

STATE OF NEW YORK

S. 7506

A. 9506

SENATE - ASSEMBLY

January 22, 2020

IN SENATE -- A BUDGET BILL, submitted by the Governor pursuant to article seven of the Constitution -- read twice and ordered printed, and when printed to be committed to the Committee on Finance

IN ASSEMBLY -- A BUDGET BILL, submitted by the Governor pursuant to article seven of the Constitution -- read once and referred to the Committee on Ways and Means

AN ACT 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 the purchase and loan of text-books; to amend the education law, in relation to aid for the purchase of school library materials; to amend the education law, in relation to the purchase and loan of computer software and hardware; to amend the education law, in relation to boards of cooperative educational services; to amend the education law, in relation to the apportionment of public moneys in school districts employing eight or more teachers including foundation aid; to amend the education law, in relation to the statewide universal full-day pre-kindergarten program; to amend the education law, in relation to conditions under which districts are entitled to apportionment; to amend the education law, in relation to waiving certain duties of districts, schools or boards of cooperative educational services; to amend the education law, in relation to issuance of charters; to amend the education law, in relation to courses of instruction in patriotism and citizenship and in certain historic documents; to amend the education law, in relation to instruction in the Holocaust in certain schools; to amend the education law, in relation to moneys apportioned to school districts for commercial gaming grants; 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 2020-2021 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 chapter 169 of the laws of 1994, relating to certain provisions related to the 1994-95 state operations, aid to localities, capital projects and debt service

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

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budgets, 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 part C of chapter 57 of the laws of 2004, relating to the support of education, in relation to the effectiveness thereof; relates to school bus driver training; relates to special apportionment for salary expenses and public pension accruals; relates to authorizing the city school district of the city of Rochester to purchase certain services; relates to suballocations of appropriations; and relates to the support of public libraries (Part A); to amend the education law, in relation to establishing the Syracuse Comprehensive Education and Workforce Training Center focusing on Science, Technology, Engineering, Arts, and Math to provide instruction to students in the Onondaga, Cortland and Madison county BOCES and the central New York region in the areas of science, technology, engineering, arts and mathematics (Part B); directing the commissioner of education to appoint a monitor for the Rochester city school district and establishing the powers and duties of such monitor and certain other officers; and providing for the repeal of such provisions upon the expiration thereof (Part C); to amend the education law, in relation to predictable tuition allowing annual tuition increase for SUNY and CUNY schools; and to amend chapter 260 of the laws of 2011, amending the education law and the New York state urban development corporation act relating to establishing components of the NY-SUNY 2020 challenge grant program, in relation to the effectiveness thereof (Part D); to amend the education law, in relation to adjusted gross income qualification for the excelsior scholarship (Part E); to amend the education law, in relation to adjusted gross income caps for enhanced tuition awards (Part F); to amend the business corporation law, the partnership law and the limited liability company law, in relation to certified public accountants (Part G); to utilize reserves in the mortgage insurance fund for various housing purposes (Part H); to amend the emergency tenant protection act of nineteen seventy-four, in relation to authorizing a payment offset for rent administration costs (Part I); to amend the labor law, in relation to guaranteeing sick leave (Part J); 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 K); to amend the family court act, in relation to judgments of parentage of children conceived through assisted reproduction or pursuant to surrogacy agreements; to amend the domestic relations law, in relation to restricting genetic surrogate parenting contracts; to amend the public health law, in relation to voluntary acknowledgments of parentage, gestational surrogacy and regulations concerning ova donation; to amend the general business law, the estates, powers and trusts law, and the social services law, in relation to the regulation of surrogacy programs; and to repeal section 73 of the domestic relations law, relating to legitimacy of children born by artificial insemination (Part L); to amend the social services law and the family court act, in relation to

compliance with the Federal Family First Prevention Services Act (Part M); to amend the social services law, in relation to restructuring financing for residential school placements (Part N); and to amend the executive law, in relation to New York state veterans cemeteries (Part O)

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Enacts into law major components of legislation necessary
2 to implement the state education, labor, housing and family assistance
3 budget for the 2020-2021 state fiscal year. Each component is wholly
4 contained within a Part identified as Parts A through O. The effective
5 date for each particular provision contained within such Part is set
6 forth in the last section of such Part. Any provision in any section
7 contained within a Part, including the effective date of the Part, which
8 makes a reference to a section "of this act", when used in connection
9 with that particular component, shall be deemed to mean and refer to the
10 corresponding section of the Part in which it is found. Section three
11 of this act sets forth the general effective date of this act.

12 PART A

13 Section 1. Paragraph e of subdivision 1 of section 211-d of the educa-
14 tion law, as amended by section 1 of part YYY of chapter 59 of the laws
15 of 2019, is amended to read as follows:

16 e. Notwithstanding paragraphs a and b of this subdivision, a school
17 district that submitted a contract for excellence for the two thousand
18 eight--two thousand nine school year shall submit a contract for excel-
19 lence for the two thousand nine--two thousand ten school year in
20 conformity with the requirements of subparagraph (vi) of paragraph a of
21 subdivision two of this section unless all schools in the district are
22 identified as in good standing and provided further that, a school
23 district that submitted a contract for excellence for the two thousand
24 nine--two thousand ten school year, unless all schools in the district
25 are identified as in good standing, shall submit a contract for excel-
26 lence for the two thousand eleven--two thousand twelve school year which
27 shall, notwithstanding the requirements of subparagraph (vi) of para-
28 graph a of subdivision two of this section, provide for the expenditure
29 of an amount which shall be not less than the product of the amount
30 approved by the commissioner in the contract for excellence for the two
31 thousand nine--two thousand ten school year, multiplied by the
32 district's gap elimination adjustment percentage and provided further
33 that, a school district that submitted a contract for excellence for the
34 two thousand eleven--two thousand twelve school year, unless all schools
35 in the district are identified as in good standing, shall submit a
36 contract for excellence for the two thousand twelve--two thousand thir-
37 teen school year which shall, notwithstanding the requirements of
38 subparagraph (vi) of paragraph a of subdivision two of this section,
39 provide for the expenditure of an amount which shall be not less than
40 the amount approved by the commissioner in the contract for excellence
41 for the two thousand eleven--two thousand twelve school year and
42 provided further that, a school district that submitted a contract for
43 excellence for the two thousand twelve--two thousand thirteen school
44 year, unless all schools in the district are identified as in good

1 standing, shall submit a contract for excellence for the two thousand
2 thirteen--two thousand fourteen school year which shall, notwithstanding
3 the requirements of subparagraph (vi) of paragraph a of subdivision two
4 of this section, provide for the expenditure of an amount which shall be
5 not less than the amount approved by the commissioner in the contract
6 for excellence for the two thousand twelve--two thousand thirteen school
7 year and provided further that, a school district that submitted a
8 contract for excellence for the two thousand thirteen--two thousand
9 fourteen school year, unless all schools in the district are identified
10 as in good standing, shall submit a contract for excellence for the two
11 thousand fourteen--two thousand fifteen school year which shall,
12 notwithstanding the requirements of subparagraph (vi) of paragraph a of
13 subdivision two of this section, provide for the expenditure of an
14 amount which shall be not less than the amount approved by the commis-
15 sioner in the contract for excellence for the two thousand thirteen--two
16 thousand fourteen school year; and provided further that, a school
17 district that submitted a contract for excellence for the two thousand
18 fourteen--two thousand fifteen school year, unless all schools in the
19 district are identified as in good standing, shall submit a contract for
20 excellence for the two thousand fifteen--two thousand sixteen school
21 year which shall, notwithstanding the requirements of subparagraph (vi)
22 of paragraph a of subdivision two of this section, provide for the
23 expenditure of an amount which shall be not less than the amount
24 approved by the commissioner in the contract for excellence for the two
25 thousand fourteen--two thousand fifteen school year; and provided
26 further that a school district that submitted a contract for excellence
27 for the two thousand fifteen--two thousand sixteen school year, unless
28 all schools in the district are identified as in good standing, shall
29 submit a contract for excellence for the two thousand sixteen--two thou-
30 sand seventeen school year which shall, notwithstanding the requirements
31 of subparagraph (vi) of paragraph a of subdivision two of this section,
32 provide for the expenditure of an amount which shall be not less than
33 the amount approved by the commissioner in the contract for excellence
34 for the two thousand fifteen--two thousand sixteen school year; and
35 provided further that, a school district that submitted a contract for
36 excellence for the two thousand sixteen--two thousand seventeen school
37 year, unless all schools in the district are identified as in good
38 standing, shall submit a contract for excellence for the two thousand
39 seventeen--two thousand eighteen school year which shall, notwithstand-
40 ing the requirements of subparagraph (vi) of paragraph a of subdivision
41 two of this section, provide for the expenditure of an amount which
42 shall be not less than the amount approved by the commissioner in the
43 contract for excellence for the two thousand sixteen--two thousand
44 seventeen school year; and provided further that a school district that
45 submitted a contract for excellence for the two thousand seventeen--two
46 thousand eighteen school year, unless all schools in the district are
47 identified as in good standing, shall submit a contract for excellence
48 for the two thousand eighteen--two thousand nineteen school year which
49 shall, notwithstanding the requirements of subparagraph (vi) of para-
50 graph a of subdivision two of this section, provide for the expenditure
51 of an amount which shall be not less than the amount approved by the
52 commissioner in the contract for excellence for the two thousand seven-
53 teen--two thousand eighteen school year; and provided further that, a
54 school district that submitted a contract for excellence for the two
55 thousand eighteen--two thousand nineteen school year, unless all schools
56 in the district are identified as in good standing, shall submit a

1 contract for excellence for the two thousand nineteen--two thousand
2 twenty school year which shall, notwithstanding the requirements of
3 subparagraph (vi) of paragraph a of subdivision two of this section,
4 provide for the expenditure of an amount which shall be not less than
5 the amount approved by the commissioner in the contract for excellence
6 for the two thousand eighteen--two thousand nineteen school year; and
7 provided further that, a school district that submitted a contract for
8 excellence for the two thousand nineteen--two thousand twenty school
9 year, unless all schools in the district are identified as in good
10 standing, shall submit a contract for excellence for the two thousand
11 twenty--two thousand twenty-one school year which shall, notwithstanding
12 the requirements of subparagraph (vi) of paragraph a of subdivision two
13 of this section, provide for the expenditure of an amount which shall be
14 not less than the amount approved by the commissioner in the contract
15 for excellence for the two thousand nineteen--two thousand twenty school
16 year. For purposes of this paragraph, the "gap elimination adjustment
17 percentage" shall be calculated as the sum of one minus the quotient of
18 the sum of the school district's net gap elimination adjustment for two
19 thousand ten--two thousand eleven computed pursuant to chapter fifty-
20 three of the laws of two thousand ten, making appropriations for the
21 support of government, plus the school district's gap elimination
22 adjustment for two thousand eleven--two thousand twelve as computed
23 pursuant to chapter fifty-three of the laws of two thousand eleven,
24 making appropriations for the support of the local assistance budget,
25 including support for general support for public schools, divided by the
26 total aid for adjustment computed pursuant to chapter fifty-three of the
27 laws of two thousand eleven, making appropriations for the local assist-
28 ance budget, including support for general support for public schools.
29 Provided, further, that such amount shall be expended to support and
30 maintain allowable programs and activities approved in the two thousand
31 nine--two thousand ten school year or to support new or expanded allow-
32 able programs and activities in the current year.

33 § 2. Section 701 of the education law, as amended by chapter 587 of
34 the laws of 1973, subdivision 2 as amended by section 1 of part A1 of
35 chapter 58 of the laws of 2011, subdivision 3 as amended by chapter 391
36 of the laws of 1989, subdivision 4 as amended by chapter 82 of the laws
37 of 1995, subdivision 6 as amended by section 6 of part B of chapter 57
38 of the laws of 2007, subdivision 7 as amended by section 2 of part A of
39 chapter 436 of the laws of 1997, and subdivision 8 as added by chapter
40 635 of the laws of 1984, is amended to read as follows:

41 § 701. Power to designate text-books; purchase and loan of text-books;
42 purchase of supplies. 1. In the several cities and school districts of
43 the state, boards of education, trustees or such body or officer as
44 perform the functions of such boards, shall designate text-books to be
45 used in the schools under their charge.

46 2. A text-book, for the purposes of this section shall mean: (i) any
47 book, or a book substitute, which shall include hard covered or paper-
48 back books, work books, or manuals and (ii) for expenses incurred after
49 July first, nineteen hundred ninety-nine, any courseware or other
50 content-based instructional materials in an electronic format, as such
51 terms are defined in the regulations of the commissioner, which a pupil
52 is required to use as a text, or a text-substitute, in a particular
53 class or program in the school he or she legally attends. For expenses
54 incurred on or after July first, two thousand eleven, and before July
55 first, two thousand nineteen, a text-book shall also mean items of
56 expenditure that are eligible for an apportionment pursuant to sections

1 seven hundred eleven, seven hundred fifty-one and/or seven hundred
2 fifty-three of this title, where such items are designated by the school
3 district as eligible for aid pursuant to this section, provided, howev-
4 er, that if aided pursuant to this section, such expenses shall not be
5 aidable pursuant to any other section of law. Expenditures aided pursu-
6 ant to this section shall not be eligible for aid pursuant to any other
7 section of law. Courseware or other content-based instructional materi-
8 als in an electronic format included in the definition of textbook
9 pursuant to this subdivision shall be subject to the same limitations on
10 content as apply to books or book substitutes aided pursuant to this
11 section.

12 3. In the several cities and school districts of the state, boards of
13 education, trustees or such body or officers as perform the function of
14 such boards shall have the power and duty to purchase and to loan upon
15 individual request, textbooks, to all children residing in such district
16 who are enrolled in a public school including children attending the
17 public schools of the district for whom the district is eligible to
18 receive reimbursement pursuant to paragraph a of subdivision eight of
19 section thirty-two hundred two of this chapter, provided, however, that
20 such children shall not be counted by any other school district, and to
21 all children residing in such district who are enrolled in a nonpublic
22 school. Textbooks loaned to children enrolled in said nonpublic schools
23 shall be textbooks which are designated for use in any public schools of
24 the state or are approved by any boards of education, trustees or other
25 school authorities. Such textbooks are to be loaned free to such chil-
26 dren subject to such rules and regulations as are or may be prescribed
27 by the board of regents and such boards of education, trustees or other
28 school authorities. Enrollment shall be as defined in subdivision one of
29 section thirty-six hundred two of this chapter.

30 4. No school district shall be required to purchase or otherwise
31 acquire textbooks, the cost of which shall exceed an amount equal to the
32 ~~[apportionment]~~ textbook factor pursuant to subdivision six of this
33 section plus a minimum lottery grant determined pursuant to subdivision
34 four of section ninety-two-c of the state finance law multiplied by ~~[the~~
35 ~~number of children residing in such district and so enrolled in the base~~
36 ~~year]~~ the sum of the enrollments in grades kindergarten through twelve
37 in the base year calculated pursuant to subparagraphs four, five and six
38 of paragraph n of subdivision one of section thirty-six hundred two of
39 this chapter; and no school district shall be required to loan textbooks
40 in excess of the textbooks owned or acquired by such district; provided,
41 however that all textbooks owned or acquired by such district shall be
42 loaned to children residing in the district and so enrolled in public
43 and nonpublic schools on an equitable basis.

44 5. In the several cities and school districts of the state, boards of
45 education, trustees or other school authorities may purchase supplies
46 and either rent, sell or loan the same to the pupils attending the
47 public schools in such cities and school districts upon such terms and
48 under such rules and regulations as may be prescribed by such boards of
49 education, trustees or other school authorities.

50 6. The commissioner, in addition to the annual apportionment of public
51 monies pursuant to other articles of this chapter, in the two thousand
52 nineteen--two thousand twenty school year and prior shall apportion to
53 each school district an amount equal to the cost of the textbooks
54 purchased and loaned by the district pursuant to this section in the
55 base year, but in no case shall the aid apportioned to the district
56 exceed the product of the textbook factor plus a minimum lottery grant,

determined pursuant to subdivision four of section ninety-two-c of the state finance law, and the sum of the enrollments in grades kindergarten through twelve in the base year calculated pursuant to subparagraphs four, five, and six of paragraph n of subdivision one of section thirty-six hundred two of this chapter. Aid payable pursuant to this section shall be deemed final and not subject to change after April thirtieth of the school year for which payment was due.

For aid payable in the two thousand seven--two thousand eight school year [~~and thereafter~~] through the two thousand nineteen--two thousand twenty school year, the textbook factor shall equal forty-three dollars and twenty-five cents. For purposes of determining loans pursuant to subdivisions three and four of this section in the two thousand twenty--two thousand twenty-one school year and thereafter, the textbook factor shall equal fifty-eight dollars and twenty-five cents.

7. The apportionment provided for in this section shall be paid, at such times as may be determined by the commissioner and approved by the director of the budget, during the school year in which the expenditures are reported to the department prior to such apportionment. Expenditures by a school district in excess of the product of the textbook factor plus a minimum lottery grant determined pursuant to subdivision four of section ninety-two-c of the state finance law and the sum of the enrollments in grades kindergarten through twelve in the base year calculated pursuant to subparagraphs four, five, and six of paragraph n of subdivision one of section thirty-six hundred two of this chapter in any school year shall be deemed approved operating expense of the district for the purpose of computation of state aid pursuant to section thirty-six hundred two of this chapter, but expenditures up to such product shall not be deemed approved operating expenses for such purpose.

8. In its discretion, a board of education may adopt regulations specifying the date by which requests for the purchase and loan of textbooks must be received by the district. Notice of such date shall be given to all non-public schools. Such date shall not be earlier than the first day of June of the school year prior to that for which such textbooks are being requested, provided, however, that a parent or guardian of a child not attending a particular non-public school prior to June first of the school year may submit a written request for textbooks within thirty days after such child is enrolled in such non-public school. In no event however shall a request made later than the times otherwise provided pursuant to this subdivision be denied where a reasonable explanation is given for the delay in making the request.

§ 3. Subdivision 4 of section 711 of the education law, as amended by section 4 of part C of chapter 58 of the laws of 1998, is amended to read as follows:

4. Commencing July first, nineteen hundred ninety eight through June thirtieth, two thousand twenty, the commissioner, in addition to the annual apportionment of public monies pursuant to other articles of this chapter, shall apportion to each school district an amount equal to the cost of the school library materials purchased by the district pursuant to this section in the base year, but in no case shall the aid apportioned to the district exceed the product of the library materials factor and the sum of public school district enrollment, nonpublic school enrollment, and additional public enrollment as defined in subparagraphs two, three, and six of paragraph n of subdivision one of section thirty-six hundred two of this chapter. Aid payable pursuant to this section shall be deemed final and not subject to change after April thirtieth of the school year for which payment was due.

§ 4. Subdivision 2 of section 712 of the education law, as added by chapter 53 of the laws of 1985, is amended to read as follows:

2. No school district shall be required to loan school library materials in excess of the school library materials owned ~~[or]~~, acquired, or designated by such district pursuant to section seven hundred eleven of this article provided that such designated amount shall not exceed the product of the library materials factor and the sum of public school district enrollment, nonpublic school enrollment, and additional public enrollment as defined in subparagraphs two, three and six of paragraph n of subdivision one of section thirty-six hundred two of this chapter.

Such school library materials shall be loaned on an equitable basis to children defined in subdivision three of section seven hundred eleven of this article attending in the current year. The payment of tuition under article eighty-nine of this chapter is deemed to be an equitable loan to children for whom such tuition is paid.

§ 5. Subdivision 4 of section 751 of the education law, as amended by section 3 of part H of chapter 83 of the laws of 2002, is amended to read as follows:

4. The commissioner, in addition to the annual apportionment of public monies pursuant to other articles of this chapter, in the two thousand nineteen--two thousand twenty school year and prior shall apportion to each school district an amount equal to the cost of the software programs purchased by the district pursuant to this section in the base year, but in no case shall the aid apportioned to the district exceed the product of the software factor and the sum of public school district enrollment, nonpublic school enrollment, and additional public enrollment as defined in subparagraphs two, three, and six of paragraph n of subdivision one of section thirty-six hundred two of this chapter.

For aid payable in the nineteen hundred ninety-seven--ninety-eight and nineteen hundred ninety-eight--ninety-nine school years, the software factor shall equal four dollars and fifty-eight cents. For aid payable in the nineteen hundred ninety-nine--two thousand school year, the software factor shall equal seven dollars and fifty-five cents. For aid payable in the two thousand--two thousand one school year, the software factor shall equal fourteen dollars and ninety-eight cents. For aid payable in the two thousand one--two thousand two school year, the software factor shall equal twenty-three dollars and ninety cents. For aid payable in the two thousand two--two thousand three school year and thereafter, the software factor shall equal fourteen dollars and ninety-eight cents. The apportionment provided for in this section shall be paid at such times as may be determined by the commissioner and approved by the director of the budget. Aid payable pursuant to this section shall be deemed final and not subject to change after April thirtieth of the school year for which payment was due.

§ 6. Subdivision 2 of section 752 of the education law, as amended by chapter 257 of the laws of 1984, is amended to read as follows:

2. No school district shall be required to loan software programs in excess of the software programs owned ~~[or]~~, acquired, or designated by such district pursuant to section seven hundred fifty-one of this article provided that such designated amount shall not exceed the product of the software factor and the sum of public school district enrollment, nonpublic school enrollment, and additional public enrollment as defined in subparagraphs two, three, and six of paragraph n of subdivision one of section thirty-six hundred two of this chapter. Such software programs shall be loaned on an equitable basis to children defined in subdivision three of section seven hundred fifty-one of this article

1 attending in the current year. The payment of tuition under article
2 eighty-nine of this chapter is deemed to be an equitable loan to chil-
3 dren for whom such tuition is paid.

4 § 7. Section 753 of the education law, as added by section 7-a of part
5 B of chapter 57 of the laws of 2007, subdivision 1 as amended by section
6 4 of part A1 of chapter 58 of the laws of 2011, is amended to read as
7 follows:

8 § 753. Instructional computer hardware and technology equipment appor-
9 tionment. 1. In addition to any other apportionment under this chapter,
10 a school district shall be eligible for an apportionment under the
11 provisions of this section in the two thousand nineteen--two thousand
12 twenty school year and prior for approved expenses for (i) the purchase
13 or lease of micro and/or mini computer equipment or terminals for
14 instructional purposes or (ii) technology equipment, as defined in para-
15 graph c of subdivision two of this section, used for instructional
16 purposes, or (iii) for the repair of such equipment and training and
17 staff development for instructional purposes as provided hereinafter, or
18 (iv) for expenses incurred on or after July first, two thousand eleven
19 and before July first, two thousand nineteen, any items of expenditure
20 that are eligible for an apportionment pursuant to sections seven
21 hundred one, seven hundred eleven and/or seven hundred fifty-one of this
22 title, where such items are designated by the school district as eligi-
23 ble for aid pursuant to this section, provided, however, that if aided
24 pursuant to this section, such expenses shall not be aidable pursuant to
25 any other section of law. Such aid shall be provided pursuant to a plan
26 developed by the district which demonstrates to the satisfaction of the
27 commissioner that the instructional computer hardware needs of the
28 district's public school students have been adequately met and that the
29 school district has provided for the loan of instructional computer
30 hardware to students legally attending nonpublic schools pursuant to
31 section seven hundred fifty-four of this article. The apportionment
32 shall equal the lesser of such approved expense in the base year or, the
33 product of (i) the technology factor, (ii) the sum of the public school
34 district enrollment and the nonpublic school enrollment in the base year
35 as defined in subparagraphs two and three of paragraph n of subdivision
36 one of section thirty-six hundred two of this chapter, and (iii) the
37 building aid ratio, as defined in subdivision four of section thirty-six
38 hundred two of this chapter. For aid payable in the two thousand seven-
39 -two thousand eight school year and thereafter, the technology factor
40 shall be twenty-four dollars and twenty cents. A school district may use
41 up to twenty percent of the product of (i) the technology factor, (ii)
42 the sum of the public school district enrollment and the nonpublic
43 school enrollment in the base year as defined in subparagraphs two and
44 three of paragraph n of subdivision one of section thirty-six hundred
45 two of this chapter, and (iii) the building aid ratio for the repair of
46 instructional computer hardware and technology equipment and training
47 and staff development for instructional purposes pursuant to a plan
48 submitted to the commissioner.

49 2. As used in this article:

50 a. "Current year" shall have the same meaning as that term is defined
51 in subdivision one of section thirty-six hundred two of this chapter;

52 b. "Base year" shall have the same meaning as that term is defined in
53 subdivision one of section thirty-six hundred two of this article; and

54 c. "Technology equipment", for the purposes of this article, shall
55 mean equipment with a useful life used in conjunction with or in support
56 of educational programs including but not limited to video, solar ener-

gy, robotic, satellite, laser and such other equipment as the commissioner shall approve provided that expenses for the purchase or lease of such equipment shall not be eligible for aid under any other provisions of this chapter.

3. No school district shall be required to purchase or otherwise acquire instructional computer hardware or technology equipment, the cost of which exceeds, for the two thousand nineteen-two thousand twenty school year and prior, the amount of state aid provided pursuant to this section, and for the two thousand twenty--two thousand twenty-one school year and thereafter, the product of (i) the technology factor, (ii) the sum of the public school district enrollment and the nonpublic school enrollment in the base year as defined in subparagraphs two and three of paragraph n of subdivision one of section thirty-six hundred two of this chapter, and (iii) the building aid ratio.

4. The apportionment provided for in this section shall be paid at such times as may be determined by the commissioner and approved by the director of the budget, during the school year in which the expenditures are reported to the department prior to such apportionment, but not earlier than the school year after the school year in which expenses are incurred.

5. Expenses aided pursuant to this section shall not be eligible for aid pursuant to any other provision of this chapter.

§ 8. Paragraphs a, f, g and h of subdivision 5 of section 1950 of the education law, paragraph a as amended by section 4 and paragraph g as amended by section 5 of part C of chapter 57 of the laws of 2004, paragraph f as amended by chapter 53 of the laws of 1981, and paragraph h as added by section 1 of part L of chapter 57 of the laws of 2005, are amended to read as follows:

a. Upon application by a board of cooperative educational services, in the two thousand nineteen--two thousand twenty school year and prior, there shall be apportioned and paid from state funds to each board of cooperative educational services an amount which shall be the product of the approved cost of services actually incurred during the base year multiplied by the sharing ratio for cooperative educational services aid which shall equal the greater of: (i) an amount equal to one minus the quotient expressed as a decimal to three places without rounding of eight mills divided by the tax rate of the local district computed upon the actual valuation of taxable property, as determined pursuant to subdivision one of section thirty-six hundred two of this chapter and notwithstanding section three thousand six hundred three, expressed in mills to the nearest tenth as determined by the commissioner, provided, however, that where services are provided to a school district which is included within a central high school district or to a central high school district, such amount shall equal one minus the quotient expressed as a decimal to three places without rounding of three mills divided by the tax rates, expressed in mills to the nearest tenth, of such districts, as determined by the commissioner or (ii) the aid ratio of each school district for the current year, which shall be such component school district's board of cooperative educational services aid ratio and which shall be not less than thirty-six percent converted to decimals and shall be not more than ninety percent converted to decimals. For the purposes of this paragraph, the tax rate of the local district computed upon the actual valuation of taxable property shall be the sum of the amount of tax raised by the school district plus any payments in lieu of taxes received by the school district pursuant to section four hundred eighty-five of the real property tax law, divided

1 by the actual valuation of the school district, provided, however that
2 the tax rate for a central high school district shall be the sum of the
3 amount of tax raised by the common and union free school districts
4 included within the central high school district for the support of the
5 central high school district plus any payments in lieu of taxes received
6 for the support of the central high school district pursuant to section
7 four hundred eighty-five of the real property tax law, divided by the
8 actual valuation of the central high school district. The tax rate for
9 each common or union free school district which is included within a
10 central high school district shall be the sum of the amount raised for
11 the support of such common or union free school district plus any
12 payments in lieu of taxes received for the support of the school
13 district pursuant to section four hundred eighty-five of the real prop-
14 erty tax law, exclusive of the amount raised for the central high school
15 district, divided by the actual valuation of such common or union free
16 school district.

17 f. The sum of the amounts determined for each component school
18 district as the apportionment to the board of cooperative educational
19 services pursuant to the provisions of this section shall not be less
20 than the amount which would have been apportioned during the nineteen
21 hundred sixty-seven--sixty-eight school year under the provisions of
22 this subdivision as in effect on December thirty-first, nineteen hundred
23 sixty-six to the board of cooperative educational services of which the
24 district was a component member for which such apportionment was made,
25 except that such minimum apportionment shall be reduced in any year in
26 which the expenditures of the component district for board of cooper-
27 ative educational purposes fall below the expenditure on which the nine-
28 teen hundred sixty-seven--sixty-eight apportionment to the board of
29 cooperative educational services was based, such reduction to be made on
30 a proportionate basis, provided, however, that such limitation shall no
31 longer apply commencing with the two thousand twenty--two thousand twen-
32 ty-one school year.

33 g. Any payment required by a board of cooperative educational services
34 to the dormitory authority or any payment required by a board of cooper-
35 ative educational services to acquire or construct a school facility of
36 the board of cooperative educational services, and any payments for
37 rental of facilities by a board of cooperative educational services
38 shall, for the purposes of apportionment of public moneys to the board
39 of cooperative educational services by the state of New York, be deemed
40 to be an administrative or capital expense, as designated by the commis-
41 sioner, but the entire amount of such payment shall be utilized in
42 making such apportionment and the limitation of ten percent of the total
43 expenses contained in this subdivision shall not be applicable. Any
44 expense designated by the commissioner as a capital expense shall be
45 included in the capital budget of the board of cooperative educational
46 services and, except as otherwise provided in this paragraph, shall be
47 aided in the same manner as an administrative expense, provided, howev-
48 er, that such aid shall not be provided commencing with the two thousand
49 twenty--two thousand twenty-one school year. Any such payment shall not
50 be considered part of the total expenses of the board for purposes of
51 determining the administrative and clerical expenses not to exceed ten
52 percent otherwise eligible for aid under this subdivision, and such
53 payments shall be considered for the purpose of apportionment during the
54 current school year such payment is made. The apportionment for such
55 payments shall be determined by multiplying the amount of such payment
56 allocated to each component school district in the board of cooperative

educational services by the aid ratio, and shall be not more than ninety percent converted to decimals, of each such component computed pursuant to subdivision three of section thirty-six hundred two and used to apportion aid to that district in that current school year; provided, however, the apportionment for the construction, acquisition, reconstruction, rehabilitation, or improvement of board of cooperative educational services facilities, including payments to the dormitory authority and payments under any lease agreement, shall be based upon the cost of the board of cooperative educational services school facilities but not to exceed the cost allowance set forth in subdivision six of section thirty-six hundred two of the education law and payments for rental facilities shall be subject to the approval of the commissioner.

h. Each board of cooperative educational services receiving a payment pursuant to paragraph a of this subdivision and section thirty-six hundred nine-d of this chapter, in the two thousand nineteen--two thousand twenty school year and prior, shall be required to set aside from such payment an amount not less than the amount of state aid received pursuant to paragraph a of this subdivision in the base year that was attributable to cooperative services agreements (CO-SERs) for career education, as determined by the commissioner, and shall be required to use such amount to support career education programs in the current year.

§ 9. Subparagraph (ii) of paragraph j of subdivision 1 of section 3602 of the education law, as amended by section 11 of part B of chapter 57 of the laws of 2007, is amended and a new paragraph (iii) is added to read as follows:

(ii) For aid payable in the two thousand eight--two thousand nine school year through two thousand nineteen--two thousand twenty school year, and in the two thousand twenty-one--two thousand twenty-two school year and thereafter, the total foundation aid base shall equal the total amount a district was eligible to receive in the base year pursuant to subdivision four of this section.

(iii) For aid payable in the two thousand twenty--two thousand twenty-one school year, the total foundation aid base shall equal the sum of

(1) the total amount a district was eligible to receive in the base year pursuant to subdivision four of this section, plus

(2) the total amounts set forth for such school district as "2019-20 CLAIMED BOCES AID", "2019-20 ACADEMIC IMPRVMT AID", "2019-20 CAREER EDUCATION AID", "2019-20 COMPUTER ADMIN AID", "2019-20 HARDWARE & TECH-NOL AID", "2019-20 SOFTWARE AID", "2019-20 LIBRARY MATERIALS AID", "2019-20 TEXTBOOK AID", "2019-20 CHRTR SCH TRANSTNL AID", "ACADEMIC ENHANCEMENT", "HIGH TAX AID", and "SUPP PUB EXCESS COST", in the data file produced by the commissioner in support of the executive budget request for the two thousand twenty--two thousand twenty-one school year and entitled "BT202-1".

§ 10. Paragraph e of subdivision 4 of section 3602 of the education law, as amended by section 4 of part YYY of chapter 59 of the laws of 2019, 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

1 in support of the executive budget request for the two thousand seven-
2 teen--two thousand eighteen school year and entitled "BT171-8", (iii)
3 the amount, if any, set forth for such district as "COMMUNITY SCHOOLS
4 INCREASE" in the data file produced by the commissioner in support of
5 the executive budget for the two thousand eighteen--two thousand nine-
6 teen school year and entitled "BT181-9", [and] (iv) the amount, if any,
7 set forth for such district as "19-20 COMMUNITY SCHOOLS INCR" in the
8 data file produced by the commissioner in support of the executive budg-
9 et for the two thousand nineteen--two thousand twenty school year and
10 entitled "BT192-0", and (v) the amount, if any, set forth for such
11 district as "20-21 COMMUNITY SCHOOLS INCR" in the data file produced by
12 the commissioner in support of the executive budget for the two thousand
13 twenty--two thousand twenty-one school year and entitled "BT202-1".
14 Each school district shall use such "COMMUNITY SCHL AID (BT1617)" amount
15 to support the transformation of school buildings into community hubs to
16 deliver co-located or school-linked academic, health, mental health,
17 nutrition, counseling, legal and/or other services to students and their
18 families, including but not limited to providing a community school site
19 coordinator, or to support other costs incurred to maximize students'
20 academic achievement. Each school district shall use such "COMMUNITY
21 SCHL INCR" amount to support the transformation of school buildings into
22 community hubs to deliver co-located or school linked academic, health,
23 mental health services and personnel, after-school programming, dual
24 language programs, nutrition, counseling, legal and/or other services to
25 students and their families, including but not limited to providing a
26 community school site coordinator and programs for English language
27 learners, or to support other costs incurred to maximize students'
28 academic achievement, provided however that a school district whose
29 "COMMUNITY SCHL INCR" amount exceeds one million dollars (\$1,000,000)
30 shall use an amount equal to the greater of one hundred fifty thousand
31 dollars (\$150,000) or ten percent of such "COMMUNITY SCHL INCR" amount
32 to support such transformation at schools with extraordinary high levels
33 of student need as identified by the commissioner, subject to the
34 approval of the director of the budget. Each school district shall use
35 such "COMMUNITY SCHOOLS INCREASE" to support the transformation of
36 school buildings into community hubs to deliver co-located or school
37 linked academic, health, mental health services and personnel, after-
38 school programming, dual language programs, nutrition, counseling, legal
39 and/or other services to students and their families, including but not
40 limited to providing a community school site coordinator and programs
41 for English language learners, or to support other costs incurred to
42 maximize students' academic achievement. Each school district shall use
43 such "19-20 COMMUNITY SCHOOLS INCR" to support the transformation of
44 school buildings into community hubs to deliver co-located or school
45 linked academic, health, mental health services and personnel, after-
46 school programming, dual language programs, nutrition, trauma informed
47 support, counseling, legal and/or other services to students and their
48 families, including but not limited to providing a community school site
49 coordinator and programs for English language learners, or to support
50 other costs incurred to maximize students' academic achievement. Each
51 school district shall use such "20-21 COMMUNITY SCHOOLS INCR" to support
52 the transformation of school buildings into community hubs to deliver
53 co-located or school linked academic, health, mental health services and
54 personnel, after-school programming, dual language programs, nutrition,
55 trauma informed support, counseling, legal and/or other services to
56 students and their families, including but not limited to providing a

1 community school site coordinator and programs for English language
2 learners.

3 § 11. Subdivision 4 of section 3602 of the education law is amended by
4 adding a new paragraph h to read as follows:

5 h. Foundation aid payable in the two thousand twenty--two thousand
6 twenty-one school year. Notwithstanding any provision of law to the
7 contrary, foundation aid payable in the two thousand twenty--two thou-
8 sand twenty-one school year shall equal the sum of (1) adjusted founda-
9 tion aid as defined in subparagraph (vi) of this paragraph plus (2) the
10 greater of tiers A through E plus (3) the community schools setaside
11 increase.

12 For the purposes of this paragraph, "foundation aid remaining" shall
13 mean the positive difference, if any, of (1) total foundation aid
14 computed pursuant to this subdivision less (2) the total foundation aid
15 base computed pursuant to subparagraph (iii) of paragraph j of subdivi-
16 sion one of this section.

17 For the purposes of this paragraph:

18 (i) "Tier A" shall equal the product of the foundation aid remaining
19 multiplied by (A) for a city school district in a city with a population
20 of one million or more, twenty-six thousand three hundred sixty-seven
21 one hundred-thousandths (0.26367), (B) for city school districts in
22 cities with populations greater than one hundred and twenty-five thou-
23 sand but less than one million, eighteen one-hundredths (0.18), and (C)
24 for all other districts, four one-hundredths (0.04).

25 (ii) "Tier B" shall equal the product of the foundation aid remaining
26 multiplied by the Tier B phase-in factor, where the "Tier B phase-in
27 factor" shall equal the product of nine one-hundredths (0.09) multiplied
28 by the Tier B scaled factor, and where the "Tier B scaled factor" shall
29 equal the difference of one less the squared product of the pupil wealth
30 ratio computed pursuant to paragraph a of subdivision three of this
31 section multiplied by sixty-four one-hundredths (0.64), provided that
32 such difference shall be no greater than nine tenths (0.9) nor less than
33 zero.

34 (iii) "Tier C" shall equal, for school districts with a modified free-
35 and reduced-price lunch index of one and one-half (1.5) or greater, the
36 product of public school district enrollment as computed pursuant to
37 paragraph n of subdivision one of this section for the base year multi-
38 plied by the Tier C per pupil amount, where "Tier C per pupil amount"
39 shall equal the product of (A) one hundred forty-eight dollars and eigh-
40 teen cents (\$148.18) multiplied by (B) the regional cost index computed
41 pursuant to subparagraph two of paragraph a of this subdivision for such
42 school district multiplied by (C) the modified free and reduced-price
43 lunch index multiplied by (D) the difference of two less the product of
44 one and one-half (1.5) multiplied by the combined wealth ratio for total
45 foundation aid computed pursuant to subparagraph two of paragraph c of
46 subdivision three of this section, provided that such difference shall
47 be no greater than nine tenths (0.9) nor less than zero, and where the
48 "modified free and reduced-price lunch index" shall equal the quotient
49 arrived at when dividing the three year average free and reduced-price
50 lunch percent for the current year computed pursuant to paragraph p of
51 subdivision one of this section of the school district by the statewide
52 average of such percent excluding any city school district in a city
53 with a population of one million or more.

54 (iv) "Tier D" shall equal the product of the extraordinary needs count
55 computed pursuant to paragraph s of subdivision one of this section
56 multiplied by the Tier D per pupil amount, where "Tier D per pupil

1 amount" shall equal the product of (A) two hundred five dollars (\$205)
2 multiplied by (B) the sum of one plus the sparsity factor computed
3 pursuant to paragraph r of subdivision one of this section multiplied by
4 (C) the extraordinary needs index multiplied by (D) the tier D scaled
5 factor, where the "extraordinary needs index" shall equal the quotient
6 of the extraordinary needs percent for the district computed pursuant to
7 paragraph w of subdivision one of this section divided by the statewide
8 average of such percent, and where the "tier D scaled factor" shall
9 equal the difference of one and thirty-seven one-hundredths (1.37) less
10 the squared product of the pupil wealth ratio computed pursuant to para-
11 graph a of subdivision three of this section multiplied by one and twen-
12 ty-four one-hundredths (1.24), provided that such tier D scaled factor
13 shall not be less than zero nor more than one.

14 (v) "Tier E" shall equal the greater of the due minimum or the differ-
15 ence of the due minimum less the hold harmless, where "due minimum"
16 shall equal the product of the total foundation aid base computed pursu-
17 ant to subparagraph (iii) of paragraph j of subdivision one of this
18 section multiplied by twenty-five ten-thousandths (0.0025), and where
19 the "hold harmless" shall equal adjusted foundation aid less the total
20 foundation aid base computed pursuant to subparagraph (iii) of paragraph
21 j of subdivision one of this section.

