

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

S. 2607--B

A. 3007--B

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

January 22, 2013

IN SENATE -- A BUDGET BILL, submitted by the Governor pursuant to article seven of the Constitution -- read twice and ordered printed, and when printed to be committed to the Committee on Finance -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

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

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 contracts for excellence, expenses for computer equipment, 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, duties of school districts and the costs of certain tuition maintenance and transportation; 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

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

LBD12572-04-3

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 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; and providing for the repeal of certain provisions relating to the suballocation of certain education department accruals (Part A); to amend the education law and the public authorities law, in relation to the acquisition, design, construction, reconstruction, rehabilitation, improvement and financing of dormitory facilities for the state university of New York (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); to amend the education law, in relation to establishing the Next Generation NY Job Linkage Program Act (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); to amend the private housing finance law, in relation to the homeless housing and assistance program; and to repeal certain provisions of the social services law relating thereto (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 certain provisions of the executive law relating thereto (Part G); to amend the executive law, the family court act, and the social services law, in relation to juvenile justice reforms; and to repeal certain provisions of the executive law and the family court act relating thereto (Subpart A); to amend the executive law, in relation to allowing the department of civil service, in consultation with the commissioner of the office of children and family services, to prescribe qualifications of facility director positions (Subpart B) (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); to amend the real property tax law, in relation to providing for the registration of recipients of STAR exemptions, and eliminating waste, fraud and abuse in the STAR program (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 and the private housing finance law, in relation to modernizing the investment powers of the state of New York mortgage agency and the New York state housing finance agency; and to repeal certain provisions of the public authorities law and the private housing finance law relating thereto (Part L); to utilize 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 powers of the commissioner of labor and to repeal subdivision 17 of section 100 of the economic development law relating to the operation of the state data center (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); to amend the labor law, in relation to the minimum wage and making technical corrections relating thereto (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 and the authority of certain public arbitration panels thereunder (Part Q); and to amend the racing, pari-mutuel wagering and breeding law, in relation to the placement of casino gambling facilities and to amend the state finance law, in relation to establishing the casino revenue fund (Part R)

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 R. The effective date for each particular
5 provision contained within such Part is set forth in the last section of
6 such Part. Any provision in any section contained within a Part, includ-
7 ing the effective date of the Part, which makes a reference to a section
8 "of this act", when used in connection with that particular component,
9 shall be deemed to mean and refer to the corresponding section of the
10 Part in which it is found. Section three of this act sets forth the
11 general effective date of this act.

12 PART A

13 Section 1. 1. As used in this section:
14 a. "APPR past non-compliance penalty" shall mean the sum of the annual
15 increases in apportionments withheld pursuant to section 1 of part A of
16 chapter 57 of the laws of 2012 and subdivision 2 of this section for the
17 base year and each prior school year;
18 b. "base year" shall mean the base year as defined in paragraph b of
19 subdivision 1 of section 3602 of the education law; and
20 c. "current year" shall mean the current year as defined in paragraph
21 a of subdivision 1 of section 3602 of the education law.

1 2. Notwithstanding any inconsistent provision of law, no school
2 district shall be eligible for an apportionment of general support for
3 public schools from the funds appropriated for the 2013-14 school year
4 and thereafter in excess of the amount apportioned to such school
5 district in the base year unless such school district has submitted
6 documentation that has been approved by the commissioner of education by
7 September 1 of the current year, demonstrating that it has fully imple-
8 mented the standards and procedures for conducting annual professional
9 performance reviews of classroom teachers and building principals in
10 accordance with the requirements of section 3012-c of the education law
11 and the commissioner of education's regulations.

12 3. For the 2013-14 school year and thereafter the apportionment of
13 general support for public schools from the funds appropriated for the
14 2013-14 school year and thereafter shall be reduced by the APPR past
15 non-compliance penalty. Such reduction shall not occur prior to April 1
16 of the current year.

17 4. If any payments of ineligible amounts pursuant to subdivisions 2
18 and 3 of this section were made, and the school district has not submit-
19 ted documentation that has been approved by the commissioner of educa-
20 tion by September 1 of the current school year demonstrating that it has
21 fully implemented the standards and procedures for conducting annual
22 professional performance reviews of classroom teachers and building
23 principals in accordance with the requirements of section 3012-c of the
24 education law and the regulations of the commissioner of education, the
25 total amount of such payments shall be deducted by the commissioner of
26 education from future payments to the school district; provided further
27 that, if the amount of the deduction is greater than the sum of the
28 amounts available for such deductions in the applicable school year, the
29 remainder of the deduction shall be withheld from payments scheduled to
30 be made to the school district pursuant to section 3609-a of the educa-
31 tion law for the subsequent school year.

32 S 2. Paragraph e of subdivision 1 of section 211-d of the education
33 law, as amended by section 2 of part A of chapter 57 of the laws of
34 2012, is amended to read as follows:

35 e. Notwithstanding paragraphs a and b of this subdivision, a school
36 district that submitted a contract for excellence for the two thousand
37 eight--two thousand nine school year shall submit a contract for excel-
38 lence for the two thousand nine--two thousand ten school year in
39 conformity with the requirements of subparagraph (vi) of paragraph a of
40 subdivision two of this section unless all schools in the district are
41 identified as in good standing and provided further that, a school
42 district that submitted a contract for excellence for the two thousand
43 nine--two thousand ten school year, unless all schools in the district
44 are identified as in good standing, shall submit a contract for excel-
45 lence for the two thousand eleven--two thousand twelve school year which
46 shall, notwithstanding the requirements of subparagraph (vi) of para-
47 graph a of subdivision two of this section, provide for the expenditure
48 of an amount which shall be not less than the product of the amount
49 approved by the commissioner in the contract for excellence for the two
50 thousand nine--two thousand ten school year, multiplied by the
51 district's gap elimination adjustment percentage and provided further
52 that, a school district that submitted a contract for excellence for the
53 two thousand eleven--two thousand twelve school year, unless all schools
54 in the district are identified as in good standing, shall submit a
55 contract for excellence for the two thousand twelve--two thousand thir-
56 teen school year which shall, notwithstanding the requirements of

1 subparagraph (vi) of paragraph a of subdivision two of this section,
2 provide for the expenditure of an amount which shall be not less than
3 the amount approved by the commissioner in the contract for excellence
4 for the two thousand eleven--two thousand twelve school year AND
5 PROVIDED FURTHER THAT, A SCHOOL DISTRICT THAT SUBMITTED A CONTRACT FOR
6 EXCELLENCE FOR THE TWO THOUSAND TWELVE--TWO THOUSAND THIRTEEN SCHOOL
7 YEAR, UNLESS ALL SCHOOLS IN THE DISTRICT ARE IDENTIFIED AS IN GOOD
8 STANDING, SHALL SUBMIT A CONTRACT FOR EXCELLENCE FOR THE TWO THOUSAND
9 THIRTEEN--TWO THOUSAND FOURTEEN SCHOOL YEAR WHICH SHALL, NOTWITHSTANDING
10 THE REQUIREMENTS OF SUBPARAGRAPH (VI) OF PARAGRAPH A OF SUBDIVISION TWO
11 OF THIS SECTION, PROVIDE FOR THE EXPENDITURE OF AN AMOUNT WHICH SHALL BE
12 NOT LESS THAN THE AMOUNT APPROVED BY THE COMMISSIONER IN THE CONTRACT
13 FOR EXCELLENCE FOR THE TWO THOUSAND TWELVE--TWO THOUSAND THIRTEEN SCHOOL
14 YEAR. For purposes of this paragraph, the "gap elimination adjustment
15 percentage" shall be calculated as the sum of one minus the quotient of
16 the sum of the school district's net gap elimination adjustment for two
17 thousand ten--two thousand eleven computed pursuant to chapter fifty-
18 three of the laws of two thousand ten, making appropriations for the
19 support of government, plus the school district's gap elimination
20 adjustment for two thousand eleven--two thousand twelve as computed
21 pursuant to chapter fifty-three of the laws of two thousand eleven,
22 making appropriations for the support of the local assistance budget,
23 including support for general support for public schools, divided by the
24 total aid for adjustment computed pursuant to chapter fifty-three of the
25 laws of two thousand eleven, making appropriations for the local assist-
26 ance budget, including support for general support for public schools.
27 Provided, further, that such amount shall be expended to support and
28 maintain allowable programs and activities approved in the two thousand
29 nine--two thousand ten school year or to support new or expanded allow-
30 able programs and activities in the current year.

31 S 3. Subdivision 1 of section 753 of the education law, as amended by
32 section 4 of part A-1 of chapter 58 of the laws of 2011, is amended to
33 read as follows:

34 1. In addition to any other apportionment under this chapter, a school
35 district shall be eligible for an apportionment under the provisions of
36 this section for approved expenses for (i) the purchase or lease of
37 micro and/or mini computer equipment or terminals for instructional
38 purposes or (ii) technology equipment, as defined in paragraph c of
39 subdivision two of this section, used for instructional purposes, or
40 (iii) for the repair of such equipment and training and staff develop-
41 ment for instructional purposes as provided hereinafter, or (iv) for
42 expenses incurred on or after July first, two thousand eleven, any items
43 of expenditure that are eligible for an apportionment pursuant to
44 sections seven hundred one, seven hundred eleven and/or seven hundred
45 fifty-one of this title, where such items are designated by the school
46 district as eligible for aid pursuant to this section, provided, howev-
47 er, that if aided pursuant to this section, such expenses shall not be
48 aidable pursuant to any other section of law. Such aid shall be provided
49 pursuant to a plan developed by the district which demonstrates to the
50 satisfaction of the commissioner that the instructional computer hard-
51 ware needs of the district's public school students have been adequately
52 met and that the school district has provided for the loan of instruc-
53 tional computer hardware to students legally attending nonpublic schools
54 pursuant to section seven hundred fifty-four of this article. The
55 apportionment shall equal the lesser of such approved expense in the
56 base year or, the product of (i) the technology factor, (ii) the sum of

1 the public school district enrollment and the nonpublic school enroll-
2 ment in the base year as defined in subparagraphs two and three of para-
3 graph n of subdivision one of section thirty-six hundred two of this
4 chapter, and (iii) the building aid ratio, as defined in subdivision
5 four of section thirty-six hundred two of this chapter. AID PAYABLE
6 PURSUANT TO THIS SECTION SHALL BE DEEMED FINAL AND NOT SUBJECT TO CHANGE
7 AFTER APRIL THIRTIETH OF THE SCHOOL YEAR FOR WHICH PAYMENT WAS DUE. For
8 aid payable in the two thousand seven--two thousand eight school year
9 and thereafter, the technology factor shall be twenty-four dollars and
10 twenty cents. A school district may use up to twenty percent of the
11 product of (i) the technology factor, (ii) the sum of the public school
12 district enrollment and the nonpublic school enrollment in the base year
13 as defined in subparagraphs two and three of paragraph n of subdivision
14 one of section thirty-six hundred two of this chapter, and (iii) the
15 building aid ratio for the repair of instructional computer hardware and
16 technology equipment and training and staff development for instruc-
17 tional purposes pursuant to a plan submitted to the commissioner.

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

20 2. School districts of less than eight teachers, school districts with
21 actual general fund expenditures totaling less than five million dollars
22 in the previous school year, or school districts with actual enrollment
23 of less than [three hundred] ONE THOUSAND students in the previous
24 school year shall be exempt from this requirement. Any school district
25 claiming such exemption shall annually certify to the commissioner that
26 such school district meets the requirements set forth in this subdivi-
27 sion.

28 S 5. Paragraph (a) of subdivision 1 of section 2856 of the education
29 law, as amended by section 21 of part A of chapter 58 of the laws of
30 2011, is amended to read as follows:

31 (a) The enrollment of students attending charter schools shall be
32 included in the enrollment, attendance, membership and, if applicable,
33 count of students with disabilities of the school district in which the
34 pupil resides. The charter school shall report all such data to the
35 school districts of residence in a timely manner. Each school district
36 shall report such enrollment, attendance and count of students with
37 disabilities to the department. The school district of residence shall
38 pay directly to the charter school for each student enrolled in the
39 charter school who resides in the school district the charter school
40 basic tuition, which shall be:

41 (i) for school years prior to the two thousand nine--two thousand ten
42 school year and for school years following the [two thousand twelve--two
43 thousand thirteen] TWO THOUSAND THIRTEEN--TWO THOUSAND FOURTEEN school
44 year, an amount equal to one hundred percent of the amount calculated
45 pursuant to paragraph f of subdivision one of section thirty-six hundred
46 two of this chapter for the school district for the year prior to the
47 base year increased by the percentage change in the state total approved
48 operating expense calculated pursuant to paragraph t of subdivision one
49 of section thirty-six hundred two of this chapter from two years prior
50 to the base year to the base year;

51 (ii) for the two thousand nine--two thousand ten school year, the
52 charter school basic tuition shall be the amount payable by such
53 district as charter school basic tuition for the two thousand eight--two
54 thousand nine school year;

55 (iii) for the two thousand ten--two thousand eleven through [two thou-
56 sand twelve--two thousand thirteen] TWO THOUSAND THIRTEEN--TWO THOUSAND

1 FOURTEEN school years, the charter school basic tuition shall be the
2 basic tuition computed for the two thousand ten--two thousand eleven
3 school year pursuant to the provisions of subparagraph (i) of this para-
4 graph.

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.

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

40 L. (1) NOTWITHSTANDING ANY PROVISION OF LAW, RULE OR REGULATION TO THE
41 CONTRARY, IF A SCHOOL DISTRICT IN A CITY WITH A POPULATION OF ONE
42 MILLION OR MORE DOES NOT HAVE AN ANNUAL PROFESSIONAL PERFORMANCE REVIEW
43 PLAN APPROVED BY THE COMMISSIONER OR DETERMINED PURSUANT TO THIS PARA-
44 GRAPH IN PLACE ON OR BEFORE THE WEDNESDAY FOLLOWING THE FIRST FRIDAY IN
45 MAY, SUCH SCHOOL DISTRICT AND THE COLLECTIVE BARGAINING REPRESENTATIVES
46 REPRESENTING CLASSROOM TEACHERS OR BUILDING PRINCIPALS SHALL SUBMIT
47 WRITTEN EXPLANATIONS OF THEIR RESPECTIVE POSITIONS REGARDING SUCH ISSUES
48 TO THE COMMISSIONER BY SUCH DATE.

49 (2) IF SUCH SCHOOL DISTRICT DOES NOT HAVE AN ANNUAL PROFESSIONAL
50 PERFORMANCE REVIEW PLAN APPROVED BY THE COMMISSIONER OR DETERMINED
51 PURSUANT TO THIS PARAGRAPH IN PLACE ON OR BEFORE THE WEDNESDAY PRECEDING
52 THE LAST FRIDAY IN MAY, THE COMMISSIONER SHALL ARBITRATE SUCH DISPUTE
53 AND SHALL HOLD NO MORE THAN TWO DAYS OF HEARINGS ON THE STANDARDS AND
54 PROCEDURES NECESSARY TO IMPLEMENT AN ANNUAL PROFESSIONAL PERFORMANCE
55 REVIEW PLAN PURSUANT TO THIS SECTION. THE PARTIES MAY BE HEARD EITHER IN
56 PERSON, BY COUNSEL, OR BY SUCH REPRESENTATIVES AS THEY MAY DESIGNATE.

1 THE PARTIES MAY PRESENT, ORALLY OR IN WRITING, STATEMENTS OF FACT,
2 SUPPORTING WITNESSES AND OTHER EVIDENCE, AND ARGUMENTS. THE COMMISSIONER
3 MAY REQUIRE THE PRODUCTION OF SUCH ADDITIONAL EVIDENCE FROM THE PARTIES
4 AND SHALL PROVIDE, AT THE REQUEST OF EITHER PARTY, THAT A FULL AND
5 COMPLETE RECORD BE KEPT OF ANY SUCH HEARINGS, THE COST OF SUCH RECORD TO
6 BE SHARED EQUALLY BY THE PARTIES.

7 (3) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, RULE OR REGULATION TO
8 THE CONTRARY, AFTER SUCH HEARING, THE COMMISSIONER SHALL RENDER A FINAL
9 AND BINDING WRITTEN DETERMINATION ON OR BEFORE JUNE FIRST, PRESCRIBING
10 SUCH STANDARDS AND PROCEDURES NECESSARY TO IMPLEMENT AN ANNUAL PROFES-
11 SIONAL PERFORMANCE REVIEW PLAN PURSUANT TO THIS SECTION EFFECTIVE FOR
12 THE FOLLOWING SCHOOL YEAR FOR A TERM TO BE DETERMINED BY THE COMMISSION-
13 ER. SUCH DETERMINATION SHALL BE LIMITED TO THE REQUIREMENTS OF THIS
14 SECTION. THE COMMISSIONER SHALL SPECIFY IN HIS OR HER DETERMINATION THE
15 BASIS FOR HIS OR HER FINDINGS, TAKING INTO CONSIDERATION ALL RELEVANT
16 FACTORS, INCLUDING THE BEST INTEREST OF STUDENTS. SUCH DETERMINATION
17 SHALL BE DEEMED TO CONSTITUTE THE SUBMISSION BY SUCH SCHOOL DISTRICT OF
18 DOCUMENTATION DEMONSTRATING THAT IT HAS FULLY IMPLEMENTED THE STANDARDS
19 AND PROCEDURES FOR CONDUCTING ANNUAL PROFESSIONAL PERFORMANCE REVIEWS OF
20 CLASSROOM TEACHERS AND BUILDING PRINCIPALS IN ACCORDANCE WITH THE
21 REQUIREMENTS OF THIS SECTION AND FINAL APPROVAL OF SUCH SCHOOL
22 DISTRICT'S ANNUAL PROFESSIONAL PERFORMANCE REVIEW PLAN IN ACCORDANCE
23 WITH PARAGRAPH K OF THIS SUBDIVISION.

24 (4) NO LATER THAN TEN DAYS AFTER RECEIPT OF THE COMMISSIONER'S DETER-
25 MINATION, THE PARTIES MAY MAKE AN APPLICATION TO THE NEW YORK STATE
26 SUPREME COURT TO VACATE OR MODIFY THE DETERMINATION OF THE COMMISSIONER
27 PURSUANT TO SECTION SEVENTY-FIVE HUNDRED ELEVEN OF THE CIVIL PRACTICE
28 LAW AND RULES. THE COURT'S REVIEW SHALL BE LIMITED TO THE GROUNDS SET
29 FORTH IN SUCH SECTION. THE COMMISSIONER'S DETERMINATION SHALL BE DEEMED
30 TO BE FINAL FOR THE PURPOSE OF SUCH PROCEEDING. IN NO CASE SHALL THE
31 FILING OR THE PENDENCY OF AN APPEAL DELAY THE IMPLEMENTATION OF THE
32 COMMISSIONER'S DETERMINATION.

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

36 For the two thousand eight--two thousand nine school year, each school
37 district shall be entitled to an apportionment equal to the product of
38 fifteen percent and the additional apportionment computed pursuant to
39 this subdivision for the two thousand seven--two thousand eight school
40 year. For the two thousand nine--two thousand ten through two thousand
41 [twelve] FOURTEEN--two thousand [thirteen] FIFTEEN school years, each
42 school district shall be entitled to an apportionment equal to the
43 amount set forth for such school district as "SUPPLEMENTAL PUB EXCESS
44 COST" under the heading "2008-09 BASE YEAR AIDS" in the school aid
45 computer listing produced by the commissioner in support of the budget
46 for the two thousand nine--two thousand ten school year and entitled
47 "SA0910".

48 S 9. Subdivision 9 of section 3602 of the education law, as amended by
49 section 16 of part B of chapter 57 of the laws of 2007, is amended to
50 read as follows:

51 9. Aid for conversion to full day kindergarten. School districts may
52 make available full day kindergarten programs for all children wishing
53 to attend such programs[,]. For aid payable in the two thousand seven-
54 -two thousand eight school year and thereafter, school districts which
55 provided any half-day kindergarten programs or had no kindergarten
56 programs in the nineteen hundred ninety-six--ninety-seven school year

1 and in the base year, AND WHICH HAVE NOT RECEIVED AN APPORTIONMENT
2 PURSUANT TO THIS PARAGRAPH IN ANY PRIOR SCHOOL YEAR, shall be eligible
3 for aid equal to the product of the district's selected foundation aid
4 calculated pursuant to subdivision four of this section multiplied by
5 the positive difference resulting when the full day kindergarten enroll-
6 ment of children attending programs in the district in the base year is
7 subtracted from such enrollment in the current year.

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

11 12. Academic enhancement aid. A school district that as of April first
12 of the base year has been continuously identified as a district in need
13 of improvement for at least five years shall, for the two thousand
14 eight--two thousand nine school year, be entitled to an additional
15 apportionment equal to the positive remainder, if any, of (a) the lesser
16 of fifteen million dollars or the product of the total foundation aid
17 base, as defined by paragraph j of subdivision one of this section,
18 multiplied by ten percent (0.10), less (b) the positive remainder of (i)
19 the sum of the total foundation aid apportioned pursuant to subdivision
20 four of this section and the supplemental educational improvement grants
21 apportioned pursuant to subdivision eight of section thirty-six hundred
22 forty-one of this article, less (ii) the total foundation aid base.

23 For the two thousand nine--two thousand ten through two thousand
24 [twelve] FOURTEEN--two thousand [thirteen] FIFTEEN school years, each
25 school district shall be entitled to an apportionment equal to the
26 amount set forth for such school district as "EDUCATION GRANTS, ACADEMIC
27 EN" under the heading "2008-09 BASE YEAR AIDS" in the school aid comput-
28 er listing produced by the commissioner in support of the budget for the
29 two thousand nine--two thousand ten school year and entitled "SA0910",
30 and such apportionment shall be deemed to satisfy the state obligation
31 to provide an apportionment pursuant to subdivision eight of section
32 thirty-six hundred forty-one of this article.

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

39 16. High tax aid. Each school district shall be eligible to receive a
40 high tax aid apportionment in the two thousand [eight] THIRTEEN--two
41 thousand [nine] FOURTEEN school year, which shall equal the greater of
42 (i) the sum of the tier 1 high tax aid apportionment[,] AND the tier 2
43 high tax aid apportionment [and the tier 3 high tax aid apportionment]
44 or (ii) the product of the [apportionment received by the school
45 district pursuant to this subdivision in the two thousand seven--two
46 thousand eight school year,] AMOUNT SET FORTH FOR SUCH SCHOOL DISTRICT
47 AS "HIGH TAX AID" UNDER THE HEADING "2012-13 ESTIMATED AIDS" IN THE
48 SCHOOL AID COMPUTER LISTING PRODUCED BY THE COMMISSIONER IN SUPPORT OF
49 THE BUDGET FOR THE TWO THOUSAND TWELVE--TWO THOUSAND THIRTEEN SCHOOL
50 YEAR AND ENTITLED "SA121-3" multiplied by the due-minimum factor, which
51 shall equal, for districts with an alternate pupil wealth ratio computed
52 pursuant to paragraph b of subdivision three of this section that is
53 less than [two] ONE, [seventy] FIFTY percent [(0.70)] (0.50), and for
54 all other districts, [fifty] THIRTY percent [(0.50)] (0.30). [Each
55 school district shall be eligible to receive a high tax aid apportion-
56 ment in the two thousand nine--two thousand ten through two thousand

1 twelve--two thousand thirteen school years in the amount set forth for
2 such school district as "HIGH TAX AID" under the heading "2008-09 BASE
3 YEAR AIDS" in the school aid computer listing produced by the commis-
4 sioner in support of the budget for the two thousand nine--two thousand
5 ten school year and entitled "SA0910".]

6 IN THE TWO THOUSAND FOURTEEN--TWO THOUSAND FIFTEEN SCHOOL YEAR AND
7 THEREAFTER, EACH SCHOOL DISTRICT SHALL BE ELIGIBLE TO RECEIVE A HIGH TAX
8 AID APPORTIONMENT IN THE AMOUNT SET FORTH FOR SUCH SCHOOL DISTRICT AS
9 "HIGH TAX AID" UNDER THE HEADING "2013-14 ESTIMATED AIDS" IN THE SCHOOL
10 AID COMPUTER LISTING PRODUCED BY THE COMMISSIONER IN SUPPORT OF THE
11 EXECUTIVE BUDGET REQUEST SUBMITTED FOR THE TWO THOUSAND THIRTEEN--TWO
12 THOUSAND FOURTEEN STATE FISCAL YEAR AND ENTITLED "BT131-4".

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

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

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

33 (4) "Tier 1 eligible school district" shall mean any school district
34 in which (i) the income wealth index, as computed pursuant to paragraph
35 d of subdivision three of this section, is less than [two and one-half]
36 NINE HUNDRED AND FIFTY-FIVE THOUSANDTHS (.955), and (ii) the expense per
37 pupil, as computed pursuant to paragraph f of subdivision one of this
38 section, is greater than NINETY-FIVE AND FIVE-TENTHS PERCENT (.955) OF
39 the statewide average expense per pupil as computed pursuant to subdivi-
40 sion five of this section, and (iii) the tax effort ratio is greater
41 than [three and two-tenths percent (0.032)] FOUR AND FIVE-TENTHS PERCENT
42 (.045). For the [two thousand eight--two thousand nine] TWO THOUSAND
43 THIRTEEN--TWO THOUSAND FOURTEEN school year, for the purpose of comput-
44 ing aid pursuant to this subdivision, the statewide average expense per
45 pupil shall be [ten thousand six hundred fifty dollars] TWELVE THOUSAND
46 FIVE HUNDRED DOLLARS.

47 (5) "Tier 2 eligible school district" shall mean any school district
48 in which the tax effort ratio is greater than five AND FIVE-TENTHS
49 percent (.055).

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
9 district in the base year, as computed pursuant to subparagraph two of
10 paragraph n of subdivision one of this section, multiplied by the prod-
11 uct of four hundred [fifty] SEVENTY-FIVE dollars multiplied by the state
12 sharing ratio[, or (2) one hundred thousand dollars] COMPUTED PURSUANT
13 TO PARAGRAPH G OF SUBDIVISION THREE OF THIS SECTION.

14 c. Tier 2 high tax aid apportionment. For any tier 2 eligible school
15 district, the tier 2 high tax aid apportionment shall be the product of
16 (i) the public school district enrollment of the district in the base
17 year, as computed pursuant to subparagraph two of paragraph n of subdi-
18 vision one of this section, multiplied by (ii) one hundred [eighty-one]
19 NINETY-FIVE thousandths [(0.181)] (0.195) multiplied by (iii) the posi-
20 tive difference, if any, of the expense per pupil, as computed pursuant
21 to paragraph f of subdivision one of this section, less [ten thousand
22 six hundred sixty] THIRTEEN THOUSAND ONE HUNDRED TWENTY-FIVE dollars,
23 multiplied by (iv) an aid ratio computed by subtracting from one AND
24 THIRTY-SEVEN HUNDREDTHS (1.37) the product obtained by multiplying the
25 alternate pupil wealth ratio computed pursuant to subparagraph one of
26 paragraph b of subdivision three of this section by [sixty percent] ONE
27 AND TWENTY-THREE HUNDREDTHS (1.23), provided, however, that such aid
28 ratio shall not be less than zero nor greater than one, multiplied by
29 (v) the regional cost index COMPUTED PURSUANT TO SUBPARAGRAPH TWO OF
30 PARAGRAPH A OF SUBDIVISION FOUR OF THIS SECTION.

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

37 S 12. Paragraph (e) of subdivision 17 of section 3602 of the education
38 law, as added by section 6 of part A of chapter 57 of the laws of 2012,
39 is amended and a new paragraph f is added to read as follows:

40 [(e)] E. The gap elimination adjustment restoration amount for the two
41 thousand thirteen--two thousand fourteen school year and thereafter
42 [shall equal the product of the gap elimination percentage for such
43 district and the gap elimination adjustment restoration allocation
44 established pursuant to subdivision eighteen of this section] SHALL BE
45 COMPUTED BASED ON AN ELECTRONIC DATA FILE USED TO PRODUCE THE SCHOOL AID
46 COMPUTER LISTING PRODUCED BY THE COMMISSIONER IN SUPPORT OF THE EXECU-
47 TIVE BUDGET REQUEST SUBMITTED FOR THE 2013-14 STATE FISCAL YEAR AND
48 ENTITLED "BT131-4" AND SHALL EQUAL THE SUM OF (I) THE GREATER OF:

49 (A) THE PRODUCT OF (1) THE PRODUCT OF THE EXTRAORDINARY NEEDS INDEX
50 MULTIPLIED BY TWO HUNDRED TEN DOLLARS AND TWENTY CENTS COMPUTED TO TWO
51 DECIMAL PLACES WITHOUT ROUNDING, MULTIPLIED BY (2) THE STATE SHARING
52 RATIO COMPUTED PURSUANT TO PARAGRAPH G OF SUBDIVISION THREE OF THIS
53 SECTION MULTIPLIED BY (3) THE PUBLIC SCHOOL DISTRICT ENROLLMENT FOR THE
54 BASE YEAR, CALCULATED PURSUANT TO SUBPARAGRAPH TWO OF PARAGRAPH N OF
55 SUBDIVISION ONE OF THIS SECTION, WHERE THE EXTRAORDINARY NEEDS INDEX
56 SHALL BE THE QUOTIENT OF THE EXTRAORDINARY NEEDS PERCENT FOR THE

1 DISTRICT COMPUTED PURSUANT TO PARAGRAPH W OF SUBDIVISION ONE OF THIS
2 SECTION DIVIDED BY FIVE HUNDRED THIRTY-FOUR ONE-THOUSANDTHS (.534); OR
3 (B) THE PRODUCT OF FORTY PERCENT (0.40) MULTIPLIED BY THE GAP ELIMI-
4 NATION ADJUSTMENT RESTORATION FOR THE TWO THOUSAND TWELVE--TWO THOUSAND
5 THIRTEEN SCHOOL YEAR COMPUTED PURSUANT TO PARAGRAPH D OF THIS SUBDIVI-
6 SION AND (II) THE PRODUCT OF (1) THE POSITIVE DIFFERENCE, IF ANY, OF ONE
7 AND THIRTY-SEVEN ONE-HUNDREDTHS (1.37) MINUS THE PRODUCT OF THE COMBINED
8 WEALTH RATIO COMPUTED PURSUANT TO SUBPARAGRAPH ONE OF PARAGRAPH C OF
9 SUBDIVISION THREE OF THIS SECTION MULTIPLIED BY ONE AND TWENTY-THREE
10 HUNDREDTHS (1.23), MULTIPLIED BY (2) THE PUBLIC SCHOOL DISTRICT ENROLL-
11 MENT FOR THE BASE YEAR, CALCULATED PURSUANT TO SUBPARAGRAPH TWO OF PARA-
12 GRAPH N OF SUBDIVISION ONE OF THIS SECTION, MULTIPLIED BY (3) FIFTY
13 DOLLARS; BUT SHALL BE NO GREATER THAN THE PRODUCT OF FORTY-ONE AND
14 FIVE-TENTHS PERCENT (0.415) AND THE GAP ELIMINATION ADJUSTMENT FOR THE
15 TWO THOUSAND TWELVE--TWO THOUSAND THIRTEEN SCHOOL YEAR FOR THE DISTRICT.
16 F. THE GAP ELIMINATION ADJUSTMENT RESTORATION AMOUNT FOR THE TWO THOU-
17 SAND FOURTEEN--TWO THOUSAND FIFTEEN SCHOOL YEAR AND THEREAFTER SHALL
18 EQUAL THE PRODUCT OF THE GAP ELIMINATION PERCENTAGE FOR SUCH DISTRICT
19 AND THE GAP ELIMINATION ADJUSTMENT RESTORATION ALLOCATION ESTABLISHED
20 PURSUANT TO SUBDIVISION EIGHTEEN OF THIS SECTION.

21 S 13. Paragraph a of subdivision 5 of section 3604 of the education
22 law, as amended by chapter 161 of the laws of 2005, is amended to read
23 as follows:

24 a. State aid adjustments. All errors or omissions in the apportionment
25 shall be corrected by the commissioner. Whenever a school district has
26 been apportioned less money than that to which it is entitled, the
27 commissioner may allot to such district the balance to which it is enti-
28 tled. Whenever a school district has been apportioned more money than
29 that to which it is entitled, the commissioner may, by an order, direct
30 such moneys to be paid back to the state to be credited to the general
31 fund local assistance account for state aid to the schools, or may
32 deduct such amount from the next apportionment to be made to said
33 district, provided, however, that, upon notification of excess payments
34 of aid for which a recovery must be made by the state through deduction
35 of future aid payments, a school district may request that such excess
36 payments be recovered by deducting such excess payments from the
37 payments due to such school district and payable in the month of June in
38 (i) the school year in which such notification was received and (ii) the
39 two succeeding school years, provided further that there shall be no
40 interest penalty assessed against such district or collected by the
41 state. Such request shall be made to the commissioner in such form as
42 the commissioner shall prescribe, and shall be based on documentation
43 that the total amount to be recovered is in excess of one percent of the
44 district's total general fund expenditures for the preceding school
45 year. The amount to be deducted in the first year shall be the greater
46 of (i) the sum of the amount of such excess payments that is recognized
47 as a liability due to other governments by the district for the preced-
48 ing school year and the positive remainder of the district's unreserved
49 fund balance at the close of the preceding school year less the product
50 of the district's total general fund expenditures for the preceding
51 school year multiplied by five percent, or (ii) one-third of such excess
52 payments. The amount to be recovered in the second year shall equal the
53 lesser of the remaining amount of such excess payments to be recovered
54 or one-third of such excess payments, and the remaining amount of such
55 excess payments shall be recovered in the third year. Provided further
56 that, notwithstanding any other provisions of this subdivision, any

1 pending payment of moneys due to such district as a prior year adjust-
2 ment payable pursuant to paragraph c of this subdivision for aid claims
3 that had been previously paid as current year aid payments in excess of
4 the amount to which the district is entitled and for which recovery of
5 excess payments is to be made pursuant to this paragraph, shall be
6 reduced at the time of actual payment by any remaining unrecovered
7 balance of such excess payments, and the remaining scheduled deductions
8 of such excess payments pursuant to this paragraph shall be reduced by
9 the commissioner to reflect the amount so recovered. [The commissioner
10 shall certify no payment to a school district based on a claim submitted
11 later than three years after the close of the school year in which such
12 payment was first to be made. For claims for which payment is first to
13 be made in the nineteen hundred ninety-six--ninety-seven school year,
14 the commissioner shall certify no payment to a school district based on
15 a claim submitted later than two years after the close of such school
16 year.] For claims for which payment is first to be made [in the nineteen
17 hundred ninety-seven--ninety-eight] PRIOR TO THE TWO THOUSAND FOURTEEN-
18 -TWO THOUSAND FIFTEEN school year [and thereafter], the commissioner
19 shall certify no payment to a school district based on a claim submitted
20 later than one year after the close of such school year. FOR CLAIMS FOR
21 WHICH PAYMENT IS FIRST TO BE MADE IN THE TWO THOUSAND FOURTEEN--TWO
22 THOUSAND FIFTEEN SCHOOL YEAR AND THEREAFTER, THE COMMISSIONER SHALL
23 CERTIFY NO PAYMENT TO A SCHOOL DISTRICT BASED ON A CLAIM SUBMITTED LATER
24 THAN THE FIRST OF NOVEMBER OF SUCH SCHOOL YEAR. Provided, however, no
25 payments shall be barred or reduced where such payment is required as a
26 result of a final audit of the state. [It is further provided that,
27 until June thirtieth, nineteen hundred ninety-six, the commissioner may
28 grant a waiver from the provisions of this section for any school
29 district if it is in the best educational interests of the district
30 pursuant to guidelines developed by the commissioner and approved by the
31 director of the budget.] FURTHER PROVIDED THAT FOR ANY APPORTIONMENTS
32 PROVIDED PURSUANT TO SECTIONS SEVEN HUNDRED ONE, SEVEN HUNDRED ELEVEN,
33 SEVEN HUNDRED FIFTY-ONE, SEVEN HUNDRED FIFTY-THREE, THIRTY-SIX HUNDRED
34 TWO, THIRTY-SIX HUNDRED TWO-B, THIRTY-SIX HUNDRED TWO-C, THIRTY-SIX
35 HUNDRED TWO-E, THIRTY-SIX HUNDRED TWELVE, AND FORTY-FOUR HUNDRED FIVE OF
36 THIS CHAPTER FOR THE TWO THOUSAND THIRTEEN--TWO THOUSAND FOURTEEN AND
37 PRIOR SCHOOL YEARS, THE COMMISSIONER SHALL CERTIFY NO PAYMENT TO A
38 SCHOOL DISTRICT, OTHER THAN PAYMENTS PURSUANT TO SUBDIVISIONS SIX-A,
39 ELEVEN, THIRTEEN AND FIFTEEN OF SECTION THIRTY-SIX HUNDRED TWO OF THIS
40 PART, IN EXCESS OF THE PAYMENT COMPUTED BASED ON AN ELECTRONIC DATA FILE
41 USED TO PRODUCE THE SCHOOL AID COMPUTER LISTING PRODUCED BY THE COMMIS-
42 SIONER IN SUPPORT OF THE EXECUTIVE BUDGET REQUEST SUBMITTED FOR THE TWO
43 THOUSAND THIRTEEN--TWO THOUSAND FOURTEEN STATE FISCAL YEAR AND ENTITLED
44 "BT131-4", AND FURTHER PROVIDED THAT FOR ANY APPORTIONMENTS PROVIDED
45 PURSUANT TO SECTIONS SEVEN HUNDRED ONE, SEVEN HUNDRED ELEVEN, SEVEN
46 HUNDRED FIFTY-ONE, SEVEN HUNDRED FIFTY-THREE, THIRTY-SIX HUNDRED TWO,
47 THIRTY-SIX HUNDRED TWO-B, THIRTY-SIX HUNDRED TWO-C, THIRTY-SIX HUNDRED
48 TWO-E, THIRTY-SIX HUNDRED TWELVE, AND FORTY-FOUR HUNDRED FIVE OF THIS
49 CHAPTER FOR THE TWO THOUSAND FOURTEEN--TWO THOUSAND FIFTEEN SCHOOL YEAR
50 AND THEREAFTER, THE COMMISSIONER SHALL CERTIFY NO PAYMENT TO A SCHOOL
51 DISTRICT, OTHER THAN PAYMENTS PURSUANT TO SUBDIVISIONS SIX-A, ELEVEN,
52 THIRTEEN AND FIFTEEN OF SECTION THIRTY-SIX HUNDRED TWO OF THIS PART, IN
53 EXCESS OF THE PAYMENT COMPUTED BASED ON AN ELECTRONIC DATA FILE USED TO
54 PRODUCE THE SCHOOL AID COMPUTER LISTING PRODUCED BY THE COMMISSIONER IN
55 SUPPORT OF THE EXECUTIVE BUDGET REQUEST SUBMITTED FOR THE STATE FISCAL
56 YEAR IN WHICH THE SCHOOL YEAR COMMENCES.

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

4 For aid payable in the two thousand seven--two thousand eight school
5 year [and thereafter] THROUGH THE TWO THOUSAND TWELVE--TWO THOUSAND
6 THIRTEEN SCHOOL YEAR, "moneys apportioned" shall mean the lesser of (i)
7 the sum of one hundred percent of the respective amount set forth for
8 each school district as payable pursuant to this section in the school
9 aid computer listing for the current year produced by the commissioner
10 in support of the budget which includes the appropriation for the gener-
11 al support for public schools for the prescribed payments and individ-
12 ualized payments due prior to April first for the current year plus the
13 apportionment payable during the current school year pursuant to subdi-
14 vision six-a and subdivision fifteen of section thirty-six hundred two
15 of this part minus any reductions to current year aids pursuant to
16 subdivision seven of section thirty-six hundred four of this part or any
17 deduction from apportionment payable pursuant to this chapter for
18 collection of a school district basic contribution as defined in subdi-
19 vision eight of section forty-four hundred one of this chapter, less any
20 grants provided pursuant to subparagraph two-a of paragraph b of subdi-
21 vision four of section ninety-two-c of the state finance law, less any
22 grants provided pursuant to subdivision twelve of section thirty-six
23 hundred forty-one of this article, or (ii) the apportionment calculated
24 by the commissioner based on data on file at the time the payment is
25 processed; provided however, that for the purposes of any payments made
26 pursuant to this section prior to the first business day of June of the
27 current year, moneys apportioned shall not include any aids payable
28 pursuant to subdivisions six and fourteen, if applicable, of section
29 thirty-six hundred two of this part as current year aid for debt service
30 on bond anticipation notes and/or bonds first issued in the current year
31 or any aids payable for full-day kindergarten for the current year
32 pursuant to subdivision nine of section thirty-six hundred two of this
33 part. The definitions of "base year" and "current year" as set forth in
34 subdivision one of section thirty-six hundred two of this part shall
35 apply to this section. For aid payable in the two thousand twelve--two
36 thousand thirteen school year, reference to such "school aid computer
37 listing for the current year" shall mean the printouts entitled
38 "SA121-3". FOR AID PAYABLE IN THE TWO THOUSAND THIRTEEN--TWO THOUSAND
39 FOURTEEN SCHOOL YEAR AND THEREAFTER, "MONEYS APPORTIONED" SHALL MEAN THE
40 LESSER OF: (I) THE SUM OF ONE HUNDRED PERCENT OF THE RESPECTIVE AMOUNT
41 SET FORTH FOR EACH SCHOOL DISTRICT AS PAYABLE PURSUANT TO THIS SECTION
42 IN THE SCHOOL AID COMPUTER LISTING FOR THE CURRENT YEAR PRODUCED BY THE
43 COMMISSIONER IN SUPPORT OF THE EXECUTIVE BUDGET REQUEST WHICH INCLUDES
44 THE APPROPRIATION FOR THE GENERAL SUPPORT FOR PUBLIC SCHOOLS FOR THE
45 PRESCRIBED PAYMENTS AND INDIVIDUALIZED PAYMENTS DUE PRIOR TO APRIL FIRST
46 FOR THE CURRENT YEAR PLUS THE APPORTIONMENT PAYABLE DURING THE CURRENT
47 SCHOOL YEAR PURSUANT TO SUBDIVISIONS SIX-A AND FIFTEEN OF SECTION THIR-
48 TY-SIX HUNDRED TWO OF THIS PART MINUS ANY REDUCTIONS TO CURRENT YEAR
49 AIDS PURSUANT TO SUBDIVISION SEVEN OF SECTION THIRTY-SIX HUNDRED FOUR OF
50 THIS PART OR ANY DEDUCTION FROM THE APPORTIONMENT PAYABLE PURSUANT TO
51 THIS CHAPTER FOR COLLECTION OF A SCHOOL DISTRICT BASIC CONTRIBUTION AS
52 DEFINED IN SUBDIVISION EIGHT OF SECTION FORTY-FOUR HUNDRED ONE OF THIS
53 CHAPTER, LESS ANY GRANTS PROVIDED PURSUANT TO SUBPARAGRAPH TWO-A OF
54 PARAGRAPH B OF SUBDIVISION FOUR OF SECTION NINETY-TWO-C OF THE STATE
55 FINANCE LAW, LESS ANY GRANTS PROVIDED PURSUANT TO SUBDIVISION TWELVE OF
56 SECTION THIRTY-SIX HUNDRED FORTY-ONE OF THIS ARTICLE; OR (II) THE APPOR-

1 TIONMENT CALCULATED BY THE COMMISSIONER BASED ON DATA ON FILE AT THE
2 TIME THE PAYMENT IS PROCESSED; PROVIDED HOWEVER, THAT FOR THE PURPOSES
3 OF ANY PAYMENTS MADE PURSUANT TO THIS SECTION PRIOR TO THE FIRST BUSI-
4 NESS DAY OF JUNE OF THE CURRENT YEAR, MONEYS APPORTIONED SHALL NOT
5 INCLUDE ANY AIDS PAYABLE PURSUANT TO SUBDIVISIONS SIX AND FOURTEEN, IF
6 APPLICABLE, OF SECTION THIRTY-SIX HUNDRED TWO OF THIS PART AS CURRENT
7 YEAR AID FOR DEBT SERVICE ON BOND ANTICIPATION NOTES AND/OR BONDS FIRST
8 ISSUED IN THE CURRENT YEAR OR ANY AIDS PAYABLE FOR FULL-DAY KINDERGARTEN
9 FOR THE CURRENT YEAR PURSUANT TO SUBDIVISION NINE OF SECTION THIRTY-SIX
10 HUNDRED TWO OF THIS PART. THE DEFINITIONS OF "BASE YEAR" AND "CURRENT
11 YEAR" AS SET FORTH IN SUBDIVISION ONE OF SECTION THIRTY-SIX HUNDRED TWO
12 OF THIS PART SHALL APPLY TO THIS SECTION.

