STATE OF NEW YORK

2006--B

IN ASSEMBLY

January 18, 2019

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

AN ACT to amend the education law, in relation to contracts for excellence and the apportionment of public moneys; to amend the education law, in relation to services aid; to amend the education law, in relation to authorizing boards of education to enter into piggyback contracts with other school districts; to amend the education law, in relation to the amount of the supplemental basic tuition for charter schools; to amend the education law, in relation to supplemental public excess cost aid; to amend the education law, in relation to universal pre-kindergarten school bus transportation; to amend the education law, in relation to academic enhancement aid; to amend the education law, in relation to high tax aid; to amend the education law, in relation to state aid adjustments; in relation to legalizing, validating, ratifying and confirming certain acts by the Chester union free school district, the Huntington union free school district, the Islip union free school district, the Mount Morris central school district, the Newburgh enlarged city school district, the Panama central school district, the Roscoe central school district and the Spackenkill union free school district and providing that such school districts be relieved from paying any penalty arising from the late filing of a final cost report; in relation to legalizing, validating, ratifying and confirming certain acts by the Cold Spring Harbor central school district, the Corning city school district, the Fulton city school district and the Port Washington union free school district; to amend the education law, in relation to moneys apportioned, when and how payable; to amend the education law, in relation to the teachers of tomorrow teacher recruitment and retention program; to amend the education law, in relation to class sizes for special classes containing certain students with disabilities; to amend the education law, in relation to the teacher certification exemption; to amend the education law, in relation to contracts for the transportation of school children; to amend chapter 374 of the laws of 2014,

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

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amending the education law, relating to the leasing of real property by boards of cooperative educational services, in relation to the effectiveness thereof; 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 reimbursements for the 2019-2020 school year; 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 withholding a portion of employment preparation education aid and in relation to the effectiveness thereof; to amend the education law, in relation to employment preparation education programs; to amend chapter 82 of the laws of 1995, amending the education law and other laws relating to state aid to school districts and the appropriation of funds for the support of government, in relation to the effectiveness thereof; 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, in relation to the effectiveness thereof; 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, in relation to the effectiveness thereof; 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 the effectiveness thereof; to amend chapter 91 of the laws of 2002 amending the education law and other laws relating to reorganization of the New York city school construction authority, board of education and community boards, in relation to the effectiveness thereof; to amend chapter 345 of the laws of 2009 amending the education law and other laws relating to the New York city board of education, chancellor, community councils, and community superintendents, in relation to the effectiveness thereof; to amend chapter 472 of the laws of 1998, amending the education law relating to the lease of school buses by school districts, in relation to the effectiveness thereof; to amend chapter 552 of the laws of 1995, amending the education law relating to contracts for the transportation of school children, in relation to the effectiveness thereof; to amend chapter 97 of the laws of 2011, amending the education law relating to census reporting, in relation to the effectiveness thereof; in relation to school bus driver training; in relation to special apportionment for salary expenses and public pension accruals; in relation to the city school district of the city of Rochester; in relation to total foundation aid for the purpose of the development, maintenance or expansion of certain magnet schools or magnet school programs for the 2019-2020 school year; in relation to the support of public libraries; to amend the education law, in relation to project costs for buildings of public libraries located in economically distressed communities; to amend chapter 498 of the laws of 2011 amending the education law relating to the public library construction grant program, in relation to the effectiveness thereof; to amend chapter 121 of the laws of 1996, relating to authorizing the Roosevelt union free school district to finance deficits by the issuance of serial bonds, in relation to the max apportionment for salary expenses; to amend the education law, in relation to the effectiveness of provisions relating to BOCES intermediate districts; to amend the general municipal law, in relation to allowing certain school districts and boards of cooperative educational services to

establish a retirement contribution reserve fund for the purposes of the New York state teachers' retirement system; to amend the education law, in relation to the smart schools review board; to require a tuition rate increase for certain schools; to amend the education law, in relation to expenditures for transportation after four o'clock in the afternoon; to amend the education law, in relation to payments of moneys due for prior years; to amend the education law, in relation to building condition surveys; to amend the education law, in relation to building aid for testing and filtering of potable water systems for lead contamination; to amend the education law, in relation to building aid for periodic inspections of public school buildings; and providing for the repeal of certain provisions upon expiration thereof and to repeal subdivision 16 of section 3602-ee of the education law relating to the authority of the department of education to administer the universal full-day pre-kindergarten program; to amend chapter 437 of the laws of 2014, amending the education law relating to removing the requirement for annual visual inspections of school buildings, in relation to the effectiveness thereof (Part A); intentionally omitted (Part B); intentionally omitted (Part C); intentionally omitted (Part D); intentionally omitted (Part E); to amend the state finance law, in relation to the arts capital grants fund (Part F); to utilize reserves in the mortgage insurance fund for various housing purposes (Part G); intentionally omitted (Part H); to amend the social services law, in relation to federally required background clearances for persons working in residential foster care programs (Part I); to amend the social services law, in relation to residential programs for domestic violence victims; and to repeal certain provisions of such law relating thereto (Part J); to amend the family court act, the social services law and the executive law, in relation to persons in need of supervision; to repeal certain provisions of the executive law and the social services law relating thereto; and to repeal section 104-b of part WWW of chapter 59 of the laws of 2017 amending the criminal procedure law and other laws relating to proceedings against juvenile and adolescent offenders, relating to state reimbursement for PINS (Part K); 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 L); intentionally omitted (Part M); intentionally omitted (Part N); intentionally omitted (Part O); intentionally omitted (Part P); intentionally omitted (Part Q); intentionally omitted (Part R); intentionally omitted (Part S); intentionally omitted (Part T); intentionally omitted (Part U); intentionally omitted (Part V); intentionally omitted (Part W); intentionally omitted (Part X); intentionally omitted (Part Y); intentionally omitted (Part Z); to amend the election law, the executive law, the state finance law, the labor law, the vehicle and traffic law, the environmental conservation law, the public health law, the general municipal law, the military law, the domestic relations law, the education law, the mental hygiene law, the elder law, the social services law, the not-for-profit corporation law, the real property tax law, the New York state defense emergency act, the administrative code of the city of New York, and the New York city charter, in relation to changing the name of the New York state division of veterans' affairs to the New York state division of veterans' services; and to amend the executive law, in relation to changing the name of the veterans' affairs commission to the veterans' services commission (Part AA); to amend the state finance law, in relation to five-year

capital plans for the state university of New York and the city university of New York (Part BB); to amend the education law, in relation to state appropriations to the state university of New York and the city university of New York (Part CC); to amend the education law, in relation to state appropriations for increases in tuition credit (Part DD); to amend the education law, in relation to post secondary success support for students with disabilities (Part EE); to amend the education law, in relation to award granting prerequisites (Part FF); to amend the education law, in relation to establishing the Martin Luther King, Jr. scholarship (Part GG); to amend the social services law, in relation to home stability support programs (Part HH); to amend the labor law, in relation to hours, wages and supplements in contracts for public work (Part II); to amend the social services law, in relation to caseload standards for social services districts (Part JJ); to amend the education law, in relation to the foster youth college success initiative eligibility requirements (Part KK); to amend the social services law, in relation to requiring a study to be conducted to evaluate the adequacy of the current rates provided to certain adult care facilities (Part LL); to amend the state finance law, in relation to the local share requirements associated with increasing the age of juvenile jurisdiction; repealing section 54-m of the state finance law relating thereto; and to amend part WWW of chapter 59 of the laws of 2017, amending the criminal procedure law and other laws relating to proceedings against juvenile and adolescent offenders, and the age of juvenile and adolescent offenders, in relation to costs associated with the transport of youth (Part MM); and to amend the labor law, in relation to prevailing wage requirements for covered development projects (Part NN)

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 2019-2020 state fiscal year. Each component is wholly contained within a Part identified as Parts A through NN. 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 e of subdivision 1 of section 211-d of the education law, as amended by section 1 of part CCC of chapter 59 of the laws of 2018, 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 and provided further that, a school district that submitted a contract for excellence for the two thousand thirteen--two thousand fourteen school year, unless all schools in the district are identified as in good standing, shall submit a contract for excellence for the two thousand fourteen--two thousand fifteen 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 thirteen--two thousand fourteen school year; and provided further that, a school district that submitted a contract for excellence for the two thousand fourteen--two thousand fifteen school year, unless all schools in the district are identified as in good standing, shall submit a contract for excellence for the two thousand fifteen--two thousand sixteen 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 fourteen--two thousand fifteen school year; and provided further that a school district that submitted a contract for excellence for the two thousand fifteen--two thousand sixteen school year, unless all schools in the district are identified as in good standing, shall submit a contract for excellence for the two thousand sixteen--two thousand seventeen 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 fifteen--two thousand sixteen school year; and provided further that, a school district that submitted a contract for excellence for the two thousand sixteen--two thousand seventeen school year, unless all schools in the district are identified as in good standing, shall submit a contract for excellence for the two thousand seventeen--two thousand eighteen 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 sixteen--two thousand seventeen school year; and provided further that a school district that submitted a contract for excellence for the two thousand seventeen--two thousand eighteen school year, unless all schools in the district are identified as in good standing, shall submit a contract for excellence for the two thousand eighteen--two thousand nineteen 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 seventeen--two thousand eighteen school year**; and provided further that no school district shall be required to submit a contract for excellence for the two thousand nineteen--two thousand twenty school year and thereafter**. 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.

§ 2. Intentionally omitted.

§ 3. Paragraph bb of subdivision 1 of section 3602 of the education law, as added by section 25 of part A of chapter 58 of the laws of 2011, is amended to read as follows:

bb. "Personal income growth index" shall mean (1) for the two thousand twelve--two thousand thirteen school year, the average of the quotients for each year in the period commencing with the two thousand five--two thousand six state fiscal year and finishing with the two thousand nine--two thousand ten state fiscal year of the total personal income of the state for each such year divided by the total personal income of the state for the immediately preceding state fiscal year, but not less than one [~~and~~]**,** (2) for the two thousand thirteen--two thousand fourteen [~~school year and each school year thereafter~~] **through two thousand nineteen--two thousand twenty school years**, the quotient of the total personal income of the state for the state fiscal year one year prior to the state fiscal year in which the base year commenced divided by the total personal income of the state for the immediately preceding state

fiscal year, but not less than one **and (3) for the two thousand twenty--two thousand twenty-one school year and each school year thereafter, the average of the quotients for each year in the period commencing with the state fiscal year nine years prior to the state fiscal year in which the base year began and finishing with the state fiscal year prior to the state fiscal year in which the base year began of the total personal income of the state for each such year divided by the total personal income of the state for the immediately preceding state fiscal year, but not less than one**.

§ 4. Paragraph e of subdivision 4 of section 3602 of the education law, as amended by section 9-b of part CCC of chapter 59 of the laws of 2018, is amended to read as follows:

e. Community schools aid set-aside. Each school district shall set aside from its total foundation aid computed for the current year pursuant to this subdivision an amount equal to the sum of (i) the amount, if any, set forth for such district as "COMMUNITY SCHL AID (BT1617)" in the data file produced by the commissioner in support of the enacted budget for the two thousand sixteen--two thousand seventeen school year and entitled "SA161-7", (ii) the amount, if any, set forth for such district as "COMMUNITY SCHL INCR" in the data file produced by the commissioner in support of the executive budget request for the two thousand seventeen--two thousand eighteen school year and entitled "BT171-8", [~~and~~] (iii) the amount, if any, set forth for such district as "COMMUNITY SCHOOLS INCREASE" in the data file produced by the commissioner in support of the executive budget for the two thousand eighteen--two thousand nineteen school year and entitled "BT181-9"**, and (iv) the amount, if any, set forth for such districts as "COMMUNITY SCHOOL INCREASE" in the data file produced by the commissioner in support of the executive budget for the two thousand nineteen--two thousand twenty school year and entitled "BT192-0", provided however that for the two thousand nineteen--two thousand twenty school year and thereafter, the community school aid set-aside shall not exceed two and five-tenths percent (0.025) of the foundation aid payable computed for the current year pursuant to this subdivision, provided further that such annual increase in the community school set-aside shall not exceed twenty percent (0.20) of the foundation aid payable for the current year less the total foundational aid base. Nothing in this subdivision shall prevent a school district from using amounts above these limits to support community school programs**. Each school district shall use such [~~"COMMUNITY SCHL AID (BT1617)"~~] **community school aid set-aside** amount [~~to support the transformation of school buildings into community hubs to deliver co-located or school-linked academic, health, mental health, nutrition, counseling, legal and/or other services to students and their families, including but not limited to providing a community school site coordinator, or to support other costs incurred to maximize students' academic achievement. Each school district shall use such "COMMUNITY SCHL INCR" amount to support the transformation of school buildings into community hubs to deliver co-located or school linked academic, health, mental health services and personnel, after-school programming, dual language programs, nutrition, counseling, legal and/or other services to students and their families, including but not limited to providing a community school site coordinator and programs for English language learners, or to support other costs incurred to maximize students' academic achievement, provided however that a school district whose "COMMUNITY SCHL INCR" amount exceeds one million dollars ($1,000,000) shall use an amount equal to the greater of one hundred fifty thousand dollars~~

~~($150,000) or ten percent of such "COMMUNITY SCHL INCR" amount to support such transformation at schools with extraordinary high levels of student need as identified by the commissioner, subject to the approval of the director of the budget. Each school district shall use such "COMMUNITY SCHOOLS INCREASE"~~] to support the transformation of school buildings into community hubs to deliver co-located or school linked academic, health, mental health services and personnel, after-school programming, dual language programs, nutrition, trauma informed support, counseling, legal and/or other services to students and their families, including but not limited to providing a community school site coordinator and programs for English language learners, or to support other costs incurred to maximize students' academic achievement.

§ 5. Intentionally omitted.

§ 5-a. Subdivision 1 of section 3602 of the education law is amended by adding a new paragraph ii to read as follows:

ii. "Homeless pupil count" shall mean the number of students enrolled in the district for the year prior to the base year who: (i) lacked a fixed, regular, and adequate nighttime residence, including a student who: shared the housing of other persons due to a loss of housing, economic hardship or similar reason; lived in motels, hotels, trailer parks or camping grounds due to the lack of alternative adequate accommodations; were abandoned in hospitals; or a migratory child, as defined in subsection 2 of Section 1309 of the Elementary and Secondary Education Act of 1965, as amended, who qualified as homeless under any of the above provisions; or (ii) had a primary nighttime location that is a supervised publicly or privately operated shelter designed to provide temporary living accommodations including, but not limited to, shelters operated or approved by the state or local department of social services, and residential programs for runaway and homeless youth established pursuant to article nineteen-H of the executive law or a public or private place not designed for, or ordinarily used as, a regular sleeping accommodation for human beings, including a car, park, public space, abandoned building, substandard housing, bus, train station, or similar setting.

§ 5-b. Subdivision 1 of section 3602 of the education law is amended by adding a new paragraph jj to read as follows:

jj. (i) "Direct certification count" shall be equal to the number of children eligible for free meals or free milk based on information obtained directly from the office of temporary and disability assistance administering the supplemental nutrition assistance program and the department of health administering medicaid and providing data as per the United States Department of Agriculture Medicaid Demonstration Project.

(ii) "Direct certification enrollment" shall mean enrollment collected for purposes of the direct certification matching process.

(iii) "Direct certification percent" shall mean the quotient arrived at when dividing the direct certification count by direct certification enrollment.

§ 5-c. Subdivision 1 of section 3602 of the education law is amended by adding a new paragraph kk to read as follows:

kk. "Small city school districts" shall mean any school districts that were designated as small city school districts or central school districts whose boundaries include a portion of a small city for the school aid computer listing produced by the commissioner in support of the enacted budget for the two thousand fourteen--two thousand fifteen school year and entitled "SA141-5".

§ 5-d. Subdivision 4 of section 3602 of the education law is amended by adding a new paragraph g to read as follows:

g. Foundation aid payable in the two thousand nineteen--two thousand twenty school year. Notwithstanding any provision of law to the contrary, foundation aid payable in the two thousand nineteen--two thousand twenty school year shall equal the sum of (1) the foundation aid base plus (2) the executive foundation aid increase plus (3) the positive difference, if any, of the foundation aid base as set forth on the school aid computer listing produced by the commissioner in support of the two thousand nineteen--two thousand twenty executive budget and entitled "BT192-0" less the foundation aid base, plus (4) the greater of tiers one through thirteen.

For the purposes of this paragraph, "foundation aid remaining" shall mean the positive difference, if any, of (1) total foundation aid computed pursuant to this section less (2) the total foundation aid base computed pursuant to paragraph j of subdivision one of this section.

For the purposes of this paragraph:

(i) "Tier one" shall equal the product of foundation aid remaining multiplied by six one-hundredths (0.06).

(ii) "Tier two" shall equal, for school districts where (A) the difference between the public school district enrollment for the base year pursuant to paragraph n of subdivision one of this section less such public school enrollment for the two thousand fifteen--two thousand sixteen school year is greater than or equal to twenty-five and (B) the quotient arrived at when dividing such base year enrollment by such two thousand fifteen--two thousand sixteen enrollment is greater than or equal to one and fourteen one-thousandths (1.014), the product of foundation aid remaining multiplied by fifteen hundredths (0.15).

(iii) "Tier three" shall equal, for school districts where (A) the pupil wealth ratio computed pursuant to paragraph a of subdivision three of this section is less than eight tenths (0.8), and (B) the quotient arrived at when dividing the public school district enrollment for the base year by such enrollment for the two thousand fifteen--two thousand sixteen enrollment is greater than or equal to one and one one-hundredth (1.01), the product of foundation aid remaining multiplied by two tenths (0.2).

(iv) "Tier four" shall equal, for school districts with a pupil needs index computed pursuant to paragraph a of subdivision three of this section greater than or equal to one and eighty-three hundredths (1.83), the product of foundation aid remaining multiplied by two tenths (0.2).

(v) "Tier five" shall equal, for school districts in a city with a population of one million or more, the product of foundation aid remaining multiplied by twenty-four thousand six hundred seventy-five one hundred thousandths (0.24675).

(vi) "Tier six" shall equal, for a city school district in a city with a population of more than one hundred twenty-five thousand but less than two hundred thousand as of the most recent federal decennial census, the product of foundation aid remaining multiplied by two hundred six one-thousandths (0.236).

(vii) "Tier seven" shall equal, for school districts that were designated as small city school districts or central school districts whose boundaries include a portion of a small city for the school aid computer listing produced by the commissioner in support of the enacted budget for the two thousand fourteen--two thousand fifteen school year and entitled "SA141-5" with a pupil wealth ratio computed pursuant to paragraph a of subdivision three of this section equal to or less than one

and three-tenths (1.3), the product of foundation aid remaining multiplied two thousand nine hundred eighty-five ten-thousandths (0.2985). For all other small city school districts computed pursuant to paragraph kk of subdivision one of this section, tier seven shall be the product of foundation aid remaining multiplied by one thousand eight hundred eighty-five ten-thousandths (0.1885).

(viii) "Tier eight" shall equal, for school districts with a direct certification percentage for the year prior to the base year computed pursuant to paragraph jj of subdivision one of this section greater than or equal to seventy-five hundredths (0.75), the product of foundation aid remaining multiplied by two hundred four one-thousandths (0.204).

(ix) "Tier nine" shall equal, for school districts with (A) a sparsity count computed pursuant to paragraph r of subdivision one of this section greater than zero, (B) a combined wealth ratio for total foundation aid computed pursuant to paragraph c of subdivision three of this section less than one, and (C) an extraordinary needs quotient which, for purposes of this paragraph, shall be equal to the quotient arrived at when dividing the extraordinary needs percent computed pursuant to paragraph w of subdivision one of this section by five hundred twenty-two one-thousandths (0.522) greater than fifty-one hundredths (0.51), the product of one hundred dollars ($100) multiplied by such extraordinary needs quotient multiplied by public school district enrollment for the base year as computed pursuant to paragraph n of subdivision one of this section.

(x) "Tier ten" shall equal, for school districts where the quotient arrived at when dividing foundation aid remaining by total foundation aid is greater than five-tenths (0.5), the difference of the product of total foundation aid multiplied by fifty-three hundredths (0.53) less the foundation aid base.

(xi) "Tier eleven" shall equal the product of the foundation aid base multiplied by fifteen one-thousandths (0.015).

(xii) "Tier twelve" shall equal, for school districts with (A) a three-year average free and reduced price lunch percent for the current year computed pursuant to paragraph p of subdivision one of this section greater than thirty eight one-hundredths (0.38) and (B) a combined wealth ratio for total foundation aid computed pursuant to paragraph c of subdivision three of this section less than or equal to one (1.0), the product of the foundation aid base multiplied by twenty-five one-thousandths (0.025).

(xiii) "Tier thirteen" shall equal, for school districts with (A) a sparsity count computed pursuant to paragraph r of subdivision one of this section greater than zero and (B) a combined wealth ratio for total foundation aid computed pursuant to paragraph c of subdivision three of this section less than or equal to one (1.0), the product of the foundation aid base multiplied by three one-hundredths (0.03).

(xiv) The "executive foundation aid increase" shall be equal to the difference of (A) the amounts set forth for each school district as "FOUNDATION AID" under the heading "2019-20 ESTIMATED AIDS" in the school aid computer listing produced by the commissioner in support of the executive budget request for the two thousand nineteen--two thousand twenty school year and entitled "BT192-0" less (B) the amounts set forth for each school district as "FOUNDATION AID" under the heading "2018-19 BASE YEAR AIDS" in such computer listing.

§ 5-e. Section 3602 of the education law is amended by adding a new subdivision 19 to read as follows:

19. Homelessness aid. For the two thousand nineteen--two thousand twenty school year, any district with a homeless pupil count computed pursuant to paragraph ii of subdivision one of this section greater than five shall be eligible for homelessness aid in an amount equal to the greater of the product of one hundred forty-four dollars and seventy-one cents ($144.71) multiplied by the homeless pupil count or $10,000, provided that no district shall receive more than seven million dollars of such aid in the two thousand nineteen--two thousand twenty school year.

§ 5-f. Clause (ii) of subparagraph 2 of paragraph b of subdivision 4 of section 3602 of the education law, as amended by section 9-b of part CCC of chapter 59 of the laws of 2018, is amended to read as follows:

(ii) Phase-in foundation increase factor. For the two thousand eleven--two thousand twelve school year, the phase-in foundation increase factor shall equal thirty-seven and one-half percent (0.375) and the phase-in due minimum percent shall equal nineteen and forty-one hundredths percent (0.1941), for the two thousand twelve--two thousand thirteen school year the phase-in foundation increase factor shall equal one and seven-tenths percent (0.017), for the two thousand thirteen--two thousand fourteen school year the phase-in foundation increase factor shall equal (1) for a city school district in a city having a population of one million or more, five and twenty-three hundredths percent (0.0523) or (2) for all other school districts zero percent, for the two thousand fourteen--two thousand fifteen school year the phase-in foundation increase factor shall equal (1) for a city school district of a city having a population of one million or more, four and thirty-two hundredths percent (0.0432) or (2) for a school district other than a city school district having a population of one million or more for which (A) the quotient of the positive difference of the foundation formula aid minus the foundation aid base computed pursuant to paragraph j of subdivision one of this section divided by the foundation formula aid is greater than twenty-two percent (0.22) and (B) a combined wealth ratio less than thirty-five hundredths (0.35), seven percent (0.07) or (3) for all other school districts, four and thirty-one hundredths percent (0.0431), and for the two thousand fifteen--two thousand sixteen school year the phase-in foundation increase factor shall equal: (1) for a city school district of a city having a population of one million or more, thirteen and two hundred seventy-four thousandths percent (0.13274); or (2) for districts where the quotient arrived at when dividing (A) the product of the total aidable foundation pupil units multiplied by the district's selected foundation aid less the total foundation aid base computed pursuant to paragraph j of subdivision one of this section divided by (B) the product of the total aidable foundation pupil units multiplied by the district's selected foundation aid is greater than nineteen percent (0.19), and where the district's combined wealth ratio is less than thirty-three hundredths (0.33), seven and seventy-five hundredths percent (0.0775); or (3) for any other district designated as high need pursuant to clause (c) of subparagraph two of paragraph c of subdivision six of this section for the school aid computer listing produced by the commissioner in support of the enacted budget for the two thousand seven--two thousand eight school year and entitled "SA0708", four percent (0.04); or (4) for a city school district in a city having a population of one hundred twenty-five thousand or more but less than one million, fourteen percent (0.14); or (5) for school districts that were designated as small city school districts or central school districts whose boundaries include a portion of a

small city for the school aid computer listing produced by the commissioner in support of the enacted budget for the two thousand fourteen--two thousand fifteen school year and entitled "SA1415", four and seven hundred fifty-one thousandths percent (0.04751); or (6) for all other districts one percent (0.01), and for the two thousand sixteen--two thousand seventeen school year the foundation aid phase-in increase factor shall equal for an eligible school district the greater of: (1) for a city school district in a city with a population of one million or more, seven and seven hundred eighty four thousandths percent (0.07784); or (2) for a city school district in a city with a population of more than two hundred fifty thousand but less than one million as of the most recent federal decennial census, seven and three hundredths percent (0.0703); or (3) for a city school district in a city with a population of more than two hundred thousand but less than two hundred fifty thousand as of the most recent federal decennial census, six and seventy-two hundredths percent (0.0672); or (4) for a city school district in a city with a population of more than one hundred fifty thousand but less than two hundred thousand as of the most recent federal decennial census, six and seventy-four hundredths percent (0.0674); or (5) for a city school district in a city with a population of more than one hundred twenty-five thousand but less than one hundred fifty thousand as of the most recent federal decennial census, nine and fifty-five hundredths percent (0.0955); or (6) for school districts that were designated as small city school districts or central school districts whose boundaries include a portion of a small city for the school aid computer listing produced by the commissioner in support of the enacted budget for the two thousand fourteen--two thousand fifteen school year and entitled "SA141-5" with a combined wealth ratio less than one and four tenths (1.4), nine percent (0.09), provided, however, that for such districts that are also districts designated as high need urban-suburban pursuant to clause (c) of subparagraph two of paragraph c of subdivision six of this section for the school aid computer listing produced by the commissioner in support of the enacted budget for the two thousand seven--two thousand eight school year and entitled "SA0708", nine and seven hundred and nineteen thousandths percent (0.09719); or (7) for school districts designated as high need rural pursuant to clause (c) of subparagraph two of paragraph c of subdivision six of this section for the school aid computer listing produced by the commissioner in support of the enacted budget for the two thousand seven--two thousand eight school year and entitled "SA0708", thirteen and six tenths percent (0.136); or (8) for school districts designated as high need urban-suburban pursuant to clause (c) of subparagraph two of paragraph c of subdivision six of this section for the school aid computer listing produced by the commissioner in support of the enacted budget for the two thousand seven--two thousand eight school year and entitled "SA0708", seven hundred nineteen thousandths percent (0.00719); or (9) for all other eligible school districts, forty-seven hundredths percent (0.0047), provided further that for the two thousand seventeen--two thousand eighteen school year the foundation aid increase phase-in factor shall equal (1) for school districts with a census 2000 poverty rate computed pursuant to paragraph q of subdivision one of this section equal to or greater than twenty-six percent (0.26), ten and three-tenths percent (0.103), or (2) for a school district in a city with a population in excess of one million or more, seventeen and seventy-seven one-hundredths percent (0.1777), or (3) for a city school district in a city with a population of more than two hundred fifty thousand but less than one million, as of the most

recent decennial census, twelve and sixty-nine hundredths percent (0.1269) or (4) for a city school district in a city with a population of more than one hundred fifty thousand but less than two hundred thousand, as of the most recent federal decennial census, ten and seventy-eight one hundredths percent (0.1078), or (5) for a city school district in a city with a population of more than one hundred twenty-five thousand but less than one hundred fifty thousand as of the most recent federal decennial census, nineteen and one hundred eight one-thousandths percent (0.19108), or (6) for a city school district in a city with a population of more than two hundred thousand but less than two hundred fifty thousand as of the most recent federal decennial census, ten and six-tenths percent (0.106), or (7) for all other districts, four and eighty-seven one-hundredths percent (0.0487), and for the two thousand [~~nineteen~~] **twenty**--two thousand [~~twenty~~] **twenty-one** school year [~~and thereafter the commissioner shall annually determine the phase-in foundation increase factor subject to allocation pursuant to the provisions of subdivision eighteen of this section and any provisions of a chapter of the laws of New York as described therein~~] **the foundation aid phase-in increase factor shall be thirty-three percent (0.33), and for the two thousand twenty-one--two thousand twenty-two school year the foundation aid phase-in increase factor shall be fifty percent (0.5), and for the two thousand twenty-two--two thousand twenty-three school year and thereafter the foundation aid phase-in increase factor shall be one hundred percent (1.0)**.

§ 6. Paragraph d of subdivision 4 of section 3602 of the education law, as amended by section 9-b of part CCC of chapter 59 of the laws of 2018, is amended to read as follows:

d. [~~For the two thousand fourteen--two thousand fifteen through two thousand eighteen--two thousand nineteen school years a~~] **A** city school district of a city having a population of one million or more may use amounts apportioned pursuant to this subdivision for afterschool programs.

§ 7. Intentionally omitted.

§ 8. Intentionally omitted.

§ 9. Intentionally omitted.

§ 9-a. Subparagraph 1 of paragraph b of subdivision 6-f of section 3602 of the education law, as added by section 19 of part H of chapter 83 of the laws of 2002, is amended to read as follows:

(1) has a total project cost of [~~one hundred~~] **two hundred fifty** thousand dollars or less; provided however, that for any district, no more than one project shall be eligible pursuant to this subparagraph for an apportionment within the same school year; and/or

§ 9-b. Subparagraph 1 of paragraph a of subdivision 6 of section 3602 of the education law, as amended by section 5 of part A of chapter 60 of the laws of 2000, is amended to read as follows:

(1) For new construction and the purchase of existing structures, the cost allowances shall be based upon the rated capacity of the building or addition and a basic per pupil allowance of up to six thousand three hundred seventy-five dollars adjusted monthly by a statewide index reflecting changes in the cost of labor and materials since July first, nineteen hundred ninety-two, established by the commissioner of labor, modified by an annual county or multi-county labor market composite wage rate, established by the commissioner of labor in consultation with the commissioner, for July first of the base year, commencing July first, nineteen hundred ninety-seven for general construction contracts awarded on or after July first, nineteen hundred ninety-eight, indexed to the

median of such county or multi-county rates, but not less than one. Such base allowance shall apply to a building or an addition housing grades prekindergarten through six and shall be adjusted for a building or an addition housing grades seven through nine by a factor of one and four-tenths, for a building or an addition housing grades seven through twelve by a factor of one and five-tenths, for a building or addition housing special education programs by a factor of two, except that where such building or addition is connected to, or such space is located within, a public school facility housing programs for nondisabled pupils, as approved by the commissioner, a factor of three shall be used. Rated capacity of a building or an addition shall be determined by the commissioner based on space standards and other requirements for building construction specified by the commissioner. Such assigned capacity ratings shall include, in addition to those spaces used for the instruction of pupils, those spaces which are used for elementary and secondary school libraries, cafeterias, prekindergarten instructional rooms, teachers' conference rooms, gymnasiums [~~and~~], auditoriums **and school based health, dental and mental health services**. For new construction projects approved on or after July first, two thousand, by the voters of the school district or by the board of education of a city school district in a city with more than one hundred twenty-five thousand inhabitants, and/or the chancellor in a city school district in a city having a population of one million or more, such rated capacity for new buildings and additions constructed to replace existing buildings that, in the judgment of the commissioner, have not been adequately maintained and have not reached their projected useful life shall be reduced by the commissioner by an amount proportional to the remaining unused portion of the useful life of the existing buildings, provided however that the commissioner may waive such requirement upon a finding that replacement of the existing building is necessary to protect the health and safety of students or staff, that reconstruction and modernization of the existing building would not adequately address such health and safety problems, and that the need to replace the building was not caused by failure to adequately maintain the building. If the commissioner of labor resets the statewide index reflecting changes in the costs of labor and materials since July first, nineteen hundred ninety-two, the commissioner shall adopt regulations to supersede the basic per pupil allowance of up to six thousand three hundred seventy-five dollars to the imputed allowance in effect at that time.

§ 9-c. Subparagraph (iii) of paragraph (j) of subdivision 1 of section 414 of the education law, as added by chapter 513 of the laws of 2005, is amended to read as follows:

(iii) Except where otherwise authorized by law, the cost of providing health, dental or mental health services shall not be a charge upon the school district or board of cooperative educational services, and shall be paid from federal, state or other local funds available for such purpose. Building space used for such a clinic shall be excluded from the rated capacity of the school building for the purpose of computing building aid pursuant to subdivision six of section thirty-six hundred two of this chapter or aid pursuant to subdivision five of section nineteen hundred fifty of this chapter**, except when building aid is specifically authorized pursuant to subparagraph one of paragraph a of subdivision six of section thirty-six hundred two of this chapter**.

§ 10. Intentionally omitted.

§ 10-a. Section 3602 of the education law is amended by adding a new subdivision 6-i to read as follows:

6-i. Building aid for approved expenditures for debt service for tax certiorari financing. In addition to the apportionments payable to a school district pursuant to subdivision six of this section, beginning with debt service in the two thousand nineteen--two thousand twenty school year and thereafter, the commissioner is hereby authorized to apportion to any school district additional building aid pursuant to this subdivision for its approved debt service expenditures for financing the cost of a tax certiorari, where the total value of the bond exceeds the total general fund expenditures for the school district for the year prior to the year in which the school district first receives bond proceeds. In order to have such debt service expenditures approved, the school district shall submit to the commissioner, in a form he or she prescribes, documentation relating to the issuance of such bond, including but not limited to the original tax certiorari, the amortization schedule of such bond, and any other documentation deemed necessary. Provided, however, that in the event the school district refunds the original bond at any point, the school district shall provide such updated documentation as required by the commissioner, who shall adjust the annual approved expenditures accordingly. Such aid shall equal the product of the sum of (1) the building aid ratio defined pursuant to paragraph c of subdivision six of this section plus (2) one-tenth (0.1) multiplied by the actual approved debt service expenditures incurred in the base year pursuant to this subdivision.