22 (vi) For the two thousand twenty--two thousand twenty-one school year,
23 "adjusted foundation aid" shall equal the sum of the total amounts set
24 forth for such school district as "FOUNDATION AID PER-ADJ", "2020-21
25 EST. BOCES AID", "2020-21 COMPUTER ADMIN AID", "2020-21 CAREER EDUCATION
26 AID", "2020-21 ACADEMIC IMPROVMT AID", "2020-21 HARDWARE & TECHNOL AID",
27 "2020-21 SOFTWARE AID", "2020-21 LIBRARY MATERIALS AID", "2020-21 TEXT-
28 BOOK AID", "2020-21 TRANSITIONAL AID FOR CHARTER SCHOOL PAYMENTS",
29 "ACADEMIC ENHANCEMENT", "HIGH TAX AID", and "SUPP PUB EXCESS COST" in
30 the data file produced by the commissioner in support of the executive
31 budget request for the two thousand twenty--two thousand twenty-one
32 school year and entitled "BT202-1".

33 (vii) "Community schools setaside increase" shall equal the sum of the
34 community schools tier 1 increase and the community schools tier 2
35 increase, where (A) the community schools tier 1 increase shall equal,
36 for eligible school districts, the greater of thirty thousand dollars
37 (\$30,000) or the product of (1) sixty-six dollars and five cents
38 (\$66.05) multiplied by (2) the public school district enrollment as
39 computed pursuant to paragraph n of subdivision one of this section
40 multiplied by (3) the community schools setaside ratio and (B) the
41 community schools tier 2 increase shall equal, for eligible school
42 districts, the greater of twenty-five thousand dollars (\$25,000) or the
43 product of (1) forty-three dollars and ninety-four cents (\$43.94) multi-
44 plied by (2) the public school district enrollment as computed pursuant
45 to paragraph n of subdivision one of this section multiplied by (3) the
46 community schools setaside ratio. Provided further, the "community
47 schools setaside ratio" shall equal the difference of one less the prod-
48 uct of the combined wealth ratio for total foundation aid computed
49 pursuant to subparagraph two of paragraph c of subdivision three of this
50 section multiplied by sixty-four one-hundredths (0.64), provided that
51 such difference shall not be greater than nine tenths (0.9) nor less
52 than zero.

53 For purposes of this subparagraph, districts eligible for the communi-
54 ty schools tier 1 increase shall be (A) those districts that contain at
55 least one school identified as a Comprehensive Support & Improvement
56 (CSI) School in the two thousand eighteen--two thousand nineteen school

1 year, or (B) districts where (1) the difference of the quotient of the
2 English language learner count computed pursuant to paragraph o of
3 subdivision one of this section for the base year divided by public
4 school district enrollment for the base year less such quotient for the
5 school year five years prior to the base year is greater than or equal
6 to the statewide average of the difference of such quotients, and (2)
7 where the quotient arrived at when dividing the English language learner
8 count for the base year by public school district enrollment for the
9 base year is greater than or equal to the statewide average of such
10 quotient, and (3) where the combined wealth ratio for total foundation
11 aid computed pursuant to subparagraph two of paragraph c of subdivision
12 three of this section is less than or equal to one (1.0).

13 For purposes of this subparagraph, districts eligible for the communi-
14 ty schools tier 2 increase shall be those that did not receive funds
15 under the community schools setaside for the two thousand nineteen--two
16 thousand twenty school year, are not eligible for the community schools
17 tier 1 increase, and have a combined wealth ratio for total foundation
18 aid computed pursuant to subparagraph two of paragraph c of subdivision
19 three of this section less than or equal to eighty-four one-hundredths
20 (0.84).

21 § 12. Paragraph a of subdivision 10 of section 3602 of the education
22 law, as amended by section 32 of part H of chapter 83 of the laws of
23 2002 and such subdivision as renumbered by section 16 of part B of chap-
24 ter 57 of the laws of 2007, is amended to read as follows:

25 a. ~~[The]~~ In the two thousand nineteen--two thousand twenty school year
26 and prior, the city school districts of those cities having populations
27 in excess of one hundred twenty-five thousand and any other school
28 district which was not a component of a board of cooperative educational
29 services in the base year shall be entitled to an apportionment under
30 the provisions of this section.

31 § 13. The opening paragraph of subdivision 41 of section 3602 of the
32 education law, as amended by section 20 of part B of chapter 57 of the
33 laws of 2008, is amended to read as follows:

34 In addition to any other apportionment under this section, for the two
35 thousand seven--two thousand eight school year ~~[and thereafter]~~ through
36 the two thousand nineteen--two thousand twenty school year, a school
37 district other than a city school district in a city having a population
38 of one million or more shall be eligible for an apportionment in an
39 amount equal to the sum of

40 § 14. Subdivision 4 of section 3602 of the education law is amended by
41 adding a new paragraph c-1 to read as follows:

42 c-1. For the purposes of this chapter, "BOCES payment adjustment"
43 shall mean the total amount set forth for such school district as
44 "2020-21 EST. BOCES AID" in the data file produced by the commissioner
45 in support of the executive budget request for the two thousand twenty-
46 two thousand twenty-one school year and entitled "BT202-1". Notwith-
47 standing any provision of law to the contrary, for the two thousand
48 twenty--two thousand twenty-one school year and thereafter, of the total
49 apportionment pursuant to this subdivision, an amount equal to the BOCES
50 payment adjustment shall be paid pursuant to section thirty-six hundred
51 nine-d of this chapter.

52 § 15. The opening paragraph of section 3609-d of the education law, as
53 amended by section 20 of part L of chapter 57 of the laws of 2005, is
54 amended to read as follows:

55 Notwithstanding the provisions of section thirty-six hundred nine-a of
56 this article, for school years prior to the two thousand twenty--two

1 thousand twenty-one school year, apportionments payable pursuant to
2 section nineteen hundred fifty of this chapter shall be paid pursuant to
3 this section. For aid payable in the two thousand four--two thousand
4 five school year ~~[and thereafter]~~ through two thousand nineteen--two
5 thousand twenty school year, "moneys apportioned" shall mean the lesser
6 of (i) one hundred percent of the respective amount set forth for each
7 school district as payable pursuant to this section in the school aid
8 computer listing produced by the commissioner in support of the budget
9 including the appropriation for support of boards of cooperative educa-
10 tional services for payments due prior to April first for the current
11 year, or (ii) the apportionment calculated by the commissioner based on
12 data on file at the time the payment is processed; provided however,
13 that for the purposes of any payment to be made in the month of June of
14 two thousand six such calculation shall be based on the school aid
15 computer listing for the current year using updated data at the time of
16 each payment. For districts subject to chapter five hundred sixty-three
17 of the laws of nineteen hundred eighty, thirty-six hundred two-b, or two
18 thousand forty of this chapter, for aid payable in the two thousand
19 four--two thousand five school year and thereafter, "moneys apportioned"
20 shall mean the apportionment calculated by the commissioner based on
21 data on file at the time the payment is processed. Notwithstanding the
22 provisions of section thirty-six hundred nine-a of this article, for the
23 two thousand twenty--two thousand twenty-one school year and thereafter,
24 apportionments payable pursuant to paragraph c-1 of subdivision four of
25 section thirty-six hundred two of this chapter shall be paid pursuant to
26 this section. The "school aid computer listing for the current year"
27 shall be as defined in the opening paragraph of section thirty-six
28 hundred nine-a of this article. The definitions "base year" and
29 "current year" as set forth in subdivision one of section thirty-six
30 hundred two of this article shall apply to this section.

31 § 16. Subparagraph 2 of paragraph a of subdivision 6 of section 3602
32 of the education law, as amended by section 5 of part A of chapter 60 of
33 the laws of 2000, is amended to read as follows:

34 (2) Where a school district has expenditures for site purchase, grad-
35 ing or improvement of the site, original furnishings, equipment, machin-
36 ery or apparatus, or professional fees, or other incidental costs, the
37 cost allowances for new construction and the purchase of existing struc-
38 tures may be increased by the actual expenditures for such purposes but
39 by not more than the product of the applicable cost allowance estab-
40 lished pursuant to subparagraph one of this paragraph and twenty per
41 centum for school buildings or additions housing grades prekindergarten
42 through six and by not more than the product of such cost allowance and
43 twenty-five per centum for school buildings or additions housing grades
44 seven through twelve and by not more than the product of such cost
45 allowance and twenty-five per centum for school buildings or additions
46 housing special education programs as approved by the commissioner,
47 provided that commencing with projects approved on or after July first,
48 two thousand twenty by the voters of the school district or by the board
49 of education of a city school district in a city with more than one
50 hundred twenty-five thousand inhabitants, and/or the chancellor in a
51 city school district in a city having a population of one million or
52 more, the amount of the cost allowance that is increased by this subpar-
53 agraph may not be used for space that the commissioner deems as not
54 critical to the instructional program, the protection of health and
55 safety, or other appropriate use of the facilities, as defined in regu-
56 lations of the commissioner, including but not limited to athletic

1 facilities that exceed the requirements necessary for the physical
2 education program.

3 § 17. Clause (ii) of subparagraph 2 of paragraph b of subdivision 6 of
4 section 3602 of the education law, as amended by section 12-a of part L
5 of chapter 57 of the laws of 2005, is amended to read as follows:

6 (ii) Apportionment. The apportionment pursuant to this subparagraph
7 shall equal the product of such eligible approved expenses determined in
8 accordance with the provisions of clause (i) of this subparagraph and
9 this section and the incentive decimal computed for use in the year in

10 which the project was approved. The incentive decimal shall equal (A)
11 for projects approved prior to July first, two thousand twenty by the
12 voters of the school district or by the board of education of a city
13 school district in a city with more than one hundred twenty-five thou-
14 sand inhabitants, and/or the chancellor in a city school district in a
15 city having a population of one million or more, the positive remainder

16 resulting when the district's building aid ratio selected pursuant to
17 paragraph c of this subdivision is subtracted from the enhanced building
18 aid ratio[~~,-The~~]; and (B) for projects approved on or after July first,

19 two thousand twenty by the voters of the school district or by the board
20 of education of a city school district in a city with more than one
21 hundred twenty-five thousand inhabitants, and/or the chancellor in a
22 city school district in a city having a population of one million or

23 more the positive remainder resulting when the district's current year
24 building aid ratio pursuant to clause (d) of subparagraph two of para-
25 graph c of this subdivision is subtracted from the enhanced building aid
26 ratio. For purposes of this clause, the enhanced building aid ratio

27 shall equal (A) for projects approved prior to July first, two thousand
28 twenty by the voters of the school district or by the board of education
29 of a city school district in a city with more than one hundred twenty-
30 five thousand inhabitants, and/or the chancellor in a city school

31 district in a city having a population of one million or more, the sum
32 of the building aid ratio selected for use in the current year pursuant
33 to paragraph c of this subdivision and one-tenth, computed to three
34 decimals without rounding, but not more than (a) ninety-eight hundredths

35 for a high need school district, as defined pursuant to regulations of
36 the commissioner, for all school building projects approved by the
37 voters of the school district or by the board of education of a city
38 school district in a city with more than one hundred twenty-five thou-

39 sand inhabitants, and/or the chancellor in a city school district in a
40 city having a population of one million or more, on or after July first,
41 two thousand five, or (b) ninety-five hundredths for any other school
42 building project or school district, nor less than one-tenth; and (B)

43 For projects approved on or after July first, two thousand twenty by the
44 voters of the school district or by the board of education of a city
45 school district in a city with more than one hundred twenty-five thou-
46 sand inhabitants, and/or the chancellor in a city school district in a

47 city having a population of one million or more, the sum of the building
48 aid ratio for the current year pursuant to clause (d) of subparagraph
49 two of paragraph c of this subdivision and scaled incentive decimal,
50 computed to three decimals without rounding, but not more than, (a)

51 ninety-eight hundredths for a high need school district, as defined
52 pursuant to regulations of the commissioner and used for the school aid
53 computer listing produced by the commissioner in support of the enacted
54 budget for the two thousand seven--two thousand eight school year and

55 entitled "SA0708", for all school building projects approved by the
56 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, on or after July first, two thousand five, or (b) ninety-five hundredths for any other school building project or school district. For purposes of this clause, the scaled incentive decimal shall equal (a) one-tenth for a high need school district, as defined pursuant to regulations of the commissioner and used 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", for all school building projects approved 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, on or after July first, two thousand five or (b) the product of one-tenth multiplied by the state sharing ratio computed pursuant to paragraph g of subdivision three of this section for all other school districts.

§ 18. Clauses (b) and (c) of subparagraph 2 of paragraph c of subdivision 6 of section 3602 of the education law, clause (b) as amended by section 15 of part B chapter 57 of the laws of 2008, and clause (c) as added by section 12-b of part L of chapter 57 of the laws of 2005, are amended and a new clause (d) is added to read as follows:

(b) For aid payable in the school years two thousand--two thousand one and thereafter for all school building projects approved 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, on or after July first, two thousand, and prior to July first, two thousand twenty, any school district shall compute aid under the provisions of this subdivision using the sum of the high-need supplemental building aid ratio, if any, computed pursuant to clause (c) of this subparagraph and the greater of (i) the building aid ratio computed for use in the current year; or (ii) a building aid ratio equal to the difference of the aid ratio that was used or that would have been used to compute an apportionment pursuant to this subdivision in the nineteen hundred ninety-nine--two thousand school year as such aid ratio is computed by the commissioner based on data on file with the department on or before July first of the third school year following the school year in which aid is first payable, less one-tenth; or (iii) for all such school building projects approved 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, on or after July first, two thousand and on or before June thirtieth, two thousand four, for any school district for which the pupil wealth ratio is greater than two and five-tenths in the school year in which such school building project was approved 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 and for which the alternate pupil wealth ratio is less than eighty-five hundredths in such school year, and for all such school building projects approved 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

1 hundred twenty-five thousand inhabitants, and/or the chancellor in a
2 city school district in a city having a population of one million or
3 more, on or after July first, two thousand five and on or before June
4 thirtieth, two thousand eight, for any school district for which the
5 pupil wealth ratio was greater than two and five-tenths in the two thou-
6 sand--two thousand one school year and for which the alternate pupil
7 wealth ratio was less than eighty-five hundredths in the two thousand--
8 two thousand one school year, the additional building aid ratio;
9 provided that, school districts who are eligible for aid under paragraph
10 f of subdivision fourteen of this section may compute aid under the
11 provisions of this subdivision using the difference of the highest of
12 the aid ratios so computed for the reorganized district or the highest
13 of the aid ratios so computed for any of the individual school districts
14 which existed prior to the date of the reorganized school district less
15 one-tenth.

16 (c) For aid payable in the school years two thousand five--two thou-
17 sand six and thereafter for all school building projects approved by the
18 voters of the school district or by the board of education of a city
19 school district in a city with more than one hundred twenty-five thou-
20 sand inhabitants, and/or the chancellor in city school district in a
21 city having a population of one million or more, on or after July first,
22 two thousand five, and prior to July first, two thousand twenty, high
23 need school districts, as defined pursuant to regulations of the commis-
24 sioner, may compute aid under the provisions of this subdivision using
25 the high-need supplemental building aid ratio, which shall be the lesser
26 of (A) the product, computed to three decimals without rounding, of the
27 greater of the building aid ratios computed pursuant to subclauses i, ii
28 and iii of clause (b) of this subparagraph multiplied by five percent,
29 or (B) the positive remainder of ninety-eight one-hundredths less the
30 greater of the building aid ratios computed pursuant to subclauses i, ii
31 and iii of clause (b) of this subparagraph.

32 (d) For aid payable in the school years two thousand twenty-one--two
33 thousand twenty-two and thereafter for all school building projects
34 approved by the voters of the school district or by the board of educa-
35 tion of a city school district in a city with more than one hundred
36 twenty-five thousand inhabitants, and/or the chancellor in a city school
37 district in a city having a population of one million or more, on or
38 after July first, two thousand twenty, any school district shall compute
39 aid under the provisions of this subdivision using the sum of the high-
40 need supplemental building aid ratio, if any, computed pursuant to
41 clause (c) of this subparagraph and the building aid ratio computed for
42 use in the current year, provided that such sum shall not be less than
43 five percent; further provided that, school districts which are eligible
44 for aid under paragraph f of subdivision fourteen of this section may
45 compute aid under the provisions of this subdivision using the differ-
46 ence of the highest of the aid ratios so computed for the reorganized
47 district or the highest of the aid ratios so computed for any of the
48 individual school districts which existed prior to the date of the reor-
49 ganized school district.

50 § 19. Paragraph x of subdivision 1 of section 3602 of the education
51 law, as amended by section 11 of part B of chapter 57 of the laws of
52 2007, is amended to read as follows:

53 x. (1) "Enrollment index" shall be computed by dividing the public
54 school enrollment for the current year by public school enrollment for
55 the base year, both as defined in paragraph n of this subdivision, with
56 the result carried to three places without rounding.

(2) "Five-year resident public-nonpublic enrollment index" shall be computed by dividing by five the result obtained by subtracting one from the quotient arrived at when dividing the sum of the resident public school district enrollment plus the resident nonpublic school district enrollment, both as defined in paragraph n of this subdivision, for the school year two years prior to the base year, by the sum of such enrollments for the school year seven years prior to the base year, with the result carried to three places without rounding.

§ 20. Subdivision 3 of section 3602 of the education law is amended by adding a new paragraph h to read as follows:

h. Inflation-enrollment index. For the two thousand twenty-one--two thousand twenty-two school year and thereafter, the inflation-enrollment index shall equal the greater of (1) the consumer price index computed pursuant to paragraph hh of subdivision one of this section, (2) the sum of the consumer price index plus the five-year resident public-nonpublic enrollment index computed pursuant to paragraph x of this subdivision, or (3) zero.

§ 21. Paragraphs a and b of subdivision 7 of section 3602 of the education law, as amended by section 17 of part B of chapter 57 of the laws of 2007, are amended to read as follows:

a. In addition to the foregoing apportionment, there shall be apportioned to any school district for pupil transportation, the lesser of ninety per centum or the state share of its approved transportation expense for the base year. The state share shall equal the sum of the transportation sparsity adjustment and the transportation aid ratio, but not less than six and one-half percent. The transportation aid ratio shall equal the greater of (i) the product of one and two hundred sixty-three thousandths multiplied by the state sharing ratio, (ii) an aid ratio computed by subtracting from one and one hundredth the product computed to three decimals without rounding obtained by multiplying the resident weighted average daily attendance wealth ratio by forty-six percent, where such aid ratio shall be expressed as a decimal carried to three places without rounding, provided that commencing with the two thousand twenty-one--two thousand twenty-two school year and thereafter, such aid ratio shall be zero, or (iii) excluding cities with a population of more than one million, an aid ratio computed by subtracting from one and one hundredth the product computed to three decimal places without rounding obtained by multiplying the number computed to three decimals without rounding obtained when the quotient of actual valuation of a school district, as defined in paragraph c of subdivision one of this section, divided by the sum of the resident public school district enrollment, the resident nonpublic school district enrollment and the additional public school enrollment of the school district for the year prior to the base year is divided by the statewide average actual valuation per the sum of such total resident public school district enrollment, nonpublic school district enrollment and additional public school enrollment of all school districts eligible for an apportionment pursuant to this section except central high school districts as computed by the commissioner using the latest single year actual valuation computed under paragraph c of subdivision one of this section, by forty-six percent, where such ratio shall be expressed as a decimal carried to three decimal places without rounding. The computation of such statewide average shall include the actual valuation of all school districts eligible for an apportionment pursuant to this section except central high school districts. The transportation sparsity adjustment shall equal the quotient of: the positive remainder of twenty-one minus the

1 district's public school enrollment for the year prior to the base year
2 per square mile, divided by three hundred seventeen and eighty-eight
3 hundredths. Approved transportation expense shall be the sum of the
4 approved transportation operating expense and the approved transporta-
5 tion capital, debt service and lease expense of the district. Approved
6 transportation expense shall not be aidable pursuant to section nineteen
7 hundred fifty of this chapter.

8 b. (1) For the purposes of this apportionment, approved transportation
9 operating expense shall be the actual expenditure incurred by a school
10 district and approved by the commissioner (i) for those items of trans-
11 portation operating expense allowable under subdivision one of section
12 thirty-six hundred twenty-three-a of this article for regular aidable
13 transportation of pupils as such terms are defined in sections thirty-
14 six hundred twenty-one and thirty-six hundred twenty-two-a of this arti-
15 cle, and (ii) for those items of transportation operating expense allow-
16 able under subdivision one of section thirty-six hundred twenty-three-a
17 of this article for the transportation required or authorized pursuant
18 to article eighty-nine of this chapter, and (iii) for providing monitors
19 on school buses for students with disabilities, and (iv) for transporta-
20 tion operating expenses allowable under section thirty-six hundred twen-
21 ty-three-a of this article for the transportation of homeless children
22 authorized by paragraph c of subdivision four of section thirty-two
23 hundred nine of this chapter, provided that the total approved cost of
24 such transportation shall not exceed the amount of the total cost of the
25 most cost-effective mode of transportation. Provided that, commencing
26 with apportionments for the two thousand twenty-one--two thousand twen-
27 ty-two school year and thereafter, approved transportation operating
28 expense for a school district shall not exceed the lesser of (i) total
29 approved transportation operating expense for the base year or (ii) the
30 product of the total approved transportation operating expense in the
31 year prior to the base year multiplied by the sum of one plus the infla-
32 tion-enrollment index computed pursuant to paragraph h of subdivision
33 three of this section.

34 (2) Notwithstanding any inconsistent provisions of this article, in
35 computing the apportionment payable to a school district in a city with
36 a population in excess of one million inhabitants pursuant to this
37 subdivision, approved transportation expense for public service trans-
38 portation shall not include any expenditures to the New York City Metro-
39 politan Transportation Authority for public service transportation nor
40 shall such expense be included in approved operating expense.

41 § 22. Subdivision 16 of section 3602-ee of the education law, as
42 amended by section 19 of part YYY of chapter 59 of the laws of 2019, is
43 amended to read as follows:

44 16. The authority of the department to administer the universal full-
45 day pre-kindergarten program shall expire June thirtieth, two thousand
46 [~~twenty~~] twenty-one; provided that the program shall continue and remain
47 in full effect.

48 § 23. Paragraph a of subdivision 5 of section 3604 of the education
49 law, as amended by chapter 161 of the laws of 2005, is amended to read
50 as follows:

51 a. State aid adjustments. All errors or omissions in the apportionment
52 shall be corrected by the commissioner. Whenever a school district has
53 been apportioned less money than that to which it is entitled, the
54 commissioner may allot to such district the balance to which it is enti-
55 tled. Whenever a school district has been apportioned more money than
56 that to which it is entitled, the commissioner may, by an order, direct

1 such moneys to be paid back to the state to be credited to the general
2 fund local assistance account for state aid to the schools, or may
3 deduct such amount from the next apportionment to be made to said
4 district, provided, however, that, upon notification of excess payments
5 of aid for which a recovery must be made by the state through deduction
6 of future aid payments, a school district may request that such excess
7 payments be recovered by deducting such excess payments from the
8 payments due to such school district and payable in the month of June in
9 (i) the school year in which such notification was received and (ii) the
10 two succeeding school years, provided further that there shall be no
11 interest penalty assessed against such district or collected by the
12 state. Such request shall be made to the commissioner in such form as
13 the commissioner shall prescribe, and shall be based on documentation
14 that the total amount to be recovered is in excess of one percent of the
15 district's total general fund expenditures for the preceding school
16 year. The amount to be deducted in the first year shall be the greater
17 of (i) the sum of the amount of such excess payments that is recognized
18 as a liability due to other governments by the district for the preced-
19 ing school year and the positive remainder of the district's unreserved
20 fund balance at the close of the preceding school year less the product
21 of the district's total general fund expenditures for the preceding
22 school year multiplied by five percent, or (ii) one-third of such excess
23 payments. The amount to be recovered in the second year shall equal the
24 lesser of the remaining amount of such excess payments to be recovered
25 or one-third of such excess payments, and the remaining amount of such
26 excess payments shall be recovered in the third year. Provided further
27 that, notwithstanding any other provisions of this subdivision, any
28 pending payment of moneys due to such district as a prior year adjust-
29 ment payable pursuant to paragraph c of this subdivision for aid claims
30 that had been previously paid as current year aid payments in excess of
31 the amount to which the district is entitled and for which recovery of
32 excess payments is to be made pursuant to this paragraph, shall be
33 reduced at the time of actual payment by any remaining unrecovered
34 balance of such excess payments, and the remaining scheduled deductions
35 of such excess payments pursuant to this paragraph shall be reduced by
36 the commissioner to reflect the amount so recovered. ~~[The commissioner~~
37 ~~shall certify no payment to a school district based on a claim submitted~~
38 ~~later than three years after the close of the school year in which such~~
39 ~~payment was first to be made. For claims for which payment is first to~~
40 ~~be made in the nineteen hundred ninety six ninety seven school year,~~
41 ~~the commissioner shall certify no payment to a school district based on~~
42 ~~a claim submitted later than two years after the close of such school~~
43 ~~year.]~~ For claims for which payment is first to be made ~~[in the nineteen~~
44 ~~hundred ninety seven ninety eight]~~ prior to the two thousand nineteen-
45 -two thousand twenty school year [and thereafter], the commissioner
46 shall certify no payment to a school district based on a claim submitted
47 later than one year after the close of such school year. For claims for
48 which payment is first to be made in the two thousand nineteen--two
49 thousand twenty school year and thereafter, the commissioner shall
50 certify no payment to a school district based on a claim submitted later
51 than the first of November of such school year. Provided, however, no
52 payments shall be barred or reduced where such payment is required as a
53 result of a final audit of the state. ~~[It is further provided that,~~
54 ~~until June thirtieth, nineteen hundred ninety six, the commissioner may~~
55 ~~grant a waiver from the provisions of this section for any school~~
56 ~~district if it is in the best educational interests of the district~~

~~pursuant to guidelines developed by the commissioner and approved by the director of the budget.] Further provided that for any apportionments provided pursuant to sections seven hundred one, seven hundred eleven, seven hundred fifty-one, seven hundred fifty-three, nineteen hundred fifty, thirty-six hundred two, thirty-six hundred two-b, thirty-six hundred two-c, thirty-six hundred two-e and forty-four hundred five of this chapter for the two thousand nineteen--two thousand twenty and two thousand twenty--two thousand twenty-one school years, the commissioner shall certify no payment to a school district, other than payments pursuant to subdivisions six-a, eleven, thirteen and fifteen of section thirty-six hundred two of this part, in excess of the payment computed based on an electronic data file used to produce the school aid computer listing produced by the commissioner in support of the executive budget request submitted for the two thousand twenty--two thousand twenty-one state fiscal year and entitled "BT202-1", and further provided that for any apportionments provided pursuant to sections thirty-six hundred two, thirty-six hundred two-b, thirty-six hundred two-c, thirty-six hundred two-e and forty-four hundred five of this chapter for the two thousand twenty-one--two thousand twenty-two school year and thereafter, the commissioner shall certify no payment to a school district, other than payments pursuant to subdivisions six-a, eleven, thirteen and fifteen of section thirty-six hundred two of this part, in excess of the payment computed based on an electronic data file used to produce the school aid computer listing produced by the commissioner in support of the executive budget request submitted for the state fiscal year in which the school year commences.~~

§ 24. The opening paragraph of section 3609-a of the education law, as amended by section 21 of part YYY of chapter 59 of the laws of 2019, is amended to read as follows:

For aid payable in the two thousand seven--two thousand eight school year through the two thousand nineteen--two thousand 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 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

1 debt service on bond anticipation notes and/or bonds first issued in the
2 current year or any aids payable for full-day kindergarten for the
3 current year pursuant to subdivision nine of section thirty-six hundred
4 two of this part. The definitions of "base year" and "current year" as
5 set forth in subdivision one of section thirty-six hundred two of this
6 part shall apply to this section. ~~For aid payable in the two thousand~~
7 ~~nineteen two thousand twenty school year, reference to such "school aid~~
8 ~~computer listing for the current year" shall mean the printouts entitled~~
9 ~~"SA192-0".~~ For aid payable in the two thousand twenty--two thousand
10 twenty-one school year and thereafter, "moneys apportioned" shall mean
11 the lesser of: (i) the sum of one hundred percent of the respective
12 amount set forth for each school district as payable pursuant to this
13 section in the school aid computer listing for the current year produced
14 by the commissioner in support of the executive budget request which
15 includes the appropriation for the general support for public schools
16 for the prescribed payments and individualized payments due prior to
17 April first for the current year plus the apportionment payable during
18 the current school year pursuant to subdivisions six-a and fifteen of
19 section thirty-six hundred two of this part minus any reductions to
20 current year aids pursuant to subdivision seven of section thirty-six
21 hundred four of this part or any deduction from apportionment payable
22 pursuant to this chapter for collection of a school district basic
23 contribution as defined in subdivision eight of section forty-four
24 hundred one of this chapter, less any grants provided pursuant to
25 subparagraph two-a of paragraph b of subdivision four of section nine-
26 ty-two-c of the state finance law, less any grants provided pursuant to
27 subdivision six of section ninety-seven-nnnn of the state finance law,
28 less any grants provided pursuant to subdivision twelve of section thir-
29 ty-six hundred forty-one of this article, or (ii) the apportionment
30 calculated by the commissioner based on data on file at the time the
31 payment is processed; provided however, that for the purposes of any
32 payments made pursuant to this section prior to the first business day
33 of June of the current year, moneys apportioned shall not include any
34 aids payable pursuant to subdivisions six and fourteen, if applicable,
35 of section thirty-six hundred two of this part as current year aid for
36 debt service on bond anticipation notes and/or bonds first issued in the
37 current year or any aids payable for full-day kindergarten for the
38 current year pursuant to subdivision nine of section thirty-six hundred
39 two of this part. For aid payable in the two thousand twenty--two thou-
40 sand twenty-one school year, reference to such "school aid computer
41 listing for the current year" shall mean the printouts entitled
42 "BT202-1".

43 § 25. The education law is amended by adding a new section 4403-a to
44 read as follows:

45 § 4403-a. Waivers from certain duties. 1. A local school district,
46 approved private school or board of cooperative educational services may
47 submit an application for a waiver from any requirement imposed on such
48 district, school or board of cooperative educational services pursuant
49 to section forty-four hundred two or section forty-four hundred three of
50 this article, and regulations promulgated thereunder, for a specific
51 school year. Such application must be submitted at least sixty days in
52 advance of the proposed date on which the waiver would be effective and
53 shall be in a form prescribed by the commissioner.

54 2. Before submitting an application for a waiver, the local school
55 district, approved private school or board of cooperative educational
56 services shall provide notice of the proposed waiver to the parents or

1 persons in parental relationship to the students that would be impacted
2 by the waiver if granted. Such notice shall be in a form and manner that
3 will ensure that such parents and persons in parental relationship will
4 be aware of all relevant changes that would occur under the waiver, and
5 shall include information on the form, manner and date by which parents
6 may submit written comments on the proposed waiver. The local school
7 district, approved private school, or board of cooperative educational
8 services shall provide at least sixty days for such parents and persons
9 in parental relationship to submit written comments, and shall include
10 in the waiver application submitted to the commissioner pursuant to
11 subdivision one of this section any written comments received from such
12 parents or persons in parental relationship to such students.

13 3. The commissioner may grant a waiver from any requirement imposed on
14 a local school district, approved private school or board of cooperative
15 educational services pursuant to section forty-four hundred two or
16 section forty-four hundred three of this article, upon a finding that
17 such waiver will enable a local school district, approved private school
18 or board of cooperative educational services to implement an innovative
19 special education program that is consistent with applicable federal
20 requirements, and will enhance student achievement and/or opportunities
21 for placement in regular classes and programs. In making such determi-
22 nation, the commissioner shall consider any comments received by the
23 local school district, approved private school or board of cooperative
24 educational services from parents or persons in parental relation to the
25 students that would be directly affected by the waiver if granted.

26 4. Any local school district, approved private school or board of
27 cooperative educational services granted a waiver shall submit an annual
28 report to the commissioner regarding the operation and evaluation of the
29 program no later than thirty days after the end of each school year for
30 which a waiver is granted.

31 § 26. Subdivision 9 of section 2852 of the education law, as amended
32 by section 2 of subpart A of part B of chapter 20 of the laws of 2015,
33 is amended to read as follows:

34 9. The total number of charters issued pursuant to this article state-
35 wide shall not exceed four hundred sixty. (a) All charters issued on or
36 after July first, two thousand fifteen and counted toward the numerical
37 limits established by this subdivision shall be issued by the board of
38 regents upon application directly to the board of regents or on the
39 recommendation of the board of trustees of the state university of New
40 York pursuant to a competitive process in accordance with subdivision
41 nine-a of this section. Fifty of such charters issued on or after July
42 first, two thousand fifteen, and no more, shall be granted to a charter
43 for a school to be located in a city having a population of one million
44 or more. The failure of any body to issue the regulations authorized
45 pursuant to this article shall not affect the authority of a charter
46 entity to propose a charter to the board of regents or the board of
47 regents' authority to grant such charter. A conversion of an existing
48 public school to a charter school, or the renewal or extension of a
49 charter approved by any charter entity, or the reissuance of a surren-
50 dered, revoked or terminated charter pursuant to paragraph (b) or (b-1)
51 of this subdivision shall not be counted toward the numerical limits
52 established by this subdivision.

53 (b) A charter that has been surrendered, revoked or terminated on or
54 before July first, two thousand fifteen, including a charter that has
55 not been renewed by action of its charter entity, may be reissued pursu-
56 ant to paragraph (a) of this subdivision by the board of regents either

1 upon application directly to the board of regents or on the recommenda-
2 tion of the board of trustees of the state university of New York pursu-
3 ant to a competitive process in accordance with subdivision nine-a of
4 this section. Provided that such reissuance shall not be counted toward
5 the statewide numerical limit established by this subdivision, and
6 provided further that no more than twenty-two charters may be reissued
7 pursuant to this paragraph.

8 (b-1) Notwithstanding any provision of law to the contrary, a charter
9 that has been surrendered, revoked or terminated after July first, two
10 thousand fifteen, including a charter that has not been renewed by
11 action of its charter entity, may be reissued pursuant to paragraph (a)
12 of this subdivision by the board of regents either upon application
13 directly to the board of regents or on the recommendation of the board
14 of trustees of the state university of New York pursuant to a compet-
15 itive process in accordance with subdivision nine-a of this section.
16 Provided that such reissuance shall not be counted toward the numerical
17 limits established by this subdivision.

18 (c) For purposes of determining the total number of charters issued
19 within the numerical limits established by this subdivision, the
20 approval date of the charter entity shall be the determining factor.

21 (d) Notwithstanding any provision of this article to the contrary, any
22 charter authorized to be issued by chapter fifty-seven of the laws of
23 two thousand seven effective July first, two thousand seven, and that
24 remains unissued as of July first, two thousand fifteen, may be issued
25 pursuant to the provisions of law applicable to a charter authorized to
26 be issued by such chapter in effect as of June fifteenth, two thousand
27 fifteen; provided however that nothing in this paragraph shall be
28 construed to increase the numerical limit applicable to a city having a
29 population of one million or more as provided in paragraph (a) of this
30 subdivision, as amended by [a] subpart A of part B of chapter twenty of
31 the laws of two thousand fifteen [~~which added this paragraph~~].

32 § 27. Subdivisions 1 and 3 of section 801 of the education law, as
33 amended by chapter 574 of the laws of 1997, are amended to read as
34 follows:

35 1. In order to promote a spirit of patriotic and civic service and
36 obligation and to foster in the children of the state moral and intel-
37 lectual qualities which are essential in preparing to meet the obli-
38 gations of citizenship in peace or in war, the regents of The University
39 of the State of New York shall prescribe courses of instruction in
40 patriotism, citizenship, and human rights issues, with particular atten-
41 tion to the study of the inhumanity of genocide, slavery (including the
42 freedom trail and underground railroad), the Holocaust, civic education
43 and values, our shared history of diversity, the role of religious free-
44 dom in this country, and the mass starvation in Ireland from 1845 to
45 1850, to be maintained and followed in all the schools of the state. The
46 boards of education and trustees of the several cities and school
47 districts of the state shall require instruction to be given in such
48 courses, by the teachers employed in the schools therein. All pupils
49 attending such schools, over the age of eight years, shall attend upon
50 such instruction.

51 Similar courses of instruction shall be prescribed and maintained in
52 private schools in the state, and all pupils in such schools over eight
53 years of age shall attend upon such courses. If such courses are not so
54 established and maintained in a private school, attendance upon instruc-
55 tion in such school shall not be deemed substantially equivalent to

1 instruction given to pupils of like age in the public schools of the
2 city or district in which such pupils reside.

3 3. The regents shall determine the subjects to be included in such
4 courses of instruction in patriotism, citizenship, and human rights
5 issues, with particular attention to the study of the inhumanity of
6 genocide, slavery (including the freedom trail and underground rail-
7 road), the Holocaust, civic education and values, our shared history of
8 diversity, the role of religious freedom in this country, and the mass
9 starvation in Ireland from 1845 to 1850, and in the history, meaning,
10 significance and effect of the provisions of the constitution of the
11 United States, the amendments thereto, the declaration of independence,
12 the constitution of the state of New York and the amendments thereto,
13 and the period of instruction in each of the grades in such subjects.
14 They shall adopt rules providing for attendance upon such instruction
15 and for such other matters as are required for carrying into effect the
16 objects and purposes of this section. The commissioner shall be respon-
17 sible for the enforcement of such section and shall cause to be
18 inspected and supervise the instruction to be given in such subjects.
19 The commissioner may, in his discretion, cause all or a portion of the
20 public school money to be apportioned to a district or city to be with-
21 held for failure of the school authorities of such district or city to
22 provide instruction in such courses and to compel attendance upon such
23 instruction, as herein prescribed, and for a non-compliance with the
24 rules of the regents adopted as herein provided.

25 § 28. Section 2590-h of the education law is amended by adding a new
26 subdivision 55 to read as follows:

27 55. Ensure that all students in the city district, the charter schools
28 in the city of New York authorized by article fifty-six of this chapter,
29 and the nonpublic schools in the city of New York providing instruction
30 in accordance with section thirty-two hundred four of this chapter, as
31 part of the instruction in the Holocaust pursuant to section eight
32 hundred one of this chapter, shall visit sites which educate about these
33 historical events including, but not limited to, a Holocaust museum.

34 § 29. Section 3609-h of the education law, as added by section 7 of
35 part A of chapter 56 of the laws of 2015, is amended to read as follows:

36 § 3609-h. Moneys apportioned to school districts for commercial gaming
37 grants pursuant to subdivision six of section ninety-seven-nnnn of the
38 state finance law, when and how payable commencing July first, two thou-
39 sand fourteen. Notwithstanding the provisions of section thirty-six
40 hundred nine-a of this part, apportionments payable pursuant to subdivi-
41 sion six of section ninety-seven-nnnn of the state finance law shall be
42 paid pursuant to this section. The definitions of "base year" and
43 "current year" as set forth in subdivision one of section thirty-six
44 hundred two of this part shall apply to this section.

45 1. The moneys apportioned by the commissioner to school districts
46 pursuant to subdivision six of section ninety-seven-nnnn of the state
47 finance law for the two thousand fourteen-two thousand fifteen school
48 year and thereafter shall be paid as a commercial gaming grant, as
49 computed pursuant to such subdivision, as follows:

50 a. For the two thousand fourteen--two thousand fifteen school year,
51 one hundred percent of such grant shall be paid on the same date as the
52 payment computed pursuant to clause (v) of subparagraph three of para-
53 graph b of subdivision one of section thirty-six hundred nine-a of this
54 article.

55 b. For the two thousand fifteen--two thousand sixteen school year [~~and~~
56 ~~thereafter~~] through the two thousand eighteen--two thousand nineteen

1 school year, seventy percent of such grant shall be paid on the same
2 date as the payment computed pursuant to clause (ii) of subparagraph
3 three of paragraph b of subdivision one of section thirty-six hundred
4 nine-a of this article, and thirty percent of such grant shall be paid
5 on the same date as the payment computed pursuant to clause (v) of
6 subparagraph three of paragraph b of subdivision one of section thirty-
7 six hundred nine-a of this article.

8 c. For the two thousand nineteen--two thousand twenty school year and
9 thereafter, one hundred percent of such grant shall be paid on the same
10 date as the payment computed pursuant to clause (ii) of subparagraph
11 three of paragraph b of subdivision one of section thirty-six hundred
12 nine-a of this article.

13 2. Any payment to a school district pursuant to this section shall be
14 general receipts of the district and may be used for any lawful purpose
15 of the district.

