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

S. 2607 A. 3007

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

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

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, 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 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

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

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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 eligi-

bility 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:

Section 1. This act enacts into law major components of legislation which are necessary to implement the state fiscal plan for the 2013-2014 state fiscal year. Each component is wholly contained within a Part identified as Parts A through R. The effective date for each particular provision contained within such Part is set forth in the last section of such Part. Any provision in any section contained within a Part, including the effective date of the Part, which makes a reference to a section "of this act", when used in connection with that particular component, shall be deemed to mean and refer to the corresponding section of the Part in which it is found. Section three of this act sets forth the general effective date of this act.

PART A

Section 1. 1. As used in this section:

a. "APPR past non-compliance penalty" shall mean the sum of the annual increases in apportionments withheld pursuant to section 1 of part A of chapter 57 of the laws of 2012 and subdivision 2 of this section for the base year and each prior school year;

b. "base year" shall mean the base year as defined in paragraph b of subdivision 1 of section 3602 of the education law; and

c. "current year" shall mean the current year as defined in paragraph a of subdivision 1 of section 3602 of the education law.

2. Notwithstanding any inconsistent provision of law, no school district shall be eligible for an apportionment of general support for public schools from the funds appropriated for the 2013-14 school year and thereafter in excess of the amount apportioned to such school district in the base year unless such school district has submitted documentation that has been approved by the commissioner of education by September 1 of the current year, demonstrating that it has fully imple-

mented the standards and procedures for conducting annual professional performance reviews of classroom teachers and building principals in accordance with the requirements of section 3012-c of the education law and the commissioner of education's regulations.

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

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

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

e. Notwithstanding paragraphs a and b of this subdivision, a school district that submitted a contract for excellence for the two thousand eight--two thousand nine school year shall submit a contract for excellence for the two thousand nine--two thousand ten school year in conformity with the requirements of subparagraph (vi) of paragraph a of subdivision two of this section unless all schools in the district are identified as in good standing and provided further that, a school district that submitted a contract for excellence for the two thousand nine--two thousand ten school year, unless all schools in the district are identified as in good standing, shall submit a contract for excellence for the two thousand eleven--two thousand twelve school year which shall, notwithstanding the requirements of subparagraph (vi) of paragraph a of subdivision two of this section, provide for the expenditure of an amount which shall be not less than the product of the amount approved by the commissioner in the contract for excellence for the two thousand nine--two thousand ten school year, multiplied by the district's gap elimination adjustment percentage and provided further that, a school district that submitted a contract for excellence for the two thousand eleven--two thousand twelve school year, unless all schools in the district are identified as in good standing, shall submit a contract for excellence for the two thousand twelve--two thousand thirteen school year which shall, notwithstanding the requirements of subparagraph (vi) of paragraph a of subdivision two of this section, provide for the expenditure of an amount which shall be not less than the amount approved by the commissioner in the contract for excellence for the two thousand eleven--two thousand twelve school year AND PROVIDED FURTHER THAT, A SCHOOL DISTRICT THAT SUBMITTED A CONTRACT FOR EXCELLENCE FOR THE TWO THOUSAND TWELVE--TWO THOUSAND THIRTEEN SCHOOL YEAR, UNLESS ALL SCHOOLS IN THE DISTRICT ARE IDENTIFIED AS IN GOOD

STANDING, SHALL SUBMIT A CONTRACT FOR EXCELLENCE FOR THE TWO THOUSAND THIRTEEN--TWO THOUSAND FOURTEEN SCHOOL YEAR WHICH SHALL, NOTWITHSTANDING THE REQUIREMENTS OF SUBPARAGRAPH (VI) OF PARAGRAPH A OF SUBDIVISION TWO OF THIS SECTION, PROVIDE FOR THE EXPENDITURE OF AN AMOUNT WHICH SHALL BE NOT LESS THAN THE AMOUNT APPROVED BY THE COMMISSIONER IN THE CONTRACT FOR EXCELLENCE FOR THE TWO THOUSAND TWELVE--TWO THOUSAND THIRTEEN SCHOOL YEAR. For purposes of this paragraph, the "gap elimination adjustment percentage" shall be calculated as the sum of one minus the quotient of the sum of the school district's net gap elimination adjustment for two thousand ten--two thousand eleven computed pursuant to chapter fifty-three of the laws of two thousand ten, making appropriations for the support of government, plus the school district's gap elimination adjustment for two thousand eleven--two thousand twelve as computed pursuant to chapter fifty-three of the laws of two thousand eleven, making appropriations for the support of the local assistance budget, including support for general support for public schools, divided by the total aid for adjustment computed pursuant to chapter fifty-three of the laws of two thousand eleven, making appropriations for the local assistance budget, including support for general support for public schools. Provided, further, that such amount shall be expended to support and maintain allowable programs and activities approved in the two thousand nine--two thousand ten school year or to support new or expanded allowable programs and activities in the current year.

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

1. In addition to any other apportionment under this chapter, a school district shall be eligible for an apportionment under the provisions of this section for approved expenses for (i) the purchase or lease of micro and/or mini computer equipment or terminals for instructional purposes or (ii) technology equipment, as defined in paragraph c of subdivision two of this section, used for instructional purposes, or (iii) for the repair of such equipment and training and staff development for instructional purposes as provided hereinafter, or (iv) for expenses incurred on or after July first, two thousand eleven, any items of expenditure that are eligible for an apportionment pursuant to sections seven hundred one, seven hundred eleven and/or seven hundred fifty-one of this title, where such items are designated by the school district as eligible for aid pursuant to this section, provided, however, that if aided pursuant to this section, such expenses shall not be aidable pursuant to any other section of law. Such aid shall be provided pursuant to a plan developed by the district which demonstrates to the satisfaction of the commissioner that the instructional computer hardware needs of the district's public school students have been adequately met and that the school district has provided for the loan of instructional computer hardware to students legally attending nonpublic schools pursuant to section seven hundred fifty-four of this article. The apportionment shall equal the lesser of such approved expense in the base year or, the product of (i) the technology factor, (ii) the sum of the public school district enrollment and the nonpublic school enrollment in the base year as defined in subparagraphs two and three of paragraph n of subdivision one of section thirty-six hundred two of this chapter, and (iii) the building aid ratio, as defined in subdivision four of section thirty-six hundred two of this chapter. AID PAYABLE PURSUANT TO THIS SECTION SHALL BE DEEMED FINAL AND NOT SUBJECT TO CHANGE AFTER APRIL THIRTIETH OF THE SCHOOL YEAR FOR WHICH PAYMENT WAS DUE. For

aid payable in the two thousand seven--two thousand eight school year and thereafter, the technology factor shall be twenty-four dollars and twenty cents. A school district may use up to twenty percent of the product of (i) the technology factor, (ii) the sum of the public school district enrollment and the nonpublic school enrollment in the base year as defined in subparagraphs two and three of paragraph n of subdivision one of section thirty-six hundred two of this chapter, and (iii) the building aid ratio for the repair of instructional computer hardware and technology equipment and training and staff development for instructional purposes pursuant to a plan submitted to the commissioner.

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

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

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

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

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

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

(iii) for the two thousand ten--two thousand eleven through [two thousand twelve--two thousand thirteen] TWO THOUSAND THIRTEEN--TWO THOUSAND FOURTEEN school years, the charter school basic tuition shall be the basic tuition computed for the two thousand ten--two thousand eleven school year pursuant to the provisions of subparagraph (i) of this paragraph.

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

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

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

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

(iii) for the two thousand ten--two thousand eleven through [two thousand twelve--two thousand thirteen] TWO THOUSAND THIRTEEN--TWO THOUSAND FOURTEEN school years, the charter school basic tuition shall be the basic tuition computed for the two thousand ten--two thousand eleven school year pursuant to the provisions of subparagraph (i) of this paragraph.

S 7. Intentionally omitted.

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

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

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

9. Aid for conversion to full day kindergarten. School districts may make available full day kindergarten programs for all children wishing to attend such programs[,]. For aid payable in the two thousand seven--two thousand eight school year and thereafter, school districts which provided any half-day kindergarten programs or had no kindergarten programs in the nineteen hundred ninety-six--ninety-seven school year and in the base year, AND WHICH HAVE NOT RECEIVED AN APPORTIONMENT

PURSUANT TO THIS PARAGRAPH IN ANY PRIOR SCHOOL YEAR, shall be eligible for aid equal to the product of the district's selected foundation aid calculated pursuant to subdivision four of this section multiplied by the positive difference resulting when the full day kindergarten enrollment of children attending programs in the district in the base year is subtracted from such enrollment in the current year.

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

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

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

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

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

such school district as "HIGH TAX AID" under the heading "2008-09 BASE YEAR AIDS" in the school aid computer listing produced by the commissioner in support of the budget for the two thousand nine--two thousand ten school year and entitled "SA0910".]

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

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

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

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

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

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

[(6) "Tier 3 eligible school district" shall mean any school district in which (i) the quotient of (a) the actual valuation of the school district divided by its total wealth pupil units computed pursuant to subparagraph one of paragraph a of subdivision three of this section, divided by (b) the adjusted gross income of a school district divided by its total wealth pupil units computed pursuant to subparagraph one of paragraph b of subdivision three of this section, is greater than four and sixty-two hundredths (4.62), (ii) the combined wealth ratio computed

pursuant to subparagraph one of paragraph c of subdivision three of this section is less than six, and (iii) the regional cost index determined pursuant to subparagraph two of paragraph a of subdivision four of this section is greater than one and three-tenths (1.3).]

b. Tier 1 high tax aid apportionment. For any tier 1 eligible school district, the tier 1 high tax aid apportionment shall be [the greater of (1)] the product of the public school district enrollment of the district in the base year, as computed pursuant to subparagraph two of paragraph n of subdivision one of this section, multiplied by the product of four hundred [fifty] SEVENTY-FIVE dollars multiplied by the state sharing ratio[, or (2) one hundred thousand dollars] COMPUTED PURSUANT TO PARAGRAPH G OF SUBDIVISION THREE OF THIS SECTION.

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

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

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

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

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

DISTRICT COMPUTED PURSUANT TO PARAGRAPH W OF SUBDIVISION ONE OF THIS SECTION DIVIDED BY FIVE HUNDRED THIRTY-FOUR ONE-THOUSANDTHS (.534); OR

(B) THE PRODUCT OF FORTY PERCENT (0.40) MULTIPLIED BY THE GAP ELIMINATION ADJUSTMENT RESTORATION FOR THE TWO THOUSAND TWELVE--TWO THOUSAND THIRTEEN SCHOOL YEAR COMPUTED PURSUANT TO PARAGRAPH D OF THIS SUBDIVISION AND (II) THE PRODUCT OF (1) THE POSITIVE DIFFERENCE, IF ANY, OF ONE AND THIRTY-SEVEN ONE-HUNDREDTHS (1.37) MINUS THE PRODUCT OF THE COMBINED WEALTH RATIO COMPUTED PURSUANT TO SUBPARAGRAPH ONE OF PARAGRAPH C OF SUBDIVISION THREE OF THIS SECTION MULTIPLIED BY ONE AND TWENTY-THREE HUNDREDTHS (1.23), MULTIPLIED BY (2) THE PUBLIC SCHOOL DISTRICT ENROLLMENT FOR THE BASE YEAR, CALCULATED PURSUANT TO SUBPARAGRAPH TWO OF PARAGRAPH N OF SUBDIVISION ONE OF THIS SECTION, MULTIPLIED BY (3) FIFTY DOLLARS; BUT SHALL BE NO GREATER THAN THE PRODUCT OF FORTY-ONE AND FIVE-TENTHS PERCENT (0.415) AND THE GAP ELIMINATION ADJUSTMENT FOR THE TWO THOUSAND TWELVE--TWO THOUSAND THIRTEEN SCHOOL YEAR FOR THE DISTRICT.

F. THE GAP ELIMINATION ADJUSTMENT RESTORATION AMOUNT FOR THE TWO THOUSAND FOURTEEN--TWO THOUSAND FIFTEEN SCHOOL YEAR AND THEREAFTER SHALL EQUAL THE PRODUCT OF THE GAP ELIMINATION PERCENTAGE FOR SUCH DISTRICT AND THE GAP ELIMINATION ADJUSTMENT RESTORATION ALLOCATION ESTABLISHED PURSUANT TO SUBDIVISION EIGHTEEN OF THIS SECTION.

