELECTION OF THE PROJECTS PURSUANT TO SUBDIVISION
52 (B) OF SECTION FIVE OF THIS ACT OCCURS, THE CITY SCHOOL DISTRICT SHALL
53 PROVIDE TO THE JSC BOARD A COMPREHENSIVE DRAFT PLAN RECOMMENDING AND
54 OUTLINING THE PROJECTS IT PROPOSES TO BE POTENTIALLY UNDERTAKEN PURSUANT
55 TO THIS ACT. SUCH PLAN WILL BE SUBJECT TO THE REVIEW AND APPROVAL OF THE
56 JSC BOARD AND SHALL INCLUDE: (A) AN ESTIMATE OF TOTAL COSTS TO BE

1 FINANCED, PROPOSED FINANCING PLAN, PROPOSED METHOD OF FINANCING, TERMS
2 AND CONDITIONS OF THE FINANCING, ESTIMATED FINANCING COSTS, AND, IF CITY
3 GENERAL OBLIGATION BONDS OR NOTES ARE NOT PROPOSED AS THE METHOD OF
4 FINANCING, A COMPARISON OF FINANCING COSTS BETWEEN SUCH BONDS OR NOTES
5 AND THE PROPOSED METHOD OF FINANCING. THE PLAN SHOULD ALSO ADDRESS WHAT
6 SPECIFIC OPTIONS WOULD BE USED TO ENSURE THAT SUFFICIENT RESOURCES EXIST
7 TO COVER THE LOCAL SHARE OF ANY SUCH PROJECT COST ON AN ANNUAL BASIS;
8 (B) INFORMATION CONCERNING THE POTENTIAL PERSONS TO BE INVOLVED IN THE
9 FINANCING AND SUCH PERSON'S ROLE AND RESPONSIBILITIES; (C) ESTIMATES ON
10 THE DESIGN, RECONSTRUCTION AND REHABILITATION COSTS BY PROJECT, ANY
11 ADMINISTRATIVE COSTS FOR POTENTIAL PROJECTS, AND AN OUTLINE OF THE
12 TIME-FRAME EXPECTED FOR COMPLETION OF EACH POTENTIAL PROJECT; (D) A
13 DETAILED DESCRIPTION OF THE REQUEST FOR PROPOSALS PROCESS AND AN OUTLINE
14 OF THE CRITERIA TO BE USED FOR SELECTION OF THE PROGRAM MANAGER AND ALL
15 CONTRACTORS; (E) ANY PROPOSED AMENDMENTS TO THE CITY SCHOOL DISTRICT'S
16 FIVE YEAR CAPITAL FACILITIES PLAN SUBMITTED IN ACCORDANCE WITH SUBDIVI-
17 SION 6 OF SECTION 3602 OF THE EDUCATION LAW AND THE REGULATIONS OF THE
18 COMMISSIONER; AND (F) A DIVERSITY PLAN, IN COMPLIANCE WITH SUBDIVISION
19 (B) OF SECTION EIGHT OF THIS ACT, TO DEVELOP DIVERSITY GOALS, INCLUDING
20 APPROPRIATE COMMUNITY INPUT AND PUBLIC DISCUSSION, AND DEVELOP STRATE-
21 GIES THAT WOULD CREATE AND COORDINATE ANY EFFORTS TO ENSURE A MORE
22 DIVERSE WORKFORCE FOR THE PROJECTS. THE DIVERSITY PLAN SHOULD ADDRESS
23 ACCOUNTABILITY FOR ATTAINMENT OF THE DIVERSITY GOALS, WHAT FORMS OF
24 MONITORING WOULD BE USED, AND HOW SUCH INFORMATION WOULD BE PUBLICLY
25 COMMUNICATED.

26 AS PART OF THE DEVELOPMENT OF THE COMPREHENSIVE PLAN, THE SCHOOL
27 DISTRICT SHALL HOLD AS MANY PUBLIC HEARINGS AS MAY BE NECESSARY TO
28 ENSURE SUFFICIENT PUBLIC INPUT AND ALLOW FOR SIGNIFICANT PUBLIC
29 DISCUSSION ON THE SCHOOL BUILDING NEEDS IN SUCH CITY, WITH AT LEAST ONE
30 HEARING TO BE HELD IN EACH NEIGHBORHOOD POTENTIALLY IMPACTED BY A
31 PROPOSED PROJECT.

32 THE JSC BOARD SHALL SUBMIT THE COMPONENTS OF SUCH COMPREHENSIVE PLAN
33 OUTLINED IN PARAGRAPH (A) OF SUBDIVISION TWO OF THIS SECTION TO THE
34 COMPTROLLER, ALONG WITH ANY OTHER INFORMATION REQUESTED BY THE COMP-
35 TROLLER, FOR HIS OR HER REVIEW AND APPROVAL.

36 S 7. (A) Notwithstanding any general, special or local law to the
37 contrary and upon approval by the comptroller pursuant to section [four]
38 SIX of this act, the city school district may select projects, PURSUANT
39 TO SUBDIVISION (A) OF SECTION FIVE OF THIS ACT to be undertaken pursuant
40 to this act, as provided for in such approved comprehensive plan. After
41 the city school district has selected a new project and plans and spec-
42 ifications for such project have been prepared and approved by the city
43 school district, which are consistent with the approved comprehensive
44 plan, the city school district shall deliver such plans and specifica-
45 tions to the city, for approval by such city, acting through the common
46 council, and after the common council has approved such plans and spec-
47 ifications, the city shall deliver them to the commissioner for his or
48 her approval. After approval by the commissioner, the plans and spec-
49 ifications shall be returned to the city school district and such
50 district shall then deliver them to the JSC board. All such specifica-
51 tions shall detail the number of students the completed project is
52 intended to serve, the site description, the types of subjects to be
53 taught, the types of activities for school, recreational, social, safe-
54 ty, or other purposes intended to be incorporated in the school building
55 or on its site and such other information as the city school district,

1 the city, the common council, and the commissioner shall deem necessary
2 or advisable.

3 (B) NOTWITHSTANDING ANY GENERAL, SPECIAL OR LOCAL LAW TO THE CONTRARY
4 AND UPON APPROVAL BY THE COMPTROLLER PURSUANT TO SECTION SIX OF THIS
5 ACT, THE CITY SCHOOL DISTRICT MAY SELECT PROJECTS, PURSUANT TO SUBDIVI-
6 SION (B) OF SECTION FIVE OF THIS ACT TO BE UNDERTAKEN PURSUANT TO THIS
7 ACT, AS PROVIDED FOR IN SUCH APPROVED COMPREHENSIVE PLAN. AFTER THE CITY
8 SCHOOL DISTRICT HAS SELECTED A NEW PROJECT AND PLANS AND SPECIFICATIONS
9 FOR SUCH PROJECT HAVE BEEN PREPARED AND APPROVED BY THE CITY SCHOOL
10 DISTRICT IN CONSULTATION WITH THE CITY ENGINEER, WHICH ARE CONSISTENT
11 WITH THE APPROVED COMPREHENSIVE PLAN, THE CITY SCHOOL DISTRICT SHALL
12 DELIVER SUCH PLANS AND SPECIFICATIONS TO THE COMMISSIONER FOR HIS OR HER
13 APPROVAL. AFTER APPROVAL BY THE COMMISSIONER, THE PLANS AND SPECIFICA-
14 TIONS SHALL BE DELIVERED TO THE JSC BOARD. ALL SUCH SPECIFICATIONS SHALL
15 DETAIL THE NUMBER OF STUDENTS THE COMPLETED PROJECT IS INTENDED TO
16 SERVE, THE SITE DESCRIPTION, THE TYPES OF SUBJECTS TO BE TAUGHT, THE
17 TYPES OF ACTIVITIES FOR SCHOOL, RECREATIONAL, SOCIAL, SAFETY, OR OTHER
18 PURPOSES INTENDED TO BE INCORPORATED IN THE SCHOOL BUILDING OR ON ITS
19 SITE AND SUCH OTHER INFORMATION AS THE CITY SCHOOL DISTRICT, THE CITY
20 ENGINEER, AND THE COMMISSIONER SHALL DEEM NECESSARY OR ADVISABLE.

21 (C) NOTWITHSTANDING ANY OTHER PROVISION OF LAW TO THE CONTRARY, IF THE
22 TOTAL PROJECT COST ASSOCIATED WITH THE PROJECTS AUTHORIZED PURSUANT TO
23 SUBDIVISION (B) OF SECTION FIVE OF THIS ACT EXCEEDS THE ESTIMATED TOTAL
24 PROJECT COST OF 300 MILLION DOLLARS, THEN THE JSC BOARD SHALL REPORT
25 SUCH INFORMATION, ALONG WITH EXPLANATORY DOCUMENTATION REGARDING THE
26 INCREASE IN COST, TO THE GOVERNOR, THE NEW YORK STATE COMPTROLLER, THE
27 COMMISSIONER, THE TEMPORARY PRESIDENT OF THE SENATE AND THE SPEAKER OF
28 THE ASSEMBLY.

29 (D) NOTWITHSTANDING ANY OTHER PROVISION OF LAW TO THE CONTRARY, THE
30 JSC BOARD SHALL SUBMIT ESTIMATED PROJECT COSTS FOR THE PROJECTS AUTHOR-
31 IZED PURSUANT TO SUBDIVISION (B) OF SECTION FIVE OF THIS ACT AFTER THE
32 COMPLETION OF SCHEMATIC PLANS AND SPECIFICATIONS FOR REVIEW BY THE
33 COMMISSIONER. IF THE TOTAL PROJECT COSTS ASSOCIATED WITH SUCH PROJECTS
34 EXCEED THE SUM OF THE ESTIMATED INDIVIDUAL APPROVED COST ALLOWANCE OF
35 EACH BUILDING PROJECT BY MORE THAN THE LESSER OF 30 MILLION DOLLARS OR
36 TEN PERCENT OF THE APPROVED COSTS, AND THE CITY SCHOOL DISTRICT HAS NOT
37 OTHERWISE DEMONSTRATED TO THE SATISFACTION OF THE NEW YORK STATE EDUCA-
38 TION DEPARTMENT THE AVAILABILITY OF ADDITIONAL LOCAL SHARES FOR SUCH
39 EXCESS COSTS, THEN THE JSC BOARD SHALL NOT PROCEED WITH THE PREPARATION
40 OF FINAL PLANS AND SPECIFICATIONS FOR SUCH PROJECTS UNTIL THE PROJECTS
41 HAVE BEEN REDESIGNED OR VALUE-ENGINEERED TO REDUCE ESTIMATED PROJECT
42 COSTS SO AS NOT TO EXCEED THE ABOVE COST LIMITS.

43 (E) NOTWITHSTANDING ANY OTHER PROVISION OF LAW TO THE CONTRARY, THE
44 JSC BOARD SHALL SUBMIT ESTIMATED PROJECT COSTS FOR THE PROJECTS AUTHOR-
45 IZED PURSUANT TO SUBDIVISION (B) OF SECTION FIVE OF THIS ACT AFTER THE
46 COMPLETION OF FIFTY PERCENT OF THE FINAL PLANS AND SPECIFICATIONS FOR
47 REVIEW BY THE COMMISSIONER. IF THE TOTAL PROJECT COSTS ASSOCIATED WITH
48 SUCH PROJECTS EXCEED THE SUM OF THE ESTIMATED INDIVIDUAL APPROVED COST
49 ALLOWANCE OF EACH BUILDING PROJECT BY MORE THAN THE LESSER OF 30 MILLION
50 DOLLARS OR TEN PERCENT OF THE APPROVED COSTS, AND THE CITY SCHOOL
51 DISTRICT HAS NOT OTHERWISE DEMONSTRATED TO THE SATISFACTION OF THE NEW
52 YORK STATE EDUCATION DEPARTMENT THE AVAILABILITY OF ADDITIONAL LOCAL
53 SHARE FOR SUCH EXCESS COSTS, THEN THE JSC BOARD SHALL NOT PROCEED WITH
54 THE COMPLETION OF THE REMAINING FIFTY PERCENT OF THE PLANS AND SPECIFI-
55 CATIONS FOR SUCH PROJECTS UNTIL THE PROJECTS HAVE BEEN REDESIGNED OR

1 VALUE-ENGINEERED TO REDUCE ESTIMATED PROJECT COSTS SO AS NOT TO EXCEED
2 THE ABOVE COST LIMITS.

3 S 4. Paragraph (a) of section 8 of part A-4 of chapter 58 of the laws
4 of 2006 enacting the "city of Syracuse and the board of education of the
5 city school district of the city of Syracuse cooperative school recon-
6 struction act" is amended to read as follows:

7 (a) [Pursuant to the authority granted to it by an agreement and any
8 amendment or supplemental agreement thereto, between the city and the
9 city school district creating the JSC board with reference to the JSC
10 board and any amendments to those sections, the] THE JSC board, upon
11 receipt of such plans and specifications for a project [from the city],
12 may enter into contracts ACTING THROUGH THE CITY'S DIVISION OF PURCHASE
13 AND SUBJECT TO THE APPROVAL OF THE CITY ENGINEER AND CORPORATION COUNSEL
14 on behalf of the city or the city school district, or both, for such
15 project.

16 S 5. Subdivisions (a) and (c) of section 9 of part A-4 of chapter 58
17 of the laws of 2006 enacting the "city of Syracuse and the board of
18 education of the city school district of the city of Syracuse cooper-
19 ative school reconstruction act" are amended to read as follows:

20 (a) Notwithstanding the provisions of any general, special, or local
21 law to the contrary, a contract entered into between the JSC board and
22 any person pursuant to this act may be awarded either pursuant to public
23 bidding in compliance with section 103 of the general municipal law or,
24 in order to foster major investment in existing school buildings and to
25 deliver quality products and services that are beneficial to the city
26 and the city school district and the public they serve, pursuant to the
27 following provisions of this act for the award of a contract based on
28 evaluation of proposals submitted in response to a request for proposals
29 prepared by or for the JSC board. PROVIDED, HOWEVER, THAT THE JSC BOARD
30 SHALL HAVE THE OPTION OF OBTAINING PROFESSIONAL SERVICES INCLUDING BUT
31 NOT LIMITED TO AN INDEPENDENT PROGRAM MANAGER, CONSTRUCTION MANAGERS,
32 ARCHITECTS, ENGINEERS, FINANCIAL EXPERTS, AND DIVERSITY COMPLIANCE
33 SERVICES THROUGH THE CITY'S STANDARD REQUEST FOR PROPOSALS PROCESS USING
34 THE JSC BOARD AS THE APPROVING GOVERNING BODY INSTEAD OF THE COMMON
35 COUNCIL FOR SUCH CONTRACT AWARDS.

36 (c) Prior to the issuance of a request for proposals pursuant to this
37 act, EXCEPT THOSE ISSUED PURSUANT TO THE CITY'S STANDARD REQUEST FOR
38 PROPOSALS, the JSC board shall publish notice of such issuance in the
39 official newspaper of the city, if any, and in at least one newspaper of
40 general circulation. Concurrent with the publication of such notice, a
41 draft request for proposals shall be filed with the JSC board. After
42 allowing a thirty day comment period and an additional ten days to
43 review such comments, the JSC board may publish the final request for
44 proposals and concurrent with such publication shall publish notice of
45 such issuance in the manner specified in this subdivision. Concurrent
46 with the publication of the final request for proposals, a set of
47 comments filed in relation to the draft request for proposals and find-
48 ings related to the substantive elements of such comments shall be filed
49 along with the request for proposals with the JSC board and in the
50 public library or libraries in proximity to the proposed project.

51 S 6. Subdivisions (a) and (d) of section 10 of part A-4 of chapter 58
52 of the laws of 2006 enacting the "city of Syracuse and the board of
53 education of the city school district of the city of Syracuse cooper-
54 ative school reconstruction act" are amended to read as follows:

55 (a) The JSC board may require a contractor awarded a PUBLIC contract,
56 subcontract[, lease, grant, bond, covenant] or other agreement for a

1 project to enter into a project labor agreement during and for the work
2 involved with such project when such requirement is part of the JSC
3 board's [request for proposals] SPECIFICATIONS for the project and when
4 the JSC board determines that the record supporting the decision to
5 enter into such an agreement establishes that it is justified by the
6 interests underlying the competitive bidding laws. IN ADDITION, THE JSC
7 BOARD MAY CHOOSE TO EXTEND THE PROJECT LABOR AGREEMENT ENTERED INTO FOR
8 THE FIRST PHASE OF THE JSC CONSTRUCTION PROJECTS TO THE PROJECTS AUTHOR-
9 IZED HEREIN.

10 (d) Every contract entered into by the JSC board for a project shall
11 contain a provision that the design of such project shall be subject to
12 the review and approval of the city school district AND THE CITY ENGI-
13 NEER and that the design and construction standards of such project
14 shall be subject to the review and approval of the commissioner. In
15 addition, every such contract shall contain a provision that the
16 contractor shall furnish a labor and material bond guaranteeing prompt
17 payment of moneys that are due to all persons furnishing labor and mate-
18 rials pursuant to the requirements of any contracts for a project under-
19 taken pursuant to this act and a performance bond for the faithful
20 performance of the project, which shall conform to the provisions of
21 section 103-f of the general municipal law, and that a copy of such
22 performance and payment bonds shall be kept by the city and shall be
23 open to public inspection.

24 S 7. Section 11 of part A-4 of chapter 58 of the laws of 2006 enacting
25 the "city of Syracuse and the board of education of the city school
26 district of the city of Syracuse cooperative school reconstruction act"
27 is amended to read as follows:

28 S 11. (a) All contracts entered into by the JSC board for projects
29 [undertaken pursuant to this act] PURSUANT TO SUBDIVISION (A) OF SECTION
30 FIVE OF THIS ACT shall be managed by an independent program manager.
31 Selection of the program manager shall be pursuant to the competitive
32 process established in section seven of this act. The program manager
33 shall have experience in planning, designing, and constructing new
34 and/or reconstructing existing school buildings, public facilities,
35 commercial facilities, and/or infrastructure facilities, and in the
36 negotiation and management of labor contracts and agreements, training
37 programs, educational programs, and physical technological requirements
38 for educational programs. The program manager shall manage all projects
39 undertaken pursuant to this act, review project schedules, review
40 payment schedules, prepare cost estimates and assess the safety programs
41 of contractors and all training programs, if required. The program
42 manager shall implement procedures for verification by it that all work
43 for which payment has been requested has been satisfactorily completed.

44 (b) ALL CONSTRUCTION AND DESIGN CONTRACTS ENTERED INTO BY THE JSC
45 BOARD FOR PROJECTS PURSUANT TO SUBDIVISION (B) OF SECTION FIVE OF THIS
46 ACT SHALL BE MANAGED BY THE CITY ENGINEER IN AGREEMENT WITH THE SCHOOL
47 DISTRICT OR, AT THE DISCRETION OF THE JSC BOARD, AN INDEPENDENT PROGRAM
48 MANAGER OR CONSTRUCTION MANAGERS SELECTED FOR ONE OR MORE PROJECTS.
49 SELECTION OF THE PROGRAM MANAGER AND/OR THE CONSTRUCTION MANAGER OR
50 MANAGERS SHALL BE PURSUANT TO A COMPETITIVE PROCESS ESTABLISHED IN
51 ACCORDANCE WITH THE CITY'S STANDARD REQUEST FOR PROPOSALS PROCESS USING
52 THE JSC BOARD AS THE APPROVING GOVERNING BODY INSTEAD OF THE COMMON
53 COUNCIL FOR SUCH CONTRACT AWARDS. THE PROGRAM MANAGER SHALL HAVE EXPERI-
54 ENCE IN PLANNING, DESIGNING, AND CONSTRUCTING NEW AND/OR RECONSTRUCTING
55 EXISTING SCHOOL BUILDINGS IN NEW YORK STATE, PUBLIC FACILITIES, COMMER-
56 CIAL FACILITIES, AND/OR INFRASTRUCTURE FACILITIES, AND IN THE NEGOTI-

1 ATION AND MANAGEMENT OF LABOR CONTRACTS AND AGREEMENTS, TRAINING
2 PROGRAMS, EDUCATIONAL PROGRAMS, AND PHYSICAL TECHNOLOGICAL REQUIREMENTS
3 FOR EDUCATIONAL PROGRAMS. THE PROGRAM MANAGER SHALL MANAGE ALL PROJECTS
4 ASSIGNED BY THE JSC BOARD TO THE PROGRAM MANAGER AND UNDERTAKEN PURSUANT
5 TO SUBDIVISION (B) OF SECTION FIVE OF THIS ACT, REVIEW PROJECT SCHED-
6 ULES, REVIEW PAYMENT SCHEDULES, PREPARE COST ESTIMATES AND ASSESS THE
7 SAFETY PROGRAMS OF CONTRACTORS AND ALL TRAINING PROGRAMS, IF REQUIRED.
8 THE PROGRAM MANAGER SHALL IMPLEMENT PROCEDURES FOR VERIFICATION BY IT
9 THAT ALL WORK FOR WHICH PAYMENT HAS BEEN REQUESTED HAS BEEN SATISFAC-
10 TORILY COMPLETED. PROVIDED, HOWEVER, THAT THE JSC BOARD MAY CHOOSE TO
11 UTILIZE THE SERVICES OF AN INDEPENDENT CONSTRUCTION MANAGER AT ONE OR
12 MORE OF THE PROJECTS TO BE AUTHORIZED HEREIN WITH SAID CONSTRUCTION
13 MANAGER MANAGING THE PROJECT WITHIN THE MANAGEMENT PLAN SET FORTH BY THE
14 INDEPENDENT PROGRAM MANAGER AND THE JSC BOARD.

15 (C) The program manager, and its affiliates or subsidiaries, if any,
16 shall be prohibited from awarding contracts or being awarded contracts
17 for or performing any work on projects undertaken pursuant to this act.

18 S 8. Intentionally omitted.

19 S 9. Section 13 of part A-4 of chapter 58 of the laws of 2006 enacting
20 the "city of Syracuse and the board of education of the city school
21 district of the city of Syracuse cooperative school reconstruction act"
22 is amended to read as follows:

23 S 13. Notwithstanding any general, special, or local law or ordinance
24 to the contrary, contracts entered into by the JSC board for projects
25 undertaken pursuant to this act: (A) MAY BE INITIALLY FUNDED BY THE CITY
26 FROM ANY AVAILABLE MONIES OR FROM THE PROCEEDS OF CITY OBLIGATIONS
27 ISSUED IN ANTICIPATION OF PERMANENT FINANCING FROM ANY SOURCE PROVIDED
28 UNDER THE ACT AND THE REIMBURSEMENT TO THE CITY OF ANY AVAILABLE MONIES
29 SO ADVANCED OR THE PAYMENT OF OBLIGATIONS OF THE CITY ISSUED IN ANTIC-
30 IPATION OF PERMANENT FINANCING (INCLUDING PERMANENT FINANCING ISSUED
31 THROUGH THE CITY OF SYRACUSE INDUSTRIAL DEVELOPMENT AGENCY FOR SUCH
32 PURPOSE) IS HEREBY SPECIFICALLY AUTHORIZED, AND (B) (1) may be funded by
33 certificates of participation issued by the city pursuant to this act;
34 (2) may be installment purchased contracts; and (3) shall be subject to
35 the provisions of section 109-b of the general municipal law, except for
36 paragraph (a) of subdivision 3 of such section, subdivision 5 of such
37 section, and paragraph (c) of subdivision 6 of such section, and except
38 to the extent section 109-b of the general municipal law is inconsistent
39 with the provisions of this act. All provisions with reference to
40 installment purchase contracts or certificates of participation
41 contained in section 109-b of the general municipal law, except any
42 prohibition against using such installment purchase contracts or certif-
43 icates of participation for the purposes set forth in this act, shall
44 apply to installment purchase contracts or certificates of participation
45 entered into or issued pursuant to the authority of this section of this
46 act.

47 S 10. Section 14 of part A-4 of chapter 58 of the laws of 2006 enact-
48 ing the "city of Syracuse and the board of education of the city school
49 district of the city of Syracuse cooperative school reconstruction act"
50 is amended by adding a new subdivision (c) to read as follows:

51 (C) PAYMENT OF DEBT SERVICE ON BONDS, NOTES OR OTHER OBLIGATIONS
52 ISSUED TO SECURE FINANCING FOR PROJECTS UNDERTAKEN PURSUANT TO THIS ACT
53 SHALL NOT BE CONSIDERED WHEN DETERMINING THE "CITY AMOUNT" REQUIRED
54 PURSUANT TO SUBPARAGRAPH (II) OF PARAGRAPH A OF SUBDIVISION 5-B OF
55 SECTION 2576 OF THE EDUCATION LAW; PROVIDED, HOWEVER, THAT THIS
56 PROVISION SHALL NOT OTHERWISE AFFECT THE DETERMINATION OF SAID "CITY

1 AMOUNT" WITH RESPECT TO FUNDING UNRELATED TO PROJECTS UNDERTAKEN PURSU-
2 ANT TO THIS ACT.

3 S 11. Subdivision (a) of section 16 of part A-4 of chapter 58 of the
4 laws of 2006 enacting the "city of Syracuse and the board of education
5 of the city school district of the city of Syracuse cooperative school
6 reconstruction act" is amended to read as follows:

7 (a) Notwithstanding any limitations contained in article 18-A of the
8 general municipal law, including subdivisions 4[,] AND 12 [and 13] of
9 section 854 and section 926 of the general municipal law, a project
10 undertaken pursuant to this act shall be a "project" within the defi-
11 nition and for the purposes of subdivision 4 of section 854 of the
12 general municipal law, which may be financed by the city of Syracuse
13 industrial development agency or any successor agency thereto AND THE
14 CITY OF SYRACUSE INDUSTRIAL DEVELOPMENT AGENCY IS EXPRESSLY AUTHORIZED
15 TO REFINANCE OBLIGATIONS ISSUED BY THE CITY IN ANTICIPATION OF FINANCING
16 AUTHORIZED BY THIS ACT AND/OR REIMBURSE THE CITY FOR MONIES ADVANCED BY
17 THE CITY FOR PROJECTS UNDERTAKEN PURSUANT TO THIS ACT. In connection
18 with the city of Syracuse industrial development agency financing the
19 costs of any project undertaken pursuant to this act, the city and the
20 city school district may grant a leasehold or license interest in the
21 project and school building site constituting such project to the city
22 of Syracuse industrial development agency. All contracts involving any
23 such projects shall be awarded by the JSC board pursuant to the compet-
24 itive [process] PROCESSES outlined in [section] SECTIONS seven, EIGHT
25 AND NINE of this act [and shall comply with the provisions of section
26 eight of this act]. A project undertaken pursuant to this act may be
27 financed through a special program agreement with the state of New York
28 municipal bond bank agency pursuant to the provisions of section 2435-a
29 of the public authorities law. It shall be the duty of the JSC board,
30 the city school district and the city to compare the financing available
31 for such projects through the city of Syracuse industrial development
32 agency with financing available through the state of New York municipal
33 bond bank agency, and to employ the financing mechanism that will result
34 in the lowest cost to the taxpayers of the city and the state. It shall
35 be the duty of the JSC board, the city school district, the city and the
36 city of Syracuse industrial development agency to share with the state
37 of New York municipal bond bank agency any information in their
38 possession that is required by the state of New York municipal bond bank
39 agency to determine the cost of financing such projects and to compute
40 the interest rate that would have been applicable to a bond issuance by
41 the state of New York municipal bond bank agency in the event that
42 financing is obtained through the city of Syracuse industrial develop-
43 ment agency. Any failure to provide such information within thirty days
44 of receipt of a request from the state of New York municipal bond bank
45 agency shall be deemed to be a failure of the city school district to
46 submit the data needed to compute the apportionment of state building
47 aid, and the commissioner shall withhold such apportionment until such
48 information is fully submitted. Upon request of the city school
49 district, the director of the state of New York municipal bond bank
50 agency shall submit such reports as the commissioner may require on the
51 financing of such projects and/or the interest rate that would have been
52 applicable to such projects if they had been financed through such agen-
53 cy.

54 S 12. Section 19 of part A-4 of chapter 58 of the laws of 2006 enact-
55 ing the "city of Syracuse and the board of education of the city school

1 district of the city of Syracuse cooperative school reconstruction act"
2 is amended to read as follows:

3 S 19. (A) On January 15, 2007 and annually thereafter, until
4 completion of the [seven] projects authorized pursuant to this act, the
5 JSC board shall issue a report to the governor, the comptroller, the
6 commissioner, the temporary president of the senate, the speaker of the
7 assembly, the city, the common council and the city school district on
8 the progress and status of the projects undertaken by the JSC board.
9 Provided further, that if any such entities request information on the
10 progress and status of the projects prior to such report, it shall be
11 provided to such entities by the JSC board.

12 [In addition, on] (B) ON or before June 30, 2014 or upon the
13 completion of the [seven] projects authorized pursuant to SUBDIVISION
14 (A) OF SECTION FIVE OF this act, whichever shall first occur, the JSC
15 board shall issue a report to the city, the city school district, the
16 governor, the commissioner, the comptroller, the temporary president of
17 the senate, the minority leader of the senate, the speaker of the assem-
18 bly, the minority leader of the assembly, the state board of regents,
19 and the chairs and ranking minority members of the New York state senate
20 and assembly committees on education, the finance committee of the New
21 York state senate, and the ways and means committee of the New York
22 state assembly. Such report shall identify the fiscal and pedagogical
23 results of the projects undertaken pursuant to this act, along with
24 recommendations for its continuance, amendments, or discontinuance.

25 (C) ON OR BEFORE JUNE 30, 2020 OR UPON THE COMPLETION OF THE PROJECTS
26 AUTHORIZED PURSUANT TO SUBDIVISION (B) OF SECTION FIVE OF THIS ACT,
27 WHICHEVER SHALL FIRST OCCUR, THE JSC BOARD SHALL ISSUE A REPORT TO THE
28 CITY, THE CITY SCHOOL DISTRICT, THE GOVERNOR, THE COMMISSIONER, THE
29 COMPTROLLER, THE TEMPORARY PRESIDENT OF THE SENATE, THE MINORITY LEADER
30 OF THE SENATE, THE SPEAKER OF THE ASSEMBLY, THE MINORITY LEADER OF THE
31 ASSEMBLY, THE STATE BOARD OF REGENTS, AND THE CHAIRS AND RANKING MINORI-
32 TY MEMBERS OF THE NEW YORK STATE SENATE AND ASSEMBLY COMMITTEES ON
33 EDUCATION, THE FINANCE COMMITTEE OF THE NEW YORK STATE SENATE, AND THE
34 WAYS AND MEANS COMMITTEE OF THE NEW YORK STATE ASSEMBLY. SUCH REPORT
35 SHALL IDENTIFY THE FISCAL AND PEDAGOGICAL RESULTS OF THE PROJECTS UNDER-
36 TAKEN PURSUANT TO THIS ACT, ALONG WITH RECOMMENDATIONS FOR ITS CONTIN-
37 UANCE, AMENDMENTS, OR DISCONTINUANCE.

38 S 13. This act shall take effect immediately; provided, however, that
39 all resolutions, actions, obligations and approvals of the JSC board, as
40 defined in subdivision (f) of section 4 of part A-4 of chapter 58 of the
41 laws of 2006, as amended in section one of this act, taken prior to the
42 effective date of this act shall remain in full force and effect and be
43 treated as resolutions, actions, obligations and approvals of such
44 board.

45 PART B

46 Intentionally omitted

47 PART C

48 Section 1. Paragraph (a) of subdivision 1 of section 1 of part U of
49 chapter 57 of the laws of 2005 amending the labor law and other laws
50 implementing the state fiscal plan for the 2005-2006 state fiscal year,
51 relating to the New York state higher education capital matching grant

1 program for independent colleges, as amended by section 1 of part H of
2 chapter 57 of the laws of 2012, is amended to read as follows:

3 (a) The New York state higher education capital matching grant board
4 is hereby created to have and exercise the powers, duties and preroga-
5 tives provided by the provisions of this section and any other provision
6 of law. The board shall remain in existence during the period of the New
7 York state higher education capital matching grant program from the
8 effective date of this section through March 31, [2013] 2014, or the
9 date on which the last of the funds available for grants under this
10 section shall have been disbursed, whichever is earlier; provided,
11 however, that the termination of the existence of the board shall not
12 affect the power and authority of the dormitory authority to perform its
13 obligations with respect to any bonds, notes, or other indebtedness
14 issued or incurred pursuant to authority granted in this section.

15 S 2. Paragraph (h) of subdivision 4 of section 1 of part U of chapter
16 57 of the laws of 2005 amending the labor law and other laws implement-
17 ing the state fiscal plan for the 2005-2006 state fiscal year, relating
18 to the New York state higher education capital matching grant program
19 for independent colleges, as amended by section 2 of part H of chapter
20 57 of the laws of 2012, is amended to read as follows:

21 (h) [If a college did not apply for a potential grant] IN THE EVENT
22 THAT ANY COLLEGES DO NOT APPLY FOR HIGHER EDUCATION CAPITAL MATCHING
23 GRANTS by March 31, 2009, OR IN THE EVENT THEY APPLY FOR AND ARE
24 AWARDED, BUT DO NOT USE THE FULL AMOUNT OF SUCH GRANTS, THE UNUSED funds
25 associated with such [potential grant] GRANTS shall THEREAFTER be
26 awarded[,] TO COLLEGES on a competitive basis, [to other colleges,]
27 according to the priorities set forth below. [Colleges] NOTWITHSTANDING
28 SUBDIVISION FIVE OF THIS SECTION, ANY COLLEGE shall be eligible to apply
29 for [unutilized grants] SUCH UNUSED FUNDS IN RESPONSE TO A REQUEST FOR
30 PROPOSALS FOR A HIGHER EDUCATION CAPITAL MATCHING GRANT PURSUANT TO THIS
31 PARAGRAPH. In such cases, the following priorities shall apply: first,
32 priority shall be given to otherwise eligible colleges that either were,
33 or would have been, deemed ineligible for the program prior to March 31,
34 2009, due to missed deadlines, insufficient matching funds, lack of
35 accreditation or other disqualifying reasons; and second, after the
36 board has acted upon all such first-priority applications for unused
37 funds, if any such funds remain, those funds shall be available for
38 distribution to eligible colleges [that are located within the same
39 Regents of the State of New York region for which such funds were
40 originally allocated]. THE UNUSED FUNDS ASSOCIATED WITH HIGHER EDUCA-
41 TION CAPITAL MATCHING GRANTS THAT WERE AVAILABLE IN THE FIRST INSTANCE
42 TO COLLEGES AND UNIVERSITIES LOCATED IN THE COUNTIES OF NASSAU, SUFFOLK
43 AND IN THE CITY OF NEW YORK, SHALL BE AWARDED PURSUANT TO THIS PARAGRAPH
44 TO COLLEGES IN THE COUNTIES OF NASSAU AND SUFFOLK AND THE CITY OF NEW
45 YORK, AND THE UNUSED FUNDS ASSOCIATED WITH SUCH GRANTS THAT WERE AVAIL-
46 ABLE IN THE FIRST INSTANCE TO COLLEGES OUTSIDE THE COUNTIES OF NASSAU,
47 SUFFOLK AND THE CITY OF NEW YORK SHALL BE AWARDED PURSUANT TO THIS PARA-
48 GRAPH TO COLLEGES LOCATED OUTSIDE THE COUNTIES OF NASSAU, SUFFOLK AND
49 THE CITY OF NEW YORK. The dormitory authority shall develop a request
50 for proposals and application process, in consultation with the board,
51 for [such] HIGHER EDUCATION CAPITAL MATCHING grants AWARDED PURSUANT TO
52 THIS PARAGRAPH, and shall develop criteria, subject to review by the
53 board, for the awarding of such grants. Such criteria shall [incorporate]
54 INCLUDE, BUT NOT BE LIMITED TO the matching criteria contained in
55 paragraph (c) of this subdivision, and the application criteria set
56 forth in paragraph (e) of this subdivision. The dormitory authority

1 shall require all applications in response to the request for proposals
2 to be submitted by September 1, [2012] 2013, and the board shall act on
3 each application for such matching grants by November 1, [2012] 2013.