16 § 30. Subdivision b of section 2 of chapter 756 of the laws of 1992,
17 relating to funding a program for work force education conducted by the
18 consortium for worker education in New York city, as amended by section
19 35 of part YYY of chapter 59 of the laws of 2019, is amended to read as
20 follows:

21 b. Reimbursement for programs approved in accordance with subdivision
22 a of this section for the reimbursement for the 2017--2018 school year
23 shall not exceed 60.4 percent of the lesser of such approvable costs per
24 contact hour or thirteen dollars and ninety cents per contact hour,
25 reimbursement for the 2018--2019 school year shall not exceed 59.4
26 percent of the lesser of such approvable costs per contact hour or four-
27 teen dollars and ninety-five cents per contact hour, [and] reimbursement
28 for the 2019--2020 school year shall not exceed 57.7 percent of the
29 lesser of such approvable costs per contact hour or fifteen dollars
30 sixty cents per contact hour, and reimbursement for the 2020-21 school
31 year shall not exceed 56.9 percent of the lesser of such approvable
32 costs per contact hour or sixteen dollars and twenty-five cents per
33 contact hour, where a contact hour represents sixty minutes of instruc-
34 tion services provided to an eligible adult. Notwithstanding any other
35 provision of law to the contrary, for the 2017--2018 school year such
36 contact hours shall not exceed one million five hundred forty-nine thou-
37 sand four hundred sixty-three (1,549,463); and for the 2018--2019 school
38 year such contact hours shall not exceed one million four hundred
39 sixty-three thousand nine hundred sixty-three (1,463,963); [and] for the
40 2019--2020 school year such contact hours shall not exceed one million
41 four hundred forty-four thousand four hundred forty-four (1,444,444);
42 and for the 2020-21 school year such contact hours shall not exceed one
43 million two hundred forty-four thousand and five hundred and eighty-
44 eight (1,244,588). Notwithstanding any other provision of law to the
45 contrary, the apportionment calculated for the city school district of
46 the city of New York pursuant to subdivision 11 of section 3602 of the
47 education law shall be computed as if such contact hours provided by the
48 consortium for worker education, not to exceed the contact hours set
49 forth herein, were eligible for aid in accordance with the provisions of
50 such subdivision 11 of section 3602 of the education law.

51 § 31. Section 4 of chapter 756 of the laws of 1992, relating to fund-
52 ing a program for work force education conducted by the consortium for
53 worker education in New York city, is amended by adding a new subdivi-
54 sion y to read as follows:

55 y. The provisions of this subdivision shall not apply after the
56 completion of payments for the 2020-21 school year. Notwithstanding any

inconsistent provisions of law, the commissioner of education shall withhold a portion of employment preparation education aid due to the city school district of the city of New York to support a portion of the costs of the work force education program. Such moneys shall be credited to the elementary and secondary education fund-local assistance account and shall not exceed eleven million five hundred thousand dollars (\$11,500,000).

§ 32. 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 37 of part YY of chapter 59 of the laws of 2019, is amended to read as follows:

§ 6. This act shall take effect July 1, 1992, and shall be deemed repealed on June 30, ~~2020~~ 2021.

§ 33. Subdivision 1 of section 167 of chapter 169 of the laws of 1994, relating to certain provisions related to the 1994-95 state operations, aid to localities, capital projects and debt service budgets, as amended by section 32 of part CCC of chapter 59 of the laws of 2018, is amended to read as follows:

1. Sections one through seventy of this act shall be deemed to have been in full force and effect as of April 1, 1994 provided, however, that sections one, two, twenty-four, twenty-five and twenty-seven through seventy of this act shall expire and be deemed repealed on March 31, 2000; provided, however, that section twenty of this act shall apply only to hearings commenced prior to September 1, 1994, and provided further that section twenty-six of this act shall expire and be deemed repealed on March 31, 1997; and provided further that sections four through fourteen, sixteen, and eighteen, nineteen and twenty-one through twenty-one-a of this act shall expire and be deemed repealed on March 31, 1997; and provided further that sections three, fifteen, seventeen, twenty, twenty-two and twenty-three of this act shall expire and be deemed repealed on March 31, ~~2020~~ 2022.

§ 34. 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 39 of part YY of chapter 59 of the laws of 2019, 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, ~~2020~~ 2021 when upon such date the provisions of this act shall be deemed repealed.

§ 35. 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 40 of part YY of chapter 59 of the laws of 2019, 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~~ 2021.

§ 36. Section 5 of chapter 101 of the laws of 2003, amending the education law relating to the implementation of the No Child Left Behind Act of 2001, as amended by section 41 of part YY of chapter 59 of the laws of 2019, 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, ~~2020~~ 2021.

§ 37. Subdivision 11 of section 94 of part C of chapter 57 of the laws of 2004, relating to the support of education, as amended by section 58 of part YYY of chapter 59 of the laws of 2017, is amended to read as follows:

11. section seventy-one of this act shall expire and be deemed repealed June 30, ~~2020~~ 2023;

§ 38. School bus driver training. In addition to apportionments otherwise provided by section 3602 of the education law, for aid payable in the 2020-2021 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.

§ 39. 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 2021 and not later than the last day of the third full business week of June 2021, 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, 2021, for salary expenses incurred between April 1 and June 30, 2020 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

1 section 3609-a of the education law in the school year following the
2 year in which application was made.

3 c. Notwithstanding the provisions of section 3609-a of the education
4 law, an amount equal to the amount paid to a school district pursuant to
5 subdivisions a and b of this section shall first be deducted from the
6 following payments due the school district during the school year
7 following the year in which application was made pursuant to subpara-
8 graphs (1), (2), (3), (4) and (5) of paragraph a of subdivision 1 of
9 section 3609-a of the education law in the following order: the lottery
10 apportionment payable pursuant to subparagraph (2) of such paragraph
11 followed by the fixed fall payments payable pursuant to subparagraph (4)
12 of such paragraph and then followed by the district's payments to the
13 teachers' retirement system pursuant to subparagraph (1) of such para-
14 graph, and any remainder to be deducted from the individualized payments
15 due the district pursuant to paragraph b of such subdivision shall be
16 deducted on a chronological basis starting with the earliest payment due
17 the district.

18 § 40. Special apportionment for public pension accruals. a. Notwith-
19 standing any other provision of law, upon application to the commission-
20 er of education, not later than June 30, 2021, a school district eligi-
21 ble for an apportionment pursuant to section 3602 of the education law
22 shall be eligible to receive an apportionment pursuant to this section,
23 for the school year ending June 30, 2021 and such apportionment shall
24 not exceed the additional accruals required to be made by school
25 districts in the 2004--2005 and 2005--2006 school years associated with
26 changes for such public pension liabilities. The amount of such addi-
27 tional accrual shall be certified to the commissioner of education by
28 the president of the board of education or the trustees or, in the case
29 of a city school district in a city with a population in excess of
30 125,000 inhabitants, the mayor of such city. Such application shall be
31 made by a school district, after the board of education or trustees have
32 adopted a resolution to do so and in the case of a city school district
33 in a city with a population in excess of 125,000 inhabitants, with the
34 approval of the mayor of such city.

35 b. The claim for an apportionment to be paid to a school district
36 pursuant to subdivision a of this section shall be submitted to the
37 commissioner of education on a form prescribed for such purpose, and
38 shall be payable upon determination by such commissioner that the form
39 has been submitted as prescribed. Such approved amounts shall be payable
40 on the same day in September of the school year following the year in
41 which application was made as funds provided pursuant to subparagraph
42 (4) of paragraph b of subdivision 4 of section 92-c of the state finance
43 law, on the audit and warrant of the state comptroller on vouchers
44 certified or approved by the commissioner of education in the manner
45 prescribed by law from moneys in the state lottery fund and from the
46 general fund to the extent that the amount paid to a school district
47 pursuant to this section exceeds the amount, if any, due such school
48 district pursuant to subparagraph (2) of paragraph a of subdivision 1 of
49 section 3609-a of the education law in the school year following the
50 year in which application was made.

51 c. Notwithstanding the provisions of section 3609-a of the education
52 law, an amount equal to the amount paid to a school district pursuant to
53 subdivisions a and b of this section shall first be deducted from the
54 following payments due the school district during the school year
55 following the year in which application was made pursuant to subpara-
56 graphs (1), (2), (3), (4) and (5) of paragraph a of subdivision 1 of

1 section 3609-a of the education law in the following order: the lottery
2 apportionment payable pursuant to subparagraph (2) of such paragraph
3 followed by the fixed fall payments payable pursuant to subparagraph (4)
4 of such paragraph and then followed by the district's payments to the
5 teachers' retirement system pursuant to subparagraph (1) of such para-
6 graph, and any remainder to be deducted from the individualized payments
7 due the district pursuant to paragraph b of such subdivision shall be
8 deducted on a chronological basis starting with the earliest payment due
9 the district.

10 § 41. Notwithstanding the provision of any law, rule, or regulation to
11 the contrary, the city school district of the city of Rochester, upon
12 the consent of the board of cooperative educational services of the
13 supervisory district serving its geographic region may purchase from
14 such board for the 2020--2021 school year, as a non-component school
15 district, services required by article 19 of the education law.

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

19 a. for the development, maintenance or expansion of magnet schools or
20 magnet school programs for the 2020--2021 school year. For the city
21 school district of the city of New York there shall be a setaside of
22 foundation aid equal to forty-eight million one hundred seventy-five
23 thousand dollars (\$48,175,000) including five hundred thousand dollars
24 (\$500,000) for the Andrew Jackson High School; for the Buffalo city
25 school district, twenty-one million twenty-five thousand dollars
26 (\$21,025,000); for the Rochester city school district, fifteen million
27 dollars (\$15,000,000); for the Syracuse city school district, thirteen
28 million dollars (\$13,000,000); for the Yonkers city school district,
29 forty-nine million five hundred thousand dollars (\$49,500,000); for the
30 Newburgh city school district, four million six hundred forty-five thou-
31 sand dollars (\$4,645,000); for the Poughkeepsie city school district,
32 two million four hundred seventy-five thousand dollars (\$2,475,000); for
33 the Mount Vernon city school district, two million dollars (\$2,000,000);
34 for the New Rochelle city school district, one million four hundred ten
35 thousand dollars (\$1,410,000); for the Schenectady city school district,
36 one million eight hundred thousand dollars (\$1,800,000); for the Port
37 Chester city school district, one million one hundred fifty thousand
38 dollars (\$1,150,000); for the White Plains city school district, nine
39 hundred thousand dollars (\$900,000); for the Niagara Falls city school
40 district, six hundred thousand dollars (\$600,000); for the Albany city
41 school district, three million five hundred fifty thousand dollars
42 (\$3,550,000); for the Utica city school district, two million dollars
43 (\$2,000,000); for the Beacon city school district, five hundred sixty-
44 six thousand dollars (\$566,000); for the Middletown city school
45 district, four hundred thousand dollars (\$400,000); for the Freeport
46 union free school district, four hundred thousand dollars (\$400,000);
47 for the Greenburgh central school district, three hundred thousand
48 dollars (\$300,000); for the Amsterdam city school district, eight
49 hundred thousand dollars (\$800,000); for the Peekskill city school
50 district, two hundred thousand dollars (\$200,000); and for the Hudson
51 city school district, four hundred thousand dollars (\$400,000).

52 b. Notwithstanding any inconsistent provision of law to the contrary,
53 a school district setting aside such foundation aid pursuant to this
54 section may use such setaside funds for: (i) any instructional or
55 instructional support costs associated with the operation of a magnet
56 school; or (ii) any instructional or instructional support costs associ-

1 ated with implementation of an alternative approach to promote diversity
2 and/or enhancement of the instructional program and raising of standards
3 in elementary and secondary schools of school districts having substan-
4 tial concentrations of minority students.

5 c. The commissioner of education shall not be authorized to withhold
6 foundation aid from a school district that used such funds in accordance
7 with this paragraph, notwithstanding any inconsistency with a request
8 for proposals issued by such commissioner for the purpose of attendance
9 improvement and dropout prevention for the 2020--2021 school year, and
10 for any city school district in a city having a population of more than
11 one million, the setaside for attendance improvement and dropout
12 prevention shall equal the amount set aside in the base year. For the
13 2020--2021 school year, it is further provided that any city school
14 district in a city having a population of more than one million shall
15 allocate at least one-third of any increase from base year levels in
16 funds set aside pursuant to the requirements of this section to communi-
17 ty-based organizations. Any increase required pursuant to this section
18 to community-based organizations must be in addition to allocations
19 provided to community-based organizations in the base year.

20 d. For the purpose of teacher support for the 2020--2021 school year:
21 for the city school district of the city of New York, sixty-two million
22 seven hundred seven thousand dollars (\$62,707,000); for the Buffalo city
23 school district, one million seven hundred forty-one thousand dollars
24 (\$1,741,000); for the Rochester city school district, one million seven-
25 ty-six thousand dollars (\$1,076,000); for the Yonkers city school
26 district, one million one hundred forty-seven thousand dollars
27 (\$1,147,000); and for the Syracuse city school district, eight hundred
28 nine thousand dollars (\$809,000). All funds made available to a school
29 district pursuant to this section shall be distributed among teachers
30 including prekindergarten teachers and teachers of adult vocational and
31 academic subjects in accordance with this section and shall be in addi-
32 tion to salaries heretofore or hereafter negotiated or made available;
33 provided, however, that all funds distributed pursuant to this section
34 for the current year shall be deemed to incorporate all funds distrib-
35 uted pursuant to former subdivision 27 of section 3602 of the education
36 law for prior years. In school districts where the teachers are repres-
37 ented by certified or recognized employee organizations, all salary
38 increases funded pursuant to this section shall be determined by sepa-
39 rate collective negotiations conducted pursuant to the provisions and
40 procedures of article 14 of the civil service law, notwithstanding the
41 existence of a negotiated agreement between a school district and a
42 certified or recognized employee organization.

43 § 43. Support of public libraries. The moneys appropriated for the
44 support of public libraries by a chapter of the laws of 2020 enacting
45 the aid to localities budget shall be apportioned for the 2020-2021
46 state fiscal year in accordance with the provisions of sections 271,
47 272, 273, 282, 284, and 285 of the education law as amended by the
48 provisions of this chapter and the provisions of this section, provided
49 that library construction aid pursuant to section 273-a of the education
50 law shall not be payable from the appropriations for the support of
51 public libraries and provided further that no library, library system or
52 program, as defined by the commissioner of education, shall receive less
53 total system or program aid than it received for the year 2001-2002
54 except as a result of a reduction adjustment necessary to conform to the
55 appropriations for support of public libraries.

1 Notwithstanding any other provision of law to the contrary the moneys
2 appropriated for the support of public libraries for the year 2020-2021
3 by a chapter of the laws of 2020 enacting the education, labor and fami-
4 ly assistance budget shall fulfill the state's obligation to provide
5 such aid and, pursuant to a plan developed by the commissioner of educa-
6 tion and approved by the director of the budget, the aid payable to
7 libraries and library systems pursuant to such appropriations shall be
8 reduced proportionately to assure that the total amount of aid payable
9 does not exceed the total appropriations for such purpose.

10 § 44. Severability. The provisions of this act shall be severable, and
11 if the application of any clause, sentence, paragraph, subdivision,
12 section or part of this act to any person or circumstance shall be
13 adjudged by any court of competent jurisdiction to be invalid, such
14 judgment shall not necessarily affect, impair or invalidate the applica-
15 tion of any such clause, sentence, paragraph, subdivision, section, part
16 of this act or remainder thereof, as the case may be, to any other
17 person or circumstance, but shall be confined in its operation to the
18 clause, sentence, paragraph, subdivision, section or part thereof
19 directly involved in the controversy in which such judgment shall have
20 been rendered.

21 § 45. This act shall take effect immediately, and shall be deemed to
22 have been in full force and effect on and after April 1, 2020, provided,
23 however, that:

24 1. sections one, two, three, four, five, six, seven, eight, nine, ten,
25 eleven, twelve, thirteen, fourteen, fifteen, sixteen, seventeen, eigh-
26 teen, nineteen, twenty, twenty-one, twenty-two, twenty-three, twenty-
27 four, twenty-seven, thirty-eight, forty-one and forty-two of this act
28 shall take effect July 1, 2020;

29 2. the amendments to section 2590-h of the education law made by
30 section twenty-eight of this act shall not affect the expiration and
31 reversion of such section and shall expire and be deemed repealed there-
32 with;

33 3. section twenty-nine of this act shall be deemed to have been in
34 full force and effect on and after April 1, 2019; and

35 4. the amendments to chapter 756 of the laws of 1992, relating to
36 funding a program for work force education conducted by a consortium for
37 worker education in New York City made by sections thirty and thirty-one
38 of this act shall not affect the repeal of such chapter and shall be
39 deemed repealed therewith.

40 PART B

41 Section 1. Legislative intent. The purpose of this act is to establish
42 the Syracuse Comprehensive Education and Workforce Training Center
43 focusing on Science, Technology, Engineering, Arts, and Math. The high
44 school and center shall provide a high school course of instruction for
45 grades nine through twelve, dedicated to providing expanded learning and
46 job training opportunities to students residing in the Onondaga, Cort-
47 land and Madison county board of cooperative educational services region
48 and central New York, in the areas of science, technology, engineering,
49 arts and mathematics as well as the core academic areas required for the
50 issuance of high school diplomas in accordance with the rules and regu-
51 lations promulgated by the board of regents. The legislature hereby
52 finds and declares that the establishment of the school is a necessary
53 component to the development of the greater central New York region of
54 New York state and a necessary link to fostering the development and

1 advancement of the arts and emerging technologies. This school will
2 advance the interests of the central New York region and New York state
3 by engaging students in rigorous and enriching educational experiences
4 focused on the arts and emerging technologies, project-based learning
5 and collaboration and by providing that experience within the context of
6 a business and learning community for the purpose of directly connecting
7 student learning with real world experience in the arts and advanced
8 technical facilities. It is expressly found that the establishment and
9 operation of such school pursuant to this act is a public purpose.

10 § 2. Establishment of the Syracuse Comprehensive Education and Work-
11 force Training Center. 1. The Syracuse Comprehensive Education and
12 Workforce Training Center may be established by the board of education
13 of the Syracuse city school district pursuant to this section for
14 students in grades nine through twelve.

15 2. Such school shall be governed by the board of education of the
16 Syracuse city school district. The school shall be subject to all laws,
17 rules and regulations which are applicable to a public high school
18 unless otherwise provided for in this act. The school shall be subject
19 to the oversight of the board of regents and the program shall be audit-
20 ed in a manner consistent with provisions of law and regulations that
21 are applicable to other public schools.

22 3. The board of education of the Syracuse city school district shall
23 have the responsibility for the operation, supervision and maintenance
24 of the school and shall be responsible for the administration of the
25 school, including curriculum, grading, discipline and staffing. The
26 Syracuse Comprehensive Education and Workforce Training Center shall
27 also partner with a certified institution of higher education to offer
28 an early college high school program. The Syracuse Comprehensive Educa-
29 tion and Workforce Training Center shall also partner with a certified
30 institution of higher education to offer apprenticeship training and
31 programs. The Syracuse Comprehensive Education and Workforce Training
32 Center shall also partner with the State University of New York Empire
33 State College to ensure that there are career connection programs and
34 opportunities including, but not limited to, workforce preparation and
35 training, industry certifications and credentials including advanced
36 technical certifications and high school equivalency programs, and
37 education opportunity center programs. The State University of New York
38 Empire State College may also partner with the New York State Department
39 of Labor. The Syracuse Comprehensive Education and Workforce Training
40 Center is also authorized to partner with other local entities includ-
41 ing, but not limited to, businesses, non-profit organizations, state and
42 local governments, and other organizations focused on closing the skills
43 gap and increasing employment opportunities through training. These
44 programs shall be available to students as well as members of the commu-
45 nity.

46 4. The board of education of the Syracuse city school district shall
47 be authorized to enter into contracts as necessary or convenient to
48 operate such school.

49 5. Students attending such school shall continue to be enrolled in
50 their school district of residence. The Syracuse city school district
51 shall be responsible for the issuance of a high school diploma to
52 students who attended the school based on such students' successful
53 completion of the school's educational program.

54 6. For purposes of all state aid calculations made pursuant to the
55 education law, students attending such school shall continue to be
56 treated and counted as students of their school district of residence.

1 7. The public school district of residence shall be obligated to
2 provide transportation, without regard to any mileage limitations,
3 provided however, for aid reimbursements pursuant to subdivision 7 of
4 section 3602 of the education law, expenses associated with the trans-
5 portation of students to and from the Syracuse Comprehensive Education
6 and Workforce Training Center up to a distance of thirty miles shall be
7 included.

8 8. It shall be the duty of the student's district of residence to make
9 payments as calculated in this act directly to the school district for
10 each student enrolled in the school. No costs shall be apportioned to
11 school districts that elect not to participate in such school.

12 9. The trustees or the board of education of a school district may
13 enter into a memorandum of understanding with the board of education of
14 the Syracuse city school district to participate in such school program
15 for a period not to exceed five years upon such terms as such trustees
16 or board of education and the board of education of the Syracuse city
17 school district may mutually agree. Such memorandum of understanding
18 shall set forth a methodology for the calculation of per pupil tuition
19 costs that shall be subject to review and approval by the commissioner.

20 10. Any student eligible for enrollment in grades nine through twelve
21 of a public school entering into a memorandum of understanding with the
22 board of education of the Syracuse city school district to enroll
23 students in the Syracuse Comprehensive Education and Workforce Training
24 Center shall be eligible for admission to the high school. To the extent
25 that the number of qualified applicants may exceed the number of avail-
26 able spaces, the school shall grant admission on a random selection
27 basis, provided that an enrollment preference shall be provided to
28 pupils returning to the high school in the second or any subsequent
29 year. The criteria for admission shall not be limited based on intellec-
30 tual ability, measures of academic achievement or aptitude, athletic
31 aptitude, disability, race, creed, gender, national origin, religion,
32 ancestry, or location of residence. The high school shall determine the
33 tentative enrollment roster, notify the parents, or those in parental
34 relations to those students, and the resident school district by April
35 first of the school year preceding the school year for which the admis-
36 sion is granted.

37 11. Notwithstanding any other provision of law to the contrary, the
38 Syracuse city school district is authorized to transfer ownership of the
39 Syracuse Comprehensive Education and Workforce Training Center to the
40 county of Onondaga and the county of Onondaga is authorized to assume
41 such ownership and to enter into a lease for such facility with the
42 Syracuse city school district. The county of Onondaga may contract for
43 indebtedness to renovate such facility and any related financing shall
44 be deemed a county purpose. The county of Onondaga shall transfer owner-
45 ship of the Syracuse Comprehensive Education and Workforce Training
46 Center to the city of Syracuse upon the expiration of the lease.

47 12. Notwithstanding any other provision of law to the contrary, the
48 county of Onondaga shall submit estimated project costs for the reno-
49 vation and equipping of the Syracuse Comprehensive Education and Work-
50 force Training Center after the completion of schematic plans and spec-
51 ifications for review by the commissioner of education. If the total
52 project costs associated with such project exceed the approved cost
53 allowance of such building project pursuant to section three of this
54 act, and the county has not otherwise demonstrated to the satisfaction
55 of the New York state department of education the availability of addi-
56 tional local shares for such excess costs from the city of Syracuse

1 and/or the Syracuse city school district, then the county shall not
2 proceed with the preparation of final plans and specifications for such
3 project until the project has been redesigned or value-engineered to
4 reduce estimated project costs so as not to exceed the above cost
5 limits.

6 13. Notwithstanding any other provision of law to the contrary, the
7 county of Onondaga shall submit estimated project costs for the reno-
8 vation and equipping of the Syracuse Comprehensive Education Workforce
9 and Training Center after the completion of fifty percent of the final
10 plans and specifications for review by the commissioner of education. If
11 the total project costs associated with such project exceed the approved
12 cost allowance of such building project pursuant to section three of
13 this act, and the county has not otherwise demonstrated to the satisfac-
14 tion of the New York state department of education the availability of
15 additional local share for such excess costs from the city of Syracuse
16 and/or the Syracuse city school district, then the county shall not
17 proceed with the completion of the remaining fifty percent of the plans
18 and specifications for such project until the project has been rede-
19 signed or value-engineered to reduce estimated project costs so as to
20 not exceed the above cost limits.

21 § 3. Paragraph a of subdivision 6 of section 3602 of the education law
22 is amended by adding a new subparagraph 8 to read as follows:

23 (8) Notwithstanding any other provision of law to the contrary, for
24 the purpose of computation of building aid for the renovation and equip-
25 ping of the Syracuse Comprehensive Education and Workforce Training
26 Center authorized for operation by the Syracuse city school district the
27 building aid units assigned to this project shall reflect a building aid
28 enrollment of one thousand students and multi-year cost allowances for
29 the project shall be established and utilized two times in the first
30 five-year period. Subsequent multi-year cost allowances shall be estab-
31 lished no sooner than ten years after establishment of the first maximum
32 cost allowance authorized pursuant to this subparagraph.

33 § 4. This act shall take effect immediately.

34 PART C

35 Section 1. Definitions. As used in this act:

- 36 (a) "Commissioner" shall mean the commissioner of education;
37 (b) "Department" shall mean the state education department;
38 (c) "Board of education" or "board" shall mean the board of education
39 of the Rochester city school district;
40 (d) "School district" or "district" shall mean the Rochester city
41 school district;
42 (e) "Superintendent" shall mean the superintendent of the Rochester
43 city school district;
44 (f) "Relatives" shall mean a Rochester city school district board
45 member's spouse, domestic partner, child, stepchild, stepparent, or any
46 person who is a direct descendant of the grandparents of a current board
47 member or a board member's spouse or domestic partner;
48 (g) "Mayor" shall mean the mayor of the city of Rochester; and
49 (h) "City" shall mean the city of Rochester.

50 § 2. Appointment of a monitor. The commissioner and the mayor shall
51 jointly appoint one monitor to provide oversight, guidance and technical
52 assistance related to the educational and fiscal policies, practices,
53 programs and decisions of the school district, the board of education
54 and the superintendent.

1 1. The monitor, to the extent practicable, shall have experience in
2 school district finances and one or more of the following areas:

- 3 (a) elementary and secondary education;
- 4 (b) the operation of school districts in New York;
- 5 (c) educating students with disabilities; and
- 6 (d) educating English language learners.

7 2. The monitor shall be a non-voting ex-officio member of the board of
8 education. The monitor shall be an individual who is not a resident,
9 employee of the school district or relative of a board member of the
10 school district at the time of his or her appointment.

11 3. The reasonable and necessary expenses incurred by the monitor while
12 performing his or her official duties shall be paid by the school
13 district. Notwithstanding any other provision of law, the monitor shall
14 be entitled to defense and indemnification by the school district to the
15 same extent as a school district employee.

16 § 3. Meetings. 1. The monitor shall be entitled to attend all meetings
17 of the board, including executive sessions; provided however, such moni-
18 tor shall not be considered for purposes of establishing a quorum of the
19 board. The school district shall fully cooperate with the monitor
20 including, but not limited to, providing such monitor with access to any
21 necessary documents and records of the district including access to
22 electronic information systems, databases and planning documents,
23 consistent with all applicable state and federal statutes including, but
24 not limited to, Family Education Rights and Privacy Act (FERPA) (20
25 U.S.C. § 1232g) and section 2-d of the education law.

26 2. The board, in consultation with the monitor, shall adopt a conflict
27 of interest policy that complies with all existing applicable laws,
28 rules and regulations that ensures its board members and administration
29 act in the school district's best interest and comply with applicable
30 legal requirements. The conflict of interest policy shall include, but
31 not be limited to:

32 (a) a definition of the circumstances that constitute a conflict of
33 interest;

34 (b) procedures for disclosing a conflict of interest to the board;

35 (c) a requirement that the person with the conflict of interest not be
36 present at or participate in board deliberations or votes on the matter
37 giving rise to such conflict, provided that nothing in this subdivision
38 shall prohibit the board from requesting that the person with the
39 conflict of interest present information as background or answer ques-
40 tions at a board meeting prior to the commencement of deliberations or
41 voting relating thereto;

42 (d) a prohibition against any attempt by the person with the conflict
43 to influence improperly the deliberation or voting on the matter giving
44 rise to such conflict; and

45 (e) a requirement that the existence and resolution of the conflict be
46 documented in the board's records, including in the minutes of any meet-
47 ing at which the conflict was discussed or voted upon.

48 § 4. Public hearings. 1. The monitor shall schedule three public hear-
49 ings to be held within sixty days of his or her appointment, which shall
50 allow public comment from the district's residents, students, parents,
51 employees, the mayor, board members and administration.

52 (a) The first hearing shall take public comment on existing statutory
53 and regulatory authority of the commissioner, the department and the
54 board of regents regarding school district governance and intervention
55 under applicable state law and regulations, including but not limited
56 to, sections 306, 211-c, and 211-f of the education law.

1 (b) The second hearing shall take public comment on the academic
2 performance of the district.

3 (c) The third hearing shall take public comment on the fiscal perform-
4 ance of the district.

5 2. The board of education, the superintendent and the monitor shall
6 consider these public comments when developing the financial plan and
7 academic improvement plan under this act.

8 § 5. Financial plan. 1. No later than November first, two thousand
9 twenty, the board of education, the superintendent and the monitor shall
10 develop a proposed financial plan for the two thousand twenty--two thou-
11 sand twenty-one school year and the four subsequent school years. The
12 financial plan shall ensure that annual aggregate operating expenses
13 shall not exceed annual aggregate operating revenues for such school
14 year and that the major operating funds of the district be balanced in
15 accordance with generally accepted accounting principles, and shall
16 consider whether financial and budgetary functions of the district shall
17 be subject to a shared services agreement with the city and whether
18 district governance should be modified. The financial plan shall
19 include statements of all estimated revenues, expenditures, and cash
20 flow projections of the district.

21 2. If the board of education and the monitor agree on all the elements
22 of the proposed financial plan, the board of education shall conduct a
23 public hearing on the plan and consider the input of the community. The
24 proposed financial plan shall be made public on the district's website
25 at least three business days before such public hearing. Once the
26 proposed financial plan has been approved by the board of education,
27 such plan shall be submitted by the monitor to the commissioner and the
28 mayor for approval and shall be deemed approved for the purposes of this
29 act.

30 3. If the board of education and the monitor do not agree on all the
31 elements of the proposed financial plan, the board of education shall
32 conduct a public hearing on the proposed plan that details the elements
33 of disagreement between the monitor and the board, including documented
34 justification for such disagreements and any requested amendments from
35 the monitor. The proposed financial plan, elements of disagreement, and
36 requested amendments shall be made public on the district's website at
37 least three business days before such public hearing. After considering
38 the input of the community, the board may alter the proposed financial
39 plan and the monitor may alter his or her requested amendments, and the
40 monitor shall submit the proposed financial plan, his or her amendments
41 to the plan, and documentation providing justification for such disa-
42 greements and amendments to the commissioner and the mayor no later than
43 December first, two thousand twenty. By January fifteenth, two thousand
44 twenty-one, the commissioner and the mayor shall jointly approve the
45 proposed plan with any of the monitor's proposed amendments, or make
46 other modifications, they deem appropriate. The board of education
47 shall provide the commissioner and the mayor with any information they
48 request to approve such plan within three business days of such request.
49 Upon the approval of the commissioner and the mayor, the financial plan
50 shall be deemed approved for purposes of this act.

51 § 6. Academic improvement plan. 1. No later than November first, two
52 thousand twenty, the board of education, the superintendent and the
53 monitor shall develop an academic improvement plan for the district's
54 two thousand twenty--two thousand twenty-one school year and the four
55 subsequent school years. The academic improvement plan shall contain a
56 series of programmatic recommendations designed to improve academic

1 performance over the period of the plan in those academic areas that the
2 commissioner deems to be in need of improvement which shall include
3 addressing the provisions contained in any action plan set forth by the
4 department.

5 2. If the board of education and the monitor agree on all the elements
6 of the proposed academic improvement plan, the board of education shall
7 conduct a public hearing on the plan and consider the input of the
8 community. The proposed academic improvement plan shall be made public
9 on the district's website at least three business days before such
10 public hearing. Once the proposed academic improvement plan has been
11 approved by the board of education, such plan shall be submitted by the
12 monitor to the commissioner for approval and shall be deemed approved
13 for the purposes of this act.

14 3. If the board of education and the monitor do not agree on all the
15 elements of the proposed academic improvement plan, the board of educa-
16 tion shall conduct a public hearing on the proposed plan that details
17 the elements of disagreement between the monitor and the board, includ-
18 ing documented justification for such disagreements and any requested
19 amendments from the monitor. The proposed academic improvement plan,
20 elements of disagreement, and requested amendments shall be made public
21 on the district's website at least three business days before such
22 public hearing. After considering the input of the community, the board
23 may alter the proposed academic improvement plan and the monitor may
24 alter his or her requested amendments, and the monitor shall submit the
25 proposed academic improvement plan, his or her amendments to the plan,
26 and documentation providing justification for such disagreements and
27 amendments to the commissioner no later than December first, two thou-
28 sand twenty. By January fifteenth, two thousand twenty-one, the commis-
29 sioner shall approve the proposed plan with any of the monitor's
30 proposed amendments, or make other modifications, he or she deems appro-
31 priate. The board of education shall provide the commissioner with any
32 information he or she requests to approve such plan within three busi-
33 ness days of such request. Upon the approval of the commissioner, the
34 academic improvement plan shall be deemed approved for purposes of this
35 act.

36 § 7. Fiscal and operational oversight. 1. Starting with the proposed
37 budget for the two thousand twenty-one--two thousand twenty-two school
38 year, the board of education shall annually submit the school district's
39 proposed budget for the next succeeding school year to the monitor no
40 later than March first prior to the start of such next succeeding school
41 year. The monitor shall review the proposed budget to ensure that it is
42 balanced within the context of revenue and expenditure estimates and
43 mandated programs. The monitor shall also review the proposed budget to
44 ensure that it, to the greatest extent possible, is consistent with the
45 district academic improvement plan and financial plan developed and
46 approved pursuant to this act. The monitor shall present his or her
47 findings to the board of education, the mayor and the commissioner no
48 later than forty-five days prior to the date scheduled for the board of
49 education's vote on the adoption of the final budget or the last date on
50 which the budget may be finally adopted, whichever is sooner. The
51 commissioner and the mayor shall jointly require the board of education
52 to make amendments to the proposed budget consistent with any recommen-
53 dations made by the monitor if the commissioner and the mayor jointly
54 determine such amendments are necessary to comply with the financial
55 plan and academic improvement plan under this act. The school district
56 shall make available on the district's website: the initial proposed

1 budget, the monitor's findings, and the final proposed budget at least
2 seven days prior to the date of the school district's budget hearing.
3 The board of education shall provide the commissioner and the mayor with
4 any information they request in order to make a determination pursuant
5 to this subdivision within three business days of such request.

6 2. The district shall provide quarterly reports to the monitor and
7 annual reports to the mayor, the commissioner and the board of regents
8 on the academic, fiscal, and operational status of the school district.
9 In addition, the monitor shall provide semi-annual reports to the mayor,
10 the commissioner, board of regents, the governor, the temporary presi-
11 dent of the senate, and the speaker of the assembly on the academic,
12 fiscal, and operational status of the school district. Such semi-annual
13 report shall include all the contracts that the district entered into
14 throughout the year.

15 3. The monitor shall have the authority to disapprove travel outside
16 the state paid for by the district.

17 4. The monitor shall work with the district's shared decision-making
18 committee as defined in 8 NYCRR 100.11 in developing the academic
19 improvement plan, financial plan, district goals, implementation of
20 district priorities, budgetary recommendations and recommendations
21 related to school governance.

22 5. The monitor shall assist in resolving any disputes and conflicts,
23 including but not limited to, those between the superintendent and the
24 board of education and among the members of the board of education.

25 6. The monitor may recommend, and the board shall consider by vote of
26 a resolution at the next scheduled meeting of the board, cost saving
27 measures including, but not limited to, shared service agreements.

28 § 8. The commissioner may overrule any decision of the monitor, except
29 for collective bargaining agreements negotiated in accordance with arti-
30 cle 14 of the civil service law, if he or she deems that such decision
31 is not aligned with the academic improvement plan. The commissioner and
32 the mayor may jointly overrule any decision of the monitor, except for
33 collective bargaining agreements negotiated in accordance with article
34 14 of the civil service law, if they jointly deem such decision is not
35 aligned with the financial plan or the school district's budget.

36 § 9. The monitor may notify the commissioner, the mayor and the board
37 in writing when he or she deems the district is violating an element of
38 the financial plan or academic improvement plan in this act. Within
39 twenty days, the commissioner shall determine whether the district is in
40 violation of any of the elements of the academic improvement plan high-
41 lighted by the monitor and shall order the district to comply immediate-
42 ly with the plan and remedy any such violation. The mayor and the
43 commissioner shall, within twenty days, jointly determine whether the
44 district is in violation of any of the elements of the financial plan
45 highlighted by the monitor and shall order the district to comply imme-
46 diately with the plan and remedy any such violation. The school
47 district shall suspend all actions related to the potential violation of
48 the financial plan or academic improvement plan until the commissioner
49 issues a determination or the mayor and the commissioner jointly issue a
50 determination related to the financial plan.

51 § 10. Nothing in this act shall be construed to abrogate the duties
52 and responsibilities of the school district consistent with applicable
53 state law and regulations.

54 § 11. This act shall take effect immediately and shall expire and be
55 deemed repealed June 30, 2021.

1

PART D

2 Section 1. Subparagraph 4 of paragraph h of subdivision 2 of section
3 355 of the education law, as amended by section 1 of part JJJ of chapter
4 59 of the laws of 2017, is amended to read as follows:

5 (4) The trustees shall not impose a differential tuition charge based
6 upon need or income. Except as hereinafter provided, all students
7 enrolled in programs leading to like degrees at state-operated insti-
8 tutions of the state university shall be charged a uniform rate of
9 tuition except for differential tuition rates based on state residency.
10 Provided, however, that the trustees may authorize the presidents of the
11 colleges of technology and the colleges of agriculture and technology to
12 set differing rates of tuition for each of the colleges for students
13 enrolled in degree-granting programs leading to an associate degree and
14 non-degree granting programs so long as such tuition rate does not
15 exceed the tuition rate charged to students who are enrolled in like
16 degree programs or degree-granting undergraduate programs leading to a
17 baccalaureate degree at other state-operated institutions of the state
18 university of New York. Notwithstanding any other provision of this
19 subparagraph, the trustees may authorize the setting of a separate cate-
20 gory of tuition rate, that shall be greater than the tuition rate for
21 resident students and less than the tuition rate for non-resident
22 students, only for students enrolled in distance learning courses who
23 are not residents of the state. Except as otherwise authorized in this
24 subparagraph, the trustees shall not adopt changes affecting tuition
25 charges prior to the enactment of the annual budget, provided however
26 that:

27 (i) Commencing with the two thousand eleven--two thousand twelve
28 academic year and ending in the two thousand fifteen--two thousand
29 sixteen academic year the state university of New York board of trustees
30 shall be empowered to increase the resident undergraduate rate of
31 tuition by not more than three hundred dollars over the resident under-
32 graduate rate of tuition adopted by the board of trustees in the prior
33 academic year, provided however that commencing with the two thousand
34 eleven--two thousand twelve academic year and ending in the two thousand
35 sixteen--two thousand seventeen academic year if the annual resident
36 undergraduate rate of tuition would exceed five thousand dollars, then a
37 tuition credit for each eligible student, as determined and calculated
38 by the New York state higher education services corporation pursuant to
39 section six hundred eighty-nine-a of this title, shall be applied toward
40 the tuition charged for each semester, quarter or term of study. Tuition
41 for each semester, quarter or term of study shall not be due for any
42 student eligible to receive such tuition credit until the tuition credit
43 is calculated and applied against the tuition charged for the corre-
44 sponding semester, quarter or term.

45 (ii) Commencing with the two thousand seventeen--two thousand eighteen
46 academic year and ending in the two thousand twenty--two thousand twen-
47 ty-one academic year the state university of New York board of trustees
48 shall be empowered to increase the resident undergraduate rate of
49 tuition by not more than two hundred dollars over the resident under-
50 graduate rate of tuition adopted by the board of trustees in the prior
51 academic year, provided, however that if the annual resident undergradu-
52 ate rate of tuition would exceed five thousand dollars, then a tuition
53 credit for each eligible student, as determined and calculated by the
54 New York state higher education services corporation pursuant to section
55 six hundred eighty-nine-a of this title, shall be applied toward the

1 tuition charged for each semester, quarter or term of study. Tuition for
2 each semester, quarter or term of study shall not be due for any student
3 eligible to receive such tuition credit until the tuition credit is
4 calculated and applied against the tuition charged for the corresponding
5 semester, quarter or term. Provided, further that the revenue resulting
6 from an increase in the rate of tuition shall be allocated to each
7 campus pursuant to a plan approved by the board of trustees to support
8 investments in new classroom faculty, instruction, initiatives to
9 improve student success and on-time completion and a tuition credit for
10 each eligible student.

