STATE OF NEW YORK

S. 7506 A. 9506

SENATE - ASSEMBLY

January 22, 2020

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

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

AN ACT to amend the education law, in relation to contracts for excellence and the apportionment of public moneys; to amend the education law, in relation to the purchase and loan of text-books; to amend the education law, in relation to aid for the purchase of school library materials; to amend the education law, in relation to the purchase and loan of computer software and hardware; to amend the education law, in relation to boards of cooperative educational services; to amend the education law, in relation to the apportionment of public moneys in school districts employing eight or more teachers including foundation aid; to amend the education law, in relation to the statewide universal full-day pre-kindergarten program; to amend the education law, in relation to conditions under which districts are entitled to apportionment; to amend the education law, in relation to waiving certain duties of districts, schools or boards of cooperative educational services; to amend the education law, in relation to issuance of charters; to amend the education law, in relation to courses of instruction in patriotism and citizenship and in certain historic documents; to amend the education law, in relation to instruction in the Holocaust in certain schools; to amend the education law, in relation to moneys apportioned to school districts for commercial gaming grants; to amend chapter 756 of the laws of 1992, relating to funding a program for work force education conducted by the consortium for worker education in New York city, in relation to reimbursements for the 2020-2021 school year; to amend chapter 756 of the laws of 1992, relating to funding a program for work force education conducted by the consortium for worker education in New York city, in relation to withholding a portion of employment preparation education aid and in relation to the effectiveness thereof; to amend chapter 169 of the laws of 1994, relating to certain provisions related to the 1994-95 state operations, aid to localities, capital projects and debt service

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

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budgets, in relation to the effectiveness thereof; to amend chapter 147 of the laws of 2001, amending the education law relating to conditional appointment of school district, charter school or BOCES employees, in relation to the effectiveness thereof; to amend chapter 425 of the laws of 2002, amending the education law relating to the provision of supplemental educational services, attendance at a safe public school and the suspension of pupils who bring a firearm to or possess a firearm at a school, in relation to the effectiveness thereof; to amend chapter 101 of the laws of 2003, amending the education law relating to implementation of the No Child Left Behind Act of 2001, in relation to the effectiveness thereof; to amend part C of chapter 57 of the laws of 2004, relating to the support of education, in relation to the effectiveness thereof; relates to school bus driver training; relates to special apportionment for salary expenses and public pension accruals; relates to authorizing the city school district of the city of Rochester to purchase certain services; relates to suballocations of appropriations; and relates to the support of public libraries (Part A); to amend the education law, in relation to establishing the Syracuse Comprehensive Education and Workforce Training Center focusing on Science, Technology, Engineering, Arts, and Math to provide instruction to students in the Onondaga, Cortland and Madison county BOCES and the central New York region in the areas of science, technology, engineering, arts and mathematics (Part B); directing the commissioner of education to appoint a monitor for the Rochester city school district and establishing the powers and duties of such monitor and certain other officers; and providing for the repeal of such provisions upon the expiration thereof (Part C); to amend the education law, in relation to predictable tuition allowing annual tuition increase for SUNY and CUNY schools; and to amend chapter 260 of the laws of 2011, amending the education law and the New York state urban development corporation act relating to establishing components of the NY-SUNY 2020 challenge grant program, in relation to the effectiveness thereof (Part D); to amend the education law, in relation to adjusted gross income qualification for the excelsior scholarship (Part E); to amend the education law, in relation to adjusted gross income caps for enhanced tuition awards (Part F); to amend the business corporation law, the partnership law and the limited liability company law, in relation to certified public accountants (Part G); to utilize reserves in the mortgage insurance fund for various housing purposes (Part H); to amend the emergency tenant protection act of nineteen seventy-four, in relation to authorizing a payment offset for rent administration costs (Part I); to amend the labor law, in relation to guaranteeing sick leave (Part J); to amend the social services law, in relation to increasing the standards of monthly need for aged, blind and disabled persons living in the community (Part K); to amend the family court act, in relation to judgments of parentage of children conceived through assisted reproduction or pursuant to surrogacy agreements; to amend the domestic relations law, in relation to restricting genetic surrogate parenting contracts; to amend the public health law, in relation to voluntary acknowledgments of parentage, gestational surrogacy and regulations concerning ova donation; to amend the general business law, the estates, powers and trusts law, and the social services law, in relation to the regulation of surrogacy programs; and to repeal section 73 of the domestic relations law, relating to legitimacy of children born by artificial insemination (Part L); to amend the social services law and the family court act, in relation to

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

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

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

PART A

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

e. Notwithstanding paragraphs a and b of this subdivision, a school district that submitted a contract for excellence for the two thousand eight--two thousand nine school year shall submit a contract for excellence for the two thousand nine--two thousand ten school year in conformity with the requirements of subparagraph (vi) of paragraph a of subdivision two of this section unless all schools in the district are identified as in good standing and provided further that, a school district that submitted a contract for excellence for the two thousand nine--two thousand ten school year, unless all schools in the district are identified as in good standing, shall submit a contract for excellence for the two thousand eleven--two thousand twelve school year which shall, notwithstanding the requirements of subparagraph (vi) of paragraph a of subdivision two of this section, provide for the expenditure of an amount which shall be not less than the product of the amount approved by the commissioner in the contract for excellence for the two thousand nine--two thousand ten school year, multiplied by the district's gap elimination adjustment percentage and provided further that, a school district that submitted a contract for excellence for the two thousand eleven--two thousand twelve school year, unless all schools in the district are identified as in good standing, shall submit a contract for excellence for the two thousand twelve--two thousand thirteen school year which shall, notwithstanding the requirements of subparagraph (vi) of paragraph a of subdivision two of this section, provide for the expenditure of an amount which shall be not less than the amount approved by the commissioner in the contract for excellence for the two thousand eleven--two thousand twelve school year and provided further that, a school district that submitted a contract for excellence for the two thousand twelve--two thousand thirteen school year, unless all schools in the district are identified as in good

standing, shall submit a contract for excellence for the two thousand thirteen--two thousand fourteen school year which shall, notwithstanding the requirements of subparagraph (vi) of paragraph a of subdivision two of this section, provide for the expenditure of an amount which shall be not less than the amount approved by the commissioner in the contract for excellence for the two thousand twelve--two thousand thirteen school year and provided further that, a school district that submitted a contract for excellence for the two thousand thirteen--two thousand fourteen school year, unless all schools in the district are identified as in good standing, shall submit a contract for excellence for the two thousand fourteen--two thousand fifteen school year which shall, notwithstanding the requirements of subparagraph (vi) of paragraph a of subdivision two of this section, provide for the expenditure of an amount which shall be not less than the amount approved by the commissioner in the contract for excellence for the two thousand thirteen--two thousand fourteen school year; and provided further that, a school district that submitted a contract for excellence for the two thousand fourteen--two thousand fifteen school year, unless all schools in the district are identified as in good standing, shall submit a contract for excellence for the two thousand fifteen--two thousand sixteen school year which shall, notwithstanding the requirements of subparagraph (vi) of paragraph a of subdivision two of this section, provide for the expenditure of an amount which shall be not less than the amount approved by the commissioner in the contract for excellence for the two thousand fourteen--two thousand fifteen school year; and provided further that a school district that submitted a contract for excellence for the two thousand fifteen--two thousand sixteen school year, unless all schools in the district are identified as in good standing, shall submit a contract for excellence for the two thousand sixteen--two thousand seventeen school year which shall, notwithstanding the requirements of subparagraph (vi) of paragraph a of subdivision two of this section, provide for the expenditure of an amount which shall be not less than the amount approved by the commissioner in the contract for excellence for the two thousand fifteen--two thousand sixteen school year; and provided further that, a school district that submitted a contract for excellence for the two thousand sixteen--two thousand seventeen school year, unless all schools in the district are identified as in good standing, shall submit a contract for excellence for the two thousand seventeen--two thousand eighteen school year which shall, notwithstanding the requirements of subparagraph (vi) of paragraph a of subdivision two of this section, provide for the expenditure of an amount which shall be not less than the amount approved by the commissioner in the contract for excellence for the two thousand seventeen school year; and provided further that a school district that submitted a contract for excellence for the two thousand seventeen--two thousand eighteen school year, unless all schools in the district are identified as in good standing, shall submit a contract for excellence for the two thousand eighteen--two thousand nineteen school year which shall, notwithstanding the requirements of subparagraph (vi) of paragraph a of subdivision two of this section, provide for the expenditure of an amount which shall be not less than the amount approved by the commissioner in the contract for excellence for the two thousand seventeen--two thousand eighteen school year; and provided further that, a school district that submitted a contract for excellence for the two thousand eighteen--two thousand nineteen school year, unless all schools in the district are identified as in good standing, shall submit a

contract for excellence for the two thousand nineteen--two thousand twenty school year which shall, notwithstanding the requirements of subparagraph (vi) of paragraph a of subdivision two of this section, provide for the expenditure of an amount which shall be not less than the amount approved by the commissioner in the contract for excellence for the two thousand eighteen--two thousand nineteen school year**; and provided further that, a school district that submitted a contract for excellence for the two thousand nineteen--two thousand twenty school year, unless all schools in the district are identified as in good standing, shall submit a contract for excellence for the two thousand twenty--two thousand twenty-one school year which shall, notwithstanding the requirements of subparagraph (vi) of paragraph a of subdivision two of this section, provide for the expenditure of an amount which shall be not less than the amount approved by the commissioner in the contract for excellence for the two thousand nineteen--two thousand twenty school year**. For purposes of this paragraph, the "gap elimination adjustment percentage" shall be calculated as the sum of one minus the quotient of the sum of the school district's net gap elimination adjustment for two thousand ten--two thousand eleven computed pursuant to chapter fifty-three of the laws of two thousand ten, making appropriations for the support of government, plus the school district's gap elimination adjustment for two thousand eleven--two thousand twelve as computed pursuant to chapter fifty-three of the laws of two thousand eleven, making appropriations for the support of the local assistance budget, including support for general support for public schools, divided by the total aid for adjustment computed pursuant to chapter fifty-three of the laws of two thousand eleven, making appropriations for the local assistance budget, including support for general support for public schools. Provided, further, that such amount shall be expended to support and maintain allowable programs and activities approved in the two thousand nine--two thousand ten school year or to support new or expanded allowable programs and activities in the current year.

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

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

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

seven hundred eleven, seven hundred fifty-one and/or seven hundred fifty-three of this title, where such items are designated by the school district as eligible for aid pursuant to this section, provided, however, that if aided pursuant to this section, such expenses shall not be aidable pursuant to any other section of law. Expenditures aided pursuant to this section shall not be eligible for aid pursuant to any other section of law. Courseware or other content-based instructional materials in an electronic format included in the definition of textbook pursuant to this subdivision shall be subject to the same limitations on content as apply to books or book substitutes aided pursuant to this section.

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

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

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

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

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

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

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

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

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

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

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

2. No school district shall be required to loan school library materials in excess of the school library materials owned [~~or~~], acquired**, or designated** by such district pursuant to section seven hundred eleven of this article **provided that such designated amount shall not exceed the product of the library materials factor and the sum of public school district enrollment, nonpublic school enrollment, and additional public enrollment as defined in subparagraphs two, three and six of paragraph n of subdivision one of section thirty-six hundred two of this chapter**. Such school library materials shall be loaned on an equitable basis to children defined in subdivision three of section seven hundred eleven of this article attending in the current year. The payment of tuition under article eighty-nine of this chapter is deemed to be an equitable loan to children for whom such tuition is paid.

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

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

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

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

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

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

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

§ 753. Instructional computer hardware and technology equipment apportionment. 1. In addition to any other apportionment under this chapter, a school district shall be eligible for an apportionment under the provisions of this section **in the two thousand nineteen--two thousand twenty school year and prior** for approved expenses for (i) the purchase or lease of micro and/or mini computer equipment or terminals for instructional purposes or (ii) technology equipment, as defined in paragraph c of subdivision two of this section, used for instructional purposes, or (iii) for the repair of such equipment and training and staff development for instructional purposes as provided hereinafter, or (iv) for expenses incurred on or after July first, two thousand eleven **and before July first, two thousand nineteen**, any items of expenditure that are eligible for an apportionment pursuant to sections seven hundred one, seven hundred eleven and/or seven hundred fifty-one of this title, where such items are designated by the school district as eligible for aid pursuant to this section, provided, however, that if aided pursuant to this section, such expenses shall not be aidable pursuant to any other section of law. Such aid shall be provided pursuant to a plan developed by the district which demonstrates to the satisfaction of the commissioner that the instructional computer hardware needs of the district's public school students have been adequately met and that the school district has provided for the loan of instructional computer hardware to students legally attending nonpublic schools pursuant to section seven hundred fifty-four of this article. The apportionment shall equal the lesser of such approved expense in the base year or, the product of (i) the technology factor, (ii) the sum of the public school district enrollment and the nonpublic school enrollment in the base year as defined in subparagraphs two and three of paragraph n of subdivision one of section thirty-six hundred two of this chapter, and (iii) the building aid ratio, as defined in subdivision four of section thirty-six hundred two of this chapter. For aid payable in the two thousand seven--two thousand eight school year and thereafter, the technology factor shall be twenty-four dollars and twenty cents. A school district may use up to twenty percent of the product of (i) the technology factor, (ii) the sum of the public school district enrollment and the nonpublic school enrollment in the base year as defined in subparagraphs two and three of paragraph n of subdivision one of section thirty-six hundred two of this chapter, and (iii) the building aid ratio for the repair of instructional computer hardware and technology equipment and training and staff development for instructional purposes pursuant to a plan submitted to the commissioner.

