

STATE OF NEW YORK

S. 1506--A

A. 2006--A

SENATE - ASSEMBLY

January 18, 2019

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

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

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 a statement of the total funding allocation; to amend the education law, in relation to services aid; to amend the education law, in relation to moneys apportioned for boards of cooperative educational services aidable expenditures; to amend the education law, in relation to establishing regional STEM magnet schools; to amend the education law, in relation to supplemental public excess cost aid; to amend the education law, in relation to academic enhancement aid; to amend the education law, in relation to high tax aid; to amend the education law, in relation to the statewide universal full-day pre-kindergarten program; to amend the education law, in relation to the teachers of tomorrow teacher recruitment and retention program; to amend the education law, in relation to class sizes for special classes containing certain students with disabilities; to amend the education law, in relation to waivers from duties; to amend the education law, in relation to annual teacher and principal evaluations; to amend the education law, in relation to the education of homeless children; to amend the education law, in relation to the suspension of pupils; to amend the education law, in relation to school safety plans; to amend the education law, in relation to including healthy relationships in health education; to amend the education law, in relation to authorizing and directing the commissioner of education to require that every school district adopt and distribute a policy regarding sex discrimination; 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

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

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to reimbursements for the 2019-2020 school year; to amend chapter 756 of the laws of 1992, relating to funding a program for work force education conducted by the consortium for worker education in New York city, in relation to withholding a portion of employment preparation education aid and in relation to the effectiveness thereof; to amend chapter 82 of the laws of 1995, amending the education law and other laws relating to state aid to school districts and the appropriation of funds for the support of government, in relation to the effectiveness thereof; to amend chapter 147 of the laws of 2001, amending the education law relating to conditional appointment of school district, charter school or BOCES employees, in relation to the effectiveness thereof; to amend chapter 425 of the laws of 2002, amending the education law relating to the provision of supplemental educational services, attendance at a safe public school and the suspension of pupils who bring a firearm to or possess a firearm at a school, in relation to the effectiveness thereof; to amend chapter 101 of the laws of 2003, amending the education law relating to implementation of the No Child Left Behind Act of 2001, in relation to the effectiveness thereof; to amend chapter 91 of the laws of 2002, amending the education law and other laws relating to reorganization of the New York city school construction authority, board of education and community boards, in relation to the effectiveness thereof; to amend chapter 345 of the laws of 2009, amending the education law and other laws relating to the New York city board of education, chancellor, community councils, and community superintendents, in relation to the effectiveness thereof; to amend chapter 472 of the laws of 1998, amending the education law relating to the lease of school buses by school districts, in relation to the effectiveness thereof; to amend chapter 552 of the laws of 1995, amending the education law relating to contracts for the transportation of school children, in relation to the effectiveness thereof; to amend chapter 97 of the laws of 2011, amending the education law relating to census reporting, in relation to the effectiveness thereof; in relation to school bus driver training; in relation to special apportionment for salary expenses and public pension accruals; in relation to the city school district of the city of Rochester; in relation to total foundation aid for the purpose of the development, maintenance or expansion of certain magnet schools or magnet school programs for the 2019-2020 school year; in relation to the support of public libraries; to repeal subparagraphs 2 and 3 of paragraph a of subdivision 1 of section 3609-a of the education law, relating to lottery apportionment and lottery textbook apportionment; and to repeal subparagraphs 1 and 2 of paragraph b of subdivision 4 of section 92-c of the state finance law, relating to the state lottery fund (Part A); to amend the education law, the business corporation law, the partnership law and the limited liability company law, in relation to certified public accountants (Part B); to amend the education law, in relation to authorizing school bus stop cameras; and to amend the vehicle and traffic law, in relation to owner liability for operator illegally overtaking or passing a school bus and increasing fines for passing a stopped school bus (Part C); to amend the education law, in relation to eligibility requirements and conditions governing general awards, academic performance awards and student loans; eligibility requirements for assistance under the higher education opportunity programs and the collegiate science and technology entry program; the definition of "resident"; financial aid opportunities for students of the state university of New York, the

city university of New York and community colleges; and the program requirements for the New York state college choice tuition savings program; and to repeal subdivision 3 of section 661 of the education law relating thereto (Part D); to amend the education law, in relation to the accountability of proprietary institutions (Part E); to amend the state finance law, in relation to the arts capital grants fund (Part F); to utilize reserves in the mortgage insurance fund for various housing purposes (Part G); to amend the social services law, in relation to the initial period of licensure or registration and required inspections, background clearances and training for child care providers; and to repeal certain provisions of such law relating thereto (Part H); to amend the social services law, in relation to federally required background clearances for persons working in residential foster care programs (Part I); to amend the social services law, in relation to residential programs for domestic violence victims; and repealing certain provisions of such law relating thereto (Part J); to amend the family court act, the social services law and the executive law, in relation to persons in need of supervision; and to repeal certain provisions of the family court act and the executive law relating thereto (Part K); to amend the social services law, in relation to increasing the standards of monthly need for aged, blind and disabled persons living in the community (Part L); to amend the social services law, in relation to appointment of a temporary operator authority (Subpart A); and to amend part W of chapter 54 of the laws of 2016, amending the social services law relating to the powers and duties of the commissioner of social services relating to the appointment of a temporary operator, in relation to the effectiveness thereof (Subpart B) (Part M); to amend the social services law, in relation to permitting social services districts to assign individuals to participate in time-limited job try-outs as an allowable work activity leading to unsubsidized employment (Part N); to amend the labor law, in relation to increasing criminal penalties for convictions of failures to pay wages (Part O); to amend the labor law, in relation to amending unemployment insurance benefits for earnings disregard (Part P); to amend the executive law, in relation to prohibiting wage or salary history inquiries; and to amend the labor law, in relation to the prohibition of a differential rate of pay on the basis of protected class status (Part Q); to amend the executive law, the civil rights law and the education law, in relation to prohibiting discrimination based on gender identity or expression; and to amend the penal law and the criminal procedure law, in relation to including offenses regarding gender identity or expression within the list of offenses subject to treatment as hate crimes (Part R); to amend the executive law, in relation to expanding the scope of unlawful discriminatory practices to include public educational institutions (Part S); to amend the executive law, in relation to preventing discrimination based on lawful source of income in housing (Part T); to amend the general obligations law, in relation to the amount of security deposit that a landlord may charge a tenant (Part U); to amend the executive law, the general obligations law and the labor law, in relation to the implementation of sexual harassment protocols (Part V); to amend the general business law, in relation to enacting the pension poaching prevention act (Part W); to amend the executive law, in relation to amending the definition of pregnancy-related condition (Part X); to amend the education law, in relation to prohibiting mental health professionals from engaging in sexual orientation change

efforts with a patient under the age of eighteen years and expanding the definition of professional misconduct with respect to mental health professionals (Part Y); establishing the "rent regulation act of 2019" (Part Z); and to amend the election law, the executive law, the state finance law, the labor law, the vehicle and traffic law, the environmental conservation law, the public health law, the general municipal law, the military law, the domestic relations law, the education law, the mental hygiene law, the elder law, the social services law, the not-for-profit corporation law, the real property tax law, chapter 784 of the laws of 1951, constituting the New York state defense emergency act of 1951, the administrative code of the city of New York, and the New York city charter, in relation to changing the name of the New York state division of veterans' affairs to the New York state division of veterans' services; and to amend the executive law, in relation to changing the name of the veterans' affairs commission to the veterans' services commission (Part AA)

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

1 Section 1. This act enacts into law major components of legislation
2 which are necessary to implement the state fiscal plan for the 2019-2020
3 state fiscal year. Each component is wholly contained within a Part
4 identified as Parts A through AA. The effective date for each particular
5 provision contained within such Part is set forth in the last section of
6 such Part. Any provision in any section contained within a Part,
7 including the effective date of the Part, which makes reference to a
8 section "of this act", when used in connection with that particular
9 component, shall be deemed to mean and refer to the corresponding
10 section of the Part in which it is found. Section three of this act sets
11 forth the general effective date of this act.

12 PART A

13 Section 1. Paragraph e of subdivision 1 of section 211-d of the educa-
14 tion law, as amended by section 1 of part CCC of chapter 59 of the laws
15 of 2018, is amended to read as follows:

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

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

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

35 § 2. Section 3614 of the education law, as added by section 4 of part
36 CCC of chapter 59 of the laws of 2018, is amended to read as follows:

37 § 3614. Statement of the total funding allocation. 1. Notwithstanding
38 any provision of law, rule or regulation to the contrary, commencing
39 with the two thousand eighteen--two thousand nineteen school year for
40 school districts which contain at least four schools as reported in the
41 school report card database produced by the commissioner for the two
42 thousand sixteen--two thousand seventeen school year and which receive
43 at least fifty percent of total revenue from state aid as reported in
44 the fiscal profiles master files report produced by the commissioner
45 concerning data on school district expenditures and revenues for the two
46 thousand fifteen--two thousand sixteen school year and for school
47 districts located in a city with a population of more than one million,
48 and commencing with the two thousand nineteen--two thousand twenty
49 school year for school districts containing at least four schools as
50 reported in the school report card database produced by the commissioner
51 for the two thousand sixteen--two thousand seventeen school year, and
52 commencing with the two thousand twenty--two thousand twenty-one school
53 year for all ~~[other]~~ school districts eligible for an apportionment
54 pursuant to subdivision four of section thirty-six hundred two of this
55 part, such school districts shall annually submit to the commissioner
56 and the director of the budget and shall make publicly available and on

1 the district website a detailed statement of the total funding allo-
2 cation for each school in the district for the upcoming school budget
3 year [~~prior to the first day of~~] on or before the Friday prior to Labor
4 Day of such school year, provided that:

5 a. Such statements shall be in a statewide uniform form developed by
6 the director of the budget, in consultation with the commissioner,
7 provided that when preparing statements districts shall adhere to and
8 complete the prescribed form accurately and fully, and provided further
9 that the director of the budget shall request in such form only informa-
10 tion that is known to, or may be ascertained or estimated by, the
11 district. Provided, further, that each local educational agency shall
12 include in such statement the approach used to allocate funds to each
13 school and that such statement shall include but not be limited to sepa-
14 rate entries for each individual school, demographic data for the
15 school, per pupil funding level, source of funds, and uniform decision
16 rules regarding allocation of centralized spending to individual schools
17 from all funding sources.

18 b. Within [~~thirty~~] ninety days of submission of such statement by a
19 school district, the commissioner and director of the budget shall
20 review such statement and determine whether the statement is complete
21 and is in the format required by paragraph a of this subdivision. If
22 such statement is determined to be complete and in the format required
23 by paragraph a of this subdivision, a written acknowledgement of such
24 shall be sent to the school district. If no determination is made by the
25 commissioner and the director of the budget within [~~thirty~~] ninety days
26 of submission of the statement, such statement shall be deemed approved.
27 Should the commissioner or the director of the budget request additional
28 information from the school district to determine completeness, the
29 district shall submit such requested information to the commissioner and
30 the director of the budget within thirty days of such request and the
31 commissioner and the director of the budget's deadline for review and
32 determination shall be extended by [~~thirty~~] ninety days from the date of
33 submission of the additional requested information. If the commissioner
34 or director of the budget determine a school district's spending state-
35 ment to be noncompliant, such school district shall be allowed to submit
36 a revised spending statement at any time.

37 c. If a school district fails to submit a statement that is complete
38 and in the format required by paragraph a of this subdivision [~~by the~~
39 ~~first day~~] on or before the Friday prior to Labor Day of such school
40 year or if the commissioner or director of the budget determine the
41 school district's spending statement to be noncompliant, a written
42 explanation shall be provided and the school district will have thirty
43 days to cure. If the school district does not cure within thirty days,
44 at the joint direction of the director of the budget and the commission-
45 er, the comptroller of the city in which such school district is situ-
46 ated, or if the city does not have an elected comptroller, the chief
47 financial officer of the city, or for school districts not located in a
48 city, the chief financial officer of the town in which the majority of
49 the school district is situated shall be authorized, at his or her
50 discretion, to obtain appropriate information from the school district,
51 and shall be authorized to complete such form and submit such statement
52 to the director of the budget and the commissioner for approval in
53 accordance with paragraph b of this subdivision. Where the comptroller
54 or chief financial officer exercises the authority to submit such form,
55 such submission shall occur within sixty days following notification of
56 the school district's failure to cure. Nothing in this paragraph shall

1 preclude a school district from submitting a spending statement for
2 approval by the director of the budget and the commissioner at any time.

3 2. Nothing in this section shall alter or suspend statutory school
4 district budget and voting or approval requirements.

5 3. a. For the two thousand nineteen--two thousand twenty school year
6 and thereafter, school districts designated as requiring an equity plan
7 shall submit such plan as defined in this section on or before July
8 first of such school year to the commissioner for his or her approval.
9 Such plan shall specify how the school district will increase per pupil
10 expenditures, from all sources, in underfunded high-need schools under
11 this subdivision within such district above the level at which the
12 school district would have otherwise funded such schools in the current
13 year in order to maintain a level of current services from the base
14 year, including but not limited to contractual salary increases and
15 other continuations. Such plan shall specify how the district will
16 utilize for this purpose an amount at least equal to the product of the
17 equity percentage multiplied by the increase in foundation aid in the
18 current year pursuant to subdivision four of section thirty-six hundred
19 two of this part.

20 b. On or before May first of the base year, the director of the budget
21 shall produce a list of underfunded high-need schools, as defined in
22 paragraph d of this subdivision. Provided, however, that the director of
23 the budget shall exclude from this list schools within district seven-
24 ty-five of the city school district of New York, schools that are of the
25 same school type within a district but do not serve any grade levels
26 that overlap, schools serving only students in prekindergarten, or any
27 other schools with irregular or outlying properties.

28 c. In the event that a school district designated as requiring an
29 equity plan for any such school year has not submitted an equity plan
30 pursuant to this subdivision that has been approved by the commissioner
31 by September first of the school year, notwithstanding subdivision two
32 of this section, the commissioner shall develop such plan for the school
33 district, specifying the increase in per pupil expenditures required by
34 paragraph a of this subdivision at each underfunded high-need school
35 within the school district, and shall order the officers of the school
36 district to implement such plan fully and faithfully.