11 (iii) Commencing with the two thousand twenty-one--two thousand twen-
12 ty-two academic year and ending in the two thousand twenty-four--two
13 thousand twenty-five academic year the state university of New York
14 board of trustees shall be empowered to increase the resident undergrad-
15 uate rate of tuition by no more than two hundred dollars over the resi-
16 dent undergraduate rate of tuition adopted by the board of trustees in
17 the prior academic year, provided, however that if the annual resident
18 undergraduate rate of tuition would exceed five thousand dollars, then a
19 tuition credit for each eligible student, as determined and calculated
20 by the New York state higher education services corporation pursuant to
21 section six hundred eighty-nine-a of this title, shall be applied toward
22 the tuition charged for each semester, quarter or term of study. Tuition
23 for each semester, quarter or term of study shall not be due for any
24 student eligible to receive such tuition credit until the tuition credit
25 is calculated and applied against the tuition charged for the corre-
26 sponding semester, quarter or term. Provided further that the revenue
27 resulting from an increase in the rate of tuition shall be allocated to
28 each campus pursuant to a plan approved by the board of trustees to
29 support investments in new classroom faculty, instruction, initiatives
30 to improve student success and on-time completion and a tuition credit
31 for each eligible student.

32 (iv) On or before November thirtieth, two thousand [~~seventeen~~] twen-
33 ty-one, the trustees shall approve and submit to the chairs of the
34 assembly ways and means committee and the senate finance committee and
35 to the director of the budget a master tuition plan setting forth the
36 tuition rates that the trustees propose for resident undergraduate
37 students for the four year period commencing with the two thousand
38 [~~seventeen~~] twenty-one--two thousand [~~eighteen~~] twenty-two academic year
39 and ending in the two thousand [~~twenty~~] twenty-four--two thousand [~~twen-~~
40 ~~ty-one~~] twenty-five academic year, and shall submit any proposed amend-
41 ments to such plan by November thirtieth of each subsequent year there-
42 after through November thirtieth, two thousand [~~twenty~~] twenty-four, and
43 provided further, that with the approval of the board of trustees, each
44 university center may increase non-resident undergraduate tuition rates
45 each year by not more than ten percent over the tuition rates of the
46 prior academic year for a six year period commencing with the two thou-
47 sand eleven--two thousand twelve academic year and ending in the two
48 thousand sixteen--two thousand seventeen academic year.

49 [~~(iv)~~] (v) Beginning in state fiscal year two thousand twelve-two
50 thousand thirteen and ending in state fiscal year two thousand fifteen-
51 -two thousand sixteen, the state shall appropriate and make available
52 general fund operating support, including fringe benefits, for the state
53 university in an amount not less than the amount appropriated and made
54 available in the prior state fiscal year; provided, however, that if the
55 governor declares a fiscal emergency, and communicates such emergency to
56 the temporary president of the senate and speaker of the assembly, state

1 support for operating expenses at the state university and city univer-
2 sity may be reduced in a manner proportionate to one another, and the
3 aforementioned provisions shall not apply.

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

18 (vii) Beginning in state fiscal year two thousand twenty-one--two
19 thousand twenty-two and ending in state fiscal year two thousand twen-
20 ty-four--two thousand twenty-five, the state shall appropriate and make
21 available general fund operating support, including fringe benefits, for
22 the state university in an amount not less than the amount appropriated
23 and made available in the prior state fiscal year; provided, however,
24 that if the governor declares a fiscal emergency, and communicates such
25 emergency to the temporary president of the senate and speaker of the
26 assembly, state support for operating expenses at the state university
27 and city university may be reduced in a manner proportionate to one
28 another, and the aforementioned provisions shall not apply; provided
29 further, the state shall appropriate and make available general fund
30 support to fully fund the tuition credit pursuant to subdivision two of
31 section six hundred sixty-nine-h of this title.

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

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

46 (4-a) Notwithstanding any law, rule, regulation, or practice to the
47 contrary and following the review and approval of the chancellor of the
48 state university or his or her designee, the board of trustees may raise
49 non-resident undergraduate rates of tuition by not more than ten percent
50 over the tuition rates of the prior academic year for the state univer-
51 sity of New York college of environmental science and forestry as
52 defined in article one hundred twenty-one of this chapter for a four
53 year period commencing with the two thousand twenty--two thousand twen-
54 ty-one academic year and ending in the two thousand twenty-three--two
55 thousand twenty-four academic year provided that such rate change is

1 approved annually prior to board of trustees action by the chancellor of
2 the state university or his or her designee.

3 § 3. Paragraph (a) of subdivision 7 of section 6206 of the education
4 law, as amended by section 2 of part JJJ of chapter 59 of the laws of
5 2017, is amended to read as follows:

6 (a) The board of trustees shall establish positions, departments,
7 divisions and faculties; appoint and in accordance with the provisions
8 of law fix salaries of instructional and non-instructional employees
9 therein; establish and conduct courses and curricula; prescribe condi-
10 tions of student admission, attendance and discharge; and shall have the
11 power to determine in its discretion whether tuition shall be charged
12 and to regulate tuition charges, and other instructional and non-in-
13 structional fees and other fees and charges at the educational units of
14 the city university. The trustees shall review any proposed community
15 college tuition increase and the justification for such increase. The
16 justification provided by the community college for such increase shall
17 include a detailed analysis of ongoing operating costs, capital, debt
18 service expenditures, and all revenues. The trustees shall not impose a
19 differential tuition charge based upon need or income. All students
20 enrolled in programs leading to like degrees at the senior colleges
21 shall be charged a uniform rate of tuition, except for differential
22 tuition rates based on state residency. Notwithstanding any other
23 provision of this paragraph, the trustees may authorize the setting of a
24 separate category of tuition rate, that shall be greater than the
25 tuition rate for resident students and less than the tuition rate for
26 non-resident students, only for students enrolled in distance learning
27 courses who are not residents of the state; provided, however, that:

28 (i) Commencing with the two thousand eleven--two thousand twelve
29 academic year and ending in the two thousand fifteen--two thousand
30 sixteen academic year, the city university of New York board of trustees
31 shall be empowered to increase the resident undergraduate rate of
32 tuition by not more than three hundred dollars over the resident under-
33 graduate rate of tuition adopted by the board of trustees in the prior
34 academic year, provided however that commencing with the two thousand
35 eleven--two thousand twelve academic year and ending with the two thou-
36 sand sixteen--two thousand seventeen academic year if the annual resi-
37 dent undergraduate rate of tuition would exceed five thousand dollars,
38 then a tuition credit for each eligible student, as determined and
39 calculated by the New York state higher education services corporation
40 pursuant to section six hundred eighty-nine-a of this chapter, shall be
41 applied toward the tuition charged for each semester, quarter or term of
42 study. Tuition for each semester, quarter or term of study shall not be
43 due for any student eligible to receive such tuition credit until the
44 tuition credit is calculated and applied against the tuition charged for
45 the corresponding semester, quarter or term.

46 (ii) Commencing with the two thousand seventeen--two thousand eighteen
47 academic year and ending in the two thousand twenty--two thousand twen-
48 ty-one academic year the city university of New York board of trustees
49 shall be empowered to increase the resident undergraduate rate of
50 tuition by not more than two hundred dollars over the resident under-
51 graduate rate of tuition adopted by the board of trustees in the prior
52 academic year, provided however that if the annual resident undergradu-
53 ate rate of tuition would exceed five thousand dollars, then a tuition
54 credit for each eligible student, as determined and calculated by the
55 New York state higher education services corporation pursuant to section
56 six hundred eighty-nine-a of this ~~[title]~~ chapter, shall be applied

1 toward the tuition charged for each semester, quarter or term of study.
2 Tuition for each semester, quarter or term of study shall not be due for
3 any student eligible to receive such tuition credit until the tuition
4 credit is calculated and applied against the tuition charged for the
5 corresponding semester, quarter or term. Provided, further that the
6 revenue resulting from an increase in the rate of tuition shall be allo-
7 cated to each campus pursuant to a plan approved by the board of trus-
8 tees to support investments in new classroom faculty, instruction,
9 initiatives to improve student success and on-time completion and a
10 tuition credit for each eligible student.

11 (iii) Commencing with the two thousand twenty-one--two thousand twen-
12 ty-two academic year and ending in the two thousand twenty-four--two
13 thousand twenty-five academic year the city university of New York board
14 of trustees shall be empowered to increase the resident undergraduate
15 rate of tuition by not more than two hundred dollars over the resident
16 undergraduate rate of tuition adopted by the board of trustees in the
17 prior academic year; provided, however, that if the annual resident
18 undergraduate rate of tuition would exceed five thousand dollars, then a
19 tuition credit for each eligible student, as determined and calculated
20 by the New York state higher education services corporation pursuant to
21 section six hundred eighty-nine-a of this chapter, shall be applied
22 toward the tuition charged for each semester, quarter or term of study.
23 Tuition for each semester, quarter or term of study shall not be due for
24 any student eligible to receive such tuition credit until the tuition
25 credit is calculated and applied against the tuition charged for the
26 corresponding semester, quarter or term. Provided, further that the
27 revenue resulting from an increase in the rate of tuition shall be allo-
28 cated to each campus pursuant to a plan approved by the board of trus-
29 tees to support investments in new classroom faculty, instruction,
30 initiatives to improve student success and on-time completion and a
31 tuition credit for each eligible student.

32 (iv) On or before November thirtieth, two thousand [~~seventeen~~] twen-
33 ty-one, the trustees shall approve and submit to the chairs of the
34 assembly ways and means committee and the senate finance committee and
35 to the director of the budget a master tuition plan setting forth the
36 tuition rates that the trustees propose for resident undergraduate
37 students for the four year period commencing with the two thousand
38 [~~seventeen~~] twenty-one--two thousand [~~eighteen~~] twenty-two academic year
39 and ending in the two thousand [~~twenty~~] twenty-four--two thousand [~~twen-
40 ty-one] twenty-five academic year, and shall submit any proposed amend-
41 ments to such plan by November thirtieth of each subsequent year there-
42 after through November thirtieth, two thousand [~~twenty~~] twenty-four.~~

43 [~~(iv)~~] (v) Beginning in state fiscal year two thousand twelve--two
44 thousand thirteen and ending in state fiscal year two thousand fifteen--
45 two thousand sixteen, the state shall appropriate and make available
46 state support for operating expenses, including fringe benefits, for the
47 city university in an amount not less than the amount appropriated and
48 made available in the prior state fiscal year; provided, however, that
49 if the governor declares a fiscal emergency, and communicates such emer-
50 gency to the temporary president of the senate and speaker of the assem-
51 bly, state support for operating expenses of the state university and
52 city university may be reduced in a manner proportionate to one another,
53 and the aforementioned provisions shall not apply.

54 [~~(v)~~] (vi) Beginning in state fiscal year two thousand seventeen--two
55 thousand eighteen and ending in state fiscal year two thousand twenty--
56 two thousand twenty-one, the state shall appropriate and make available

1 general fund operating support, including fringe benefits, for the city
2 university in an amount not less than the amount appropriated and made
3 available in the prior state fiscal year; provided, however, that if the
4 governor declares a fiscal emergency, and communicates such emergency to
5 the temporary president of the senate and speaker of the assembly, state
6 support for operating expenses at the state university and city univer-
7 sity may be reduced in a manner proportionate to one another, and the
8 aforementioned provisions shall not apply; provided further, the state
9 shall appropriate and make available general fund support to fully fund
10 the tuition credit pursuant to subdivision two of section six hundred
11 sixty-nine-h of this chapter.

12 (vii) Beginning in state fiscal year two thousand twenty-one--two
13 thousand twenty-two and ending in state fiscal year two thousand twen-
14 ty-four--two thousand twenty-five, the state shall appropriate and make
15 available general fund operating support, including fringe benefits, for
16 the city university in an amount not less than the amount appropriated
17 and made available in the prior state fiscal year; provided, however,
18 that if the governor declares a fiscal emergency, and communicates such
19 emergency to the temporary president of the senate and speaker of the
20 assembly, state support for operating expenses at the state university
21 and city university may be reduced in a manner proportionate to one
22 another, and the aforementioned provisions shall not apply; provided
23 further, the state shall appropriate and make available general fund
24 support to fully fund the tuition credit pursuant to subdivision two of
25 section six hundred sixty-nine-h of this chapter.

26 § 4. Section 16 of chapter 260 of the laws of 2011, amending the
27 education law and the New York state urban development corporation act
28 relating to establishing components of the NY-SUNY 2020 challenge grant
29 program, as amended by section 5 of part JJJ of chapter 59 of the laws
30 of 2017, is amended to read as follows:

31 § 16. This act shall take effect July 1, 2011; provided that sections
32 one, two, three, four, five, six, eight, nine, ten, eleven, twelve and
33 thirteen of this act shall expire [10] 14 years after such effective
34 date when upon such date the provisions of this act shall be deemed
35 repealed; and provided further that sections fourteen and fifteen of
36 this act shall expire 5 years after such effective date when upon such
37 date the provisions of this act shall be deemed repealed.

38 § 5. This act shall take effect immediately; provided, however, that
39 the amendments to subparagraph 4 of paragraph h of subdivision 2 of
40 section 355 of the education law made by section one of this act and the
41 amendments to paragraph (a) of subdivision 7 of section 6206 of the
42 education law made by section three of this act shall not affect the
43 expiration of such paragraph and subparagraph and shall be deemed to
44 expire therewith.

45 PART E

46 Section 1. Paragraph (d) of subdivision 1 of section 669-h of the
47 education law, as amended by section 1 of part T of chapter 56 of the
48 laws of 2018, is amended to read as follows:

49 (d) has an adjusted gross income for the qualifying year, as such
50 terms are defined in this subdivision, equal to or less than: (i) one
51 hundred thousand dollars for recipients receiving an award in the two
52 thousand seventeen--two thousand eighteen academic year; (ii) one
53 hundred ten thousand dollars for recipients receiving an award in the
54 two thousand eighteen--two thousand nineteen academic year; [and] (iii)

one hundred twenty-five thousand dollars for recipients receiving an award in the two thousand nineteen--two thousand twenty academic year; (iv) one hundred thirty-five thousand dollars for recipients receiving an award in the two thousand twenty--two thousand twenty-one academic year; and (v) one hundred fifty thousand dollars for recipients receiving an award in the two thousand twenty-one--two thousand twenty-two academic year and thereafter; and

§ 2. This act shall take effect immediately.

PART F

Section 1. Subdivision 3 of section 667-d of the education law, as amended by section 1 of part W of chapter 56 of the laws of 2018, is amended to read as follows:

3. Income. An award shall be made to an applicant who has an adjusted gross income for the qualifying year, as such terms are defined in this subdivision, equal to or less than: (i) one hundred thousand dollars for recipients receiving an award in the two thousand seventeen--two thousand eighteen academic year; (ii) one hundred ten thousand dollars for recipients receiving an award in the two thousand eighteen--two thousand nineteen academic year; ~~and~~ (iii) one hundred twenty-five thousand dollars for recipients receiving an award in the two thousand nineteen--two thousand twenty academic year; (iv) one hundred thirty-five thousand dollars for recipients receiving an award in the two thousand twenty--two thousand twenty-one academic year; and (v) one hundred fifty thousand dollars for recipients receiving an award in the two thousand twenty-one--two thousand twenty-two academic year and thereafter. Adjusted gross income shall be the total of the combined adjusted gross income of the applicant and the applicant's parents or the applicant and the applicant's spouse, if married. Qualifying year shall be the adjusted gross income as reported on the federal income tax return, or as otherwise obtained by the corporation, for the calendar year coinciding with the tax year established by the U.S. department of education to qualify applicants for federal student financial aid programs authorized by Title IV of the Higher Education Act of nineteen hundred sixty-five, as amended, for the school year in which application for assistance is made. Provided, however, if an applicant demonstrates to the corporation that there has been a change in such applicant's adjusted gross income in the year or years subsequent to the qualifying year which would qualify such applicant for an award, the corporation shall review and make a determination as to whether such applicant meets the requirement set forth in this subdivision based on such year. Provided, further that such change was caused by the death, permanent and total physical or mental disability, divorce, or separation by judicial decree or pursuant to an agreement of separation which is filed with a court of competent jurisdiction of any person whose income was required to be used to compute the applicant's total adjusted gross income.

§ 2. This act shall take effect immediately.

PART G

Section 1. Section 1503 of the business corporation law is amended by adding a new paragraph (h) to read as follows:

(h) Any firm established for the business purpose of incorporating as a professional service corporation formed to lawfully engage in the practice of public accountancy, as such practice is respectively defined

1 under article one hundred forty-nine of the education law shall be
2 required to show (1) that a simple majority of the ownership of the
3 firm, in terms of financial interests, and voting rights held by the
4 firm's owners, belongs to individuals licensed to practice public
5 accountancy in some state, and (2) that all shareholders of a profes-
6 sional service corporation whose principal place of business is in this
7 state, and who are engaged in the practice of public accountancy in this
8 state, hold a valid license issued under section seventy-four hundred
9 four of the education law. For purposes of this paragraph, "financial
10 interest" means capital stock, capital accounts, capital contributions,
11 capital interest, or interest in undistributed earnings of a business
12 entity. Although firms may include non-licensee owners, the firm and
13 its owners must comply with rules promulgated by the state board of
14 regents. Notwithstanding the foregoing, a firm incorporated under this
15 section may not have non-licensee owners if the firm's name includes the
16 words "certified public accountant," or "certified public accountants,"
17 or the abbreviations "CPA" or "CPAs". Each non-licensee owner of a firm
18 that is incorporated under this section shall be a natural person who
19 actively participates in the business of the firm or its affiliated
20 entities. For purposes of this subdivision, "actively participate" means
21 to provide services to clients or to otherwise individually take part in
22 the day-to-day business or management of the firm. Such a firm shall
23 have attached to its certificate of incorporation a certificate or
24 certificates demonstrating the firm's compliance with this paragraph, in
25 lieu of the certificate or certificates required by subparagraph (ii) of
26 paragraph (b) of this section.

27 § 2. Section 1507 of the business corporation law is amended by adding
28 a new paragraph (c) to read as follows:

29 (c) Any firm established for the business purpose of incorporating as
30 a professional service corporation pursuant to paragraph (h) of section
31 fifteen hundred three of this article may issue shares to individuals
32 who are authorized by law to practice in this state the profession which
33 such corporation is authorized to practice and who are or have been
34 engaged in the practice of such profession in such corporation or a
35 predecessor entity, or who will engage in the practice of such profes-
36 sion in such corporation within thirty days of the date such shares are
37 issued and may also issue shares to employees of the corporation not
38 licensed as certified public accountants, provided that:

39 (i) at least fifty-one percent of the outstanding shares of stock of
40 the corporation are owned by certified public accountants,

41 (ii) at least fifty-one percent of the directors are certified public
42 accountants,

43 (iii) at least fifty-one percent of the officers are certified public
44 accountants,

45 (iv) the president, the chairperson of the board of directors and the
46 chief executive officer or officers are certified public accountants.

47 No shareholder of a firm established for the business purpose of incor-
48 porating as a professional service corporation pursuant to paragraph (h)
49 of section fifteen hundred three of this article shall enter into a
50 voting trust agreement, proxy or any other type of agreement vesting in
51 another person, other than another shareholder of the same corporation,
52 the authority to exercise voting power of any or all of his or her
53 shares. All shares issued, agreements made or proxies granted in
54 violation of this section shall be void.

55 § 3. Section 1508 of the business corporation law is amended by adding
56 a new paragraph (c) to read as follows:

(c) The directors and officers of any firm established for the business purpose of incorporating as a professional service corporation pursuant to paragraph (h) of section fifteen hundred three of this article may include individuals who are not licensed to practice public accountancy, provided however that at least fifty-one percent of the directors, at least fifty-one percent of the officers and the president, the chairperson of the board of directors and the chief executive officer or officers are authorized by law to practice in any state the profession which such corporation is authorized to practice, and are either shareholders of such corporation or engaged in the practice of their professions in such corporation.

§ 4. Section 1509 of the business corporation law, as amended by chapter 550 of the laws of 2011, is amended to read as follows:

§ 1509. Disqualification of shareholders, directors, officers and employees.

If any shareholder, director, officer or employee of a professional service corporation, including a design professional service corporation, who has been rendering professional service to the public becomes legally disqualified to practice his or her profession within this state, he or she shall sever all employment with, and financial interests (other than interests as a creditor) in, such corporation forthwith or as otherwise provided in section 1510 of this article. All provisions of law regulating the rendering of professional services by a person elected or appointed to a public office shall be applicable to a shareholder, director, officer and employee of such corporation in the same manner and to the same extent as if fully set forth herein. Such legal disqualification to practice his or her profession within this state shall be deemed to constitute an irrevocable offer by the disqualified shareholder to sell his or her shares to the corporation, pursuant to the provisions of section 1510 of this article or of the certificate of incorporation, by-laws or agreement among the corporation and all shareholders, whichever is applicable. Compliance with the terms of such offer shall be specifically enforceable in the courts of this state. A professional service corporation's failure to enforce compliance with this provision shall constitute a ground for forfeiture of its certificate of incorporation and its dissolution.

§ 5. Paragraph (a) of section 1511 of the business corporation law, as amended by chapter 550 of the laws of 2011, is amended and a new paragraph (c) is added to read as follows:

(a) No shareholder of a professional service corporation ~~[or]~~ including a design professional service corporation, may sell or transfer his or her shares in such corporation except to another individual who is eligible to have shares issued to him or her by such corporation or except in trust to another individual who would be eligible to receive shares if he or she were employed by the corporation. Nothing herein contained shall be construed to prohibit the transfer of shares by operation of law or by court decree. No transferee of shares by operation of law or court decree may vote the shares for any purpose whatsoever except with respect to corporate action under sections 909 and 1001 of this chapter. The restriction in the preceding sentence shall not apply, however, where such transferee would be eligible to have shares issued to him or her if he or she were an employee of the corporation and, if there are other shareholders, a majority of such other shareholders shall fail to redeem the shares so transferred, pursuant to section 1510 of this article, within sixty days of receiving written notice of such transfer. Any sale or transfer, except by operation of law or court

1 decree or except for a corporation having only one shareholder, may be
2 made only after the same shall have been approved by the board of direc-
3 tors, or at a shareholders' meeting specially called for such purpose by
4 such proportion, not less than a majority, of the outstanding shares as
5 may be provided in the certificate of incorporation or in the by-laws of
6 such professional service corporation. At such shareholders' meeting the
7 shares held by the shareholder proposing to sell or transfer his or her
8 shares may not be voted or counted for any purpose, unless all share-
9 holders consent that such shares be voted or counted. The certificate of
10 incorporation or the by-laws of the professional service corporation, or
11 the professional service corporation and the shareholders by private
12 agreement, may provide, in lieu of or in addition to the foregoing
13 provisions, for the alienation of shares and may require the redemption
14 or purchase of such shares by such corporation at prices and in a manner
15 specifically set forth therein. The existence of the restrictions on the
16 sale or transfer of shares, as contained in this article and, if appli-
17 cable, in the certificate of incorporation, by-laws, stock purchase or
18 stock redemption agreement, shall be noted conspicuously on the face or
19 back of every certificate for shares issued by a professional service
20 corporation. Any sale or transfer in violation of such restrictions
21 shall be void.

22 (c) A firm established for the business purpose of incorporating as a
23 professional service corporation pursuant to paragraph (h) of section
24 fifteen hundred three of this article, shall purchase or redeem the
25 shares of a non-licensed professional shareholder in the case of his or
26 her termination of employment within thirty days after such termination.
27 A firm established for the business purpose of incorporating as a
28 professional service corporation pursuant to paragraph (h) of section
29 fifteen hundred three of this article, shall not be required to purchase
30 or redeem the shares of a terminated non-licensed professional share-
31 holder if such shares, within thirty days after such termination, are
32 sold or transferred to another employee of the corporation pursuant to
33 this article.

34 § 6. Section 1514 of the business corporation law is amended by adding
35 a new paragraph (c) to read as follows:

36 (c) Each firm established for the business purpose of incorporating as
37 a professional service corporation pursuant to paragraph (h) of section
38 fifteen hundred three of this article shall, at least once every three
39 years on or before the date prescribed by the licensing authority,
40 furnish a statement to the licensing authority listing the names and
41 residence addresses of each shareholder, director and officer of such
42 corporation and certify as the date of certification and at all times
43 over the entire three year period that:

44 (i) at least fifty-one percent of the outstanding shares of stock of
45 the corporation are and were owned by certified public accountants,

46 (ii) at least fifty-one percent of the directors are and were certi-
47 fied public accountants,

48 (iii) at least fifty-one percent of the officers are and were certi-
49 fied public accountants,

50 (iv) the president, the chairperson of the board of directors and the
51 chief executive officer or officers are and were certified public
52 accountants.

53 The statement shall be signed by the president or any certified public
54 accountant vice-president and attested to by the secretary or any
55 assistant secretary of the corporation.

§ 7. Paragraph (d) of section 1525 of the business corporation law, as added by chapter 505 of the laws of 1983, is amended to read as follows:

(d) "Foreign professional service corporation" means a professional service corporation, whether or not denominated as such, organized under the laws of a jurisdiction other than this state, all of the shareholders, directors and officers of which are authorized and licensed to practice the profession for which such corporation is licensed to do business; except that all shareholders, directors and officers of a foreign professional service corporation which provides health services in this state shall be licensed in this state. A foreign professional service corporation formed to lawfully engage in the practice of public accountancy, as such practice is defined under article one hundred forty-nine of the education law, or equivalent state law, shall be required to show (1) that a simple majority of the ownership of the firm, in terms of financial interests, and voting rights held by the firm's owners, belongs to individuals licensed to practice public accountancy in some state, and (2) that all shareholders of a foreign professional service corporation whose principal place of business is in this state, and who are engaged in the practice of public accountancy in this state, hold a valid license issued under section seventy-four hundred four of the education law. For purposes of this paragraph, "financial interest" means capital stock, capital accounts, capital contributions, capital interest, or interest in undistributed earnings of a business entity. Although firms may include non-licensee owners, the firm and its owners must comply with rules promulgated by the state board of regents. Notwithstanding the foregoing, a firm registered under this section may not have non-licensee owners if the firm's name includes the words "certified public accountant," or "certified public accountants," or the abbreviations "CPA" or "CPAs". Each non-licensee owner of a firm that is operating under this section shall be a natural person who actively participates in the business of the firm or its affiliated entities, provided each beneficial owner of an equity interest in such entity is a natural person who actively participates in the business conducted by the firm or its affiliated entities. For purposes of this paragraph, "actively participate" means to provide services to clients or to otherwise individually take part in the day-to-day business or management of the firm.

§ 8. Subdivision (q) of section 121-1500 of the partnership law, as amended by chapter 475 of the laws of 2014, is amended to read as follows:

(q) Each partner of a registered limited liability partnership formed to provide medical services in this state must be licensed pursuant to article 131 of the education law to practice medicine in this state and each partner of a registered limited liability partnership formed to provide dental services in this state must be licensed pursuant to article 133 of the education law to practice dentistry in this state. Each partner of a registered limited liability partnership formed to provide veterinary services in this state must be licensed pursuant to article 135 of the education law to practice veterinary medicine in this state. Each partner of a registered limited liability partnership formed to provide public accountancy services, whose principal place of business is in this state and who provides public accountancy services, must be licensed pursuant to article 149 of the education law to practice public accountancy in this state. Each partner of a registered limited liability partnership formed to provide professional engineering, land surveying, geological services, architectural and/or landscape architectural

1 services in this state must be licensed pursuant to article 145, article
2 147 and/or article 148 of the education law to practice one or more of
3 such professions in this state. Each partner of a registered limited
4 liability partnership formed to provide licensed clinical social work
5 services in this state must be licensed pursuant to article 154 of the
6 education law to practice clinical social work in this state. Each part-
7 ner of a registered limited liability partnership formed to provide
8 creative arts therapy services in this state must be licensed pursuant
9 to article 163 of the education law to practice creative arts therapy in
10 this state. Each partner of a registered limited liability partnership
11 formed to provide marriage and family therapy services in this state
12 must be licensed pursuant to article 163 of the education law to prac-
13 tice marriage and family therapy in this state. Each partner of a regis-
14 tered limited liability partnership formed to provide mental health
15 counseling services in this state must be licensed pursuant to article
16 163 of the education law to practice mental health counseling in this
17 state. Each partner of a registered limited liability partnership formed
18 to provide psychoanalysis services in this state must be licensed pursu-
19 ant to article 163 of the education law to practice psychoanalysis in
20 this state. Each partner of a registered limited liability partnership
21 formed to provide applied behavior analysis service in this state must
22 be licensed or certified pursuant to article 167 of the education law to
23 practice applied behavior analysis in this state. A limited liability
24 partnership formed to lawfully engage in the practice of public accoun-
25 tancy, as such practice is respectively defined under article 149 of the
26 education law, shall be required to show (1) that a simple majority of
27 the ownership of the firm, in terms of financial interests, and voting
28 rights held by the firm's owners, belongs to individuals licensed to
29 practice public accountancy in some state, and (2) that all partners of
30 a limited liability partnership whose principal place of business is in
31 this state, and who are engaged in the practice of public accountancy in
32 this state, hold a valid license issued under section seventy-four
33 hundred four of the education law. For purposes of this subdivision,
34 "financial interest" means capital stock, capital accounts, capital
35 contributions, capital interest, or interest in undistributed earnings
36 of a business entity. Although firms may include non-licensee owners,
37 the firm and its owners must comply with rules promulgated by the state
38 board of regents. Notwithstanding the foregoing, a firm registered under
39 this section may not have non-licensee owners if the firm's name
40 includes the words "certified public accountant," or "certified public
41 accounts," or the abbreviations "CPA" or "CPAs". Each non-licensee owner
42 of a firm that is formed under this section shall be (1) a natural
43 person who actively participates in the business of the firm or its
44 affiliated entities, or (2) an entity, including, but not limited to, a
45 partnership or professional corporation, provided each beneficial owner
46 of an equity interest in such entity is a natural person who actively
47 participates in the business conducted by the firm or its affiliated
48 entities. For purposes of this subdivision, "actively participate" means
49 to provide services to clients or to otherwise individually take part in
50 the day-to-day business or management of the firm.

51 § 9. Subdivision (q) of section 121-1502 of the partnership law, as
52 amended by chapter 475 of the laws of 2014, is amended to read as
53 follows:

54 (q) Each partner of a foreign limited liability partnership which
55 provides medical services in this state must be licensed pursuant to
56 article 131 of the education law to practice medicine in the state and

1 each partner of a foreign limited liability partnership which provides
2 dental services in the state must be licensed pursuant to article 133 of
3 the education law to practice dentistry in this state. Each partner of a
4 foreign limited liability partnership which provides veterinary service
5 in the state shall be licensed pursuant to article 135 of the education
6 law to practice veterinary medicine in this state. Each partner of a
7 foreign limited liability partnership which provides professional engi-
8 neering, land surveying, geological services, architectural and/or land-
9 scape architectural services in this state must be licensed pursuant to
10 article 145, article 147 and/or article 148 of the education law to
11 practice one or more of such professions. Each partner of a foreign
12 registered limited liability partnership formed to provide public
13 accountancy services, whose principal place of business is in this state
14 and who provides public accountancy services, must be licensed pursuant
15 to article 149 of the education law to practice public accountancy in
16 this state. Each partner of a foreign limited liability partnership
17 which provides licensed clinical social work services in this state must
18 be licensed pursuant to article 154 of the education law to practice
19 licensed clinical social work in this state. Each partner of a foreign
20 limited liability partnership which provides creative arts therapy
21 services in this state must be licensed pursuant to article 163 of the
22 education law to practice creative arts therapy in this state. Each
23 partner of a foreign limited liability partnership which provides
24 marriage and family therapy services in this state must be licensed
25 pursuant to article 163 of the education law to practice marriage and
26 family therapy in this state. Each partner of a foreign limited liabil-
27 ity partnership which provides mental health counseling services in this
28 state must be licensed pursuant to article 163 of the education law to
29 practice mental health counseling in this state. Each partner of a
30 foreign limited liability partnership which provides psychoanalysis
31 services in this state must be licensed pursuant to article 163 of the
32 education law to practice psychoanalysis in this state. Each partner of
33 a foreign limited liability partnership which provides applied behavior
34 analysis services in this state must be licensed or certified pursuant
35 to article 167 of the education law to practice applied behavior analy-
36 sis in this state. A foreign limited liability partnership formed to
37 lawfully engage in the practice of public accountancy, as such practice
38 is respectively defined under article 149 of the education law, shall be
39 required to show (1) that a simple majority of the ownership of the
40 firm, in terms of financial interests, and voting rights held by the
41 firm's owners, belongs to individuals licensed to practice public
42 accountancy in some state, and (2) that all partners of a foreign limit-
43 ed liability partnership whose principal place of business is in this
44 state, and who are engaged in the practice of public accountancy in this
45 state, hold a valid license issued under section seventy-four hundred
46 four of the education law. For purposes of this subdivision, "financial
47 interest" means capital stock, capital accounts, capital contributions,
48 capital interest, or interest in undistributed earnings of a business
49 entity. Although firms may include non-licensee owners, the firm and
50 its owners must comply with rules promulgated by the state board of
51 regents. Notwithstanding the foregoing, a firm registered under this
52 section may not have non-licensee owners if the firm's name includes the
53 words "certified public accountant," or "certified public accountants,"
54 or the abbreviations "CPA" or "CPAs". Each non-licensee owner of a firm
55 that is formed under this section shall be (1) a natural person who
56 actively participates in the business of the firm or its affiliated

1 entities, or (2) an entity, including, but not limited to, a partnership
2 or professional corporation, provided each beneficial owner of an equity
3 interest in such entity is a natural person who actively participates in
4 the business conducted by the firm or its affiliated entities. For
5 purposes of this subdivision, "actively participate" means to provide
6 services to clients or to otherwise individually take part in the day-
7 to-day business or management of the firm.

8 § 10. Subdivision (h) of section 121-101 of the partnership law, as
9 added by chapter 950 of the laws of 1990, is amended to read as follows:

10 (h) "Limited partnership" and "domestic limited partnership" mean,
11 unless the context otherwise requires, a partnership (i) formed by two
12 or more persons pursuant to this article or which complies with subdivi-
13 sion (a) of section 121-1202 of this article and (ii) having one or more
14 general partners and one or more limited partners. Notwithstanding any
15 other provisions of law a limited partnership or domestic limited part-
16 nership formed to lawfully engage in the practice of public accountancy,
17 as such practice is respectively defined under article 149 of the educa-
18 tion law shall be required to show (1) that a simple majority of the
19 ownership of the firm, in terms of financial interests, including owner-
20 ship-based compensation, and voting rights held by the firm's owners,
21 belongs to individuals licensed to practice public accountancy in some
22 state, and (2) that all partners of a limited partnership or domestic
23 limited partnership, whose principal place of business is in this state,
24 and who are engaged in the practice of public accountancy in this state,
25 hold a valid license issued under section seventy-four hundred four of
26 the education law or are public accountants licensed under section
27 seventy-four hundred five of the education law. Although firms may
28 include non-licensee owners, the firm and its owners must comply with
29 rules promulgated by the state board of regents. Notwithstanding the
30 foregoing, a firm registered under this section may not have non-licen-
31 see owners if the firm's name includes the words "certified public
32 accountant," or "certified public accountants," or the abbreviations
33 "CPA" or "CPAs". Each non-licensee owner of a firm that is registered
34 under this section shall be (1) a natural person who actively partic-
35 ipates in the business of the firm or its affiliated entities, or (2) an
36 entity, including, but not limited to, a partnership or professional
37 corporation, provided each beneficial owner of an equity interest in
38 such entity is a natural person who actively participates in the busi-
39 ness conducted by the firm or its affiliated entities. For purposes of
40 this subdivision, "actively participate" means to provide services to
41 clients or to otherwise individually take part in the day-to-day busi-
42 ness or management of the firm.

43 § 11. Subdivision (b) of section 1207 of the limited liability company
44 law, as amended by chapter 475 of the laws of 2014, is amended to read
45 as follows:

46 (b) With respect to a professional service limited liability company
47 formed to provide medical services as such services are defined in arti-
48 cle 131 of the education law, each member of such limited liability
49 company must be licensed pursuant to article 131 of the education law to
50 practice medicine in this state. With respect to a professional service
51 limited liability company formed to provide dental services as such
52 services are defined in article 133 of the education law, each member of
53 such limited liability company must be licensed pursuant to article 133
54 of the education law to practice dentistry in this state. With respect
55 to a professional service limited liability company formed to provide
56 veterinary services as such services are defined in article 135 of the

1 education law, each member of such limited liability company must be
2 licensed pursuant to article 135 of the education law to practice veter-
3 inary medicine in this state. With respect to a professional service
4 limited liability company formed to provide professional engineering,
5 land surveying, architectural, landscape architectural and/or geological
6 services as such services are defined in article 145, article 147 and
7 article 148 of the education law, each member of such limited liability
8 company must be licensed pursuant to article 145, article 147 and/or
9 article 148 of the education law to practice one or more of such
10 professions in this state. With respect to a professional service
11 limited liability company formed to provide public accountancy services
12 as such services are defined in article 149 of the education law each
13 member of such limited liability company whose principal place of busi-
14 ness is in this state and who provides public accountancy services, must
15 be licensed pursuant to article 149 of the education law to practice
16 public accountancy in this state. With respect to a professional service
17 limited liability company formed to provide licensed clinical social
18 work services as such services are defined in article 154 of the educa-
19 tion law, each member of such limited liability company shall be
20 licensed pursuant to article 154 of the education law to practice
21 licensed clinical social work in this state. With respect to a profes-
22 sional service limited liability company formed to provide creative arts
23 therapy services as such services are defined in article 163 of the
24 education law, each member of such limited liability company must be
25 licensed pursuant to article 163 of the education law to practice crea-
26 tive arts therapy in this state. With respect to a professional service
27 limited liability company formed to provide marriage and family therapy
28 services as such services are defined in article 163 of the education
29 law, each member of such limited liability company must be licensed
30 pursuant to article 163 of the education law to practice marriage and
31 family therapy in this state. With respect to a professional service
32 limited liability company formed to provide mental health counseling
33 services as such services are defined in article 163 of the education
34 law, each member of such limited liability company must be licensed
35 pursuant to article 163 of the education law to practice mental health
36 counseling in this state. With respect to a professional service limited
37 liability company formed to provide psychoanalysis services as such
38 services are defined in article 163 of the education law, each member of
39 such limited liability company must be licensed pursuant to article 163
40 of the education law to practice psychoanalysis in this state. With
41 respect to a professional service limited liability company formed to
42 provide applied behavior analysis services as such services are defined
43 in article 167 of the education law, each member of such limited liabil-
44 ity company must be licensed or certified pursuant to article 167 of the
45 education law to practice applied behavior analysis in this state. A
46 professional service limited liability company formed to lawfully engage
47 in the practice of public accountancy, as such practice is respectively
48 defined under article 149 of the education law shall be required to show
49 (1) that a simple majority of the ownership of the firm, in terms of
50 financial interests, and voting rights held by the firm's owners,
51 belongs to individuals licensed to practice public accountancy in some
52 state, and (2) that all members of a limited professional service limit-
53 ed liability company, whose principal place of business is in this
54 state, and who are engaged in the practice of public accountancy in this
55 state, hold a valid license issued under section seventy-four hundred
56 four of the education law. For purposes of this subdivision, "financial

interest" means capital stock, capital accounts, capital contributions, capital interest, or interest in undistributed earnings of a business entity. Although firms may include non-licensee owners, the firm and its owners must comply with rules promulgated by the state board of regents. Notwithstanding the foregoing, a firm registered under this section may not have non-licensee owners if the firm's name includes the words "certified public accountant," or "certified public accountants," or the abbreviations "CPA" or "CPAs". Each non-licensee owner of a firm that is registered under this section shall be (1) a natural person who actively participates in the business of the firm or its affiliated entities, or (2) an entity, including, but not limited to, a partnership or professional corporation, provided each beneficial owner of an equity interest in such entity is a natural person who actively participates in the business conducted by the firm or its affiliated entities. For purposes of this subdivision, "actively participate" means to provide services to clients or to otherwise individually take part in the day-to-day business or management of the firm.

