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

S. 6358--D A. 8558--D

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

January 21, 2014

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

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

AN ACT to amend the education law, in relation to expanding the description of certain services which are not prohibited by statutes governing the practice of nursing (Part A); to amend part A of chapter 111 of the laws of 2010 amending the mental hygiene law relating to the receipt of federal and state benefits received by individuals receiving care in facilities operated by an office of the department of mental hygiene, in relation to the effectiveness thereof (Part B); to amend chapter 111 of the laws of 2010 relating to the recovery of exempt income by the office of mental health for community residences and family-based treatment programs, in relation to the effectiveness thereof (Part C); to amend the mental hygiene law, in relation to the creation of the managed care for persons with developmental disabilities advocacy program (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 social services law, in relation to public assistance restrictions (Part F); to amend the education law, in relation to educational

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

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programs in juvenile justice programs operated by the office of children and family services and to amend chapter 57 of the laws of 2012 amending the education law relating to authorizing the board of cooperative educational services to enter into contracts with the commissioner of children and family services to provide certain services, in relation to making technical corrections thereto (Part G); to amend the social services law, in relation to providing a rent cap for people living with HIV/AIDS in social services districts with a population over five million (Part H); relating to reducing state aid for administrative costs of certain fair hearings in local social services districts and providing for the repeal of such provisions upon expiration thereof (Part I); to amend the social services law, in relation to clarifying the definitions of vocational educational training and educational activities (Part J); and to authorize the New York state division of housing and community renewal to conduct a grandparent housing study and report its findings to the governor and the legislature; and providing for the repeal of such provisions upon expiration thereof (Part K)

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 2014-2015 state fiscal year. Each component is wholly contained within a Part identified as Parts A through K. 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. Paragraph a of subdivision 1 of section 6908 of the education law, as amended by chapter 160 of the laws of 2003, is amended to read as follows:

a. As prohibiting (i) the domestic care of the sick, disabled or injured by any family member, household member or friend, or person employed primarily in a domestic capacity who does not hold himself or herself out, or accept employment as a person licensed to practice nursing under the provision of this article; provided that if such person is remunerated, the person does not hold himself or herself out as one who accepts employment for performing such care; or the administration of medications or treatment by child day care providers or employees or caregivers of child day care programs where such providers, employees or caregivers are acting under the direction and authority of a parent of a child, legal guardian, legal custodian, or an adult in whose care a child has been entrusted and who has been authorized by the parent to consent to any health care for the child and in compliance with the regulations of the office of children and family services pertaining to the administration of medications and treatment; or

(ii) any person from the domestic administration of family remedies; or

(iii) the providing of care by a person acting in the place of a person exempt under clause (i) of this paragraph, but who does hold himself or herself out as one who accepts employment for performing such care, where nursing services are under the instruction of a licensed nurse, or under the instruction of a patient or family or household member determined by a registered professional nurse to be self-directing and capable of providing such instruction, and any remuneration is provided under section three hundred sixty-five-f of the social services law; or

