

6406--B

I N S E N A T E

January 14, 2016

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

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 applications for waivers of certain duties by the education department; to amend the education law in relation to charter schools; to amend the education law, in relation to the statewide universal full-day pre-kindergarten program; to amend chapter 552 of the laws of 1995, amending the education law relating to contracts for the transportation of school children, in relation to the effectiveness thereof; to amend chapter 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 2015-2016 school year; to amend chapter 756 of the laws of 1992, relating to funding a program for work force education conducted by the consortium for worker education in New York city, in relation to withholding a portion of employment preparation education aid and in relation to the effectiveness thereof; to amend the state finance law, in relation to the New York state teen health education fund; 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 budgets, in relation to the effectiveness thereof; to amend chapter 82 of the laws of 1995, amending the education law and other laws relating to state aid to school districts and the appropriation of funds for the support of government, in relation to the effectiveness thereof; to amend chapter 147 of the laws of 2001, amending the education law relating to conditional appointment of school district, charter school or BOCES employees, in relation to the effectiveness thereof; to amend chapter 425 of the laws of 2002, amending the education law relating to the provision of supplemental educational services, attendance at a safe public school and the suspension of pupils who bring a firearm to or possess a firearm at a school, in relation to the effectiveness thereof; and to amend chapter

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

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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 (Part A); to amend the education law, in relation to total foundation aid, in relation to establishment of boards of cooperative educational services pending the creation of intermediate districts, in relation to the state office for religious and independent school establishment act, in relation to providing that a school bond resolution vote shall take place in conjunction with the school budget vote, in relation to transportation after four p.m., in relation to apportionment of public monies to school districts employing eight or more teachers, and in relation to foundation aid; to amend the tax law, in relation to exempting school buses from sales and compensating use taxes; to amend the education law, in relation to eligible applicants for charter schools, in relation to participation by a charter school in universal pre-kindergarten programs, in relation to certification of teachers employed by high-performing public charter schools; to amend the general municipal law, in relation to limits upon real property tax levies by local governments; to amend the education law, in relation to contracts for transportation of school children; to amend the education law, in relation to tuition stabilization aid; to amend part A of chapter 97 of the laws of 2011, amending the general municipal law and the education law relating to establishing limits upon school district and local government tax levies, in relation to the effectiveness thereof; to amend chapter 121 of the laws of 1996 relating to authorizing the Roosevelt union free school district to finance deficits by the issuance of serial bonds, in relation to certain apportionments; ratifying and legalizing certain acts and proceedings taken by school districts in connection with transportation contracts and building projects; to repeal certain provisions of the education law relating thereto; and to repeal subdivision 17 of section 3602 of the education law relating to eliminating the gap elimination adjustment (Part A-1); to amend the education law, in relation to enacting "Erin Merryn's law" (Part A-2); to amend the education law, in relation to school emergency response plans (Part B); to amend the education law, in relation to the city of New York assuming greater financial responsibility for the city university of New York senior colleges (Part C); to amend the education law, in relation to the NY-SUNY 2020 challenge grant program act; 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-2020 challenge grant program, in relation to the effectiveness thereof; and to repeal subdivision 5 of section 359 and subdivision 17 of section 6206 of the education law relating thereto (Part D); to amend the state finance law, in relation to the creation of the SUNY Stony Brook Affiliation escrow fund (Part E); intentionally omitted (Part F); to amend chapter 161 of the laws of 2005 amending the education law relating to the New York state licensed social worker loan forgiveness program, in relation to the effectiveness thereof; to amend part V of chapter 57 of the laws of 2005 amending the education law relating to the New York state nursing faculty loan forgiveness incentive program and the New York state nursing faculty scholarship program, in relation to the effectiveness thereof; to amend chapter 31 of the laws of 1985 amending the education law relating to regents scholarships in certain professions; and to amend the education law, in relation to forgiving loans upon the death of the recipient (Part G); to amend the education law, the busi-

ness corporation law, the partnership law and the limited liability company law, in relation to certified public accountants (Part H); intentionally omitted (Part I); intentionally omitted (Part J); intentionally omitted (Part K); intentionally omitted (Part L); to amend the family court act, in relation to findings that must be made at permanency hearings, and to amend the social services law, in relation to guardianship expenses, the reasonable and prudent parent standard and the criminal history of prospective foster and adoptive parents (Part M); intentionally omitted (Part N); 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 O); to utilize reserves in the mortgage insurance fund for various housing purposes (Part P); to amend Part D of chapter 58 of the laws of 2011 amending the education law relating to capital facilities in support of the state university and community colleges, procurement and the state university health care facilities, in relation to the effectiveness thereof (Part Q); to amend the arts and cultural affairs law, in relation to grants by the council on the arts (Part R); to amend the education law, in relation to the State University of New York (SUNY) Orange BRIDGES program (Part S); to amend the education law, in relation to community colleges (Part T); to amend the education law, in relation to a standard financial aid award letter; and to repeal certain provisions of the banking law relating thereto (Part U); to amend the education law, in relation to the practices of psychology, social work and psychotherapy (Part V); to amend the education law, in relation to income as a determinant of amount of awards (Part W); to amend the limited liability company law, the business corporation law, the partnership law, the public health law and the education law, in relation to allowing doctors of chiropractic licensed under title VIII, article 132 of the education law to form limited liability companies (Part X); to amend the private housing finance law, in relation to the rural mobile home replacement program (Part Y); to amend the emergency housing rent control law, the emergency tenant protection act of nineteen seventy-four, and the administrative code of the city of New York, in relation to making technical corrections; and to repeal section 467-i of the real property tax law relating to real property tax abatement (Part Z); to amend the real property tax law, in relation to tax abatements for dwelling units occupied by certain persons residing in rent-controlled or rent regulated properties; and providing state aid to cities affected by such tax abatements (Part AA); to amend the education law, in relation to community colleges (Part BB); to amend the education law, in relation to requiring nonpublic institutions of higher education to report on tuition and fees for higher education, student aid, debt and job placement rates (Part CC); to amend the education law, in relation to the New York state science, technology, engineering and mathematics incentive program (Part DD); to amend the education law, in relation to providing loan forgiveness for agriculture educators (Part EE); to amend the social services law, in relation to creating the child care regulatory review task force (Part FF); to amend the administrative code of the city of New York and the public housing law, in relation to establishing the New York city housing authority repair certificate program (Part GG); to amend the public housing law and the New York city charter, in relation to authorizing the New York city council to oversee the activities of the New York city housing authority (Part HH); to amend the state finance law and the public housing law, in relation to

establishing the public housing revitalization fund (Part II); to amend the public housing law and the tax law, in relation to providing certain tax credits for construction or rehabilitation of middle-income housing (Part JJ); to amend the state finance law, in relation to establishing the community reinvestment program; and establishes the community reinvestment program fund council (Part KK); to amend the real property tax law, in relation to increasing the allowable maximum income of persons occupying rental units otherwise eligible for tax abatement in certain cases; and to amend part U of chapter 55 of the laws of 2014, amending the real property tax law relating to the tax abatement and exemption for rent regulated and rent controlled property occupied by senior citizens, in relation to the effectiveness of certain provisions thereof (Part LL); to amend the education law, the state finance law, the civil practice law and rules and the tax law, in relation to establishing the New York state pre-paid tuition plan (Part MM); to amend the insurance law, in relation to reduction in rates of property/casualty insurance on residential property for insureds who complete an approved homeowner natural disaster preparedness, home safety and loss prevention course (Part NN); to amend the education law, in relation to tuition assistance program awards (Part OO); to amend the public housing law, in relation to veterans' eligibility for public housing (Part PP); to amend the public housing law, in relation to preferences and priorities for prospective public housing and section 8 tenants in the city of New York (Part QQ); to amend the real property tax law and the administrative code of the city of New York, in relation to increasing the average assessed value threshold (Part RR); to amend the administrative code of the city of New York, in relation to the location of supportive housing facilities and social services centers, and renewal of the lease or operation of such facility or center (Part SS); to amend the social services law, in relation to establishing the senior heating assistance program (Part TT); and to amend the labor law, in relation to exempting agricultural employers from paying for unemployment benefits for federally ineligible farm labor (Part UU)

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 Section 1. This act enacts into law major components of legislation
2 which are necessary to implement the state fiscal plan for the 2016-2017
3 state fiscal year. Each component is wholly contained within a Part
4 identified as Parts A through UU. The effective date for each particular
5 provision contained within such Part is set forth in the last section of
6 such Part. Any provision in any section contained within a Part, includ-
7 ing the effective date of the Part, which makes a reference to a section
8 "of this act", when used in connection with that particular component,
9 shall be deemed to mean and refer to the corresponding section of the
10 Part in which it is found. Section three of this act sets forth the
11 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 A of chapter 56 of the laws of
15 2015, is amended to read as follows:

1 e. Notwithstanding paragraphs a and b of this subdivision, a school
2 district that submitted a contract for excellence for the two thousand
3 eight--two thousand nine school year shall submit a contract for excel-
4 lence for the two thousand nine--two thousand ten school year in
5 conformity with the requirements of subparagraph (vi) of paragraph a of
6 subdivision two of this section unless all schools in the district are
7 identified as in good standing and provided further that, a school
8 district that submitted a contract for excellence for the two thousand
9 nine--two thousand ten school year, unless all schools in the district
10 are identified as in good standing, shall submit a contract for excel-
11 lence for the two thousand eleven--two thousand twelve school year which
12 shall, notwithstanding the requirements of subparagraph (vi) of para-
13 graph a of subdivision two of this section, provide for the expenditure
14 of an amount which shall be not less than the product of the amount
15 approved by the commissioner in the contract for excellence for the two
16 thousand nine--two thousand ten school year, multiplied by the
17 district's gap elimination adjustment percentage and provided further
18 that, a school district that submitted a contract for excellence for the
19 two thousand eleven--two thousand twelve school year, unless all schools
20 in the district are identified as in good standing, shall submit a
21 contract for excellence for the two thousand twelve--two thousand thir-
22 teen school year which shall, notwithstanding the requirements of
23 subparagraph (vi) of paragraph a of subdivision two of this section,
24 provide for the expenditure of an amount which shall be not less than
25 the amount approved by the commissioner in the contract for excellence
26 for the two thousand eleven--two thousand twelve school year and
27 provided further that, a school district that submitted a contract for
28 excellence for the two thousand twelve--two thousand thirteen school
29 year, unless all schools in the district are identified as in good
30 standing, shall submit a contract for excellence for the two thousand
31 thirteen--two thousand fourteen school year which shall, notwithstanding
32 the requirements of subparagraph (vi) of paragraph a of subdivision two
33 of this section, provide for the expenditure of an amount which shall be
34 not less than the amount approved by the commissioner in the contract
35 for excellence for the two thousand twelve--two thousand thirteen school
36 year and provided further that, a school district [that submitted a
37 contract for excellence for the two thousand thirteen--two thousand
38 fourteen school year, unless all schools in the district are identified
39 as in good standing, shall submit a contract for excellence for the two
40 thousand fourteen--two thousand fifteen school year which shall,
41 notwithstanding the requirements of subparagraph (vi) of paragraph a of
42 subdivision two of this section, provide for the expenditure of an
43 amount which shall be not less than the amount approved by the commis-
44 sioner in the contract for excellence for the two thousand thirteen--two
45 thousand fourteen school year; and provided further that, a school
46 district that submitted a contract for excellence for the two thousand
47 fourteen--two thousand fifteen school year, unless all schools in the
48 district are identified as in good standing, shall submit a contract for
49 excellence for the two thousand fifteen--two thousand sixteen school
50 year which shall, notwithstanding the requirements of subparagraph (vi)
51 of paragraph a of subdivision two of this section, provide for the
52 expenditure of an amount which shall be not less than the amount
53 approved by the commissioner in the contract for excellence for the two
54 thousand fourteen--two thousand fifteen school year] WITH A POPULATION
55 OF ONE MILLION OR MORE THAT SUBMITTED A CONTRACT FOR EXCELLENCE FOR THE
56 TWO THOUSAND FIFTEEN--TWO THOUSAND SIXTEEN SCHOOL YEAR, UNLESS ALL

1 SCHOOLS IN THE DISTRICT ARE IDENTIFIED AS IN GOOD STANDING, SHALL SUBMIT
2 A CONTRACT FOR EXCELLENCE FOR THE TWO THOUSAND SIXTEEN--TWO THOUSAND
3 SEVENTEEN SCHOOL YEAR WHICH SHALL, NOTWITHSTANDING THE REQUIREMENTS OF
4 SUBPARAGRAPH (VI) OF PARAGRAPH A OF SUBDIVISION TWO OF THIS SECTION,
5 PROVIDE FOR THE EXPENDITURE OF AN AMOUNT WHICH SHALL BE NOT LESS THAN
6 THE AMOUNT APPROVED BY THE COMMISSIONER IN THE CONTRACT FOR EXCELLENCE
7 FOR THE TWO THOUSAND FIFTEEN--TWO THOUSAND SIXTEEN SCHOOL YEAR. For
8 purposes of this paragraph, the "gap elimination adjustment percentage"
9 shall be calculated as the sum of one minus the quotient of the sum of
10 the school district's net gap elimination adjustment for two thousand
11 ten--two thousand eleven computed pursuant to chapter fifty-three of the
12 laws of two thousand ten, making appropriations for the support of
13 government, plus the school district's gap elimination adjustment for
14 two thousand eleven--two thousand twelve as computed pursuant to chapter
15 fifty-three of the laws of two thousand eleven, making appropriations
16 for the support of the local assistance budget, including support for
17 general support for public schools, divided by the total aid for adjust-
18 ment computed pursuant to chapter fifty-three of the laws of two thou-
19 sand eleven, making appropriations for the local assistance budget,
20 including support for general support for public schools. Provided,
21 further, that such amount shall be expended to support and maintain
22 allowable programs and activities approved in the two thousand nine--two
23 thousand ten school year or to support new or expanded allowable
24 programs and activities in the current year.

25 S 2. The closing paragraph of subdivision 5-a of section 3602 of the
26 education law, as amended by section 2 of part A of chapter 56 of the
27 laws of 2015, is amended to read as follows:

28 For the two thousand eight--two thousand nine school year, each school
29 district shall be entitled to an apportionment equal to the product of
30 fifteen percent and the additional apportionment computed pursuant to
31 this subdivision for the two thousand seven--two thousand eight school
32 year. For the two thousand nine--two thousand ten through two thousand
33 [fifteen] SIXTEEN--two thousand [sixteen] SEVENTEEN school years, each
34 school district shall be entitled to an apportionment equal to the
35 amount set forth for such school district as "SUPPLEMENTAL PUB EXCESS
36 COST" under the heading "2008-09 BASE YEAR AIDS" in the school aid
37 computer listing produced by the commissioner in support of the budget
38 for the two thousand nine--two thousand ten school year and entitled
39 "SA0910".

40 S 3. Subdivision 12 of section 3602 of the education law is amended by
41 adding a fourth undesignated paragraph to read as follows:

42 FOR THE TWO THOUSAND SIXTEEN--TWO THOUSAND SEVENTEEN SCHOOL YEAR, EACH
43 SCHOOL DISTRICT SHALL BE ENTITLED TO AN APPORTIONMENT EQUAL TO THE
44 AMOUNT SET FORTH FOR SUCH SCHOOL DISTRICT AS "ACADEMIC ENHANCEMENT"
45 UNDER THE HEADING "2015-16 ESTIMATED AIDS" IN THE SCHOOL AID COMPUTER
46 LISTING PRODUCED BY THE COMMISSIONER IN SUPPORT OF THE BUDGET FOR THE
47 TWO THOUSAND FIFTEEN--TWO THOUSAND SIXTEEN SCHOOL YEAR AND ENTITLED
48 "SA151-6", AND SUCH APPORTIONMENT SHALL BE DEEMED TO SATISFY THE STATE
49 OBLIGATION TO PROVIDE AN APPORTIONMENT PURSUANT TO SUBDIVISION EIGHT OF
50 SECTION THIRTY-SIX HUNDRED FORTY-ONE OF THIS ARTICLE.

51 S 4. The opening paragraph of subdivision 16 of section 3602 of the
52 education law, as amended by section 4 of part A of chapter 56 of the
53 laws of 2015, is amended to read as follows:

54 Each school district shall be eligible to receive a high tax aid
55 apportionment in the two thousand eight--two thousand nine school year,
56 which shall equal the greater of (i) the sum of the tier 1 high tax aid

1 apportionment, the tier 2 high tax aid apportionment and the tier 3 high
2 tax aid apportionment or (ii) the product of the apportionment received
3 by the school district pursuant to this subdivision in the two thousand
4 seven--two thousand eight school year, multiplied by the due-minimum
5 factor, which shall equal, for districts with an alternate pupil wealth
6 ratio computed pursuant to paragraph b of subdivision three of this
7 section that is less than two, seventy percent (0.70), and for all other
8 districts, fifty percent (0.50). Each school district shall be eligible
9 to receive a high tax aid apportionment in the two thousand nine--two
10 thousand ten through two thousand twelve--two thousand thirteen school
11 years in the amount set forth for such school district as "HIGH TAX AID"
12 under the heading "2008-09 BASE YEAR AIDS" in the school aid computer
13 listing produced by the commissioner in support of the budget for the
14 two thousand nine--two thousand ten school year and entitled "SA0910".
15 Each school district shall be eligible to receive a high tax aid appor-
16 tionment in the two thousand thirteen--two thousand fourteen through
17 [two thousand fifteen--two thousand sixteen] TWO THOUSAND SIXTEEN--TWO
18 THOUSAND SEVENTEEN school years equal to the greater of (1) the amount
19 set forth for such school district as "HIGH TAX AID" under the heading
20 "2008-09 BASE YEAR AIDS" in the school aid computer listing produced by
21 the commissioner in support of the budget for the two thousand nine--two
22 thousand ten school year and entitled "SA0910" or (2) the amount set
23 forth for such school district as "HIGH TAX AID" under the heading
24 "2013-14 ESTIMATED AIDS" in the school aid computer listing produced by
25 the commissioner in support of the executive budget for the 2013-14
26 fiscal year and entitled "BT131-4".

27 S 5. The opening paragraph of subdivision 10 of section 3602-e of the
28 education law, as amended by section 5 of part A of chapter 56 of the
29 laws of 2015, is amended to read as follows:

30 Notwithstanding any provision of law to the contrary, for aid payable
31 in the two thousand eight--two thousand nine school year, the grant to
32 each eligible school district for universal prekindergarten aid shall be
33 computed pursuant to this subdivision, and for the two thousand nine--
34 two thousand ten and two thousand ten--two thousand eleven school years,
35 each school district shall be eligible for a maximum grant equal to the
36 amount computed for such school district for the base year in the elec-
37 tronic data file produced by the commissioner in support of the two
38 thousand nine--two thousand ten education, labor and family assistance
39 budget, provided, however, that in the case of a district implementing
40 programs for the first time or implementing expansion programs in the
41 two thousand eight--two thousand nine school year where such programs
42 operate for a minimum of ninety days in any one school year as provided
43 in section 151-1.4 of the regulations of the commissioner, for the two
44 thousand nine--two thousand ten and two thousand ten--two thousand elev-
45 en school years, such school district shall be eligible for a maximum
46 grant equal to the amount computed pursuant to paragraph a of subdivi-
47 sion nine of this section in the two thousand eight--two thousand nine
48 school year, and for the two thousand eleven--two thousand twelve school
49 year each school district shall be eligible for a maximum grant equal to
50 the amount set forth for such school district as "UNIVERSAL PREKINDER-
51 GARTEN" under the heading "2011-12 ESTIMATED AIDS" in the school aid
52 computer listing produced by the commissioner in support of the enacted
53 budget for the 2011-12 school year and entitled "SA111-2", and for two
54 thousand twelve--two thousand thirteen through two thousand [fifteen]
55 SIXTEEN--two thousand [sixteen] SEVENTEEN school years each school
56 district shall be eligible for a maximum grant equal to the greater of

1 (i) the amount set forth for such school district as "UNIVERSAL PREKIN-
2 DERGARTEN" under the heading "2010-11 BASE YEAR AIDS" in the school aid
3 computer listing produced by the commissioner in support of the enacted
4 budget for the 2011-12 school year and entitled "SA111-2", or (ii) the
5 amount set forth for such school district as "UNIVERSAL PREKINDERGARTEN"
6 under the heading "2010-11 BASE YEAR AIDS" in the school aid computer
7 listing produced by the commissioner on May fifteenth, two thousand
8 eleven pursuant to paragraph b of subdivision twenty-one of section
9 three hundred five of this chapter, and provided further that the maxi-
10 mum grant shall not exceed the total actual grant expenditures incurred
11 by the school district in the current school year as approved by the
12 commissioner.

13 S 6. Intentionally omitted.

14 S 7. Intentionally omitted.

15 S 8. Intentionally omitted.

16 S 9. Intentionally omitted.

17 S 10. Intentionally omitted.

18 S 11. The opening paragraph and subparagraphs 1, 5, 6 and 7 of para-
19 graph (e) of subdivision 3 of section 2853 of the education law, as
20 added by section 5 of part BB of chapter 56 of the laws of 2014, are
21 amended to read as follows:

22 In a city school district in a city having a population of one million
23 or more inhabitants, charter schools that first commence instruction or
24 that require additional space due to an expansion of grade level, pursu-
25 ant to this article, approved by their charter entity for the two thou-
26 sand fourteen--two thousand fifteen school year or thereafter and
27 request co-location in a public school building shall be provided access
28 to facilities pursuant to this paragraph for such charter schools that
29 first commence instruction or that require additional space due to an
30 expansion of grade level, pursuant to this article, approved by their
31 charter entity [for those grades newly provided].

32 (1) Notwithstanding any other provision of law to the contrary, within
33 the later of (i) five months after a charter school's written request
34 for co-location and (ii) thirty days after the charter school's charter
35 is approved by its charter entity, the city school district shall
36 either: (A) offer at no cost to the charter school a co-location site in
37 a public school building approved by the board of education as provided
38 by law, or (B) offer the charter school space in a privately owned or
39 other publicly owned facility at the expense of the city school district
40 and at no cost to the charter school. The space must be reasonable,
41 appropriate and comparable and in the community school district to be
42 served by the charter school and otherwise in reasonable proximity, AND
43 MUST BE SUFFICIENT TO ALLOW THE CHARTER SCHOOL'S ENTIRE PLANNED GRADE
44 CONFIGURATION FOR ELEMENTARY, MIDDLE OR HIGH SCHOOL TO BE LOCATED WITHIN
45 A SINGLE BUILDING.

46 (5) For a new charter school whose charter is granted or for an exist-
47 ing charter school whose expansion of grade level, pursuant to this
48 article, is approved by their charter entity [before October first, two
49 thousand sixteen], if the appeal results in a determination in favor of
50 the charter school, the city school district shall pay the charter
51 school an amount attributable to the grade level expansion or the forma-
52 tion of the new charter school that is equal to the lesser of:

53 (A) the actual TOTAL rental cost, INCLUDING BUT NOT LIMITED TO LEASE
54 PAYMENTS, MAINTENANCE, COSTS OF CAPITAL IMPROVEMENTS, COSTS OF OCCUPAN-
55 CY, SECURITY, INSURANCE AND REAL PROPERTY TAXES, of an alternative
56 privately owned site selected by the charter school or

1 (B) [twenty] THIRTY percent of the product of the charter school's
2 basic tuition for the current school year and (i) for a new charter
3 school that first commences instruction on or after July first, two
4 thousand fourteen, the charter school's current year enrollment; or (ii)
5 for a charter school which expands its grade level, pursuant to this
6 article, [before October first, two thousand sixteen,] the positive
7 difference of the charter school's enrollment in the current school year
8 minus the charter school's enrollment in the school year prior to the
9 first year of the expansion, EXCLUDING ENROLLMENT IN ANY GRADES THAT
10 WERE RELOCATED TO ACCOMMODATE WITHIN A SINGLE BUILDING THE FULL
11 GRADE-LEVEL CONFIGURATION FOR THE NEW OR EXPANDED ELEMENTARY, MIDDLE, OR
12 HIGH SCHOOL.

13 (6) [For a new charter school whose charter is granted or for an
14 existing charter school whose expansion of grade level, pursuant to this
15 article, is approved by their charter entity on or after October first,
16 two thousand sixteen, if the appeal results in a determination in favor
17 of the charter school, the city school district shall pay the charter
18 school an amount attributable to the grade level expansion or the forma-
19 tion of the new charter school that is equal to the maximum cost allow-
20 ance established by the commissioner for leases aidable under subdivi-
21 sion six of section thirty-six hundred two of this chapter.

22 (7)] An arbitration in an appeal pursuant to this paragraph shall be
23 conducted by a single arbitrator selected in accordance with this
24 subparagraph from a list of arbitrators from the American arbitration
25 association's panel of labor arbitrators, with relevant biographical
26 information, submitted by such association to the commissioner pursuant
27 to paragraph a of subdivision three of section three thousand twenty-a
28 of this chapter. Upon request by the charter school, the commissioner
29 shall forthwith send a copy of such list and biographical information
30 simultaneously to the charter school and city school district. The
31 parties shall, by mutual agreement, select an arbitrator from the list
32 within fifteen days from receipt of the list, and if the parties fail to
33 agree on an arbitrator within such fifteen day period or fail within
34 such fifteen day period to notify the commissioner that an arbitrator
35 has been selected, the commissioner shall appoint an arbitrator from the
36 list to serve as the arbitrator. The arbitration shall be conducted in
37 accordance with the American arbitration association's rules for labor
38 arbitration, except that the arbitrator shall conduct a pre-hearing
39 conference within ten to fifteen days of agreeing to serve and the arbi-
40 tration shall be completed and a decision rendered within the time
41 frames prescribed for hearings pursuant to section three thousand twen-
42 ty-a of this chapter. The arbitrator's fee shall not exceed the rate
43 established by the commissioner for hearings conducted pursuant to
44 section three thousand twenty-a of this chapter, and the cost of such
45 fee, the arbitrator's necessary travel and other reasonable expenses,
46 and all other hearing expenses shall be borne equally by the parties to
47 the arbitration.

48 S 11-a. Subdivision 6-g of section 3602 of the education law, as added
49 by section 6 of part BB of chapter 56 of the laws of 2014, is amended to
50 read as follows:

51 6-g. Charter schools facilities aid. a. The city school district of
52 the city of New York, upon documenting that it has incurred total aggre-
53 gate expenses of forty million dollars or more pursuant to [subpara-
54 graphs] SUBPARAGRAPH five [and six] of paragraph (e) of subdivision
55 three of section twenty-eight hundred fifty-three of this chapter, shall
56 be eligible for an apportionment pursuant to this subdivision for its

1 annual approved expenditures for the lease of space for charter schools
2 incurred in the base year in accordance with paragraph (e) of subdivi-
3 sion three of section twenty-eight hundred fifty-three of this chapter.

4 b. The apportionment shall equal the product of (1) the sum of:

5 [(A)] for aid payable for expenses incurred pursuant to subparagraph
6 five of paragraph (e) of subdivision three of section twenty-eight
7 hundred fifty-three of this chapter where the charter school prevails on
8 appeal, the annual approved expenses incurred by the city school
9 district pursuant to such subparagraph five[; and

10 (B) for aid payable for expenses incurred pursuant to subparagraph six
11 of paragraph (e) of subdivision three of section twenty-eight hundred
12 fifty-three of this chapter where the charter school prevails on appeal,
13 the actual annual approved rental expenses incurred pursuant to such
14 subparagraph six] multiplied by

15 (2) six-tenths.

16 c. For purposes of this subdivision, the approved expenses attribut-
17 able to a lease by a charter school of a privately owned site shall be
18 the lesser of the actual TOTAL rent, INCLUDING BUT NOT LIMITED TO LEASE
19 PAYMENTS, MAINTENANCE, COSTS OF CAPITAL IMPROVEMENTS, COSTS OF OCCUPAN-
20 CY, SECURITY, INSURANCE AND REAL PROPERTY TAXES, paid under the lease or
21 the maximum cost allowance established by the commissioner for leases
22 aidable under subdivision six of this section.

23 d. Notwithstanding any provision of law to the contrary, amounts
24 apportioned pursuant to this subdivision shall not be included in: (1)
25 the allowable growth amount computed pursuant to paragraph dd of subdivi-
26 sion one of this section, (2) the preliminary growth amount computed
27 pursuant to paragraph ff of subdivision one of this section, and (3) the
28 allocable growth amount computed pursuant to paragraph gg of subdivision
29 one of this section, and shall not be considered, and shall not be
30 available for interchange with, general support for public schools.

31 S 12. Subdivision 1 of section 2856 of the education law, as amended
32 by chapter 378 of the laws of 2007, paragraph (a) as amended and para-
33 graph (d) as added by section 3 of part BB of chapter 56 of the laws of
34 2014, paragraph (c) as added by chapter 375 of the laws of 2007, is
35 amended to read as follows:

36 1. (a) The enrollment of students attending charter schools shall be
37 included in the enrollment, attendance, membership and, if applicable,
38 count of students with disabilities of the school district in which the
39 pupil resides. The charter school shall report all such data to the
40 school districts of residence in a timely manner. Each school district
41 shall report such enrollment, attendance and count of students with
42 disabilities to the department. The school district of residence shall
43 pay directly to the charter school for each student enrolled in the
44 charter school who resides in the school district the charter school
45 basic tuition, which shall be:

46 (i) for school years prior to the two thousand nine--two thousand ten
47 school year and for school years following the two thousand sixteen--two
48 thousand seventeen school year, an amount equal to one hundred percent
49 of the amount calculated pursuant to paragraph f of subdivision one of
50 section thirty-six hundred two of this chapter for the school district
51 for the year prior to the base year increased by the percentage change
52 in the state total approved operating expense calculated pursuant to
53 paragraph t of subdivision one of section thirty-six hundred two of this
54 chapter from two years prior to the base year to the base year;

55 (ii) for the two thousand nine--two thousand ten school year, the
56 charter school basic tuition shall be the amount payable by such

district as charter school basic tuition for the two thousand eight--two thousand nine school year;

(iii) for the two thousand ten--two thousand eleven through two thousand thirteen--two thousand fourteen school years, the charter school basic tuition shall be the basic tuition computed for the two thousand ten--two thousand eleven school year pursuant to the provisions of subparagraph (i) of this paragraph;

(iv) for the two thousand fourteen--two thousand fifteen[,] AND two thousand fifteen--two thousand sixteen [and two thousand sixteen--two thousand seventeen] school years, the charter school basic tuition shall be the sum of the lesser of the charter school basic tuition computed for the two thousand ten--two thousand eleven school year pursuant to the provisions of subparagraph (i) of this paragraph or the charter school basic tuition computed for the current year pursuant to the provisions of subparagraph (i) of this paragraph plus the supplemental basic tuition;

(V) FOR THE TWO THOUSAND SIXTEEN--TWO THOUSAND SEVENTEEN SCHOOL YEAR, THE CHARTER SCHOOL BASIC TUITION SHALL BE (A) FOR A SCHOOL DISTRICT LOCATED IN A CITY OF ONE MILLION OR MORE INHABITANTS, AN AMOUNT EQUAL TO ONE HUNDRED PERCENT OF THE AMOUNT CALCULATED PURSUANT TO PARAGRAPH F OF SUBDIVISION ONE OF SECTION THIRTY-SIX HUNDRED TWO OF THIS CHAPTER FOR THE SCHOOL DISTRICT FOR THE YEAR PRIOR TO THE BASE YEAR INCREASED BY THE PERCENTAGE CHANGE IN THE STATE TOTAL APPROVED OPERATING EXPENSE CALCULATED PURSUANT TO PARAGRAPH T OF SUBDIVISION ONE OF SECTION THIRTY-SIX HUNDRED TWO OF THIS CHAPTER FROM TWO YEARS PRIOR TO THE BASE YEAR TO THE BASE YEAR PLUS THE SUPPLEMENTAL BASIC TUITION OR (B) FOR ALL OTHER SCHOOL DISTRICTS, THE SUM OF THE LESSER OF THE CHARTER SCHOOL BASIC TUITION COMPUTED FOR THE TWO THOUSAND TEN--TWO THOUSAND ELEVEN SCHOOL YEAR PURSUANT TO THE PROVISIONS OF SUBPARAGRAPH (I) OF THIS PARAGRAPH OR THE CHARTER SCHOOL BASIC TUITION COMPUTED FOR THE CURRENT YEAR PURSUANT TO THE PROVISIONS OF SUBPARAGRAPH (I) OF THIS PARAGRAPH PLUS THE SUPPLEMENTAL BASIC TUITION.

For the purposes of this subdivision, the "supplemental basic tuition" shall be (A) for a school district for which the charter school basic tuition computed for the current year is greater than or equal to the charter school basic tuition for the two thousand ten--two thousand eleven school year pursuant to the provisions of subparagraph (i) of this paragraph, (1) for the two thousand fourteen--two thousand fifteen school year two hundred and fifty dollars, and (2) for the two thousand fifteen--two thousand sixteen school year three hundred and fifty dollars, and (3) for the two thousand sixteen--two thousand seventeen school year five hundred dollars, and (B) for a school district for which the charter school basic tuition for the two thousand ten--two thousand eleven school year is greater than the charter school basic tuition for the current year pursuant to the provisions of subparagraph (i) of this paragraph, the positive difference of the charter school basic tuition for the two thousand ten--two thousand eleven school year minus the charter school basic tuition for the current year pursuant to the provisions of subparagraph (i) of this paragraph.

(b) The school district shall also pay directly to the charter school any federal or state aid attributable to a student with a disability attending charter school in proportion to the level of services for such student with a disability that the charter school provides directly or indirectly. Notwithstanding anything in this section to the contrary, amounts payable pursuant to this subdivision from state or local funds may be reduced pursuant to an agreement between the school and the char-

1 ter entity set forth in the charter. Payments made pursuant to this
2 subdivision shall be made by the school district in six substantially
3 equal installments each year beginning on the first business day of July
4 and every two months thereafter. Amounts payable under this subdivision
5 shall be determined by the commissioner. Amounts payable to a charter
6 school in its first year of operation shall be based on the projections
7 of initial-year enrollment set forth in the charter until actual enroll-
8 ment data is reported to the school district by the charter school. Such
9 projections shall be reconciled with the actual enrollment as actual
10 enrollment data is so reported and at the end of the school's first year
11 of operation and each subsequent year based on a final report of actual
12 enrollment by the charter school, and any necessary adjustments result-
13 ing from such final report shall be made to payments during the school's
14 following year of operation.

15 (c) Notwithstanding any other provision of this subdivision to the
16 contrary, payment of the federal aid attributable to a student with a
17 disability attending a charter school shall be made in accordance with
18 the requirements of section 8065-a of title twenty of the United States
19 code and sections 76.785-76.799 and 300.209 of title thirty-four of the
20 code of federal regulations.

21 (d) School districts shall be eligible for an annual apportionment
22 equal to the amount of the supplemental basic tuition paid to the char-
23 ter school in the base year for the expenses incurred in the two thou-
24 sand fourteen--two thousand fifteen[,] AND two thousand fifteen--two
25 thousand sixteen[, and two thousand sixteen--two thousand seventeen]
26 school years.

27 S 13. Subdivision 1 of section 2856 of the education law, as amended
28 by section 22 of part A of chapter 58 of the laws of 2011, paragraph (a)
29 as amended and paragraph (c) as added by section 4 of part BB of chapter
30 56 of the laws of 2014, is amended to read as follows:

31 1. (a) The enrollment of students attending charter schools shall be
32 included in the enrollment, attendance and, if applicable, count of
33 students with disabilities of the school district in which the pupil
34 resides. The charter school shall report all such data to the school
35 districts of residence in a timely manner. Each school district shall
36 report such enrollment, attendance and count of students with disabili-
37 ties to the department. The school district of residence shall pay
38 directly to the charter school for each student enrolled in the charter
39 school who resides in the school district the charter school basic
40 tuition which shall be:

41 (i) for school years prior to the two thousand nine--two thousand ten
42 school year and for school years following the two thousand sixteen--two
43 thousand seventeen school year, an amount equal to one hundred percent
44 of the amount calculated pursuant to paragraph f of subdivision one of
45 section thirty-six hundred two of this chapter for the school district
46 for the year prior to the base year increased by the percentage change
47 in the state total approved operating expense calculated pursuant to
48 paragraph t of subdivision one of section thirty-six hundred two of this
49 chapter from two years prior to the base year to the base year;

50 (ii) for the two thousand nine--two thousand ten school year, the
51 charter school basic tuition shall be the amount payable by such
52 district as charter school basic tuition for the two thousand eight--two
53 thousand nine school year;

54 (iii) for the two thousand ten--two thousand eleven through two thou-
55 sand thirteen--two thousand fourteen school years, the charter school
56 basic tuition shall be the basic tuition computed for the two thousand

1 ten--two thousand eleven school year pursuant to the provisions of
2 subparagraph (i) of this paragraph;
3 (iv) for the two thousand fourteen--two thousand fifteen[,] AND two
4 thousand fifteen--two thousand sixteen [and two thousand sixteen--two
5 thousand seventeen] school years, the charter school basic tuition shall
6 be the sum of the lesser of the charter school basic tuition computed
7 for the two thousand ten--two thousand eleven school year pursuant to
8 the provisions of subparagraph (i) of this paragraph or the charter
9 school basic tuition computed for the current year pursuant to the
10 provisions of subparagraph (i) of this paragraph plus the supplemental
11 basic tuition[.];

12 (V) FOR THE TWO THOUSAND SIXTEEN--TWO THOUSAND SEVENTEEN SCHOOL YEAR,
13 THE CHARTER SCHOOL BASIC TUITION SHALL BE (A) FOR A SCHOOL DISTRICT
14 LOCATED IN A CITY OF ONE MILLION OR MORE INHABITANTS, AN AMOUNT EQUAL TO
15 ONE HUNDRED PERCENT OF THE AMOUNT CALCULATED PURSUANT TO PARAGRAPH F OF
16 SUBDIVISION ONE OF SECTION THIRTY-SIX HUNDRED TWO OF THIS CHAPTER FOR
17 THE SCHOOL DISTRICT FOR THE YEAR PRIOR TO THE BASE YEAR INCREASED BY THE
18 PERCENTAGE CHANGE IN THE STATE TOTAL APPROVED OPERATING EXPENSE CALCU-
19 LATED PURSUANT TO PARAGRAPH T OF SUBDIVISION ONE OF SECTION THIRTY-SIX
20 HUNDRED TWO OF THIS CHAPTER FROM TWO YEARS PRIOR TO THE BASE YEAR TO THE
21 BASE YEAR PLUS THE SUPPLEMENTAL BASIC TUITION OR (B) FOR ALL OTHER
22 SCHOOL DISTRICTS, THE SUM OF THE LESSER OF THE CHARTER SCHOOL BASIC
23 TUITION COMPUTED FOR THE TWO THOUSAND TEN--TWO THOUSAND ELEVEN SCHOOL
24 YEAR PURSUANT TO THE PROVISIONS OF SUBPARAGRAPH (I) OF THIS PARAGRAPH OR
25 THE CHARTER SCHOOL BASIC TUITION COMPUTED FOR THE CURRENT YEAR PURSUANT
26 TO THE PROVISIONS OF SUBPARAGRAPH (I) OF THIS PARAGRAPH PLUS THE SUPPLE-
27 MENTAL BASIC TUITION.

28 For the purposes of this subdivision, the "supplemental basic tuition"
29 shall be (A) for a school district for which the charter school basic
30 tuition computed for the current year is greater than or equal to the
31 charter school basic tuition for the two thousand ten--two thousand
32 eleven school year pursuant to the provisions of subparagraph (i) of
33 this paragraph, (1) for the two thousand fourteen--two thousand fifteen
34 school year two hundred and fifty dollars, and (2) for the two thousand
35 fifteen--two thousand sixteen school year three hundred and fifty
36 dollars, and (3) for the two thousand sixteen--two thousand seventeen
37 school year five hundred dollars, and (B) for a school district for
38 which the charter school basic tuition for the two thousand ten--two
39 thousand eleven school year is greater than the charter school basic
40 tuition for the current year pursuant to the provisions of subparagraph
41 (i) of this paragraph, the positive difference of the charter school
42 basic tuition for the two thousand ten--two thousand eleven school year
43 minus the charter school basic tuition for the current year pursuant to
44 the provisions of subparagraph (i) of this paragraph.

45 (b) The school district shall also pay directly to the charter school
46 any federal or state aid attributable to a student with a disability
47 attending charter school in proportion to the level of services for such
48 student with a disability that the charter school provides directly or
49 indirectly. Notwithstanding anything in this section to the contrary,
50 amounts payable pursuant to this subdivision may be reduced pursuant to
51 an agreement between the school and the charter entity set forth in the
52 charter. Payments made pursuant to this subdivision shall be made by the
53 school district in six substantially equal installments each year begin-
54 ning on the first business day of July and every two months thereafter.
55 Amounts payable under this subdivision shall be determined by the
56 commissioner. Amounts payable to a charter school in its first year of

operation shall be based on the projections of initial-year enrollment set forth in the charter. Such projections shall be reconciled with the actual enrollment at the end of the school's first year of operation, and any necessary adjustments shall be made to payments during the school's second year of operation.

(c) School districts shall be eligible for an annual apportionment equal to the amount of the supplemental basic tuition paid to the charter school in the base year for the expenses incurred in the two thousand fourteen--two thousand fifteen[,] AND two thousand fifteen--two thousand sixteen[, and two thousand sixteen--two thousand seventeen] school years.

S 14. Clauses (i) and (ii) of subparagraph 1 of paragraph e 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, are amended to read as follows:

(i) determine the number of pupils tested who scored below the statewide reference point as determined by the commissioner on each test administered pursuant to this subparagraph, plus pupils, other than pupils with disabilities and ENGLISH LANGUAGE LEARNER pupils [with limited English proficiency] as defined by the commissioner who are exempt from taking such tests, provided, however, that a district employing eight or more teachers in such years but not operating each grade may use the percentage computed pursuant to this paragraph for the district which in such years enrolled the greatest number of pupils in such grade from such district;

(ii) divide the sum of such numbers by the number of such pupils who took each of such tests, plus pupils, other than pupils with disabilities and ENGLISH LANGUAGE LEARNER pupils [with limited English proficiency] as defined by the commissioner who are exempt from taking such tests, provided, however, that a district which in any of the applicable school years did not maintain a home school or employed fewer than eight teachers, and which in the base year employed eight or more teachers, may use the scores in a later test as designated by the commissioner for the purposes of this paragraph;

S 15. Paragraph o 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 to read as follows:

o. "[Limited English proficient] ENGLISH LANGUAGE LEARNER count" shall mean the number of pupils served in the base year in programs for pupils with limited English proficiency approved by the commissioner pursuant to the provisions of this chapter and in accordance with regulations adopted for such purpose.

S 16. Paragraph b of subdivision 2 of section 3602-d of the education law, as added by chapter 792 of the laws of 1990, is amended to read as follows:

(b) "Disadvantaged" shall mean individuals (other than handicapped individuals) who have economic or academic disadvantages and who require special services and assistance in order to enable them to succeed in work-prep programs. Such term includes individuals who are: members of economically disadvantaged families as set forth in regulations promulgated by the department pursuant to sections sixty-four hundred fifty-one and sixty-four hundred fifty-two of this chapter or as set forth in the Federal Job Training Partnership Act of nineteen hundred eighty-two (PL 97-300) (29 U.S.C.A. S 1501 et seq.); migrants; [individuals who have limited English proficiency] ENGLISH LANGUAGE LEARNERS; and individuals who are identified as potential dropouts from secondary school.

1 S 17. Paragraph d of subdivision 4 of section 3602-f of the education
2 law, as added by section 83-a of part L of chapter 405 of the laws of
3 1999, is amended to read as follows:

4 d. [Limited English proficient] ENGLISH LANGUAGE LEARNER pupil count
5 as defined in paragraph o of subdivision one of section thirty-six
6 hundred two of this article.

7 S 18. Section 3604 of the education law is amended by adding a new
8 subdivision 13 to read as follows:

9 13. FOR PURPOSES OF THIS CHAPTER, "LIMITED ENGLISH PROFICIENT" AND
10 "LIMITED ENGLISH PROFICIENCY" SHALL MEAN "ENGLISH LANGUAGE LEARNER".

11 S 19. Clause (B) of subparagraph 2 of paragraph b of subdivision 6 of
12 section 3641 of the education law, as added by section 2 of part B of
13 chapter 58 of the laws of 2011, is amended to read as follows:

14 (B) [students with limited English proficiency and] students who are
15 English language learners;

16 S 20. The education law is amended by adding a new section 4403-a to
17 read as follows:

18 S 4403-A. WAIVERS FROM CERTAIN DUTIES. 1. A LOCAL SCHOOL DISTRICT,
19 APPROVED PRIVATE SCHOOL OR BOARD OF COOPERATIVE EDUCATIONAL SERVICES MAY
20 SUBMIT AN APPLICATION FOR A WAIVER FROM ANY REQUIREMENT IMPOSED ON SUCH
21 DISTRICT, SCHOOL OR BOARD OF COOPERATIVE EDUCATIONAL SERVICES PURSUANT
22 TO SECTION FORTY-FOUR HUNDRED TWO OR SECTION FORTY-FOUR HUNDRED THREE OF
23 THIS ARTICLE, AND REGULATIONS PROMULGATED THEREUNDER, FOR A SPECIFIC
24 SCHOOL YEAR. SUCH APPLICATION SHALL BE SUBMITTED AT LEAST SIXTY DAYS IN
25 ADVANCE OF THE PROPOSED DATE ON WHICH THE WAIVER WOULD BE EFFECTIVE AND
26 SHALL BE IN A FORM PRESCRIBED BY THE COMMISSIONER.

27 2. BEFORE SUBMITTING AN APPLICATION FOR A WAIVER, THE LOCAL SCHOOL
28 DISTRICT, APPROVED PRIVATE SCHOOL OR BOARD OF COOPERATIVE EDUCATIONAL
29 SERVICES SHALL PROVIDE NOTICE OF THE PROPOSED WAIVER TO THE PARENTS OR
30 PERSONS IN PARENTAL RELATIONSHIP TO THE STUDENTS THAT WOULD BE IMPACTED
31 BY THE WAIVER IF GRANTED. SUCH NOTICE SHALL BE IN A FORM AND MANNER THAT
32 WILL ENSURE THAT SUCH PARENTS AND PERSONS IN PARENTAL RELATIONSHIP WILL
33 BE AWARE OF ALL RELEVANT CHANGES THAT WOULD OCCUR UNDER THE WAIVER, AND
34 SHALL INCLUDE INFORMATION ON THE FORM, MANNER AND DATE BY WHICH PARENTS
35 MAY SUBMIT WRITTEN COMMENTS ON THE PROPOSED WAIVER. THE LOCAL SCHOOL
36 DISTRICT, APPROVED PRIVATE SCHOOL, OR BOARD OF COOPERATIVE EDUCATIONAL
37 SERVICES SHALL PROVIDE AT LEAST SIXTY DAYS FOR SUCH PARENTS AND PERSONS
38 IN PARENTAL RELATIONSHIP TO SUBMIT WRITTEN COMMENTS, AND SHALL INCLUDE
39 IN THE WAIVER APPLICATION SUBMITTED TO THE COMMISSIONER PURSUANT TO
40 SUBDIVISION ONE OF THIS SECTION ANY WRITTEN COMMENTS RECEIVED FROM SUCH
41 PARENTS OR PERSONS IN PARENTAL RELATION TO SUCH STUDENTS.

42 3. THE COMMISSIONER MAY GRANT A WAIVER FROM ANY REQUIREMENT IMPOSED ON
43 A LOCAL SCHOOL DISTRICT, APPROVED PRIVATE SCHOOL OR BOARD OF COOPERATIVE
44 EDUCATIONAL SERVICES PURSUANT TO SECTION FORTY-FOUR HUNDRED TWO OR
45 SECTION FORTY-FOUR HUNDRED THREE OF THIS ARTICLE, UPON A FINDING THAT
46 SUCH WAIVER WILL ENABLE A LOCAL SCHOOL DISTRICT, APPROVED PRIVATE SCHOOL
47 OR BOARD OF COOPERATIVE EDUCATIONAL SERVICES TO IMPLEMENT AN INNOVATIVE
48 SPECIAL EDUCATION PROGRAM THAT IS CONSISTENT WITH APPLICABLE FEDERAL
49 REQUIREMENTS, AND WOULD ENHANCE STUDENT ACHIEVEMENT AND/OR OPPORTUNITIES
50 FOR PLACEMENT IN REGULAR CLASSES AND PROGRAMS. IN MAKING SUCH DETERMI-
51 NATION, THE COMMISSIONER SHALL CONSIDER ANY COMMENTS RECEIVED BY THE
52 LOCAL SCHOOL DISTRICT, APPROVED PRIVATE SCHOOL OR BOARD OF COOPERATIVE
53 EDUCATIONAL SERVICES FROM PARENTS OR PERSONS IN PARENTAL RELATION TO THE
54 STUDENTS THAT WOULD BE DIRECTLY AFFECTED BY THE WAIVER IF GRANTED.

55 4. ANY LOCAL SCHOOL DISTRICT, APPROVED PRIVATE SCHOOL OR BOARD OF
56 COOPERATIVE EDUCATIONAL SERVICES GRANTED A WAIVER SHALL SUBMIT AN ANNUAL

1 REPORT TO THE COMMISSIONER REGARDING THE OPERATION AND EVALUATION OF THE
2 PROGRAM NO LATER THAN THIRTY DAYS AFTER THE END OF EACH SCHOOL YEAR FOR
3 WHICH A WAIVER IS GRANTED.

4 S 21. Intentionally omitted.

5 S 22. Intentionally omitted.

6 S 23. Subdivision 16 of section 3602-ee of the education law, as added
7 by section 1 of part CC of chapter 56 of the laws of 2014, is amended to
8 read as follows:

9 16. The authority of the department to administer the universal full-
10 day pre-kindergarten program shall expire June thirtieth, two thousand
11 [sixteen] SEVENTEEN; provided that the program shall continue and remain
12 in full effect.

13 S 24. Paragraph b of subdivision 6-c of section 3602 of the education
14 law, as added by chapter 1 of the laws of 2013, is amended to read as
15 follows:

16 b. For projects approved by the commissioner authorized to receive
17 additional building aid pursuant to this subdivision for the purchase of
18 stationary metal detectors, security cameras, CARBON MONOXIDE DETECTORS
19 or other security devices approved by the commissioner that increase the
20 safety of students and school personnel, provided that for purposes of
21 this paragraph such other security devices shall be limited to electron-
22 ic security systems and hardened doors, and provided that for projects
23 approved by the commissioner on or after the first day of July two thou-
24 sand thirteen and before the first day of July [two thousand sixteen]
25 TWO THOUSAND SEVENTEEN such additional aid shall equal the product of
26 (i) the building aid ratio computed for use in the current year pursuant
27 to paragraph c of subdivision six of this section plus ten percentage
28 points, except that in no case shall this amount exceed one hundred
29 percent, and (ii) the actual approved expenditures incurred in the base
30 year pursuant to this subdivision, provided that the limitations on cost
31 allowances prescribed by paragraph a of subdivision six of this section
32 shall not apply, and provided further that any projects aided under this
33 paragraph must be included in a district's school safety plan. The
34 commissioner shall annually prescribe a special cost allowance for metal
35 detectors, and security cameras, and the approved expenditures shall not
36 exceed such cost allowance.

37 S 25. Section 2 of chapter 552 of the laws of 1995 amending the educa-
38 tion law relating to contracts for the transportation of school chil-
39 dren, as amended by chapter 116 of the laws of 2013, is amended to read
40 as follows:

41 S 2. This act shall take effect on the first day of January next
42 succeeding the date on which it shall have become a law and shall remain
43 in full force and effect until January 1, [2017] 2020, when upon such
44 date the provisions of this act shall be deemed repealed.

45 S 26. Paragraph b of subdivision 2 of section 3612 of the education
46 law, as amended by section 8 of part A of chapter 56 of the laws of
47 2015, is amended to read as follows:

48 b. Such grants shall be awarded to school districts, within the limits
49 of funds appropriated therefor, through a competitive process that takes
50 into consideration the magnitude of any shortage of teachers in the
51 school district, the number of teachers employed in the school district
52 who hold temporary licenses to teach in the public schools of the state,
53 the number of provisionally certified teachers, the fiscal capacity and
54 geographic sparsity of the district, the number of new teachers the
55 school district intends to hire in the coming school year and the number
56 of summer in the city student internships proposed by an eligible school

district, if applicable. Grants provided pursuant to this section shall be used only for the purposes enumerated in this section. Notwithstanding any other provision of law to the contrary, a city school district in a city having a population of one million or more inhabitants receiving a grant pursuant to this section may use no more than eighty percent of such grant funds for any recruitment, retention and certification costs associated with transitional certification of teacher candidates for the school years two thousand one--two thousand two through [two thousand fifteen--two thousand sixteen] TWO THOUSAND SIXTEEN--TWO THOUSAND SEVENTEEN.

S 27. Subdivision 6 of section 4402 of the education law, as amended by section 9 of part A of chapter 56 of the laws of 2015, is amended to read as follows:

6. Notwithstanding any other law, rule or regulation to the contrary, the board of education of a city school district with a population of one hundred twenty-five thousand or more inhabitants shall be permitted to establish maximum class sizes for special classes for certain students with disabilities in accordance with the provisions of this subdivision. For the purpose of obtaining relief from any adverse fiscal impact from under-utilization of special education resources due to low student attendance in special education classes at the middle and secondary level as determined by the commissioner, such boards of education shall, during the school years nineteen hundred ninety-five--ninety-six through June thirtieth, two thousand [sixteen] SEVENTEEN of the [two thousand fifteen--two thousand sixteen] TWO THOUSAND SIXTEEN--TWO THOUSAND SEVENTEEN school year, be authorized to increase class sizes in special classes containing students with disabilities whose age ranges are equivalent to those of students in middle and secondary schools as defined by the commissioner for purposes of this section by up to but not to exceed one and two tenths times the applicable maximum class size specified in regulations of the commissioner rounded up to the nearest whole number, provided that in a city school district having a population of one million or more, classes that have a maximum class size of fifteen may be increased by no more than one student and provided that the projected average class size shall not exceed the maximum specified in the applicable regulation, provided that such authorization shall terminate on June thirtieth, two thousand. Such authorization shall be granted upon filing of a notice by such a board of education with the commissioner stating the board's intention to increase such class sizes and a certification that the board will conduct a study of attendance problems at the secondary level and will implement a corrective action plan to increase the rate of attendance of students in such classes to at least the rate for students attending regular education classes in secondary schools of the district. Such corrective action plan shall be submitted for approval by the commissioner by a date during the school year in which such board increases class sizes as provided pursuant to this subdivision to be prescribed by the commissioner. Upon at least thirty days notice to the board of education, after conclusion of the school year in which such board increases class sizes as provided pursuant to this subdivision, the commissioner shall be authorized to terminate such authorization upon a finding that the board has failed to develop or implement an approved corrective action plan.

S 28. Subdivision b of section 2 of chapter 756 of the laws of 1992, relating to funding a program for work force education conducted by the consortium for worker education in New York city, as amended by section

1 13 of part A of chapter 56 of the laws of 2015, is amended to read as
2 follows:

3 b. Reimbursement for programs approved in accordance with subdivision
4 a of this section for the 2012--2013 school year shall not exceed 63.3
5 percent of the lesser of such approvable costs per contact hour or
6 twelve dollars and thirty-five cents per contact hour, reimbursement for
7 the 2013--2014 school year shall not exceed 62.3 percent of the lesser
8 of such approvable costs per contact hour or twelve dollars and sixty-
9 five cents per contact hour, reimbursement for the 2014--2015 school
10 year shall not exceed 61.6 percent of the lesser of such approvable
11 costs per contact hour or thirteen dollars per contact hour, [and]
12 reimbursement for the 2015--2016 school year shall not exceed 60.7
13 percent of the lesser of such approvable costs per contact hour or thir-
14 teen dollars and forty cents per contact hour, AND REIMBURSEMENT FOR THE
15 2016--2017 SCHOOL YEAR SHALL NOT EXCEED 60.3 PERCENT OF THE LESSER OF
16 SUCH APPROVABLE COSTS PER CONTACT HOUR OR THIRTEEN DOLLARS NINETY CENTS
17 PER CONTACT HOUR where a contact hour represents sixty minutes of
18 instruction services provided to an eligible adult. Notwithstanding any
19 other provision of law to the contrary, for the 2012--2013 school year
20 such contact hours shall not exceed one million six hundred sixty-four
21 thousand five hundred thirty-two (1,664,532) hours; whereas for the
22 2013--2014 school year such contact hours shall not exceed one million
23 six hundred forty-nine thousand seven hundred forty-six (1,649,746)
24 hours; whereas for the 2014--2015 school year such contact hours shall
25 not exceed one million six hundred twenty-five thousand (1,625,000)
26 hours; whereas for the 2015--2016 school year such contact hours shall
27 not exceed one million five hundred ninety-nine thousand fifteen
28 (1,599,015) HOURS; WHEREAS FOR THE 2016--2017 SCHOOL YEAR SUCH CONTACT
29 HOURS SHALL NOT EXCEED ONE MILLION FIVE HUNDRED FIFTY-ONE THOUSAND THREE
30 HUNDRED TWELVE (\$1,551,312). Notwithstanding any other provision of law
31 to the contrary, the apportionment calculated for the city school
32 district of the city of New York pursuant to subdivision 11 of section
33 3602 of the education law shall be computed as if such contact hours
34 provided by the consortium for worker education, not to exceed the
35 contact hours set forth herein, were eligible for aid in accordance with
36 the provisions of such subdivision 11 of section 3602 of the education
37 law.

38 S 29. Section 4 of chapter 756 of the laws of 1992, relating to fund-
39 ing a program for work force education conducted by the consortium for
40 worker education in New York city, is amended by adding a new subdivi-
41 sion u to read as follows:

42 U. THE PROVISIONS OF THIS SUBDIVISION SHALL NOT APPLY AFTER THE
43 COMPLETION OF PAYMENTS FOR THE 2016--2017 SCHOOL YEAR. NOTWITHSTANDING
44 ANY INCONSISTENT PROVISIONS OF LAW, THE COMMISSIONER SHALL WITHHOLD A
45 PORTION OF EMPLOYMENT PREPARATION EDUCATION AID DUE TO THE CITY SCHOOL
46 DISTRICT OF THE CITY OF NEW YORK TO SUPPORT A PORTION OF THE COSTS OF
47 THE WORK FORCE EDUCATION PROGRAM. SUCH MONEYS SHALL BE CREDITED TO THE
48 ELEMENTARY AND SECONDARY EDUCATION FUND LOCAL ASSISTANCE ACCOUNT AND
49 SHALL NOT EXCEED THIRTEEN MILLION DOLLARS (\$13,000,000).

50 S 30. Section 6 of chapter 756 of the laws of 1992, relating to fund-
51 ing a program for work force education conducted by the consortium for
52 worker education in New York city, as amended by section 15 of part A of
53 chapter 56 of the laws of 2015, is amended to read as follows:

54 S 6. This act shall take effect July 1, 1992, and shall be deemed
55 repealed on June 30, [2016] 2017.

1 S 31. Section 99-u of the state finance law, as added by section 2 of
2 part GG of chapter 59 of the laws of 2013, subdivision 2-a as added by
3 chapter 453 of the laws of 2015, is amended to read as follows:

4 S [99-u] 99-Z. New York state teen health education fund. 1. There is
5 hereby established in the JOINT custody of the commissioner of taxation
6 and finance AND THE STATE COMPTROLLER a special account to be known as
7 the "New York state teen health education fund".

8 2. Such fund shall consist of all revenues received by the department
9 of taxation and finance, pursuant to the provisions of section six
10 hundred thirty-c of the tax law and all other moneys appropriated there-
11 to from any other fund or source pursuant to law. Nothing contained in
12 this section shall prevent the state from receiving grants, gifts or
13 bequests for the purposes of the fund as defined in this section and
14 depositing them into the fund according to law.

15 2-a. On or before the first day of February each year, the commission-
16 er of health shall provide a written report to the temporary president
17 of the senate, speaker of the assembly, chair of the senate finance
18 committee, chair of the assembly ways and means committee, chair of the
19 senate committee on health, chair of the assembly health committee, the
20 state comptroller and the public. Such report shall include how the
21 monies of the fund were utilized during the preceding calendar year, and
22 shall include:

23 (i) the amount of money dispersed from the fund and the award process
24 used for such disbursements;

25 (ii) recipients of awards from the fund;

26 (iii) the amount awarded to each;

27 (iv) the purposes for which such awards were granted; and

28 (v) a summary financial plan for such monies which shall include esti-
29 mates of all receipts and all disbursements for the current and succeed-
30 ing fiscal years, along with the actual results from the prior fiscal
31 year.

32 3. [The moneys in said account shall be retained by the fund and shall
33 be released by the commissioner of taxation and finance only upon
34 certificates signed by the commissioner of education or his or her
35 designee and only for the purposes set forth in this section.

36 4. The moneys in such fund shall be expended for the purpose of
37 supplementing educational programs in schools for health and awareness
38 of issues facing teens today when it comes to their health. Eligible
39 health programs are those with an established curriculum providing
40 instruction on alcohol, tobacco and other drug abuse prevention, the
41 causes and problems associated with teen obesity, and for awareness of
42 the symptoms of teen endometriosis.] THE MONEYS OF SUCH FUND SHALL BE
43 PAID OUT ON THE AUDIT AND WARRANT OF THE STATE COMPTROLLER ON VOUCHERS
44 CERTIFIED OR APPROVED BY THE COMMISSIONER OF EDUCATION, OR HIS OR HER
45 DESIGNEE, AND ONLY FOR THE PURPOSES SET FORTH IN THIS SECTION.

46 4. THE MONEYS IN SUCH FUND SHALL BE EXPENDED FOR THE PURPOSE OF
47 SUPPLEMENTING EDUCATIONAL PROGRAMS IN SCHOOLS FOR TEEN HEALTH ISSUES,
48 INCLUDING PROVIDING GRANTS TO NOT-FOR-PROFIT ORGANIZATIONS FOR PROGRAMS
49 THAT RAISE AWARENESS OF ISSUES FACING TEENS TODAY WHEN IT COMES TO THEIR
50 HEALTH. ELIGIBLE PROGRAMS ARE THOSE THAT PROVIDE INSTRUCTION OR RAISE
51 AWARENESS ON ALCOHOL, TOBACCO AND OTHER DRUG ABUSE PREVENTION, THE CAUS-
52 ES AND PROBLEMS ASSOCIATED WITH TEEN OBESITY, OR FOR AWARENESS OF THE
53 SYMPTOMS OF TEEN ENDOMETRIOSIS.

54 5. (I) ON OR BEFORE THE FIRST DAY OF FEBRUARY OF EACH YEAR, THE STATE
55 COMPTROLLER SHALL CERTIFY TO THE GOVERNOR, TEMPORARY PRESIDENT OF THE
56 SENATE, SPEAKER OF THE ASSEMBLY, CHAIR OF SENATE FINANCE COMMITTEE, AND

1 CHAIR OF ASSEMBLY WAYS AND MEANS COMMITTEE THE AMOUNT OF MONEY DEPOSITED
2 BY SOURCE IN THE NEW YORK STATE TEEN HEALTH EDUCATION FUND DURING THE
3 PRECEDING CALENDAR YEAR AS THE RESULT OF REVENUE DERIVED PURSUANT TO
4 SECTION SIX HUNDRED THIRTY-C OF THE TAX LAW AND FROM ALL OTHER SOURCES.

5 (II) ON OR BEFORE THE FIRST DAY OF FEBRUARY OF EACH YEAR, THE COMMIS-
6 SIONER OF EDUCATION SHALL PROVIDE A WRITTEN REPORT TO THE TEMPORARY
7 PRESIDENT OF THE SENATE, SPEAKER OF THE ASSEMBLY, CHAIR OF SENATE
8 FINANCE COMMITTEE, AND CHAIR OF THE ASSEMBLY WAYS AND MEANS COMMITTEE.
9 SUCH REPORT SHALL INCLUDE HOW MONIES OF THE FUND WERE UTILIZED DURING
10 THE PRECEDING CALENDAR YEAR AND SHALL INCLUDE:

11 (A) THE AMOUNT OF MONEY DISBURSED FROM THE FUND;

12 (B) RECIPIENTS OF AWARDS FROM THE FUND;

13 (C) THE AMOUNT AWARDED TO EACH; AND

14 (D) THE PURPOSES FOR WHICH SUCH AWARDS WERE GRANTED.

15 S 32. Subdivision 1 of section 167 of chapter 169 of the laws of 1994,
16 relating to certain provisions related to the 1994-95 state operations,
17 aid to localities, capital projects and debt service budgets, as amended
18 by section 16 of part A of chapter 56 of the laws of 2015, is amended to
19 read as follows:

20 1. Sections one through seventy of this act shall be deemed to have
21 been in full force and effect as of April 1, 1994 provided, however,
22 that sections one, two, twenty-four, twenty-five and twenty-seven
23 through seventy of this act shall expire and be deemed repealed on March
24 31, 2000; provided, however, that section twenty of this act shall apply
25 only to hearings commenced prior to September 1, 1994, and provided
26 further that section twenty-six of this act shall expire and be deemed
27 repealed on March 31, 1997; and provided further that sections four
28 through fourteen, sixteen, and eighteen, nineteen and twenty-one through
29 twenty-one-a of this act shall expire and be deemed repealed on March
30 31, 1997; and provided further that sections three, fifteen, seventeen,
31 twenty, twenty-two and twenty-three of this act shall expire and be
32 deemed repealed on March 31, [2017] 2018.

33 S 33. Subdivisions 22 and 24 of section 140 of chapter 82 of the laws
34 of 1995, amending the education law and other laws relating to state aid
35 to school districts and the appropriation of funds for the support of
36 government, as amended by section 17 of part A of chapter 56 of the laws
37 of 2015, are amended to read as follows:

38 (22) sections one hundred twelve, one hundred thirteen, one hundred
39 fourteen, one hundred fifteen and one hundred sixteen of this act shall
40 take effect on July 1, 1995; provided, however, that section one hundred
41 thirteen of this act shall remain in full force and effect until July 1,
42 [2016] 2017 at which time it shall be deemed repealed;

43 (24) sections one hundred eighteen through one hundred thirty of this
44 act shall be deemed to have been in full force and effect on and after
45 July 1, 1995; provided further, however, that the amendments made pursu-
46 ant to section one hundred twenty-four of this act shall be deemed to be
47 repealed on and after July 1, [2016] 2017;

48 S 34. Section 12 of chapter 147 of the laws of 2001, amending the
49 education law relating to conditional appointment of school district,
50 charter school or BOCES employees, as amended by section 19 of part A of
51 chapter 56 of the laws of 2015, is amended to read as follows:

52 S 12. This act shall take effect on the same date as chapter 180 of
53 the laws of 2000 takes effect, and shall expire July 1, [2016] 2017 when
54 upon such date the provisions of this act shall be deemed repealed.

55 S 35. Section 4 of chapter 425 of the laws of 2002, amending the
56 education law relating to the provision of supplemental educational

1 services, attendance at a safe public school and the suspension of
2 pupils who bring a firearm to or possess a firearm at a school, as
3 amended by section 20 of part A of chapter 56 of the laws of 2015, is
4 amended to read as follows:

5 S 4. This act shall take effect July 1, 2002 and shall expire and be
6 deemed repealed June 30, [2016] 2017.

7 S 36. Section 5 of chapter 101 of the laws of 2003, amending the
8 education law relating to the implementation of the No Child Left Behind
9 Act of 2001, as amended by section 21 of part A of chapter 56 of the
10 laws of 2015, is amended to read as follows:

11 S 5. This act shall take effect immediately; provided that sections
12 one, two and three of this act shall expire and be deemed repealed on
13 June 30, [2016] 2017.

14 S 37. School bus driver training. In addition to apportionments other-
15 wise provided by section 3602 of the education law, for aid payable in
16 the 2016--2017 school year, the commissioner of education shall allocate
17 school bus driver training grants to school districts and boards of
18 cooperative educational services pursuant to sections 3650-a, 3650-b and
19 3650-c of the education law, or for contracts directly with not-for-pro-
20 fit educational organizations for the purposes of this section. Such
21 payments shall not exceed four hundred thousand dollars (\$400,000) per
22 school year.

23 S 38. Special apportionment for salary expenses. a. Notwithstanding
24 any other provision of law, upon application to the commissioner of
25 education, not sooner than the first day of the second full business
26 week of June 2017 and not later than the last day of the third full
27 business week of June 2017, a school district eligible for an apportion-
28 ment pursuant to section 3602 of the education law shall be eligible to
29 receive an apportionment pursuant to this section, for the school year
30 ending June 30, 2017, for salary expenses incurred between April 1 and
31 June 30, 2016 and such apportionment shall not exceed the sum of (i) the
32 deficit reduction assessment of 1990--1991 as determined by the commis-
33 sioner of education, pursuant to paragraph f of subdivision 1 of section
34 3602 of the education law, as in effect through June 30, 1993, plus (ii)
35 186 percent of such amount for a city school district in a city with a
36 population in excess of 1,000,000 inhabitants, plus (iii) 209 percent of
37 such amount for a city school district in a city with a population of
38 more than 195,000 inhabitants and less than 219,000 inhabitants accord-
39 ing to the latest federal census, plus (iv) the net gap elimination
40 adjustment for 2010--2011, as determined by the commissioner of educa-
41 tion pursuant to chapter 53 of the laws of 2010, plus (v) the gap elimi-
42 nation adjustment for 2011--2012 as determined by the commissioner of
43 education pursuant to subdivision 17 of section 3602 of the education
44 law, and provided further that such apportionment shall not exceed such
45 salary expenses. Such application shall be made by a school district,
46 after the board of education or trustees have adopted a resolution to do
47 so and in the case of a city school district in a city with a population
48 in excess of 125,000 inhabitants, with the approval of the mayor of such
49 city.

50 b. The claim for an apportionment to be paid to a school district
51 pursuant to subdivision a of this section shall be submitted to the
52 commissioner of education on a form prescribed for such purpose, and
53 shall be payable upon determination by such commissioner that the form
54 has been submitted as prescribed. Such approved amounts shall be payable
55 on the same day in September of the school year following the year in
56 which application was made as funds provided pursuant to subparagraph

(4) of paragraph b of subdivision 4 of section 92-c of the state finance law, on the audit and warrant of the state comptroller on vouchers certified or approved by the commissioner of education in the manner prescribed by law from moneys in the state lottery fund and from the general fund to the extent that the amount paid to a school district pursuant to this section exceeds the amount, if any, due such school district pursuant to subparagraph (2) of paragraph a of subdivision 1 of section 3609-a of the education law in the school year following the year in which application was made.

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

S 39. Special apportionment for public pension accruals. a. Notwithstanding any other provision of law, upon application to the commissioner of education, not later than June 30, 2017, 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, 2017 and such apportionment shall not exceed the additional accruals required to be made by school districts in the 2004--2005 and 2005--2006 school years associated with changes for such public pension liabilities. The amount of such additional accrual shall be certified to the commissioner of education by the president of the board of education or the trustees or, in the case of a city school district in a city with a population in excess of 125,000 inhabitants, the mayor of such city. Such application shall be made by a school district, after the board of education or trustees have adopted a resolution to do so and in the case of a city school district in a city with a population in excess of 125,000 inhabitants, with the approval of the mayor of such city.

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

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 S 40. a. Notwithstanding any other law, rule or regulation to the
19 contrary, any moneys appropriated to the state education department may
20 be suballocated to other state departments or agencies, as needed, to
21 accomplish the intent of the specific appropriations contained therein.

22 b. Notwithstanding any other law, rule or regulation to the contrary,
23 moneys appropriated to the state education department from the general
24 fund/aid to localities, local assistance account-001, shall be for
25 payment of financial assistance, as scheduled, net of disallowances,
26 refunds, reimbursement and credits.

27 c. Notwithstanding any other law, rule or regulation to the contrary,
28 all moneys appropriated to the state education department for aid to
29 localities shall be available for payment of aid heretofore or hereafter
30 to accrue and may be suballocated to other departments and agencies to
31 accomplish the intent of the specific appropriations contained therein.

32 d. Notwithstanding any other law, rule or regulation to the contrary,
33 moneys appropriated to the state education department for general
34 support for public schools may be interchanged with any other item of
35 appropriation for general support for public schools within the general
36 fund local assistance account office of prekindergarten through grade
37 twelve education programs.

38 S 41. Notwithstanding the provision of any law, rule, or regulation to
39 the contrary, the city school district of the city of Rochester, upon
40 the consent of the board of cooperative educational services of the
41 supervisory district serving its geographic region may purchase from
42 such board for the 2016--2017 school year, as a non-component school
43 district, services required by article 19 of the education law.

44 S 42. The amounts specified in this section shall be a set aside from
45 the state funds which each such district is receiving from the total
46 foundation aid: for the purpose of the development, maintenance or
47 expansion of magnet schools or magnet school programs for the 2016--2017
48 school year. To the city school district of the city of New York there
49 shall be paid forty-eight million one hundred seventy-five thousand
50 dollars (\$48,175,000) including five hundred thousand dollars (\$500,000)
51 for the Andrew Jackson High School; to the Buffalo city school district,
52 twenty-one million twenty-five thousand dollars (\$21,025,000); to the
53 Rochester city school district, fifteen million dollars (\$15,000,000);
54 to the Syracuse city school district, thirteen million dollars
55 (\$13,000,000); to the Yonkers city school district, forty-nine million
56 five hundred thousand dollars (\$49,500,000); to the Newburgh city school

1 district, four million six hundred forty-five thousand dollars
2 (\$4,645,000); to the Poughkeepsie city school district, two million four
3 hundred seventy-five thousand dollars (\$2,475,000); to the Mount Vernon
4 city school district, two million dollars (\$2,000,000); to the New
5 Rochelle city school district, one million four hundred ten thousand
6 dollars (\$1,410,000); to the Schenectady city school district, one
7 million eight hundred thousand dollars (\$1,800,000); to the Port Chester
8 city school district, one million one hundred fifty thousand dollars
9 (\$1,150,000); to the White Plains city school district, nine hundred
10 thousand dollars (\$900,000); to the Niagara Falls city school district,
11 six hundred thousand dollars (\$600,000); to the Albany city school
12 district, three million five hundred fifty thousand dollars
13 (\$3,550,000); to the Utica city school district, two million dollars
14 (\$2,000,000); to the Beacon city school district, five hundred sixty-six
15 thousand dollars (\$566,000); to the Middletown city school district,
16 four hundred thousand dollars (\$400,000); to the Freeport union free
17 school district, four hundred thousand dollars (\$400,000); to the Green-
18 burgh central school district, three hundred thousand dollars
19 (\$300,000); to the Amsterdam city school district, eight hundred thou-
20 sand dollars (\$800,000); to the Peekskill city school district, two
21 hundred thousand dollars (\$200,000); and to the Hudson city school
22 district, four hundred thousand dollars (\$400,000). Notwithstanding the
23 provisions of this section, a school district receiving a grant pursuant
24 to this section may use such grant funds for: (i) any instructional or
25 instructional support costs associated with the operation of a magnet
26 school; or (ii) any instructional or instructional support costs associ-
27 ated with implementation of an alternative approach to reduction of
28 racial isolation and/or enhancement of the instructional program and
29 raising of standards in elementary and secondary schools of school
30 districts having substantial concentrations of minority students. The
31 commissioner of education shall not be authorized to withhold magnet
32 grant funds from a school district that used such funds in accordance
33 with this section, notwithstanding any inconsistency with a request for
34 proposals issued by such commissioner. For the purpose of attendance
35 improvement and dropout prevention for the 2016--2017 school year, for
36 any city school district in a city having a population of more than one
37 million, the set aside for attendance improvement and dropout prevention
38 shall equal the amount set aside in the base year. For the 2016--2017
39 school year, it is further provided that any city school district in a
40 city having a population of more than one million shall allocate at
41 least one-third of any increase from base year levels in funds set aside
42 pursuant to the requirements of this section to community-based organ-
43 izations. Any increase required pursuant to this section to community-
44 based organizations must be in addition to allocations provided to
45 community-based organizations in the base year. For the purpose of
46 teacher support for the 2016--2017 school year: to the city school
47 district of the city of New York, sixty-two million seven hundred seven
48 thousand dollars (\$62,707,000); to the Buffalo city school district, one
49 million seven hundred forty-one thousand dollars (\$1,741,000); to the
50 Rochester city school district, one million seventy-six thousand dollars
51 (\$1,076,000); to the Yonkers city school district, one million one
52 hundred forty-seven thousand dollars (\$1,147,000); and to the Syracuse
53 city school district, eight hundred nine thousand dollars (\$809,000).
54 All funds made available to a school district pursuant to this section
55 shall be distributed among teachers including prekindergarten teachers
56 and teachers of adult vocational and academic subjects in accordance

1 with this section and shall be in addition to salaries heretofore or
2 hereafter negotiated or made available; provided, however, that all
3 funds distributed pursuant to this section for the current year shall be
4 deemed to incorporate all funds distributed pursuant to former subdivi-
5 sion 27 of section 3602 of the education law for prior years. In school
6 districts where the teachers are represented by certified or recognized
7 employee organizations, all salary increases funded pursuant to this
8 section shall be determined by separate collective negotiations
9 conducted pursuant to the provisions and procedures of article 14 of the
10 civil service law, notwithstanding the existence of a negotiated agree-
11 ment between a school district and a certified or recognized employee
12 organization. For the purpose of continuing contractual obligations of
13 conversion charter schools and their employees for the 2016-2017 school
14 year, to the city school district of the city of New York, fifteen
15 million dollars (\$15,000,000).