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

a. State aid adjustments. All errors or omissions in the apportionment shall be corrected by the commissioner. Whenever a school district has been apportioned less money than that to which it is entitled, the commissioner may allot to such district the balance to which it is entitled. Whenever a school district has been apportioned more money than that to which it is entitled, the commissioner may, by an order, direct such moneys to be paid back to the state to be credited to the general fund local assistance account for state aid to the schools, or may deduct such amount from the next apportionment to be made to said district, provided, however, that, upon notification of excess payments of aid for which a recovery must be made by the state through deduction of future aid payments, a school district may request that such excess payments be recovered by deducting such excess payments from the payments due to such school district and payable in the month of June in (i) the school year in which such notification was received and (ii) the two succeeding school years, provided further that there shall be no interest penalty assessed against such district or collected by the state. Such request shall be made to the commissioner in such form as the commissioner shall prescribe, and shall be based on documentation that the total amount to be recovered is in excess of one percent of the district's total general fund expenditures for the preceding school year. The amount to be deducted in the first year shall be the greater of (i) the sum of the amount of such excess payments that is recognized as a liability due to other governments by the district for the preceding school year and the positive remainder of the district's unreserved fund balance at the close of the preceding school year less the product of the district's total general fund expenditures for the preceding school year multiplied by five percent, or (ii) one-third of such excess payments. The amount to be recovered in the second year shall equal the lesser of the remaining amount of such excess payments to be recovered or one-third of such excess payments, and the remaining amount of such excess payments shall be recovered in the third year. Provided further that, notwithstanding any other provisions of this subdivision, any

pending payment of moneys due to such district as a prior year adjustment payable pursuant to paragraph c of this subdivision for aid claims that had been previously paid as current year aid payments in excess of the amount to which the district is entitled and for which recovery of excess payments is to be made pursuant to this paragraph, shall be reduced at the time of actual payment by any remaining unrecovered balance of such excess payments, and the remaining scheduled deductions of such excess payments pursuant to this paragraph shall be reduced by the commissioner to reflect the amount so recovered. [The commissioner shall certify no payment to a school district based on a claim submitted later than three years after the close of the school year in which such payment was first to be made. For claims for which payment is first to be made in the nineteen hundred ninety-six--ninety-seven school year, the commissioner shall certify no payment to a school district based on a claim submitted later than two years after the close of such school year.] For claims for which payment is first to be made [in the nineteen hundred ninety-seven--ninety-eight] PRIOR TO THE TWO THOUSAND FOURTEEN--TWO THOUSAND FIFTEEN school year [and thereafter], the commissioner shall certify no payment to a school district based on a claim submitted later than one year after the close of such school year. FOR CLAIMS FOR WHICH PAYMENT IS FIRST TO BE MADE IN THE TWO THOUSAND FOURTEEN--TWO THOUSAND FIFTEEN SCHOOL YEAR AND THEREAFTER, THE COMMISSIONER SHALL CERTIFY NO PAYMENT TO A SCHOOL DISTRICT BASED ON A CLAIM SUBMITTED LATER THAN THE FIRST OF NOVEMBER OF SUCH SCHOOL YEAR. Provided, however, no payments shall be barred or reduced where such payment is required as a result of a final audit of the state. [It is further provided that, until June thirtieth, nineteen hundred ninety-six, the commissioner may grant a waiver from the provisions of this section for any school district if it is in the best educational interests of the district pursuant to guidelines developed by the commissioner and approved by the director of the budget.] FURTHER PROVIDED THAT FOR ANY APPORTIONMENTS PROVIDED PURSUANT TO SECTIONS SEVEN HUNDRED ONE, SEVEN HUNDRED ELEVEN, SEVEN HUNDRED FIFTY-ONE, SEVEN HUNDRED FIFTY-THREE, THIRTY-SIX HUNDRED TWO, THIRTY-SIX HUNDRED TWO-B, THIRTY-SIX HUNDRED TWO-C, THIRTY-SIX HUNDRED TWO-E, THIRTY-SIX HUNDRED TWELVE, AND FORTY-FOUR HUNDRED FIVE OF THIS CHAPTER FOR THE TWO THOUSAND THIRTEEN--TWO THOUSAND FOURTEEN AND PRIOR SCHOOL YEARS, THE COMMISSIONER SHALL CERTIFY NO PAYMENT TO A SCHOOL DISTRICT, OTHER THAN PAYMENTS PURSUANT TO SUBDIVISIONS SIX-A, ELEVEN, THIRTEEN AND FIFTEEN OF SECTION THIRTY-SIX HUNDRED TWO OF THIS PART, IN EXCESS OF THE PAYMENT COMPUTED BASED ON AN ELECTRONIC DATA FILE USED TO PRODUCE THE SCHOOL AID COMPUTER LISTING PRODUCED BY THE COMMISSIONER IN SUPPORT OF THE EXECUTIVE BUDGET REQUEST SUBMITTED FOR THE TWO THOUSAND THIRTEEN--TWO THOUSAND FOURTEEN STATE FISCAL YEAR AND ENTITLED "BT131-4", AND FURTHER PROVIDED THAT FOR ANY APPORTIONMENTS PROVIDED PURSUANT TO SECTIONS SEVEN HUNDRED ONE, SEVEN HUNDRED ELEVEN, SEVEN HUNDRED FIFTY-ONE, SEVEN HUNDRED FIFTY-THREE, THIRTY-SIX HUNDRED TWO, THIRTY-SIX HUNDRED TWO-B, THIRTY-SIX HUNDRED TWO-C, THIRTY-SIX HUNDRED TWO-E, THIRTY-SIX HUNDRED TWELVE, AND FORTY-FOUR HUNDRED FIVE OF THIS CHAPTER FOR THE TWO THOUSAND FOURTEEN--TWO THOUSAND FIFTEEN SCHOOL YEAR AND THEREAFTER, THE COMMISSIONER SHALL CERTIFY NO PAYMENT TO A SCHOOL DISTRICT, OTHER THAN PAYMENTS PURSUANT TO SUBDIVISIONS SIX-A, ELEVEN, THIRTEEN AND FIFTEEN OF SECTION THIRTY-SIX HUNDRED TWO OF THIS PART, IN EXCESS OF THE PAYMENT COMPUTED BASED ON AN ELECTRONIC DATA FILE USED TO PRODUCE THE SCHOOL AID COMPUTER LISTING PRODUCED BY THE COMMISSIONER IN SUPPORT OF THE EXECUTIVE BUDGET REQUEST SUBMITTED FOR THE STATE FISCAL YEAR IN WHICH THE SCHOOL YEAR COMMENCES.

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

For aid payable in the two thousand seven--two thousand eight school year [and thereafter] THROUGH THE TWO THOUSAND TWELVE--TWO THOUSAND THIRTEEN SCHOOL YEAR, "moneys apportioned" shall mean the lesser of (i) the sum of one hundred percent of the respective amount set forth for each school district as payable pursuant to this section in the school aid computer listing for the current year produced by the commissioner in support of the budget which includes the appropriation for the general support for public schools for the prescribed payments and individualized payments due prior to April first for the current year plus the apportionment payable during the current school year pursuant to subdivision six-a and subdivision fifteen of section thirty-six hundred two of this part minus any reductions to current year aids pursuant to subdivision seven of section thirty-six hundred four of this part or any deduction from apportionment payable pursuant to this chapter for collection of a school district basic contribution as defined in subdivision eight of section forty-four hundred one of this chapter, less any grants provided pursuant to subparagraph two-a of paragraph b of subdivision four of section ninety-two-c of the state finance law, less any grants provided pursuant to subdivision twelve of section thirty-six hundred forty-one of this article, or (ii) the apportionment calculated by the commissioner based on data on file at the time the payment is processed; provided however, that for the purposes of any payments made pursuant to this section prior to the first business day of June of the current year, moneys apportioned shall not include any aids payable pursuant to subdivisions six and fourteen, if applicable, of section thirty-six hundred two of this part as current year aid for debt service on bond anticipation notes and/or bonds first issued in the current year or any aids payable for full-day kindergarten for the current year pursuant to subdivision nine of section thirty-six hundred two of this part. The definitions of "base year" and "current year" as set forth in subdivision one of section thirty-six hundred two of this part shall apply to this section. For aid payable in the two thousand twelve--two thousand thirteen school year, reference to such "school aid computer listing for the current year" shall mean the printouts entitled "SA121-3". FOR AID PAYABLE IN THE TWO THOUSAND THIRTEEN--TWO THOUSAND FOURTEEN SCHOOL YEAR AND THEREAFTER, "MONEYS APPORTIONED" SHALL MEAN THE LESSER OF: (I) THE SUM OF ONE HUNDRED PERCENT OF THE RESPECTIVE AMOUNT SET FORTH FOR EACH SCHOOL DISTRICT AS PAYABLE PURSUANT TO THIS SECTION IN THE SCHOOL AID COMPUTER LISTING FOR THE CURRENT YEAR PRODUCED BY THE COMMISSIONER IN SUPPORT OF THE EXECUTIVE BUDGET REQUEST WHICH INCLUDES THE APPROPRIATION FOR THE GENERAL SUPPORT FOR PUBLIC SCHOOLS FOR THE PRESCRIBED PAYMENTS AND INDIVIDUALIZED PAYMENTS DUE PRIOR TO APRIL FIRST FOR THE CURRENT YEAR PLUS THE APPORTIONMENT PAYABLE DURING THE CURRENT SCHOOL YEAR PURSUANT TO SUBDIVISIONS SIX-A AND FIFTEEN OF SECTION THIRTY-SIX HUNDRED TWO OF THIS PART MINUS ANY REDUCTIONS TO CURRENT YEAR AIDS PURSUANT TO SUBDIVISION SEVEN OF SECTION THIRTY-SIX HUNDRED FOUR OF THIS PART OR ANY DEDUCTION FROM THE APPORTIONMENT PAYABLE PURSUANT TO THIS CHAPTER FOR COLLECTION OF A SCHOOL DISTRICT BASIC CONTRIBUTION AS DEFINED IN SUBDIVISION EIGHT OF SECTION FORTY-FOUR HUNDRED ONE OF THIS CHAPTER, LESS ANY GRANTS PROVIDED PURSUANT TO SUBPARAGRAPH TWO-A OF PARAGRAPH B OF SUBDIVISION FOUR OF SECTION NINETY-TWO-C OF THE STATE FINANCE LAW, LESS ANY GRANTS PROVIDED PURSUANT TO SUBDIVISION TWELVE OF SECTION THIRTY-SIX HUNDRED FORTY-ONE OF THIS ARTICLE; OR (II) THE APPOR-

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

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

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

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

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

(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 SUCH GRANTS SHALL BE AWARDED BASED ON FACTORS INCLUDING, BUT NOT LIMITED TO: MEASURES OF SCHOOL DISTRICT NEED; MEASURES OF THE NEED OF STUDENTS TO BE SERVED BY EACH OF THE SCHOOL DISTRICTS; THE SCHOOL DISTRICT'S PROPOSAL TO TARGET THE HIGHEST NEED SCHOOLS AND STUDENTS; THE SUSTAINABILITY OF THE PROPOSED COMMUNITY SCHOOLS PROGRAM; AND PROPOSAL QUALITY;

(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.

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

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

S 20. Paragraph b of subdivision 2 of section 4207 of the education law, as amended by section 12-c 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, INCLUDING TUITION, MAINTENANCE AND TRANSPORTATION FOR SUMMER SCHOOL SPECIAL EDUCATION PROGRAMS IN JULY AND AUGUST, shall be eligible for reimbursement by the state to the extent provided in section forty-two hundred four-b of this article.

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

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

tion shall, during the school years nineteen hundred ninety-five--ninety-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.

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

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

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

(IV) NOTWITHSTANDING ANY OTHER PROVISION OF LAW TO THE CONTRARY, FOR THE TWO THOUSAND THIRTEEN--TWO THOUSAND FOURTEEN SCHOOL YEAR AND THEREAFTER, THE CITY OF NEW YORK SHALL BE AUTHORIZED TO ESTABLISH LOCAL TUITION RATES FOR APPROVED SERVICES OR PROGRAMS LOCATED WITHIN THE CITY OF NEW YORK THROUGH A COMPETITIVE REQUEST FOR PROPOSALS PROCESS OR OTHERWISE, PROVIDED THAT SUCH LOCAL TUITION RATES SHALL NOT EXCEED THE TUITION RATES DETERMINED BY THE COMMISSIONER AND APPROVED BY THE DIRECTOR OF THE BUDGET PURSUANT TO SUBPARAGRAPHS (I) THROUGH (III) OF THIS PARAGRAPH AND SECTION FORTY-FOUR HUNDRED FIVE OF THIS ARTICLE. THE LOCAL TUITION RATES SO ESTABLISHED SHALL BE USED IN THE CONTRACTS WITH PROVIDERS PROVIDING SERVICES OR PROGRAMS WITHIN THE CITY OF NEW YORK PURSUANT TO THIS SECTION FOR THE PROVISION OF PROGRAMS AND SERVICES FOR WHICH SUCH RATES WERE ESTABLISHED. NOTWITHSTANDING ANY OTHER PROVISION OF THIS SECTION TO THE CONTRARY, THE CITY OF NEW YORK SHALL BE RESPONSIBLE FOR ARRANGING FOR AND SELECTING THE APPROVED PROGRAM AND/OR RELATED SERVICE PROVIDER THROUGH THE COMPETITIVE REQUEST FOR PROPOSAL PROCESS OR OTHERWISE TO DELIVER THE PROGRAMS OR SERVICES CONSISTENT WITH THE INDIVIDUALIZED EDUCATION PROGRAM OF THE PRESCHOOL CHILD. PROVIDED, HOWEVER, THAT THE COMPETITIVE REQUEST FOR PROPOSAL PROCESS AUTHORIZED BY THIS SUBPARAGRAPH SHALL NOT APPLY TO PRESCHOOL CHILDREN WITH DISABILITIES WHO RECEIVED PROGRAMS OR SERVICES PURSUANT TO THIS SECTION IN THE TWO THOUSAND TWELVE--TWO THOUSAND THIRTEEN SCHOOL YEAR. THE CITY OF NEW YORK SHALL BE REQUIRED TO PROVIDE DATA RELATING TO THE LOCALLY ESTABLISHED TUITION RATES TO THE DEPARTMENT IN THE FORM AND MANNER PRESCRIBED BY THE COMMISSIONER.

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

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

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

S 25. Intentionally omitted.