(iv) the furnishing of nursing assistance in case of an emergency; OR

(V) TASKS PROVIDED BY A DIRECT SUPPORT STAFF IN PROGRAMS CERTIFIED OR APPROVED BY THE OFFICE FOR PEOPLE WITH DEVELOPMENTAL DISABILITIES, WHEN PERFORMED UNDER THE SUPERVISION OF A REGISTERED PROFESSIONAL NURSE AND PURSUANT TO A MEMORANDUM OF UNDERSTANDING BETWEEN THE OFFICE FOR PEOPLE WITH DEVELOPMENTAL DISABILITIES AND THE DEPARTMENT, IN ACCORDANCE WITH AND PURSUANT TO AN AUTHORIZED PRACTITIONER'S ORDERED CARE, PROVIDED THAT: (1) A REGISTERED PROFESSIONAL NURSE DETERMINES, IN HIS OR HER PROFESSIONAL JUDGMENT, WHICH TASKS ARE TO BE PERFORMED BASED UPON THE COMPLEXITY OF THE TASKS, THE SKILL AND EXPERIENCE OF THE DIRECT SUPPORT STAFF, AND THE HEALTH STATUS OF THE INDIVIDUAL BEING CARED FOR; (2) ONLY A DIRECT SUPPORT STAFF WHO HAS COMPLETED TRAINING AS REQUIRED BY THE COMMISSIONER OF THE OFFICE FOR PEOPLE WITH DEVELOPMENTAL DISABILITIES MAY PERFORM TASKS PURSUANT TO THIS SUBPARAGRAPH; (3) APPROPRIATE PROTOCOLS SHALL BE ESTABLISHED TO ENSURE SAFE ADMINISTRATION OF MEDICATIONS; (4) A DIRECT SUPPORT STAFF SHALL NOT ASSESS THE MEDICATION NEEDS OF AN INDIVIDUAL; (5) ADEQUATE NURSING SUPERVISION IS PROVIDED, INCLUDING TRAINING AND PERIODIC INSPECTION OF PERFORMANCE OF THE TASKS. THE AMOUNT AND TYPE OF NURSING SUPERVISION SHALL BE DETERMINED BY THE REGISTERED PROFESSIONAL NURSE RESPONSIBLE FOR SUPERVISING SUCH TASK BASED UPON THE COMPLEXITY OF THE TASKS, THE SKILL AND EXPERIENCE OF THE DIRECT SUPPORT STAFF, AND THE HEALTH STATUS OF THE INDIVIDUAL BEING CARED FOR; (6) A DIRECT SUPPORT STAFF SHALL NOT BE AUTHORIZED TO PERFORM ANY TASKS OR ACTIVITIES PURSUANT TO THIS SUBPARAGRAPH THAT ARE OUTSIDE THE SCOPE OF PRACTICE OF A LICENSED PRACTICAL NURSE; (7) A DIRECT SUPPORT STAFF SHALL NOT REPRESENT HIMSELF OR HERSELF, OR ACCEPT EMPLOYMENT, AS A PERSON LICENSED TO PRACTICE NURSING UNDER THE PROVISIONS OF THIS ARTICLE; (8) DIRECT SUPPORT STAFF PROVIDING MEDICATION ADMINISTRATION, TUBE FEEDING, OR DIABETIC CARE SHALL BE SEPARATELY CERTIFIED, AND SHALL BE RECERTIFIED ON AN ANNUAL BASIS; (9) THE REGISTERED PROFESSIONAL NURSE SHALL ENSURE THAT THERE IS A CONSUMER SPECIFIC MEDICATION SHEET FOR EACH MEDICATION THAT IS ADMINISTERED; AND (10) APPROPRIATE STAFFING RATIOS SHALL BE DETERMINED BY THE OFFICE FOR PEOPLE WITH DEVELOPMENTAL DISABILITIES AND THE DEPARTMENT TO ENSURE ADEQUATE NURSING SUPERVISION. NO DIRECT SUPPORT STAFF SHALL PERFORM TASKS UNDER THIS SUBPARAGRAPH UNTIL THE OFFICE FOR PEOPLE WITH DEVELOPMENTAL DISABILITIES AND THE DEPARTMENT HAVE ENTERED INTO A MEMORANDUM OF UNDERSTANDING TO EFFECTUATE THE PROVISIONS OF THIS SUBPARAGRAPH. THE OFFICE FOR PEOPLE WITH DEVELOPMENTAL DISABILITIES SHALL COMPLETE A CRIMINAL BACKGROUND CHECK PURSUANT TO SECTION 16.33 OF THE MENTAL HYGIENE LAW AND AN AGENCY BACKGROUND CHECK PURSUANT TO SECTION 16.34 OF THE MENTAL HYGIENE LAW ON THE DIRECT SUPPORT STAFF PRIOR TO THE COMMENCEMENT OF ANY PROVISION OF SERVICE PROVIDED UNDER THIS SUBPARAGRAPH IF SUCH DIRECT SUPPORT STAFF IS A NEW HIRE. INDIVIDUALS PROVIDING SUPERVISION OR DIRECT SUPPORT TASKS PURSUANT TO THIS SUBPARAGRAPH SHALL HAVE PROTECTION PURSUANT TO SECTIONS SEVEN

HUNDRED FORTY AND SEVEN HUNDRED FORTY-ONE OF THE LABOR LAW, WHERE APPLICABLE;

S 2. The office for people with developmental disabilities and the state education department shall enter into a memorandum of understanding within 180 days of the effective date of this act to effectuate the provisions of subparagraph (v) of paragraph a of subdivision one of section 6908 of the education law.

S 3. This act shall take effect immediately.

PART B

Section 1. Section 3 of part A of chapter 111 of the laws of 2010 amending the mental hygiene law relating to the receipt of federal and state benefits received by individuals receiving care in facilities operated by an office of the department of mental hygiene, is amended to read as follows:

S 3. This act shall take effect immediately; and shall expire and be deemed repealed June 30, [2014] 2015.

S 2. This act shall take effect immediately.

PART C

Section 1. Section 1 of part D of chapter 111 of the laws of 2010 relating to the recovery of exempt income by the office of mental health for community residences and family-based treatment programs as amended by section 1 of part I of chapter 56 of the laws of 2013, is amended to read as follows:

Section 1. The office of mental health is authorized to recover funding from community residences and family-based treatment providers licensed by the office of mental health, consistent with contractual obligations of such providers, and notwithstanding any other inconsistent provision of law to the contrary, in an amount equal to 50 percent of the income received by such providers which exceeds the fixed amount of annual Medicaid revenue limitations, as established by the commissioner of mental health. Recovery of such excess income shall be for the following fiscal periods: for programs in counties located outside of the city of New York, the applicable fiscal periods shall be January 1, 2003 through December 31, 2009 and January 1, 2011 through December 31, [2014] 2015; and for programs located within the city of New York, the applicable fiscal periods shall be July 1, 2003 through June 30, 2010 and July 1, 2011 through June 30, [2014] 2015.