2. As used in this article:

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

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

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

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

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

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

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

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

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

by the actual valuation of the school district, provided, however that the tax rate for a central high school district shall be the sum of the amount of tax raised by the common and union free school districts included within the central high school district for the support of the central high school district plus any payments in lieu of taxes received for the support of the central high school district pursuant to section four hundred eighty-five of the real property tax law, divided by the actual valuation of the central high school district. The tax rate for each common or union free school district which is included within a central high school district shall be the sum of the amount raised for the support of such common or union free school district plus any payments in lieu of taxes received for the support of the school district pursuant to section four hundred eighty-five of the real property tax law, exclusive of the amount raised for the central high school district, divided by the actual valuation of such common or union free school district.

f. The sum of the amounts determined for each component school district as the apportionment to the board of cooperative educational services pursuant to the provisions of this section shall not be less than the amount which would have been apportioned during the nineteen hundred sixty-seven--sixty-eight school year under the provisions of this subdivision as in effect on December thirty-first, nineteen hundred sixty-six to the board of cooperative educational services of which the district was a component member for which such apportionment was made, except that such minimum apportionment shall be reduced in any year in which the expenditures of the component district for board of cooperative educational purposes fall below the expenditure on which the nineteen hundred sixty-seven--sixty-eight apportionment to the board of cooperative educational services was based, such reduction to be made on a proportionate basis**, provided, however, that such limitation shall no longer apply commencing with the two thousand twenty--two thousand twenty-one school year**.

g. Any payment required by a board of cooperative educational services to the dormitory authority or any payment required by a board of cooperative educational services to acquire or construct a school facility of the board of cooperative educational services, and any payments for rental of facilities by a board of cooperative educational services shall, for the purposes of apportionment of public moneys to the board of cooperative educational services by the state of New York, be deemed to be an administrative or capital expense, as designated by the commissioner, but the entire amount of such payment shall be utilized in making such apportionment and the limitation of ten percent of the total expenses contained in this subdivision shall not be applicable. Any expense designated by the commissioner as a capital expense shall be included in the capital budget of the board of cooperative educational services and, except as otherwise provided in this paragraph, shall be aided in the same manner as an administrative expense**, provided, however, that such aid shall not be provided commencing with the two thousand twenty--two thousand twenty-one school year**. Any such payment shall not be considered part of the total expenses of the board for purposes of determining the administrative and clerical expenses not to exceed ten percent otherwise eligible for aid under this subdivision, and such payments shall be considered for the purpose of apportionment during the current school year such payment is made. The apportionment for such payments shall be determined by multiplying the amount of such payment allocated to each component school district in the board of cooperative

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

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

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

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

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

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

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

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

e. Community schools aid set-aside. Each school district shall set aside from its total foundation aid computed for the current year pursuant to this subdivision an amount equal to the sum of (i) the amount, if any, set forth for such district as "COMMUNITY SCHL AID (BT1617)" in the data file produced by the commissioner in support of the enacted budget for the two thousand sixteen--two thousand seventeen school year and entitled "SA161-7", (ii) the amount, if any, set forth for such district as "COMMUNITY SCHL INCR" in the data file produced by the commissioner

in support of the executive budget request for the two thousand seventeen--two thousand eighteen school year and entitled "BT171-8", (iii) the amount, if any, set forth for such district as "COMMUNITY SCHOOLS INCREASE" in the data file produced by the commissioner in support of the executive budget for the two thousand eighteen--two thousand nineteen school year and entitled "BT181-9", [~~and~~] (iv) the amount, if any, set forth for such district as "19-20 COMMUNITY SCHOOLS INCR" in the data file produced by the commissioner in support of the executive budget for the two thousand nineteen--two thousand twenty school year and entitled "BT192-0"**, and (v) the amount, if any, set forth for such district as "20-21 COMMUNITY SCHOOLS INCR" in the data file produced by the commissioner in support of the executive budget for the two thousand twenty--two thousand twenty-one school year and entitled "BT202-1"**. Each school district shall use such "COMMUNITY SCHL AID (BT1617)" amount to support the transformation of school buildings into community hubs to deliver co-located or school-linked academic, health, mental health, nutrition, counseling, legal and/or other services to students and their families, including but not limited to providing a community school site coordinator, or to support other costs incurred to maximize students' academic achievement. Each school district shall use such "COMMUNITY SCHL INCR" amount to support the transformation of school buildings into community hubs to deliver co-located or school linked academic, health, mental health services and personnel, after-school programming, dual language programs, nutrition, counseling, legal and/or other services to students and their families, including but not limited to providing a community school site coordinator and programs for English language learners, or to support other costs incurred to maximize students' academic achievement, provided however that a school district whose "COMMUNITY SCHL INCR" amount exceeds one million dollars ($1,000,000) shall use an amount equal to the greater of one hundred fifty thousand dollars ($150,000) or ten percent of such "COMMUNITY SCHL INCR" amount to support such transformation at schools with extraordinary high levels of student need as identified by the commissioner, subject to the approval of the director of the budget. Each school district shall use such "COMMUNITY SCHOOLS INCREASE" to support the transformation of school buildings into community hubs to deliver co-located or school linked academic, health, mental health services and personnel, after-school programming, dual language programs, nutrition, counseling, legal and/or other services to students and their families, including but not limited to providing a community school site coordinator and programs for English language learners, or to support other costs incurred to maximize students' academic achievement. Each school district shall use such "19-20 COMMUNITY SCHOOLS INCR" to support the transformation of school buildings into community hubs to deliver co-located or school linked academic, health, mental health services and personnel, after-school programming, dual language programs, nutrition, trauma informed support, counseling, legal and/or other services to students and their families, including but not limited to providing a community school site coordinator and programs for English language learners, or to support other costs incurred to maximize students' academic achievement. **Each school district shall use such "20-21 COMMUNITY SCHOOLS INCR" to support the transformation of school buildings into community hubs to deliver co-located or school linked academic, health, mental health services and personnel, after-school programming, dual language programs, nutrition, trauma informed support, counseling, legal and/or other services to students and their families, including but not limited to providing a**

community school site coordinator and programs for English language learners.

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

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

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

For the purposes of this paragraph:

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

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

(iii) "Tier C" shall equal, for school districts with a modified free- and reduced-price lunch index of one and one-half (1.5) or greater, the product of public school district enrollment as computed pursuant to paragraph n of subdivision one of this section for the base year multiplied by the Tier C per pupil amount, where "Tier C per pupil amount" shall equal the product of (A) one hundred forty-eight dollars and eighteen cents ($148.18) multiplied by (B) the regional cost index computed pursuant to subparagraph two of paragraph a of this subdivision for such school district multiplied by (C) the modified free and reduced-price lunch index multiplied by (D) the difference of two less the product of one and one-half (1.5) multiplied by the combined wealth ratio for total foundation aid computed pursuant to subparagraph two of paragraph c of subdivision three of this section, provided that such difference shall be no greater than nine tenths (0.9) nor less than zero, and where the "modified free and reduced-price lunch index" shall equal the quotient arrived at when dividing the three year average free and reduced-price lunch percent for the current year computed pursuant to paragraph p of subdivision one of this section of the school district by the statewide average of such percent excluding any city school district in a city with a population of one million or more.

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

amount" shall equal the product of (A) two hundred five dollars ($205) multiplied by (B) the sum of one plus the sparsity factor computed pursuant to paragraph r of subdivision one of this section multiplied by (C) the extraordinary needs index multiplied by (D) the tier D scaled factor, where the "extraordinary needs index" shall equal the quotient of the extraordinary needs percent for the district computed pursuant to paragraph w of subdivision one of this section divided by the statewide average of such percent, and where the "tier D scaled factor" shall equal the difference of one and thirty-seven one-hundredths (1.37) less the squared product of the pupil wealth ratio computed pursuant to paragraph a of subdivision three of this section multiplied by one and twenty-four one-hundredths (1.24), provided that such tier D scaled factor shall not be less than zero nor more than one.

(v) "Tier E" shall equal the greater of the due minimum or the difference of the due minimum less the hold harmless, where "due minimum" shall equal the product of the total foundation aid base computed pursuant to subparagraph (iii) of paragraph j of subdivision one of this section multiplied by twenty-five ten-thousandths (0.0025), and where the "hold harmless" shall equal adjusted foundation aid less the total foundation aid base computed pursuant to subparagraph (iii) of paragraph j of subdivision one of this section.

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

(vii) "Community schools setaside increase" shall equal the sum of the community schools tier 1 increase and the community schools tier 2 increase, where (A) the community schools tier 1 increase shall equal, for eligible school districts, the greater of thirty thousand dollars ($30,000) or the product of (1) sixty-six dollars and five cents ($66.05) multiplied by (2) the public school district enrollment as computed pursuant to paragraph n of subdivision one of this section multiplied by (3) the community schools setaside ratio and (B) the community schools tier 2 increase shall equal, for eligible school districts, the greater of twenty-five thousand dollars ($25,000) or the product of (1) forty-three dollars and ninety-four cents ($43.94) multiplied by (2) the public school district enrollment as computed pursuant to paragraph n of subdivision one of this section multiplied by (3) the community schools setaside ratio. Provided further, the "community schools setaside ratio" shall equal the difference of one less the product of the combined wealth ratio for total foundation aid computed pursuant to subparagraph two of paragraph c of subdivision three of this section multiplied by sixty-four one-hundredths (0.64), provided that such difference shall not be greater than nine tenths (0.9) nor less than zero.

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

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

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

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

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

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

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

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

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

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

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

thousand twenty-one school year, apportionments payable pursuant to section nineteen hundred fifty of this chapter shall be paid pursuant to this section. For aid payable in the two thousand four--two thousand five school year [~~and thereafter~~] through two thousand nineteen--two thousand twenty school year, "moneys apportioned" shall mean the lesser of (i) one hundred percent of the respective amount set forth for each school district as payable pursuant to this section in the school aid computer listing produced by the commissioner in support of the budget including the appropriation for support of boards of cooperative educational services for payments due prior to April first for the current year, or (ii) the apportionment calculated by the commissioner based on data on file at the time the payment is processed; provided however, that for the purposes of any payment to be made in the month of June of two thousand six such calculation shall be based on the school aid computer listing for the current year using updated data at the time of each payment. For districts subject to chapter five hundred sixty-three of the laws of nineteen hundred eighty, thirty-six hundred two-b, or two thousand forty of this chapter, for aid payable in the two thousand four--two thousand five school year and thereafter, "moneys apportioned" shall mean the apportionment calculated by the commissioner based on data on file at the time the payment is processed. Notwithstanding the provisions of section thirty-six hundred nine-a of this article, for the two thousand twenty--two thousand twenty-one school year and thereafter, apportionments payable pursuant to paragraph c-1 of subdivision four of section thirty-six hundred two of this chapter shall be paid pursuant to this section. The "school aid computer listing for the current year" shall be as defined in the opening paragraph of section thirty-six hundred nine-a of this article. The definitions "base year" and "current year" as set forth in subdivision one of section thirty-six hundred two of this article shall apply to this section.

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

(2) Where a school district has expenditures for site purchase, grading or improvement of the site, original furnishings, equipment, machinery or apparatus, or professional fees, or other incidental costs, the cost allowances for new construction and the purchase of existing structures may be increased by the actual expenditures for such purposes but by not more than the product of the applicable cost allowance established pursuant to subparagraph one of this paragraph and twenty per centum for school buildings or additions housing grades prekindergarten through six and by not more than the product of such cost allowance and twenty-five per centum for school buildings or additions housing grades seven through twelve and by not more than the product of such cost allowance and twenty-five per centum for school buildings or additions housing special education programs as approved by the commissioner, provided that commencing with projects approved on or after July first, two thousand twenty by the voters of the school district or by the board of education of a city school district in a city with more than one hundred twenty-five thousand inhabitants, and/or the chancellor in a city school district in a city having a population of one million or more, the amount of the cost allowance that is increased by this subparagraph may not be used for space that the commissioner deems as not critical to the instructional program, the protection of health and safety, or other appropriate use of the facilities, as defined in regulations of the commissioner, including but not limited to athletic

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

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

(ii) Apportionment. The apportionment pursuant to this subparagraph shall equal the product of such eligible approved expenses determined in accordance with the provisions of clause (i) of this subparagraph and this section and the incentive decimal computed for use in the year in which the project was approved. The incentive decimal shall equal (A) for projects approved prior to July first, two thousand twenty by the voters of the school district or by the board of education of a city school district in a city with more than one hundred twenty-five thousand inhabitants, and/or the chancellor in a city school district in a city having a population of one million or more, the positive remainder resulting when the district's building aid ratio selected pursuant to paragraph c of this subdivision is subtracted from the enhanced building aid ratio[~~. The~~]; and (B) for projects approved on or after July first, two thousand twenty by the voters of the school district or by the board of education of a city school district in a city with more than one hundred twenty-five thousand inhabitants, and/or the chancellor in a city school district in a city having a population of one million or more the positive remainder resulting when the district's current year building aid ratio pursuant to clause (d) of subparagraph two of paragraph c of this subdivision is subtracted from the enhanced building aid ratio. For purposes of this clause, the enhanced building aid ratio shall equal (A) for projects approved prior to July first, two thousand twenty by the voters of the school district or by the board of education of a city school district in a city with more than one hundred twenty-five thousand inhabitants, and/or the chancellor in a city school district in a city having a population of one million or more, the sum of the building aid ratio selected for use in the current year pursuant to paragraph c of this subdivision and one-tenth, computed to three decimals without rounding, but not more than (a) ninety-eight hundredths for a high need school district, as defined pursuant to regulations of the commissioner, for all school building projects approved by the voters of the school district or by the board of education of a city school district in a city with more than one hundred twenty-five thousand inhabitants, and/or the chancellor in a city school district in a city having a population of one million or more, on or after July first, two thousand five, or (b) ninety-five hundredths for any other school building project or school district, nor less than one-tenth; and (B) For projects approved on or after July first, two thousand twenty by the voters of the school district or by the board of education of a city school district in a city with more than one hundred twenty-five thousand inhabitants, and/or the chancellor in a city school district in a city having a population of one million or more, the sum of the building aid ratio for the current year pursuant to clause (d) of subparagraph two of paragraph c of this subdivision and scaled incentive decimal, computed to three decimals without rounding, but not more than, (a) ninety-eight hundredths for a high need school district, as defined pursuant to regulations of the commissioner and used for the school aid computer listing produced by the commissioner in support of the enacted budget for the two thousand seven--two thousand eight school year and entitled "SA0708", for all school building projects approved by the voters of the school district or by the board of education of a city

school district in a city with more than one hundred twenty-five thousand inhabitants, and/or the chancellor in a city school district in a city having a population of one million or more, on or after July first, two thousand five, or (b) ninety-five hundredths for any other school building project or school district. For purposes of this clause, the scaled incentive decimal shall equal (a) one-tenth for a high need school district, as defined pursuant to regulations of the commissioner and used for the school aid computer listing produced by the commissioner in support of the enacted budget for the two thousand seven--two thousand eight school year and entitled "SA0708", for all school building projects approved by the voters of the school district or by the board of education of a city school district in a city with more than one hundred twenty-five thousand inhabitants, and/or the chancellor in a city school district in a city having a population of one million or more, on or after July first, two thousand five or (b) the product of one-tenth multiplied by the state sharing ratio computed pursuant to paragraph g of subdivision three of this section for all other school districts.

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

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

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

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

(d) For aid payable in the school years two thousand twenty-one--two thousand twenty-two and thereafter for all school building projects approved by the voters of the school district or by the board of education of a city school district in a city with more than one hundred twenty-five thousand inhabitants, and/or the chancellor in a city school district in a city having a population of one million or more, on or after July first, two thousand twenty, any school district shall compute aid under the provisions of this subdivision using the sum of the high-need supplemental building aid ratio, if any, computed pursuant to clause (c) of this subparagraph and the building aid ratio computed for use in the current year, provided that such sum shall not be less than five percent; further provided that, school districts which are eligible for aid under paragraph f of subdivision fourteen of this section may compute aid under the provisions of this subdivision using the difference of the highest of the aid ratios so computed for the reorganized district or the highest of the aid ratios so computed for any of the individual school districts which existed prior to the date of the reorganized school district.