16 S 43. Support of public libraries. The moneys appropriated for the
17 support of public libraries by a chapter of the laws of 2016 enacting
18 the aid to localities budget shall be apportioned for the 2016-2017
19 state fiscal year in accordance with the provisions of sections 271,
20 272, 273, 282, 284, and 285 of the education law as amended by the
21 provisions of this chapter and the provisions of this section, provided
22 that library construction aid pursuant to section 273-a of the education
23 law shall not be payable from the appropriations for the support of
24 public libraries and provided further that no library, library system or
25 program, as defined by the commissioner of education, shall receive less
26 total system or program aid than it received for the year 2001-2002
27 except as a result of a reduction adjustment necessary to conform to the
28 appropriations for support of public libraries. Notwithstanding any
29 other provision of law to the contrary the moneys appropriated for the
30 support of public libraries for the year 2016-2017 by a chapter of the
31 laws of 2016 enacting the education, labor and family assistance budget
32 shall fulfill the state's obligation to provide such aid and, pursuant
33 to a plan developed by the commissioner of education and approved by the
34 director of the budget, the aid payable to libraries and library systems
35 pursuant to such appropriations shall be reduced proportionately to
36 assure that the total amount of aid payable does not exceed the total
37 appropriations for such purpose.

38 S 44. Severability. The provisions of this act shall be severable, and
39 if the application of any clause, sentence, paragraph, subdivision,
40 section or part of this act to any person or circumstance shall be
41 adjudged by any court of competent jurisdiction to be invalid, such
42 judgment shall not necessarily affect, impair or invalidate the applica-
43 tion of any such clause, sentence, paragraph, subdivision, section, part
44 of this act or remainder thereof, as the case may be, to any other
45 person or circumstance, but shall be confined in its operation to the
46 clause, sentence, paragraph, subdivision, section or part thereof
47 directly involved in the controversy in which such judgment shall have
48 been rendered.

49 S 45. This act shall take effect immediately, and shall be deemed to
50 have been in full force and effect on and after April 1, 2016, provided,
51 however, that:

52 1. Sections one, twenty-six, twenty-seven, twenty-eight, twenty-nine,
53 thirty-seven, forty-one and forty-two of this act shall take effect July
54 1, 2016.

55 2. The amendments to subdivision 1 of section 2856 of the education
56 law made by section twelve of this act shall be subject to the expira-

tion and reversion of such subdivision pursuant to subdivision d of section 27 of chapter 378 of the laws of 2007, as amended, when upon such date the provisions of section thirteen of this act shall take effect.

3. The amendments to chapter 756 of the laws of 1992, amending the education law relating to funding a program for work force education conducted by a consortium for worker education in New York City made by sections twenty-eight and twenty-nine of this act shall not affect the repeal of such chapter and shall be deemed repealed therewith.

4. Section thirty-three of this act shall take effect immediately and shall be deemed to have been in full force and effect on and after the effective date of section 140 of chapter 82 of the laws of 1995.

PART A-1

Section 1. Subdivision 4 of section 3602 of the education law, as amended by section 5-a of part A of chapter 56 of the laws of 2015, is amended to read as follows:

4. Total foundation aid. In addition to any other apportionment pursuant to this chapter, a school district, other than a special act school district as defined in subdivision eight of section four thousand one of this chapter, shall be eligible for total foundation aid equal to the product of total aidable foundation pupil units multiplied by the district's selected foundation aid, which shall be the greater of five hundred dollars (\$500) or foundation formula aid, provided, however that for the two thousand seven--two thousand eight through two thousand eight--two thousand nine school years, no school district shall receive total foundation aid in excess of the sum of the total foundation aid base for aid payable in the two thousand seven--two thousand eight school year computed pursuant to subparagraph (i) of paragraph j of subdivision one of this section, plus the phase-in foundation increase computed pursuant to paragraph b of this subdivision, and provided further that for the two thousand twelve--two thousand thirteen school year, no school district shall receive total foundation aid in excess of the sum of the total foundation aid base for aid payable in the two thousand eleven--two thousand twelve school year computed pursuant to SUBPARAGRAPH (II) OF paragraph j of subdivision one of this section, plus the phase-in foundation increase computed pursuant to paragraph b of this subdivision, and provided further that for the two thousand thirteen--two thousand fourteen school year and thereafter, no school district shall receive total foundation aid in excess of the sum of the total foundation aid base computed pursuant to SUBPARAGRAPH (II) OF paragraph j of subdivision one of this section, plus the phase-in foundation increase computed pursuant to paragraph b of this subdivision, AND PROVIDED, FURTHER, THAT FOR THE TWO THOUSAND SIXTEEN--TWO THOUSAND SEVENTEEN SCHOOL YEAR, NO SCHOOL DISTRICT SHALL RECEIVE TOTAL FOUNDATION AID IN EXCESS OF THE LESSER OF (1) THE SUM OF THE TOTAL FOUNDATION AID BASE COMPUTED PURSUANT TO SUBPARAGRAPH (II) OF PARAGRAPH J OF SUBDIVISION ONE OF THIS SECTION, PLUS THE PERCENTAGE INCREASE COMPUTED PURSUANT TO PARAGRAPH B-2 OF THIS SUBDIVISION OR (2) TOTAL FOUNDATION AID, PROVIDED, HOWEVER, THAT FOR ANY DISTRICT IN WHICH THE TOTAL FOUNDATION AID BASE COMPUTED PURSUANT TO SUBPARAGRAPH (II) OF PARAGRAPH J OF SUBDIVISION ONE OF THIS SECTION EXCEEDS TOTAL FOUNDATION AID, AND WHICH IS DESIGNATED AS HIGH NEED PURSUANT TO CLAUSE (C) OF SUBPARAGRAPH TWO OF PARAGRAPH C OF SUBDIVISION SIX OF THIS SECTION FOR THE SCHOOL AID COMPUTER LISTING PRODUCED BY THE COMMISSIONER IN SUPPORT OF THE ENACTED

1 BUDGET FOR THE TWO THOUSAND SEVEN--TWO THOUSAND EIGHT SCHOOL YEAR AND
2 ENTITLED "SA0708" OTHER THAN A CITY SCHOOL DISTRICT OF THOSE CITIES
3 HAVING POPULATIONS IN EXCESS OF ONE HUNDRED TWENTY-FIVE THOUSAND, SUCH
4 TOTAL FOUNDATION AID SHALL BE THE TOTAL FOUNDATION AID BASE COMPUTED
5 PURSUANT TO SUBPARAGRAPH (II) OF PARAGRAPH J OF SUBDIVISION ONE OF THIS
6 SECTION MULTIPLIED BY ONE AND FOUR-HUNDREDTHS (1.04) and provided
7 further that total foundation aid shall not be less than the product of
8 the total foundation aid base computed pursuant to paragraph j of subdivi-
9 sion one of this section and the due-minimum percent which shall be,
10 for the two thousand twelve--two thousand thirteen school year, one
11 hundred and six-tenths percent (1.006) and for the two thousand thir-
12 teen--two thousand fourteen school year for city school districts of
13 those cities having populations in excess of one hundred twenty-five
14 thousand and less than one million inhabitants one hundred and one and
15 one hundred and seventy-six thousandths percent (1.01176), and for all
16 other districts one hundred and three-tenths percent (1.003), and for
17 the two thousand fourteen--two thousand fifteen school year one hundred
18 and eighty-five hundredths percent (1.0085), and for the two thousand
19 fifteen--two thousand sixteen school year, one hundred and thirty-seven
20 hundredths percent (1.0037), subject to allocation pursuant to the
21 provisions of subdivision eighteen of this section and any provisions of
22 a chapter of the laws of New York as described therein, nor more than
23 the product of such total foundation aid base and one hundred fifteen
24 percent, and provided further that for the two thousand nine--two thou-
25 sand ten through two thousand eleven--two thousand twelve school years,
26 each school district shall receive total foundation aid in an amount
27 equal to the amount apportioned to such school district for the two
28 thousand eight--two thousand nine school year pursuant to this subdivi-
29 sion. Total aidable foundation pupil units shall be calculated pursuant
30 to paragraph g of subdivision two of this section. For the purposes of
31 calculating aid pursuant to this subdivision, aid for the city school
32 district of the city of New York shall be calculated on a citywide
33 basis.

34 a. Foundation formula aid. Foundation formula aid shall equal the
35 remainder when the expected minimum local contribution is subtracted
36 from the product of the foundation amount, the regional cost index, and
37 the pupil need index, or: (foundation amount x regional cost index x
38 pupil need index)- expected minimum local contribution.

39 (1) The foundation amount shall reflect the average per pupil cost of
40 general education instruction in successful school districts, as deter-
41 mined by a statistical analysis of the costs of special education and
42 general education in successful school districts, provided that the
43 foundation amount shall be adjusted annually to reflect the percentage
44 increase in the consumer price index as computed pursuant to section two
45 thousand twenty-two of this chapter, provided that for the two thousand
46 eight--two thousand nine school year, for the purpose of such adjust-
47 ment, the percentage increase in the consumer price index shall be
48 deemed to be two and nine-tenths percent (0.029), and provided further
49 that the foundation amount for the two thousand seven--two thousand
50 eight school year shall be five thousand two hundred fifty-eight
51 dollars, and provided further that for the two thousand seven--two thou-
52 sand eight through two thousand [fifteen] SIXTEEN--two thousand
53 [sixteen] SEVENTEEN school years, the foundation amount shall be further
54 adjusted by the phase-in foundation percent established pursuant to
55 paragraph b of this subdivision.

(2) The regional cost index shall reflect an analysis of labor market costs based on median salaries in professional occupations that require similar credentials to those of positions in the education field, but not including those occupations in the education field, provided that the regional cost indices for the two thousand seven--two thousand eight school year and thereafter shall be as follows:

Labor Force Region	Index
Capital District	1.124
Southern Tier	1.045
Western New York	1.091
Hudson Valley	1.314
Long Island/NYC	1.425
Finger Lakes	1.141
Central New York	1.103
Mohawk Valley	1.000
North Country	1.000

(3) The pupil need index shall equal the sum of one plus the extraordinary needs percent, provided, however, that the pupil need index shall not be less than one nor more than two. The extraordinary needs percent shall be calculated pursuant to paragraph w of subdivision one of this section.

(4) The expected minimum local contribution shall equal the lesser of (i) the product of (A) the quotient arrived at when the selected actual valuation is divided by total wealth foundation pupil units, multiplied by (B) the product of the local tax factor, multiplied by the income wealth index, or (ii) the product of (A) the product of the foundation amount, the regional cost index, and the pupil need index, multiplied by (B) the positive difference, if any, of one minus the state sharing ratio for total foundation aid. The local tax factor shall be established by May first of each year by determining the product, computed to four decimal places without rounding, of ninety percent multiplied by the quotient of the sum of the statewide average tax rate as computed by the commissioner for the current year in accordance with the provisions of paragraph e of subdivision one of section thirty-six hundred nine-e of this part plus the statewide average tax rate computed by the commissioner for the base year in accordance with such provisions plus the statewide average tax rate computed by the commissioner for the year prior to the base year in accordance with such provisions, divided by three, provided however that for the two thousand seven--two thousand eight school year, such local tax factor shall be sixteen thousandths (0.016), and provided further that for the two thousand eight--two thousand nine school year, such local tax factor shall be one hundred fifty-four ten thousandths (0.0154). The income wealth index shall be calculated pursuant to paragraph d of subdivision three of this section, provided, however, that for the purposes of computing the expected minimum local contribution the income wealth index shall not be less than sixty-five percent (0.65) and shall not be more than two hundred percent (2.0) and provided however that such income wealth index shall not be more than ninety-five percent (0.95) for the two thousand eight--two thousand nine school year, and provided further that such income wealth index shall not be less than zero for the two thousand thirteen--two thousand fourteen school year. The selected actual valuation shall be calculated pursuant to paragraph c of subdivision one of this section. Total wealth foundation pupil units shall be calculated pursuant to paragraph h of subdivision two of this section.

1 b. Phase-in foundation increase. (1) The phase-in foundation increase
2 shall equal the product of the phase-in foundation increase factor
3 multiplied by the positive difference, if any, of (i) the product of the
4 total aidable foundation pupil units multiplied by the district's
5 selected foundation aid less (ii) the total foundation aid base computed
6 pursuant to paragraph j of subdivision one of this section.

7 (2) (i) Phase-in foundation percent. The phase-in foundation percent
8 shall equal one hundred thirteen and fourteen one hundredths percent
9 (1.1314) for the two thousand eleven--two thousand twelve school year,
10 one hundred ten and thirty-eight hundredths percent (1.1038) for the two
11 thousand twelve--two thousand thirteen school year, one hundred seven
12 and sixty-eight hundredths percent (1.0768) for the two thousand thir-
13 teen--two thousand fourteen school year, one hundred five and six
14 hundredths percent (1.0506) for the two thousand fourteen--two thousand
15 fifteen school year, and one hundred two and five tenths percent
16 (1.0250) for the two thousand fifteen--two thousand sixteen school year.

17 (ii) Phase-in foundation increase factor. For the two thousand
18 eleven--two thousand twelve school year, the phase-in foundation
19 increase factor shall equal thirty-seven and one-half percent (0.375)
20 and the phase-in due minimum percent shall equal nineteen and forty-one
21 hundredths percent (0.1941), for the two thousand twelve--two thousand
22 thirteen school year the phase-in foundation increase factor shall equal
23 one and seven-tenths percent (0.017), for the two thousand thirteen--two
24 thousand fourteen school year the phase-in foundation increase factor
25 shall equal (1) for a city school district in a city having a population
26 of one million or more, five and twenty-three hundredths percent
27 (0.0523) or (2) for all other school districts zero percent, for the two
28 thousand fourteen--two thousand fifteen school year the phase-in founda-
29 tion increase factor shall equal (1) for a city school district of a
30 city having a population of one million or more, four and thirty-two
31 hundredths percent (0.0432) or (2) for a school district other than a
32 city school district having a population of one million or more for
33 which (A) the quotient of the positive difference of the foundation
34 formula aid minus the foundation aid base computed pursuant to paragraph
35 j of subdivision one of this section divided by the foundation formula
36 aid is greater than twenty-two percent (0.22) and (B) a combined wealth
37 ratio less than thirty-five hundredths (0.35), seven percent (0.07) or
38 (3) for all other school districts, four and thirty-one hundredths
39 percent (0.0431), and for the two thousand fifteen--two thousand sixteen
40 school year the phase-in foundation increase factor shall equal: (1) for
41 a city school district of a city having a population of one million or
42 more, thirteen and two hundred seventy-four thousandths percent
43 (0.13274); or (2) for districts where the quotient arrived at when
44 dividing (A) the product of the total aidable foundation pupil units
45 multiplied by the district's selected foundation aid less the total
46 foundation aid base computed pursuant to paragraph j of subdivision one
47 of this section divided by (B) the product of the total aidable founda-
48 tion pupil units multiplied by the district's selected foundation aid is
49 greater than nineteen percent (0.19), and where the district's combined
50 wealth ratio is less than thirty-three hundredths (0.33), seven and
51 seventy-five hundredths percent (0.0775); or (3) for any other district
52 designated as high need pursuant to clause (c) of subparagraph two of
53 paragraph c of subdivision six of this section for the school aid
54 computer listing produced by the commissioner in support of the enacted
55 budget for the two thousand seven--two thousand eight school year and
56 entitled "SA0708", four percent (0.04); or (4) for a city school

1 district in a city having a population of one hundred twenty-five thou-
2 sand or more but less than one million, fourteen percent (0.14); or (5)
3 for school districts that were designated as small city school districts
4 or central school districts whose boundaries include a portion of a
5 small city for the school aid computer listing produced by the commis-
6 sioner in support of the enacted budget for the two thousand fourteen--
7 two thousand fifteen school year and entitled "SA1415", four and seven
8 hundred fifty-one thousandths percent (0.04751); or (6) for all other
9 districts one percent (0.01), and for the two thousand [sixteen--two
10 thousand seventeen] SEVENTEEN--TWO THOUSAND EIGHTEEN school year and
11 thereafter the commissioner shall annually determine the phase-in foun-
12 dation increase factor subject to allocation pursuant to the provisions
13 of subdivision eighteen of this section and any provisions of a chapter
14 of the laws of New York as described therein.

15 b-1. Notwithstanding any other provision of law to the contrary, for
16 the two thousand seven--two thousand eight school year and thereafter,
17 the additional amount payable to each school district pursuant to this
18 subdivision in the current year as total foundation aid, after deducting
19 the total foundation aid base, shall be deemed a state grant in aid
20 identified by the commissioner for general use for purposes of section
21 seventeen hundred eighteen of this chapter.

22 B-2. 1. PERCENTAGE INCREASE. FOR THE TWO THOUSAND SIXTEEN--TWO THOU-
23 SAND SEVENTEEN SCHOOL YEAR, THE PERCENTAGE INCREASE SHALL EQUAL THE
24 GREATER OF (A) THE TOTAL FOUNDATION AID BASE COMPUTED PURSUANT TO
25 SUBPARAGRAPH (II) OF PARAGRAPH J OF SUBDIVISION ONE OF THIS SECTION
26 MULTIPLIED BY THE PERCENTAGE INCREASE FACTOR OR (B) THE DIFFERENCE OF
27 (1) THE SUM OF THE AMOUNTS SET FORTH FOR EACH SCHOOL DISTRICT AS "2016-
28 17 FOUNDATION AID" PLUS "2016-17 COMMUNITY SCHOOLS AID" IN THE SCHOOL
29 AID COMPUTER LISTING PRODUCED BY THE COMMISSIONER IN SUPPORT OF THE
30 EXECUTIVE BUDGET REQUEST FOR THE TWO THOUSAND SIXTEEN--TWO THOUSAND
31 SEVENTEEN SCHOOL YEAR AND ENTITLED "BT161-7" LESS (2) THE AMOUNTS SET
32 FORTH FOR EACH SCHOOL DISTRICT AS "2015-16 FOUNDATION AID" IN SUCH
33 COMPUTER LISTING.

34 2. FOR PURPOSES OF THIS PARAGRAPH, "HIGH NEED URBAN/SUBURBAN," "HIGH
35 NEED RURAL," "AVERAGE NEED," AND "LOW NEED" SHALL MEAN SUCH DESIGNATIONS
36 PURSUANT TO CLAUSE (C) OF SUBPARAGRAPH TWO OF PARAGRAPH C OF SUBDIVISION
37 SIX OF THIS SECTION FOR THE SCHOOL AID COMPUTER LISTING PRODUCED BY THE
38 COMMISSIONER IN SUPPORT OF THE ENACTED BUDGET FOR THE TWO THOUSAND
39 SEVEN--TWO THOUSAND EIGHT SCHOOL YEAR AND ENTITLED "SA0708".

40 3. THE PERCENTAGE INCREASE FACTOR SHALL BE: (A) FOR A SCHOOL DISTRICT
41 IN A CITY WITH A POPULATION GREATER THAN ONE MILLION, SIX THOUSAND EIGHT
42 HUNDRED EIGHTY-FIVE HUNDRED THOUSANDTHS (0.06885); (B) FOR A SCHOOL
43 DISTRICT IN A CITY WITH A POPULATION GREATER THAN TWO HUNDRED THOUSAND,
44 BUT LESS THAN ONE MILLION, SIX HUNDREDTHS (0.06); (C) FOR A SCHOOL
45 DISTRICT IN A CITY WITH A POPULATION GREATER THAN ONE HUNDRED
46 TWENTY-FIVE THOUSAND BUT LESS THAN ONE HUNDRED FIFTY THOUSAND, SEVEN
47 HUNDREDTHS (0.07); (D) FOR A SCHOOL DISTRICT IN A CITY WITH A POPULATION
48 OF GREATER THAN ONE HUNDRED FIFTY THOUSAND BUT LESS THAN TWO HUNDRED
49 THOUSAND, FOUR HUNDREDTHS (0.04); (E) FOR ANY DISTRICT DESIGNATED AS
50 HIGH NEED URBAN/SUBURBAN, FIVE HUNDREDTHS (0.05); (F) FOR ANY DISTRICT
51 DESIGNATED AS HIGH NEED RURAL, SEVEN HUNDRED TWENTY-NINE TEN THOUSANDTHS
52 (0.0729); (G) FOR ANY AVERAGE NEED DISTRICT WITH A COMBINED WEALTH RATIO
53 LESS THAN SEVEN-TENTHS (0.7), SIXTY-SEVEN THOUSANDTHS (0.067); (H) FOR
54 ANY AVERAGE NEED DISTRICT WITH A COMBINED WEALTH RATIO GREATER THAN
55 SEVEN-TENTHS (0.7) BUT LESS THAN ONE (1.0), TWO HUNDREDTHS (0.02); (I)
56 FOR ANY AVERAGE NEED DISTRICT WITH A COMBINED WEALTH RATIO GREATER THAN

ONE (1.0), ONE HUNDREDTH (0.01); (J) FOR ANY LOW NEED DISTRICT, FIVE THOUSANDTHS (0.005); (K) FOR SCHOOL DISTRICTS THAT WERE DESIGNATED AS SMALL CITY SCHOOL DISTRICTS OR CENTRAL SCHOOL DISTRICTS WHOSE BOUNDARIES INCLUDE A PORTION OF A SMALL CITY FOR THE SCHOOL AID COMPUTER LISTING PRODUCED BY THE COMMISSIONER IN SUPPORT OF THE ENACTED BUDGET FOR THE TWO THOUSAND FOURTEEN--TWO THOUSAND FIFTEEN SCHOOL YEAR AND ENTITLED "SA1415" AND HAVE A COMBINED WEALTH RATIO OF LESS THAN ONE AND ONE-HALF (1.5), THE SUM OF FORTY-TWO THOUSANDTHS (0.042) PLUS ANY OTHER PERCENT-AGE INCREASE FACTOR FOR WHICH THE DISTRICT IS ELIGIBLE.

B-3. NOTWITHSTANDING ANY PROVISION OF THIS SECTION OF LAW TO THE CONTRARY, DISTRICTS IN WHICH THE TOTAL FOUNDATION AID BASE MULTIPLIED BY ONE AND FIFTEEN HUNDREDTHS (1.15) IS LESS THAN THE SUM OF (1) THE POSITIVE VALUE OF THE AMOUNTS SET FORTH FOR EACH SCHOOL DISTRICT AS "2015-16 GAP ELIMINATION ADJUSTMENT" IN THE SCHOOL AID COMPUTER LISTING PRODUCED BY THE COMMISSIONER IN SUPPORT OF THE ENACTED BUDGET FOR THE TWO THOUSAND FIFTEEN--TWO THOUSAND SIXTEEN SCHOOL YEAR AND ENTITLED "SA151-6" AND (2) THE TOTAL FOUNDATION AID COMPUTED PURSUANT TO THIS PARAGRAPH, SHALL BE ELIGIBLE FOR A FOUNDATION ALLOCATION EQUAL TO THE POSITIVE DIFFERENCE, IF ANY, OF (A) ONE AND FIFTEEN HUNDREDTHS (1.15) MULTIPLIED BY THE FOUNDATION AID BASE COMPUTED PURSUANT TO SUBPARAGRAPH (II) OF PARAGRAPH J OF SUBDIVISION ONE OF THIS SECTION LESS (B) THE POSITIVE VALUE OF THE AMOUNTS SET FORTH FOR EACH SCHOOL DISTRICT AS "2015-16 GAP ELIMINATION ADJUSTMENT" IN THE SCHOOL AID COMPUTER LISTING PRODUCED BY THE COMMISSIONER IN SUPPORT OF THE ENACTED BUDGET FOR THE TWO THOUSAND FIFTEEN--TWO THOUSAND SIXTEEN SCHOOL YEAR AND ENTITLED "SA151-6".

c. Public excess cost aid setaside. 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 product of: (i) the difference between the amount the school district was eligible to receive in the two thousand six--two thousand seven school year pursuant to or in lieu of paragraph six of subdivision nineteen of this section as such paragraph existed on June thirtieth, two thousand seven, minus the amount such district was eligible to receive pursuant to or in lieu of paragraph five of subdivision nineteen of this section as such paragraph existed on June thirtieth, two thousand seven, in such school year, and (ii) the sum of one and the percentage increase in the consumer price index for the current year over such consumer price index for the two thousand six--two thousand seven school year, as computed pursuant to section two thousand twenty-two of this chapter. Notwithstanding any other provision of law to the contrary, the public excess cost aid setaside shall be paid pursuant to section thirty-six hundred nine-b of this part.

d. For the two thousand fourteen--two thousand fifteen [and two thousand fifteen--two thousand sixteen] THROUGH TWO THOUSAND SIXTEEN--TWO THOUSAND SEVENTEEN school years a city school district of a city having a population of one million or more may use amounts apportioned pursuant to this subdivision for afterschool programs.

S 1-a. Subdivision 17 of section 3602 of the education law is REPEALED.

S 2. Paragraph b of subdivision 5 of section 1950 of the education law, as amended by section 80-a of part A of chapter 58 of the laws of 2011, is amended to read as follows:

b. The cost of services herein referred to shall be the amount allocated to each component school district by the board of cooperative educational services to defray expenses of such board, except that that part of the salary paid any teacher, supervisor or other employee of the

board of cooperative educational services which is in excess of thirty thousand dollars shall not be such an approved expense, and except also that administrative and clerical expenses shall not exceed ten percent of the total expenses for purposes of this computation. PROVIDED HOWEVER, THAT FOR TEACHERS PROVIDING INSTRUCTION IN CAREER AND TECHNICAL EDUCATION TO SCHOOL AGE STUDENTS THE SALARY, TO BE CONSIDERED AS AN APPROVED EXPENSE, SHALL NOT EXCEED THIRTY-FOUR THOUSAND DOLLARS IN THE TWO THOUSAND SIXTEEN--TWO THOUSAND SEVENTEEN SCHOOL YEAR; THIRTY-EIGHT THOUSAND DOLLARS FOR THE TWO THOUSAND SEVENTEEN--TWO THOUSAND EIGHTEEN SCHOOL YEAR; FORTY-TWO THOUSAND DOLLARS FOR THE TWO THOUSAND EIGHTEEN--TWO THOUSAND NINETEEN SCHOOL YEAR; FORTY-SIX THOUSAND DOLLARS FOR THE TWO THOUSAND NINETEEN--TWO THOUSAND TWENTY SCHOOL YEAR; AND FIFTY THOUSAND DOLLARS FOR THE TWO THOUSAND TWENTY--TWO THOUSAND TWENTY-ONE SCHOOL YEAR, AND THEREAFTER. Any gifts, donations or interest earned by the board of cooperative educational services or on behalf of the board of cooperative educational services by the dormitory authority or any other source shall not be deducted in determining the cost of services allocated to each component school district. Any payments made to a component school district by the board of cooperative educational services pursuant to subdivision eleven of section six-p of the general municipal law attributable to an approved cost of service computed pursuant to this subdivision shall be deducted from the cost of services allocated to such component school district. The expense of transportation provided by the board of cooperative educational services pursuant to paragraph q of subdivision four of this section shall be eligible for aid apportioned pursuant to subdivision seven of section thirty-six hundred two of this chapter and no board of cooperative educational services transportation expense shall be an approved cost of services for the computation of aid under this subdivision. Transportation expense pursuant to paragraph q of subdivision four of this section shall be included in the computation of the ten percent limitation on administrative and clerical expenses.

S 3. The education law is amended by adding a new article 12-B to read as follows:

ARTICLE 12-B

STATE OFFICE FOR RELIGIOUS AND INDEPENDENT SCHOOLS

SECTION 571. SHORT TITLE.

572. STATE OFFICE FOR RELIGIOUS AND INDEPENDENT SCHOOLS.

573. RULES AND REGULATIONS.

S 571. SHORT TITLE. THIS ARTICLE SHALL BE KNOWN AND MAY BE CITED AS THE "STATE OFFICE FOR RELIGIOUS AND INDEPENDENT SCHOOLS ESTABLISHMENT ACT".

S 572. STATE OFFICE FOR RELIGIOUS AND INDEPENDENT SCHOOLS. 1. THE STATE OFFICE FOR RELIGIOUS AND INDEPENDENT SCHOOLS IS HEREBY ESTABLISHED WITHIN THE DEPARTMENT TO PROVIDE AND COORDINATE SERVICES AND ADMINISTER STATE AND FEDERAL PROGRAMS AND APPROPRIATIONS AS MAY BE IDENTIFIED BY THE COMMISSIONER INTENDED FOR THE BENEFIT OF STUDENTS AND PERSONNEL IN RELIGIOUS AND INDEPENDENT SCHOOLS AND TO DISSEMINATE INFORMATION AND CARRY OUT OTHER ACTIVITIES INTENDED FOR THE BENEFIT OF STUDENTS AND PERSONNEL IN RELIGIOUS AND INDEPENDENT SCHOOLS.

2. THE DEPARTMENT, ON BEHALF OF THE OFFICE, SHALL HAVE THE AUTHORITY TO ACCEPT AND RECEIVE ANY GRANTS, AWARDS, APPROPRIATIONS OR OTHER FUNDS AS MAY BE MADE AVAILABLE TO CARRY OUT THE FUNCTIONS OF THE OFFICE. ALL SUCH FUNDS RECEIVED BY OR OTHERWISE MADE AVAILABLE TO THE DEPARTMENT SHALL BE HELD IN A DISTINCT ACCOUNT OR ACCOUNTS ADMINISTERED BY THE DEPARTMENT TO CARRY OUT THE FUNCTIONS OF THE OFFICE.

1 3. THE COMMISSIONER SHALL UTILIZE A PORTION OF STATE AND/OR FEDERAL
2 FUNDS APPROPRIATED SOLELY FOR THE BENEFIT OF RELIGIOUS AND INDEPENDENT
3 SCHOOLS FOR PERSONNEL SERVICES NECESSARY TO CARRY OUT THE FUNCTIONS OF
4 THE OFFICE.

5 S 573. RULES AND REGULATIONS. THE COMMISSIONER MAY PROMULGATE ANY
6 RULES OR REGULATIONS NECESSARY TO CARRY OUT THE PROVISIONS OF THIS ARTI-
7 CLE.

8 S 4. Clause (c) of subparagraph 5 of paragraph e of subdivision 6 of
9 section 3602 of the education law is REPEALED and clause (d) of subpara-
10 graph 5 of paragraph e of subdivision 6 is relettered clause (c).

11 S 5. Subdivision 2 of section 2116-b of the education law, as amended
12 by section 4 of part A of chapter 57 of the laws of 2013, is amended to
13 read as follows:

14 2. School districts of less than eight teachers, school districts with
15 actual general fund expenditures totaling less than five million dollars
16 in the previous school year, or school districts with actual enrollment
17 of less than [one] FIVE thousand [five hundred] students in the previous
18 school year shall be exempt from this requirement. Any school district
19 claiming such exemption shall annually certify to the commissioner that
20 such school district meets the requirements set forth in this subdivi-
21 sion.

22 S 6. The section heading and subdivision 1 of section 2022 of the
23 education law, as amended by section 7 of part A of chapter 97 of the
24 laws of 2011, are amended and a new subdivision 1-a is added to read as
25 follows:

26 Vote on school district budgets, ON BOND RESOLUTIONS and on the
27 election of school district trustees and board of education members. 1.
28 Notwithstanding any law, rule or regulation to the contrary, the
29 election of trustees or members of the board of education, [and] the
30 vote upon the appropriation of the necessary funds to meet the estimated
31 expenditures, AND THE VOTE UPON A BOND RESOLUTION, EXCEPT WHERE THE
32 BOARD SHALL BY UNANIMOUS VOTE DECLARE THAT AN EMERGENCY EXISTS AND THE
33 COMMISSIONER DETERMINES THAT THE BEST INTERESTS OF THE DISTRICT REQUIRE
34 THAT THE VOTE ON THE BOND RESOLUTION BE HELD ON A DIFFERENT DATE, in any
35 common school district, union free school district, central school
36 district or central high school district shall be held at the annual
37 meeting and election on the third Tuesday in May, provided, however,
38 that such election shall be held on the second Tuesday in May if the
39 commissioner at the request of a local school board certifies no later
40 than March first that such election would conflict with religious obser-
41 vances. The sole trustee, board of trustees or board of education of
42 every common, union free, central or central high school district and
43 every city school district to which this article applies shall hold a
44 budget hearing not less than seven nor more than fourteen days prior to
45 the annual meeting and election or special district meeting at which a
46 school budget vote will occur, and shall prepare and present to the
47 voters at such budget hearing a proposed school district budget for the
48 ensuing school year.

49 1-A. ANY BOND RESOLUTION VOTED UPON PURSUANT TO SUBDIVISION ONE OF
50 THIS SECTION MAY ONLY BE RESUBMITTED TO THE VOTERS OF THE SCHOOL
51 DISTRICT ONE TIME SUBSEQUENT TO SUCH VOTE.

52 S 7. The section heading and subdivision 1 of section 2022 of the
53 education law, the section heading as amended by section 23 of part A of
54 chapter 436 of the laws of 1997 and subdivision 1 as amended by section
55 8 of part C of chapter 58 of the laws of 1998, are amended and a new
56 subdivision 1-a is added to read as follows:

1 Vote on school district budgets, ON BOND RESOLUTIONS and on the
2 election of school district trustees and board of education members. 1.
3 Notwithstanding any law, rule or regulation to the contrary, the
4 election of trustees or members of the board of education, [and] the
5 vote upon the appropriation of the necessary funds to meet the estimated
6 expenditures, AND THE VOTE UPON A BOND RESOLUTION, EXCEPT WHERE THE
7 BOARD SHALL BY UNANIMOUS VOTE DECLARE THAT AN EMERGENCY EXISTS AND THE
8 COMMISSIONER DETERMINES THAT THE BEST INTERESTS OF THE DISTRICT REQUIRE
9 THAT THE VOTE ON THE BOND RESOLUTION BE HELD ON A DIFFERENT DATE, in any
10 common school district, union free school district, central school
11 district or central high school district shall be held at the annual
12 meeting and election on the third Tuesday in May, provided, however,
13 that such election shall be held on the second Tuesday in May if the
14 commissioner at the request of a local school board certifies no later
15 than March first that such election would conflict with religious obser-
16 vances. When such election or vote is taken by recording the ayes and
17 noes of the qualified voters attending, a majority of the qualified
18 voters present and voting, by a hand or voice vote, may determine to
19 take up the question of voting the necessary funds to meet the estimated
20 expenditures for a specific item separately, and the qualified voters
21 present and voting may increase the amount of any estimated expenditures
22 or reduce the same, except for teachers' salaries, and the ordinary
23 contingent expenses of the schools. The sole trustee, board of trustees
24 or board of education of every common, union free, central or central
25 high school district and every city school district to which this arti-
26 cle applies shall hold a budget hearing not less than seven nor more
27 than fourteen days prior to the annual meeting and election or special
28 district meeting at which a school budget vote will occur, and shall
29 prepare and present to the voters at such budget hearing a proposed
30 school district budget for the ensuing school year.

31 1-A. ANY BOND RESOLUTION VOTED UPON PURSUANT TO SUBDIVISION ONE OF
32 THIS SECTION MAY ONLY BE RESUBMITTED TO THE VOTERS OF THE SCHOOL
33 DISTRICT ONE TIME SUBSEQUENT TO SUCH VOTE.

34 S 8. Subdivision 4 of section 3627 of the education law, as amended by
35 section 1 of part C of chapter 60 of the laws of 2015, is amended to
36 read as follows:

37 4. Notwithstanding any other provision of law to the contrary, any
38 expenditures for transportation provided pursuant to this section in the
39 two thousand thirteen--two thousand fourteen [and two thousand four-
40 teen--two thousand fifteen] school year and thereafter and otherwise
41 eligible for transportation aid pursuant to subdivision seven of section
42 thirty-six hundred two of this article shall be considered approved
43 transportation expenses eligible for transportation aid, provided
44 further that for the two thousand thirteen--two thousand fourteen school
45 year such aid shall be limited to eight million one hundred thousand
46 dollars and for the two thousand fourteen--two thousand fifteen school
47 year and thereafter such aid shall be limited to [twelve] THE SUM OF
48 SEVENTEEN million [six] ONE hundred thousand dollars PLUS THE BASE
49 AMOUNT. FOR PURPOSES OF THIS SUBDIVISION, THE "BASE AMOUNT" MEANS THE
50 AMOUNT OF TRANSPORTATION AID PAID TO THE SCHOOL DISTRICT FOR EXPENDI-
51 TURES INCURRED IN THE TWO THOUSAND TWELVE--TWO THOUSAND THIRTEEN SCHOOL
52 YEAR FOR TRANSPORTATION THAT WOULD HAVE BEEN ELIGIBLE FOR AID PURSUANT
53 TO THIS SECTION HAD THIS SECTION BEEN IN EFFECT IN SUCH SCHOOL YEAR,
54 EXCEPT THAT SUBDIVISION SIX SHALL BE DEEMED NOT TO HAVE BEEN IN EFFECT.
55 And provided further that [such expenditures eligible for aid under this
56 section shall supplement not supplant local expenditures for such trans-

1 portation in the two thousand twelve--two thousand thirteen school year]
2 THE SCHOOL DISTRICT SHALL CONTINUE TO ANNUALLY EXPEND FOR THE TRANSPOR-
3 TATION DESCRIBED IN SUBDIVISION ONE OF THIS SECTION AT LEAST THE EXPEND-
4 ITURES USED FOR THE BASED AMOUNT.

5 S 9. Section 3602 of the education law is amended by adding a new
6 subdivision 6-h to read as follows:

7 6-H. BUILDING AID FOR SCHOOLS AUTHORIZED PURSUANT TO ARTICLE FIFTY-SIX
8 OF THIS CHAPTER. A. SCHOOLS AUTHORIZED PURSUANT TO ARTICLE FIFTY-SIX OF
9 THIS CHAPTER SHALL BE ELIGIBLE FOR BUILDING AID TO THE SAME EXTENT AS
10 SCHOOL DISTRICTS IN A PROCESS PRESCRIBED BY THE COMMISSIONER, PROVIDED,
11 THAT (1) AID APPORTIONMENTS FOR SUCH SCHOOLS SHALL BE CALCULATED BASED
12 ON THE ACTUAL AMORTIZATION AND ACTUAL INTEREST RATE, (2) THE BUILDING
13 AID RATIO USED SHALL BE THE RATIO FOR THE SCHOOL DISTRICT IN WHICH THE
14 SCHOOL IS LOCATED, AND THE CHARTER SCHOOL SHALL BE RESPONSIBLE FOR
15 PAYMENT OF THE LOCAL SHARE OF ANY AIDABLE BUILDING EXPENSES, AND (3) AID
16 ON EXPENDITURES FOR LEASE PAYMENTS SHALL BE APPORTIONED ONLY IF THE
17 LEASE HAS BEEN APPROVED BY THE SCHOOL'S BOARD OF TRUSTEES, THE AUTHORIZ-
18 ING ENTITY, AND THE COMMISSIONER.

19 B. THE COMMISSIONER SHALL BE AUTHORIZED TO GRANT SPECIFIC WAIVERS FROM
20 BUILDING AID PROGRAM REQUIREMENTS TO SCHOOLS AUTHORIZED PURSUANT TO
21 ARTICLE FIFTY-SIX OF THIS CHAPTER UPON A SHOWING THAT COMPLIANCE WITH
22 SUCH REQUIREMENTS WOULD CREATE AN UNDUE ECONOMIC HARDSHIP OR THAT SOME
23 OTHER GOOD CAUSE EXISTS THAT MAKES COMPLIANCE EXTREMELY IMPRACTICAL.

24 C. SCHOOL DISTRICTS THAT COLLECT PAYMENTS FROM A SCHOOL AUTHORIZED
25 PURSUANT TO ARTICLE FIFTY-SIX OF THIS CHAPTER UNDER A LEASE OR ANY OTHER
26 ARRANGEMENT FOR THE USE OF DISTRICT-OWNED FACILITIES SHALL HAVE ITS
27 BUILDING AID APPORTIONMENT REDUCED BY AN AMOUNT EQUAL TO THE SCHOOL'S
28 PAYMENTS TO THE DISTRICT PROVIDED, HOWEVER, NOTHING IN THIS SUBDIVISION
29 SHALL BE CONSTRUED TO AUTHORIZE A REDUCTION IN BUILDING AID ATTRIBUTABLE
30 TO BUILDING PROJECTS SUBJECT TO THE PROVISIONS OF SUBDIVISION FOUR OF
31 SECTION TWENTY-SEVEN HUNDRED NINETY-NINE-TT OF THE PUBLIC AUTHORITIES
32 LAW.

33 D. IN THE EVENT THAT A SCHOOL IS NO LONGER AUTHORIZED PURSUANT TO
34 ARTICLE FIFTY-SIX OF THIS CHAPTER, BUILDING AID PAYMENTS SHALL CEASE
35 IMMEDIATELY.

36 E. A CHARTER SCHOOL AUTHORIZED UNDER THIS ARTICLE SHALL NOT BE ENTI-
37 TLED TO RECEIVE BOTH BUILDING AID UNDER THIS SUBDIVISION AND UNDER
38 SUBDIVISION THREE OF SECTION TWENTY-EIGHT FIFTY-THREE OF THIS CHAPTER.

39 S 10. Subdivision (a) of section 1115 of the tax law is amended by
40 adding a new paragraph 44 to read as follows:

41 (44) SCHOOL BUSES AS SUCH TERM IS DEFINED IN SECTION ONE HUNDRED
42 FORTY-TWO OF THE VEHICLE AND TRAFFIC LAW, AND PARTS, EQUIPMENT, LUBRI-
43 CANTS AND FUEL PURCHASED AND USED IN THEIR OPERATION.

44 S 11. Section 2851 of the education law is amended by adding a new
45 subdivision 5 to read as follows:

46 5. NOTWITHSTANDING ANY PROVISION OF LAW, RULE OR REGULATION TO THE
47 CONTRARY, A CHARTER SCHOOL APPROVED BY A CHARTER ENTITY LISTED IN SUBDI-
48 VISION THREE OF THIS SECTION MAY APPLY AT ANY TIME TO ANOTHER CHARTER
49 ENTITY DEFINED IN PARAGRAPH (A), (B) OR (C) OF SUBDIVISION THREE OF THIS
50 SECTION TO REQUEST SUCH OTHER CHARTER ENTITY TO OVERSEE AND SUPERVISE
51 SUCH CHARTER SCHOOL. ALL OBLIGATIONS OF THE PREVIOUS CHARTER ENTITY TO
52 OVERSEE AND SUPERVISE A CHARTER SCHOOL SHALL TERMINATE UPON SUCH CHARTER
53 SCHOOL ENTERING INTO A CHARTER AGREEMENT, AS DEFINED IN SUBDIVISION FIVE
54 OF SECTION TWENTY-EIGHT HUNDRED FIFTY-TWO OF THIS ARTICLE, WITH ANOTHER
55 CHARTER ENTITY, AND THE PREVIOUS CHARTER ENTITY SHALL PROVIDE IN A TIME-

LY FASHION INFORMATION RELEVANT TO THE CHARTER AS REQUESTED BY SUCH OTHER CHARTER ENTITY.

S 12. Subdivision 12 of section 3602-ee of the education law, as added by section 1 of part CC of chapter 56 of the laws of 2014, is amended to read as follows:

12. Notwithstanding paragraph (a) of subdivision one of section twenty-eight hundred fifty-four of this chapter and paragraph (c) of subdivision two of section twenty-eight hundred fifty-four of this chapter, charter schools shall be eligible to participate in universal full-day pre-kindergarten programs under this section, provided that all such monitoring, programmatic review and operational requirements under this section shall be the responsibility of the charter entity and shall be consistent with the requirements under article fifty-six of this chapter; WHEREFORE, NOTWITHSTANDING ANY OTHER PROVISION OF LAW, PARTICIPATION BY A CHARTER SCHOOL IN UNIVERSAL PRE-KINDERGARTEN PROGRAMS MAY NOT BE CONDITIONED UPON THE CHARTER SCHOOL AGREEING TO CONTRACTUAL TERMS OR CONDITIONS IMPOSED BY A NON-CHARTER ENTITY. The provisions of paragraph (b) of subdivision two of section twenty-eight hundred fifty-four of this chapter shall apply to the admission of pre-kindergarten students, except parents of pre-kindergarten children may submit applications for the two thousand fourteen--two thousand fifteen school year by a date to be determined by the charter school upon selection to participate in the universal full-day pre-kindergarten program. The limitations on the employment of uncertified teachers under paragraph (a-1) of subdivision three of section twenty-eight hundred fifty-four of this chapter shall apply to all teachers from pre-kindergarten through grade twelve.

S 13. Paragraph (a-1) of subdivision 3 of section 2854 of the education law, as amended by section 1 of subpart A of part B of chapter 20 of the laws of 2015, is amended to read as follows:

(a-1) The board of trustees of a charter school shall employ and contract with necessary teachers, administrators and other school personnel. Such teachers shall be certified in accordance with the requirements applicable to other public schools; provided, however, that TEACHERS EMPLOYED BY A HIGH-PERFORMING PUBLIC CHARTER SCHOOL WITH A RIGOROUS TEACHER TRAINING PROGRAM WILL HAVE THREE YEARS FROM THEIR EMPLOYMENT START DATE BEFORE THEY MUST SATISFY CERTIFICATION REQUIREMENTS; AND, a charter school may employ as teachers (i) uncertified teachers with at least three years of elementary, middle or secondary classroom teaching experience; (ii) tenured or tenure track college faculty; (iii) individuals with two years of satisfactory experience through the Teach for America program; and (iv) individuals who possess exceptional business, professional, artistic, athletic, or military experience, provided, however, that such teachers described in clauses (i), (ii), (iii), and (iv) of this paragraph shall not in total comprise more than the sum of: (A) thirty per centum of the teaching staff of a charter school, or five teachers, whichever is less; plus (B) five teachers of mathematics, science, computer science, technology, or career and technical education; plus (C) five additional teachers. A teacher certified or otherwise approved by the commissioner shall not be included in the numerical limits established by the preceding sentence.

S 14. Subdivisions 1 and 2 of section 3-c of the general municipal law, as added by section 1 of part A of chapter 97 of the laws of 2011, are amended to read as follows:

1. Unless otherwise provided by law, the amount of real property taxes that may be levied by or on behalf of any local government[, other

1 than the city of New York and the counties contained therein,] shall not
2 exceed the tax levy limit established pursuant to this section.

3 2. When used in this section:

4 (a) "Allowable levy growth factor" shall be the lesser of: (i) one and
5 two one-hundredths; or (ii) the sum of one plus the inflation factor;
6 provided, however, that in no case shall the levy growth factor be less
7 than one.

8 (b) "Available carryover" means the amount by which the tax levy for
9 the prior fiscal year was below the tax levy limit for such fiscal year,
10 if any, but no more than an amount that equals one and one-half percent
11 of the tax levy limit for such fiscal year.

12 (c) "Coming fiscal year" means the fiscal year of the local government
13 for which a tax levy limit shall be determined pursuant to this section.

14 (d) "Inflation factor" means the quotient of: (i) the average of the
15 national consumer price indexes determined by the United States depart-
16 ment of labor for the twelve-month period ending six months prior to the
17 start of the coming fiscal year minus the average of the national
18 consumer price indexes determined by the United States department of
19 labor for the twelve-month period ending six months prior to the start
20 of the prior fiscal year, divided by: (ii) the average of the national
21 consumer price indexes determined by the United States department of
22 labor for the twelve-month period ending six months prior to the start
23 of the prior fiscal year, with the result expressed as a decimal to four
24 places.

25 (e) "Local government" means a county, city, town, village, fire
26 district, or special district including but not limited to a district
27 created pursuant to article twelve or twelve-A, or governed by article
28 thirteen of the town law, or created pursuant to article five-A, five-B
29 or five-D of the county law, chapter five hundred sixteen of the laws of
30 nineteen hundred twenty-eight, or chapter two hundred seventy-three of
31 the laws of nineteen hundred thirty-nine, and shall include town
32 improvements provided pursuant to articles three-A and twelve-C of the
33 town law [but shall not include the city of New York or the counties
34 contained therein].

35 (f) "Prior fiscal year" means the fiscal year of the local government
36 immediately preceding the coming fiscal year.

37 (g) "Tax levy limit" means the amount of taxes authorized to be levied
38 by or on behalf of a local government pursuant to this section,
39 provided, however, that the tax levy limit shall not include the follow-
40 ing:

41 (i) a tax levy necessary for expenditures resulting from court orders
42 or judgments against the local government arising out of tort actions
43 for any amount that exceeds five percent of the total tax levied in the
44 prior fiscal year;

45 (ii) in years in which the system average actuarial contribution rate
46 of the New York state and local employees' retirement system, as defined
47 by paragraph ten of subdivision a of section nineteen-a of the retire-
48 ment and social security law, increases by more than two percentage
49 points from the previous year, a tax levy necessary for expenditures for
50 the coming fiscal year for local government employer contributions to
51 the New York state and local employees' retirement system caused by
52 growth in the system average actuarial contribution rate minus two
53 percentage points;

54 (iii) in years in which the system average actuarial contribution rate
55 of the New York state and local police and fire retirement system, as
56 defined by paragraph eleven of subdivision a of section three hundred

19 nineteen-a of the retirement and social security law, increases by more than two percentage points from the previous year, a tax levy necessary for expenditures for the coming fiscal year for local government employer contributions to the New York state and local police and fire retirement system caused by growth in the system average actuarial contribution rate minus two percentage points;

(iv) in years in which the normal contribution rate of the New York state teachers' retirement system, as defined by paragraph a of subdivision two of section five hundred seventeen of the education law, increases by more than two percentage points from the previous year, a tax levy necessary for expenditures for the coming fiscal year for local government employer contributions to the New York state teachers' retirement system caused by growth in the normal contribution rate minus two percentage points[.];

(V) IN YEARS IN WHICH THE AVERAGE ACTUARIAL CONTRIBUTION RATE OF THE NEW YORK CITY EMPLOYEES' RETIREMENT SYSTEM, AS DEFINED BY SUBDIVISION ONE OF SECTION 13-101 OF THE ADMINISTRATIVE CODE OF THE CITY OF NEW YORK, INCREASES BY MORE THAN TWO PERCENTAGE POINTS FROM THE PREVIOUS YEAR, A TAX LEVY NECESSARY FOR EXPENDITURES FOR THE COMING FISCAL YEAR FOR LOCAL GOVERNMENT EMPLOYER CONTRIBUTIONS TO THE NEW YORK CITY EMPLOYEES' RETIREMENT SYSTEM CAUSED BY A GROWTH IN THE NORMAL CONTRIBUTION RATE MINUS TWO PERCENTAGE POINTS.

(h) "Tax" or "taxes" shall include (i) a charge imposed upon real property by or on behalf of a county, city, town, village or school district for municipal or school district purposes, and (ii) special ad valorem levies and special assessments as defined in subdivisions fourteen and fifteen of section one hundred two of the real property tax law.

S 14-a. Section 13 of part A of chapter 97 of the laws of 2011, amending the general municipal law and the education law relating to establishing limits upon school district and local government tax levies, as amended by section 18 of part A of chapter 20 of the laws of 2015, is amended to read as follows:

S 13. This act shall take effect immediately; provided, however, that sections two through eleven of this act shall take effect July 1, 2011 and shall first apply to school district budgets and the budget adoption process for the 2012-13 school year; and shall continue to apply to school district budgets and the budget adoption process for any school year beginning in any calendar year during which this act is in effect; provided further, that if section 26 of part A of chapter 58 of the laws of 2011 shall not have taken effect on or before such date then section ten of this act shall take effect on the same date and in the same manner as such chapter of the laws of 2011, takes effect; provided further, that section one of this act shall first apply to the levy of taxes by local governments for the fiscal year that begins in 2012 and shall continue to apply to the levy of taxes by local governments for any fiscal year beginning in any calendar year during which this act is in effect[; provided, further, that this act shall remain in full force and effect at a minimum until and including June 15, 2020 and shall remain in effect thereafter only so long as the public emergency requiring the regulation and control of residential rents and evictions and all such laws providing for such regulation and control continue as provided in subdivision 3 of section 1 of the local emergency rent control act, sections 26-501, 26-502 and 26-520 of the administrative code of the city of New York, section 17 of chapter 576 of the laws of 1974 and subdivision 2 of section 1 of chapter 274 of the laws of 1946

1 constituting the emergency housing rent control law, and section 10 of
2 chapter 555 of the laws of 1982, amending the general business law and
3 the administrative code of the city of New York relating to conversions
4 of residential property to cooperative or condominium ownership in the
5 city of New York as such laws are continued by chapter 93 of the laws of
6 2011 and as such sections are amended from time to time].

7 S 15. Paragraphs a and c of subdivision 14 of section 305 of the
8 education law, paragraph a as amended by chapter 273 of the laws of 1999
9 and paragraph c as amended by chapter 15 of the laws of 2005, are
10 amended to read as follows

11 a. All contracts for the transportation of school children, all
12 contracts to maintain school buses owned or leased by a school district
13 that are used for the transportation of school children, all contracts
14 for mobile instructional units, and all contracts to provide, maintain
15 and operate cafeteria or restaurant service by a private food service
16 management company shall be subject to the approval of the commissioner,
17 who may disapprove a proposed contract if, in his OR HER opinion, the
18 best interests of the district will be promoted thereby. Except as
19 provided in paragraph e of this subdivision, all such contracts involv-
20 ing an annual expenditure in excess of the amount specified for purchase
21 contracts in the bidding requirements of the general municipal law shall
22 be awarded to the lowest responsible bidder, which responsibility shall
23 be determined by the board of education or the trustee of a district,
24 with power hereby vested in the commissioner to reject any or all bids
25 if, in his OR HER opinion, the best interests of the district will be
26 promoted thereby and, upon such rejection of all bids, the commissioner
27 shall order the board of education or trustee of the district to seek,
28 obtain and consider new proposals. All proposals for such transporta-
29 tion, maintenance, mobile instructional units, or cafeteria and restau-
30 rant service shall be in such form as the commissioner may prescribe.
31 Advertisement for bids shall be published in a newspaper or newspapers
32 designated by the board of education or trustee of the district having
33 general circulation within the district for such purpose. Such adver-
34 tisement shall contain a statement of the time when and place where all
35 bids received pursuant to such advertisement will be publicly opened and
36 read either by the school authorities or by a person or persons desig-
37 nated by them. All bids received shall be publicly opened and read at
38 the time and place so specified. At least five days shall elapse between
39 the first publication of such advertisement and the date so specified
40 for the opening and reading of bids. The requirement for competitive
41 bidding shall not apply to an award of a contract for the transportation
42 of pupils or a contract for mobile instructional units, if such award is
43 based on an evaluation of proposals in response to a request for
44 proposals pursuant to paragraph e of this subdivision. The requirement
45 for competitive bidding shall not apply to annual, biennial, or trienni-
46 al extensions of a contract nor shall the requirement for competitive
47 bidding apply to quadrennial or quinquennial year extensions of a
48 contract involving transportation of pupils, maintenance of school buses
49 or mobile instructional units secured either through competitive bidding
50 or through evaluation of proposals in response to a request for
51 proposals pursuant to paragraph e of this subdivision, when such exten-
52 sions (1) are made by the board of education or the trustee of a
53 district, under rules and regulations prescribed by the commissioner,
54 [and,] (2) do not extend the original contract period beyond five years
55 from the date cafeteria and restaurant service commenced thereunder and
56 (3) in the case of contracts for the transportation of pupils, for the

1 maintenance of school buses or for mobile instructional units, that such
2 contracts may be extended, except that power is hereby vested in the
3 commissioner, in addition to his OR HER existing statutory authority to
4 approve or disapprove transportation or maintenance contracts, (i) to
5 reject any extension of a contract beyond the initial term thereof if he
6 OR SHE finds that amount to be paid by the district to the contractor in
7 any year of such proposed extension fails to reflect any decrease in the
8 regional consumer price index for the N.Y., N.Y.-Northeastern, N.J.
9 area, based upon the index for all urban consumers (CPI-U) during the
10 preceding twelve month period, OR FOR ALL CONTRACTS FOR SCHOOL BUSES
11 USED FOR THE TRANSPORTATION OF SCHOOL CHILDREN, MAINTENANCE, AND ALL
12 CONTRACTS FOR MOBILE INSTRUCTIONAL UNITS, IF THE AMOUNT TO BE PAID BY
13 THE DISTRICT TO THE CONTRACTOR IN ANY YEAR OF SUCH PROPOSED EXTENSION
14 FAILS TO REFLECT ANY PERCENTAGE DECREASE IN THE EMPLOYMENT COST INDEX
15 (ECI) TOTAL COMPENSATION FOR PRIVATE INDUSTRY WORKERS IN THE NORTHEAST
16 REGION (NOT SEASONALLY ADJUSTED) FOR THE FOURTH QUARTER OF THE PRECEDING
17 YEAR; and (ii) to reject any extension of a contract after ten years
18 from the date transportation or maintenance service commenced there-
19 under, or mobile instructional units were first provided, if in his OR
20 HER opinion, the best interests of the district will be promoted
21 thereby; AND (III) TO REJECT ANY EXTENSION OF A CONTRACT FOR TRANSPORTA-
22 TION, OR NEW CONTRACT, IF HE OR SHE FINDS THAT THE AMOUNT TO BE PAID BY
23 THE DISTRICT TO THE CONTRACTOR IN ANY YEAR OF SUCH PROPOSED CONTRACT
24 FAILS TO REFLECT THE SAVINGS REALIZED FROM THE SALES TAX EXEMPTION ON
25 SCHOOL BUSES, PARTS, EQUIPMENT, LUBRICANTS AND FUEL USED FOR SCHOOL
26 PURPOSES PURSUANT TO PARAGRAPH FORTY-FOUR OF SUBDIVISION (A) OF SECTION
27 ELEVEN HUNDRED FIFTEEN OF THE TAX LAW. Upon such rejection of any
28 proposed extension, the commissioner may order the board of education or
29 trustee of the district to seek, obtain and consider bids pursuant to
30 the provisions of this section. The board of education or the trustee of
31 a school district electing to extend a contract as provided herein, may,
32 in its discretion, increase the amount to be paid in each year of the
33 contract extension by an amount not to exceed the regional consumer
34 price index increase for the N.Y., N.Y.-Northeastern, N.J. area, based
35 upon the index for all urban consumers (CPI-U), during the preceding
36 twelve month period, OR FOR ALL CONTRACTS FOR SCHOOL BUSES USED FOR THE
37 TRANSPORTATION OF SCHOOL CHILDREN, MAINTENANCE, AND ALL CONTRACTS FOR
38 MOBILE INSTRUCTIONAL UNITS, BY AN AMOUNT NOT TO EXCEED THE PERCENTAGE
39 INCREASE IN THE EMPLOYMENT COST INDEX (ECI) TOTAL COMPENSATION FOR
40 PRIVATE INDUSTRY WORKERS IN THE NORTHEAST REGION (NOT SEASONALLY
41 ADJUSTED) FOR THE FOURTH QUARTER OF THE PRECEDING YEAR, provided it has
42 been satisfactorily established by the contractor that there has been at
43 least an equivalent increase in the amount of his OR HER cost of opera-
44 tion, during the period of the contract.

45 c. Each board of education, or the trustees, of a school district
46 which elected or elects to extend one or more pupil transportation
47 contracts may extend a contract in an amount which is in excess of the
48 maximum increase allowed by use of the [CPI] ECI referenced in paragraph
49 a of this subdivision. Such excess amount shall not be greater than the
50 sum of the following: (i) the sum of the actual cost of qualifying crim-
51 inal history and driver licensing testing fees attributable to special
52 requirements for drivers of school buses pursuant to articles nineteen
53 and nineteen-A of the vehicle and traffic law plus the actual cost of
54 any diagnostic tests and physical performance tests that are deemed to
55 be necessary by an examining physician or the chief school officer to
56 determine whether an applicant to drive a school bus under the terms of

1 the contract has the physical and mental ability to operate a school
2 transportation conveyance and to satisfactorily perform the other
3 responsibilities of a school bus driver pursuant to regulations of the
4 commissioner; (ii) in a school district located in a city with at least
5 one million inhabitants, the actual cost of clean air technology filters
6 and Global Positioning System (GPS) technology; (iii) in a school
7 district located in a city with at least one million inhabitants, with
8 respects only to any extension beginning in fiscal year two thousand
9 five--two thousand six, the sum of the actual cost of providing school
10 bus attendants including the actual cost of criminal history record
11 checks for school bus attendant applicants and training and instruction
12 for school bus attendants pursuant to section twelve hundred twenty-
13 nine-d of the vehicle and traffic law plus up to five percent of such
14 cost for necessary administrative services; and (iv) the actual cost of
15 equipment or vehicle modification, or training required, by any state or
16 local legislation or regulation promulgated or effective on or after
17 June first, two thousand five. Such costs shall be approved by the
18 commissioner upon documentation provided by the school district and
19 contractor as required by the commissioner.

20 S 16. The education law is amended by adding a new section 2046 to
21 read as follows:

22 S 2046. TUITION STABILIZATION AID. 1. PROVISION OF EDUCATIONAL
23 PROGRAMS. ANY ELIGIBLE SCHOOL DISTRICT THAT OPERATES A PUBLIC SECONDARY
24 SCHOOL AND ENTERS INTO A CONTRACT FOR THE PROVISION OF PROVIDING EDUCA-
25 TIONAL PROGRAMS AND SERVICES TO PUBLIC NON-RESIDENT SECONDARY PUPILS
26 WHERE SUCH PUBLIC NON-RESIDENT SECONDARY PUPILS RESIDE IN A SCHOOL
27 DISTRICT THAT DOES NOT OPERATE A PUBLIC SECONDARY SCHOOL SHALL BE ELIGI-
28 BLE FOR AN APPORTIONMENT UNDER THIS SECTION.

29 2. ELIGIBILITY. ANY RECEIVING OR EDUCATING SCHOOL DISTRICT SHALL BE
30 CONSIDERED ELIGIBLE FOR AN APPORTIONMENT UNDER THIS SECTION PROVIDED (A)
31 THE SENDING OR NON-RESIDENT SCHOOL DISTRICT AND THE RECEIVING OR EDUCAT-
32 ING SCHOOL DISTRICT SHALL BOTH BE PUBLIC SCHOOL DISTRICTS LOCATED IN
33 SUFFOLK COUNTY, AND (B) THE SENDING OR NON-RESIDENT SCHOOL DISTRICT AND
34 THE RECEIVING OR EDUCATING SCHOOL DISTRICT SHALL NOT INCLUDE SCHOOLS
35 AUTHORIZED UNDER TITLE SIX OF THIS CHAPTER AND CHAPTER FIVE HUNDRED
36 SIXTY-SIX OF THE LAWS OF NINETEEN SIXTY-SEVEN, AS AMENDED, AND (C) THE
37 SENDING OR NON-RESIDENT SCHOOL DISTRICT SHALL NOT OPERATE A SECONDARY
38 SCHOOL PROVIDING EDUCATIONAL PROGRAMS AND SERVICES TO PUPILS DURING THE
39 TERM OF THE CONTRACT PURSUANT TO SUBDIVISION THREE OF THIS SECTION.

40 3. CONTRACTS. CONTRACTS FOR THE PROVISION OF EDUCATIONAL PROGRAMS AND
41 SERVICES FOR SUCH NON-RESIDENT SECONDARY PUPILS SHALL BE IN ACCORDANCE
42 WITH SECTIONS TWO THOUSAND FORTY, TWO THOUSAND FORTY-ONE, AND TWO THOU-
43 SAND FORTY-TWO OF THIS PART.

44 4. NON-RESIDENT TUITION RATES. NON-RESIDENT TUITION RATES STIPULATED
45 IN SUCH CONTRACTS SHALL BE EQUAL TO THE DIFFERENCE OF (A) THE NON-RESI-
46 DENT TUITION RATE FOR THE RECEIVING OR EDUCATING SCHOOL DISTRICT CALCU-
47 LATED BY THE COMMISSIONER PURSUANT TO 8 NYCRR 174.2, MINUS (B) A
48 DISCOUNT AGREED TO BY THE PARTIES AND SPECIFIED IN A CONTRACT IN ACCORD-
49 ANCE WITH SUBDIVISION THREE OF THIS SECTION, PROVIDED THAT FUTURE ANNUAL
50 GROWTH IN SUCH DISCOUNTED NON-RESIDENT TUITION RATES SHALL NOT EXCEED
51 ONE HUNDRED THREE PERCENT (1.03) OF THE PRIOR YEAR DISCOUNTED NON-RESI-
52 DENT TUITION RATES.

53 5. STATE AID. THE COMMISSIONER IS AUTHORIZED TO PROVIDE AN APPORTION-
54 MENT TO A RECEIVING OR EDUCATING SCHOOL DISTRICT EQUAL TO THE LESSER OF
55 (A) THE PRODUCT OF (I) TWO-TENTHS (.20), AND (II) THE AMOUNT OF THE
56 DISCOUNT SPECIFIED PURSUANT TO SUBDIVISIONS THREE AND FOUR OF THIS

SECTION, AND (III) THE SUM OF ALL FULL-TIME EQUIVALENT ENROLLMENT OF SUCH NON-RESIDENT SECONDARY PUPILS RECEIVING EDUCATIONAL PROGRAMS AND SERVICES IN AN ELIGIBLE SCHOOL DISTRICT, OR (B) TWO HUNDRED FIFTY THOUSAND DOLLARS.

6. CLAIMS. THE CLAIM FOR AN APPORTIONMENT TO BE PAID TO A RECEIVING OR EDUCATING SCHOOL DISTRICT UNDER THIS SECTION SHALL BE SUBMITTED TO THE COMMISSIONER ON A FORM PRESCRIBED FOR SUCH PURPOSE, AND SHALL BE PAYABLE NO LATER THAN DECEMBER FIRST OF THE YEAR FOLLOWING THE YEAR IN WHICH EDUCATIONAL PROGRAMS AND SERVICES WERE PROVIDED TO SUCH NON-RESIDENT SECONDARY PUPILS.

S 17. Subdivision a of section 5 of chapter 121 of the laws of 1996, relating to authorizing the Roosevelt union free school district to finance deficits by the issuance of serial bonds, as amended by section 26-b of part A of chapter 56 of the laws of 2015, is amended to read as follows:

a. Notwithstanding any other provisions of law, upon application to the commissioner of education submitted not sooner than April first and not later than June thirtieth of the applicable school year, the Roosevelt union free school district shall be eligible to receive an apportionment pursuant to this chapter for salary expenses, including related benefits, incurred between April first and June thirtieth of such school year. Such apportionment shall not exceed: for the 1996-97 school year through the [2015-16] 2016-17 school year, four million dollars (\$4,000,000); for the [2016-17] 2017-18 school year, three million dollars (\$3,000,000); for the [2017-18] 2018-19 school year, two million dollars (\$2,000,000); for the [2018-19] 2019-20 school year, one million dollars (\$1,000,000); and for the [2019-20] 2020-21 school year, zero dollars. Such annual application shall be made after the board of education has adopted a resolution to do so with the approval of the commissioner of education.

S 18. (a) All the acts done and proceedings heretofore had and taken or caused to be had and taken by a school district and by all officers, employees or agents of each such school district relating to or in connection with transportation contracts (1) identified by the state education department as having been filed or executed late prior to June 30, 2016, and (2) for which an aid adjustment or recovery has not been initiated by the state education department as of the effective date of this act are hereby legalized, validated, ratified and confirmed, notwithstanding any failure to comply with the contract filing provisions of the education law, other than those filing provisions defined in paragraph a of subdivision 5 of section 3604 of the education law, in relation to any omission, error, defect, irregularity or illegality in such proceeding had and taken.

(b) The education department is hereby directed to consider the aforementioned contracts for transportation aid as valid and proper obligations of such school district.

S 19. a. Notwithstanding any other provision of law to the contrary, the actions or omissions of any school district which failed to submit a final building project cost report by June 30 of the school year following June 30 of the school year in which the certificate of substantial completion of the project is issued by the architect or engineer, or six months after issuance of such certificate, whichever is later, are hereby ratified and validated, provided the following conditions have been met: (i) that such building project was eligible for aid in a year for which the commissioner of education is required to prepare an estimate of apportionments due and owing pursuant to paragraph c of subdivision

21 of section 305 of the education law, and (ii) (A) that the school district was notified in writing by the state education department after March 1, 2015 but before July 1, 2016 that such final building cost reports were late, or (B) such building project was eligible for an installment recovery pursuant to sections 25-a, 25-b, 25-c, 25-d, and 25-e of part A of chapter 56 of the laws of 2015 or section 9-a of part A of chapter 56 of the laws of 2014 or section 24-a or part A of chapter 57 of the laws of 2013; provided, however, that notwithstanding any other provision of law to the contrary, the state education department shall not refund any monies for which recovery of excess payments has already been made pursuant to paragraph c of subdivision 5 of section 3604 of the education law and this act.

b. The education department is hereby directed to adjust the approved costs of the aforementioned projects for the 2016-2017 school year and thereafter to reflect the ratification and validation provided in this act and to consider such adjusted approved costs as valid and proper obligations of such school districts.

S 20. This act shall take effect immediately; provided, however, that a. the amendments made to paragraph b-1 of subdivision 4 of section 3602 of the education law by section one of this act shall not affect the expiration of such paragraph and shall be deemed to expire there-with;

b. any rules and regulations necessary for the implementation of section three of this act shall be promulgated and take effect one hundred eighty days after such effective date;

c. amendments to section 2022 of the education law made by section six of this act shall be subject to the expiration and reversion of such section pursuant to section 13 of part A of chapter 97 of the laws of 2011, as amended, when upon such date the provisions of section seven of this act shall take effect;

d. the provisions of section eight of this act increasing the limitation on aid from \$12.6 million to \$17.1 million shall apply to aid distributed to school districts beginning in the 2015-2016 school year;

e. the provisions of section ten of this act shall take effect on the first day of a quarterly sales tax period, as set forth in subdivision (b) of section 1136 of the tax law, next succeeding April 1, 2016;

f. the provisions of section twelve of this act shall be deemed to have been in full force and effect on and after March 31, 2014;

g. the provisions of section fourteen of this act shall first apply to the levy of taxes by local governments for the fiscal year commencing in 2017; and

h. section sixteen of this act shall take effect July 1, 2016.

PART A-2

Section 1. Short title. This act shall be known and may be cited as "Erin Merryn's law".

S 2. Legislative findings and intent. The legislature finds and declares that child sexual abuse, estimated to affect up to one in four girls and up to one in six boys, poses a grave threat to the health and safety of young people, and its damaging effects can last a lifetime.

The legislature also finds and declares that child sexual exploitation, including the use of children in pornography and prostitution, and child abduction pose a similar threat to the health and safety of young people, and put child victims at grave risk of death or severe bodily harm.

1 The legislature also finds and declares that the incidence of child
2 sexual abuse, child sexual exploitation and child abduction can be
3 reduced by raising awareness among young children of common dangers and
4 warning signs, empowering children to better protect themselves from
5 sexual predators, and teaching children how to obtain any necessary
6 assistance or services.

7 It is hereby declared to be the public policy and in the public inter-
8 est of this state to establish a comprehensive program to provide an
9 age-appropriate course of instruction in the prevention of child abduc-
10 tion, child sexual exploitation and child sexual abuse.

11 S 3. Section 305 of the education law is amended by adding a new
12 subdivision 55 to read as follows:

13 55. A. THE COMMISSIONER SHALL MAKE RECOMMENDATIONS TO THE REGENTS
14 RELATING TO INSTRUCTION TO PREVENT CHILD SEXUAL EXPLOITATION AND CHILD
15 ABUSE IN GRADES KINDERGARTEN THROUGH EIGHT.

16 B. PRIOR TO MAKING THE RECOMMENDATIONS TO THE REGENTS, THE COMMISSION-
17 ER SHALL:

18 (I) SEEK THE RECOMMENDATIONS OF TEACHERS, SCHOOL ADMINISTRATORS,
19 TEACHER EDUCATORS AND OTHERS WITH EDUCATIONAL EXPERTISE IN THE PROPOSED
20 CURRICULUM;

21 (II) SEEK COMMENT FROM PARENTS, STUDENTS AND OTHER INTERESTED PARTIES;

22 (III) CONSIDER THE AMOUNT OF INSTRUCTIONAL TIME SUCH CURRICULUM WILL
23 REQUIRE AND WHETHER SUCH TIME WOULD DETRACT FROM OTHER MANDATED COURSES
24 OF STUDY;

25 (IV) CONSIDER THE FISCAL IMPACT, IF ANY, ON THE STATE AND SCHOOL
26 DISTRICTS; AND

27 (V) CONSIDER ANY ADDITIONAL FACTORS THE COMMISSIONER DEEMS RELEVANT.