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

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

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

37 6-A. COMMUNITY SCHOOL GRANTS. A. WITHIN THE AMOUNT APPROPRIATED FOR
38 SUCH PURPOSE, SUBJECT TO A PLAN DEVELOPED BY THE STATE COUNCIL ON CHIL-
39 DREN AND FAMILIES AND APPROVED BY THE DIRECTOR OF THE BUDGET, THE STATE
40 COUNCIL ON CHILDREN AND FAMILIES SHALL AWARD COMPETITIVE GRANTS PURSUANT
41 TO THIS SUBDIVISION TO ELIGIBLE SCHOOL DISTRICTS TO IMPLEMENT, BEGINNING
42 IN THE TWO THOUSAND THIRTEEN--TWO THOUSAND FOURTEEN SCHOOL YEAR, A PLAN
43 THAT TARGETS SCHOOL BUILDINGS AS COMMUNITY HUBS TO DELIVER CO-LOCATED OR
44 SCHOOL-LINKED ACADEMIC, HEALTH, NUTRITION, COUNSELING, LEGAL AND/OR
45 OTHER SERVICES TO STUDENTS AND THEIR FAMILIES IN A MANNER THAT WILL LEAD
46 TO IMPROVED EDUCATIONAL AND OTHER OUTCOMES.

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

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

49 (II) THE SCORING RUBRIC BY WHICH SUCH PROPOSALS WILL BE EVALUATED,
50 PROVIDED THAT SUCH GRANTS SHALL BE AWARDED BASED ON FACTORS INCLUDING,
51 BUT NOT LIMITED TO: MEASURES OF SCHOOL DISTRICT NEED; MEASURES OF THE
52 NEED OF STUDENTS TO BE SERVED BY EACH OF THE SCHOOL DISTRICTS; THE
53 SCHOOL DISTRICT'S PROPOSAL TO TARGET THE HIGHEST NEED SCHOOLS AND
54 STUDENTS; THE SUSTAINABILITY OF THE PROPOSED COMMUNITY SCHOOLS PROGRAM;
55 AND PROPOSAL QUALITY;

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

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

(V) THE TIMELINE FOR THE ISSUANCE AND REVIEW OF APPLICATIONS; AND

(VI) THE PERFORMANCE BENCHMARKS THAT WILL TRIGGER PAYMENT OF SET PERCENTAGES OF THE TOTAL AWARD.

(2) IN ASSESSING PROPOSAL QUALITY, THE COUNCIL SHALL TAKE INTO ACCOUNT FACTORS INCLUDING, BUT NOT LIMITED TO:

(I) THE EXTENT TO WHICH THE SCHOOL DISTRICT'S PROPOSAL WOULD PROVIDE SUCH COMMUNITY SERVICES THROUGH PARTNERSHIPS WITH LOCAL GOVERNMENTS AND NON-PROFIT ORGANIZATIONS;

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

(III) THE EXTENT TO WHICH THE PROPOSAL ARTICULATES HOW SUCH SERVICES WOULD FACILITATE MEASURABLE IMPROVEMENT IN STUDENT AND FAMILY OUTCOMES; AND

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

B. A RESPONSE TO A REQUEST FOR PROPOSALS ISSUED PURSUANT TO THIS SUBDIVISION MAY BE SUBMITTED BY A SINGLE SCHOOL DISTRICT OR JOINTLY BY A CONSORTIUM OF TWO OR MORE SCHOOL DISTRICTS.

C. THE AMOUNT OF THE GRANT AWARD SHALL BE DETERMINED BY THE STATE COUNCIL ON CHILDREN AND FAMILIES, CONSISTENT WITH THE PLAN DEVELOPED PURSUANT TO PARAGRAPH A OF THIS SUBDIVISION, EXCEPT THAT NO SINGLE DISTRICT MAY BE AWARDED MORE THAN FORTY PERCENT OF THE TOTAL AMOUNT OF GRANT AWARDS MADE PURSUANT TO THIS SUBDIVISION; AND PROVIDED FURTHER THAT THE MAXIMUM AWARD TO ANY INDIVIDUAL COMMUNITY SCHOOL SITE SHALL BE FIVE HUNDRED THOUSAND DOLLARS; AND PROVIDED FURTHER THAT THE AMOUNT AWARDED WILL BE PAID OUT IN SET PERCENTAGES OVER TIME UPON ACHIEVEMENT OF THE PERFORMANCE BENCHMARKS DESCRIBED IN THE PLAN SET FORTH PURSUANT TO PARAGRAPH A OF THIS SUBDIVISION; AND PROVIDED FURTHER THAT NONE OF THE GRANTS AWARDED PURSUANT TO THIS SUBDIVISION MAY BE USED TO SUPPLANT EXISTING FUNDING.

D. NOTWITHSTANDING ANY STATE LAW OR REGULATION TO THE CONTRARY, ANY EXECUTIVE AGENCY HEAD THAT IS A MEMBER OF THE STATE COUNCIL ON CHILDREN AND FAMILY SERVICES IS DIRECTED, TO THE EXTENT ALLOWED UNDER FEDERAL LAW AND REGULATION, TO PRIORITIZE APPLICATIONS THAT CO-LOCATE OR LINK PROGRAMMING RELEVANT TO THE PROVISION OF SERVICES IDENTIFIED IN PARAGRAPH A OF THIS SUBDIVISION.

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

6-B. EXTENDED LEARNING GRANTS. A. WITHIN THE AMOUNT APPROPRIATED FOR SUCH PURPOSE, SUBJECT TO A PLAN THAT IS DEVELOPED BY A THREE-PERSON PANEL COMPRISED OF THE COMMISSIONER, AN AGENCY HEAD APPOINTED BY THE GOVERNOR, AND AN EXPERT IN EXTENDED LEARNING TIME APPOINTED BY THE GOVERNOR, AND THAT IS APPROVED BY THE DIRECTOR OF THE BUDGET, THE COMMISSIONER SHALL AWARD COMPETITIVE PLANNING AND IMPLEMENTATION GRANTS PURSUANT TO THIS SUBDIVISION TO ELIGIBLE SCHOOL DISTRICTS THAT PUT FORWARD A PROPOSAL TO IMPROVE STUDENT OUTCOMES BY ADDING AT LEAST TWENTY-FIVE PERCENT MORE TIME TO THE ACADEMIC CALENDAR BY EXTENDING THE SCHOOL DAY, SCHOOL YEAR, OR SOME COMBINATION THEREOF, EITHER DISTRICT-WIDE OR IN SELECTED SCHOOL BUILDINGS.

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

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

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

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

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

(IV) THE TIMELINE FOR THE ISSUANCE AND REVIEW OF APPLICATIONS; AND

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

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

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

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

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

C. IN EXTRAORDINARY CASES, THE COMMISSIONER MAY AWARD A GRANT THAT EXCEEDS THE PER PUPIL LIMIT CALCULATED PURSUANT TO PARAGRAPH B OF THIS SUBDIVISION.

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

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

S 18. Paragraph b of subdivision 2 of section 4204 of the education law, as amended by section 12-a of part A of chapter 57 of the laws of 2012, is amended to read as follows:

b. For the two thousand thirteen--two thousand fourteen school year and thereafter, the costs of tuition as defined in section forty-two hundred eleven of this article, INCLUDING TUITION, MAINTENANCE AND TRANSPORTATION FOR SUMMER SCHOOL SPECIAL EDUCATION PROGRAMS IN JULY AND AUGUST, shall be a charge upon the current school district of residence of any such child subject to this article and the directors of the institution shall bill such school district for such tuition costs on a quarterly basis. The first such quarterly payment may be based on projected enrollment, provided that subsequent payments shall be adjusted to reflect actual enrollment. The amount of tuition paid by such school district shall be eligible for reimbursement by the state to the extent provided in section forty-two hundred four-b of this article.

1 S 19. Subdivision 4 of section 4204-b of the education law, as amended
2 by section 12-b of part A of chapter 57 of the laws of 2012, is amended
3 to read as follows:

4 4. [The] FOR THE TWO THOUSAND TWELVE--TWO THOUSAND THIRTEEN SCHOOL
5 YEAR AND PRIOR SCHOOL YEARS, THE state shall reimburse the school
6 district of which any such child is resident at the time of admission or
7 readmission to any of the institutions subject to this article for
8 tuition paid to the institution FOR THE TEN-MONTH SCHOOL CALENDAR FROM
9 SEPTEMBER FIRST THROUGH JUNE THIRTIETH in an amount equal to the posi-
10 tive difference between the amount of such tuition and the school
11 district basic contribution. IN ACCORDANCE WITH THE PROVISIONS OF
12 SECTION FORTY-FOUR HUNDRED EIGHT OF THIS TITLE, FOR THE TWO THOUSAND
13 THIRTEEN--TWO THOUSAND FOURTEEN SCHOOL YEAR AND THEREAFTER, THE STATE
14 SHALL ALSO REIMBURSE THE CURRENT SCHOOL DISTRICT OF RESIDENCE OF ANY
15 CHILD IN ANY OF THE INSTITUTIONS SUBJECT TO THIS ARTICLE FOR APPROVED
16 TUITION, MAINTENANCE AND TRANSPORTATION PAID TO THE INSTITUTION FOR
17 ENROLLMENT IN SUMMER SCHOOL SPECIAL EDUCATION PROGRAMS IN JULY AND
18 AUGUST, IN AN AMOUNT EQUAL TO EIGHTY PERCENT OF THE APPROVED TUITION
19 RATE PURSUANT TO SECTION FORTY-FOUR HUNDRED EIGHT OF THIS TITLE. Such
20 state reimbursement to the school district shall not be paid prior to
21 April first of the school year in which such tuition costs are paid by
22 the school district. The tuition incurred through December thirty-first
23 of such school year, INCLUDING TUITION, MAINTENANCE AND TRANSPORTATION
24 FOR SUMMER SCHOOL PROGRAMS IN JULY AND AUGUST PURSUANT TO SECTION
25 FORTY-FOUR HUNDRED EIGHT OF THIS TITLE, shall be payable prior to June
26 thirtieth of such school year, provided that a claim is submitted on or
27 before June first.

28 S 20. Paragraph b of subdivision 2 of section 4207 of the education
29 law, as amended by section 12-c of part A of chapter 57 of the laws of
30 2012, is amended to read as follows:

31 b. For the two thousand thirteen--two thousand fourteen school year
32 and thereafter, the costs of tuition as defined in section forty-two
33 hundred eleven of this article, INCLUDING TUITION, MAINTENANCE AND
34 TRANSPORTATION FOR SUMMER SCHOOL SPECIAL EDUCATION PROGRAMS IN JULY AND
35 AUGUST, shall be a charge upon the current school district of residence
36 of any such child subject to this article and the directors of the
37 institution shall bill such school district for such tuition costs on a
38 quarterly basis. The first such quarterly payment may be based on
39 projected enrollment, provided that subsequent payments shall be
40 adjusted to reflect actual enrollment. The amount of tuition paid by
41 such school district, INCLUDING TUITION, MAINTENANCE AND TRANSPORTATION
42 FOR SUMMER SCHOOL SPECIAL EDUCATION PROGRAMS IN JULY AND AUGUST, shall
43 be eligible for reimbursement by the state to the extent provided in
44 section forty-two hundred four-b of this article.

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

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

tion shall, during the school years nineteen hundred ninety-five--nine-ty-six through June thirtieth, two thousand [thirteen] FOURTEEN of the [two thousand twelve--two thousand thirteen] TWO THOUSAND THIRTEEN--TWO THOUSAND FOURTEEN school year, be authorized to increase class sizes in special classes containing students with disabilities whose age ranges are equivalent to those of students in middle and secondary schools as defined by the commissioner for purposes of this section by up to but not to exceed one and two tenths times the applicable maximum class size specified in regulations of the commissioner rounded up to the nearest whole number, provided that in a city school district having a population of one million or more, classes that have a maximum class size of fifteen may be increased by no more than one student and provided that the projected average class size shall not exceed the maximum specified in the applicable regulation, provided that such authorization shall terminate on June thirtieth, two thousand. Such authorization shall be granted upon filing of a notice by such a board of education with the commissioner stating the board's intention to increase such class sizes and a certification that the board will conduct a study of attendance problems at the secondary level and will implement a corrective action plan to increase the rate of attendance of students in such classes to at least the rate for students attending regular education classes in secondary schools of the district. Such corrective action plan shall be submitted for approval by the commissioner by a date during the school year in which such board increases class sizes as provided pursuant to this subdivision to be prescribed by the commissioner. Upon at least thirty days notice to the board of education, after conclusion of the school year in which such board increases class sizes as provided pursuant to this subdivision, the commissioner shall be authorized to terminate such authorization upon a finding that the board has failed to develop or implement an approved corrective action plan.

S 22. The education law is amended by adding a new section 4403-a to read as follows:

S 4403-A. WAIVERS FROM CERTAIN DUTIES. 1. A LOCAL SCHOOL DISTRICT, APPROVED PRIVATE SCHOOL OR BOARD OF COOPERATIVE EDUCATIONAL SERVICES MAY SUBMIT AN APPLICATION FOR A WAIVER FROM ANY REQUIREMENT IMPOSED ON SUCH DISTRICT, SCHOOL OR BOARD OF COOPERATIVE EDUCATIONAL SERVICES PURSUANT TO SECTION FORTY-FOUR HUNDRED TWO OR SECTION FORTY-FOUR HUNDRED THREE OF THIS ARTICLE, AND REGULATIONS PROMULGATED THEREUNDER, FOR A SPECIFIC SCHOOL YEAR. SUCH APPLICATION MUST BE SUBMITTED AT LEAST SIXTY DAYS IN ADVANCE OF THE PROPOSED DATE ON WHICH THE WAIVER WOULD BE EFFECTIVE AND SHALL BE IN A FORM PRESCRIBED BY THE COMMISSIONER.

2. BEFORE SUBMITTING AN APPLICATION FOR A WAIVER, THE LOCAL SCHOOL DISTRICT, APPROVED PRIVATE SCHOOL OR BOARD OF COOPERATIVE EDUCATIONAL SERVICES SHALL PROVIDE NOTICE OF THE PROPOSED WAIVER TO THE PARENTS OR PERSONS IN PARENTAL RELATIONSHIP TO THE STUDENTS THAT WOULD BE IMPACTED BY THE WAIVER IF GRANTED. SUCH NOTICE SHALL BE IN A FORM AND MANNER THAT WILL ENSURE THAT SUCH PARENTS AND PERSONS IN PARENTAL RELATIONSHIP WILL BE AWARE OF ALL RELEVANT CHANGES THAT WOULD OCCUR UNDER THE WAIVER, AND SHALL INCLUDE INFORMATION ON THE FORM, MANNER AND DATE BY WHICH PARENTS MAY SUBMIT WRITTEN COMMENTS ON THE PROPOSED WAIVER. THE LOCAL SCHOOL DISTRICT, APPROVED PRIVATE SCHOOL, OR BOARD OF COOPERATIVE EDUCATIONAL SERVICES SHALL PROVIDE AT LEAST SIXTY DAYS FOR SUCH PARENTS AND PERSONS IN PARENTAL RELATIONSHIP TO SUBMIT WRITTEN COMMENTS, AND SHALL INCLUDE IN THE WAIVER APPLICATION SUBMITTED TO THE COMMISSIONER PURSUANT TO SUBDIVISION ONE OF THIS SECTION ANY WRITTEN COMMENTS RECEIVED FROM SUCH PARENTS OR PERSONS IN PARENTAL RELATION TO SUCH STUDENTS.

1 3. THE COMMISSIONER MAY GRANT A WAIVER FROM ANY REQUIREMENT IMPOSED ON
2 A LOCAL SCHOOL DISTRICT, APPROVED PRIVATE SCHOOL OR BOARD OF COOPERATIVE
3 EDUCATIONAL SERVICES PURSUANT TO SECTION FORTY-FOUR HUNDRED TWO OR
4 SECTION FORTY-FOUR HUNDRED THREE OF THIS ARTICLE, UPON A FINDING THAT
5 SUCH WAIVER WILL ENABLE A LOCAL SCHOOL DISTRICT, APPROVED PRIVATE SCHOOL
6 OR BOARD OF COOPERATIVE EDUCATIONAL SERVICES TO IMPLEMENT AN INNOVATIVE
7 SPECIAL EDUCATION PROGRAM THAT IS CONSISTENT WITH APPLICABLE FEDERAL
8 REQUIREMENTS, AND WILL ENHANCE STUDENT ACHIEVEMENT AND/OR OPPORTUNITIES
9 FOR PLACEMENT IN REGULAR CLASSES AND PROGRAMS. IN MAKING SUCH DETERMI-
10 NATION, THE COMMISSIONER SHALL CONSIDER ANY COMMENTS RECEIVED BY THE
11 LOCAL SCHOOL DISTRICT, APPROVED PRIVATE SCHOOL OR BOARD OF COOPERATIVE
12 EDUCATIONAL SERVICES FROM PARENTS OR PERSONS IN PARENTAL RELATION TO THE
13 STUDENTS THAT WOULD BE DIRECTLY AFFECTED BY THE WAIVER IF GRANTED.

14 4. ANY LOCAL SCHOOL DISTRICT, APPROVED PRIVATE SCHOOL OR BOARD OF
15 COOPERATIVE EDUCATIONAL SERVICES GRANTED A WAIVER SHALL SUBMIT AN ANNUAL
16 REPORT TO THE COMMISSIONER REGARDING THE OPERATION AND EVALUATION OF THE
17 PROGRAM NO LATER THAN THIRTY DAYS AFTER THE END OF EACH SCHOOL YEAR FOR
18 WHICH A WAIVER IS GRANTED.

19 S 23. Paragraph a of subdivision 10 of section 4410 of the education
20 law is amended by adding a new subparagraph (iv) to read as follows:

21 (IV) NOTWITHSTANDING ANY OTHER PROVISION OF LAW TO THE CONTRARY, FOR
22 THE TWO THOUSAND THIRTEEN--TWO THOUSAND FOURTEEN SCHOOL YEAR AND THERE-
23 AFTER, THE CITY OF NEW YORK SHALL BE AUTHORIZED TO ESTABLISH LOCAL
24 TUITION RATES FOR APPROVED SERVICES OR PROGRAMS LOCATED WITHIN THE CITY
25 OF NEW YORK THROUGH A COMPETITIVE REQUEST FOR PROPOSALS PROCESS OR
26 OTHERWISE, PROVIDED THAT SUCH LOCAL TUITION RATES SHALL NOT EXCEED THE
27 TUITION RATES DETERMINED BY THE COMMISSIONER AND APPROVED BY THE DIREC-
28 TOR OF THE BUDGET PURSUANT TO SUBPARAGRAPHS (I) THROUGH (III) OF THIS
29 PARAGRAPH AND SECTION FORTY-FOUR HUNDRED FIVE OF THIS ARTICLE. THE LOCAL
30 TUITION RATES SO ESTABLISHED SHALL BE USED IN THE CONTRACTS WITH PROVID-
31 ERS PROVIDING SERVICES OR PROGRAMS WITHIN THE CITY OF NEW YORK PURSUANT
32 TO THIS SECTION FOR THE PROVISION OF PROGRAMS AND SERVICES FOR WHICH
33 SUCH RATES WERE ESTABLISHED. NOTWITHSTANDING ANY OTHER PROVISION OF THIS
34 SECTION TO THE CONTRARY, THE CITY OF NEW YORK SHALL BE RESPONSIBLE FOR
35 ARRANGING FOR AND SELECTING THE APPROVED PROGRAM AND/OR RELATED SERVICE
36 PROVIDER THROUGH THE COMPETITIVE REQUEST FOR PROPOSAL PROCESS OR OTHER-
37 WISE TO DELIVER THE PROGRAMS OR SERVICES CONSISTENT WITH THE INDIVIDUAL-
38 IZED EDUCATION PROGRAM OF THE PRESCHOOL CHILD. PROVIDED, HOWEVER, THAT
39 THE COMPETITIVE REQUEST FOR PROPOSAL PROCESS AUTHORIZED BY THIS SUBPARA-
40 GRAPH SHALL NOT APPLY TO PRESCHOOL CHILDREN WITH DISABILITIES WHO
41 RECEIVED PROGRAMS OR SERVICES PURSUANT TO THIS SECTION IN THE TWO THOU-
42 SAND TWELVE--TWO THOUSAND THIRTEEN SCHOOL YEAR. THE CITY OF NEW YORK
43 SHALL BE REQUIRED TO PROVIDE DATA RELATING TO THE LOCALLY ESTABLISHED
44 TUITION RATES TO THE DEPARTMENT IN THE FORM AND MANNER PRESCRIBED BY THE
45 COMMISSIONER.

46 S 24. Subparagraph (ii) of paragraph c of subdivision 11 of section
47 4410 of the education law, as amended by chapter 205 of the laws of
48 2009, is amended to read as follows:

49 (ii) Payments made pursuant to this section by a municipality shall,
50 upon conclusion of the July first to June thirtieth school year for
51 which such payment was made, be subject to audit against the actual
52 difference between such audited expenditures and revenues. The municip-
53 ality shall submit the results of any such audit to the commissioner
54 and the commissioner of social services, if appropriate, for review and,
55 if warranted, adjustment of the tuition and/or maintenance rates. The
56 municipality is authorized to recover overpayments made to a provider of

1 special services or programs pursuant to this section as determined by
2 the commissioner or the commissioner of health based upon their adjust-
3 ment of a tuition and/or maintenance rate, PROVIDED THAT FOR PURPOSES OF
4 MAKING SUCH ADJUSTMENT AND RECOVERY, THE MUNICIPALITY SHALL BE DEEMED TO
5 HAVE PAID ONE HUNDRED PERCENT OF THE DISALLOWED COSTS. Such recovery
6 may be accomplished by withholding such amount from any moneys due the
7 provider in the current year, or by direct reimbursement.

8 S 25. Intentionally omitted.

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

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

15 S 27. Subdivision b of section 2 of chapter 756 of the laws of 1992,
16 relating to funding a program for work force education conducted by the
17 consortium for worker education in New York city, as amended by section
18 13 of part A of chapter 57 of the laws of 2012, is amended to read as
19 follows:

20 b. Reimbursement for programs approved in accordance with subdivision
21 a of this section [for the 2009-10 school year shall not exceed 64.1
22 percent of the lesser of such approvable costs per contact hour or elev-
23 en dollars and fifty cents per contact hour, reimbursement] for the
24 2010--2011 school year shall not exceed 62.6 percent of the lesser of
25 such approvable costs per contact hour or twelve dollars and five cents
26 per contact hour, reimbursement for the 2011--2012 school year shall not
27 exceed 62.9 percent of the lesser of such approvable costs per contact
28 hour or twelve dollars and fifteen cents per contact hour, [and]
29 reimbursement for the 2012--2013 school year shall not exceed 63.3
30 percent of the lesser of such approvable costs per contact hour or
31 twelve dollars and thirty-five cents per contact hour, AND REIMBURSEMENT
32 FOR THE 2013--2014 SCHOOL YEAR SHALL NOT EXCEED 62.2 PERCENT OF THE
33 LESSER OF SUCH APPROVABLE COSTS PER CONTACT HOUR OR TWELVE DOLLARS AND
34 FIFTY CENTS PER CONTACT HOUR, where a contact hour represents sixty
35 minutes of instruction services provided to an eligible adult. Notwith-
36 standing any other provision of law to the contrary, [for the 2009-10
37 school year such contact hours shall not exceed one million seven
38 hundred sixty--three thousand nine hundred seven (1,763,907) hours;
39 whereas] for the 2010--2011 school year such contact hours shall not
40 exceed one million five hundred twenty-five thousand one hundred nine-
41 ty-eight (1,525,198) hours; whereas for the 2011--2012 school year such
42 contact hours shall not exceed one million seven hundred one thousand
43 five hundred seventy (1,701,570) hours; whereas for the 2012--2013
44 school year such contact hours shall not exceed one million six hundred
45 sixty-four thousand five hundred thirty-two (1,664,532) hours; WHEREAS
46 FOR THE 2013--2014 SCHOOL YEAR SUCH CONTACT HOURS SHALL NOT EXCEED ONE
47 MILLION FOUR HUNDRED EIGHTY THOUSAND AND FIFTY-ONE (1,480,051) HOURS.
48 Notwithstanding any other provision of law to the contrary, the appor-
49 tionment calculated for the city school district of the city of New York
50 pursuant to subdivision 11 of section 3602 of the education law shall be
51 computed as if such contact hours provided by the consortium for worker
52 education, not to exceed the contact hours set forth herein, were eligi-
53 ble for aid in accordance with the provisions of such subdivision 11 of
54 section 3602 of the education law.

55 S 28. Section 4 of chapter 756 of the laws of 1992, relating to fund-
56 ing a program for work force education conducted by the consortium for

1 worker education in New York city, is amended by adding a new subdivi-
2 sion r to read as follows:

3 R. THE PROVISIONS OF THIS SUBDIVISION SHALL NOT APPLY AFTER THE
4 COMPLETION OF PAYMENTS FOR THE 2013--2014 SCHOOL YEAR. NOTWITHSTANDING
5 ANY INCONSISTENT PROVISIONS OF LAW, THE COMMISSIONER OF EDUCATION SHALL
6 WITHHOLD A PORTION OF EMPLOYMENT PREPARATION EDUCATION AID DUE TO THE
7 CITY SCHOOL DISTRICT OF THE CITY OF NEW YORK TO SUPPORT A PORTION OF THE
8 COSTS OF THE WORK FORCE EDUCATION PROGRAM. SUCH MONEYS SHALL BE CREDITED
9 TO THE ELEMENTARY AND SECONDARY EDUCATION FUND-LOCAL ASSISTANCE ACCOUNT
10 AND SHALL NOT EXCEED ELEVEN MILLION FIVE HUNDRED THOUSAND DOLLARS
11 (\$11,500,000).

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

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

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

23 1. Sections one through seventy of this act shall be deemed to have
24 been in full force and effect as of April 1, 1994 provided, however,
25 that sections one, two, twenty-four, twenty-five and twenty-seven
26 through seventy of this act shall expire and be deemed repealed on March
27 31, 2000; provided, however, that section twenty of this act shall apply
28 only to hearings commenced prior to September 1, 1994, and provided
29 further that section twenty-six of this act shall expire and be deemed
30 repealed on March 31, 1997; and provided further that sections four
31 through fourteen, sixteen, and eighteen, nineteen and twenty-one through
32 twenty-one-a of this act shall expire and be deemed repealed on March
33 31, 1997; and provided further that sections three, fifteen, seventeen,
34 twenty, twenty-two and twenty-three of this act shall expire and be
35 deemed repealed on March 31, [2014] 2015.

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

41 (22) sections one hundred twelve, one hundred thirteen, one hundred
42 fourteen, one hundred fifteen and one hundred sixteen of this act shall
43 take effect on July 1, 1995; provided, however, that section one hundred
44 thirteen of this act shall remain in full force and effect until July 1,
45 [2013] 2014 at which time it shall be deemed repealed;

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

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

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

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

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

12 S 34. Section 5 of chapter 101 of the laws of 2003, amending the
13 education law relating to implementation of the No Child Left Behind Act
14 of 2001, as amended by section 22 of part A of chapter 57 of the laws of
15 2012, is amended to read as follows:

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

19 S 35. School bus driver training. In addition to apportionments other-
20 wise provided by section 3602 of the education law, for aid payable in
21 the 2013--2014 school year, the commissioner of education shall allocate
22 school bus driver training grants to school districts and boards of
23 cooperative education services pursuant to sections 3650-a, 3650-b and
24 3650-c of the education law, or for contracts directly with not-for-pro-
25 fit educational organizations for the purposes of this section. Such
26 payments shall not exceed four hundred thousand dollars (\$400,000) per
27 school year.

28 S 36. Support of public libraries. The moneys appropriated for the
29 support of public libraries by the chapter of the laws of 2013 enacting
30 the aid to localities budget shall be apportioned for the 2013--2014
31 state fiscal year in accordance with the provisions of sections 271,
32 272, 273, 282, 284, and 285 of the education law as amended by the
33 provisions of this chapter and the provisions of this act, provided that
34 library construction aid pursuant to section 273-a of the education law
35 shall not be payable from the appropriations for the support of public
36 libraries and provided further that no library, library system or
37 program, as defined by the commissioner of education, shall receive less
38 total system or program aid than it received for the year 2001--2002
39 except as a result of a reduction adjustment necessary to conform to the
40 appropriations for support of public libraries.

41 Notwithstanding any other provision of law to the contrary the moneys
42 appropriated for the support of public libraries for the year 2013--2014
43 by a chapter of the laws of 2013 enacting the aid to localities budget
44 shall fulfill the state's obligation to provide such aid and, pursuant
45 to a plan developed by the commissioner of education and approved by the
46 director of the budget, the aid payable to libraries and library systems
47 pursuant to such appropriations shall be reduced proportionately to
48 assure that the total amount of aid payable does not exceed the total
49 appropriations for such purpose.

50 S 37. Special apportionment for salary expenses. a. Notwithstanding
51 any other provision of law, upon application to the commissioner of
52 education, not sooner than the first day of the second full business
53 week of June, 2014 and not later than the last day of the third full
54 business week of June, 2014, a school district eligible for an appor-
55 tionment pursuant to section 3602 of the education law shall be eligible
56 to receive an apportionment pursuant to this section, for the school

1 year ending June 30, 2014, for salary expenses incurred between April 1 and June 30, 2014 and such apportionment shall not exceed the sum of (i) the deficit reduction assessment of 1990--1991 as determined by the commissioner of education, pursuant to paragraph f of subdivision 1 of section 3602 of the education law, as in effect through June 30, 1993, plus (ii) 186 percent of such amount for a city school district in a city with a population in excess of 1,000,000 inhabitants, plus (iii) 209 percent of such amount for a city school district in a city with a population of more than 195,000 inhabitants and less than 219,000 inhabitants according to the latest federal census, plus (iv) the net gap elimination adjustment for 2010--2011, as determined by the commissioner of education pursuant to chapter 53 of the laws of 2010, plus (v) the gap elimination adjustment for 2011--2012 as determined by the commissioner of education pursuant to subdivision 17 of section 3602 of the education law, and provided further that such apportionment shall not exceed such salary expenses. Such application shall be made by a school district, after the board of education or trustees have adopted a resolution to do so and in the case of a city school district in a city with a population in excess of 125,000 inhabitants, with the approval of the mayor of such city.

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

37 c. Notwithstanding the provisions of section 3609-a of the education law, an amount equal to the amount paid to a school district pursuant to subdivisions a and b of this section shall first be deducted from the following payments due the school district during the school year following the year in which application was made pursuant to subparagraphs (1), (2), (3), (4) and (5) of paragraph a of subdivision 1 of section 3609-a of the education law in the following order: the lottery apportionment payable pursuant to subparagraph (2) of such paragraph followed by the fixed fall payments payable pursuant to subparagraph (4) of such paragraph and then followed by the district's payments to the teachers' retirement system pursuant to subparagraph (1) of such paragraph, and any remainder to be deducted from the individualized payments due the district pursuant to paragraph b of such subdivision shall be deducted on a chronological basis starting with the earliest payment due the district.

52 S 38. Special apportionment for public pension accruals. a. Notwithstanding any other provision of law, upon application to the commissioner of education, not later than June 30, 2014, a school district eligible for an apportionment pursuant to section 3602 of the education law shall be eligible to receive an apportionment pursuant to this section,

1 for the school year ending June 30, 2014 and such apportionment shall
2 not exceed the additional accruals required to be made by school
3 districts in the 2004--2005 and 2005--2006 school years associated with
4 changes for such public pension liabilities. The amount of such addi-
5 tional accrual shall be certified to the commissioner of education by
6 the president of the board of education or the trustees or, in the case
7 of a city school district in a city with a population in excess of
8 125,000 inhabitants, the mayor of such city. Such application shall be
9 made by a school district, after the board of education or trustees have
10 adopted a resolution to do so and in the case of a city school district
11 in a city with a population in excess of 125,000 inhabitants, with the
12 approval of the mayor of such city.

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

29 c. Notwithstanding the provisions of section 3609-a of the education
30 law, an amount equal to the amount paid to a school district pursuant to
31 subdivisions a and b of this section shall first be deducted from the
32 following payments due the school district during the school year
33 following the year in which application was made pursuant to subpara-
34 graphs (1), (2), (3), (4) and (5) of paragraph a of subdivision 1 of
35 section 3609-a of the education law in the following order: the lottery
36 apportionment payable pursuant to subparagraph (2) of such paragraph
37 followed by the fixed fall payments payable pursuant to subparagraph (4)
38 of such paragraph and then followed by the district's payments to the
39 teachers' retirement system pursuant to subparagraph (1) of such para-
40 graph, and any remainder to be deducted from the individualized payments
41 due the district pursuant to paragraph b of such subdivision shall be
42 deducted on a chronological basis starting with the earliest payment due
43 the district.

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

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

53 c. Notwithstanding any other law, rule or regulation to the contrary,
54 all moneys appropriated to the state education department for aid to
55 localities shall be available for payment of aid heretofore or hereafter

1 to accrue and may be suballocated to other departments and agencies to
2 accomplish the intent of the specific appropriations contained therein.

3 d. Notwithstanding any other law, rule or regulation to the contrary,
4 moneys appropriated to the state education department for general
5 support for public schools may be interchanged with any other item of
6 appropriation for general support for public schools within the general
7 fund local assistance account office of prekindergarten through grade
8 twelve education programs.

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

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

18 a. for the purpose of the development, maintenance or expansion of
19 magnet schools or magnet school programs for the 2013--2014 school year.
20 To the city school district of the city of New York there shall be paid
21 forty-eight million one hundred seventy-five thousand dollars
22 (\$48,175,000) including five hundred thousand dollars (\$500,000) for the
23 Andrew Jackson High School; to the Buffalo city school district, twen-
24 ty-one million twenty-five thousand dollars (\$21,025,000); to the
25 Rochester city school district, fifteen million dollars (\$15,000,000);
26 to the Syracuse city school district, thirteen million dollars
27 (\$13,000,000); to the Yonkers city school district, forty-nine million
28 five hundred thousand dollars (\$49,500,000); to the Newburgh city school
29 district, four million six hundred forty-five thousand dollars
30 (\$4,645,000); to the Poughkeepsie city school district, two million four
31 hundred seventy-five thousand dollars (\$2,475,000); to the Mount Vernon
32 city school district, two million dollars (\$2,000,000); to the New
33 Rochelle city school district, one million four hundred ten thousand
34 dollars (\$1,410,000); to the Schenectady city school district, one
35 million eight hundred thousand dollars (\$1,800,000); to the Port Chester
36 city school district, one million one hundred fifty thousand dollars
37 (\$1,150,000); to the White Plains city school district, nine hundred
38 thousand dollars (\$900,000); to the Niagara Falls city school district,
39 six hundred thousand dollars (\$600,000); to the Albany city school
40 district, three million five hundred fifty thousand dollars
41 (\$3,550,000); to the Utica city school district, two million dollars
42 (\$2,000,000); to the Beacon city school district, five hundred sixty-six
43 thousand dollars (\$566,000); to the Middletown city school district,
44 four hundred thousand dollars (\$400,000); to the Freeport union free
45 school district, four hundred thousand dollars (\$400,000); to the Green-
46 burgh central school district, three hundred thousand dollars
47 (\$300,000); to the Amsterdam city school district, eight hundred thou-
48 sand dollars (\$800,000); to the Peekskill city school district, two
49 hundred thousand dollars (\$200,000); and to the Hudson city school
50 district, four hundred thousand dollars (\$400,000).

51 b. notwithstanding the provisions of subdivision a of this section, a
52 school district receiving a grant pursuant to this section may use such
53 grant funds for: (i) any instructional or instructional support costs
54 associated with the operation of a magnet school; or (ii) any instruc-
55 tional or instructional support costs associated with implementation of
56 an alternative approach to reduction of racial isolation and/or enhance-

1 ment of the instructional program and raising of standards in elementary
2 and secondary schools of school districts having substantial concen-
3 trations of minority students. The commissioner of education shall not
4 be authorized to withhold magnet grant funds from a school district that
5 used such funds in accordance with this paragraph, notwithstanding any
6 inconsistency with a request for proposals issued by such commissioner.
7 c. for the purpose of attendance improvement and dropout prevention
8 for the 2013--2014 school year, for any city school district in a city
9 having a population of more than one million, the setaside for attend-
10 ance improvement and dropout prevention shall equal the amount set aside
11 in the base year. For the 2013--2014 school year, it is further provided
12 that any city school district in a city having a population of more than
13 one million shall allocate at least one-third of any increase from base
14 year levels in funds set aside pursuant to the requirements of this
15 subdivision to community-based organizations. Any increase required
16 pursuant to this subdivision to community-based organizations must be in
17 addition to allocations provided to community-based organizations in the
18 base year.

19 d. for the purpose of teacher support for the 2013--2014 school year:
20 to the city school district of the city of New York, sixty-two million
21 seven hundred seven thousand dollars (\$62,707,000); to the Buffalo city
22 school district, one million seven hundred forty-one thousand dollars
23 (\$1,741,000); to the Rochester city school district, one million seven-
24 ty-six thousand dollars (\$1,076,000); to the Yonkers city school
25 district, one million one hundred forty-seven thousand dollars
26 (\$1,147,000); and to the Syracuse city school district, eight hundred
27 nine thousand dollars (\$809,000). All funds made available to a school
28 district pursuant to this subdivision shall be distributed among teach-
29 ers including prekindergarten teachers and teachers of adult vocational
30 and academic subjects in accordance with this subdivision and shall be
31 in addition to salaries heretofore or hereafter negotiated or made
32 available; provided, however, that all funds distributed pursuant to
33 this section for the current year shall be deemed to incorporate all
34 funds distributed pursuant to former subdivision 27 of section 3602 of
35 the education law for prior years. In school districts where the teach-
36 ers are represented by certified or recognized employee organizations,
37 all salary increases funded pursuant to this section shall be determined
38 by separate collective negotiations conducted pursuant to the provisions
39 and procedures of article 14 of the civil service law, notwithstanding
40 the existence of a negotiated agreement between a school district and a
41 certified or recognized employee organization.

42 S 42. Severability. The provisions of this act shall be severable, and
43 if the application of any clause, sentence, paragraph, subdivision,
44 section or part of this act to any person or circumstance shall be
45 adjudged by any court of competent jurisdiction to be invalid, such
46 judgment shall not necessarily affect, impair or invalidate the applica-
47 tion of any such clause, sentence, paragraph, subdivision, section, part
48 of this act or remainder thereof, as the case may be, to any other
49 person or circumstance, but shall be confined in its operation to the
50 clause, sentence, paragraph, subdivision, section or part thereof
51 directly involved in the controversy in which such judgment shall have
52 been rendered.