§ 11. Intentionally omitted.

§ 11-a. Paragraph b of subdivision 5 of section 1950 of the education law, as amended by chapter 296 of the laws of 2016, is amended to read as follows:

b. The cost of services herein referred to shall be the amount allocated to each component school district by the board of cooperative educational services to defray expenses of such board, including approved expenses from the testing of potable water systems of occupied school buildings under the board's jurisdiction as required pursuant to section eleven hundred ten of the public health law, except that that part of the salary paid any teacher, supervisor or other employee of the board of cooperative educational services which is, (i) for the two thousand eighteen--two thousand nineteen and prior school years, in excess of thirty thousand dollars, (ii) for aid payable in the two thousand nineteen--two thousand twenty school year in excess of thirty-four thousand dollars, (iii) for aid payable in the two thousand twenty--two thousand twenty-one school year, in excess of forty thousand dollars, (iv) for aid payable in the two thousand twenty-one--two thousand twenty-two school year, in excess of forty-six thousand dollars, and (v) for aid payable in the two thousand twenty-two--two thousand twenty-three school year and thereafter, in excess of fifty-two thousand dollars, shall not be such an approved expense, and except also that administrative and clerical expenses shall not exceed ten percent of the total expenses for purposes of this computation. Any gifts, donations or interest earned by the board of cooperative educational services or on behalf of the board of cooperative educational services by the dormitory authority or any other source shall not be deducted in determining the cost of services allocated to each component school district. Any payments made to a component school district by the board of cooperative educational services pursuant to subdivision eleven of section six-p of the general municipal law attributable to an approved cost of service computed pursuant to this subdivision shall be deducted from the cost of services allocated to such component school district. The expense of

transportation provided by the board of cooperative educational services pursuant to paragraph q of subdivision four of this section shall be eligible for aid apportioned pursuant to subdivision seven of section thirty-six hundred two of this chapter and no board of cooperative educational services transportation expense shall be an approved cost of services for the computation of aid under this subdivision. Transportation expense pursuant to paragraph q of subdivision four of this section shall be included in the computation of the ten percent limitation on administrative and clerical expenses.

§ 11-b. Paragraph b of subdivision 10 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:

b. Aid for career education. There shall be apportioned to such city school districts and other school districts which were not components of a board of cooperative educational services in the base year for pupils in grades [~~ten~~] **nine** through twelve in attendance in career education programs as such programs are defined by the commissioner, subject for the purposes of this paragraph to the approval of the director of the budget, an amount for each such pupil to be computed by multiplying the career education aid ratio by three thousand nine hundred dollars. Such aid will be payable for weighted pupils attending career education programs operated by the school district and for weighted pupils for whom such school district contracts with boards of cooperative educational services to attend career education programs operated by a board of cooperative educational services. Weighted pupils for the purposes of this paragraph shall mean the sum of **(i) the product of** the attendance of **students in grade nine multiplied by the special services phase-in factor plus (ii) the attendance of** students in grades ten through twelve in career education sequences in trade, industrial, technical, agricultural or health programs plus the product of sixteen hundredths multiplied by **the sum of (i) the product** of the attendance of **students in grade nine multiplied by the special services phase-in factor plus (ii) the attendance of** students in grades ten through twelve in career education sequences in business and marketing as defined by the commissioner in regulations**; provided that the special services phase-in factor shall be (i) for the two thousand nineteen--two thousand twenty school year, twenty-five percent (0.25), (ii) for the two thousand twenty--two thousand twenty-one school year, fifty percent (0.5), (iii) for the two thousand twenty-one--two thousand twenty-two school year, seventy-five percent (0.75), and (iv) for the two thousand twenty-two--two thousand twenty-three school year and thereafter, one hundred percent (1.0)**. The career education aid ratio shall be computed by subtracting from one the product obtained by multiplying fifty-nine percent by the combined wealth ratio. This aid ratio shall be expressed as a decimal carried to three places without rounding, but not less than thirty-six percent.

Any school district that receives aid pursuant to this paragraph shall be required to use such amount to support career education programs in the current year.

A board of education which spends less than its local funds as defined by regulations of the commissioner for career education in the base year during the current year shall have its apportionment under this subdivision reduced in an amount equal to such deficiency in the current or a succeeding school year, provided however that the commissioner may waive such reduction upon determination that overall expenditures per pupil in support of career education programs were continued at a level equal to

or greater than the level of such overall expenditures per pupil in the preceding school year.

§ 12. Intentionally omitted.

§ 12-a. Subdivision 14 of section 305 of the education law is amended by adding a new paragraph g to read as follows:

g. Notwithstanding the provisions of this subdivision, section one hundred three of the general municipal law, or any other provision of law to the contrary, the board of education shall be authorized to enter into a piggyback contract with another school district that transports students pursuant to a contract with a private transportation contractor, provided that the board finds that the contract cost is appropriate and entry into a piggyback contract will result in a cost savings to the school district. For purposes of this paragraph, a "piggyback contract" means a contract for the transportation of students that: (1) provides transportation to a location outside the students' school district of residence to which another school district is already providing transportation to its own students through an existing contract with a private transportation contractor, other than a cooperatively bid contract; (2) is entered into by the private transportation contractor and each school district involved; and (3) provides for transportation in accordance with the terms and conditions of such existing transportation contract.

§ 13. Intentionally omitted.

§ 13-a. Paragraph g of subdivision 1 of section 3635 of the education law, as added by chapter 244 of the laws of 2012, is amended to read as follows:

g. Notwithstanding any other provision of law to the contrary, the trustees or board of education of any school district may, in its discretion, provide transportation for students attending a universal pre-kindergarten program in addition to transportation funded by such program or transportation for students attending another district sponsored or district-run pre-kindergarten program, within mileage limits established by the school district; if provided such transportation shall be offered equally to all children in like circumstances residing in the district. The cost of providing such transportation shall be a charge upon the district [~~and~~]**; provided that** for purposes of subdivision seven of section thirty-six hundred two of this [~~chapter~~] **article**, such pupils shall be considered [~~non~~] allowable pupils and the costs of their transportation shall [~~not~~] be aidable.

§ 14. Intentionally omitted.

§ 14-a. Intentionally omitted.

§ 14-b. Paragraph (d) of subdivision 1 of section 2856 of the education law, as amended by section 4 of part YYY of chapter 59 of the laws of 2017, is amended to read as follows:

(d) School districts shall be eligible for an annual apportionment equal to the amount of the supplemental basic tuition for the charter school in the base year for the expenses incurred in the two thousand fourteen--two thousand fifteen, two thousand fifteen--two thousand sixteen, two thousand sixteen--two thousand seventeen school years and **thereafter, provided however, that for any school district having a population of less than one million, such payment shall be made in the current year for expenses incurred in the two thousand eighteen--two thousand nineteen school year and** thereafter.

§ 14-c. Paragraph (c) of subdivision 1 of section 2856 of the education law, as amended by section 4-a of part YYY of chapter 59 of the laws of 2017, is amended to read as follows:

(c) School districts shall be eligible for an annual apportionment equal to the amount of the supplemental basic tuition for the charter school in the base year for the expenses incurred in the two thousand fourteen--two thousand fifteen, two thousand fifteen--two thousand sixteen, two thousand sixteen--two thousand seventeen school years and **thereafter, provided however, that for any school district having a population of less than one million, such payment shall be made in the current year for expenses incurred in the two thousand eighteen--two thousand nineteen school year and** thereafter.

§ 15. Intentionally omitted.

§ 16. The closing paragraph of subdivision 5-a of section 3602 of the education law, as amended by section 10 of part CCC of chapter 59 of the laws of 2018, 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 [~~eighteen~~] **nineteen**--two thousand [~~nineteen~~] **twenty** 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".

§ 17. Subdivision 12 of section 3602 of the education law, as amended by section 13 of part CCC of chapter 59 of the laws of 2018, 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 fourteen--two thousand 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.

For the two thousand fifteen--two thousand sixteen year, each school district shall be entitled to an apportionment equal to the amount set forth for such school district as "ACADEMIC ENHANCEMENT" under the heading "2014-15 ESTIMATED AIDS" in the school aid computer listing produced by the commissioner in support of the budget for the two thousand fourteen--two thousand fifteen school year and entitled "SA141-5", 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.

For the two thousand sixteen--two thousand seventeen school year, each school district shall be entitled to an apportionment equal to the amount set forth for such school district as "ACADEMIC ENHANCEMENT" under the heading "2015-16 ESTIMATED AIDS" in the school aid computer listing produced by the commissioner in support of the budget for the two thousand fifteen--two thousand sixteen school year and entitled "SA151-6", 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.

For the two thousand seventeen--two thousand eighteen school year, each school district shall be entitled to an apportionment equal to the amount set forth for such school district as "ACADEMIC ENHANCEMENT" under the heading "2016-17 ESTIMATED AIDS" in the school aid computer listing produced by the commissioner in support of the budget for the two thousand sixteen--two thousand seventeen school year and entitled "SA161-7", 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.

For the two thousand eighteen--two thousand nineteen school year, each school district shall be entitled to an apportionment equal to the amount set forth for such school district as "ACADEMIC ENHANCEMENT" under the heading "2017-18 ESTIMATED AIDS" in the school aid computer listing produced by the commissioner in support of the budget for the two thousand seventeen--two thousand eighteen school year and entitled "SA171-8", 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.

For the two thousand nineteen--two thousand twenty school year, each school district shall be entitled to an apportionment equal to the amount set forth for such school district as "ACADEMIC ENHANCEMENT" under the heading "2018-19 ESTIMATED AIDS" in the school aid computer listing produced by the commissioner in support of the budget for the two thousand eighteen--two thousand nineteen school year and entitled "SA181-9", 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.

§ 18. The opening paragraph of subdivision 16 of section 3602 of the education law, as amended by section 14 of part CCC of chapter 59 of the laws of 2018, is amended to read as follows:

Each school district shall be eligible to receive a high tax aid apportionment in the two thousand eight--two thousand nine school year, which shall equal the greater of (i) the sum of the tier 1 high tax aid apportionment, 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, 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, seventy percent (0.70), and for all other districts, fifty percent (0.50). 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". Each school district shall be eligible to receive a high tax aid apportionment in the two thousand thirteen--two thousand fourteen through two thousand [~~eighteen~~] **nineteen**--two thousand [~~nineteen~~] **twenty** school years equal to the greater of (1) 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" or (2) 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 for the 2013-14 fiscal year and entitled "BT131-4".

§ 19. Subdivision 16 of section 3602-ee of the education law is REPEALED.

§ 20. 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 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. 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~~].

§ 20-a. All the acts done and proceedings heretofore had and taken or caused to be had and taken by (a) the Chester union free school district and by all its officers or agents relating to or in connection with certain final cost reports to be filed with the state education department for project numbers 44020102-0001-005 and 44020102-0009-001, (b) the Huntington union free school district and by any of its officers or agents relating to or in connection with final building cost reports required to be filed with the state education department for approved building projects completed prior to December 31, 2011, (c) the Islip union free school district and by all its officers or agents relating to or in connection with a certain final cost report to be filed with the state education department for project numbers 0003-12, 0011-007, 0011-008, 0003-013, 0007-009, 0007-010, 0007-012, and 0011-009, (d) the Mount Morris central school district and by all of its officers or agents relating to or in connection with a certain final cost report to be filed with the state education department for project numbers 0001-005 and 0001-006, (e) the Liverpool central school district and by all its officers or agents relating to or in connection with certain final cost reports to be filed with the state education department for projects 0001-003, 0001-005, 0002-007, 0003-003, 0003-005, 0004-005, 0005-006, 0007-003, 0009-004, 0009-006, 0010-005, 0010-007, 0012-003, 0014-005, 0015-003, 0016-007, 0016-010, 0016-011, 0018-008, 0018-010, 0019-007, 0024-004, 4011-001, 5008-002, (f) the Newburgh enlarged city school district and by all its officers or agents relating to or in connection with a certain final cost report to be filed with the state education department for project numbers 441600-0003-010, 441600-0006-006, 441600-0009-004, 441600-0010-004, 441600-0018-002, 441600-0018-004, 441600-0022-001, 441600-0023-005, 441600-0035-007, 441600-0036-007, and 441600-0001-011, (g) the Panama central school district and by any of its officers or agents relating to or in connection with final building cost reports required to be filed with the state education department for approved building projects completed prior to December 31, 2012, (h) the Roscoe central school district and by any of its officers or agents

relating to or in connection with final building cost reports required to be filed with the state education department for approved building projects completed prior to December 31, 2017, and (i) the Spackenkill union free school district and by any of its officers or agents relating to or in connection with final building cost reports for an approved capital construction project designated by the state education department as project number 0-005-016 completed prior to December 31, 2012 and all acts incidental thereto are hereby legalized, validated, ratified and confirmed, notwithstanding any failure to comply with the approval and filing provisions of the education law or any other law or any other statutory authority, rule or regulation, in relation to any omission, error, defect, irregularity or illegality in such proceedings had and taken.

§ 20-b. Notwithstanding section 24-a of part A of chapter 57 of the laws of 2013, and consistent with section twenty-a of this act, the commissioner of education shall not recover from the Chester union free school district, the Huntington union free school district, the Islip union free school district, the Liverpool central school district, the Mount Morris central school district, the Newburgh enlarged city school district, the Panama central school district, the Roscoe central school district, or the Spackenkill union free school district any penalty arising from the late filing of a final cost report pursuant to section 31 of part A of chapter 57 of the laws of 2012, provided that any amounts already so recovered shall be deemed a payment of moneys due for prior years pursuant to paragraph c of subdivision 5 of section 3604 of the education law and shall be paid to the appropriate district pursuant to such provision, provided that such school district:

(a) submitted the late or missing final building cost report to the commissioner of education;

(b) such cost report is approved by the commissioner of education;

(c) all state funds expended by the school district, as documented in such cost report, were properly expended for such building project in accordance with the terms and conditions for such project as approved by the commissioner of education; and

(d) the failure to submit such report in a timely manner was an inadvertent administrative or ministerial oversight by the school district, and there is no evidence of any fraudulent or other improper intent by such district.

§ 20-c. All the acts done and proceedings heretofore had and taken or caused to be had and taken by (a) the Cold Spring Harbor central school district and by all officers, employees or agents of such school district relating to or in connection with a transportation contract E259217 of the 2013-14 school year, (b) the Corning city school district and by all officers, employees or agents of such school district relating to or in connection with transportation contracts E414960, E414961, E414962, and E414963 of the 2017-18 school year, (c) the Fulton city school district and by all officers, employees or agents of such school district relating to or in connection with transportation contract E006115 of the 2016-2017 school year, and (d) the Port Washington union free school district and by all officers, employees or agents of such school district relating to or in connection with transportation contracts E267698, E275279, C415663, and E600646 of the 2016-2017 school year, and all acts incidental hereto are hereby legalized, validated, ratified and confirmed, notwithstanding any failure to comply with the contract award, approval and filing provisions of the education law, the general municipal law or any other law or any other statutory authority,

rule or regulation, other than those filing provisions defined in paragraph a of subdivision 5 of section 3604 of the education law, in relation to any omission, error, defect, irregularity or illegality in such proceeding had and taken and provided that the failure to submit a transportation contract in a timely manner was an inadvertent administrative or ministerial oversight by the school district, and there is no evidence of any fraudulent or other improper intent by such district.

§ 20-d. The department of education is hereby directed to consider the aforementioned contracts for transportation aid as valid and proper obligations of the Cold Spring Harbor central, the Corning city, the Fulton city, and the Port Washington union free school districts.

§ 21. Intentionally omitted.

§ 21-a. The opening paragraph of section 3609-a of the education law, as amended by section 21 of part CCC of chapter 59 of the laws of 2018, is amended to read as follows:

For aid payable in the two thousand seven--two thousand eight school year through the two thousand [~~eighteen~~] **nineteen**--two thousand [~~nineteen~~] **twenty** 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 [~~six~~] **five** of section ninety-seven-nnnn 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 [~~eighteen~~] **nineteen**--two thousand [~~nineteen~~] **twenty** school year, reference to such "school aid computer listing for the current year" shall mean the printouts entitled [~~"SA181-9"~~] **"SA192-0"**.

§ 22. Paragraph b of subdivision 2 of section 3612 of the education law, as amended by section 22 of part CCC of chapter 59 of the laws of 2018, 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 eighteen--two thousand nineteen~~] **and thereafter**.

§ 23. Subdivision 6 of section 4402 of the education law, as amended by section 23 of part CCC of chapter 59 of the laws of 2018, 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 education shall[~~, during the school years nineteen hundred ninety-five--ninety-six through June thirtieth, two thousand nineteen of the two thousand eighteen--two thousand nineteen 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.

§ 24. Intentionally omitted.

§ 24-a. Subparagraph (ii) of paragraph (c) of subdivision 8 of section 3602-ee of the education law, as amended by section 18-b of part CCC of chapter 59 of the laws of 2018, is amended to read as follows:

(ii) Provided that, notwithstanding any provisions of this paragraph to the contrary, for the two thousand seventeen-two thousand eighteen [~~and two thousand eighteen-two thousand nineteen~~] **through two thousand twenty-three--two thousand twenty-four** school years an exemption to the certification requirement of subparagraph (i) of this paragraph may be made for a teacher without certification valid for service in the early childhood grades who possesses a written plan to obtain certification and who has registered in the ASPIRE workforce registry as required under regulations of the commissioner of the office of children and family services. Notwithstanding any exemption provided by this subparagraph, certification shall be required for employment no later than June thirtieth, two thousand [~~nineteen~~] **twenty-four**.

§ 25. Intentionally omitted.

§ 25-a. Paragraph a of subdivision 14 of section 305 of the education law, as amended by chapter 273 of the laws of 1999, is amended to read as follows:

a. **(1)** All contracts for the transportation of school children, all contracts to maintain school buses owned or leased by a school district that are used for the transportation of school children, all contracts for mobile instructional units, and all contracts to provide, maintain and operate cafeteria or restaurant service by a private food service management company shall be subject to the approval of the commissioner, who may disapprove a proposed contract if, in his **or her** opinion, the best interests of the district will be promoted thereby. Except as provided in paragraph e of this subdivision, all such contracts involving an annual expenditure in excess of the amount specified for purchase contracts in the bidding requirements of the general municipal law shall be awarded to the lowest responsible bidder, which responsibility shall be determined by the board of education or the trustee of a district, with power hereby vested in the commissioner to reject any or all bids if, in his **or her** opinion, the best interests of the district will be promoted thereby and, upon such rejection of all bids, the commissioner shall order the board of education or trustee of the district to seek, obtain and consider new proposals. All proposals for such transportation, maintenance, mobile instructional units, or cafeteria and restaurant service shall be in such form as the commissioner may prescribe. Advertisement for bids shall be published in a newspaper or newspapers designated by the board of education or trustee of the district having general circulation within the district for such purpose. Such advertisement shall contain a statement of the time when and place where all bids received pursuant to such advertisement will be publicly opened and read either by the school authorities or by a person or persons designated by them. All bids received shall be publicly opened and read at the time and place so specified. At least five days shall elapse between the first publication of such advertisement and the date so specified for the opening and reading of bids. The requirement for competitive bidding shall not apply to an award of a contract for the transportation of pupils or a contract for mobile instructional units, if such award is

based on an evaluation of proposals in response to a request for proposals pursuant to paragraph e of this subdivision. The requirement for competitive bidding shall not apply to annual, biennial, or triennial extensions of a contract nor shall the requirement for competitive bidding apply to quadrennial or quinquennial year extensions of a contract involving transportation of pupils, maintenance of school buses or mobile instructional units secured either through competitive bidding or through evaluation of proposals in response to a request for proposals pursuant to paragraph e of this subdivision, when such extensions (1) are made by the board of education or the trustee of a district, under rules and regulations prescribed by the commissioner, and, (2) do not extend the original contract period beyond five years from the date cafeteria and restaurant service commenced thereunder and in the case of contracts for the transportation of pupils, for the maintenance of school buses or for mobile instructional units, that such contracts may be extended, except that power is hereby vested in the commissioner, in addition to his **or her** existing statutory authority to approve or disapprove transportation or maintenance contracts, (i) to reject any extension of a contract beyond the initial term thereof if he **or she** finds that amount to be paid by the district to the contractor in any year of such proposed extension fails to reflect any decrease in the regional consumer price index for the N.Y., N.Y.-Northeastern, N.J. area, based upon the index for all urban consumers (CPI-U) during the preceding twelve month period; and (ii) to reject any extension of a contract after ten years from the date transportation or maintenance service commenced thereunder, or mobile instructional units were first provided, if in his **or her** opinion, the best interests of the district will be promoted thereby. Upon such rejection of any proposed extension, the commissioner may order the board of education or trustee of the district to seek, obtain and consider bids pursuant to the provisions of this section. The board of education or the trustee of a school district electing to extend a contract as provided herein, may, in its discretion, increase the amount to be paid in each year of the contract extension by an amount not to exceed the regional consumer price index increase for the N.Y., N.Y.-Northeastern, N.J. area, based upon the index for all urban consumers (CPI-U), during the preceding twelve month period, provided it has been satisfactorily established by the contractor that there has been at least an equivalent increase in the amount of his **or her** cost of operation, during the period of the contract.

(2) Notwithstanding any other provision of this subdivision, the board of education of a school district located in a city with at least one million inhabitants shall include in contracts for the transportation of school children in kindergarten through grade twelve, whether awarded through competitive bidding or through evaluation of proposals in response to a request for proposals pursuant to paragraph e of this subdivision, provisions for the retention or preference in hiring of school bus workers and for the preservation of wages, health, welfare and retirement benefits and seniority for school bus workers who are hired pursuant to such provisions for retention or preference in hiring, in connection with such contracts. For purposes of this subparagraph, "school bus worker" shall mean an operator, mechanic, dispatcher or attendant who: (i) was employed as of June thirtieth, two thousand ten or at any time thereafter by (A) a contractor that was a party to a contract with the board of education of a school district located in a city with at least one million inhabitants for the transportation of school children in kindergarten through grade twelve, in connection with

such contract, or (B) a subcontractor of a contractor that was a party to a contract with the board of education of a school district located in a city with at least one million inhabitants for the transportation of school children in kindergarten through grade twelve, in connection with such contracts and (ii) has been furloughed or become unemployed as a result of a loss of such contract, or a part of such contract, by such contractor or such subcontractor, or as the result of a reduction in service directed by such board of education during the term of such contract.

§ 26. Intentionally omitted.

§ 27. Intentionally omitted.

§ 28. Intentionally omitted.

§ 29. Intentionally omitted.

§ 30. Intentionally omitted.

§ 31. Intentionally omitted.

§ 32. Intentionally omitted.

§ 33. Intentionally omitted.

§ 33-a. Intentionally omitted.

§ 33-b. Intentionally omitted.

§ 34. Intentionally omitted.

§ 35. 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 25 of part CCC of chapter 59 of the laws of 2018, is amended to read as follows:

b. Reimbursement for programs approved in accordance with subdivision a of this section for the [~~2016--2017 school year shall not exceed 60.3 percent of the lesser of such approvable costs per contact hour or thirteen dollars ninety cents per contact hour,~~] reimbursement for the 2017--2018 school year shall not exceed 60.4 percent of the lesser of such approvable costs per contact hour or thirteen dollars and ninety cents per contact hour, [~~and~~] reimbursement for the 2018--2019 school year shall not exceed 59.4 percent of the lesser of such approvable costs per contact hour or fourteen dollars and ninety-five cents per contact hour, and reimbursement for the 2019--2020 school year shall not exceed 57.7 percent of the lesser of such approvable costs per contact hour or fifteen dollars sixty 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 [~~2016--2017 school year such contact hours shall not exceed one million five hundred fifty-one thousand three hundred twelve (1,551,312); whereas for the~~] 2017--2018 school year such contact hours shall not exceed one million five hundred forty-nine thousand four hundred sixty-three (1,549,463); and for the 2018--2019 school year such contact hours shall not exceed one million four hundred sixty-three thousand nine hundred sixty-three (1,463,963); and for the 2019--2020 school year such contact hours shall not exceed one million four hundred forty-four thousand four hundred forty-four (1,444,444). 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.

§ 36. 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 x to read as follows:

x. The provisions of this subdivision shall not apply after the completion of payments for the 2019--2020 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 thirteen million dollars ($13,000,000).

§ 37. 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 27 of part CCC of chapter 59 of the laws of 2018, is amended to read as follows:

§ 6. This act shall take effect July 1, 1992, and shall be deemed repealed on June 30, [~~2019~~] **2020**.

§ 37-a. Paragraph a-1 of subdivision 11 of section 3602 of the education law, as amended by section 27-a of part CCC of chapter 59 of the laws of 2018, is amended to read as follows:

a-1. Notwithstanding the provisions of paragraph a of this subdivision, [~~for aid payable in the school years two thousand--two thousand one through two thousand nine--two thousand ten, and two thousand eleven--two thousand twelve through two thousand eighteen--two thousand nineteen,~~] the commissioner may set aside an amount not to exceed two million five hundred thousand dollars from the funds appropriated for purposes of this subdivision for the purpose of serving persons twenty-one years of age or older who have not been enrolled in any school for the preceding school year, including persons who have received a high school diploma or high school equivalency diploma but fail to demonstrate basic educational competencies as defined in regulation by the commissioner, when measured by accepted standardized tests, and who shall be eligible to attend employment preparation education programs operated pursuant to this subdivision.

§ 38. Subdivisions 22 and 24 of section 140 of chapter 82 of the laws of 1995, amending the education law and other laws relating to state aid to school districts and the appropriation of funds for the support of government, as amended by section 28 of part CCC of chapter 59 of the laws of 2018, 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, 2019 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 twenty-four of this act shall be deemed to be repealed on and after July 1, 2019;~~]

§ 39. 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 31 of part CCC of chapter 59 of the laws of 2018, is amended to read as follows:

§ 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, [~~2019~~] **2020** when upon such date the provisions of this act shall be deemed repealed.

§ 40. 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 33 of part CCC of chapter 59 of the laws of 2018, is amended to read as follows:

§ 4. This act shall take effect July 1, 2002 and **section one of this act** shall expire and be deemed repealed June 30, 2019**, and sections two and three of this act shall expire and be deemed repealed on June 30, 2020**.

§ 41. 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 34 of part CCC of chapter 59 of the laws of 2018, is amended to read as follows:

§ 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, [~~2019~~] **2020**.

§ 42. Section 34 of chapter 91 of the laws of 2002 amending the education law and other laws relating to reorganization of the New York city school construction authority, board of education and community boards, as amended by section 1 of part G of chapter 61 of the laws of 2017, is amended to read as follows:

§ 34. This act shall take effect July 1, 2002; provided, that sections one through twenty, twenty-four, and twenty-six through thirty of this act shall expire and be deemed repealed June 30, [~~2019~~] **2022** provided, further, that notwithstanding any provision of article 5 of the general construction law, on June 30, [~~2019~~] **2022** the provisions of subdivisions 3, 5, and 8, paragraph b of subdivision 13, subdivision 14, paragraphs b, d, and e of subdivision 15, and subdivisions 17 and 21 of section 2554 of the education law as repealed by section three of this act, subdivision 1 of section 2590-b of the education law as repealed by section six of this act, paragraph (a) of subdivision 2 of section 2590-b of the education law as repealed by section seven of this act, section 2590-c of the education law as repealed by section eight of this act, paragraph c of subdivision 2 of section 2590-d of the education law as repealed by section twenty-six of this act, subdivision 1 of section 2590-e of the education law as repealed by section twenty-seven of this act, subdivision 28 of section 2590-h of the education law as repealed by section twenty-eight of this act, subdivision 30 of section 2590-h of the education law as repealed by section twenty-nine of this act, subdivision 30-a of section 2590-h of the education law as repealed by section thirty of this act shall be revived and be read as such provisions existed in law on the date immediately preceding the effective date of this act; provided, however, that sections seven and eight of this act shall take effect on November 30, 2003; provided further that the amendments to subdivision 25 of section 2554 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 12 of chapter 147 of the laws of 2001, as amended, when upon such date the provisions of section four of this act shall take effect.

§ 43. Subdivision 12 of section 17 of chapter 345 of the laws of 2009 amending the education law and other laws relating to the New York city board of education, chancellor, community councils, and community super-

intendents, as amended by section 2 of part G of chapter 61 of the laws of 2017, is amended to read as follows:

12. any provision in sections one, two, three, four, five, six, seven, eight, nine, ten and eleven of this act not otherwise set to expire pursuant to section 34 of chapter 91 of the laws of 2002, as amended, or section 17 of chapter 123 of the laws of 2003, as amended, shall expire and be deemed repealed June 30, [~~2019~~] **2022**.

§ 44. 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 40 of part YYY of chapter 59 of the laws of 2017, is amended to read as follows:

§ 7. This act shall take effect September 1, 1998[~~, and shall expire and be deemed repealed September 1, 2019~~].

§ 45. Section 2 of chapter 552 of the laws of 1995, amending the education law relating to contracts for the transportation of school children, as amended by section 25 of part A of chapter 54 of the laws of 2016, is amended to read as follows:

§ 2. This act shall take effect on the first day of January next succeeding the date on which it shall have become a law and shall remain in full force and effect until January 1, [~~2020~~] **2023**, when upon such date the provisions of this act shall be deemed repealed.

§ 46. Section 26 of subpart F of part C of chapter 97 of the laws of 2011, amending the education law relating to census reporting, as amended by section 21-a of part A of chapter 56 of the laws of 2014, is amended to read as follows:

§ 26. This act shall take effect immediately provided, however, [~~that the provisions of section three of this act shall expire June 30, 2019 when upon such date the provisions of such section shall be deemed repealed; provided, further~~] that the provisions of sections eight, eleven, twelve, thirteen and twenty of this act shall expire July 1, 2014 when upon such date the provisions of such sections shall be deemed repealed.

§ 47. School bus driver training. In addition to apportionments otherwise provided by section 3602 of the education law, for aid payable in the 2019--2020 school year, the commissioner of education shall allocate school bus driver training grants to school districts and boards of cooperative educational 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.

§ 48. 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 2020 and not later than the last day of the third full business week of June 2020, 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, 2020, for salary expenses incurred between April 1 and June 30, 2019 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.

§ 49. 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, 2020, 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, 2020 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.

§ 50. 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 2019--2020 school year, as a non-component school district, services required by article 19 of the education law.

§ 51. The amounts specified in this section shall be a set-aside from the state funds which each such district is receiving from the total foundation aid:

a. for the development, maintenance or expansion of magnet schools or magnet school programs for the 2019--2020 school year. For the city school district of the city of New York there shall be a setaside of foundation aid equal to 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; for the Buffalo city school district, twenty-one million twenty-five thousand dollars ($21,025,000); for the Rochester city school district, fifteen million dollars ($15,000,000); for the Syracuse city school district, thirteen million dollars ($13,000,000); for the Yonkers city school district, forty-nine million five hundred thousand dollars ($49,500,000); for the Newburgh city school district, four million six hundred forty-five thou-

sand dollars ($4,645,000); for the Poughkeepsie city school district, two million four hundred seventy-five thousand dollars ($2,475,000); for the Mount Vernon city school district, two million dollars ($2,000,000); for the New Rochelle city school district, one million four hundred ten thousand dollars ($1,410,000); for the Schenectady city school district, one million eight hundred thousand dollars ($1,800,000); for the Port Chester city school district, one million one hundred fifty thousand dollars ($1,150,000); for the White Plains city school district, nine hundred thousand dollars ($900,000); for the Niagara Falls city school district, six hundred thousand dollars ($600,000); for the Albany city school district, three million five hundred fifty thousand dollars ($3,550,000); for the Utica city school district, two million dollars ($2,000,000); for the Beacon city school district, five hundred sixty-six thousand dollars ($566,000); for the Middletown city school district, four hundred thousand dollars ($400,000); for the Freeport union free school district, four hundred thousand dollars ($400,000); for the Greenburgh central school district, three hundred thousand dollars ($300,000); for the Amsterdam city school district, eight hundred thousand dollars ($800,000); for the Peekskill city school district, two hundred thousand dollars ($200,000); and for the Hudson city school district, four hundred thousand dollars ($400,000).

b. Notwithstanding any inconsistent provision of law to the contrary, a school district setting aside such foundation aid pursuant to this section may use such setaside 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 promote diversity and/or enhancement of the instructional program and raising of standards in elementary and secondary schools of school districts having substantial concentrations of minority students.

c. The commissioner of education shall not be authorized to withhold foundation aid 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 for the purpose of attendance improvement and dropout prevention for the 2019--2020 school year, and 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 2019--2020 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 section to community-based organizations. Any increase required pursuant to this section 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 2019--2020 school year: for the city school district of the city of New York, sixty-two million seven hundred seven thousand dollars ($62,707,000); for the Buffalo city school district, one million seven hundred forty-one thousand dollars ($1,741,000); for the Rochester city school district, one million seventy six thousand dollars ($1,076,000); for the Yonkers city school district, one million one hundred forty-seven thousand dollars ($1,147,000); and for the Syracuse city school district, eight hundred nine thousand dollars ($809,000). All funds made available to a school district pursuant to this section shall be distributed among teachers

including prekindergarten teachers and teachers of adult vocational and academic subjects in accordance with this section 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.