37 d. For purposes of this subdivision:

38 (1) "school districts designated as requiring an equity plan" shall
39 mean any school district that is required to submit a statement under
40 subdivision one of this section for the base year with an underfunded
41 high-need school;

42 (2) "equity percentage" shall mean the product of ten percent multi-
43 plied by the number of underfunded high-need schools within the school
44 district, but shall not exceed: (A) fifty percent for any school
45 district which receives at least fifty percent of total revenue from
46 state aid as reported in the fiscal profiles master files report
47 produced by the commissioner concerning data on school district expendi-
48 tures and revenues for the two thousand fifteen--two thousand sixteen
49 school year; and (B) seventy-five percent for any other school district;

50 (3) "school type" for any school shall mean elementary, middle, high,
51 pre-k only, or K-12, as defined by the commissioner, provided that for
52 purposes of this subdivision, a "middle" school shall include any school
53 with the grade organization of either a middle school or a junior high
54 school, and a "high" school shall include any school with the grade
55 organization of either a senior high school or a junior-senior high
56 school;

(4) "underfunded high-need school" shall mean a school within a school district that has been deemed both a significantly high-need school and a significantly low funded school;

(5) "student need index" for any school shall mean the quotient arrived at when dividing the weighted student enrollment as defined herein by the K-12 enrollment for the base year as reported on the statement required pursuant to this section;

(6) "average student need index by school type" shall mean the quotient arrived at when dividing the sum of weighted student enrollment as defined herein for all schools within a school district of the same school type by the K-12 enrollment for the base year for all schools in a school district of the same school type as reported on the statement required pursuant to this section;

(7) "weighted student enrollment" for any school shall mean the sum of: (A) K-12 enrollment plus (B) the product of the number of students eligible to receive free and reduced price lunch multiplied by sixty-five one-hundredths (0.65) plus (C) the product of the number of English language learners multiplied by one-half (0.5), plus (D) the product of the number of students with disabilities multiplied by one and forty-one one-hundredths (1.41), for the base year as reported on the statement required pursuant to this section;

(8) "significantly high-need school" shall mean a school with a student need index greater than the product of the average student need index by school type within the school district multiplied by one and five one-hundredths (1.05);

(9) "per pupil expenditures" for any school shall mean the quotient arrived at when dividing the expenditure amount as reported for the base year in the statement required pursuant to this section, excluding expenditures for prekindergarten and preschool special education programs and central district costs by the weighted student enrollment of the school;

(10) "average per pupil expenditures by school type" shall mean the quotient arrived at when dividing (A) the sum of the expenditure amounts reported for the base year in the statement required pursuant to this section, excluding expenditures for prekindergarten and preschool special education programs and central district costs, for all schools within a school district of the same school type by (B) the weighted student enrollment for the base year for all schools in a school district of the same school type as reported on the statement required pursuant to this section;

(11) "significantly low funded school" shall mean a school within a school district that has per pupil expenditures less than the product of the average per pupil expenditures by school type within the school district multiplied by one and five one-hundredths (1.05).

(12) "base year" shall mean the base year as defined in paragraph b of subdivision one of section thirty-six hundred two of this part.

(13) "current year" shall mean the current year as defined in paragraph a of subdivision one of section thirty-six hundred two of this part.

§ 3. Paragraph bb of subdivision 1 of section 3602 of the education law, as added by section 25 of part A of chapter 58 of the laws of 2011, is amended to read as follows:

bb. "Personal income growth index" shall mean (1) for the two thousand twelve--two thousand thirteen school year, the average of the quotients for each year in the period commencing with the two thousand five--two thousand six state fiscal year and finishing with the two thousand nine--

1 -two thousand ten state fiscal year of the total personal income of the
2 state for each such year divided by the total personal income of the
3 state for the immediately preceding state fiscal year, but not less than
4 one ~~[and]~~, (2) for the two thousand thirteen--two thousand fourteen
5 ~~[school year and each school year thereafter]~~ through two thousand eigh-
6 teen--two thousand nineteen school years, the quotient of the total
7 personal income of the state for the state fiscal year one year prior to
8 the state fiscal year in which the base year commenced divided by the
9 total personal income of the state for the immediately preceding state
10 fiscal year, but not less than one and (3) for the two thousand nine-
11 teen--two thousand twenty school year and each school year thereafter,
12 the average of the quotients for each year in the period commencing with
13 the state fiscal year nine years prior to the state fiscal year in which
14 the base year began and finishing with the state fiscal year prior to
15 the state fiscal year in which the base year began of the total personal
16 income of the state for each such year divided by the total personal
17 income of the state for the immediately preceding state fiscal year, but
18 not less than one.

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

22 e. Community schools aid set-aside. Each school district shall set
23 aside from its total foundation aid computed for the current year pursu-
24 ant to this subdivision an amount equal to the sum of (i) the amount, if
25 any, set forth for such district as "COMMUNITY SCHL AID (BT1617)" in the
26 data file produced by the commissioner in support of the enacted budget
27 for the two thousand sixteen--two thousand seventeen school year and
28 entitled "SA161-7", (ii) the amount, if any, set forth for such district
29 as "COMMUNITY SCHL INCR" in the data file produced by the commissioner
30 in support of the executive budget request for the two thousand seven-
31 teen--two thousand eighteen school year and entitled "BT171-8", ~~[and]~~
32 (iii) the amount, if any, set forth for such district as "COMMUNITY
33 SCHOOLS INCREASE" in the data file produced by the commissioner in
34 support of the executive budget for the two thousand eighteen--two thou-
35 sand nineteen school year and entitled "BT181-9", and (iv) the amount,
36 if any, set forth for such district as "19-20 COMMUNITY SCHOOLS INCR" in
37 the data file produced by the commissioner in support of the executive
38 budget for the two thousand nineteen--two thousand twenty school year
39 and entitled "BT192-0". Each school district shall use such "COMMUNITY
40 SCHL AID (BT1617)" amount to support the transformation of school build-
41 ings into community hubs to deliver co-located or school-linked academ-
42 ic, health, mental health, nutrition, counseling, legal and/or other
43 services to students and their families, including but not limited to
44 providing a community school site coordinator, or to support other costs
45 incurred to maximize students' academic achievement. Each school
46 district shall use such "COMMUNITY SCHL INCR" amount to support the
47 transformation of school buildings into community hubs to deliver co-lo-
48 cated or school linked academic, health, mental health services and
49 personnel, after-school programming, dual language programs, nutrition,
50 counseling, legal and/or other services to students and their families,
51 including but not limited to providing a community school site coordina-
52 tor and programs for English language learners, or to support other
53 costs incurred to maximize students' academic achievement, provided
54 however that a school district whose "COMMUNITY SCHL INCR" amount
55 exceeds one million dollars (\$1,000,000) shall use an amount equal to
56 the greater of one hundred fifty thousand dollars (\$150,000) or ten

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

20 § 5. Subdivision 4 of section 3602 of the education law is amended by
21 adding a new paragraph g to read as follows:

22 g. Foundation aid payable in the two thousand nineteen--two thousand
23 twenty school year. Notwithstanding any provision of law to the contra-
24 ry, foundation aid payable in the two thousand nineteen--two thousand
25 twenty school year shall equal the sum of the foundation aid base
26 computed pursuant to paragraph j of subdivision one of this section plus
27 the base increase plus the two thousand nineteen--two thousand twenty
28 community schools increase, both as defined in this paragraph.

29 (1) The base increase shall equal the greater of tiers A, B, C, or D
30 as defined in this subparagraph.

31 (A) Tier A shall equal the product of the phase-in factor multiplied
32 by the positive difference, if any, of (a) the product of the total
33 aidable foundation pupil units multiplied by the district's selected
34 foundation aid less (b) the total foundation aid base computed pursuant
35 to paragraph j of subdivision one of this section, where "phase-in
36 factor" shall mean (1) for a city school district in a city with a popu-
37 lation of one million or more, eleven thousand nine hundred thirty-four
38 hundred thousandths (0.11934), and (2) for all other school districts,
39 five one-thousandths (0.005).

40 (B) Tier B shall equal, for districts with a combined wealth ratio for
41 total foundation aid computed pursuant to paragraph c of subdivision
42 three of this section less than one and an extraordinary needs percent
43 for the district computed pursuant to paragraph w of subdivision one of
44 this section greater than three hundred fifteen one-thousandths (0.315),
45 the product of public school district enrollment computed pursuant to
46 paragraph n of subdivision one of this section multiplied by the sum of
47 the EN base increase plus the sparsity increase, where "EN base
48 increase" shall mean the product, truncated to two decimals, of the
49 extraordinary needs index multiplied by ninety-seven dollars and three
50 cents (\$97.03); "extraordinary needs index" shall mean the quotient
51 arrived at when dividing the extraordinary needs percent by the quotient
52 arrived at when dividing the statewide extraordinary needs count
53 computed pursuant to paragraph s of subdivision one of this section by
54 the statewide total public school district enrollment computed pursuant
55 to paragraph n of subdivision one of this section; "sparsity increase"
56 shall mean, for districts with a sparsity factor computed pursuant to

1 paragraph r of subdivision one of this section greater than zero and
2 otherwise eligible for this tier, the product of the extraordinary needs
3 index as computed herein multiplied by thirty dollars (\$30.00).

4 (C) Tier C shall equal, for all school districts, the product of
5 public school district enrollment computed pursuant to paragraph n of
6 subdivision one of this section multiplied by the product of the tier C
7 ratio multiplied by one hundred seventy-three dollars and two and one-
8 half cents (\$173.025), where the "tier C ratio" shall be the difference
9 of one and thirty-seven hundredths (1.37) less the product of one and
10 seventy-two hundredths (1.72) multiplied by the pupil wealth ratio for
11 total foundation aid computed pursuant to paragraph a of subdivision
12 three of this section, provided that such ratio shall not be less than
13 zero nor more than nine-tenths (0.9).

14 (D) Tier D shall equal, for all school districts, the product of the
15 foundation aid base computed pursuant to paragraph j of subdivision one
16 of this section multiplied by twenty-five ten thousandths (0.0025).

17 (2) The two thousand nineteen--two thousand twenty community schools
18 increase shall equal the greater of tiers one or two, where:

19 (A) Tier one shall equal, for eligible school districts, the tier one
20 per pupil amount multiplied by public school district enrollment
21 computed pursuant to paragraph n of subdivision one of this section,
22 where the tier one per pupil amount shall equal the product of eighty-
23 two dollars and sixty-three cents (\$82.63) multiplied by the tier one
24 ratio, where the tier one ratio shall equal the difference of one less
25 the product of the combined wealth ratio for total foundation aid multi-
26 plied by sixty-four hundredths (0.64), provided that such ratio shall
27 not be less than zero nor greater than nine-tenths (0.9). An "eligible
28 school district" shall mean a school district with (i) at least one
29 school designated as failing or persistently failing by the commissioner
30 pursuant to paragraph (a) or (b) of subdivision one of section two
31 hundred eleven-f of this chapter as of January first, two thousand eigh-
32 teen or, (ii) a combined wealth ratio for total foundation aid computed
33 pursuant to paragraph c of subdivision three of this section less than
34 nine-tenths (0.9), and five year ELL growth greater than the greater of
35 one hundred (100) pupils or the growth threshold, where "five year ELL
36 growth" shall equal the positive difference of the English language
37 learner count for the two thousand eighteen--two thousand nineteen
38 school year less such count for the two thousand thirteen--two thousand
39 fourteen school year, and where "growth threshold" shall equal the prod-
40 uct of the English language learner count for the two thousand thir-
41 teen--two thousand fourteen school year multiplied by one-tenth (0.1).

42 (B) Tier two shall equal, for all school districts with a community
43 schools setaside pursuant to paragraph e of this subdivision greater
44 than zero, the positive difference, if any, of one hundred thousand
45 dollars (\$100,000) less such community schools setaside for the two
46 thousand eighteen--two thousand nineteen school year pursuant to para-
47 graph e of this subdivision.

48 § 5-a. Clause (ii) of subparagraph 2 of paragraph b of subdivision 4
49 of section 3602 of the education law, as amended by section 9-b of part
50 CCC of chapter 59 of the laws of 2018, is amended to read as follows:

51 (ii) Phase-in foundation increase factor. For the two thousand
52 eleven--two thousand twelve school year, the phase-in foundation
53 increase factor shall equal thirty-seven and one-half percent (0.375)
54 and the phase-in due minimum percent shall equal nineteen and forty-one
55 hundredths percent (0.1941), for the two thousand twelve--two thousand
56 thirteen school year the phase-in foundation increase factor shall equal

1 one and seven-tenths percent (0.017), for the two thousand thirteen--two
2 thousand fourteen school year the phase-in foundation increase factor
3 shall equal (1) for a city school district in a city having a population
4 of one million or more, five and twenty-three hundredths percent
5 (0.0523) or (2) for all other school districts zero percent, for the two
6 thousand fourteen--two thousand fifteen school year the phase-in founda-
7 tion increase factor shall equal (1) for a city school district of a
8 city having a population of one million or more, four and thirty-two
9 hundredths percent (0.0432) or (2) for a school district other than a
10 city school district having a population of one million or more for
11 which (A) the quotient of the positive difference of the foundation
12 formula aid minus the foundation aid base computed pursuant to paragraph
13 j of subdivision one of this section divided by the foundation formula
14 aid is greater than twenty-two percent (0.22) and (B) a combined wealth
15 ratio less than thirty-five hundredths (0.35), seven percent (0.07) or
16 (3) for all other school districts, four and thirty-one hundredths
17 percent (0.0431), and for the two thousand fifteen--two thousand sixteen
18 school year the phase-in foundation increase factor shall equal: (1) for
19 a city school district of a city having a population of one million or
20 more, thirteen and two hundred seventy-four thousandths percent
21 (0.13274); or (2) for districts where the quotient arrived at when
22 dividing (A) the product of the total aidable foundation pupil units
23 multiplied by the district's selected foundation aid less the total
24 foundation aid base computed pursuant to paragraph j of subdivision one
25 of this section divided by (B) the product of the total aidable founda-
26 tion pupil units multiplied by the district's selected foundation aid is
27 greater than nineteen percent (0.19), and where the district's combined
28 wealth ratio is less than thirty-three hundredths (0.33), seven and
29 seventy-five hundredths percent (0.0775); or (3) for any other district
30 designated as high need pursuant to clause (c) of subparagraph two of
31 paragraph c of subdivision six of this section for the school aid
32 computer listing produced by the commissioner in support of the enacted
33 budget for the two thousand seven--two thousand eight school year and
34 entitled "SA0708", four percent (0.04); or (4) for a city school
35 district in a city having a population of one hundred twenty-five thou-
36 sand or more but less than one million, fourteen percent (0.14); or (5)
37 for school districts that were designated as small city school districts
38 or central school districts whose boundaries include a portion of a
39 small city for the school aid computer listing produced by the commis-
40 sioner in support of the enacted budget for the two thousand fourteen--
41 two thousand fifteen school year and entitled "SA1415", four and seven
42 hundred fifty-one thousandths percent (0.04751); or (6) for all other
43 districts one percent (0.01), and for the two thousand sixteen--two
44 thousand seventeen school year the foundation aid phase-in increase
45 factor shall equal for an eligible school district the greater of: (1)
46 for a city school district in a city with a population of one million or
47 more, seven and seven hundred eighty four thousandths percent (0.07784);
48 or (2) for a city school district in a city with a population of more
49 than two hundred fifty thousand but less than one million as of the most
50 recent federal decennial census, seven and three hundredths percent
51 (0.0703); or (3) for a city school district in a city with a population
52 of more than two hundred thousand but less than two hundred fifty thou-
53 sand as of the most recent federal decennial census, six and seventy-two
54 hundredths percent (0.0672); or (4) for a city school district in a city
55 with a population of more than one hundred fifty thousand but less than
56 two hundred thousand as of the most recent federal decennial census, six