S 2. This act shall take effect immediately.

PART D

Section 1. Section 13.40 of the mental hygiene law is amended by adding a new subdivision (h) to read as follows:

(H) CONSISTENT WITH AND SUBJECT TO THE TERMS OF FEDERAL APPROVAL, THE COMMISSIONER SHALL ESTABLISH THE MANAGED CARE FOR PERSONS WITH DEVELOPMENTAL DISABILITIES ADVOCACY PROGRAM, HEREINAFTER REFERRED TO AS THE ADVOCACY PROGRAM. THE ACTIVITIES OF THE ADVOCACY PROGRAM SHALL BE COORDINATED WITH THE INDEPENDENT MEDICAID MANAGED CARE OMBUDS SERVICES PROVIDED TO PERSONS WITH DISABILITIES ENROLLING IN MEDICAID MANAGED CARE. THE ADVOCACY PROGRAM SHALL ADVISE INDIVIDUALS OF APPLICABLE RIGHTS AND RESPONSIBILITIES, PROVIDE INFORMATION AND ASSISTANCE TO ADDRESS THE NEEDS OF INDIVIDUALS WITH DISABILITIES, AND PURSUE LEGAL, ADMINISTRATIVE

AND OTHER APPROPRIATE REMEDIES OR APPROACHES TO ENSURE THE PROTECTION OF AND ADVOCACY FOR THE RIGHTS OF THE ENROLLEES. THE ADVOCACY PROGRAM SHALL PROVIDE SUPPORT TO ELIGIBLE INDIVIDUALS WITH DEVELOPMENTAL DISABILITIES ENROLLING IN DEVELOPMENTAL DISABILITY INDIVIDUAL SUPPORT AND CARE COORDINATION ORGANIZATIONS PURSUANT TO SECTION FORTY-FOUR HUNDRED THREE-G OF THE PUBLIC HEALTH LAW, HEALTH MAINTENANCE ORGANIZATIONS PROVIDING SERVICES PURSUANT TO SUBDIVISION EIGHT OF SECTION FORTY-FOUR HUNDRED THREE OF THE PUBLIC HEALTH LAW, MANAGED LONG TERM CARE PLANS PROVIDING SERVICES UNDER SUBDIVISIONS TWELVE, THIRTEEN AND FOURTEEN OF SECTION FORTY-FOUR HUNDRED THREE-F OF THE PUBLIC HEALTH LAW, AND FULLY INTEGRATED DUAL ADVANTAGE PLANS PROVIDING SERVICES UNDER SUBDIVISION TWENTY-SEVEN OF SECTION THREE HUNDRED SIXTY-FOUR-J OF THE SOCIAL SERVICES LAW. THE COMMISSIONER SHALL SELECT AN INDEPENDENT ORGANIZATION OR ORGANIZATIONS TO PROVIDE ADVOCACY SERVICES UNDER THIS SUBDIVISION.

S 2. Nothing in this act is intended to transfer to the developmental disabilities advocacy program created by subdivision (h) of section 13.40 of the mental hygiene law any current duties, including Medicaid service coordination, of state employees who are employed by the office for people with developmental disabilities.

S 3. This act shall take effect upon approval by the federal centers for medicare and medicaid services of a managed care advocacy program for individuals with developmental disabilities; provided that the commissioner of developmental disabilities shall notify the legislative bill drafting commission upon the occurrence of such approval in order that the commission may maintain an accurate and timely effective database of the official text of the laws of the state of New York in furtherance of effectuating the provisions of section 44 of the legislative law and section 70-b of the public officers law.

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 E of chapter 57 of the laws of 2013, are amended to read as follows:

(a) in the case of each individual receiving family care, an amount equal to at least [$137.00] $139.00 for each month beginning on or after January first, two thousand [thirteen] FOURTEEN.

(b) in the case of each individual receiving residential care, an amount equal to at least [$158.00] $160.00 for each month beginning on or after January first, two thousand [thirteen] FOURTEEN.

(c) in the case of each individual receiving enhanced residential care, an amount equal to at least [$187.00] $190.00 for each month beginning on or after January first, two thousand [thirteen] FOURTEEN.

(d) for the period commencing January first, two thousand [fourteen] FIFTEEN, 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 [fourteen] FIFTEEN, but prior to June thirtieth, two thousand [fourteen] FIFTEEN, 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 E of chapter 57 of the laws of 2013, are amended to read as follows:

(a) On and after January first, two thousand [thirteen] FOURTEEN, for an eligible individual living alone, [$797.00] $808.00; and for an eligible couple living alone, [$1170.00] $1186.00.

(b) On and after January first, two thousand [thirteen] FOURTEEN, for an eligible individual living with others with or without in-kind income, [$733.00] $744.00; and for an eligible couple living with others with or without in-kind income, [$1112.00] $1128.00.