28 C. NO LATER THAN ONE HUNDRED EIGHTY DAYS AFTER THE EFFECTIVE DATE OF
29 THIS SUBDIVISION, THE COMMISSIONER SHALL PROVIDE A RECOMMENDATION TO THE
30 REGENTS TO EITHER ADOPT AND PROMULGATE APPROPRIATE RULES AND REGULATIONS
31 IMPLEMENTING SUCH CURRICULUM OR REJECT THE IMPLEMENTATION OF SUCH
32 CURRICULUM. UPON RECEIVING A RECOMMENDATION FROM THE COMMISSIONER,
33 PURSUANT TO THIS SUBDIVISION, THE REGENTS SHALL VOTE TO EITHER ACCEPT OR
34 REJECT THE COMMISSIONER'S RECOMMENDATION NO LATER THAN SIXTY DAYS AFTER
35 RECEIVING SUCH RECOMMENDATION.

36 D. IF THE REGENTS ADOPT SUCH CURRICULUM, THE CURRICULUM REQUIREMENT
37 SHALL TAKE EFFECT NO LATER THAN THE NEXT SCHOOL YEAR AFTER SUCH CURRIC-
38 ULUM HAS BEEN ADOPTED.

39 E. IF THE REGENTS REJECT SUCH CURRICULUM, THE COMMISSIONER SHALL
40 PROVIDE A REPORT AS TO THE DETERMINATION OF THE REGENTS TO THE GOVERNOR,
41 THE TEMPORARY PRESIDENT OF THE SENATE, THE SPEAKER OF THE ASSEMBLY AND
42 THE CHAIRS OF THE SENATE AND ASSEMBLY COMMITTEES ON EDUCATION PROVIDING
43 THE REASONS FOR SUCH REJECTION NOT LATER THAN THIRTY DAYS AFTER THE
44 REGENTS REJECT SUCH CURRICULUM.

45 S 4. This act shall take effect immediately.

46 PART B

47 Section 1. Section 2801-a of the education law, as added by chapter
48 181 of the laws of 2000, subdivision 1 as amended by chapter 380 of the
49 laws of 2001, is amended to read as follows:

50 S 2801-a. School safety plans. 1. The board of education or trustees,
51 as defined in section two of this chapter, of every school district
52 within the state, however created, and every board of cooperative educa-
53 tional services and county vocational education and extension board and
54 the chancellor of the city school district of the city of New York shall

1 adopt and amend a comprehensive district-wide school safety plan and
2 building-level [school safety] EMERGENCY RESPONSE plans regarding crisis
3 intervention, emergency response and management, provided that in the
4 city school district of the city of New York, such plans shall be
5 adopted by the chancellor of the city school district. Such plans shall
6 be developed by a district-wide school safety team and a building-level
7 school safety team established pursuant to subdivision four of this
8 section and shall be in a form developed by the commissioner in consul-
9 tation with the division of criminal justice services, the superinten-
10 dent of the state police and any other appropriate state agencies. A
11 school district having only one school building, shall develop a single
12 building-level school safety plan, which shall also fulfill all require-
13 ments for development of a district-wide plan.

14 2. Such comprehensive district-wide safety plan shall be developed by
15 the district-wide school safety team and shall include at a minimum:

16 a. policies and procedures for responding to implied or direct threats
17 of violence by students, teachers, other school personnel as well as
18 visitors to the school;

19 b. policies and procedures for responding to acts of violence by
20 students, teachers, other school personnel as well as visitors to the
21 school, including consideration of zero-tolerance policies for school
22 violence;

23 B-1. POLICIES AND PROCEDURES FOR RESPONDING TO A STUDENT WHERE IT IS
24 REASONABLE TO BELIEVE THAT THE STUDENT IS AT RISK OF HARMING HIMSELF OR
25 HERSELF AS MANIFESTED BY A THREAT OF SUICIDE OR OTHER CONDUCT DEMON-
26 STRATING THAT THE STUDENT IS A DANGER TO HIMSELF OR HERSELF;

27 c. appropriate prevention and intervention strategies such as:

28 (i) collaborative arrangements with state and local law enforcement
29 officials, designed to ensure that school safety officers and other
30 security personnel are adequately trained, including being trained to
31 de-escalate potentially violent situations, and are effectively and
32 fairly recruited;

33 (ii) non-violent conflict resolution training programs;

34 (iii) peer mediation programs and youth courts; and

35 (iv) extended day and other school safety programs;

36 d. policies and procedures for contacting appropriate law enforcement
37 officials in the event of a violent incident;

38 e. policies and procedures for contacting parents, guardians or
39 persons in parental relation to the students of the district in the
40 event of a violent incident;

41 E-1. POLICIES AND PROCEDURES FOR CONTACTING PARENTS, GUARDIANS OR
42 PERSONS IN PARENTAL RELATION TO A STUDENT OF THE DISTRICT WHERE IT IS
43 REASONABLE TO BELIEVE THAT THE STUDENT IS AT RISK OF HARMING HIMSELF OR
44 HERSELF AS MANIFESTED BY A THREAT OF SUICIDE OR OTHER CONDUCT DEMON-
45 STRATING THAT THE STUDENT IS A DANGER TO HIMSELF OR HERSELF;

46 f. policies and procedures relating to school building security,
47 including where appropriate the use of school safety officers and/or
48 security devices or procedures;

49 g. policies and procedures for the dissemination of informative mate-
50 rials regarding the early detection of potentially violent behaviors,
51 including but not limited to the identification of family, community and
52 environmental factors, to teachers, administrators, school personnel,
53 persons in parental relation to students of the district, students and
54 other persons deemed appropriate to receive such information;

55 h. policies and procedures for annual school safety training for staff
56 and students;

1 i. protocols for responding to bomb threats, hostage-takings, intru-
2 sions and kidnappings;
3 j. strategies for improving communication among students and between
4 students and staff and reporting of potentially violent incidents, such
5 as the establishment of youth-run programs, peer mediation, conflict
6 resolution, creating a forum or designating a mentor for students
7 concerned with bullying or violence and establishing anonymous reporting
8 mechanisms for school violence; [and]
9 k. a description of the duties of hall monitors and any other school
10 safety personnel, the training required of all personnel acting in a
11 school security capacity, and the hiring and screening process for all
12 personnel acting in a school security capacity; AND
13 1. THE DESIGNATION OF THE SUPERINTENDENT, OR SUPERINTENDENT'S DESIG-
14 NEE, AS THE DISTRICT CHIEF EMERGENCY OFFICER RESPONSIBLE FOR COORDINAT-
15 ING COMMUNICATION BETWEEN SCHOOL STAFF AND LAW ENFORCEMENT AND FIRST
16 RESPONDERS, AND ENSURING STAFF UNDERSTANDING OF THE DISTRICT-LEVEL SAFE-
17 TY PLAN. THE CHIEF EMERGENCY OFFICER SHALL ALSO BE RESPONSIBLE FOR
18 ENSURING THE COMPLETION AND YEARLY UPDATING OF BUILDING-LEVEL EMERGENCY
19 RESPONSE PLANS.
20 3. A school emergency response plan, developed by the building-level
21 school safety team defined in subdivision four of this section, shall BE
22 KEPT CONFIDENTIAL, INCLUDING BUT NOT LIMITED TO THE FLOOR PLANS, BLUE-
23 PRINTS, SCHEMATICS OR OTHER MAPS OF THE SCHOOL INTERIOR, SCHOOL GROUNDS
24 AND ROAD MAPS OF THE IMMEDIATE SURROUNDING AREA, AND SHALL NOT BE
25 DISCLOSED EXCEPT TO AUTHORIZED DEPARTMENT OR SCHOOL STAFF, AND LAW
26 ENFORCEMENT OFFICERS, AND SHALL include the following elements:
27 a. policies and procedures for [the safe evacuation of students,
28 teachers, other school personnel as well as visitors to the school in
29 the event of a serious violent incident or other emergency, which shall
30 include evacuation routes and shelter sites and procedures for address-
31 ing medical needs, transportation and emergency notification to persons
32 in parental relation to a student. For purposes of this subdivision,
33 "serious violent incident" means an incident of violent criminal conduct
34 that is, or appears to be, life threatening and warrants the evacuation
35 of students and/or staff, as defined in regulations of the commissioner
36 developed in conjunction with the division of criminal justice services]
37 RESPONSE TO EMERGENCY SITUATIONS, SUCH AS THOSE REQUIRING EVACUATION,
38 SHELTERING, AND LOCK-DOWN. THESE POLICIES SHALL INCLUDE, AT A MINIMUM,
39 EVACUATION ROUTES, SHELTER SITES, AND PROCEDURES FOR ADDRESSING MEDICAL
40 NEEDS, TRANSPORTATION AND EMERGENCY NOTIFICATION OF PARENTS AND GUARDI-
41 ANS;
42 b. designation of an emergency response team comprised of school
43 personnel, [local] law enforcement officials, FIRE OFFICIALS and repre-
44 sentatives from local regional and/or state emergency response agencies,
45 other appropriate incident response teams, and a post-incident response
46 team that includes appropriate school personnel, medical personnel,
47 mental health counselors and others who can assist the school community
48 in coping with the aftermath of a violent incident;
49 c. [procedures for assuring that crisis response and law enforcement
50 officials have access to] floor plans, blueprints, schematics or other
51 maps of the school interior, school grounds and road maps of the immedi-
52 ate surrounding area;
53 d. establishment of internal and external communication systems in
54 emergencies;
55 e. definition of the chain of command in a manner consistent with the
56 national interagency incident management system/incident command system;

1 f. coordination of the school safety plan with the state-wide plan for
2 disaster mental health services to assure that the school has access to
3 federal, state and local mental health resources in the event of a
4 violent incident;

5 g. procedures for review and the conduct of drills and other exercises
6 to test components of the emergency response plan; and

7 h. policies and procedures for securing and restricting access to the
8 crime scene in order to preserve evidence in cases of violent crimes on
9 school property.

10 4. Each district-wide school safety team shall be appointed by the
11 board of education, or the chancellor in the case of the city school
12 district of the city of New York, and shall include but not be limited
13 to representatives of the school board, [student,] teacher, administra-
14 tor, and parent organizations, school safety personnel, and other school
15 personnel. Each building-level school safety team shall be appointed by
16 the building principal, in accordance with regulations or guidelines
17 prescribed by the board of education, chancellor or other governing
18 body. Such building-level teams shall include but not be limited to
19 representatives of teacher, administrator, and parent organizations,
20 school safety personnel and other school personnel, community members,
21 [local] law enforcement officials, [local ambulance] FIRE OFFICIALS or
22 other emergency response agencies, and any other representatives the
23 board of education, chancellor or other governing body deems appropri-
24 ate.

25 5. [Each safety plan shall be reviewed by the appropriate school safe-
26 ty team on at least an annual basis, and updated as needed] THE
27 DISTRICT-WIDE SAFETY PLAN AND BUILDING-LEVEL EMERGENCY RESPONSE PLANS
28 SHALL BE REVIEWED BY THE APPROPRIATE TEAM ON AT LEAST AN ANNUAL BASIS
29 AND UPDATED AS NEEDED.

30 6. Each board of education, chancellor or other governing body shall
31 make each district-wide [and building-level school] safety plan avail-
32 able for public comment at least thirty days prior to its adoption[,
33 provided that only a summary of each building-level emergency response
34 plan shall be made available for public comment]. Such district-wide
35 [and building-level] plans may be adopted by the school board only after
36 at least one public hearing that provides for the participation of
37 school personnel, parents, students and any other interested parties.
38 Each district shall file a copy of its district-wide [comprehensive]
39 safety plan with the commissioner and all amendments to such plan shall
40 be filed with the commissioner no later than thirty days after their
41 adoption.

42 [A] 7. EACH BOARD OF EDUCATION, CHANCELLOR OR OTHER GOVERNING BODY OR
43 OFFICER SHALL ENSURE A copy of each building-level [safety] EMERGENCY
44 RESPONSE plan and any amendments thereto, shall be filed with the appro-
45 priate local law enforcement agency and with the state police within
46 thirty days of its adoption. Building-level emergency response plans
47 shall be confidential and shall not be subject to disclosure under arti-
48 cle six of the public officers law or any other provision of law. If the
49 board of education, chancellor or other governing body or chancellor
50 fails to file such plan as required by this section, the commissioner
51 may, in an amount determined by the commissioner, withhold public money
52 from the district until the district is in compliance.

53 [7. The commissioner may grant a waiver of the requirements of this
54 section to any school district or board of cooperative educational
55 services for a period of up to two years from the date of enactment upon
56 a finding by the commissioner that such district had adopted a compre-

1 hensive school safety plan on the effective date of this section which
2 is in substantial compliance with the requirements of this section.]

3 8. The commissioner shall annually report to the governor and the
4 legislature on the implementation and compliance with the provisions of
5 this section.

6 9. Whenever it shall have been demonstrated to the satisfaction of the
7 commissioner that a school district has failed to adopt a code of
8 conduct which fully satisfies the requirements of section twenty-eight
9 hundred one of this article, or a [school safety plan] DISTRICT-WIDE
10 SAFETY PLAN OR BUILDING-LEVEL EMERGENCY RESPONSE PLANS which satisfies
11 the requirements of this section, or to faithfully and completely imple-
12 ment [either or both] ALL THREE, the commissioner may, on thirty days
13 notice to the district, withhold from the district monies to be paid to
14 such district for the current school year pursuant to section thirty-six
15 hundred nine-a of this chapter, exclusive of monies to be paid in
16 respect of obligations to the retirement systems for school and district
17 staff and pursuant to collective bargaining agreements, or the commis-
18 sioner may direct the district to expend up to such amount upon the
19 development and implementation of a code of conduct and a school
20 district safety plan as required by such sections. Prior to such with-
21 holding or redirection, the commissioner shall provide the district an
22 opportunity to present evidence of extenuating circumstances; when
23 combined with evidence that the district shall promptly comply within
24 short time frames that shall be established by the commissioner as part
25 of an agreement between the district and the commissioner, the commis-
26 sioner may temporarily stay the withholding or redirection of funds
27 pending implementation of such agreement. If the district promptly and
28 fully complies with the agreement and is in full compliance with this
29 section and section twenty-eight hundred one of this article, the
30 commissioner shall abate the withholding in its entirety. Any failure to
31 meet the obligations of the compliance agreement by the district within
32 the time frames established shall be considered a willful violation of a
33 commissioner's order by the members of the district board for purposes
34 of subdivision one of section three hundred six of the education law.
35 Notwithstanding any other law, rule or regulation, such transfer shall
36 take effect upon filing of a notice thereof with the director of the
37 budget and the chairs of the senate finance and assembly ways and means
38 committees.

39 S 2. The section heading and subdivisions 1 and 1-a of section 807 of
40 the education law, the section heading as amended by chapter 765 of the
41 laws of 1964, subdivision 1 as amended by chapter 143 of the laws of
42 1985 and subdivision 1-a as added by chapter 9 of the laws of 1991, are
43 amended to read as follows:

44 Fire AND EMERGENCY drills. 1. It shall be the duty of the principal
45 or other person in charge of every public or private school or educa-
46 tional institution within the state, other than colleges or universi-
47 ties, to instruct and train the pupils by means of drills, so that they
48 may in a sudden emergency be able to [leave the school building] RESPOND
49 APPROPRIATELY in the shortest possible time and without confusion or
50 panic. Such drills [or rapid dismissals] shall be held at least twelve
51 times in each school year, eight of which required drills shall be held
52 between September first and December [first] THIRTY-FIRST of each such
53 year. [At least one-third of all such required drills shall be through
54 use of the fire escapes on buildings where fire escapes are provided. In
55 the course of at least one such drill, pupils shall be instructed in the
56 procedure to be followed in the event that a fire occurs during lunch

1 period, provided however, that such additional instruction may be waived
2 where a drill is held during the regular school lunch period. At least
3 four] EIGHT OF ALL SUCH DRILLS SHALL BE EVACUATION DRILLS, FOUR OF WHICH
4 SHALL BE THROUGH USE OF THE FIRE ESCAPES ON BUILDINGS WHERE FIRE ESCAPES
5 ARE PROVIDED OR THROUGH THE USE OF IDENTIFIED SECONDARY MEANS OF EGRESS.
6 FOUR OF ALL SUCH REQUIRED DRILLS SHALL BE LOCK-DOWN DRILLS. DRILLS
7 SHALL BE CONDUCTED AT DIFFERENT TIMES OF THE SCHOOL DAY. FOUR additional
8 drills shall be held in each school year during the hours after sunset
9 and before sunrise in school buildings in which students are provided
10 with sleeping accommodations. At least two additional drills shall be
11 held during summer school in buildings where summer school is conducted,
12 and one of such drills shall be held during the first week of summer
13 school.

14 1-a. In the case of after-school programs, events or performances
15 which are conducted within a school building and which include persons
16 who do not regularly attend classes in such school building, the princi-
17 pal or other person in charge of the building shall require the teacher
18 or person in charge of such after-school program, event or performance
19 to notify persons in attendance at the beginning of each such program,
20 event or performance, of the procedures to be followed in the event of
21 an emergency so that they may be able to [leave the building] RESPOND in
22 a timely, orderly manner.

23 S 3. Subdivision 7 of section 3604 of the education law, as amended by
24 section 31 of part B of chapter 57 of the laws of 2007, is amended to
25 read as follows:

26 7. No district shall be entitled to any portion of such school moneys
27 on such apportionment unless the report of the trustees or board of
28 education for the preceding school year shall show that the public
29 schools were actually in session in the district and taught by a quali-
30 fied teacher or by successive qualified teachers or by qualified teach-
31 ers for not less than one hundred eighty days. The moneys payable to a
32 school district pursuant to section thirty-six hundred nine-a of this
33 chapter in the current year shall be reduced by one one-hundred eight-
34 ieth of the district's total foundation aid for each day less than one
35 hundred eighty days that the schools of the district were actually in
36 session, except that the commissioner may disregard such reduction, up
37 to five days, in the apportionment of public money, if he finds that the
38 schools of the district were not in session for one hundred eighty days
39 because of extraordinarily adverse weather conditions, impairment of
40 heating facilities, insufficiency of water supply, shortage of fuel,
41 lack of electricity, natural gas leakage, unacceptable levels of chemi-
42 cal substances, A CREDIBLE THREAT TO STUDENT SAFETY AS REASONABLY DETER-
43 MINED BY A LEAD SCHOOL OFFICIAL or the destruction of a school building
44 either in whole or in part, and if, further, the commissioner finds that
45 such district cannot make up such days of instruction by using for the
46 secondary grades all scheduled vacation days which occur prior to the
47 first scheduled regents examination day in June, and for the elementary
48 grades all scheduled vacation days which occur prior to the last sched-
49 uled regents examination day in June. For the purposes of this subdivi-
50 sion, "scheduled vacation days" shall mean days on which the schools of
51 the district are not in session and for which no prohibition exists in
52 subdivision eight of this section for them to be in session.

53 S 4. This act shall take effect July 1, 2016.

1 Section 1. Subparagraphs a and b of paragraph 2 of subdivision A of
2 section 6221 of the education law, as added by chapter 305 of the laws
3 of 1979, is amended to read as follows:

4 a. Notwithstanding any other provision of law, the city of New York
5 shall appropriate in its expense budget and pay to the account of the
6 senior colleges of the city university of New York as operating aid
7 amounts in accordance with the following schedule:

8 (i) For the twelve-month period commencing July first, nineteen
9 hundred seventy-nine, an amount equal to the lesser of fifty-eight
10 million, three hundred ninety-three thousand dollars (\$58,393,000) or
11 twenty-five per centum of the net operating expenses of such senior
12 college programs and services, as certified by the comptroller of the
13 state of New York to be properly chargeable to such twelve-month period;

14 (ii) For the twelve-month period commencing July first, nineteen
15 hundred eighty, an amount equal to eighty per centum of the amount spec-
16 ified in (i) of subparagraph a of this paragraph.

17 (iii) For the twelve-month period commencing July first, nineteen
18 hundred eighty-one, an amount equal to forty per centum of the amount
19 specified in (i) of subparagraph a of this paragraph.

20 [b.] (IV) For the [twelve-month] period commencing July first, nine-
21 teen hundred eighty-two and [thereafter] ENDING JUNE THIRTIETH, TWO
22 THOUSAND SIXTEEN, the city of New York shall not be required to make any
23 appropriation in support of the net operating expenses of the programs
24 and services of the senior colleges of the city university.

25 (V) FOR THE TWELVE-MONTH PERIOD COMMENCING JULY FIRST, TWO THOUSAND
26 SIXTEEN AND FOR EACH TWELVE MONTH PERIOD THEREAFTER, AN AMOUNT EQUAL TO
27 THIRTY PER CENTUM OF THE NET OPERATING EXPENSES OF THE APPROVED PROGRAMS
28 AND SERVICES OF THE SENIOR COLLEGES, PLUS AN ADDITIONAL AMOUNT EQUAL TO
29 THIRTY PER CENTUM OF THE CITY UNIVERSITY SENIOR COLLEGE DEBT SERVICE AND
30 CAPITAL CONSTRUCTION ADMINISTRATIVE EXPENSE FOR THE TWELVE-MONTH PERIOD
31 FIRST BEGINNING APRIL FIRST, TWO THOUSAND FOURTEEN AND FOR EACH TWELVE-
32 MONTH PERIOD THEREAFTER AS CERTIFIED BY THE DIRECTOR OF THE BUDGET TO BE
33 PROPERLY CHARGEABLE TO SUCH TWELVE-MONTH PERIOD.

34 S 2. Subparagraph c of paragraph 2 of subdivision A of section 6221 of
35 the education law is relettered subparagraph b.

36 S 3. Subparagraph d of paragraph 2 of subdivision A of section 6221 of
37 the education law is relettered subparagraph c.

38 S 4. Subparagraph e of paragraph 2 of subdivision A of section 6221 of
39 the education law, as added by chapter 815 of the laws of 1980 and the
40 opening paragraph and item (iii) as amended by chapter 87 of the laws of
41 2002, is amended to read as follows:

42 [e.] D. In addition to the amounts specified in subparagraph a of this
43 paragraph [and notwithstanding the provisions of subparagraph b of this
44 paragraph], the city of New York shall appropriate in its expense budget
45 and pay to the account of the senior colleges of the city university of
46 New York as the city's share of operating aid for the college of Staten
47 Island and New York city college of technology amounts in accordance
48 with the following schedule:

49 (i) For the twelve month period commencing July first, nineteen
50 hundred eighty, an amount that shall equal four million, one hundred
51 thousand dollars (\$4,100,000).

52 (ii) For the twelve month period commencing July first, nineteen
53 hundred eighty-one, an amount equal to one-half of the amount specified
54 in clause (i) of this subparagraph.

55 (iii) For the [twelve month] period commencing July first, nineteen
56 hundred eighty-two, and [thereafter] ENDING JUNE THIRTIETH, TWO THOUSAND

1 SIXTEEN the city of New York shall not be required to make any appropri-
2 ation for operating aid for the college of Staten Island and New York
3 city college of technology.

4 S 5. Paragraph 4 of subdivision A of section 6221 of the education
5 law, as added by chapter 305 of the law of 1979, is amended to read as
6 follows:

7 4. [Commencing] NOTWITHSTANDING THE PROVISION OF ANY LAW, RULE OR
8 REGULATION TO THE CONTRARY, (A) COMMENCING with the twelve-month period
9 beginning July first, nineteen hundred eighty-two and [thereafter]
10 ENDING JUNE THIRTIETH, TWO THOUSAND SIXTEEN, the state shall reimburse
11 to the city of New York one hundred per centum of the net operating
12 expenses of the approved programs and services of the senior
13 colleges[.]; AND

14 (B) COMMENCING WITH THE TWELVE-MONTH PERIOD BEGINNING JULY FIRST, TWO
15 THOUSAND SIXTEEN AND FOR EACH TWELVE-MONTH PERIOD THEREAFTER, THE STATE
16 SHALL REIMBURSE TO THE CITY OF NEW YORK SEVENTY PER CENTUM OF THE NET
17 OPERATING EXPENSES OF THE APPROVED PROGRAMS AND SERVICES OF THE SENIOR
18 COLLEGES LESS AN ADDITIONAL AMOUNT EQUAL TO THIRTY PER CENTUM OF THE
19 CITY UNIVERSITY SENIOR COLLEGE DEBT SERVICE AND CAPITAL CONSTRUCTION
20 ADMINISTRATIVE EXPENSE FOR THE TWELVE-MONTH PERIOD FIRST BEGINNING APRIL
21 FIRST, TWO THOUSAND FOURTEEN AND FOR EACH TWELVE MONTH PERIOD THEREAFTER
22 AS CERTIFIED BY THE DIRECTOR OF THE BUDGET TO BE PROPERLY CHARGEABLE TO
23 SUCH TWELVE-MONTH PERIOD.

24 S 6. Subdivision D of section 6221 of the education law, as added by
25 chapter 815 of the laws of 1980 and as relettered by chapter 585 of the
26 laws of 1988, is amended to read as follows:

27 D. College of Staten Island. Notwithstanding the designation of the
28 college of Staten Island as a senior college:

29 (i) the city of New York shall annually appropriate in its expense
30 budget and pay to the city university of New York, as operating aid in
31 support of the programs and services of the college of Staten Island, an
32 amount for each full-time equivalent student in the associate degree
33 program of the college equal to the amount the city of New York is
34 appropriating and paying for each full-time equivalent student in the
35 community colleges;

36 (ii) and the state of New York shall annually appropriate and pay to
37 the city university of New York an amount equal to [the net operating]
38 ITS SHARE OF expenses of the college of Staten Island less the amount
39 payable by the city of New York pursuant to this [subdivision] SECTION.
40 Such state of New York payment shall be made in four installments on or
41 before April twenty-fifth, June twenty-fifth, October twenty-fifth and
42 January twenty-fifth. The amount to be paid by the city of New York
43 pursuant to this subdivision shall be determined by the state director
44 of the budget, based upon information submitted by the mayor in such
45 form and content and at such time as may be [required] REQUIRED by the
46 state director of the budget.

47 S 7. Subdivision E of section 6221 of the education law, as added by
48 chapter 170 of the laws of 1994, paragraph (i) as amended by section 2
49 and paragraph (ii) as renumbered by section 3 of part HH of chapter 57
50 of the laws of 2009, is amended to read as follows:

51 E. Medgar Evers college. Notwithstanding the designation of Medgar
52 Evers college as a senior college:

53 (i) in addition to the amounts specified in subparagraph e of para-
54 graph two of subdivision A of this section, the city of New York shall
55 annually appropriate in its expense budget and pay to the city universi-
56 ty of New York as operating aid in support of the programs and services,

1 an amount for each full-time equivalent student in the associate degree
2 program of the college equal to the amount the city of New York is
3 appropriating and paying for each full-time equivalent student in the
4 community colleges; and

5 (ii) the state of New York shall annually appropriate and pay to the
6 city of New York on behalf of the city university of New York an amount
7 equal to [the net operating] ITS SHARE OF expenses of Medgar Evers
8 college less the amount payable by the city of New York pursuant to this
9 [subdivision] SECTION. Such state of New York payment shall be made in
10 four installments on or before April twenty-fifth, June twenty-fifth,
11 October twenty-fifth and February twenty-fifth. The amount to be paid by
12 the city of New York pursuant to this subdivision shall be determined by
13 the state director of the budget, based upon information submitted by
14 the mayor in such form and content and at such time as may be required
15 by the state director of the budget.

16 S 8. This act shall take effect immediately.

17 PART D

18 Section 1. Subparagraph 4 of paragraph h of subdivision 2 of section
19 355 of the education law, as amended by chapter 260 of the laws of 2011,
20 the opening paragraph as amended by chapter 437 of the laws of 2015 and
21 clause (ii) as amended by section 1 of part P of chapter 57 of the laws
22 of 2012, is amended to read as follows:

23 (4) The trustees shall not impose a differential tuition charge based
24 upon need or income. Except as hereinafter provided, all students
25 enrolled in programs leading to like degrees at state-operated insti-
26 tutions of the state university shall be charged a uniform rate of
27 tuition except for differential tuition rates based on state residency.
28 Provided, however, that the trustees may authorize the presidents of the
29 colleges of technology and the colleges of agriculture and technology to
30 set differing rates of tuition for each of the colleges for students
31 enrolled in degree-granting programs leading to an associate degree and
32 non-degree granting programs so long as such tuition rate does not
33 exceed the tuition rate charged to students who are enrolled in like
34 degree programs or degree-granting undergraduate programs leading to a
35 baccalaureate degree at other state-operated institutions of the state
36 university of New York. Notwithstanding any other provision of this
37 subparagraph, the trustees may authorize the setting of a separate cate-
38 gory of tuition rate, that shall be greater than the tuition rate for
39 resident students and less than the tuition rate for non-resident
40 students, only for students enrolled in distance learning courses who
41 are not residents of the state. Except as otherwise authorized in this
42 subparagraph, the trustees shall not adopt changes affecting tuition
43 charges prior to the enactment of the annual budget, provided however
44 that:

45 (i) Commencing with the two thousand eleven--two thousand twelve
46 academic year and ending in the two thousand fifteen--two thousand
47 sixteen 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 three 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

1 six hundred eighty-nine-a of this title, shall be applied toward the
2 tuition charged for each semester, quarter or term of study. Tuition for
3 each semester, quarter or term of study shall not be due for any student
4 eligible to receive such tuition credit until the tuition credit is
5 calculated and applied against the tuition charged for the corresponding
6 semester, quarter or term.

7 (ii) [On or before November thirtieth, two thousand eleven, the trus-
8 tees shall approve and submit to the chairs of the assembly ways and
9 means committee and the senate finance committee and to the director of
10 the budget a master tuition plan setting forth the tuition rates that
11 the trustees propose for resident undergraduate students for the five
12 year period commencing with the two thousand eleven--two thousand twelve
13 academic year and ending in the two thousand fifteen--two thousand
14 sixteen academic year, and shall submit any proposed amendments to such
15 plan by November thirtieth of each subsequent year thereafter through
16 November thirtieth, two thousand fifteen, and provided further, that
17 with the approval of the board of trustees, each university center may
18 increase non-resident undergraduate tuition rates each year by not more
19 than ten percent over the tuition rates of the prior academic year for a
20 five year period commencing with the semester following the semester in
21 which the governor and the chancellor of the state university of New
22 York approve the NY-SUNY 2020 proposal for such university center.]
23 COMMENCING WITH THE TWO THOUSAND SIXTEEN--TWO THOUSAND SEVENTEEN ACADEM-
24 IC YEAR AND ENDING IN THE TWO THOUSAND TWENTY--TWO THOUSAND TWENTY-ONE
25 ACADEMIC YEAR IF THE ANNUAL RESIDENT UNDERGRADUATE RATE OF TUITION WOULD
26 EXCEED FIVE THOUSAND DOLLARS, THEN A TUITION CREDIT FOR EACH ELIGIBLE
27 STUDENT, AS DETERMINED AND CALCULATED BY THE NEW YORK STATE HIGHER
28 EDUCATION SERVICES CORPORATION PURSUANT TO SECTION SIX HUNDRED
29 EIGHTY-NINE-A OF THIS TITLE, SHALL BE APPLIED TOWARD THE TUITION CHARGED
30 FOR EACH SEMESTER, QUARTER OR TERM OF STUDY. TUITION FOR EACH SEMESTER,
31 QUARTER OR TERM OF STUDY SHALL NOT BE DUE FOR ANY STUDENT ELIGIBLE TO
32 RECEIVE SUCH TUITION CREDIT UNTIL THE TUITION CREDIT IS CALCULATED AND
33 APPLIED AGAINST THE TUITION CHARGED FOR THE CORRESPONDING SEMESTER,
34 QUARTER OR TERM.

35 (iii) The state shall appropriate annually and make available general
36 fund operating support, including fringe benefits, for the state univer-
37 sity in an amount not less than the amount appropriated and made avail-
38 able to the state university in state fiscal year two thousand eleven--
39 two thousand twelve. Beginning in state fiscal year two thousand
40 [twelve] SIXTEEN--two thousand [thirteen] SEVENTEEN and thereafter, the
41 state shall appropriate and make available general fund operating
42 support[, including fringe benefits,] for the state university AND THE
43 STATE UNIVERSITY HEALTH SCIENCE CENTERS in an amount not less than the
44 [amount] AMOUNTS SEPARATELY appropriated and made available in the prior
45 state fiscal year; provided, however, THE STATE SHALL APPROPRIATE AND
46 MAKE AVAILABLE GENERAL FUND OPERATING SUPPORT TO COVER ALL MANDATORY
47 COSTS OF THE STATE UNIVERSITY AND THE STATE UNIVERSITY HEALTH SCIENCE
48 CENTERS, WHICH SHALL INCLUDE, BUT NOT BE LIMITED TO, COLLECTIVE BARGAIN-
49 ING COSTS INCLUDING SALARY INCREMENTS, FRINGE BENEFITS, AND OTHER
50 NON-PERSONAL SERVICE COSTS SUCH AS UTILITY COSTS, BUILDING RENTALS AND
51 OTHER INFLATIONARY EXPENSES INCURRED BY THE STATE UNIVERSITY AND THE
52 STATE UNIVERSITY HEALTH SCIENCE CENTERS. PROVIDED FURTHER, HOWEVER, that
53 if the governor declares a fiscal emergency, and communicates such emer-
54 gency to the temporary president of the senate and speaker of the assem-
55 bly, state support for operating expenses at the state university and

city university may be reduced in a manner proportionate to one another, and the aforementioned provisions shall not apply.

(iv) [For the state university fiscal years commencing two thousand eleven--two thousand twelve and ending two thousand fifteen--two thousand sixteen, each university center may set aside a portion of its tuition revenues derived from tuition increases to provide increased financial aid for New York state resident undergraduate students whose net taxable income is eighty thousand dollars or more subject to the approval of a NY-SUNY 2020 proposal by the governor and the chancellor of the state university of New York. Nothing in this paragraph shall be construed as to authorize that students whose net taxable income is eighty thousand dollars or more are eligible for tuition assistance program awards pursuant to section six hundred sixty-seven of this chapter.] BEGINNING IN STATE FISCAL YEAR TWO THOUSAND SIXTEEN--TWO THOUSAND SEVENTEEN, THE STATE SHALL APPROPRIATE FUNDS FOR THE CREATION OF THE STATE UNIVERSITY OF NEW YORK INVESTMENT FUND. FUNDS APPROPRIATED SHALL BE USED FOR FUNDING THE TUITION CREDIT PURSUANT TO CLAUSE (II) OF THIS SUBPARAGRAPH FOR EXPENSES RELATED TO STUDENT SERVICES, FACULTY AND INSTRUCTION, AND MAY BE USED TO GRANT SCHOLARSHIPS AT THE FOUR UNIVERSITY CENTERS TO THOSE STUDENTS WHOSE FAMILY'S NET TAXABLE INCOME IS ABOVE ONE HUNDRED THOUSAND DOLLARS A YEAR. THE INVESTMENT FUND MAY ALSO BE USED PURSUANT TO THE DISCRETION OF THE CHANCELLOR TO COVER ANY OTHER UNIVERSITY EXPENSES DEEMED NECESSARY. PROVIDED FURTHER, THE STATE UNIVERSITY BOARD OF TRUSTEES SHALL ANNUALLY REPORT ON HOW THE INVESTMENT FUND WAS INVESTED IN FACULTY, INSTRUCTION AND STUDENT FINANCIAL ASSISTANCE OR STUDENT SERVICES AND ALSO HOW IT WAS USED TO FUND MANDATORY COSTS NOT COVERED BY THE STATE, IF ANY.

S 2. Paragraph (a) of subdivision 7 of section 6206 of the education law, as amended by chapter 260 of the laws of 2011 and the opening paragraph as amended by chapter 437 of the laws of 2015, is amended to read as follows:

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

(i) Commencing with the two thousand eleven--two thousand twelve academic year and ending in the two thousand fifteen--two thousand sixteen academic year, the city university of New York board of trustees

1 shall be empowered to increase the resident undergraduate rate of
2 tuition by not more than three hundred dollars over the resident under-
3 graduate rate of tuition adopted by the board of trustees in the prior
4 academic year, provided however that if the annual resident undergradu-
5 ate rate of tuition would exceed five thousand dollars, then a tuition
6 credit for each eligible student, as determined and calculated by the
7 New York state higher education services corporation pursuant to section
8 six hundred eighty-nine-a of this chapter, shall be applied toward the
9 tuition charged for each semester, quarter or term of study. Tuition
10 for each semester, quarter or term of study shall not be due for any
11 student eligible to receive such tuition credit until the tuition credit
12 is calculated and applied against the tuition charged for the corre-
13 sponding semester, quarter or term.

14 (ii) [On or before November thirtieth, two thousand eleven, the trus-
15 tees shall approve and submit to the chairs of the assembly ways and
16 means committee and the senate finance committee and to the director of
17 the budget a master tuition plan setting forth the tuition rates that
18 the trustees propose for resident undergraduate students for the five
19 year period commencing with the two thousand eleven--two thousand twelve
20 academic year and ending in the two thousand fifteen--two thousand
21 sixteen academic year, and shall submit any proposed amendments to such
22 plan by November thirtieth of each subsequent year thereafter through
23 November thirtieth, two thousand fifteen.] COMMENCING WITH THE TWO THOU-
24 SAND SIXTEEN--TWO THOUSAND SEVENTEEN ACADEMIC YEAR AND ENDING IN THE TWO
25 THOUSAND TWENTY--TWO THOUSAND TWENTY-ONE ACADEMIC YEAR IF THE ANNUAL
26 RESIDENT UNDERGRADUATE RATE OF TUITION WOULD EXCEED FIVE THOUSAND
27 DOLLARS, THEN A TUITION CREDIT FOR EACH ELIGIBLE STUDENT, AS DETERMINED
28 AND CALCULATED BY THE NEW YORK STATE HIGHER EDUCATION SERVICES CORPO-
29 RATION PURSUANT TO SECTION SIX HUNDRED EIGHTY-NINE-A OF THIS TITLE,
30 SHALL BE APPLIED TOWARD THE TUITION CHARGED FOR EACH SEMESTER, QUARTER
31 OR TERM OF STUDY. TUITION FOR EACH SEMESTER, QUARTER OR TERM OF STUDY
32 SHALL NOT BE DUE FOR ANY STUDENT ELIGIBLE TO RECEIVE SUCH TUITION CREDIT
33 UNTIL THE TUITION CREDIT IS CALCULATED AND APPLIED AGAINST THE TUITION
34 CHARGED FOR THE CORRESPONDING SEMESTER, QUARTER OR TERM.

35 (iii) The state shall appropriate annually and make available state
36 support for operating expenses, including fringe benefits, for the city
37 university in an amount not less than the amount appropriated and made
38 available to the city university in state fiscal year two thousand
39 eleven--two thousand twelve. Beginning in state fiscal year two thousand
40 twelve--two thousand thirteen and [thereafter] ENDING IN STATE FISCAL
41 YEAR TWO THOUSAND FIFTEEN--TWO THOUSAND SIXTEEN, the state shall appro-
42 priate and make available state support for operating expenses, includ-
43 ing fringe benefits, for the city university in an amount not less than
44 the amount appropriated and made available in the prior state fiscal
45 year; provided, however, that if the governor declares a fiscal emergen-
46 cy, and communicates such emergency to the temporary president of the
47 senate and speaker of the assembly, state support for operating expenses
48 of the state university and city university may be reduced in a manner
49 proportionate to one another, and the aforementioned provisions shall
50 not apply.

51 (IV) BEGINNING IN ACADEMIC FISCAL YEAR TWO THOUSAND SIXTEEN--TWO THOU-
52 SAND SEVENTEEN AND THEREAFTER, THE STATE AND CITY OF NEW YORK SHALL
53 APPROPRIATE ANNUALLY AND MAKE AVAILABLE ITS REPRESENTATIVE SHARE OF
54 SUPPORT FOR EXPENSES PURSUANT TO SECTION SIX THOUSAND TWO HUNDRED TWEN-
55 TY-ONE OF THIS TITLE, WHICH SHALL INCLUDE, BUT NOT BE LIMITED TO, FRINGE
56 BENEFITS, AND OTHER NON-PERSONAL SERVICE COSTS SUCH AS UTILITY COSTS,

BUILDING RENTALS AND OTHER INFLATIONARY EXPENSES INCURRED BY THE CITY UNIVERSITY IN AN AMOUNT NOT LESS THAN THE AMOUNT APPROPRIATED AND MADE AVAILABLE FOR EXPENSES IN THE PRIOR ACADEMIC FISCAL YEAR; PROVIDED, HOWEVER, THAT IF THE GOVERNOR DECLARES A FISCAL EMERGENCY, AND COMMUNITIES SUCH EMERGENCY TO THE TEMPORARY PRESIDENT OF THE SENATE AND SPEAKER OF THE ASSEMBLY, STATE SUPPORT FOR OPERATING EXPENSES OF THE STATE UNIVERSITY AND CITY UNIVERSITY MAY BE REDUCED IN A MANNER PROPORTIONATE TO ONE ANOTHER, AND THE AFOREMENTIONED PROVISIONS SHALL NOT APPLY.

(V) BEGINNING IN STATE FISCAL YEAR TWO THOUSAND SIXTEEN--TWO THOUSAND SEVENTEEN, THE STATE SHALL APPROPRIATE FUNDS FOR THE CREATION OF THE CITY UNIVERSITY OF NEW YORK INVESTMENT FUND. FUNDS APPROPRIATED SHALL BE USED FOR FUNDING THE TUITION CREDIT PURSUANT TO SUBPARAGRAPH (II) OF THIS PARAGRAPH FOR EXPENSES RELATED TO STUDENT SERVICES, FACULTY AND INSTRUCTION, AND MAY BE USED TO GRANT SCHOLARSHIPS AT THE FOUR UNIVERSITY CENTERS TO THOSE STUDENTS WHOSE FAMILY'S NET TAXABLE INCOME IS ABOVE EIGHTY THOUSAND DOLLARS A YEAR. THE INVESTMENT FUND MAY ALSO BE USED PURSUANT TO THE DISCRETION OF THE CHANCELLOR TO COVER ANY OTHER UNIVERSITY EXPENSES DEEMED NECESSARY. PROVIDED FURTHER, THE CITY UNIVERSITY BOARD OF TRUSTEES SHALL ANNUALLY REPORT ON HOW THE INVESTMENT FUND WAS INVESTED IN FACULTY, INSTRUCTION AND STUDENT FINANCIAL ASSISTANCE OR STUDENT SERVICES AND ALSO HOW IT WAS USED TO FUND MANDATORY COSTS NOT COVERED BY THE STATE, IF ANY.

S 3. Subdivision 5 of section 359 of the education law is REPEALED.

S 4. Subdivision 17 of section 6206 of the education law is REPEALED.

S 5. Section 16 of 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, as amended by section 65-a of part HH of chapter 57 of the laws of 2013, is amended to read as follows:

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

S 6. This act shall take effect immediately; provided that the amendments to subparagraph 4 of paragraph h of subdivision 2 of section 355 of the education law made by section one of this act and the amendments to paragraph (a) of subdivision 7 of section 6206 of the education law made by section two of this act shall not affect the expiration of such provisions and shall be deemed to expire therewith; provided further, that if chapter 437 of the laws of 2015 shall not have taken effect by such effective date, then the amendments to the opening paragraph of subparagraph 4 of paragraph h of subdivision 2 of section 355 of the education law made by section one of this act and the amendments to the opening paragraph of paragraph (a) of subdivision 7 of section 6206 of the education law made by section two of this act shall take effect on the same day and in the same manner as sections 1 and 3 of chapter 437 of the laws of 2015, takes effect.

PART E

Section 1. The state finance law is amended by adding a new section 99-y to read as follows:

S 99-Y. SUNY STONY BROOK AFFILIATION ESCROW FUND. 1. NOTWITHSTANDING ANY OTHER PROVISION OF LAW, RULE, REGULATION, OR PRACTICE TO THE CONTRARY, THERE IS HEREBY ESTABLISHED IN THE JOINT CUSTODY OF THE COMPTROLLER

1 AND THE CHANCELLOR OF THE STATE UNIVERSITY OF NEW YORK (SUNY) ONE OR
2 MORE TRUST AND AGENCY FUNDS, TO BE KNOWN AS THE "SUNY STONY BROOK AFFIL-
3 IATION ESCROW FUND" WHICH SHALL BE AVAILABLE WITHOUT FISCAL YEAR LIMITA-
4 TION.

5 2. EACH SUNY STONY BROOK AFFILIATION ESCROW FUND SHALL CONSIST OF (I)
6 ALL MONIES GENERATED THROUGH THE ACTIVITIES OF STONY BROOK AT EACH
7 HOSPITAL WITH WHICH IT ENTERS INTO AN AFFILIATION, INCLUDING BUT NOT
8 LIMITED TO PATIENT REVENUE, FEDERAL REIMBURSEMENT, AND OTHER ASSOCIATED
9 REVENUE SOURCES, AND (II) PAYMENTS MADE BY STONY BROOK UNIVERSITY HOSPI-
10 TAL TO SUCH HOSPITAL OR ITS AFFILIATES IN ACCORDANCE WITH AGREEMENTS
11 APPROVED PURSUANT TO OTHER APPLICABLE STATUTES.

12 3. MONIES OF EACH SUNY STONY BROOK AFFILIATION ESCROW FUND SHALL BE
13 EXPENDED CONSISTENT WITH THE PURPOSES OF SUCH AFFILIATION.

14 S 2. This act shall take effect immediately.

15 PART F

16 Intentionally Omitted

17 PART G

18 Section 1. Subdivision (a) of section 50 of chapter 161 of the laws of
19 2005 amending the education law relating to the New York state licensed
20 social worker loan forgiveness program, as amended by section 1 of part
21 M of chapter 58 of the laws of 2011, is amended to read as follows:

22 (a) section two of this act shall expire and be deemed repealed June
23 30, [2016] 2021; and provided, further that the amendment to paragraph b
24 of subdivision 1 of section 679-c and the amendment to paragraph 2 of
25 subdivision a of section 679-d of the education law made by sections
26 three and four of this act shall not affect the repeal of such sections
27 and shall be deemed repealed therewith;

28 S 2. Section 3 of part V of chapter 57 of the laws of 2005 amending
29 the education law relating to the New York state nursing faculty loan
30 forgiveness incentive program and the New York state nursing faculty
31 scholarship program, as amended by section 1 of part L of chapter 58 of
32 the laws of 2011, is amended to read as follows:

33 S 3. This act shall take effect on the same date and in the same
34 manner as Part H of this chapter; provided that section two of this act
35 shall take effect on the same date and in the same manner as Part I of
36 this chapter; and provided further that this act shall expire and be
37 deemed repealed on June 30, [2016] 2021.

38 S 3. Section 17 of chapter 31 of the laws of 1985 amending the educa-
39 tion law relating to regents scholarships in certain professions, as
40 amended by section 1 of part K of chapter 58 of the laws of 2011, is
41 amended to read as follows:

42 S 17. This act shall take effect immediately; provided, however, that
43 the scholarship and loan forgiveness programs established pursuant to
44 the provisions of this act shall terminate upon the granting of such
45 awards for the 2008-2009 school year provided, however, that the regents
46 physician loan forgiveness program established pursuant to this act
47 shall not terminate until the granting of such awards for the [2015-16]
48 2020-21 school year, provided that the final disbursement of any multi-
49 year awards granted in such school year shall be paid.

50 S 4. Paragraph a of subdivision 5 of section 679-c of the education
51 law, as amended by section 1 of part E3 of chapter 57 of the laws of
52 2007, is amended to read as follows:

1 a. The corporation shall convert to a student loan the full amount of
2 the award given pursuant to this section, plus interest, according to a
3 schedule to be determined by the corporation if: (1) three years after
4 the completion of the degree program it is found that an applicant did
5 not begin to provide nursing faculty or clinical nurse faculty services;
6 (2) if such applicant does not provide nursing faculty or clinical nurs-
7 ing faculty services for four years within seven years of the completion
8 of the master's degree program in nursing or doctoral degree; or (3) the
9 student fails to receive a master's degree in nursing or doctoral degree
10 that will qualify them as nursing faculty or adjunct clinical faculty
11 within the three years of receiving the award. THE TERMS AND CONDITIONS
12 OF THIS SUBDIVISION SHALL BE DEFERRED FOR ANY INTERRUPTION IN GRADUATE
13 OR DOCTORAL STUDY OR EMPLOYMENT AS ESTABLISHED BY THE RULES AND REGU-
14 LATIONS OF THE CORPORATION. ANY OBLIGATION TO COMPLY WITH SUCH
15 PROVISIONS AS OUTLINED IN THIS SECTION SHALL BE CANCELLED UPON THE DEATH
16 OF THE RECIPIENT. NOTWITHSTANDING ANY PROVISIONS OF THIS SUBDIVISION TO
17 THE CONTRARY, THE CORPORATION IS AUTHORIZED TO PROMULGATE RULES AND
18 REGULATIONS TO PROVIDE FOR THE WAIVER OR SUSPENSION OF ANY FINANCIAL
19 OBLIGATION WHICH WOULD INVOLVE EXTREME HARDSHIP.

20 S 5. Subdivision 5 of section 669-d of the education law, as amended
21 by section 1 of part H1 of section 109 of the laws of 2006, is amended
22 to read as follows:

23 5. The corporation shall convert to a student loan the full amount of
24 the award given pursuant to this section, plus interest, according to a
25 schedule to be determined by the corporation if: (a) two years after the
26 completion of the degree program and receipt of initial certification it
27 is found that a recipient is not teaching in the field of math or
28 science in a school located within New York state providing secondary
29 education recognized by the board of regents or the university of the
30 state of New York; or (b) a recipient has not taught in the field of
31 math or science in a school located within New York state providing
32 secondary education recognized by the board of regents or the university
33 of the state of New York for five of the seven years after the
34 completion of the degree program and receipt of initial certification;
35 or (c) a recipient fails to complete their degree program or changes
36 majors to an undergraduate degree program other than in science or math;
37 or (d) a recipient fails to receive or maintain their teaching certifi-
38 cate or license in New York state; or (e) a recipient fails to respond
39 to requests by the corporation for the status of his or her academic or
40 professional progress. THE TERMS AND CONDITIONS OF THIS SUBDIVISION
41 SHALL BE DEFERRED FOR ANY INTERRUPTION IN UNDERGRADUATE OR GRADUATE
42 STUDY OR EMPLOYMENT AS ESTABLISHED BY THE RULES AND REGULATIONS OF THE
43 CORPORATION. ANY OBLIGATION TO COMPLY WITH SUCH PROVISIONS AS OUTLINED
44 IN THIS SECTION SHALL BE CANCELLED UPON THE DEATH OF THE RECIPIENT.
45 NOTWITHSTANDING ANY PROVISIONS OF THIS SUBDIVISION TO THE CONTRARY, THE
46 CORPORATION IS AUTHORIZED TO PROMULGATE RULES AND REGULATIONS TO PROVIDE
47 FOR THE WAIVER OR SUSPENSION OF ANY FINANCIAL OBLIGATION WHICH WOULD
48 INVOLVE EXTREME HARDSHIP.

49 S 6. This act shall take effect immediately; provided that the amend-
50 ments to paragraph a of subdivision 5 of section 679-c of the education
51 law made by section four of this act shall not affect the repeal of such
52 section and shall be deemed repealed therewith.

1 Section 1. Section 7408 of the education law is amended by adding a
2 new subdivision 6 to read as follows:

3 6. NOTWITHSTANDING ANY OTHER PROVISION OF LAW, ANY FIRM ESTABLISHED TO
4 LAWFULLY ENGAGE IN THE PRACTICE OF PUBLIC ACCOUNTANCY PURSUANT TO ARTI-
5 CLE FIFTEEN OF THE BUSINESS CORPORATION LAW, ARTICLES ONE AND EIGHT-B OF
6 THE PARTNERSHIP LAW, OR ARTICLES TWELVE AND THIRTEEN OF THE LIMITED
7 LIABILITY COMPANY LAW SHALL BE DEEMED ELIGIBLE TO REGISTER PURSUANT TO
8 THIS SECTION.

9 S 2. Section 1503 of the business corporation law is amended by adding
10 a new paragraph (h) to read as follows:

11 (H) ANY FIRM ESTABLISHED FOR THE BUSINESS PURPOSE OF INCORPORATING AS
12 A PROFESSIONAL SERVICE CORPORATION FORMED TO LAWFULLY ENGAGE IN THE
13 PRACTICE OF PUBLIC ACCOUNTANCY, AS SUCH PRACTICE IS RESPECTIVELY DEFINED
14 UNDER ARTICLE ONE HUNDRED FORTY-NINE OF THE EDUCATION LAW SHALL BE
15 REQUIRED TO SHOW (1) THAT A SIMPLE MAJORITY OF THE OWNERSHIP OF THE
16 FIRM, IN TERMS OF FINANCIAL INTERESTS, INCLUDING OWNERSHIP-BASED COMPEN-
17 SATION, AND VOTING RIGHTS HELD BY THE FIRM'S OWNERS, BELONGS TO INDIVID-
18 UALS LICENSED TO PRACTICE PUBLIC ACCOUNTANCY IN SOME STATE, AND (2) THAT
19 ALL SHAREHOLDERS OF A PROFESSIONAL SERVICE CORPORATION WHOSE PRINCIPAL
20 PLACE OF BUSINESS IS IN THIS STATE, AND WHO ARE ENGAGED IN THE PRACTICE
21 OF PUBLIC ACCOUNTANCY IN THIS STATE, HOLD A VALID LICENSE ISSUED UNDER
22 SECTION SEVENTY-FOUR HUNDRED FOUR OF THE EDUCATION LAW OR ARE PUBLIC
23 ACCOUNTANTS LICENSED UNDER SECTION SEVENTY-FOUR HUNDRED FIVE OF THE
24 EDUCATION LAW. ALTHOUGH FIRMS MAY INCLUDE NON-LICENSEE OWNERS, THE FIRM
25 AND ITS OWNERS MUST COMPLY WITH RULES PROMULGATED BY THE STATE BOARD OF
26 REGENTS. NOTWITHSTANDING THE PROVISIONS OF THIS PARAGRAPH, A FIRM
27 INCORPORATED UNDER THIS SECTION MAY NOT HAVE NON-LICENSEE OWNERS IF THE
28 FIRM'S NAME INCLUDES THE WORDS "CERTIFIED PUBLIC ACCOUNTANT," OR "CERTI-
29 FIED PUBLIC ACCOUNTANTS," OR THE ABBREVIATIONS "CPA" OR "CPAS". EACH
30 NON-LICENSEE OWNER OF A FIRM THAT IS INCORPORATED UNDER THIS SECTION
31 SHALL BE A NATURAL PERSON WHO ACTIVELY PARTICIPATES IN THE BUSINESS OF
32 THE FIRM OR ITS AFFILIATED ENTITIES. FOR PURPOSES OF THIS SUBDIVISION,
33 "ACTIVELY PARTICIPATE" MEANS TO PROVIDE SERVICES TO CLIENTS OR TO OTHER-
34 WISE INDIVIDUALLY TAKE PART IN THE DAY-TO-DAY BUSINESS OR MANAGEMENT OF
35 THE FIRM. SUCH A FIRM SHALL HAVE ATTACHED TO ITS CERTIFICATE OF INCORPO-
36 RATION A CERTIFICATE OR CERTIFICATES DEMONSTRATING THE FIRM'S COMPLIANCE
37 WITH THIS PARAGRAPH, IN LIEU OF THE CERTIFICATE OR CERTIFICATES REQUIRED
38 BY SUBPARAGRAPH (II) OF PARAGRAPH (B) OF THIS SECTION.

39 S 3. Section 1507 of the business corporation law is amended by adding
40 a new paragraph (c) to read as follows:

41 (C) ANY FIRM ESTABLISHED FOR THE BUSINESS PURPOSE OF INCORPORATING AS
42 A PROFESSIONAL SERVICE CORPORATION PURSUANT TO PARAGRAPH (H) OF SECTION
43 1503 OF THIS ARTICLE MAY ISSUE SHARES TO INDIVIDUALS WHO ARE AUTHORIZED
44 BY LAW TO PRACTICE IN THIS STATE A PROFESSION WHICH SUCH CORPORATION IS
45 AUTHORIZED TO PRACTICE AND WHO ARE OR HAVE BEEN ENGAGED IN THE PRACTICE
46 OF SUCH PROFESSION IN SUCH CORPORATION OR A PREDECESSOR ENTITY, OR WHO
47 WILL ENGAGE IN THE PRACTICE OF SUCH PROFESSION IN SUCH CORPORATION WITH-
48 IN THIRTY DAYS OF THE DATE SUCH SHARES ARE ISSUED AND MAY ALSO ISSUE
49 SHARES TO EMPLOYEES OF THE CORPORATION NOT LICENSED AS CERTIFIED PUBLIC
50 ACCOUNTANTS, PROVIDED THAT:

51 (I) AT LEAST FIFTY-ONE PERCENT OF THE OUTSTANDING SHARES OF STOCK OF
52 THE CORPORATION ARE OWNED BY CERTIFIED PUBLIC ACCOUNTANTS,

53 (II) AT LEAST FIFTY-ONE PERCENT OF THE DIRECTORS ARE CERTIFIED PUBLIC
54 ACCOUNTANTS,

55 (III) AT LEAST FIFTY-ONE PERCENT OF THE OFFICERS ARE CERTIFIED PUBLIC
56 ACCOUNTANTS,

(IV) THE PRESIDENT, THE CHAIRPERSON OF THE BOARD OF DIRECTORS AND THE CHIEF EXECUTIVE OFFICER OR OFFICERS ARE CERTIFIED PUBLIC ACCOUNTANTS. NO SHAREHOLDER OF A FIRM ESTABLISHED FOR THE BUSINESS PURPOSE OF INCORPORATING AS A PROFESSIONAL SERVICE CORPORATION PURSUANT TO PARAGRAPH (H) OF SECTION 1503 OF THIS ARTICLE SHALL ENTER INTO A VOTING TRUST AGREEMENT, PROXY OR ANY OTHER TYPE OF AGREEMENT VESTING IN ANOTHER PERSON, OTHER THAN ANOTHER SHAREHOLDER OF THE SAME CORPORATION, THE AUTHORITY TO EXERCISE VOTING POWER OF ANY OR ALL OF HIS OR HER SHARES. ALL SHARES ISSUED, AGREEMENTS MADE OR PROXIES GRANTED IN VIOLATION OF THIS SECTION SHALL BE VOID.

S 4. Section 1508 of the business corporation law is amended by adding 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 1503 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 THIS STATE A 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.

S 5. Section 1509 of the business corporation law, as amended by chapter 550 of the laws of 2011, is amended to read as follows:

S 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, OR ANY FIRM ESTABLISHED FOR THE BUSINESS PURPOSE OF INCORPORATING AS A PROFESSIONAL SERVICE CORPORATION PURSUANT TO PARAGRAPH (H) OF SECTION 1503 OF THIS ARTICLE, who has been rendering professional service to the public becomes legally disqualified to practice his profession within this state, he 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 profession within this state shall be deemed to constitute an irrevocable offer by the disqualified shareholder to sell his 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.

S 6. 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, OR ANY FIRM ESTABLISHED FOR THE BUSINESS PURPOSE OF INCORPORATING AS A PROFESSIONAL SERVICE

1 CORPORATION PURSUANT TO PARAGRAPH (H) OF SECTION 1503 OF THIS ARTICLE,
2 may sell or transfer his shares in such corporation except to another
3 individual who is eligible to have shares issued to him by such corpo-
4 ration or except in trust to another individual who would be eligible to
5 receive shares if he were employed by the corporation. Nothing herein
6 contained shall be construed to prohibit the transfer of shares by oper-
7 ation of law or by court decree. No transferee of shares by operation
8 of law or court decree may vote the shares for any purpose whatsoever
9 except with respect to corporate action under sections 909 and 1001 of
10 this chapter. The restriction in the preceding sentence shall not apply,
11 however, where such transferee would be eligible to have shares issued
12 to him if he were an employee of the corporation and, if there are other
13 shareholders, a majority of such other shareholders shall fail to redeem
14 the shares so transferred, pursuant to section 1510 of this article,
15 within sixty days of receiving written notice of such transfer. Any sale
16 or transfer, except by operation of law or court decree or except for a
17 corporation having only one shareholder, may be made only after the same
18 shall have been approved by the board of directors, or at a sharehold-
19 ers' meeting specially called for such purpose by such proportion, not
20 less than a majority, of the outstanding shares as may be provided in
21 the certificate of incorporation or in the by-laws of such professional
22 service corporation. At such shareholders' meeting the shares held by
23 the shareholder proposing to sell or transfer his shares may not be
24 voted or counted for any purpose, unless all shareholders consent that
25 such shares be voted or counted. The certificate of incorporation or the
26 by-laws of the professional service corporation, or the professional
27 service corporation and the shareholders by private agreement, may
28 provide, in lieu of or in addition to the foregoing provisions, for the
29 alienation of shares and may require the redemption or purchase of such
30 shares by such corporation at prices and in a manner specifically set
31 forth therein. The existence of the restrictions on the sale or transfer
32 of shares, as contained in this article and, if applicable, in the
33 certificate of incorporation, by-laws, stock purchase or stock redemp-
34 tion agreement, shall be noted conspicuously on the face or back of
35 every certificate for shares issued by a professional service corpo-
36 ration. Any sale or transfer in violation of such restrictions shall be
37 void.

38 (C) A FIRM ESTABLISHED FOR THE BUSINESS PURPOSE OF INCORPORATING AS A
39 PROFESSIONAL SERVICE CORPORATION PURSUANT TO PARAGRAPH (H) OF SECTION
40 1503 OF THIS ARTICLE, SHALL PURCHASE OR REDEEM THE SHARES OF A NON-LI-
41 CENSED PROFESSIONAL SHAREHOLDER IN THE CASE OF HIS OR HER TERMINATION OF
42 EMPLOYMENT WITHIN THIRTY DAYS AFTER SUCH TERMINATION. A FIRM ESTABLISHED
43 FOR THE BUSINESS PURPOSE OF INCORPORATING AS A PROFESSIONAL SERVICE
44 CORPORATION PURSUANT TO PARAGRAPH (H) OF SECTION 1503 OF THIS ARTICLE,
45 SHALL NOT BE REQUIRED TO PURCHASE OR REDEEM THE SHARES OF A TERMINATED
46 NON-LICENSED PROFESSIONAL SHAREHOLDER IF SUCH SHARES, WITHIN THIRTY DAYS
47 AFTER SUCH TERMINATION, ARE SOLD OR TRANSFERRED TO ANOTHER EMPLOYEE OF
48 THE CORPORATION PURSUANT TO THIS ARTICLE.

49 S 7. Paragraph (a) of section 1512 of the business corporation law, as
50 amended by chapter 550 of the laws of 2011, is amended to read as
51 follows:

52 (a) Notwithstanding any other provision of law, the name of a profes-
53 sional service corporation, including a design professional service
54 corporation AND ANY FIRM ESTABLISHED FOR THE BUSINESS PURPOSE OF INCOR-
55 PORATING AS A PROFESSIONAL SERVICE CORPORATION PURSUANT TO PARAGRAPH (H)
56 OF SECTION 1503 OF THIS ARTICLE, may contain any word which, at the time

1 of incorporation, could be used in the name of a partnership practicing
2 a profession which the corporation is authorized to practice, and may
3 not contain any word which could not be used by such a partnership.
4 Provided, however, the name of a professional service corporation may
5 not contain the name of a deceased person unless

6 (1) such person's name was part of the corporate name at the time of
7 such person's death; or

8 (2) such person's name was part of the name of an existing partnership
9 and at least two-thirds of such partnership's partners become sharehold-
10 ers of the corporation.

11 S 8. Section 1514 of the business corporation law is amended by adding
12 a new paragraph (c) to read as follows:

13 (C) EACH FIRM ESTABLISHED FOR THE BUSINESS PURPOSE OF INCORPORATING AS
14 A PROFESSIONAL SERVICE CORPORATION PURSUANT TO PARAGRAPH (H) OF SECTION
15 1503 OF THIS ARTICLE SHALL, AT LEAST ONCE EVERY THREE YEARS ON OR BEFORE
16 THE DATE PRESCRIBED BY THE LICENSING AUTHORITY, FURNISH A STATEMENT TO
17 THE LICENSING AUTHORITY LISTING THE NAMES AND RESIDENCE ADDRESSES OF
18 EACH SHAREHOLDER, DIRECTOR AND OFFICER OF SUCH CORPORATION AND CERTIFY
19 AS THE DATE OF CERTIFICATION AND AT ALL TIMES OVER THE ENTIRE THREE YEAR
20 PERIOD THAT:

21 (I) AT LEAST FIFTY-ONE PERCENT OF THE OUTSTANDING SHARES OF STOCK OF
22 THE CORPORATION ARE AND WERE OWNED BY CERTIFIED PUBLIC ACCOUNTANTS,

23 (II) AT LEAST FIFTY-ONE PERCENT OF THE DIRECTORS ARE AND WERE CERTI-
24 FIED PUBLIC ACCOUNTANTS,

25 (III) AT LEAST FIFTY-ONE PERCENT OF THE OFFICERS ARE AND WERE CERTI-
26 FIED PUBLIC ACCOUNTANTS,

27 (IV) THE PRESIDENT, THE CHAIRPERSON OF THE BOARD OF DIRECTORS AND THE
28 CHIEF EXECUTIVE OFFICER OR OFFICERS ARE AND WERE CERTIFIED PUBLIC
29 ACCOUNTANTS.

30 THE STATEMENT SHALL BE SIGNED BY THE PRESIDENT OR ANY CERTIFIED PUBLIC
31 ACCOUNTANT VICE-PRESIDENT AND ATTESTED TO BY THE SECRETARY OR ANY
32 ASSISTANT SECRETARY OF THE CORPORATION.

33 S 9. Paragraph (d) of section 1525 of the business corporation law, as
34 added by chapter 505 of the laws of 1983, is amended to read as follows:

35 (d) "Foreign professional service corporation" means a professional
36 service corporation, whether or not denominated as such, organized under
37 the laws of a jurisdiction other than this state, all of the sharehold-
38 ers, directors and officers of which are authorized and licensed to
39 practice the profession for which such corporation is licensed to do
40 business; except that all shareholders, directors and officers of a
41 foreign professional service corporation which provides health services
42 in this state shall be licensed in this state. NOTWITHSTANDING ANY OTHER
43 PROVISION OF LAW A FOREIGN PROFESSIONAL SERVICE CORPORATION FORMED TO
44 LAWFULLY ENGAGE IN THE PRACTICE OF PUBLIC ACCOUNTANCY, AS SUCH PRACTICE
45 IS DEFINED UNDER ARTICLE ONE HUNDRED FORTY-NINE OF THE EDUCATION LAW, OR
46 EQUIVALENT STATE LAW, SHALL BE REQUIRED TO SHOW (1) THAT A SIMPLE MAJOR-
47 ITY OF THE OWNERSHIP OF THE FIRM, IN TERMS OF FINANCIAL INTERESTS,
48 INCLUDING OWNERSHIP-BASED COMPENSATION, AND VOTING RIGHTS HELD BY THE
49 FIRM'S OWNERS, BELONGS TO INDIVIDUALS LICENSED TO PRACTICE PUBLIC
50 ACCOUNTANCY IN SOME STATE, AND (2) THAT ALL SHAREHOLDERS OF A FOREIGN
51 PROFESSIONAL SERVICE CORPORATION WHOSE PRINCIPAL PLACE OF BUSINESS IS IN
52 THIS STATE, AND WHO ARE ENGAGED IN THE PRACTICE OF PUBLIC ACCOUNTANCY IN
53 THIS STATE, HOLD A VALID LICENSE ISSUED UNDER SECTION SEVENTY-FOUR
54 HUNDRED FOUR OF THE EDUCATION LAW OR ARE PUBLIC ACCOUNTANTS LICENSED
55 UNDER SECTION SEVENTY-FOUR HUNDRED FIVE OF THE EDUCATION LAW. ALTHOUGH
56 FIRMS MAY INCLUDE NON-LICENSEE OWNERS, THE FIRM AND ITS OWNERS MUST

1 COMPLY WITH RULES PROMULGATED BY THE STATE BOARD OF REGENTS. NOTWITH-
2 STANDING THE FOREGOING, A FIRM REGISTERED UNDER THIS SECTION MAY NOT
3 HAVE NON-LICENSEE OWNERS IF THE FIRM'S NAME INCLUDES THE WORDS "CERTI-
4 FIED PUBLIC ACCOUNTANT," OR "CERTIFIED PUBLIC ACCOUNTANTS," OR THE
5 ABBREVIATIONS "CPA" OR "CPAS." EACH NON-LICENSEE OWNER OF A FIRM THAT IS
6 OPERATING UNDER THIS SECTION SHALL BE A NATURAL PERSON WHO ACTIVELY
7 PARTICIPATES IN THE BUSINESS OF THE FIRM OR ITS AFFILIATED ENTITIES,
8 PROVIDED EACH BENEFICIAL OWNER OF AN EQUITY INTEREST IN SUCH ENTITY IS A
9 NATURAL PERSON WHO ACTIVELY PARTICIPATES IN THE BUSINESS CONDUCTED BY
10 THE FIRM OR ITS AFFILIATED ENTITIES. FOR PURPOSES OF THIS SUBDIVISION,
11 "ACTIVELY PARTICIPATE" MEANS TO PROVIDE SERVICES TO CLIENTS OR TO OTHER-
12 WISE INDIVIDUALLY TAKE PART IN THE DAY-TO-DAY BUSINESS OR MANAGEMENT OF
13 THE FIRM.

14 S 10. Subdivision (q) of section 121-1500 of the partnership law, as
15 amended by chapter 554 of the laws of 2013, is amended to read as
16 follows:

17 (q) Each partner of a registered limited liability partnership formed
18 to provide medical services in this state must be licensed pursuant to
19 article 131 of the education law to practice medicine in this state and
20 each partner of a registered limited liability partnership formed to
21 provide dental services in this state must be licensed pursuant to arti-
22 cle 133 of the education law to practice dentistry in this state. Each
23 partner of a registered limited liability partnership formed to provide
24 veterinary services in this state must be licensed pursuant to article
25 135 of the education law to practice veterinary medicine in this state.
26 EACH PARTNER OF A REGISTERED LIMITED LIABILITY PARTNERSHIP FORMED TO
27 PROVIDE PUBLIC ACCOUNTANCY SERVICES, WHOSE PRINCIPAL PLACE OF BUSINESS
28 IS IN THIS STATE AND WHO PROVIDES PUBLIC ACCOUNTANCY SERVICES, MUST BE
29 LICENSED PURSUANT TO ARTICLE 149 OF THE EDUCATION LAW TO PRACTICE PUBLIC
30 ACCOUNTANCY IN THIS STATE. Each partner of a registered limited liabil-
31 ity partnership formed to provide professional engineering, land survey-
32 ing, architectural and/or landscape architectural services in this state
33 must be licensed pursuant to article 145, article 147 and/or article 148
34 of the education law to practice one or more of such professions in this
35 state. Each partner of a registered limited liability partnership formed
36 to provide licensed clinical social work services in this state must be
37 licensed pursuant to article 154 of the education law to practice clin-
38 ical social work in this state. Each partner of a registered limited
39 liability partnership formed to provide creative arts therapy services
40 in this state must be licensed pursuant to article 163 of the education
41 law to practice creative arts therapy in this state. Each partner of a
42 registered limited liability partnership formed to provide marriage and
43 family therapy services in this state must be licensed pursuant to arti-
44 cle 163 of the education law to practice marriage and family therapy in
45 this state. Each partner of a registered limited liability partnership
46 formed to provide mental health counseling services in this state must
47 be licensed pursuant to article 163 of the education law to practice
48 mental health counseling in this state. Each partner of a registered
49 limited liability partnership formed to provide psychoanalysis services
50 in this state must be licensed pursuant to article 163 of the education
51 law to practice psychoanalysis in this state. Each partner of a regis-
52 tered limited liability partnership formed to provide applied behavior
53 analysis service in this state must be licensed or certified pursuant to
54 article 167 of the education law to practice applied behavior analysis
55 in this state. NOTWITHSTANDING ANY OTHER PROVISIONS OF LAW A LIMITED
56 LIABILITY PARTNERSHIP FORMED TO LAWFULLY ENGAGE IN THE PRACTICE OF

1 PUBLIC ACCOUNTANCY, AS SUCH PRACTICE IS RESPECTIVELY DEFINED UNDER ARTI-
2 CLE 149 OF THE EDUCATION LAW, SHALL BE REQUIRED TO SHOW (1) THAT A
3 SIMPLE MAJORITY OF THE OWNERSHIP OF THE FIRM, IN TERMS OF FINANCIAL
4 INTERESTS, INCLUDING OWNERSHIP-BASED COMPENSATION, AND VOTING RIGHTS
5 HELD BY THE FIRM'S OWNERS, BELONGS TO INDIVIDUALS LICENSED TO PRACTICE
6 PUBLIC ACCOUNTANCY IN SOME STATE, AND (2) THAT ALL PARTNERS OF A LIMITED
7 LIABILITY PARTNERSHIP WHOSE PRINCIPAL PLACE OF BUSINESS IS IN THIS
8 STATE, AND WHO ARE ENGAGED IN THE PRACTICE OF PUBLIC ACCOUNTANCY IN THIS
9 STATE, HOLD A VALID LICENSE ISSUED UNDER SECTION 7404 OF THE EDUCATION
10 LAW OR ARE PUBLIC ACCOUNTANTS LICENSED UNDER SECTION 7405 OF THE EDUCA-
11 TION LAW. ALTHOUGH FIRMS MAY INCLUDE NON-LICENSEE OWNERS, THE FIRM AND
12 ITS OWNERS MUST COMPLY WITH RULES PROMULGATED BY THE STATE BOARD OF
13 REGENTS. NOTWITHSTANDING THE FOREGOING, A FIRM REGISTERED UNDER THIS
14 SECTION MAY NOT HAVE NON-LICENSEE OWNERS IF THE FIRM'S NAME INCLUDES THE
15 WORDS "CERTIFIED PUBLIC ACCOUNTANT," OR "CERTIFIED PUBLIC ACCOUNTANTS,"
16 OR THE ABBREVIATIONS "CPA" OR "CPAS." EACH NON-LICENSEE OWNER OF A FIRM
17 THAT IS INCORPORATED UNDER THIS SECTION SHALL BE (1) A NATURAL PERSON
18 WHO ACTIVELY PARTICIPATES IN THE BUSINESS OF THE FIRM OR ITS AFFILIATED
19 ENTITIES, OR (2) AN ENTITY, INCLUDING, BUT NOT LIMITED TO, A PARTNERSHIP
20 OR PROFESSIONAL CORPORATION, PROVIDED EACH BENEFICIAL OWNER OF AN EQUITY
21 INTEREST IN SUCH ENTITY IS A NATURAL PERSON WHO ACTIVELY PARTICIPATES IN
22 THE BUSINESS CONDUCTED BY THE FIRM OR ITS AFFILIATED ENTITIES. FOR
23 PURPOSES OF THIS SUBDIVISION, "ACTIVELY PARTICIPATE" MEANS TO PROVIDE
24 SERVICES TO CLIENTS OR TO OTHERWISE INDIVIDUALLY TAKE PART IN THE
25 DAY-TO-DAY BUSINESS OR MANAGEMENT OF THE FIRM.