1 and seventy-four hundredths percent (0.0674); or (5) for a city school
2 district in a city with a population of more than one hundred twenty-
3 five thousand but less than one hundred fifty thousand as of the most
4 recent federal decennial census, nine and fifty-five hundredths percent
5 (0.0955); or (6) for school districts that were designated as small city
6 school districts or central school districts whose boundaries include a
7 portion of a small city for the school aid computer listing produced by
8 the commissioner in support of the enacted budget for the two thousand
9 fourteen--two thousand fifteen school year and entitled "SA141-5" with a
10 combined wealth ratio less than one and four tenths (1.4), nine percent
11 (0.09), provided, however, that for such districts that are also
12 districts designated as high need urban-suburban pursuant to clause (c)
13 of subparagraph two of paragraph c of subdivision six of this section
14 for the school aid computer listing produced by the commissioner in
15 support of the enacted budget for the two thousand seven--two thousand
16 eight school year and entitled "SA0708", nine and seven hundred and
17 nineteen thousandths percent (0.09719); or (7) for school districts
18 designated as high need rural pursuant to clause (c) of subparagraph two
19 of paragraph c of subdivision six of this section for the school aid
20 computer listing produced by the commissioner in support of the enacted
21 budget for the two thousand seven--two thousand eight school year and
22 entitled "SA0708", thirteen and six tenths percent (0.136); or (8) for
23 school districts designated as high need urban-suburban pursuant to
24 clause (c) of subparagraph two of paragraph c of subdivision six of this
25 section for the school aid computer listing produced by the commissioner
26 in support of the enacted budget for the two thousand seven--two thou-
27 sand eight school year and entitled "SA0708", seven hundred nineteen
28 thousandths percent (0.00719); or (9) for all other eligible school
29 districts, forty-seven hundredths percent (0.0047), provided further
30 that for the two thousand seventeen--two thousand eighteen school year
31 the foundation aid increase phase-in factor shall equal (1) for school
32 districts with a census 2000 poverty rate computed pursuant to paragraph
33 q of subdivision one of this section equal to or greater than twenty-six
34 percent (0.26), ten and three-tenths percent (0.103), or (2) for a
35 school district in a city with a population in excess of one million or
36 more, seventeen and seventy-seven one-hundredths percent (0.1777), or
37 (3) for a city school district in a city with a population of more than
38 two hundred fifty thousand but less than one million, as of the most
39 recent decennial census, twelve and sixty-nine hundredths percent
40 (0.1269) or (4) for a city school district in a city with a population
41 of more than one hundred fifty thousand but less than two hundred thou-
42 sand, as of the most recent federal decennial census, ten and seventy-
43 eight one hundredths percent (0.1078), or (5) for a city school district
44 in a city with a population of more than one hundred twenty-five thou-
45 sand but less than one hundred fifty thousand as of the most recent
46 federal decennial census, nineteen and one hundred eight one-thousandths
47 percent (0.19108), or (6) for a city school district in a city with a
48 population of more than two hundred thousand but less than two hundred
49 fifty thousand as of the most recent federal decennial census, ten and
50 six-tenths percent (0.106), or (7) for all other districts, four and
51 eighty-seven one-hundredths percent (0.0487), and for the two thousand
52 ~~nineteen~~ twenty--two thousand ~~twenty~~ twenty-one school year and
53 thereafter the commissioner shall annually determine the phase-in foun-
54 dation increase factor subject to allocation pursuant to the provisions
55 of subdivision eighteen of this section and any provisions of a chapter
56 of the laws of New York as described therein.

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

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

§ 7. Subparagraph 4 of paragraph e of subdivision 3 of section 3602 of the education law, as added by section 13 of part B of chapter 57 of the laws of 2007, is amended to read as follows:

(4) The building aid ratio shall be computed by subtracting from one the product obtained by multiplying the resident weighted average daily attendance wealth ratio by fifty-one percent. Such aid ratio shall be expressed as a decimal carried to three places without rounding, but shall not be less than (i) for the two thousand nineteen--two thousand twenty and prior school years, zero , or (ii) for the two thousand twenty--two thousand twenty-one school year and thereafter, five one-hundredths (0.05).

§ 8. 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: (i) for projects approved prior to July first, two thousand nineteen 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, an amount equal to 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; and (ii) for projects approved on or after July first, two thousand nineteen 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, an amount equal to the product of the lesser of the cost allowance computed pursuant to subparagraph one of this paragraph or the actual costs relating to the construction, acquisition, reconstruction, rehabilitation or improvement of a school building and twenty per centum for school buildings or additions housing grades prekindergarten through six and by not more than the product of such lesser amount and twenty-five per centum for school buildings or additions housing grades seven through twelve and by not more than the product of such lesser amount and twenty-five per centum for school buildings or additions housing special education programs as approved by the commissioner.

§ 9. 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 nineteen 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 enhanced building aid ratio shall equal 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 nineteen 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. The enhanced building aid ratio shall equal the sum of the building aid ratio selected for use in 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, or (b) ninety-five hundredths for any other school building project or school district. 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 thou-

1 said inhabitants, and/or the chancellor in a city school district in a
2 city having a population of one million or more, or (b) the product of
3 one-tenth multiplied by the state sharing ratio computed pursuant to
4 paragraph g of subdivision three of this section for any other school
5 building project or school district.

6 § 10. Clause (b) of subparagraph 2 of paragraph c of subdivision 6 of
7 section 3602 of the education law, as amended by section 15 of part B of
8 chapter 57 of the laws of 2008, is amended and a new clause (d) is added
9 to read as follows:

10 (b) For aid payable in the school years two thousand--two thousand one
11 and thereafter for all school building projects approved by the voters
12 of the school district or by the board of education of a city school
13 district in a city with more than one hundred twenty-five thousand
14 inhabitants, and/or the chancellor in a city school district in a city
15 having a population of one million or more, on or after July first, two
16 thousand, and prior to July first, two thousand nineteen, any school
17 district shall compute aid under the provisions of this subdivision
18 using the sum of the high-need supplemental building aid ratio, if any,
19 computed pursuant to clause (c) of this subparagraph and the greater of
20 (i) the building aid ratio computed for use in the current year; or (ii)
21 a building aid ratio equal to the difference of the aid ratio that was
22 used or that would have been used to compute an apportionment pursuant
23 to this subdivision in the nineteen hundred ninety-nine--two thousand
24 school year as such aid ratio is computed by the commissioner based on
25 data on file with the department on or before July first of the third
26 school year following the school year in which aid is first payable,
27 less one-tenth; or (iii) for all such school building projects approved
28 by the voters of the school district or by the board of education of a
29 city school district in a city with more than one hundred twenty-five
30 thousand inhabitants, and/or the chancellor in a city school district in
31 a city having a population of one million or more, on or after July
32 first, two thousand and on or before June thirtieth, two thousand four,
33 for any school district for which the pupil wealth ratio is greater than
34 two and five-tenths in the school year in which such school building
35 project was approved by the voters of the school district or by the
36 board of education of a city school district in a city with more than
37 one hundred twenty-five thousand inhabitants, and/or the chancellor in a
38 city school district in a city having a population of one million or
39 more and for which the alternate pupil wealth ratio is less than eight-
40 y-five hundredths in such school year, and for all such school building
41 projects approved by the voters of the school district or by the board
42 of education of a city school district in a city with more than one
43 hundred twenty-five thousand inhabitants, and/or the chancellor in a
44 city school district in a city having a population of one million or
45 more, on or after July first, two thousand five and on or before June
46 thirtieth, two thousand eight, for any school district for which the
47 pupil wealth ratio was greater than two and five-tenths in the two thou-
48 sand--two thousand one school year and for which the alternate pupil
49 wealth ratio was less than eighty-five hundredths in the two thousand--
50 two thousand one school year, the additional building aid ratio;
51 provided that, school districts who are eligible for aid under paragraph
52 f of subdivision fourteen of this section may compute aid under the
53 provisions of this subdivision using the difference of the highest of
54 the aid ratios so computed for the reorganized district or the highest
55 of the aid ratios so computed for any of the individual school districts

1 which existed prior to the date of the reorganized school district less
2 one-tenth.

3 (d) For aid payable in the school years two thousand twenty--two thou-
4 sand twenty-one and thereafter for all school building projects approved
5 by the voters of the school district or by the board of education of a
6 city school district in a city with more than one hundred twenty-five
7 thousand inhabitants, and/or the chancellor in a city school district in
8 a city having a population of one million or more, on or after July
9 first, two thousand nineteen, any school district shall compute aid
10 under the provisions of this subdivision using the sum of the high-need
11 supplemental building aid ratio, if any, computed pursuant to clause (c)
12 of this subparagraph and the building aid ratio computed for use in the
13 current year as computed pursuant to subparagraph four of paragraph e of
14 subdivision three of this section; provided that, school districts who
15 are eligible for aid under paragraph f of subdivision fourteen of this
16 section may compute aid under the provisions of this subdivision using
17 the difference of the highest of the aid ratios so computed pursuant to
18 this clause for the reorganized district or the highest of the aid
19 ratios so computed for any of the individual school districts which
20 existed prior to the date of the reorganized school district.

21 § 11. Subdivision 1 of section 3602 of the education law is amended by
22 adding a new paragraph ii to read as follows:

23 ii. "Services aid base" for the purposes of this section for aid paya-
24 ble in the (i) two thousand twenty--two thousand twenty-one school year,
25 shall equal the total amount a district was eligible to receive in the
26 base year, as computed by the commissioner based on data on file with
27 the education department on November fifteenth, two thousand nineteen
28 for;

29 (1) the apportionment for textbooks provided and computed pursuant to
30 section seven hundred one of this chapter;

31 (2) aid for the purchase of school library materials computed pursuant
32 to section seven hundred eleven of this chapter;

33 (3) aid for computer software purchases computed pursuant to section
34 seven hundred fifty-one of this chapter;

35 (4) instructional computer hardware and technology equipment appor-
36 tionment computed pursuant to section seven hundred fifty-three of this
37 chapter;

38 (5) BOCES aid computed pursuant to section nineteen hundred fifty of
39 this chapter;

40 (6) supplemental public excess cost aid computed pursuant to subdivi-
41 sion five-a of this section;

42 (7) transportation aid computed pursuant to subdivision seven of this
43 section;

44 (8) special services aid for large city school districts and other
45 school districts which were not components of a board of cooperative
46 educational services in the base year computed pursuant to subdivision
47 ten of this section;

48 (9) academic enhancement aid computed pursuant to subdivision twelve
49 of this section;

50 (10) high tax aid computed pursuant to subdivision sixteen of this
51 section;

52 (11) transitional aid for charter school payments computed pursuant to
53 subdivision forty-one of this section; and

54 (ii) in the two thousand twenty-one--two thousand twenty--two school
55 year and thereafter shall equal the total amount a district was eligible

1 to receive in the base year pursuant to subdivision nineteen of this
2 section.

3 § 12. Section 3602 of the education law is amended by adding a new
4 subdivision 19 to read as follows:

5 19. Services aid. a. Notwithstanding sections seven hundred one, seven
6 hundred eleven, seven hundred fifty-one, seven hundred fifty-three, and
7 nineteen hundred fifty of this chapter and subdivisions five-a, seven,
8 ten, twelve, sixteen, and forty-one of this section, for the two thou-
9 sand twenty--two thousand twenty-one school year and thereafter, in lieu
10 of such apportionments, a school district shall be eligible to receive a
11 services aid apportionment in the amount of the product of the services
12 aid base computed pursuant to paragraph ii of subdivision one of this
13 section multiplied by the sum of one and (a) the consumer price index
14 computed pursuant to paragraph hh of subdivision one of this section for
15 the current year plus (b) the annual change in resident weighted average
16 daily attendance, provided that such sum is not less than one (1.0).
17 Provided further, for the purposes of this section, "annual change in
18 resident weighted average daily attendance" shall mean the quotient of
19 (a) the difference of the resident weighted average daily attendance
20 pursuant to subparagraph two of paragraph d of subdivision one of this
21 section for the year prior to the base year less such resident weighted
22 average daily attendance for the year two years prior to the base year
23 divided by (b) the resident weighted average daily attendance for the
24 year two years prior to the base year.

25 b. For the purposes of this chapter, "BOCES payment adjustment" shall
26 mean the amount computed for the apportionment pursuant to section nine-
27 teen hundred fifty of this chapter for the two thousand nineteen--two
28 thousand twenty school year as computed by the commissioner based on
29 data on file with the education department on November fifteenth, two
30 thousand nineteen. Notwithstanding any provision of law to the contrary
31 the BOCES payment adjustment shall be paid pursuant to section thirty-
32 six hundred nine-d of this chapter.