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

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

S 27. Subdivision b of section 2 of 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, as amended by section 13 of part A of chapter 57 of the laws of 2012, is amended to read as follows:

b. Reimbursement for programs approved in accordance with subdivision a of this section [for the 2009-10 school year shall not exceed 64.1 percent of the lesser of such approvable costs per contact hour or eleven dollars and fifty cents per contact hour, reimbursement] for the 2010--2011 school year shall not exceed 62.6 percent of the lesser of such approvable costs per contact hour or twelve dollars and five cents per contact hour, reimbursement for the 2011--2012 school year shall not exceed 62.9 percent of the lesser of such approvable costs per contact hour or twelve dollars and fifteen cents per contact hour, [and] reimbursement for the 2012--2013 school year shall not exceed 63.3 percent of the lesser of such approvable costs per contact hour or twelve dollars and thirty-five cents per contact hour, AND REIMBURSEMENT FOR THE 2013--2014 SCHOOL YEAR SHALL NOT EXCEED 62.2 PERCENT OF THE LESSER OF SUCH APPROVABLE COSTS PER CONTACT HOUR OR TWELVE DOLLARS AND FIFTY CENTS PER CONTACT HOUR, where a contact hour represents sixty minutes of instruction services provided to an eligible adult. Notwithstanding any other provision of law to the contrary, [for the 2009-10 school year such contact hours shall not exceed one million seven hundred sixty--three thousand nine hundred seven (1,763,907) hours; whereas] for the 2010--2011 school year such contact hours shall not exceed one million five hundred twenty-five thousand one hundred ninety-eight (1,525,198) hours; whereas for the 2011--2012 school year such contact hours shall not exceed one million seven hundred one thousand five hundred seventy (1,701,570) hours; whereas for the 2012--2013 school year such contact hours shall not exceed one million six hundred sixty-four thousand five hundred thirty-two (1,664,532) hours; WHEREAS FOR THE 2013--2014 SCHOOL YEAR SUCH CONTACT HOURS SHALL NOT EXCEED ONE MILLION FOUR HUNDRED EIGHTY THOUSAND AND FIFTY-ONE (1,480,051) HOURS. Notwithstanding any other provision of law to the contrary, the apportionment calculated for the city school district of the city of New York pursuant to subdivision 11 of section 3602 of the education law shall be computed as if such contact hours provided by the consortium for worker education, not to exceed the contact hours set forth herein, were eligible for aid in accordance with the provisions of such subdivision 11 of section 3602 of the education law.

S 28. Section 4 of 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, is amended by adding a new subdivision r to read as follows:

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

S 29. Section 6 of 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, as amended by section 15 of part A of chapter 57 of the laws of 2012, is amended to read as follows:

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

S 30. Subdivision 1 of section 167 of 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, as amended by section 17 of part A of chapter 57 of the laws of 2012, is amended to read as follows:

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

S 31. Subdivisions 22 and 24 of section 140 of 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, as amended by section 18 of part A of chapter 57 of the laws of 2012, are amended to read as follows:

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

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

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

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

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

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

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

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

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

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

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

S 37. Special apportionment for salary expenses. a. Notwithstanding any other provision of law, upon application to the commissioner of education, not sooner than the first day of the second full business week of June, 2014 and not later than the last day of the third full business week of June, 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, for the school

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.

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.

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.

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,

for the school year ending June 30, 2014 and such apportionment shall not exceed the additional accruals required to be made by school districts in the 2004--2005 and 2005--2006 school years associated with changes for such public pension liabilities. The amount of such additional accrual shall be certified to the commissioner of education by the president of the board of education or the trustees or, in the case of a city school district in a city with a population in excess of 125,000 inhabitants, the mayor of such city. 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.

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.

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.

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

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

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

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

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

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

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

a. for the purpose of the development, maintenance or expansion of magnet schools or magnet school programs for the 2013--2014 school year. To the city school district of the city of New York there shall be paid forty-eight million one hundred seventy-five thousand dollars ($48,175,000) including five hundred thousand dollars ($500,000) for the Andrew Jackson High School; to the Buffalo city school district, twenty-one million twenty-five thousand dollars ($21,025,000); to the Rochester city school district, fifteen million dollars ($15,000,000); to the Syracuse city school district, thirteen million dollars ($13,000,000); to the Yonkers city school district, forty-nine million five hundred thousand dollars ($49,500,000); to the Newburgh city school district, four million six hundred forty-five thousand dollars ($4,645,000); to the Poughkeepsie city school district, two million four hundred seventy-five thousand dollars ($2,475,000); to the Mount Vernon city school district, two million dollars ($2,000,000); to the New Rochelle city school district, one million four hundred ten thousand dollars ($1,410,000); to the Schenectady city school district, one million eight hundred thousand dollars ($1,800,000); to the Port Chester city school district, one million one hundred fifty thousand dollars ($1,150,000); to the White Plains city school district, nine hundred thousand dollars ($900,000); to the Niagara Falls city school district, six hundred thousand dollars ($600,000); to the Albany city school district, three million five hundred fifty thousand dollars ($3,550,000); to the Utica city school district, two million dollars ($2,000,000); to the Beacon city school district, five hundred sixty-six thousand dollars ($566,000); to the Middletown city school district, four hundred thousand dollars ($400,000); to the Freeport union free school district, four hundred thousand dollars ($400,000); to the Greenburgh central school district, three hundred thousand dollars ($300,000); to the Amsterdam city school district, eight hundred thousand dollars ($800,000); to the Peekskill city school district, two hundred thousand dollars ($200,000); and to the Hudson city school district, four hundred thousand dollars ($400,000).

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

ment of the instructional program and raising of standards in elementary and secondary schools of school districts having substantial concentrations of minority students. The commissioner of education shall not be authorized to withhold magnet grant funds from a school district that used such funds in accordance with this paragraph, notwithstanding any inconsistency with a request for proposals issued by such commissioner.

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

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

S 42. Severability. The provisions of this act shall be severable, and if the application of any clause, sentence, paragraph, subdivision, section or part of this act to any person or circumstance shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not necessarily affect, impair or invalidate the application of any such clause, sentence, paragraph, subdivision, section, part of this act or remainder thereof, as the case may be, to any other person or circumstance, 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.

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

1. Sections five and six of this act shall take effect immediately and shall be deemed to have been in full force and effect on and after July 1, 2010; provided, further, that the amendments to subdivision 1 of section 2856 of the education law made by section five of this act shall be subject to the expiration and reversion of such subdivision pursuant to section 27 of chapter 378 of the laws of 2007, as amended, when upon such date the provisions of section six of this act shall take effect;

2. Section nine of this act shall take effect July 1, 2014;

3. Sections one, eleven, twelve, thirteen, fourteen, fifteen, eighteen, nineteen, twenty, twenty-one, twenty-seven, twenty-eight, thirty-five and forty-one of this act shall take effect July 1, 2013;

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

5. The amendments to subdivision 10 of section 4410 of the education law, made by section twenty-three of this act shall take effect April 1, 2013 and shall first apply to the provision of services and programs pursuant to section 4410 of the education law in the 2013--2014 school year;

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

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

PART B

Section 1. Section 350 of the education law is amended by adding four new subdivisions 10, 11, 12 and 13 to read as follows:

10. "DORMITORY FACILITIES REVENUE FUND" MEANS THE FUND ESTABLISHED PURSUANT TO SECTION SIXTEEN HUNDRED EIGHTY-Q OF THE PUBLIC AUTHORITIES LAW.

11. "DORMITORY FACILITIES REVENUES" MEANS ALL MONEYS, INCLUDING RENTS, FEES AND CHARGES, DERIVED FROM THE USE OR OCCUPANCY OF DORMITORY FACILITIES.

12. "DORMITORY FACILITY" MEANS A DORMITORY, AS SUCH TERM IS DEFINED IN PARAGRAPH (A) OF SUBDIVISION TWO OF SECTION SIXTEEN HUNDRED SEVENTY-SIX OF THE PUBLIC AUTHORITIES LAW.

13. "DORMITORY FACILITY REVENUE BOND" MEANS ANY NOTE OR BOND OF THE DORMITORY AUTHORITY (I) ISSUED ON OR AFTER THE FIRST DAY OF APRIL, TWO THOUSAND THIRTEEN FOR THE PURPOSES OF FINANCING DORMITORY FACILITIES OR REFINANCING NOTES OR BONDS PREVIOUSLY ISSUED IN CONNECTION WITH DORMITORY FACILITIES, INCLUDING NOTES OR BONDS ISSUED TO PAY COSTS INCURRED IN CONNECTION WITH THE ISSUANCE OF SUCH NOTES OR BONDS, TO FUND ANY RESERVE FOR THE PAYMENT OF DEBT SERVICE ON SUCH BONDS OR NOTES, TO FUND ANY RESERVE ESTABLISHED FOR THE IMPROVEMENT, REPAIR, MAINTENANCE OR OPERATIONS OF DORMITORY FACILITIES, OR TO PAY OR PROVIDE FOR THE PAYMENT OF ANY NOTE OR BOND PREVIOUSLY ISSUED FOR ANY SUCH PURPOSE, AND (II) IS PAYABLE FROM MONEYS ON DEPOSIT IN THE DORMITORY FACILITIES REVENUE FUND AND IS NOT PAYABLE FROM ANY REVENUE OF THE STATE.

S 2. Subdivision 2 of section 355 of the education law is amended by adding a new paragraph y to read as follows:

Y. TO BETTER SECURE DORMITORY AUTHORITY BONDS ISSUED IN CONNECTION WITH DORMITORY FACILITIES, INCLUDING DORMITORY FACILITY REVENUE BONDS,

THE STATE UNIVERSITY OF NEW YORK IS HEREBY AUTHORIZED, IN ITS OWN NAME, TO ASSIGN OR OTHERWISE TRANSFER TO THE DORMITORY AUTHORITY ANY OR ALL OF THE STATE UNIVERSITY'S RIGHTS, TITLE AND INTEREST IN AND TO THE DORMITORY FACILITY REVENUES, AND TO ENTER INTO AGREEMENTS WITH THE DORMITORY AUTHORITY PURSUANT TO SUBDIVISION TWO OF SECTION SIXTEEN HUNDRED EIGHTY-Q OF THE PUBLIC AUTHORITIES LAW IN FURTHERANCE OF SUCH ASSIGNMENT OR TRANSFER. ANY ASSIGNMENT OR TRANSFER MADE PURSUANT TO THIS PARAGRAPH SHALL CONSTITUTE A TRUE SALE AND ABSOLUTE TRANSFER OF THE DORMITORY FACILITIES REVENUES. THE CHARACTERIZATION OF SUCH ASSIGNMENT OR TRANSFER SHALL NOT BE NEGATED OR ADVERSELY AFFECTED BY THE RETENTION BY THE STATE UNIVERSITY OF NEW YORK OF ANY OWNERSHIP INTEREST IN THE DORMITORY FACILITIES REVENUES OR OF ANY RESIDUAL RIGHT TO PAYMENT OF ANY DORMITORY FACILITY REVENUES REMAINING IN THE DORMITORY FACILITIES REVENUE FUND AFTER THE MONEYS THEREIN HAVE BEEN APPLIED IN ACCORDANCE WITH PARAGRAPH (B) OF SUBDIVISION THREE OF SECTION SIXTEEN HUNDRED EIGHTY-Q OF THE PUBLIC AUTHORITIES LAW. ALL RIGHTS, TITLE AND INTEREST IN AND TO ANY MONEYS PAID TO OR UPON THE ORDER OF THE STATE UNIVERSITY OF NEW YORK PURSUANT TO ANY AGREEMENT BY AND BETWEEN THE DORMITORY AUTHORITY AND THE STATE UNIVERSITY OF NEW YORK ENTERED INTO PURSUANT TO SUBDIVISION TWO OF SECTION SIXTEEN HUNDRED EIGHTY-Q OF THE PUBLIC AUTHORITIES LAW OR PURSUANT TO ANY AGREEMENT ENTERED INTO PURSUANT TO PARAGRAPH J OF SUBDIVISION TWO OF SECTION SIXTEEN HUNDRED EIGHTY OF THE PUBLIC AUTHORITIES LAW SHALL VEST IN THE STATE UNIVERSITY OF NEW YORK AND BE THE ABSOLUTE PROPERTY OF THE STATE UNIVERSITY OF NEW YORK, AND THE DORMITORY AUTHORITY SHALL NO LONGER HAVE ANY INTEREST IN SUCH MONEYS.

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

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

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

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

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

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

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

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

(E) "DORMITORY FACILITY REVENUE BOND" MEANS ANY NOTE OR BOND OF THE AUTHORITY (I) ISSUED ON OR AFTER THE FIRST DAY OF APRIL, TWO THOUSAND THIRTEEN FOR THE PURPOSES OF FINANCING DORMITORY FACILITIES OR REFINANCING NOTES OR BONDS ISSUED PREVIOUSLY IN CONNECTION WITH DORMITORY FACILITIES, INCLUDING NOTES OR BONDS ISSUED TO PAY COSTS INCURRED IN CONNECTION WITH THE ISSUANCE OF SUCH NOTES OR BONDS, TO FUND ANY RESERVE FOR THE PAYMENT OF DEBT SERVICE ON SUCH BONDS, TO FUND ANY RESERVE ESTABLISHED FOR THE IMPROVEMENT, REPAIR, MAINTENANCE OR OPERATIONS OF DORMITORY FACILITIES, OR TO PAY OR PROVIDE FOR THE PAYMENT OF ANY NOTE OR BOND PREVIOUSLY ISSUED FOR ANY SUCH PURPOSE, AND (II) IS PAYABLE FROM MONEYS ON DEPOSIT IN THE DORMITORY FACILITIES REVENUE FUND.

