

STATE OF NEW YORK

S. 1506--C

A. 2006--C

SENATE - ASSEMBLY

January 18, 2019

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

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

AN ACT intentionally omitted (Part A); intentionally omitted (Part B); intentionally omitted (Part C); to amend the education law, in relation to residency requirements for the purpose of qualifying for certain scholarships and financial assistance for higher education; and to repeal certain provisions of the education law relating thereto (Part D); intentionally omitted (Part E); to amend the state finance law, in relation to the arts capital grants fund (Part F); to utilize reserves in the mortgage insurance fund for various housing purposes and for municipal relief to the city of Albany (Part G); to amend the social services law, in relation to the initial period of licensure or registration and required inspections, background clearances and training for child care providers; and to repeal certain provisions of such law relating thereto (Part H); to amend the social services law, in relation to federally required background clearances for persons working in residential foster care programs (Part I); to amend the social services law, in relation to residential programs for domestic violence victims; and repealing certain provisions of such law relating thereto (Part J); to amend the family court act, the social services law and the executive law, in relation to persons in need of supervision; and to repeal certain provisions of the family court act

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

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relating thereto (Part K); to amend the social services law, in relation to increasing the standards of monthly need for aged, blind and disabled persons living in the community (Part L); to amend part W of chapter 54 of the laws of 2016, amending the social services law relating to the powers and duties of the commissioner of social services relating to the appointment of a temporary operator, in relation to the effectiveness thereof (Part M); intentionally omitted (Part N); intentionally omitted (Part O); intentionally omitted (Part P); intentionally omitted (Part Q); intentionally omitted (Part R); intentionally omitted (Part S); to amend the executive law, in relation to preventing discrimination based on lawful source of income in housing (Part T); intentionally omitted (Part U); intentionally omitted (Part V); intentionally omitted (Part W); intentionally omitted (Part X); intentionally omitted (Part Y); intentionally omitted (Part Z); to amend the election law, the executive law, the state finance law, the labor law, the vehicle and traffic law, the environmental conservation law, the public health law, the general municipal law, the military law, the domestic relations law, the education law, the mental hygiene law, the elder law, the social services law, the not-for-profit corporation law, the real property tax law, the New York state defense emergency act, the administrative code of the city of New York, and the New York city charter, in relation to changing the name of the New York state division of veterans' affairs to the New York state division of veterans' services; and to amend the executive law, in relation to changing the name of the veterans' affairs commission to the veterans' services commission (Part AA); to amend the education law, in relation to the foster youth college success initiative eligibility requirements (Part BB); to amend the education law, in relation to authorizing the setting of a reduced rate of tuition at the state university of New York, the city university of New York and community colleges for certain students participating in dual or concurrent enrollment programs (Part CC); to amend the civil service law, in relation to providing that public employers, employee organizations, the state comptroller and the public employment relations board shall not be liable for and shall have a complete defense to certain claims relating to agency shop fee deductions (Part DD); and authorizing the state university of New York at Albany to lease or contract with certain tenants for the use of space in the Emerging Technology and Entrepreneurship Complex (Part EE)

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 2019-2020
3 state fiscal year. Each component is wholly contained within a Part
4 identified as Parts A through EE. 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,
7 including the effective date of the Part, which makes a reference to a
8 section "of this act", when used in connection with that particular
9 component, shall be deemed to mean and refer to the corresponding
10 section of the Part in which it is found. Section three of this act sets
11 forth the general effective date of this act.

1 PART A

2 Intentionally Omitted

3 PART B

4 Intentionally Omitted

5 PART C

6 Intentionally Omitted

7 PART D

8 Section 1. Section 609-a of the education law, as added by a chapter
9 of the laws of 2019, amending the education law constituting the Jose
10 Peralta New York state DREAM act, as proposed in legislative bill
11 numbers S. 1250 and A. 782, is REPEALED.

12 § 2. The opening paragraph of subparagraph (ii) of paragraph a of
13 subdivision 5 of section 661 of the education law, as added by a chapter
14 of the laws of 2019, amending the education law constituting the Jose
15 Peralta New York state DREAM act, as proposed in legislative bill
16 numbers S. 1250 and A. 782, is amended to read as follows:

17 An applicant who is not a legal resident of the state eligible pursu-
18 ant to subparagraph (i) of this paragraph, but is a United States citi-
19 zen, a permanent lawful resident, [~~a lawful non-immigrant alien~~] an
20 individual who is granted U or T non-immigrant status pursuant to the
21 Victims of Trafficking and Violence Protection Act of 2000, a person
22 granted temporary protected status pursuant to the Federal Immigration
23 Act of 1990, an individual of a class of refugees paroled by the attor-
24 ney general of the United States under his or her parole authority
25 pertaining to the admission of aliens to the United States, or an appli-
26 cant without lawful immigration status shall be eligible for an award at
27 the undergraduate level of study provided that the student:

28 § 3. The opening paragraph of subparagraph (ii) of paragraph b of
29 subdivision 5 of section 661 of the education law, as added by a chapter
30 of the laws of 2019, amending the education law constituting the Jose
31 Peralta New York state DREAM act, as proposed in legislative bill
32 numbers S. 1250 and A. 782, is amended to read as follows:

33 An applicant who is not a legal resident of the state eligible pursu-
34 ant to subparagraph (i) of this paragraph, but is a United States citi-
35 zen, a permanent lawful resident, [~~a lawful non-immigrant alien~~] an
36 individual who is granted U or T non-immigrant status pursuant to the
37 Victims of Trafficking and Violence Protection Act of 2000, a person
38 granted temporary protected status pursuant to the Federal Immigration
39 Act of 1990, an individual of a class of refugees paroled by the attor-
40 ney general of the United States under his or her parole authority
41 pertaining to the admission of aliens to the United States, or an appli-
42 cant without lawful immigration status shall be eligible for an award at
43 the graduate level of study provided that the student:

44 § 4. Subparagraph 10 of paragraph h of subdivision 2 of section 355 of
45 the education law, as added by a chapter of the laws of 2019, amending
46 the education law constituting the Jose Peralta New York state DREAM
47 act, as proposed in legislative bill numbers S. 1250 and A. 782, is
48 amended to read as follows:

(10) Such regulations shall further provide that any student who is not a legal resident of New York state but is a United States citizen, a permanent lawful resident, ~~[a lawful non-immigrant alien]~~ an individual who is granted U or T non-immigrant status pursuant to the Victims of Trafficking and Violence Protection Act of 2000, a person granted temporary protected status pursuant to the Federal Immigration Act of 1990, an individual of a class of refugees paroled by the attorney general of the United States under his or her parole authority pertaining to the admission of aliens to the United States, or an applicant without lawful immigration status may have the payment of tuition and other fees and charges reduced by state-aided programs, scholarships or other financial assistance awarded under the provisions of articles thirteen, thirteen-A, fourteen and fourteen-A of this chapter, provided that the student meets the requirements set forth in subparagraph (ii) of paragraph a or subparagraph (ii) of paragraph b of subdivision five of section six hundred sixty-one of this chapter, as applicable.

§ 5. Paragraph (e) of subdivision 7 of section 6206 of the education law, as added by a chapter of the laws of 2019, amending the education law constituting the Jose Peralta New York state DREAM act, as proposed in legislative bill numbers S. 1250 and A. 782, is amended to read as follows:

(e) The trustees shall further provide that any student who is not a legal resident of New York state but is a United States citizen, a permanent lawful resident, ~~[a lawful non-immigrant alien]~~ an individual who is granted U or T non-immigrant status pursuant to the Victims of Trafficking and Violence Protection Act of 2000, a person granted temporary protected status pursuant to the Federal Immigration Act of 1990, an individual of a class of refugees paroled by the attorney general of the United States under his or her parole authority pertaining to the admission of aliens to the United States, or an applicant without lawful immigration status may have the payment of tuition and other fees and charges reduced by state-aided programs, scholarships or other financial assistance awarded under the provisions of articles thirteen, thirteen-A, fourteen and fourteen-A of this chapter, provided that the student meets the requirements set forth in subparagraph (ii) of paragraph a or subparagraph (ii) of paragraph b of subdivision five of section six hundred sixty-one of this chapter, as applicable.

§ 6. Subdivision 8-a of section 6305 of the education law, as added by a chapter of the laws of 2019, amending the education law constituting the Jose Peralta New York state DREAM act, as proposed in legislative bill numbers S. 1250 and A. 782, is amended to read as follows:

8-a. The payment of tuition and other fees and charges of a student who is attending a community college and who is not a legal resident of New York state but is a United States citizen, a permanent lawful resident, ~~[a lawful non-immigrant alien]~~ an individual who is granted U or T non-immigrant status pursuant to the Victims of Trafficking and Violence Protection Act of 2000, a person granted temporary protected status pursuant to the Federal Immigration Act of 1990, an individual of a class of refugees paroled by the attorney general of the United States under his or her parole authority pertaining to the admission of aliens to the United States, or an applicant without lawful immigration status may be reduced by state-aided programs, scholarships and other financial assistance awarded under the provisions of articles thirteen, thirteen-A, fourteen and fourteen-A of this chapter, provided that the student meets the requirements set forth in subparagraph (ii) of para-

graph a or subparagraph (ii) of paragraph b of subdivision five of section six hundred sixty-one of this chapter, as applicable.

§ 7. The opening paragraph of subparagraph (ii) of paragraph (a) of subdivision 2 of section 6455 of the education law, as added by a chapter of the laws of 2019, amending the education law constituting the Jose Peralta New York state DREAM act, as proposed in legislative bill numbers S. 1250 and A. 782, is amended to read as follows:

An applicant who is not a legal resident of New York state, but who is a United States citizen, a permanent lawful resident, [~~a lawful non-immigrant alien~~] an individual who is granted U or T non-immigrant status pursuant to the Victims of Trafficking and Violence Protection Act of 2000, a person granted temporary protected status pursuant to the Federal Immigration Act of 1990, an individual of a class of refugees paroled by the attorney general of the United States under his or her parole authority pertaining to the admission of aliens to the United States, or an applicant without lawful immigration status, shall be eligible for an award at the undergraduate level of study provided that the student:

§ 8. The opening paragraph of subparagraph (ii) of paragraph (a) of subdivision 3 of section 6455 of the education law, as added by a chapter of the laws of 2019, amending the education law constituting the Jose Peralta New York state DREAM act, as proposed in legislative bill numbers S. 1250 and A. 782, is amended to read as follows:

An applicant who is not a legal resident of New York state, but either is a United States citizen, a permanent lawful resident, [~~a lawful non-immigrant alien~~] an individual who is granted U or T non-immigrant status pursuant to the Victims of Trafficking and Violence Protection Act of 2000, a person granted temporary protected status pursuant to the Federal Immigration Act of 1990, an individual of a class of refugees paroled by the attorney general of the United States under his or her parole authority pertaining to the admission of aliens to the United States, or an applicant without lawful immigration status shall be eligible for an award at the graduate level of study provided that the student:

§ 9. This act shall take effect on the same date and in the same manner as a chapter of the laws of 2019, amending the education law constituting the Jose Peralta New York state DREAM act, as proposed in legislative bill numbers S. 1250 and A. 782, takes effect.

PART E

Intentionally Omitted

PART F

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

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

2. The fund shall consist of all monies appropriated for its purpose, all monies transferred to such fund pursuant to law, all monies required by this section or any other provision of law to be paid into or credited to the fund[~~, including payments of principal of and interest on loans made from the fund~~] and any interest earnings which may accrue

1 from the investment of monies in the fund. Nothing contained herein
2 shall prevent the New York state council on the arts from receiving
3 grants, gifts or bequests for the purposes of the fund as defined in
4 this section and depositing them into the fund according to law.

5 3. Monies of the fund, when allocated, shall be available for adminis-
6 trative costs of the council and to make ~~loans~~ grants to eligible
7 not-for-profit arts organizations as provided in section 3.07 of the
8 arts and cultural affairs law ~~[and to pay the reasonable administrative~~
9 ~~costs of the dormitory authority incurred in monitoring construction on~~
10 ~~eligible projects and costs associated with contracts with outside enti-~~
11 ~~ties to disburse loans and receive payments on such loans, as provided~~
12 ~~in such section]~~.

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

16 § 2. This act shall take effect immediately.

17 PART G

18 Section 1. Notwithstanding any other provision of law, the housing
19 trust fund corporation may provide, for purposes of the neighborhood
20 preservation program, a sum not to exceed \$8,479,000 for the fiscal year
21 ending March 31, 2020. Within this total amount, one hundred fifty
22 thousand dollars shall be used for the purpose of entering into a
23 contract with the neighborhood preservation coalition to provide techni-
24 cal assistance and services to companies funded pursuant to article XVI
25 of the private housing finance law. Notwithstanding any other provision
26 of law, and subject to the approval of the New York state director of
27 the budget, the board of directors of the state of New York mortgage
28 agency shall authorize the transfer to the housing trust fund corpo-
29 ration, for the purposes of reimbursing any costs associated with neigh-
30 borhood preservation program contracts authorized by this section, a
31 total sum not to exceed \$8,479,000, such transfer to be made from (i)
32 the special account of the mortgage insurance fund created pursuant to
33 section 2429-b of the public authorities law, in an amount not to exceed
34 the actual excess balance in the special account of the mortgage insur-
35 ance fund, as determined and certified by the state of New York mortgage
36 agency for the fiscal year 2018-2019 in accordance with section 2429-b
37 of the public authorities law, if any, and/or (ii) provided that the
38 reserves in the project pool insurance account of the mortgage insurance
39 fund created pursuant to section 2429-b of the public authorities law
40 are sufficient to attain and maintain the credit rating (as determined
41 by the state of New York mortgage agency) required to accomplish the
42 purposes of such account, the project pool insurance account of the
43 mortgage insurance fund, such transfer to be made as soon as practicable
44 but no later than June 30, 2019.

45 § 2. Notwithstanding any other provision of law, the housing trust
46 fund corporation may provide, for purposes of the rural preservation
47 program, a sum not to exceed \$3,539,000 for the fiscal year ending March
48 31, 2020. Within this total amount, one hundred fifty thousand dollars
49 shall be used for the purpose of entering into a contract with the rural
50 housing coalition to provide technical assistance and services to compa-
51 nies funded pursuant to article XVI of the private housing finance law.
52 Notwithstanding any other provision of law, and subject to the approval
53 of the New York state director of the budget, the board of directors of
54 the state of New York mortgage agency shall authorize the transfer to

1 the housing trust fund corporation, for the purposes of reimbursing any
2 costs associated with rural preservation program contracts authorized by
3 this section, a total sum not to exceed \$3,539,000, such transfer to be
4 made from (i) the special account of the mortgage insurance fund created
5 pursuant to section 2429-b of the public authorities law, in an amount
6 not to exceed the actual excess balance in the special account of the
7 mortgage insurance fund, as determined and certified by the state of New
8 York mortgage agency for the fiscal year 2018-2019 in accordance with
9 section 2429-b of the public authorities law, if any, and/or (ii)
10 provided that the reserves in the project pool insurance account of the
11 mortgage insurance fund created pursuant to section 2429-b of the public
12 authorities law are sufficient to attain and maintain the credit rating
13 (as determined by the state of New York mortgage agency) required to
14 accomplish the purposes of such account, the project pool insurance
15 account of the mortgage insurance fund, such transfer to be made as soon
16 as practicable but no later than June 30, 2019.

17 § 3. Notwithstanding any other provision of law, and in addition to
18 the powers currently authorized to be exercised by the state of New York
19 municipal bond bank agency, the state of New York municipal bond bank
20 agency may provide, for purposes of municipal relief to the city of
21 Albany, a sum not to exceed five million dollars for the city fiscal
22 year ending December 31, 2019, to the city of Albany. Notwithstanding
23 any other provision of law, and subject to the approval of the New York
24 state director of the budget, the state of New York mortgage agency
25 shall transfer to the state of New York municipal bond bank agency for
26 distribution as municipal relief to the city of Albany, a total sum not
27 to exceed five million dollars, such transfer to be made from (i) the
28 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 2018-2019 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 agency) required to accomplish the purposes of such account, the
38 project pool insurance account of the mortgage insurance fund created
39 pursuant to section 2429-b of the public authorities law, such transfer
40 to be made as soon as practicable no later than December 31, 2019, and
41 provided further that the New York state director of the budget may
42 request additional information from the city of Albany regarding the
43 utilization of these funds and the finances and operations of the city,
44 as appropriate.

45 § 4. This act shall take effect immediately.

46 PART H

47 Section 1. Subparagraph (i) of paragraph (a) of subdivision 1 of
48 section 390 of the social services law, as added by chapter 750 of the
49 laws of 1990, is amended to read as follows:

50 (i) "Child day care" shall mean child care where a license or regis-
51 tration pursuant to this section is required and shall include care for
52 a child on a regular basis provided away from the child's residence for
53 less than twenty-four hours per day by someone other than: (1) the
54 parent, step-parent, guardian, or relative within the third degree of

1 consanguinity of the parents or step-parents of such child; or (2) an
2 enrolled legally-exempt provider as such term is defined in paragraph
3 (g) of this subdivision.

4 § 2. Subdivision 1 of section 390 of the social services law is
5 amended by adding a new paragraph (g) to read as follows:

6 (g) "Enrolled legally exempt provider" shall mean a person who is a
7 caregiver or entity that is not required to be licensed or registered
8 pursuant to this section and that is enrolled to be a caregiver and
9 provide subsidized child care services to eligible families in accord-
10 ance with title five-C of this article and the regulations of the office
11 of children and family services.

12 § 2-a. Subdivision 2 of section 390 of the social services law is
13 amended by adding a new paragraph (d-1) to read as follows:

14 (d-1) (i) The office of children and family services shall promulgate
15 regulations for inspections of enrolled legally exempt providers, which
16 shall include the completion of a satisfactory inspection of the prem-
17 ises where care is to be provided, by the office of children and family
18 services.