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

36 Notwithstanding the provisions of section thirty-six hundred nine-a of
37 this article, apportionments payable pursuant to section nineteen
38 hundred fifty of this chapter, and the BOCES payment adjustment payable
39 pursuant to subdivision nineteen of section thirty-six hundred two of
40 this chapter shall be paid pursuant to this section. For aid payable in
41 the two thousand four--two thousand five school year and thereafter,
42 "moneys apportioned" shall mean the lesser of (i) one hundred percent of
43 the respective amount set forth for each school district as payable
44 pursuant to this section in the school aid computer listing produced by
45 the commissioner in support of the budget including the appropriation
46 for support of boards of cooperative educational services for payments
47 due prior to April first for the current year, or (ii) the apportionment
48 calculated by the commissioner based on data on file at the time the
49 payment is processed; provided however, that for the purposes of any
50 payment to be made in the month of June of two thousand six such calcu-
51 lation shall be based on the school aid computer listing for the current
52 year using updated data at the time of each payment. For districts
53 subject to chapter five hundred sixty-three of the laws of nineteen
54 hundred eighty, thirty-six hundred two-b, or two thousand forty of this
55 chapter, for aid payable in the two thousand four--two thousand five
56 school year and thereafter, "moneys apportioned" shall mean the appor-

tionment calculated by the commissioner based on data on file at the time the payment is processed. 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.

§ 14. Subparagraphs 2 and 3 of paragraph a of subdivision 1 of section 3609-a of the education law are REPEALED.

§ 14-a. Subparagraph 1 of paragraph b of subdivision 4 of section 92-c of the state finance law is REPEALED.

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

ARTICLE 39-A

REGIONAL STEM MAGNET SCHOOLS

Section 1918. Establishment of regional STEM magnet schools.

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

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

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

d. The board of cooperative educational services shall have responsibility for the operation, supervision and maintenance of the school and shall be responsible for the administration of the school, including curriculum, grading, and staffing.

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

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

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

h. For purposes of all state aid calculations pursuant to this chapter, students attending such school shall continue to be treated and counted as students of their school district of residence.

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

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

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

l. The board of cooperative educational services shall establish a methodology for the apportionment of operational and administrative costs of such school between participating school districts; provided,

1 however, that no costs shall be apportioned to component school
2 districts that elect not to participate in such school.

3 m. The trustees or board of education of a non-component school
4 district, including city school districts of cities in excess of one
5 hundred twenty-five thousand inhabitants, may enter into a memorandum of
6 understanding with a board of cooperative educational services to
7 participate in such school program for a period not to exceed five years
8 upon such terms as such trustees or board of education and the board of
9 cooperative educational services may mutually agree, provided that such
10 agreement may provide for a charge for administration costs of such
11 program, but participating non-component school districts shall not be
12 liable for payment of administrative expenses as defined in paragraph b
13 of subdivision four of section nineteen hundred fifty of this title.

14 n. A school may be jointly operated by two boards of cooperative
15 educational services pursuant to an intermunicipal sharing agreement
16 entered into pursuant to section one hundred nineteen-o of the general
17 municipal law. Upon adoption of a budget for the program for a school
18 year, costs shall be allocated between each board of cooperative educa-
19 tional services in a manner provided in the intermunicipal sharing
20 agreement and included in the budgets of each board of cooperative
21 educational service.

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

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

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

39 § 17. Subdivision 12 of section 3602 of the education law, as amended
40 by section 13 of part CCC of chapter 59 of the laws of 2018, is amended
41 to read as follows:

42 12. Academic enhancement aid. A school district that as of April first
43 of the base year has been continuously identified as a district in need
44 of improvement for at least five years shall, for the two thousand
45 eight--two thousand nine school year, be entitled to an additional
46 apportionment equal to the positive remainder, if any, of (a) the lesser
47 of fifteen million dollars or the product of the total foundation aid
48 base, as defined by paragraph j of subdivision one of this section,
49 multiplied by ten percent (0.10), less (b) the positive remainder of (i)
50 the sum of the total foundation aid apportioned pursuant to subdivision
51 four of this section and the supplemental educational improvement grants
52 apportioned pursuant to subdivision eight of section thirty-six hundred
53 forty-one of this article, less (ii) the total foundation aid base.

54 For the two thousand nine--two thousand ten through two thousand four-
55 teen--two thousand fifteen school years, each school district shall be
56 entitled to an apportionment equal to the amount set forth for such

1 school district as "EDUCATION GRANTS, ACADEMIC EN" under the heading
2 "2008-09 BASE YEAR AIDS" in the school aid computer listing produced by
3 the commissioner in support of the budget for the two thousand nine--two
4 thousand ten school year and entitled "SA0910", and such apportionment
5 shall be deemed to satisfy the state obligation to provide an apportion-
6 ment pursuant to subdivision eight of section thirty-six hundred forty-
7 one of this article.

8 For the two thousand fifteen--two thousand sixteen year, each school
9 district shall be entitled to an apportionment equal to the amount set
10 forth for such school district as "ACADEMIC ENHANCEMENT" under the head-
11 ing "2014-15 ESTIMATED AIDS" in the school aid computer listing produced
12 by the commissioner in support of the budget for the two thousand four-
13 teen--two thousand fifteen school year and entitled "SA141-5", and such
14 apportionment shall be deemed to satisfy the state obligation to provide
15 an apportionment pursuant to subdivision eight of section thirty-six
16 hundred forty-one of this article.

17 For the two thousand sixteen--two thousand seventeen school year, each
18 school district shall be entitled to an apportionment equal to the
19 amount set forth for such school district as "ACADEMIC ENHANCEMENT"
20 under the heading "2015-16 ESTIMATED AIDS" in the school aid computer
21 listing produced by the commissioner in support of the budget for the
22 two thousand fifteen--two thousand sixteen school year and entitled
23 "SA151-6", and such apportionment shall be deemed to satisfy the state
24 obligation to provide an apportionment pursuant to subdivision eight of
25 section thirty-six hundred forty-one of this article.

26 For the two thousand seventeen--two thousand eighteen school year,
27 each school district shall be entitled to an apportionment equal to the
28 amount set forth for such school district as "ACADEMIC ENHANCEMENT"
29 under the heading "2016-17 ESTIMATED AIDS" in the school aid computer
30 listing produced by the commissioner in support of the budget for the
31 two thousand sixteen--two thousand seventeen school year and entitled
32 "SA161-7", and such apportionment shall be deemed to satisfy the state
33 obligation to provide an apportionment pursuant to subdivision eight of
34 section thirty-six hundred forty-one of this article.

35 For the two thousand eighteen--two thousand nineteen school year, each
36 school district shall be entitled to an apportionment equal to the
37 amount set forth for such school district as "ACADEMIC ENHANCEMENT"
38 under the heading "2017-18 ESTIMATED AIDS" in the school aid computer
39 listing produced by the commissioner in support of the budget for the
40 two thousand seventeen--two thousand eighteen school year and entitled
41 "SA171-8", and such apportionment shall be deemed to satisfy the state
42 obligation to provide an apportionment pursuant to subdivision eight of
43 section thirty-six hundred forty-one of this article.

44 For the two thousand nineteen--two thousand twenty school year, each
45 school district shall be entitled to an apportionment equal to the
46 amount set forth for such school district as "ACADEMIC ENHANCEMENT"
47 under the heading "2018-19 ESTIMATED AIDS" in the school aid computer
48 listing produced by the commissioner in support of the budget for the
49 two thousand eighteen--two thousand nineteen school year and entitled
50 "SA181-9", and such apportionment shall be deemed to satisfy the state
51 obligation to provide an apportionment pursuant to subdivision eight of
52 section thirty-six hundred forty-one of this article.

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

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

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

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

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

40 a. State aid adjustments. All errors or omissions in the apportionment
41 shall be corrected by the commissioner. Whenever a school district has
42 been apportioned less money than that to which it is entitled, the
43 commissioner may allot to such district the balance to which it is enti-
44 tled. Whenever a school district has been apportioned more money than
45 that to which it is entitled, the commissioner may, by an order, direct
46 such moneys to be paid back to the state to be credited to the general
47 fund local assistance account for state aid to the schools, or may
48 deduct such amount from the next apportionment to be made to said
49 district, provided, however, that, upon notification of excess payments
50 of aid for which a recovery must be made by the state through deduction
51 of future aid payments, a school district may request that such excess
52 payments be recovered by deducting such excess payments from the
53 payments due to such school district and payable in the month of June in
54 (i) the school year in which such notification was received and (ii) the
55 two succeeding school years, provided further that there shall be no
56 interest penalty assessed against such district or collected by the

1 state. Such request shall be made to the commissioner in such form as
2 the commissioner shall prescribe, and shall be based on documentation
3 that the total amount to be recovered is in excess of one percent of the
4 district's total general fund expenditures for the preceding school
5 year. The amount to be deducted in the first year shall be the greater
6 of (i) the sum of the amount of such excess payments that is recognized
7 as a liability due to other governments by the district for the preced-
8 ing school year and the positive remainder of the district's unreserved
9 fund balance at the close of the preceding school year less the product
10 of the district's total general fund expenditures for the preceding
11 school year multiplied by five percent, or (ii) one-third of such excess
12 payments. The amount to be recovered in the second year shall equal the
13 lesser of the remaining amount of such excess payments to be recovered
14 or one-third of such excess payments, and the remaining amount of such
15 excess payments shall be recovered in the third year. Provided further
16 that, notwithstanding any other provisions of this subdivision, any
17 pending payment of moneys due to such district as a prior year adjust-
18 ment payable pursuant to paragraph c of this subdivision for aid claims
19 that had been previously paid as current year aid payments in excess of
20 the amount to which the district is entitled and for which recovery of
21 excess payments is to be made pursuant to this paragraph, shall be
22 reduced at the time of actual payment by any remaining unrecovered
23 balance of such excess payments, and the remaining scheduled deductions
24 of such excess payments pursuant to this paragraph shall be reduced by
25 the commissioner to reflect the amount so recovered. ~~[The commissioner~~
26 ~~shall certify no payment to a school district based on a claim submitted~~
27 ~~later than three years after the close of the school year in which such~~
28 ~~payment was first to be made. For claims for which payment is first to~~
29 ~~be made in the nineteen hundred ninety-six--ninety-seven school year,~~
30 ~~the commissioner shall certify no payment to a school district based on~~
31 ~~a claim submitted later than two years after the close of such school~~
32 ~~year.]~~ For claims for which payment is first to be made ~~[in the nineteen~~
33 ~~hundred--ninety-seven--ninety-eight]~~ prior to the two thousand eighteen-
34 --two thousand nineteen school year ~~[and thereafter]~~, the commissioner
35 shall certify no payment to a school district based on a claim submitted
36 later than one year after the close of such school year. For claims for
37 which payment is first to be made in the two thousand eighteen--two
38 thousand nineteen school year and thereafter, the commissioner shall
39 certify no payment to a school district based on a claim submitted later
40 than the first of November of such school year. Provided, however, no
41 payments shall be barred or reduced where such payment is required as a
42 result of a final audit of the state. ~~[It is further provided that,~~
43 ~~until June thirtieth, nineteen hundred ninety-six, the commissioner may~~
44 ~~grant a waiver from the provisions of this section for any school~~
45 ~~district if it is in the best educational interests of the district~~
46 ~~pursuant to guidelines developed by the commissioner and approved by the~~
47 ~~director of the budget.]~~ Further provided that for any apportionments
48 provided pursuant to sections seven hundred one, seven hundred eleven,
49 seven hundred fifty-one, seven hundred fifty-three, nineteen hundred
50 fifty, thirty-six hundred two, thirty-six hundred two-b, thirty-six
51 hundred two-c, thirty-six hundred two-e and forty-four hundred five of
52 this chapter for the two thousand eighteen--two thousand nineteen and
53 two thousand nineteen--two thousand twenty school years, the commission-
54 er shall certify no payment to a school district, other than payments
55 pursuant to subdivisions six-a, eleven, thirteen and fifteen of section
56 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 nineteen--two thousand twenty state fiscal year and entitled "BT192-0", and 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 twenty--two thousand twenty-one 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.

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

For aid payable in the two thousand seven--two thousand eight school year through the two thousand eighteen--two thousand nineteen 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 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. 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 eighteen--two thousand nineteen school year, reference to such "school aid computer listing for the current year" shall mean the print-outs entitled "SA181-9".~~ For aid payable in the two thousand nineteen--two thousand twenty school year and thereafter, "moneys apportioned"

1 shall mean the lesser of: (i) the sum of one hundred percent of the
2 respective amount set forth for each school district as payable pursuant
3 to this section in the school aid computer listing for the current year
4 produced by the commissioner in support of the executive budget request
5 which includes the appropriation for the general support for public
6 schools for the prescribed payments and individualized payments due
7 prior to April first for the current year plus the apportionment payable
8 during the current school year pursuant to subdivisions six-a and
9 fifteen of section thirty-six hundred two of this part minus any
10 reductions to current year aids pursuant to subdivision seven of section
11 thirty-six hundred four of this part or any deduction from apportionment
12 payable pursuant to this chapter for collection of a school district
13 basic contribution as defined in subdivision eight of section forty-four
14 hundred one of this chapter, less any grants provided pursuant to
15 subparagraph two-a of paragraph b of subdivision four of section nine-
16 ty-two-c of the state finance law, less any grants provided pursuant to
17 subdivision six of section ninety-seven-nnnn of the state finance law,
18 less any grants provided pursuant to subdivision twelve of section thir-
19 ty-six hundred forty-one of this article, or (ii) the apportionment
20 calculated by the commissioner based on data on file at the time the
21 payment is processed; provided however, that for the purposes of any
22 payments made pursuant to this section prior to the first business day
23 of June of the current year, moneys apportioned shall not include any
24 aids payable pursuant to subdivisions six and fourteen, if applicable,
25 of section thirty-six hundred two of this part as current year aid for
26 debt service on bond anticipation notes and/or bonds first issued in the
27 current year or any aids payable for full-day kindergarten for the
28 current year pursuant to subdivision nine of section thirty-six hundred
29 two of this part. For aid payable in the two thousand nineteen--two
30 thousand twenty school year, reference to such "school aid computer
31 listing for the current year" shall mean the printouts entitled
32 "BT192-0".