§ 51-a. Section 273-a of the education law, as amended by chapter 498 of the laws of 2011, subdivision 1 as amended by chapter 480 of the laws of 2015, is amended to read as follows:

§ 273-a. State aid for library construction. 1. State aid shall be provided for up to fifty percent of the total project approved costs, excluding feasibility studies, plans or similar activities, for projects for the installation and infrastructure of broadband services, and for the acquisition of vacant land and the acquisition, construction, renovation or rehabilitation, including leasehold improvements, of buildings of public libraries and library systems chartered by the regents of the state of New York or established by act of the legislature subject to the limitations provided in subdivision [~~five~~] **six** of this section and upon approval by the commissioner, except that state aid may be provided for up to seventy-five percent of the total project approved costs for buildings of public libraries that are located in an economically disadvantaged community **and that state aid may be provided for up to ninety percent of the total project approved costs for buildings of public libraries that are located in an economically distressed community**. Provided however that the state liability for aid paid pursuant to this section shall be limited to funds appropriated for such purpose. Aid shall be provided on approved expenses incurred during the period commencing July first and ending June thirtieth for up to three years, or until the project is completed, whichever occurs first. Fifty percent of such aid shall be payable to each system or library upon approval of the application by the department. Forty percent of such aid shall be payable in the next state fiscal year. The remaining ten percent shall be payable upon project completion.

2. Each application for state aid shall be submitted by the board of trustees of the library or library system responsible for the operation of the subject building to the commissioner for his **or her** review and approval, after having been reviewed and approved by the governing board of the public library system of which such library is a member. Each application shall:

a. demonstrate that resources are or shall be available to provide for maximum utilization of the project if approved;

b. contain verification in such form as may be acceptable to the commissioner that the total cost of the project, exclusive of state aid, has been or will be obtained;

c. demonstrate that library operations would be made more economical as a consequence of approval;

d. be limited to one project concerning such building, provided that no building shall be the subject of more than one application per year;

e. contain documentation, where such an application requests state aid in an amount greater than fifty percent, demonstrating how the project will address the service needs of one or more economically disadvantaged communities. Such documentation may demonstrate need through poverty rates, concentrations of English language learners, low high school graduation rates, limited fiscal capacity or other relevant factors; [~~and~~]

f. **contain documentation, where such an application requests state aid in an amount greater than seventy-five percent, demonstrating how the project will address the service needs of one or more economically distressed communities. An application must demonstrate that the average poverty rate within the library's service area is equal to or greater than the New York state average poverty rate using federal census data; and the library must demonstrate that it lacks the capacity to provide twenty-five percent of the project costs; and**

g. provide such other information as may be required by the commissioner.

3. In approving any application that would receive state aid beyond fifty percent of the total project approved costs, the board of trustees of the library system shall give particular attention to addressing the library service needs of economically disadvantaged communities as provided for in paragraph e of subdivision two of this section.

4. **In approving any application that would receive state aid beyond seventy-five percent of the total project approved costs, the board of trustees of the library system shall give particular attention to addressing the library service needs of economically distressed communities as provided for in paragraph f of subdivision two of this section. No more than ten percent of the total funds appropriated to a library system in subdivision six of this section may be used to support the total costs for projects that would receive state aid beyond seventy-five percent of the total project approved costs.**

5. In approving any application the commissioner shall consider the condition of existing libraries and, where appropriate, the needs of isolated or economically disadvantaged communities, provided that no application shall be approved for a project that is deemed by the commissioner to have been completed prior to the date of the application.

[~~5.~~] **6.** Aid shall be distributed pursuant to this section as follows:

a. sixty percent of the funds appropriated pursuant to this section shall be made available to libraries within each system by the commissioner in such manner as to insure that the ratio of the amount received within each system to the whole of the aid made available pursuant to this paragraph is no greater than the ratio of the population served by such system to the population of the state;

b. forty percent of the funds appropriated pursuant to this section shall be made available to library systems or libraries within each system by the commissioner in such manner as to insure that an equal amount is received within each system in the state;

c. any funds made available pursuant to paragraph a or b of this subdivision which by April first of each succeeding fiscal year, are declined by such libraries or library systems for any reason, or which cannot otherwise be used by such libraries or library systems for any reason, shall be made available by the commissioner to other eligible libraries within such system, or if no such library can use such funds shall be reallocated among the other library systems and their libraries

in a manner that will to the extent possible provide from such reallocated funds an equal amount to each such system.

[~~6.~~] **7.** The commissioner shall adopt rules and regulations as are necessary to carry out the purposes and provisions of this section.

[~~7.~~] **8.** The commissioner shall submit to the temporary president of the senate and the speaker of the assembly an annual report describing those projects that have received state funding of greater than fifty percent of project costs and the communities to be served by those projects.

§ 51-b. Section 2 of chapter 498 of the laws of 2011 amending the education law relating to the public library construction grant program, as amended by chapter 148 of the laws of 2014, is amended to read as follows:

§ 2. This act shall take effect on the first of April next succeeding the date on which it shall have become a law [~~and shall expire and be deemed repealed March 31, 2020~~].

§ 52. Support of public libraries. The moneys appropriated for the support of public libraries by a chapter of the laws of 2019 enacting the aid to localities budget shall be apportioned for the 2019--2020 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 section, 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 2019--2020 by a chapter of the laws of 2019 enacting the education, labor and family assistance 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.

§ 52-a. Subdivision a of section 5 of chapter 121 of the laws of 1996, relating to authorizing the Roosevelt union free school district to finance deficits by the issuance of serial bonds, as amended by section 42-a of part CCC of chapter 59 of the laws of 2018, is amended to read as follows:

a. Notwithstanding any other provisions of law, upon application to the commissioner of education submitted not sooner than April first and not later than June thirtieth of the applicable school year, the Roosevelt union free school district shall be eligible to receive an apportionment pursuant to this chapter for salary expenses, including related benefits, incurred between April first and June thirtieth of such school year. Such apportionment shall not exceed[~~: for the 1996-97 school year through the 2018-19 school year,~~] four million dollars ($4,000,000)[~~; for the 2019-20 school year, three million dollars ($3,000,000); for the 2020-21 school year, two million dollars ($2,000,000); for the 2021-22 school year, one million dollars ($1,000,000); and for the 2022-23 school year, zero dollars~~]. Such annual application shall be made after

the board of education has adopted a resolution to do so with the approval of the commissioner of education.

§ 52-b. Subparagraph 2 of paragraph a of subdivision 4 of section 1950 of the education law, as amended by chapter 698 of the laws of 2003, is amended to read as follows:

(2) Notwithstanding any inconsistent provision of law in no event shall the total salary including amounts paid pursuant to section twenty-two hundred nine of this chapter for district superintendents [~~for each school year through the two thousand two--two thousand three school year exceed ninety-eight percent of that earned by the commissioner for state fiscal year nineteen hundred ninety-two--ninety-three, and in no event shall such total salary for a district superintendent~~] for the two thousand [~~three~~] **nineteen**--two thousand [~~four~~] **twenty** school year or any subsequent school year exceed: (i) one hundred six percent of the salary cap applicable in the preceding school year, or (ii) ninety-eight percent of that earned by the commissioner in the two thousand [~~three~~] **nineteen**--two thousand [~~four~~] **twenty** state fiscal year, whichever is less. In no event shall any district superintendent be permitted to accumulate vacation or sick leave credits in excess of the vacation and sick leave credits managerial/confidential employees of the state are permitted to accumulate pursuant to regulations promulgated by the state civil service commission, nor may any district superintendent at the time of separation from service be compensated for accrued and unused vacation credits or sick leave, or use accrued and unused sick leave for retirement service credit or to pay for health insurance in retirement, at a rate in excess of the rate permitted to managerial/confidential employees of the state pursuant to regulations of the state civil service commission. In addition to the payment of supplementary salary, a board of cooperative educational services may provide for the payment of all or a portion of the cost of insurance benefits for the district superintendent of schools, including but not limited to health insurance, disability insurance, life insurance or any other form of insurance benefit made available to managerial/confidential employees of the state; provided that any such payments for whole life, split dollar or other life insurance policies having a cash value shall be included in the total salary of the district superintendent for purposes of this subparagraph, and provided further that any payments for the employee contribution, co-pay or uncovered medical expenses under a health insurance plan also shall be included in the total salary of the district superintendent. Notwithstanding any other provision of law, payments for such insurance benefits may be based on the district superintendent's total salary or the amount of his or her supplementary salary only. Any payments for transportation or travel expenses in excess of actual, documented expenses incurred in the performance of duties for the board of cooperative educational services or the state, and any other lump sum payment not specifically excluded from total salary pursuant to this subparagraph, shall be included in the total salary of the district superintendent for purposes of this subparagraph. Nothing herein shall prohibit a district superintendent from waiving any rights provided for in an existing contract or agreement as hereafter prohibited in favor of revised compensation or benefit provisions as permitted herein. In no event shall the terms of the district superintendent's contract, including any provisions relating to an increase in salary, compensation or other benefits, be contingent upon the terms of any contract or collective bargaining agreement between the board of cooperative educational services and its teachers or other employees. The

commissioner may adopt regulations for the purpose of implementing the provisions of this paragraph.

§ 52-c. Paragraphs b and c of subdivision 1 of section 6-r of the general municipal law, as added by chapter 260 of the laws of 2004, are amended to read as follows:

b. "Participating employer" means**: (i)** a participating employer as defined in subdivision twenty of section two of the retirement and social security law or in subdivision twenty of section three hundred two of such law**; or (ii) a participating employer as defined in subdivision three of section five hundred one of the education law**.

c. "Retirement contribution" shall mean all or any portion of the amount payable by a municipal corporation to**: (i)** either the New York state and local employees' retirement system or the New York state and local police and fire retirement system pursuant to section seventeen or three hundred seventeen of the retirement and social security law**; or (ii) the New York state teachers' retirement system pursuant to section five hundred twenty-one of the education law**.

§ 52-d. Subdivision 2 of section 6-r of the general municipal law, as added by chapter 260 of the laws of 2004, is amended to read as follows:

2. The governing board of any municipal corporation which is also a participating employer by resolution may establish a retirement contribution reserve fund for the purpose of **(a)** financing retirement contributions**, and/or (b) in the case of a municipal corporation which is a participating employer as defined in subdivision three of section five hundred one of the education law, financing appropriations authorized by law in order to offset all or a portion of the amount deducted from the moneys apportioned to the municipal corporation from the state for the support of common schools pursuant to section five hundred twenty-one of the education law**.

§ 52-e. Section 6-r of the general municipal law is amended by adding a new subdivision 2-a to read as follows:

2-a. With respect to a municipal corporation which is a participating employer as defined in subdivision three of section five hundred one of the education law, which elects to utilize a retirement contribution reserve fund (a) to finance retirement contributions to the New York state teachers' retirement system pursuant to section five hundred twenty-one of the education law and/or (b) to offset all or a portion of the amount deducted from the moneys apportioned to the municipal corporation from the state for the support of common schools pursuant to section five hundred twenty-one of the education law, such municipal corporation shall establish a sub-fund within the retirement contribution reserve fund, which shall be separately administered consistent with the provisions of this section. Such municipal corporation may pay into such sub-fund during any particular fiscal year an amount not to exceed two per centum of the total compensation or salaries of all teachers in the employ of said municipal corporation who are members of the New York state teachers' retirement system paid during the immediately preceding fiscal year. The balance of such sub-fund may not exceed ten per centum of the total compensation or salaries of all teachers in the employ of the municipal corporation who are members of the New York state teachers' retirement system paid during the immediately preceding fiscal year. For the purposes of this subdivision, the term "teacher" shall have the same meaning as such term is defined under subdivision four of section five hundred one of the education law.

§ 52-f. Subdivision 5 of section 6-r of the general municipal law, as added by chapter 260 of the laws of 2004, is amended to read as follows:

5. The governing board of such municipal corporation by resolution may authorize expenditures from a retirement contribution reserve fund. Except as otherwise provided by law, moneys in a retirement contribution reserve fund may only be expended **(a)** to finance retirement contributions**, and/or (b) in the case of a municipal corporation which is a participating employer, as defined in subdivision three of section five hundred one of the education law, for appropriations authorized by law in order to offset all or a portion of the amount deducted from the moneys apportioned to the participating employer from the state for the support of common schools pursuant to section five hundred twenty-one of the education law. With respect to a municipal corporation which is a participating employer as defined in subdivision three of section five hundred one of the education law, expenditures from the retirement contribution reserve fund to finance retirement contributions to the New York State teachers' retirement system pursuant to section five hundred twenty-one of the education law and/or to offset all or a portion of the amount deducted from the moneys apportioned to the municipal corporation from the state for the support of common schools pursuant to section five hundred twenty-one of the education law may only be made from the sub-fund established pursuant to subdivision two-a of this section**.

§ 52-g. Section 6-r of the general municipal law is amended by adding a new subdivision 11 to read as follows:

11. The governing board of a municipal corporation which is a participating employer as defined in subdivision three of section five hundred one of the education law by resolution may (a) authorize the transfer of all or a portion of the monies in the separately administered sub-fund as established under subdivision two-a of this section to the retirement contribution reserve fund, and/or (b) authorize the transfer of all or a portion of the monies in the retirement contribution reserve fund to the separately administered sub-fund as provided in subdivision two-a of this section, subject to the limits on annual payments into the sub-fund and the balance of the sub-fund specified by subdivision two-a of this section.

§ 52-h. Subparagraph 3 of paragraph b of subdivision 16 of section 3641 of the education law, as amended by section 3 of part YYY of chapter 59 of the laws of 2017, is amended to read as follows:

(3) The smart schools review board shall review all smart schools investment plans for compliance with all eligibility criteria and other requirements set forth in the guidelines. The smart schools review board [~~may~~] **shall meet at minimum once every three months to** approve or reject such plans **that have undergone such review**, or may return such plans to the school district for modifications; provided that notwithstanding any inconsistent provision of law, the smart schools review board shall approve no such plan first submitted to the department on or after April fifteenth, two thousand seventeen, unless such plan calculates the amount of classroom technology to be loaned to students attending nonpublic schools pursuant to section seven hundred fifty-five of this chapter in a manner that includes the amount budgeted by the school district for servers, wireless access points and other portable connectivity devices to be acquired as part of a school connectivity project. **At each such meeting, the smart schools review board shall announce the date for their next meeting.** Upon approval, the smart schools project or projects described in the investment plan shall be eligible for smart schools grants. A smart schools project included in a school district's smart schools investment plan shall not require separate approval of the commissioner unless it is part of a school construction project required

to be submitted for approval of the commissioner pursuant to section four hundred eight of this chapter and/or subdivision six of section thirty-six hundred two of this article. Any department, agency or public authority shall provide the smart schools review board with any information it requires to fulfill its duties pursuant to this subdivision.

§ 52-i. Tuition rates approved for the two thousand nineteen--two thousand twenty school year for special services or programs provided to school-age students by special act school districts; approved private residential or non-residential schools for the education of students with disabilities that are located within the state shall provide for an increase of at least four percent in reimbursable costs; and providers of education to preschool children with disabilities pursuant to section 4410 of the education law shall provide for an increase of at least five percent in reimbursable costs.

§ 52-j. Subdivision 4 of section 3627 of the education law, as amended by section 42-b of part CCC of chapter 59 of the laws of 2018, is amended to read as follows:

4. Notwithstanding any other provision of law to the contrary, any expenditures for transportation provided pursuant to this section in the two thousand thirteen--two thousand fourteen school year and thereafter and otherwise eligible for transportation aid pursuant to subdivision seven of section thirty-six hundred two of this article shall be considered approved transportation expenses eligible for transportation aid, provided further that for the two thousand thirteen--two thousand fourteen school year such aid shall be limited to eight million one hundred thousand dollars and for the two thousand fourteen--two thousand fifteen school year such aid shall be limited to the sum of twelve million six hundred thousand dollars plus the base amount and for the two thousand fifteen--two thousand sixteen school year and thereafter such aid shall be limited to the sum of [~~eighteen~~] **nineteen** million [~~eight~~] **three** hundred [~~and~~] fifty thousand dollars plus the base amount. For purposes of this subdivision, "base amount" means the amount of transportation aid paid to the school district for expenditures incurred in the two thousand twelve--two thousand thirteen school year for transportation that would have been eligible for aid pursuant to this section had this section been in effect in such school year, except that subdivision six of this section shall be deemed not to have been in effect. And provided further that the school district shall continue to annually expend for the transportation described in subdivision one of this section at least the expenditures used for the base amount.

§ 52-k. Paragraph c of subdivision 5 of section 3604 of the education law, as added by chapter 82 of the laws of 1995, is amended to read as follows:

c. Payment of moneys due for prior years. State aid payments due for prior years in accordance with the provisions of this subdivision shall be paid **either: (i) from funds available in the general support for public school appropriation as a result of the deduction of excess payments of aid pursuant to paragraph a of this subdivision, or (ii)** within the limit of the appropriation designated therefor provided, however, that each eligible claim shall be payable in the order that it has been approved for payment by the commissioner, but in no case shall a single claim draw down more than forty percent of the appropriation so designated for a single year, and provided further that no claim shall be set aside for insufficiency of funds to make a complete payment, but shall be eligible for a partial payment in one year and shall retain its

priority date status for appropriations designated for such purposes in future years.

§ 52-l. Subdivision 4 of section 3641 of the education law, as amended by section 48 of part C of chapter 58 of the laws of 1998, paragraph b as amended by section 27 of part A1 of chapter 58 of the laws of 2006, is amended to read as follows:

4. Building condition survey services. a. Purpose. The purpose of this subdivision is to assess the need of routine maintenance, repairs, minor alterations, and operational improvements in order to safeguard and promote the health, safety and welfare of both pupils and staff. The legislature further finds that the existing aid formula does not provide for local assistance for such building condition surveys and that, therefore, additional funding is necessary to assist local public school districts with such necessary building condition survey activities.

b. Building condition surveys. To be eligible for aid pursuant to subdivision six-e of section thirty-six hundred two of this article, building condition surveys shall be conducted by a licensed architect or licensed professional engineer performing under a state contract entered into pursuant to paragraph c of this subdivision, shall assess the condition of all major building systems of a school building, and shall be in the form and contain the information prescribed by the commissioner. For purposes of this paragraph, "major building systems" shall mean the electrical, plumbing, heating, ventilation and air conditioning systems, and the roof and other major structural elements of a school building.

c. Powers and duties of the commissioner. (1) The commissioner shall develop a building condition survey matrix which would be used to assist public school districts to develop long range facilities plans in a consistent format.

(2) The commissioner is hereby authorized to enter into the necessary contractual agreements with architects and/or engineers to state-wide contracts to provide building construction surveys on a regional basis for a fixed fee per square foot. Such building condition surveys shall be used to assist school districts with the development of their five-year capital facilities plan.

(3) Commencing with the two thousand twenty-one--two thousand twenty-two school year, the commissioner shall require school districts to conduct building condition surveys pursuant to this section in accordance with a staggered schedule as assigned by the commissioner, to be structured as follows, and every five years thereafter. In assigning school districts to a scheduled year, the commissioner shall ensure that no region of the state is overrepresented in a given scheduled year. The commissioner shall assign school districts to conduct building condition surveys in the following manner:

(i) Schedule A: One-fifth of all school districts, as assigned by the commissioner, shall conduct a building condition survey in the two thousand twenty-one--two thousand twenty-two school year.

(ii) Schedule B: One-fifth of all school districts, as assigned by the commissioner and excluding those school districts that shall conduct their building condition survey pursuant to Schedule A, shall conduct a building condition survey in the two thousand twenty-two--two thousand twenty-three school year.

(iii) Schedule C: One-fifth of all school districts, as assigned by the commissioner and excluding those school districts that shall conduct their building condition survey pursuant to Schedule A or Schedule B, shall conduct a building condition survey in the two thousand twenty-

three--two thousand twenty-four school year. The remaining school districts, other than those assigned to Schedule A and Schedule B, shall conduct a visual inspection as required pursuant to sections four hundred nine-d and four hundred nine-e of this chapter in the two thousand twenty-three--two thousand twenty-four school year;

(iv) Schedule D: One-fifth of all school districts, as assigned by the commissioner and excluding those school districts that shall conduct their building condition survey pursuant to Schedule A, Schedule B, and Schedule C, shall conduct a building condition survey in the two thousand twenty-four--two thousand twenty-five school year. The remaining school districts, other than those assigned to Schedule A, Schedule B, and Schedule C, shall conduct a visual inspection as required pursuant to sections four hundred nine-d and four hundred nine-e of this chapter in the two thousand twenty-four--two thousand twenty-five school year;

(v) Schedule E: One-fifth of all school districts, as assigned by the commissioner and excluding those school districts that shall conduct their building condition survey pursuant to Schedule A, Schedule B, Schedule C, and Schedule D, shall conduct a building condition survey in the two thousand twenty-five--two thousand twenty-six school year.

§ 52-m. Subdivision 6-e of section 3602 of the education law, as amended by chapter 296 of the laws of 2016, is amended to read as follows:

6-e. Additional apportionment of building aid for building condition surveys of school buildings. In addition to the apportionments payable to a school district pursuant to subdivision six of this section, the commissioner is hereby authorized to apportion to any school district additional building aid in accordance with this subdivision for its approved expenses in the base year for building condition surveys of school buildings that are conducted pursuant to this subdivision and subdivision four of section thirty-six hundred forty-one of this article. The amount of such apportionment shall equal the product of the building aid ratio defined pursuant to paragraph c of subdivision six of this section and the actual approved expenses incurred by the district in the base year for each school building so inspected, provided that the amount of such apportionment shall not exceed the building condition survey aid ceiling[~~, and provided further that such approved expenses shall include approved expenses for testing of potable water systems for lead contamination pursuant to section eleven hundred ten of the public health law~~]. For surveys conducted in the nineteen hundred ninety-eight--ninety-nine school year, the building condition aid ceiling shall be twenty cents gross per square foot of floor area. For surveys conducted in the nineteen hundred ninety-nine--two thousand school year and thereafter, the inspection aid ceiling shall be twenty cents gross per square foot of floor area, plus an amount computed by the commissioner in accordance with regulations adopted for such purpose, on the basis of an index number reflecting changes in the costs of labor and materials from July first, nineteen hundred ninety-eight.

§ 52-n. Subdivision 6-h of section 3602 of the education law, as added by chapter 296 of the laws of 2016, is amended to read as follows:

6-h. Building aid for testing and filtering of potable water systems for lead contamination. In addition to the apportionments payable to a school district pursuant to subdivision six of this section, the commissioner is hereby authorized to apportion to any school district additional building aid pursuant to this subdivision for its approved expenditures, otherwise ineligible for building aid, in the base year for the testing of potable water systems required pursuant to section

eleven hundred ten of the public health law and for the installation of filters and/or other effective remedial measures for immediate remediation in cases where a finding of lead contamination is made pursuant to such section and verified by confirmatory sampling, provided that the cost of installation of such filters and/or other effective remedial measures shall be deemed an approved expenditure only if (i) such installation and/or other effective remedial measures have been approved or reviewed by a professional with expertise in the field of water quality and remediation and (ii) such cost is incurred prior to July first, two thousand nineteen. Such aid shall equal the product of the building aid ratio defined pursuant to paragraph c of subdivision six of this section and the actual approved expenditures incurred in the base year pursuant to this subdivision. **Commencing in the two thousand nineteen--two thousand twenty school year and every year thereafter, additional building aid pursuant to this subdivision shall include approved expenses for testing of potable water systems for lead contamination pursuant to section eleven hundred ten of the public health law.**

§ 52-o. Section 3602 of the education law is amended by adding a new subdivision 6-i to read as follows:

6-i. Building aid for periodic inspections of public school buildings. In addition to the apportionments payable to a school district pursuant to subdivision six of this section, the commissioner is hereby authorized to apportion to any school district additional building aid in accordance with this subdivision for periodic inspections of public school buildings that are conducted pursuant to section four hundred nine-d and section four hundred nine-e of this chapter which are otherwise ineligible for building aid, provided that any such inspections shall be completed prior to June thirtieth, two thousand twenty-six.

§ 52-p. Subdivision 2 of section 409-e of the education law, as added by section 1 of part B of chapter 56 of the laws of 1998, paragraph (c) as added by section 7 of part L of chapter 405 of the laws of 1999, is amended to read as follows:

2. Periodic inspections. (a) [~~Every public school building shall be inspected annually in accordance with the code, provided, however, the~~] **The** commissioner may require [~~more frequent~~] **periodic** inspections **of public school buildings** as deemed necessary to maintain the safety of school buildings and the welfare of their occupants.

(b) As provided in paragraph (a) of this subdivision such inspections shall:

(i) be conducted in a manner and by persons meeting the qualifications, as established in the code;

(ii) result in a safety rating of every building as required pursuant to this article; and

(iii) be reported on forms prescribed by the commissioner, subscribed by the person or persons who conducted the inspection and filed with the commissioner within sixty days of the completion of the inspection.

(c) In the case of a city school district in a city having a population of one million or more inhabitants, each school shall be inspected periodically by the department of buildings pursuant to section 27-211 of the New York city building code, or any successor or substantially similar section.

§ 52-q. Subdivision 1 of section 409-d of the education law, as amended by chapter 437 of the laws of 2014, is amended to read as follows:

1. Program establishment. The commissioner is authorized and directed to establish, develop and monitor a comprehensive public school building

safety program which shall include a uniform inspection, safety rating and monitoring system. [~~Such~~] **Under such program, the commissioner may require periodic inspections of public school buildings as deemed necessary to maintain the safety of school buildings and the welfare of the occupants, and such** program shall establish a safety rating system for such school buildings to assess the need for maintenance, repairs, rehabilitation, reconstruction, construction and other improvements related to the structural integrity and overall safety of public school buildings including but not limited to building systems related to electrical, plumbing, heating, ventilation, and air conditioning, sanitation and health, fire and accident protection; and require that such ratings be used for the purpose of developing a buildings condition survey as required pursuant to subdivision four of section thirty-six hundred forty-one of this chapter and a five year facilities plan as required pursuant to clause (i) of subparagraph two of paragraph b of subdivision six of section thirty-six hundred two of this chapter.

§ 52-r. Section 3 of chapter 437 of the laws of 2014 amending the education law relating to removing the requirements for annual visual inspections of school buildings, is amended to read as follows:

§ 3. This act shall take effect immediately, provided however, that the provisions of section one of this act shall expire and be deemed repealed June 30, [~~2019~~] **2026**.

§ 53. 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.

§ 54. This act shall take effect immediately, and shall be deemed to have been in full force and effect on and after April 1, 2019, provided, however, that:

1. Sections one, three, four, five-a, six, sixteen, seventeen, eighteen, nineteen, twenty, twenty-one-a, twenty-two, twenty-three, twenty-four-a, thirty-seven-a, forty-seven, fifty, fifty-one, fifty-two-a, fifty-two-j, fifty-two-p and fifty-two-q of this act shall take effect July 1, 2019;

2. The amendments to subdivision 1 of section 2856 of the education law made by section fourteen-b of this act shall be subject to the expiration and reversion of such subdivision pursuant to subdivision d of section 27 of chapter 378 of the laws of 2007, as amended, when upon such date the provisions of section fourteen-c of this act shall take effect;

3. The amendments to 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 made by sections thirty-five and thirty-six of this act shall not affect the repeal of such chapter and shall be deemed repealed therewith;

4. The amendments to section 273-a of the education law made by section fifty-one-a of this act shall expire and be deemed repealed March 31, 2025; and

5. The amendments to subdivision 1 of section 409-d of the education law made by section fifty-two-q of this act shall be subject to the expiration and reversion of such subdivision and shall be deemed to expire therewith.

FISCAL NOTE.--Pursuant to Legislative Law, Section 50:

This bill would amend Section 6-r of the General Municipal Law to allow eligible participating employers of the New York State Teachers' Retirement System (NYSTRS) to establish a reserve sub-fund within the retirement contribution reserve fund for the purpose of reserving money to offset future required contributions to NYSTRS. An employer may pay into such sub-fund during any particular fiscal year an amount not to exceed two percent of the total compensation or salaries of all teachers employed by the employer who are members of NYSTRS paid during the immediately preceding fiscal year. Additionally, the total balance in the the sub-fund shall not exceed ten percent of the total compensation or salaries of all teachers employed by the employer who are members of NYSTRS paid during the immediately preceding fiscal year.

The governing board of the employer may by resolution authorize expenditures from the retirement contribution reserve fund. The governing board of the employer may also by resolution authorize the transfer of money between the separately administered sub-fund and the retirement contribution reserve fund subject to the limits on annual payments into the sub-fund and the balance of the sub-fund as provided in this bill.

It is estimated that there will be no annual cost to the employers of members of the New York State Teachers' Retirement System if this bill is enacted.

Member data is from the System's most recent actuarial valuation files, consisting of data provided by the employers to the Retirement System. Data distributions and statistics can be found in the System's Comprehensive Annual Financial Report (CAFR). System assets are as reported in the System's financial statements, and can also be found in the CAFR. Actuarial assumptions and methods are provided in the System's Actuarial Valuation Report.

The source of this estimate is Fiscal Note 2019-2 dated October 5, 2018 prepared by the Actuary of the New York State Teachers' Retirement System and is intended for use only during the 2019 Legislative Session. I, Richard A. Young, am the Actuary for the New York State Teachers' Retirement System. I am a member of the American Academy of Actuaries and I meet the Qualification Standards of the American Academy of Actuaries to render the actuarial opinion contained herein.

PART B

Intentionally Omitted

PART C

Intentionally Omitted

PART D

Intentionally Omitted

PART E

Intentionally Omitted

PART F

Section 1. Section 97-z of the state finance law, as added by chapter 625 of the laws of 1987, subdivision 3 as amended by chapter 83 of the laws of 1995, is amended to read as follows:

§ 97-z. Arts capital [~~revolving~~] **grants** fund. 1. A special fund to be known as the "arts capital [~~revolving~~] **grants** fund" is hereby established in the custody of the state comptroller and the commissioner of taxation and finance.

2. The fund shall consist of all monies appropriated for its purpose, all monies transferred to such fund pursuant to law, all monies required by this section or any other provision of law to be paid into or credited to the fund[~~, including payments of principal of and interest on loans made from the fund~~] and any interest earnings which may accrue from the investment of monies in the fund. Nothing contained herein shall prevent the New York state council on the arts from receiving grants, gifts or bequests for the purposes of the fund as defined in this section and depositing them into the fund according to law.

3. Monies of the fund, when allocated, shall be available for administrative costs of the council and to make [~~loans~~] **grants** to eligible not-for-profit arts organizations as provided in section 3.07 of the arts and cultural affairs law [~~and to pay the reasonable administrative costs of the dormitory authority incurred in monitoring construction on eligible projects and costs associated with contracts with outside entities to disburse loans and receive payments on such loans, as provided in such section~~].

4. Monies shall be payable from the fund on the audit and warrant of the comptroller on vouchers approved and certified by the chairman of the New York state council on the arts.

§ 2. This act shall take effect immediately.

PART G

Section 1. Notwithstanding any other provision of law, the housing trust fund corporation may provide, for purposes of the neighborhood preservation program, a sum not to exceed $12,830,000 for the fiscal year ending March 31, 2020. Notwithstanding any other provision of law, and subject to the approval of the New York state director of the budget, the board of directors of the state of New York mortgage agency shall authorize the transfer to the housing trust fund corporation, for the purposes of reimbursing any costs associated with neighborhood preservation program contracts authorized by this section, a total sum not to exceed $12,830,000, such transfer to be made from (i) the special account of the mortgage insurance fund created pursuant to section 2429-b of the public authorities law, in an amount not to exceed the actual excess balance in the special account of the mortgage insurance fund, as determined and certified by the state of New York mortgage agency for the fiscal year 2018-2019 in accordance with section 2429-b of the public authorities law, if any, and/or (ii) 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 state of New York mortgage agency) required to accomplish the purposes of such account, the project pool insurance account of the mortgage insurance fund, such transfer to be made as soon as practicable but no later than June 30, 2019.

§ 2. Notwithstanding any other provision of law, the housing trust fund corporation may provide, for purposes of the rural preservation program, a sum not to exceed $5,360,000 for the fiscal year ending March 31, 2020. Notwithstanding any other provision of law, and subject to the approval of the New York state director of the budget, the board of directors of the state of New York mortgage agency shall authorize the transfer to the housing trust fund corporation, for the purposes of reimbursing any costs associated with rural preservation program contracts authorized by this section, a total sum not to exceed $5,360,000, such transfer to be made from (i) the special account of the mortgage insurance fund created pursuant to section 2429-b of the public authorities law, in an amount not to exceed the actual excess balance in the special account of the mortgage insurance fund, as determined and certified by the state of New York mortgage agency for the fiscal year 2018-2019 in accordance with section 2429-b of the public authorities law, if any, and/or (ii) 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 state of New York mortgage agency) required to accomplish the purposes of such account, the project pool insurance account of the mortgage insurance fund, such transfer to be made as soon as practicable but no later than June 30, 2019.

§ 3. Notwithstanding any other provision of law, the housing trust fund corporation may provide, for the purposes of the access to home program pursuant to article XXV of the private housing finance law, a sum not to exceed $3,000,000 for the fiscal year ending March 31, 2020. Notwithstanding any other provision of law, and subject to the approval of the New York state director of the budget, the board of directors of the state of New York mortgage agency shall authorize the transfer to the housing trust fund corporation, for the purposes of reimbursing any costs associated with access to home program contracts authorized by this section, a total sum not to exceed $3,000,000, such transfer to be made from (i) the special account of the mortgage insurance fund created pursuant to section 2429-b of the public authorities law, in an amount not to exceed the actual excess balance in the special account of the mortgage insurance fund, as determined and certified by the state of New York mortgage agency for the fiscal year 2018-2019 in accordance with section 2429-b of the public authorities law, if any, and/or (ii) 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 state of New York mortgage agency) required to accomplish the purposes of such fund, such transfer to be made as soon as practicable but no later than June 30, 2019.

§ 4. This act shall take effect immediately.

PART H

Intentionally Omitted

PART I

Section 1. Subdivision 1 of section 378-a of the social services law, as amended by chapter 83 of the laws of 2013, is amended to read as follows:

1. Every authorized agency which operates a residential program for children licensed or certified by the office of children and family services, and the office of children and family services in relation to any juvenile justice program it operates, shall request that the justice center for the protection of people with special needs check, and upon such request, such justice center shall request and shall be authorized to receive from the division of criminal justice services and the federal bureau of investigation criminal history information, as such phrase is defined in paragraph (c) of subdivision one of section eight hundred forty-five-b of the executive law concerning each prospective operator, employee or volunteer of such a residential program who will have regular and substantial unsupervised or unrestricted physical contact with children in such program.