(c) On and after January first, two thousand [thirteen] FOURTEEN, (i) for an eligible individual receiving family care, [$976.48] $987.48 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, [$938.48] $949.48; 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 [thirteen] FOURTEEN, (i) for an eligible individual receiving residential care, [$1145.00] $1156.00 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, [$1115.00] $1126.00; 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 [thirteen] FOURTEEN, for an eligible individual receiving enhanced residential care, [$1404.00] $1415.00; 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 [fourteen] FIFTEEN but prior to June thirtieth, two thousand [fourteen] FIFTEEN.

S 3. This act shall take effect December 31, 2014.

PART F

Section 1. The opening paragraph of section 21-a of the social services law, as added by section 144-a of part B of chapter 436 of the laws of 1997, is amended to read as follows:

Any electronic benefit transfer system shall be implemented by the department on a statewide basis and shall be administered pursuant to the provisions of this section. FOR PURPOSES OF SUCH ELECTRONIC BENEFIT TRANSFER SYSTEM, THE TERM "ELECTRONIC BENEFIT TRANSFER" INCLUDES THE USE OF A CREDIT OR DEBIT CARD SERVICE, AUTOMATED TELLER MACHINE, POINT-OF-SALE TERMINAL, OR ACCESS TO AN ONLINE SYSTEM FOR THE WITHDRAWAL OF FUNDS OR THE PROCESSING OF A PAYMENT FOR MERCHANDISE OR A SERVICE.

S 2. Section 151 of the social services law, as added by chapter 570 of the laws of 1951, is amended to read as follows:

S 151. [Penalty] PENALTIES for cashing public assistance checks OR ACCEPTING ELECTRONIC BENEFIT TRANSFERS FROM PUBLIC ASSISTANCE RECIPIENTS. [No] 1. UNAUTHORIZED TRANSACTIONS. EXCEPT AS OTHERWISE PROVIDED IN SUBDIVISION TWO OF THIS SECTION, NO person, firm, ESTABLISHMENT, ENTITY, or corporation (A) licensed under the [provision] PROVISIONS of the alcoholic beverage control law to sell liquor AND/OR WINE at retail FOR OFF-PREMISES CONSUMPTION; (B) LICENSED TO SELL BEER AT WHOLESALE AND ALSO AUTHORIZED TO SELL BEER AT RETAIL FOR OFF-PREMISES CONSUMPTION; (C) LICENSED OR AUTHORIZED TO CONDUCT PARI-MUTUEL WAGERING ACTIVITY UNDER THE RACING, PARI-MUTUEL WAGERING AND BREEDING LAW; (D) LICENSED TO PARTICIPATE IN CHARITABLE GAMING UNDER ARTICLE FOURTEEN-H OF THE GENERAL MUNICIPAL LAW; (E) LICENSED TO PARTICIPATE IN THE OPERATION OF A VIDEO LOTTERY FACILITY UNDER SECTION ONE THOUSAND SIX HUNDRED SEVENTEEN-A OF THE TAX LAW; (F) LICENSED TO OPERATE A GAMING FACILITY UNDER SECTION ONE THOUSAND THREE HUNDRED ELEVEN OF THE RACING, PARI-MUTUEL WAGERING AND BREEDING LAW; OR (G) PROVIDING ADULT-ORIENTED ENTERTAINMENT IN WHICH PERFORMERS DISROBE OR PERFORM IN AN UNCLOTHED STATE FOR ENTERTAINMENT, OR MAKING AVAILABLE THE VENUE IN WHICH PERFORMERS DISROBE OR PERFORM IN AN UNCLOTHED STATE FOR ENTERTAINMENT, shall cash or accept[, for any purpose whatsoever,] any public assistance check OR ELECTRONIC BENEFIT TRANSFER DEVICE issued by a public welfare official or department, OR AGENT THEREOF, as and for public assistance.

2. AUTHORIZED TRANSACTIONS. (A) A GROCERY STORE THAT SELLS GROCERIES INCLUDING STAPLE FOODS AND THAT ALSO OFFERS, OR IS LOCATED WITHIN THE SAME BUILDING OR COMPLEX AS, A CASINO, GAMBLING CASINO, OR GAMING ESTABLISHMENT; AND ANY AREA OF A PARI-MUTUEL RACE TRACK THAT DOES NOT ACCEPT WAGERS AND IS NOT OPEN TO THE PUBLIC OR TO UNAUTHORIZED PERSONNEL, SUCH AS NON-WAGERING AREAS OF THE BACKSTRETCH, MAY ACCEPT ANY PUBLIC ASSISTANCE CHECK OR ELECTRONIC BENEFIT TRANSFER ISSUED BY A PUBLIC WELFARE OFFICIAL OR DEPARTMENT, OR AGENT THEREOF. FOR PURPOSES OF THIS PARAGRAPH, "GAMING ESTABLISHMENT" SHALL MEAN ANY VIDEO LOTTERY FACILITY, OFF-TRACK BETTING BRANCH OFFICE, SIMULCAST FACILITY, LICENSED COMMERCIAL CHARITABLE GAMING FACILITY, OR ANY PARI-MUTUEL RACE TRACK.