19 (ii) Provided however, unless a complaint is made in or as otherwise
20 authorized such inspections shall not be required when the enrolled
21 legally exempt provider is an individual, age eighteen or older, and
22 who, by virtue of blood, marriage or court decree, is, to all of the
23 children that such person is enrolled to provide subsidized child care
24 services to in accordance with title five-C of this article:

25 (A) a grandparent;

26 (B) a great-grandparent;

27 (C) a sibling, provided that such sibling resides in a separate house-
28 hold from the child;

29 (D) an aunt; or

30 (E) an uncle.

31 § 3. Paragraph (a) of subdivision 2 of section 390 of the social
32 services law, as amended by chapter 117 of the laws of 2010, is amended
33 to read as follows:

34 (a) Child day care centers caring for seven or more children and group
35 family day care programs, as defined in subdivision one of this section,
36 shall obtain a license from the office of children and family services
37 and shall operate in accordance with the terms of such license and the
38 regulations of such office. Initial licenses [~~shall be valid for a peri-~~
39 ~~od of up to two years,~~] and subsequent licenses shall be valid for a
40 period of up to four years so long as the provider remains substantially
41 in compliance with applicable law and regulations during such period.

42 § 4. Clause (A) of subparagraph (ii) of paragraph (d) of subdivision 2
43 of section 390 of the social services law, as amended by chapter 117 of
44 the laws of 2010, is amended to read as follows:

45 (A) Initial registrations [~~shall be valid for a period of up to two~~
46 ~~years,~~] and subsequent registrations shall be valid for a period of up
47 to four years so long as the provider remains substantially in compli-
48 ance with applicable law and regulations during such period.

49 § 5. Paragraphs (a) and (b) of subdivision 3 of section 390 of the
50 social services law, paragraph (a) as amended by chapter 416 of the laws
51 of 2000, and paragraph (b) as amended by chapter 117 of the laws of
52 2010, are amended to read as follows:

53 (a) The office of children and family services may make announced or
54 unannounced inspections of the records and premises of any child [~~day~~]
55 care provider, whether or not such provider has a license from, or is
56 registered with, the office of children and family services. The office

1 of children and family services shall make unannounced inspections of
2 the records and premises of any child day care provider within fifteen
3 days after the office of children and family services receives a
4 complaint that, if true, would indicate such provider does not comply
5 with the applicable regulations of the office of children and family
6 services or with statutory requirements. If the complaint indicates that
7 there may be imminent danger to the children, the office of children and
8 family services shall investigate the complaint no later than the next
9 day of operation of the provider. The office of children and family
10 services may provide for inspections through the purchase of services.

11 (b) (i) Where inspections have been made and violations of applicable
12 statutes or regulations have been found, the office of children and
13 family services shall within ten days advise the child day care provider
14 in writing of the violations and require the provider to correct such
15 violations. The office of children and family services may also act
16 pursuant to subdivisions ten and eleven of this section.

17 (ii) Where inspections have been made and violations of applicable
18 statutes or regulations have been found, the office of children and
19 family services or its designee shall, within ten days, advise the
20 enrolled legally-exempt provider in writing of the violations and
21 require the provider to correct such violations.

22 § 6. Paragraph (a) of subdivision 4 of section 390 of the social
23 services law, as amended by chapter 416 of the laws of 2000, is amended
24 to read as follows:

25 (a) The office of children and family services on an annual basis
26 shall inspect [~~at least twenty percent of all registered family day care~~
27 ~~homes, registered child day care centers and registered school age child~~
28 ~~care programs to determine whether such homes, centers and programs are~~
29 ~~operating in compliance with applicable statutes and regulations. The~~
30 ~~office of children and family services shall increase the percentage of~~
31 ~~family day care homes, child day care centers and school age child care~~
32 ~~programs which are inspected pursuant to this subdivision as follows: to~~
33 ~~at least thirty percent by the thirty-first of December two thousand,~~
34 ~~and to at least fifty percent by the thirty-first of December two thou-~~
35 ~~sand one]~~ all child day care programs and all enrolled legally-exempt
36 providers except when such provider is determined to be exempt in
37 accordance with subparagraph (ii) of paragraph (d-one) of subdivision
38 two of this section. The office of children and family services may
39 provide for such inspections through purchase of services. [~~Priority~~
40 ~~shall be given to family day care homes which have never been licensed~~
41 ~~or certified prior to initial registration.~~]

42 § 7. Subdivision 3 of section 390-a of the social services law, as
43 added by chapter 416 of the laws of 2000, paragraph (b) as amended by
44 chapter 552 of the laws of 2003, subparagraph (ix) as amended by chapter
45 117 of the laws of 2010, is amended to read as follows:

46 3. (a) The office of children and family services shall promulgate
47 regulations requiring operators, program directors, employees and
48 assistants of family day care homes, group family day care homes,
49 school-age child care programs and child day care centers to receive
50 pre-service and annual training, as applicable. Provided however that
51 such providers shall be required to receive thirty hours of training
52 every two years; provided, however, [~~that fifteen~~] any individual or
53 provider who is already in compliance with this subdivision, prior to
54 the effective date of the chapter of the laws of two thousand nineteen
55 that amended this subdivision, shall only be required to complete any
56 additional federal training requirements which they have not already

1 completed in order to be deemed in compliance with this subdivision.
2 Fifteen hours of such training must be received within the first six
3 months of the initial licensure, registration or employment. Such train-
4 ing requirements shall also apply to any volunteer in such day care
5 homes, programs or centers who has the potential for regular and
6 substantial contact with children. The thirty hours of training required
7 during the first biennial cycle after initial licensure or registration
8 shall include training received while an application for licensure or
9 registration pursuant to section three hundred ninety of this title is
10 pending. The office of children and family services may provide this
11 training through purchase of services.

12 (b) The training required in paragraph (a) of this subdivision shall
13 address topics and subject matters required by federal law and the
14 following topics or subject matters, unless such topics or subject
15 matters are substantially covered in training that is required pursuant
16 to federal law:

17 (i) principles of childhood development, focusing on the developmental
18 stages of the age groups for which the program provides care;
19 (ii) nutrition and health needs of infants and children;
20 (iii) child day care program development;
21 (iv) safety and security procedures;
22 (v) business record maintenance and management;
23 (vi) child abuse and maltreatment identification and prevention;
24 (vii) statutes and regulations pertaining to child day care;
25 (viii) statutes and regulations pertaining to child abuse and
26 maltreatment; and
27 (ix) for operators, program directors, employees and assistants of
28 family day care homes, group family day care homes and child day care
29 centers, education and information on the identification, diagnosis and
30 prevention of shaken baby syndrome.

31 (c) For the thirty hours of biennial training required after the
32 initial period of licensure or registration, each provider who can
33 demonstrate basic competency shall determine in which of the specified
34 topics he or she needs further study, based on the provider's experience
35 and the needs of the children in the provider's care.

36 (d) Family day care home and group family day care home operators
37 shall obtain training pertaining to protection of the health and safety
38 of children, as required by regulation, prior to the issuance of a
39 license or registration by the office of children and family services.

40 (e) Upon request by the office of children and family services, the
41 child day care applicant or provider shall submit documentation demon-
42 strating compliance with the training requirements of this section.

43 § 8. The section heading of section 390-b of the social services law,
44 as added by chapter 416 of the laws of 2000, is amended to read as
45 follows:

46 Criminal history review and background clearances of child care
47 providers, generally.

48 § 9. Subdivisions 1, 2 and 3 of section 390-b of the social services
49 law are REPEALED and five new subdivisions 1, 1-a, 2, 3, 3-a and 3-b are
50 added to read as follows:

51 1. Notwithstanding any other provision of law to the contrary, and
52 subject to rules and regulations of the office of children and family
53 services and, where applicable, the division of criminal justice
54 services, the following clearances shall be conducted for entities spec-
55 ified in subdivision two of this section in the time and manner as
56 required by this section:

1 (a) a criminal history record check with the division of criminal
2 justice services;

3 (b) a search of the criminal history repository in each state other
4 than New York where such person resides or resided during the preceding
5 five years, if applicable unless such state's criminal history record
6 information will be provided as part of the results or the clearance
7 conducted pursuant to paragraph (c) of this subdivision;

8 (c) a national criminal record check with the federal bureau of inves-
9 tigation; the division of criminal justice services is directed to
10 submit fingerprints to the federal bureau of investigation for the
11 purpose of a nationwide criminal history record check, pursuant to and
12 consistent with public law 113-186 to determine whether such persons
13 shall have a criminal history in any state or federal jurisdiction;

14 (d) a search of the New York state sex offender registry;

15 (e) a search of any state sex offender registry or repository in each
16 state other than New York where such person resides or resided during
17 the preceding five years, if applicable unless such state's sex offender
18 registry information will be provided as part of the clearance conducted
19 pursuant to paragraph (f) of this subdivision;

20 (f) a search of the national sex offender registry using the national
21 crime and information center, established under the Adam Walsh child
22 protection and safety act of 2006 (42 U.S.C. 16901 et seq.);

23 (g) a database check of the statewide central register of child abuse
24 and maltreatment in accordance with section four hundred twenty-four-a
25 of this article; and

26 (h) a search of a state-based child abuse or neglect repository of any
27 state other than New York where such person resides or resided during
28 the preceding five years; if applicable.

29 1-a. For purposes of this section, and in accordance with federal law,
30 the term "enrolled legally-exempt provider" shall refer to a person who
31 meets the definition of "enrolled legally-exempt provider" as defined in
32 paragraph (g) of subdivision one of section three hundred ninety of this
33 title and who is not an individual who is related to all children for
34 whom child care services are provided.

35 2. In relation to any child day care program and any enrolled legal-
36 ly-exempt provider:

37 (a) the clearances required pursuant to paragraphs (a), (c), (d) and
38 (g) of subdivision one of this section shall be conducted for:

39 (i) every prospective volunteer with the potential for unsupervised
40 contact with children in care;

41 (ii) every applicant to become an enrolled legally-exempt provider;

42 (iii) every prospective employee, director or operator of such a
43 program or provider; and

44 (iv) every individual eighteen years of age and over residing or who
45 begins to reside in a home where services are or will be provided in a
46 family or group family setting; and

47 (v) every individual eighteen years of age and over residing or who
48 begins to reside in a home where services are or will be provided who
49 are not related in any way to all children receiving services as or will
50 be provided by an enrolled legally exempt provider;

51 (b) notwithstanding any other provision of law to the contrary, prior
52 to October first, two thousand twenty, all clearances listed in subdivi-
53 sion one of this section that have not previously been conducted pursu-
54 ant to paragraph (a) of this subdivision and for which on-going criminal
55 history results are not already provided, shall be conducted in accord-

1 ance with a schedule developed by the office of children and family
2 services, for all:

3 (i) existing volunteers with the potential for unsupervised contact
4 with children in care;

5 (ii) existing caregivers for an enrolled legally exempt provider;

6 (iii) existing employees, directors and operators of any such program
7 or provider; and

8 (iv) every individual eighteen years of age and over residing or who
9 begins to reside in a home where services are or will be provided in a
10 family or group family setting; and

11 (v) every individual eighteen years of age and over residing or who
12 begins to reside in a home where services are or will be provided who
13 are not related in any way to all children receiving services as or will
14 be provided by an enrolled legally exempt provider;

15 (c) notwithstanding any other provision of law to the contrary, the
16 clearances required pursuant to this section other than those for which
17 on-going criminal history results are provided, shall be conducted for a
18 person listed in subparagraphs (i), (ii), (iii) and (iv) of paragraph
19 (b) of this subdivision at least once every five years in accordance
20 with a schedule developed by the office of children and family services.

21 3. (a) Notwithstanding any other provision of law to the contrary, in
22 relation to the clearances required pursuant to this section, an indi-
23 vidual or a program or provider shall be deemed ineligible, as such term
24 is defined in paragraph (b) of this subdivision, if such individual:

25 (i) refuses to consent to such clearance;

26 (ii) knowingly makes a materially false statement in connection with
27 such a clearance;

28 (iii) is registered, or is required to be registered, on a state sex
29 offender registry or repository or the national sex offender registry
30 established under the Adam Walsh child protection and safety act of 2006
31 (42 U.S.C. 16901 et seq.); or

32 (iv) has been convicted of a crime enumerated in subparagraph (E) or
33 clauses (i) through (viii) of subparagraph (D) of paragraph (1) of
34 subdivision (C) of 42 U.S.C. 9858f.

35 (b) For purpose of this subdivision, the term "ineligible" shall mean:

36 (i) the individual who engaged in conduct listed in paragraph (a) of
37 this subdivision shall not be permitted to:

38 (1) operate, direct, be the caregiver for, or be employed by a child
39 day care program or an enrolled legally-exempt provider; or

40 (2) be a volunteer with the potential for unsupervised contact with
41 children in a child day care program or with an enrolled legally-exempt
42 provider; or

43 (3) be an enrolled legally exempt provider; or

44 (ii) in relation to child day care programs or any enrolled legally-
45 exempt providers, where child care is, or is proposed to be provided, to
46 a child in a home setting where such child does not reside, such program
47 or provider shall not be eligible to operate or to be enrolled to serve
48 children receiving child care subsidies pursuant to title five-C of this
49 article, if an individual over the age of eighteen who is not related in
50 any way to all children for whom child care services are or will be
51 provided, resides in the household where child care is, or is proposed
52 to be provided, engaged in conduct listed in paragraph (a) of this
53 subdivision.

54 3-a. (a) In relation to child day care programs and any enrolled
55 legally-exempt provider, when a clearance conducted pursuant to this
56 section reveals that any existing operator, director, caregiver, or

1 person over the age of eighteen who is not related in any way to all
2 children for whom child care services are or will be provided, that
3 resides in a home where child care is provided in a home setting where
4 the child does not reside has been convicted of a crime other than one
5 set forth in subparagraph (iv) of paragraph (a) of subdivision three of
6 this section, the office of children and family services shall conduct a
7 safety assessment of the program and take all appropriate steps to
8 protect the health and safety of the children in the program, and may
9 deny, limit, suspend, revoke or reject such program's license or regis-
10 tration or terminate or reject such program's enrollment, as applicable,
11 unless the office of children and family services, determines in its
12 discretion, that continued operation by the child day care program or
13 enrolled legally-exempt provider will not in any way jeopardize the
14 health, safety or welfare of the children cared for in the program or by
15 the provider.

16 (b) In relation to child day care programs and any enrolled legally-
17 exempt provider, when a clearance conducted pursuant to this section
18 reveals that any existing employee or volunteer with the potential for
19 unsupervised contact with children has been convicted of a crime other
20 than one set forth in subparagraph (iv) of paragraph (a) of subdivision
21 three of this section, the office of children of family services shall
22 conduct a safety assessment of the program and take all appropriate
23 steps to protect the health and safety of the children in the program.
24 The office of children and family services may direct the program or
25 provider to terminate the employee or volunteer based on such a
26 conviction, consistent with article twenty-three-A of the correction
27 law.

28 (c) (i) In relation to any child day care programs and any enrolled
29 legally-exempt providers, where a clearance conducted pursuant to this
30 section reveals a conviction for a crime other than one set forth in
31 subparagraph (iv) of paragraph (a) of subdivision three of this section,
32 for any prospective employee or volunteer, the office of children and
33 family services may direct that such person not be hired, as applicable,
34 based on such a conviction, consistent with article twenty-three-A of
35 the correction law.

36 (ii) In relation to any child day care program and any enrolled legal-
37 ly-exempt provider, when a clearance conducted pursuant to this section
38 reveals a conviction for a crime other than one set forth in subpara-
39 graph (iv) of paragraph (a) of subdivision three of this section, for
40 any prospective caregiver seeking enrollment, or applicant to be a
41 director or operator, the office of children and family services may
42 deny the application or enrollment, consistent with article
43 twenty-three-A of the correction law.

44 (d) (i) Where a clearance conducted pursuant to this section reveals
45 that an applicant to be the operator or director of a child day care
46 program, or applicant to be a caregiver, or anyone who is not related in
47 any way to all children for whom child care services will be provided,
48 resides in the home over the age of eighteen where child day care is
49 proposed to be provided to children in a home-based setting has been
50 charged with a crime, the office of children and family services shall
51 hold the application in abeyance until the charge is finally resolved.

52 (ii) Where a clearance conducted pursuant to this section reveals that
53 the current operator or director of a child day care program, or any
54 person over the age of eighteen who is not related in any way to all
55 children for whom child care services will be provided, that resides in
56 a home where child day care is provided has been charged with a crime,

1 the office of children and family services shall conduct a safety
2 assessment of the program and take all appropriate steps to protect the
3 health and safety of children in the program. The office of children and
4 family services may suspend a license or registration or terminate
5 enrollment based on such a charge when necessary to protect the health
6 and safety of children in the program.

7 (iii) Where a clearance conducted pursuant to this section reveals
8 that an existing caregiver, volunteer or an existing employee of an
9 enrolled legally-exempt provider or any person over the age of eighteen
10 that resides in a home where the child care is provided by an enrolled
11 legally-exempt provider in a home setting where the child does not
12 reside, has been charged with a crime, the office of children and family
13 services shall take one or more of the following steps:

14 (A) Conduct a safety assessment; or

15 (B) Take all appropriate steps to protect the health and safety of
16 children in the program.

17 (iv) Where a clearance conducted pursuant to this section reveals that
18 an applicant to be an employee or volunteer with the potential for unsu-
19 pervised contact with children of a child day care program or enrolled
20 legally-exempt provider has been charged with a crime, the office shall
21 hold the application in abeyance until the charge is finally resolved.

22 (v) Where a clearance conducted pursuant to this section reveals that
23 a current employee, or current volunteer with the potential for unsuper-
24 vised contact with children of a child day care program has been charged
25 with a crime, the office of children and family services shall conduct a
26 safety assessment of the program and take all appropriate steps to
27 protect the health and safety of the children in the program.