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

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

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

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

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

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

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

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

b. (1) For the purposes of this apportionment, approved transportation operating expense shall be the actual expenditure incurred by a school district and approved by the commissioner (i) for those items of transportation operating expense allowable under subdivision one of section thirty-six hundred twenty-three-a of this article for regular aidable transportation of pupils as such terms are defined in sections thirty-six hundred twenty-one and thirty-six hundred twenty-two-a of this article, and (ii) for those items of transportation operating expense allowable under subdivision one of section thirty-six hundred twenty-three-a of this article for the transportation required or authorized pursuant to article eighty-nine of this chapter, and (iii) for providing monitors on school buses for students with disabilities, and (iv) for transportation operating expenses allowable under section thirty-six hundred twenty-three-a of this article for the transportation of homeless children authorized by paragraph c of subdivision four of section thirty-two hundred nine of this chapter, provided that the total approved cost of such transportation shall not exceed the amount of the total cost of the most cost-effective mode of transportation. **Provided that, commencing with apportionments for the two thousand twenty-one--two thousand twenty-two school year and thereafter, approved transportation operating expense for a school district shall not exceed the lesser of (i) total approved transportation operating expense for the base year or (ii) the product of the total approved transportation operating expense in the year prior to the base year multiplied by the sum of one plus the inflation-enrollment index computed pursuant to paragraph h of subdivision three of this section.**

(2) Notwithstanding any inconsistent provisions of this article, in computing the apportionment payable to a school district in a city with a population in excess of one million inhabitants pursuant to this subdivision, approved transportation expense for public service transportation shall not include any expenditures to the New York City Metropolitan Transportation Authority for public service transportation nor shall such expense be included in approved operating expense.

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

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

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

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

such moneys to be paid back to the state to be credited to the general fund local assistance account for state aid to the schools, or may deduct such amount from the next apportionment to be made to said district, provided, however, that, upon notification of excess payments of aid for which a recovery must be made by the state through deduction of future aid payments, a school district may request that such excess payments be recovered by deducting such excess payments from the payments due to such school district and payable in the month of June in (i) the school year in which such notification was received and (ii) the two succeeding school years, provided further that there shall be no interest penalty assessed against such district or collected by the state. Such request shall be made to the commissioner in such form as the commissioner shall prescribe, and shall be based on documentation that the total amount to be recovered is in excess of one percent of the district's total general fund expenditures for the preceding school year. The amount to be deducted in the first year shall be the greater of (i) the sum of the amount of such excess payments that is recognized as a liability due to other governments by the district for the preceding school year and the positive remainder of the district's unreserved fund balance at the close of the preceding school year less the product of the district's total general fund expenditures for the preceding school year multiplied by five percent, or (ii) one-third of such excess payments. The amount to be recovered in the second year shall equal the lesser of the remaining amount of such excess payments to be recovered or one-third of such excess payments, and the remaining amount of such excess payments shall be recovered in the third year. Provided further that, notwithstanding any other provisions of this subdivision, any pending payment of moneys due to such district as a prior year adjustment payable pursuant to paragraph c of this subdivision for aid claims that had been previously paid as current year aid payments in excess of the amount to which the district is entitled and for which recovery of excess payments is to be made pursuant to this paragraph, shall be reduced at the time of actual payment by any remaining unrecovered balance of such excess payments, and the remaining scheduled deductions of such excess payments pursuant to this paragraph shall be reduced by the commissioner to reflect the amount so recovered. [~~The commissioner shall certify no payment to a school district based on a claim submitted later than three years after the close of the school year in which such payment was first to be made. For claims for which payment is first to be made in the nineteen hundred ninety-six--ninety-seven school year, the commissioner shall certify no payment to a school district based on a claim submitted later than two years after the close of such school year.~~] For claims for which payment is first to be made [~~in the nineteen hundred ninety-seven--ninety-eight~~] **prior to the two thousand nineteen--two thousand twenty** school year [~~and thereafter~~], the commissioner shall certify no payment to a school district based on a claim submitted later than one year after the close of such school year. **For claims for which payment is first to be made in the two thousand nineteen--two thousand twenty school year and thereafter, the commissioner shall certify no payment to a school district based on a claim submitted later than the first of November of such school year.** Provided, however, no payments shall be barred or reduced where such payment is required as a result of a final audit of the state. [~~It is further provided that, until June thirtieth, nineteen hundred ninety-six, the commissioner may grant a waiver from the provisions of this section for any school district if it is in the best educational interests of the district~~

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

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

For aid payable in the two thousand seven--two thousand eight school year through the two thousand nineteen--two thousand twenty school year, "moneys apportioned" shall mean the lesser of (i) the sum of one hundred percent of the respective amount set forth for each school district as payable pursuant to this section in the school aid computer listing for the current year produced by the commissioner in support of the budget which includes the appropriation for the general support for public schools for the prescribed payments and individualized payments due prior to April first for the current year plus the apportionment payable during the current school year pursuant to subdivision six-a and subdivision fifteen of section thirty-six hundred two of this part minus any reductions to current year aids pursuant to subdivision seven of section thirty-six hundred four of this part or any deduction from apportionment payable pursuant to this chapter for collection of a school district basic contribution as defined in subdivision eight of section forty-four hundred one of this chapter, less any grants provided pursuant to subparagraph two-a of paragraph b of subdivision four of section ninety-two-c of the state finance law, less any grants provided pursuant to subdivision five of section ninety-seven-nnnn of the state finance law, less any grants provided pursuant to subdivision twelve of section thirty-six hundred forty-one of this article, or (ii) the apportionment calculated by the commissioner based on data on file at the time the payment is processed; provided however, that for the purposes of any payments made pursuant to this section prior to the first business day of June of the current year, moneys apportioned shall not include any aids payable pursuant to subdivisions six and fourteen, if applicable, of section thirty-six hundred two of this part as current year aid for

debt service on bond anticipation notes and/or bonds first issued in the current year or any aids payable for full-day kindergarten for the current year pursuant to subdivision nine of section thirty-six hundred two of this part. The definitions of "base year" and "current year" as set forth in subdivision one of section thirty-six hundred two of this part shall apply to this section.[~~For aid payable in the two thousand nineteen--two thousand twenty school year, reference to such "school aid computer listing for the current year" shall mean the printouts entitled "SA192-0".~~] For aid payable in the two thousand twenty--two thousand twenty-one school year and thereafter, "moneys apportioned" shall mean the lesser of: (i) the sum of one hundred percent of the respective amount set forth for each school district as payable pursuant to this section in the school aid computer listing for the current year produced by the commissioner in support of the executive budget request which includes the appropriation for the general support for public schools for the prescribed payments and individualized payments due prior to April first for the current year plus the apportionment payable during the current school year pursuant to subdivisions six-a and fifteen of section thirty-six hundred two of this part minus any reductions to current year aids pursuant to subdivision seven of section thirty-six hundred four of this part or any deduction from apportionment payable pursuant to this chapter for collection of a school district basic contribution as defined in subdivision eight of section forty-four hundred one of this chapter, less any grants provided pursuant to subparagraph two-a of paragraph b of subdivision four of section ninety-two-c of the state finance law, less any grants provided pursuant to subdivision six of section ninety-seven-nnnn of the state finance law, less any grants provided pursuant to subdivision twelve of section thirty-six hundred forty-one of this article, or (ii) the apportionment calculated by the commissioner based on data on file at the time the payment is processed; provided however, that for the purposes of any payments made pursuant to this section prior to the first business day of June of the current year, moneys apportioned shall not include any aids payable pursuant to subdivisions six and fourteen, if applicable, of section thirty-six hundred two of this part as current year aid for debt service on bond anticipation notes and/or bonds first issued in the current year or any aids payable for full-day kindergarten for the current year pursuant to subdivision nine of section thirty-six hundred two of this part. For aid payable in the two thousand twenty--two thousand twenty-one school year, reference to such "school aid computer listing for the current year" shall mean the printouts entitled "BT202-1".

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1. In order to promote a spirit of patriotic and civic service and obligation and to foster in the children of the state moral and intellectual qualities which are essential in preparing to meet the obligations of citizenship in peace or in war, the regents of The University of the State of New York shall prescribe courses of instruction in patriotism, citizenship, and human rights issues, with particular attention to the study of the inhumanity of genocide, slavery (including the freedom trail and underground railroad), the Holocaust, **civic education and values, our shared history of diversity, the role of religious freedom in this country,** and the mass starvation in Ireland from 1845 to 1850, to be maintained and followed in all the schools of the state. The boards of education and trustees of the several cities and school districts of the state shall require instruction to be given in such courses, by the teachers employed in the schools therein. All pupils attending such schools, over the age of eight years, shall attend upon such instruction.

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

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

3. The regents shall determine the subjects to be included in such courses of instruction in patriotism, citizenship, and human rights issues, with particular attention to the study of the inhumanity of genocide, slavery (including the freedom trail and underground railroad), the Holocaust, **civic education and values, our shared history of diversity, the role of religious freedom in this country,** and the mass starvation in Ireland from 1845 to 1850, and in the history, meaning, significance and effect of the provisions of the constitution of the United States, the amendments thereto, the declaration of independence, the constitution of the state of New York and the amendments thereto, and the period of instruction in each of the grades in such subjects. They shall adopt rules providing for attendance upon such instruction and for such other matters as are required for carrying into effect the objects and purposes of this section. The commissioner shall be responsible for the enforcement of such section and shall cause to be inspected and supervise the instruction to be given in such subjects. The commissioner may, in his discretion, cause all or a portion of the public school money to be apportioned to a district or city to be withheld for failure of the school authorities of such district or city to provide instruction in such courses and to compel attendance upon such instruction, as herein prescribed, and for a non-compliance with the rules of the regents adopted as herein provided.

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

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

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

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

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

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

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

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

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

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

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

b. Reimbursement for programs approved in accordance with subdivision a of this section for the reimbursement for the 2017--2018 school year shall not exceed 60.4 percent of the lesser of such approvable costs per contact hour or thirteen dollars and ninety cents per contact hour, reimbursement for the 2018--2019 school year shall not exceed 59.4 percent of the lesser of such approvable costs per contact hour or fourteen dollars and ninety-five cents per contact hour, [~~and~~] reimbursement for the 2019--2020 school year shall not exceed 57.7 percent of the lesser of such approvable costs per contact hour or fifteen dollars sixty cents per contact hour, and reimbursement for the 2020-21 school year shall not exceed 56.9 percent of the lesser of such approvable costs per contact hour or sixteen dollars and twenty-five cents per contact hour, where a contact hour represents sixty minutes of instruction services provided to an eligible adult. Notwithstanding any other provision of law to the contrary, for the 2017--2018 school year such contact hours shall not exceed one million five hundred forty-nine thousand four hundred sixty-three (1,549,463); and for the 2018--2019 school year such contact hours shall not exceed one million four hundred sixty-three thousand nine hundred sixty-three (1,463,963); [~~and~~] for the 2019--2020 school year such contact hours shall not exceed one million four hundred forty-four thousand four hundred forty-four (1,444,444); and for the 2020-21 school year such contact hours shall not exceed one million two hundred forty-four thousand and five hundred and eighty-eight (1,244,588). Notwithstanding any other provision of law to the contrary, the apportionment calculated for the city school district of the city of New York pursuant to subdivision 11 of section 3602 of the education law shall be computed as if such contact hours provided by the consortium for worker education, not to exceed the contact hours set forth herein, were eligible for aid in accordance with the provisions of such subdivision 11 of section 3602 of the education law.

§ 31. Section 4 of chapter 756 of the laws of 1992, relating to funding a program for work force education conducted by the consortium for worker education in New York city, is amended by adding a new subdivision y to read as follows:

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

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

§ 32. Section 6 of chapter 756 of the laws of 1992, relating to funding a program for work force education conducted by the consortium for worker education in New York city, as amended by section 37 of part YYY of chapter 59 of the laws of 2019, is amended to read as follows:

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

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

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

§ 34. Section 12 of chapter 147 of the laws of 2001, amending the education law relating to conditional appointment of school district, charter school or BOCES employees, as amended by section 39 of part YYY of chapter 59 of the laws of 2019, is amended to read as follows:

§ 12. This act shall take effect on the same date as chapter 180 of the laws of 2000 takes effect, and shall expire July 1, [~~2020~~] **2021** when upon such date the provisions of this act shall be deemed repealed.

§ 35. Section 4 of chapter 425 of the laws of 2002, amending the education law relating to the provision of supplemental educational services, attendance at a safe public school and the suspension of pupils who bring a firearm to or possess a firearm at a school, as amended by section 40 of part YYY of chapter 59 of the laws of 2019, is amended to read as follows:

§ 4. This act shall take effect July 1, 2002 and section one of this act shall expire and be deemed repealed June 30, 2019, and sections two and three of this act shall expire and be deemed repealed on June 30, [~~2020~~] **2021**.

§ 36. Section 5 of chapter 101 of the laws of 2003, amending the education law relating to the implementation of the No Child Left Behind Act of 2001, as amended by section 41 of part YYY of chapter 59 of the laws of 2019, is amended to read as follows:

§ 5. This act shall take effect immediately; provided that sections one, two and three of this act shall expire and be deemed repealed on June 30, [~~2020~~] **2021**.

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

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

§ 38. School bus driver training. In addition to apportionments otherwise provided by section 3602 of the education law, for aid payable in the 2020-2021 school year, the commissioner of education shall allocate school bus driver training grants to school districts and boards of cooperative educational services pursuant to sections 3650-a, 3650-b and 3650-c of the education law, or for contracts directly with not-for-profit educational organizations for the purposes of this section. Such payments shall not exceed four hundred thousand dollars ($400,000) per school year.

§ 39. Special apportionment for salary expenses. a. Notwithstanding any other provision of law, upon application to the commissioner of education, not sooner than the first day of the second full business week of June 2021 and not later than the last day of the third full business week of June 2021, a school district eligible for an apportionment pursuant to section 3602 of the education law shall be eligible to receive an apportionment pursuant to this section, for the school year ending June 30, 2021, for salary expenses incurred between April 1 and June 30, 2020 and such apportionment shall not exceed the sum of (i) the deficit reduction assessment of 1990--1991 as determined by the commissioner of education, pursuant to paragraph f of subdivision 1 of section 3602 of the education law, as in effect through June 30, 1993, plus (ii) 186 percent of such amount for a city school district in a city with a population in excess of 1,000,000 inhabitants, plus (iii) 209 percent of such amount for a city school district in a city with a population of more than 195,000 inhabitants and less than 219,000 inhabitants according to the latest federal census, plus (iv) the net gap elimination adjustment for 2010--2011, as determined by the commissioner of education pursuant to chapter 53 of the laws of 2010, plus (v) the gap elimination adjustment for 2011--2012 as determined by the commissioner of education pursuant to subdivision 17 of section 3602 of the education law, and provided further that such apportionment shall not exceed such salary expenses. Such application shall be made by a school district, after the board of education or trustees have adopted a resolution to do so and in the case of a city school district in a city with a population in excess of 125,000 inhabitants, with the approval of the mayor of such city.

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

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

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

§ 40. Special apportionment for public pension accruals. a. Notwithstanding any other provision of law, upon application to the commissioner of education, not later than June 30, 2021, a school district eligible for an apportionment pursuant to section 3602 of the education law shall be eligible to receive an apportionment pursuant to this section, for the school year ending June 30, 2021 and such apportionment shall not exceed the additional accruals required to be made by school districts in the 2004--2005 and 2005--2006 school years associated with changes for such public pension liabilities. The amount of such additional accrual shall be certified to the commissioner of education by the president of the board of education or the trustees or, in the case of a city school district in a city with a population in excess of 125,000 inhabitants, the mayor of such city. Such application shall be made by a school district, after the board of education or trustees have adopted a resolution to do so and in the case of a city school district in a city with a population in excess of 125,000 inhabitants, with the approval of the mayor of such city.

