

STATE OF NEW YORK

1506--B

IN SENATE

January 18, 2019

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

AN ACT to amend the education law, in relation to school districts submission of a contract for excellence, and in relation to establishing regional STEM magnet schools; to amend the education law, in relation to supplemental public excess cost aid; to amend the education law, in relation to high tax aid; to amend the education law, in relation to the statewide universal full-day pre-kindergarten program; to amend the education law, in relation to the teachers of tomorrow teacher recruitment and retention program; to amend the education law, in relation to class sizes for special classes containing certain students with disabilities; to amend the education law, in relation to school safety plans; to amend the education law, in relation to including healthy relationships in health education; to amend chapter 756 of the laws of 1992, relating to funding a program for work force education conducted by the consortium for worker education in New York city, in relation to reimbursements for the 2019-2020 school year; to amend chapter 756 of the laws of 1992, relating to funding a program for work force education conducted by the consortium for worker education in New York city, in relation to withholding a portion of employment preparation education aid and in relation to the effectiveness thereof; to amend chapter 82 of the laws of 1995, amending the education law and other laws relating to state aid to school districts and the appropriation of funds for the support of government, in relation to the effectiveness thereof; to amend chapter 147 of the laws of 2001, amending the education law relating to conditional appointment of school district, charter school or BOCES employees, in relation to the effectiveness thereof; to amend chapter 425 of the laws of 2002, amending the education law relating to the provision of supplemental educational services, attendance at a safe public school and the suspension of pupils who bring a firearm to or possess a firearm at a school, in relation to the effectiveness thereof; to amend chapter 101 of the laws of 2003, amending the education law relating to implemen-

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

LBD12572-04-9

tation of the No Child Left Behind Act of 2001, in relation to the effectiveness thereof; to amend chapter 91 of the laws of 2002, amending the education law and other laws relating to reorganization of the New York city school construction authority, board of education and community boards, in relation to the effectiveness thereof; to amend chapter 345 of the laws of 2009, amending the education law and other laws relating to the New York city board of education, chancellor, community councils, and community superintendents, in relation to the effectiveness thereof; to amend chapter 472 of the laws of 1998, amending the education law relating to the lease of school buses by school districts, in relation to the effectiveness thereof; to amend chapter 552 of the laws of 1995, amending the education law relating to contracts for the transportation of school children, in relation to the effectiveness thereof; to amend chapter 97 of the laws of 2011, amending the education law relating to census reporting, in relation to the effectiveness thereof; to amend chapter 121 of the laws of 1996 relating to authorizing the Roosevelt union free school district to finance deficits by the issuance of serial bonds, in relation to certain apportionments; to amend chapter 670 of the laws of 2007 amending the education law relating to directing the commissioner of education to promulgate regulations limiting the engines of school vehicles to remain idling while parked or standing on school grounds, in relation to the effectiveness thereof; to amend chapter 396 of the laws of 2012 amending the education law, relating to services to out-of-state school districts by boards of cooperative educational services, in relation to extending the provisions thereof; to amend chapter 371 of the laws of 2014 amending the education law relating to the leasing of real property by boards of cooperative educational services, in relation to the effectiveness thereof; to amend chapter 89 of the laws of 2016 relating to supplementary funding for dedicated programs for public school students in the East Ramapo central school district, in relation to the effectiveness thereof; in relation to school bus driver training; in relation to special apportionment for salary expenses and public pension accruals; in relation to the city school district of the city of Rochester; in relation to total foundation aid for the purpose of the development, maintenance or expansion of certain magnet schools or magnet school programs for the 2019-2020 school year; in relation to the support of public libraries; and to repeal section 3614 of the education law relating to a statement of the total funding allocation (Part A); to amend the education law, in relation to community schools aid set-aside; the apportionment of public aid to certain school districts; academic enhancement aid; foundation aid; supplemental education improvement grants; to ratify and validate certain school district building projects; to legalize, validate, ratify and confirm certain acts relating to transportation contracts; to amend the education law, in relation to state aid adjustments; providing for the increase of tuition rates; to amend the education law, in relation to increasing the limit of certain funding by the dormitory authority for financing of capital facilities for state-supported schools for blind and deaf students; to amend the education law, in relation to the effectiveness of provisions relating to BOCES intermediate districts; to amend the education law, in relation to the salary of certain teachers providing instruction in career and technical education to school age students; to amend the education law, in relation to aid for career education; to amend the education law, in relation to contracts for the transportation of

school children; to amend the education law, in relation to the amount of the supplemental basic tuition for charter schools; to amend the general municipal law, in relation to allowing certain school districts and boards of cooperative educational services to establish a retirement contribution reserve fund for the purposes of the New York state teachers' retirement system; to amend the education law, in relation to building condition surveys; to amend the education law, in relation to building aid for approved expenditures for debt service for tax certiorari financing; and to amend chapter 437 of the laws of 2014, amending the education law relating to removing the requirement for annual visual inspections of school buildings, in relation to the effectiveness thereof (Part A-1); to amend the education law, the business corporation law, the partnership law and the limited liability company law, in relation to certified public accountants (Part B); to amend the education law, in relation to authorizing school bus stop cameras; and to amend the vehicle and traffic law, in relation to owner liability for operator illegally overtaking or passing a school bus and increasing fines for passing a stopped school bus (Part C); intentionally omitted (Part D); intentionally omitted (Part E); to amend the state finance law, in relation to the arts capital grants fund (Part F); to utilize reserves in the mortgage insurance fund for various housing purposes (Part G); intentionally omitted (Part H); to amend the social services law, in relation to federally required background clearances for persons working in residential foster care programs (Part I); to amend the social services law, in relation to residential programs for domestic violence victims; and 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 and the executive law 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); intentionally omitted (Subpart A); and 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 (Subpart B) (Part M); intentionally omitted (Part N); to amend the lien law, in relation to employee liens; to amend the labor law, in relation to employee complaints; to amend the civil practice law and rules, in relation to grounds for attachment; to amend the business corporation law, in relation to streamlining procedures where employees may hold shareholders of non-publicly traded corporations personally liable for wage theft; and to amend the limited liability company law, in relation to creating a right for victims of wage theft to hold the ten members with the largest ownership interests in a company personally liable for wage theft (Subpart A); and to amend the criminal procedure law and the penal law, in relation to wage theft (Subpart B) (Part O); to amend the labor law, in relation to amending unemployment insurance benefits for earnings disregard (Part P); to amend the executive law, in relation to prohibiting wage or salary history inquiries; and to amend the labor law, in relation to the prohibition of a differential rate of pay on the basis of protected class status (Part Q); intentionally omitted (Part R); to amend the executive law, in relation to expanding the scope of unlawful discriminatory practices to include public educational institutions (Part S); intentionally omitted (Part

T); intentionally omitted (Part U); intentionally omitted (Part V); to amend the general business law, in relation to enacting the pension poaching prevention act (Part W); to amend the executive law, in relation to amending the definition of pregnancy-related condition (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, chapter 784 of the laws of 1951, constituting the New York state defense emergency act of 1951, 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 increasing the minimum tuition assistance program award and increasing the tuition assistance program income threshold (Part BB); to amend the education law, in relation to requiring health care practitioners to provide and the state education department to collect information about the practice of their professions and in relation to providing practitioners with information on enrolling in the New York state donate life registry for organ, eye and tissue donations (Part CC); authorizing the State University of New York at Albany to enter into certain leases and contracts (Part DD); to amend the general business law, in relation to permitting certain audiologists and hearing aid dispensers to dispense hearing aids for a profit (Part EE); to amend the labor law, in relation to hours, wages and supplements in contracts for public work (Part FF); to amend the public authorities law, in relation to certain contracts of the New York city school construction authority; and to amend chapter 738 of the laws of 1988, amending the administrative code of the city of New York, the public authorities law and other laws relating to establishing the New York city school construction authority, in relation to extending certain provisions of such chapter relating to certain contracts of the New York city school construction authority (Part GG); to amend the labor law, in relation to enacting the "New York state YouthBuild act"; setting program requirements; authorizing the commissioner of labor to make grants to eligible YouthBuild programs and to establish application requirements; and expanding the number of YouthBuild programs in New York state (Part HH); and to amend the labor law, in relation to prevailing wage requirements for covered development projects (Part II)

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 II. 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,

1 including the effective date of the Part, which makes a reference to a
2 section "of this act", when used in connection with that particular
3 component, shall be deemed to mean and refer to the corresponding
4 section of the Part in which it is found. Section three of this act sets
5 forth the general effective date of this act.

6

PART A

7 Section 1. Paragraph e of subdivision 1 of section 211-d of the
8 education law, as amended by section 1 of part CCC of chapter 59 of the
9 laws of 2018, is amended to read as follows:

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

1 district that submitted a contract for excellence for the two thousand
2 fourteen--two thousand fifteen school year, unless all schools in the
3 district are identified as in good standing, shall submit a contract for
4 excellence for the two thousand fifteen--two thousand sixteen school
5 year which shall, notwithstanding the requirements of subparagraph (vi)
6 of paragraph a of subdivision two of this section, provide for the
7 expenditure of an amount which shall be not less than the amount
8 approved by the commissioner in the contract for excellence for the two
9 thousand fourteen--two thousand fifteen school year; and provided
10 further that a school district that submitted a contract for excellence
11 for the two thousand fifteen--two thousand sixteen school year, unless
12 all schools in the district are identified as in good standing, shall
13 submit a contract for excellence for the two thousand sixteen--two thou-
14 sand seventeen school year which shall, notwithstanding the requirements
15 of subparagraph (vi) of paragraph a of subdivision two of this section,
16 provide for the expenditure of an amount which shall be not less than
17 the amount approved by the commissioner in the contract for excellence
18 for the two thousand fifteen--two thousand sixteen school year; and
19 provided further that, a school district that submitted a contract for
20 excellence for the two thousand sixteen--two thousand seventeen school
21 year, unless all schools in the district are identified as in good
22 standing, shall submit a contract for excellence for the two thousand
23 seventeen--two thousand eighteen school year which shall, notwithstand-
24 ing the requirements of subparagraph (vi) of paragraph a of subdivision
25 two of this section, provide for the expenditure of an amount which
26 shall be not less than the amount approved by the commissioner in the
27 contract for excellence for the two thousand sixteen--two thousand
28 seventeen school year; and provided further that a school district that
29 submitted a contract for excellence for the two thousand seventeen--two
30 thousand eighteen school year, unless all schools in the district are
31 identified as in good standing, shall submit a contract for excellence
32 for the two thousand eighteen--two thousand nineteen school year which
33 shall, notwithstanding the requirements of subparagraph (vi) of para-
34 graph a of subdivision two of this section, provide for the expenditure
35 of an amount which shall be not less than the amount approved by the
36 commissioner in the contract for excellence for the two thousand seven-
37 teen--two thousand eighteen school year; and provided further that no
38 school district shall be required to submit a contract for excellence
39 for the two thousand nineteen--two thousand twenty school year and ther-
40 eafter. For purposes of this paragraph, the "gap elimination adjustment
41 percentage" shall be calculated as the sum of one minus the quotient of
42 the sum of the school district's net gap elimination adjustment for two
43 thousand ten--two thousand eleven computed pursuant to chapter fifty-
44 three of the laws of two thousand ten, making appropriations for the
45 support of government, plus the school district's gap elimination
46 adjustment for two thousand eleven--two thousand twelve as computed
47 pursuant to chapter fifty-three of the laws of two thousand eleven,
48 making appropriations for the support of the local assistance budget,
49 including support for general support for public schools, divided by the
50 total aid for adjustment computed pursuant to chapter fifty-three of the
51 laws of two thousand eleven, making appropriations for the local assist-
52 ance budget, including support for general support for public schools.
53 Provided, further, that such amount shall be expended to support and
54 maintain allowable programs and activities approved in the two thousand
55 nine--two thousand ten school year or to support new or expanded allow-
56 able programs and activities in the current year.

1 § 2. Intentionally omitted.

2 § 2-a. Section 3614 of the education law is REPEALED.

3 § 3. Intentionally omitted.

4 § 4. Intentionally omitted.

5 § 5. Intentionally omitted.

6 § 5-a. Clause (ii) of subparagraph 2 of paragraph b of subdivision 4
7 of section 3602 of the education law, as amended by section 9-b of part
8 CCC of chapter 59 of the laws of 2018, is amended to read as follows:

9 (ii) Phase-in foundation increase factor. For the two thousand
10 eleven--two thousand twelve school year, the phase-in foundation
11 increase factor shall equal thirty-seven and one-half percent (0.375)
12 and the phase-in due minimum percent shall equal nineteen and forty-one
13 hundredths percent (0.1941), for the two thousand twelve--two thousand
14 thirteen school year the phase-in foundation increase factor shall equal
15 one and seven-tenths percent (0.017), for the two thousand thirteen--two
16 thousand fourteen school year the phase-in foundation increase factor
17 shall equal (1) for a city school district in a city having a population
18 of one million or more, five and twenty-three hundredths percent
19 (0.0523) or (2) for all other school districts zero percent, for the two
20 thousand fourteen--two thousand fifteen school year the phase-in founda-
21 tion increase factor shall equal (1) for a city school district of a
22 city having a population of one million or more, four and thirty-two
23 hundredths percent (0.0432) or (2) for a school district other than a
24 city school district having a population of one million or more for
25 which (A) the quotient of the positive difference of the foundation
26 formula aid minus the foundation aid base computed pursuant to paragraph
27 j of subdivision one of this section divided by the foundation formula
28 aid is greater than twenty-two percent (0.22) and (B) a combined wealth
29 ratio less than thirty-five hundredths (0.35), seven percent (0.07) or
30 (3) for all other school districts, four and thirty-one hundredths
31 percent (0.0431), and for the two thousand fifteen--two thousand sixteen
32 school year the phase-in foundation increase factor shall equal: (1) for
33 a city school district of a city having a population of one million or
34 more, thirteen and two hundred seventy-four thousandths percent
35 (0.13274); or (2) for districts where the quotient arrived at when
36 dividing (A) the product of the total aidable foundation pupil units
37 multiplied by the district's selected foundation aid less the total
38 foundation aid base computed pursuant to paragraph j of subdivision one
39 of this section divided by (B) the product of the total aidable founda-
40 tion pupil units multiplied by the district's selected foundation aid is
41 greater than nineteen percent (0.19), and where the district's combined
42 wealth ratio is less than thirty-three hundredths (0.33), seven and
43 seventy-five hundredths percent (0.0775); or (3) for any other district
44 designated as high need pursuant to clause (c) of subparagraph two of
45 paragraph c of subdivision six of this section for the school aid
46 computer listing produced by the commissioner in support of the enacted
47 budget for the two thousand seven--two thousand eight school year and
48 entitled "SA0708", four percent (0.04); or (4) for a city school
49 district in a city having a population of one hundred twenty-five thou-
50 sand or more but less than one million, fourteen percent (0.14); or (5)
51 for school districts that were designated as small city school districts
52 or central school districts whose boundaries include a portion of a
53 small city for the school aid computer listing produced by the commis-
54 sioner in support of the enacted budget for the two thousand fourteen--
55 two thousand fifteen school year and entitled "SA1415", four and seven
56 hundred fifty-one thousandths percent (0.04751); or (6) for all other

1 districts one percent (0.01), and for the two thousand sixteen--two
2 thousand seventeen school year the foundation aid phase-in increase
3 factor shall equal for an eligible school district the greater of: (1)
4 for a city school district in a city with a population of one million or
5 more, seven and seven hundred eighty four thousandths percent (0.07784);
6 or (2) for a city school district in a city with a population of more
7 than two hundred fifty thousand but less than one million as of the most
8 recent federal decennial census, seven and three hundredths percent
9 (0.0703); or (3) for a city school district in a city with a population
10 of more than two hundred thousand but less than two hundred fifty thou-
11 sand as of the most recent federal decennial census, six and seventy-two
12 hundredths percent (0.0672); or (4) for a city school district in a city
13 with a population of more than one hundred fifty thousand but less than
14 two hundred thousand as of the most recent federal decennial census, six
15 and seventy-four hundredths percent (0.0674); or (5) for a city school
16 district in a city with a population of more than one hundred twenty-
17 five thousand but less than one hundred fifty thousand as of the most
18 recent federal decennial census, nine and fifty-five hundredths percent
19 (0.0955); or (6) for school districts that were designated as small city
20 school districts or central school districts whose boundaries include a
21 portion of a small city for the school aid computer listing produced by
22 the commissioner in support of the enacted budget for the two thousand
23 fourteen--two thousand fifteen school year and entitled "SA141-5" with a
24 combined wealth ratio less than one and four tenths (1.4), nine percent
25 (0.09), provided, however, that for such districts that are also
26 districts designated as high need urban-suburban pursuant to clause (c)
27 of subparagraph two of paragraph c of subdivision six of this section
28 for the school aid computer listing produced by the commissioner in
29 support of the enacted budget for the two thousand seven--two thousand
30 eight school year and entitled "SA0708", nine and seven hundred and
31 nineteen thousandths percent (0.09719); or (7) for school districts
32 designated as high need rural pursuant to clause (c) of subparagraph two
33 of paragraph c of subdivision six of this section for the school aid
34 computer listing produced by the commissioner in support of the enacted
35 budget for the two thousand seven--two thousand eight school year and
36 entitled "SA0708", thirteen and six tenths percent (0.136); or (8) for
37 school districts designated as high need urban-suburban pursuant to
38 clause (c) of subparagraph two of paragraph c of subdivision six of this
39 section for the school aid computer listing produced by the commissioner
40 in support of the enacted budget for the two thousand seven--two thou-
41 sand eight school year and entitled "SA0708", seven hundred nineteen
42 thousandths percent (0.00719); or (9) for all other eligible school
43 districts, forty-seven hundredths percent (0.0047), provided further
44 that for the two thousand seventeen--two thousand eighteen school year
45 the foundation aid increase phase-in factor shall equal (1) for school
46 districts with a census 2000 poverty rate computed pursuant to paragraph
47 q of subdivision one of this section equal to or greater than twenty-six
48 percent (0.26), ten and three-tenths percent (0.103), or (2) for a
49 school district in a city with a population in excess of one million or
50 more, seventeen and seventy-seven one-hundredths percent (0.1777), or
51 (3) for a city school district in a city with a population of more than
52 two hundred fifty thousand but less than one million, as of the most
53 recent decennial census, twelve and sixty-nine hundredths percent
54 (0.1269) or (4) for a city school district in a city with a population
55 of more than one hundred fifty thousand but less than two hundred thou-
56 sand, as of the most recent federal decennial census, ten and seventy-

1 eight one hundredths percent (0.1078), or (5) for a city school district
 2 in a city with a population of more than one hundred twenty-five thou-
 3 sand but less than one hundred fifty thousand as of the most recent
 4 federal decennial census, nineteen and one hundred eight one-thousandths
 5 percent (0.19108), or (6) for a city school district in a city with a
 6 population of more than two hundred thousand but less than two hundred
 7 fifty thousand as of the most recent federal decennial census, ten and
 8 six-tenths percent (0.106), or (7) for all other districts, four and
 9 eighty-seven one-hundredths percent (0.0487), and for the two thousand
 10 [~~nineteen~~ twenty--two thousand [~~twenty~~ twenty-one school year [~~and~~
 11 ~~thereafter the commissioner shall annually determine the phase-in foun-~~
 12 ~~ation increase factor subject to allocation pursuant to the provisions~~
 13 ~~of subdivision eighteen of this section and any provisions of a chapter~~
 14 ~~of the laws of New York as described therein]~~ the foundation aid phase-
 15 in increase factor shall be thirty-three percent (0.33), and for the two
 16 thousand twenty-one--two thousand twenty-two school year the foundation
 17 aid phase-in increase factor shall be fifty percent (0.5), and for the
 18 two thousand twenty-two--two thousand twenty-three school year and ther-
 19 eafter the foundation aid phase-in increase factor shall be one hundred
 20 percent (1.0).

21 § 6. Paragraph d of subdivision 4 of section 3602 of the education
 22 law, as amended by section 9-b of part CCC of chapter 59 of the laws of
 23 2018, is amended to read as follows:

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

29 § 7. Intentionally omitted.

30 § 8. Intentionally omitted.

31 § 9. Intentionally omitted.

32 § 10. Intentionally omitted.

33 § 11. Intentionally omitted.

34 § 12. Intentionally omitted.

35 § 13. Intentionally omitted.

36 § 14. Intentionally omitted.

37 § 14-a. Intentionally omitted.

38 § 15. The education law is amended by adding a new article 39-A to
 39 read as follows:

40 ARTICLE 39-A

41 REGIONAL STEM MAGNET SCHOOLS

42 Section 1918. Establishment of regional STEM magnet schools.

43 § 1918. Establishment of regional STEM magnet schools. 1. a. A
 44 regional science, technology, engineering, and mathematics (STEM) magnet
 45 school may be established by a board of cooperative educational services
 46 pursuant to this section for students in grades nine through twelve, and
 47 shall be subject to the approval of the commissioner of education.

48 b. A board of cooperative educational services shall submit to the
 49 commissioner a proposed plan for the operation of such school for his or
 50 her approval, in a form and manner prescribed by the commissioner.

51 c. Such school shall be governed by the board of education of the
 52 board of cooperative educational services.

53 d. The board of cooperative educational services shall have responsi-
 54 bility for the operation, supervision and maintenance of the school and
 55 shall be responsible for the administration of the school, including
 56 curriculum, grading, and staffing.

1 e. The board of cooperative educational services shall be authorized
2 to enter into contracts as necessary or convenient to operate such
3 school.

4 f. For purposes of this section, the board of cooperative educational
5 services shall be deemed a school district for accountability purposes.

6 g. Students attending such school shall continue to be enrolled in
7 their school district of residence, and each school district of resi-
8 dence shall be responsible for the issuance of a high school diploma to
9 their resident students who attended the school based on such students'
10 successful completion of the school's educational program.

11 h. For purposes of all state aid calculations pursuant to this chap-
12 ter, students attending such school shall continue to be treated and
13 counted as students of their school district of residence.

14 i. Notwithstanding any other provision of law to the contrary, each
15 student's school district of residence shall be responsible for provid-
16 ing or arranging for transportation to its resident students attending
17 such school, in accordance with its school district policy, but without
18 regard to any maximum mileage limitation.

19 j. All employees of the school shall be considered employees of the
20 board of cooperative educational services.

21 k. The board of cooperative educational services may enter into a
22 lease with respect to suitable land, classrooms, offices or buildings in
23 which to maintain and conduct such school pursuant to subdivision four
24 of section nineteen hundred fifty of this title.

25 l. The board of cooperative educational services shall establish a
26 methodology for the apportionment of operational and administrative
27 costs of such school between participating school districts; provided,
28 however, that no costs shall be apportioned to component school
29 districts that elect not to participate in such school.

30 m. The trustees or board of education of a non-component school
31 district, including city school districts of cities in excess of one
32 hundred twenty-five thousand inhabitants, may enter into a memorandum of
33 understanding with a board of cooperative educational services to
34 participate in such school program for a period not to exceed five years
35 upon such terms as such trustees or board of education and the board of
36 cooperative educational services may mutually agree, provided that such
37 agreement may provide for a charge for administration costs of such
38 program, but participating non-component school districts shall not be
39 liable for payment of administrative expenses as defined in paragraph b
40 of subdivision four of section nineteen hundred fifty of this title.

41 n. A school may be jointly operated by two boards of cooperative
42 educational services pursuant to an intermunicipal sharing agreement
43 entered into pursuant to section one hundred nineteen-o of the general
44 municipal law. Upon adoption of a budget for the program for a school
45 year, costs shall be allocated between each board of cooperative educa-
46 tional services in a manner provided in the intermunicipal sharing
47 agreement and included in the budgets of each board of cooperative
48 educational service.

49 o. The commissioner is authorized to promulgate rules and regulations
50 for the implementation of the provisions of this section.

51 § 16. The closing paragraph of subdivision 5-a of section 3602 of the
52 education law, as amended by section 10 of part CCC of chapter 59 of the
53 laws of 2018, is amended to read as follows:

54 For the two thousand eight--two thousand nine school year, each school
55 district shall be entitled to an apportionment equal to the product of
56 fifteen percent and the additional apportionment computed pursuant to

1 this subdivision for the two thousand seven--two thousand eight school
2 year. For the two thousand nine--two thousand ten through two thousand
3 [~~eighteen~~] nineteen--two thousand [~~nineteen~~] twenty school years, each
4 school district shall be entitled to an apportionment equal to the
5 amount set forth for such school district as "SUPPLEMENTAL PUB EXCESS
6 COST" under the heading "2008-09 BASE YEAR AIDS" in the school aid
7 computer listing produced by the commissioner in support of the budget
8 for the two thousand nine--two thousand ten school year and entitled
9 "SA0910".

10 § 17. Intentionally omitted.

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

14 Each school district shall be eligible to receive a high tax aid
15 apportionment in the two thousand eight--two thousand nine school year,
16 which shall equal the greater of (i) the sum of the tier 1 high tax aid
17 apportionment, the tier 2 high tax aid apportionment and the tier 3 high
18 tax aid apportionment or (ii) the product of the apportionment received
19 by the school district pursuant to this subdivision in the two thousand
20 seven--two thousand eight school year, multiplied by the due-minimum
21 factor, which shall equal, for districts with an alternate pupil wealth
22 ratio computed pursuant to paragraph b of subdivision three of this
23 section that is less than two, seventy percent (0.70), and for all other
24 districts, fifty percent (0.50). Each school district shall be eligible
25 to receive a high tax aid apportionment in the two thousand nine--two
26 thousand ten through two thousand twelve--two thousand thirteen school
27 years in the amount set forth for such school district as "HIGH TAX AID"
28 under the heading "2008-09 BASE YEAR AIDS" in the school aid computer
29 listing produced by the commissioner in support of the budget for the
30 two thousand nine--two thousand ten school year and entitled "SA0910".
31 Each school district shall be eligible to receive a high tax aid appor-
32 tionment in the two thousand thirteen--two thousand fourteen through two
33 thousand [~~eighteen~~] nineteen--two thousand [~~nineteen~~] twenty school
34 years equal to the greater of (1) the amount set forth for such school
35 district as "HIGH TAX AID" under the heading "2008-09 BASE YEAR AIDS" in
36 the school aid computer listing produced by the commissioner in support
37 of the budget for the two thousand nine--two thousand ten school year
38 and entitled "SA0910" or (2) the amount set forth for such school
39 district as "HIGH TAX AID" under the heading "2013-14 ESTIMATED AIDS" in
40 the school aid computer listing produced by the commissioner in support
41 of the executive budget for the 2013-14 fiscal year and entitled
42 "BT131-4".

43 § 19. Subdivision 16 of section 3602-ee of the education law, as
44 amended by section 19 of part CCC of chapter 59 of the laws of 2018, is
45 amended to read as follows:

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

50 § 20. Intentionally omitted.

51 § 21. Intentionally omitted.

52 § 22. Paragraph b of subdivision 2 of section 3612 of the education
53 law, as amended by section 22 of part CCC of chapter 59 of the laws of
54 2018, is amended to read as follows:

55 b. Such grants shall be awarded to school districts, within the limits
56 of funds appropriated therefor, through a competitive process that takes

1 into consideration the magnitude of any shortage of teachers in the
2 school district, the number of teachers employed in the school district
3 who hold temporary licenses to teach in the public schools of the state,
4 the number of provisionally certified teachers, the fiscal capacity and
5 geographic sparsity of the district, the number of new teachers the
6 school district intends to hire in the coming school year and the number
7 of summer in the city student internships proposed by an eligible school
8 district, if applicable. Grants provided pursuant to this section shall
9 be used only for the purposes enumerated in this section. Notwithstand-
10 ing any other provision of law to the contrary, a city school district
11 in a city having a population of one million or more inhabitants receiv-
12 ing a grant pursuant to this section may use no more than eighty percent
13 of such grant funds for any recruitment, retention and certification
14 costs associated with transitional certification of teacher candidates
15 for the school years two thousand one--two thousand two through two
16 thousand [~~eighteen~~] nineteen--two thousand [~~nineteen~~] twenty.

17 § 23. Subdivision 6 of section 4402 of the education law, as amended
18 by section 23 of part CCC of chapter 59 of the laws of 2018, is amended
19 to read as follows:

20 6. Notwithstanding any other law, rule or regulation to the contrary,
21 the board of education of a city school district with a population of
22 one hundred twenty-five thousand or more inhabitants shall be permitted
23 to establish maximum class sizes for special classes for certain
24 students with disabilities in accordance with the provisions of this
25 subdivision. For the purpose of obtaining relief from any adverse fiscal
26 impact from under-utilization of special education resources due to low
27 student attendance in special education classes at the middle and
28 secondary level as determined by the commissioner, such boards of educa-
29 tion shall, during the school years nineteen hundred ninety-five--nine-
30 ty-six through June thirtieth, two thousand [~~nineteen~~] twenty of the two
31 thousand [~~eighteen~~] nineteen--two thousand [~~nineteen~~] twenty school
32 year, be authorized to increase class sizes in special classes contain-
33 ing students with disabilities whose age ranges are equivalent to those
34 of students in middle and secondary schools as defined by the commis-
35 sioner for purposes of this section by up to but not to exceed one and
36 two tenths times the applicable maximum class size specified in regu-
37 lations of the commissioner rounded up to the nearest whole number,
38 provided that in a city school district having a population of one
39 million or more, classes that have a maximum class size of fifteen may
40 be increased by no more than one student and provided that the projected
41 average class size shall not exceed the maximum specified in the appli-
42 cable regulation, provided that such authorization shall terminate on
43 June thirtieth, two thousand. Such authorization shall be granted upon
44 filing of a notice by such a board of education with the commissioner
45 stating the board's intention to increase such class sizes and a certif-
46 ication that the board will conduct a study of attendance problems at
47 the secondary level and will implement a corrective action plan to
48 increase the rate of attendance of students in such classes to at least
49 the rate for students attending regular education classes in secondary
50 schools of the district. Such corrective action plan shall be submitted
51 for approval by the commissioner by a date during the school year in
52 which such board increases class sizes as provided pursuant to this
53 subdivision to be prescribed by the commissioner. Upon at least thirty
54 days notice to the board of education, after conclusion of the school
55 year in which such board increases class sizes as provided pursuant to
56 this subdivision, the commissioner shall be authorized to terminate such

1 authorization upon a finding that the board has failed to develop or
2 implement an approved corrective action plan.

3 § 24. Intentionally omitted.

4 § 25. Intentionally omitted.

5 § 26. Intentionally omitted.

6 § 27. Intentionally omitted.

7 § 28. Intentionally omitted.

8 § 29. Intentionally omitted.

9 § 30. Intentionally omitted.

10 § 31. Intentionally omitted.

11 § 32. Section 2801-a of the education law is amended by adding a new
12 subdivision 10 to read as follows:

13 10. Every school shall define the roles and areas of responsibility of
14 school personnel, security personnel and law enforcement in response to
15 student misconduct that violates the code of conduct. A school district
16 or charter school that employs, contracts with, or otherwise retains law
17 enforcement or public or private security personnel, including school
18 resource officers, shall establish a written contract or memorandum of
19 understanding that is developed with stakeholder input. Such written
20 contract or memorandum of understanding shall define the relationship
21 between a school district or charter school, school personnel, students,
22 visitors, law enforcement, and public or private security personnel.
23 Such contract or memorandum of understanding shall be consistent with
24 the code of conduct, define law enforcement or security personnel's
25 roles, responsibilities and involvement within a school and clearly
26 delegate the role of school discipline to the school administration.
27 Such written contract or memorandum of understanding shall be incorpo-
28 rated into and published as part of the district safety plan.

29 § 33. The section heading of section 804 of the education law, as
30 amended by chapter 390 of the laws of 2016, is amended and a new subdi-
31 vision 7-a is added to read as follows:

32 Health education regarding mental health, alcohol, drugs, tobacco
33 abuse, and healthy relationships and the prevention and detection of
34 certain cancers.

35 7-a. (a) A healthy relationships education instruction program shall
36 be included within the health education provided to all students in
37 grades six through twelve. Such programs shall include, but not be
38 limited to age-appropriate, medically accurate instruction teaching
39 comprehensive sexual education, sexual health and healthy relationship
40 practices. Such program shall be inclusive and respectful of all pupils
41 regardless of race, ethnicity, gender, disability, sexual orientation,
42 or gender identity and include, but not be limited to:

43 (i) identification and examination of ideas about healthy relation-
44 ships and behaviors learned from home, family and the media;

45 (ii) self-esteem and self-worth;

46 (iii) friendship and empathy;

47 (iv) a definition of teen dating violence;

48 (v) recognition of warning signs established by a dating partner;

49 (vi) characteristics of a healthy relationship;

50 (vii) links between bullying and teen dating violence;

51 (viii) safe use of technology;

52 (ix) a discussion of local community resources for those in a teen
53 dating violence relationship;

54 (x) an age-appropriate definition of affirmative consent consistent
55 with that used in section sixty-four hundred forty-one of this chapter;

56 (xi) age-appropriate, medically accurate sexual health;

1 (xii) age-appropriate instructing to identify and report sexual
2 exploitation and abuse; and

3 (xiii) instruction to identify and report sexual harassment.

4 (b) The Educational Standards for such program shall be added to the
5 Health Education Standards after consultation with the commissioner of
6 health and the commissioner of children and family services and be
7 designed to educate students about healthy relationships. Prior to
8 adopting the Education Standards, the commissioner shall establish a
9 task force to study and make recommendations regarding the scope and
10 substance of the standards. The task force shall:

11 (i) seek the recommendations of teachers, school administrators,
12 teacher educators and others with educational expertise in the proposed
13 subject areas;

14 (ii) seek the recommendations of experts and organizations experienced
15 in the proposed subject areas; and

16 (iii) seek comment from parents, students and other interested
17 parties.

18 (c) The commissioner shall develop age-appropriate model instructional
19 resources for parents and educators for potential use in instructing
20 students about physical self-awareness and healthy relationships. Such
21 resources shall be developed after consultation with experts in the
22 field.

23 (d) A webpage on the department's website shall be dedicated to
24 providing information and resources to parents, students, teachers and
25 school district officials related to comprehensive sexual education and
26 healthy relationships.

27 (e) For the purposes of this section "age-appropriate" shall mean
28 topics, messages, and teaching methods suitable to particular age and
29 developmental levels, based on cognitive, emotional, social and experi-
30 ence level of most students at that age level, and "medically accurate"
31 shall mean information supported by peer reviewed, evidence-based
32 research recognized as accurate by leading professional organizations
33 and agencies with relevant experience such as the American Medical Asso-
34 ciation and the Centers for Disease Control and Prevention.

35 (f) Notwithstanding the provisions of this subdivision, a school
36 district shall provide reasonable notice to parents and guardians of
37 students in grades six through twelve that such instruction will be
38 given and the nature of the curriculum. Any parent or guardian of a
39 student in grades six through twelve may direct the removal of the
40 student from the comprehensive sexual education and sexual health
41 portions of such instruction upon written notice to the school district.

42 § 34. Intentionally omitted.

43 § 35. Subdivision b of section 2 of chapter 756 of the laws of 1992,
44 relating to funding a program for work force education conducted by the
45 consortium for worker education in New York city, as amended by section
46 25 of part CCC of chapter 59 of the laws of 2018, is amended to read as
47 follows:

48 b. Reimbursement for programs approved in accordance with subdivision
49 a of this section for the 2016--2017 school year shall not exceed 60.3
50 percent of the lesser of such approvable costs per contact hour or thir-
51 teen dollars ninety cents per contact hour, reimbursement for the 2017-
52 -2018 school year shall not exceed 60.4 percent of the lesser of such
53 approvable costs per contact hour or thirteen dollars and ninety cents
54 per contact hour, [and] reimbursement for the 2018--2019 school year
55 shall not exceed 59.4 percent of the lesser of such approvable costs per
56 contact hour or fourteen dollars and ninety-five cents per contact hour,

1 and reimbursement for the 2019--2020 school year shall not exceed 57.7
2 percent of the lesser of such approvable costs per contact hour or
3 fifteen dollars and sixty cents per contact hour, where a contact hour
4 represents sixty minutes of instruction services provided to an eligible
5 adult. Notwithstanding any other provision of law to the contrary, for
6 the 2016--2017 school year such contact hours shall not exceed one
7 million five hundred fifty-one thousand three hundred twelve
8 (1,551,312); whereas for the 2017--2018 school year such contact hours
9 shall not exceed one million five hundred forty-nine thousand four
10 hundred sixty-three (1,549,463); [~~and~~] whereas for the 2018--2019 school
11 year such contact hours shall not exceed one million four hundred
12 sixty-three thousand nine hundred sixty-three (1,463,963), and for the
13 2019--2020 school year such contact hours shall not exceed one million
14 four hundred forty-four thousand four hundred forty-four (1,444,444).
15 Notwithstanding any other provision of law to the contrary, the appor-
16 tionment calculated for the city school district of the city of New York
17 pursuant to subdivision 11 of section 3602 of the education law shall be
18 computed as if such contact hours provided by the consortium for worker
19 education, not to exceed the contact hours set forth herein, were eligi-
20 ble for aid in accordance with the provisions of such subdivision 11 of
21 section 3602 of the education law.

22 § 36. Section 4 of chapter 756 of the laws of 1992, relating to fund-
23 ing a program for work force education conducted by the consortium for
24 worker education in New York city, is amended by adding a new subdivi-
25 sion x to read as follows:

26 x. The provisions of this subdivision shall not apply after the
27 completion of payments for the 2019--2020 school year. Notwithstanding
28 any inconsistent provisions of law, the commissioner of education shall
29 withhold a portion of employment preparation education aid due to the
30 city school district of the city of New York to support a portion of the
31 costs of the work force education program. Such moneys shall be credited
32 to the elementary and secondary education fund-local assistance account
33 and shall not exceed thirteen million dollars (\$13,000,000).

34 § 37. Section 6 of chapter 756 of the laws of 1992, relating to fund-
35 ing a program for work force education conducted by the consortium for
36 worker education in New York city, as amended by section 27 of part CCC
37 of chapter 59 of the laws of 2018, is amended to read as follows:

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

40 § 38. Subdivisions 22 and 24 of section 140 of chapter 82 of the laws
41 of 1995, amending the education law and other laws relating to state aid
42 to school districts and the appropriation of funds for the support of
43 government, as amended by section 28 of part CCC of chapter 59 of the
44 laws of 2018, are amended to read as follows:

45 (22) sections one hundred twelve, one hundred thirteen, one hundred
46 fourteen, one hundred fifteen and one hundred sixteen of this act shall
47 take effect on July 1, 1995; provided, however, that section one hundred
48 thirteen of this act shall remain in full force and effect until July 1,
49 [~~2019~~] 2020 at which time it shall be deemed repealed;

50 (24) sections one hundred eighteen through one hundred thirty of this
51 act shall be deemed to have been in full force and effect on and after
52 July 1, 1995; provided further, however, that the amendments made pursu-
53 ant to section one hundred twenty-four of this act shall be deemed to be
54 repealed on and after July 1, [~~2019~~] 2020;

55 § 39. Section 12 of chapter 147 of the laws of 2001, amending the
56 education law relating to conditional appointment of school district,

1 charter school or BOCES employees, as amended by section 31 of part CCC
2 of chapter 59 of the laws of 2018, is amended to read as follows:

3 § 12. This act shall take effect on the same date as chapter 180 of
4 the laws of 2000 takes effect, and shall expire July 1, [~~2019~~] 2020 when
5 upon such date the provisions of this act shall be deemed repealed.

6 § 40. Section 4 of chapter 425 of the laws of 2002, amending the
7 education law relating to the provision of supplemental educational
8 services, attendance at a safe public school and the suspension of
9 pupils who bring a firearm to or possess a firearm at a school, as
10 amended by section 33 of part CCC of chapter 59 of the laws of 2018, is
11 amended to read as follows:

12 § 4. This act shall take effect July 1, 2002 and section one of this
13 act shall expire and be deemed repealed June 30, 2019, and sections two
14 and three of this act shall expire and be deemed repealed on June 30,
15 2020.

16 § 41. Section 5 of chapter 101 of the laws of 2003, amending the
17 education law relating to implementation of the No Child Left Behind Act
18 of 2001, as amended by section 34 of part CCC of chapter 59 of the laws
19 of 2018, is amended to read as follows:

20 § 5. This act shall take effect immediately; provided that sections
21 one, two and three of this act shall expire and be deemed repealed on
22 June 30, [~~2019~~] 2020.

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

28 § 34. This act shall take effect July 1, 2002; provided, that sections
29 one through twenty, twenty-four, and twenty-six through thirty of this
30 act shall expire and be deemed repealed June 30, [~~2019~~] 2022 provided,
31 further, that notwithstanding any provision of article 5 of the general
32 construction law, on June 30, [~~2019~~] 2022 the provisions of subdivisions
33 3, 5, and 8, paragraph b of subdivision 13, subdivision 14, paragraphs
34 b, d, and e of subdivision 15, and subdivisions 17 and 21 of section
35 2554 of the education law as repealed by section three of this act,
36 subdivision 1 of section 2590-b of the education law as repealed by
37 section six of this act, paragraph (a) of subdivision 2 of section
38 2590-b of the education law as repealed by section seven of this act,
39 section 2590-c of the education law as repealed by section eight of this
40 act, paragraph c of subdivision 2 of section 2590-d of the education law
41 as repealed by section twenty-six of this act, subdivision 1 of section
42 2590-e of the education law as repealed by section twenty-seven of this
43 act, subdivision 28 of section 2590-h of the education law as repealed
44 by section twenty-eight of this act, subdivision 30 of section 2590-h of
45 the education law as repealed by section twenty-nine of this act, subdi-
46 vision 30-a of section 2590-h of the education law as repealed by
47 section thirty of this act shall be revived and be read as such
48 provisions existed in law on the date immediately preceding the effec-
49 tive date of this act; provided, however, that sections seven and eight
50 of this act shall take effect on November 30, 2003; provided further
51 that the amendments to subdivision 25 of section 2554 of the education
52 law made by section two of this act shall be subject to the expiration
53 and reversion of such subdivision pursuant to section 12 of chapter 147
54 of the laws of 2001, as amended, when upon such date the provisions of
55 section four of this act shall take effect.

1 § 43. Subdivision 12 of section 17 of chapter 345 of the laws of 2009
2 amending the education law and other laws relating to the New York city
3 board of education, chancellor, community councils, and community super-
4 intendants, as amended by section 2 of part G of chapter 61 of the laws
5 of 2017, is amended to read as follows:

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

11 § 44. Section 7 of chapter 472 of the laws of 1998, amending the
12 education law relating to the lease of school buses by school districts,
13 as amended by section 40 of part YYY of chapter 59 of the laws of 2017,
14 is amended to read as follows:

15 § 7. This act shall take effect September 1, 1998, and shall expire
16 and be deemed repealed September 1, [~~2019~~] 2021.

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

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

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

29 § 26. This act shall take effect immediately provided, however, that
30 the provisions of section three of this act shall expire June 30, [~~2019~~]
31 2024 when upon such date the provisions of such section shall be deemed
32 repealed; provided, further that the provisions of sections eight, elev-
33 en, twelve, thirteen and twenty of this act shall expire July 1, 2014
34 when upon such date the provisions of such sections shall be deemed
35 repealed.

36 § 46-a. Paragraph a-1 of subdivision 11 of section 3602 of the educa-
37 tion law, as amended by section 27-a of part CCC of chapter 59 of the
38 laws of 2018, is amended to read as follows:

39 a-1. Notwithstanding the provisions of paragraph a of this subdivi-
40 sion, for aid payable in the school years two thousand--two thousand one
41 through two thousand nine--two thousand ten, and two thousand eleven--
42 two thousand twelve through two thousand [~~eighteen~~] nineteen--two thou-
43 sand [~~nineteen~~] twenty, the commissioner may set aside an amount not to
44 exceed two million five hundred thousand dollars from the funds appro-
45 priated for purposes of this subdivision for the purpose of serving
46 persons twenty-one years of age or older who have not been enrolled in
47 any school for the preceding school year, including persons who have
48 received a high school diploma or high school equivalency diploma but
49 fail to demonstrate basic educational competencies as defined in regu-
50 lation by the commissioner, when measured by accepted standardized
51 tests, and who shall be eligible to attend employment preparation educa-
52 tion programs operated pursuant to this subdivision.

53 § 46-b. Subparagraph (ii) of paragraph (c) of subdivision 8 of section
54 3602-ee of the education law, as amended by section 18-b of part CCC of
55 chapter 59 of the laws of 2018, is amended to read as follows:

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

13 § 46-c. The opening paragraph of section 3609-a of the education law,
14 as amended by section 21 of part CCC of chapter 59 of the laws of 2018,
15 is amended to read as follows:

16 For aid payable in the two thousand seven--two thousand eight school
17 year through the two thousand [~~eighteen~~] nineteen--two thousand [~~nine-~~
18 ~~teen~~] twenty school year, "moneys apportioned" shall mean the lesser of
19 (i) the sum of one hundred percent of the respective amount set forth
20 for each school district as payable pursuant to this section in the
21 school aid computer listing for the current year produced by the commis-
22 sioner in support of the budget which includes the appropriation for the
23 general support for public schools for the prescribed payments and indi-
24 vidualized payments due prior to April first for the current year plus
25 the apportionment payable during the current school year pursuant to
26 subdivision six-a and subdivision fifteen of section thirty-six hundred
27 two of this part minus any reductions to current year aids pursuant to
28 subdivision seven of section thirty-six hundred four of this part or any
29 deduction from apportionment payable pursuant to this chapter for
30 collection of a school district basic contribution as defined in subdivi-
31 sion eight of section forty-four hundred one of this chapter, less any
32 grants provided pursuant to subparagraph two-a of paragraph b of subdivi-
33 sion four of section ninety-two-c of the state finance law, less any
34 grants provided pursuant to subdivision six of section ninety-seven-nnnn
35 of the state finance law, less any grants provided pursuant to subdivi-
36 sion twelve of section thirty-six hundred forty-one of this article, or
37 (ii) the apportionment calculated by the commissioner based on data on
38 file at the time the payment is processed; provided however, that for
39 the purposes of any payments made pursuant to this section prior to the
40 first business day of June of the current year, moneys apportioned shall
41 not include any aids payable pursuant to subdivisions six and fourteen,
42 if applicable, of section thirty-six hundred two of this part as current
43 year aid for debt service on bond anticipation notes and/or bonds first
44 issued in the current year or any aids payable for full-day kindergarten
45 for the current year pursuant to subdivision nine of section thirty-six
46 hundred two of this part. The definitions of "base year" and "current
47 year" as set forth in subdivision one of section thirty-six hundred two
48 of this part shall apply to this section. For aid payable in the two
49 thousand [~~eighteen~~] nineteen--two thousand [~~nineteen~~] twenty school
50 year, reference to such "school aid computer listing for the current
51 year" shall mean the printouts entitled [~~"SA181-9"~~] "SA192-0".

52 § 46-d. Subdivision a of section 5 of chapter 121 of the laws of 1996,
53 relating to authorizing the Roosevelt union free school district to
54 finance deficits by the assurance of serial bonds, as amended by section
55 42-a of part CCC of chapter 59 of the laws of 2018, is amended to read
56 as follows:

1 a. Notwithstanding any other provisions of law, upon application to
2 the commissioner of education submitted not sooner than April first and
3 not later than June thirtieth of the applicable school year, the Roose-
4 velt union free school district shall be eligible to receive an appor-
5 tionment pursuant to this chapter for salary expenses, including related
6 benefits, incurred between April first and June thirtieth of such school
7 year. Such apportionment shall not exceed: for the 1996-97 school year
8 through the [~~2018-19~~] 2019-20 school year, four million dollars
9 (\$4,000,000); for the [~~2019-20~~] 2020-21 school year, three million
10 dollars (\$3,000,000); for the [~~2020-21~~] 2021-22 school year, two million
11 dollars (\$2,000,000); for the [~~2021-22~~] 2022-23 school year, one million
12 dollars (\$1,000,000); and for the [~~2022-23~~] 2023-24 school year, zero
13 dollars. Such annual application shall be made after the board of
14 education has adopted a resolution to do so with the approval of the
15 commissioner of education.

16 § 46-e. Section 2 of chapter 670 of the laws of 2007 amending the
17 education law relating to directing the commissioner of education to
18 promulgate regulations limiting the engines of school vehicles to remain
19 idling while parked or standing on school grounds, as amended by chapter
20 74 of the laws of 2013, is amended to read as follows:

21 § 2. This act shall take effect immediately and shall be deemed
22 repealed June 30, [~~2019~~] 2025.

23 § 46-f. Section 4 of chapter 396 of the laws of 2012, amending the
24 education law, relating to services to out-of-state school districts by
25 boards of cooperative educational services, as amended by chapter 28 of
26 the laws of 2014, is amended to read as follows:

27 § 4. This act shall take effect immediately and shall expire and be
28 deemed repealed July 1, [~~2019~~] 2024.

29 § 46-g. Section 4 of chapter 374 of the laws of 2014 amending the
30 education law relating to the leasing of real property by boards of coop-
31 erative educational services, is amended to read as follows:

32 § 4. This act shall take effect immediately, and shall expire and be
33 deemed repealed July 1, [~~2019~~] 2024, provided, however, that any
34 contracts entered pursuant to this act shall not be impaired or modified
35 by such expiration and repeal; provided further that the provisions of
36 this act shall only apply to contracts entered into after the effective
37 date of this act.

38 § 46-h. Section 8 of chapter 89 of the laws of 2016 relating to
39 supplementary funding for dedicated programs for public school students
40 in the East Ramapo central school district, as amended by section 30 of
41 part CCC of chapter 59 of the laws of 2018, is amended to read as
42 follows:

43 § 8. This act shall take effect July 1, 2016 and shall expire and be
44 deemed repealed June 30, [~~2019~~] 2020, except that paragraph (b) of
45 section five of this act and section seven of this act shall expire and
46 be deemed repealed June 30, 2021.