4 S 3. Subclause (A) of clause (ii) of paragraph (j) of subdivision 4 of
5 section 1 of part U of chapter 57 of the laws of 2005 amending the labor
6 law and other laws implementing the state fiscal plan for the 2005-2006
7 state fiscal year, relating to the New York state higher education capi-
8 tal matching grant program for independent colleges, as amended by
9 section 3 of part H of chapter 57 of the laws of 2012, is amended to
10 read as follows:

11 (A) Notwithstanding the provision of any general or special law to the
12 contrary, and subject to the provisions of chapter 59 of the laws of
13 2000 and to the making of annual appropriations therefor by the legisla-
14 ture, in order to assist the dormitory authority in providing such high-
15 er education capital matching grants, the director of the budget is
16 authorized in any state fiscal year commencing April 1, 2005 or any
17 state fiscal year thereafter for a period ending on March 31, [2014]
18 2015, to enter into one or more service contracts, none of which shall
19 exceed 30 years in duration, with the dormitory authority, upon such
20 terms as the director of the budget and the dormitory authority agree.

21 S 4. Paragraph (b) of subdivision 7 of section 1 of part U of chapter
22 57 of the laws of 2005 amending the labor law and other laws implement-
23 ing the state fiscal plan for the 2005-2006 state fiscal year, relating
24 to the New York state higher education matching capital grant program
25 for independent colleges, as amended by section 4 of part H of chapter
26 57 of the laws of 2012, is amended to read as follows:

27 (b) Any eligible institution receiving a grant pursuant to this arti-
28 cle shall report to the dormitory authority no later than June 1, [2013]
29 2014, on the use of funding received and its programmatic and economic
30 impact. The dormitory authority shall submit a report no later than
31 November 1, [2013] 2014 to the board, the governor, the director of the
32 budget, the temporary president of the senate, and the speaker of the
33 assembly on the aggregate impact of the higher education matching capi-
34 tal grant program. Such report shall provide information on the progress
35 and economic impact of such project.

36 S 5. This act shall take effect immediately and shall be deemed to
37 have been in full force and effect on and after April 1, 2013.

38 PART D

39 Intentionally omitted

40 PART E

41 Section 1. Paragraphs (a), (b), (c) and (d) of subdivision 1 of
42 section 131-o of the social services law, as amended by section 1 of
43 part C of chapter 57 of the laws of 2012, are amended to read as
44 follows:

45 (a) in the case of each individual receiving family care, an amount
46 equal to at least [\$135.00] \$137.00 for each month beginning on or after
47 January first, two thousand [twelve] THIRTEEN.

48 (b) in the case of each individual receiving residential care, an
49 amount equal to at least [\$155.00] \$158.00 for each month beginning on
50 or after January first, two thousand [twelve] THIRTEEN.

1 (c) in the case of each individual receiving enhanced residential
2 care, an amount equal to at least [\$184.00] \$187.00 for each month
3 beginning on or after January first, two thousand [twelve] THIRTEEN.

4 (d) for the period commencing January first, two thousand [thirteen]
5 FOURTEEN, the monthly personal needs allowance shall be an amount equal
6 to the sum of the amounts set forth in subparagraphs one and two of this
7 paragraph:

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

10 (2) the amount in subparagraph one of this paragraph, multiplied by
11 the percentage of any federal supplemental security income cost of
12 living adjustment which becomes effective on or after January first, two
13 thousand [thirteen] FOURTEEN, but prior to June thirtieth, two thousand
14 [thirteen] FOURTEEN, rounded to the nearest whole dollar.

15 S 2. Paragraphs (a), (b), (c), (d), (e) and (f) of subdivision 2 of
16 section 209 of the social services law, as amended by section 2 of part
17 C of chapter 57 of the laws of 2012, are amended to read as follows:

18 (a) On and after January first, two thousand [twelve] THIRTEEN, for an
19 eligible individual living alone, [\$785.00] \$797.00; and for an eligible
20 couple living alone, [\$1152.00] \$1170.00.

21 (b) On and after January first, two thousand [twelve] THIRTEEN, for an
22 eligible individual living with others with or without in-kind income,
23 [\$721.00] \$733.00; and for an eligible couple living with others with or
24 without in-kind income, [\$1094.00] \$1112.00.

25 (c) On and after January first, two thousand [twelve] THIRTEEN, (i)
26 for an eligible individual receiving family care, [\$964.48] \$976.48 if
27 he or she is receiving such care in the city of New York or the county
28 of Nassau, Suffolk, Westchester or Rockland; and (ii) for an eligible
29 couple receiving family care in the city of New York or the county of
30 Nassau, Suffolk, Westchester or Rockland, two times the amount set forth
31 in subparagraph (i) of this paragraph; or (iii) for an eligible individ-
32 ual receiving such care in any other county in the state, [\$926.48]
33 \$938.48; and (iv) for an eligible couple receiving such care in any
34 other county in the state, two times the amount set forth in subpara-
35 graph (iii) of this paragraph.

36 (d) On and after January first, two thousand [twelve] THIRTEEN, (i)
37 for an eligible individual receiving residential care, [\$1133.00]
38 \$1145.00 if he or she is receiving such care in the city of New York or
39 the county of Nassau, Suffolk, Westchester or Rockland; and (ii) for an
40 eligible couple receiving residential care in the city of New York or
41 the county of Nassau, Suffolk, Westchester or Rockland, two times the
42 amount set forth in subparagraph (i) of this paragraph; or (iii) for an
43 eligible individual receiving such care in any other county in the
44 state, [\$1103.00] \$1115.00; and (iv) for an eligible couple receiving
45 such care in any other county in the state, two times the amount set
46 forth in subparagraph (iii) of this paragraph.

47 (e) (i) On and after January first, two thousand [twelve] THIRTEEN,
48 for an eligible individual receiving enhanced residential care,
49 [\$1392.00] \$1404.00; and (ii) for an eligible couple receiving enhanced
50 residential care, two times the amount set forth in subparagraph (i) of
51 this paragraph.

52 (f) The amounts set forth in paragraphs (a) through (e) of this subdi-
53 vision shall be increased to reflect any increases in federal supple-
54 mental security income benefits for individuals or couples which become
55 effective on or after January first, two thousand [thirteen] FOURTEEN
56 but prior to June thirtieth, two thousand [thirteen] FOURTEEN.

1 S 3. This act shall take effect December 31, 2013.

2 PART F
3 Intentionally Omitted

4 PART G

5 Section 1. Subdivisions 4 and 5 of section 412 of the executive law,
6 as amended by chapter 182 of the laws of 2002, are amended to read as
7 follows:

8 4. "Municipality" shall mean a county, [city, village, town, that part
9 of a town not included within the boundaries of a village, or a school
10 district (if approved for such purpose by the commissioner, in instances
11 where no other municipality, overlapping such school district in whole
12 or part, is receiving state aid pursuant to this article or upon such
13 other basis as the commissioner shall by regulation determine). Muni-
14 cipality may mean an Indian reservation, subject to rules and regulations
15 of the office] OR A CITY HAVING A POPULATION OF ONE MILLION OR MORE.

16 5. "Youth DEVELOPMENT program" shall mean a ["youth bureau," "recre-
17 ation project" or "youth service" project established under prior
18 authorizing legislation establishing a temporary state youth commission
19 as well as similar] local [programs] PROGRAM designed to accomplish the
20 broad purposes of this article[. The definition, determination and clas-
21 sification of youth programs shall be] subject to [approval by the
22 office in accordance with] THE rules and regulations [adopted by it] OF
23 THE OFFICE; PROVIDED HOWEVER, THE TERM "YOUTH DEVELOPMENT PROGRAM" SHALL
24 NOT INCLUDE APPROVED RUNAWAY PROGRAMS OR TRANSITIONAL INDEPENDENT LIVING
25 SUPPORT PROGRAMS AS SUCH TERMS ARE DEFINED IN SECTION FIVE HUNDRED THIR-
26 TY-TWO-A OF THIS CHAPTER.

27 S 2. Subdivision 1 of section 420 of the executive law is REPEALED and
28 a new subdivision 1 is added to read as follows:

29 1. A. (1) EACH MUNICIPALITY OPERATING A YOUTH DEVELOPMENT PROGRAM
30 APPROVED BY THE OFFICE OF CHILDREN AND FAMILY SERVICES SHALL BE ELIGIBLE
31 FOR ONE HUNDRED PERCENT STATE REIMBURSEMENT OF ITS QUALIFIED EXPENDI-
32 TURES, SUBJECT TO AVAILABLE APPROPRIATIONS AND EXCLUSIVE OF ANY FEDERAL
33 FUNDS MADE AVAILABLE THEREFOR, NOT TO EXCEED THE MUNICIPALITY'S DISTRIB-
34 UTION OF STATE AID UNDER THIS ARTICLE.

35 (2) THE STATE AID APPROPRIATED FOR YOUTH DEVELOPMENT PROGRAMS SHALL BE
36 DISTRIBUTED BY THE OFFICE OF CHILDREN AND FAMILY SERVICES TO ELIGIBLE
37 MUNICIPALITIES THAT HAVE AN APPROVED COMPREHENSIVE PLAN PURSUANT TO
38 SUBPARAGRAPH TWO OF PARAGRAPH C OF THIS SUBDIVISION. SUCH STATE AID
39 SHALL BE LIMITED TO THE FUNDS SPECIFICALLY APPROPRIATED THEREFOR AND
40 SHALL BE BASED ON FACTORS, DETERMINED BY THE OFFICE IN CONSULTATION WITH
41 THE YOUTH BUREAUS, THAT SHALL INCLUDE, BUT NOT BE LIMITED TO, THE NUMBER
42 OF YOUTH UNDER THE AGE OF TWENTY-ONE RESIDING IN THE MUNICIPALITY AS
43 SHOWN BY THE LAST PUBLISHED FEDERAL CENSUS CERTIFIED IN THE SAME MANNER
44 AS PROVIDED BY SECTION FIFTY-FOUR OF THE STATE FINANCE LAW.

45 (3) ELIGIBLE MUNICIPALITIES SHALL CLAIM A PERCENTAGE OF THEIR DISTRIB-
46 UTION FOR THE OPERATION OF A YOUTH BUREAU. THE OFFICE SHALL NOT REIM-
47 BURSE ANY CLAIMS UNDER THIS SECTION UNLESS THEY ARE SUBMITTED WITHIN
48 TWELVE MONTHS OF THE CALENDAR QUARTER IN WHICH THE EXPENDITURE WAS MADE.
49 THE OFFICE MAY REQUIRE THAT SUCH CLAIMS BE SUBMITTED TO THE OFFICE ELEC-
50 TRONICALLY IN THE MANNER AND FORMAT REQUIRED BY THE OFFICE.

51 B. YOUTH DEVELOPMENT PROGRAMS SHALL PROVIDE COMMUNITY-LEVEL SERVICES
52 DESIGNED TO PROMOTE POSITIVE YOUTH DEVELOPMENT. SUCH PROGRAMS MAY

1 INCLUDE, BUT NOT BE LIMITED TO: PROGRAMS THAT PROMOTE PHYSICAL AND
2 EMOTIONAL WELLNESS, EDUCATIONAL ACHIEVEMENT OR CIVIC, FAMILY AND COMMU-
3 NITY ENGAGEMENT; FAMILY SUPPORT SERVICES; SERVICES TO PREVENT CHILD
4 ABUSE AND NEGLECT; SERVICES TO AVERT FAMILY CRISES; AND SERVICES TO
5 ASSIST YOUTH IN NEED OF CRISIS INTERVENTION OR RESPITE SERVICES. SUBJECT
6 TO THE REGULATIONS OF THE OFFICE, A MUNICIPALITY MAY ENTER INTO
7 CONTRACTS TO EFFECTUATE ITS YOUTH DEVELOPMENT PROGRAM ESTABLISHED AND
8 APPROVED AS PROVIDED IN THIS ARTICLE.

9 C. EACH MUNICIPALITY SHALL DEVELOP, IN CONSULTATION WITH THE YOUTH
10 BUREAU, A COMPREHENSIVE PLAN TO OFFER YOUTH DEVELOPMENT PROGRAMS. SUCH
11 COMPREHENSIVE PLAN SHALL BE SUBJECT TO THE APPROVAL OF THE OFFICE OF
12 CHILDREN AND FAMILY SERVICES IN ACCORDANCE WITH SUBPARAGRAPH TWO OF THIS
13 PARAGRAPH AND SHALL BE SUBMITTED BY EACH MUNICIPALITY IN A MANNER AND AT
14 SUCH TIMES AND FOR SUCH PERIODS AS THE OFFICE OF CHILDREN AND FAMILY
15 SERVICES SHALL DETERMINE.

16 (1) SUCH COMPREHENSIVE PLAN SHALL:

17 (I) ADDRESS THE NEED IN THE MUNICIPALITY FOR YOUTH DEVELOPMENT
18 PROGRAMS IN TOWNS AND CITIES WHICH HAVE A TOTAL POPULATION OF TWENTY
19 THOUSAND OR MORE PERSONS;

20 (II) IF THE MUNICIPALITY IS SEEKING STATE AID TO PROVIDE SERVICES FOR
21 RUNAWAY AND HOMELESS YOUTH, AS DEFINED IN ARTICLE NINETEEN-H OF THIS
22 CHAPTER, THE RUNAWAY AND HOMELESS YOUTH PLAN, AS REQUIRED BY SUBDIVISION
23 TWO OF THIS SECTION, SHALL BE SUBMITTED AS PART OF THE COMPREHENSIVE
24 PLAN THAT IS REQUIRED PURSUANT TO THIS PARAGRAPH; PROVIDED HOWEVER, THAT
25 STATE AID TO PROVIDE SERVICES FOR RUNAWAY AND HOMELESS YOUTH SERVICES
26 SHALL BE FROM AND LIMITED TO FUNDS APPROPRIATED SEPARATELY FOR SUCH
27 RUNAWAY AND HOMELESS YOUTH PROGRAM PURPOSES BY THE STATE, AND SHALL NOT
28 BE INCLUDED UNDER THE LIMITS SET FORTH IN THIS SUBDIVISION;

29 (III) SPECIFY HOW THE MUNICIPALITY WILL MEASURE PERFORMANCE OUTCOMES
30 FOR SUCH SERVICES AND PROGRAMS COVERED UNDER THE PLAN;

31 (IV) SPECIFY THE PROJECTED PERFORMANCE OUTCOMES FOR SERVICES AND
32 PROGRAMS COVERED UNDER THE PLAN, INCLUDING PROJECTED POSITIVE OUTCOMES
33 FOR YOUTH WHO PARTICIPATE IN THE SERVICES AND PROGRAMS; AND

34 (V) PROVIDE INFORMATION ON THE PERFORMANCE OUTCOMES OF SERVICES
35 PROVIDED UNDER THE MUNICIPALITY'S MOST RECENT PLAN APPROVED PURSUANT TO
36 THIS SUBDIVISION, INCLUDING OUTCOME BASED MEASURES THAT DEMONSTRATE THE
37 QUALITY OF SERVICES PROVIDED AND PROGRAM EFFECTIVENESS OF PROGRAMS FUND-
38 ED UNDER SUCH PLAN.

39 (2) THE OFFICE OF CHILDREN AND FAMILY SERVICES MAY APPROVE ALL OR PART
40 OF A MUNICIPALITY'S COMPREHENSIVE PLAN. IF THE OFFICE DOES NOT APPROVE A
41 MUNICIPALITY'S COMPREHENSIVE PLAN, SUCH MUNICIPALITY SHALL HAVE SIXTY
42 DAYS FROM RECEIPT OF THE NOTIFICATION OF DISAPPROVAL TO SUBMIT A REVISED
43 PLAN.

44 S 3. Subdivision 2 of section 420 of the executive law, as amended by
45 chapter 182 of the laws of 2002, is amended to read as follows:

46 2. Runaway and homeless youth plan; state aid.

47 a. A [county] MUNICIPALITY may submit to the [commissioner] OFFICE OF
48 CHILDREN AND FAMILY SERVICES a plan for the providing of services for
49 runaway and homeless youth, as defined in article nineteen-H of this
50 chapter. Where such [county] MUNICIPALITY is receiving state aid pursu-
51 ant to paragraph a of subdivision one of this section, such runaway and
52 homeless youth plan shall be submitted as part of the comprehensive
53 [county] plan and shall be consistent with the goals and objectives
54 therein. A runaway and homeless youth plan shall be developed in consul-
55 tation with the county youth bureau and the county or city department of
56 social services, shall be in accordance with the regulations of the

1 [commissioner] OFFICE OF CHILDREN AND FAMILY SERVICES, shall provide for
2 a coordinated range of services for runaway and homeless youth and their
3 families including preventive, temporary shelter, transportation, coun-
4 seling, and other necessary assistance, and shall provide for the coor-
5 dination of all available county resources for runaway and homeless
6 youth and their families including services available through the county
7 youth bureau, the county or city department of social services, local
8 boards of education, local drug and alcohol programs and organizations
9 or programs which have past experience dealing with runaway and homeless
10 youth. Such plan may include provisions for transitional independent
11 living support programs for homeless youth between the ages of sixteen
12 and twenty-one as provided in article nineteen-H of this chapter. Such
13 plan shall also provide for the designation and duties of the runaway
14 and homeless youth service coordinator defined in section five hundred
15 thirty-two-a of this chapter who is available on a twenty-four hour
16 basis and maintains information concerning available shelter space,
17 transportation and services. Such plan may include provision for the per
18 diem reimbursement for residential care of runaway and homeless youth in
19 approved runaway programs which are authorized agencies, provided that
20 such per diem reimbursement shall not exceed a total of thirty days for
21 any one youth.

22 b. Each [county] MUNICIPALITY shall submit to the [commissioner]
23 OFFICE OF CHILDREN AND FAMILY SERVICES such additional information as
24 the [commissioner] OFFICE shall require, including but not limited to:

25 (1) A description of the current runaway and homeless population
26 including their age, place of origin, family status, service needs and
27 eventual disposition;

28 (2) A description of the public and private resources available to
29 serve runaway and homeless youth within the county;

30 (3) A description of new services to be provided and current services
31 to be expanded.

32 c. The [commissioner] OFFICE OF CHILDREN AND FAMILY SERVICES shall
33 review such plan IN ACCORDANCE WITH SUBPARAGRAPH TWO OF PARAGRAPH C OF
34 SUBDIVISION ONE OF THIS SECTION and may approve or disapprove such plan
35 or any part, program, or project within such plan, and may propose such
36 modifications and conditions as deemed appropriate and necessary.

37 d. (1) [Counties] MUNICIPALITIES having an approved runaway and home-
38 less youth plan pursuant to this subdivision shall be entitled to
39 reimbursement by the state for sixty percent of the entire amount of the
40 expenditures for programs contained in such plan as approved by the
41 [commissioner] OFFICE OF CHILDREN AND FAMILY SERVICES, after first
42 deducting therefrom any federal or other state funds received or to be
43 received on account thereof. All reimbursement pursuant to this subdivi-
44 sion shall be from and limited to funds appropriated separately for such
45 runaway and homeless youth program purposes by the state, and shall not
46 be included under the limits set in subdivision one of this section.
47 [The county's] A MUNICIPALITY'S share of the cost of such programs may
48 be met in part by donated private funds or in-kind services, as defined
49 by the office, provided that such private funding or receipt of services
50 shall not in the aggregate be more than fifty percent of such [county's]
51 MUNICIPALITY'S share.

52 (2) Notwithstanding any inconsistent provision of law and subject to
53 funds appropriated separately therefor, a [county] MUNICIPALITY having
54 an approved runaway and homeless youth plan which includes provisions
55 for transitional independent living support programs shall be entitled
56 to reimbursement by the state for sixty percent of the entire amount of

1 the approved expenditures for transitional independent living support
2 programs contained in the plan as approved by the [commissioner] OFFICE
3 OF CHILDREN AND FAMILY SERVICES. The [county's] MUNICIPALITY'S share of
4 the cost of such programs may be met by donated private funds or in-kind
5 services, as defined by the office, provided that such receipt of
6 in-kind services shall not in the aggregate be more than fifty percent
7 of such [county's] MUNICIPALITY'S share.

8 S 4. Paragraphs a and c of subdivision 5 of section 420 of the execu-
9 tive law, as added by chapter 160 of the laws of 2004, are amended to
10 read as follows:

11 a. Notwithstanding any other provision of law, the office of children
12 and family services shall plan for the statewide implementation by the
13 thirty-first day of December, two thousand eight, of a county child and
14 family services plan that combines the [county] comprehensive plan
15 required by this section and the multi-year consolidated services plan
16 required by section thirty-four-a of the social services law into a
17 single plan.

18 c. The office of children and family services may waive any regulatory
19 requirements relating to the content and timing of [county] comprehen-
20 sive plans that may impede the ability of a county to implement a county
21 child and family services plan.

22 S 5. Section 422 of the executive law, as added by chapter 636 of the
23 laws of 1956, subdivisions 1, 3, 4, 7, 8 and 9 as amended by chapter 182
24 of the laws of 2002, subdivision 5 as amended by chapter 879 of the laws
25 of 1976, and subdivision 10 as added by chapter 400 of the laws of 1978,
26 is amended to read as follows:

27 S 422. Youth bureaus; recreation and youth service projects; and other
28 youth DEVELOPMENT programs. 1. Any county or city, or any town or
29 village with a total population of twenty thousand or more persons
30 desiring to establish a youth bureau, or [any municipality desiring to
31 establish] a recreation, youth service or other project may apply to the
32 [office] MUNICIPALITY for approval of its plans. UPON APPROVAL, SUCH
33 MUNICIPALITY SHALL SUBMIT ITS APPLICATION TO THE OFFICE IN ACCORDANCE
34 WITH SUBDIVISION ONE OF SECTION FOUR HUNDRED TWENTY OF THIS ARTICLE.
35 The application shall be in writing, specifying the nature of the
36 program, and shall contain such information as the office shall require.

37 2. No application for the approval of plans for a youth DEVELOPMENT
38 program shall be considered BY THE OFFICE that has not been first
39 approved by the governing body of the municipality making application.

40 3. The office may approve or disapprove the proposed youth DEVELOPMENT
41 program as filed, or, if its modifications are not objected to by the
42 applicant, approve the same with such modifications.

43 4. The approval of any proposed youth DEVELOPMENT program by the
44 office shall authorize the [county, city or] municipality to establish,
45 operate and maintain the program and entitle it to state aid as herein
46 set forth; provided, however, the office may at any time subsequently
47 withdraw its approval or require changes in a plan or program previously
48 approved.

49 5. Two or more municipalities may join together to establish, operate
50 and maintain youth DEVELOPMENT programs and may make and perform agree-
51 ments in connection therewith. SUCH MUNICIPALITIES SHALL SUBMIT A JOINT
52 COMPREHENSIVE PLAN IN ACCORDANCE WITH SUBDIVISION ONE OF SECTION FOUR
53 HUNDRED TWENTY OF THIS ARTICLE. Such agreements shall include provisions
54 for the proportionate cost to be borne by each municipality and for the
55 manner of employment of personnel and may provide that a fiscal officer
56 of one such municipality shall be the custodian of the moneys made

1 available for expenditure for such purposes by all such municipalities
2 and that such fiscal officer may make payments therefrom upon audit of
3 the appropriate auditing body or officer of his municipality. In making
4 claims for state aid pursuant to this article, each such municipality
5 shall claim for its proportionate share of expenditures so made. Howev-
6 er, where it is provided that there shall be a disbursing municipality,
7 such disbursing municipality shall claim for the total joint program
8 expenditures so made and shall disburse such state aid to each partic-
9 ipating municipality based upon the proportionate share of expenditures
10 so made.

11 6. A municipality and the board of education, board of trustees or the
12 trustee of a school district may make and perform agreements providing
13 for the operation by a school district of a youth service, recreation or
14 other project of such municipality.

15 7. Moneys derived by a municipality from taxation, from profits of a
16 public utility service operated by it, or from gifts or grants available
17 therefor, may be made available in accordance with law and expended for
18 improvements to real property owned by it and held for school purposes
19 or owned by a school district in whole or in part located in such muni-
20 cipality where such real property is used by such municipality for youth
21 DEVELOPMENT program purposes and where such improvements are required in
22 connection with such purposes. Such municipality may receive reimburse-
23 ment for such expenditures as herein provided, subject to the rules and
24 regulations of the office.

25 8. The office, by rule and regulation, may authorize expenditures to
26 be made by a municipality for work to be done or improvements to be made
27 to real property for youth DEVELOPMENT program purposes.

28 9. Subject to the regulations of the office, a municipality may enter
29 into contracts to effectuate its youth DEVELOPMENT program established
30 and approved as provided in this article.

31 10. Notwithstanding any provision of law, rule or regulation to the
32 contrary, no [city, town or village] MUNICIPALITY with a youth popu-
33 lation of twenty-five thousand or less residing in such [city, town or
34 village] MUNICIPALITY shall be required under this article, or for
35 purposes of receiving state aid hereunder, to employ a full time execu-
36 tive director for their respective proposed or approved youth DEVELOP-
37 MENT programs, as the case may be.

38 S 6. Subdivisions 4, 5 and 6 of section 532-a of the executive law, as
39 amended by section 14 of part E of chapter 57 of the laws of 2005, are
40 amended and a new subdivision 8 is added to read as follows:

41 4. "Approved runaway program" shall mean any non-residential program
42 approved by the office of children and family services after submission
43 by the [county youth bureau] MUNICIPALITY, as part of its comprehensive
44 plan, or any residential facility which is operated by an authorized
45 agency as defined in subdivision ten of section three hundred seventy-
46 one of the social services law, and approved by the office of children
47 and family services after submission by the [county youth bureau] MUNI-
48 CIPALITY as part of its comprehensive plan, established and operated to
49 provide services to runaway and homeless youth in accordance with the
50 regulations of the office of temporary and disability assistance and the
51 office of children and family services. Such programs may also provide
52 non-residential crisis intervention and residential respite services to
53 youth in need of crisis intervention or respite services, as defined in
54 this section. Residential respite services in an approved runaway
55 program may be provided for no more than twenty-one days in accordance
56 with the regulations of the office of children and family services.

1 5. "Runaway and homeless youth service coordinator" shall mean any
2 person SO designated by [a county] A MUNICIPALITY whose duties shall
3 include but not be limited to answering inquiries at any time concerning
4 transportation, shelter and other services available to a runaway or
5 homeless youth or a youth in need of crisis intervention or respite
6 services.

7 6. "Transitional independent living support program" shall mean any
8 non-residential program approved by the office of children and family
9 services after submission by the [county youth bureau] MUNICIPALITY as
10 part of its comprehensive plan, or any residential facility approved by
11 the office of children and family services after submission by the
12 [county youth bureau] MUNICIPALITY as part of its comprehensive plan TO
13 OFFER YOUTH DEVELOPMENT PROGRAMS, established and operated to provide
14 supportive services, for a period of up to eighteen months in accordance
15 with the regulations of the office of children and family services, to
16 enable homeless youth between the ages of sixteen and twenty-one to
17 progress from crisis care and transitional care to independent living.
18 Such transitional independent living support program may also provide
19 services to youth in need of crisis intervention or respite services.
20 Notwithstanding the time limitation in paragraph (i) of subdivision (d)
21 of section seven hundred thirty-five of the family court act, residen-
22 tial respite services may be provided in a transitional independent
23 living support program for a period of more than twenty-one days.

24 8. "MUNICIPALITY" SHALL MEAN A COUNTY, OR A CITY HAVING A POPULATION
25 OF ONE MILLION OR MORE.

26 S 7. Subdivision 2 of section 532-b of the executive law, as added by
27 chapter 722 of the laws of 1978, is amended to read as follows:

28 2. The runaway youth may remain in the program on a voluntary basis
29 for a period not to exceed thirty days from the date of admission where
30 the filing of a petition pursuant to article ten of the family court act
31 is not contemplated, in order that arrangements can be made for the
32 runaway youth's return home, alternative residential placement pursuant
33 to section three hundred ninety-eight of the social services law, or any
34 other suitable plan. If the runaway youth and the parent, guardian or
35 custodian agree, in writing, the runaway youth may remain in the runaway
36 program up to sixty days without the filing of a petition pursuant to
37 article ten of the family court act, provided that in any such case the
38 facility shall first have obtained the approval of the [county] MUNICI-
39 PALITY'S runaway coordinator, who shall notify the [county] THE MUNICI-
40 PALITY'S youth bureau of his OR HER approval together with a statement
41 as to the reason why such additional residential stay is necessary and a
42 description of the efforts being made to find suitable alternative
43 living arrangements for such youth.

44 S 8. Paragraph (a) of subdivision 6 of section 34-a of the social
45 services law, as added by chapter 160 of the laws of 2004, is amended to
46 read as follows:

47 (a) Notwithstanding any other provision of law, the office of children
48 and family services shall plan for the statewide implementation, by the
49 thirty-first day of December, two thousand eight, of the use by counties
50 of a child and family services plan that combines the multi-year consol-
51 idated services plan required by this section and the [county] compre-
52 hensive plan required by section four hundred twenty of the executive
53 law into a single plan.

54 S 9. This act shall take effect January 1, 2014.

1 PART H
2 Intentionally Omitted

3 PART I

4 Section 1. Sections 46, 47, 48, 49, 50 and 74 of the executive law are
5 REPEALED.

6 S 2. Section 51 of the executive law, as added by chapter 766 of the
7 laws of 2005, is amended to read as follows:

8 S 51. Jurisdiction. This article shall, subject to the limitations
9 contained herein, confer upon the office of the state inspector general,
10 jurisdiction over all covered agencies. For the purposes of this article
11 "covered agency" shall include all executive branch agencies, depart-
12 ments, divisions, officers, boards and commissions, public authorities
13 (other than multi-state or multi-national authorities), [and] public
14 benefit corporations, the heads of which are appointed by the governor
15 and which do not have their own inspector general by statute, AND LOCAL
16 SOCIAL SERVICES DISTRICTS. Wherever a covered agency is a board,
17 commission, a public authority or public benefit corporation, the head
18 of the agency is the chairperson thereof. FOR PURPOSES OF THIS SECTION,
19 "LOCAL SOCIAL SERVICES DISTRICTS" SHALL INCLUDE CONTRACTEES OR RECIPI-
20 ENTS OF PUBLIC ASSISTANCE SERVICES AS PROVIDED BY THE DEPARTMENT OF
21 FAMILY ASSISTANCE.

22 S 3. Subdivisions 6 and 7 of section 53 of the executive law, as added
23 by chapter 766 of the laws of 2005, are amended to read as follows:

24 6. recommend remedial action to prevent or eliminate corruption,
25 fraud, criminal activity, conflicts of interest or abuse in covered
26 agencies AND OFFICES AND AGENCIES ADMINISTERING OR SUPPORTING PROGRAMS
27 OF THE DEPARTMENT OF FAMILY ASSISTANCE;

28 7. establish programs for training state AND LOCAL officers and
29 employees OF COVERED AGENCIES regarding the prevention and elimination
30 of corruption, fraud, criminal activity, conflicts of interest or abuse
31 in covered agencies.

32 S 4. Section 54 of the executive law, as added by chapter 766 of the
33 laws of 2005, is amended to read as follows:

34 S 54. Powers. The state inspector general shall have the power to:

- 35 1. subpoena and enforce the attendance of witnesses;
- 36 2. administer oaths or affirmations and examine witnesses under oath;
- 37 3. require the production of any books and papers deemed relevant or
38 material to any investigation, examination or review;
- 39 4. notwithstanding any law to the contrary, examine and copy or remove
40 documents or records of any kind prepared, maintained or held by any
41 covered agency;

42 5. require any officer or employee in a covered agency to answer ques-
43 tions concerning any matter related to the performance of his or her
44 official duties. No statement or other evidence derived therefrom may be
45 used against such officer or employee in any subsequent criminal prose-
46 cution other than for perjury or contempt arising from such testimony.
47 The refusal of any officer or employee to answer questions shall be
48 cause for removal from office or employment or other appropriate penal-
49 ty;

50 6. monitor the implementation by covered agencies AND BY OFFICES AND
51 AGENCIES ADMINISTERING OR SUPPORTING PROGRAMS OF THE DEPARTMENT OF FAMI-
52 LY ASSISTANCE of any recommendations made by THE state inspector gener-
53 al;

1 7. perform any other functions that are necessary or appropriate to
2 fulfill the duties and responsibilities of office.

3 8. SECTION ONE HUNDRED THIRTY-SIX OF THE SOCIAL SERVICES LAW SHALL IN
4 NO WAY BE CONSTRUED TO RESTRICT ANY PERSON OR GOVERNMENTAL BODY FROM
5 COOPERATING WITH AND ASSISTING THE INSPECTOR GENERAL OR HIS OR HER
6 EMPLOYEES IN CARRYING OUT THEIR LIMITED DUTIES INVESTIGATING A LOCAL
7 SOCIAL SERVICES DISTRICT UNDER THIS SECTION.

8 S 5. Subdivisions 3 and 7 of section 32 of the public health law,
9 subdivision 3 as amended by chapter 109 of the laws of 2007 and subdivi-
10 sion 7 as added by chapter 442 of the laws of 2006, are amended to read
11 as follows:

12 3. to coordinate, to the greatest extent possible, activities to
13 prevent, detect and investigate medical assistance program fraud and
14 abuse amongst the following: the department; the offices of mental
15 health, [mental retardation and] PEOPLE WITH developmental disabilities,
16 alcoholism and substance abuse services, temporary disability assist-
17 ance, and children and family services; the commission on quality of
18 care and advocacy for persons with disabilities; the department of
19 education; the fiscal agent employed to operate the medical assistance
20 information and payment system; local governments and entities; and to
21 work in a coordinated and cooperative manner with, to the greatest
22 extent possible, the deputy attorney general for Medicaid fraud control;
23 the [welfare] STATE inspector general, federal prosecutors, district
24 attorneys within the state, the special investigative unit maintained by
25 each health insurer operating within the state, and the state comp-
26 troller;

27 7. to make information and evidence relating to suspected criminal
28 acts which he or she may obtain in carrying out his or her duties avail-
29 able to appropriate law enforcement officials and to consult with the
30 deputy attorney general for Medicaid fraud control[, the welfare inspec-
31 tor general,] and other state and federal law enforcement officials for
32 coordination of criminal investigations and prosecutions.

33 The inspector shall refer suspected fraud or criminality to the deputy
34 attorney general for Medicaid fraud control and make any other referrals
35 to such deputy attorney general as required or contemplated by federal
36 law. At any time after such referral, with ten days written notice to
37 the deputy attorney general for Medicaid fraud control or such shorter
38 time as such deputy attorney general consents to, the inspector may
39 additionally provide relevant information about suspected fraud or
40 criminality to any other federal or state law enforcement agency that
41 the inspector deems appropriate under the circumstances;

42 S 6. Subdivision 2 of section 23 of the social services law, as added
43 by chapter 545 of the laws of 1978, is amended to read as follows:

44 2. Notwithstanding any law to the contrary, the department, upon
45 request by the office of [welfare] THE STATE inspector general, shall
46 provide EXPRESSLY AUTHORIZED EMPLOYEES OF said office with such informa-
47 tion it receives from the wage reporting system operated by the depart-
48 ment of taxation and finance that the [office of welfare] STATE inspec-
49 tor general deems necessary to carry out [its] functions and duties OF
50 HIS OR HER POSITION INVESTIGATING A COVERED AGENCY THAT IS A LOCAL
51 SOCIAL SERVICES DISTRICT, AS DEFINED IN SECTION FIFTY-ONE OF THE EXECU-
52 TIVE LAW, under article [four] FOUR-A of the executive law.

53 S 7. Subdivision 2 of section 136 of the social services law, as
54 amended by section 24 of part B of chapter 436 of the laws of 1997, is
55 amended to read as follows:

1 2. All communications and information relating to a person receiving
2 public assistance or care obtained by any social services official,
3 service officer, or employee in the course of his or her work shall be
4 considered confidential and, except as otherwise provided in this
5 section, shall be disclosed only to the commissioner, or his or her
6 authorized representative, the commissioner of labor, or his or her
7 authorized representative, the commissioner of health, or his or her
8 authorized representative, [the welfare inspector general, or his or her
9 authorized representative,] the county board of supervisors, city coun-
10 cil, town board or other board or body authorized and required to appro-
11 priate funds for public assistance and care in and for such county, city
12 or town or its authorized representative or, by authority of the county,
13 city or town social services official, to a person or agency considered
14 entitled to such information OR TO THE STATE INSPECTOR GENERAL IN CARRY-
15 ING OUT HIS OR HER LIMITED DUTIES INVESTIGATING A COVERED AGENCY THAT IS
16 A LOCAL SOCIAL SERVICES DISTRICT, AS DEFINED IN SECTION FIFTY-ONE OF THE
17 EXECUTIVE LAW. Nothing herein shall preclude a social services offi-
18 cial from reporting to an appropriate agency or official, including law
19 enforcement agencies or officials, known or suspected instances of
20 physical or mental injury, sexual abuse or exploitation, sexual contact
21 with a minor or negligent treatment or maltreatment of a child of which
22 the official becomes aware in the administration of public assistance
23 and care nor shall it preclude communication with the federal immi-
24 gration and naturalization service regarding the immigration status of
25 any individual.