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

1 1. Sections five and six of this act shall take effect immediately and
2 shall be deemed to have been in full force and effect on and after July
3 1, 2010; provided, further, that the amendments to subdivision 1 of
4 section 2856 of the education law made by section five of this act shall
5 be subject to the expiration and reversion of such subdivision pursuant
6 to section 27 of chapter 378 of the laws of 2007, as amended, when upon
7 such date the provisions of section six of this act shall take effect;
8 2. Section nine of this act shall take effect July 1, 2014;
9 3. Sections one, eleven, twelve, thirteen, fourteen, fifteen, eigh-
10 teen, nineteen, twenty, twenty-one, twenty-seven, twenty-eight, thirty-
11 five and forty-one of this act shall take effect July 1, 2013;
12 4. The amendments to subdivision 6 of section 4402 of the education
13 law made by section twenty-one of this act shall not affect the repeal
14 of such subdivision and shall be deemed repealed therewith;
15 5. The amendments to subdivision 10 of section 4410 of the education
16 law, made by section twenty-three of this act shall take effect April 1,
17 2013 and shall first apply to the provision of services and programs
18 pursuant to section 4410 of the education law in the 2013--2014 school
19 year;
20 6. The amendments to chapter 756 of the laws of 1992, relating to
21 funding a program for work force education conducted by a consortium for
22 worker education in New York city, made by sections twenty-seven and
23 twenty-eight of this act shall not affect the repeal of such chapter and
24 shall be deemed repealed therewith; and
25 7. Section thirty-nine of this act shall expire and be deemed repealed
26 June 30, 2014.

27

PART B

28 Section 1. Section 350 of the education law is amended by adding four
29 new subdivisions 10, 11, 12 and 13 to read as follows:
30 10. "DORMITORY FACILITIES REVENUE FUND" MEANS THE FUND ESTABLISHED
31 PURSUANT TO SECTION SIXTEEN HUNDRED EIGHTY-Q OF THE PUBLIC AUTHORITIES
32 LAW.
33 11. "DORMITORY FACILITIES REVENUES" MEANS ALL MONEYS, INCLUDING RENTS,
34 FEES AND CHARGES, DERIVED FROM THE USE OR OCCUPANCY OF DORMITORY FACILI-
35 TIES.
36 12. "DORMITORY FACILITY" MEANS A DORMITORY, AS SUCH TERM IS DEFINED IN
37 PARAGRAPH (A) OF SUBDIVISION TWO OF SECTION SIXTEEN HUNDRED SEVENTY-SIX
38 OF THE PUBLIC AUTHORITIES LAW.
39 13. "DORMITORY FACILITY REVENUE BOND" MEANS ANY NOTE OR BOND OF THE
40 DORMITORY AUTHORITY (I) ISSUED ON OR AFTER THE FIRST DAY OF APRIL, TWO
41 THOUSAND THIRTEEN FOR THE PURPOSES OF FINANCING DORMITORY FACILITIES OR
42 REFINANCING NOTES OR BONDS PREVIOUSLY ISSUED IN CONNECTION WITH DORMITO-
43 RY FACILITIES, INCLUDING NOTES OR BONDS ISSUED TO PAY COSTS INCURRED IN
44 CONNECTION WITH THE ISSUANCE OF SUCH NOTES OR BONDS, TO FUND ANY RESERVE
45 FOR THE PAYMENT OF DEBT SERVICE ON SUCH BONDS OR NOTES, TO FUND ANY
46 RESERVE ESTABLISHED FOR THE IMPROVEMENT, REPAIR, MAINTENANCE OR OPER-
47 ATIONS OF DORMITORY FACILITIES, OR TO PAY OR PROVIDE FOR THE PAYMENT OF
48 ANY NOTE OR BOND PREVIOUSLY ISSUED FOR ANY SUCH PURPOSE, AND (II) IS
49 PAYABLE FROM MONEYS ON DEPOSIT IN THE DORMITORY FACILITIES REVENUE FUND
50 AND IS NOT PAYABLE FROM ANY REVENUE OF THE STATE.
51 S 2. Subdivision 2 of section 355 of the education law is amended by
52 adding a new paragraph y to read as follows:
53 Y. TO BETTER SECURE DORMITORY AUTHORITY BONDS ISSUED IN CONNECTION
54 WITH DORMITORY FACILITIES, INCLUDING DORMITORY FACILITY REVENUE BONDS,

1 THE STATE UNIVERSITY OF NEW YORK IS HEREBY AUTHORIZED, IN ITS OWN NAME,
2 TO ASSIGN OR OTHERWISE TRANSFER TO THE DORMITORY AUTHORITY ANY OR ALL OF
3 THE STATE UNIVERSITY'S RIGHTS, TITLE AND INTEREST IN AND TO THE DORMITO-
4 RY FACILITY REVENUES, AND TO ENTER INTO AGREEMENTS WITH THE DORMITORY
5 AUTHORITY PURSUANT TO SUBDIVISION TWO OF SECTION SIXTEEN HUNDRED EIGHT-
6 Y-Q OF THE PUBLIC AUTHORITIES LAW IN FURTHERANCE OF SUCH ASSIGNMENT OR
7 TRANSFER. ANY ASSIGNMENT OR TRANSFER MADE PURSUANT TO THIS PARAGRAPH
8 SHALL CONSTITUTE A TRUE SALE AND ABSOLUTE TRANSFER OF THE DORMITORY
9 FACILITIES REVENUES. THE CHARACTERIZATION OF SUCH ASSIGNMENT OR TRANSFER
10 SHALL NOT BE NEGATED OR ADVERSELY AFFECTED BY THE RETENTION BY THE STATE
11 UNIVERSITY OF NEW YORK OF ANY OWNERSHIP INTEREST IN THE DORMITORY FACIL-
12 ITIES REVENUES OR OF ANY RESIDUAL RIGHT TO PAYMENT OF ANY DORMITORY
13 FACILITY REVENUES REMAINING IN THE DORMITORY FACILITIES REVENUE FUND
14 AFTER THE MONEYS THEREIN HAVE BEEN APPLIED IN ACCORDANCE WITH PARAGRAPH
15 (B) OF SUBDIVISION THREE OF SECTION SIXTEEN HUNDRED EIGHTY-Q OF THE
16 PUBLIC AUTHORITIES LAW. ALL RIGHTS, TITLE AND INTEREST IN AND TO ANY
17 MONEYS PAID TO OR UPON THE ORDER OF THE STATE UNIVERSITY OF NEW YORK
18 PURSUANT TO ANY AGREEMENT BY AND BETWEEN THE DORMITORY AUTHORITY AND THE
19 STATE UNIVERSITY OF NEW YORK ENTERED INTO PURSUANT TO SUBDIVISION TWO OF
20 SECTION SIXTEEN HUNDRED EIGHTY-Q OF THE PUBLIC AUTHORITIES LAW OR PURSU-
21 ANT TO ANY AGREEMENT ENTERED INTO PURSUANT TO PARAGRAPH J OF SUBDIVISION
22 TWO OF SECTION SIXTEEN HUNDRED EIGHTY OF THE PUBLIC AUTHORITIES LAW
23 SHALL VEST IN THE STATE UNIVERSITY OF NEW YORK AND BE THE ABSOLUTE PROP-
24 erty OF THE STATE UNIVERSITY OF NEW YORK, AND THE DORMITORY AUTHORITY
25 SHALL NO LONGER HAVE ANY INTEREST IN SUCH MONEYS.

26 S 3. Subdivision 8 of section 355 of the education law, as amended by
27 chapter 553 of the laws of 1985, is amended to read as follows:

28 8. [All] EXCEPT AS OTHERWISE PROVIDED HEREIN, ALL moneys received by
29 the state university of New York and by state-operated institutions
30 thereof from appropriations, tuition, fees, user charges, sales of
31 products and services and from all other sources, including sources and
32 activities of the state university which are intended by law to be self-
33 supporting may be credited to an appropriate fund or funds to be desig-
34 nated by the state comptroller. The amounts so paid into such fund or
35 funds which were received by or for the state university shall be used
36 for expenses of the state university in carrying out any of its objects
37 and purposes and such amounts received by or for state-operated insti-
38 tutions of the state university shall be used for expenses of the state
39 university under regulations prescribed by the state university trus-
40 tees. NOTWITHSTANDING THE FOREGOING PROVISIONS OF THIS SUBDIVISION, ALL
41 DORMITORY FACILITIES REVENUES TRANSFERRED TO THE DORMITORY AUTHORITY BY
42 ASSIGNMENT OR OTHERWISE PURSUANT TO PARAGRAPH Y OF SUBDIVISION TWO OF
43 THIS SECTION SHALL UPON RECEIPT BY THE STATE UNIVERSITY ACTING AS AGENT
44 FOR THE DORMITORY AUTHORITY BE TRANSFERRED AND IMMEDIATELY PAID WITHOUT
45 APPROPRIATION THEREOF TO THE COMMISSIONER OF TAXATION AND FINANCE PURSU-
46 ANT TO SUBDIVISION FOUR OF SECTION FOUR OF THE STATE FINANCE LAW FOR
47 DEPOSIT TO THE DORMITORY FACILITIES REVENUE FUND.

48 S 4. The public authorities law is amended by adding a new section
49 1680-q to read as follows:

50 S 1680-Q. STATE UNIVERSITY OF NEW YORK DORMITORY FACILITIES. 1. AS
51 USED IN OR REFERRED TO IN THIS SECTION, UNLESS A DIFFERENT MEANING
52 APPEARS FROM THE CONTEXT, THE FOLLOWING TERMS SHALL HAVE THE FOLLOWING
53 RESPECTIVE MEANINGS:

54 (A) "AGREEMENT" MEANS AN AGREEMENT BY AND BETWEEN THE AUTHORITY AND
55 THE STATE UNIVERSITY ENTERED INTO PURSUANT TO THIS SECTION.

1 (B) "DORMITORY FACILITIES REVENUE FUND" MEANS THE FUND ESTABLISHED
2 PURSUANT TO SUBDIVISION THREE OF THIS SECTION.

3 (C) "DORMITORY FACILITIES REVENUES" MEANS ALL MONEYS, INCLUDING RENTS,
4 FEES AND CHARGES, DERIVED FROM THE USE OR OCCUPANCY OF DORMITORY FACILI-
5 TIES.

6 (D) "DORMITORY FACILITY" MEANS A DORMITORY, AS SUCH TERM IS DEFINED IN
7 PARAGRAPH (A) OF SUBDIVISION TWO OF SECTION SIXTEEN HUNDRED SEVENTY-SIX
8 OF THIS TITLE.

9 (E) "DORMITORY FACILITY REVENUE BOND" MEANS ANY NOTE OR BOND OF THE
10 AUTHORITY (I) ISSUED ON OR AFTER THE FIRST DAY OF APRIL, TWO THOUSAND
11 THIRTEEN FOR THE PURPOSES OF FINANCING DORMITORY FACILITIES OR REFINANC-
12 ING NOTES OR BONDS ISSUED PREVIOUSLY IN CONNECTION WITH DORMITORY FACIL-
13 ITIES, INCLUDING NOTES OR BONDS ISSUED TO PAY COSTS INCURRED IN
14 CONNECTION WITH THE ISSUANCE OF SUCH NOTES OR BONDS, TO FUND ANY RESERVE
15 FOR THE PAYMENT OF DEBT SERVICE ON SUCH BONDS, TO FUND ANY RESERVE
16 ESTABLISHED FOR THE IMPROVEMENT, REPAIR, MAINTENANCE OR OPERATIONS OF
17 DORMITORY FACILITIES, OR TO PAY OR PROVIDE FOR THE PAYMENT OF ANY NOTE
18 OR BOND PREVIOUSLY ISSUED FOR ANY SUCH PURPOSE, AND (II) IS PAYABLE FROM
19 MONEYS ON DEPOSIT IN THE DORMITORY FACILITIES REVENUE FUND.

20 (F) "PRIOR DORMITORY FACILITY BOND" MEANS ANY NOTE OR BOND OF THE
21 AUTHORITY ISSUED PRIOR TO APRIL FIRST, TWO THOUSAND THIRTEEN IN
22 CONNECTION WITH DORMITORY FACILITIES.

23 (G) "STATE UNIVERSITY" MEANS THE STATE UNIVERSITY OF NEW YORK, A
24 CORPORATION WITHIN THE STATE EDUCATION DEPARTMENT AND WITHIN THE UNIVER-
25 SITY OF THE STATE OF NEW YORK CREATED BY SECTION THREE HUNDRED FIFTY-TWO
26 OF THE EDUCATION LAW.

27 2. THE AUTHORITY MAY, FROM AND AFTER APRIL FIRST, TWO THOUSAND THIR-
28 TEEN, ISSUE DORMITORY FACILITY REVENUE BONDS IN AN AMOUNT NOT TO EXCEED
29 NINE HUNDRED FORTY-FOUR MILLION DOLLARS. SUCH AMOUNT SHALL BE EXCLUSIVE
30 OF BONDS AND NOTES ISSUED TO FUND ANY RESERVE FUND OR FUNDS, COST OF
31 ISSUANCE, ORIGINAL ISSUE PREMIUM, AND TO REFUND ANY PRIOR DORMITORY
32 FACILITY BONDS OR ANY DORMITORY FACILITY REVENUE BONDS. THE AUTHORITY
33 AND THE STATE UNIVERSITY ARE HEREBY AUTHORIZED TO ENTER INTO AGREEMENTS
34 RELATING TO, AMONG OTHER THINGS, THE ACQUISITION OF PROPERTY OR INTER-
35 ESTS THEREIN, THE CONSTRUCTION, RECONSTRUCTION, REHABILITATION, IMPROVE-
36 MENT, EQUIPPING AND FURNISHING OF DORMITORY FACILITIES, THE OPERATION
37 AND MAINTENANCE OF DORMITORY FACILITIES, AND THE BILLING, COLLECTION AND
38 DISBURSEMENT OF DORMITORY FACILITIES REVENUES, THE TITLE TO WHICH HAS
39 BEEN CONVEYED, ASSIGNED OR OTHERWISE TRANSFERRED TO THE AUTHORITY PURSU-
40 ANT TO PARAGRAPH Y OF SUBDIVISION TWO OF SECTION THREE HUNDRED
41 FIFTY-FIVE OF THE EDUCATION LAW. NO DEBT SHALL BE CONTRACTED EXCEPT TO
42 FINANCE CAPITAL WORKS OR PURPOSES. NOTWITHSTANDING ANY OTHER PROVISION
43 OF LAW, DORMITORY FACILITY REVENUES SHALL NOT BE DEEMED TO BE REVENUES
44 OF THE STATE. THE STATE SHALL NOT BE LIABLE FOR ANY PAYMENTS ON ANY
45 DORMITORY FACILITY REVENUE BONDS, AND SUCH BONDS SHALL NOT BE A DEBT OF
46 THE STATE.

47 3. (A) THERE IS HEREBY ESTABLISHED IN THE CUSTODY OF THE COMMISSIONER
48 OF TAXATION AND FINANCE A SPECIAL FUND TO BE KNOWN AS THE DORMITORY
49 FACILITIES REVENUE FUND. SUCH FUND SHALL CONSIST OF ALL DORMITORY FACIL-
50 ITIES REVENUES CONVEYED, ASSIGNED OR OTHERWISE TRANSFERRED TO THE
51 AUTHORITY PURSUANT TO PARAGRAPH Y OF SUBDIVISION TWO OF SECTION THREE
52 HUNDRED FIFTY-FIVE OF THE EDUCATION LAW, WHICH UPON RECEIPT BY THE
53 COMMISSIONER OF TAXATION AND FINANCE SHALL BE DEPOSITED IN SUCH FUND AND
54 HELD BY THE COMMISSIONER OF TAXATION AND FINANCE PURSUANT TO SUBDIVISION
55 FOUR OF SECTION FOUR OF THE STATE FINANCE LAW. THE MONEYS IN THE FUND
56 SHALL BE THE SOLE AND EXCLUSIVE PROPERTY OF THE AUTHORITY. THE MONEYS

1 HELD IN THE FUND SHALL BE HELD SEPARATE AND APART FROM AND NOT COMMUN-
2 GLED WITH ANY MONEYS OF THE STATE OR ANY OTHER MONEYS IN THE CUSTODY OF
3 THE COMMISSIONER OF TAXATION AND FINANCE. ALL DEPOSITS OF MONEYS SHALL,
4 IF REQUIRED BY THE COMMISSIONER OF TAXATION AND FINANCE, BE SECURED BY
5 OBLIGATIONS OF THE UNITED STATES OF AMERICA OR OF THE STATE HAVING A
6 MARKET VALUE EQUAL AT ALL TIMES TO THE AMOUNT OF SUCH DEPOSITS AND ALL
7 BANKS AND TRUST COMPANIES ARE AUTHORIZED TO GIVE SECURITY FOR SUCH
8 DEPOSITS. ANY MONEYS IN SUCH FUND MAY, IN THE DISCRETION OF THE COMMISS-
9 SIONER OF TAXATION AND FINANCE, BE INVESTED IN OBLIGATIONS DESCRIBED IN
10 SECTION NINETY-EIGHT OF THE STATE FINANCE LAW. THE COMMISSIONER OF TAXA-
11 TION AND FINANCE SHALL CERTIFY TO THE AUTHORITY AND THE STATE UNIVERSITY
12 NOT LATER THAN THE FIFTEENTH DAY OF EACH MONTH THE AMOUNT OF DORMITORY
13 FACILITIES REVENUES DEPOSITED IN THE FUND DURING THE PRECEDING CALENDAR
14 MONTH AND THE AMOUNT HELD IN THE FUND AS OF THE LAST DAY OF SUCH PRECED-
15 ING CALENDAR MONTH.

16 (B) DURING EACH TWELVE MONTH PERIOD COMMENCING JULY FIRST OF A CALEN-
17 DAR YEAR AND ENDING ON JUNE THIRTIETH OF THE SUCCEEDING CALENDAR YEAR,
18 THE COMMISSIONER OF TAXATION AND FINANCE SHALL PAY, WITHOUT APPROPRI-
19 ATION, TO OR UPON THE ORDER OF THE AUTHORITY FROM THE MONEYS IN THE FUND
20 THE AMOUNT CERTIFIED TO THE COMMISSIONER OF TAXATION AND FINANCE BY THE
21 AUTHORITY PURSUANT TO PARAGRAPH (C) OF THIS SUBDIVISION. ANY MONEYS
22 REMAINING IN THE FUND AFTER PAYMENT TO THE AUTHORITY OF THE AMOUNT SO
23 CERTIFIED SHALL BE PAID BY THE COMMISSIONER OF TAXATION AND FINANCE IN
24 ACCORDANCE WITH THE AGREEMENT. ALL RIGHTS, TITLE AND INTEREST IN AND TO
25 ANY MONEYS PAID TO OR UPON THE ORDER OF THE STATE UNIVERSITY PURSUANT TO
26 THE AGREEMENT SHALL VEST IN THE STATE UNIVERSITY AND BE THE ABSOLUTE
27 PROPERTY OF THE STATE UNIVERSITY, AND THE AUTHORITY SHALL NO LONGER HAVE
28 ANY INTEREST IN SUCH MONEYS.

29 (C) THE AUTHORITY SHALL, NOT LATER THAN BY THE FIRST DAY OF JUNE OF
30 EACH CALENDAR YEAR, CERTIFY TO THE COMMISSIONER OF TAXATION AND FINANCE
31 AND TO THE STATE UNIVERSITY: (I) THE AMOUNT OF THE RENTALS, INCLUDING
32 THE AMOUNTS REQUIRED FOR PAYMENT OF THE PRINCIPAL OF, AND INTEREST ON
33 PRIOR DORMITORY FACILITY BONDS REQUIRED TO BE MADE BY THE STATE UNIVER-
34 SITY TO THE AUTHORITY DURING THE TWELVE MONTH PERIOD COMMENCING ON THE
35 SUCCEEDING JULY FIRST AND ENDING ON THE SUCCEEDING JUNE THIRTIETH PURSU-
36 ANT TO THE AGREEMENT BETWEEN THE AUTHORITY AND THE STATE UNIVERSITY,
37 DATED AS OF THE TWENTIETH DAY OF SEPTEMBER, NINETEEN HUNDRED
38 NINETY-FIVE, AS AMENDED AND RESTATED; (II) THE AMOUNT REQUIRED TO MAIN-
39 TAIN ANY RESERVES FOR THE REPAIR AND REPLACEMENT OF DORMITORY FACILITIES
40 OR THE OPERATIONS AND MAINTENANCE OF DORMITORY FACILITIES IN CONNECTION
41 WITH THE PRIOR DORMITORY FACILITY BONDS; (III) THE AMOUNT REQUIRED FOR
42 PAYMENT OF THE PRINCIPAL OF, WHETHER AT MATURITY OR DUE THROUGH MANDATO-
43 RY REDEMPTION, AND INTEREST ON DORMITORY FACILITY REVENUE BONDS PAYABLE
44 ON JANUARY FIRST OF SUCH TWELVE MONTH PERIOD AND ON JULY FIRST NEXT
45 SUCCEEDING SUCH TWELVE MONTH PERIOD; (IV) THE AMOUNT REQUIRED TO MAIN-
46 TAIN ANY RESERVES FOR THE REPAIR AND REPLACEMENT OF DORMITORY FACILITIES
47 OR THE OPERATIONS AND MAINTENANCE OF DORMITORY FACILITIES IN CONNECTION
48 WITH THE DORMITORY FACILITY REVENUE BONDS; (V) THE AMOUNT REQUIRED TO
49 RESTORE ANY RESERVE FOR THE PAYMENT OF DEBT SERVICE ON DORMITORY FACILI-
50 TY REVENUE BONDS TO ITS REQUIREMENT; AND (VI) THE COSTS, EXPENSES AND
51 OVERHEAD OF THE DORMITORY AUTHORITY TO BE INCURRED DURING SUCH TWELVE
52 MONTH PERIOD IN CONNECTION WITH AND REASONABLY RELATED TO DORMITORY
53 FACILITIES FINANCED THROUGH THE ISSUANCE OF DORMITORY FACILITY REVENUE
54 BONDS. EACH SUCH AMOUNT SHALL BE SEPARATELY STATED AND IDENTIFIED IN
55 SUCH CERTIFICATE. ANY SUCH CERTIFICATE SUBMITTED BY THE DORMITORY
56 AUTHORITY MAY BE AMENDED BY THE DORMITORY AUTHORITY FROM TIME TO TIME AS

NECESSARY TO ADJUST THE AMOUNTS SET FORTH THEREIN. THE MONEYS PAID TO THE AUTHORITY PURSUANT TO PARAGRAPH (B) OF THIS SUBDIVISION SHALL BE APPLIED BY THE AUTHORITY IN THE ORDER OF PRIORITY IN WHICH THE AMOUNTS SET FORTH IN SUCH CERTIFICATION ARE STATED IN THIS PARAGRAPH.

S 5. For the purposes of paragraphs (b) and (c) of subdivision 3 of section 1680-q of the public authorities law, as added by section four of this act, the dormitory authority shall, within thirty days after the date on which this act shall become effective, make and deliver to the commissioner of taxation and finance and the state university of New York a certification in the form and substance required by such paragraph (c) with respect to amounts required for the items specified therein during the period from the effective date of this act to and including the thirtieth day of June, 2013, and, if this act shall become effective after the first day of June, 2013, for the twelve month period commencing the first day of July, 2013, to and including the thirtieth day of June, 2014. No money shall be paid by the commissioner of taxation and finance out of the dormitory facility revenue fund except unless and until such commissioner has received the certification or certifications required by this section.

S 6. This act shall take effect immediately.

PART C

Section 1. Paragraph (a) of subdivision 1 of section 1 of part U of 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, as amended by section 1 of part H of chapter 57 of the laws of 2012, is amended to read as follows:

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

S 2. Paragraph (h) of subdivision 4 of section 1 of part U of 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, as amended by section 2 of part H of chapter 57 of the laws of 2012, is amended to read as follows:

(h) [If a college did not apply for a potential grant] IN THE EVENT THAT ANY COLLEGES DO NOT APPLY FOR HIGHER EDUCATION CAPITAL MATCHING GRANTS by March 31, 2009, OR IN THE EVENT THEY APPLY FOR AND ARE AWARDED, BUT DO NOT USE THE FULL AMOUNT OF SUCH GRANTS, THE UNUSED funds associated with such [potential grant] GRANTS shall THEREAFTER be awarded[,] TO COLLEGES on a competitive basis, [to other colleges,] according to the priorities set forth below. [Colleges] NOTWITHSTANDING SUBDIVISION FIVE OF THIS SECTION, ANY COLLEGE shall be eligible to apply for [unutilized grants] SUCH UNUSED FUNDS IN RESPONSE TO A REQUEST FOR

1 PROPOSALS FOR A HIGHER EDUCATION CAPITAL MATCHING GRANT PURSUANT TO THIS
2 PARAGRAPH. In such cases, the following priorities shall apply: first,
3 priority shall be given to otherwise eligible colleges that either were,
4 or would have been, deemed ineligible for the program prior to March 31,
5 2009, due to missed deadlines, insufficient matching funds, lack of
6 accreditation or other disqualifying reasons; and second, after the
7 board has acted upon all such first-priority applications for unused
8 funds, if any such funds remain, those funds shall be available for
9 distribution to eligible colleges [that are located within the same
10 Regents of the State of New York region for which such funds were
11 originally allocated]. THE UNUSED FUNDS ASSOCIATED WITH HIGHER EDUCA-
12 TION CAPITAL MATCHING GRANTS THAT WERE AVAILABLE IN THE FIRST INSTANCE
13 TO COLLEGES AND UNIVERSITIES LOCATED IN THE COUNTIES OF NASSAU, SUFFOLK
14 AND IN THE CITY OF NEW YORK, SHALL BE AWARDED PURSUANT TO THIS PARAGRAPH
15 TO COLLEGES IN THE COUNTIES OF NASSAU AND SUFFOLK AND THE CITY OF NEW
16 YORK, AND THE UNUSED FUNDS ASSOCIATED WITH SUCH GRANTS THAT WERE AVAIL-
17 ABLE IN THE FIRST INSTANCE TO COLLEGES OUTSIDE THE COUNTIES OF NASSAU,
18 SUFFOLK AND THE CITY OF NEW YORK SHALL BE AWARDED PURSUANT TO THIS PARA-
19 GRAPH TO COLLEGES LOCATED OUTSIDE THE COUNTIES OF NASSAU, SUFFOLK AND
20 THE CITY OF NEW YORK. The dormitory authority shall develop a request
21 for proposals and application process, in consultation with the board,
22 for [such] HIGHER EDUCATION CAPITAL MATCHING grants AWARDED PURSUANT TO
23 THIS PARAGRAPH, and shall develop criteria, subject to review by the
24 board, for the awarding of such grants. Such criteria shall [incorpo-
25 rate] INCLUDE, BUT NOT BE LIMITED TO the matching criteria contained in
26 paragraph (c) of this subdivision, and the application criteria set
27 forth in paragraph (e) of this subdivision. The dormitory authority
28 shall require all applications in response to the request for proposals
29 to be submitted by September 1, [2012] 2013, and the board shall act on
30 each application for such matching grants by November 1, [2012] 2013.

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

38 (A) Notwithstanding the provision of any general or special law to the
39 contrary, and subject to the provisions of chapter 59 of the laws of
40 2000 and to the making of annual appropriations therefor by the legisla-
41 ture, in order to assist the dormitory authority in providing such high-
42 er education capital matching grants, the director of the budget is
43 authorized in any state fiscal year commencing April 1, 2005 or any
44 state fiscal year thereafter for a period ending on March 31, [2014]
45 2015, to enter into one or more service contracts, none of which shall
46 exceed 30 years in duration, with the dormitory authority, upon such
47 terms as the director of the budget and the dormitory authority agree.

48 S 4. Paragraph (b) of subdivision 7 of section 1 of part U of chapter
49 57 of the laws of 2005 amending the labor law and other laws implement-
50 ing the state fiscal plan for the 2005-2006 state fiscal year, relating
51 to the New York state higher education matching capital grant program
52 for independent colleges, as amended by section 4 of part H of chapter
53 57 of the laws of 2012, is amended to read as follows:

54 (b) Any eligible institution receiving a grant pursuant to this arti-
55 cle shall report to the dormitory authority no later than June 1, [2013]
56 2014, on the use of funding received and its programmatic and economic

1 impact. The dormitory authority shall submit a report no later than
2 November 1, [2013] 2014 to the board, the governor, the director of the
3 budget, the temporary president of the senate, and the speaker of the
4 assembly on the aggregate impact of the higher education matching capi-
5 tal grant program. Such report shall provide information on the progress
6 and economic impact of such project.

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

9

PART D

10 Section 1. Subdivision 1 of section 6304 of the education law is
11 amended by adding two new paragraphs b-1 and b-2 to read as follows:

12 B-1. (I) NOTWITHSTANDING ANY PROVISION OF LAW TO THE CONTRARY, FOR THE
13 COMMUNITY COLLEGE FISCAL YEAR TWO THOUSAND THIRTEEN--TWO THOUSAND FOUR-
14 TEEN AND THEREAFTER, ENROLLMENT IN A PROGRAM THAT CONFERS A CREDIT-BEAR-
15 ING CERTIFICATE, AN ASSOCIATE OF OCCUPATIONAL STUDIES DEGREE, OR AN
16 ASSOCIATE OF APPLIED SCIENCE DEGREE, SHALL ONLY COUNT AS AIDABLE COLLEGE
17 ENROLLMENT IF:

18 (A) THE PROGRAM IS A PARTNERSHIP BETWEEN THE COMMUNITY COLLEGE AND ONE
19 OR MORE EMPLOYERS TO TRAIN AND EMPLOY STUDENTS IN A SPECIFIC OCCUPATION;
20 OR

21 (B) THE PROGRAM (1) PREPARES STUDENTS FOR AN OCCUPATION THAT MEETS
22 CURRENT OR EMERGING REGIONAL WORKFORCE NEEDS BASED ON A LIST PROVIDED BY
23 THE DEPARTMENT OF LABOR BASED ON AVAILABLE LABOR MARKET DATA OR IDENTI-
24 FIED AS SUCH BY THE APPLICABLE REGIONAL ECONOMIC DEVELOPMENT COUNCIL,
25 AND (2) HAS AN ADVISORY COMMITTEE MADE UP OF MEMBERS OF WHOM THE MAJORI-
26 TY ARE EMPLOYERS IN THE OCCUPATION OR SECTOR, OR A RELATED SECTOR, THAT
27 EMPLOY OR COMMIT TO EMPLOY WORKERS IN THE REGION WHERE THE COMMUNITY
28 COLLEGE IS LOCATED, AND SUCH COMMITTEE SERVES TO ADVISE THE COMMUNITY
29 COLLEGE ON THE PROGRAM'S CURRICULUM, RECRUITMENT, PLACEMENT AND EVALU-
30 ATION SO THAT IT REMAINS UP-TO-DATE WITH EMPLOYER NEEDS.

31 (II) NOTWITHSTANDING SUBPARAGRAPH (I) OF THIS PARAGRAPH, ENROLLMENT IN
32 PROGRAMS THAT FAIL TO MEET THE REQUIREMENTS OF SUBPARAGRAPH (I) OF THIS
33 PARAGRAPH SHALL COUNT IN THE DETERMINATION OF AIDABLE COLLEGE ENROLLMENT
34 IN THE TWO THOUSAND THIRTEEN--TWO THOUSAND FOURTEEN COMMUNITY COLLEGE
35 FISCAL YEAR ONLY TO THE EXTENT A STUDENT WAS ENROLLED IN THE SAME
36 PROGRAM AND WAS COUNTED IN THE DETERMINATION OF AIDABLE COLLEGE ENROLL-
37 MENT DURING, OR PRIOR TO, THE TWO THOUSAND TWELVE--TWO THOUSAND THIRTEEN
38 COMMUNITY COLLEGE FISCAL YEAR.

39 (III) ON OR BEFORE NOVEMBER FIRST OF EACH YEAR, THE STATE UNIVERSITY
40 TRUSTEES AND THE CITY UNIVERSITY TRUSTEES SHALL EACH SUBMIT A REPORT TO
41 THE DIRECTOR OF THE BUDGET FOR PURPOSES OF DETERMINING AMOUNTS PAYABLE
42 TO COMMUNITY COLLEGES. SUCH REPORT SHALL INCLUDE AN ACCOUNTING OF AIDA-
43 BLE COLLEGE ENROLLMENT AS DETERMINED IN ACCORDANCE WITH THIS PARAGRAPH
44 FOR PROGRAMS THAT CONFER CREDIT-BEARING CERTIFICATES, ASSOCIATE OF OCCU-
45 PATIONAL STUDIES DEGREES, OR ASSOCIATE OF APPLIED SCIENCE DEGREES, IN
46 SUCH A FORM AND MANNER AS THE DIRECTOR OF THE BUDGET MAY REQUIRE TO
47 VERIFY COMPLIANCE WITH SUBPARAGRAPHS (I) AND (II) OF THIS PARAGRAPH AND
48 APPROVE OR DENY PAYMENT FOR SUCH PROGRAMS THEREOF; AND PROVIDED FURTHER
49 THAT, PRIOR TO SUBMITTING SUCH REPORTS, THE CHANCELLOR OF THE STATE
50 UNIVERSITY OF NEW YORK AND THE CHANCELLOR OF THE CITY UNIVERSITY OF NEW
51 YORK SHALL ASSIST THE DIRECTOR OF THE BUDGET IN AN EVALUATION OF WHETHER
52 THERE ARE ADDITIONAL WORKFORCE AND VOCATIONAL PROGRAMS THAT SHALL BE
53 CONSIDERED IN FUTURE YEARS FOR THE PURPOSE OF MAKING NECESSARY CALCU-
54 LATIONS PURSUANT TO THIS PARAGRAPH AND PARAGRAPH B-2 OF THIS SECTION.

1 B-2. (I) NOTWITHSTANDING ANY PROVISION OF LAW TO THE CONTRARY, WITHIN
2 AMOUNTS APPROPRIATED THEREFOR, THE STATE UNIVERSITY OF NEW YORK AND CITY
3 UNIVERSITY OF NEW YORK SHALL MAKE AWARDS TO COMMUNITY COLLEGES FROM A
4 NEXT GENERATION NY JOB LINKAGE PROGRAM INCENTIVE FUND ON A PRO-RATA
5 BASIS IN ACCORDANCE WITH A METHODOLOGY AND IN A FORM AND MANNER DEVELOPED
6 BY THE DIRECTOR OF THE BUDGET, IN CONSULTATION WITH THE STATE
7 UNIVERSITY AND CITY UNIVERSITY, BASED ON MEASURES OF STUDENT SUCCESS FOR
8 ALL STUDENTS ENROLLED IN PROGRAMS THAT MEET THE REQUIREMENTS OF SUBPARA-
9 GRAPH (I) OF PARAGRAPH B-1 OF THIS SUBDIVISION INCLUDING, BUT NOT LIMITED
10 TO:

11 (A) THE NUMBER OF STUDENTS WHO ARE EMPLOYED FOLLOWING DEGREE OR
12 CERTIFICATE COMPLETION AND THEIR WAGE GAINS, IF ANY, AS DETERMINED BY
13 THE DEPARTMENT OF LABOR, WHICH SHALL BE GIVEN THE GREATEST WEIGHTING
14 AMONG ALL MEASURES OF STUDENT SUCCESS;

15 (B) THE NUMBER OF ON-TIME DEGREE COMPLETIONS, ON-TIME CERTIFICATE
16 COMPLETIONS AND STUDENT TRANSFERS TO OTHER INSTITUTIONS OF HIGHER EDUCATION;
17

18 (C) THE NUMBER OF DEGREES AND CERTIFICATE COMPLETIONS THAT DO NOT MEET
19 THE ON-TIME REQUIREMENT OF CLAUSE (B) OF THIS SUBPARAGRAPH WHICH SHALL
20 BE GIVEN LESSER WEIGHT THAN CLAUSE (B);

21 (D) THE NUMBER OF DEGREE AND CERTIFICATE COMPLETIONS UNDER CLAUSES (B)
22 AND (C) OF THIS SUBPARAGRAPH BY A STUDENT CONSIDERED ACADEMICALLY
23 AT-RISK DUE TO ECONOMIC DISADVANTAGE OR OTHER FACTOR OF UNDER-REPRESENTATION
24 WITHIN THE FIELD OF STUDY; AND

25 (E) THE NUMBER OF STUDENTS WHO MAKE ADEQUATE PROGRESS TOWARDS
26 COMPLETION OF A DEGREE OR CERTIFICATE, WHICH MAY INCLUDE ACCELERATED
27 COMPLETION OF A DEVELOPMENTAL EDUCATION PROGRAM.

28 (II) ON OR BEFORE DECEMBER FIRST OF EACH YEAR, OR AN ALTERNATIVE DATE
29 AS DETERMINED BY THE DIRECTOR OF THE BUDGET IN CONSULTATION WITH THE
30 STATE UNIVERSITY AND CITY UNIVERSITY, THE STATE UNIVERSITY TRUSTEES AND
31 THE CITY UNIVERSITY TRUSTEES SHALL EACH SUBMIT A PLAN FOR APPROVAL BY
32 THE DIRECTOR OF THE BUDGET TO ALLOCATE AMOUNTS AVAILABLE FOR THE NEXT
33 GENERATION NY JOB LINKAGE PROGRAM INCENTIVE FUND IN ACCORDANCE WITH THIS
34 PARAGRAPH.

35 S 2. This act shall take effect immediately.

36

PART E

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

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

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

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

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

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

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

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

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

14 (b) On and after January first, two thousand [twelve] THIRTEEN, for an
15 eligible individual living with others with or without in-kind income,
16 [\$721.00] \$733.00; and for an eligible couple living with others with or
17 without in-kind income, [\$1094.00] \$1112.00.

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

29 (d) On and after January first, two thousand [twelve] THIRTEEN, (i)
30 for an eligible individual receiving residential care, [\$1133.00]
31 \$1145.00 if he or she is receiving such care in the city of New York or
32 the county of Nassau, Suffolk, Westchester or Rockland; and (ii) for an
33 eligible couple receiving residential care in the city of New York or
34 the county of Nassau, Suffolk, Westchester or Rockland, two times the
35 amount set forth in subparagraph (i) of this paragraph; or (iii) for an
36 eligible individual receiving such care in any other county in the
37 state, [\$1103.00] \$1115.00; and (iv) for an eligible couple receiving
38 such care in any other county in the state, two times the amount set
39 forth in subparagraph (iii) of this paragraph.

40 (e) (i) On and after January first, two thousand [twelve] THIRTEEN,
41 for an eligible individual receiving enhanced residential care,
42 [\$1392.00] \$1404.00; and (ii) for an eligible couple receiving enhanced
43 residential care, two times the amount set forth in subparagraph (i) of
44 this paragraph.

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

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

51

PART F

52 Section 1. Title 1 of article 2-A of the social services law is
53 REPEALED.

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

3 ARTICLE 28

4 HOMELESS HOUSING AND ASSISTANCE PROGRAM

5 SECTION 1223. LEGISLATIVE FINDINGS AND PURPOSE.

6 1224. DEFINITIONS.

7 1225. HOMELESS HOUSING AND ASSISTANCE CONTRACTS.

8 1226. GENERAL AND ADMINISTRATIVE PROVISIONS.

9 S 1223. LEGISLATIVE FINDINGS AND PURPOSE. THE LEGISLATURE HEREBY FINDS
10 THAT THE NEED CONTINUES TO EXIST FOR A PROGRAM TO PROVIDE MONIES TO
11 NOT-FOR-PROFIT CORPORATIONS, CHARITABLE ORGANIZATIONS, WHOLLY OWNED
12 SUBSIDIARIES OF NOT-FOR-PROFIT CORPORATIONS OR OF CHARITABLE ORGANIZA-
13 TIONS, PUBLIC CORPORATIONS AND MUNICIPALITIES TO DEVELOP, EXPAND,
14 PRESERVE AND IMPROVE THE SUPPLY OF SHELTER AND OTHER SUPPORTIVE HOUSING
15 ARRANGEMENTS FOR HOMELESS PERSONS. THIS PROGRAM SHALL NOW BE OVERSEEN BY
16 THE STATE DIVISION OF HOUSING AND COMMUNITY RENEWAL, THE STATE AGENCY
17 THAT HAS PRIMARY RESPONSIBILITY FOR AND EXPERTISE IN CAPITAL
18 CONSTRUCTION AND ASSET MANAGEMENT. THE STATE DIVISION OF HOUSING AND
19 COMMUNITY RENEWAL, IN CONJUNCTION WITH THE HOMELESS HOUSING AND ASSIST-
20 ANCE CORPORATION, SHALL CONSULT WITH THE OFFICE OF TEMPORARY AND DISA-
21 BILITY ASSISTANCE, THE OFFICE OF MENTAL HEALTH, THE OFFICE OF ALCOHOLISM
22 AND SUBSTANCE ABUSE SERVICES AND SUCH OTHER APPROPRIATE AGENCIES AS IT
23 MAY DEEM NECESSARY IN ORDER TO EFFECTUATE THE PURPOSES OF THIS ARTICLE.
24 IN ADDITION, THE STATE DIVISION OF HOUSING AND COMMUNITY RENEWAL SHALL
25 CONSULT WITH THE OFFICE OF TEMPORARY AND DISABILITY ASSISTANCE IN REGARD
26 TO THE REVIEW OF THE COMPONENTS OF PROPOSED PROJECT OPERATING PLANS AS
27 REFERENCED IN PARAGRAPHS (B), (C) AND (D) OF SUBDIVISION FOUR OF SECTION
28 TWELVE HUNDRED TWENTY-FIVE OF THIS ARTICLE.

29 S 1224. DEFINITIONS. AS USED IN THIS ARTICLE, THE FOLLOWING TERMS
30 SHALL HAVE THE FOLLOWING MEANINGS UNLESS THE CONTEXT CLEARLY REQUIRES
31 OTHERWISE:

32 1. "CORPORATION" SHALL MEAN THE HOMELESS HOUSING AND ASSISTANCE CORPO-
33 RATION ESTABLISHED IN SECTION FORTY-FIVE-C OF THIS CHAPTER.