47 § 47. School bus driver training. In addition to apportionments other-
48 wise provided by section 3602 of the education law, for aid payable in
49 the 2019--2020 school year, the commissioner of education shall allocate
50 school bus driver training grants to school districts and boards of
51 cooperative educational services pursuant to sections 3650-a, 3650-b and
52 3650-c of the education law, or for contracts directly with not-for-pro-
53 fit educational organizations for the purposes of this section. Such
54 payments shall not exceed four hundred thousand dollars (\$400,000) per
55 school year.

1 § 48. Special apportionment for salary expenses. a. Notwithstanding
2 any other provision of law, upon application to the commissioner of
3 education, not sooner than the first day of the second full business
4 week of June 2020 and not later than the last day of the third full
5 business week of June 2020, a school district eligible for an apportion-
6 ment pursuant to section 3602 of the education law shall be eligible to
7 receive an apportionment pursuant to this section, for the school year
8 ending June 30, 2020, for salary expenses incurred between April 1 and
9 June 30, 2019 and such apportionment shall not exceed the sum of (i) the
10 deficit reduction assessment of 1990--1991 as determined by the commis-
11 sioner of education, pursuant to paragraph f of subdivision 1 of section
12 3602 of the education law, as in effect through June 30, 1993, plus (ii)
13 186 percent of such amount for a city school district in a city with a
14 population in excess of 1,000,000 inhabitants, plus (iii) 209 percent of
15 such amount for a city school district in a city with a population of
16 more than 195,000 inhabitants and less than 219,000 inhabitants accord-
17 ing to the latest federal census, plus (iv) the net gap elimination
18 adjustment for 2010--2011, as determined by the commissioner of educa-
19 tion pursuant to chapter 53 of the laws of 2010, plus (v) the gap elimi-
20 nation adjustment for 2011--2012 as determined by the commissioner of
21 education pursuant to subdivision 17 of section 3602 of the education
22 law, and provided further that such apportionment shall not exceed such
23 salary expenses. Such application shall be made by a school district,
24 after the board of education or trustees have adopted a resolution to do
25 so and in the case of a city school district in a city with a population
26 in excess of 125,000 inhabitants, with the approval of the mayor of such
27 city.

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

44 c. Notwithstanding the provisions of section 3609-a of the education
45 law, an amount equal to the amount paid to a school district pursuant to
46 subdivisions a and b of this section shall first be deducted from the
47 following payments due the school district during the school year
48 following the year in which application was made pursuant to subpara-
49 graphs (1), (2), (3), (4) and (5) of paragraph a of subdivision 1 of
50 section 3609-a of the education law in the following order: the lottery
51 apportionment payable pursuant to subparagraph (2) of such paragraph
52 followed by the fixed fall payments payable pursuant to subparagraph (4)
53 of such paragraph and then followed by the district's payments to the
54 teachers' retirement system pursuant to subparagraph (1) of such para-
55 graph, and any remainder to be deducted from the individualized payments
56 due the district pursuant to paragraph b of such subdivision shall be

1 deducted on a chronological basis starting with the earliest payment due
2 the district.

3 § 49. Special apportionment for public pension accruals. a. Notwith-
4 standing any other provision of law, upon application to the commission-
5 er of education, not later than June 30, 2020, a school district eligi-
6 ble for an apportionment pursuant to section 3602 of the education law
7 shall be eligible to receive an apportionment pursuant to this section,
8 for the school year ending June 30, 2020 and such apportionment shall
9 not exceed the additional accruals required to be made by school
10 districts in the 2004--2005 and 2005--2006 school years associated with
11 changes for such public pension liabilities. The amount of such addi-
12 tional accrual shall be certified to the commissioner of education by
13 the president of the board of education or the trustees or, in the case
14 of a city school district in a city with a population in excess of
15 125,000 inhabitants, the mayor of such city. Such application shall be
16 made by a school district, after the board of education or trustees have
17 adopted a resolution to do so and in the case of a city school district
18 in a city with a population in excess of 125,000 inhabitants, with the
19 approval of the mayor of such city.

20 b. The claim for an apportionment to be paid to a school district
21 pursuant to subdivision a of this section shall be submitted to the
22 commissioner of education on a form prescribed for such purpose, and
23 shall be payable upon determination by such commissioner that the form
24 has been submitted as prescribed. Such approved amounts shall be payable
25 on the same day in September of the school year following the year in
26 which application was made as funds provided pursuant to subparagraph
27 (4) of paragraph b of subdivision 4 of section 92-c of the state finance
28 law, on the audit and warrant of the state comptroller on vouchers
29 certified or approved by the commissioner of education in the manner
30 prescribed by law from moneys in the state lottery fund and from the
31 general fund to the extent that the amount paid to a school district
32 pursuant to this section exceeds the amount, if any, due such school
33 district pursuant to subparagraph (2) of paragraph a of subdivision 1 of
34 section 3609-a of the education law in the school year following the
35 year in which application was made.

36 c. Notwithstanding the provisions of section 3609-a of the education
37 law, an amount equal to the amount paid to a school district pursuant to
38 subdivisions a and b of this section shall first be deducted from the
39 following payments due the school district during the school year
40 following the year in which application was made pursuant to subpara-
41 graphs (1), (2), (3), (4) and (5) of paragraph a of subdivision 1 of
42 section 3609-a of the education law in the following order: the lottery
43 apportionment payable pursuant to subparagraph (2) of such paragraph
44 followed by the fixed fall payments payable pursuant to subparagraph (4)
45 of such paragraph and then followed by the district's payments to the
46 teachers' retirement system pursuant to subparagraph (1) of such para-
47 graph, and any remainder to be deducted from the individualized payments
48 due the district pursuant to paragraph b of such subdivision shall be
49 deducted on a chronological basis starting with the earliest payment due
50 the district.

51 § 50. Notwithstanding the provision of any law, rule, or regulation to
52 the contrary, the city school district of the city of Rochester, upon
53 the consent of the board of cooperative educational services of the
54 supervisory district serving its geographic region may purchase from
55 such board for the 2019--2020 school year, as a non-component school
56 district, services required by article 19 of the education law.

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

4 a. for the development, maintenance or expansion of magnet schools or
5 magnet school programs for the 2019--2020 school year. For the city
6 school district of the city of New York there shall be a setaside of
7 foundation aid equal to forty-eight million one hundred seventy-five
8 thousand dollars (\$48,175,000) including five hundred thousand dollars
9 (\$500,000) for the Andrew Jackson High School; for the Buffalo city
10 school district, twenty-one million twenty-five thousand dollars
11 (\$21,025,000); for the Rochester city school district, fifteen million
12 dollars (\$15,000,000); for the Syracuse city school district, thirteen
13 million dollars (\$13,000,000); for the Yonkers city school district,
14 forty-nine million five hundred thousand dollars (\$49,500,000); for the
15 Newburgh city school district, four million six hundred forty-five thou-
16 sand dollars (\$4,645,000); for the Poughkeepsie city school district,
17 two million four hundred seventy-five thousand dollars (\$2,475,000); for
18 the Mount Vernon city school district, two million dollars (\$2,000,000);
19 for the New Rochelle city school district, one million four hundred ten
20 thousand dollars (\$1,410,000); for the Schenectady city school district,
21 one million eight hundred thousand dollars (\$1,800,000); for the Port
22 Chester city school district, one million one hundred fifty thousand
23 dollars (\$1,150,000); for the White Plains city school district, nine
24 hundred thousand dollars (\$900,000); for the Niagara Falls city school
25 district, six hundred thousand dollars (\$600,000); for the Albany city
26 school district, three million five hundred fifty thousand dollars
27 (\$3,550,000); for the Utica city school district, two million dollars
28 (\$2,000,000); for the Beacon city school district, five hundred sixty-
29 six thousand dollars (\$566,000); for the Middletown city school
30 district, four hundred thousand dollars (\$400,000); for the Freeport
31 union free school district, four hundred thousand dollars (\$400,000);
32 for the Greenburgh central school district, three hundred thousand
33 dollars (\$300,000); for the Amsterdam city school district, eight
34 hundred thousand dollars (\$800,000); for the Peekskill city school
35 district, two hundred thousand dollars (\$200,000); and for the Hudson
36 city school district, four hundred thousand dollars (\$400,000).

37 b. Notwithstanding any inconsistent provision of law to the contrary,
38 a school district setting aside such foundation aid pursuant to this
39 section may use such setaside funds for: (i) any instructional or
40 instructional support costs associated with the operation of a magnet
41 school; or

42 (ii) any instructional or instructional support costs associated with
43 implementation of an alternative approach to promote diversity and/or
44 enhancement of the instructional program and raising of standards in
45 elementary and secondary schools of school districts having substantial
46 concentrations of minority students.

47 c. The commissioner of education shall not be authorized to withhold
48 foundation aid from a school district that used such funds in accordance
49 with this paragraph, notwithstanding any inconsistency with a request
50 for proposals issued by such commissioner for the purpose of attendance
51 improvement and dropout prevention for the 2019--2020 school year, and
52 for any city school district in a city having a population of more than
53 one million, the setaside for attendance improvement and dropout
54 prevention shall equal the amount set aside in the base year. For the
55 2019--2020 school year, it is further provided that any city school
56 district in a city having a population of more than one million shall

1 allocate at least one-third of any increase from base year levels in
2 funds set aside pursuant to the requirements of this section to communi-
3 ty-based organizations. Any increase required pursuant to this section
4 to community-based organizations must be in addition to allocations
5 provided to community-based organizations in the base year.

6 d. For the purpose of teacher support for the 2019--2020 school year:
7 for the city school district of the city of New York, sixty-two million
8 seven hundred seven thousand dollars (\$62,707,000); for the Buffalo city
9 school district, one million seven hundred forty-one thousand dollars
10 (\$1,741,000); for the Rochester city school district, one million seven-
11 ty six thousand dollars (\$1,076,000); for the Yonkers city school
12 district, one million one hundred forty-seven thousand dollars
13 (\$1,147,000); and for the Syracuse city school district, eight hundred
14 nine thousand dollars (\$809,000). All funds made available to a school
15 district pursuant to this section shall be distributed among teachers
16 including prekindergarten teachers and teachers of adult vocational and
17 academic subjects in accordance with this section and shall be in addi-
18 tion to salaries heretofore or hereafter negotiated or made available;
19 provided, however, that all funds distributed pursuant to this section
20 for the current year shall be deemed to incorporate all funds distrib-
21 uted pursuant to former subdivision 27 of section 3602 of the education
22 law for prior years. In school districts where the teachers are repres-
23 ented by certified or recognized employee organizations, all salary
24 increases funded pursuant to this section shall be determined by sepa-
25 rate collective negotiations conducted pursuant to the provisions and
26 procedures of article 14 of the civil service law, notwithstanding the
27 existence of a negotiated agreement between a school district and a
28 certified or recognized employee organization.

29 § 52. Support of public libraries. The moneys appropriated for the
30 support of public libraries by a chapter of the laws of 2018 enacting
31 the aid to localities budget shall be apportioned for the 2019--2020
32 state fiscal year in accordance with the provisions of sections 271,
33 272, 273, 282, 284, and 285 of the education law as amended by the
34 provisions of this chapter and the provisions of this section, provided
35 that library construction aid pursuant to section 273-a of the education
36 law shall not be payable from the appropriations for the support of
37 public libraries and provided further that no library, library system or
38 program, as defined by the commissioner of education, shall receive less
39 total system or program aid than it received for the year 2001--2002
40 except as a result of a reduction adjustment necessary to conform to the
41 appropriations for support of public libraries.

42 Notwithstanding any other provision of law to the contrary the moneys
43 appropriated for the support of public libraries for the year 2019--2020
44 by a chapter of the laws of 2019 enacting the education, labor and fami-
45 ly assistance budget shall fulfill the state's obligation to provide
46 such aid and, pursuant to a plan developed by the commissioner of educa-
47 tion and approved by the director of the budget, the aid payable to
48 libraries and library systems pursuant to such appropriations shall be
49 reduced proportionately to assure that the total amount of aid payable
50 does not exceed the total appropriations for such purpose.

51 § 53. Severability. The provisions of this act shall be severable, and
52 if the application of any clause, sentence, paragraph, subdivision,
53 section or part of this act to any person or circumstance shall be
54 adjudged by any court of competent jurisdiction to be invalid, such
55 judgment shall not necessarily affect, impair or invalidate the applica-
56 tion of any such clause, sentence, paragraph, subdivision, section, part

1 of this act or remainder thereof, as the case may be, to any other
2 person or circumstance, but shall be confined in its operation to the
3 clause, sentence, paragraph, subdivision, section or part thereof
4 directly involved in the controversy in which such judgment shall have
5 been rendered.

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

9 1. Sections five-a, six, sixteen, eighteen, nineteen, twenty-two,
10 twenty-three, thirty-two, forty-six-a, forty-six-b, forty-six-c, forty-
11 six-d, forty-seven, fifty and fifty-one of this act shall take effect
12 July 1, 2019;

13 2. Paragraph (a) of subdivision 7-a of section 804 of the education
14 law, as added by section thirty-three of this act, shall take effect
15 July 1, 2019; and

16 3. The amendments to chapter 756 of the laws of 1992, relating to
17 funding a program for work force education conducted by the consortium
18 for worker education in New York City made by sections thirty-five and
19 thirty-six of this act shall not affect the repeal of such chapter and
20 shall be deemed repealed therewith.

21

PART A-1

22 Section 1. Paragraph e of subdivision 4 of section 3602 of the educa-
23 tion law, as amended by section 9-b of part CCC of chapter 59 of the
24 laws of 2018, is amended to read as follows:

25 e. Community schools aid set-aside. Each school district shall set
26 aside from its total foundation aid computed for the current year pursu-
27 ant to this subdivision an amount equal to the sum of (i) the amount, if
28 any, set forth for such district as "COMMUNITY SCHL AID (BT1617)" in the
29 data file produced by the commissioner in support of the enacted budget
30 for the two thousand sixteen--two thousand seventeen school year and
31 entitled "SA161-7", (ii) the amount, if any, set forth for such district
32 as "COMMUNITY SCHL INCR" in the data file produced by the commissioner
33 in support of the executive budget request for the two thousand seven-
34 teen--two thousand eighteen school year and entitled "BT171-8", ~~and~~
35 (iii) the amount, if any, set forth for such district as "COMMUNITY
36 SCHOOLS INCREASE" in the data file produced by the commissioner in
37 support of the executive budget for the two thousand eighteen--two thou-
38 sand nineteen school year and entitled "BT181-9", and (iv) the amount,
39 if any, set forth for such district as "19-20 COMMUNITY SCHOOLS INCR" in
40 the data file produced by the commissioner in support of the executive
41 budget for the two thousand nineteen--two thousand twenty school year
42 and entitled "BT192-0". Each school district shall use such "COMMUNITY
43 SCHL AID (BT1617)" amount to support the transformation of school build-
44 ings into community hubs to deliver co-located or school-linked academ-
45 ic, health, mental health, nutrition, counseling, legal and/or other
46 services to students and their families, including but not limited to
47 providing a community school site coordinator, or to support other costs
48 incurred to maximize students' academic achievement. Each school
49 district shall use such "COMMUNITY SCHL INCR" amount to support the
50 transformation of school buildings into community hubs to deliver co-lo-
51 cated or school linked academic, health, mental health services and
52 personnel, after-school programming, dual language programs, nutrition,
53 counseling, legal and/or other services to students and their families,
54 including but not limited to providing a community school site coordina-

1 tor and programs for English language learners, or to support other
2 costs incurred to maximize students' academic achievement, provided
3 however that a school district whose "COMMUNITY SCHL INCR" amount
4 exceeds one million dollars (\$1,000,000) shall use an amount equal to
5 the greater of one hundred fifty thousand dollars (\$150,000) or ten
6 percent of such "COMMUNITY SCHL INCR" amount to support such transforma-
7 tion at schools with extraordinary high levels of student need as iden-
8 tified by the commissioner, subject to the approval of the director of
9 the budget. Each school district shall use such "COMMUNITY SCHOOLS
10 INCREASE" to support the transformation of school buildings into commu-
11 nity hubs to deliver co-located or school linked academic, health,
12 mental health services and personnel, after-school programming, dual
13 language programs, nutrition, counseling, legal and/or other services to
14 students and their families, including but not limited to providing a
15 community school site coordinator and programs for English language
16 learners, or to support other costs incurred to maximize students'
17 academic achievement. Each school district shall use such "19-20 COMMU-
18 NITY SCHOOLS INCR" to support the transformation of school buildings
19 into community hubs to deliver co-located or school linked academic,
20 health, mental health services and personnel, after-school programming,
21 dual language programs, nutrition, counseling, legal and/or other
22 services to students and their families, including but not limited to
23 providing a community school site coordinator and programs for English
24 language learners, or to support other costs incurred to maximize
25 students' academic achievement.

26 § 1-a. Subdivision 1 of section 3602 of the education law is amended
27 by adding a new paragraph ii to read as follows:

28 ii. (i) "Direct certification count" shall be equal to the number of
29 children eligible for free meals or free milk based on information
30 obtained directly from the office of temporary and disability assistance
31 administering the supplemental nutrition assistance program and the
32 department of health administering Medicaid and providing data as per
33 the United States department of agriculture medicaid demonstration
34 project.

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

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

40 (iv) "Three-year direct certification percentage" shall mean the
41 quotient of (A) the sum of the direct certification count for the base
42 year, plus such direct certification count computed for the year prior
43 to the base year, plus such direct certification count computed for the
44 year two years prior to the base year, divided by (B) the direct certif-
45 ication enrollment for the base year, plus such direct certification
46 enrollment computed for the year prior to the base year, plus such
47 direct certification enrollment computed for the year two years prior to
48 the base year.

49 § 1-b. Subdivision 1 of section 3602 of the education law is amended
50 by adding a new paragraph jj to read as follows:

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

1 § 1-c. Subdivision 12 of section 3602 of the education law, as amended
2 by section 13 of part CCC of chapter 59 of the laws of 2018, is amended
3 to read as follows:

4 12. Academic enhancement aid. a. A school district that as of April
5 first of the base year has been continuously identified as a district in
6 need of improvement for at least five years shall, for the two thousand
7 eight--two thousand nine school year, be entitled to an additional
8 apportionment equal to the positive remainder, if any, of (a) the lesser
9 of fifteen million dollars or the product of the total foundation aid
10 base, as defined by paragraph j of subdivision one of this section,
11 multiplied by ten percent (0.10), less (b) the positive remainder of (i)
12 the sum of the total foundation aid apportioned pursuant to subdivision
13 four of this section and the supplemental educational improvement grants
14 apportioned pursuant to subdivision eight of section thirty-six hundred
15 forty-one of this article, less (ii) the total foundation aid base.

16 b. For the two thousand nine--two thousand ten through two thousand
17 fourteen--two thousand fifteen school years, each school district shall
18 be entitled to an apportionment equal to the amount set forth for such
19 school district as "EDUCATION GRANTS, ACADEMIC EN" under the heading
20 "2008-09 BASE YEAR AIDS" in the school aid computer listing produced by
21 the commissioner in support of the budget for the two thousand nine--two
22 thousand ten school year and entitled "SA0910", and such apportionment
23 shall be deemed to satisfy the state obligation to provide an apportion-
24 ment pursuant to subdivision eight of section thirty-six hundred forty-
25 one of this article.

26 c. For the two thousand fifteen--two thousand sixteen year, each
27 school district shall be entitled to an apportionment equal to the
28 amount set forth for such school district as "ACADEMIC ENHANCEMENT"
29 under the heading "2014-15 ESTIMATED AIDS" in the school aid computer
30 listing produced by the commissioner in support of the budget for the
31 two thousand fourteen--two thousand fifteen school year and entitled
32 "SA141-5", and such apportionment shall be deemed to satisfy the state
33 obligation to provide an apportionment pursuant to subdivision eight of
34 section thirty-six hundred forty-one of this article.

35 d. For the two thousand sixteen--two thousand seventeen school year,
36 each school district shall be entitled to an apportionment equal to the
37 amount set forth for such school district as "ACADEMIC ENHANCEMENT"
38 under the heading "2015-16 ESTIMATED AIDS" in the school aid computer
39 listing produced by the commissioner in support of the budget for the
40 two thousand fifteen--two thousand sixteen school year and entitled
41 "SA151-6", and such apportionment shall be deemed to satisfy the state
42 obligation to provide an apportionment pursuant to subdivision eight of
43 section thirty-six hundred forty-one of this article.

44 e. For the two thousand seventeen--two thousand eighteen school year,
45 each school district shall be entitled to an apportionment equal to the
46 amount set forth for such school district as "ACADEMIC ENHANCEMENT"
47 under the heading "2016-17 ESTIMATED AIDS" in the school aid computer
48 listing produced by the commissioner in support of the budget for the
49 two thousand sixteen--two thousand seventeen school year and entitled
50 "SA161-7", and such apportionment shall be deemed to satisfy the state
51 obligation to provide an apportionment pursuant to subdivision eight of
52 section thirty-six hundred forty-one of this article.

53 f. For the two thousand eighteen--two thousand nineteen school year,
54 each school district shall be entitled to an apportionment equal to the
55 amount set forth for such school district as "ACADEMIC ENHANCEMENT"
56 under the heading "2017-18 ESTIMATED AIDS" in the school aid computer

1 listing produced by the commissioner in support of the budget for the
2 two thousand seventeen--two thousand eighteen school year and entitled
3 "SA171-8", and such apportionment shall be deemed to satisfy the state
4 obligation to provide an apportionment pursuant to subdivision eight of
5 section thirty-six hundred forty-one of this article.

6 g. For the two thousand nineteen--two thousand twenty school year,
7 each school district shall be entitled to an apportionment equal to the
8 amount set forth for such school district as "ACADEMIC ENHANCEMENT"
9 under the heading "2017-18 ESTIMATED AIDS" in the school aid computer
10 listing produced by the commissioner in support of the budget for the
11 two thousand seventeen--two thousand eighteen school year and entitled
12 "SA171-8", less the apportionment deemed to satisfy the state obligation
13 to provide an apportionment pursuant to subdivision eight of section
14 thirty-six hundred forty-one of this article for the two thousand eigh-
15 teen--two thousand nineteen school year.

16 § 1-d. Subdivision 4 of section 3602 of the education law is amended
17 by adding a new paragraph g to read as follows:

18 g. Foundation aid payable in the two thousand nineteen--two thousand
19 twenty school year. Notwithstanding any provision of law to the contra-
20 ry, foundation aid payable in the two thousand nineteen--two thousand
21 twenty school year shall equal the sum of

22 (1) the foundation aid base plus (2) the executive foundation aid
23 increase plus (3) the greater of tiers A through J. For the purposes of
24 this paragraph, "foundation aid remaining" shall mean the positive
25 difference, if any, of (1) total foundation aid computed pursuant to
26 this subdivision less (2) the total foundation aid base computed pursu-
27 ant to paragraph j of subdivision one of this section.

28 For purposes of this paragraph:

29 (i) "Tier A" shall equal, the greater of (A) the positive difference,
30 if any, of the product of the foundation aid base multiplied by twenty-
31 three one-thousandths (0.023) less the executive foundation aid increase
32 or (B) the product of the executive foundation aid increase multiplied
33 by five-tenths (0.5).

34 (ii) "Tier B" shall equal the product of foundation aid remaining
35 multiplied by (A) for a city school district in a city with a population
36 of one million or more, two hundred fifty-five one-thousandths (0.255)
37 and (B) for all other school districts, fifty-four one-thousandths
38 (0.054).

39 (iii) "Tier C" shall equal, for all school districts where the
40 quotient arrived at when dividing the sum of the foundation aid base
41 plus the executive foundation aid increase by total foundation aid is
42 less than five-tenths (0.5), the difference of the product of total
43 foundation aid multiplied by five-tenths (0.5) less the sum of the foun-
44 dition aid base and the executive foundation aid increase.

45 (iv) "Tier D" shall equal, for school districts where (A) the quotient
46 arrived at when dividing the public school district enrollment as
47 computed pursuant to paragraph n of subdivision one of this section for
48 the base year by such enrollment for the two thousand eight--two thou-
49 sand nine school year is greater than one and one-tenth (1.1), (B) the
50 three-year direct certification percentage as defined in paragraph ii of
51 subdivision one of this section is greater than five-tenths (0.5), and
52 (C) the quotient arrived at when dividing the English language learner
53 count computed pursuant to paragraph o of subdivision one of this
54 section for the base year by such count for the two thousand thirteen--
55 two thousand fourteen school year is greater than one and six-tenths
56 (1.6) or the difference of such base year pupils less such two thousand

1 seventeen--two thousand eighteen school year pupils is greater than one
2 hundred, the product of foundation aid remaining multiplied by three
3 thousand three hundred thirty-three ten-thousandths (0.3333).

4 (v) "Tier E" shall equal, for school districts where (A) the quotient
5 arrived at when dividing the public school district enrollment as
6 computed pursuant to paragraph n of subdivision one of this section for
7 the base year by such enrollment for the two thousand eight--two thou-
8 sand nine school year is greater than one and fifteen one-hundredths
9 (1.15), (B) the quotient arrived at when dividing the English language
10 learner count computed pursuant to paragraph o of subdivision one of
11 this section for the base year by such count for the two thousand eight-
12 -two thousand nine school year is greater than one and three-tenths
13 (1.3), and (C) the quotient arrived at when dividing the combined wealth
14 ratio computed pursuant to subparagraph one of paragraph c of subdivi-
15 sion three of this section for the current year by the combined wealth
16 ratio for the two thousand fourteen--two thousand fifteen school year is
17 less than one and fifteen one-hundredths (1.15), the product of founda-
18 tion aid remaining multiplied by one hundred eight one-thousandths
19 (0.108).

20 (vi) "Tier F" shall equal, for school districts where (A) the quotient
21 arrived at when dividing the public school district enrollment as
22 computed pursuant to paragraph n of subdivision one of this section for
23 the base year by such enrollment for the two thousand thirteen--two
24 thousand fourteen school year is less than one, and (B) the quotient
25 arrived at when dividing the English language learner count computed
26 pursuant to paragraph o of subdivision one of this section for the base
27 year by such count for the two thousand thirteen--two thousand fourteen
28 school year is greater than one and twenty-five one-hundredths (1.25) or
29 the difference of such base year pupils less such pupils for the two
30 thousand seventeen--two thousand eighteen school year is greater than
31 one hundred, the greater of (A) the product of foundation aid remaining
32 multiplied by eighty-five one-thousandths (0.085) or (B) the positive
33 difference, if any, of the product of the foundation aid base multiplied
34 by thirty-two one-thousandths (0.032) less the executive foundation aid
35 increase.

36 (vii) "Tier G" shall equal, for school districts where (A) the
37 quotient arrived at when dividing the foundation aid base by total foun-
38 deration aid is less than seventy-five one-hundredths (0.75), and (B) the
39 three-year direct certification percentage as defined in paragraph ii of
40 subdivision one of this section is greater than sixty-two one-hundredths
41 (0.62), the positive difference, if any, of the product of foundation
42 aid remaining multiplied by one hundred eight one-thousandths (0.108)
43 less the executive foundation aid increase.

44 (viii) "Tier H" shall equal, for school districts where the quotient
45 arrived at when dividing the public school district enrollment as
46 computed pursuant to paragraph n of subdivision one of this section for
47 the base year by such enrollment for the year prior to the base year is
48 greater than one, the positive difference, if any, of the product of the
49 foundation aid base multiplied by thirty-seven one-thousandths (0.037)
50 less the executive foundation aid increase.

51 (ix) "Tier I" shall equal, for school districts with a combined wealth
52 ratio for total foundation aid computed pursuant to subparagraph two of
53 paragraph c of subdivision three of this section less than one (1.0),
54 the positive difference, if any, of the product of the foundation aid
55 base multiplied by the tier I percent less the executive foundation aid
56 increase, where (A) the "tier I percent" shall equal the product of the

1 tier I ratio multiplied by eight hundred ninety-five ten-thousandths
2 (0.0895), and (B) the "tier I ratio" shall equal the difference of nine
3 hundred ninety-one one-thousandths (0.991) less the product of seventy-
4 five one-hundredths (0.75) multiplied by the difference of one less the
5 three-year direct certification percentage as defined in paragraph ii of
6 subdivision one of this section, provided that such ratio shall not be
7 less than zero nor greater than one.

8 (x) "Tier J" shall equal, for small city school districts computed
9 pursuant to paragraph jj of subdivision one of this section, the posi-
10 tive difference, if any, of the product of the foundation aid base
11 multiplied by nine hundred sixty-six ten-thousandths (0.0966) less the
12 executive foundation aid increase.

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

21 § 1-e. Subdivision 8 of section 3641 of the education law, as added by
22 section 38 of part B of chapter 57 of the laws of 2007, paragraph b as
23 amended by section 29 of part B of chapter 57 of the laws of 2008, is
24 amended to read as follows:

25 8. Supplemental educational improvement grants. a. In addition to
26 apportionments otherwise provided by section thirty-six hundred two of
27 this article, for aid payable in the two thousand seven--two thousand
28 eight school year and thereafter, the amounts specified in paragraph b
29 of this subdivision shall be paid for the purpose of providing addi-
30 tional funding for the costs of educational improvement plans required
31 as a result of a court-ordered settlement in a school desegregation case
32 to which the state was a party. Grant funds awarded pursuant to this
33 subdivision shall be used exclusively for services and expenses incurred
34 by the school district to implement such educational improvement plans.

35 b. To the Yonkers city school district, for the two thousand seven--
36 two thousand eight through two thousand eighteen--two thousand nineteen
37 school years, there shall be paid seventeen million five hundred thou-
38 sand dollars (\$17,500,000) on an annual basis, and for the two thousand
39 nineteen--two thousand twenty school year and thereafter there shall be
40 paid twenty-one million seven hundred fifty thousand dollars
41 (\$21,750,000) on an annual basis. Such grant shall be payable from
42 funds appropriated for such purpose and shall be apportioned to the
43 Yonkers city school district in accordance with the payment schedules
44 contained in section thirty-six hundred nine-a of this article, notwith-
45 standing any provision of law to the contrary.

46 § 2. Notwithstanding any other provision of law to the contrary, the
47 actions or omissions of any school district which failed to submit a
48 final building project cost report by June thirtieth of the school year
49 following June thirtieth of the school year in which the certificate of
50 substantial completion of the project is issued by the architect or
51 engineer, or six months after issuance of such certificate, whichever is
52 later, are hereby ratified and validated, provided that such building
53 project was eligible for aid in a year for which the commissioner of the
54 department of education is required to prepare an estimate of apportion-
55 ments due and owing pursuant to paragraph c of subdivision 21 of section
56 305 of the education law, provided further that such school district

1 submits a final cost report and such report is approved by the commis-
2 sioner of education, and provided further that any amount due and paya-
3 ble for school years prior to the 2020-2021 school year as a result of
4 this act shall be paid pursuant to the provisions of paragraph c of
5 subdivision 5 of section 3604 of the education law.

6 § 2-a. Notwithstanding any other provision of law to the contrary, the
7 department of education shall provide notice to all school districts
8 that may have projects eligible under section one of this act no later
9 than July 1, 2019.

10 § 3. a. All the acts done and proceedings heretofore had and taken or
11 caused to be had and taken by a school district and by all officers,
12 employees or agents of each such school district relating to or in
13 connection with transportation contracts (1) identified by the state
14 education department as having been filed or executed late on or before
15 July 1, 2019, and (2) for which an aid adjustment or recovery has not
16 been initiated by the state education department as of the effective
17 date of this act are hereby legalized, validated, ratified and
18 confirmed, notwithstanding any failure to comply with the contract
19 filing provisions of the education law, other than those filing
20 provisions defined in paragraph a of subdivision 5 of section 3604 of
21 the education law, in relation to any omission, error, defect, irreg-
22 ularity or illegality in such proceeding had and taken.

23 b. The education department is hereby directed to consider the afore-
24 mentioned contracts for transportation aid as valid and proper obli-
25 gations of such school district.

26 § 4. Paragraph a of subdivision 5 of section 3604 of the education
27 law, as amended by chapter 161 of the laws of 2005, is amended to read
28 as follows:

29 a. State aid adjustments. All errors or omissions in the apportionment
30 shall be corrected by the commissioner. Whenever a school district has
31 been apportioned less money than that to which it is entitled, the
32 commissioner may allot to such district the balance to which it is enti-
33 tled. Whenever a school district has been apportioned more money than
34 that to which it is entitled, the commissioner may, by an order, direct
35 such moneys to be paid back to the state to be credited to the general
36 fund local assistance account for state aid to the schools, or may
37 deduct such amount from the next apportionment to be made to said
38 district, provided that any recovery initiated by the commissioner under
39 this subdivision shall first be offset by any pending payment of moneys
40 due to said district as a prior year adjustment payable pursuant to
41 paragraph c of this subdivision, and that the commissioner shall remove
42 such claim from the ordered list he or she prepares for such paragraph
43 c, and provided, however, that, upon notification of excess payments of
44 aid for which a recovery must be made by the state through deduction of
45 future aid payments, a school district may request that such excess
46 payments be recovered by deducting such excess payments from the
47 payments due to such school district and payable in the month of June in
48 (i) the school year in which such notification was received and (ii) the
49 two succeeding school years, provided further that there shall be no
50 interest penalty assessed against such district or collected by the
51 state. Such request shall be made to the commissioner in such form as
52 the commissioner shall prescribe, and shall be based on documentation
53 that the total amount to be recovered is in excess of one percent of the
54 district's total general fund expenditures for the preceding school
55 year. The amount to be deducted in the first year shall be the greater
56 of (i) the sum of the amount of such excess payments that is recognized

1 as a liability due to other governments by the district for the preced-
2 ing school year and the positive remainder of the district's unreserved
3 fund balance at the close of the preceding school year less the product
4 of the district's total general fund expenditures for the preceding
5 school year multiplied by five percent, or (ii) one-third of such excess
6 payments. The amount to be recovered in the second year shall equal the
7 lesser of the remaining amount of such excess payments to be recovered
8 or one-third of such excess payments, and the remaining amount of such
9 excess payments shall be recovered in the third year. Provided further
10 that, notwithstanding any other provisions of this subdivision, any
11 pending payment of moneys due to such district as a prior year adjust-
12 ment payable pursuant to paragraph c of this subdivision for aid claims
13 that had been previously paid as current year aid payments in excess of
14 the amount to which the district is entitled and for which recovery of
15 excess payments is to be made pursuant to this paragraph, shall be
16 reduced at the time of actual payment by any remaining unrecovered
17 balance of such excess payments, and the remaining scheduled deductions
18 of such excess payments pursuant to this paragraph shall be reduced by
19 the commissioner to reflect the amount so recovered. The commissioner
20 shall certify no payment to a school district based on a claim submitted
21 later than three years after the close of the school year in which such
22 payment was first to be made. For claims for which payment is first to
23 be made in the nineteen hundred ninety-six--ninety-seven school year,
24 the commissioner shall certify no payment to a school district based on
25 a claim submitted later than two years after the close of such school
26 year. For claims for which payment is first to be made in the nineteen
27 hundred ninety-seven--ninety-eight school year and thereafter, the
28 commissioner shall certify no payment to a school district based on a
29 claim submitted later than one year after the close of such school year.
30 Provided, however, no payments shall be barred or reduced where such
31 payment is required as a result of a final audit of the state. It is
32 further provided that, until June thirtieth, nineteen hundred ninety-
33 six, the commissioner may grant a waiver from the provisions of this
34 section for any school district if it is in the best educational inter-
35 ests of the district pursuant to guidelines developed by the commission-
36 er and approved by the director of the budget.

37 § 5. Tuition rates approved for the 2019--2020 school year for special
38 services or programs provided to school-age students by special act
39 school districts; approved private residential or non-residential
40 schools for the education of students with disabilities that are located
41 within the state; and providers of education to preschool children with
42 disabilities pursuant to section 4410 of the education law shall provide
43 for an increase of at least four percent in reimbursable costs.

44 § 6. Subdivision 10 of section 407-b of the education law, as amended
45 by chapter 31 of the laws of 1996, is amended to read as follows:

46 10. Notwithstanding any other provision of law to the contrary, the
47 dormitory authority may execute leases, subleases, or other agreements
48 with state supported schools for financing of the design, construction,
49 rehabilitation, improvement, renovation, acquisition or provision,
50 furnishing or equipping of capital facilities; provided, however, that
51 during the two year period commencing July first, nineteen hundred nine-
52 ty-five, the amount of bonds inclusive of principal, interest and issu-
53 ance costs to be issued for each individual lease, sublease, or other
54 agreement shall not exceed fifteen million dollars annually; provided
55 further that the interest on such bonds may not be deferred through
56 additional borrowing; and provided finally that the total amount of such

1 bonds for all such leases, subleases, or agreements with state supported
2 schools during such period shall not exceed [~~sixty-five~~] one hundred
3 million dollars.

4 On or before September first of each year, the commissioner shall
5 submit to the chairs of the assembly ways and means committee, the
6 senate finance committee and the director of the budget, a capital plan
7 for those projects expected to be bonded for state supported schools
8 pursuant to this section, within such [~~sixty-five~~] one hundred million
9 dollar allowance. After application of the principles of the capital
10 assets preservation program, such plan shall accord priority to health
11 and safety considerations and shall specify the name, location, esti-
12 mated total cost of the project at the time the project is to be bid,
13 the anticipated bid date and the anticipated completion date and may
14 contain any further recommendations the commissioner may deem appropri-
15 ate.

16 § 7. Subparagraph 2 of paragraph a of subdivision 4 of section 1950 of
17 the education law, as amended by chapter 698 of the laws of 2003, is
18 amended to read as follows:

19 (2) Notwithstanding any inconsistent provision of law in no event
20 shall the total salary including amounts paid pursuant to section twen-
21 ty-two hundred nine of this chapter for district superintendents [~~for~~
22 ~~each school year through the two thousand two--two thousand three school~~
23 ~~year exceed ninety-eight percent of that earned by the commissioner for~~
24 ~~state fiscal year nineteen hundred ninety-two--ninety-three, and in no~~
25 ~~event shall such total salary for a district superintendent]~~ for the two
26 thousand [~~three~~] nineteen--two thousand [~~four~~] twenty school year or any
27 subsequent school year exceed: (i) one hundred six percent of the salary
28 cap applicable in the preceding school year, or (ii) ninety-eight
29 percent of that earned by the commissioner in the two thousand [~~three~~]
30 nineteen--two thousand [~~four~~] twenty state fiscal year, whichever is
31 less. In no event shall any district superintendent be permitted to
32 accumulate vacation or sick leave credits in excess of the vacation and
33 sick leave credits managerial/confidential employees of the state are
34 permitted to accumulate pursuant to regulations promulgated by the state
35 civil service commission, nor may any district superintendent at the
36 time of separation from service be compensated for accrued and unused
37 vacation credits or sick leave, or use accrued and unused sick leave for
38 retirement service credit or to pay for health insurance in retirement,
39 at a rate in excess of the rate permitted to managerial/confidential
40 employees of the state pursuant to regulations of the state civil
41 service commission. In addition to the payment of supplementary salary,
42 a board of cooperative educational services may provide for the payment
43 of all or a portion of the cost of insurance benefits for the district
44 superintendent of schools, including but not limited to health insur-
45 ance, disability insurance, life insurance or any other form of insur-
46 ance benefit made available to managerial/confidential employees of the
47 state; provided that any such payments for whole life, split dollar or
48 other life insurance policies having a cash value shall be included in
49 the total salary of the district superintendent for purposes of this
50 subparagraph, and provided further that any payments for the employee
51 contribution, co-pay or uncovered medical expenses under a health insur-
52 ance plan also shall be included in the total salary of the district
53 superintendent. Notwithstanding any other provision of law, payments
54 for such insurance benefits may be based on the district superinten-
55 dent's total salary or the amount of his or her supplementary salary
56 only. Any payments for transportation or travel expenses in excess of

1 actual, documented expenses incurred in the performance of duties for
2 the board of cooperative educational services or the state, and any
3 other lump sum payment not specifically excluded from total salary
4 pursuant to this subparagraph, shall be included in the total salary of
5 the district superintendent for purposes of this subparagraph. Nothing
6 herein shall prohibit a district superintendent from waiving any rights
7 provided for in an existing contract or agreement as hereafter prohibi-
8 ed in favor of revised compensation or benefit provisions as permitted
9 herein. In no event shall the terms of the district superintendent's
10 contract, including any provisions relating to an increase in salary,
11 compensation or other benefits, be contingent upon the terms of any
12 contract or collective bargaining agreement between the board of cooper-
13 ative educational services and its teachers or other employees. The
14 commissioner may adopt regulations for the purpose of implementing the
15 provisions of this paragraph.

16 § 8. Paragraph b of subdivision 5 of section 1950 of the education
17 law, as amended by chapter 296 of the laws of 2016, is amended to read
18 as follows:

19 b. The cost of services herein referred to shall be the amount allo-
20 cated to each component school district by the board of cooperative
21 educational services to defray expenses of such board, including
22 approved expenses from the testing of potable water systems of occupied
23 school buildings under the board's jurisdiction as required pursuant to
24 section eleven hundred ten of the public health law, except that that
25 part of the salary paid any teacher, supervisor or other employee of the
26 board of cooperative educational services which is in excess of thirty
27 thousand dollars shall not be such an approved expense, and except also
28 that administrative and clerical expenses shall not exceed ten percent
29 of the total expenses for purposes of this computation. Provided howev-
30 er, that for teachers providing instruction in career and technical
31 education to school age students, the salary, to be considered as an
32 approved expense, shall not exceed thirty-four thousand dollars for the
33 two thousand nineteen--two thousand twenty school year; thirty-eight
34 thousand dollars for the two thousand twenty--two thousand twenty-one
35 school year; forty-two thousand dollars for the two thousand twenty-one-
36 -two thousand twenty-two school year; forty-six thousand dollars for the
37 two thousand twenty-two--two thousand twenty-three school year; and
38 fifty thousand dollars for the two thousand twenty-three--two thousand
39 twenty-four school year, and thereafter. Any gifts, donations or inter-
40 est earned by the board of cooperative educational services or on behalf
41 of the board of cooperative educational services by the dormitory
42 authority or any other source shall not be deducted in determining the
43 cost of services allocated to each component school district. Any
44 payments made to a component school district by the board of cooperative
45 educational services pursuant to subdivision eleven of section six-p of
46 the general municipal law attributable to an approved cost of service
47 computed pursuant to this subdivision shall be deducted from the cost of
48 services allocated to such component school district. The expense of
49 transportation provided by the board of cooperative educational services
50 pursuant to paragraph q of subdivision four of this section shall be
51 eligible for aid apportioned pursuant to subdivision seven of section
52 thirty-six hundred two of this chapter and no board of cooperative
53 educational services transportation expense shall be an approved cost of
54 services for the computation of aid under this subdivision. Transporta-
55 tion expense pursuant to paragraph q of subdivision four of this section

1 shall be included in the computation of the ten percent limitation on
2 administrative and clerical expenses.

3 § 9. Paragraph b of subdivision 10 of section 3602 of the education
4 law, as amended by section 16 of part B of chapter 57 of the laws of
5 2007, is amended to read as follows:

6 b. Aid for career education. There shall be apportioned to such city
7 school districts and other school districts which were not components of
8 a board of cooperative educational services in the base year for pupils
9 in grades [~~ten~~] nine through twelve in attendance in career education
10 programs as such programs are defined by the commissioner, subject for
11 the purposes of this paragraph to the approval of the director of the
12 budget, an amount for each such pupil to be computed by multiplying the
13 career education aid ratio by [~~three~~] four thousand [~~nine~~] one hundred
14 dollars. Such aid will be payable for weighted pupils attending career
15 education programs operated by the school district and for weighted
16 pupils for whom such school district contracts with boards of cooper-
17 ative educational services to attend career education programs operated
18 by a board of cooperative educational services. Weighted pupils for the
19 purposes of this paragraph shall mean the sum of (i) the product of the
20 attendance of students in grade nine multiplied by the special services
21 phase-in factor plus (ii) the attendance of students in grades ten
22 through twelve in career education sequences in trade, industrial, tech-
23 nical, agricultural or health programs plus the product of sixteen
24 hundredths multiplied by the sum of (i) the product of the attendance of
25 students in grade nine multiplied by the special services phase-in
26 factor plus (ii) the attendance of students in grades ten through twelve
27 in career education sequences in business and marketing as defined by
28 the commissioner in regulations; provided that the special services
29 phase-in factor shall be (i) for the two thousand twenty--two thousand
30 twenty-one school year, twenty-five percent (0.25), (ii) for the two
31 thousand twenty-one--two thousand twenty-two school year, fifty percent
32 (0.5), (iii) for the two thousand twenty-two--two thousand twenty-three
33 school year, seventy-five percent (0.75), and (iv) for the two thousand
34 twenty-three--two thousand twenty-four school year and thereafter, one
35 hundred percent (1.0). The career education aid ratio shall be computed
36 by subtracting from one the product obtained by multiplying fifty-nine
37 percent by the combined wealth ratio. This aid ratio shall be expressed
38 as a decimal carried to three places without rounding, but not less than
39 thirty-six percent.

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

43 A board of education which spends less than its local funds as defined
44 by regulations of the commissioner for career education in the base year
45 during the current year shall have its apportionment under this subdivi-
46 sion reduced in an amount equal to such deficiency in the current or a
47 succeeding school year, provided however that the commissioner may waive
48 such reduction upon determination that overall expenditures per pupil in
49 support of career education programs were continued at a level equal to
50 or greater than the level of such overall expenditures per pupil in the
51 preceding school year.

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

55 a. (1) All contracts for the transportation of school children, all
56 contracts to maintain school buses owned or leased by a school district

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

1 instructional units were first provided, if in his or her opinion, the
2 best interests of the district will be promoted thereby. Upon such
3 rejection of any proposed extension, the commissioner may order the
4 board of education or trustee of the district to seek, obtain and
5 consider bids pursuant to the provisions of this section. The board of
6 education or the trustee of a school district electing to extend a
7 contract as provided herein, may, in its discretion, increase the amount
8 to be paid in each year of the contract extension by an amount not to
9 exceed the regional consumer price index increase for the N.Y.,
10 N.Y.-Northeastern, N.J. area, based upon the index for all urban consum-
11 ers (CPI-U), during the preceding twelve month period, provided it has
12 been satisfactorily established by the contractor that there has been at
13 least an equivalent increase in the amount of his or her cost of opera-
14 tion, during the period of the contract.

15 (2) Notwithstanding any other provision of this subdivision, the board
16 of education of a school district located in a city with at least one
17 million inhabitants shall include in contracts for the transportation of
18 school children in kindergarten through grade twelve, whether awarded
19 through competitive bidding or through evaluation of proposals in
20 response to a request for proposals pursuant to paragraph e of this
21 subdivision, provisions for the retention or preference in hiring of
22 school bus workers and for the preservation of wages, health, welfare
23 and retirement benefits and seniority for school bus workers who are
24 hired pursuant to such provisions for retention or preference in hiring,
25 in connection with such contracts. For purposes of this subparagraph,
26 "school bus worker" shall mean an operator, mechanic, dispatcher or
27 attendant who: (i) was employed as of June thirtieth, two thousand ten
28 or at any time thereafter by (A) a contractor that was a party to a
29 contract with the board of education of a school district located in a
30 city with at least one million inhabitants for the transportation of
31 school children in kindergarten through grade twelve, in connection with
32 such contract, or (B) a subcontractor of a contractor that was a party
33 to a contract with the board of education of a school district located
34 in a city with at least one million inhabitants for the transportation
35 of school children in kindergarten through grade twelve, in connection
36 with such contract; and (ii) has been furloughed or become unemployed as
37 a result of a loss of such contract, or a part of such contract, by such
38 contractor or such subcontractor, or as the result of a reduction in
39 service directed by such board of education during the term of such
40 contract.

41 § 11. Paragraph (d) of subdivision 1 of section 2856 of the education
42 law, as amended by section 4 of part YYY of chapter 59 of the laws of
43 2017, is amended to read as follows:

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

53 § 12. Paragraph (c) of subdivision 1 of section 2856 of the education
54 law, as amended by section 4-a of part YYY of chapter 59 of the laws of
55 2017, is amended to read as follows:

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

10 § 13. Paragraphs b and c of subdivision 1 of section 6-r of the gener-
11 al municipal law, as added by chapter 260 of the laws of 2004, are
12 amended to read as follows:

13 b. "Participating employer" means: (i) a participating employer as
14 defined in subdivision twenty of section two of the retirement and
15 social security law or in subdivision twenty of section three hundred
16 two of such law; or (ii) a participating employer as defined in subdivi-
17 sion three of section five hundred one of the education law.

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

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

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

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

39 2-a. With respect to a municipal corporation which is a participating
40 employer as defined in subdivision three of section five hundred one of
41 the education law, which elects to utilize a retirement contribution
42 reserve fund (a) to finance retirement contributions to the New York
43 state teachers' retirement system pursuant to section five hundred twen-
44 ty-one of the education law and/or (b) to offset all or a portion of the
45 amount deducted from the moneys apportioned to the municipal corporation
46 from the state for the support of common schools pursuant to section
47 five hundred twenty-one of the education law, such municipal corporation
48 shall establish a sub-fund within the retirement contribution reserve
49 fund, which shall be separately administered consistent with the
50 provisions of this section. Such municipal corporation may pay into such
51 sub-fund during any particular fiscal year an amount not to exceed two
52 per centum of the total compensation or salaries of all teachers in the
53 employ of said municipal corporation who are members of the New York
54 state teachers' retirement system paid during the immediately preceding
55 fiscal year. The balance of such sub-fund may not exceed ten per centum
56 of the total compensation or salaries of all teachers in the employ of

1 the municipal corporation who are members of the New York state teach-
2 ers' retirement system paid during the immediately preceding fiscal
3 year. For the purposes of this subdivision, the term "teacher" shall
4 have the same meaning as such term is defined under subdivision four of
5 section five hundred one of the education law.