26 S 8. Transfer of employees. Notwithstanding any other provision of
27 law, rule, or regulation to the contrary, upon the transfer of functions
28 from the office of the welfare inspector general to the office of the
29 state inspector general pursuant to this act, all employees of the
30 office of the welfare inspector general shall be transferred to the
31 office of the state inspector general. Employees transferred pursuant to
32 this act shall be transferred without further examination or qualifica-
33 tion and shall retain their respective civil service classifications,
34 status and collective bargaining unit designations and collective
35 bargaining agreements.

36 S 9. Transfer of records. All books, papers, and property of the
37 office of the welfare inspector general, except those required to be
38 retained by the New York state attorney general for investigation and
39 prosecution of pending cases, shall be delivered to the office of the
40 state inspector general. All books, papers, and property of the office
41 of the welfare inspector general shall continue to be maintained by the
42 office of the state inspector general.

43 S 10. Continuity of authority. For the purpose of succession of all
44 functions, powers, duties and obligations transferred and assigned to,
45 devolved upon and assumed by it pursuant to this act, the office of the
46 state inspector general shall be deemed and held to constitute the
47 continuation of the office of the welfare inspector general.

48 S 11. Completion of unfinished business. Any business or other matter
49 undertaken or commenced by the office of the welfare inspector general
50 pertaining to or connected with the functions, powers, obligations and
51 duties hereby transferred and assigned to the office of the state
52 inspector general and pending on the effective date of this act may be
53 conducted and completed by the office of the state inspector general in
54 the same manner and under the same terms and conditions and with the
55 same effect as if conducted and completed by the office of the welfare

1 inspector general, except the office of the state inspector general
2 shall have no authority to prosecute any cases.

3 S 12. Continuation of rules and regulations. All rules, regulations,
4 acts, orders, determinations, and decisions of the office of the welfare
5 inspector general pertaining to the functions and powers herein trans-
6 ferred and assigned, in force at the time of such transfer and assump-
7 tion, shall continue in full force and effect as rules, regulations,
8 acts, orders, determinations and decisions of the office of the state
9 inspector general until duly modified or abrogated by the state inspec-
10 tor general.

11 S 13. Existing rights and remedies preserved. No existing right or
12 remedy of any character shall be lost, impaired or affected by any
13 provisions of this act.

14 S 14. Pending actions and proceedings. No action or proceeding pending
15 at the time when this act shall take effect, brought by or against the
16 office of the welfare inspector general or the welfare inspector gener-
17 al, shall be affected by any provision of this act, but the same may be
18 prosecuted or defended in the name of the state inspector general or the
19 office of the state inspector general, except the office of the state
20 inspector general shall have no authority to prosecute any cases. In all
21 such actions and proceedings, the state inspector general, upon applica-
22 tion of the court, shall be substituted as a party.

23 S 15. Transfer of appropriations heretofore made. All appropriations
24 or reappropriations heretofore made to the office of the welfare inspec-
25 tor general to the extent of remaining unexpended or unencumbered
26 balance thereof, whether allocated or unallocated and whether obligated
27 or unobligated, are hereby transferred to and made available for use and
28 expenditure by the office of the state inspector general subject to the
29 approval of the director of the budget for the same purposes for which
30 originally appropriated or reappropriated and shall be payable on vouch-
31 ers certified or approved by the state inspector general on audit and
32 warrant of the comptroller.

33 S 16. Transfer of assets and liabilities. All assets and liabilities
34 of the office of the welfare inspector general are hereby transferred to
35 and assumed by the office of the state inspector general.

36 S 17. This act shall take effect immediately.

37 PART J

38 Intentionally omitted

39 PART K

40 Section 1. Articles 16 and 17 of the private housing finance law are
41 REPEALED.

42 S 2. The private housing finance law is amended by adding a new arti-
43 cle 28 to read as follows:

44 ARTICLE XXVIII

45 COMMUNITY PRESERVATION PROGRAM

46 SECTION 1230. STATEMENT OF LEGISLATIVE INTENT.

47 1231. DEFINITIONS.

48 1232. PROGRAM CONTRACTS.

49 1233. TECHNICAL SERVICES AND ASSISTANCE TO COMMUNITY PRESERVA-
50 TION CORPORATIONS.

51 1234. RULES AND REGULATIONS.

52 1235. ANNUAL REPORT.

1 1236. RELATIONSHIP TO OTHER LAWS.

2 S 1230. STATEMENT OF LEGISLATIVE INTENT. THERE EXISTS IN ALL GEOGRAPH-
3 IC AREAS OF THE STATE, INCLUDING RURAL, URBAN, AND SUBURBAN COMMUNITIES,
4 SIGNIFICANT UNMET HOUSING NEEDS. INDIVIDUALS AND FAMILIES OF LOW- AND
5 MODERATE-INCOME FACE SUBSTANTIAL BARRIERS TO SECURING AFFORDABLE HOUSING
6 IN HABITABLE CONDITION. THE HOUSING NEEDS OF THE STATE VARY GREATLY
7 AMONG ITS DIVERSE COMMUNITIES AND THE APPROPRIATE STRATEGIES TO MEET
8 THESE NEEDS DEPEND ON THE CIRCUMSTANCES OF EACH COMMUNITY. SUCH NEEDS
9 INCLUDE AN INADEQUATE NUMBER OF AFFORDABLE UNITS, UNITS THAT ARE DETERI-
10 ORATING AND ARE IN NEED OF REHABILITATION OR IMPROVEMENT, AND THE LACK
11 OF HOUSING TO ACCOMMODATE HOUSEHOLDS WITH SPECIAL NEEDS. IT IS THE
12 INTENT OF THE LEGISLATURE TO ESTABLISH A PROGRAM THAT WILL ENCOURAGE
13 COMMUNITY PRESERVATION CORPORATIONS TO REFLECT AND RESPOND TO THE NEEDS
14 AND PURPOSES OF EACH UNIQUE COMMUNITY AND, AT THE SAME TIME, TO ESTAB-
15 LISH A PROGRAM THAT, IN ITS FULL SCOPE, PROVIDES SERVICES TO AS MANY
16 INDIVIDUALS WITH UNMET HOUSING NEEDS AS POSSIBLE IN ALL AREAS OF THE
17 STATE.

18 S 1231. DEFINITIONS. AS USED IN THIS ARTICLE:

19 1. "DIVISION" SHALL MEAN THE STATE DIVISION OF HOUSING AND COMMUNITY
20 RENEWAL CREATED BY ARTICLE TWO OF THE PUBLIC HOUSING LAW.

21 2. "COMMUNITY PRESERVATION CORPORATION" SHALL MEAN A CORPORATION
22 ORGANIZED UNDER THE PROVISIONS OF THE NOT-FOR-PROFIT CORPORATION LAW
23 THAT HAS BEEN ENGAGED PRIMARILY IN HOUSING PRESERVATION AND COMMUNITY
24 RENEWAL ACTIVITIES AS DEFINED IN SUBDIVISION FOUR OF THIS SECTION FOR A
25 PERIOD OF ONE OR MORE YEARS.

26 3. "REGION" SHALL MEAN A COUNTY, CITY, TOWN, VILLAGE, OR CENSUS TRACT
27 OR ANY SPECIFIED PART OR COMBINATION THEREOF AS APPROVED BY THE DIVI-
28 SION, WITHIN WHICH HOUSING AND COMMUNITY RENEWAL ACTIVITIES FUNDED IN
29 PART PURSUANT TO THIS ARTICLE ARE TO BE CARRIED OUT.

30 4. "HOUSING PRESERVATION AND COMMUNITY RENEWAL ACTIVITIES" SHALL MEAN
31 ACTIVITIES ENGAGED IN BY A COMMUNITY PRESERVATION CORPORATION WITHIN A
32 REGION, PROVIDED, HOWEVER, THAT THE DIVISION MAY ALLOW A COMMUNITY PRES-
33 ERVATION CORPORATION TO ENGAGE IN SUCH ACTIVITIES IN UNSERVED AND UNDER-
34 SERVED AREAS OF A MUNICIPALITY LYING OUTSIDE OF ITS DESIGNATED REGION,
35 THAT INCLUDE: (A) THE NEW CONSTRUCTION OR THE ACQUISITION, MAINTENANCE,
36 PRESERVATION, REPAIR, REHABILITATION OR OTHER IMPROVEMENT OF VACANT OR
37 OCCUPIED HOUSING ACCOMMODATIONS; DEMOLITION OR SEALING OF VACANT STRUC-
38 TURES WHERE NECESSARY OR APPROPRIATE; DISPOSITION OF HOUSING ACCOMMO-
39 DATIONS TO PRESENT OR POTENTIAL OCCUPANTS OR CO-OPERATIVE ORGANIZATIONS;
40 TRAINING OR OTHER FORMS OF ASSISTANCE TO OCCUPANTS OF HOUSING ACCOMMO-
41 DATIONS; AND MANAGEMENT OF HOUSING ACCOMMODATIONS AS AGENT FOR THE
42 OWNERS, RECEIVERS, ADMINISTRATORS OR MUNICIPALITIES; OR (B) ACTIVITIES,
43 SIMILAR TO THOSE SPECIFIED IN PARAGRAPH (A) OF THIS SUBDIVISION, AIMED
44 AT ACCOMPLISHING SIMILAR PURPOSES AND MEETING SIMILAR NEEDS WITH RESPECT
45 TO RETAIL, COMMERCIAL OR SERVICE ESTABLISHMENTS WITHIN A REGION WHEN
46 CARRIED OUT IN CONNECTION WITH AND INCIDENTAL TO A PROGRAM OF HOUSING
47 RELATED ACTIVITIES.

48 5. "PERSONS OF LOW INCOME" SHALL MEAN INDIVIDUALS AND FAMILIES WHOSE
49 ANNUAL INCOMES DO NOT EXCEED NINETY PERCENT OF THE MEDIAN ANNUAL INCOME
50 FOR ALL RESIDENTS OF THE REGION WITHIN WHICH THEY RESIDE OR A LARGER
51 AREA ENCOMPASSING SUCH REGION FOR WHICH MEDIAN ANNUAL INCOME CAN BE
52 DETERMINED.

53 6. "MERGED CORPORATION" SHALL MEAN A COMMUNITY PRESERVATION CORPO-
54 RATION MAINTAINING A CONTRACT PURSUANT TO THIS ARTICLE THAT HAS UNDER-
55 GONE A MERGER WITH ONE OR MORE OTHER COMMUNITY PRESERVATION CORPO-
56 RATIONS, WHICH IS ALSO MAINTAINING A CONTRACT PURSUANT TO THIS ARTICLE,

1 THAT HAS LED THE MERGED CORPORATION TO REDUCE THE NUMBER OF CONTRACTS
2 BEING MAINTAINED WITH THE DIVISION PURSUANT TO THIS ARTICLE TO A TOTAL
3 OF ONE.

4 7. "UNMERGED CORPORATION" SHALL MEAN A COMMUNITY PRESERVATION CORPO-
5 RATION THAT IS NOT A MERGED CORPORATION.

6 S 1232. PROGRAM CONTRACTS. 1. IN ORDER TO BE ELIGIBLE TO RECEIVE FUNDS
7 PURSUANT TO THIS ARTICLE, A COMMUNITY PRESERVATION CORPORATION SHALL
8 SUBMIT A PROPOSAL BASED ON CRITERIA AS DETERMINED BY THE DIVISION.

9 2. WITHIN THE LIMIT OF FUNDS AVAILABLE IN THE COMMUNITY PRESERVATION
10 APPROPRIATION, THE DIVISION MAY ENTER INTO CONTRACTS WITH COMMUNITY
11 PRESERVATION CORPORATIONS TO PROVIDE HOUSING PRESERVATION AND COMMUNITY
12 RENEWAL ACTIVITIES.

13 3. IN DETERMINING TO ENTER INTO A CONTRACT WITH A COMMUNITY PRESERVA-
14 TION CORPORATION PURSUANT TO THIS ARTICLE THE DIVISION SHALL DETERMINE
15 THAT THE DEMOGRAPHIC AND OTHER RELEVANT DATA PERTAINING TO A REGION AS
16 SPECIFIED IN THE CONTRACT INDICATE THAT SUCH REGION CONTAINS SIGNIFICANT
17 UNMET HOUSING NEEDS OF PERSONS OF LOW INCOME, THAT THE HOUSING STOCK OF
18 SUCH REGION, BECAUSE OF ITS AGE, DETERIORATION, OR OTHER FACTORS,
19 REQUIRES IMPROVEMENT IN ORDER TO PRESERVE THE COMMUNITIES WITHIN THE
20 REGION AND THAT THE COMMUNITY PRESERVATION CORPORATION PROPOSES TO
21 ASSIST SUCH REGION THROUGH ACTIVE INTERVENTION TO EFFECT THE REGION'S
22 PRESERVATION, STABILIZATION OR IMPROVEMENT. THE DIVISION SHALL ALSO
23 DETERMINE THAT THE COMMUNITY PRESERVATION CORPORATION POSSESSES OR WILL
24 ACQUIRE OR GAIN ACCESS TO THE REQUISITE STAFF, OFFICE FACILITIES WITHIN
25 SUCH REGION, EQUIPMENT AND EXPERTISE TO ENABLE IT TO PERFORM THE ACTIV-
26 ITIES WHICH IT PROPOSES TO UNDERTAKE PURSUANT TO SUCH CONTRACT;
27 PROVIDED, HOWEVER, THAT THE COMMUNITY PRESERVATION CORPORATION'S OFFICE
28 FACILITIES MAY BE LOCATED OUTSIDE SUCH REGION IF THEY ARE LOCATED IN AN
29 AREA WHOLLY CONTAINED WITHIN THE COMMUNITY PRESERVATION CORPORATION'S
30 REGION, AND PROVIDED FURTHER, HOWEVER, THAT IT SHALL NOT BE A BAR TO THE
31 DIVISION'S CONTRACTING WITH A COMMUNITY PRESERVATION CORPORATION THAT
32 ONE OR MORE ORGANIZATIONS, WHETHER PURSUANT TO CONTRACT WITH THE DIVI-
33 SION OR NOT, ARE CONDUCTING COMMUNITY PRESERVATION ACTIVITIES WHOLLY OR
34 PARTIALLY WITHIN THE SAME REGION. THE COMMUNITY PRESERVATION CORPO-
35 RATION'S OFFICERS, DIRECTORS AND MEMBERS SHALL BE FAIRLY REPRESENTATIVE
36 OF THE RESIDENTS AND OTHER LEGITIMATE INTERESTS OF THE COMMUNITY, THAT
37 THEY WILL CARRY OUT SUCH A CONTRACT IN A RESPONSIBLE MANNER AND THAT AT
38 LEAST THIRTY-THREE PERCENT OF THE DIRECTORS OF THE COMMUNITY PRESERVA-
39 TION CORPORATION ARE RESIDENTS OF THE COMMUNITY, PROVIDED, HOWEVER,
40 COMMUNITY PRESERVATION CORPORATIONS ENGAGING IN HOUSING PRESERVATION AND
41 COMMUNITY RENEWAL ACTIVITIES IN AN AREA COEXTENSIVE WITH OR GREATER THAN
42 A COUNTY IN SIZE SHALL PROVIDE THAT FIFTY-ONE PERCENT OF ITS DIRECTORS
43 ARE RESIDENTS OF THE COMMUNITY.

44 4. EACH CONTRACT ENTERED INTO PURSUANT TO THIS ARTICLE SHALL PROVIDE
45 FOR PAYMENT TO THE COMMUNITY PRESERVATION CORPORATION FOR THE HOUSING
46 PRESERVATION AND COMMUNITY RENEWAL ACTIVITIES TO BE PERFORMED BY IT.
47 PAYMENTS SHALL BE MADE NOT LESS FREQUENTLY THAN SEMI-ANNUALLY WITH AN
48 INITIAL PAYMENT MADE AT OR PRIOR TO COMMENCEMENT OF HOUSING PRESERVATION
49 AND COMMUNITY RENEWAL ACTIVITIES.

50 5. PAYMENT PURSUANT TO THIS ARTICLE SHALL BE RESTRICTED TO SUMS
51 REQUIRED FOR THE PAYMENT OF SALARIES AND WAGES TO EMPLOYEES OF SUCH
52 CORPORATIONS WHO ARE ENGAGED IN RENDERING HOUSING PRESERVATION AND
53 COMMUNITY RENEWAL ACTIVITIES, FEES TO CONSULTANTS AND PROFESSIONALS
54 RETAINED BY THEM FOR PLANNING AND PERFORMING SUCH ACTIVITIES AND OTHER
55 COSTS AND EXPENSES DIRECTLY RELATED TO SUCH EMPLOYEES, CONSULTANTS AND
56 PROFESSIONALS. SUCH FUNDS MAY BE USED FOR PLANNING ANY HOUSING PRESERVA-

1 TION AND COMMUNITY RENEWAL ACTIVITY AND FOR RENOVATING, REPAIRING,
2 FURNISHING, EQUIPPING AND OPERATING AN OFFICE FACILITY TO BE USED IN
3 CONNECTION WITH THE CONDUCT OF HOUSING PRESERVATION AND COMMUNITY
4 RENEWAL ACTIVITIES BY THE COMMUNITY PRESERVATION CORPORATION.

5 6. CONTRACTS PURSUANT TO THIS SECTION SHALL BE FOR A PERIOD OF ONE TO
6 THREE YEARS TO BE DETERMINED AT THE DISCRETION OF THE DIVISION.

7 7. PRIOR TO RENEWING OR EXTENDING A CONTRACT OR ENTERING A SUCCEEDING
8 CONTRACT WITH A COMMUNITY PRESERVATION CORPORATION THE DIVISION SHALL
9 DETERMINE THAT:

10 (A) THE COMMUNITY PRESERVATION CORPORATION SHALL HAVE SUBSTANTIALLY
11 COMPLETED THE HOUSING PRESERVATION AND COMMUNITY RENEWAL ACTIVITIES
12 SPECIFIED IN THE CONTRACT TO BE RENEWED, EXTENDED, OR SUCCEEDED;

13 (B) THE COMMUNITY PRESERVATION CORPORATION SHALL HAVE RECEIVED THE
14 SUMS, SERVICES, AND FUNDS SPECIFIED IN SUBDIVISION FOUR OF THIS SECTION;
15 AND

16 (C) THE ACTIVITIES CARRIED OUT BY THE COMMUNITY PRESERVATION CORPO-
17 RATION PURSUANT TO ITS CONTRACT SHALL HAVE HAD A SIGNIFICANT IMPACT ON
18 THE REGION'S NEEDS AS SPECIFIED IN THE CONTRACT.

19 8. PRIOR TO TERMINATING, NOT RENEWING OR NOT EXTENDING A CONTRACT THE
20 DIVISION SHALL:

21 (A) DETERMINE THAT THE COMMUNITY PRESERVATION CORPORATION IS IN
22 VIOLATION OF THE TERMS AND CONDITIONS OF THE CONTRACT OR THAT FUNDS
23 PROVIDED PURSUANT TO THE CONTRACT ARE BEING EXPENDED IN A MANNER INCON-
24 SISTENT WITH THE TERMS OF THE CONTRACT OR THE PROVISIONS OF THIS ARTI-
25 CLE;

26 (B) DETERMINE THAT NECESSARY AND APPROPRIATE TECHNICAL ASSISTANCE HAS
27 BEEN PROVIDED WITHOUT SIGNIFICANT IMPROVEMENT IN THE ACTIVITIES OF THE
28 COMMUNITY PRESERVATION CORPORATION; AND

29 (C) PROVIDE THE COMMUNITY PRESERVATION CORPORATION WITH WRITTEN
30 NOTICE, AT LEAST FORTY-FIVE DAYS IN ADVANCE, OF ITS INTENT TO TERMINATE,
31 NOT RENEW OR NOT EXTEND THE CONTRACT AND PROVIDE THE COMMUNITY PRESERVA-
32 TION CORPORATION WITH AN OPPORTUNITY TO APPEAR AND BE HEARD BEFORE THE
33 DIVISION WITH RESPECT TO THE REASONS FOR SUCH PROPOSED TERMINATION,
34 NON-RENEWAL OR NON-EXTENSION. AT THE SAME TIME THAT A COMMUNITY PRESER-
35 VATION CORPORATION IS NOTIFIED OF THE DIVISION OF HOUSING AND COMMUNITY
36 RENEWAL'S INTENT TO TERMINATE, NOT RENEW OR NOT EXTEND THE CONTRACT, THE
37 DIVISION SHALL LIKEWISE INFORM THE SENATE AND ASSEMBLY MEMBERS WHO
38 REPRESENT AREAS WITHIN SUCH COMMUNITY PRESERVATION CORPORATION'S
39 GEOGRAPHIC BOUNDARIES OF ITS INTENT.

40 9. THE DIVISION SHALL ESTABLISH, FOR RENEWAL OF CONTRACTS, A PROCEDURE
41 WHICH PROVIDES THE COMMUNITY PRESERVATION CORPORATION WITH AT LEAST
42 FORTY-FIVE DAYS NOTICE OF THE COMMUNITY PRESERVATION CORPORATION'S OBLI-
43 GATIONS AND RIGHTS IN THAT PROCESS, INFORMS THE COMMUNITY PRESERVATION
44 CORPORATION OF THE AMOUNT OF THE RENEWAL CONTRACT, AND FACILITATES THE
45 TIMELY EXECUTION OF THE CONTRACT AND DISBURSEMENT OF FUNDS.

46 10. THE DIVISION MAY TEMPORARILY WITHHOLD PAYMENTS AND MAY ELECT NOT
47 TO RENEW OR EXTEND A CONTRACT OR ENTER A SUCCEEDING CONTRACT WITH ANY
48 COMMUNITY PRESERVATION CORPORATION IF THE CORPORATION IS NOT IN COMPLI-
49 ANCE WITH ITS CONTRACT, HAS FAILED TO SUBMIT DOCUMENTATION REQUIRED
50 UNDER ITS CONTRACT OR DOCUMENTATION REQUESTED BY THE DIVISION NECESSARY
51 TO MAKE THE DETERMINATION REQUIRED UNDER SUBDIVISION SEVEN OF THIS
52 SECTION OR HAS NOT SATISFIED ANY OTHER CONDITION CONSISTENT WITH THIS
53 ARTICLE FOR RENEWING OR EXTENDING A CONTRACT OR ENTERING A SUCCEEDING
54 CONTRACT.

55 11. THE DIVISION MAY ENTER INTO CONTRACTS WITH NEW COMMUNITY PRESERVA-
56 TION CORPORATIONS TO PERFORM HOUSING PRESERVATION AND COMMUNITY RENEWAL

1 ACTIVITIES IN A COMMUNITY THAT IS UNSERVED OR UNDERSERVED AS DETERMINED
 2 BY THE DIVISION.

3 12. IF FUNDS ARE NOT COLLECTED BY A COMMUNITY PRESERVATION CORPORATION
 4 OR FUNDS ARE REMAINING FROM A TERMINATED COMMUNITY PRESERVATION
 5 CONTRACT, SUCH FUNDS MAY BE DEPOSITED IN THE MERGED CORPORATION SAVINGS
 6 FUND AND USED TO FUND A NEW COMMUNITY PRESERVATION CORPORATION, MAY BE
 7 REALLOCATED TO THE EXISTING CORPORATIONS OR MAY BE USED TO PROVIDE TECH-
 8 NICAL ASSISTANCE.

9 13. WHEN DISBURSING FUNDS FOR CONTRACTS WITH COMMUNITY PRESERVATION
 10 CORPORATIONS, PURSUANT TO THIS ARTICLE, THE DIVISION SHALL USE THE
 11 FOLLOWING CRITERIA, FORMULAS, AND TABLES TO DETERMINE THE DISTRIBUTION
 12 OF FUNDS:

13 (A) (I) THE TOTAL UNMERGED CORPORATION FUNDING SHALL EQUAL THE CURRENT
 14 NUMBER OF UNMERGED CORPORATION CONTRACTS MULTIPLIED BY THE PER GROUP
 15 AWARD.

16 (II) THE UNMERGED CORPORATION FUNDING SHALL EQUAL THE PER GROUP AWARD.

17 (III) THE MERGED CORPORATION FUNDING SHALL EQUAL THE FUNDING MODIFICA-
 18 TION MULTIPLIED BY THE PER GROUP AWARD.

19 (B) MERGED CORPORATION FUNDING SHALL BE DETERMINED ON AN INDIVIDUAL
 20 BASIS FOR EACH COMMUNITY PRESERVATION CORPORATION. THE FOLLOWING TABLES
 21 SHOW THE FUNDING MODIFICATION TO BE USED:

22 (I) IN THE CASE OF TWO CORPORATIONS MERGING, THE FOLLOWING TABLE SHALL
 23 BE USED:

24 YEARS SINCE	FUNDING
25 MERGER	25 MODIFICATION
26 1	200%
27 2	190%
28 3	180%
29 4	170%
30 5	160%
31 6	150%

32 (II) IN THE CASE OF THREE CORPORATIONS MERGING, THE FOLLOWING TABLE
 33 SHALL BE USED:

34 YEARS SINCE	FUNDING
35 MERGER	35 MODIFICATION
36 1	300%
37 2	290%
38 3	280%
39 4	270%
40 5	260%
41 6	250%
42 7	240%
43 8	230%
44 9	220%
45 10	210%
46 11	200%

47 (III) IN THE CASE OF FOUR OR MORE CORPORATIONS MERGING, THE FOLLOWING
 48 TABLE SHALL BE USED:

49 YEARS SINCE	FUNDING
50 MERGER	50 MODIFICATION
51 1	400%
52 2	390%
53 3	380%
54 4	370%
55 5	360%
56 6	350%

1	7	340%
2	8	330%
3	9	320%
4	10	310%
5	11	300%
6	12	290%
7	13	280%
8	14	270%
9	15	260%
10	16	250%

11 (C) IF A COMMUNITY PRESERVATION CORPORATION THAT HAS UNDERGONE A MERG-
 12 ER CONTINUES TO RENEW THEIR CONTRACT BEYOND THE TIMEFRAMES LISTED IN THE
 13 ABOVE TABLES, IT SHALL HAVE ITS FUNDING DETERMINED USING THE LAST FUND-
 14 ING MODIFICATION LISTED.

15 (D) THE MERGED CORPORATION SAVINGS SHALL BE DETERMINED ON AN INDIVID-
 16 UAL BASIS FOR EACH MERGED CORPORATION. IT SHALL BE CALCULATED BY
 17 SUBTRACTING THE AMOUNT OF SUCH CORPORATION'S MERGED CORPORATION FUNDING
 18 FROM THE AMOUNT THE MERGED CORPORATIONS WOULD HAVE RECEIVED IF THEY HAD
 19 MAINTAINED SEPARATE CONTRACTS.

20 (E) THE PER GROUP AWARD SHALL BE DETERMINED BY DIVIDING THE TOTAL
 21 FUNDING AVAILABLE, MINUS THE AMOUNTS OF ANY CONTRACTS FOR THE PROVISION
 22 OF TECHNICAL ASSISTANCE, BY THE NUMBER OF COMMUNITY PRESERVATION CORPO-
 23 RATIONS DETERMINED TO BE QUALIFIED FOR FUNDING BY THE DIVISION,
 24 PROVIDED, HOWEVER, THAT FOR THE PURPOSES OF THIS PARAGRAPH MERGED CORPO-
 25 RATIONS SHALL BE COUNTED AS THE TOTAL NUMBER OF SEPARATE COMMUNITY PRES-
 26 ERVATION CORPORATIONS THAT EXISTED PRIOR TO SUCH MERGER.

27 14. THE DIVISION SHALL CREATE A FUND TO HOLD AND SHALL TRANSFER ALL
 28 FUNDS DETERMINED TO BE MERGED CORPORATION SAVINGS PURSUANT TO PARAGRAPH
 29 (D) OF SUBDIVISION THIRTEEN OF THIS SECTION INTO SUCH FUND. THE DIVISION
 30 SHALL USE SUCH FUNDS, AS AVAILABLE, FOR ENTERING INTO NEW CONTRACTS,
 31 PURSUANT TO THIS SECTION, WITH COMMUNITY PRESERVATION CORPORATIONS
 32 LOCATED IN AREAS OF THE STATE THAT ARE CURRENTLY UNSERVED BY A COMMUNITY
 33 PRESERVATION CORPORATION OR REALLOCATING FUNDS TO EXISTING COMMUNITY
 34 PRESERVATION CORPORATIONS.

35 15. IN NEGOTIATING EACH CONTRACT, THE DIVISION SHALL CONSIDER AND TAKE
 36 INTO ACCOUNT ANY AND ALL OTHER SUMS AVAILABLE OR ANTICIPATED TO BE MADE
 37 AVAILABLE TO A COMMUNITY PRESERVATION CORPORATION FROM ANY AND ALL
 38 SOURCES WHICH MAY BE USED TO DEFRAY THE COSTS OF THE HOUSING PRESERVA-
 39 TION AND COMMUNITY RENEWAL ACTIVITIES SET FORTH IN THE CONTRACT, INCLUD-
 40 ING, WITHOUT LIMITATION, FEES GENERATED BY THE MANAGEMENT OF HOUSING
 41 ACCOMMODATIONS, CONTRIBUTIONS FROM PRIVATE FOUNDATIONS, CORPORATIONS,
 42 FIRMS AND INDIVIDUALS AND FUNDS RECEIVED UNDER GRANTS AND CONTRACTS
 43 PURSUANT TO ANY PROGRAM OR PROGRAMS OPERATED OR ADMINISTERED BY ANY
 44 GOVERNMENTAL AGENCY OR INSTRUMENTALITY AND SHALL MAKE A DETERMINATION
 45 THAT THE SUMS AVAILABLE OR ANTICIPATED TO BE MADE AVAILABLE FOR THE
 46 COMMUNITY PRESERVATION CORPORATION FROM SUCH OTHER SOURCES, TOGETHER
 47 WITH THE VALUE OF SERVICES TO BE RENDERED FOR THE BENEFIT OF THE COMMU-
 48 NITY PRESERVATION CORPORATION FOR WHICH PAYMENT IS NOT REQUIRED TO BE
 49 MADE BY SUCH CORPORATION, AMOUNT TO AT LEAST THIRTY-THREE AND ONE-THIRD
 50 PERCENT OF THE AMOUNT OF SUCH CONTRACT.

51 S 1233. TECHNICAL SERVICES AND ASSISTANCE TO COMMUNITY PRESERVATION
 52 CORPORATIONS. THE DIVISION IS HEREBY AUTHORIZED TO RENDER TO COMMUNITY
 53 PRESERVATION CORPORATIONS SUCH TECHNICAL SERVICES AND ASSISTANCE AS IT
 54 MAY POSSESS OR AS MAY BE AVAILABLE TO IT TO ENABLE SUCH CORPORATIONS TO
 55 COMPLY WITH THE INTENT AND PROVISIONS OF THIS ARTICLE. THE DIVISION IS
 56 FURTHER AUTHORIZED TO TAKE ALL STEPS NECESSARY TO ENCOURAGE THE FORMA-

1 TION, ORGANIZATION AND GROWTH OF NEW COMMUNITY PRESERVATION CORPO-
2 RATIONS. THE DIVISION MAY ALSO CONTRACT WITH MUNICIPAL AND OTHER PUBLIC
3 AGENCIES AND WITH PRIVATE PERSONS, FIRMS AND CORPORATIONS FOR THE
4 PROVISION OF SUCH TECHNICAL SERVICES AND ASSISTANCE WHICH MAY INCLUDE:
5 ASSISTANCE WITH PREPARATION AND SUBMISSION OF PROPOSALS FOR ENTERING
6 INTO CONTRACTS WITH THE DIVISION; PREPARATION AND SUBMISSION OF REPORTS
7 REQUIRED UNDER SUCH CONTRACTS OR REGULATIONS ISSUED BY THE DIVISION;
8 INTERNAL ORGANIZATION AND MANAGEMENT OF THE COMMUNITY PRESERVATION
9 CORPORATIONS; RECRUITMENT AND TRAINING OF PERSONNEL OF THE COMMUNITY
10 PRESERVATION CORPORATIONS; PREPARATION OF PLANS AND PROJECTS, NEGOTI-
11 ATION OF AGREEMENTS AND COMPLIANCE WITH REQUIREMENTS OF PROGRAMS IN
12 WHICH COMMUNITY PRESERVATION CORPORATIONS MAY BECOME ENGAGED IN THE
13 COURSE OF THEIR COMMUNITY PRESERVATION ACTIVITIES; AND OTHER TECHNICAL
14 ADVICE OR ASSISTANCE RELATING TO THE PERFORMANCE OR RENDITION OF COMMU-
15 NITY PRESERVATION ACTIVITIES. IN NO CALENDAR YEAR SHALL THE AMOUNT OF
16 MONEY SPENT ON TECHNICAL ASSISTANCE EXCEED THREE PERCENT OF THE TOTAL
17 FUNDING AVAILABLE.

18 S 1234. RULES AND REGULATIONS. THE DIVISION MAY ISSUE RULES AND REGU-
19 LATIONS OR OPERATIONAL BULLETINS FOR THE APPLICATION AND AWARDING OF
20 FUNDS UNDER THIS ARTICLE.

21 S 1235. ANNUAL REPORT. THE DIVISION SHALL, ON OR BEFORE NOVEMBER
22 FIFTEENTH IN EACH YEAR SUBMIT A REPORT TO THE LEGISLATURE ON THE IMPLI-
23 MENTATION OF THIS ARTICLE. SUCH REPORT SHALL INCLUDE, BUT NOT BE LIMITED
24 TO, FOR EACH COMMUNITY PRESERVATION CORPORATION RECEIVING PAYMENTS UNDER
25 THIS ARTICLE: A DESCRIPTION OF SUCH CORPORATION'S CONTRACT AMOUNT AND
26 CUMULATIVE TOTAL; THE SPECIFIC COMMUNITY PRESERVATION ACTIVITIES
27 PERFORMED BY SUCH CORPORATION; THE FINDINGS REQUIRED BY THE DIVISION
28 UNDER SUBDIVISION THREE OF SECTION TWELVE HUNDRED THIRTY-TWO OF THIS
29 ARTICLE; THE AMOUNTS OF MONIES RECEIVED BY A COMMUNITY PRESERVATION
30 CORPORATION FROM SOURCES OTHER THAN PAYMENTS MADE PURSUANT TO THIS ARTI-
31 CLE THAT ARE USED FOR HOUSING PRESERVATION AND COMMUNITY RENEWAL ACTIV-
32 ITIES; THE VALUE OF SERVICES RENDERED FOR THE BENEFIT OF THE COMMUNITY
33 PRESERVATION CORPORATION FOR WHICH PAYMENT IS NOT REQUIRED TO BE MADE;
34 AND SUCH OTHER INFORMATION AS THE DIVISION DEEMS APPROPRIATE.

35 S 1236. RELATIONSHIP TO OTHER LAWS. NOTHING IN THIS ARTICLE SHALL BE
36 DEEMED TO DENY OR LIMIT THE RIGHT OF ANY CORPORATION TO SEEK OR RECEIVE
37 ASSISTANCE UNDER, OR OTHERWISE PARTICIPATE IN, ANY OTHER PROGRAM PURSU-
38 ANT TO THIS CHAPTER, OR ANY OTHER GOVERNMENTAL PROGRAM RELATING TO HOUS-
39 ING OR COMMUNITY RENEWAL. NOTHING IN THIS ARTICLE SHALL BE DEEMED TO
40 DENY OR LIMIT THE RIGHT OF ANY COMMUNITY PRESERVATION CORPORATION TO
41 CARRY OUT ANY PROGRAM OR SERVICE THROUGH A SUBSIDIARY CORPORATION OR
42 OTHER INSTRUMENTALITY.

43 S 3. Subdivision 5 of section 921 of the private housing finance law,
44 as added by chapter 166 of the laws of 1991, is amended to read as
45 follows:

46 5. "Neighborhood" shall mean an area within the municipality identi-
47 fied by recognized or established boundaries consistent with a determi-
48 nation of neighborhood eligibility under article [sixteen] TWENTY-EIGHT
49 of this chapter.