(a) Provided however, any authorized agency required to request criminal history information pursuant to this subdivision that operates a residential program for foster children that is licensed or certified by the office of children and family services shall request that the justice center for the protection of people with special needs check, and upon such request, such justice center shall request and shall be authorized to receive from the division of criminal justice services and the federal bureau of investigation criminal history information, as such phrase is defined in paragraph (c) of subdivision one of the section eight hundred forty-five-b of the executive law, for every:

(i) prospective employee of such program that is not already required to be cleared pursuant to the opening paragraph of this subdivision; and

(ii) notwithstanding any other provision of law to the contrary, prior to April first, two thousand twenty and in accordance with a schedule developed by the office of children and family services, any person who is employed in a residential foster care program that has not previously had a clearance conducted pursuant to this section in connection to such employment.

(b) For the purposes of this section, "operator" shall include any natural person with an ownership interest in the authorized agency.

(c) Access to and the use of [~~such~~] information **obtained pursuant to this subdivision** shall be governed by the provisions of section eight hundred forty-five-b of the executive law.

(d) Consistent with articles twenty-three and twenty-three-A of the correction law, and guidelines developed pursuant to subdivision two of section four hundred twenty-five of this article, if the office of children and family services is made aware of the existence of a criminal conviction or pending criminal charge pursuant to information obtained in accordance with paragraph (a) of this subdivision, concerning a current or prospective operator employee, or volunteer of a residential foster care program such conviction or charge may be a basis to deny or disapprove an application for or renewal of an operating certificate or to deny or terminate an employment in accordance with subdivision five of section eight hundred forty-five-b of the executive law. Before an operating certificate may be denied or disapproved for a current or prospective operator or before a current or prospective employee is terminated or denied employment, the applicant for or holder of such operating certificate, or prospective or current employee, is entitled, in accordance with section twenty-two of this chapter and the implementing regulations of the office of children and family services, to a hearing before the office of children and family services. However, an operating certificate or employment status shall be temporarily suspended or limited without a hearing upon written notice to the opera-

tor or employee following a finding that the public health, or an individual's safety or welfare, are in imminent danger.

§ 2. Paragraph (A) of subdivision 4 of section 422 of the social services law, is amended by adding a new subparagraph (bb) to read as follows:

(bb) an entity with appropriate legal authority in another state to license, certify or otherwise approve residential programs for foster children where disclosure of information regarding any prospective or current employee of such program is required by paragraph twenty of subdivision (a) of section six hundred seventy-one of title forty-two of the United States code.

§ 3. Subparagraph (i) of paragraph (b) of subdivision 1 of section 424-a of the social services law, as amended by section 8-a of part D of chapter 501 of the laws of 2012, is amended to read as follows:

(i) (A) Subject to the provisions of subdivision seven of this section, a provider agency shall inquire of the office and the office shall, subject to the provisions of paragraph (e) of this subdivision, inform such agency and the subject of the inquiry whether any person who is actively being considered for employment and who will have the potential for regular and substantial contact with individuals who are cared for by the agency, is the subject of an indicated child abuse and maltreatment report on file with the statewide central register of child abuse and maltreatment prior to permitting such person to have unsupervised contact with such individuals. Such agency may inquire of the office and the office shall inform such agency and the subject of the inquiry whether any person who is currently employed and who has the potential for regular and substantial contact with individuals who are cared for by such agency is the subject of an indicated child abuse and maltreatment report on file with the statewide central register of child abuse and maltreatment. A provider agency shall also inquire of the office and the office shall inform such agency and the subject of the inquiry whether any person who is employed by an individual, corporation, partnership or association which provides goods or services to such agency who has the potential for regular and substantial contact with individuals who are cared for by the agency, is the subject of an indicated child abuse and maltreatment report on file with the statewide central register of child abuse and maltreatment prior to permitting such person to have unsupervised contact with such individuals. Inquiries made to the office pursuant to this subparagraph by a provider agency on current employees shall be made no more often than once in any six month period.

(B) Notwithstanding clause (A) of this subparagraph, where the provider agency is an authorized agency that operates a residential program for foster children that is licensed or certified by the office of children and family services such agency shall inquire of the office and the office shall, subject to the provisions of paragraph (e) of this subdivision, inform such agency and the subject of the inquiry whether:

(I) any person who is actively being considered for employment in such program who is not already required to be cleared pursuant to clause (A) of this subparagraph is the subject of an indicated child abuse and maltreatment report on file with the statewide central register of child abuse and maltreatment; and

(II) Notwithstanding any other provision of law to the contrary, prior to April first, two thousand twenty and in accordance with a schedule developed by the office of children and family services, whether any person who is employed in a residential foster care program that has not

previously had a clearance conducted pursuant to this subparagraph in connection to such employment is the subject of an indicated child abuse and maltreatment report on file with the statewide central register of child abuse and maltreatment.

§ 4. This act shall take effect July 1, 2019.

PART J

Section 1. The section heading and the opening paragraph of subdivision 1 of section 131-u of the social services law, as amended by chapter 169 of the laws of 1994, are amended to read as follows:

Domestic violence services [~~to eligible persons~~].

Notwithstanding any inconsistent provision of law, a social services district shall, in accordance with the provisions of this section and regulations of the department, offer and provide emergency shelter and services at a residential program for victims of domestic violence, as defined in article six-A of this chapter, to the extent that such shelter and services are necessary and available to a victim of domestic violence, as defined in article six-A of this chapter, and in need of emergency shelter and services, who was residing in the social services district at the time of the alleged domestic violence [~~and who:~~].

§ 2. Paragraphs (a) and (b) of subdivision 1 of section 131-u of the social services law are REPEALED.

§ 3. Subdivision 2 of section 131-u of the social services law, as amended by chapter 169 of the laws of 1994, is amended to read as follows:

2. The department shall annually establish, subject to the approval of the director of the budget, a daily rate of reimbursement for each residential program for victims of domestic violence, as defined in article six-A of this chapter, certified by the department which provides emergency shelter and services to persons eligible for such emergency shelter and services pursuant to this section. A social services district [~~financially responsible for a victim of domestic violence~~] shall reimburse a residential program for victims of domestic violence for the costs of emergency shelter and services provided to such victim at the daily reimbursement rate established by the department reduced by [~~the sum of all fees which such victim is able to pay toward the costs of such shelter and services as determined in accordance with the public assistance budgeting rules set forth in the regulations of the department and by~~] any [~~third party~~] other state or federal funds provided for such reimbursement available for such costs. Provided however, local social services districts and residential programs for victims of domestic violence shall be reimbursed at one hundred percent for any additional costs incurred providing shelter and services to victims of domestic violence as a result of amendments made to subdivision one of this section pursuant to a chapter of the laws of two thousand nineteen amending the social services law relating to residential programs for domestic violence victims. Provided, however, such funds utilized by the state for such reimbursement shall not reduce expenditures provided for services eligible under title XX of the federal social security act.

§ 4. Section 459-f of the social services law, as amended by chapter 169 of the laws of 1994, is amended to read as follows:

§ 459-f. [~~Fees~~] Payment for services. [~~Any program defined in subdivision four of section four hundred fifty-nine-a of this article may charge a service fee to a victim of domestic violence who is able to pay all or part of the costs of the emergency shelter and services provided~~

~~to the victim.~~] Payments by a social services district to a residential program for victims of domestic violence for the costs of emergency shelter and services provided to a victim of domestic violence at the daily reimbursement rate determined by the department in accordance with section one hundred thirty-one-u of this chapter shall be reduced by the sum of [~~all fees which such victim is able to pay toward the costs of such shelter and services as determined in accordance with the public assistance budgeting rules set forth in the regulations of the department and by~~] any [~~third party~~] other state or federal funds provided for such reimbursement available for such costs.

§ 5. This act shall take effect April 1, 2019.

PART K

Section 1. Section 712 of the family court act, as amended by chapter 920 of the laws of 1982, subdivision (a) as amended by section 7 of part G of chapter 58 of the laws of 2010, subdivision (b) as amended by chapter 465 of the laws of 1992, subdivision (g) as amended by section 2 of part B of chapter 3 of the laws of 2005, subdivision (h) as added by chapter 7 of the laws of 1999, subdivision (i) as amended and subdivisions (j), (k), (l) and (m) as added by chapter 38 of the laws of 2014, is amended to read as follows:

§ 712. Definitions. As used in this article, the following terms shall have the following meanings:

(a) "Person in need of supervision". A person less than eighteen years of age who does not attend school in accordance with the provisions of part one of article sixty-five of the education law or who is incorrigible, ungovernable or habitually disobedient and beyond the lawful control of a parent or other person legally responsible for such child's care, or other lawful authority, or who violates the provisions of section 221.05 or 230.00 of the penal law, or who appears to be a sexually exploited child as defined in paragraph (a), (c) or (d) of subdivision one of section four hundred forty-seven-a of the social services law, but only if the child consents to the filing of a petition under this article.

(b) "Detention". The temporary care and maintenance of children away from their own homes [~~as defined in section five hundred two of the executive law~~] in a foster care program certified by the office of children and family services or a certified or approved family boarding home, or in a city having a population of one million or more, a foster care facility established and maintained pursuant to the social services law.

(c) "[~~Secure detention~~] Detention facility". A facility [~~characterized by physically restricting construction, hardware and procedures~~] operated in accordance with section five hundred three of the executive law.

(d) [~~"Non-secure detention facility". A facility characterized by the absence of physically restricting construction, hardware and procedures.~~

~~(e)~~] "Fact-finding hearing". A hearing to determine whether the respondent did the acts alleged to show that he or she violated a law or is incorrigible, ungovernable or habitually disobedient and beyond the control of his or her parents, guardian or legal custodian.

[~~(f)~~] (e) "Dispositional hearing". A hearing to determine whether the respondent requires supervision or treatment.

[~~(g)~~] (f) "Aggravated circumstances". Aggravated circumstances shall have the same meaning as the definition of such term in subdivision (j) of section one thousand twelve of this act.

[~~(h)~~] (g) "Permanency hearing". A hearing held in accordance with paragraph (b) of subdivision two of section seven hundred fifty-four or section seven hundred fifty-six-a of this article for the purpose of reviewing the foster care status of the respondent and the appropriateness of the permanency plan developed by the social services official on behalf of such respondent.

[~~(i)~~] (h) "Diversion services". Services provided to children and families pursuant to section seven hundred thirty-five of this article for the purpose of avoiding the need to file a petition or direct the detention of the child. Diversion services shall include: efforts to adjust cases pursuant to this article before a petition is filed, or by order of the court, after the petition is filed but before fact-finding is commenced; and preventive services provided in accordance with section four hundred nine-a of the social services law to avert the placement of the child into foster care, including crisis intervention and respite services. Diversion services may also include, in cases where any person is seeking to file a petition that alleges that the child has a substance use disorder or is in need of immediate detoxification or substance use disorder services, an assessment for substance use disorder; provided, however, that notwithstanding any other provision of law to the contrary, the designated lead agency shall not be required to pay for all or any portion of the costs of such assessment or substance use disorder or detoxification services, except in cases where medical assistance for needy persons may be used to pay for all or any portion of the costs of such assessment or services.

[~~(j)~~] (i) "Substance use disorder". [~~The misuse of, dependence on, or addiction to alcohol and/or legal or illegal drugs leading to effects that are detrimental to the person's physical and mental health or the welfare of others~~] Substance use disorder shall have the same meaning as provided for in section 1.03 of the mental hygiene law.

[~~(k)~~] (j) "Assessment for substance use disorder". Assessment by a provider that has been certified by the office of alcoholism and substance abuse services of a person less than eighteen years of age where it is alleged that the youth is suffering from a substance use disorder which could make a youth a danger to himself or herself or others.

[~~(l)~~] (k) "A substance use disorder which could make a youth a danger to himself or herself or others". A substance use disorder that is accompanied by the dependence on, or the repeated use or abuse of, drugs or alcohol to the point of intoxication such that the person is in need of immediate detoxification or other substance use disorder services.

[~~(m)~~] (l) "Substance use disorder services". Substance use disorder services shall have the same meaning as provided for in section 1.03 of the mental hygiene law.

§ 2. Intentionally omitted.

§ 3. Section 720 of the family court act, as amended by chapter 419 of the laws of 1987, subdivision 3 as amended by section 9 of subpart B of part Q of chapter 58 of the laws of 2011, subdivision 5 as amended by section 3 of part E of chapter 57 of the laws of 2005, and paragraph (c) of subdivision 5 as added by section 8 of part G of chapter 58 of the laws of 2010, is amended to read as follows:

§ 720. Detention. 1. No child to whom the provisions of this article may apply, shall be detained in any prison, jail, lockup, or other place used for adults convicted of crime or under arrest and charged with a crime.

2. The detention of a child in a secure detention facility shall not be directed under any of the provisions of this article.

3. Detention of a person alleged to be or adjudicated as a person in need of supervision shall, except as provided in subdivision four of this section, be authorized only in a foster care program certified by the office of children and family services, or a certified or approved family boarding home, [~~or a non-secure detention facility certified by the office~~] and in accordance with section seven hundred thirty-nine of this article. The setting of the detention shall take into account (a) the proximity to the community in which the person alleged to be or adjudicated as a person in need of supervision lives with such person's parents or to which such person will be discharged, and (b) the existing educational setting of such person and the proximity of such setting to the location of the detention setting.

4. Whenever detention is authorized and ordered pursuant to this article, for a person alleged to be or adjudicated as a person in need of supervision, a family court in a city having a population of one million or more shall, notwithstanding any other provision of law, direct detention in a foster care facility established and maintained pursuant to the social services law. In all other respects, the detention of such a person in a foster care facility shall be subject to the identical terms and conditions for detention as are set forth in this article and in section two hundred thirty-five of this act.

5. (a) The court shall not order or direct detention under this article, unless the court determines that there is no substantial likelihood that the youth and his or her family will continue to benefit from diversion services**, and that continuation in the home would not be appropriate because such continuation would (i) continue or worsen the circumstances alleged in the underlying petition, or that created the need for a petition to be sought, or (ii) create a safety risk to the child or the child's family** and that all **other** available alternatives to detention have been exhausted; and

(b) [~~Where the youth is sixteen years of age or older, the court shall not order or direct detention under this article, unless the court determines and states in its order that special circumstances exist to warrant such detention.~~

~~(c)~~] If the respondent may be a sexually exploited child as defined in subdivision one of section four hundred forty-seven-a of the social services law, the court may direct the respondent to an available short-term safe house as defined in subdivision two of section four hundred forty-seven-a of the social services law as an alternative to detention.

§ 4. Intentionally omitted.

§ 4-a. Section 727 of the family court act, as amended by chapter 920 of the laws of 1982, subdivisions (a) and (b) as amended by chapter 419 of the laws of 1987, is amended to read as follows:

§ 727. Rules of court authorizing release before filing of petition. (a) The agency responsible for operating a [~~detention facility~~] **foster care program certified by the office of children and family services or a certified or approved family boarding home,** or in a city of one million or more, the agency responsible for operating a foster care facility, may release a child in custody before the filing of a petition to the custody of his parents or other relative, guardian or legal custodian when the events occasioning the taking into custody appear to involve a petition to determine whether a person is in need of supervision rather than a petition to determine whether a person is a juvenile delinquent.

(b) When a release is made under this section such release may, but need not, be conditioned upon the giving of a recognizance in accord with **paragraph (i) of subdivision (b) of** section seven hundred twenty-four [~~(b) (i)~~] **of this part**.

(c) If the probation service for any reason does not release a child under this section, the child shall promptly be brought before a judge of the court, if practicable, and section seven hundred twenty-eight **of this part** shall apply.

§ 5. Subdivisions (c) and (d) of section 728 of the family court act, subdivision (d) as added by chapter 145 of the laws of 2000, paragraph (i) as added and paragraph (ii) of subdivision (d) as renumbered by section 5 of part E of chapter 57 of the laws of 2005, and paragraph (iii) as amended and paragraph (iv) of subdivision (d) as added by section 10 of subpart B of part Q of chapter 58 of the laws of 2011, are amended to read as follows:

(c) An order of release under this section may, but need not, be conditioned upon the giving of a recognizance in accord with [~~sections seven hundred twenty-four (b)~~] **paragraph** (i) **of subdivision (b) of section seven hundred twenty-four of this article**.

(d) Upon a finding of facts and reasons which support a detention order pursuant to this section, the court shall also determine and state in any order directing detention:

(i) that there is no substantial likelihood that the youth and his or her family will continue to benefit from diversion services**, and that continuation in the home would not be appropriate because such continuation would (A) continue or worsen the circumstances alleged in the underlying petition, or that created the need for a petition to be sought, or (B) create a safety risk to the child or the child's family** and that all **other** available alternatives to detention have been exhausted; and

(ii) whether continuation of the child in the child's home would be contrary to the best interests of the child based upon, and limited to, the facts and circumstances available to the court at the time of the hearing held in accordance with this section; and

(iii) where appropriate, whether reasonable efforts were made prior to the date of the court hearing that resulted in the detention order, to prevent or eliminate the need for removal of the child from his or her home or, if the child had been removed from his or her home prior to the court appearance pursuant to this section, where appropriate, whether reasonable efforts were made to make it possible for the child to safely return home; and

(iv) whether the setting of the detention takes into account the proximity to the community in which the person alleged to be or adjudicated as a person in need of supervision lives with such person's parents or to which such person will be discharged, and the existing educational setting of such person and the proximity of such setting to the location of the detention setting.

§ 6. Intentionally omitted.

§ 7. Subdivision (b), paragraph (i) of subdivision (d) and subdivision (f) of section 735 of the family court act, subdivision (b) as amended by chapter 38 of the laws of 2014, paragraph (i) of subdivision (d) as amended by chapter 535 of the laws of 2011 and subdivision (f) as added by section 7 of part E of chapter 57 of the laws of 2005, are amended to read as follows:

(b) The designated lead agency shall:

(i) confer with any person seeking to file a petition, the youth who may be a potential respondent, his or her family, and other interested persons, concerning the provision of diversion services before any petition may be filed; and

(ii) diligently attempt to prevent the filing of a petition under this article or, after the petition is filed, to prevent the placement of the youth into foster care **in accordance with section seven hundred fifty-six of this article**; and

(iii) assess whether the youth would benefit from residential respite services; and

(iv) **assess whether the youth is a sexually exploited child as defined in section four hundred forty-seven-a of the social services law and, if so, whether such youth should be referred to a safe house; and**

(v) determine whether alternatives to detention are appropriate to avoid remand of the youth to detention; [~~and~~]

[~~(v)~~] **(vi) assess whether remaining in the home would cause the continuation or worsening of the circumstances that created the need for a petition to be sought, or create a safety risk to the child, or the child's family; and**

(vii) determine whether an assessment of the youth for substance use disorder by an office of alcoholism and substance abuse services certified provider is necessary when a person seeking to file a petition alleges in such petition that the youth is suffering from a substance use disorder which could make the youth a danger to himself or herself or others. Provided, however, that notwithstanding any other provision of law to the contrary, the designated lead agency shall not be required to pay for all or any portion of the costs of such assessment or for any substance use disorder or detoxification services, except in cases where medical assistance for needy persons may be used to pay for all or any portion of the costs of such assessment or services. The office of alcoholism and substance abuse services shall make a list of its certified providers available to the designated lead agency.

(i) providing, at the first contact, information on the availability of or a referral to services in the geographic area where the youth and his or her family are located that may be of benefit in avoiding the need to file a petition under this article; including the availability, for up to twenty-one days, of a residential respite program, if the youth and his or her parent or other person legally responsible for his or her care agree, and the availability of other non-residential crisis intervention programs such as family crisis counseling or alternative dispute resolution programs or an educational program as defined in section four hundred fifty-eight-l of the social services law.

(f) Efforts to prevent the filing of a petition pursuant to this section may extend until the designated lead agency determines that there is no substantial likelihood that the youth and his or her family will benefit from further attempts. Efforts at diversion pursuant to this section may continue after the filing of a petition where the designated lead agency determines that the youth and his or her family will benefit from further attempts to prevent **placement of** the youth from entering foster care **in accordance with section seven hundred fifty-six of this article**.

§ 8. Intentionally omitted.

§ 9. Intentionally omitted.

§ 10. Intentionally omitted.

§ 11. Intentionally omitted.

§ 12. Intentionally omitted.

§ 12-a. Section 751 of the family court act, as amended by chapter 100 of the laws of 1993, is amended to read as follows:

§ 751. Order dismissing petition. If the allegations of a petition under this article are not established, the court shall dismiss the petition. The court may in its discretion dismiss a petition under this article, in the interests of justice where attempts have been made to adjust the case as provided for in sections seven hundred thirty-five and seven hundred forty-two of this article and the probation service has exhausted its efforts to successfully adjust such case as a result of the petition's failure to provide reasonable assistance to the probation service. **In dismissing a petition pursuant to this section, the court shall consider whether a referral of services would be appropriate to meet the needs of the respondent and his or her family.**

§ 13. Section 754 of the family court act, subdivision 1 as designated by chapter 878 of the laws of 1976, paragraph (c) of subdivision 1 as amended by section 4 of part V of chapter 383 of the laws of 2001, the closing paragraph of subdivision 1 as added by section 5 of part V of chapter 55 of the laws of 2012, subdivision 2 as amended by chapter 7 of the laws of 1999, subparagraph (ii) of paragraph (a) of subdivision 2 as amended by section 20 and the closing paragraph of paragraph (b) of subdivision 2 as amended by section 21 of part L of chapter 56 of the laws of 2015, is amended to read as follows:

§ 754. Disposition on adjudication of person in need of supervision. 1. Upon an adjudication of person in need of supervision, the court shall enter an order of disposition:

(a) Discharging the respondent with warning;

(b) Suspending judgment in accord with section seven hundred fifty-five **of this part**;

(c) Continuing the proceeding and placing the respondent in accord with section seven hundred fifty-six **of this part**; [~~provided, however, that the court shall not place the respondent in accord with section seven hundred fifty-six where the respondent is sixteen years of age or older, unless the court determines and states in its order that special circumstances exist to warrant such placement~~]; or

(d) Putting the respondent on probation in accord with section seven hundred fifty-seven **of this part**.

The court may order an eligible person to complete an education reform program in accordance with section four hundred fifty-eight-l of the social services law, as part of a disposition pursuant to paragraph (a), (b) or (d) of this subdivision.

2. (a) **Notwithstanding any other provision of law to the contrary, the court shall not order placement with the local commissioner of social services pursuant to section seven hundred fifty-six of this part unless the court finds and states in writing that:**

(i) no appropriate suitable relative or suitable private person is available for placement pursuant to section seven hundred fifty-six of this part; and

(ii) placement in the child's home would not be appropriate because such placement would:

(A) continue or worsen the circumstances alleged in the underlying petition; or

(B) create a safety risk to the child, or the child's family.

(b) The order shall state the court's reasons for the particular disposition. If **in accordance with paragraph (a) of this subdivision** the court **determines placement is appropriate and** places the child in accordance with section seven hundred fifty-six of this part, the court

in its order shall determine: (i) whether continuation in the child's home would be contrary to the best interest of the child and where appropriate, that reasonable efforts were made prior to the date of the dispositional hearing held pursuant to this article to prevent or eliminate the need for removal of the child from his or her home and, if the child was removed from his or her home prior to the date of such hearing, that such removal was in the child's best interest and, where appropriate, reasonable efforts were made to make it possible for the child to return safely home. If the court determines that reasonable efforts to prevent or eliminate the need for removal of the child from the home were not made but that the lack of such efforts was appropriate under the circumstances, the court order shall include such a finding; and (ii) in the case of a child who has attained the age of fourteen, the services needed, if any, to assist the child to make the transition from foster care to independent living. Nothing in this subdivision shall be construed to modify the standards for directing detention set forth in section seven hundred thirty-nine of this article.

[~~(b)~~] **(c)** For the purpose of this section, reasonable efforts to prevent or eliminate the need for removing the child from the home of the child or to make it possible for the child to return safely to the home of the child shall not be required where the court determines that:

(i) the parent of such child has subjected the child to aggravated circumstances, as defined in subdivision (g) of section seven hundred twelve of this article;

(ii) the parent of such child has been convicted of (A) murder in the first degree as defined in section 125.27 or murder in the second degree as defined in section 125.25 of the penal law and the victim was another child of the parent; or (B) manslaughter in the first degree as defined in section 125.20 or manslaughter in the second degree as defined in section 125.15 of the penal law and the victim was another child of the parent, provided, however, that the parent must have acted voluntarily in committing such crime;

(iii) the parent of such child has been convicted of an attempt to commit any of the crimes set forth in subparagraphs (i) and (ii) of this paragraph, and the victim or intended victim was the child or another child of the parent; or has been convicted of criminal solicitation as defined in article one hundred, conspiracy as defined in article one hundred five or criminal facilitation as defined in article one hundred fifteen of the penal law for conspiring, soliciting or facilitating any of the foregoing crimes, and the victim or intended victim was the child or another child of the parent;

(iv) the parent of such child has been convicted of assault in the second degree as defined in section 120.05, assault in the first degree as defined in section 120.10 or aggravated assault upon a person less than eleven years old as defined in section 120.12 of the penal law, and the commission of one of the foregoing crimes resulted in serious physical injury to the child or another child of the parent;

(v) the parent of such child has been convicted in any other jurisdiction of an offense which includes all of the essential elements of any crime specified in subparagraph (ii), (iii) or (iv) of this paragraph, and the victim of such offense was the child or another child of the parent; or

(vi) the parental rights of the parent to a sibling of such child have been involuntarily terminated;

unless the court determines that providing reasonable efforts would be in the best interests of the child, not contrary to the health and safe-

ty of the child, and would likely result in the reunification of the parent and the child in the foreseeable future. The court shall state such findings in its order.

If the court determines that reasonable efforts are not required because of one of the grounds set forth above, a permanency hearing shall be held within thirty days of the finding of the court that such efforts are not required. At the permanency hearing, the court shall determine the appropriateness of the permanency plan prepared by the social services official which shall include whether and when the child: (A) will be returned to the parent; (B) should be placed for adoption with the social services official filing a petition for termination of parental rights; (C) should be referred for legal guardianship; (D) should be placed permanently with a fit and willing relative; or (E) should be placed in another planned permanent living arrangement with a significant connection to an adult willing to be a permanency resource for the child if the child is age sixteen or older and if the requirements of subparagraph (E) of paragraph (iv) of subdivision (d) of section seven hundred fifty-six-a of this part have been met. The social services official shall thereafter make reasonable efforts to place the child in a timely manner and to complete whatever steps are necessary to finalize the permanent placement of the child as set forth in the permanency plan approved by the court. If reasonable efforts are determined by the court not to be required because of one of the grounds set forth in this paragraph, the social services official may file a petition for termination of parental rights in accordance with section three hundred eighty-four-b of the social services law.

[~~(c)~~] **(d)** For the purpose of this section, in determining reasonable efforts to be made with respect to a child, and in making such reasonable efforts, the child's health and safety shall be the paramount concern.

[~~(d)~~] **(e)** For the purpose of this section, a sibling shall include a half-sibling.

§ 13-a. Paragraph (a) of subdivision 7 of section 384-b of the social services law, as amended by chapter 113 of the laws of 2010, is amended to read as follows:

(a) For the purposes of this section, "permanently neglected child" shall mean a child who is in the care of an authorized agency and whose parent or custodian has failed for a period of either at least one year or fifteen out of the most recent twenty-two months following the date such child came into the care of an authorized agency substantially and continuously or repeatedly to maintain contact with or plan for the future of the child, although physically and financially able to do so, notwithstanding the agency's diligent efforts to encourage and strengthen the parental relationship when such efforts will not be detrimental to the best interests of the child. The court shall consider the special circumstances of an incarcerated parent or parents, or of a parent or parents participating in a residential substance abuse treatment program, when determining whether a child is a "permanently neglected child" as defined in this paragraph. In such cases, the court also shall consider the particular constraints, including but not limited to, limitations placed on family contact and the unavailability of social or rehabilitative services to aid in the development of a meaningful relationship between the parent and his or her child, that may impact the parent's ability to substantially and continuously or repeatedly maintain contact with his or her child and to plan for the future of his or her child as defined in paragraph (c) of this subdivision. Where a

court has previously determined in accordance with paragraph (b) of subdivision three of section three hundred fifty-eight-a of this chapter or section one thousand thirty-nine-b, subparagraph (A) of paragraph (i) of subdivision (b) of section one thousand fifty-two, paragraph [~~(b)~~] **(c)** of subdivision two of section seven hundred fifty-four or paragraph (c) of subdivision two of section 352.2 of the family court act that reasonable efforts to make it possible for the child to return safely to his or her home are not required, the agency shall not be required to demonstrate diligent efforts as defined in this section. In the event that the parent defaults after due notice of a proceeding to determine such neglect, such physical and financial ability of such parent may be presumed by the court.

§ 13-b. Subdivision (a) of section 755 of the family court act, as amended by chapter 124 of the laws of 1993, is amended to read as follows:

(a) Rules of court shall define permissible terms and conditions of a suspended judgment. The court may order as a condition of a suspended judgment restitution or services for public good pursuant to section seven hundred fifty-eight-a **of this part**, and[~~, except when the respondent has been assigned to a facility in accordance with subdivision four of section five hundred four of the executive law,~~] in cases wherein the record indicates that the consumption of alcohol by the respondent may have been a contributing factor, the court may order attendance at and completion of an alcohol awareness program established pursuant to section 19.25 of the mental hygiene law.

§ 14. Section 756 of the family court act, as amended by chapter 920 of the laws of 1982, paragraph (i) of subdivision (a) as amended by chapter 309 of the laws of 1996, the opening paragraph of paragraph (ii) of subdivision (a) as amended by section 11 of part G of chapter 58 of the laws of 2010, subdivision (b) as amended by chapter 7 of the laws of 1999, and subdivision (c) as amended by section 10 of part E of chapter 57 of the laws of 2005, is amended to read as follows:

§ 756. Placement. (a) (i) For purposes of section seven hundred fifty-four **of this part**, the court may place the child in its own home or in the custody of a suitable relative or other suitable private person or a commissioner of social services, **to the extent such commissioner shall direct placement in (1) a foster care program certified by the office of children and family services, (2) a certified or approved family boarding home, (3) in a city having a population of one million or more, a foster care facility established and maintained pursuant to the social services law, or (4) an available long term safe house for youth meeting the definition of a sexually exploited child as defined in subdivision one of section four hundred forty-seven-a of the social services law** subject to the orders of the court.

(ii) Where the child is placed with the commissioner of the local social services district, the court may direct the commissioner to place the child 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. Unless the dispositional order provides otherwise, the court so directing shall include one of the following alternatives to apply in the event that the commissioner is unable to so place the child:

(1) the commissioner shall apply to the court for an order to stay, modify, set aside, or vacate such directive pursuant to the provisions

of section seven hundred sixty-two or seven hundred sixty-three **of this part**; or

(2) the commissioner shall return the child to the family court for a new dispositional hearing and order.

(b) Placements under this section may be for an initial period of [~~twelve months~~] **ninety days**. The court may extend a placement pursuant to section seven hundred fifty-six-a **of this part**. In its discretion, the court may recommend restitution or require services for public good pursuant to section seven hundred fifty-eight-a **of this part** in conjunction with an order of placement. [~~For the purposes of calculating the initial period of placement, such placement shall be deemed to have commenced sixty days after the date the child was removed from his or her home in accordance with the provisions of this article.~~] If the respondent has been in detention pending disposition, the initial period of placement ordered under this section shall be credited with and diminished by the amount of time spent by the respondent in detention prior to the commencement of the placement unless the court finds that all or part of such credit would not serve the best interests of the respondent.

(c) A placement pursuant to this section with the commissioner of social services shall not be directed in any detention facility[~~, but the~~]**. The** court may direct detention pending transfer to a placement authorized and ordered under this section for no more than than [~~fifteen~~] **ten** days after such order of placement is made. Such direction shall be subject to extension pursuant to subdivision three of section three hundred ninety-eight of the social services law, upon written documentation to the office of children and family services that the youth is in need of specialized treatment or placement and the diligent efforts by the commissioner of social services to locate an appropriate placement.

§ 14-a. Section 756-a of the family court act, as added by chapter 604 of the laws of 1986, subdivision (a) as amended by chapter 309 of the laws of 1996, subdivisions (b) and (d) as amended by section 4 of part B of chapter 327 of the laws of 2007, subdivisions (c) and (e) as amended by chapter 7 of the laws of 1999, paragraph (ii) of subdivision (d) as amended by section 3 of part M of chapter 54 of the laws of 2016, paragraphs (iii), (iv) and (v) of subdivision (d) as amended by section 23 and subdivision (d-1) as amended by section 24 of part L of chapter 56 of the laws of 2015, is amended to read as follows:

§ 756-a. Extension of placement. (a) In any case in which the child has been placed pursuant to section seven hundred fifty-six **of this part**, the child, the person with whom the child has been placed or the commissioner of social services may petition the court to extend such placement. Such petition shall be filed at least [~~sixty~~] **thirty** days prior to the expiration of the period of placement, except for good cause shown, but in no event shall such petition be filed after the original expiration date.

(b) The court shall conduct a permanency hearing concerning the need for continuing the placement. The child, the person with whom the child has been placed and the commissioner of social services shall be notified of such hearing and shall have the right to be heard thereat.

(c) The provisions of section seven hundred forty-five **of this article** shall apply at such permanency hearing. If the petition is filed within [~~sixty~~] **thirty** days prior to the expiration of the period of placement, the court shall first determine at such permanency hearing whether good

cause has been shown. If good cause is not shown, the court shall dismiss the petition.