33 § 22. Paragraph b of subdivision 2 of section 3612 of the education
34 law, as amended by section 22 of part CCC of chapter 59 of the laws of
35 2018, is amended to read as follows:

36 b. Such grants shall be awarded to school districts, within the limits
37 of funds appropriated therefor, through a competitive process that takes
38 into consideration the magnitude of any shortage of teachers in the
39 school district, the number of teachers employed in the school district
40 who hold temporary licenses to teach in the public schools of the state,
41 the number of provisionally certified teachers, the fiscal capacity and
42 geographic sparsity of the district, the number of new teachers the
43 school district intends to hire in the coming school year and the number
44 of summer in the city student internships proposed by an eligible school
45 district, if applicable. Grants provided pursuant to this section shall
46 be used only for the purposes enumerated in this section. Notwithstand-
47 ing any other provision of law to the contrary, a city school district
48 in a city having a population of one million or more inhabitants receiv-
49 ing a grant pursuant to this section may use no more than eighty percent
50 of such grant funds for any recruitment, retention and certification
51 costs associated with transitional certification of teacher candidates
52 for the school years two thousand one--two thousand two through two
53 thousand [~~eighteen~~] ~~nineteen~~--two thousand [~~nineteen~~] ~~twenty~~.

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

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

§ 24. 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

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

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

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

29 § 25. Section 3012-d of the education law is amended by adding a new
30 subdivision 16 to read as follows:

31 16. a. Notwithstanding any other provision of law, rule or regulation
32 to the contrary, the grades three through eight English language arts
33 and mathematics state assessments and all other state-created or admin-
34 istered tests shall not be required to be utilized in any manner to
35 determine a teacher or principal evaluation required by this section.

36 b. The commissioner shall promulgate rules and regulations providing
37 alternative assessments that may be used in grades three through eight
38 instead of all other state-created or administered tests, which shall
39 include all of the assessments that have been approved by the commis-
40 sioner for use in determining transition scores and ratings.

41 c. The selection and use of an assessment in a teacher or principal's
42 evaluation pursuant to paragraphs a and b of this subdivision and subdi-
43 vision four of this section shall be subject to collective bargaining
44 pursuant to article fourteen of the civil service law.

45 d. Notwithstanding any provision of subdivision twelve of this section
46 to the contrary, nothing in this section shall be construed to abrogate
47 any conflicting provisions of any collective bargaining agreement in
48 effect on the date this subdivision takes effect and until the entry
49 into a successor collective bargaining agreement, provided that notwith-
50 standing any other provision of law to the contrary, upon expiration of
51 such term and the entry into a successor collective bargaining agreement
52 the provisions of this subdivision shall apply; and, provided further,
53 however, that any assessments used in determining transition scores and
54 ratings shall be used in determining scores and ratings pursuant to this
55 section instead of the grades three through eight English language arts

1 and mathematics state assessments until the entry into a successor
2 collective bargaining agreement.

3 § 26. Subparagraphs 1 and 2 of paragraph a of subdivision 4 of section
4 3012-d of the education law, subparagraph 1 as amended by section 3 of
5 subpart C of part B of chapter 20 of the laws of 2015 and subparagraph 2
6 as added by section 2 of subpart E of part EE of chapter 56 of the laws
7 of 2015, are amended to read as follows:

8 (1) For the first subcomponent, [~~(A) for a teacher whose course ends~~
9 ~~in a state-created or administered test for which there is a state-pro-~~
10 ~~vided growth model, such teacher shall have a state-provided growth~~
11 ~~score based on such model, which shall take into consideration certain~~
12 ~~student characteristics, as determined by the commissioner, including~~
13 ~~but not limited to students with disabilities, poverty, English language~~
14 ~~learner status and prior academic history and which shall identify~~
15 ~~educators whose students' growth is well above or well below average~~
16 ~~compared to similar students for a teacher's or principal's students~~
17 ~~after the certain student characteristics above are taken into account,~~
18 ~~and (B) for a teacher whose course does not end in a state-created or~~
19 ~~administered test such teacher] a teacher shall have a student learning
20 objective (SLO) consistent with a goal-setting process determined or
21 developed by the commissioner, that results in a student growth score;
22 provided that, for any teacher whose course ends in a state-created or
23 administered assessment [~~for which there is no state-provided growth~~
24 ~~model]~~, such assessment [~~must~~] may be used as the underlying assessment
25 for such SLO;~~

26 (2) For the optional second subcomponent, a district may locally
27 select a second measure in accordance with this subparagraph. Such
28 second measure shall apply in a consistent manner, to the extent practi-
29 cable, across the district and be either: (A) [~~a second state-provided~~
30 ~~growth score]~~ based on a state-created or administered test [~~under~~
31 ~~clause (A) of subparagraph one of this paragraph]~~, or (B) [~~a growth~~
32 ~~score]~~ based on a state-designed supplemental assessment[, ~~calculated~~
33 ~~using a state-provided or approved growth model]~~. The optional second
34 subcomponent shall provide options for multiple assessment measures that
35 are aligned to existing classroom and school best practices and take
36 into consideration the recommendations in the testing reduction report
37 as required by section one of subpart F of [~~the chapter]~~ part EE of
38 chapter fifty-six of the laws of two thousand fifteen which added this
39 section regarding the reduction of unnecessary additional testing.

40 § 27. Subdivision 5 of section 3012-d of the education law, as added
41 by section 2 of subpart E of part EE of chapter 56 of the laws of 2015,
42 is amended to read as follows:

43 5. Rating determination. The overall rating determination shall be
44 determined [~~according to a methodology~~] as follows:

45 a. [~~The following rules shall apply: a teacher or principal who is (1)~~
46 ~~rated using two subcomponents in the student performance category and~~
47 ~~receives a rating of ineffective in such category shall be rated inef-~~
48 ~~fective overall; provided, however, that if the measure used in the~~
49 ~~second subcomponent is a state-provided growth score on a state-created~~
50 ~~or administered test pursuant to clause (A) of subparagraph one of para-~~
51 ~~graph a of subdivision four of this section, a teacher or principal who~~
52 ~~receives a rating of ineffective in such category shall not be eligible~~
53 ~~to receive a rating of effective or highly effective overall; (2) rated~~
54 ~~using only the state measure subcomponent in the student performance~~
55 ~~category and receives a rating of ineffective in such category shall not~~
56 ~~be eligible to receive a rating of effective or highly effective over-~~

~~all, and (3) rated ineffective in the teacher observations category shall not be eligible to receive a rating of effective or highly effective overall.~~

~~b. Except as otherwise provided in paragraph a of this subdivision, a teacher's composite score shall be determined as follows:~~

~~(1)~~ If a teacher receives an H in the teacher observation category, and an H in the student performance category, the teacher's composite score shall be H;

~~(2)~~ b. If a teacher receives an H in the teacher observation category, and an E in the student performance category, the teacher's composite score shall be H;

~~(3)~~ c. If a teacher receives an H in the teacher observation category, and a D in the student performance category, the teacher's composite score shall be E;

~~(4)~~ d. If a teacher receives an H in the teacher observation category, and an I in the student performance category, the teacher's composite score shall be D;

~~(5)~~ e. If a teacher receives an E in the teacher observation category, and an H in the student performance category, the teacher's composite score shall be H;

~~(6)~~ f. If a teacher receives an E in the teacher observation category, and an E in the student performance category, the teacher's composite score shall be E;

~~(7)~~ g. If a teacher receives an E in the teacher observation category, and a D in the student performance category, the teacher's composite score shall be E;

~~(8)~~ h. If a teacher receives an E in the teacher observation category, and an I in the student performance category, the teacher's composite score shall be D;

~~(9)~~ i. If a teacher receives a D in the teacher observation category, and an H in the student performance category, the teacher's composite score shall be E;

~~(10)~~ j. If a teacher receives a D in the teacher observation category, and an E in the student performance category, the teacher's composite score shall be E;

~~(11)~~ k. If a teacher receives a D in the teacher observation category, and a D in the student performance category, the teacher's composite score shall be D;

~~(12)~~ l. If a teacher receives a D in the teacher observation category, and an I in the student performance category, the teacher's composite score shall be I;

~~(13)~~ m. If a teacher receives an I in the teacher observation category, and an H in the student performance category, the teacher's composite score shall be D;

~~(14)~~ n. If a teacher receives an I in the teacher observation category, and an E in the student performance category, the teacher's composite score shall be D;

~~(15)~~ o. If a teacher receives an I in the teacher observation category, and a D in the student performance category, the teacher's composite score shall be I;

~~(16)~~ p. If a teacher receives an I in the teacher observation category, and an I in the student performance category, the teacher's composite score shall be I.

§ 28. Subdivision 7 of section 3012-d of the education law, as added by section 2 of subpart E of part EE of chapter 56 of the laws of 2015, is amended to read as follows:

7. The commissioner shall ensure that the process by which weights and scoring ranges are assigned to subcomponents and categories is transparent and available to those being rated before the beginning of each school year. Such process must ensure that it is possible for a teacher or principal to obtain any number of points in the applicable scoring ranges, including zero, in each subcomponent. The superintendent, district superintendent or chancellor and the representative of the collective bargaining unit (where one exists) shall certify in the district's plan that the evaluation process shall use the standards for the scoring ranges provided by the commissioner. ~~[Provided, however, that in any event, the following rules shall apply: a teacher or principal who is:~~

~~a. rated using two subcomponents in the student performance category and receives a rating of ineffective in such category shall be rated ineffective overall, except that if the measure used in the second subcomponent is a second state-provided growth score on a state-administered or sponsored test pursuant to clause (A) of subparagraph one of paragraph a of subdivision four of this section, a teacher or principal that receives a rating of ineffective in such category shall not be eligible to receive a rating of effective or highly effective overall;~~

~~b. rated using only the state measure subcomponent in the student performance category and receives a rating of ineffective in such category shall not be eligible to receive a rating of effective or highly effective overall; and~~

~~c. rated ineffective in the observations category shall not be eligible to receive a rating of effective or highly effective overall.]~~

§ 29. Subdivision 10 of section 3012-d of the education law, as added by section 2 of subpart E of part EE of chapter 56 of the laws of 2015, is amended to read as follows:

10. The local collective bargaining representative shall negotiate with the district:

a. whether to use a second measure, and, in the event that a second measure is used, which measure to use, pursuant to subparagraph two of paragraph a of subdivision four of this section ~~[and];~~

b. how to implement the provisions of paragraph b of subdivision four of this section, and associated regulations as established by the commissioner, in accordance with article fourteen of the civil service law; and

c. the selection and use of an assessment in a teacher or principal's evaluation pursuant to subdivision four of this section and paragraphs a and b of subdivision sixteen of this section.

§ 30. Section 2 of subpart B of part AA of chapter 56 of the laws of 2014 amending the education law relating to providing that standardized test scores shall not be included on a student's permanent record, as amended by section 35 of part CCC of chapter 59 of the laws of 2018, is amended to read as follows:

§ 2. This act shall take effect immediately ~~[and shall expire and be deemed repealed on December 31, 2019].~~

§ 31. Subdivision 10 of section 3209 of the education law is renumbered subdivision 11 and a new subdivision 10 is added to read as follows:

10. Every school district receiving funds pursuant to this section shall annually submit to the department an accounting of the use of such funds in the prior school year before the end of the succeeding school year. The commissioner shall review such accounting and develop, in consultation with the commissioner of the office of temporary and disa-

1 bility assistance, an identification of best practices to support home-
2 less youth.

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

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

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

24 Health education regarding mental health, alcohol, drugs, tobacco
25 abuse, and healthy relationships and the prevention and detection of
26 certain cancers.

27 7-a. (a) A healthy relationships education instruction program shall
28 be included within the health education provided to all students in
29 grades six through twelve. Such programs shall include, but not be
30 limited to age-appropriate, medically accurate instruction teaching
31 comprehensive sexual education, sexual health and healthy relationship
32 practices. Such program shall be inclusive and respectful of all pupils
33 regardless of race, ethnicity, gender, disability, sexual orientation,
34 or gender identity and include, but not be limited to:

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

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

38 (iii) friendship and empathy;

39 (iv) a definition of teen dating violence;

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

41 (vi) characteristics of a healthy relationship;

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

43 (viii) safe use of technology;

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

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

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

49 (xii) age-appropriate instructing to identify and report sexual
50 exploitation and abuse; and

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

52 (b) The Educational Standards for such program shall be added to the
53 Health Education Standards after consultation with the commissioner of
54 health and the commissioner of children and family services and be
55 designed to educate students about healthy relationships. Prior to
56 adopting the Education Standards, the commissioner shall establish a

1 task force to study and make recommendations regarding the scope and
2 substance of the standards. The task force shall:

3 (i) seek the recommendations of teachers, school administrators,
4 teacher educators and others with educational expertise in the proposed
5 subject areas;

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

8 (iii) seek comment from parents, students and other interested
9 parties.

10 (c) The commissioner shall develop age-appropriate model instructional
11 resources for parents and educators for potential use in instructing
12 students about physical self-awareness and healthy relationships. Such
13 resources shall be developed after consultation with experts in the
14 field.

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

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

27 (f) Notwithstanding the provisions of this subdivision, a school
28 district shall provide reasonable notice to parents and guardians of
29 students in grades six through twelve that such instruction will be
30 given and the nature of the curriculum. Any parent or guardian of a
31 student in grades six through twelve may direct the removal of the
32 student from such instruction upon written notice to the school
33 district.

34 § 34. Section 305 of the education law is amended by adding a new
35 subdivision 60 to read as follows:

36 60. The commissioner is authorized and directed to require that every
37 school district adopt and distribute a policy regarding sex discrimi-
38 nation pursuant to Title IX of the Education Amendments of 1972, 20
39 U.S.C. § 1681 et seq., and that such policy shall specifically address
40 discrimination against pregnant and parenting students. Provided that
41 such policies shall include: a. students' rights to attend classes and
42 participate in extracurricular activities regardless of pregnant or
43 parenting status; b. opportunities to make up missed classwork or to
44 excuse absences due to pregnancy, childbirth or related conditions; c.
45 protections of students from harassment; and d. a formal grievance
46 procedure.