§ 12. Subdivision (a) of section 1301 of the limited liability company law, as amended by chapter 475 of the laws of 2014, is amended to read as follows:

(a) "Foreign professional service limited liability company" means a professional service limited liability company, whether or not denominated as such, organized under the laws of a jurisdiction other than this state, (i) each of whose members and managers, if any, is a professional authorized by law to render a professional service within this state and who is or has been engaged in the practice of such profession in such professional service limited liability company or a predecessor entity, or will engage in the practice of such profession in the professional service limited liability company within thirty days of the date such professional becomes a member, or each of whose members and managers, if any, is a professional at least one of such members is authorized by law to render a professional service within this state and who is or has been engaged in the practice of such profession in such professional service limited liability company or a predecessor entity, or will engage in the practice of such profession in the professional service limited liability company within thirty days of the date such professional becomes a member, or (ii) authorized by, or holding a license, certificate, registration or permit issued by the licensing authority pursuant to, the education law to render a professional service within this state; except that all members and managers, if any, of a foreign professional service limited liability company that provides health services in this state shall be licensed in this state. With respect to a foreign professional service limited liability company which provides veterinary services as such services are defined in article 135 of the education law, each member of such foreign professional service limited liability company shall be licensed pursuant to article 135 of the education law to practice veterinary medicine. With respect to a foreign professional service limited liability company which provides medical services as such services are defined in article 131 of the education law, each member of such foreign professional service limited liability company must be licensed pursuant to article 131 of the education law to practice medicine in this state. With respect to a foreign professional service limited liability company which provides dental services as such services are defined in article 133 of the education law, each member of such foreign professional service limited liability company must be licensed pursuant to article 133 of the educa-

tion law to practice dentistry in this state. With respect to a foreign professional service limited liability company which provides professional engineering, land surveying, geologic, architectural and/or landscape architectural services as such services are defined in article 145, article 147 and article 148 of the education law, each member of such foreign professional service limited liability company must be licensed pursuant to article 145, article 147 and/or article 148 of the education law to practice one or more of such professions in this state.

With respect to a foreign professional service limited liability company which provides public accountancy services as such services are defined in article 149 of the education law, each member of such foreign professional service limited liability company whose principal place of business is in this state and who provides public accountancy services, shall be licensed pursuant to article 149 of the education law to practice public accountancy in this state.

With respect to a foreign professional service limited liability company which provides licensed clinical social work services as such services are defined in article 154 of the education law, each member of such foreign professional service limited liability company shall be licensed pursuant to article 154 of the education law to practice clinical social work in this state. With respect to a foreign professional service limited liability company which provides creative arts therapy services as such services are defined in article 163 of the education law, each member of such foreign professional service limited liability company must be licensed pursuant to article 163 of the education law to practice creative arts therapy in this state. With respect to a foreign professional service limited liability company which provides marriage and family therapy services as such services are defined in article 163 of the education law, each member of such foreign professional service limited liability company must be licensed pursuant to article 163 of the education law to practice marriage and family therapy in this state. With respect to a foreign professional service limited liability company which provides mental health counseling services as such services are defined in article 163 of the education law, each member of such foreign professional service limited liability company must be licensed pursuant to article 163 of the education law to practice mental health counseling in this state. With respect to a foreign professional service limited liability company which provides psychoanalysis services as such services are defined in article 163 of the education law, each member of such foreign professional service limited liability company must be licensed pursuant to article 163 of the education law to practice psychoanalysis in this state. With respect to a foreign professional service limited liability company which provides applied behavior analysis services as such services are defined in article 167 of the education law, each member of such foreign professional service limited liability company must be licensed or certified pursuant to article 167 of the education law to practice applied behavior analysis in this state.

A foreign professional service limited liability company formed to lawfully engage in the practice of public accountancy, as such practice is respectively defined under article 149 of the education law shall be required to show (1) that a simple majority of the ownership of the firm, in terms of financial interests, and voting rights held by the firm's owners, belongs to individuals licensed to practice public accountancy in some state, and (2) that all members of a foreign limited professional service limited liability company, whose principal place of business is in this state, and who are engaged in the practice of public accountancy in this state,

1 hold a valid license issued under section seventy-four hundred four of
2 the education law. For purposes of this subdivision, "financial inter-
3 est" means capital stock, capital accounts, capital contributions, capi-
4 tal interest, or interest in undistributed earnings of a business enti-
5 ty. Although firms may include non-licensee owners, the firm and its
6 owners must comply with rules promulgated by the state board of regents.
7 Notwithstanding the foregoing, a firm registered under this section may
8 not have non-licensee owners if the firm's name includes the words
9 "certified public accountant," or "certified public accountants," or the
10 abbreviations "CPA" or "CPAs". Each non-licensee owner of a firm that is
11 registered under this section shall be (1) a natural person who actively
12 participates in the business of the firm or its affiliated entities, or
13 (2) an entity, including, but not limited to, a partnership or profes-
14 sional corporation, provided each beneficial owner of an equity interest
15 in such entity is a natural person who actively participates in the
16 business conducted by the firm or its affiliated entities. For purposes
17 of this subdivision, "actively participate" means to provide services to
18 clients or to otherwise individually take part in the day-to-day busi-
19 ness or management of the firm.

20 § 13. Notwithstanding any other provision of law to the contrary,
21 there is hereby established a fee for each non-licensee owner of a firm
22 that is incorporating as a professional service corporation formed to
23 lawfully engage in the practice of public accountancy. Such non-licensee
24 owner shall pay a fee of three hundred dollars to the department of
25 education on an annual basis.

26 § 14. This act shall take effect immediately.

27 PART H

28 Section 1. Notwithstanding any other provision of law, the housing
29 trust fund corporation may provide, for purposes of the neighborhood
30 preservation program, a sum not to exceed \$12,830,000 for the fiscal
31 year ending March 31, 2021. Notwithstanding any other provision of law,
32 and subject to the approval of the New York state director of the budg-
33 et, the board of directors of the state of New York mortgage agency
34 shall authorize the transfer to the housing trust fund corporation, for
35 the purposes of reimbursing any costs associated with neighborhood pres-
36 ervation program contracts authorized by this section, a total sum not
37 to exceed \$12,830,000, such transfer to be made from (i) the special
38 account of the mortgage insurance fund created pursuant to section
39 2429-b of the public authorities law, in an amount not to exceed the
40 actual excess balance in the special account of the mortgage insurance
41 fund, as determined and certified by the state of New York mortgage
42 agency for the fiscal year 2019-2020 in accordance with section 2429-b
43 of the public authorities law, if any, and/or (ii) provided that the
44 reserves in the project pool insurance account of the mortgage insurance
45 fund created pursuant to section 2429-b of the public authorities law
46 are sufficient to attain and maintain the credit rating (as determined
47 by the state of New York mortgage agency) required to accomplish the
48 purposes of such account, the project pool insurance account of the
49 mortgage insurance fund, such transfer to be made as soon as practicable
50 but no later than June 30, 2020.

51 § 2. Notwithstanding any other provision of law, the housing trust
52 fund corporation may provide, for purposes of the rural preservation
53 program, a sum not to exceed \$5,360,000 for the fiscal year ending March
54 31, 2021. Notwithstanding any other provision of law, and subject to

1 the approval of the New York state director of the budget, the board of
2 directors of the state of New York mortgage agency shall authorize the
3 transfer to the housing trust fund corporation, for the purposes of
4 reimbursing any costs associated with rural preservation program
5 contracts authorized by this section, a total sum not to exceed
6 \$5,360,000, such transfer to be made from (i) the special account of the
7 mortgage insurance fund created pursuant to section 2429-b of the public
8 authorities law, in an amount not to exceed the actual excess balance in
9 the special account of the mortgage insurance fund, as determined and
10 certified by the state of New York mortgage agency for the fiscal year
11 2019-2020 in accordance with section 2429-b of the public authorities
12 law, if any, and/or (ii) provided that the reserves in the project pool
13 insurance account of the mortgage insurance fund created pursuant to
14 section 2429-b of the public authorities law are sufficient to attain
15 and maintain the credit rating (as determined by the state of New York
16 mortgage agency) required to accomplish the purposes of such account,
17 the project pool insurance account of the mortgage insurance fund, such
18 transfer to be made as soon as practicable but no later than June 30,
19 2020.

20 § 3. Notwithstanding any other provision of law, the housing trust
21 fund corporation may provide, for purposes of the rural rental assist-
22 ance program pursuant to article 17-A of the private housing finance
23 law, a sum not to exceed \$21,000,000 for the fiscal year ending March
24 31, 2021. Notwithstanding any other provision of law, and subject to
25 the approval of the New York state director of the budget, the board of
26 directors of the state of New York mortgage agency shall authorize the
27 transfer to the housing trust fund corporation, for the purposes of
28 reimbursing any costs associated with rural rental assistance program
29 contracts authorized by this section, a total sum not to exceed
30 \$21,000,000, such transfer to be made from (i) the special account of
31 the mortgage insurance fund created pursuant to section 2429-b of the
32 public authorities law, in an amount not to exceed the actual excess
33 balance in the special account of the mortgage insurance fund, as deter-
34 mined and certified by the state of New York mortgage agency for the
35 fiscal year 2019-2020 in accordance with section 2429-b of the public
36 authorities law, if any, and/or (ii) provided that the reserves in the
37 project pool insurance account of the mortgage insurance fund created
38 pursuant to section 2429-b of the public authorities law are sufficient
39 to attain and maintain the credit rating, as determined by the state of
40 New York mortgage agency, required to accomplish the purposes of such
41 account, the project pool insurance account of the mortgage insurance
42 fund, such transfer shall be made as soon as practicable but no later
43 than June 30, 2020.

44 § 4. Notwithstanding any other provision of law, the homeless housing
45 and assistance corporation may provide, for purposes of the New York
46 state supportive housing program, the solutions to end homelessness
47 program or the operational support for AIDS housing program, or to qual-
48 ified grantees under such programs, in accordance with the requirements
49 of such programs, a sum not to exceed \$42,641,000 for the fiscal year
50 ending March 31, 2021. The homeless housing and assistance corporation
51 may enter into an agreement with the office of temporary and disability
52 assistance to administer such sum in accordance with the requirements of
53 such programs. Notwithstanding any other provision of law, and subject
54 to the approval of the New York state director of the budget, the board
55 of directors of the state of New York mortgage agency shall authorize
56 the transfer to the homeless housing and assistance corporation, a total

1 sum not to exceed \$42,641,000, such transfer to be made from (i) the
2 special account of the mortgage insurance fund created pursuant to
3 section 2429-b of the public authorities law, in an amount not to exceed
4 the actual excess balance in the special account of the mortgage insur-
5 ance fund, as determined and certified by the state of New York mortgage
6 agency for the fiscal year 2019-2020 in accordance with section 2429-b
7 of the public authorities law, if any, and/or (ii) provided that the
8 reserves in the project pool insurance account of the mortgage insurance
9 fund created pursuant to section 2429-b of the public authorities law
10 are sufficient to attain and maintain the credit rating as determined by
11 the state of New York mortgage agency, required to accomplish the
12 purposes of such account, the project pool insurance account of the
13 mortgage insurance fund, such transfer shall be made as soon as practi-
14 cable but no later than March 31, 2021.

15 § 5. This act shall take effect immediately.

16 PART I

17 Section 1. Subdivision c of section 8 of section 4 of chapter 576 of
18 the laws of 1974, constituting the emergency tenant protection act of
19 nineteen seventy-four, as amended by section 16 of part K of chapter 36
20 of the laws of 2019, is amended to read as follows:

21 c. Whenever a city having a population of one million or more has
22 determined the existence of an emergency pursuant to section three of
23 this act, the provisions of this act and the New York city rent stabili-
24 zation law of nineteen hundred sixty-nine shall be administered by the
25 state [~~division of housing and community renewal~~] as provided in the New
26 York city rent stabilization law of nineteen hundred sixty-nine, as
27 amended, or as otherwise provided by law. The costs incurred by the
28 state [~~division of housing and community renewal~~] in administering such
29 regulation shall be paid by such city. All payments for such adminis-
30 tration shall be transmitted to the state [~~division of housing and~~
31 ~~community renewal~~] as follows: on or after April first of each year
32 commencing with April, nineteen hundred eighty-four, the commissioner of
33 housing and community renewal, in consultation with the director of the
34 budget, shall determine an amount necessary to defray the [~~division's~~]
35 state's anticipated annual cost, and one-quarter of such amount shall be
36 paid by such city on or before July first of such year, one-quarter of
37 such amount on or before October first of such year, one-quarter of such
38 amount on or before January first of the following year and one-quarter
39 of such amount on or before March thirty-first of the following year.
40 After the close of the fiscal year of the state, the commissioner, in
41 consultation with the director of the budget, shall determine the amount
42 of all actual costs incurred in such fiscal year and shall certify such
43 amount to such city. If such certified amount shall differ from the
44 amount paid by the city for such fiscal year, appropriate adjustments
45 shall be made in the next quarterly payment to be made by such city. In
46 the event that the amount thereof is not paid to the commissioner, in
47 consultation with the director of the budget, as herein prescribed, the
48 commissioner, in consultation with the director of the budget, shall
49 certify the unpaid amount to the comptroller, and the comptroller shall,
50 to the extent not otherwise prohibited by law, withhold such amount from
51 any state aid payable to such city. In no event shall the amount imposed
52 on the owners exceed twenty dollars per unit per year.

53 § 2. Subdivisions d and e of section 8 of section 4 of chapter 576 of
54 the laws of 1974, constituting the emergency tenant protection act of

19 nineteen seventy-four, subdivision d as amended by section 16 of part K of chapter 36 of the laws of 2019 and subdivision e as amended by section 1 of part 0 of chapter 57 of the laws of 2009, are amended to read as follows:

5 d. Notwithstanding subdivision c of this section or any other provision of law to the contrary, whenever the state has incurred any costs as a result of administering the rent regulation program for a city having a population of one million or more in accordance with subdivision c of this section, the director of the budget may direct any other state agency to permanently reduce the amount of any other payment or payments owed to such city or any department, agency, or instrumentality thereof; provided however, that such reduction shall be in an amount equal to the costs incurred by the state in administering the rent regulation program for such city in accordance with subdivision c of this section. If the director of the budget makes such direction in accordance with this subdivision, the impacted city shall not make the payments required by subdivision c of this section, and the division of housing and community renewal shall notify such city in writing of what payment or payments will be reduced and the amount of the reduction and shall suballocate, as necessary, the value of the costs it incurred to the agency or agencies which reduces the payments to such city or any department, agency or authority thereof in accordance with this subdivision.

24 e. The failure to pay the prescribed assessment not to exceed twenty dollars per unit for any housing accommodation subject to this act or the New York city rent stabilization law of nineteen hundred sixty-nine shall constitute a charge due and owing such city, town or village which has imposed an annual charge for each such housing accommodation pursuant to subdivision b of this section. Any such city, town or village shall be authorized to provide for the enforcement of the collection of such charges by commencing an action or proceeding for the recovery of such fees or by the filing of a lien upon the building and lot. Such methods for the enforcement of the collection of such charges shall be the sole remedy for the enforcement of this section.

35 ~~[e-]~~ f. The division shall maintain at least one office in each county which is governed by the rent stabilization law of nineteen hundred sixty-nine or this act; provided, however, that the division shall not be required to maintain an office in the counties of Nassau, Rockland, or Richmond.

§ 3. This act shall take effect immediately.

PART J

Section 1. The labor law is amended by adding a new section 196-b to read as follows:

§ 196-b. Sick leave requirements. 1. Every employer shall provide its employees with sick leave as follows:

a. For employers with four or fewer employees in any calendar year all employees shall be provided with at least five days of unpaid sick leave each calendar year.

b. For employers with between five and ninety-nine employees in any calendar year, all employees shall be provided with at least five days of paid sick leave each calendar year.

c. For employers with one hundred or more employees in any calendar year, all employees shall be provided with at least seven days of paid sick leave each calendar year.

2. The commissioner shall have authority to adopt regulations and issue guidance to effectuate any of the provisions of this section. Employers shall comply with regulations and guidance promulgated by the commissioner for this purpose which may include but are not limited to standards for the accrual, use, payment, and employee eligibility of paid sick leave.

3. Employees shall accrue sick leave at a rate of not less than one hour per every thirty hours worked, beginning at the commencement of employment or the effective date of this section, whichever is later, subject to the use and accrual limitations set forth in this section.

4. The provisions of section two hundred fifteen of this chapter shall be applicable to the benefits afforded under this section, including, but not limited to, requesting sick leave and using sick leave.

§ 2. This act shall take effect one year after it shall have become a law.

PART K

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 L of chapter 56 of the laws of 2019, are amended to read as follows:

(a) in the case of each individual receiving family care, an amount equal to at least ~~[\$148.00]~~ \$150.00 for each month beginning on or after January first, two thousand ~~[nineteen]~~ twenty.

(b) in the case of each individual receiving residential care, an amount equal to at least ~~[\$171.00]~~ \$174.00 for each month beginning on or after January first, two thousand ~~[nineteen]~~ twenty.

(c) in the case of each individual receiving enhanced residential care, an amount equal to at least ~~[\$204.00]~~ \$207.00 for each month beginning on or after January first, two thousand ~~[nineteen]~~ twenty.

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

§ 2. Paragraphs (a), (b), (c), (d), (e) and (f) of subdivision 2 of section 209 of the social services law, as amended by section 2 of part L of chapter 56 of the laws of 2019, are amended to read as follows:

(a) On and after January first, two thousand ~~[nineteen]~~ twenty, for an eligible individual living alone, ~~[\$858.00]~~ \$870.00; and for an eligible couple living alone, ~~[\$1,261.00]~~ \$1,279.00.

(b) On and after January first, two thousand ~~[nineteen]~~ twenty, for an eligible individual living with others with or without in-kind income, ~~[\$794.00]~~ \$806.00; and for an eligible couple living with others with or without in-kind income, ~~[\$1,203.00]~~ \$1,221.00.

(c) On and after January first, two thousand ~~[nineteen]~~ twenty, (i) for an eligible individual receiving family care, ~~[\$1,037.48]~~ \$1,049.48 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

1 couple receiving family care in the city of New York or the county of
2 Nassau, Suffolk, Westchester or Rockland, two times the amount set forth
3 in subparagraph (i) of this paragraph; or (iii) for an eligible individ-
4 ual receiving such care in any other county in the state, [~~\$999.48~~
5 ~~\$1,011.48~~]; and (iv) for an eligible couple receiving such care in any
6 other county in the state, two times the amount set forth in subpara-
7 graph (iii) of this paragraph.

8 (d) On and after January first, two thousand [~~nineteen~~] twenty, (i)
9 for an eligible individual receiving residential care, [~~\$1,206.00~~
10 ~~\$1,218.00~~] if he or she is receiving such care in the city of New York or
11 the county of Nassau, Suffolk, Westchester or Rockland; and (ii) for an
12 eligible couple receiving residential care in the city of New York or
13 the county of Nassau, Suffolk, Westchester or Rockland, two times the
14 amount set forth in subparagraph (i) of this paragraph; or (iii) for an
15 eligible individual receiving such care in any other county in the
16 state, [~~\$1,176.00~~] \$1,188.00; and (iv) for an eligible couple receiving
17 such care in any other county in the state, two times the amount set
18 forth in subparagraph (iii) of this paragraph.

19 (e) On and after January first, two thousand [~~nineteen~~] twenty, (i)
20 for an eligible individual receiving enhanced residential care,
21 [~~\$1,465.00~~] \$1,477.00; and (ii) for an eligible couple receiving
22 enhanced residential care, two times the amount set forth in subpara-
23 graph (i) of this paragraph.

24 (f) The amounts set forth in paragraphs (a) through (e) of this subdivi-
25 sion shall be increased to reflect any increases in federal supple-
26 mental security income benefits for individuals or couples which become
27 effective on or after January first, two thousand [~~twenty~~] twenty-one
28 but prior to June thirtieth, two thousand [~~twenty~~] twenty-one.

29 § 3. This act shall take effect December 31, 2020.

30 PART L

31 Section 1. The family court act is amended by adding a new article 5-C
32 to read as follows:

33 ARTICLE 5-C

34 JUDGMENTS OF PARENTAGE OF CHILDREN CONCEIVED THROUGH ASSISTED 35 REPRODUCTION OR PURSUANT TO SURROGACY AGREEMENTS

36 PART 1. General provisions (581-101 - 581-102)

37 2. Judgment of parentage (581-201 - 581-206)

38 3. Child of assisted reproduction (581-301 - 581-307)

39 4. Surrogacy agreement (581-401 - 581-409)

40 5. Payment to donors and persons acting as surrogates (581-501 - 41 581-502)

42 6. Surrogates' bill of rights (581-601 - 581-607)

43 7. Miscellaneous provisions (581-701 - 581-704)

44 PART 1

45 GENERAL PROVISIONS

46 Section 581-101. Purpose.

47 581-102. Definitions.

48 § 581-101. Purpose. The purpose of this article is to legally estab-
49 lish a child's relationship to his or her parents where the child is
50 conceived through assisted reproduction except for children born to a
51 person acting as surrogate who contributed the egg used in conception.
52 No fertilized egg, embryo or fetus shall have any independent rights

1 under the laws of this state, nor shall any fertilized egg, embryo or
2 fetus be viewed as a child under the laws of this state.

3 § 581-102. Definitions. (a) "Assisted reproduction" means a method of
4 causing pregnancy other than sexual intercourse and includes but is not
5 limited to:

6 1. intrauterine or vaginal insemination;

7 2. donation of gametes;

8 3. donation of embryos;

9 4. in vitro fertilization and transfer of embryos; and

10 5. intracytoplasmic sperm injection.

11 (b) "Child" means a born individual of any age whose parentage may be
12 determined under this act or other law.

13 (c) "Compensation" means payment of any valuable consideration in
14 excess of reasonable medical and ancillary costs.

15 (d) "Donor" means an individual who does not intend to be a parent who
16 produces gametes and provides them to another person, other than the
17 individual's spouse, for use in assisted reproduction. The term does
18 not include a person who is a parent under part three of this article.
19 Donor also includes an individual who had dispositional control of an
20 embryo or gametes who then transfers dispositional control and releases
21 all present and future parental and inheritance rights and obligations
22 to a resulting child.

23 (e) "Embryo" means a cell or group of cells containing a diploid
24 complement of chromosomes or group of such cells, not a gamete or
25 gametes, that has the potential to develop into a live born human being
26 if transferred into the body of a person under conditions in which
27 gestation may be reasonably expected to occur.

28 (f) "Embryo transfer" means all medical and laboratory procedures that
29 are necessary to effectuate the transfer of an embryo into the uterine
30 cavity.

31 (g) "Gamete" means a cell containing a haploid complement of DNA that
32 has the potential to form an embryo when combined with another gamete.
33 Sperm and eggs shall be considered gametes. A human gamete used or
34 intended for reproduction may not contain nuclear DNA that has been
35 deliberately altered, or nuclear DNA from one human combined with the
36 cytoplasm or cytoplasmic DNA of another human being.

37 (h) "Independent escrow agent" means someone other than the parties to
38 a surrogacy agreement and their attorneys. An independent escrow agent
39 can, but need not, be a surrogacy program, provided such surrogacy
40 program is owned or managed by an attorney licensed to practice law in
41 the state of New York. If such independent escrow agent is not attorney
42 owned, it shall be licensed, bonded and insured.

43 (i) "Surrogacy agreement" is an agreement between at least one
44 intended parent and a person acting as surrogate intended to result in a
45 live birth where the child will be the legal child of the intended
46 parents.

47 (j) "Person acting as surrogate" means an adult person, not an
48 intended parent, who enters into a surrogacy agreement to bear a child
49 who will be the legal child of the intended parent or parents so long as
50 the person acting as surrogate has not provided the egg used to conceive
51 the resulting child.

52 (k) "Health care practitioner" means an individual licensed or certi-
53 fied under title eight of the education law, or a similar law of another
54 state or country, acting within his or her scope of practice.

55 (l) "Intended parent" is an individual who manifests the intent to be
56 legally bound as the parent of a child resulting from assisted reprod-

1 uction or a surrogacy agreement provided he or she meets the require-
2 ments of this article.

3 (m) "In vitro fertilization" means the formation of a human embryo
4 outside the human body.

5 (n) "Parent" as used in this article means an individual with a
6 parent-child relationship created or recognized under this act or other
7 law.

8 (o) "Participant" is an individual who either: provides a gamete that
9 is used in assisted reproduction, is an intended parent, is a person
10 acting as surrogate, or is the spouse of an intended parent or person
11 acting as surrogate.

12 (p) "Record" means information inscribed in a tangible medium or
13 stored in an electronic or other medium that is retrievable in perceiva-
14 ble form.

15 (q) "Retrieval" means the procurement of eggs or sperm from a gamete
16 provider.

17 (r) "Spouse" means an individual married to another, or who has a
18 legal relationship entered into under the laws of the United States or
19 of any state, local or foreign jurisdiction, which is substantially
20 equivalent to a marriage, including a civil union or domestic partner-
21 ship.

22 (s) "State" means a state of the United States, the District of Colum-
23 bia, Puerto Rico, the United States Virgin Islands, or any territory or
24 insular possession subject to the jurisdiction of the United States.

25 (t) "Transfer" means the placement of an embryo or gametes into the
26 body of a person with the intent to achieve pregnancy and live birth.

27 PART 2

28 JUDGMENT OF PARENTAGE

29 Section 581-201. Judgment of parentage.

30 581-202. Proceeding for judgment of parentage of a child
31 conceived through assisted reproduction.

32 581-203. Proceeding for judgment of parentage of a child
33 conceived pursuant to a surrogacy agreement.

34 581-204. Judgment of parentage for intended parents who are
35 spouses.

36 581-205. Inspection of records.

37 581-206. Jurisdiction, and exclusive continuing jurisdiction.

38 § 581-201. Judgment of parentage. (a) A civil proceeding may be main-
39 tained to adjudicate the parentage of a child under the circumstances
40 set forth in this article. This proceeding is governed by the civil
41 practice law and rules.

42 (b) A judgment of parentage may be issued prior to birth but shall not
43 become effective until the birth of the child.

44 (c) A petition for a judgment of parentage or nonparentage of a child
45 conceived through assisted reproduction may be initiated by (1) a child,
46 or (2) a parent, or (3) a participant, or (4) a person with a claim to
47 parentage, or (5) social services official or other governmental agency
48 authorized by other law, or (6) a representative authorized by law to
49 act for an individual who would otherwise be entitled to maintain a
50 proceeding but who is deceased, incapacitated, or a minor, in order to
51 legally establish the child-parent relationship of either a child born
52 through assisted reproduction under part three of this article or a
53 child born pursuant to a surrogacy agreement under part four of this
54 article.

1 § 581-202. Proceeding for judgment of parentage of a child conceived
2 through assisted reproduction. (a) A proceeding for a judgment of
3 parentage with respect to a child conceived through assisted repro-
4 duction may be commenced:

5 (1) if the intended parent or child resides in New York state, in the
6 county where the intended parent resides any time after pregnancy is
7 achieved or in the county where the child was born or resides; or

8 (2) if the intended parent and child do not reside in New York state,
9 up to ninety days after the birth of the child in the county where the
10 child was born.

11 (b) The petition for a judgment of parentage must be verified.

12 (c) Where a petition includes the following statements, the court must
13 adjudicate any intended parent to be the parent of the child:

14 (1) a statement that an intended parent has been a resident of the
15 state for at least ninety days or if an intended parent is not a New
16 York state resident, that the child will be or was born in the state
17 within ninety days of filing; and

18 (2) a statement from the gestating intended parent that the gestating
19 intended parent became pregnant as a result of assisted reproduction;
20 and

21 (3) in cases where there is a non-gestating intended parent, a state-
22 ment from the gestating intended parent and non-gestating intended
23 parent that the non-gestating intended parent consented to assisted
24 reproduction pursuant to section 581-304 of this article; and

25 (4) proof of any donor's donative intent.

26 (d) The following shall be deemed sufficient proof of a donor's dona-
27 tive intent for purposes of this section:

28 (1) in the case of an anonymous donor or where gametes or embryos have
29 previously been released to a gamete or embryo storage facility or in
30 the presence of a health care practitioner, either:

31 (i) a statement or documentation from the gamete or embryo storage
32 facility or health care practitioner stating or demonstrating that such
33 gametes or embryos were anonymously donated or had previously been
34 released; or

35 (ii) clear and convincing evidence that the gamete or embryo donor
36 intended to donate gametes or embryos anonymously or intended to release
37 such gametes or embryos to a gamete or embryo storage facility or health
38 care practitioner; or

39 (2) in the case of a donation from a known donor, either: a. a record
40 from the gamete or embryo donor acknowledging the donation and confirm-
41 ing that the donor has no parental or proprietary interest in the
42 gametes or embryos. The record shall be signed by the gestating
43 intended parent and the gamete or embryo donor. The record may be, but
44 is not required to be, signed:

45 (i) before a notary public, or

46 (ii) before two witnesses who are not the intended parents, or

47 (iii) before a health care practitioner; or

48 b. clear and convincing evidence that the gamete or embryo donor
49 agreed, prior to conception, with the gestating parent that the donor
50 has no parental or proprietary interest in the gametes or embryos.

51 (3) In the absence of evidence pursuant to paragraph two of this
52 subdivision, notice shall be given to the donor at least twenty days
53 prior to the proceeding by delivery of a copy of the petition and
54 notice. Upon a showing to the court, by affidavit or otherwise, on or
55 before the date of the proceeding or within such further time as the
56 court may allow, that personal service cannot be effected at the donor's

1 last known address with reasonable effort, notice may be given, without
2 prior court order therefore, at least twenty days prior to the proceed-
3 ing by registered or certified mail directed to the donor's last known
4 address. Notice by publication shall not be required to be given to a
5 donor entitled to notice pursuant to the provisions of this section.

6 (4) Notwithstanding the above, where sperm is provided under the
7 supervision of a health care practitioner to someone other than the
8 sperm provider's intimate partner or spouse without a record of the
9 sperm provider's intent to parent, the sperm provider is presumed to be
10 a donor and notice is not required.

11 (e) In cases not covered by subdivision (c) of this section, the court
12 shall adjudicate the parentage of the child consistent with part three
13 of this article.

14 (f) Where the requirements of subdivision (c) of this section are met
15 or where the court finds the intended parent to be a parent under subdi-
16 vision (e) of this section, the court shall issue a judgment of parent-
17 age:

18 (1) declaring, that upon the birth of the child, the intended parent
19 is the legal parent of the child; and

20 (2) ordering the intended parent to assume responsibility for the
21 maintenance and support of the child immediately upon the birth of the
22 child; and

23 (3) if there is a donor, ordering that the donor is not a parent of
24 the child; and

25 (4) ordering that:

26 (i) Pursuant to section two hundred fifty-four of the judiciary law,
27 the clerk of the court shall transmit to the state commissioner of
28 health, or for a person born in New York city, to the commissioner of
29 health of the city of New York, on a form prescribed by the commission-
30 er, a written notification of such entry together with such other facts
31 as may assist in identifying the birth record of the person whose
32 parentage was in issue and, if such person whose parentage has been
33 determined is under eighteen years of age, the clerk shall also transmit
34 forthwith to the registry operated by the department of social services
35 pursuant to section three hundred seventy-two-c of the social services
36 law a notification of such determination; and

37 (ii) Pursuant to section forty-one hundred thirty-eight of the public
38 health law and NYC Public Health Code section 207.05 that upon receipt
39 of a judgment of parentage the local registrar where a child is born
40 will report the parentage of the child to the appropriate department of
41 health in conformity with the court order. If an original birth certif-
42 icate has already been issued, the appropriate department of health will
43 amend the birth certificate in an expedited manner and seal the previ-
44 ously issued birth certificate.

45 § 581-203. Proceeding for judgment of parentage of a child conceived
46 pursuant to a surrogacy agreement. (a) The proceeding may be commenced
47 (1) in any county where an intended parent resided any time after the
48 surrogacy agreement was executed; (2) in the county where the child was
49 born or resides; or (3) in the county where the surrogate resided any
50 time after the surrogacy agreement was executed.

51 (b) The proceeding may be commenced at any time after the surrogacy
52 agreement has been executed and shall be jointly filed by all intended
53 parents and the person acting as surrogate.

54 (c) The petition for a judgment of parentage must be verified and
55 include the following:

1 (1) a statement that the person acting as surrogate or at least one of
2 the intended parents has been a resident of the state for at least nine-
3 ty days at the time the surrogacy agreement was executed; and

4 (2) a certification from the attorney representing the intended parent
5 or parents and the attorney representing the person acting as surrogate
6 that the requirements of part four of this article have been met; and

7 (3) a statement from all parties to the surrogacy agreement that they
8 knowingly and voluntarily entered into the surrogacy agreement and that
9 the parties are jointly requesting the judgment of parentage.

10 (d) Where a petition satisfies subdivision (c) of this section the
11 court shall issue a judgment of parentage, without additional
12 proceedings or documentation:

13 (1) declaring, that upon the birth of the child born during the term
14 of the surrogacy agreement, the intended parent or parents are the only
15 legal parent or parents of the child;

16 (2) declaring, that upon the birth of the child born during the term
17 of the surrogacy agreement, the person acting as surrogate, and the
18 spouse of the person acting as surrogate, if any, is not the legal
19 parent of the child;

20 (3) declaring that upon the birth of the child born during the term of
21 the surrogacy agreement, the donors, if any, are not the parents of the
22 child;

23 (4) ordering the person acting as surrogate and the spouse of the
24 person acting as surrogate, if any, to transfer the child to the
25 intended parent or parents if this has not already occurred;

26 (5) ordering the intended parent or parents to assume responsibility
27 for the maintenance and support of the child immediately upon the birth
28 of the child; and

29 (6) ordering that:

30 (i) Pursuant to section two hundred fifty-four of the judiciary law,
31 the clerk of the court shall transmit to the state commissioner of
32 health, or for a person born in New York city, to the commissioner of
33 health of the city of New York, on a form prescribed by the commission-
34 er, a written notification of such entry together with such other facts
35 as may assist in identifying the birth record of the person whose
36 parentage was in issue and, if the person whose parentage has been
37 determined is under eighteen years of age, the clerk shall also transmit
38 to the registry operated by the department of social services pursuant
39 to section three hundred seventy-two-c of the social services law a
40 notification of the determination; and

41 (ii) Pursuant to section forty-one hundred thirty-eight of the public
42 health law and NYC Public Health Code section 207.05 that upon receipt
43 of a judgement of parentage the local registrar where a child is born
44 will report the parentage of the child to the appropriate department of
45 health in conformity with the court order. If an original birth certif-
46 icate has already been issued, the appropriate department of health will
47 amend the birth certificate in an expedited manner and seal the previ-
48 ously issued birth certificate.

49 (d) In the event the certification required by paragraph two of subdivi-
50 vision (c) of this section cannot be made because of a technical or
51 non-material deviation from the requirements of this article; the court
52 may nevertheless enforce the agreement and issue a judgment of parentage
53 if the court determines the agreement is in substantial compliance with
54 the requirements of this article.

55 § 581-204. Judgment of parentage for intended parents who are spouses.
56 Notwithstanding or without limitation on presumptions of parentage that

1 apply, a judgment of parentage may be obtained under this part by
2 intended parents who are each other's spouse. Nothing in this section
3 requires intended parents to be married to each other in order to be
4 jointly declared the parents of the child.

5 § 581-205. Inspection of records. Court records relating to
6 proceedings under this article shall be sealed, provided, however, that
7 the office of temporary and disability assistance, a child support unit
8 of a social services district or a child support agency of another state
9 providing child support services pursuant to title IV-d of the federal
10 social security act, to the extent necessary to provide child support
11 services or for the administration of the program pursuant to title IV-d
12 of the federal social security act, may obtain a copy of a judgment of
13 parentage. The parties to the proceeding and the child shall have the
14 right to inspect the entire court record, including, but not limit-
15 ed to, the name of the person acting as surrogate and any known donors.

16 § 581-206. Jurisdiction, and exclusive continuing jurisdiction. (a)
17 Proceedings pursuant to this article may be instituted in the supreme or
18 family court or surrogates court.

19 (b) Subject to the jurisdictional standards of section seventy-six of
20 the domestic relations law, the court conducting a proceeding under this
21 article has exclusive, continuing jurisdiction of all matters relating
22 to the determination of parentage until the child attains the age of one
23 hundred eighty days.

24 PART 3

25 CHILD OF ASSISTED REPRODUCTION

26 Section 581-301. Scope of article.

27 581-302. Status of donor.

28 581-303. Parentage of child of assisted reproduction.

29 581-304. Consent to assisted reproduction.

30 581-305. Limitation on spouses' dispute of parentage of child of
31 assisted reproduction.

32 581-306. Effect of embryo disposition agreement between intended
33 parents which transfers legal rights and disposi-
34 tional control to one intended parent.

35 581-307. Effect of death of intended parent.

36 § 581-301. Scope of article. This article does not apply to the birth
37 of a child conceived by means of sexual intercourse.

38 § 581-302. Status of donor. A donor is not a parent of a child
39 conceived by means of assisted reproduction.

40 § 581-303. Parentage of child of assisted reproduction. (a) An indi-
41 vidual who provides gametes for, or who consents to, assisted reprod-
42 uction with the intent to be a parent of the child with the consent of
43 the gestating parent as provided in section 581-304 of this part, is a
44 parent of the resulting child for all legal purposes.

45 (b) The court shall issue a judgment of parentage pursuant to this
46 article upon application by any participant.

47 § 581-304. Consent to assisted reproduction. (a) Where the intended
48 parent who gives birth to a child by means of assisted reproduction is a
49 spouse, the consent of both spouses to the assisted reproduction is
50 presumed and neither spouse may challenge the parentage of the child,
51 except as provided in section 581-305 of this part.

52 (b) Where the intended parent who gives birth to a child by means of
53 assisted reproduction is not a spouse, the consent to the assisted
54 reproduction must be in a record in such a manner as to indicate the

1 mutual agreement of the intended parents to conceive and parent a child
2 together.

3 (c) The absence of a record described in subdivision (b) of this
4 section shall not preclude a finding that such consent existed if the
5 court finds by clear and convincing evidence that at the time of the
6 assisted reproduction the intended parents agreed to conceive and parent
7 the child together.

8 § 581-305. Limitation on spouses' dispute of parentage of child of
9 assisted reproduction. (a) Neither spouse may challenge the marital
10 presumption of parentage of a child created by assisted reproduction
11 during the marriage unless one spouse used assisted reproduction without
12 the knowledge and consent of the other spouse.

13 (b) Notwithstanding the foregoing, a married individual may use
14 assisted reproduction and the marital presumption shall not apply if the
15 spouses:

16 (1) are living separate and apart pursuant to a decree or judgment of
17 separation or pursuant to a written agreement of separation subscribed
18 by the parties thereto and acknowledged or proved in the form required
19 to entitle a deed to be recorded; or

20 (2) have been living separate and apart for at least three years prior
21 to the use of assisted reproduction.

22 (c) The limitation provided in this section applies to a spousal
23 relationship that has been declared invalid after assisted reproduction
24 or artificial insemination.

25 § 581-306. Effect of embryo disposition agreement between intended
26 parents which transfers legal rights and dispositional control to one
27 intended parent. (a) An embryo disposition agreement between intended
28 parents with joint dispositional control of an embryo shall be binding
29 under the following circumstances:

30 (1) it is in writing;

31 (2) each intended parent had the advice of independent legal counsel
32 prior to its execution; and

33 (3) where the intended parents are married, transfer of legal rights
34 and dispositional control occurs only upon divorce.

35 (b) The intended parent who transfers legal rights and dispositional
36 control of the embryo is not a parent of any child conceived from the
37 embryo unless the agreement states that he or she consents to be a
38 parent and that consent is not withdrawn consistent with subdivision (c)
39 of this section.

40 (c) If the intended parent transferring legal rights and dispositional
41 control consents to be a parent, he or she may withdraw his or her
42 consent to be a parent upon written notice to the embryo storage facili-
43 ty and to the other intended parent prior to transfer of the embryo. If
44 he or she timely withdraws consent to be a parent he or she is not a
45 parent for any purpose including support obligations but the embryo
46 transfer may still proceed.

47 (d) An embryo disposition agreement or advance directive that is not
48 in compliance with subdivision (a) of this section may still be found to
49 be enforceable by the court after balancing the respective interests of
50 the parties except that the intended parent who divested him or herself
51 of legal rights and dispositional control may not be declared to be a
52 parent for any purpose without his or her consent. The parent awarded
53 legal rights and dispositional control of the embryos shall, in this
54 instance, be declared to be the only parent of the child.

55 § 581-307. Effect of death of intended parent. If an individual who
56 consented in a record to be a parent by assisted reproduction dies

1 before the transfer of eggs, sperm, or embryos, the deceased individual
2 is not a parent of the resulting child unless the deceased individual
3 consented in a signed record that if assisted reproduction were to occur
4 after death, the deceased individual would be a parent of the child,
5 provided that the record complies with the estates, powers and trusts
6 law.