(d) At the conclusion of the permanency hearing the court may, in its discretion, order an extension of the placement for not more than [~~one year~~] **ninety days**. The court must consider and determine in its order:

(i) where appropriate, that reasonable efforts were made to make it possible for the child to safely return to his or her home, or if the permanency plan for the child is adoption, guardianship or some other permanent living arrangement other than reunification with the parent or parents of the child, reasonable efforts are being made to make and finalize such alternate permanent placement including consideration of appropriate in-state and out-of-state placements;

(ii) in the case of a child who has attained the age of fourteen, (A) the services needed, if any, to assist the child to make the transition from foster care to successful adulthood; and (B)(1) that the permanency plan developed for the child, and any revision or addition to the plan shall be developed in consultation with the child and, at the option of the child, with up to two additional members of the child's permanency planning team who are selected by the child and who are not a foster parent of, or case worker, case planner or case manager for, the child, except that the local commissioner of social services with custody of the child may reject an individual so selected by the child if such commissioner has good cause to believe that the individual would not act in the best interests of the child, and (2) that one individual so selected by the child may be designated to be the child's advisor and, as necessary, advocate with respect to the application of the reasonable and prudent parent standard;

(iii) in the case of a child placed outside New York state, whether the out-of-state placement continues to be appropriate and in the best interests of the child;

(iv) whether and when the child: (A) will be returned to the parent; (B) should be placed for adoption with the social services official filing a petition for termination of parental rights; (C) should be referred for legal guardianship; (D) should be placed permanently with a fit and willing relative; or (E) should be placed in another planned permanent living arrangement with a significant connection to an adult willing to be a permanency resource for the child if the child is age sixteen or older and (1) the social services official has documented to the court: (I) intensive, ongoing, and, as of the date of the hearing, unsuccessful efforts made by the social services district to return the child home or secure a placement for the child with a fit and willing relative including adult siblings, a legal guardian, or an adoptive parent, including through efforts that utilize search technology including social media to find biological family members for children, (II) the steps the social services district is taking to ensure that (A) the child's foster family home or [~~child care facility~~] **other applicable foster care programs** is following the reasonable and prudent parent standard in accordance with guidance provided by the United States department of health and human services, and (B) the child has regular, ongoing opportunities to engage in age or developmentally appropriate activities including by consulting with the child in an age-appropriate manner about the opportunities of the child to participate in activities; and (2) the social services district has documented to the court and the court has determined that there are compelling reasons for determining that it continues to not be in the best interest of the child to return home, be referred for termination of parental rights and

placed for adoption, placed with a fit and willing relative, or placed with a legal guardian; and (3) the court has made a determination explaining why, as of the date of the hearing, another planned living arrangement with a significant connection to an adult willing to be a permanency resource for the child is the best permanency plan for the child; and

(v) where the child will not be returned home, consideration of appropriate in-state and out-of-state placements.

(d-1) At the permanency hearing, the court shall consult with the respondent in an age-appropriate manner regarding the permanency plan; provided, however, that if the respondent is age sixteen or older and the requested permanency plan for the respondent is placement in another planned permanent living arrangement with a significant connection to an adult willing to be a permanency resource for the respondent, the court must ask the respondent about the desired permanency outcome for the respondent.

(e) Pending final determination of a petition to extend such placement filed in accordance with the provisions of this section, the court may, on its own motion or at the request of the petitioner or respondent, enter one or more temporary orders extending a period of placement not to exceed thirty days upon satisfactory proof showing probable cause for continuing such placement and that each temporary order is necessary. The court may order additional temporary extensions, not to exceed a total of fifteen days, if the court is unable to conclude the hearing within the thirty day temporary extension period. In no event shall the aggregate number of days in extensions granted or ordered under this subdivision total more than forty-five days. The petition shall be dismissed if a decision is not rendered within the period of placement or any temporary extension thereof. Notwithstanding any provision of law to the contrary, the initial permanency hearing shall be held within [~~twelve months of the date the child was placed into care~~] **a reasonable period of time prior to the expiration of the initial period of placement** pursuant to section seven hundred fifty-six of this article and no later than every twelve months thereafter. [~~For the purposes of this section, the date the child was placed into care shall be sixty days after the child was removed from his or her home in accordance with the provisions of this section.~~]

(f) Successive extensions of placement under this section may be granted, but no placement may be made or continued beyond the child's eighteenth birthday without his or her consent and in no event past his or her twenty-first birthday.

§ 14-b. Section 757 of the family court act is amended by adding a new subdivision (e) to read as follows:

(e) The court may order services deemed appropriate to address the circumstances alleged in the underlying petition.

§ 15. Section 758-a of the family court act, as amended by chapter 73 of the laws of 1979, subdivision 1 as amended by chapter 4 of the laws of 1987, paragraph (b) of subdivision 1 as amended by chapter 575 of the laws of 2007, subdivision 2 as amended by chapter 309 of the laws of 1996, and subdivision 3 as separately amended by chapter 568 of the laws of 1979, is amended to read as follows:

§ 758-a. Restitution. 1. In cases involving acts of [~~infants~~] **children** over [~~ten~~] **twelve** and less than [~~sixteen~~] **eighteen** years of age, the court may

(a) recommend as a condition of placement, or order as a condition of probation or suspended judgment, restitution in an amount representing a

fair and reasonable cost to replace the property or repair the damage caused by the [~~infant~~] **child**, not, however, to exceed one thousand dollars. [~~In the case of a placement, the court may recommend that the infant pay out of his or her own funds or earnings the amount of replacement or damage, either in a lump sum or in periodic payments in amounts set by the agency with which he is placed, and in the case of probation or suspended judgment, the~~] **The** court may require that the [~~infant~~] **child** pay out of his or her own funds or earnings the amount of replacement or damage, either in a lump sum or in periodic payments in amounts set by the court; and/or

(b) order as a condition of placement, probation, or suspended judgment, services for the public good including in the case of a crime involving willful, malicious, or unlawful damage or destruction to real or personal property maintained as a cemetery plot, grave, burial place, or other place of interment of human remains, services for the maintenance and repair thereof, taking into consideration the age and physical condition of the [~~infant~~] **child**.

2. If the court recommends restitution or requires services for the public good in conjunction with an order of placement pursuant to section seven hundred fifty-six **of this part**, the placement shall be made only to an authorized agency which has adopted rules and regulations for the supervision of such a program, which rules and regulations shall be subject to the approval of the state department of social services. Such rules and regulations shall include, but not be limited to provisions (i) assuring that the conditions of work, including wages, meet the standards therefor prescribed pursuant to the labor law; (ii) affording coverage to the child under the workers' compensation law as an employee of such agency, department or institution; (iii) assuring that the entity receiving such services shall not utilize the same to replace its regular employees; and (iv) providing for reports to the court not less frequently than every six months, unless the order provides otherwise.

3. If the court requires restitution or services for the public good as a condition of probation or suspended judgment, it shall provide that an agency or person supervise the restitution or services and that such agency or person report to the court not less frequently than every six months, unless the order provides otherwise. Upon the written notice sent by a school district to the court and the appropriate probation department or agency which submits probation recommendations or reports to the court, the court may provide that such school district shall supervise the performance of services for the public good.

4. The court, upon receipt of the reports provided for in subdivision two or three of this section may, on its own motion or the motion of any party or the agency, hold a hearing to determine whether the placement **or condition** should be altered or modified.

§ 15-a. Section 768 of the family court act is amended to read as follows:

§ 768. Successive petitions. If a petition under section seven hundred sixty-four **of this part** is denied, it may not be renewed for a period of [~~ninety~~] **thirty** days after the denial, unless the order of denial permits renewal at an earlier time.

§ 16. Section 774 of the family court act is amended to read as follows:

§ 774. Action on petition for transfer. On receiving a petition under section seven hundred seventy-three **of this part**, the court may proceed under sections seven hundred thirty-seven, seven hundred thirty-eight or

seven hundred thirty-nine **of this article** with respect to the issuance of a summons or warrant and sections seven hundred twenty-seven and seven hundred twenty-nine govern questions of detention and failure to comply with a promise to appear. Due notice of the petition and a copy of the petition shall also be served personally or by mail upon the office of the locality chargeable for the support of the person involved and upon the person involved and his **or her** parents and other persons.

§ 17. Paragraph (c) of subdivision 3 and subdivision 11 of section 398 of the social services law, paragraph (c) of subdivision 3 as amended by section 19 of part E of chapter 57 of the laws of 2005 and subdivision 11 as added by chapter 514 of the laws of 1976, are amended to read as follows:

(c) Receive within fifteen days from the order of placement as a public charge any delinquent child committed or placed or **ten days in the case of a** person in need of supervision placed in his or her care by the family court provided, however, that the commissioner of the social services district with whom the child is placed may apply to the state commissioner or his or her designee for approval of an additional fifteen days, **or ten days in the case of a person in need of supervision,** upon written documentation to the office of children and family services that the youth is in need of specialized treatment or placement and the diligent efforts by the commissioner of social services to locate an appropriate placement.

11. In the case of a child who is adjudicated a person in need of supervision or a juvenile delinquent and is placed by the family court with the [~~division for youth~~] **office of children and family services** and who is placed by [~~the division for youth~~] **such office** with an authorized agency pursuant to court order, the social services official shall make expenditures in accordance with the regulations of the department for the care and maintenance of such child during the term of such placement subject to state reimbursement pursuant to **section one hundred fifty-three-k of** this [~~title, or article nineteen-G of the executive law in applicable cases~~] **article**.

§ 17-a. Paragraph (a) of subdivision 8 of section 404 of the social services law, as added by section 1 of subpart A of part G of chapter 57 of the laws of 2012, is amended and a new paragraph (a-1) is added to read as follows:

(a) Notwithstanding any other provision of law to the contrary, **except as provided for in paragraph (a-1) of this subdivision,** eligible expenditures during the applicable time periods made by a social services district for an approved juvenile justice services close to home initiative shall, if approved by the department of family assistance, be subject to reimbursement with state funds only up to the extent of an annual appropriation made specifically therefor, after first deducting therefrom any federal funds properly received or to be received on account thereof; provided, however, that when such funds have been exhausted, a social services district may receive state reimbursement from other available state appropriations for that state fiscal year for eligible expenditures for services that otherwise would be reimbursable under such funding streams. Any claims submitted by a social services district for reimbursement for a particular state fiscal year for which the social services district does not receive state reimbursement from the annual appropriation for the approved close to home initiative may not be claimed against that district's appropriation for the initiative for the next or any subsequent state fiscal year.

(a-1) State reimbursement shall be made available for one hundred percent of eligible expenditures made by a social services district, exclusive of any federal funds made available for such purposes, for approved juvenile justice services under an approved close to home initiative provided to youth age sixteen years or older when such services would not otherwise have been provided to such youth absent the provisions of chapter fifty-nine of the laws of two thousand seventeen that increased the age of juvenile jurisdiction above fifteen years of age.

§ 18. Paragraph (a) of subdivision 1 of section 409-a of the social services law, as amended by chapter 87 of the laws of 1993, subparagraph (i) as amended by chapter 342 of the laws of 2010, and subparagraph (ii) as amended by section 22 of part C of chapter 83 of the laws of 2002, is amended to read as follows:

(a) A social services official shall provide preventive services to a child and his or her family, in accordance with the family's service plan as required by section four hundred nine-e of this [~~chapter~~] article and the social services district's child welfare services plan submitted and approved pursuant to section four hundred nine-d of this [~~chapter~~] article, upon a finding by such official that (i) the child will be placed, returned to or continued in foster care unless such services are provided and that it is reasonable to believe that by providing such services the child will be able to remain with or be returned to his or her family, and for a former foster care youth under the age of twenty-one who was previously placed in the care and custody or custody and guardianship of the local commissioner of social services or other officer, board or department authorized to receive children as public charges where it is reasonable to believe that by providing such services the former foster care youth will avoid a return to foster care or (ii) the child is the subject of a petition under article seven of the family court act[~~, or has been determined by the assessment service established pursuant to section two hundred forty-three-a of the executive law,~~] or by the probation service where no such assessment service has been designated, to be at risk of being the subject of such a petition, and the social services official determines that the child is at risk of placement into foster care.

Such finding shall be entered in the child's uniform case record established and maintained pursuant to section four hundred nine-f of this [~~chapter~~] article. The commissioner shall promulgate regulations to assist social services officials in making determinations of eligibility for mandated preventive services pursuant to this [~~subparagraph~~] paragraph.

§ 18-a. Subparagraph (ii) of paragraph (a) of subdivision 1 of section 409-a of the social services law, as amended by chapter 87 of the laws of 1993, is amended to read as follows:

(ii) the child is the subject of a petition under article seven of the family court act[~~, or has been determined by the assessment service established pursuant to section two hundred forty-three-a of the executive law,~~] or by the probation service where no such assessment service has been designated, to be at risk of being the subject of such a petition, and the social services official determines according to standards promulgated pursuant to section three hundred ninety-eight-b of this chapter that the child is at risk of placement into foster care.

Such finding shall be entered in the child's uniform case record established and maintained pursuant to section four hundred nine-f of this [~~chapter~~] article. The commissioner shall promulgate regulations to

assist social services officials in making determinations of eligibility for mandated preventive services pursuant to [~~clause (ii) of~~] this paragraph.

§ 19. Subdivision 3 of section 502 of the executive law, as amended by section 79 of part WWW of chapter 59 of the laws of 2017, is amended to read as follows:

3. "Detention" means the temporary care and maintenance of youth held away from their homes pursuant to article three [~~or seven~~] of the family court act, or held pending a hearing for alleged violation of the conditions of release from an office of children and family services facility or authorized agency, or held pending a hearing for alleged violation of the condition of parole as a juvenile offender, youthful offender or adolescent offender or held pending return to a jurisdiction other than the one in which the youth is held, or held pursuant to a securing order of a criminal court if the youth named therein as principal is charged as a juvenile offender, youthful offender or adolescent offender or held pending a hearing on an extension of placement or held pending transfer to a facility upon commitment or placement by a court. Only alleged or convicted juvenile offenders, youthful offenders or adolescent offenders who have not attained their eighteenth or, commencing October first, two thousand eighteen, their twenty-first birthday shall be subject to detention in a detention facility. Commencing October first, two thousand eighteen, a youth who on or after such date committed an offense when the youth was sixteen years of age; or commencing October first, two thousand nineteen, a youth who committed an offense on or after such date when the youth was seventeen years of age held pursuant to a securing order of a criminal court if the youth is charged as an adolescent offender or held pending a hearing for alleged violation of the condition of parole as an adolescent offender, must be held in a specialized secure juvenile detention facility for older youth certified by the state office of children and family services in conjunction with the state commission of correction.

§ 20. Subdivision 1 and the opening paragraph of subdivision 2 of section 529-b of the executive law, as amended by section 99 of part WWW of chapter 59 of the laws of 2017, are amended to read as follows:

1. (a) Notwithstanding any provision of law to the contrary, eligible expenditures by an eligible municipality for services to divert youth at risk of, alleged to be, or adjudicated as juvenile delinquents or persons alleged or adjudicated to be in need of supervision, or youth alleged to be or convicted as juvenile offenders, youthful offenders or adolescent offenders from placement in detention or in residential care shall be subject to state reimbursement under the supervision and treatment services for juveniles program for up to sixty-two percent of the municipality's expenditures, subject to available appropriations and exclusive of any federal funds made available for such purposes, not to exceed the municipality's distribution under the supervision and treatment services for juveniles program.

(b) The state funds appropriated for the supervision and treatment services for juveniles program shall be distributed to eligible municipalities by the office of children and family services based on a plan developed by the office which may consider historical information regarding the number of youth seen at probation intake for an alleged act of delinquency, **the number of alleged persons in need of supervision receiving diversion services under section seven hundred thirty-five of the family court act,** the number of youth remanded to detention, the number of juvenile delinquents placed with the office, the number of

juvenile delinquents and persons in need of supervision placed in residential care with the municipality, the municipality's reduction in the use of detention and residential placements, and other factors as determined by the office. Such plan developed by the office shall be subject to the approval of the director of the budget. The office is authorized, in its discretion, to make advance distributions to a municipality in anticipation of state reimbursement.

As used in this section, the term "municipality" shall mean a county, or a city having a population of one million or more, and "supervision and treatment services for juveniles" shall mean community-based services or programs designed to safely maintain youth in the community pending a family court disposition or conviction in criminal court and services or programs provided to youth adjudicated as juvenile delinquents or persons in need of supervision, or youth alleged to be juvenile offenders, youthful offenders or adolescent offenders to prevent residential placement of such youth or a return to placement where such youth have been released to the community from residential placement **or programs provided to youth alleged or adjudicated persons in need of supervision to prevent such youth from further involvement in the juvenile or criminal justice systems**. Supervision and treatment services for juveniles may include but are not limited to services or programs that:

§ 21. Paragraph (a) of subdivision 2 of section 530 of the executive law, as amended by section 100 of part WWW of chapter 59 of the laws of 2017, is amended to read as follows:

(a) Notwithstanding any provision of law to the contrary, eligible expenditures by a municipality during a particular program year for the care, maintenance and supervision in foster care programs certified by the office of children and family services, **and** certified or approved family boarding homes[~~, and non-secure detention facilities certified by the office~~] for those youth alleged to be persons in need of supervision or adjudicated persons in need of supervision held pending transfer to a facility upon placement; and in secure and non-secure detention facilities certified by the office in accordance with section five hundred three of this article for those youth alleged to be juvenile delinquents; adjudicated juvenile delinquents held pending transfer to a facility upon placement, and juvenile delinquents held at the request of the office of children and family services pending extension of placement hearings or release revocation hearings or while awaiting disposition of such hearings; and youth alleged to be or convicted as juvenile offenders, youthful offenders and adolescent offenders shall be subject to state reimbursement for up to fifty percent of the municipality's expenditures, exclusive of any federal funds made available for such purposes, not to exceed the municipality's distribution from funds that have been appropriated specifically therefor for that program year. Municipalities shall implement the use of detention risk assessment instruments in a manner prescribed by the office so as to inform detention decisions. Notwithstanding any other provision of state law to the contrary, data necessary for completion of a detention risk assessment instrument may be shared among law enforcement, probation, courts, detention administrators, detention providers, and the attorney for the child upon retention or appointment; solely for the purpose of accurate completion of such risk assessment instrument, and a copy of the completed detention risk assessment instrument shall be made available to the applicable detention provider, the attorney for the child and the court.

§ 22. Subdivision 8 of section 530 of the executive law is REPEALED.

§ 22-a. Subdivision 12 of section 153-k of the social services law is REPEALED.

§ 22-b. Section 104-b of part WWW of chapter 59 of the laws of 2017 amending the criminal procedure law and other laws relating to proceedings against juvenile and adolescent offenders is REPEALED.

§ 23. Severability. If any clause, sentence, paragraph, subdivision, section or part contained in any 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 contained in any 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.

§ 24. This act shall take effect immediately and shall be deemed to be applicable to the detention or placement of youth pursuant to petitions filed pursuant to article seven of the family court act on or after such effective date; provided, however, that the amendments to section 404 of the social services law made by section seventeen-a of this act shall not affect the repeal of such section and shall be deemed repealed therewith; provided, further, that the amendments to subparagraph (ii) of paragraph (a) of subdivision 1 of section 409-a of the social services law made by section eighteen of this act shall be subject to the expiration and reversion of such subparagraph pursuant to section 28 of part C of chapter 83 of the laws of 2002, as amended, when upon such date the provisions of section eighteen-a of this act shall take effect.

PART L

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 YY of chapter 59 of the laws of 2018, are amended to read as follows:

(a) in the case of each individual receiving family care, an amount equal to at least [~~$144.00~~] **$148.00** for each month beginning on or after January first, two thousand [~~eighteen~~] **nineteen**.

(b) in the case of each individual receiving residential care, an amount equal to at least [~~$166.00~~] **$171.00** for each month beginning on or after January first, two thousand [~~eighteen~~] **nineteen**.

(c) in the case of each individual receiving enhanced residential care, an amount equal to at least [~~$198.00~~] **$204.00** for each month beginning on or after January first, two thousand [~~eighteen~~] **nineteen**.

(d) for the period commencing January first, two thousand [~~nineteen~~] **twenty**, 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 [~~nineteen~~] **twenty**, but prior to June thirtieth, two thousand [~~nineteen~~] **twenty**, rounded to the nearest whole dollar.

§ 2. Paragraph (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 YY of chapter 59 of the laws of 2018, are amended to read as follows:

(a) On and after January first, two thousand [~~eighteen~~] **nineteen**, for an eligible individual living alone, [~~$837.00~~] **$858.00**; and for an eligible couple living alone, [~~$1,229.00~~] **$1,261.00**.

(b) On and after January first, two thousand [~~eighteen~~] **nineteen**, for an eligible individual living with others with or without in-kind income, [~~$773.00~~] **$794.00**; and for an eligible couple living with others with or without in-kind income, [~~$1,171.00~~] **$1,203.00**.

(c) On and after January first, two thousand [~~eighteen~~] **nineteen**, (i) for an eligible individual receiving family care, [~~$1,016.48~~] **$1,037.48** 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, [~~$978.48~~] **$999.48**; 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 [~~eighteen~~] **nineteen**, (i) for an eligible individual receiving residential care, [~~$1,185.00~~] **$1,206.00** 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, [~~$1,155.00~~] **$1,176.00**; 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 [~~eighteen~~] **nineteen**, **(i)** for an eligible individual receiving enhanced residential care, [~~$1,444.00~~] **$1,465.00**; 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 [~~nineteen~~] **twenty** but prior to June thirtieth, two thousand [~~nineteen~~] **twenty**.

§ 3. This act shall take effect December 31, 2019.

PART M

Intentionally Omitted

PART N

Intentionally Omitted

PART O

Intentionally Omitted

PART P

Intentionally Omitted

PART Q

Intentionally Omitted

PART R

Intentionally Omitted

PART S

Intentionally Omitted

PART T

Intentionally Omitted

PART U

Intentionally Omitted

PART V

Intentionally Omitted

PART W

Intentionally Omitted

PART X

Intentionally Omitted

PART Y

Intentionally Omitted

PART Z

Intentionally Omitted

PART AA

Section 1. The opening paragraph of section 5-211 of the election law, as amended by chapter 265 of the laws of 2013, is amended to read as follows:

Each agency designated as a participating agency under the provisions of this section shall implement and administer a program of distribution of voter registration forms pursuant to the provisions of this section. The following offices which provide public assistance and/or provide state funded programs primarily engaged in providing services to persons with disabilities are hereby designated as voter registration agencies: designated as the state agencies which provide public assistance are the

office of children and family services, the office of temporary and disability assistance and the department of health. Also designated as public assistance agencies are all agencies of local government that provide such assistance. Designated as state agencies that provide programs primarily engaged in providing services to people with disabilities are the department of labor, office for the aging, division of veterans' [~~affairs~~] **services**, office of mental health, office of vocational and educational services for individuals with disabilities, commission on quality of care for the mentally disabled, office of mental retardation and developmental disabilities, commission for the blind, office of alcoholism and substance abuse services, the office of the advocate for the disabled and all offices which administer programs established or funded by such agencies. Additional state agencies designated as voter registration offices are the department of state and the division of workers' compensation. Such agencies shall be required to offer voter registration forms to persons upon initial application for services, renewal or recertification for services and change of address relating to such services. Such agencies shall also be responsible for providing assistance to applicants in completing voter registration forms, receiving and transmitting the completed application form from all applicants who wish to have such form transmitted to the appropriate board of elections. The state board of elections shall, together with representatives of the department of defense, develop and implement procedures for including recruitment offices of the armed forces of the United States as voter registration offices when such offices are so designated by federal law. The state board shall also make request of the United States Immigration and Naturalization Service to include applications for registration by mail with any materials which are given to new citizens. All institutions of the state university of New York and the city university of New York, shall, at the beginning of the school year, and again in January of a year in which the president of the United States is to be elected, provide an application for registration to each student in each such institution. The state board of elections may, by regulation, grant a waiver from any or all of the requirements of this section to any office or program of an agency, if it determines that it is not feasible for such office or program to administer such requirement.

§ 2. Subdivision 8 of section 31 of the executive law, as amended by section 106 of subpart B of part C of chapter 62 of the laws of 2011, is amended to read as follows:

8. The division of veterans' [~~affairs~~] **services**.

§ 2-a. Paragraph (e) of subdivision 1 of section 169 of the executive law, as amended by section 9 of part A of chapter 60 of the laws of 2012, is amended to read as follows:

(e) [~~chairman~~] **chairperson** of state athletic commission, director of the office of victim services, [~~chairman~~] **chairperson** of human rights appeal board, [~~chairman~~] **chairperson** of the industrial board of appeals, [~~chairman~~] **chairperson** of the state commission of correction, members of the board of parole, [~~member-chairman~~] **member-chairperson** of unemployment insurance appeal board, director of veterans' [~~affairs~~] **services**, and [~~vice-chairman~~] **vice-chairperson** of the workers' compensation board;

§ 3. Subdivision 1 of section 191 of the executive law, as added by chapter 285 of the laws of 1995, is amended to read as follows:

1. There is hereby established within the division of military and naval affairs a temporary advisory committee on the restoration and display of New York state's military battle flags (hereinafter referred

to as the "committee"). The committee shall have thirteen members as follows: the adjutant general, the director of the New York state military heritage museum, the commissioners of education and parks, recreation and historic preservation and the director of the division of veterans' [~~affairs~~] **services**, or their designated representatives, two members appointed each by the governor, speaker of the assembly and majority leader of the senate and one member each appointed by the minority leaders of the senate and assembly and shall serve at the pleasure of the appointing authority. Appointed members shall include individuals with experience in restoration of historical memorabilia, expertise in military history, or a background in historical restoration or fine arts conservation. No appointed member shall be a member of the executive, legislative or judicial branch of the state government at the time of his/her appointment. The advisory committee shall meet at least four times a year. No members shall receive any compensation, but members who are not state officials may receive actual and necessary expenses incurred in the performance of their duties.

§ 4. The article heading of article 17 of the executive law is amended to read as follows:

VETERANS' [~~AFFAIRS~~] **SERVICES**

§ 5. Subdivisions 1 and 2 of section 350 of the executive law are amended to read as follows:

1. The term "division" means the division of veterans' [~~affairs~~] **services**.

2. The term "state director" means the New York state director of veterans' [~~affairs~~] **services**.

§ 6. Section 351 of the executive law is amended to read as follows:

§ 351. Division of veterans' [~~affairs~~] **services**. There is hereby created in the executive department a division of veterans' [~~affairs~~] **services**. The head of such division shall be the New York state director of veterans' [~~affairs~~] **services** who shall be a veteran. He **or she** shall be appointed by the governor and shall hold office during his **or her** pleasure. Such state director shall receive an annual salary to be fixed by the governor within the limitation provided by law. He **or she** shall also be entitled to receive his **or her** expenses actually and necessarily incurred by him **or her** in the performance of his **or her** duties. The state director, with the approval of the governor, may establish such bureaus within the division as are necessary and appropriate to carrying out its functions and may consolidate or abolish such bureaus. The state director may appoint such officers, consultants, clerks and other employees and agents as he **or she** may deem necessary, fix their compensation within the limitation provided by law, and prescribe their duties.

§ 7. The section heading and subdivisions 1 and 5 of section 352 of the executive law, as amended by chapter 501 of the laws of 1993, are amended to read as follows:

Veterans' [~~affairs~~] **services** commission. 1. There shall be in the division a veterans' [~~affairs~~] **services** commission, which shall consist of the members and the ex officio members provided for in this section.

5. The commission shall have power, and it shall be its duty, to assist the state director in the formulation of policies affecting veterans and in the coordination of all operations of state agencies relating to veterans' [~~affairs~~] **services**.

§ 8. Section 354-a of the executive law, as amended by section 95 of subpart B of part C of chapter 62 of the laws of 2011, is amended to read as follows:

§ 354-a. Information on status of veterans receiving assistance. Departments, divisions, bureaus, boards, commissions and agencies of the state and political subdivisions thereof, which provide assistance, treatment, counseling, care, supervision or custody in service areas involving health, mental health, family services, criminal justice or employment, including but not limited to the office of alcoholism and substance abuse services, office of mental health, office of probation and correctional alternatives, office of children and family services, office of temporary and disability assistance, department of health, department of labor, local workforce investment boards, office for people with developmental disabilities, and department of corrections and community supervision, shall request assisted persons to provide information with regard to their veteran status and military experiences. Individuals identifying themselves as veterans shall be advised that the division of veterans' [~~affairs~~] **services** and local veterans' service agencies established pursuant to section three hundred fifty-seven of this article provide assistance to veterans regarding benefits under federal and state law. Information regarding veterans status and military service provided by assisted persons solely to implement this section shall be protected as personal confidential information under article six-A of the public officers law against disclosure of confidential material, and used only to assist in the diagnosis, treatment, assessment and handling of the veteran's problems within the agency requesting such information and in referring the veteran to the division of veterans' [~~affairs~~] **services** for information and assistance with regard to benefits and entitlements under federal and state law.

§ 8-a. Subdivision 2 of section 354-e of the executive law, as added by chapter 322 of the laws of 2018, is amended to read as follows:

2. Individuals identifying themselves as having served in the military or a family member shall be advised that the division of veterans' [~~affairs~~] **services** and local veterans service agencies established pursuant to section three hundred fifty-seven of this article provide assistance to veterans regarding benefits under federal and state law. Information regarding veterans and military status provided by assisted persons solely to implement this section shall be protected as personal confidential material, and used only to assist in the diagnosis, treatment, assessment and handling of the veteran's or family member's problems within the agency requesting such information and in referring the veteran or family member to the division of veterans' [~~affairs~~] **services** for the information and assistance with regard to benefits and entitlements under federal and state law.

§ 9. Paragraph (b) of subdivision 1 of section 361-b of the executive law, as amended by chapter 515 of the laws of 2011, is amended to read as follows:

(b) "Division" shall mean the state division of veterans' [~~affairs~~] **services**.

§ 10. Section 362 of the executive law, as amended by chapter 251 of the laws of 2004, is amended to read as follows:

§ 362. Creation of annuity. 1. Payment to veterans. a. Any veteran as defined in this article who has been or is hereafter classified by the New York State commission for the visually handicapped as a blind person as defined in section three of chapter four hundred fifteen of the laws of nineteen hundred thirteen, as amended, and continues to be a blind person within the meaning of that section, shall, upon application to the director of the division of veterans' [~~affairs~~] **services**, be paid out of the treasury of the state for such term as such veteran shall be

entitled thereto under the provisions of this article, the sum of one thousand dollars annually, plus any applicable annual adjustment, as provided in this section.

b. The entitlement of any veteran to receive the annuity herein provided shall terminate upon his or her ceasing to continue to be a resident of and domiciled in the state, but such entitlement may be reinstated upon application to the director of veterans' [~~affairs~~] **services**, if such veteran shall thereafter resume his or her residence and domicile in the state.

c. The effective date of an award of the annuity to a veteran shall be the date of receipt of the application therefor by the director of veterans' [~~affairs~~] **services**, except that if the application is denied but is granted at a later date upon an application for reconsideration based upon new evidence, the effective date of the award of the annuity to a veteran shall be the date of receipt of the application for reconsideration by the director of veterans' [~~affairs~~] **services**.

2. Payment to widows and widowers of blind veterans. a. The unremarried spouse of a veteran who heretofore has died or the unremarried spouse of a veteran dying hereafter, such veteran being at the time of her or his death a recipient of, or eligible for, the benefits above provided, shall, upon application to the director of veterans' [~~affairs~~] **services**, also be paid out of the treasury of the state the sum of one thousand dollars annually, plus any applicable annual adjustment, for such term as such unremarried spouse shall be entitled thereto under the provisions of this article.

b. The entitlement of any widow or widower to receive the annuity herein provided shall terminate upon her or his death or re-marriage or upon her or his ceasing to continue to be a resident of and domiciled in the state of New York, but such entitlement may be reinstated upon application to the director of veterans' [~~affairs~~] **services**, if such widow or widower shall thereafter resume her or his residence and domicile in the state.

c. The effective date of an award of the annuity to a widow or widower shall be the day after the date of death of the veteran if the application therefor is received within one year from such date of death. If the application is received after the expiration of the first year following the date of the death of the veteran, the effective date of an award of the annuity to a widow or widower shall be the date of receipt of the application by the director of veterans' [~~affairs~~] **services**. If an application is denied but is granted at a later date upon an application for reconsideration based upon new evidence, the effective date of the award of the annuity to a widow or widower shall be the date of receipt of the application for reconsideration by the director of veterans' [~~affairs~~] **services**.

3. Annual adjustment. Commencing in the year two thousand five, and for each year thereafter, the amount of any annuity payable under this section shall be the same amount as the annuity payable in the preceding year plus a percentage adjustment equal to the annual percentage increase, if any, for compensation and pension benefits administered by the United States Department of Veterans' Affairs in the previous year. Such percentage increase shall be rounded up to the next highest one-tenth of one percent and shall not be less than one percent nor more than four percent. Commencing in the year two thousand five, the director of veterans' [~~affairs~~] **services**, not later than February first of each year, shall publish by any reasonable means the amount of the annuity as adjusted payable under this section.

§ 10-a. Subdivisions 1 and 2 of section 363 of the executive law, subdivision 1 as added by chapter 424 of the laws of 1961, and subdivision 2 as amended by chapter 1052 of the laws of 1971, are amended to read as follows:

1. The evidence of such service, blindness, residence and domicile, or of such marriage, widowhood, residence and domicile in each case shall be furnished in the manner and form prescribed by the director of veterans' [~~affairs~~] **services** who shall examine the same.

2. Upon being satisfied that such service was performed, that other facts and statements in the application of such veteran or widow **or widower** are true and that the said veteran has been classified by the New York state commission for the visually handicapped as a blind person, where such veteran is not receiving or not entitled to receive a benefit from any existing retirement system to which the state is a contributor, unless such veteran shall have become disabled by reason of loss of sight, while engaged in employment entitling him **or her** to receive a benefit from any existing retirement system to which the state is a contributor, and as a result of such disability has retired from such employment and is receiving or is entitled to receive a benefit from such retirement system the director of veterans' [~~affairs~~] **services** shall certify to the state comptroller the name and address of such veteran or widow **or widower**.