34 2. "HOMELESS PROJECT" SHALL MEAN A SPECIFIC FACILITY, INCLUDING LANDS,
35 BUILDINGS AND IMPROVEMENTS ACQUIRED, CONSTRUCTED, RENOVATED OR REHABILI-
36 TATED AND OPERATED BY A NOT-FOR-PROFIT CORPORATION, CHARITABLE ORGANIZA-
37 TION, WHOLLY OWNED SUBSIDIARY OF A NOT-FOR-PROFIT CORPORATION OR OF A
38 CHARITABLE ORGANIZATION, PUBLIC CORPORATION OR A MUNICIPALITY TO
39 INCREASE THE AVAILABILITY OF HOUSING FOR HOMELESS PERSONS, WHICH (A) MAY
40 INCLUDE FACILITIES FOR ASSOCIATED SERVICES SUCH AS BUT NOT LIMITED TO
41 DINING, RECREATIONAL, SANITARY, SOCIAL, MEDICAL AND MENTAL HEALTH
42 SERVICES AS MAY BE DEEMED BY THE CORPORATION TO BE ESSENTIAL TO SUCH A
43 PROJECT; AND (B) MUST PROVIDE DIRECTLY OR ARRANGE INDIRECTLY SUPPORTIVE
44 SERVICES, AS DEEMED BY THE CORPORATION TO BE APPROPRIATE TO THE POPU-
45 LATION TO BE HOUSED AND ESSENTIAL TO SUCH A PROJECT.

46 3. "HOMELESS PERSON" SHALL MEAN A PERSON OR FAMILY WHO IS UNABLE TO
47 SECURE PERMANENT AND STABLE HOUSING WITHOUT SPECIAL ASSISTANCE, AS
48 DETERMINED BY THE CORPORATION.

49 4. "PROJECT COST" SHALL MEAN THE COST OF ANY OR ALL UNDERTAKINGS
50 NECESSARY FOR PLANNING, FINANCING, LAND ACQUISITION, DEMOLITION,
51 CONSTRUCTION, REHABILITATION, EQUIPMENT, FURNITURE AND SITE DEVELOPMENT.

52 5. "OTHER THAN PROJECT COST" SHALL MEAN COSTS ASSOCIATED WITH SUSTAIN-
53 ING THE LONG-TERM VIABILITY OF THE PROJECT, INCLUDING, BUT NOT LIMITED
54 TO STARTUP COSTS, RESERVES, EMERGENT REPAIR NEEDS AND RELATED COSTS TO
55 THE CORPORATION OF STABILIZING OPERATING PROJECTS, AS MAY BE FURTHER

1 DEFINED IN THE REGULATIONS AND SUBJECT TO THE LIMITATIONS STATED IN
2 SUBDIVISION NINE OF SECTION TWELVE HUNDRED TWENTY-FIVE OF THIS ARTICLE.

3 6. "NOT-FOR-PROFIT CORPORATION" AND "CHARITABLE ORGANIZATION" SHALL
4 MEAN ENTITIES ESTABLISHED PURSUANT TO THE NOT-FOR-PROFIT CORPORATION LAW
5 OR OTHERWISE ESTABLISHED PURSUANT TO LAW.

6 7. "PUBLIC CORPORATION" SHALL MEAN A MUNICIPAL CORPORATION, A DISTRICT
7 CORPORATION, OR A PUBLIC BENEFIT CORPORATION.

8 S 1225. HOMELESS HOUSING AND ASSISTANCE CONTRACTS. 1. WITHIN THE
9 LIMITS OF FUNDS APPROPRIATED FOR THE HOMELESS HOUSING AND ASSISTANCE
10 PROGRAM, THE CORPORATION IS AUTHORIZED TO ENTER INTO CONTRACTS WITH
11 MUNICIPALITIES TO PROVIDE STATE FINANCIAL ASSISTANCE FOR THE PROJECT
12 COSTS ATTRIBUTABLE TO THE ESTABLISHMENT OF HOMELESS HOUSING PROJECTS.
13 THE MUNICIPALITIES THAT ENTER INTO CONTRACTS WITH THE CORPORATION SHALL
14 UNDERTAKE THE ESTABLISHMENT OF THE HOMELESS HOUSING PROJECT OR SHALL
15 CONTRACT WITH A NOT-FOR-PROFIT CORPORATION OR CHARITABLE ORGANIZATION TO
16 UNDERTAKE THE PROJECT, PURSUANT TO THIS ARTICLE.

17 2. SUBJECT TO THE APPROVAL OF THE DIRECTOR OF THE BUDGET, THE CORPO-
18 RATION IS AUTHORIZED TO ENTER INTO CONTRACTS WITH NOT-FOR-PROFIT CORPO-
19 RATIONS OR SUBSIDIARIES THEREOF, PUBLIC CORPORATIONS OR CHARITABLE
20 ORGANIZATIONS OR SUBSIDIARIES THEREOF TO PROVIDE STATE FINANCIAL ASSIST-
21 ANCE FOR THE PROJECT COSTS ATTRIBUTABLE TO THE ESTABLISHMENT OF HOMELESS
22 PROJECTS.

23 3. THE STATE FINANCIAL ASSISTANCE SHALL BE IN THE FORM OF GRANTS,
24 LOANS OR LOAN GUARANTEES, AS THE CORPORATION MAY DETERMINE; PROVIDED,
25 HOWEVER, THAT FINANCIAL ASSISTANCE TO A FOR-PROFIT SUBSIDIARY OF A NOT-
26 FOR-PROFIT CORPORATION OR OF A CHARITABLE ORGANIZATION MUST BE IN THE
27 FORM OF A LOAN OR LOAN GUARANTEE. ANY LOAN TO A FOR-PROFIT SUBSIDIARY
28 SHALL BE REPAID UNDER SUCH TERMS AS WILL PROTECT THE FINANCIAL VIABILITY
29 OF THE PROJECT. SUBJECT TO THE APPROVAL OF THE DIRECTOR OF THE BUDGET,
30 THE CORPORATION MAY CONTRACT WITH OTHER STATE AGENCIES, PUBLIC BENEFIT
31 CORPORATIONS OR PRIVATE INSTITUTIONS TO ADMINISTER A LOAN OR LOAN GUAR-
32 ANTEE PROGRAM PURSUANT TO REGULATIONS TO BE PROMULGATED BY THE CORPO-
33 RATION.

34 4. THE CORPORATION SHALL REQUIRE THAT, IN ORDER TO RECEIVE FUNDS
35 PURSUANT TO THIS ARTICLE, THE MUNICIPALITY, NOT-FOR-PROFIT CORPORATION
36 OR SUBSIDIARY THEREOF, PUBLIC CORPORATION OR CHARITABLE ORGANIZATION OR
37 SUBSIDIARY THEREOF MUST SUBMIT AN OPERATING PLAN. SUCH PLAN SHALL
38 INCLUDE:

39 (A) THE MANNER IN WHICH THE OPERATING EXPENSES OF THE PROJECT SHALL BE
40 MET;

41 (B) THE SERVICES THAT WILL BE PROVIDED TO HOMELESS PERSONS, INCLUDING
42 PROCEDURES FOR INTAKE, REFERRAL AND OUTREACH;

43 (C) THE RESPONSIBILITIES OF THE MUNICIPALITY AND SOCIAL SERVICES
44 DISTRICT FOR THE OPERATION OF THE PROJECT;

45 (D) THE SPECIFIC POPULATION THAT WILL BE SERVED BY THE PROJECT AND HOW
46 THE PROJECT WILL ADDRESS THE POPULATION'S SPECIAL NEEDS;

47 (E) THE CATEGORY OF FACILITY PROPOSED TO BE ESTABLISHED;

48 (F) EVIDENCE DEMONSTRATING THAT SUCH PROJECT COMPLIES OR WILL COMPLY
49 WITH EXISTING LOCAL, STATE AND FEDERAL LAWS AND REGULATIONS; AND

50 (G) A RENT OR OTHER REVENUE STRUCTURE THAT IS AFFORDABLE TO THE POPU-
51 LATION TO BE HOUSED.

52 5. THE CORPORATION MAY USE UP TO TWO PERCENT OF THE APPROPRIATION FOR
53 ANY FISCAL YEAR TO PAY FOR TECHNICAL ASSISTANCE IN SUPPORT OF PROJECT
54 DEVELOPMENT AND OPERATION. TECHNICAL ASSISTANCE MAY INCLUDE ASSISTANCE
55 WITH GENERAL PROJECT DEVELOPMENT AND OPERATION, SUPPORT SERVICES DEVEL-
56 OPMENT, ARCHITECTURE AND ENGINEERING, LEGAL SERVICES AND FINANCIAL

SERVICES AND MAY BE PROVIDED BY INDIVIDUALS AND NOT-FOR-PROFIT OR BUSINESS CORPORATIONS. THE PROVIDERS OF TECHNICAL ASSISTANCE SHALL BE CHOSEN BY THE CORPORATION BASED ON SUCH INFORMATION AS THE CORPORATION SHALL REQUIRE IN A REQUEST FOR PROPOSALS OR IN ANY OTHER COMPETITIVE PROCESS WHICH SATISFIES THE PROVISIONS OF THE STATE FINANCE LAW.

6. PRIOR TO ENTERING INTO A CONTRACT FOR THE ESTABLISHMENT AND OPERATION OF A HOMELESS PROJECT PURSUANT TO THIS SECTION, THE CORPORATION SHALL DETERMINE THAT THE NOT-FOR-PROFIT CORPORATION OR SUBSIDIARY THEREOF, PUBLIC CORPORATION OR CHARITABLE ORGANIZATION OR SUBSIDIARY THEREOF, THAT PROPOSES TO UNDERTAKE THE HOMELESS PROJECT IS A BONA FIDE ORGANIZATION WHICH SHALL HAVE DEMONSTRATED BY ITS PAST AND CURRENT ACTIVITIES THAT IT HAS THE ABILITY TO MAINTAIN, MANAGE OR OPERATE HOMELESS PROJECTS, THAT THE ORGANIZATION IS FINANCIALLY RESPONSIBLE, THAT THE PROPOSED PROJECT IS FINANCIALLY VIABLE AND THAT THE PROJECT PLAN HAS BEEN DETERMINED TO BE APPROPRIATE FOR THE NEEDS OF THE HOMELESS IN THE RELEVANT COMMUNITY.

7. EVERY CONTRACT ENTERED INTO FOR THE ESTABLISHMENT AND OPERATION OF A HOMELESS PROJECT PURSUANT TO THIS ARTICLE SHALL CONTAIN A PROVISION THAT IN THE EVENT THE PROPERTY WHICH IS THE SUBJECT OF SUCH CONTRACT CEASES TO BE USED AS A HOMELESS PROJECT DURING A FIFTEEN-YEAR PERIOD COMMENCING WITH THE DATE OF THE CORPORATION'S WRITTEN APPROVAL OF OCCUPANCY OF THE HOMELESS PROJECT, OR SUCH LONGER PERIOD OF TIME AS MAY BE ESTABLISHED IN THE CONTRACT, OR IN CASE OF ANY OTHER SUBSTANTIAL VIOLATION, THE CORPORATION MAY TERMINATE THE CONTRACT AND MAY REQUIRE THE REPAYMENT OF ANY MONEYS PREVIOUSLY ADVANCED TO THE MUNICIPALITY, NOT-FOR-PROFIT CORPORATION OR SUBSIDIARY THEREOF, PUBLIC CORPORATION OR CHARITABLE ORGANIZATION OR SUBSIDIARY THEREOF PURSUANT TO THE TERMS OF SUCH CONTRACT. WHERE THE MUNICIPALITY HAS ENTERED INTO A CONTRACT WITH A NOT-FOR-PROFIT CORPORATION OR SUBSIDIARY THEREOF, PUBLIC CORPORATION OR CHARITABLE ORGANIZATION OR SUBSIDIARY THEREOF, THE CORPORATION MAY, PURSUANT TO THIS SUBDIVISION, REQUIRE THAT THE MUNICIPALITY TERMINATE THE CONTRACT WITH SUCH CORPORATION. ANY MONEY REPAID PURSUANT TO THIS SUBDIVISION SHALL BE RETURNED TO THE HOMELESS HOUSING AND ASSISTANCE ACCOUNT.

8. EACH CONTRACT ENTERED INTO FOR THE ESTABLISHMENT AND OPERATION OF A HOMELESS PROJECT PURSUANT TO THIS ARTICLE SHALL BE SUBJECT TO THE APPROVAL OF THE DIRECTOR OF THE BUDGET AND SHALL PROVIDE FOR PAYMENT TO THE MUNICIPALITY, NOT-FOR-PROFIT CORPORATION OR SUBSIDIARY THEREOF, PUBLIC CORPORATION OR CHARITABLE ORGANIZATION OR SUBSIDIARY THEREOF FOR THE PROJECT COSTS RELATED TO THE HOMELESS PROJECT TO BE ESTABLISHED BY IT, PURSUANT TO A PAYMENT SCHEDULE. THE FULL AMOUNT OF THE CONTRACT, OR ANY APPROPRIATE PORTION THEREOF, AS DETERMINED BY THE CORPORATION AND SUBJECT TO THE APPROVAL OF THE DIRECTOR OF THE BUDGET, SHALL BE AVAILABLE FOR PAYMENT AT ANY TIME ON OR AFTER THE EFFECTIVE DATE OF THE CONTRACT.

9. NOTWITHSTANDING ANY OTHER PROVISION OF THIS ARTICLE, THE CORPORATION MAY, SUBJECT TO THE APPROVAL OF THE DIRECTOR OF THE BUDGET, ENTER INTO CONTRACTS TO PROVIDE FINANCIAL ASSISTANCE FOR OTHER THAN PROJECT COSTS WHERE SUCH FINANCIAL ASSISTANCE CAN BE DEMONSTRATED TO BE NECESSARY; PROVIDED, HOWEVER, THAT NO MORE THAN TWENTY-FIVE PER CENTUM OF THE TOTAL AMOUNT APPROPRIATED FOR THE PURPOSES OF THIS ARTICLE IN ANY FISCAL YEAR SHALL BE ALLOCATED IN CONTRACTS FOR OTHER THAN PROJECT COSTS. IN DETERMINING WHETHER FINANCIAL ASSISTANCE FOR OTHER THAN PROJECT COSTS IS NECESSARY, THE CORPORATION SHALL CONSIDER THE PROPOSED PROJECT'S PLAN FOR MEETING OPERATING EXPENSES, THE EFFORTS MADE BY THE CONTRACTING ORGANIZATIONS TO SECURE ALTERNATIVE SOURCES OF FUNDING FOR OTHER THAN

1 PROJECT COSTS, AND SUCH OTHER FACTORS AS THE CORPORATION SHALL DEEM
2 APPROPRIATE.

3 10. THE MUNICIPALITY, NOT-FOR-PROFIT CORPORATION OR SUBSIDIARY THERE-
4 OF, PUBLIC CORPORATION OR CHARITABLE ORGANIZATION OR SUBSIDIARY THEREOF
5 SEEKING FINANCIAL ASSISTANCE PURSUANT TO THIS ARTICLE SHALL, WITHIN
6 THIRTY DAYS OF ITS APPLICATION FOR SUCH ASSISTANCE, NOTIFY THE LOCAL
7 PLANNING BOARD, AS DEFINED BY SECTION TWENTY-SEVEN OF THE GENERAL CITY
8 LAW, SECTION TWO HUNDRED SEVENTY-ONE OF THE TOWN LAW, OR SECTION 7-718
9 OF THE VILLAGE LAW, APPROPRIATE FOR THE GEOGRAPHIC AREA IN WHICH THE
10 PROPOSED HOMELESS PROJECT WOULD BE LOCATED, AND SHALL PROVIDE SUCH BOARD
11 WITH INFORMATION REGARDING THE PROPOSED HOMELESS PROJECT.

12 S 1226. GENERAL AND ADMINISTRATIVE PROVISIONS. 1. THE CORPORATION
13 SHALL ISSUE AND PROMULGATE RULES AND REGULATIONS FOR THE ADMINISTRATION
14 OF THIS ARTICLE. THE RULES AND REGULATIONS SHALL PROVIDE THAT STATE
15 FINANCIAL ASSISTANCE PURSUANT TO THIS ARTICLE WILL NOT BE AVAILABLE
16 UNLESS AN APPLICATION HAS BEEN FILED BY THE MUNICIPALITY, NOT-FOR-PROFIT
17 CORPORATION OR SUBSIDIARY THEREOF, PUBLIC CORPORATION OR CHARITABLE
18 ORGANIZATION OR SUBSIDIARY THEREOF PURSUANT TO A REQUEST FOR PROPOSALS
19 ISSUED BY THE CORPORATION. THE RULES AND REGULATIONS SHALL INCLUDE
20 PROVISIONS CONCERNING ELIGIBILITY OF MUNICIPALITIES AND CONTRACTING
21 NOT-FOR-PROFIT CORPORATIONS OR SUBSIDIARIES THEREOF, PUBLIC CORPORATIONS
22 AND CHARITABLE ORGANIZATIONS OR SUBSIDIARIES THEREOF FOR STATE FINANCIAL
23 ASSISTANCE; THE FORM OF THE APPLICATIONS FOR CONTRACTS; FUNDING CRITERIA
24 AND THE FUNDING DETERMINATION PROCESS; THE FORM OF THE CONTRACTS; SUPER-
25 VISION AND EVALUATION OF THE CONTRACTING MUNICIPALITIES OR CORPORATIONS;
26 REPORTING, BUDGETING AND RECORD-KEEPING REQUIREMENTS; PROVISIONS FOR
27 MODIFICATION, TERMINATION, EXTENSION AND RENEWAL OF CONTRACTS; AND SUCH
28 OTHER MATTERS NOT INCONSISTENT WITH THE PURPOSES AND PROVISIONS OF THIS
29 ARTICLE AS THE CORPORATION SHALL DEEM NECESSARY, PROPER OR APPROPRIATE.

30 2. THE CORPORATION MAY PROVIDE THAT PREFERENCE BE GIVEN TO CONTRACT
31 APPLICATIONS THAT (A) INVOLVE OTHER SOURCES OF FUNDS (MUNICIPAL, FEDERAL
32 OR ANY SOURCE OTHER THAN THE STATE), IN-KIND CONTRIBUTIONS MADE BY SUCH
33 SOURCES, OR INVOLVE PROJECTS RECEIVING STATE FINANCIAL ASSISTANCE PURSU-
34 ANT TO CHAPTERS THREE HUNDRED THIRTY-EIGHT, THREE HUNDRED THIRTY-NINE
35 AND FIVE HUNDRED FORTY-NINE OF THE LAWS OF NINETEEN HUNDRED EIGHTY-TWO,
36 IN ORDER TO MAXIMIZE THE EFFECT OF STATE FINANCIAL ASSISTANCE OR (B)
37 INVOLVE INNOVATIVE AND COST-EFFECTIVE HOMELESS PROJECTS THAT MAY HELP
38 RESOLVE THE LONG-TERM PROBLEMS OF THE HOMELESS OR (C) INVOLVE THE REHA-
39 BILITATION OF EXISTING STRUCTURES.

40 3. THE CORPORATION SHALL EVALUATE THE NEED FOR HOMELESS PROJECTS IN
41 VARIOUS AREAS OF THE STATE AND AMONG VARIOUS POPULATIONS, INCLUDING, BUT
42 NOT LIMITED TO, HOMELESS MEN, WOMEN, FAMILIES, PERSONS WITH AIDS,
43 PERSONS WITH SUBSTANCE ABUSE ISSUES AND/OR MENTAL ILLNESS, VICTIMS OF
44 DOMESTIC VIOLENCE, VETERANS, RUNAWAY YOUTH, AS IDENTIFIED IN LOCAL
45 ASSESSMENTS OF NEEDS, AND SHALL ALLOCATE FUNDS, TO THE EXTENT PRACTICA-
46 BLE, TO MEET THESE NEEDS; PROVIDED, HOWEVER, THAT NO MORE THAN SIXTY PER
47 CENTUM OF THE TOTAL AMOUNT APPROPRIATED PURSUANT TO THIS ARTICLE IN ANY
48 FISCAL YEAR SHALL BE ALLOCATED TO CONTRACTS FOR HOMELESS PROJECTS WITHIN
49 ANY SINGLE MUNICIPALITY, UNLESS THE CORPORATION DETERMINES THAT IT IS IN
50 THE BEST INTEREST OF THE STATE IN FURTHERANCE OF THE PURPOSES OF THIS
51 ARTICLE.

52 4. THE CORPORATION SHALL PROVIDE FOR THE REVIEW, AT PERIODIC INTER-
53 VALS, OF THE PERFORMANCE OF THE MUNICIPALITIES, NOT-FOR-PROFIT CORPO-
54 RATIONS OR SUBSIDIARIES THEREOF, PUBLIC CORPORATIONS AND CHARITABLE
55 ORGANIZATIONS OR SUBSIDIARIES THEREOF RECEIVING FINANCIAL ASSISTANCE
56 PURSUANT TO THIS ARTICLE. SUCH REVIEW SHALL, AMONG OTHER THINGS, BE FOR

1 THE PURPOSES OF ASCERTAINING CONFORMITY TO CONTRACTUAL PROVISIONS, THE
2 FINANCIAL INTEGRITY AND EFFICIENCY OF THE ORGANIZATIONS AND THE EVALU-
3 ATION OF THE PROJECT. CONTRACTS ENTERED INTO PURSUANT TO THIS ARTICLE
4 MAY BE TERMINATED BY THE CORPORATION UPON A FINDING OF SUBSTANTIAL
5 NONPERFORMANCE OR OTHER BREACH BY THE ORGANIZATION OF ITS OBLIGATIONS
6 UNDER ITS CONTRACT WITH THE MUNICIPALITY.

7 5. THE CORPORATION SHALL REQUIRE THAT ALL HOMELESS PROJECTS THAT
8 RECEIVED FINANCIAL ASSISTANCE PURSUANT TO THIS ARTICLE SHALL COMPLY WITH
9 ALL REGULATIONS APPLICABLE TO PROJECTS OF THIS TYPE PROMULGATED BY THE
10 CORPORATION AND OTHER MUNICIPAL, STATE AND FEDERAL REGULATIONS AND LAWS.
11 THE CORPORATION MAY TERMINATE ANY CONTRACT UPON A FINDING THAT A
12 SUBSTANTIAL VIOLATION OF SUCH REGULATIONS OR LAWS HAS REMAINED UNCOR-
13 RECTED FOR A SUBSTANTIAL PERIOD OF TIME.

14 6. ON OR BEFORE FEBRUARY FIRST, TWO THOUSAND FOURTEEN AND ON OR BEFORE
15 FEBRUARY FIRST OF EACH YEAR THEREAFTER IN WHICH CONTRACTS UNDER THIS
16 SECTION ARE IN FORCE, THE CORPORATION SHALL SUBMIT TO THE GOVERNOR, THE
17 TEMPORARY PRESIDENT OF THE SENATE AND THE SPEAKER OF THE ASSEMBLY A
18 REPORT DETAILING PROGRESS AND EVALUATING RESULTS, TO DATE, OF THE
19 PROGRAM.

20 7. NOTWITHSTANDING THE PROVISIONS OF ANY GENERAL OR SPECIAL LAW, THE
21 DIRECTOR OF THE BUDGET IS AUTHORIZED TO TRANSFER TO THE HOMELESS HOUSING
22 AND ASSISTANCE ACCOUNT FUNDS OTHERWISE APPROPRIATED OR REAPPROPRIATED TO
23 HOUSING AND COMMUNITY RENEWAL FOR THE FISCAL YEARS BEGINNING ON AND
24 AFTER APRIL FIRST, TWO THOUSAND THIRTEEN, IN AN AMOUNT OR AMOUNTS THE
25 DIRECTOR OF THE BUDGET DETERMINES TO BE NECESSARY TO CARRY OUT THE
26 PROVISIONS OF THE HOMELESS HOUSING AND ASSISTANCE PROGRAM.

27 S 3. Subdivisions 2, 3, 3-a, 8 and 10 of section 45-c of the private
28 housing finance law, as added by chapter 215 of the laws of 1990, are
29 amended to read as follows:

30 2. The agency may transfer to such subsidiary corporation any real,
31 personal or mixed property in order to carry out the purposes of [title
32 one of article two-A of the social services law] ARTICLE TWENTY-EIGHT OF
33 THIS CHAPTER. Such subsidiary corporation shall have all the privileges,
34 immunities, tax exemption and other exemptions of the agency to the
35 extent the same are not inconsistent with this section.

36 3. The membership of such subsidiary corporation shall consist of the
37 commissioner of [social services] THE STATE DIVISION OF HOUSING AND
38 COMMUNITY RENEWAL, who shall also serve as its chairperson, the chair-
39 person of the agency, THE COMMISSIONER OF THE OFFICE OF TEMPORARY AND
40 DISABILITY ASSISTANCE, THE COMMISSIONER OF THE OFFICE OF MENTAL HEALTH
41 and [one additional member to be appointed by the chairperson of the
42 homeless housing and assistance corporation, who shall serve at the
43 pleasure of such chairperson] THE COMMISSIONER OF THE OFFICE OF ALCOHOL-
44 ISM AND SUBSTANCE ABUSE SERVICES. The powers of the corporation shall be
45 vested in and exercised by no less than [two] THREE of the members ther-
46 eof then in office. The corporation may delegate to one or more of its
47 members, or its officers, agents and employees, such duties and powers
48 as it may deem proper.

49 3-a. [The commissioner of social services, and the chairman of the
50 agency] MEMBERS OF THE CORPORATION may each appoint an individual to
51 represent them at all meetings of the corporation from which they may be
52 absent. Any such representative so designated shall have the power to
53 attend and to vote at any meeting of the corporation [as if the commis-
54 sioner of social services or chairperson of the agency were present and
55 voting]. Such designation shall be by written notice filed with the
56 chairperson of the corporation. The designation of such person shall

1 continue until revoked at any time by written notice to such chair-
2 person. Such designation shall not be deemed to limit the power of the
3 [commissioner of social services or the chairperson of the agency]
4 MEMBERS OF THE CORPORATION to attend and vote at any meeting of the
5 corporation.

6 8. The corporation may do any and all things necessary or convenient
7 to carry out and exercise the powers given and granted by this section
8 and [title one of article two-A of the social services law] ARTICLE
9 TWENTY-EIGHT OF THIS CHAPTER including, but not limited to contracting
10 with the commissioner of [social services] THE STATE DIVISION OF HOUSING
11 AND COMMUNITY RENEWAL to administer any of the provisions of [title one
12 of article two-A of the social services law] ARTICLE TWENTY-EIGHT OF
13 THIS CHAPTER.

14 10. Notwithstanding the provisions of article one-A of the public
15 authorities law, contracts entered into by the corporation pursuant to
16 [title one of article two-A of the social services law] ARTICLE TWENTY-
17 EIGHT OF THIS CHAPTER shall not be subject to the provisions of article
18 one-A of the public authorities law.

19 S 4. Section 59-i of the private housing finance law, as added by
20 chapter 215 of the laws of 1990, is amended to read as follows:

21 S 59-i. Homeless housing and assistance account. The homeless housing
22 and assistance corporation created by section forty-five-c of this
23 [chapter] ARTICLE shall create and establish a special account to be
24 known as the homeless housing and assistance account and shall pay into
25 such account any moneys which may be made available to such corporation
26 for the purposes of such account from any source including but not
27 limited to moneys appropriated by and made available pursuant to appro-
28 priation by the state and any income or interest earned by, or increment
29 to, the account due to the investment thereof. The moneys held in or
30 credited to the homeless housing and assistance account established
31 under this section shall be expended solely to carry out the provisions
32 of [title one of article two-A of the social services law] ARTICLE TWEN-
33 TY-EIGHT OF THIS CHAPTER.

34 S 5. This act shall take effect immediately, provided, however, that
35 the rules and regulations currently in effect, as established by the
36 office of temporary and disability assistance, shall continue to be in
37 effect as rules and regulations of the corporation until superseded by
38 rules and regulations issued by the homeless housing and assistance
39 corporation. Enactment of this act shall be deemed a transfer of func-
40 tion pursuant to subdivision 2 of section 70 of the civil service law.

41

PART G

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

45 4. "Municipality" shall mean a county, [city, village, town, that part
46 of a town not included within the boundaries of a village, or a school
47 district (if approved for such purpose by the commissioner, in instances
48 where no other municipality, overlapping such school district in whole
49 or part, is receiving state aid pursuant to this article or upon such
50 other basis as the commissioner shall by regulation determine). Munici-
51 pality may mean an Indian reservation, subject to rules and regulations
52 of the office] OR A CITY HAVING A POPULATION OF ONE MILLION OR MORE.

53 5. "Youth DEVELOPMENT program" shall mean a ["youth bureau," "recre-
54 ation project" or "youth service" project established under prior

1 authorizing legislation establishing a temporary state youth commission
2 as well as similar] local [programs] PROGRAM designed to accomplish the
3 broad purposes of this article[. The definition, determination and clas-
4 sification of youth programs shall be] subject to [approval by the
5 office in accordance with] THE rules and regulations [adopted by it] OF
6 THE OFFICE; PROVIDED HOWEVER, THE TERM "YOUTH DEVELOPMENT PROGRAM" SHALL
7 NOT INCLUDE APPROVED RUNAWAY PROGRAMS OR TRANSITIONAL INDEPENDENT LIVING
8 SUPPORT PROGRAMS AS SUCH TERMS ARE DEFINED IN SECTION FIVE HUNDRED THIR-
9 TY-TWO-A OF THIS CHAPTER.

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

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

18 (2) THE STATE AID APPROPRIATED FOR YOUTH DEVELOPMENT PROGRAMS SHALL BE
19 DISTRIBUTED BY THE OFFICE OF CHILDREN AND FAMILY SERVICES TO ELIGIBLE
20 MUNICIPALITIES THAT HAVE AN APPROVED COMPREHENSIVE PLAN PURSUANT TO
21 SUBPARAGRAPH TWO OF PARAGRAPH C OF THIS SUBDIVISION. SUCH STATE AID
22 SHALL BE LIMITED TO THE FUNDS SPECIFICALLY APPROPRIATED THEREFOR AND
23 SHALL BE BASED ON FACTORS THAT SHALL INCLUDE, BUT NOT BE LIMITED TO, THE
24 NUMBER OF YOUTH UNDER THE AGE OF TWENTY-ONE RESIDING IN THE MUNICIPALITY
25 AS SHOWN BY THE LAST PUBLISHED FEDERAL CENSUS CERTIFIED IN THE SAME
26 MANNER AS PROVIDED BY SECTION FIFTY-FOUR OF THE STATE FINANCE LAW.

27 (3) ELIGIBLE MUNICIPALITIES MAY CLAIM UP TO FIFTEEN PERCENT OF THEIR
28 DISTRIBUTION FOR THE OPERATION OF A YOUTH BUREAU. THE OFFICE SHALL NOT
29 REIMBURSE ANY CLAIMS UNDER THIS SECTION UNLESS THEY ARE SUBMITTED WITHIN
30 TWELVE MONTHS OF THE CALENDAR QUARTER IN WHICH THE EXPENDITURE WAS MADE.
31 THE OFFICE MAY REQUIRE THAT SUCH CLAIMS BE SUBMITTED TO THE OFFICE ELEC-
32 TRONICALLY IN THE MANNER AND FORMAT REQUIRED BY THE OFFICE.

33 B. YOUTH DEVELOPMENT PROGRAMS SHALL PROVIDE COMMUNITY-LEVEL SERVICES
34 DESIGNED TO PROMOTE POSITIVE YOUTH DEVELOPMENT. SUCH PROGRAMS MAY
35 INCLUDE, BUT NOT BE LIMITED TO: PROGRAMS THAT PROMOTE PHYSICAL AND
36 EMOTIONAL WELLNESS, EDUCATIONAL ACHIEVEMENT OR CIVIC, FAMILY AND COMMU-
37 NITY ENGAGEMENT; FAMILY SUPPORT SERVICES; SERVICES TO PREVENT CHILD
38 ABUSE AND NEGLECT; SERVICES TO AVERT FAMILY CRISES; AND SERVICES TO
39 ASSIST YOUTH IN NEED OF CRISIS INTERVENTION OR RESPITE SERVICES. SUBJECT
40 TO THE REGULATIONS OF THE OFFICE, A MUNICIPALITY MAY ENTER INTO
41 CONTRACTS TO EFFECTUATE ITS YOUTH DEVELOPMENT PROGRAM ESTABLISHED AND
42 APPROVED AS PROVIDED IN THIS ARTICLE.

43 C. EACH MUNICIPALITY SHALL DEVELOP, IN CONSULTATION WITH THE YOUTH
44 BUREAU, A COMPREHENSIVE PLAN TO OFFER YOUTH DEVELOPMENT PROGRAMS. SUCH
45 COMPREHENSIVE PLAN SHALL BE SUBJECT TO THE APPROVAL OF THE OFFICE OF
46 CHILDREN AND FAMILY SERVICES IN ACCORDANCE WITH SUBPARAGRAPH TWO OF THIS
47 PARAGRAPH AND SHALL BE SUBMITTED BY EACH MUNICIPALITY IN A MANNER AND AT
48 SUCH TIMES AND FOR SUCH PERIODS AS THE OFFICE OF CHILDREN AND FAMILY
49 SERVICES SHALL DETERMINE.

50 (1) SUCH COMPREHENSIVE PLAN SHALL:

51 (I) ADDRESS THE NEED IN THE MUNICIPALITY FOR YOUTH DEVELOPMENT
52 PROGRAMS IN TOWNS AND CITIES WHICH HAVE A YOUTH POPULATION OF TWENTY
53 THOUSAND OR MORE PERSONS;

54 (II) (A) ASSESS THE NEED IN THE MUNICIPALITY FOR YOUTH DEVELOPMENT
55 PROGRAMS THAT ASSIST RUNAWAY AND HOMELESS YOUTH AND YOUTH IN NEED OF
56 CRISIS INTERVENTION OR RESPITE SERVICES;

1 (B) IF THE MUNICIPALITY IS SEEKING STATE AID TO PROVIDE SERVICES FOR
2 RUNAWAY AND HOMELESS YOUTH, AS DEFINED IN ARTICLE NINETEEN-H OF THIS
3 CHAPTER, THE RUNAWAY AND HOMELESS YOUTH PLAN, AS REQUIRED BY SUBDIVISION
4 TWO OF THIS SECTION, SHALL BE SUBMITTED AS PART OF THE COMPREHENSIVE
5 PLAN THAT IS REQUIRED PURSUANT TO THIS PARAGRAPH; PROVIDED HOWEVER, THAT
6 STATE AID TO PROVIDE SERVICES FOR RUNAWAY AND HOMELESS YOUTH SERVICES
7 SHALL BE FROM AND LIMITED TO FUNDS APPROPRIATED SEPARATELY FOR SUCH
8 RUNAWAY AND HOMELESS YOUTH PROGRAM PURPOSES BY THE STATE, AND SHALL NOT
9 BE INCLUDED UNDER THE LIMITS SET FORTH IN THIS SUBDIVISION;

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

12 (IV) SPECIFY THE PROJECTED PERFORMANCE OUTCOMES FOR SERVICES AND
13 PROGRAMS COVERED UNDER THE PLAN, INCLUDING PROJECTED POSITIVE OUTCOMES
14 FOR YOUTH WHO PARTICIPATE IN THE SERVICES AND PROGRAMS; AND

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

20 (2) THE OFFICE OF CHILDREN AND FAMILY SERVICES MAY APPROVE ALL OR PART
21 OF A MUNICIPALITY'S COMPREHENSIVE PLAN. IF THE OFFICE DOES NOT APPROVE A
22 MUNICIPALITY'S COMPREHENSIVE PLAN, SUCH MUNICIPALITY SHALL HAVE SIXTY
23 DAYS FROM RECEIPT OF THE NOTIFICATION OF DISAPPROVAL TO SUBMIT A REVISED
24 PLAN.

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

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

28 a. A [county] MUNICIPALITY may submit to the [commissioner] OFFICE OF
29 CHILDREN AND FAMILY SERVICES a plan for the providing of services for
30 runaway and homeless youth, as defined in article nineteen-H of this
31 chapter. Where such [county] MUNICIPALITY is receiving state aid pursu-
32 ant to paragraph a of subdivision one of this section, such runaway and
33 homeless youth plan shall be submitted as part of the comprehensive
34 [county] plan and shall be consistent with the goals and objectives
35 therein. A runaway and homeless youth plan shall be developed in consul-
36 tation with the county youth bureau and the county or city department of
37 social services, shall be in accordance with the regulations of the
38 [commissioner] OFFICE OF CHILDREN AND FAMILY SERVICES, shall provide for
39 a coordinated range of services for runaway and homeless youth and their
40 families including preventive, temporary shelter, transportation, coun-
41 seling, and other necessary assistance, and shall provide for the coor-
42 dination of all available county resources for runaway and homeless
43 youth and their families including services available through the county
44 youth bureau, the county or city department of social services, local
45 boards of education, local drug and alcohol programs and organizations
46 or programs which have past experience dealing with runaway and homeless
47 youth. Such plan may include provisions for transitional independent
48 living support programs for homeless youth between the ages of sixteen
49 and twenty-one as provided in article nineteen-H of this chapter. Such
50 plan shall also provide for the designation and duties of the runaway
51 and homeless youth service coordinator defined in section five hundred
52 thirty-two-a of this chapter who is available on a twenty-four hour
53 basis and maintains information concerning available shelter space,
54 transportation and services. Such plan may include provision for the per
55 diem reimbursement for residential care of runaway and homeless youth in
56 approved runaway programs which are authorized agencies, provided that

1 such per diem reimbursement shall not exceed a total of thirty days for
2 any one youth.

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

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

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

11 (3) A description of new services to be provided and current services
12 to be expanded.

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

18 d. (1) [Counties] MUNICIPALITIES having an approved runaway and home-
19 less youth plan pursuant to this subdivision shall be entitled to
20 reimbursement by the state for sixty percent of the entire amount of the
21 expenditures for programs contained in such plan as approved by the
22 [commissioner] OFFICE OF CHILDREN AND FAMILY SERVICES, after first
23 deducting therefrom any federal or other state funds received or to be
24 received on account thereof. All reimbursement pursuant to this subdivi-
25 sion shall be from and limited to funds appropriated separately for such
26 runaway and homeless youth program purposes by the state, and shall not
27 be included under the limits set in subdivision one of this section.
28 [The county's] A MUNICIPALITY'S share of the cost of such programs may
29 be met in part by donated private funds or in-kind services, as defined
30 by the office, provided that such private funding or receipt of services
31 shall not in the aggregate be more than fifty percent of such [county's]
32 MUNICIPALITY'S share.

33 (2) Notwithstanding any inconsistent provision of law and subject to
34 funds appropriated separately therefor, a [county] MUNICIPALITY having
35 an approved runaway and homeless youth plan which includes provisions
36 for transitional independent living support programs shall be entitled
37 to reimbursement by the state for sixty percent of the entire amount of
38 the approved expenditures for transitional independent living support
39 programs contained in the plan as approved by the [commissioner] OFFICE
40 OF CHILDREN AND FAMILY SERVICES. The [county's] MUNICIPALITY'S share of
41 the cost of such programs may be met by donated private funds or in-kind
42 services, as defined by the office, provided that such receipt of
43 in-kind services shall not in the aggregate be more than fifty percent
44 of such [county's] MUNICIPALITY'S share.

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

48 a. Notwithstanding any other provision of law, the office of children
49 and family services shall plan for the statewide implementation by the
50 thirty-first day of December, two thousand eight, of a county child and
51 family services plan that combines the [county] comprehensive plan
52 required by this section and the multi-year consolidated services plan
53 required by section thirty-four-a of the social services law into a
54 single plan.

55 c. The office of children and family services may waive any regulatory
56 requirements relating to the content and timing of [county] comprehen-

1 sive plans that may impede the ability of a county to implement a county
2 child and family services plan.

3 S 5. Section 422 of the executive law is REPEALED.

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

7 4. "Approved runaway program" shall mean any non-residential program
8 approved by the office of children and family services after submission
9 by the [county youth bureau] MUNICIPALITY, as part of its comprehensive
10 plan, or any residential facility which is operated by an authorized
11 agency as defined in subdivision ten of section three hundred seventy-
12 one of the social services law, and approved by the office of children
13 and family services after submission by the [county youth bureau] MUNI-
14 CIPALITY as part of its comprehensive plan, established and operated to
15 provide services to runaway and homeless youth in accordance with the
16 regulations of the office of temporary and disability assistance and the
17 office of children and family services. Such programs may also provide
18 non-residential crisis intervention and residential respite services to
19 youth in need of crisis intervention or respite services, as defined in
20 this section. Residential respite services in an approved runaway
21 program may be provided for no more than twenty-one days in accordance
22 with the regulations of the office of children and family services.

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

29 6. "Transitional independent living support program" shall mean any
30 non-residential program approved by the office of children and family
31 services after submission by the [county youth bureau] MUNICIPALITY as
32 part of its comprehensive plan, or any residential facility approved by
33 the office of children and family services after submission by the
34 [county youth bureau] MUNICIPALITY as part of its comprehensive plan TO
35 OFFER YOUTH DEVELOPMENT PROGRAMS, established and operated to provide
36 supportive services, for a period of up to eighteen months in accordance
37 with the regulations of the office of children and family services, to
38 enable homeless youth between the ages of sixteen and twenty-one to
39 progress from crisis care and transitional care to independent living.
40 Such transitional independent living support program may also provide
41 services to youth in need of crisis intervention or respite services.
42 Notwithstanding the time limitation in paragraph (i) of subdivision (d)
43 of section seven hundred thirty-five of the family court act, residen-
44 tial respite services may be provided in a transitional independent
45 living support program for a period of more than twenty-one days.

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

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

50 2. The runaway youth may remain in the program on a voluntary basis
51 for a period not to exceed thirty days from the date of admission where
52 the filing of a petition pursuant to article ten of the family court act
53 is not contemplated, in order that arrangements can be made for the
54 runaway youth's return home, alternative residential placement pursuant
55 to section three hundred ninety-eight of the social services law, or any
56 other suitable plan. If the runaway youth and the parent, guardian or

1 custodian agree, in writing, the runaway youth may remain in the runaway
2 program up to sixty days without the filing of a petition pursuant to
3 article ten of the family court act, provided that in any such case the
4 facility shall first have obtained the approval of the [county] MUNICI-
5 PALITY'S runaway coordinator, who shall notify the [county] THE MUNICI-
6 PALITY'S youth bureau of his OR HER approval together with a statement
7 as to the reason why such additional residential stay is necessary and a
8 description of the efforts being made to find suitable alternative
9 living arrangements for such youth.