(B) ANY ESTABLISHMENT THAT OFFERS GAMBLING INCIDENTAL TO THE PRINCIPAL PURPOSE OF THE BUSINESS AT SUCH LOCATION MAY ACCEPT ANY PUBLIC ASSISTANCE CHECK OR ELECTRONIC BENEFIT TRANSFER DEVICE ISSUED BY A PUBLIC WELFARE OFFICIAL OR DEPARTMENT, OR AGENT THEREOF.

3. PENALTIES. (A) A violation of the provisions OF SUBDIVISION ONE of this section [for the first offense shall be punishable by a fine not to exceed fifty dollars. A second offense] TAKING PLACE AT THE LICENSED PREMISES BY A PERSON, CORPORATION OR ENTITY LICENSED UNDER THE ALCOHOLIC BEVERAGE CONTROL LAW: (I) TO SELL LIQUOR AND/OR WINE AT RETAIL FOR OFF-PREMISES CONSUMPTION; (II) TO SELL BEER AT WHOLESALE AND ALSO AUTHORIZED TO SELL BEER AT RETAIL FOR OFF-PREMISES CONSUMPTION; OR (III) TO SELL LIQUOR, WINE AND/OR BEER FOR ON-PREMISES CONSUMPTION AT AN ESTABLISHMENT WHERE ENTERTAINERS APPEAR UNCLOTHED AS PERMITTED BY THE RULES OF THE STATE LIQUOR AUTHORITY, shall constitute [sufficient] cause, FOR THE PURPOSES OF SECTION ONE HUNDRED EIGHTEEN OF THE ALCOHOLIC BEVERAGE CONTROL LAW, for the revocation, cancellation or suspension of such license [issued pursuant to the alcoholic beverage control law].

(B) A VIOLATION OF THE PROVISIONS OF SUBDIVISION ONE OF THIS SECTION BY ANY PERSON, CORPORATION OR ENTITY LICENSED TO OPERATE A GAMING FACILITY UNDER SECTION ONE THOUSAND THREE HUNDRED ELEVEN OF THE RACING, PARI-MUTUEL WAGERING AND BREEDING LAW; LICENSED UNDER SECTION ONE THOU-

SAND SIX HUNDRED SEVENTEEN-A OF THE TAX LAW TO PARTICIPATE IN THE OPERATION OF A VIDEO LOTTERY FACILITY; LICENSED OR AUTHORIZED TO CONDUCT PARI-MUTUEL WAGERING UNDER THE RACING, PARI-MUTUEL WAGERING AND BREEDING LAW; OR LICENSED TO PARTICIPATE IN CHARITABLE GAMING UNDER ARTICLE FOURTEEN-H OF THE GENERAL MUNICIPAL LAW, SHALL SUBJECT SUCH PERSON, CORPORATION OR ENTITY TO DISCIPLINARY ACTION PURSUANT TO SECTION ONE HUNDRED FOUR OF THE RACING, PARI-MUTUEL WAGERING AND BREEDING LAW AND SECTION ONE THOUSAND SIX HUNDRED SEVEN OF THE TAX LAW, WHICH MAY INCLUDE REVOCATION, CANCELLATION OR SUSPENSION OF SUCH LICENSE OR AUTHORIZATION.

(C) A VIOLATION OF THE PROVISIONS OF SUBDIVISION ONE OF THIS SECTION BY ANY PERSON, FIRM, ESTABLISHMENT, ENTITY OR CORPORATION PROVIDING ADULT-ORIENTED ENTERTAINMENT IN WHICH PERFORMERS DISROBE OR PERFORM IN AN UNCLOTHED STATE FOR ENTERTAINMENT, OR MAKING AVAILABLE THE VENUE IN WHICH PERFORMERS DISROBE OR PERFORM IN AN UNCLOTHED STATE FOR ENTERTAINMENT, SHALL BE A VIOLATION, AS DEFINED IN SUBDIVISION THREE OF SECTION 10.00 OF THE PENAL LAW, SUBJECT TO A FINE OF NOT MORE THAN ONE HUNDRED DOLLARS, A SECOND SUCH VIOLATION SHALL BE A VIOLATION SUBJECT TO A FINE OF NOT MORE THAN FIVE HUNDRED DOLLARS, AND A THIRD OR SUBSEQUENT SUCH VIOLATION SHALL BE CLASS B MISDEMEANOR SUBJECT TO A FINE OF NOT MORE THAN ONE THOUSAND DOLLARS.