§ 10-b. Subdivisions 3 and 5 of section 364 of the executive law, subdivision 3 as added by chapter 424 of the laws of 1961, and subdivision 5 as amended by chapter 115 of the laws of 1981, are amended to read as follows:

3. Where any veteran is disqualified for the annuity for any period solely by reason of the provisions of subdivision two of this section, the director of veterans' [~~affairs~~] **services** shall pay to his [~~wife~~] **or her spouse**, if any, the annuity which such veteran would receive for that period but for said subdivision two.

5. Where payment of the annuity as hereinbefore authorized is to be made to a mentally incompetent person or a conservatee, such payment may be authorized by the director of veterans' [~~affairs~~] **services** of the state to be paid only to a duly qualified court-appointed committee or conservator, legally vested with the care of such incompetent's person or property or of such conservatee's property, except that in the case of an incompetent annuitant for whom a committee has not been appointed or a person under a substantial impairment [~~within the meaning of the conservatorship provisions of article seventy-seven of the mental hygiene law~~] for whom a conservator has not been appointed and who is hospitalized in a United States [~~veterans'~~] **veterans health** administration hospital or in a hospital under the jurisdiction of the state of New York, the director of veterans' [~~affairs~~] **services** of the state may in his **or her** discretion certify payment of the annuity, as hereinbefore authorized, to the manager of such [~~veterans'~~] **United States veterans health** administration hospital or to the director of such state hospital for the account of the said incompetent or substantially impaired annuitant.

§ 11. The third undesignated paragraph of subdivision 1 and the opening paragraphs of paragraphs (a) and (b), paragraph (g), the opening paragraph and clause 6 of subparagraph (ii) of paragraph (h) of subdivision 2 of section 365 of the executive law, as added by section 5 of part W of chapter 57 of the laws of 2013, are amended to read as follows:

The legislature additionally finds and determines that it is therefore necessary to provide for the construction and establishment of one or more New York state veterans cemeteries, and that to thereafter, provide for the expansion, improvement, support, operation, maintenance and the provision of perpetual care of all such cemeteries so constructed and established. The legislature also finds and determines that it is appropriate to have the responsibility for the construction, establishment, expansion, improvement, support, operation, maintenance and the provision of perpetual care for veterans cemeteries in this state, to be under the oversight and direction of the state division of veterans [~~affairs~~] **services**, and its director, individually, and as chair of the management board, for each such veterans cemetery so constructed and established.

The division, in cooperation with the United States department of veterans affairs, and in consultation with, and upon the support of the department of state division of cemeteries, is hereby directed to conduct an investigation and study on the issue of the construction and establishment of the first New York state [~~veterans~~] **veterans'** cemetery. Such investigation and study shall include, but not be limited to:

Prior to the commencement of the investigation and study pursuant to paragraph (a) of this subdivision, the director of the division of veterans' [~~affairs~~] **services**, the director of the division of the budget, the director of the department of state's division of cemeteries, and the office of the state comptroller must certify to the governor, the temporary president of the senate, the speaker of the assembly, the chair of the senate finance committee and the chair of the assembly ways and means committee that the veterans remembrance and cemetery maintenance and operation fund, created pursuant to section ninety-seven-mmmm of the state finance law, contains moneys sufficient, adjusted to reflect projected future inflation, to fund the operation, maintenance and the provision of perpetual care of a state veterans' cemetery for a period of not less than fifteen years, provided that such amount shall not include any amount that shall be reimbursed or contributed to the cemetery from the government of the United States or any amount that would be recoverable by the cemetery pursuant to a charge of fee for the provision of a grave site for a non-veteran spouse or family member. In making such a certification, the director of the division of veterans' [~~affairs~~] **services**, the director of the division of the budget, the director of the department of state's division of cemeteries, and the office of the state comptroller shall consider, but are not limited to, the following factors:

(g) Nothing in this section shall be construed to authorize the division of veterans' [~~affairs~~] **services** to commence an investigation and study pursuant to paragraph (a) of this subdivision, issuing a request for proposals pursuant to paragraph (c) of this subdivision, selecting a site for the first New York state [~~veterans~~] **veterans'** cemetery pursuant to paragraph (d) of this subdivision, or submitting any application for funding from the government of the United States in accordance with the grant requirements specified in section 2408 of title 38 of the United States code, part 30 of title 38 of the code of federal regulations, and other relevant federal statutes or regulations, for the purpose of seeking funds to support the construction, establishment, expansion, improvement, support, operation, maintenance and the provision of perpetual care of New York state's first [~~veterans~~] **veterans'** cemetery pursuant to paragraph (e) of this subdivision until the funds in the

veterans remembrance and cemetery maintenance and operation fund have been certified pursuant to paragraph (b) of this subdivision.

Guidelines and standards for the request for proposals for any local government desiring to have the first state [~~veterans~~] **veterans'** cemetery located within its political subdivision, pursuant to paragraph (b) of this subdivision, including, but not limited to:

(6) The requirement that a response shall require the local government to agree to authorize the state of New York, in the event that the local government fails to perform its obligations under the contract with the state of New York, that the state director of the division of veterans' [~~affairs~~] **services** shall certify to the comptroller any unpaid amounts or any amounts necessary for the state to assume the obligations which the local government failed to perform, and the comptroller shall, to the extent not otherwise prohibited by law, withhold such amount from any state aid or other amount payable to such local government; to the extent that sufficient funds are not available for such withholding, the state may pursue any and all available legal remedies to enforce the terms of the contract entered into between the state and a local government pursuant to this subdivision; and

§ 11-a. Paragraph (a) of subdivision 1 of section 367 of the executive law, as amended by chapter 356 of the laws of 2018, is amended to read as follows:

(a) A parent, identified in 10 USC 1126 as a gold star parent, of a veteran who heretofore has died or parent of a veteran dying hereafter, shall upon application to the state director, be paid an annual annuity out of the treasury of the state for the sum of five hundred dollars for such term as such parent shall be entitled thereto under the provisions of this article. Commencing in the year two thousand nineteen, the amount of any annuity payable under this section shall be the same amount as the annuity payable in the preceding year plus a percentage adjustment equal to the annual percentage increase, if any, for compensation and pension benefits administered by the United States department of [~~veterans'~~] **veterans** affairs in the previous year. Such percentage increase shall be rounded up to the next highest one-tenth of one percent and shall not be less than one percent nor more than four percent. The director of veterans' [~~affairs~~] **services**, not later than February first of each year, shall publish by any reasonable means, including but not limited to posting on the division's website, the amount of the annuity as adjusted payable under this section. The term "parent" for the purposes of this section includes mother, father, stepmother, stepfather, mother through adoption and father through adoption.

§ 12. Subdivision 3 of section 369-d of the executive law, as added by chapter 557 of the laws of 2013, is amended to read as follows:

3. establish and maintain, together with the director of the division of veterans' [~~affairs~~] **services**, a program to educate separating service members as to the benefits available to veterans under this article.

§ 13. Paragraph (c) of subdivision 4 of section 369-i of the executive law, as added by chapter 22 of the laws of 2014, is amended to read as follows:

(c) Evaluate and assess availability of firms for the purpose of increasing participation of such firms in state contracting in consultation with relevant state entities including, but not limited to, the New York state division of veterans' [~~affairs~~] **services**.

§ 14. Subdivision 1 of section 643 of the executive law, as amended by section 107 of subpart B of part C of chapter 62 of the laws of 2011, is amended to read as follows:

1. As used in this section, "crime victim-related agency" means any agency of state government which provides services to or deals directly with crime victims, including (a) the office of children and family services, the office for the aging, the division of [~~veterans affairs~~] **veterans' services**, the office of probation and correctional alternatives, the department of corrections and community supervision, the office of victim services, the department of motor vehicles, the office of vocational rehabilitation, the workers' compensation board, the department of health, the division of criminal justice services, the office of mental health, every transportation authority and the division of state police, and (b) any other agency so designated by the governor within ninety days of the effective date of this section.

§ 15. Subdivisions 3 and 4 of section 95-f of the state finance law, as added by chapter 266 of the laws of 2005, are amended to read as follows:

3. Monies of the fund shall be expended for the provision of veterans' counseling services provided by local veterans' service agencies pursuant to section three hundred fifty-seven of the executive law under the direction of the division of veterans' [~~affairs~~] **services**.

4. To the extent practicable, the director of the division of veterans' [~~affairs~~] **services** shall ensure that all monies received during a fiscal year are expended prior to the end of that fiscal year.

§ 16. The opening paragraph of subdivision 2-a and subdivision 5 of section 97-mmmm of the state finance law, the opening paragraph of subdivision 2-a as amended by section 27-c of part UU of chapter 54 of the laws of 2016, and subdivision 5 as added by section 2 of part W of chapter 57 of the laws of 2013, are amended to read as follows:

On or before the first day of February each year, the director of the New York state division of veterans' [~~affairs~~] **services** shall provide a written report to the temporary president of the senate, speaker of the assembly, chair of the senate finance committee, chair of the assembly ways and means committee, chair of the senate committee on veterans, homeland security and military affairs, chair of the assembly veterans' affairs committee, the state comptroller and the public. Such report shall include how the monies of the fund were utilized during the preceding calendar year, and shall include:

5. Moneys shall be payable from the fund on the audit and warrant of the comptroller on vouchers approved and certified by the director of the division of [~~veterans affairs~~] **veterans' services**.

§ 17. Subdivision 1, the opening paragraph of subdivision 2-a and subdivisions 4 and 5 of section 99-v of the state finance law, subdivisions 1, 4 and 5 as added by chapter 428 of the laws of 2014, and the opening paragraph of subdivision 2-a as amended by section 27-d of part UU of chapter 54 of the laws of 2016, are amended to read as follows:

1. There is hereby established in the joint custody of the commissioner of taxation and finance, the New York state director of [~~veterans affairs~~] **veterans' services** and the comptroller, a special fund to be known as the "homeless veterans assistance fund".

On or before the first day of February each year, the director of the New York state division of veterans' [~~affairs~~] **services** shall provide a written report to the temporary president of the senate, speaker of the assembly, chair of the senate finance committee, chair of the assembly ways and means committee, chair of the senate committee on veterans, homeland security and military affairs, chair of the assembly veterans' affairs committee, the state comptroller and the public. Such report

shall include how the monies of the fund were utilized during the preceding calendar year, and shall include:

4. Moneys of the fund shall be expended only for the assistance and care of homeless veterans, for housing and housing-related expenses, as determined by the division of [~~veterans affairs~~] **veterans' services**.

5. Moneys shall be paid out of the fund on the audit and warrant of the comptroller on vouchers approved and certified by the New York state director of [~~veterans affairs~~] **veterans' services**. Any interest received by the comptroller on moneys on deposit in the homeless veterans assistance fund shall be retained in and become part of such fund.

§ 18. Subdivision 1 of section 168 of the labor law, as amended by section 117 of subpart B of part C of chapter 62 of the laws of 2011, is amended to read as follows:

1. This section shall apply to all persons employed by the state in the ward, cottage, colony, kitchen and dining room, and guard service personnel in any hospital, school, prison, reformatory or other institution within or subject to the jurisdiction, supervision, control or visitation of the department of corrections and community supervision, the department of health, the department of mental hygiene, the department of social welfare or the division of veterans' [~~affairs~~] **services** in the executive department, and engaged in the performance of such duties as nursing, guarding or attending the inmates, patients, wards or other persons kept or housed in such institutions, or in protecting and guarding the buildings and/or grounds thereof, or in preparing or serving food therein.

§ 19. Subdivision 3 of section 404-v of the vehicle and traffic law, as amended by chapter 266 of the laws of 2005, is amended to read as follows:

3. A distinctive plate issued pursuant to this section shall be issued in the same manner as other number plates upon the payment of the regular registration fee prescribed by section four hundred one of this article, provided, however, that an additional annual service charge of fifteen dollars shall be charged for such plate. Such annual service charge shall be deposited to the credit of the Eighth Air Force Historical Society fund established pursuant to section ninety-five-f of the state finance law and shall be used for veterans' counseling services provided by local veterans' service agencies pursuant to section three hundred fifty-seven of the executive law under the direction of the division of veterans' [~~affairs~~] **services**. Provided, however, that one year after the effective date of this section funds in the amount of five thousand dollars, or so much thereof as may be available, shall be allocated to the department to offset costs associated with the production of such license plates.

§ 20. Subdivision 3 of section 11-0707 of the environmental conservation law, as amended by section 92 of subpart B of part C of chapter 62 of the laws of 2011, is amended to read as follows:

3. Any person who is a patient at any facility in this state maintained by the United States [~~Veterans'~~] **Veterans Health** Administration or at any hospital or sanitorium for treatment of tuberculosis maintained by the state or any municipal corporation thereof or resident patient at any institution of the department of Mental Hygiene, or resident patient at the rehabilitation hospital of the department of Health, or at any rest camp maintained by the state through the Division of Veterans' [~~Affairs~~] **Services** in the Executive Department or any inmate of a conservation work camp within the youth rehabilitation facility of the department of corrections and community supervision, or any inmate

of a youth opportunity or youth rehabilitation center within the Office of Children and Family Services, any resident of a nursing home or residential health care facility as defined in subdivisions two and three of section twenty-eight hundred one of the public health law, or any staff member or volunteer accompanying or assisting one or more residents of such nursing home or residential health care facility on an outing authorized by the administrator of such nursing home or residential health care facility may take fish as if he **or she** held a fishing license, except that he **or she** may not take bait fish by net or trap, if he **or she** has on his **or her** person an authorization upon a form furnished by the department containing such identifying information and data as may be required by it, and signed by the superintendent or other head of such facility, institution, hospital, sanitarium, nursing home, residential health care facility or rest camp, as the case may be, or by a staff physician thereat duly authorized so to do by the superintendent or other head thereof. Such authorization with respect to inmates of said conservation work camps shall be limited to areas under the care, custody and control of the department.

§ 21. Subdivision 5 of section 2805-b of the public health law, as amended by chapter 64 of the laws of 2016, is amended to read as follows:

5. The staff of a general hospital shall: (a) inquire whether or not the person admitted has served in the United States armed forces. Such information shall be listed on the admissions form; (b) notify any admittee who is a veteran of the possible availability of services at a hospital operated by the [~~veterans administration~~] **United States veterans health administration**, and, upon request by the admittee, such staff shall make arrangements for the individual's transfer to a [~~veterans administration operated~~] **United States veterans health administration** hospital, provided, however, that transfers shall be authorized only after it has been determined, according to accepted clinical and medical standards, that the patient's condition has stabilized and transfer can be accomplished safely and without complication; and (c) provide any admittee who has served in the United States armed forces with a copy of the "Information for Veterans concerning Health Care Options" fact sheet, maintained by the division of veterans' [~~affairs~~] **services** pursuant to subdivision twenty-three of section three hundred fifty-three of the executive law prior to discharging or transferring the patient. The commissioner shall promulgate rules and regulations for notifying such admittees of possible available services and for arranging a requested transfer.

§ 22. Subdivisions 2 and 3 of section 2805-o of the public health law, subdivision 2 as amended by chapter 95 of the laws of 2004, and subdivision 3 as added by chapter 158 of the laws of 1993, are amended to read as follows:

2. Every nursing home and residential health care facility shall in writing advise all individuals identifying themselves as veterans or spouses of veterans that the division of veterans' [~~affairs~~] **services** and local veterans' service agencies established pursuant to section three hundred fifty-seven of the executive law to provide assistance to veterans and their spouses regarding benefits under federal and state law. Such written information shall include the name, address and telephone number of the New York state division of veterans' [~~affairs~~] **services**, the nearest division of veterans' [~~affairs~~] **services** office, the nearest county or city veterans' service agency and the nearest accredited veterans' service officer.

3. Every nursing home and residential health care facility, upon request of individuals identifying themselves as veterans or spouses of veterans, shall transmit such veteran status information to the division of veterans' [~~affairs~~] **services**.

§ 23. Subdivision 2 of section 3802 of the public health law, as added by chapter 1135 of the laws of 1971, is amended to read as follows:

2. In the exercise of the foregoing powers and duties the commissioner shall consult with the director of the division of veterans' [~~affairs~~] **services** and the heads of state agencies charged with responsibility for manpower and health resources.

§ 24. Subdivision 3 of section 3803 of the public health law, as amended by chapter 743 of the laws of 2006, is amended to read as follows:

3. In exercising any of his or her powers under this section, the commissioner shall consult with appropriate health care professionals, providers, veterans or organizations representing them, the division of veterans' [~~affairs~~] **services**, the [~~federal~~] **United States** department of [~~veterans'~~] **veterans** affairs and the United States defense department.

§ 25. Section 99-v of the general municipal law, as added by chapter 16 of the laws of 2011, is amended to read as follows:

§ 99-v. Veterans [~~affairs~~] **services**; display of events. Each county, city, town or village may adopt a local law to provide a bulletin board to be conspicuously displayed in such county, city, town or village building holding its local legislative body or municipal offices. Such bulletin board shall be used by veterans organizations, the New York state division of veterans' [~~affairs~~] **services**, the county veterans service agency or city veterans service agency to display information regarding veterans in such county, city, town or village. Such information may include, but not be limited to, benefits or upcoming veterans related events in the community.

§ 26. Subdivision 1-b of section 247 of the military law, as added by chapter 477 of the laws of 2013, is amended to read as follows:

1-b. The adjutant general is hereby authorized to present in the name of the legislature of the state of New York, a certificate, to be known as the "Cold War Certificate", bearing a suitable inscription, to any person: (i) who is a citizen of the state of New York or (ii) who was a citizen of the state of New York while serving in the armed forces of the United States; (iii) who served in the United States Armed Forces during the period of time from September second, nineteen hundred forty-five through December twenty-sixth, nineteen hundred ninety-one, commonly known as the Cold War Era; and (iv) who was honorably discharged or released under honorable circumstances during the Cold War Era. Not more than one Cold War Certificate shall be awarded or presented, under the provisions of this subdivision, to any person whose entire service subsequent to the time of the receipt of such medal shall not have been honorable. In the event of the death of any person during or subsequent to the receipt of such certificate it shall be presented to such representative of the deceased as may be designated. The adjutant general, in consultation with the director of the division of veterans' [~~affairs~~] **services**, shall make such rules and regulations as may be deemed necessary for the proper presentation and distribution of the certificate.

§ 27. Subdivision 3 of section 14-a of the domestic relations law, as amended by chapter 297 of the laws of 1963, is amended to read as follows:

3. No fee shall be charged for any certificate when required by the [~~veterans administration~~] **United States department of veterans affairs** or by the division of veterans' [~~affairs~~] **services** of the state of New York to be used in determining the eligibility of any person to participate in the benefits made available by the [~~veterans administration~~] **United States department of veterans affairs** or by the state of New York.

§ 28. Subdivision 1 of section 19 of the domestic relations law, as amended by chapter 674 of the laws of 1985, is amended to read as follows:

1. Each town and city clerk hereby empowered to issue marriage licenses shall keep a book supplied by the state department of health in which such clerk shall record and index such information as is required therein, which book shall be kept and preserved as a part of the public records of his **or her** office. Whenever an application is made for a search of such records the city or town clerk, excepting the city clerk of the city of New York, may make such search and furnish a certificate of the result to the applicant upon the payment of a fee of five dollars for a search of one year and a further fee of one dollar for the second year for which such search is requested and fifty cents for each additional year thereafter, which fees shall be paid in advance of such search. Whenever an application is made for a search of such records in the city of New York, the city clerk of the city of New York may make such search and furnish a certificate of the result to the applicant upon the payment of a fee of five dollars for a search of one year and a further fee of one dollar for the second year for which search is requested and fifty cents each additional year thereafter. Notwithstanding any other provision of this article, no fee shall be charged for any search or certificate when required by the [~~veterans administration~~] **United States department of veterans affairs** or by the division of veterans' [~~affairs~~] **services** of the state of New York to be used in determining the eligibility of any person to participate in the benefits made available by the [~~veterans administration~~] **United States department of veterans affairs** or by the state of New York. All such affidavits, statements and consents, immediately upon the taking or receiving of the same by the town or city clerk, shall be recorded and indexed as provided herein and shall be public records and open to public inspection whenever the same may be necessary or required for judicial or other proper purposes. At such times as the commissioner shall direct, the said town or city clerk, excepting the city clerk of the city of New York, shall file in the office of the state department of health the original of each affidavit, statement, consent, order of a justice or judge authorizing immediate solemnization of marriage, license and certificate, filed with or made before such clerk during the preceding month. Such clerk shall not be required to file any of said documents with the state department of health until the license is returned with the certificate showing that the marriage to which they refer has been actually performed.

The county clerks of the counties comprising the city of New York shall cause all original applications and original licenses with the marriage solemnization statements thereon heretofore filed with each, and all papers and records and binders relating to such original documents pertaining to marriage licenses issued by said city clerk, in their custody and possession to be removed, transferred, and delivered to the borough offices of the city clerk in each of said counties.

§ 29. Subdivision 1 of section 3308 of the education law, as added by section 1 of part A of chapter 328 of the laws of 2014, is amended to read as follows:

1. Each member state shall, through the creation of a state council or use of an existing body or board, provide for the coordination among its agencies of government, local educational agencies and military installations concerning the state's participation in, and compliance with, this compact and interstate commission activities. In New York, the state council shall include the commissioner or his or her designee, the director of the New York state division of veterans' [~~affairs~~] **services** or his or her designee, the adjutant general of the state of New York or his or her designee, a superintendent of a school district with a high concentration of military children appointed by the commissioner, a district superintendent of schools of a board of cooperative educational services serving an area with a high concentration of military children appointed by the commissioner, a representative from a military installation appointed by the governor, a representative of military families appointed by the governor, a public member appointed by the governor and one representative each appointed by the speaker of the assembly, the temporary president of the senate and the governor.

§ 30. Subdivision 1 of section 6505-c of the education law, as added by chapter 106 of the laws of 2003, is amended to read as follows:

1. The commissioner shall develop, jointly with the director of the division of veterans' [~~affairs~~] **services**, a program to facilitate articulation between participation in the military service of the United States or the military service of the state and admission to practice of a profession. The commissioner and the director shall identify, review and evaluate professional training programs offered through either the military service of the United States or the military service of the state which may, where applicable, be accepted by the department as equivalent education and training in lieu of all or part of an approved program. Particular emphasis shall be placed on the identification of military programs which have previously been deemed acceptable by the department as equivalent education and training, programs which may provide, where applicable, equivalent education and training for those professions which are critical to public health and safety and programs which may provide, where applicable, equivalent education and training for those professions for which shortages exist in the state of New York.

§ 31. Paragraph 5 of subdivision (b) of section 5.06 of the mental hygiene law, as added by section 2 of part N of chapter 56 of the laws of 2012, is amended to read as follows:

(5) one member appointed on the recommendation of the state director of the division of veterans' [~~affairs~~] **services** and one member appointed on the recommendation of the adjutant general of the division of military and naval affairs, at least one of whom shall be a current or former consumer of mental health services or substance use disorder services who is a veteran who has served in a combat theater or combat zone of operations and is a member of a veterans organization;

§ 31-a. Subdivision (i) of section 19.07 of the mental hygiene law, as added by chapter 358 of the laws of 2013, is amended to read as follows:

(i) The office of alcoholism and substance abuse services shall periodically, in consultation with the state director of veterans' [~~affairs~~] **services**: (1) review the programs operated by the office to ensure that the needs of the state's veterans who served in the U.S. armed forces and who are recovering from alcohol and/or substance abuse are being met

and to develop improvements to programs to meet such needs; and (2) in collaboration with the state director of veterans' [~~affairs~~] **services** and the commissioner of the office of mental health, review and make recommendations to improve programs that provide treatment, rehabilitation, relapse prevention, and recovery services to veterans who have served in a combat theatre or combat zone of operations and have a co-occurring mental health and alcoholism or substance abuse disorder.

§ 31-b. Subdivision 15 of section 202 of the elder law, as amended by chapter 455 of the laws of 2016, is amended to read as follows:

15. to periodically, in consultation with the state director of veterans' [~~affairs~~] **services**, review the programs operated by the office to ensure that the needs of the state's aging veteran population are being met and to develop improvements to programs to meet such needs; and

§ 32. Paragraph (j) of subdivision 3 of section 20 of the social services law, as added by chapter 407 of the laws of 2016, is amended to read as follows:

(j) to ensure the provision, on any form required to be completed at application or recertification for the purpose of obtaining financial assistance pursuant to this chapter, the form shall contain a check-off question asking whether the applicant or recipient or a member of his or her family served in the United States military, and an option to answer in the affirmative. Where the applicant or recipient answers in the affirmative to such question, the office of temporary and disability assistance shall ensure that contact information for the state division of veterans' [~~affairs~~] **services** is provided to such applicant or recipient, in addition to any other materials provided.

§ 33. Paragraph (g) of section 202 of the not-for-profit corporation law, as added by chapter 407 of the laws of 2016, is amended to read as follows:

(g) Every corporation receiving any kind of state funding shall ensure the provision on any form required to be completed at application or recertification for the purpose of obtaining financial assistance pursuant to this chapter, that the application form shall contain a check-off question asking whether the applicant or recipient or a member of his or her family served in the United States military, and an option to answer in the affirmative. Where the applicant or recipient answers in the affirmative to such question, the not-for-profit corporation shall ensure that contact information for the state division of veterans' [~~affairs~~] **services** is provided to such applicant or recipient in addition to any other materials provided.

§ 34. Paragraph (b) of section 1401 of the not-for-profit corporation law, as amended by chapter 675 of the laws of 2004, is amended to read as follows:

(b) Removal of remains from private cemeteries to other cemeteries. The supervisor of any town containing a private cemetery may remove any body interred in such cemetery to any other cemetery within the town, if the owners of such cemeteries and the next of kin of the deceased consent to such removal. The owners of a private cemetery may remove the bodies interred therein to any other cemetery within such town, or to any cemetery designated by the next of kin of the deceased. Notice of such removal shall be given within twenty days before such removal personally or by certified mail to the next of kin of the deceased if known and to the clerk and historian of the county in which such real property is situated and notice shall be given to the New York state department of state, division of cemeteries. If any of the deceased are known to be veterans, the owners shall also notify the division of

veterans' [~~affairs~~] **services**. In the absence of the next of kin, the county clerk, county historian or the division of veterans' [~~affairs~~] **services** may act as a guardian to ensure proper reburial.

§ 35. Subdivision 10 of section 458 of the real property tax law, as added by chapter 426 of the laws of 2014, is amended to read as follows:

10. The commissioner shall develop in consultation with the director of the New York state division of veterans' [~~affairs~~] **services** a listing of documents to be used to establish eligibility under this section, including but not limited to a certificate of release or discharge from active duty also known as a DD-214 form or an Honorable Service Certificate/Report of Causality from the department of defense. Such information shall be made available to each county, city, town or village assessor's office, or congressional chartered veterans service officers who request such information. The listing of acceptable military records shall be made available on the internet websites of the division of veterans' [~~affairs~~] **services** and the office of real property tax services.

§ 36. Subdivision 9 of section 458-a of the real property tax law, as added by chapter 426 of the laws of 2014, is amended to read as follows:

9. The commissioner shall develop in consultation with the director of the New York state division of veterans' [~~affairs~~] **services** a listing of documents to be used to establish eligibility under this section, including but not limited to a certificate of release or discharge from active duty also known as a DD-214 form or an Honorable Service Certificate/Report of Causality from the department of defense. Such information shall be made available to each county, city, town or village assessor's office, or congressional chartered veterans service officers who request such information. The listing of acceptable military records shall be made available on the internet websites of the division of veterans' [~~affairs~~] **services** and the office of real property tax services.

§ 37. Subdivision 8 of section 458-b of the real property tax law, as added by chapter 426 of the laws of 2014, is amended to read as follows:

8. The commissioner shall develop in consultation with the director of the New York state division of veterans' [~~affairs~~] **services** a listing of documents to be used to establish eligibility under this section, including but not limited to a certificate of release or discharge from active duty also known as a DD-214 form or an Honorable Service Certificate/Report of Causality from the department of defense. Such information shall be made available to each county, city, town or village assessor's office, or congressional chartered veterans service officers who request such information. The listing of acceptable military records shall be made available on the internet websites of the division of veterans' [~~affairs~~] **services** and the office of real property tax services.

§ 38. Subdivision 1 of section 20 of chapter 784 of the laws of 1951, constituting the New York state defense emergency act, as amended by section 85 of part A of chapter 62 of the laws of 2011, is amended to read as follows:

1. There is hereby continued in the division of military and naval affairs in the executive department a state civil defense commission to consist of the same members as the members of the disaster preparedness commission as established in article two-B of the executive law. In addition, the superintendent of financial services, the [~~chairman~~] **chairperson** of the workers' compensation board and the director of the division of veterans' [~~affairs~~] **services** shall be members. The governor

shall designate one of the members of the commission to be the [~~chairman~~] **chairperson** thereof. The commission may provide for its division into subcommittees and for action by such subcommittees with the same force and effect as action by the full commission. The members of the commission, except for those who serve ex officio, shall be allowed their actual and necessary expenses incurred in the performance of their duties under this article but shall receive no additional compensation for services rendered pursuant to this article.

§ 39. Paragraph 2 of subdivision b of section 31-102 of the administrative code of the city of New York, as added by local law number 113 of the city of New York for the year 2015, is amended to read as follows:

2. links to websites describing veteran employment services provided by the federal government and New York state government, including, but not limited to, the websites of the United States department of labor, the New York state department of labor, the United States department of veterans affairs, and the New York state division of veterans' [~~affairs~~] **services**; and

§ 40. Subdivision a of section 3102 of the New York city charter, as added by local law number 113 of the city of New York for the year 2015, is amended to read as follows:

a. Except as otherwise provided by law, the commissioner shall have such powers as provided by the director of the state veterans' service agency and shall have the duty to inform military and naval authorities of the United States and assist members of the armed forces and veterans, who are residents of the city, and their families, in relation to: (1) matters pertaining to educational training and retraining services and facilities, (2) health, medical and rehabilitation service and facilities, (3) provisions of federal, state and local laws and regulations affording special rights and privileges to members of the armed forces and veterans and their families, (4) employment and re-employment services, and (5) other matters of similar, related or appropriate nature. The commissioner shall also assist families of members of the reserve components of the armed forces and the organized militia ordered into active duty to ensure that they are made aware of and are receiving all appropriate support available to them. The department also shall perform such other duties as may be assigned by the state director of the division of veterans' [~~affairs~~] **services**.

§ 41. The section heading and subdivision 1 of section 352 of the executive law, as amended by chapter 501 of the laws of 1993, are amended to read as follows:

Veterans' [~~affairs~~] **services** commission. 1. There shall be in the division a veterans' [~~affairs~~] **services** commission, which shall consist of the members and the ex officio members provided for in this section.

§ 42. Subdivision 1 of section 359 of the executive law, as amended by chapter 196 of the laws of 2009, is amended to read as follows:

1. A local director shall designate the location of the local and branch offices of the local veterans' service agency within his **or her** jurisdiction, which offices shall be open during convenient hours. The cost of maintenance and operation of a county veterans' service agency shall be a county charge and the cost of maintenance and operation of a city veterans' service agency shall be a city charge, excepting that the state director with the approval of the veterans' [~~affairs~~] **services** commission shall allot and pay, from state moneys made available to him **or her** for such purposes, to each county veterans' service agency and each city veterans' service agency, an amount equal to fifty per centum

of its expenditures for maintenance and operation approved by the state director, provided that in no event shall the amount allotted and paid for such approved expenditures incurred in any given year exceed (1) in the case of any county veterans' service agency in a county having a population of not more than one hundred thousand or in the case of any city veterans' service agency in a city having a population of not more than one hundred thousand, the sum of ten thousand dollars, nor (2) in the case of any county veterans' service agency in a county having a population in excess of one hundred thousand excluding the population of any city therein which has a city veterans' service agency, the sum of ten thousand dollars, and, in addition thereto, the sum of five thousand dollars for each one hundred thousand, or major portion thereof, of the population of the county in excess of one hundred thousand excluding the population of any city therein which has a city veterans' service agency, nor (3) in the case of any city veterans' service agency in a city having a population in excess of one hundred thousand, the sum of ten thousand dollars, and, in addition thereto, the sum of five thousand dollars for each one hundred thousand, or major portion thereof, of the population of the city in excess of one hundred thousand. Such population shall be certified in the same manner as provided by section fifty-four of the state finance law.

§ 43. Terms occurring in laws, contracts and other documents. Whenever the functions, powers, obligations, duties and officials relating to the division of veterans' affairs, the veterans' affairs commission or the director of veterans' affairs is referred to or designated in any other law, regulation, contract or document, such reference or designation shall be deemed to refer to the appropriate functions, powers, obligations, duties, officials and director of the division of veterans' services or the veterans' services commission, as designated by this act.

§ 44. Existing rights and remedies preserved. No existing right or remedy of any character shall be lost, impaired or affected by reason of this act.

§ 45. Severability. If any clause, sentence, paragraph, subdivision, section or part contained in any 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 contained in any 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.

§ 46. This act shall take effect immediately; provided, however, that the amendments to paragraph (c) of subdivision 4 of section 369-i of the executive law made by section thirteen of this act shall not affect the repeal of such section and shall be deemed repealed therewith.

PART BB

Section 1. Section 22-c of the state finance law is amended by adding a new subdivision 7 to read as follows:

7. For the fiscal year beginning on April first, two thousand twenty and every fifth fiscal year thereafter, the governor shall submit to the legislature as part of the annual executive budget, five-year capital plans for the state university of New York state-operated campuses and

city university of New York senior colleges. Such plans shall provide for the annual appropriation of capital funds to cover one hundred percent of the annual critical maintenance needs identified by each university system, and may include funds for new infrastructure or other major capital initiatives, provided that such funding for new infrastructure or other major capital initiatives shall not count towards meeting the overall critical maintenance requirement. In the event that such plan is unable to fund one hundred percent of the critical maintenance needs due to the limitation imposed by article five-B of this chapter, the director of the budget shall develop five-year capital plans whereby the implementation of each capital plan would annually reduce the overall facility condition index (FCI) for each university system. For the purposes of this subdivision, "facility condition index" shall mean an industry benchmark that measures the ratio of deferred maintenance dollars to replacement dollars for the purposes of analyzing the effect of investing in facility improvements. The apportionment of capital appropriations to each state-operated campus or senior college shall be based on a methodology to be developed by the director of the budget, in consultation with the state university of New York and city university of New York.