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

13 (a) Notwithstanding any other provision of law, the office of children
14 and family services shall plan for the statewide implementation, by the
15 thirty-first day of December, two thousand eight, of the use by counties
16 of a child and family services plan that combines the multi-year consol-
17 idated services plan required by this section and the [county] compre-
18 hensive plan required by section four hundred twenty of the executive
19 law into a single plan.

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

21 PART H

22 Section 1. This part enacts into law major components of legislation
23 which are necessary to continue transforming New York's juvenile justice
24 system. Each component is wholly contained within a subpart identified
25 as subparts A through B. The effective date for each particular
26 provision contained within such subpart is set forth in the last section
27 of such subpart. Any provision in any section contained within a
28 subpart, including the effective date of the subpart, which makes refer-
29 ence to a section "of this act", when used in connection with that
30 particular component, shall be deemed to mean and refer to the corre-
31 sponding section of the subpart in which it is found. Section three of
32 this part sets forth the general effective date of this act.

33 SUBPART A

34 Section 1. Subdivision 3 of section 501 of the executive law, as
35 amended by chapter 465 of the laws of 1992, is amended to read as
36 follows:

37 3. To establish, operate and maintain [division] facilities [and to
38 contract with authorized agencies as defined in section three hundred
39 seventy-one of the social services law for the operation and maintenance
40 of non-secure facilities].

41 S 2. Paragraph (a) of subdivision 11 of section 501 of the executive
42 law, as amended by chapter 465 of the laws of 1992, is amended to read
43 as follows:

44 (a) a projection of the numbers of youths to be placed into or commit-
45 ted to the care of the [division] OFFICE OF CHILDREN AND FAMILY SERVICES
46 at secure[,] AND limited secure [and non-secure] levels of care for the
47 five years encompassed by the plan;

48 S 3. Section 501 of the executive law is amended by adding a new
49 subdivision 15-a to read as follows:

50 15-A. (A) NOTWITHSTANDING THE PROVISIONS OF PARAGRAPH (C) OF SUBDIVI-
51 SION FIFTEEN OF THIS SECTION, OR ANY OTHER LAW TO THE CONTRARY, THE
52 COMMISSIONER OF THE OFFICE OF CHILDREN AND FAMILY SERVICES IS AUTHORIZED

1 TO CLOSE ANY NON-SECURE FACILITIES OPERATED BY THE OFFICE OF CHILDREN
2 AND FAMILY SERVICES, AND TO MAKE SIGNIFICANT ASSOCIATED SERVICE
3 REDUCTIONS AND PUBLIC EMPLOYEE STAFFING REDUCTIONS AND TRANSFER OPER-
4 ATIONS FOR NON-SECURE FACILITIES TO A PRIVATE OR NOT-FOR-PROFIT ENTITY,
5 AS SHALL BE DETERMINED BY SUCH COMMISSIONER SOLELY TO REFLECT THE
6 DECREASE IN THE NUMBER OF JUVENILE DELINQUENTS PLACED WITH SUCH OFFICE
7 CARED FOR IN NON-SECURE SETTINGS OR CONDITIONALLY RELEASED FROM SUCH
8 SETTINGS.

9 (B) AT LEAST SIXTY DAYS PRIOR TO TAKING ANY SUCH ACTION, THE COMMIS-
10 SIONER OF THE OFFICE OF CHILDREN AND FAMILY SERVICES SHALL PROVIDE
11 NOTICE OF SUCH ACTION TO THE SPEAKER OF THE ASSEMBLY AND THE TEMPORARY
12 PRESIDENT OF THE SENATE AND SHALL POST SUCH NOTICE UPON ITS PUBLIC
13 WEBSITE. SUCH COMMISSIONER SHALL BE AUTHORIZED TO CONDUCT ANY AND ALL
14 PREPARATORY ACTIONS WHICH MAY BE REQUIRED TO EFFECTUATE SUCH CLOSURES OR
15 SIGNIFICANT SERVICE OR STAFFING REDUCTIONS OR TRANSFERS OF OPERATIONS
16 DURING SUCH SIXTY DAY PERIOD.

17 (C) ANY TRANSFERS OF CAPACITY OR ANY RESULTING TRANSFER OF FUNCTIONS
18 SHALL BE AUTHORIZED TO BE MADE BY THE COMMISSIONER OF THE OFFICE OF
19 CHILDREN AND FAMILY SERVICES AND ANY TRANSFER OF PERSONNEL UPON SUCH
20 TRANSFER OF CAPACITY OR TRANSFER OF FUNCTIONS SHALL BE ACCOMPLISHED IN
21 ACCORDANCE WITH THE PROVISIONS OF SECTION SEVENTY OF THE CIVIL SERVICE
22 LAW.

23 S 4. Subdivision 1 of section 504 of the executive law, as added by
24 chapter 465 of the laws of 1992, is amended to read as follows:

25 1. The [division] OFFICE OF CHILDREN AND FAMILY SERVICES shall operate
26 and maintain secure[,] AND limited secure [and non-secure] facilities
27 for the care, custody, treatment, housing, education, rehabilitation and
28 guidance of youth placed with or committed to the [division] OFFICE OF
29 CHILDREN AND FAMILY SERVICES.

30 S 5. Subdivision 4 of section 504 of the executive law, as amended by
31 chapter 687 of the laws of 1993, is amended to read as follows:

32 4. The [division] OFFICE OF CHILDREN AND FAMILY SERVICES shall deter-
33 mine the particular [division] OFFICE facility or program in which a
34 child placed with the [division] OFFICE shall be cared for, based upon
35 an evaluation of such child. The [division] OFFICE OF CHILDREN AND FAMI-
36 LY SERVICES shall also have authority to discharge or conditionally
37 release children placed with it and to transfer such children from a
38 limited secure [or non-secure] facility to any other limited secure [or
39 non-secure] facility, when the interest of such children requires such
40 action[; provided that a child transferred to a non-secure facility from
41 a limited secure facility may be returned to a limited secure facility
42 upon a determination by the division that, for any reason, care and
43 treatment at the non-secure facility is no longer suitable].

44 S 6. Subdivision 5 of section 507-a of the executive law is REPEALED.

45 S 7. Paragraph (f) of subdivision 3 of section 353.2 of the family
46 court act, as amended by chapter 465 of the laws of 1992, is amended to
47 read as follows:

48 (f) with the consent of the [division for youth] COMMISSIONER OF THE
49 LOCAL SOCIAL SERVICES DISTRICT, spend a specified portion of the
50 probation period, not exceeding one year, in a non-secure [facility]
51 PLACEMENT provided by THE LOCAL SOCIAL SERVICES DISTRICT [the division
52 for youth pursuant to article nineteen-G of the executive law].

53 S 8. The opening paragraph and paragraphs (a) and (b) of subdivision 3
54 of section 353.3 of the family court act, as amended by section 6 of
55 part G of chapter 58 of the laws of 2010, are amended to read as
56 follows:

1 Where the respondent is placed with the office of children and family
2 services, the court shall[, unless it directs the office to place him or
3 her with an authorized agency or class of authorized agencies, including
4 if the court finds that the respondent is a sexually exploited child as
5 defined in subdivision one of section four hundred forty-seven-a of the
6 social services law, an available long-term safe house pursuant to
7 subdivision four of this section, authorize the office to] do one of the
8 following:

9 (a) place the respondent in a secure facility without a further hear-
10 ing at any time or from time to time during the first sixty days of
11 residency in office of children and family services facilities.
12 Notwithstanding the discretion of the office to place the respondent in
13 a secure facility at any time during the first sixty days of residency
14 in [a] AN office of children and family services facility, the respond-
15 ent may be placed in a [non-secure] LIMITED SECURE facility. In the
16 event that the office desires to transfer a respondent to a secure
17 facility at any time after the first sixty days of residency in office
18 facilities, a hearing shall be held pursuant to subdivision three of
19 section five hundred four-a of the executive law; or

20 (b) place the respondent in a limited secure facility. The respondent
21 may be transferred by the office to a secure facility after a hearing is
22 held pursuant to section five hundred four-a of the executive law;
23 provided, however, that during the first twenty days of residency in
24 office facilities, the respondent shall not be transferred to a secure
25 facility unless the respondent has committed an act or acts which are
26 exceptionally dangerous to the respondent or to others[; or].

27 S 9. Paragraph (c) of subdivision 3 of section 353.3 of the family
28 court act is REPEALED.

29 S 10. Subdivision 4 of section 353.3 of the family court act is
30 REPEALED.

31 S 11. Subparagraphs (iii) and (iv) of paragraph (a) of subdivision 4
32 of section 353.5 of the family court act, as amended by section 6 of
33 subpart A of part G of chapter 57 of the laws of 2012, are amended to
34 read as follows:

35 (iii) after the period set under subparagraph (ii) of this paragraph,
36 the respondent shall be placed in a residential facility for a period of
37 twelve months; provided, however, that: (A) if the respondent has been
38 placed from a family court in a social services district operating an
39 approved juvenile justice services close to home initiative pursuant to
40 section four hundred four of the social services law, once the time
41 frames in subparagraph (ii) of this paragraph are met:

42 [(A)] (1) beginning on the effective date of such a social services
43 district's plan that only covers juvenile delinquents placed in non-se-
44 cure settings, if the office of children and family services concludes,
45 based on the needs and best interests of the respondent and the need for
46 protection for the community, that a non-secure level of care is appro-
47 priate for the respondent, such office shall file a petition pursuant to
48 paragraph (b) or (c) of subdivision two of section 355.1 of this part to
49 have the respondent placed with the applicable local commissioner of
50 social services; and

51 [(B)] (2) beginning on the effective date of such a social services
52 district's plan that covers juvenile delinquents placed in limited
53 secure settings, if the office of children and family services
54 concludes, based on the needs and best interests of the respondent and
55 the need for protection for the community, that a non-secure or limited
56 secure level of care is appropriate for the respondent, such office

1 shall file a petition pursuant to paragraph (b) or (c) of subdivision
2 two of section 355.1 of this part to have the respondent placed with the
3 applicable local commissioner of social services[.]; AND

4 (B) IF THE RESPONDENT HAS BEEN PLACED FROM A FAMILY COURT IN A SOCIAL
5 SERVICES DISTRICT NOT OPERATING AN APPROVED JUVENILE JUSTICE SERVICES
6 CLOSE TO HOME INITIATIVE PURSUANT TO SECTION FOUR HUNDRED FOUR OF THE
7 SOCIAL SERVICES LAW, IF THE OFFICE OF CHILDREN AND FAMILY SERVICES
8 CONCLUDES, BASED ON THE NEEDS AND BEST INTERESTS OF THE RESPONDENT AND
9 THE NEED FOR PROTECTION FOR THE COMMUNITY, THAT A NON-SECURE LEVEL OF
10 CARE IS APPROPRIATE FOR THE RESPONDENT, SUCH OFFICE SHALL FILE A PETI-
11 TION PURSUANT TO PARAGRAPH (F) OF SUBDIVISION TWO OF SECTION 355.1 OF
12 THIS PART TO HAVE THE RESPONDENT PLACED WITH THE APPLICABLE LOCAL
13 COMMISSIONER OF SOCIAL SERVICES.

14 (C) If the respondent is placed with the local commissioner of social
15 services in accordance with clause (A) or (B) of this subparagraph, the
16 remainder of the provisions of this section shall continue to apply to
17 the respondent's placement.

18 (iv) the respondent may not be released from a secure facility or
19 transferred to a facility other than a secure facility during the period
20 provided in subparagraph (ii) of this paragraph, nor may the respondent
21 be released from a residential facility during the period provided in
22 subparagraph (iii) of this paragraph. No home visits shall be permitted
23 during the period of secure confinement set by the court order or one
24 year, whichever is less, except for emergency visits for medical treat-
25 ment or severe illness or death in the family. All home visits must be
26 accompanied home visits: (A) while a youth is confined in a secure
27 facility, whether such confinement is pursuant to a court order or
28 otherwise; (B) while a youth is confined in a residential facility other
29 than a secure facility within six months after confinement in a secure
30 facility; and (C) while a youth is confined in a residential facility
31 other than a secure facility in excess of six months after confinement
32 in a secure facility unless two accompanied home visits have already
33 occurred. An "accompanied home visit" shall mean a home visit during
34 which the youth shall be accompanied at all times while outside the
35 secure or residential facility by appropriate personnel of the office of
36 children and family services or, if applicable, a local social services
37 district [which operates an approved juvenile justice services close to
38 home initiative pursuant to section four hundred four of the social
39 services law].

40 S 12. Subparagraphs (i), (iii) and (iv) of paragraph (c) of subdivi-
41 sion 4 of section 353.5 of the family court act, as amended by section 6
42 of subpart A of part G of chapter 57 of the laws of 2012, are amended to
43 read as follows:

44 (i) after the expiration of the period provided in subparagraph (iii)
45 of paragraph (a) of this subdivision, the respondent shall not be
46 released from a residential facility without the written approval of the
47 office of children and family services or, if applicable, a social
48 services district [operating an approved juvenile justice services close
49 to home initiative pursuant to section four hundred four of the social
50 services law].

51 (iii) the respondent shall not be discharged from the custody of the
52 office of children and family services or, if applicable, a social
53 services district [operating an approved juvenile justice services close
54 to home initiative pursuant to section four hundred four of the social
55 services law], unless a motion therefor under section 355.1 is granted

1 by the court, which motion shall not be made prior to the expiration of
2 three years of the placement.

3 (iv) unless otherwise specified in the order, the office of children
4 and family services or, if applicable, a social services district [oper-
5 ating an approved juvenile justice services close to home initiative
6 pursuant to section four hundred four of the social services law] shall
7 report in writing to the court not less than once every six months
8 during the placement on the status, adjustment and progress of the
9 respondent.

10 S 13. Paragraph (d) of subdivision 4 of section 353.5 of the family
11 court act, as amended by section 6 of subpart A of part G of chapter 57
12 of the laws of 2012, is amended to read as follows:

13 (d) Upon the expiration of the initial period of placement, or any
14 extension thereof, the placement may be extended in accordance with
15 section 355.3 on a petition of any party or the office of children and
16 family services, or, if applicable, a social services district [operat-
17 ing an approved juvenile justice services close to home initiative
18 pursuant to section four hundred four of the social services law], after
19 a dispositional hearing, for an additional period not to exceed twelve
20 months, but no initial placement or extension of placement under this
21 section may continue beyond the respondent's twenty-first birthday.

22 S 14. Subparagraphs (iii) and (iv) of paragraph (a) of subdivision 5
23 of section 353.5 of the family court act, as amended by section 6 of
24 subpart A of part G of chapter 57 of the laws of 2012, is amended to
25 read as follows:

26 (iii) after the period set under subparagraph (ii) of this paragraph,
27 the respondent shall be placed in a residential facility for a period
28 set by the order, to be not less than six nor more than twelve months;
29 provided, however, that (A) if the respondent has been placed from a
30 family court in a social services district operating an approved juve-
31 nile justice services close to home initiative pursuant to section four
32 hundred four of the social services law, once the time frames in subpar-
33 agraph (ii) of this paragraph are met:

34 [(A)] (1) beginning on the effective date of such a social services
35 district's plan that only covers juvenile delinquents placed in non-se-
36 cure settings, if the office of children and family services concludes,
37 based on the needs and best interests of the respondent and the need for
38 protection for the community, that a non-secure level of care is appro-
39 priate for the respondent, such office shall file a petition pursuant to
40 paragraph (b) or (c) of subdivision two of section 355.1 of this part to
41 have the respondent placed with the applicable local commissioner of
42 social services; and

43 [(B)] (2) beginning on the effective date of such a social services
44 district's plan to implement programs for youth placed in limited secure
45 settings, if the office of children and family services concludes, based
46 on the needs and best interests of the respondent and the need for
47 protection for the community, that a non-secure or limited secure level
48 of care is appropriate for the respondent, such office shall file a
49 petition pursuant to paragraph (b) or (c) of subdivision two of section
50 355.1 of this part to have the respondent placed with the applicable
51 local commissioner of social services[.]; OR

52 (B) IF THE RESPONDENT HAS BEEN PLACED FROM A FAMILY COURT IN A SOCIAL
53 SERVICES DISTRICT NOT OPERATING AN APPROVED JUVENILE JUSTICE SERVICES
54 CLOSE TO HOME INITIATIVE PURSUANT TO SECTION FOUR HUNDRED FOUR OF THE
55 SOCIAL SERVICES LAW, IF THE OFFICE OF CHILDREN AND FAMILY SERVICES
56 CONCLUDES, BASED ON THE NEEDS AND BEST INTERESTS OF THE RESPONDENT AND

1 THE NEED FOR PROTECTION FOR THE COMMUNITY, THAT A NON-SECURE LEVEL OF
2 CARE IS APPROPRIATE FOR THE RESPONDENT, SUCH OFFICE SHALL FILE A PETI-
3 TION PURSUANT TO PARAGRAPH (F) OF SUBDIVISION TWO OF SECTION 355.1 OF
4 THIS PART TO HAVE THE RESPONDENT PLACED WITH THE APPLICABLE LOCAL
5 COMMISSIONER OF SOCIAL SERVICES.

6 (C) If the respondent is placed with a local commissioner of social
7 services in accordance with clause (A) or (B) of this subparagraph, the
8 remainder of the provisions of this section shall continue to apply to
9 the respondent's placement.

10 (iv) the respondent may not be released from a secure facility or
11 transferred to a facility other than a secure facility during the period
12 provided by the court pursuant to subparagraph (ii) of this paragraph,
13 nor may the respondent be released from a residential facility during
14 the period provided by the court pursuant to subparagraph (iii) of this
15 paragraph. No home visits shall be permitted during the period of secure
16 confinement set by the court order or one year, whichever is less,
17 except for emergency visits for medical treatment or severe illness or
18 death in the family. All home visits must be accompanied home visits:
19 (A) while a youth is confined in a secure facility, whether such
20 confinement is pursuant to a court order or otherwise; (B) while a youth
21 is confined in a residential facility other than a secure facility with-
22 in six months after confinement in a secure facility; and (C) while a
23 youth is confined in a residential facility other than a secure facility
24 in excess of six months after confinement in a secure facility unless
25 two accompanied home visits have already occurred. An "accompanied home
26 visit" shall mean a home visit during which the youth shall be accompa-
27 nied at all times while outside the secure or residential facility by
28 appropriate personnel of the office of children and family services or,
29 if applicable, a social services district [operating an approved juve-
30 nile justice close to home initiative pursuant to section four hundred
31 four of the social services law].

32 S 15. Subparagraphs (i), (iii) and (iv) of paragraph (c) and paragraph
33 (d) of subdivision 5 of section 353.5 of the family court act, as
34 amended by section 6 of subpart A of part G of chapter 57 of the laws of
35 2012, is amended to read as follows:

36 (i) after the expiration of the period provided in subparagraph (iii)
37 of paragraph (a) of this subdivision, the respondent shall not be
38 released from a residential facility without the written approval of the
39 office of children and family services or, if applicable, a social
40 services district [operating an approved juvenile justice services close
41 to home initiative pursuant to section four hundred four of the social
42 services law].

43 (iii) the respondent shall not be discharged from the custody of the
44 office of children and family services, or, if applicable, a social
45 services district [operating an approved juvenile justice services close
46 to home initiative pursuant to section four hundred four of the social
47 services law].

48 (iv) unless otherwise specified in the order, the office of children
49 and family services or, if applicable, a social services district [oper-
50 ating an approved juvenile justice services close to home initiative
51 pursuant to section four hundred four of the social services law], shall
52 report in writing to the court not less than once every six months
53 during the placement on the status, adjustment and progress of the
54 respondent.

55 (d) Upon the expiration of the initial period of placement or any
56 extension thereof, the placement may be extended in accordance with

1 section 355.3 upon petition of any party or the office of children and
2 family services or, if applicable, a social services district [operating
3 an approved juvenile justice services close to home initiative pursuant
4 to section four hundred four of the social services law], after a dispo-
5 sitional hearing, for an additional period not to exceed twelve months,
6 but no initial placement or extension of placement under this section
7 may continue beyond the respondent's twenty-first birthday.

8 S 16. Subdivision 2 of section 355.1 of the family court act is
9 amended by adding three new paragraphs (d), (e) and (f) to read as
10 follows:

11 (D) FOR A SOCIAL SERVICES DISTRICT THAT IS NOT OPERATING AN APPROVED
12 JUVENILE JUSTICE SERVICES CLOSE TO HOME INITIATIVE PURSUANT TO SECTION
13 FOUR HUNDRED FOUR OF THE SOCIAL SERVICES LAW:

14 (I) IF THE DISTRICT DETERMINES THAT PLACEMENT IN A LIMITED SECURE
15 FACILITY IS APPROPRIATE AND CONSISTENT WITH THE NEED FOR PROTECTION OF
16 THE COMMUNITY AND THE NEEDS AND BEST INTERESTS OF THE RESPONDENT PLACED
17 INTO ITS CARE, THE SOCIAL SERVICES DISTRICT SHALL FILE A PETITION TO
18 TRANSFER THE CUSTODY OF THE RESPONDENT TO THE OFFICE OF CHILDREN AND
19 FAMILY SERVICES, AND SHALL PROVIDE A COPY OF SUCH PETITION TO SUCH
20 OFFICE, THE RESPONDENT, THE ATTORNEY FOR THE RESPONDENT AND THE RESPOND-
21 ENT'S PARENT OR LEGAL GUARDIAN. THE FAMILY COURT SHALL, AFTER ALLOWING
22 THE OFFICE OF CHILDREN AND FAMILY SERVICES AND THE ATTORNEY FOR THE
23 RESPONDENT, AFTER NOTICE HAVING BEEN GIVEN, AN OPPORTUNITY TO BE HEARD,
24 GRANT SUCH A PETITION ONLY IF THE COURT DETERMINES, AND STATES IN ITS
25 WRITTEN ORDER, THE REASONS WHY A LIMITED SECURE PLACEMENT IS NECESSARY
26 AND CONSISTENT WITH THE NEEDS AND BEST INTERESTS OF THE RESPONDENT AND
27 THE NEED FOR PROTECTION OF THE COMMUNITY.

28 (II) IF THE DISTRICT DETERMINES THAT A SECURE LEVEL OF PLACEMENT IS
29 APPROPRIATE AND CONSISTENT WITH THE NEED FOR PROTECTION OF THE COMMUNITY
30 AND THE NEEDS AND BEST INTERESTS OF THE RESPONDENT PLACED INTO ITS CARE,
31 THE SOCIAL SERVICES DISTRICT SHALL FILE A PETITION TO TRANSFER THE
32 CUSTODY OF THE RESPONDENT TO THE OFFICE OF CHILDREN AND FAMILY SERVICES,
33 AND SHALL PROVIDE A COPY OF SUCH PETITION TO SUCH OFFICE, THE RESPOND-
34 ENT, THE ATTORNEY FOR THE RESPONDENT AND THE RESPONDENT'S PARENT OR
35 LEGAL GUARDIAN. THE FAMILY COURT SHALL, AFTER ALLOWING THE OFFICE OF
36 CHILDREN AND FAMILY SERVICES AND THE ATTORNEY FOR THE RESPONDENT, AFTER
37 NOTICE HAVING BEEN GIVEN, AN OPPORTUNITY TO BE HEARD, GRANT SUCH A PETI-
38 TION ONLY IF THE COURT DETERMINES, AND STATES IN ITS WRITTEN ORDER, THAT
39 THE YOUTH NEEDS A SECURE LEVEL OF PLACEMENT BECAUSE:

40 (A) THE RESPONDENT HAS BEEN SHOWN TO BE EXCEPTIONALLY DANGEROUS TO
41 HIMSELF OR HERSELF OR TO OTHER PERSONS. EXCEPTIONALLY DANGEROUS BEHAVIOR
42 MAY INCLUDE, BUT IS NOT LIMITED TO, ONE OR MORE SERIOUS INTENTIONAL
43 ASSAULTS, SEXUAL ASSAULTS OR SETTING FIRES; OR

44 (B) THE RESPONDENT HAS DEMONSTRATED BY A PATTERN OF BEHAVIOR THAT HE
45 OR SHE NEEDS A MORE STRUCTURED SETTING AND THE SOCIAL SERVICES DISTRICT
46 HAS CONSIDERED THE APPROPRIATENESS AND AVAILABILITY OF A TRANSFER TO AN
47 ALTERNATIVE NON-SECURE OR LIMITED SECURE FACILITY. SUCH BEHAVIOR MAY
48 INCLUDE, BUT IS NOT LIMITED TO: DISRUPTIONS IN FACILITY PROGRAMS;
49 CONTINUOUSLY AND MALICIOUSLY DESTROYING PROPERTY; OR REPEATEDLY COMMIT-
50 TING OR INCITING OTHER YOUTH TO COMMIT ASSAULTIVE OR DESTRUCTIVE ACTS.

51 (E) ONCE THE OFFICE OF CHILDREN AND FAMILY SERVICES HAS PROVIDED
52 NOTICE PURSUANT TO SUBDIVISION FIFTEEN-A OF SECTION FIVE HUNDRED ONE OF
53 THE EXECUTIVE LAW, TO CLOSE ITS NON-SECURE FACILITIES, TO MAKE SIGNIF-
54 ICANT SERVICE REDUCTIONS AND PUBLIC EMPLOYEE STAFFING REDUCTIONS AND/OR
55 TO TRANSFER OPERATIONS OF ANY NON-SECURE FACILITIES OPERATED BY SUCH
56 OFFICE, SUCH OFFICE SHALL FILE PETITIONS TO TRANSFER CUSTODY OF ALL OF

1 THE YOUTH IN THE OFFICE'S CUSTODY WHO ARE CURRENTLY PLACED IN A NON-SE-
2 CURE SETTING, OR WHO ARE CONDITIONALLY RELEASED FROM SUCH A SETTING, TO
3 THE APPLICABLE LOCAL COMMISSIONER OF SOCIAL SERVICES. SUCH A PETITION
4 SHALL BE PROVIDED TO THE RESPONDENT, THE ATTORNEY FOR THE RESPONDENT,
5 THE RESPONDENT'S PARENT OR LEGAL GUARDIAN AND THE SOCIAL SERVICES
6 DISTRICT. THE FAMILY COURT SHALL GRANT SUCH A PETITION, WITHOUT A HEAR-
7 ING, UNLESS THE ATTORNEY FOR THE RESPONDENT, AFTER NOTICE, REQUESTS A
8 HEARING AND OBJECTS TO THE TRANSFER ON THE BASIS THAT THE RESPONDENT
9 NEEDS TO BE PLACED WITH THE OFFICE IN A LIMITED SECURE OR SECURE LEVEL
10 OF CARE. THE FAMILY COURT SHALL GRANT THE PETITION UNLESS THE COURT
11 DETERMINES, AND STATES IN ITS WRITTEN ORDER, THE REASONS WHY A LIMITED
12 SECURE OR SECURE LEVEL OF PLACEMENT IS NECESSARY AND CONSISTENT WITH THE
13 NEEDS AND BEST INTERESTS OF THE RESPONDENT AND THE NEED FOR PROTECTION
14 OF THE COMMUNITY. NOTWITHSTANDING ANY PROVISION OF LAW TO THE CONTRARY,
15 THE FAMILY COURT SHALL DETERMINE SUCH A PETITION WITHIN TEN CALENDAR
16 DAYS OF THE DATE THE OFFICE FILES SAID PETITION.

17 (F) IF THE OFFICE OF CHILDREN AND FAMILY SERVICES DETERMINES THAT A
18 NON-SECURE LEVEL OF CARE OR PLACEMENT IS APPROPRIATE AND CONSISTENT WITH
19 THE NEED FOR PROTECTION OF THE COMMUNITY AND THE NEEDS AND BEST INTER-
20 ESTS OF A RESPONDENT WHO IS IN THEIR CUSTODY AND PLACED AT EITHER A
21 LIMITED SECURE OR SECURE FACILITY FROM A FAMILY COURT WITHIN A SOCIAL
22 SERVICES DISTRICT THAT IS NOT OPERATING AN APPROVED JUVENILE JUSTICE
23 SERVICES CLOSE TO HOME INITIATIVE PURSUANT TO SECTION FOUR HUNDRED FOUR
24 OF THE SOCIAL SERVICES LAW, SUCH OFFICE SHALL PETITION THE COURT TO
25 TRANSFER CUSTODY OF SUCH RESPONDENT TO THE APPLICABLE LOCAL COMMISSIONER
26 OF SOCIAL SERVICES AND SHALL PROVIDE A COPY OF THE PETITION TO THE
27 SOCIAL SERVICES DISTRICT, THE ATTORNEY FOR THE RESPONDENT AND THE
28 PRESENTMENT AGENCY. THE FAMILY COURT SHALL, AFTER ALLOWING THE SOCIAL
29 SERVICES DISTRICT, THE ATTORNEY FOR THE RESPONDENT AND THE PRESENTMENT
30 AGENCY AN OPPORTUNITY TO BE HEARD, GRANT SUCH A PETITION UNLESS THE
31 COURT DETERMINES, AND STATES IN ITS WRITTEN ORDER THE REASONS WHY A
32 LIMITED SECURE OR SECURE PLACEMENT IS NECESSARY AND CONSISTENT WITH THE
33 NEEDS AND BEST INTEREST OF THE RESPONDENT AND THE NEED FOR PROTECTION OF
34 THE COMMUNITY.

35 S 17. This act shall take effect immediately, provided however that
36 sections seven through fifteen of this act shall take effect May 1, 2013
37 and provided further, however, that sections one, two, four, five and
38 six of this act shall take effect March 31, 2014; and provided further
39 that:

40 (a) the amendments to subparagraphs (iii) and (iv) of paragraph (a) of
41 subdivision 4 of section 353.5 of the family court act made by section
42 eleven of this act shall not affect the expiration of such subdivision
43 and shall be deemed to expire therewith;

44 (b) the amendments to subparagraphs (i), (iii) and (iv) of paragraph
45 (c) of subdivision 4 of section 353.5 of the family court act made by
46 section twelve of this act shall not affect the expiration of such
47 subdivision and shall be deemed to expire therewith;

48 (c) the amendments to paragraph (d) of subdivision 4 of section 353.5
49 of the family court act made by section thirteen of this act shall not
50 affect the expiration of such subdivision and shall be deemed to expire
51 therewith;

52 (d) the amendments to subparagraphs (iii) and (iv) of paragraph (a) of
53 subdivision 5 of section 353.5 of the family court act made by section
54 fourteen of this act shall not affect the expiration of such subdivision
55 and shall be deemed to expire therewith;

(e) the amendments to subparagraphs (i), (iii) and (iv) of paragraph (c) and paragraph (d) of subdivision 5 of section 353.5 of the family court act made by section fifteen of this act shall not affect the expiration of such subdivision and shall be deemed to expire therewith;

(f) the amendments to subdivision 2 of section 355.1 of the family court act made by section sixteen of this act shall not affect the expiration of such subdivision and shall be deemed to expire therewith.

SUBPART B

Section 1. Subdivision 1 of section 505 of the executive law, as amended by chapter 465 of the laws of 1992, is amended to read as follows:

1. There shall be a facility director of each [division for youth] OFFICE OF CHILDREN AND FAMILY SERVICES OPERATED facility. Such facility director shall be appointed by the [director] COMMISSIONER of the [division] OFFICE OF CHILDREN AND FAMILY SERVICES and THE POSITION shall be in the noncompetitive class and designated as confidential as defined by subdivision two-a of section forty-two of the civil service law. The facility director shall have [two years] SUCH experience [in appropriate titles in state government. Such facility director shall have such] AND other qualifications as may be prescribed by the [director] DIRECTOR OF CLASSIFICATION AND COMPENSATION WITHIN THE DEPARTMENT OF CIVIL SERVICE IN CONSULTATION WITH THE COMMISSIONER of the [division] OFFICE OF CHILDREN AND FAMILY SERVICES, based on differences in duties, levels of responsibility, size and character of the facility, knowledge, skills and abilities required, and other factors affecting the position [and]. SUCH FACILITY DIRECTOR shall serve at the pleasure of the [director] COMMISSIONER of the [division] OFFICE.

S 2. This act shall take effect on the thirtieth day after it shall have become a law.

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

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

PART I

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

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

S 51. Jurisdiction. This article shall, subject to the limitations contained herein, confer upon the office of the state inspector general, jurisdiction over all covered agencies. For the purposes of this article "covered agency" shall include all executive branch agencies, departments, divisions, officers, boards and commissions, public authorities (other than multi-state or multi-national authorities), [and] public

benefit corporations, the heads of which are appointed by the governor and which do not have their own inspector general by statute, AND LOCAL SOCIAL SERVICES DISTRICTS. Wherever a covered agency is a board, commission, a public authority or public benefit corporation, the head of the agency is the chairperson thereof. FOR PURPOSES OF THIS SECTION, "LOCAL SOCIAL SERVICES DISTRICTS" SHALL INCLUDE CONTRACTEES OR RECIPIENTS OF PUBLIC ASSISTANCE SERVICES.

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

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

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

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

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

1. subpoena and enforce the attendance of witnesses;

2. administer oaths or affirmations and examine witnesses under oath;

3. require the production of any books and papers deemed relevant or material to any investigation, examination or review;

4. notwithstanding any law to the contrary, examine and copy or remove documents or records of any kind prepared, maintained or held by any covered agency;

5. require any officer or employee in a covered agency, OR IN ANY OFFICE OR AGENCY ADMINISTERING OR SUPPORTING ANY PROGRAM OF THE DEPARTMENT OF FAMILY ASSISTANCE, to answer questions concerning any matter related to the performance of his or her official duties. No statement or other evidence derived therefrom may be used against such officer or employee in any subsequent criminal prosecution other than for perjury or contempt arising from such testimony. The refusal of any officer or employee to answer questions shall be cause for removal from office or employment or other appropriate penalty;

6. monitor the implementation by covered agencies AND BY OFFICES AND AGENCIES ADMINISTERING OR SUPPORTING PROGRAMS OF THE DEPARTMENT OF FAMILY ASSISTANCE of any recommendations made by THE state inspector general;

7. perform any other functions that are necessary or appropriate to fulfill the duties and responsibilities of office[.];

8. NOTWITHSTANDING ANY OTHER PROVISION OF LAW, RULE OR REGULATION TO THE CONTRARY, NO PERSON SHALL PREVENT, SEEK TO PREVENT, INTERFERE WITH, OBSTRUCT OR OTHERWISE HINDER ANY INVESTIGATION BEING CONDUCTED PURSUANT TO THIS SECTION. SECTION ONE HUNDRED THIRTY-SIX OF THE SOCIAL SERVICES LAW SHALL IN NO WAY BE CONSTRUED TO RESTRICT ANY PERSON OR GOVERNMENTAL BODY FROM COOPERATING WITH AND ASSISTING THE INSPECTOR GENERAL OR HIS OR HER EMPLOYEES IN CARRYING OUT THEIR DUTIES UNDER THIS SECTION. ANY VIOLATION OF THIS PARAGRAPH SHALL CONSTITUTE CAUSE FOR SUSPENSION OR REMOVAL FROM OFFICE OR EMPLOYMENT;

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

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

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

22 The inspector shall refer suspected fraud or criminality to the deputy
23 attorney general for Medicaid fraud control and make any other referrals
24 to such deputy attorney general as required or contemplated by federal
25 law. At any time after such referral, with ten days written notice to
26 the deputy attorney general for Medicaid fraud control or such shorter
27 time as such deputy attorney general consents to, the inspector may
28 additionally provide relevant information about suspected fraud or
29 criminality to any other federal or state law enforcement agency that
30 the inspector deems appropriate under the circumstances;

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

33 2. Notwithstanding any law to the contrary, the department, upon
34 request by the office of [welfare] THE STATE inspector general, shall
35 provide said office with such information it receives from the wage
36 reporting system operated by the department of taxation and finance that
37 the office of [welfare] THE STATE inspector general deems necessary to
38 carry out its functions and duties under article [four] FOUR-A of the
39 executive law.

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

43 2. All communications and information relating to a person receiving
44 public assistance or care obtained by any social services official,
45 service officer, or employee in the course of his or her work shall be
46 considered confidential and, except as otherwise provided in this
47 section, shall be disclosed only to the commissioner, or his or her
48 authorized representative, the commissioner of labor, or his or her
49 authorized representative, the commissioner of health, or his or her
50 authorized representative, the [welfare] STATE inspector general, or his
51 or her authorized representative, the county board of supervisors, city
52 council, town board or other board or body authorized and required to
53 appropriate funds for public assistance and care in and for such county,
54 city or town or its authorized representative or, by authority of the
55 county, city or town social services official, to a person or agency
56 considered entitled to such information. Nothing herein shall preclude a

1 social services official from reporting to an appropriate agency or
2 official, including law enforcement agencies or officials, known or
3 suspected instances of physical or mental injury, sexual abuse or
4 exploitation, sexual contact with a minor or negligent treatment or
5 maltreatment of a child of which the official becomes aware in the
6 administration of public assistance and care nor shall it preclude
7 communication with the federal immigration and naturalization service
8 regarding the immigration status of any individual.

9 S 8. Transfer of employees. Notwithstanding any other provision of
10 law, rule, or regulation to the contrary, upon the transfer of functions
11 from the office of the welfare inspector general to the office of the
12 state inspector general pursuant to this act, all employees of the
13 office of the welfare inspector general shall be transferred to the
14 office of the state inspector general. Employees transferred pursuant to
15 this act shall be transferred without further examination or qualifica-
16 tion and shall retain their respective civil service classifications,
17 status and collective bargaining unit designations and collective
18 bargaining agreements.

19 S 9. Transfer of records. All books, papers, and property of the
20 office of the welfare inspector general, except those required to be
21 retained by the New York state attorney general for investigation and
22 prosecution of pending cases, shall be delivered to the office of the
23 state inspector general. All books, papers, and property of the office
24 of the welfare inspector general shall continue to be maintained by the
25 office of the state inspector general.

26 S 10. Continuity of authority. For the purpose of succession of all
27 functions, powers, duties and obligations transferred and assigned to,
28 devolved upon and assumed by it pursuant to this act, the office of the
29 state inspector general shall be deemed and held to constitute the
30 continuation of the office of the welfare inspector general.

31 S 11. Completion of unfinished business. Any business or other matter
32 undertaken or commenced by the office of the welfare inspector general
33 pertaining to or connected with the functions, powers, obligations and
34 duties hereby transferred and assigned to the office of the state
35 inspector general and pending on the effective date of this act may be
36 conducted and completed by the office of the state inspector general in
37 the same manner and under the same terms and conditions and with the
38 same effect as if conducted and completed by the office of the welfare
39 inspector general, except the office of the state inspector general
40 shall have no authority to prosecute any pending cases.

41 S 12. Continuation of rules and regulations. All rules, regulations,
42 acts, orders, determinations, and decisions of the office of the welfare
43 inspector general pertaining to the functions and powers herein trans-
44 ferred and assigned, in force at the time of such transfer and assump-
45 tion, shall continue in full force and effect as rules, regulations,
46 acts, orders, determinations and decisions of the office of the state
47 inspector general until duly modified or abrogated by the state inspec-
48 tor general.

49 S 13. Terms occurring in laws, contracts and other documents. Whenev-
50 er the office of the welfare inspector general or the welfare inspector
51 general is referred to or designated in any law, contract or document
52 pertaining to the functions, powers, obligations and duties hereby
53 transferred to and assigned to the office of the state inspector general
54 or the state inspector general, such reference or designation shall be
55 deemed to refer to the office of the state inspector general or the
56 state inspector general, as applicable.

1 S 14. Existing rights and remedies preserved. No existing right or
2 remedy of any character shall be lost, impaired or affected by any
3 provisions of this act.

4 S 15. Pending actions and proceedings. No action or proceeding pending
5 at the time when this act shall take effect, brought by or against the
6 office of the welfare inspector general or the welfare inspector gener-
7 al, shall be affected by any provision of this act, but the same may be
8 prosecuted or defended in the name of the state inspector general or the
9 office of the state inspector general, except the office of the state
10 inspector general shall have no authority to prosecute any pending
11 cases. In all such actions and proceedings, the state inspector general,
12 upon application of the court, shall be substituted as a party.

13 S 16. Transfer of appropriations heretofore made. All appropriations
14 or reappropriations heretofore made to the office of the welfare inspec-
15 tor general to the extent of remaining unexpended or unencumbered
16 balance thereof, whether allocated or unallocated and whether obligated
17 or unobligated, are hereby transferred to and made available for use and
18 expenditure by the office of the state inspector general subject to the
19 approval of the director of the budget for the same purposes for which
20 originally appropriated or reappropriated and shall be payable on vouch-
21 ers certified or approved by the state inspector general on audit and
22 warrant of the comptroller.

23 S 17. Transfer of assets and liabilities. All assets and liabilities
24 of the office of the welfare inspector general are hereby transferred to
25 and assumed by the office of the state inspector general.

26 S 18. This act shall take effect immediately.

27

PART J

28 Section 1. Paragraph (b) of subdivision 3 of section 425 of the real
29 property tax law, as amended by section 1 of part B of chapter 389 of
30 the laws of 1997, is amended to read as follows:

31 (b) Primary residence. The property must serve as the primary resi-
32 dence of one or more of the owners thereof. THE COMMISSIONER SHALL
33 ESTABLISH GUIDELINES FOR DETERMINING WHAT CONSTITUTES A PRIMARY RESI-
34 DENCE FOR PURPOSES OF THIS SECTION. SUCH GUIDELINES SHALL BE BINDING
35 UPON APPLICANTS, ASSESSORS AND ALL OTHER PARTIES FOR PURPOSES OF THE
36 ADMINISTRATION OF THE EXEMPTION AUTHORIZED BY THIS SECTION.