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

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

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

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

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

a. for the development, maintenance or expansion of magnet schools or magnet school programs for the 2020--2021 school year. For the city school district of the city of New York there shall be a setaside of foundation aid equal to forty-eight million one hundred seventy-five thousand dollars ($48,175,000) including five hundred thousand dollars ($500,000) for the Andrew Jackson High School; for the Buffalo city school district, twenty-one million twenty-five thousand dollars ($21,025,000); for the Rochester city school district, fifteen million dollars ($15,000,000); for the Syracuse city school district, thirteen million dollars ($13,000,000); for the Yonkers city school district, forty-nine million five hundred thousand dollars ($49,500,000); for the Newburgh city school district, four million six hundred forty-five thousand dollars ($4,645,000); for the Poughkeepsie city school district, two million four hundred seventy-five thousand dollars ($2,475,000); for the Mount Vernon city school district, two million dollars ($2,000,000); for the New Rochelle city school district, one million four hundred ten thousand dollars ($1,410,000); for the Schenectady city school district, one million eight hundred thousand dollars ($1,800,000); for the Port Chester city school district, one million one hundred fifty thousand dollars ($1,150,000); for the White Plains city school district, nine hundred thousand dollars ($900,000); for the Niagara Falls city school district, six hundred thousand dollars ($600,000); for the Albany city school district, three million five hundred fifty thousand dollars ($3,550,000); for the Utica city school district, two million dollars ($2,000,000); for the Beacon city school district, five hundred sixty-six thousand dollars ($566,000); for the Middletown city school district, four hundred thousand dollars ($400,000); for the Freeport union free school district, four hundred thousand dollars ($400,000); for the Greenburgh central school district, three hundred thousand dollars ($300,000); for the Amsterdam city school district, eight hundred thousand dollars ($800,000); for the Peekskill city school district, two hundred thousand dollars ($200,000); and for the Hudson city school district, four hundred thousand dollars ($400,000).

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

ated with implementation of an alternative approach to promote diversity and/or enhancement of the instructional program and raising of standards in elementary and secondary schools of school districts having substantial concentrations of minority students.

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

d. For the purpose of teacher support for the 2020--2021 school year: for the city school district of the city of New York, sixty-two million seven hundred seven thousand dollars ($62,707,000); for the Buffalo city school district, one million seven hundred forty-one thousand dollars ($1,741,000); for the Rochester city school district, one million seventy-six thousand dollars ($1,076,000); for the Yonkers city school district, one million one hundred forty-seven thousand dollars ($1,147,000); and for the Syracuse city school district, eight hundred nine thousand dollars ($809,000). All funds made available to a school district pursuant to this section shall be distributed among teachers including prekindergarten teachers and teachers of adult vocational and academic subjects in accordance with this section and shall be in addition to salaries heretofore or hereafter negotiated or made available; provided, however, that all funds distributed pursuant to this section for the current year shall be deemed to incorporate all funds distributed pursuant to former subdivision 27 of section 3602 of the education law for prior years. In school districts where the teachers are represented by certified or recognized employee organizations, all salary increases funded pursuant to this section shall be determined by separate collective negotiations conducted pursuant to the provisions and procedures of article 14 of the civil service law, notwithstanding the existence of a negotiated agreement between a school district and a certified or recognized employee organization.

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

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

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

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

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

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

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

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

PART B

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

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

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

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

3. The board of education of the Syracuse city school district shall have the responsibility for the operation, supervision and maintenance of the school and shall be responsible for the administration of the school, including curriculum, grading, discipline and staffing. The Syracuse Comprehensive Education and Workforce Training Center shall also partner with a certified institution of higher education to offer an early college high school program. The Syracuse Comprehensive Education and Workforce Training Center shall also partner with a certified institution of higher education to offer apprenticeship training and programs. The Syracuse Comprehensive Education and Workforce Training Center shall also partner with the State University of New York Empire State College to ensure that there are career connection programs and opportunities including, but not limited to, workforce preparation and training, industry certifications and credentials including advanced technical certifications and high school equivalency programs, and education opportunity center programs. The State University of New York Empire State College may also partner with the New York State Department of Labor. The Syracuse Comprehensive Education and Workforce Training Center is also authorized to partner with other local entities including, but not limited to, businesses, non-profit organizations, state and local governments, and other organizations focused on closing the skills gap and increasing employment opportunities through training. These programs shall be available to students as well as members of the community.

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

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

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

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

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

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

10. Any student eligible for enrollment in grades nine through twelve of a public school entering into a memorandum of understanding with the board of education of the Syracuse city school district to enroll students in the Syracuse Comprehensive Education and Workforce Training Center shall be eligible for admission to the high school. To the extent that the number of qualified applicants may exceed the number of available spaces, the school shall grant admission on a random selection basis, provided that an enrollment preference shall be provided to pupils returning to the high school in the second or any subsequent year. The criteria for admission shall not be limited based on intellectual ability, measures of academic achievement or aptitude, athletic aptitude, disability, race, creed, gender, national origin, religion, ancestry, or location of residence. The high school shall determine the tentative enrollment roster, notify the parents, or those in parental relations to those students, and the resident school district by April first of the school year preceding the school year for which the admission is granted.

11. Notwithstanding any other provision of law to the contrary, the Syracuse city school district is authorized to transfer ownership of the Syracuse Comprehensive Education and Workforce Training Center to the county of Onondaga and the county of Onondaga is authorized to assume such ownership and to enter into a lease for such facility with the Syracuse city school district. The county of Onondaga may contract for indebtedness to renovate such facility and any related financing shall be deemed a county purpose. The county of Onondaga shall transfer ownership of the Syracuse Comprehensive Education and Workforce Training Center to the city of Syracuse upon the expiration of the lease.

12. Notwithstanding any other provision of law to the contrary, the county of Onondaga shall submit estimated project costs for the renovation and equipping of the Syracuse Comprehensive Education and Workforce Training Center after the completion of schematic plans and specifications for review by the commissioner of education. If the total project costs associated with such project exceed the approved cost allowance of such building project pursuant to section three of this act, and the county has not otherwise demonstrated to the satisfaction of the New York state department of education the availability of additional local shares for such excess costs from the city of Syracuse

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

13. Notwithstanding any other provision of law to the contrary, the county of Onondaga shall submit estimated project costs for the renovation and equipping of the Syracuse Comprehensive Education Workforce and Training Center after the completion of fifty percent of the final plans and specifications for review by the commissioner of education. If the total project costs associated with such project exceed the approved cost allowance of such building project pursuant to section three of this act, and the county has not otherwise demonstrated to the satisfaction of the New York state department of education the availability of additional local share for such excess costs from the city of Syracuse and/or the Syracuse city school district, then the county shall not proceed with the completion of the remaining fifty percent of the plans and specifications for such project until the project has been redesigned or value-engineered to reduce estimated project costs so as to not exceed the above cost limits.

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

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

§ 4. This act shall take effect immediately.

PART C

Section 1. Definitions. As used in this act:

(a) "Commissioner" shall mean the commissioner of education;

(b) "Department" shall mean the state education department;

(c) "Board of education" or "board" shall mean the board of education of the Rochester city school district;

(d) "School district" or "district" shall mean the Rochester city school district;

(e) "Superintendent" shall mean the superintendent of the Rochester city school district;

(f) "Relatives" shall mean a Rochester city school district board member's spouse, domestic partner, child, stepchild, stepparent, or any person who is a direct descendant of the grandparents of a current board member or a board member's spouse or domestic partner;

(g) "Mayor" shall mean the mayor of the city of Rochester; and

(h) "City" shall mean the city of Rochester.

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

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

(a) elementary and secondary education;

(b) the operation of school districts in New York;

(c) educating students with disabilities; and

(d) educating English language learners.

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

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

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

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

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

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

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

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

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

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

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

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

(c) The third hearing shall take public comment on the fiscal performance of the district.

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

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

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

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

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

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

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

3. If the board of education and the monitor do not agree on all the elements of the proposed academic improvement plan, the board of education shall conduct a public hearing on the proposed plan that details the elements of disagreement between the monitor and the board, including documented justification for such disagreements and any requested amendments from the monitor. The proposed academic improvement plan, elements of disagreement, and requested amendments shall be made public on the district's website at least three business days before such public hearing. After considering the input of the community, the board may alter the proposed academic improvement plan and the monitor may alter his or her requested amendments, and the monitor shall submit the proposed academic improvement plan, his or her amendments to the plan, and documentation providing justification for such disagreements and amendments to the commissioner no later than December first, two thousand twenty. By January fifteenth, two thousand twenty-one, the commissioner shall approve the proposed plan with any of the monitor's proposed amendments, or make other modifications, he or she deems appropriate. The board of education shall provide the commissioner with any information he or she requests to approve such plan within three business days of such request. Upon the approval of the commissioner, the academic improvement plan shall be deemed approved for purposes of this act.

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

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

2. The district shall provide quarterly reports to the monitor and annual reports to the mayor, the commissioner and the board of regents on the academic, fiscal, and operational status of the school district. In addition, the monitor shall provide semi-annual reports to the mayor, the commissioner, board of regents, the governor, the temporary president of the senate, and the speaker of the assembly on the academic, fiscal, and operational status of the school district. Such semi-annual report shall include all the contracts that the district entered into throughout the year.

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

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

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

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

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

§ 9. The monitor may notify the commissioner, the mayor and the board in writing when he or she deems the district is violating an element of the financial plan or academic improvement plan in this act. Within twenty days, the commissioner shall determine whether the district is in violation of any of the elements of the academic improvement plan highlighted by the monitor and shall order the district to comply immediately with the plan and remedy any such violation. The mayor and the commissioner shall, within twenty days, jointly determine whether the district is in violation of any of the elements of the financial plan highlighted by the monitor and shall order the district to comply immediately with the plan and remedy any such violation. The school district shall suspend all actions related to the potential violation of the financial plan or academic improvement plan until the commissioner issues a determination or the mayor and the commissioner jointly issue a determination related to the financial plan.

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

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

PART D

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

(4) The trustees shall not impose a differential tuition charge based upon need or income. Except as hereinafter provided, all students enrolled in programs leading to like degrees at state-operated institutions of the state university shall be charged a uniform rate of tuition except for differential tuition rates based on state residency. Provided, however, that the trustees may authorize the presidents of the colleges of technology and the colleges of agriculture and technology to set differing rates of tuition for each of the colleges for students enrolled in degree-granting programs leading to an associate degree and non-degree granting programs so long as such tuition rate does not exceed the tuition rate charged to students who are enrolled in like degree programs or degree-granting undergraduate programs leading to a baccalaureate degree at other state-operated institutions of the state university of New York. Notwithstanding any other provision of this subparagraph, the trustees may authorize the setting of a separate category of tuition rate, that shall be greater than the tuition rate for resident students and less than the tuition rate for non-resident students, only for students enrolled in distance learning courses who are not residents of the state. Except as otherwise authorized in this subparagraph, the trustees shall not adopt changes affecting tuition charges prior to the enactment of the annual budget, provided however that:

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

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

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

(iii) **Commencing with the two thousand twenty-one--two thousand twenty-two academic year and ending in the two thousand twenty-four--two thousand twenty-five academic year the state university of New York board of trustees shall be empowered to increase the resident undergraduate rate of tuition by no more than two hundred dollars over the resident undergraduate rate of tuition adopted by the board of trustees in the prior academic year, provided, however that if the annual resident undergraduate rate of tuition would exceed five thousand dollars, then a tuition credit for each eligible student, as determined and calculated by the New York state higher education services corporation pursuant to section six hundred eighty-nine-a of this title, shall be applied toward the tuition charged for each semester, quarter or term of study. Tuition for each semester, quarter or term of study shall not be due for any student eligible to receive such tuition credit until the tuition credit is calculated and applied against the tuition charged for the corresponding semester, quarter or term. Provided further that the revenue resulting from an increase in the rate of tuition shall be allocated to each campus pursuant to a plan approved by the board of trustees to support investments in new classroom faculty, instruction, initiatives to improve student success and on-time completion and a tuition credit for each eligible student.**

(iv) On or before November thirtieth, two thousand [~~seventeen~~] **twenty-one**, the trustees shall approve and submit to the chairs of the assembly ways and means committee and the senate finance committee and to the director of the budget a master tuition plan setting forth the tuition rates that the trustees propose for resident undergraduate students for the four year period commencing with the two thousand [~~seventeen~~] **twenty-one**--two thousand [~~eighteen~~] **twenty-two** academic year and ending in the two thousand [~~twenty~~] **twenty-four**--two thousand [~~twenty-one~~] **twenty-five** academic year, and shall submit any proposed amendments to such plan by November thirtieth of each subsequent year thereafter through November thirtieth, two thousand [~~twenty~~] **twenty-four**, and provided further, that with the approval of the board of trustees, each university center may increase non-resident undergraduate tuition rates each year by not more than ten percent over the tuition rates of the prior academic year for a six year period commencing with the two thousand eleven--two thousand twelve academic year and ending in the two thousand sixteen--two thousand seventeen academic year.

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

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

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

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

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

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

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

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

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

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

(i) Commencing with the two thousand eleven--two thousand twelve academic year and ending in the two thousand fifteen--two thousand sixteen academic year, the city university of New York board of trustees shall be empowered to increase the resident undergraduate rate of tuition by not more than three hundred dollars over the resident undergraduate rate of tuition adopted by the board of trustees in the prior academic year, provided however that commencing with the two thousand eleven--two thousand twelve academic year and ending with the two thousand sixteen--two thousand seventeen academic year if the annual resident undergraduate rate of tuition would exceed five thousand dollars, then a tuition credit for each eligible student, as determined and calculated by the New York state higher education services corporation pursuant to section six hundred eighty-nine-a of this chapter, shall be applied toward the tuition charged for each semester, quarter or term of study. Tuition for each semester, quarter or term of study shall not be due for any student eligible to receive such tuition credit until the tuition credit is calculated and applied against the tuition charged for the corresponding semester, quarter or term.