28 3-b. All persons who are subjected to a criminal history and back-
29 ground clearance and safety assessment pursuant to this section who the
30 office of children and family services determines: (i) should be denied
31 enrollment, employment, or the ability to volunteer pursuant to a back-
32 ground clearance analysis performed by the office of children and family
33 services, and (ii) where such denial is not based on an offense listed
34 in paragraph (a) of subdivision three of this section, shall have the
35 ability to request a de novo review of the article twenty-three-a of the
36 correction law determination in an administrative hearing before an
37 administrative law judge, to be held and completed before the present
38 employer is notified of such clearance determination. Such person shall
39 have reasonable notice concerning the determination, and information
40 regarding how to request a hearing to review that determination, and an
41 opportunity to provide any additional information that such person deems
42 relevant to such determination. Such person may choose to be heard in
43 person, by video conference if reasonably available, or through
44 submission of written materials. Where such request is made, the office
45 of children and family services shall also have an opportunity to be
46 heard.

47 § 10. Subdivision 6 of section 390-b of the social services law is
48 REPEALED and a new subdivision 6 is added to read as follows:

49 6. The office of children and family services shall pay any required
50 processing fee for a criminal history or sex offender clearance pursuant
51 to this section. The office of children and family services shall
52 promptly submit fingerprints obtained pursuant to this section and such
53 processing fee to the division of criminal justice services.

54 § 11. Subdivision 7 of section 390-b of the social services law, as
55 added by chapter 416 of the laws of 2000, is amended to read as follows:

1 7. Where the office of children and family services or its designee
2 denies or directs a child day care or an enrolled legally-exempt provid-
3 er to deny an application based on the criminal history record[~~r~~]; (a)
4 the provider must notify the applicant that such record is the basis of
5 the denial; and (b) the office of children and family services shall
6 also notify as the case may be, such current or prospective operator,
7 director, employee, assistant, legally exempt provider, volunteer with
8 the potential for unsupervised contact with children or other person
9 eighteen years of age or older, who resides in the home where care is
10 provided, other than the child's home, that the criminal record check
11 was the basis for the denial of clearance and shall provide such indi-
12 vidual with a copy of the results of the national criminal record check
13 upon which such denial was based together with a written statement
14 setting forth the reasons for such denial, as well as a copy of article
15 twenty-three-A of the correction law and inform such individual of his
16 or her right to seek correction of any incorrect information contained
17 in such national record check provided by the federal bureau of investi-
18 gation.

19 § 12. Subdivisions 9 and 10 of section 390-b of the social services
20 law, as added by chapter 416 of the laws of 2000, are amended and a new
21 subdivision 11 is added to read as follows:

22 9. (a) Any criminal history record provided by the division of crimi-
23 nal justice services, and any summary of the criminal history record
24 provided by the office of children and family services to a [~~child day~~
25 ~~care provider~~] person that receives a clearance pursuant to this
26 section, is confidential and shall not be available for public
27 inspection; provided, however, nothing herein shall prevent [~~a child day~~
28 ~~care provider or~~] the office of children and family services from
29 disclosing criminal history information or the individual from disclos-
30 ing his or her criminal history information at any administrative or
31 judicial proceeding relating to the denial or revocation of an applica-
32 tion, employment, license or registration. The subject of a criminal
33 history review conducted pursuant to this section shall be entitled to
34 receive, upon written request, a copy of the summary of the criminal
35 history record [~~provided by the office of children and family services~~
36 ~~to the child day care provider~~]. Unauthorized disclosure of such
37 records or reports shall be subject [~~the provider~~] to civil penalties in
38 accordance with the provisions of subdivision eleven of section three
39 hundred ninety of this title.

40 (b) The office of children and family services shall not release the
41 content of the results of the nationwide criminal history record check
42 conducted by the federal bureau of investigation in accordance with this
43 subdivision to any non-public entity.

44 10. A child day care or enrolled legally-exempt provider shall advise
45 the office of children and family services when an individual who is
46 subject to criminal history record review in accordance with subdivision
47 one or two of this section is no longer subject to such review. The
48 office of children and family services shall inform the division of
49 criminal justice services when an individual who is subject to criminal
50 history review is no longer subject to such review so that the division
51 of criminal justice services may terminate its retain processing with
52 regard to such person. At least once a year, the office of children and
53 family services will be required to conduct a validation of the records
54 maintained by the division of criminal justice services.

55 11. Child day care centers which are not subject to the provisions of
56 section three hundred ninety of this title shall not be subject to the

provisions of this section, provided however, that the city of New York shall require that such child day care centers meet the requirements of any federal laws and regulations pertaining to the child care development and block grant and the related federally approved plans of the state of New York.

§ 13. Subparagraph (z) of paragraph (A) of subdivision 4 of section 422 of the social services law, as amended by section 11 of part L of chapter 56 of the laws of 2015, is amended to read as follows:

(z) an entity with appropriate legal authority in another state to license, certify or otherwise approve prospective foster parents, prospective adoptive parents, prospective relative guardians ~~[or]~~, prospective successor guardians or child care program where disclosure of information regarding such prospective foster or prospective adoptive parents or prospective relative or prospective successor guardians and other persons over the age of eighteen residing in the home of such persons ~~[is]~~ or where child care is provided, as required under either title IV-E of the federal social security act or the federal child care and development block grant act (section nine thousand eight hundred fifty-eight, et seq. of title forty-two of the United States Code); and

§ 14. Paragraph (a) of subdivision 1 of section 424-a of the social services law, as amended by section 12 of part L of chapter 56 of the laws of 2015, is amended to read as follows:

(a) (i) A licensing agency shall inquire of the department and the department shall, subject to the provisions of paragraph (e) of this subdivision, inform such agency and the subject of the inquiry whether an applicant for a certificate, license or permit, ~~[assistants to group family day care providers,~~ the director of a camp subject to the provisions of article thirteen-B of the public health law, a prospective successor guardian when a clearance is conducted pursuant to paragraph (d) of subdivision two of section four hundred fifty-eight-b of this article, and any person over the age of eighteen who resides in the home of a person who has applied to become an adoptive parent or a foster parent ~~[or to operate a family day care home or group family day care home]~~ or any person over the age of eighteen residing in the home of a prospective successor guardian when a clearance is conducted of a prospective successor guardian pursuant to this paragraph, has been or is currently the subject of an indicated child abuse and maltreatment report on file with the statewide central register of child abuse and maltreatment.

(ii) A licensing agency shall inquire of the office whether an applicant for a certificate, license or permit to operate a child care program including a family day care home, group family day care home, child care center, school age child care program, or enrolled legally exempt provider or an employee, volunteer or applicant to be an employee or volunteer in such program who has potential for regular and substantial contact with children in the program, is the confirmed subject of an indicated child abuse report maintained by the statewide central register of child abuse and maltreatment. The office shall promulgate regulations related to the process by which providers and applicants will be informed whether the applicant is authorized or unauthorized to care for children based on the outcome of such inquiry.

(iii) A licensing agency shall inquire of the office whether any person age eighteen or older who is not related in any way to all children for whom care is provided that resides on the premises of where child care is provided in a setting that is not the child's own home by an enrolled legally-exempt provider as such term is defined in subdivi-

1 sion one-a of section three hundred ninety-b of this chapter is the
2 confirmed subject of an indicated child abuse report maintained by the
3 statewide central register of child abuse and maltreatment. The office
4 shall promulgate regulations related to the process by which providers
5 and applicants will be informed whether the applicant is authorized or
6 unauthorized to care for children based on the outcome of such inquiry.

7 (iv) A licensing agency conducting inquiries pursuant to subparagraphs
8 (ii) and (iii) of this paragraph may inquire of the office whether any
9 person who is to be hired as a consultant by such agency who has the
10 potential for regular and substantial contact with individuals who are
11 cared for by the agency is the subject of an indicated child abuse and
12 maltreatment report on file with the statewide central register of child
13 abuse and maltreatment. The office shall promulgate regulations related
14 to the process by which providers and applicants will be informed wheth-
15 er the applicant is authorized or unauthorized to care for children
16 based on the outcome of such inquiry.

17 (v) A licensing agency conducting inquiries pursuant to subparagraphs
18 (ii) and (iii) or this paragraph may inquire of the office whether any
19 person who has volunteered his or her services to such agency and who
20 will have the potential for regular and substantial contact with indi-
21 viduals who are cared for by the agency, is the subject of an indicated
22 child abuse and maltreatment report on file with the statewide central
23 register of child abuse and maltreatment. The office shall promulgate
24 regulations related to the process by which providers and applicants
25 will be informed whether the applicant is authorized or unauthorized to
26 care for children based on the outcome of such inquiry.

27 § 14-a. Subdivision 3 of section 424-a of the social services law, as
28 amended by section 6 of part C of chapter 57 of the laws of 2018, is
29 amended to read as follows:

30 3. For purposes of this section, the term "provider" or "provider
31 agency" shall mean: an authorized agency; the office of children and
32 family services; juvenile detention facilities subject to the certifi-
33 cation of the office of children and family services; programs estab-
34 lished pursuant to article nineteen-H of the executive law; non-residen-
35 tial or residential programs or facilities licensed or operated by the
36 office of mental health or the office for people with developmental
37 disabilities except family care homes; [~~licensed child day care~~
38 ~~centers,~~] including head start programs which are funded pursuant to
39 title V of the federal economic opportunity act of nineteen hundred
40 sixty-four, as amended; early intervention service established pursuant
41 to section twenty-five hundred forty of the public health law; preschool
42 services established pursuant to section forty-four hundred ten of the
43 education law; [~~school-age child care programs,~~] special act school
44 districts as enumerated in chapter five hundred sixty-six of the laws of
45 nineteen hundred sixty-seven, as amended; programs and facilities
46 licensed by the office of alcoholism and substance abuse services; resi-
47 dential schools which are operated, supervised or approved by the educa-
48 tion department; health homes, or any subcontractor of such health
49 homes, who contracts with or is approved or otherwise authorized by the
50 department of health to provide health home services to all those
51 enrolled pursuant to a diagnosis of a developmental disability as
52 defined in subdivision twenty-two of section 1.03 of the mental hygiene
53 law and enrollees who are under twenty-one years of age under section
54 three hundred sixty-five-1 of this chapter, or any entity that provides
55 home and community based services to enrollees who are under twenty-one
56 years of age under a demonstration program pursuant to section eleven

1 hundred fifteen of the federal social security act; publicly-funded
2 emergency shelters for families with children, provided, however, for
3 purposes of this section, when the provider or provider agency is a
4 publicly-funded emergency shelter for families with children, then all
5 references in this section to the "potential for regular and substantial
6 contact with individuals who are cared for by the agency" shall mean the
7 potential for regular and substantial contact with children who are
8 served by such shelter; and any other facility or provider agency, as
9 defined in subdivision four of section four hundred eighty-eight of this
10 chapter, in regard to the employment of staff, or use of providers of
11 goods and services and staff of such providers, consultants, interns and
12 volunteers.

13 § 15. Subdivision 4 of section 424-a of the social services law, as
14 amended by section 14 of part L of chapter 56 of the laws of 2015, is
15 amended to read as follows:

16 4. For purposes of this section, the term "licensing agency" shall
17 mean an authorized agency which has received an application to become an
18 adoptive parent or an authorized agency which has received an applica-
19 tion for a certificate or license to receive, board or keep any child
20 pursuant to the provisions of section three hundred seventy-six or three
21 hundred seventy-seven of this article or an authorized agency which has
22 received an application from a relative within the second degree or
23 third degree of consanguinity of the parent of a child or a relative
24 within the second degree or third degree of consanguinity of the step-
25 parent of a child or children, or the child's legal guardian for
26 approval to receive, board or keep such child, or an authorized agency
27 that conducts a clearance pursuant to paragraph (d) of subdivision two
28 of section four hundred fifty-eight-b of this article, or a state or
29 local governmental agency which receives an application to provide child
30 day care services in a child day care center, school-age child care
31 program, family day care home or group family day care home or enrolled
32 legally-exempt provider as such term is defined in subdivision one-a of
33 section three hundred ninety-b of this article pursuant to the
34 provisions of section three hundred ninety of this article, or the
35 department of health and mental hygiene of the city of New York, when
36 such department receives an application for a certificate of approval to
37 provide child day care services in a child day care center pursuant to
38 the provisions of the health code of the city of New York, or the office
39 of mental health or the office for people with developmental disabili-
40 ties when such office receives an application for an operating certifi-
41 cate pursuant to the provisions of the mental hygiene law to operate a
42 family care home, or a state or local governmental official who receives
43 an application for a permit to operate a camp which is subject to the
44 provisions of article thirteen-B of the public health law or the office
45 of children and family services which has received an application for a
46 certificate to receive, board or keep any child at a foster family home
47 pursuant to articles nineteen-G and nineteen-H of the executive law or
48 any other facility or provider agency, as defined in subdivision four of
49 section four hundred eighty-eight of this chapter, in regard to any
50 licensing or certification function carried out by such facility or
51 agency.

52 § 16. Severability. If any clause, sentence, paragraph, subdivision,
53 section or part contained in any part of this act shall be adjudged by
54 any court of competent jurisdiction to be invalid, such judgment shall
55 not affect, impair, or invalidate the remained thereof, but shall by
56 confined in its operation to the clause, sentence, paragraph, subdivi-

sion, 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.

§ 17. This act shall take effect immediately; provided, however that sections one, two, two-a, eight, nine, ten, eleven, twelve, thirteen, fourteen and fifteen of this act shall take effect September 1, 2019; and provided, further that sections three, four, five and six of this act shall take effect September 30, 2019; and provided, further, that the office of children and family services is authorized to promulgate any rules or regulations necessary for the implementation of this act on its effective date.

PART I

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

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

(a) Provided however, any authorized agency required to request criminal history information pursuant to this subdivision that operates a residential program for foster children that is licensed or certified by the office of children and family services shall request that the justice center for the protection of people with special needs check, and upon such request, such justice center shall request and shall be authorized to receive from the division of criminal justice services and the federal bureau of investigation criminal history information, as such phrase is defined in paragraph (c) of subdivision one of section eight hundred forty-five-b of the executive law, for every: (i) prospective employee of such program that is not already required to be cleared pursuant to the opening paragraph of this subdivision; and (ii) notwithstanding any other provision of law to the contrary, prior to April first, two thousand twenty and in accordance with a schedule developed by the office of children and family services, any person who is employed in a residential foster care program that has not previously had a clearance conducted pursuant to this section in connection to such employment.

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

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

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

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

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

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

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

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

(II) Notwithstanding any other provision of law to the contrary, prior to April first, two thousand twenty and in accordance with a schedule developed by the office of children and family services, whether any person who is employed in a residential foster care program that has not previously had a clearance conducted pursuant to this subparagraph in connection to such employment is the subject of an indicated child abuse

1 and maltreatment report on file with the statewide central register of
2 child abuse and maltreatment.

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

4 PART J

5 Section 1. The section heading and the opening paragraph of subdivi-
6 sion 1 of section 131-u of the social services law, as amended by chap-
7 ter 169 of the laws of 1994, is amended to read as follows:

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

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

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

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

23 2. The department shall annually establish, subject to the approval of
24 the director of the budget, a daily rate of reimbursement for each resi-
25 dential program for victims of domestic violence, as defined in article
26 six-A of this chapter, certified by the department which provides emer-
27 gency shelter and services to persons eligible for such emergency shel-
28 ter and services pursuant to this section. A social services district
29 financially responsible for a victim of domestic violence shall reim-
30 burse a residential program for victims of domestic violence for the
31 costs of emergency shelter and services provided to such victim at the
32 daily reimbursement rate established by the department reduced by [~~the~~
33 ~~sum of all fees which such victim is able to pay toward the costs of~~
34 ~~such shelter and services as determined in accordance with the public~~
35 ~~assistance budgeting rules set forth in the regulations of the depart-~~
36 ~~ment and by~~] any [~~third party~~] other reimbursement available for such
37 costs.

38 § 4. Section 459-f of the social services law, as amended by chapter
39 169 of the laws of 1994, is amended to read as follows:

40 § 459-f. [~~Fees~~] Payment for services. [~~Any program defined in subdivi-~~
41 ~~sion four of section four hundred fifty-nine-a of this article may~~
42 ~~charge a service fee to a victim of domestic violence who is able to pay~~
43 ~~all or part of the costs of the emergency shelter and services provided~~
44 ~~to the victim.~~] Payments by a social services district to a residential
45 program for victims of domestic violence for the costs of emergency
46 shelter and services provided to a victim of domestic violence at the
47 daily reimbursement rate determined by the department in accordance with
48 section one hundred thirty-one-u of this chapter shall be reduced by the
49 sum of [~~all fees which such victim is able to pay toward the costs of~~
50 ~~such shelter and services as determined in accordance with the public~~
51 ~~assistance budgeting rules set forth in the regulations of the depart-~~
52 ~~ment and by~~] any [~~third party~~] other reimbursement available for such
53 costs.

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

1

PART K

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

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

12 (a) "Person in need of supervision". A person less than eighteen years
13 of age: (i) who does not attend school in accordance with the provisions
14 of part one of article sixty-five of the education law [~~or~~]; (ii) who is
15 incorrigible, ungovernable or habitually disobedient and beyond the
16 lawful control of a parent or other person legally responsible for such
17 child's care, or other lawful authority[~~, or~~]; (iii) who violates the
18 provisions of: (1) section 221.05; or (2) 230.00 of the penal law[~~, or~~];
19 (iv) or who appears to be a sexually exploited child as defined in para-
20 graph (a), (c) or (d) of subdivision one of section four hundred forty-
21 seven-a of the social services law, but only if the child consents to
22 the filing of a petition under this article.

23 (b) [~~"Detention"~~] "Pre-dispositional placement". The temporary care
24 and maintenance of children away from their own homes [~~as defined in~~
25 ~~section five hundred two of the executive law~~] pursuant to section seven
26 hundred twenty of this article.