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

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

2. THE AUTHORITY MAY, FROM AND AFTER APRIL FIRST, TWO THOUSAND THIRTEEN, ISSUE DORMITORY FACILITY REVENUE BONDS IN AN AMOUNT NOT TO EXCEED NINE HUNDRED FORTY-FOUR MILLION DOLLARS. SUCH AMOUNT SHALL BE EXCLUSIVE OF BONDS AND NOTES ISSUED TO FUND ANY RESERVE FUND OR FUNDS, COST OF ISSUANCE, ORIGINAL ISSUE PREMIUM, AND TO REFUND ANY PRIOR DORMITORY FACILITY BONDS OR ANY DORMITORY FACILITY REVENUE BONDS. THE AUTHORITY AND THE STATE UNIVERSITY ARE HEREBY AUTHORIZED TO ENTER INTO AGREEMENTS RELATING TO, AMONG OTHER THINGS, THE ACQUISITION OF PROPERTY OR INTERESTS THEREIN, THE CONSTRUCTION, RECONSTRUCTION, REHABILITATION, IMPROVEMENT, EQUIPPING AND FURNISHING OF DORMITORY FACILITIES, THE OPERATION AND MAINTENANCE OF DORMITORY FACILITIES, AND THE BILLING, COLLECTION AND DISBURSEMENT OF DORMITORY FACILITIES REVENUES, THE TITLE TO WHICH HAS BEEN CONVEYED, ASSIGNED OR OTHERWISE TRANSFERRED TO THE AUTHORITY PURSUANT TO PARAGRAPH Y OF SUBDIVISION TWO OF SECTION THREE HUNDRED FIFTY-FIVE OF THE EDUCATION LAW. NO DEBT SHALL BE CONTRACTED EXCEPT TO FINANCE CAPITAL WORKS OR PURPOSES. NOTWITHSTANDING ANY OTHER PROVISION OF LAW, DORMITORY FACILITY REVENUES SHALL NOT BE DEEMED TO BE REVENUES OF THE STATE. THE STATE SHALL NOT BE LIABLE FOR ANY PAYMENTS ON ANY DORMITORY FACILITY REVENUE BONDS, AND SUCH BONDS SHALL NOT BE A DEBT OF THE STATE.

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

HELD IN THE FUND SHALL BE HELD SEPARATE AND APART FROM AND NOT COMMINGLED WITH ANY MONEYS OF THE STATE OR ANY OTHER MONEYS IN THE CUSTODY OF THE COMMISSIONER OF TAXATION AND FINANCE. ALL DEPOSITS OF MONEYS SHALL, IF REQUIRED BY THE COMMISSIONER OF TAXATION AND FINANCE, BE SECURED BY OBLIGATIONS OF THE UNITED STATES OF AMERICA OR OF THE STATE HAVING A MARKET VALUE EQUAL AT ALL TIMES TO THE AMOUNT OF SUCH DEPOSITS AND ALL BANKS AND TRUST COMPANIES ARE AUTHORIZED TO GIVE SECURITY FOR SUCH DEPOSITS. ANY MONEYS IN SUCH FUND MAY, IN THE DISCRETION OF THE COMMISSIONER OF TAXATION AND FINANCE, BE INVESTED IN OBLIGATIONS DESCRIBED IN SECTION NINETY-EIGHT OF THE STATE FINANCE LAW. THE COMMISSIONER OF TAXATION AND FINANCE SHALL CERTIFY TO THE AUTHORITY AND THE STATE UNIVERSITY NOT LATER THAN THE FIFTEENTH DAY OF EACH MONTH THE AMOUNT OF DORMITORY FACILITIES REVENUES DEPOSITED IN THE FUND DURING THE PRECEDING CALENDAR MONTH AND THE AMOUNT HELD IN THE FUND AS OF THE LAST DAY OF SUCH PRECEDING CALENDAR MONTH.

(B) DURING EACH TWELVE MONTH PERIOD COMMENCING JULY FIRST OF A CALENDAR YEAR AND ENDING ON JUNE THIRTIETH OF THE SUCCEEDING CALENDAR YEAR, THE COMMISSIONER OF TAXATION AND FINANCE SHALL PAY, WITHOUT APPROPRIATION, TO OR UPON THE ORDER OF THE AUTHORITY FROM THE MONEYS IN THE FUND THE AMOUNT CERTIFIED TO THE COMMISSIONER OF TAXATION AND FINANCE BY THE AUTHORITY PURSUANT TO PARAGRAPH (C) OF THIS SUBDIVISION. ANY MONEYS REMAINING IN THE FUND AFTER PAYMENT TO THE AUTHORITY OF THE AMOUNT SO CERTIFIED SHALL BE PAID BY THE COMMISSIONER OF TAXATION AND FINANCE IN ACCORDANCE WITH THE AGREEMENT. ALL RIGHTS, TITLE AND INTEREST IN AND TO ANY MONEYS PAID TO OR UPON THE ORDER OF THE STATE UNIVERSITY PURSUANT TO THE AGREEMENT SHALL VEST IN THE STATE UNIVERSITY AND BE THE ABSOLUTE PROPERTY OF THE STATE UNIVERSITY, AND THE AUTHORITY SHALL NO LONGER HAVE ANY INTEREST IN SUCH MONEYS.

(C) THE AUTHORITY SHALL, NOT LATER THAN BY THE FIRST DAY OF JUNE OF EACH CALENDAR YEAR, CERTIFY TO THE COMMISSIONER OF TAXATION AND FINANCE AND TO THE STATE UNIVERSITY: (I) THE AMOUNT OF THE RENTALS, INCLUDING THE AMOUNTS REQUIRED FOR PAYMENT OF THE PRINCIPAL OF, AND INTEREST ON PRIOR DORMITORY FACILITY BONDS REQUIRED TO BE MADE BY THE STATE UNIVERSITY TO THE AUTHORITY DURING THE TWELVE MONTH PERIOD COMMENCING ON THE SUCCEEDING JULY FIRST AND ENDING ON THE SUCCEEDING JUNE THIRTIETH PURSUANT TO THE AGREEMENT BETWEEN THE AUTHORITY AND THE STATE UNIVERSITY, DATED AS OF THE TWENTIETH DAY OF SEPTEMBER, NINETEEN HUNDRED NINETY-FIVE, AS AMENDED AND RESTATED; (II) THE AMOUNT REQUIRED TO MAINTAIN ANY RESERVES FOR THE REPAIR AND REPLACEMENT OF DORMITORY FACILITIES OR THE OPERATIONS AND MAINTENANCE OF DORMITORY FACILITIES IN CONNECTION WITH THE PRIOR DORMITORY FACILITY BONDS; (III) THE AMOUNT REQUIRED FOR PAYMENT OF THE PRINCIPAL OF, WHETHER AT MATURITY OR DUE THROUGH MANDATORY REDEMPTION, AND INTEREST ON DORMITORY FACILITY REVENUE BONDS PAYABLE ON JANUARY FIRST OF SUCH TWELVE MONTH PERIOD AND ON JULY FIRST NEXT SUCCEEDING SUCH TWELVE MONTH PERIOD; (IV) THE AMOUNT REQUIRED TO MAINTAIN ANY RESERVES FOR THE REPAIR AND REPLACEMENT OF DORMITORY FACILITIES OR THE OPERATIONS AND MAINTENANCE OF DORMITORY FACILITIES IN CONNECTION WITH THE DORMITORY FACILITY REVENUE BONDS; (V) THE AMOUNT REQUIRED TO RESTORE ANY RESERVE FOR THE PAYMENT OF DEBT SERVICE ON DORMITORY FACILITY REVENUE BONDS TO ITS REQUIREMENT; AND (VI) THE COSTS, EXPENSES AND OVERHEAD OF THE DORMITORY AUTHORITY TO BE INCURRED DURING SUCH TWELVE MONTH PERIOD IN CONNECTION WITH AND REASONABLY RELATED TO DORMITORY FACILITIES FINANCED THROUGH THE ISSUANCE OF DORMITORY FACILITY REVENUE BONDS. EACH SUCH AMOUNT SHALL BE SEPARATELY STATED AND IDENTIFIED IN SUCH CERTIFICATE. ANY SUCH CERTIFICATE SUBMITTED BY THE DORMITORY 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

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

S 3. Subclause (A) of clause (ii) of paragraph (j) 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 3 of part H of chapter 57 of the laws of 2012, is amended to read as follows:

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

S 4. Paragraph (b) of subdivision 7 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 matching capital grant program for independent colleges, as amended by section 4 of part H of chapter 57 of the laws of 2012, is amended to read as follows:

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

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

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

PART D

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

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

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

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

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

(III) ON OR BEFORE NOVEMBER FIRST OF EACH YEAR, THE STATE UNIVERSITY TRUSTEES AND THE CITY UNIVERSITY TRUSTEES SHALL EACH SUBMIT A REPORT TO THE DIRECTOR OF THE BUDGET FOR PURPOSES OF DETERMINING AMOUNTS PAYABLE TO COMMUNITY COLLEGES. SUCH REPORT SHALL INCLUDE AN ACCOUNTING OF AIDABLE COLLEGE ENROLLMENT AS DETERMINED IN ACCORDANCE WITH THIS PARAGRAPH FOR PROGRAMS THAT CONFER CREDIT-BEARING CERTIFICATES, ASSOCIATE OF OCCUPATIONAL STUDIES DEGREES, OR ASSOCIATE OF APPLIED SCIENCE DEGREES, IN SUCH A FORM AND MANNER AS THE DIRECTOR OF THE BUDGET MAY REQUIRE TO VERIFY COMPLIANCE WITH SUBPARAGRAPHS (I) AND (II) OF THIS PARAGRAPH AND APPROVE OR DENY PAYMENT FOR SUCH PROGRAMS THEREOF; AND PROVIDED FURTHER THAT, PRIOR TO SUBMITTING SUCH REPORTS, THE CHANCELLOR OF THE STATE UNIVERSITY OF NEW YORK AND THE CHANCELLOR OF THE CITY UNIVERSITY OF NEW YORK SHALL ASSIST THE DIRECTOR OF THE BUDGET IN AN EVALUATION OF WHETHER THERE ARE ADDITIONAL WORKFORCE AND VOCATIONAL PROGRAMS THAT SHALL BE CONSIDERED IN FUTURE YEARS FOR THE PURPOSE OF MAKING NECESSARY CALCULATIONS PURSUANT TO THIS PARAGRAPH AND PARAGRAPH B-2 OF THIS SECTION.

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

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

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

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

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

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

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

S 2. This act shall take effect immediately.

PART E

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

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

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

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

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

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

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

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

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

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

(c) On and after January first, two thousand [twelve] THIRTEEN, (i) for an eligible individual receiving family care, [$964.48] $976.48 if he or she is receiving such care in the city of New York or the county of Nassau, Suffolk, Westchester or Rockland; and (ii) for an eligible couple receiving family care in the city of New York or the county of Nassau, Suffolk, Westchester or Rockland, two times the amount set forth in subparagraph (i) of this paragraph; or (iii) for an eligible individual receiving such care in any other county in the state, [$926.48] $938.48; and (iv) for an eligible couple receiving such care in any other county in the state, two times the amount set forth in subparagraph (iii) of this paragraph.

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

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

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

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

PART F

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

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

ARTICLE 28

HOMELESS HOUSING AND ASSISTANCE PROGRAM

SECTION 1223. LEGISLATIVE FINDINGS AND PURPOSE.
1224. DEFINITIONS.
1225. HOMELESS HOUSING AND ASSISTANCE CONTRACTS.
1226. GENERAL AND ADMINISTRATIVE PROVISIONS.

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

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

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

2. "HOMELESS PROJECT" SHALL MEAN A SPECIFIC FACILITY, INCLUDING LANDS, BUILDINGS AND IMPROVEMENTS ACQUIRED, CONSTRUCTED, RENOVATED OR REHABILITATED AND OPERATED BY A NOT-FOR-PROFIT CORPORATION, CHARITABLE ORGANIZATION, WHOLLY OWNED SUBSIDIARY OF A NOT-FOR-PROFIT CORPORATION OR OF A CHARITABLE ORGANIZATION, PUBLIC CORPORATION OR A MUNICIPALITY TO INCREASE THE AVAILABILITY OF HOUSING FOR HOMELESS PERSONS, WHICH (A) MAY INCLUDE FACILITIES FOR ASSOCIATED SERVICES SUCH AS BUT NOT LIMITED TO DINING, RECREATIONAL, SANITARY, SOCIAL, MEDICAL AND MENTAL HEALTH SERVICES AS MAY BE DEEMED BY THE CORPORATION TO BE ESSENTIAL TO SUCH A PROJECT; AND (B) MUST PROVIDE DIRECTLY OR ARRANGE INDIRECTLY SUPPORTIVE SERVICES, AS DEEMED BY THE CORPORATION TO BE APPROPRIATE TO THE POPULATION TO BE HOUSED AND ESSENTIAL TO SUCH A PROJECT.

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

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

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

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

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

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

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

2. SUBJECT TO THE APPROVAL OF THE DIRECTOR OF THE BUDGET, THE CORPORATION IS AUTHORIZED TO ENTER INTO CONTRACTS WITH NOT-FOR-PROFIT CORPORATIONS OR SUBSIDIARIES THEREOF, PUBLIC CORPORATIONS OR CHARITABLE ORGANIZATIONS OR SUBSIDIARIES THEREOF TO PROVIDE STATE FINANCIAL ASSISTANCE FOR THE PROJECT COSTS ATTRIBUTABLE TO THE ESTABLISHMENT OF HOMELESS PROJECTS.

