§ 57.35. Grants for local government records management improvement. 1. The commissioner of education, upon consultation with the local government records advisory council, is authorized to award grants for records management improvement as specified in sections 57.19, 57.25, 57.29 and 57.31 of this article to individual local governments, groups of cooperating local governments and local governments that have custody of court records and for records management improvement for supreme court records in the custody of the counties of New York, Kings, Queens, Richmond, and Bronx and in accordance with subdivision two-a of this section, records under the jurisdiction of the department of records and information services of the city of New York or its successor agency and the city clerk of the city of New York, and to fire companies and voluntary ambulance services as such terms are defined in section one hundred of the general municipal law.

2. The commissioner of education shall promulgate rules and regulations setting forth criteria and procedures necessary to award grants for records management improvement from monies available for this purpose in the New York state local government records management improvement fund, established pursuant to section ninety-seven-i of the state finance law.

Such criteria shall include but not be limited to:

(a) the development by the applicant of a written plan for a records management program;

(b) the condition of the records of the applicant;

(c) the geographic location of the applicant so as to provide, to the extent practicable, equitable geographic distribution of the grants;

(d) the particular design of the applicant's records management program; and

(e) the applicant's arrangements for cooperative activities among local governments for a records management program.

2-a (a) Notwithstanding the provision of paragraph (c) of subdivision two of this section, the commissioner of education may award grants totaling in the aggregate no more than one million dollars annually for records management improvement to the department of records and

information services of the city of New York or its successor agency and the city clerk of the city of New York in accordance with the provisions of this subdivision.

(b) The department of records and information services or its successor agency and the city clerk of the city of New York shall submit applications to the commissioner of education at the same time as applications pursuant to subdivision two of this section are required to be submitted. The applications shall set forth the records management improvement projects proposed by the department of records and information services or its successor agency and the city clerk of the city of New York is priority order and the amount requested for each project. Priority assignment of each project shall be a factor taken into consideration in addition to those outlined in subdivision two of this section when making grant awards.

(c) Upon receipt of grant monies, the commissioner of the department of records and information services or its successor agency and the city clerk of the city of New York shall direct the disbursement of grant monies to each project for which a grant has been approved.

(d) The commissioner of the department of records and information services or its successor agency and the city clerk of the city of New York shall, in addition to monitoring the progress of and providing technical assistance to projects receiving awards pursuant to this subdivision, prepare and submit progress reports on such projects. Such reports shall be at the level of detail and frequency comparable to reports required of other local governments receiving awards pursuant to this section.

3. All monies received by the commissioner of education under the provisions of the third undesignated paragraph of subdivision (a) of section eight thousand eighteen, subparagraph b of paragraph four of subdivision (a) of section eight thousand twenty-one and subparagraph b of paragraph eleven of subdivision (b) of section eight thousand twenty-one of the civil practice law and rules, and subdivision a of section 7-604 of the administrative code of the city of New York, shall be deposited by the commissioner of education to the credit of the New York state local government records management improvement fund established pursuant to section ninety-seven-i of the state finance law

by the tenth day of the month following receipt of such monies.

4. Each year the New York state local government records advisory council shall review and make recommendations on a proposed operational and expenditure plan for the New York state local government records management improvement fund prior to its adoption by the commissioner of education. The annual expenditure plan shall be subject to the approval of the director of the division of the budget.