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

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

(iii) **Commencing with the two thousand twenty-one--two thousand twenty-two academic year and ending in the two thousand twenty-four--two thousand twenty-five academic year the city university of New York board of trustees shall be empowered to increase the resident undergraduate rate of tuition by not more than two hundred dollars over the resident undergraduate rate of tuition adopted by the board of trustees in the prior academic year; provided, however, that if the annual resident undergraduate rate of tuition would exceed five thousand dollars, then a tuition credit for each eligible student, as determined and calculated by the New York state higher education services corporation pursuant to section six hundred eighty-nine-a of this chapter, shall be applied toward the tuition charged for each semester, quarter or term of study. Tuition for each semester, quarter or term of study shall not be due for any student eligible to receive such tuition credit until the tuition credit is calculated and applied against the tuition charged for the corresponding semester, quarter or term. Provided, further that the revenue resulting from an increase in the rate of tuition shall be allocated to each campus pursuant to a plan approved by the board of trustees to support investments in new classroom faculty, instruction, initiatives to improve student success and on-time completion and a tuition credit for each eligible student.**

(iv) On or before November thirtieth, two thousand [~~seventeen~~] **twenty-one**, the trustees shall approve and submit to the chairs of the assembly ways and means committee and the senate finance committee and to the director of the budget a master tuition plan setting forth the tuition rates that the trustees propose for resident undergraduate students for the four year period commencing with the two thousand [~~seventeen~~] **twenty-one**--two thousand [~~eighteen~~] **twenty-two** academic year and ending in the two thousand [~~twenty~~] **twenty-four**--two thousand [~~twenty-one~~] **twenty-five** academic year, and shall submit any proposed amendments to such plan by November thirtieth of each subsequent year thereafter through November thirtieth, two thousand [~~twenty~~] **twenty-four**.

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

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

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

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

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

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

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

PART E

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

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

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

§ 2. This act shall take effect immediately.

PART F

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

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

§ 2. This act shall take effect immediately.

PART G

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

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

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

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

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

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

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

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

(iv) the president, the chairperson of the board of directors and the chief executive officer or officers are certified public accountants. No shareholder of a firm established for the business purpose of incorporating as a professional service corporation pursuant to paragraph (h) of section fifteen hundred three of this article shall enter into a voting trust agreement, proxy or any other type of agreement vesting in another person, other than another shareholder of the same corporation, the authority to exercise voting power of any or all of his or her shares. All shares issued, agreements made or proxies granted in violation of this section shall be void.

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

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

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

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

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

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

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

decree or except for a corporation having only one shareholder, may be made only after the same shall have been approved by the board of directors, or at a shareholders' meeting specially called for such purpose by such proportion, not less than a majority, of the outstanding shares as may be provided in the certificate of incorporation or in the by-laws of such professional service corporation. At such shareholders' meeting the shares held by the shareholder proposing to sell or transfer his **or her** shares may not be voted or counted for any purpose, unless all shareholders consent that such shares be voted or counted. The certificate of incorporation or the by-laws of the professional service corporation, or the professional service corporation and the shareholders by private agreement, may provide, in lieu of or in addition to the foregoing provisions, for the alienation of shares and may require the redemption or purchase of such shares by such corporation at prices and in a manner specifically set forth therein. The existence of the restrictions on the sale or transfer of shares, as contained in this article and, if applicable, in the certificate of incorporation, by-laws, stock purchase or stock redemption agreement, shall be noted conspicuously on the face or back of every certificate for shares issued by a professional service corporation. Any sale or transfer in violation of such restrictions shall be void.

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

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

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

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

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

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

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

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

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

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

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

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

services in this state must be licensed pursuant to article 145, article 147 and/or article 148 of the education law to practice one or more of such professions in this state. Each partner of a registered limited liability partnership formed to provide licensed clinical social work services in this state must be licensed pursuant to article 154 of the education law to practice clinical social work in this state. Each partner of a registered limited liability partnership formed to provide creative arts therapy services in this state must be licensed pursuant to article 163 of the education law to practice creative arts therapy in this state. Each partner of a registered limited liability partnership formed to provide marriage and family therapy services in this state must be licensed pursuant to article 163 of the education law to practice marriage and family therapy in this state. Each partner of a registered limited liability partnership formed to provide mental health counseling services in this state must be licensed pursuant to article 163 of the education law to practice mental health counseling in this state. Each partner of a registered limited liability partnership formed to provide psychoanalysis services in this state must be licensed pursuant to article 163 of the education law to practice psychoanalysis in this state. Each partner of a registered limited liability partnership formed to provide applied behavior analysis service in this state must be licensed or certified pursuant to article 167 of the education law to practice applied behavior analysis in this state. **A limited liability partnership formed to lawfully engage in the practice of public accountancy, as such practice is respectively defined under article 149 of the education law, shall be required to show (1) that a simple majority of the ownership of the firm, in terms of financial interests, and voting rights held by the firm's owners, belongs to individuals licensed to practice public accountancy in some state, and (2) that all partners of a limited liability partnership whose principal place of business is in this state, and who are engaged in the practice of public accountancy in this state, hold a valid license issued under section seventy-four hundred four of the education law. For purposes of this subdivision, "financial interest" means capital stock, capital accounts, capital contributions, capital interest, or interest in undistributed earnings of a business entity. Although firms may include non-licensee owners, the firm and its owners must comply with rules promulgated by the state board of regents. Notwithstanding the foregoing, a firm registered under this section may not have non-licensee owners if the firm's name includes the words "certified public accountant," or "certified public accounts," or the abbreviations "CPA" or "CPAs". Each non-licensee owner of a firm that is formed under this section shall be (1) a natural person who actively participates in the business of the firm or its affiliated entities, or (2) an entity, including, but not limited to, a partnership or professional corporation, provided each beneficial owner of an equity interest in such entity is a natural person who actively participates in the business conducted by the firm or its affiliated entities. For purposes of this subdivision, "actively participate" means to provide services to clients or to otherwise individually take part in the day-to-day business or management of the firm.**

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

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

each partner of a foreign limited liability partnership which provides dental services in the state must be licensed pursuant to article 133 of the education law to practice dentistry in this state. Each partner of a foreign limited liability partnership which provides veterinary service in the state shall be licensed pursuant to article 135 of the education law to practice veterinary medicine in this state. Each partner of a foreign limited liability partnership which provides professional engineering, land surveying, geological services, architectural and/or landscape architectural services in this state must be licensed pursuant to article 145, article 147 and/or article 148 of the education law to practice one or more of such professions. **Each partner of a foreign registered limited liability partnership formed to provide public accountancy services, whose principal place of business is in this state and who provides public accountancy services, must be licensed pursuant to article 149 of the education law to practice public accountancy in this state.** Each partner of a foreign limited liability partnership which provides licensed clinical social work services in this state must be licensed pursuant to article 154 of the education law to practice licensed clinical social work in this state. Each partner of a foreign limited liability partnership which provides creative arts therapy services in this state must be licensed pursuant to article 163 of the education law to practice creative arts therapy in this state. Each partner of a foreign limited liability partnership which provides marriage and family therapy services in this state must be licensed pursuant to article 163 of the education law to practice marriage and family therapy in this state. Each partner of a foreign limited liability partnership which provides mental health counseling services in this state must be licensed pursuant to article 163 of the education law to practice mental health counseling in this state. Each partner of a foreign limited liability partnership which provides psychoanalysis services in this state must be licensed pursuant to article 163 of the education law to practice psychoanalysis in this state. Each partner of a foreign limited liability partnership which provides applied behavior analysis services in this state must be licensed or certified pursuant to article 167 of the education law to practice applied behavior analysis in this state. **A foreign limited liability partnership formed to lawfully engage in the practice of public accountancy, as such practice is respectively defined under article 149 of the education law, shall be required to show (1) that a simple majority of the ownership of the firm, in terms of financial interests, and voting rights held by the firm's owners, belongs to individuals licensed to practice public accountancy in some state, and (2) that all partners of a foreign limited liability partnership whose principal place of business is in this state, and who are engaged in the practice of public accountancy in this state, hold a valid license issued under section seventy-four hundred four of the education law. For purposes of this subdivision, "financial interest" means capital stock, capital accounts, capital contributions, capital interest, or interest in undistributed earnings of a business entity. Although firms may include non-licensee owners, the firm and its owners must comply with rules promulgated by the state board of regents. Notwithstanding the foregoing, a firm registered under this section may not have non-licensee owners if the firm's name includes the words "certified public accountant," or "certified public accountants," or the abbreviations "CPA" or "CPAs". Each non-licensee owner of a firm that is formed under this section shall be (1) a natural person who actively participates in the business of the firm or its affiliated**

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

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

(h) "Limited partnership" and "domestic limited partnership" mean, unless the context otherwise requires, a partnership (i) formed by two or more persons pursuant to this article or which complies with subdivision (a) of section 121-1202 of this article and (ii) having one or more general partners and one or more limited partners. Notwithstanding any other provisions of law a limited partnership or domestic limited partnership formed to lawfully engage in the practice of public accountancy, as such practice is respectively defined under article 149 of the education law shall be required to show (1) that a simple majority of the ownership of the firm, in terms of financial interests, including ownership-based compensation, and voting rights held by the firm's owners, belongs to individuals licensed to practice public accountancy in some state, and (2) that all partners of a limited partnership or domestic limited partnership, whose principal place of business is in this state, and who are engaged in the practice of public accountancy in this state, hold a valid license issued under section seventy-four hundred four of the education law or are public accountants licensed under section seventy-four hundred five of the education law. Although firms may include non-licensee owners, the firm and its owners must comply with rules promulgated by the state board of regents. Notwithstanding the foregoing, a firm registered under this section may not have non-licensee owners if the firm's name includes the words "certified public accountant," or "certified public accountants," or the abbreviations "CPA" or "CPAs". Each non-licensee owner of a firm that is registered under this section shall be (1) a natural person who actively participates in the business of the firm or its affiliated entities, or (2) an entity, including, but not limited to, a partnership or professional corporation, provided each beneficial owner of an equity interest in such entity is a natural person who actively participates in the business conducted by the firm or its affiliated entities. For purposes of this subdivision, "actively participate" means to provide services to clients or to otherwise individually take part in the day-to-day business or management of the firm.

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

(b) With respect to a professional service limited liability company formed to provide medical services as such services are defined in article 131 of the education law, each member of such limited liability company must be licensed pursuant to article 131 of the education law to practice medicine in this state. With respect to a professional service limited liability company formed to provide dental services as such services are defined in article 133 of the education law, each member of such limited liability company must be licensed pursuant to article 133 of the education law to practice dentistry in this state. With respect to a professional service limited liability company formed to provide veterinary services as such services are defined in article 135 of the

education law, each member of such limited liability company must be licensed pursuant to article 135 of the education law to practice veterinary medicine in this state. With respect to a professional service limited liability company formed to provide professional engineering, land surveying, architectural, landscape architectural and/or geological services as such services are defined in article 145, article 147 and article 148 of the education law, each member of such limited liability company must be licensed pursuant to article 145, article 147 and/or article 148 of the education law to practice one or more of such professions in this state. **With respect to a professional service limited liability company formed to provide public accountancy services as such services are defined in article 149 of the education law each member of such limited liability company whose principal place of business is in this state and who provides public accountancy services, must be licensed pursuant to article 149 of the education law to practice public accountancy in this state.** With respect to a professional service limited liability company formed to provide licensed clinical social work services as such services are defined in article 154 of the education law, each member of such limited liability company shall be licensed pursuant to article 154 of the education law to practice licensed clinical social work in this state. With respect to a professional service limited liability company formed to provide creative arts therapy services as such services are defined in article 163 of the education law, each member of such limited liability company must be licensed pursuant to article 163 of the education law to practice creative arts therapy in this state. With respect to a professional service limited liability company formed to provide marriage and family therapy services as such services are defined in article 163 of the education law, each member of such limited liability company must be licensed pursuant to article 163 of the education law to practice marriage and family therapy in this state. With respect to a professional service limited liability company formed to provide mental health counseling services as such services are defined in article 163 of the education law, each member of such limited liability company must be licensed pursuant to article 163 of the education law to practice mental health counseling in this state. With respect to a professional service limited liability company formed to provide psychoanalysis services as such services are defined in article 163 of the education law, each member of such limited liability company must be licensed pursuant to article 163 of the education law to practice psychoanalysis in this state. With respect to a professional service limited liability company formed to provide applied behavior analysis services as such services are defined in article 167 of the education law, each member of such limited liability company must be licensed or certified pursuant to article 167 of the education law to practice applied behavior analysis in this state. **A professional service limited liability company formed to lawfully engage in the practice of public accountancy, as such practice is respectively defined under article 149 of the education law shall be required to show (1) that a simple majority of the ownership of the firm, in terms of financial interests, and voting rights held by the firm's owners, belongs to individuals licensed to practice public accountancy in some state, and (2) that all members of a limited professional service limited liability company, whose principal place of business is in this state, and who are engaged in the practice of public accountancy in this state, hold a valid license issued under section seventy-four hundred four of the education law. For purposes of this subdivision, "financial**

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

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

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

tion law to practice dentistry in this state. With respect to a foreign professional service limited liability company which provides professional engineering, land surveying, geologic, architectural and/or landscape architectural services as such services are defined in article 145, article 147 and article 148 of the education law, each member of such foreign professional service limited liability company must be licensed pursuant to article 145, article 147 and/or article 148 of the education law to practice one or more of such professions in this state. **With respect to a foreign professional service limited liability company which provides public accountancy services as such services are defined in article 149 of the education law, each member of such foreign professional service limited liability company whose principal place of business is in this state and who provides public accountancy services, shall be licensed pursuant to article 149 of the education law to practice public accountancy in this state.** With respect to a foreign professional service limited liability company which provides licensed clinical social work services as such services are defined in article 154 of the education law, each member of such foreign professional service limited liability company shall be licensed pursuant to article 154 of the education law to practice clinical social work in this state. With respect to a foreign professional service limited liability company which provides creative arts therapy services as such services are defined in article 163 of the education law, each member of such foreign professional service limited liability company must be licensed pursuant to article 163 of the education law to practice creative arts therapy in this state. With respect to a foreign professional service limited liability company which provides marriage and family therapy services as such services are defined in article 163 of the education law, each member of such foreign professional service limited liability company must be licensed pursuant to article 163 of the education law to practice marriage and family therapy in this state. With respect to a foreign professional service limited liability company which provides mental health counseling services as such services are defined in article 163 of the education law, each member of such foreign professional service limited liability company must be licensed pursuant to article 163 of the education law to practice mental health counseling in this state. With respect to a foreign professional service limited liability company which provides psychoanalysis services as such services are defined in article 163 of the education law, each member of such foreign professional service limited liability company must be licensed pursuant to article 163 of the education law to practice psychoanalysis in this state. With respect to a foreign professional service limited liability company which provides applied behavior analysis services as such services are defined in article 167 of the education law, each member of such foreign professional service limited liability company must be licensed or certified pursuant to article 167 of the education law to practice applied behavior analysis in this state. **A foreign professional service limited liability company formed to lawfully engage in the practice of public accountancy, as such practice is respectively defined under article 149 of the education law shall be required to show (1) that a simple majority of the ownership of the firm, in terms of financial interests, and voting rights held by the firm's owners, belongs to individuals licensed to practice public accountancy in some state, and (2) that all members of a foreign limited professional service limited liability company, whose principal place of business is in this state, and who are engaged in the practice of public accountancy in this state,**

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

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

§ 14. This act shall take effect immediately.

PART H

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

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

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

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

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

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

§ 5. This act shall take effect immediately.