47 § 35. Subdivision b of section 2 of chapter 756 of the laws of 1992,
48 relating to funding a program for work force education conducted by the
49 consortium for worker education in New York city, as amended by section
50 25 of part CCC of chapter 59 of the laws of 2018, is amended to read as
51 follows:

52 b. Reimbursement for programs approved in accordance with subdivision
53 a of this section for the 2016--2017 school year shall not exceed 60.3
54 percent of the lesser of such approvable costs per contact hour or thir-
55 teen dollars ninety cents per contact hour, reimbursement for the 2017-
56 -2018 school year shall not exceed 60.4 percent of the lesser of such

1 approvable costs per contact hour or thirteen dollars and ninety cents
2 per contact hour, [~~and~~] reimbursement for the 2018--2019 school year
3 shall not exceed 59.4 percent of the lesser of such approvable costs per
4 contact hour or fourteen dollars and ninety-five cents per contact hour,
5 and reimbursement for the 2019--2020 school year shall not exceed 57.7
6 percent of the lesser of such approvable costs per contact hour or
7 fifteen dollars and fifty-five cents per contact hour, where a contact
8 hour represents sixty minutes of instruction services provided to an
9 eligible adult. Notwithstanding any other provision of law to the
10 contrary, for the 2016--2017 school year such contact hours shall not
11 exceed one million five hundred fifty-one thousand three hundred twelve
12 (1,551,312); whereas for the 2017--2018 school year such contact hours
13 shall not exceed one million five hundred forty-nine thousand four
14 hundred sixty-three (1,549,463); [~~and~~] whereas for the 2018--2019 school
15 year such contact hours shall not exceed one million four hundred
16 sixty-three thousand nine hundred sixty-three (1,463,963), and for the
17 2019--2020 school year such contact hours shall not exceed one million
18 two hundred eighty-two thousand fifty-one (1,282,051). Notwithstanding
19 any other provision of law to the contrary, the apportionment calculated
20 for the city school district of the city of New York pursuant to subdi-
21 vision 11 of section 3602 of the education law shall be computed as if
22 such contact hours provided by the consortium for worker education, not
23 to exceed the contact hours set forth herein, were eligible for aid in
24 accordance with the provisions of such subdivision 11 of section 3602 of
25 the education law.

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

30 x. The provisions of this subdivision shall not apply after the
31 completion of payments for the 2019--2020 school year. Notwithstanding
32 any inconsistent provisions of law, the commissioner of education shall
33 withhold a portion of employment preparation education aid due to the
34 city school district of the city of New York to support a portion of the
35 costs of the work force education program. Such moneys shall be credited
36 to the elementary and secondary education fund-local assistance account
37 and shall not exceed eleven million five hundred thousand dollars
38 (\$11,500,000).

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

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

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

50 (22) sections one hundred twelve, one hundred thirteen, one hundred
51 fourteen, one hundred fifteen and one hundred sixteen of this act shall
52 take effect on July 1, 1995; provided, however, that section one hundred
53 thirteen of this act shall remain in full force and effect until July 1,
54 [~~2019~~] 2020 at which time it shall be deemed repealed;

55 (24) sections one hundred eighteen through one hundred thirty of this
56 act shall be deemed to have been in full force and effect on and after

1 July 1, 1995; provided further, however, that the amendments made pursu-
2 ant to section one hundred twenty-four of this act shall be deemed to be
3 repealed on and after July 1, [~~2019~~] 2020;

4 § 39. Section 12 of chapter 147 of the laws of 2001, amending the
5 education law relating to conditional appointment of school district,
6 charter school or BOCES employees, as amended by section 31 of part CCC
7 of chapter 59 of the laws of 2018, is amended to read as follows:

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

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

17 § 4. This act shall take effect July 1, 2002 and section one of this
18 act shall expire and be deemed repealed June 30, 2019, and sections two
19 and three of this act shall expire and be deemed repealed on June 30,
20 2020.

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

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

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

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

1 law made by section two of this act shall be subject to the expiration
2 and reversion of such subdivision pursuant to section 12 of chapter 147
3 of the laws of 2001, as amended, when upon such date the provisions of
4 section four of this act shall take effect.

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

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

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

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

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

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

29 § 46. Section 26 of subpart F of part C of chapter 97 of the laws of
30 2011 amending the education law relating to census reporting, as amended
31 by section 21-a of part A of chapter 56 of the laws of 2014, is amended
32 to read as follows:

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

40 § 47. School bus driver training. In addition to apportionments other-
41 wise provided by section 3602 of the education law, for aid payable in
42 the 2019--2020 school year, the commissioner of education shall allocate
43 school bus driver training grants to school districts and boards of
44 cooperative educational services pursuant to sections 3650-a, 3650-b and
45 3650-c of the education law, or for contracts directly with not-for-pro-
46 fit educational organizations for the purposes of this section. Such
47 payments shall not exceed four hundred thousand dollars (\$400,000) per
48 school year.

49 § 48. Special apportionment for salary expenses. a. Notwithstanding
50 any other provision of law, upon application to the commissioner of
51 education, not sooner than the first day of the second full business
52 week of June 2020 and not later than the last day of the third full
53 business week of June 2020, a school district eligible for an apportion-
54 ment pursuant to section 3602 of the education law shall be eligible to
55 receive an apportionment pursuant to this section, for the school year
56 ending June 30, 2020, for salary expenses incurred between April 1 and

1 June 30, 2019 and such apportionment shall not exceed the sum of (i) the
2 deficit reduction assessment of 1990--1991 as determined by the commis-
3 sioner of education, pursuant to paragraph f of subdivision 1 of section
4 3602 of the education law, as in effect through June 30, 1993, plus (ii)
5 186 percent of such amount for a city school district in a city with a
6 population in excess of 1,000,000 inhabitants, plus (iii) 209 percent of
7 such amount for a city school district in a city with a population of
8 more than 195,000 inhabitants and less than 219,000 inhabitants accord-
9 ing to the latest federal census, plus (iv) the net gap elimination
10 adjustment for 2010--2011, as determined by the commissioner of educa-
11 tion pursuant to chapter 53 of the laws of 2010, plus (v) the gap elimi-
12 nation adjustment for 2011--2012 as determined by the commissioner of
13 education pursuant to subdivision 17 of section 3602 of the education
14 law, and provided further that such apportionment shall not exceed such
15 salary expenses. Such application shall be made by a school district,
16 after the board of education or trustees have adopted a resolution to do
17 so and in the case of a city school district in a city with a population
18 in excess of 125,000 inhabitants, with the approval of the mayor of such
19 city.

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

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

51 § 49. Special apportionment for public pension accruals. a. Notwith-
52 standing any other provision of law, upon application to the commission-
53 er of education, not later than June 30, 2020, a school district eligi-
54 ble for an apportionment pursuant to section 3602 of the education law
55 shall be eligible to receive an apportionment pursuant to this section,
56 for the school year ending June 30, 2020 and such apportionment shall

1 not exceed the additional accruals required to be made by school
2 districts in the 2004--2005 and 2005--2006 school years associated with
3 changes for such public pension liabilities. The amount of such addi-
4 tional accrual shall be certified to the commissioner of education by
5 the president of the board of education or the trustees or, in the case
6 of a city school district in a city with a population in excess of
7 125,000 inhabitants, the mayor of such city. Such application shall be
8 made by a school district, after the board of education or trustees have
9 adopted a resolution to do so and in the case of a city school district
10 in a city with a population in excess of 125,000 inhabitants, with the
11 approval of the mayor of such city.

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

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

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

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

52 a. for the development, maintenance or expansion of magnet schools or
53 magnet school programs for the 2019--2020 school year. For the city
54 school district of the city of New York there shall be a setaside of
55 foundation aid equal to forty-eight million one hundred seventy-five
56 thousand dollars (\$48,175,000) including five hundred thousand dollars

1 (\$500,000) for the Andrew Jackson High School; for the Buffalo city
2 school district, twenty-one million twenty-five thousand dollars
3 (\$21,025,000); for the Rochester city school district, fifteen million
4 dollars (\$15,000,000); for the Syracuse city school district, thirteen
5 million dollars (\$13,000,000); for the Yonkers city school district,
6 forty-nine million five hundred thousand dollars (\$49,500,000); for the
7 Newburgh city school district, four million six hundred forty-five thou-
8 sand dollars (\$4,645,000); for the Poughkeepsie city school district,
9 two million four hundred seventy-five thousand dollars (\$2,475,000); for
10 the Mount Vernon city school district, two million dollars (\$2,000,000);
11 for the New Rochelle city school district, one million four hundred ten
12 thousand dollars (\$1,410,000); for the Schenectady city school district,
13 one million eight hundred thousand dollars (\$1,800,000); for the Port
14 Chester city school district, one million one hundred fifty thousand
15 dollars (\$1,150,000); for the White Plains city school district, nine
16 hundred thousand dollars (\$900,000); for the Niagara Falls city school
17 district, six hundred thousand dollars (\$600,000); for the Albany city
18 school district, three million five hundred fifty thousand dollars
19 (\$3,550,000); for the Utica city school district, two million dollars
20 (\$2,000,000); for the Beacon city school district, five hundred sixty-
21 six thousand dollars (\$566,000); for the Middletown city school
22 district, four hundred thousand dollars (\$400,000); for the Freeport
23 union free school district, four hundred thousand dollars (\$400,000);
24 for the Greenburgh central school district, three hundred thousand
25 dollars (\$300,000); for the Amsterdam city school district, eight
26 hundred thousand dollars (\$800,000); for the Peekskill city school
27 district, two hundred thousand dollars (\$200,000); and for the Hudson
28 city school district, four hundred thousand dollars (\$400,000).

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

34 (ii) any instructional or instructional support costs associated with
35 implementation of an alternative approach to promote diversity and/or
36 enhancement of the instructional program and raising of standards in
37 elementary and secondary schools of school districts having substantial
38 concentrations of minority students.

39 c. The commissioner of education shall not be authorized to withhold
40 foundation aid from a school district that used such funds in accordance
41 with this paragraph, notwithstanding any inconsistency with a request
42 for proposals issued by such commissioner for the purpose of attendance
43 improvement and dropout prevention for the 2019--2020 school year, and
44 for any city school district in a city having a population of more than
45 one million, the setaside for attendance improvement and dropout
46 prevention shall equal the amount set aside in the base year. For the
47 2019--2020 school year, it is further provided that any city school
48 district in a city having a population of more than one million shall
49 allocate at least one-third of any increase from base year levels in
50 funds set aside pursuant to the requirements of this section to communi-
51 ty-based organizations. Any increase required pursuant to this section
52 to community-based organizations must be in addition to allocations
53 provided to community-based organizations in the base year.

54 d. For the purpose of teacher support for the 2019--2020 school year:
55 for the city school district of the city of New York, sixty-two million
56 seven hundred seven thousand dollars (\$62,707,000); for the Buffalo city

1 school district, one million seven hundred forty-one thousand dollars
2 (\$1,741,000); for the Rochester city school district, one million seven-
3 ty six thousand dollars (\$1,076,000); for the Yonkers city school
4 district, one million one hundred forty-seven thousand dollars
5 (\$1,147,000); and for the Syracuse city school district, eight hundred
6 nine thousand dollars (\$809,000). All funds made available to a school
7 district pursuant to this section shall be distributed among teachers
8 including prekindergarten teachers and teachers of adult vocational and
9 academic subjects in accordance with this section and shall be in addi-
10 tion to salaries heretofore or hereafter negotiated or made available;
11 provided, however, that all funds distributed pursuant to this section
12 for the current year shall be deemed to incorporate all funds distrib-
13 uted pursuant to former subdivision 27 of section 3602 of the education
14 law for prior years. In school districts where the teachers are repres-
15 ented by certified or recognized employee organizations, all salary
16 increases funded pursuant to this section shall be determined by sepa-
17 rate collective negotiations conducted pursuant to the provisions and
18 procedures of article 14 of the civil service law, notwithstanding the
19 existence of a negotiated agreement between a school district and a
20 certified or recognized employee organization.

21 § 52. Support of public libraries. The moneys appropriated for the
22 support of public libraries by a chapter of the laws of 2018 enacting
23 the aid to localities budget shall be apportioned for the 2019--2020
24 state fiscal year in accordance with the provisions of sections 271,
25 272, 273, 282, 284, and 285 of the education law as amended by the
26 provisions of this chapter and the provisions of this section, provided
27 that library construction aid pursuant to section 273-a of the education
28 law shall not be payable from the appropriations for the support of
29 public libraries and provided further that no library, library system or
30 program, as defined by the commissioner of education, shall receive less
31 total system or program aid than it received for the year 2001--2002
32 except as a result of a reduction adjustment necessary to conform to the
33 appropriations for support of public libraries.

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

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

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

1 1. Sections one, three, four, five, five-a, six, seven, eight, nine,
2 ten, sixteen, seventeen, eighteen, nineteen, twenty, twenty-one, twen-
3 ty-two, twenty-three, thirty-two, thirty-four, forty-seven, fifty and
4 fifty-one of this act shall take effect July 1, 2019;

5 2. Sections eleven, twelve, thirteen and fourteen of this act shall
6 take effect July 1, 2020;

7 3. Paragraph (a) of subdivision 7-a of section 804 of the education
8 law, as added by section thirty-three of this act, shall take effect
9 July 1, 2019;

10 4. The amendments to section 3614 of the education law made by section
11 two of this act shall not affect the repeal of such section and shall be
12 deemed repealed therewith; and

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

18 PART B

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

21 6. Notwithstanding any other provision of law, any firm established to
22 lawfully engage in the practice of public accountancy pursuant to arti-
23 cle fifteen of the business corporation law, articles one and eight-B of
24 the partnership law, or articles twelve and thirteen of the limited
25 liability company law shall be deemed eligible to register pursuant to
26 this section.