27 [~~(c)~~] ~~"Secure detention facility". A facility characterized by phys-~~
28 ~~ically restricting construction, hardware and procedures.~~

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

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

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

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

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

46 [~~(i)~~] (g) "Diversion services". Services provided to children and
47 families pursuant to section seven hundred thirty-five of this article
48 for the purpose of avoiding the need to file a petition or direct the
49 [~~detention~~] pre-dispositional placement of the child. Diversion services
50 shall include: efforts to adjust cases pursuant to this article before a
51 petition is filed, or by order of the court, after the petition is filed
52 but before fact-finding is commenced; and preventive services provided
53 in accordance with section four hundred nine-a of the social services
54 law to avert the placement of the child [~~into foster care~~], including
55 crisis intervention and respite services. Diversion services may also

1 include, in cases where any person is seeking to file a petition that
2 alleges that the child has a substance use disorder or is in need of
3 immediate detoxification or substance use disorder services, an assess-
4 ment for substance use disorder; provided, however, that notwithstanding
5 any other provision of law to the contrary, the designated lead agency
6 shall not be required to pay for all or any portion of the costs of such
7 assessment or substance use disorder or detoxification services, except
8 in cases where medical assistance for needy persons may be used to pay
9 for all or any portion of the costs of such assessment or services.

10 ~~[(j)]~~ (h) "Substance use disorder". The misuse of, dependence on, or
11 addiction to alcohol and/or legal or illegal drugs leading to effects
12 that are detrimental to the person's physical and mental health or the
13 welfare of others.

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

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

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

28 § 2. The part heading of part 2 of article 7 of the family court act
29 is amended to read as follows:

30 CUSTODY ~~[AND DETENTION]~~

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

37 § 720. ~~[Detention]~~ Pre-dispositional placement. 1. No child to whom
38 the provisions of this article may apply, shall be detained in any pris-
39 on, jail, lockup, or other place used for adults or children convicted
40 of crime or under arrest and charged with a crime.

41 2. The detention of a child in a secure detention or non-secure facil-
42 ity shall not be directed under any of the provisions of this article.

43 3. ~~[Detention]~~ Pre-dispositional placement of a person alleged to be
44 or adjudicated as a person in need of supervision shall ~~[, except as~~
45 ~~provided in subdivision four of this section,~~ be authorized only in a
46 foster care program certified by the office of children and family
47 services or a short-term safe house in accordance with section seven
48 hundred thirty-nine of this article, or a certified or approved family
49 boarding home ~~[, or a non-secure detention facility certified by the~~
50 ~~office and in accordance with section seven hundred thirty-nine of this~~
51 ~~article]~~ pursuant to the social services law. The setting of the
52 ~~[detention]~~ placement shall take into account:

53 (a) ~~[the]~~ The proximity to the community in which the person alleged
54 to be or adjudicated as a person in need of supervision lives with such
55 person's parents or to which such person will be discharged~~[7]~~; and

1 (b) [~~the~~] The existing educational setting of such person and the
2 proximity of such setting to the location of the [~~detention~~] placement
3 setting.

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

13 5.] (a) The court shall not order or direct [~~detention~~] pre-disposi-
14 tional placement under this article, (i) unless the court determines
15 [~~that~~] and states in its written order; (1) that there is no substantial
16 likelihood that the youth and his or her family will continue to benefit
17 from diversion services, including but not limited to, any available
18 respite services; and (2) that all available alternatives to detention
19 have been exhausted; and (3) that pre-dispositional placement of the
20 respondent is in the best interest of the respondent; and (4) that it
21 would be contrary to the welfare of the respondent to continue in their
22 own home; or (ii) if the sole basis for the petition is an allegation
23 pursuant to paragraph (i) of subdivision (a) of section seven hundred
24 twelve of this article.

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

29 (c) If in addition to the provisions of this section, the respondent
30 may be a sexually exploited child as defined in subdivision one of
31 section four hundred forty-seven-a of the social services law, the court
32 may direct the respondent to an available short-term safe house [~~as~~
33 ~~defined in subdivision two of section four hundred forty-seven-a of the~~
34 ~~social services law as an alternative to detention]~~ in accordance with
35 section seven hundred thirty-nine of this article.

36 § 4. Section 727 of the family court act is REPEALED.

37 § 5. The section heading and subdivision (d) of section 728 of the
38 family court act, subdivision (d) as added by chapter 145 of the laws of
39 2000, paragraph (i) as added and paragraph (ii) of subdivision (d) as
40 renumbered by section 5 of part E of chapter 57 of the laws of 2005, and
41 paragraph (iii) as amended and paragraph (iv) of subdivision (d) as
42 added by section 10 of subpart B of part Q of chapter 58 of the laws of
43 2011, are amended to read as follows:

44 Discharge, release or [~~detention~~] pre-dispositional placement by judge
45 after hearing and before filing of petition in custody cases.

46 (d) Upon a finding of facts and reasons which support a [~~detention~~]
47 pre-dispositional placement order pursuant to this section, the court
48 shall also determine and state in any order directing [~~detention~~] pre-
49 dispositional placement:

50 (i) that there is no substantial likelihood that the youth and his or
51 her family will continue to benefit from diversion services and that all
52 available alternatives to [~~detention~~] such placement have been
53 exhausted; and

54 (ii) whether continuation of the child in the child's home would be
55 contrary to the best interests of the child based upon, and limited to,

1 the facts and circumstances available to the court at the time of the
2 hearing held in accordance with this section; and

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

10 (iv) whether the setting of the [~~detention~~] pre-dispositional place-
11 ment takes into account the proximity to the community in which the
12 person alleged to be or adjudicated as a person in need of supervision
13 lives with such person's parents or to which such person will be
14 discharged, and the existing educational setting of such person and the
15 proximity of such setting to the location of the detention setting.

16 § 6. Section 729 of the family court act is REPEALED.

17 § 7. Subdivisions (a) and (b) of section 735 of the family court act,
18 subdivision (a) as added by section 7 of part E of chapter 57 of the
19 laws of 2005, subdivision (b) as amended by chapter 38 of the laws of
20 2014, are amended to read as follows:

21 (a) Each county and any city having a population of one million or
22 more shall offer diversion services as defined in section seven hundred
23 twelve of this article to youth who are at risk of being the subject of
24 a person in need of supervision petition. Such services shall be
25 designed to provide an immediate response to families in crisis, to
26 identify and utilize appropriate alternatives to [~~detention~~] placement
27 and to divert youth from being the subject of a petition in family
28 court. Each county and such city shall designate either the local social
29 services district or the probation department as lead agency for the
30 purposes of providing diversion services.

31 (b) The designated lead agency shall:

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

36 (ii) diligently attempt to prevent the filing of a petition under this
37 article or, after the petition is filed, to prevent the placement of the
38 youth into foster care; and

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

41 (iv) assess whether the youth is a sexually exploited child as defined
42 in section four hundred forty-seven-a of the social services law and, if
43 so, whether such youth should be referred to a safe house in accordance
44 with section seven hundred thirty-nine of this part; and

45 (v) determine whether alternatives to [~~detention~~] placement or
46 services provided pursuant to this section are appropriate to avoid
47 remand of the youth to [~~detention~~] such placement; and

48 [~~(v)~~] (vi) determine whether an assessment of the youth for substance
49 use disorder by an office of alcoholism and substance abuse services
50 certified provider is necessary when a person seeking to file a petition
51 alleges in such petition that the youth is suffering from a substance
52 use disorder which could make the youth a danger to himself or herself
53 or others. Provided, however, that notwithstanding any other provision
54 of law to the contrary, the designated lead agency shall not be required
55 to pay for all or any portion of the costs of such assessment or for any
56 substance use disorder or detoxification services, except in cases where

1 medical assistance for needy persons may be used to pay for all or any
2 portion of the costs of such assessment or services. The office of alco-
3 holism and substance abuse services shall make a list of its certified
4 providers available to the designated lead agency.

5 § 8. Section 739 of the family court act, as amended by chapter 920 of
6 the laws of 1982, subdivision (a) as amended by section 10 of part G of
7 chapter 58 of the laws of 2010, subdivision (c) as added by chapter 145
8 of the laws of 2000, is amended to read as follows:

9 § 739. Release, pre-dispositional placement or [~~detention~~] referral
10 after filing of petition and prior to order of disposition. (a) After
11 the filing of a petition under section seven hundred thirty-two of this
12 part, the court in its discretion may release the respondent or direct
13 his or her [~~detention~~] pre-dispositional placement. If the respondent
14 may be a sexually exploited child as defined in subdivision one of
15 section four hundred forty-seven-a of the social services law, the court
16 may direct the respondent to an available short-term safe house as an
17 alternative to [~~detention~~] placement. However, the court shall not
18 direct [~~detention~~] pre-dispositional placement unless it finds and
19 states the facts and reasons for so finding that unless the respondent
20 is [~~detained~~] placed there is a substantial probability that the
21 respondent will not appear in court on the return date and all available
22 alternatives to [~~detention~~] such placement have been exhausted.

23 (b) Unless the respondent waives a determination that probable cause
24 exists to believe that he is a person in need of supervision, no
25 [~~detention~~] pre-dispositional placement under this section may last more
26 than three days (i) unless the court finds, pursuant to the evidentiary
27 standards applicable to a hearing on a felony complaint in a criminal
28 court, that such probable cause exists, or (ii) unless special circum-
29 stances exist, in which cases such detention may be extended not more
30 than an additional three days exclusive of Saturdays, Sundays and public
31 holidays.

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

35 (i) whether continuation of the respondent in the respondent's home
36 would be contrary to the best interests of the respondent based upon,
37 and limited to, the facts and circumstance available to the court at the
38 time of the court's determination in accordance with this section; and

39 (ii) where appropriate, whether reasonable efforts were made prior to
40 the date of the court order directing [~~detention~~] pre-dispositional
41 placement in accordance with this section, to prevent or eliminate the
42 need for removal of the respondent from his or her home or, if the
43 respondent had been removed from his or her home prior to the court
44 appearance pursuant to this section, where appropriate, whether reason-
45 able efforts were made to make it possible for the respondent to safely
46 return home.

47 § 9. Intentionally omitted.

48 § 10. Section 747 of the family court act, as amended by chapter 920
49 of the laws of 1982, is amended to read as follows:

50 § 747. Time of fact-finding hearing. A fact-finding hearing shall
51 commence not more than three days after the filing of a petition under
52 this article if the respondent is in [~~detention~~] pre-dispositional
53 placement.

54 § 11. Subdivision (a) of section 748 of the family court act, as
55 amended by chapter 920 of the laws of 1982, is amended to read as
56 follows:

1 (a) If the respondent is in [~~detention~~] pre-dispositional placement,
2 the court may adjourn a fact-finding hearing

3 (i) on its own motion or on motion of the petitioner for good cause
4 shown for not more than three days;

5 (ii) on motion on behalf of the respondent or by his or her parent or
6 other person legally responsible for his or her care for good cause
7 shown, for a reasonable period of time.

8 § 12. Subdivision (b) of section 749 of the family court act, as
9 amended by chapter 806 of the laws of 1973, is amended to read as
10 follows:

11 (b) On its own motion, the court may adjourn the proceedings on
12 conclusion of a fact-finding hearing or during a dispositional hearing
13 to enable it to make inquiry into the surroundings, conditions and
14 capacities of the respondent. An adjournment on the court's motion may
15 not be for a period of more than ten days if the respondent is
16 [~~detained~~] in pre-dispositional placement, in which case not more than a
17 total of two such adjournments may be granted in the absence of special
18 circumstances. If the respondent is not [~~detained~~] in pre-dispositional
19 placement, an adjournment may be for a reasonable time, but the total
20 number of adjourned days may not exceed two months.

21 § 13. Paragraph (a) of subdivision 2 of section 754 of the family
22 court act, as amended by chapter 7 of the laws of 1999, subparagraph
23 (ii) of paragraph (a) as amended by section 20 of part L of chapter 56
24 of the laws of 2015, is amended to read as follows:

25 (a) The order shall state the court's reasons for the particular
26 disposition. If the court places the child in accordance with section
27 seven hundred fifty-six of this part, the court in its order shall
28 determine: (i) whether continuation in the child's home would be contra-
29 ry to the best interest of the child and where appropriate, that reason-
30 able efforts were made prior to the date of the dispositional hearing
31 held pursuant to this article to prevent or eliminate the need for
32 removal of the child from his or her home and, if the child was removed
33 from his or her home prior to the date of such hearing, that such
34 removal was in the child's best interest and, where appropriate, reason-
35 able efforts were made to make it possible for the child to return safe-
36 ly home. If the court determines that reasonable efforts to prevent or
37 eliminate the need for removal of the child from the home were not made
38 but that the lack of such efforts was appropriate under the circum-
39 stances, the court order shall include such a finding; and (ii) in the
40 case of a child who has attained the age of fourteen, the services need-
41 ed, if any, to assist the child to make the transition from foster care
42 to independent living. Nothing in this subdivision shall be construed to
43 modify the standards for directing [~~detention~~] pre-dispositional place-
44 ment set forth in section seven hundred thirty-nine of this article.

45 § 14. Section 756 of the family court act, as amended by chapter 920
46 of the laws of 1982, paragraph (i) of subdivision (a) as amended by
47 chapter 309 of the laws of 1996, the opening paragraph of paragraph (ii)
48 of subdivision (a) as amended by section 11 of part G of chapter 58 of
49 the laws of 2010, subdivision (b) as amended by chapter 7 of the laws of
50 1999, and subdivision (c) as amended by section 10 of part E of chapter
51 57 of the laws of 2005, is amended to read as follows:

52 § 756. Placement. (a) [~~(i)~~] For purposes of section seven hundred
53 fifty-four, the court may: (i) place the child in its own home [~~or~~];
54 (ii) order the child be placed in the custody of a suitable relative or
55 other suitable private person; or (iii) order the child be placed in the

1 custody of a commissioner of social services[~~, subject to the orders of~~
2 ~~the court~~].

3 [~~(ii)~~] (b) Where the child is placed with the commissioner of the
4 local social services district[~~7~~]: (i) (A) the child may be placed by
5 the social services district into a foster boarding home; or (B) if the
6 court finds that the respondent is a sexually exploited child as defined
7 in subdivision one of section four hundred forty-seven-a of the social
8 services law, an available long-term safe house; or (ii) the court may
9 direct the commissioner to: place the child with an authorized agency or
10 class of authorized agencies[~~, including, if the court finds that the~~
11 ~~respondent is a sexually exploited child as defined in subdivision one~~
12 ~~of section four hundred forty seven-a of the social services law, an~~
13 ~~available long-term safe house~~].

14 (c) Provided, however, that a placement shall not be ordered pursuant
15 to paragraph (iii) of subdivision (a) of this section:

16 (i) In instances where the only finding made against the respondent is
17 that they meet the definition of a person in need of supervision pursu-
18 ant to paragraph (i) of subdivision (a) of section seven hundred twelve
19 of this article; or

20 (ii) Unless the court finds and states in its written order that the
21 placement of the respondent is:

22 (1) in the best interest of the respondent; and

23 (2) that it would be contrary to the welfare of the respondent to
24 continue in their own home.

25 (d) Unless the dispositional order provides otherwise, the court so
26 directing shall include one of the following alternatives to apply in
27 the event that the commissioner is unable to so place the child:

28 [~~(1)~~] (i) the commissioner shall apply to the court for an order to
29 stay, modify, set aside, or vacate such directive pursuant to the
30 provisions of section seven hundred sixty-two or seven hundred sixty-
31 three; or

32 [~~(2)~~] (ii) the commissioner shall return the child to the family court
33 for a new dispositional hearing and order.

34 [~~(b)~~] (e) Placements under paragraph (iii) of subdivision (a) of this
35 section may be for an initial period of [twelve months] no greater than
36 sixty days. The court may extend a placement pursuant to section seven
37 hundred fifty-six-a. In its discretion, the court may recommend restitu-
38 tion or require services for public good pursuant to section seven
39 hundred fifty-eight-a in conjunction with an order of placement. [For
40 ~~the purposes of calculating the initial period of placement, such place-~~
41 ~~ment shall be deemed to have commenced sixty days after the date the~~
42 ~~child was removed from his or her home in accordance with the provisions~~
43 ~~of this article. If the respondent has been in detention pending dispo-~~
44 ~~sition, the initial period of placement ordered under this section shall~~
45 ~~be credited with and diminished by the amount of time spent by the~~
46 ~~respondent in detention prior to the commencement of the placement~~
47 ~~unless the court finds that all or part of such credit would not serve~~
48 ~~the best interests of the respondent.~~

49 ~~(c) A placement pursuant to this section with the commissioner of~~
50 ~~social services shall not be directed in any detention facility, but the~~
51 ~~court may direct detention pending transfer to a placement authorized~~
52 ~~and ordered under this section for no more than than fifteen days after~~
53 ~~such order of placement is made. Such direction shall be subject to~~
54 ~~extension pursuant to subdivision three of section three hundred nine-~~
55 ~~ty-eight of the social services law, upon written documentation to the~~
56 ~~office of children and family services that the youth is in need of~~

~~specialized treatment or placement and the diligent efforts by the commissioner of social services to locate an appropriate placement.]~~

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

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

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

(c) The provisions of section seven hundred forty-five shall apply at such permanency hearing. If the petition is filed within [~~sixty~~] thirty days prior to the expiration of the period of placement, the court shall first determine at such permanency hearing whether good cause has been shown. If good cause is not shown, the court shall dismiss the petition.

(d) (i) At the conclusion of the first permanency hearing the court may, in its discretion, order [~~an~~] one extension of the placement for not more than [~~one year. The~~] six months;

(ii) At the conclusion of the second permanency hearing, the court may, in its discretion, order one extension of placement for not more than four months unless:

(A) The attorney for the child, at the request of the child, seeks an additional length of stay for the child in such program. If a request is made pursuant to this subparagraph, the court shall determine whether to grant such request based on the best interest of the child; or

(B) The court finds that extenuating circumstances exists that necessitate the child be placed out of the home.