37 S 2. Subdivisions 12 and 13 of section 425 of the real property tax
38 law, as amended by section 1 of part B of chapter 389 of the laws of
39 1997, paragraph (a) of subdivision 12 as amended by section 12 of part W
40 of chapter 56 of the laws of 2010, paragraph (b) of subdivision 12 as
41 amended and paragraph (d) of subdivision 12 as added by section 1 of
42 part N of chapter 58 of the laws of 2011 and paragraph (d) of subdivi-
43 sion 13 as added by section 2 of part N of chapter 58 of the laws of
44 2011, are amended and two new subdivisions 14 and 15 are added to read
45 as follows:

46 12. Revocation of prior exemptions. (a) Generally. In addition to
47 discontinuing the exemption on the next ensuing tentative assessment
48 roll, if the assessor determines that the property improperly received
49 the exemption on one or more of the [three] TEN preceding assessment
50 rolls, or is advised by the department that the applicable income stand-
51 ard was not satisfied with regard to a property which received the
52 enhanced exemption on one or more of those rolls, he or she shall
53 proceed to revoke the improperly granted prior exemption or exemptions.
54 If the assessor is advised that the department was unable to verify the

1 income eligibility of one or more participants in the income verifica-
2 tion program, the assessor shall mail that person or those persons a
3 notice in a form prescribed by the department requesting that the person
4 or persons document their income in the same manner and to the same
5 extent as if the person or persons were submitting an initial applica-
6 tion for the enhanced STAR exemption. If such income documentation is
7 not provided within forty-five days of such request, or if the documen-
8 tation provided does not establish the eligibility of the person or
9 persons to the assessor's satisfaction, the assessor shall treat the
10 exemption as an improperly granted exemption and proceed in the manner
11 provided by this subdivision.

12 (b) Procedure. The assessed value attributable to each such improperly
13 granted exemption shall be entered separately on the next ensuing tenta-
14 tive or final assessment roll. The provisions of section five hundred
15 fifty-one or five hundred fifty-three of this chapter, relating to the
16 entry by the assessor of omitted real property on a tentative or final
17 assessment roll, shall apply so far as practicable to the revocation
18 procedure IN THIS SUBDIVISION, except that:

19 (I) the tax rate to be applied to any revoked exemption shall be the
20 tax rate that was applied to the corresponding assessment roll, [and
21 that]

22 (II) interest shall then be added to each such product at the rate
23 prescribed by section nine hundred twenty-four-a of this chapter or such
24 other law as may be applicable for each month or portion thereon since
25 the levy of taxes upon the assessment roll or rolls upon which the
26 exemption was granted, AND

27 (III) A PROCESSING FEE OF FIVE HUNDRED DOLLARS SHALL BE ADDED. SUCH
28 PROCESSING FEE IMPOSED PURSUANT TO THIS SUBDIVISION SHALL BE RETAINED BY
29 THE ASSESSING UNIT.

30 (c) Rights of owners. Each owner or owners shall be given notice of
31 the possible revocation UNDER THIS SUBDIVISION of their exemption or
32 exemptions at the time and in the manner provided by section five
33 hundred ten or five hundred fifty-three of this chapter, and shall be
34 entitled to seek administrative and judicial review of such action in
35 the manner provided by law.

36 (d) Applicability. The provisions of this subdivision shall not be
37 applicable to the extent that the prior exemptions shall have been
38 renounced pursuant to section four hundred ninety-six of this article.

39 13. Penalty for material misstatements. (a) Generally. If the assessor
40 should determine, within [three] TEN years from the filing of an appli-
41 cation for exemption pursuant to this section, that there was a material
42 misstatement on the application, he or she shall proceed to impose a
43 penalty tax against the property of [one hundred dollars] EITHER TWENTY
44 PERCENT OF THE TOTAL AMOUNT OF THE IMPROPERLY RECEIVED TAX SAVINGS, OR
45 ONE HUNDRED DOLLARS, WHICHEVER IS GREATER. An application shall be
46 deemed to contain a material misstatement for this purpose when either:

47 (i) the applicant or applicants claimed that the property was their
48 primary residence, when it was not; or

49 (ii) THE APPLICANT OR APPLICANTS CLAIMED THAT THEY HAD RELINQUISHED
50 THE STAR EXEMPTION ON THEIR FORMER PRIMARY RESIDENCE, WHEN THEY HAD NOT;
51 OR

52 (III) in the case of an application for the enhanced exemption for
53 property owned by senior citizens, the applicant or applicants misrepres-
54 ented their age or income so as to appear eligible for such exemption,
55 when they were not.

1 (b) Procedure. When the assessor determines that a penalty tax should
2 be imposed, the penalty tax shall be entered on the next ensuing tenta-
3 tive or final assessment roll. The procedures set forth in section five
4 hundred fifty-one or five hundred fifty-three of this chapter, relating
5 to the entry by the assessor of omitted real property on a tentative or
6 final assessment roll, shall apply so far as practicable when imposing a
7 penalty tax pursuant to this subdivision. Each owner or owners shall be
8 given notice of the possible imposition of a penalty tax at the time and
9 in the manner provided by section five hundred ten or five hundred
10 fifty-three of this chapter, and shall be entitled to seek administra-
11 tive and judicial review of such action in the manner provided by law.
12 Any penalty tax imposed pursuant to this subdivision shall be retained
13 by the assessing unit.

14 (c) Additional consequences. A penalty tax may be imposed pursuant to
15 this subdivision whether or not the improper exemption has been revoked
16 in the manner provided by this section. In addition, a person or persons
17 who are found to have made a material misstatement shall be disqualified
18 from further exemption pursuant to this section for a period of [five]
19 TEN years, and may be subject to prosecution pursuant to the penal law.

20 (d) Applicability. The provisions of this subdivision shall not be
21 applicable to the extent that the prior exemptions shall have been
22 renounced pursuant to section four hundred ninety-six of this article.

23 14. STAR REGISTRATION PROGRAM. (A) THE COMMISSIONER SHALL ESTABLISH
24 AND IMPLEMENT A PROGRAM UNDER WHICH ALL OWNERS OF PROPERTIES INITIALLY
25 APPLYING FOR AND THOSE RECEIVING A BASIC STAR EXEMPTION SHALL BE
26 REQUIRED TO BE REGISTERED WITH THE COMMISSIONER IN THE MANNER, AT SUCH
27 INTERVALS, AND BY THE DATE OR DATES PRESCRIBED BY THE COMMISSIONER.

28 (B) NOTWITHSTANDING ANY PROVISION OF LAW TO THE CONTRARY, THE COMMIS-
29 SIONER SHALL DIRECT THE REMOVAL OR DENIAL OF A STAR EXEMPTION IF HE OR
30 SHE FINDS THAT ONE OR MORE OF THE FOLLOWING CONDITIONS EXIST:

31 (I) ALL OWNERS OF THE PROPERTY HAVE NOT BEEN REGISTERED BY THE
32 PRESCRIBED DATE AND NO ACCEPTABLE JUSTIFICATION HAS BEEN PRESENTED FOR
33 SUCH FAILURE;

34 (II) THE OWNERS OF THE PROPERTY ARE IMPROPERLY RECEIVING MULTIPLE STAR
35 EXEMPTIONS;

36 (III) THE PROPERTY DOES NOT SERVE AS THE PRIMARY RESIDENCE OF ANY OF
37 ITS OWNERS;

38 (IV) THE APPLICABLE INCOME LIMITATION HAS BEEN EXCEEDED; OR

39 (V) THE PROPERTY IS OTHERWISE INELIGIBLE FOR THE STAR EXEMPTION.

40 (C) PRIOR TO DIRECTING THAT A STAR EXEMPTION BE REMOVED OR DENIED
41 PURSUANT TO THIS SUBDIVISION, THE COMMISSIONER SHALL PROVIDE THE PROPER-
42 TY OWNERS WITH NOTICE AND AN OPPORTUNITY TO SHOW THE COMMISSIONER THAT
43 THE PROPERTY IS ELIGIBLE TO RECEIVE THE EXEMPTION. IF THE OWNERS FAIL TO
44 RESPOND TO SUCH NOTICE, OR IF THEIR RESPONSE DOES NOT SHOW TO THE
45 COMMISSIONER'S SATISFACTION THAT THE PROPERTY IS ELIGIBLE FOR THE
46 EXEMPTION, THE COMMISSIONER SHALL DIRECT THE ASSESSOR OR OTHER PERSON
47 HAVING CUSTODY OR CONTROL OF THE ASSESSMENT ROLL OR TAX ROLL TO REMOVE
48 OR DENY THE EXEMPTION, AND TO CORRECT THE ROLL ACCORDINGLY. SUCH A
49 DIRECTIVE SHALL BE BINDING UPON THE ASSESSOR OR OTHER PERSON HAVING
50 CUSTODY OR CONTROL OF THE ASSESSMENT ROLL OR TAX ROLL, AND SHALL BE
51 IMPLEMENTED BY SUCH PERSON WITHOUT THE NEED FOR FURTHER DOCUMENTATION OR
52 APPROVAL.

53 (D) NOTWITHSTANDING THE PROVISIONS OF PARAGRAPH (B) OF SUBDIVISION SIX
54 OF THIS SECTION, NEITHER AN ASSESSOR NOR A BOARD OF ASSESSMENT REVIEW
55 HAS THE AUTHORITY TO CONSIDER AN OBJECTION TO THE REMOVAL OR DENIAL OF
56 AN EXEMPTION PURSUANT TO THIS SUBDIVISION, NOR MAY SUCH AN ACTION BE

1 REVIEWED IN A PROCEEDING TO REVIEW AN ASSESSMENT PURSUANT TO TITLE ONE
2 OR ONE-A OF ARTICLE SEVEN OF THIS CHAPTER. SUCH AN ACTION MAY ONLY BE
3 CHALLENGED BEFORE THE DEPARTMENT OF TAXATION AND FINANCE ON THE GROUNDS
4 OF A MISTAKE OF FACT. THE TAXPAYER SHALL HAVE NO RIGHT TO COMMENCE A
5 COURT ACTION, ADMINISTRATIVE PROCEEDING OR ANY OTHER FORM OF LEGAL
6 RECOURSE AGAINST THE COMMISSIONER, THE DEPARTMENT OF TAXATION AND
7 FINANCE, ASSESSOR OR OTHER PERSON HAVING CUSTODY OR CONTROL OF THE
8 ASSESSMENT ROLL OR TAX ROLL REGARDING SUCH ACTION.

9 (E) THE COMMISSIONER SHALL BE ENTITLED TO UTILIZE INFORMATION FROM ANY
10 FILINGS OF A TAXPAYER WITH THE DEPARTMENT OF TAXATION AND FINANCE IN
11 CONJUNCTION WITH THE STAR REGISTRATION PROGRAM. THE DISCLOSURE TO THE
12 ASSESSOR OR OTHER PERSON HAVING CUSTODY OR CONTROL OF THE ASSESSMENT
13 ROLL OR TAX ROLL OF NAMES AND ADDRESSES OF PROPERTY OWNERS AFFECTED BY
14 THIS SUBDIVISION, COLLECTED FROM THE REGISTRATION PROCESS AND OTHER
15 FILINGS WITH THE DEPARTMENT OF TAXATION AND FINANCE SHALL NOT CONSTITUTE
16 A VIOLATION OF THE SECRECY PROVISIONS OF THE TAX LAW. THE COMMISSIONER
17 SHALL PROVIDE NO OTHER INFORMATION ABOUT THE INCOME OF A TAXPAYER TO THE
18 ASSESSOR OR OTHER PERSON HAVING CUSTODY OR CONTROL OF THE ASSESSMENT
19 ROLL OR TAX ROLL.

20 15. DISCLOSURE OF CERTAIN DATA. THE COMMISSIONER IS AUTHORIZED TO
21 DISCLOSE TO ASSESSORS AND COUNTY DIRECTORS OF REAL PROPERTY TAX SERVICES
22 SUCH DATA AS HE OR SHE DEEMS NECESSARY TO THE EFFECTIVE ADMINISTRATION
23 OF THE STAR EXEMPTION AUTHORIZED BY THIS SECTION, NOTWITHSTANDING THE
24 SECRECY PROVISIONS OF THE TAX LAW, PROVIDED THAT THE DATA SO DISCLOSED
25 SHALL NOT BE SUBJECT TO FURTHER DISCLOSURE UNDER ARTICLE SIX OF THE
26 PUBLIC OFFICERS LAW OR OTHERWISE.

27 S 3. This act shall take effect April 1, 2013.

28 PART K

29 Section 1. Articles 16 and 17 of the private housing finance law are
30 REPEALED.

31 S 2. The private housing finance law is amended by adding a new arti-
32 cle 27 to read as follows:

33 ARTICLE XXVII

34 COMMUNITY PRESERVATION PROGRAM

35 SECTION 1230. PURPOSE.

36 1231. DEFINITIONS.

37 1232. PROGRAM CONTRACTS.

38 1233. TECHNICAL SERVICES AND ASSISTANCE TO COMMUNITY PRESERVA-
39 TION CORPORATIONS.

40 1234. RULES AND REGULATIONS.

41 1235. ANNUAL REPORT.

42 1236. RELATIONSHIP TO OTHER LAWS.

43 S 1230. PURPOSE. THERE CONTINUES TO EXIST IN ALL AREAS OF THE STATE
44 SIGNIFICANT UNMET HOUSING NEEDS OF PERSONS AND FAMILIES OF LOW OR MODER-
45 ATE INCOME, NUMEROUS HOUSING UNITS WHICH ARE DETERIORATING OR IN NEED OF
46 REHABILITATION OR IMPROVEMENT, AND RELATED FACTORS DEMONSTRATING A NEED
47 FOR ATTENTION TO HOUSING PRESERVATION AND COMMUNITY REVITALIZATION. IT
48 IS THE PURPOSE OF THIS ARTICLE TO ESTABLISH A COMMUNITY PRESERVATION
49 PROGRAM WITHIN THE HOUSING TRUST FUND CORPORATION.

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

51 1. "HOUSING TRUST FUND CORPORATION" SHALL MEAN THE HOUSING TRUST FUND
52 CORPORATION AS CREATED BY SECTION FORTY-FIVE-A OF THIS CHAPTER.

53 2. "COMMUNITY PRESERVATION CORPORATION" SHALL MEAN A CORPORATION
54 ORGANIZED UNDER THE PROVISIONS OF THE NOT-FOR-PROFIT CORPORATION LAW

1 THAT HAS BEEN ENGAGED PRIMARILY IN HOUSING PRESERVATION AND COMMUNITY
2 RENEWAL ACTIVITIES AS DEFINED IN SUBDIVISION FIVE OF THIS SECTION.

3 3. "ELIGIBLE APPLICANT" SHALL MEAN ANY COMMUNITY CORPORATION OR COMBI-
4 NATION OF CORPORATIONS IN EXISTENCE FOR A PERIOD OF ONE OR MORE YEARS
5 PRIOR TO APPLICATION.

6 4. "REGION" SHALL MEAN ANY COMMUNITY AREA WITHIN THE STATE SUCH AS A
7 COUNTY, CITY, TOWN, VILLAGE, POSTAL ZONE, OR CENSUS TRACT OR ANY SPECI-
8 FIED PART OR COMBINATION THEREOF AS APPROVED BY THE HOUSING TRUST FUND
9 CORPORATION, WITHIN WHICH HOUSING AND COMMUNITY RENEWAL ACTIVITIES FUND-
10 ED IN PART PURSUANT TO THIS ARTICLE ARE TO BE CARRIED OUT.

11 5. "HOUSING PRESERVATION AND COMMUNITY RENEWAL ACTIVITIES" SHALL MEAN
12 ACTIVITIES ENGAGED IN BY A COMMUNITY PRESERVATION CORPORATION WITHIN A
13 REGION, PROVIDED, HOWEVER, THAT THE HOUSING TRUST FUND CORPORATION MAY
14 ALLOW A COMMUNITY PRESERVATION CORPORATION TO ENGAGE IN SUCH ACTIVITIES
15 IN UNSERVED AND UNDERSERVED AREAS OF A MUNICIPALITY LYING OUTSIDE OF ITS
16 DESIGNATED REGION, THAT INCLUDE: (A) THE NEW CONSTRUCTION OR THE ACQUI-
17 SITION, MAINTENANCE, PRESERVATION, REPAIR, REHABILITATION OR OTHER
18 IMPROVEMENT OF VACANT OR OCCUPIED HOUSING ACCOMMODATIONS; DEMOLITION OR
19 SEALING OF VACANT STRUCTURES WHERE NECESSARY OR APPROPRIATE; DISPOSITION
20 OF HOUSING ACCOMMODATIONS TO PRESENT OR POTENTIAL OCCUPANTS OR CO-OPERA-
21 TIVE ORGANIZATIONS; TRAINING OR OTHER FORMS OF ASSISTANCE TO OCCUPANTS
22 OF HOUSING ACCOMMODATIONS; AND MANAGEMENT OF HOUSING ACCOMMODATIONS AS
23 AGENT FOR THE OWNERS, RECEIVERS, ADMINISTRATORS OR MUNICIPALITIES; OR
24 (B) ACTIVITIES, SIMILAR TO THOSE SPECIFIED IN PARAGRAPH (A) OF THIS
25 SUBDIVISION, AIMED AT ACCOMPLISHING SIMILAR PURPOSES AND MEETING SIMILAR
26 NEEDS WITH RESPECT TO RETAIL AND SERVICE ESTABLISHMENTS WITHIN A REGION
27 WHEN CARRIED OUT IN CONNECTION WITH AND INCIDENTAL TO A PROGRAM OF HOUS-
28 ING RELATED ACTIVITIES.

29 6. "PERSONS OF LOW INCOME" SHALL MEAN INDIVIDUALS AND FAMILIES WHOSE
30 ANNUAL INCOMES DO NOT EXCEED NINETY PERCENT OF THE MEDIAN ANNUAL INCOME
31 FOR ALL RESIDENTS OF THE REGION WITHIN WHICH THEY RESIDE OR A LARGER
32 AREA ENCOMPASSING SUCH REGION FOR WHICH MEDIAN ANNUAL INCOME CAN BE
33 DETERMINED.

34 7. "MERGED CORPORATION" SHALL MEAN A COMMUNITY PRESERVATION CORPO-
35 RATION MAINTAINING A CONTRACT PURSUANT TO THIS ARTICLE THAT HAS UNDER-
36 GONE A MERGER WITH ONE OR MORE OTHER COMMUNITY PRESERVATION CORPO-
37 RATIONS, WHICH IS ALSO MAINTAINING A CONTRACT PURSUANT TO THIS ARTICLE,
38 THAT HAS LED THE MERGED CORPORATION TO REDUCE THE NUMBER OF CONTRACTS
39 BEING MAINTAINED WITH THE HOUSING TRUST FUND CORPORATION PURSUANT TO
40 THIS ARTICLE TO A TOTAL OF ONE.

41 8. "UNMERGED CORPORATION" SHALL MEAN A COMMUNITY PRESERVATION CORPO-
42 RATION THAT IS NOT A MERGED CORPORATION.

43 S 1232. PROGRAM CONTRACTS. 1. IN ORDER TO BE ELIGIBLE TO RECEIVE FUNDS
44 PURSUANT TO THIS ARTICLE, AN ELIGIBLE APPLICANT SHALL SUBMIT A PROPOSAL
45 BASED ON CRITERIA AS DETERMINED BY THE HOUSING TRUST FUND CORPORATION.

46 2. WITHIN THE LIMIT OF FUNDS AVAILABLE IN THE COMMUNITY PRESERVATION
47 APPROPRIATION, THE HOUSING TRUST FUND CORPORATION MAY ENTER INTO
48 CONTRACTS WITH CORPORATIONS TO PROVIDE HOUSING PRESERVATION AND COMMUNI-
49 TY RENEWAL ACTIVITIES.

50 3. IN DETERMINING TO ENTER INTO A CONTRACT WITH A COMMUNITY PRESERVA-
51 TION CORPORATION OR CORPORATIONS PURSUANT TO THIS ARTICLE THE HOUSING
52 TRUST FUND CORPORATION SHALL DETERMINE THAT THE DEMOGRAPHIC AND OTHER
53 RELEVANT DATA PERTAINING TO A REGION AS SPECIFIED IN THE CONTRACT INDI-
54 CATE THAT SUCH REGION CONTAINS SIGNIFICANT UNMET HOUSING NEEDS OF
55 PERSONS OF LOW INCOME, THAT THE HOUSING STOCK OF SUCH REGION, BECAUSE OF
56 ITS AGE, DETERIORATION, OR OTHER FACTORS, REQUIRES IMPROVEMENT IN ORDER

1 TO PRESERVE THE COMMUNITIES WITHIN THE REGION AND THAT THE CORPORATION
2 PROPOSES TO ASSIST SUCH REGION THROUGH ACTIVE INTERVENTION TO EFFECT THE
3 REGION'S PRESERVATION, STABILIZATION OR IMPROVEMENT. THE HOUSING TRUST
4 FUND CORPORATION SHALL ALSO DETERMINE THAT THE COMMUNITY PRESERVATION
5 CORPORATION POSSESSES OR WILL ACQUIRE OR GAIN ACCESS TO THE REQUISITE
6 STAFF, OFFICE FACILITIES WITHIN SUCH COMMUNITY, EQUIPMENT AND EXPERTISE
7 TO ENABLE IT TO PERFORM THE ACTIVITIES WHICH IT PROPOSES TO UNDERTAKE
8 PURSUANT TO SUCH CONTRACT; PROVIDED, HOWEVER, THAT THE MERGED CORPO-
9 RATION'S OFFICE FACILITIES MAY BE LOCATED OUTSIDE SUCH COMMUNITY IF THEY
10 ARE LOCATED IN A COMMUNITY WHOLLY CONTAINED WITHIN THE MERGED CORPO-
11 RATION'S COMMUNITY, AND PROVIDED FURTHER, HOWEVER, THAT IT SHALL NOT BE
12 A BAR TO THE HOUSING TRUST FUND CORPORATION'S CONTRACTING WITH A COMMU-
13 NITY PRESERVATION CORPORATION THAT ONE OR MORE ORGANIZATIONS, WHETHER
14 PURSUANT TO CONTRACT WITH THE HOUSING TRUST FUND CORPORATION OR NOT, ARE
15 CONDUCTING COMMUNITY PRESERVATION ACTIVITIES WHOLLY OR PARTIALLY WITHIN
16 THE SAME COMMUNITY. THE COMMUNITY PRESERVATION CORPORATION'S OFFICERS,
17 DIRECTORS AND MEMBERS SHALL BE FAIRLY REPRESENTATIVE OF THE RESIDENTS
18 AND OTHER LEGITIMATE INTERESTS OF THE COMMUNITY, THAT THEY WILL CARRY
19 OUT SUCH A CONTRACT IN A RESPONSIBLE MANNER AND THAT AT LEAST
20 THIRTY-THREE PERCENT OF THE DIRECTORS OF THE COMMUNITY PRESERVATION
21 CORPORATION ARE RESIDENTS OF THE COMMUNITY.

22 4. EACH CONTRACT ENTERED INTO PURSUANT TO THIS ARTICLE SHALL PROVIDE
23 FOR PAYMENT TO THE CORPORATION FOR THE HOUSING PRESERVATION AND COMMUNI-
24 TY RENEWAL ACTIVITIES TO BE PERFORMED BY IT. PAYMENTS SHALL BE BASED ON
25 PERFORMANCE CRITERIA ESTABLISHED BY THE HOUSING TRUST FUND CORPORATION.

26 5. PAYMENT PURSUANT TO THIS ARTICLE SHALL BE RESTRICTED TO SUMS
27 REQUIRED FOR THE PAYMENT OF SALARIES AND WAGES TO EMPLOYEES OF SUCH
28 CORPORATIONS WHO ARE ENGAGED IN RENDERING HOUSING PRESERVATION AND
29 COMMUNITY RENEWAL ACTIVITIES, FEES TO CONSULTANTS AND PROFESSIONALS
30 RETAINED BY THEM FOR PLANNING AND PERFORMING SUCH ACTIVITIES AND OTHER
31 COSTS AND EXPENSES DIRECTLY RELATED TO SUCH EMPLOYEES, CONSULTANTS AND
32 PROFESSIONALS. SUCH FUNDS MAY BE USED FOR PLANNING ANY HOUSING PRESERVA-
33 TION AND COMMUNITY RENEWAL ACTIVITY AND FOR RENOVATING, REPAIRING,
34 FURNISHING, EQUIPPING AND OPERATING AN OFFICE FACILITY TO BE USED IN
35 CONNECTION WITH THE CONDUCT OF HOUSING PRESERVATION AND COMMUNITY
36 RENEWAL ACTIVITIES BY THE CORPORATION.

37 6. CONTRACTS PURSUANT TO THIS SECTION SHALL BE FOR A PERIOD TO BE
38 DETERMINED AT THE DISCRETION OF THE HOUSING TRUST FUND CORPORATION.

39 7. THE HOUSING TRUST FUND CORPORATION MAY WITHHOLD PAYMENTS AND MAY
40 ELECT NOT TO RENEW OR EXTEND A CONTRACT OR ENTER A SUCCEEDING CONTRACT
41 WITH ANY COMMUNITY PRESERVATION CORPORATION IF THE CORPORATION IS NOT IN
42 COMPLIANCE WITH ITS CONTRACT, HAS FAILED TO SUBMIT DOCUMENTATION
43 REQUIRED UNDER ITS CONTRACT OR REQUESTED BY THE HOUSING TRUST FUND
44 CORPORATION OR HAS NOT SATISFIED ANY OTHER CONDITIONS CONSISTENT WITH
45 THIS ARTICLE FOR RENEWING OR EXTENDING A CONTRACT OR ENTERING A SUCCEED-
46 ING CONTRACT.

47 8. THE HOUSING TRUST FUND CORPORATION MAY ENTER INTO CONTRACTS WITH
48 NEW COMMUNITY PRESERVATION CORPORATIONS TO PERFORM HOUSING PRESERVATION
49 AND COMMUNITY RENEWAL ACTIVITIES IN A COMMUNITY THAT IS UNSERVED OR
50 UNDERSERVED AS DETERMINED BY THE HOUSING TRUST FUND CORPORATION.

51 9. IF FUNDS ARE NOT COLLECTED BY A COMMUNITY PRESERVATION CORPORATION
52 OR FUNDS ARE REMAINING FROM A TERMINATED COMMUNITY PRESERVATION
53 CONTRACT, SUCH FUNDS MAY BE DEPOSITED IN THE MERGED CORPORATION SAVINGS
54 FUND AND USED TO FUND A NEW COMMUNITY PRESERVATION CORPORATION, MAY BE
55 REALLOCATED TO THE EXISTING CORPORATIONS, MAY BE USED TO PROVIDE TECHNI-

CAL ASSISTANCE OR MAY BE USED FOR OTHER COMMUNITY PRESERVATION PROGRAM PURPOSES AS DETERMINED BY THE HOUSING TRUST FUND CORPORATION.

10. WHEN DISBURSING FUNDS FOR CONTRACTS WITH COMMUNITY PRESERVATION CORPORATIONS, PURSUANT TO THIS ARTICLE, THE HOUSING TRUST FUND CORPORATION SHALL USE THE FOLLOWING CRITERIA, FORMULAS AND TABLES TO DETERMINE THE DISTRIBUTION OF FUNDS:

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

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

(III) THE MERGED CORPORATION FUNDING SHALL EQUAL THE FUNDING MODIFICATION MULTIPLIED BY THE PER GROUP AWARD.

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

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

YEARS SINCE MERGER	FUNDING MODIFICATION
1	200%
2	190%
3	180%
4	170%
5	160%
6	150%

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

YEARS SINCE MERGER	FUNDING MODIFICATION
1	300%
2	290%
3	280%
4	270%
5	260%
6	250%
7	240%
8	230%
9	220%
10	210%
11	200%

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

YEARS SINCE MERGER	FUNDING MODIFICATION
1	400%
2	390%
3	380%
4	370%
5	360%
6	350%
7	340%
8	330%
9	320%
10	310%
11	300%
12	290%

1	13	280%
2	14	270%
3	15	260%
4	16	250%

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

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

14 (E) THE PER GROUP AWARD SHALL BE DETERMINED BY DIVIDING THE TOTAL
15 FUNDING AVAILABLE, MINUS THE AMOUNTS OF ANY CONTRACTS FOR THE PROVISION
16 OF TECHNICAL ASSISTANCE, BY THE NUMBER OF COMMUNITY PRESERVATION CORPO-
17 RATIONS DETERMINED TO BE QUALIFIED FOR FUNDING BY THE HOUSING TRUST FUND
18 CORPORATION AS OF THE EFFECTIVE DATE OF THIS ARTICLE AND SUBSEQUENT
19 THERETO, WHICH WERE IN EXISTENCE AS OF AUGUST FIRST, TWO THOUSAND
20 TWELVE, OR WHICH CAME INTO EXISTENCE THEREAFTER, MINUS ANY CORPORATIONS
21 WHICH HAVE CEASED TO EXIST AND WERE NOT REPLACED OR MERGED.

22 11. THE HOUSING TRUST FUND CORPORATION SHALL CREATE A FUND TO HOLD AND
23 SHALL TRANSFER ALL FUNDS DETERMINED TO BE MERGED CORPORATION SAVINGS
24 PURSUANT TO PARAGRAPH (D) OF SUBDIVISION TEN OF THIS SECTION INTO SUCH
25 FUND. THE HOUSING TRUST FUND CORPORATION SHALL USE SUCH FUNDS, AS AVAIL-
26 ABLE, FOR ENTERING INTO NEW CONTRACTS OR REALLOCATING FUNDS TO EXISTING
27 CORPORATIONS, PURSUANT TO THIS SECTION, WITH COMMUNITY PRESERVATION
28 CORPORATIONS LOCATED IN AREAS OF THE STATE THAT ARE CURRENTLY UNSERVED
29 BY A COMMUNITY PRESERVATION CORPORATION.

30 S 1233. TECHNICAL SERVICES AND ASSISTANCE TO COMMUNITY PRESERVATION
31 CORPORATIONS. THE HOUSING TRUST FUND CORPORATION IS HEREBY AUTHORIZED TO
32 RENDER TO COMMUNITY PRESERVATION CORPORATIONS SUCH TECHNICAL SERVICES
33 AND ASSISTANCE AS IT MAY POSSESS OR AS MAY BE AVAILABLE TO IT TO ENABLE
34 SUCH CORPORATIONS TO COMPLY WITH THE INTENT AND PROVISIONS OF THIS ARTI-
35 CLE. THE HOUSING TRUST FUND CORPORATION IS FURTHER AUTHORIZED TO TAKE
36 ALL STEPS NECESSARY TO ENCOURAGE THE FORMATION, ORGANIZATION AND GROWTH
37 OF NEW COMMUNITY PRESERVATION CORPORATIONS. THE HOUSING TRUST FUND
38 CORPORATION MAY ALSO CONTRACT WITH MUNICIPAL AND OTHER PUBLIC AGENCIES
39 AND WITH PRIVATE PERSONS, FIRMS AND CORPORATIONS FOR THE PROVISION OF
40 SUCH TECHNICAL SERVICES AND ASSISTANCE WHICH MAY INCLUDE: PREPARATION
41 AND SUBMISSION OF PROPOSALS FOR ENTERING INTO CONTRACTS WITH THE HOUSING
42 TRUST FUND CORPORATION; PREPARATION AND SUBMISSION OF REPORTS REQUIRED
43 UNDER SUCH CONTRACTS OR REGULATIONS ISSUED BY THE HOUSING TRUST FUND
44 CORPORATION; INTERNAL ORGANIZATION AND MANAGEMENT OF THE COMMUNITY PRES-
45 ERVATION CORPORATIONS; RECRUITMENT AND TRAINING OF PERSONNEL OF THE
46 COMMUNITY PRESERVATION CORPORATIONS; PREPARATION OF PLANS AND PROJECTS,
47 NEGOTIATION OF AGREEMENTS AND COMPLIANCE WITH REQUIREMENTS OF PROGRAMS
48 IN WHICH COMMUNITY PRESERVATION CORPORATIONS MAY BECOME ENGAGED IN THE
49 COURSE OF THEIR COMMUNITY PRESERVATION ACTIVITIES; AND OTHER TECHNICAL
50 ADVICE OR ASSISTANCE RELATING TO THE PERFORMANCE OR RENDITION OF COMMU-
51 NITY PRESERVATION ACTIVITIES.

52 S 1234. RULES AND REGULATIONS. THE HOUSING TRUST FUND CORPORATION MAY
53 ISSUE RULES AND REGULATIONS OR OPERATIONAL BULLETINS FOR THE APPLICATION
54 AND AWARDING OF FUNDS UNDER THIS ARTICLE.

55 S 1235. ANNUAL REPORT. THE HOUSING TRUST FUND CORPORATION SHALL, ON OR
56 BEFORE SEPTEMBER THIRTIETH IN EACH YEAR SUBMIT A REPORT TO THE LEGISLA-

1 TURE ON THE IMPLEMENTATION OF THIS ARTICLE. SUCH REPORT SHALL INCLUDE,
2 BUT NOT BE LIMITED TO, FOR EACH CORPORATION RECEIVING PAYMENTS UNDER
3 THIS ARTICLE: A DESCRIPTION OF SUCH CORPORATION'S CONTRACT AMOUNT AND
4 CUMULATIVE TOTAL; THE SPECIFIC COMMUNITY PRESERVATION ACTIVITIES
5 PERFORMED BY SUCH CORPORATION; THE FINDINGS REQUIRED BY THE HOUSING
6 TRUST FUND CORPORATION UNDER SUBDIVISION THREE OF SECTION TWELVE HUNDRED
7 THIRTY-TWO OF THIS ARTICLE; THE AMOUNTS OF MONIES RECEIVED BY THE CORPO-
8 RATION FROM SOURCES OTHER THAN PAYMENTS MADE PURSUANT TO THIS ARTICLE;
9 THE VALUE OF SERVICES RENDERED FOR THE BENEFIT OF THE CORPORATION FOR
10 WHICH PAYMENT IS NOT REQUIRED TO BE MADE; AND SUCH OTHER INFORMATION AS
11 THE HOUSING TRUST FUND CORPORATION DEEMS APPROPRIATE.

12 S 1236. RELATIONSHIP TO OTHER LAWS. NOTHING IN THIS ARTICLE SHALL BE
13 DEEMED TO DENY OR LIMIT THE RIGHT OF ANY CORPORATION TO SEEK OR RECEIVE
14 ASSISTANCE UNDER, OR OTHERWISE PARTICIPATE IN, ANY OTHER PROGRAM PURSU-
15 ANT TO THIS CHAPTER, OR ANY OTHER GOVERNMENTAL PROGRAM RELATING TO HOUS-
16 ING OR COMMUNITY RENEWAL. NOTHING IN THIS ARTICLE SHALL BE DEEMED TO
17 DENY OR LIMIT THE RIGHT OF ANY CORPORATION TO CARRY OUT ANY PROGRAM OR
18 SERVICE THROUGH A SUBSIDIARY CORPORATION OR OTHER INSTRUMENTALITY.

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

22 5. "Neighborhood" shall mean an area within the municipality identi-
23 fied by recognized or established boundaries consistent with a determi-
24 nation of neighborhood eligibility under article [sixteen] TWENTY-SEVEN
25 of this chapter.

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

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

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

34 S 1051. Legislative findings and statement of policy. The legislature
35 hereby finds and declares that there exists in many portions of the
36 rural areas of the state substantial needs for revitalization and
37 improvement of housing and of local commercial and service facilities,
38 and for related community renewal activities. The findings set forth in
39 article [seventeen] TWENTY-SEVEN of this chapter, with respect to the
40 special needs and problems of such areas and the significant potential
41 role of locally based not-for-profit organizations in helping to meet
42 such needs, are hereby reaffirmed. The legislature hereby determines
43 that, in addition to the program of state support to help meet the
44 administrative expenses of such organizations under article [seventeen]
45 TWENTY-SEVEN, a further public need exists for state funding of a
46 portion of the costs of specific revitalization projects carried out by
47 such groups and similar local organizations. It is the purpose of this
48 article to encourage community preservation and improvement in the rural
49 area of the state by establishing a program of such funding.

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

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

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

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

(1) "rural area revitalization project" means a specific work or series of works for the revitalization and improvement of a region of the rural area of the state through creation, preservation or improvement of housing resources; creation, preservation or improvement of local commercial facilities; restoration or improvement of public facilities or other aspects of the area environment; related community preservation or renewal activities; or any combination of the above.

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

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

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

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

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

PART L

Section 1. Subdivision 8 of section 2404 of the public authorities law is REPEALED and a new subdivision 8 is added to read as follows:

(8) TO INVEST ANY FUNDS OR OTHER MONEYS UNDER ITS CUSTODY AND CONTROL IN INVESTMENT SECURITIES OR UNDER ANY ANCILLARY BOND FACILITY;

S 2. Section 2402 of the public authorities law is amended by adding two new subdivisions 18 and 19 to read as follows:

(18) "INVESTMENT SECURITIES". SUBJECT TO, OR AS OTHERWISE PROVIDED IN, THE PROVISIONS OF ANY CONTRACT WITH BONDHOLDERS OF THE AGENCY: (I) GENERAL OBLIGATIONS OF, OR OBLIGATIONS GUARANTEED BY, ANY STATE OF THE UNITED STATES OF AMERICA OR POLITICAL SUBDIVISION THEREOF, THE DISTRICT OF COLUMBIA, OR ANY AGENCY OR INSTRUMENTALITY THEREOF RECEIVING ONE OF THE THREE HIGHEST LONG-TERM UNSECURED DEBT RATING CATEGORIES AVAILABLE FOR SUCH SECURITIES OF AT LEAST ONE INDEPENDENT RATING AGENCY; OR (II) CERTIFICATES OF DEPOSIT, SAVINGS ACCOUNTS, TIME DEPOSITS OR OTHER OBLIGATIONS OR ACCOUNTS OF BANKS OR TRUST COMPANIES IN THE STATE, SECURED, IF THE AGENCY SHALL SO REQUIRE, IN SUCH MANNER AS THE AGENCY MAY SO DETERMINE; OR (III) OTHERWISE, IN THE DISCRETION OF THE AGENCY, OBLIGATIONS IN WHICH THE COMPTROLLER IS AUTHORIZED TO INVEST, PURSUANT TO EITHER SECTION NINETY-EIGHT OR NINETY-EIGHT-A OF THE STATE FINANCE LAW.

(19) "ANCILLARY BOND FACILITY". ANY INTEREST RATE EXCHANGE OR SIMILAR AGREEMENT OR ANY BOND INSURANCE POLICY, LETTER OF CREDIT OR OTHER CREDIT ENHANCEMENT FACILITY, LIQUIDITY FACILITY, GUARANTEED INVESTMENT OR REINVESTMENT AGREEMENT, OR OTHER SIMILAR AGREEMENT, ARRANGEMENT OR CONTRACT.

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

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

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

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

47 S 5. Subdivision 8 of section 44 of the private housing finance law is
48 REPEALED and a new subdivision 8 is added to read as follows:

49 8. TO INVEST ANY FUNDS OR OTHER MONEYS UNDER ITS CUSTODY AND CONTROL
50 IN INVESTMENT SECURITIES OR UNDER ANY ANCILLARY BOND FACILITY.

51 S 6. Section 42 of the private housing finance law is amended by
52 adding two new subdivisions 26 and 27 to read as follows:

53 26. "INVESTMENT SECURITIES" SHALL MEAN, SUBJECT TO OR, AS OTHERWISE
54 PROVIDED IN, THE PROVISIONS OF ANY CONTRACT WITH BONDHOLDERS OF THE
55 AGENCY: (I) GENERAL OBLIGATIONS OF, OR OBLIGATIONS GUARANTEED BY, ANY
56 STATE OF THE UNITED STATES OF AMERICA OR POLITICAL SUBDIVISION THEREOF,

1 THE DISTRICT OF COLUMBIA, OR ANY AGENCY OR INSTRUMENTALITY THEREOF
2 RECEIVING ONE OF THE THREE HIGHEST LONG-TERM UNSECURED DEBT RATING CATE-
3 GORIES AVAILABLE FOR SUCH SECURITIES OF AT LEAST ONE INDEPENDENT RATING
4 AGENCY; OR (II) CERTIFICATES OF DEPOSIT, SAVINGS ACCOUNTS, TIME DEPOSITS
5 OR OTHER OBLIGATIONS OR ACCOUNTS OF BANKS OR TRUST COMPANIES IN THE
6 STATE, SECURED, IF THE AGENCY SHALL SO REQUIRE, IN SUCH MANNER AS THE
7 AGENCY MAY SO DETERMINE; OR (III) OTHERWISE, IN THE DISCRETION OF THE
8 AGENCY, OBLIGATIONS IN WHICH THE COMPTROLLER IS AUTHORIZED TO INVEST,
9 PURSUANT TO EITHER SECTION NINETY-EIGHT OR NINETY-EIGHT-A OF THE STATE
10 FINANCE LAW.

11 27. "ANCILLARY BOND FACILITY" SHALL MEAN ANY INTEREST RATE EXCHANGE OR
12 SIMILAR AGREEMENT OR ANY BOND INSURANCE POLICY, LETTER OF CREDIT OR
13 OTHER CREDIT ENHANCEMENT FACILITY, LIQUIDITY FACILITY, GUARANTEED
14 INVESTMENT OR REINVESTMENT AGREEMENT, OR OTHER SIMILAR AGREEMENT,
15 ARRANGEMENT OR CONTRACT.

16 S 7. This act shall take effect immediately.

17

PART M

18 Section 1. Notwithstanding any other provision of law, and provided
19 that the reserves in the project pool insurance account of the mortgage
20 insurance fund created pursuant to section 2429-b of the public authori-
21 ties law are sufficient to attain and maintain the credit rating (as
22 determined by the agency) required to accomplish the purposes of such
23 account, the board of directors of the state of New York mortgage agency
24 shall authorize the transfer from the project pool insurance account of
25 the mortgage insurance fund to the state treasury for deposit in the
26 general fund a total sum not to exceed one hundred million dollars as
27 soon as practicable but no later than March 31, 2014.