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

8 5. The governing board of such municipal corporation by resolution may
9 authorize expenditures from a retirement contribution reserve fund.
10 Except as otherwise provided by law, moneys in a retirement contribution
11 reserve fund may only be expended (a) to finance retirement contribu-
12 tions, and/or (b) in the case of a municipal corporation which is a
13 participating employer, as defined in subdivision three of section five
14 hundred one of the education law, for appropriations authorized by law
15 in order to offset all or a portion of the amount deducted from the
16 moneys apportioned to the participating employer from the state for the
17 support of common schools pursuant to section five hundred twenty-one of
18 the education law. With respect to a municipal corporation which is a
19 participating employer as defined in subdivision three of section five
20 hundred one of the education law, expenditures from the retirement
21 contribution reserve fund to finance retirement contributions to the New
22 York State teachers' retirement system pursuant to section five hundred
23 twenty-one of the education law and/or to offset all or a portion of the
24 amount deducted from the moneys apportioned to the municipal corporation
25 from the state for the support of common schools pursuant to section
26 five hundred twenty-one of the education law may only be made from the
27 sub-fund established pursuant to subdivision two-a of this section.

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

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

41 § 18. Paragraph c of subdivision 4 of section 3641 of the education
42 law, as amended by section 48 of part C of chapter 58 of the laws of
43 1998, is amended to read as follows:

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

48 (1-a) Commencing with the two thousand nineteen--two thousand twenty
49 school year, the commissioner shall require school districts to conduct
50 building condition surveys pursuant to this section in accordance with a
51 staggered schedule as assigned by the commissioner, to be structured as
52 follows, and every five years thereafter. In assigning school districts
53 to a scheduled year, the commissioner shall ensure that no region of the
54 state is over represented in a given scheduled year. The commissioner
55 shall assign school districts to conduct building condition surveys in
56 the following manner:

1 (i) Schedule A: One-fifth of all school districts, as assigned by the
2 commissioner, shall conduct a building condition survey in the two thou-
3 sand nineteen--two thousand twenty school year. The remaining school
4 districts shall conduct a visual inspection as required pursuant to
5 sections four hundred nine-d and four hundred nine-e of this chapter in
6 the two thousand nineteen--two thousand twenty school year;

7 (ii) Schedule B: One-fifth of all school districts, as assigned by the
8 commissioner and excluding those school districts that shall conduct
9 their building condition survey pursuant to schedule A, shall conduct a
10 building condition survey in the two thousand twenty--two thousand twen-
11 ty-one school year. The remaining school districts, other than those
12 assigned to schedule A, shall conduct a visual inspection as required
13 pursuant to sections four hundred nine-d and four hundred nine-e of this
14 chapter in the two thousand twenty--two thousand twenty-one school year;

15 (iii) Schedule C: One-fifth of all school districts, as assigned by
16 the commissioner and excluding those school districts that shall conduct
17 their building condition survey pursuant to schedule A or schedule B,
18 shall conduct a building condition survey in the two thousand twenty-
19 one--two thousand twenty-two school year. The remaining school
20 districts, other than those assigned to schedule A and schedule B, shall
21 conduct a visual inspection as required pursuant to sections four
22 hundred nine-d and four hundred nine-e of this chapter in the two thou-
23 sand twenty-one--two thousand twenty-two school year;

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

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

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

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

46 6-e. Additional apportionment of building aid for building condition
47 surveys of school buildings. In addition to the apportionments payable
48 to a school district pursuant to subdivision six of this section, the
49 commissioner is hereby authorized to apportion to any school district
50 additional building aid in accordance with this subdivision for its
51 approved expenses in the base year for building condition surveys of
52 school buildings that are conducted pursuant to this subdivision and
53 subdivision four of section thirty-six hundred forty-one of this arti-
54 cle. The amount of such apportionment shall equal the product of the
55 building aid ratio defined pursuant to paragraph c of subdivision six of
56 this section and the actual approved expenses incurred by the district

1 in the base year for each school building so inspected, provided that
 2 the amount of such apportionment shall not exceed the building condition
 3 survey aid ceiling[~~, and provided further that such approved expenses~~
 4 ~~shall include approved expenses for testing of potable water systems for~~
 5 ~~lead contamination pursuant to section eleven hundred ten of the public~~
 6 ~~health law]. For surveys conducted in the nineteen hundred ninety-eight-~~
 7 ~~ninety-nine school year, the building condition aid ceiling shall be~~
 8 ~~twenty cents gross per square foot of floor area. For surveys conducted~~
 9 ~~in the nineteen hundred ninety-nine--two thousand school year and there-~~
 10 ~~after, the inspection aid ceiling shall be twenty cents gross per square~~
 11 ~~foot of floor area, plus an amount computed by the commissioner in~~
 12 ~~accordance with regulations adopted for such purpose, on the basis of an~~
 13 ~~index number reflecting changes in the costs of labor and materials from~~
 14 ~~July first, nineteen hundred ninety-eight.~~

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

17 6-h. Building aid for testing and filtering of potable water systems
 18 for lead contamination. In addition to the apportionments payable to a
 19 school district pursuant to subdivision six of this section, the commis-
 20 sioner is hereby authorized to apportion to any school district addi-
 21 tional building aid pursuant to this subdivision for its approved
 22 expenditures, otherwise ineligible for building aid, in the base year
 23 for the testing of potable water systems required pursuant to section
 24 eleven hundred ten of the public health law and for the installation of
 25 filters and/or other effective remedial measures for immediate remedi-
 26 ation in cases where a finding of lead contamination is made pursuant to
 27 such section and verified by confirmatory sampling, provided that the
 28 cost of installation of such filters and/or other effective remedial
 29 measures shall be deemed an approved expenditure only if (i) such
 30 installation and/or other effective remedial measures have been approved
 31 or reviewed by a professional with expertise in the field of water qual-
 32 ity and remediation and (ii) such cost is incurred prior to July first,
 33 two thousand nineteen. Such aid shall equal the product of the building
 34 aid ratio defined pursuant to paragraph c of subdivision six of this
 35 section and the actual approved expenditures incurred in the base year
 36 pursuant to this subdivision. Commencing in the two thousand nineteen--
 37 two thousand twenty school year and every year thereafter, additional
 38 building aid pursuant to this subdivision shall include approved
 39 expenses for testing of potable water systems for lead contamination
 40 pursuant to section eleven hundred ten of the public health law.

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

43 6-i. Building aid for periodic inspections of public school buildings.
 44 In addition to the apportionments payable to a school district pursuant
 45 to subdivision six of this section, the commissioner is hereby author-
 46 ized to apportion of any school district additional building aid in
 47 accordance with this subdivision for periodic inspections of public
 48 school buildings that are conducted pursuant to section four hundred
 49 nine-d and section four hundred nine-e of this chapter which are other-
 50 wise ineligible for building aid, provided that any such inspections
 51 shall be completed prior to June thirtieth, two thousand twenty-three.

52 § 22. Paragraph (a) of subdivision 2 of section 409-e of the education
 53 law, as added by section 1 of part B of chapter 56 of the laws of 1998,
 54 is amended to read as follows:

55 (a) [~~Every public school building shall be inspected annually in~~
 56 ~~accordance with the code, provided however, the~~] The commissioner may

1 require ~~[more frequent]~~ periodic inspections of public school buildings
2 as deemed necessary to maintain the safety of school buildings and the
3 welfare of their occupants.

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

6 1. Program establishment. The commissioner is authorized and directed
7 to establish, develop and monitor a comprehensive public school building
8 safety program which shall include a uniform inspection, safety rating
9 and monitoring system. ~~[Such]~~ Under such program, the commissioner may
10 require periodic inspections of public school buildings as deemed neces-
11 sary to maintain the safety of school buildings and the welfare of the
12 occupants, and such program shall establish a safety rating system for
13 such school buildings to assess the need for maintenance, repairs, reha-
14 bilitation, reconstruction, construction and other improvements related
15 to the structural integrity and overall safety of public school build-
16 ings including but not limited to building systems related to elec-
17 trical, plumbing, heating, ventilation, and air conditioning, sanitation
18 and health, fire and accident protection; and require that such ratings
19 be used for the purpose of developing a buildings condition survey as
20 required pursuant to subdivision four of section thirty-six hundred
21 forty-one of this chapter and a five year facilities plan as required
22 pursuant to clause (i) of subparagraph two of paragraph b of subdivision
23 six of section thirty-six hundred two of this chapter.

24 § 24. Subdivision 1 of section 409-d of the education law, as added by
25 section 1 of part B of chapter 56 of the laws of 1998, is amended to
26 read as follows:

27 1. Program establishment. The commissioner is authorized and directed
28 to establish, develop and monitor a comprehensive public school building
29 safety program which shall include a uniform inspection, safety rating
30 and monitoring system. ~~[Such program shall require the annual inspection~~
31 ~~of all public school buildings throughout New York state.]~~ Under such
32 program, the commissioner may require periodic inspections of public
33 school buildings as deemed necessary to maintain the safety of school
34 buildings and the welfare of the occupants, and such program shall
35 establish a safety rating system for such school buildings to assess the
36 need for maintenance, repairs, rehabilitation, reconstruction,
37 construction and other improvements related to the structural integrity
38 and overall safety of public school buildings including but not limited
39 to building systems related to electrical, plumbing, heating, venti-
40 lation, and air conditioning, sanitation and health, fire and accident
41 protection; and require that such ratings be used for the purpose of
42 developing a buildings condition survey as required pursuant to subdivi-
43 sion four of section thirty-six hundred forty-one of this chapter and a
44 five year facilities plan as required pursuant to clause (i) of subpara-
45 graph two of paragraph b of subdivision six of section thirty-six
46 hundred two of this chapter.

47 § 25. Section 3 of chapter 437 of the laws of 2014 amending the educa-
48 tion law relating to removing the requirements for annual visual
49 inspections of school buildings, is amended to read as follows:

50 § 3. This act shall take effect immediately, provided however, that
51 the provisions of section one of this act shall expire and be deemed
52 repealed June 30, ~~[2019]~~ 2023.

53 § 26. Section 3602 of the education law is amended by adding a new
54 subdivision 6-j to read as follows:

55 6-j. Building aid for approved expenditures for debt service for tax
56 certiorari financing. In addition to the apportionments payable to a

1 school district pursuant to subdivision six of this section, beginning
2 with debt service in the two thousand nineteen--two thousand twenty
3 school year and thereafter, the commissioner is hereby authorized to
4 apportion to any school district additional building aid pursuant to
5 this subdivision for its approved debt service expenditures for financ-
6 ing the cost of a tax certiorari, where the total value of the bond
7 exceeds the total general fund expenditures for the school district for
8 the year prior to the year in which the school district first receives
9 bond proceeds. In order to have such debt service expenditures approved,
10 the school district shall submit to the commissioner, in a form he or
11 she prescribes, documentation relating to the issuance of such bond,
12 including but not limited to the original tax certiorari, the amorti-
13 zation schedule of such bond, and any other documentation deemed neces-
14 sary. Provided, however, that in the event it refunds the original bond
15 at any point, the school district shall provide such updated documenta-
16 tion as required by the commissioner, who shall adjust the annual
17 approved expenditures accordingly. Such aid shall equal the product of
18 the sum of (1) the building aid ratio defined pursuant to paragraph c of
19 subdivision six of this section plus (2) one-tenth (0.1) multiplied by
20 the actual approved debt service expenditures incurred in the base year
21 pursuant to this subdivision.

22 § 27. This act shall take effect immediately; provided that:

23 (a) the amendments to subdivision 1 of section 2856 of the education
24 law made by section eleven of this act shall be subject to the expira-
25 tion and reversion of such subdivision pursuant to subdivision d of
26 section 27 of chapter 378 of the laws of 2007, as amended, when upon
27 such date the provisions of section twelve of this act shall take
28 effect;

29 (b) the amendments to subdivision 1 of section 409-d of the education
30 law made by section twenty-three of this act shall be subject to the
31 expiration and reversion of such subdivision pursuant to section 3 of
32 chapter 437 of the laws of 2014, as amended, when upon such date the
33 provisions of section twenty-four of this act shall take effect; and

34 (c) sections one, one-a, one-b, one-c, one-d, one-e, and twenty-two of
35 this act shall take effect on July 1, 2019.

36 Effective immediately, the addition, amendment and/or repeal of any
37 rule or regulation necessary for the implementation of this act on its
38 effective date are authorized to be made and completed on or before such
39 effective date.

40 PART B

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

43 6. Notwithstanding any other provision of law, any firm established to
44 lawfully engage in the practice of public accountancy pursuant to arti-
45 cle fifteen of the business corporation law, articles one and eight-B of
46 the partnership law, or articles twelve and thirteen of the limited
47 liability company law shall be deemed eligible to register pursuant to
48 this section.

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

51 (h) Any firm established for the business purpose of incorporating as
52 a professional service corporation formed to lawfully engage in the
53 practice of public accountancy, as such practice is respectively defined
54 under article one hundred forty-nine of the education law shall be

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

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

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

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

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

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

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

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

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

55 (c) The directors and officers of any firm established for the busi-
56 ness purpose of incorporating as a professional service corporation

1 pursuant to paragraph (h) of section fifteen hundred three of this arti-
2 cle may include individuals who are not licensed to practice public
3 accountancy, provided however that at least fifty-one percent of the
4 directors, at least fifty-one percent of the officers and the president,
5 the chairperson of the board of directors and the chief executive offi-
6 cer or officers are authorized by law to practice in this state a
7 profession which such corporation is authorized to practice, and are
8 either shareholders of such corporation or engaged in the practice of
9 their professions in such corporation.

10 § 5. Section 1509 of the business corporation law, as amended by chap-
11 ter 550 of the laws of 2011, is amended to read as follows:

12 § 1509. Disqualification of shareholders, directors, officers and
13 employees.

14 If any shareholder, director, officer or employee of a professional
15 service corporation, including a design professional service corpo-
16 ration, or any firm established for the business purpose of incorporat-
17 ing as a professional service corporation pursuant to paragraph (h) of
18 section fifteen hundred three of this article, who has been rendering
19 professional service to the public becomes legally disqualified to prac-
20 tice his profession within this state, he shall sever all employment
21 with, and financial interests (other than interests as a creditor) in,
22 such corporation forthwith or as otherwise provided in section 1510 of
23 this article. All provisions of law regulating the rendering of profes-
24 sional services by a person elected or appointed to a public office
25 shall be applicable to a shareholder, director, officer and employee of
26 such corporation in the same manner and to the same extent as if fully
27 set forth herein. Such legal disqualification to practice his profession
28 within this state shall be deemed to constitute an irrevocable offer by
29 the disqualified shareholder to sell his shares to the corporation,
30 pursuant to the provisions of section 1510 of this article or of the
31 certificate of incorporation, by-laws or agreement among the corporation
32 and all shareholders, whichever is applicable. Compliance with the terms
33 of such offer shall be specifically enforceable in the courts of this
34 state. A professional service corporation's failure to enforce compli-
35 ance with this provision shall constitute a ground for forfeiture of its
36 certificate of incorporation and its dissolution.

37 § 6. Paragraph (a) of section 1511 of the business corporation law, as
38 amended by chapter 550 of the laws of 2011, is amended and a new para-
39 graph (c) is added to read as follows:

40 (a) No shareholder of a professional service corporation [~~ex~~], includ-
41 ing a design professional service corporation, or any firm established
42 for the business purpose of incorporating as a professional service
43 corporation pursuant to paragraph (h) of section fifteen hundred three
44 of this article, may sell or transfer his shares in such corporation
45 except to another individual who is eligible to have shares issued to
46 him by such corporation or except in trust to another individual who
47 would be eligible to receive shares if he were employed by the corpo-
48 ration. Nothing herein contained shall be construed to prohibit the
49 transfer of shares by operation of law or by court decree. No transfer-
50 ee of shares by operation of law or court decree may vote the shares for
51 any purpose whatsoever except with respect to corporate action under
52 sections 909 and 1001 of this chapter. The restriction in the preceding
53 sentence shall not apply, however, where such transferee would be eligi-
54 ble to have shares issued to him if he were an employee of the corpo-
55 ration and, if there are other shareholders, a majority of such other
56 shareholders shall fail to redeem the shares so transferred, pursuant to

1 section 1510 of this article, within sixty days of receiving written
2 notice of such transfer. Any sale or transfer, except by operation of
3 law or court decree or except for a corporation having only one share-
4 holder, may be made only after the same shall have been approved by the
5 board of directors, or at a shareholders' meeting specially called for
6 such purpose by such proportion, not less than a majority, of the
7 outstanding shares as may be provided in the certificate of incorpo-
8 ration or in the by-laws of such professional service corporation. At
9 such shareholders' meeting the shares held by the shareholder proposing
10 to sell or transfer his shares may not be voted or counted for any
11 purpose, unless all shareholders consent that such shares be voted or
12 counted. The certificate of incorporation or the by-laws of the profes-
13 sional service corporation, or the professional service corporation and
14 the shareholders by private agreement, may provide, in lieu of or in
15 addition to the foregoing provisions, for the alienation of shares and
16 may require the redemption or purchase of such shares by such corpo-
17 ration at prices and in a manner specifically set forth therein. The
18 existence of the restrictions on the sale or transfer of shares, as
19 contained in this article and, if applicable, in the certificate of
20 incorporation, by-laws, stock purchase or stock redemption agreement,
21 shall be noted conspicuously on the face or back of every certificate
22 for shares issued by a professional service corporation. Any sale or
23 transfer in violation of such restrictions shall be void.

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

36 § 7. Paragraph (a) of section 1512 of the business corporation law, as
37 amended by chapter 550 of the laws of 2011, is amended to read as
38 follows:

39 (a) Notwithstanding any other provision of law, the name of a profes-
40 sional service corporation, including a design professional service
41 corporation and any firm established for the business purpose of incor-
42 porating as a professional service corporation pursuant to paragraph (h)
43 of section fifteen hundred three of this article, may contain any word
44 which, at the time of incorporation, could be used in the name of a
45 partnership practicing a profession which the corporation is authorized
46 to practice, and may not contain any word which could not be used by
47 such a partnership. Provided, however, the name of a professional
48 service corporation may not contain the name of a deceased person unless

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

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

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

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

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

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

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

15 (iv) the president, the chairperson of the board of directors and the
16 chief executive officer or officers are and were certified public
17 accountants.

18 The statement shall be signed by the president or any certified public
19 accountant vice-president and attested to by the secretary or any
20 assistant secretary of the corporation.

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

23 (d) "Foreign professional service corporation" means a professional
24 service corporation, whether or not denominated as such, organized under
25 the laws of a jurisdiction other than this state, all of the sharehold-
26 ers, directors and officers of which are authorized and licensed to
27 practice the profession for which such corporation is licensed to do
28 business; except that all shareholders, directors and officers of a
29 foreign professional service corporation which provides health services
30 in this state shall be licensed in this state. Notwithstanding any other
31 provision of law a foreign professional service corporation formed to
32 lawfully engage in the practice of public accountancy, as such practice
33 is defined under article one hundred forty-nine of the education law, or
34 equivalent state law, shall be required to show (1) that a simple major-
35 ity of the ownership of the firm, in terms of financial interests,
36 including ownership-based compensation, and voting rights held by the
37 firm's owners, belongs to individuals licensed to practice public
38 accountancy in some state, and (2) that all shareholders of a foreign
39 professional service corporation whose principal place of business is in
40 this state, and who are engaged in the practice of public accountancy in
41 this state, hold a valid license issued under section seventy-four
42 hundred four of the education law or are public accountants licensed
43 under section seventy-four hundred five of the education law. Although
44 firms may include non-licensee owners, the firm and its owners must
45 comply with rules promulgated by the state board of regents. Notwith-
46 standing the foregoing, a firm registered under this section may not
47 have non-licensee owners if the firm's name includes the words "certi-
48 fied public accountant," or "certified public accountants," or the
49 abbreviations "CPA" or "CPAs." Each non-licensee owner of a firm that is
50 operating under this section shall be a natural person who actively
51 participates in the business of the firm or its affiliated entities,
52 provided each beneficial owner of an equity interest in such entity is a
53 natural person who actively participates in the business conducted by
54 the firm or its affiliated entities. For purposes of this subdivision,
55 "actively participate" means to provide services to clients or to other-

1 wise individually take part in the day-to-day business or management of
2 the firm.

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

6 (q) Each partner of a registered limited liability partnership formed
7 to provide medical services in this state must be licensed pursuant to
8 article 131 of the education law to practice medicine in this state and
9 each partner of a registered limited liability partnership formed to
10 provide dental services in this state must be licensed pursuant to arti-
11 cle 133 of the education law to practice dentistry in this state. Each
12 partner of a registered limited liability partnership formed to provide
13 veterinary services in this state must be licensed pursuant to article
14 135 of the education law to practice veterinary medicine in this state.

15 Each partner of a registered limited liability partnership formed to
16 provide public accountancy services, whose principal place of business
17 is in this state and who provides public accountancy services, must be
18 licensed pursuant to article 149 of the education law to practice public
19 accountancy in this state. Each partner of a registered limited liabil-

20 ity partnership formed to provide professional engineering, land survey-
21 ing, geological services, architectural and/or landscape architectural
22 services in this state must be licensed pursuant to article 145, article
23 147 and/or article 148 of the education law to practice one or more of
24 such professions in this state. Each partner of a registered limited
25 liability partnership formed to provide licensed clinical social work
26 services in this state must be licensed pursuant to article 154 of the
27 education law to practice clinical social work in this state. Each part-
28 ner of a registered limited liability partnership formed to provide
29 creative arts therapy services in this state must be licensed pursuant
30 to article 163 of the education law to practice creative arts therapy in
31 this state. Each partner of a registered limited liability partnership
32 formed to provide marriage and family therapy services in this state
33 must be licensed pursuant to article 163 of the education law to prac-
34 tice marriage and family therapy in this state. Each partner of a regis-
35 tered limited liability partnership formed to provide mental health
36 counseling services in this state must be licensed pursuant to article
37 163 of the education law to practice mental health counseling in this
38 state. Each partner of a registered limited liability partnership formed
39 to provide psychoanalysis services in this state must be licensed pursu-
40 ant to article 163 of the education law to practice psychoanalysis in
41 this state. Each partner of a registered limited liability partnership
42 formed to provide applied behavior analysis service in this state must
43 be licensed or certified pursuant to article 167 of the education law to
44 practice applied behavior analysis in this state. Notwithstanding any

45 other provisions of law a limited liability partnership formed to
46 lawfully engage in the practice of public accountancy, as such practice
47 is respectively defined under article 149 of the education law, shall be
48 required to show (1) that a simple majority of the ownership of the
49 firm, in terms of financial interests, including ownership-based compen-
50 sation, and voting rights held by the firm's owners, belongs to individ-
51 uals licensed to practice public accountancy in some state, and (2) that
52 all partners of a limited liability partnership whose principal place of
53 business is in this state, and who are engaged in the practice of public
54 accountancy in this state, hold a valid license issued under section
55 7404 of the education law or are public accountants licensed under
56 section 7405 of the education law. Although firms may include non-licen-

1 see owners, the firm and its owners must comply with rules promulgated
2 by the state board of regents. Notwithstanding the foregoing, a firm
3 registered under this section may not have non-licensee owners if the
4 firm's name includes the words "certified public accountant," or "certi-
5 fied public accounts," or the abbreviations "CPA" or "CPAs." Each non-
6 licensee owner of a firm that is incorporated under this section shall
7 be (1) a natural person who actively participates in the business of the
8 firm or its affiliated entities, or (2) an entity, including, but not
9 limited to, a partnership or professional corporation, provided each
10 beneficial owner of an equity interest in such entity is a natural
11 person who actively participates in the business conducted by the firm
12 or its affiliated entities. For purposes of this subdivision, "actively
13 participate" means to provide services to clients or to otherwise indi-
14 vidually take part in the day-to-day business or management of the firm.

15 § 11. Subdivision (q) of section 121-1502 of the partnership law, as
16 amended by chapter 475 of the laws of 2014, is amended to read as
17 follows:

18 (q) Each partner of a foreign limited liability partnership which
19 provides medical services in this state must be licensed pursuant to
20 article 131 of the education law to practice medicine in the state and
21 each partner of a foreign limited liability partnership which provides
22 dental services in the state must be licensed pursuant to article 133 of
23 the education law to practice dentistry in this state. Each partner of a
24 foreign limited liability partnership which provides veterinary service
25 in the state shall be licensed pursuant to article 135 of the education
26 law to practice veterinary medicine in this state. Each partner of a
27 foreign limited liability partnership which provides professional engi-
28 neering, land surveying, geological services, architectural and/or land-
29 scape architectural services in this state must be licensed pursuant to
30 article 145, article 147 and/or article 148 of the education law to
31 practice one or more of such professions. Each partner of a foreign
32 registered limited liability partnership formed to provide public
33 accountancy services, whose principal place of business is in this state
34 and who provides public accountancy services, must be licensed pursuant
35 to article 149 of the education law to practice public accountancy in
36 this state. Each partner of a foreign limited liability partnership
37 which provides licensed clinical social work services in this state must
38 be licensed pursuant to article 154 of the education law to practice
39 licensed clinical social work in this state. Each partner of a foreign
40 limited liability partnership which provides creative arts therapy
41 services in this state must be licensed pursuant to article 163 of the
42 education law to practice creative arts therapy in this state. Each
43 partner of a foreign limited liability partnership which provides
44 marriage and family therapy services in this state must be licensed
45 pursuant to article 163 of the education law to practice marriage and
46 family therapy in this state. Each partner of a foreign limited liabil-
47 ity partnership which provides mental health counseling services in this
48 state must be licensed pursuant to article 163 of the education law to
49 practice mental health counseling in this state. Each partner of a
50 foreign limited liability partnership which provides psychoanalysis
51 services in this state must be licensed pursuant to article 163 of the
52 education law to practice psychoanalysis in this state. Each partner of
53 a foreign limited liability partnership which provides applied behavior
54 analysis services in this state must be licensed or certified pursuant
55 to article 167 of the education law to practice applied behavior analy-
56 sis in this state. Notwithstanding any other provisions of law a

1 foreign limited liability partnership formed to lawfully engage in the
2 practice of public accountancy, as such practice is respectively defined
3 under article 149 of the education law, shall be required to show (1)
4 that a simple majority of the ownership of the firm, in terms of finan-
5 cial interests, including ownership-based compensation, and voting
6 rights held by the firm's owners, belongs to individuals licensed to
7 practice public accountancy in some state, and (2) that all partners of
8 a foreign limited liability partnership whose principal place of busi-
9 ness is in this state, and who are engaged in the practice of public
10 accountancy in this state, hold a valid licence issued under section
11 7404 of the education law or are public accountants licensed under
12 section 7405 of the education law. Although firms may include non-licen-
13 see owners, the firm and its owners must comply with rules promulgated
14 by the state board of regents. Notwithstanding the foregoing, a firm
15 registered under this section may not have non-licensee owners if the
16 firm's name includes the words "certified public accountant," or "certi-
17 fied public accountants," or the abbreviations "CPA" or "CPAs." Each
18 non-licensee owner of a firm that is incorporated under this section
19 shall be (1) a natural person who actively participates in the business
20 of the firm or its affiliated entities, or (2) an entity, including, but
21 not limited to, a partnership or professional corporation, provided each
22 beneficial owner of an equity interest in such entity is a natural
23 person who actively participates in the business conducted by the firm
24 or its affiliated entities. For purposes of this subdivision, "actively
25 participate" means to provide services to clients or to otherwise indi-
26 vidually take part in the day-to-day business or management of the firm.

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

29 (h) "Limited partnership" and "domestic limited partnership" mean,
30 unless the context otherwise requires, a partnership (i) formed by two
31 or more persons pursuant to this article or which complies with subdivi-
32 sion (a) of section 121-1202 of this article and (ii) having one or more
33 general partners and one or more limited partners. Notwithstanding any
34 other provisions of law a limited partnership or domestic limited part-
35 nership formed to lawfully engage in the practice of public accountancy,
36 as such practice is respectively defined under article 149 of the educa-
37 tion law shall be required to show (1) that a simple majority of the
38 ownership of the firm, in terms of financial interests, including owner-
39 ship-based compensation, and voting rights held by the firm's owners,
40 belongs to individuals licensed to practice public accountancy in some
41 state, and (2) that all partners of a limited partnership or domestic
42 limited partnership, whose principal place of business is in this state,
43 and who are engaged in the practice of public accountancy in this state,
44 hold a valid license issued under section 7404 of the education law or
45 are public accountants licensed under section 7405 of the education law.
46 Although firms may include non-licensee owners, the firm and its owners
47 must comply with rules promulgated by the state board of regents.
48 Notwithstanding the foregoing, a firm registered under this section may
49 not have non-licensee owners if the firm's name includes the words
50 "certified public accountant," or "certified public accountants," or the
51 abbreviations "CPA" or "CPAs." Each non-licensee owner of a firm that is
52 registered under this section shall be (1) a natural person who actively
53 participates in the business of the firm or its affiliated entities, or
54 (2) an entity, including, but not limited to, a partnership or profes-
55 sional corporation, provided each beneficial owner of an equity interest
56 in such entity is a natural person who actively participates in the

1 business conducted by the firm or its affiliated entities. For purposes
2 of this subdivision, "actively participate" means to provide services to
3 clients or to otherwise individually take part in the day-to-day busi-
4 ness or management of the firm.

5 § 13. Subdivision (b) of section 1207 of the limited liability company
6 law, as amended by chapter 475 of the laws of 2014, is amended to read
7 as follows:

8 (b) With respect to a professional service limited liability company
9 formed to provide medical services as such services are defined in arti-
10 cle 131 of the education law, each member of such limited liability
11 company must be licensed pursuant to article 131 of the education law to
12 practice medicine in this state. With respect to a professional service
13 limited liability company formed to provide dental services as such
14 services are defined in article 133 of the education law, each member of
15 such limited liability company must be licensed pursuant to article 133
16 of the education law to practice dentistry in this state. With respect
17 to a professional service limited liability company formed to provide
18 veterinary services as such services are defined in article 135 of the
19 education law, each member of such limited liability company must be
20 licensed pursuant to article 135 of the education law to practice veter-
21 inary medicine in this state. With respect to a professional service
22 limited liability company formed to provide professional engineering,
23 land surveying, architectural, landscape architectural and/or geological
24 services as such services are defined in article 145, article 147 and
25 article 148 of the education law, each member of such limited liability
26 company must be licensed pursuant to article 145, article 147 and/or
27 article 148 of the education law to practice one or more of such
28 professions in this state.

29 With respect to a professional service
30 limited liability company formed to provide public accountancy services
31 as such services are defined in article 149 of the education law each
32 member of such limited liability company whose principal place of busi-
33 ness is in this state and who provides public accountancy services, must
34 be licensed pursuant to article 149 of the education law to practice
35 public accountancy in this state.

36 With respect to a professional service
37 limited liability company formed to provide licensed clinical social
38 work services as such services are defined in article 154 of the educa-
39 tion law, each member of such limited liability company shall be
40 licensed pursuant to article 154 of the education law to practice
41 licensed clinical social work in this state. With respect to a profes-
42 sional service limited liability company formed to provide creative arts
43 therapy services as such services are defined in article 163 of the
44 education law, each member of such limited liability company must be
45 licensed pursuant to article 163 of the education law to practice crea-
46 tive arts therapy in this state. With respect to a professional service
47 limited liability company formed to provide marriage and family therapy
48 services as such services are defined in article 163 of the education
49 law, each member of such limited liability company must be licensed
50 pursuant to article 163 of the education law to practice marriage and
51 family therapy in this state. With respect to a professional service
52 limited liability company formed to provide mental health counseling
53 services as such services are defined in article 163 of the education
54 law, each member of such limited liability company must be licensed
55 pursuant to article 163 of the education law to practice mental health
56 counseling in this state. With respect to a professional service limited
57 liability company formed to provide psychoanalysis services as such
58 services are defined in article 163 of the education law, each member of

1 such limited liability company must be licensed pursuant to article 163
2 of the education law to practice psychoanalysis in this state. With
3 respect to a professional service limited liability company formed to
4 provide applied behavior analysis services as such services are defined
5 in article 167 of the education law, each member of such limited liabil-
6 ity company must be licensed or certified pursuant to article 167 of the
7 education law to practice applied behavior analysis in this state.
8 Notwithstanding any other provisions of law a professional service
9 limited liability company formed to lawfully engage in the practice of
10 public accountancy, as such practice is respectively defined under arti-
11 cle 149 of the education law shall be required to show (1) that a simple
12 majority of the ownership of the firm, in terms of financial interests,
13 including ownership-based compensation, and voting rights held by the
14 firm's owners, belongs to individuals licensed to practice public
15 accountancy in some state, and (2) that all members of a limited profes-
16 sional service limited liability company, whose principal place of busi-
17 ness is in this state, and who are engaged in the practice of public
18 accountancy in this state, hold a valid license issued under section
19 7404 of the education law or are public accountants licensed under
20 section 7405 of the education law. Although firms may include non-licen-
21 see owners, the firm and its owners must comply with rules promulgated
22 by the state board of regents. Notwithstanding the foregoing, a firm
23 registered under this section may not have non-licensee owners if the
24 firm's name includes the words "certified public accountant," or "certi-
25 fied public accountants," or the abbreviations "CPA" or "CPAs." Each
26 non-licensee owner of a firm that is registered under this section shall
27 be (1) a natural person who actively participates in the business of the
28 firm or its affiliated entities, or (2) an entity, including, but not
29 limited to, a partnership or professional corporation, provided each
30 beneficial owner of an equity interest in such entity is a natural
31 person who actively participates in the business conducted by the firm
32 or its affiliated entities. For purposes of this subdivision, "actively
33 participate" means to provide services to clients or to otherwise indi-
34 vidually take part in the day-to-day business or management of the firm.

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

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

1 service within this state; except that all members and managers, if any,
2 of a foreign professional service limited liability company that
3 provides health services in this state shall be licensed in this state.
4 With respect to a foreign professional service limited liability company
5 which provides veterinary services as such services are defined in arti-
6 cle 135 of the education law, each member of such foreign professional
7 service limited liability company shall be licensed pursuant to article
8 135 of the education law to practice veterinary medicine. With respect
9 to a foreign professional service limited liability company which
10 provides medical services as such services are defined in article 131 of
11 the education law, each member of such foreign professional service
12 limited liability company must be licensed pursuant to article 131 of
13 the education law to practice medicine in this state. With respect to a
14 foreign professional service limited liability company which provides
15 dental services as such services are defined in article 133 of the
16 education law, each member of such foreign professional service limited
17 liability company must be licensed pursuant to article 133 of the educa-
18 tion law to practice dentistry in this state. With respect to a foreign
19 professional service limited liability company which provides profes-
20 sional engineering, land surveying, geologic, architectural and/or land-
21 scape architectural services as such services are defined in article
22 145, article 147 and article 148 of the education law, each member of
23 such foreign professional service limited liability company must be
24 licensed pursuant to article 145, article 147 and/or article 148 of the
25 education law to practice one or more of such professions in this state.
26 With respect to a foreign professional service limited liability company
27 which provides public accountancy services as such services are defined
28 in article 149 of the education law, each member of such foreign profes-
29 sional service limited liability company whose principal place of busi-
30 ness is in this state and who provides public accountancy services,
31 shall be licensed pursuant to article 149 of the education law to prac-
32 tice public accountancy in this state. With respect to a foreign profes-
33 sional service limited liability company which provides licensed clin-
34 ical social work services as such services are defined in article 154 of
35 the education law, each member of such foreign professional service
36 limited liability company shall be licensed pursuant to article 154 of
37 the education law to practice clinical social work in this state. With
38 respect to a foreign professional service limited liability company
39 which provides creative arts therapy services as such services are
40 defined in article 163 of the education law, each member of such foreign
41 professional service limited liability company must be licensed pursuant
42 to article 163 of the education law to practice creative arts therapy in
43 this state. With respect to a foreign professional service limited
44 liability company which provides marriage and family therapy services as
45 such services are defined in article 163 of the education law, each
46 member of such foreign professional service limited liability company
47 must be licensed pursuant to article 163 of the education law to prac-
48 tice marriage and family therapy in this state. With respect to a
49 foreign professional service limited liability company which provides
50 mental health counseling services as such services are defined in arti-
51 cle 163 of the education law, each member of such foreign professional
52 service limited liability company must be licensed pursuant to article
53 163 of the education law to practice mental health counseling in this
54 state. With respect to a foreign professional service limited liability
55 company which provides psychoanalysis services as such services are
56 defined in article 163 of the education law, each member of such foreign

1 professional service limited liability company must be licensed pursuant
2 to article 163 of the education law to practice psychoanalysis in this
3 state. With respect to a foreign professional service limited liability
4 company which provides applied behavior analysis services as such
5 services are defined in article 167 of the education law, each member of
6 such foreign professional service limited liability company must be
7 licensed or certified pursuant to article 167 of the education law to
8 practice applied behavior analysis in this state. Notwithstanding any
9 other provisions of law a foreign professional service limited liability
10 company formed to lawfully engage in the practice of public accountancy,
11 as such practice is respectively defined under article 149 of the educa-
12 tion law shall be required to show (1) that a simple majority of the
13 ownership of the firm, in terms of financial interests, including owner-
14 ship-based compensation, and voting rights held by the firm's owners,
15 belongs to individuals licensed to practice public accountancy in some
16 state, and (2) that all members of a foreign limited professional
17 service limited liability company, whose principal place of business is
18 in this state, and who are engaged in the practice of public accountancy
19 in this state, hold a valid license issued under section 7404 of the
20 education law or are public accountants licensed under section 7405 of
21 the education law. Although firms may include non-licensee owners, the
22 firm and its owners must comply with rules promulgated by the state
23 board of regents. Notwithstanding the foregoing, a firm registered
24 under this section may not have non-licensee owners if the firm's name
25 includes the words "certified public accountant," or "certified public
26 accountants," or the abbreviations "CPA" or "CPAs." Each non-licensee
27 owner of a firm that is registered under this section shall be (1) a
28 natural person who actively participates in the business of the firm or
29 its affiliated entities, or (2) an entity, including, but not limited
30 to, a partnership or professional corporation, provided each beneficial
31 owner of an equity interest in such entity is a natural person who
32 actively participates in the business conducted by the firm or its
33 affiliated entities. For purposes of this subdivision, "actively partic-
34 ipate" means to provide services to clients or to otherwise individually
35 take part in the day-to-day business or management of the firm.

36 § 15. This act shall take effect immediately.

37 PART C

38 Section 1. Section 1604 of the education law is amended by adding a
39 new subdivision 43 to read as follows:

40 43. To pass, in the discretion of the trustees, a resolution authoriz-
41 ing the use of school bus cameras pursuant to section eleven hundred
42 eighteen of the vehicle and traffic law, provided that the trustees may
43 also enter into contracts with a third party for the installation,
44 administration, operation, notice processing, and maintenance of such
45 cameras, and for the sharing of revenue derived from such cameras pursu-
46 ant to section eleven hundred eighteen of the vehicle and traffic law,
47 provided that the purchase, lease, installation, operation and mainte-
48 nance, or any other costs associated with such cameras shall be consid-
49 ered an aidable expense pursuant to section thirty-six hundred twenty-
50 three-a of this chapter.

51 § 2. Section 1709 of the education law is amended by adding a new
52 subdivision 43 to read as follows:

53 43. To pass a resolution, in the discretion of the board, authorizing
54 the use of school bus cameras pursuant to section eleven hundred eigh-

1 teen of the vehicle and traffic law, provided that the board may also
2 enter into contracts with a third party for the installation, adminis-
3 tration, operation, notice processing, and maintenance of such cameras,
4 and for the sharing of revenue derived from such cameras pursuant to
5 section eleven hundred eighteen of the vehicle and traffic law, provided
6 that the purchase, lease, installation, operation and maintenance, or
7 any other costs associated with such cameras shall be considered an
8 aidable expense pursuant to section thirty-six hundred twenty-three-a of
9 this chapter.

10 § 2-a. Paragraph c of subdivision 2 of section 3623-a of the education
11 law, as amended by chapter 453 of the laws of 2005, is amended to read
12 as follows:

13 c. The purchase of equipment deemed a proper school district expense,
14 including: (i) the purchase of two-way radios to be used on old and new
15 school buses, (ii) the purchase of stop-arms, to be used on old and new
16 school buses, (iii) the purchase and installation of seat safety belts
17 on school buses in accordance with the provisions of section thirty-six
18 hundred thirty-five-a of this article, (iv) the purchase of school bus
19 back up beepers, (v) the purchase of school bus front crossing arms,
20 (vi) the purchase of school bus safety sensor devices, (vii) the
21 purchase and installation of exterior reflective marking on school
22 buses, (viii) the purchase of automatic engine fire extinguishing
23 systems for school buses used to transport students who use wheelchairs
24 or other assistive mobility devices, [~~and~~] (ix) the purchase of school
25 bus cameras, and (x) the purchase of other equipment as prescribed in
26 the regulations of the commissioner; and

27 § 3. The vehicle and traffic law is amended by adding a new section
28 1118 to read as follows:

29 § 1118. Owner liability for operator illegally overtaking or passing a
30 school bus. (a) 1. Notwithstanding any other provision of law, each
31 board of education or trustees of a school district is hereby authorized
32 and empowered to adopt and amend a resolution establishing a school bus
33 safety camera program imposing monetary liability on the owner of a
34 vehicle for failure of an operator thereof to comply with section eleven
35 hundred seventy-four of this title. Such program shall empower a board
36 of education or school district or school bus transportation contractor
37 that has contracted with such school district to install school bus
38 safety cameras upon school buses operated by or contracted with such
39 district.

40 2. Such program shall utilize necessary technologies to ensure, to the
41 extent practicable, that photographs produced by such school bus safety
42 cameras shall not include images that identify the driver, the passen-
43 gers, or the contents of the vehicle. Provided, however, that no notice
44 of liability issued pursuant to this section shall be dismissed solely
45 because a photograph or photographs allow for the identification of the
46 contents of a vehicle, provided that such school district has made a
47 reasonable effort to comply with the provisions of this paragraph.

48 (b) In any school district which has adopted a resolution pursuant to
49 subdivision (a) of this section, the owner of a vehicle shall be liable
50 for a penalty imposed pursuant to this section if such vehicle was used
51 or operated with the permission of the owner, express or implied, in
52 violation of subdivision (a) of section eleven hundred seventy-four of
53 this title, and such violation is evidenced by information obtained from
54 a school bus safety camera; provided however that no owner of a vehicle
55 shall be liable for a penalty imposed pursuant to this section where the

1 operator of such vehicle has been convicted of the underlying violation
2 of subdivision (a) of section eleven hundred seventy-four of this title.

3 (c) For purposes of this section, "owner" shall have the meaning
4 provided in article two-B of this chapter. For purposes of this section,
5 "school bus safety camera" shall mean an automated photo monitoring
6 device affixed to the outside of a school bus and designated to detect
7 and store videotape and one or more images of motor vehicles that over-
8 take or pass school buses in violation of subdivision (a) of section
9 eleven hundred seventy-four of this title.

10 (d) No school district or school bus transportation contractor that
11 has installed cameras pursuant to this section shall access the images
12 from such cameras but shall provide, pursuant to an agreement with the
13 appropriate law enforcement agency or agencies, for the proper handling
14 and custody of such images for the forwarding of such images from such
15 cameras to a law enforcement agency having jurisdiction in the area in
16 which the violation occurred for the purpose of imposing monetary
17 liability on the owner of a motor vehicle for illegally overtaking or
18 passing a school bus in violation of subdivision (a) of section eleven
19 hundred seventy-four of this title. After receipt of such images a
20 police officer shall inspect such videotape and images to determine
21 whether a violation of subdivision (a) of section eleven hundred seven-
22 ty-four of this title was committed. Upon such a finding a certificate,
23 sworn to or affirmed by an officer of such agency, or a facsimile there-
24 of, based upon inspection of photographs, microphotographs, videotape or
25 other recorded images produced by a school bus safety camera, shall be
26 prima facie evidence of the facts contained therein. Any photographs,
27 microphotographs, videotape or other recorded images evidencing such a
28 violation shall be available for inspection in any proceeding to adjudi-
29 cate the liability for such violation.

30 (e) An owner found liable pursuant to this section for a violation of
31 subdivision (a) of section eleven hundred seventy-four of this title
32 shall be liable for a monetary penalty of two hundred fifty dollars.

33 (e-1) Payment of the monetary penalty imposed by subdivision (e) of
34 this section shall be payable to the school district. Nothing herein
35 shall prevent the school district from entering into a memorandum of
36 understanding with a local law enforcement agency to return a portion of
37 such penalty received to the local law enforcement agency, provided
38 however, in no case shall such portion returned to a local law enforce-
39 ment agency exceed twenty percent of the amount received by the school
40 district.

41 (f) An imposition of liability under this section shall not be deemed
42 a conviction as an operator and shall not be made part of the operating
43 record of the person upon whom such liability is imposed nor shall it be
44 used for insurance purposes in the provision of motor vehicle insurance
45 coverage.

46 (g) 1. A notice of liability shall be sent by the respective law
47 enforcement agency by first class mail to each person alleged to be
48 liable as an owner for a violation of subdivision (a) of section eleven
49 hundred seventy-four of this title pursuant to this section. Personal
50 delivery on the owner shall not be required. A manual or automatic
51 record of mailing prepared in the ordinary course of business shall be
52 prima facie evidence of the facts contained therein.

53 2. A notice of liability shall contain the name and address of the
54 person alleged to be liable as an owner for a violation of subdivision
55 (a) of section eleven hundred seventy-four of this title pursuant to
56 this section, the registration number of the vehicle involved in such

1 violation, the location where such violation took place, the date and
2 time of such violation and the identification number of the camera which
3 recorded the violation or other document locator number.

4 3. The notice of liability shall contain information advising the
5 person charged of the manner and the time in which he may contest the
6 liability alleged in the notice. Such notice of liability shall also
7 contain a warning to advise the persons charged that failure to contest
8 in the manner and time provided shall be deemed an admission of liabil-
9 ity and that a default judgment may be entered thereon.

10 4. The notice of liability shall be prepared and mailed by the respec-
11 tive law enforcement agency having jurisdiction over the location where
12 the violation occurred.

13 (h) Adjudication of the liability imposed upon owners by this section
14 shall be by a traffic violations bureau established pursuant to section
15 three hundred seventy of the general municipal law or, if there be none,
16 by the court having jurisdiction over traffic infractions, except that
17 any city which has established or designated an administrative tribunal
18 to hear and determine owner liability established by this article for
19 failure to comply with traffic-control indications shall use such tribu-
20 nal to adjudicate the liability imposed by this section.

21 (i) If an owner receives a notice of liability pursuant to this
22 section for any time period during which the vehicle was reported to a
23 police department as having been stolen, it shall be a valid defense to
24 an allegation of liability for a violation of subdivision (a) of section
25 eleven hundred seventy-four of this title pursuant to this section that
26 the vehicle had been reported to the police as stolen prior to the time
27 the violation occurred and had not been recovered by such time. For
28 purposes of asserting the defense provided by this subdivision it shall
29 be sufficient that a certified copy of the police report on the stolen
30 vehicle be sent by first class mail to the traffic violations bureau,
31 court having jurisdiction or parking violations bureau.

32 (j) Where the adjudication of liability imposed upon owners pursuant
33 to this section is by an administrative tribunal, traffic violations
34 bureau, or a court having jurisdiction, an owner who is a lessor of a
35 vehicle to which a notice of liability was issued pursuant to subdivi-
36 sion (g) of this section shall not be liable for the violation of subdivi-
37 sion (a) of section eleven hundred seventy-four of this title,
38 provided that he or she sends to the administrative tribunal, traffic
39 violations bureau, or court having jurisdiction a copy of the rental,
40 lease or other such contract document covering such vehicle on the date
41 of the violation, with the name and address of the lessee clearly legi-
42 ble, within thirty-seven days after receiving notice from the bureau or
43 court of the date and time of such violation, together with the other
44 information contained in the original notice of liability. Failure to
45 send such information within such thirty-seven day time period shall
46 render the owner liable for the penalty prescribed by this section.
47 Where the lessor complies with the provisions of this paragraph, the
48 lessee of such vehicle on the date of such violation shall be deemed to
49 be the owner of such vehicle for purposes of this section, shall be
50 subject to liability for the violation of subdivision (a) of section
51 eleven hundred seventy-four of this title pursuant to this section and
52 shall be sent a notice of liability pursuant to subdivision (g) of this
53 section.

54 (k) 1. If the owner liable for a violation of subdivision (a) of
55 section eleven hundred seventy-four of this title pursuant to this
56 section was not the operator of the vehicle at the time of the

1 violation, the owner may maintain an action for indemnification against
 2 the operator.

3 2. Notwithstanding any other provision of this section, no owner of a
 4 vehicle shall be subject to a monetary fine imposed pursuant to this
 5 section if the operator of such vehicle was operating such vehicle with-
 6 out the consent of the owner at the time such operator was found to have
 7 been overtaking or passing a school bus. For purposes of this subdivi-
 8 sion there shall be a presumption that the operator of such vehicle was
 9 operating such vehicle with the consent of the owner at the time such
 10 operator was found to have been overtaking or passing a school bus.

11 (l) Nothing in this section shall be construed to limit the liability
 12 of an operator of a vehicle for any violation of subdivision (a) of
 13 section eleven hundred seventy-four of this title.