(d-1) If the court orders an extension of placement pursuant to paragraph (d) of this section, the court must consider and determine in its order:

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

(ii) in the case of a child who has attained the age of fourteen, (A) the services needed, if any, to assist the child to make the transition from foster care to successful adulthood; and (B)(1) that the permanency

1 plan developed for the child, and any revision or addition to the plan
2 shall be developed in consultation with the child and, at the option of
3 the child, with up to two additional members of the child's permanency
4 planning team who are selected by the child and who are not a foster
5 parent of, or case worker, case planner or case manager for, the child,
6 except that the local commissioner of social services with custody of
7 the child may reject an individual so selected by the child if such
8 commissioner has good cause to believe that the individual would not act
9 in the best interests of the child, and (2) that one individual so
10 selected by the child may be designated to be the child's advisor and,
11 as necessary, advocate with respect to the application of the reasonable
12 and prudent parent standard;

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

16 (iv) whether and when the child: (A) will be returned to the parent;
17 (B) should be placed for adoption with the social services official
18 filing a petition for termination of parental rights; (C) should be
19 referred for legal guardianship; (D) should be placed permanently with a
20 fit and willing relative; or (E) should be placed in another planned
21 permanent living arrangement with a significant connection to an adult
22 willing to be a permanency resource for the child if the child is age
23 sixteen or older and (1) the social services official has documented to
24 the court: (I) intensive, ongoing, and, as of the date of the hearing,
25 unsuccessful efforts made by the social services district to return the
26 child home or secure a placement for the child with a fit and willing
27 relative including adult siblings, a legal guardian, or an adoptive
28 parent, including through efforts that utilize search technology includ-
29 ing social media to find biological family members for children, (II)
30 the steps the social services district is taking to ensure that (A) the
31 child's foster family home or child care facility is following the
32 reasonable and prudent parent standard in accordance with guidance
33 provided by the United States department of health and human services,
34 and (B) the child has regular, ongoing opportunities to engage in age or
35 developmentally appropriate activities including by consulting with the
36 child in an age-appropriate manner about the opportunities of the child
37 to participate in activities; and (2) the social services district has
38 documented to the court and the court has determined that there are
39 compelling reasons for determining that it continues to not be in the
40 best interest of the child to return home, be referred for termination
41 of parental rights and placed for adoption, placed with a fit and will-
42 ing relative, or placed with a legal guardian; and (3) the court has
43 made a determination explaining why, as of the date of the hearing,
44 another planned living arrangement with a significant connection to an
45 adult willing to be a permanency resource for the child is the best
46 permanency plan for the child; and

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

49 [~~(d-1)~~] (e) At the permanency hearing, the court shall consult with
50 the respondent in an age-appropriate manner regarding the permanency
51 plan; provided, however, that if the respondent is age sixteen or older
52 and the requested permanency plan for the respondent is placement in
53 another planned permanent living arrangement with a significant
54 connection to an adult willing to be a permanency resource for the
55 respondent, the court must ask the respondent about the desired perman-
56 ency outcome for the respondent.

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

21 ~~[(f)]~~ [(g)] Successive extensions of placement under this section may be
22 granted, ~~[but]~~ only as authorized in this section, provided, however no
23 placement may be made or continued beyond the child's eighteenth birth-
24 day without his or her consent and in no event past his or her twenty-
25 first birthday.

26 § 15. Subdivisions 1 and 4 of section 758-a of the family court act,
27 as amended by chapter 73 of the laws of 1979, subdivision 1 as amended
28 by chapter 4 of the laws of 1987, paragraph (b) of subdivision 1 as
29 amended by chapter 575 of the laws of 2007, and subdivision 4 as amended
30 by chapter 73 of the laws of 1979, are amended to read as follows:

31 1. In cases involving acts of ~~[infants]~~ children over ~~[ten]~~ twelve and
32 less than ~~[sixteen]~~ eighteen years of age, the court may

33 (a) recommend as a condition of placement, or order as a condition of
34 probation or suspended judgment, restitution in an amount representing a
35 fair and reasonable cost to replace the property or repair the damage
36 caused by the ~~[infant]~~ child, not, however, to exceed one thousand
37 dollars. ~~[In the case of a placement, the court may recommend that the~~
38 ~~infant pay out of his or her own funds or earnings the amount of~~
39 ~~replacement or damage, either in a lump sum or in periodic payments in~~
40 ~~amounts set by the agency with which he is placed, and in the case of~~
41 ~~probation or suspended judgment, the]~~ The court may require that the
42 ~~[infant]~~ child pay out of his or her own funds or earnings the amount of
43 replacement or damage, either in a lump sum or in periodic payments in
44 amounts set by the court; and/or

45 (b) order as a condition of placement, probation, or suspended judg-
46 ment, services for the public good including in the case of a crime
47 involving willful, malicious, or unlawful damage or destruction to real
48 or personal property maintained as a cemetery plot, grave, burial place,
49 or other place of interment of human remains, services for the mainte-
50 nance and repair thereof, taking into consideration the age and physical
51 condition of the ~~[infant]~~ child.

52 4. The court, upon receipt of the reports provided for in subdivision
53 two ~~[or three]~~ of this section may, on its own motion or the motion of
54 any party or the agency, hold a hearing to determine whether the place-
55 ment should be altered or modified.

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

3 § 774. Action on petition for transfer. On receiving a petition under
4 section seven hundred seventy-three of this part, the court may proceed
5 under sections seven hundred thirty-seven, seven hundred thirty-eight or
6 seven hundred thirty-nine of this article with respect to the issuance
7 of a summons or warrant [~~and sections seven hundred twenty-seven and~~
8 ~~seven hundred twenty-nine govern questions of detention and failure to~~
9 ~~comply with a promise to appear~~]. Due notice of the petition and a copy
10 of the petition shall also be served personally or by mail upon the
11 office of the locality chargeable for the support of the person involved
12 and upon the person involved and his or her parents and other persons.

13 § 17. Intentionally omitted.

14 § 18. Intentionally omitted.

15 § 18-a. Intentionally omitted.

16 § 18-b. Article 6 of the social services law is amended by adding a
17 new title 12 to read as follows:

18 TITLE 12

19 FAMILY SUPPORT SERVICES PROGRAMS

20 Section 458-m. Family support services programs.

21 458-n. Funding for family support services programs.

22 § 458-m. Family support services programs. 1. As used in this title,
23 the term "family support services programs" shall mean a program estab-
24 lished pursuant to this title to provide community-based supportive
25 services to children and families with the goal of preventing a child
26 from being adjudicated a person in need of supervision and help prevent
27 the out of home placements of such youth or preventing a petition from
28 being filed under article seven of the family court act.

29 2. Family support services programs shall provide comprehensive
30 services to such children and their families, either directly or through
31 referrals with partner agencies, including, but not limited to:

32 (a) rapid family assessments and screenings;

33 (b) crisis intervention;

34 (c) family mediation and skills building;

35 (d) mental and behavioral health services including cognitive inter-
36 ventions;

37 (e) case management;

38 (f) respite services;

39 (g) education advocacy; and

40 (h) other family support services.

41 3. The services that are provided shall be trauma responsive, family
42 focused, gender-responsive, and evidence based or informed and strengths
43 based and shall be tailored to the individualized needs of the child and
44 family based on the assessments and screenings conducted by such family
45 support services program.

46 4. Family support services programs shall have the capacity to serve
47 families outside of regular business hours including evenings and week-
48 ends.

49 § 458-n. Funding for family support services programs. 1. Notwith-
50 standing any other provision of law to the contrary, to the extent that
51 funds are available for such purpose and specifically appropriated
52 therefor, the office of children and family services shall distribute
53 funding to the highest need municipality which shall mean a county or a
54 city with a population of one million or more to contract with not-for-
55 profit corporations to operate family support services programs in

1 accordance with the provisions of this title and the specific program
2 model requirements issued by the office.

3 2. Notwithstanding any other provision of law to the contrary, when
4 determining the highest need municipality pursuant to this subdivision,
5 the office may consider factors that may include, but are not necessar-
6 ily limited to:

7 (a) the total amount of available funding and the amount of funding
8 required for family support services programs to meet the objectives
9 outlined in section four hundred fifty-eight-m of this title;

10 (b) relevant, available statistics regarding each municipality, a
11 group of two or more municipalities that jointly seek to fund and admin-
12 ister a family support services program in accordance with subdivision
13 four of this section which may include, but not necessarily be limited
14 to:

15 (i) the availability of services within such municipality to prevent
16 or reduce detention or residential placement of youth pursuant to arti-
17 cle seven of the family court act; and

18 (ii) relative to the youth population of such municipality:

19 (1) the number of petitions filed pursuant to article seven of the
20 family court act; or

21 (2) the number of placements of youth into residential care or
22 detention pursuant to article seven of the family court act as applica-
23 ble, over the last five years;

24 (c) any reported performance outcomes reported to the office pursuant
25 to subdivision three of this section for programs that previously
26 received funding pursuant to this title; or

27 (d) other appropriate factors as determined by the office.

28 3. Municipalities receiving funding under this title shall report to
29 the office of children and family services, in the form and manner and
30 at such times as determined by the office, on the performance outcomes
31 of any family support service program located within such municipalities
32 that receives funding under this title.

33 4. Two or more eligible municipalities within a close geographic with-
34 in a close geographic proximity to each other may enter into an agree-
35 ment to jointly seek funding for and jointly administer family support
36 services programs to service eligible youth and families within such
37 municipalities in accordance with this section. Such agreements shall
38 include provisions for the proportionate cost to be borne by each muni-
39 cipality and for the manner of employment of personnel and may provide
40 that a fiscal officer of one such municipality shall be the custodian of
41 the moneys made available for expenditure for such purposes by all such
42 municipalities and that such fiscal officer may make payments therefrom
43 upon audit of the appropriate auditing body or officer of his or her
44 municipality. In making claims for state aid pursuant to section, each
45 such municipality shall claim for its proportionate share of the total
46 joint expenditures so made. However, where it is provided that there
47 shall be a disbursing municipality, such disbursing municipality shall
48 claim for the total joint program expenditures so made and shall
49 disburse such state aid to each participating municipality based upon
50 the proportionate share of expenditures so made.

51 5. Notwithstanding the provisions of subdivisions two, three and four
52 of this section, a municipality, consistent with its approved plan for
53 supervision and treatment services for juveniles program, may utilize
54 any funding available to such municipality pursuant to section five
55 hundred twenty-nine-b of the executive law to fund family support
56 services programs pursuant to this title.

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

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

§ 20. Section 529-b of the executive law, as added by section 3 of subpart B of part Q of chapter 58 of the laws of 2011, subdivision 1, the opening paragraph of subdivision 2, subparagraphs (i) and (iii) of paragraph (a) of subdivision 3, as amended by section 99 of part WWW of chapter 59 of the laws of 2017, is amended to read as follows:

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

(b) The state funds appropriated for the supervision and treatment services for juveniles program shall be distributed to eligible municipalities by the office of children and family services based on a plan developed by the office which may consider historical information regarding the number of youth seen at probation intake for an alleged act of delinquency, the number of youth remanded to detention, the

1 number of juvenile delinquents placed with the office, the number of
2 juvenile delinquents and persons in need of supervision placed in resi-
3 dential care with the municipality, the municipality's reduction in the
4 use of detention and residential placements, and other factors as deter-
5 mined by the office. Such plan developed by the office shall be subject
6 to the approval of the director of the budget. The office is authorized,
7 in its discretion, to make advance distributions to a municipality in
8 anticipation of state reimbursement.

9 2. As used in this section, the term:

10 (a) "municipality" shall mean a county, or a city having a population
11 of one million or more[7] and

12 (b) "supervision and treatment services for juveniles" shall mean
13 community-based services or programs designed to safely maintain youth
14 in the community pending a family court disposition or conviction in
15 criminal court and services or programs provided to eligible youth
16 [~~adjudicated as juvenile delinquents or persons in need of supervision,~~
17 ~~or youth alleged to be juvenile offenders, youthful offenders or adoles-~~
18 ~~cent offenders to prevent residential placement of such youth or a~~
19 ~~return to placement where such youth have been released to the community~~
20 ~~from residential placement~~] pursuant to this section.

21 3. Supervision and treatment services for juveniles may include but
22 are not limited to services or programs that:

23 (a) provide or facilitate support to such youth for mental health
24 disorders, substance abuse problems, or learning disabilities that
25 contribute to such youth being at risk for detention, residential place-
26 ment, confinement or return to detention or residential placement;

27 (a-1) provide or facilitate support to youth who are eligible to
28 receive services pursuant to subparagraph (ii) of paragraph (a) of
29 subdivision one of this section, and their families, in family support
30 services programs in accordance with title twelve of article six of the
31 social services law;

32 (b) provide temporary respite care, including, but not limited to,
33 respite provided pursuant to article seven of the family court act;

34 (c) provide family therapy or support or explore alternate housing
35 options for youth who are at risk for detention or placement due to the
36 absence of an available home;

37 (d) provide post-release support within the youth's community, includ-
38 ing, but not limited to aftercare services; or

39 (e) reduce arrest rates or recidivism.

40 ~~[3-]~~ 3-a. (a) The chief executive officer of the municipality shall
41 designate a lead agency for the purposes of planning and administering
42 the municipality's supervision and treatment services for juveniles
43 program. In order for a municipality to be eligible to receive
44 reimbursement pursuant to this section, such municipality must submit an
45 annual plan to the office of children and family services detailing how
46 the supervision and treatment services for juveniles will be provided
47 within the municipality. Two or more eligible municipalities within a
48 close geographic proximity to each other may enter into an agreement to
49 jointly seek funding for and jointly administer a supervision and treat-
50 ment services for juveniles programs to service eligible youth and fami-
51 lies within such municipalities in accordance with this section. The
52 municipality shall develop such plan in cooperation with the applicable
53 local governmental departments responsible for probation, law enforce-
54 ment, detention, diversion, and social services; and with the courts,
55 service providers, schools and youth development programs. The plan must

1 be approved by the chief executive officer of the municipality, and must
2 include:

3 (i) an analysis that identifies the neighborhoods or communities from
4 which the greatest number of juvenile delinquents and persons in need of
5 supervision are remanded to detention or residentially placed;

6 (ii) where the use of detention or residential placement in the muni-
7 cipality shows a significant racial or ethnic disproportionality, a
8 description of how the services proposed for funding will address such
9 disproportionality;

10 (iii) a description of how the services and programs proposed for
11 funding will reduce the number of youth from the municipality who are
12 detained and residentially or otherwise placed; how such services and
13 programs are family-focused; and whether such services and programs are
14 capable of being replicated across multiple sites;

15 (iv) a description of the demonstrated effectiveness of such services
16 and programs or other justification why the services and programs are
17 proposed for funding;

18 (v) projected performance outcomes for such services and programs,
19 including an estimate of the anticipated reductions in detention utili-
20 zation and residential placements, and other projected positive outcomes
21 for youth who participate in the services and programs; and

22 (vi) for each year that the municipality submits a plan as required by
23 this section, the municipality must provide the following information
24 for the most recent preceding year for which such municipality received
25 funding:

26 (A) the number of youth who participated in the services and programs
27 funded pursuant to this section; and

28 (B) whether the services and programs achieved the projected
29 reductions in detention utilization and residential placements and other
30 performance outcomes.

31 (b) A municipality's plan shall be submitted to the office of children
32 and family services for review and approval. The office may approve all
33 or part of the plan based on the potential effectiveness of the plan.

34 (i) If the office does not approve a plan, the municipality shall have
35 sixty days to submit an amended plan.

36 (ii) Upon approval of a plan, the office shall notify the municipality
37 and post the approved plan on the office of children and family services
38 website.

39 (c) ~~Any claims submitted by a municipality for reimbursement for a~~
40 ~~particular program year for which the municipality does not receive~~
41 ~~state reimbursement during the applicable program year may not be~~
42 ~~claimed against that municipality's distribution for any succeeding~~
43 ~~program year.~~ The office may require that such claims be submitted to
44 the office electronically in the manner and format required by the
45 office.

46 (d) Any municipality submitting claims for reimbursement shall certify
47 to the office that supervision and treatment services for juveniles
48 program funds were not used to supplant other state and local funds, and
49 such claims for reimbursement are not for the same type and level of
50 services that the municipality provided under any contract in existence
51 on September thirtieth, two thousand ten that was funded other than
52 through the office of children and family services as community optional
53 preventive, alternatives to detention, alternatives to residential
54 placement, preventive, independent living, or after care services.

55 4. Two or more eligible municipalities may join together to establish,
56 operate and maintain supervision and treatment services for juveniles

1 programs and may make and perform agreements in connection therewith.
2 Such agreements shall include provisions for the proportionate cost to
3 be borne by each municipality and for the manner of employment of
4 personnel and may provide that a fiscal officer of one such municipality
5 shall be the custodian of the moneys made available for expenditure for
6 such purposes by all such municipalities and that such fiscal officer
7 may make payments therefrom upon audit of the appropriate auditing body
8 or officer of his municipality. In making claims for state reimbursement
9 pursuant to this section, each municipality shall claim for its propor-
10 tionate share of expenditures. However, where the agreement provides for
11 a disbursing municipality, such disbursing municipality shall claim for
12 the total joint program expenditures made and shall disburse the state
13 reimbursement to each participating municipality based upon the propor-
14 tionate share of each participating municipality's expenditures.

15 5. The office of children and family services shall report to the
16 governor, the speaker of the assembly, the temporary president of the
17 senate, the minority leader of the assembly and the minority leader of
18 the senate no later than July first, two thousand twelve, and each year
19 thereafter, detailing the implementation and progress of the supervision
20 and treatment services for juveniles program, as established by this
21 section. The report shall detail the following information for each
22 municipality, as defined by this section:

23 (a) the amount of funds disbursed to date for the previous program
24 year of the supervision and treatment services for juveniles program;

25 (b) the amount of juvenile detention funds distributed by such date in
26 accordance with section five hundred thirty of this title for the previ-
27 ous program year and, if any, the amount of such funds used for super-
28 vision and treatment services for juveniles program;

29 (c) the number of alleged and adjudicated juvenile delinquents and
30 persons in need of supervision and alleged and convicted juvenile offen-
31 ders being served by such programs; and

32 (d) each program name and its provider.