S 3. This act shall take effect on the sixtieth day after it shall have become a law; provided, however, the New York state office of temporary and disability assistance, the New York state liquor authority, and the New York state gaming commission shall be authorized to promulgate regulations on an emergency basis and immediately take such other actions as necessary to implement the provisions of this act.

PART G

Section 1. Subparagraph 8 of paragraph h of subdivision 4 of section 1950 of the education law, as added by section 1 of part K of chapter 57 of the laws of 2012, is amended to read as follows:

(8) To enter into contracts with the commissioner of the office of children and family services pursuant to subdivision six-a of section thirty-two hundred two of this chapter to provide to such office, for the benefit of youth in its custody, any special education programs [and], related services AND CAREER AND TECHNICAL EDUCATION SERVICES provided by the board of cooperative educational services to component school districts. Any such proposed contract shall be subject to the review and approval of the commissioner to determine that it is an approved cooperative educational service. Services provided pursuant to such contracts shall be provided at cost, and the board of cooperative educational services shall not be authorized to charge any costs incurred in providing such services to its component school districts.

S 2. Subdivision 6-a of section 3202 of the education law, as amended by section 2 of part K of chapter 57 of the laws of 2012, is amended to read as follows:

6-a. Notwithstanding subdivision six of this section or any other law to the contrary, the commissioner of the office of children and family services shall be responsible for the secular education of youth under the jurisdiction of the office and may contract for such education with the trustees or board of education of the school district wherein a facility for the residential care of such youth is located or with the board of cooperative educational services at which any such school district is a component district for special education programs [and], related services AND CAREER AND TECHNICAL EDUCATION SERVICES. A youth

attending a local public school while in residence at such facility shall be deemed a resident of the school district where his parent or guardian resides at the commencement of each school year for the purpose of determining which school district shall be responsible for the youth's tuition pursuant to section five hundred four of the executive law.

S 3. Section 3 of part K of chapter 57 of the laws of 2012, amending the education law relating to authorizing the board of cooperative educational services to enter into contracts with the commissioner of children and family services to provide certain services, is amended to read as follows:

S 3. The office of children and family services, in consultation with the STATE EDUCATION department [of education], shall prepare and submit to the governor, the temporary president of the senate and the speaker of the assembly a report by December 1, 2015, that shall analyze the cost effectiveness and programmatic impact of delivering special education programs [and], related services AND CAREER AND TECHNICAL EDUCATION SERVICES through boards of cooperative educational services in juvenile justice facilities operated by the office.

S 4. This act shall take effect immediately; provided that the amendments to subparagraph 8 of paragraph h of subdivision 4 of section 1950 of the education law made by section one of this act shall not affect the expiration and repeal of such subparagraph and shall expire and be deemed repealed therewith pursuant to section 4 of part K of chapter 57 of the laws of 2012, and provided further, that the amendments to subdivision 6-a of section 3202 of the education law made by section two of this act shall be subject to the expiration and reversion of such subdivision pursuant to section 4 of part K of chapter 57 of the laws of 2012; and the amendments made to section 3 of part K of chapter 57 of the laws of 2012 by section three of this act shall not affect the repeal of such section as provided in section 4 of part K of chapter 57 of the laws of 2012 and shall be deemed repealed therewith.

PART H

Section 1. Section 131-a of the social services law is amended by adding a new subdivision 14 to read as follows:

14. IN DETERMINING THE NEED FOR AID PROVIDED PURSUANT TO PUBLIC ASSISTANCE PROGRAMS, EACH PERSON LIVING WITH CLINICAL/SYMPTOMATIC HIV ILLNESS OR AIDS IN SOCIAL SERVICES DISTRICTS WITH A POPULATION OVER FIVE MILLION WHO IS RECEIVING SERVICES THROUGH SUCH DISTRICT'S ADMINISTRATIVE UNIT PROVIDING HIV/AIDS SERVICES, PUBLIC ASSISTANCE AND EARNED AND/OR UNEARNED INCOME, SHALL NOT BE REQUIRED TO PAY MORE THAN THIRTY PERCENT OF HIS OR HER MONTHLY EARNED AND/OR UNEARNED INCOME TOWARD THE COST OF RENT THAT SUCH PERSON HAS A DIRECT OBLIGATION TO PAY; THIS PROVISION SHALL NOT APPLY TO ROOM AND BOARD ARRANGEMENTS.

S 2. This act shall take effect immediately; provided that no funds shall be expended pursuant to this act until a plan submitted by a district has been approved by the office of temporary and disability assistance and the director of the budget.

PART I

Section 1. Notwithstanding any inconsistent provision of law, beginning April 1, 2014, for any local social services district with greater than forty percent of the statewide total of fair hearings issues heard

in a given state fiscal year quarter, the office of temporary and disability assistance shall calculate the number of issues reversed plus the number of local district issues withdrawn after scheduling of the hearing as a percentage of total issues heard for such district. If the calculated percentage is greater than fifty percent in the given state fiscal year quarter, state reimbursement otherwise payable to such local social services district shall be reduced by seventy percent of the non-federal share of total administrative costs of fair hearings operations attributable to such district for the given quarter, as determined by the office of temporary and disability assistance and approved by the director of the budget. Such reduction in reimbursement shall credit the office of temporary and disability assistance personal service and nonpersonal service expenditures for the administrative hearings program.