PART I

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

c. Whenever a city having a population of one million or more has determined the existence of an emergency pursuant to section three of this act, the provisions of this act and the New York city rent stabilization law of nineteen hundred sixty-nine shall be administered by the state [~~division of housing and community renewal~~] as provided in the New York city rent stabilization law of nineteen hundred sixty-nine, as amended, or as otherwise provided by law. The costs incurred by the state [~~division of housing and community renewal~~] in administering such regulation shall be paid by such city. All payments for such administration shall be transmitted to the state [~~division of housing and community renewal~~] as follows: on or after April first of each year commencing with April, nineteen hundred eighty-four, the commissioner of housing and community renewal**, in consultation with the director of the budget,** shall determine an amount necessary to defray the [~~division's~~] **state's** anticipated annual cost, and one-quarter of such amount shall be paid by such city on or before July first of such year, one-quarter of such amount on or before October first of such year, one-quarter of such amount on or before January first of the following year and one-quarter of such amount on or before March thirty-first of the following year. After the close of the fiscal year of the state, the commissioner**, in consultation with the director of the budget,** shall determine the amount of all actual costs incurred in such fiscal year and shall certify such amount to such city. If such certified amount shall differ from the amount paid by the city for such fiscal year, appropriate adjustments shall be made in the next quarterly payment to be made by such city. In the event that the amount thereof is not paid to the commissioner**, in consultation with the director of the budget,** as herein prescribed, the commissioner**, in consultation with the director of the budget,** shall certify the unpaid amount to the comptroller, and the comptroller shall, to the extent not otherwise prohibited by law, withhold such amount from any state aid payable to such city. In no event shall the amount imposed on the owners exceed twenty dollars per unit per year.

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

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

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

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

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

§ 3. This act shall take effect immediately.

PART J

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

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

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

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

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

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

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

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

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

PART K

Section 1. Paragraphs (a), (b), (c) and (d) of subdivision 1 of section 131-o of the social services law, as amended by section 1 of part L of chapter 56 of the laws of 2019, are amended to read as follows:

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

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

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

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

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

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

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

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

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

(c) On and after January first, two thousand [~~nineteen~~] twenty, (i) for an eligible individual receiving family care, [~~$1,037.48~~] $1,049.48 if he or she is receiving such care in the city of New York or the county of Nassau, Suffolk, Westchester or Rockland; and (ii) for an eligible

couple receiving family care in the city of New York or the county of Nassau, Suffolk, Westchester or Rockland, two times the amount set forth in subparagraph (i) of this paragraph; or (iii) for an eligible individual receiving such care in any other county in the state, [~~$999.48~~] $1,011.48; and (iv) for an eligible couple receiving such care in any other county in the state, two times the amount set forth in subparagraph (iii) of this paragraph.

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

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

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

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

PART L

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

ARTICLE 5-C

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

PART 1. General provisions (581-101 - 581-102)
2. Judgment of parentage (581-201 - 581-206)
3. Child of assisted reproduction (581-301 - 581-307)
4. Surrogacy agreement (581-401 - 581-409)
5. Payment to donors and persons acting as surrogates (581-501 - 581-502)
6. Surrogates' bill of rights (581-601 - 581-607)
7. Miscellaneous provisions (581-701 - 581-704)

PART 1

GENERAL PROVISIONS

Section 581-101. Purpose.
581-102. Definitions.

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

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

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

1. intrauterine or vaginal insemination;

2. donation of gametes;

3. donation of embryos;

4. in vitro fertilization and transfer of embryos; and

5. intracytoplasmic sperm injection.

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

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

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

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

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

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

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

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

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

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

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

uction or a surrogacy agreement provided he or she meets the requirements of this article.

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

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

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

(p) "Record" means information inscribed in a tangible medium or stored in an electronic or other medium that is retrievable in perceivable form.

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

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

(s) "State" means a state of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands, or any territory or insular possession subject to the jurisdiction of the United States.

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

PART 2
JUDGMENT OF PARENTAGE

Section 581-201. Judgment of parentage.
581-202. Proceeding for judgment of parentage of a child conceived through assisted reproduction.
581-203. Proceeding for judgment of parentage of a child conceived pursuant to a surrogacy agreement.
581-204. Judgment of parentage for intended parents who are spouses.
581-205. Inspection of records.
581-206. Jurisdiction, and exclusive continuing jurisdiction.

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

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

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

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

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

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

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

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

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

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

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

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

(d) The following shall be deemed sufficient proof of a donor's donative intent for purposes of this section:

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

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

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

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

(i) before a notary public, or

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

(iii) before a health care practitioner; or

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

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

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

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

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

(f) Where the requirements of subdivision (c) of this section are met or where the court finds the intended parent to be a parent under subdivision (e) of this section, the court shall issue a judgment of parentage:

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

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

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

(4) ordering that:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(6) ordering that:

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

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

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

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

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

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

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

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

PART 3
CHILD OF ASSISTED REPRODUCTION

Section 581-301. Scope of article.
581-302. Status of donor.
581-303. Parentage of child of assisted reproduction.
581-304. Consent to assisted reproduction.
581-305. Limitation on spouses' dispute of parentage of child of assisted reproduction.
581-306. Effect of embryo disposition agreement between intended parents which transfers legal rights and dispositional control to one intended parent.
581-307. Effect of death of intended parent.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(1) it is in writing;

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

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

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

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

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

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

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

PART 4

SURROGACY AGREEMENT

Section 581-401. Surrogacy agreement authorized.
581-402. Eligibility to enter surrogacy agreement.
581-403. Requirements of surrogacy agreement.
581-404. Surrogacy agreement: effect of subsequent spousal relationship.
581-405. Termination of surrogacy agreement.
581-406. Parentage under compliant surrogacy agreement.
581-407. Insufficient surrogacy agreement.
581-408. Absence of surrogacy agreement.
581-409. Dispute as to surrogacy agreement.

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

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

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

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

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

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

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

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

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

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

(6) the person acting as surrogate has, or the surrogacy agreement stipulates that prior to the embryo transfer, the person acting as surrogate will obtain a health insurance policy that covers major medical treatments and hospitalization as well as a surrogate pregnancy; the policy shall be paid for, whether directly or through reimbursement or other means, by the intended parent or parents on behalf of the person acting as surrogate pursuant to the surrogacy agreement, if such policy comes at an additional cost to the person acting as a surrogate, except that a person acting as surrogate who is receiving no compensation may waive the right to have the intended parent or parents pay for the health insurance policy. The intended parent or parents shall also pay for or reimburse the person acting as surrogate for all co-payments, deductibles and any other out-of-pocket medical costs associated with the medical evaluation, psychological screening, embryo transfers, pregnancy and post-natal care, that accrue through twelve weeks after the birth of the child or termination of the pregnancy, except that such responsibility shall be extended for up to six months after the birth of the child or termination of the pregnancy in the event a medical complication related to the pregnancy is diagnosed within twelve weeks after the birth of the child or termination or the pregnancy. A person acting as surrogate who is receiving no compensation may waive the right to have the intended parent or parents make such payments or reimbursements.

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

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

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

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

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

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

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

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

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

(1) each intended parent, and

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

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

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

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

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

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

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

(f) if the surrogacy agreement provides for the payment of compensation to the person acting as surrogate, the funds for base compensation and reasonable anticipated additional expenses shall have been placed in escrow with an independent escrow agent prior to the person acting as surrogate commencing with any medical procedure other than medical evaluations necessary to determine the person acting as surrogate's eligibility; and

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

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

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

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

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

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

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

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

(v) the surrogacy agreement shall permit the person acting as a surrogate to utilize the services of a health care practitioner of the person's choosing; and

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

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

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

(2) As to the intended parent or parents:

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

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

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

(iv) the surrogacy agreement shall provide that the rights and obligations of the intended parent or parents under the surrogacy agreement are not assignable; and

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

§ 581-404. Surrogacy agreement: effect of subsequent spousal relationship. (a) After the execution of a surrogacy agreement under this article, the subsequent spousal relationship of the person acting as surrogate does not affect the validity of a surrogacy agreement, the consent of the spouse of the person acting as surrogate to the agreement shall not be required, and the spouse of the person acting as surrogate shall not be the presumed parent of any resulting children.

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

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

obligations recited in the surrogacy agreement except that the intended parent or parents remains responsible for all expenses that are reimbursable under the agreement which have been incurred by the person acting as surrogate through the date of termination. Unless the agreement provides otherwise, the person acting as surrogate is entitled to keep all payments received and obtain all payments to which the person is entitled up until the date of termination. Neither a person acting as surrogate nor the spouse of the person acting as surrogate, if any, is liable to the intended parent or parents for terminating a surrogacy agreement as provided in this section.

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

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

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

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

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

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

PART 5
PAYMENT TO DONORS AND PERSONS ACTING AS SURROGATES

Section 581-501. Reimbursement.
581-502. Compensation.

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

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

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

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

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

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

(d) Compensation may not be conditioned on actual genotypic or phenotypic characteristics of the donor or of any resulting children.

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

PART 6
SURROGATES' BILL OF RIGHTS

Section 581-601. Applicability.
581-602. Health and welfare decisions.
581-603. Independent legal counsel.
581-604. Health insurance and medical costs.
581-605. Counseling.
581-606. Life insurance.
581-607. Termination of surrogacy agreement.

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

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

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

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

evaluation, psychological screening or embryo transfers that accrue through twelve weeks after the birth of the child or termination of the pregnancy, except that such responsibility shall be extended for up to six months after the birth of the child or termination of the pregnancy in the event a medical complication related to the pregnancy is diagnosed within twelve weeks after the birth of the child or termination of the pregnancy.

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

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

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

PART 7

MISCELLANEOUS PROVISIONS

Section 581-701. Remedial.

581-702. Severability.

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

581-704. Interpretation.

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

§ 581-702. Severability. The invalidation of any part of this legislation by a court of competent jurisdiction shall not result in the invalidation of any other part.

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

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

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

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

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

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

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

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

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

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

(b) the [~~woman~~] genetic surrogate agrees to, or intends to, surrender or consent to the adoption of the child born as a result of such insemination or impregnation.

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

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

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

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

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

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

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

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

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

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

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

1. the court shall not consider the [~~birth mother's~~] genetic surrogate's participation in a genetic surrogate parenting [~~contract~~] agreement as adverse to [~~her~~] their parental rights, status, or obligations; and

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(e) The acknowledgment shall be executed on a form provided by the commissioner developed in consultation with the [~~appropriate~~] commissioner of the [~~department of family assistance~~] office of temporary and disability assistance, which shall: (i) include the social security number of the [~~mother and of the putative father and~~] signatories; (ii) provide in plain language [~~(i)~~] (A) a statement by the [~~mother~~] person who gave birth to the child consenting to the acknowledgment of [~~paternity~~] parentage and a statement that the [~~putative father~~] other signatory is the only possible [~~father~~] other genetic parent or that the other signatory is an intended parent and the child was conceived through assisted reproduction, [~~(ii)~~] (B) a statement by the putative father, if any, that he is the biological father of the child, and [~~(iii)~~] (C) a statement that the signing of the acknowledgment of [~~paternity~~] parentage by both parties shall have the same force and effect as an order of parentage or filiation entered after a court hearing by a court of competent jurisdiction, including an obligation to

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

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

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

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

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

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

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

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

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

(viii) that no further judicial or administrative proceedings are required to ratify an unchallenged acknowledgment of [~~paternity~~] parentage provided, however, that:

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

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

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

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

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

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

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

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

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

[~~(c)~~] (g) Within ten days after receiving the certificate of birth, the registrar shall furnish without charge to each parent or guardian of the child or to the [~~mother~~] person who gave birth at the address designated by her for that purpose, a certified copy of the certificate of birth and, if applicable, a certified copy of the written acknowledgment of [~~paternity~~] parentage. If the [~~mother~~] person who gave birth is in receipt of child support enforcement services pursuant to title six-A of article three of the social services law, the registrar also shall furnish without charge a certified copy of the certificate of birth and, if applicable, a certified copy of the written acknowledgment of [~~paternity~~] parentage to the social services district of the county within which the [~~mother~~] person who gave birth resides.

2. (a) When a child's [~~paternity~~] **parentage** is acknowledged voluntarily pursuant to section one hundred eleven-k of the social services law, the social services official shall file the executed acknowledgment with the registrar of the district in which the birth occurred and in which the birth certificate has been filed.

(b) Where a child's [~~paternity~~] **parentage** has not been acknowledged voluntarily pursuant to paragraph (a) of subdivision one of this section or paragraph (a) of this subdivision, the [~~child's mother and the putative father~~] **person who gave birth to the child and the other signatory** may voluntarily acknowledge a child's [~~paternity~~] **parentage** pursuant to this paragraph by signing the acknowledgment of [~~paternity~~] **parentage**.

(c) A signatory to an acknowledgment of [~~paternity~~] **parentage**, who has attained the age of eighteen at the time of execution of the acknowledgment shall have the right to rescind the acknowledgment within the earlier of sixty days from the date of signing the acknowledgment or the date of an administrative or a judicial proceeding (including, but not limited to, a proceeding to establish a support order) relating to the child in which either signatory is a party; provided that for purposes of this section, the "date of an administrative or a judicial proceeding" shall be the date by which the respondent is required to answer the petition.

(d) A signatory to an acknowledgment of [~~paternity~~] **parentage**, who has not attained the age of eighteen at the time of execution of the acknowledgment, shall have the right to rescind the acknowledgment anytime up to sixty days after the signatory's attaining the age of eighteen years or sixty days after the date on which the respondent is required to answer a petition (including, but not limited to, a petition to establish a support order) relating to the child in which the signatory is a party, whichever is earlier; provided, however, that the signatory must have been advised at such proceeding of his or her right to file a petition to vacate the acknowledgment within sixty days of the date of such proceeding.

(e) After the expiration of the time limits set forth in paragraphs (c) and (d) of this subdivision, any of the signatories may challenge the acknowledgment of [~~paternity~~] **parentage** in court only on the basis of fraud, duress, or material mistake of fact, with the burden of proof on the party challenging the voluntary acknowledgment. The acknowledgment shall have full force and effect once so signed. The original or a copy of the acknowledgment shall be filed with the registrar of the district in which the birth certificate has been filed.

3. (a) An acknowledgment of [~~paternity~~] **parentage** executed by [~~the mother and father of a child born out of wedlock~~] **any two people eligible to sign such an acknowledgment under paragraph (b) of subdivision one of this section, married or unmarried,** shall establish the [~~paternity~~] **parentage** of a child and shall have the same force and effect as an order of [~~paternity~~] **parentage** or filiation issued by a court of competent jurisdiction. Such acknowledgement shall thereafter be filed with the registrar pursuant to subdivision one or two of this section.

(b) A registrar with whom an acknowledgment of [~~paternity~~] **parentage** has been filed pursuant to subdivision one or two of this section shall file the acknowledgment with the state department of health [~~and the putative father registry~~]**, New York city department of mental health and hygiene and the registry operated by the department of social services pursuant to section three hundred seventy-two-c of the social services law**. If the acknowledgment includes the name and address of any known gamete donors of a child conceived through assisted reproduction, the

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

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

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

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

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

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

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

GENETIC SURROGATE PARENTING CONTRACTS

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

ARTICLE 44
REGULATION OF SURROGACY PROGRAMS

Section 1400. Definitions.
1401. Programs regulated under this article.
1402. Conflicts of interest; prohibition on payments; funds in escrow; licensure; notice of surrogates' bill of rights.
1403. Regulations.

