*** § 265. Further authority of the office; state assistance.** 1. In administering the provisions of this article, the office may perform such other and further acts and recommend to the commissioner of the division of criminal justice services such rules and regulations it deems necessary, proper or desirable to carry out the purpose of this article and not otherwise inconsistent with the other provisions of this article, chapter or any other provision of law. This shall include, but not be limited to, the office's consultation with the chief administrative judge of the office of court administration, the chairman of the state commission of correction and the commissioner of alcoholism and substance abuse services.

2. a. For the purpose of carrying out this article state assistance of not less than fourteen million dollars shall be made available to cities with a population of one million or more and to counties outside such cities in amounts to be determined; provided, however, that of the total amount available herein, not less than seven million dollars shall be made available as follows:

(i) for each county with a population under one hundred thousand persons, a minimum of twenty thousand dollars or that percentage of the total dollar amount available which is equal to the percentage that the population of such county bears to the total population of the state determined on the basis of the most recent available federal census, whichever is greater;

(ii) for each county with a population over one hundred thousand and under three hundred thousand persons, a minimum of sixty thousand dollars or that percentage of the total dollar amount available which is equal to the percentage that the population of such county bears to the total population of the state determined on the basis of the most recent available federal census, whichever is greater;

(iii) for each county with a population over three hundred thousand persons not entirely included within a city, that percentage of the total dollar amount available which is equal to the percentage that the population of such county bears to the total population of the state determined on the basis of the most recent available federal census; and

(iv) for each city with a population of one million or more, the amount of the total dollar amount available by this paragraph remaining

after the deduction of the amounts apportioned pursuant to the preceding subparagraphs of this paragraph.

b. Except as provided in section two hundred sixty-six of this article, applications for such assistance must be made and submitted no later than one hundred eighty days after the effective date of the chapter of the laws of nineteen hundred eighty-eight which amended this paragraph and added these words or by the first day of April of each subsequent year and shall be either approved or denied by the office no later than sixty days following such submission. Any part of the moneys so made available and not apportioned pursuant to a plan approved and contract entered into with the office within the time limits required shall be apportioned by the office in its discretion to such a city or counties on a need basis, taking into consideration incarcerated individual population or prior commitment by a county in the development of alternatives to detention or incarceration programs.

3. The office may receive applications from and may enter into contracts with municipalities to undertake implementation of the service plan and any such municipality may enter into a contract with the office and with such private organization or organizations for such purpose. Except as provided in section two hundred sixty-six of this article, any such contract may include such provisions as may be agreed upon by the parties thereto, but shall include in substance at least the following:

a. An estimate of the reasonable cost and need of the programs as approved by the office;

b. In the first year of the approved service plan an agreement by the office to reimburse to the municipality up to fifty percent of the state's share of the costs at the initial approval of the plan; one-half of the remaining fifty percent of the state's share shall be allocated to municipalities during the implementation of the plan, provided there is substantial compliance with timetables and any other provisions of the plan deemed necessary by the office. The balance of the state's share of the costs shall be allocated to the municipality in a manner determined by the office. In any subsequent year, the office shall

reimburse to the municipality the state's share of actual costs incurred under the plan. In no event shall the state's share exceed fifty percent of the total cost of the plan, nor shall it be used to replace current expenditures by the municipality for such alternatives programs. However, in determining the amount of the municipal share of the cost of a program, the office shall reduce the amount of the municipal share by an amount equal to the costs incurred by such municipality on implementation of any of the plan's provisions during the year immediately preceding approval of the plan by the office. Any such amount resulting in a reduction of the municipal share shall not be considered in calculating the municipal share of any future program;

c. An agreement by the municipality to provide for the payment of the municipality's share of the cost of the program or programs and to proceed expeditiously with, and complete, the program or programs, as approved by the commission;

d. Any costs in excess of the amount provided for in this subdivision will be the responsibility of the municipality except as otherwise provided in this article;

e. An agreement that, in the event federal assistance, which was not included in the calculation of the state or municipal payment, becomes available to the municipality, the amount of the state payment shall be recalculated with the inclusion of one-half of such federal assistance and the amount of the municipality's payment shall be recalculated with the inclusion of one-half of such federal assistance; and

f. An agreement that in the event of private financial assistance, which was not included in the calculation of the municipal payment and which becomes available to the municipality, such financial assistance shall result in a reduction of the municipal share by said amount.

* NB Repealed September 1, 2027