50 S 4. The opening paragraph of section 1021 of the private housing
51 finance law, as added by chapter 911 of the laws of 1982, is amended to
52 read as follows:

53 As used in this article, any term defined in article [seventeen] TWEN-
54 TY-EIGHT of this chapter shall have the same meaning herein as set forth
55 therein and the following terms shall have the following meanings:

1 S 5. Section 1051 of the private housing finance law, as added by
2 chapter 725 of the laws of 1983, is amended to read as follows:

3 S 1051. Legislative findings and statement of policy. The legislature
4 hereby finds and declares that there exists in many portions of the
5 rural areas of the state substantial needs for revitalization and
6 improvement of housing and of local commercial and service facilities,
7 and for related community renewal activities. The findings set forth in
8 article [seventeen] TWENTY-EIGHT of this chapter, with respect to the
9 special needs and problems of such areas and the significant potential
10 role of locally based not-for-profit organizations in helping to meet
11 such needs, are hereby reaffirmed. The legislature hereby determines
12 that, in addition to the program of state support to help meet the
13 administrative expenses of such organizations under article [seventeen]
14 TWENTY-EIGHT, a further public need exists for state funding of a
15 portion of the costs of specific revitalization projects carried out by
16 such groups and similar local organizations. It is the purpose of this
17 article to encourage community preservation and improvement in the rural
18 area of the state by establishing a program of such funding.

19 S 6. Section 1052 of the private housing finance law, as added by
20 chapter 725 of the laws of 1983 and paragraph 3 of subdivision (b) as
21 added by chapter 166 of the laws of 1991, is amended to read as follows:

22 S 1052. Definitions. As used in this article:

23 (a) all terms defined in article [seventeen] TWENTY-EIGHT of this
24 chapter shall have the same meanings herein as specified therein; and

25 (b) the following terms shall have the following meanings:

26 (1) "rural area revitalization project" means a specific work or
27 series of works for the revitalization and improvement of a region of
28 the rural area of the state through creation, preservation or improve-
29 ment of housing resources; creation, preservation or improvement of
30 local commercial facilities; restoration or improvement of public facil-
31 ities or other aspects of the area environment; related community pres-
32 ervation or renewal activities; or any combination of the above.

33 (2) "qualified applicant" means a not-for-profit corporation under
34 contract pursuant to article [seventeen] TWENTY-EIGHT of this chapter or
35 any other locally based organization which is either incorporated under
36 the not-for-profit corporation law (or such law together with any other
37 applicable law) or, if unincorporated, is not organized for the private
38 profit or benefit of its members.

39 (3) "Corporation" means the housing trust fund corporation established
40 in section forty-five-a of this chapter.

41 S 7. Subdivision 3 of section 1053 of the private housing finance law,
42 as amended by chapter 63 of the laws of 2012, is amended to read as
43 follows:

44 3. Each contract pursuant to this section shall provide for payment by
45 the corporation for the activities to be carried out pursuant to the
46 contract. Such payment shall be based on the projected costs of such
47 activities and the other sources of funding which may be available to
48 the applicant (including, if applicable, funding pursuant to article
49 [seventeen] TWENTY-EIGHT of this chapter) from any source. Up to ten
50 percent of the program or project cost may be used for the qualified
51 applicant's operating expenses including expenses related to organiza-
52 tion operating support and administration of the contract. The total
53 state payment pursuant to any one contract shall not exceed two hundred
54 thousand dollars.

55 S 8. This act shall take effect July 1, 2013.

1

PART L

2 Section 1. Subdivision 9 of section 2427 of the public authorities
3 law, as added by chapter 788 of the laws of 1978, is amended to read as
4 follows:

5 9. To invest any funds held in reserves or sinking funds or any funds
6 not required for immediate use or disbursement, at the discretion of the
7 agency, in obligations of the state [of] OR federal government or of any
8 city of the state, the principal and interest of which are guaranteed by
9 the state or federal government, OBLIGATIONS OF PUBLIC AUTHORITIES
10 CREATED UNDER NEW YORK STATE LAW, obligations of agencies of the federal
11 government, GOVERNMENT NATIONAL MORTGAGE ASSOCIATION, FEDERAL NATIONAL
12 MORTGAGE ASSOCIATION, AND THE FEDERAL HOME LOAN MORTGAGE CORPORATION
13 MORTGAGE BACKED SECURITIES, OR IN FHA INSURED LOANS ORIGINATED BY THE
14 NEW YORK STATE HOUSING FINANCE AGENCY, or special time deposits in, or
15 certificates of deposit issued by, a bank or trust company authorized to
16 do business in the state and secured by a pledge of obligations of the
17 United States of America or obligations of the state, any city of the
18 state, other municipal corporation, school district or district corpo-
19 ration of the state or obligations of agencies of the federal govern-
20 ment, provided that any such investment from time to time (1) may be
21 legally purchased by savings banks of the state as investments of funds
22 belonging to them or in their control and (2) shall be approved by the
23 comptroller.

24 S 2. Subdivision 4 of section 2429-b of the public authorities law, as
25 amended by chapter 3 of the laws of 2004, is amended to read as follows:

26 4. Moneys in such fund may be invested (a) in special time deposit
27 accounts in, or certificates of deposit issued by, a bank, trust compa-
28 ny, savings bank or savings and loan association located and authorized
29 to do business in this state, provided, however, that such time deposit
30 account or certificate of deposit shall be payable within such time as
31 the proceeds may be needed to meet expenditures estimated to be incurred
32 by the agency and provided further that such time deposit account or
33 certificate of deposit be secured by a pledge of obligations of the
34 United States of America or obligations of the state, any city of the
35 state, or other municipal corporation, school district or district
36 corporation of the state or obligations of agencies of the federal
37 government; or (b) in obligations of the United States of America or the
38 state which may from time to time be legally purchased by savings banks
39 within the state as an investment of funds belonging to them or in their
40 control, or in obligations of the Federal National Mortgage Association,
41 OR IN GOVERNMENT NATIONAL MORTGAGE ASSOCIATION, FEDERAL NATIONAL MORT-
42 GAGE ASSOCIATION, AND THE FEDERAL HOME LOAN MORTGAGE CORPORATION MORT-
43 GAGE BACKED SECURITIES, OR IN FHA INSURED LOANS ORIGINATED BY THE NEW
44 YORK STATE HOUSING FINANCE AGENCY OR IN OBLIGATIONS OF PUBLIC AUTHORI-
45 TIES CREATED UNDER STATE LAW, provided such obligations shall be payable
46 or redeemable at the option of the owner within such times as the
47 proceeds may be needed to meet expenditures estimated to be incurred by
48 the agency.

49 S 3. This act shall take effect immediately.

50

PART M

51 Section 1. Notwithstanding any other provision of law, and provided
52 that the reserves in the project pool insurance account of the mortgage
53 insurance fund created pursuant to section 2429-b of the public authori-

1 ties law are sufficient to attain and maintain the credit rating (as
2 determined by the agency) required to accomplish the purposes of such
3 account, the board of directors of the state of New York mortgage agency
4 shall authorize the transfer from the project pool insurance account of
5 the mortgage insurance fund to the state treasury for deposit in the
6 fiscal stabilization fund a total sum not to exceed one hundred million
7 dollars as soon as practicable but no later than March 31, 2014.

8 S 2. Notwithstanding any other provision of law, the housing trust
9 fund corporation (the corporation) may provide, for purposes of the
10 community preservation program, a sum not to exceed fourteen million two
11 hundred seventy-six thousand dollars for the fiscal year ending March
12 31, 2014. Notwithstanding any other provision of law, and provided that
13 the reserves in the project pool insurance account of the mortgage
14 insurance fund created pursuant to section 2429-b of the public authori-
15 ties law are sufficient to attain and maintain the credit rating (as
16 determined by the agency) required to accomplish the purposes of such
17 account, the board of directors of the state of New York mortgage agency
18 shall authorize the transfer from the project pool insurance account of
19 the mortgage insurance fund to the housing trust fund corporation (the
20 corporation), for the purposes of reimbursing any costs associated with
21 community preservation program contracts authorized by this section, a
22 total sum not to exceed fourteen million two hundred seventy-six thou-
23 sand dollars as soon as practicable but no later than June 30, 2013. The
24 commissioner of the division of housing and community renewal shall
25 enter into two contracts, in an amount not less than one hundred fifty
26 thousand dollars per contract, with the neighborhood preservation coali-
27 tion and the rural housing coalition to provide technical assistance,
28 training, and other services to community preservation corporations
29 pursuant to article XXVII of the private housing finance law.

30 S 3. Notwithstanding any other provision of law, the housing trust
31 fund corporation (the corporation) may provide, for purposes of the
32 rural rental assistance program, a sum not to exceed twenty million four
33 hundred thousand dollars for the fiscal year ending March 31, 2014.
34 Notwithstanding any other provision of law, and provided that the
35 reserves in the project pool insurance account of the mortgage insurance
36 fund created pursuant to section 2429-b of the public authorities law
37 are sufficient to attain and maintain the credit rating (as determined
38 by the agency) required to accomplish the purposes of such account, the
39 board of directors of the state of New York mortgage agency shall
40 authorize the transfer from the project pool insurance account of the
41 mortgage insurance fund to the housing trust fund corporation (the
42 corporation), for the purposes of reimbursing any costs associated with
43 rural rental assistance program contracts authorized by this section, a
44 total sum not to exceed twenty million four hundred thousand dollars as
45 soon as practicable but no later than June 30, 2013.

46 S 4. Notwithstanding any other provision of law, the housing finance
47 agency may provide, for costs associated with the rehabilitation of
48 Mitchell Lama housing projects, a sum not to exceed seventeen million
49 five hundred eighty-two thousand dollars for the fiscal year ending
50 March 31, 2014. Notwithstanding any other provision of law, and provided
51 that the reserves in the project pool insurance account of the mortgage
52 insurance fund created pursuant to section 2429-b of the public authori-
53 ties law are sufficient to attain and maintain the credit rating (as
54 determined by the agency) required to accomplish the purposes of such
55 account, the board of directors of the state of New York mortgage agency
56 shall authorize the transfer from the project pool insurance account of

1 the mortgage insurance fund to the housing finance agency, for the
 2 purposes of reimbursing any costs associated with Mitchell Lama housing
 3 projects authorized by this section, a total sum not to exceed seventeen
 4 million five hundred eighty-two thousand dollars as soon as practicable
 5 but no later than March 30, 2014.
 6 S 5. This act shall take effect immediately.

7 PART N

8 Section 1. Section 21 of the labor law is amended by adding a new
 9 subdivision 14 to read as follows:

10 14. SHALL DO ALL THINGS NECESSARY FOR THE OPERATION OF THE NEW YORK
 11 STATE DATA CENTER ESTABLISHED IN THE DEPARTMENT IN COOPERATION WITH THE
 12 UNITED STATES BUREAU OF THE CENSUS; TO COOPERATE WITH OTHER STATE AGEN-
 13 CIES, UNIVERSITIES, REGIONAL ORGANIZATIONS, BOARDS, COMMISSIONS, AND
 14 OTHER ENTITIES IN THE DISSEMINATION OF SOCIO-ECONOMIC INFORMATION AND
 15 DATA THROUGH THE NEW YORK STATE DATA CENTER PROGRAM; IN RELATION TO SUCH
 16 INFORMATION AND DATA, TO PROVIDE TECHNICAL ASSISTANCE TO OTHER STATE
 17 AGENCIES, UNIVERSITIES, REGIONAL ORGANIZATIONS, BOARDS, COMMISSIONS AND
 18 OTHER ENTITIES; AND TO PREPARE ESTIMATES AND THE OFFICIAL PROJECTIONS OF
 19 POPULATION, HOUSEHOLDS AND OTHER CHARACTERISTICS OF THE STATE FOR USE BY
 20 ALL STATE AGENCIES. ALL EMPLOYEES TRANSFERRED TO THE DEPARTMENT SHALL
 21 BE TRANSFERRED WITHOUT FURTHER EXAMINATION OR QUALIFICATION TO THE SAME
 22 OR SIMILAR TITLES AND SHALL REMAIN IN THE SAME COLLECTIVE BARGAINING
 23 UNITS AND SHALL RETAIN THEIR RESPECTIVE CIVIL SERVICE CLASSIFICATIONS,
 24 STATUS AND RIGHTS PURSUANT TO THEIR COLLECTIVE BARGAINING UNITS AND
 25 COLLECTIVE BARGAINING AGREEMENTS.

26 S 2. Subdivision 17 of section 100 of the economic development law is
 27 REPEALED.

28 S 3. This act shall take effect immediately.

29 PART O

30 Section 1. Paragraph (a) of subdivision 1 of section 518 of the labor
 31 law, as amended by chapter 589 of the laws of 1998, is amended to read
 32 as follows:

33 (a) "Wages" means all remuneration paid, except that such term does
 34 not include remuneration paid to an employee by an employer after eight
 35 thousand five hundred dollars have been paid to such employee by such
 36 employer with respect to employment during any calendar year, EXCEPT
 37 THAT SUCH TERM DOES NOT INCLUDE REMUNERATION PAID TO AN EMPLOYEE BY AN
 38 EMPLOYER WITH RESPECT TO EMPLOYMENT DURING ANY CALENDAR YEAR BEGINNING
 39 WITH THE FIRST DAY OF

	THAT EXCEEDS
40	
41	JANUARY 2014 \$10,300
42	JANUARY 2015 \$10,500
43	JANUARY 2016 \$10,700
44	JANUARY 2017 \$10,900
45	JANUARY 2018 \$11,100
46	JANUARY 2019 \$11,400
47	JANUARY 2020 \$11,600
48	JANUARY 2021 \$11,800
49	JANUARY 2022 \$12,000
50	JANUARY 2023 \$12,300
51	JANUARY 2024 \$12,500
52	JANUARY 2025 \$12,800

1 JANUARY 2026 \$13,000
2 AND EACH YEAR THEREAFTER ON THE FIRST DAY OF JANUARY THAT EXCEEDS
3 SIXTEEN PERCENT OF THE STATE'S AVERAGE ANNUAL WAGE AS DETERMINED BY THE
4 COMMISSIONER ON AN ANNUAL BASIS PURSUANT TO SECTION FIVE HUNDRED TWEN-
5 TY-NINE OF THIS ARTICLE; PROVIDED, HOWEVER, THAT IN CALCULATING SUCH
6 MAXIMUM AMOUNT OF REMUNERATION, THE AMOUNT ARRIVED AT BY MULTIPLYING THE
7 STATE'S AVERAGE ANNUAL WAGE TIMES SIXTEEN PERCENT SHALL BE ROUNDED UP TO
8 THE NEAREST HUNDRED DOLLARS. IN NO EVENT SHALL THE STATE'S ANNUAL AVER-
9 AGE WAGE BE REDUCED FROM THE AMOUNT DETERMINED IN THE PREVIOUS YEAR. The
10 term "employment" includes for the purposes of this subdivision services
11 constituting employment under any unemployment compensation law of
12 another state or the United States.

13 S 2. Subdivision 1 and paragraph (a) of subdivision 2 of section 527
14 of the labor law, subdivision 1 as amended by chapter 413 of the laws of
15 2003 and paragraph (a) of subdivision 2 as amended by chapter 5 of the
16 laws of 2000, are amended to read as follows:

17 1. Basic condition. "Valid original claim" is a claim filed by a
18 claimant who meets the following qualifications: (a) is able to work,
19 and available for work; (b) is not subject to any disqualification or
20 suspension under this article; (c) his OR HER previously established
21 benefit year, if any, has expired; (d) has been paid remuneration by
22 employers liable for contributions or for payments in lieu of contrib-
23 utions under this article, other than employers from whom the claimant
24 lost employment under conditions which would be disqualifying FOR
25 MISCONDUCT pursuant to [subdivision] SUBDIVISIONS three AND SIX of
26 section five hundred ninety-three of this article, for employment during
27 at least two calendar quarters of the base period, with remuneration of
28 one and one-half times the high calendar quarter [earnings] REMUNERATION
29 within the base period and with at least one thousand six hundred
30 dollars of such remuneration being paid during the high calendar quarter
31 of such base period. For purposes of this section, the [earnings] REMUN-
32 ERATION in the high calendar quarter of the base period used in deter-
33 mining a valid original claim shall not exceed an amount equal to twen-
34 ty-two times the maximum benefit rate as set forth in subdivision five
35 of section five hundred ninety of this article for all individuals.

36 (a) An individual who is unable to file a valid original claim in
37 accordance with subdivision one of this section, files a valid original
38 claim by meeting the qualifications enumerated in paragraphs (a), (b)
39 and (c) of subdivision one of this section and by having been paid
40 remuneration by employers liable for contributions or for payments in
41 lieu of contributions under this article, other than employers from whom
42 the claimant lost employment under conditions which are disqualifying
43 FOR MISCONDUCT pursuant to [subdivision] SUBDIVISIONS three AND SIX of
44 section five hundred ninety-three of this article, for employment during
45 at least two calendar quarters of the base period, with remuneration of
46 one and one-half times the high calendar quarter [earnings] REMUNERATION
47 within the base period and with at least one thousand six hundred
48 dollars of such remuneration being paid during the high calendar quarter
49 of such base period. For purposes of this section, the [earnings] REMUN-
50 ERATION in the high calendar quarter of the base period used in deter-
51 mining a valid original claim shall not exceed an amount equal to twen-
52 ty-two times the maximum benefit rate as set forth in subdivision five
53 of section five hundred ninety of this article for all individuals.

54 S 3. The labor law is amended by adding a new section 529 to read as
55 follows:

	0.5%	1.0%	1.5%	2.0%	2.5%	3.0%	3.5%	4.0%	4.5%	5.0%
1										
2	Negative									
3	21.0%									
4	8.90	8.70	8.50	8.30	8.10	7.30	6.90	6.50	6.20	6.10
5	20.5%									
6	or more									
7	but less									
8	8.80	8.60	8.40	8.20	8.00	7.20	6.80	6.40	6.10	6.00
9	than 21.0%									
10	20.0%									
11	or more									
12	but less									
13	8.70	8.50	8.30	8.10	7.90	7.10	6.70	6.30	6.00	5.90
14	than 20.5%									
15	19.5%									
16	or more									
17	but less									
18	8.60	8.40	8.20	8.00	7.80	7.00	6.60	6.20	5.90	5.80
19	than 20.0%									
20	19.0%									
21	or more									
22	but less									
23	8.50	8.30	8.10	7.90	7.70	6.90	6.50	6.10	5.80	5.70
24	than 19.5%									
25	18.5%									
26	or more									
27	but less									
28	8.40	8.20	8.00	7.80	7.60	6.80	6.40	6.00	5.70	5.60
29	than 19.0%									
30	18.0%									
31	or more									
32	but less									
33	8.30	8.10	7.90	7.70	7.50	6.70	6.30	5.90	5.60	5.50
34	than 18.5%									
35	17.5%									
36	or more									
37	but less									
38	8.20	8.00	7.80	7.60	7.40	6.60	6.20	5.80	5.50	5.40
39	than 18.0%									
40	17.0%									
41	or more									
42	but less									
43	8.10	7.90	7.70	7.50	7.30	6.50	6.10	5.70	5.40	5.30
44	than 17.5%									
45	16.5%									
46	or more									
47	but less									
48	8.00	7.80	7.60	7.40	7.20	6.40	6.00	5.60	5.30	5.20
49	than 17.0%									
50	16.0%									
51	or more									
52	but less									
53	7.90	7.70	7.50	7.30	7.10	6.30	5.90	5.50	5.20	5.10
	than 16.5%									
	15.5%									
	or more									
	but less									
	7.80	7.60	7.40	7.20	7.00	6.20	5.80	5.40	5.10	5.00
	than 16.0%									
	15.0%									
	or more									
	but less									
	7.70	7.50	7.30	7.10	6.90	6.10	5.70	5.30	5.00	4.90
	than 15.5%									
	14.5%									

1	less than													
2	9.25%	2.10	1.90	1.70	1.50	1.30	0.90	0.50	0.10	0.00	0.00	0.00	0.00	0.00
3	9.25%													
4	or more													
5	but less													
6	than 9.5%	2.00	1.80	1.60	1.40	1.20	0.80	0.40	0.00	0.00	0.00	0.00	0.00	0.00
7	9.5%													
8	or more but													
9	less than													
10	9.75%	1.90	1.70	1.50	1.30	1.10	0.70	0.30	0.00	0.00	0.00	0.00	0.00	0.00
11	9.75%													
12	or more but													
13	less than													
14	10.0%	1.80	1.60	1.40	1.20	1.00	0.60	0.20	0.00	0.00	0.00	0.00	0.00	0.00
15	10.0%													
16	or more but													
17	less than													
18	10.25%	1.70	1.50	1.30	1.10	0.90	0.50	0.10	0.00	0.00	0.00	0.00	0.00	0.00
19	10.25%													
20	or more but													
21	less than													
22	10.5%	1.60	1.40	1.20	1.00	0.80	0.40	0.00	0.00	0.00	0.00	0.00	0.00	0.00
23	10.5%													
24	or more [but													
25	less than													
26	10.75%]	1.50	1.30	1.10	0.90	0.70	0.30	0.00	0.00	0.00	0.00	0.00	0.00	0.00
27	[10.75%													
28	or more but													
29	less than													
30	11.0%	1.40	1.20	1.00	0.80	0.60	0.20	0.00	0.00	0.00	0.00	0.00	0.00	0.00
31	11.0%													
32	or more but													
33	less than													
34	11.25%	1.30	1.10	0.90	0.70	0.50	0.10	0.00	0.00	0.00	0.00	0.00	0.00	0.00
35	11.25%													
36	or more but													
37	less than													
38	11.5%	1.20	1.00	0.80	0.60	0.40	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
39	11.5%													
40	or more but													
41	less than													
42	11.75%	1.10	0.90	0.70	0.50	0.30	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
43	11.75%													
44	or more but													
45	less than													
46	12.0%	1.00	0.80	0.60	0.40	0.20	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
47	12.0% or													
48	more	0.90	0.70	0.50	0.30	0.10	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00]

49 S 8. Subdivision 5 of section 590 of the labor law, as amended by
 50 chapter 413 of the laws of 2003, is amended to read as follows:

51 5. Benefit rate. (A) A claimant's weekly benefit amount shall be one
 52 twenty-sixth of the remuneration paid during the highest calendar quar-
 53 ter of the base period by employers, liable for contributions or
 54 payments in lieu of contributions under this article. However, for
 55 claimants whose high calendar quarter remuneration during the base peri-
 56 od is three thousand five hundred seventy-five dollars or less, the

1 benefit amount shall be one twenty-fifth of the remuneration paid during
2 the highest calendar quarter of the base period by employers liable for
3 contributions or payments in lieu of contributions under this article.
4 Any claimant whose high calendar quarter remuneration during the base
5 period is more than three thousand five hundred seventy-five dollars
6 shall not have a weekly benefit amount less than one hundred forty-three
7 dollars. The weekly benefit amount, so computed, that is not a multiple
8 of one dollar shall be lowered to the next multiple of one dollar. On
9 the first Monday of September, nineteen hundred ninety-eight the weekly
10 benefit amount shall not exceed three hundred sixty-five dollars nor be
11 less than forty dollars, until the first Monday of September, two thou-
12 sand, at which time the maximum benefit payable pursuant to this subdi-
13 vision shall equal one-half of the state average weekly wage for covered
14 employment as calculated by the department no sooner than July first,
15 two thousand and no later than August first, two thousand, rounded down
16 to the lowest dollar. ON AND AFTER THE FIRST MONDAY OF OCTOBER, TWO
17 THOUSAND FOURTEEN, THE WEEKLY BENEFIT SHALL NOT BE LESS THAN ONE HUNDRED
18 DOLLARS, NOR SHALL IT EXCEED FOUR HUNDRED TWENTY DOLLARS UNTIL THE FIRST
19 MONDAY OF OCTOBER, TWO THOUSAND FIFTEEN WHEN THE MAXIMUM BENEFIT AMOUNT
20 SHALL BE FOUR HUNDRED TWENTY-FIVE DOLLARS, UNTIL THE FIRST MONDAY OF
21 OCTOBER, TWO THOUSAND SIXTEEN WHEN THE MAXIMUM BENEFIT AMOUNT SHALL BE
22 FOUR HUNDRED THIRTY DOLLARS, UNTIL THE FIRST MONDAY OF OCTOBER, TWO
23 THOUSAND SEVENTEEN WHEN THE MAXIMUM BENEFIT AMOUNT SHALL BE FOUR HUNDRED
24 THIRTY-FIVE DOLLARS, UNTIL THE FIRST MONDAY OF OCTOBER, TWO THOUSAND
25 EIGHTEEN WHEN THE MAXIMUM BENEFIT AMOUNT SHALL BE FOUR HUNDRED FIFTY
26 DOLLARS, UNTIL THE FIRST MONDAY OF OCTOBER, TWO THOUSAND NINETEEN WHEN
27 THE MAXIMUM BENEFIT AMOUNT SHALL BE THIRTY-SIX PERCENT OF THE AVERAGE
28 WEEKLY WAGE UNTIL THE FIRST MONDAY OF OCTOBER, TWO THOUSAND TWENTY WHEN
29 THE MAXIMUM BENEFIT AMOUNT SHALL BE THIRTY-EIGHT PERCENT OF THE AVERAGE
30 WEEKLY WAGE, UNTIL THE FIRST MONDAY OF OCTOBER TWO THOUSAND TWENTY-ONE
31 WHEN THE MAXIMUM BENEFIT AMOUNT SHALL BE FORTY PERCENT OF THE AVERAGE
32 WEEKLY WAGE, UNTIL THE FIRST MONDAY OF OCTOBER, TWO THOUSAND TWENTY-TWO
33 WHEN THE MAXIMUM BENEFIT AMOUNT SHALL BE FORTY-TWO PERCENT OF THE AVER-
34 AGE WEEKLY WAGE, UNTIL THE FIRST MONDAY OF OCTOBER, TWO THOUSAND TWEN-
35 TY-THREE WHEN THE MAXIMUM BENEFIT AMOUNT SHALL BE FORTY-FOUR PERCENT OF
36 THE AVERAGE WEEKLY WAGE, UNTIL THE FIRST MONDAY OF OCTOBER, TWO THOUSAND
37 TWENTY-FOUR WHEN THE MAXIMUM BENEFIT AMOUNT SHALL BE FORTY-SIX PERCENT
38 OF THE AVERAGE WEEKLY WAGE, UNTIL THE FIRST MONDAY OF OCTOBER, TWO THOU-
39 SAND TWENTY-FIVE WHEN THE MAXIMUM BENEFIT AMOUNT SHALL BE FORTY-EIGHT
40 PERCENT OF THE AVERAGE WEEKLY WAGE, UNTIL THE FIRST MONDAY OF OCTOBER,
41 TWO THOUSAND TWENTY-SIX AND EACH YEAR THEREAFTER ON THE FIRST MONDAY OF
42 OCTOBER WHEN THE MAXIMUM BENEFIT AMOUNT SHALL BE FIFTY PERCENT OF THE
43 AVERAGE WEEKLY WAGE PROVIDED, HOWEVER, THAT IN NO EVENT SHALL THE MAXI-
44 MUM BENEFIT AMOUNT BE REDUCED FROM THE PREVIOUS YEAR.

45 (B) NOTWITHSTANDING THE FOREGOING, THE MAXIMUM BENEFIT AMOUNT SHALL
46 NOT BE INCREASED IN ACCORDANCE WITH THE SCHEDULE SET FORTH IN PARAGRAPH
47 (A) OF THIS SUBDIVISION IN ANY YEAR IN WHICH THE COMMISSIONER DETERMINES
48 THAT THE STATE HAS HAD A DECREASE IN PRIVATE SECTOR JOBS IN EACH MONTH
49 OF THE FIRST TWO CALENDAR QUARTERS OF THE YEAR IN WHICH THE MAXIMUM
50 BENEFIT AMOUNT INCREASE IS SCHEDULED TO OCCUR. IF THE COMMISSIONER
51 DETERMINES THAT THE STATE HAS NOT HAD A DECREASE IN PRIVATE SECTOR JOBS
52 IN EACH MONTH IN THE FIRST TWO CALENDAR QUARTERS IN YEARS SUBSEQUENT TO
53 SUCH SUSPENSION OF AN INCREASE IN THE MAXIMUM BENEFIT AMOUNT, THEN THE
54 MAXIMUM BENEFIT AMOUNT SHALL INCREASE TO THE AMOUNT FOR THE YEAR PREVI-
55 OUSLY SCHEDULED TO BE ESTABLISHED PURSUANT TO PARAGRAPH (A) OF THIS
56 SUBDIVISION HAD THE INCREASE NOT BEEN SUSPENDED AND INCREASED ANNUALLY

1 THEREAFTER IN ACCORDANCE WITH THE SCHEDULE SET FORTH IN PARAGRAPH (A) OF
2 THIS SUBDIVISION. IN NO CASE SHALL SUCH SUSPENSION RESULT IN A REDUCTION
3 OF THE MAXIMUM BENEFIT AMOUNT TO LESS THAN THE AMOUNT PROVIDED IN THE
4 MOST RECENT YEAR.

5 S 9. Paragraph (b) of subdivision 5 of section 590 of the labor law,
6 as added by section eight of this act, is REPEALED and a new paragraph
7 (b) is added to read as follows:

8 (B) NOTWITHSTANDING THE FOREGOING, THE MAXIMUM BENEFIT AMOUNT SHALL
9 NOT BE INCREASED IN ACCORDANCE WITH THE SCHEDULE SET FORTH IN PARAGRAPH
10 (A) OF THIS SUBDIVISION IN ANY YEAR IN WHICH THE BALANCE OF THE FUND IN
11 THE SECOND QUARTER OF THE SAME YEAR IS LESS THAN AN AMOUNT OF THE FUNDS
12 PROJECTED TO BE NEEDED TO PAY FOR THE INCREASE IN BENEFITS AS DETERMINED
13 BY THE COMMISSIONER. IF FUND REVENUES ARE DETERMINED BY THE COMMISSIONER
14 TO BE SUFFICIENT TO PAY FOR THE INCREASE IN BENEFITS IN YEARS SUBSEQUENT
15 TO SUCH SUSPENSION OF AN INCREASE IN THE MAXIMUM BENEFIT AMOUNT, THEN
16 THE MAXIMUM BENEFIT AMOUNT SHALL INCREASE TO THE AMOUNT FOR THE YEAR
17 PREVIOUSLY SCHEDULED TO BE ESTABLISHED PURSUANT TO PARAGRAPH (A) OF THIS
18 SUBDIVISION HAD THE INCREASE NOT BEEN SUSPENDED AND INCREASED ANNUALLY
19 THEREAFTER IN ACCORDANCE WITH THE SCHEDULE SET FORTH IN PARAGRAPH (A) OF
20 THIS SUBDIVISION. IN NO CASE SHALL SUCH SUSPENSION RESULT IN A REDUCTION
21 OF THE MAXIMUM BENEFIT AMOUNT TO LESS THAN THE AMOUNT PROVIDED IN THE
22 MOST RECENT YEAR.

23 S 10. Paragraph (b) of subdivision 5 of section 590 of the labor law,
24 as added by section nine of this act is REPEALED and a new paragraph (b)
25 is added to read as follows:

26 (B) NOTWITHSTANDING THE FOREGOING, THE MAXIMUM BENEFIT AMOUNT SHALL
27 NOT BE INCREASED IN ACCORDANCE WITH THE SCHEDULE SET FORTH IN PARAGRAPH
28 (A) OF THIS SUBDIVISION IN ANY YEAR IN WHICH THE BALANCE OF THE FUND IS
29 DETERMINED BY THE COMMISSIONER TO NOT HAVE REACHED OR EXCEEDED THIRTY
30 PERCENT OF THE AVERAGE HIGH COST MULTIPLE, AS DEFINED IN 20 CFR PART 606
31 AS THE STANDARD FOR RECEIPT OF INTEREST-FREE FEDERAL LOANS, ON AT LEAST
32 ONE DAY BETWEEN APRIL FIRST AND JUNE THIRTIETH OF THE SAME CALENDAR YEAR
33 AS THE INCREASE SHALL TAKE EFFECT. IF, FOLLOWING SUCH SUSPENSION OF AN
34 INCREASE IN THE MAXIMUM BENEFIT AMOUNT, THE COMMISSIONER SHALL DETER-
35 MINE, ON AT LEAST ONE DAY BETWEEN APRIL FIRST AND JUNE THIRTIETH THAT
36 THE BALANCE OF THE FUND IS GREATER THAN SUCH THIRTY PERCENT AVERAGE HIGH
37 COST MULTIPLE, THEN THE MAXIMUM BENEFIT AMOUNT SHALL INCREASE TO THE
38 PERCENTAGE FOR THE YEAR PREVIOUSLY SCHEDULED TO BE ESTABLISHED PURSUANT
39 TO PARAGRAPH (A) OF THIS SUBDIVISION HAD THE INCREASE NOT BEEN SUSPENDED
40 AND INCREASED ANNUALLY THEREAFTER IN ACCORDANCE WITH THE SCHEDULE SET
41 FORTH IN PARAGRAPH (A) OF THIS SUBDIVISION. IN NO CASE SHALL SUCH
42 SUSPENSION RESULT IN A REDUCTION OF THE MAXIMUM BENEFIT AMOUNT TO LESS
43 THAN THE AMOUNT PROVIDED IN THE MOST RECENT YEAR.

44 S 11. Subdivision 9 of section 590 of the labor law is amended by
45 adding a new paragraph (d) to read as follows:

46 (D) AN ALIEN WHO IS NOT ELIGIBLE UNDER 8 USC 1621(A) SHALL BE ELIGIBLE
47 FOR BENEFITS, PROVIDED SUCH ALIEN IS ELIGIBLE FOR BENEFITS UNDER THE
48 PROVISIONS OF THIS ARTICLE AND SECTION 3304 (A) (14) OF THE FEDERAL
49 UNEMPLOYMENT TAX ACT.

50 S 12. Subdivision 2 of section 591 of the labor law, as amended by
51 chapter 720 of the laws of 1953, is amended to read as follows:

52 2. Availability [and], capability, AND WORK SEARCH. No benefits shall
53 be payable to any claimant who is not capable of work or who is not
54 ready, willing and able to work in his usual employment or in any other
55 for which he is reasonably fitted by training and experience AND WHO IS
56 NOT ACTIVELY SEEKING WORK. IN ORDER TO BE ACTIVELY SEEKING WORK A

1 CLAIMANT MUST BE ENGAGED IN SYSTEMATIC AND SUSTAINED EFFORTS TO FIND
2 WORK.

3 S 13. Section 591 of the labor law is amended by adding a new subdivi-
4 sion 6 to read as follows:

5 6. DISMISSAL PAY. (A) NO BENEFITS SHALL BE PAYABLE TO A CLAIMANT FOR
6 ANY WEEK DURING A DISMISSAL PERIOD FOR WHICH A CLAIMANT RECEIVES
7 DISMISSAL PAY, NOR SHALL ANY DAY WITHIN SUCH WEEK BE CONSIDERED A DAY OF
8 TOTAL UNEMPLOYMENT UNDER SECTION FIVE HUNDRED TWENTY-TWO OF THIS ARTI-
9 CLE, IF SUCH WEEKLY DISMISSAL PAY EXCEEDS THE MAXIMUM WEEKLY BENEFIT
10 RATE.

11 (B) THE TERM "DISMISSAL PAY", AS USED IN THIS SUBDIVISION, MEANS ONE
12 OR MORE PAYMENTS MADE BY AN EMPLOYER TO AN EMPLOYEE DUE TO HIS OR HER
13 SEPARATION FROM SERVICE OF THE EMPLOYER REGARDLESS OF WHETHER THE
14 EMPLOYER IS LEGALLY BOUND BY CONTRACT, STATUTE OR OTHERWISE TO MAKE SUCH
15 PAYMENTS. THE TERM DOES NOT INCLUDE PAYMENTS FOR PENSION, RETIREMENT,
16 ACCRUED LEAVE, AND HEALTH INSURANCE OR PAYMENTS FOR SUPPLEMENTAL UNEM-
17 PLOYMENT BENEFITS.