33 § 21. The opening paragraph and paragraph (a) of subdivision 2,
34 subparagraphs 1 and 4 of paragraph (a) and paragraph (b) of subdivision
35 5, and subdivision 7 of section 530 of the executive law, the opening
36 paragraph and paragraph (a) of subdivision 2 and subparagraphs 1 and 4
37 of paragraph (a) and paragraph (b) of subdivision 5 as amended by
38 section 100 of part WWW of chapter 59 of the laws of 2017 and subdivi-
39 sion 7 as amended by section 6 of subpart B of part Q of chapter 58 of
40 the laws of 2011, are amended to read as follows:

41 Expenditures made by municipalities in providing care, maintenance and
42 supervision to youth in detention facilities designated pursuant to
43 ~~[sections seven hundred twenty and]~~ section 305.2 of the family court
44 act and certified by office of children and family services, shall be
45 subject to reimbursement by the state, as follows:

46 (a) Notwithstanding any provision of law to the contrary, eligible
47 expenditures by a municipality during a particular program year for the
48 care, maintenance and supervision ~~[in foster care programs certified by~~
49 ~~the office of children and family services, certified or approved family~~
50 ~~boarding homes, and non secure detention facilities certified by the~~
51 ~~office for those youth alleged to be persons in need of supervision or~~
52 ~~adjudicated persons in need of supervision held pending transfer to a~~
53 ~~facility upon placement, and]~~ in secure and non-secure detention facili-
54 ties certified by the office in accordance with section five hundred
55 three of this article for those youth alleged to be juvenile delin-
56 quents; adjudicated juvenile delinquents held pending transfer to a

1 facility upon placement, and juvenile delinquents held at the request of
2 the office of children and family services pending extension of place-
3 ment hearings or release revocation hearings or while awaiting disposi-
4 tion of such hearings; and youth alleged to be or convicted as juvenile
5 offenders, youthful offenders and adolescent offenders and prior to
6 January first, two thousand twenty, youth alleged to be persons in need
7 of supervision or adjudicated persons in need of supervision held pend-
8 ing transfer to a facility upon placement in foster care programs certi-
9 fied by the office of children and family services, certified or
10 approved foster boarding homes and non-secure detention facilities
11 certified by the office, shall be subject to state reimbursement for up
12 to fifty percent of the municipality's expenditures, exclusive of any
13 federal funds made available for such purposes, not to exceed the
14 municipality's distribution from funds that have been appropriated
15 specifically therefor for that program year. Municipalities shall imple-
16 ment the use of detention risk assessment instruments in a manner
17 prescribed by the office so as to inform detention decisions. Notwith-
18 standing any other provision of state law to the contrary, data neces-
19 sary for completion of a detention risk assessment instrument may be
20 shared among law enforcement, probation, courts, detention administra-
21 tors, detention providers, and the attorney for the child upon retention
22 or appointment; solely for the purpose of accurate completion of such
23 risk assessment instrument, and a copy of the completed detention risk
24 assessment instrument shall be made available to the applicable
25 detention provider, the attorney for the child and the court.

26 (1) temporary care, maintenance and supervision provided to alleged
27 juvenile delinquents [~~and persons in need of supervision~~] in detention
28 facilities certified pursuant to [~~sections seven hundred twenty and~~]
29 section 305.2 of the family court act by the office of children and
30 family services, pending adjudication of alleged delinquency [~~or alleged~~
31 ~~need of supervision~~] by the family court, or pending transfer to insti-
32 tutions to which committed or placed by such court or while awaiting
33 disposition by such court after adjudication or held pursuant to a
34 securing order of a criminal court if the person named therein as prin-
35 cipal is under seventeen years of age; or

36 (4) prior to January first, two thousand twenty temporary care, main-
37 tenance and supervision provided youth detained in foster care facili-
38 ties or certified or approved family boarding homes pursuant to article
39 seven of the family court act.

40 (b) Payments made for reserved accommodations, whether or not in full
41 time use, approved and certified by the office of children and family
42 services and certified pursuant to [~~sections seven hundred twenty and~~]
43 section 305.2 of the family court act, in order to assure that adequate
44 accommodations will be available for the immediate reception and proper
45 care therein of youth for which detention costs are reimbursable pursu-
46 ant to paragraph (a) of this subdivision, shall be reimbursed as expend-
47 itures for care, maintenance and supervision under the provisions of
48 this section, provided the office shall have given its prior approval
49 for reserving such accommodations.

50 7. The agency administering detention for each county and the city of
51 New York shall submit to the office of children and family services, at
52 such times and in such form and manner and containing such information
53 as required by the office of children and family services, an annual
54 report on youth remanded pursuant to article three or seven of the fami-
55 ly court act who are detained during each calendar year including,
56 commencing January first, two thousand twelve, the risk level of each

1 detained youth as assessed by a detention risk assessment instrument
2 approved by the office of children and family services provided, howev-
3 er, that the report due January first, two thousand twenty-one and ther-
4 eafter shall not be required to contain any information on youth who are
5 subject to article seven of the family court act. The office may require
6 that such data on detention use be submitted to the office electron-
7 ically. Such report shall include, but not be limited to, the reason for
8 the court's determination in accordance with section 320.5 or seven
9 hundred thirty-nine of the family court act to detain the youth; the
10 offense or offenses with which the youth is charged; and all other
11 reasons why the youth remains detained. The office shall submit a compi-
12 lation of all the separate reports to the governor and the legislature.

13 § 22. Intentionally omitted.

14 § 23. Severability. If any clause, sentence, paragraph, subdivision,
15 section or part contained in any part of this act shall be adjudged by
16 any court of competent jurisdiction to be invalid, such judgment shall
17 not affect, impair, or invalidate the remainder thereof, but shall be
18 confined in its operation to the clause, sentence, paragraph, subdivi-
19 sion, section or part contained in any part thereof directly involved in
20 the controversy in which such judgment shall have been rendered. It is
21 hereby declared to be the intent of the legislature that this act would
22 have been enacted even if such invalid provisions had not been included
23 herein.

24 § 24. This act shall take effect January 1, 2020 and shall be deemed
25 to be applicable to the pre-dispositional placement of youth pursuant to
26 petitions filed pursuant to article seven of the family court act on or
27 after such effective date.

28 PART L

29 Section 1. Paragraphs (a), (b), (c) and (d) of subdivision 1 of
30 section 131-o of the social services law, as amended by section 1 of
31 part YY of chapter 59 of the laws of 2018, are amended to read as
32 follows:

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

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

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

42 (d) for the period commencing January first, two thousand [~~nineteen~~]
43 twenty, the monthly personal needs allowance shall be an amount equal to
44 the sum of the amounts set forth in subparagraphs one and two of this
45 paragraph:

46 (1) the amounts specified in paragraphs (a), (b) and (c) of this
47 subdivision; and

48 (2) the amount in subparagraph one of this paragraph, multiplied by
49 the percentage of any federal supplemental security income cost of
50 living adjustment which becomes effective on or after January first, two
51 thousand [~~nineteen~~] twenty, but prior to June thirtieth, two thousand
52 [~~nineteen~~] twenty, rounded to the nearest whole dollar.

§ 2. Paragraph (a), (b), (c), (d), (e) and (f) of subdivision 2 of section 209 of the social services law, as amended by section 2 of part YY of chapter 59 of the laws of 2018, are amended to read as follows:

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

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

(c) On and after January first, two thousand ~~eighteen~~ nineteen, (i) for an eligible individual receiving family care, [~~\$1,016.48~~] \$1,037.48 if he or she is receiving such care in the city of New York or the county of Nassau, Suffolk, Westchester or Rockland; and (ii) for an eligible couple receiving family care in the city of New York or the county of Nassau, Suffolk, Westchester or Rockland, two times the amount set forth in subparagraph (i) of this paragraph; or (iii) for an eligible individual receiving such care in any other county in the state, [~~\$978.48~~] \$999.48; and (iv) for an eligible couple receiving such care in any other county in the state, two times the amount set forth in subparagraph (iii) of this paragraph.

(d) On and after January first, two thousand ~~eighteen~~ nineteen, (i) for an eligible individual receiving residential care, [~~\$1,185.00~~] \$1,206.00 if he or she is receiving such care in the city of New York or the county of Nassau, Suffolk, Westchester or Rockland; and (ii) for an eligible couple receiving residential care in the city of New York or the county of Nassau, Suffolk, Westchester or Rockland, two times the amount set forth in subparagraph (i) of this paragraph; or (iii) for an eligible individual receiving such care in any other county in the state, [~~\$1,155.00~~] \$1,176.00; and (iv) for an eligible couple receiving such care in any other county in the state, two times the amount set forth in subparagraph (iii) of this paragraph.

(e) [~~(i)~~] On and after January first, two thousand ~~eighteen~~ nineteen, ~~(i)~~ for an eligible individual receiving enhanced residential care, [~~\$1,444.00~~] \$1,465.00; and (ii) for an eligible couple receiving enhanced residential care, two times the amount set forth in subparagraph (i) of this paragraph.

(f) The amounts set forth in paragraphs (a) through (e) of this subdivision shall be increased to reflect any increases in federal supplemental security income benefits for individuals or couples which become effective on or after January first, two thousand ~~nineteen~~ twenty but prior to June thirtieth, two thousand ~~nineteen~~ twenty.

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

PART M

Section 1. Section 4 of part W of chapter 54 of the laws of 2016, amending the social services law relating to the powers and duties of the commissioner of social services relating to the appointment of a temporary operator, is amended to read as follows:

§ 4. This act shall take effect immediately and shall be deemed to have been in full force and effect on and after April 1, 2016, provided further that this act shall expire and be deemed repealed March 31, ~~2019~~ 2022.

§ 2. This act shall take effect immediately.

1 PART N

2 Intentionally Omitted

3 PART O

4 Intentionally Omitted

5 PART P

6 Intentionally Omitted

7 PART Q

8 Intentionally Omitted

9 PART R

10 Intentionally Omitted

11 PART S

12 Intentionally Omitted

13 PART T

14 Section 1. Short title. This act shall be known and may be cited as
15 the "Lawful Source of Income Non-Discrimination Act of 2019".

16 § 2. Section 292 of the executive law is amended by adding a new
17 subdivision 36 to read as follows:

18 36. The term "lawful source of income" shall include, but not be
19 limited to, child support, alimony, foster care subsidies, income
20 derived from social security, or any form of federal, state, or local
21 public assistance or housing assistance including, but not limited to,
22 section 8 vouchers, or any other form of housing assistance payment or
23 credit whether or not such income or credit is paid or attributed
24 directly to a landlord, and any other forms of lawful income. The
25 provisions of this subdivision shall not be construed to prohibit the
26 use of criteria or qualifications of eligibility for the sale, rental,
27 leasing or occupancy of publicly-assisted housing accommodations where
28 such criteria or qualifications are required to comply with federal or
29 state law, or are necessary to obtain the benefits of a federal or state
30 program. A publicly assisted housing accommodation may include eligibil-
31 ity criteria in statements, advertisements, publications or applica-
32 tions, and may make inquiry or request information to the extent neces-
33 sary to determine eligibility.

34 § 3. Paragraphs (a), (b), (c) and (c-1) of subdivision 2-a of section
35 296 of the executive law, as amended by chapter 8 of the laws of 2019,
36 are amended to read as follows:

37 (a) To refuse to sell, rent or lease or otherwise to deny to or with-
38 hold from any person or group of persons such housing accommodations
39 because of the race, creed, color, disability, national origin, sexual
40 orientation, gender identity or expression, military status, age, sex,
41 marital status, lawful source of income or familial status of such
42 person or persons, or to represent that any housing accommodation or

1 land is not available for inspection, sale, rental or lease when in fact
2 it is so available.

3 (b) To discriminate against any person because of his or her race,
4 creed, color, disability, national origin, sexual orientation, gender
5 identity or expression, military status, age, sex, marital status,
6 lawful source of income or familial status in the terms, conditions or
7 privileges of any publicly-assisted housing accommodations or in the
8 furnishing of facilities or services in connection therewith.

9 (c) To cause to be made any written or oral inquiry or record concern-
10 ing the race, creed, color, disability, national origin, sexual orien-
11 tation, gender identity or expression, membership in the reserve armed
12 forces of the United States or in the organized militia of the state,
13 age, sex, marital status, lawful source of income or familial status of
14 a person seeking to rent or lease any publicly-assisted housing accommo-
15 dation; provided, however, that nothing in this subdivision shall
16 prohibit a member of the reserve armed forces of the United States or in
17 the organized militia of the state from voluntarily disclosing such
18 membership.

19 (c-1) To print or circulate or cause to be printed or circulated any
20 statement, advertisement or publication, or to use any form of applica-
21 tion for the purchase, rental or lease of such housing accommodation or
22 to make any record or inquiry in connection with the prospective
23 purchase, rental or lease of such a housing accommodation which
24 expresses, directly or indirectly, any limitation, specification or
25 discrimination as to race, creed, color, national origin, sexual orien-
26 tation, gender identity or expression, military status, sex, age, disa-
27 bility, marital status, lawful source of income or familial status, or
28 any intent to make any such limitation, specification or discrimination.

29 § 4. Subparagraphs 1, 2 and 3 of paragraph (a) of subdivision 5 of
30 section 296 of the executive law, as amended by chapter 8 of the laws of
31 2019, are amended to read as follows:

32 (1) To refuse to sell, rent, lease or otherwise to deny to or withhold
33 from any person or group of persons such a housing accommodation because
34 of the race, creed, color, national origin, sexual orientation, gender
35 identity or expression, military status, sex, age, disability, marital
36 status, lawful source of income or familial status of such person or
37 persons, or to represent that any housing accommodation or land is not
38 available for inspection, sale, rental or lease when in fact it is so
39 available.

40 (2) To discriminate against any person because of race, creed, color,
41 national origin, sexual orientation, gender identity or expression,
42 military status, sex, age, disability, marital status, lawful source of
43 income or familial status in the terms, conditions or privileges of the
44 sale, rental or lease of any such housing accommodation or in the
45 furnishing of facilities or services in connection therewith.

46 (3) To print or circulate or cause to be printed or circulated any
47 statement, advertisement or publication, or to use any form of applica-
48 tion for the purchase, rental or lease of such housing accommodation or
49 to make any record or inquiry in connection with the prospective
50 purchase, rental or lease of such a housing accommodation which
51 expresses, directly or indirectly, any limitation, specification or
52 discrimination as to race, creed, color, national origin, sexual orien-
53 tation, gender identity or expression, military status, sex, age, disa-
54 bility, marital status, lawful source of income or familial status, or
55 any intent to make any such limitation, specification or discrimination.

§ 5. Subparagraphs 1 and 2 of paragraph (c) of subdivision 5 of section 296 of the executive law, as amended by chapter 8 of the laws of 2019, are amended to read as follows:

(1) To refuse to sell, rent or lease any housing accommodation, land or commercial space to any person or group of persons or to refuse to negotiate for the sale, rental or lease, of any housing accommodation, land or commercial space to any person or group of persons because of the race, creed, color, national origin, sexual orientation, gender identity or expression, military status, sex, age, disability, marital status, lawful source of income or familial status of such person or persons, or to represent that any housing accommodation, land or commercial space is not available for inspection, sale, rental or lease when in fact it is so available, or otherwise to deny or withhold any housing accommodation, land or commercial space or any facilities of any housing accommodation, land or commercial space from any person or group of persons because of the race, creed, color, national origin, sexual orientation, gender identity or expression, military status, sex, age, disability, marital status, lawful source of income or familial status of such person or persons.

(2) To print or circulate or cause to be printed or circulated any statement, advertisement or publication, or to use any form of application for the purchase, rental or lease of any housing accommodation, land or commercial space or to make any record or inquiry in connection with the prospective purchase, rental or lease of any housing accommodation, land or commercial space which expresses, directly or indirectly, any limitation, specification, or discrimination as to race, creed, color, national origin, sexual orientation, gender identity or expression, military status, sex, age, disability, marital status, lawful source of income or familial status; or any intent to make any such limitation, specification or discrimination.

§ 6. Paragraph (d) of subdivision 5 of section 296 of the executive law, as amended by chapter 8 of the laws of 2019, is amended to read as follows:

(d) It shall be an unlawful discriminatory practice for any real estate board, because of the race, creed, color, national origin, sexual orientation, gender identity or expression, military status, age, sex, disability, marital status, lawful source of income or familial status of any individual who is otherwise qualified for membership, to exclude or expel such individual from membership, or to discriminate against such individual in the terms, conditions and privileges of membership in such board.

§ 7. This act shall take effect immediately and shall apply to all causes of action filed on or after such effective date.