14 (m) In any school district which adopts a school bus safety camera
 15 program pursuant to subdivision (a) of this section, such school
 16 district shall submit an annual report on the results of the use of its
 17 school bus safety cameras to the governor, the temporary president of
 18 the senate and the speaker of the assembly on or before June first, two
 19 thousand nineteen and on the same date in each succeeding year in which
 20 the demonstration program is operable. Such report shall include, but
 21 not be limited to:

22 1. a description of the number of busses and routes where school bus
 23 safety cameras were used;

24 2. the aggregate number of annual incidents of violations of subdivi-
 25 sion (a) of section eleven hundred seventy-four of this title within the
 26 district;

27 3. the number of violations recorded by school bus safety cameras in
 28 the aggregate and on a daily, weekly and monthly basis;

29 4. the total number of notices of liability issued for violations
 30 recorded by such systems;

31 5. the number of fines and total amount of fines paid after first
 32 notice of liability issued for violations recorded by such systems;

33 6. the number of violations adjudicated and results of such adjudi-
 34 cations including breakdowns of dispositions made for violations
 35 recorded by such systems;

36 7. the total amount of revenue realized by such school district from
 37 such adjudications;

38 8. expenses incurred by such school district in connection with the
 39 program; and

40 9. quality of the adjudication process and its results.

41 (n) It shall be a defense to any prosecution for a violation of subdivi-
 42 vision (a) of section eleven hundred seventy-four of this title that
 43 such school bus safety cameras were malfunctioning at the time of the
 44 alleged violation.

45 § 4. Subdivision (c) of section 1174 of the vehicle and traffic law,
 46 as amended by chapter 254 of the laws of 2002, is amended to read as
 47 follows:

48 (c) Every person convicted of a violation of subdivision (a) of this
 49 section shall: for a first conviction thereof, be punished by a fine of
 50 not less than [~~two hundred fifty~~] five hundred dollars nor more than
 51 [~~four~~] seven hundred fifty dollars or by imprisonment for not more than
 52 thirty days or by both such fine and imprisonment; for a conviction of a
 53 second violation, both of which were committed within a period of three
 54 years, such person shall be punished by a fine of not less than [~~six~~
 55 hundred] one thousand dollars nor more than [~~seven~~] one thousand two
 56 hundred fifty dollars or by imprisonment for not more than one hundred

1 eighty days or by both such fine and imprisonment; upon a conviction of
2 a third or subsequent violation, all of which were committed within a
3 period of three years, such person shall be punished by a fine of not
4 less than ~~[seven hundred fifty]~~ one thousand two hundred fifty dollars
5 nor more than one thousand five hundred dollars or by imprisonment for
6 not more than one hundred eighty days or by both such fine and imprison-
7 ment.

8 § 5. This act shall take effect immediately.

9 PART D

10 Intentionally Omitted

11 PART E

12 Intentionally Omitted

13 PART F

14 Section 1. Section 97-z of the state finance law, as added by chapter
15 625 of the laws of 1987, subdivision 3 as amended by chapter 83 of the
16 laws of 1995, is amended to read as follows:

17 § 97-z. Arts capital ~~[revolving]~~ grants fund. 1. A special fund to be
18 known as the "arts capital ~~[revolving]~~ grants fund" is hereby estab-
19 lished in the custody of the state comptroller and the commissioner of
20 taxation and finance.

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

30 3. Monies of the fund, when allocated, shall be available for adminis-
31 trative costs of the council and to make ~~[loans]~~ grants to eligible
32 not-for-profit arts organizations as provided in section 3.07 of the
33 arts and cultural affairs law ~~[and to pay the reasonable administrative~~
34 ~~costs of the dormitory authority incurred in monitoring construction on~~
35 ~~eligible projects and costs associated with contracts with outside enti-~~
36 ~~ties to disburse loans and receive payments on such loans, as provided~~
37 ~~in such section]~~.

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

41 § 2. This act shall take effect immediately.

42 PART G

43 Section 1. Notwithstanding any other provision of law, the housing
44 trust fund corporation may provide, for purposes of the neighborhood
45 preservation program, a sum not to exceed \$8,479,000 for the fiscal year
46 ending March 31, 2020. Notwithstanding any other provision of law, and
47 subject to the approval of the New York state director of the budget,
48 the board of directors of the state of New York mortgage agency shall

1 authorize the transfer to the housing trust fund corporation, for the
2 purposes of reimbursing any costs associated with neighborhood preserva-
3 tion program contracts authorized by this section, a total sum not to
4 exceed \$8,479,000, such transfer to be made from (i) the special account
5 of the mortgage insurance fund created pursuant to section 2429-b of the
6 public authorities law, in an amount not to exceed the actual excess
7 balance in the special account of the mortgage insurance fund, as deter-
8 mined and certified by the state of New York mortgage agency for the
9 fiscal year 2018-2019 in accordance with section 2429-b of the public
10 authorities law, if any, and/or (ii) provided that the reserves in the
11 project pool insurance account of the mortgage insurance fund created
12 pursuant to section 2429-b of the public authorities law are sufficient
13 to attain and maintain the credit rating (as determined by the state of
14 New York mortgage agency) required to accomplish the purposes of such
15 account, the project pool insurance account of the mortgage insurance
16 fund, such transfer to be made as soon as practicable but no later than
17 June 30, 2019.

18 § 2. Notwithstanding any other provision of law, the housing trust
19 fund corporation may provide, for purposes of the rural preservation
20 program, a sum not to exceed \$3,539,000 for the fiscal year ending March
21 31, 2020. Notwithstanding any other provision of law, and subject to
22 the approval of the New York state director of the budget, the board of
23 directors of the state of New York mortgage agency shall authorize the
24 transfer to the housing trust fund corporation, for the purposes of
25 reimbursing any costs associated with rural preservation program
26 contracts authorized by this section, a total sum not to exceed
27 \$3,539,000, such transfer to be made from (i) the special account of the
28 mortgage insurance fund created pursuant to section 2429-b of the public
29 authorities law, in an amount not to exceed the actual excess balance in
30 the special account of the mortgage insurance fund, as determined and
31 certified by the state of New York mortgage agency for the fiscal year
32 2018-2019 in accordance with section 2429-b of the public authorities
33 law, if any, and/or (ii) provided that the reserves in the project pool
34 insurance account of the mortgage insurance fund created pursuant to
35 section 2429-b of the public authorities law are sufficient to attain
36 and maintain the credit rating (as determined by the state of New York
37 mortgage agency) required to accomplish the purposes of such account,
38 the project pool insurance account of the mortgage insurance fund, such
39 transfer to be made as soon as practicable but no later than June 30,
40 2019.

41 § 3. This act shall take effect immediately.

42 PART H

43 Intentionally Omitted

44 PART I

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

48 1. (a) Every authorized agency which operates a residential program
49 for children licensed or certified by the office of children and family
50 services, and the office of children and family services in relation to
51 any juvenile justice program it operates, shall request that the justice
52 center for the protection of people with special needs check, and upon

1 such request, such justice center shall request and shall be authorized
2 to receive from the division of criminal justice services and the feder-
3 al bureau of investigation criminal history information, as such phrase
4 is defined in paragraph (c) of subdivision one of section eight hundred
5 forty-five-b of the executive law concerning each prospective operator,
6 employee or volunteer of such a residential program who will have regu-
7 lar and substantial unsupervised or unrestricted physical contact with
8 children in such program.

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

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

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

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

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

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

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

40 § 3. Subparagraph (i) of paragraph (b) of subdivision 1 of section
41 424-a of the social services law, as amended by section 8-a of part D of
42 chapter 501 of the laws of 2012, is amended to read as follows:

43 (i) (A) Subject to the provisions of subdivision seven of this
44 section, a provider agency shall inquire of the office and the office
45 shall, subject to the provisions of paragraph (e) of this subdivision,
46 inform such agency and the subject of the inquiry whether any person who
47 is actively being considered for employment and who will have the poten-
48 tial for regular and substantial contact with individuals who are cared
49 for by the agency, is the subject of an indicated child abuse and
50 maltreatment report on file with the statewide central register of child
51 abuse and maltreatment prior to permitting such person to have unsuper-
52 vised contact with such individuals. Such agency may inquire of the
53 office and the office shall inform such agency and the subject of the
54 inquiry whether any person who is currently employed and who has the
55 potential for regular and substantial contact with individuals who are
56 cared for by such agency is the subject of an indicated child abuse and

1 maltreatment report on file with the statewide central register of child
2 abuse and maltreatment. A provider agency shall also inquire of the
3 office and the office shall inform such agency and the subject of the
4 inquiry whether any person who is employed by an individual, corpo-
5 ration, partnership or association which provides goods or services to
6 such agency who has the potential for regular and substantial contact
7 with individuals who are cared for by the agency, is the subject of an
8 indicated child abuse and maltreatment report on file with the statewide
9 central register of child abuse and maltreatment prior to permitting
10 such person to have unsupervised contact with such individuals.
11 Inquiries made to the office pursuant to this subparagraph by a provider
12 agency on current employees shall be made no more often than once in any
13 six month period.

14 (B) Notwithstanding clause (A) of this subparagraph, where the provid-
15 er agency is an authorized agency that operates a residential program
16 for foster children that is licensed or certified by the office of chil-
17 dren and family services such agency shall inquire of the office and the
18 office shall, subject to the provisions of paragraph (e) of this subdivi-
19 sion, inform such agency and the subject of the inquiry whether:

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

25 (II) Notwithstanding any other provision of law to the contrary, prior
26 to April first, two thousand twenty and in accordance with a schedule
27 developed by the office of children and family services, whether any
28 person who is employed in a residential foster care program that has not
29 previously had a clearance conducted pursuant to this subparagraph in
30 connection to such employment is the subject of an indicated child abuse
31 and maltreatment report on file with the statewide central register of
32 child abuse and maltreatment.

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

34 PART J

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

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

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

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

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

53 2. The department [~~shall~~] may annually establish, subject to the
54 approval of the director of the budget, a daily rate of reimbursement

1 for each residential program for victims of domestic violence, as
2 defined in article six-A of this chapter, certified by the department
3 which provides emergency shelter and services to persons eligible for
4 such emergency shelter and services pursuant to this section. A social
5 services district financially responsible for a victim of domestic
6 violence shall reimburse a residential program for victims of domestic
7 violence for the costs of emergency shelter and services provided to
8 such victim at the daily reimbursement rate established by the depart-
9 ment reduced by [~~the sum of all fees which such victim is able to pay
10 toward the costs of such shelter and services as determined in accord-
11 ance with the public assistance budgeting rules set forth in the regu-
12 lations of the department and by~~] any [~~third party~~] other reimbursement
13 available for such costs.

14 § 4. Section 459-f of the social services law, as amended by chapter
15 169 of the laws of 1994, is amended to read as follows:

16 § 459-f. [~~Fees~~] Payment for services. [~~Any program defined in subdivi-
17 sion four of section four hundred fifty-nine a of this article may
18 charge a service fee to a victim of domestic violence who is able to pay
19 all or part of the costs of the emergency shelter and services provided
20 to the victim.~~] Payments by a social services district to a residential
21 program for victims of domestic violence for the costs of emergency
22 shelter and services provided to a victim of domestic violence at the
23 daily reimbursement rate determined by the department in accordance with
24 section one hundred thirty-one-u of this chapter shall be reduced by the
25 sum of [~~all fees which such victim is able to pay toward the costs of
26 such shelter and services as determined in accordance with the public
27 assistance budgeting rules set forth in the regulations of the depart-
28 ment and by~~] any [~~third party~~] other reimbursement available for such
29 costs.

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

31 PART K

32 Section 1. Section 712 of the family court act, as amended by chapter
33 920 of the laws of 1982, subdivision (a) as amended by section 7 of part
34 G of chapter 58 of the laws of 2010, subdivision (b) as amended by chap-
35 ter 465 of the laws of 1992, subdivision (g) as amended by section 2 of
36 part B of chapter 3 of the laws of 2005, subdivision (h) as added by
37 chapter 7 of the laws of 1999, subdivision (i) as amended and subdivi-
38 sions (j), (k), (l) and (m) as added by chapter 38 of the laws of 2014,
39 is amended to read as follows:

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

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

1 (b) [~~h~~] ~~"Detention". The temporary care and maintenance of children away~~
2 ~~from their own homes as defined in section five hundred two of the execu-~~
3 ~~tive law.~~

4 ~~(c) "Secure detention facility". A facility characterized by phys-~~
5 ~~ically restricting construction, hardware and procedures.~~

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

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

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

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

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

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

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

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

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

1 ~~(m)~~ (j) "Substance use disorder services". Substance use disorder
2 services shall have the same meaning as provided for in section 1.03 of
3 the mental hygiene law.

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

6 CUSTODY ~~[AND DETENTION]~~

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

13 § 720. Detention precluded. ~~[1.]~~ The detention of a child shall not be
14 directed under any of the provisions of this article, except as other-
15 wise authorized by the interstate compact on juveniles. No child to whom
16 the provisions of this article may apply, shall be detained in any pris-
17 on, jail, lockup, or other place used for adults convicted of crime or
18 under arrest and charged with a crime.

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

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

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

42 ~~5. (a) The court shall not order or direct detention under this arti-~~
43 ~~cle, unless the court determines that there is no substantial likelihood~~
44 ~~that the youth and his or her family will continue to benefit from~~
45 ~~diversion services and that all available alternatives to detention have~~
46 ~~been exhausted; and~~

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

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

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

2 § 5. The section heading and subdivisions (c) and (d) of section 728
3 of the family court act, subdivision (d) as added by chapter 145 of the
4 laws of 2000, paragraph (i) as added and paragraph (ii) of subdivision
5 (d) as renumbered by section 5 of part E of chapter 57 of the laws of
6 2005, and paragraph (iii) as amended and paragraph (iv) of subdivision
7 (d) as added by section 10 of subpart B of part Q of chapter 58 of the
8 laws of 2011, are amended to read as follows:

9 Discharge^[7] or release [~~or detention~~] by judge after hearing and
10 before filing of petition in custody cases.

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

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

18 ~~(i) that there is no substantial likelihood that the youth and his or~~
19 ~~her family will continue to benefit from diversion services and that all~~
20 ~~available alternatives to detention have been exhausted; and~~

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

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

32 ~~(iv) whether the setting of the detention takes into account the prox-~~
33 ~~imity to the community in which the person alleged to be or adjudicated~~
34 ~~as a person in need of supervision lives with such person's parents or~~
35 ~~to which such person will be discharged, and the existing educational~~
36 ~~setting of such person and the proximity of such setting to the location~~
37 ~~of the detention setting.]~~

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

39 § 7. Subdivisions (b) and (f) of section 735 of the family court act,
40 subdivision (b) as amended by chapter 38 of the laws of 2014 and subdi-
41 vision (f) as added by section 7 of part E of chapter 57 of the laws of
42 2005, are amended to read as follows:

43 (b) The designated lead agency shall:

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

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

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

53 (iv) [~~determine whether alternatives to detention are appropriate to~~
54 ~~avoid remand of the youth to detention~~] assess whether the youth is a
55 sexually exploited child as defined in section four hundred forty-sev-

1 en-a of the social services law and, if so, whether such youth should be
2 referred to a safe house; and

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

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

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

29 § 739. Release or [~~detention~~ referral] after filing of petition and
30 prior to order of disposition. [~~(a)~~] After the filing of a petition
31 under section seven hundred thirty-two of this part, the court in its
32 discretion may release the respondent [~~or direct his or her detention~~].
33 If the respondent may be a sexually exploited child as defined in subdivi-
34 sion one of section four hundred forty-seven-a of the social services
35 law, the court may direct the respondent to an available short-term safe
36 house [~~as an alternative to detention. However, the court shall not~~
37 ~~direct detention unless it finds and states the facts and reasons for so~~
38 ~~finding that unless the respondent is detained there is a substantial~~
39 ~~probability that the respondent will not appear in court on the return~~
40 ~~date and all available alternatives to detention have been exhausted.~~

41 [~~(b) Unless the respondent waives a determination that probable cause~~
42 ~~exists to believe that he is a person in need of supervision, no~~
43 ~~detention under this section may last more than three days (i) unless~~
44 ~~the court finds, pursuant to the evidentiary standards applicable to a~~
45 ~~hearing on a felony complaint in a criminal court, that such probable~~
46 ~~cause exists, or (ii) unless special circumstances exist, in which cases~~
47 ~~such detention may be extended not more than an additional three days~~
48 ~~exclusive of Saturdays, Sundays and public holidays.~~

49 [~~(c) Upon a finding of facts and reasons which support a detention~~
50 ~~order pursuant to subdivision (a) of this section, the court shall also~~
51 ~~determine and state in any order directing detention:~~

52 [~~(i) whether continuation of the respondent in the respondent's home~~
53 ~~would be contrary to the best interests of the respondent based upon,~~
54 ~~and limited to, the facts and circumstance available to the court at the~~
55 ~~time of the court's determination in accordance with this section; and~~

1 ~~(ii) where appropriate, whether reasonable efforts were made prior to~~
2 ~~the date of the court order directing detention in accordance with this~~
3 ~~section, to prevent or eliminate the need for removal of the respondent~~
4 ~~from his or her home or, if the respondent had been removed from his or~~
5 ~~her home prior to the court appearance pursuant to this section, where~~
6 ~~appropriate, whether reasonable efforts were made to make it possible~~
7 ~~for the respondent to safely return home].~~

8 § 9. Intentionally omitted.

9 § 10. Section 747 of the family court act is REPEALED.

10 § 11. Section 748 of the family court act is REPEALED.

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

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

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

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

47 § 14. Subdivisions (b) and (c) of section 756 of the family court act,
48 subdivision (b) as amended by chapter 7 of the laws of 1999, and subdivi-
49 sion (c) as amended by section 10 of part E of chapter 57 of the laws
50 of 2005, are amended to read as follows:

51 (b) Placements under this section may be for an initial period of
52 twelve months. The court may extend a placement pursuant to section
53 seven hundred fifty-six-a. In its discretion, the court may recommend
54 restitution or require services for public good pursuant to section
55 seven hundred fifty-eight-a of this part in conjunction with an order of
56 placement. For the purposes of calculating the initial period of place-

1 ment, such placement shall be deemed to have commenced sixty days after
 2 the date the child was removed from his or her home in accordance with
 3 the provisions of this article. [~~If the respondent has been in detention
 4 pending disposition, the initial period of placement ordered under this
 5 section shall be credited with and diminished by the amount of time
 6 spent by the respondent in detention prior to the commencement of the
 7 placement unless the court finds that all or part of such credit would
 8 not serve the best interests of the respondent.~~]

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

19 § 15. Subdivision 1 of section 758-a of the family court act, as
 20 amended by chapter 4 of the laws of 1987, and paragraph (b) as amended
 21 by chapter 575 of the laws of 2007, is amended to read as follows:

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

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

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

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

45 § 774. Action on petition for transfer. On receiving a petition under
 46 section seven hundred seventy-three of this part, the court may proceed
 47 under sections seven hundred thirty-seven, seven hundred thirty-eight or
 48 seven hundred thirty-nine of this article with respect to the issuance
 49 of a summons or warrant [~~and sections seven hundred twenty-seven and
 50 seven hundred twenty-nine govern questions of detention and failure to
 51 comply with a promise to appear~~]. Due notice of the petition and a copy
 52 of the petition shall also be served personally or by mail upon the
 53 office of the locality chargeable for the support of the person involved
 54 and upon the person involved and his or her parents and other persons.

55 § 17. Subdivisions 11 and 12 of section 398 of the social services
 56 law, subdivision 11 as added by chapter 514 of the laws of 1976 and

1 subdivision 12 as amended by section 12 of subpart B of part Q of chap-
2 ter 58 of the laws of 2011, are amended to read as follows:

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

13 12. A social services official shall be permitted to place persons
14 adjudicated [~~in need of supervision or~~] delinquent[, ~~and alleged persons~~
15 ~~to be in need of supervision~~] in detention pending transfer to a place-
16 ment, in the same foster care facilities as are providing care to desti-
17 tute, neglected, abused or abandoned children. Such foster care facili-
18 ties shall not provide care to a youth in the care of a social services
19 official as a convicted juvenile offender.

20 § 18. Intentionally omitted.

21 § 18-a. Intentionally omitted.

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

25 3. "Detention" means the temporary care and maintenance of youth held
26 away from their homes pursuant to article three [~~or seven~~] of the family
27 court act, or held pending a hearing for alleged violation of the condi-
28 tions of release from an office of children and family services facility
29 or authorized agency, or held pending a hearing for alleged violation of
30 the condition of parole as a juvenile offender, youthful offender or
31 adolescent offender or held pending return to a jurisdiction other than
32 the one in which the youth is held, or held pursuant to a securing order
33 of a criminal court if the youth named therein as principal is charged
34 as a juvenile offender, youthful offender or adolescent offender or held
35 pending a hearing on an extension of placement or held pending transfer
36 to a facility upon commitment or placement by a court. Only alleged or
37 convicted juvenile offenders, youthful offenders or adolescent offenders
38 who have not attained their eighteenth or, commencing October first, two
39 thousand eighteen, their twenty-first birthday shall be subject to
40 detention in a detention facility. Commencing October first, two thou-
41 sand eighteen, a youth who on or after such date committed an offense
42 when the youth was sixteen years of age; or commencing October first,
43 two thousand nineteen, a youth who committed an offense on or after such
44 date when the youth was seventeen years of age held pursuant to a secur-
45 ing order of a criminal court if the youth is charged as an adolescent
46 offender or held pending a hearing for alleged violation of the condi-
47 tion of parole as an adolescent offender, must be held in a specialized
48 secure juvenile detention facility for older youth certified by the
49 state office of children and family services in conjunction with the
50 state commission of correction.

51 § 20. Subparagraph (i) of paragraph (a) of subdivision 3 of section
52 529-b of the executive law, as amended by section 99 of part WWW of
53 chapter 59 of the laws of 2017, is amended to read as follows:

54 (i) an analysis that identifies the neighborhoods or communities from
55 which the greatest number of juvenile delinquents [~~and persons in need~~
56 ~~of supervision~~] are remanded to detention or residentially placed;

1 § 21. The opening paragraph and paragraph (a) of subdivision 2,
2 subparagraph 1 of paragraph (a) and paragraph (b) of subdivision 5, and
3 subdivision 7 of section 530 of the executive law, the opening paragraph
4 and paragraph (a) of subdivision 2 and subparagraph 1 of paragraph (a)
5 and paragraph (b) of subdivision 5 as amended by section 100 of part WWW
6 of chapter 59 of the laws of 2017 and subdivision 7 as amended by
7 section 6 of subpart B of part Q of chapter 58 of the laws of 2011, are
8 amended to read as follows:

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

14 (a) Notwithstanding any provision of law to the contrary, eligible
15 expenditures by a municipality during a particular program year for the
16 care, maintenance and supervision in foster care programs certified by
17 the office of children and family services, certified or approved family
18 boarding homes, [~~and non-secure detention facilities certified by the
19 office for those youth alleged to be persons in need of supervision or
20 adjudicated persons in need of supervision held pending transfer to a
21 facility upon placement,~~] and in secure and non-secure detention facili-
22 ties certified by the office in accordance with section five hundred
23 three of this article for those youth alleged to be juvenile delin-
24 quents; adjudicated juvenile delinquents held pending transfer to a
25 facility upon placement, and juvenile delinquents held at the request of
26 the office of children and family services pending extension of place-
27 ment hearings or release revocation hearings or while awaiting disposi-
28 tion of such hearings; and youth alleged to be or convicted as juvenile
29 offenders, youthful offenders and adolescent offenders, youth alleged to
30 be persons in need of supervision or adjudicated persons in need of
31 supervision held pending transfer to a facility upon placement in foster
32 care programs certified by the office of children and family services
33 and certified or approved foster boarding homes, shall be subject to
34 state reimbursement for up to fifty percent of the municipality's
35 expenditures, exclusive of any federal funds made available for such
36 purposes, not to exceed the municipality's distribution from funds that
37 have been appropriated specifically therefor for that program year.
38 Municipalities shall implement the use of detention risk assessment
39 instruments in a manner prescribed by the office so as to inform
40 detention decisions. Notwithstanding any other provision of state law to
41 the contrary, data necessary for completion of a detention risk assess-
42 ment instrument may be shared among law enforcement, probation, courts,
43 detention administrators, detention providers, and the attorney for the
44 child upon retention or appointment; solely for the purpose of accurate
45 completion of such risk assessment instrument, and a copy of the
46 completed detention risk assessment instrument shall be made available
47 to the applicable detention provider, the attorney for the child and the
48 court.

49 (1) temporary care, maintenance and supervision provided to alleged
50 juvenile delinquents [~~and persons in need of supervision~~] in detention
51 facilities certified pursuant to [~~sections seven hundred twenty and~~]
52 section 305.2 of the family court act by the office of children and
53 family services, pending adjudication of alleged delinquency [~~or alleged
54 need of supervision~~] by the family court, or pending transfer to insti-
55 tutions to which committed or placed by such court or while awaiting
56 disposition by such court after adjudication or held pursuant to a

1 securing order of a criminal court if the person named therein as prin-
2 cipal is under seventeen years of age; or

3 (b) Payments made for reserved accommodations, whether or not in full
4 time use, approved and certified by the office of children and family
5 services and certified pursuant to [~~sections seven hundred twenty and~~
6 section 305.2 of the family court act, in order to assure that adequate
7 accommodations will be available for the immediate reception and proper
8 care therein of youth for which detention costs are reimbursable pursu-
9 ant to paragraph (a) of this subdivision, shall be reimbursed as expend-
10 itures for care, maintenance and supervision under the provisions of
11 this section, provided the office shall have given its prior approval
12 for reserving such accommodations.

13 7. The agency administering detention for each county and the city of
14 New York shall submit to the office of children and family services, at
15 such times and in such form and manner and containing such information
16 as required by the office of children and family services, an annual
17 report on youth remanded pursuant to article three or seven of the fami-
18 ly court act who are detained during each calendar year including,
19 commencing January first, two thousand twelve, the risk level of each
20 detained youth as assessed by a detention risk assessment instrument
21 approved by the office of children and family services provided, howev-
22 er, that the report due January first, two thousand twenty-one and ther-
23 eafter shall not be required to contain any information on youth who are
24 subject to article seven of the family court act. The office may require
25 that such data on detention use be submitted to the office electron-
26 ically. Such report shall include, but not be limited to, the reason for
27 the court's determination in accordance with section 320.5 or seven
28 hundred thirty-nine of the family court act to detain the youth; the
29 offense or offenses with which the youth is charged; and all other
30 reasons why the youth remains detained. The office shall submit a compi-
31 lation of all the separate reports to the governor and the legislature.

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

33 § 23. Severability. If any clause, sentence, paragraph, subdivision,
34 section or part contained in any part of this act shall be adjudged by
35 any court of competent jurisdiction to be invalid, such judgment shall
36 not affect, impair, or invalidate the remainder thereof, but shall be
37 confined in its operation to the clause, sentence, paragraph, subdivi-
38 sion, section or part contained in any part thereof directly involved in
39 the controversy in which such judgment shall have been rendered. It is
40 hereby declared to be the intent of the legislature that this act would
41 have been enacted even if such invalid provisions had not been included
42 herein.

43 § 24. This act shall take effect January 1, 2020 and shall be deemed
44 to be applicable to the detention or placement of youth pursuant to
45 petitions filed pursuant to article seven of the family court act on or
46 after such effective date.

47 PART L

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

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

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

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

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

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

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

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

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

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

28 (c) On and after January first, two thousand [~~eighteen~~] nineteen, (i)
29 for an eligible individual receiving family care, [~~\$1,016.48~~] \$1,037.48
30 if he or she is receiving such care in the city of New York or the coun-
31 ty of Nassau, Suffolk, Westchester or Rockland; and (ii) for an eligible
32 couple receiving family care in the city of New York or the county of
33 Nassau, Suffolk, Westchester or Rockland, two times the amount set forth
34 in subparagraph (i) of this paragraph; or (iii) for an eligible individ-
35 ual receiving such care in any other county in the state, [~~\$978.48~~]
36 \$999.48; and (iv) for an eligible couple receiving such care in any
37 other county in the state, two times the amount set forth in subpara-
38 graph (iii) of this paragraph.

39 (d) On and after January first, two thousand [~~eighteen~~] nineteen, (i)
40 for an eligible individual receiving residential care, [~~\$1,185.00~~]
41 \$1,206.00 if he or she is receiving such care in the city of New York or
42 the county of Nassau, Suffolk, Westchester or Rockland; and (ii) for an
43 eligible couple receiving residential care in the city of New York or
44 the county of Nassau, Suffolk, Westchester or Rockland, two times the
45 amount set forth in subparagraph (i) of this paragraph; or (iii) for an
46 eligible individual receiving such care in any other county in the
47 state, [~~\$1,155.00~~] \$1,176.00; and (iv) for an eligible couple receiving
48 such care in any other county in the state, two times the amount set
49 forth in subparagraph (iii) of this paragraph.

50 (e) (i) On and after January first, two thousand [~~eighteen~~] nineteen
51 to December thirty-first two thousand nineteen, (1) for an eligible
52 individual receiving enhanced residential care, [~~\$1,444.00~~] \$1,465.00;
53 and [~~(ii)~~] (2) for an eligible couple receiving enhanced residential
54 care, two times the amount set forth in [~~subparagraph (i)~~] clause one of
55 this [~~paragraph~~] subparagraph; and (ii) (1) from January first, two
56 thousand twenty to March thirty-first, two thousand twenty, for an

1 eligible individual receiving enhanced residential care, \$1,585.00; and
 2 (2) for an eligible couple receiving enhanced residential care, two
 3 times the amount set forth in clause one of this subparagraph.

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

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

10

PART M

11 Section 1. This Part enacts into law major components of legislation
 12 which are necessary to improve the foster care system. Each component is
 13 wholly contained within a Subpart identified as Subparts A through B.
 14 The effective date for each particular provision contained within such
 15 Subpart is set forth in the last section of such Subpart. Any provision
 16 in any section contained within a Subpart, including the effective date
 17 of the Subpart, which makes a reference to a section "of this act," when
 18 used in connection with that particular component, shall be deemed to
 19 mean and refer to the corresponding section of the Subpart in which it
 20 is found. Section three of this Part sets forth the general effective
 21 date of this Part.

22

SUBPART A

23

Intentionally omitted.

24

SUBPART B

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

29 § 4. This act shall take effect immediately and shall be deemed to
 30 have been in full force and effect on and after April 1, 2016, provided
 31 further that this act shall expire and be deemed repealed March 31,
 32 [~~2019~~] 2022.

33 § 2. This act shall take effect immediately.

34 § 2. Severability clause. If any clause, sentence, paragraph, subdivi-
 35 sion, section or subpart of this act shall be adjudged by any court of
 36 competent jurisdiction to be invalid, such judgment shall not affect,
 37 impair, or invalidate the remainder thereof, but shall be confined in
 38 its operation to the clause, sentence, paragraph, subdivision, section
 39 or subpart thereof directly involved in the controversy in which such
 40 judgment shall have been rendered. It is hereby declared to be the
 41 intent of the legislature that this act would have been enacted even if
 42 such invalid provisions had not been included herein.

43 § 3. This act shall take effect immediately; provided, however, that
 44 the applicable effective date of Subparts A through B of this act shall
 45 be as specifically set forth in the last section of such Subparts.

46

PART N

47

Intentionally Omitted

1

PART O

2 Section 1. This Part enacts into law major components of legislation
3 which are necessary to improve employee rights. Each component is wholly
4 contained within a Subpart identified as Subparts A through B. The
5 effective date for each particular provision contained within such
6 Subpart is set forth in the last section of such Subpart. Any provision
7 in any section contained within a Subpart, including the effective date
8 of the Subpart; which makes a reference to a section "of this act," when
9 used in connection with that particular component, shall be deemed to
10 mean and refer to the corresponding section of the Subpart in which it
11 is found. Section three of this Part sets forth the general effective
12 date of this Part.

13

SUBPART A

14 Section 1. Section 2 of the lien law is amended by adding three new
15 subdivisions 21, 22 and 23 to read as follows:

16 21. Employee. The term "employee", when used in this chapter, shall
17 have the same meaning as "employee" pursuant to articles one, six, nine-
18 teen and nineteen-A of the labor law, as applicable, or the Fair Labor
19 Standards Act, 29 U.S.C. § 201 et. seq., as applicable.

20 22. Employer. The term "employer", when used in this chapter, shall
21 have the same meaning as "employer" pursuant to articles one, six, nine-
22 teen and nineteen-A of the labor law, as applicable, or the Fair Labor
23 Standards Act, 29 U.S.C. § 201 et. seq., as applicable.

24 23. Wage claim. The term "wage claim", when used in this chapter,
25 means a claim that an employee has suffered a violation of sections one
26 hundred seventy, one hundred ninety-one, one hundred ninety-three, one
27 hundred ninety-six-d, six hundred fifty-two or six hundred seventy-three
28 of the labor law or the related regulations and wage orders promulgated
29 by the commissioner, a claim for wages due to an employee pursuant to an
30 employment contract that were unpaid in violation of that contract, or a
31 claim that an employee has suffered a violation of 29 U.S.C. § 206 or
32 207.

33 § 2. Section 3 of the lien law, as amended by chapter 137 of the laws
34 of 1985, is amended to read as follows:

35 § 3. Mechanic's lien and employee's lien on [~~real~~] property. 1.
36 Mechanic's lien. A contractor, subcontractor, laborer, materialman,
37 landscape gardener, nurseryman or person or corporation selling fruit or
38 ornamental trees, roses, shrubbery, vines and small fruits, who performs
39 labor or furnishes materials for the improvement of real property with
40 the consent or at the request of the owner thereof, or of his agent,
41 contractor or subcontractor, and any trust fund to which benefits and
42 wage supplements are due or payable for the benefit of such laborers,
43 shall have a lien for the principal and interest, of the value, or the
44 agreed price, of such labor, including benefits and wage supplements due
45 or payable for the benefit of any laborer, or materials upon the real
46 property improved or to be improved and upon such improvement, from the
47 time of filing a notice of such lien as prescribed in this chapter.
48 Where the contract for an improvement is made with a husband or wife and
49 the property belongs to the other or both, the husband or wife contract-
50 ing shall also be presumed to be the agent of the other, unless such
51 other having knowledge of the improvement shall, within ten days after
52 learning of the contract give the contractor written notice of his or
53 her refusal to consent to the improvement. Within the meaning of the

1 provisions of this chapter, materials actually manufactured for but not
2 delivered to the real property, shall also be deemed to be materials
3 furnished.

4 2. Employee's lien. An employee who has a wage claim as that term is
5 defined in subdivision twenty-three of section two of this chapter shall
6 have a lien on his or her employer's interest in property for the value
7 of the wage claim arising out of the employment, including liquidated
8 damages pursuant to subdivision one-a of section one hundred ninety-
9 eight, section six hundred sixty-three or section six hundred eighty-one
10 of the labor law, or 29 U.S.C. § 216 (b), from the time of filing a
11 notice of such lien as prescribed in this chapter. An employee's lien
12 based on a wage claim may be had against the employer's interest in real
13 property and against the employer's interest in personal property that
14 can be sufficiently described within the meaning of section 9-108 of the
15 uniform commercial code, except that an employee's lien shall not extend
16 to deposit accounts or goods as those terms are defined in section 9-102
17 of the uniform commercial code. The department of labor and the attor-
18 ney general may obtain an employee's lien for the value of wage claims
19 of the employees who are the subject of their investigations, court
20 actions or administrative agency actions.

21 3. As used in this article and unless otherwise specified, a lien
22 shall mean an employee's lien or a mechanic's lien.

23 § 3. Subdivisions 1 and 2 of section 4 of the lien law, subdivision 1
24 as amended by chapter 515 of the laws of 1929 and subdivision 2 as added
25 by chapter 704 of the laws of 1985, are amended to read as follows:

26 (1) [~~Such~~] A mechanic's or employee's lien and employee's lien against
27 real property shall extend to the owner's right, title or interest in
28 the real property and improvements, existing at the time of filing the
29 notice of lien, or thereafter acquired, except as hereinafter in this
30 article provided. If an owner assigns his interest in such real property
31 by a general assignment for the benefit of creditors, within thirty days
32 prior to such filing, the lien shall extend to the interest thus
33 assigned. If any part of the real property subjected to such lien be
34 removed by the owner or by any other person, at any time before the
35 discharge thereof, such removal shall not affect the rights of the
36 lienor, either in respect to the remaining real property, or the part so
37 removed. If labor is performed for, or materials furnished to, a
38 contractor or subcontractor for an improvement, the mechanic's lien
39 shall not be for a sum greater than the sum earned and unpaid on the
40 contract at the time of filing the notice of lien, and any sum subse-
41 quently earned thereon. In no case shall the owner be liable to pay by
42 reason of all mechanic's liens created pursuant to this article a sum
43 greater than the value or agreed price of the labor and materials
44 remaining unpaid, at the time of filing notices of such liens, except as
45 hereinafter provided.

46 (2) [~~Such~~] A mechanic's or employee's lien shall not extend to the
47 owner's right, title or interest in real property and improvements,
48 existing at the time of filing the notice of lien if such lien arises
49 from the failure of a lessee of the right to explore, develop or produce
50 natural gas or oil, to pay for, compensate or render value for improve-
51 ments made with the consent or at the request of such lessee by a
52 contractor, subcontractor, materialman, equipment operator or owner,
53 landscaper, nurseryman, or person or corporation who performs labor or
54 furnishes materials for the exploration, development, or production of
55 oil or natural gas or otherwise improves such leased property. Such
56 mechanic's or employee's lien shall extend to the improvements made for

1 the exploration, development and production of oil and natural gas, and
2 the working interest held by a lessee of the right to explore, develop
3 or produce oil and natural gas.

4 § 4. The opening paragraph of section 4-a of the lien law, as amended
5 by chapter 696 of the laws of 1959, is amended to read as follows:

6 The proceeds of any insurance which by the terms of the policy are
7 payable to the owner of real property improved, and actually received or
8 to be received by him because of the destruction or removal by fire or
9 other casualty of an improvement on which lienors have performed labor
10 or services or for which they have furnished materials, or upon which an
11 employee has established an employee's lien, shall after the owner has
12 been reimbursed therefrom for premiums paid by him, if any, for such
13 insurance, be subject to liens provided by this act to the same extent
14 and in the same order of priority as the real property would have been
15 had such improvement not been so destroyed or removed.

16 § 5. Subdivisions 1, 2 and 5 of section 9 of the lien law, as amended
17 by chapter 515 of the laws of 1929, are amended to read as follows:

18 1. The name of the lienor, and either the residence of the lienor or
19 the name and business address of the lienor's attorney, if any; and if
20 the lienor is a partnership or a corporation, the business address of
21 such firm, or corporation, the names of partners and principal place of
22 business, and if a foreign corporation, its principal place of business
23 within the state.

24 2. The name of the owner of the [~~real~~] property against whose interest
25 therein a lien is claimed, and the interest of the owner as far as known
26 to the lienor.

27 5. The amount unpaid to the lienor for such labor or materials, or the
28 amount of the wage claim if a wage claim is the basis for establishment
29 of the lien, the items of the wage claim and the value thereof which
30 make up the amount for which the lienor claims a lien.

31 § 6. Subdivision 1 of section 10 of the lien law, as amended by chap-
32 ter 367 of the laws of 2011, is amended to read as follows:

33 1. (a) Notice of mechanic's lien may be filed at any time during the
34 progress of the work and the furnishing of the materials, or, within
35 eight months after the completion of the contract, or the final perform-
36 ance of the work, or the final furnishing of the materials, dating from
37 the last item of work performed or materials furnished; provided, howev-
38 er, that where the improvement is related to real property improved or
39 to be improved with a single family dwelling, the notice of mechanic's
40 lien may be filed at any time during the progress of the work and the
41 furnishing of the materials, or, within four months after the completion
42 of the contract, or the final performance of the work, or the final
43 furnishing of the materials, dating from the last item of work performed
44 or materials furnished; and provided further where the notice of mechan-
45 ic's lien is for retainage, the notice of mechanic's lien may be filed
46 within ninety days after the date the retainage was due to be released;
47 except that in the case of a mechanic's lien by a real estate broker,
48 the notice of mechanic's lien may be filed only after the performance of
49 the brokerage services and execution of lease by both lessor and lessee
50 and only if a copy of the alleged written agreement of employment or
51 compensation is annexed to the notice of lien, provided that where the
52 payment pursuant to the written agreement of employment or compensation
53 is to be made in installments, then a notice of lien may be filed within
54 eight months after the final payment is due, but in no event later than
55 a date five years after the first payment was made. For purposes of this
56 section, the term "single family dwelling" shall not include a dwelling

1 unit which is a part of a subdivision that has been filed with a municipi-
2 pality in which the subdivision is located when at the time the lien is
3 filed, such property in the subdivision is owned by the developer for
4 purposes other than his personal residence. For purposes of this
5 section, "developer" shall mean and include any private individual,
6 partnership, trust or corporation which improves two or more parcels of
7 real property with single family dwellings pursuant to a common scheme
8 or plan. [~~The~~]

9 (b) Notice of employee's lien may be filed at any time not later than
10 three years following the end of the employment giving rise to the wage
11 claim.

12 (c) A notice of lien, other than for a lien on personal property, must
13 be filed in the clerk's office of the county where the property is situ-
14 ated. If such property is situated in two or more counties, the notice
15 of lien shall be filed in the office of the clerk of each of such coun-
16 ties. The county clerk of each county shall provide and keep a book to
17 be called the "lien docket," which shall be suitably ruled in columns
18 headed "owners," "lienors," "lienor's attorney," "property," "amount,"
19 "time of filing," "proceedings had," in each of which he shall enter the
20 particulars of the notice, properly belonging therein. The date, hour
21 and minute of the filing of each notice of lien shall be entered in the
22 proper column. Except where the county clerk maintains a block index,
23 the names of the owners shall be arranged in such book in alphabetical
24 order. The validity of the lien and the right to file a notice thereof
25 shall not be affected by the death of the owner before notice of the
26 lien is filed. A notice of employee's lien on personal property must be
27 filed, together with a financing statement, in the filing office as set
28 forth in section 9-501 of the uniform commercial code.

29 § 7. Section 11 of the lien law, as amended by chapter 147 of the laws
30 of 1996, is amended to read as follows:

31 § 11. Service of copy of notice of lien. 1. Within five days before
32 or thirty days after filing the notice of a mechanic's lien, the lienor
33 shall serve a copy of such notice upon the owner, if a natural person,
34 (a) by delivering the same to him personally, or if the owner cannot be
35 found, to his agent or attorney, or (b) by leaving it at his last known
36 place of residence in the city or town in which the real property or
37 some part thereof is situated, with a person of suitable age and
38 discretion, or (c) by registered or certified mail addressed to his last
39 known place of residence, or (d) if such owner has no such residence in
40 such city or town, or cannot be found, and he has no agent or attorney,
41 by affixing a copy thereof conspicuously on such property, between the
42 hours of nine o'clock in the forenoon and four o'clock in the afternoon;
43 if the owner be a corporation, said service shall be made (i) by deliv-
44 ering such copy to and leaving the same with the president, vice-presi-
45 dent, secretary or clerk to the corporation, the cashier, treasurer or a
46 director or managing agent thereof, personally, within the state, or
47 (ii) if such officer cannot be found within the state by affixing a copy
48 thereof conspicuously on such property between the hours of nine o'clock
49 in the forenoon and four o'clock in the afternoon, or (iii) by regis-
50 tered or certified mail addressed to its last known place of business.
51 Failure to file proof of such a service with the county clerk within
52 thirty-five days after the notice of lien is filed shall terminate the
53 notice as a lien. Until service of the notice has been made, as above
54 provided, an owner, without knowledge of the lien, shall be protected in
55 any payment made in good faith to any contractor or other person claim-
56 ing a lien.

1 2. Within five days before or thirty days after filing the notice of
2 an employee's lien, the lienor shall serve a copy of such notice upon
3 the employer, if a natural person, (a) by delivering the same to him
4 personally, or if the employer cannot be found, to his agent or attor-
5 ney, or (b) by leaving it as his last known place of residence or busi-
6 ness, with a person of suitable age and discretion, or (c) by registered
7 or certified mail addressed to his last known place of residence or
8 business, or (d) if such employer owns real property, by affixing a copy
9 thereof conspicuously on such property, between the hours of nine
10 o'clock in the forenoon and four o'clock in the afternoon. The lienor
11 also shall, within thirty days after filing the notice of employee's
12 lien, affix a copy thereof conspicuously on the real property identified
13 in the notice of employee's lien, between the hours of nine o'clock in
14 the forenoon and four o'clock in the afternoon. If the employer be a
15 corporation, said service shall be made (i) by delivering such copy to
16 and leaving the same with the president, vice-president, secretary or
17 clerk to the corporation, the cashier, treasurer or a director or manag-
18 ing agent thereof, personally, within the state, or (ii) if such officer
19 cannot be found within the state by affixing a copy thereof conspicuously
20 on such property between the hours of nine o'clock in the forenoon
21 and four o'clock in the afternoon, or (iii) by registered or certified
22 mail addressed to its last known place of business, or (iv) by delivery
23 to the secretary of the department of state in the same manner as
24 required by subparagraph one of paragraph (b) of section three hundred
25 six of the business corporation law. Failure to file proof of such a
26 service with the county clerk within thirty-five days after the notice
27 of lien is filed shall terminate the notice as a lien. Until service of
28 the notice has been made, as above provided, an owner, without knowledge
29 of the lien, shall be protected in any payment made in good faith to any
30 other person claiming a lien.

31 § 8. Section 11-b of the lien law, as amended by chapter 147 of the
32 laws of 1996, is amended to read as follows:

33 § 11-b. Copy of notice of mechanic's lien to a contractor or subcon-
34 tractor. Within five days before or thirty days after filing a notice
35 of mechanic's lien in accordance with section ten of this chapter or the
36 filing of an amendment of notice of mechanic's lien in accordance with
37 section twelve-a of this [~~chapter~~] article the lienor shall serve a copy
38 of such notice or amendment by certified mail on the contractor, subcon-
39 tractor, assignee or legal representative for whom he was employed or to
40 whom he furnished materials or if the lienor is a contractor or subcon-
41 tractor to the person, firm or corporation with whom the contract was
42 made. A lienor having a direct contractual relationship with a subcon-
43 tractor or a sub-subcontractor but not with a contractor shall also
44 serve a copy of such notice or amendment by certified mail to the
45 contractor. Failure to file proof of such a service with the county
46 clerk within thirty-five days after the notice of lien is filed shall
47 terminate the notice as a lien. Any lienor, or a person acting on behalf
48 of a lienor, who fails to serve a copy of the notice of mechanic's lien
49 as required by this section shall be liable for reasonable attorney's
50 fees, costs and expenses, as determined by the court, incurred in
51 obtaining such copy.

52 § 9. Subdivision 1 of section 12-a of the lien law, as amended by
53 chapter 1048 of the laws of 1971, is amended to read as follows:

54 1. Within sixty days after the original filing, a lienor may amend his
55 lien upon twenty days notice to existing lienors, mortgagees and the
56 owner, provided that no action or proceeding to enforce or cancel the

1 mechanics' lien or employee's lien has been brought in the interim,
2 where the purpose of the amendment is to reduce the amount of the lien,
3 except the question of wilful exaggeration shall survive such amendment.

4 § 10. Subdivision 1 of section 13 of the lien law, as amended by chap-
5 ter 878 of the laws of 1947, is amended to read as follows:

6 (1) [~~A~~] An employee's lien, or a lien for materials furnished or labor
7 performed in the improvement of real property, shall have priority over
8 a conveyance, mortgage, judgment or other claim against such property
9 not recorded, docketed or filed at the time of the filing of the notice
10 of such lien, except as hereinafter in this chapter provided; over
11 advances made upon any mortgage or other encumbrance thereon after such
12 filing, except as hereinafter in this article provided; and over the
13 claim of a creditor who has not furnished materials or performed labor
14 upon such property, if such property has been assigned by the owner by a
15 general assignment for the benefit of creditors, within thirty days
16 before the filing of either of such notices; and also over an attachment
17 hereafter issued or a money judgment hereafter recovered upon a claim,
18 which, in whole or in part, was not for materials furnished, labor
19 performed or moneys advanced for the improvement of such real property;
20 and over any claim or lien acquired in any proceedings upon such judg-
21 ment. Such liens shall also have priority over advances made upon a
22 contract by an owner for an improvement of real property which contains
23 an option to the contractor, his successor or assigns to purchase the
24 property, if such advances were made after the time when the labor began
25 or the first item of material was furnished, as stated in the notice of
26 lien. If several buildings are demolished, erected, altered or repaired,
27 or several pieces or parcels of real property are improved, under one
28 contract, and there are conflicting liens thereon, each lienor shall
29 have priority upon the particular part of the real property or upon the
30 particular building or premises where his labor is performed or his
31 materials are used. Persons shall have no priority on account of the
32 time of filing their respective notices of liens, but all liens shall be
33 on a parity except as hereinafter in section fifty-six of this chapter
34 provided; and except that in all cases laborers for daily or weekly
35 wages with a mechanic's lien, and employees with an employee's lien,
36 shall have preference over all other claimants under this article.