18 (C) THE TERM "DISMISSAL PERIOD", AS USED IN THIS SUBDIVISION, MEANS
19 THE TIME DESIGNATED FOR WEEKS OF DISMISSAL PAY ATTRIBUTABLE TO THE
20 CLAIMANT'S WEEKLY EARNINGS IN ACCORDANCE WITH THE COLLECTIVE BARGAINING
21 AGREEMENT, EMPLOYMENT CONTRACT, EMPLOYER'S DISMISSAL POLICY, DISMISSAL
22 AGREEMENT WITH THE EMPLOYER OR OTHER SUCH AGREEMENT. IF NO SUCH AGREE-
23 MENT, CONTRACT OR POLICY DESIGNATES A DISMISSAL PERIOD, THEN THE
24 DISMISSAL PERIOD SHALL BE THE TIME DESIGNATED IN WRITING IN ADVANCE BY
25 THE EMPLOYER TO BE CONSIDERED THE DISMISSAL PERIOD. IF NO TIME PERIOD IS
26 DESIGNATED, THE DISMISSAL PERIOD SHALL COMMENCE ON THE DAY AFTER THE
27 CLAIMANT'S LAST DAY OF EMPLOYMENT. IF THE DISMISSAL PAYMENT IS IN A LUMP
28 SUM AMOUNT OR FOR AN INDEFINITE PERIOD, DISMISSAL PAYMENTS SHALL BE
29 ALLOCATED ON A WEEKLY BASIS FROM THE DAY AFTER THE CLAIMANT'S LAST DAY
30 OF EMPLOYMENT AND THE CLAIMANT SHALL NOT BE ELIGIBLE FOR BENEFITS FOR
31 ANY WEEK FOR WHICH IT IS DETERMINED THAT THE CLAIMANT RECEIVES DISMISSAL
32 PAY. THE AMOUNT OF DISMISSAL PAY SHALL BE ALLOCATED BASED ON THE CLAIM-
33 ANT'S ACTUAL WEEKLY REMUNERATION PAID BY THE EMPLOYER DURING HIS OR HER
34 EMPLOYMENT OR, IF SUCH AMOUNT CANNOT BE DETERMINED, THE AMOUNT OF THE
35 CLAIMANT'S AVERAGE WEEKLY WAGE FOR THE HIGHEST CALENDAR QUARTER.

36 (D) NOTWITHSTANDING THE FOREGOING, THE PROVISIONS OF THIS SUBDIVISION
37 SHALL NOT APPLY DURING ANY WEEKS IN WHICH THE INITIAL PAYMENT OF
38 DISMISSAL PAY IS MADE MORE THAN THIRTY DAYS FROM THE LAST DAY OF THE
39 CLAIMANT'S EMPLOYMENT.

40 S 14. Subparagraph (i) of paragraph (b) of subdivision 2 of section
41 591-a of the labor law, as added by chapter 413 of the laws of 2003, is
42 amended to read as follows:

43 (i) requirements relating to total unemployment, as defined in section
44 five hundred twenty-two of this article, availability for work AND
45 SEARCH FOR WORK, as set forth in subdivision two of section five hundred
46 ninety-one of this title and refusal to accept work, as set forth in
47 subdivision two of section five hundred ninety-three of this title, are
48 not applicable to such individuals;

49 S 15. Paragraph (a) of subdivision 1, the opening paragraph of subdivi-
50 sion 2 and subdivision 3 of section 593 of the labor law, paragraph
51 (a) of subdivision 1 as amended by chapter 35 of the laws of 2009, the
52 opening paragraph of subdivision 2 as amended by chapter 5 of the laws
53 of 2000, and subdivision 3 as amended by chapter 589 of the laws of
54 1998, are amended and a new subdivision 6 is added to read as follows:

55 (a) No days of total unemployment shall be deemed to occur after a
56 claimant's voluntary separation without good cause from employment until

1 he or she has subsequently worked in employment and earned remuneration
2 at least equal to [five] SEVEN times his or her weekly benefit rate. In
3 addition to other circumstances that may be found to constitute good
4 cause, including a compelling family reason as set forth in paragraph
5 (b) of this subdivision, voluntary separation from employment shall not
6 in itself disqualify a claimant if circumstances have developed in the
7 course of such employment that would have justified the claimant in
8 refusing such employment in the first instance under the terms of subdi-
9 vision two of this section or if the claimant, pursuant to an option
10 provided under a collective bargaining agreement or written employer
11 plan which permits waiver of his OR HER right to retain the employment
12 when there is a temporary layoff because of lack of work, has elected to
13 be separated for a temporary period and the employer has consented ther-
14 eto.

15 No days of total unemployment shall be deemed to occur beginning with
16 the day on which a claimant, without good cause, refuses to accept an
17 offer of employment for which he OR SHE is reasonably fitted by training
18 and experience, including employment not subject to this article, until
19 he OR SHE has subsequently worked in employment and earned remuneration
20 at least equal to [five] SEVEN times his or her weekly benefit rate.
21 Except that claimants who are not subject to a recall date or who do not
22 obtain employment through a union hiring hall and who are still unem-
23 ployed after receiving [thirteen] TEN weeks of benefits shall be
24 required to accept any employment proffered that such claimants are
25 capable of performing, provided that such employment would result in a
26 wage not less than eighty percent of such claimant's high calendar quar-
27 ter wages received in the base period and not substantially less than
28 the prevailing wage for similar work in the locality as provided for in
29 paragraph (d) of this subdivision. No refusal to accept employment shall
30 be deemed without good cause nor shall it disqualify any claimant other-
31 wise eligible to receive benefits if:

32 3. Misconduct. No days of total unemployment shall be deemed to occur
33 after a claimant lost employment through misconduct in connection with
34 his or her employment until he or she has subsequently worked in employ-
35 ment and earned remuneration at least equal to [five] SEVEN times his or
36 her weekly benefit rate.

37 6. DETERMINATIONS AND HEARINGS. THE COMMISSIONER SHALL ISSUE A DETER-
38 MINATION FOR ANY PROTEST THAT IS FILED BY ANY BASE PERIOD EMPLOYER WITH-
39 IN THE TIME SPECIFIED IN THE NOTIFICATION OF POTENTIAL CHARGES BASED ON
40 VOLUNTARY SEPARATIONS OR MISCONDUCT. AN EMPLOYER OR CLAIMANT MAY REQUEST
41 A HEARING OF SUCH DETERMINATION PURSUANT TO SECTION SIX HUNDRED TWENTY
42 OF THIS ARTICLE.

43 S 16. Section 594 of the labor law, as amended by chapter 728 of the
44 laws of 1952, and the opening paragraph as amended by chapter 139 of the
45 laws of 1968, are amended to read as follows:

46 S 594. Reduction AND RECOVERY of benefits AND PENALTIES for WILFUL
47 false statement. A claimant who has wilfully made a false statement or
48 representation to obtain any benefit under the provisions of this arti-
49 cle shall forfeit benefits for at least the first four but not more than
50 the first eighty effective days following discovery of such offense for
51 which he OR SHE otherwise would have been entitled to receive benefits.
52 Such penalty shall apply only once with respect to each such offense.

53 For the purpose of subdivision four of section five hundred ninety of
54 this article, the claimant shall be deemed to have received benefits for
55 such forfeited effective days.

1 The penalty provided in this section shall not be confined to a single
2 benefit year but shall no longer apply in whole or in part after the
3 expiration of two years from the date on which the offense was commit-
4 ted.

5 A claimant shall refund all moneys received because of such false
6 statement or representation [made by him] AND PAY A CIVIL PENALTY IN AN
7 AMOUNT EQUAL TO THE GREATER OF ONE HUNDRED DOLLARS OR FIFTEEN PERCENT OF
8 THE TOTAL OVERPAID BENEFITS DETERMINED PURSUANT TO THIS SECTION. THE
9 PENALTIES COLLECTED HEREUNDER SHALL BE DEPOSITED IN THE FUND. THE PENAL-
10 TIES ASSESSED UNDER THIS SUBDIVISION SHALL APPLY AND BE ASSESSED FOR ANY
11 BENEFITS PAID UNDER FEDERAL UNEMPLOYMENT AND EXTENDED UNEMPLOYMENT
12 PROGRAMS ADMINISTERED BY THE DEPARTMENT IN THE SAME MANNER AS PROVIDED
13 IN THIS ARTICLE. THE PENALTIES IN THIS SECTION SHALL BE IN ADDITION TO
14 ANY PENALTIES IMPOSED UNDER THIS CHAPTER OR ANY STATE OR FEDERAL CRIMI-
15 NAL STATUTE. NO PENALTIES OR INTEREST ASSESSED PURSUANT TO THIS SECTION
16 MAY BE DEDUCTED OR WITHHELD FROM BENEFITS.

17 S 17. Intentionally omitted.

18 S 18. Subdivision 2 of section 597 of the labor law is amended by
19 adding a new paragraph (d) to read as follows:

20 (D) NOTWITHSTANDING ANY PROVISIONS OF THIS ARTICLE, UNLESS A COMMIS-
21 SIONER'S ERROR IS SHOWN OR THE FAILURE IS THE DIRECT RESULT OF A DISAS-
22 TER EMERGENCY DECLARED BY THE GOVERNOR OR PRESIDENT, AN EMPLOYER'S
23 ACCOUNT SHALL NOT BE RELIEVED OF CHARGES RESULTING IN AN OVERPAYMENT OF
24 BENEFITS WHEN THE COMMISSIONER DETERMINES THAT THE OVERPAYMENT WAS MADE
25 BECAUSE THE EMPLOYER OR THE AGENT OF THE EMPLOYER FAILED TO TIMELY OR
26 ADEQUATELY RESPOND TO A REQUEST FOR INFORMATION IN THE NOTICE OF POTEN-
27 TIAL CHARGES OR OTHER SUCH NOTICE REQUESTING INFORMATION IN RELATION TO
28 A CLAIM UNDER THIS ARTICLE, PROVIDED, HOWEVER, THAT THE COMMISSIONER
29 SHALL RELIEVE THE EMPLOYER OF CHARGES THE FIRST TIME THAT THE EMPLOYER
30 FAILS TO PROVIDE TIMELY OR ADEQUATE INFORMATION, IF THE EMPLOYER
31 PROVIDES GOOD CAUSE FOR SUCH FAILURE AS DETERMINED BY THE COMMISSIONER.

32 "TIMELY" SHALL MEAN A RESPONSE IS PROVIDED IN THE TIME PERIOD SPECI-
33 FIED IN THE NOTICE AS PRESCRIBED BY THE COMMISSIONER.

34 THE TERM "ADEQUATELY" SHALL MEAN THAT THE EMPLOYER OR ITS AGENT
35 SUBMITTED INFORMATION SUFFICIENT TO RENDER A CORRECT DETERMINATION.

36 THIS PROHIBITION FOR RELIEF OF CHARGES SHALL APPLY TO ALL EMPLOYERS
37 UNDER THIS ARTICLE INCLUDING EMPLOYERS ELECTING PAYMENT IN LIEU OF
38 CONTRIBUTIONS.

39 S 19. Section 600 of the labor law, as added by chapter 793 of the
40 laws of 1963, subdivision 6 as amended by chapter 391 of the laws of
41 2005, subdivision 7 as added by chapter 362 of the laws of 1980, para-
42 graph (a) of subdivision 7 as amended by chapter 176 of the laws of
43 2004, paragraph (b) of subdivision 7 as amended by chapter 5 of the laws
44 of 2000, and paragraph (c) of subdivision 7 as relettered by chapter 895
45 of the laws of 1980, is amended to read as follows:

46 S 600. Effect of retirement payments. 1. Reduction of benefit rate.
47 [If a claimant retires or is retired from employment by an employer and,
48 due to such retirement, is receiving a pension or retirement payment
49 under a plan financed in whole or in part by such employer, such claim-
50 ant's benefit rate for four effective days otherwise applicable under
51 subdivision seven of section five hundred ninety shall be reduced as
52 hereinafter provided.

53 2. Application. The reduction shall apply only to benefits which when
54 paid will be chargeable to the account of the employer who provided the
55 pension or retirement benefit.

1 3. Amount of reduction. If the pension or retirement payment is made
2 under a plan to which the employer is the sole contributor, the claim-
3 ant's benefit rate shall be reduced by the largest number of whole
4 dollars which is not more than the prorated weekly amount of his pension
5 or retirement payment under such plan. If the pension or retirement
6 payment is made under a plan to which the employer is not the sole
7 contributor, the claimant's benefit rate shall be reduced by the largest
8 number of whole dollars which is not more than one-half of the prorated
9 weekly amount of his pension or retirement payments under such plan, but
10 no reduction shall apply if the claimant demonstrates that the employer
11 contributed less than fifty per centum to the plan.

12 4. Reduction equal to benefit rate. If the amount to be deducted from
13 a claimant's benefit rate equals or exceeds such rate, he shall be inel-
14 ible to receive any benefits which if paid would be chargeable to the
15 employer involved in the pension or retirement plan, but any benefits
16 which would in the absence of this section be chargeable to the accounts
17 of other employers shall be payable to the claimant.

18 5. Reduction not established. If, at the time benefits are payable, it
19 has not been established that the claimant will be receiving such
20 pension or retirement payment, benefits due shall be paid without a
21 reduction, subject to review within the period and under the conditions
22 as provided in subdivisions three and four of section five hundred nine-
23 ty-seven with respect to retroactive payment of remuneration.

24 6. Limitation. For the purposes of this section, the terms "pension or
25 retirement payment" and "governmental or other pension, retirement or
26 retired pay, annuity, or any other similar periodic payment which is
27 based on previous work" shall not include payments made from a qualified
28 trust to an eligible retirement plan under the terms and conditions
29 specified in section four hundred two of the internal revenue code for
30 federal income tax purposes, such payments commonly known as eligible
31 rollover distributions.

32 7. Alternative condition. (a) When a reduction for retirement payments
33 is required by the federal unemployment tax act as a condition for full
34 tax credit, in which event the provisions of subdivisions one, two,
35 three, four and five of this section shall not be operative, the] (A)
36 THE benefit rate of a claimant who is receiving a governmental or other
37 pension, retirement or retired pay, annuity, or any other similar peri-
38 odic payment which is based on his previous work, shall be reduced as
39 hereinafter provided, if such payment is made under a plan maintained or
40 contributed to by his base period employer and, except for payments made
41 under the social security act or the railroad retirement act of 1974,
42 the claimant's employment with, or remuneration from, such employer
43 after the beginning of the base period affected his eligibility for, or
44 increased the amount of, such pension, retirement or retired pay, annui-
45 ty, or other similar periodic payment.

46 (b) [If the claimant made no contribution for the pension, retirement
47 or retired pay, annuity, or other similar periodic payment, his] THE
48 CLAIMANT'S benefit rate shall be reduced by the largest number of whole
49 dollars which is not more than the pro-rated weekly amount of such
50 payment. If the claimant was the sole contributor for the pension,
51 retirement or retired pay, annuity, or other similar periodic payment,
52 no reduction shall apply. [If the claimant's contributions for the
53 pension, retirement or retired pay, annuity, or other similar periodic
54 payment were less than one hundred per centum, the commissioner shall
55 determine the amount of the reduction by taking into account the claim-

1 ant's contributions in a manner consistent with the federal unemployment
2 tax act.]

3 (c) If, at the time benefits are payable, it has not been established
4 that the claimant will be receiving such pension, retirement or retired
5 pay, annuity or other payment, benefits due shall be paid without a
6 reduction, subject to review within the period and under the conditions
7 as provided in subdivisions three and four of section five hundred nine-
8 ty-seven with respect to retroactive payment of remuneration.

9 (D) FOR THE PURPOSES OF THIS SECTION, THE TERMS "PENSION OR RETIREMENT
10 PAYMENT" AND "GOVERNMENTAL OR OTHER PENSION, RETIREMENT OR RETIRED PAY,
11 ANNUITY, OR ANY OTHER SIMILAR PERIODIC PAYMENT WHICH IS BASED ON PREVI-
12 OUS WORK" SHALL NOT INCLUDE PAYMENTS MADE FROM A QUALIFIED TRUST TO AN
13 ELIGIBLE RETIREMENT PLAN UNDER THE TERMS AND CONDITIONS SPECIFIED IN
14 SECTION FOUR HUNDRED TWO OF THE INTERNAL REVENUE CODE FOR FEDERAL INCOME
15 TAX PURPOSES, SUCH PAYMENTS COMMONLY KNOWN AS ELIGIBLE ROLLOVER DISTRIB-
16 UTIONS.

17 S 20. Section 602 of the labor law, as amended by chapter 214 of the
18 laws of 1998, is amended to read as follows:

19 S 602. Application. This title shall apply to a claimant employed by
20 an employer whose application to participate in a shared work program
21 has been approved by the commissioner. The provisions of subdivision
22 four of section five hundred twenty-seven, subdivisions three and seven
23 of section five hundred ninety and subdivision four of section five
24 hundred ninety-six of this article shall not be applicable to such
25 claimant and he OR SHE shall not be required to be available for work
26 with any other employer NOR SHALL HE OR SHE BE REQUIRED TO SEARCH FOR
27 WORK IN ACCORDANCE WITH SUBDIVISION TWO OF SECTION FIVE HUNDRED NINETY-
28 ONE OF THIS ARTICLE IF HE OR SHE IS AVAILABLE FOR HIS OR HER USUAL HOURS
29 OF WORK WITH HIS OR HER EMPLOYER THAT HAS BEEN ACCEPTED TO PARTICIPATE
30 IN THE SHARED WORK PROGRAM. The other provisions of this article shall
31 apply to such claimants and their employers to the extent that they are
32 not inconsistent with the provisions of this title.

33 S 21. Section 603 of the labor law, as added by chapter 438 of the
34 laws of 1985, is amended to read as follows:

35 S 603. Definitions. For purposes of this title: "Total unemployment"
36 shall mean the total lack of any employment on any day, other than with
37 an employer applying for a shared work program. ["Full time hours" shall
38 mean at least thirty-five but not more than forty hours per week, and
39 shall not include overtime as defined in the Fair Labor Standards Act.]
40 "Work force" shall mean the total work force, a clearly identifiable
41 unit or units thereof, or a particular shift or shifts. THE WORK FORCE
42 SUBJECT TO REDUCTION SHALL CONSIST OF NO LESS THAN TWO EMPLOYEES.

43 S 21-a. Section 604 of the labor law, as amended by chapter 564 of the
44 laws of 2002, is amended to read as follows:

45 S 604. Eligibility conditions. A claimant shall be eligible for bene-
46 fits under this title if he OR SHE works less than his OR HER normal
47 [full time] hours in a week for his customary employer, and that employ-
48 er has reduced or restricted the claimant's weekly hours of work, or has
49 rehired a claimant previously laid off and reduced his OR HER weekly
50 hours of work from those previously worked, as the result of a plan by
51 the employer to stabilize the work force by a program of sharing the
52 work remaining after a reduction in total hours of work and a corre-
53 sponding reduction in wages, provided the program requires not less than
54 a twenty percent nor more than a sixty percent reduction in hours and
55 wages among the work force. A claimant receiving supplemental unemploy-
56 ment compensation benefits, as defined in section five hundred one (c)

1 (17) (D) of the internal revenue code of nineteen hundred fifty-four,
2 shall not be eligible hereunder. Any employee who was otherwise eligible
3 for benefits under this title but was denied benefits during the period
4 beginning October first, two thousand one and ending on December first,
5 two thousand one because more than five percent of his OR HER wages were
6 derived from piece work, shall be entitled to make a retroactive claim
7 for such benefits provided such claim is filed within sixty days of the
8 effective date of this sentence.

9 S 22. Section 605 of the labor law, as amended by section 2 of chapter
10 81 of the laws of 1992, is amended to read as follows:

11 S 605. Qualified employers; application. An employer who has at least
12 [five] TWO full time employees may apply to participate in a shared work
13 program. The WRITTEN application shall be made according to such forms
14 and procedures as the commissioner may specify and shall include such
15 information as the commissioner may require, INCLUDING SUCH OTHER INFOR-
16 MATION THAT THE UNITED STATES SECRETARY OF LABOR DETERMINES TO BE APPRO-
17 PRIATE FOR PURPOSES OF A SHARED WORK PROGRAM. The commissioner shall
18 not approve such application unless the employer (1) [agrees] CERTIFIES
19 that for the duration of the program it will not eliminate or diminish
20 health insurance, medical insurance, RETIREMENT BENEFITS or any other
21 fringe benefits provided to employees immediately prior to the applica-
22 tion UNLESS SUCH BENEFITS PROVIDED TO EMPLOYEES THAT DO NOT PARTICIPATE
23 IN THE SHARED WORK PROGRAM ARE REDUCED OR DIMINISHED TO THE SAME EXTENT
24 AS THOSE EMPLOYEES THAT PARTICIPATE IN THE SHARED WORK PROGRAM; (2)
25 certifies that the collective bargaining agent for the employees, if
26 any, has agreed to participate in the program; (3) certifies that if not
27 for the shared work program to be initiated the employer would reduce or
28 would have reduced its work force to a degree equivalent to the total
29 number of working hours proposed to be reduced or restricted for all
30 included employees; (4) certifies that it will not hire additional part
31 time or full time employees for the affected work force while the
32 program is in operation; [and] (5) agrees that no participant of the
33 program shall receive, in the aggregate, more than [twenty] TWENTY-SIX
34 weeks of benefits exclusive of the waiting week; (6) PROVIDES A
35 DESCRIPTION OF HOW WORKERS IN THE WORK FORCE WILL BE NOTIFIED OF THE
36 SHARED WORK PROGRAM IN ADVANCE OF IT TAKING EFFECT, IF FEASIBLE, AND IF
37 SUCH NOTICE IS NOT FEASIBLE, PROVIDES AN EXPLANATION OF WHY SUCH NOTICE
38 IS NOT FEASIBLE; (7) PROVIDES AN ESTIMATE OF THE NUMBER OF WORKERS WHO
39 WOULD BE LAID OFF IF THE EMPLOYER COULD NOT PARTICIPATE IN THE SHARED
40 WORK PROGRAM; AND (8) CERTIFIES THAT THE TERMS OF THE EMPLOYER'S WRITTEN
41 PLAN AND IMPLEMENTATION SHALL BE CONSISTENT WITH EMPLOYER OBLIGATIONS
42 UNDER APPLICABLE FEDERAL AND STATE LAWS.

43 S 22-a. Section 605 of the labor law, as amended by section twenty-two
44 of this act is REPEALED and a new section 605 is added to read as
45 follows:

46 S 605. QUALIFIED EMPLOYERS; APPLICATION. AN EMPLOYER WHO HAS AT LEAST
47 FIVE FULL TIME EMPLOYEES MAY APPLY TO PARTICIPATE IN A SHARED WORK
48 PROGRAM. THE WRITTEN APPLICATION SHALL BE MADE ACCORDING TO SUCH FORMS
49 AND PROCEDURES AS THE COMMISSIONER MAY SPECIFY AND SHALL INCLUDE SUCH
50 INFORMATION AS THE COMMISSIONER MAY REQUIRE, INCLUDING SUCH OTHER INFOR-
51 MATION THAT THE UNITED STATES SECRETARY OF LABOR DETERMINES TO BE APPRO-
52 PRIATE FOR PURPOSES OF A SHARED WORK PROGRAM. THE COMMISSIONER SHALL NOT
53 APPROVE SUCH APPLICATION UNLESS THE EMPLOYER (1) CERTIFIES THAT FOR THE
54 DURATION OF THE PROGRAM IT WILL NOT ELIMINATE OR DIMINISH HEALTH INSUR-
55 ANCE, MEDICAL INSURANCE, RETIREMENT BENEFITS OR ANY OTHER FRINGE BENE-
56 FITS PROVIDED TO EMPLOYEES IMMEDIATELY PRIOR TO THE APPLICATION UNLESS

1 SUCH BENEFITS PROVIDED TO EMPLOYEES THAT DO NOT PARTICIPATE IN THE
2 SHARED WORK PROGRAM ARE REDUCED OR DIMINISHED TO THE SAME EXTENT AS
3 THOSE EMPLOYEES THAT PARTICIPATE IN THE SHARED WORK PROGRAM; (2) CERTI-
4 FIES THAT THE COLLECTIVE BARGAINING AGENT FOR THE EMPLOYEES, IF ANY, HAS
5 AGREED TO PARTICIPATE IN THE PROGRAM; (3) CERTIFIES THAT IF NOT FOR THE
6 SHARED WORK PROGRAM TO BE INITIATED THE EMPLOYER WOULD REDUCE OR WOULD
7 HAVE REDUCED ITS WORK FORCE TO A DEGREE EQUIVALENT TO THE TOTAL NUMBER
8 OF WORKING HOURS PROPOSED TO BE REDUCED OR RESTRICTED FOR ALL INCLUDED
9 EMPLOYEES; (4) CERTIFIES THAT IT WILL NOT HIRE ADDITIONAL PART TIME OR
10 FULL TIME EMPLOYEES FOR THE AFFECTED WORK FORCE WHILE THE PROGRAM IS IN
11 OPERATION; (5) AGREES THAT NO PARTICIPANT OF THE PROGRAM SHALL RECEIVE,
12 IN THE AGGREGATE, MORE THAN TWENTY WEEKS OF BENEFITS EXCLUSIVE OF THE
13 WAITING WEEK; (6) PROVIDES A DESCRIPTION OF HOW WORKERS IN THE WORK
14 FORCE WILL BE NOTIFIED OF THE SHARED WORK PROGRAM IN ADVANCE OF IT
15 TAKING EFFECT, IF FEASIBLE, AND IF SUCH NOTICE IS NOT FEASIBLE, PROVIDES
16 AN EXPLANATION OF WHY SUCH NOTICE IS NOT FEASIBLE; (7) PROVIDES AN ESTI-
17 MATE OF THE NUMBER OF WORKERS WHO WOULD BE LAID OFF IF THE EMPLOYER
18 COULD NOT PARTICIPATE IN THE SHARED WORK PROGRAM; AND (8) CERTIFIES THAT
19 THE TERMS OF THE EMPLOYER'S WRITTEN PLAN AND IMPLEMENTATION SHALL BE
20 CONSISTENT WITH EMPLOYER OBLIGATIONS UNDER APPLICABLE FEDERAL AND STATE
21 LAWS.

22 S 23. Section 607 of the labor law, as added by chapter 438 of the
23 laws of 1985, subdivision 1 as amended by section 4 of chapter 81 of the
24 laws of 1992, is amended to read as follows:

25 S 607. Benefits. 1. Amount. An eligible claimant shall be paid bene-
26 fits for any week equal to his OR HER benefit rate multiplied by the
27 percentage of reduction of his OR HER wages resulting from reduced hours
28 of work, but only if such percentage is no less than twenty percent. The
29 weekly benefit amount shall be rounded off to the nearest dollar. A
30 claimant shall not be paid such benefits in excess of [twenty]
31 TWENTY-SIX weeks during a benefit year.

32 2. Waiting period. A claimant shall not be entitled to benefits for
33 the first week of unemployment under a shared work program unless he OR
34 SHE has served a waiting period in his OR HER benefit year pursuant to
35 subdivision seven of section five hundred ninety of this article.

36 S 23-a. Subdivision 1 of section 607 of the labor law, as amended by
37 section twenty-three of this act is REPEALED, and a new subdivision 1 is
38 added to read as follows:

39 1. AMOUNT. AN ELIGIBLE CLAIMANT SHALL BE PAID BENEFITS FOR ANY WEEK
40 EQUAL TO HIS OR HER BENEFIT RATE MULTIPLIED BY THE PERCENTAGE OF
41 REDUCTION OF HIS OR HER WAGES RESULTING FROM REDUCED HOURS OF WORK, BUT
42 ONLY IF SUCH PERCENTAGE IS NO LESS THAN TWENTY PERCENT. THE WEEKLY BENE-
43 FIT AMOUNT SHALL BE ROUNDED OFF TO THE NEAREST DOLLAR. A CLAIMANT SHALL
44 NOT BE PAID SUCH BENEFITS IN EXCESS OF TWENTY WEEKS DURING A BENEFIT
45 YEAR.

46 S 24. The labor law is amended by adding a new section 609 to read as
47 follows:

48 S 609. TRAINING. ELIGIBLE EMPLOYEES MAY PARTICIPATE, AS APPROPRIATE,
49 IN TRAINING TO ENHANCE JOB SKILLS IF SUCH PROGRAM HAS BEEN APPROVED BY
50 THE COMMISSIONER. SUCH TRAINING MAY INCLUDE EMPLOYER-SPONSORED TRAINING
51 OR WORKER TRAINING FUNDED UNDER THE WORKFORCE INVESTMENT ACT OF 1998.

52 S 25. Section 611 of the labor law, as amended by chapter 589 of the
53 laws of 1998, is amended to read as follows:

54 S 611. Charging of benefits. Benefits paid to a claimant shall be
55 charged to the employers' accounts as provided in paragraph (e) of
56 subdivision one of section five hundred eighty-one of this article.

1 HOWEVER, EXCEPT FOR INDIVIDUALS EMPLOYED BY A PARTICIPATING EMPLOYER ON
2 A SEASONAL, TEMPORARY OR INTERMITTENT BASIS, NO BENEFITS PAID TO A
3 CLAIMANT SHALL BE CHARGED TO AN EMPLOYER'S ACCOUNT IF THE STATE IS REIM-
4 BURED BY THE UNITED STATES PURSUANT TO THE MIDDLE CLASS TAX RELIEF AND
5 JOB CREATION ACT OF 2012, PL 112-96.

6 S 26. The labor law is amended by adding a new section 612 to read as
7 follows:

8 S 612. SEVERABILITY. IF ANY AMENDMENT CONTAINED IN A CLAUSE,
9 SENTENCE, PARAGRAPH, SECTION OR PART OF THIS TITLE SHALL BE ADJUDGED BY
10 THE UNITED STATES DEPARTMENT OF LABOR TO VIOLATE REQUIREMENTS FOR MAIN-
11 TAINING BENEFIT STANDARDS REQUIRED OF THE STATE IN ORDER TO BE ELIGIBLE
12 FOR ANY FINANCIAL BENEFIT OFFERED THROUGH FEDERAL LAW OR REGULATION
13 INCLUDING, BUT NOT LIMITED TO, THE WAIVER OF INTEREST ON ADVANCES OR THE
14 WAIVER OF OBLIGATIONS TO REPAY SUCH ADVANCES TO THE STATE UNEMPLOYMENT
15 INSURANCE FUND, SUCH AMENDMENTS SHALL BE SEVERED FROM THIS ACT AND SHALL
16 NOT AFFECT, IMPAIR OR INVALIDATE THE REMAINDER THEREOF.

17 S 27. Section 39 of part P2 of chapter 62 of the laws of 2003, amend-
18 ing the state finance law and other laws relating to authorizing and
19 directing the state comptroller to loan money to certain funds and
20 accounts, as amended by section 1 of part W of chapter 58 of the laws of
21 2011, is amended to read as follows:

22 S 39. This act shall take effect immediately and shall be deemed to
23 have been in full force and effect on and after April 1, 2003; provided,
24 however, that sections one, three, four, six, seven through fifteen, and
25 seventeen of this act shall expire March 31, 2004, when upon such date
26 the provisions of such sections shall be deemed repealed; [and sections
27 thirty and thirty-one of this act shall expire December 31, 2013] and
28 the amendments made to section 69-c of the state finance law by section
29 thirty-two of this act shall not affect the expiration and repeal of
30 such section and shall be deemed to be expired therewith.

31 S 28. Severability. If any amendment contained in a clause, sentence,
32 paragraph, section or part of this act shall be adjudged by the United
33 States Department of Labor to violate requirements for maintaining bene-
34 fit standards required of the state in order to be eligible for any
35 financial benefit offered through federal law or regulation including,
36 but not limited to, the waiver of interest on advances or the waiver of
37 obligations to repay such advances to the state unemployment insurance
38 fund, such amendments shall be severed from this act and shall not
39 affect, impair or invalidate the remainder thereof.

40 S 29. This act shall take effect immediately, provided, however, that:

41 a. sections one, three, and eight of this act shall take effect Janu-
42 ary 1, 2014;

43 b. sections two, thirteen, fifteen, and nineteen of this act shall
44 apply to all claims filed after January 1, 2014;

45 c. section nine of this act shall take effect January 1, 2017;

46 d. section ten of this act shall take effect January 1, 2019;

47 e. sections five, six, sixteen, seventeen, and eighteen of this act
48 shall apply to all overpayments established after October 1, 2013;

49 f. sections fourteen, twenty, twenty-one, twenty-one-a, twenty-two,
50 twenty-three, twenty-four, and twenty-six of this act shall take effect
51 on the thirtieth day after it shall have become a law;

52 g. section twenty-five of this act shall expire and be deemed repealed
53 August 23, 2015;

54 h. section twelve of this act shall take effect January 1, 2014 or on
55 the same date as the reversion of subdivision 2 of section 591 of the

1 labor law as provided in section 10 of chapter 413 of the laws of 2003,
2 as amended, whichever is later;

3 i. the amendments to section 591-a of the labor law made by section
4 fourteen of this act shall not affect the repeal of such section and
5 shall be deemed repealed therewith;

6 j. sections twenty-two-a and twenty-three-a of this act shall take
7 effect August 23, 2015.

8 k. section seven of this act shall take effect January 1, 2014 and
9 shall expire and be deemed repealed January 1, 2017; and

10 1. clause (ii) of subparagraph 3 of paragraph (e) of subdivision 1 of
11 section 581 of the labor law as added by section six of this act shall
12 be deemed to have been in full force and effect on and after October 26,
13 2012.

14 PART P

15 Intentionally omitted

16 PART Q

17 Section 1. Paragraph (d) of subdivision 4 of section 209 of the civil
18 service law, as amended by section 9 of part A of chapter 504 of the
19 laws of 2009, is amended to read as follows:

20 (d) The provisions of this subdivision shall expire [thirty-six] FORTY
21 years from July first, nineteen hundred seventy-seven, and hereafter may
22 be renewed every four years.

23 S 2. This act shall take effect immediately.

24 PART R

25 Section 1. The racing, pari-mutuel wagering and breeding law is
26 amended by adding a new section 109-a to read as follows:

27 S 109-A. LABOR PEACE AGREEMENTS FOR CERTAIN FACILITIES. 1. DEFINI-
28 TIONS. AS USED IN THIS SUBDIVISION:

29 A. "GAMING FACILITY" MEANS ANY CASINO GAMING FACILITY LICENSED BY THE
30 COMMISSION. A GAMING FACILITY OR OPERATION SHALL NOT INCLUDE ANY HORSE
31 RACING, BINGO OR CHARITABLE GAMES OF CHANCE, THE STATE LOTTERY FOR
32 EDUCATION, OR ANY GAMING FACILITY OPERATING PURSUANT TO THE FEDERAL
33 INDIAN GAMING REGULATORY ACT, 25 U.S.C. S 2710 ET SEQ. A GAMING FACILITY
34 OR OPERATION SHALL INCLUDE ANY HOSPITALITY OPERATION AT OR RELATED TO
35 THE GAMING FACILITY.

36 B. "LABOR PEACE AGREEMENT" MEANS AN AGREEMENT ENFORCEABLE UNDER 29
37 U.S.C. S 185(A) THAT, AT A MINIMUM, PROTECTS THE STATE'S PROPRIETARY
38 INTERESTS BY PROHIBITING LABOR ORGANIZATIONS AND MEMBERS FROM ENGAGING
39 IN PICKETING, WORK STOPPAGES, BOYCOTTS, AND ANY OTHER ECONOMIC INTERFER-
40 ENCE WITH OPERATION OF THE RELEVANT GAMING FACILITY.

41 C. "LICENSE" MEANS ANY PERMIT, LICENSE, FRANCHISE OR ALLOWANCE OF THE
42 COMMISSION AND SHALL INCLUDE ANY FRANCHISEE OR PERMITTEE.

43 D. "PROPRIETARY INTEREST" MEANS AN ECONOMIC AND NON-REGULATORY INTER-
44 EST AT RISK IN THE FINANCIAL SUCCESS OF THE GAMING FACILITY THAT COULD
45 BE ADVERSELY AFFECTED BY LABOR-MANAGEMENT CONFLICT, INCLUDING BUT NOT
46 LIMITED TO PROPERTY INTERESTS, FINANCIAL INVESTMENTS AND REVENUE SHAR-
47 ING.