PART U

Intentionally Omitted

PART V

Intentionally Omitted

PART W

Intentionally Omitted

1 PART X

2 Intentionally Omitted

3 PART Y

4 Intentionally Omitted

5 PART Z

6 Intentionally Omitted

7 PART AA

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

11 Each agency designated as a participating agency under the provisions
12 of this section shall implement and administer a program of distribution
13 of voter registration forms pursuant to the provisions of this section.
14 The following offices which provide public assistance and/or provide
15 state funded programs primarily engaged in providing services to persons
16 with disabilities are hereby designated as voter registration agencies:
17 designated as the state agencies which provide public assistance are the
18 office of children and family services, the office of temporary and
19 disability assistance and the department of health. Also designated as
20 public assistance agencies are all agencies of local government that
21 provide such assistance. Designated as state agencies that provide
22 programs primarily engaged in providing services to people with disabili-
23 ties are the department of labor, office for the aging, division of
24 veterans' [~~affaires~~] ~~services~~, office of mental health, office of voca-
25 tional and educational services for individuals with disabilities,
26 commission on quality of care for the mentally disabled, office of
27 mental retardation and developmental disabilities, commission for the
28 blind, office of alcoholism and substance abuse services, the office of
29 the advocate for the disabled and all offices which administer programs
30 established or funded by such agencies. Additional state agencies desig-
31 nated as voter registration offices are the department of state and the
32 division of workers' compensation. Such agencies shall be required to
33 offer voter registration forms to persons upon initial application for
34 services, renewal or recertification for services and change of address
35 relating to such services. Such agencies shall also be responsible for
36 providing assistance to applicants in completing voter registration
37 forms, receiving and transmitting the completed application form from
38 all applicants who wish to have such form transmitted to the appropriate
39 board of elections. The state board of elections shall, together with
40 representatives of the department of defense, develop and implement
41 procedures for including recruitment offices of the armed forces of the
42 United States as voter registration offices when such offices are so
43 designated by federal law. The state board shall also make request of
44 the United States Immigration and Naturalization Service to include
45 applications for registration by mail with any materials which are given
46 to new citizens. All institutions of the state university of New York
47 and the city university of New York, shall, at the beginning of the
48 school year, and again in January of a year in which the president of
49 the United States is to be elected, provide an application for registra-

tion to each student in each such institution. The state board of elections may, by regulation, grant a waiver from any or all of the requirements of this section to any office or program of an agency, if it determines that it is not feasible for such office or program to administer such requirement.

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

8. The division of veterans' ~~[affaires]~~ services.

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

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

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

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

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

VETERANS' ~~[AFFAIRES]~~ SERVICES

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

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

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

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

§ 351. Division of veterans' ~~[affaires]~~ services. There is hereby created in the executive department a division of veterans' ~~[affaires]~~ services. The head of such division shall be the New York state director of veterans' ~~[affaires]~~ services who shall be a veteran. He or she shall be appointed by the governor and shall hold office during his or

1 her pleasure. Such state director shall receive an annual salary to be
2 fixed by the governor within the limitation provided by law. He or she
3 shall also be entitled to receive his or her expenses actually and
4 necessarily incurred by him or her in the performance of his or her
5 duties. The state director, with the approval of the governor, may
6 establish such bureaus within the division as are necessary and appro-
7 priate to carrying out its functions and may consolidate or abolish such
8 bureaus. The state director may appoint such officers, consultants,
9 clerks and other employees and agents as he or she may deem necessary,
10 fix their compensation within the limitation provided by law, and
11 prescribe their duties.

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

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

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

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

25 § 354-a. Information on status of veterans receiving assistance.
26 Departments, divisions, bureaus, boards, commissions and agencies of the
27 state and political subdivisions thereof, which provide assistance,
28 treatment, counseling, care, supervision or custody in service areas
29 involving health, mental health, family services, criminal justice or
30 employment, including but not limited to the office of alcoholism and
31 substance abuse services, office of mental health, office of probation
32 and correctional alternatives, office of children and family services,
33 office of temporary and disability assistance, department of health,
34 department of labor, local workforce investment boards, office for
35 people with developmental disabilities, and department of corrections
36 and community supervision, shall request assisted persons to provide
37 information with regard to their veteran status and military experi-
38 ences. Individuals identifying themselves as veterans shall be advised
39 that the division of veterans' [~~affaires~~] services and local veterans'
40 service agencies established pursuant to section three hundred fifty-
41 seven of this article provide assistance to veterans regarding benefits
42 under federal and state law. Information regarding veterans status and
43 military service provided by assisted persons solely to implement this
44 section shall be protected as personal confidential information under
45 article six-A of the public officers law against disclosure of confiden-
46 tial material, and used only to assist in the diagnosis, treatment,
47 assessment and handling of the veteran's problems within the agency
48 requesting such information and in referring the veteran to the division
49 of veterans' [~~affaires~~] services for information and assistance with
50 regard to benefits and entitlements under federal and state law.

51 § 8-a. Subdivision 2 of section 354-e of the executive law, as added
52 by chapter 322 of the laws of 2018, is amended to read as follows:

53 2. Individuals identifying themselves as having served in the military
54 or a family member shall be advised that the division of veterans'
55 [~~affaires~~] services and local veterans service agencies established
56 pursuant to section three hundred fifty-seven of this article provide

1 assistance to veterans regarding benefits under federal and state law.
2 Information regarding veterans and military status provided by assisted
3 persons solely to implement this section shall be protected as personal
4 confidential material, and used only to assist in the diagnosis, treat-
5 ment, assessment and handling of the veteran's or family member's prob-
6 lems within the agency requesting such information and in referring the
7 veteran or family member to the division of veterans' ~~[affaires]~~ services
8 for the information and assistance with regard to benefits and entitle-
9 ments under federal and state law.

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

13 (b) "Division" shall mean the state division of veterans' ~~[affaires]~~
14 services.

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

17 § 362. Creation of annuity. 1. Payment to veterans. a. Any veteran as
18 defined in this article who has been or is hereafter classified by the
19 New York State commission for the visually handicapped as a blind person
20 as defined in section three of chapter four hundred fifteen of the laws
21 of nineteen hundred thirteen, as amended, and continues to be a blind
22 person within the meaning of that section, shall, upon application to
23 the director of the division of veterans' ~~[affaires]~~ services, be paid
24 out of the treasury of the state for such term as such veteran shall be
25 entitled thereto under the provisions of this article, the sum of one
26 thousand dollars annually, plus any applicable annual adjustment, as
27 provided in this section.

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

34 c. The effective date of an award of the annuity to a veteran shall be
35 the date of receipt of the application therefor by the director of
36 veterans' ~~[affaires]~~ services, except that if the application is denied
37 but is granted at a later date upon an application for reconsideration
38 based upon new evidence, the effective date of the award of the annuity
39 to a veteran shall be the date of receipt of the application for recon-
40 sideration by the director of veterans' ~~[affaires]~~ services.

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

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

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

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

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

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

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

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

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

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

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

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

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

Prior to the commencement of the investigation and study pursuant to paragraph (a) of this subdivision, the director of the division of veterans' ~~affaires~~ services, the director of the division of the budget, the director of the department of state's division of cemeteries, and the office of the state comptroller must certify to the governor, the temporary president of the senate, the speaker of the assembly, the chair of the senate finance committee and the chair of the assembly ways and means committee that the veterans remembrance and cemetery maintenance and operation fund, created pursuant to section ninety-seven-mmm of the state finance law, contains moneys sufficient, adjusted to reflect projected future inflation, to fund the operation, maintenance and the provision of perpetual care of a state veterans' cemetery for a period of not less than fifteen years, provided that such amount shall

1 not include any amount that shall be reimbursed or contributed to the
2 cemetery from the government of the United States or any amount that
3 would be recoverable by the cemetery pursuant to a charge of fee for the
4 provision of a grave site for a non-veteran spouse or family member. In
5 making such a certification, the director of the division of veterans'
6 [~~affaires~~] services, the director of the division of the budget, the
7 director of the department of state's division of cemeteries, and the
8 office of the state comptroller shall consider, but are not limited to,
9 the following factors:

10 (g) Nothing in this section shall be construed to authorize the divi-
11 sion of veterans' [~~affaires~~] services to commence an investigation and
12 study pursuant to paragraph (a) of this subdivision, issuing a request
13 for proposals pursuant to paragraph (c) of this subdivision, selecting a
14 site for the first New York state [~~veterans~~] veterans' cemetery pursuant
15 to paragraph (d) of this subdivision, or submitting any application for
16 funding from the government of the United States in accordance with the
17 grant requirements specified in section 2408 of title 38 of the United
18 States code, part 30 of title 38 of the code of federal regulations, and
19 other relevant federal statutes or regulations, for the purpose of seek-
20 ing funds to support the construction, establishment, expansion,
21 improvement, support, operation, maintenance and the provision of
22 perpetual care of New York state's first [~~veterans~~] veterans' cemetery
23 pursuant to paragraph (e) of this subdivision until the funds in the
24 veterans remembrance and cemetery maintenance and operation fund have
25 been certified pursuant to paragraph (b) of this subdivision.

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

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

43 § 11-a. Paragraph (a) of subdivision 1 of section 367 of the executive
44 law, as amended by chapter 356 of the laws of 2018, is amended to read
45 as follows:

46 (a) A parent, identified in 10 USC 1126 as a gold star parent, of a
47 veteran who heretofore has died or parent of a veteran dying hereafter,
48 shall upon application to the state director, be paid an annual annuity
49 out of the treasury of the state for the sum of five hundred dollars for
50 such term as such parent shall be entitled thereto under the provisions
51 of this article. Commencing in the year two thousand nineteen, the
52 amount of any annuity payable under this section shall be the same
53 amount as the annuity payable in the preceding year plus a percentage
54 adjustment equal to the annual percentage increase, if any, for compen-
55 sation and pension benefits administered by the United States department
56 of [~~veterans~~] veterans affairs in the previous year. Such percentage

1 increase shall be rounded up to the next highest one-tenth of one
2 percent and shall not be less than one percent nor more than four
3 percent. The director of veterans' [~~affaires~~] services, not later than
4 February first of each year, shall publish by any reasonable means,
5 including but not limited to posting on the division's website, the
6 amount of the annuity as adjusted payable under this section. The term
7 "parent" for the purposes of this section includes mother, father, step-
8 mother, stepfather, mother through adoption and father through adoption.

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

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

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

17 (c) Evaluate and assess availability of firms for the purpose of
18 increasing participation of such firms in state contracting in consulta-
19 tion with relevant state entities including, but not limited to, the New
20 York state division of veterans' [~~affaires~~] services.

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

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

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

39 3. Monies of the fund shall be expended for the provision of veterans'
40 counseling services provided by local veterans' service agencies pursu-
41 ant to section three hundred fifty-seven of the executive law under the
42 direction of the division of veterans' [~~affaires~~] services.

43 4. To the extent practicable, the director of the division of veter-
44 ans' [~~affaires~~] services shall ensure that all monies received during a
45 fiscal year are expended prior to the end of that fiscal year.

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

51 On or before the first day of February each year, the director of the
52 New York state division of veterans' [~~affaires~~] services shall provide a
53 written report to the temporary president of the senate, speaker of the
54 assembly, chair of the senate finance committee, chair of the assembly
55 ways and means committee, chair of the senate committee on veterans,
56 homeland security and military affairs, chair of the assembly veterans'

1 affairs committee, the state comptroller and the public. Such report
2 shall include how the monies of the fund were utilized during the
3 preceding calendar year, and shall include:

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

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

12 1. There is hereby established in the joint custody of the commission-
13 er of taxation and finance, the New York state director of [~~veterans~~
14 ~~affaires~~] veterans' services and the comptroller, a special fund to be
15 known as the "homeless veterans assistance fund".

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

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

28 5. Moneys shall be paid out of the fund on the audit and warrant of
29 the comptroller on vouchers approved and certified by the New York state
30 director of [~~veterans-affaires~~] veterans' services. Any interest
31 received by the comptroller on moneys on deposit in the homeless veter-
32 ans assistance fund shall be retained in and become part of such fund.

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

36 1. This section shall apply to all persons employed by the state in
37 the ward, cottage, colony, kitchen and dining room, and guard service
38 personnel in any hospital, school, prison, reformatory or other institu-
39 tion within or subject to the jurisdiction, supervision, control or
40 visitation of the department of corrections and community supervision,
41 the department of health, the department of mental hygiene, the depart-
42 ment of social welfare or the division of veterans' [~~affaires~~] services
43 in the executive department, and engaged in the performance of such
44 duties as nursing, guarding or attending the inmates, patients, wards or
45 other persons kept or housed in such institutions, or in protecting and
46 guarding the buildings and/or grounds thereof, or in preparing or serv-
47 ing food therein.

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

51 3. A distinctive plate issued pursuant to this section shall be issued
52 in the same manner as other number plates upon the payment of the regu-
53 lar registration fee prescribed by section four hundred one of this
54 article, provided, however, that an additional annual service charge of
55 fifteen dollars shall be charged for such plate. Such annual service
56 charge shall be deposited to the credit of the Eighth Air Force Histor-

1 ical Society fund established pursuant to section ninety-five-f of the
2 state finance law and shall be used for veterans' counseling services
3 provided by local veterans' service agencies pursuant to section three
4 hundred fifty-seven of the executive law under the direction of the
5 division of veterans' ~~[affaires]~~ services. Provided, however, that one
6 year after the effective date of this section funds in the amount of
7 five thousand dollars, or so much thereof as may be available, shall be
8 allocated to the department to offset costs associated with the
9 production of such license plates.

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

13 3. Any person who is a patient at any facility in this state main-
14 tained by the United States ~~[Veterans-]~~ Veterans Health Administration
15 or at any hospital or sanatorium for treatment of tuberculosis main-
16 tained by the state or any municipal corporation thereof or resident
17 patient at any institution of the department of Mental Hygiene, or resi-
18 dent patient at the rehabilitation hospital of the department of Health,
19 or at any rest camp maintained by the state through the Division of
20 Veterans' ~~[Affaires]~~ Services in the Executive Department or any inmate
21 of a conservation work camp within the youth rehabilitation facility of
22 the department of corrections and community supervision, or any inmate
23 of a youth opportunity or youth rehabilitation center within the Office
24 of Children and Family Services, any resident of a nursing home or resi-
25 dential health care facility as defined in subdivisions two and three of
26 section twenty-eight hundred one of the public health law, or any staff
27 member or volunteer accompanying or assisting one or more residents of
28 such nursing home or residential health care facility on an outing
29 authorized by the administrator of such nursing home or residential
30 health care facility may take fish as if he or she held a fishing
31 license, except that he or she may not take bait fish by net or trap, if
32 he or she has on his or her person an authorization upon a form
33 furnished by the department containing such identifying information and
34 data as may be required by it, and signed by the superintendent or other
35 head of such facility, institution, hospital, sanitarium, nursing home,
36 residential health care facility or rest camp, as the case may be, or by
37 a staff physician thereat duly authorized so to do by the superintendent
38 or other head thereof. Such authorization with respect to inmates of
39 said conservation work camps shall be limited to areas under the care,
40 custody and control of the department.

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

44 5. The staff of a general hospital shall: (a) inquire whether or not
45 the person admitted has served in the United States armed forces. Such
46 information shall be listed on the admissions form; (b) notify any
47 admittee who is a veteran of the possible availability of services at a
48 hospital operated by the ~~[veterans-administration]~~ United States veter-
49 ans health administration, and, upon request by the admittee, such staff
50 shall make arrangements for the individual's transfer to a ~~[veterans~~
51 ~~administration-operated]~~ United States veterans health administration
52 hospital, provided, however, that transfers shall be authorized only
53 after it has been determined, according to accepted clinical and medical
54 standards, that the patient's condition has stabilized and transfer can
55 be accomplished safely and without complication; and (c) provide any
56 admittee who has served in the United States armed forces with a copy of

1 the "Information for Veterans concerning Health Care Options" fact
2 sheet, maintained by the division of veterans' [~~affaires~~] services pursu-
3 ant to subdivision twenty-three of section three hundred fifty-three of
4 the executive law prior to discharging or transferring the patient. The
5 commissioner shall promulgate rules and regulations for notifying such
6 admittees of possible available services and for arranging a requested
7 transfer.

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

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

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

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

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

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

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

41 § 25. Section 99-v of the general municipal law, as added by chapter
42 16 of the laws of 2011, is amended to read as follows:

43 § 99-v. Veterans [~~affaires~~] services; display of events. Each county,
44 city, town or village may adopt a local law to provide a bulletin board
45 to be conspicuously displayed in such county, city, town or village
46 building holding its local legislative body or municipal offices. Such
47 bulletin board shall be used by veterans organizations, the New York
48 state division of veterans' [~~affaires~~] services, the county veterans
49 service agency or city veterans service agency to display information
50 regarding veterans in such county, city, town or village. Such informa-
51 tion may include, but not be limited to, benefits or upcoming veterans
52 related events in the community.

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

55 1-b. The adjutant general is hereby authorized to present in the name
56 of the legislature of the state of New York, a certificate, to be known

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

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

22 3. No fee shall be charged for any certificate when required by the
23 ~~[veterans-administration]~~ United States department of veterans affairs
24 or by the division of veterans' ~~[affaires]~~ services of the state of New
25 York to be used in determining the eligibility of any person to partic-
26 ipate in the benefits made available by the ~~[veterans-administration]~~
27 United States department of veterans affairs or by the state of New
28 York.

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

32 1. Each town and city clerk hereby empowered to issue marriage
33 licenses shall keep a book supplied by the state department of health in
34 which such clerk shall record and index such information as is required
35 therein, which book shall be kept and preserved as a part of the public
36 records of his or her office. Whenever an application is made for a
37 search of such records the city or town clerk, excepting the city clerk
38 of the city of New York, may make such search and furnish a certificate
39 of the result to the applicant upon the payment of a fee of five dollars
40 for a search of one year and a further fee of one dollar for the second
41 year for which such search is requested and fifty cents for each addi-
42 tional year thereafter, which fees shall be paid in advance of such
43 search. Whenever an application is made for a search of such records in
44 the city of New York, the city clerk of the city of New York may make
45 such search and furnish a certificate of the result to the applicant
46 upon the payment of a fee of five dollars for a search of one year and a
47 further fee of one dollar for the second year for which search is
48 requested and fifty cents each additional year thereafter. Notwithstand-
49 ing any other provision of this article, no fee shall be charged for any
50 search or certificate when required by the ~~[veterans-administration]~~
51 United States department of veterans affairs or by the division of
52 veterans' ~~[affaires]~~ services of the state of New York to be used in
53 determining the eligibility of any person to participate in the benefits
54 made available by the ~~[veterans-administration]~~ United States department
55 of veterans affairs or by the state of New York. All such affidavits,
56 statements and consents, immediately upon the taking or receiving of the

1 same by the town or city clerk, shall be recorded and indexed as
2 provided herein and shall be public records and open to public
3 inspection whenever the same may be necessary or required for judicial
4 or other proper purposes. At such times as the commissioner shall
5 direct, the said town or city clerk, excepting the city clerk of the
6 city of New York, shall file in the office of the state department of
7 health the original of each affidavit, statement, consent, order of a
8 justice or judge authorizing immediate solemnization of marriage,
9 license and certificate, filed with or made before such clerk during the
10 preceding month. Such clerk shall not be required to file any of said
11 documents with the state department of health until the license is
12 returned with the certificate showing that the marriage to which they
13 refer has been actually performed.