7 PART 4

8 SURROGACY AGREEMENT

9 Section 581-401. Surrogacy agreement authorized.

10 581-402. Eligibility to enter surrogacy agreement.

11 581-403. Requirements of surrogacy agreement.

12 581-404. Surrogacy agreement: effect of subsequent spousal
13 relationship.

14 581-405. Termination of surrogacy agreement.

15 581-406. Parentage under compliant surrogacy agreement.

16 581-407. Insufficient surrogacy agreement.

17 581-408. Absence of surrogacy agreement.

18 581-409. Dispute as to surrogacy agreement.

19 § 581-401. Surrogacy agreement authorized. (a) If eligible under this
20 article to enter into a surrogacy agreement, a person acting as surro-
21 gate, the spouse of the person acting as surrogate, if applicable, and
22 the intended parent or parents may enter into a surrogacy agreement
23 which will be enforceable provided the surrogacy agreement meets the
24 requirements of this article.

25 (b) A surrogacy agreement shall not apply to the birth of a child
26 conceived by means of sexual intercourse.

27 (c) A surrogacy agreement may provide for payment of compensation
28 under part five of this article.

29 § 581-402. Eligibility to enter surrogacy agreement. (a) A person
30 acting as surrogate shall be eligible to enter into an enforceable
31 surrogacy agreement under this article if the person acting as surrogate
32 has met the following requirements at the time the surrogacy agreement
33 is executed:

34 (1) the person acting as surrogate is at least twenty-one years of
35 age; and

36 (2) the person acting as surrogate is a United States citizen or a
37 lawful permanent resident or other habitual resident;

38 (3) the person acting as surrogate has not provided the egg used to
39 conceive the resulting child; and

40 (4) the person acting as surrogate has completed a medical evaluation
41 with a health care practitioner relating to the anticipated pregnancy;
42 and

43 (5) the person acting as surrogate, and the spouse of the person
44 acting as surrogate, if applicable, have been represented throughout the
45 contractual process and the duration of the contract and its execution
46 by independent legal counsel of their own choosing who is licensed to
47 practice law in the state of New York which shall be paid for by the
48 intended parent or parents except that a person acting as surrogate who
49 is receiving no compensation may waive the right to have the intended
50 parent or parents pay the fee for such legal counsel. Where the intended
51 parent or parents are paying for the independent legal counsel of the
52 person acting as surrogate, and the spouse of the person acting as
53 surrogate, if applicable, a separate retainer agreement shall be
54 prepared clearly stating that such legal counsel will only represent the
55 person acting as surrogate and the spouse of the person acting as surro-
56 gate, if applicable, in all matters pertaining to the surrogacy agree-

1 ment, that such legal counsel will not offer legal advice to any other
2 parties to the surrogacy agreement, and that the attorney-client
3 relationship lies with the person acting as surrogate and the spouse of
4 the person acting as surrogate, if applicable; and

5 (6) the person acting as surrogate has, or the surrogacy agreement
6 stipulates that prior to the embryo transfer, the person acting as
7 surrogate will obtain a health insurance policy that covers major
8 medical treatments and hospitalization as well as a surrogate pregnancy;
9 the policy shall be paid for, whether directly or through reimbursement
10 or other means, by the intended parent or parents on behalf of the
11 person acting as surrogate pursuant to the surrogacy agreement, if such
12 policy comes at an additional cost to the person acting as a surrogate,
13 except that a person acting as surrogate who is receiving no compen-
14 sation may waive the right to have the intended parent or parents pay
15 for the health insurance policy. The intended parent or parents shall
16 also pay for or reimburse the person acting as surrogate for all co-pay-
17 ments, deductibles and any other out-of-pocket medical costs associated
18 with the medical evaluation, psychological screening, embryo transfers,
19 pregnancy and post-natal care, that accrue through twelve weeks after
20 the birth of the child or termination of the pregnancy, except that such
21 responsibility shall be extended for up to six months after the birth of
22 the child or termination of the pregnancy in the event a medical compli-
23 cation related to the pregnancy is diagnosed within twelve weeks after
24 the birth of the child or termination of the pregnancy. A person acting
25 as surrogate who is receiving no compensation may waive the right to
26 have the intended parent or parents make such payments or reimburse-
27 ments.

28 (b) The intended parent or parents shall be eligible to enter into an
29 enforceable surrogacy agreement under this article if he, she or they
30 have met the following requirements at the time the surrogacy agreement
31 was executed:

32 (1) at least one intended parent is a United States citizen or a
33 lawful permanent resident or habitual lawful resident;

34 (2) the intended parent or parents has been represented throughout the
35 contractual process and the duration of the contract and its execution
36 by independent legal counsel of his, her or their own choosing who is
37 licensed to practice law in the state of New York; and

38 (3) he or she is an adult person who is not in a spousal relationship,
39 or adult spouses together, or any two adults who are intimate partners
40 together, except an adult in a spousal relationship is eligible to enter
41 into an enforceable surrogacy agreement without his or her spouse if:

42 (i) they are living separate and apart pursuant to a decree or judg-
43 ment of separation or pursuant to a written agreement of separation
44 subscribed by the parties thereto and acknowledged or proved in the form
45 required to entitle a deed to be recorded; or

46 (ii) they have been living separate and apart for at least three years
47 prior to execution of the surrogacy agreement.

48 (4) where the spouse of an intended parent is not a required party to
49 the agreement, the spouse is not an intended parent and shall not have
50 rights or obligations to the child.

51 § 581-403. Requirements of surrogacy agreement. A surrogacy agreement
52 shall be deemed to have satisfied the requirements of this article and
53 be enforceable if it meets the following requirements:

54 (a) it shall be in a signed record verified or executed before two
55 non-party witnesses by:

56 (1) each intended parent, and

1 (2) the person acting as surrogate, and the spouse of the person
2 acting as surrogate, if any, unless:

3 (i) the person acting as surrogate and the spouse of the person acting
4 as surrogate are living separate and apart pursuant to a decree or judg-
5 ment of separation or pursuant to a written agreement of separation
6 subscribed by the parties thereto and acknowledged or proved in the form
7 required to entitle a deed to be recorded; or

8 (ii) have been living separate and apart for at least three years
9 prior to execution of the surrogacy agreement; and

10 (b) it shall be executed prior to the embryo transfer; and

11 (c) it shall be executed by a person acting as surrogate meeting the
12 eligibility requirements of subdivision (a) of section 581-402 of this
13 part and by the spouse of the person acting as surrogate, unless the
14 signature of the spouse of the person acting as surrogate is not
15 required as set forth in this section; and

16 (d) it shall be executed by intended parent or parents who met the
17 eligibility requirements of subdivision (b) of section 581-402 of this
18 part; and

19 (e) the person acting as surrogate and the spouse of the person acting
20 as surrogate, if applicable, and the intended parent or parents shall
21 have been represented throughout the contractual process and the dura-
22 tion of the contract and its execution by separate, independent legal
23 counsel of their own choosing; and

24 (f) if the surrogacy agreement provides for the payment of compen-
25 sation to the person acting as surrogate, the funds for base compen-
26 sation and reasonable anticipated additional expenses shall have been
27 placed in escrow with an independent escrow agent prior to the person
28 acting as surrogate commencing with any medical procedure other than
29 medical evaluations necessary to determine the person acting as surro-
30 gate's eligibility; and

31 (g) the surrogacy agreement must include information disclosing how
32 the intended parent or parents will cover the medical expenses of the
33 person acting as surrogate and the child. If health care coverage is
34 used to cover the medical expenses, the disclosure shall include a
35 review of the health care policy provisions related to coverage for the
36 person acting as surrogate's pregnancy, including any possible liability
37 of the person acting as surrogate's third-party liability liens or other
38 insurance coverage, and any notice requirements that could affect cover-
39 age or liability of the person acting as surrogate.

40 (h) the surrogacy agreement must comply with all of the following
41 terms:

42 (1) As to the person acting as surrogate and the spouse of the person
43 acting as surrogate, if applicable:

44 (i) the person acting as surrogate agrees to undergo embryo transfer
45 and attempt to carry and give birth to the child; and

46 (ii) the person acting as surrogate and the spouse of the person
47 acting as surrogate, if applicable, agree to surrender custody of all
48 resulting children to the intended parent or parents immediately upon
49 birth; and

50 (iii) the surrogacy agreement shall include the name of the attorney
51 representing the person acting as surrogate and, if applicable, the
52 spouse of the person acting as surrogate; and

53 (iv) the surrogacy agreement must permit the person acting as surro-
54 gate to make all health and welfare decisions regarding themselves and
55 their pregnancy including but not limited to, whether to consent to a
56 cesarean section or multiple embryo transfer, and notwithstanding any

1 other provisions in this chapter, provisions in the agreement to the
2 contrary are void and unenforceable. This article does not diminish the
3 right of the person acting as surrogate to terminate a pregnancy; and

4 (v) the surrogacy agreement shall permit the person acting as a surro-
5 gate to utilize the services of a health care practitioner of the
6 person's choosing; and

7 (vi) the surrogacy agreement shall not limit the right of the person
8 acting as surrogate to terminate or continue the pregnancy or reduce or
9 retain the number of fetuses or embryos the person is carrying; and

10 (vii) the surrogacy agreement shall provide that, upon request, the
11 intended parent or parents have or will procure and pay for a life
12 insurance policy or contractual performance indemnity or accidental
13 death insurance policy for the person acting as surrogate for the dura-
14 tion of the pregnancy and eight weeks post-birth or termination; the
15 person acting as surrogate may designate the beneficiary of the person's
16 choosing; and

17 (viii) the surrogacy agreement shall provide for the right of the
18 person acting as surrogate, upon request, to obtain counseling to
19 address issues resulting from the person's participation in the surroga-
20 cy agreement. The cost of that counseling shall be paid by the intended
21 parent or parents.

22 (2) As to the intended parent or parents:

23 (i) the intended parent or parents agree to accept custody of all
24 resulting children immediately upon birth regardless of number, gender,
25 or mental or physical condition and regardless of whether the intended
26 embryos were transferred due to a laboratory error without diminishing
27 the rights, if any, of anyone claiming to have a superior parental
28 interest in the child; and

29 (ii) the intended parent or parents agree to assume responsibility for
30 the support of all resulting children immediately upon birth; and

31 (iii) the surrogacy agreement shall include the name of the attorney
32 representing the intended parent or parents; and

33 (iv) the surrogacy agreement shall provide that the rights and obli-
34 gations of the intended parent or parents under the surrogacy agreement
35 are not assignable; and

36 (v) the intended parent or parents agree to execute a will, prior to
37 the embryo transfer, designating a guardian for all resulting children
38 and authorizing their executor to perform the intended parent's or
39 parents' obligations pursuant to the surrogacy agreement.

40 § 581-404. Surrogacy agreement: effect of subsequent spousal relation-
41 ship. (a) After the execution of a surrogacy agreement under this arti-
42 cle, the subsequent spousal relationship of the person acting as surro-
43 gate does not affect the validity of a surrogacy agreement, the consent
44 of the spouse of the person acting as surrogate to the agreement shall
45 not be required, and the spouse of the person acting as surrogate shall
46 not be the presumed parent of any resulting children.

47 (b) The subsequent separation or divorce of the intended parents does
48 not affect the rights, duties and responsibilities of the intended
49 parents as outlined in the surrogacy agreement.

50 § 581-405. Termination of surrogacy agreement. After the execution of
51 a surrogacy agreement but before the person acting as surrogate becomes
52 pregnant by means of assisted reproduction, the person acting as surro-
53 gate, the spouse of the person acting as surrogate, if applicable, or
54 any intended parent may terminate the surrogacy agreement by giving
55 notice of termination in a record to all other parties. Upon proper
56 termination of the surrogacy agreement the parties are released from all

1 obligations recited in the surrogacy agreement except that the intended
2 parent or parents remains responsible for all expenses that are reim-
3 bursable under the agreement which have been incurred by the person
4 acting as surrogate through the date of termination. Unless the agree-
5 ment provides otherwise, the person acting as surrogate is entitled to
6 keep all payments received and obtain all payments to which the person
7 is entitled up until the date of termination. Neither a person acting as
8 surrogate nor the spouse of the person acting as surrogate, if any, is
9 liable to the intended parent or parents for terminating a surrogacy
10 agreement as provided in this section.

11 § 581-406. Parentage under compliant surrogacy agreement. Upon the
12 birth of a child conceived by assisted reproduction under a surrogacy
13 agreement that complies with this part, each intended parent is, by
14 operation of law, a parent of the child and neither the person acting as
15 a surrogate nor the person's spouse, if any, is a parent of the child.

16 § 581-407. Insufficient surrogacy agreement. If a surrogacy agreement
17 does not meet the material requirements of this article, the agreement
18 is not enforceable and the court shall determine parentage based on the
19 intent of the parties, taking into account the best interests of the
20 child. An intended parent's absence of genetic connection to the child
21 is not a sufficient basis to deny that individual a judgment of legal
22 parentage.

23 § 581-408. Absence of surrogacy agreement. Where there is no surrogacy
24 agreement, the parentage of the child will be determined based on other
25 laws of this state.

26 § 581-409. Dispute as to surrogacy agreement. (a) Unless the surroga-
27 cy agreement provides for mandatory mediation or arbitration, any
28 dispute which is related to a surrogacy agreement other than disputes as
29 to parentage shall be resolved by the supreme court, which shall deter-
30 mine the respective rights and obligations of the parties. Any
31 provision that purports to require mandatory mediation or arbitration of
32 disputes as to parentage shall be void and unenforceable.

33 (b) Except as expressly provided in the surrogacy agreement, the
34 intended parent or parents and the person acting as surrogate shall be
35 entitled to all remedies available at law or equity in any dispute
36 related to the surrogacy agreement.

37 (c) There shall be no specific performance remedy available for a
38 breach by the person acting as surrogate of a surrogacy agreement term
39 that requires the person acting as surrogate to be impregnated or to
40 terminate or continue the pregnancy or to reduce or retain the number of
41 fetuses or embryos the person acting as surrogate is carrying.

42 PART 5

43 PAYMENT TO DONORS AND PERSONS ACTING AS SURROGATES

44 Section 581-501. Reimbursement.

45 581-502. Compensation.

46 § 581-501. Reimbursement. (a) A donor who has entered into a valid
47 agreement to be a donor may receive reimbursement from an intended
48 parent or parents for economic losses incurred in connection with the
49 donation which result from the retrieval or storage of gametes or embr-
50 yos.

51 (b) Premiums paid for insurance against economic losses directly
52 resulting from the retrieval or storage of gametes or embryos for
53 donation may be reimbursed.

54 § 581-502. Compensation. (a) Compensation may be paid to a donor or
55 person acting as surrogate based on medical risks, physical discomfort,

1 inconvenience and the responsibilities they are undertaking in
2 connection with their participation in the assisted reproduction. Under
3 no circumstances may compensation be paid to purchase gametes or embryos
4 or for the release of a parental interest in a child.

5 (b) The compensation, if any, paid to a donor or person acting as
6 surrogate must be reasonable and negotiated in good faith between the
7 parties, and said payments to a person acting as surrogate shall not
8 exceed the duration of the pregnancy and recuperative period of up to
9 eight weeks after the birth of any resulting children.

10 (c) Compensation may not be conditioned upon the purported quality or
11 genome-related traits of the gametes or embryos.

12 (d) Compensation may not be conditioned on actual genotypic or pheno-
13 typic characteristics of the donor or of any resulting children.

14 (e) Compensation to an embryo donor shall be limited to storage fees,
15 transfer costs and attorneys' fees.

16 PART 6

17 SURROGATES' BILL OF RIGHTS

18 Section 581-601. Applicability.

19 581-602. Health and welfare decisions.

20 581-603. Independent legal counsel.

21 581-604. Health insurance and medical costs.

22 581-605. Counseling.

23 581-606. Life insurance.

24 581-607. Termination of surrogacy agreement.

25 § 581-601. Applicability. The rights enumerated in this part shall
26 apply to any person acting as surrogate in this state, notwithstanding
27 any surrogacy agreement, judgment of parentage, memorandum of under-
28 standing, verbal agreement or contract to the contrary. Except as
29 otherwise provided by law, any written or verbal agreement purporting to
30 waive or limit any of the rights in this part is void as against public
31 policy. The rights enumerated in this part are not exclusive, and are
32 in addition to any other rights provided by law, regulation, or a surro-
33 gacy agreement that meets the requirements of this article.

34 § 581-602. Health and welfare decisions. A person acting as surrogate
35 has the right to make all health and welfare decisions regarding them-
36 self and their pregnancy, including but not limited to whether to
37 consent to a cesarean section or multiple embryo transfer, to utilize
38 the services of a health care practitioner of their choosing, whether to
39 terminate or continue the pregnancy, and whether to reduce or retain the
40 number of fetuses or embryos they are carrying.

41 § 581-603. Independent legal counsel. A person acting as surrogate has
42 the right to be represented throughout the contractual process and the
43 duration of the surrogacy agreement and its execution by independent
44 legal counsel of their own choosing who is licensed to practice law in
45 the state of New York, to be paid for by the intended parent or parents.

46 § 581-604. Health insurance and medical costs. A person acting as
47 surrogate has the right to a health insurance policy that covers major
48 medical treatments and hospitalization as well as a surrogate pregnancy;
49 the policy shall be paid for, whether directly or through reimbursement
50 or other means, by the intended parent or parents on behalf of the
51 person acting as surrogate pursuant to the surrogacy agreement, if such
52 policy comes at an additional cost to the person acting as a surrogate.
53 The intended parent or parents shall also pay for or reimburse the
54 person acting as surrogate for all co-payments, deductibles and any
55 other out-of-pocket medical costs associated with pregnancy, medical

1 evaluation, psychological screening or embryo transfers that accrue
2 through twelve weeks after the birth of the child or termination of the
3 pregnancy, except that such responsibility shall be extended for up to
4 six months after the birth of the child or termination of the pregnancy
5 in the event a medical complication related to the pregnancy is diag-
6 nosed within twelve weeks after the birth of the child or termination of
7 the pregnancy.

8 § 581-605. Counseling. A person acting as surrogate has the right to
9 obtain counseling to address issues resulting from their participation
10 in a surrogacy agreement, to be paid for by the intended parent or
11 parents.

12 § 581-606. Life insurance. A person acting as surrogate has the right
13 to be provided with a life insurance policy or contractual performance
14 indemnity or accidental death insurance policy for the duration of the
15 pregnancy and eight weeks post-birth or termination, unless the surroga-
16 cy agreement specifies a sooner term, with a beneficiary or benefici-
17 aries of their choosing, to be paid for by the intended parent or
18 parents.

19 § 581-607. Termination of surrogacy agreement. A person acting as
20 surrogate has the right to terminate a surrogacy agreement prior to
21 becoming pregnant by means of assisted reproduction pursuant to section
22 581-405 of this article.

23 PART 7

24 MISCELLANEOUS PROVISIONS

25 Section 581-701. Remedial.

26 581-702. Severability.

27 581-703. Parent under section seventy of the domestic relations
28 law.

29 581-704. Interpretation.

30 § 581-701. Remedial. This legislation is hereby declared to be a
31 remedial statute and is to be construed liberally to secure the benefi-
32 cial interests and purposes thereof for the best interests of the child.

33 § 581-702. Severability. The invalidation of any part of this legis-
34 lation by a court of competent jurisdiction shall not result in the
35 invalidation of any other part.

36 § 581-703. Parent under section seventy of the domestic relations law.
37 The term "parent" in section seventy of the domestic relations law shall
38 include a person established to be a parent under this article or any
39 other relevant law.

40 § 581-704. Interpretation. Unless the context indicates otherwise,
41 words importing the singular include and apply to several persons,
42 parties, or things; words importing the plural include the singular.

43 § 2. Section 73 of the domestic relations law is REPEALED.

44 § 3. Section 121 of the domestic relations law, as added by chapter
45 308 of the laws of 1992, is amended to read as follows:

46 § 121. Definitions. When used in this article, unless the context or
47 subject matter manifestly requires a different interpretation:

48 1. [~~"Birth mother"~~] "Genetic surrogate" shall mean a [~~woman~~] person
49 who gives birth to a child who is the person's genetic child pursuant to
50 a genetic surrogate parenting [~~contract~~] agreement.

51 2. [~~"Genetic father"~~] shall mean a man who provides sperm for the birth
52 of a child born pursuant to a surrogate parenting contract.

53 3. "Genetic mother" shall mean a woman who provides an ovum for the
54 birth of a child born pursuant to a surrogate parenting contract.

1 ~~4. "Surrogate parenting contract"]~~ "Genetic surrogate parenting agree-
2 ment" shall mean any agreement, oral or written, in which:

3 (a) a [~~woman~~] genetic surrogate agrees either to be inseminated with
4 the sperm of a [~~man~~] person who is not [~~her husband~~] their spouse or to
5 be impregnated with an embryo that is the product of [~~an~~] the genetic
6 surrogate's ovum fertilized with the sperm of a [~~man~~] person who is not
7 [~~her husband~~] their spouse; and

8 (b) the [~~woman~~] genetic surrogate agrees to, or intends to, surrender
9 or consent to the adoption of the child born as a result of such insemi-
10 nation or impregnation.

11 § 4. Section 122 of the domestic relations law, as added by chapter
12 308 of the laws of 1992, is amended to read as follows:

13 § 122. Public policy. [~~Surrogate~~] Genetic surrogate parenting
14 [~~contracts~~] agreements are hereby declared contrary to the public policy
15 of this state, and are void and unenforceable.

16 § 5. Section 123 of the domestic relations law, as added by chapter
17 308 of the laws of 1992, is amended to read as follows:

18 § 123. Prohibitions and penalties. [~~1.~~] No person or other entity
19 shall knowingly request, accept, receive, pay or give any fee, compen-
20 sation or other remuneration, directly or indirectly, in connection with
21 any genetic surrogate parenting [~~contract~~] agreement, or induce, arrange
22 or otherwise assist in arranging a genetic surrogate parenting
23 [~~contract~~] agreement for a fee, compensation or other remuneration,
24 except for:

25 (a) payments in connection with the adoption of a child permitted by
26 subdivision six of section three hundred seventy-four of the social
27 services law and disclosed pursuant to subdivision eight of section one
28 hundred fifteen of this chapter; or

29 (b) payments for reasonable and actual medical fees and hospital
30 expenses for artificial insemination or in vitro fertilization services
31 incurred by the [~~mother~~] genetic surrogate in connection with the birth
32 of the child.

33 [~~2. (a) A birth mother or her husband, a genetic father and his wife,~~
34 ~~and, if the genetic mother is not the birth mother, the genetic mother~~
35 ~~and her husband who violate this section shall be subject to a civil~~
36 ~~penalty not to exceed five hundred dollars.~~

37 [~~(b) Any other person or entity who or which induces, arranges or~~
38 ~~otherwise assists in the formation of a surrogate parenting contract for~~
39 ~~a fee, compensation or other remuneration or otherwise violates this~~
40 ~~section shall be subject to a civil penalty not to exceed ten thousand~~
41 ~~dollars and forfeiture to the state of any such fee, compensation or~~
42 ~~remuneration in accordance with the provisions of subdivision (a) of~~
43 ~~section seven thousand two hundred one of the civil practice law and~~
44 ~~rules, for the first such offense. Any person or entity who or which~~
45 ~~induces, arranges or otherwise assists in the formation of a surrogate~~
46 ~~parenting contract for a fee, compensation or other remuneration or~~
47 ~~otherwise violates this section, after having been once subject to a~~
48 ~~civil penalty for violating this section, shall be guilty of a felony.]~~

49 § 6. Section 124 of the domestic relations law, as added by chapter
50 308 of the laws of 1992, is amended to read as follows:

51 § 124. Proceedings regarding parental rights, status or obligations.
52 In any action or proceeding involving a dispute between the [~~birth moth-~~
53 ~~er~~] genetic surrogate and [~~(i) the genetic father, (ii) the genetic~~
54 ~~mother, (iii) both the genetic father and genetic mother, or (iv) the~~
55 ~~parent or parents of the genetic father or genetic mother]~~ any party
56 with a claim to legal parentage pursuant to a genetic surrogate parent-

1 ing agreement, regarding parental rights, status or obligations with
2 respect to a child born pursuant to a genetic surrogate parenting
3 ~~[contract]~~ agreement:

4 1. the court shall not consider the ~~[birth-mother's]~~ genetic surro-
5 gate's participation in a genetic surrogate parenting ~~[contract]~~ agree-
6 ment as adverse to ~~[her]~~ their parental rights, status, or obligations;
7 and

8 2. the court, having regard to the circumstances of the case and of
9 the respective parties including the parties' relative ability to pay
10 such fees and expenses, in its discretion and in the interests of
11 justice, may award to either party reasonable and actual counsel fees
12 and legal expenses incurred in connection with such action or proceed-
13 ing. Such award may be made in the order or judgment by which the
14 particular action or proceeding is finally determined, or by one or
15 more orders from time to time before the final order or judgment, or by
16 both such order or orders and the final order or judgment; provided,
17 however, that in any dispute involving a ~~[birth-mother]~~ genetic surro-
18 gate who has executed a valid surrender or consent to the adoption,
19 nothing in this section shall empower a court to make any award that it
20 would not otherwise be empowered to direct.

21 § 7. Section 4135 of the public health law, subdivision 1 as amended
22 by chapter 201 of the laws of 1972, subdivision 2 as amended by chapter
23 398 of the laws of 1997 and subdivision 3 as added by chapter 342 of the
24 laws of 1980, is amended to read as follows:

25 § 4135. Birth certificate; child born out of wedlock. 1. (a) There
26 shall be no specific statement on the birth certificate as to whether
27 the child is born in wedlock or out of wedlock or as to the marital name
28 or status of the mother.

29 (b) The phrase "child born out of wedlock" when used in this article,
30 refers to a child whose father is not its mother's husband.

31 2. The name of the ~~[putative]~~ alleged father of a child born out of
32 wedlock shall not be entered on the certificate of birth prior to filing
33 without (i) an acknowledgment of ~~[paternity]~~ parentage pursuant to
34 section one hundred eleven-k of the social services law or section four
35 thousand one hundred thirty-five-b of this article executed by both the
36 mother and ~~[putative]~~ alleged father, and filed with the record of
37 birth; or (ii) notification having been received by, or proper proof
38 having been filed with, the record of birth by the clerk of a court of
39 competent jurisdiction or the parents, or their attorneys of a judgment,
40 order or decree relating to parentage.

41 3. Orders relating to parentage shall be held confidential by the
42 commissioner and shall not be released or otherwise divulged except by
43 order of a court of competent jurisdiction.

44 § 8. Section 4135-b of the public health law, as added by chapter 59
45 of the laws of 1993, subdivisions 1 and 2 as amended by chapter 402 of
46 the laws of 2013, and subdivision 3 as amended by chapter 170 of the
47 laws of 1994, is amended to read as follows:

48 § 4135-b. Voluntary acknowledgments of ~~[paternity; child born out of~~
49 ~~wedlock]~~ parentage. 1. (a) Immediately preceding or following the
50 in-hospital birth of a child to an unmarried ~~[woman]~~ person or to a
51 person who gave birth to a child conceived through assisted
52 reproduction, the person in charge of such hospital or his or her desig-
53 nated representative shall provide to the ~~[child's mother and putative]~~
54 unmarried person who gave birth to the child and the alleged father, if
55 such father is readily identifiable and available, or to the person who
56 gave birth and the other intended parent of a child conceived through

1 assisted reproduction if such person is readily identifiable and avail-
2 able, the documents and written instructions necessary for such ~~[mother]~~
3 person or to a person who gave birth to a child conceived through
4 assisted reproduction and ~~[putative-father]~~ alleged persons to complete
5 an acknowledgment of ~~[paternity]~~ parentage witnessed by two persons not
6 related to the signatory. Such acknowledgment, if signed by both
7 parties, at any time following the birth of a child, shall be filed with
8 the registrar at the same time at which the certificate of live birth is
9 filed, if possible, or anytime thereafter. Nothing herein shall be
10 deemed to require the person in charge of such hospital or his or her
11 designee to seek out or otherwise locate ~~[a-putative]~~ an alleged father
12 or intended parent of a child conceived through assisted reproduction
13 who is not readily identifiable or available.

14 (b) The following persons may sign an acknowledgment of parentage to
15 establish the parentage of the child:

16 (i) An unmarried person who gave birth to the child and another person
17 who is a genetic parent.

18 (ii) A married or unmarried person who gave birth to the child and
19 another person who is an intended parent under section 581-303 of the
20 family court act of a child conceived through assisted reproduction.

21 (c) An acknowledgment of parentage shall be in a record signed by the
22 person who gave birth to the child and by either the genetic parent
23 other than the person who gave birth to the child or a person who is a
24 parent under section 581-303 of the family court act of the child
25 conceived through assisted reproduction.

26 (d) An acknowledgment of parentage is void if, at the time of signing,
27 any of the following are true:

28 (i) A person other than the signatories is a presumed parent of the
29 child under section twenty-four of the domestic relations law;

30 (ii) A court has entered a judgment of parentage of the child;

31 (iii) Another person has signed a valid acknowledgment of parentage
32 with regard to the child;

33 (iv) The child has a parent under section 581-303 of the family court
34 act other than the signatories;

35 (v) A signatory is a gamete donor under section 581-302 of the family
36 court act;

37 (vi) The acknowledgement is signed by a person who asserts that they
38 are a parent under section 581-303 of the family court act of a child
39 conceived through assisted reproduction, but the signatory is not a
40 parent under section 581-303 of the family court act.

41 (e) The acknowledgment shall be executed on a form provided by the
42 commissioner developed in consultation with the ~~[appropriate]~~ commis-
43 sioner of the ~~[department of family assistance]~~ office of temporary and
44 disability assistance, which shall: (i) include the social security
45 number of the ~~[mother and of the putative father and]~~ signatories; (ii)
46 provide in plain language ~~[(i)]~~ (A) a statement by the ~~[mother]~~ person
47 who gave birth to the child consenting to the acknowledgment of ~~[pater-~~
48 nity] parentage and a statement that the ~~[putative-father]~~ other signa-
49 tory is the only possible ~~[father]~~ other genetic parent or that the
50 other signatory is an intended parent and the child was conceived
51 through assisted reproduction, ~~[(ii)]~~ (B) a statement by the putative
52 father, if any, that he is the biological father of the child, and
53 ~~[(iii)]~~ (C) a statement that the signing of the acknowledgment of
54 ~~[paternity]~~ parentage by both parties shall have the same force and
55 effect as an order of parentage or filiation entered after a court hear-
56 ing by a court of competent jurisdiction, including an obligation to

1 provide support for the child except that, only if filed with the
2 registrar of the district in which the birth certificate has been filed,
3 will the acknowledgment have such force and effect with respect to
4 inheritance rights; and (iii) include the known address of any gamete
5 donors.

6 ~~[(b)]~~ (f) Prior to the execution of an acknowledgment of ~~[paternity]~~
7 parentage, the ~~[mother]~~ person who gave birth to the child and the
8 ~~[putative father]~~ other signatory shall be provided orally, which may be
9 through the use of audio or video equipment, and in writing with such
10 information as is required pursuant to this section with respect to
11 their rights and the consequences of signing a voluntary acknowledgment
12 of ~~[paternity]~~ parentage including, but not limited to:

13 (i) that the signing of the acknowledgment of ~~[paternity]~~ parentage
14 shall establish the ~~[paternity]~~ parentage of the child and shall have
15 the same force and effect as an order of ~~[paternity]~~ parentage or filia-
16 tion issued by a court of competent jurisdiction establishing the duty
17 of both parties to provide support for the child;

18 (ii) that if such an acknowledgment is not made, the ~~[putative father]~~
19 signatory other than the person who gave birth to the child can be held
20 liable for support only if the family court, after a hearing, makes an
21 order declaring that the ~~[putative father]~~ person is the ~~[father]~~ parent
22 of the child whereupon the court may make an order of support which may
23 be retroactive to the birth of the child;

24 (iii) that if made a respondent in a proceeding to establish ~~[paterni-~~
25 ~~ty]~~ parentage the ~~[putative father]~~ signatory other than the person who
26 gave birth to the child has a right to free legal representation if
27 indigent;

28 (iv) that ~~[the putative father]~~ an alleged genetic parent has a right
29 to a genetic marker test or to a DNA test when available;

30 (v) that by executing the acknowledgment, the ~~[putative father]~~
31 alleged genetic parent waives ~~[his]~~ their right to a hearing, to which
32 ~~[he]~~ they would otherwise be entitled, on the issue of ~~[paternity]~~
33 parentage;

34 (vi) that a copy of the acknowledgment of ~~[paternity]~~ parentage shall
35 be filed with the ~~[putative father]~~ registry ~~[pursuant to]~~ created by
36 section three hundred seventy-two-c of the social services law, and that
37 such filing may establish the child's right to inheritance from the
38 ~~[putative]~~ alleged father or the other intended parent of a child
39 conceived through assisted reproduction pursuant to clause (B) of
40 subparagraph two of paragraph (a) of section 4-1.2 of the estates,
41 powers and trusts law;

42 (vii) that, if such acknowledgment is filed with the registrar of the
43 district in which the birth certificate has been filed, such acknowledg-
44 ment will establish inheritance rights from the ~~[putative]~~ alleged
45 father or the other intended parent of a child conceived through
46 assisted reproduction pursuant to clause (A) of subparagraph two of
47 paragraph (a) of section 4-1.2 of the estates, powers and trusts law;

48 (viii) that no further judicial or administrative proceedings are
49 required to ratify an unchallenged acknowledgment of ~~[paternity]~~ parent-
50 age provided, however, that:

51 (A) A signatory to an acknowledgment of ~~[paternity]~~ parentage, who had
52 attained the age of eighteen at the time of execution of the acknowledg-
53 ment, shall have the right to rescind the acknowledgment within the
54 earlier of sixty days from the date of signing the acknowledgment or the
55 date of an administrative or a judicial proceeding (including, but not
56 limited to, a proceeding to establish a support order) relating to the

1 child in which the signatory is a party, provided that the "date of an
2 administrative or a judicial proceeding" shall be the date by which the
3 respondent is required to answer the petition;

4 (B) A signatory to an acknowledgment of [~~paternity~~] parentage, who had
5 not attained the age of eighteen at the time of execution of the
6 acknowledgment, shall have the right to rescind the acknowledgment
7 anytime up to sixty days after the signatory's attaining the age of
8 eighteen years or sixty days after the date on which the respondent is
9 required to answer a petition (including, but not limited to, a petition
10 to establish a support order) relating to the child, whichever is earli-
11 er; provided, however, that the signatory must have been advised at such
12 proceeding of his or her right to file a petition to vacate the acknowl-
13 edgment within sixty days of the date of such proceeding;

14 (ix) that after the expiration of the time limits set forth in clauses
15 (A) and (B) of subparagraph (viii) of this paragraph, any of the signa-
16 tories may challenge the acknowledgment of [~~paternity~~] parentage in
17 court only on the basis of fraud, duress, or material mistake of fact,
18 with the burden of proof on the party challenging the voluntary acknowl-
19 edgment;

20 (x) that the [~~putative father and mother~~] person who gave birth to the
21 child and the other signatory may wish to consult with attorneys before
22 executing the acknowledgment; and that they have the right to seek legal
23 representation and supportive services including counseling regarding
24 such acknowledgment;

25 (xi) that the acknowledgment of [~~paternity~~] parentage may be the basis
26 for the [~~putative father~~] signatory other than the person who gave birth
27 to the child establishing custody and visitation rights to the child and
28 for requiring the [~~putative father's~~] consent of the signatory other
29 than the person who gave birth to the child prior to an adoption
30 proceeding;

31 (xii) that the [~~mother's~~] refusal of the person who gave birth to the
32 child to sign the acknowledgment shall not be deemed a failure to coop-
33 erate in establishing [~~paternity for~~] parentage of the child; and

34 (xiii) that the child may bear the last name of either parent, or any
35 combination thereof, which name shall not affect the legal status of the
36 child.

37 In addition, the governing body of such hospital shall [~~insure~~] ensure
38 that appropriate staff shall provide to the [~~child's mother and putative~~
39 ~~father~~] person who gave birth to the child and the other signatory,
40 prior to the [~~mother's~~] discharge from the hospital of the person who
41 gave birth to the child, the opportunity to speak with hospital staff to
42 obtain clarifying information and answers to their questions about
43 [~~paternity~~] parentage establishment, and shall also provide the tele-
44 phone number of the local support collection unit.

45 [~~(e)~~] (g) Within ten days after receiving the certificate of birth,
46 the registrar shall furnish without charge to each parent or guardian of
47 the child or to the [~~mother~~] person who gave birth at the address desig-
48 nated by her for that purpose, a certified copy of the certificate of
49 birth and, if applicable, a certified copy of the written acknowledgment
50 of [~~paternity~~] parentage. If the [~~mother~~] person who gave birth is in
51 receipt of child support enforcement services pursuant to title six-A of
52 article three of the social services law, the registrar also shall
53 furnish without charge a certified copy of the certificate of birth and,
54 if applicable, a certified copy of the written acknowledgment of [~~pater-~~
55 ~~nity~~] parentage to the social services district of the county within
56 which the [~~mother~~] person who gave birth resides.

1 2. (a) When a child's ~~[paternity]~~ parentage is acknowledged voluntar-

2 ily pursuant to section one hundred eleven-k of the social services law,

3 the social services official shall file the executed acknowledgment with

4 the registrar of the district in which the birth occurred and in which

5 the birth certificate has been filed.

6 (b) Where a child's ~~[paternity]~~ parentage has not been acknowledged

7 voluntarily pursuant to paragraph (a) of subdivision one of this section

8 or paragraph (a) of this subdivision, the ~~[child's mother and the puta-~~

9 ~~tive father]~~ person who gave birth to the child and the other signatory

10 may voluntarily acknowledge a child's ~~[paternity]~~ parentage pursuant to

11 this paragraph by signing the acknowledgment of ~~[paternity]~~ parentage.

12 (c) A signatory to an acknowledgment of ~~[paternity]~~ parentage, who has

13 attained the age of eighteen at the time of execution of the acknowledg-

14 ment shall have the right to rescind the acknowledgment within the

15 earlier of sixty days from the date of signing the acknowledgment or the

16 date of an administrative or a judicial proceeding (including, but not

17 limited to, a proceeding to establish a support order) relating to the

18 child in which either signatory is a party; provided that for purposes

19 of this section, the "date of an administrative or a judicial proceed-

20 ing" shall be the date by which the respondent is required to answer the

21 petition.

22 (d) A signatory to an acknowledgment of ~~[paternity]~~ parentage, who has

23 not attained the age of eighteen at the time of execution of the

24 acknowledgment, shall have the right to rescind the acknowledgment

25 anytime up to sixty days after the signatory's attaining the age of

26 eighteen years or sixty days after the date on which the respondent is

27 required to answer a petition (including, but not limited to, a petition

28 to establish a support order) relating to the child in which the signa-

29 tory is a party, whichever is earlier; provided, however, that the

30 signatory must have been advised at such proceeding of his or her right

31 to file a petition to vacate the acknowledgment within sixty days of the

32 date of such proceeding.

33 (e) After the expiration of the time limits set forth in paragraphs

34 (c) and (d) of this subdivision, any of the signatories may challenge

35 the acknowledgment of ~~[paternity]~~ parentage in court only on the basis

36 of fraud, duress, or material mistake of fact, with the burden of proof

37 on the party challenging the voluntary acknowledgment. The acknowledg-

38 ment shall have full force and effect once so signed. The original or a

39 copy of the acknowledgment shall be filed with the registrar of the

40 district in which the birth certificate has been filed.

41 3. (a) An acknowledgment of ~~[paternity]~~ parentage executed by ~~[the~~

42 ~~mother and father of a child born out of wedlock]~~ any two people eligi-

43 ble to sign such an acknowledgment under paragraph (b) of subdivision

44 one of this section, married or unmarried, shall establish the ~~[paterni-~~

45 ~~ty]~~ parentage of a child and shall have the same force and effect as an

46 order of ~~[paternity]~~ parentage or filiation issued by a court of compe-

47 tent jurisdiction. Such acknowledgement shall thereafter be filed with

48 the registrar pursuant to subdivision one or two of this section.

49 (b) A registrar with whom an acknowledgment of ~~[paternity]~~ parentage

50 has been filed pursuant to subdivision one or two of this section shall

51 file the acknowledgment with the state department of health ~~[and the~~

52 ~~putative father registry]~~, New York city department of mental health and

53 hygiene and the registry operated by the department of social services

54 pursuant to section three hundred seventy-two-c of the social services

55 law. If the acknowledgment includes the name and address of any known

56 gamete donors of a child conceived through assisted reproduction, the

1 state department of health or the New York city department of mental
2 health and hygiene shall mail a copy to the known donors listed on the
3 form.