48 2. LEGISLATIVE FINDINGS. THE STATE LEGISLATURE FINDS THAT THE GAMING
49 INDUSTRY CONSTITUTES A VITAL SECTOR OF NEW YORK'S OVERALL ECONOMY AND
50 THAT THE STATE THROUGH ITS OPERATION OF LOTTERIES AND VIDEO LOTTERY

1 FACILITIES AND THROUGH ITS OWNERSHIP OF THE PROPERTIES UTILIZED FOR
2 HORSE RACING BY THE NEW YORK RACING ASSOCIATION, INC. HAS A SIGNIFICANT
3 AND ONGOING ECONOMIC AND NON-REGULATORY INTEREST IN THE FINANCIAL
4 VIABILITY AND COMPETITIVENESS OF THE GAMING INDUSTRY. THE STATE LEGISLA-
5 TURE FURTHER FINDS THAT THE AWARD OR GRANT OF A LICENSE BY THE COMMIS-
6 SION TO OPERATE A GAMING FACILITY IS A SIGNIFICANT STATE ACTION AND THAT
7 THE COMMISSION MUST MAKE PRUDENT AND EFFICIENT DECISIONS TO MAXIMIZE THE
8 BENEFITS AND MINIMIZE THE RISKS OF GAMING. THE STATE LEGISLATURE FURTHER
9 RECOGNIZES THAT CASINO GAMING INDUSTRY INTEGRATION CAN PROVIDE A VITAL
10 ECONOMIC ENGINE TO ASSIST, NURTURE, DEVELOP, AND PROMOTE REGIONAL
11 ECONOMIC DEVELOPMENT, THE STATE TOURISM INDUSTRY AND THE GROWTH OF JOBS
12 IN THE STATE. ADDITIONALLY, THE STATE LEGISLATURE ALSO FINDS REVENUES
13 DERIVED DIRECTLY BY THE STATE FROM SUCH GAMING ACTIVITY WILL BE SHARED
14 FROM GROSS GAMING RECEIPTS, AFTER PAYOUT OF PRIZES BUT PRIOR TO
15 DEDUCTIONS FOR OPERATIONAL EXPENSES.

16 THEREFORE, THE STATE LEGISLATURE FINDS THAT THE STATE HAS A SUBSTAN-
17 TIAL AND COMPELLING PROPRIETARY INTEREST IN ANY LICENSE AWARDED FOR THE
18 OPERATION OF A GAMING FACILITY WITHIN THE STATE.

19 3. REQUIREMENTS. THE COMMISSION SHALL REQUIRE ANY APPLICANT FOR A
20 GAMING FACILITY LICENSE WHO HAS NOT YET ENTERED INTO A LABOR PEACE
21 AGREEMENT TO PRODUCE AN AFFIDAVIT STATING IT SHALL ENTER INTO A LABOR
22 PEACE AGREEMENT WITH LABOR ORGANIZATIONS THAT ARE ACTIVELY ENGAGED IN
23 REPRESENTING OR ATTEMPTING TO REPRESENT GAMING OR HOSPITALITY INDUSTRY
24 WORKERS IN THE STATE. IN ORDER FOR THE COMMISSION TO ISSUE A GAMING
25 FACILITY LICENSE AND FOR OPERATIONS TO COMMENCE, THE APPLICANT FOR A
26 GAMING FACILITY LICENSE MUST PRODUCE DOCUMENTATION THAT IT HAS ENTERED
27 INTO A LABOR PEACE AGREEMENT WITH EACH LABOR ORGANIZATION THAT IS
28 ACTIVELY ENGAGED IN REPRESENTING AND ATTEMPTING TO REPRESENT GAMING AND
29 HOSPITALITY INDUSTRY WORKERS IN THE STATE. THE COMMISSION SHALL MAKE THE
30 MAINTENANCE OF SUCH A LABOR PEACE AGREEMENT AN ONGOING MATERIAL CONDI-
31 TION OF LICENSURE.

32 A LICENSE HOLDER SHALL, AS A CONDITION OF ITS LICENSE, ENSURE THAT
33 OPERATIONS AT THE GAMING FACILITY THAT ARE CONDUCTED BY CONTRACTORS,
34 SUBCONTRACTORS, LICENSEES, ASSIGNEES, TENANTS OR SUBTENANTS AND THAT
35 INVOLVE GAMING OR HOSPITALITY INDUSTRY EMPLOYEES SHALL BE DONE UNDER A
36 LABOR PEACE AGREEMENT CONTAINING THE SAME PROVISIONS AS SPECIFIED ABOVE.

37 S 2. This act shall take effect immediately.

38

PART S

39 Section 1. Subdivision 9 of section 350 of the education law, as added
40 by section 1 of part 0 of chapter 57 of the laws of 2012, is amended to
41 read as follows:

42 9. "SUNY Challenge Grant Program" shall mean a long-term [economic]
43 ACADEMIC and [academic] ECONOMIC plan OR PLANS submitted by a college,
44 university or community college as defined by this section OR ANY COMBI-
45 NATION THEREOF, excluding university centers as defined by this section,
46 subject to the approval by the Governor and the Chancellor of the State
47 University of New York.

48 S 2. This act shall take effect immediately.

49

PART T

50 Section 1. Subdivision 2 of section 410-x of the social services law,
51 as amended by chapter 416 of the laws of 2000, is amended to read as
52 follows:

1 2. (a) A social services district may establish priorities for the
2 families which will be eligible to receive funding; provided that the
3 priorities provide that eligible families will receive equitable access
4 to child care assistance funds to the extent that these funds are avail-
5 able.

6 (b) A social services district shall set forth its priorities for
7 child care assistance in the district's consolidated services plan. The
8 commissioner of the office of children and family services shall not
9 approve any plan that does not provide for equitable access to child
10 care assistance funds.

11 (c) A social services district shall be authorized to set aside
12 portions of its block grant allocation to serve one or more of its
13 priority groups and/or to discontinue funding to families with lower
14 priorities in order to serve families with higher priorities; provided
15 that the method of disbursement to priority groups provides that eligi-
16 ble families within a priority group will receive equitable access to
17 child care assistance funds to the extent that these funds are avail-
18 able.

19 (d) NOTWITHSTANDING ANY OTHER PROVISION OF LAW TO THE CONTRARY, THE
20 COMMISSIONER IN ANY SOCIAL SERVICES DISTRICT THAT DOES NOT HAVE SUFFI-
21 CIENT FUNDING TO SERVE ALL ELIGIBLE WORKING FAMILIES UNDER TWO HUNDRED
22 PERCENT OF THE STATE INCOME STANDARD, SHALL OFFER THE TWELVE MONTH WORK
23 EXEMPTION PROVIDED IN PARAGRAPH (D) OF SUBDIVISION ONE OF SECTION THREE
24 HUNDRED THIRTY-TWO OF THIS CHAPTER, TO ALL PARENTS OR OTHER RELATIVES IN
25 RECEIPT OF PUBLIC ASSISTANCE WHO ARE PERSONALLY PROVIDING CARE FOR A
26 CHILD UNDER ONE YEAR OF AGE REGARDLESS OF WHETHER SUCH PARENT OR OTHER
27 RELATIVE HAS PREVIOUSLY BEEN OFFERED AN EXEMPTION UNDER SUCH SECTION
28 THREE HUNDRED THIRTY-TWO. THIS SECTION SHALL NOT APPLY TO INDIVIDUALS
29 WHO:

30 (I) SOLELY PARTICIPATE IN WORK ACTIVITIES THAT PROVIDE EARNED INCOME;
31 OR

32 (II) PARTICIPATE IN A COMBINATION OF WORK ACTIVITIES; FOR THE PORTION
33 OF WORK ACTIVITIES THAT PROVIDE EARNED INCOME.

34 (E) IN THE EVENT THAT A SOCIAL SERVICES DISTRICT MUST DISCONTINUE
35 FUNDING TO A PRIORITY GROUP IT SHALL NOTIFY THE OFFICE OF CHILDREN AND
36 FAMILY SERVICES WITHIN TEN DAYS OF SUCH ACTION, IDENTIFYING THE PARTIC-
37 ULAR GROUP AFFECTED. IN THE EVENT THAT FUNDING IS RESTORED, THE SOCIAL
38 SERVICES DISTRICT SHALL NOTIFY THE OFFICE OF CHILDREN AND FAMILY
39 SERVICES WITHIN TEN DAYS OF SUCH RESTORATION.

40 (F) Each social services district shall collect and submit to the
41 commissioner of the office of children and family services in a manner
42 to be specified by the commissioner of the office of children and family
43 services information concerning the disbursement of child care assist-
44 ance funds showing geographic distribution of children receiving assist-
45 ance within the district, THE NUMBER OF WORKING FAMILIES WHO WERE OTHER-
46 WISE ELIGIBLE FOR CHILD CARE ASSISTANCE BUT WHO WERE DENIED BECAUSE THE
47 DISTRICT LACKED SUFFICIENT FUNDING TO SERVE ALL ELIGIBLE FAMILIES AND
48 THE NUMBER AND AGE OF CHILDREN WHO COULD NOT BE SERVED AS A RESULT.

49 [(e)] (G) The commissioner of the office of children and family
50 services shall submit a report to the governor, temporary president of
51 the senate and the speaker of the assembly on or before August thirty-
52 first[, two thousand one] OF EVERY YEAR concerning the implementation of
53 this section. This report shall include information concerning the
54 disbursement of child care assistance funds showing geographic distrib-
55 ution of children receiving assistance within the state. BEGINNING

1 AUGUST THIRTY-FIRST, TWO THOUSAND FOURTEEN, SUCH REPORT, AND EACH SUBSE-
2 QUENT REPORT THEREAFTER, SHALL ALSO:
3 (I) IDENTIFY THE COUNTIES THAT HAVE DISCONTINUED OR RESTORED FUNDING
4 TO PRIORITY GROUPS, AS SET FORTH IN SUBDIVISION (E) OF THIS SECTION;
5 (II) LIST THE PRIORITY GROUPS AFFECTED;
6 (III) PROVIDE FOR EACH COUNTY FOR EACH OF THE TWELVE MONTHS COVERED BY
7 THIS REPORT THE NUMBER OF WORKING FAMILIES WHO WERE OTHERWISE ELIGIBLE
8 FOR CHILD CARE ASSISTANCE BUT WHO WERE DENIED BECAUSE THE DISTRICT
9 LACKED SUFFICIENT FUNDING TO SERVE ALL ELIGIBLE FAMILIES; AND
10 (IV) THE NUMBER AND AGE OF CHILDREN WHO COULD NOT BE SERVED AS A
11 RESULT.
12 S 2. This act shall take effect immediately.

PART U

13
14 Section 1. This act shall be known and may be cited as the "New York
15 state DREAM Act".
16 S 2. The education law is amended by adding a new section 609 to read
17 as follows:
18 S 609. NEW YORK DREAM FUND COMMISSION. 1. (A) THERE SHALL BE CREATED
19 A NEW YORK DREAM FUND COMMISSION WHICH SHALL BE COMMITTED TO ADVANCING
20 THE EDUCATIONAL OPPORTUNITIES OF THE CHILDREN OF IMMIGRANTS.
21 (B) THE NEW YORK DREAM FUND COMMISSION SHALL BE COMPOSED OF TWELVE
22 MEMBERS TO BE APPOINTED AS FOLLOWS:
23 (I) FOUR MEMBERS SHALL BE APPOINTED BY THE GOVERNOR;
24 (II) THREE MEMBERS SHALL BE APPOINTED BY THE TEMPORARY PRESIDENT OF
25 THE SENATE;
26 (III) THREE MEMBERS SHALL BE APPOINTED BY THE SPEAKER OF THE ASSEMBLY;
27 (IV) ONE MEMBER SHALL BE APPOINTED BY THE MINORITY LEADER OF THE
28 SENATE;
29 (V) ONE MEMBER SHALL BE APPOINTED BY THE MINORITY LEADER OF THE ASSEM-
30 BLY;
31 (C) TO THE EXTENT PRACTICABLE, MEMBERS OF SUCH COMMISSION SHALL
32 REFLECT THE RACIAL, ETHNIC, GENDER, LANGUAGE, AND GEOGRAPHIC DIVERSITY
33 OF THE STATE.
34 (D) TO THE EXTENT PRACTICABLE, MEMBERS OF SUCH COMMISSION SHALL
35 INCLUDE COLLEGE AND UNIVERSITY ADMINISTRATORS AND FACULTY, AND OTHER
36 INDIVIDUALS COMMITTED TO ADVANCING THE EDUCATIONAL OPPORTUNITIES OF THE
37 CHILDREN OF IMMIGRANTS.
38 (E) MEMBERS OF THE NEW YORK DREAM FUND COMMISSION SHALL RECEIVE NO
39 COMPENSATION FOR THEIR SERVICES.
40 2. (A) THE NEW YORK DREAM FUND COMMISSION SHALL HAVE THE POWER TO:
41 (I) ADMINISTER THE PROVISIONS OF THIS SECTION;
42 (II) CREATE AND RAISE FUNDS FOR THE NEW YORK DREAM FUND;
43 (III) ESTABLISH A NOT-FOR-PROFIT ENTITY CHARGED WITH THE RESPONSIBIL-
44 ITY OF RAISING FUNDS FOR THE ADMINISTRATION OF THIS SECTION AND ANY
45 EDUCATIONAL OR TRAINING PROGRAMS SUCH COMMISSION IS TASKED WITH ADMINIS-
46 TRATING AND FUNDING SCHOLARSHIPS TO STUDENTS WHO ARE CHILDREN OF IMMI-
47 GRANTS TO THE UNITED STATES;
48 (IV) PUBLICIZE THE AVAILABILITY OF SUCH SCHOLARSHIPS FROM THE NEW YORK
49 DREAM FUND;
50 (V) DEVELOP CRITERIA AND A SELECTION PROCESS FOR THE RECIPIENTS OF
51 SCHOLARSHIPS FROM THE NEW YORK DREAM FUND;
52 (VI) RESEARCH ISSUES PERTAINING TO THE AVAILABILITY OF ASSISTANCE WITH
53 THE COSTS OF HIGHER EDUCATION FOR THE CHILDREN OF IMMIGRANTS AND OTHER

1 ISSUES REGARDING ACCESS FOR AND THE PERFORMANCE OF THE CHILDREN OF IMMI-
2 GRANTS WITHIN HIGHER EDUCATION;

3 (VII) ESTABLISH, PUBLICIZE, AND ADMINISTER TRAINING PROGRAMS FOR HIGH
4 SCHOOL COUNSELORS, ADMISSIONS OFFICERS, AND FINANCIAL AID OFFICERS OF
5 INSTITUTIONS OF HIGHER EDUCATION. THE TRAINING PROGRAMS SHALL INSTRUCT
6 PARTICIPANTS ON THE EDUCATIONAL OPPORTUNITIES AVAILABLE TO COLLEGE-BOUND
7 STUDENTS WHO ARE THE CHILDREN OF IMMIGRANTS, INCLUDING, BUT NOT LIMITED
8 TO, IN-STATE TUITION AND SCHOLARSHIP PROGRAMS. TO THE EXTENT PRACTICA-
9 BLE, THE NEW YORK DREAM FUND COMMISSION SHALL OFFER THE TRAINING PROGRAM
10 TO SCHOOL DISTRICTS AND BOARDS OF COOPERATIVE EDUCATIONAL SERVICES
11 THROUGHOUT THE STATE, PROVIDED HOWEVER, THAT PRIORITY SHALL BE GIVEN TO
12 SCHOOL DISTRICTS AND BOARDS OF COOPERATIVE EDUCATIONAL SERVICES WITH
13 LARGER NUMBER OF STUDENTS WHO ARE THE CHILDREN OF IMMIGRANTS OVER SCHOOL
14 DISTRICTS AND BOARDS OF COOPERATIVE EDUCATIONAL SERVICES WITH LESSER
15 NUMBER OF STUDENTS WHO ARE THE CHILDREN OF IMMIGRANTS;

16 (VIII) ESTABLISH A PUBLIC AWARENESS CAMPAIGN REGARDING EDUCATIONAL
17 OPPORTUNITIES AVAILABLE TO COLLEGE BOUND STUDENTS WHO ARE THE CHILDREN
18 OF IMMIGRANTS; AND

19 (IX) ESTABLISH, BY RULE, PROCEDURES FOR ACCEPTING AND EVALUATING
20 APPLICATIONS FOR SCHOLARSHIPS FROM THE CHILDREN OF IMMIGRANTS AND ISSU-
21 ING SCHOLARSHIPS TO SELECTED STUDENT APPLICANTS;

22 (B) TO RECEIVE A SCHOLARSHIP PURSUANT TO THIS SECTION, A STUDENT
23 APPLICANT MUST MEET THE FOLLOWING QUALIFICATIONS:

24 (I) HAVE RESIDED WITH HIS OR HER PARENTS OR GUARDIANS WHILE ATTENDING
25 A PUBLIC OR PRIVATE HIGH SCHOOL IN THIS STATE;

26 (II) HAVE GRADUATED FROM A PUBLIC OR PRIVATE HIGH SCHOOL OR RECEIVED
27 THE EQUIVALENT OF A HIGH SCHOOL DIPLOMA IN THIS STATE;

28 (III) HAVE ATTENDED A PUBLIC OR PRIVATE HIGH SCHOOL IN THIS STATE FOR
29 AT LEAST TWO YEARS AS OF THE DATE HE OR SHE GRADUATED FROM HIGH SCHOOL
30 OR RECEIVED THE EQUIVALENT OF A HIGH SCHOOL DIPLOMA;

31 (IV) HAVE AT LEAST ONE PARENT OR GUARDIAN WHO IMMIGRATED TO THE UNITED
32 STATES.

33 (C) THE NEW YORK DREAM FUND COMMISSION AND THE NEW YORK DREAM FUND
34 SHALL BE FUNDED ENTIRELY BY PRIVATE CONTRIBUTIONS AND NO STATE FUNDS
35 SHALL BE APPROPRIATED TO OR USED BY THE NEW YORK DREAM FUND. NO FUNDS
36 OF THE NEW YORK DREAM FUND OR THE NEW YORK DREAM FUND COMMISSION SHALL
37 BE TRANSFERRED TO THE GENERAL FUND OR ANY SPECIAL REVENUE FUND OR SHALL
38 BE USED FOR ANY PURPOSE OTHER THAN THE PURPOSES SET FORTH IN THIS
39 SECTION.

40 3. THE NEW YORK DREAM FUND COMMISSION AND THE NEW YORK DREAM FUND
41 SHALL BE SUBJECT TO THE PROVISIONS OF ARTICLES SIX AND SEVEN AND SECTION
42 SEVENTY-FOUR OF THE PUBLIC OFFICERS LAW.

43 S 3. Subdivision 3 of section 661 of the education law is REPEALED.

44 S 4. Paragraph a of subdivision 5 of section 661 of the education law,
45 as amended by chapter 466 of the laws of 1977, is amended to read as
46 follows:

47 a. (I) Except as provided in subdivision two of section six hundred
48 seventy-four OF THIS PART AND SUBPARAGRAPH (II) OF THIS PARAGRAPH, an
49 applicant for an award at the undergraduate level of study must either
50 [(i)] (A) have been a legal resident of the state for at least one year
51 immediately preceding the beginning of the semester, quarter or term of
52 attendance for which application for assistance is made, or [(ii)] (B)
53 be a legal resident of the state and have been a legal resident during
54 his last two semesters of high school either prior to graduation, or
55 prior to admission to college. Provided further that persons shall be
56 eligible to receive awards under section six hundred sixty-eight or

1 section six hundred sixty-nine OF THIS PART who are currently legal
2 residents of the state and are otherwise qualified.

3 (II) AN APPLICANT WHO IS NOT A LEGAL RESIDENT OF THE STATE ELIGIBLE
4 PURSUANT TO SUBPARAGRAPH (I) OF THIS PARAGRAPH, BUT IS A UNITED STATES
5 CITIZEN, A PERMANENT LAWFUL RESIDENT, A LAWFUL NON-IMMIGRANT ALIEN OR AN
6 APPLICANT WITHOUT LAWFUL IMMIGRATION STATUS SHALL BE ELIGIBLE FOR AN
7 AWARD AT THE UNDERGRADUATE LEVEL OF STUDY PROVIDED THAT THE STUDENT:

8 (A) ATTENDED A REGISTERED NEW YORK STATE HIGH SCHOOL FOR TWO OR MORE
9 YEARS, GRADUATED FROM A REGISTERED NEW YORK STATE HIGH SCHOOL AND
10 APPLIED FOR ATTENDANCE AT THE INSTITUTION OF HIGHER EDUCATION FOR THE
11 UNDERGRADUATE STUDY FOR WHICH AN AWARD IS SOUGHT WITHIN FIVE YEARS OF
12 RECEIVING A NEW YORK STATE HIGH SCHOOL DIPLOMA; OR

13 (B) ATTENDED AN APPROVED NEW YORK STATE PROGRAM FOR A STATE HIGH
14 SCHOOL EQUIVALENCY DIPLOMA, RECEIVED A STATE HIGH SCHOOL EQUIVALENCY
15 DIPLOMA AND APPLIED FOR ATTENDANCE AT THE INSTITUTION OF HIGHER EDUCA-
16 TION FOR THE UNDERGRADUATE STUDY FOR WHICH AN AWARD IS SOUGHT WITHIN
17 FIVE YEARS OF RECEIVING A STATE HIGH SCHOOL EQUIVALENCY DIPLOMA; OR

18 (C) IS OTHERWISE ELIGIBLE FOR THE PAYMENT OF TUITION AND FEES AT A
19 RATE NO GREATER THAN THAT IMPOSED FOR RESIDENT STUDENTS OF THE STATE
20 UNIVERSITY OF NEW YORK, THE CITY UNIVERSITY OF NEW YORK OR COMMUNITY
21 COLLEGES AS PRESCRIBED IN SUBPARAGRAPH EIGHT OF PARAGRAPH H OF SUBDIVI-
22 SION TWO OF SECTION THREE HUNDRED FIFTY-FIVE OR PARAGRAPH (A) OF SUBDI-
23 VISION SEVEN OF SECTION SIXTY-TWO HUNDRED SIX OF THIS CHAPTER.

24 PROVIDED, FURTHER, THAT A STUDENT WITHOUT LAWFUL IMMIGRATION STATUS
25 SHALL ALSO BE REQUIRED TO FILE AN AFFIDAVIT WITH SUCH INSTITUTION OF
26 HIGHER EDUCATION STATING THAT THE STUDENT HAS FILED AN APPLICATION TO
27 LEGALIZE HIS OR HER IMMIGRATION STATUS, OR WILL FILE SUCH AN APPLICATION
28 AS SOON AS HE OR SHE IS ELIGIBLE TO DO SO.

29 S 5. Paragraph b of subdivision 5 of section 661 of the education law,
30 as amended by chapter 466 of the laws of 1977, is amended to read as
31 follows:

32 b. [An] (I) EXCEPT AS OTHERWISE PROVIDED IN SUBPARAGRAPH (II) OF THIS
33 PARAGRAPH, AN applicant for an award at the graduate level of study must
34 either [(i)] (A) have been a legal resident of the state for at least
35 one year immediately preceding the beginning of the semester, quarter or
36 term of attendance for which application for assistance is made, or
37 [(ii)] (B) be a legal resident of the state and have been a legal resi-
38 dent during his last academic year of undergraduate study and have
39 continued to be a legal resident until matriculation in the graduate
40 program.

41 (II) AN APPLICANT WHO IS NOT A LEGAL RESIDENT OF THE STATE ELIGIBLE
42 PURSUANT TO SUBPARAGRAPH (I) OF THIS PARAGRAPH, BUT IS A UNITED STATES
43 CITIZEN, A PERMANENT LAWFUL RESIDENT, A LAWFUL NON-IMMIGRANT ALIEN OR AN
44 APPLICANT WITHOUT LAWFUL IMMIGRATION STATUS SHALL BE ELIGIBLE FOR AN
45 AWARD AT THE UNDERGRADUATE LEVEL OF STUDY PROVIDED THAT THE STUDENT:

46 (A) ATTENDED A REGISTERED APPROVED NEW YORK STATE HIGH SCHOOL FOR TWO
47 OR MORE YEARS, GRADUATED FROM A REGISTERED NEW YORK STATE HIGH SCHOOL
48 AND APPLIED FOR ATTENDANCE AT THE INSTITUTION OF HIGHER EDUCATION FOR
49 THE GRADUATE STUDY FOR WHICH AN AWARD IS SOUGHT WITHIN TEN YEARS OF
50 RECEIVING A NEW YORK STATE HIGH SCHOOL DIPLOMA; OR

51 (B) ATTENDED AN APPROVED NEW YORK STATE PROGRAM FOR A STATE HIGH
52 SCHOOL EQUIVALENCY DIPLOMA, RECEIVED A STATE HIGH SCHOOL EQUIVALENCY
53 DIPLOMA AND APPLIED FOR ATTENDANCE AT THE INSTITUTION OF HIGHER EDUCA-
54 TION FOR THE GRADUATE STUDY FOR WHICH AN AWARD IS SOUGHT WITHIN TEN
55 YEARS OF RECEIVING A STATE HIGH SCHOOL EQUIVALENCY DIPLOMA; OR

1 (C) IS OTHERWISE ELIGIBLE FOR THE PAYMENT OF TUITION AND FEES AT A
2 RATE NO GREATER THAN THAT IMPOSED FOR RESIDENT STUDENTS OF THE STATE
3 UNIVERSITY OF NEW YORK, THE CITY UNIVERSITY OF NEW YORK OR COMMUNITY
4 COLLEGES AS PRESCRIBED IN SUBPARAGRAPH EIGHT OF PARAGRAPH H OF SUBDIVI-
5 SION TWO OF SECTION THREE HUNDRED FIFTY-FIVE OR PARAGRAPH (A) OF SUBDI-
6 VISION SEVEN OF SECTION SIXTY-TWO HUNDRED SIX OF THIS CHAPTER.

7 PROVIDED, FURTHER, THAT A STUDENT WITHOUT LAWFUL IMMIGRATION STATUS
8 SHALL ALSO BE REQUIRED TO FILE AN AFFIDAVIT WITH SUCH INSTITUTION OF
9 HIGHER EDUCATION STATING THAT THE STUDENT HAS FILED AN APPLICATION TO
10 LEGALIZE HIS OR HER IMMIGRATION STATUS, OR WILL FILE SUCH AN APPLICATION
11 AS SOON AS HE OR SHE IS ELIGIBLE TO DO SO.

12 S 6. Paragraph d of subdivision 5 of section 661 of the education law,
13 as amended by chapter 844 of the laws of 1975, is amended to read as
14 follows:

15 d. If an applicant for an award allocated on a geographic basis has
16 more than one residence in this state, his OR HER residence for the
17 purpose of this article shall be his OR HER place of actual residence
18 during the major part of the year while attending school, as determined
19 by the commissioner; AND FURTHER PROVIDED THAT AN APPLICANT WHO DOES NOT
20 HAVE A RESIDENCE IN THIS STATE AND IS ELIGIBLE FOR AN AWARD PURSUANT TO
21 SUBPARAGRAPH (II) OF PARAGRAPH A OR SUBPARAGRAPH (II) OF PARAGRAPH B OF
22 THIS SUBDIVISION SHALL BE DEEMED TO RESIDE IN THE GEOGRAPHIC AREA OF THE
23 INSTITUTION OF HIGHER EDUCATION IN WHICH HE OR SHE ATTENDS FOR PURPOSES
24 OF AN AWARD ALLOCATED ON A GEOGRAPHIC BASIS.

25 S 7. Paragraph e of subdivision 5 of section 661 of the education law,
26 as added by chapter 630 of the laws of 2005, is amended to read as
27 follows:

28 e. Notwithstanding any other provision of this article to the contra-
29 ry, the New York state [residency] eligibility [requirement] REQUIRE-
30 MENTS for receipt of awards [is] SET FORTH IN PARAGRAPHS A AND B OF THIS
31 SUBDIVISION ARE waived for a member, or the spouse or dependent of a
32 member, of the armed forces of the United States on full-time active
33 duty and stationed in this state.

34 S 8. Paragraph h of subdivision 2 of section 355 of the education law
35 is amended by adding a new subparagraph 10 to read as follows:

36 (10) SUCH REGULATIONS SHALL FURTHER PROVIDE THAT ANY STUDENT WHO IS
37 NOT A LEGAL RESIDENT OF NEW YORK STATE BUT IS A UNITED STATES CITIZEN, A
38 PERMANENT LAWFUL RESIDENT, A LAWFUL NON-IMMIGRANT ALIEN OR AN APPLICANT
39 WITHOUT LAWFUL IMMIGRATION STATUS MAY HAVE THE PAYMENT OF TUITION AND
40 OTHER FEES AND CHARGES REDUCED BY STATE-AIDED PROGRAMS, SCHOLARSHIPS OR
41 OTHER FINANCIAL ASSISTANCE AWARDED UNDER THE PROVISIONS OF ARTICLES
42 THIRTEEN, THIRTEEN-A, FOURTEEN AND FOURTEEN-A OF THIS CHAPTER, PROVIDED
43 THAT THE STUDENT MEETS THE REQUIREMENTS SET FORTH IN SUBPARAGRAPH (II)
44 OF PARAGRAPH A OR SUBPARAGRAPH (II) OF PARAGRAPH B OF SUBDIVISION FIVE
45 OF SECTION SIX HUNDRED SIXTY-ONE OF THIS CHAPTER, AS APPLICABLE.

46 S 9. Subdivision 7 of section 6206 of the education law is amended by
47 adding a new paragraph (d) to read as follows:

48 (D) THE TRUSTEES SHALL FURTHER PROVIDE THAT ANY STUDENT WHO IS NOT A
49 LEGAL RESIDENT OF NEW YORK STATE BUT IS A UNITED STATES CITIZEN, A
50 PERMANENT LAWFUL RESIDENT, A LAWFUL NON-IMMIGRANT ALIEN OR AN APPLICANT
51 WITHOUT LAWFUL IMMIGRATION STATUS MAY HAVE THE PAYMENT OF TUITION AND
52 OTHER FEES AND CHARGES REDUCED BY STATE-AIDED PROGRAMS, SCHOLARSHIPS OR
53 OTHER FINANCIAL ASSISTANCE AWARDED UNDER THE PROVISIONS OF ARTICLES
54 THIRTEEN, THIRTEEN-A, FOURTEEN AND FOURTEEN-A OF THIS CHAPTER, PROVIDED
55 THAT THE STUDENT MEETS THE REQUIREMENTS SET FORTH IN SUBPARAGRAPH (II)

1 OF PARAGRAPH A OR SUBPARAGRAPH (II) OF PARAGRAPH B OF SUBDIVISION FIVE
2 OF SECTION SIX HUNDRED SIXTY-ONE OF THIS CHAPTER, AS APPLICABLE.

3 S 10. Section 6305 of the education law is amended by adding a new
4 subdivision 8-a to read as follows:

5 8-A. THE PAYMENT OF TUITION AND OTHER FEES AND CHARGES OF A STUDENT
6 WHO IS ATTENDING A COMMUNITY COLLEGE AND WHO IS NOT A LEGAL RESIDENT OF
7 NEW YORK STATE BUT IS A UNITED STATES CITIZEN, A PERMANENT LAWFUL RESI-
8 DENT, A LAWFUL NON-IMMIGRANT ALIEN OR AN APPLICANT WITHOUT LAWFUL IMMI-
9 GRATION STATUS MAY BE REDUCED BY STATE-AIDED PROGRAMS, SCHOLARSHIPS AND
10 OTHER FINANCIAL ASSISTANCE AWARDED UNDER THE PROVISIONS OF ARTICLES
11 THIRTEEN, THIRTEEN-A, FOURTEEN AND FOURTEEN-A OF THIS CHAPTER, PROVIDED
12 THAT THE STUDENT MEETS THE REQUIREMENTS SET FORTH IN SUBPARAGRAPH (II)
13 OF PARAGRAPH A OR SUBPARAGRAPH (II) OF PARAGRAPH B OF SUBDIVISION FIVE
14 OF SECTION SIX HUNDRED SIXTY-ONE OF THIS CHAPTER, AS APPLICABLE.

15 S 11. Paragraph d of subdivision 3 of section 6451 of the education
16 law, as amended by chapter 149 of the laws of 1972, is amended to read
17 as follows:

18 d. Any necessary supplemental financial assistance, which may include
19 the cost of books and necessary maintenance for such enrolled students,
20 INCLUDING STUDENTS WITHOUT LAWFUL IMMIGRATION STATUS PROVIDED THAT THE
21 STUDENT MEETS THE REQUIREMENTS SET FORTH IN SUBPARAGRAPH (II) OF PARA-
22 GRAPH A OR SUBPARAGRAPH (II) OF PARAGRAPH B OF SUBDIVISION FIVE OF
23 SECTION SIX HUNDRED SIXTY-ONE OF THIS CHAPTER, AS APPLICABLE; provided,
24 however, that such supplemental financial assistance shall be furnished
25 pursuant to criteria promulgated by the commissioner with the approval
26 of the director of the budget.

27 S 12. Subparagraph (v) of paragraph a of subdivision 4 of section 6452
28 of the education law, as added by chapter 917 of the laws of 1970, is
29 amended to read as follows:

30 (v) Any necessary supplemental financial assistance, which may include
31 the cost of books and necessary maintenance for such students, INCLUDING
32 STUDENTS WITHOUT LAWFUL IMMIGRATION STATUS PROVIDED THAT THE STUDENT
33 MEETS THE REQUIREMENTS SET FORTH IN SUBPARAGRAPH (II) OF PARAGRAPH A OR
34 SUBPARAGRAPH (II) OF PARAGRAPH B OF SUBDIVISION FIVE OF SECTION SIX
35 HUNDRED SIXTY-ONE OF THIS CHAPTER, AS APPLICABLE; provided, however,
36 that such supplemental financial assistance shall be furnished pursuant
37 to criteria promulgated by such universities and approved by the regents
38 and the director of the budget.

39 S 13. Paragraph (a) of subdivision 2 of section 6455 of the education
40 law, as added by chapter 285 of the laws of 1986, is amended to read as
41 follows:

42 (a) (I) Undergraduate science and technology entry program moneys may
43 be used for tutoring, counseling, remedial and special summer courses,
44 supplemental financial assistance, program administration, and other
45 activities which the commissioner may deem appropriate. To be eligible
46 for undergraduate collegiate science and technology entry program
47 support, a student must be a resident of New York [who is], OR MEET THE
48 REQUIREMENTS OF SUBPARAGRAPH (II) OF THIS PARAGRAPH, AND MUST BE either
49 economically disadvantaged or from a minority group historically under
50 represented in the scientific, technical, health and health-related
51 professions, and [who demonstrates] MUST DEMONSTRATE interest in and a
52 potential for a professional career if provided special services. Eligi-
53 ble students must be in good academic standing, enrolled full time in an
54 approved, undergraduate level program of study, as defined by the
55 regents.

1 (II) AN APPLICANT WHO IS NOT A LEGAL RESIDENT OF NEW YORK STATE, BUT
2 WHO IS A UNITED STATES CITIZEN, A PERMANENT LAWFUL RESIDENT, A LAWFUL
3 NON-IMMIGRANT ALIEN OR AN APPLICANT WITHOUT LAWFUL IMMIGRATION STATUS,
4 SHALL BE ELIGIBLE FOR AN AWARD AT THE UNDERGRADUATE LEVEL OF STUDY
5 PROVIDED THAT THE STUDENT:

6 (1) ATTENDED A REGISTERED NEW YORK STATE HIGH SCHOOL FOR TWO OR MORE
7 YEARS, GRADUATED FROM A REGISTERED NEW YORK STATE HIGH SCHOOL AND
8 APPLIED FOR ATTENDANCE AT THE INSTITUTION OF HIGHER EDUCATION FOR THE
9 UNDERGRADUATE STUDY FOR WHICH AN AWARD IS SOUGHT WITHIN FIVE YEARS OF
10 RECEIVING A NEW YORK STATE HIGH SCHOOL DIPLOMA; OR

11 (2) ATTENDED AN APPROVED NEW YORK STATE PROGRAM FOR A STATE HIGH
12 SCHOOL EQUIVALENCY DIPLOMA, RECEIVED A STATE HIGH SCHOOL EQUIVALENCY
13 DIPLOMA AND APPLIED FOR ATTENDANCE AT THE INSTITUTION OF HIGHER EDUCA-
14 TION FOR THE UNDERGRADUATE STUDY FOR WHICH AN AWARD IS SOUGHT WITHIN
15 FIVE YEARS OF RECEIVING A STATE HIGH SCHOOL EQUIVALENCY DIPLOMA,
16 ATTENDED AN APPROVED NEW YORK STATE HIGH SCHOOL FOR TWO OR MORE YEARS,
17 GRADUATED FROM AN APPROVED NEW YORK STATE HIGH SCHOOL AND APPLIED FOR
18 ATTENDANCE AT AN INSTITUTION OF HIGHER EDUCATION WITHIN FIVE YEARS OF
19 RECEIVING A NEW YORK STATE HIGH SCHOOL DIPLOMA; OR

20 (3) IS OTHERWISE ELIGIBLE FOR THE PAYMENT OF TUITION AND FEES AT A
21 RATE NO GREATER THAN THAT IMPOSED FOR RESIDENT STUDENTS OF THE STATE
22 UNIVERSITY OF NEW YORK, THE CITY UNIVERSITY OF NEW YORK OR COMMUNITY
23 COLLEGES AS PRESCRIBED IN SUBPARAGRAPH EIGHT OF PARAGRAPH H OF SUBDIVI-
24 SION TWO OF SECTION THREE HUNDRED FIFTY-FIVE OR PARAGRAPH (A) OF SUBDI-
25 VISION SEVEN OF SECTION SIXTY-TWO HUNDRED SIX OF THIS CHAPTER.