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

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

24 1. Each member state shall, through the creation of a state council or
25 use of an existing body or board, provide for the coordination among its
26 agencies of government, local educational agencies and military instal-
27 lations concerning the state's participation in, and compliance with,
28 this compact and interstate commission activities. In New York, the
29 state council shall include the commissioner or his or her designee, the
30 director of the New York state division of veterans' ~~[affaires]~~ services
31 or his or her designee, the adjutant general of the state of New York or
32 his or her designee, a superintendent of a school district with a high
33 concentration of military children appointed by the commissioner, a
34 district superintendent of schools of a board of cooperative educational
35 services serving an area with a high concentration of military children
36 appointed by the commissioner, a representative from a military instal-
37 lation appointed by the governor, a representative of military families
38 appointed by the governor, a public member appointed by the governor and
39 one representative each appointed by the speaker of the assembly, the
40 temporary president of the senate and the governor.

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

43 1. The commissioner shall develop, jointly with the director of the
44 division of veterans' ~~[affaires]~~ services, a program to facilitate artic-
45 ulation between participation in the military service of the United
46 States or the military service of the state and admission to practice of
47 a profession. The commissioner and the director shall identify, review
48 and evaluate professional training programs offered through either the
49 military service of the United States or the military service of the
50 state which may, where applicable, be accepted by the department as
51 equivalent education and training in lieu of all or part of an approved
52 program. Particular emphasis shall be placed on the identification of
53 military programs which have previously been deemed acceptable by the
54 department as equivalent education and training, programs which may
55 provide, where applicable, equivalent education and training for those
56 professions which are critical to public health and safety and programs

1 which may provide, where applicable, equivalent education and training
2 for those professions for which shortages exist in the state of New
3 York.

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

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

14 § 31-a. Subdivision (i) of section 19.07 of the mental hygiene law, as
15 added by chapter 358 of the laws of 2013, is amended to read as follows:

16 (i) The office of alcoholism and substance abuse services shall peri-
17 odically, in consultation with the state director of veterans' ~~[affaires]~~
18 services: (1) review the programs operated by the office to ensure that
19 the needs of the state's veterans who served in the U.S. armed forces
20 and who are recovering from alcohol and/or substance abuse are being met
21 and to develop improvements to programs to meet such needs; and (2) in
22 collaboration with the state director of veterans' ~~[affaires]~~ services
23 and the commissioner of the office of mental health, review and make
24 recommendations to improve programs that provide treatment, rehabili-
25 tation, relapse prevention, and recovery services to veterans who have
26 served in a combat theatre or combat zone of operations and have a
27 co-occurring mental health and alcoholism or substance abuse disorder.

28 § 31-b. Subdivision 15 of section 202 of the elder law, as amended by
29 chapter 455 of the laws of 2016, is amended to read as follows:

30 15. to periodically, in consultation with the state director of veter-
31 ans' ~~[affaires]~~ services, review the programs operated by the office to
32 ensure that the needs of the state's aging veteran population are being
33 met and to develop improvements to programs to meet such needs; and

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

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

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

50 (g) Every corporation receiving any kind of state funding shall ensure
51 the provision on any form required to be completed at application or
52 recertification for the purpose of obtaining financial assistance pursu-
53 ant to this chapter, that the application form shall contain a check-off
54 question asking whether the applicant or recipient or a member of his or
55 her family served in the United States military, and an option to answer
56 in the affirmative. Where the applicant or recipient answers in the

1 affirmative to such question, the not-for-profit corporation shall
2 ensure that contact information for the state division of veterans'
3 ~~[affaires]~~ services is provided to such applicant or recipient in addi-
4 tion to any other materials provided.

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

8 (b) Removal of remains from private cemeteries to other cemeteries.
9 The supervisor of any town containing a private cemetery may remove any
10 body interred in such cemetery to any other cemetery within the town, if
11 the owners of such cemeteries and the next of kin of the deceased
12 consent to such removal. The owners of a private cemetery may remove the
13 bodies interred therein to any other cemetery within such town, or to
14 any cemetery designated by the next of kin of the deceased. Notice of
15 such removal shall be given within twenty days before such removal
16 personally or by certified mail to the next of kin of the deceased if
17 known and to the clerk and historian of the county in which such real
18 property is situated and notice shall be given to the New York state
19 department of state, division of cemeteries. If any of the deceased are
20 known to be veterans, the owners shall also notify the division of
21 veterans' ~~[affaires]~~ services. In the absence of the next of kin, the
22 county clerk, county historian or the division of veterans' ~~[affaires]~~
23 services may act as a guardian to ensure proper reburial.

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

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

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

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

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

54 8. The commissioner shall develop in consultation with the director of
55 the New York state division of veterans' ~~[affaires]~~ services a listing of
56 documents to be used to establish eligibility under this section,

1 including but not limited to a certificate of release or discharge from
2 active duty also known as a DD-214 form or an Honorable Service
3 Certificate/Report of Causality from the department of defense. Such
4 information shall be made available to each county, city, town or
5 village assessor's office, or congressional chartered veterans service
6 officers who request such information. The listing of acceptable mili-
7 tary records shall be made available on the internet websites of the
8 division of veterans' [~~affaires~~] services and the office of real property
9 tax services.

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

14 1. There is hereby continued in the division of military and naval
15 affairs in the executive department a state civil defense commission to
16 consist of the same members as the members of the disaster preparedness
17 commission as established in article two-B of the executive law. In
18 addition, the superintendent of financial services, the [~~chairman~~]
19 chairperson of the workers' compensation board and the director of the
20 division of veterans' [~~affaires~~] services shall be members. The governor
21 shall designate one of the members of the commission to be the [~~chair-~~
22 ~~man~~] chairperson thereof. The commission may provide for its division
23 into subcommittees and for action by such subcommittees with the same
24 force and effect as action by the full commission. The members of the
25 commission, except for those who serve ex officio, shall be allowed
26 their actual and necessary expenses incurred in the performance of their
27 duties under this article but shall receive no additional compensation
28 for services rendered pursuant to this article.

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

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

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

42 a. Except as otherwise provided by law, the commissioner shall have
43 such powers as provided by the director of the state veterans' service
44 agency and shall have the duty to inform military and naval authorities
45 of the United States and assist members of the armed forces and veter-
46 ans, who are residents of the city, and their families, in relation to:
47 (1) matters pertaining to educational training and retraining services
48 and facilities, (2) health, medical and rehabilitation service and
49 facilities, (3) provisions of federal, state and local laws and regu-
50 lations affording special rights and privileges to members of the armed
51 forces and veterans and their families, (4) employment and re-employment
52 services, and (5) other matters of similar, related or appropriate
53 nature. The commissioner shall also assist families of members of the
54 reserve components of the armed forces and the organized militia ordered
55 into active duty to ensure that they are made aware of and are receiving
56 all appropriate support available to them. The department also shall

1 perform such other duties as may be assigned by the state director of
2 the division of veterans' ~~[affaires]~~ services.

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

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

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

11 1. A local director shall designate the location of the local and
12 branch offices of the local veterans' service agency within his or her
13 jurisdiction, which offices shall be open during convenient hours. The
14 cost of maintenance and operation of a county veterans' service agency
15 shall be a county charge and the cost of maintenance and operation of a
16 city veterans' service agency shall be a city charge, excepting that the
17 state director with the approval of the veterans' ~~[affaires]~~ services
18 commission shall allot and pay, from state moneys made available to him
19 or her for such purposes, to each county veterans' service agency and
20 each city veterans' service agency, an amount equal to fifty per centum
21 of its expenditures for maintenance and operation approved by the state
22 director, provided that in no event shall the amount allotted and paid
23 for such approved expenditures incurred in any given year exceed (1) in
24 the case of any county veterans' service agency in a county having a
25 population of not more than one hundred thousand or in the case of any
26 city veterans' service agency in a city having a population of not more
27 than one hundred thousand, the sum of ten thousand dollars, nor (2) in
28 the case of any county veterans' service agency in a county having a
29 population in excess of one hundred thousand excluding the population of
30 any city therein which has a city veterans' service agency, the sum of
31 ten thousand dollars, and, in addition thereto, the sum of five thousand
32 dollars for each one hundred thousand, or major portion thereof, of the
33 population of the county in excess of one hundred thousand excluding the
34 population of any city therein which has a city veterans' service agen-
35 cy, nor (3) in the case of any city veterans' service agency in a city
36 having a population in excess of one hundred thousand, the sum of ten
37 thousand dollars, and, in addition thereto, the sum of five thousand
38 dollars for each one hundred thousand, or major portion thereof, of the
39 population of the city in excess of one hundred thousand. Such popu-
40 lation shall be certified in the same manner as provided by section
41 fifty-four of the state finance law.

42 § 43. Terms occurring in laws, contracts and other documents. Whenev-
43 er the functions, powers, obligations, duties and officials relating to
44 the division of veterans' affairs, the veterans' affairs commission or
45 the director of veterans' affairs is referred to or designated in any
46 other law, regulation, contract or document, such reference or desig-
47 nation shall be deemed to refer to the appropriate functions, powers,
48 obligations, duties, officials and director of the division of veterans'
49 services or the veterans' services commission, as designated by this
50 act.

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

54 § 45. Severability. If any clause, sentence, paragraph, subdivision,
55 section or part contained in any part of this act shall be adjudged by
56 any court of competent jurisdiction to be invalid, such judgment shall

1 not affect, impair, or invalidate the remainder thereof, but shall be
2 confined in its operation to the clause, sentence, paragraph, subdivi-
3 sion, section or part contained in any part thereof directly involved in
4 the controversy in which such judgment shall have been rendered. It is
5 hereby declared to be the intent of the legislature that this act would
6 have been enacted even if such invalid provisions had not been included
7 herein.

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

12 PART BB

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

19 2. For the purposes of this section, "foster youth" shall mean
20 students who [~~have qualified as~~] (i) are an orphan[~~, foster child~~] or
21 (ii) are, or have been, either a child or youth in foster care as such
22 term is defined in section thirty-two hundred forty-four of this chapter
23 or ward of the court [~~for the purposes of federal student financial aid~~
24 ~~programs authorized by Title IV of the Higher Education Act of 1965, as~~
25 ~~amended~~] at any time after their thirteenth birthday.

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

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

37 § 2. This act shall take effect immediately.

38 PART CC

39 Section 1. Paragraph h of subdivision 2 of section 355 of the educa-
40 tion law is amended by adding a new subparagraph 3-a to read as follows:

41 (3-a) Notwithstanding the provisions of any other general, special or
42 local law, rule or regulation, the state university trustees shall be
43 authorized to set a reduced rate of tuition and/or fees, or to waive
44 tuition and/or fees entirely, for students participating in any dual or
45 concurrent enrollment program with no reduction in other state, local,
46 or other support for such students earning college credit that such
47 higher education partner would otherwise be eligible to receive;
48 provided that, for purposes of this provision, a dual or concurrent
49 enrollment program shall mean one or more college courses taken by a
50 high school student through a state-operated institution while such
51 student is still enrolled in high school or boards of cooperative educa-

1 tional services and for which the student may receive both high school
2 and college credit.

3 § 2. Section 6303 of the education law is amended by adding a new
4 subdivision 6 to read as follows:

5 6. Notwithstanding the provisions of any other general, special or
6 local law, rule or regulation, each community college, or the entity or
7 entities responsible for setting tuition at such institution, shall be
8 authorized to set a reduced rate of tuition and/or fees, or to waive
9 tuition and/or fees entirely, for students participating in any dual or
10 concurrent enrollment program with no reduction in other state, local,
11 or other support for such students earning college credit that such
12 higher education partner would otherwise be eligible to receive;
13 provided that, for purposes of this provision, a dual or concurrent
14 enrollment program shall mean one or more college courses taken by a
15 high school student through a community college while such student is
16 still enrolled in high school or boards of cooperative educational
17 services and for which the student may receive both high school and
18 college credit.

19 § 3. Subdivision 7 of section 6206 of the education law is amended by
20 adding a new paragraph (e) to read as follows:

21 (e) Notwithstanding the provisions of any other general, special or
22 local law, rule or regulation, the board of trustees shall be authorized
23 to set a reduced rate of tuition and/or fees, or to waive tuition and/or
24 fees entirely, for students participating in any dual or concurrent
25 enrollment program with no reduction in other state, local, or other
26 support for such students earning college credit that such higher educa-
27 tion partner would otherwise be eligible to receive; provided that, for
28 purposes of this provision, a dual or concurrent enrollment program
29 shall mean one or more college courses taken by a high school student
30 through a community college or a senior college of the city university
31 while such student is still enrolled in high school and for which the
32 student may receive both high school and college credit.

33 § 4. This act shall take effect immediately.

34 PART DD

35 Section 1. The civil service law is amended by adding a new section
36 215 to read as follows:

37 § 215. Agency shop fee deductions. 1. Notwithstanding any other law to
38 the contrary, any public employer, any employee organization, the comp-
39 troller and the board, or any of their employees or agents, shall not be
40 liable for, and shall have a complete defense to, any claims or actions
41 under the laws of this state for requiring, deducting, receiving, or
42 retaining agency shop fee deductions from public employees, and current
43 or former public employees shall not have standing to pursue these
44 claims or actions, if the fees were permitted or mandated at the time
45 under the laws of this state then in force and paid, through payroll
46 deduction or otherwise, prior to June twenty-seventh, two thousand eigh-
47 teen.

48 2. This section shall apply to claims and actions pending or filed on
49 or after June twenty-seventh, two thousand eighteen.

50 3. The enactment of this section shall not be interpreted to create
51 the inference that any relief made unavailable by this section would
52 otherwise be available.

53 § 2. This act shall take effect immediately.

1

PART EE

2 Section 1. Legislative findings. The legislature finds that the State
3 University of New York at Albany ("University") is in the process of
4 developing 12 neighboring acres on the W. Averell Harriman State Office
5 Building Campus to build the 245,000-square-foot Emerging Technology and
6 Entrepreneurship Complex ("ETEC"). This ETEC development is part of a
7 long-term development strategy of the University as part of the NYSUNY
8 2020 Challenge Grant Program. ETEC will house the University's College
9 of Emergency Preparedness, Homeland Security and Cybersecurity, the
10 Department of Atmospheric and Environmental Sciences, the Atmospheric
11 Sciences Research Center and other University academic departments, as
12 well as the New York State Mesonet weather-detection system. As part of
13 this effort, the University wishes to lease a portion of the space with-
14 in ETEC to non-New York State entities, including businesses, to enable
15 collaboration, research commercialization, and real world experiential
16 learning opportunities for students. The legislature further finds that
17 granting the trustees of the State University of New York the authority
18 and power to lease and otherwise contract a portion of the ETEC will
19 promote the mission of the new facility to help the state be better
20 prepared for emerging threats of extreme weather and terrorism.

21 § 2. Notwithstanding any other law to the contrary, the state univer-
22 sity trustees are authorized and empowered to delegate to the University
23 the authorization and empowerment to lease or otherwise contract to
24 tenants with interests that are in alignment with the academic and
25 research mission of the University. The University under this authori-
26 zation shall be permitted to lease or otherwise contract up to 15,000
27 square feet of space and facilities at ETEC, without any public bidding.
28 Any lease or contract of such space and facilities at ETEC may be
29 subject to applicable approvals of the office of the Attorney General
30 and the Office of the State Comptroller for revenue contracts. Such
31 leases or contracts shall be for periods not to exceed 50 years and
32 shall be conditioned upon any terms and conditions determined to be
33 necessary by the state university trustees.

34 § 3. Pursuant to section two of this act, notwithstanding any law,
35 rule or regulation to the contrary, the State University of New York
36 shall not contract out to any lessees or contractors or any subsidiary
37 of such lessees or contractors for the instruction of students or any
38 pedagogical functions or services, maintenance, operation or any admin-
39 istrative services, or similar professional services that will be
40 performed by state employees at the University. All such functions and
41 services shall be performed by state employees pursuant to the civil
42 service law. Nothing in this act shall result in the permanent displace-
43 ment of any currently employed state worker or the loss of position
44 (including partial displacement such as the permanent reduction in the
45 hours of non-overtime, wages or employment benefits), or result in the
46 impairment of existing contracts for services or collective bargaining
47 rights pursuant to existing agreements. All positions currently within
48 the space described in section two of this act in the unclassified or
49 classified service of the civil service law shall remain in the classi-
50 fied or unclassified service.

51 § 4. Any leases entered into by the University pursuant to section two
52 of this act shall be considered revenue contracts of the University and
53 subject to review and approval by the office of the Attorney General and
54 the office of the State Comptroller as required for revenue contracts at

1 the time of execution of said leases. All proceeds from said leases
2 shall be deposited into accounts of the University.

3 § 5. Insofar as the provisions of this act are inconsistent with the
4 provisions of any law, general, special or local, the provisions of this
5 act shall be controlling.

6 § 6. This act shall take effect immediately.

7 § 2. Severability clause. If any clause, sentence, paragraph, subdivi-
8 sion, section or part of this act shall be adjudged by any court of
9 competent jurisdiction to be invalid, such judgment shall not affect,
10 impair, or invalidate the remainder thereof, but shall be confined in
11 its operation to the clause, sentence, paragraph, subdivision, section
12 or part thereof directly involved in the controversy in which such judg-
13 ment shall have been rendered. It is hereby declared to be the intent of
14 the legislature that this act would have been enacted even if such
15 invalid provisions had not been included herein.

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