26 S 11. Subdivision (q) of section 121-1500 of the partnership law, as
27 amended by chapter 475 of the laws of 2014, is amended to read as
28 follows:

29 (q) Each partner of a registered limited liability partnership formed
30 to provide medical services in this state must be licensed pursuant to
31 article 131 of the education law to practice medicine in this state and
32 each partner of a registered limited liability partnership formed to
33 provide dental services in this state must be licensed pursuant to arti-
34 cle 133 of the education law to practice dentistry in this state. Each
35 partner of a registered limited liability partnership formed to provide
36 veterinary services in this state must be licensed pursuant to article
37 135 of the education law to practice veterinary medicine in this state.
38 EACH PARTNER OF A REGISTERED LIMITED LIABILITY PARTNERSHIP FORMED TO
39 PROVIDE PUBLIC ACCOUNTANCY SERVICES, WHOSE PRINCIPAL PLACE OF BUSINESS
40 IS IN THIS STATE AND WHO PROVIDES PUBLIC ACCOUNTANCY SERVICES, MUST BE
41 LICENSED PURSUANT TO ARTICLE 149 OF THE EDUCATION LAW TO PRACTICE PUBLIC
42 ACCOUNTANCY IN THIS STATE. Each partner of a registered limited liabil-
43 ity partnership formed to provide professional engineering, land survey-
44 ing, geological services, architectural and/or landscape architectural
45 services in this state must be licensed pursuant to article 145, article
46 147 and/or article 148 of the education law to practice one or more of
47 such professions in this state. Each partner of a registered limited
48 liability partnership formed to provide licensed clinical social work
49 services in this state must be licensed pursuant to article 154 of the
50 education law to practice clinical social work in this state. Each part-
51 ner of a registered limited liability partnership formed to provide
52 creative arts therapy services in this state must be licensed pursuant
53 to article 163 of the education law to practice creative arts therapy in
54 this state. Each partner of a registered limited liability partnership
55 formed to provide marriage and family therapy services in this state
56 must be licensed pursuant to article 163 of the education law to prac-

1 tice marriage and family therapy in this state. Each partner of a regis-
2 tered limited liability partnership formed to provide mental health
3 counseling services in this state must be licensed pursuant to article
4 163 of the education law to practice mental health counseling in this
5 state. Each partner of a registered limited liability partnership formed
6 to provide psychoanalysis services in this state must be licensed pursu-
7 ant to article 163 of the education law to practice psychoanalysis in
8 this state. Each partner of a registered limited liability partnership
9 formed to provide applied behavior analysis service in this state must
10 be licensed or certified pursuant to article 167 of the education law to
11 practice applied behavior analysis in this state. NOTWITHSTANDING ANY
12 OTHER PROVISIONS OF LAW A LIMITED LIABILITY PARTNERSHIP FORMED TO
13 LAWFULLY ENGAGE IN THE PRACTICE OF PUBLIC ACCOUNTANCY, AS SUCH PRACTICE
14 IS RESPECTIVELY DEFINED UNDER ARTICLE 149 OF THE EDUCATION LAW, SHALL BE
15 REQUIRED TO SHOW (1) THAT A SIMPLE MAJORITY OF THE OWNERSHIP OF THE
16 FIRM, IN TERMS OF FINANCIAL INTERESTS, INCLUDING OWNERSHIP-BASED COMPEN-
17 SATION, AND VOTING RIGHTS HELD BY THE FIRM'S OWNERS, BELONGS TO INDIVID-
18 UALS LICENSED TO PRACTICE PUBLIC ACCOUNTANCY IN SOME STATE, AND (2) THAT
19 ALL PARTNERS OF A LIMITED LIABILITY PARTNERSHIP WHOSE PRINCIPAL PLACE OF
20 BUSINESS IS IN THIS STATE, AND WHO ARE ENGAGED IN THE PRACTICE OF PUBLIC
21 ACCOUNTANCY IN THIS STATE, HOLD A VALID LICENSE ISSUED UNDER SECTION
22 7404 OF THE EDUCATION LAW OR ARE PUBLIC ACCOUNTANTS LICENSED UNDER
23 SECTION 7405 OF THE EDUCATION LAW. ALTHOUGH FIRMS MAY INCLUDE NON-LICEN-
24 SEE OWNERS, THE FIRM AND ITS OWNERS MUST COMPLY WITH RULES PROMULGATED
25 BY THE STATE BOARD OF REGENTS. NOTWITHSTANDING THE FOREGOING, A FIRM
26 REGISTERED UNDER THIS SECTION MAY NOT HAVE NON-LICENSEE OWNERS IF THE
27 FIRM'S NAME INCLUDES THE WORDS "CERTIFIED PUBLIC ACCOUNTANT," OR "CERTI-
28 FIED PUBLIC ACCOUNTS," OR THE ABBREVIATIONS "CPA" OR "CPAS." EACH
29 NON-LICENSEE OWNER OF A FIRM THAT IS INCORPORATED UNDER THIS SECTION
30 SHALL BE (1) A NATURAL PERSON WHO ACTIVELY PARTICIPATES IN THE BUSINESS
31 OF THE FIRM OR ITS AFFILIATED ENTITIES, OR (2) AN ENTITY, INCLUDING, BUT
32 NOT LIMITED TO, A PARTNERSHIP OR PROFESSIONAL CORPORATION, PROVIDED EACH
33 BENEFICIAL OWNER OF AN EQUITY INTEREST IN SUCH ENTITY IS A NATURAL
34 PERSON WHO ACTIVELY PARTICIPATES IN THE BUSINESS CONDUCTED BY THE FIRM
35 OR ITS AFFILIATED ENTITIES. FOR PURPOSES OF THIS SUBDIVISION, "ACTIVELY
36 PARTICIPATE" MEANS TO PROVIDE SERVICES TO CLIENTS OR TO OTHERWISE INDI-
37 VIDUALLY TAKE PART IN THE DAY-TO-DAY BUSINESS OR MANAGEMENT OF THE FIRM.
38 S 12. Subdivision (q) of section 121-1502 of the partnership law, as
39 amended by chapter 554 of the laws of 2013, is amended to read as
40 follows:

41 (q) Each partner of a foreign limited liability partnership which
42 provides medical services in this state must be licensed pursuant to
43 article 131 of the education law to practice medicine in the state and
44 each partner of a foreign limited liability partnership which provides
45 dental services in the state must be licensed pursuant to article 133 of
46 the education law to practice dentistry in this state. Each partner of a
47 foreign limited liability partnership which provides veterinary service
48 in the state shall be licensed pursuant to article 135 of the education
49 law to practice veterinary medicine in this state. Each partner of a
50 foreign limited liability partnership which provides professional engi-
51 neering, land surveying, architectural and/or landscape architectural
52 services in this state must be licensed pursuant to article 145, article
53 147 and/or article 148 of the education law to practice one or more of
54 such professions. EACH PARTNER OF A FOREIGN REGISTERED LIMITED LIABILITY
55 PARTNERSHIP FORMED TO PROVIDE PUBLIC ACCOUNTANCY SERVICES, WHOSE PRINCI-
56 PAL PLACE OF BUSINESS IS IN THIS STATE AND WHO PROVIDES PUBLIC ACCOUN-

1 TANCY SERVICES, MUST BE LICENSED PURSUANT TO ARTICLE 149 OF THE EDUCA-
2 TION LAW TO PRACTICE PUBLIC ACCOUNTANCY IN THIS STATE. Each partner of a
3 foreign limited liability partnership which provides licensed clinical
4 social work services in this state must be licensed pursuant to article
5 154 of the education law to practice licensed clinical social work in
6 this state. Each partner of a foreign limited liability partnership
7 which provides creative arts therapy services in this state must be
8 licensed pursuant to article 163 of the education law to practice crea-
9 tive arts therapy in this state. Each partner of a foreign limited
10 liability partnership which provides marriage and family therapy
11 services in this state must be licensed pursuant to article 163 of the
12 education law to practice marriage and family therapy in this state.
13 Each partner of a foreign limited liability partnership which provides
14 mental health counseling services in this state must be licensed pursu-
15 ant to article 163 of the education law to practice mental health coun-
16 seling in this state. Each partner of a foreign limited liability part-
17 nership which provides psychoanalysis services in this state must be
18 licensed pursuant to article 163 of the education law to practice
19 psychoanalysis in this state. Each partner of a foreign limited liabil-
20 ity partnership which provides applied behavior analysis services in
21 this state must be licensed or certified pursuant to article 167 of the
22 education law to practice applied behavior analysis in this state.
23 NOTWITHSTANDING ANY OTHER PROVISIONS OF LAW A FOREIGN 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, INCLUDING
28 OWNERSHIP-BASED COMPENSATION, AND VOTING RIGHTS HELD BY THE FIRM'S
29 OWNERS, BELONGS TO INDIVIDUALS LICENSED TO PRACTICE PUBLIC ACCOUNTANCY
30 IN SOME STATE, AND (2) THAT ALL PARTNERS OF A FOREIGN LIMITED LIABILITY
31 PARTNERSHIP WHOSE PRINCIPAL PLACE OF BUSINESS IS IN THIS STATE, AND WHO
32 ARE ENGAGED IN THE PRACTICE OF PUBLIC ACCOUNTANCY IN THIS STATE, HOLD A
33 VALID LICENSE ISSUED UNDER SECTION 7404 OF THE EDUCATION LAW OR ARE
34 PUBLIC ACCOUNTANTS LICENSED UNDER SECTION 7405 OF THE EDUCATION LAW.
35 ALTHOUGH FIRMS MAY INCLUDE NON-LICENSEE OWNERS, THE FIRM AND ITS OWNERS
36 MUST COMPLY WITH RULES PROMULGATED BY THE STATE BOARD OF REGENTS.
37 NOTWITHSTANDING THE FOREGOING, A FIRM REGISTERED UNDER THIS SECTION MAY
38 NOT HAVE NON-LICENSEE OWNERS IF THE FIRM'S NAME INCLUDES THE WORDS
39 "CERTIFIED PUBLIC ACCOUNTANT," OR "CERTIFIED PUBLIC ACCOUNTANTS," OR THE
40 ABBREVIATIONS "CPA" OR "CPAS." EACH NON-LICENSEE OWNER OF A FIRM THAT IS
41 INCORPORATED UNDER THIS SECTION SHALL BE (1) A NATURAL PERSON WHO
42 ACTIVELY PARTICIPATES IN THE BUSINESS OF THE FIRM OR ITS AFFILIATED
43 ENTITIES, OR (2) AN ENTITY, INCLUDING, BUT NOT LIMITED TO, A PARTNERSHIP
44 OR PROFESSIONAL CORPORATION, PROVIDED EACH BENEFICIAL OWNER OF AN EQUITY
45 INTEREST IN SUCH ENTITY IS A NATURAL PERSON WHO ACTIVELY PARTICIPATES IN
46 THE BUSINESS CONDUCTED BY THE FIRM OR ITS AFFILIATED ENTITIES. FOR
47 PURPOSES OF THIS SUBDIVISION, "ACTIVELY PARTICIPATE" MEANS TO PROVIDE
48 SERVICES TO CLIENTS OR TO OTHERWISE INDIVIDUALLY TAKE PART IN THE
49 DAY-TO-DAY BUSINESS OR MANAGEMENT OF THE FIRM.

50 S 13. Subdivision (q) of section 121-1502 of the partnership law, as
51 amended by chapter 475 of the laws of 2014, is amended to read as
52 follows:

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

1 dental services in the state must be licensed pursuant to article 133 of
2 the education law to practice dentistry in this state. Each partner of a
3 foreign limited liability partnership which provides veterinary service
4 in the state shall be licensed pursuant to article 135 of the education
5 law to practice veterinary medicine in this state. Each partner of a
6 foreign limited liability partnership which provides professional engi-
7 neering, land surveying, geological services, architectural and/or land-
8 scape architectural services in this state must be licensed pursuant to
9 article 145, article 147 and/or article 148 of the education law to
10 practice one or more of such professions. EACH PARTNER OF A FOREIGN
11 REGISTERED LIMITED LIABILITY PARTNERSHIP FORMED TO PROVIDE PUBLIC
12 ACCOUNTANCY SERVICES, WHOSE PRINCIPAL PLACE OF BUSINESS IS IN THIS STATE
13 AND WHO PROVIDES PUBLIC ACCOUNTANCY SERVICES, MUST BE LICENSED PURSUANT
14 TO ARTICLE 149 OF THE EDUCATION LAW TO PRACTICE PUBLIC ACCOUNTANCY IN
15 THIS STATE. Each partner of a foreign limited liability partnership
16 which provides licensed clinical social work services in this state must
17 be licensed pursuant to article 154 of the education law to practice
18 licensed clinical social work in this state. Each partner of a foreign
19 limited liability partnership which provides creative arts therapy
20 services in this state must be licensed pursuant to article 163 of the
21 education law to practice creative arts therapy in this state. Each
22 partner of a foreign limited liability partnership which provides
23 marriage and family therapy services in this state must be licensed
24 pursuant to article 163 of the education law to practice marriage and
25 family therapy in this state. Each partner of a foreign limited liabil-
26 ity partnership which provides mental health counseling services in this
27 state must be licensed pursuant to article 163 of the education law to
28 practice mental health counseling in this state. Each partner of a
29 foreign limited liability partnership which provides psychoanalysis
30 services in this state must be licensed pursuant to article 163 of the
31 education law to practice psychoanalysis in this state. Each partner of
32 a foreign limited liability partnership which provides applied behavior
33 analysis services in this state must be licensed or certified pursuant
34 to article 167 of the education law to practice applied behavior analy-
35 sis in this state. NOTWITHSTANDING ANY OTHER PROVISIONS OF LAW A
36 FOREIGN LIMITED LIABILITY PARTNERSHIP FORMED TO LAWFULLY ENGAGE IN THE
37 PRACTICE OF PUBLIC ACCOUNTANCY, AS SUCH PRACTICE IS RESPECTIVELY DEFINED
38 UNDER ARTICLE 149 OF THE EDUCATION LAW, SHALL BE REQUIRED TO SHOW (1)
39 THAT A SIMPLE MAJORITY OF THE OWNERSHIP OF THE FIRM, IN TERMS OF FINAN-
40 CIAL INTERESTS, INCLUDING OWNERSHIP-BASED COMPENSATION, AND VOTING
41 RIGHTS HELD BY THE FIRM'S OWNERS, BELONGS TO INDIVIDUALS LICENSED TO
42 PRACTICE PUBLIC ACCOUNTANCY IN SOME STATE, AND (2) THAT ALL PARTNERS OF
43 A FOREIGN LIMITED LIABILITY PARTNERSHIP WHOSE PRINCIPAL PLACE OF BUSI-
44 NESS IS IN THIS STATE, AND WHO ARE ENGAGED IN THE PRACTICE OF PUBLIC
45 ACCOUNTANCY IN THIS STATE, HOLD A VALID LICENCE ISSUED UNDER SECTION
46 7404 OF THE EDUCATION LAW OR ARE PUBLIC ACCOUNTANTS LICENSED UNDER
47 SECTION 7405 OF THE EDUCATION LAW. ALTHOUGH FIRMS MAY INCLUDE NON-LICEN-
48 SEE OWNERS, THE FIRM AND ITS OWNERS MUST COMPLY WITH RULES PROMULGATED
49 BY THE STATE BOARD OF REGENTS. NOTWITHSTANDING THE FOREGOING, A FIRM
50 REGISTERED UNDER THIS SECTION MAY NOT HAVE NON-LICENSEE OWNERS IF THE
51 FIRM'S NAME INCLUDES THE WORDS "CERTIFIED PUBLIC ACCOUNTANT," OR "CERTI-
52 FIED PUBLIC ACCOUNTANTS," OR THE ABBREVIATIONS "CPA" OR "CPAS." EACH
53 NON-LICENSEE OWNER OF A FIRM THAT IS INCORPORATED UNDER THIS SECTION
54 SHALL BE (1) A NATURAL PERSON WHO ACTIVELY PARTICIPATES IN THE BUSINESS
55 OF THE FIRM OR ITS AFFILIATED ENTITIES, OR (2) AN ENTITY, INCLUDING, BUT
56 NOT LIMITED TO, A PARTNERSHIP OR PROFESSIONAL CORPORATION, PROVIDED EACH

1 BENEFICIAL OWNER OF AN EQUITY INTEREST IN SUCH ENTITY IS A NATURAL
2 PERSON WHO ACTIVELY PARTICIPATES IN THE BUSINESS CONDUCTED BY THE FIRM
3 OR ITS AFFILIATED ENTITIES. FOR PURPOSES OF THIS SUBDIVISION, "ACTIVELY
4 PARTICIPATE" MEANS TO PROVIDE SERVICES TO CLIENTS OR TO OTHERWISE INDI-
5 VIDUALLY TAKE PART IN THE DAY-TO-DAY BUSINESS OR MANAGEMENT OF THE FIRM.

6 S 14. Subdivision (h) of section 121-101 of the partnership law, as
7 added by chapter 950 of the laws of 1990, is amended to read as follows:

8 (h) "Limited partnership" and "domestic limited partnership" mean,
9 unless the context otherwise requires, a partnership (i) formed by two
10 or more persons pursuant to this article or which complies with subdivi-
11 sion (a) of section 121-1202 of this article and (ii) having one or more
12 general partners and one or more limited partners. NOTWITHSTANDING ANY
13 OTHER PROVISIONS OF LAW A LIMITED PARTNERSHIP OR DOMESTIC LIMITED PART-
14 NERSHIP FORMED TO LAWFULLY ENGAGE IN THE PRACTICE OF PUBLIC ACCOUNTANCY,
15 AS SUCH PRACTICE IS RESPECTIVELY DEFINED UNDER ARTICLE 149 OF THE EDUCA-
16 TION LAW SHALL BE REQUIRED TO SHOW (1) THAT A SIMPLE MAJORITY OF THE
17 OWNERSHIP OF THE FIRM, IN TERMS OF FINANCIAL INTERESTS, INCLUDING OWNER-
18 SHIP-BASED COMPENSATION, AND VOTING RIGHTS HELD BY THE FIRM'S OWNERS,
19 BELONGS TO INDIVIDUALS LICENSED TO PRACTICE PUBLIC ACCOUNTANCY IN SOME
20 STATE, AND (2) THAT ALL PARTNERS OF A LIMITED PARTNERSHIP OR DOMESTIC
21 LIMITED PARTNERSHIP, WHOSE PRINCIPAL PLACE OF BUSINESS IS IN THIS STATE,
22 AND WHO ARE ENGAGED IN THE PRACTICE OF PUBLIC ACCOUNTANCY IN THIS STATE,
23 HOLD A VALID LICENSE ISSUED UNDER SECTION 7404 OF THE EDUCATION LAW OR
24 ARE PUBLIC ACCOUNTANTS LICENSED UNDER SECTION 7405 OF THE EDUCATION LAW.
25 ALTHOUGH FIRMS MAY INCLUDE NON-LICENSEE OWNERS, THE FIRM AND ITS OWNERS
26 MUST COMPLY WITH RULES PROMULGATED BY THE STATE BOARD OF REGENTS.
27 NOTWITHSTANDING THE FOREGOING, A FIRM REGISTERED UNDER THIS SECTION MAY
28 NOT HAVE NON-LICENSEE OWNERS IF THE FIRM'S NAME INCLUDES THE WORDS
29 "CERTIFIED PUBLIC ACCOUNTANT," OR "CERTIFIED PUBLIC ACCOUNTANTS," OR THE
30 ABBREVIATIONS "CPA" OR "CPAS." EACH NON-LICENSEE OWNER OF A FIRM THAT IS
31 REGISTERED UNDER THIS SECTION SHALL BE (1) A NATURAL PERSON WHO ACTIVELY
32 PARTICIPATES IN THE BUSINESS OF THE FIRM OR ITS AFFILIATED ENTITIES, OR
33 (2) AN ENTITY, INCLUDING, BUT NOT LIMITED TO, A PARTNERSHIP OR PROFES-
34 SIONAL CORPORATION, PROVIDED EACH BENEFICIAL OWNER OF AN EQUITY INTEREST
35 IN SUCH ENTITY IS A NATURAL PERSON WHO ACTIVELY PARTICIPATES IN THE
36 BUSINESS CONDUCTED BY THE FIRM OR ITS AFFILIATED ENTITIES. FOR PURPOSES
37 OF THIS SUBDIVISION, "ACTIVELY PARTICIPATE" MEANS TO PROVIDE SERVICES TO
38 CLIENTS OR TO OTHERWISE INDIVIDUALLY TAKE PART IN THE DAY-TO-DAY BUSI-
39 NESS OR MANAGEMENT OF THE FIRM.

40 S 15. Subdivision (b) of section 1207 of the limited liability company
41 law, as amended by chapter 554 of the laws of 2013, is amended to read
42 as follows:

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

1 limited liability company formed to provide professional engineering,
2 land surveying, architectural and/or landscape architectural services as
3 such services are defined in article 145, article 147 and article 148 of
4 the education law, each member of such limited liability company must be
5 licensed pursuant to article 145, article 147 and/or article 148 of the
6 education law to practice one or more of such professions in this state.
7 WITH RESPECT TO A PROFESSIONAL SERVICE LIMITED LIABILITY COMPANY FORMED
8 TO PROVIDE PUBLIC ACCOUNTANCY SERVICES AS SUCH SERVICES ARE DEFINED IN
9 ARTICLE 149 OF THE EDUCATION LAW EACH MEMBER OF SUCH LIMITED LIABILITY
10 COMPANY WHOSE PRINCIPAL PLACE OF BUSINESS IS IN THIS STATE AND WHO
11 PROVIDES PUBLIC ACCOUNTANCY SERVICES, MUST BE LICENSED PURSUANT TO ARTI-
12 CLE 149 OF THE EDUCATION LAW TO PRACTICE PUBLIC ACCOUNTANCY IN THIS
13 STATE. With respect to a professional service limited liability company
14 formed to provide licensed clinical social work services as such
15 services are defined in article 154 of the education law, each member of
16 such limited liability company shall be licensed pursuant to article 154
17 of the education law to practice licensed clinical social work in this
18 state. With respect to a professional service limited liability company
19 formed to provide creative arts therapy services as such services are
20 defined in article 163 of the education law, each member of such limited
21 liability company must be licensed pursuant to article 163 of the educa-
22 tion law to practice creative arts therapy in this state. With respect
23 to a professional service limited liability company formed to provide
24 marriage and family therapy services as such services are defined in
25 article 163 of the education law, each member of such limited liability
26 company must be licensed pursuant to article 163 of the education law to
27 practice marriage and family therapy in this state. With respect to a
28 professional service limited liability company formed to provide mental
29 health counseling services as such services are defined in article 163
30 of the education law, each member of such limited liability company must
31 be licensed pursuant to article 163 of the education law to practice
32 mental health counseling in this state. With respect to a professional
33 service limited liability company formed to provide psychoanalysis
34 services as such services are defined in article 163 of the education
35 law, each member of such limited liability company must be licensed
36 pursuant to article 163 of the education law to practice psychoanalysis
37 in this state. With respect to a professional service limited liability
38 company formed to provide applied behavior analysis services as such
39 services are defined in article 167 of the education law, each member of
40 such limited liability company must be licensed or certified pursuant to
41 article 167 of the education law to practice applied behavior analysis
42 in this state. NOTWITHSTANDING ANY OTHER PROVISIONS OF LAW A PROFES-
43 SIONAL SERVICE LIMITED LIABILITY COMPANY FORMED TO LAWFULLY ENGAGE IN
44 THE PRACTICE OF PUBLIC ACCOUNTANCY, AS SUCH PRACTICE IS RESPECTIVELY
45 DEFINED UNDER ARTICLE 149 OF THE EDUCATION LAW SHALL BE REQUIRED TO SHOW
46 (1) THAT A SIMPLE MAJORITY OF THE OWNERSHIP OF THE FIRM, IN TERMS OF
47 FINANCIAL INTERESTS, INCLUDING OWNERSHIP-BASED COMPENSATION, AND VOTING
48 RIGHTS HELD BY THE FIRM'S OWNERS, BELONGS TO INDIVIDUALS LICENSED TO
49 PRACTICE PUBLIC ACCOUNTANCY IN SOME STATE, AND (2) THAT ALL MEMBERS OF A
50 LIMITED PROFESSIONAL SERVICE LIMITED LIABILITY COMPANY, WHOSE PRINCIPAL
51 PLACE OF BUSINESS IS IN THIS STATE, AND WHO ARE ENGAGED IN THE PRACTICE
52 OF PUBLIC ACCOUNTANCY IN THIS STATE, HOLD A VALID LICENSE ISSUED UNDER
53 SECTION 7404 OF THE EDUCATION LAW OR ARE PUBLIC ACCOUNTANTS LICENSED
54 UNDER SECTION 7405 OF THE EDUCATION LAW. ALTHOUGH FIRMS MAY INCLUDE
55 NON-LICENSEE OWNERS, THE FIRM AND ITS OWNERS MUST COMPLY WITH RULES
56 PROMULGATED BY THE STATE BOARD OF REGENTS. NOTWITHSTANDING THE FOREGO-

1 ING, A FIRM REGISTERED UNDER THIS SECTION MAY NOT HAVE NON-LICENSEE
2 OWNERS IF THE FIRM'S NAME INCLUDES THE WORDS "CERTIFIED PUBLIC ACCOUNT-
3 ANT," OR "CERTIFIED PUBLIC ACCOUNTANTS," OR THE ABBREVIATIONS "CPA" OR
4 "CPAS." EACH NON-LICENSEE OWNER OF A FIRM THAT IS REGISTERED UNDER THIS
5 SECTION SHALL BE (1) A NATURAL PERSON WHO ACTIVELY PARTICIPATES IN THE
6 BUSINESS OF THE FIRM OR ITS AFFILIATED ENTITIES, OR (2) AN ENTITY,
7 INCLUDING, BUT NOT LIMITED TO, A PARTNERSHIP OR PROFESSIONAL CORPO-
8 RATION, PROVIDED EACH BENEFICIAL OWNER OF AN EQUITY INTEREST IN SUCH
9 ENTITY IS A NATURAL PERSON WHO ACTIVELY PARTICIPATES IN THE BUSINESS
10 CONDUCTED BY THE FIRM OR ITS AFFILIATED ENTITIES. FOR PURPOSES OF THIS
11 SUBDIVISION, "ACTIVELY PARTICIPATE" MEANS TO PROVIDE SERVICES TO CLIENTS
12 OR TO OTHERWISE INDIVIDUALLY TAKE PART IN THE DAY-TO-DAY BUSINESS OR
13 MANAGEMENT OF THE FIRM.

14 S 16. Subdivision (b) of section 1207 of the limited liability company
15 law, as amended by chapter 475 of the laws of 2014, is amended to read
16 as follows:

17 (b) With respect to a professional service limited liability company
18 formed to provide medical services as such services are defined in arti-
19 cle 131 of the education law, each member of such limited liability
20 company must be licensed pursuant to article 131 of the education law to
21 practice medicine in this state. With respect to a professional service
22 limited liability company formed to provide dental services as such
23 services are defined in article 133 of the education law, each member of
24 such limited liability company must be licensed pursuant to article 133
25 of the education law to practice dentistry in this state. With respect
26 to a professional service limited liability company formed to provide
27 veterinary services as such services are defined in article 135 of the
28 education law, each member of such limited liability company must be
29 licensed pursuant to article 135 of the education law to practice veter-
30 inary medicine in this state. With respect to a professional service
31 limited liability company formed to provide professional engineering,
32 land surveying, architectural, landscape architectural and/or geological
33 services as such services are defined in article 145, article 147 and
34 article 148 of the education law, each member of such limited liability
35 company must be licensed pursuant to article 145, article 147 and/or
36 article 148 of the education law to practice one or more of such
37 professions in this state. WITH RESPECT TO A PROFESSIONAL SERVICE
38 LIMITED LIABILITY COMPANY FORMED TO PROVIDE PUBLIC ACCOUNTANCY SERVICES
39 AS SUCH SERVICES ARE DEFINED IN ARTICLE 149 OF THE EDUCATION LAW EACH
40 MEMBER OF SUCH LIMITED LIABILITY COMPANY WHOSE PRINCIPAL PLACE OF BUSI-
41 NESS IS IN THIS STATE AND WHO PROVIDES PUBLIC ACCOUNTANCY SERVICES, MUST
42 BE LICENSED PURSUANT TO ARTICLE 149 OF THE EDUCATION LAW TO PRACTICE
43 PUBLIC ACCOUNTANCY IN THIS STATE. With respect to a professional service
44 limited liability company formed to provide licensed clinical social
45 work services as such services are defined in article 154 of the educa-
46 tion law, each member of such limited liability company shall be
47 licensed pursuant to article 154 of the education law to practice
48 licensed clinical social work in this state. With respect to a profes-
49 sional service limited liability company formed to provide creative arts
50 therapy services as such services are defined in article 163 of the
51 education law, each member of such limited liability company must be
52 licensed pursuant to article 163 of the education law to practice crea-
53 tive arts therapy in this state. With respect to a professional service
54 limited liability company formed to provide marriage and family therapy
55 services as such services are defined in article 163 of the education
56 law, each member of such limited liability company must be licensed

1 pursuant to article 163 of the education law to practice marriage and
2 family therapy in this state. With respect to a professional service
3 limited liability company formed to provide mental health counseling
4 services as such services are defined in article 163 of the education
5 law, each member of such limited liability company must be licensed
6 pursuant to article 163 of the education law to practice mental health
7 counseling in this state. With respect to a professional service limited
8 liability company formed to provide psychoanalysis services as such
9 services are defined in article 163 of the education law, each member of
10 such limited liability company must be licensed pursuant to article 163
11 of the education law to practice psychoanalysis in this state. With
12 respect to a professional service limited liability company formed to
13 provide applied behavior analysis services as such services are defined
14 in article 167 of the education law, each member of such limited liabil-
15 ity company must be licensed or certified pursuant to article 167 of the
16 education law to practice applied behavior analysis in this state.
17 NOTWITHSTANDING ANY OTHER PROVISIONS OF LAW A PROFESSIONAL SERVICE
18 LIMITED LIABILITY COMPANY FORMED TO LAWFULLY ENGAGE IN THE PRACTICE OF
19 PUBLIC ACCOUNTANCY, AS SUCH PRACTICE IS RESPECTIVELY DEFINED UNDER ARTI-
20 CLE 149 OF THE EDUCATION LAW SHALL BE REQUIRED TO SHOW (1) THAT A SIMPLE
21 MAJORITY OF THE OWNERSHIP OF THE FIRM, IN TERMS OF FINANCIAL INTERESTS,
22 INCLUDING OWNERSHIP-BASED COMPENSATION, AND VOTING RIGHTS HELD BY THE
23 FIRM'S OWNERS, BELONGS TO INDIVIDUALS LICENSED TO PRACTICE PUBLIC
24 ACCOUNTANCY IN SOME STATE, AND (2) THAT ALL MEMBERS OF A LIMITED PROFES-
25 SIONAL SERVICE LIMITED LIABILITY COMPANY, WHOSE PRINCIPAL PLACE OF BUSI-
26 NESS IS IN THIS STATE, AND WHO ARE ENGAGED IN THE PRACTICE OF PUBLIC
27 ACCOUNTANCY IN THIS STATE, HOLD A VALID LICENSE ISSUED UNDER SECTION
28 7404 OF THE EDUCATION LAW OR ARE PUBLIC ACCOUNTANTS LICENSED UNDER
29 SECTION 7405 OF THE EDUCATION LAW. ALTHOUGH FIRMS MAY INCLUDE NON-LICEN-
30 SEE OWNERS, THE FIRM AND ITS OWNERS MUST COMPLY WITH RULES PROMULGATED
31 BY THE STATE BOARD OF REGENTS. NOTWITHSTANDING THE FOREGOING, A FIRM
32 REGISTERED UNDER THIS SECTION MAY NOT HAVE NON-LICENSEE OWNERS IF THE
33 FIRM'S NAME INCLUDES THE WORDS "CERTIFIED PUBLIC ACCOUNTANT," OR "CERTI-
34 FIED PUBLIC ACCOUNTANTS," OR THE ABBREVIATIONS "CPA" OR "CPAS." EACH
35 NON-LICENSEE OWNER OF A FIRM THAT IS REGISTERED UNDER THIS SECTION SHALL
36 BE (1) A NATURAL PERSON WHO ACTIVELY PARTICIPATES IN THE BUSINESS OF THE
37 FIRM OR ITS AFFILIATED ENTITIES, OR (2) AN ENTITY, INCLUDING, BUT NOT
38 LIMITED TO, A PARTNERSHIP OR PROFESSIONAL CORPORATION, PROVIDED EACH
39 BENEFICIAL OWNER OF AN EQUITY INTEREST IN SUCH ENTITY IS A NATURAL
40 PERSON WHO ACTIVELY PARTICIPATES IN THE BUSINESS CONDUCTED BY THE FIRM
41 OR ITS AFFILIATED ENTITIES. FOR PURPOSES OF THIS SUBDIVISION, "ACTIVELY
42 PARTICIPATE" MEANS TO PROVIDE SERVICES TO CLIENTS OR TO OTHERWISE INDI-
43 VIDUALLY TAKE PART IN THE DAY-TO-DAY BUSINESS OR MANAGEMENT OF THE FIRM.

44 S 17. Subdivision (a) of section 1301 of the limited liability company
45 law, as amended by chapter 554 of the laws of 2013, is amended to read
46 as follows:

47 (a) "Foreign professional service limited liability company" means a
48 professional service limited liability company, whether or not denomi-
49 nated as such, organized under the laws of a jurisdiction other than
50 this state, (i) each of whose members and managers, if any, is a profes-
51 sional authorized by law to render a professional service within this
52 state and who is or has been engaged in the practice of such profession
53 in such professional service limited liability company or a predecessor
54 entity, or will engage in the practice of such profession in the profes-
55 sional service limited liability company within thirty days of the date
56 such professional becomes a member, or each of whose members and manag-

1 ers, if any, is a professional at least one of such members is author-
2 ized by law to render a professional service within this state and who
3 is or has been engaged in the practice of such profession in such
4 professional service limited liability company or a predecessor entity,
5 or will engage in the practice of such profession in the professional
6 service limited liability company within thirty days of the date such
7 professional becomes a member, or (ii) authorized by, or holding a
8 license, certificate, registration or permit issued by the licensing
9 authority pursuant to, the education law to render a professional
10 service within this state; except that all members and managers, if any,
11 of a foreign professional service limited liability company that
12 provides health services in this state shall be licensed in this state.
13 With respect to a foreign professional service limited liability company
14 which provides veterinary services as such services are defined in arti-
15 cle 135 of the education law, each member of such foreign professional
16 service limited liability company shall be licensed pursuant to article
17 135 of the education law to practice veterinary medicine. With respect
18 to a foreign professional service limited liability company which
19 provides medical services as such services are defined in article 131 of
20 the education law, each member of such foreign professional service
21 limited liability company must be licensed pursuant to article 131 of
22 the education law to practice medicine in this state. With respect to a
23 foreign professional service limited liability company which provides
24 dental services as such services are defined in article 133 of the
25 education law, each member of such foreign professional service limited
26 liability company must be licensed pursuant to article 133 of the educa-
27 tion law to practice dentistry in this state. With respect to a foreign
28 professional service limited liability company which provides profes-
29 sional engineering, land surveying, architectural and/or landscape
30 architectural services as such services are defined in article 145,
31 article 147 and article 148 of the education law, each member of such
32 foreign professional service limited liability company must be licensed
33 pursuant to article 145, article 147 and/or article 148 of the education
34 law to practice one or more of such professions in this state. WITH
35 RESPECT TO A FOREIGN PROFESSIONAL SERVICE LIMITED LIABILITY COMPANY
36 WHICH PROVIDES PUBLIC ACCOUNTANCY SERVICES AS SUCH SERVICES ARE DEFINED
37 IN ARTICLE 149 OF THE EDUCATION LAW, EACH MEMBER OF SUCH FOREIGN PROFES-
38 SIONAL SERVICE LIMITED LIABILITY COMPANY WHOSE PRINCIPAL PLACE OF BUSI-
39 NESS IS IN THIS STATE AND WHO PROVIDES PUBLIC ACCOUNTANCY SERVICES,
40 SHALL BE LICENSED PURSUANT TO ARTICLE 149 OF THE EDUCATION LAW TO PRAC-
41 TICE PUBLIC ACCOUNTANCY IN THIS STATE. With respect to a foreign profes-
42 sional service limited liability company which provides licensed clin-
43 ical social work services as such services are defined in article 154 of
44 the education law, each member of such foreign professional service
45 limited liability company shall be licensed pursuant to article 154 of
46 the education law to practice clinical social work in this state. With
47 respect to a foreign professional service limited liability company
48 which provides creative arts therapy services as such services are
49 defined in article 163 of the education law, each member of such foreign
50 professional service limited liability company must be licensed pursuant
51 to article 163 of the education law to practice creative arts therapy in
52 this state. With respect to a foreign professional service limited
53 liability company which provides marriage and family therapy services as
54 such services are defined in article 163 of the education law, each
55 member of such foreign professional service limited liability company
56 must be licensed pursuant to article 163 of the education law to prac-

1 tice marriage and family therapy in this state. With respect to a
2 foreign professional service limited liability company which provides
3 mental health counseling services as such services are defined in arti-
4 cle 163 of the education law, each member of such foreign professional
5 service limited liability company must be licensed pursuant to article
6 163 of the education law to practice mental health counseling in this
7 state. With respect to a foreign professional service limited liability
8 company which provides psychoanalysis services as such services are
9 defined in article 163 of the education law, each member of such foreign
10 professional service limited liability company must be licensed pursuant
11 to article 163 of the education law to practice psychoanalysis in this
12 state. With respect to a foreign professional service limited liability
13 company which provides applied behavior analysis services as such
14 services are defined in article 167 of the education law, each member of
15 such foreign professional service limited liability company must be
16 licensed or certified pursuant to article 167 of the education law to
17 practice applied behavior analysis in this state. NOTWITHSTANDING ANY
18 OTHER PROVISIONS OF LAW A FOREIGN PROFESSIONAL SERVICE LIMITED LIABILITY
19 COMPANY FORMED TO LAWFULLY ENGAGE IN THE PRACTICE OF PUBLIC ACCOUNTANCY,
20 AS SUCH PRACTICE IS RESPECTIVELY DEFINED UNDER ARTICLE 149 OF THE EDUCA-
21 TION LAW SHALL BE REQUIRED TO SHOW (1) THAT A SIMPLE MAJORITY OF THE
22 OWNERSHIP OF THE FIRM, IN TERMS OF FINANCIAL INTERESTS, INCLUDING OWNER-
23 SHIP-BASED COMPENSATION, AND VOTING RIGHTS HELD BY THE FIRM'S OWNERS,
24 BELONGS TO INDIVIDUALS LICENSED TO PRACTICE PUBLIC ACCOUNTANCY IN SOME
25 STATE, AND (2) THAT ALL MEMBERS OF A FOREIGN LIMITED PROFESSIONAL
26 SERVICE LIMITED LIABILITY COMPANY, WHOSE PRINCIPAL PLACE OF BUSINESS IS
27 IN THIS STATE, AND WHO ARE ENGAGED IN THE PRACTICE OF PUBLIC ACCOUNTANCY
28 IN THIS STATE, HOLD A VALID LICENSE ISSUED UNDER SECTION 7404 OF THE
29 EDUCATION LAW OR ARE PUBLIC ACCOUNTANTS LICENSED UNDER SECTION 7405 OF
30 THE EDUCATION LAW. ALTHOUGH FIRMS MAY INCLUDE NON-LICENSEE OWNERS, THE
31 FIRM AND ITS OWNERS MUST COMPLY WITH RULES PROMULGATED BY THE STATE
32 BOARD OF REGENTS. NOTWITHSTANDING THE FOREGOING, A FIRM REGISTERED
33 UNDER THIS SECTION MAY NOT HAVE NON-LICENSEE OWNERS IF THE FIRM'S NAME
34 INCLUDES THE WORDS "CERTIFIED PUBLIC ACCOUNTANT," OR "CERTIFIED PUBLIC
35 ACCOUNTANTS," OR THE ABBREVIATIONS "CPA" OR "CPAS." EACH NON-LICENSEE
36 OWNER OF A FIRM THAT IS REGISTERED UNDER THIS SECTION SHALL BE (1) A
37 NATURAL PERSON WHO ACTIVELY PARTICIPATES IN THE BUSINESS OF THE FIRM OR
38 ITS AFFILIATED ENTITIES, OR (2) AN ENTITY, INCLUDING, BUT NOT LIMITED
39 TO, A PARTNERSHIP OR PROFESSIONAL CORPORATION, PROVIDED EACH BENEFICIAL
40 OWNER OF AN EQUITY INTEREST IN SUCH ENTITY IS A NATURAL PERSON WHO
41 ACTIVELY PARTICIPATES IN THE BUSINESS CONDUCTED BY THE FIRM OR ITS
42 AFFILIATED ENTITIES. FOR PURPOSES OF THIS SUBDIVISION, "ACTIVELY PARTIC-
43 IPATE" MEANS TO PROVIDE SERVICES TO CLIENTS OR TO OTHERWISE INDIVIDUALLY
44 TAKE PART IN THE DAY-TO-DAY BUSINESS OR MANAGEMENT OF THE FIRM.

45 S 18. Subdivision (a) of section 1301 of the limited liability company
46 law, as amended by chapter 475 of the laws of 2014, is amended to read
47 as follows:

48 (a) "Foreign professional service limited liability company" means a
49 professional service limited liability company, whether or not denomi-
50 nated as such, organized under the laws of a jurisdiction other than
51 this state, (i) each of whose members and managers, if any, is a profes-
52 sional authorized by law to render a professional service within this
53 state and who is or has been engaged in the practice of such profession
54 in such professional service limited liability company or a predecessor
55 entity, or will engage in the practice of such profession in the profes-
56 sional service limited liability company within thirty days of the date

1 such professional becomes a member, or each of whose members and manag-
2 ers, if any, is a professional at least one of such members is author-
3 ized by law to render a professional service within this state and who
4 is or has been engaged in the practice of such profession in such
5 professional service limited liability company or a predecessor entity,
6 or will engage in the practice of such profession in the professional
7 service limited liability company within thirty days of the date such
8 professional becomes a member, or (ii) authorized by, or holding a
9 license, certificate, registration or permit issued by the licensing
10 authority pursuant to, the education law to render a professional
11 service within this state; except that all members and managers, if any,
12 of a foreign professional service limited liability company that
13 provides health services in this state shall be licensed in this state.
14 With respect to a foreign professional service limited liability company
15 which provides veterinary services as such services are defined in arti-
16 cle 135 of the education law, each member of such foreign professional
17 service limited liability company shall be licensed pursuant to article
18 135 of the education law to practice veterinary medicine. With respect
19 to a foreign professional service limited liability company which
20 provides medical services as such services are defined in article 131 of
21 the education law, each member of such foreign professional service
22 limited liability company must be licensed pursuant to article 131 of
23 the education law to practice medicine in this state. With respect to a
24 foreign professional service limited liability company which provides
25 dental services as such services are defined in article 133 of the
26 education law, each member of such foreign professional service limited
27 liability company must be licensed pursuant to article 133 of the educa-
28 tion law to practice dentistry in this state. With respect to a foreign
29 professional service limited liability company which provides profes-
30 sional engineering, land surveying, geologic, architectural and/or land-
31 scape architectural services as such services are defined in article
32 145, article 147 and article 148 of the education law, each member of
33 such foreign professional service limited liability company must be
34 licensed pursuant to article 145, article 147 and/or article 148 of the
35 education law to practice one or more of such professions in this state.
36 WITH RESPECT TO A FOREIGN PROFESSIONAL SERVICE LIMITED LIABILITY COMPANY
37 WHICH PROVIDES PUBLIC ACCOUNTANCY SERVICES AS SUCH SERVICES ARE DEFINED
38 IN ARTICLE 149 OF THE EDUCATION LAW, EACH MEMBER OF SUCH FOREIGN PROFES-
39 SIONAL SERVICE LIMITED LIABILITY COMPANY WHOSE PRINCIPAL PLACE OF BUSI-
40 NESS IS IN THIS STATE AND WHO PROVIDES PUBLIC ACCOUNTANCY SERVICES,
41 SHALL BE LICENSED PURSUANT TO ARTICLE 149 OF THE EDUCATION LAW TO PRAC-
42 TICE PUBLIC ACCOUNTANCY IN THIS STATE. With respect to a foreign profes-
43 sional service limited liability company which provides licensed clin-
44 ical social work services as such services are defined in article 154 of
45 the education law, each member of such foreign professional service
46 limited liability company shall be licensed pursuant to article 154 of
47 the education law to practice clinical social work in this state. With
48 respect to a foreign professional service limited liability company
49 which provides creative arts therapy services as such services are
50 defined in article 163 of the education law, each member of such foreign
51 professional service limited liability company must be licensed pursuant
52 to article 163 of the education law to practice creative arts therapy in
53 this state. With respect to a foreign professional service limited
54 liability company which provides marriage and family therapy services as
55 such services are defined in article 163 of the education law, each
56 member of such foreign professional service limited liability company

1 must be licensed pursuant to article 163 of the education law to prac-
2 tice marriage and family therapy in this state. With respect to a
3 foreign professional service limited liability company which provides
4 mental health counseling services as such services are defined in arti-
5 cle 163 of the education law, each member of such foreign professional
6 service limited liability company must be licensed pursuant to article
7 163 of the education law to practice mental health counseling in this
8 state. With respect to a foreign professional service limited liability
9 company which provides psychoanalysis services as such services are
10 defined in article 163 of the education law, each member of such foreign
11 professional service limited liability company must be licensed pursuant
12 to article 163 of the education law to practice psychoanalysis in this
13 state. With respect to a foreign professional service limited liability
14 company which provides applied behavior analysis services as such
15 services are defined in article 167 of the education law, each member of
16 such foreign professional service limited liability company must be
17 licensed or certified pursuant to article 167 of the education law to
18 practice applied behavior analysis in this state. NOTWITHSTANDING ANY
19 OTHER PROVISIONS OF LAW A FOREIGN PROFESSIONAL SERVICE LIMITED LIABILITY
20 COMPANY FORMED TO LAWFULLY ENGAGE IN THE PRACTICE OF PUBLIC ACCOUNTANCY,
21 AS SUCH PRACTICE IS RESPECTIVELY DEFINED UNDER ARTICLE 149 OF THE EDUCA-
22 TION LAW SHALL BE REQUIRED TO SHOW (1) THAT A SIMPLE MAJORITY OF THE
23 OWNERSHIP OF THE FIRM, IN TERMS OF FINANCIAL INTERESTS, INCLUDING OWNER-
24 SHIP-BASED COMPENSATION, AND VOTING RIGHTS HELD BY THE FIRM'S OWNERS,
25 BELONGS TO INDIVIDUALS LICENSED TO PRACTICE PUBLIC ACCOUNTANCY IN SOME
26 STATE, AND (2) THAT ALL MEMBERS OF A FOREIGN LIMITED PROFESSIONAL
27 SERVICE LIMITED LIABILITY COMPANY, WHOSE PRINCIPAL PLACE OF BUSINESS IS
28 IN THIS STATE, AND WHO ARE ENGAGED IN THE PRACTICE OF PUBLIC ACCOUNTANCY
29 IN THIS STATE, HOLD A VALID LICENSE ISSUED UNDER SECTION 7404 OF THE
30 EDUCATION LAW OR ARE PUBLIC ACCOUNTANTS LICENSED UNDER SECTION 7405 OF
31 THE EDUCATION LAW, ALTHOUGH FIRMS MAY INCLUDE NON-LICENSEE OWNERS, THE
32 FIRM AND ITS OWNERS MUST COMPLY WITH RULES PROMULGATED BY THE STATE
33 BOARD OF REGENTS. NOTWITHSTANDING THE FOREGOING, A FIRM REGISTERED
34 UNDER THIS SECTION MAY NOT HAVE NON-LICENSEE OWNERS IF THE FIRM'S NAME
35 INCLUDES THE WORDS "CERTIFIED PUBLIC ACCOUNTANT," OR "CERTIFIED PUBLIC
36 ACCOUNTANTS," OR THE ABBREVIATIONS "CPA" OR "CPAS." EACH NON-LICENSEE
37 OWNER OF A FIRM THAT IS REGISTERED UNDER THIS SECTION SHALL BE (1) A
38 NATURAL PERSON WHO ACTIVELY PARTICIPATES IN THE BUSINESS OF THE FIRM OR
39 ITS AFFILIATED ENTITIES, OR (2) AN ENTITY, INCLUDING, BUT NOT LIMITED
40 TO, A PARTNERSHIP OR PROFESSIONAL CORPORATION, PROVIDED EACH BENEFICIAL
41 OWNER OF AN EQUITY INTEREST IN SUCH ENTITY IS A NATURAL PERSON WHO
42 ACTIVELY PARTICIPATES IN THE BUSINESS CONDUCTED BY THE FIRM OR ITS
43 AFFILIATED ENTITIES. FOR PURPOSES OF THIS SUBDIVISION, "ACTIVELY PARTIC-
44 IPATE" MEANS TO PROVIDE SERVICES TO CLIENTS OR TO OTHERWISE INDIVIDUALLY
45 TAKE PART IN THE DAY-TO-DAY BUSINESS OR MANAGEMENT OF THE FIRM.
46 S 19. This act shall take effect immediately; provided that sections
47 eleven, thirteen, sixteen, and eighteen of this act shall take effect on
48 the same date as sections 26, 27, 22 and 23, respectively, of chapter
49 475 of the laws of 2014 take effect.

50 PART I

51 Intentionally Omitted

52 PART J

Intentionally Omitted

PART K

Intentionally Omitted

PART L

Intentionally Omitted

PART M

Section 1. Clause (G) of subparagraph (vii) of paragraph 2 of subdivision (d) of section 1089 of the family court act, as added by section 27 of part A of chapter 3 of the laws of 2005, is amended to read as follows:

(G) where a child has or will before the next permanency hearing reach the age of fourteen, (I) the services and assistance necessary to assist the child in learning independent living skills TO ASSIST THE CHILD TO MAKE THE TRANSITION FROM FOSTER CARE TO SUCCESSFUL ADULTHOOD; AND (II) A. THAT THE PERMANENCY PLAN DEVELOPED FOR THE CHILD IN FOSTER CARE WHO HAS ATTAINED THE AGE OF FOURTEEN, AND ANY REVISION OR ADDITION TO THE PLAN, SHALL BE DEVELOPED IN CONSULTATION WITH THE CHILD AND, AT THE OPTION OF THE CHILD, WITH UP TO TWO MEMBERS OF THE CHILD'S PERMANENCY PLANNING TEAM WHO ARE SELECTED BY THE CHILD AND WHO ARE NOT A FOSTER PARENT OF, OR THE CASE WORKER, CASE PLANNER OR CASE MANAGER FOR, THE CHILD EXCEPT THAT THE LOCAL COMMISSIONER OF SOCIAL SERVICES WITH CUSTODY OF THE CHILD MAY REJECT AN INDIVIDUAL SO SELECTED BY THE CHILD IF SUCH LOCAL COMMISSIONER HAS GOOD CAUSE TO BELIEVE THAT THE INDIVIDUAL WOULD NOT ACT IN THE BEST INTERESTS OF THE CHILD, AND B. THAT ONE INDIVIDUAL SO SELECTED BY THE CHILD MAY BE DESIGNATED TO BE THE CHILD'S ADVISOR AND, AS NECESSARY, ADVOCATE, WITH RESPECT TO THE APPLICATION OF THE REASONABLE AND PRUDENT PARENT STANDARD TO THE CHILD; and

S 2. Paragraph (b) of subdivision 7 of section 355.5 of the family court act, as amended by section 17 of part L of chapter 56 of the laws of 2015, is amended to read as follows:

(b) in the case of a respondent who has attained the age of fourteen, (I) the services needed, if any, to assist the respondent to make the transition from foster care to [independent living] SUCCESSFUL ADULTHOOD; AND (II)(A) THAT THE PERMANENCY PLAN DEVELOPED FOR THE RESPONDENT, AND ANY REVISION OR ADDITION TO THE PLAN, SHALL BE DEVELOPED IN CONSULTATION WITH THE RESPONDENT AND, AT THE OPTION OF THE RESPONDENT, WITH UP TO TWO MEMBERS OF THE RESPONDENT'S PERMANENCY PLANNING TEAM WHO ARE SELECTED BY THE RESPONDENT AND WHO ARE NOT A FOSTER PARENT OF, OR CASE WORKER, CASE PLANNER OR CASE MANAGER FOR, THE CHILD, EXCEPT THAT THE LOCAL COMMISSIONER OF SOCIAL SERVICES WITH CUSTODY OF THE RESPONDENT OR THE COMMISSIONER OF THE OFFICE OF CHILDREN AND FAMILY SERVICES IF SUCH OFFICE HAS CUSTODY OF THE RESPONDENT MAY REJECT AN INDIVIDUAL SELECTED BY THE RESPONDENT IF SUCH COMMISSIONER HAS GOOD CAUSE TO BELIEVE THAT THE INDIVIDUAL WOULD NOT ACT IN THE BEST INTERESTS OF THE RESPONDENT, AND (B) THAT ONE INDIVIDUAL SO SELECTED BY THE RESPONDENT MAY BE DESIGNATED TO BE THE RESPONDENT'S ADVISOR AND, AS NECESSARY, ADVOCATE, WITH RESPECT TO THE APPLICATION OF THE REASONABLE AND PRUDENT PARENT STANDARD;

1 S 3. Paragraph (ii) of subdivision (d) of section 756-a of the family
2 court act, as amended by section 22 of part L of chapter 56 of the laws
3 of 2015, is amended to read as follows:

4 (ii) in the case of a child who has attained the age of fourteen, (A)
5 the services needed, if any, to assist the child to make the transition
6 from foster care to [independent living] SUCCESSFUL ADULTHOOD; AND
7 (B)(1) THAT THE PERMANENCY PLAN DEVELOPED FOR THE CHILD, AND ANY
8 REVISION OR ADDITION TO THE PLAN SHALL BE DEVELOPED IN CONSULTATION WITH
9 THE CHILD AND, AT THE OPTION OF THE CHILD, WITH UP TO TWO ADDITIONAL
10 MEMBERS OF THE CHILD'S PERMANENCY PLANNING TEAM WHO ARE SELECTED BY THE
11 CHILD AND WHO ARE NOT A FOSTER PARENT OF, OR CASE WORKER, CASE PLANNER
12 OR CASE MANAGER FOR, THE CHILD, EXCEPT THAT THE LOCAL COMMISSIONER OF
13 SOCIAL SERVICES WITH CUSTODY OF THE CHILD MAY REJECT AN INDIVIDUAL SO
14 SELECTED BY THE CHILD IF SUCH COMMISSIONER HAS GOOD CAUSE TO BELIEVE
15 THAT THE INDIVIDUAL WOULD NOT ACT IN THE BEST INTERESTS OF THE CHILD,
16 AND (2) THAT ONE INDIVIDUAL SO SELECTED BY THE CHILD MAY BE DESIGNATED
17 TO BE THE CHILD'S ADVISOR AND, AS NECESSARY, ADVOCATE WITH RESPECT TO
18 THE APPLICATION OF THE REASONABLE AND PRUDENT PARENT STANDARD;

19 S 4. Subdivisions 1 and 2 of section 458-c of the social services law,
20 as added by section 4 of part F of chapter 58 of the laws of 2010, are
21 amended to read as follows:

22 1. A social services official shall make payments for non-recurring
23 guardianship expenses incurred by or on behalf of the relatives OR
24 SUCCESSOR GUARDIANS who have been approved by the social services offi-
25 cial to receive kinship guardianship assistance payments, when such
26 expenses are incurred in connection with assuming the guardianship of a
27 foster child OR A FORMER FOSTER CHILD IN REGARD TO SUCCESSOR GUARDIANS.
28 The agreement for the payment of non-recurring guardianship expenses
29 must be reflected in the written agreement set forth in subdivision four
30 of section four hundred fifty-eight-b of this title. In accordance with
31 subdivision two of this section, the payments shall be made by the
32 social services official either to the relative OR SUCCESSOR guardian or
33 guardians directly or to an attorney on behalf of the relative OR
34 SUCCESSOR guardian or guardians, AS APPLICABLE, for the allowable amount
35 of non-recurring guardianship expenses incurred in connection with
36 obtaining such guardianship.

37 2. The amount of the payment made pursuant to this section shall not
38 exceed two thousand dollars for each foster child for whom the
39 relatives, OR EACH FORMER FOSTER CHILD FOR WHOM THE SUCCESSOR GUARDIANS,
40 seek guardianship or permanent guardianship and shall be available only
41 for those expenses that are determined to be eligible for reimbursement
42 by the social services official in accordance with the regulations of
43 the office of children and family services.

44 S 5. The social services law is amended by adding a new section 383-a
45 to read as follows:

46 S 383-A. IMMUNITY FROM LIABILITY FOR APPLICATION OF THE REASONABLE AND
47 PRUDENT PARENT STANDARD. 1. TO FACILITATE A NORMAL CHILDHOOD EXPERI-
48 ENCE, CAREGIVERS SHALL BE ENCOURAGED TO ALLOW FOSTER CHILDREN TO PARTIC-
49 IPATE IN EXTRACURRICULAR, ENRICHMENT, CULTURAL, OR SOCIAL ACTIVITIES. TO
50 PROMOTE THIS GOAL, CAREGIVERS CAN PERMIT FOSTER CHILDREN TO ENGAGE IN
51 SUCH ACTIVITIES WITHOUT LIABILITY IF THEY EXERCISE THE REASONABLE AND
52 PRUDENT PARENT STANDARD. HOWEVER, FOSTER CHILDREN SHALL CONTINUE TO BE
53 ABLE TO SEEK COMPENSATION WHEN THEY HAVE BEEN INJURED AS A RESULT OF ANY
54 PERSON'S NEGLIGENCE WHEN THEY ARE ENGAGED IN SUCH ACTIVITIES.

55 2. DEFINITIONS. AS USED IN THIS SECTION, THE FOLLOWING TERMS SHALL
56 HAVE THE FOLLOWING MEANINGS:

1 (A) "CAREGIVER" SHALL MEAN A FOSTER PARENT, THE EMPLOYEE OF A CHILD
2 CARE FACILITY OPERATED BY A VOLUNTARY AUTHORIZED AGENCY THAT IS DESIG-
3 NATED TO APPLY THE REASONABLE AND PRUDENT PARENT STANDARD, OR A LOCAL
4 DEPARTMENT OF SOCIAL SERVICES OR A VOLUNTARY AUTHORIZED AGENCY THAT IS
5 RESPONSIBLE FOR THE CARE OF A FOSTER CHILD AT THE RELEVANT TIME WHEN
6 SUCH CAREGIVER IS APPLYING THE REASONABLE AND PRUDENT PARENT STANDARD.

7 (B) "CHILD" SHALL MEAN A CHILD WHO IS IN FOSTER CARE OR WHO WAS IN
8 FOSTER CARE AT THE RELEVANT TIME.

9 (C) "CHILD CARE FACILITY" SHALL MEAN AN INSTITUTION, GROUP RESIDENCE,
10 GROUP HOME, AGENCY OPERATED BOARDING HOME, OR SUPERVISED INDEPENDENT
11 LIVING PROGRAM.

12 (D) "REASONABLE AND PRUDENT PARENT STANDARD" SHALL MEAN, IN ACCORDANCE
13 WITH 42 U.S.C. 675 AS AMENDED BY P.L. 113-183, THE STANDARD CHARACTER-
14 IZED BY CAREFUL AND SENSIBLE PARENTAL DECISIONS THAT MAINTAIN THE
15 HEALTH, SAFETY, AND BEST INTERESTS OF A CHILD WHILE AT THE SAME TIME
16 ENCOURAGING THE EMOTIONAL AND DEVELOPMENTAL GROWTH OF THE CHILD THAT A
17 CAREGIVER SHALL USE WHEN DETERMINING WHETHER TO ALLOW A CHILD IN FOSTER
18 CARE TO PARTICIPATE IN EXTRACURRICULAR, ENRICHMENT, CULTURAL OR SOCIAL
19 ACTIVITIES.

20 3. A CAREGIVER SHALL NOT BE LIABLE FOR INJURIES TO THE CHILD THAT
21 OCCUR AS A RESULT OF ACTING IN ACCORDANCE WITH THE REASONABLE AND
22 PRUDENT PARENT STANDARD AS DEFINED IN PARAGRAPH (D) OF SUBDIVISION TWO
23 OF THIS SECTION. NOTHING IN THIS SECTION SHALL PROVIDE IMMUNITY FROM
24 LIABILITY FOR A CAREGIVER'S OWN NEGLIGENT ACTION OR INACTION.

25 4. IN DETERMINING WHETHER THE REASONABLE AND PRUDENT PARENT STANDARD
26 WAS APPLIED BY A CAREGIVER IN RELATION TO A PARTICULAR CHILD, ANY GUID-
27 ANCE ISSUED BY THE OFFICE OF CHILDREN AND FAMILY SERVICES OR THE UNITED
28 STATES DEPARTMENT OF HEALTH AND HUMAN SERVICES IN ACCORDANCE WITH 42
29 U.S.C. 675 AS AMENDED BY P.L. 113-183, MAY BE CONSIDERED.

30 S 6. The opening paragraph of paragraph (e) of subdivision 2 of
31 section 378-a of the social services law, as amended by section 10 of
32 part L of chapter 56 of the laws of 2015, is amended to read as follows:

33 [After] EXCEPT AS SET FORTH IN PARAGRAPH (M) OF THIS SECTION, AFTER
34 reviewing any criminal history record information provided by the divi-
35 sion of criminal justice services, the office of children and family
36 services shall promptly notify the authorized agency or other state
37 agency that:

38 S 7. Subdivision 2 of section 378-a of the social services law is
39 amended by adding a new paragraph (m) to read as follows:

40 (M)(1) THE OFFICE OF CHILDREN AND FAMILY SERVICES SHALL NOT RELEASE
41 THE CONTENT OF THE RESULTS OF THE NATIONWIDE CRIMINAL HISTORY RECORD
42 CHECK CONDUCTED BY THE FEDERAL BUREAU OF INVESTIGATION IN ACCORDANCE
43 WITH THIS SUBDIVISION TO AN AUTHORIZED AGENCY, AS DEFINED IN PARAGRAPHS
44 (A) OR (C) OF SUBDIVISION TEN OF SECTION THREE HUNDRED SEVENTY-ONE OF
45 THIS TITLE.

46 (2) FOR ANY APPLICATION MADE TO SUCH AN AUTHORIZED AGENCY UNDER THIS
47 SUBDIVISION, THE OFFICE OF CHILDREN AND FAMILY SERVICES SHALL:

48 (A) REVIEW AND EVALUATE THE RESULTS OF THE NATIONWIDE CRIMINAL HISTORY
49 RECORD CHECK OF THE PROSPECTIVE FOSTER PARENT, PROSPECTIVE ADOPTIVE
50 PARENT AND ANY OTHER PERSON OVER THE AGE OF EIGHTEEN WHO RESIDES IN THE
51 HOME OF SUCH APPLICANT IN ACCORDANCE WITH THE STANDARDS SET FORTH IN
52 PARAGRAPH (E) OF THIS SUBDIVISION RELATING TO MANDATORY DISQUALIFYING
53 CONVICTIONS, HOLD IN ABEYANCE CHARGES OR CONVICTIONS, AND DISCRETIONARY
54 CHARGES AND CONVICTIONS; AND

55 (B) BASED ON THE RESULTS OF THE NATIONWIDE CRIMINAL HISTORY RECORD
56 CHECK, INFORM SUCH AUTHORIZED AGENCY THAT THE APPLICATION FOR CERTIF-

ICATION OR APPROVAL OF THE PROSPECTIVE FOSTER PARENT OR THE PROSPECTIVE ADOPTIVE PARENT EITHER: (I) MUST BE DENIED; (II) MUST BE HELD IN ABEYANCE PENDING SUBSEQUENT NOTIFICATION FROM THE OFFICE OF CHILDREN AND FAMILY SERVICES; OR (III) THAT THE OFFICE OF CHILDREN AND FAMILY SERVICES HAS NO OBJECTION, SOLELY BASED ON THE NATIONWIDE CRIMINAL HISTORY RECORD CHECK, FOR THE AUTHORIZED AGENCY TO PROCEED WITH A DETERMINATION ON SUCH APPLICATION BASED ON THE STANDARDS FOR CERTIFICATION OR APPROVAL OF A PROSPECTIVE FOSTER PARENT OR PROSPECTIVE ADOPTIVE PARENT, AS SET FORTH IN THE REGULATIONS OF THE OFFICE OF CHILDREN AND FAMILY SERVICES.

(3) WHERE THE OFFICE OF CHILDREN AND FAMILY SERVICES DIRECTS THE AUTHORIZED AGENCY TO DENY THE APPLICATION OF A PROSPECTIVE FOSTER PARENT OR A PROSPECTIVE ADOPTIVE PARENT IN ACCORDANCE WITH THIS PARAGRAPH, THE OFFICE OF CHILDREN AND FAMILY SERVICES SHALL ALSO NOTIFY THE PROSPECTIVE FOSTER PARENT, PROSPECTIVE ADOPTIVE PARENT OR OTHER PERSON OVER THE AGE OF EIGHTEEN WHO RESIDED IN THE HOME OF THE APPLICANT WHOSE CRIMINAL HISTORY WAS THE BASIS FOR THE DENIAL.

(4) THIS PARAGRAPH DOES NOT APPLY TO NATIONWIDE CRIMINAL HISTORY RECORD CHECKS CONDUCTED BY THE FEDERAL BUREAU OF INVESTIGATION ON BEHALF OF STATE AGENCIES OR AUTHORIZED AGENCIES, AS DEFINED IN PARAGRAPH (B) OF SUBDIVISION TEN OF SECTION THREE HUNDRED SEVENTY-ONE OF THIS TITLE, OR TO THE RESULTS OF STATEWIDE CRIMINAL HISTORY RECORD CHECKS CONDUCTED BY THE DIVISION OF CRIMINAL JUSTICE SERVICES.

S 8. Severability. If any clause, sentence, paragraph, subdivision, section or part contained in any part of this act shall be adjudged by any court of competent jurisdiction to be invalid, such judgement shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section or part contained in any part thereof directly involved in the controversy in which such judgment shall have been rendered. It is hereby declared to be the intent of the legislature that this act would have been enacted even if such invalid provisions had not been included herein.

S 9. This act shall take effect immediately, provided however that sections six and seven of this act shall take effect on the ninetieth day after it shall have become a law.

PART N

Intentionally Omitted

PART O

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 I of chapter 56 of the laws of 2015, are amended to read as follows:

(a) in the case of each individual receiving family care, an amount equal to at least \$141.00 for each month beginning on or after January first, two thousand [fifteen] SIXTEEN.

(b) in the case of each individual receiving residential care, an amount equal to at least \$163.00 for each month beginning on or after January first, two thousand [fifteen] SIXTEEN.

(c) in the case of each individual receiving enhanced residential care, an amount equal to at least \$193.00 for each month beginning on or after January first, two thousand [fifteen] SIXTEEN.

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

S. 2. Paragraphs (a), (b), (c), (d), (e) and (f) of subdivision 2 of section 209 of the social services law, as amended by section 2 of part I of chapter 56 of the laws of 2015, are amended to read as follows:

(a) On and after January first, two thousand [fifteen] SIXTEEN, for an eligible individual living alone, \$820.00; and for an eligible couple living alone, \$1204.00.

(b) On and after January first, two thousand [fifteen] SIXTEEN, for an eligible individual living with others with or without in-kind income, \$756.00; and for an eligible couple living with others with or without in-kind income, \$1146.00.

(c) On and after January first, two thousand [fifteen] SIXTEEN, (i) for an eligible individual receiving family care, \$999.48 if he or she is receiving such care in the city of New York or the county of Nassau, Suffolk, Westchester or Rockland; and (ii) for an eligible couple receiving family care in the city of New York or the county of Nassau, Suffolk, Westchester or Rockland, two times the amount set forth in subparagraph (i) of this paragraph; or (iii) for an eligible individual receiving such care in any other county in the state, \$961.48; and (iv) for an eligible couple receiving such care in any other county in the state, two times the amount set forth in subparagraph (iii) of this paragraph.

(d) On and after January first, two thousand [fifteen] SIXTEEN, (i) for an eligible individual receiving residential care, \$1168.00 if he or she is receiving such care in the city of New York or the county of Nassau, Suffolk, Westchester or Rockland; and (ii) for an eligible couple receiving residential care in the city of New York or the county of Nassau, Suffolk, Westchester or Rockland, two times the amount set forth in subparagraph (i) of this paragraph; or (iii) for an eligible individual receiving such care in any other county in the state, \$1138.00; and (iv) for an eligible couple receiving such care in any other county in the state, two times the amount set forth in subparagraph (iii) of this paragraph.

(e) [(i) On and after] (1) FROM January first, two thousand [fifteen] SIXTEEN TO MARCH THIRTY-FIRST, TWO THOUSAND SIXTEEN, for an eligible individual receiving enhanced residential care, \$1427.00; and [(ii)] (2) for an eligible couple receiving enhanced residential care, two times the amount set forth in [subparagraph (i)] CLAUSE ONE of this [paragraph] SUBPARAGRAPH.

(II) (1) FROM APRIL FIRST, TWO THOUSAND SIXTEEN TO MARCH THIRTY-FIRST, TWO THOUSAND SEVENTEEN, FOR AN ELIGIBLE INDIVIDUAL RECEIVING ENHANCED RESIDENTIAL CARE, \$1502; AND (2) FOR AN ELIGIBLE COUPLE RECEIVING ENHANCED RESIDENTIAL CARE, TWO TIMES THE AMOUNT SET FORTH IN CLAUSE ONE OF THIS SUBPARAGRAPH.

(III) (1) FROM APRIL FIRST, TWO THOUSAND SEVENTEEN TO MARCH THIRTY-FIRST, TWO THOUSAND EIGHTEEN, FOR AN ELIGIBLE INDIVIDUAL RECEIV-

1 ING ENHANCED RESIDENTIAL CARE, \$1577; AND (2) FOR AN ELIGIBLE COUPLE
2 RECEIVING ENHANCED RESIDENTIAL CARE, TWO TIMES THE AMOUNT SET FORTH IN
3 CLAUSE ONE OF THIS SUBPARAGRAPH.

4 (IV) (1) FROM APRIL FIRST, TWO THOUSAND EIGHTEEN AND THEREAFTER, FOR
5 AN ELIGIBLE INDIVIDUAL RECEIVING ENHANCED RESIDENTIAL CARE, \$1652; AND
6 (2) FOR AN ELIGIBLE COUPLE RECEIVING ENHANCED RESIDENTIAL CARE, TWO
7 TIMES THE AMOUNT SET FORTH IN CLAUSE ONE OF THIS SUBPARAGRAPH.

8 (f) The amounts set forth in paragraphs (a) through (e) of this subdi-
9 vision shall be increased to reflect any increases in federal supple-
10 mental security income benefits for individuals or couples which become
11 effective on or after January first, two thousand [sixteen] SEVENTEEN
12 but prior to June thirtieth, two thousand [sixteen] SEVENTEEN.

13 S 3. This act shall take effect December 31, 2016; provided, however
14 that the amendments to paragraph (e) of subdivision 2 of section 209 of
15 the social services law, made by section two of this act, shall take
16 effect April 1, 2016.

17 PART P

18 Section 1. Notwithstanding any other provision of law, the housing
19 trust fund corporation may provide, for purposes of the rural rental
20 assistance program, a sum not to exceed twenty-two million two hundred
21 ninety-two thousand dollars for the fiscal year ending March 31, 2017.
22 Notwithstanding any other provision of law, and subject to the approval
23 of the New York state director of the budget, the board of directors of
24 the state of New York mortgage agency shall authorize the transfer to
25 the housing trust fund corporation, for the purposes of reimbursing any
26 costs associated with rural rental assistance program contracts author-
27 ized by this section, a total sum not to exceed twenty-two million two
28 hundred ninety-two thousand dollars, such transfer to be made from (i)
29 the special account of the mortgage insurance fund created pursuant to
30 section 2429-b of the public authorities law, in an amount not to exceed
31 the actual excess balance in the special account of the mortgage insur-
32 ance fund, as determined and certified by the state of New York mortgage
33 agency for the fiscal year 2015-2016 in accordance with section 2429-b
34 of the public authorities law, if any, and/or (ii) provided that the
35 reserves in the project pool insurance account of the mortgage insurance
36 fund created pursuant to section 2429-b of the public authorities law
37 are sufficient to attain and maintain the credit rating (as determined
38 by the state of New York mortgage agency) required to accomplish the
39 purposes of such account, the project pool insurance account of the
40 mortgage insurance fund, such transfer to be made as soon as practicable
41 but no later than June 30, 2016. Notwithstanding any other provision of
42 law, such funds may be used by the corporation in support of contracts
43 scheduled to expire in the fiscal year ending March 31, 2017 for as many
44 as 10 additional years; in support of contracts for new eligible
45 projects for a period not to exceed 5 years; and in support of contracts
46 which reach their 25 year maximum in and/or prior to the fiscal year
47 ending March 31, 2017 for an additional one year period.

48 S 2. Notwithstanding any other provision of law, the housing finance
49 agency may provide, for costs associated with the rehabilitation of
50 Mitchell Lama housing projects, a sum not to exceed forty-two million
51 dollars for the fiscal year ending March 31, 2017. Notwithstanding any
52 other provision of law, and subject to the approval of the New York
53 state director of the budget, the board of directors of the state of New
54 York mortgage agency shall authorize the transfer to the housing finance

1 agency, for the purposes of reimbursing any costs associated with Mitc-
2 hell Lama housing projects authorized by this section, a total sum not
3 to exceed forty-two million dollars, such transfer to be made from (i)
4 the special account of the mortgage insurance fund created pursuant to
5 section 2429-b of the public authorities law, in an amount not to exceed
6 the actual excess balance in the special account of the mortgage insur-
7 ance fund, as determined and certified by the state of New York mortgage
8 agency for the fiscal year 2015-2016 in accordance with section 2429-b
9 of the public authorities law, if any, and/or (ii) provided that the
10 reserves in the project pool insurance account of the mortgage insurance
11 fund created pursuant to section 2429-b of the public authorities law
12 are sufficient to attain and maintain the credit rating (as determined
13 by the state of New York mortgage agency) required to accomplish the
14 purposes of such account, the project pool insurance account of the
15 mortgage insurance fund, such transfer to be made as soon as practicable
16 but no later than March 31, 2017.

17 S 3. Notwithstanding any other provision of law, the housing trust
18 fund corporation may provide, for purposes of the neighborhood preserva-
19 tion program, a sum not to exceed eight million four hundred seventy-
20 nine thousand dollars for the fiscal year ending March 31, 2017.
21 Notwithstanding any other provision of law, and subject to the approval
22 of the New York state director of the budget, the board of directors of
23 the state of New York mortgage agency shall authorize the transfer to
24 the housing trust fund corporation, for the purposes of reimbursing any
25 costs associated with neighborhood preservation program contracts
26 authorized by this section, a total sum not to exceed eight million four
27 hundred seventy-nine thousand dollars, such transfer to be made from (i)
28 the special account of the mortgage insurance fund created pursuant to
29 section 2429-b of the public authorities law, in an amount not to exceed
30 the actual excess balance in the special account of the mortgage insur-
31 ance fund, as determined and certified by the state of New York mortgage
32 agency for the fiscal year 2015-2016 in accordance with section 2429-b
33 of the public authorities law, if any, and/or (ii) provided that the
34 reserves in the project pool insurance account of the mortgage insurance
35 fund created pursuant to section 2429-b of the public authorities law
36 are sufficient to attain and maintain the credit rating (as determined
37 by the state of New York mortgage agency) required to accomplish the
38 purposes of such account, the project pool insurance account of the
39 mortgage insurance fund, such transfer to be made as soon as practicable
40 but no later than June 30, 2016.