28 S 2. Notwithstanding any other provision of law, the housing trust
29 fund corporation (the corporation) may provide, for purposes of the
30 community preservation program, a sum not to exceed twelve million eigh-
31 teen thousand dollars for the fiscal year ending March 31, 2014.
32 Notwithstanding any other provision of law, and provided that the
33 reserves in the project pool insurance account of the mortgage insurance
34 fund created pursuant to section 2429-b of the public authorities law
35 are sufficient to attain and maintain the credit rating (as determined
36 by the agency) required to accomplish the purposes of such account, the
37 board of directors of the state of New York mortgage agency shall
38 authorize the transfer from the project pool insurance account of the
39 mortgage insurance fund to the housing trust fund corporation (the
40 corporation), for the purposes of reimbursing any costs associated with
41 community preservation program contracts authorized by this section, a
42 total sum not to exceed twelve million eighteen thousand dollars as soon
43 as practicable but no later than June 30, 2013.

44 S 3. Notwithstanding any other provision of law, the housing trust
45 fund corporation (the corporation) may provide, for purposes of the
46 rural rental assistance program, a sum not to exceed twenty million four
47 hundred thousand dollars for the fiscal year ending March 31, 2014.
48 Notwithstanding any other provision of law, and provided that the
49 reserves in the project pool insurance account of the mortgage insurance
50 fund created pursuant to section 2429-b of the public authorities law
51 are sufficient to attain and maintain the credit rating (as determined
52 by the agency) required to accomplish the purposes of such account, the
53 board of directors of the state of New York mortgage agency shall
54 authorize the transfer from the project pool insurance account of the

1 mortgage insurance fund to the housing trust fund corporation (the
2 corporation), for the purposes of reimbursing any costs associated with
3 rural rental assistance program contracts authorized by this section, a
4 total sum not to exceed twenty million four hundred thousand dollars as
5 soon as practicable but no later than June 30, 2013.

6 S 4. Notwithstanding any other provision of law, the housing finance
7 agency may provide, for costs associated with the rehabilitation of
8 Mitchell Lama housing projects, a sum not to exceed seventeen million
9 five hundred eighty-two thousand dollars for the fiscal year ending
10 March 31, 2014. Notwithstanding any other provision of law, and provided
11 that the reserves in the project pool insurance account of the mortgage
12 insurance fund created pursuant to section 2429-b of the public authori-
13 ties law are sufficient to attain and maintain the credit rating (as
14 determined by the agency) required to accomplish the purposes of such
15 account, the board of directors of the state of New York mortgage agency
16 shall authorize the transfer from the project pool insurance account of
17 the mortgage insurance fund to the housing finance agency, for the
18 purposes of reimbursing any costs associated with Mitchell Lama housing
19 projects authorized by this section, a total sum not to exceed seventeen
20 million five hundred eighty-two thousand dollars as soon as practicable
21 but no later than March 30, 2014.

22 S 5. This act shall take effect immediately.

23

PART N

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

26 14. SHALL DO ALL THINGS NECESSARY FOR THE OPERATION OF THE NEW YORK
27 STATE DATA CENTER ESTABLISHED IN THE DEPARTMENT IN COOPERATION WITH THE
28 UNITED STATES BUREAU OF THE CENSUS; TO COOPERATE WITH OTHER STATE AGEN-
29 CIES, UNIVERSITIES, REGIONAL ORGANIZATIONS, BOARDS, COMMISSIONS, AND
30 OTHER ENTITIES IN THE DISSEMINATION OF SOCIO-ECONOMIC INFORMATION AND
31 DATA THROUGH THE NEW YORK STATE DATA CENTER PROGRAM; IN RELATION TO SUCH
32 INFORMATION AND DATA, TO PROVIDE TECHNICAL ASSISTANCE TO OTHER STATE
33 AGENCIES, UNIVERSITIES, REGIONAL ORGANIZATIONS, BOARDS, COMMISSIONS AND
34 OTHER ENTITIES; AND TO PREPARE ESTIMATES AND THE OFFICIAL PROJECTIONS OF
35 POPULATION, HOUSEHOLDS AND OTHER CHARACTERISTICS OF THE STATE FOR USE BY
36 ALL STATE AGENCIES.

37 S 2. Subdivision 17 of section 100 of the economic development law is
38 REPEALED.

39 S 3. This act shall take effect immediately.

40

PART O

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

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

51

THAT EXCEEDS

52

JANUARY 2014

\$10,300

1	JANUARY 2015	\$10,500
2	JANUARY 2016	\$10,700
3	JANUARY 2017	\$10,900
4	JANUARY 2018	\$11,100
5	JANUARY 2019	\$11,400
6	JANUARY 2020	\$11,600
7	JANUARY 2021	\$11,800
8	JANUARY 2022	\$12,000
9	JANUARY 2023	\$12,300
10	JANUARY 2024	\$12,500
11	JANUARY 2025	\$12,800
12	JANUARY 2026	\$13,000

13 AND EACH YEAR THEREAFTER ON THE FIRST DAY OF JANUARY THAT EXCEEDS
14 SIXTEEN PERCENT OF THE STATE'S AVERAGE ANNUAL WAGE AS DETERMINED BY THE
15 COMMISSIONER ON AN ANNUAL BASIS PURSUANT TO SECTION FIVE HUNDRED TWEN-
16 TY-NINE OF THIS ARTICLE; PROVIDED, HOWEVER, THAT IN CALCULATING SUCH
17 MAXIMUM AMOUNT OF REMUNERATION, THE AMOUNT ARRIVED AT BY MULTIPLYING THE
18 STATE'S AVERAGE ANNUAL WAGE TIMES SIXTEEN PERCENT SHALL BE ROUNDED UP TO
19 THE NEAREST HUNDRED DOLLARS. IN NO EVENT SHALL THE STATE'S ANNUAL AVER-
20 AGE WAGE BE REDUCED FROM THE AMOUNT DETERMINED IN THE PREVIOUS YEAR. The
21 term "employment" includes for the purposes of this subdivision services
22 constituting employment under any unemployment compensation law of
23 another state or the United States.

24 S. 2. Subdivision 1 and paragraph (a) of subdivision 2 of section 527
25 of the labor law, subdivision 1 as amended by chapter 413 of the laws of
26 2003 and paragraph (a) of subdivision 2 as amended by chapter 5 of the
27 laws of 2000, are amended to read as follows:

28 1. Basic condition. "Valid original claim" is a claim filed by a
29 claimant who meets the following qualifications: (a) is able to work,
30 and available for work; (b) is not subject to any disqualification or
31 suspension under this article; (c) his OR HER previously established
32 benefit year, if any, has expired; (d) has been paid remuneration by
33 employers liable for contributions or for payments in lieu of contrib-
34 utions under this article, other than employers from whom the claimant
35 lost employment under conditions which would be disqualifying FOR
36 MISCONDUCT pursuant to [subdivision] SUBDIVISIONS three AND SIX of
37 section five hundred ninety-three of this article, for employment during
38 at least two calendar quarters of the base period, with remuneration of
39 one and one-half times the high calendar quarter [earnings] REMUNERATION
40 within the base period and with at least [one] TWO thousand [six] ONE
41 hundred dollars of such remuneration being paid during the high calendar
42 quarter of such base period. For purposes of this section, the [earn-
43 ings] REMUNERATION in the high calendar quarter of the base period used
44 in determining a valid original claim shall not exceed an amount equal
45 to twenty-two times the maximum benefit rate as set forth in subdivision
46 five of section five hundred ninety of this article for all individuals.

47 (a) An individual who is unable to file a valid original claim in
48 accordance with subdivision one of this section, files a valid original
49 claim by meeting the qualifications enumerated in paragraphs (a), (b)
50 and (c) of subdivision one of this section and by having been paid
51 remuneration by employers liable for contributions or for payments in
52 lieu of contributions under this article, other than employers from whom
53 the claimant lost employment under conditions which [are] WOULD BE
54 disqualifying FOR MISCONDUCT pursuant to [subdivision] SUBDIVISIONS
55 three AND SIX of section five hundred ninety-three of this article, for
56 employment during at least two calendar quarters of the base period,

1 with remuneration of one and one-half times the high calendar quarter
2 [earnings] REMUNERATION within the base period and with at least [one]
3 TWO thousand [six] ONE hundred dollars of such remuneration being paid
4 during the high calendar quarter of such base period. For purposes of
5 this section, the [earnings] REMUNERATION in the high calendar quarter
6 of the base period used in determining a valid original claim shall not
7 exceed an amount equal to twenty-two times the maximum benefit rate as
8 set forth in subdivision five of section five hundred ninety of this
9 article for all individuals.

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

12 S 529. AVERAGE ANNUAL WAGE; AVERAGE WEEKLY WAGE. 1. THE "AVERAGE ANNU-
13 AL WAGE" SHALL BE THE AVERAGE ANNUAL WAGE OF THE STATE OF NEW YORK FOR
14 THE PREVIOUS CALENDAR YEAR AS DETERMINED BY THE COMMISSIONER NO LATER
15 THAN THE THIRTY-FIRST DAY OF MAY OF EACH YEAR.

16 2. THE "AVERAGE WEEKLY WAGE" SHALL BE THE AVERAGE WEEKLY WAGE OF THE
17 STATE OF NEW YORK FOR THE PREVIOUS CALENDAR YEAR AS DETERMINED BY THE
18 COMMISSIONER NO LATER THAN THE THIRTY-FIRST DAY OF MAY OF EACH YEAR.

19 S 4. Subdivisions 1 and 3 of section 576 of the labor law, as amended
20 by chapter 49 of the laws of 1966, are amended to read as follows:

21 1. Determinations of liability for contributions. No determination of
22 liability for contributions pursuant to section five hundred sixty of
23 this article shall be made more than three years after the last day of
24 the calendar year in which the wages on which such liability is based
25 were paid, EXCEPT AS PROVIDED IN SUBDIVISION THREE OF THIS SECTION.

26 3. Determinations of LIABILITY FOR AND amount of contributions after
27 contest. If an employer contests a determination of liability for
28 contributions, a determination of the amount of contributions due FOR
29 THE CONTESTED PERIOD AND SUBSEQUENT PERIODS may be made at any time
30 prior to the latter of the following:

31 (a) three years after the last day of the calendar year in which the
32 wages on which such contributions are based were paid; or

33 (b) two years after the last day of the calendar year in which such
34 determination of liability for contributions became final and irrev-
35 ocable.

36 S 5. Paragraph (a) of subdivision 1 of section 577 of the labor law is
37 amended by adding a new subparagraph 9 to read as follows:

38 (9) MONIES PURSUANT TO SECTION FIVE HUNDRED NINETY-FOUR OF THIS TITLE.

39 S 6. Subparagraph 3 of paragraph (e) of subdivision 1 of section 581
40 of the labor law, as amended by chapter 589 of the laws of 1998, is
41 amended to read as follows:

42 (3) An employer's account shall not be charged, and the charges shall
43 instead be made to the general account, for benefits paid to a claimant
44 after the expiration of a period of disqualification from benefits
45 following a final determination that the claimant lost employment with
46 the employer through misconduct or voluntary separation of employment
47 without good cause within the meaning of section five hundred ninety-
48 three of this article and the charges are attributable to remuneration
49 paid during the claimant's base period of employment with such employer
50 prior to the claimant's loss of employment with such employer through
51 misconduct or voluntary separation of employment without good cause,
52 PROVIDED, HOWEVER, THAT AN EMPLOYER SHALL NOT BE RELIEVED OF CHARGES
53 PURSUANT TO THIS SUBPARAGRAPH IF AN EMPLOYER OR ITS AGENT FAILS TO
54 SUBMIT INFORMATION RESULTING IN AN OVERPAYMENT PURSUANT TO SECTION FIVE
55 HUNDRED NINETY-SEVEN OF THIS ARTICLE.

S 7. Paragraph (a) of subdivision 2 of section 581 of the labor law, as added by chapter 413 of the laws of 2003, is amended to read as follows:

(a) Each qualified employer's rate of contribution shall be the percentage shown in the column headed by the size of the fund index as of the computation date and on the same line with his or her negative or positive employer's account percentage, except that if within the three payroll years preceding the computation date any part of a negative balance has been transferred from any employer's account as a charge to the general account pursuant to the provisions of paragraph (e) of subdivision one of this section such employer's rate of contribution shall be the maximum contribution rate as shown in the column headed by the size of fund index;

Size of Fund Index

Employer's
Account
Percentage

Less Than 0%	0%	0.5%	1.0%	1.5%	2.0%	2.5%	3.0%	3.5%	4.0%	4.5%	5.0%
but less than 0.5%	but less than 1.0%	but less than 1.5%	but less than 2.0%	but less than 2.5%	but less than 3.0%	but less than 3.5%	but less than 4.0%	but less than 4.5%	but less than 5.0%	or more	

Negative

21.0% or more	8.90	8.70	8.50	8.30	8.10	7.30	6.90	6.50	6.20	6.10	6.00	5.90
20.5% or more but less than 21.0%	8.80	8.60	8.40	8.20	8.00	7.20	6.80	6.40	6.10	6.00	5.90	5.80
20.0% or more but less than 20.5%	8.70	8.50	8.30	8.10	7.90	7.10	6.70	6.30	6.00	5.90	5.80	5.70
19.5% or more but less than 20.0%	8.60	8.40	8.20	8.00	7.80	7.00	6.60	6.20	5.90	5.80	5.70	5.60
19.0% or more but less than 19.5%	8.50	8.30	8.10	7.90	7.70	6.90	6.50	6.10	5.80	5.70	5.60	5.50
18.5% or more but less than 19.0%	8.40	8.20	8.00	7.80	7.60	6.80	6.40	6.00	5.70	5.60	5.50	5.40
18.0% or more but less than 18.5%	8.30	8.10	7.90	7.70	7.50	6.70	6.30	5.90	5.60	5.50	5.40	5.30
17.5% or more but less than 18.0%	8.20	8.00	7.80	7.60	7.40	6.60	6.20	5.80	5.50	5.40	5.30	5.20

1	17.0%												
2	or more												
3	but less												
4	than 17.5%	8.10	7.90	7.70	7.50	7.30	6.50	6.10	5.70	5.40	5.30	5.20	5.10
5	16.5%												
6	or more												
7	but less												
8	than 17.0%	8.00	7.80	7.60	7.40	7.20	6.40	6.00	5.60	5.30	5.20	5.10	5.00
9	16.0%												
10	or more												
11	but less												
12	than 16.5%	7.90	7.70	7.50	7.30	7.10	6.30	5.90	5.50	5.20	5.10	5.00	4.90
13	15.5%												
14	or more												
15	but less												
16	than 16.0%	7.80	7.60	7.40	7.20	7.00	6.20	5.80	5.40	5.10	5.00	4.90	4.80
17	15.0%												
18	or more												
19	but less												
20	than 15.5%	7.70	7.50	7.30	7.10	6.90	6.10	5.70	5.30	5.00	4.90	4.80	4.70
21	14.5%												
22	or more												
23	but less												
24	than 15.0%	7.60	7.40	7.20	7.00	6.80	6.00	5.60	5.20	4.90	4.80	4.70	4.60
25	14.0%												
26	or more												
27	but less												
28	than 14.5%	7.50	7.30	7.10	6.90	6.70	5.90	5.50	5.10	4.80	4.70	4.60	4.50
29	13.5%												
30	or more												
31	but less												
32	than 14.0%	7.40	7.20	7.00	6.80	6.60	5.80	5.40	5.00	4.70	4.60	4.50	4.40
33	13.0%												
34	or more												
35	but less												
36	than 13.5%	7.30	7.10	6.90	6.70	6.50	5.70	5.30	4.90	4.60	4.50	4.40	4.30
37	12.5%												
38	or more												
39	but less												
40	than 13.0%	7.20	7.00	6.80	6.60	6.40	5.60	5.20	4.80	4.50	4.40	4.30	4.20
41	12.0%												
42	or more												
43	but less												
44	than 12.5%	7.10	6.90	6.70	6.50	6.30	5.50	5.10	4.70	4.40	4.30	4.20	4.10
45	11.5%												
46	or more												
47	but less												
48	than 12.0%	7.00	6.80	6.60	6.40	6.20	5.40	5.00	4.60	4.30	4.20	4.10	4.00
49	11.0%												
50	or more												
51	but less												
52	than 11.5%	6.90	6.70	6.50	6.30	6.10	5.30	4.90	4.50	4.20	4.10	4.00	3.90
53	10.5%												
54	or more												
55	but less												
56	than 11.0%	6.80	6.60	6.40	6.20	6.00	5.20	4.80	4.40	4.10	4.00	3.90	3.80

1	10.0%												
2	or more												
3	but less												
4	than 10.5%	6.70	6.50	6.30	6.10	5.90	5.10	4.70	4.30	4.00	3.90	3.80	3.70
5	9.5%												
6	or more												
7	but less												
8	than 10.0%	6.60	6.40	6.20	6.00	5.80	5.00	4.60	4.20	3.90	3.80	3.70	3.60
9	9.0%												
10	or more												
11	but less												
12	than 9.5%	6.50	6.30	6.10	5.90	5.70	4.90	4.50	4.10	3.80	3.70	3.60	3.50
13	8.5%												
14	or more												
15	but less												
16	than 9.0%	6.40	6.20	6.00	5.80	5.60	4.80	4.40	4.00	3.70	3.60	3.50	3.40
17	8.0%												
18	or more												
19	but less												
20	than 8.5%	6.30	6.10	5.90	5.70	5.50	4.70	4.30	3.90	3.60	3.50	3.40	3.30
21	7.0%												
22	or more												
23	but less												
24	than 8.0%	6.20	6.00	5.80	5.60	5.40	4.60	4.20	3.80	3.50	3.40	3.30	3.20
25	6.0%												
26	or more												
27	but less												
28	than 7.0%	6.10	5.90	5.70	5.50	5.30	4.50	4.10	3.70	3.40	3.30	3.20	3.10
29	5.0%												
30	or more												
31	but less												
32	than 6.0%	6.00	5.80	5.60	5.40	5.20	4.40	4.00	3.60	3.30	3.20	3.10	3.00
33	4.0%												
34	or more												
35	but less												
36	than 5.0%	5.90	5.70	5.50	5.30	5.10	4.30	3.90	3.50	3.20	3.10	3.00	2.90
37	3.0%												
38	or more												
39	but less												
40	than 4.0%	5.60	5.40	5.20	5.00	4.80	4.20	3.80	3.40	3.10	3.00	2.90	2.80
41	2.0%												
42	or more												
43	but less												
44	than 3.0%	5.50	5.30	5.10	4.90	4.70	4.10	3.70	3.30	3.00	2.90	2.80	2.70
45	1.0%												
46	or more												
47	but less												
48	than 2.0%	5.40	5.20	5.00	4.80	4.60	4.00	3.60	3.20	2.90	2.80	2.70	2.60
49	Less												
50	than 1.0%	5.20	5.00	4.80	4.60	4.40	3.80	3.40	3.00	2.70	2.60	2.50	2.40
51	Positive												
52	Less												
53	than 1.0%	4.10	3.90	3.70	3.50	3.30	2.90	2.50	2.10	1.90	1.80	1.70	1.60
54	1.0%												

[illegible]

1	or more													
2	but less													
3	than 8.0%	2.60	2.40	2.20	2.00	1.80	1.40	1.00	0.60	0.40	0.30	0.20	0.10	
4	8.0%													
5	or more but													
6	less than													
7	8.25%	2.50	2.30	2.10	1.90	1.70	1.30	0.90	0.50	0.30	0.20	0.10	0.00	
8	8.25%													
9	or more													
10	but less													
11	than 8.5%	2.40	2.20	2.00	1.80	1.60	1.20	0.80	0.40	0.20	0.10	0.00	0.00	
12	8.5%													
13	or more but													
14	less than													
15	8.75%	2.30	2.10	1.90	1.70	1.50	1.10	0.70	0.30	0.10	0.00	0.00	0.00	
16	8.75%													
17	or more													
18	but less													
19	than 9.0%	2.20	2.00	1.80	1.60	1.40	1.00	0.60	0.20	0.00	0.00	0.00	0.00	
20	9.0%													
21	or more but													
22	less than													
23	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	
24	9.25%													
25	or more													
26	but less													
27	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	
28	9.5%													
29	or more but													
30	less than													
31	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	
32	9.75%													
33	or more but													
34	less than													
35	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	
36	10.0%													
37	or more but													
38	less than													
39	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	
40	10.25%													
41	or more but													
42	less than													
43	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	
44	10.5%													
45	or more [but													
46	less than													
47	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	
48	[10.75%													
49	or more but													
50	less than													
51	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	
52	11.0%													
53	or more but													
54	less than													
55	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	
56	11.25%													

1	or more but												
2	less than												
3	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
4	11.5%												
5	or more but												
6	less than												
7	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
8	11.75%												
9	or more but												
10	less than												
11	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
12	12.0% or												
13	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]

14 S 8. Subdivision 5 of section 590 of the labor law, as amended by
 15 chapter 413 of the laws of 2003, is amended to read as follows:
 16 5. Benefit rate. (A) A claimant's weekly benefit amount shall be one
 17 twenty-sixth of the remuneration paid during the highest calendar quar-
 18 ter of the base period by employers, liable for contributions or
 19 payments in lieu of contributions under this article, PROVIDED THE
 20 CLAIMANT HAS REMUNERATION PAID IN ALL FOUR CALENDAR QUARTERS DURING HIS
 21 OR HER BASE PERIOD OR ALTERNATE BASE PERIOD. However, for [claimants]
 22 ANY CLAIMANT WHO HAS REMUNERATION PAID IN ALL FOUR CALENDAR QUARTERS
 23 DURING HIS OR HER BASE PERIOD OR ALTERNATE BASE PERIOD AND whose high
 24 calendar quarter remuneration during the base period is three thousand
 25 five hundred seventy-five dollars or less, the benefit amount shall be
 26 one twenty-fifth of the remuneration paid during the highest calendar
 27 quarter of the base period by employers liable for contributions or
 28 payments in lieu of contributions under this article. A CLAIMANT'S WEEK-
 29 LY BENEFIT SHALL BE ONE TWENTY-SIXTH OF THE AVERAGE REMUNERATION PAID IN
 30 THE TWO HIGHEST QUARTERS PAID DURING THE BASE PERIOD OR ALTERNATE BASE
 31 PERIOD BY EMPLOYERS LIABLE FOR CONTRIBUTIONS OR PAYMENTS IN LIEU OF
 32 CONTRIBUTIONS UNDER THIS ARTICLE WHEN THE CLAIMANT HAS REMUNERATION PAID
 33 IN TWO OR THREE CALENDAR QUARTERS. HOWEVER, FOR ANY CLAIMANT WHO HAS
 34 REMUNERATION PAID IN TWO OR THREE CALENDAR QUARTERS DURING HIS OR HER
 35 BASE PERIOD OR ALTERNATE BASE PERIOD AND WHOSE HIGH CALENDAR QUARTER
 36 REMUNERATION DURING THE BASE PERIOD IS THREE THOUSAND FIVE HUNDRED
 37 SEVENTY-FIVE DOLLARS OR LESS, THE BENEFIT AMOUNT SHALL BE ONE
 38 TWENTY-FIFTH OF THE REMUNERATION PAID DURING THE HIGHEST CALENDAR QUAR-
 39 TER OF THE BASE PERIOD BY EMPLOYERS LIABLE FOR CONTRIBUTIONS OR PAYMENTS
 40 IN LIEU OF CONTRIBUTIONS UNDER THIS ARTICLE. Any claimant whose high
 41 calendar quarter remuneration during the base period is more than three
 42 thousand five hundred seventy-five dollars shall not have a weekly bene-
 43 fit amount less than one hundred forty-three dollars. The weekly benefit
 44 amount, so computed, that is not a multiple of one dollar shall be
 45 lowered to the next multiple of one dollar. On the first Monday of
 46 September, nineteen hundred ninety-eight the weekly benefit amount shall
 47 not exceed three hundred sixty-five dollars nor be less than forty
 48 dollars, until the first Monday of September, two thousand, at which
 49 time the maximum benefit payable pursuant to this subdivision shall
 50 equal one-half of the state average weekly wage for covered employment
 51 as calculated by the department no sooner than July first, two thousand
 52 and no later than August first, two thousand, rounded down to the lowest
 53 dollar. ON AND AFTER THE FIRST MONDAY OF OCTOBER, TWO THOUSAND FOURTEEN,
 54 THE WEEKLY BENEFIT SHALL NOT BE LESS THAN ONE HUNDRED DOLLARS, NOR SHALL
 55 IT EXCEED FOUR HUNDRED TWENTY DOLLARS UNTIL THE FIRST MONDAY OF OCTOBER,
 56 TWO THOUSAND FIFTEEN WHEN THE MAXIMUM BENEFIT AMOUNT SHALL BE FOUR

1 HUNDRED TWENTY-FIVE DOLLARS, UNTIL THE FIRST MONDAY OF OCTOBER, TWO
2 THOUSAND SIXTEEN WHEN THE MAXIMUM BENEFIT AMOUNT SHALL BE FOUR HUNDRED
3 THIRTY DOLLARS, UNTIL THE FIRST MONDAY OF OCTOBER, TWO THOUSAND SEVEN-
4 TEEN WHEN THE MAXIMUM BENEFIT AMOUNT SHALL BE FOUR HUNDRED THIRTY-FIVE
5 DOLLARS, UNTIL THE FIRST MONDAY OF OCTOBER, TWO THOUSAND EIGHTEEN WHEN
6 THE MAXIMUM BENEFIT AMOUNT SHALL BE FOUR HUNDRED FIFTY DOLLARS, UNTIL
7 THE FIRST MONDAY OF OCTOBER, TWO THOUSAND NINETEEN WHEN THE MAXIMUM
8 BENEFIT AMOUNT SHALL BE THIRTY-SIX PERCENT OF THE AVERAGE WEEKLY WAGE
9 UNTIL THE FIRST MONDAY OF OCTOBER, TWO THOUSAND TWENTY WHEN THE MAXIMUM
10 BENEFIT AMOUNT SHALL BE THIRTY-EIGHT PERCENT OF THE AVERAGE WEEKLY WAGE,
11 UNTIL THE FIRST MONDAY OF OCTOBER TWO THOUSAND TWENTY-ONE WHEN THE MAXI-
12 MUM BENEFIT AMOUNT SHALL BE FORTY PERCENT OF THE AVERAGE WEEKLY WAGE,
13 UNTIL THE FIRST MONDAY OF OCTOBER, TWO THOUSAND TWENTY-TWO WHEN THE
14 MAXIMUM BENEFIT AMOUNT SHALL BE FORTY-TWO PERCENT OF THE AVERAGE WEEKLY
15 WAGE, UNTIL THE FIRST MONDAY OF OCTOBER, TWO THOUSAND TWENTY-THREE WHEN
16 THE MAXIMUM BENEFIT AMOUNT SHALL BE FORTY-FOUR PERCENT OF THE AVERAGE
17 WEEKLY WAGE, UNTIL THE FIRST MONDAY OF OCTOBER, TWO THOUSAND TWENTY-FOUR
18 WHEN THE MAXIMUM BENEFIT AMOUNT SHALL BE FORTY-SIX PERCENT OF THE AVER-
19 AGE WEEKLY WAGE, UNTIL THE FIRST MONDAY OF OCTOBER, TWO THOUSAND TWEN-
20 TY-FIVE WHEN THE MAXIMUM BENEFIT AMOUNT SHALL BE FORTY-EIGHT PERCENT OF
21 THE AVERAGE WEEKLY WAGE, UNTIL THE FIRST MONDAY OF OCTOBER, TWO THOUSAND
22 TWENTY-SIX AND EACH YEAR THEREAFTER ON THE FIRST MONDAY OF OCTOBER WHEN
23 THE MAXIMUM BENEFIT AMOUNT SHALL BE FIFTY PERCENT OF THE AVERAGE WEEKLY
24 WAGE PROVIDED, HOWEVER, THAT IN NO EVENT SHALL THE MAXIMUM BENEFIT
25 AMOUNT BE REDUCED FROM THE PREVIOUS YEAR.

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 COMMISSIONER DETERMINES
29 THAT THE STATE HAS HAD A DECREASE IN PRIVATE SECTOR JOBS IN EACH MONTH
30 OF THE FIRST TWO CALENDAR QUARTERS OF THE YEAR IN WHICH THE MAXIMUM
31 BENEFIT AMOUNT INCREASE IS SCHEDULED TO OCCUR. IF THE COMMISSIONER
32 DETERMINES THAT THE STATE HAS NOT HAD A DECREASE IN PRIVATE SECTOR JOBS
33 IN EACH MONTH IN THE FIRST TWO CALENDAR QUARTERS IN YEARS SUBSEQUENT TO
34 SUCH SUSPENSION OF AN INCREASE IN THE MAXIMUM BENEFIT AMOUNT, THEN THE
35 MAXIMUM BENEFIT AMOUNT SHALL INCREASE TO THE AMOUNT FOR THE YEAR PREVI-
36 OUSLY SCHEDULED TO BE ESTABLISHED PURSUANT TO PARAGRAPH (A) OF THIS
37 SUBDIVISION HAD THE INCREASE NOT BEEN SUSPENDED AND INCREASED ANNUALLY
38 THEREAFTER IN ACCORDANCE WITH THE SCHEDULE SET FORTH IN PARAGRAPH (A) OF
39 THIS SUBDIVISION. IN NO CASE SHALL SUCH SUSPENSION RESULT IN A REDUCTION
40 OF THE MAXIMUM BENEFIT AMOUNT TO LESS THAN THE AMOUNT PROVIDED IN THE
41 MOST RECENT YEAR.

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

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 BALANCE OF THE FUND ON
48 THE THIRTY-FIRST DAY OF DECEMBER OF THE PRIOR YEAR IS LESS THAN AN
49 AMOUNT OF THE FUNDS PROJECTED TO BE NEEDED TO PAY FOR THE INCREASE IN
50 BENEFITS AS DETERMINED BY THE COMMISSIONER. IF FUND REVENUES ARE DETER-
51 MINED BY THE COMMISSIONER TO BE SUFFICIENT TO PAY FOR THE INCREASE IN
52 BENEFITS IN YEARS SUBSEQUENT TO SUCH SUSPENSION OF AN INCREASE IN THE
53 MAXIMUM BENEFIT AMOUNT, THEN THE MAXIMUM BENEFIT AMOUNT SHALL INCREASE
54 TO THE AMOUNT FOR THE YEAR PREVIOUSLY SCHEDULED TO BE ESTABLISHED PURSU-
55 ANT TO PARAGRAPH (A) OF THIS SUBDIVISION HAD THE INCREASE NOT BEEN
56 SUSPENDED AND INCREASED ANNUALLY THEREAFTER IN ACCORDANCE WITH THE SCHE-

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

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

7 (B) NOTWITHSTANDING THE FOREGOING, THE MAXIMUM BENEFIT AMOUNT SHALL
8 NOT BE INCREASED IN ACCORDANCE WITH THE SCHEDULE SET FORTH IN PARAGRAPH
9 (A) OF THIS SUBDIVISION IN ANY YEAR IN WHICH THE BALANCE OF THE FUND IS
10 DETERMINED BY THE COMMISSIONER TO NOT HAVE REACHED OR EXCEEDED THIRTY
11 PERCENT OF THE AVERAGE HIGH COST MULTIPLE, AS DEFINED IN 20 CFR PART 606
12 AS THE STANDARD FOR RECEIPT OF INTEREST-FREE FEDERAL LOANS, ON AT LEAST
13 ONE DAY BETWEEN APRIL FIRST AND JUNE THIRTIETH OF THE SAME CALENDAR YEAR
14 AS THE INCREASE SHALL TAKE EFFECT. IF, FOLLOWING SUCH SUSPENSION OF AN
15 INCREASE IN THE MAXIMUM BENEFIT AMOUNT, THE COMMISSIONER SHALL DETER-
16 MINE, ON AT LEAST ONE DAY BETWEEN APRIL FIRST AND JUNE THIRTIETH THAT
17 THE BALANCE OF THE FUND IS GREATER THAN SUCH THIRTY PERCENT AVERAGE HIGH
18 COST MULTIPLE, THEN THE MAXIMUM BENEFIT AMOUNT SHALL INCREASE TO THE
19 PERCENTAGE FOR THE YEAR PREVIOUSLY SCHEDULED TO BE ESTABLISHED PURSUANT
20 TO PARAGRAPH (A) OF THIS SUBDIVISION HAD THE INCREASE NOT BEEN SUSPENDED
21 AND INCREASED ANNUALLY THEREAFTER IN ACCORDANCE WITH THE SCHEDULE SET
22 FORTH IN PARAGRAPH (A) OF THIS SUBDIVISION. IN NO CASE SHALL SUCH
23 SUSPENSION RESULT IN A REDUCTION OF THE MAXIMUM BENEFIT AMOUNT TO LESS
24 THAN THE AMOUNT PROVIDED IN THE MOST RECENT YEAR.

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

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

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

33 2. Availability [and], capability, AND WORK SEARCH. No benefits shall
34 be payable to any claimant who is not capable of work or who is not
35 ready, willing and able to work in his usual employment or in any other
36 for which he is reasonably fitted by training and experience AND WHO IS
37 NOT ACTIVELY SEEKING WORK. IN ORDER TO BE ACTIVELY SEEKING WORK A
38 CLAIMANT MUST BE ENGAGED IN SYSTEMATIC AND SUSTAINED EFFORTS TO FIND
39 WORK WHICH SHALL INCLUDE CONTACTING AT LEAST TWO PROSPECTIVE EMPLOYERS
40 FOR EACH WEEK CLAIMED. THE CLAIMANT MUST ALSO BE ENGAGED IN OTHER ACTIV-
41 ITIES TO OBTAIN NEW WORK AS DETERMINED BY THE COMMISSIONER. THE CLAIMANT
42 SHALL BE REQUIRED TO MAINTAIN DOCUMENTATION AND PROVIDE PROOF OF WORK
43 SEARCH EFFORTS AS PRESCRIBED BY THE COMMISSIONER AND SHALL BE SUBJECT TO
44 A RANDOM AUDIT.

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

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

53 (B) THE TERM "DISMISSAL PAY", AS USED IN THIS SUBDIVISION, MEANS ONE
54 OR MORE PAYMENTS MADE BY AN EMPLOYER TO AN EMPLOYEE DUE TO HIS OR HER
55 SEPARATION FROM SERVICE OF THE EMPLOYER REGARDLESS OF WHETHER THE
56 EMPLOYER IS LEGALLY BOUND BY CONTRACT, STATUTE OR OTHERWISE TO MAKE SUCH

1 PAYMENTS. THE TERM DOES NOT INCLUDE PAYMENTS FOR PENSION, RETIREMENT,
2 ACCRUED LEAVE, AND HEALTH INSURANCE OR PAYMENTS FOR SUPPLEMENTAL UNEM-
3 PLOYMENT BENEFITS.

4 (C) THE TERM "DISMISSAL PERIOD", AS USED IN THIS SUBDIVISION, MEANS
5 THE TIME DESIGNATED FOR WEEKS OF DISMISSAL PAY ATTRIBUTABLE TO THE
6 CLAIMANT'S WEEKLY EARNINGS IN ACCORDANCE WITH THE COLLECTIVE BARGAINING
7 AGREEMENT, EMPLOYMENT CONTRACT, EMPLOYER'S DISMISSAL POLICY, DISMISSAL
8 AGREEMENT WITH THE EMPLOYER OR OTHER SUCH AGREEMENT. IF NO SUCH AGREE-
9 MENT, CONTRACT OR POLICY DESIGNATES A DISMISSAL PERIOD, THEN THE
10 DISMISSAL PERIOD SHALL BE THE TIME DESIGNATED IN WRITING IN ADVANCE BY
11 THE EMPLOYER TO BE CONSIDERED THE DISMISSAL PERIOD. IF NO TIME PERIOD IS
12 DESIGNATED, THE DISMISSAL PERIOD SHALL COMMENCE ON THE DAY AFTER THE
13 CLAIMANT'S LAST DAY OF EMPLOYMENT. IF THE DISMISSAL PAYMENT IS IN A LUMP
14 SUM AMOUNT OR FOR AN INDEFINITE PERIOD, DISMISSAL PAYMENTS SHALL BE
15 ALLOCATED ON A WEEKLY BASIS FROM THE DAY AFTER THE CLAIMANT'S LAST DAY
16 OF EMPLOYMENT AND THE CLAIMANT SHALL NOT BE ELIGIBLE FOR BENEFITS FOR
17 ANY WEEK FOR WHICH IT IS DETERMINED THAT THE CLAIMANT RECEIVES DISMISSAL
18 PAY. THE AMOUNT OF DISMISSAL PAY SHALL BE ALLOCATED BASED ON THE CLAIM-
19 ANT'S ACTUAL WEEKLY REMUNERATION PAID BY THE EMPLOYER DURING HIS OR HER
20 EMPLOYMENT OR, IF SUCH AMOUNT CANNOT BE DETERMINED, THE AMOUNT OF THE
21 CLAIMANT'S AVERAGE WEEKLY WAGE FOR THE HIGHEST CALENDAR QUARTER.

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

26 S 14. Subparagraph (i) of paragraph (b) of subdivision 2 of section
27 591-a of the labor law, as added by chapter 413 of the laws of 2003, is
28 amended to read as follows:

29 (i) requirements relating to total unemployment, as defined in section
30 five hundred twenty-two of this article, availability for work AND
31 SEARCH FOR WORK, as set forth in subdivision two of section five hundred
32 ninety-one of this title and refusal to accept work, as set forth in
33 subdivision two of section five hundred ninety-three of this title, are
34 not applicable to such individuals;

35 S 15. Paragraph (a) of subdivision 1, the opening paragraph of subdi-
36 vision 2 and subdivision 3 of section 593 of the labor law, paragraph
37 (a) of subdivision 1 as amended by chapter 35 of the laws of 2009, the
38 opening paragraph of subdivision 2 as amended by chapter 5 of the laws
39 of 2000, and subdivision 3 as amended by chapter 589 of the laws of
40 1998, are amended and a new subdivision 6 is added to read as follows:

41 (a) No days of total unemployment shall be deemed to occur after a
42 claimant's voluntary separation without good cause from employment until
43 he or she has subsequently worked in employment and earned remuneration
44 at least equal to [five] TEN times his or her weekly benefit rate. In
45 addition to other circumstances that may be found to constitute good
46 cause, including a compelling family reason as set forth in paragraph
47 (b) of this subdivision, voluntary separation from employment shall not
48 in itself disqualify a claimant if circumstances have developed in the
49 course of such employment that would have justified the claimant in
50 refusing such employment in the first instance under the terms of subdi-
51 vision two of this section or if the claimant, pursuant to an option
52 provided under a collective bargaining agreement or written employer
53 plan which permits waiver of his OR HER right to retain the employment
54 when there is a temporary layoff because of lack of work, has elected to
55 be separated for a temporary period and the employer has consented ther-
56 eto.

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

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

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

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

32 S 594. Reduction AND RECOVERY of benefits AND PENALTIES for WILFUL
33 false statement OR OMISSION. A claimant who has wilfully made a false
34 statement or representation OR WILFULLY CONCEALED ANY PERTINENT FACT to
35 obtain any benefit under the provisions of this article shall forfeit
36 benefits for at least the first four but not more than the first eighty
37 effective days following discovery of such offense for which he OR SHE
38 otherwise would have been entitled to receive benefits. Such penalty
39 shall apply only once with respect to each such offense.

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

43 The penalty provided in this section shall not be confined to a single
44 benefit year but shall no longer apply in whole or in part after the
45 expiration of two years from the date [on which the offense was commit-
46 ted] OF THE FINAL DETERMINATION. SUCH TWO-YEAR PERIOD SHALL BE TOLLED
47 DURING THE TIME PERIOD A CLAIMANT HAS AN APPEAL PENDING.

48 A claimant shall refund all moneys received because of such false
49 statement or representation [made by him] OR WILFUL CONCEALMENT AND PAY
50 A CIVIL PENALTY IN AN AMOUNT EQUAL TO THE GREATER OF ONE HUNDRED DOLLARS
51 OR FIFTEEN PERCENT OF THE TOTAL OVERPAID BENEFITS DETERMINED PURSUANT TO
52 THIS SECTION. WHEN A DETERMINATION BASED UPON A WILFUL FALSE STATEMENT
53 OR REPRESENTATION OR BASED UPON THE WILFUL CONCEALMENT OF A PERTINENT
54 FACT IN CONNECTION WITH THE CLAIM FOR BENEFITS BECOMES FINAL THROUGH
55 EXHAUSTION OF APPEAL RIGHTS OR FAILURE TO EXHAUST HEARING RIGHTS, THE
56 COMMISSIONER MAY FILE WITH THE COUNTY CLERK OF THE COUNTY WHERE THE

1 CLAIMANT RESIDES THE FINAL DETERMINATION OF THE COMMISSIONER OR THE
2 FINAL DECISION BY AN ADMINISTRATIVE LAW JUDGE, THE APPEAL BOARD OR A
3 COURT CONTAINING THE AMOUNT FOUND TO BE DUE INCLUDING INTEREST AND CIVIL
4 PENALTY. THE FILING OF SUCH FINAL DETERMINATION OR DECISION SHALL HAVE
5 THE FULL FORCE AND EFFECT OF A JUDGMENT DULY DOCKETED IN THE OFFICE OF
6 SUCH CLERK. THE FINAL DETERMINATION OR DECISION MAY BE ENFORCED BY AND
7 IN THE SAME MANNER, AND WITH LIKE EFFECT AS IF IT WERE A DEFAULT AS SET
8 FORTH IN SECTION FIVE HUNDRED SEVENTY-THREE OF THIS ARTICLE. MONEYS
9 RECEIVED BECAUSE OF SUCH FALSE STATEMENT OR REPRESENTATION OR WILFUL
10 CONCEALMENT, INCLUDING THE ACCRUAL OF INTEREST, MAY ALSO BE RECOVERED AS
11 PRESCRIBED BY THE CIVIL PRACTICE LAW AND RULES FOR THE RECOVERY OF A
12 MONEY JUDGMENT OR THROUGH COMMON LAW OR STATUTORY RIGHTS OF OFFSET OR
13 ANY CRIMINAL PROSECUTION. THE PENALTIES COLLECTED HEREUNDER SHALL BE
14 DEPOSITED IN THE FUND. THE PENALTIES ASSESSED UNDER THIS SUBDIVISION
15 SHALL APPLY AND BE ASSESSED FOR ANY BENEFITS PAID UNDER FEDERAL UNEM-
16 PLOYMENT AND EXTENDED UNEMPLOYMENT PROGRAMS ADMINISTERED BY THE DEPART-
17 MENT IN THE SAME MANNER AS PROVIDED IN THIS ARTICLE. THE PENALTIES IN
18 THIS SECTION SHALL BE IN ADDITION TO ANY PENALTIES IMPOSED UNDER THIS
19 CHAPTER OR ANY STATE OR FEDERAL CRIMINAL STATUTE.