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

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

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

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

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

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

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

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

(G) A RENT OR OTHER REVENUE STRUCTURE THAT IS AFFORDABLE TO THE POPULATION TO BE HOUSED.

5. THE CORPORATION MAY USE UP TO TWO PERCENT OF THE APPROPRIATION FOR ANY FISCAL YEAR TO PAY FOR TECHNICAL ASSISTANCE IN SUPPORT OF PROJECT DEVELOPMENT AND OPERATION. TECHNICAL ASSISTANCE MAY INCLUDE ASSISTANCE WITH GENERAL PROJECT DEVELOPMENT AND OPERATION, SUPPORT SERVICES DEVELOPMENT, 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

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

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

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

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

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

4. THE CORPORATION SHALL PROVIDE FOR THE REVIEW, AT PERIODIC INTERVALS, OF THE PERFORMANCE OF THE MUNICIPALITIES, NOT-FOR-PROFIT CORPORATIONS OR SUBSIDIARIES THEREOF, PUBLIC CORPORATIONS AND CHARITABLE ORGANIZATIONS OR SUBSIDIARIES THEREOF RECEIVING FINANCIAL ASSISTANCE PURSUANT TO THIS ARTICLE. SUCH REVIEW SHALL, AMONG OTHER THINGS, BE FOR

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

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

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

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

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

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

3. The membership of such subsidiary corporation shall consist of the commissioner of [social services] THE STATE DIVISION OF HOUSING AND COMMUNITY RENEWAL, who shall also serve as its chairperson, the chairperson of the agency, THE COMMISSIONER OF THE OFFICE OF TEMPORARY AND DISABILITY ASSISTANCE, THE COMMISSIONER OF THE OFFICE OF MENTAL HEALTH and [one additional member to be appointed by the chairperson of the homeless housing and assistance corporation, who shall serve at the pleasure of such chairperson] THE COMMISSIONER OF THE OFFICE OF ALCOHOLISM AND SUBSTANCE ABUSE SERVICES. The powers of the corporation shall be vested in and exercised by no less than [two] THREE of the members thereof then in office. The corporation may delegate to one or more of its members, or its officers, agents and employees, such duties and powers as it may deem proper.

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

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

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

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

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

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

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

PART G

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

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

5. "Youth DEVELOPMENT program" shall mean a ["youth bureau," "recreation project" or "youth service" project established under prior

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

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

1. A. (1) EACH MUNICIPALITY OPERATING A YOUTH DEVELOPMENT PROGRAM APPROVED BY THE OFFICE OF CHILDREN AND FAMILY SERVICES SHALL BE ELIGIBLE FOR ONE HUNDRED PERCENT STATE REIMBURSEMENT OF ITS QUALIFIED EXPENDITURES, SUBJECT TO AVAILABLE APPROPRIATIONS AND EXCLUSIVE OF ANY FEDERAL FUNDS MADE AVAILABLE THEREFOR, NOT TO EXCEED THE MUNICIPALITY'S DISTRIBUTION OF STATE AID UNDER THIS ARTICLE.

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

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

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

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

(1) SUCH COMPREHENSIVE PLAN SHALL:

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

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

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

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

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

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

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

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

2. Runaway and homeless youth plan; state aid.

a. A [county] MUNICIPALITY may submit to the [commissioner] OFFICE OF CHILDREN AND FAMILY SERVICES a plan for the providing of services for runaway and homeless youth, as defined in article nineteen-H of this chapter. Where such [county] MUNICIPALITY is receiving state aid pursuant to paragraph a of subdivision one of this section, such runaway and homeless youth plan shall be submitted as part of the comprehensive [county] plan and shall be consistent with the goals and objectives therein. A runaway and homeless youth plan shall be developed in consultation with the county youth bureau and the county or city department of social services, shall be in accordance with the regulations of the [commissioner] OFFICE OF CHILDREN AND FAMILY SERVICES, shall provide for a coordinated range of services for runaway and homeless youth and their families including preventive, temporary shelter, transportation, counseling, and other necessary assistance, and shall provide for the coordination of all available county resources for runaway and homeless youth and their families including services available through the county youth bureau, the county or city department of social services, local boards of education, local drug and alcohol programs and organizations or programs which have past experience dealing with runaway and homeless youth. Such plan may include provisions for transitional independent living support programs for homeless youth between the ages of sixteen and twenty-one as provided in article nineteen-H of this chapter. Such plan shall also provide for the designation and duties of the runaway and homeless youth service coordinator defined in section five hundred thirty-two-a of this chapter who is available on a twenty-four hour basis and maintains information concerning available shelter space, transportation and services. Such plan may include provision for the per diem reimbursement for residential care of runaway and homeless youth in approved runaway programs which are authorized agencies, provided that

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(a) Notwithstanding any other provision of law, the office of children and family services shall plan for the statewide implementation, by the thirty-first day of December, two thousand eight, of the use by counties of a child and family services plan that combines the multi-year consolidated services plan required by this section and the [county] comprehensive plan required by section four hundred twenty of the executive law into a single plan.

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

PART H

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

SUBPART A

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(iv) the respondent may not be released from a secure facility or transferred to a facility other than a secure facility during the period provided by the court pursuant to subparagraph (ii) of this paragraph, nor may the respondent be released from a residential facility during the period provided by the court pursuant to subparagraph (iii) of this paragraph. No home visits shall be permitted during the period of secure confinement set by the court order or one year, whichever is less, except for emergency visits for medical treatment or severe illness or death in the family. All home visits must be accompanied home visits: (A) while a youth is confined in a secure facility, whether such confinement is pursuant to a court order or otherwise; (B) while a youth is confined in a residential facility other than a secure facility within six months after confinement in a secure facility; and (C) while a youth is confined in a residential facility other than a secure facility in excess of six months after confinement in a secure facility unless two accompanied home visits have already occurred. An "accompanied home visit" shall mean a home visit during which the youth shall be accompanied at all times while outside the secure or residential facility by appropriate personnel of the office of children and family services or, if applicable, a social services district [operating an approved juvenile justice close to home initiative pursuant to section four hundred four of the social services law].

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(d) the amendments to subparagraphs (iii) and (iv) of paragraph (a) of subdivision 5 of section 353.5 of the family court act made by section fourteen of this act shall not affect the expiration of such subdivision 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:

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

7. to make information and evidence relating to suspected criminal acts which he or she may obtain in carrying out his or her duties available to appropriate law enforcement officials and to consult with the deputy attorney general for Medicaid fraud control[, the welfare inspector general,] and other state and federal law enforcement officials for coordination of criminal investigations and prosecutions.

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

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

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

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

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

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

S 8. Transfer of employees. Notwithstanding any other provision of law, rule, or regulation to the contrary, upon the transfer of functions from the office of the welfare inspector general to the office of the state inspector general pursuant to this act, all employees of the office of the welfare inspector general shall be transferred to the office of the state inspector general. Employees transferred pursuant to this act shall be transferred without further examination or qualification and shall retain their respective civil service classifications, status and collective bargaining unit designations and collective bargaining agreements.

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

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

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

S 12. Continuation of rules and regulations. All rules, regulations, acts, orders, determinations, and decisions of the office of the welfare inspector general pertaining to the functions and powers herein transferred and assigned, in force at the time of such transfer and assumption, shall continue in full force and effect as rules, regulations, acts, orders, determinations and decisions of the office of the state inspector general until duly modified or abrogated by the state inspector general.

S 13. Terms occurring in laws, contracts and other documents. Whenever the office of the welfare inspector general or the welfare inspector general is referred to or designated in any law, contract or document pertaining to the functions, powers, obligations and duties hereby transferred to and assigned to the office of the state inspector general or the state inspector general, such reference or designation shall be deemed to refer to the office of the state inspector general or the state inspector general, as applicable.

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

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

S 16. Transfer of appropriations heretofore made. All appropriations or reappropriations heretofore made to the office of the welfare inspector general to the extent of remaining unexpended or unencumbered balance thereof, whether allocated or unallocated and whether obligated or unobligated, are hereby transferred to and made available for use and expenditure by the office of the state inspector general subject to the approval of the director of the budget for the same purposes for which originally appropriated or reappropriated and shall be payable on vouchers certified or approved by the state inspector general on audit and warrant of the comptroller.

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

S 18. This act shall take effect immediately.

PART J

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

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

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

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

income eligibility of one or more participants in the income verification program, the assessor shall mail that person or those persons a notice in a form prescribed by the department requesting that the person or persons document their income in the same manner and to the same extent as if the person or persons were submitting an initial application for the enhanced STAR exemption. If such income documentation is not provided within forty-five days of such request, or if the documentation provided does not establish the eligibility of the person or persons to the assessor's satisfaction, the assessor shall treat the exemption as an improperly granted exemption and proceed in the manner provided by this subdivision.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

PART K

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

S 2. The private housing finance law is amended by adding a new article 27 to read as follows:

ARTICLE XXVII
COMMUNITY PRESERVATION PROGRAM

SECTION 1230. PURPOSE.
1231. DEFINITIONS.
1232. PROGRAM CONTRACTS.
1233. TECHNICAL SERVICES AND ASSISTANCE TO COMMUNITY PRESERVATION CORPORATIONS.
1234. RULES AND REGULATIONS.
1235. ANNUAL REPORT.
1236. RELATIONSHIP TO OTHER LAWS.

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

S 1231. DEFINITIONS. AS USED IN THIS ARTICLE:

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

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

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

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

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

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

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

7. "MERGED CORPORATION" SHALL MEAN A COMMUNITY PRESERVATION CORPORATION MAINTAINING A CONTRACT PURSUANT TO THIS ARTICLE THAT HAS UNDERGONE A MERGER WITH ONE OR MORE OTHER COMMUNITY PRESERVATION CORPORATIONS, WHICH IS ALSO MAINTAINING A CONTRACT PURSUANT TO THIS ARTICLE, THAT HAS LED THE MERGED CORPORATION TO REDUCE THE NUMBER OF CONTRACTS BEING MAINTAINED WITH THE HOUSING TRUST FUND CORPORATION PURSUANT TO THIS ARTICLE TO A TOTAL OF ONE.

8. "UNMERGED CORPORATION" SHALL MEAN A COMMUNITY PRESERVATION CORPORATION THAT IS NOT A MERGED CORPORATION.

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

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

3. IN DETERMINING TO ENTER INTO A CONTRACT WITH A COMMUNITY PRESERVATION CORPORATION OR CORPORATIONS PURSUANT TO THIS ARTICLE THE HOUSING TRUST FUND CORPORATION SHALL DETERMINE THAT THE DEMOGRAPHIC AND OTHER RELEVANT DATA PERTAINING TO A REGION AS SPECIFIED IN THE CONTRACT INDICATE THAT SUCH REGION CONTAINS SIGNIFICANT UNMET HOUSING NEEDS OF PERSONS OF LOW INCOME, THAT THE HOUSING STOCK OF SUCH REGION, BECAUSE OF ITS AGE, DETERIORATION, OR OTHER FACTORS, REQUIRES IMPROVEMENT IN ORDER

TO PRESERVE THE COMMUNITIES WITHIN THE REGION AND THAT THE CORPORATION PROPOSES TO ASSIST SUCH REGION THROUGH ACTIVE INTERVENTION TO EFFECT THE REGION'S PRESERVATION, STABILIZATION OR IMPROVEMENT. THE HOUSING TRUST FUND CORPORATION SHALL ALSO DETERMINE THAT THE COMMUNITY PRESERVATION CORPORATION POSSESSES OR WILL ACQUIRE OR GAIN ACCESS TO THE REQUISITE STAFF, OFFICE FACILITIES WITHIN SUCH COMMUNITY, EQUIPMENT AND EXPERTISE TO ENABLE IT TO PERFORM THE ACTIVITIES WHICH IT PROPOSES TO UNDERTAKE PURSUANT TO SUCH CONTRACT; PROVIDED, HOWEVER, THAT THE MERGED CORPORATION'S OFFICE FACILITIES MAY BE LOCATED OUTSIDE SUCH COMMUNITY IF THEY ARE LOCATED IN A COMMUNITY WHOLLY CONTAINED WITHIN THE MERGED CORPORATION'S COMMUNITY, AND PROVIDED FURTHER, HOWEVER, THAT IT SHALL NOT BE A BAR TO THE HOUSING TRUST FUND CORPORATION'S CONTRACTING WITH A COMMUNITY PRESERVATION CORPORATION THAT ONE OR MORE ORGANIZATIONS, WHETHER PURSUANT TO CONTRACT WITH THE HOUSING TRUST FUND CORPORATION OR NOT, ARE CONDUCTING COMMUNITY PRESERVATION ACTIVITIES WHOLLY OR PARTIALLY WITHIN THE SAME COMMUNITY. THE COMMUNITY PRESERVATION CORPORATION'S OFFICERS, DIRECTORS AND MEMBERS SHALL BE FAIRLY REPRESENTATIVE OF THE RESIDENTS AND OTHER LEGITIMATE INTERESTS OF THE COMMUNITY, THAT THEY WILL CARRY OUT SUCH A CONTRACT IN A RESPONSIBLE MANNER AND THAT AT LEAST THIRTY-THREE PERCENT OF THE DIRECTORS OF THE COMMUNITY PRESERVATION CORPORATION ARE RESIDENTS OF THE COMMUNITY.