§ 2. This act shall take effect immediately.

PART CC

Section 1. Clauses (v) and (vi) of subparagraph 4 of paragraph h of subdivision 2 of section 355 of the education law, as amended by section 1 of part JJJ of chapter 59 of the laws of 2017, are amended to read as follows:

(v) Beginning in state fiscal year two thousand seventeen--two thousand eighteen and ending in state fiscal year two thousand [~~twenty~~] nineteen--two thousand [~~twenty-one~~] twenty, the state shall appropriate and make available general fund operating support, including fringe benefits, for the state university in an amount not less than the amount appropriated and made available in the prior state fiscal year; provided, however, that if the governor declares a fiscal emergency, and communicates such emergency to the temporary president of the senate and speaker of the assembly, state support for operating expenses at the state university and city university may be reduced in a manner proportionate to one another, and the aforementioned provisions shall not apply; provided further, the state shall appropriate and make available general fund support to fully fund the tuition credit pursuant to subdivision two of section six hundred sixty-nine-h of this title.

(vi) Beginning in state fiscal year two thousand twenty--two thousand twenty-one and thereafter, the state shall appropriate and make available general fund operating support and fringe benefits, for the state university and the state university health science centers in an amount not less than the amounts separately appropriated and made available in the prior state fiscal year; provided, further, the state shall appropriate and make available general fund operating support to cover all mandatory costs of the state university and the state university health science centers, which shall include, but not be limited to, collective bargaining costs including salary increments, fringe benefits, and other non-personal service costs such as utility costs, building rentals and other inflationary expenses incurred by the state university and the state university health science centers, and any increase in the tuition credit pursuant to section six hundred eighty-nine-a of this title as

tuition increases are enacted by the board of trustees of the state university; provided, however, that if the governor declares a fiscal emergency, and communicates such emergency to the temporary president of the senate and the speaker of the assembly, state support for operating expenses at the state university and city university may be reduced in a manner proportionate to one another, and the aforementioned provisions shall not apply; provided further, the state shall appropriate and make available general fund support to fully fund the tuition credit pursuant to subdivision two of section six hundred sixty-nine-h of this title.

(vii) For the state university fiscal years commencing two thousand eleven--two thousand twelve and ending two thousand fifteen--two thousand sixteen, each university center may set aside a portion of its tuition revenues derived from tuition increases to provide increased financial aid for New York state resident undergraduate students whose net taxable income is eighty thousand dollars or more subject to the approval of a NY-SUNY 2020 proposal by the governor and the chancellor of the state university of New York. Nothing in this paragraph shall be construed as to authorize that students whose net taxable income is eighty thousand dollars or more are eligible for tuition assistance program awards pursuant to section six hundred sixty-seven of this [~~chapter~~] title.

§ 2. Subparagraph (v) of paragraph (a) of subdivision 7 of section 6206 of the education law, as amended by section 2 of part JJJ of chapter 59 of the laws of 2017, is amended and a new subparagraph (vi) is added to read as follows:

(v) Beginning in state fiscal year two thousand seventeen--two thousand eighteen and ending in state fiscal year two thousand [~~twenty~~] nineteen--two thousand [~~twenty-one~~] twenty, the state shall appropriate and make available general fund operating support, including fringe benefits, for the city university in an amount not less than the amount appropriated and made available in the prior state fiscal year; provided, however, that if the governor declares a fiscal emergency, and communicates such emergency to the temporary president of the senate and speaker of the assembly, state support for operating expenses at the state university and city university may be reduced in a manner proportionate to one another, and the aforementioned provisions shall not apply; provided further, the state shall appropriate and make available general fund support to fully fund the tuition credit pursuant to subdivision two of section six hundred sixty-nine-h of this chapter.

(vi) Beginning in state fiscal year two thousand twenty--two thousand twenty-one and thereafter, the state shall appropriate and make available general fund operating support and fringe benefits, for the city university in an amount not less than the amounts separately appropriated and made available in the prior state fiscal year; provided, further, the state shall appropriate and make available general fund operating support to cover all mandatory costs of the city university, which shall include, but not be limited to, collective bargaining costs including salary increments, fringe benefits, and other non-personal service costs such as utility costs, building rentals and other inflationary expenses incurred by the city university, and any increase in the tuition credit pursuant to section six hundred eighty-nine-a of this chapter as tuition increases are enacted by the board of trustees of the city university; provided, however, that if the governor declares a fiscal emergency, and communicates such emergency to the temporary president of the senate and the speaker of the assembly, state support for operating expenses at the state university and city university may be

reduced in a manner proportionate to one another, and the aforementioned provisions shall not apply; provided further, the state shall appropriate and make available general fund support to fully fund the tuition credit pursuant to subdivision two of section six hundred sixty-nine-h of this chapter.

§ 3. This act shall take effect immediately provided that:

(a) the amendments to subparagraph 4 of paragraph h of subdivision 2 of section 355 of the education law made by section one of this act shall not affect the expiration and reversion of such subparagraph pursuant to chapter 260 of the laws of 2011, as amended, and shall expire therewith; and

(b) the amendments to paragraph (a) of subdivision 7 of section 6206 of the education law made by section two of this act shall not affect the expiration and reversion of such paragraph pursuant to chapter 260 of the laws of 2011, as amended, and shall expire therewith.

PART DD

Section 1. Subparagraph 4 of paragraph h of subdivision 2 of section 355 of the education law is amended by adding a new clause (vii) to read as follows:

(vii) Beginning in state fiscal year two thousand twenty--two thousand twenty-one and thereafter, the state shall appropriate and make available general fund operating support to cover any increase in the tuition credit pursuant to section six hundred eighty-nine-a of this title annually.

§ 2. Subparagraph 4 of paragraph h of subdivision 2 of section 355 of the education law is amended by adding a new closing paragraph to read as follows:

Beginning in state fiscal year two thousand twenty--two thousand twenty-one and thereafter, the state shall appropriate and make available general fund operating support to cover any increase in the tuition credit pursuant to section six hundred eighty-nine-a of this title annually.

§ 3. Paragraph (a) of subdivision 7 of section 6206 of the education law is amended by adding a new subparagraph (vi) to read as follows:

(vi) Beginning in state fiscal year two thousand twenty--two thousand twenty-one and thereafter, the state shall appropriate and make available general fund operating support to cover any increase in the tuition credit pursuant to section six hundred eighty-nine-a of this chapter annually.

§ 4. Paragraph (a) of subdivision 7 of section 6206 of the education law is amended by adding a new closing paragraph to read as follows:

Beginning in state fiscal year two thousand twenty--two thousand twenty-one and thereafter, the state shall appropriate and make available general fund operating support to cover any increase in the tuition credit pursuant to section six hundred eighty-nine-a of this chapter annually.

§ 5. This act shall take effect immediately; provided, however that the amendments to subparagraph 4 of paragraph h of subdivision 2 of section 355 of the education law made by section one of this act shall not affect the expiration and reversion of such subparagraph pursuant to section 16 of chapter 260 of the laws of 2011, as amended, when upon such date section two of this act shall take effect; and provided, further that the amendments to paragraph (a) of subdivision 7 of section 6206 of the education law made by section three of this act shall not

affect the expiration and reversion of such paragraph pursuant to section 16 of chapter 260 of the laws of 2011, as amended, when upon such date section four of this act shall take effect.

PART EE

Section 1. The education law is amended by adding a new section 6457 to read as follows:

§ 6457. Enhancing supports and services for students with disabilities for postsecondary success. 1. For the purposes of this section, "students with disabilities" shall mean individuals with a disability who have a physical or mental impairment that substantially limits one or more major life activity or activities, a record of such impairment, or being regarded as having such impairment and who are enrolled in a degree-granting institution in New York.

2. Subject to an appropriation, the commissioner shall allocate funds available for enhancing supports and services for students with disabilities in New York State degree granting colleges and universities so they can succeed in their education. Such funds shall be awarded through grants to institutions of the state university and institutions of the city university of New York, and the commissioner shall enter into contracts with degree-granting institutions in New York that are currently funded under the tuition assistance program under article fourteen of this chapter for the purpose of providing additional services and supports to expand opportunities for students with disabilities.

3. (a) Funds appropriated in the two thousand nineteen--two thousand twenty academic year and thereafter for the purpose of this initiative shall be allocated proportionally for each student with a disability enrolled in an institution of higher education that successfully applies for funding pursuant to subdivision six of this section based upon the total number of students with disabilities that are enrolled in all institutions of higher education that successfully apply for funding pursuant to subdivision six of this section. The number of students with disabilities used for this calculation shall be based on data submitted annually by the institution to the commissioner through a process required for this purpose by the commissioner.

(b) Funds shall be awarded to each institution of higher education that successfully applies for funding pursuant to subdivision six of this section directly and not through entities who do not directly enroll students.

4. Funds shall be awarded through a formula in equal amounts per identified student with a disability to each institution of higher education that successfully applies for funding pursuant to subdivision six of this section. The number of students with disabilities at each institution shall be determined based upon the data submitted annually by the institution to the commissioner through a process required for this purpose by the commissioner.

5. Moneys made available to institutions under this section shall be spent for the following purposes:

(a) to supplement funding for supports and accommodations of students with disabilities to expand supports and services provided at the state university, the city university of New York, and other degree-granting higher education institutions;

(b) to support college preparation programs to assist students with disabilities in transitioning to college, and prepare them to navigate campus facilities and systems;

(c) to provide full and part-time faculty and staff at the state university, the city university of New York, and other degree-granting higher education institutions with disability training; and

(d) to improve the identification process of students with disabilities and enhance data collection capabilities at the state university, the city university of New York, and other degree-granting higher education institutions.

6. Eligible institutions shall file an application for approval by the commissioner no later than the first of May each year demonstrating a need for such funding, including how the funding would be used and how many students with disabilities would be assisted with such funding. The commissioner shall review all applications for compliance with all eligibility criteria and other requirements set forth in regulations of the commissioner. Successful applicants will be funded as provided in subdivision four of this section.

7. No funds pursuant to this section shall be made available to support the regular academic programs of any institution participating in this program.

§ 2. This act shall take effect immediately.

PART FF

Section 1. Subdivision 2-a of section 669-e of the education law, as added by section 1 of part BB of chapter 56 of the laws of 2018, is amended to read as follows:

2-a. [~~Within amounts appropriated therefor and based on availability of funds, beginning~~] Beginning with the two thousand eighteen--two thousand nineteen academic year and thereafter, awards shall be granted to applicants at New York state private degree granting institutions of higher education that the corporation has determined are eligible to receive such awards. The corporation shall grant such awards in an amount equal to the amount of undergraduate tuition for residents of New York state charged by the state university of New York or actual tuition charged, whichever is less; provided, however, (i) a student who receives educational grants and/or scholarships that cover the student's full cost of attendance shall not be eligible for an award under this program; (ii) for a student who receives educational grants and/or scholarships that cover less than the student's full cost of attendance, such grants and/or scholarships shall not be deemed duplicative of this program and may be held concurrently with an award under this program, provided that the combined benefits do not exceed the student's full cost of attendance; and (iii) an award under this program shall be applied to tuition after the application of all other educational grants and scholarships limited to tuition and shall be reduced in an amount equal to such educational grants and/or scholarships. Upon notification of an award under this program, the institution shall defer the amount of tuition equal to the award. No award shall be final until the recipient's successful completion of a term has been certified by the institution.

§ 2. This act shall take effect on April 1, 2019.

PART GG

Section 1. The education law is amended by adding a new section 669-i to read as follows:

§ 669-i. Martin Luther King, Jr. scholarship. 1. Purpose. The New York state Martin Luther King, Jr. scholarship is hereby established for the purpose of granting awards to assist students with the expenses of non-tuition costs and fees associated with attending an institution of higher education in the state of New York.

2. Eligibility. A Martin Luther King, Jr. scholarship award shall be made to an applicant who is eligible for an award under the tuition assistance program as set forth in section six hundred sixty-seven of this subpart.

3. Amount. Within amounts appropriated therefor and based on the availability of funds, awards shall be granted beginning with the two thousand nineteen-two thousand twenty academic year and thereafter to applicants that the corporation has determined are eligible to receive such awards. The corporation shall grant an annual award in the amount of three thousand five hundred dollars to each applicant.

4. Qualified non-tuition costs. An award pursuant to this section shall be applied toward a recipient's non-tuition costs and fees. For the purposes of this section non-tuition costs shall include room and board, transportation expenses, textbooks and instructional materials, technology and electronic devices, and personal expenses including clothing, food, or medical, vision, and dental insurance.

5. Duration. An eligible recipient shall not receive an award for more than four academic years of full-time undergraduate study or five academic years if the program of study normally requires five years. An eligible recipient enrolled in an eligible two year program of study shall not receive an award for more than two academic years.

6. Recipient selection. The president may establish: (a) an application deadline and (b) a method of selecting recipients in accordance with the demonstrated financial needs if in any given year there are insufficient funds to cover the needs of all applicants as determined by the corporation, provided that priority shall be given to eligible applicants who have received an award pursuant to this section in a prior year.

7. Other awards. Recipients shall be eligible to apply for other awards under this article. Awards pursuant to this section shall not be included within the calculation for determining a student's eligibility or award amount for an excelsior scholarship pursuant to section six hundred sixty-nine-h of this subpart or an enhanced tuition award pursuant to section six hundred sixty-seven-d of this subpart.

8. Rules and regulations. The corporation is authorized to promulgate rules and regulations, and may promulgate emergency regulations, necessary for the implementation of the provisions of this section.

§ 2. This act shall take effect immediately.

PART HH

Section 1. The social services law is amended by adding a new section 131-bb to read as follows:

§ 131-bb. Home stability support program. 1. (a) Notwithstanding any other provision of law to the contrary, each local social services district shall provide a shelter supplement to eligible individuals and families to prevent eviction and address homelessness in accordance with this section.

(b) For the purposes of this section:

(i) "homeless" shall mean the lack of a fixed, regular, and adequate nighttime residence; having a primary nighttime residence that is a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings, including a car, park, abandoned building, bus or train station, airport or campground or other places not meant for human habitation; living in a supervised publicly or privately operated shelter designated to provide temporary living arrangements (including hotels and motels paid for by federal, state or local government programs for low-income individuals or by charitable organizations, congregate shelters, or transitional housing); exiting an institution where they resided and will lack a regular fixed and adequate nighttime residence upon release or discharge; or are an unaccompanied youth and homeless families with children and youth defined as homeless under either this paragraph or federal statute who have experienced a long-term period without living independently in permanent housing; have experienced persistent instability as measured by frequent moves; and can be expected to continue in such status for an extended period of time because of chronic disabilities, chronic physical health or mental health conditions, substance addiction, histories of domestic violence or childhood abuse, the presence of a child or youth with a disability, or multiple barriers to employment, or other dangerous or life-threatening conditions, including conditions that relate to violence against an individual or a family member; and

(ii) "imminent loss of housing" shall mean having received a verified rent demand or a petition for eviction; having received a court order resulting from an eviction action that notifies the individual or family that they must leave their housing; facing loss of housing due to hazardous conditions, including but not limited to asbestos, lead exposure, mold, and radon; having a primary nighttime residence that is a room in a hotel or motel and lack the resources necessary to stay; facing loss of the primary nighttime residence, which may include living in the home of another household, where the owner or renter of the housing will not allow the individual or family to stay, provided further, that an assertion from an individual or family member alleging such loss of housing or homelessness shall be sufficient to establish eligibility; or, fleeing, or attempting to flee, domestic violence, dating violence, sexual assault, stalking, human trafficking or other dangerous or life-threatening conditions that relate to violence against the individual or a family member, provided further that an assertion from an individual or family member alleging such abuse and loss of housing shall be sufficient to establish eligibility.

2. (a) Each local social services district shall provide a shelter supplement to eligible individuals and families as defined in subdivision three of this section in an amount equal to eighty-five percent of the fair market rent in the district, as established by the federal department of housing and urban development, for the particular unit size. The shelter supplement shall be issued by the local social services district directly to the landlord or vendor.

(b) A local social services district may also provide an additional supplement in excess of eighty-five percent of the fair market rent, up to one hundred percent of the fair market rent in the district, as established by the federal department of housing and urban development. Provided, however, the cost of the additional supplement shall be paid by the local social services district.

(c) As part of the supplement referenced in this subdivision, when an eligible recipient, as defined in subdivision three of this section,

incurs separate fuel for heating expenses, the local social services district shall provide additional funds to cover such expenses, in excess of the amount already required for shelter costs pursuant to paragraph (a) of this subdivision. Such heating allowance shall be equivalent to the full amount of fuel for heating expenses, and shall be made directly to the vendor on behalf of the recipient. Any expenses incurred by the local social services district that are (i) in excess of a recipient's fuel for heating allowance authorized pursuant to paragraph (b) of subdivision two of section one hundred thirty-one-a of this title; (ii) made pursuant to section ninety-seven of this chapter; or (iii) to cover any arrears payments made to restore heating services or to prevent a shut-off, shall not be recoupable.

(d) Individuals not in receipt of public assistance, residing in a household that is benefiting from a shelter supplement under this section shall be required to contribute thirty percent of their gross income, or their pro rata share of the rent, whichever is less. Minor children without income shall not be counted in the pro rata share equation. In addition, the income of minor children shall not be considered part of the gross income.

(e) Any supplement or allowance provided under this section shall not be considered to be part of the standard of need as defined in paragraph (b) of subdivision ten of section one hundred thirty-one-a of this title.

(f) In the event that the local social services district determines that payment of rental arrears would prevent homelessness and subsequently pays such arrears, such payments shall not be recoupable.

3. (a) For the period beginning October first, two thousand twenty until September thirtieth, two thousand twenty-one, individuals, or families, who are eligible for public assistance, are either homeless or face an imminent loss of housing, and are not currently receiving another shelter supplement shall be eligible for the shelter supplement provided under this section.

(b) On and after October first, two thousand twenty-one, individuals or families who are eligible for public assistance and are (i) homeless or face an imminent loss of housing, and are not currently receiving another shelter supplement; or (ii) currently in receipt of a shelter supplement, other than a supplement required by this section, that is being transferred to the home stability support program pursuant to subdivision eight of this section, shall be eligible for the shelter supplement provided under this section.

4. (a) Local social services districts shall provide the shelter supplement required under this section for up to five years, provided such individuals or families are otherwise eligible for public assistance. A shelter supplement may be provided for an additional length of time for good cause.

(b) If an individual or family receiving the shelter supplement is no longer eligible for public assistance, the local social services district shall continue to provide the shelter supplement, and if appropriate heating allowance, for one year from the date of such determination, so long as their income does not exceed two hundred percent of the federal poverty level.

5. The shelter supplement and heating allowance shall not be affected by a recipient's sanction status.

6. (a) The commissioner shall contract with not-for-profit agencies, that have experience providing support services to the homeless and at-risk of homelessness populations, for the purpose of providing home

stability support services. Such services shall assist eligible recipients, as defined in subdivision three of this section, in avoiding homelessness and achieving long-term housing stability. Such services shall include, but not be limited to:

(i) services to resolve conflicts between landlords and tenants and to facilitate fair and workable solutions;

(ii) referrals to legal services to households threatened with the loss of their homes through eviction, harassment or other means;

(iii) benefit/entitlement advocacy to ensure that households are receiving all federal, state and local benefits to which they are entitled, such as temporary assistance to needy families, safety net assistance, supplemental nutrition assistance program, supplemental security income, rent security deposits, furniture and household moving expenses, medical assistance; and

(iv) relocation assistance which provides for the identification of and referral to permanent and habitable housing, transportation services, landlord/tenant lease negotiation services and assistance in establishing utility services.

(b) The commissioner shall issue a request-for-proposal for home stability support services. The request-for-proposal shall include:

(i) a description of the home stability support services to be provided, including procedures for intake, referral, outreach, the provision of services, follow-up and anticipated outcomes;

(ii) a description of the manner in which coordination with other federal, state, local and privately funded services will be achieved; and

(iii) a description of how the services will be designed to assist households to achieve housing stability.

(c) Prior to entering into a contract pursuant to this subdivision, the commissioner shall determine that the eligible applicant is a bona fide organization which shall have demonstrated by its past and current activities that it has the ability to provide such services, that the organization is financially responsible and that the proposal is appropriate for the needs of households to be served.

7. The home stability support program shall provide for up to a total of fourteen thousand new shelter supplements a year statewide, and funds shall be distributed to each local social services district based on their pro rata share of households below the federal poverty level in the state, using the most recent United States census data as of April first, two thousand nineteen, and annually thereafter.

8. If local social services districts offer a shelter supplement not required by this section, such districts may utilize supplements available under this section on or after October first, two thousand twenty-one, to transfer eligible recipients as defined in subparagraph (ii) of paragraph (b) of subdivision three of this section into the home stability support program. Provided, however, a district shall not allocate one hundred percent of their shelter supplements provided under this section to existing supplement recipients, unless there is no current or unmet need for supplements as defined in subparagraph (i) of paragraph (b) of subdivision three of this section in such district.

9. The commissioner shall issue a report on the home stability support program to the governor, the speaker of the assembly, the temporary president of the senate, the chairs of the senate and assembly social services committees, and the chairs of the assembly ways and means committee and the senate finance committee on or before October first of each year, starting October first, two thousand twenty-two, regarding

the effectiveness of the program, based on the information provided from the local social services districts. Each local district, upon the request of the office, shall provide the office the necessary data for the completion of the report. Each report shall include the following information for each district:

(a) the number of individuals participating in the program;

(b) factors contributing to households experiencing housing issues, including, but not limited to, health and safety and budgeting constraints;

(c) total funding utilized;

(d) estimated avoided costs in temporary shelter; and

(e) any other information or available data that the commissioner deems relevant and necessary for comprehensive evaluation of the current need of entitlements for public assistance recipients.

§ 2. Section 153 of the social services law is amended by adding a new subdivision 13 to read as follows:

13. Notwithstanding any other provision of law to the contrary, one hundred percent of costs for shelter supplements including costs for heating expenses, and home stability support services required by section one hundred thirty-one-bb of this article shall be subject to reimbursement by the state, as follows:

(a) by federal funds that can be properly applied to such expenditures; and

(b) the remainder to be paid by state funds.

§ 3. This act shall take effect on April 1, 2020.

PART II

Section 1. Subdivision 2 of section 220 of the labor law, as amended by chapter 678 of the laws of 2007, is amended to read as follows:

2. [~~Each~~] Every contract [~~to which the state or a public benefit corporation or a municipal corporation or a commission appointed pursuant to law is a party, and any contract for public work entered into by a third party acting in place of, on behalf of and for the benefit of such public entity pursuant to any lease, permit or other agreement between such third party and the public entity, and which may involve the employment of laborers, workers or mechanics~~] for public work shall contain a stipulation that no laborer, worker or mechanic in the employ of the contractor, subcontractor or other person doing or contracting to do the whole or a part of the work contemplated by the contract shall be permitted or required to work more than eight hours in any one calendar day or more than five days in any one week except in cases of extraordinary emergency including fire, flood or danger to life or property. No such person shall be so employed more than eight hours in any day or more than five days in any one week except in such emergency. Extraordinary emergency within the meaning of this section shall be deemed to include situations in which sufficient laborers, workers and mechanics cannot be employed to carry on public work expeditiously as a result of such restrictions upon the number of hours and days of labor and the immediate commencement or prosecution or completion without undue delay of the public work is necessary in the judgment of the commissioner for the preservation of the contract site and for the protection of the life and limb of the persons using the same. Upon the application of any person interested, the commissioner shall make a determination as to whether or not on any public project or on all public projects in any area of this state, sufficient laborers, workers and mechanics of any or

all classifications can be employed to carry on work expeditiously if their labor is restricted to eight hours per day and five days per week, and in the event that the commissioner determines that there are not sufficient workers, laborers and mechanics of any or all classifications which may be employed to carry on such work expeditiously if their labor is restricted to eight hours per day and five days per week, and the immediate commencement or prosecution or completion without undue delay of the public work is necessary in the judgment of the commissioner for the preservation of the contract site and for the protection of the life and limb of the persons using the same, the commissioner shall grant a dispensation permitting all laborers, workers and mechanics, or any classification of such laborers, workers and mechanics, to work such additional hours or days per week on such public project or in such areas the commissioner shall determine. Whenever such a dispensation is granted, all work in excess of eight hours per day and five days per week shall be considered overtime work, and the laborers, workers and mechanics performing such work shall be paid a premium wage commensurate with the premium wages prevailing in the area in which the work is performed. No such dispensation shall be effective with respect to any public work unless and until the department of jurisdiction, as defined in this section, certifies to the commissioner that such public work is of an important nature and that a delay in carrying it to completion would result in serious disadvantage to the public. Time lost in any week because of inclement weather by employees engaged in the construction, reconstruction and maintenance of highways outside of the limits of cities and villages may be made up during that week and/or the succeeding three weeks.

§ 2. Subdivision 5 of section 220 of the labor law is amended by adding four new paragraphs m, n, o and p to read as follows:

m. For the purposes of this article, "public work" means any of the following:

(i) Construction paid for in whole or in part out of public funds;

(ii) Construction work performed under private contract when all of the following conditions exist:

(A) The construction contract is between private parties;

(B) The property subject to the construction contract is privately owned, but upon completion of the construction work, any portion of the property is leased or will be leased to the state or any public entity, and one of the following conditions exist:

(1) The public entity entered into or bargained for the lease agreement prior to the construction contract; or

(2) The construction work is performed according to plans, specifications, or criteria furnished by the public entity, and the lease agreement between the lessor and public entity, as lessee, is entered into during, or upon completion of, the construction work, or within six months following completion of the construction work; or

(iii) Construction work performed on property owned by a public entity in whole or in part or will be owned or maintained by a public entity in whole or in part upon completion of the project.

(iv) For the purposes of this article, "public work" shall not mean any of the following:

(A) Construction work on one or two family dwellings where the property is the owner's primary residence or construction work done on property where the owner of the property owns no more than four dwelling units;

(B) Construction work performed under a contract with a non-profit as defined in section one hundred two of the not-for-profit corporation law where the value of the public funds provided to the non-profit for the project is less than one hundred thousand dollars and the non-profit has gross annual revenue and support less than one million dollars; or

(C) Construction work performed on a multiple dwelling where no less than seventy-five percent of the residential units are affordable for households up to sixty percent of the area median income, adjusted for family size, as calculated by the United States department of housing and urban development, provided however, that any construction performed on non-residential space in connection with a multiple dwelling project shall be considered public work if it meets any of the criteria in this paragraph. Further, any construction work performed on a project eligible for benefits under section four hundred twenty-one-a of the real property tax law shall not be considered public work for the purposes of this article.

n. "Paid for in whole or in part out of public funds" means all of the following:

(i) The payment of money or the equivalent of money, including the issuance of bonds and grants, by the state or a public entity, or a third party acting on behalf of and for the benefit of the state or public entity, directly to or on behalf of the public works contractor, subcontractor, or developer.

(ii) Performance of construction work by the state or any public entity in the execution of the project.

(iii) Transfer by the state or a public entity of an asset of value for less than fair market value.

(iv) Fees, costs, rents, insurance or bond premiums, loans, interest rates, taxes, or other obligations that would normally be required in the execution of the project, that are paid, reduced, charged at less than fair market value, waived, or forgiven by the state or public entity.

(v) Money loaned by the state or public entity that is to be repaid on a contingent basis.

(vi) Credits that are applied by the state or public entity against repayment obligations to the state or public entity.

o. "Public entity" includes, but is not limited to, the state, a local development corporation as defined in subdivision eight of section eighteen hundred one of the public authorities law or section fourteen hundred eleven of the not-for-profit corporation law, municipal corporation as defined in section one hundred nineteen-n of the general municipal law, industrial development agencies formed pursuant to article eighteen-A of the general municipal law or industrial development authorities formed pursuant to article eight of the public authorities law, educational corporation established under article fifty-six of the education law, commission appointed pursuant to law, as well as state, local and interstate and international authorities as defined in section two of the public authorities law; and shall include any trust created by any such entities.

p. (i) "Construction" includes, but is not limited to, demolition, reconstruction, excavation, rehabilitation, repair, installation, renovation, alteration, and custom fabrication. "Construction" also includes work preformed during the design and preconstruction phases of construction, including but not limited to, inspection and land surveying work and work performed during the post-construction phases of construction, including, but not limited to, all cleanup work at the

jobsite. "Construction" also includes the delivery to and hauling from the jobsite of aggregate supply construction materials, such as sand, gravel, stone, dirt, fill, as well as any necessary return hauls, whether empty or loaded.

(ii) For the purposes of this article, "custom fabrication" means the fabrication and all drafting related to the fabrication of all masonry panels, woodwork, cases, cabinets, or counters, and the fabrication of plumbing, heating, cooling, ventilation, or exhaust duct systems, and mechanical insulation solely and specifically designed and engineered for installation in the construction, repair, or renovation of a building, regardless of where the custom fabrication is performed. The applicable prevailing wage for any off-site custom fabrication work shall be the on-site prevailing wage for the public work site.

§ 3. The labor law is amended by adding a new section 224-a to read as follows:

§ 224-a. Stop-work orders. Where a complaint is received pursuant to this article, or where the fiscal officer upon his or her own investigation, finds cause to believe that any person, in connection with the performance of any contract for public work, has substantially and materially failed to comply with or intentionally evaded the provisions of this article, the commissioner may notify such person in writing of his or her intention to issue a stop-work order. Such notice shall (i) be served in a manner consistent with section three hundred eight of the civil practice law and rules; (ii) notify such person of his or her right to a hearing; and (iii) state the factual basis upon which the commissioner has based his or her decision to issue a stop-work order. Any documents, reports, or information that form a basis for such decision shall be provided to such person within a reasonable time before the hearing. Such hearing shall be expeditiously conducted.

Following the hearing, if the commissioner issues a stop-work order, it shall be served by regular mail, and a second copy may be served by telefacsimile or by electronic mail, with service effective upon receipt of any of such order. Such stop-work order shall also be served with regard to a worksite by posting a copy of such order in a conspicuous location at the worksite. The order shall remain in effect until the commissioner directs that the stop-work order be removed, upon a final determination on the complaint or where such failure to comply or evade has been deemed corrected. If the person against whom such order is issued shall within thirty days after issuance of the stop-work order makes an application in affidavit form for a redetermination review of such order the commissioner shall make a decision in writing on the issues raised in such application. The commissioner may direct a conditional release from a stop-work order upon a finding that such person has taken meaningful and good faith steps to comply with the provisions of this article.

§ 4. This act shall take effect immediately.

PART JJ

Section 1. Section 20-a of the social services law, as added by chapter 107 of the laws of 1971, is amended to read as follows:

§ 20-a. Local personnel; limitations on department's power. Notwithstanding any inconsistent provision of this chapter, the board, the commissioner or the department, acting singly or in unison, shall not have the power, directly or indirectly to prescribe the number of persons to be employed in any social services district providing the

district complies with the minimum federal standards relating thereto; provided, however, that the provisions of this section shall not apply to the regulations of the office of children and family services establishing caseload standards for child protective services workers promulgated pursuant to paragraph (a) of subdivision nine of section four hundred twenty-one of this chapter.

§ 2. Paragraph (a) of subdivision 1 of section 153-k of the social services law, as added by section 15 of part C of chapter 83 of the laws of 2002, is amended to read as follows:

(a) Expenditures made by social services districts for child protective services, preventive services provided, as applicable, to eligible children and families of children who are in and out of foster care placement, independent living services, aftercare services, and adoption administration and services other than adoption subsidies provided pursuant to article six of this chapter and the regulations of the department of family assistance shall, if approved by the office of children and family services, be subject to sixty-five percent state reimbursement exclusive of any federal funds made available for such purposes, in accordance with the directives of the department of family assistance and subject to the approval of the director of the budget. Provided however, for requirements prescribed in subdivision nine of section four hundred twenty-one of this chapter, such expenditures shall be subject to one hundred percent state reimbursement, provided that local social services districts continue to maintain current expenditures related to child protective services at a level equal to or greater than expenditures for such activities during the fiscal year prior to a chapter of the laws of two thousand nineteen which amended this paragraph.

§ 3. Section 421 of the social services law is amended by adding a new subdivision 9 to read as follows:

9. promulgate regulations in consultation with local social services districts, relating to caseload standards for child protective services workers. Such standards shall include, but not be limited to: (a) limitations on the number of investigations which can be assigned to child protective services workers, provided however, to the extent possible and within amounts appropriated therefore, no more than two initial investigations per week may be assigned per full time equivalent child protective services worker; and (b) guidance as it relates to how such investigations are assigned, taking into consideration the child protective services worker current caseload, as well as the complexity of the particular investigation, if known. Nothing in this subdivision shall be construed to prohibit the office from prescribing a local social services districts from establishing caseload standards that are less than what is required in this subdivision.

§ 4. Paragraph (c) of subdivision 1 of section 423 of the social services law, as amended by chapter 83 of the laws of 1995, is amended to read as follows:

(c) The child protective service shall have a sufficient staff, in accordance with the provisions of subdivision nine of section four hundred twenty-one of this title, of sufficient qualifications to fulfill the purposes of this title and be organized in such a way as to maximize the continuity of responsibility, care and service of individual workers toward individual children and families. A social services district shall have flexibility in assigning staff to the child protective service provided that each staff assigned to such service has the staff qualifications and has received the training required by the

department regulations promulgated pursuant to subdivisions four and five of section four hundred twenty-one of this title.