37 § 11. Section 17 of the lien law, as amended by chapter 324 of the
38 laws of 2000, is amended to read as follows:

39 § 17. Duration of lien. 1. (a) No mechanic's lien specified in this
40 article shall be a lien for a longer period than one year after the
41 notice of lien has been filed, unless within that time an action is
42 commenced to foreclose the lien, and a notice of the pendency of such
43 action, whether in a court of record or in a court not of record, is
44 filed with the county clerk of the county in which the notice of lien is
45 filed, containing the names of the parties to the action, the object of
46 the action, a brief description of the real property affected thereby,
47 and the time of filing the notice of lien; or unless an extension to
48 such lien, except for a lien on real property improved or to be improved
49 with a single family dwelling, is filed with the county clerk of the
50 county in which the notice of lien is filed within one year from the
51 filing of the original notice of lien, continuing such lien and such
52 lien shall be redocketed as of the date of filing such extension. Such
53 extension shall contain the names of the lienor and the owner of the
54 real property against whose interest therein such lien is claimed, a
55 brief description of the real property affected by such lien, the amount
56 of such lien, and the date of filing the notice of lien. No lien shall

1 be continued by such extension for more than one year from the filing
2 thereof. In the event an action is not commenced to foreclose the lien
3 within such extended period, such lien shall be extinguished unless an
4 order be granted by a court of record or a judge or justice thereof,
5 continuing such lien, and such lien shall be redocketed as of the date
6 of granting such order and a statement made that such lien is continued
7 by virtue of such order. A lien on real property improved or to be
8 improved with a single family dwelling may only be extended by an order
9 of a court of record, or a judge or justice thereof. No lien shall be
10 continued by court order for more than one year from the granting there-
11 of, but a new order and entry may be made in each of two successive
12 years. If a lienor is made a party defendant in an action to enforce
13 another lien, and the plaintiff or such defendant has filed a notice of
14 the pendency of the action within the time prescribed in this section,
15 the lien of such defendant is thereby continued. Such action shall be
16 deemed an action to enforce the lien of such defendant lienor. The fail-
17 ure to file a notice of pendency of action shall not abate the action as
18 to any person liable for the payment of the debt specified in the notice
19 of lien, and the action may be prosecuted to judgment against such
20 person. The provisions of this section in regard to continuing liens
21 shall apply to liens discharged by deposit or by order on the filing of
22 an undertaking. Where a lien is discharged by deposit or by order, a
23 notice of pendency of action shall not be filed.

24 (b) A lien, the duration of which has been extended by the filing of a
25 notice of the pendency of an action as above provided, shall neverthe-
26 less terminate as a lien after such notice has been canceled as provided
27 in section sixty-five hundred fourteen of the civil practice law and
28 rules or has ceased to be effective as constructive notice as provided
29 in section sixty-five hundred thirteen of the civil practice law and
30 rules.

31 2. (a) No employee's lien on real property shall be a lien for a long-
32 er period than one year after the notice of lien has been filed, unless
33 an extension to such lien is filed with the county clerk of the county
34 in which the notice of lien is filed within one year from the filing of
35 the original notice of lien, continuing such lien and such lien shall be
36 redocketed as of the date of filing such extension. Such extension shall
37 contain the names of the lienor and the owner of the real property
38 against whose interest therein such lien is claimed, a brief description
39 of the property affected by such lien, the amount of such lien, and the
40 date of filing the notice of lien. No lien shall be continued by such
41 extension for more than one year from the filing thereof. In the event
42 an action is not commenced to obtain judgment on the wage claim or to
43 foreclose the lien within such extended period, such lien shall be
44 extinguished unless an order be granted by a court of record or a judge
45 or justice thereof, continuing such lien, and such lien shall be redock-
46 eted as of the date of granting such order and a statement made that
47 such lien is continued by virtue of such order.

48 (b) No employee's lien on personal property shall be a lien for a
49 longer period than one year after the financing statement has been
50 recorded, unless an extension to such lien, is filed with the filing
51 office in which the financing statement is required to be filed pursuant
52 to section 9-501 of the uniform commercial code within one year from the
53 filing of the original financing statement, continuing such lien. Such
54 extension shall contain the names of the lienor and the owner of the
55 property against whose interest therein such lien is claimed, a brief
56 description of the prior financing statement to be extended, and the

1 date of filing the prior financing statement. No lien shall be contin-
2 ued by such extension for more than one year from the filing thereof. In
3 the event an action is not commenced to obtain judgment on the wage
4 claim or to foreclose the lien within such extended period, such lien
5 shall be extinguished unless an order be granted by a court of record or
6 a judge or justice thereof, continuing such lien, and such lien shall be
7 refiled as of the date of granting such order and a statement made that
8 such lien is continued by virtue of such order.

9 (c) If a lienor is made a party defendant in an action to enforce
10 another lien, and the plaintiff or such defendant has filed a notice of
11 the pendency of the action within the time prescribed in this section,
12 the lien of such defendant is thereby continued. Such action shall be
13 deemed an action to enforce the lien of such defendant lienor. The fail-
14 ure to file a notice of pendency of action shall not abate the action as
15 to any person liable for the payment of the debt specified in the notice
16 of lien, and the action may be prosecuted to judgment against such
17 person. The provisions of this section in regard to continuing liens
18 shall apply to liens discharged by deposit or by order on the filing of
19 an undertaking. Where a lien is discharged by deposit or by order, a
20 notice of pendency of action shall not be filed.

21 (d) Notwithstanding the foregoing, if a lienor commences a foreclosure
22 action or an action to obtain a judgment on the wage claim within one
23 year from the filing of the notice of lien on real property or the
24 recording of the financing statement creating lien on personal property,
25 the lien shall be extended during the pendency of the action and for one
26 hundred twenty days following the entry of final judgment in such
27 action, unless the action results in a final judgment or administrative
28 order in the lienor's favor on the wage claims and the lienor commences
29 a foreclosure action, in which instance the lien shall be valid during
30 the pendency of the foreclosure action. If a lien is extended due to the
31 pendency of a foreclosure action or an action to obtain a judgment on
32 the wage claim, the lienor shall file a notice of such pendency and
33 extension with the county clerk of the county in which the notice of
34 lien is filed, containing the names of the parties to the action, the
35 object of the action, a brief description of the property affected
36 thereby, and the time of filing the notice of lien, or in the case of a
37 lien on personal property shall file such notice with the office author-
38 ized to accept financing statements pursuant to section 9-501 of the
39 uniform commercial code. For purposes of this section, an action to
40 obtain judgment on a wage claim includes an action brought in any court
41 of competent jurisdiction, the submission of a complaint to the depart-
42 ment of labor or the submission of a claim to arbitration pursuant to an
43 arbitration agreement. An action also includes an investigation of wage
44 claims by the commissioner of labor or the attorney general of the state
45 of New York, regardless of whether such investigation was initiated by a
46 complaint.

47 (e) A lien, the duration of which has been extended by the filing of a
48 notice of the pendency of an action as above provided, shall neverthe-
49 less terminate as a lien after such notice has been canceled as provided
50 in section sixty-five hundred fourteen of the civil practice law and
51 rules or has ceased to be effective as constructive notice as provided
52 in section sixty-five hundred thirteen of the civil practice law and
53 rules.

54 § 12. Subdivisions 2 and 4 of section 19 of the lien law, subdivision
55 2 as amended by chapter 310 of the laws of 1962, subdivision 4 as added
56 by chapter 582 of the laws of 2002 and paragraph a of subdivision 4 as

1 further amended by section 104 of part A of chapter 62 of the laws of
2 2011, are amended to read as follows:

3 (2) By failure to begin an action to foreclose such lien or to secure
4 an order continuing it, within one year from the time of filing the
5 notice of lien, unless (i) an action be begun within the same period to
6 foreclose a mortgage or another mechanic's lien upon the same property
7 or any part thereof and a notice of pendency of such action is filed
8 according to law, or (ii) an action is commenced to obtain a judgment on
9 a wage claim pursuant to subdivision two of section seventeen of this
10 article, but a lien, the duration of which has been extended by the
11 filing of a notice of the pendency of an action as herein provided,
12 shall nevertheless terminate as a lien after such notice has been
13 cancelled or has ceased to be effective as constructive notice.

14 (4) Either before or after the beginning of an action by the employer,
15 owner or contractor executing a bond or undertaking in an amount equal
16 to one hundred ten percent of such lien conditioned for the payment of
17 any judgment which may be rendered against the property or employer for
18 the enforcement of the lien:

19 a. The execution of any such bond or undertaking by any fidelity or
20 surety company authorized by the laws of this state to transact busi-
21 ness, shall be sufficient; and where a certificate of qualification has
22 been issued by the superintendent of financial services under the
23 provisions of section one thousand one hundred eleven of the insurance
24 law, and has not been revoked, no justification or notice thereof shall
25 be necessary. Any such company may execute any such bond or undertaking
26 as surety by the hand of its officers, or attorney, duly authorized
27 thereto by resolution of its board of directors, a certified copy of
28 which resolution, under the seal of said company, shall be filed with
29 each bond or undertaking. Any such bond or undertaking shall be filed
30 with the clerk of the county in which the notice of lien is filed, and a
31 copy shall be served upon the adverse party. The undertaking is effec-
32 tive when so served and filed. If a certificate of qualification issued
33 pursuant to subsections (b), (c) and (d) of section one thousand one
34 hundred eleven of the insurance law is not filed with the undertaking, a
35 party may except, to the sufficiency of a surety and by a written notice
36 of exception served upon the adverse party within ten days after
37 receipt, a copy of the undertaking. Exceptions deemed by the court to
38 have been taken unnecessarily, or for vexation or delay, may, upon
39 notice, be set aside, with costs. Where no exception to sureties is
40 taken within ten days or where exceptions taken are set aside, the
41 undertaking shall be allowed.

42 b. In the case of bonds or undertakings not executed pursuant to para-
43 graph a of this subdivision, the employer, owner or contractor shall
44 execute an undertaking with two or more sufficient sureties, who shall
45 be free holders, to the clerk of the county where the premises are situ-
46 ated. The sureties must together justify in at least double the sum
47 named in the undertaking. A copy of the undertaking, with notice that
48 the sureties will justify before the court, or a judge or justice there-
49 of, at the time and place therein mentioned, must be served upon the
50 lienor or his attorney, not less than five days before such time. Upon
51 the approval of the undertaking by the court, judge or justice an order
52 shall be made by such court, judge or justice discharging such lien.

53 c. If the lienor cannot be found, or does not appear by attorney,
54 service under this subsection may be made by leaving a copy of such
55 undertaking and notice at the lienor's place of residence, or if a
56 corporation at its principal place of business within the state as stat-

1 ed in the notice of lien, with a person of suitable age and discretion
2 therein, or if the house of his abode or its place of business is not
3 stated in said notice of lien and is not known, then in such manner as
4 the court may direct. The premises, if any, described in the notice of
5 lien as the lienor's residence or place of business shall be deemed to
6 be his said residence or its place of business for the purposes of said
7 service at the time thereof, unless it is shown affirmatively that the
8 person servicing the papers or directing the service had knowledge to
9 the contrary. Notwithstanding the other provisions of this subdivision
10 relating to service of notice, in any case where the mailing address of
11 the lienor is outside the state such service may be made by registered
12 or certified mail, return receipt requested, to such lienor at the mail-
13 ing address contained in the notice of lien.

14 d. Except as otherwise provided in this subdivision, the provisions of
15 article twenty-five of the civil practice law and rules regulating
16 undertakings is applicable to a bond or undertaking given for the
17 discharge of a lien on account of private improvements or of an employ-
18 ee's lien.

19 § 13. Section 24 of the lien law, as amended by chapter 515 of the
20 laws of 1929, is amended to read as follows:

21 § 24. Enforcement of [~~mechanic's~~] lien. (1) Real property. The
22 [~~mechanics'~~] liens on real property specified in this article may be
23 enforced against the property specified in the notice of lien and which
24 is subject thereto and against any person liable for the debt upon which
25 the lien is founded, as prescribed in article three of this chapter.

26 (2) Personal property. An employee's lien on personal property speci-
27 fied in this article may immediately be enforced against the property
28 through a foreclosure as prescribed in article nine of the uniform
29 commercial code, or upon judgment obtained by the employee, commissioner
30 of labor or attorney general of the state of New York, may be enforced
31 in any manner available to the judgment creditor pursuant to article
32 nine of the uniform commercial code or other applicable laws.

33 § 14. Section 26 of the lien law, as amended by chapter 373 of the
34 laws of 1977, is amended to read as follows:

35 § 26. Subordination of liens after agreement with owner. In case an
36 owner of real property shall execute to one or more persons, or a corpo-
37 ration, as trustee or trustees, a bond and mortgage or a note and mort-
38 gage affecting such property in whole or in part, or an assignment of
39 the moneys due or to become due under a contract for a building loan in
40 relation to such property, and in case such mortgage, if any, shall be
41 recorded in the office of the register of the county where such real
42 property is situated, or if such county has no register then in the
43 office of the clerk of such county, and in case such assignment, if any,
44 shall be filed in the office of the clerk of the county where such real
45 property is situated; and in case lienors having [~~mechanics'~~] liens
46 against said real property, notices of which have been filed up to and
47 not later than fifteen days after the recording of such mortgage or the
48 filing of such assignment, and which liens have not been discharged as
49 in this article provided, shall, to the extent of at least fifty-five
50 per centum of the aggregate amount for which such notices of liens have
51 been so filed, approve such bond and mortgage or such note and mortgage,
52 if any, and such assignment, if any, by an instrument or instruments in
53 writing, duly acknowledged and filed in the office of such county clerk,
54 then all mechanics' liens for labor performed or material furnished
55 prior to the recording of such mortgage or filing of such assignment,
56 whether notices thereof have been theretofore or are thereafter filed

1 and which have not been discharged as in this article provided, shall be
2 subordinate to the lien of such trust bond and mortgage or such trust
3 note and mortgage to the extent of the aggregate amount of all certifi-
4 cates of interest therein issued by such trustee or trustees, or their
5 successors, for moneys loaned, materials furnished, labor performed and
6 any other indebtedness incurred after said trust mortgage shall have
7 been recorded, and for expenses in connection with said trust mortgage,
8 and shall also be subordinate to the lien of the bond and mortgage or
9 note and mortgage, given to secure the amount agreed to be advanced
10 under such contract for a building loan to the extent of the amount
11 which shall be advanced by the holder of such bond and mortgage or such
12 note and mortgage to the trustee or trustees, or their successors, under
13 such assignment. The provisions of this section shall apply to all bonds
14 and mortgages and notes and mortgages and all assignments of moneys due,
15 or to become due under building loan contracts executed by such owner,
16 in like manner, and recorded or filed, from time to time as hereinbefore
17 provided. In case of an assignment to trustees under the provisions of
18 this section, the trustees and their successors shall be the agents of
19 the assignor to receive and receipt for any and all sums advanced by the
20 holder of the building loan bond and mortgage or the building loan note
21 and mortgage under the building loan contract and such assignment. No
22 lienor shall have any priority over the bond and mortgage or note and
23 mortgage given to secure the money agreed to be advanced under a build-
24 ing loan contract or over the advances made thereunder, by reason of any
25 act preceding the making and approval of such assignment.

26 § 15. Section 38 of the lien law, as amended by chapter 859 of the
27 laws of 1930, is amended to read as follows:

28 § 38. Itemized statement may be required of lienor. A lienor who has
29 filed a notice of mechanic's lien shall, on demand in writing, deliver
30 to the owner or contractor making such demand a statement in writing
31 which shall set forth the items of labor and/or material and the value
32 thereof which make up the amount for which he claims a lien, and which
33 shall also set forth the terms of the contract under which such items
34 were furnished. The statement shall be verified by the lienor or his
35 agent in the form required for the verification of notices in section
36 nine of this [~~chapter~~] article. If the lienor shall fail to comply with
37 such a demand within five days after the same shall have been made by
38 the owner or contractor, or if the lienor delivers an insufficient
39 statement, the person aggrieved may petition the supreme court of this
40 state or any justice thereof, or the county court of the county where
41 the premises are situated, or the county judge of such county for an
42 order directing the lienor within a time specified in the order to
43 deliver to the petitioner the statement required by this section. Two
44 days' notice in writing of such application shall be served upon the
45 lienor. Such service shall be made in the manner provided by law for the
46 personal service of a summons. The court or a justice or judge thereof
47 shall hear the parties and upon being satisfied that the lienor has
48 failed, neglected or refused to comply with the requirements of this
49 section shall have an appropriate order directing such compliance. In
50 case the lienor fails to comply with the order so made within the time
51 specified, then upon five days' notice to the lienor, served in the
52 manner provided by law for the personal service of a summons, the court
53 or a justice or judge thereof may make an order cancelling the lien.

54 § 16. Section 39 of the lien law, as added by chapter 859 of the laws
55 of 1930, is amended to read as follows:

1 § 39. Lien wilfully exaggerated is void. In any action or proceeding
2 to enforce a [~~mechanic's~~] lien upon a private or public improvement or
3 in which the validity of the lien is an issue, if the court shall find
4 that a lienor has wilfully exaggerated the amount for which he claims a
5 lien as stated in his notice of lien, his lien shall be declared to be
6 void and no recovery shall be had thereon. No such lienor shall have a
7 right to file any other or further lien for the same claim. A second or
8 subsequent lien filed in contravention of this section may be vacated
9 upon application to the court on two days' notice.

10 § 17. Section 40 of the lien law, as amended by chapter 515 of the
11 laws of 1929, is amended to read as follows:

12 § 40. Construction of article. This article is to be construed in
13 connection with article two of this chapter, and provides proceedings
14 for the enforcement of employee's liens on real property, as well as
15 liens for labor performed and materials furnished in the improvement of
16 real property, created by virtue of such article.

17 § 18. Section 41 of the lien law, as amended by chapter 807 of the
18 laws of 1952, is amended to read as follows:

19 § 41. Enforcement of mechanic's or employee's lien on real property. A
20 mechanic's lien or employee's lien on real property may be enforced
21 against such property, and against a person liable for the debt upon
22 which the lien is founded, by an action, by the lienor, his assignee or
23 legal representative, in the supreme court or in a county court other-
24 wise having jurisdiction, regardless of the amount of such debt, or in a
25 court which has jurisdiction in an action founded on a contract for a
26 sum of money equivalent to the amount of such debt.

27 § 19. Section 43 of the lien law, as amended by chapter 310 of the
28 laws of 1962, is amended to read as follows:

29 § 43. Action in a court of record; consolidation of actions. The
30 provisions of the real property actions and proceedings law relating to
31 actions for the foreclosure of a mortgage upon real property, and the
32 sale and the distribution of the proceeds thereof apply to actions in a
33 court of record, to enforce mechanics' liens and employees' liens on
34 real property, except as otherwise provided in this article. If actions
35 are brought by different lienors in a court of record, the court in
36 which the first action was brought, may, upon its own motion, or upon
37 the application of any party in any of such actions, consolidate all of
38 such actions.

39 § 20. Section 46 of the lien law, as amended by chapter 515 of the
40 laws of 1929, is amended to read as follows:

41 § 46. Action in a court not of record. If an action to enforce a
42 mechanic's lien or employee's lien against real property is brought in a
43 court not of record, it shall be commenced by the personal service upon
44 the owner of a summons and complaint verified in the same manner as a
45 complaint in an action in a court of record. The complaint must set
46 forth substantially the facts contained in the notice of lien, and the
47 substance of the agreement under which the labor was performed or the
48 materials were furnished, or if the lien is based upon a wage claim as
49 defined in section two of this chapter, the basis for such wage claim.

50 The form and contents of the summons shall be the same as provided by
51 law for the commencement of an action upon a contract in such court. The
52 summons must be returnable not less than twelve nor more than twenty
53 days after the date of the summons, or if service is made by publica-
54 tion, after the day of the last publication of the summons. Service
55 must be made at least eight days before the return day.

1 § 21. Section 50 of the lien law, as amended by chapter 515 of the
2 laws of 1929, is amended to read as follows:

3 § 50. Execution. Execution may be issued upon a judgment obtained in
4 an action to enforce a mechanic's lien or an employee's lien against
5 real property in a court not of record, which shall direct the officer
6 to sell the title and interest of the owner in the premises, upon which
7 the lien set forth in the complaint existed at the time of filing the
8 notice of lien.

9 § 22. Section 53 of the lien law, as amended by chapter 515 of the
10 laws of 1929, is amended to read as follows:

11 § 53. Costs and disbursements. If an action is brought to enforce a
12 mechanic's lien or an employee's lien against real property in a court
13 of record, the costs and disbursements shall rest in the discretion of
14 the court, and may be awarded to the prevailing party. The judgment
15 rendered in such an action shall include the amount of such costs and
16 specify to whom and by whom the costs are to be paid. If such action is
17 brought in a court not of record, they shall be the same as allowed in
18 civil actions in such court. The expenses incurred in serving the
19 summons by publication may be added to the amount of costs now allowed
20 in such court.

21 § 23. Section 59 of the lien law, as amended by chapter 515 of the
22 laws of 1929, is amended to read as follows:

23 § 59. Vacating of a [~~mechanic's~~] lien; cancellation of bond; return of
24 deposit, by order of court. 1. A mechanic's lien notice of which has
25 been filed on real property or a bond given to discharge the same may be
26 vacated and cancelled or a deposit made to discharge a lien pursuant to
27 section twenty of this chapter may be returned, by an order of a court
28 of record. Before such order shall be granted, a notice shall be served
29 upon the lienor, either personally or by leaving it as his last known
30 place of residence, with a person of suitable age, with directions to
31 deliver it to the lienor. Such notice shall require the lienor to
32 commence an action to enforce the lien, within a time specified in the
33 notice, not less than thirty days from the time of service, or show
34 cause at a special term of a court of record, or at a county court, in a
35 county in which the property is situated, at a time and place specified
36 therein, why the notice of lien filed or the bond given should not be
37 vacated and cancelled, or the deposit returned, as the case may be.
38 Proof of such service and that the lienor has not commenced the action
39 to foreclose such lien, as directed in the notice, shall be made by
40 affidavit, at the time of applying for such order.

41 2. An employee's lien notice of which has been filed on real property
42 or a bond given to discharge the same may be vacated and cancelled or a
43 deposit made to discharge a lien pursuant to section twenty of this
44 chapter may be returned, by an order of a court of record. Before such
45 order shall be granted, a notice shall be served upon the lienor, either
46 personally or by leaving it at his last known place of residence or
47 attorney's place of business, with a person of suitable age, with
48 directions to deliver it to the lienor. Such notice shall require the
49 lienor to commence an action to enforce the lien, or to commence an
50 action to obtain judgment on the wage claim upon which the lien was
51 established, within a time specified in the notice, not less than ninety
52 days from the time of service, or show cause at a special term of a
53 court of record, or at a county court, in a county in which the property
54 is situated, at a time and place specified therein, why the notice of
55 lien filed or the bond given should not be vacated and cancelled, or the
56 deposit returned, as the case may be. Proof of such service and that the

1 lienor has not commenced the action to foreclose such lien or an action
2 to obtain judgment on the wage claim upon which the lien was estab-
3 lished, as directed in the notice, shall be made by affidavit, at the
4 time of applying for such order.

5 § 24. Section 62 of the lien law, as amended by chapter 697 of the
6 laws of 1934, is amended to read as follows:

7 § 62. Bringing in new parties. A lienor who has filed a notice of lien
8 after the commencement of an action in a court of record to foreclose or
9 enforce an employee's lien or a mechanic's lien against real property or
10 a public improvement, may at any time up to and including the day
11 preceding the day on which the trial of such action is commenced, make
12 application upon notice to the plaintiff or his attorney in such action,
13 to be made a party therein. Upon good cause shown, the court must order
14 such lienor to be brought in by amendment. If the application is made by
15 any other party in said action to make such lienor or other person a
16 party, the court may in its discretion direct such lienor or other
17 person to be brought in by like amendment. The order to be entered on
18 such application shall provide the time for and manner of serving the
19 pleading of such additional lienor or other person and shall direct that
20 the pleadings, papers and proceedings of the other several parties in
21 such action, shall be deemed amended, so as not to require the making or
22 serving of papers other than said order to effectuate such amendment,
23 and shall further provide that the allegations in the answer of such
24 additional lienor or other person shall, for the purposes of the action,
25 be deemed denied by the other parties therein. The action shall be so
26 conducted by the court as not to cause substantially any delay in the
27 trial thereof. The bringing in of such additional lienor or other
28 person shall be without prejudice to the proceedings had, and if the
29 action be on the calendar of the court, same shall retain its place on
30 such calendar without the necessity of serving a new note of issue and
31 new notices of trial.

32 § 25. Subdivision 3 of section 199-a of the labor law, as amended by
33 chapter 564 of the laws of 2010, is amended to read as follows:

34 3. Each employee and his or her authorized representative shall be
35 notified in writing, of the termination of the commissioner's investi-
36 gation of the employee's complaint and the result of such investigation,
37 of any award and collection of back wages and civil penalties, and of
38 any intent to seek criminal penalties. In the event that criminal penal-
39 ties are sought the employee and his or her authorized representative
40 shall be notified of the outcome of prosecution.

41 § 26. Subdivision 2 of section 663 of the labor law, as amended by
42 chapter 564 of the laws of 2010, is amended to read as follows:

43 2. By commissioner. On behalf of any employee paid less than the wage
44 to which the employee is entitled under the provisions of this article,
45 the commissioner may bring any legal action necessary, including admin-
46 istrative action, to collect such claim, and the employer shall be
47 required to pay the full amount of the underpayment, plus costs, and
48 unless the employer proves a good faith basis to believe that its under-
49 payment was in compliance with the law, an additional amount as liqui-
50 dated damages. Liquidated damages shall be calculated by the commission-
51 er as no more than one hundred percent of the total amount of
52 underpayments found to be due the employee. In any action brought by the
53 commissioner in a court of competent jurisdiction, liquidated damages
54 shall be calculated as an amount equal to one hundred percent of under-
55 payments found to be due the employee. Each employee or his or her
56 authorized representative shall be notified in writing of the outcome of

1 any legal action brought on the employee's behalf pursuant to this
2 section.

3 § 27. Subdivision 5 of section 6201 of the civil practice law and
4 rules, as amended by chapter 860 of the laws of 1977 and as renumbered
5 by chapter 618 of the laws of 1992, is amended and a new subdivision 6
6 is added to read as follows:

7 5. the cause of action is based on a judgment, decree or order of a
8 court of the United States or of any other court which is entitled to
9 full faith and credit in this state, or on a judgment which qualifies
10 for recognition under the provisions of article 53[+] of this chapter;
11 or

12 6. the cause of action is based on wage claims. "Wage claims," when
13 used in this chapter, shall include any claims of violations of articles
14 five, six, and nineteen of the labor law, section two hundred fifteen of
15 the labor law, and the related regulations or wage orders promulgated by
16 the commissioner of labor, including but not limited to any claims of
17 unpaid, minimum, overtime, and spread-of-hours pay, unlawfully retained
18 gratuities, unlawful deductions from wages, unpaid commissions, unpaid
19 benefits and wage supplements, and retaliation, and any claims pursuant
20 to 18 U.S.C. § 1595, 29 U.S.C. § 201 et seq., and/or employment contract
21 as well as the concomitant liquidated damages and penalties authorized
22 pursuant to the labor law, the Fair Labor Standards Act, or any employ-
23 ment contract.

24 § 28. Section 6210 of the civil practice law and rules, as added by
25 chapter 860 of the laws of 1977, is amended to read as follows:

26 § 6210. Order of attachment on notice; temporary restraining order;
27 contents. Upon a motion on notice for an order of attachment, the court
28 may, without notice to the defendant, grant a temporary restraining
29 order prohibiting the transfer of assets by a garnishee as provided in
30 subdivision (b) of section 6214. When attachment is sought pursuant to
31 subdivision six of section 6201, and if the employer contests the
32 motion, the court shall hold a hearing within ten days of when the
33 employer's response to plaintiffs' motion for attachment is due. The
34 contents of the order of attachment granted pursuant to this section
35 shall be as provided in subdivision (a) of section 6211.

36 § 29. Subdivision (b) of section 6211 of the civil practice law and
37 rules, as amended by chapter 566 of the laws of 1985, is amended to read
38 as follows:

39 (b) Confirmation of order. Except where an order of attachment is
40 granted on the ground specified in subdivision one or six of section
41 6201, an order of attachment granted without notice shall provide that
42 within a period not to exceed five days after levy, the plaintiff shall
43 move, on such notice as the court shall direct to the defendant, the
44 garnishee, if any, and the sheriff, for an order confirming the order of
45 attachment. Where an order of attachment without notice is granted on
46 the ground specified in subdivision one or six of section 6201, the
47 court shall direct that the statement required by section 6219 be served
48 within five days, that a copy thereof be served upon the plaintiff, and
49 the plaintiff shall move within ten days after levy for an order
50 confirming the order of attachment. If the plaintiff upon such motion
51 shall show that the statement has not been served and that the plaintiff
52 will be unable to satisfy the requirement of subdivision (b) of section
53 6223 until the statement has been served, the court may grant one exten-
54 sion of the time to move for confirmation for a period not to exceed ten
55 days. If plaintiff fails to make such motion within the required period,
56 the order of attachment and any levy thereunder shall have no further

1 effect and shall be vacated upon motion. Upon the motion to confirm, the
2 provisions of subdivision (b) of section 6223 shall apply. An order of
3 attachment granted without notice may provide that the sheriff refrain
4 from taking any property levied upon into his actual custody, pending
5 further order of the court.

6 § 30. Subdivisions (b) and (e) of rule 6212 of the civil practice law
7 and rules, subdivision (b) as separately amended by chapters 15 and 860
8 of the laws of 1977 and subdivision (e) as added by chapter 860 of the
9 laws of 1977, are amended to read as follows:

10 (b) Undertaking. [~~On~~] 1. Except where an order of attachment is sought
11 on the ground specified in subdivision six of section 6201, on a motion
12 for an order of attachment, the plaintiff shall give an undertaking, in
13 a total amount fixed by the court, but not less than five hundred
14 dollars, a specified part thereof conditioned that the plaintiff shall
15 pay to the defendant all costs and damages, including reasonable attor-
16 ney's fees, which may be sustained by reason of the attachment if the
17 defendant recovers judgment or if it is finally decided that the plain-
18 tiff was not entitled to an attachment of the defendant's property, and
19 the balance conditioned that the plaintiff shall pay to the sheriff all
20 of his allowable fees.

21 2. On a motion for an attachment pursuant to subdivision six of
22 section 6201, the court shall order that the plaintiff give an accessi-
23 ble undertaking of no more than five hundred dollars, or in the alterna-
24 tive, may waive the undertaking altogether. The attorney for the plain-
25 tiff shall not be liable to the sheriff for such fees. The surety on the
26 undertaking shall not be discharged except upon notice to the sheriff.

27 (e) Damages. [~~The~~] Except where an order of attachment is sought on
28 the ground specified in subdivision six of section 6201, the plaintiff
29 shall be liable to the defendant for all costs and damages, including
30 reasonable attorney's fees, which may be sustained by reason of the
31 attachment if the defendant recovers judgment, or if it is finally
32 decided that the plaintiff was not entitled to an attachment of the
33 defendant's property. Plaintiff's liability shall not be limited by the
34 amount of the undertaking.

35 § 31. Section 6223 of the civil practice law and rules, as amended by
36 chapter 860 of the laws of 1977, is amended to read as follows:

37 § 6223. Vacating or modifying attachment. (a) Motion to vacate or
38 modify. Prior to the application of property or debt to the satisfac-
39 tion of a judgment, the defendant, the garnishee or any person having an
40 interest in the property or debt may move, on notice to each party and
41 the sheriff, for an order vacating or modifying the order of attachment.
42 Upon the motion, the court may give the plaintiff a reasonable opportu-
43 nity to correct any defect. [~~If~~] Except as provided under subdivision
44 (b), if, after the defendant has appeared in the action, the court
45 determines that the attachment is unnecessary to the security of the
46 plaintiff, it shall vacate the order of attachment. Such a motion shall
47 not of itself constitute an appearance in the action.

48 (b) Burden of proof. [~~Upon~~] Except where an order of attachment is
49 granted pursuant to subdivision six of section 6201, upon a motion to
50 vacate or modify an order of attachment the plaintiff shall have the
51 burden of establishing the grounds for the attachment, the need for
52 continuing the levy and the probability that he will succeed on the
53 merits. Upon a motion to vacate or modify an order of attachment granted
54 pursuant to subdivision six of section 6201, the defendant shall have
55 the burden to demonstrate that the attachment is unnecessary to the

1 security of the plaintiff, in order to vacate or modify the attachment
2 order.

3 § 32. Paragraph (b) of section 624 of the business corporation law, as
4 amended by chapter 449 of the laws of 1997, is amended to read as
5 follows:

6 (b) Any person who shall have been a shareholder of record of a corpo-
7 ration, or who is or shall have been a laborer, servant or employee,
8 upon at least five days' written demand shall have the right to examine
9 in person or by agent or attorney, during usual business hours, its
10 minutes of the proceedings of its shareholders and record of sharehold-
11 ers and to make extracts therefrom for any purpose reasonably related to
12 such person's interest as a shareholder, laborer, servant or employee.
13 Holders of voting trust certificates representing shares of the corpo-
14 ration shall be regarded as shareholders for the purpose of this
15 section. Any such agent or attorney shall be authorized in a writing
16 that satisfies the requirements of a writing under paragraph (b) of
17 section 609 (Proxies). A corporation requested to provide information
18 pursuant to this paragraph shall make available such information in
19 written form and in any other format in which such information is main-
20 tained by the corporation and shall not be required to provide such
21 information in any other format. If a request made pursuant to this
22 paragraph includes a request to furnish information regarding beneficial
23 owners, the corporation shall make available such information in its
24 possession regarding beneficial owners as is provided to the corporation
25 by a registered broker or dealer or a bank, association or other entity
26 that exercises fiduciary powers in connection with the forwarding of
27 information to such owners. The corporation shall not be required to
28 obtain information about beneficial owners not in its possession.

29 § 33. Section 630 of the business corporation law, paragraph (a) as
30 amended by chapter 5 of the laws of 2016, paragraph (c) as amended by
31 chapter 746 of the laws of 1963, is amended to read as follows:

32 § 630. Liability of shareholders for wages due to laborers, servants or
33 employees.

34 (a) The ten largest shareholders, as determined by the fair value of
35 their beneficial interest as of the beginning of the period during which
36 the unpaid services referred to in this section are performed, of every
37 domestic corporation or of any foreign corporation, when the unpaid
38 services were performed in the state, no shares of which are listed on a
39 national securities exchange or regularly quoted in an over-the-counter
40 market by one or more members of a national or an affiliated securities
41 association, shall jointly and severally be personally liable for all
42 debts, wages or salaries due and owing to any of its laborers, servants
43 or employees other than contractors, for services performed by them for
44 such corporation. [~~Before such laborer, servant or employee shall charge
45 such shareholder for such services, he shall give notice in writing to
46 such shareholder that he intends to hold him liable under this section.
47 Such notice shall be given within one hundred and eighty days after
48 termination of such services, except that if, within such period, the
49 laborer, servant or employee demands an examination of the record of
50 shareholders under paragraph (b) of section 624 (Books and records,
51 right of inspection, prima facie evidence) of this article, such notice
52 may be given within sixty days after he has been given the opportunity
53 to examine the record of shareholders. An action to enforce such liabil-
54 ity shall be commenced within ninety days after the return of an
55 execution unsatisfied against the corporation upon a judgment recovered
56 against it for such services.~~] The provisions of this paragraph shall

1 not apply to an investment company registered as such under an act of
2 congress entitled "Investment Company Act of 1940."

3 (b) For the purposes of this section, wages or salaries shall mean all
4 compensation and benefits payable by an employer to or for the account
5 of the employee for personal services rendered by such employee includ-
6 ing any concomitant liquidated damages, penalties, interest, attorney's
7 fees or costs. These shall specifically include but not be limited to
8 salaries, overtime, vacation, holiday and severance pay; employer
9 contributions to or payments of insurance or welfare benefits; employer
10 contributions to pension or annuity funds; and any other moneys properly
11 due or payable for services rendered by such employee.

12 (c) A shareholder who has paid more than his pro rata share under this
13 section shall be entitled to contribution pro rata from the other share-
14 holders liable under this section with respect to the excess so paid,
15 over and above his pro rata share, and may sue them jointly or severally
16 or any number of them to recover the amount due from them. Such recov-
17 ery may be had in a separate action. As used in this paragraph, "pro
18 rata" means in proportion to beneficial share interest. Before a share-
19 holder may claim contribution from other shareholders under this para-
20 graph, he shall [~~unless they have been given notice by a laborer, serv-~~
21 ~~ant or employee under paragraph (a),~~] give them notice in writing that
22 he intends to hold them so liable to him. Such notice shall be given by
23 him within twenty days after the date that [~~notice was given to him by~~
24 he became aware that a laborer, servant or employee may seek to hold him
25 liable under paragraph (a).

26 § 34. Subdivision (c) of section 609 of the limited liability company
27 law, as added by chapter 537 of the laws of 2014, is amended to read as
28 follows:

29 (c) Notwithstanding the provisions of subdivisions (a) and (b) of this
30 section, the ten members with the largest percentage ownership interest,
31 as determined as of the beginning of the period during which the unpaid
32 services referred to in this section are performed, of every limited
33 liability company, shall jointly and severally be personally liable for
34 all debts, wages or salaries due and owing to any of its laborers, serv-
35 ants or employees, for services performed by them for such limited
36 liability company. [~~Before such laborer, servant or employee shall~~
37 ~~charge such member for such services, he or she shall give notice in~~
38 ~~writing to such member that he or she intends to hold such member liable~~
39 ~~under this section. Such notice shall be given within one hundred eighty~~
40 ~~days after termination of such services. An action to enforce such~~
41 ~~liability shall be commenced within ninety days after the return of an~~
42 ~~execution unsatisfied against the limited liability company upon a judg-~~
43 ~~ment recovered against it for such services.] A member who has paid more
44 than his or her pro rata share under this section shall be entitled to
45 contribution pro rata from the other members liable under this section
46 with respect to the excess so paid, over and above his or her pro rata
47 share, and may sue them jointly or severally or any number of them to
48 recover the amount due from them. Such recovery may be had in a separate
49 action. As used in this subdivision, "pro rata" means in proportion to
50 percentage ownership interest. Before a member may claim contribution
51 from other members under this section, he or she shall give them notice
52 in writing that he or she intends to hold them so liable to him or her.~~

53 § 35. Section 1102 of the limited liability company law is amended by
54 adding a new subdivision (e) to read as follows:

55 (e) Any person who is or shall have been a laborer, servant or employ-
56 ee of a limited liability company, upon at least five days' written

1 demand shall have the right to examine in person or by agent or attorney,
2 during usual business hours, records described in paragraph two of
3 subdivision (a) of this section throughout the period of time during
4 which such laborer, servant or employee provided services to such compa-
5 ny. A company requested to provide information pursuant to this para-
6 graph shall make available such records in written form and in any other
7 format in which such information is maintained by the company and shall
8 not be required to provide such information in any other format. Upon
9 refusal by the company or by an officer or agent of the company to
10 permit an inspection of the records described in this paragraph, the
11 person making the demand for inspection may apply to the supreme court
12 in the judicial district where the office of the company is located,
13 upon such notice as the court may direct, for an order directing the
14 company, its members or managers to show cause why an order should not
15 be granted permitting such inspection by the applicant. Upon the return
16 day of the order to show cause, the court shall hear the parties summar-
17 ily, by affidavit or otherwise, and if it appears that the applicant is
18 qualified and entitled to such inspection, the court shall grant an
19 order compelling such inspection and awarding such further relief as to
20 the court may seem just and proper. If the applicant is found to be
21 qualified and entitled to such inspection, the company shall pay all
22 reasonable attorney's fees and costs of said applicant related to the
23 demand for inspection of the records.

24 § 36. This act shall take effect on the thirtieth day after it shall
25 have become a law. The procedures and rights created in this act may be
26 used by employees, laborers or servants in connection with claims for
27 liabilities that arose prior to the effective date.

28 SUBPART B

29 Section 1. Subdivision 4 of section 20.40 of the criminal procedure
30 law is amended by adding a new paragraph (o) to read as follows:

31 (o) An offense of wage theft as defined in section 155.50 of the penal
32 law may be prosecuted in any county where services were provided or in
33 any county where the defendant agreed to pay such wages, regardless of
34 whether withheld wages for services provided in two or more counties
35 were charged as an aggregate amount.

36 § 2. The penal law is amended by adding a new section 155.50 to read
37 as follows:

38 § 155.50 Wage theft; definition.

39 For the purposes of sections 155.55, 155.60, 155.65, 155.70 and 155.75
40 of this article, a person commits wage theft when he or she withholds
41 agreed-upon wages that were promised in exchange for the performance of
42 services by another person who has performed the agreed-upon services,
43 with an intent to deprive such person of property or to appropriate the
44 same to himself or herself or a third person.

45 § 3. The penal law is amended by adding a new section 155.55 to read
46 as follows:

47 § 155.55 Wage theft in the fifth degree.

48 A person is guilty of wage theft in the fifth degree when he or she
49 commits wage theft as defined in section 155.50 of this article.

50 Wage theft in the fifth degree is a class A misdemeanor.

51 § 4. The penal law is amended by adding a new section 155.60 to read
52 as follows:

53 § 155.60 Wage theft in the fourth degree.

1 A person is guilty of wage theft in the fourth degree when he or she
 2 commits wage theft as defined in section 155.50 of this article and
 3 when:

4 1. the aggregate value of the wages withheld from one person exceeds
 5 one thousand dollars; or

6 2. he or she withholds wages from ten or more people.

7 Wage theft in the fourth degree is a class E felony.

8 § 5. The penal law is amended by adding a new section 155.65 to read
 9 as follows:

10 § 155.65 Wage theft in the third degree.

11 A person is guilty of wage theft in the third degree when he or she
 12 commits wage theft as defined in section 155.50 of this article and
 13 when:

14 1. the aggregate value of the wages withheld from one person exceeds
 15 three thousand dollars; or

16 2. he or she withholds wages from twenty-five or more people.

17 Wage theft in the third degree is a class D felony.

18 § 6. The penal law is amended by adding a new section 155.70 to read
 19 as follows:

20 § 155.70 Wage theft in the second degree.

21 A person is guilty of wage theft in the second degree when he or she
 22 commits wage theft as defined in section 155.50 of this article and
 23 when:

24 1. the aggregate value of the wages withheld from one person exceeds
 25 fifty thousand dollars; or

26 2. he or she withholds wages from fifty or more people.

27 Wage theft in the second degree is a class C felony.

28 § 7. The penal law is amended by adding a new section 155.75 to read
 29 as follows:

30 § 155.75 Wage theft in the first degree.

31 A person is guilty of wage theft in the first degree when he or she
 32 commits wage theft as defined in section 155.50 of this article and
 33 when:

34 1. the aggregate value of the wages withheld from one person exceeds
 35 one million dollars; or

36 2. he or she withholds wages from seventy-five or more people.

37 Wage theft in the first degree is a class B felony.

38 § 8. Paragraph (c) of subdivision 2 of section 20.20 of the penal law,
 39 as amended by chapter 671 of the laws of 1986, is amended to read as
 40 follows:

41 (c) The conduct constituting the offense is engaged in by an agent of
 42 the corporation while acting within the scope of his employment and in
 43 behalf of the corporation, and the offense is (i) a misdemeanor or a
 44 violation, (ii) one defined by a statute which clearly indicates a
 45 legislative intent to impose such criminal liability on a corporation,
 46 [~~or~~] (iii) any offense set forth in title twenty-seven of article seven-
 47 ty-one of the environmental conservation law, or (iv) any offense set
 48 forth in section 155.55, 155.60, 155.65, 155.70 or 155.75 of this chap-
 49 ter.

50 § 9. This act shall take effect on the thirtieth day after it shall
 51 have become a law.

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

1 or subpart thereof directly involved in the controversy in which such
2 judgment shall have been rendered. It is hereby declared to be the
3 intent of the legislature that this act would have been enacted even if
4 such invalid provisions had not been included herein.

5 § 3. This act shall take effect immediately; provided, however, that
6 the applicable effective date of Subparts A through B of this act shall
7 be as specifically set forth in the last section of such Subparts.

8

PART P

9 Section 1. Section 522 of the labor law, as amended by chapter 720 of
10 the laws of 1953, is amended to read as follows:

11 § 522. Total unemployment. "Total unemployment" or "totally unem-
12 ployed" means the [~~total~~] lack of any employment [~~on~~] in any [day] week.
13 The term "employment" as used in this section means any employment
14 including that not defined in this title.

15 § 2. Section 523 of the labor law, as amended by chapter 675 of the
16 laws of 1977, is amended to read as follows:

17 § 523. [~~Effective day. "Effective day" means a full day of total unem-~~
18 ~~ployment provided such day falls within a week in which a claimant had~~
19 ~~four or more days of total unemployment and provided further that only~~
20 ~~those days of total unemployment in excess of three days within such~~
21 ~~week are deemed "effective days". No effective day is deemed to occur in~~
22 ~~a week in which the claimant has days of employment for which he is paid~~
23 ~~compensation exceeding the highest benefit rate which is applicable to~~
24 ~~any claimant in such week. A claimant who is employed on a shift~~
25 ~~continuing through midnight is deemed to have been employed on the day~~
26 ~~beginning before midnight with respect to such shift, except where night~~
27 ~~shift employees are regularly scheduled to start their work week at~~
28 ~~seven post meridiem or thereafter on Sunday night, their regularly sche-~~
29 ~~duled starting time on Sunday shall be considered as starting on~~
30 ~~Monday.] Partial unemployment. "Partial unemployment" or "partially
31 unemployed" means any week if the total remuneration of any nature paya-
32 ble for services of any kind during such week amounts to less than one
33 and one-half times the claimant's benefit rate for total unemployment
34 rounded to the lowest next dollar. For purposes of this section, remun-
35 eration shall also include any holiday or vacation pay payable with
36 respect to any such week, whether or not any service was performed
37 during such week or was in any other way required for receipt of such
38 holiday or vacation pay. For purposes of this section, the commissioner
39 shall consider earnings derived from self-employment, but only to the
40 extent such earnings are actually received or payable with respect to a
41 given week of partial unemployment.~~

42 § 3. Section 524 of the labor law, as added by chapter 5 of the laws
43 of 2000, is amended to read as follows:

44 § 524. Week of employment. For purposes of this article, "week of
45 employment" shall mean a Monday through Sunday period during which a
46 claimant was paid remuneration for employment for an employer or employ-
47 ers liable for contributions or for payments in lieu of contributions
48 under this article. A claimant who is employed on a shift continuing
49 through midnight is deemed to have been employed on the day beginning
50 before midnight with respect to such shift, except where night shift
51 employees are regularly scheduled to start their work week at seven post
52 meridiem or thereafter on Sunday night, their regularly scheduled start-
53 ing time on Sunday shall be considered as starting on Monday.

1 § 4. Subdivision 4 of section 527 of the labor law, as amended by
2 chapter 832 of the laws of 1968 and as renumbered by chapter 381 of the
3 laws of 1984, is amended to read as follows:

4 4. General condition. A valid original claim may be filed only in a
5 week in which the claimant [~~has at least one effective day of unemploy-~~
6 ~~ment~~] is totally unemployed or partially unemployed as defined in this
7 article.

8 § 5. Clauses (i), (ii), (iii) and (iv) of subparagraph 2 of paragraph
9 (e) of subdivision 1 of section 581 of the labor law, as amended by
10 chapter 282 of the laws of 2002, are amended to read as follows:

11 (i) In those instances where the claimant may not utilize wages paid
12 to establish entitlement based upon subdivision ten of section five
13 hundred ninety of this article and an educational institution is the
14 claimant's last employer prior to the filing of the claim for benefits,
15 or the claimant performed services in such educational institution in
16 such capacity while employed by an educational service agency which is
17 the claimant's last employer prior to the filing of the claim for bene-
18 fits, such employer shall not be liable for benefit charges [~~for the~~
19 ~~first twenty-eight effective days of benefits paid~~] in an amount equal
20 to the benefits paid for seven weeks of total unemployment as otherwise
21 provided by this section. Under such circumstances, benefits paid shall
22 be charged to the general account. In addition, wages paid during the
23 base period by such educational institutions, or for services in such
24 educational institutions for claimants employed by an educational
25 service agency shall not be considered base period wages during periods
26 that such wages may not be used to gain entitlement to benefits pursuant
27 to subdivision ten of section five hundred ninety of this article.

28 (ii) In those instances where the claimant may not utilize wages paid
29 to establish entitlement based upon subdivision eleven of section five
30 hundred ninety of this article and an educational institution is the
31 claimant's last employer prior to the filing of the claim for benefits,
32 or the claimant performed services in such educational institution in
33 such capacity while employed by an educational service agency which is
34 the claimant's last employer prior to the filing of the claim for bene-
35 fits, such employer shall not be liable for benefit charges [~~for the~~
36 ~~first twenty-eight effective days of benefits paid~~] in an amount equal
37 to the benefits paid for seven weeks of total unemployment as otherwise
38 provided by this section. Under such circumstances, benefits paid will
39 be charged to the general account. In addition, wages paid during the
40 base period by such educational institutions, or for services in such
41 educational institutions for claimants employed by an educational
42 service agency shall not be considered base period wages during periods
43 that such wages may not be used to gain entitlement to benefits pursuant
44 to subdivision eleven of section five hundred ninety of this article.
45 However, in those instances where a claimant was not afforded an oppor-
46 tunity to perform services for the educational institution for the next
47 academic year or term after reasonable assurance was provided, such
48 employer shall be liable for benefit charges as provided for in this
49 paragraph for any retroactive payments made to the claimant.

50 (iii) In those instances where the federal government is the claim-
51 ant's last employer prior to the filing of the claim for benefits and
52 such employer is not a base-period employer, payments [~~equaling the~~
53 ~~first twenty-eight effective days of benefits~~] in an amount equal to the
54 benefits paid for seven weeks of total unemployment as otherwise
55 prescribed by this section shall be charged to the general account. In
56 those instances where the federal government is the claimant's last

1 employer prior to the filing of the claim for benefits and a base-period
2 employer, such employer shall be liable for charges for all benefits
3 paid on such claim in the same proportion that the remuneration paid by
4 such employer during the base period bears to the remuneration paid by
5 all employers during the base period. In addition, benefit payment
6 charges [~~for the first twenty-eight effective days of benefits~~] in an
7 amount equal to the benefits paid for seven weeks of total unemployment
8 other than those chargeable to the federal government as prescribed
9 above shall be made to the general account.