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

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

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

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

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

9. IF FUNDS ARE NOT COLLECTED BY A COMMUNITY PRESERVATION CORPORATION OR FUNDS ARE REMAINING FROM A TERMINATED COMMUNITY PRESERVATION CONTRACT, SUCH FUNDS MAY BE DEPOSITED IN THE MERGED CORPORATION SAVINGS FUND AND USED TO FUND A NEW COMMUNITY PRESERVATION CORPORATION, MAY BE 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%

13	280%
14	270%
15	260%
16	250%

(C) IF A COMMUNITY PRESERVATION CORPORATION THAT HAS UNDERGONE A MERGER CONTINUES TO RENEW THEIR CONTRACT BEYOND THE TIMEFRAMES LISTED IN THE ABOVE TABLES, IT SHALL HAVE ITS FUNDING DETERMINED USING THE LAST FUNDING MODIFICATION LISTED.

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

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

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

S 1233. TECHNICAL SERVICES AND ASSISTANCE TO COMMUNITY PRESERVATION CORPORATIONS. THE HOUSING TRUST FUND CORPORATION IS HEREBY AUTHORIZED TO RENDER TO COMMUNITY PRESERVATION CORPORATIONS SUCH TECHNICAL SERVICES AND ASSISTANCE AS IT MAY POSSESS OR AS MAY BE AVAILABLE TO IT TO ENABLE SUCH CORPORATIONS TO COMPLY WITH THE INTENT AND PROVISIONS OF THIS ARTICLE. THE HOUSING TRUST FUND CORPORATION IS FURTHER AUTHORIZED TO TAKE ALL STEPS NECESSARY TO ENCOURAGE THE FORMATION, ORGANIZATION AND GROWTH OF NEW COMMUNITY PRESERVATION CORPORATIONS. THE HOUSING TRUST FUND CORPORATION MAY ALSO CONTRACT WITH MUNICIPAL AND OTHER PUBLIC AGENCIES AND WITH PRIVATE PERSONS, FIRMS AND CORPORATIONS FOR THE PROVISION OF SUCH TECHNICAL SERVICES AND ASSISTANCE WHICH MAY INCLUDE: PREPARATION AND SUBMISSION OF PROPOSALS FOR ENTERING INTO CONTRACTS WITH THE HOUSING TRUST FUND CORPORATION; PREPARATION AND SUBMISSION OF REPORTS REQUIRED UNDER SUCH CONTRACTS OR REGULATIONS ISSUED BY THE HOUSING TRUST FUND CORPORATION; INTERNAL ORGANIZATION AND MANAGEMENT OF THE COMMUNITY PRESERVATION CORPORATIONS; RECRUITMENT AND TRAINING OF PERSONNEL OF THE COMMUNITY PRESERVATION CORPORATIONS; PREPARATION OF PLANS AND PROJECTS, NEGOTIATION OF AGREEMENTS AND COMPLIANCE WITH REQUIREMENTS OF PROGRAMS IN WHICH COMMUNITY PRESERVATION CORPORATIONS MAY BECOME ENGAGED IN THE COURSE OF THEIR COMMUNITY PRESERVATION ACTIVITIES; AND OTHER TECHNICAL ADVICE OR ASSISTANCE RELATING TO THE PERFORMANCE OR RENDITION OF COMMUNITY PRESERVATION ACTIVITIES.

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

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

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

S 1236. RELATIONSHIP TO OTHER LAWS. NOTHING IN THIS ARTICLE SHALL BE DEEMED TO DENY OR LIMIT THE RIGHT OF ANY CORPORATION TO SEEK OR RECEIVE ASSISTANCE UNDER, OR OTHERWISE PARTICIPATE IN, ANY OTHER PROGRAM PURSUANT TO THIS CHAPTER, OR ANY OTHER GOVERNMENTAL PROGRAM RELATING TO HOUSING OR COMMUNITY RENEWAL. NOTHING IN THIS ARTICLE SHALL BE DEEMED TO DENY OR LIMIT THE RIGHT OF ANY CORPORATION TO CARRY OUT ANY PROGRAM OR SERVICE THROUGH A SUBSIDIARY CORPORATION OR OTHER INSTRUMENTALITY.

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

5. "Neighborhood" shall mean an area within the municipality identified by recognized or established boundaries consistent with a determination of neighborhood eligibility under article [sixteen] TWENTY-SEVEN of this chapter.

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

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

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

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

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

S 1052. Definitions. As used in this article:

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

(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.

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

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

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

4. Moneys in such fund may be invested (a) in special time deposit accounts in, or certificates of deposit issued by, a bank, trust company, savings bank or savings and loan association located and authorized to do business in this state, provided, however, that such time deposit account or certificate of deposit shall be payable within such time as the proceeds may be needed to meet expenditures estimated to be incurred by the agency and provided further that such time deposit account or certificate of deposit be secured by a pledge of obligations of the United States of America or obligations of the state, any city of the state, or other municipal corporation, school district or district corporation of the state or obligations of agencies of the federal government; or (b) in obligations of the United States of America or the state which may from time to time be legally purchased by savings banks within the state as an investment of funds belonging to them or in their control, or in obligations of the Federal National Mortgage Association, OR IN GOVERNMENT NATIONAL MORTGAGE ASSOCIATION, FEDERAL NATIONAL MORTGAGE ASSOCIATION, AND THE FEDERAL HOME LOAN MORTGAGE CORPORATION MORTGAGE BACKED SECURITIES, OR IN FHA INSURED LOANS ORIGINATED BY THE NEW YORK STATE HOUSING FINANCE AGENCY OR IN OBLIGATIONS OF PUBLIC AUTHORITIES CREATED UNDER STATE LAW, provided such obligations shall be payable or redeemable at the option of the owner within such times as the proceeds may be needed to meet expenditures estimated to be incurred by the agency.

S 5. Subdivision 8 of section 44 of the private housing finance 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 6. Section 42 of the private housing finance law is amended by adding two new subdivisions 26 and 27 to read as follows:

26. "INVESTMENT SECURITIES" SHALL MEAN, 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.

27. "ANCILLARY BOND FACILITY" SHALL MEAN 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.

S 7. This act shall take effect immediately.

PART M

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

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

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

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

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

S 5. This act shall take effect immediately.

PART N

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

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

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

S 3. This act shall take effect immediately.

PART O

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

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

THAT EXCEEDS

JANUARY 2014	$10,300
JANUARY 2015	$10,500
JANUARY 2016	$10,700
JANUARY 2017	$10,900
JANUARY 2018	$11,100
JANUARY 2019	$11,400
JANUARY 2020	$11,600
JANUARY 2021	$11,800
JANUARY 2022	$12,000
JANUARY 2023	$12,300
JANUARY 2024	$12,500
JANUARY 2025	$12,800
JANUARY 2026	$13,000

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

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

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

(a) An individual who is unable to file a valid original claim in accordance with subdivision one of this section, files a valid original claim by meeting the qualifications enumerated in paragraphs (a), (b) and (c) of subdivision one of this section and by having been paid remuneration by employers liable for contributions or for payments in lieu of contributions under this article, other than employers from whom the claimant lost employment under conditions which [are] WOULD BE disqualifying pursuant to subdivision three of section five hundred ninety-three of this article, for employment during at least two calen-

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

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

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

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

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

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

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

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

(b) two years after the last day of the calendar year in which such determination of liability for contributions became final and irrevocable.

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

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

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

(3) An employer's account shall not be charged, and the charges shall instead be made to the general account, for benefits paid to a claimant after the expiration of a period of disqualification from benefits following a final determination that the claimant lost employment with the employer through misconduct or voluntary separation of employment without good cause within the meaning of section five hundred ninety-three of this article and the charges are attributable to remuneration paid during the claimant's base period of employment with such employer prior to the claimant's loss of employment with such employer through misconduct or voluntary separation of employment without good cause, PROVIDED, HOWEVER, THAT AN EMPLOYER SHALL NOT BE RELIEVED OF CHARGES PURSUANT TO THIS SUBPARAGRAPH IF AN EMPLOYER OR ITS AGENT FAILS TO SUBMIT INFORMATION RESULTING IN AN OVERPAYMENT PURSUANT TO SECTION FIVE 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% but less than 0.5%	0.5% but less than 1.0%	1.0% but less than 1.5%	1.5% but less than 2.0%	2.0% but less than 2.5%	2.5% but less than 3.0%	3.0% but less than 3.5%	3.5% but less than 4.0%	4.0% but less than 4.5%	4.5% but less than 5.0%	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

17.0% or more but less 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
16.5% or more but less 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
16.0% or more but less 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
15.5% or more but less 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
15.0% or more but less 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
14.5% or more but less 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
14.0% or more but less 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
13.5% or more but less 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
13.0% or more but less 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
12.5% or more but less 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
12.0% or more but less 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
11.5% or more but less 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
11.0% or more but less 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
10.5% or more but less 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

10.0% or more but less 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
9.5% or more but less 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
9.0% or more but less 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
8.5% or more but less 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
8.0% or more but less 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
7.0% or more but less 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
6.0% or more but less 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
5.0% or more but less 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
4.0% or more but less 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
3.0% or more but less 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
2.0% or more but less 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
1.0% or more but less 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
Less 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

Positive

Less 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
1.0%												

or more but less than 2.0%	4.00	3.80	3.60	3.40	3.20	2.80	2.40	2.00	1.80	1.70	1.60	1.50
2.0% or more but less than 3.0%	3.90	3.70	3.50	3.30	3.10	2.70	2.30	1.90	1.70	1.60	1.50	1.40
3.0% or more but less than 4.0%	3.80	3.60	3.40	3.20	3.00	2.60	2.20	1.80	1.60	1.50	1.40	1.30
4.0% or more but less than 5.0%	3.70	3.50	3.30	3.10	2.90	2.50	2.10	1.70	1.50	1.40	1.30	1.20
5.0% or more but less than 5.5%	3.60	3.40	3.20	3.00	2.80	2.40	2.00	1.60	1.40	1.30	1.20	1.10
5.5% or more but less than 5.75%	3.50	3.30	3.10	2.90	2.70	2.30	1.90	1.50	1.30	1.20	1.10	1.00
5.75% or more but less than 6.0%	3.40	3.20	3.00	2.80	2.60	2.20	1.80	1.40	1.20	1.10	1.00	0.90
6.0% or more but less than 6.25%	3.30	3.10	2.90	2.70	2.50	2.10	1.70	1.30	1.10	1.00	0.90	0.80
6.25% or more but less than 6.5%	3.20	3.00	2.80	2.60	2.40	2.00	1.60	1.20	1.00	0.90	0.80	0.70
6.5% or more but less than 6.75%	3.10	2.90	2.70	2.50	2.30	1.90	1.50	1.10	0.90	0.80	0.70	0.60
6.75% or more but less than 7.0%	3.00	2.80	2.60	2.40	2.20	1.80	1.40	1.00	0.80	0.70	0.60	0.50
7.0% or more but less than 7.25%	2.90	2.70	2.50	2.30	2.10	1.70	1.30	0.90	0.70	0.60	0.50	0.40
7.25% or more but less than 7.5%	2.80	2.60	2.40	2.20	2.00	1.60	1.20	0.80	0.60	0.50	0.40	0.30
7.5% or more but less than 7.75%	2.70	2.50	2.30	2.10	1.90	1.50	1.10	0.70	0.50	0.40	0.30	0.20
7.75%												

or more but less 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
8.0% or more but less than 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
8.25% or more but less 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
8.5% or more but less than 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
8.75% or more but less 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
9.0% or more but less than 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
9.25% or more but less 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
9.5% or more but less than 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
9.75% or more but less than 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
10.0% or more but less than 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
10.25% or more but less than 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
10.5% or more [but less than 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
[10.75% or more but less than 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
11.0% or more but less than 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
11.25%												

or more but less than 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
11.5% or more but less than 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
11.75% or more but less than 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
12.0% or 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]

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

5. Benefit rate. (A) A claimant's weekly benefit amount shall be one twenty-sixth of the remuneration paid during the highest calendar quarter of the base period by employers, liable for contributions or payments in lieu of contributions under this article, PROVIDED THE CLAIMANT HAS REMUNERATION PAID IN ALL FOUR CALENDAR QUARTERS DURING HIS OR HER BASE PERIOD OR ALTERNATE BASE PERIOD. However, for [claimants] ANY CLAIMANT WHO HAS REMUNERATION PAID IN ALL FOUR CALENDAR QUARTERS DURING HIS OR HER BASE PERIOD OR ALTERNATE BASE PERIOD AND whose high calendar quarter remuneration during the base period is three thousand five hundred seventy-five dollars or less, the benefit amount shall be one twenty-fifth of the remuneration paid during the highest calendar quarter of the base period by employers liable for contributions or payments in lieu of contributions under this article. A CLAIMANT'S WEEKLY BENEFIT SHALL BE ONE TWENTY-SIXTH OF THE AVERAGE REMUNERATION PAID IN THE TWO HIGHEST QUARTERS PAID DURING THE BASE PERIOD OR ALTERNATE BASE PERIOD BY EMPLOYERS LIABLE FOR CONTRIBUTIONS OR PAYMENTS IN LIEU OF CONTRIBUTIONS UNDER THIS ARTICLE WHEN THE CLAIMANT HAS REMUNERATION PAID IN TWO OR THREE CALENDAR QUARTERS. HOWEVER, FOR ANY CLAIMANT WHO HAS REMUNERATION PAID IN TWO OR THREE CALENDAR QUARTERS DURING HIS OR HER BASE PERIOD OR ALTERNATE BASE PERIOD AND WHOSE HIGH CALENDAR QUARTER REMUNERATION DURING THE BASE PERIOD IS THREE THOUSAND FIVE HUNDRED SEVENTY-FIVE DOLLARS OR LESS, THE BENEFIT AMOUNT SHALL BE ONE TWENTY-FIFTH OF THE REMUNERATION PAID DURING THE HIGHEST CALENDAR QUARTER OF THE BASE PERIOD BY EMPLOYERS LIABLE FOR CONTRIBUTIONS OR PAYMENTS IN LIEU OF CONTRIBUTIONS UNDER THIS ARTICLE. Any claimant whose high calendar quarter remuneration during the base period is more than three thousand five hundred seventy-five dollars shall not have a weekly benefit amount less than one hundred forty-three dollars. The weekly benefit amount, so computed, that is not a multiple of one dollar shall be lowered to the next multiple of one dollar. On the first Monday of September, nineteen hundred ninety-eight the weekly benefit amount shall not exceed three hundred sixty-five dollars nor be less than forty dollars, until the first Monday of September, two thousand, at which time the maximum benefit payable pursuant to this subdivision shall equal one-half of the state average weekly wage for covered employment as calculated by the department no sooner than July first, two thousand and no later than August first, two thousand, rounded down to the lowest dollar. ON AND AFTER THE FIRST MONDAY OF OCTOBER, TWO THOUSAND FOURTEEN, THE WEEKLY BENEFIT SHALL NOT BE LESS THAN ONE HUNDRED DOLLARS, NOR SHALL IT EXCEED FOUR HUNDRED TWENTY DOLLARS UNTIL THE FIRST MONDAY OF OCTOBER, TWO THOUSAND FIFTEEN WHEN THE MAXIMUM BENEFIT AMOUNT SHALL BE FOUR