4 4. The court shall give full faith and credit to an acknowledgment of
5 parentage effective in another state if the acknowledgment was in a
6 signed record and otherwise complies with the law of the other state.

7 5. A new certificate of birth shall be issued if the certificate of
8 birth of [~~a~~] the child [~~born out of wedlock~~] as defined in paragraph (b)
9 of subdivision one of section four thousand one hundred thirty-five of
10 this article has been filed without entry of the name of the [~~father~~]
11 signatory other than the person who gave birth, and the commissioner
12 thereafter receives a notarized acknowledgment of [~~paternity~~] parentage
13 accompanied by the written consent of the [~~putative father and mother~~]
14 person who gave birth to the child and other signatory to the entry of
15 the name of such [~~father~~] person, which consent may also be to a change
16 in the surname of the child.

17 6. Any reference to an acknowledgment of paternity in any law of this
18 state shall be interpreted to mean an acknowledgment of parentage signed
19 pursuant to this section or signed in another state consistent with the
20 law of that state.

21 § 9. Paragraph (e) of subdivision 1 of section 4138 of the public
22 health law, as amended by chapter 214 of the laws of 1998, is amended to
23 read as follows:

24 (e) the certificate of birth of a child born out of wedlock as defined
25 in paragraph (b) of subdivision one of section four thousand one hundred
26 thirty-five of this article has been filed without entry of the name of
27 the [~~father~~] signatory other than the person who gave birth and the
28 commissioner thereafter receives the acknowledgment of [~~paternity~~]
29 parentage pursuant to section one hundred eleven-k of the social
30 services law or section four thousand one hundred thirty-five-b of this
31 article executed by the [~~putative~~] alleged father and [~~mother~~] the
32 person who gave birth which authorizes the entry of the name of such
33 father or other signatory, and which may also authorize a conforming
34 change in the surname of the child.

35 § 10. The article heading of article 8 of the domestic relations law,
36 as added by chapter 308 of the laws of 1992, is amended to read as
37 follows:

38 GENETIC SURROGATE PARENTING CONTRACTS

39 § 11. The general business law is amended by adding a new article 44
40 to read as follows:

41 ARTICLE 44

42 REGULATION OF SURROGACY PROGRAMS

43 Section 1400. Definitions.

44 1401. Programs regulated under this article.

45 1402. Conflicts of interest; prohibition on payments; funds in
46 escrow; licensure; notice of surrogates' bill of rights.

47 1403. Regulations.

48 § 1400. Definitions. As used in this section:

49 (a) The definitions in section 581-102 of the family court act shall
50 apply.

51 (b) "Payment" means any type of monetary compensation or other valu-
52 able consideration including but not limited to a rebate, refund,
53 commission, unearned discount, or profit by means of credit or other
54 valuable consideration.

(c) "Surrogacy program" does not include any party to a surrogacy agreement or any person licensed to practice law and representing a party to the surrogacy agreement, but does include and is not limited to any agency, agent, business, or individual engaged in, arranging, or facilitating transactions contemplated by a surrogacy agreement, regardless of whether such agreement ultimately comports with the requirements of article five-C of the family court act.

§ 1401. Programs regulated under this article. The provisions of this article apply to surrogacy programs arranging or facilitating transactions contemplated by a surrogacy agreement under part four of article five-C of the family court act if:

(a) The surrogacy program does business in New York state;

(b) A person acting as surrogate who is party to a surrogacy agreement resides in New York state during the term of the surrogacy agreement; or

(c) Any medical procedures under the surrogacy agreement are performed in New York state.

§ 1402. Conflicts of interest; prohibition on payments; funds in escrow; licensure; notice of surrogates' bill of rights. A surrogacy program to which this article applies:

(a) Shall keep all funds paid by or on behalf of the intended parent or parents in an escrow account separate from its operating accounts;

(b) May not be owned or managed, in any part, directly or indirectly, by any attorney representing a party to the surrogacy agreement;

(c) May not pay or receive payment, directly or indirectly, to or from any person licensed to practice law and representing a party to the surrogacy agreement in connection with the referral of any person or party for the purpose of a surrogacy agreement;

(d) May not pay or receive payment, directly or indirectly, to or from any health care provider providing any health services, including assisted reproduction, to a party to the surrogacy agreement; and

(e) May not be owned or managed, in any part, directly or indirectly, by any health care provider providing any health services, including assisted reproduction, to a party to the surrogacy agreement.

(f) Shall be licensed to operate in New York state pursuant to regulations promulgated by the department of health in consultation with the department of financial services, once such regulations are promulgated and become effective.

(g) Shall ensure that all potential parties to a surrogacy agreement, at the time of consultation with such surrogacy program, are provided with written notice of the surrogates' bill of rights enumerated in part six of article five-C of the family court act.

§ 1403. Regulations. The department of health, in consultation with the department of financial services, shall promulgate regulations to implement the requirements of this article, and shall annually report to the state legislature regarding the practices of surrogacy programs and all business transactions related to surrogacy in New York state, with recommendations for any necessary amendments to this article.

§ 12. The public health law is amended by adding a new article 25-B to read as follows:

ARTICLE 25-B

GESTATIONAL SURROGACY

Section 2599-cc. Gestational surrogacy.

§ 2599-cc. Gestational surrogacy. 1. The commissioner shall promulgate regulations on the practice of gestational surrogacy. Such regulations shall include, but not be limited to:

(a) guidelines and procedures for obtaining fully informed consent from potential persons acting as surrogates, including but not limited to a full disclosure of any known health risks associated with acting as a surrogate;

(b) the development and distribution, in printed form and on the department's website, of informational material relating to gestational surrogacy; and

(c) the establishment of a voluntary central tracking registry of persons acting as surrogates, as reported by surrogacy programs licensed by the department pursuant to article forty-four of the general business law upon the affirmative consent of a person acting as surrogate. Such registry shall provide a means for gathering and maintaining accurate information on the:

(i) number of times a person has acted as a surrogate;

(ii) health information of the person acting as surrogate; and

(iii) other information deemed appropriate by the commissioner.

2. All such regulations shall maintain the anonymity of the person acting as surrogate and any resulting offspring and govern access to information maintained by the registry.

§ 13. Subdivisions 4, 5, 6, 7 and 8 of section 4365 of the public health law are renumbered subdivisions 5, 6, 7, 8 and 9 and a new subdivision 4 is added to read as follows:

4. The commissioner, in consultation with the transplant council, shall promulgate regulations on the donation of ova. Such regulations shall include, but not be limited to:

(a) guidelines and procedures for obtaining fully informed consent from potential donors, including but not limited to a full disclosure of any known health risks of the ova donation process;

(b) the development and distribution, in printed form and on the department's website, of informational material relating to the donation of ova; and

(c) the establishment of a voluntary central tracking registry of ova donor information, as reported by banks and storage facilities licensed pursuant to this article upon the affirmative consent of an ova donor. Such registry shall provide a means for gathering and maintaining accurate information on the:

(i) number of ova and the number of times ova have been donated from a single donor;

(ii) health information of the donor at the time of the donation; and

(iii) other information deemed appropriate by the commissioner.

In addition, all such regulations shall maintain the anonymity of the donor and any resulting offspring and govern access to information maintained by the registry.

§ 14. Paragraph (a) of subdivision 1 of section 440 of the family court act, as amended by chapter 398 of the laws of 1997, is amended to read as follows:

(a) Any support order made by the court in any proceeding under the provisions of article five-B of this act, pursuant to a reference from the supreme court under section two hundred fifty-one of the domestic relations law or under the provisions of article four, five or five-A of this act (i) shall direct that payments of child support or combined child and spousal support collected on behalf of persons in receipt of services pursuant to section one hundred eleven-g of the social services law, or on behalf of persons in receipt of public assistance be made to the support collection unit designated by the appropriate social services district, which shall receive and disburse funds so paid; or

(ii) shall be enforced pursuant to subdivision (c) of section five thousand two hundred forty-two of the civil practice law and rules at the same time that the court issues an order of support; and (iii) shall in either case, except as provided for herein, be effective as of the earlier of the date of the filing of the petition therefor, or, if the children for whom support is sought are in receipt of public assistance, the date for which their eligibility for public assistance was effective. Any retroactive amount of support due shall be support arrears/past due support and shall be paid in one sum or periodic sums, as the court directs, and any amount of temporary support which has been paid to be taken into account in calculating any amount of such retroactive support due. In addition, such retroactive child support shall be enforceable in any manner provided by law including, but not limited to, an execution for support enforcement pursuant to subdivision (b) of section fifty-two hundred forty-one of the civil practice law and rules. When a child receiving support is a public assistance recipient, or the order of support is being enforced or is to be enforced pursuant to section one hundred eleven-g of the social services law, the court shall establish the amount of retroactive child support and notify the parties that such amount shall be enforced by the support collection unit pursuant to an execution for support enforcement as provided for in subdivision (b) of section fifty-two hundred forty-one of the civil practice law and rules, or in such periodic payments as would have been authorized had such an execution been issued. In such case, the court shall not direct the schedule of repayment of retroactive support. Where such direction is for child support and ~~paternity~~ parentage has been established by a voluntary acknowledgment of ~~paternity~~ parentage as defined in section forty-one hundred thirty-five-b of the public health law, the court shall inquire of the parties whether the acknowledgment has been duly filed, and unless satisfied that it has been so filed shall require the clerk of the court to file such acknowledgment with the appropriate registrar within five business days. The court shall not direct that support payments be made to the support collection unit unless the child, who is the subject of the order, is in receipt of public assistance or child support services pursuant to section one hundred eleven-g of the social services law. Any such order shall be enforceable pursuant to section fifty-two hundred forty-one or fifty-two hundred forty-two of the civil practice law and rules, or in any other manner provided by law. Such orders or judgments for child support and maintenance shall also be enforceable pursuant to article fifty-two of the civil practice law and rules upon a debtor's default as such term is defined in paragraph seven of subdivision (a) of section fifty-two hundred forty-one of the civil practice law and rules. The establishment of a default shall be subject to the procedures established for the determination of a mistake of fact for income executions pursuant to subdivision (e) of section fifty-two hundred forty-one of the civil practice law and rules. For the purposes of enforcement of child support orders or combined spousal and child support orders pursuant to section five thousand two hundred forty-one of the civil practice law and rules, a "default" shall be deemed to include amounts arising from retroactive support. Where permitted under federal law and where the record of the proceedings contains such information, such order shall include on its face the social security number and the name and address of the employer, if any, of the person chargeable with support provided, however, that failure to comply with this requirement shall not invalidate such order.

§ 15. Section 516-a of the family court act, as amended by chapter 398 of the laws of 1997, subdivisions (b) and (c) as amended by chapter 402 of the laws of 2013, and subdivision (d) as amended by chapter 343 of the laws of 2009, is amended to read as follows:

§ 516-a. Acknowledgment of ~~[paternity]~~ parentage. (a) An acknowledgment of ~~[paternity]~~ parentage executed pursuant to section one hundred eleven-k of the social services law or section four thousand one hundred thirty-five-b of the public health law shall establish the ~~[paternity]~~ parentage of and liability for the support of a child pursuant to this act. Such acknowledgment must be reduced to writing and filed pursuant to section four thousand one hundred thirty-five-b of the public health law with the registrar of the district in which the birth occurred and in which the birth certificate has been filed. No further judicial or administrative proceedings are required to ratify an unchallenged acknowledgment of ~~[paternity]~~ parentage.

(b) (i) Where a signatory to an acknowledgment of ~~[paternity]~~ parentage executed pursuant to section one hundred eleven-k of the social services law or section four thousand one hundred thirty-five-b of the public health law had attained the age of eighteen at the time of execution of the acknowledgment, the signatory may seek to rescind the acknowledgment by filing a petition with the court to vacate the acknowledgment within the earlier of sixty days of the date of signing the acknowledgment or the date of an administrative or a judicial proceeding (including, but not limited to, a proceeding to establish a support order) relating to the child in which the signatory is a party. For purposes of this section, the "date of an administrative or a judicial proceeding" shall be the date by which the respondent is required to answer the petition.

(ii) Where a signatory to an acknowledgment of ~~[paternity]~~ parentage executed pursuant to section one hundred eleven-k of the social services law or section four thousand one hundred thirty-five-b of the public health law had not attained the age of eighteen at the time of execution of the acknowledgment, the signatory may seek to rescind the acknowledgment by filing a petition with the court to vacate the acknowledgment anytime up to sixty days after the signatory's attaining the age of eighteen years or sixty days after the date on which the respondent is required to answer a petition (including, but not limited to, a petition to establish a support order) relating to the child in which the signatory is a party, whichever is earlier; provided, however, that the signatory must have been advised at such proceeding of his or her right to file a petition to vacate the acknowledgment within sixty days of the date of such proceeding.

(iii) Where a petition to vacate an acknowledgment of ~~[paternity]~~ parentage has been filed in accordance with paragraph (i) or (ii) of this subdivision, the court shall order genetic marker tests or DNA tests for the determination of the child's ~~[paternity]~~ parentage. No such test shall be ordered, however, where the acknowledgment was signed by the intended parent of a child born through assisted reproduction pursuant to subparagraph (ii) of paragraph (b) of subdivision one of section four thousand one hundred thirty-five-b of the public health law, or upon a written finding by the court that it is not in the best interests of the child on the basis of res judicata, equitable estoppel, or the presumption of legitimacy of a child born to a married ~~[woman]~~ person. If the court determines, following the test, that the person who signed the acknowledgment is the ~~[father]~~ parent of the child, the court shall make a finding of ~~[paternity]~~ parentage and enter an order of

1 [~~filiation~~] parentage. If the court determines that the person who
2 signed the acknowledgment is not the [~~father~~] parent of the child, the
3 acknowledgment shall be vacated.

4 (iv) After the expiration of the time limits set forth in paragraphs
5 (i) and (ii) of this subdivision, any of the signatories to an acknowl-
6 edgment of [~~paternity~~] parentage may challenge the acknowledgment in
7 court by alleging and proving fraud, duress, or material mistake of
8 fact. If the petitioner proves to the court that the acknowledgment of
9 [~~paternity~~] parentage was signed under fraud, duress, or due to a mate-
10 rial mistake of fact, the court shall then order genetic marker tests or
11 DNA tests for the determination of the child's [~~paternity~~] parentage.
12 No such test shall be ordered, however, where the acknowledgment was
13 signed by the intended parent of a child born through assisted reprod-
14 uction pursuant to subparagraph (ii) of paragraph (b) of subdivision one
15 of section four thousand one hundred thirty-five-b of the public health
16 law, or upon a written finding by the court that it is not in the best
17 interests of the child on the basis of res judicata, equitable estoppel,
18 or the presumption of legitimacy of a child born to a married [~~woman~~]
19 person. If the court determines, following the test, that the person who
20 signed the acknowledgment is the [~~father~~] parent of the child, the court
21 shall make a finding of [~~paternity~~] parentage and enter an order of
22 [~~filiation~~] parentage. If the court determines that the person who
23 signed the acknowledgment is not the [~~father~~] parent of the child, the
24 acknowledgment shall be vacated.

25 (v) If, at any time before or after a signatory has filed a petition
26 to vacate an acknowledgment of [~~paternity~~] parentage pursuant to this
27 subdivision, the signatory dies or becomes mentally ill or cannot be
28 found within the state, neither the proceeding nor the right to commence
29 the proceeding shall abate but may be commenced or continued by any of
30 the persons authorized by this article to commence a [~~paternity~~] parent-
31 age proceeding.

32 (c) An acknowledgment of parentage is void if, at the time of signing,
33 any of the following are true:

34 (i) a person other than the signatories is a presumed parent of the
35 child pursuant to section twenty-four of the domestic relations law;

36 (ii) a court has entered a judgment of parentage of the child;

37 (iii) another person has signed a valid acknowledgment of parentage
38 with regard to the child;

39 (iv) the child has a parent pursuant to section 581-303 of the family
40 court act other than the signatories;

41 (v) a signatory is a gamete donor under section 581-302 of the family
42 court act; or

43 (vi) the acknowledgment is signed by a person who asserts that they
44 are a parent under section 581-303 of the family court act of a child
45 conceived through assisted reproduction, but the signatory is not a
46 parent under section 581-303 of the family court act.

47 (d) Neither signatory's legal obligations, including the obligation
48 for child support arising from the acknowledgment, may be suspended
49 during the challenge to the acknowledgment except for good cause as the
50 court may find. If the court vacates the acknowledgment of [~~paternity~~]
51 parentage, the court shall immediately provide a copy of the order to
52 the registrar of the district in which the child's birth certificate is
53 filed and also to the [~~putative father~~] registry operated by the depart-
54 ment of social services pursuant to section three hundred seventy-two-c
55 of the social services law. In addition, if the [~~mother~~] parent of the
56 child who is the subject of the acknowledgment is in receipt of child

1 support services pursuant to title six-A of article three of the social
2 services law, the court shall immediately provide a copy of the order to
3 the child support enforcement unit of the social services district that
4 provides the ~~[mother]~~ parent with such services.

5 ~~[(d)]~~ (e) A determination of ~~[paternity]~~ parentage made by any other
6 state, whether established through an administrative or judicial process
7 or through an acknowledgment of ~~[paternity]~~ parentage signed in accord-
8 ance with that state's laws, must be accorded full faith and credit
9 pursuant to section 466(a)(11) of title IV-D of the social security act
10 (42 U.S.C. § 666(a)(11)).

11 (f) Any reference to an acknowledgment of paternity in any law of this
12 state, or any similar instrument signed in another state consistent with
13 the law of that state shall be interpreted to mean an acknowledgment of
14 parentage executed pursuant to section one hundred eleven-k of the
15 social services law, section four thousand one hundred thirty-five-b of
16 the public health law, or signed in another state consistent with the
17 law of that state.

18 § 16. Paragraph (b) of subdivision 1 of section 1017 of the family
19 court act, as added by chapter 567 of the laws of 2015, is amended to
20 read as follows:

21 (b) The court shall also direct the local commissioner of social
22 services to conduct an investigation to locate any person who is not
23 recognized to be the child's legal parent and does not have the rights
24 of a legal parent under the laws of the state of New York but who (i)
25 has filed with a putative father registry an instrument acknowledging
26 ~~[paternity]~~ parentage of the child, pursuant to section 4-1.2 of the
27 estates, powers and trusts law, or (ii) has a pending ~~[paternity]~~
28 parentage petition, or (iii) has been identified as a parent of the
29 child by the child's other parent in a written sworn statement. The
30 local commissioner of social services shall report the results of such
31 investigation to the court and parties, including the attorney for the
32 child.

33 § 17. Section 4-1.2 of the estates, powers and trusts law, as amended
34 by chapter 67 of the laws of 1981, the section heading, the opening
35 paragraph of subparagraph 1 of paragraph (a), the opening paragraph of
36 subparagraph 2 of paragraph (a) and the opening paragraph of subpara-
37 graph 3 of paragraph (a) as amended by chapter 595 of the laws of 1992,
38 subparagraph 2 of paragraph (a) as amended by chapter 434 of the laws of
39 1987, clause (A) of subparagraph 2 of paragraph (a) as amended by chap-
40 ter 170 of the laws of 1994, and clause (C) of subparagraph 2 of para-
41 graph (a) and paragraph (b) as amended by chapter 64 of the laws of
42 2010, is amended to read as follows:

43 § 4-1.2 Inheritance by non-marital children

44 (a) For the purposes of this article:

45 (1) A non-marital child is the legitimate child of his mother so that
46 he and his issue inherit from his mother and from his maternal kindred.

47 (2) A non-marital child is the legitimate child of his father or non-
48 gestating intended parent so that he and his issue inherit from ~~[his~~
49 ~~father and his paternal]~~ such parent and such parent's kindred if:

50 (A) a court of competent jurisdiction has, during the lifetime of the
51 father, made an order of filiation or parentage declaring ~~[paternity]~~
52 parentage or the ~~[mother and father]~~ parentage of the child ~~[have~~
53 ~~executed]~~ has been established through the execution of an acknowledg-
54 ment of ~~[paternity]~~ parentage pursuant to section four thousand one
55 hundred thirty-five-b of the public health law, which has been filed

1 with the registrar of the district in which the birth certificate has
2 been filed or;

3 (B) the father of the child has signed an instrument acknowledging
4 ~~[paternity]~~ parentage, provided that

5 (i) such instrument is acknowledged or executed or proved in the form
6 required to entitle a deed to be recorded in the presence of one or more
7 witnesses and acknowledged by such witness or witnesses, in either case,
8 before a notary public or other officer authorized to take proof of
9 deeds and

10 (ii) such instrument is filed within sixty days from the making there-
11 of with the ~~[putative father]~~ registry established by the state depart-
12 ment of social services pursuant to section three hundred seventy-two-c
13 of the social services law, as added by chapter six hundred sixty-five
14 of the laws of nineteen hundred seventy-six and

15 (iii) the department of social services shall, within seven days of
16 the filing of the instrument, send written notice by registered mail to
17 the mother and other legal guardian of such child, notifying them that
18 an acknowledgment of ~~[paternity]~~ parentage instrument acknowledged or
19 executed by such ~~[father]~~ parent has been duly filed or;

20 (C) ~~[paternity]~~ parentage has been established by clear and convincing
21 evidence, which may include, but is not limited to: (i) evidence derived
22 from a genetic marker test, or (ii) evidence that the ~~[father]~~ parent
23 openly and notoriously acknowledged the child as his or her own, however
24 nothing in this section regarding genetic marker tests shall be
25 construed to expand or limit the current application of subdivision four
26 of section forty-two hundred ten of the public health law.

27 (3) The existence of an agreement obligating the father to support the
28 non-marital child does not qualify such child or his issue to inherit
29 from the father in the absence of an order of filiation made or acknowl-
30 edgement of ~~[paternity]~~ parentage as prescribed by subparagraph (2).

31 (4) A motion for relief from an order of filiation may be made only by
32 the father and a motion for relief from an acknowledgement of ~~[paterni-~~
33 ty] parentage may be made by ~~[the father, mother]~~ a parent or other
34 legal guardian of such child, or the child, provided however, such
35 motion must be made within one year from the entry of such order or from
36 the date of written notice as provided for in subparagraph (2).

37 (b) If a non-marital child dies, his or her surviving spouse, issue,
38 mother, maternal kindred, father and paternal kindred inherit and are
39 entitled to letters of administration as if the decedent was a marital
40 child, provided that the ~~[father and paternal]~~ kindred may inherit or
41 obtain such letters only if the ~~[paternity]~~ parentage of the non-marital
42 child has been established pursuant to any of the provisions of subpara-
43 graph (2) of paragraph (a).

44 § 18. Subdivision 1, paragraph g of subdivision 2, subdivision 3, and
45 subdivision 4 of section 111-c of the social services law, subdivision 1
46 as added by chapter 685 of the laws of 1975, paragraph g of subdivision
47 2 as added by chapter 809 of the laws of 1985, subdivision 3 as amended
48 by chapter 398 of the laws of 1997, and subdivision 4 as added by chap-
49 ter 343 of the laws of 2009, are amended to read as follows:

50 1. Each social services district shall establish a single organiza-
51 tional unit which shall be responsible for such district's activities in
52 assisting the state in the location of absent parents, establishment of
53 ~~[paternity]~~ parentage and enforcement and collection of support in
54 accordance with the regulations of the department.

55 g. obtain from respondent, when appropriate and in accordance with the
56 procedures established by section one hundred eleven-k of this chapter,

1 an acknowledgement of [~~paternity~~] parentage or an agreement to make
2 support payments, or both;

3 3. Notwithstanding the foregoing, the social services official shall
4 not be required to establish the [~~paternity~~] parentage of any child born
5 out-of-wedlock, or to secure support for any child, with respect to whom
6 such official has determined that such actions would be detrimental to
7 the best interests of the child, in accordance with procedures and
8 criteria established by regulations of the department consistent with
9 federal law.

10 4. a. A social services district represents the interests of the
11 district in performing its functions and duties as provided in this
12 title and not the interests of any party. The interests of a district
13 shall include, but are not limited to, establishing [~~paternity~~] parent-
14 age, and establishing, modifying and enforcing child support orders.

15 b. Notwithstanding any other provision of law, the provision of child
16 support services pursuant to this title does not constitute nor create
17 an attorney-client relationship between the individual receiving
18 services and any attorney representing or appearing for the district. A
19 social services district shall provide notice to any individual request-
20 ing or receiving services that the attorney representing or appearing
21 for the district does not represent the individual and that the individ-
22 ual has a right to retain his or her own legal counsel.

23 c. A social services district may appear in any action to establish
24 [~~paternity~~] parentage, or to establish, modify, or enforce an order of
25 support when an individual is receiving services under this title.

26 § 19. Section 111-k of the social services law, as amended by chapter
27 398 of the laws of 1997, paragraphs (a) and (b) of subdivision 1 as
28 amended by chapter 214 of the laws of 1998, is amended to read as
29 follows:

30 § 111-k. Procedures relating to acknowledgments of [~~paternity~~]
31 parentage, agreements to support, and genetic tests. 1. A social
32 services official or his or her designated representative who confers
33 with a potential respondent or respondent, hereinafter referred to in
34 this section as the "respondent", the mother of a child born out of
35 wedlock and any other interested persons, pursuant to section one
36 hundred eleven-c of this title, may obtain:

37 (a) an acknowledgment of [~~paternity~~] parentage of a child, as provided
38 for in article five-B or section five hundred sixteen-a of the family
39 court act, by a written statement, witnessed by two people not related
40 to the signator or as provided for in section four thousand one hundred
41 thirty-five-b of the public health law. Prior to the execution of such
42 acknowledgment by the child's mother and the respondent, they shall be
43 advised, orally, which may be through the use of audio or video equip-
44 ment, and in writing, of the consequences of making such an acknowledg-
45 ment. Upon the signing of an acknowledgment of [~~paternity~~] parentage
46 pursuant to this section, the social services official or his or her
47 representative shall file the original acknowledgment with the regist-
48 rar.

49 (b) an agreement to make support payments as provided in section four
50 hundred twenty-five of the family court act. Prior to the execution of
51 such agreement, the respondent shall be advised, orally, which may be
52 through the use of audio or video equipment, and in writing, of the
53 consequences of such agreement, that the respondent can be held liable
54 for support only if the family court, after a hearing, makes an order of
55 support; that respondent has a right to consult with an attorney and
56 that the agreement will be submitted to the family court for approval

1 pursuant to section four hundred twenty-five of the family court act;
2 and that by executing the agreement, the respondent waives any right to
3 a hearing regarding any matter contained in such agreement.

4 2. (a) When the paternity of a child is contested, a social services
5 official or designated representative may order the mother, the child,
6 and the alleged father to submit to one or more genetic marker or DNA
7 tests of a type generally acknowledged as reliable by an accreditation
8 body designated by the secretary of the federal department of health and
9 human services and performed by a laboratory approved by such an accred-
10 itation body and by the commissioner of health or by a duly qualified
11 physician to aid in the determination of whether or not the alleged
12 father is the father of the child. The order may be issued prior or
13 subsequent to the filing of a petition with the court to establish
14 paternity, shall be served on the parties by certified mail, and shall
15 include a sworn statement which either (i) alleges [~~paternity~~] parentage
16 and sets forth facts establishing a reasonable possibility of the requi-
17 site sexual contact between the parties, or (ii) denies [~~paternity~~]
18 parentage and sets forth facts establishing a reasonable possibility
19 that the party is not the father. The parties shall not be required to
20 submit to the administration and analysis of such tests if they sign a
21 voluntary acknowledgment of [~~paternity~~] parentage in accordance with
22 paragraph (a) of subdivision one of this section, or if there has been a
23 written finding by the court that it is not in the best interests of the
24 child on the basis of res judicata, equitable estoppel, the child was
25 conceived through assisted reproduction or the presumption of legitimacy
26 of a child born to a married [~~woman~~] person.

27 (b) The record or report of the results of any such genetic marker or
28 DNA test may be submitted to the family court as evidence pursuant to
29 subdivision (e) of rule forty-five hundred eighteen of the civil prac-
30 tice law and rules where no timely objection in writing has been made
31 thereto.

32 (c) The cost of any test ordered pursuant to this section shall be
33 paid by the social services district provided however, that the alleged
34 father shall reimburse the district for the cost of such test at such
35 time as the alleged father's [~~paternity~~] parentage is established by a
36 voluntary acknowledgment of [~~paternity~~] parentage or an order of filia-
37 tion. If either party contests the results of genetic marker or DNA
38 tests, an additional test may be ordered upon written request to the
39 social services district and advance payment by the requesting party.

40 (d) The parties shall be required to submit to such tests and appear
41 at any conference scheduled by the social services official or designee
42 to discuss the notice of the allegation of paternity or to discuss the
43 results of such tests. If the alleged [~~father~~] parent fails to appear
44 at any such conference or fails to submit to such genetic marker or DNA
45 tests, the social services official or designee shall petition the court
46 to establish [~~paternity~~] parentage, provide the court with a copy of the
47 records or reports of such tests if any, and request the court to issue
48 an order for temporary support pursuant to section five hundred forty-
49 two of the family court act.

50 3. Any reference to an acknowledgment of paternity in any law of this
51 state or any similar instrument signed in another state consistent with
52 the law of that state shall be interpreted to mean an acknowledgment of
53 parentage executed pursuant to this section, section four thousand one
54 hundred thirty-five-b of the public health law or signed in another
55 state consistent with the law of that state.

§ 20. Subdivisions 1 and 2 of section 372-c of the social services law, as amended by chapter 139 of the laws of 1979, are amended to read as follows:

1. The department shall establish a ~~[putative father]~~ registry which shall record the names and addresses of: (a) any person adjudicated by a court of this state to be the ~~[father]~~ parent of a child born ~~[out-of-wedlock]~~ out of wedlock; (b) any person who has filed with the registry before or after the birth of a child ~~[out-of-wedlock]~~ out of wedlock, a notice of intent to claim ~~[paternity]~~ parentage of the child; (c) any person adjudicated by a court of another state or territory of the United States to be the father of an ~~[out-of-wedlock]~~ out of wedlock child, where a certified copy of the court order has been filed with the registry by such person or any other person; (d) any person who has filed with the registry an instrument acknowledging paternity pursuant to section 4-1.2 of the estates, powers and trusts law.

2. A person filing a notice of intent to claim ~~[paternity]~~ parentage of a child or an acknowledgement of paternity shall include therein his current address and shall notify the registry of any change of address pursuant to procedures prescribed by regulations of the department.

§ 21. Subdivision (a) of section 439 of the family court act, as amended by section 1 of chapter 468 of the laws of 2012, is amended to read as follows:

(a) The chief administrator of the courts shall provide, in accordance with subdivision (f) of this section, for the appointment of a sufficient number of support magistrates to hear and determine support proceedings. Except as hereinafter provided, support magistrates shall be empowered to hear, determine and grant any relief within the powers of the court in any proceeding under this article, articles five, five-A, ~~[and]~~ five-B, and five-C and sections two hundred thirty-four and two hundred thirty-five of this act, and objections raised pursuant to section five thousand two hundred forty-one of the civil practice law and rules. Support magistrates shall not be empowered to hear, determine and grant any relief with respect to issues specified in section four hundred fifty-five of this article, issues of contested paternity involving claims of equitable estoppel, custody, visitation including visitation as a defense, and orders of protection or exclusive possession of the home, which shall be referred to a judge as provided in subdivision (b) or (c) of this section. Where an order of filiation is issued by a judge in a paternity proceeding and child support is in issue, the judge, or support magistrate upon referral from the judge, shall be authorized to immediately make a temporary or final order of support, as applicable. A support magistrate shall have the authority to hear and decide motions and issue summonses and subpoenas to produce persons pursuant to section one hundred fifty-three of this act, hear and decide proceedings and issue any order authorized by subdivision (g) of section five thousand two hundred forty-one of the civil practice law and rules, issue subpoenas to produce prisoners pursuant to section two thousand three hundred two of the civil practice law and rules and make a determination that any person before the support magistrate is in violation of an order of the court as authorized by section one hundred fifty-six of this act subject to confirmation by a judge of the court who shall impose any punishment for such violation as provided by law. A determination by a support magistrate that a person is in willful violation of an order under subdivision three of section four hundred fifty-four of this article and that recommends commitment shall be transmitted to the parties, accompanied by findings of fact, but the deter-

mination shall have no force and effect until confirmed by a judge of the court.

§ 22. This act shall take effect on January 1, 2021, provided, however, that the amendments to subdivision (a) of section 439 of the family court act made by section twenty-one of this act shall not affect the expiration of such subdivision and shall be deemed to expire therewith. Effective immediately, the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of this act on its effective date are authorized to be made and completed on or before such effective date.

PART M

Section 1. The opening paragraph of paragraph (g) of subdivision 3 of section 358-a of the social services law is designated subparagraph (i) and a new subparagraph (ii) is added to read as follows:

(ii) When a child whose legal custody was transferred to the commissioner of a local social services district in accordance with this section resides in a qualified residential treatment program, as defined in section four hundred nine-h of this chapter, and where such child's placement in such program commenced on or after September twenty-ninth, two thousand twenty-one, upon receipt of notice required pursuant to paragraph (a) of this subdivision, the court shall schedule a hearing in accordance with section three hundred ninety-three of this chapter. Notwithstanding any other provision of law to the contrary, such hearing shall occur no later than sixty days from the date the placement of the child in the qualified residential treatment program commenced.

§ 2. The social services law is amended by adding a new section 393 to read as follows:

§ 393. Court approval of placement in a qualified residential treatment program. 1. The provisions of this section shall apply when a child is placed on or after September twenty-ninth, two thousand twenty-one and resides in a qualified residential treatment program, as defined in section four hundred nine-h of this article, and whose care and custody were transferred to the commissioner of a local social services district in accordance with section three hundred fifty-eight-a of this chapter, or whose custody and guardianship were transferred to the commissioner of a local social services district in accordance with section three hundred eighty-three-c, or three hundred eighty-four-b of this title.

2. (a) Within sixty days of the start of a placement of a child referenced in subdivision one of this section in a qualified residential treatment program, the court shall:

(i) Consider the assessment, determination, and documentation made by the qualified individual pursuant to section four hundred nine-h of this article;

(ii) Determine whether the needs of the child can be met through placement in a foster home and, if not, whether placement of the child in a qualified residential treatment program provides the most effective and appropriate level of care for the child in the least restrictive environment and whether that placement is consistent with the short-term and long-term goals for the child, as specified in the child's permanency plan; and

(iii) Approve or disapprove the placement of the child in a qualified residential treatment program. Provided that, notwithstanding any other provision of law to the contrary, where the qualified individual determines that the placement of the child in a qualified residential treat-

1 ment program is not appropriate under the standards set forth in the
2 regulations of the office of children and family services, in accordance
3 with 42 United States Code section 672, the court shall disapprove the
4 placement of the child in the qualified residential treatment program.

5 (b) Notwithstanding any other provision of law to the contrary, if the
6 existing governing placement order of the court regarding the child
7 would not permit the local social services district to move the child
8 from the qualified residential treatment program as required by section
9 four hundred nine-h of this article, the court shall issue a new order
10 which shall not preclude such child from being placed in a residential
11 setting approved in the regulations of the office of children and family
12 services, in accordance with 42 United States Code section 672, for
13 children whose placement in a qualified residential treatment program
14 has been determined to be inappropriate in accordance with section four
15 hundred nine-h of this article.

16 (c) The scope of the court's consideration and determination shall be
17 limited to the provisions set forth in paragraphs (a) and (b) of this
18 subdivision.

19 3. Documentation of the court's determination pursuant to this section
20 shall be recorded in the child's case record.

21 § 3. The social services law is amended by adding a new section 409-h
22 to read as follows:

23 § 409-h. Assessment of appropriateness of placement in a qualified
24 residential treatment program. 1. Within thirty days of the start of a
25 placement in a qualified residential treatment program of a child in the
26 care and custody or the custody and guardianship of the commissioner of
27 a local social services district or the office of children and family
28 services that occurs on or after September twenty-ninth, two thousand
29 twenty-one, a qualified individual shall assess the appropriateness of
30 such placement. Such qualified individual and assessment shall be in
31 accordance with the regulations of the office of children and family
32 services and 42 United State Code section 672.

33 2. (a) Where the qualified individual determines that the placement of
34 the child in a qualified residential treatment program is not appropri-
35 ate under the standards set forth in the regulations of the office of
36 children and family services and 42 United States Code section 672, the
37 local social services district or the office of children and family
38 services with legal custody of the child shall remove such child from a
39 qualified residential treatment program within thirty days in accordance
40 with federal law and the provisions of 42 United States Code section
41 672, and if placement of the child is to continue, place said child in a
42 placement setting approved by the office of children and family services
43 for children who have been determined to not be appropriate for a place-
44 ment in a qualified residential treatment program.

45 (b) The office of children and family services shall develop, post and
46 maintain on their website an up-to-date listing of the placement
47 settings approved by such office for children who have been determined
48 to not be appropriate for a placement in a qualified residential treat-
49 ment program.

50 3. As used in the section, "qualified residential treatment program"
51 means a program that is a non-foster family residential program in
52 accordance with the regulations of the office of children and family
53 services and 42 United States Code section 672.

54 § 4. The family court act is amended by adding a new section 353.7 to
55 read as follows:

1 § 353.7. Placement in qualified residential treatment programs. 1. The
2 provisions of this section shall apply when a respondent is placed on or
3 after September twenty-ninth, two thousand twenty-one and resides in a
4 qualified residential treatment program, as defined in section four
5 hundred nine-h of the social services law, and whose care and custody
6 were transferred to a local social services district or the office of
7 children and family services in accordance with this article.

8 2. (a) When a respondent is in the care and custody of a local social
9 services district or the office of children and family services pursuant
10 to this article, such social services district or office shall report
11 any anticipated placement of the respondent into a qualified residential
12 treatment program as defined in section four hundred nine-h of the
13 social services law to the court and the attorneys for the parties,
14 including the attorney for the respondent, forthwith, but not later than
15 one business day following either the decision to place the respondent
16 in the qualified residential treatment program or the actual date the
17 placement change occurred, whichever is sooner. Such notice shall indi-
18 cate the date that the placement change is anticipated to occur or the
19 date the placement change occurred, as applicable. Provided, however, if
20 such notice lists an anticipated date for the placement change, the
21 local social services district or office shall subsequently notify the
22 court and the attorneys for the parties, including the attorney for the
23 respondent, of the date the placement change occurred; such notice shall
24 occur no later than one business day following the placement change.

25 (b) When a respondent whose legal custody was transferred to a local
26 social services district or the office of children and family services
27 in accordance with this article resides in a qualified residential
28 treatment program as defined in section four hundred nine-h of the
29 social services law, and where such respondent's placement in such qual-
30 ified residential treatment program commenced on or after September
31 twenty-ninth, two thousand twenty-one, upon receipt of notice required
32 pursuant to paragraph (a) of this subdivision, the court shall schedule
33 a hearing in accordance with subdivision three of this section. Notwith-
34 standing any other provision of law to the contrary, such hearing shall
35 occur no later than sixty days from the date the placement of the child
36 in the qualified residential treatment program commenced.

37 3. (a) Within sixty days of the start of a placement of a respondent
38 referenced in subdivision one of this section in a qualified residential
39 treatment program, the court shall:

40 (i) Consider the assessment, determination, and documentation made by
41 the qualified individual pursuant to section four hundred nine-h of the
42 social services law;

43 (ii) Determine whether the needs of the respondent can be met through
44 placement in a foster home and, if not, whether placement of the
45 respondent in a qualified residential treatment program provides the
46 most effective and appropriate level of care for the respondent in the
47 least restrictive environment and whether that placement is consistent
48 with the short-term and long-term goals for the respondent, as specified
49 in the respondent's permanency plan; and

50 (iii) Approve or disapprove the placement of the respondent in a qual-
51 ified residential treatment program. Provided that, notwithstanding any
52 other provision of law to the contrary, where a qualified individual
53 determines that the placement of the respondent in a qualified residen-
54 tial treatment program is not appropriate under the standards set forth
55 in the regulations of the office of children and family services in
56 accordance with 42 United States Code section 672, the court shall

1 disapprove the placement of the respondent in the qualified residential
2 treatment program.

3 (b) Notwithstanding any other provision of law to the contrary, if the
4 existing governing placement order of the court regarding the respondent
5 would not permit the local social services district or the office to
6 move the respondent from the qualified residential treatment program as
7 required by section four hundred nine-h of the social services law, the
8 court shall issue a new order which shall not preclude such respondent
9 from being placed in a residential setting approved in the regulations
10 of the office of children and family services in accordance with 42
11 United States Code section 672 for children whose placement in a quali-
12 fied residential treatment program has been determined to be inappropri-
13 ate in accordance with section four hundred nine-h of the social
14 services law.