41 S 4. Notwithstanding any other provision of law, the housing trust
42 fund corporation may provide, for purposes of the rural preservation
43 program, a sum not to exceed three million five hundred thirty-nine
44 thousand dollars for the fiscal year ending March 31, 2017. Notwith-
45 standing any other provision of law, and subject to the approval of the
46 New York state director of the budget, the board of directors of the
47 state of New York mortgage agency shall authorize the transfer to the
48 housing trust fund corporation, for the purposes of reimbursing any
49 costs associated with rural preservation program contracts authorized by
50 this section, a total sum not to exceed three million five hundred thir-
51 ty-nine thousand dollars, such transfer to be made from (i) the special
52 account of the mortgage insurance fund created pursuant to section
53 2429-b of the public authorities law, in an amount not to exceed the
54 actual excess balance in the special account of the mortgage insurance
55 fund, as determined and certified by the state of New York mortgage
56 agency for the fiscal year 2015-2016 in accordance with section 2429-b

1 of the public authorities law, if any, and/or (ii) provided that the
2 reserves in the project pool insurance account of the mortgage insurance
3 fund created pursuant to section 2429-b of the public authorities law
4 are sufficient to attain and maintain the credit rating (as determined
5 by the state of New York mortgage agency) required to accomplish the
6 purposes of such account, the project pool insurance account of the
7 mortgage insurance fund, such transfer to be made as soon as practicable
8 but no later than June 30, 2016.

9 S 5. Notwithstanding any other provision of law, the housing trust
10 fund corporation may provide, for purposes of the rural and urban commu-
11 nity investment fund program created pursuant to article XXVII of the
12 private housing finance law, a sum not to exceed thirty-five million two
13 hundred fifty thousand dollars for the fiscal year ending March 31,
14 2017. Notwithstanding any other provision of law, and subject to the
15 approval of the New York state director of the budget, the board of
16 directors of the state of New York mortgage agency shall authorize the
17 transfer to the housing trust fund corporation, for the purposes of
18 reimbursing any costs associated with rural and urban community invest-
19 ment fund program contracts authorized by this section, a total sum not
20 to exceed thirty-five million two hundred fifty thousand dollars, such
21 transfer to be made from (i) the special account of the mortgage insur-
22 ance fund created pursuant to section 2429-b of the public authorities
23 law, in an amount not to exceed the actual excess balance in the special
24 account of the mortgage insurance fund, as determined and certified by
25 the state of New York mortgage agency for the fiscal year 2015-2016 in
26 accordance with section 2429-b of the public authorities law, if any,
27 and/or (ii) provided that the reserves in the project pool insurance
28 account of the mortgage insurance fund created pursuant to section
29 2429-b of the public authorities law are sufficient to attain and main-
30 tain the credit rating (as determined by the state of New York mortgage
31 agency) required to accomplish the purposes of such account, the project
32 pool insurance account of the mortgage insurance fund, such transfer to
33 be made as soon as practicable but no later than March 31, 2017.

34 S 6. Notwithstanding any other provision of law, the housing trust
35 fund corporation may provide, for the purposes of carrying out the
36 provisions of the low income housing trust fund program created pursuant
37 to article XVIII of the private housing finance law, a sum not to exceed
38 ten million dollars for the fiscal year ending March 31, 2017. Notwith-
39 standing any other provision of law, and subject to the approval of the
40 New York state director of the budget, the board of directors of the
41 state of New York mortgage agency shall authorize the transfer to the
42 housing trust fund corporation, for the purposes of carrying out the
43 provisions of the low income housing trust fund program created pursuant
44 to article XVIII of the private housing finance law authorized by this
45 section, a total sum not to exceed ten million dollars, such transfer to
46 be made from (i) the special account of the mortgage insurance fund
47 created pursuant to section 2429-b of the public authorities law, in an
48 amount not to exceed the actual excess balance in the special account of
49 the mortgage insurance fund, as determined and certified by the state of
50 New York mortgage agency for the fiscal year 2015-2016 in accordance
51 with section 2429-b of the public authorities law, if any, and/or (ii)
52 provided that the reserves in the project pool insurance account of the
53 mortgage insurance fund created pursuant to section 2429-b of the public
54 authorities law are sufficient to attain and maintain the credit rating
55 (as determined by the state of New York mortgage agency) required to
56 accomplish the purposes of such account, the project pool insurance

1 account of the mortgage insurance fund, such transfer to be made as soon
2 as practicable but no later than March 31, 2017.

3 S 7. Notwithstanding any other provision of law, the housing trust
4 fund corporation may provide, for purposes of the homes for working
5 families program for deposit in the housing trust fund created pursuant
6 to section 59-a of the private housing finance law and subject to the
7 provisions of article XVIII of the private housing finance law, a sum
8 not to exceed twelve million seven hundred fifty thousand dollars for
9 the fiscal year ending March 31, 2017. Notwithstanding any other
10 provision of law, and subject to the approval of the New York state
11 director of the budget, the board of directors of the state of New York
12 mortgage agency shall authorize the transfer to the housing trust fund
13 corporation, for the purposes of reimbursing any costs associated with
14 homes for working families program contracts authorized by this section,
15 a total sum not to exceed twelve million seven hundred fifty thousand
16 dollars, such transfer to be made from (i) the special account of the
17 mortgage insurance fund created pursuant to section 2429-b of the public
18 authorities law, in an amount not to exceed the actual excess balance in
19 the special account of the mortgage insurance fund, as determined and
20 certified by the state of New York mortgage agency for the fiscal year
21 2015-2016 in accordance with section 2429-b of the public authorities
22 law, if any, and/or (ii) provided that the reserves in the project pool
23 insurance account of the mortgage insurance fund created pursuant to
24 section 2429-b of the public authorities law are sufficient to attain
25 and maintain the credit rating (as determined by the state of New York
26 mortgage agency) required to accomplish the purposes of such account,
27 the project pool insurance account of the mortgage insurance fund, such
28 transfer to be made as soon as practicable but no later than March 31,
29 2017.

30 S 8. Notwithstanding any other provision of law, the homeless housing
31 and assistance corporation may provide, for purposes of the New York
32 state supportive housing program, the solutions to end homelessness
33 program or the operational support for AIDS housing program, or to qual-
34 ified grantees under those programs, in accordance with the requirements
35 of those programs, a sum not to exceed fifteen million six hundred nine-
36 ty thousand dollars for the fiscal year ending March 31, 2017. The home-
37 less housing and assistance corporation may enter into an agreement with
38 the office of temporary and disability assistance to administer such sum
39 in accordance with the requirements of the programs. Notwithstanding any
40 other provision of law, and subject to the approval of the director of
41 the budget, the board of directors of the state of New York mortgage
42 agency shall authorize the transfer to the homeless housing and assist-
43 ance corporation, a total sum not to exceed fifteen million six hundred
44 ninety thousand dollars, such transfer to be made from (i) the special
45 account of the mortgage insurance fund created pursuant to section
46 2429-b of the public authorities law, in an amount not to exceed the
47 actual excess balance in the special account of the mortgage insurance
48 fund, as determined and certified by the state of New York mortgage
49 agency for the fiscal year 2015-2016 in accordance with section 2429-b
50 of the public authorities law, if any, and/or (ii) provided that the
51 reserves in the project pool insurance account of the mortgage insurance
52 fund created pursuant to section 2429-b of the public authorities law
53 are sufficient to attain and maintain the credit rating (as determined
54 by the state of New York mortgage agency) required to accomplish the
55 purposes of such account, the project pool insurance account of the

1 mortgage insurance fund, such transfer to be made as soon as practicable
2 but no later than March 31, 2017.

3 S 9. Notwithstanding any other provision of law, the housing trust
4 fund corporation may provide, for the purposes of the rural mobile home
5 replacement program, a sum not to exceed five million dollars for the
6 fiscal year ending March 31, 2017. Notwithstanding any other provision
7 of law, and subject to the approval of the New York state director of
8 the budget, the board of directors of the state of New York mortgage
9 agency shall authorize the transfer to the housing trust fund corpo-
10 ration, for the purposes of carrying out the provisions of the low
11 income housing trust fund program created pursuant to article XVIII of
12 the private housing finance law authorized by this section, a total sum
13 not to exceed five million dollars, such transfer to be made from (i)
14 the special account of the mortgage insurance fund created pursuant to
15 section 2429-b of the public authorities law, in an amount not to exceed
16 the actual excess balance in the special account of the mortgage insur-
17 ance fund, as determined and certified by the state of New York mortgage
18 agency for the fiscal year 2015-2016 in accordance with section 2429-b
19 of the public authorities law, if any, and/or (ii) provided that the
20 reserves in the project pool insurance account of the mortgage insurance
21 fund created pursuant to section 2429-b of the public authorities law
22 are sufficient to attain and maintain the credit rating (as determined
23 by the state of New York mortgage agency) required to accomplish the
24 purposes of such account, the project pool insurance account of the
25 mortgage insurance fund, such transfer to be made as soon as practicable
26 but no later than March 31, 2017.

27 S 10. This act shall take effect immediately.

28 PART Q

29 Section 1. Section 4 of subpart A of part D of chapter 58 of the laws
30 the 2011 amending the education law relating to capital facilities in
31 support of the state university and community colleges, is amended to
32 read as follows:

33 S 4. This act shall take effect immediately and shall expire and be
34 deemed repealed June 30, [2016] 2021.

35 S 2. Section 4 of subpart B of part D of chapter 58 of the laws of
36 2011 amending the education law relating to procurement in support of
37 the state and city universities, is amended to read as follows:

38 S 4. This act shall take effect immediately and shall expire and be
39 deemed repealed June 30, [2016] 2021.

40 S 3. Section 3 of subpart C of part D of chapter 58 of the laws of
41 2011 amending the education law relating to state university health care
42 facilities, is amended to read as follows:

43 S 3. This act shall take effect immediately, and shall expire and be
44 deemed repealed June 30, [2016] 2021.

45 S 4. This act shall take effect immediately.

46 PART R

47 Section 1. Section 3.11 of the arts and cultural affairs law is
48 amended to read as follows:

49 S 3.11. Grants by council; consideration to certain applicants. 1. In
50 issuing grants to applicants for council funds [in the area of the
51 performing arts] the council may give consideration to the applicant's
52 demonstration of an ability to enhance the state's capacity to attract

1 tourists as evidenced by showing that significant numbers of persons in
2 such audiences are or will be attracted to the applicant's geographical
3 area by reason of such applicant's program and evidence of advertising
4 and publicity designed and planned in such a manner as to reach poten-
5 tial audiences from outside the applicant's geographical area.

6 2. REGIONS OF THE STATE. THERE ARE HEREBY CREATED AND ESTABLISHED TEN
7 REGIONS WITHIN WHICH THE COUNCIL SHALL APPROVE GRANTS. THE TEN REGIONS
8 SHALL CONSIST OF THE SEVERAL COUNTIES AS FOLLOWS:

9 (A) REGION ONE, WHICH SHALL CONSIST OF THE COUNTIES OF ALBANY, COLUM-
10 BIA, GREENE, RENSSELAER, SARATOGA, SCHENECTADY, WARREN, AND WASHINGTON;

11 (B) REGION TWO, WHICH SHALL CONSIST OF THE COUNTIES OF FULTON, HERKIM-
12 ER, MONTGOMERY, ONEIDA, OTSEGO, AND SCHOHARIE;

13 (C) REGION THREE, WHICH SHALL CONSIST OF THE COUNTIES OF CAYUGA, CORT-
14 LAND, MADISON, ONONDAGA, AND OSWEGO;

15 (D) REGION FOUR, WHICH SHALL CONSIST OF THE COUNTIES OF GENESEE,
16 LIVINGSTON, MONROE, ONTARIO, ORLEANS, SENECA, WAYNE, WYOMING, AND YATES;

17 (E) REGION FIVE, WHICH SHALL CONSIST OF THE COUNTIES OF ALLEGANY,
18 CATTARAUGUS, CHAUTAUQUA, ERIE, AND NIAGARA;

19 (F) REGION SIX, WHICH SHALL CONSIST OF THE COUNTIES OF CLINTON, ESSEX,
20 FRANKLIN, HAMILTON, JEFFERSON, LEWIS, AND ST. LAWRENCE;

21 (G) REGION SEVEN, WHICH SHALL CONSIST OF THE COUNTIES OF DUTCHESS,
22 ORANGE, PUTNAM, ROCKLAND, SULLIVAN, ULSTER, AND WESTCHESTER;

23 (H) REGION EIGHT, WHICH SHALL CONSIST OF THE COUNTIES OF BROOME,
24 CHEMUNG, CHENANGO, DELAWARE, SCHUYLER, STEUBEN, TIOGA, AND TOMPKINS;

25 (I) REGION NINE, WHICH SHALL CONSIST OF THE COUNTIES OF NASSAU AND
26 SUFFOLK;

27 (J) REGION TEN, WHICH SHALL CONSIST OF THE COUNTIES OF BRONX, KINGS,
28 NEW YORK, QUEENS, AND RICHMOND.

29 3. THE AMOUNTS AVAILABLE FOR DISTRIBUTION AS GENERAL FUND LOCAL
30 ASSISTANCE, SUBJECT TO THE APPROPRIATION AVAILABLE, SHALL BE APPORTIONED
31 SUCH THAT NO REGION AS DEFINED IN SUBDIVISION TWO OF THIS SECTION, (A)
32 SHALL BE APPORTIONED LESS IN GENERAL FUND LOCAL ASSISTANCE THAN THE
33 AMOUNT IT WAS AWARDED IN THE PRIOR YEAR, AND (B) AMOUNTS AVAILABLE FOR
34 DISTRIBUTION AS GENERAL FUND LOCAL ASSISTANCE ABOVE THE AMOUNT APPROPRI-
35 ATED IN THE PRIOR YEAR SHALL BE APPORTIONED SUCH THAT EACH REGION SHALL
36 RECEIVE AN AMOUNT EQUAL TO THE QUOTIENT OF SUCH REGION'S POPULATION
37 DIVIDED BY THE TOTAL POPULATION OF NEW YORK STATE ACCORDING TO THE MOST
38 RECENT DECENNIAL CENSUS POPULATION FIGURES FOR NEW YORK STATE.

39 S 2. This act shall take effect immediately.

40 PART S

41 Section 1. Section 6303 of the education law is amended by adding a
42 new subdivision 6 to read as follows:

43 6. NOTWITHSTANDING ANY OTHER LAW, RULE OR REGULATION TO THE CONTRARY,
44 FOR PURPOSES OF THE STATE UNIVERSITY OF NEW YORK (SUNY) ORANGE BRIDGES
45 PROGRAM, ORANGE COUNTY COMMUNITY COLLEGE SHALL NOT BE CONSIDERED AN
46 INDEPENDENT CONTRACTOR FOR THE PURPOSES OF PROVIDING SERVICES TO SCHOOL
47 DISTRICTS WHOSE STUDENTS HAVE DUEL ENROLLMENT WITH SUCH BRIDGES PROGRAM.

48 S 2. This act shall take effect immediately.

49 PART T

50 Section 1. Subdivision 10 of section 6306 of the education law, as
51 added by section 1 of part Y of chapter 56 of the laws of 2015, is
52 amended to read as follows:

10. The boards of trustees of the state university of New York community colleges shall consult with boards of cooperative educational services (BOCES) AND THE TRUSTEE, TRUSTEES OR BOARD OF EDUCATION OF EACH SCHOOL DISTRICT to identify new or existing programs offered to students that would allow a student to pursue an associate of occupational studies (AOS) degree from a community college upon high school graduation. Once identified, BOCES in collaboration with the community college boards of trustees shall make such path, identified programs, and AOS degree options known to ensure that students are aware that such options exist. Such notification [may] SHALL begin [as early as] IN the seventh grade. Provided however, that such boards and BOCES shall not take any action to direct or suggest that a student should pursue a particular degree or pathway.

S 2. This act shall take effect immediately.

PART U

Section 1. Section 9-w of the banking law is REPEALED.

S 2. The education law is amended by adding a new section 665-b to read as follows:

S 665-B. STANDARD FINANCIAL AID AWARD LETTER. EACH COLLEGE, VOCATIONAL INSTITUTION, AND ANY OTHER INSTITUTION THAT OFFERS AN APPROVED PROGRAM AS DEFINED IN SECTION SIX HUNDRED ONE OF THIS TITLE SHALL PROVIDE UNIFORM FINANCIAL AID INFORMATION TO EVERY PROSPECTIVE FIRST-TIME AND TRANSFER UNDERGRADUATE STUDENT WHO HAS BEEN ACCEPTED FOR ADMISSION TO SUCH INSTITUTION. EACH INSTITUTION SHALL PROVIDE SUCH INFORMATION PRIOR TO SUCH INSTITUTION'S ENROLLMENT DEADLINE. EACH INSTITUTION SHALL USE THE FINANCIAL AID SHOPPING SHEET DEVELOPED BY THE CONSUMER FINANCIAL PROTECTION BUREAU AND THE UNITED STATES DEPARTMENT OF EDUCATION PURSUANT TO THE HIGHER EDUCATION OPPORTUNITY ACT, P.L. 110-315, TO PROVIDE SUCH INFORMATION. EACH INSTITUTION SHALL UTILIZE THE STANDARD LETTER IN RESPONDING TO ALL FINANCIAL AID APPLICANTS FOR THE TWO THOUSAND SEVENTEEN--TWO THOUSAND EIGHTEEN ACADEMIC YEAR AND THEREAFTER. THE PRESIDENT OF THE HIGHER EDUCATION SERVICES CORPORATION SHALL PROMULGATE REGULATIONS IMPLEMENTING THIS SECTION.

S 3. This act shall take effect immediately and shall be deemed to have been in full force and effect on and after April 1, 2016.

PART V

Section 1. Subdivision 10 of section 7605 of the education law, as added by section 4 of part AA of chapter 57 of the laws of 2013, is amended and a new subdivision 12 is added to read as follows:

10. A person without a license from performing assessments such as basic information collection, gathering of demographic data, and informal observations, screening and referral used for general eligibility for a program or service and determining the functional status of an individual for the purpose of determining need for services [unrelated to a behavioral health diagnosis or treatment plan]. Such licensure shall not be required to [create, develop or implement] PARTICIPATE AS A MEMBER OF THE TREATMENT TEAM IN THE CREATION, DEVELOPMENT OR IMPLEMENTATION OF a service plan [unrelated to a behavioral health diagnosis or treatment plan]. Such service plans shall include, but are not limited to, job training and employability, housing, general public assistance, in home services and supports or home-delivered meals, investigations conducted or assessments made by adult or child protective services,

1 adoption home studies and assessments, family service plans, transition
2 plans and permanency planning activities, de-escalation techniques, peer
3 services or skill development. A license under this article shall not be
4 required for persons to participate as a member of a multi-disciplinary
5 team to implement a behavioral health services or treatment plan;
6 provided however, that such team shall include one or more professionals
7 licensed under this article or [articles] ARTICLE one hundred thirty-
8 one, one hundred fifty-four or one hundred sixty-three of this [chapter]
9 TITLE WHO MUST HAVE A FACE TO FACE VISIT WITH EACH PATIENT PRIOR TO THE
10 RENDERING OF A DIAGNOSIS; and provided, further, that the activities
11 performed by members of the team shall be consistent with the scope of
12 practice for each team member licensed or authorized under title VIII of
13 this chapter, and those who are not so authorized may not engage in the
14 following restricted practices, BUT MAY ASSIST LICENSED PROFESSIONALS
15 AND/OR MULTI-DISCIPLINARY TEAM MEMBERS WITH: the diagnosis of mental,
16 emotional, behavioral, addictive and developmental disorders and disa-
17 bilities; [patient assessment and evaluating;] the provision of
18 psychotherapeutic treatment; the provision of treatment other than
19 psychotherapeutic treatment; and/or the development and implementation
20 of assessment-based treatment plans as defined in section seventy-seven
21 hundred one of this [chapter] TITLE. AS USED IN THIS SUBDIVISION, THE
22 TERM "ASSIST" SHALL INCLUDE, THOSE FUNCTIONS WHICH ARE EXEMPT UNDER THIS
23 SUBDIVISION. Provided, further, that nothing in this subdivision shall
24 be construed as requiring a license for any particular activity or func-
25 tion based solely on the fact that the activity or function is not list-
26 ed in this subdivision.

27 12. NOTHING IN THIS ARTICLE SHALL BE CONSTRUED TO PROHIBIT OR LIMIT
28 THE ACTIVITIES OR SERVICES PROVIDED UNDER THIS ARTICLE ON THE PART OF
29 ANY PERSON WHO, ON THE EFFECTIVE DATE OF THIS SECTION, IS IN THE EMPLOY
30 OF A PROGRAM OR SERVICE, AS DEFINED IN SUBDIVISION B OF SECTION SEVEN-
31 TEEN-A OF CHAPTER SIX HUNDRED SEVENTY-SIX OF THE LAWS OF TWO THOUSAND
32 TWO, AS AMENDED, FOR THE PERIOD DURING WHICH SUCH PERSON MAINTAINS
33 EMPLOYMENT IN SUCH PROGRAM; ACTIVITIES AND SERVICES THAT MAY BE
34 PERFORMED ARE LIMITED TO THOSE PROVIDED BY SUCH INDIVIDUAL WITHIN THE
35 PRACTICE OF PSYCHOLOGY, PRIOR TO THE EFFECTIVE DATE OF THIS SUBDIVISION.
36 THIS SECTION SHALL NOT AUTHORIZE THE USE OF ANY TITLE AUTHORIZED PURSU-
37 ANT TO THIS ARTICLE BY ANY SUCH EMPLOYED PERSON, EXCEPT AS OTHERWISE
38 PROVIDED BY THIS ARTICLE RESPECTIVELY.

39 PROVIDED, HOWEVER, THAT ANY PERSON EMPLOYED AFTER THE EFFECTIVE DATE
40 OF THIS SUBDIVISION TO PERFORM SERVICES THAT ARE RESTRICTED UNDER THIS
41 ARTICLE SHALL BE APPROPRIATELY LICENSED OR AUTHORIZED UNDER THIS ARTI-
42 CLE.

43 S 2. Subdivision 7 of section 7706 of the education law, as added by
44 section 5 of part AA of chapter 57 of the laws of 2013, is amended and a
45 new subdivision 8 is added to read as follows:

46 7. Prevent a person without a license from performing assessments such
47 as basic information collection, gathering of demographic data, and
48 informal observations, screening and referral used for general eligibil-
49 ity for a program or service and determining the functional status of an
50 individual for the purpose of determining need for services [unrelated
51 to a behavioral health diagnosis or treatment plan]. Such licensure
52 shall not be required to [create, develop or implement] PARTICIPATE AS A
53 MEMBER OF THE TREATMENT TEAM IN THE CREATION, DEVELOPMENT OR IMPLEMENTA-
54 TION OF a service plan unrelated to a behavioral health diagnosis or
55 treatment plan. Such service plans shall include, but are not limited
56 to, job training and employability, housing, general public assistance,

1 in home services and supports or home-delivered meals, investigations
2 conducted or assessments made by adult or child protective services,
3 adoption home studies and assessments, family service plans, transition
4 plans and permanency planning activities, de-escalation techniques, peer
5 services or skill development. A license under this article shall not be
6 required for persons to participate as a member of a multi-disciplinary
7 team to implement a behavioral health services or treatment plan;
8 provided however, that such team shall include one or more professionals
9 licensed under this article or [articles] ARTICLE one hundred thirty-
10 one, one hundred fifty-three or one hundred sixty-three of this [chap-
11 ter] TITLE WHO MUST HAVE A FACE TO FACE VISIT WITH EACH PATIENT PRIOR TO
12 THE RENDERING OF A DIAGNOSIS; and provided, further, that the activities
13 performed by members of the team shall be consistent with the scope of
14 practice for each team member licensed or authorized under title VIII of
15 this chapter, and those who are not so authorized may not engage in the
16 following restricted practices, BUT MAY ASSIST LICENSED PROFESSIONALS
17 AND/OR MULTI-DISCIPLINARY TEAM MEMBERS WITH: the diagnosis of mental,
18 emotional, behavioral, addictive and developmental disorders and disa-
19 bilities; [patient assessment and evaluating;] the provision of
20 psychotherapeutic treatment; the provision of treatment other than
21 psychotherapeutic treatment; and/or the development and implementation
22 of assessment-based treatment plans as defined in section seventy-seven
23 hundred one of this article. AS USED IN THIS SUBDIVISION, THE TERM
24 "ASSIST" SHALL INCLUDE, THOSE FUNCTIONS WHICH ARE EXEMPT UNDER THIS
25 SUBDIVISION. Provided, further, that nothing in this subdivision shall
26 be construed as requiring a license for any particular activity or func-
27 tion based solely on the fact that the activity or function is not list-
28 ed in this subdivision.

29 8. NOTHING IN THIS ARTICLE SHALL BE CONSTRUED TO PROHIBIT OR LIMIT THE
30 ACTIVITIES OR SERVICES PROVIDED UNDER THIS ARTICLE ON THE PART OF ANY
31 PERSON WHO, ON THE EFFECTIVE DATE OF THIS SUBDIVISION, IS IN THE EMPLOY
32 OF A PROGRAM OR SERVICE, AS DEFINED IN SECTION NINE OF CHAPTER FOUR
33 HUNDRED TWENTY OF THE LAWS OF TWO THOUSAND TWO, AS AMENDED, FOR THE
34 PERIOD DURING WHICH SUCH PERSON MAINTAINS EMPLOYMENT IN SUCH PROGRAM;
35 ACTIVITIES AND SERVICES THAT MAY BE PERFORMED ARE LIMITED TO THOSE
36 PROVIDED BY SUCH INDIVIDUAL WITHIN THE PRACTICE OF LICENSED MASTER
37 SOCIAL WORK OR LICENSED CLINICAL SOCIAL WORK, PRIOR TO THE EFFECTIVE
38 DATE OF THIS SUBDIVISION. THIS SECTION SHALL NOT AUTHORIZE THE USE OF
39 ANY TITLE AUTHORIZED PURSUANT TO THIS ARTICLE BY ANY SUCH EMPLOYED
40 PERSON, EXCEPT AS OTHERWISE PROVIDED BY THIS ARTICLE RESPECTIVELY.

41 PROVIDED, HOWEVER, THAT ANY PERSON EMPLOYED AFTER THE EFFECTIVE DATE
42 OF THIS SECTION TO PERFORM SERVICES THAT ARE RESTRICTED UNDER THIS ARTI-
43 CLE SHALL BE APPROPRIATELY LICENSED OR AUTHORIZED UNDER THIS ARTICLE.

44 S 3. Section 7707 of the education law is amended by adding a new
45 subdivision 2-a to read as follows:

46 2-A. ANY PERSON WHO POSSESSES A MASTER'S OF SOCIAL WORK DEGREE,
47 ACCEPTABLE TO THE DEPARTMENT, ON THE EFFECTIVE DATE OF THIS SUBDIVISION,
48 AND WHO HAS TWO YEARS OF POST-GRADUATE SOCIAL WORK EMPLOYMENT, AS VERI-
49 FIED BY A LICENSED SUPERVISOR OR COLLEAGUE ON FORMS ACCEPTABLE TO THE
50 DEPARTMENT, AND WHO, IN THE DETERMINATION OF THE DEPARTMENT, MEETS ALL
51 OTHER REQUIREMENTS FOR LICENSURE AS A LICENSED MASTER SOCIAL WORKER,
52 EXCEPT FOR EXAMINATION, AND WHO FILES WITH THE DEPARTMENT THE APPLICA-
53 TION, FEE AND REQUIRED DOCUMENTATION WITHIN ONE YEAR OF THE EFFECTIVE
54 DATE OF THIS SUBDIVISION, SHALL BE LICENSED AS A LICENSED MASTER SOCIAL
55 WORKER.

1 S 4. Subdivision 8 of section 8410 of the education law, as added by
2 section 6 of part AA of chapter 57 of the laws of 2013, is amended and a
3 new subdivision 9 is added to read as follows:

4 8. Prevent a person without a license from performing assessments such
5 as basic information collection, gathering of demographic data, and
6 informal observations, screening and referral used for general eligibil-
7 ity for a program or service and determining the functional status of an
8 individual for the purpose of determining need for services [unrelated
9 to a behavioral health diagnosis or treatment plan]. Such licensure
10 shall not be required to [create, develop or implement] PARTICIPATE AS A
11 MEMBER OF THE TREATMENT TEAM IN THE CREATION, DEVELOPMENT OR IMPLEMENTA-
12 TION OF a service plan unrelated to a behavioral health diagnosis or
13 treatment plan. Such service plans shall include, but are not limited
14 to, job training and employability, housing, general public assistance,
15 in home services and supports or home-delivered meals, investigations
16 conducted or assessments made by adult or child protective services,
17 adoption home studies and assessments, family service plans, transition
18 plans and permanency planning activities, de-escalation techniques, peer
19 services or skill development. A license under this article shall not be
20 required for persons to participate as a member of a multi-disciplinary
21 team to implement a behavioral health services or treatment plan;
22 provided however, that such team shall include one or more professionals
23 licensed under this article or [articles] ARTICLE one hundred thirty-
24 one, one hundred fifty-three or one hundred fifty-four of this [chapter]
25 TITLE WHO MUST HAVE A FACE TO FACE VISIT WITH EACH PATIENT PRIOR TO THE
26 RENDERING OF A DIAGNOSIS; and provided, further, that the activities
27 performed by members of the team shall be consistent with the scope of
28 practice for each team member licensed or authorized under title VIII of
29 this chapter, and those who are not so authorized may not engage in the
30 following restricted practices BUT MAY ASSIST LICENSED PROFESSIONALS
31 AND/OR MULTI-DISCIPLINARY TEAM MEMBERS WITH: the diagnosis of mental,
32 emotional, behavioral, addictive and developmental disorders and disa-
33 bilities; [patient assessment and evaluating;] the provision of
34 psychotherapeutic treatment; the provision of treatment other than
35 psychotherapeutic treatment; and/or the development and implementation
36 of assessment-based treatment plans as defined in section seventy-seven
37 hundred one of this [chapter] TITLE. AS USED IN THIS SUBDIVISION, THE
38 TERM "ASSIST" SHALL INCLUDE, THOSE FUNCTIONS THAT ARE EXEMPT UNDER THIS
39 SUBDIVISION. Provided, further, that nothing in this subdivision shall
40 be construed as requiring a license for any particular activity or func-
41 tion based solely on the fact that the activity or function is not list-
42 ed in this subdivision.

43 9. NOTHING IN THIS ARTICLE SHALL BE CONSTRUED TO PROHIBIT OR LIMIT THE
44 ACTIVITIES OR SERVICES PROVIDED UNDER THIS ARTICLE ON THE PART OF ANY
45 PERSON WHO, ON THE EFFECTIVE DATE OF THIS SUBDIVISION, IS IN THE EMPLOY
46 OF A PROGRAM OR SERVICE, AS DEFINED IN SUBDIVISION B OF SECTION SEVEN-
47 TEEN-A OF CHAPTER SIX HUNDRED SEVENTY-SIX OF THE LAWS OF TWO THOUSAND
48 TWO, AS AMENDED, FOR THE PERIOD DURING WHICH SUCH PERSON MAINTAINS
49 EMPLOYMENT IN SUCH PROGRAM; ACTIVITIES AND SERVICES THAT MAY BE
50 PERFORMED ARE LIMITED TO THOSE PROVIDED BY SUCH INDIVIDUAL WITHIN THE
51 PRACTICE OF MENTAL HEALTH COUNSELING, MARRIAGE AND FAMILY THERAPY, CREA-
52 TIVE ARTS THERAPY AND PSYCHOANALYSIS, PRIOR TO THE EFFECTIVE DATE OF
53 THIS SUBDIVISION. THIS SECTION SHALL NOT AUTHORIZE THE USE OF ANY TITLE
54 AUTHORIZED PURSUANT TO THIS ARTICLE BY ANY SUCH EMPLOYED PERSON, EXCEPT
55 AS OTHERWISE PROVIDED BY THIS ARTICLE RESPECTIVELY.

1 PROVIDED, HOWEVER, THAT ANY PERSON EMPLOYED AFTER THE EFFECTIVE DATE
2 OF THIS SUBDIVISION TO PERFORM SERVICES THAT ARE RESTRICTED UNDER THIS
3 ARTICLE SHALL BE APPROPRIATELY LICENSED OR AUTHORIZED UNDER THIS ARTI-
4 CLE.

5 S 5. This act shall take effect July 1, 2016.

6 PART W

7 Section 1. Subdivision 1 of section 663 of the education law, as
8 amended by section 1 of part F of chapter 58 of the laws of 2011, is
9 amended to read as follows:

10 1. Income defined. Except as otherwise provided in this section,
11 "income" shall be the total of the combined net taxable income and
12 income from pensions of New York state, local governments, the federal
13 government and any private employer of the applicant, the applicant's
14 spouse, and the applicant's parents, including any pension and annuity
15 income excluded for purposes of taxation pursuant to paragraph three-a
16 of subsection (c) of section six hundred twelve of the tax law, as
17 reported in New York state income tax returns for the calendar year
18 PRIOR TO THE CALENDAR YEAR next preceding the beginning of the school
19 year for which application for assistance is made, except that any
20 amount received by an applicant as a scholarship at an educational
21 institution or as a fellowship grant, including the value of contributed
22 services and accommodations, shall not be included within the definition
23 of "income" for the purposes of this article. The term "parent" shall
24 include birth parents, stepparents, adoptive parents and the spouse of
25 an adoptive parent. Income, if not a whole dollar amount, shall be
26 assumed to be equal to the next lowest whole dollar amount. Any change
27 in the status of an applicant with regard to the persons responsible for
28 the applicant's support occurring after the beginning of any semester
29 shall not be considered to change the applicant's award for that semes-
30 ter.

31 S 2. This act shall take effect immediately and shall apply to all
32 awards commencing with the 2017-2018 school year and thereafter.

33 PART X

34 Section 1. Subdivision (a) of section 1203 of the limited liability
35 company law, as amended by chapter 554 of the laws of 2013, is amended
36 to read as follows:

37 (a) Notwithstanding the education law or any other provision of law,
38 one or more professionals each of whom is authorized by law to render a
39 professional service within the state, or one or more professionals, at
40 least one of whom is authorized by law to render a professional service
41 within the state, may form, or cause to be formed, a professional
42 service limited liability company for pecuniary profit under this arti-
43 cle for the purpose of rendering the professional service or services as
44 such professionals are authorized to practice. With respect to a profes-
45 sional service limited liability company formed to provide medical
46 services as such services are defined in article 131 of the education
47 law, each member of such limited liability company must be licensed
48 pursuant to article 131 of the education law to practice medicine in
49 this state. With respect to a professional service limited liability
50 company formed to provide dental services as such services are defined
51 in article 133 of the education law, each member of such limited liabil-
52 ity company must be licensed pursuant to article 133 of the education

1 law to practice dentistry in this state. With respect to a professional
2 service limited liability company formed to provide veterinary services
3 as such services are defined in article 135 of the education law, each
4 member of such limited liability company must be licensed pursuant to
5 article 135 of the education law to practice veterinary medicine in this
6 state. With respect to a professional service limited liability company
7 formed to provide professional engineering, land surveying, architec-
8 tural and/or landscape architectural services as such services are
9 defined in article 145, article 147 and article 148 of the education
10 law, each member of such limited liability company must be licensed
11 pursuant to article 145, article 147 and/or article 148 of the education
12 law to practice one or more of such professions in this state. With
13 respect to a professional service limited liability company formed to
14 provide licensed clinical social work services as such services are
15 defined in article 154 of the education law, each member of such limited
16 liability company shall be licensed pursuant to article 154 of the
17 education law to practice licensed clinical social work in this state.
18 With respect to a professional service limited liability company formed
19 to provide creative arts therapy services as such services are defined
20 in article 163 of the education law, each member of such limited liabil-
21 ity company must be licensed pursuant to article 163 of the education
22 law to practice creative arts therapy in this state. With respect to a
23 professional service limited liability company formed to provide
24 marriage and family therapy services as such services are defined in
25 article 163 of the education law, each member of such limited liability
26 company must be licensed pursuant to article 163 of the education law to
27 practice marriage and family therapy in this state. With respect to a
28 professional service limited liability company formed to provide mental
29 health counseling services as such services are defined in article 163
30 of the education law, each member of such limited liability company must
31 be licensed pursuant to article 163 of the education law to practice
32 mental health counseling in this state. With respect to a professional
33 service limited liability company formed to provide psychoanalysis
34 services as such services are defined in article 163 of the education
35 law, each member of such limited liability company must be licensed
36 pursuant to article 163 of the education law to practice psychoanalysis
37 in this state. With respect to a professional service limited liability
38 company formed to provide applied behavior analysis services as such
39 services are defined in article 167 of the education law, each member of
40 such limited liability company must be licensed or certified pursuant to
41 article 167 of the education law to practice applied behavior analysis
42 in this state. In addition to engaging in such profession or
43 professions, a professional service limited liability company may engage
44 in any other business or activities as to which a limited liability
45 company may be formed under section two hundred one of this chapter.
46 Notwithstanding any other provision of this section, a professional
47 service limited liability company (i) authorized to practice law may
48 only engage in another profession or business or activities or (ii)
49 which is engaged in a profession or other business or activities other
50 than law may only engage in the practice of law, to the extent not
51 prohibited by any other law of this state or any rule adopted by the
52 appropriate appellate division of the supreme court or the court of
53 appeals. NOTWITHSTANDING ANY OTHER PROVISION OF THIS SECTION, WITH
54 RESPECT TO A LIMITED LIABILITY COMPANY FORMED TO PROVIDE INTEGRATED,
55 MULTIDISCIPLINARY MEDICAL AND CHIROPRACTIC SERVICES, AS SUCH SERVICES
56 ARE RESPECTIVELY DEFINED UNDER ARTICLES 131 AND 132 OF THE EDUCATION

1 LAW, (I) EACH MEMBER OF SUCH LIMITED LIABILITY COMPANY MUST BE LICENSED
2 PURSUANT TO ARTICLE 131 OR ARTICLE 132 OF THE EDUCATION LAW TO PRACTICE
3 HIS OR HER PROFESSION IN THIS STATE, (II) EACH MEMBER SHALL ONLY PRAC-
4 TICE HIS OR HER PROFESSION AS SPECIFIED IN HIS OR HER RESPECTIVE PROFES-
5 SIONAL ENABLING STATUTE UNDER ARTICLE 131 OR ARTICLE 132 OF THE EDU-
6 CATION LAW, AND (III) THE CLINICAL INTEGRATION OF PROFESSIONAL PRACTICES
7 WITHIN AN INTEGRATED, MULTIDISCIPLINARY ENTITY ORGANIZED UNDER THIS
8 SECTION DOES NOT ALTER, EXPAND OR CURTAIL THE SCOPE OF PRACTICE OF ANY
9 OF THE INDIVIDUALS LICENSED UNDER THE STATUTE OF HIS OR HER RESPECTIVE
10 PROFESSIONAL ENABLING LAW, PROVIDED THAT: (A) THE CLINICAL JUDGMENT,
11 MANAGEMENT AND CLINICAL DECISION-MAKING OF ONE OR MORE ARTICLE 131
12 PROVIDERS IN AN INTEGRATED, MULTIDISCIPLINARY PROFESSIONAL SERVICE
13 LIMITED LIABILITY COMPANY SHALL BE CONTROLLING, (B) MEMBERS LICENSED
14 UNDER ARTICLE 132 OF THE EDUCATION LAW, SHALL NOT, DIRECTLY OR INDIRECT-
15 LY, INTERFERE WITH THE CLINICAL JUDGMENT OR LEGITIMATE CLINICAL PRACTICE
16 OF A PROFESSIONAL LICENSED UNDER ARTICLE 131, AND (C) INDIVIDUALS
17 LICENSED UNDER ARTICLE 131 MAY NOT ORDER OR DIRECT A PROFESSIONAL
18 LICENSED UNDER ARTICLE 132 OF THE EDUCATION LAW TO PRACTICE BEYOND THE
19 SCOPE OF HIS OR HER LICENSE UNDER ARTICLE 132 OF THE EDUCATION LAW, EVEN
20 IF SUPERVISED DIRECTLY OR INDIRECTLY BY A PROFESSIONAL LICENSED UNDER
21 ARTICLE 131.

22 S 2. Subdivision (b) of section 1207 of the limited liability company
23 law, as amended by chapter 554 of the laws of 2013, is amended to read
24 as follows:

25 (b) With respect to a professional service limited liability company
26 formed to provide medical services as such services are defined in arti-
27 cle 131 of the education law, each member of such limited liability
28 company must be licensed pursuant to article 131 of the education law to
29 practice medicine in this state. With respect to a professional service
30 limited liability company formed to provide dental services as such
31 services are defined in article 133 of the education law, each member of
32 such limited liability company must be licensed pursuant to article 133
33 of the education law to practice dentistry in this state. With respect
34 to a professional service limited liability company formed to provide
35 veterinary services as such services are defined in article 135 of the
36 education law, each member of such limited liability company must be
37 licensed pursuant to article 135 of the education law to practice veter-
38 inary medicine in this state. With respect to a professional service
39 limited liability company formed to provide professional engineering,
40 land surveying, architectural and/or landscape architectural services as
41 such services are defined in article 145, article 147 and article 148 of
42 the education law, each member of such limited liability company must be
43 licensed pursuant to article 145, article 147 and/or article 148 of the
44 education law to practice one or more of such professions in this state.
45 With respect to a professional service limited liability company formed
46 to provide licensed clinical social work services as such services are
47 defined in article 154 of the education law, each member of such limited
48 liability company shall be licensed pursuant to article 154 of the
49 education law to practice licensed clinical social work in this state.
50 With respect to a professional service limited liability company formed
51 to provide creative arts therapy services as such services are defined
52 in article 163 of the education law, each member of such limited liabil-
53 ity company must be licensed pursuant to article 163 of the education
54 law to practice creative arts therapy in this state. With respect to a
55 professional service limited liability company formed to provide
56 marriage and family therapy services as such services are defined in

1 article 163 of the education law, each member of such limited liability
2 company must be licensed pursuant to article 163 of the education law to
3 practice marriage and family therapy in this state. With respect to a
4 professional service limited liability company formed to provide mental
5 health counseling services as such services are defined in article 163
6 of the education law, each member of such limited liability company must
7 be licensed pursuant to article 163 of the education law to practice
8 mental health counseling in this state. With respect to a professional
9 service limited liability company formed to provide psychoanalysis
10 services as such services are defined in article 163 of the education
11 law, each member of such limited liability company must be licensed
12 pursuant to article 163 of the education law to practice psychoanalysis
13 in this state. With respect to a professional service limited liability
14 company formed to provide applied behavior analysis services as such
15 services are defined in article 167 of the education law, each member of
16 such limited liability company must be licensed or certified pursuant to
17 article 167 of the education law to practice applied behavior analysis
18 in this state. NOTWITHSTANDING ANY OTHER PROVISION OF THIS SECTION,
19 WITH RESPECT TO A PROFESSIONAL SERVICE LIMITED LIABILITY COMPANY FORMED
20 TO PROVIDE INTEGRATED, MULTIDISCIPLINARY MEDICAL AND CHIROPRACTIC
21 SERVICES, AS SUCH SERVICES ARE RESPECTIVELY DEFINED UNDER ARTICLES 131
22 AND 132 OF THE EDUCATION LAW, (I) EACH MEMBER OF SUCH LIMITED LIABILITY
23 COMPANY MUST BE LICENSED PURSUANT TO ARTICLE 131 OR ARTICLE 132 OF THE
24 EDUCATION LAW TO PRACTICE HIS OR HER PROFESSION IN THIS STATE, (II) EACH
25 MEMBER SHALL ONLY PRACTICE HIS OR HER PROFESSION AS SPECIFIED IN HIS OR
26 HER RESPECTIVE PROFESSIONAL ENABLING STATUTE UNDER ARTICLE 131 OR ARTI-
27 CLE 132 OF THE EDUCATION LAW, AND (III) THE CLINICAL INTEGRATION OF
28 PROFESSIONAL PRACTICES WITHIN AN INTEGRATED, MULTIDISCIPLINARY ENTITY
29 ORGANIZED UNDER THIS SECTION DOES NOT ALTER, EXPAND OR CURTAIL THE SCOPE
30 OF PRACTICE OF ANY OF THE INDIVIDUALS LICENSED UNDER THE STATUTE OF HIS
31 OR HER RESPECTIVE PROFESSIONAL ENABLING LAW, PROVIDED THAT: (A) THE
32 CLINICAL JUDGMENT, MANAGEMENT AND CLINICAL DECISION-MAKING OF ONE OR
33 MORE ARTICLE 131 PROVIDERS IN AN INTEGRATED, MULTIDISCIPLINARY PROFES-
34 SIONAL SERVICE LIMITED LIABILITY COMPANY SHALL BE CONTROLLING, (B)
35 MEMBERS LICENSED UNDER ARTICLE 132 OF THE EDUCATION LAW, SHALL NOT,
36 DIRECTLY OR INDIRECTLY, INTERFERE WITH THE CLINICAL JUDGMENT OR LEGITI-
37 MATE CLINICAL PRACTICE OF A PROFESSIONAL LICENSED UNDER ARTICLE 131, AND
38 (C) INDIVIDUALS LICENSED UNDER ARTICLE 131 MAY NOT ORDER OR DIRECT A
39 PROFESSIONAL LICENSED UNDER ARTICLE 132 OF THE EDUCATION LAW TO PRACTICE
40 BEYOND THE SCOPE OF HIS OR HER LICENSE UNDER ARTICLE 132 OF THE EDUCA-
41 TION LAW, EVEN IF SUPERVISED DIRECTLY OR INDIRECTLY BY A PROFESSIONAL
42 LICENSED UNDER ARTICLE 131.

43 S 3. Subdivision (a) of section 1301 of the limited liability company
44 law, as amended by chapter 554 of the laws of 2013, is amended to read
45 as follows:

46 (a) "Foreign professional service limited liability company" means a
47 professional service limited liability company, whether or not denomi-
48 nated as such, organized under the laws of a jurisdiction other than
49 this state, (i) each of whose members and managers, if any, is a profes-
50 sional authorized by law to render a professional service within this
51 state and who is or has been engaged in the practice of such profession
52 in such professional service limited liability company or a predecessor
53 entity, or will engage in the practice of such profession in the profes-
54 sional service limited liability company within thirty days of the date
55 such professional becomes a member, or each of whose members and manag-
56 ers, if any, is a professional at least one of such members is author-

1 ized by law to render a professional service within this state and who
2 is or has been engaged in the practice of such profession in such
3 professional service limited liability company or a predecessor entity,
4 or will engage in the practice of such profession in the professional
5 service limited liability company within thirty days of the date such
6 professional becomes a member, or (ii) authorized by, or holding a
7 license, certificate, registration or permit issued by the licensing
8 authority pursuant to, the education law to render a professional
9 service within this state; except that all members and managers, if any,
10 of a foreign professional service limited liability company that
11 provides health services in this state shall be licensed in this state.
12 With respect to a foreign professional service limited liability company
13 which provides veterinary services as such services are defined in arti-
14 cle 135 of the education law, each member of such foreign professional
15 service limited liability company shall be licensed pursuant to article
16 135 of the education law to practice veterinary medicine. With respect
17 to a foreign professional service limited liability company which
18 provides medical services as such services are defined in article 131 of
19 the education law, each member of such foreign professional service
20 limited liability company must be licensed pursuant to article 131 of
21 the education law to practice medicine in this state. With respect to a
22 foreign professional service limited liability company which provides
23 dental services as such services are defined in article 133 of the
24 education law, each member of such foreign professional service limited
25 liability company must be licensed pursuant to article 133 of the educa-
26 tion law to practice dentistry in this state. With respect to a foreign
27 professional service limited liability company which provides profes-
28 sional engineering, land surveying, architectural and/or landscape
29 architectural services as such services are defined in article 145,
30 article 147 and article 148 of the education law, each member of such
31 foreign professional service limited liability company must be licensed
32 pursuant to article 145, article 147 and/or article 148 of the education
33 law to practice one or more of such professions in this state. With
34 respect to a foreign professional service limited liability company
35 which provides licensed clinical social work services as such services
36 are defined in article 154 of the education law, each member of such
37 foreign professional service limited liability company shall be licensed
38 pursuant to article 154 of the education law to practice clinical social
39 work in this state. With respect to a foreign professional service
40 limited liability company which provides creative arts therapy services
41 as such services are defined in article 163 of the education law, each
42 member of such foreign professional service limited liability company
43 must be licensed pursuant to article 163 of the education law to prac-
44 tice creative arts therapy in this state. With respect to a foreign
45 professional service limited liability company which provides marriage
46 and family therapy services as such services are defined in article 163
47 of the education law, each member of such foreign professional service
48 limited liability company must be licensed pursuant to article 163 of
49 the education law to practice marriage and family therapy in this state.
50 With respect to a foreign professional service limited liability company
51 which provides mental health counseling services as such services are
52 defined in article 163 of the education law, each member of such foreign
53 professional service limited liability company must be licensed pursuant
54 to article 163 of the education law to practice mental health counseling
55 in this state. With respect to a foreign professional service limited
56 liability company which provides psychoanalysis services as such

1 services are defined in article 163 of the education law, each member of
2 such foreign professional service limited liability company must be
3 licensed pursuant to article 163 of the education law to practice
4 psychoanalysis in this state. With respect to a foreign professional
5 service limited liability company which provides applied behavior analy-
6 sis services as such services are defined in article 167 of the educa-
7 tion law, each member of such foreign professional service limited
8 liability company must be licensed or certified pursuant to article 167
9 of the education law to practice applied behavior analysis in this
10 state. WITH RESPECT TO A FOREIGN PROFESSIONAL SERVICE LIMITED LIABILITY
11 COMPANY FORMED TO PROVIDE INTEGRATED, MULTI-DISCIPLINARY MEDICAL AND
12 CHIROPRACTIC SERVICES, AS SUCH SERVICES ARE RESPECTIVELY DEFINED UNDER
13 ARTICLE 131 AND ARTICLE 132 OF THE EDUCATION LAW, (I) EACH MEMBER OF
14 SUCH LIMITED LIABILITY COMPANY MUST BE LICENSED PURSUANT TO ARTICLE 131
15 OR ARTICLE 132 OF THE EDUCATION LAW TO PRACTICE HIS OR HER PROFESSION IN
16 THIS STATE, (II) EACH MEMBER SHALL ONLY PRACTICE HIS OR HER PROFESSION
17 AS SPECIFIED IN HIS OR HER RESPECTIVE PROFESSIONAL ENABLING STATUTE
18 UNDER ARTICLE 131 OR ARTICLE 132 OF THE EDUCATION LAW, AND (III) THE
19 CLINICAL INTEGRATION OF PROFESSIONAL PRACTICES WITHIN AN INTEGRATED,
20 MULTIDISCIPLINARY ENTITY ORGANIZED UNDER THIS SECTION DOES NOT ALTER,
21 EXPAND OR CURTAIL THE SCOPE OF PRACTICE OF ANY OF THE INDIVIDUALS
22 LICENSED UNDER THE STATUTE OF HIS OR HER RESPECTIVE PROFESSIONAL ENABL-
23 ING LAW, PROVIDED THAT: (A) THE CLINICAL JUDGMENT, MANAGEMENT AND CLIN-
24 ICAL DECISION-MAKING OF ONE OR MORE ARTICLE 131 PROVIDERS IN AN INTE-
25 GRATED, MULTIDISCIPLINARY PROFESSIONAL SERVICE LIMITED LIABILITY COMPANY
26 SHALL BE CONTROLLING, (B) MEMBERS LICENSED UNDER ARTICLE 132 OF THE
27 EDUCATION LAW, SHALL NOT, DIRECTLY OR INDIRECTLY, INTERFERE WITH THE
28 CLINICAL JUDGMENT OR LEGITIMATE CLINICAL PRACTICE OF A PROFESSIONAL
29 LICENSED UNDER ARTICLE 131, AND (C) INDIVIDUALS LICENSED UNDER ARTICLE
30 131 MAY NOT ORDER OR DIRECT A PROFESSIONAL LICENSED UNDER ARTICLE 132 OF
31 THE EDUCATION LAW TO PRACTICE BEYOND THE SCOPE OF HIS OR HER LICENSE
32 UNDER ARTICLE 132 OF THE EDUCATION LAW, EVEN IF SUPERVISED DIRECTLY OR
33 INDIRECTLY BY A PROFESSIONAL LICENSED UNDER ARTICLE 131.

34 S 4. Paragraph (a) of section 1503 of the business corporation law, as
35 amended by chapter 550 of the laws of 2011, is amended to read as
36 follows:

37 (a) Notwithstanding any other provision of law, (I) one or more indi-
38 viduals duly authorized by law to render the same professional service
39 within the state may organize, or cause to be organized, a professional
40 service corporation for pecuniary profit under this article for the
41 purpose of rendering the same professional service, except that one or
42 more individuals duly authorized by law to practice professional engi-
43 neering, architecture, landscape architecture or land surveying within
44 the state may organize, or cause to be organized, a professional service
45 corporation or a design professional service corporation for pecuniary
46 profit under this article for the purpose of rendering such professional
47 services as such individuals are authorized to practice, AND, (II) ONE
48 OR MORE INDIVIDUALS DULY LICENSED TO PRACTICE MEDICINE AND ONE OR MORE
49 CHIROPRACTORS LICENSED UNDER ARTICLE 132 OF THE EDUCATION LAW, WHO MAY
50 BE BOARD CERTIFIED OR QUALIFIED BY HIS OR HER RESPECTIVE PROFESSIONAL
51 SPECIALTY BOARDS, MAY ORGANIZE, OR CAUSE TO BE ORGANIZED, FOR BUSINESS
52 PURPOSES ONLY, A MULTIDISCIPLINARY PROFESSIONAL SERVICE CORPORATION
53 FORMED FOR PECUNIARY PROFIT UNDER THIS ARTICLE FOR THE PURPOSE OF
54 RENDERING INTEGRATED AND NON-INTEGRATED PROFESSIONAL SERVICES WITHIN
55 SUCH A CORPORATION AS SUCH INDIVIDUALS ARE AUTHORIZED TO PRACTICE INDI-
56 VIDUALLY IN HIS OR HER RESPECTIVE PROFESSIONS, PROVIDED THAT THE CLIN-

1 ICAL INTEGRATION OF PROFESSIONAL PRACTICES WITHIN AN ENTITY ORGANIZED
2 UNDER THIS SECTION DOES NOT ALTER, EXPAND OR CURTAIL THE SCOPE OF PRAC-
3 TICE OF ANY OF THE INDIVIDUALS LICENSED UNDER THE STATUTE OF HIS OR HER
4 RESPECTIVE PROFESSIONAL ENABLING LAW; THAT THE CLINICAL JUDGMENT,
5 MANAGEMENT AND CLINICAL DECISION-MAKING OF ONE OR MORE ARTICLE 131
6 PROVIDERS IN AN INTEGRATED, MULTIDISCIPLINARY PRACTICE SHALL BE CONTROL-
7 LING; THAT MEMBERS LICENSED UNDER ARTICLE 132 OF THE EDUCATION LAW,
8 SHALL NOT, DIRECTLY OR INDIRECTLY, INTERFERE WITH THE CLINICAL JUDGMENT
9 OR LEGITIMATE CLINICAL PRACTICE OF A PROFESSIONAL LICENSED UNDER ARTICLE
10 131; AND THAT INDIVIDUALS LICENSED UNDER ARTICLE 131 MAY NOT ORDER OR
11 DIRECT A PROFESSIONAL LICENSED UNDER ARTICLE 132 OF THE EDUCATION LAW TO
12 PRACTICE BEYOND THE SCOPE OF HIS OR HER LICENSE UNDER ARTICLE 132 OF THE
13 EDUCATION LAW IN A PROFESSIONAL SERVICE LIMITED LIABILITY COMPANY, EVEN
14 IF SUPERVISED DIRECTLY OR INDIRECTLY BY A PROFESSIONAL LICENSED UNDER
15 ARTICLE 131.

16 S 5. Subdivision (q) of section 121-1500 of the partnership law, as
17 amended by chapter 554 of the laws of 2013, is amended to read as
18 follows:

19 (q) Each partner of a registered limited liability partnership formed
20 to provide medical services in this state must be licensed pursuant to
21 article 131 of the education law to practice medicine in this state and
22 each partner of a registered limited liability partnership formed to
23 provide dental services in this state must be licensed pursuant to arti-
24 cle 133 of the education law to practice dentistry in this state. Each
25 partner of a registered limited liability partnership formed to provide
26 veterinary services in this state must be licensed pursuant to article
27 135 of the education law to practice veterinary medicine in this state.
28 Each partner of a registered limited liability partnership formed to
29 provide professional engineering, land surveying, architectural and/or
30 landscape architectural services in this state must be licensed pursuant
31 to article 145, article 147 and/or article 148 of the education law to
32 practice one or more of such professions in this state. Each partner of
33 a registered limited liability partnership formed to provide licensed
34 clinical social work services in this state must be licensed pursuant to
35 article 154 of the education law to practice clinical social work in
36 this state. Each partner of a registered limited liability partnership
37 formed to provide creative arts therapy services in this state must be
38 licensed pursuant to article 163 of the education law to practice crea-
39 tive arts therapy in this state. Each partner of a registered limited
40 liability partnership formed to provide marriage and family therapy
41 services in this state must be licensed pursuant to article 163 of the
42 education law to practice marriage and family therapy in this state.
43 Each partner of a registered limited liability partnership formed to
44 provide mental health counseling services in this state must be licensed
45 pursuant to article 163 of the education law to practice mental health
46 counseling in this state. Each partner of a registered limited liability
47 partnership formed to provide psychoanalysis services in this state must
48 be licensed pursuant to article 163 of the education law to practice
49 psychoanalysis in this state. Each partner of a registered limited
50 liability partnership formed to provide applied behavior analysis
51 service in this state must be licensed or certified pursuant to article
52 167 of the education law to practice applied behavior analysis in this
53 state. EACH PARTNER OF A REGISTERED LIMITED LIABILITY PARTNERSHIP
54 FORMED TO PROVIDE INTEGRATED, MULTIDISCIPLINARY MEDICAL AND CHIROPRACTIC
55 SERVICES, AS SUCH SERVICES ARE RESPECTIVELY DEFINED UNDER ARTICLE 131
56 AND ARTICLE 132 OF THE EDUCATION LAW, (I) MUST BE LICENSED PURSUANT TO

1 ARTICLE 131 OR ARTICLE 132 OF THE EDUCATION LAW TO PRACTICE HIS OR HER
2 PROFESSION IN THIS STATE, (II) SHALL ONLY PRACTICE HIS OR HER PROFESSION
3 AS SPECIFIED IN HIS OR HER RESPECTIVE PROFESSIONAL ENABLING STATUTE
4 UNDER ARTICLE 131 OR ARTICLE 132 OF THE EDUCATION LAW, AND (III) THE
5 CLINICAL INTEGRATION OF PROFESSIONAL PRACTICES WITHIN AN INTEGRATED,
6 MULTI-DISCIPLINARY ENTITY ORGANIZED UNDER THIS SECTION DOES NOT ALTER,
7 EXPAND OR CURTAIL THE SCOPE OF PRACTICE OF ANY OF THE INDIVIDUALS
8 LICENSED UNDER THE STATUTE OF HIS OR HER RESPECTIVE PROFESSIONAL ENABL-
9 ING LAW, PROVIDED THAT: (A) THE CLINICAL JUDGMENT, MANAGEMENT AND CLIN-
10 ICAL DECISION-MAKING OF ONE OR MORE ARTICLE 131 PROVIDERS IN AN INTE-
11 GRATED, MULTIDISCIPLINARY PROFESSIONAL SERVICE LIMITED LIABILITY COMPANY
12 SHALL BE CONTROLLING, (B) MEMBERS LICENSED UNDER ARTICLE 132 OF THE
13 EDUCATION LAW, SHALL NOT, DIRECTLY OR INDIRECTLY, INTERFERE WITH THE
14 CLINICAL JUDGMENT OR LEGITIMATE CLINICAL PRACTICE OF A PROFESSIONAL
15 LICENSED UNDER ARTICLE 131, AND (C) INDIVIDUALS LICENSED UNDER ARTICLE
16 131 MAY NOT ORDER OR DIRECT A PROFESSIONAL LICENSED UNDER ARTICLE 132 OF
17 THE EDUCATION LAW TO PRACTICE BEYOND THE SCOPE OF HIS OR HER LICENSE
18 UNDER ARTICLE 132 OF THE EDUCATION LAW, EVEN IF SUPERVISED DIRECTLY OR
19 INDIRECTLY BY A PROFESSIONAL LICENSED UNDER ARTICLE 131.

20 S 6. Subdivision (q) of section 121-1502 of the partnership law, as
21 amended by chapter 554 of the laws of 2013, is amended to read as
22 follows:

23 (q) Each partner of a foreign limited liability partnership which
24 provides medical services in this state must be licensed pursuant to
25 article 131 of the education law to practice medicine in the state and
26 each partner of a foreign limited liability partnership which provides
27 dental services in the state must be licensed pursuant to article 133 of
28 the education law to practice dentistry in this state. Each partner of a
29 foreign limited liability partnership which provides veterinary service
30 in the state shall be licensed pursuant to article 135 of the education
31 law to practice veterinary medicine in this state. Each partner of a
32 foreign limited liability partnership which provides professional engi-
33 neering, land surveying, architectural and/or landscape architectural
34 services in this state must be licensed pursuant to article 145, article
35 147 and/or article 148 of the education law to practice one or more of
36 such professions. Each partner of a foreign limited liability partner-
37 ship which provides licensed clinical social work services in this state
38 must be licensed pursuant to article 154 of the education law to prac-
39 tice licensed clinical social work in this state. Each partner of a
40 foreign limited liability partnership which provides creative arts ther-
41 apy services in this state must be licensed pursuant to article 163 of
42 the education law to practice creative arts therapy in this state. Each
43 partner of a foreign limited liability partnership which provides
44 marriage and family therapy services in this state must be licensed
45 pursuant to article 163 of the education law to practice marriage and
46 family therapy in this state. Each partner of a foreign limited liabil-
47 ity partnership which provides mental health counseling services in this
48 state must be licensed pursuant to article 163 of the education law to
49 practice mental health counseling in this state. Each partner of a
50 foreign limited liability partnership which provides psychoanalysis
51 services in this state must be licensed pursuant to article 163 of the
52 education law to practice psychoanalysis in this state. Each partner of
53 a foreign limited liability partnership which provides applied behavior
54 analysis services in this state must be licensed or certified pursuant
55 to article 167 of the education law to practice applied behavior analy-
56 sis in this state. EACH PARTNER OF A FOREIGN LIMITED LIABILITY PARTNER-

SHIP FORMED TO PROVIDE INTEGRATED, MULTIDISCIPLINARY MEDICAL AND CHIROPRACTIC SERVICES, AS SUCH SERVICES ARE DEFINED UNDER ARTICLE 131 OR ARTICLE 132 OF THE EDUCATION LAW, (I) MUST BE LICENSED PURSUANT TO ARTICLE 131 OR ARTICLE 132 OF THE EDUCATION LAW TO PRACTICE HIS OR HER PROFESSION IN THIS STATE, (II) SHALL ONLY PRACTICE HIS OR HER PROFESSION AS SPECIFIED IN HIS OR HER RESPECTIVE PROFESSIONAL ENABLING STATUTE UNDER ARTICLE 131 OR ARTICLE 132 OF THE EDUCATION LAW, AND (III) THE CLINICAL INTEGRATION OF PROFESSIONAL PRACTICES WITHIN AN INTEGRATED, MULTIDISCIPLINARY ENTITY ORGANIZED UNDER THIS SECTION DOES NOT ALTER, EXPAND OR CURTAIL THE SCOPE OF PRACTICE OF ANY OF THE INDIVIDUALS LICENSED UNDER THE STATUTE OF HIS OR HER RESPECTIVE PROFESSIONAL ENABLING LAW, PROVIDED THAT: (A) THE CLINICAL JUDGMENT, MANAGEMENT AND CLINICAL DECISION-MAKING OF ONE OR MORE ARTICLE 131 PROVIDERS IN AN INTEGRATED, MULTIDISCIPLINARY PROFESSIONAL SERVICE LIMITED LIABILITY COMPANY SHALL BE CONTROLLING, (B) MEMBERS NOT LICENSED UNDER ARTICLE 131 OF THE EDUCATION LAW, SHALL NOT, DIRECTLY OR INDIRECTLY, INTERFERE WITH THE CLINICAL JUDGMENT OR LEGITIMATE CLINICAL PRACTICE OF A PROFESSIONAL LICENSED UNDER ARTICLE 131, AND (C) INDIVIDUALS LICENSED UNDER ARTICLE 131 MAY NOT ORDER OR DIRECT A PROFESSIONAL LICENSED UNDER ARTICLE 132 OF THE EDUCATION LAW TO PRACTICE BEYOND THE SCOPE OF HIS OR HER LICENSE UNDER ARTICLE 132 OF THE EDUCATION LAW, EVEN IF SUPERVISED DIRECTLY OR INDIRECTLY BY A PROFESSIONAL LICENSED UNDER ARTICLE 131.

S 7. Subdivision (a) of section 1203 of the limited liability company law, as amended by chapter 475 of the laws of 2014, is amended to read as follows:

(a) Notwithstanding the education law or any other provision of law, one or more professionals each of whom is authorized by law to render a professional service within the state, or one or more professionals, at least one of whom is authorized by law to render a professional service within the state, may form, or cause to be formed, a professional service limited liability company for pecuniary profit under this article for the purpose of rendering the professional service or services as such professionals are authorized to practice. With respect to a professional service limited liability company formed to provide medical services as such services are defined in article 131 of the education law, each member of such limited liability company must be licensed pursuant to article 131 of the education law to practice medicine in this state. With respect to a professional service limited liability company formed to provide dental services as such services are defined in article 133 of the education law, each member of such limited liability company must be licensed pursuant to article 133 of the education law to practice dentistry in this state. With respect to a professional service limited liability company formed to provide veterinary services as such services are defined in article 135 of the education law, each member of such limited liability company must be licensed pursuant to article 135 of the education law to practice veterinary medicine in this state. With respect to a professional service limited liability company formed to provide professional engineering, land surveying, architectural, landscape architectural and/or geological services as such services are defined in article 145, article 147 and article 148 of the education law, each member of such 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 professional service limited liability company formed to provide licensed clinical social work services as such services are defined in article 154 of the education law, each member of such limited

1 liability company shall be licensed pursuant to article 154 of the
2 education law to practice licensed clinical social work in this state.
3 With respect to a professional service limited liability company formed
4 to provide creative arts therapy services as such services are defined
5 in article 163 of the education law, each member of such limited liabil-
6 ity company must be licensed pursuant to article 163 of the education
7 law to practice creative arts therapy in this state. With respect to a
8 professional service limited liability company formed to provide
9 marriage and family therapy services as such services are defined in
10 article 163 of the education law, each member of such limited liability
11 company must be licensed pursuant to article 163 of the education law to
12 practice marriage and family therapy in this state. With respect to a
13 professional service limited liability company formed to provide mental
14 health counseling services as such services are defined in article 163
15 of the education law, each member of such limited liability company must
16 be licensed pursuant to article 163 of the education law to practice
17 mental health counseling in this state. With respect to a professional
18 service limited liability company formed to provide psychoanalysis
19 services as such services are defined in article 163 of the education
20 law, each member of such limited liability company must be licensed
21 pursuant to article 163 of the education law to practice psychoanalysis
22 in this state. With respect to a professional service limited liability
23 company formed to provide applied behavior analysis services as such
24 services are defined in article 167 of the education law, each member of
25 such limited liability company must be licensed or certified pursuant to
26 article 167 of the education law to practice applied behavior analysis
27 in this state. In addition to engaging in such profession or
28 professions, a professional service limited liability company may engage
29 in any other business or activities as to which a limited liability
30 company may be formed under section two hundred one of this chapter.
31 Notwithstanding any other provision of this section, a professional
32 service limited liability company (i) authorized to practice law may
33 only engage in another profession or business or activities or (ii)
34 which is engaged in a profession or other business or activities other
35 than law may only engage in the practice of law, to the extent not
36 prohibited by any other law of this state or any rule adopted by the
37 appropriate appellate division of the supreme court or the court of
38 appeals. NOTWITHSTANDING ANY OTHER PROVISION OF THIS SECTION, WITH
39 RESPECT TO A LIMITED LIABILITY COMPANY FORMED TO PROVIDE INTEGRATED,
40 MULTIDISCIPLINARY MEDICAL AND CHIROPRACTIC SERVICES, AS SUCH SERVICES
41 ARE RESPECTIVELY DEFINED UNDER ARTICLES 131 AND 132 OF THE EDUCATION
42 LAW, (I) EACH MEMBER OF SUCH LIMITED LIABILITY COMPANY MUST BE LICENSED
43 PURSUANT TO ARTICLE 131 OR ARTICLE 132 OF THE EDUCATION LAW TO PRACTICE
44 HIS OR HER PROFESSION IN THIS STATE, (II) EACH MEMBER SHALL ONLY PRAC-
45 TICE HIS OR HER PROFESSION AS SPECIFIED IN HIS OR HER RESPECTIVE PROFES-
46 SIONAL ENABLING STATUTE UNDER ARTICLE 131 OR ARTICLE 132 OF THE EDUCA-
47 TION LAW, AND (III) THE CLINICAL INTEGRATION OF PROFESSIONAL PRACTICES
48 WITHIN AN INTEGRATED, MULTIDISCIPLINARY ENTITY ORGANIZED UNDER THIS
49 SECTION DOES NOT ALTER, EXPAND OR CURTAIL THE SCOPE OF PRACTICE OF ANY
50 OF THE INDIVIDUALS LICENSED UNDER THE STATUTE OF HIS OR HER RESPECTIVE
51 PROFESSIONAL ENABLING LAW, PROVIDED THAT: (A) THE CLINICAL JUDGMENT,
52 MANAGEMENT AND CLINICAL DECISION-MAKING OF ONE OR MORE ARTICLE 131
53 PROVIDERS IN AN INTEGRATED, MULTIDISCIPLINARY PROFESSIONAL SERVICE
54 LIMITED LIABILITY COMPANY SHALL BE CONTROLLING, (B) MEMBERS LICENSED
55 UNDER ARTICLE 132 OF THE EDUCATION LAW, SHALL NOT, DIRECTLY OR INDIRECT-
56 LY, INTERFERE WITH THE CLINICAL JUDGMENT OR LEGITIMATE CLINICAL PRACTICE

1 OF A PROFESSIONAL LICENSED UNDER ARTICLE 131, AND (C) INDIVIDUALS
2 LICENSED UNDER ARTICLE 131 MAY NOT ORDER OR DIRECT A PROFESSIONAL
3 LICENSED UNDER ARTICLE 132 OF THE EDUCATION LAW TO PRACTICE BEYOND THE
4 SCOPE OF HIS OR HER LICENSE UNDER ARTICLE 132 OF THE EDUCATION LAW, EVEN
5 IF SUPERVISED DIRECTLY OR INDIRECTLY BY A PROFESSIONAL LICENSED UNDER
6 ARTICLE 131.

7 S 8. Subdivision (b) of section 1207 of the limited liability company
8 law, as amended by chapter 475 of the laws of 2014, is amended to read
9 as follows:

10 (b) With respect to a professional service limited liability company
11 formed to provide medical services as such services are defined in arti-
12 cle 131 of the education law, each member of such limited liability
13 company must be licensed pursuant to article 131 of the education law to
14 practice medicine in this state. With respect to a professional service
15 limited liability company formed to provide dental services as such
16 services are defined in article 133 of the education law, each member of
17 such limited liability company must be licensed pursuant to article 133
18 of the education law to practice dentistry in this state. With respect
19 to a professional service limited liability company formed to provide
20 veterinary services as such services are defined in article 135 of the
21 education law, each member of such limited liability company must be
22 licensed pursuant to article 135 of the education law to practice veter-
23 inary medicine in this state. With respect to a professional service
24 limited liability company formed to provide professional engineering,
25 land surveying, architectural, landscape architectural and/or geological
26 services as such services are defined in article 145, article 147 and
27 article 148 of the education law, each member of such limited liability
28 company must be licensed pursuant to article 145, article 147 and/or
29 article 148 of the education law to practice one or more of such
30 professions in this state. With respect to a professional service limit-
31 ed liability company formed to provide licensed clinical social work
32 services as such services are defined in article 154 of the education
33 law, each member of such limited liability company shall be licensed
34 pursuant to article 154 of the education law to practice licensed clin-
35 ical social work in this state. With respect to a professional service
36 limited liability company formed to provide creative arts therapy
37 services as such services are defined in article 163 of the education
38 law, each member of such limited liability company must be licensed
39 pursuant to article 163 of the education law to practice creative arts
40 therapy in this state. With respect to a professional service limited
41 liability company formed to provide marriage and family therapy services
42 as such services are defined in article 163 of the education law, each
43 member of such limited liability company must be licensed pursuant to
44 article 163 of the education law to practice marriage and family therapy
45 in this state. With respect to a professional service limited liability
46 company formed to provide mental health counseling services as such
47 services are defined in article 163 of the education law, each member of
48 such limited liability company must be licensed pursuant to article 163
49 of the education law to practice mental health counseling in this state.
50 With respect to a professional service limited liability company formed
51 to provide psychoanalysis services as such services are defined in arti-
52 cle 163 of the education law, each member of such limited liability
53 company must be licensed pursuant to article 163 of the education law to
54 practice psychoanalysis in this state. With respect to a professional
55 service limited liability company formed to provide applied behavior
56 analysis services as such services are defined in article 167 of the

1 education law, each member of such limited liability company must be
2 licensed or certified pursuant to article 167 of the education law to
3 practice applied behavior analysis in this state. NOTWITHSTANDING ANY
4 OTHER PROVISION OF THIS SECTION, WITH RESPECT TO A PROFESSIONAL SERVICE
5 LIMITED LIABILITY COMPANY FORMED TO PROVIDE INTEGRATED, MULTIDISCIPLI-
6 NARY MEDICAL AND CHIROPRACTIC SERVICES, AS SUCH SERVICES ARE RESPECTIVE-
7 LY DEFINED UNDER ARTICLES 131 AND 132 OF THE EDUCATION LAW, (I) EACH
8 MEMBER OF SUCH LIMITED LIABILITY COMPANY MUST BE LICENSED PURSUANT TO
9 ARTICLE 131 OR ARTICLE 132 OF THE EDUCATION LAW TO PRACTICE HIS OR HER
10 PROFESSION IN THIS STATE, (II) EACH MEMBER SHALL ONLY PRACTICE HIS OR
11 HER PROFESSION AS SPECIFIED IN HIS OR HER RESPECTIVE PROFESSIONAL ENABL-
12 ING STATUTE UNDER ARTICLE 131 OR ARTICLE 132 OF THE EDUCATION LAW, AND
13 (III) THE CLINICAL INTEGRATION OF PROFESSIONAL PRACTICES WITHIN AN INTE-
14 GRATED, MULTIDISCIPLINARY ENTITY ORGANIZED UNDER THIS SECTION DOES NOT
15 ALTER, EXPAND OR CURTAIL THE SCOPE OF PRACTICE OF ANY OF THE INDIVIDUALS
16 LICENSED UNDER THE STATUTE OF HIS OR HER RESPECTIVE PROFESSIONAL ENABL-
17 ING LAW, PROVIDED THAT: (A) THE CLINICAL JUDGMENT, MANAGEMENT AND CLIN-
18 ICAL DECISION-MAKING OF ONE OR MORE ARTICLE 131 PROVIDERS IN AN INTE-
19 GRATED, MULTIDISCIPLINARY PROFESSIONAL SERVICE LIMITED LIABILITY COMPANY
20 SHALL BE CONTROLLING, (B) MEMBERS LICENSED UNDER ARTICLE 132 OF THE
21 EDUCATION LAW, SHALL NOT, DIRECTLY OR INDIRECTLY, INTERFERE WITH THE
22 CLINICAL JUDGMENT OR LEGITIMATE CLINICAL PRACTICE OF A PROFESSIONAL
23 LICENSED UNDER ARTICLE 131, AND (C) INDIVIDUALS LICENSED UNDER ARTICLE
24 131 MAY NOT ORDER OR DIRECT A PROFESSIONAL LICENSED UNDER ARTICLE 132 OF
25 THE EDUCATION LAW TO PRACTICE BEYOND THE SCOPE OF HIS OR HER LICENSE
26 UNDER ARTICLE 132 OF THE EDUCATION LAW, EVEN IF SUPERVISED DIRECTLY OR
27 INDIRECTLY BY A PROFESSIONAL LICENSED UNDER ARTICLE 131.