S 2. This act shall take effect April 1, 2014 and shall expire and be deemed repealed March 31, 2016.

PART J

Section 1. Paragraph (a) of subdivision 2 of section 335-a of the social services law, as amended by section 148 of part B of chapter 436 of the laws of 1997, is amended to read as follows:

(a) Based on the assessment required by subdivision one of this section, the social services official, in consultation with the participant, shall develop an employability plan in writing which shall set forth the services that will be provided by the social services official and the activities in which the participant will take part, including supportive services and shall set forth an employment goal for the participant. [A local social services district may assign recipients in households without dependent children to any activity.] TO THE EXTENT POSSIBLE, THE EMPLOYABILITY PLAN SHALL REFLECT THE PREFERENCES OF THE PARTICIPANT IN A MANNER THAT IS CONSISTENT WITH THE RESULTS OF THE PARTICIPANT'S ASSESSMENT AND THE NEED OF THE SOCIAL SERVICES DISTRICT TO MEET FEDERAL AND STATE WORK ACTIVITY PARTICIPATION REQUIREMENTS, AND, IF SUCH PREFERENCES CANNOT BE ACCOMMODATED, THE REASONS SHALL BE SPECIFIED IN THE EMPLOYABILITY PLAN. The employability plan also shall take into account the participant's supportive services needs, available program resources, local employment opportunities, and where the social services official is considering an educational activity assignment for such participant, the participant's liability for student loans, grants and scholarship awards. The employability plan shall be explained to the participant. Any change to the participant's employability plan required by the social services official shall be discussed with the participant and shall be documented in writing.

S 2. Paragraph (h) of subdivision 1 of section 336 of the social services law, as amended by chapter 214 of the laws of 1998, is amended to read as follows:

(h) vocational educational training as time limited by federal law. For the purposes of this title, "vocational educational training" shall include but not be limited to organized educational programs offering a sequence of courses which are directly related to the preparation of individuals for current or emerging occupations [requiring other than a baccalaureate or advanced degree] INCLUDING PROGRAMS THAT REQUIRE UP TO FOUR YEARS OF POST-SECONDARY EDUCATION. Such programs shall include competency-based applied learning which contributes to an individual's academic knowledge, higher-order reasoning, and problem-solving skills,

work attitudes, general employability skills, and the occupational-specific skills necessary for economic independence. Such term also includes applied technology education;

S 3. Paragraph (i) of subdivision 1 of section 336 of the social services law, as added by section 148 of part B of chapter 436 of the laws of 1997, is amended to read as follows:

(i) job skills training directly related to employment. JOB SKILLS TRAINING DIRECTLY RELATED TO EMPLOYMENT MAY INCLUDE BUT NOT BE LIMITED TO PARTICIPATION IN UP TO FOUR YEARS OF POST-SECONDARY EDUCATION TO THE EXTENT CONSISTENT WITH FEDERAL AND STATE REQUIREMENTS;

S 4. Subdivision 1 of section 336-a of the social services law, as amended by section 148 of part B of chapter 436 of the laws of 1997, is amended to read as follows:

1. Social services districts shall make available vocational educational training and educational activities. Such activities may include but need not be limited to, high school education or education designed to prepare a participant for a high school equivalency certificate, basic and remedial education, education in English proficiency and no more than a total of [two] FOUR years of post-secondary education (or the part-time equivalent [if full-time study would constitute an undue hardship]) [in]. EDUCATIONAL ACTIVITIES PURSUANT TO THIS SECTION MAY BE OFFERED WITH any of the following providers which meet the performance or assessment standards established in regulations by the commissioner for such providers: a community college, licensed trade school, registered business school, or a two-year OR FOUR-YEAR college; provided, however, that such post-secondary education must be necessary to the attainment of the participant's individual employment goal as set forth in the employability plan and such goal must relate directly to obtaining useful employment in a recognized occupation. WHEN MAKING ANY ASSIGNMENT TO ANY EDUCATIONAL ACTIVITY PURSUANT TO THIS SUBDIVISION, SUCH ASSIGNMENT SHALL BE PERMITTED ONLY TO THE EXTENT THAT SUCH ASSIGNMENT IS CONSISTENT WITH THE INDIVIDUAL'S ASSESSMENT AND EMPLOYMENT PLAN GOALS IN ACCORDANCE WITH SECTIONS THREE HUNDRED THIRTY-FIVE AND THREE HUNDRED THIRTY-FIVE-A OF THIS TITLE AND SHALL REQUIRE THAT THE INDIVIDUAL MAINTAINS SATISFACTORY ACADEMIC PROGRESS AND HOURLY PARTICIPATION IS DOCUMENTED CONSISTENT WITH FEDERAL AND STATE REQUIREMENTS. FOR PURPOSES OF THIS PROVISION "SATISFACTORY ACADEMIC PROGRESS" SHALL MEAN HAVING A CUMULATIVE C AVERAGE, OR ITS EQUIVALENT, AS DETERMINED BY THE ACADEMIC INSTITUTION. THE REQUIREMENT TO MAINTAIN SATISFACTORY ACADEMIC PROGRESS MAY BE WAIVED IF DONE SO BY THE ACADEMIC INSTITUTION AND THE SOCIAL SERVICES DISTRICT BASED ON UNDUE HARDSHIP CAUSED BY AN EVENT SUCH AS A PERSONAL INJURY OR ILLNESS OF THE STUDENT, THE DEATH OF A RELATIVE OF THE STUDENT OR OTHER EXTENUATING CIRCUMSTANCES. ANY ENROLLMENT IN POST-SECONDARY EDUCATION BEYOND A TWELVE MONTH PERIOD MUST BE COMBINED WITH NO LESS THAN TWENTY HOURS OF PARTICIPATION AVERAGED WEEKLY IN PAID EMPLOYMENT OR WORK ACTIVITIES OR COMMUNITY SERVICE WHEN PAID EMPLOYMENT IS NOT AVAILABLE.