§ 1400. Definitions. As used in this section:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

ARTICLE 25-B
GESTATIONAL SURROGACY

Section 2599-cc. Gestational surrogacy.

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

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

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

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

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

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

(iii) other information deemed appropriate by the commissioner.

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

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

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

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

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

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

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

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

(iii) other information deemed appropriate by the commissioner.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

§ 17. Section 4-1.2 of the estates, powers and trusts law, as amended by chapter 67 of the laws of 1981, the section heading, the opening paragraph of subparagraph 1 of paragraph (a), the opening paragraph of subparagraph 2 of paragraph (a) and the opening paragraph of subparagraph 3 of paragraph (a) as amended by chapter 595 of the laws of 1992, subparagraph 2 of paragraph (a) as amended by chapter 434 of the laws of 1987, clause (A) of subparagraph 2 of paragraph (a) as amended by chapter 170 of the laws of 1994, and clause (C) of subparagraph 2 of paragraph (a) and paragraph (b) as amended by chapter 64 of the laws of 2010, is amended to read as follows:

§ 4-1.2 Inheritance by non-marital children

(a) For the purposes of this article:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

PART M

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

§ 6. Section 756-a of the family court act is amended by adding a new subdivision (h) to read as follows:

(h) Where the respondent remains placed in a qualified residential treatment program, as defined in section four hundred nine-h of the social services law, the commissioner of the local social services district with legal custody of the respondent shall submit evidence at the permanency hearing with respect to the respondent:

(i) demonstrating that ongoing assessment of the strengths and needs of the respondent continues to support the determination that the needs of the respondent cannot be met through placement in a foster home, that the placement in a qualified residential treatment program provides the most effective and appropriate level of care for the respondent in the least restrictive environment, and that the placement is consistent with

the short-term and long-term goals of the respondent, as specified in the respondent's permanency plan;

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

(iii) documenting the efforts made by the local social services district with legal custody of the respondent to prepare the respondent to return home, or to be placed with a fit and willing relative, legal guardian or adoptive parent, or in a foster home.

§ 7. The family court act is amended by adding a new section 756-b to read as follows:

§ 756-b. Court approval of placement in a qualified residential treatment program. 1. The provisions of this section shall apply when a respondent is placed on or after September twenty-ninth, two thousand twenty-one and resides in a qualified residential treatment program, as defined in section four hundred nine-h of the social services law, and whose care and custody were transferred to a local social services district in accordance with this part.

2. (a) When a respondent is in the care and custody of a local social services district pursuant to this part, such social services district shall report any anticipated placement of the respondent into a qualified residential treatment program, as defined in section four hundred nine-h of the social services law, to the court and the attorneys for the parties, including the attorney for the respondent, forthwith, but not later than one business day following either the decision to place the respondent in the qualified residential treatment program or the actual date the placement change occurred, whichever is sooner. Such notice shall indicate the date that the placement change is anticipated to occur or the date the placement change occurred, as applicable. Provided, however, if such notice lists an anticipated date for the placement change, the local social services district shall subsequently notify the court and the attorneys for the parties, including the attorney for the respondent, of the date the placement change occurred; such notice shall occur no later than one business day following the placement change.

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

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

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

(ii) Determine whether the needs of the respondent can be met through placement in a foster home and, if not, whether placement of the respondent in a qualified residential treatment program provides the most effective and appropriate level of care for the respondent in the

least restrictive environment and whether that placement is consistent with the short-term and long-term goals for the respondent as specified in the respondent's permanency plan; and

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

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

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

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

§ 8. The opening paragraph of subdivision 5 of section 1017 of the family court act is designated paragraph (a) and a new paragraph (b) is added to read as follows:

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

§ 9. The opening paragraph of subdivision (j) of section 1055 of the family court act is designated paragraph (i) and a new paragraph (ii) is added to read as follows:

(ii) When a child whose legal custody was transferred to the commissioner of a local social services district in accordance with this section resides in a qualified residential treatment program, as defined in section four hundred nine-h of the social services law, and where such child's placement in such program commenced on or after September twenty-ninth, two thousand twenty-one, upon receipt of notice required pursuant to paragraph (i) of this subdivision, the court shall schedule a hearing in accordance with section one thousand fifty-five-c of this part. Notwithstanding any other provision of law to the contrary, such

hearing shall occur no later than sixty days from the date the placement of the child in the qualified residential treatment program commenced.

§ 10. The family court act is amended by adding a new section 1055-c to read as follows:

§ 1055-c. Court approval of placement in a qualified residential treatment program. 1. The provisions of this section shall apply when a child is placed on or after September twenty-ninth, two thousand twenty-one and resides in a qualified residential treatment program, as defined in section four hundred nine-h of the social services law, and whose care and custody were transferred to the commissioner of a local social services district in accordance with this article.

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

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

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

(c) Approve or disapprove the placement of the child in a qualified residential treatment program. Provided that, notwithstanding any other provision of law to the contrary, where the qualified individual determines that the placement of the child in a qualified residential treatment program is not appropriate under the standards set forth in the regulations of the office of children and family services in accordance with 42 United States Code section 672, the court shall disapprove the placement of the child in the qualified residential treatment program.

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

4. The scope of the court's consideration and determination shall be limited to the provisions set forth in subdivisions two and three of this section.

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

§ 11. Clause (C) of subparagraph (ix) of paragraph 5 of subdivision (c) of section 1089 of the family court act, as amended by section 27 of part A of chapter 3 of the laws of 2005, is amended and a new paragraph 6 is added to read as follows:

(C) if the child is over age fourteen and has voluntarily withheld his or her consent to an adoption, the facts and circumstances regarding the child's decision to withhold consent and the reasons therefor[~~.~~]; and

(6) Where the child remains placed in a qualified residential treatment program, as defined in section four hundred nine-h of the social services law, the commissioner of the social services district with legal custody of the child shall submit evidence at the permanency hearing with respect to the child:

(i) demonstrating that ongoing assessment of the strengths and needs of the child continues to support the determination that the needs of the child cannot be met through placement in a foster home, that the placement in a qualified residential treatment program provides the most effective and appropriate level of care for the child in the least restrictive environment, and that the placement is consistent with the short-term and long-term goals for the child, as specified in the child's permanency plan;

(ii) documenting the specific treatment or service needs that will be met for the child in the placement and the length of time the child is expected to need the treatment or services; and

(iii) documenting the efforts made by the local social services district to prepare the child to return home, or to be placed with a fit and willing relative, legal guardian or adoptive parent, or in a foster home.

§ 12. The opening paragraph of clause (H) of subparagraph (vii) of paragraph 2 of subdivision (d) of section 1089 of the family court act, is designated item (I) and a new item (II) is added to read as follows:

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

§ 13. The family court act is amended by adding a new section 1091-a to read as follows:

§ 1091-a. Court approval of placement in a qualified residential treatment program. 1. The provisions of this section shall apply when a former foster care youth is placed on or after September twenty-ninth, two thousand twenty-one, and resides in a qualified residential treatment program, as defined in section four hundred nine-h of the social services law, and whose care and custody were transferred to a local social services district or the office of children and family services in accordance with this article.

2. (a) When a former foster care youth is in the care and custody of a local social services district or the office of children and family services pursuant to this article, such social services district or office shall report any anticipated placement of the former foster care youth into a qualified residential treatment program, as defined in section four hundred nine-h of the social services law, to the court and the attorneys for the parties, including the attorney for the former foster care youth, forthwith, but not later than one business day following either the decision to place the former foster care youth in the qualified residential treatment program or the actual date the

placement change occurred, whichever is sooner. Such notice shall indicate the date that the placement change is anticipated to occur or the date the placement change occurred, as applicable. Provided, however, if such notice lists an anticipated date for the placement change, the local social services district or office shall subsequently notify the court and attorneys for the parties, including the attorney for the child, of the date the placement change occurred; such notice shall occur no later than one business day following the placement change.

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

3. Within sixty days of the start of a placement of a former foster care youth referenced in subdivision one of this section in a qualified residential treatment program, the court shall:

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

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

(c) Approve or disapprove the placement of the former foster care youth in qualified residential treatment program. Provided that, notwithstanding any other provision of law to the contrary, where the qualified individual determines that the placement of the former foster care youth in a qualified residential treatment program is not appropriate under the standards set forth in the regulations of the office of children and family services in accordance with 42 United States Code section 672, the court shall disapprove the placement of the former foster care youth in the qualified residential treatment program.

4. Notwithstanding any other provision of law to the contrary, if the existing governing placement order of the court regarding the former foster care youth would not permit the local social services district or the office to move the former foster care youth from the qualified residential treatment program as required by section four hundred nine-h of the social services law, the court shall issue a new order which shall not preclude such former foster care youth from being placed in a residential setting approved in the regulations of the office of children and family services in accordance with 42 United States Code section 672 for children whose placement in a qualified residential treatment program has been determined to be inappropriate in accordance with section four hundred nine-h of the social services law.

5. The scope of the court's consideration and determination shall be limited to the provisions set forth in subdivisions three and four of this section.

6. Documentation of the court's determination pursuant to this section shall be recorded in the former foster care youth's case record.

§ 14. The family court act is amended by adding a new section 1097 to read as follows:

§ 1097. Court approval of placement in a qualified residential treatment program. 1. The provisions of this section shall apply when a child is placed on or after September twenty-ninth, two thousand twenty-one, and resides in a qualified residential treatment program, as defined in section four hundred nine-h of the social services law, and whose care and custody were transferred to a local social services district or the office of children and family services in accordance with this article.

2. (a) When a child is in the care and custody of a local social services district pursuant to this article, such social services district shall report any anticipated placement of the child into a qualified residential treatment program, as defined in section four hundred nine-h of the social services law, to the court and the attorneys for the parties, including the attorney for the child, forthwith, but not later than one business day following either the decision to place the child in the qualified residential treatment program or the actual date the placement change occurred, whichever is sooner. Such notice shall indicate the date that the placement change is anticipated to occur or the date the placement change occurred, as applicable. Provided, however, if such notice lists an anticipated date for the placement change, the local social services district shall subsequently notify the court and attorneys for the parties, including the attorney for the child, of the date the placement change occurred; such notice shall occur no later than one business day following the placement change.

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

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

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

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

(c) Approve or disapprove the placement of the child in the qualified residential treatment program. Provided that, notwithstanding any other provision of law to the contrary, where the qualified individual determines that the placement of the child in a qualified residential treatment program is not appropriate under the standards set forth in the regulations of the office of children and family services in accordance with 42 United States Code section 672, the court shall disapprove the placement of the child in the qualified residential treatment program.

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

5. The scope of the court's consideration and determination shall be limited to the provisions set forth in subdivisions three and four of this section.

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

§ 15. Severability. If any clause, sentence, paragraph, section or part of this act shall be adjudged by any court of competent jurisdiction to be invalid and after exhaustion of all further judicial review, the judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section or part of this act directly involved in the controversy in which the judgment shall have been rendered.

§ 16. This act shall take effect September 29, 2021; provided, however, that:

(a) (i) notwithstanding any other provision of law, provisions in this act shall not take effect unless and until the state title IV-E agency submits to the United States Department of Health and Human Services, Administration for Children, Youth and Families, an amendment to the title IV-E state plan and the United States Department of Health and Human Services, Administration for Children, Youth and Families approves said title IV-E state plan amendment regarding when a child is placed in a qualified residential treatment program in relation to the following components: (1) the establishment of the 30-day assessment as established by section three of this act; (2) the 60-day court reviews as established by sections one, two, four, seven, eight, nine, ten, twelve, thirteen and fourteen of this act; and (3) permanency hearing requirements as established by sections five, six and eleven of this act;

(ii) provided however, that if the United States Department of Health and Human Services, Administration for Children, Youth and Families fails to approve or disapproves any of the components listed in paragraph (i) of this subdivision, such action shall not impact the effective date for the remaining components listed therein;

(b) the office of children and family services shall inform the legislative bill drafting commission upon the occurrence of the submission set forth in subdivision (a) of this section and any approval related thereto in order that the commission may maintain an effective and timely database of the official texts of the state of laws of New York in

furtherance of effectuating the provisions of section 44 of the legislative law and section 70-b of the public officers law;

(c) if chapter 732 of the laws of 2019 shall not have taken effect on or before such effective date, then sections one, eight, nine and twelve of this act shall take effect on the same date and same manner as chapter 732 of the laws of 2019, takes effect;

(d) for the purposes of this act, the term "placement" shall refer only to placements made on or after the effective date of the Title IV-E state plan to establish the 30-day assessment, 60-day court review and permanency hearing requirements set forth in this act that occur on or after its effective date; and

(e) the office of children and family services and the office of court administration are hereby authorized to promulgate such rules and regulations as may be necessary to implement the provisions of this act on or before such effective date.

PART N

Section 1. Subdivision 10 of section 153 of the social services law, as amended by section 1 of subpart B of part K of chapter 56 of the laws of 2017, is amended to read as follows:

10. Expenditures made by a social services district for the maintenance of children with disabilities, placed by school districts, pursuant to section forty-four hundred five of the education law shall, if approved by the office of children and family services, be subject to [~~eighteen and four hundred twenty-four thousandths percent reimbursement by the state and thirty-eight and four hundred twenty-four thousandths percent reimbursement by school districts, except for social services districts located within a city with a population of one million or more, where such expenditures shall be subject to~~] fifty-six and eight hundred forty-eight thousandths percent reimbursement by the school district, in accordance with paragraph c of subdivision one of section forty-four hundred five of the education law, after first deducting therefrom any federal funds received or to be received on account of such expenditures, except that in the case of a student attending a state-operated school for the deaf or blind pursuant to article eighty-seven or eighty-eight of the education law who was not placed in such school by a school district such expenditures shall be subject to fifty percent reimbursement by the state after first deducting therefrom any federal funds received or to be received on account of such expenditures and there shall be no reimbursement by school districts. Such expenditures shall not be subject to the limitations on state reimbursement contained in subdivision two of section one hundred fifty-three-k of this title. In the event of the failure of the school district to make the maintenance payment pursuant to the provisions of this subdivision, the state comptroller shall withhold state reimbursement to any such school district in an amount equal to the unpaid obligation for maintenance and pay over such sum to the social services district upon certification of the commissioner of the office of children and family services and the commissioner of education that such funds are overdue and owed by such school district. The commissioner of the office of children and family services, in consultation with the commissioner of education, shall promulgate regulations to implement the provisions of this subdivision.

§ 2. This act shall take effect immediately; provided however that the amendments to subdivision 10 of section 153 of the social services law,

by section one of this act, shall not affect the repeal of such subdivision and shall be deemed repealed therewith.