28 S 9. Subdivision (a) of section 1301 of the limited liability company
29 law, as amended by chapter 475 of the laws of 2014, is amended to read
30 as follows:

31 (a) "Foreign professional service limited liability company" means a
32 professional service limited liability company, whether or not denomi-
33 nated as such, organized under the laws of a jurisdiction other than
34 this state, (i) each of whose members and managers, if any, is a profes-
35 sional authorized by law to render a professional service within this
36 state and who is or has been engaged in the practice of such profession
37 in such professional service limited liability company or a predecessor
38 entity, or will engage in the practice of such profession in the profes-
39 sional service limited liability company within thirty days of the date
40 such professional becomes a member, or each of whose members and manag-
41 ers, if any, is a professional at least one of such members is author-
42 ized by law to render a professional service within this state and who
43 is or has been engaged in the practice of such profession in such
44 professional service limited liability company or a predecessor entity,
45 or will engage in the practice of such profession in the professional
46 service limited liability company within thirty days of the date such
47 professional becomes a member, or (ii) authorized by, or holding a
48 license, certificate, registration or permit issued by the licensing
49 authority pursuant to, the education law to render a professional
50 service within this state; except that all members and managers, if any,
51 of a foreign professional service limited liability company that
52 provides health services in this state shall be licensed in this state.
53 With respect to a foreign professional service limited liability company
54 which provides veterinary services as such services are defined in arti-
55 cle 135 of the education law, each member of such foreign professional
56 service limited liability company shall be licensed pursuant to article

1 135 of the education law to practice veterinary medicine. With respect
2 to a foreign professional service limited liability company which
3 provides medical services as such services are defined in article 131 of
4 the education law, each member of such foreign professional service
5 limited liability company must be licensed pursuant to article 131 of
6 the education law to practice medicine in this state. With respect to a
7 foreign professional service limited liability company which provides
8 dental services as such services are defined in article 133 of the
9 education law, each member of such foreign professional service limited
10 liability company must be licensed pursuant to article 133 of the educa-
11 tion law to practice dentistry in this state. With respect to a foreign
12 professional service limited liability company which provides profes-
13 sional engineering, land surveying, geologic architectural and/or land-
14 scape architectural services as such services are defined in article
15 145, article 147 and article 148 of the education law, each member of
16 such foreign professional service limited liability company must be
17 licensed pursuant to article 145, article 147 and/or article 148 of the
18 education law to practice one or more of such professions in this state.
19 With respect to a foreign professional service limited liability company
20 which provides licensed clinical social work services as such services
21 are defined in article 154 of the education law, each member of such
22 foreign professional service limited liability company shall be licensed
23 pursuant to article 154 of the education law to practice clinical social
24 work in this state. With respect to a foreign professional service
25 limited liability company which provides creative arts therapy services
26 as such services are defined in article 163 of the education law, each
27 member of such foreign professional service limited liability company
28 must be licensed pursuant to article 163 of the education law to prac-
29 tice creative arts therapy in this state. With respect to a foreign
30 professional service limited liability company which provides marriage
31 and family therapy services as such services are defined in article 163
32 of the education law, each member of such foreign professional service
33 limited liability company must be licensed pursuant to article 163 of
34 the education law to practice marriage and family therapy in this state.
35 With respect to a foreign professional service limited liability company
36 which provides mental health counseling services as such services are
37 defined in article 163 of the education law, each member of such foreign
38 professional service limited liability company must be licensed pursuant
39 to article 163 of the education law to practice mental health counseling
40 in this state. With respect to a foreign professional service limited
41 liability company which provides psychoanalysis services as such
42 services are defined in article 163 of the education law, each member of
43 such foreign professional service limited liability company must be
44 licensed pursuant to article 163 of the education law to practice
45 psychoanalysis in this state. With respect to a foreign professional
46 service limited liability company which provides applied behavior analy-
47 sis services as such services are defined in article 167 of the educa-
48 tion law, each member of such foreign professional service limited
49 liability company must be licensed or certified pursuant to article 167
50 of the education law to practice applied behavior analysis in this
51 state. WITH RESPECT TO A FOREIGN PROFESSIONAL SERVICE LIMITED LIABILITY
52 COMPANY FORMED TO PROVIDE INTEGRATED, MULTI-DISCIPLINARY MEDICAL AND
53 CHIROPRACTIC SERVICES, AS SUCH SERVICES ARE RESPECTIVELY DEFINED UNDER
54 ARTICLE 131 AND ARTICLE 132 OF THE EDUCATION LAW, (I) EACH MEMBER OF
55 SUCH LIMITED LIABILITY COMPANY MUST BE LICENSED PURSUANT TO ARTICLE 131
56 OR ARTICLE 132 OF THE EDUCATION LAW TO PRACTICE HIS OR HER PROFESSION IN

1 THIS STATE, (II) EACH MEMBER SHALL ONLY PRACTICE HIS OR HER PROFESSION
2 AS SPECIFIED IN HIS OR HER RESPECTIVE PROFESSIONAL ENABLING STATUTE
3 UNDER ARTICLE 131 OR ARTICLE 132 OF THE EDUCATION LAW, AND (III) THE
4 CLINICAL INTEGRATION OF PROFESSIONAL PRACTICES WITHIN AN INTEGRATED,
5 MULTIDISCIPLINARY ENTITY ORGANIZED UNDER THIS SECTION DOES NOT ALTER,
6 EXPAND OR CURTAIL THE SCOPE OF PRACTICE OF ANY OF THE INDIVIDUALS
7 LICENSED UNDER THE STATUTE OF HIS OR HER RESPECTIVE PROFESSIONAL ENABL-
8 ING LAW, PROVIDED THAT: (A) THE CLINICAL JUDGMENT, MANAGEMENT AND CLIN-
9 ICAL DECISION-MAKING OF ONE OR MORE ARTICLE 131 PROVIDERS IN AN INTE-
10 GRATED, MULTIDISCIPLINARY PROFESSIONAL SERVICE LIMITED LIABILITY COMPANY
11 SHALL BE CONTROLLING, (B) MEMBERS LICENSED UNDER ARTICLE 132 OF THE
12 EDUCATION LAW, SHALL NOT, DIRECTLY OR INDIRECTLY, INTERFERE WITH THE
13 CLINICAL JUDGMENT OR LEGITIMATE CLINICAL PRACTICE OF A PROFESSIONAL
14 LICENSED UNDER ARTICLE 131, AND (C) INDIVIDUALS LICENSED UNDER ARTICLE
15 131 MAY NOT ORDER OR DIRECT A PROFESSIONAL LICENSED UNDER ARTICLE 132 OF
16 THE EDUCATION LAW TO PRACTICE BEYOND THE SCOPE OF HIS OR HER LICENSE
17 UNDER ARTICLE 132 OF THE EDUCATION LAW, EVEN IF SUPERVISED DIRECTLY OR
18 INDIRECTLY BY A PROFESSIONAL LICENSED UNDER ARTICLE 131.

19 S 10. Paragraph (a) of section 1503 of the business corporation law,
20 as amended by chapter 475 of the laws of 2014, is amended to read as
21 follows:

22 (a) Notwithstanding any other provision of law, (I) one or more indi-
23 viduals duly authorized by law to render the same professional service
24 within the state may organize, or cause to be organized, a professional
25 service corporation for pecuniary profit under this article for the
26 purpose of rendering the same professional service, except that one or
27 more individuals duly authorized by law to practice professional engi-
28 neering, architecture, landscape architecture, land surveying or geology
29 within the state may organize, or cause to be organized, a professional
30 service corporation or a design professional service corporation for
31 pecuniary profit under this article for the purpose of rendering such
32 professional services as such individuals are authorized to practice,
33 AND, (II) ONE OR MORE INDIVIDUALS DULY LICENSED TO PRACTICE MEDICINE AND
34 ONE OR MORE CHIROPRACTORS LICENSED UNDER ARTICLE 132 OF THE EDUCATION
35 LAW, WHO MAY BE BOARD CERTIFIED OR QUALIFIED BY HIS OR HER RESPECTIVE
36 PROFESSIONAL SPECIALTY BOARDS, MAY ORGANIZE, OR CAUSE TO BE ORGANIZED,
37 FOR BUSINESS PURPOSES ONLY, A MULTIDISCIPLINARY PROFESSIONAL SERVICE
38 CORPORATION FORMED FOR PECUNIARY PROFIT UNDER THIS ARTICLE FOR THE
39 PURPOSE OF RENDERING INTEGRATED AND NON-INTEGRATED PROFESSIONAL SERVICES
40 WITHIN SUCH A CORPORATION AS SUCH INDIVIDUALS ARE AUTHORIZED TO PRACTICE
41 INDIVIDUALLY IN HIS OR HER RESPECTIVE PROFESSIONS, PROVIDED THAT THE
42 CLINICAL INTEGRATION OF PROFESSIONAL PRACTICES WITHIN AN ENTITY ORGAN-
43 IZED UNDER THIS SECTION DOES NOT ALTER, EXPAND OR CURTAIL THE SCOPE OF
44 PRACTICE OF ANY OF THE INDIVIDUALS LICENSED UNDER THE STATUTE OF HIS OR
45 HER RESPECTIVE PROFESSIONAL ENABLING LAW; THAT THE CLINICAL JUDGMENT,
46 MANAGEMENT AND CLINICAL DECISION-MAKING OF ONE OR MORE ARTICLE 131
47 PROVIDERS IN AN INTEGRATED, MULTIDISCIPLINARY PRACTICE SHALL BE CONTROL-
48 LING; THAT MEMBERS LICENSED UNDER ARTICLE 132 OF THE EDUCATION LAW,
49 SHALL NOT, DIRECTLY OR INDIRECTLY, INTERFERE WITH THE CLINICAL JUDGMENT
50 OR LEGITIMATE CLINICAL PRACTICE OF A PROFESSIONAL LICENSED UNDER ARTICLE
51 131; AND THAT INDIVIDUALS LICENSED UNDER ARTICLE 131 MAY NOT ORDER OR
52 DIRECT A PROFESSIONAL LICENSED UNDER ARTICLE 132 OF THE EDUCATION LAW TO
53 PRACTICE BEYOND THE SCOPE OF HIS OR HER LICENSE UNDER ARTICLE 132 OF THE
54 EDUCATION LAW IN A PROFESSIONAL SERVICE LIMITED LIABILITY COMPANY, EVEN
55 IF SUPERVISED DIRECTLY OR INDIRECTLY BY A PROFESSIONAL LICENSED UNDER
56 ARTICLE 131.

1 S 11. Subdivision (q) of section 121-1500 of the partnership law, as
2 amended by chapter 475 of the laws of 2014, is amended to read as
3 follows:

4 (q) Each partner of a registered limited liability partnership formed
5 to provide medical services in this state must be licensed pursuant to
6 article 131 of the education law to practice medicine in this state and
7 each partner of a registered limited liability partnership formed to
8 provide dental services in this state must be licensed pursuant to arti-
9 cle 133 of the education law to practice dentistry in this state. Each
10 partner of a registered limited liability partnership formed to provide
11 veterinary services in this state must be licensed pursuant to article
12 135 of the education law to practice veterinary medicine in this state.
13 Each partner of a registered limited liability partnership formed to
14 provide professional engineering, land surveying, geological services,
15 architectural and/or landscape architectural services in this state must
16 be licensed pursuant to article 145, article 147 and/or article 148 of
17 the education law to practice one or more of such professions in this
18 state. Each partner of a registered limited liability partnership formed
19 to provide licensed clinical social work services in this state must be
20 licensed pursuant to article 154 of the education law to practice clin-
21 ical social work in this state. Each partner of a registered limited
22 liability partnership formed to provide creative arts therapy services
23 in this state must be licensed pursuant to article 163 of the education
24 law to practice creative arts therapy in this state. Each partner of a
25 registered limited liability partnership formed to provide marriage and
26 family therapy services in this state must be licensed pursuant to arti-
27 cle 163 of the education law to practice marriage and family therapy in
28 this state. Each partner of a registered limited liability partnership
29 formed to provide mental health counseling services in this state must
30 be licensed pursuant to article 163 of the education law to practice
31 mental health counseling in this state. Each partner of a registered
32 limited liability partnership formed to provide psychoanalysis services
33 in this state must be licensed pursuant to article 163 of the education
34 law to practice psychoanalysis in this state. Each partner of a regis-
35 tered limited liability partnership formed to provide applied behavior
36 analysis service in this state must be licensed or certified pursuant to
37 article 167 of the education law to practice applied behavior analysis
38 in this state. EACH PARTNER OF A REGISTERED LIMITED LIABILITY PARTNER-
39 SHIP FORMED TO PROVIDE INTEGRATED, MULTIDISCIPLINARY MEDICAL AND CHIROP-
40 RACTIC SERVICES, AS SUCH SERVICES ARE RESPECTIVELY DEFINED UNDER ARTICLE
41 131 AND ARTICLE 132 OF THE EDUCATION LAW, (I) MUST BE LICENSED PURSUANT
42 TO ARTICLE 131 OR ARTICLE 132 OF THE EDUCATION LAW TO PRACTICE HIS OR
43 HER PROFESSION IN THIS STATE, (II) SHALL ONLY PRACTICE HIS OR HER
44 PROFESSION AS SPECIFIED IN HIS OR HER RESPECTIVE PROFESSIONAL ENABLING
45 STATUTE UNDER ARTICLE 131 OR ARTICLE 132 OF THE EDUCATION LAW, AND (III)
46 THE CLINICAL INTEGRATION OF PROFESSIONAL PRACTICES WITHIN AN INTEGRATED,
47 MULTI-DISCIPLINARY ENTITY ORGANIZED UNDER THIS SECTION DOES NOT ALTER,
48 EXPAND OR CURTAIL THE SCOPE OF PRACTICE OF ANY OF THE INDIVIDUALS
49 LICENSED UNDER THE STATUTE OF HIS OR HER RESPECTIVE PROFESSIONAL ENABL-
50 ING LAW, PROVIDED THAT: (A) THE CLINICAL JUDGMENT, MANAGEMENT AND CLIN-
51 ICAL DECISION-MAKING OF ONE OR MORE ARTICLE 131 PROVIDERS IN AN INTE-
52 GRATED, MULTIDISCIPLINARY PROFESSIONAL SERVICE LIMITED LIABILITY COMPANY
53 SHALL BE CONTROLLING, (B) MEMBERS LICENSED UNDER ARTICLE 132 OF THE
54 EDUCATION LAW, SHALL NOT, DIRECTLY OR INDIRECTLY, INTERFERE WITH THE
55 CLINICAL JUDGMENT OR LEGITIMATE CLINICAL PRACTICE OF A PROFESSIONAL
56 LICENSED UNDER ARTICLE 131, AND (C) INDIVIDUALS LICENSED UNDER ARTICLE

1 131 MAY NOT ORDER OR DIRECT A PROFESSIONAL LICENSED UNDER ARTICLE 132 OF
2 THE EDUCATION LAW TO PRACTICE BEYOND THE SCOPE OF HIS OR HER LICENSE
3 UNDER ARTICLE 132 OF THE EDUCATION LAW, EVEN IF SUPERVISED DIRECTLY OR
4 INDIRECTLY BY A PROFESSIONAL LICENSED UNDER ARTICLE 131.

5 S 12. Subdivision (q) of section 121-1502 of the partnership law, as
6 amended by chapter 475 of the laws of 2014, is amended to read as
7 follows:

8 (q) Each partner of a foreign limited liability partnership which
9 provides medical services in this state must be licensed pursuant to
10 article 131 of the education law to practice medicine in the state and
11 each partner of a foreign limited liability partnership which provides
12 dental services in the state must be licensed pursuant to article 133 of
13 the education law to practice dentistry in this state. Each partner of a
14 foreign limited liability partnership which provides veterinary service
15 in the state shall be licensed pursuant to article 135 of the education
16 law to practice veterinary medicine in this state. Each partner of a
17 foreign limited liability partnership which provides professional engi-
18 neering, land surveying, geological services, architectural and/or land-
19 scape architectural services in this state must be licensed pursuant to
20 article 145, article 147 and/or article 148 of the education law to
21 practice one or more of such professions. Each partner of a foreign
22 limited liability partnership which provides licensed clinical social
23 work services in this state must be licensed pursuant to article 154 of
24 the education law to practice licensed clinical social work in this
25 state. Each partner of a foreign limited liability partnership which
26 provides creative arts therapy services in this state must be licensed
27 pursuant to article 163 of the education law to practice creative arts
28 therapy in this state. Each partner of a foreign limited liability part-
29 nership which provides marriage and family therapy services in this
30 state must be licensed pursuant to article 163 of the education law to
31 practice marriage and family therapy in this state. Each partner of a
32 foreign limited liability partnership which provides mental health coun-
33 seling services in this state must be licensed pursuant to article 163
34 of the education law to practice mental health counseling in this state.
35 Each partner of a foreign limited liability partnership which provides
36 psychoanalysis services in this state must be licensed pursuant to arti-
37 cle 163 of the education law to practice psychoanalysis in this state.
38 Each partner of a foreign limited liability partnership which provides
39 applied behavior analysis services in this state must be licensed or
40 certified pursuant to article 167 of the education law to practice
41 applied behavior analysis in this state. EACH PARTNER OF A FOREIGN
42 LIMITED LIABILITY PARTNERSHIP FORMED TO PROVIDE INTEGRATED, MULTIDISCI-
43 PLINARY MEDICAL AND CHIROPRACTIC SERVICES, AS SUCH SERVICES ARE DEFINED
44 UNDER ARTICLE 131 OR ARTICLE 132 OF THE EDUCATION LAW, (I) MUST BE
45 LICENSED PURSUANT TO ARTICLE 131 OR ARTICLE 132 OF THE EDUCATION LAW TO
46 PRACTICE HIS OR HER PROFESSION IN THIS STATE, (II) SHALL ONLY PRACTICE
47 HIS OR HER PROFESSION AS SPECIFIED IN HIS OR HER RESPECTIVE PROFESSIONAL
48 ENABLING STATUTE UNDER ARTICLE 131 OR ARTICLE 132 OF THE EDUCATION LAW,
49 AND (III) THE CLINICAL INTEGRATION OF PROFESSIONAL PRACTICES WITHIN AN
50 INTEGRATED, MULTIDISCIPLINARY ENTITY ORGANIZED UNDER THIS SECTION DOES
51 NOT ALTER, EXPAND OR CURTAIL THE SCOPE OF PRACTICE OF ANY OF THE INDI-
52 VIDUALS LICENSED UNDER THE STATUTE OF HIS OR HER RESPECTIVE PROFESSIONAL
53 ENABLING LAW, PROVIDED THAT: (A) THE CLINICAL JUDGMENT, MANAGEMENT AND
54 CLINICAL DECISION-MAKING OF ONE OR MORE ARTICLE 131 PROVIDERS IN AN
55 INTEGRATED, MULTIDISCIPLINARY PROFESSIONAL SERVICE LIMITED LIABILITY
56 COMPANY SHALL BE CONTROLLING, (B) MEMBERS NOT LICENSED UNDER ARTICLE 131

1 OF THE EDUCATION LAW, SHALL NOT, DIRECTLY OR INDIRECTLY, INTERFERE WITH
2 THE CLINICAL JUDGMENT OR LEGITIMATE CLINICAL PRACTICE OF A PROFESSIONAL
3 LICENSED UNDER ARTICLE 131, AND (C) INDIVIDUALS LICENSED UNDER ARTICLE
4 131 MAY NOT ORDER OR DIRECT A PROFESSIONAL LICENSED UNDER ARTICLE 132 OF
5 THE EDUCATION LAW TO PRACTICE BEYOND THE SCOPE OF HIS OR HER LICENSE
6 UNDER ARTICLE 132 OF THE EDUCATION LAW, EVEN IF SUPERVISED DIRECTLY OR
7 INDIRECTLY BY A PROFESSIONAL LICENSED UNDER ARTICLE 131.

8 S 13. Subdivision 1 of section 2801 of the public health law, as sepa-
9 rately amended by chapters 297 and 416 of the laws of 1983, is amended
10 to read as follows:

11 1. "Hospital" means a facility or institution engaged principally in
12 providing services by or under the supervision of a physician or, in the
13 case of a dental clinic or dental dispensary, of a dentist, for the
14 prevention, diagnosis or treatment of human disease, pain, injury,
15 deformity or physical condition, including, but not limited to, a gener-
16 al hospital, public health center, diagnostic center, treatment center,
17 dental clinic, dental dispensary, rehabilitation center other than a
18 facility used solely for vocational rehabilitation, nursing home, tuber-
19 culosis hospital, chronic disease hospital, maternity hospital, lying-
20 in-asylum, out-patient department, out-patient lodge, dispensary and a
21 laboratory or central service facility serving one or more such insti-
22 tutions, but the term hospital shall not include an institution, sani-
23 tarium or other facility engaged principally in providing services for
24 the prevention, diagnosis or treatment of mental disability and which is
25 subject to the powers of visitation, examination, inspection and inves-
26 tigation of the department of mental hygiene except for those distinct
27 parts of such a facility which provide hospital service. The provisions
28 of this article shall not apply to a facility or institution engaged
29 principally in providing services by or under the supervision of the
30 bona fide members and adherents of a recognized religious organization
31 whose teachings include reliance on spiritual means through prayer alone
32 for healing in the practice of the religion of such organization and
33 where services are provided in accordance with those teachings OR TO A
34 BUSINESS CORPORATION, LIMITED LIABILITY CORPORATION OR PARTNERSHIP
35 BETWEEN A MEDICAL DOCTOR AND A DULY LICENSED TITLE VIII HEALTHCARE
36 PROFESSIONAL.

37 S 14. Subdivision 19 of section 6530 of the education law, as added by
38 chapter 606 of the laws of 1991, is amended to read as follows:

39 19. Permitting any person to share in the fees for professional
40 services, other than: a partner, employee, associate in a professional
41 firm or corporation, professional subcontractor or consultant authorized
42 to practice medicine, or a legally authorized trainee practicing under
43 the supervision of a licensee OR A CHIROPRACTOR PROVIDING PROFESSIONAL
44 SERVICES IN THE SAME PRACTICE. This prohibition shall include any
45 arrangement or agreement whereby the amount received in payment for
46 furnishing space, facilities, equipment or personnel services used by a
47 licensee constitutes a percentage of, or is otherwise dependent upon,
48 the income or receipts of the licensee from such practice, except as
49 otherwise provided by law with respect to a facility licensed pursuant
50 to article twenty-eight of the public health law or article thirteen of
51 the mental hygiene law;

52 S 15. Section 6509-a of the education law, as amended by chapter 555
53 of the laws of 1993, is amended to read as follows:

54 S 6509-a. Additional definition of professional misconduct; limited
55 application. Notwithstanding any inconsistent provision of this article
56 or of any other provision of law to the contrary, the license or regis-

1 tration of a person subject to the provisions of articles one hundred
2 thirty-two, one hundred thirty-three, one hundred thirty-six, one
3 hundred thirty-seven, one hundred thirty-nine, one hundred forty-one,
4 one hundred forty-three, one hundred forty-four, one hundred fifty-six,
5 one hundred fifty-nine and one hundred sixty-four of this chapter may be
6 revoked, suspended or annulled or such person may be subject to any
7 other penalty provided in section sixty-five hundred eleven of this
8 article in accordance with the provisions and procedure of this article
9 for the following:

10 That any person subject to the above enumerated articles, has directly
11 or indirectly requested, received or participated in the division,
12 transference, assignment, rebate, splitting or refunding of a fee for,
13 or has directly requested, received or profited by means of a credit or
14 other valuable consideration as a commission, discount or gratuity in
15 connection with the furnishing of professional care, or service, includ-
16 ing x-ray examination and treatment, or for or in connection with the
17 sale, rental, supplying or furnishing of clinical laboratory services or
18 supplies, x-ray laboratory services or supplies, inhalation therapy
19 service or equipment, ambulance service, hospital or medical supplies,
20 physiotherapy or other therapeutic service or equipment, artificial
21 limbs, teeth or eyes, orthopedic or surgical appliances or supplies,
22 optical appliances, supplies or equipment, devices for aid of hearing,
23 drugs, medication or medical supplies or any other goods, services or
24 supplies prescribed for medical diagnosis, care or treatment under this
25 chapter, except payment, not to exceed thirty-three and one-third per
26 centum of any fee received for x-ray examination, diagnosis or treat-
27 ment, to any hospital furnishing facilities for such examination, diag-
28 nosis or treatment. Nothing contained in this section shall prohibit
29 such persons from practicing as partners, in groups or as a professional
30 corporation or as a university faculty practice corporation nor from
31 pooling fees and moneys received, either by the partnerships, profes-
32 sional corporations, university faculty practice corporations or groups
33 by the individual members thereof, for professional services furnished
34 by any individual professional member, or employee of such partnership,
35 corporation or group, nor shall the professionals constituting the part-
36 nerships, corporations or groups be prohibited from sharing, dividing or
37 apportioning the fees and moneys received by them or by the partnership,
38 corporation or group in accordance with a partnership or other agree-
39 ment; provided that no such practice as partners, corporations or in
40 groups or pooling of fees or moneys received or shared, division or
41 apportionment of fees shall be permitted with respect to care and treat-
42 ment under the workers' compensation law except as expressly authorized
43 by the workers' compensation law. NOTHING CONTAINED IN THIS SECTION,
44 SHALL PROHIBIT A MULTIDISCIPLINARY MEDICAL AND CHIROPRACTIC PRACTICE
45 FORMED PURSUANT TO SUBDIVISION (A) OR (B) OF SECTION TWELVE HUNDRED
46 THREE OF THE LIMITED LIABILITY COMPANY LAW, SUBDIVISION (A) OF SECTION
47 THIRTEEN HUNDRED ONE OF THE LIMITED LIABILITY COMPANY LAW, PARAGRAPH (A)
48 OF SECTION FIFTEEN HUNDRED THREE OF THE BUSINESS CORPORATION LAW, SUBDI-
49 VISION (Q) OF SECTION 121-1500 OF THE PARTNERSHIP LAW, OR SUBDIVISION
50 (Q) OF SECTION 121-1502 OF THE PARTNERSHIP LAW FROM POOLING FEES OR
51 MONIES RECEIVED. Nothing contained in this chapter shall prohibit a
52 medical or dental expense indemnity corporation pursuant to its contract
53 with the subscriber from prorationing a medical or dental expense indem-
54 nity allowance among two or more professionals in proportion to the
55 services rendered by each such professional at the request of the
56 subscriber, provided that prior to payment thereof such professionals

1 shall submit both to the medical or dental expense indemnity corporation
2 and to the subscriber statements itemizing the services rendered by each
3 such professional and the charges therefor.

4 S 16. Section 6531 of the education law, as amended by chapter 555 of
5 the laws of 1993, is amended to read as follows:

6 S 6531. Additional definition of professional misconduct, limited
7 application. Notwithstanding any inconsistent provision of this article
8 or any other provisions of law to the contrary, the license or registra-
9 tion of a person subject to the provisions of this article and article
10 one hundred thirty-one-B of this chapter may be revoked, suspended, or
11 annulled or such person may be subject to any other penalty provided in
12 section two hundred thirty-a of the public health law in accordance with
13 the provisions and procedures of this article for the following:

14 That any person subject to the above-enumerated articles has directly
15 or indirectly requested, received or participated in the division,
16 transference, assignment, rebate, splitting, or refunding of a fee for,
17 or has directly requested, received or profited by means of a credit or
18 other valuable consideration as a commission, discount or gratuity, in
19 connection with the furnishing of professional care or service, includ-
20 ing x-ray examination and treatment, or for or in connection with the
21 sale, rental, supplying, or furnishing of clinical laboratory services
22 or supplies, x-ray laboratory services or supplies, inhalation therapy
23 service or equipment, ambulance service, hospital or medical supplies,
24 physiotherapy or other therapeutic service or equipment, artificial
25 limbs, teeth or eyes, orthopedic or surgical appliances or supplies,
26 optical appliances, supplies, or equipment, devices for aid of hearing,
27 drugs, medication, or medical supplies, or any other goods, services, or
28 supplies prescribed for medical diagnosis, care, or treatment under this
29 chapter, except payment, not to exceed thirty-three and one-third
30 percent of any fee received for x-ray examination, diagnosis, or treat-
31 ment, to any hospital furnishing facilities for such examination, diag-
32 nosis, or treatment. Nothing contained in this section shall prohibit
33 such persons from practicing as partners, in groups or as a professional
34 corporation or as a university faculty practice corporation, nor from
35 pooling fees and moneys received, either by the partnerships, profes-
36 sional corporations, or university faculty practice corporations or
37 groups by the individual members thereof, for professional services
38 furnished by an individual professional member, or employee of such
39 partnership, corporation, or group, nor shall the professionals consti-
40 tuting the partnerships, corporations or groups be prohibited from shar-
41 ing, dividing, or apportioning the fees and moneys received by them or
42 by the partnership, corporation, or group in accordance with a partner-
43 ship or other agreement; provided that no such practice as partners,
44 corporations, or groups, or pooling of fees or moneys received or
45 shared, division or apportionment of fees shall be permitted with
46 respect to and treatment under the workers' compensation law. NOTHING
47 CONTAINED IN THIS SECTION, SHALL PROHIBIT A MULTIDISCIPLINARY MEDICAL
48 AND CHIROPRACTIC PRACTICE FORMED PURSUANT TO SUBDIVISION (A) OR (B) OF
49 SECTION TWELVE HUNDRED THREE OF THE LIMITED LIABILITY COMPANY LAW,
50 SUBDIVISION (A) OF SECTION THIRTEEN HUNDRED ONE OF THE LIMITED LIABILITY
51 COMPANY LAW, PARAGRAPH (A) OF SECTION FIFTEEN HUNDRED THREE OF THE BUSI-
52 NESS CORPORATION LAW, SUBDIVISION (Q) OF SECTION 121-1500 OF THE PART-
53 NERSHIP LAW, OR SUBDIVISION (Q) OF SECTION 121-1502 OF THE PARTNERSHIP
54 LAW FROM POOLING FEES OR MONIES RECEIVED. Nothing contained in this
55 chapter shall prohibit a corporation licensed pursuant to article
56 forty-three of the insurance law pursuant to its contract with the

1 subscribed from prorationing a medical or dental expenses indemnity
2 allowance among two or more professionals in proportion to the services
3 rendered by each such professional at the request of the subscriber,
4 provided that prior to payment thereof such professionals shall submit
5 both to the corporation licensed pursuant to article forty-three of the
6 insurance law and to the subscriber statements itemizing the services
7 rendered by each such professional and the charges therefor.

8 S 17. This act shall take effect on the thirtieth day after it shall
9 have become a law; provided, however that sections seven, eight, nine,
10 ten, eleven and twelve of this act shall take effect on the same date
11 and in the same manner as section 28 of chapter 475 of the laws of 2014,
12 takes effect.

13 PART Y

14 Section 1. The private housing finance law is amended by adding a new
15 article 28 to read as follows:

16 ARTICLE XXVIII

17 RURAL MOBILE HOME REPLACEMENT PROGRAM

18 SECTION 1240. STATEMENT OF LEGISLATIVE FINDINGS AND PURPOSE.

19 1241. DEFINITIONS.

20 1242. RURAL MOBILE HOME REPLACEMENT CONTRACTS.

21 S 1240. STATEMENT OF LEGISLATIVE FINDINGS AND PURPOSE. THE LEGISLATURE
22 HEREBY FINDS AND DECLARES THAT THERE EXISTS IN NEW YORK STATE A SERIOUS
23 NEED TO ELIMINATE OLDER, DILAPIDATED MOBILE HOMES AND REPLACE THEM WITH
24 NEW MODULAR OR STICK-BUILT HOMES ON SITE. OLDER MOBILE HOME UNITS WITH
25 RUSTED, LEAKING METAL ROOFS, METAL-FRAMED WINDOWS WITH INTERIOR TAKE-OUT
26 STORMS, AND METAL SIDING, ARE THOSE THAT MOST NEED REPLACEMENT. NO
27 MATTER THE AMOUNT OF REHABILITATION INVESTMENT, THE END RESULT IS UNSAT-
28 ISFACTORY IN TERMS OF LONGEVITY, ENERGY EFFICIENCY AND AFFORDABILITY.
29 THE LEGISLATURE THEREFORE FINDS THAT, IN RURAL AREAS OF THE STATE, A
30 PROGRAM SHOULD BE ESTABLISHED TO FUND THE REPLACEMENT OF MOBILE HOMES
31 WITH NEW AFFORDABLE AND ENERGY EFFICIENT MODULAR OR STICK-BUILT HOMES.

32 S 1241. DEFINITIONS. FOR THE PURPOSES OF THIS ARTICLE THE FOLLOWING
33 TERMS SHALL HAVE THE FOLLOWING MEANINGS:

34 1. "CORPORATION" SHALL MEAN THE HOUSING TRUST FUND CORPORATION ESTAB-
35 LISHED IN SECTION FORTY-FIVE-A OF THIS CHAPTER.

36 2. "RURAL MOBILE HOME REPLACEMENT PROGRAM" OR "PROGRAM" SHALL MEAN A
37 PROPOSAL BY AN ELIGIBLE APPLICANT FOR THE REPLACEMENT OF A DILAPIDATED
38 MOBILE HOME IN A RURAL AREA WITH A NEW MODULAR OR STICK-BUILT HOME.

39 3. "RURAL AREA OF THE STATE" SHALL MEAN CITIES, TOWNS AND VILLAGES
40 HAVING A POPULATION OF LESS THAN TWENTY-FIVE THOUSAND AS DETERMINED BY
41 THE LAST FEDERAL DECENNIAL CENSUS.

42 4. "ELIGIBLE APPLICANT" SHALL MEAN A PERSON WHO OWNS AND LIVES IN A
43 DILAPIDATED MOBILE HOME THAT IS AT LEAST TEN YEARS OLD, ON LAND THAT THE
44 APPLICANT OWNS, WITH THE DEED IN THE APPLICANT'S NAME.

45 5. "ELIGIBLE PROPERTY" SHALL MEAN A MOBILE HOME IN A RURAL AREA THAT
46 IS THE PRIMARY RESIDENCE OF A PERSON WITH A TOTAL HOUSEHOLD INCOME THAT
47 DOES NOT EXCEED EIGHTY PERCENT OF AREA MEDIAN INCOME FOR THE COUNTY IN
48 WHICH A PROJECT IS LOCATED AS CALCULATED BY THE UNITED STATES DEPARTMENT
49 OF HOUSING AND URBAN DEVELOPMENT.

50 S 1242. RURAL MOBILE HOME REPLACEMENT CONTRACTS. 1. ASSISTANCE. WITHIN
51 AMOUNTS APPROPRIATED OR OTHERWISE AVAILABLE THEREFOR, THE HOUSING TRUST
52 FUND CORPORATION SHALL DEVELOP AND ADMINISTER A RURAL MOBILE HOME
53 REPLACEMENT PROGRAM WHICH SHALL PROVIDE ASSISTANCE IN THE FORM OF GRANTS

TO AN ELIGIBLE APPLICANT FOR THE REPLACEMENT OF DILAPIDATED MOBILE HOMES IN RURAL AREAS OF THE STATE.

2. PROGRAM CRITERIA. THE CORPORATION SHALL DEVELOP PROCEDURES, CRITERIA AND REQUIREMENTS RELATED TO THE APPLICATION AND AWARD OF PROJECTS PURSUANT TO THIS SECTION WHICH SHALL INCLUDE: ELIGIBILITY, MARKET DEMAND, FEASIBILITY AND FUNDING CRITERIA; THE FUNDING DETERMINATION PROCESS; SUPERVISION AND EVALUATION OF CONTRACTING APPLICANTS; REPORTING, BUDGETING AND RECORD-KEEPING REQUIREMENTS; PROVISIONS FOR MODIFICATION AND TERMINATION OF CONTRACTS; AND SUCH OTHER MATTERS NOT INCONSISTENT WITH THE PURPOSES AND PROVISIONS OF THIS ARTICLE AS THE CORPORATION SHALL DEEM NECESSARY OR APPROPRIATE. THE CORPORATION SHALL REQUIRE THAT, IN ORDER TO RECEIVE A GRANT PURSUANT TO THIS ARTICLE, THE ELIGIBLE APPLICANT SHALL HAVE NO LIENS ON THE LAND AFTER CLOSING THE GRANT OTHER THAN THE NEW HOME FINANCING AND CURRENTLY EXISTING MORTGAGE OR MORTGAGES; ALL PROPERTY TAXES AND INSURANCES MUST BE CURRENT; ONE HUNDRED PERCENT GRANTS IN THE FORM OF DEFERRED PAYMENT LOANS (DPL) WILL BE PROVIDED. A TEN YEAR DECLINING BALANCE LIEN IN THE FORM OF A NOTE AND MORTGAGE, DULY FILED AT THE COUNTY CLERK'S OFFICE, WILL BE UTILIZED FOR STICK-BUILT REPLACEMENT PROJECTS. NO INTEREST OR PAYMENTS WILL BE REQUIRED ON THE DPL UNLESS THE PROPERTY IS SOLD OR TRANSFERRED BEFORE THE REGULATORY TERM EXPIRES. IN SUCH CASES FUNDS WILL BE RECAPTURED FROM THE PROCEEDS OF THE SALE OF THE HOME, ON A DECLINING BALANCE BASIS, UNLESS AN INCOME-ELIGIBLE IMMEDIATE FAMILY MEMBER ACCEPTS OWNERSHIP OF, AND RESIDES IN THE HOME FOR THE REMAINDER OF THE REGULATORY TERM. THE ELIGIBLE APPLICANT MUST AGREE TO ATTEND AN APPROVED HOMEOWNERSHIP TRAINING PROGRAM FOR POST-PURCHASE, CREDIT/BUDGET, AND HOME MAINTENANCE COUNSELING AS PART OF THE APPLICATION PROCESS.

3. FUNDING CRITERIA. THE TOTAL PAYMENT PURSUANT TO ANY ONE GRANT CONTRACT SHALL NOT EXCEED SEVENTY-FIVE THOUSAND DOLLARS AND THE CONTRACT SHALL PROVIDE FOR COMPLETION OF THE PROGRAM WITHIN A REASONABLE PERIOD, AS SPECIFIED THEREIN, NOT TO EXCEED FOUR YEARS.

4. FUNDING AND ANNUAL REPORT. THE CORPORATION IN ITS SOLE DISCRETION SHALL AUTHORIZE ALL FUNDING DECISIONS AND MAKE ALL AWARD ANNOUNCEMENTS. THE CORPORATION SHALL, ON OR BEFORE DECEMBER THIRTY-FIRST IN EACH YEAR SUBMIT A REPORT TO THE LEGISLATURE ON THE IMPLEMENTATION OF THIS ARTICLE. SUCH REPORT SHALL INCLUDE, BUT NOT BE LIMITED TO, FOR EACH AWARD MADE TO A GRANTEE UNDER THIS ARTICLE: A DESCRIPTION OF SUCH AWARD; CONTRACT AMOUNT AND CUMULATIVE TOTAL; AND SUCH OTHER INFORMATION AS THE CORPORATION DEEMS PERTINENT.

S 2. This act shall take effect immediately.

PART Z

Section 1. Paragraph (n) of subdivision 2 of section 2 of chapter 274 of the laws of 1946, constituting the emergency housing rent control law, as amended by section 7 of part A of chapter 20 of the laws of 2015, is amended to read as follows:

(n) any housing accommodation with a maximum rent of two thousand dollars or more per month at any time between the effective date of this paragraph and October first, nineteen hundred ninety-three which is or becomes vacant on or after the effective date of this paragraph; or, for any housing accommodation with a maximum rent of two thousand dollars or more per month at any time on or after the effective date of the rent regulation reform act of 1997 and before the effective date of the rent act of 2011, which is or becomes vacant on or after the effective date of the rent regulation reform act of 1997 and before the effective date

1 of the rent act of 2011. This exclusion shall apply regardless of wheth-
2 er the next tenant in occupancy or any subsequent tenant in occupancy is
3 charged or pays less than two thousand dollars a month; or, for any
4 housing accommodation with a maximum rent of two thousand five hundred
5 dollars or more per month at any time on or after the effective date of
6 the rent act of 2011, which is or becomes vacant on or after such effec-
7 tive date, but prior to the effective date of the rent act of 2015; or,
8 any housing accommodation with a legal regulated rent [that was] OF two
9 thousand seven hundred dollars or more per month at any time on or after
10 the effective date of the rent act of 2015, which becomes vacant after
11 the effective date of the rent act of 2015, provided, however, that
12 starting on January 1, 2016, and annually thereafter, the maximum legal
13 regulated rent for this deregulation threshold, shall also be increased
14 by the same percentage as the most recent one year renewal adjustment,
15 adopted by the applicable rent guidelines board. This exclusion shall
16 apply regardless of whether the next tenant in occupancy or any subse-
17 quent tenant in occupancy actually is charged or pays less than two
18 thousand seven hundred dollars, as adjusted by the applicable rent
19 guidelines board, per month. An exclusion pursuant to this paragraph
20 shall not apply, however, to or become effective with respect to housing
21 accommodations which the commissioner determines or finds that the land-
22 lord or any person acting on his or her behalf, with intent to cause the
23 tenant to vacate, has engaged in any course of conduct (including, but
24 not limited to, interruption or discontinuance of required services)
25 which interfered with or disturbed or was intended to interfere with or
26 disturb the comfort, repose, peace or quiet of the tenant in his or her
27 use or occupancy of the housing accommodations and in connection with
28 such course of conduct, any other general enforcement provision of this
29 law shall also apply.

30 S. 2. Paragraph 13 of subdivision a of section 5 of section 4 of chap-
31 ter 576 of the laws of 1974, constituting the emergency tenant
32 protection act of nineteen seventy-four, as amended by section 8 of part
33 A of chapter 20 of the laws of 2015, is amended to read as follows:

34 (13) any housing accommodation with a legal regulated rent of two
35 thousand dollars or more per month at any time between the effective
36 date of this paragraph and October first, nineteen hundred ninety-three
37 which is or becomes vacant on or after the effective date of this para-
38 graph; or, for any housing accommodation with a legal regulated rent of
39 two thousand dollars or more per month at any time on or after the
40 effective date of the rent regulation reform act of 1997 and before the
41 effective date of the rent act of 2011, which is or becomes vacant on or
42 after the effective date of the rent regulation reform act of 1997 and
43 before the effective date of the rent act of 2011. This exclusion shall
44 apply regardless of whether the next tenant in occupancy or any subse-
45 quent tenant in occupancy is charged or pays less than two thousand
46 dollars a month; or, for any housing accommodation with a legal regu-
47 lated rent of two thousand five hundred dollars or more per month at any
48 time on or after the effective date of the rent act of 2011, which is or
49 becomes vacant on or after such effective date, but prior to the effec-
50 tive date of the rent act of 2015; or, any housing accommodation with a
51 legal regulated rent [that was] OF two thousand seven hundred dollars or
52 more per month at any time on or after the effective date of the rent
53 act of 2015, which becomes vacant after the effective date of the rent
54 act of 2015, provided, however, that starting on January 1, 2016, and
55 annually thereafter, the maximum legal regulated rent for this deregu-
56 lation threshold, shall also be increased by the same percentage as the

1 most recent one year renewal adjustment, adopted by the applicable rent
2 guidelines board. An exclusion pursuant to this paragraph shall apply
3 regardless of whether the next tenant in occupancy or any subsequent
4 tenant in occupancy actually is charged or pays less than two thousand
5 seven hundred dollars a month. Provided however, that an exclusion
6 pursuant to this paragraph shall not apply to housing accommodations
7 which became or become subject to this act (a) by virtue of receiving
8 tax benefits pursuant to section four hundred twenty-one-a or four
9 hundred eighty-nine of the real property tax law, except as otherwise
10 provided in subparagraph (i) of paragraph (f) of subdivision two of
11 section four hundred twenty-one-a of the real property tax law, or (b)
12 by virtue of article seven-C of the multiple dwelling law. This para-
13 graph shall not apply, however, to or become effective with respect to
14 housing accommodations which the commissioner determines or finds that
15 the landlord or any person acting on his or her behalf, with intent to
16 cause the tenant to vacate, has engaged in any course of conduct
17 (including, but not limited to, interruption or discontinuance of
18 required services) which interfered with or disturbed or was intended to
19 interfere with or disturb the comfort, repose, peace or quiet of the
20 tenant in his or her use or occupancy of the housing accommodations and
21 in connection with such course of conduct, any other general enforcement
22 provision of this act shall also apply.

23 S 3. Subparagraph (k) of paragraph 2 of subdivision e of section
24 26-403 of the administrative code of the city of New York, as amended by
25 section 9 of part A of chapter 20 of the laws of 2015, is amended to
26 read as follows:

27 (k) Any housing accommodation which becomes vacant on or after April
28 first, nineteen hundred ninety-seven and before the effective date of
29 the rent act of 2011, and where at the time the tenant vacated such
30 housing accommodation the maximum rent was two thousand dollars or more
31 per month; or, for any housing accommodation which is or becomes vacant
32 on or after the effective date of the rent regulation reform act of 1997
33 and before the effective date of the rent act of 2011 with a maximum
34 rent of two thousand dollars or more per month. This exclusion shall
35 apply regardless of whether the next tenant in occupancy or any subse-
36 quent tenant in occupancy is charged or pays less than two thousand
37 dollars a month; or, for any housing accommodation with a maximum rent
38 of two thousand five hundred dollars or more per month at any time on or
39 after the effective date of the rent act of 2011, which is or becomes
40 vacant on or after such effective date, but prior to the effective date
41 of the rent act of 2015; or, any housing accommodation with a legal
42 regulated rent [that was] OF two thousand seven hundred dollars or more
43 per month at any time on or after the effective date of the rent act of
44 2015, which becomes vacant after the effective date of the rent act of
45 2015, provided, however, that starting on January 1, 2016, and annually
46 thereafter, the maximum legal regulated rent for this deregulation
47 threshold, shall also be increased by the same percent as the most
48 recent one year renewal adjustment, adopted by the New York city rent
49 guidelines board pursuant to the rent stabilization law. This exclusion
50 shall apply regardless of whether the next tenant in occupancy or any
51 subsequent tenant in occupancy actually is charged or pays less than two
52 thousand seven hundred dollars a month. Provided however, that an exclu-
53 sion pursuant to this subparagraph shall not apply to housing accommo-
54 dations which became or become subject to this law by virtue of receiv-
55 ing tax benefits pursuant to section four hundred eighty-nine of the
56 real property tax law. This subparagraph shall not apply, however, to or

1 become effective with respect to housing accommodations which the
2 commissioner determines or finds that the landlord or any person acting
3 on his or her behalf, with intent to cause the tenant to vacate, has
4 engaged in any course of conduct (including, but not limited to, inter-
5 ruption or discontinuance of required services) which interfered with or
6 disturbed or was intended to interfere with or disturb the comfort,
7 repose, peace or quiet of the tenant in his or her use or occupancy of
8 the housing accommodations and in connection with such course of
9 conduct, any other general enforcement provision of this law shall also
10 apply.

11 S 4. Section 26-504.2 of the administrative code of the city of New
12 York, as amended by section 10 of part A of chapter 20 of the laws of
13 2015, is amended to read as follows:

14 S 26-504.2 Exclusion of high rent accommodations. a. "Housing accommo-
15 dations" shall not include: any housing accommodation which becomes
16 vacant on or after April first, nineteen hundred ninety-seven and before
17 the effective date of the rent act of 2011 and where at the time the
18 tenant vacated such housing accommodation the legal regulated rent was
19 two thousand dollars or more per month; or, for any housing accommo-
20 dation which is or becomes vacant on or after the effective date of the
21 rent regulation reform act of 1997 and before the effective date of the
22 rent act of 2011, with a legal regulated rent of two thousand dollars or
23 more per month; or for any housing accommodation that becomes vacant on
24 or after the effective date of the rent act of 2015, [where such] WITH A
25 legal regulated rent [was] OF two thousand seven hundred dollars or
26 more, and as further adjusted by this section. Starting on January 1,
27 2016, and annually thereafter, the maximum legal regulated rent for this
28 deregulation threshold, shall also be increased by the same percent as
29 the most recent one year renewal adjustment, adopted by the New York
30 city rent guidelines board pursuant to the rent stabilization law. This
31 exclusion shall apply regardless of whether the next tenant in occupancy
32 or any subsequent tenant in occupancy is charged or pays less than two
33 thousand dollars a month; or, for any housing accommodation with a legal
34 regulated rent of two thousand five hundred dollars or more per month at
35 any time on or after the effective date of the rent act of 2011, which
36 is or becomes vacant on or after such effective date, but prior to the
37 effective date of the rent act of 2015; or, any housing accommodation
38 with a legal regulated rent [that was] OF two thousand seven hundred
39 dollars or more per month at any time on or after the effective date of
40 the rent act of 2015, which becomes vacant after the effective date of
41 the rent act of 2015, provided, however, that starting on January 1,
42 2016, and annually thereafter, such legal regulated rent for this dereg-
43 ulation threshold, shall also be increased by the same percentage as the
44 most recent one year renewal adjustment, adopted by the New York city
45 rent guidelines board. This exclusion shall apply regardless of whether
46 the next tenant in occupancy or any subsequent tenant in occupancy actu-
47 ally is charged or pays less than two thousand seven hundred dollars, as
48 adjusted by the applicable rent guidelines board, a month. Provided
49 however, that an exclusion pursuant to this subdivision shall not apply
50 to housing accommodations which became or become subject to this law (a)
51 by virtue of receiving tax benefits pursuant to section four hundred
52 twenty-one-a or four hundred eighty-nine of the real property tax law,
53 except as otherwise provided in subparagraph (i) of paragraph (f) of
54 subdivision two of section four hundred twenty-one-a of the real proper-
55 ty tax law, or (b) by virtue of article seven-C of the multiple dwelling
56 law. This section shall not apply, however, to or become effective with

1 respect to housing accommodations which the commissioner determines or
2 finds that the landlord or any person acting on his or her behalf, with
3 intent to cause the tenant to vacate, engaged in any course of conduct
4 (including, but not limited to, interruption or discontinuance of
5 required services) which interfered with or disturbed or was intended to
6 interfere with or disturb the comfort, repose, peace or quiet of the
7 tenant in his or her use or occupancy of the housing accommodations and
8 in connection with such course of conduct, any other general enforcement
9 provision of this law shall also apply.

10 b. The owner of any housing accommodation that is not subject to this
11 law pursuant to the provisions of subdivision a of this section or
12 subparagraph k of paragraph 2 of subdivision e of section 26-403 of this
13 code shall give written notice certified by such owner to the first
14 tenant of that housing accommodation after such housing accommodation
15 becomes exempt from the provisions of this law or the city rent and
16 rehabilitation law. Such notice shall contain the last regulated rent,
17 the reason that such housing accommodation is not subject to this law or
18 the city rent and rehabilitation law, a calculation of how either the
19 rental amount charged when there is no lease or the rental amount
20 provided for in the lease has been derived so as to reach two thousand
21 dollars or more per month or, for a housing accommodation with a legal
22 regulated rent or maximum rent of two thousand five hundred dollars or
23 more per month on or after the effective date of the rent act of 2011,
24 and before the effective date of the rent act of 2015, which is or
25 becomes vacant on or after such effective date, whether the next tenant
26 in occupancy or any subsequent tenant in occupancy actually is charged
27 or pays less than a legal regulated rent or maximum rent of two thousand
28 five hundred dollars or more per month, or two thousand seven hundred
29 dollars or more, per month, starting on January 1, 2016, and annually
30 thereafter, the maximum legal regulated rent for this deregulation
31 threshold, shall also be increased by the same percent as the most
32 recent one year renewal adjustment, adopted by the New York city rent
33 guidelines board pursuant to the rent stabilization law, a statement
34 that the last legal regulated rent or the maximum rent may be verified
35 by the tenant by contacting the state division of housing and community
36 renewal, or any successor thereto, and the address and telephone number
37 of such agency, or any successor thereto. Such notice shall be sent by
38 certified mail within thirty days after the tenancy commences or after
39 the signing of the lease by both parties, whichever occurs first or
40 shall be delivered to the tenant at the signing of the lease. In addi-
41 tion, the owner shall send and certify to the tenant a copy of the
42 registration statement for such housing accommodation filed with the
43 state division of housing and community renewal indicating that such
44 housing accommodation became exempt from the provisions of this law or
45 the city rent and rehabilitation law, which form shall include the last
46 regulated rent, and shall be sent to the tenant within thirty days after
47 the tenancy commences or the filing of such registration, whichever
48 occurs later.

49 S 5. Paragraph 14 of subdivision c of section 26-511 of the adminis-
50 trative code of the city of New York, as amended by section 12 of part A
51 of chapter 20 of the laws of 2015, is amended to read as follows:

52 (14) provides that where the amount of rent charged to and paid by the
53 tenant is less than the legal regulated rent for the housing accommo-
54 dation, the amount of rent for such housing accommodation which may be
55 charged upon renewal or upon vacancy thereof, may, at the option of the
56 owner, be based upon such previously established legal regulated rent,

1 as adjusted by the most recent applicable guidelines increases and any
2 other increases authorized by law. Such housing accommodation shall be
3 excluded from the provisions of this code pursuant to section 26-504.2
4 of this chapter when, subsequent to vacancy: (i) such legal regulated
5 rent [prior to vacancy] is two thousand five hundred dollars per month,
6 or more, for any housing accommodation that is or becomes vacant after
7 the effective date of the rent act of 2011 but prior to the effective
8 date of the rent act of 2015 or (ii) such legal regulated rent is two
9 thousand seven hundred dollars per month or more, provided, however that
10 on January 1, 2016, and annually thereafter, the maximum legal regulated
11 rent for this deregulation threshold shall be adjusted by the same
12 percentage as the most recent one year renewal adjustment as adjusted by
13 the relevant rent guidelines board, for any housing accommodation that
14 is or becomes vacant on or after the rent act of 2015.

15 S 6. Section 467-i of the real property tax law is REPEALED.

16 S 7. This act shall take effect immediately; provided, however that:

17 (a) the amendments to the emergency housing rent control law made by
18 section one of this act shall expire on the same date as such law
19 expires and shall not affect the expiration of such law as provided in
20 subdivision 2 of section 1 of chapter 274 of the laws of 1946;

21 (b) the amendments to the emergency tenant protection act of nineteen
22 seventy-four made by section two of this act shall expire on the same
23 date as such act expires and shall not affect the expiration of such act
24 as provided in section 17 of chapter 576 of the laws of 1974;

25 (c) the amendments to chapter 4 of title 26 of the administrative code
26 of the city of New York made by sections four and five of this act shall
27 expire on the same date as such chapter expires and shall not affect the
28 expiration of such chapter as provided under section 26-520 of such law;
29 and

30 (d) the amendments to chapter 3 of title 26 of the administrative code
31 of the city of New York made by section three of this act shall remain
32 in full force and effect only as long as the public emergency requiring
33 the regulation and control of residential rents and evictions continues,
34 as provided in subdivision 3 of section 1 of the local emergency housing
35 rent control act.

36 PART AA

37 Section 1. The section heading of section 467-b of the real property
38 tax law, as amended by section 1 of chapter 188 of the laws of 2005, is
39 amended to read as follows:

40 Tax abatement for rent-controlled and rent regulated property occupied
41 by senior citizens or persons with disabilities OR PERSONS PAYING A
42 MAXIMUM RENT OR LEGAL REGULATED RENT WHICH EXCEEDS ONE-HALF OF THE
43 COMBINED INCOME OF ALL MEMBERS OF THEIR HOUSEHOLD.

44 S 2. Paragraph b of subdivision 1 of section 467-b of the real proper-
45 ty tax law, as amended by section 1 of chapter 188 of the laws of 2005,
46 is amended to read as follows:

47 b. "Head of the household" means a person (i) who is sixty-two years
48 of age or older, or (ii) who qualifies as a person with a disability
49 pursuant to subdivision five of this section, OR (III) WHO PAYS A MAXI-
50 MUM RENT OR LEGAL REGULATED RENT WHICH EXCEEDS ONE-HALF OF THE COMBINED
51 INCOME OF ALL MEMBERS OF THEIR HOUSEHOLD, and is entitled to the
52 possession or to the use or occupancy of a dwelling unit;

1 S 3. Subdivision 2 of section 467-b of the real property tax law, as
2 amended by chapter 747 of the laws of 1985, paragraph (c) as added by
3 chapter 553 of the laws of 2015, is amended to read as follows:

4 2. The governing body of any municipal corporation is hereby author-
5 ized and empowered to adopt, after public hearing, in accordance with
6 the provisions of this section, a local law, ordinance or resolution
7 providing for the abatement of taxes of said municipal corporation
8 imposed on real property containing a dwelling unit as defined herein by
9 one of the following amounts: (a) where the head of the household does
10 not receive a monthly allowance for shelter pursuant to the social
11 services law, an amount not in excess of that portion of any increase in
12 maximum rent or legal regulated rent which causes such maximum rent or
13 legal regulated rent to exceed one-third of the combined income of all
14 members of the household; or

15 (b) WHERE THE HEAD OF THE HOUSEHOLD QUALIFIES AS A PERSON PAYING A
16 MAXIMUM RENT OR LEGAL REGULATED RENT WHICH EXCEEDS ONE-HALF OF THE
17 COMBINED INCOME OF ALL MEMBERS OF THE HOUSEHOLD AND DOES NOT RECEIVE A
18 MONTHLY ALLOWANCE FOR SHELTER PURSUANT TO THE SOCIAL SERVICES LAW, AN
19 AMOUNT NOT IN EXCESS OF THAT PORTION OF ANY INCREASE IN MAXIMUM RENT OR
20 LEGAL REGULATED RENT WHICH CAUSES SUCH MAXIMUM RENT OR LEGAL REGULATED
21 RENT TO EXCEED ONE-HALF OF THE COMBINED INCOME OF ALL MEMBERS OF THE
22 HOUSEHOLD; OR

23 (C) where the head of the household receives a monthly allowance for
24 shelter pursuant to the social services law, an amount not in excess of
25 that portion of any increase in maximum rent or legal regulated rent
26 which is not covered by the maximum allowance for shelter which such
27 person is entitled to receive pursuant to the social services law.

28 [(c)] Provided, however, that in a city of a population of one million
29 or more, where the head of household has been granted a rent increase
30 exemption order that is in effect as of January first, two thousand
31 fifteen or takes effect on or before July first, two thousand fifteen,
32 the amount determined by paragraph (a) of this subdivision shall be an
33 amount not in excess of the difference between the maximum rent or legal
34 regulated rent and the amount specified in such order, as adjusted by
35 any other provision of this section.

36 S 4. Paragraph a of subdivision 3 of section 467-b of the real proper-
37 ty tax law, as amended by section 1 of part U of chapter 55 of the laws
38 of 2014, is amended to read as follows:

39 a. for a dwelling unit where the head of the household is a person
40 sixty-two years of age or older OR WHERE THE HEAD OF THE HOUSEHOLD PAYS
41 A MAXIMUM RENT OR LEGAL REGULATED RENT WHICH EXCEEDS ONE-HALF OF THE
42 COMBINED INCOME OF ALL MEMBERS OF THE HOUSEHOLD, no tax abatement shall
43 be granted if the combined income of all members of the household for
44 the income tax year immediately preceding the date of making application
45 exceeds four thousand dollars, or such other sum not more than twenty-
46 five thousand dollars beginning July first, two thousand five, twenty-
47 six thousand dollars beginning July first, two thousand six, twenty-sev-
48 en thousand dollars beginning July first, two thousand seven,
49 twenty-eight thousand dollars beginning July first, two thousand eight,
50 twenty-nine thousand dollars beginning July first, two thousand nine,
51 and fifty thousand dollars beginning July first, two thousand fourteen,
52 as may be provided by the local law, ordinance or resolution adopted
53 pursuant to this section, provided that when the head of the household
54 retires before the commencement of such income tax year and the date of
55 filing the application, the income for such year may be adjusted by

1 excluding salary or earnings and projecting his or her retirement income
2 over the entire period of such year.

3 S 5. Paragraph a of subdivision 3 of section 467-b of the real proper-
4 ty tax law, as separately amended by section 1 of chapter 188 and chap-
5 ter 205 of the laws of 2005, is amended to read as follows:

6 a. for a dwelling unit where the head of the household is a person
7 sixty-two years of age or older OR WHERE THE HEAD OF THE HOUSEHOLD PAYS
8 A MAXIMUM RENT OR LEGAL REGULATED RENT WHICH EXCEEDS ONE-HALF OF THE
9 COMBINED INCOME OF ALL MEMBERS OF THE HOUSEHOLD, no tax abatement shall
10 be granted if the combined income of all members of the household for
11 the income tax year immediately preceding the date of making application
12 exceeds four thousand dollars, or such other sum not more than twenty-
13 five thousand dollars beginning July first, two thousand five, twenty-
14 six thousand dollars beginning July first, two thousand six, twenty-sev-
15 en thousand dollars beginning July first, two thousand seven,
16 twenty-eight thousand dollars beginning July first, two thousand eight,
17 and twenty-nine thousand dollars beginning July first, two thousand
18 nine, as may be provided by the local law, ordinance or resolution
19 adopted pursuant to this section, provided that when the head of the
20 household retires before the commencement of such income tax year and
21 the date of filing the application, the income for such year may be
22 adjusted by excluding salary or earnings and projecting his or her
23 retirement income over the entire period of such year.

24 S 6. Paragraph d of subdivision 1 of section 467-c of the real proper-
25 ty tax law, as separately amended by chapters 188 and 205 of the laws of
26 2005, and subparagraph 1 as amended by section 2 of part U of chapter 55
27 of the laws of 2014, is amended to read as follows:

28 d. "Eligible head of the household" means (1) a person or his or her
29 spouse who is sixty-two years of age or older, OR A PERSON WHO PAYS A
30 MAXIMUM RENT WHICH EXCEEDS ONE-HALF OF THE COMBINED INCOME OF ALL
31 MEMBERS OF THE HOUSEHOLD, and is entitled to the possession or to the
32 use and occupancy of a dwelling unit, provided, however, with respect to
33 a dwelling which was subject to a mortgage insured or initially insured
34 by the federal government pursuant to section two hundred thirteen of
35 the National Housing Act, as amended "eligible head of the household"
36 shall be limited to that person or his or her spouse who was entitled to
37 possession or the use and occupancy of such dwelling unit at the time of
38 termination of such mortgage, and whose income when combined with the
39 income of all other members of the household, does not exceed six thou-
40 sand five hundred dollars for the taxable period, or such other sum not
41 less than sixty-five hundred dollars nor more than twenty-five thousand
42 dollars beginning July first, two thousand five, twenty-six thousand
43 dollars beginning July first, two thousand six, twenty-seven thousand
44 dollars beginning July first, two thousand seven, twenty-eight thousand
45 dollars beginning July first, two thousand eight, twenty-nine thousand
46 dollars beginning July first, two thousand nine, and fifty thousand
47 dollars beginning July first, two thousand fourteen, as may be provided
48 by local law; or (2) a person with a disability as defined in this
49 subdivision.

50 S 7. Subparagraph 1 of paragraph d of subdivision 1 of section 467-c
51 of the real property tax law, as separately amended by chapters 188 and
52 205 of the laws of 2005, is amended to read as follows:

53 (1) a person or his or her spouse who is sixty-two years of age or
54 older, OR A PERSON WHO PAYS A MAXIMUM RENT WHICH EXCEEDS ONE-HALF OF THE
55 COMBINED INCOME OF ALL MEMBERS OF THE HOUSEHOLD, and is entitled to the
56 possession or to the use and occupancy of a dwelling unit, provided,

1 however, with respect to a dwelling which was subject to a mortgage
2 insured or initially insured by the federal government pursuant to
3 section two hundred thirteen of the National Housing Act, as amended
4 "eligible head of the household" shall be limited to that person or his
5 or her spouse who was entitled to possession or the use and occupancy of
6 such dwelling unit at the time of termination of such mortgage, and
7 whose income when combined with the income of all other members of the
8 household, does not exceed six thousand five hundred dollars for the
9 taxable period, or such other sum not less than sixty-five hundred
10 dollars nor more than twenty-five thousand dollars beginning July first,
11 two thousand five, twenty-six thousand dollars beginning July first, two
12 thousand six, twenty-seven thousand dollars beginning July first, two
13 thousand seven, twenty-eight thousand dollars beginning July first, two
14 thousand eight, and twenty-nine thousand dollars beginning July first,
15 two thousand nine, as may be provided by local law; or

16 S 8. Subparagraph (1) of paragraph a of subdivision 3 of section 467-c
17 of the real property tax law, as amended by chapter 747 of the laws of
18 1985, is amended to read as follows:

19 (1) where the eligible head of the household WHO IS EITHER SIXTY-TWO
20 YEARS OF AGE OR OLDER OR IS DISABLED does not receive a monthly allow-
21 ance for shelter pursuant to the social services law, the amount by
22 which increases in the maximum rent subsequent to such person's eligi-
23 bility date have resulted in the maximum rent exceeding one-third of the
24 combined income of all members of the household for the taxable period,
25 OR WHERE THE ELIGIBLE HEAD OF THE HOUSEHOLD IS A PERSON WHO PAYS A MAXI-
26 MUM RENT WHICH EXCEEDS ONE-HALF OF THE COMBINED INCOME OF ALL MEMBERS OF
27 THE HOUSEHOLD DOES NOT RECEIVE A MONTHLY ALLOWANCE FOR SHELTER PURSUANT
28 TO THE SOCIAL SERVICES LAW, THE AMOUNT BY WHICH INCREASES IN THE MAXIMUM
29 RENT SUBSEQUENT TO SUCH PERSON'S DATE HAVE RESULTED IN THE MAXIMUM RENT
30 EXCEEDING ONE-HALF OF THE COMBINED INCOME OF ALL MEMBERS OF THE HOUSE-
31 HOLD FOR THE TAXABLE PERIOD, except that in no event shall a rent
32 increase exemption order/tax abatement certificate become effective
33 prior to January first, nineteen hundred seventy-six; or

34 S 9. The state comptroller shall annually pay to each city providing
35 real property tax abatements pursuant to sections 467-b and 467-c of the
36 real property tax law an amount equal to 10 per centum of the real prop-
37 erty tax revenue lost during the city fiscal year due to the implementa-
38 tion of the provisions of this act. Each city eligible for state
39 payments pursuant to this section shall provide the state comptroller
40 with such information as he or she shall deem necessary.

41 S 10. This act shall take effect July 1, 2016; provided however, that:

42 a. the amendments to section 467-b of the real property tax law, made
43 by sections one, two, three, four and five of this act shall not affect
44 the expiration of such section and shall expire and be deemed repealed
45 therewith;

46 b. the amendments to paragraph a of subdivision 3 of section 467-b of
47 the real property tax law, made by section four of this act shall be
48 subject to the expiration and reversion of such paragraph pursuant to
49 section 4 of part U of chapter 55 of the laws of 2014, as amended, and
50 shall be deemed to expire therewith, when upon such date section five of
51 this act shall take effect; and

52 c. the amendments to subparagraph 1 of paragraph d of subdivision 1 of
53 section 467-c of the real property tax law, made by section six of this
54 act shall not affect the expiration and reversion of such subparagraph
55 pursuant to section 4 of part U of chapter 55 of the laws of 2014, as

1 amended, and shall expire and be deemed repealed therewith, when upon
2 such date section seven of this act shall take effect.

3 PART BB

4 Section 1. Section 6305 of the education law is amended by adding a
5 new subdivision 2-a to read as follows:

6 2-A. NOTWITHSTANDING SUBDIVISIONS TWO AND THREE OF THIS SECTION, NO
7 COMMUNITY COLLEGE SHALL BE AUTHORIZED TO CHARGE A COUNTY IN THE STATE
8 FOR ANY PORTION OF THE LOCAL SPONSOR'S SHARE OF OPERATING COSTS ATTRIB-
9 UTABLE TO A NON-RESIDENT STUDENT IF SUCH NON-RESIDENT STUDENT IS
10 ENROLLED IN A BACHELOR'S DEGREE PROGRAM OR HIGHER AT SUCH COMMUNITY
11 COLLEGE.

12 S 2. Subdivision 5 of section 6305 of the education law, as amended by
13 chapter 681 of the laws of 1971, is amended to read as follows:

14 5. Amounts payable to such colleges by a county pursuant to this
15 section shall be a general county charge[; provided, however, that with
16 respect to the amounts allocable to each community college a county may
17 charge back such amounts in whole or in part to the cities and towns in
18 the county in proportion to the number of students who, on the basis of
19 certificates of residence issued by such county, were attending each
20 such college as non-residents of the local sponsors thereof during the
21 terms for which the county has been charged, and who were residents of
22 each such city or town at the beginning of such terms].

23 S 3. This act shall take effect July 1, 2016.

24 PART CC

25 Section 1. The education law is amended by adding a new section 609 to
26 read as follows:

27 S 609. TUITION, AID AND PLACEMENT REPORT. BEGINNING IN ACADEMIC YEAR
28 TWO THOUSAND SIXTEEN--TWO THOUSAND SEVENTEEN, ALL NON-PUBLIC INSTI-
29 TUTIONS OF HIGHER EDUCATION, RECOGNIZED AND APPROVED BY THE REGENTS OF
30 THE UNIVERSITY OF THE STATE OF NEW YORK, WHICH PROVIDE A COURSE OF STUDY
31 LEADING TO THE GRANTING OF A FOUR YEAR POST-SECONDARY DEGREE OR DIPLOMA
32 SHALL REPORT TO THE SENATE AND ASSEMBLY CHAIRS OF THE HIGHER EDUCATION
33 COMMITTEES ON OR BEFORE AUGUST FIFTEENTH OF EACH YEAR, ON THE FOLLOWING:
34 FACTORS THAT DRIVE COST INCREASES; TUITION TRENDS FOR THE PAST SIX YEARS
35 AND PERCENTAGE OF YEAR TO YEAR INCREASES; TOTAL COST OF FEES; IF THE
36 INSTITUTION HAS AN ENDOWMENT AND THE AMOUNT OF SUCH ENDOWMENT; THE AVER-
37 AGE INSTITUTIONAL FINANCIAL AID PACKAGE BY INCOME BRACKET AS DEFINED BY
38 THE NATIONAL CENTER FOR EDUCATION STATISTICS' INTEGRATED POST-SECONDARY
39 EDUCATION DATA SYSTEM; THE AVERAGE AMOUNT OF DEBT A STUDENT HAS UPON
40 GRADUATION BY INCOME BRACKET; GRADUATION RATES FOR FOUR, FIVE AND SIX
41 YEARS AND AVERAGE DEBT ASSOCIATED WITH EACH; ENROLLMENT TRENDS OVER THE
42 PAST SIX YEARS; JOB PLACEMENT RATES FOR GRADUATES OF THE INSTITUTION;
43 THE AMOUNT SPENT TO EDUCATE STUDENTS PER FTE; THE PERCENTAGE OF STUDENTS
44 WHO ARE TAP AND PELL ELIGIBLE; ADMINISTRATIVE AND OPERATING COSTS AND
45 THE PERCENTAGE OF THOSE COSTS FUNDED BY TUITION; AND COST SAVING MEAS-
46 URES IMPLEMENTED OVER THE PAST SIX YEARS, IF ANY.

47 S 2. This act shall take effect immediately.

48 PART DD

1 Section 1. Subdivision 1 of section 669-e of the education law, as
2 added by section 1 of part G of chapter 56 of the laws of 2014, is
3 amended to read as follows:

4 1. Undergraduate students who are matriculated in an approved under-
5 graduate program leading to a career in science, technology, engineering
6 or mathematics at a New York state [public institution of higher educa-
7 tion] COLLEGE AS DEFINED IN SECTION SIX HUNDRED ONE OF THIS CHAPTER
8 shall be eligible for an award under this section, provided the appli-
9 cant: (a) graduates from a high school located in New York state during
10 or after the two thousand thirteen--fourteen school year; and (b) gradu-
11 ates within the top ten percent of his or her high school class; and (c)
12 enrolls in full-time study each term beginning in the fall term after
13 his or her high school graduation in an approved undergraduate program
14 in science, technology, engineering or mathematics, as defined by the
15 corporation, at a New York state [public institution of higher educa-
16 tion] COLLEGE AS DEFINED IN SECTION SIX HUNDRED ONE OF THIS CHAPTER; and
17 (d) signs a contract with the corporation agreeing that his or her award
18 will be converted to a student loan in the event the student fails to
19 comply with the terms of this program as set forth in subdivision four
20 of this section; and (e) complies with the applicable provisions of this
21 article and all requirements promulgated by the corporation for the
22 administration of the program.

23 S 2. This act shall take effect immediately.

24 PART EE

25 Section 1. The education law is amended by adding a new section 679-h
26 to read as follows:

27 S 679-H. NEW YORK STATE AGRICULTURE EDUCATORS LOAN FORGIVENESS INCEN-
28 TIVE PROGRAM. 1. DEFINITION. THE TERM "AGRICULTURE EDUCATOR" MEANS AN
29 INSTRUCTOR WHO PROVIDES DIDACTIC INSTRUCTION TO STUDENTS ABOUT AGRICUL-
30 TURE, FOOD AND NATURAL RESOURCES DELIVERED THROUGH LESSONS IN SCIENCE,
31 COMMUNICATIONS, LEADERSHIP, MANAGEMENT AND TECHNOLOGY.