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

29 (h) Any firm established for the business purpose of incorporating as
30 a professional service corporation formed to lawfully engage in the
31 practice of public accountancy, as such practice is respectively defined
32 under article one hundred forty-nine of the education law shall be
33 required to show (1) that a simple majority of the ownership of the
34 firm, in terms of financial interests, including ownership-based compen-
35 sation, and voting rights held by the firm's owners, belongs to individ-
36 uals licensed to practice public accountancy in some state, and (2) that
37 all shareholders of a professional service corporation whose principal
38 place of business is in this state, and who are engaged in the practice
39 of public accountancy in this state, hold a valid license issued under
40 section seventy-four hundred four of the education law or are public
41 accountants licensed under section seventy-four hundred five of the
42 education law. Although firms may include non-licensee owners, the firm
43 and its owners must comply with rules promulgated by the state board of
44 regents. Notwithstanding the provisions of this paragraph, a firm
45 incorporated under this section may not have non-licensee owners if the
46 firm's name includes the words "certified public accountant," or "certi-
47 fied public accountants," or the abbreviations "CPA" or "CPAs". Each
48 non-licensee owner of a firm that is incorporated under this section
49 shall be a natural person who actively participates in the business of
50 the firm or its affiliated entities. For purposes of this subdivision,
51 "actively participate" means to provide services to clients or to other-
52 wise individually take part in the day-to-day business or management of
53 the firm. Such a firm shall have attached to its certificate of incorpo-
54 ration a certificate or certificates demonstrating the firm's compliance

1 with this paragraph, in lieu of the certificate or certificates required
2 by subparagraph (ii) of paragraph (b) of this section.

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

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

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

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

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

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

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

33 (c) The directors and officers of any firm established for the busi-
34 ness purpose of incorporating as a professional service corporation
35 pursuant to paragraph (h) of section fifteen hundred three of this arti-
36 cle may include individuals who are not licensed to practice public
37 accountancy, provided however that at least fifty-one percent of the
38 directors, at least fifty-one percent of the officers and the president,
39 the chairperson of the board of directors and the chief executive offi-
40 cer or officers are authorized by law to practice in this state a
41 profession which such corporation is authorized to practice, and are
42 either shareholders of such corporation or engaged in the practice of
43 their professions in such corporation.

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

46 § 1509. Disqualification of shareholders, directors, officers and
47 employees.

48 If any shareholder, director, officer or employee of a professional
49 service corporation, including a design professional service corpo-
50 ration, or any firm established for the business purpose of incorporat-
51 ing as a professional service corporation pursuant to paragraph (h) of
52 section fifteen hundred three of this article, who has been rendering
53 professional service to the public becomes legally disqualified to prac-
54 tice his profession within this state, he shall sever all employment
55 with, and financial interests (other than interests as a creditor) in,
56 such corporation forthwith or as otherwise provided in section 1510 of

1 this article. All provisions of law regulating the rendering of profes-
2 sional services by a person elected or appointed to a public office
3 shall be applicable to a shareholder, director, officer and employee of
4 such corporation in the same manner and to the same extent as if fully
5 set forth herein. Such legal disqualification to practice his profession
6 within this state shall be deemed to constitute an irrevocable offer by
7 the disqualified shareholder to sell his shares to the corporation,
8 pursuant to the provisions of section 1510 of this article or of the
9 certificate of incorporation, by-laws or agreement among the corporation
10 and all shareholders, whichever is applicable. Compliance with the terms
11 of such offer shall be specifically enforceable in the courts of this
12 state. A professional service corporation's failure to enforce compli-
13 ance with this provision shall constitute a ground for forfeiture of its
14 certificate of incorporation and its dissolution.

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

18 (a) No shareholder of a professional service corporation [~~or~~], includ-
19 ing a design professional service corporation, or any firm established
20 for the business purpose of incorporating as a professional service
21 corporation pursuant to paragraph (h) of section fifteen hundred three
22 of this article, may sell or transfer his shares in such corporation
23 except to another individual who is eligible to have shares issued to
24 him by such corporation or except in trust to another individual who
25 would be eligible to receive shares if he were employed by the corpo-
26 ration. Nothing herein contained shall be construed to prohibit the
27 transfer of shares by operation of law or by court decree. No transfer-
28 ee of shares by operation of law or court decree may vote the shares for
29 any purpose whatsoever except with respect to corporate action under
30 sections 909 and 1001 of this chapter. The restriction in the preceding
31 sentence shall not apply, however, where such transferee would be eligi-
32 ble to have shares issued to him if he were an employee of the corpo-
33 ration and, if there are other shareholders, a majority of such other
34 shareholders shall fail to redeem the shares so transferred, pursuant to
35 section 1510 of this article, within sixty days of receiving written
36 notice of such transfer. Any sale or transfer, except by operation of
37 law or court decree or except for a corporation having only one share-
38 holder, may be made only after the same shall have been approved by the
39 board of directors, or at a shareholders' meeting specially called for
40 such purpose by such proportion, not less than a majority, of the
41 outstanding shares as may be provided in the certificate of incorpo-
42 ration or in the by-laws of such professional service corporation. At
43 such shareholders' meeting the shares held by the shareholder proposing
44 to sell or transfer his shares may not be voted or counted for any
45 purpose, unless all shareholders consent that such shares be voted or
46 counted. The certificate of incorporation or the by-laws of the profes-
47 sional service corporation, or the professional service corporation and
48 the shareholders by private agreement, may provide, in lieu of or in
49 addition to the foregoing provisions, for the alienation of shares and
50 may require the redemption or purchase of such shares by such corpo-
51 ration at prices and in a manner specifically set forth therein. The
52 existence of the restrictions on the sale or transfer of shares, as
53 contained in this article and, if applicable, in the certificate of
54 incorporation, by-laws, stock purchase or stock redemption agreement,
55 shall be noted conspicuously on the face or back of every certificate

1 for shares issued by a professional service corporation. Any sale or
2 transfer in violation of such restrictions shall be void.

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

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

18 (a) Notwithstanding any other provision of law, the name of a profes-
19 sional service corporation, including a design professional service
20 corporation and any firm established for the business purpose of incor-
21 porating as a professional service corporation pursuant to paragraph (h)
22 of section fifteen hundred three of this article, may contain any word
23 which, at the time of incorporation, could be used in the name of a
24 partnership practicing a profession which the corporation is authorized
25 to practice, and may not contain any word which could not be used by
26 such a partnership. Provided, however, the name of a professional

27 service corporation may not contain the name of a deceased person unless
28 (1) such person's name was part of the corporate name at the time of
29 such person's death; or

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

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

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

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

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

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

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

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

55 § 9. Paragraph (d) of section 1525 of the business corporation law, as
56 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. Notwithstanding any other provision of law 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, 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 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 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 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 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 (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

1 such professions in this state. Each partner of a registered limited
2 liability partnership formed to provide licensed clinical social work
3 services in this state must be licensed pursuant to article 154 of the
4 education law to practice clinical social work in this state. Each part-
5 ner of a registered limited liability partnership formed to provide
6 creative arts therapy services in this state must be licensed pursuant
7 to article 163 of the education law to practice creative arts therapy in
8 this state. Each partner of a registered limited liability partnership
9 formed to provide marriage and family therapy services in this state
10 must be licensed pursuant to article 163 of the education law to prac-
11 tice marriage and family therapy in this state. Each partner of a regis-
12 tered limited liability partnership formed to provide mental health
13 counseling services in this state must be licensed pursuant to article
14 163 of the education law to practice mental health counseling in this
15 state. Each partner of a registered limited liability partnership formed
16 to provide psychoanalysis services in this state must be licensed pursu-
17 ant to article 163 of the education law to practice psychoanalysis in
18 this state. Each partner of a registered limited liability partnership
19 formed to provide applied behavior analysis service in this state must
20 be licensed or certified pursuant to article 167 of the education law to
21 practice applied behavior analysis in this state. Notwithstanding any
22 other provisions of law a limited liability partnership formed to
23 lawfully engage in the practice of public accountancy, as such practice
24 is respectively defined under article 149 of the education law, shall be
25 required to show (1) that a simple majority of the ownership of the
26 firm, in terms of financial interests, including ownership-based compen-
27 sation, and voting rights held by the firm's owners, belongs to individ-
28 uals licensed to practice public accountancy in some state, and (2) that
29 all partners of a limited liability partnership whose principal place of
30 business is in this state, and who are engaged in the practice of public
31 accountancy in this state, hold a valid license issued under section
32 7404 of the education law or are public accountants licensed under
33 section 7405 of the education law. Although firms may include non-licen-
34 see owners, the firm and its owners must comply with rules promulgated
35 by the state board of regents. Notwithstanding the foregoing, a firm
36 registered under this section may not have non-licensee owners if the
37 firm's name includes the words "certified public accountant," or "certi-
38 fied public accounts," or the abbreviations "CPA" or "CPAs." Each non-
39 licensee owner of a firm that is incorporated under this section shall
40 be (1) a natural person who actively participates in the business of the
41 firm or its affiliated entities, or (2) an entity, including, but not
42 limited to, a partnership or professional corporation, provided each
43 beneficial owner of an equity interest in such entity is a natural
44 person who actively participates in the business conducted by the firm
45 or its affiliated entities. For purposes of this subdivision, "actively
46 participate" means to provide services to clients or to otherwise indi-
47 vidually take part in the day-to-day business or management of the firm.

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

51 (q) Each partner of a foreign limited liability partnership which
52 provides medical services in this state must be licensed pursuant to
53 article 131 of the education law to practice medicine in the state and
54 each partner of a foreign limited liability partnership which provides
55 dental services in the state must be licensed pursuant to article 133 of
56 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. Notwithstanding any other provisions of law 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, 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 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 licence issued under section 7404 of the education law or are public accountants licensed under section 7405 of the education law. Although firms may include non-licsee 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-licsee owners if the firm's name includes the words "certified public accountant," or "certified public accountants," or the abbreviations "CPA" or "CPAs." Each non-licsee owner of a firm that is incorporated 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

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

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

6 (h) "Limited partnership" and "domestic limited partnership" mean,
7 unless the context otherwise requires, a partnership (i) formed by two
8 or more persons pursuant to this article or which complies with subdivi-
9 sion (a) of section 121-1202 of this article and (ii) having one or more
10 general partners and one or more limited partners. Notwithstanding any
11 other provisions of law a limited partnership or domestic limited part-
12 nership formed to lawfully engage in the practice of public accountancy,
13 as such practice is respectively defined under article 149 of the educa-
14 tion law shall be required to show (1) that a simple majority of the
15 ownership of the firm, in terms of financial interests, including owner-
16 ship-based compensation, and voting rights held by the firm's owners,
17 belongs to individuals licensed to practice public accountancy in some
18 state, and (2) that all partners of a limited partnership or domestic
19 limited partnership, whose principal place of business is in this state,
20 and who are engaged in the practice of public accountancy in this state,
21 hold a valid license issued under section 7404 of the education law or
22 are public accountants licensed under section 7405 of the education law.
23 Although firms may include non-licensee owners, the firm and its owners
24 must comply with rules promulgated by the state board of regents.
25 Notwithstanding the foregoing, a firm registered under this section may
26 not have non-licensee owners if the firm's name includes the words
27 "certified public accountant," or "certified public accountants," or the
28 abbreviations "CPA" or "CPAs." Each non-licensee owner of a firm that is
29 registered under this section shall be (1) a natural person who actively
30 participates in the business of the firm or its affiliated entities, or
31 (2) an entity, including, but not limited to, a partnership or profes-
32 sional corporation, provided each beneficial owner of an equity interest
33 in such entity is a natural person who actively participates in the
34 business conducted by the firm or its affiliated entities. For purposes
35 of this subdivision, "actively participate" means to provide services to
36 clients or to otherwise individually take part in the day-to-day busi-
37 ness or management of the firm.

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

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

1 services as such services are defined in article 145, article 147 and
2 article 148 of the education law, each member of such limited liability
3 company must be licensed pursuant to article 145, article 147 and/or
4 article 148 of the education law to practice one or more of such
5 professions in this state. With respect to a professional service
6 limited liability company formed to provide public accountancy services
7 as such services are defined in article 149 of the education law each
8 member of such limited liability company whose principal place of busi-
9 ness is in this state and who provides public accountancy services, must
10 be licensed pursuant to article 149 of the education law to practice
11 public accountancy in this state. With respect to a professional service
12 limited liability company formed to provide licensed clinical social
13 work services as such services are defined in article 154 of the educa-
14 tion law, each member of such limited liability company shall be
15 licensed pursuant to article 154 of the education law to practice
16 licensed clinical social work in this state. With respect to a profes-
17 sional service limited liability company formed to provide creative arts
18 therapy services as such services are defined in article 163 of the
19 education law, each member of such limited liability company must be
20 licensed pursuant to article 163 of the education law to practice crea-
21 tive arts therapy in this state. With respect to a professional service
22 limited liability company formed to provide marriage and family therapy
23 services as such services are defined in article 163 of the education
24 law, each member of such limited liability company must be licensed
25 pursuant to article 163 of the education law to practice marriage and
26 family therapy in this state. With respect to a professional service
27 limited liability company formed to provide mental health counseling
28 services as such services are defined in article 163 of the education
29 law, each member of such limited liability company must be licensed
30 pursuant to article 163 of the education law to practice mental health
31 counseling in this state. With respect to a professional service limited
32 liability company formed to provide psychoanalysis services as such
33 services are defined in article 163 of the education law, each member of
34 such limited liability company must be licensed pursuant to article 163
35 of the education law to practice psychoanalysis in this state. With
36 respect to a professional service limited liability company formed to
37 provide applied behavior analysis services as such services are defined
38 in article 167 of the education law, each member of such limited liabil-
39 ity company must be licensed or certified pursuant to article 167 of the
40 education law to practice applied behavior analysis in this state.
41 Notwithstanding any other provisions of law a professional service
42 limited liability company formed to lawfully engage in the practice of
43 public accountancy, as such practice is respectively defined under arti-
44 cle 149 of the education law shall be required to show (1) that a simple
45 majority of the ownership of the firm, in terms of financial interests,
46 including ownership-based compensation, and voting rights held by the
47 firm's owners, belongs to individuals licensed to practice public
48 accountancy in some state, and (2) that all members of a limited profes-
49 sional service limited liability company, whose principal place of busi-
50 ness is in this state, and who are engaged in the practice of public
51 accountancy in this state, hold a valid license issued under section
52 7404 of the education law or are public accountants licensed under
53 section 7405 of the education law. Although firms may include non-licen-
54 see owners, the firm and its owners must comply with rules promulgated
55 by the state board of regents. Notwithstanding the foregoing, a firm
56 registered under this section may not have non-licensee owners if the