HUNDRED TWENTY-FIVE DOLLARS, UNTIL THE FIRST MONDAY OF OCTOBER, TWO THOUSAND SIXTEEN WHEN THE MAXIMUM BENEFIT AMOUNT SHALL BE FOUR HUNDRED THIRTY DOLLARS, UNTIL THE FIRST MONDAY OF OCTOBER, TWO THOUSAND SEVENTEEN WHEN THE MAXIMUM BENEFIT AMOUNT SHALL BE FOUR HUNDRED THIRTY-FIVE DOLLARS, UNTIL THE FIRST MONDAY OF OCTOBER, TWO THOUSAND EIGHTEEN WHEN THE MAXIMUM BENEFIT AMOUNT SHALL BE FOUR HUNDRED FIFTY DOLLARS, UNTIL THE FIRST MONDAY OF OCTOBER, TWO THOUSAND NINETEEN WHEN THE MAXIMUM BENEFIT AMOUNT SHALL BE THIRTY-SIX PERCENT OF THE AVERAGE WEEKLY WAGE UNTIL THE FIRST MONDAY OF OCTOBER, TWO THOUSAND TWENTY WHEN THE MAXIMUM BENEFIT AMOUNT SHALL BE THIRTY-EIGHT PERCENT OF THE AVERAGE WEEKLY WAGE, UNTIL THE FIRST MONDAY OF OCTOBER TWO THOUSAND TWENTY-ONE WHEN THE MAXIMUM BENEFIT AMOUNT SHALL BE FORTY PERCENT OF THE AVERAGE WEEKLY WAGE, UNTIL THE FIRST MONDAY OF OCTOBER, TWO THOUSAND TWENTY-TWO WHEN THE MAXIMUM BENEFIT AMOUNT SHALL BE FORTY-TWO PERCENT OF THE AVERAGE WEEKLY WAGE, UNTIL THE FIRST MONDAY OF OCTOBER, TWO THOUSAND TWENTY-THREE WHEN THE MAXIMUM BENEFIT AMOUNT SHALL BE FORTY-FOUR PERCENT OF THE AVERAGE WEEKLY WAGE, UNTIL THE FIRST MONDAY OF OCTOBER, TWO THOUSAND TWENTY-FOUR WHEN THE MAXIMUM BENEFIT AMOUNT SHALL BE FORTY-SIX PERCENT OF THE AVERAGE WEEKLY WAGE, UNTIL THE FIRST MONDAY OF OCTOBER, TWO THOUSAND TWENTY-FIVE WHEN THE MAXIMUM BENEFIT AMOUNT SHALL BE FORTY-EIGHT PERCENT OF THE AVERAGE WEEKLY WAGE, UNTIL THE FIRST MONDAY OF OCTOBER, TWO THOUSAND TWENTY-SIX AND EACH YEAR THEREAFTER ON THE FIRST MONDAY OF OCTOBER WHEN THE MAXIMUM BENEFIT AMOUNT SHALL BE FIFTY PERCENT OF THE AVERAGE WEEKLY WAGE PROVIDED, HOWEVER, THAT IN NO EVENT SHALL THE MAXIMUM BENEFIT AMOUNT BE REDUCED FROM THE PREVIOUS YEAR.

(B) NOTWITHSTANDING THE FOREGOING, THE MAXIMUM BENEFIT AMOUNT SHALL NOT BE INCREASED IN ACCORDANCE WITH THE SCHEDULE SET FORTH IN PARAGRAPH (A) OF THIS SUBDIVISION IN ANY YEAR IN WHICH THE COMMISSIONER DETERMINES THAT THE STATE HAS HAD A DECREASE IN PRIVATE SECTOR JOBS IN EACH MONTH OF THE FIRST TWO CALENDAR QUARTERS OF THE YEAR IN WHICH THE MAXIMUM BENEFIT AMOUNT INCREASE IS SCHEDULED TO OCCUR. IF THE COMMISSIONER DETERMINES THAT THE STATE HAS NOT HAD A DECREASE IN PRIVATE SECTOR JOBS IN EACH MONTH IN THE FIRST TWO CALENDAR QUARTERS IN YEARS SUBSEQUENT TO SUCH SUSPENSION OF AN INCREASE IN THE MAXIMUM BENEFIT AMOUNT, THEN THE MAXIMUM BENEFIT AMOUNT SHALL INCREASE TO THE AMOUNT FOR THE YEAR PREVIOUSLY SCHEDULED TO BE ESTABLISHED PURSUANT TO PARAGRAPH (A) OF THIS SUBDIVISION HAD THE INCREASE NOT BEEN SUSPENDED AND INCREASED ANNUALLY THEREAFTER IN ACCORDANCE WITH THE SCHEDULE SET FORTH IN PARAGRAPH (A) OF THIS SUBDIVISION. IN NO CASE SHALL SUCH SUSPENSION RESULT IN A REDUCTION OF THE MAXIMUM BENEFIT AMOUNT TO LESS THAN THE AMOUNT PROVIDED IN THE MOST RECENT YEAR.

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

(B) NOTWITHSTANDING THE FOREGOING, THE MAXIMUM BENEFIT AMOUNT SHALL NOT BE INCREASED IN ACCORDANCE WITH THE SCHEDULE SET FORTH IN PARAGRAPH (A) OF THIS SUBDIVISION IN ANY YEAR IN WHICH THE BALANCE OF THE FUND ON THE THIRTY-FIRST DAY OF DECEMBER IS LESS THAN AN AMOUNT OF THE FUNDS PROJECTED TO BE NEEDED TO PAY FOR THE INCREASE IN BENEFITS AS DETERMINED BY THE COMMISSIONER. IF FUND REVENUES ARE DETERMINED BY THE COMMISSIONER TO BE SUFFICIENT TO PAY FOR THE INCREASE IN BENEFITS IN YEARS SUBSEQUENT TO SUCH SUSPENSION OF AN INCREASE IN THE MAXIMUM BENEFIT AMOUNT, THEN THE MAXIMUM BENEFIT AMOUNT SHALL INCREASE TO THE AMOUNT FOR THE YEAR PREVIOUSLY SCHEDULED TO BE ESTABLISHED PURSUANT TO PARAGRAPH (A) OF THIS SUBDIVISION HAD THE INCREASE NOT BEEN SUSPENDED AND INCREASED ANNUALLY THEREAFTER IN ACCORDANCE WITH THE SCHEDULE SET FORTH IN PARAGRAPH (A) OF

THIS SUBDIVISION. IN NO CASE SHALL SUCH SUSPENSION RESULT IN A REDUCTION OF THE MAXIMUM BENEFIT AMOUNT TO LESS THAN THE AMOUNT PROVIDED IN THE MOST RECENT YEAR.

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

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

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

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

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

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

S 13. Section 591 of the labor law is amended by adding a new subdivision 6 to read as follows:

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

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

PAYMENTS. THE TERM DOES NOT INCLUDE PAYMENTS FOR PENSION, RETIREMENT, ACCRUED LEAVE, AND HEALTH INSURANCE OR PAYMENTS FOR SUPPLEMENTAL UNEMPLOYMENT BENEFITS.

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

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

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

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

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

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

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

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

6. DETERMINATIONS AND HEARINGS. THE COMMISSIONER SHALL ISSUE A DETERMINATION FOR ANY PROTEST FILED BY ANY BASE PERIOD EMPLOYER WITHIN TEN CALENDAR DAYS OF THE NOTIFICATION OF POTENTIAL CHARGES BASED ON VOLUNTARY SEPARATIONS OR MISCONDUCT. AN EMPLOYER MAY MAKE AN APPEAL OF SUCH DETERMINATION PURSUANT TO SECTION SIX HUNDRED TWENTY OF THIS ARTICLE.

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

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

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

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

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

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

S 17. Section 596 of the labor law is amended by adding a new subdivision 7 to read as follows:

7. NOTWITHSTANDING THE PROVISIONS OF SECTION FIVE HUNDRED NINETY-FIVE OF THIS TITLE, THE COMMISSIONER SHALL DEDUCT AND WITHHOLD ANY OVERPAYMENTS ESTABLISHED UNDER THIS ARTICLE OR ANY LAW OF ANOTHER STATE FROM BENEFITS PAYABLE TO AN INDIVIDUAL. NO PENALTIES OR INTEREST ASSESSED PURSUANT TO SECTION FIVE HUNDRED NINETY-FOUR OF THIS TITLE MAY BE DEDUCTED OR WITHHELD FROM BENEFITS.

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

(D) NOTWITHSTANDING PARAGRAPH (C) OF THIS SUBDIVISION, UNLESS A COMMISSIONER'S ERROR IS SHOWN OR THE FAILURE IS THE DIRECT RESULT OF A DISASTER EMERGENCY DECLARED BY THE GOVERNOR OR PRESIDENT, AN EMPLOYER'S ACCOUNT SHALL NOT BE RELIEVED OF CHARGES RESULTING IN AN OVERPAYMENT OF BENEFITS WHEN THE COMMISSIONER DETERMINES THAT THE OVERPAYMENT WAS MADE BECAUSE THE EMPLOYER OR THE AGENT OF THE EMPLOYER FAILED TO TIMELY OR ADEQUATELY RESPOND TO A REQUEST FOR INFORMATION IN THE NOTICE OF POTENTIAL CHARGES OR OTHER SUCH NOTICE REQUESTING INFORMATION IN RELATION TO A CLAIM UNDER THIS ARTICLE, PROVIDED, HOWEVER, THAT THE COMMISSIONER SHALL RELIEVE THE EMPLOYER OF CHARGES THE FIRST TIME THAT THE EMPLOYER FAILS TO PROVIDE TIMELY OR ADEQUATE INFORMATION, IF THE EMPLOYER PROVIDES GOOD CAUSE FOR SUCH FAILURE AS DETERMINED BY THE COMMISSIONER.

THE TERM "ADEQUATELY" AS USED IN THIS PARAGRAPH SHALL MEAN THAT THE EMPLOYER OR ITS AGENT FAILED TO SUBMIT INFORMATION SUFFICIENT TO RENDER A CORRECT DETERMINATION OR FAILED TO PROVIDE A RESPONSE TO A REQUEST FOR INFORMATION AS DETERMINED BY THE COMMISSIONER.

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

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

S 600. Effect of retirement payments. 1. Reduction of benefit rate. [If a claimant retires or is retired from employment by an employer and,

due to such retirement, is receiving a pension or retirement payment under a plan financed in whole or in part by such employer, such claimant's benefit rate for four effective days otherwise applicable under subdivision seven of section five hundred ninety shall be reduced as hereinafter provided.

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

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

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

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

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

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

(b) [If the claimant made no contribution for the pension, retirement or retired pay, annuity, or other similar periodic payment, his] THE CLAIMANT'S benefit rate shall be reduced by the largest number of whole

dollars which is not more than the pro-rated weekly amount of such payment. If the claimant was the sole contributor for the pension, retirement or retired pay, annuity, or other similar periodic payment, no reduction shall apply. [If the claimant's contributions for the pension, retirement or retired pay, annuity, or other similar periodic payment were less than one hundred per centum, the commissioner shall determine the amount of the reduction by taking into account the claimant's contributions in a manner consistent with the federal unemployment tax act.]