S 5. Paragraph (c) of subdivision 1 of section 131-n of the social services law, as amended by chapter 373 of the laws of 2003, is amended to read as follows:

(c) an amount up to one thousand four hundred dollars in a separate bank account established by an individual while currently in receipt of assistance for the purpose of paying tuition at a two-year OR FOUR-YEAR accredited post-secondary educational institution, so long as the funds are not used for any other purpose,

S 6. This act shall take effect immediately; provided, however, that the amendments to paragraph (c) of subdivision 1 of section 131-n of the social services law made by section five of this act shall not affect the expiration of such section and shall be deemed to expire therewith.

PART K

Section 1. Legislative findings. The legislature hereby finds and declares that:

According to the 2010 United States Census, in New York state, 310,876 children under the age of 18 live in homes headed by grandparent caregivers and 71,997 children under the age of 18 live in homes headed by a caregiver who is an elderly relative.

Many of these caregivers are forced to return to the workforce, cut into retirement savings, or seek additional employment in order to provide for these children.

In addition to unexpected expenses and drastic situation changes, many caregivers find their housing security complicated or jeopardized by the need to care for young children. Often, housing that may have been appropriate for a single, low- or fixed-income grandparent or senior is neither accepting of, nor suitable or appropriate, for young children.

In order to respond to the various housing needs of grandparent and elderly relative caregivers, the legislature must evaluate and understand the circumstances, scope, and scale of the issue.

S 2. 1. Grandparent housing study. The New York state division of housing and community renewal, in consultation with the New York state office of children and family services, the New York state office of temporary and disability assistance, and the New York state office for the aging, shall execute a study on housing in relation to grandparent and elderly relative caregivers of children under the age of 18, including, but not limited to:

a. the categories of reasons why children reside with and are under the primary care of grandparent or elderly relative caregivers;

b. causes of homelessness as such children approach adulthood, and other housing challenges, including transitional access to, physical accommodations of, discrimination in, and current availability of appropriate housing, that grandparent and elderly relative caregivers confront when caring for young children;

c. the economic costs to and social support needs of grandparent and elderly relative caregivers, particularly those who are low-income or live on fixed incomes;

d. policy, taxation, and financing models that legislators and state agencies may consider in addressing the housing needs of grandparent and elderly relative caregivers;

e. availability and awareness of programs aimed at providing support to low- and fixed-income grandparent and elderly relative caregivers; and

f. statistical and geographic mapping of households across New York where children reside with and are under the primary care of grandparent or elderly relative caregivers.

2. Grandparent housing study report. The New York state division of housing and community renewal shall submit to the governor, the speaker and minority leader of the assembly, and the temporary president and minority leader of the senate a report with findings and recommendations concerning the grandparent housing study within twelve months of the effective date of this act.

3. Assistance. To the maximum extent possible, the New York state division of housing and community renewal, the office of children and family services, the New York state office of temporary and disability assistance, and the office for the aging shall be entitled to request and receive, and shall utilize and be provided with such facilities, resources, and data from any state court, department, division, board, bureau, commission, agency, or political subdivision that they may reasonably request to properly execute their responsibilities pursuant to this act.

S 3. This act shall take effect immediately, provided, however, that the provisions of this act shall expire and be deemed repealed twelve months and one day after this act shall have become a law or upon submission of the grandparent housing study report pursuant to subdivision two of section two of this act, whichever is later; provided that the New York state division of housing and community renewal shall notify the legislative bill drafting commission of the date of submission of the grandparent housing study report.

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 K of this act shall be as specifically set forth in the last section of such Parts.