PART O

Section 1. Subdivisions 2, 3, 4 and 5 of section 365 of the executive law, as added by section 5 of part W of chapter 57 of the laws of 2013, the opening paragraph of paragraph (a), the opening paragraph of paragraph (b), paragraph (g), the opening paragraph of subparagraph (ii) and clause 6 of subparagraph (ii) of paragraph (h) of subdivision 2 as amended by section 11 of part AA of chapter 56 of the laws of 2019, are amended to read as follows:

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

(i) Potential site locations for such cemetery, with full consideration as to the needs of the veterans population;

(ii) The size of the cemetery and types of grave sites;

(iii) The number of annual interments at the cemetery;

(iv) Transportation accessibility to the cemetery by veterans, their families and the general public;

(v) Costs for construction of the cemetery;

(vi) Costs of operation of the cemetery, including but not limited to staffing costs to maintain the cemetery;

(vii) Scalability of the cemetery for future growth and expansion;

(viii) Potential for funding for the cemetery from federal, local and private sources;

(ix) Cost of maintenance;

(x) Data on the population that would be served by the site;

(xi) The average age of the population in the area covered;

(xii) The mortality rate of the veteran population for the area;

(xiii) Surrounding land use;

(xiv) Topography of the land;

(xv) Site characteristics;

(xvi) Cost of land acquisition;

(xvii) The location of existing cemeteries including but not limited to national veterans' cemeteries, county veterans' cemeteries, cemeteries that have plots devoted to veterans, not-for-profit cemeteries and any other burial ground devoted to veterans and any other type of burial grounds devoted to the interment of human remains that is of public record; and

(xviii) Such other and further items as the director of the division deems necessary for the first state veterans cemetery to be successful.

A report of the investigation and study conclusions shall be delivered to the governor, the temporary president of the senate, the speaker of the assembly and the chair of the senate committee on veterans, homeland security and military affairs, and the chair of the assembly committee on veterans' affairs by no later than one hundred eighty days after the division has commenced the conduct of the investigation and study.

(b) [~~Prior to the commencement of the investigation and study pursuant to paragraph (a) of this subdivision, the director of the division of veterans' services, the director of the division of the budget, the~~

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

~~(i) physical attributes of the veterans cemetery, including size, location, and terrain;~~

~~(ii) management and operation, including staffing costs, cost of equipment and equipment maintenance, and security costs;~~

~~(iii) relevant state and federal requirements and specifications for interment and perpetual care;~~

~~(iv) estimates provided by the United States department of veterans affairs;~~

~~(v) any other fiscal cost, charge or assessment that would be incurred by the cemetery.~~

~~(c) By no later than ninety days following the issuance of the report, pursuant to the rules and regulations issued under paragraph (h) of this subdivision, the director shall issue, on behalf of the division, a request for proposals for any local government desiring to have the first state veterans cemetery located within its political subdivision. Such request for proposals shall be returnable to the division by no later than sixty days following the issuance of the request for proposals.~~

~~(d)~~] No later than sixty days following the [~~deadline for the return of requests for proposals~~] **submission of the report of the investigation and study conclusions** pursuant to paragraph [~~(c)~~] **(a)** of this subdivision, the director[~~, in consultation with the management board of the first New York state veterans cemetery,~~] shall select a site for the first New York state veterans cemetery. In selecting such site, the director shall consider:

(i) The investigation and study, and the report produced by the same, pursuant to paragraph (a) of this subdivision;

(ii) [~~The submitted responses to the requests for proposals issued pursuant to paragraph (b) of this subdivision;~~

~~(iii)~~] The guidelines for receipt of federal funding specified in section 2408 of title 38 of the United States code, part 39 of title 38 of the code of federal regulations, and any other relevant federal statute or regulation;

[~~(iv)~~] **(iii)** The possibility of funding from private individuals, corporations or foundations; and

[~~(v)~~] **(iv)** Any other consideration that would facilitate the successful operation of the first New York state veterans cemetery.

[~~(e)~~] (c) No later than thirty days following the selection of the site pursuant to paragraph [~~(d)~~] (b) of this subdivision, the director[~~, in consultation with the management board of the first New York state veterans cemetery,~~] shall commence the application process for funding from the government of the United States, in accordance with the grant requirements specified in section 2408 of title 38 of the United States code, part 39 of title 38 of the code of federal regulations, and any other relevant federal statute or regulation, for the purpose of seeking funds to support the construction, establishment, expansion, improvement, support, operation, maintenance and the provision of perpetual care of New York state's first veterans cemetery. Such grant application shall be based on a site selected pursuant to paragraph [~~(d)~~] (b) of this subdivision, and shall be consistent with the guidelines for receipt of federal funding pursuant to the relevant provisions of federal law.

[~~(f)~~] (d) A management board for the first New York state veterans cemetery shall be appointed pursuant to subdivision three of this section.

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

[~~(h)~~] (e) The director shall promulgate rules and regulations governing:

(i) [~~The guidelines and standards for the construction, establishment, expansion, improvement, support, operation, maintenance and the provision of perpetual care for a state veterans cemetery. Such guidelines shall include, but not be limited to:~~

~~(1) The size and terrain of the cemetery;~~

~~(2) The management and operation of the cemetery, including but not limited to:~~

~~(A) Hours of operation;~~

~~(B) Employees, employee relations, and employee duties;~~

~~(C) The conduct and practice of events, ceremonies and programs;~~

~~(D) The filing and compliance of the cemetery with state and federal regulators; and~~

~~(E) Such other and further operational and management practices and procedures as the director shall determine to be necessary for the successful operation of a state veterans cemetery.~~

~~(3) The layout of plots;~~

~~(4) The locations of building and infrastructure, including but not limited to:~~

~~(A) Electrical lines and facilities;~~

~~(B) Waterlines, irrigation systems, and drainage facilities;~~

~~(C) Trees, flowers and other plantings;~~

~~(D) Non-gravesite memorials, gravesite memorials, mausoleums, columbarium niches, headstones, grave markers, indoor interment facilities, committal-service shelters, signage, flag poles, and other memorial gathering spaces or infrastructure;~~

~~(E) Roadways, pedestrian pathways, parking sites, curbs and curb cuts;~~

~~(F) Ponds, lakes and other water sites;~~

~~(G) Retaining walls, gates, fences, security systems or other devices for cemetery protection; and~~

~~(H) Any other buildings, structures or infrastructure necessary for the safe, efficient and effective operation of the cemetery;~~

~~(5) The qualifications for interment, consistent with the provisions of state and federal law and any requirements pursuant to the receipt of federal, state, local or private funds;~~

~~(6) The location and placement of interments;~~

~~(7) Consistent with the provisions of state and federal law and any requirements pursuant to the receipt of federal, state, local or private funds, the financial management of the cemetery, including but not limited to:~~

~~(A) The procedures for the protection and implementation of the cemetery's annual budget;~~

~~(B) The seeking, collecting, deposit and expenditure of operating funds pursuant to the cemetery's budget;~~

~~(C) The seeking, collecting, deposit and expenditure of capital funds pursuant to the cemetery's capital plan;~~

~~(D) The seeking, collecting, deposit and expenditure of emergency funds to address an unexpected event;~~

~~(E) The assessment, charging, collection and deposit of fees and charges;~~

~~(F) The management of cemetery finances, both current and future, with respect to investments; and~~

~~(G) Such other and further procedures and activities concerning the financial management of the cemetery;~~

~~(8) The provision of perpetual care for the cemetery, including but not limited to:~~

~~(A) The frequency, standards and methods for the beautification and maintenance of grounds, memorials, gravesites, buildings, ceremonial sites, or other locations within, or upon the curtilage of the cemetery;~~

~~(B) The frequency, standards and methods for the provision of flags, patriotic and military symbols, and other honorary items, at each gravesite and throughout the cemetery; and~~

~~(C) Such other and further standards as are necessary to assure the proper perpetual care of the cemetery in a manner befitting the highest level of honor and respect deserving to those veterans and their families interred in the cemetery;~~

~~(9) Guidelines and standards for the procurement of land for the cemetery providing that the state veterans cemetery, and all the property upon which it resides shall be owned in fee simple absolute by the state of New York;~~

~~(10) Guidelines and standards for the practices and procedures for the construction and establishment of a state veterans cemetery, including contracting and purchasing for construction services, professional services, legal services, architectural services, consulting services, as well as the procurement of materials, all consistent with the relevant provisions of federal, state and local law, the regulations promulgated thereunder, and the requirements contained in the grants awarded~~

~~or pursued from the federal government, or any source of private funding;~~

~~(11) Guidelines and standards for the practices and procedures for the expansion and improvement of a state veterans cemetery, including contracting and purchasing for construction services, professional services, legal services, architectural services, consulting services, as well as the procurement of materials, all consistent with the relevant provisions of federal, state and local law, the regulations promulgated thereunder, and the requirements contained in the grants awarded or pursued from the federal government, or any source of private funding;~~

~~(12) Any other guidelines and standards that would facilitate the successful construction, establishment, expansion, improvement, support, operation, maintenance and the provision of perpetual care for the state veterans cemetery;~~

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

~~(1) The form, requirements and standards required for submission of a response to the request for proposals;~~

~~(2) The requirement, if the director so elects, that a response shall require the local government to agree to contract with the state of New York that all costs for construction, establishment, expansion, improvement, support, operation, maintenance and the provision of perpetual care of the veterans cemetery shall be the sole responsibility of, and paid by the local government, and that to the extent such costs are not paid or reimbursed by the government of the United States, or a private individual, corporation or foundation;~~

~~(3) The requirement that the local government will comply with all state and federal statutes and regulations concerning the construction, establishment, expansion, improvement, support, operation, maintenance and the provision of perpetual care of the state veterans cemetery, and shall satisfy any and all applicable state and federal standards and requirements for the perpetual care of the state veterans cemetery;~~

~~(4) That the state veterans cemetery, and all the property upon which it resides shall be owned in fee simple absolute by the state of New York;~~

~~(5) That all lands upon which such cemetery is constructed and established shall be used solely for state veterans cemetery purposes, and for the purpose of providing the honor and remembrance of veterans and their service through ceremonies and programs;~~

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

~~(7) Such other and further requirements as the director may deem prudent in the facilitation of the successful siting and operation of a state veterans cemetery in the jurisdiction of the local government; and~~

~~(iii)~~] **The management, operation, maintenance, expansion and improvement of the cemetery; and**

(ii) Such other and further guidelines and standards as are necessary for the successful construction, establishment, expansion, improvement, support, operation, maintenance and the provision of perpetual care for a state veterans cemetery;

[~~(i) Upon the approval of the application for funding from the government of the United States, made pursuant to paragraph (e) of this subdivision, the director, upon consultation with the management board, shall commence the process of construction and establishment of the first state veterans cemetery. Such process shall be consistent with the relevant provisions of local, state and federal law, and the rules and regulations established pursuant to paragraph (h) of this subdivision.~~]

3. Management boards of New York state veterans cemeteries. (a) For each New York state veterans cemetery there shall be a management board. Each such management board shall consist of nine members, including the director of the division who shall serve as chair, and four members, appointed by the governor. Of such four members, not fewer than two shall be a veteran of the United States army, the United States navy, the United States air force, the United States marines, the New York army national guard, the New York air national guard, the New York naval militia, or a member who has served in a theater of combat operations of the United States coast guard or the United States merchant marine. Two members shall be appointed by the temporary president of the senate, and two members shall be appointed by the speaker of the state assembly. At least one of the members appointed by the temporary president of the senate and at least one of the members appointed by the speaker of the assembly shall be a veteran of the United States army, the United States navy, the United States air force, the United States marines, the New York army national guard, the New York air national guard, the New York naval militia, or a member who has served in a theater of combat operations of the United States coast guard or the United States merchant marine. No member shall receive any compensation for his or her service, but members who are not state officials may be reimbursed for their actual and necessary expenses, including travel expenses incurred in performance of their duties. The management board may consult with any federal, state or local entity for the purposes of advancing its purposes, mission and duties.

(b) The management board shall advise, by majority vote, the director on issues concerning the [~~construction, establishment, expansion, improvement, support, operation, maintenance and the provision of perpetual care~~] **operations and perpetual care** for the veterans cemetery, including but not limited to issues of financial concern, employment relations, cemetery policy, cemetery events and programs, and such other and further issues as the board and director shall deem important.

(c) The director, in consultation with the management board of a state veterans cemetery, may provide for the expansion and/or improvement of the cemetery. Such expansion and improvement shall be conducted in accordance with the rules and regulations of the division under paragraph (e) of subdivision two of this section.

4. Additional state veterans cemeteries. (a) [~~Not later than ten years after the construction and establishment of the first New York state veterans cemetery, and every ten years thereafter, the division, in~~

~~cooperation with the United States department of veterans affairs, shall conduct an investigation and study on the issue of the construction and establishment of additional New York state veterans cemeteries. Such investigation and study shall consider, but not be limited to, the study parameters established pursuant to paragraph (a) of subdivision two of this section. A report of the investigation and study required to be conducted pursuant to this subdivision shall be delivered to the governor, the temporary president of the senate, the speaker of the assembly and the chair of the senate committee on veterans, homeland security and military affairs, and the chair of the assembly committee on veterans' affairs, by no later than ninety days after the division has commenced the conduct of the investigation and study;~~

~~(b) The report of the investigation and study required to be conducted pursuant to this subdivision shall provide a determination by the director as to whether the state should construct and establish one or more additional veterans cemeteries, and shall state the reasoning and basis for such determination; and~~

~~(c)~~] The division may, at the discretion of the director, [~~at any time after five years from the completion of construction of the most recently constructed and established state veterans cemetery,~~] in cooperation with the United States department of veterans affairs, conduct an investigation and study on the issue of the construction and establishment of additional New York state veterans cemeteries. A report of the investigation and study required to be conducted shall be delivered to the governor, the temporary president of the senate, the speaker of the assembly and the chair of the senate committee on veterans, homeland security and military affairs, and the chair of the assembly committee on veterans' affairs, by no later than ninety days after the division has commenced the conduct of the investigation and study.

[~~(d)~~] **(b)** If the director, pursuant to the investigation and study conducted pursuant to this subdivision, determines that there shall be an additional state veterans cemetery in New York state, the director shall provide for the construction and establishment of such new veterans cemetery pursuant to the same guidelines and standards for the construction and establishment of the first state veterans cemetery under this section.

[~~5. Expansion and improvement of existing state veterans cemeteries. The director, in consultation with the management board of a state veterans cemetery, may provide for the expansion and/or improvement of the cemetery. Such expansion and improvement shall be conducted in accordance with the rules and regulations of the division under paragraph (h) of subdivision two of this section.~~]

§ 2. The opening paragraph of paragraph (a) of subdivision 12 of section 353 of the executive law, as added by section 3 of part W of chapter 57 of the laws of 2013, is amended to read as follows:

For the purpose of providing for the construction, establishment, expansion, improvement, support, operation, maintenance and the provision of perpetual care for state veterans cemeteries, **to own and operate, and to enter into such contracts that are necessary for such ownership and operation for all state veterans cemeteries in the state,** to seek funding from, and make application for funding to:

§ 3. This act shall take effect immediately.

§ 2. Severability clause. If any clause, sentence, paragraph, subdivision, section or part of this act shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in

its operation to the clause, sentence, paragraph, subdivision, section or part thereof directly involved in the controversy in which such judgment shall have been rendered. It is hereby declared to be the intent of the legislature that this act would have been enacted even if such invalid provisions had not been included herein.

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