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

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

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

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

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

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

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

S 605. Qualified employers; application. An employer who has at least [five] TWO full time employees may apply to participate in a shared work program. The WRITTEN application shall be made according to such forms and procedures as the commissioner may specify and shall include such information as the commissioner may require, INCLUDING SUCH OTHER INFOR-

MATION THAT THE UNITED STATES SECRETARY OF LABOR DETERMINES TO BE APPROPRIATE FOR PURPOSES OF A SHARED WORK PROGRAM. The commissioner shall not approve such application unless the employer (1) [agrees] CERTIFIES that for the duration of the program it will not eliminate or diminish health insurance, medical insurance, or any other fringe benefits provided to employees immediately prior to the application UNLESS SUCH BENEFITS PROVIDED TO EMPLOYEES THAT DO NOT PARTICIPATE IN THE SHARED WORK PROGRAM ARE REDUCED OR DIMINISHED TO THE SAME EXTENT AS THOSE EMPLOYEES THAT PARTICIPATE IN THE SHARED WORK PROGRAM; (2) certifies that the collective bargaining agent for the employees, if any, has agreed to participate in the program; (3) certifies that if not for the shared work program to be initiated the employer would reduce or would have reduced its work force to a degree equivalent to the total number of working hours proposed to be reduced or restricted for all included employees; (4) certifies that it will not hire additional part time or full time employees for the affected work force while the program is in operation; [and] (5) agrees that no participant of the program shall receive, in the aggregate, more than [twenty] TWENTY-SIX weeks of benefits exclusive of the waiting week; (6) PROVIDES A DESCRIPTION OF HOW WORKERS IN THE WORK FORCE WILL BE NOTIFIED OF THE SHARED WORK PROGRAM IN ADVANCE OF IT TAKING EFFECT, IF FEASIBLE, AND IF SUCH NOTICE IS NOT FEASIBLE, PROVIDES AN EXPLANATION OF WHY SUCH NOTICE IS NOT FEASIBLE; (7) PROVIDES AN ESTIMATE OF THE NUMBER OF WORKERS WHO WOULD BE LAID OFF IF THE EMPLOYER COULD NOT PARTICIPATE IN THE SHARED WORK PROGRAM; AND (8) CERTIFIES THAT THE TERMS OF THE EMPLOYER'S WRITTEN PLAN AND IMPLEMENTATION SHALL BE CONSISTENT WITH EMPLOYER OBLIGATIONS UNDER APPLICABLE FEDERAL AND STATE LAWS.

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

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

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

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

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

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

S 611. Charging of benefits. Benefits paid to a claimant shall be charged to the employers' accounts as provided in paragraph (e) of subdivision one of section five hundred eighty-one of this article. HOWEVER, EXCEPT FOR INDIVIDUALS EMPLOYED BY A PARTICIPATING EMPLOYER ON A SEASONAL, TEMPORARY OR INTERMITTENT BASIS, NO BENEFITS PAID TO A CLAIMANT SHALL BE CHARGED TO AN EMPLOYER'S ACCOUNT IF THE STATE IS REIM-

BURSED BY THE UNITED STATES PURSUANT TO THE MIDDLE CLASS TAX RELIEF AND JOB CREATION ACT OF 2012, PL 112-96.

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

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

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

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

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

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

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

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

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

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

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

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

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

h. section twelve of this act shall take effect January 1, 2014 or on the same date as the reversion of subdivision 2 of section 591 of the labor law as provided in section 10 of chapter 413 of the laws of 2003, as amended, whichever is later; and

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

PART P

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

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

$4.25 on and after April 1, 1991,

$5.15 on and after March 31, 2000,

$6.00 on and after January 1, 2005,

$6.75 on and after January 1, 2006,

$7.15 on and after January 1, 2007,

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

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

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

5. Notwithstanding subdivisions one and two of this section, meal and lodging allowances for a food service worker receiving a cash wage amounting to three dollars and thirty cents per hour on or after March thirty-first, two thousand; three dollars and eighty-five cents on or after January first, two thousand five; four dollars and thirty-five cents on or after January first, two thousand six; [and] four dollars and sixty cents on or after January first, two thousand seven; AND AT LEAST SIX DOLLARS AND THREE CENTS ON OR AFTER JULY FIRST, TWO THOUSAND THIRTEEN, shall not increase more than two-thirds of the increase required by subdivision two of this section as applied to state wage orders in effect pursuant to subdivision one of this section.

S 2. This act shall take effect immediately.

PART Q

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

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

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

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

(B) IN EVALUATING WHETHER A PUBLIC EMPLOYER COVERED BY THIS SUBDIVISION IS A DISTRESSED PUBLIC EMPLOYER, SUCH PUBLIC ARBITRATION PANEL SHALL CONSIDER THE AVERAGE FULL VALUE PROPERTY TAX RATE OF SUCH PUBLIC EMPLOYER AND THE AVERAGE FUND BALANCE PERCENTAGE OF SUCH PUBLIC EMPLOYER.

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

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

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

IV. FOR PURPOSES OF THIS SUBDIVISION, "AVERAGE FUND BALANCE PERCENTAGE" SHALL MEAN THE SUM OF THE FUND BALANCE PERCENTAGES FOR THE FIVE MOST RECENTLY COMPLETED FISCAL YEARS DIVIDED BY FIVE.

(C) IF THE AVERAGE FULL VALUE PROPERTY TAX RATE OF SUCH PUBLIC EMPLOYER IS GREATER THAN THE AVERAGE FULL VALUE PROPERTY TAX RATE OF SEVENTY-FIVE PERCENT OF COUNTIES, CITIES, TOWNS, AND VILLAGES, WITH LOCAL FISCAL YEARS ENDING IN THE SAME CALENDAR YEAR AS OF THE MOST RECENTLY AVAILABLE INFORMATION, THE PUBLIC ARBITRATION PANEL MUST FIND THAT SUCH PUBLIC EMPLOYER IS FISCALLY DISTRESSED. THE OFFICE OF THE STATE COMPTROLLER SHALL MAKE PUBLICLY AVAILABLE THE LIST OF COUNTIES, CITIES, TOWNS, AND VILLAGES, THAT HAVE AN AVERAGE FULL VALUE PROPERTY TAX RATE THAT MEETS SUCH CRITERIA IN EACH LOCAL FISCAL YEAR. IF A PUBLIC EMPLOYER HAS NOT REPORTED TO THE OFFICE OF THE STATE COMPTROLLER THE INFORMATION NECESSARY TO CALCULATE ITS AVERAGE FULL VALUE PROPERTY TAX RATE, THE PUBLIC ARBITRATION PANEL MAY NOT USE THE AVERAGE FULL VALUE PROPERTY TAX RATE AS A BASIS BY WHICH TO FIND THAT SUCH PUBLIC EMPLOYER IS FISCALLY DISTRESSED.

(D) IF THE AVERAGE FUND BALANCE PERCENTAGE OF SUCH PUBLIC EMPLOYER IS LESS THAN FIVE PERCENT, THE PUBLIC ARBITRATION PANEL MUST FIND THAT SUCH PUBLIC EMPLOYER IS FISCALLY DISTRESSED. THE OFFICE OF THE STATE COMPTROLLER SHALL MAKE PUBLICLY AVAILABLE THE LIST OF COUNTIES, CITIES, TOWNS, AND VILLAGES, THAT HAVE AN AVERAGE FUND BALANCE PERCENTAGE THAT MEETS SUCH CRITERIA IN EACH LOCAL FISCAL YEAR. IF A PUBLIC EMPLOYER HAS NOT REPORTED TO THE OFFICE OF THE STATE COMPTROLLER THE INFORMATION

NECESSARY TO CALCULATE ITS AVERAGE FUND BALANCE PERCENTAGE, THE PUBLIC ARBITRATION PANEL MAY NOT USE THE AVERAGE FUND BALANCE PERCENTAGE AS A BASIS BY WHICH TO FIND THAT SUCH PUBLIC EMPLOYER IS FISCALLY DISTRESSED.

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

I. FOR THE FIRST YEAR OF THE DETERMINATION, THE PANEL SHALL NOT ISSUE A DETERMINATION THAT MAKES CHANGES TO AND INCREASES THE COST OF ALL TERMS AND CONDITIONS OF EMPLOYMENT BY MORE THAN TWO PERCENT OF THE AGGREGATE AMOUNT EXPENDED BY THE PUBLIC EMPLOYER ON THE TERMS OF COLLECTIVE BARGAINING AGREEMENTS DIRECTLY RELATING TO COMPENSATION OF ALL EMPLOYEES SUBJECT TO THE PUBLIC ARBITRATION PANEL'S JURISDICTION IN THE TWELVE MONTHS IMMEDIATELY PRECEDING THE EXPIRATION OF THE COLLECTIVE BARGAINING AGREEMENT OR INTEREST ARBITRATION AWARD THAT IS THE SUBJECT OF THE IMPASSE BEFORE THE PANEL. FOR THE FIRST YEAR OF THE DETERMINATION, THE PANEL IS REQUIRED TO FURTHER REDUCE THIS TWO PERCENT BY THE AMOUNT OF ANY INCREASED COST THAT THE PUBLIC EMPLOYER WILL INCUR FOR INSURANCE, MEDICAL, AND HOSPITALIZATION BENEFITS PROVIDED TO EMPLOYEES SUBJECT TO THE PANEL'S JURISDICTION THAT WILL EXCEED A TWO PERCENT INCREASE IN COST TO THE PUBLIC EMPLOYER TO PROVIDE INSURANCE, MEDICAL, AND HOSPITALIZATION BENEFITS TO EMPLOYEES UNDER THE PANEL'S JURISDICTION DURING THE FIRST YEAR OF THE DETERMINATION.

II. FOR THE SECOND YEAR OF THE DETERMINATION, THE PANEL SHALL NOT ISSUE A DETERMINATION THAT MAKES CHANGES TO AND INCREASES THE COST OF ALL TERMS AND CONDITIONS OF EMPLOYMENT BY MORE THAN TWO PERCENT OF THE AGGREGATE AMOUNT EXPENDED BY THE PUBLIC EMPLOYER ON THE TERMS OF COLLECTIVE BARGAINING AGREEMENTS DIRECTLY RELATING TO COMPENSATION OF ALL EMPLOYEES SUBJECT TO THE PUBLIC ARBITRATION PANEL'S JURISDICTION IN THE TWELVE MONTHS IMMEDIATELY PRECEDING THE EXPIRATION OF THE COLLECTIVE BARGAINING AGREEMENT OR INTEREST ARBITRATION AWARD THAT IS THE SUBJECT OF THE IMPASSE BEFORE THE PANEL. FOR THE SECOND YEAR OF THE DETERMINATION, THE PANEL IS REQUIRED TO FURTHER REDUCE THIS TWO PERCENT BY THE AMOUNT OF ANY INCREASED COST THAT THE PUBLIC EMPLOYER WILL INCUR FOR INSURANCE, MEDICAL, AND HOSPITALIZATION BENEFITS PROVIDED TO EMPLOYEES SUBJECT TO THE PANEL'S JURISDICTION THAT WILL EXCEED A TWO PERCENT INCREASE IN COST TO THE PUBLIC EMPLOYER TO PROVIDE INSURANCE, MEDICAL, AND HOSPITALIZATION BENEFITS FOR EMPLOYEES UNDER THE PANEL'S JURISDICTION DURING THE FIRST YEAR OF THE DETERMINATION. IF THE ACTUAL AMOUNT OF THE INCREASED COST THAT A PUBLIC EMPLOYER WILL INCUR FOR INSURANCE, MEDICAL, AND HOSPITALIZATION BENEFITS FOR EMPLOYEES SUBJECT TO THE 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 WESTCHESTER.

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

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

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

S 1304. CASINO GAMBLING REVENUE. REVENUE DERIVED BY THE STATE FROM THE GROSS GAMING REVENUE OF THE CASINO FACILITIES AUTHORIZED BY THIS ARTICLE

SHALL BE ALLOCATED TO A CASINO REVENUE FUND AUTHORIZED PURSUANT TO THE STATE FINANCE LAW AND DISTRIBUTED AS FOLLOWS:

1. 90% FOR ELEMENTARY AND SECONDARY EDUCATION; AND

2. 10% FOR LOCAL GOVERNMENT PROPERTY TAX RELIEF.

S 1305. GAMING REGULATORY STUDY. 1. THE STATE GAMING COMMISSION IS HEREBY DIRECTED TO CONDUCT A COMPREHENSIVE STUDY OF EXISTING LEGAL FRAMEWORKS GOVERNING THE LICENSING AND REGULATION OF CASINO GAMBLING. SUCH STUDY SHALL INCLUDE A REVIEW OF VARIOUS SYSTEMS OF GAMING REGULATION AND THE EFFECTIVENESS OF THOSE SYSTEMS. SUCH STUDY SHALL CONSIDER THE METHODS AND MANNERS OF LICENSING OF: FACILITIES; ENTERPRISES UNDERTAKING DIRECT AND INDIRECT BUSINESS WITH SUCH FACILITIES; AND PERSONNEL DIRECTLY AND INDIRECTLY EMPLOYED BY SUCH FACILITIES AND ENTERPRISES.

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

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

4. THE COMMISSION SHALL CONSULT WITH THE REGIONAL ECONOMIC DEVELOPMENTS COUNCILS IN PREPARING THE STUDY REQUIRED BY THIS SECTION.

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

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

S 2. The state finance law is amended by adding a new section 92-a to read as follows:

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

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

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

4. NOTWITHSTANDING ANY PROVISION OF LAW TO THE CONTRARY, AMOUNTS APPROPRIATED OR TRANSFERRED FROM THE CASINO REVENUE FUND SHALL NOT BE INCLUDED IN: (I) THE ALLOWABLE GROWTH AMOUNT COMPUTED PURSUANT TO PARAGRAPH (DD) OF SUBDIVISION ONE OF SECTION THIRTY-SIX HUNDRED TWO OF THE

EDUCATION LAW, (II) THE PRELIMINARY GROWTH AMOUNT COMPUTED PURSUANT TO PARAGRAPH (FF) OF SUBDIVISION ONE OF SECTION THIRTY-SIX HUNDRED TWO OF THE EDUCATION LAW, AND (III) THE ALLOCABLE GROWTH AMOUNT COMPUTED PURSUANT TO PARAGRAPH (GG) OF SUBDIVISION ONE OF SECTION THIRTY-SIX HUNDRED TWO OF THE EDUCATION LAW.

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

S 3. This act shall take effect immediately.

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

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