10 (iv) In those instances where a combined wage claim is filed pursuant
11 to interstate reciprocal agreements and the claimant's last employer
12 prior to the filing of the claim is an out-of-state employer and such
13 employer is not a base-period employer, benefit payments [~~equaling the~~
14 ~~first twenty-eight effective days of benefits~~] in an amount equal to the
15 benefits paid for seven weeks of total unemployment as otherwise
16 prescribed by this section shall be charged to the general account. In
17 those instances where the out-of-state employer is the last employer
18 prior to the filing of the claim for benefits and a base-period employer
19 such employer shall be liable for charges for all benefits paid on such
20 claim in the same proportion that the remuneration paid by such employer
21 during the base period bears to the remuneration paid by all employers
22 during the base period. In addition, benefit payment charges [~~for the~~
23 ~~twenty-eight effective days of benefits~~] in an amount equal to the bene-
24 fits paid for seven weeks of total unemployment other than those charge-
25 able to the out-of-state employer as prescribed above shall be made to
26 the general account.

27 § 6. Subdivisions 1, 3, 4, paragraph (a) of subdivision 5 and subdivi-
28 sions 6 and 7 of section 590 of the labor law, subdivisions 1 and 3 as
29 amended by chapter 645 of the laws of 1951, subdivision 4 as amended by
30 chapter 457 of the laws of 1987, paragraph (a) of subdivision 5 as
31 amended by section 8 of part O of chapter 57 of the laws of 2013, subdivi-
32 sion 6 as added by chapter 720 of the laws of 1953 and as renumbered
33 by chapter 675 of the laws of 1977, and subdivision 7 as amended by
34 chapter 415 of the laws of 1983, are amended and two new paragraphs (c)
35 and (d) are added to subdivision 5 to read as follows:

36 1. Entitlement to benefits. A claimant shall be entitled to [~~accumu-~~
37 ~~late effective days for the purpose of benefit rights~~] the payment of
38 benefits only if he or she has complied with the provisions of this
39 article regarding the filing of his or her claim, including the filing
40 of a valid original claim, registered as totally unemployed or partially
41 unemployed, reported his or her subsequent employment and unemployment,
42 and reported for work or otherwise given notice of the continuance of
43 his or her unemployment.

44 3. Compensable periods. Benefits shall be paid for each [~~accumulation~~
45 ~~of effective days within a~~] week of partial unemployment or total unem-
46 ployment.

47 4. Duration. Benefits shall not be paid for more than [~~one hundred and~~
48 ~~four effective days~~] an amount exceeding twenty-six times the claimant's
49 weekly benefit rate in any benefit year, except as provided in section
50 six hundred one and subdivision two of section five hundred ninety-nine
51 of this [~~chapter~~] title.

52 (a) A claimant's weekly benefit amount shall be one twenty-sixth of
53 the remuneration paid during the highest calendar quarter of the base
54 period by employers, liable for contributions or payments in lieu of
55 contributions under this article, provided the claimant has remuneration
56 paid in all four calendar quarters during his or her base period or

1 alternate base period. However, for any claimant who has remuneration
2 paid in all four calendar quarters during his or her base period or
3 alternate base period and whose high calendar quarter remuneration
4 during the base period is three thousand five hundred seventy-five
5 dollars or less, the benefit amount shall be one twenty-fifth of the
6 remuneration paid during the highest calendar quarter of the base period
7 by employers liable for contributions or payments in lieu of contribu-
8 tions under this article. A claimant's weekly benefit shall be one
9 twenty-sixth of the average remuneration paid in the two highest quar-
10 ters paid during the base period or alternate base period by employers
11 liable for contributions or payments in lieu of contributions under this
12 article when the claimant has remuneration paid in two or three calendar
13 quarters provided however, that a claimant whose high calendar quarter
14 is four thousand dollars or less but greater than three thousand five
15 hundred seventy-five dollars shall have a weekly benefit amount of one
16 twenty-sixth of such high calendar quarter. However, for any claimant
17 who has remuneration paid in two or three calendar quarters during his
18 or her base period or alternate base period and whose high calendar
19 quarter remuneration during the base period is three thousand five
20 hundred seventy-five dollars or less, the benefit amount shall be one
21 twenty-fifth of the remuneration paid during the highest calendar quar-
22 ter of the base period by employers liable for contributions or payments
23 in lieu of contributions under this article. Any claimant whose high
24 calendar quarter remuneration during the base period is more than three
25 thousand five hundred seventy-five dollars shall not have a weekly bene-
26 fit amount less than one hundred forty-three dollars. The weekly benefit
27 amount, so computed, that is not a multiple of one dollar shall be
28 lowered to the next multiple of one dollar. On the first Monday of
29 September, nineteen hundred ninety-eight the weekly benefit amount shall
30 not exceed three hundred sixty-five dollars nor be less than forty
31 dollars, until the first Monday of September, two thousand, at which
32 time the maximum benefit payable pursuant to this subdivision shall
33 equal one-half of the state average weekly wage for covered employment
34 as calculated by the department no sooner than July first, two thousand
35 and no later than August first, two thousand, rounded down to the lowest
36 dollar. On and after the first Monday of October, two thousand fourteen,
37 the weekly benefit shall not be less than one hundred dollars, nor shall
38 it exceed four hundred twenty dollars until the first Monday of October,
39 two thousand fifteen when the maximum benefit amount shall be four
40 hundred twenty-five dollars, until the first Monday of October, two
41 thousand sixteen when the maximum benefit amount shall be four hundred
42 thirty dollars, until the first Monday of October, two thousand seven-
43 teen when the maximum benefit amount shall be four hundred thirty-five
44 dollars, until the first Monday of October, two thousand eighteen when
45 the maximum benefit amount shall be four hundred fifty dollars, until
46 the first Monday of October, two thousand nineteen when the maximum
47 benefit amount shall be thirty-six percent of the average weekly wage
48 until the first Monday of October, two thousand twenty when the maximum
49 benefit amount shall be thirty-eight percent of the average weekly wage,
50 until the first Monday of October two thousand twenty-one when the maxi-
51 mum benefit amount shall be forty percent of the average weekly wage,
52 until the first Monday of October, two thousand twenty-two when the
53 maximum benefit amount shall be forty-two percent of the average weekly
54 wage, until the first Monday of October, two thousand twenty-three when
55 the maximum benefit amount shall be forty-four percent of the average
56 weekly wage, until the first Monday of October, two thousand twenty-four

1 when the maximum benefit amount shall be forty-six percent of the aver-
 2 age weekly wage, until the first Monday of October, two thousand twen-
 3 ty-five when the maximum benefit amount shall be forty-eight percent of
 4 the average weekly wage, until the first Monday of October, two thousand
 5 twenty-six and each year thereafter on the first Monday of October when
 6 the maximum benefit amount shall be fifty percent of the average weekly
 7 wage provided, however, that in no event shall the maximum benefit
 8 amount be reduced from the previous year. A claimant shall receive his
 9 or her full benefit rate for each week of total unemployment.

10 (c) Any claimant who is partially unemployed throughout a week shall
 11 be paid with respect to such week an amount equal to the claimant's
 12 benefit rate for total unemployment reduced by an amount equal to two-
 13 thirds, rounded to the next lower whole dollar, of the total remunera-
 14 tion, rounded to the lower whole dollar, of any nature payable to the
 15 claimant for services of any kind during such week.

16 (d) Any claimant who is partially unemployed whose employment is
 17 limited to one or two days during any week of unemployment and whose
 18 paid or payable remuneration for such week is equal to or less than the
 19 weekly maximum benefit amount shall be paid:

20 (1) for employment limited to one day, a benefit amount equal to three
 21 quarters of his or her weekly benefit amount, if that amount is greater
 22 than what the claimant would have received had his or her benefit amount
 23 been computed pursuant to paragraph (c) of this subdivision.

24 (2) for employment limited to two days, a benefit amount equal to
 25 fifty percent of his or her weekly benefit amount, if that amount is
 26 greater than what the claimant would have received had his or her bene-
 27 fit amount been computed pursuant to paragraph (c) of this subdivision.

28 6. Notification requirement. [~~No effective day shall be counted for~~
 29 ~~any purposes except effective days as to~~] Benefits shall be payable only
 30 for any week for which notification has been given in a manner
 31 prescribed by the commissioner.

32 7. Waiting period. A claimant shall not be entitled to [~~accumulate~~
 33 ~~effective days for the purpose of~~] receive benefit payments until he or
 34 she has [~~accumulated~~] completed a waiting period of [~~four effective days~~
 35 ~~either wholly within the~~] one week of total unemployment or partial
 36 unemployment in which he or she established [~~his~~] a valid original claim
 37 [~~or partly within such week and partly~~] within his or her benefit year
 38 initiated by such claim.

39 § 7. Subdivision 1, paragraph (a) of subdivision 3 and paragraph (a)
 40 of subdivision 6 of section 591 of the labor law, subdivision 1 as
 41 amended by chapter 413 of the laws of 2003, paragraph (a) of subdivision
 42 3 as amended by chapter 794 of the laws of 1963 and paragraph (a) of
 43 subdivision 6 as added by section 13 of part 0 of chapter 57 of laws of
 44 2013, are amended to read as follows:

45 1. Unemployment. Benefits, except as provided in section five hundred
 46 ninety-one-a of this title, shall be paid only to a claimant who is
 47 totally unemployed or partially unemployed and who is unable to engage
 48 in his or her usual employment or in any other for which he or she is
 49 reasonably fitted by training and experience. A claimant who is receiv-
 50 ing benefits under this article shall not be denied such benefits pursu-
 51 ant to this subdivision or to subdivision two of this section because of
 52 such claimant's service on a grand or petit jury of any state or of the
 53 United States.

54 (a) [~~No benefits shall be~~] Benefits payable to a claimant for any day
 55 during a paid vacation period, or for a paid holiday, [~~nor shall any~~
 56 ~~such day be considered a day of total unemployment under section five~~

1 ~~hundred twenty two~~] shall be calculated as provided in section five
2 hundred twenty-three and subdivision five of section five hundred ninety
3 of this article.

4 (a) No benefits shall be payable to a claimant for any week during a
5 dismissal period for which a claimant receives dismissal pay[, ~~nor shall~~
6 ~~any day within such week be considered a day of total unemployment under~~
7 ~~section five hundred twenty two of this article,~~] if such weekly
8 dismissal pay exceeds the maximum weekly benefit rate.

9 § 8. Subdivision 1 of section 591 of the labor law, as amended by
10 chapter 446 of the laws of 1981, is amended to read as follows:

11 1. Unemployment. Benefits shall be paid only to a claimant who is
12 totally unemployed or partially unemployed and who is unable to engage
13 in his or her usual employment or in any other for which he or she is
14 reasonably fitted by training and experience. A claimant who is receiv-
15 ing benefits under this article shall not be denied such benefits pursu-
16 ant to this subdivision or to subdivision two of this section because of
17 such claimant's service on a grand or petit jury of any state or of the
18 United States.

19 § 9. Subdivision 2 of section 592 of the labor law, as amended by
20 chapter 415 of the laws of 1983, is amended to read as follows:

21 2. Concurrent payments prohibited. No [~~days of total unemployment~~
22 ~~shall be deemed to occur~~] benefits shall be payable in any week with
23 respect to which or a part of which a claimant has received or is seek-
24 ing unemployment benefits under an unemployment compensation law of any
25 other state or of the United States, provided that this provision shall
26 not apply if the appropriate agency of such other state or of the United
27 States finally determines that he or she is not entitled to such unem-
28 ployment benefits.

29 § 10. Paragraph (a) of subdivision 1, the opening paragraph of subdivi-
30 sion 2 and subdivisions 3 and 4 of section 593 of the labor law, para-
31 graph (a) of subdivision 1, the opening paragraph of subdivision 2 and
32 subdivision 3 as amended by section 15 of part 0 of chapter 57 of the
33 laws of 2013 and subdivision 4 as amended by chapter 589 of the laws of
34 1998, are amended to read as follows:

35 (a) No [~~days of total unemployment shall be deemed to occur~~] benefits
36 shall be payable for any week of total unemployment or partial unemploy-
37 ment that occurs after a claimant's voluntary separation without good
38 cause from employment until he or she has subsequently worked in employ-
39 ment and earned remuneration at least equal to ten times his or her
40 weekly benefit rate. In addition to other circumstances that may be
41 found to constitute good cause, including a compelling family reason as
42 set forth in paragraph (b) of this subdivision, voluntary separation
43 from employment shall not in itself disqualify a claimant if circum-
44 stances have developed in the course of such employment that would have
45 justified the claimant in refusing such employment in the first instance
46 under the terms of subdivision two of this section or if the claimant,
47 pursuant to an option provided under a collective bargaining agreement
48 or written employer plan which permits waiver of his or her right to
49 retain the employment when there is a temporary layoff because of lack
50 of work, has elected to be separated for a temporary period and the
51 employer has consented thereto.

52 No [~~days of total unemployment shall be deemed to occur~~] benefits
53 shall be payable for any week of total unemployment or partial unemploy-
54 ment beginning with the day on which a claimant, without good cause,
55 refuses to accept an offer of employment for which he or she is reason-
56 ably fitted by training and experience, including employment not subject

1 to this article, until he or she has subsequently worked in employment
2 and earned remuneration at least equal to ten times his or her weekly
3 benefit rate. Except that claimants who are not subject to a recall date
4 or who do not obtain employment through a union hiring hall and who are
5 still unemployed after receiving ten weeks of benefits shall be required
6 to accept any employment proffered that such claimants are capable of
7 performing, provided that such employment would result in a wage not
8 less than eighty percent of such claimant's high calendar quarter wages
9 received in the base period and not substantially less than the prevail-
10 ing wage for similar work in the locality as provided for in paragraph
11 (d) of this subdivision. No refusal to accept employment shall be deemed
12 without good cause nor shall it disqualify any claimant otherwise eligi-
13 ble to receive benefits if:

14 3. Misconduct. No [~~days of total unemployment shall be deemed to~~
15 ~~occur~~] benefits shall be payable for any week of total unemployment or
16 partial unemployment that occurs after a claimant lost employment
17 through misconduct in connection with his or her employment until he or
18 she has subsequently worked in employment and earned remuneration at
19 least equal to ten times his or her weekly benefit rate.

20 4. Criminal acts. No [~~days of total unemployment shall be deemed to~~
21 ~~occur during~~] benefits shall be payable for any week of total unemploy-
22 ment or partial unemployment for a period of twelve months after a
23 claimant loses employment as a result of an act constituting a felony in
24 connection with such employment, provided the claimant is duly convicted
25 thereof or has signed a statement admitting that he or she has committed
26 such an act. Determinations regarding a benefit claim may be reviewed
27 at any time. Any benefits paid to a claimant prior to a determination
28 that the claimant has lost employment as a result of such act shall not
29 be considered to have been accepted by the claimant in good faith. In
30 addition, remuneration paid to the claimant by the affected employer
31 prior to the claimant's loss of employment due to such criminal act may
32 not be utilized for the purpose of establishing entitlement to a subse-
33 quent, valid original claim. The provisions of this subdivision shall
34 apply even if the employment lost as a result of such act is not the
35 claimant's last employment prior to the filing of his or her claim.

36 § 11. Section 594 of the labor law, as amended by section 16 of part 0
37 of chapter 57 of the laws of 2013, is amended to read as follows:

38 § 594. [~~Reduction and recovery~~] Recovery of benefits and penalties for
39 wilful false statement. (1) A claimant who has wilfully made a false
40 statement or representation to obtain any benefit under the provisions
41 of this article shall [~~forfeit benefits for at least the first four but~~
42 ~~not more than the first eighty effective days following discovery of~~
43 ~~such offense for which he or she otherwise would have been entitled to~~
44 ~~receive benefits. Such penalty shall apply only once with respect to~~
45 ~~each such offense.~~

46 [~~(2) For the purpose of subdivision four of section five hundred ninety~~
47 ~~of this article, the claimant shall be deemed to have received benefits~~
48 ~~for such forfeited effective days.~~

49 [~~(3) The penalty provided in this section shall not be confined to a~~
50 ~~single benefit year but shall no longer apply in whole or in part after~~
51 ~~the expiration of two years from the date of the final determination.~~
52 ~~Such two year period shall be tolled during the time period a claimant~~
53 ~~has an appeal pending~~] be subject to the penalties set forth in this
54 section.

55 [~~(4)~~] (2) A claimant shall refund all moneys received because of such
56 false statement or representation and pay a civil penalty in an amount

1 equal to the greater of one hundred dollars or fifteen percent of the
2 total overpaid benefits determined pursuant to this section. The penal-
3 ties collected hereunder shall be deposited in the fund. The penalties
4 assessed under this subdivision shall apply and be assessed for any
5 benefits paid under federal unemployment and extended unemployment
6 programs administered by the department in the same manner as provided
7 in this article. The penalties in this section shall be in addition to
8 any penalties imposed under this chapter or any state or federal crimi-
9 nal statute. No penalties or interest assessed pursuant to this section
10 may be deducted or withheld from benefits.

11 [~~5~~] (3) (a) Upon a determination based upon a willful false state-
12 ment or representation becoming final through exhaustion of appeal
13 rights or failure to exhaust hearing rights, the commissioner may
14 recover the amount found to be due by commencing a civil action, or by
15 filing with the county clerk of the county where the claimant resides
16 the final determination of the commissioner or the final decision by an
17 administrative law judge, the appeal board, or a court containing the
18 amount found to be due including interest and civil penalty. The commis-
19 sioner may only make such a filing with the county clerk when:

20 (i) The claimant has responded to requests for information prior to a
21 determination and such requests for information notified the claimant of
22 his or her rights to a fair hearing as well as the potential conse-
23 quences of an investigation and final determination under this section
24 including the notice required by subparagraph (iii) of paragraph (b) of
25 this subdivision. Additionally if the claimant requested a fair hearing
26 or appeal subsequent to a determination, that the claimant was present
27 either in person or through electronic means at such hearing, or subse-
28 quent appeal from which a final determination was rendered;

29 (ii) The commissioner has made efforts to collect on such final deter-
30 mination; and

31 (iii) The commissioner has sent a notice, in accordance with paragraph
32 (b) of this subdivision, of intent to docket such final determination by
33 first class or certified mail, return receipt requested, ten days prior
34 to the docketing of such determination.

35 (b) The notice required in subparagraph (iii) of paragraph (a) of this
36 subdivision shall include the following:

37 (i) That the commissioner intends to docket a final determination
38 against such claimant as a judgment;

39 (ii) The total amount to be docketed; and

40 (iii) Conspicuous language that reads as follows: "Once entered, a
41 judgment is good and can be used against you for twenty years, and your
42 money, including a portion of your paycheck and/or bank account, may be
43 taken. Also, a judgment will hurt your credit score and can affect your
44 ability to rent a home, find a job, or take out a loan."

45 § 11-a. Section eleven of this act shall apply to all false statements
46 and representations determined on or after the effective date of this
47 act and all forfeited effective days determined prior to such effective
48 date shall remain in full force and effect for two years from the expi-
49 ration of the initial determination. For purposes of applying such
50 forfeited benefits, four effective days shall be considered one week of
51 forfeited benefits and any remaining amount of less than four days shall
52 not be applied to future benefits.

53 § 12. Subdivisions 1 and 4 of section 596 of the labor law, subdivi-
54 sion 1 as amended by chapter 204 of the laws of 1982 and subdivision 4
55 as added by chapter 705 of the laws of 1944 and as renumbered by section

1 148-a of part B of chapter 436 of the laws of 1997, are amended to read
2 as follows:

3 1. Claim filing and certification to unemployment. A claimant shall
4 file a claim for benefits [~~at~~] with the [~~local state employment office~~
5 ~~servicing the area in which he was last employed or in which he resides~~]
6 department of labor within such time and in such manner as the commis-
7 sioner shall prescribe. He or she shall disclose whether he or she owes
8 child support obligations, as hereafter defined. If a claimant making
9 such disclosure is eligible for benefits, the commissioner shall notify
10 the state or local child support enforcement agency, as hereafter
11 defined, that the claimant is eligible.

12 A claimant shall correctly report any [~~days of~~] employment and any
13 compensation [~~he~~] received for such employment, including [~~employments~~]
14 employment not subject to this article, and the days on which he or she
15 was totally unemployed or partially unemployed and shall make such
16 reports in accordance with such regulations as the commissioner shall
17 prescribe.

18 4. Registration and reporting for work. A claimant shall register as
19 totally unemployed or partially unemployed at a local state employment
20 office serving the area in which he or she was last employed or in which
21 he or she resides in accordance with such regulations as the commis-
22 sioner shall prescribe. After so registering, such claimant shall report for
23 work at the same local state employment office or otherwise give notice
24 of the continuance of his or her unemployment as often and in such
25 manner as the commissioner shall prescribe.

26 § 12-a. Intentionally omitted.

27 § 13. Paragraph (a) of subdivision 2 of section 599 of the labor law,
28 as amended by chapter 593 of the laws of 1991, is amended to read as
29 follows:

30 (a) Notwithstanding any other provision of this chapter, a claimant
31 attending an approved training course or program under this section may
32 receive additional benefits of up to [~~one hundred four effective days~~]
33 twenty-six times his or her weekly benefit amount following exhaustion
34 of regular and, if in effect, any other extended benefits, provided that
35 entitlement to a new benefit claim cannot be established. Certification
36 of continued satisfactory participation and progress in such training
37 course or program must be submitted to the commissioner prior to the
38 payment of any such benefits. The [~~duration~~] amount of such additional
39 benefits shall in no case exceed twice the [~~number of effective days~~]
40 amount of regular benefits to which the claimant is entitled at the time
41 the claimant is accepted in, or demonstrates application for appropriate
42 training.

43 § 14. The opening paragraph and paragraph (e) of subdivision 2 of
44 section 601 of the labor law, as amended by chapter 35 of the laws of
45 2009, are amended to read as follows:

46 Extended benefits shall be payable to a claimant for [~~effective days~~
47 ~~occurring in~~] any week of total unemployment or partial unemployment
48 within an eligibility period, provided the claimant

49 (e) is not claiming benefits pursuant to an interstate claim filed
50 under the interstate benefit payment plan in a state where an extended
51 benefit period is not in effect, except that this condition shall not
52 apply with respect to the first [~~eight effective days~~] two weeks of
53 total unemployment or partial unemployment for which extended benefits
54 shall otherwise be payable pursuant to an interstate claim filed under
55 the interstate benefit payment plan; and

1 § 15. Subdivisions 3 and 4 and paragraphs (b) and (e) of subdivision 5
2 of section 601 of the labor law, as amended by chapter 35 of the laws of
3 2009, are amended to read as follows:

4 3. Extended benefit amounts; rate and duration. Extended benefits
5 shall be paid to a claimant

6 (a) at a rate equal to his or her rate for regular benefits during his
7 or her applicable benefit year but

8 (b) for not more than [~~fifty-two effective days with respect to his or~~
9 ~~her applicable benefit year, with a total maximum amount equal to~~] fifty
10 percentum of the total maximum amount of regular benefits payable in
11 such benefit year, and

12 (c) if a claimant's benefit year ends within an extended benefit peri-
13 od, the remaining balance of extended benefits to which he or she would
14 be entitled, if any, shall be reduced by the [~~number of effective days~~
15 amount of benefits] for which he or she was entitled to receive trade
16 readjustment allowances under the federal trade act of nineteen hundred
17 seventy-four during such benefit year, and

18 (d) for periods of high unemployment for not more than [~~eighty effec-~~
19 ~~tive days with respect to the applicable benefit year with a total maxi-~~
20 ~~mum amount equal to~~] eighty percent of the total maximum amount of regu-
21 lar benefits payable in such benefit year.

22 4. Charging of extended benefits. The provisions of paragraph (e) of
23 subdivision one of section five hundred eighty-one of this article shall
24 apply to benefits paid pursuant to the provisions of this section, and
25 if they were paid for [~~effective days~~] weeks of total unemployment or
26 partial unemployment occurring in weeks following the end of a benefit
27 year, they shall be deemed paid with respect to that benefit year.
28 However, except for governmental entities as defined in section five
29 hundred sixty-five and Indian tribes as defined in section five hundred
30 sixty-six of this article, only one-half of the amount of such benefits
31 shall be debited to the employers' account; the remainder thereof shall
32 be debited to the general account, and such account shall be credited
33 with the amount of payments received in the fund pursuant to the
34 provisions of the federal-state extended unemployment compensation act.
35 Notwithstanding the foregoing, where the state has entered an extended
36 benefit period triggered pursuant to subparagraph one of paragraph (a)
37 of subdivision one of this section for which federal law provides for
38 one hundred percent federal sharing of the costs of benefits, all charg-
39 es shall be debited to the general account and such account shall be
40 credited with the amount of payments received in the fund pursuant to
41 the provisions of the federal-state extended unemployment compensation
42 act or other federal law providing for one hundred percent federal shar-
43 ing for the cost of such benefits.

44 (b) No [~~days of total unemployment shall be deemed to occur in~~] bene-
45 fits shall be payable for any week within an eligibility period during
46 which a claimant fails to accept any offer of suitable work or fails to
47 apply for suitable work to which he or she was referred by the commis-
48 sioner, who shall make such referral if such work is available, or
49 during which he or she fails to engage actively in seeking work by
50 making a systematic and sustained effort to obtain work and providing
51 tangible evidence of such effort, and until he or she has worked in
52 employment during at least four subsequent weeks and earned remuneration
53 of at least four times his or her benefit rate.

54 (e) No [~~days of total unemployment~~] benefits shall be [~~deemed to occur~~
55 ~~in~~] payable for any week within an eligibility period under section five
56 hundred ninety-three of this [~~article~~] title, until he or she has subse-

1 quently worked in employment in accordance with the requirements set
2 forth in section five hundred ninety-three of this [~~article~~] title.

3 § 16. Section 603 of the labor law, as amended by section 21 of part O
4 of chapter 57 of the laws of 2013, is amended to read as follows:

5 § 603. Definitions. For purposes of this title: "Total unemployment"
6 and "partial unemployment" shall [~~mean the total lack of any employment~~
7 ~~on any day,~~] have the same meanings as defined in this article, other
8 than with an employer applying for a shared work program. "Work force"
9 shall mean the total work force, a clearly identifiable unit or units
10 thereof, or a particular shift or shifts. The work force subject to
11 reduction shall consist of no less than two employees.

12 § 17. Severability. If any amendment contained in a clause, sentence,
13 paragraph, section or part of this act shall be adjudged by the United
14 States Department of Labor to violate requirements for maintaining bene-
15 fit standards required of the state in order to be eligible for any
16 financial benefit offered through federal law or regulation, such amend-
17 ments shall be severed from this act and shall not affect, impair or
18 invalidate the remainder thereof.

19 § 18. This act shall take effect on the ninetieth day after the
20 commissioner of labor certifies that the department of labor has an
21 information technology system capable of accommodating the provisions in
22 this act; provided that the commissioner of labor shall notify the
23 legislative bill drafting commission of the date of such certification
24 in order that the commission may maintain an accurate and timely effec-
25 tive database of the official text of the laws of the state of New York
26 in furtherance of effecting the provisions of section 44 of the legisla-
27 tive law and section 70-b of the public officers law. Effective imme-
28 diately, the addition, amendment and/or repeal of any rule or regulation
29 necessary for the implementation of this act on its effective date are
30 authorized to be made and completed on or before such effective date.
31 Provided further that the amendments to subdivision 1 of section 591 of
32 the labor law made by section seven of this act shall be subject to the
33 expiration and reversion of such subdivision pursuant to section 10 of
34 chapter 413 of the laws of 2003, when upon such date the provisions of
35 section eight of this act shall take effect.

36 PART Q

37 Section 1. Subdivision 1 of section 296 of the executive law is
38 amended by adding a new paragraph (h) to read as follows:

39 (h) For an employer or employment agency in writing or otherwise, to
40 rely on, or inquire about, the salary history information of an appli-
41 cant for employment as a factor in determining whether to offer employ-
42 ment to an applicant or what salary to offer an applicant. Nothing in
43 this subdivision shall prevent an applicant from voluntarily and without
44 prompting disclosing salary history information to a prospective employ-
45 er. If an applicant volunteers salary history information, nothing shall
46 prohibit that employer from considering or relying on that information.
47 Nothing in this subdivision shall prohibit an employer, without inquir-
48 ing about salary history, from engaging in discussion with the applicant
49 about their expectations with respect to salary, benefits, and other
50 compensation. This paragraph shall not apply to any actions taken by an
51 employer, employment agency, or employee or agent thereof pursuant to
52 any federal, state, or local law that specifically authorizes the
53 disclosure or verification of salary history information for employment
54 purposes, or specifically requires knowledge of salary history informa-

1 tion to determine an employee's compensation. The provisions of this
 2 paragraph shall not be construed to preempt or supersede any local law,
 3 the provisions of which are no less stringent or restrictive than the
 4 provisions of this paragraph.

5 § 2. The section heading and subdivision 1 of section 194 of the labor
 6 law, the section heading as added by chapter 548 of the laws of 1966 and
 7 subdivision 1 as amended by chapter 362 of the laws of 2015, are amended
 8 to read as follows:

9 Differential in rate of pay because of [~~sex~~] protected class status
 10 prohibited. 1. No employee who is a member of a protected class shall be
 11 paid a wage at a rate less than the rate at which an employee [~~of the~~
 12 ~~opposite sex~~] who is not a member of the protected class in the same
 13 establishment is paid for [~~equal work on a job the performance of which~~
 14 ~~requires equal skill, effort and responsibility, and which is performed~~
 15 ~~under similar working conditions~~] substantially similar work, when
 16 viewed as a composite of skill, effort, and responsibility, and
 17 performed under similar working conditions, except where payment is made
 18 pursuant to a differential based on:

19 a. a seniority system;
 20 b. a merit system;
 21 c. a system which measures earnings by quantity or quality of
 22 production; or
 23 d. a bona fide factor other than [~~sex~~] the protected class status,
 24 such as education, training, or experience. Such factor: (i) shall not
 25 be based upon [~~or derived from~~] a [~~sex-based~~] differential in compen-
 26 sation that was originally derived from a protected class status and
 27 (ii) shall be job-related with respect to the position in question and
 28 shall be consistent with business necessity. Such exception under this
 29 paragraph shall not apply when the employee demonstrates (A) that an
 30 employer uses a particular employment practice that causes a disparate
 31 impact on the basis of [~~sex~~] protected class status, (B) that an alter-
 32 native employment practice exists that would serve the same business
 33 purpose and not produce such differential, and (C) that the employer has
 34 refused to adopt such alternative practice.

35 § 3. This act shall take effect on the one hundred eightieth day after
 36 it shall have become a law.

37 PART R

38 Intentionally Omitted

39 PART S

40 Section 1. Section 292 of the executive law is amended by adding a new
 41 subdivision 35 to read as follows:

42 35. The term "educational institution" shall mean:

43 (a) any education corporation or association which holds itself out to
 44 the public to be non-sectarian and exempt from taxation pursuant to the
 45 provisions of article four of the real property tax law; or

46 (b) any public school, including any school district, board of cooper-
 47 ative education services, public college or public university.

48 § 2. Subdivision 4 of section 296 of the executive law, as amended by
 49 chapter 106 of the laws of 2003, is amended to read as follows:

50 4. It shall be an unlawful discriminatory practice for an [~~education~~
 51 ~~corporation or association which holds itself out to the public to be~~
 52 ~~non-sectarian and exempt from taxation pursuant to the provisions of~~

1 ~~article four of the real property tax law~~] educational institution to
2 deny the use of its facilities to any person otherwise qualified, or to
3 permit the harassment of any student or applicant, by reason of his
4 race, color, religion, disability, national origin, sexual orientation,
5 military status, sex, age or marital status, except that any such insti-
6 tution which establishes or maintains a policy of educating persons of
7 one sex exclusively may admit students of only one sex.

8 § 3. This act shall take effect immediately.

9 PART T

10 Intentionally Omitted

11 PART U

12 Intentionally Omitted

13 PART V

14 Intentionally Omitted

15 PART W

16 Section 1. This act shall be known and may be cited as the "pension
17 poaching prevention act".

18 § 2. Legislative findings and intent. Nationally, veterans and their
19 family members are often subject to a practice commonly called pension
20 poaching. This troubling practice, as described in recent reports from
21 the Federal Trade Commission, the Federal Government Accountability
22 Office, the United States Department of Veterans Affairs, and several
23 other entities, generally target elderly or disabled veterans and their
24 family members. Pension poaching involves dishonest financial planners,
25 insurance agents, and other professionals luring veterans and their
26 family members to pay substantial funds for veterans' benefits services
27 that the offering entity is unqualified to provide and that can detri-
28 mentally impact the future financial situations of the veteran and his
29 or her dependents.

30 Entities engaging in pension poaching tend to use high-pressure sales
31 tactics directed toward potential customers, falsely guaranteeing bene-
32 fits for veterans and their families even when the advertising entity
33 lacks the federal accreditation required by law to file such claims and
34 appeals for federal veterans' benefits. Often, they persuade veterans
35 and their family members to abruptly move most or all of their assets to
36 potentially qualify for certain federal veterans benefits, frequently
37 causing veterans and their family members to unwittingly lose control
38 over their assets and adversely affecting the ability of veterans and
39 their families to qualify for Medicaid and other important benefits in
40 the future. These entities frequently charge extremely high fees for
41 these services, even in matters where federal law expressly prohibits
42 such fees.

43 Through this legislation, the legislature intends to restrain this
44 harmful and deceptive practice within New York State, providing neces-
45 sary protections to the men and women of this state who courageously
46 served in our nation's armed forces.

47 § 3. The general business law is amended by adding a new section 349-f
48 to read as follows:

1 § 349-f. Pension poaching prevention. 1. For purposes of this section:

2 (a) The term "veterans' benefits matter" means the preparation, pres-
3 entation, or prosecution of any claim affecting any person who has filed
4 or expressed an intent to file a claim for any benefit, program,
5 service, commodity, function, or status, entitlement which is determined
6 under the laws and regulations administered by the United States depart-
7 ment of veterans affairs or the New York state division of veterans'
8 affairs pertaining to veterans, their dependents, their survivors, and
9 any other party eligible for such benefits.

10 (b) The term "compensation" means money, property, or anything else of
11 value.

12 (c) The term "entity" includes, but is not limited to, any natural
13 person, corporation, trust, partnership, alliance, or unincorporated
14 association.

15 2. (a) No entity shall receive compensation for advising or assisting
16 any party with any veterans' benefits matter, except as permitted under
17 title 38 of the United States code and the corresponding provisions
18 within title 38 of the United States code of federal regulations.

19 (b) No entity shall receive compensation for referring any party to
20 another individual to advise or assist this party with any veterans'
21 benefits matter.

22 (c) Any entity seeking to receive compensation for advising or assist-
23 ing any party with any veterans' benefits matter shall, before rendering
24 any services, memorialize all terms regarding the party's payment of
25 fees for services rendered in a written agreement, signed by both
26 parties, that adheres to all criteria specified within title 38, section
27 14.636, of the United States code of federal regulations.

28 (d) No entity shall receive any fees for any services rendered before
29 the date on which a notice of disagreement is filed with respect to the
30 party's case.

31 (e) No entity shall guarantee, either directly or by implication, that
32 any party is certain to receive specific veterans' benefits or that any
33 party is certain to receive a specific level, percentage, or amount of
34 veterans' benefits.

35 (f) No entity shall receive excessive or unreasonable fees as compen-
36 sation for advising or assisting any party with any veterans' benefits
37 matter. The factors articulated within title 38, section 14.636 of the
38 code of federal regulations shall govern determinations of whether a fee
39 is excessive or unreasonable.

40 3. (a) No entity shall advise or assist for compensation any party
41 with any veterans' benefits matter without clearly providing, at the
42 outset of this business relationship, the following disclosure, both
43 orally and in writing: "this business is not sponsored by, or affiliated
44 with, the United States department of veterans affairs, the New York
45 state division of veterans' affairs, or any other congressionally char-
46 tered veterans service organization. Other organizations, including but
47 not limited to the New York state division of veterans' affairs, your
48 local county veterans service agency, and other congressionally char-
49 tered veterans service organizations, may be able to provide you with
50 this service free of charge. Products or services offered by this busi-
51 ness are not necessarily endorsed by any of these organizations. You
52 may qualify for other veterans' benefits beyond the benefits for which
53 you are receiving services here." The written disclosure must appear in
54 at least twelve-point font and must appear in a readily noticeable and
55 identifiable place in the entity's agreement with the party seeking
56 services. The party must verbally acknowledge understanding of the oral

1 disclosure and must provide his or her signature to represent under-
 2 standing of these provisions on the document in which the written
 3 disclosure appears. The entity offering services must retain a copy of
 4 the written disclosure while providing veterans' benefits services for
 5 compensation to the party and for at least one year after the date on
 6 which this service relationship terminates.

7 (b) No entity shall advertise for-compensation services in veterans
 8 benefits matters without including the following disclosure: "this busi-
 9 ness is not sponsored by, or affiliated with, the United States depart-
 10 ment of veterans affairs, the New York state division of veterans'
 11 affairs, or any other congressionally chartered veterans service organ-
 12 ization. Other organizations, including but not limited to the New York
 13 state division of veterans' affairs, your local county veterans service
 14 agency, and other congressionally chartered veterans service organiza-
 15 tions, may be able to provide you with these services free of charge.
 16 Products or services offered by this business are not necessarily
 17 endorsed by any of these organizations. You may qualify for other veter-
 18 ans' benefits beyond the services that this business offers." If the
 19 advertisement is printed, including but not limited to advertisements
 20 visible to internet users, the disclosure must appear in a readily visi-
 21 ble place on the advertisement. If the advertisement is verbal, the
 22 spoken statement of the disclosure must be clear and intelligible.

23 4. (a) Any violation of this section shall constitute a deceptive act
 24 in the conduct of business, trade, or commerce, and shall be subject to
 25 the provisions of section three hundred forty nine of this article,
 26 including any right of action and corresponding penalties described
 27 within such section.

28 (b) If an entity's violation of this section concerns a party who is
 29 sixty-five years of age or older, said entity may be liable for supple-
 30 mental civil penalties as established within, and subject of the terms
 31 of, section three hundred forty-nine-c of this article.

32 5. If any provision of this section or its application to any person
 33 or circumstance is ever held invalid, the remainder of this act or the
 34 application of its provisions to other persons or circumstances shall
 35 remain unaffected.

36 § 4. This act shall take effect on the one hundred twentieth day after
 37 it shall have become a law.

38 PART X

39 Section 1. Subdivision 21-f of section 292 of the executive law, as
 40 added by chapter 369 of the laws of 2015, is amended to read as follows:

41 21-f. The term "pregnancy-related condition" means a medical condition
 42 related to pregnancy or childbirth that inhibits the exercise of a
 43 normal bodily function or is demonstrable by medically accepted clinical
 44 or laboratory diagnostic techniques, including but not limited to lacta-
 45 tion; provided, however, that in all provisions of this article dealing
 46 with employment, the term shall be limited to conditions which, upon the
 47 provision of reasonable accommodations, do not prevent the complainant
 48 from performing in a reasonable manner the activities involved in the
 49 job or occupation sought or held; and provided further, however, that
 50 pregnancy-related conditions shall be treated as temporary disabilities
 51 for the purposes of this article.

52 § 2. This act shall take effect immediately.

53 PART Y

1 Intentionally Omitted

2 PART Z

3 Intentionally Omitted

4 PART AA

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

8 Each agency designated as a participating agency under the provisions
9 of this section shall implement and administer a program of distribution
10 of voter registration forms pursuant to the provisions of this section.
11 The following offices which provide public assistance and/or provide
12 state funded programs primarily engaged in providing services to persons
13 with disabilities are hereby designated as voter registration agencies:
14 designated as the state agencies which provide public assistance are the
15 office of children and family services, the office of temporary and
16 disability assistance and the department of health. Also designated as
17 public assistance agencies are all agencies of local government that
18 provide such assistance. Designated as state agencies that provide
19 programs primarily engaged in providing services to people with disabil-
20 ities are the department of labor, office for the aging, division of
21 veterans' [~~affaires~~] services, office of mental health, office of voca-
22 tional and educational services for individuals with disabilities,
23 commission on quality of care for the mentally disabled, office of
24 mental retardation and developmental disabilities, commission for the
25 blind, office of alcoholism and substance abuse services, the office of
26 the advocate for the disabled and all offices which administer programs
27 established or funded by such agencies. Additional state agencies desig-
28 nated as voter registration offices are the department of state and the
29 division of workers' compensation. Such agencies shall be required to
30 offer voter registration forms to persons upon initial application for
31 services, renewal or recertification for services and change of address
32 relating to such services. Such agencies shall also be responsible for
33 providing assistance to applicants in completing voter registration
34 forms, receiving and transmitting the completed application form from
35 all applicants who wish to have such form transmitted to the appropriate
36 board of elections. The state board of elections shall, together with
37 representatives of the department of defense, develop and implement
38 procedures for including recruitment offices of the armed forces of the
39 United States as voter registration offices when such offices are so
40 designated by federal law. The state board shall also make request of
41 the United States Immigration and Naturalization Service to include
42 applications for registration by mail with any materials which are given
43 to new citizens. All institutions of the state university of New York
44 and the city university of New York, shall, at the beginning of the
45 school year, and again in January of a year in which the president of
46 the United States is to be elected, provide an application for registra-
47 tion to each student in each such institution. The state board of
48 elections may, by regulation, grant a waiver from any or all of the
49 requirements of this section to any office or program of an agency, if
50 it determines that it is not feasible for such office or program to
51 administer such requirement.

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

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

5 § 2-a. Paragraph (e) of subdivision 1 of section 169 of the executive
6 law, as amended by section 9 of part A of chapter 60 of the laws of
7 2012, is amended to read as follows:

8 (e) chairman of state athletic commission, director of the office of
9 victim services, chairman of human rights appeal board, chairman of the
10 industrial board of appeals, chairman of the state commission of
11 correction, members of the board of parole, member-chairman of unemploy-
12 ment insurance appeal board, director of veterans' [~~affaires~~] services,
13 and vice-chairman of the workers' compensation board;

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

16 1. There is hereby established within the division of military and
17 naval affairs a temporary advisory committee on the restoration and
18 display of New York state's military battle flags (hereinafter referred
19 to as the "committee"). The committee shall have thirteen members as
20 follows: the adjutant general, the director of the New York state mili-
21 tary heritage museum, the commissioners of education and parks, recre-
22 ation and historic preservation and the director of the division of
23 veterans' [~~affaires~~] services, or their designated representatives, two
24 members appointed each by the governor, speaker of the assembly and
25 majority leader of the senate and one member each appointed by the
26 minority leaders of the senate and assembly and shall serve at the plea-
27 sure of the appointing authority. Appointed members shall include indi-
28 viduals with experience in restoration of historical memorabilia, exper-
29 tise in military history, or a background in historical restoration or
30 fine arts conservation. No appointed member shall be a member of the
31 executive, legislative or judicial branch of the state government at the
32 time of his/her appointment. The advisory committee shall meet at least
33 four times a year. No members shall receive any compensation, but
34 members who are not state officials may receive actual and necessary
35 expenses incurred in the performance of their duties.

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

38 VETERANS' [~~AFFAIRS~~] SERVICES

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

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

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

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

46 § 351. Division of veterans' [~~affaires~~] services. There is hereby
47 created in the executive department a division of veterans' [~~affaires~~]
48 services. The head of such division shall be the New York state direc-
49 tor of veterans' [~~affaires~~] services who shall be a veteran. He shall be
50 appointed by the governor and shall hold office during his pleasure.
51 Such state director shall receive an annual salary to be fixed by the
52 governor within the limitation provided by law. He shall also be enti-
53 tled to receive his expenses actually and necessarily incurred by him in
54 the performance of his duties. The state director, with the approval of
55 the governor, may establish such bureaus within the division as are
56 necessary and appropriate to carrying out its functions and may consol-

1 idate or abolish such bureaus. The state director may appoint such offi-
2 cers, consultants, clerks and other employees and agents as he may deem
3 necessary, fix their compensation within the limitation provided by law,
4 and prescribe their duties.

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

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

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

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

18 § 354-a. Information on status of veterans receiving assistance.
19 Departments, divisions, bureaus, boards, commissions and agencies of the
20 state and political subdivisions thereof, which provide assistance,
21 treatment, counseling, care, supervision or custody in service areas
22 involving health, mental health, family services, criminal justice or
23 employment, including but not limited to the office of alcoholism and
24 substance abuse services, office of mental health, office of probation
25 and correctional alternatives, office of children and family services,
26 office of temporary and disability assistance, department of health,
27 department of labor, local workforce investment boards, office for
28 people with developmental disabilities, and department of corrections
29 and community supervision, shall request assisted persons to provide
30 information with regard to their veteran status and military experi-
31 ences. Individuals identifying themselves as veterans shall be advised
32 that the division of veterans' [~~affaires~~] services and local veterans'
33 service agencies established pursuant to section three hundred fifty-
34 seven of this article provide assistance to veterans regarding benefits
35 under federal and state law. Information regarding veterans status and
36 military service provided by assisted persons solely to implement this
37 section shall be protected as personal confidential information under
38 article six-A of the public officers law against disclosure of confiden-
39 tial material, and used only to assist in the diagnosis, treatment,
40 assessment and handling of the veteran's problems within the agency
41 requesting such information and in referring the veteran to the division
42 of veterans' [~~affaires~~] services for information and assistance with
43 regard to benefits and entitlements under federal and state law.

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

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

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

51 § 362. Creation of annuity. 1. Payment to veterans. a. Any veteran as
52 defined in this article who has been or is hereafter classified by the
53 New York State commission for the visually handicapped as a blind person
54 as defined in section three of chapter four hundred fifteen of the laws
55 of nineteen hundred thirteen, as amended, and continues to be a blind
56 person within the meaning of that section, shall, upon application to

1 the director of the division of veterans' [~~affaires~~] **services**, be paid
2 out of the treasury of the state for such term as such veteran shall be
3 entitled thereto under the provisions of this article, the sum of one
4 thousand dollars annually, plus any applicable annual adjustment, as
5 provided in this section.

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

12 c. The effective date of an award of the annuity to a veteran shall be
13 the date of receipt of the application therefor by the director of
14 veterans' [~~affaires~~] **services**, except that if the application is denied
15 but is granted at a later date upon an application for reconsideration
16 based upon new evidence, the effective date of the award of the annuity
17 to a veteran shall be the date of receipt of the application for recon-
18 sideration by the director of veterans' [~~affaires~~] **services**.

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

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

35 c. The effective date of an award of the annuity to a widow or widower
36 shall be the day after the date of death of the veteran if the applica-
37 tion therefor is received within one year from such date of death. If
38 the application is received after the expiration of the first year
39 following the date of the death of the veteran, the effective date of an
40 award of the annuity to a widow or widower shall be the date of receipt
41 of the application by the director of veterans' [~~affaires~~] **services**. If
42 an application is denied but is granted at a later date upon an applica-
43 tion for reconsideration based upon new evidence, the effective date of
44 the award of the annuity to a widow or widower shall be the date of
45 receipt of the application for reconsideration by the director of veter-
46 ans' [~~affaires~~] **services**.

47 3. Annual adjustment. Commencing in the year two thousand five, and
48 for each year thereafter, the amount of any annuity payable under this
49 section shall be the same amount as the annuity payable in the preceding
50 year plus a percentage adjustment equal to the annual percentage
51 increase, if any, for compensation and pension benefits administered by
52 the United States Department of Veterans' Affairs in the previous year.
53 Such percentage increase shall be rounded up to the next highest one-
54 tenth of one percent and shall not be less than one percent nor more
55 than four percent. Commencing in the year two thousand five, the direc-
56 tor of veterans' [~~affaires~~] **services**, not later than February first of

1 each year, shall publish by any reasonable means the amount of the annu-
2 ity as adjusted payable under this section.

3 § 10-a. Subdivisions 1 and 2 of section 363 of the executive law,
4 subdivision 1 as added by chapter 424 of the laws of 1961, and subdivi-
5 sion 2 as amended by chapter 1052 of the laws of 1971, are amended to
6 read as follows:

7 1. The evidence of such service, blindness, residence and domicile, or
8 of such marriage, widowhood, residence and domicile in each case shall
9 be furnished in the manner and form prescribed by the director of veter-
10 ans' [affairs] services who shall examine the same.

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

24 § 10-b. Subdivisions 3 and 5 of section 364 of the executive law,
25 subdivision 3 as added by chapter 424 of the laws of 1961, and subdivi-
26 sion 5 as amended by chapter 115 of the laws of 1981, are amended to
27 read as follows:

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

33 5. Where payment of the annuity as hereinbefore authorized is to be
34 made to a mentally incompetent person or a conservatee, such payment may
35 be authorized by the director of veterans' [affairs] services of the
36 state to be paid only to a duly qualified court-appointed committee or
37 conservator, legally vested with the care of such incompetent's person
38 or property or of such conservatee's property, except that in the case
39 of an incompetent annuitant for whom a committee has not been appointed
40 or a person under a substantial impairment [~~within the meaning of the~~
41 ~~conservatorship provisions of article seventy seven of the mental~~
42 ~~hygiene law~~] for whom a conservator has not been appointed and who is
43 hospitalized in a United States veterans' administration hospital or in
44 a hospital under the jurisdiction of the state of New York, the director
45 of veterans' [affairs] services of the state may in his discretion
46 certify payment of the annuity, as hereinbefore authorized, to the
47 manager of such veterans' administration hospital or to the director of
48 such state hospital for the account of the said incompetent or substan-
49 tially impaired annuitant.