§ 5. Section 426 of the social services law, as amended by section 11-a of part D of chapter 501 of the laws of 2012, is amended to read as follows:

§ 426. Annual reports. The commissioner shall prepare for inclusion in the annual report required by subdivision (d) of section seventeen of this chapter to be filed with the governor and the legislature prior to December fifteenth of each year, a report on the operations of the state central register of child abuse and maltreatment and the various local child protective services. The report shall include a full statistical analysis of the reports made to the central register together with a report on the implementation of this title, his or her evaluation of services offered under this chapter and his or her recommendations for additional legislation to fulfill the purposes of this title. Such report shall indicate the number of child abuse and maltreatment reports and cases received by the statewide central register of child abuse and maltreatment by each district in the preceding year, the number of such cases determined to have been indicated and the number of such cases determined to be unfounded by each district in the preceding year, the number of such cases which have not been indicated or unfounded within the time period required by subdivision seven of section four hundred twenty-four of this [~~article~~] **title** by each district in the preceding year [~~and~~]**. Such report shall also include a monthly accounting by local social services districts, of** the **total** number of **child protective services** workers [~~assigned to the child protective service in each district in~~] **with an indication of how many hold a supervisory position, as well as the average number of active cases per child protective service worker, with an indication of how many were in the initial investigation stage at the time the information was collected for** the preceding year. Such report shall include, among other information, available demographic information and available information concerning the racial and ethnic characteristics of the family members and persons served by the differential response program pursuant to section four hundred twenty-seven-a of [~~the social services law~~] **this title**, as well as available information concerning the racial and ethnic characteristics of the family members and persons serviced under the traditional child protective services program, in each local social services district in the state.

§ 6. This act shall take effect immediately; provided however sections one, two, three, and four of this act shall take effect on the seven hundred thirtieth day after it shall have become a law; provided, further, however that the amendments to section 153-k of the social services law made by section two of this act shall not affect the repeal of such section and shall be deemed repealed therewith.

PART KK

Section 1. Subdivisions 2 and 4 and paragraph e of subdivision 5 of section 6456 of the education law, subdivision 2 as added by section 1 of part X of chapter 56 of the laws of 2015, subdivision 4 as amended by section 2 of part V of chapter 56 of the laws of 2018, and paragraph e of subdivision 5 as added by section 1 of part V of chapter 56 of the laws of 2018, are amended to read as follows:

2. For the purposes of this section, "foster youth" shall mean students who have qualified as an orphan, foster child or ward of the

court [~~for the purposes of federal student financial aid programs authorized by Title IV of the Higher Education Act of 1965, as amended~~] at any time after his or her thirteenth birthday.

4. Funds for all programs under this section shall be awarded in equal amounts per foster youth[~~, except for students not enrolled in a post-secondary opportunity program,~~] to each institution that applies for funding allocated to its sector distribution as provided in subdivision three of this section and has an application that is approved by the commissioner; provided, however, funds shall be awarded to a foster youth based on his or her need as determined by the institution of higher education where such foster youth is in attendance.

e. to provide supplemental housing and meals for foster youth [~~not currently enrolled in a post-secondary opportunity program at the state university of New York~~].

§ 2. This act shall take effect immediately.

PART LL

Section 1. Section 209 of the social services law is amended by adding a new subdivision 7 to read as follows:

7. (a) The commissioner of the office of temporary and disability assistance in consultation with the commissioner of health shall conduct a study to evaluate the adequacy of the current rates provided to adult care facilities providing enhanced residential care as well as the sufficiency of personal needs allowances made to or on behalf of individuals and couples receiving such services and care.

(b) Based on the results of such study conducted pursuant to paragraph (a) of this subdivision such commissioners shall determine and provide recommendations on: (i) appropriate rates and models of compensation that would be sufficient to assure the health and safety of individuals receiving care in such facility, and (ii) adequate personal need allowances for individuals and couples receiving enhanced residential care in adult home facilities. Such commissioners shall publish the study and recommendations on their respective websites and provide copies to the governor, the temporary president of the senate, the speaker of the assembly and the minority leaders of the senate and assembly not later than January first, two thousand twenty.

§ 2. This act shall take effect immediately.

PART MM

Section 1. Section 54-m of the state finance law is REPEALED and a new section 54-m is added to read as follows:

§ 54-m. Local share requirements associated with increasing the age of juvenile jurisdiction above fifteen years of age. Notwithstanding any other provision of law to the contrary, counties and the city of New York shall not be required to contribute a local share of eligible expenditures that would not have been incurred absent the provisions of chapter fifty-nine of the laws of two thousand seventeen that increased the age of juvenile jurisdiction above fifteen years of age.

§ 2. Section 104-a of part WWW of chapter 59 of the laws of 2017, amending the criminal procedure law and other laws relating to proceedings against juvenile and adolescent offenders, and the age of juvenile and adolescent offenders, is amended to read as follows:

§ 104-a. Notwithstanding any other provision of law to the contrary, [~~in accordance with the waiver provisions set forth in section 54-m of~~

~~the state finance law,~~] state funding shall be available for one hundred percent of a county's costs associated with transport of youth by the applicable county sheriff that would not otherwise have occurred absent the provisions of [~~the~~] chapter **fifty-nine** of the laws of two thousand seventeen that [~~added this section~~] **increased the age of juvenile jurisdiction above fifteen years of age**.

§ 3. This act shall take effect immediately; provided however:

(a) section one of this act shall be deemed to have been in full force and effect on and after April 1, 2018; and

(b) section two of this act shall be deemed to have been in full force and effect on and after April 1, 2017.

PART NN

Section 1. Subdivisions 5, 8 and 10 of section 230 of the labor law, subdivisions 5 and 8 as added by chapter 777 of the laws of 1971, subdivision 10 as added by chapter 547 of the laws of 1998, are amended and seven new subdivisions 15, 16, 17, 18, 19, 20 and 21 are added to read as follows:

5. "Wage" includes: (a) basic hourly cash rate of pay; and (b) supplements. The term "supplements" means fringe benefits including medical or hospital care, pensions on retirement or death, compensation for injuries or illness resulting from occupational activity, or insurance to provide any of the foregoing, unemployment benefits, life insurance, disability and sickness insurance, accident insurance, vacation and holiday pay, costs of apprenticeship or other similar programs and other bona fide fringe benefits not otherwise required by federal, state or local law to be provided by the contractor**, covered developer, covered lessee or lessor, covered employer,** or subcontractor.

8. "Fiscal officer" means the industrial commissioner, except for building service work performed by or on behalf of a city **or where the covered development project or real property subject to a covered lease is located within a city with a population of over one million**, in which case "fiscal officer" means the comptroller or other analogous officer of such city.

10. "Substantially-owned affiliated entity" shall mean the parent company of the contractor or subcontractor, **or covered developer, or covered lessee or lessor** any subsidiary of the contractor or subcontractor**, or covered developer, or covered lessee or lessor**, or any entity in which the parent of the contractor or subcontractor**, or covered developer, or covered lessee or lessor** owns more than fifty percent of the voting stock, or an entity in which one or more of the top five shareholders of the contractor or subcontractor individually or collectively also owns a controlling share of the voting stock, or an entity which exhibits any other indicia of control over the contractor or subcontractor**, or covered developer, or covered lessee or lessor** or over which the contractor or subcontractor**, or covered developer, or covered lessee or lessor** exhibits control, regardless of whether or not the controlling party or parties have any identifiable or documented ownership interest. Such indicia shall include: power or responsibility over employment decisions, access to and/or use of the relevant entity's assets or equipment, power or responsibility over contracts of the entity, responsibility for maintenance or submission of certified payroll records, and influence over the business decisions of the relevant entity.

15. "Covered developer" means any entity receiving financial assistance in relation to a covered development project, or any assignee or

successor in interest of real property that qualifies as a covered development project.

16. "Covered employer" means any entity, other than a covered developer who employs building service workers at a covered development project or at any real property subject to a covered lease.

17. "Covered lessee" means any entity leasing real property from a public agency.

18. "Covered lessor" means any entity from whom a public agency is leasing commercial office space or commercial office facilities of ten thousand square feet or more provided that the public agency whether through a single agreement or multiple agreement leases no less than fifty-one percent of the total square footage of the building to which the lease or leases applies.

19. "Financial assistance" means assistance that is provided to a covered developer for the improvement or development of real property, economic development, job retention and growth, or other similar purposes, and that is paid in whole or in part by a public agency or agencies, and of a cumulative total anticipated financial value of one million dollars or more. Financial assistance includes, but is not limited to, cash payments or grants, bond financing, tax abatements or exemptions (including, but not limited to, abatements or exemptions from real property, mortgage recording, sales and uses taxes, or the difference between any payments in lieu of taxes and the amount of real property or other taxes that would have been due if the property were not exempted from the payment of such taxes), tax increment financing, filing fee waivers, energy cost reductions, environmental remediation costs, write-downs in the market value of building, land, or the cost of capital improvements related to real property that, under ordinary circumstances, the public agency would not pay for. Where assistance takes the form of loans or bond financing, the value of the assistance shall be determined based on the difference between the financing cost to a borrower and the cost to a similar borrower that does not receive financial assistance.

20. "Covered lease" means any agreement by a public agency with a covered lessor or lessee.

21. "Covered development project" means a project that has received or is expected to receive financial assistance.

§ 2. The labor law is amended by adding a new section 231-a to read as follows:

§ 231-a. Prevailing wage for covered leases and covered development projects. 1. Covered developers and covered lessees or lessors shall ensure that all building service employees performing building service work in connection with a covered development project or covered lease are paid no less than the prevailing wage.

2. The obligation to pay prevailing supplements may be discharged by furnishing any equivalent combinations of fringe benefits or by making equivalent or differential payments in cash under rules and regulations established by the fiscal officer.

3. The public agency providing financial assistance or entering into a covered lease shall require, as a contractual condition of such financial assistance or covered lease, that any building service employee performing building service work in connection with a covered development project or covered lease, regardless of the employing entity, shall be paid no less than the prevailing wage; and any lease, contract for property management services, or contract for the provision of building services, entered into by the covered developer or covered lessee or

lessor, and any subcontract thereof, shall contain the following provision "All building service employees shall be paid no less than the prevailing wage as provided by the fiscal officer as described in section two hundred and thirty-four of the Labor Law. Any covered employer, as defined in section two hundred and thirty of the Labor Law, shall maintain all records relating to the employment of building service workers as described in section two hundred and thirty-three of the Labor Law which are to be provided to the covered developer. Such covered employer shall also submit such statements as required under section two hundred and thirty-seven of the Labor Law. This requirement shall apply to any covered development project or real property subject to a covered lease as provided by Article Nine of the Labor Law."

4. Upon the award of financial assistance or entering into a covered lease by a public agency, the awarding public agency shall immediately furnish to the fiscal officer (a) the name and address of the awardee; (b) the date when the financial assistance was awarded or the covered lease was entered into; (c) the specific building or facility address or addresses, or locality to which the covered lease or financial assistance pertains, if the financial assistance is targeted to a particular building or buildings, facility or facilities, or locality; and (d) the anticipated total value of the financial assistance.

5. When the financial assistance to the covered development project applies to a particular building or buildings, facility or facilities, or locality the prevailing wage shall apply only to such building or buildings, facility or facilities, or locality; however when the financial assistance is not so limited, the covered development project shall be deemed to include any building or facility in which the covered developer operates within the state and the prevailing wage requirement set forth in this section shall apply to any building or facility in which the covered developer operates within the state.

6. The fiscal officer shall maintain a list of covered developers, covered lessees or lessors, and covered development projects, including the addresses of each. Such list shall be updated and published as often as is necessary to keep it current.

7. Within two weeks of receiving financial assistance or entering into a covered lease, a covered developer, covered lessee or lessor, or covered employer shall post in the same location and manner that other statutorily required notices are posted at every such covered development project or real property subject to a covered lease, and provide each building service employee a copy of a written notice which shall be prepared by the fiscal officer, detailing the wages, benefits, and other protections to which building service employees are entitled under this section. Such notice shall also provide the name, address and telephone number of the fiscal officer and a statement advising building service employees that if they have been paid less that the prevailing wage they may notify the fiscal officer and request an investigation or bring suit in a court of competent jurisdiction. Such notices shall be posted in English and in any other language which at least twenty percent of employees speak as a primary language. Such notice shall remain posted for the time that the requirements of this section shall apply and shall be adjusted periodically to reflect the current prevailing wage for building service employees. In addition to posting the covered developer, covered lessee or lessor, or covered employer shall provide each individual employee a copy of the notice in English or any other language spoken by the employee as a primary language, so long as the fiscal officer has made such notice available to employers in such

language on its website. The fiscal officer shall make available on its website sample written notices explaining the rights of building service employees under this section and shall translate such sample written notices into such languages it deems appropriate.

8. The requirements of this section shall apply for the term of the financial assistance, for ten years from the date that the financially assisted project opens, or for the duration of any written agreement between a public agency and a covered developer providing for financial assistance, or for the duration of the covered lease, whichever is longer.

9. This section shall not preempt any public agency from establishing higher minimum wages for covered developers or covered lessees or lessors receiving financial assistance or leasing from or to a public agency. Nor shall any covered developer, covered lessee or lessor, or covered employer be preempted from paying a wage higher than the prevailing wage.

§ 3. Section 232 of the labor law, as added by chapter 777 of the laws of 1971, is amended to read as follows:

§ 232. Overtime. An employee, employed by a contractor or employed at a covered development project or at real property subject to a covered lease, who works more than eight hours in any one day or more than forty hours in any workweek shall be paid wages for such overtime at a rate not less than one-and-one-half times his prevailing basic cash hourly rate.

§ 4. Section 233 of the labor law, as added by chapter 777 of the laws of 1971, is amended to read as follows:

§ 233. Record keeping. 1. In all cases where service work is being performed pursuant to a contract therefor or covered lease, or covered development project, the contractor, or covered developer, or covered lessee or lessor shall keep original payrolls or transcripts thereof, subscribed and confirmed by him as true, under penalties of perjury, showing the hours and days worked by each employee, the craft, trade or occupation at which he was employed, and the wages paid. A covered developer, or covered lessee or lessor may satisfy this requirement by obtaining copies of employment records from a covered employer.

2. Where the wages paid include sums which are not paid directly to the workmen weekly and which are expended for supplements, the records required to be maintained shall include a record of such hourly payment on behalf of such employees, the supplement for which such payment has been made, and the name and address of the person to whom such payment has been made. In all such cases, the contractor or covered developer, or covered lessee or lessor shall keep a true and inscribed copy of the agreement under which such payments are made, a record of all net payments made thereunder, and a list of all persons for whom such payments are made. A covered developer, or covered lessee or lessor may satisfy this requirement by obtaining copies of employment records from a covered employer.

3. The records required to be maintained shall be kept on the site of the work during all of the time that work under the contract or otherwise subject to the requirements of this section is being performed.

4. All records required to be maintained shall be preserved for a period of three years after the completion of work.

5. A covered developer, or covered lessee or lessor shall include a requirement in all leases, management agreements or service contracts, and any subcontracts thereof, that any covered employer shall comply with the record keeping requirements of this section. The covered devel-

oper, or covered lessee or lessor shall obtain such records from any covered employer and preserve such records for a period of six years after the completion of the employee's work.

6. Failure to maintain such records as required shall create a rebuttable presumption that the building service employees were not paid the wages and supplements required under this article.

§ 5. Paragraph (f) of subdivision 1 of section 234 of the labor law, as added by chapter 777 of the laws of 1971, is amended to read as follows:

(f) to require a contractor or covered developer, or covered lessee or lessor to file with the fiscal officer a record of the wages actually paid by such contractor or covered developer, or covered lessee or lessor to the employees and of their hours of work;

§ 6. The labor law is amended by adding a new section 235-a to read as follows:

§ 235-a. Investigations, hearings, and private right of action for covered leases and covered development projects. 1. Whenever the fiscal officer has reason to believe that a building service employee performing building service work in connection with a covered lease or covered development project has been paid less than the applicable prevailing wage and supplements or upon receipt of a written complaint, the fiscal officer shall conduct a special investigation to determine the facts relating thereto.

2. If, despite the requirements of law, the fiscal officer has not determined the prevailing wage as required in this article, the fiscal officer shall determine in the proceeding before him or her the wages prevailing at the time the work was performed for the crafts, trades or occupations of the employees involved.

3. In an investigation conducted under the provisions of this section, the inquiry of the fiscal officer shall not extend to work performed more than three years prior to: (a) the filing of the complaint, or (b) the commencement of the investigation upon the fiscal officer's own volition, whichever is earlier in point of time.

4. (a) The investigation and hearing shall be expeditiously conducted and upon the completion thereof the fiscal officer shall determine the issues raised and shall make and file an order in his or her office stating such determination and forthwith serve personally or by mail a copy of such order and determination together with a notice of filing upon all parties to the proceeding and upon the financial officer of the public agency involved.

(b) In addition to directing payment of wages found to be due, such order of the fiscal officer shall direct payment of liquidated damages in an amount equal to the greater of two percent of the annual value of the financial assistance or covered lease, or two-tenths of a percent of the total value of the financial assistance or covered lease. Where the fiscal officer is the commissioner, the penalty shall be paid to the commissioner for deposit in the state treasury. Where the fiscal officer is a city comptroller or other analogous officer, the penalty shall be paid to said officer for deposit in the city treasury.

(c) An order directing the payment to specified employees of wages found to be due and unpaid shall include interest at a rate not less than six per centum per year and not more than the rate of interest then in effect as prescribed by the superintendent of financial services pursuant to section fourteen-a of the banking law per annum from the time such wages should have been paid. In determining the rate of interest to be imposed the fiscal officer shall consider the size of the

employer's business, the good faith of the employer, the gravity of the violation, the history of previous violations of the employer, successor or substantially-owned affiliated entity, any officer of the covered developer, covered lessee or lessor, or covered employer who knowingly participated in the violation of this article, and any of the partners if the covered developer, covered lessee or lessor, or covered employer is a partnership or any of the five largest shareholders of the covered developer, covered lessee or lessor, or the covered employer, as determined by the fiscal officer, and the failure to comply with recordkeeping or other non-wage requirements.

5. (a) Provided that no proceeding for judicial review as provided in this section shall then be pending and the time for initiation of such proceeding shall have expired, the fiscal officer shall file with the county clerk of the county where the employer resides or has a place of business the order of the fiscal officer containing the amount found to be due. The filing of such order shall have the full force and effect of a judgment duly docketed in the office of such clerk. The order may be enforced by and in the name of the fiscal officer in the same manner, and with like effect, as that prescribed by the civil practice law and rules for the enforcement of a money judgment.

(b) When a final determination has been made in favor of a complainant and the covered developer, covered lessee or lessor, or covered employer found violating this article has failed to make payment as required by the order of the fiscal officer, and provided that no relevant proceeding for judicial review shall then be pending and the time for initiation of such proceeding shall have expired, the fiscal officer may file a copy of the order of the fiscal officer containing the amount found to be due with the county clerk of the county of residence or place of business of any of the following:

(i) any substantially-owned affiliated entity or any successor of the covered developer, covered lessee or lessor, or covered employer;

(ii) any of the partners if the covered developer, covered lessee or lessor, or covered employer is a partnership or any of the five largest shareholders of the covered developer, covered lessee or lessor, or covered employer, as determined by the fiscal officer; or

(iii) any officer of the covered developer, covered lessee or lessor, or covered employer who knowingly participated in the violation of this article; provided, however, that the fiscal officer shall within five days of the filing of the order provide notice thereof to the partner or top five shareholders or successor or substantially-owned affiliated entity. The notified party may contest the filing on the basis that it is not a partner or one of the five largest shareholders, an officer of the covered developer, covered lessee or lessor, or covered employer who knowingly participated in the violation of this article, or a successor or substantially-owned affiliated entity. If, after reviewing the information provided by the notified party in support of such contest, the fiscal officer determines that the notified party is not within the definitions described herein, the fiscal officer shall immediately withdraw his or her filing of the order.

(c) The filing of such order shall have the full force and effect of a judgment duly docketed in the office of such clerk. The order may be enforced by and in the name of the fiscal officer in the same manner, and with like effect, as that prescribed by the civil practice law and rules for the enforcement of a money judgment.

6. When a final determination has been made and such determination is in favor of an employee, such employee may, in addition to any other

remedy provided by this article, institute an action in any court of appropriate jurisdiction against the entity found to have violated this article, any substantially-owned affiliated entity, any officer of the covered developer, covered lessee or lessor, or covered employer who knowingly participated in the violation of this article, and any of the partners if the covered developer, covered lessee or lessor, or covered employer is a partnership or any of the five largest shareholders of the covered developer, covered lessee or lessor, or covered employer, as determined by the fiscal officer, for the recovery of the difference between the sum, if any, actually paid to him or her by the aforesaid financial officer pursuant to said order and the amount found to be due him or her as determined by said order. Such action must be commenced within three years from the date of the filing of said order, or if the said order is reviewed in a proceeding pursuant to article seventy-eight of the civil practice law and rules, within three years after the termination of such review proceeding.

7. (a) Any person claimed to be aggrieved by violation of this article shall have a cause of action in any court of competent jurisdiction against the entity alleged to have violated this article, any substantially-owned affiliated entity, any officer of the covered developer, covered lessee or lessor, or covered employer who knowingly participated in the violation of this article, and any of the partners if the covered developer, covered lessee or lessor, or covered employer is a partnership or any of the five largest shareholders of the covered developer, covered lessee or lessor, or covered employer, as determined by the fiscal officer, for the recovery of the difference between the sum, if any, actually paid to him or her by the aforesaid financial officer pursuant to said order and the amount found to be due him or her as determined by said order. The cause of action may seek damages, including punitive damages, and for injunctive relief and such other remedies as may be appropriate, unless such person has filed a complaint with the fiscal officer with respect to such claim. In an action brought by a building service employee, if the court finds in favor of the employee, it shall award the employee, in addition to other relief, his or her reasonable attorneys' fees and costs.

(b) Investigation by the fiscal officer shall not be a prerequisite to nor a bar against a person bringing a civil action under this section. Notwithstanding any inconsistent provision of subdivisions one through six of this section where a complaint filed with the fiscal officer is dismissed an aggrieved person shall maintain all rights to commence a civil action pursuant to this action as if no complaint had been filed.

(c) No procedure or remedy set forth in this section is intended to be exclusive or a prerequisite for asserting a claim for relief to enforce any rights hereunder in a court of law. This section shall not be construed to limit an employee's right to bring a common law cause of action for wrongful termination.

(d) Any judgment or court order awarding remedies under this section shall provide that if any amounts remain unpaid upon the expiration of ninety days following issuance of judgment, or ninety days after expiration of the time to appeal and no appeal is then pending, whichever is later, the total amount of judgment shall automatically increase by fifteen percent.

(e) In any action instituted upon a wage claim by a building service employee in which the employee prevails, the court may allow such employee, in addition to ordinary costs, a reasonable sum, not exceeding

one hundred dollars for expenses which may be taxed as costs. No assignee of a wage claim shall be benefited by this paragraph.

(f) Notwithstanding any other provision of law, an action to recover upon a liability imposed by this article must be commenced within the greater of six years from the date the cause of action accrued or two years from the time the plaintiff or the person under whom the plaintiff claims discovered the fraud, or could with reasonable diligence have discovered it. The statute of limitations shall be tolled from the date an employee files a complaint with the fiscal officer or the fiscal officer commences an investigation, whichever is earlier, until an order to comply issued by the fiscal officer becomes final, or where the fiscal officer does not issue an order, until the date on which the fiscal officer notifies the complainant that the investigation has concluded.

8. (a) No person shall take any adverse action against an employee that penalizes an employee for, or is reasonably likely to deter an employee from, exercising or attempting to exercise rights under this article or interfere with an employee's exercise of rights under this article.

(b) Taking an adverse action includes, but is not limited to threatening, intimidating, disciplining, discharging, demoting, suspending, or harassing an employee, reducing the hours of pay of an employee, informing another employer than an employee has engaged in activities protected by this article, discriminating against the employee, including actions related to perceived immigration status or work authorization, and maintenance or application of an absence control policy that counts protected leave as an absence that may lead to or result in an adverse action.

(c) An employee need not explicitly refer to a provision of this article to be protected from an adverse action.

(d) A causal connection may be established between the exercise, attempted exercise, or anticipated exercise of rights protected by this article and an employer's adverse action against an employee or a group of employees by indirect or direct evidence.

(e) Retaliation is established when it is shown that a protected activity was a motivating factor for an adverse action, whether or not other factors motivated the adverse action.

9. (a) When a final determination has been made against a covered employer in favor of a complainant and the covered developer, or covered lessee or lessor has made payment to the complainant of any wages and interest due the complainant and any civil penalty, and providing that no relevant proceeding for judicial review shall then be pending and the time for initiation of such proceeding shall have expired, the covered developer, or covered lessee or lessor may file a copy of the order of the fiscal officer containing the amount found to be due with the county clerk of the county of residence or place of business of the covered employer. The filing of such order shall have the full force and effect of a judgment duly docketed in the office of such clerk. The judgment may be docketed in favor of the covered developer who may proceed as a judgment creditor against the covered employer for the recovery of all monies paid by the covered developer, or covered lessee or lessor under such order.

(b) When a covered developer, or covered lessee or lessor has made payment to a complainant of any wages and interest due to him or her because of a covered employer's violation of this article, the covered developer, or covered lessee or lessor may bring suit to recover all

monies paid by the covered developer, or covered lessee or lessor from the covered employer.

10. When two judgments or final orders pursuant to the provisions of this section have been entered against a covered developer, covered lessee or lessor, covered employer, successor, or any substantially-owned affiliated entity of the covered developer, covered lessee or lessor, or covered employer, any of the partners if the covered developer, covered lessee or lessor, or covered employer is a partnership, any of the five largest shareholders of the covered developer, covered lessee or lessor, or covered employer, any officer of the covered developer, covered lessee or lessor, or covered employer who knowingly participated in the violation of this article within any consecutive six-year period determining that such covered developer, covered lessee or lessor, or covered employer and/or its successor, substantially-owned affiliated entity of the covered developer, covered lessee or lessor, or covered employer, any of the partners or any of the five largest shareholders of the covered developer, covered lessee or lessor, or covered employer, any officer of the covered developer, covered lessee or lessor, or covered employer who knowingly participated in the violation of this article has willfully failed to pay the prevailing wages in accordance with the provisions of this article, whether such failures were concurrent or consecutive and whether or not such final determinations concerning separate covered leases or awards of financial assistance are rendered simultaneously, such covered developer, covered lessee or lessor, covered employer, successor, and if the covered developer, covered lessee or lessor, covered employer, successor, or any substantially-owned affiliated entity of the covered developer, covered lessee or lessor, or covered employer, any of the partners if the covered developer, covered lessee or lessor, or covered employer is a partnership, or any of the five largest shareholders of the covered developer, covered lessee or lessor, or covered employer, any officer of the covered developer, covered lessee or lessor, or covered employer who knowingly participated in the violation of this article, or any successor is a corporation, any officer of such corporation who knowingly participated in such failure, shall be ineligible to enter into covered leases with a public agency or receive financial assistance for a period of five years from the date of the second order; provided, however, that where any such final order involves the falsification of payroll records or the kickback of wages, the covered developer, covered lessee or lessor, covered employer, successor, substantially-owned affiliated entity of the covered developer, covered lessee or lessor, or covered employer, any partner if the covered developer, covered lessee or lessor, or covered employer is a partnership or any of the five largest shareholders of the covered developer, covered lessee or lessor, or covered employer, any officer of the covered developer, covered lessee or lessor, or covered employer who knowingly participated in the violation of this article shall be ineligible to receive for a period of five years from the date of the first final order. Nothing in this subdivision shall be construed as affecting any provision of any other law or regulation relating to the awarding of financial assistance or entering into a covered lease with a public agency. The commissioner shall maintain a list of covered developers, and covered lessees or lessors, who are ineligible, including their names, address, date and duration of their ineligibility. Such list shall be updated and published as often as is necessary to keep it current.

§ 7. Subdivision 1 of section 237 of the labor law, as amended by chapter 698 of the laws of 1988, is amended and a new subdivision 5 is added to read as follows:

1. Subcontractors engaged for service work by a contractor or its subcontractor **and covered employers,** shall, upon receipt from the **covered developer, or covered lessee or lessor,** contractor or its subcontractor of the schedule of wages and supplements specified in the contract **or article nine prevailing wage schedule,** provide to the **covered developer, covered lessee or lessor,** contractor or its subcontractor a verified statement attesting that the **covered employer or** subcontractor has received and reviewed such schedule of wages and supplements, and agrees that it will pay the applicable prevailing wages and will pay or provide the supplements specified therein. Such verified statement shall be filed in the manner described in subdivision three of this section **for subcontractors of a contractor or its subcontractor, and in the manner described in subdivision four of this section for covered employers**. It shall be a violation of this article for any **covered developer, covered lessee or lessor,** contractor or its subcontractor to fail to provide for its subcontractor a copy of the schedule of wages and supplements specified in the contract **or article nine prevailing wage schedules**.

5. Prior to receiving financial assistance or entering into a covered lease, or an extension, renewal, amendment, modification of a covered lease, and annually thereafter, every covered developer, covered lessee or lessor, or covered employer shall provide the public agency providing financial assistance and the fiscal officer with an annual verified statement that all building service employees employed at a covered development project or at real property subject to a covered lease by the covered developer, covered lessee or lessor, or by a covered employer to perform building service work will be and/or have been paid the prevailing wage. Such verified statement shall include a record of the days and hours worked and the wages paid to each building service employee employed at the covered development project, or at real property subject to a covered lease. Where the wages paid include sums which are not paid directly to the workmen weekly and which are expended for supplements, the statement shall include a record of such hourly payments on behalf of such employees, the supplement for which such payment has been made, and the name and address of the person to whom the payment has been made. Such statement shall be verified by the oath of the chief executive or chief financial officer of the covered developer, or covered lessee or lessor, or the designee of any such person that he or she has read such statements subscribed by him or her and knows the contents thereof, and that the same is true of his or her own knowledge, except with respect to wages and supplements owing by contract which may be certified upon information and belief. A violation of any provision of the statement, or failure to provide such statement, shall constitute a violation of this section. The fiscal officer or a public agency leasing or providing financial assistance may inspect the records maintained pursuant to section two hundred thirty-three of this article to verify these statements.

§ 8. Subdivision 1 of section 238 of the labor law, as added by chapter 777 of the laws of 1971, is amended and two new subdivisions 3 and 4 are added to read as follows:

1. Any contractor**, covered developer, covered lessee or lessor, covered employer,** or subcontractor who shall upon his oath verify any statement required to be filed under this article which is known by him

to be false shall be guilty of perjury and punishable as provided by the penal law.

3. In the event of a failure by a covered developer, covered lessee or lessor, or covered employer to comply with the provisions of this article, the covered developer, covered lessee or lessor, or covered employer shall be provided with a written notice of failure to comply by the fiscal officer allowing ten days to cure the failure to comply. If the covered developer, covered lessee or lessor, or covered employer fails to timely cure in addition to any other remedies available at law or in equity, the fiscal officer shall be permitted to seek the following remedies:

(a) Suspension: suspend the payments of any financial assistance to the covered developer until the date of cure.

(b) Liquidated damages: failure to provide a required record or statement or to allow work place access may result in liquidated damages in an amount equal to the greater of two percent of the annual value of the financial assistance or covered lease, or two-tenths of a percent of the total value of the financial assistance or covered lease.

(c) Termination: a material breach of this article that continues for a period of six months or more, shall allow the public agency to terminate the financial assistance or covered lease.

(d) Penalty for late filing: late filing of any report required under this article: a payment of one thousand dollars per day for each day the report is late for up to fourteen days. After fourteen days, the remedy in paragraph (b) of this subdivision shall apply.

4. Where the fiscal officer is the commissioner, the penalty shall be paid to the commissioner for deposit in the state treasury. Where the fiscal officer is a city comptroller or other analogous officer, the penalty shall be paid to said officer for deposit in the city treasury.

§ 9. Section 239 of the labor law, as added by chapter 777 of the laws of 1971, subdivisions 1, 2 and 3 as amended by chapter 770 of the laws of 1986, is amended to read as follows:

§ 239. Provisions in contracts prohibiting discrimination on account of race, creed, color, national origin, age or sex. [~~Every~~] **Covered developers and covered lessees or lessors shall comply with the following provisions and every** contract for service work shall contain provisions by which the contractor agrees:

(1) that in the hiring of employees for the performance of work under the contract or any subcontract thereunder within the territorial limits of this state, no contractor, subcontractor, nor any person acting on behalf of such contractor or subcontractor, shall by reason of race, creed, color, national origin, age, sex or disability, discriminate against any citizen of the state of New York who is qualified and available to perform the work to which the employment relates;

(2) that no contractor, subcontractor, nor any person on his behalf shall, in any manner, discriminate against or intimidate any employee hired for the performance of work under the contract on account of race, creed, color, national origin, age, sex or disability;

(3) that there may be deducted from the amount payable to the contractor by the public agency under the contract a penalty of fifty dollars for each person for each day during which such person was discriminated against or intimidated in violation of the provisions of the contract;

(4) that the contract**, covered lease, or grant of financial assistance** may be cancelled or terminated by the public agency, and all moneys due or to become due thereunder may be forfeited for a second or any subse-

quent violation of the terms or conditions of this section of the contract.

§ 10. Section 239-a of the labor law, as added by chapter 777 of the laws of 1971, is amended to read as follows:

§ 239-a. Enforcement of article. If the fiscal officer, as defined herein, finds that any **covered developer, covered lessee or lessor, or** contractor on service work fails to comply with or evades the provisions of this article, he shall present evidence of such noncompliance or evasion to the public agency having charge of such work**, or who has entered into a covered lease or provided financial assistance for the covered development project** for enforcement. Where such evidence indicates a noncompliance or evasion on the part of a subcontractor **or covered employer**, the contractor **or covered developer, or covered lessee or lessors,** shall be responsible for such noncompliance or evasion. It shall be the duty of the public agency in charge of such service work**, or who has entered into a covered lease or provided financial assistance for the covered development project** to enforce the provisions of this article.

§ 11. This act shall take effect immediately.

§ 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.

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