15 (c) The scope of the court's consideration and determination shall be
16 limited to the provisions set forth in paragraphs (a) and (b) of this
17 subdivision.

18 4. Documentation of the court's determination pursuant to this section
19 shall be recorded in the respondent's case record.

20 § 5. Section 355.5 of the family court act is amended by adding a new
21 subdivision 10 to read as follows:

22 10. Where the respondent remains placed in a qualified residential
23 treatment program, as defined in section four hundred nine-h of the
24 social services law, the commissioner of the local social services
25 district or the office of children and family services with legal custo-
26 dy of the respondent shall submit evidence at the permanency hearing
27 with respect to the respondent:

28 (a) demonstrating that ongoing assessment of the strengths and needs
29 of the respondent cannot be met through placement in a foster home, that
30 the placement in a qualified residential treatment program provides the
31 most effective and appropriate level of care for the respondent in the
32 least restrictive environment, and that the placement is consistent with
33 the short-term and long-term goals for the respondent, as specified in
34 the respondent's permanency plan;

35 (b) documenting the specific treatment and service needs that will be
36 met for the respondent in the placement and the length of time the
37 respondent is expected to need the treatment or services; and

38 (c) documenting the efforts made by the local social services district
39 or the office of children and family services with legal custody of the
40 respondent to prepare the respondent to return home, or to be placed
41 with a fit and willing relative, legal guardian or adoptive parent, or
42 in a foster home.

43 § 6. Section 756-a of the family court act is amended by adding a new
44 subdivision (h) to read as follows:

45 (h) Where the respondent remains placed in a qualified residential
46 treatment program, as defined in section four hundred nine-h of the
47 social services law, the commissioner of the local social services
48 district with legal custody of the respondent shall submit evidence at
49 the permanency hearing with respect to the respondent:

50 (i) demonstrating that ongoing assessment of the strengths and needs
51 of the respondent continues to support the determination that the needs
52 of the respondent cannot be met through placement in a foster home, that
53 the placement in a qualified residential treatment program provides the
54 most effective and appropriate level of care for the respondent in the
55 least restrictive environment, and that the placement is consistent with

1 the short-term and long-term goals of the respondent, as specified in
2 the respondent's permanency plan;

3 (ii) documenting the specific treatment or service needs that will be
4 met for the respondent in the placement and the length of time the
5 respondent is expected to need the treatment or services; and

6 (iii) documenting the efforts made by the local social services
7 district with legal custody of the respondent to prepare the respondent
8 to return home, or to be placed with a fit and willing relative, legal
9 guardian or adoptive parent, or in a foster home.

10 § 7. The family court act is amended by adding a new section 756-b to
11 read as follows:

12 § 756-b. Court approval of placement in a qualified residential treat-
13 ment program. 1. The provisions of this section shall apply when a
14 respondent is placed on or after September twenty-ninth, two thousand
15 twenty-one and resides in a qualified residential treatment program, as
16 defined in section four hundred nine-h of the social services law, and
17 whose care and custody were transferred to a local social services
18 district in accordance with this part.

19 2. (a) When a respondent is in the care and custody of a local social
20 services district pursuant to this part, such social services district
21 shall report any anticipated placement of the respondent into a quali-
22 fied residential treatment program, as defined in section four hundred
23 nine-h of the social services law, to the court and the attorneys for
24 the parties, including the attorney for the respondent, forthwith, but
25 not later than one business day following either the decision to place
26 the respondent in the qualified residential treatment program or the
27 actual date the placement change occurred, whichever is sooner. Such
28 notice shall indicate the date that the placement change is anticipated
29 to occur or the date the placement change occurred, as applicable.
30 Provided, however, if such notice lists an anticipated date for the
31 placement change, the local social services district shall subsequently
32 notify the court and the attorneys for the parties, including the attor-
33 ney for the respondent, of the date the placement change occurred; such
34 notice shall occur no later than one business day following the place-
35 ment change.

36 (b) When a respondent whose legal custody was transferred to a local
37 social services district in accordance with this part resides in a qual-
38 ified residential treatment program, as defined in section four hundred
39 nine-h of the social services law, and where such respondent's placement
40 in such qualified residential treatment program commenced on or after
41 September twenty-ninth, two thousand twenty-one, upon receipt of notice
42 required pursuant to paragraph (a) of this subdivision, the court shall
43 schedule a hearing in accordance with subdivision three of this section.
44 Notwithstanding any other provision of law to the contrary, such hearing
45 shall occur no later than sixty days from the date the placement of the
46 respondent in the qualified residential treatment program commenced.

47 3. (a) Within sixty days of the start of a placement of a respondent
48 referenced in subdivision one of this section in a qualified residential
49 treatment program, the court shall:

50 (i) Consider the assessment, determination and documentation made by
51 the qualified individual pursuant to section four hundred nine-h of the
52 social services law;

53 (ii) Determine whether the needs of the respondent can be met through
54 placement in a foster home and, if not, whether placement of the
55 respondent in a qualified residential treatment program provides the
56 most effective and appropriate level of care for the respondent in the

1 least restrictive environment and whether that placement is consistent
2 with the short-term and long-term goals for the respondent as specified
3 in the respondent's permanency plan; and

4 (iii) Approve or disapprove the placement of the respondent in a qual-
5 ified residential treatment program. Provided that, notwithstanding any
6 other provision of law to the contrary, where the qualified individual
7 determines that the placement of the respondent in a qualified residen-
8 tial treatment program is not appropriate under the standards set forth
9 in the regulations of the office of children and family services in
10 accordance with 42 United States Code section 672, the court shall
11 disapprove the placement of the respondent in the qualified residential
12 treatment program.

13 (b) Notwithstanding any other provision of law to the contrary, if the
14 existing governing placement order of the court regarding the respondent
15 would not permit the local social services district to move the respond-
16 ent from the qualified residential treatment program as required by
17 section four hundred nine-h of the social services law, the court shall
18 issue a new order which shall not preclude such respondent from being
19 placed in a residential setting approved in the regulations of the
20 office of children and family services in accordance with 42 United
21 States Code section 672 for children whose placement in a qualified
22 residential treatment program has been determined to be inappropriate in
23 accordance with section four hundred nine-h of the social services law.

24 (c) The scope of the court's consideration and determination shall be
25 limited to the provisions set forth in paragraphs (a) and (b) of this
26 subdivision.

27 4. Documentation of the court's determination pursuant to this section
28 shall be recorded in the respondent's case record.

29 § 8. The opening paragraph of subdivision 5 of section 1017 of the
30 family court act is designated paragraph (a) and a new paragraph (b) is
31 added to read as follows:

32 (b) When a child whose legal custody was transferred to the commis-
33 sioner of a local social services district in accordance with this
34 section resides in a qualified residential treatment program, as defined
35 in section four hundred nine-h of the social services law, and where
36 such child's placement in such program commenced on or after September
37 twenty-ninth, two thousand twenty-one, upon receipt of notice required
38 pursuant to paragraph (a) of this subdivision the court shall schedule a
39 hearing in accordance with section one thousand fifty-five-c of this
40 article. Notwithstanding any other provision of law to the contrary,
41 such hearing shall occur no later than sixty days from the date the
42 placement of the child in the qualified residential treatment program
43 commenced.

44 § 9. The opening paragraph of subdivision (j) of section 1055 of the
45 family court act is designated paragraph (i) and a new paragraph (ii) is
46 added to read as follows:

47 (ii) When a child whose legal custody was transferred to the commis-
48 sioner of a local social services district in accordance with this
49 section resides in a qualified residential treatment program, as defined
50 in section four hundred nine-h of the social services law, and where
51 such child's placement in such program commenced on or after September
52 twenty-ninth, two thousand twenty-one, upon receipt of notice required
53 pursuant to paragraph (i) of this subdivision, the court shall schedule
54 a hearing in accordance with section one thousand fifty-five-c of this
55 part. Notwithstanding any other provision of law to the contrary, such

1 hearing shall occur no later than sixty days from the date the placement
2 of the child in the qualified residential treatment program commenced.

3 § 10. The family court act is amended by adding a new section 1055-c
4 to read as follows:

5 § 1055-c. Court approval of placement in a qualified residential
6 treatment program. 1. The provisions of this section shall apply when a
7 child is placed on or after September twenty-ninth, two thousand twen-
8 ty-one and resides in a qualified residential treatment program, as
9 defined in section four hundred nine-h of the social services law, and
10 whose care and custody were transferred to the commissioner of a local
11 social services district in accordance with this article.

12 2. Within sixty days of the start of a placement of a child referenced
13 in subdivision one of this section in a qualified residential treatment
14 program, the court shall:

15 (a) Consider the assessment, determination, and documentation made by
16 the qualified individual pursuant to section four hundred nine-h of the
17 social services law;

18 (b) Determine whether the needs of the child can be met through place-
19 ment in a foster home and, if not, whether placement of the child in a
20 qualified residential treatment program provides the most effective and
21 appropriate level of care for the child in the least restrictive envi-
22 ronment and whether that placement is consistent with the short-term and
23 long-term goals for the child, as specified in the child's permanency
24 plan; and

25 (c) Approve or disapprove the placement of the child in a qualified
26 residential treatment program. Provided that, notwithstanding any other
27 provision of law to the contrary, where the qualified individual deter-
28 mines that the placement of the child in a qualified residential treat-
29 ment program is not appropriate under the standards set forth in the
30 regulations of the office of children and family services in accordance
31 with 42 United States Code section 672, the court shall disapprove the
32 placement of the child in the qualified residential treatment program.

33 3. Notwithstanding any other provision of law to the contrary, if the
34 existing governing placement order of the court regarding the child
35 would not permit the local social services district to move the child
36 from the qualified residential treatment program as required by section
37 four hundred nine-h of the social services law, the court shall issue a
38 new order which shall not preclude such child from being placed in a
39 residential setting approved in the regulations of the office of chil-
40 dren and family services in accordance with 42 United States Code
41 section 672 for children whose placement in a qualified residential
42 treatment program has been determined to be inappropriate in accordance
43 with section four hundred nine-h of the social services law.

44 4. The scope of the court's consideration and determination shall be
45 limited to the provisions set forth in subdivisions two and three of
46 this section.

47 5. Documentation of the court's determination pursuant to this section
48 shall be recorded in the child's case record.

49 § 11. Clause (C) of subparagraph (ix) of paragraph 5 of subdivision
50 (c) of section 1089 of the family court act, as amended by section 27 of
51 part A of chapter 3 of the laws of 2005, is amended and a new paragraph
52 6 is added to read as follows:

53 (C) if the child is over age fourteen and has voluntarily withheld his
54 or her consent to an adoption, the facts and circumstances regarding the
55 child's decision to withhold consent and the reasons therefor[-]; and

1 (6) Where the child remains placed in a qualified residential treat-
2 ment program, as defined in section four hundred nine-h of the social
3 services law, the commissioner of the social services district with
4 legal custody of the child shall submit evidence at the permanency hear-
5 ing with respect to the child:

6 (i) demonstrating that ongoing assessment of the strengths and needs
7 of the child continues to support the determination that the needs of
8 the child cannot be met through placement in a foster home, that the
9 placement in a qualified residential treatment program provides the most
10 effective and appropriate level of care for the child in the least
11 restrictive environment, and that the placement is consistent with the
12 short-term and long-term goals for the child, as specified in the
13 child's permanency plan;

14 (ii) documenting the specific treatment or service needs that will be
15 met for the child in the placement and the length of time the child is
16 expected to need the treatment or services; and

17 (iii) documenting the efforts made by the local social services
18 district to prepare the child to return home, or to be placed with a fit
19 and willing relative, legal guardian or adoptive parent, or in a foster
20 home.

21 § 12. The opening paragraph of clause (H) of subparagraph (vii) of
22 paragraph 2 of subdivision (d) of section 1089 of the family court act,
23 is designated item (I) and a new item (II) is added to read as follows:

24 (II) When a child whose legal custody was transferred to the commis-
25 sioner of a local social services district in accordance with this
26 section resides in a qualified residential treatment program as defined
27 in section four hundred nine-h of the social services law and where such
28 child's placement in such program commenced on or after September twen-
29 ty-ninth, two thousand twenty-one, upon receipt of notice required
30 pursuant to item (I) of this clause, the court shall schedule a hearing
31 in accordance with section three hundred ninety-three of the social
32 services law or section one thousand fifty-five-c, one thousand ninety-
33 one-a or one thousand ninety-seven of this chapter. Notwithstanding any
34 other provision of law to the contrary, such hearing shall occur no
35 later than sixty days from the date the placement of the child in the
36 qualified residential treatment program commenced.

37 § 13. The family court act is amended by adding a new section 1091-a
38 to read as follows:

39 § 1091-a. Court approval of placement in a qualified residential
40 treatment program. 1. The provisions of this section shall apply when a
41 former foster care youth is placed on or after September twenty-ninth,
42 two thousand twenty-one, and resides in a qualified residential treat-
43 ment program, as defined in section four hundred nine-h of the social
44 services law, and whose care and custody were transferred to a local
45 social services district or the office of children and family services
46 in accordance with this article.

47 2. (a) When a former foster care youth is in the care and custody of a
48 local social services district or the office of children and family
49 services pursuant to this article, such social services district or
50 office shall report any anticipated placement of the former foster care
51 youth into a qualified residential treatment program, as defined in
52 section four hundred nine-h of the social services law, to the court and
53 the attorneys for the parties, including the attorney for the former
54 foster care youth, forthwith, but not later than one business day
55 following either the decision to place the former foster care youth in
56 the qualified residential treatment program or the actual date the

1 placement change occurred, whichever is sooner. Such notice shall indi-
2 cate the date that the placement change is anticipated to occur or the
3 date the placement change occurred, as applicable. Provided, however, if
4 such notice lists an anticipated date for the placement change, the
5 local social services district or office shall subsequently notify the
6 court and attorneys for the parties, including the attorney for the
7 child, of the date the placement change occurred; such notice shall
8 occur no later than one business day following the placement change.

9 (b) When a child whose legal custody was transferred to a local social
10 services district or the office of children and family services in
11 accordance with this article resides in a qualified residential treat-
12 ment program, as defined in section four hundred nine-h of the social
13 services law, and where such child's placement in such qualified resi-
14 dential treatment program commenced on or after September twenty-ninth,
15 two thousand twenty-one, upon receipt of notice required pursuant to
16 paragraph (a) of this subdivision, the court shall schedule a hearing in
17 accordance with subdivision three of this section. Notwithstanding any
18 other provision of law to the contrary, such hearing shall occur no
19 later than sixty days from the date the placement of the child in the
20 qualified residential treatment program commenced.

21 3. Within sixty days of the start of a placement of a former foster
22 care youth referenced in subdivision one of this section in a qualified
23 residential treatment program, the court shall:

24 (a) Consider the assessment, determination, and documentation made by
25 the qualified individual pursuant to section four hundred nine-h of the
26 social services law;

27 (b) Determine whether the needs of the former foster care youth can be
28 met through placement in a foster home and, if not, whether placement of
29 the former foster care youth in a qualified residential treatment
30 program provides the most effective and appropriate level of care for
31 the former foster care youth in the least restrictive environment and
32 whether that placement is consistent with the short-term and long-term
33 goals for the former foster care youth, as specified in the former
34 foster care youth's permanency plan; and

35 (c) Approve or disapprove the placement of the former foster care
36 youth in qualified residential treatment program. Provided that,
37 notwithstanding any other provision of law to the contrary, where the
38 qualified individual determines that the placement of the former foster
39 care youth in a qualified residential treatment program is not appropri-
40 ate under the standards set forth in the regulations of the office of
41 children and family services in accordance with 42 United States Code
42 section 672, the court shall disapprove the placement of the former
43 foster care youth in the qualified residential treatment program.

44 4. Notwithstanding any other provision of law to the contrary, if the
45 existing governing placement order of the court regarding the former
46 foster care youth would not permit the local social services district or
47 the office to move the former foster care youth from the qualified resi-
48 dential treatment program as required by section four hundred nine-h of
49 the social services law, the court shall issue a new order which shall
50 not preclude such former foster care youth from being placed in a resi-
51 dential setting approved in the regulations of the office of children
52 and family services in accordance with 42 United States Code section 672
53 for children whose placement in a qualified residential treatment
54 program has been determined to be inappropriate in accordance with
55 section four hundred nine-h of the social services law.

1 5. The scope of the court's consideration and determination shall be
2 limited to the provisions set forth in subdivisions three and four of
3 this section.

4 6. Documentation of the court's determination pursuant to this section
5 shall be recorded in the former foster care youth's case record.

6 § 14. The family court act is amended by adding a new section 1097 to
7 read as follows:

8 § 1097. Court approval of placement in a qualified residential treat-
9 ment program. 1. The provisions of this section shall apply when a child
10 is placed on or after September twenty-ninth, two thousand twenty-one,
11 and resides in a qualified residential treatment program, as defined in
12 section four hundred nine-h of the social services law, and whose care
13 and custody were transferred to a local social services district or the
14 office of children and family services in accordance with this article.

15 2. (a) When a child is in the care and custody of a local social
16 services district pursuant to this article, such social services
17 district shall report any anticipated placement of the child into a
18 qualified residential treatment program, as defined in section four
19 hundred nine-h of the social services law, to the court and the attor-
20 neys for the parties, including the attorney for the child, forthwith,
21 but not later than one business day following either the decision to
22 place the child in the qualified residential treatment program or the
23 actual date the placement change occurred, whichever is sooner. Such
24 notice shall indicate the date that the placement change is anticipated
25 to occur or the date the placement change occurred, as applicable.
26 Provided, however, if such notice lists an anticipated date for the
27 placement change, the local social services district shall subsequently
28 notify the court and attorneys for the parties, including the attorney
29 for the child, of the date the placement change occurred; such notice
30 shall occur no later than one business day following the placement
31 change.

32 (b) When a child whose legal custody was transferred to a local social
33 services district in accordance with this article resides in a qualified
34 residential treatment program, as defined in section four hundred nine-h
35 of the social services law, and where such child's placement in such
36 qualified residential treatment program commenced on or after September
37 twenty-ninth, two thousand twenty-one, upon receipt of notice required
38 pursuant to paragraph (a) of this subdivision, the court shall schedule
39 a hearing in accordance with subdivision three of this section. Notwith-
40 standing any other provision of law to the contrary, such hearing shall
41 occur no later than sixty days from the date the placement of the child
42 in the qualified residential treatment program commenced.

43 3. Within sixty days of the start of a placement of a child referenced
44 in subdivision one of this section in a qualified residential treatment
45 program, the court shall:

46 (a) Consider the assessment, determination, and documentation made by
47 the qualified individual pursuant to section four hundred nine-h of the
48 social services law;

49 (b) Determine whether the needs of the child can be met through place-
50 ment in a foster home and, if not, whether placement of the child in a
51 qualified residential treatment program provides the most effective and
52 appropriate level of care for the child in the least restrictive envi-
53 ronment and whether that placement is consistent with the short-term and
54 long-term goals for the child, as specified in the child's permanency
55 plan; and

1 (c) Approve or disapprove the placement of the child in the qualified
2 residential treatment program. Provided that, notwithstanding any other
3 provision of law to the contrary, where the qualified individual deter-
4 mines that the placement of the child in a qualified residential treat-
5 ment program is not appropriate under the standards set forth in the
6 regulations of the office of children and family services in accordance
7 with 42 United States Code section 672, the court shall disapprove the
8 placement of the child in the qualified residential treatment program.

9 4. Notwithstanding any other provision of law to the contrary, if the
10 existing governing placement order of the court regarding the child
11 would not permit the local social services district to move the child
12 from the qualified residential treatment program as required by section
13 four hundred nine-h of the social services law, the court shall issue a
14 new order which shall not preclude such child from being placed in a
15 residential setting approved in the regulations of the office of chil-
16 dren and family services in accordance with 42 United States Code
17 section 672 for children whose placement in a qualified residential
18 treatment program has been determined to be inappropriate in accordance
19 with section four hundred nine-h of the social services law.

20 5. The scope of the court's consideration and determination shall be
21 limited to the provisions set forth in subdivisions three and four of
22 this section.

23 6. Documentation of the court's determination pursuant to this section
24 shall be recorded in the child's case record.

25 § 15. Severability. If any clause, sentence, paragraph, section or
26 part of this act shall be adjudged by any court of competent jurisdic-
27 tion to be invalid and after exhaustion of all further judicial review,
28 the judgment shall not affect, impair or invalidate the remainder there-
29 of, but shall be confined in its operation to the clause, sentence,
30 paragraph, section or part of this act directly involved in the contro-
31 versy in which the judgment shall have been rendered.

32 § 16. This act shall take effect September 29, 2021; provided, howev-
33 er, that:

34 (a) (i) notwithstanding any other provision of law, provisions in this
35 act shall not take effect unless and until the state title IV-E agency
36 submits to the United States Department of Health and Human Services,
37 Administration for Children, Youth and Families, an amendment to the
38 title IV-E state plan and the United States Department of Health and
39 Human Services, Administration for Children, Youth and Families approves
40 said title IV-E state plan amendment regarding when a child is placed in
41 a qualified residential treatment program in relation to the following
42 components: (1) the establishment of the 30-day assessment as estab-
43 lished by section three of this act; (2) the 60-day court reviews as
44 established by sections one, two, four, seven, eight, nine, ten, twelve,
45 thirteen and fourteen of this act; and (3) permanency hearing require-
46 ments as established by sections five, six and eleven of this act;

47 (ii) provided however, that if the United States Department of Health
48 and Human Services, Administration for Children, Youth and Families
49 fails to approve or disapproves any of the components listed in para-
50 graph (i) of this subdivision, such action shall not impact the effec-
51 tive date for the remaining components listed therein;

52 (b) the office of children and family services shall inform the legis-
53 lative bill drafting commission upon the occurrence of the submission
54 set forth in subdivision (a) of this section and any approval related
55 thereto in order that the commission may maintain an effective and time-
56 ly database of the official texts of the state of laws of New York in

1 furtherance of effectuating the provisions of section 44 of the legisla-
2 tive law and section 70-b of the public officers law;

3 (c) if chapter 732 of the laws of 2019 shall not have taken effect on
4 or before such effective date, then sections one, eight, nine and twelve
5 of this act shall take effect on the same date and same manner as chap-
6 ter 732 of the laws of 2019, takes effect;

7 (d) for the purposes of this act, the term "placement" shall refer
8 only to placements made on or after the effective date of the Title IV-E
9 state plan to establish the 30-day assessment, 60-day court review and
10 permanency hearing requirements set forth in this act that occur on or
11 after its effective date; and

12 (e) the office of children and family services and the office of court
13 administration are hereby authorized to promulgate such rules and regu-
14 lations as may be necessary to implement the provisions of this act on
15 or before such effective date.

16 PART N

17 Section 1. Subdivision 10 of section 153 of the social services law,
18 as amended by section 1 of subpart B of part K of chapter 56 of the laws
19 of 2017, is amended to read as follows:

20 10. Expenditures made by a social services district for the mainte-
21 nance of children with disabilities, placed by school districts, pursu-
22 ant to section forty-four hundred five of the education law shall, if
23 approved by the office of children and family services, be subject to
24 ~~[eighteen and four hundred twenty four thousandths percent reimbursement~~
25 ~~by the state and thirty eight and four hundred twenty four thousandths~~
26 ~~percent reimbursement by school districts, except for social services~~
27 ~~districts located within a city with a population of one million or~~
28 ~~more, where such expenditures shall be subject to]~~ fifty-six and eight
29 hundred forty-eight thousandths percent reimbursement by the school
30 district, in accordance with paragraph c of subdivision one of section
31 forty-four hundred five of the education law, after first deducting
32 therefrom any federal funds received or to be received on account of
33 such expenditures, except that in the case of a student attending a
34 state-operated school for the deaf or blind pursuant to article eighty-
35 seven or eighty-eight of the education law who was not placed in such
36 school by a school district such expenditures shall be subject to fifty
37 percent reimbursement by the state after first deducting therefrom any
38 federal funds received or to be received on account of such expenditures
39 and there shall be no reimbursement by school districts. Such expendi-
40 tures shall not be subject to the limitations on state reimbursement
41 contained in subdivision two of section one hundred fifty-three-k of
42 this title. In the event of the failure of the school district to make
43 the maintenance payment pursuant to the provisions of this subdivision,
44 the state comptroller shall withhold state reimbursement to any such
45 school district in an amount equal to the unpaid obligation for mainte-
46 nance and pay over such sum to the social services district upon certif-
47 ication of the commissioner of the office of children and family
48 services and the commissioner of education that such funds are overdue
49 and owed by such school district. The commissioner of the office of
50 children and family services, in consultation with the commissioner of
51 education, shall promulgate regulations to implement the provisions of
52 this subdivision.

53 § 2. This act shall take effect immediately; provided however that the
54 amendments to subdivision 10 of section 153 of the social services law,

1 by section one of this act, shall not affect the repeal of such subdivi-
2 sion and shall be deemed repealed therewith.

3 PART 0

4 Section 1. Subdivisions 2, 3, 4 and 5 of section 365 of the executive
5 law, as added by section 5 of part W of chapter 57 of the laws of 2013,
6 the opening paragraph of paragraph (a), the opening paragraph of para-
7 graph (b), paragraph (g), the opening paragraph of subparagraph (ii) and
8 clause 6 of subparagraph (ii) of paragraph (h) of subdivision 2 as
9 amended by section 11 of part AA of chapter 56 of the laws of 2019, are
10 amended to read as follows:

11 2. The establishment of the first New York state veterans cemetery.
12 (a) The division, in cooperation with the United States department of
13 veterans affairs, and in consultation with, and upon the support of the
14 department of state division of cemeteries, is hereby directed to
15 conduct an investigation and study on the issue of the construction and
16 establishment of the first New York state veterans' cemetery. Such
17 investigation and study shall include, but not be limited to:

18 (i) Potential site locations for such cemetery, with full consider-
19 ation as to the needs of the veterans population;
20 (ii) The size of the cemetery and types of grave sites;
21 (iii) The number of annual interments at the cemetery;
22 (iv) Transportation accessibility to the cemetery by veterans, their
23 families and the general public;
24 (v) Costs for construction of the cemetery;
25 (vi) Costs of operation of the cemetery, including but not limited to
26 staffing costs to maintain the cemetery;
27 (vii) Scalability of the cemetery for future growth and expansion;
28 (viii) Potential for funding for the cemetery from federal, local and
29 private sources;
30 (ix) Cost of maintenance;
31 (x) Data on the population that would be served by the site;
32 (xi) The average age of the population in the area covered;
33 (xii) The mortality rate of the veteran population for the area;
34 (xiii) Surrounding land use;
35 (xiv) Topography of the land;
36 (xv) Site characteristics;
37 (xvi) Cost of land acquisition;
38 (xvii) The location of existing cemeteries including but not limited
39 to national veterans' cemeteries, county veterans' cemeteries, ceme-
40 teries that have plots devoted to veterans, not-for-profit cemeteries
41 and any other burial ground devoted to veterans and any other type of
42 burial grounds devoted to the interment of human remains that is of
43 public record; and

44 (xviii) Such other and further items as the director of the division
45 deems necessary for the first state veterans cemetery to be successful.

46 A report of the investigation and study conclusions shall be delivered
47 to the governor, the temporary president of the senate, the speaker of
48 the assembly and the chair of the senate committee on veterans, homeland
49 security and military affairs, and the chair of the assembly committee
50 on veterans' affairs by no later than one hundred eighty days after the
51 division has commenced the conduct of the investigation and study.

52 (b) ~~Prior to the commencement of the investigation and study pursuant~~
53 ~~to paragraph (a) of this subdivision, the director of the division of~~
54 ~~veterans' 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 mmmmm 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' 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:~~

- ~~(i) physical attributes of the veterans cemetery, including size, location, and terrain;~~
- ~~(ii) management and operation, including staffing costs, cost of equipment and equipment maintenance, and security costs;~~
- ~~(iii) relevant state and federal requirements and specifications for interment and perpetual care;~~
- ~~(iv) estimates provided by the United States department of veterans affairs;~~
- ~~(v) any other fiscal cost, charge or assessment that would be incurred by the cemetery.~~

~~(c) By no later than ninety days following the issuance of the report, pursuant to the rules and regulations issued under paragraph (h) of this subdivision, the director shall issue, on behalf of the division, a request for proposals for any local government desiring to have the first state veterans cemetery located within its political subdivision. Such request for proposals shall be returnable to the division by no later than sixty days following the issuance of the request for proposals.~~

~~(d)] No later than sixty days following the [deadline for the return of requests for proposals]~~ submission of the report of the investigation and study conclusions pursuant to paragraph ~~[(c)]~~ (a) of this subdivision, the director~~[, in consultation with the management board of the first New York state veterans cemetery,]~~ shall select a site for the first New York state veterans cemetery. In selecting such site, the director shall consider:

- (i) The investigation and study, and the report produced by the same, pursuant to paragraph (a) of this subdivision;
- (ii) ~~[The submitted responses to the requests for proposals issued pursuant to paragraph (b) of this subdivision;~~
- ~~(iii)]~~ The guidelines for receipt of federal funding specified in section 2408 of title 38 of the United States code, part 39 of title 38 of the code of federal regulations, and any other relevant federal statute or regulation;
- ~~[(iv)]~~ (iii) The possibility of funding from private individuals, corporations or foundations; and
- ~~[(v)]~~ (iv) Any other consideration that would facilitate the successful operation of the first New York state veterans cemetery.

[~~(e)~~] ~~(c)~~ No later than thirty days following the selection of the site pursuant to paragraph [~~(d)~~] ~~(b)~~ of this subdivision, the director~~[, in consultation with the management board of the first New York state veterans cemetery,]~~ shall commence the application process 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 39 of title 38 of the code of federal regulations, and any other relevant federal statute or regulation, 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 cemetery. Such grant application shall be based on a site selected pursuant to paragraph [~~(d)~~] ~~(b)~~ of this subdivision, and shall be consistent with the guidelines for receipt of federal funding pursuant to the relevant provisions of federal law.

[~~(f)~~] ~~(d)~~ A management board for the first New York state veterans cemetery shall be appointed pursuant to subdivision three of this section.

~~[(g) Nothing in this section shall be construed to authorize the division of veterans' 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' 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' 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.]~~

[~~(h)~~] ~~(e)~~ The director shall promulgate rules and regulations governing:

(i) ~~[The guidelines and standards for the construction, establishment, expansion, improvement, support, operation, maintenance and the provision of perpetual care for a state veterans cemetery. Such guidelines shall include, but not be limited to:~~

~~(1) The size and terrain of the cemetery;~~
~~(2) The management and operation of the cemetery, including but not limited to:~~

~~(A) Hours of operation;~~
~~(B) Employees, employee relations, and employee duties;~~
~~(C) The conduct and practice of events, ceremonies and programs;~~
~~(D) The filing and compliance of the cemetery with state and federal regulators; and~~

~~(E) Such other and further operational and management practices and procedures as the director shall determine to be necessary for the successful operation of a state veterans cemetery.~~

~~(3) The layout of plots;~~
~~(4) The locations of building and infrastructure, including but not limited to:~~

~~(A) Electrical lines and facilities;~~
~~(B) Waterlines, irrigation systems, and drainage facilities;~~

~~(C) Trees, flowers and other plantings;~~
~~(D) Non gravesite memorials, gravesite memorials, mausoleums, columbarium niches, headstones, grave markers, indoor interment facilities, committal service shelters, signage, flag poles, and other memorial gathering spaces or infrastructure;~~
~~(E) Roadways, pedestrian pathways, parking sites, curbs and curb cuts;~~
~~(F) Ponds, lakes and other water sites;~~
~~(G) Retaining walls, gates, fences, security systems or other devices for cemetery protection; and~~
~~(H) Any other buildings, structures or infrastructure necessary for the safe, efficient and effective operation of the cemetery;~~
~~(5) The qualifications for interment, consistent with the provisions of state and federal law and any requirements pursuant to the receipt of federal, state, local or private funds;~~
~~(6) The location and placement of interments;~~
~~(7) Consistent with the provisions of state and federal law and any requirements pursuant to the receipt of federal, state, local or private funds, the financial management of the cemetery, including but not limited to:~~
~~(A) The procedures for the protection and implementation of the cemetery's annual budget;~~
~~(B) The seeking, collecting, deposit and expenditure of operating funds pursuant to the cemetery's budget;~~
~~(C) The seeking, collecting, deposit and expenditure of capital funds pursuant to the cemetery's capital plan;~~
~~(D) The seeking, collecting, deposit and expenditure of emergency funds to address an unexpected event;~~
~~(E) The assessment, charging, collection and deposit of fees and charges;~~
~~(F) The management of cemetery finances, both current and future, with respect to investments; and~~
~~(G) Such other and further procedures and activities concerning the financial management of the cemetery;~~
~~(8) The provision of perpetual care for the cemetery, including but not limited to:~~
~~(A) The frequency, standards and methods for the beautification and maintenance of grounds, memorials, gravesites, buildings, ceremonial sites, or other locations within, or upon the curtilage of the cemetery;~~
~~(B) The frequency, standards and methods for the provision of flags, patriotic and military symbols, and other honorary items, at each gravesite and throughout the cemetery; and~~
~~(C) Such other and further standards as are necessary to assure the proper perpetual care of the cemetery in a manner befitting the highest level of honor and respect deserving to those veterans and their families interred in the cemetery;~~
~~(9) Guidelines and standards for the procurement of land for the cemetery providing that the state veterans cemetery, and all the property upon which it resides shall be owned in fee simple absolute by the state of New York;~~
~~(10) Guidelines and standards for the practices and procedures for the construction and establishment of a state veterans cemetery, including contracting and purchasing for construction services, professional services, legal services, architectural services, consulting services, as well as the procurement of materials, all consistent with the relevant provisions of federal, state and local law, the regulations promulgated thereunder, and the requirements contained in the grants awarded~~

~~or pursued from the federal government, or any source of private funding;~~

~~(11) Guidelines and standards for the practices and procedures for the expansion and improvement of a state veterans cemetery, including contracting and purchasing for construction services, professional services, legal services, architectural services, consulting services, as well as the procurement of materials, all consistent with the relevant provisions of federal, state and local law, the regulations promulgated thereunder, and the requirements contained in the grants awarded or pursued from the federal government, or any source of private funding;~~

~~(12) Any other guidelines and standards that would facilitate the successful construction, establishment, expansion, improvement, support, operation, maintenance and the provision of perpetual care for the state veterans cemetery;~~

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

~~(1) The form, requirements and standards required for submission of a response to the request for proposals;~~

~~(2) The requirement, if the director so elects, that a response shall require the local government to agree to contract with the state of New York that all costs for construction, establishment, expansion, improvement, support, operation, maintenance and the provision of perpetual care of the veterans cemetery shall be the sole responsibility of, and paid by the local government, and that to the extent such costs are not paid or reimbursed by the government of the United States, or a private individual, corporation or foundation;~~

~~(3) The requirement that the local government will comply with all state and federal statutes and regulations concerning the construction, establishment, expansion, improvement, support, operation, maintenance and the provision of perpetual care of the state veterans cemetery, and shall satisfy any and all applicable state and federal standards and requirements for the perpetual care of the state veterans cemetery;~~

~~(4) That the state veterans cemetery, and all the property upon which it resides shall be owned in fee simple absolute by the state of New York;~~

~~(5) That all lands upon which such cemetery is constructed and established shall be used solely for state veterans cemetery purposes, and for the purpose of providing the honor and remembrance of veterans and their service through ceremonies and programs;~~

~~(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' 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~~

~~(7) Such other and further requirements as the director may deem prudent in the facilitation of the successful siting and operation of a state veterans cemetery in the jurisdiction of the local government; and (iii)]~~ The management, operation, maintenance, expansion and improvement of the cemetery; and

(ii) Such other and further guidelines and standards as are necessary for the successful construction, establishment, expansion, improvement, support, operation, maintenance and the provision of perpetual care for a state veterans cemetery;

~~[(i) Upon the approval of the application for funding from the government of the United States, made pursuant to paragraph (e) of this subdivision, the director, upon consultation with the management board, shall commence the process of construction and establishment of the first state veterans cemetery. Such process shall be consistent with the relevant provisions of local, state and federal law, and the rules and regulations established pursuant to paragraph (h) of this subdivision.]~~

3. Management boards of New York state veterans cemeteries. (a) For each New York state veterans cemetery there shall be a management board. Each such management board shall consist of nine members, including the director of the division who shall serve as chair, and four members, appointed by the governor. Of such four members, not fewer than two shall be a veteran of the United States army, the United States navy, the United States air force, the United States marines, the New York army national guard, the New York air national guard, the New York naval militia, or a member who has served in a theater of combat operations of the United States coast guard or the United States merchant marine. Two members shall be appointed by the temporary president of the senate, and two members shall be appointed by the speaker of the state assembly. At least one of the members appointed by the temporary president of the senate and at least one of the members appointed by the speaker of the assembly shall be a veteran of the United States army, the United States navy, the United States air force, the United States marines, the New York army national guard, the New York air national guard, the New York naval militia, or a member who has served in a theater of combat operations of the United States coast guard or the United States merchant marine. No member shall receive any compensation for his or her service, but members who are not state officials may be reimbursed for their actual and necessary expenses, including travel expenses incurred in performance of their duties. The management board may consult with any federal, state or local entity for the purposes of advancing its purposes, mission and duties.

(b) The management board shall advise, by majority vote, the director on issues concerning the ~~[construction, establishment, expansion, improvement, support, operation, maintenance and the provision of perpetual care]~~ operations and perpetual care for the veterans cemetery, including but not limited to issues of financial concern, employment relations, cemetery policy, cemetery events and programs, and such other and further issues as the board and director shall deem important.

(c) The director, in consultation with the management board of a state veterans cemetery, may provide for the expansion and/or improvement of the cemetery. Such expansion and improvement shall be conducted in accordance with the rules and regulations of the division under paragraph (e) of subdivision two of this section.

4. Additional state veterans cemeteries. (a) ~~[Not later than ten years after the construction and establishment of the first New York state veterans cemetery, and every ten years thereafter, the division, in~~

~~cooperation with the United States department of veterans affairs, shall conduct an investigation and study on the issue of the construction and establishment of additional New York state veterans cemeteries. Such investigation and study shall consider, but not be limited to, the study parameters established pursuant to paragraph (a) of subdivision two of this section. A report of the investigation and study required to be conducted pursuant to this subdivision shall be delivered to the governor, the temporary president of the senate, the speaker of the assembly and the chair of the senate committee on veterans, homeland security and military affairs, and the chair of the assembly committee on veterans' affairs, by no later than ninety days after the division has commenced the conduct of the investigation and study;~~

~~(b) The report of the investigation and study required to be conducted pursuant to this subdivision shall provide a determination by the director as to whether the state should construct and establish one or more additional veterans cemeteries, and shall state the reasoning and basis for such determination; and~~

~~(c)] The division may, at the discretion of the director, [at any time after five years from the completion of construction of the most recently constructed and established state veterans cemetery,] in cooperation with the United States department of veterans affairs, conduct an investigation and study on the issue of the construction and establishment of additional New York state veterans cemeteries. A report of the investigation and study required to be conducted shall be delivered to the governor, the temporary president of the senate, the speaker of the assembly and the chair of the senate committee on veterans, homeland security and military affairs, and the chair of the assembly committee on veterans' affairs, by no later than ninety days after the division has commenced the conduct of the investigation and study.~~

~~(d)] (b) If the director, pursuant to the investigation and study conducted pursuant to this subdivision, determines that there shall be an additional state veterans cemetery in New York state, the director shall provide for the construction and establishment of such new veterans cemetery pursuant to the same guidelines and standards for the construction and establishment of the first state veterans cemetery under this section.~~

~~[5. Expansion and improvement of existing state veterans cemeteries. The director, in consultation with the management board of a state veterans cemetery, may provide for the expansion and/or improvement of the cemetery. Such expansion and improvement shall be conducted in accordance with the rules and regulations of the division under paragraph (h) of subdivision two of this section.]~~

§ 2. The opening paragraph of paragraph (a) of subdivision 12 of section 353 of the executive law, as added by section 3 of part W of chapter 57 of the laws of 2013, is amended to read as follows:

For the purpose of providing for the construction, establishment, expansion, improvement, support, operation, maintenance and the provision of perpetual care for state veterans cemeteries, to own and operate, and to enter into such contracts that are necessary for such ownership and operation for all state veterans cemeteries in the state, to seek funding from, and make application for funding to:

§ 3. 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

1 its operation to the clause, sentence, paragraph, subdivision, section
2 or part thereof directly involved in the controversy in which such judg-
3 ment shall have been rendered. It is hereby declared to be the intent of
4 the legislature that this act would have been enacted even if such
5 invalid provisions had not been included herein.

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