20 S 17. Section 596 of the labor law is amended by adding a new subdivi-
21 sion 7 to read as follows:

22 7. NOTWITHSTANDING THE PROVISIONS OF SECTION FIVE HUNDRED NINETY-FIVE
23 OF THIS TITLE, THE COMMISSIONER SHALL DEDUCT AND WITHHOLD ANY OVERPAY-
24 MENTS ESTABLISHED UNDER THIS ARTICLE OR UNDER ANY STATE OR FEDERAL UNEM-
25 PLOYMENT COMPENSATION PROGRAM FROM BENEFITS PAYABLE TO AN INDIVIDUAL. NO
26 PENALTIES OR INTEREST ASSESSED PURSUANT TO SECTION FIVE HUNDRED NINETY-
27 FOUR OF THIS TITLE MAY BE DEDUCTED OR WITHHELD FROM BENEFITS.

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

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

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

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

46 THIS PROHIBITION FOR RELIEF OF CHARGES SHALL APPLY TO ALL EMPLOYERS
47 UNDER THIS ARTICLE INCLUDING EMPLOYERS ELECTING PAYMENT IN LIEU OF
48 CONTRIBUTIONS.

49 S 19. Section 600 of the labor law, as added by chapter 793 of the
50 laws of 1963, subdivision 6 as amended by chapter 391 of the laws of
51 2005, subdivision 7 as added by chapter 362 of the laws of 1980, para-
52 graph (a) of subdivision 7 as amended by chapter 176 of the laws of
53 2004, paragraph (b) of subdivision 7 as amended by chapter 5 of the laws
54 of 2000, and paragraph (c) of subdivision 7 as relettered by chapter 895
55 of the laws of 1980, is amended to read as follows:

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

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

11 3. Amount of reduction. If the pension or retirement payment is made
12 under a plan to which the employer is the sole contributor, the claim-
13 ant's benefit rate shall be reduced by the largest number of whole
14 dollars which is not more than the prorated weekly amount of his pension
15 or retirement payment under such plan. If the pension or retirement
16 payment is made under a plan to which the employer is not the sole
17 contributor, the claimant's benefit rate shall be reduced by the largest
18 number of whole dollars which is not more than one-half of the prorated
19 weekly amount of his pension or retirement payments under such plan, but
20 no reduction shall apply if the claimant demonstrates that the employer
21 contributed less than fifty per centum to the plan.

22 4. Reduction equal to benefit rate. If the amount to be deducted from
23 a claimant's benefit rate equals or exceeds such rate, he shall be inel-
24 igible to receive any benefits which if paid would be chargeable to the
25 employer involved in the pension or retirement plan, but any benefits
26 which would in the absence of this section be chargeable to the accounts
27 of other employers shall be payable to the claimant.

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

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

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

1 (b) [If the claimant made no contribution for the pension, retirement
2 or retired pay, annuity, or other similar periodic payment, his] THE
3 CLAIMANT'S benefit rate shall be reduced by the largest number of whole
4 dollars which is not more than the pro-rated weekly amount of such
5 payment. If the claimant was the sole contributor for the pension,
6 retirement or retired pay, annuity, or other similar periodic payment,
7 no reduction shall apply. [If the claimant's contributions for the
8 pension, retirement or retired pay, annuity, or other similar periodic
9 payment were less than one hundred per centum, the commissioner shall
10 determine the amount of the reduction by taking into account the claim-
11 ant's contributions in a manner consistent with the federal unemployment
12 tax act.]

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

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

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

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

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

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

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

55 S 604. Eligibility conditions. A claimant shall be eligible for bene-
56 fits under this title if he OR SHE works less than his OR HER normal

1 [full time] hours in a week for his customary employer, and that employ-
2 er has reduced or restricted the claimant's weekly hours of work, or has
3 rehired a claimant previously laid off and reduced his OR HER weekly
4 hours of work from those previously worked, as the result of a plan by
5 the employer to stabilize the work force by a program of sharing the
6 work remaining after a reduction in total hours of work and a corre-
7 sponding reduction in wages, provided the program requires not less than
8 a twenty percent nor more than a sixty percent reduction in hours and
9 wages among the work force. A claimant receiving supplemental unemploy-
10 ment compensation benefits, as defined in section five hundred one (c)
11 (17) (D) of the internal revenue code of nineteen hundred fifty-four,
12 shall not be eligible hereunder. Any employee who was otherwise eligible
13 for benefits under this title but was denied benefits during the period
14 beginning October first, two thousand one and ending on December first,
15 two thousand one because more than five percent of his OR HER wages were
16 derived from piece work, shall be entitled to make a retroactive claim
17 for such benefits provided such claim is filed within sixty days of the
18 effective date of this sentence.

19 S 22. Section 605 of the labor law, as amended by section 2 of chapter
20 81 of the laws of 1992, is amended to read as follows:

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

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

1 S 605. QUALIFIED EMPLOYERS; APPLICATION. AN EMPLOYER WHO HAS AT LEAST
2 FIVE FULL TIME EMPLOYEES MAY APPLY TO PARTICIPATE IN A SHARED WORK
3 PROGRAM. THE WRITTEN APPLICATION SHALL BE MADE ACCORDING TO SUCH FORMS
4 AND PROCEDURES AS THE COMMISSIONER MAY SPECIFY AND SHALL INCLUDE SUCH
5 INFORMATION AS THE COMMISSIONER MAY REQUIRE, INCLUDING SUCH OTHER INFOR-
6 MATION THAT THE UNITED STATES SECRETARY OF LABOR DETERMINES TO BE APPRO-
7 PRIATE FOR PURPOSES OF A SHARED WORK PROGRAM. THE COMMISSIONER SHALL NOT
8 APPROVE SUCH APPLICATION UNLESS THE EMPLOYER (1) CERTIFIES THAT FOR THE
9 DURATION OF THE PROGRAM IT WILL NOT ELIMINATE OR DIMINISH HEALTH INSUR-
10 ANCE, MEDICAL INSURANCE, RETIREMENT BENEFITS OR ANY OTHER FRINGE BENE-
11 FITS PROVIDED TO EMPLOYEES IMMEDIATELY PRIOR TO THE APPLICATION UNLESS
12 SUCH BENEFITS PROVIDED TO EMPLOYEES THAT DO NOT PARTICIPATE IN THE
13 SHARED WORK PROGRAM ARE REDUCED OR DIMINISHED TO THE SAME EXTENT AS
14 THOSE EMPLOYEES THAT PARTICIPATE IN THE SHARED WORK PROGRAM; (2) CERTI-
15 FIES THAT THE COLLECTIVE BARGAINING AGENT FOR THE EMPLOYEES, IF ANY, HAS
16 AGREED TO PARTICIPATE IN THE PROGRAM; (3) CERTIFIES THAT IF NOT FOR THE
17 SHARED WORK PROGRAM TO BE INITIATED THE EMPLOYER WOULD REDUCE OR WOULD
18 HAVE REDUCED ITS WORK FORCE TO A DEGREE EQUIVALENT TO THE TOTAL NUMBER
19 OF WORKING HOURS PROPOSED TO BE REDUCED OR RESTRICTED FOR ALL INCLUDED
20 EMPLOYEES; (4) CERTIFIES THAT IT WILL NOT HIRE ADDITIONAL PART TIME OR
21 FULL TIME EMPLOYEES FOR THE AFFECTED WORK FORCE WHILE THE PROGRAM IS IN
22 OPERATION; (5) AGREES THAT NO PARTICIPANT OF THE PROGRAM SHALL RECEIVE,
23 IN THE AGGREGATE, MORE THAN TWENTY WEEKS OF BENEFITS EXCLUSIVE OF THE
24 WAITING WEEK; (6) PROVIDES A DESCRIPTION OF HOW WORKERS IN THE WORK
25 FORCE WILL BE NOTIFIED OF THE SHARED WORK PROGRAM IN ADVANCE OF IT
26 TAKING EFFECT, IF FEASIBLE, AND IF SUCH NOTICE IS NOT FEASIBLE, PROVIDES
27 AN EXPLANATION OF WHY SUCH NOTICE IS NOT FEASIBLE; (7) PROVIDES AN ESTI-
28 MATE OF THE NUMBER OF WORKERS WHO WOULD BE LAID OFF IF THE EMPLOYER
29 COULD NOT PARTICIPATE IN THE SHARED WORK PROGRAM; AND (8) CERTIFIES THAT
30 THE TERMS OF THE EMPLOYER'S WRITTEN PLAN AND IMPLEMENTATION SHALL BE
31 CONSISTENT WITH EMPLOYER OBLIGATIONS UNDER APPLICABLE FEDERAL AND STATE
32 LAWS.

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

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

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

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

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

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

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

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

9 S 611. Charging of benefits. Benefits paid to a claimant shall be
10 charged to the employers' accounts as provided in paragraph (e) of
11 subdivision one of section five hundred eighty-one of this article.
12 HOWEVER, EXCEPT FOR INDIVIDUALS EMPLOYED BY A PARTICIPATING EMPLOYER ON
13 A SEASONAL, TEMPORARY OR INTERMITTENT BASIS, NO BENEFITS PAID TO A
14 CLAIMANT SHALL BE CHARGED TO AN EMPLOYER'S ACCOUNT IF THE STATE IS REIM-
15 BURED BY THE UNITED STATES PURSUANT TO THE MIDDLE CLASS TAX RELIEF AND
16 JOB CREATION ACT OF 2012, PL 112-96.

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

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

28 S 27. Section 39 of part P2 of chapter 62 of the laws of 2003, amend-
29 ing the state finance law and other laws relating to authorizing and
30 directing the state comptroller to loan money to certain funds and
31 accounts, as amended by section 1 of part W of chapter 58 of the laws of
32 2011, is amended to read as follows:

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

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

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

52 a. sections one, three, seven, and eight of this act shall take effect
53 January 1, 2014;

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

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

1 d. section ten of this act shall take effect January 1, 2019;
2 e. sections five, six, sixteen, seventeen, and eighteen of this act
3 shall apply to all overpayments established after October 1, 2013;
4 f. sections fourteen, twenty, twenty-one, twenty-one-a, twenty-two,
5 twenty-three, twenty-four, and twenty-six of this act shall take effect
6 on the thirtieth day after it shall have become a law;
7 g. section twenty-five of this act shall expire and be deemed repealed
8 August 23, 2015;
9 h. section twelve of this act shall take effect January 1, 2014 or on
10 the same date as the reversion of subdivision 2 of section 591 of the
11 labor law as provided in section 10 of chapter 413 of the laws of 2003,
12 as amended, whichever is later;
13 i. the amendments to section 591-a of the labor law made by section
14 fourteen of this act shall not affect the repeal of such section and
15 shall be deemed repealed therewith; and
16 j. sections twenty-two-a and twenty-three-a of this act shall take
17 effect August 23, 2015.

18

PART P

19 Section 1. Subdivisions 1, 4 and 5 of section 652 of the labor law, as
20 amended by chapter 747 of the laws of 2004, are amended to read as
21 follows:

22 1. Statutory. Every employer shall pay to each of its employees for
23 each hour worked a wage of not less than:

24 \$4.25 on and after April 1, 1991,

25 \$5.15 on and after March 31, 2000,

26 \$6.00 on and after January 1, 2005,

27 \$6.75 on and after January 1, 2006,

28 \$7.15 on and after January 1, 2007,

29 \$8.75 ON AND AFTER JULY 1, 2013, or, if greater, such other wage as
30 may be established by federal law pursuant to 29 U.S.C. section 206 or
31 its successors

32 or such other wage as may be established in accordance with the
33 provisions of this article.

34 4. Notwithstanding subdivisions one and two of this section, the wage
35 for an employee who is a food service worker receiving tips shall be a
36 cash wage of at least three dollars and thirty cents per hour on or
37 after March thirty-first, two thousand; three dollars and eighty-five
38 cents on or after January first, two thousand five; at least four
39 dollars and thirty-five cents on or after January first, two thousand
40 six; [and] at least four dollars and sixty cents on or after January
41 first, two thousand seven; AND AT LEAST SIX DOLLARS AND THREE CENTS ON
42 OR AFTER JULY FIRST, TWO THOUSAND THIRTEEN, provided that the tips of
43 such an employee, when added to such cash wage, are equal to or exceed
44 the minimum wage in effect pursuant to subdivision one of this section
45 and provided further that no other cash wage is established pursuant to
46 section six hundred fifty-three of this article. In the event the cash
47 wage payable under the Fair Labor Standards Act (29 United States Code
48 Sec. 203 (m), as amended), is increased after enactment of this subdivi-
49 sion, the cash wage payable under this subdivision shall automatically
50 be increased by the proportionate increase in the cash wage payable
51 under such federal law, and will be immediately enforceable as the cash
52 wage payable to food service workers under this article.

53 5. Notwithstanding subdivisions one and two of this section, meal and
54 lodging allowances for a food service worker receiving a cash wage

1 amounting to three dollars and thirty cents per hour on or after March
2 thirty-first, two thousand; three dollars and eighty-five cents on or
3 after January first, two thousand five; four dollars and thirty-five
4 cents on or after January first, two thousand six; [and] four dollars
5 and sixty cents on or after January first, two thousand seven; AND AT
6 LEAST SIX DOLLARS AND THREE CENTS ON OR AFTER JULY FIRST, TWO THOUSAND
7 THIRTEEN, shall not increase more than two-thirds of the increase
8 required by subdivision two of this section as applied to state wage
9 orders in effect pursuant to subdivision one of this section.
10 S 2. This act shall take effect immediately.

11 PART Q

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

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

18 S 2. Section 209 of the civil service law is amended by adding a new
19 subdivision 6 to read as follows:

20 6. (A) FOR DISPUTES CONCERNING AN IMPASSE PURSUANT TO SUBDIVISION FOUR
21 OF THIS SECTION THAT INVOLVE A COUNTY, CITY, TOWN, OR VILLAGE SUBJECT TO
22 SECTION THREE-C OF THE GENERAL MUNICIPAL LAW, A PUBLIC ARBITRATION PANEL
23 SHALL MAKE A DETERMINATION AS TO WHETHER SUCH COUNTY, CITY, TOWN, OR
24 VILLAGE, IS A DISTRESSED PUBLIC EMPLOYER AS PART OF ITS ANALYSIS OF THE
25 FINANCIAL ABILITY OF THE PUBLIC EMPLOYER TO PAY.

26 (B) IN EVALUATING WHETHER A PUBLIC EMPLOYER COVERED BY THIS SUBDIVI-
27 SION IS A DISTRESSED PUBLIC EMPLOYER, SUCH PUBLIC ARBITRATION PANEL
28 SHALL CONSIDER THE AVERAGE FULL VALUE PROPERTY TAX RATE OF SUCH PUBLIC
29 EMPLOYER AND THE AVERAGE FUND BALANCE PERCENTAGE OF SUCH PUBLIC EMPLOY-
30 ER.

31 I. FOR PURPOSES OF THIS SUBDIVISION, "FULL VALUE PROPERTY TAX RATE"
32 SHALL MEAN THE AMOUNT TO BE RAISED BY TAX ON REAL ESTATE BY A LOCAL
33 GOVERNMENT IN A GIVEN FISCAL YEAR DIVIDED BY THE FULL VALUATION OF TAXA-
34 BLE REAL ESTATE FOR THAT SAME FISCAL YEAR AS REPORTED TO THE OFFICE OF
35 THE STATE COMPTROLLER.

36 II. FOR PURPOSES OF THIS SUBDIVISION, "AVERAGE FULL VALUE PROPERTY TAX
37 RATE" SHALL MEAN THE SUM OF THE FULL VALUE PROPERTY TAX RATES FOR THE
38 FIVE MOST RECENT FISCAL YEARS DIVIDED BY FIVE.

39 III. FOR PURPOSES OF THIS SUBDIVISION, "FUND BALANCE PERCENTAGE" SHALL
40 MEAN THE TOTAL FUND BALANCE IN THE GENERAL FUND OF A LOCAL GOVERNMENT IN
41 A GIVEN FISCAL YEAR DIVIDED BY THE TOTAL EXPENDITURES FROM THE GENERAL
42 FUND FOR THAT SAME FISCAL YEAR AS REPORTED TO THE OFFICE OF THE STATE
43 COMPTROLLER.

44 IV. FOR PURPOSES OF THIS SUBDIVISION, "AVERAGE FUND BALANCE PERCENT-
45 AGE" SHALL MEAN THE SUM OF THE FUND BALANCE PERCENTAGES FOR THE FIVE
46 MOST RECENTLY COMPLETED FISCAL YEARS DIVIDED BY FIVE.

47 (C) IF THE AVERAGE FULL VALUE PROPERTY TAX RATE OF SUCH PUBLIC EMPLOY-
48 ER IS GREATER THAN THE AVERAGE FULL VALUE PROPERTY TAX RATE OF SEVENTY-
49 FIVE PERCENT OF COUNTIES, CITIES, TOWNS, AND VILLAGES, WITH LOCAL FISCAL
50 YEARS ENDING IN THE SAME CALENDAR YEAR AS OF THE MOST RECENTLY AVAILABLE
51 INFORMATION, THE PUBLIC ARBITRATION PANEL MUST FIND THAT SUCH PUBLIC
52 EMPLOYER IS FISCALLY DISTRESSED. THE OFFICE OF THE STATE COMPTROLLER
53 SHALL MAKE PUBLICLY AVAILABLE THE LIST OF COUNTIES, CITIES, TOWNS, AND
54 VILLAGES, THAT HAVE AN AVERAGE FULL VALUE PROPERTY TAX RATE THAT MEETS

1 SUCH CRITERIA IN EACH LOCAL FISCAL YEAR. IF A PUBLIC EMPLOYER HAS NOT
2 REPORTED TO THE OFFICE OF THE STATE COMPTROLLER THE INFORMATION NECES-
3 SARY TO CALCULATE ITS AVERAGE FULL VALUE PROPERTY TAX RATE, THE PUBLIC
4 ARBITRATION PANEL MAY NOT USE THE AVERAGE FULL VALUE PROPERTY TAX RATE
5 AS A BASIS BY WHICH TO FIND THAT SUCH PUBLIC EMPLOYER IS FISCALLY
6 DISTRESSED.

7 (D) IF THE AVERAGE FUND BALANCE PERCENTAGE OF SUCH PUBLIC EMPLOYER IS
8 LESS THAN FIVE PERCENT, THE PUBLIC ARBITRATION PANEL MUST FIND THAT SUCH
9 PUBLIC EMPLOYER IS FISCALLY DISTRESSED. THE OFFICE OF THE STATE COMP-
10 TROLLER SHALL MAKE PUBLICLY AVAILABLE THE LIST OF COUNTIES, CITIES,
11 TOWNS, AND VILLAGES, THAT HAVE AN AVERAGE FUND BALANCE PERCENTAGE THAT
12 MEETS SUCH CRITERIA IN EACH LOCAL FISCAL YEAR. IF A PUBLIC EMPLOYER HAS
13 NOT REPORTED TO THE OFFICE OF THE STATE COMPTROLLER THE INFORMATION
14 NECESSARY TO CALCULATE ITS AVERAGE FUND BALANCE PERCENTAGE, THE PUBLIC
15 ARBITRATION PANEL MAY NOT USE THE AVERAGE FUND BALANCE PERCENTAGE AS A
16 BASIS BY WHICH TO FIND THAT SUCH PUBLIC EMPLOYER IS FISCALLY DISTRESSED.

17 (E) WHEN SUCH PUBLIC EMPLOYER HAS BEEN FOUND TO BE FISCALLY
18 DISTRESSED, THE PUBLIC ARBITRATION PANEL SHALL NOT HAVE THE AUTHORITY TO
19 ISSUE A DETERMINATION THAT INCREASES THE COST OF TERMS AND CONDITIONS OF
20 EMPLOYMENT APPLICABLE TO EMPLOYEES UNDER THE JURISDICTION OF SUCH PANEL
21 EXCEPT AS PROVIDED HEREIN.

22 I. FOR THE FIRST YEAR OF THE DETERMINATION, THE PANEL SHALL NOT ISSUE
23 A DETERMINATION THAT MAKES CHANGES TO AND INCREASES THE COST OF ALL
24 TERMS AND CONDITIONS OF EMPLOYMENT BY MORE THAN TWO PERCENT OF THE
25 AGGREGATE AMOUNT EXPENDED BY THE PUBLIC EMPLOYER ON THE TERMS OF COLLEC-
26 TIVE BARGAINING AGREEMENTS DIRECTLY RELATING TO COMPENSATION OF ALL
27 EMPLOYEES SUBJECT TO THE PUBLIC ARBITRATION PANEL'S JURISDICTION IN THE
28 TWELVE MONTHS IMMEDIATELY PRECEDING THE EXPIRATION OF THE COLLECTIVE
29 BARGAINING AGREEMENT OR INTEREST ARBITRATION AWARD THAT IS THE SUBJECT
30 OF THE IMPASSE BEFORE THE PANEL. FOR THE FIRST YEAR OF THE DETERMI-
31 NATION, THE PANEL IS REQUIRED TO FURTHER REDUCE THIS TWO PERCENT BY THE
32 AMOUNT OF ANY INCREASED COST THAT THE PUBLIC EMPLOYER WILL INCUR FOR
33 INSURANCE, MEDICAL, AND HOSPITALIZATION BENEFITS PROVIDED TO EMPLOYEES
34 SUBJECT TO THE PANEL'S JURISDICTION THAT WILL EXCEED A TWO PERCENT
35 INCREASE IN COST TO THE PUBLIC EMPLOYER TO PROVIDE INSURANCE, MEDICAL,
36 AND HOSPITALIZATION BENEFITS TO EMPLOYEES UNDER THE PANEL'S JURISDICTION
37 DURING THE FIRST YEAR OF THE DETERMINATION.

38 II. FOR THE SECOND YEAR OF THE DETERMINATION, THE PANEL SHALL NOT
39 ISSUE A DETERMINATION THAT MAKES CHANGES TO AND INCREASES THE COST OF
40 ALL TERMS AND CONDITIONS OF EMPLOYMENT BY MORE THAN TWO PERCENT OF THE
41 AGGREGATE AMOUNT EXPENDED BY THE PUBLIC EMPLOYER ON THE TERMS OF COLLEC-
42 TIVE BARGAINING AGREEMENTS DIRECTLY RELATING TO COMPENSATION OF ALL
43 EMPLOYEES SUBJECT TO THE PUBLIC ARBITRATION PANEL'S JURISDICTION IN THE
44 TWELVE MONTHS IMMEDIATELY PRECEDING THE EXPIRATION OF THE COLLECTIVE
45 BARGAINING AGREEMENT OR INTEREST ARBITRATION AWARD THAT IS THE SUBJECT
46 OF THE IMPASSE BEFORE THE PANEL. FOR THE SECOND YEAR OF THE DETERMI-
47 NATION, THE PANEL IS REQUIRED TO FURTHER REDUCE THIS TWO PERCENT BY THE
48 AMOUNT OF ANY INCREASED COST THAT THE PUBLIC EMPLOYER WILL INCUR FOR
49 INSURANCE, MEDICAL, AND HOSPITALIZATION BENEFITS PROVIDED TO EMPLOYEES
50 SUBJECT TO THE PANEL'S JURISDICTION THAT WILL EXCEED A TWO PERCENT
51 INCREASE IN COST TO THE PUBLIC EMPLOYER TO PROVIDE INSURANCE, MEDICAL,
52 AND HOSPITALIZATION BENEFITS FOR EMPLOYEES UNDER THE PANEL'S JURISDIC-
53 TION DURING THE FIRST YEAR OF THE DETERMINATION. IF THE ACTUAL AMOUNT OF
54 THE INCREASED COST THAT A PUBLIC EMPLOYER WILL INCUR FOR INSURANCE,
55 MEDICAL, AND HOSPITALIZATION BENEFITS FOR EMPLOYEES SUBJECT TO THE
56 PANEL'S JURISDICTION IN YEAR TWO OF THE DETERMINATION IS KNOWN, THE

PUBLIC ARBITRATION PANEL SHALL USE THAT AMOUNT RATHER THAN THE FIRST YEAR AMOUNT TO CALCULATE ANY REDUCTION. THE DETERMINATION FOR YEAR TWO WILL BE IN ADDITION TO THE DETERMINATION FOR YEAR ONE.

III. FOR THE PURPOSES OF DETERMINING THE AMOUNTS AVAILABLE PURSUANT TO THIS PARAGRAPH, "TERMS OF COLLECTIVE BARGAINING AGREEMENTS DIRECTLY RELATING TO COMPENSATION" INCLUDES, BUT IS NOT LIMITED TO, SALARY, STIPENDS, LOCATION PAY, INSURANCE, MEDICAL AND HOSPITALIZATION BENEFITS; AND SHALL NOT APPLY TO NON-COMPENSATORY ISSUES INCLUDING, BUT NOT LIMITED TO, JOB SECURITY, DISCIPLINARY PROCEDURES AND ACTIONS, DEPLOYMENT OR SCHEDULING, OR ISSUES RELATING TO ELIGIBILITY FOR OVERTIME COMPENSATION.

(F) ADDITIONALLY, WHEN THERE HAS BEEN A FINDING OF FISCAL DISTRESS, A PUBLIC ARBITRATION PANEL SHALL NOT HAVE THE AUTHORITY TO CREATE NEW TERMS AND CONDITIONS OF EMPLOYMENT THAT INCREASE COSTS OF TERMS AND CONDITIONS OF EMPLOYMENT TO THE FISCALLY DISTRESSED PUBLIC EMPLOYER IF THE INCREASE IN COSTS WOULD CAUSE THE OVERALL COST OF THE DETERMINATION TO EXCEED THE LIMITATION ON THE PUBLIC ARBITRATION PANEL'S AUTHORITY AS CONTAINED IN PARAGRAPH (E) OF THIS SUBDIVISION.

(G) NOTHING HEREIN SHALL REQUIRE A PUBLIC ARBITRATION PANEL, WHERE A FINDING THAT A DISTRESSED PUBLIC EMPLOYER IS REQUIRED, TO GRANT ANY CHANGE IN TERMS AND CONDITIONS OF EMPLOYMENT UNLESS OTHERWISE WARRANTED AFTER TAKING INTO CONSIDERATION ALL OTHER RELEVANT AND REQUIRED FACTORS.

(H) NOTHING HEREIN SHALL REQUIRE A PUBLIC ARBITRATION PANEL, WHERE A FINDING THAT A DISTRESSED PUBLIC EMPLOYER IS NOT REQUIRED, TO GRANT ANY CHANGE IN TERMS AND CONDITIONS OF EMPLOYMENT UNLESS OTHERWISE WARRANTED AFTER TAKING INTO CONSIDERATION ALL OTHER RELEVANT AND REQUIRED FACTORS.

(I) THE PROVISIONS OF THIS SUBDIVISION SHALL EXPIRE FOUR YEARS FROM JULY FIRST, TWO THOUSAND THIRTEEN.

S 3. This act shall take effect immediately and shall be effective for all collective bargaining agreements and interest arbitration awards that expire on or after April 1, 2013.

PART R

Section 1. The racing, pari-mutuel wagering and breeding law is amended by adding a new article 13 to read as follows:

ARTICLE 13

PHASE ONE CASINO GAMBLING

SECTION 1301. STATEMENT OF PURPOSE.

1302. PHASE ONE CASINO GAMBLING FACILITIES.

1303. CASINO GAMBLING REGULATION.

1304. CASINO GAMBLING REVENUE.

1305. GAMING REGULATORY STUDY.

1306. CASINO REQUEST FOR INFORMATION.

S 1301. STATEMENT OF PURPOSE. IN ORDER TO REVITALIZE THE ECONOMY OF UPSTATE NEW YORK, BY INCREASING TOURISM AND JOBS THROUGH DESTINATION RESORTS IN UPSTATE NEW YORK, AND TO PROVIDE REVENUE TO FUND EDUCATION AND REDUCE PROPERTY TAXES, THE STATE HEREBY LEGALIZES CASINO GAMBLING AS REGULATED BY THE STATE GAMING COMMISSION.

S 1302. PHASE ONE CASINO GAMBLING FACILITIES. 1. THE LEGISLATURE SHALL AUTHORIZE UP TO THREE CASINOS SUBJECT TO THE REGULATION OF THE STATE GAMING COMMISSION.

2. THE THREE CASINOS AUTHORIZED BY THE LEGISLATURE CANNOT BE LOCATED:

(A) IN THE CITY OF NEW YORK; AND

(B) IN THE COUNTIES OF NASSAU, PUTNAM, ROCKLAND, SUFFOLK, AND WEST-CHESTER.

1 S 1303. CASINO GAMBLING REGULATION. 1. THERE IS HEREBY CREATED IN THE
2 GAMING COMMISSION A SEPARATE OFFICE OF CASINO GAMBLING REGULATION. THE
3 OFFICE SHALL REGULATE CASINO GAMBLING FACILITIES AUTHORIZED PURSUANT TO
4 SECTION NINE OF ARTICLE ONE OF THE STATE CONSTITUTION.

5 2. UTILIZING ITS BEST INDEPENDENT AND UNBIASED JUDGMENT AS PART OF A
6 COMPETITIVE PROCESS, THE GAMING COMMISSION SHALL SELECT THE LOCATIONS
7 AND THE OPERATORS OF THE CASINO FACILITIES AUTHORIZED BY THIS ARTICLE.

8 3. NO CASINO LOCATION AND OPERATOR MAY BE SELECTED BY THE GAMING
9 COMMISSION UNLESS THAT LOCATION AND OPERATOR HAVE SIGNIFICANT SUPPORT
10 FROM BOTH THE LOCAL GOVERNMENT AND THE LOCAL COMMUNITY IN WHICH THE
11 CASINO IS TO BE LOCATED.

12 S 1304. CASINO GAMBLING REVENUE. REVENUE DERIVED BY THE STATE FROM THE
13 GROSS GAMING REVENUE OF THE CASINO FACILITIES AUTHORIZED BY THIS ARTICLE
14 SHALL BE ALLOCATED TO A CASINO REVENUE FUND AUTHORIZED PURSUANT TO THE
15 STATE FINANCE LAW AND DISTRIBUTED AS FOLLOWS:

16 1. 90% FOR ELEMENTARY AND SECONDARY EDUCATION; AND

17 2. 10% FOR LOCAL GOVERNMENT PROPERTY TAX RELIEF.

18 S 1305. GAMING REGULATORY STUDY. 1. THE STATE GAMING COMMISSION IS
19 HEREBY DIRECTED TO CONDUCT A COMPREHENSIVE STUDY OF EXISTING LEGAL
20 FRAMEWORKS GOVERNING THE LICENSING AND REGULATION OF CASINO GAMBLING.
21 SUCH STUDY SHALL INCLUDE A REVIEW OF VARIOUS SYSTEMS OF GAMING REGU-
22 LATION AND THE EFFECTIVENESS OF THOSE SYSTEMS. SUCH STUDY SHALL CONSIDER
23 THE METHODS AND MANNERS OF LICENSING OF: FACILITIES; ENTERPRISES UNDER-
24 TAKING DIRECT AND INDIRECT BUSINESS WITH SUCH FACILITIES; AND PERSONNEL
25 DIRECTLY AND INDIRECTLY EMPLOYED BY SUCH FACILITIES AND ENTERPRISES.

26 2. THE COMMISSION SHALL ALSO STUDY THE APPROPRIATE RATES OF TAXATION
27 OF SUCH GAMING ACTIVITIES AND PROVIDE RECOMMENDATIONS ON CLARIFYING AND
28 HARMONIZING INCONSISTENT METHODS OF TREATMENT OF VARIOUS FORMS OF GAMING
29 AUTHORIZED IN THE STATE AND THE PARTICIPANTS WITHIN, IDENTIFYING CASES
30 WHERE THE DISPARITY SERVES A COMPELLING STATE INTEREST.

31 3. THE COMMISSION SHALL ALSO STUDY THE LEVELS OF CAPITAL INVESTMENT
32 THAT MIGHT BE APPROPRIATE TO LOCATE DESTINATION CASINO RESORTS IN
33 UPSTATE NEW YORK.

34 4. THE COMMISSION SHALL CONSULT WITH THE REGIONAL ECONOMIC DEVELOP-
35 MENTS COUNCILS IN PREPARING THE STUDY REQUIRED BY THIS SECTION.

36 5. THE COMMISSION SHALL SUBMIT TO THE GOVERNOR, SPEAKER OF THE ASSEM-
37 BLY AND TEMPORARY PRESIDENT OF THE SENATE, NO LATER THAN THE FIFTEENTH
38 DAY OF MAY, TWO THOUSAND THIRTEEN, A WRITTEN REPORT ON ITS FINDINGS,
39 CONCLUSIONS AND RECOMMENDATIONS FOR PROPOSED CHANGES TO STATE LAWS AND
40 REGULATIONS NECESSARY TO PROVIDE FOR THE LICENSING AND REGULATION OF
41 CASINO GAMBLING IN NEW YORK STATE.

42 S 1306. CASINO REQUEST FOR INFORMATION. THE STATE GAMING COMMISSION
43 SHALL ISSUE A REQUEST FOR INFORMATION FOR THE PURPOSE OF SOLICITING
44 INTEREST FROM ENTITIES SEEKING AN AWARD OF A LICENSE TO DEVELOP AND
45 OPERATE ONE OF THE THREE INITIAL CASINO FACILITIES AUTHORIZED BY THIS
46 ARTICLE. THE REQUEST SHOULD SEEK INFORMATION FROM POTENTIAL GAMING
47 FACILITY OPERATORS THAT WILL ASSIST IN MAKING INFORMED DECISIONS ABOUT
48 EXPANDED REGULATED PRIVATE SECTOR GAMING. ADDITIONALLY, THE REQUEST
49 SHOULD ASSIST THE COMMISSION IN DETERMINING THE RANGE OF POSSIBLE DEVEL-
50 OPMENT AVAILABLE IN THE MARKET AND HELP IDENTIFY AND ASSESS POTENTIAL
51 GAMING SERVICE PROVIDER INTEREST. POTENTIAL GAMING FACILITY OPERATORS
52 THAT RESPOND TO REQUESTS SHALL DEMONSTRATE THAT THERE IS SIGNIFICANT
53 SUPPORT FOR THE CASINO FACILITY FROM THE LOCAL GOVERNMENT COMMUNITY
54 WHERE THE FACILITY IS PROPOSED TO BE LOCATED.

55 S 2. The racing, pari-mutuel wagering and breeding law is amended by
56 adding a new section 109-a to read as follows:

1 S 109-A. LABOR PEACE AGREEMENTS FOR CERTAIN FACILITIES. 1. DEFINITIONS. AS USED IN THIS SUBDIVISION:

2 A. "GAMING FACILITY" MEANS ANY CASINO GAMING FACILITY LICENSED BY THE
3 COMMISSION. A GAMING FACILITY OR OPERATION SHALL NOT INCLUDE ANY HORSE
4 RACING, BINGO OR CHARITABLE GAMES OF CHANCE, THE STATE LOTTERY FOR
5 EDUCATION, OR ANY GAMING FACILITY OPERATING PURSUANT TO THE FEDERAL
6 INDIAN GAMING REGULATORY ACT, 25 U.S.C. S 2710 ET SEQ. A GAMING FACILITY
7 OR OPERATION SHALL INCLUDE ANY HOSPITALITY OPERATION AT OR RELATED TO
8 THE GAMING FACILITY.

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

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

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

21 2. LEGISLATIVE FINDINGS. THE STATE LEGISLATURE FINDS THAT THE GAMING
22 INDUSTRY CONSTITUTES A VITAL SECTOR OF NEW YORK'S OVERALL ECONOMY AND
23 THAT THE STATE THROUGH ITS OPERATION OF LOTTERIES AND VIDEO LOTTERY
24 FACILITIES AND THROUGH ITS OWNERSHIP OF THE PROPERTIES UTILIZED FOR
25 HORSE RACING BY THE NEW YORK RACING ASSOCIATION, INC. HAS A SIGNIFICANT
26 AND ONGOING ECONOMIC AND NON-REGULATORY INTEREST IN THE FINANCIAL
27 VIABILITY AND COMPETITIVENESS OF THE GAMING INDUSTRY. THE STATE LEGISLA-
28 TURE FURTHER FINDS THAT THE AWARD OR GRANT OF A LICENSE BY THE COMMIS-
29 SION TO OPERATE A GAMING FACILITY IS A SIGNIFICANT STATE ACTION AND THAT
30 THE COMMISSION MUST MAKE PRUDENT AND EFFICIENT DECISIONS TO MAXIMIZE THE
31 BENEFITS AND MINIMIZE THE RISKS OF GAMING. THE STATE LEGISLATURE FURTHER
32 RECOGNIZES THAT CASINO GAMING INDUSTRY INTEGRATION CAN PROVIDE A VITAL
33 ECONOMIC ENGINE TO ASSIST, NURTURE, DEVELOP, AND PROMOTE REGIONAL
34 ECONOMIC DEVELOPMENT, THE STATE TOURISM INDUSTRY AND THE GROWTH OF JOBS
35 IN THE STATE. ADDITIONALLY, THE STATE LEGISLATURE ALSO FINDS REVENUES
36 DERIVED DIRECTLY BY THE STATE FROM SUCH GAMING ACTIVITY WILL BE SHARED
37 FROM GROSS GAMING RECEIPTS, AFTER PAYOUT OF PRIZES BUT PRIOR TO
38 DEDUCTIONS FOR OPERATIONAL EXPENSES.

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

42 3. REQUIREMENTS. THE COMMISSION SHALL REQUIRE ANY APPLICANT FOR A
43 GAMING FACILITY LICENSE WHO HAS NOT YET ENTERED INTO A LABOR PEACE
44 AGREEMENT TO PRODUCE AN AFFIDAVIT STATING IT SHALL ENTER INTO A LABOR
45 PEACE AGREEMENT WITH LABOR ORGANIZATIONS THAT ARE ACTIVELY ENGAGED IN
46 REPRESENTING OR ATTEMPTING TO REPRESENT GAMING OR HOSPITALITY INDUSTRY
47 WORKERS IN THE STATE. IN ORDER FOR THE COMMISSION TO ISSUE A GAMING
48 FACILITY LICENSE AND FOR OPERATIONS TO COMMENCE, THE APPLICANT FOR A
49 GAMING FACILITY LICENSE MUST PRODUCE DOCUMENTATION THAT IT HAS ENTERED
50 INTO A LABOR PEACE AGREEMENT WITH EACH LABOR ORGANIZATION THAT IS
51 ACTIVELY ENGAGED IN REPRESENTING AND ATTEMPTING TO REPRESENT GAMING AND
52 HOSPITALITY INDUSTRY WORKERS IN THE STATE. THE COMMISSION SHALL MAKE THE
53 MAINTENANCE OF SUCH A LABOR PEACE AGREEMENT AN ONGOING MATERIAL CONDI-
54 TION OF LICENSURE.

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

6 S 3. The state finance law is amended by adding a new section 92-a to
7 read as follows:

8 S 92-A. CASINO REVENUE FUND. 1. THERE IS HEREBY ESTABLISHED IN THE
9 JOINT CUSTODY OF THE COMPTROLLER AND THE COMMISSIONER OF TAXATION AND
10 FINANCE A SPECIAL FUND TO BE KNOWN AS THE CASINO REVENUE FUND.

11 2. SUCH FUND SHALL CONSIST OF THE STATE CASINO REVENUES DERIVED FROM
12 STATE TAXATION OF THE GROSS GAMING REVENUE OF LICENSED CASINOS, AND ALL
13 OTHER MONEYS CREDITED OR TRANSFERRED THERETO FROM ANY OTHER FUND OR
14 SOURCE PURSUANT TO LAW.

15 3. NINETY PERCENT OF THE MONEYS IN SUCH FUND SHALL BE APPROPRIATED OR
16 TRANSFERRED ONLY FOR ELEMENTARY AND SECONDARY EDUCATION.

17 4. NOTWITHSTANDING ANY PROVISION OF LAW TO THE CONTRARY, AMOUNTS
18 APPROPRIATED OR TRANSFERRED FROM THE CASINO REVENUE FUND SHALL NOT BE
19 INCLUDED IN: (I) THE ALLOWABLE GROWTH AMOUNT COMPUTED PURSUANT TO PARA-
20 GRAPH (DD) OF SUBDIVISION ONE OF SECTION THIRTY-SIX HUNDRED TWO OF THE
21 EDUCATION LAW, (II) THE PRELIMINARY GROWTH AMOUNT COMPUTED PURSUANT TO
22 PARAGRAPH (FF) OF SUBDIVISION ONE OF SECTION THIRTY-SIX HUNDRED TWO OF
23 THE EDUCATION LAW, AND (III) THE ALLOCABLE GROWTH AMOUNT COMPUTED PURSU-
24 ANT TO PARAGRAPH (GG) OF SUBDIVISION ONE OF SECTION THIRTY-SIX HUNDRED
25 TWO OF THE EDUCATION LAW.

26 5. ALL PAYMENTS OF MONEYS FROM THE CASINO REVENUE FUND SHALL BE MADE
27 ON THE AUDIT AND WARRANT OF THE STATE COMPTROLLER.

28 S 4. This act shall take effect immediately.

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

38 S 3. This act shall take effect immediately provided, however, that
39 the applicable effective date of Parts A through R of this act shall be
40 as specifically set forth in the last section of such Parts.