26 PROVIDED, FURTHER, THAT A STUDENT WITHOUT LAWFUL IMMIGRATION STATUS
27 SHALL ALSO BE REQUIRED TO FILE AN AFFIDAVIT WITH SUCH INSTITUTION OF
28 HIGHER EDUCATION STATING THAT THE STUDENT HAS FILED AN APPLICATION TO
29 LEGALIZE HIS OR IMMIGRATION STATUS, OR WILL FILE SUCH AN APPLICATION AS
30 SOON AS HE OR SHE IS ELIGIBLE TO DO SO.

31 S 14. Paragraph (a) of subdivision 3 of section 6455 of the education
32 law, as added by chapter 285 of the laws of 1986, is amended to read as
33 follows:

34 (a) (I) Graduate science and technology entry program moneys may be
35 used for recruitment, academic enrichment, career planning, supplemental
36 financial assistance, review for licensing examinations, program admin-
37 istration, and other activities which the commissioner may deem appro-
38 priate. To be eligible for graduate collegiate science and technology
39 entry program support, a student must be a resident of New York [who
40 is], OR MEET THE REQUIREMENTS OF SUBPARAGRAPH (II) OF THIS PARAGRAPH,
41 AND MUST BE either economically disadvantaged or from a minority group
42 historically underrepresented in the scientific, technical and health-
43 related professions. Eligible students must be in good academic stand-
44 ing, enrolled full time in an approved graduate level program, as
45 defined by the regents.

46 (II) AN APPLICANT WHO IS NOT A LEGAL RESIDENT OF NEW YORK STATE, BUT
47 EITHER IS A UNITED STATES CITIZEN, A PERMANENT LAWFUL RESIDENT, A LAWFUL
48 NON-IMMIGRANT ALIEN OR AN APPLICANT WITHOUT LAWFUL IMMIGRATION STATUS
49 SHALL BE ELIGIBLE FOR AN AWARD AT THE UNDERGRADUATE LEVEL OF STUDY
50 PROVIDED THAT THE STUDENT:

51 (1) ATTENDED A REGISTERED APPROVED NEW YORK STATE HIGH SCHOOL FOR TWO
52 OR MORE YEARS, GRADUATED FROM A REGISTERED NEW YORK STATE HIGH SCHOOL
53 AND APPLIED FOR ATTENDANCE AT THE INSTITUTION OF HIGHER EDUCATION FOR
54 THE GRADUATE STUDY FOR WHICH AN AWARD IS SOUGHT WITHIN TEN YEARS OF
55 RECEIVING A NEW YORK STATE HIGH SCHOOL DIPLOMA; OR

1 (2) ATTENDED AN APPROVED NEW YORK STATE PROGRAM FOR A STATE HIGH
2 SCHOOL EQUIVALENCY DIPLOMA, RECEIVED A STATE HIGH SCHOOL EQUIVALENCY
3 DIPLOMA AND APPLIED FOR ATTENDANCE AT THE INSTITUTION OF HIGHER EDUCA-
4 TION FOR THE GRADUATE STUDY FOR WHICH AN AWARD IS SOUGHT WITHIN TEN
5 YEARS OF RECEIVING A STATE HIGH SCHOOL EQUIVALENCY DIPLOMA; OR

6 (3) IS OTHERWISE ELIGIBLE FOR THE PAYMENT OF TUITION AND FEES AT A
7 RATE NO GREATER THAN THAT IMPOSED FOR RESIDENT STUDENTS OF THE STATE
8 UNIVERSITY OF NEW YORK, THE CITY UNIVERSITY OF NEW YORK OR COMMUNITY
9 COLLEGES AS PRESCRIBED IN SUBPARAGRAPH EIGHT OF PARAGRAPH H OF SUBDIVI-
10 SION TWO OF SECTION THREE HUNDRED FIFTY-FIVE OR PARAGRAPH (A) OF SUBDI-
11 VISION SEVEN OF SECTION SIXTY-TWO HUNDRED SIX OF THIS CHAPTER.

12 PROVIDED, FURTHER, THAT A STUDENT WITHOUT LAWFUL IMMIGRATION STATUS
13 SHALL ALSO BE REQUIRED TO FILE AN AFFIDAVIT WITH SUCH INSTITUTION OF
14 HIGHER EDUCATION STATING THAT THE STUDENT HAS FILED AN APPLICATION TO
15 LEGALIZE HIS OR HER IMMIGRATION STATUS, OR WILL FILE SUCH AN APPLICATION
16 AS SOON AS HE OR SHE IS ELIGIBLE TO DO SO.

17 S 15. Subparagraph (i) of paragraph a of subdivision 2 of section
18 695-e of the education law, as amended by chapter 593 of the laws of
19 2003, is amended to read as follows:

20 (i) the name, address and social security number [or], employer iden-
21 tification number, OR INDIVIDUAL TAXPAYER IDENTIFICATION NUMBER of the
22 account owner UNLESS A FAMILY TUITION ACCOUNT THAT WAS IN EFFECT PRIOR
23 TO THE EFFECTIVE DATE OF THE CHAPTER OF THE LAWS OF TWO THOUSAND THIR-
24 TEEN THAT AMENDED THIS SUBPARAGRAPH DOES NOT ALLOW FOR A TAXPAYER IDEN-
25 TIFICATION NUMBER, IN WHICH CASE A TAXPAYER IDENTIFICATION NUMBER SHALL
26 BE ALLOWED UPON THE EXPIRATION OF THE CONTRACT;

27 S 16. Subparagraph (iii) of paragraph a of subdivision 2 of section
28 695-e of the education law, as amended by chapter 593 of the laws of
29 2003, is amended to read as follows:

30 (iii) the name, address, and social security number, EMPLOYER IDEN-
31 TIFICATION NUMBER, OR INDIVIDUAL TAXPAYER IDENTIFICATION NUMBER of the
32 designated beneficiary, UNLESS A FAMILY TUITION ACCOUNT THAT WAS IN
33 EFFECT PRIOR TO THE EFFECTIVE DATE OF THE CHAPTER OF THE LAWS OF TWO
34 THOUSAND THIRTEEN THAT AMENDED THIS SUBPARAGRAPH DOES NOT ALLOW FOR A
35 TAXPAYER IDENTIFICATION NUMBER, IN WHICH CASE A TAXPAYER IDENTIFICATION
36 NUMBER SHALL BE ALLOWED UPON THE EXPIRATION OF THE CONTRACT; and

37 S 17. The president of the higher education services corporation, in
38 consultation with the commissioner of education, shall establish an
39 application form and procedures that shall allow a student applicant
40 that meets the requirements set forth in subparagraph (ii) of paragraph
41 (a) or subparagraph (ii) of paragraph b of subdivision 5 of section 661
42 of the education law to apply directly to the higher education services
43 corporation or education department for applicable awards without having
44 to submit information to any other state or federal agency. All informa-
45 tion contained within the applications filed with such corporation or
46 department shall be deemed confidential.

47 S 18. This act shall take effect immediately; provided, however, that:

48 (a) section two of this act shall take effect January 1, 2014;

49 (b) sections fifteen and sixteen of this act shall take effect on the
50 ninetieth day after it shall have become a law; provided, however, that
51 any rule or regulation necessary for the timely implementation of this
52 act on its effective date shall be promulgated on or before such effec-
53 tive date; and

54 (c) sections three through fourteen and section seventeen of this act
55 shall take effect on the ninetieth day after the issuance of regulations
56 and the development of an application form by the president of the high-

1 er education services corporation and commissioner of education or on
2 the ninetieth day after it shall have become a law, whichever shall be
3 later; provided, however that effective immediately the addition, amend-
4 ment and/or repeal of any rule or regulation necessary for the implemen-
5 tation of this act on its effective date is authorized and directed to
6 be made and completed on or before such date; provided, further, howev-
7 er, that the president of the higher education services corporation and
8 the commissioner of education shall notify the legislative bill drafting
9 commission upon the occurrence of the issuance of the regulations and
10 the development of an application form in order that the commission may
11 maintain an accurate and timely effective data base of the official text
12 of the laws of the state of New York in furtherance of effectuating the
13 provisions of section 44 of the legislative law and section 70-b of the
14 public officers law.

15

PART V

16 Section 1. Section 9 of chapter 420 of the laws of 2002 amending the
17 education law relating to the profession of social work, as amended by
18 chapter 132 of the laws of 2010, is amended to read as follows:

19 S 9. a. Nothing in this act shall prohibit or limit the activities or
20 services on the part of any person in the employ of a program or service
21 operated, regulated, funded, or approved by the department of mental
22 hygiene, the office of children and family services, the department of
23 [correctional services] CORRECTIONS AND COMMUNITY SUPERVISION, the state
24 office for the aging, the department of health, or a local governmental
25 unit as that term is defined in article 41 of the mental hygiene law or
26 a social services district as defined in section 61 of the social
27 services law, provided, however, this section shall not authorize the
28 use of any title authorized pursuant to article 154 of the education
29 law, except that this section shall be deemed repealed on July 1, [2013
30 provided, further, however, that on or before October 1, 2010, each
31 state agency identified in this subdivision shall submit to the commis-
32 sioner of education data, in such form and detail as requested by the
33 commissioner of education, concerning the functions performed by its
34 service provider workforce and the service provider workforce of the
35 local governmental units and social services districts as defined in
36 this subdivision over which the agency has regulatory authority. After
37 receipt of such data, the commissioner shall convene a workgroup of such
38 state agencies for the purpose of reviewing such data and also to make
39 recommendations regarding amendments to law, rule or regulation neces-
40 sary to clarify which tasks and activities must be performed only by
41 licensed or otherwise authorized personnel. No later than January 1,
42 2011, after consultation with such work group, the commissioner shall
43 develop criteria for the report required pursuant to subdivision b of
44 this section and shall work with such state agencies by providing advice
45 and guidance regarding which tasks and activities must be performed only
46 by licensed or otherwise authorized personnel.

47 b. On or before July 1, 2011, each such state agency, after consulta-
48 tion with local governmental units and social services districts as
49 defined in subdivision a of this section over which the agency has regu-
50 latory authority, shall submit to the commissioner of education a report
51 on the utilization of personnel subject to the provisions of this
52 section. Such report shall include but not be limited to: identification
53 of tasks and activities performed by such personnel categorized as tasks
54 and functions restricted to licensed personnel and tasks and functions

1 that do not require a license under article 154 of the education law;
2 analysis of costs associated with employing only appropriately licensed
3 or otherwise authorized personnel to perform tasks and functions that
4 require licensure under such article 154, including salary costs and
5 costs associated with providing support to unlicensed personnel in
6 obtaining appropriate licensure. Such report shall also include an
7 action plan detailing measures through which each such entity shall, no
8 later than July 1, 2013, comply with professional licensure laws appli-
9 cable to services provided and make recommendations on alternative path-
10 ways toward licensure.

11 c. The commissioner of education shall, after receipt of the report
12 required under this section, and after consultation with state agencies,
13 not-for-profit providers, professional associations, consumers, and
14 other key stakeholders, submit a report to the governor, the speaker of
15 the assembly, the temporary president of the senate, and the chairs of
16 the senate and assembly higher education committees by July 1, 2012 to
17 recommend any amendments to law, rule or regulation necessary to fully
18 implement the requirements for licensure by July 1, 2013. Other state
19 agency commissioners shall be provided an opportunity to include state-
20 ments or alternative recommendations in such report] 2016.

21 B. ON OR BEFORE SEPTEMBER 1, 2014, EACH STATE AGENCY IDENTIFIED IN
22 SUBDIVISION A OF THIS SECTION THAT OPERATES, REGULATES, APPROVES OR
23 FUNDS PROGRAMS THAT EMPLOY INDIVIDUALS TO PROVIDE SERVICES THAT WOULD
24 OTHERWISE BE RESTRICTED TO INDIVIDUALS LICENSED OR AUTHORIZED UNDER
25 ARTICLE 153, 154 OR 163 OF THE EDUCATION LAW, SHALL SUBMIT TO THE
26 COMMISSIONER OF EDUCATION, IN SUCH FORM AND DETAIL AS REQUESTED BY SUCH
27 COMMISSIONER, DATA IN RELATION TO: THE NUMBER OF INDIVIDUALS EMPLOYED
28 IN EXEMPT PROGRAMS OPERATED, FUNDED, REGULATED OR APPROVED BY EACH STATE
29 AGENCY ON JULY 1, 2013 WHO WERE LICENSED BY THE DEPARTMENT OF EDUCATION
30 PURSUANT TO PARAGRAPH B OF SUBDIVISION 2 OF SECTION 7707 OF THE EDUCA-
31 TION LAW BY JULY 1, 2014; THE NUMBER OF INDIVIDUALS EMPLOYED IN EXEMPT
32 PROGRAMS OPERATED, FUNDED, REGULATED OR APPROVED BY EACH STATE AGENCY ON
33 JULY 1, 2013 WHO ARE PROVIDING SERVICES THAT WOULD OTHERWISE BE
34 RESTRICTED TO THOSE LICENSED OR AUTHORIZED UNDER ARTICLE 153, 154 OR 163
35 OF THE EDUCATION LAW, WHO APPLIED FOR BUT WHO DID NOT RECEIVE A LICENSE
36 OR LIMITED PERMIT FROM THE STATE EDUCATION DEPARTMENT BY JULY 1, 2014,
37 INCLUDING THE REASON OR REASONS FOR NOT RECEIVING SUCH LICENSE OR LIMIT-
38 ED PERMIT; THE NAME, OCCUPATIONAL TITLE, AND EDUCATIONAL DEGREE, IF ANY,
39 OF INDIVIDUALS WHO ON JULY 1, 2014 ARE NOT LICENSED OR OTHERWISE AUTHOR-
40 IZED UNDER TITLE VIII OF THE EDUCATION LAW, AND WHO ARE ENGAGED IN: THE
41 DIAGNOSIS OF MENTAL, EMOTIONAL, BEHAVIORAL, ADDICTIVE AND DEVELOPMENTAL
42 DISORDERS AND DISABILITIES; THE PROVISION OF PSYCHOTHERAPEUTIC TREAT-
43 MENT; AND/OR THE DEVELOPMENT AND IMPLEMENTATION OF ASSESSMENT-BASED
44 TREATMENT PLANS, AS DEFINED IN ARTICLE 154 OF THE EDUCATION LAW OR AS
45 AUTHORIZED IN ARTICLE 153 OF THE EDUCATION LAW. FOR PURPOSES OF THIS
46 SECTION, THIS REPORTING SHALL NOT INCLUDE INDIVIDUALS THAT ARE PERFORM-
47 ING TASKS THAT DO NOT REQUIRE LICENSURE, INCLUDING THOSE INDIVIDUALS WHO
48 ARE ENGAGED IN INFORMAL ASSESSMENTS, SUCH AS BASIC INFORMATION
49 COLLECTION, GATHERING OF DEMOGRAPHIC DATA, OR INFORMAL OBSERVATIONS AND
50 SCREENINGS USED TO DETERMINE ELIGIBILITY FOR A PROGRAM OR SERVICE; OR
51 THOSE INDIVIDUALS WHO ARE ENGAGED IN THE CREATION OR DEVELOPMENT OF A
52 SERVICE PLAN THAT IS UNRELATED TO, OR ANCILLARY TO, A BEHAVIORAL HEALTH
53 DIAGNOSIS AND TREATMENT PLAN. SUCH SERVICE PLANS MAY INCLUDE, BUT ARE
54 NOT LIMITED TO JOB TRAINING, HOUSING, GENERAL PUBLIC ASSISTANCE OR MEAL
55 DELIVERY; AND, A PLAN BY WHICH THE STATE AGENCY WILL ENSURE A TIMELY

1 TRANSITION OF RESTRICTED SERVICES FROM SUCH UNLICENSED PERSONS TO THOSE
2 LICENSED OR AUTHORIZED UNDER TITLE VIII NO LATER THAN JULY 1, 2015.

3 C. THE COMMISSIONER OF EDUCATION, AFTER RECEIPT OF THIS DATA AND, IF
4 NECESSARY, IN CONSULTATION WITH STATE AGENCIES, NOT-FOR-PROFIT PROVID-
5 ERS, PROFESSIONAL ASSOCIATIONS, CONSUMERS AND OTHER KEY STAKEHOLDERS,
6 SHALL PREPARE A REPORT THAT RECOMMENDS CHANGES IN ANY LAWS, RULES OR
7 REGULATIONS NECESSARY TO ENSURE APPROPRIATE LICENSURE OF INDIVIDUALS
8 PROVIDING SERVICES THAT ARE WITHIN THE RESTRICTED PRACTICE OF
9 PROFESSIONS LICENSED UNDER ARTICLE 153, 154 OR 163 OF THE EDUCATION LAW.
10 THE COMMISSIONER OF EDUCATION SHALL SUBMIT THE REPORT TO THE GOVERNOR,
11 THE SPEAKER OF THE ASSEMBLY, THE TEMPORARY PRESIDENT OF THE SENATE, AND
12 THE CHAIRS OF THE SENATE AND ASSEMBLY HIGHER EDUCATION COMMITTEES BY
13 JANUARY 1, 2015. OTHER STATE AGENCY COMMISSIONERS SHALL BE PROVIDED AN
14 OPPORTUNITY TO INCLUDE STATEMENTS OR ALTERNATIVE RECOMMENDATIONS IN SUCH
15 REPORT.

16 S 2. Section 17-a of chapter 676 of the laws of 2002 amending the
17 education law relating to the practice of psychology, as amended by
18 chapter 130 of the laws of 2010, subdivision b as amended by chapter 132
19 of the laws of 2010, is amended to read as follows:

20 S 17-a. a. In relation to activities and services provided under
21 article 153 of the education law, nothing in this act shall prohibit or
22 limit such activities or services on the part of any person in the
23 employ of a program or service operated, regulated, funded, or approved
24 by the department of mental hygiene or the office of children and family
25 services, or a local governmental unit as that term is defined in arti-
26 cle 41 of the mental hygiene law or a social services district as
27 defined in section 61 of the social services law. In relation to activ-
28 ities and services provided under article 163 of the education law,
29 nothing in this act shall prohibit or limit such activities or services
30 on the part of any person in the employ of a program or service oper-
31 ated, regulated, funded, or approved by the department of mental
32 hygiene, the office of children and family services, the department of
33 [correctional services] CORRECTIONS AND COMMUNITY SUPERVISION, the state
34 office for the aging and the department of health or a local govern-
35 mental unit as that term is defined in article 41 of the mental hygiene
36 law or a social services district as defined in section 61 of the social
37 services law, pursuant to authority granted by law. This section shall
38 not authorize the use of any title authorized pursuant to article 153 or
39 163 of the education law by any such employed person, except as other-
40 wise provided by such articles respectively. THIS SECTION SHALL BE
41 DEEMED REPEALED JULY 1, 2016.

42 [b. This section shall be deemed repealed July 1, 2013 provided,
43 however, that on or before October 1, 2010, each state agency identified
44 in subdivision a of this section shall submit to the commissioner of
45 education data, in such form and detail as requested by the commissioner
46 of education, concerning the functions performed by its service provider
47 workforce and the service provider workforce of the local governmental
48 units and social services districts as defined in subdivision a of this
49 section over which the agency has regulatory authority. After receipt of
50 such data, the commissioner shall convene a workgroup of such state
51 agencies for the purpose of reviewing such data and also to make recom-
52 mendations regarding amendments to law, rule or regulation necessary to
53 clarify which tasks and activities must be performed only by licensed or
54 otherwise authorized personnel. No later than January 1, 2011, after
55 consultation with such workgroup, the commissioner shall develop crite-
56 ria for the report required pursuant to paragraph one of this subdivi-

1 sion and shall work with such state agencies by providing advice and
2 guidance regarding which tasks and activities must be performed only by
3 licensed or otherwise authorized personnel.

4 1. On or before July 1, 2011, each such state agency, after consulta-
5 tion with local governmental units and social services districts as
6 defined in subdivision a of this section over which the agency has regu-
7 latory authority, shall submit to the commissioner of education a report
8 on the utilization of personnel subject to the provisions of this
9 section. Such report shall include but not be limited to: identification
10 of tasks and activities performed by such personnel categorized as tasks
11 and functions restricted to licensed personnel and tasks and functions
12 that do not require a license under article 153 or 163 of the education
13 law; analysis of costs associated with employing only appropriately
14 licensed or otherwise authorized personnel to perform tasks and func-
15 tions that require licensure under such article 153 or 163, including
16 salary costs and costs associated with providing support to unlicensed
17 personnel in obtaining appropriate licensure. Such report shall also
18 include an action plan detailing measures through which each such entity
19 shall, no later than July 1, 2013, comply with professional licensure
20 laws applicable to services provided and make recommendations on alter-
21 native pathways toward licensure.

22 2. The commissioner of education shall, after receipt of the reports
23 required under this section, and after consultation with state agencies,
24 not-for-profit providers, professional associations, consumers, and
25 other key stakeholders, submit a report to the governor, the speaker of
26 the assembly, the temporary president of the senate, and the chairs of
27 the senate and assembly higher education committees by July 1, 2012 to
28 recommend any amendments to law, rule or regulation necessary to fully
29 implement the requirements for licensure by July 1, 2013. Other state
30 agency commissioners shall be provided an opportunity to include state-
31 ments or alternative recommendations in such report.]

32 B. ON OR BEFORE SEPTEMBER 1, 2014, EACH STATE AGENCY IDENTIFIED IN
33 SUBDIVISION A OF THIS SECTION THAT OPERATES, REGULATES, APPROVES OR
34 FUNDS PROGRAMS THAT EMPLOY INDIVIDUALS TO PROVIDE SERVICES THAT WOULD
35 OTHERWISE BE RESTRICTED TO INDIVIDUALS LICENSED OR AUTHORIZED UNDER
36 ARTICLE 153, 154 OR 163 OF THE EDUCATION LAW, SHALL SUBMIT TO THE
37 COMMISSIONER OF EDUCATION, IN SUCH FORM AND DETAIL AS REQUESTED BY SUCH
38 COMMISSIONER, DATA IN RELATION TO: THE NUMBER OF INDIVIDUALS EMPLOYED
39 IN EXEMPT PROGRAMS OPERATED, FUNDED, REGULATED OR APPROVED BY EACH STATE
40 AGENCY ON JULY 1, 2013 WHO WERE LICENSED BY THE DEPARTMENT OF EDUCATION
41 PURSUANT TO PARAGRAPH B OF SUBDIVISION 2 OF SECTION 7707 OF THE EDUCA-
42 TION LAW, BY JULY 1, 2014; THE NUMBER OF INDIVIDUALS EMPLOYED IN EXEMPT
43 PROGRAMS OPERATED, FUNDED, REGULATED OR APPROVED BY EACH STATE AGENCY ON
44 JULY 1, 2013 WHO ARE PROVIDING SERVICES THAT WOULD OTHERWISE BE
45 RESTRICTED TO THOSE LICENSED OR AUTHORIZED UNDER ARTICLE 153, 154 OR 163
46 OF THE EDUCATION LAW, WHO APPLIED FOR BUT WHO DID NOT RECEIVE A LICENSE
47 OR LIMITED PERMIT FROM THE STATE EDUCATION DEPARTMENT BY JULY 1, 2014,
48 INCLUDING THE REASON OR REASONS FOR NOT RECEIVING SUCH LICENSE OR LIMIT-
49 ED PERMIT; THE NAME, OCCUPATIONAL TITLE, AND EDUCATIONAL DEGREE, IF ANY,
50 OF INDIVIDUALS WHO ON JULY 1, 2014 ARE NOT LICENSED OR OTHERWISE AUTHOR-
51 IZED UNDER TITLE VIII OF THE EDUCATION LAW, AND WHO ARE ENGAGED IN: THE
52 DIAGNOSIS OF MENTAL, EMOTIONAL, BEHAVIORAL, ADDICTIVE AND DEVELOPMENTAL
53 DISORDERS AND DISABILITIES; THE PROVISION OF PSYCHOTHERAPEUTIC TREAT-
54 MENT; AND/OR THE DEVELOPMENT AND IMPLEMENTATION OF ASSESSMENT-BASED
55 TREATMENT PLANS, AS DEFINED IN ARTICLE 154 OF THE EDUCATION LAW OR AS
56 AUTHORIZED IN ARTICLE 153 OF THE EDUCATION LAW. FOR PURPOSES OF THIS

1 SECTION, THIS REPORTING SHALL NOT INCLUDE INDIVIDUALS THAT ARE PERFORM-
2 ING TASKS THAT DO NOT REQUIRE LICENSURE, INCLUDING THOSE INDIVIDUALS WHO
3 ARE ENGAGED IN INFORMAL ASSESSMENTS, SUCH AS BASIC INFORMATION
4 COLLECTION, GATHERING OF DEMOGRAPHIC DATA, OR INFORMAL OBSERVATIONS AND
5 SCREENINGS USED TO DETERMINE ELIGIBILITY FOR A PROGRAM OR SERVICE; OR
6 THOSE INDIVIDUALS WHO ARE ENGAGED IN THE CREATION OR DEVELOPMENT OF A
7 SERVICE PLAN THAT IS UNRELATED TO, OR ANCILLARY TO, A BEHAVIORAL HEALTH
8 DIAGNOSIS AND TREATMENT PLAN. SUCH SERVICE PLANS MAY INCLUDE, BUT ARE
9 NOT LIMITED TO JOB TRAINING, HOUSING, GENERAL PUBLIC ASSISTANCE OR MEAL
10 DELIVERY; AND, A PLAN BY WHICH THE STATE AGENCY WILL ENSURE A TIMELY
11 TRANSITION OF RESTRICTED SERVICES FROM SUCH UNLICENSED PERSONS TO THOSE
12 LICENSED OR AUTHORIZED UNDER TITLE VIII NO LATER THAN JULY 1, 2015.

13 C. THE COMMISSIONER OF EDUCATION, AFTER RECEIPT OF THIS DATA AND, IF
14 NECESSARY, CONSULTATION WITH STATE AGENCIES, NOT-FOR-PROFIT PROVIDERS,
15 PROFESSIONAL ASSOCIATIONS, CONSUMERS AND OTHER KEY STAKEHOLDERS, SHALL
16 PREPARE A REPORT THAT RECOMMENDS CHANGES IN ANY LAWS, RULES OR REGU-
17 LATIONS NECESSARY TO ENSURE APPROPRIATE LICENSURE OF INDIVIDUALS PROVID-
18 ING SERVICES THAT ARE WITHIN THE RESTRICTED PRACTICE OF PROFESSIONS
19 LICENSED UNDER ARTICLE 153, 154 OR 163 OF THE EDUCATION LAW. THE COMMIS-
20 SIONER OF EDUCATION SHALL SUBMIT THE REPORT TO THE GOVERNOR, THE SPEAKER
21 OF THE ASSEMBLY, THE TEMPORARY PRESIDENT OF THE SENATE, AND THE CHAIRS
22 OF THE SENATE AND ASSEMBLY HIGHER EDUCATION COMMITTEES BY JANUARY 1,
23 2015. OTHER STATE AGENCY COMMISSIONERS SHALL BE PROVIDED AN OPPORTUNITY
24 TO INCLUDE STATEMENTS OR ALTERNATIVE RECOMMENDATIONS IN SUCH REPORT.

25 S 3. Section 16 of chapter 130 of the laws of 2010 amending the educa-
26 tion law and other laws relating to the registration of entities provid-
27 ing certain professional services and the licensure of certain
28 professions, as amended by chapter 132 of the laws of 2010, is amended
29 to read as follows:

30 S 16. This act shall take effect immediately; provided that sections
31 thirteen, fourteen and fifteen of this act shall take effect immediately
32 and shall be deemed to have been in full force and effect on and after
33 June 1, 2010 and such sections shall be deemed repealed July 1, [2013]
34 2016; provided further that the amendments to section 9 of chapter 420
35 of the laws of 2002 amending the education law relating to the profes-
36 sion of social work made by section thirteen of this act shall repeal on
37 the same date as such section repeals; provided further that the amend-
38 ments to section 17-a of chapter 676 of the laws of 2002 amending the
39 education law relating to the practice of psychology made by section
40 fourteen of this act shall repeal on the same date as such section
41 repeals.

42 S 4. Subdivision 2 of section 7707 of the education law, as amended by
43 chapter 230 of the laws of 2004, is amended to read as follows:

44 2. (A) Any person who possesses a master's of social work degree on
45 the effective date of this section, who has five years of post-graduate
46 social work employment and meets the requirements for a license pursuant
47 to this article, except for examination, and who files with the depart-
48 ment within one year of the effective date of this section shall be
49 licensed as a licensed master social worker.

50 (B) ANY PERSON WHO POSSESSES A MASTER'S OF SOCIAL WORK DEGREE ACCEPTA-
51 BLE TO THE DEPARTMENT ON APRIL FIRST, TWO THOUSAND THIRTEEN AND MEETS
52 ALL REQUIREMENTS FOR LICENSURE AS SET FORTH IN SUBDIVISION ONE OF
53 SECTION SEVENTY-SEVEN HUNDRED FOUR OF THIS ARTICLE, EXCEPT FOR EXAMINA-
54 TION, WHO SUBMITS VERIFICATION OF AT LEAST TWO YEARS OF POST-MASTER'S
55 SUPERVISED EXPERIENCE IN LICENSED MASTER SOCIAL WORK BY APRIL FIRST, TWO

1 THOUSAND FOURTEEN, ACCEPTABLE TO THE DEPARTMENT, SHALL BE LICENSED AS A
2 LICENSED MASTER SOCIAL WORKER WITHOUT EXAMINATION.

3 S 5. Section 7707 of the education law is amended by adding a new
4 subdivision 6 to read as follows:

5 6. A LICENSE SHALL NOT BE REQUIRED FOR INFORMAL ASSESSMENTS SUCH AS
6 BASIC INFORMATION COLLECTION, GATHERING OF DEMOGRAPHIC DATA, AND
7 INFORMAL OBSERVATIONS AND SCREENING USED FOR GENERAL ELIGIBILITY FOR A
8 PROGRAM OR SERVICE. LICENSURE IS NOT REQUIRED TO CREATE OR DEVELOP A
9 SERVICE PLAN UNRELATED TO, OR ANCILLARY TO, A BEHAVIORAL HEALTH DIAGNO-
10 SIS AND TREATMENT PLAN. SUCH SERVICE PLANS INCLUDE, BUT ARE NOT LIMITED
11 TO JOB TRAINING, HOUSING, GENERAL PUBLIC ASSISTANCE, OR MEAL DELIVERY.

12 S 6. The education law is amended by adding a new section 7710 to read
13 as follows:

14 S 7710. MANDATORY CONTINUING EDUCATION. 1. (A) EACH LICENSED MASTER
15 SOCIAL WORKER OR LICENSED CLINICAL SOCIAL WORKER REQUIRED UNDER THIS
16 ARTICLE TO REGISTER TRIENNIALLY WITH THE DEPARTMENT TO PRACTICE IN THIS
17 STATE, SHALL COMPLY WITH THE PROVISIONS OF MANDATORY CONTINUING EDUCA-
18 TION REQUIREMENTS PRESCRIBED IN SUBDIVISION TWO OF THIS SECTION, EXCEPT
19 AS SET FORTH IN PARAGRAPHS (B) AND (C) OF THIS SUBDIVISION. LICENSED
20 MASTER SOCIAL WORKERS OR LICENSED CLINICAL SOCIAL WORKERS WHO DO NOT
21 SATISFY THE MANDATORY CONTINUING EDUCATION REQUIREMENTS SHALL NOT PRAC-
22 TICE UNTIL THEY HAVE MET SUCH REQUIREMENTS AND THEY HAVE BEEN ISSUED A
23 REGISTRATION CERTIFICATE, EXCEPT THAT A LICENSED MASTER SOCIAL WORKER OR
24 LICENSED CLINICAL SOCIAL WORKER MAY PRACTICE WITHOUT HAVING MET SUCH
25 REQUIREMENTS IF HE OR SHE IS ISSUED A CONDITIONAL REGISTRATION CERTIF-
26 ICATE PURSUANT TO SUBDIVISION THREE OF THIS SECTION.

27 (B) EACH LICENSED MASTER SOCIAL WORKER OR LICENSED CLINICAL SOCIAL
28 WORKER SHALL BE EXEMPT FROM THE MANDATORY CONTINUING EDUCATION REQUIRE-
29 MENTS FOR THE TRIENNIAL REGISTRATION PERIOD DURING WHICH THEY ARE FIRST
30 LICENSED. IN ACCORDANCE WITH THE INTENT OF THIS SECTION, ADJUSTMENT TO
31 THE MANDATORY CONTINUING EDUCATION REQUIREMENT MAY BE GRANTED BY THE
32 DEPARTMENT FOR REASONS OF HEALTH THAT ARE CERTIFIED BY AN APPROPRIATE
33 HEALTH CARE PROFESSIONAL, FOR EXTENDED ACTIVE DUTY WITH THE ARMED FORCES
34 OF THE UNITED STATES, OR FOR OTHER GOOD CAUSE ACCEPTABLE TO THE DEPART-
35 MENT WHICH MAY PREVENT COMPLIANCE.

36 (C) A LICENSED MASTER SOCIAL WORKER OR A LICENSED CLINICAL SOCIAL
37 WORKER NOT ENGAGED IN PRACTICE, AS DETERMINED BY THE DEPARTMENT, SHALL
38 BE EXEMPT FROM THE MANDATORY CONTINUING EDUCATION REQUIREMENT UPON THE
39 FILING OF A STATEMENT WITH THE DEPARTMENT DECLARING SUCH STATUS. ANY
40 LICENSEE WHO RETURNS TO THE PRACTICE OF SOCIAL WORK DURING THE TRIENNIAL
41 REGISTRATION PERIOD SHALL NOTIFY THE DEPARTMENT PRIOR TO REENTERING THE
42 PROFESSION AND SHALL MEET SUCH MANDATORY EDUCATION REQUIREMENTS AS SHALL
43 BE PRESCRIBED BY REGULATIONS OF THE COMMISSIONER.

44 (D) A LICENSED CLINICAL SOCIAL WORKER WHO IS ALSO LICENSED AND REGIS-
45 TERED TO PRACTICE AS A LICENSED MASTER SOCIAL WORKER IN THE SAME TRIEN-
46 NIAL REGISTRATION PERIOD, SHALL NOT BE REQUIRED TO COMPLETE MORE THAN
47 THIRTY-SIX HOURS OF CONTINUING EDUCATION IN THE TRIENNIAL REGISTRATION
48 PERIOD, OR ONE HOUR PER MONTH FOR A REGISTRATION PERIOD OTHER THAN THIR-
49 TY-SIX MONTHS.