32 2. PURPOSE. THE PRESIDENT SHALL GRANT STUDENT LOAN FORGIVENESS AWARDS
33 FOR THE PURPOSE OF ALLEVIATING THE BURDEN OF STUDENT LOAN DEBT FOR AGRI-
34 CULTURE EDUCATORS TEACHING IN THE FIELD OF AGRICULTURE EDUCATION IN NEW
35 YORK STATE. SUCH AWARDS SHALL BE MADE ON A COMPETITIVE BASIS AS PROMUL-
36 GATED BY THE CORPORATION FOR SUCH PURPOSES, TO APPLICANTS WHO MEET THE
37 ELIGIBILITY CRITERIA. SUCH RULES AND REGULATIONS SHALL INCLUDE
38 PROVISIONS FOR THE CONSIDERATION OF APPLICANTS WHO ARE ECONOMICALLY
39 DISADVANTAGED.

40 3. ELIGIBILITY. TO BE ELIGIBLE FOR AN AWARD PURSUANT TO THIS SECTION,
41 APPLICANTS SHALL:

42 (A) HAVE GRADUATED AND OBTAINED A DEGREE FROM AN APPROVED NEW YORK
43 STATE COLLEGE OR UNIVERSITY;

44 (B) HAVE AN OUTSTANDING STUDENT LOAN DEBT FROM OBTAINING SUCH DEGREE;

45 (C) BE EMPLOYED AS AN AGRICULTURE EDUCATOR IN NEW YORK STATE;

46 (D) APPLY FOR THIS PROGRAM WITHIN TWO YEARS OF COLLEGE GRADUATION; AND

47 (E) COMPLY WITH SUBDIVISIONS THREE AND FIVE OF SECTION SIX HUNDRED
48 SIXTY-ONE OF THIS PART.

49 4. AWARDS. THE CORPORATION SHALL GRANT SUCH AWARDS WITHIN AMOUNTS
50 APPROPRIATED FOR SUCH PURPOSES AND BASED ON THE AVAILABILITY OF FUNDS.

51 S 2. This act shall take effect on the ninetieth day after it shall
52 have become a law.

53 PART FF

Section 1. The social services law is amended by adding a new section 390-j to read as follows:

S 390-J. THE CHILD CARE REGULATORY REVIEW TASK FORCE. 1. DUTIES. (A) PURSUANT TO THE PROVISIONS OF THIS SECTION, THE CHILD CARE REGULATORY REVIEW TASK FORCE SHALL REVIEW PROCESSES AND REGULATORY, STATUTORY AND PROGRAMMATIC REQUIREMENTS, PLACED ON CHILD CARE PROVIDERS WHICH ARE REGULATED BY THE OFFICE OF CHILDREN AND FAMILY SERVICES, THAT ARE DUPLICATIVE OR UNNECESSARY AND CREATE ADMINISTRATIVE BURDENS FOR CHILD CARE PROVIDERS;

(B) HOLD, AT MINIMUM, ONE PUBLIC HEARING TO OBTAIN ORAL AND/OR WRITTEN TESTIMONY FROM INTERESTED STAKEHOLDERS;

(C) DEVELOP AND PROPOSE RECOMMENDATIONS FOR THE STREAMLINING OF CURRENT PROCESSES AND REQUIREMENTS WHICH ARE IDENTIFIED AS DUPLICATIVE OR BURDENSOME;

(D) SUCH RECOMMENDATIONS SHALL BE SUBMITTED TO THE LEGISLATURE ANNUALLY.

2. MEMBERSHIP. (A) THE TASK FORCE SHALL CONSIST OF, AT A MINIMUM, THE COMMISSIONER OF THE OFFICE OF CHILDREN AND FAMILY SERVICES; THE COMMISSIONER OF THE OFFICE OF TEMPORARY AND DISABILITY ASSISTANCE; THE COMMISSIONER OF THE DEPARTMENT OF HEALTH AND THE COMMISSIONER OF THE NEW YORK CITY DEPARTMENT OF HEALTH AND MENTAL HYGIENE.

(B) THE MEMBERS OF THE CHILD CARE REGULATORY TASK FORCE SHALL NOT RECEIVE ANY COMPENSATION. HOWEVER, THE MEMBERS SHALL BE ENTITLED TO REIMBURSEMENT FOR ANY NECESSARY EXPENSES INCURRED IN CONNECTION WITH THE PERFORMANCE OF THEIR DUTIES.

3. EVERY STATE DEPARTMENT, AGENCY, DIVISION, BOARD, BUREAU, COMMISSION AND ANY OTHER RELEVANT ENTITY SHALL PROVIDE ALL NECESSARY ASSISTANCE AND/OR INFORMATION TO THE CHILD CARE REGULATORY REVIEW TASK FORCE TO CARRY OUT ITS DUTIES AS AUTHORIZED BY SUBDIVISION ONE OF THIS SECTION, UNLESS OTHERWISE PROTECTED BY LAW.

4. ANY INFORMATION OBTAINED BY A MEMBER OF THE CHILD CARE REGULATORY REVIEW TASK FORCE WHILE CARRYING OUT ANY DUTIES AS PRESCRIBED IN SUBDIVISION ONE OF THIS SECTION SHALL ONLY BE UTILIZED IN HIS OR HER CAPACITY AS A MEMBER OF THE CHILD CARE REGULATORY REVIEW TASK FORCE.

S 2. This act shall take effect immediately.

PART GG

Section 1. The administrative code of the city of New York is amended by adding a new section 25-114 to read as follows:

S 25-114 NEW YORK CITY HOUSING AUTHORITY REPAIR CERTIFICATE PROGRAM. A. THE CITY PLANNING COMMISSION SHALL ESTABLISH THE NEW YORK CITY HOUSING AUTHORITY REPAIR CERTIFICATE PROGRAM, IN COOPERATION WITH THE NEW YORK CITY HOUSING AUTHORITY. UNDER SUCH PROGRAM, THE CITY PLANNING COMMISSION SHALL GRANT AMENDMENTS TO ZONING RESOLUTIONS WHICH INCREASE THE ALLOWABLE DEVELOPMENT IN AREAS COVERED BY A NEW YORK CITY HOUSING AUTHORITY REPAIR CERTIFICATE ISSUED PURSUANT TO SECTION FOUR HUNDRED TWO-C OF THE PUBLIC HOUSING LAW.

B. THE CITY PLANNING COMMISSION SHALL FOR EACH APPLICATION FOR AN AMENDMENT OF A ZONING RESOLUTION, ESTABLISH THE PER FOOT VALUE OF ANY NEW YORK CITY HOUSING AUTHORITY REPAIR CERTIFICATE ISSUED IN THE AREAS COVERED BY SUCH AMENDMENT AND THE MAXIMUM ALLOWED FOOT AREA RATIO THAT MAY BE GRANTED TO THE HOLDER OF SUCH CERTIFICATE IN THE NEWLY ZONED AREA. SUCH PER FOOT VALUE SHALL BE UPDATED ANNUALLY BASED UPON INCREASES IN THE CONSUMER PRICE INDEX FOR HOUSING COSTS IN THE NEW YORK CITY METROPOLITAN AREA.

1 C. A DEVELOPER WHO SEEKS TO OBTAIN AN INCREASED FOOT AREA RATIO IN A
2 NEWLY ZONED AREA, BY MEANS OF BEING THE HOLDER OF A NEW YORK CITY HOUS-
3 ING AUTHORITY REPAIR CERTIFICATE, SHALL SUBMIT AN APPLICATION THEREFOR
4 TO THE CITY PLANNING COMMISSION. SUCH COMMISSION SHALL WITHIN SEVEN DAYS
5 OF RECEIVING AN APPLICATION PURSUANT TO THIS SUBDIVISION, FORWARD IT TO
6 THE NEW YORK CITY HOUSING AUTHORITY, ALONG WITH THE PER FOOT VALUE TO BE
7 GRANTED IF THE APPLICANT RECEIVES A REPAIR CERTIFICATE FROM SUCH AUTHOR-
8 ITY.

9 D. UPON CERTIFICATION BY THE NEW YORK CITY HOUSING AUTHORITY THAT A
10 DEVELOPER HAS BEEN AWARDED A REPAIR CERTIFICATE, THE CITY PLANNING
11 COMMISSION SHALL APPROVE SUCH DEVELOPER'S APPLICATION SUBMITTED PURSUANT
12 TO THIS SECTION.

13 E. THE TRANSFER OF A CERTIFICATE MUST BE REGISTERED WITH THE CITY
14 PLANNING COMMISSION WITHIN SEVEN DAYS OF THE TRANSFER.

15 S 2. The public housing law is amended by adding a new section 402-c
16 to read as follows:

17 S 402-C. ISSUANCE OF REPAIR CERTIFICATE. 1. THE NEW YORK CITY HOUSING
18 AUTHORITY, IN CONSULTATION WITH THE NEW YORK CITY PLANNING COMMISSION,
19 SHALL ESTABLISH PROCEDURES AND GUIDELINES FOR THE AWARDED OF REPAIR
20 CERTIFICATES BY SUCH AUTHORITY TO DEVELOPERS WHICH PERFORM CAPITAL
21 REPAIRS TO A PROJECT OPERATED BY THE AUTHORITY. NO SUCH CERTIFICATE
22 SHALL BE AWARDED BASED UPON THE PERFORMANCE OF ANY WORK WHICH WOULD
23 CONSTITUTE REGULAR MAINTENANCE UPON ANY PROJECT OPERATED BY SUCH AUTHOR-
24 ITY. THE PROCEDURES AND GUIDELINES ESTABLISHED PURSUANT TO THIS SUBDIVI-
25 SION SHALL PROVIDE MAXIMUM ALLOWABLE COSTS FOR VARIOUS KINDS AND TYPES
26 OF CAPITAL REPAIR PROJECTS.

27 2. THERE SHALL BE ESTABLISHED, WITHIN THE NEW YORK CITY HOUSING
28 AUTHORITY, AN OFFICE OF REPAIR CERTIFICATION. SUCH OFFICE SHALL ADMINIS-
29 TER THE REPAIR CERTIFICATE PROGRAM. THE OFFICE SHALL ESTABLISH LISTS OF
30 REPAIR PROJECTS, TO AUTHORITY FACILITIES, WHICH SHALL BE ELIGIBLE FOR
31 THE REPAIR CERTIFICATE PROGRAM, THE ESTIMATED VALUE OF EACH SUCH REPAIR
32 PROJECT, AND THE PRIORITY OF EACH REPAIR PROJECT BASED UPON ITS URGENCY
33 AND/OR IMPORTANCE.

34 3. THE OFFICE OF REPAIR CERTIFICATION SHALL RECEIVE EACH APPLICATION
35 FORWARDED TO THE NEW YORK CITY HOUSING AUTHORITY PURSUANT TO SUBDIVISION
36 C OF SECTION 25-114 OF THE ADMINISTRATIVE CODE OF THE CITY OF NEW YORK.
37 WITHIN TEN DAYS OF RECEIVING AN APPLICATION, THE OFFICE SHALL CONTACT
38 THE APPLICANT AND PROVIDE IT WITH A LIST OF ELIGIBLE REPAIR PROJECTS
39 EQUAL IN VALUE TO THE BENEFIT TO BE PROVIDED TO SUCH APPLICANT BY THE
40 CITY PLANNING COMMISSION. SUCH LIST SHALL, TO THE EXTENT PRACTICABLE,
41 INCLUDE ONLY THOSE ELIGIBLE REPAIR PROJECTS WITHIN THE SAME NEIGHBORHOOD
42 INCLUDED IN THE AREA TO WHICH THE REQUESTED AMENDMENT TO THE ZONING
43 RESOLUTION RELATES, REGARDLESS OF THE IMPORTANCE OR URGENCY OF THE
44 REPAIR PROJECT. PROVIDED, HOWEVER, IF NO SUCH ELIGIBLE REPAIR PROJECTS
45 EXIST IN THE NEIGHBORHOOD, THEN THE PROJECTS SHALL BE LISTED IN ORDER OF
46 PRIORITY.

47 4. UPON RECEIPT OF A LIST FROM THE OFFICE, AN APPLICANT MUST REPLY
48 WITHIN THIRTY DAYS. IF THE APPLICANT FAILS TO DO SO, ITS APPLICATION
49 SHALL BE TERMINATED. SUCH REPLY TO THE OFFICE SHALL INCLUDE DESIGNATION
50 OF THE PROJECT OR PROJECTS THE APPLICANT DESIRES TO COMPLETE, THE APPLI-
51 CANT'S ESTIMATE OF THE COST OF COMPLETING THE REPAIR PROJECT, AND A
52 TIMELINE FOR THE COMPLETION OF THE PROJECT.

53 5. THE OFFICE OF REPAIR CERTIFICATION SHALL, WITHIN FOURTEEN DAYS OF
54 RECEIVING AN APPLICANT'S REPLY, REVIEW THE COSTS AND PROJECT PLAN
55 SUBMITTED, AND EITHER APPROVE OR DISAPPROVE SUCH REPLY. IF AN APPLI-
56 CANT'S SUBMISSION IS DISAPPROVED, IT SHALL HAVE FIFTEEN DAYS TO RESUBMIT

1 A NEW PROJECT PLAN AND ESTIMATE OF COSTS FOR REVIEW BY THE OFFICE. UPON
2 A SECOND SUBMISSION, THE OFFICE SHALL AGAIN MAKE A DETERMINATION WITHIN
3 FOURTEEN DAYS, AND, IF THE PLAN IS DISAPPROVED, THE OFFICE SHALL PROVIDE
4 THE APPLICANT WITH A WRITTEN EXPLANATION THEREFOR.

5 6. FOR ANY REPAIR PROJECT PLAN THAT IS APPROVED BY THE OFFICE OF
6 REPAIR CERTIFICATION WHERE THE APPLICANT'S ESTIMATED COST THEREOF
7 EXCEEDS THE VALUE OF THE PROJECT ESTABLISHED BY THE OFFICE, SUCH OFFICE
8 SHALL PROVIDE NOTICE TO THE CITY PLANNING COMMISSION THAT THE ZONING
9 VALUATION OF THE ZONING AMENDMENT MUST BE ADJUSTED WITHIN SEVEN DAYS.

10 7. UPON COMPLETION OF THE AGREED UPON REPAIR PROJECT OR PROJECTS BY
11 THE APPLICANT, THE OFFICE SHALL AWARD THE APPLICANT A CERTIFICATE OF
12 COMPLETION AND PROVIDE A COPY THEREOF TO THE CITY PLANNING COMMISSION
13 WITHIN FOURTEEN DAYS OF CERTIFYING THE COMPLETION OF THE PROJECT.

14 S 3. This act shall take effect on the one hundred eightieth day after
15 it shall have become a law; provided, however, that effective immediate-
16 ly, the addition, amendment and/or repeal of any rule or regulation
17 necessary for the implementation of this act on its effective date are
18 authorized and directed to be made and completed on or before such
19 effective date.

20 PART HH

21 Section 1. The public housing law is amended by adding a new section
22 402-c to read as follows:

23 S 402-C. NEW YORK CITY COUNCIL OVERSIGHT. THE NEW YORK CITY COUNCIL
24 AS ESTABLISHED IN SECTION TWENTY-ONE OF THE NEW YORK CITY CHARTER IS
25 EMPOWERED TO MANDATE THAT THE NEW YORK CITY HOUSING AUTHORITY PRODUCE
26 REPORTS ABOUT ANY FACETS OF ITS OPERATIONS OR THE CONDITION OF THE
27 PROJECTS UNDER ITS MANAGEMENT, INCLUDING ANY PROJECT BASED SECTION EIGHT
28 VOUCHER DEVELOPMENTS IN WHICH THE AUTHORITY HAS AN OWNERSHIP STAKE,
29 THROUGH THE PASSAGE OF A LOCAL LAW. SUCH A LAW SHALL DETERMINE WHICH
30 INFORMATION IS TO BE INCLUDED IN THE REPORT, THE DEADLINE FOR THE
31 PRODUCTION OF THE REPORT, WHETHER THE REPORTING MANDATE APPLIES ONCE OR
32 IS RECURRING, AND WHICH LOCAL AUTHORITIES SHALL RECEIVE COPIES. A COPY
33 OF ANY SUCH REPORTS MUST BE PROVIDED TO THE COMMISSIONER AND SHALL BE
34 CONSIDERED AN AGENCY DOCUMENT FOR THE PURPOSES OF ARTICLE SIX OF THE
35 PUBLIC OFFICERS LAW.

36 S 2. Subdivision a of section 29 of the New York city charter, as
37 added by a vote of the people of the city of New York at the general
38 election held in November 1989, is amended to read as follows:

39 a. The council, acting as a committee of the whole, and each standing
40 or special committee of the council, through hearings or otherwise:

41 1. [may] MAY investigate any matters within its jurisdiction relating
42 to the property, affairs, or government of the city or of any county
43 within the city, or to any other powers of the council, or to the effec-
44 tuation of the purposes or provisions of this charter or any laws relat-
45 ing to the city or to any county within the city.

46 2. [shall] SHALL review on a regular and continuous basis the activ-
47 ities of the agencies of the city, including their service goals and
48 performance and management efficiency. Each unit of appropriation in
49 the adopted budget of the city shall be assigned to a standing commit-
50 tee. Each standing committee of the council shall hold at least one
51 hearing each year relating to the activities of each of the agencies
52 under its jurisdiction.

53 3. SHALL REVIEW ON A REGULAR AND CONTINUOUS BASIS THE ACTIVITIES OF
54 THE NEW YORK CITY HOUSING AUTHORITY, INCLUDING THE SERVICE GOALS,

PERFORMANCE AND MANAGEMENT EFFICIENCY OF SUCH AUTHORITY. SUCH AUTHORITY SHALL BE ASSIGNED TO A STANDING COMMITTEE. SUCH STANDING COMMITTEE OF THE COUNCIL SHALL HOLD AT LEAST ONE HEARING EACH YEAR RELATING TO THE ACTIVITIES OF THE NEW YORK CITY HOUSING AUTHORITY.

S 3. This act shall take effect on the thirtieth day after it shall have become a law.

PART II

Section 1. The state finance law is amended by adding a new section 99-y to read as follows:

S 99-Y. PUBLIC HOUSING REVITALIZATION FUND. 1. THERE IS HEREBY ESTABLISHED IN THE CUSTODY OF THE STATE COMPTROLLER A SPECIAL REVENUE FUND TO BE KNOWN AS THE "PUBLIC HOUSING REVITALIZATION FUND".

2. THE FUND SHALL BE CLASSIFIED BY THE STATE COMPTROLLER AS A CAPITAL PROJECTS TYPE OF FUND, AND SHALL CONSIST OF ALL MONEYS APPROPRIATED OR TRANSFERRED THERETO FROM ANY OTHER FUND OR SOURCE PURSUANT TO LAW, AND ANY OTHER MONEYS TRANSFERRED THERETO FOR THE PURPOSES OF THE FUND. THE STATE SHALL APPROPRIATE AN AMOUNT TO THE FUND WHICH SHALL EQUAL ANY AMOUNT APPROPRIATED BY THE CITY OF NEW YORK FOR THE SAME PURPOSES AS THOSE OUTLINED IN SUBDIVISION THREE OF THIS SECTION, FOLLOWING A JOINT CERTIFICATION BY THE COMPTROLLER AND THE COMPTROLLER OF THE CITY OF NEW YORK OF THE AMOUNT OF SUCH FUNDS MADE AVAILABLE BY THE CITY OF NEW YORK FOR THOSE PURPOSES.

3. MONIES OF THE FUNDS, UPON APPROPRIATION THEREOF, SHALL BE DISBURSED BY THE COMMISSIONER OF HOUSING AND COMMUNITY RENEWAL TO THE NEW YORK CITY HOUSING AUTHORITY, IN ACCORDANCE WITH SECTION SEVENTY-SEVEN OF THE PUBLIC HOUSING LAW, FOR THE REPAIR, RECONSTRUCTION, REHABILITATION AND UPGRADE OF PROJECTS OPERATED BY SUCH AUTHORITY.

S 2. The public housing law is amended by adding a new section 77 to read as follows:

S 77. PUBLIC HOUSING REVITALIZATION FUND. 1. NOTWITHSTANDING ANY OTHER PROVISION OF LAW TO THE CONTRARY, THE COMMISSIONER SHALL MAKE AVAILABLE TO THE NEW YORK CITY HOUSING AUTHORITY, CONSTITUTED UNDER SECTION FOUR HUNDRED ONE OF THIS CHAPTER, MONEYS FOR THE REPAIR, RECONSTRUCTION, REHABILITATION AND UPGRADE OF PROJECTS OWNED BY THE AUTHORITY IN ORDER TO PREVENT THE FURTHER DETERIORATION OF SUCH PROJECTS.

2. SUCH MONEYS SHALL BE DISBURSED FROM THE PUBLIC HOUSING REVITALIZATION FUND ESTABLISHED BY SECTION NINETY-NINE-Y OF THE STATE FINANCE LAW.

3. MONEYS MADE AVAILABLE TO THE NEW YORK CITY HOUSING AUTHORITY FROM THIS FUND SHALL BE USED FOR THE REPAIR, RECONSTRUCTION, REHABILITATION, AND UPGRADE OF EXISTING STRUCTURAL COMPONENTS OF PROJECTS IN POOR CONDITION INCLUDING ROOFS, WALLS, ELEVATORS, HEATING SYSTEMS INCLUDING BOILERS, WATER PIPES, ELECTRICAL SYSTEMS, AND OTHER SUCH COMPONENTS.

4. NO MONEYS SHALL BE MADE AVAILABLE BY THE COMMISSIONER AFTER JANUARY FIRST, TWO THOUSAND SEVENTEEN UNLESS HE OR SHE HAS BY THAT DATE CERTIFIED THE RECEIPT OF A REFORM PLAN FROM THE NEW YORK CITY HOUSING AUTHORITY LAYING OUT PROPOSALS FOR THE STREAMLINING OF ITS OPERATIONS THAT SHOULD INCLUDE, BUT NOT BE LIMITED TO, RECOMMENDATIONS SUCH AS:

A. A PROPERTY-CENTRIC PROPERTY MANAGEMENT MODEL WITH MORE EMPOWERED PROPERTY MANAGERS. THIS INCLUDES, BUT SHALL NOT BE LIMITED TO, DECENTRALIZING MAINTENANCE AND REPAIR STAFF TO THE PROPERTY LEVEL AND DEVOLVING MANAGERIAL RESPONSIBILITIES TO THE PROPERTY MANAGERS;

B. REDESIGNING MAINTENANCE AND REPAIR POLICIES TO CUT WAIT TIMES SIGNIFICANTLY;

1 C. OVERHAUL OF ITS PROCUREMENT SYSTEM TO CUT REQUEST FOR PROPOSAL WAIT
2 TIMES SIGNIFICANTLY AND CREATING A CENTRALIZED STREAMLINED PROCUREMENT
3 SYSTEM;

4 D. IMPROVE CUSTOMER SERVICE TO PROVIDE A MORE RELIABLE AND
5 USER-FRIENDLY EXPERIENCE TO BOTH RESIDENTS AND APPLICANT;

6 E. REDUCE INTERNAL BUREAUCRACY BY FLATTENING THE ORGANIZATION, REDUC-
7 ING REDUNDANT OR UNNECESSARY STEPS AND REQUIREMENTS AND IMPROVING CYCLE
8 TIMES; AND

9 F. DEVELOPING A LONG-TERM FINANCIAL SUSTAINABILITY PLAN, UPDATED
10 BI-ANNUALLY.

11 S 3. This act shall take effect on the one hundred twentieth day after
12 it shall have become a law.

13 PART JJ

14 Section 1. Article 2-A of the public housing law, as added by section
15 1 of part CC of chapter 63 of the laws of 2000, subdivision 4 of section
16 22 as amended by section 2 of part P of chapter 59 of the laws of 2014,
17 is amended to read as follows:

18 ARTICLE 2-A

19 NEW YORK STATE LOW INCOME AND MIDDLE INCOME
20 HOUSING TAX CREDIT PROGRAM

21 Section 21. Definitions.

22 22. Allowance of credit, amount and limitations.

23 23. Project monitoring.

24 24. Credit recapture.

25 25. Regulations, coordination with federal low-income housing
26 credit provisions.

27 S 21. Definitions. 1. (a) "Applicable percentage" means, FOR THE
28 PURPOSES OF AN ELIGIBLE LOW-INCOME BUILDING, the appropriate percentage
29 (depending on whether a building is new, existing, or federally subsi-
30 dized) prescribed by the secretary of the treasury for purposes of
31 section 42 of the internal revenue code AND, FOR THE PURPOSES OF AN
32 ELIGIBLE MIDDLE-INCOME BUILDING, THIRTY PERCENT OF THE QUALIFIED BASIS
33 OF THE BUILDING AS DETERMINED PURSUANT TO SECTION 42 OF THE INTERNAL
34 REVENUE CODE, for the month which is the earlier of:

35 (i) the month in which the eligible low-income building OR THE ELIGI-
36 BLE MIDDLE-INCOME BUILDING is placed in service, or

37 (ii) at the election of the taxpayer,

38 (A) the month in which the taxpayer and the commissioner enter into an
39 agreement with respect to such building (which is binding on the commis-
40 sioner, the taxpayer, and all successors in interest) as to the housing
41 credit dollar amount to be allocated to such building, or

42 (B) in the case of any building to which subsection (h)(4)(B) of such
43 section 42 applies, the month in which the tax-exempt obligations are
44 issued.

45 (b) A month may be elected under subparagraph (ii) of paragraph (a) of
46 this subdivision only if the election is made not later than the fifth
47 day after the close of such month. Such election, once made, shall be
48 irrevocable.

49 (c) If, as of the close of any taxable year in the credit period, the
50 qualified basis of an eligible low-income building OR AN ELIGIBLE
51 MIDDLE-INCOME BUILDING exceeds such basis as of the close of the first
52 year of the credit period, the applicable percentage which shall apply
53 to such excess shall be two-thirds of the applicable percentage
54 originally ascribed to such building.

1 2. "Compliance period" means, with respect to any building, the period
2 of fifteen taxable years beginning with the first taxable year of the
3 credit period with respect to such building.

4 3. "Credit period" means, with respect to any eligible low-income
5 building OR ELIGIBLE MIDDLE-INCOME BUILDING, the period of ten taxable
6 years beginning with

7 (a) the taxable year in which the building is placed in service, or

8 (b) at the election of the taxpayer, the succeeding taxable year,
9 but only if the building is an eligible low-income building as of the
10 close of the first year of such period. The election under paragraph (b)
11 of this subdivision, once made, shall be irrevocable.

12 4. "Eligibility statement" means a statement issued by the commission-
13 er certifying that a building is an eligible low-income building OR AN
14 ELIGIBLE MIDDLE-INCOME BUILDING. Such statement shall set forth the
15 taxable year in which such building is placed in service, the dollar
16 amount of low-income housing credit OR MIDDLE-INCOME HOUSING CREDIT
17 allocated by the commissioner to such building as provided in subdivi-
18 sion five of section twenty-two of this article, the applicable percent-
19 age and maximum qualified basis with respect to such building taken into
20 account in determining such dollar amount, sufficient information to
21 identify each such building and the taxpayer or taxpayers with respect
22 to each such building, and such other information as the commissioner,
23 in consultation with the commissioner of taxation and finance, shall
24 prescribe. Such statement shall be first issued following the close of
25 the first taxable year in the credit period, and thereafter, to the
26 extent required by the commissioner of taxation and finance, following
27 the close of each taxable year of the compliance period.

28 5. "Eligible low-income building" means a building located in this
29 state which either

30 (a) is a qualified low-income building as defined in section 42(c) of
31 the internal revenue code, or

32 (b) would be a qualified low-income building under such section if the
33 20-50 test specified in subsection (g)(1) of such section were disre-
34 garded and the 40-60 test specified in such subsection (requiring that
35 at least forty percent of residential units be both rent-restricted and
36 occupied by individuals whose income is sixty percent or less of area
37 median gross income) were a 40-90 test.

38 5-A. "ELIGIBLE MIDDLE-INCOME BUILDING" MEANS A BUILDING LOCATED IN
39 THIS STATE WHICH IS COMPOSED OF MULTIPLE RESIDENTIAL UNITS WHICH WILL,
40 UPON COMPLETION, BE AFFORDABLE BY ELIGIBLE MIDDLE-INCOME HOUSEHOLDS.

41 5-B. "ELIGIBLE MIDDLE-INCOME HOUSEHOLD" MEANS (A) IN CITIES HAVING A
42 POPULATION OF ONE MILLION OR MORE, A PERSON OR FAMILY RESIDING IN A
43 RESIDENTIAL UNIT WHOSE INCOME DOES NOT EXCEED ONE HUNDRED THIRTY PERCENT
44 OF THE MEDIAN INCOME FOR THE METROPOLITAN STATISTICAL AREA IN WHICH AN
45 ELIGIBLE MIDDLE-INCOME BUILDING IS LOCATED; OR (B) IN ANY PORTION OF THE
46 STATE OUTSIDE OF A CITY HAVING A POPULATION OF ONE MILLION OR MORE AND
47 (I) WITHIN A METROPOLITAN STATISTICAL AREA, A PERSON OR FAMILY RESIDING
48 IN A RESIDENTIAL UNIT WHOSE INCOME DOES NOT EXCEED ONE HUNDRED THIRTY
49 PERCENT OF THE MEDIAN INCOME FOR THE METROPOLITAN STATISTICAL AREA IN
50 WHICH AN ELIGIBLE MIDDLE-INCOME BUILDING IS LOCATED, OR ONE HUNDRED
51 THIRTY PERCENT OF THE STATEWIDE MEDIAN INCOME, WHICHEVER SHALL BE LESS,
52 OR (II) OUTSIDE OF METROPOLITAN STATISTICAL AREA, A PERSON OR FAMILY
53 RESIDING IN A RESIDENTIAL UNIT WHOSE INCOME DOES NOT EXCEED ONE HUNDRED
54 THIRTY PERCENT OF THE MEDIAN INCOME FOR THE COUNTY IN WHICH AN ELIGIBLE
55 MIDDLE-INCOME BUILDING IS LOCATED, OR ONE HUNDRED THIRTY PERCENT OF THE
56 STATEWIDE MEDIAN INCOME, WHICHEVER SHALL BE LESS.

1 6. "Qualified basis" of an eligible low-income building OR AN ELIGIBLE
2 MIDDLE-INCOME BUILDING means the qualified basis of such building deter-
3 mined under section 42(c) of the internal revenue code, or, FOR AN
4 ELIGIBLE LOW-INCOME BUILDING, which would be determined under such
5 section if the 40-90 test specified in paragraph (b) of subdivision five
6 of this section applied under such section 42 to determine if such
7 building were part of a qualified low-income housing project.

8 7. References in this article to section 42 of the internal revenue
9 code shall mean such section as amended from time to time.

10 S 22. Allowance of credit, amount and limitations. 1. A taxpayer
11 subject to tax under article nine-A, twenty-two[, thirty-two] or thir-
12 ty-three of the tax law which owns an interest in one or more eligible
13 low-income buildings OR ELIGIBLE MIDDLE-INCOME BUILDINGS shall be
14 allowed a credit against such tax for the amount of low-income housing
15 credit OR FOR THE AMOUNT OF THE MIDDLE-INCOME HOUSING CREDIT, AS THE
16 CASE MAY BE, allocated by the commissioner to each such building. Except
17 as provided in subdivision two of this section, the credit amount so
18 allocated shall be allowed as a credit against the tax for the ten taxa-
19 ble years in the credit period.

20 2. Adjustment of first-year credit allowed in eleventh year. The cred-
21 it allowable for the first taxable year of the credit period with
22 respect to any building shall be adjusted using the rules of section
23 42(f)(2) of the internal revenue code (relating to first-year adjustment
24 of qualified basis by the weighted average of low-income to total resi-
25 dential units, OR BY THE WEIGHTED AVERAGE OF MIDDLE-INCOME TO TOTAL
26 RESIDENTIAL UNITS, AS THE CASE MAY BE), and any reduction in first-year
27 credit by reason of such adjustment shall be allowable for the first
28 taxable year following the credit period.

29 3. Amount of credit. Except as provided in subdivisions four and five
30 of this section, the amount of low-income housing credit AND MIDDLE-IN-
31 COME HOUSING CREDIT shall be the applicable percentage of the qualified
32 basis of each eligible low-income building OR OF EACH ELIGIBLE
33 MIDDLE-INCOME BUILDING.

34 4. Statewide limitation. The aggregate dollar amount of credit which
35 the commissioner may allocate to eligible low-income buildings under
36 this article shall be sixty-four million dollars. THE AGGREGATE DOLLAR
37 AMOUNT OF CREDIT WHICH THE COMMISSIONER MAY ALLOCATE TO ELIGIBLE
38 MIDDLE-INCOME BUILDINGS UNDER THIS ARTICLE SHALL BE TWENTY-FIVE MILLION
39 DOLLARS. The limitation provided by this subdivision applies only to
40 allocation of the aggregate dollar amount of credit by the commissioner,
41 and does not apply to allowance to a taxpayer of the credit with respect
42 to an eligible low-income building OR AN ELIGIBLE MIDDLE-INCOME BUILDING
43 for each year of the credit period.

44 5. Building limitation. The dollar amount of credit allocated to any
45 building shall not exceed the amount the commissioner determines is
46 necessary for the financial feasibility of the project and the viability
47 of the building as an eligible low-income building OR AS AN ELIGIBLE
48 MIDDLE-INCOME BUILDING throughout the credit period. In allocating a
49 dollar amount of credit to any building, the commissioner shall specify
50 the applicable percentage and the maximum qualified basis which may be
51 taken into account under this article with respect to such building. The
52 applicable percentage and the maximum qualified basis with respect to a
53 building shall not exceed the amounts determined in subdivisions one and
54 six, respectively, of section twenty-one of this article.

55 6. Long-term commitment to low-income OR MIDDLE-INCOME housing
56 required. (A) No credit shall be allowed under this article with respect

1 to [a] AN ELIGIBLE LOW-INCOME building for the taxable year unless an
2 extended low-income housing commitment is in effect as of the end of
3 such taxable year. For purposes of this [subdivision] PARAGRAPH, the
4 term "extended low-income housing commitment" means an agreement between
5 the taxpayer and the commissioner substantially similar to the agreement
6 specified in section 42(h)(6)(B) of the internal revenue code.

7 (B) NO CREDIT SHALL BE ALLOWED UNDER THIS ARTICLE WITH RESPECT TO AN
8 ELIGIBLE MIDDLE-INCOME BUILDING FOR THE TAXABLE YEAR UNLESS AN EXTENDED
9 MIDDLE-INCOME HOUSING COMMITMENT IS IN EFFECT AS OF THE END OF SUCH
10 TAXABLE YEAR. FOR THE PURPOSES OF THIS PARAGRAPH, THE TERM "EXTENDED
11 MIDDLE-INCOME HOUSING COMMITMENT" MEANS AN AGREEMENT BETWEEN THE TAXPAY-
12 ER AND THE COMMISSIONER WHICH HAS BEEN DETERMINED BY THE COMMISSIONER TO
13 BE SIMILAR TO THE AGREEMENT SPECIFIED IN SECTION 42(H)(6)(B) OF THE
14 INTERNAL REVENUE CODE.

15 7. Credit to successor owner. If a credit is allowed under subdivision
16 one of this section with respect to an eligible low-income building OR
17 AN ELIGIBLE MIDDLE-INCOME BUILDING, and such building (or an interest
18 therein) is sold during the credit period, the credit for the period
19 after the sale which would have been allowable under such subdivision
20 one to the prior owner had the building not been sold shall be allowable
21 to the new owner. Credit for the year of sale shall be allocated between
22 the parties on the basis of the number of days during such year that the
23 building or interest was held by each.

24 S 23. Project monitoring. The commissioner shall establish such proce-
25 dures as he OR SHE deems necessary for monitoring compliance of an
26 eligible low-income building OR AN ELIGIBLE MIDDLE-INCOME BUILDING with
27 the provisions of this article, and for notifying the commissioner of
28 taxation and finance of any such noncompliance of which he OR SHE
29 becomes aware.

30 S 24. Credit recapture. If, as of the close of any taxable year in the
31 compliance period, the amount of the qualified basis of any building
32 with respect to the taxpayer is less than the amount of such basis as of
33 the close of the preceding taxable year, the credit under this article
34 may be recaptured as provided in section eighteen OR EIGHTEEN-A of the
35 tax law.

36 S 25. Regulations, coordination with federal low-income housing credit
37 provisions. 1. The commissioner shall promulgate rules and regulations
38 necessary to administer the provisions of this act.

39 2. The provisions of section 42 of the internal revenue code shall
40 apply to the credit under this article, provided however, to the extent
41 such provisions are inconsistent with this article, the provisions of
42 this article shall control.

43 S 2. The tax law is amended by adding a new section 18-a to read as
44 follows:

45 S 18-A. MIDDLE-INCOME HOUSING CREDIT. (A) ALLOWANCE OF CREDIT. A
46 TAXPAYER SUBJECT TO TAX UNDER ARTICLE NINE-A, TWENTY-TWO OR THIRTY-THREE
47 OF THIS CHAPTER SHALL BE ALLOWED A CREDIT AGAINST SUCH TAX, PURSUANT TO
48 THE PROVISIONS REFERENCED IN SUBDIVISION (D) OF THIS SECTION, WITH
49 RESPECT TO THE OWNERSHIP OF ELIGIBLE MIDDLE-INCOME BUILDINGS FOR WHICH
50 AN ELIGIBILITY STATEMENT HAS BEEN ISSUED BY THE COMMISSIONER OF HOUSING
51 AND COMMUNITY RENEWAL. THE AMOUNT OF THE CREDIT SHALL BE THE CREDIT
52 AMOUNT FOR EACH SUCH BUILDING ALLOCATED BY SUCH COMMISSIONER AS PROVIDED
53 IN ARTICLE TWO-A OF THE PUBLIC HOUSING LAW. THE CREDIT AMOUNT SHALL BE
54 ALLOWED FOR EACH OF THE TEN TAXABLE YEARS IN THE CREDIT PERIOD, AND ANY
55 REDUCTION IN FIRST-YEAR CREDIT AS PROVIDED IN SUBDIVISION TWO OF SECTION
56 TWENTY-TWO OF SUCH LAW SHALL BE ALLOWED IN THE ELEVENTH TAXABLE YEAR.

(B) CREDIT RECAPTURE. (1) GENERAL. IF,

(A) AS OF THE CLOSE OF ANY TAXABLE YEAR IN THE COMPLIANCE PERIOD, THE AMOUNT OF THE QUALIFIED BASIS OF ANY BUILDING WITH RESPECT TO THE TAXPAYER IS LESS THAN

(B) THE AMOUNT OF SUCH BASIS AS OF THE CLOSE OF THE PRECEDING TAXABLE YEAR,

(C) THEN THE CREDIT RECAPTURE AMOUNT MUST BE ADDED BACK FOR THE TAXABLE YEAR.

(2) CREDIT RECAPTURE AMOUNT. THE CREDIT RECAPTURE AMOUNT IS AN AMOUNT EQUAL TO THE SUM OF

(A) THE AGGREGATE DECREASE IN THE CREDITS ALLOWED TO THE TAXPAYER UNDER THIS SECTION FOR ALL PRIOR TAXABLE YEARS WHICH WOULD HAVE RESULTED IF THE ACCELERATED PORTION OF THE CREDIT ALLOWABLE BY REASON OF THIS SECTION WERE NOT ALLOWED FOR ALL PRIOR TAXABLE YEARS WITH RESPECT TO THE EXCESS OF THE AMOUNT DESCRIBED IN SUBPARAGRAPH (B) OF PARAGRAPH (1) OF THIS SUBDIVISION OVER THE AMOUNT DESCRIBED IN SUBPARAGRAPH (A) OF SUCH PARAGRAPH, PLUS

(B) INTEREST AT THE OVERPAYMENT RATE ESTABLISHED UNDER SECTION ONE THOUSAND NINETY-SIX OF THIS CHAPTER ON THE AMOUNT DETERMINED UNDER SUBPARAGRAPH (A) OF THIS PARAGRAPH FOR EACH PRIOR TAXABLE YEAR FOR THE PERIOD BEGINNING ON THE DUE DATE FOR FILING THE REPORT FOR THE PRIOR TAXABLE YEAR INVOLVED.

(3) ACCELERATED PORTION OF CREDIT. FOR PURPOSES OF PARAGRAPH TWO OF THIS SUBDIVISION, THE ACCELERATED PORTION OF THE CREDIT FOR THE PRIOR TAXABLE YEARS WITH RESPECT TO ANY AMOUNT OF BASIS IS THE EXCESS OF

(A) THE AGGREGATE CREDIT ALLOWED BY REASON OF THIS SECTION (WITHOUT REGARD TO THIS SUBDIVISION) FOR SUCH YEARS WITH RESPECT TO SUCH BASIS, OVER

(B) THE AGGREGATE CREDIT WHICH WOULD BE ALLOWABLE BY REASON OF THIS SECTION FOR SUCH YEARS WITH RESPECT TO SUCH BASIS IF THE AGGREGATE CREDIT WHICH WOULD (BUT FOR THIS SUBDIVISION) HAVE BEEN ALLOWED FOR THE ENTIRE COMPLIANCE PERIOD WERE ALLOWABLE RATABLY OVER FIFTEEN YEARS.

(4) SPECIAL RULES. FOR PURPOSES OF THIS SUBDIVISION, THE RULES OF SECTION 42 (J)(4)(B) AND (C) OF THE INTERNAL REVENUE CODE SHALL APPLY IN DETERMINING THE CREDIT RECAPTURE AMOUNT.

(5) EXCEPTIONS TO RECAPTURE. RECAPTURE UNDER THIS SUBDIVISION SHALL NOT APPLY TO A REDUCTION IN QUALIFIED BASIS

(A) BY REASON OF A CASUALTY LOSS, IF THE COMMISSIONER, IN CONSULTATION WITH THE COMMISSIONER OF HOUSING AND COMMUNITY RENEWAL, DETERMINES THAT SUCH LOSS IS RESTORED BY RECONSTRUCTION OR REPLACEMENT WITHIN A REASONABLE PERIOD, OR

(B) BY REASON OF A CHANGE IN FLOOR SPACE DEVOTED TO MIDDLE-INCOME UNITS IN A BUILDING, IF SUCH BUILDING REMAINS AN ELIGIBLE MIDDLE-INCOME BUILDING AFTER SUCH CHANGE, AND IF THE COMMISSIONER, IN CONSULTATION WITH THE COMMISSIONER OF HOUSING AND COMMUNITY RENEWAL, DETERMINES THAT SUCH CHANGE IS DE MINIMIS, OR

(C) BY REASON OF ERROR IN COMPLYING WITH MIDDLE-INCOME ELIGIBILITY TESTS REFERRED TO IN SUBDIVISION FIVE OF SECTION TWENTY-ONE OF THE PUBLIC HOUSING LAW, IF THE COMMISSIONER, IN CONSULTATION WITH THE COMMISSIONER OF HOUSING AND COMMUNITY RENEWAL, DETERMINES THAT SUCH ERROR IS DE MINIMIS.

(6) RECAPTURE BY PARTNERS OF A PARTNERSHIP. IN THE CASE OF OWNERSHIP OF A BUILDING OR INTEREST THEREIN BY A PARTNERSHIP WHICH HAS THIRTY-FIVE OR MORE PARTNERS, THE PROVISIONS OF SECTION 42(J)(5) OF THE INTERNAL REVENUE CODE SHALL APPLY TO ANY RECAPTURE UNDER THIS SUBDIVISION UNLESS THE PARTNERSHIP ELECTS NOT TO HAVE SUCH PROVISIONS APPLY.

(7) (A) THE CREDIT RECAPTURE REQUIRED UNDER THIS SUBDIVISION WILL NOT APPLY SOLELY BY REASON OF THE DISPOSITION OF A BUILDING OR AN INTEREST THEREIN IF IT IS REASONABLY EXPECTED THAT SUCH BUILDING WILL CONTINUE TO BE OPERATED AS AN ELIGIBLE MIDDLE-INCOME BUILDING FOR THE REMAINING COMPLIANCE PERIOD WITH RESPECT TO SUCH BUILDING.

(B) STATUTE OF LIMITATIONS. IF A BUILDING (OR AN INTEREST THEREIN) IS DISPOSED OF DURING ANY TAXABLE YEAR AND THERE IS ANY REDUCTION IN THE QUALIFIED BASIS OF SUCH BUILDING WHICH RESULTS IN AN INCREASE IN TAX UNDER THIS SECTION FOR SUCH TAXABLE OR ANY SUBSEQUENT TAXABLE YEAR, THEN

(I) THE STATUTORY PERIOD FOR THE ASSESSMENT OF ANY DEFICIENCY WITH RESPECT TO SUCH INCREASE IN TAX WILL NOT EXPIRE BEFORE THE EXPIRATION OF THREE YEARS FROM THE DATE THE COMMISSIONER OF HOUSING AND COMMUNITY RENEWAL IS NOTIFIED BY THE TAXPAYER (IN SUCH MANNER AS THE COMMISSIONER OF HOUSING AND COMMUNITY RENEWAL MAY PRESCRIBE) OF SUCH REDUCTION IN QUALIFIED BASIS, AND

(II) SUCH DEFICIENCY MAY BE ASSESSED BEFORE THE EXPIRATION OF SUCH THREE-YEAR PERIOD NOTWITHSTANDING THE PROVISIONS OF ANY OTHER LAW OR RULE OF LAW WHICH WOULD OTHERWISE PREVENT SUCH ASSESSMENT.

(C) CONSTRUCTION WITH PUBLIC HOUSING LAW; DEFINITIONS. THE PROVISIONS OF THIS SECTION SHALL BE CONSTRUED IN CONJUNCTION WITH THE PROVISIONS OF ARTICLE TWO-A OF THE PUBLIC HOUSING LAW. FOR DEFINITIONS RELATING TO THE MIDDLE-INCOME HOUSING CREDIT, SEE SECTION TWENTY-ONE OF SUCH LAW.

(D) CROSS-REFERENCES. FOR APPLICATION OF THE CREDIT PROVIDED FOR IN THIS SECTION, SEE THE FOLLOWING PROVISIONS OF THIS CHAPTER:

(1) ARTICLE 9-A: SECTION 210-B: SUBDIVISION 15-A,

(2) ARTICLE 22: SECTION 606: SUBSECTIONS (I) AND (X-1),

(3) ARTICLE 33: SECTION 1511: SUBDIVISION (N-1).

S 3. Section 210-B of the tax law is amended by adding a new subdivision 15-a to read as follows:

15-A. MIDDLE-INCOME HOUSING CREDIT. (A) ALLOWANCE OF CREDIT. A TAXPAYER SHALL BE ALLOWED A CREDIT AGAINST THE TAX IMPOSED BY THIS ARTICLE WITH RESPECT TO THE OWNERSHIP OF ELIGIBLE MIDDLE-INCOME BUILDINGS, COMPUTED AS PROVIDED IN SECTION EIGHTEEN-A OF THIS CHAPTER.

(B) APPLICATION OF CREDIT. THE CREDIT ALLOWED UNDER THIS SUBDIVISION FOR ANY TAXABLE YEAR SHALL NOT, IN THE AGGREGATE, REDUCE THE TAX DUE FOR SUCH YEAR TO LESS THAN THE HIGHER OF THE AMOUNTS PRESCRIBED IN PARAGRAPHS (C) AND (D) OF SUBDIVISION ONE OF THIS SECTION. HOWEVER, IF THE AMOUNT OF CREDIT ALLOWED UNDER THIS SUBDIVISION FOR ANY TAXABLE YEAR REDUCES THE TAX TO SUCH AMOUNT, ANY AMOUNT OF CREDIT THUS NOT DEDUCTIBLE IN SUCH TAXABLE YEAR SHALL BE TREATED AS AN OVERPAYMENT OF TAX TO BE CREDITED OR REFUNDED IN ACCORDANCE WITH THE PROVISIONS OF SECTION TEN HUNDRED EIGHTY-SIX OF THIS CHAPTER. PROVIDED, HOWEVER, THE PROVISIONS OF SUBSECTION (C) OF SECTION TEN HUNDRED EIGHTY-EIGHT OF THIS CHAPTER NOTWITHSTANDING, NO INTEREST SHALL BE PAID THEREON.

(C) CREDIT RECAPTURE. FOR PROVISIONS REQUIRING RECAPTURE OF CREDIT, SEE SUBDIVISION (B) OF SECTION EIGHTEEN-A OF THIS CHAPTER.

S 4. Subparagraph (B) of paragraph 1 of subsection (i) of section 606 of the tax law is amended by adding a new clause (xiii-a) to read as follows:

(XIII-A) MIDDLE-INCOME HOUSING
CREDIT UNDER SUBSECTION (X-L)

CREDIT AMOUNT UNDER SUBDIVISION
FIFTEEN-A OF SECTION TWO HUNDRED
TEN-B

S 5. Section 606 of the tax law is amended by adding a new subsection (x-1) to read as follows:

(X-1) MIDDLE-INCOME HOUSING CREDIT. (1) ALLOWANCE OF CREDIT. A TAXPAYER SHALL BE ALLOWED A CREDIT AGAINST THE TAX IMPOSED BY THIS ARTICLE WITH RESPECT TO THE OWNERSHIP OF ELIGIBLE MIDDLE-INCOME BUILDINGS, COMPUTED AS PROVIDED IN SECTION EIGHTEEN-A OF THIS CHAPTER.

(2) APPLICATION OF CREDIT. IF THE AMOUNT OF CREDIT ALLOWABLE UNDER THIS SUBSECTION FOR ANY TAXABLE YEAR SHALL EXCEED THE TAXPAYER'S TAX FOR SUCH YEAR, THE EXCESS SHALL BE TREATED AS AN OVERPAYMENT OF TAX TO BE CREDITED OR REFUNDED IN ACCORDANCE WITH THE PROVISIONS OF SECTION SIX HUNDRED EIGHTY-SIX OF THIS ARTICLE, PROVIDED, HOWEVER, THAT NO INTEREST SHALL BE PAID THEREON.

(3) CREDIT RECAPTURE. FOR PROVISIONS REQUIRING RECAPTURE OF CREDIT, SEE SUBDIVISION (B) OF SECTION EIGHTEEN-A OF THIS CHAPTER.

S 6. Section 1511 of the tax law is amended by adding a new subdivision (n-1) to read as follows:

(N-1) MIDDLE-INCOME HOUSING CREDIT. (1) ALLOWANCE OF CREDIT. A TAXPAYER SHALL BE ALLOWED A CREDIT AGAINST THE TAX IMPOSED BY THIS ARTICLE WITH RESPECT TO THE OWNERSHIP OF ELIGIBLE MIDDLE-INCOME BUILDINGS, COMPUTED AS PROVIDED IN SECTION EIGHTEEN-A OF THIS CHAPTER.

(2) APPLICATION OF CREDIT. THE CREDIT ALLOWED UNDER THIS SUBDIVISION FOR ANY TAXABLE YEAR SHALL NOT, IN THE AGGREGATE, REDUCE THE TAX DUE FOR SUCH YEAR TO LESS THAN THE MINIMUM TAX FIXED BY PARAGRAPH FOUR OF SUBDIVISION (A) OF SECTION FIFTEEN HUNDRED TWO OF THIS ARTICLE OR BY SECTION FIFTEEN HUNDRED TWO-A OF THIS ARTICLE, WHICHEVER IS APPLICABLE. HOWEVER, IF THE AMOUNT OF CREDIT ALLOWED UNDER THIS SUBDIVISION FOR ANY TAXABLE YEAR REDUCES THE TAX TO SUCH AMOUNT, THEN ANY AMOUNT OF CREDIT THUS NOT DEDUCTIBLE IN SUCH TAXABLE YEAR SHALL BE TREATED AS AN OVERPAYMENT OF TAX TO BE CREDITED OR REFUNDED IN ACCORDANCE WITH THE PROVISIONS OF SECTION TEN HUNDRED EIGHTY-SIX OF THIS CHAPTER. PROVIDED, HOWEVER, THE PROVISIONS OF SUBSECTION (C) OF SECTION TEN HUNDRED EIGHTY-EIGHT OF THIS CHAPTER NOTWITHSTANDING, NO INTEREST SHALL BE PAID THEREON.

(3) CREDIT RECAPTURE. FOR PROVISIONS REQUIRING RECAPTURE OF CREDIT, SEE SUBDIVISION (B) OF SECTION EIGHTEEN-A OF THIS CHAPTER.

S 7. This act shall take effect immediately and shall apply to tax years commencing on or after January 1, 2016.

PART KK

Section 1. Statement of legislative purpose and findings. The legislature finds and declares that New York's mortgage foreclosure crisis is ongoing. This state's communities have been devastated by the dramatic increase in foreclosures since the 2008 financial crisis. Many New Yorkers are working to keep their homes, but are faced with a mortgage servicing system moving too slowly. Communities across the state struggle to cope with vacant, distressed or abandoned properties that, if repaired and returned to the market, would be affordable housing and generate tax income for municipalities. The legislature finds that it is necessary to create a statewide program to protect communities throughout the state by: (i) preventing foreclosures when possible, (ii) reducing blight, (iii) restoring property tax revenue, and (iv) supporting affordable housing options. Accordingly the legislature hereby creates the community reinvestment program.

S 2. Definitions. As used in this act, the following words and phrases shall have the following meanings:

1. "Asset" means real property or notes secured by mortgages.

2. "Community development financial institution" or "CDFI" means an organization which has been certified as a community development finan-

cial institution by the federal community development financial institutions fund, as established pursuant to 12 U.S.C. 4701 et seq.

3. "Community reinvestment program fund" or "fund" means the community reinvestment program fund established pursuant to section 85 of the state finance law.

4. "Council" means the community reinvestment program fund council.

5. "Fund manager" means a Community Development Financial Institution ("CDFI") fund manager.

6. "Not-for-profit members" means members of the community reinvestment program fund council who do not have a significant financial interest in or control of a business or profit making entity involved in real estate transactions or real estate speculation.

7. "Program manager" means a property holding company that will own and manage the assets purchased through the community reinvestment program.

8. "Real estate owned" means real property owned by a lender, including a banking organization, or federal or state agency, which owns such property as the result of a default in payments on a mortgage.

9. "Vacant" means real property which has no current residents.

S 3. The state finance law is amended by adding a new section 85 to read as follows:

S 85. COMMUNITY REINVESTMENT PROGRAM FUND. 1. THERE IS HEREBY ESTABLISHED IN THE CUSTODY OF THE STATE COMPTROLLER A SPECIAL FUND TO BE KNOWN AS THE "COMMUNITY REINVESTMENT PROGRAM FUND".

2. THE COMMUNITY REINVESTMENT PROGRAM FUND SHALL CONSIST OF MONEYS DEPOSITED THEREIN BY THE STATE COMPTROLLER. NOTHING CONTAINED IN THIS SECTION SHALL PREVENT THE STATE FROM RECEIVING GRANTS, GIFTS, MONIES OBTAINED THROUGH JUDGMENTS AND SETTLEMENTS FROM THE STATE OR ANY OTHER GOVERNMENTAL ENTITY, OR BEQUESTS AND DEPOSITING THEM INTO THE ACCESSIBLE ELECTRONIC INFORMATION SERVICE FUND ACCORDING TO LAW.

3. THE MONEYS IN THE FUND SHALL BE USED TO:

(A) PURCHASE MORTGAGE NOTES ON ONE TO FOUR UNIT HOMES AT DISCOUNTED RATES; AND

(B) ACQUIRE OR SELL HOMES AT DISCOUNTED RATES FROM LENDERS, AND PURCHASE HOMES AT AUCTION, THROUGH SHORT SALE, OR OTHER SALE WITH THE INTENT TO:

(I) WHERE POSSIBLE, MODIFY THE MORTGAGE TO AN AFFORDABLE RATE TO KEEP CURRENT HOMEOWNERS IN THE PROPERTY;

(II) RENT OR SELL BACK TO HOMEOWNERS WITH AN AFFORDABLE LOAN;

(III) FUND LOCAL, NOT-FOR-PROFIT DEVELOPMENT EFFORTS TO TURN VACANT PROPERTIES INTO AFFORDABLE HOUSING;

(IV) REHABILITATE DISTRESSED PROPERTIES FOR NEW OWNERS; AND/OR

(V) DEMOLISH HOMES THAT ARE DILAPIDATED OR REASONABLY BEYOND REPAIR.

4. (A) AS USED IN THIS SECTION, THE TERMS "COMMUNITY DEVELOPMENT FINANCIAL INSTITUTION" "CDFI", "FUND MANAGER" AND "PROGRAM MANAGER" SHALL HAVE THE SAME MEANINGS AS ASCRIBED TO SUCH TERMS BY SECTION TWO OF THE CHAPTER OF THE LAWS OF TWO THOUSAND SIXTEEN THAT ADDED THIS SECTION.

(B) AS USED IN THIS SECTION, "COMMUNITY REINVESTMENT PROGRAM FUND COUNCIL" MEANS SUCH COUNCIL AS ESTABLISHED BY SECTION FOUR OF THE CHAPTER OF THE LAWS OF TWO THOUSAND SIXTEEN THAT ADDED THIS SECTION.

5. THE DIVISION OF HOUSING AND COMMUNITY RENEWAL, IN CONSULTATION WITH THE COMMUNITY REINVESTMENT PROGRAM FUND COUNCIL, SHALL SELECT THE FUND MANAGER AND PROGRAM MANAGER THROUGH THE REQUEST FOR PROPOSAL PROCESS.

6. THE FUND MANAGER SHALL:

(A) BE RESPONSIBLE FOR THE RECEIPT, MANAGEMENT AND EXPENDITURE OF MONIES HELD IN THE COMMUNITY REINVESTMENT PROGRAM FUND;

1 (B) MAINTAIN BOOKS AND RECORDS PERTAINING TO ALL MONIES RECEIVED AND
2 DISBURSED PURSUANT TO THIS SECTION;

3 (C) SEEK AND RECEIVE RECEIVE PUBLIC, SETTLEMENT AND OTHER FUNDS AND
4 USE THOSE FUNDS TO PURCHASE ASSETS THAT WILL BE HELD BY THE PROGRAM
5 MANAGER;

6 (D) HAVE THE AUTHORITY TO RESEARCH, ACQUIRE AND PURCHASE DISTRESSED OR
7 UNDERPERFORMING ASSETS IN ORDER TO TRANSFER SUCH ASSETS TO THE PROGRAM
8 MANAGER;

9 (E) WORK WITH THE COMMUNITY REINVESTMENT PROGRAM FUND COUNCIL TO
10 DEVELOP STRATEGIES FOR ACQUIRING DISTRESSED ASSETS AND TO IDENTIFY
11 OPPORTUNITIES TO ACQUIRE DISTRESSED ASSETS;

12 (F) WORK WITH THE PROGRAM MANAGER AND THE COMMUNITY REINVESTMENT
13 PROGRAM FUND COUNCIL TO IDENTIFY NOT-FOR-PROFIT DEVELOPERS ABLE TO
14 IMPLEMENT DISPOSITIONS TAILORED TO LOCAL NEEDS, WHETHER SALES TO NEW
15 HOMEOWNERS, USE AS AFFORDABLE RENTAL PROPERTY, OR DEMOLITION AND REPUR-
16 POSING FOR OTHER COMMUNITY USES; PROVIDED, HOWEVER, THAT IF NO NOT-FOR-
17 PROFIT DEVELOPER IS AVAILABLE IN A PARTICULAR LOCATION, A FOR-PROFIT
18 DEVELOPER MAY, WITH THE CONSENT AND APPROVAL OF THE COMMUNITY REINVEST-
19 MENT PROGRAM FUND COUNCIL, BE SELECTED;

20 (G) MAKE FUNDS DIRECTLY AVAILABLE TO NOT-FOR-PROFIT ORGANIZATIONS AND
21 DEVELOPERS FOR USE TO ACQUIRE, REHABILITATE AND/OR FINANCE PROPERTIES
22 DIRECTLY; PROVIDED, HOWEVER, THAT IF NO NOT-FOR-PROFIT ORGANIZATIONS AND
23 DEVELOPERS ARE AVAILABLE IN A PARTICULAR LOCATION, FOR-PROFIT ORGANIZA-
24 TIONS AND DEVELOPERS MAY, WITH THE CONSENT AND APPROVAL OF THE COMMUNITY
25 REINVESTMENT PROGRAM FUND COUNCIL, BE SELECTED. THESE FUNDS WOULD BE
26 MADE AVAILABLE THROUGH A REQUEST FOR PROPOSAL PROCESS CONDUCTED THROUGH
27 THE DIVISION OF HOUSING AND COMMUNITY RENEWAL, IN CONSULTATION WITH THE
28 FUND MANAGER;

29 (H) DEVELOP A PLAN TO MAKE THE FUND A REVOLVING LOAN FUND;

30 (I) APPLY FOR FEDERAL OR PRIVATE GRANT MONEY THAT BECOMES AVAILABLE TO
31 CARRY OUT THE PURPOSE OF THIS SECTION;

32 (J) COORDINATE WITH MUNICIPALITIES TO IDENTIFY MORTGAGE NOTES FOR
33 PURCHASE; AND

34 (K) PERFORM ANY AND ALL TASKS AND FUNCTIONS NECESSARY TO OPERATE THE
35 FUND.

36 7. THE PROGRAM MANAGER SHALL:

37 (A) HAVE THE AUTHORITY TO ACQUIRE, PURCHASE OR SELL DISTRESSED REAL
38 PROPERTY ASSETS OR MORTGAGE NOTES ON ONE TO FOUR UNIT HOMES, WHETHER
39 CURRENT, DELINQUENT AND/OR IN FORECLOSURE, OCCUPIED, VACANT OR ABAN-
40 DONED, WHERE PURCHASED OR ACQUIRED:

41 (I) AT OR BELOW REASONABLE AND CUSTOMARY PRICES;

42 (II) THROUGH NEGOTIATED SALES AT FHA DISTRESSED ASSET STABILIZATION
43 PROGRAM SALES OR AT ANY OTHER SUCH SALES CONDUCTED BY A GOVERNMENT ENTI-
44 TY;

45 (III) THROUGH AUCTIONS, SHORT SALES, REAL ESTATE OWNED PROPERTIES OR
46 PROPERTIES IDENTIFIED BY THE MEMBERS OF THE COMMUNITY REINVESTMENT
47 PROGRAM FUND COUNCIL;

48 (IV) THROUGH DONATION OR BY OTHER MEANS;

49 (B) OWN AND MANAGE THE DISTRESSED OR UNDERPERFORMING ASSETS;

50 (C) HAVE THE POWER TO MODIFY MORTGAGE NOTES ON THE ACQUIRED ASSETS;

51 (D) WITH THE INPUT OF THE COMMUNITY REINVESTMENT PROGRAM FUND COUNCIL,
52 DEVELOP DISPOSITION STRATEGIES TAILORED TO THE NEEDS AND MARKET CONDI-
53 TIONS IN THE LOCAL COMMUNITIES WHERE THE DISTRESSED OR UNDERPERFORMING
54 ASSETS ARE LOCATED;

55 (E) WORK WITH THE COMMUNITY REINVESTMENT PROGRAM FUND COUNCIL TO
56 DETERMINE OPTIMAL OUTCOMES FOR ACQUIRED MORTGAGE NOTES AND PROPERTIES;

(F) HAVE A RELATIONSHIP WITH A SPECIALTY MORTGAGE SERVICER WHOSE ROLE IS TO ASSIST WITH MODIFICATIONS OF ACQUIRED MORTGAGE NOTES;

(G) WORK WITH THE FUND MANAGER AND THE COMMUNITY REINVESTMENT PROGRAM FUND COUNCIL TO DEVELOP MODIFICATION CRITERIA;

(H) WORK WITH LOAN SERVICERS, HOUSING COUNSELORS AND ATTORNEYS TO ASSIST BORROWERS WITH APPLICATIONS FOR LOAN MODIFICATIONS AND REFINANCING;

(I) WITH THE APPROVAL OF THE COMMUNITY REINVESTMENT PROGRAM FUND COUNCIL, MAKE AVAILABLE REASONABLE EXPENSES TO NOT-FOR-PROFIT ORGANIZATIONS FOR DIRECT DISPOSITION EXPENSES, INCLUDING WORKING WITH HOMEOWNERS TO ACHIEVE LOAN MODIFICATIONS AND OTHER WORKOUT OPTIONS;

(J) WORK WITH THE FUND MANAGER AND THE COMMUNITY REINVESTMENT PROGRAM FUND COUNCIL TO IDENTIFY NOT-FOR-PROFIT DEVELOPERS ABLE TO IMPLEMENT DISPOSITIONS TAILORED TO LOCAL NEEDS, WHETHER SALES TO NEW HOMEOWNERS, USE AS AFFORDABLE RENTAL PROPERTY, OR DEMOLITION AND REPURPOSING FOR OTHER COMMUNITY USES;

(K) MEET WITH THE COMMUNITY REINVESTMENT PROGRAM FUND COUNCIL AT A MINIMUM EVERY QUARTER OF THE CALENDAR YEAR, AND PROVIDE SUCH COUNCIL WITH THE INFORMATION NEEDED TO ASSESS WHETHER THE FUND IS OPERATING WITHIN THE PURPOSES OF THIS SECTION; AND

(L) PERFORM ANY AND ALL TASKS AND FUNCTIONS NECESSARY TO OPERATE THE FUND.

S 4. Community reinvestment program fund council. 1. There is hereby established the community reinvestment program fund council consisting of twenty-seven members. The purpose of such council is to serve as an advisory board to advise the program manager, assist with the identification of opportunities to acquire distressed or underperforming assets, assist in the development of disposition strategies tailored to meet the needs and market conditions in the local communities where distressed or underperforming assets are located, work with the program manager to determine optimal outcomes for acquired mortgage notes and properties, work with the fund manager and program manager to determine the loan servicer's modification criteria, work with the fund manager and program manager to identify not-for-profit developers able to implement dispositions tailored to local needs, whether sales to new homeowners, use as affordable rental property, or demolition and repurposing for other community uses, and perform such functions as shall be necessary to operate the community reinvestment program fund.

2. The members of the council shall consist of:

a. the commissioner of housing and community renewal, or his or her designee, who shall be the chair of the council;

b. the commissioner of economic development, or his or her designee;

c. the chair of the senate committee on housing, construction and community development or his or her designee;

d. the chair of the assembly committee on housing or his or her designee;

e. twenty-three community based, not-for-profit members with two members from each of the regional economic council areas, with the exception of the city of New York. These areas shall include: Western New York, the Finger Lakes, Central New York, the Southern Tier, the Mohawk Valley, the North Country, the Capital Region, the Mid-Hudson Region and Long Island. One member shall be appointed from each borough of the city of New York; and

f. not less than seventy-five percent of the appointed members of the council shall have experience with housing organizations, not-for-profit corporations, advocacy organizations, civic associations, community-

1 based organizations or similar entities with expertise in the fields of
2 housing, housing finance, municipal planning or community development.

3 3. Members of the council shall serve terms of two years. Members who
4 serve pursuant to paragraphs c and d of subdivision two of this section
5 shall serve for the duration of their two year term and shall not be
6 removed unless there is good cause shown, after notice and an opportu-
7 nity to be heard.

8 4. The governor shall appoint the members of the council, with the
9 advice and consent of the senate. The governor shall appoint the
10 members of the council from a list of qualified persons submitted to the
11 division of housing and community renewal by the chairs of the senate
12 committees on banks, and housing, construction and community develop-
13 ment, and the chairs of the assembly committees on banks and housing.
14 Such list shall be composed of individuals who have knowledge or exper-
15 tise in housing issues within their region of the state.

16 5. Notwithstanding the provisions of subdivision three of this
17 section, of the members of the council initially appointed, in accord-
18 ance with paragraph c of subdivision two of this section, one member
19 from each regional council area and the members appointed from the
20 boroughs of Manhattan and Staten Island shall be appointed for a term of
21 one year, and all subsequent appointees shall serve terms of two years.
22 The governor shall appoint the initial members, with the advice and
23 consent of the senate, within 180 days of the effective date of this
24 section. Furthermore, the first meeting of the council shall convene
25 within 90 days of the date upon which all members of the council have
26 been appointed.

27 6. The council shall meet at least quarterly or more frequently at the
28 call of the chair of the council. At the initial meeting of the council
29 and annually thereafter the members of the council shall elect from its
30 members a secretary and such other officers as the council shall deem
31 necessary.

32 7. The chair of the council shall establish committees for the purpose
33 of conducting special studies pursuant to the duties of the council.
34 Individuals who are not members of the council shall be authorized to
35 be members of a committee to serve as resource persons for the commit-
36 tee. No person who is not a member of the council shall be a voting
37 member of a committee or the council. All recommendations of a committee
38 shall be subject to the approval of the council.

39 8. The members of the council shall receive no compensation for their
40 services, but shall be allowed their actual and necessary expenses
41 incurred in the performance of their duties pursuant to this act. All
42 such expenses shall be payable from the fund.

43 S 5. Annual report to the legislature. The division of housing and
44 community renewal shall submit a report to the governor, the speaker of
45 the assembly, the temporary president of the senate, the minority leader
46 of the assembly and the minority leader of the senate on or before the
47 first of October, and annually thereafter, describing the use of the
48 community restoration fund pursuant to this act, including asset
49 purchases, loan modifications, home sales, rentals, property rehabili-
50 tations and other information provided pursuant to this act, including:
51 the number of assets purchased, number of loans modified, number of
52 properties rented and a description of projects financed or assisted by
53 fund monies; the amount and source of funds leveraged; and such other
54 information as the state agency may deem appropriate.

55 S 6. The community reinvestment program shall constitute a govern-
56 mental entity within the division of housing and community renewal. Such

1 program shall be the primary entity within the state for negotiating the
2 purchase of assets from distressed asset stabilization sales, in consul-
3 tation with municipalities and local government entities. Such local
4 governments shall enter into participation agreements with the community
5 reinvestment program to establish the terms of asset acquisition. Local
6 government entities shall notify the program manager not less than thir-
7 ty days prior to making any distressed asset purchase, federal housing
8 finance agency purchase, or purchase from any other entity engaged in
9 the sale of mortgage note pools for purposes substantially similar to
10 those enumerated in this act. In the event that the program manager is
11 able to expedite such purchases or reduce costs, he or she shall make an
12 effort to do so in consultation with the council.

13 S 7. The division of housing and community renewal is hereby author-
14 ized to promulgate rules and regulations in accordance with the state
15 administrative procedure act that are necessary to fulfill the purposes
16 of this act including, but not limited to, rules relating to the manage-
17 ment of the fund, distribution of monies therefrom, mortgage note acqui-
18 sition guidelines, council activities and meeting schedules, and afford-
19 ability guidelines. The rules shall include guidelines to ensure that
20 fund monies are expended based upon demonstrable community needs. In
21 addition, these rules shall specify that no more than forty percent of
22 the monies of the fund shall be expended on an annual basis in any
23 single economic development council area. Furthermore, such rules and
24 regulations are to be completed not later than one hundred eighty days
25 after the effective date of this act.

26 S 8. This act shall take effect immediately.

27

PART LL

28 Section 1. Paragraph a of subdivision 3 of section 467-b of the real
29 property tax law, as amended by section 2 of chapter 188 of the laws of
30 2005, is amended to read as follows:

31 a. for a dwelling unit where the head of the household is a person
32 sixty-two years of age or older, no tax abatement shall be granted if
33 the combined income of all members of the household for the income tax
34 year immediately preceding the date of making application exceeds three
35 thousand dollars, or such other sum not more than five thousand dollars,
36 AND FIFTY THOUSAND DOLLARS BEGINNING JULY FIRST, TWO THOUSAND SIXTEEN,
37 as may be provided by the local law, ordinance or resolution adopted
38 pursuant to this section, provided that when the head of the household
39 retires before the commencement of such year and the date of filing the
40 application, the income for such year may be adjusted by excluding sala-
41 ry or earnings and projecting his retirement income over the entire
42 period of such year.

43 S 2. Section 4 of part U of chapter 55 of the laws of 2014, amending
44 the real property tax law, relating to the tax abatement and exemption
45 for rent regulated and rent controlled property occupied by senior citi-
46 zens, is amended to read as follows:

47 S 4. This act shall take effect July 1, 2014[, and sections one and
48 two of this act shall expire and be deemed repealed 2 years after the
49 effective date thereof]; provided that the amendment to section 467-b of
50 the real property tax law made by section one of this act shall not
51 affect the expiration of such section and shall be deemed to expire
52 therewith.

1 S 3. Paragraph b of subdivision 3 of section 467-b of the real proper-
2 ty tax law, as amended by section 2 of chapter 129 of the laws of 2014,
3 is amended to read as follows:

4 b. for a dwelling unit where the head of the household qualifies as a
5 person with a disability pursuant to subdivision five of this section,
6 no tax abatement shall be granted if the combined income for all members
7 of the household for the current income tax year exceeds fifty thousand
8 dollars beginning July first, two thousand [fourteen] SIXTEEN as may be
9 provided by the local law, ordinance or resolution adopted pursuant to
10 this section.

11 S 4. Paragraph m of subdivision 1 of section 467-c of the real proper-
12 ty tax law, as added by chapter 188 of the laws of 2005, is amended to
13 read as follows:

14 m. "Person with a disability" means an individual who is currently
15 receiving social security disability insurance (SSDI) or supplemental
16 security income (SSI) benefits under the federal social security act or
17 disability pension or disability compensation benefits provided by the
18 United States department of veterans affairs or those previously eligi-
19 ble by virtue of receiving disability benefits under the supplemental
20 security income program or the social security disability program and
21 currently receiving medical assistance benefits based on determination
22 of disability as provided in section three hundred sixty-six of the
23 social services law and whose income for the current income tax year,
24 together with the income of all members of such individual's household,
25 does not exceed [the maximum income at which such individual would be
26 eligible to receive cash supplemental security income benefits under
27 federal law during such tax year] FIFTY THOUSAND DOLLARS BEGINNING JULY
28 FIRST, TWO THOUSAND SIXTEEN, AS MAY BE PROVIDED BY LOCAL LAW.