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

1 The legislature additionally finds and determines that it is therefore
2 necessary to provide for the construction and establishment of one or
3 more New York state veterans cemeteries, and that to thereafter, provide
4 for the expansion, improvement, support, operation, maintenance and the
5 provision of perpetual care of all such cemeteries so constructed and
6 established. The legislature also finds and determines that it is appro-
7 priate to have the responsibility for the construction, establishment,
8 expansion, improvement, support, operation, maintenance and the
9 provision of perpetual care for veterans cemeteries in this state, to be
10 under the oversight and direction of the state division of veterans
11 [~~affaires~~] services, and its director, individually, and as chair of the
12 management board, for each such veterans cemetery so constructed and
13 established.

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

20 Prior to the commencement of the investigation and study pursuant to
21 paragraph (a) of this subdivision, the director of the division of
22 veterans' [~~affaires~~] services, the director of the division of the budg-
23 et, the director of the department of state's division of cemeteries,
24 and the office of the state comptroller must certify to the governor,
25 the temporary president of the senate, the speaker of the assembly, the
26 chair of the senate finance committee and the chair of the assembly ways
27 and means committee that the veterans remembrance and cemetery mainte-
28 nance and operation fund, created pursuant to section ninety-seven-mmmmm
29 of the state finance law, contains moneys sufficient, adjusted to
30 reflect projected future inflation, to fund the operation, maintenance
31 and the provision of perpetual care of a state veterans' cemetery for a
32 period of not less than fifteen years, provided that such amount shall
33 not include any amount that shall be reimbursed or contributed to the
34 cemetery from the government of the United States or any amount that
35 would be recoverable by the cemetery pursuant to a charge of fee for the
36 provision of a grave site for a non-veteran spouse or family member. In
37 making such a certification, the director of the division of veterans'
38 [~~affaires~~] services, the director of the division of the budget, the
39 director of the department of state's division of cemeteries, and the
40 office of the state comptroller shall consider, but are not limited to,
41 the following factors:

42 (g) Nothing in this section shall be construed to authorize the divi-
43 sion of veterans' [~~affaires~~] services to commence an investigation and
44 study pursuant to paragraph (a) of this subdivision, issuing a request
45 for proposals pursuant to paragraph (c) of this subdivision, selecting a
46 site for the first New York state [~~veterans~~] veterans' cemetery pursuant
47 to paragraph (d) of this subdivision, or submitting any application for
48 funding from the government of the United States in accordance with the
49 grant requirements specified in section 2408 of title 38 of the United
50 States code, part 30 of title 38 of the code of federal regulations, and
51 other relevant federal statutes or regulations, for the purpose of seek-
52 ing funds to support the construction, establishment, expansion,
53 improvement, support, operation, maintenance and the provision of
54 perpetual care of New York state's first [~~veterans~~] veterans' cemetery
55 pursuant to paragraph (e) of this subdivision until the funds in the

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

47 1. This section shall apply to all persons employed by the state in
48 the ward, cottage, colony, kitchen and dining room, and guard service
49 personnel in any hospital, school, prison, reformatory or other institu-
50 tion within or subject to the jurisdiction, supervision, control or
51 visitation of the department of corrections and community supervision,
52 the department of health, the department of mental hygiene, the depart-
53 ment of social welfare or the division of veterans' ~~[affaires]~~ services
54 in the executive department, and engaged in the performance of such
55 duties as nursing, guarding or attending the inmates, patients, wards or
56 other persons kept or housed in such institutions, or in protecting and

1 guarding the buildings and/or grounds thereof, or in preparing or serv-
2 ing food therein.

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

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

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

24 3. Any person who is a patient at any facility in this state main-
25 tained by the United States Veterans' Administration or at any hospital
26 or sanitorium for treatment of tuberculosis maintained by the state or
27 any municipal corporation thereof or resident patient at any institution
28 of the department of Mental Hygiene, or resident patient at the rehabil-
29 itation hospital of the department of Health, or at any rest camp main-
30 tained by the state through the Division of Veterans' [~~Affaires~~] **Services**
31 in the Executive Department or any inmate of a conservation work camp
32 within the youth rehabilitation facility of the department of
33 corrections and community supervision, or any inmate of a youth opportu-
34 nity or youth rehabilitation center within the Office of Children and
35 Family Services, any resident of a nursing home or residential health
36 care facility as defined in subdivisions two and three of section twen-
37 ty-eight hundred one of the public health law, or any staff member or
38 volunteer accompanying or assisting one or more residents of such nurs-
39 ing home or residential health care facility on an outing authorized by
40 the administrator of such nursing home or residential health care facil-
41 ity may take fish as if he held a fishing license, except that he may
42 not take bait fish by net or trap, if he has on his person an authori-
43 zation upon a form furnished by the department containing such identify-
44 ing information and data as may be required by it, and signed by the
45 superintendent or other head of such facility, institution, hospital,
46 sanitarium, nursing home, residential health care facility or rest camp,
47 as the case may be, or by a staff physician thereat duly authorized so
48 to do by the superintendent or other head thereof. Such authorization
49 with respect to inmates of said conservation work camps shall be limited
50 to areas under the care, custody and control of the department.

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

54 5. The staff of a general hospital shall: (a) inquire whether or not
55 the person admitted has served in the United States armed forces. Such
56 information shall be listed on the admissions form; (b) notify any

1 admittee who is a veteran of the possible availability of services at a
2 hospital operated by the veterans administration, and, upon request by
3 the admittee, such staff shall make arrangements for the individual's
4 transfer to a veterans administration operated hospital, provided,
5 however, that transfers shall be authorized only after it has been
6 determined, according to accepted clinical and medical standards, that
7 the patient's condition has stabilized and transfer can be accomplished
8 safely and without complication; and (c) provide any admittee who has
9 served in the United States armed forces with a copy of the "Information
10 for Veterans concerning Health Care Options" fact sheet, maintained by
11 the division of veterans' ~~[affaires]~~ services pursuant to subdivision
12 twenty-three of section three hundred fifty-three of the executive law
13 prior to discharging or transferring the patient. The commissioner shall
14 promulgate rules and regulations for notifying such admittees of possi-
15 ble available services and for arranging a requested transfer.

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

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

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

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

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

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

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

49 § 25. Section 99-v of the general municipal law, as added by chapter
50 16 of the laws of 2011, is amended to read as follows:

51 § 99-v. Veterans ~~[affaires]~~ services; display of events. Each county,
52 city, town or village may adopt a local law to provide a bulletin board
53 to be conspicuously displayed in such county, city, town or village
54 building holding its local legislative body or municipal offices. Such
55 bulletin board shall be used by veterans organizations, the New York
56 state division of veterans' ~~[affaires]~~ services, the county veterans

1 service agency or city veterans service agency to display information
2 regarding veterans in such county, city, town or village. Such informa-
3 tion may include, but not be limited to, benefits or upcoming veterans
4 related events in the community.

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

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

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

30 3. No fee shall be charged for any certificate when required by the
31 veterans administration or by the division of veterans' ~~affaires~~
32 services of the state of New York to be used in determining the eligi-
33 bility of any person to participate in the benefits made available by
34 the veterans administration or by the state of New York.

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

38 1. Each town and city clerk hereby empowered to issue marriage
39 licenses shall keep a book supplied by the state department of health in
40 which such clerk shall record and index such information as is required
41 therein, which book shall be kept and preserved as a part of the public
42 records of his office. Whenever an application is made for a search of
43 such records the city or town clerk, excepting the city clerk of the
44 city of New York, may make such search and furnish a certificate of the
45 result to the applicant upon the payment of a fee of five dollars for a
46 search of one year and a further fee of one dollar for the second year
47 for which such search is requested and fifty cents for each additional
48 year thereafter, which fees shall be paid in advance of such search.
49 Whenever an application is made for a search of such records in the city
50 of New York, the city clerk of the city of New York may make such search
51 and furnish a certificate of the result to the applicant upon the
52 payment of a fee of five dollars for a search of one year and a further
53 fee of one dollar for the second year for which search is requested and
54 fifty cents each additional year thereafter. Notwithstanding any other
55 provision of this article, no fee shall be charged for any search or
56 certificate when required by the veterans administration or by the divi-

1 sion of veterans' [~~affaires~~] services of the state of New York to be used
2 in determining the eligibility of any person to participate in the bene-
3 fits made available by the veterans administration or by the state of
4 New York. All such affidavits, statements and consents, immediately upon
5 the taking or receiving of the same by the town or city clerk, shall be
6 recorded and indexed as provided herein and shall be public records and
7 open to public inspection whenever the same may be necessary or required
8 for judicial or other proper purposes. At such times as the commissioner
9 shall direct, the said town or city clerk, excepting the city clerk of
10 the city of New York, shall file in the office of the state department
11 of health the original of each affidavit, statement, consent, order of a
12 justice or judge authorizing immediate solemnization of marriage,
13 license and certificate, filed with or made before such clerk during the
14 preceding month. Such clerk shall not be required to file any of said
15 documents with the state department of health until the license is
16 returned with the certificate showing that the marriage to which they
17 refer has been actually performed.

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

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

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

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

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

1 military programs which have previously been deemed acceptable by the
2 department as equivalent education and training, programs which may
3 provide, where applicable, equivalent education and training for those
4 professions which are critical to public health and safety and programs
5 which may provide, where applicable, equivalent education and training
6 for those professions for which shortages exist in the state of New
7 York.

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

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

18 § 31-a. Subdivision (i) of section 19.07 of the mental hygiene law, as
19 added by chapter 358 of the laws of 2013, is amended to read as follows:

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

32 § 31-b. Subdivision 15 of section 202 of the elder law, as amended by
33 chapter 455 of the laws of 2016, is amended to read as follows:

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

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

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

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

54 (g) Every corporation receiving any kind of state funding shall ensure
55 the provision on any form required to be completed at application or
56 recertification for the purpose of obtaining financial assistance pursu-

1 ant to this chapter, that the application form shall contain a check-off
2 question asking whether the applicant or recipient or a member of his or
3 her family served in the United States military, and an option to answer
4 in the affirmative. Where the applicant or recipient answers in the
5 affirmative to such question, the not-for-profit corporation shall
6 ensure that contact information for the state division of veterans'
7 [~~affaires~~] services is provided to such applicant or recipient in addi-
8 tion to any other materials provided.

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

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

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

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

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

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

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

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

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

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

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

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

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

47 a. Except as otherwise provided by law, the commissioner shall have
48 such powers as provided by the director of the state veterans' service
49 agency and shall have the duty to inform military and naval authorities
50 of the United States and assist members of the armed forces and veter-
51 ans, who are residents of the city, and their families, in relation to:
52 (1) matters pertaining to educational training and retraining services
53 and facilities, (2) health, medical and rehabilitation service and
54 facilities, (3) provisions of federal, state and local laws and regu-
55 lations affording special rights and privileges to members of the armed
56 forces and veterans and their families, (4) employment and re-employment

1 services, and (5) other matters of similar, related or appropriate
2 nature. The commissioner shall also assist families of members of the
3 reserve components of the armed forces and the organized militia ordered
4 into active duty to ensure that they are made aware of and are receiving
5 all appropriate support available to them. The department also shall
6 perform such other duties as may be assigned by the state director of
7 the division of veterans' ~~[affaires]~~ services.

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

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

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

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

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

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

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

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

18

PART BB

19 Section 1. Subitem (c) of item 1 of clause (A) of subparagraph (i) of
20 paragraph a of subdivision 3 of section 667 of the education law, as
21 amended by section 1 of part U of chapter 56 of the laws of 2014, is
22 amended to read as follows:

23 (c) For students first receiving aid in two thousand--two thousand one
24 and thereafter, five thousand [~~dollars, except starting in two thousand~~
25 ~~fourteen two thousand fifteen and thereafter such students shall receive~~
26 ~~five thousand one~~] three hundred [~~sixty-five~~] ten dollars; or

27 § 2. Section 689-a of the education law, as added by chapter 260 of
28 the laws of 2011, is amended to read as follows:

29 § 689-a. Tuition credits. 1. The New York state higher education
30 services corporation shall calculate a tuition credit for each resident
31 undergraduate student who has filed an application with such corporation
32 for a tuition assistance program award pursuant to section six hundred
33 sixty-seven of this article, and is determined to be eligible to receive
34 such award, and is also enrolled in a program of undergraduate study at
35 a state operated or senior college of the state university of New York
36 or the city university of New York where the annual resident undergradu-
37 ate tuition rate will exceed five thousand three hundred ten dollars.
38 Such tuition credit shall be calculated for each semester, quarter or
39 term of study that tuition is charged and tuition for the corresponding
40 semester, quarter or term shall not be due for any student eligible to
41 receive such tuition credit until such credit is calculated, the student
42 and school where the student is enrolled is notified of the tuition
43 credit amount, and such tuition credit is applied toward the tuition
44 charged.

45 2. Each tuition credit pursuant to this section shall be an amount
46 equal to the product of the total annual resident undergraduate tuition
47 rate minus five thousand three hundred ten dollars then multiplied by an
48 amount equal to the product of the total annual award for the student
49 pursuant to section six hundred sixty-seven of this article divided by
50 an amount equal to the maximum amount the student qualifies to receive
51 pursuant to clause (A) of subparagraph (i) of paragraph a of subdivision
52 three of section six hundred sixty-seven of this article.

1 § 3. Clause (D) of subparagraph (ii) of paragraph a of subdivision 3
 2 of section 667 of the education law, as amended by section 1 of part B
 3 of chapter 60 of the laws of 2000, is amended to read as follows:

4 (D) Eighteen thousand dollars or	Nine hundred eighty dollars
5 more, but not more than	plus twelve per centum of
6 [eighty] <u>one hundred ten</u>	excess over eighteen
7 thousand dollars	thousand dollars

8 § 4. Subparagraph (vi) of paragraph a of subdivision 3 of section 667
 9 of the education law, as amended by section 1 of part B of chapter 60 of
 10 the laws of 2000, is amended to read as follows:

11 (vi) For the two thousand two--two thousand three academic year and
 12 thereafter, the award shall be the net amount of the base amount deter-
 13 mined pursuant to subparagraph (i) of this paragraph reduced pursuant to
 14 subparagraph (ii) or (iii) of this paragraph but the award shall not be
 15 reduced below [~~five hundred~~] seven hundred fifty dollars.

16 § 5. This act shall take effect June 1, 2019; provided however that
 17 the amendments to section 689-a of the education law made by section two
 18 of this act shall not affect the repeal of such section and shall be
 19 deemed repealed therewith.

20 PART CC

21 Section 1. Section 6541 of the education law is amended by adding a
 22 new subdivision 4 to read as follows:

23 4. In conjunction with and as a condition of each triennial registra-
 24 tion, each physician assistant shall provide to the department, and the
 25 department shall collect, such information and documentation required by
 26 the department, in consultation with the department of health, as is
 27 necessary to enable the department of health to evaluate access to need-
 28 ed services in this state, including, but not limited to, the location
 29 and type of setting wherein the physician assistant practices and other
 30 information the department, in consultation with the department of
 31 health, deems relevant. The department of health, in consultation with
 32 the department, shall make such data available in aggregate, de-identi-
 33 fied form on a publicly accessible website. Additionally, in conjunction
 34 with each triennial registration, the department, in consultation with
 35 the department of health, shall provide information on registering in
 36 the donate life registry for organ and tissue donation, including the
 37 website address for such registry.

38 § 2. Section 6548 of the education law is amended by adding a new
 39 subdivision 4 to read as follows:

40 4. In conjunction with and as a condition of each triennial registra-
 41 tion, each specialist assistant shall provide to the department, and the
 42 department shall collect, such information and documentation required by
 43 the department, in consultation with the department of health, as is
 44 necessary to enable the department of health to evaluate access to need-
 45 ed services in this state, including, but not limited to, the location
 46 and type of setting wherein the specialist assistant practices and other
 47 information the department, in consultation with the department of
 48 health, deems relevant. The department of health, in consultation with
 49 the department, shall make such data available in aggregate, de-identi-
 50 fied form on a publicly accessible website. Additionally, in conjunction
 51 with each triennial registration, the department, in consultation with
 52 the department of health, shall provide information on registering in

1 the donate life registry for organ and tissue donation, including the
2 website address for such registry.

3 § 3. Subdivisions 7 and 8 of section 6554 of the education law, subdivi-
4 sion 7 as added by chapter 987 of the laws of 1971 and subdivision 8
5 as amended by chapter 62 of the laws of 1989, are amended and a new
6 subdivision 9 is added to read as follows:

7 (7) Character: be of good moral character as determined by the depart-
8 ment; [~~and~~]

9 (8) Fees: pay a fee of one hundred seventy-five dollars to the depart-
10 ment for admission to a department conducted examination and for an
11 initial license, a fee of eighty-five dollars for each reexamination, a
12 fee of one hundred fifteen dollars for an initial license for persons
13 not requiring admission to a department conducted examination, and a fee
14 of one hundred fifty-five dollars for each triennial registration peri-
15 od[~~-~~]; and

16 (9) Information and documentation: in conjunction with and as a condi-
17 tion of each triennial registration, provide to the department, and the
18 department shall collect, such information and documentation required by
19 the department, in consultation with the department of health, as is
20 necessary to enable the department of health to evaluate access to need-
21 ed services in this state, including, but not limited to, the location
22 and type of setting wherein the chiropractor practices and other infor-
23 mation the department, in consultation with the department of health,
24 deems relevant. The department of health, in consultation with the
25 department, shall make such data available in aggregate, de-identified
26 form on a publicly accessible website. Additionally, in conjunction with
27 each triennial registration, the department, in consultation with the
28 department of health, shall provide information on registering in the
29 donate life registry for organ and tissue donation, including the
30 website address for such registry.

31 § 4. Subdivisions 7 and 8 of section 6604 of the education law, subdivi-
32 sion 7 as added by chapter 987 of the laws of 1971 and subdivision 8
33 as amended by chapter 62 of the laws of 1989, are amended and a new
34 subdivision 9 is added to read as follows:

35 (7) Character: be of good moral character as determined by the depart-
36 ment; [~~and~~]

37 (8) Fees: pay a fee of two hundred twenty dollars to the department
38 for admission to a department conducted examination and for an initial
39 license, a fee of one hundred fifteen dollars for each reexamination, a
40 fee of one hundred thirty-five dollars for an initial license for
41 persons not requiring admission to a department conducted examination,
42 and a fee of two hundred ten dollars for each triennial registration
43 period[~~-~~]; and

44 (9) Information and documentation: in conjunction with and as a condi-
45 tion of each triennial registration, provide to the department, and the
46 department shall collect, such information and documentation required by
47 the department, in consultation with the department of health, as is
48 necessary to enable the department of health to evaluate access to need-
49 ed services in this state, including, but not limited to, the location
50 and type of setting wherein the dentist practices and other information
51 the department, in consultation with the department of health, deems
52 relevant. The department of health, in consultation with the department,
53 shall make such data available in aggregate, de-identified form on a
54 publicly accessible website. Additionally, in conjunction with each
55 triennial registration, the department, in consultation with the depart-
56 ment of health, shall provide information on registering in the donate

1 life registry for organ and tissue donation, including the website
2 address for such registry.

3 § 5. Subdivisions 4 and 5 of section 6608-b of the education law,
4 subdivision 4 as amended by chapter 300 of the laws of 2006 and subdivi-
5 sion 5 as amended by chapter 565 of the laws of 1995, are amended and a
6 new subdivision 6 is added to read as follows:

7 (4) Education and experience: (A) have received a high school diploma,
8 or its equivalent, and (B) have successfully completed, in accordance
9 with the commissioner's regulations, (i) an approved one-year course of
10 study in dental assisting in a degree-granting institution or a board of
11 cooperative educational services program which includes at least two
12 hundred hours of clinical experience, or an equivalent approved course
13 of study in dental assisting in a non-degree granting institution which
14 shall not be a professional association or professional organization or
15 (ii) an alternate course of study in dental assisting acceptable to the
16 department which shall be provided by a degree-granting institution or a
17 board of cooperative educational services program which includes at
18 least one thousand hours of relevant work experience; [~~and~~]

19 (5) Examination: pass an examination given by an organization which
20 administers examinations for certifying dental assistants and which is
21 acceptable to the department[~~+~~]; and

22 (6) Information and documentation: in conjunction with and as a condi-
23 tion of each triennial registration, provide to the department, and the
24 department shall collect, such information and documentation required by
25 the department, in consultation with the department of health, as is
26 necessary to enable the department of health to evaluate access to need-
27 ed services in this state, including, but not limited to, the location
28 and type of setting wherein the certified dental assistant practices and
29 other information the department, in consultation with the department of
30 health, deems relevant. The department of health, in consultation with
31 the department, shall make such data available in aggregate, de-identi-
32 fied form on a publicly accessible website. Additionally, in conjunc-
33 tion with each triennial registration, the department, in consultation
34 with the department of health, shall provide information on registering
35 in the donate life registry for organ and tissue donation, including the
36 website address for such registry.

37 § 6. Subdivisions 7 and 8 of section 6609 of the education law, subdivi-
38 sion 7 as added by chapter 987 of the laws of 1971 and subdivision 8
39 as amended by chapter 62 of the laws of 1989, are amended and a new
40 subdivision 9 is added to read as follows:

41 (7) Character: be of good moral character as determined by the depart-
42 ment; [~~and~~]

43 (8) Fees: pay a fee of one hundred fifteen dollars to the department
44 for admission to a department conducted examination and for an initial
45 license, a fee of fifty dollars for each reexamination, a fee of seventy
46 dollars for an initial license for persons not requiring admission to a
47 department conducted examination, and a fee of fifty dollars for each
48 triennial registration period[~~+~~]; and

49 (9) Information and documentation: in conjunction with and as a condi-
50 tion of each triennial registration, provide to the department, and the
51 department shall collect, such information and documentation required by
52 the department, in consultation with the department of health, as is
53 necessary to enable the department of health to evaluate access to need-
54 ed services in this state, including, but not limited to, the location
55 and type of setting wherein the dental hygienist practices and other
56 information the department, in consultation with the department of

1 health, deems relevant. The department of health, in consultation with
2 the department, shall make such data available in aggregate, de-identi-
3 fied form on a publicly accessible website. Additionally, in conjunc-
4 tion with each triennial registration, the department, in consultation
5 with the department of health, shall provide information on registering
6 in the donate life registry for organ and tissue donation, including the
7 website address for such registry.

8 § 7. Subdivision 6 of section 6632 of the education law, as added by
9 chapter 409 of the laws of 2013, is amended and a new subdivision 7 is
10 added to read as follows:

11 6. [~~Fee~~] fee: pay a fee determined by the department for an initial
12 license and for each triennial registration period[~~+~~]; and

13 7. information and documentation: in conjunction with and as a condi-
14 tion of each triennial registration, provide to the department, and the
15 department shall collect, such information and documentation required by
16 the department, in consultation with the department of health, as is
17 necessary to enable the department of health to evaluate access to need-
18 ed services in this state, including, but not limited to, the location
19 and type of setting wherein the licensed perfusionist practices and
20 other information the department, in consultation with the department of
21 health, deems relevant. The department of health, in consultation with
22 the department, shall make such data available in aggregate, de-identi-
23 fied form on a publicly accessible website. Additionally, in conjunction
24 with each triennial registration, the department, in consultation with
25 the department of health, shall provide information on registering in
26 the donate life registry for organ and tissue donation, including the
27 website address for such registry.

28 § 8. Subdivisions f and g of section 6734 of the education law, subdivi-
29 sion f as added by chapter 618 of the laws of 1980 and subdivision g
30 as amended by chapter 62 of the laws of 1989, are amended and a new
31 subdivision h is added to read as follows:

32 f. Character: be of good moral character as determined by the depart-
33 ment; [~~and~~]

34 g. Fees: pay a fee of one hundred seventy-five dollars to the depart-
35 ment for admission to a department conducted examination and for an
36 initial license; a fee of eighty-five dollars for each reexamination; a
37 fee of one hundred fifteen dollars for an initial license for persons
38 not requiring admission to a department conducted examination; and a fee
39 of one hundred fifty-five dollars for each triennial registration peri-
40 od[~~+~~]; and

41 h. Information and documentation: in conjunction with and as a condi-
42 tion of each triennial registration, provide to the department, and the
43 department shall collect, such information and documentation required by
44 the department, in consultation with the department of health, as is
45 necessary to enable the department of health to evaluate access to need-
46 ed services in this state, including, but not limited to, the location
47 and type of setting wherein the physical therapist practices and other
48 information the department, in consultation with the department of
49 health, deems relevant. The department of health, in consultation with
50 the department, shall make such data available in aggregate, de-identi-
51 fied form on a publicly accessible website. Additionally, in conjunction
52 with each triennial registration, the department, in consultation with
53 the department of health, shall provide information on registering in
54 the donate life registry for organ and tissue donation, including the
55 website address for such registry.

1 § 9. Subdivision g of section 6740 of the education law, as amended by
2 chapter 62 of the laws of 1989, is amended and a new subdivision h is
3 added to read as follows:

4 g. Fees: pay a fee for an initial certificate of forty-five dollars,
5 and for the biennial registration period ending December thirty-first,
6 nineteen hundred eighty-two a fee of twenty dollars and a fee of fifty
7 dollars for each triennial registration period[-]; and

8 h. Information and documentation: in conjunction with and as a condi-
9 tion of each triennial registration, provide to the department, and the
10 department shall collect, such information and documentation required by
11 the department, in consultation with the department of health, as is
12 necessary to enable the department of health to evaluate access to need-
13 ed services in this state, including, but not limited to, the location
14 and type of setting wherein the physical therapist assistant practices
15 and other information the department, in consultation with the depart-
16 ment of health, deems relevant. The department of health, in consulta-
17 tion with the department, shall make such data available in aggregate,
18 de-identified form on a publicly accessible website. Additionally, in
19 conjunction with each triennial registration, the department, in consul-
20 tation with the department of health, shall provide information on
21 registering in the donate life registry for organ and tissue donation,
22 including the website address for such registry.

23 § 10. Paragraphs 7 and 8 of subdivision 1 of section 6805 of the
24 education law, paragraph 7 as added by chapter 987 of the laws of 1971
25 and paragraph 8 as amended by chapter 62 of the laws of 1989, are
26 amended and a new paragraph 9 is added to read as follows:

27 (7) Character: be of good moral character as determined by the depart-
28 ment; [~~and~~]

29 (8) Fees: pay a fee of one hundred seventy-five dollars to the depart-
30 ment for admission to a department conducted examination and for an
31 initial license, a fee of eighty-five dollars for each re-examination, a
32 fee of one hundred fifteen dollars for an initial license for persons
33 not requiring admission to a department conducted examination, and a fee
34 of one hundred fifty-five dollars for each triennial registration peri-
35 od[-]; and

36 (9) Information and documentation: in conjunction with and as a condi-
37 tion of each triennial registration, provide to the department, and the
38 department shall collect, such information and documentation required by
39 the department, in consultation with the department of health, as is
40 necessary to enable the department of health to evaluate access to need-
41 ed services in this state, including, but not limited to, the location
42 and type of setting wherein the pharmacist practices and other informa-
43 tion the department, in consultation with the department of health,
44 deems relevant. The department of health, in consultation with the
45 department, shall make such data available in aggregate, de-identified
46 form on a publicly accessible website. Additionally, in conjunction
47 with each triennial registration, the department, in consultation with
48 the department of health, shall provide information on registering in
49 the donate life registry for organ and tissue donation, including the
50 website address for such registry.

51 § 11. Subdivisions 7 and 8 of section 6905 of the education law,
52 subdivision 7 as amended by chapter 994 of the laws of 1971 and such
53 section as renumbered by chapter 50 of the laws of 1972, and subdivision
54 8 as amended by chapter 62 of the laws of 1989, are amended and a new
55 subdivision 9 is added to read as follows:

1 (7) Character: be of good moral character as determined by the depart-
2 ment; [~~and~~]

3 (8) Fees: pay a fee of one hundred fifteen dollars to the department
4 for admission to a department conducted examination and for an initial
5 license, a fee of forty-five dollars for each reexamination, a fee of
6 seventy dollars for an initial license for persons not requiring admis-
7 sion to a department conducted examination, and a fee of fifty dollars
8 for each triennial registration period[]; ~~and~~

9 (9) Information and documentation: in conjunction with and as a condi-
10 tion of each triennial registration, provide to the department, and the
11 department shall collect, such information and documentation required by
12 the department, in consultation with the department of health, as is
13 necessary to enable the department of health to evaluate access to need-
14 ed services in this state, including, but not limited to, the location
15 and type of setting wherein the registered professional nurse practices,
16 whether the registered professional nurse is certified to practice as a
17 clinical nurse specialist under section sixty-nine hundred eleven of
18 this article, and other information the department, in consultation with
19 the department of health, deems relevant. The department of health, in
20 consultation with the department, shall make such data available in
21 aggregate, de-identified form on a publicly accessible website. Addi-
22 tionally, in conjunction with each triennial registration, the depart-
23 ment, in consultation with the department of health, shall provide
24 information on registering in the donate life registry for organ and
25 tissue donation, including the website address for such registry.

26 § 12. Subdivisions 7 and 8 of section 6906 of the education law,
27 subdivision 7 as amended by chapter 330 of the laws of 1981 and subdivi-
28 sion 8 as amended by chapter 62 of the laws of 1989, are amended and a
29 new subdivision 8-a is added to read as follows:

30 (7) Character: be of good moral character as determined by the depart-
31 ment; [~~and~~]

32 (8) Fees: pay a fee of one hundred fifteen dollars to the department
33 for admission to a department conducted examination and for an initial
34 license, a fee of forty-five dollars for each reexamination, a fee of
35 seventy dollars for an initial license for persons not requiring admis-
36 sion to a department conducted examination, and a fee of fifty dollars
37 for each triennial registration period[]; ~~and~~

38 (8-a) Information and documentation: In conjunction with and as a
39 condition of each triennial registration, provide to the department, and
40 the department shall collect, such information and documentation
41 required by the department, in consultation with the department of
42 health, as is necessary to enable the department of health to evaluate
43 access to needed services in this state, including, but not limited to,
44 the location and type of setting wherein the licensed practical nurse
45 practices and other information the department, in consultation with the
46 department of health, deems relevant. The department of health, in
47 consultation with the department, shall make such data available in
48 aggregate, de-identified form on a publicly accessible website. Addi-
49 tionally, in conjunction with each triennial registration, the depart-
50 ment, in consultation with the department of health, shall provide
51 information on registering in the donate life registry for organ and
52 tissue donation, including the website address for such registry.

53 § 13. Section 6955 of the education law is amended by adding a new
54 subdivision 8 to read as follows:

55 8. Information and documentation: in conjunction with and as a condi-
56 tion of each triennial registration, provide to the department, and the

1 department shall collect, such information and documentation required by
2 the department, in consultation with the department of health, as is
3 necessary to enable the department of health to evaluate access to need-
4 ed services in this state, including, but not limited to, the location
5 and type of setting wherein the midwife practices and other information
6 the department, in consultation with the department of health, deems
7 relevant. The department of health, in consultation with the depart-
8 ment, shall make such data available in aggregate, de-identified form on
9 a publicly accessible website. Additionally, in conjunction with each
10 triennial registration, the department, in consultation with the depart-
11 ment of health, shall provide information on registering in the donate
12 life registry for organ and tissue donation, including the website
13 address for such registry.

14 § 14. Section 7004 of the education law is amended by adding a new
15 subdivision 10 to read as follows:

16 (10) Information and documentation: in conjunction with and as a
17 condition of each triennial registration, provide to the department, and
18 the department shall collect, such information and documentation
19 required by the department, in consultation with the department of
20 health, as is necessary to enable the department of health to evaluate
21 access to needed services in this state, including, but not limited to,
22 the location and type of setting wherein the podiatrist practices,
23 whether the podiatrist has been issued a privilege to perform podiatric
24 standard ankle surgery pursuant to section seven thousand nine of this
25 article, and other information the department, in consultation with the
26 department of health, deems relevant. The department of health, in
27 consultation with the department, shall make such data available in
28 aggregate, de-identified form on a publicly accessible website. Addi-
29 tionally, in conjunction with each triennial registration, the depart-
30 ment, in consultation with the department of health, shall provide
31 information on registering in the donate life registry for organ and
32 tissue donation, including the website address for such registry.

33 § 15. Subdivisions 7 and 8 of section 7104 of the education law,
34 subdivision 7 as added by chapter 987 of the laws of 1971 and subdivi-
35 sion 8 as amended by chapter 517 of the laws of 1995, are amended and a
36 new subdivision 9 is added to read as follows:

37 (7) Character: be of good moral character as determined by the depart-
38 ment; **[and]**

39 (8) Fees: pay a fee of two hundred twenty dollars to the department
40 for admission to a department conducted examination and for an initial
41 license, a fee of one hundred fifteen dollars for each reexamination, a
42 fee of one hundred thirty-five dollars for an initial license for
43 persons not requiring admission to a department conducted examination,
44 and a fee of two hundred ten dollars for each triennial registration
45 period, and for additional authorization for the purpose of utilizing
46 diagnostic pharmaceutical agents, a fee of sixty dollars~~[-]~~; **and**

47 (9) Information and documentation: in conjunction with and as a condi-
48 tion of each triennial registration, provide to the department, and the
49 department shall collect, such information and documentation required by
50 the department, in consultation with the department of health, as is
51 necessary to enable the department of health to evaluate access to need-
52 ed services in this state, including, but not limited to, the location
53 and type of setting wherein the optometrist practices and other informa-
54 tion the department, in consultation with the department of health,
55 deems relevant. The department of health, in consultation with the
56 department, shall make such data available in aggregate, de-identified

1 form on a publicly accessible website. Additionally, in conjunction
2 with each triennial registration, the department, in consultation with
3 the department of health, shall provide information on registering in
4 the donate life registry for organ and tissue donation, including the
5 website address for such registry.

6 § 16. Paragraphs 7 and 8 of subdivision a of section 7124 of the
7 education law, paragraph 7 as amended by chapter 475 of the laws of 1973
8 and paragraph 8 as amended by chapter 62 of the laws of 1989, are
9 amended and a new paragraph 9 is added to read as follows:

10 (7) Character: be of good moral character as determined by the depart-
11 ment; [~~and~~]

12 (8) Fees: pay a fee of one hundred fifteen dollars to the department
13 for admission to a department conducted examination and for an initial
14 license, a fee of forty-five dollars for each reexamination, a fee of
15 fifty dollars for an initial license for persons not requiring admission
16 to a department conducted examination, and a fee of fifty dollars for
17 each triennial registration period[~~-~~]; and

18 (9) Information and documentation: in conjunction with and as a condi-
19 tion of each triennial registration, provide to the department, and the
20 department shall collect, such information and documentation required by
21 the department, in consultation with the department of health, as is
22 necessary to enable the department of health to evaluate access to need-
23 ed services in this state, including, but not limited to, the location
24 and type of setting wherein the ophthalmic dispenser practices, whether
25 the ophthalmic dispenser is permitted to fit contact lenses, and other
26 information the department, in consultation with the department of
27 health, deems relevant. The department of health, in consultation with
28 the department, shall make such data available in aggregate, de-identi-
29 fied form on a publicly accessible website. Additionally, in conjunc-
30 tion with each triennial registration, the department, in consultation
31 with the department of health, shall provide information on registering
32 in the donate life registry for organ and tissue donation, including the
33 website address for such registry.

34 § 17. Subdivisions 7 and 8 of section 7603 of the education law,
35 subdivision 7 as added by chapter 987 of the laws of 1971 and subdivi-
36 sion 8 as amended by chapter 62 of the laws of 1989, are amended and a
37 new subdivision 9 is added to read as follows:

38 (7) Character: be of good moral character as determined by the depart-
39 ment; [~~and~~]

40 (8) Fees: pay a fee of one hundred seventy dollars to the department
41 for admission to a department conducted examination and for an initial
42 license, a fee of eighty-five dollars for each reexamination, a fee of
43 one hundred fifteen dollars for an initial license for persons not
44 requiring admission to a department conducted examination, and a fee of
45 one hundred fifty-five dollars for each triennial registration
46 period[~~-~~]; and

47 (9) Information and documentation: in conjunction with and as a condi-
48 tion of each triennial registration, provide to the department, and the
49 department shall collect, such information and documentation required by
50 the department, in consultation with the department of health and the
51 office of mental health, as is necessary to enable the department of
52 health and the office of mental health to evaluate access to needed
53 services in this state, including, but not limited to, the location and
54 type of setting wherein the psychologist practices and other information
55 the department, in consultation with the department of health and the
56 office of mental health, deems relevant. The department of health, in

1 consultation with the department and the office of mental health, shall
2 make such data available in aggregate, de-identified form on a publicly
3 accessible website. Additionally, in conjunction with each triennial
4 registration, the department, in consultation with the department of
5 health, shall provide information on registering in the donate life
6 registry for organ and tissue donation, including the website address
7 for such registry.

8 § 18. Paragraphs (f) and (g) of subdivision 1 of section 7704 of the
9 education law, paragraph (f) as added by chapter 420 of the laws of 2002
10 and paragraph (g) as amended by section 2 of part J of chapter 57 of the
11 laws of 2005, are amended and a new paragraph (h) is added to read as
12 follows:

13 (f) Character: be of good moral character as determined by the depart-
14 ment; [~~and~~]

15 (g) Fees: pay a fee of one hundred fifteen dollars to the department
16 for an initial license, and a fee of one hundred fifty-five dollars for
17 each triennial registration period. An additional surcharge in the
18 amount of five dollars shall be paid with each triennial registration
19 fee and shall be used for the marketing and evaluation of the regents
20 licensed social worker loan forgiveness program established by section
21 six hundred five of this chapter[~~+~~]; and

22 (h) Information and documentation: in conjunction with and as a condi-
23 tion of each triennial registration, provide to the department, and the
24 department shall collect, such information and documentation required by
25 the department, in consultation with the department of health, the
26 office of mental health, the office of alcoholism and substance abuse
27 services and any other state agency as appropriate, as is necessary to
28 enable the department of health, the office of mental health, the office
29 of alcoholism and substance abuse services and any other state agency as
30 appropriate to evaluate access to needed services in this state, includ-
31 ing, but not limited, to the location and type of setting wherein the
32 licensed master social worker practices and other information the
33 department, in consultation with the department of health, the office of
34 mental health, the office of alcoholism and substance abuse services and
35 any other state agency as appropriate, deems relevant. The department of
36 health, in consultation with the department, the office of mental
37 health, the office of alcoholism and substance abuse services and any
38 other state agency as appropriate, shall make such data available in
39 aggregate, de-identified form on a publicly accessible website. Addi-
40 tionally, in conjunction with each triennial registration, the depart-
41 ment, in consultation with the department of health, shall provide
42 information on registering in the donate life registry for organ and
43 tissue donation, including the website address for such registry.

44 § 19. Paragraphs (f) and (g) of subdivision 2 of section 7704 of the
45 education law, paragraph (f) as added by chapter 420 of the laws of 2002
46 and paragraph (g) as amended by chapter 230 of the laws of 2004, are
47 amended and a new paragraph (h) is added to read as follows:

48 (f) Character: be of good moral character as determined by the depart-
49 ment; [~~and~~]

50 (g) Fees: pay a fee of one hundred fifteen dollars to the department
51 for an initial license and a fee of one hundred fifty-five dollars for
52 each triennial registration period[~~+~~]; and

53 (h) Information and documentation: in conjunction with and as a condi-
54 tion of each triennial registration, provide to the department, and the
55 department shall collect, such information and documentation required by
56 the department, in consultation with the department of health, the

1 office of mental health, the office of alcoholism and substance abuse
2 services and any other state agency as appropriate, as is necessary to
3 enable the department of health, the office of mental health, the office
4 of alcoholism and substance abuse services and any other state agency as
5 appropriate to evaluate access to needed services in this state, includ-
6 ing, but not limited to, the location and type of setting wherein the
7 licensed clinical social worker practices and other information the
8 department, in consultation with the department of health, the office of
9 mental health, the office of alcoholism and substance abuse services and
10 any other state agency as appropriate, deems relevant. The department of
11 health, in consultation with the department, the office of mental
12 health, the office of alcoholism and substance abuse services and any
13 other state agency as appropriate, shall make such data available in
14 aggregate, de-identified form on a publicly accessible website. Addi-
15 tionally, in conjunction with each triennial registration, the depart-
16 ment, in consultation with the department of health, shall provide
17 information on registering in the donate life registry for organ and
18 tissue donation, including the website address for such registry.

19 § 20. Subdivisions 6 and 7 of section 7804 of the education law, as
20 amended by chapter 230 of the laws of 1997, are amended and a new subdivi-
21 sion 8 is added to read as follows:

22 (6) Character: be of good moral character as determined by the depart-
23 ment; [~~and~~]

24 (7) Fees: pay a fee of one hundred fifteen dollars to the department
25 for admission to a department conducted examination and for an initial
26 license, a fee of forty-five dollars for each reexamination, a fee of
27 fifty dollars for an initial license for persons not requiring admission
28 to a department conducted examination, and a fee of fifty dollars for
29 each triennial registration period[]; ~~and~~

30 (8) Information and documentation: in conjunction with and as a condi-
31 tion of each triennial registration, provide to the department, and the
32 department shall collect, such information and documentation required by
33 the department, in consultation with the department of health, as is
34 necessary to evaluate access to needed services in this state, includ-
35 ing, but not limited to, the location and type of setting wherein the
36 massage therapist practices and other information the department, in
37 consultation with the department of health, deems relevant. The depart-
38 ment of health, in consultation with the department, shall make such
39 data available in aggregate, de-identified form on a publicly accessible
40 website. Additionally, in conjunction with each triennial registration,
41 the department, in consultation with the department of health, shall
42 provide information on registering in the donate life registry for organ
43 and tissue donation, including the website address for such registry.

44 § 21. Section 7904 of the education law is amended by adding a new
45 subdivision 9 to read as follows:

46 (9) In conjunction with and as a condition of each triennial registra-
47 tion, the occupational therapist shall provide to the department, and
48 the department shall collect, such information and documentation
49 required by the department, in consultation with the department of
50 health, as is necessary to enable the department of health to evaluate
51 access to needed services in this state, including, but not limited to,
52 the location and type of setting wherein the occupational therapist
53 practices and other information the department, in consultation with the
54 department of health, deems relevant. The department of health, in
55 consultation with the department, shall make such data available in
56 aggregate, de-identified form on a publicly accessible website. Addi-

tionally, in conjunction with each triennial registration, the department, in consultation with the department of health, shall provide information on registering in the donate life registry for organ and tissue donation, including the website address for such registry.

§ 22. Subdivisions (f) and (g) of section 7904-a of the education law, as added by chapter 470 of the laws of 2015, are amended and a new subdivision (h) is added to read as follows:

(f) pay a fee for an initial license and a fee for each triennial registration period that shall be one-half of the fee for initial license and for each triennial registration period established for occupational therapists; [~~and~~]

(g) except as otherwise provided by subdivision two of section seventy-nine hundred seven of this article, pass an examination acceptable to the department[~~+~~]; and

(h) in conjunction with and as a condition of each triennial registration, provide to the department, and the department shall collect, such information and documentation required by the department, in consultation with the department of health, as is necessary to enable the department of health to evaluate access to needed services in this state, including, but not limited to, the location and type of setting wherein the occupational therapy assistant practices and other information the department, in consultation with the department of health, deems relevant. The department of health, in consultation with the department, shall make such data available in aggregate, de-identified form on a publicly accessible website. Additionally, in conjunction with each triennial registration, the department, in consultation with the department of health, shall provide information on registering in the donate life registry for organ and tissue donation, including the website address for such registry.

§ 23. Subdivision 5 of section 8004 of the education law, as added by chapter 635 of the laws of 1991, is amended and a new subdivision 6 is added to read as follows:

5. Be at least eighteen years of age[~~+~~]; and

6. In conjunction with and as a condition of each triennial registration, the certified dietitian or certified nutritionist shall provide to the department, and the department shall collect, such information and documentation required by the department, in consultation with the department of health, as is necessary to enable the department of health to evaluate access to needed services in this state, including, but not limited to, the location and type of setting wherein the certified dietitian or certified nutritionist practices and other information the department, in consultation with the department of health, deems relevant. The department of health, in consultation with the department, shall make such data available in aggregate, de-identified form on a publicly accessible website. Additionally, in conjunction with each triennial registration, the department, in consultation with the department of health, shall provide information on registering in the donate life registry for organ and tissue donation, including the website address for such registry.

§ 24. Subdivisions 6 and 7 of section 8206 of the education law, subdivision 6 as amended by chapter 43 of the laws of 1983 and subdivision 7 as amended by chapter 62 of the laws of 1989, are amended and a new subdivision 8 is added to read as follows:

(6) Character: be of good moral character as determined by the department; [~~and~~]

1 (7) Fees: pay a fee of one hundred forty dollars to the department for
2 admission to a department conducted examination and for an initial
3 license, a fee of seventy dollars for each reexamination, a fee of one
4 hundred fifteen dollars for an initial license for persons not requiring
5 admission to a department conducted examination, and a fee of one
6 hundred fifty-five dollars for each triennial registration period[+];
7 and

8 (8) Information and documentation: in conjunction with and as a condi-
9 tion of each triennial registration, provide to the department, and the
10 department shall collect, such information and documentation required by
11 the department, in consultation with the department of health, as is
12 necessary to enable the department of health to evaluate access to need-
13 ed services in this state, including, but not limited to, the location
14 and type of setting wherein the speech-language pathologist or audiolo-
15 gist practices and other information the department, in consultation
16 with the department of health, deems relevant. The department of health,
17 in consultation with the department, shall make such data available in
18 aggregate, de-identified form on a publicly accessible website. Addi-
19 tionally, in conjunction with each triennial registration, the depart-
20 ment, in consultation with the department of health, shall provide
21 information on registering in the donate life registry for organ and
22 tissue donation, including the website address for such registry.

23 § 25. Subdivision 8 of section 8214 of the education law, as added by
24 chapter 772 of the laws of 1990, is amended and a new subdivision 9 is
25 added to read as follows:

26 (8) Registration: if a license is granted, register triennially with
27 the department, including present home and business address and such
28 other pertinent information as the department requires[+]; and

29 (9) Information and documentation: in conjunction with and as a condi-
30 tion of each triennial registration, provide to the department, and the
31 department shall collect, such information and documentation required by
32 the department, in consultation with the department of health, as is
33 necessary to enable the department of health to evaluate access to need-
34 ed services in this state, including, but not limited to, the location
35 and type of setting wherein the acupuncturist practices and other infor-
36 mation the department, in consultation with the department of health,
37 deems relevant. The department of health, in consultation with the
38 department, shall make such data available in aggregate, de-identified
39 form on a publicly accessible website. Additionally, in conjunction with
40 each triennial registration, the department, in consultation with the
41 department of health, shall provide information on registering in the
42 donate life registry for organ and tissue donation, including the
43 website address for such registry.

44 § 26. Subdivisions 5 and 6 of section 8355 of the education law, as
45 added by section 798 of the laws of 1992, are amended and a new subdivi-
46 sion 7 is added to read as follows:

47 5. Age: be at least twenty-one years of age; [~~and~~]

48 6. Fees: pay a fee for an initial certificate of one hundred dollars
49 to the department; and a fee of fifty dollars for each triennial regis-
50 tration period[+]; and

51 7. Information and documentation: in conjunction with and as a condi-
52 tion of each triennial registration, provide to the department, and the
53 department shall collect, such information and documentation required by
54 the department, in consultation with the department of health, as is
55 necessary to enable the department of health to evaluate access to need-
56 ed services in this state including, but not limited to, the location

1 and type of setting wherein the certified athletic trainer practices and
2 other information the department, in consultation with the department of
3 health, deems relevant. The department of health, in consultation with
4 the department, shall make such data available in aggregate, de-identi-
5 fied form on a publicly accessible website. Additionally, in conjunc-
6 tion with each triennial registration, the department, in consultation
7 with the department of health, shall provide information on registering
8 in the donate life registry for organ and tissue donation, including the
9 website address for such registry.

10 § 27. Paragraphs (f) and (g) of subdivision 3 of section 8402 of the
11 education law, paragraph (f) as added by chapter 676 of the laws of 2002
12 and paragraph (g) as amended by chapter 210 of the laws of 2004, are
13 amended and a new paragraph (h) is added to read as follows:

14 (f) Character: Be of good moral character as determined by the depart-
15 ment; [~~and~~]

16 (g) Fees: Pay a fee of one hundred seventy-five dollars for an initial
17 license and a fee of one hundred seventy dollars for each triennial
18 registration period[~~-~~]; and

19 (h) Information and documentation: in conjunction with and as a condi-
20 tion of each triennial registration, provide to the department, and the
21 department shall collect, such information and documentation required by
22 the department, in consultation with the department of health, as is
23 necessary to enable the department of health and the office of mental
24 health to evaluate access to needed services in this state, including,
25 but not limited to, the location and type of setting wherein the
26 licensed mental health counselor practices and other information the
27 department, in consultation with the department of health and the office
28 of mental health, deems relevant. The department of health, in consulta-
29 tion with the department and the office of mental health, shall make
30 such data available in aggregate, de-identified form on a publicly
31 accessible website. Additionally, in conjunction with each triennial
32 registration, the department, in consultation with the department of
33 health, shall provide information on registering in the donate life
34 registry for organ and tissue donation, including the website address
35 for such registry.