50 2. DURING EACH TRIENNIAL REGISTRATION PERIOD AN APPLICANT FOR REGIS-
51 TRATION AS A LICENSED MASTER SOCIAL WORKER OR LICENSED CLINICAL SOCIAL
52 WORKER SHALL COMPLETE A MINIMUM OF THIRTY-SIX HOURS OF ACCEPTABLE FORMAL
53 CONTINUING EDUCATION. ANY LICENSED MASTER SOCIAL WORKER OR LICENSED
54 CLINICAL SOCIAL WORKER WHOSE FIRST REGISTRATION DATE FOLLOWING THE
55 EFFECTIVE DATE OF THIS SECTION OCCURS LESS THAN THREE YEARS FROM SUCH
56 EFFECTIVE DATE, BUT ON OR AFTER JANUARY FIRST, TWO THOUSAND SEVENTEEN,

1 SHALL COMPLETE CONTINUING EDUCATION HOURS ON A PRORATED BASIS AT THE
2 RATE OF ONE HOUR PER MONTH FOR THE PERIOD BEGINNING JANUARY FIRST, TWO
3 THOUSAND SEVENTEEN UP TO THE FIRST REGISTRATION DATE THEREAFTER. A
4 LICENSEE WHO HAS NOT SATISFIED THE MANDATORY CONTINUING EDUCATION
5 REQUIREMENT SHALL NOT BE ISSUED A TRIENNIAL REGISTRATION CERTIFICATE BY
6 THE DEPARTMENT AND SHALL NOT PRACTICE UNLESS AND UNTIL A CONDITIONAL
7 REGISTRATION CERTIFICATE IS ISSUED AS PROVIDED FOR IN SUBDIVISION THREE
8 OF THIS SECTION. CONTINUING EDUCATION HOURS TAKEN DURING ONE TRIENNIUM
9 MAY NOT BE TRANSFERRED TO THE SUBSEQUENT TRIENNIUM.

10 3. (A) THE DEPARTMENT, IN ITS DISCRETION, MAY ISSUE A CONDITIONAL
11 REGISTRATION TO A LICENSEE WHO FAILS TO MEET THE CONTINUING EDUCATION
12 REQUIREMENTS ESTABLISHED IN SUBDIVISION TWO OF THIS SECTION BUT WHO
13 AGREES TO MAKE UP ANY DEFICIENCIES AND COMPLETE ANY ADDITIONAL EDUCATION
14 WHICH THE DEPARTMENT MAY REQUIRE. THE FEE FOR SUCH A CONDITIONAL REGIS-
15 TRATION SHALL BE THE SAME AS, AND IN ADDITION TO, THE FEE FOR THE TRIEN-
16 NIAL REGISTRATION. THE DURATION OF SUCH CONDITIONAL REGISTRATION SHALL
17 BE DETERMINED BY THE DEPARTMENT BUT SHALL NOT EXCEED ONE YEAR. ANY
18 LICENSEE WHO IS NOTIFIED OF THE DENIAL OF REGISTRATION FOR FAILURE TO
19 SUBMIT EVIDENCE, SATISFACTORY TO THE DEPARTMENT, OF REQUIRED CONTINUING
20 EDUCATION AND WHO PRACTICES WITHOUT SUCH REGISTRATION MAY BE SUBJECT TO
21 DISCIPLINARY PROCEEDINGS PURSUANT TO SECTION SIXTY-FIVE HUNDRED TEN OF
22 THIS TITLE.

23 (B) FOR PURPOSES OF THIS SECTION "ACCEPTABLE FORMAL EDUCATION" SHALL
24 MEAN FORMAL COURSES OF LEARNING WHICH CONTRIBUTE TO PROFESSIONAL PRAC-
25 TICE IN SOCIAL WORK AND WHICH MEET THE STANDARDS PRESCRIBED BY REGU-
26 LATIONS OF THE COMMISSIONER. SUCH FORMAL COURSES OF LEARNING SHALL
27 INCLUDE, BUT NOT BE LIMITED TO, COLLEGIATE LEVEL CREDIT AND NON-CREDIT
28 COURSES, PROFESSIONAL DEVELOPMENT PROGRAMS AND TECHNICAL SESSIONS
29 OFFERED BY NATIONAL, STATE AND LOCAL PROFESSIONAL ASSOCIATIONS AND OTHER
30 ORGANIZATIONS ACCEPTABLE TO THE DEPARTMENT, AND ANY OTHER ORGANIZED
31 EDUCATIONAL AND TECHNICAL PROGRAMS ACCEPTABLE TO THE DEPARTMENT. CONTIN-
32 UING EDUCATION COURSES MUST BE TAKEN FROM A PROVIDER WHO HAS BEEN
33 APPROVED BY THE DEPARTMENT, BASED UPON AN APPLICATION AND FEE, PURSUANT
34 TO THE REGULATIONS OF THE COMMISSIONER. THE DEPARTMENT MAY, IN ITS
35 DISCRETION AND AS NEEDED TO CONTRIBUTE TO THE HEALTH AND WELFARE OF THE
36 PUBLIC, REQUIRE THE COMPLETION OF CONTINUING EDUCATION COURSES IN
37 SPECIFIC SUBJECTS TO FULFILL THIS MANDATORY CONTINUING EDUCATION
38 REQUIREMENT. COURSES MUST BE TAKEN FROM A SPONSOR APPROVED BY THE
39 DEPARTMENT, PURSUANT TO THE REGULATIONS OF THE COMMISSIONER. LICENSED
40 MASTER SOCIAL WORKERS OR LICENSED CLINICAL SOCIAL WORKERS SHALL MAINTAIN
41 ADEQUATE DOCUMENTATION OF COMPLETION OF ACCEPTABLE FORMAL CONTINUING
42 EDUCATION AND SHALL PROVIDE SUCH DOCUMENTATION AT THE REQUEST OF THE
43 DEPARTMENT. FAILURE TO PROVIDE SUCH DOCUMENTATION UPON THE REQUEST OF
44 THE DEPARTMENT SHALL BE AN ACT OF MISCONDUCT SUBJECT TO DISCIPLINARY
45 PROCEEDINGS PURSUANT TO SECTION SIXTY-FIVE HUNDRED TEN OF THIS TITLE.

46 (C) THE MANDATORY CONTINUING EDUCATION FEE SHALL BE DETERMINED BY THE
47 DEPARTMENT. SUCH FEE SHALL BE PAYABLE ON OR BEFORE THE FIRST DAY OF
48 EACH TRIENNIAL REGISTRATION PERIOD, AND SHALL BE PAID IN ADDITION TO THE
49 TRIENNIAL REGISTRATION FEE REQUIRED BY PARAGRAPH (G) OF SUBDIVISION ONE
50 AND PARAGRAPH (G) OF SUBDIVISION TWO OF SECTION SEVENTY-SEVEN HUNDRED
51 FOUR OF THIS ARTICLE.

52 S 7. Section 8411 of the education law is amended by adding a new
53 subdivision 4 to read as follows:

54 4. A LICENSE SHALL NOT BE REQUIRED FOR INFORMAL ASSESSMENTS SUCH AS
55 BASIC INFORMATION COLLECTION, GATHERING OF DEMOGRAPHIC DATA, AND
56 INFORMAL OBSERVATIONS AND SCREENING USED FOR GENERAL ELIGIBILITY FOR A

1 PROGRAM OR SERVICE. LICENSURE IS NOT REQUIRED TO CREATE OR DEVELOP A
2 SERVICE PLAN UNRELATED TO, OR ANCILLARY TO, A BEHAVIORAL HEALTH DIAGNO-
3 SIS AND TREATMENT PLAN. SUCH SERVICE PLANS INCLUDE, BUT ARE NOT LIMITED
4 TO JOB TRAINING, HOUSING, GENERAL PUBLIC ASSISTANCE, OR MEAL DELIVERY.

5 S 8. The education law is amended by adding a new section 8412 to read
6 as follows:

7 S 8412. MANDATORY CONTINUING EDUCATION. 1. (A) EACH LICENSED MENTAL
8 HEALTH COUNSELOR, MARRIAGE AND FAMILY THERAPIST, PSYCHOANALYST, AND
9 CREATIVE ARTS THERAPIST REQUIRED UNDER THIS ARTICLE TO REGISTER TRIENNI-
10 ALLY WITH THE DEPARTMENT TO PRACTICE IN THIS STATE, SHALL COMPLY WITH
11 THE PROVISIONS OF MANDATORY CONTINUING EDUCATION REQUIREMENTS PRESCRIBED
12 IN SUBDIVISION TWO OF THIS SECTION, EXCEPT AS SET FORTH IN PARAGRAPHS
13 (B) AND (C) OF THIS SUBDIVISION. LICENSED MENTAL HEALTH COUNSELORS,
14 MARRIAGE AND FAMILY THERAPISTS, PSYCHOANALYSTS, AND CREATIVE ARTS THERA-
15 PISTS WHO DO NOT SATISFY THE MANDATORY CONTINUING EDUCATION REQUIREMENTS
16 SHALL NOT PRACTICE UNTIL THEY HAVE MET SUCH REQUIREMENTS, AND THEY HAVE
17 BEEN ISSUED A REGISTRATION CERTIFICATE, EXCEPT THAT A LICENSED MENTAL
18 HEALTH COUNSELOR, MARRIAGE AND FAMILY THERAPIST, PSYCHOANALYST, AND
19 CREATIVE ARTS THERAPIST MAY PRACTICE WITHOUT HAVING MET SUCH REQUIRE-
20 MENTS IF HE OR SHE IS ISSUED A CONDITIONAL REGISTRATION CERTIFICATE
21 PURSUANT TO SUBDIVISION THREE OF THIS SECTION.

22 (B) EACH LICENSED MENTAL HEALTH COUNSELOR, MARRIAGE AND FAMILY THERA-
23 PIST, PSYCHOANALYST, AND CREATIVE ARTS THERAPIST SHALL BE EXEMPT FROM
24 THE MANDATORY CONTINUING EDUCATION REQUIREMENTS FOR THE TRIENNIAL REGIS-
25 TRATION PERIOD DURING WHICH THEY ARE FIRST LICENSED. IN ACCORDANCE WITH
26 THE INTENT OF THIS SECTION, ADJUSTMENT TO THE MANDATORY CONTINUING
27 EDUCATION REQUIREMENT MAY BE GRANTED BY THE DEPARTMENT FOR REASONS OF
28 HEALTH THAT ARE CERTIFIED BY AN APPROPRIATE HEALTH CARE PROFESSIONAL,
29 FOR EXTENDED ACTIVE DUTY WITH THE ARMED FORCES OF THE UNITED STATES, OR
30 FOR OTHER GOOD CAUSE ACCEPTABLE TO THE DEPARTMENT WHICH MAY PREVENT
31 COMPLIANCE.

32 (C) A LICENSED MENTAL HEALTH COUNSELOR, MARRIAGE AND FAMILY THERAPIST,
33 PSYCHOANALYST, AND CREATIVE ARTS THERAPIST NOT ENGAGED IN PRACTICE, AS
34 DETERMINED BY THE DEPARTMENT, SHALL BE EXEMPT FROM THE MANDATORY CONTIN-
35 UING EDUCATION REQUIREMENT UPON THE FILING OF A STATEMENT WITH THE
36 DEPARTMENT DECLARING SUCH STATUS. ANY LICENSEE WHO RETURNS TO THE PRAC-
37 TICE OF MENTAL HEALTH COUNSELING, MARRIAGE AND FAMILY THERAPY, PSYCHO-
38 ANALYSIS, AND CREATIVE ARTS THERAPY DURING THE TRIENNIAL REGISTRATION
39 PERIOD SHALL NOTIFY THE DEPARTMENT PRIOR TO REENTERING THE PROFESSION
40 AND SHALL MEET SUCH MANDATORY EDUCATION REQUIREMENTS AS SHALL BE
41 PRESCRIBED BY REGULATIONS OF THE COMMISSIONER.

42 2. DURING EACH TRIENNIAL REGISTRATION PERIOD AN APPLICANT FOR REGIS-
43 TRATION AS A LICENSED MENTAL HEALTH COUNSELOR, MARRIAGE AND FAMILY THER-
44 APIST, PSYCHOANALYST, AND CREATIVE ARTS THERAPIST SHALL COMPLETE A MINI-
45 MUM OF THIRTY-SIX HOURS OF ACCEPTABLE FORMAL CONTINUING EDUCATION, A
46 MAXIMUM OF TWELVE HOURS OF WHICH MAY BE SELF-INSTRUCTIONAL COURSE WORK
47 ACCEPTABLE TO THE DEPARTMENT. ANY LICENSED MENTAL HEALTH COUNSELOR,
48 MARRIAGE AND FAMILY THERAPIST, PSYCHOANALYST, AND CREATIVE ARTS THERA-
49 PIST WHOSE FIRST REGISTRATION DATE FOLLOWING THE EFFECTIVE DATE OF THIS
50 SECTION OCCURS LESS THAN THREE YEARS FROM SUCH EFFECTIVE DATE, BUT ON OR
51 AFTER JANUARY FIRST, TWO THOUSAND SEVENTEEN, SHALL COMPLETE CONTINUING
52 EDUCATION HOURS ON A PRORATED BASIS AT THE RATE OF ONE HOUR PER MONTH
53 FOR THE PERIOD BEGINNING JANUARY FIRST, TWO THOUSAND SEVENTEEN UP TO THE
54 FIRST REGISTRATION DATE THEREAFTER. A LICENSEE WHO HAS NOT SATISFIED THE
55 MANDATORY CONTINUING EDUCATION REQUIREMENT SHALL NOT BE ISSUED A TRIEN-
56 NIAL REGISTRATION CERTIFICATE BY THE DEPARTMENT AND SHALL NOT PRACTICE

1 UNLESS AND UNTIL A CONDITIONAL REGISTRATION CERTIFICATE IS ISSUED AS
2 PROVIDED FOR IN SUBDIVISION THREE OF THIS SECTION. CONTINUING EDUCATION
3 HOURS TAKEN DURING ONE TRIENNIUM MAY NOT BE TRANSFERRED TO THE SUBSE-
4 QUENT TRIENNIUM.

5 3. (A) THE DEPARTMENT, IN ITS DISCRETION, MAY ISSUE A CONDITIONAL
6 REGISTRATION TO A LICENSEE WHO FAILS TO MEET THE CONTINUING EDUCATION
7 REQUIREMENTS ESTABLISHED IN SUBDIVISION TWO OF THIS SECTION BUT WHO
8 AGREES TO MAKE UP ANY DEFICIENCIES AND COMPLETE ANY ADDITIONAL EDUCATION
9 WHICH THE DEPARTMENT MAY REQUIRE. THE FEE FOR SUCH A CONDITIONAL REGIS-
10 TRATION SHALL BE THE SAME AS, AND IN ADDITION TO, THE FEE FOR THE TRIEN-
11 NIAL REGISTRATION. THE DURATION OF SUCH CONDITIONAL REGISTRATION SHALL
12 BE DETERMINED BY THE DEPARTMENT BUT SHALL NOT EXCEED ONE YEAR. ANY
13 LICENSEE WHO IS NOTIFIED OF THE DENIAL OF REGISTRATION FOR FAILURE TO
14 SUBMIT EVIDENCE, SATISFACTORY TO THE DEPARTMENT, OF REQUIRED CONTINUING
15 EDUCATION AND WHO PRACTICES WITHOUT SUCH REGISTRATION MAY BE SUBJECT TO
16 DISCIPLINARY PROCEEDINGS PURSUANT TO SECTION SIXTY-FIVE HUNDRED TEN OF
17 THIS TITLE.

18 (B) FOR PURPOSES OF THIS SECTION "ACCEPTABLE FORMAL EDUCATION" SHALL
19 MEAN FORMAL COURSES OF LEARNING WHICH CONTRIBUTE TO PROFESSIONAL PRAC-
20 TICE IN MENTAL HEALTH COUNSELING, MARRIAGE AND FAMILY THERAPY, PSYCHO-
21 ANALYSIS, OR CREATIVE ARTS THERAPIES AND WHICH MEET THE STANDARDS
22 PRESCRIBED BY REGULATIONS OF THE COMMISSIONER. SUCH FORMAL COURSES OF
23 LEARNING SHALL INCLUDE, BUT NOT BE LIMITED TO, COLLEGIATE LEVEL CREDIT
24 AND NON-CREDIT COURSES, PROFESSIONAL DEVELOPMENT PROGRAMS AND TECHNICAL
25 SESSIONS OFFERED BY NATIONAL, STATE AND LOCAL PROFESSIONAL ASSOCIATIONS
26 AND OTHER ORGANIZATIONS ACCEPTABLE TO THE DEPARTMENT, AND ANY OTHER
27 ORGANIZED EDUCATIONAL AND TECHNICAL PROGRAMS ACCEPTABLE TO THE DEPART-
28 MENT. CONTINUING EDUCATION COURSES MUST BE TAKEN FROM A PROVIDER WHO
29 HAS BEEN APPROVED BY THE DEPARTMENT, BASED UPON AN APPLICATION AND FEE,
30 PURSUANT TO THE REGULATIONS OF THE COMMISSIONER. THE DEPARTMENT MAY, IN
31 ITS DISCRETION AND AS NEEDED TO CONTRIBUTE TO THE HEALTH AND WELFARE OF
32 THE PUBLIC, REQUIRE THE COMPLETION OF CONTINUING EDUCATION COURSES IN
33 SPECIFIC SUBJECTS TO FULFILL THIS MANDATORY CONTINUING EDUCATION
34 REQUIREMENT. LICENSED MENTAL HEALTH COUNSELORS, MARRIAGE AND FAMILY
35 THERAPISTS, PSYCHOANALYSTS, AND CREATIVE ARTS THERAPISTS SHALL MAINTAIN
36 ADEQUATE DOCUMENTATION OF COMPLETION OF ACCEPTABLE FORMAL CONTINUING
37 EDUCATION AND SHALL PROVIDE SUCH DOCUMENTATION AT THE REQUEST OF THE
38 DEPARTMENT. FAILURE TO PROVIDE SUCH DOCUMENTATION UPON THE REQUEST OF
39 THE DEPARTMENT SHALL BE AN ACT OF MISCONDUCT SUBJECT TO DISCIPLINARY
40 PROCEEDINGS PURSUANT TO SECTION SIXTY-FIVE HUNDRED TEN OF THIS TITLE.

41 (C) THE MANDATORY CONTINUING EDUCATION FEE SHALL BE DETERMINED BY THE
42 DEPARTMENT. SUCH FEE SHALL BE PAYABLE ON OR BEFORE THE FIRST DAY OF
43 EACH TRIENNIAL REGISTRATION PERIOD, AND SHALL BE PAID IN ADDITION TO THE
44 TRIENNIAL REGISTRATION FEES REQUIRED BY PARAGRAPH (G) OF SUBDIVISION
45 THREE OF SECTION EIGHTY-FOUR HUNDRED TWO OF THIS ARTICLE AND PARAGRAPH
46 (G) OF SUBDIVISION THREE OF SECTION EIGHTY-FOUR HUNDRED FIVE OF THIS
47 ARTICLE.

48 S 9. Subdivision 2 of section 8409 of the education law, as amended by
49 chapter 210 of the laws of 2004, is amended to read as follows:

50 2. Limited permits shall be for [one year, except that limited permits
51 for mental health counseling shall be for] two years; such limited
52 permits may be renewed, at the discretion of the department, for [one]
53 UP TO TWO additional ONE year PERIODS.

54 S 10. This act shall take effect immediately and shall be deemed to
55 have been in full force and effect on and after April 1, 2013; provided,
56 however, that the provisions of this act shall apply only to actions and

1 proceedings commenced on or after such effective date; provided,
2 further, that sections six and eight of this act shall take effect Janu-
3 ary 1, 2017; provided further that the amendments to section 9 of chap-
4 ter 420 of the laws of 2002 and section 17-a of chapter 676 of the laws
5 of 2002 made by sections one and two of this act, respectively, shall
6 not affect the repeal of such sections and shall expire and be deemed
7 repealed therewith.

8

PART W

9 Section 1. Subdivision 2 of section 903 of the education law, as added
10 by chapter 281 of the laws of 2007, is amended to read as follows:

11 2. a. A dental health certificate shall be requested from each
12 student. Each student is requested to furnish a dental health certif-
13 icate at the same time that health certificates are required. An [exam-
14 ination] ASSESSMENT and dental health history of any child may be
15 requested by the local school authorities at any time in their
16 discretion to promote the educational interests of such child. Each
17 certificate shall be signed by a duly licensed dentist, OR A REGISTERED
18 DENTAL HYGIENIST who is authorized by law to practice in this state, and
19 consistent with any applicable written practice agreement, or by a duly
20 licensed dentist OR REGISTERED DENTAL HYGIENIST who is authorized to
21 practice in the jurisdiction in which the [examination] ASSESSMENT was
22 given, provided that the commissioner has determined that such jurisdic-
23 tion has standards of licensure and practice comparable to those of New
24 York. Each such certificate shall describe the dental health condition
25 of the student when the [examination] ASSESSMENT was made, which shall
26 not be more than twelve months prior to the commencement of the school
27 year in which the [examination] ASSESSMENT is requested, and shall state
28 whether such student is in fit condition of dental health to permit his
29 or her attendance at the public schools.

30 b. A notice of request for dental health certificates shall be
31 distributed at the same time that parents or person in parental
32 relationship to students are notified of health examination requirements
33 and shall state that a list of DENTAL PRACTICES, dentists AND REGISTERED
34 DENTAL HYGIENISTS to which children [who need comprehensive dental exam-
35 inations] may be referred for [treatment] DENTAL SERVICES on a free or
36 reduced cost basis is available upon request at the child's school. The
37 department shall, in collaboration with the department of health,
38 compile and maintain a list of DENTAL PRACTICES, dentists AND REGISTERED
39 DENTAL HYGIENISTS to which children [who need comprehensive dental exam-
40 inations] may be referred for [treatment] DENTAL SERVICES on a free or
41 reduced cost basis. Such list shall be made available to all public
42 schools and be made available to parents or person in parental relation-
43 ship upon request. The department shall promulgate regulations to ensure
44 the gathering and dissemination of the proper information to interested
45 parties.

46 S 2. This act shall take effect immediately.

47

PART X

48 Section 1. Subdivisions 3 and 5 of section 6542 of the education law,
49 as amended by chapter 48 of the laws of 2012, are amended to read as
50 follows:

51 3. No physician shall employ or supervise more than [two] FOUR physi-
52 cian assistants in his or her private practice.

1 5. Notwithstanding any other provision of this article, nothing shall
2 prohibit a physician employed by or rendering services to the department
3 of corrections and community supervision under contract from supervising
4 no more than [four] SIX physician assistants in his or her practice for
5 the department of corrections and community supervision.

6 S 2. This act shall take effect immediately.

7 PART Y

8 Section 1. Short title. This act shall be known and may be cited as
9 the "nurse practitioners modernization act".

10 S 2. Subdivision 3 of section 6902 of the education law, as added by
11 chapter 257 of the laws of 1988, is amended to read as follows:

12 3. (a) (I) The practice of registered professional nursing by a nurse
13 practitioner, certified under section six thousand nine hundred ten of
14 this article AND PRACTICING FOR FEWER THAN THIRTY-SIX MONTHS AND THREE
15 THOUSAND SIX HUNDRED HOURS, may include the diagnosis of illness and
16 physical conditions and the performance of therapeutic and corrective
17 measures within a specialty area of practice, in collaboration with a
18 licensed physician qualified to collaborate in the specialty involved,
19 provided such services are performed in accordance with a written prac-
20 tice agreement and written practice protocols. The written practice
21 agreement shall include explicit provisions for the resolution of any
22 disagreement between the collaborating physician and the nurse practi-
23 tioner regarding a matter of diagnosis or treatment that is within the
24 scope of practice of both. To the extent the practice agreement does not
25 so provide, then the collaborating physician's diagnosis or treatment
26 shall prevail. IN THE EVENT THAT (A) AN EXISTING WRITTEN PRACTICE AGREE-
27 MENT WITH A COLLABORATING PHYSICIAN TERMINATES AS A RESULT OF THE
28 COLLABORATING PHYSICIAN MOVING, RETIRING, NO LONGER NEEDING THE SERVICES
29 OF THE NURSE PRACTITIONER, NO LONGER BEING QUALIFIED TO PRACTICE OR UPON
30 HIS OR HER DEATH AND THE NURSE PRACTITIONER IS UNABLE TO ENTER INTO A
31 NEW WRITTEN PRACTICE AGREEMENT WITH ANOTHER COLLABORATING PHYSICIAN; OR
32 IF (B) A NURSE PRACTITIONER OBTAINS APPROVAL BY THE DEPARTMENT BASED ON
33 A DEMONSTRATION TO THE DEPARTMENT THAT AN EXISTING WRITTEN PRACTICE
34 AGREEMENT WAS TERMINATED DUE TO NO FAULT ON THE PART OF THE NURSE PRAC-
35 TITIONER, AND THAT THE NURSE PRACTITIONER IS UNABLE TO ENTER INTO A NEW
36 WRITTEN PRACTICE AGREEMENT WITH ANOTHER COLLABORATING PHYSICIAN FOLLOW-
37 ING A SHOWING OF GOOD FAITH EFFORT; THEN: SUCH NURSE PRACTITIONER MAY
38 CONTINUE TO PRACTICE PURSUANT TO THIS PARAGRAPH WITHIN A SPECIALTY AREA
39 OF PRACTICE FOR A PERIOD OF UP TO SIX MONTHS, IN COLLABORATION WITH A
40 NURSE PRACTITIONER WHO HAS BEEN CERTIFIED UNDER SECTION SIX THOUSAND
41 NINE HUNDRED TEN OF THIS ARTICLE, WHO HAS BEEN PRACTICING FOR MORE THAN
42 THIRTY-SIX MONTHS AND THREE THOUSAND SIX HUNDRED HOURS AND WHO IS QUALI-
43 FIED TO COLLABORATE IN THE SPECIALTY INVOLVED, PROVIDED THAT SERVICES
44 ARE PERFORMED IN ACCORDANCE WITH A WRITTEN PRACTICE AGREEMENT AND WRIT-
45 TEN PRACTICE PROTOCOLS; SUCH SIX MONTH TIME PERIOD FOR COLLABORATION
46 BETWEEN NURSE PRACTITIONERS MAY BE EXTENDED FOR A PERIOD OF TIME NOT TO
47 EXCEED AN ADDITIONAL SIX MONTHS UPON A SHOWING OF GOOD CAUSE SUBJECT TO
48 THE APPROVAL OF THE DEPARTMENT.

49 [(b)] (II) Prescriptions for drugs, devices and immunizing agents may
50 be issued by a nurse practitioner, under this [subdivision] PARAGRAPH
51 and section six thousand nine hundred ten of this article, in accordance
52 with the practice agreement and practice protocols. The nurse practi-
53 tioner shall obtain a certificate from the department upon successfully
54 completing a program including an appropriate pharmacology component, or

1 its equivalent, as established by the commissioner's regulations, prior
2 to prescribing under this [subdivision] PARAGRAPH. The certificate
3 issued under section six thousand nine hundred ten of this article shall
4 state whether the nurse practitioner has successfully completed such a
5 program or equivalent and is authorized to prescribe under this [subdi-
6 vision] PARAGRAPH.

7 [(c)] (III) Each practice agreement shall provide for patient records
8 review by the collaborating physician OR, WHERE APPLICABLE, THE COLLAB-
9 ORATING NURSE PRACTITIONER, in a timely fashion but in no event less
10 often than every three months. The names of the nurse practitioner and
11 the collaborating physician OR, WHERE APPLICABLE, THE COLLABORATING
12 NURSE PRACTITIONER shall be clearly posted in the practice setting of
13 the nurse practitioner.

14 [(d)] (IV) The practice protocol shall reflect current accepted
15 medical and nursing practice, OR WHERE APPLICABLE THE CURRENT ACCEPTED
16 NURSING PRACTICE. The protocols shall be filed with the department
17 within ninety days of the commencement of the practice and may be
18 updated periodically. The commissioner shall make regulations establish-
19 ing the procedure for the review of protocols and the disposition of any
20 issues arising from such review.

21 [(e)] (V) No physician OR, WHERE APPLICABLE, NURSE PRACTITIONER, shall
22 enter into practice agreements with more than four nurse practitioners
23 who are not located on the same physical premises as the collaborating
24 physician OR COLLABORATING NURSE PRACTITIONER.

25 [(f)] (B) (I) THE PRACTICE OF REGISTERED PROFESSIONAL NURSING BY A
26 NURSE PRACTITIONER, CERTIFIED UNDER SECTION SIX THOUSAND NINE HUNDRED
27 TEN OF THIS ARTICLE AND PRACTICING FOR MORE THAN THIRTY-SIX MONTHS AND
28 THREE THOUSAND SIX HUNDRED HOURS, MAY INCLUDE THE DIAGNOSIS OF ILLNESS
29 AND PHYSICAL CONDITIONS AND THE PERFORMANCE OF THERAPEUTIC AND CORREC-
30 TIVE MEASURES WITHIN A SPECIALTY AREA OF PRACTICE.

31 (II) PRESCRIPTIONS FOR DRUGS, DEVICES AND IMMUNIZING AGENTS MAY BE
32 ISSUED BY A NURSE PRACTITIONER, UNDER THIS PARAGRAPH AND SECTION SIX
33 THOUSAND NINE HUNDRED TEN OF THIS ARTICLE. THE NURSE PRACTITIONER SHALL
34 OBTAIN A CERTIFICATE FROM THE DEPARTMENT UPON SUCCESSFULLY COMPLETING A
35 PROGRAM INCLUDING AN APPROPRIATE PHARMACOLOGY COMPONENT, OR ITS EQUIV-
36 ALENT, AS ESTABLISHED BY THE COMMISSIONER'S REGULATIONS, PRIOR TO
37 PRESCRIBING UNDER THIS PARAGRAPH; PROVIDED THAT ANY CERTIFICATE ISSUED
38 PURSUANT TO SUBPARAGRAPH (II) OF PARAGRAPH (A) OF THIS SUBDIVISION SHALL
39 ALSO SATISFY THE REQUIREMENTS OF THIS SUBPARAGRAPH. THE CERTIFICATE
40 ISSUED UNDER SECTION SIX THOUSAND NINE HUNDRED TEN OF THIS ARTICLE SHALL
41 STATE WHETHER THE NURSE PRACTITIONER HAS SUCCESSFULLY COMPLETED SUCH A
42 PROGRAM OR EQUIVALENT AND IS AUTHORIZED TO PRESCRIBE UNDER THIS PARA-
43 GRAPH.

44 (III) A NURSE PRACTITIONER, CERTIFIED UNDER SECTION SIXTY-NINE HUNDRED
45 TEN OF THIS ARTICLE AND PRACTICING FOR MORE THAN THIRTY-SIX MONTHS AND
46 THREE THOUSAND SIX HUNDRED HOURS, SHALL HAVE COLLABORATIVE RELATIONSHIPS
47 WITH ONE OR MORE LICENSED PHYSICIANS QUALIFIED TO COLLABORATE IN THE
48 SPECIALTY INVOLVED OR A HOSPITAL, LICENSED UNDER ARTICLE TWENTY-EIGHT OF
49 THE PUBLIC HEALTH LAW, THAT PROVIDES SERVICES THROUGH LICENSED PHYSI-
50 CIANS QUALIFIED TO COLLABORATE IN THE SPECIALTY INVOLVED AND HAVING
51 PRIVILEGES AT SUCH INSTITUTION BUT SHALL NOT BE REQUIRED TO HAVE A WRIT-
52 TEN PRACTICE AGREEMENT, PROVIDED THAT SUCH NURSE PRACTITIONER SHALL
53 COMPLETE AND MAINTAIN A FORM, CREATED BY THE DEPARTMENT, WHICH NURSE
54 PRACTITIONER SHALL ATTEST TO, THAT SUMMARIZES WRITTEN PRACTICE PROTO-
55 COLS, PROVIDES THE CRITERIA TO BE USED REGARDING CONSULTATION, INCLUDING
56 METHODS AND FREQUENCY OF HOW CONSULTATION SHALL BE PROVIDED, COLLABORA-

1 TIVE MANAGEMENT AND REFERRAL, AND EMERGENCY REFERRAL PLANS, TO ADDRESS
2 THE HEALTH STATUS AND RISK OF PATIENTS. SUCH FORMS SHALL BE UPDATED AS
3 NEEDED AND MAY BE SUBJECT TO REVIEW BY THE DEPARTMENT. THE NURSE PRACTI-
4 TIONER SHALL MAKE CURRENT INFORMATION CONTAINED IN THIS FORM AVAILABLE
5 TO HIS OR HER PATIENTS UPON REQUEST. DOCUMENTATION OF SUCH COLLABORA-
6 TIVE RELATIONSHIPS SHALL BE MAINTAINED BY THE NURSE PRACTITIONER AND MAY
7 BE SUBJECT TO REVIEW BY THE DEPARTMENT. FAILURE TO COMPLY WITH THE
8 REQUIREMENTS FOUND IN THIS SUBPARAGRAPH SHALL BE SUBJECT TO PROFESSIONAL
9 MISCONDUCT PROVISIONS AS SET FORTH IN ARTICLE ONE HUNDRED THIRTY OF THIS
10 TITLE.

11 (C) Nothing in this subdivision shall be deemed to limit or diminish
12 the practice of the profession of nursing as a registered professional
13 nurse under this article or any other law, rule, regulation or certifi-
14 cation, nor to deny any registered professional nurse the right to do
15 any act or engage in any practice authorized by this article or any
16 other law, rule, regulation or certification.

17 [(g)] (D) The provisions of this subdivision shall not apply to any
18 activity authorized, pursuant to statute, rule or regulation, to be
19 performed by a registered professional nurse in a hospital as defined in
20 article twenty-eight of the public health law.

21 (E) THE COMMISSIONER, IN CONSULTATION WITH THE COMMISSIONER OF HEALTH,
22 SHALL ISSUE A REPORT ON THE IMPLEMENTATION OF THE PROVISIONS OF THIS
23 SECTION ALONG WITH INFORMATION THAT INCLUDES, BUT IS NOT LIMITED TO: THE
24 NUMBER OF NURSE PRACTITIONERS PRACTICING FOR FEWER THAN THIRTY-SIX
25 MONTHS AND THREE THOUSAND SIX HUNDRED HOURS THAT PRACTICE PURSUANT TO A
26 COLLABORATIVE AGREEMENT WITH A PHYSICIAN; THE NUMBER OF NURSE PRACTI-
27 TIONERS PRACTICING FOR FEWER THAN THIRTY-SIX MONTHS AND THREE THOUSAND
28 SIX HUNDRED HOURS THAT PRACTICE PURSUANT TO A COLLABORATIVE AGREEMENT
29 WITH A NURSE PRACTITIONER FOR SIX MONTHS AND THE NUMBER OF THESE NURSE
30 PRACTITIONERS THAT EXTEND A COLLABORATIVE AGREEMENT FOR AN ADDITIONAL
31 SIX MONTHS UPON A SHOWING OF GOOD CAUSE SUBJECT TO THE APPROVAL OF THE
32 DEPARTMENT; THE NUMBER OF NURSE PRACTITIONERS PRACTICING FOR MORE THAN
33 THIRTY-SIX MONTHS AND THREE THOUSAND SIX HUNDRED HOURS THAT PRACTICE
34 PURSUANT TO COLLABORATIVE RELATIONSHIPS WITH PHYSICIANS; OTHER INFORMA-
35 TION THE DEPARTMENT DEEMS RELEVANT, INCLUDING BUT NOT LIMITED TO, ANY
36 RECOMMENDATIONS FOR THE CONTINUATION OR AMENDMENTS TO THE PROVISIONS OF
37 THIS SECTION RELATING TO COLLABORATIVE AGREEMENTS OR COLLABORATIVE
38 RELATIONSHIPS. THE COMMISSIONER SHALL SUBMIT THIS REPORT TO THE GOVER-
39 NOR, THE SPEAKER OF THE ASSEMBLY, THE TEMPORARY PRESIDENT OF THE SENATE,
40 AND THE CHAIRS OF THE ASSEMBLY AND SENATE HIGHER EDUCATION COMMITTEES BY
41 SEPTEMBER FIRST, TWO THOUSAND SEVENTEEN.

42 S 3. This act shall take effect on the one hundred eightieth day after
43 it shall have become a law and shall expire June 30, 2019 when upon such
44 date the provisions of this act shall be deemed repealed; provided,
45 however, that effective immediately, the addition, amendment and/or
46 repeal of any rule or regulation necessary for the implementation of
47 this act on its effective date is authorized and directed to be made and
48 completed on or before such effective date.

49 S 2. Severability clause. If any clause, sentence, paragraph, subdivi-
50 sion, section or part of this act shall be adjudged by any court of
51 competent jurisdiction to be invalid, such judgment shall not affect,
52 impair, or invalidate the remainder thereof, but shall be confined in
53 its operation to the clause, sentence, paragraph, subdivision, section
54 or part thereof directly involved in the controversy in which such judg-
55 ment shall have been rendered. It is hereby declared to be the intent of

1 the legislature that this act would have been enacted even if such
2 invalid provisions had not been included herein.
3 S 3. This act shall take effect immediately provided, however, that
4 the applicable effective date of Parts A through Y of this act shall be
5 as specifically set forth in the last section of such Parts.