29 S 5. Paragraph (a) of subdivision 3 of section 467 of the real proper-
30 ty tax law, as amended by chapter 259 of the laws of 2009, is amended to
31 read as follows:

32 (a) if the income of the owner or the combined income of the owners of
33 the property for the income tax year immediately preceding the date of
34 making application for exemption exceeds the sum of three thousand
35 dollars, or such other sum not less than three thousand dollars nor more
36 than twenty-six thousand dollars beginning July first, two thousand six,
37 twenty-seven thousand dollars beginning July first, two thousand seven,
38 twenty-eight thousand dollars beginning July first, two thousand eight,
39 [and] twenty-nine thousand dollars beginning July first, two thousand
40 nine, AND FIFTY THOUSAND DOLLARS BEGINNING JULY FIRST, TWO THOUSAND
41 SIXTEEN, as may be provided by the local law, ordinance or resolution
42 adopted pursuant to this section. Income tax year shall mean the twelve
43 month period for which the owner or owners filed a federal personal
44 income tax return, or if no such return is filed, the calendar year.
45 Where title is vested in either the husband or the wife, their combined
46 income may not exceed such sum, except where the husband or wife, or
47 ex-husband or ex-wife is absent from the property as provided in subpar-
48 agraph (ii) of paragraph (d) of this subdivision, then only the income
49 of the spouse or ex-spouse residing on the property shall be considered
50 and may not exceed such sum. Such income shall include social security
51 and retirement benefits, interest, dividends, total gain from the sale
52 or exchange of a capital asset which may be offset by a loss from the
53 sale or exchange of a capital asset in the same income tax year, net
54 rental income, salary or earnings, and net income from self-employment,
55 but shall not include a return of capital, gifts, inheritances, payments
56 made to individuals because of their status as victims of Nazi perse-

1 cution, as defined in P.L. 103-286 or monies earned through employment
2 in the federal foster grandparent program and any such income shall be
3 offset by all medical and prescription drug expenses actually paid which
4 were not reimbursed or paid for by insurance, if the governing board of
5 a municipality, after a public hearing, adopts a local law, ordinance or
6 resolution providing therefor. Furthermore, such income shall not
7 include the proceeds of a reverse mortgage, as authorized by section
8 six-h of the banking law, and sections two hundred eighty and two
9 hundred eighty-a of the real property law; provided, however, that
10 monies used to repay a reverse mortgage may not be deducted from income,
11 and provided additionally that any interest or dividends realized from
12 the investment of reverse mortgage proceeds shall be considered income.
13 The provisions of this paragraph notwithstanding, such income shall not
14 include veterans disability compensation, as defined in Title 38 of the
15 United States Code provided the governing board of such municipality,
16 after public hearing, adopts a local law, ordinance or resolution
17 providing therefor. In computing net rental income and net income from
18 self-employment no depreciation deduction shall be allowed for the
19 exhaustion, wear and tear of real or personal property held for the
20 production of income;

21 S 6. Paragraph (a) of subdivision 5 of section 459-c of the real prop-
22 erty tax law, as separately amended by chapters 187 and 252 of the laws
23 of 2006, is amended to read as follows:

24 (a) if the income of the owner or the combined income of the owners of
25 the property for the income tax year immediately preceding the date of
26 making application for exemption exceeds the sum of three thousand
27 dollars, or such other sum not less than three thousand dollars nor more
28 than twenty-six thousand dollars beginning July first, two thousand six,
29 twenty-seven thousand dollars beginning July first, two thousand seven,
30 twenty-eight thousand dollars beginning July first, two thousand eight,
31 [and] twenty-nine thousand dollars beginning July first, two thousand
32 nine, AND FIFTY THOUSAND DOLLARS BEGINNING JULY FIRST, TWO THOUSAND
33 SIXTEEN, as may be provided by the local law or resolution adopted
34 pursuant to this section. Income tax year shall mean the twelve month
35 period for which the owner or owners filed a federal personal income tax
36 return, or if no such return is filed, the calendar year. Where title is
37 vested in either the husband or the wife, their combined income may not
38 exceed such sum, except where the husband or wife, or ex-husband or
39 ex-wife is absent from the property due to divorce, legal separation or
40 abandonment, then only the income of the spouse or ex-spouse residing on
41 the property shall be considered and may not exceed such sum. Such
42 income shall include social security and retirement benefits, interest,
43 dividends, total gain from the sale or exchange of a capital asset which
44 may be offset by a loss from the sale or exchange of a capital asset in
45 the same income tax year, net rental income, salary or earnings, and net
46 income from self-employment, but shall not include a return of capital,
47 gifts, inheritances or monies earned through employment in the federal
48 foster grandparent program and any such income shall be offset by all
49 medical and prescription drug expenses actually paid which were not
50 reimbursed or paid for by insurance, if the governing board of a munici-
51 pality, after a public hearing, adopts a local law or resolution provid-
52 ing therefor. In computing net rental income and net income from self-
53 employment no depreciation deduction shall be allowed for the
54 exhaustion, wear and tear of real or personal property held for the
55 production of income;

56 S 7. This act shall take effect immediately; provided that:

1 a. the amendments to subdivision 3 of section 467-b of the real prop-
2 erty tax law made by sections one and three of this act shall take
3 effect on the same date as the reversion of such section pursuant to
4 section 17 of chapter 576 of the laws of 1974, as amended; and

5 b. the amendments to paragraph m of subdivision 1 of section 467-c of
6 the real property tax law, made by section four of this act shall take
7 effect on the same date as the reversion of such paragraph as provided
8 in subdivision (b) of section 4 of chapter 129 of the laws of 2014, as
9 amended.

10 PART MM

11 Section 1. The education law is amended by adding a new section 355-d
12 to read as follows:

13 S 355-D. "NEW YORK STATE PRE-PAID TUITION PLAN". 1. DEFINITIONS. FOR
14 THE PURPOSES OF THIS SECTION, THE FOLLOWING TERMS SHALL HAVE THE FOLLOW-
15 ING MEANINGS:

16 A. "ACCOUNT" OR "PRE-PAID TUITION ACCOUNT" SHALL MEAN AN INDIVIDUAL
17 PRE-PAID TUITION ACCOUNT ESTABLISHED IN ACCORDANCE WITH THE PROVISIONS
18 OF THIS SECTION.

19 B. "ACCOUNT OWNER" SHALL MEAN A PERSON WHO ENTERS INTO A PRE-PAID
20 TUITION AGREEMENT PURSUANT TO THE PROVISIONS OF THIS ARTICLE, INCLUDING
21 A PERSON WHO ENTERS INTO SUCH AN AGREEMENT AS A FIDUCIARY OR AGENT ON
22 BEHALF OF A TRUST, ESTATE, PARTNERSHIP, ASSOCIATION, COMPANY OR CORPO-
23 RATION. THE ACCOUNT OWNER MAY ALSO BE THE DESIGNATED BENEFICIARY OF THE
24 ACCOUNT.

25 C. "CITY UNIVERSITY" SHALL MEAN THE CITY UNIVERSITY OF NEW YORK.

26 D. "COMPTROLLER" SHALL MEAN THE STATE COMPTROLLER.

27 E. "DESIGNATED BENEFICIARY" SHALL MEAN, WITH RESPECT TO AN ACCOUNT OR
28 ACCOUNTS, THE INDIVIDUAL DESIGNATED AS THE INDIVIDUAL WHOSE TUITION
29 EXPENSES ARE EXPECTED TO BE PAID FROM THE ACCOUNT OR ACCOUNTS.

30 F. "ELIGIBLE EDUCATIONAL INSTITUTION" SHALL MEAN ANY INSTITUTION OF
31 HIGHER EDUCATION DEFINED AS AN ELIGIBLE EDUCATIONAL INSTITUTION IN
32 SECTION 529(E)(5) OF THE INTERNAL REVENUE CODE OF 1986, AS AMENDED.

33 G. "FINANCIAL ORGANIZATION" SHALL MEAN AN ORGANIZATION AUTHORIZED TO
34 DO BUSINESS IN THE STATE AND (I) WHICH IS AN AUTHORIZED FIDUCIARY TO ACT
35 AS A TRUSTEE PURSUANT TO THE PROVISIONS OF AN ACT OF CONGRESS ENTITLED
36 "EMPLOYEE RETIREMENT INCOME SECURITY ACT OF 1974" AS SUCH PROVISIONS MAY
37 BE AMENDED FROM TIME TO TIME, OR AN INSURANCE COMPANY; AND (II) (A) IS
38 LICENSED OR CHARTERED BY THE DEPARTMENT OF FINANCIAL SERVICES, (B) IS
39 CHARTERED BY AN AGENCY OF THE FEDERAL GOVERNMENT, (C) IS SUBJECT TO THE
40 JURISDICTION AND REGULATION OF THE SECURITIES AND EXCHANGE COMMISSION OF
41 THE FEDERAL GOVERNMENT, OR (D) IS ANY OTHER ENTITY OTHERWISE AUTHORIZED
42 TO ACT IN THIS STATE AS A TRUSTEE PURSUANT TO THE PROVISIONS OF AN ACT
43 OF CONGRESS ENTITLED "EMPLOYEE RETIREMENT INCOME SECURITY ACT OF 1974"
44 AS SUCH PROVISIONS MAY BE AMENDED FROM TIME TO TIME.

45 H. "MEMBER OF FAMILY" SHALL MEAN A FAMILY MEMBER AS DEFINED IN SECTION
46 529 OF THE INTERNAL REVENUE CODE OF 1986, AS AMENDED.

47 I. "NONQUALIFIED WITHDRAWAL" SHALL MEAN A WITHDRAWAL FROM AN ACCOUNT,
48 BUT SHALL NOT MEAN:

49 (I) A QUALIFIED WITHDRAWAL; (II) A WITHDRAWAL MADE AS THE RESULT OF
50 THE DEATH OR DISABILITY OF THE DESIGNATED BENEFICIARY OF AN ACCOUNT; OR
51 (III) A WITHDRAWAL MADE ON THE ACCOUNT OF A SCHOLARSHIP.

52 J. "PLAN" SHALL MEAN THE NEW YORK STATE PRE-PAID TUITION PLAN ESTAB-
53 LISHED PURSUANT TO THIS SECTION.

1 K. "PLAN MANAGER" SHALL MEAN A FINANCIAL ORGANIZATION SELECTED BY THE
2 COMPTROLLER TO ACT AS A DEPOSITORY AND MANAGER OF THE PLAN.

3 L. "QUALIFIED WITHDRAWAL" SHALL MEAN A WITHDRAWAL FROM AN ACCOUNT TO
4 PAY THE QUALIFIED TUITION EXPENSES OF THE DESIGNATED BENEFICIARY.

5 M. "STATE UNIVERSITY" SHALL MEAN THE STATE UNIVERSITY OF NEW YORK.

6 N. "TUITION" SHALL MEAN ANY MANDATORY CHARGES IMPOSED BY AN ELIGIBLE
7 EDUCATIONAL INSTITUTION FOR ATTENDANCE FOR AN ACADEMIC YEAR AS A CONDI-
8 TION OF ENROLLMENT. SUCH TERM SHALL NOT INCLUDE LABORATORY FEES, ROOM
9 AND BOARD, OR OTHER SIMILAR FEES AND CHARGES.

10 O. "TUITION SAVINGS AGREEMENT" SHALL MEAN AN AGREEMENT BETWEEN THE
11 COMPTROLLER OR A FINANCIAL ORGANIZATION AND AN ACCOUNT OWNER.

12 2. POWERS AND DUTIES OF THE COMPTROLLER. THE COMPTROLLER SHALL ADMIN-
13 ISTER THE PLAN AND SHALL DEVELOP AND IMPLEMENT PROGRAMS FOR THE PREPAY-
14 MENT OF UNDERGRADUATE TUITION, AT A FIXED, GUARANTEED LEVEL FOR APPLICA-
15 TION AT ANY TWO-YEAR OR FOUR-YEAR ELIGIBLE EDUCATIONAL INSTITUTION AS
16 DEFINED IN SECTION 529 OF THE INTERNAL REVENUE CODE OF 1986, AS AMENDED,
17 OR OTHER APPLICABLE FEDERAL LAW. IN ADDITION, THE COMPTROLLER SHALL HAVE
18 THE POWER AND DUTY TO:

19 A. DEVELOP AND IMPLEMENT THE PLAN IN A MANNER CONSISTENT WITH THE
20 PROVISIONS OF THIS SECTION THROUGH RULES AND REGULATIONS ESTABLISHED IN
21 ACCORDANCE WITH THE STATE ADMINISTRATIVE PROCEDURE ACT;

22 B. MAKE ARRANGEMENTS WITH THE STATE UNIVERSITY, CITY UNIVERSITY AND
23 ANY ELIGIBLE EDUCATIONAL INSTITUTION LOCATED WITHIN THE STATE WHICH
24 CHOOSES TO PARTICIPATE, TO FULFILL OBLIGATIONS UNDER PREPAID TUITION
25 CONTRACTS FOR TWO-YEAR OR FOUR-YEAR DEGREE PROGRAMS, INCLUDING, BUT NOT
26 LIMITED TO, PAYMENT FROM THE PLAN OF THE THEN ACTUAL IN-STATE UNDERGRAD-
27 UATE TUITION COST ON BEHALF OF A QUALIFIED BENEFICIARY OF A PREPAID
28 TUITION CONTRACT TO THE INSTITUTION IN WHICH SUCH BENEFICIARY IS ADMIT-
29 TED AND ENROLLED, AND APPLICATION OF SUCH BENEFITS TOWARDS GRADUATE-LEV-
30 EL TUITION AND TOWARDS TUITION COSTS AT SUCH ELIGIBLE EDUCATIONAL INSTI-
31 TUTIONS, AS THAT TERM IS DEFINED IN 26 U.S.C. S 529 OR ANY OTHER
32 APPLICABLE SECTION OF THE INTERNAL REVENUE CODE OF 1986, AS AMENDED, AS
33 DETERMINED BY THE COMPTROLLER IN HIS OR HER SOLE DISCRETION. SUCH
34 ARRANGEMENTS MUST INCLUDE PLANS THAT ALLOW AN ACCOUNT OWNER TO ENTER
35 INTO CONTRACTS IN WHICH HE OR SHE CAN PURCHASE TUITION IN INSTALLMENTS
36 EQUAL TO THE COST OF SEMESTERS AS A FULL TIME STUDENT, BUT CAN ALSO
37 INCLUDE PLANS THAT WOULD ALLOW FOR THE PREPAYMENT OF TUITION FOR TUITION
38 CREDIT HOURS;

39 C. ENGAGE THE SERVICES OF CONSULTANTS ON A CONTRACT BASIS FOR RENDER-
40 ING PROFESSIONAL AND TECHNICAL ASSISTANCE AND ADVICE;

41 D. SEEK RULINGS AND OTHER GUIDANCE FROM THE UNITED STATES DEPARTMENT
42 OF TREASURY AND THE INTERNAL REVENUE SERVICE RELATING TO THE PROGRAM;

43 E. MAKE CHANGES TO THE PLAN REQUIRED FOR THE PARTICIPANTS TO OBTAIN
44 THE FEDERAL INCOME TAX BENEFITS OR TREATMENT PROVIDED BY SECTION 529 OF
45 THE INTERNAL REVENUE CODE OF 1986, AS AMENDED, OR ANY SIMILAR SUCCESSOR
46 LEGISLATION;

47 F. CHARGE, IMPOSE AND COLLECT ADMINISTRATIVE FEES AND SERVICE CHARGES
48 IN CONNECTION WITH ANY AGREEMENT, CONTRACT OR TRANSACTION RELATING TO
49 THE PLAN;

50 G. DEVELOP MARKETING PLANS AND PROMOTION MATERIAL;

51 H. ESTABLISH THE METHODS BY WHICH THE FUNDS HELD IN SUCH ACCOUNTS BE
52 DISBURSED;

53 I. ESTABLISH THE METHOD BY WHICH FUNDS SHALL BE ALLOCATED TO PAY FOR
54 ADMINISTRATIVE COSTS; AND

55 J. DO ALL THINGS NECESSARY AND PROPER TO CARRY OUT THE PURPOSES OF
56 THIS SECTION.

1 3. PLAN REQUIREMENTS. EVERY PRE-PAID TUITION ACCOUNT SHALL COMPLY WITH
2 THE PROVISIONS OF THIS SECTION.

3 A. A PRE-PAID TUITION ACCOUNT MAY BE OPENED BY ANY PERSON WHO DESIRES
4 TO ENTER INTO A CONTRACT FOR PRE-PAYMENT OF TUITION EXPENSES AT AN
5 INSTITUTION OF THE STATE UNIVERSITY, THE CITY UNIVERSITY OR ANY PARTIC-
6 IPATING ELIGIBLE EDUCATIONAL INSTITUTION. AN ACCOUNT OWNER MAY DESIGNATE
7 ANOTHER PERSON AS SUCCESSOR OWNER OF THE ACCOUNT IN THE EVENT OF THE
8 DEATH OF THE ORIGINAL ACCOUNT OWNER. SUCH PERSON WHO OPENS AN ACCOUNT OR
9 ANY SUCCESSOR OWNER SHALL BE CONSIDERED THE ACCOUNT OWNER.

10 B. AN APPLICATION FOR SUCH ACCOUNT SHALL BE IN THE FORM PRESCRIBED BY
11 THE COMPTROLLER AND CONTAIN THE FOLLOWING:

12 (I) THE NAME, ADDRESS AND SOCIAL SECURITY NUMBER OR EMPLOYER IDENTIFI-
13 CATION NUMBER OF THE ACCOUNT OWNER;

14 (II) THE DESIGNATION OF A DESIGNATED BENEFICIARY;

15 (III) THE NAME, ADDRESS AND SOCIAL SECURITY NUMBER OF THE DESIGNATED
16 BENEFICIARY; AND

17 (IV) SUCH OTHER INFORMATION AS THE COMPTROLLER MAY REQUIRE.

18 C. THE COMPTROLLER MAY ESTABLISH A NOMINAL FEE FOR SUCH APPLICATION.

19 D. ANY PERSON, INCLUDING THE ACCOUNT OWNER, MAY MAKE CONTRIBUTIONS TO
20 AN ACCOUNT AFTER THE ACCOUNT IS OPENED.

21 E. CONTRIBUTIONS TO ACCOUNTS MAY BE MADE ONLY IN CASH.

22 F. FOUR YEARS MUST ELAPSE BETWEEN THE ESTABLISHMENT OF A PRE-PAID
23 TUITION ACCOUNT AND THE TIME THE FIRST QUALIFIED WITHDRAWAL IS MADE FOR
24 THE PAYMENT OF TUITION EXPENSES.

25 G. AN ACCOUNT OWNER MAY WITHDRAW ALL OR PART OF THE BALANCE FROM AN
26 ACCOUNT ON SIXTY DAYS NOTICE OR SUCH SHORTER PERIOD AS MAY BE AUTHORIZED
27 UNDER RULES GOVERNING THE PLAN. SUCH RULES SHALL INCLUDE PROVISIONS THAT
28 WILL GENERALLY ENABLE THE DETERMINATION AS TO WHETHER A WITHDRAWAL IS A
29 NONQUALIFIED WITHDRAWAL OR A QUALIFIED WITHDRAWAL.

30 H. AN ACCOUNT OWNER MAY CHANGE THE DESIGNATED BENEFICIARY OF AN
31 ACCOUNT TO AN INDIVIDUAL WHO IS A MEMBER OF THE FAMILY OF THE PRIOR
32 DESIGNATED BENEFICIARY IN ACCORDANCE WITH PROCEDURES ESTABLISHED BY THE
33 COMPTROLLER.

34 I. AN ACCOUNT OWNER MAY TRANSFER ALL OR A PORTION OF AN ACCOUNT TO
35 ANOTHER FAMILY TUITION ACCOUNT, THE SUBSEQUENT DESIGNATED BENEFICIARY OF
36 WHICH IS A MEMBER OF THE FAMILY AS DEFINED IN SECTION 529 OF THE INTER-
37 NAL REVENUE CODE OF 1986, AS AMENDED.

38 J. THE PLAN SHALL PROVIDE SEPARATE ACCOUNTING FOR EACH DESIGNATED
39 BENEFICIARY.

40 K. NO ACCOUNT OWNER OR DESIGNATED BENEFICIARY OF ANY ACCOUNT SHALL BE
41 PERMITTED TO DIRECT THE INVESTMENT OF ANY CONTRIBUTIONS TO AN ACCOUNT OR
42 THE EARNINGS THEREON.

43 L. NEITHER AN ACCOUNT OWNER NOR A DESIGNATED BENEFICIARY SHALL USE AN
44 INTEREST IN AN ACCOUNT AS SECURITY FOR A LOAN. ANY PLEDGE OF AN INTEREST
45 IN AN ACCOUNT SHALL BE OF NO FORCE AND EFFECT.

46 M. (I) IF THERE IS ANY DISTRIBUTION FROM AN ACCOUNT TO ANY INDIVIDUAL
47 OR FOR THE BENEFIT OF ANY INDIVIDUAL DURING A CALENDAR YEAR, SUCH
48 DISTRIBUTION SHALL BE REPORTED TO THE INTERNAL REVENUE SERVICE AND THE
49 ACCOUNT OWNER, THE DESIGNATED BENEFICIARY OR THE DISTRIBUTE TO THE
50 EXTENT REQUIRED BY FEDERAL LAW OR REGULATION.

51 (II) STATEMENTS SHALL BE PROVIDED TO EACH ACCOUNT OWNER AT LEAST ONCE
52 EACH YEAR WITHIN SIXTY DAYS AFTER THE END OF THE TWELVE MONTH PERIOD TO
53 WHICH THEY RELATE. THE STATEMENT SHALL IDENTIFY THE CONTRIBUTIONS MADE
54 DURING A PRECEDING TWELVE MONTH PERIOD, THE TOTAL CONTRIBUTIONS MADE TO
55 THE ACCOUNT THROUGH THE END OF THE PERIOD, THE VALUE OF THE ACCOUNT AT
56 THE END OF SUCH PERIOD, DISTRIBUTIONS MADE DURING SUCH PERIOD AND ANY

1 OTHER INFORMATION THAT THE COMPTROLLER SHALL REQUIRE TO BE REPORTED TO
2 THE ACCOUNT OWNER.

3 (III) STATEMENTS AND INFORMATION RELATING TO ACCOUNTS SHALL BE
4 PREPARED AND FILED TO THE EXTENT REQUIRED BY FEDERAL AND STATE TAX LAW.

5 N. (I) A LOCAL GOVERNMENT OR ORGANIZATION DESCRIBED IN SECTION
6 501(C)(3) OF THE INTERNAL REVENUE CODE OF 1986, AS AMENDED, MAY OPEN AND
7 BECOME THE ACCOUNT OWNER OF AN ACCOUNT TO FUND SCHOLARSHIPS FOR PERSONS
8 WHOSE IDENTITY WILL BE DETERMINED UPON DISBURSEMENT.

9 (II) IN THE CASE OF ANY ACCOUNT OPENED PURSUANT TO PARAGRAPH A OF THIS
10 SUBDIVISION THE REQUIREMENT SET FORTH IN THIS SUBDIVISION THAT A DESIG-
11 NATED BENEFICIARY BE DESIGNATED WHEN AN ACCOUNT IS OPENED SHALL NOT
12 APPLY AND EACH INDIVIDUAL WHO RECEIVES AN INTEREST IN SUCH ACCOUNT AS A
13 SCHOLARSHIP SHALL BE TREATED AS A DESIGNATED BENEFICIARY WITH RESPECT TO
14 SUCH INTEREST.

15 O. AN ANNUAL FEE MAY BE IMPOSED UPON THE ACCOUNT OWNER FOR THE MAINTENANCE OF THE ACCOUNT.

16 P. THE PLAN SHALL DISCLOSE THE FOLLOWING INFORMATION IN WRITING TO
17 EACH ACCOUNT OWNER AND PROSPECTIVE ACCOUNT OWNER OF A PRE-PAID TUITION
18 ACCOUNT:

19 (I) THE TERMS AND CONDITIONS FOR PURCHASING A PRE-PAID TUITION
20 ACCOUNT;

21 (II) ANY RESTRICTIONS ON THE SUBSTITUTION OF BENEFICIARIES;

22 (III) THE PERSON OR ENTITY ENTITLED TO TERMINATE THE TUITION PRE-PAYMENT AGREEMENT;

23 (IV) THE PERIOD OF TIME DURING WHICH A BENEFICIARY MAY RECEIVE BENEFITS UNDER THE TUITION PRE-PAYMENT AGREEMENT;

24 (V) THE TERMS AND CONDITIONS UNDER WHICH MONEY MAY BE WHOLLY OR PARTIALLY WITHDRAWN FROM THE PLAN, INCLUDING, BUT NOT LIMITED TO, ANY REASONABLE CHARGES AND FEES THAT MAY BE IMPOSED FOR WITHDRAWAL;

25 (VI) THE PROBABLE TAX CONSEQUENCES ASSOCIATED WITH CONTRIBUTIONS TO AND DISTRIBUTIONS FROM ACCOUNTS; AND

26 (VII) ALL OTHER RIGHT AND OBLIGATIONS PURSUANT TO PRE-PAID TUITION AGREEMENTS, AND ANY OTHER TERMS, CONDITIONS AND PROVISIONS DEEMED NECESSARY AND APPROPRIATE BY THE COMPTROLLER PURSUANT TO THIS SUBDIVISION.

27 Q. PRE-PAID TUITION SAVINGS AGREEMENTS SHALL BE SUBJECT TO SECTION FOURTEEN-C OF THE BANKING LAW AND THE "TRUTH-IN-SAVINGS" REGULATIONS PROMULGATED THEREUNDER.

28 R. NOTHING IN THIS ARTICLE OR IN ANY PRE-PAID TUITION SAVINGS AGREEMENT ENTERED INTO PURSUANT TO THIS ARTICLE SHALL BE CONSTRUED AS A GUARANTEE BY THE STATE OR ANY COLLEGE THAT A BENEFICIARY WILL BE ADMITTED TO A COLLEGE OR UNIVERSITY, OR, UPON ADMISSION TO A COLLEGE WILL BE PERMITTED TO CONTINUE TO ATTEND OR WILL RECEIVE A DEGREE FROM A COLLEGE OR UNIVERSITY.

29 4. STATE GUARANTEE. A. NOTHING IN THIS SECTION SHALL ESTABLISH OR BE DEEMED TO ESTABLISH ANY OBLIGATION OF THE STATE, THE COMPTROLLER OR ANY AGENCY OR INSTRUMENTALITY OF THE STATE TO GUARANTEE ANY BENEFITS TO ANY ACCOUNT OWNER OR DESIGNATED BENEFICIARY.

30 B. NOTWITHSTANDING THE PROVISIONS OF SUBDIVISION ONE OF THIS SECTION, IN ORDER TO ENSURE THAT THE PLAN IS ABLE TO MEET ITS OBLIGATIONS, THE GOVERNOR SHALL INCLUDE IN THE BUDGET SUBMITTED PURSUANT TO SECTION TWENTY-TWO OF THE STATE FINANCE LAW, AN APPROPRIATION SUFFICIENT FOR THE PURPOSE OF ENSURING THAT THE PLAN CAN MEET ITS OBLIGATIONS. ANY SUMS APPROPRIATED FOR SUCH PURPOSE SHALL BE TRANSFERRED TO THE PLAN. ALL AMOUNTS PAID INTO THE PLAN PURSUANT TO THIS SUBDIVISION SHALL CONSTITUTE AND BE ACCOUNTED FOR AS ADVANCES BY THE STATE TO THE PLAN AND, SUBJECT TO THE RIGHTS OF THE PLAN'S CONTRACT HOLDERS, SHALL BE REPAID TO THE

1 STATE WITHOUT INTEREST FROM AVAILABLE OPERATING REVENUE OF THE PLAN IN
2 EXCESS OF AMOUNTS REQUIRED FOR THE PAYMENT OF THE OBLIGATIONS OF THE
3 PLAN. AS USED IN THIS SECTION, "OBLIGATIONS OF THE PLAN" MEANS AMOUNTS
4 REQUIRED FOR THE PAYMENT OF CONTRACT BENEFITS OR OTHER OBLIGATIONS OF
5 THE PLAN, THE MAINTENANCE OF THE PLAN, AND OPERATING EXPENSES FOR THE
6 CURRENT FISCAL YEAR.

7 S 2. The state finance law is amended by adding a new section 78-c to
8 read as follows:

9 S 78-C. NEW YORK STATE PRE-PAID TUITION PLAN FUND. 1. THERE IS HEREBY
10 ESTABLISHED IN THE SOLE CUSTODY OF THE STATE COMPTROLLER A SPECIAL FUND
11 TO BE KNOWN AS THE NEW YORK STATE PRE-PAID TUITION PLAN FUND. ALL
12 PAYMENTS FROM SUCH FUND SHALL BE MADE IN ACCORDANCE WITH SECTION THREE
13 HUNDRED FIFTY-FIVE-D OF THE EDUCATION LAW.

14 2. (A) THE COMPTROLLER SHALL INVEST THE ASSETS OF THE FUND IN INVEST-
15 MENTS AUTHORIZED BY ARTICLE FOUR-A OF THE RETIREMENT AND SOCIAL SECURITY
16 LAW, PROVIDED HOWEVER, THAT:

17 (I) THE PROVISIONS OF PARAGRAPH (A) OF SUBDIVISION TWO OF SECTION ONE
18 HUNDRED SEVENTY-SEVEN OF THE RETIREMENT AND SOCIAL SECURITY LAW SHALL
19 NOT APPLY EXCEPT FOR SUBPARAGRAPH (II) OF SUCH PARAGRAPH; AND (II)
20 NOTWITHSTANDING THE PROVISIONS OF SUBDIVISION SEVEN OF SECTION ONE
21 HUNDRED SEVENTY-SEVEN OF THE RETIREMENT AND SOCIAL SECURITY LAW OR ANY
22 OTHER LAW TO THE CONTRARY, THE ASSETS OF THE FUND MAY BE INVESTED IN ANY
23 FUNDING AGREEMENT ISSUED IN ACCORDANCE WITH SECTION THREE THOUSAND TWO
24 HUNDRED TWENTY-TWO OF THE INSURANCE LAW BY A DOMESTIC LIFE INSURANCE
25 COMPANY OR A FOREIGN LIFE INSURANCE COMPANY DOING BUSINESS IN THIS
26 STATE, SUBJECT TO THE FOLLOWING:

27 (1) SUCH A FUNDING AGREEMENT MAY PROVIDE FOR A GUARANTEED MINIMUM RATE
28 OF RETURN;

29 (2) SUCH A FUNDING AGREEMENT MAY BE ALLOCATED AS EITHER A SEPARATE
30 ACCOUNT OR A GENERAL ACCOUNT OF THE ISSUER, AS THE COMPTROLLER MAY
31 DECIDE;

32 (3) TOTAL INVESTMENTS OF THE FUND PURSUANT TO THIS PARAGRAPH IN ANY
33 FUNDING AGREEMENTS ISSUED BY A SINGLE LIFE INSURANCE COMPANY WHICH ARE
34 ALLOCATED AS A GENERAL ACCOUNT OF THE ISSUER SHALL NOT, IN THE AGGRE-
35 GATE, EXCEED THREE HUNDRED FIFTY MILLION DOLLARS; AND

36 (4) NO ASSETS OF THE FUND SHALL BE INVESTED IN ANY SUCH FUNDING AGREE-
37 MENT UNLESS, AT THE TIME OF SUCH INVESTMENT, THE GENERAL OBLIGATIONS OR
38 FINANCIAL STRENGTH OF THE ISSUER HAVE RECEIVED EITHER THE HIGHEST OR
39 SECOND HIGHEST RATING BY TWO NATIONALLY RECOGNIZED RATING SERVICES OR BY
40 ONE NATIONALLY RECOGNIZED RATING SERVICE IN THE EVENT THAT ONLY ONE SUCH
41 SERVICE RATES SUCH OBLIGATIONS.

42 (B) FUND ASSETS SHALL BE KEPT SEPARATE AND SHALL NOT BE COMMINGLED
43 WITH OTHER ASSETS. THE COMPTROLLER MAY ENTER INTO CONTRACTS TO PROVIDE
44 FOR INVESTMENT ADVICE AND MANAGEMENT, CUSTODIAL SERVICES AND OTHER
45 PROFESSIONAL SERVICES FOR THE ADMINISTRATION AND INVESTMENT OF THE PLAN.
46 ADMINISTRATIVE FEES, COSTS AND EXPENSES, INCLUDING INVESTMENT FEES AND
47 EXPENSES, SHALL BE PAID FROM THE ASSETS OF THE FUND.

48 3. THE COMPTROLLER SHALL PROVIDE FOR THE ADMINISTRATION OF THE TRUST
49 FUND, INCLUDING MAINTAINING PARTICIPANT RECORDS AND ACCOUNTS, AND
50 PROVIDING ANNUAL AUDITED REPORTS. THE COMPTROLLER MAY ENTER INTO
51 CONTRACTS TO PROVIDE ADMINISTRATIVE SERVICES AND REPORTING.

52 S 3. Section 5205 of the civil practice law and rules is amended by
53 adding a new subdivision (p) to read as follows:

54 (P) EXEMPTION FOR NEW YORK STATE PRE-PAID TUITION PLAN MONIES. MONIES
55 IN AN ACCOUNT CREATED PURSUANT TO SECTION THREE HUNDRED FIFTY-FIVE-D OF

1 THE EDUCATION LAW ARE EXEMPT FROM APPLICATION TO THE SATISFACTION OF A
2 MONEY JUDGMENT AS FOLLOWS:

3 1. ONE HUNDRED PERCENT OF MONIES IN AN ACCOUNT IN CONNECTION WITH A
4 PRE-PAID TUITION PLAN ESTABLISHED PURSUANT TO SUCH ARTICLE IS EXEMPT;
5 AND

6 2. ONE HUNDRED PERCENT OF MONIES IN AN ACCOUNT IS EXEMPT WHERE THE
7 JUDGMENT DEBTOR IS THE ACCOUNT OWNER OR DESIGNATED BENEFICIARY OF SUCH
8 ACCOUNT.

9 FOR THE PURPOSES OF THIS SUBDIVISION, THE TERMS "ACCOUNT OWNER" AND
10 "DESIGNATED BENEFICIARY" SHALL HAVE THE MEANINGS ASCRIBED TO THEM IN
11 ARTICLE FOURTEEN-A OF THE EDUCATION LAW.

12 S 4. Paragraph 34 of subsection (b) of section 612 of the tax law, as
13 amended by chapter 535 of the laws of 2000, subparagraph (B) as amended
14 by chapter 593 of the laws of 2003, is amended to read as follows:

15 (34) (A) Excess distributions received during the taxable year by a
16 distributee of a family tuition account established under the New York
17 state college choice tuition savings program provided for under article
18 fourteen-A of the education law, OR OF A PRE-PAID TUITION ACCOUNT ESTAB-
19 LISHED PURSUANT TO SECTION THREE HUNDRED FIFTY-FIVE-D OF THE EDUCATION
20 LAW, to the extent such excess distributions are deemed attributable to
21 deductible contributions under paragraph thirty-two of subsection (c) of
22 this section.

23 (B) (i) The term "excess distributions" means distributions which are
24 not

25 (I) qualified withdrawals within the meaning of subdivision nine of
26 section six hundred ninety-five-b OR PARAGRAPH L OF SUBDIVISION ONE OF
27 SECTION THREE HUNDRED FIFTY-FIVE-D of the education law;

28 (II) withdrawals made as a result of the death or disability of the
29 designated beneficiary within the meaning of subdivision ten of section
30 six hundred ninety-five-b OR PARAGRAPH I OF SUBDIVISION ONE OF SECTION
31 THREE HUNDRED FIFTY-FIVE-D of such law; or

32 (III) transfers described in paragraph b of subdivision six of section
33 six hundred ninety-five-e of such law.

34 (ii) Excess distributions shall be deemed attributable to deductible
35 contributions to the extent the amount of any such excess distribution,
36 when added to all previous excess distributions from the account,
37 exceeds the aggregate of all nondeductible contributions to the account.

38 S 5. Paragraphs 32 and 33 of subsection (c) of section 612 of the tax
39 law, paragraph 32 as amended by chapter 81 of the laws of 2008 and para-
40 graph 33 as added by chapter 546 of the laws of 1997, are amended to
41 read as follows:

42 (32) Contributions made during the taxable year by an account owner to
43 one or more family tuition accounts established under the New York state
44 college choice tuition savings program provided for under article four-
45 teen-A, OR TO A PRE-PAID TUITION ACCOUNT PURSUANT TO SECTION THREE
46 HUNDRED FIFTY-FIVE-D of the education law, to the extent not deductible
47 or eligible for credit for federal income tax purposes, provided, howev-
48 er, the exclusion provided for in this paragraph shall not exceed five
49 thousand dollars for an individual or head of household, and for married
50 couples who file joint tax returns, shall not exceed ten thousand
51 dollars; provided, further, that such exclusion shall be available only
52 to the account owner and not to any other person.

53 (33) Distributions from a family tuition account established under the
54 New York state college choice tuition savings program provided for under
55 article fourteen-A, OR FROM A PRE-PAID TUITION ACCOUNT PURSUANT TO

SECTION THREE HUNDRED FIFTY-FIVE-D of the education law, to the extent includible in gross income for federal income tax purposes.
S 6. This act shall take effect immediately and shall apply to taxable years commencing after December 31, 2016.

PART NN

Section 1. Legislative intent. The legislature declares that the purpose of this act is to clearly provide in statute for insurers to offer and for homeowners, condominium owners, cooperative apartment owners, and renters to obtain a financial incentive if they complete a course of instruction on how to make their residence more resilient to a natural disaster, reduce the potential loss of life or property damage that could result from a natural disaster, reduce the risk of fire, theft, burglary, personal injury or property damage, and raise their awareness of natural disaster preparedness by offering property/casualty insurance premium reductions.

S 2. The section heading of section 2346 of the insurance law, as amended by chapter 637 of the laws of 1993, is amended and a new subsection 5 is added to read as follows:

Reduction in rates of fire insurance [or], homeowners insurance OR PROPERTY/CASUALTY premiums for residential property.

5. (A) DEFINITIONS. FOR THE PURPOSES OF THIS SUBSECTION, THE FOLLOWING TERMS SHALL HAVE THE FOLLOWING MEANINGS:

(1) "COMPLETION CERTIFICATE" MEANS A DOCUMENT WHICH CANNOT BE ALTERED AND WHICH IS PROVIDED TO A PERSON WHO SUCCESSFULLY COMPLETES A HOMEOWNER NATURAL DISASTER PREPAREDNESS, HOME SAFETY AND LOSS PREVENTION COURSE.

(2) "NATURAL DISASTER" MEANS THE OCCURRENCE OR IMMINENT THREAT OF WIDESPREAD CATASTROPHIC OR SEVERE DAMAGE, INJURY, OR LOSS OF LIFE OR PROPERTY RESULTING FROM ANY NATURAL CAUSE INCLUDING, BUT NOT LIMITED TO, FIRE, FLOOD, EARTHQUAKE, HURRICANE, TORNADO, HIGH WATER, LANDSLIDE, MUDSLIDE, WIND, STORM, WAVE ACTION, ICE STORM, EPIDEMIC, AIR CONTAMINATION, BLIGHT, DROUGHT, INFESTATION, EXPLOSION, WATER CONTAMINATION, BRIDGE FAILURE, OR BRIDGE COLLAPSE.

(3) "HOMEOWNER NATURAL DISASTER PREPAREDNESS, HOME SAFETY AND LOSS PREVENTION COURSE" MEANS A NATURAL DISASTER PREPAREDNESS, HOME SAFETY AND LOSS PREVENTION COURSE THAT HAS BEEN SUBMITTED TO THE SUPERINTENDENT FOR APPROVAL BY AN APPLICANT, AND WHICH HAS BEEN APPROVED BY THE SUPERINTENDENT, PURSUANT TO PARAGRAPH (D) OF THIS SUBSECTION. SUCH COURSE SHALL PROVIDE USEFUL INFORMATION TO PARTICIPANTS ON ITEMS INCLUDING, BUT NOT LIMITED TO: COURSES OF ACTION THAT CAN BE TAKEN BEFORE, DURING AND AFTER THE OCCURRENCE OF A NATURAL DISASTER, STRATEGIES TO REDUCE RISK EXPOSURE TO INSURED RESIDENTIAL PROPERTY OWNERS AND RENTERS, AND INFORMATION ABOUT THE INSTALLATION OF EQUIPMENT, DEVICES OR OTHER CAPITAL IMPROVEMENTS TO REAL PROPERTY WHICH CAN HELP TO ELIMINATE OR MITIGATE DAMAGE TO REAL OR PERSONAL PROPERTY, PERSONAL INJURY OR THE LOSS OF LIFE CAUSED BY A NATURAL DISASTER OR OTHER INSURABLE EVENT OR OCCURRENCE OF A FIRE, THEFT, BURGLARY, PERSONAL INJURY OR PROPERTY DAMAGE.

(4) "APPLICANT" MEANS AN INSURER, OR ANY OTHER PERSON, AGENCY OR ORGANIZATION WHICH SUBMITS A PROPOSED HOMEOWNER NATURAL DISASTER PREPAREDNESS, HOME SAFETY AND LOSS PREVENTION COURSE TO THE SUPERINTENDENT FOR APPROVAL PURSUANT TO PARAGRAPH (D) OF THIS SUBSECTION, AND WHO OR WHICH IS PREPARED AND ABLE TO OFFER SUCH COURSE TO INSURED UPON THE APPROVAL THEREOF.

(B) THE SUPERINTENDENT MAY PROVIDE FOR AN ACTUARIALLY APPROPRIATE REDUCTION FOR A PERIOD OF THREE YEARS IN RATES OF HOMEOWNER'S INSURANCE

AND PROPERTY/CASUALTY INSURANCE PREMIUMS APPLICABLE TO RESIDENTIAL REAL PROPERTY FOR EACH TRIENNIAL COMPLETION OF A HOMEOWNER NATURAL DISASTER PREPAREDNESS, HOME SAFETY AND LOSS PREVENTION COURSE BY THE INSURED OCCUPANT OF SUCH RESIDENTIAL REAL PROPERTY. IN ADDITION, THE SUPERINTENDENT MAY ALSO PROVIDE FOR ACTUARIALLY APPROPRIATE REDUCTIONS IN SUCH RATES FOR THE INSTALLATION OF EQUIPMENT, DEVICES OR OTHER CAPITAL IMPROVEMENTS TO REAL PROPERTY WHICH CAN HELP TO ELIMINATE OR MITIGATE NATURAL DISASTER DAMAGE, IMPROVE HOME SAFETY OR PREVENT OTHER LOSSES.

(C) AN INSURER, UPON APPROVAL OF THE SUPERINTENDENT, MAY UPON SUBMISSION OF A COMPLETION CERTIFICATE BY AN INSURED, PROVIDE AN ACTUARIALLY APPROPRIATE REDUCTION, FOR A PERIOD OF THREE YEARS, OF THE PREMIUM FOR SUCH INSURED'S HOMEOWNER'S INSURANCE OR PROPERTY/CASUALTY INSURANCE ON THE RESIDENTIAL REAL PROPERTY WHICH IS THE INSURED'S PLACE OF RESIDENCE.

(D) THE SUPERINTENDENT MAY ESTABLISH, BY RULE OR OTHERWISE, STANDARDS OR GUIDELINES TO BE USED BY THE SUPERINTENDENT FOR APPROVAL OF THE PROPOSED HOMEOWNER NATURAL DISASTER PREPAREDNESS, HOME SAFETY AND LOSS PREVENTION COURSES. EVERY SUCH COURSE SUBMITTED BY AN APPLICANT TO THE SUPERINTENDENT FOR APPROVAL MUST BE REVIEWED AND SHALL BE SUBJECT TO APPROVAL BY THE SUPERINTENDENT.

S 3. This act shall take effect on the first of January next succeeding the date on which it shall have become a law; provided, however, that effective immediately, any actions necessary to be taken for the implementation of the provisions of this act on its effective date are authorized and directed to be completed on or before such effective date.

PART 00

Section 1. Subparagraph (ii) of paragraph a of subdivision 3 of section 667 of the education law, as amended by section 1 of part B of chapter 60 of the laws of 2000, is amended to read as follows:

(ii) Except for students as noted in subparagraph (iii) of this paragraph, the base amount as determined from subparagraph (i) of this paragraph, shall be reduced in relation to income as follows:

FOR THE 2016-2017 ACADEMIC YEAR:

Amount of income	Schedule of reduction of base amount
(A) Less than seven thousand dollars	None
(B) Seven thousand dollars or more, but less than eleven thousand dollars	Seven per centum of excess over seven thousand dollars
(C) Eleven thousand dollars or more, but less than eighteen thousand dollars	Two hundred eighty dollars plus [ten] NINE per centum of excess over eleven thousand dollars
(D) Eighteen thousand dollars or more, but not more than [eighty] ONE HUNDRED thousand dollars	Nine hundred eighty dollars plus [twelve] TEN per centum of excess over eighteen thousand dollars

FOR THE 2017-2018 ACADEMIC YEAR:

1	AMOUNT OF INCOME	SCHEDULE OF REDUCTION
2		OF BASE AMOUNT
3	(A) LESS THAN TEN THOUSAND	NONE
4	DOLLARS	
5	(B) TEN THOUSAND DOLLARS OR	3.19 PERCENT
6	MORE BUT LESS THAN FIFTEEN	
7	THOUSAND DOLLARS	
8	(C) FIFTEEN THOUSAND DOLLARS	12.88 PERCENT
9	OR MORE BUT LESS THAN	
10	TWENTY THOUSAND DOLLARS	
11	(D) TWENTY THOUSAND DOLLARS	22.56 PERCENT
12	OR MORE BUT LESS THAN	
13	TWENTY-FIVE THOUSAND	
14	DOLLARS	
15	(E) TWENTY-FIVE THOUSAND	32.24 PERCENT
16	DOLLARS OR MORE BUT	
17	LESS THAN THIRTY THOUSAND	
18	DOLLARS	
19	(F) THIRTY THOUSAND DOLLARS	41.92 PERCENT
20	OR MORE BUT LESS THAN	
21	THIRTY-FIVE THOUSAND DOLLARS	
22	(G) THIRTY-FIVE THOUSAND DOLLARS	51.60 PERCENT
23	OR MORE BUT LESS THAN	
24	FORTY THOUSAND DOLLARS	
25	(H) FORTY THOUSAND DOLLARS OR	61.28 PERCENT
26	MORE BUT LESS THAN FORTY-FIVE	
27	THOUSAND DOLLARS	
28	(I) FORTY-FIVE THOUSAND DOLLARS	70.96 PERCENT
29	OR MORE BUT LESS THAN	
30	FIFTY THOUSAND DOLLARS	
31	(J) FIFTY THOUSAND DOLLARS OR	80.64 PERCENT
32	MORE BUT LESS THAN ONE HUNDRED	
33	THOUSAND DOLLARS	

34 S 2. This act shall take effect immediately and shall apply to all
 35 awards commencing with the 2016-2017 academic year.

36 PART PP

37 Section 1. Subparagraph 1 of paragraph b of subdivision 1 of section
 38 156 of the public housing law, as amended by chapter 179 of the laws of
 39 2006, is amended to read as follows:

40 (1) have served in the armed forces of the United States for a period
 41 of at least six months (or any shorter period which terminated due to
 42 death or injury incurred in such service), provided some portion of the
 43 period of service was between the twenty-eighth day of February, nine-
 44 teen hundred sixty-one to the seventh day of May, nineteen hundred
 45 seventy-five, OR BETWEEN THE FOURTEENTH DAY OF SEPTEMBER, TWO THOUSAND
 46 ONE TO THE THIRTY-FIRST DAY OF DECEMBER, TWO THOUSAND SEVENTEEN, and

47 S 2. Section 156 of the public housing law is amended by adding a new
 48 subdivision 8 to read as follows:

49 8. AN AUTHORITY SHALL GRANT A PREFERENCE IN THE SELECTION OF TENANTS
 50 TO VETERANS OR FAMILIES OF VETERANS WHO HAVE A MILITARY SERVICE
 51 CONNECTED DISABILITY PROVIDED THAT SUCH VETERANS OR FAMILIES OF VETERANS
 52 OTHERWISE QUALIFY FOR OCCUPANCY IN SUCH AN AUTHORITY'S PROJECTS AND
 53 PROVIDED FURTHER THAT SUCH AUTHORITY HAS COMPLIED WITH THE PROVISIONS OF

1 SECTION 960.206 OF TITLE 24 OF THE CODE OF FEDERAL REGULATIONS RELATING
2 TO SUCH PREFERENCES.

3 S 3. This act shall take effect on the one hundred twentieth day after
4 it shall have become a law.

5 PART QQ

6 Section 1. Paragraph (e) of subdivision 3 of section 402-b of the
7 public housing law, as added by chapter 3 of the laws of 2010, is
8 amended to read as follows:

9 (e) All prospective public housing and Section 8 tenants shall be
10 selected from a waiting list which shall be maintained by the New York
11 city housing authority in compliance with the federal public housing and
12 Section 8 laws and all applicable rules and regulations. The New York
13 city housing authority and each respective project owner shall screen
14 tenants and jointly have final approval over tenant selection all in
15 accordance with aforementioned laws, rules and regulations. All prospec-
16 tive public housing tenants shall be taken from the waiting list in the
17 order in which they applied for the size appropriate unit, subject
18 however to preferences and priorities provided for in [the public hous-
19 ing law] THIS CHAPTER and all applicable rules and regulations;
20 PROVIDED, HOWEVER THAT, ANY PRIORITY OR PREFERENCE OFFERED TO APPLICANTS
21 BASED ON THEIR RESIDENCE IN A CITY OWNED, OPERATED OR CONTRACTED HOME-
22 LESS SHELTER MUST ALSO BE OFFERED EQUITABLY AND EVENLY TO APPLICANTS
23 RESIDING IN A CITY OWNED, OPERATED OR CONTRACTED DOMESTIC VIOLENCE SHEL-
24 TER OR IN A DOMESTIC VIOLENCE SHELTER LICENSED BY THE OFFICE OF CHILDREN
25 AND FAMILY SERVICES.

26 S 2. This act shall take effect immediately.

27 PART RR

28 Section 1. Subparagraph (i) of paragraph (b) of subdivision 17 of
29 section 489 of the real property tax law, as added by chapter 4 of the
30 laws of 2013, is amended to read as follows:

31 (i) except as otherwise provided in this section with respect to
32 multiple dwellings, buildings and structures owned and operated either
33 by limited-profit housing companies established pursuant to article two
34 of the private housing finance law or redevelopment companies estab-
35 lished pursuant to article five of the private housing finance law, or
36 with respect to a group of multiple dwellings that was developed as a
37 planned community and that is owned as two separate condominiums
38 containing a total of ten thousand or more dwelling units, any multiple
39 dwelling, building or structure that is owned as a cooperative or a
40 condominium that has an average assessed value of [thirty] FIFTY thou-
41 sand dollars, ADJUSTED ANNUALLY AFTER JANUARY FIRST, TWO THOUSAND EIGH-
42 TEEN BY THE MOST RECENT COST-OF-LIVING ADJUSTMENT PERCENTAGE USED BY THE
43 UNITED STATES COMMISSIONER OF SOCIAL SECURITY TO DETERMINE THE MONTHLY
44 SOCIAL SECURITY BENEFITS PAYABLE TO INDIVIDUALS, AS PROVIDED BY
45 SUBSECTION (I) OF SECTION FOUR HUNDRED FIFTEEN OF TITLE FORTY-TWO OF THE
46 UNITED STATE CODE, or more per dwelling unit shall only be eligible for
47 such benefits if the alterations or improvements for which such multiple
48 dwelling, building or structure has applied for the benefits pursuant to
49 this section were carried out with substantial governmental assistance;
50 and

51 S 2. Subparagraph (ii) of paragraph 3 of subdivision d of section
52 11-243 of the administrative code of the city of New York, as amended by

1 local law number 49 of the city of New York for the year 1993, is
2 amended to read as follows:

3 (ii) is owned as a condominium and is occupied as the residence or
4 home of three or more families living independently of each other;
5 provided, however, that, in addition to all other conditions of eligi-
6 bility for the benefits of this section, except for multiple dwellings
7 in which units have been newly created by substantial rehabilitation of
8 vacant buildings or conversions of non-residential buildings, the avail-
9 ability of benefits under this section for such multiple dwellings,
10 buildings or structures shall be conditioned on the following: (a)
11 alterations or improvements to at least one building-wide system are
12 part of the application for benefits, and (b) (i) the assessed valuation
13 of such multiple dwelling, building, or structure, including land, shall
14 not exceed an average of [thirty] FIFTY thousand dollars, ADJUSTED ANNU-
15 ALLY AFTER JANUARY FIRST, TWO THOUSAND EIGHTEEN BY THE MOST RECENT
16 COST-OF-LIVING ADJUSTMENT PERCENTAGE USED BY THE UNITED STATES COMMIS-
17 SIONER OF SOCIAL SECURITY TO DETERMINE THE MONTHLY SOCIAL SECURITY BENE-
18 FITS PAYABLE TO INDIVIDUALS, AS PROVIDED BY SUBSECTION (I) OF SECTION
19 FOUR HUNDRED FIFTEEN OF TITLE FORTY-TWO OF THE UNITED STATE CODE, per
20 dwelling unit at the time of the commencement of the alterations or
21 improvements, and (ii) during the three years immediately preceding the
22 commencement of the alterations or improvements the average per room
23 sale price of the dwelling units or the stock allocated to such dwelling
24 units shall have been no greater than thirty-five percent of the maximum
25 mortgage amount for a single family home eligible for purchase by the
26 Federal National Mortgage Association; provided that if less than ten
27 percent of the dwelling units or an amount of stock less than the amount
28 allocable to ten percent of such dwelling units was not transferred
29 during such preceding three year period, eligibility for benefits shall
30 be conditioned upon the multiple dwelling, building, or structure having
31 an assessed valuation per dwelling unit of no more than twenty-five
32 thousand dollars at the time of the commencement of the alterations or
33 improvements. Provided, further, that such benefits shall be available
34 only for alterations or improvements commenced on or after June first,
35 nineteen hundred eighty-six.

36 S 3. The opening paragraph of paragraph (a) of subdivision 1 of
37 section 489 of the real property tax law, as amended by section 19 of
38 part A of chapter 20 of the laws of 2015, is amended to read as follows:

39 Any city to which the multiple dwelling law is applicable, acting
40 through its local legislative body or other governing agency, is hereby
41 authorized and empowered, to and including January first, two thousand
42 [nineteen] TWENTY, to adopt and amend local laws or ordinances providing
43 that any increase in assessed valuation of real property shall be exempt
44 from taxation for local purposes, as provided herein, to the extent such
45 increase results from:

46 S 4. The closing paragraph of subparagraph 6 of paragraph (a) of
47 subdivision 1 of section 489 of the real property tax law, as amended by
48 section 20 of part A of chapter 20 of the laws of 2015, is amended to
49 read as follows:

50 Such conversion, alterations or improvements shall be completed within
51 thirty months after the date on which same shall be started except that
52 such thirty month limitation shall not apply to conversions of residen-
53 tial units which are registered with the loft board in accordance with
54 article seven-C of the multiple dwelling law pursuant to subparagraph
55 one of this paragraph. Notwithstanding the foregoing, a sixty month
56 period for completion shall be available for alterations or improvements

1 undertaken by a housing development fund company organized pursuant to
2 article eleven of the private housing finance law, which are carried out
3 with the substantial assistance of grants, loans or subsidies from any
4 federal, state or local governmental agency or instrumentality or which
5 are carried out in a property transferred from such city if alterations
6 and improvements are completed within seven years after the date of
7 transfer. In addition, the local housing agency is hereby empowered to
8 grant an extension of the period of completion for any project carried
9 out with the substantial assistance of grants, loans or subsidies from
10 any federal, state or local governmental agency or instrumentality, if
11 such alterations or improvements are completed within sixty months from
12 commencement of construction. Provided, further, that such conversion,
13 alterations or improvements shall in any event be completed prior to
14 June thirtieth, two thousand [nineteen] TWENTY. Exemption for conver-
15 sions, alterations or improvements pursuant to subparagraph one, two,
16 three or four of this paragraph shall continue for a period not to
17 exceed fourteen years and begin no sooner than the first quarterly tax
18 bill immediately following the completion of such conversion, alter-
19 ations or improvements. Exemption for alterations or improvements pursu-
20 ant to this subparagraph or subparagraph five of this paragraph shall
21 continue for a period not to exceed thirty-four years and shall begin no
22 sooner than the first quarterly tax bill immediately following the
23 completion of such alterations or improvements. Such exemption shall be
24 equal to the increase in the valuation which is subject to exemption in
25 full or proportionally under this subdivision for ten or thirty years,
26 whichever is applicable. After such period of time, the amount of such
27 exempted assessed valuation of such improvements shall be reduced by
28 twenty percent in each succeeding year until the assessed value of the
29 improvements are fully taxable. Provided, however, exemption for any
30 conversion, alterations or improvements which are aided by a loan or
31 grant under article eight, eight-A, eleven, twelve, fifteen or twenty-
32 two of the private housing finance law, section six hundred ninety-six-a
33 or section ninety-nine-h of the general municipal law, or section three
34 hundred twelve of the housing act of nineteen hundred sixty-four (42
35 U.S.C.A. 1452b), or the Cranston-Gonzalez national affordable housing
36 act (42 U.S.C.A. 12701 et. seq.), or started after July first, nineteen
37 hundred eighty-three by a housing development fund company organized
38 pursuant to article eleven of the private housing finance law which are
39 carried out with the substantial assistance of grants, loans or subsi-
40 dies from any federal, state or local governmental agency or instrumen-
41 tality or which are carried out in a property transferred from any city
42 and where alterations and improvements are completed within seven years
43 after the date of transfer may commence at the beginning of any tax
44 quarter subsequent to the start of such conversion, alterations or
45 improvements and prior to the completion of such conversion, alterations
46 or improvements.

47 S 5. This act shall take effect immediately.

48 PART SS

49 Section 1. The administrative code of the city of New York is amended
50 by adding a new section 25-111-a to read as follows:

51 S 25-111-A CITY PLANNING COMMISSION TO REGULATE THE LOCATION AND
52 CONTINUED OPERATION OF SUPPORTIVE HOUSING FACILITIES AND SOCIAL SERVICES
53 CENTERS. A. THE CITY PLANNING COMMISSION SHALL REGULATE AND MAY RESTRICT
54 THE LOCATION OF SUPPORTIVE HOUSING FACILITIES AND SOCIAL SERVICES

1 CENTERS, AND SET THE CONDITIONS FOR THE RENEWAL OF LEASES OR PLANS OF
2 OPERATION FOR SUCH FACILITIES AND CENTERS. ADDITIONALLY, UPON PASSAGE
3 AND FILING WITH SUCH COMMISSION OF A RESOLUTION BY THE COMMUNITY BOARD
4 IN WHICH A FACILITY OR CENTER IS LOCATED, THE CITY PLANNING COMMISSION
5 MAY SET THE CONDITIONS FOR THE RENEWAL OF A LEASE OR PLAN OF OPERATION
6 OF SUCH FACILITY OR CENTER.

7 B. FOR THE PURPOSES OF THIS SECTION, "SUPPORTIVE HOUSING FACILITY OR
8 SOCIAL SERVICES CENTER" MEANS A MULTIPLE RESIDENCE OR CENTER OPERATED BY
9 THE STATE, THE CITY, OR A NOT-FOR-PROFIT ORGANIZATION, WHICH PROVIDES
10 HOUSING ACCOMMODATIONS AND SUPPORT SERVICES TO TEN OR MORE RESIDENTS OR
11 FIFTY OR MORE NON-RESIDENT CLIENTS PER DAY WHO HAVE MENTAL ILLNESS,
12 TRAUMA, ABUSE, CHEMICAL DEPENDENCY AND/OR CHRONIC ILLNESS; AND SHELTERS
13 FOR THE HOMELESS, OR ABUSED WOMEN AND CHILDREN.

14 C. THE CITY PLANNING COMMISSION SHALL NOT AUTHORIZE THE ESTABLISHMENT
15 OR LOCATION, OR, UPON PASSAGE AND FILING WITH SUCH COMMISSION OF A
16 RESOLUTION BY THE COMMUNITY BOARD OF THE LOCALITY IN WHICH A FACILITY OR
17 CENTER IS LOCATED, THE RENEWAL OF THE LEASE OR A CONTRACT TO FINANCE THE
18 OPERATION, OF A SUPPORTIVE HOUSING FACILITY OR SOCIAL SERVICES CENTER
19 UNTIL THE PROVISIONS OF THIS SECTION HAVE BEEN COMPLIED WITH.

20 D. NO SUPPORTIVE HOUSING FACILITY OR SOCIAL SERVICES CENTER SHALL BE
21 ESTABLISHED OR LOCATED IN THE CITY, NOR, PURSUANT TO SUBDIVISION H OF
22 THIS SECTION, SHALL THE LEASE FOR OR A CONTRACT TO FINANCE THE OPERATION
23 OF SUCH A FACILITY OR CENTER BE RENEWED, UNTIL THE OPERATOR THEREOF
24 SHALL HAVE FILED NOTICE OF SUCH PROPOSED OR EXISTING SUPPORTIVE HOUSING
25 FACILITY OR SOCIAL SERVICES CENTER WITH THE CITY PLANNING COMMISSION AND
26 THE COMMUNITY BOARD OF THE LOCALITY IN WHICH SUCH FACILITY OR CENTER IS
27 PROPOSED TO BE LOCATED OR IS LOCATED. SUCH NOTICE SHALL CONTAIN A
28 DESCRIPTION OF THE SCOPE, NATURE, SIZE AND KINDS OF TREATMENT PROGRAMS
29 TO BE PROVIDED, THE SPECIFIC ADDRESS OF THE FACILITY OR CENTER, THE
30 NUMBER OF ANTICIPATED RESIDENTS OR CLIENTS, THE ENTITIES THAT FINANCE
31 ITS ESTABLISHMENT OR OPERATIONS, AND THE AMOUNT OF FINANCING ISSUED TO
32 ESTABLISH AND OPERATE SUCH FACILITY OR CENTER STATED AS BOTH A SPECIFIC
33 DOLLAR AMOUNT AND AS A PERCENTAGE OF THE TOTAL AMOUNT OF ALL MONEYS USED
34 TO ESTABLISH AND OPERATE SUCH FACILITY OR CENTER.

35 E. NOT LESS THAN FORTY-FIVE DAYS NOR MORE THAN NINETY DAYS AFTER AN
36 OPERATOR'S NOTICE PURSUANT TO SUBDIVISION D OF THIS SECTION, THE CITY
37 PLANNING COMMISSION SHALL HOLD A PUBLIC COMMUNITY FORUM FOR THE PURPOSE
38 OF OBTAINING PUBLIC AND COMMUNITY BOARD INPUT CONCERNING THE ANTICIPATED
39 IMPACT OF THE PROPOSED SUPPORTIVE HOUSING FACILITY OR SOCIAL SERVICES
40 CENTER, OR THE CONTINUED OPERATION OF SUCH FACILITY OR CENTER UPON
41 RENEWAL OF THE LEASE OR CONTRACT TO FINANCE ITS OPERATION, UPON THE
42 COMMUNITY AND IF THERE IS AN OVER CONCENTRATION OF SUCH FACILITIES AND
43 CENTERS IN THE AFFECTED COMMUNITY. SUCH IMPACT MAY INCLUDE AND RELATE
44 TO ANY POTENTIAL ADVERSE EFFECT UPON THE COMMUNITY CAUSED BY SUCH FACIL-
45 ITY OR CENTER BEFORE, DURING OR AFTER ITS ESTABLISHMENT OR RENEWAL, AND
46 THE OVER CONCENTRATION OF SUCH FACILITIES AND CENTERS WITHIN SUCH LOCAL
47 COMMUNITY. THE CITY PLANNING COMMISSION SHALL AFFORD COMMUNITY MEMBERS,
48 REPRESENTATIVES OF THE LOCAL COMMUNITY BOARD, LOCAL BUSINESSES AND RESI-
49 DENTS A REASONABLE OPPORTUNITY TO SPEAK ABOUT RELEVANT MATTERS AT SUCH
50 COMMUNITY FORUM AND MEASURES THAT MAY HELP TO MITIGATE AGAINST ANY
51 ANTICIPATED OR PAST ADVERSE IMPACTS UPON SUCH COMMUNITY. EVERY SUCH
52 FORUM SHALL BE HELD UPON NOT LESS THAN TWENTY DAYS NOTICE TO THE
53 AFFECTED COMMUNITY AND THE LOCAL COMMUNITY BOARD.

54 F. THE CITY PLANNING COMMISSION SHALL, PRIOR TO ESTABLISHING THE DATE,
55 TIME AND LOCATION OF THE PUBLIC COMMUNITY FORUM, CONSULT WITH AND OBTAIN
56 THE ADVICE AND CONSENT OF THE APPROPRIATE COMMUNITY BOARD AS TO ESTAB-

LISHING A CONVENIENT DATE, TIME AND LOCATION TO CONDUCT THE FORUM FOR THE LOCALLY IMPACTED COMMUNITY. SUCH FORUM LOCATION SHALL BE WITHIN REASONABLE PROXIMITY OF THE PROPOSED SUPPORTIVE HOUSING FACILITY OR SOCIAL SERVICES CENTER, AND IN SUITABLE FACILITIES THAT PROVIDE ADEQUATE ROOM AND ACCESS TO HEAR PUBLIC COMMENTS PRESENTED.

G. NOT LESS THAN SIXTY DAYS, NOR MORE THAN NINETY DAYS, AFTER HOLDING A COMMUNITY FORUM THE CITY PLANNING COMMISSION SHALL, AFTER DUE CONSIDERATION OF THE COMMENTS AT SUCH FORUM, EITHER APPROVE, MODIFY OR DENY AUTHORIZATION OR REAUTHORIZATION FOR THE LOCATION, ESTABLISHMENT OR CONTINUED OPERATION OF THE SUPPORTIVE HOUSING FACILITY OR SOCIAL SERVICES CENTER, OR SUGGEST AN ALTERNATIVE LOCATION FOR SUCH FACILITY OR CENTER. IF SUCH APPLICATION IS APPROVED OR MODIFIED UPON APPROVAL, THE COMMUNITY BOARD SHALL OBTAIN SUCH DECISION AND THE LENGTH OF TIME SUCH FACILITY OR CENTER IS AUTHORIZED TO REMAIN IN OPERATION. SHOULD SUCH APPLICATION BE DENIED, THE SPONSOR OF SUCH APPLICATION SHALL BE PRECLUDED FROM REAPPLYING FOR APPROVAL OF THE LOCATION, ESTABLISHMENT OR OPERATION OF SUCH FACILITY OR CENTER, OR ANY SIMILAR TYPE FACILITY OR CENTER, FOR A PERIOD OF TWO YEARS FROM THE DATE OF SUCH DENIAL.

H. THE PROVISIONS OF SUBDIVISIONS D, E, F AND G OF THIS SECTION SHALL ONLY APPLY TO APPLICATIONS FOR THE CONTINUED OPERATION OF A SUPPORTIVE HOUSING FACILITY OR SOCIAL SERVICES CENTER PURSUANT TO THIS SECTION IF THE COMMUNITY BOARD OF THE LOCALITY IN WHICH A FACILITY OR CENTER IS LOCATED PASSES AND FILES WITH SUCH COMMISSION A RESOLUTION REQUESTING A HEARING ON SUCH RENEWAL AT LEAST ONE HUNDRED EIGHTY DAYS PRIOR TO THE EXPIRATION OF THE EXISTING LEASE OR CONTRACT. UPON PASSAGE AND FILING OF SUCH A RESOLUTION, NO SUCH FACILITY OR CENTER SHALL CONTINUE TO OPERATE UNTIL SUCH PROVISIONS OF THIS SECTION SHALL BE COMPLIED WITH.

S 2. This act shall take effect on the sixtieth day after it shall have become a law.

PART TT

Section 1. The social services law is amended by adding a new section 98 to read as follows:

S 98. SENIOR HEATING ASSISTANCE PROGRAM. 1. THE OFFICE OF TEMPORARY AND DISABILITY ASSISTANCE, SUBJECT TO APPROPRIATIONS, SHALL ESTABLISH AND OPERATE A SENIOR HEATING ASSISTANCE PROGRAM FOR ELIGIBLE RESIDENTS OF THE STATE WHO ARE SIXTY-FIVE YEARS OF AGE OR OLDER AND WHO DO NOT RECEIVE ASSISTANCE UNDER THE LOW-INCOME ENERGY ASSISTANCE PROGRAM AUTHORIZED PURSUANT TO SECTION NINETY-SEVEN OF THIS TITLE.

2. EACH SOCIAL SERVICES DISTRICT SHALL PARTICIPATE IN THE SENIOR HEATING ASSISTANCE PROGRAM TO ASSIST ELIGIBLE RESIDENTS FOUND IN SUCH DISTRICTS TO RECEIVE SUCH ASSISTANCE PURSUANT TO THIS SECTION. ONLY THOSE RESIDENTS SIXTY-FIVE YEARS OF AGE OR OLDER, WHO ARE NOT ELIGIBLE FOR OR ARE NOT RECEIVING ASSISTANCE UNDER THE LOW-INCOME ENERGY ASSISTANCE PROGRAM, AND HAVING AN ANNUAL HOUSEHOLD INCOME OF FIFTY-FIVE THOUSAND DOLLARS OR LESS FOR A SINGLE PERSON HOUSEHOLD OR HAVING AN ANNUAL HOUSEHOLD INCOME OF SEVENTY-FIVE THOUSAND DOLLARS OR LESS FOR A HOUSEHOLD OF TWO OR MORE PERSONS, SHALL BE CERTIFIED AS ELIGIBLE FOR AND ENTITLED TO RECEIVE SENIOR HEATING ASSISTANCE PURSUANT TO THIS SECTION.

3. NOTWITHSTANDING ANY PROVISION OF LAW TO THE CONTRARY, THE AMOUNT OF ANY SENIOR HEATING ASSISTANCE PAYMENTS OR ALLOWANCES PROVIDED TO AN ELIGIBLE RESIDENT SHALL NOT BE CONSIDERED HOUSEHOLD INCOME OR RESOURCES FOR ANY PURPOSE.

4. EXPENDITURES MADE BY A SOCIAL SERVICES DISTRICT PURSUANT TO THIS SECTION, INCLUDING THE COSTS OF ADMINISTRATION, SHALL BE SUBJECT TO ONE HUNDRED PERCENT REIMBURSEMENT BY THE STATE.

5. AN ELIGIBLE RESIDENT SHALL RECEIVE THE FOLLOWING ANNUAL BENEFITS, PAYABLE TO THE ELIGIBLE RESIDENT OR THE VENDOR OF THE HEATING FUEL:

(A) IF THE HOUSEHOLD SPENDS EIGHT HUNDRED SEVENTY-FIVE DOLLARS OR MORE ANNUALLY FOR OIL, KEROSENE OR PROPANE FOR HOUSEHOLD HEATING, THE BENEFIT SHALL BE FIVE HUNDRED SEVENTY-FIVE DOLLARS;

(B) IF THE HOUSEHOLD SPENDS EIGHT HUNDRED DOLLARS OR MORE ANNUALLY FOR WOOD, WOOD PELLET, COAL, CORN OR OTHER DELIVERABLE FUEL FOR HOUSEHOLD HEATING, THE BENEFIT SHALL BE FIVE HUNDRED DOLLARS; AND

(C) IF THE HOUSEHOLD SPENDS SIX HUNDRED FIFTY DOLLARS OR MORE ANNUALLY FOR ELECTRICITY OR NATURAL GAS FOR HOUSEHOLD HEATING, THE BENEFIT SHALL BE THREE HUNDRED FIFTY DOLLARS.

6. (A) IN ADDITION TO THE BENEFITS PAYABLE FOR HEATING EXPENSES PURSUANT TO SUBDIVISION FIVE OF THIS SECTION, THE SENIOR HEATING ASSISTANCE PROGRAM SHALL PROVIDE ASSISTANCE TO ELIGIBLE RESIDENCE FOR THE ONE-TIME PURCHASE AND INSTALLATION OF ENERGY STAR RATED WINDOW AIR CONDITIONING UNITS OR, IF THE INSTALLATION OF SUCH UNITS IS NOT FEASIBLE IN THE HOUSEHOLD, THE ONE-TIME PURCHASE AND INSTALLATION OF FANS.

(B) THE OFFICE OF TEMPORARY AND DISABILITY ASSISTANCE SHALL ESTABLISH A LIST OF HEATING, VENTILATION AND AIR CONDITIONING CONTRACTORS THROUGHOUT THE STATE WHO ARE QUALIFIED TO SELL AND INSTALL AIR CONDITIONING UNITS AND FANS PURSUANT TO THIS SUBDIVISION. EACH SUCH CONTRACTOR SHALL BE COMPETENT IN THE MAINTENANCE AND REPAIR OF AIR CONDITIONING UNITS AND SHALL BE RESPONSIBLE FOR THE REMOVAL, COVERING, STORAGE AND/OR REINSTALLATION OF AIR CONDITIONING UNITS AND FANS, AS NECESSARY, PROVIDED PURSUANT TO THIS SUBDIVISION.

(C) EACH HOUSEHOLD OF AN ELIGIBLE RESIDENT MAY RECEIVE A SINGLE AIR CONDITIONING UNIT OR FAN COSTING NOT MORE THAN EIGHT HUNDRED DOLLARS, INCLUDING THE INSTALLATION THEREOF. THE OFFICE OF TEMPORARY AND DISABILITY ASSISTANCE SHALL PAY THE FULL COST OF SUCH AIR CONDITIONING UNIT OR FAN PAYABLE TO THE ELIGIBLE RESIDENT OR THE QUALIFIED CONTRACTOR.

(D) ELIGIBLE RESIDENTS SHALL ONLY BE ENTITLED TO ASSISTANCE PURSUANT TO THIS SUBDIVISION IF THEY HAVE A DOCUMENTED MEDICAL CONDITION THAT IS EXACERBATED BY HEAT, MEET THE HOUSEHOLD INCOME REQUIREMENTS OF SUBDIVISION TWO OF THIS SECTION, DO NOT HAVE A WORKING AIR CONDITIONING UNIT OR HAS AN AIR CONDITIONING UNIT THAT IS FIVE YEARS OLD OR OLDER, HAS NOT RECEIVED AN AIR CONDITIONING UNIT PURSUANT TO THE PROVISIONS OF SECTION NINETY-SEVEN OF THIS TITLE WITHIN THE PREVIOUS TEN YEARS, AND HAS FILED AN APPLICATION THEREFOR WITH THE APPROPRIATE SOCIAL SERVICES DISTRICT IN ACCORDANCE WITH THE REQUIREMENTS ESTABLISHED BY THE DEPARTMENT.

7. THE COMMISSIONER OF TEMPORARY AND DISABILITY ASSISTANCE IS HEREBY AUTHORIZED TO PROMULGATE ANY RULES AND REGULATIONS NECESSARY TO IMPLEMENT THE PROVISIONS OF THIS SECTION.

S 2. This act shall take effect immediately, except that subdivision 6 of section 98 of the social services law, as added by section one of this act, shall take effect May 2, 2016.

PART UU

Section 1. Subdivision 2 of section 564 of the labor law is renumbered subdivision 3 and a new subdivision 2 is added to read as follows:

2. EXCLUSION FROM COVERAGE. THE TERM "EMPLOYMENT" SHALL NOT INCLUDE SERVICES RENDERED BY AN INDIVIDUAL WHO IS AN ALIEN ADMITTED TO THE UNITED STATES TO PERFORM AGRICULTURAL LABOR PURSUANT TO SECTIONS 214(C)

1 AND 101(A)(15)(H) OF THE FEDERAL IMMIGRATION AND NATIONALITY ACT IF, AT
2 THE TIME SUCH SERVICES ARE RENDERED, THEY ARE EXCLUDED FROM THE DEFINITION OF EMPLOYMENT IN SECTION 3306(C) OF THE FEDERAL UNEMPLOYMENT TAX
3 ACT.
4

5 S 2. This act shall take effect immediately.

6 S 2. Severability clause. If any clause, sentence, paragraph, subdivision,
7 sion, section or part of this act shall be adjudged by any court of
8 competent jurisdiction to be invalid, such judgment shall not affect,
9 impair, or invalidate the remainder thereof, but shall be confined in
10 its operation to the clause, sentence, paragraph, subdivision, section
11 or part thereof directly involved in the controversy in which such judgment shall have been rendered. It is hereby declared to be the intent of
12 the legislature that this act would have been enacted even if such
13 invalid provisions had not been included herein.
14

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