36 § 28. Paragraphs (f) and (g) of subdivision 3 of section 8403 of the
37 education law, paragraph (f) as added by chapter 676 of the laws of 2002
38 and paragraph (g) as amended by chapter 210 of the laws of 2004, are
39 amended and a new paragraph (h) is added to read as follows:

40 (f) Character: Be of good moral character as determined by the depart-
41 ment; [~~and~~]

42 (g) Fees: Pay a fee of one hundred seventy-five dollars for an initial
43 license and a fee of one hundred seventy dollars for each triennial
44 registration period[~~-~~]; and

45 (h) Information and documentation: in conjunction with and as a condi-
46 tion of each triennial registration, provide to the department, and the
47 department shall collect, such information and documentation required by
48 the department, in consultation with the department of health and the
49 office of mental health, as is necessary to enable the department of
50 health and the office of mental health to evaluate access to needed
51 services in this state, including, but not limited to, the location and
52 type of setting wherein the licensed marriage and family therapist prac-
53 tices and other information the department, in consultation with the
54 department of health and the office of mental health, deems relevant.
55 The department of health, in consultation with the department and the
56 office of mental health, shall make such data available in aggregate,

1 de-identified form on a publicly accessible website. Additionally, in
2 conjunction with each triennial registration, the department, in consul-
3 tation with the department of health, shall provide information on
4 registering in the donate life registry for organ and tissue donation,
5 including the website address for such registry.

6 § 29. Paragraphs (f) and (g) of subdivision 3 of section 8404 of the
7 education law, paragraph (f) as added by chapter 676 of the laws of 2002
8 and paragraph (g) as amended by chapter 210 of the laws of 2004, are
9 amended and a new paragraph (h) is added to read as follows:

10 (f) Character: Be of good moral character as determined by the depart-
11 ment; [~~and~~]

12 (g) Fees: Pay a fee of one hundred seventy-five dollars for an initial
13 license and a fee of one hundred seventy dollars for each triennial
14 registration period[~~;~~]; and

15 (h) Information and documentation: in conjunction with and as a condi-
16 tion of each triennial registration, provide to the department, and the
17 department shall collect, such information and documentation required by
18 the department, in consultation with the department of health and the
19 office of mental health, as is necessary to enable the department of
20 health and the office of metal health to evaluate access to needed
21 services in this state, including, but not limited to, the location and
22 type of setting wherein the creative arts therapist practices and other
23 information the department, in consultation with the department of
24 health and the office of mental health, deems relevant. The department
25 of health, in consultation with the department and the office of mental
26 health, shall make such data available in aggregate, de-identified form
27 on a publicly accessible website. Additionally, in conjunction with each
28 triennial registration, the department, in consultation with the depart-
29 ment of health, shall provide information on registering in the donate
30 life registry for organ and tissue donation, including the website
31 address for such registry.

32 § 30. Paragraphs (f) and (g) of subdivision 3 of section 8405 of the
33 education law, paragraph (f) as added by chapter 676 of the laws of 2002
34 and paragraph (g) as amended by chapter 210 of the laws of 2004, are
35 amended and a new paragraph (h) is added to read as follows:

36 (f) Character: Be of good moral character as determined by the depart-
37 ment; [~~and~~]

38 (g) Fees: Pay a fee of one hundred seventy-five dollars for an initial
39 license and a fee of one hundred seventy dollars for each triennial
40 registration period[~~;~~]; and

41 (h) Information and documentation: in conjunction with and as a condi-
42 tion of each triennial registration, provide to the department, and the
43 department shall collect, such information and documentation required by
44 the department, in consultation with the department of health and the
45 office of mental health, as is necessary to enable the department of
46 health and the office of mental health to evaluate access to needed
47 services in this state, including, but not limited to, the location and
48 type of setting wherein the licensed psychoanalyst practices and other
49 information the department, in consultation with the department of
50 health and the office of mental health, deems relevant. The department
51 of health, in consultation with the department and the office of mental
52 health, shall make such data available in aggregate, de-identified form
53 on a publicly accessible website. Additionally, in conjunction with each
54 triennial registration, the department, in consultation with the depart-
55 ment of health, shall provide information on registering in the donate

1 life registry for organ and tissue donation, including the website
2 address for such registry.

3 § 31. Subdivisions 6 and 7 of section 8504 of the education law, as
4 added by chapter 817 of the laws of 1992, are amended and a new subdivi-
5 sion 8 is added to read as follows:

6 6. Character: be of good moral character as determined by the depart-
7 ment; [~~and~~]

8 7. Fees: pay a fee of one hundred seventy-five dollars to the depart-
9 ment for admission to a department conducted examination and for an
10 initial license; a fee of eighty-five dollars for each re-examination; a
11 fee of one hundred fifteen dollars for an initial license for persons
12 not requiring admission to a department conducted examination and a fee
13 of one hundred fifty-five dollars for each triennial registration period
14 commencing on and after June first, nineteen hundred ninety-three[~~-~~];
15 and

16 8. Information and documentation: in conjunction with and as a condi-
17 tion of each triennial registration, provide to the department, and the
18 department shall collect, such information and documentation required by
19 the department, in consultation with the department of health, as is
20 necessary to enable the department of health to evaluate access to need-
21 ed services in this state, including, but not limited to, the location
22 and type of setting wherein the respiratory therapist practices and
23 other information the department, in consultation with the department of
24 health, deems relevant. The department of health, in consultation with
25 the department, shall make such data available in aggregate, de-identi-
26 fied form on a publicly accessible website. Additionally, in conjunction
27 with each triennial registration, the department, in consultation with
28 the department of health, shall provide information on registering in
29 the donate life registry for organ and tissue donation, including the
30 website address for such registry.

31 § 32. Subdivisions 6 and 7 of section 8510 of the education law, as
32 added by chapter 817 of the laws of 1992, are amended and a new subdivi-
33 sion 8 is added to read as follows:

34 6. Character: be of good moral character as determined by the depart-
35 ment; [~~and~~]

36 7. Fees: pay a fee of ninety dollars to the department for admission
37 to a department conducted examination and for an initial license; a fee
38 of sixty dollars for each re-examination; a fee of fifty dollars for an
39 initial license for persons not requiring admission to a department
40 conducted examination and a fee of ninety dollars for each triennial
41 registration period commencing on and after June first, nineteen hundred
42 ninety-three[~~-~~]; and

43 8. Information and documentation: in conjunction with and as a condi-
44 tion of each triennial registration, provide to the department, and the
45 department shall collect, such information and documentation required by
46 the department, in consultation with the department of health, as is
47 necessary to enable the department of health to evaluate access to need-
48 ed services in this state, including, but not limited to, the location
49 and type of setting wherein the respiratory therapy technician practices
50 and other information the department, in consultation with the depart-
51 ment of health, deems relevant. The department of health, in consulta-
52 tion with the department, shall make such data available in aggregate,
53 de-identified form on a publicly accessible website. Additionally, in
54 conjunction with each triennial registration, the department, in consul-
55 tation with the department of health, shall provide information on

1 registering in the donate life registry for organ and tissue donation,
2 including the website address for such registry.

3 § 33. Paragraphs (e) and (f) of subdivision 1 of section 8605 of the
4 education law, as added by chapter 755 of the laws of 2004, are amended
5 and a new paragraph (g) is added to read as follows:

6 (e) Character: be of good moral character as determined by the depart-
7 ment; [~~and~~]

8 (f) Fees: pay a fee of one hundred seventy-five dollars for an initial
9 license and a fee of one hundred seventy dollars for each triennial
10 registration period[~~-~~]; and

11 (g) Information and documentation: in conjunction with and as a condi-
12 tion of each triennial registration, provide to the department, and the
13 department shall collect, such information and documentation required by
14 the department, in consultation with the department of health, as is
15 necessary to enable the department of health to evaluate access to need-
16 ed services in this state, including, but not limited to, the location
17 and type of setting wherein the clinical laboratory technologist prac-
18 tices and other information the department, in consultation with the
19 department of health, deems relevant. The department of health, in
20 consultation with the department, shall make such data available in
21 aggregate, de-identified form on a publicly accessible website. Addi-
22 tionally, in conjunction with each triennial registration, the depart-
23 ment, in consultation with the department of health, shall provide
24 information on registering in the donate life registry for organ and
25 tissue donation, including the website address for such registry.

26 § 34. Paragraphs (e) and (f) of subdivision 2 of section 8605 of the
27 education law, as added by chapter 755 of the laws of 2004, are amended
28 and a new paragraph (g) is added to read as follows:

29 (e) Character: be of good moral character as determined by the depart-
30 ment; [~~and~~]

31 (f) Fees: pay a fee of one hundred seventy-five dollars for an initial
32 license and a fee of one hundred seventy dollars for each triennial
33 registration period[~~-~~]; and

34 (g) Information and documentation: in conjunction with and as a condi-
35 tion of each triennial registration, provide to the department, and the
36 department shall collect, such information and documentation required by
37 the department, in consultation with the department of health, as is
38 necessary to enable the department of health to evaluate access to need-
39 ed services in this state, including, but not limited to, the location
40 and type of setting wherein the cytotechnologist practices and other
41 information the department, in consultation with the department of
42 health, deems relevant. The department of health, in consultation with
43 the department, shall make such data available in aggregate, de-identi-
44 fied form on a publicly accessible website. Additionally, in conjunction
45 with each triennial registration, the department, in consultation with
46 the department of health, shall provide information on registering in
47 the donate life registry for organ and tissue donation, including the
48 website address for such registry.

49 § 35. Subdivisions 5 and 6 of section 8606 of the education law, as
50 added by chapter 755 of the laws of 2004, are amended and a new subdivi-
51 sion 7 is added to read as follows:

52 5. Character: be of good moral character as determined by the depart-
53 ment; [~~and~~]

54 6. Fees: pay a fee of one hundred twenty-five dollars for an initial
55 certification and a fee of one hundred twenty dollars for each triennial
56 registration period[~~-~~]; and

1 7. Information and documentation: in conjunction with and as a condi-
2 tion of each triennial registration, provide to the department, and the
3 department shall collect, such information and documentation required by
4 the department, in consultation with the department of health, as is
5 necessary to enable the department of health to evaluate access to need-
6 ed services in this state, including, but not limited to, the location
7 and type of setting wherein the clinical laboratory technician practices
8 and other information the department, in consultation with the depart-
9 ment of health, deems relevant. The department of health, in consulta-
10 tion with the department, shall make such data available in aggregate,
11 de-identified form on a publicly accessible website. Additionally, in
12 conjunction with each triennial registration, the department, in consul-
13 tation with the department of health, shall provide information on
14 registering in the donate life registry for organ and tissue donation,
15 including the website address for such registry.

16 § 36. Subdivisions 5 and 6 of section 8606-a of the education law, as
17 added by chapter 204 of the laws of 2008, are amended and a new subdivi-
18 sion 7 is added to read as follows:

19 5. Character: be of good moral character as determined by the depart-
20 ment; [~~and~~]

21 6. Fees: pay a fee of one hundred twenty-five dollars for an initial
22 certification and a fee of one hundred twenty dollars for each triennial
23 registration period[~~-~~]; and

24 7. Information and documentation: in conjunction with and as a condi-
25 tion of each triennial registration, provide to the department, and the
26 department shall collect, such information and documentation required by
27 the department, in consultation with the department of health, as is
28 necessary to enable the department of health to evaluate access to need-
29 ed services in this state, including, but not limited to, the location
30 and type of setting wherein the histological technician practices and
31 other information the department, in consultation with the department of
32 health, deems relevant. The department of health, in consultation with
33 the department, shall make such data available in aggregate, de-identi-
34 fied form on a publicly accessible website. Additionally, in conjunction
35 with each triennial registration, the department, in consultation with
36 the department of health, shall provide information on registering in
37 the donate life registry for organ and tissue donation, including the
38 website address for such registry.

39 § 37. Subdivision 6 of section 8705 of the education law, as added by
40 chapter 495 of the laws of 2001, is amended and a new subdivision 7 is
41 added to read as follows:

42 6. Fee: pay a fee of three hundred dollars to the department for
43 admission to a department conducted examination for licensure, a fee of
44 one hundred fifty dollars for licensure with special competency in the
45 first specialty and twenty-five dollars for each additional specialty,
46 and a fee of three hundred dollars for each biennial registration peri-
47 od[~~-~~]; and

48 7. Information and documentation: in conjunction with and as a condi-
49 tion of each triennial registration, provide to the department, and the
50 department shall collect, such information and documentation required by
51 the department, in consultation with the department of health, as is
52 necessary to enable the department of health to evaluate access to need-
53 ed services in this state, including, but not limited to, the location
54 and type of setting wherein the professional medical physicist practices
55 and other information the department, in consultation with the depart-
56 ment of health, deems relevant. The department of health, in consulta-

1 tion with the department, shall make such data available in aggregate,
 2 de-identified form on a publicly accessible website. Additionally, in
 3 conjunction with each triennial registration, the department, in consul-
 4 tation with the department of health, shall provide information on
 5 registering in the donate life registry for organ and tissue donation,
 6 including the website address for such registry.

7 § 38. Paragraphs (f) and (g) of subdivision 1 of section 8804 of the
 8 education law, as added by chapter 554 of the laws of 2013, are amended
 9 and a new paragraph (h) is added to read as follows:

10 (f) Character: be of good moral character as determined by the depart-
 11 ment and submit an attestation of moral character; [~~and~~]

12 (g) Fee: pay a fee of one hundred fifty dollars for an initial license
 13 and a fee of seventy-five dollars for each triennial registration peri-
 14 od[]; and

15 (h) Information and documentation: in conjunction with and as a condi-
 16 tion of each triennial registration, provide to the department, and the
 17 department shall collect, such information and documentation required by
 18 the department, in consultation with the department of health, as is
 19 necessary to enable the department of health to evaluate access to need-
 20 ed services in this state, including, but not limited to, the location
 21 and type of setting wherein the certified behavioral analyst assistant
 22 practices and other information the department, in consultation with the
 23 department of health, deems relevant. The department of health, in
 24 consultation with the department, shall make such data available in
 25 aggregate, de-identified form on a publicly accessible website. Addi-
 26 tionally, in conjunction with each triennial registration, the depart-
 27 ment, in consultation with the department of health, shall provide
 28 information on registering in the donate life registry for organ and
 29 tissue donation, including the website address for such registry.

30 § 39. Paragraphs (f) and (g) of subdivision 2 of section 8804 of the
 31 education law, as added by chapter 554 of the laws of 2013, are amended
 32 and a new paragraph (h) is added to read as follows:

33 (f) Character: be of good moral character as determined by the depart-
 34 ment and submit an attestation of moral character; [~~and~~]

35 (g) Fee: pay a fee of two hundred dollars for an initial license and a
 36 fee of one hundred dollars for each triennial registration period[];
 37 and

38 (h) Information and documentation: in conjunction with and as a condi-
 39 tion of each triennial registration, provide to the department, and the
 40 department shall collect, such information and documentation required by
 41 the department, in consultation with the department of health, as is
 42 necessary to enable the department of health to evaluate access to need-
 43 ed services in this state, including, but not limited to, the location
 44 and type of setting wherein the licensed behavior analyst practices and
 45 other information the department, in consultation with the department of
 46 health, deems relevant. The department of health, in consultation with
 47 the department, shall make such data available in aggregate, de-identi-
 48 fied form on a publicly accessible website. Additionally, in conjunction
 49 with each triennial registration, the department, in consultation with
 50 the department of health, shall provide information on registering in
 51 the donate life registry for organ and tissue donation, including the
 52 website address for such registry.

53 § 40. Section 8852 of the education law is amended by adding a new
 54 subdivision 7 to read as follows:

55 7. Information and documentation: in conjunction with and as a condi-
 56 tion of each triennial registration, the department shall collect and a

1 pathologist assistant shall provide such information and documentation
2 required by the department, in consultation with the department of
3 health, as is necessary to enable the department of health to evaluate
4 access to needed services in this state, including, but not limited to,
5 the location and type of setting wherein the pathologists' assistant
6 practices and other information the department, in consultation with the
7 department of health, deems relevant. The department of health, in
8 consultation with the department, shall make such data available in
9 aggregate, de-identified form on a publicly accessible website. Addi-
10 tionally, in conjunction with each triennial registration, the depart-
11 ment, in consultation with the department of health, shall provide
12 information on registering in the donate life registry for organ and
13 tissue donation, including the website address for such registry.

14 § 41. This act shall take effect on the one hundred eightieth day
15 after it shall have become a law.

16 PART DD

17 Section 1. Legislative findings. The legislature finds that the State
18 University of New York at Albany ("University") is in the process of
19 developing 12 neighboring acres on the W. Averell Harriman State Office
20 Building Campus to build the 245,000-square-foot Emerging Technology and
21 Entrepreneurship Complex ("ETEC"). This ETEC development is part of a
22 long-term development strategy of the University as part of the NYSUNY
23 2020 Challenge Grant Program. ETEC will house the University's College
24 of Emergency Preparedness, Homeland Security and Cybersecurity, the
25 Department of Atmospheric and Environmental Sciences, the Atmospheric
26 Sciences Research Center and other University academic departments, as
27 well as the New York State Mesonet weather-detection system. As part of
28 this effort, the University wishes to lease a portion of the space with-
29 in ETEC to non-New York State entities, including businesses, to enable
30 collaboration, research commercialization, and real world experiential
31 learning opportunities for students.

32 The legislature further finds that granting the trustees of the State
33 University of New York the authority and power to lease and otherwise
34 contract a portion of the ETEC will promote the mission of the new
35 facility to help the state be better prepared for emerging threats of
36 extreme weather and terrorism.

37 § 2. Notwithstanding any other law to the contrary, the state univer-
38 sity trustees are authorized and empowered to delegate to the University
39 the authorization and empowerment to lease or otherwise contract to
40 tenants with interests that are in alignment with the academic and
41 research mission of the University. The University under this authori-
42 zation shall be permitted to lease or otherwise contract up to 15,000
43 square feet of space and facilities at ETEC, without any public bidding.
44 Any lease or contract of such space and facilities at ETEC may be
45 subject to applicable approvals of the office of the attorney general
46 and office of the state comptroller for revenue contracts. Such leases
47 or contracts shall be for periods not to exceed 50 years and shall be
48 conditioned upon any terms and conditions determined to be necessary by
49 the state university trustees.

50 § 3. Any leases entered into by the University pursuant to section two
51 of this act shall be considered revenue contracts of the University and
52 subject to review and approval by the office of the attorney general and
53 office of the state comptroller as required for revenue contracts at the

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

3 § 4. 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 § 5. This act shall take effect immediately.

7 PART EE

8 Section 1. Section 802 of the general business law, as added by chap-
9 ter 599 of the laws of 1998, subdivision 1 as designated and subdivision
10 2 as added by chapter 301 of the laws of 2000, is amended to read as
11 follows:

12 § 802. Special provisions; not-for-profit sales. 1. ~~[No]~~ Except as
13 provided in subdivision three of this section, no otolaryngologist or
14 other licensed physician who has conducted a medical evaluation of hear-
15 ing loss shall engage in the business of dispensing hearing aids for a
16 profit. No otolaryngologist or other licensed physician who has
17 dispensed a hearing aid shall refuse or fail to perform repairs or
18 service on any hearing aid that they have dispensed.

19 2. Every licensed physician who engages in the dispensing of hearing
20 aids in compliance with the provisions of this section shall be required
21 to comply with sections seven hundred ninety-one, seven hundred ninety-
22 eight and eight hundred three of this article, in addition to compliance
23 with this section.

24 3. An audiologist or hearing aid dispenser licensed under article one
25 hundred fifty-nine of the education law employed by an otolaryngologist
26 who has conducted a medical evaluation of hearing loss may dispense
27 hearing aids for profit provided that the otolaryngologist who has
28 conducted a medical evaluation of hearing loss provides to the patient a
29 list containing the name and office location of five hearing aid dispen-
30 sers with a place of business located within the same county in which
31 the otolaryngologist's office is located and a written statement
32 disclosing that the otolaryngologist's office will receive a profit from
33 the sale of any hearing aid device. In the event that there exist fewer
34 than five hearing aid dispensers within the same county in which the
35 otolaryngologist is located, then the otolaryngologist must provide to
36 the patient a list containing the name and office location of the hear-
37 ing aid dispensers with a place of business within the county in which
38 the otolaryngologist's office is located.

39 § 2. This act shall take effect immediately.

40 PART FF

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

43 2. ~~[Each]~~ Every contract ~~[to which the state or a public benefit~~
44 ~~corporation or a municipal corporation or a commission appointed pursu-~~
45 ~~ant to law is a party, and any contract for public work entered into by~~
46 ~~a third party acting in place of, on behalf of and for the benefit of~~
47 ~~such public entity pursuant to any lease, permit or other agreement~~
48 ~~between such third party and the public entity, and which may involve~~
49 ~~the employment of laborers, workers or mechanics]~~ for public work shall
50 contain a stipulation that no laborer, worker or mechanic in the employ
51 of the contractor, subcontractor or other person doing or contracting to
52 do the whole or a part of the work contemplated by the contract shall be

1 permitted or required to work more than eight hours in any one calendar
2 day or more than five days in any one week except in cases of extraor-
3 dinary emergency including fire, flood or danger to life or property. No
4 such person shall be so employed more than eight hours in any day or
5 more than five days in any one week except in such emergency. Extraor-
6 dinary emergency within the meaning of this section shall be deemed to
7 include situations in which sufficient laborers, workers and mechanics
8 cannot be employed to carry on public work expeditiously as a result of
9 such restrictions upon the number of hours and days of labor and the
10 immediate commencement or prosecution or completion without undue delay
11 of the public work is necessary in the judgment of the commissioner for
12 the preservation of the contract site and for the protection of the life
13 and limb of the persons using the same. Upon the application of any
14 person interested, the commissioner shall make a determination as to
15 whether or not on any public project or on all public projects in any
16 area of this state, sufficient laborers, workers and mechanics of any or
17 all classifications can be employed to carry on work expeditiously if
18 their labor is restricted to eight hours per day and five days per week,
19 and in the event that the commissioner determines that there are not
20 sufficient workers, laborers and mechanics of any or all classifications
21 which may be employed to carry on such work expeditiously if their labor
22 is restricted to eight hours per day and five days per week, and the
23 immediate commencement or prosecution or completion without undue delay
24 of the public work is necessary in the judgment of the commissioner for
25 the preservation of the contract site and for the protection of the life
26 and limb of the persons using the same, the commissioner shall grant a
27 dispensation permitting all laborers, workers and mechanics, or any
28 classification of such laborers, workers and mechanics, to work such
29 additional hours or days per week on such public project or in such
30 areas the commissioner shall determine. Whenever such a dispensation is
31 granted, all work in excess of eight hours per day and five days per
32 week shall be considered overtime work, and the laborers, workers and
33 mechanics performing such work shall be paid a premium wage commensurate
34 with the premium wages prevailing in the area in which the work is
35 performed. No such dispensation shall be effective with respect to any
36 public work unless and until the department of jurisdiction, as defined
37 in this section, certifies to the commissioner that such public work is
38 of an important nature and that a delay in carrying it to completion
39 would result in serious disadvantage to the public. Time lost in any
40 week because of inclement weather by employees engaged in the
41 construction, reconstruction and maintenance of highways outside of the
42 limits of cities and villages may be made up during that week and/or the
43 succeeding three weeks.

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

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

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

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

51 (A) The construction contract is between private parties;

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

1 (1) The public entity entered into or bargained for the lease agree-
2 ment prior to the construction contract; or

3 (2) The construction work is performed according to plans, specifica-
4 tions, or criteria furnished by the public entity, and the lease agree-
5 ment between the lessor and public entity, as lessee, is entered into
6 during, or upon completion of, the construction work, or within six
7 months following completion of the construction work; or

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

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

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

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

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

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

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

40 (ii) Performance of construction work by the state or any public enti-
41 ty in the execution of the project.

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

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

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

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

53 o. "Public entity" includes, but is not limited to, the state, a
54 local development corporation as defined in subdivision eight of section
55 eighteen hundred one of the public authorities law or section fourteen
56 hundred eleven of the not-for-profit corporation law, municipal corpo-

1 ration as defined in section one hundred nineteen-n of the general
2 municipal law, industrial development agencies formed pursuant to arti-
3 cle eighteen-A of the general municipal law or industrial development
4 authorities formed pursuant to article eight of the public authorities
5 law, educational corporation established under article fifty-six of the
6 education law, commission appointed pursuant to law, as well as state,
7 local and interstate and international authorities as defined in section
8 two of the public authorities law; and shall include any trust created
9 by any such entities.

10 p. (i) "Construction" includes, but is not limited to, demolition,
11 reconstruction, excavation, rehabilitation, repair, installation, reno-
12 vation, alteration, and custom fabrication. "Construction" also includes
13 work preformed during the design and preconstruction phases of
14 construction, including but not limited to, inspection and land survey-
15 ing work and work performed during the post-construction phases of
16 construction, including, but not limited to, all cleanup work at the
17 jobsite. "Construction" also includes the delivery to and hauling from
18 the jobsite of aggregate supply construction materials, such as sand,
19 gravel, stone, dirt, fill, as well as any necessary return hauls, wheth-
20 er empty or loaded.

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

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

32 § 224-a. Stop-work orders. Where a complaint is received pursuant to
33 this article, or where the fiscal officer upon his or her own investi-
34 gation, finds cause to believe that any person, in connection with the
35 performance of any contract for public work, has substantially and mate-
36 rially failed to comply with or intentionally evaded the provisions of
37 this article, the commissioner may notify such person in writing of his
38 or her intention to issue a stop-work order. Such notice shall (i) be
39 served in a manner consistent with section three hundred eight of the
40 civil practice law and rules; (ii) notify such person of his or her
41 right to a hearing; and (iii) state the factual basis upon which the
42 commissioner has based his or her decision to issue a stop-work order.
43 Any documents, reports, or information that form a basis for such deci-
44 sion shall be provided to such person within a reasonable time before
45 the hearing. Such hearing shall be expeditiously conducted.

46 Following the hearing, if the commissioner issues a stop-work order,
47 it shall be served by regular mail, and a second copy may be served by
48 telefacsimile or by electronic mail, with service effective upon receipt
49 of any of such order. Such stop-work order shall also be served with
50 regard to a worksite by posting a copy of such order in a conspicuous
51 location at the worksite. The order shall remain in effect until the
52 commissioner directs that the stop-work order be removed, upon a final
53 determination on the complaint or where such failure to comply or evade
54 has been deemed corrected. If the person against whom such order is
55 issued shall within thirty days after issuance of the stop-work order
56 makes an application in affidavit form for a redetermination review of

1 such order the commissioner shall make a decision in writing on the
2 issues raised in such application. The commissioner may direct a condi-
3 tional release from a stop-work order upon a finding that such person
4 has taken meaningful and good faith steps to comply with the provisions
5 of this article.

6 § 4. This act shall take effect immediately.

7 PART GG

8 Section 1. Subdivision 1 of section 1735 of the public authorities
9 law, as amended by chapter 67 of the laws of 2014, is amended to read as
10 follows:

11 1. Notwithstanding the provisions of paragraph b of subdivision one of
12 section seventeen hundred thirty-four of this title, the award of
13 construction contracts by the authority between July first, nineteen
14 hundred eighty-nine and June thirtieth, two thousand [~~nineteen~~] ~~twenty-~~
15 ~~four~~, shall not be subject to the provisions of section one hundred one
16 of the general municipal law.

17 § 2. Section 19 of chapter 738 of the laws of 1988, amending the
18 administrative code of the city of New York, the public authorities law
19 and other laws relating to establishing the New York city school
20 construction authority, as amended by chapter 67 of the laws of 2014, is
21 amended to read as follows:

22 § 19. This act shall take effect immediately, provided, however, that
23 the provisions of subdivision 6 of section 209 of the civil service law,
24 as added by section four of this act, shall expire and be deemed
25 repealed on and after June 30, 1995, and further provided that the
26 provisions of section 1735 of the public authorities law, as added by
27 section fourteen of this act, shall expire and be deemed repealed on
28 June 30, [~~2019~~] ~~2024~~.

29 § 3. This act shall take effect immediately; provided that the amend-
30 ments made to subdivision 1 of section 1735 of the public authorities
31 law by section one of this act shall not affect the repeal of such
32 section and shall be deemed repealed therewith.

33 PART HH

34 Section 1. Short title. This act shall be known and may be cited as
35 the "New York state YouthBuild act".

36 § 2. Legislative intent. The legislature seeks to support economically
37 disadvantaged youth, especially youth who have not finished high school,
38 to obtain the education, work experience skills training, personal coun-
39 seling, leadership development skills training, job placement assist-
40 ance, and long-term follow-up services necessary for them to achieve
41 permanent economic self-sufficiency, while at the same time providing
42 valuable community service that addresses urgent community needs includ-
43 ing the demand for affordable housing and the need for young role models
44 and mentors for younger teenagers and children.

45 The legislature further intends to foster the development of leader-
46 ship skills and a commitment to community development among youth and to
47 ensure maximum educational achievement of program participants through
48 high school diploma or the equivalent attainment and transition to
49 institutions of higher education, where appropriate.

50 The legislature further intends to provide communities the opportunity
51 to establish or rebuild neighborhood stability in economically depressed
52 and low-income areas, as well as historic areas requiring restoration or

1 preservation, while providing economically disadvantaged youth and youth
2 who have not finished high school an opportunity for a meaningful
3 participation in society.

4 The legislature further intends to allow communities to expand the
5 supply of affordable housing for homeless and other low-income individ-
6 uals by utilizing the energies and talents of economically disadvantaged
7 youth and young people who have not graduated from high school.

8 The legislature also intends to foster the development of leadership
9 skills and a commitment to community development among youth.

10 § 3. The labor law is amended by adding a new section 42-a to read as
11 follows:

12 § 42-a. YouthBuild; program requirements services. 1. The commission-
13 er is authorized, subject to amounts made available by appropriation, to
14 make grants to eligible applicants for the purpose of carrying out
15 YouthBuild programs as approved under this section. All programs funded
16 pursuant to the provisions of this section shall use funds available
17 pursuant to this section to provide the following services:

18 a. The training costs for the rehabilitation or construction of hous-
19 ing and related facilities to be used for the purpose of providing
20 homeownership for disadvantaged persons, residential housing for home-
21 less individuals, and low-income and very low-income families, or tran-
22 sitional housing for persons who are homeless, have disabilities, are
23 ill, are deinstitutionalized, or have special needs, or the rehabili-
24 tation or construction of community facilities owned by not-for-profit
25 public agencies.

26 b. The cost of providing training and placement in the growing employ-
27 ment sectors of healthcare and technology.

28 c. The cost of integrated education and work experience skills train-
29 ing services and activities which are evenly divided within the program
30 shall include the following elements:

31 (1) An education component which includes: basic skills instruction,
32 secondary education services, and other activities designed to lead to
33 the attainment of a high school diploma or its equivalent. The curricu-
34 lum for this component shall include math, language arts, vocational
35 education, life skills training, social studies related to the cultural
36 and community history of the students, leadership skills, and other
37 topics at the discretion of the programs; and

38 (2) A work experience and skills training component pre-apprenticeship
39 program that includes construction and rehabilitation activities
40 described in paragraph a of this subdivision. The process of
41 construction must be coupled with work experience skills training and
42 with close on-site supervision by experienced trainers. The curriculum
43 for this component shall contain a set of locally agreed upon skills and
44 competencies that are systematically taught, with students' mastery
45 assessed individually on a regular, ongoing basis. The work experience
46 and skills training component shall be coordinated to the maximum extent
47 feasible with preapprenticeship programs, and apprenticeship programs
48 authorized under article twenty-three of this chapter.

49 d. The cost of counseling services designed to assist participants to
50 positively participate in society, which should include all of the
51 following if necessary: outreach, assessment, and orientation; individ-
52 ual and peer counseling; life skills training; drug and alcohol abuse
53 education and prevention; and referral to appropriate drug rehabili-
54 tation, medical, mental health, legal, housing, and other services and
55 resources in the community.

1 2. A training subsidy, living allowance, or stipend that shall be no
2 less than minimum wage must be provided to program participants for the
3 time spent at the worksite in construction training, health care or
4 information technology services. Stipends and wages may be distributed
5 in a manner that offers incentives for good performance.

6 a. Full time participation in a YouthBuild program shall be offered
7 for a period of not less than six months and not more than twenty-four
8 months.

9 b. A concentrated effort, for those participants who choose not to
10 immediately enroll in an institution of higher education, shall be made
11 to find construction, construction-related, and nonconstruction jobs as
12 well as jobs in the fields of healthcare and technology for all gradu-
13 ates of the program who have performed well. The work experience skills
14 training curriculum shall provide participants with basic preparation
15 for seeking and maintaining a job. Follow-up counseling and assistance
16 in job-seeking shall also be provided to participants for the twelve
17 months following graduation from the program.

18 c. All programs serving twenty-eight trainees or more are required to
19 have a full-time director responsible for the coordination of all
20 aspects of the YouthBuild program.

21 3. a. Eligible participants are youth between the ages of sixteen and
22 twenty-four who are economically disadvantaged as defined in 29 United
23 States Code 1503, and who are part of one of the following groups:

24 (1) Persons who are not attending any school and have not received a
25 secondary school diploma or its equivalent; or

26 (2) Persons currently enrolled in a traditional or alternative school
27 setting or a HSE/TASC (high school equivalency/test assessing secondary
28 completion) program and who are in danger of dropping out of school; or

29 (3) Very low-income persons whose incomes are at or less than fifty
30 percent of the area median income area, adjusted for family size, as
31 estimated by the department of housing and urban development.

32 b. An exception may be made for individuals not meeting income or
33 educational need requirements. Not more than twenty-five percent of the
34 participants in such program may be individuals who do not meet the
35 requirements of this subdivision, but who have educational needs despite
36 the attainment of a high school diploma.

37 4. Priority in the awarding of funds under this section shall be given
38 to applicants with experience in operating YouthBuild programs and
39 implementing the YouthBuild model, including but not limited to, housing
40 construction skills training, education, leadership development, life
41 skills training, and counseling services. Priority shall also be given
42 to those who meet the program standards of YouthBuild USA, Inc.

43 5. Any not-for-profit private agencies, or public agencies with expe-
44 rience operating a YouthBuild program or with a plan to incubate a
45 YouthBuild program until it can be established as a not-for-profit
46 private agency are eligible entities. Only not-for-profit private agen-
47 cies or public agencies that are licensed affiliates of YouthBuild USA,
48 Inc. or currently receive a department of labor YouthBuild award, are
49 eligible to use the term YouthBuild or eligible to apply for these
50 funds.

51 6. The commissioner shall require applicants for YouthBuild funds to
52 include various information on the applicant's programs and shall
53 promulgate regulations outlining information required on such applicant.
54 Provided, however, that at a minimum such application shall include:

55 a. A request for an implementation grant, specifying the amount of the
56 grant requested and its proposed uses;

1 b. A description of the applicant and a statement of its qualifica-
2 tions, including a description of the applicant's past experience
3 running a YouthBuild program, and its experience with housing rehabili-
4 tation or construction and with youth and youth education, youth leader-
5 ship development and work experience skills training programs, and its
6 relationship with local unions and youth apprenticeship programs, and
7 other community groups; and

8 c. A description of the educational and work experience skills train-
9 ing activities, work opportunities, and other services that shall be
10 provided to participants.

11 § 4. This act shall take effect one year after it shall have become a
12 law.

13 PART II

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

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

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

35 10. "Substantially-owned affiliated entity" shall mean the parent
36 company of the contractor or subcontractor, or covered developer, or
37 covered lessee or lessor any subsidiary of the contractor or subcontrac-
38 tor, or covered developer, or covered lessee or lessor, or any entity in
39 which the parent of the contractor or subcontractor, or covered develop-
40 er, or covered lessee or lessor owns more than fifty percent of the
41 voting stock, or an entity in which one or more of the top five share-
42 holders of the contractor or subcontractor individually or collectively
43 also owns a controlling share of the voting stock, or an entity which
44 exhibits any other indicia of control over the contractor or subcontrac-
45 tor, or covered developer, or covered lessee or lessor or over which the
46 contractor or subcontractor, or covered developer, or covered lessee or
47 lessor exhibits control, regardless of whether or not the controlling
48 party or parties have any identifiable or documented ownership interest.
49 Such indicia shall include: power or responsibility over employment
50 decisions, access to and/or use of the relevant entity's assets or
51 equipment, power or responsibility over contracts of the entity, respon-
52 sibility for maintenance or submission of certified payroll records, and
53 influence over the business decisions of the relevant entity.

1 15. "Covered developer" means any entity receiving financial assist-
2 ance in relation to a covered development project, or any assignee or
3 successor in interest of real property that qualifies as a covered
4 development project.

5 16. "Covered employer" means any entity, other than a covered develop-
6 er who employs building service workers at a covered development project
7 or at any real property subject to a covered lease.

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

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

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

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

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

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

42 § 231-a. Prevailing wage for covered leases and covered development
43 projects. 1. Covered developers and covered lessees or lessors shall
44 ensure that all building service employees performing building service
45 work in connection with a covered development project or covered lease
46 are paid no less than the prevailing wage.

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

51 3. The public agency providing financial assistance or entering into a
52 covered lease shall require, as a contractual condition of such finan-
53 cial assistance or covered lease, that any building service employee
54 performing building service work in connection with a covered develop-
55 ment project or covered lease, regardless of the employing entity, shall
56 be paid no less than the prevailing wage; and any lease, contract for

1 property management services, or contract for the provision of building
2 services, entered into by the covered developer or covered lessee or
3 lessor, and any subcontract thereof, shall contain the following
4 provision "All building service employees shall be paid no less than the
5 prevailing wage as provided by the fiscal officer as described in
6 section two hundred and thirty-four of the Labor Law. Any covered
7 employer, as defined in section two hundred and thirty of the Labor Law,
8 shall maintain all records relating to the employment of building
9 service workers as described in section two hundred and thirty-three of
10 the Labor Law which are to be provided to the covered developer. Such
11 covered employer shall also submit such statements as required under
12 section two hundred and thirty-seven of the Labor Law. This requirement
13 shall apply to any covered development project or real property subject
14 to a covered lease as provided by Article Nine of the Labor Law."

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

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

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

37 7. Within two weeks of receiving financial assistance or entering into
38 a covered lease, a covered developer, covered lessee or lessor, or
39 covered employer shall post in the same location and manner that other
40 statutorily required notices are posted at every such covered develop-
41 ment project or real property subject to a covered lease, and provide
42 each building service employee a copy of a written notice which shall be
43 prepared by the fiscal officer, detailing the wages, benefits, and other
44 protections to which building service employees are entitled under this
45 section. Such notice shall also provide the name, address and telephone
46 number of the fiscal officer and a statement advising building service
47 employees that if they have been paid less than the prevailing wage they
48 may notify the fiscal officer and request an investigation or bring suit
49 in a court of competent jurisdiction. Such notices shall be posted in
50 English and in any other language which at least twenty percent of
51 employees speak as a primary language. Such notice shall remain posted
52 for the time that the requirements of this section shall apply and shall
53 be adjusted periodically to reflect the current prevailing wage for
54 building service employees. In addition to posting the covered develop-
55 er, covered lessee or lessor, or covered employer shall provide each
56 individual employee a copy of the notice in English or any other

1 language spoken by the employee as a primary language, so long as the
2 fiscal officer has made such notice available to employers in such
3 language on its website. The fiscal officer shall make available on its
4 website sample written notices explaining the rights of building service
5 employees under this section and shall translate such sample written
6 notices into such languages it deems appropriate.

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

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

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

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

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

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

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

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

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

55 5. A covered developer, or covered lessee or lessor shall include a
56 requirement in all leases, management agreements or service contracts,

1 and any subcontracts thereof, that any covered employer shall comply
2 with the record keeping requirements of this section. The covered devel-
3 oper, or covered lessee or lessor shall obtain such records from any
4 covered employer and preserve such records for a period of six years
5 after the completion of the employee's work.

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

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

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

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

18 § 235-a. Investigations, hearings, and private right of action for
19 covered leases and covered development projects. 1. Whenever the fiscal
20 officer has reason to believe that a building service employee perform-
21 ing building service work in connection with a covered lease or covered
22 development project has been paid less than the applicable prevailing
23 wage and supplements or upon receipt of a written complaint, the fiscal
24 officer shall conduct a special investigation to determine the facts
25 relating thereto.

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

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

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

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

52 (c) An order directing the payment to specified employees of wages
53 found to be due and unpaid shall include interest at a rate not less
54 than six per centum per year and not more than the rate of interest then
55 in effect as prescribed by the superintendent of financial services
56 pursuant to section fourteen-a of the banking law per annum from the

1 time such wages should have been paid. In determining the rate of
2 interest to be imposed the fiscal officer shall consider the size of the
3 employer's business, the good faith of the employer, the gravity of the
4 violation, the history of previous violations of the employer, successor
5 or substantially-owned affiliated entity, any officer of the covered
6 developer, covered lessee or lessor, or covered employer who knowingly
7 participated in the violation of this article, and any of the partners
8 if the covered developer, covered lessee or lessor, or covered employer
9 is a partnership or any of the five largest shareholders of the covered
10 developer, covered lessee or lessor, or the covered employer, as deter-
11 mined by the fiscal officer, and the failure to comply with recordkeep-
12 ing or other non-wage requirements.

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

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

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

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

38 (iii) any officer of the covered developer, covered lessee or lessor,
39 or covered employer who knowingly participated in the violation of this
40 article; provided, however, that the fiscal officer shall within five
41 days of the filing of the order provide notice thereof to the partner or
42 top five shareholders or successor or substantially-owned affiliated
43 entity. The notified party may contest the filing on the basis that it
44 is not a partner or one of the five largest shareholders, an officer of
45 the covered developer, covered lessee or lessor, or covered employer who
46 knowingly participated in the violation of this article, or a successor
47 or substantially-owned affiliated entity. If, after reviewing the infor-
48 mation provided by the notified party in support of such contest, the
49 fiscal officer determines that the notified party is not within the
50 definitions described herein, the fiscal officer shall immediately with-
51 draw his or her filing of the order.

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

1 6. When a final determination has been made and such determination is
2 in favor of an employee, such employee may, in addition to any other
3 remedy provided by this article, institute an action in any court of
4 appropriate jurisdiction against the entity found to have violated this
5 article, any substantially-owned affiliated entity, any officer of the
6 covered developer, covered lessee or lessor, or covered employer who
7 knowingly participated in the violation of this article, and any of the
8 partners if the covered developer, covered lessee or lessor, or covered
9 employer is a partnership or any of the five largest shareholders of the
10 covered developer, covered lessee or lessor, or covered employer, as
11 determined by the fiscal officer, for the recovery of the difference
12 between the sum, if any, actually paid to him or her by the aforesaid
13 financial officer pursuant to said order and the amount found to be due
14 him or her as determined by said order. Such action must be commenced
15 within three years from the date of the filing of said order, or if the
16 said order is reviewed in a proceeding pursuant to article seventy-eight
17 of the civil practice law and rules, within three years after the termi-
18 nation of such review proceeding.

19 7. (a) Any person claimed to be aggrieved by violation of this arti-
20 cle shall have a cause of action in any court of competent jurisdiction
21 against the entity alleged to have violated this article, any substan-
22 tially-owned affiliated entity, any officer of the covered developer,
23 covered lessee or lessor, or covered employer who knowingly participated
24 in the violation of this article, and any of the partners if the covered
25 developer, covered lessee or lessor, or covered employer is a partner-
26 ship or any of the five largest shareholders of the covered developer,
27 covered lessee or lessor, or covered employer, as determined by the
28 fiscal officer, for the recovery of the difference between the sum, if
29 any, actually paid to him or her by the aforesaid financial officer
30 pursuant to said order and the amount found to be due him or her as
31 determined by said order. The cause of action may seek damages, includ-
32 ing punitive damages, and for injunctive relief and such other remedies
33 as may be appropriate, unless such person has filed a complaint with the
34 fiscal officer with respect to such claim. In an action brought by a
35 building service employee, if the court finds in favor of the employee,
36 it shall award the employee, in addition to other relief, his or her
37 reasonable attorneys' fees and costs.

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

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

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

55 (e) In any action instituted upon a wage claim by a building service
56 employee in which the employee prevails, the court may allow such

1 employee, in addition to ordinary costs, a reasonable sum, not exceeding
2 one hundred dollars for expenses which may be taxed as costs. No assignee
3 of a wage claim shall be benefited by this paragraph.

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

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

21 (b) Taking an adverse action includes, but is not limited to threaten-
22 ing, intimidating, disciplining, discharging, demoting, suspending, or
23 harassing an employee, reducing the hours of pay of an employee, inform-
24 ing another employer than an employee has engaged in activities
25 protected by this article, discriminating against the employee, includ-
26 ing actions related to perceived immigration status or work authori-
27 zation, and maintenance or application of an absence control policy that
28 counts protected leave as an absence that may lead to or result in an
29 adverse action.

30 (c) An employee need not explicitly refer to a provision of this arti-
31 cle to be protected from an adverse action.

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

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

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

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

1 developer, or covered lessee or lessor may bring suit to recover all
2 monies paid by the covered developer, or covered lessee or lessor from
3 the covered employer.

4 10. When two judgments or final orders pursuant to the provisions of
5 this section have been entered against a covered developer, covered
6 lessee or lessor, covered employer, successor, or any substantially-
7 owned affiliated entity of the covered developer, covered lessee or
8 lessor, or covered employer, any of the partners if the covered develop-
9 er, covered lessee or lessor, or covered employer is a partnership, any
10 of the five largest shareholders of the covered developer, covered
11 lessee or lessor, or covered employer, any officer of the covered devel-
12 oper, covered lessee or lessor, or covered employer who knowingly
13 participated in the violation of this article within any consecutive
14 six-year period determining that such covered developer, covered lessee
15 or lessor, or covered employer and/or its successor, substantially-owned
16 affiliated entity of the covered developer, covered lessee or lessor, or
17 covered employer, any of the partners or any of the five largest share-
18 holders of the covered developer, covered lessee or lessor, or covered
19 employer, any officer of the covered developer, covered lessee or
20 lessor, or covered employer who knowingly participated in the violation
21 of this article has willfully failed to pay the prevailing wages in
22 accordance with the provisions of this article, whether such failures
23 were concurrent or consecutive and whether or not such final determi-
24 nations concerning separate covered leases or awards of financial
25 assistance are rendered simultaneously, such covered developer, covered
26 lessee or lessor, covered employer, successor, and if the covered devel-
27 oper, covered lessee or lessor, covered employer, successor, or any
28 substantially-owned affiliated entity of the covered developer, covered
29 lessee or lessor, or covered employer, any of the partners if the
30 covered developer, covered lessee or lessor, or covered employer is a
31 partnership, or any of the five largest shareholders of the covered
32 developer, covered lessee or lessor, or covered employer, any officer of
33 the covered developer, covered lessee or lessor, or covered employer who
34 knowingly participated in the violation of this article, or any succes-
35 sor is a corporation, any officer of such corporation who knowingly
36 participated in such failure, shall be ineligible to enter into covered
37 leases with a public agency or receive financial assistance for a period
38 of five years from the date of the second order; provided, however, that
39 where any such final order involves the falsification of payroll records
40 or the kickback of wages, the covered developer, covered lessee or
41 lessor, covered employer, successor, substantially-owned affiliated
42 entity of the covered developer, covered lessee or lessor, or covered
43 employer, any partner if the covered developer, covered lessee or
44 lessor, or covered employer is a partnership or any of the five largest
45 shareholders of the covered developer, covered lessee or lessor, or
46 covered employer, any officer of the covered developer, covered lessee
47 or lessor, or covered employer who knowingly participated in the
48 violation of this article shall be ineligible to receive for a period of
49 five years from the date of the first final order. Nothing in this
50 subdivision shall be construed as affecting any provision of any other
51 law or regulation relating to the awarding of financial assistance or
52 entering into a covered lease with a public agency. The commissioner
53 shall maintain a list of covered developers, and covered lessees or
54 lessors, who are ineligible, including their names, address, date and
55 duration of their ineligibility. Such list shall be updated and
56 published as often as is necessary to keep it current.

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

4 1. Subcontractors engaged for service work by a contractor or its
5 subcontractor and covered employers, shall, upon receipt from the
6 covered developer, or covered lessee or lessor, contractor or its
7 subcontractor of the schedule of wages and supplements specified in the
8 contract or article nine prevailing wage schedule, provide to the
9 covered developer, covered lessee or lessor, contractor or its subcon-
10 tractor a verified statement attesting that the covered employer or
11 subcontractor has received and reviewed such schedule of wages and
12 supplements, and agrees that it will pay the applicable prevailing wages
13 and will pay or provide the supplements specified therein. Such verified
14 statement shall be filed in the manner described in subdivision three of
15 this section for subcontractors of a contractor or its subcontractor,
16 and in the manner described in subdivision four of this section for
17 covered employers. It shall be a violation of this article for any
18 covered developer, covered lessee or lessor, contractor or its subcon-
19 tractor to fail to provide for its subcontractor a copy of the schedule
20 of wages and supplements specified in the contract or article nine
21 prevailing wage schedules.

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

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

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

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

3 3. In the event of a failure by a covered developer, covered lessee or
4 lessor, or covered employer to comply with the provisions of this arti-
5 cle, the covered developer, covered lessee or lessor, or covered employ-
6 er shall be provided with a written notice of failure to comply by the
7 fiscal officer allowing ten days to cure the failure to comply. If the
8 covered developer, covered lessee or lessor, or covered employer fails
9 to timely cure in addition to any other remedies available at law or in
10 equity, the fiscal officer shall be permitted to seek the following
11 remedies:

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

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

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

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

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

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

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

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

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

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

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

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

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

5 § 239-a. Enforcement of article. If the fiscal officer, as defined
6 herein, finds that any covered developer, covered lessee or lessor, or
7 contractor on service work fails to comply with or evades the provisions
8 of this article, he shall present evidence of such noncompliance or
9 evasion to the public agency having charge of such work, or who has
10 entered into a covered lease or provided financial assistance for the
11 covered development project for enforcement. Where such evidence indi-
12 cates a noncompliance or evasion on the part of a subcontractor or
13 covered employer, the contractor or covered developer, or covered lessee
14 or lessors, shall be responsible for such noncompliance or evasion. It
15 shall be the duty of the public agency in charge of such service work,
16 or who has entered into a covered lease or provided financial assistance
17 for the covered development project to enforce the provisions of this
18 article.

19 § 11. This act shall take effect immediately.

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

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