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

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

15 (a) "Foreign professional service limited liability company" means a
16 professional service limited liability company, whether or not denomi-
17 nated as such, organized under the laws of a jurisdiction other than
18 this state, (i) each of whose members and managers, if any, is a profes-
19 sional authorized by law to render a professional service within this
20 state and who is or has been engaged in the practice of such profession
21 in such professional service limited liability company or a predecessor
22 entity, or will engage in the practice of such profession in the profes-
23 sional service limited liability company within thirty days of the date
24 such professional becomes a member, or each of whose members and manag-
25 ers, if any, is a professional at least one of such members is author-
26 ized by law to render a professional service within this state and who
27 is or has been engaged in the practice of such profession in such
28 professional service limited liability company or a predecessor entity,
29 or will engage in the practice of such profession in the professional
30 service limited liability company within thirty days of the date such
31 professional becomes a member, or (ii) authorized by, or holding a
32 license, certificate, registration or permit issued by the licensing
33 authority pursuant to, the education law to render a professional
34 service within this state; except that all members and managers, if any,
35 of a foreign professional service limited liability company that
36 provides health services in this state shall be licensed in this state.
37 With respect to a foreign professional service limited liability company
38 which provides veterinary services as such services are defined in arti-
39 cle 135 of the education law, each member of such foreign professional
40 service limited liability company shall be licensed pursuant to article
41 135 of the education law to practice veterinary medicine. With respect
42 to a foreign professional service limited liability company which
43 provides medical services as such services are defined in article 131 of
44 the education law, each member of such foreign professional service
45 limited liability company must be licensed pursuant to article 131 of
46 the education law to practice medicine in this state. With respect to a
47 foreign professional service limited liability company which provides
48 dental services as such services are defined in article 133 of the
49 education law, each member of such foreign professional service limited
50 liability company must be licensed pursuant to article 133 of the educa-
51 tion law to practice dentistry in this state. With respect to a foreign
52 professional service limited liability company which provides profes-
53 sional engineering, land surveying, geologic, architectural and/or land-
54 scape architectural services as such services are defined in article
55 145, article 147 and article 148 of the education law, each member of
56 such foreign professional service limited liability company must be

1 licensed pursuant to article 145, article 147 and/or article 148 of the
2 education law to practice one or more of such professions in this state.
3 With respect to a foreign professional service limited liability company
4 which provides public accountancy services as such services are defined
5 in article 149 of the education law, each member of such foreign profes-
6 sional service limited liability company whose principal place of busi-
7 ness is in this state and who provides public accountancy services,
8 shall be licensed pursuant to article 149 of the education law to prac-
9 tice public accountancy in this state. With respect to a foreign profes-
10 sional service limited liability company which provides licensed clin-
11 ical social work services as such services are defined in article 154 of
12 the education law, each member of such foreign professional service
13 limited liability company shall be licensed pursuant to article 154 of
14 the education law to practice clinical social work in this state. With
15 respect to a foreign professional service limited liability company
16 which provides creative arts therapy services as such services are
17 defined in article 163 of the education law, each member of such foreign
18 professional service limited liability company must be licensed pursuant
19 to article 163 of the education law to practice creative arts therapy in
20 this state. With respect to a foreign professional service limited
21 liability company which provides marriage and family therapy services as
22 such services are defined in article 163 of the education law, each
23 member of such foreign professional service limited liability company
24 must be licensed pursuant to article 163 of the education law to prac-
25 tice marriage and family therapy in this state. With respect to a
26 foreign professional service limited liability company which provides
27 mental health counseling services as such services are defined in arti-
28 cle 163 of the education law, each member of such foreign professional
29 service limited liability company must be licensed pursuant to article
30 163 of the education law to practice mental health counseling in this
31 state. With respect to a foreign professional service limited liability
32 company which provides psychoanalysis services as such services are
33 defined in article 163 of the education law, each member of such foreign
34 professional service limited liability company must be licensed pursuant
35 to article 163 of the education law to practice psychoanalysis in this
36 state. With respect to a foreign professional service limited liability
37 company which provides applied behavior analysis services as such
38 services are defined in article 167 of the education law, each member of
39 such foreign professional service limited liability company must be
40 licensed or certified pursuant to article 167 of the education law to
41 practice applied behavior analysis in this state. Notwithstanding any
42 other provisions of law a foreign professional service limited liability
43 company formed to lawfully engage in the practice of public accountancy,
44 as such practice is respectively defined under article 149 of the educa-
45 tion law shall be required to show (1) that a simple majority of the
46 ownership of the firm, in terms of financial interests, including owner-
47 ship-based compensation, and voting rights held by the firm's owners,
48 belongs to individuals licensed to practice public accountancy in some
49 state, and (2) that all members of a foreign limited professional
50 service limited liability company, whose principal place of business is
51 in this state, and who are engaged in the practice of public accountancy
52 in this state, hold a valid license issued under section 7404 of the
53 education law or are public accountants licensed under section 7405 of
54 the education law. Although firms may include non-licensee owners, the
55 firm and its owners must comply with rules promulgated by the state
56 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.

§ 15. This act shall take effect immediately.

PART C

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

43. To pass, in the discretion of the trustees, a resolution authorizing the use of school bus cameras pursuant to section eleven hundred eighteen of the vehicle and traffic law, provided that the trustees may also enter into contracts with a third party for the installation, administration, operation, notice processing, and maintenance of such cameras, and for the sharing of revenue derived from such cameras pursuant to section eleven hundred eighteen of the vehicle and traffic law, provided that the purchase, lease, installation, operation and maintenance, or any other costs associated with such cameras shall not be considered an aidable expense pursuant to section thirty-six hundred twenty-three-a of this chapter.

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

43. To pass a resolution, in the discretion of the board, authorizing the use of school bus cameras pursuant to section eleven hundred eighteen of the vehicle and traffic law, provided that the board may also enter into contracts with a third party for the installation, administration, operation, notice processing, and maintenance of such cameras, and for the sharing of revenue derived from such cameras pursuant to section eleven hundred eighteen of the vehicle and traffic law, provided that the purchase, lease, installation, operation and maintenance, or any other costs associated with such cameras shall not be considered an aidable expense pursuant to section thirty-six hundred twenty-three-a of this chapter.

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

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

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

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

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

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

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

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

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

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

13 2. A notice of liability shall contain the name and address of the
14 person alleged to be liable as an owner for a violation of subdivision
15 (a) of section eleven hundred seventy-four of this title pursuant to
16 this section, the registration number of the vehicle involved in such
17 violation, the location where such violation took place, the date and
18 time of such violation and the identification number of the camera which
19 recorded the violation or other document locator number.

20 3. The notice of liability shall contain information advising the
21 person charged of the manner and the time in which he may contest the
22 liability alleged in the notice. Such notice of liability shall also
23 contain a warning to advise the persons charged that failure to contest
24 in the manner and time provided shall be deemed an admission of liabil-
25 ity and that a default judgment may be entered thereon.

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

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

37 (i) If an owner receives a notice of liability pursuant to this
38 section for any time period during which the vehicle was reported to a
39 police department as having been stolen, it shall be a valid defense to
40 an allegation of liability for a violation of subdivision (a) of section
41 eleven hundred seventy-four of this title pursuant to this section that
42 the vehicle had been reported to the police as stolen prior to the time
43 the violation occurred and had not been recovered by such time. For
44 purposes of asserting the defense provided by this subdivision it shall
45 be sufficient that a certified copy of the police report on the stolen
46 vehicle be sent by first class mail to the traffic violations bureau,
47 court having jurisdiction or parking violations bureau.

48 (j) Where the adjudication of liability imposed upon owners pursuant
49 to this section is by an administrative tribunal, traffic violations
50 bureau, or a court having jurisdiction, an owner who is a lessor of a
51 vehicle to which a notice of liability was issued pursuant to subdivi-
52 sion (g) of this section shall not be liable for the violation of subdivi-
53 sion (a) of section eleven hundred seventy-four of this title,
54 provided that he or she sends to the administrative tribunal, traffic
55 violations bureau, or court having jurisdiction a copy of the rental,
56 lease or other such contract document covering such vehicle on the date

1 of the violation, with the name and address of the lessee clearly legi-
2 ble, within thirty-seven days after receiving notice from the bureau or
3 court of the date and time of such violation, together with the other
4 information contained in the original notice of liability. Failure to
5 send such information within such thirty-seven day time period shall
6 render the owner liable for the penalty prescribed by this section.
7 Where the lessor complies with the provisions of this paragraph, the
8 lessee of such vehicle on the date of such violation shall be deemed to
9 be the owner of such vehicle for purposes of this section, shall be
10 subject to liability for the violation of subdivision (a) of section
11 eleven hundred seventy-four of this title pursuant to this section and
12 shall be sent a notice of liability pursuant to subdivision (g) of this
13 section.

14 (k) 1. If the owner liable for a violation of subdivision (a) of
15 section eleven hundred seventy-four of this title pursuant to this
16 section was not the operator of the vehicle at the time of the
17 violation, the owner may maintain an action for indemnification against
18 the operator.

19 2. Notwithstanding any other provision of this section, no owner of a
20 vehicle shall be subject to a monetary fine imposed pursuant to this
21 section if the operator of such vehicle was operating such vehicle with-
22 out the consent of the owner at the time such operator was found to have
23 been overtaking or passing a school bus. For purposes of this subdivi-
24 sion there shall be a presumption that the operator of such vehicle was
25 operating such vehicle with the consent of the owner at the time such
26 operator was found to have been overtaking or passing a school bus.

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

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

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

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

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

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

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

49 6. the number of violations adjudicated and results of such adjudi-
50 cations including breakdowns of dispositions made for violations
51 recorded by such systems;

52 7. the total amount of revenue realized by such school district from
53 such adjudications;

54 8. expenses incurred by such school district in connection with the
55 program; and

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

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

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

(c) Every person convicted of a violation of subdivision (a) of this section shall: for a first conviction thereof, be punished by a fine of not less than [~~two hundred fifty~~] five hundred dollars nor more than [~~four~~] seven hundred fifty dollars or by imprisonment for not more than thirty days or by both such fine and imprisonment; for a conviction of a second violation, both of which were committed within a period of three years, such person shall be punished by a fine of not less than [~~six hundred~~] one thousand dollars nor more than [~~seven~~] one thousand two hundred fifty dollars or by imprisonment for not more than one hundred eighty days or by both such fine and imprisonment; upon a conviction of a third or subsequent violation, all of which were committed within a period of three years, such person shall be punished by a fine of not less than [~~seven hundred fifty~~] one thousand two hundred fifty dollars nor more than one thousand five hundred dollars or by imprisonment for not more than one hundred eighty days or by both such fine and imprisonment.

§ 5. This act shall take effect immediately.

PART D

Section 1. This act shall be known and may be cited as the "Senator Jose R. Peralta New York State DREAM Act".

§ 2. Subdivision 3 of section 661 of the education law is REPEALED.

§ 3. Paragraph a of subdivision 5 of section 661 of the education law, as amended by chapter 466 of the laws of 1977, is amended to read as follows:

a. (i) Except as provided in subdivision two of section six hundred seventy-four of this part and subparagraph (ii) of this paragraph, an applicant for an award at the undergraduate level of study must either [~~(i)~~] (a) have been a legal resident of the state for at least one year immediately preceding the beginning of the semester, quarter or term of attendance for which application for assistance is made, or [~~(i)~~] (b) be a legal resident of the state and have been a legal resident during his or her last two semesters of high school either prior to graduation, or prior to admission to college. Provided further that persons shall be eligible to receive awards under section six hundred sixty-eight or section six hundred sixty-nine of this part who are currently legal residents of the state and are otherwise qualified.

(ii) An applicant who is not a legal resident of the state eligible pursuant to subparagraph (i) of this paragraph, but is a United States citizen, an alien lawfully admitted for permanent residence in the United States, an individual of a class of refugees paroled by the attorney general of the United States under his or her parole authority pertaining to the admission of aliens to the United States, or an applicant without lawful immigration status shall be eligible for an award at the undergraduate level of study provided that the student:

(a) attended a registered New York state high school for two or more years, graduated from a registered New York state high school, lived continuously in New York state while attending an approved New York

1 state high school, applied for attendance at the institution of higher
2 education for the undergraduate study for which an award is sought, and
3 attended within five years of receiving a New York state high school
4 diploma; or

5 (b) attended an approved New York state program for a state high
6 school equivalency diploma, lived continuously in New York state while
7 attending an approved New York state program for a general equivalency
8 diploma, received a state high school equivalency diploma, subsequently
9 applied for attendance at the institution of higher education for the
10 undergraduate study for which an award is sought, earned admission based
11 on that general equivalency diploma, and attended the institution of
12 higher education for the undergraduate study for which an award is
13 sought within five years of receiving a state high school equivalency
14 diploma; or

15 (c) is otherwise eligible for the payment of tuition and fees at a
16 rate no greater than that imposed for resident students of the state
17 university of New York, the city university of New York or community
18 colleges as prescribed in subparagraph eight of paragraph h of subdivi-
19 sion two of section three hundred fifty-five or paragraph (a) of subdivi-
20 vision seven of section six thousand two hundred six of this chapter.

21 Provided, further, that a student without lawful immigration status
22 shall also be required to file an affidavit with such institution of
23 higher education stating that the student has filed an application to
24 legalize his or her immigration status, or will file such an application
25 as soon as he or she is eligible to do so.

26 § 4. Paragraph b of subdivision 5 of section 661 of the education law,
27 as amended by chapter 466 of the laws of 1977, is amended to read as
28 follows:

29 b. ~~[An]~~ (i) Except as otherwise provided in subparagraph (ii) of this
30 paragraph, an applicant for an award at the graduate level of study must
31 either ~~[(i)]~~ (a) have been a legal resident of the state for at least
32 one year immediately preceding the beginning of the semester, quarter or
33 term of attendance for which application for assistance is made, or
34 ~~[(i)]~~ (b) be a legal resident of the state and have been a legal resi-
35 dent during his or her last academic year of undergraduate study and
36 have continued to be a legal resident until matriculation in the gradu-
37 ate program.

38 (ii) An applicant who is not a legal resident of the state eligible
39 pursuant to subparagraph (i) of this paragraph, but is a United States
40 citizen, an alien lawfully admitted for permanent residence in the
41 United States, an individual of a class of refugees paroled by the
42 attorney general of the United States under his or her parole authority
43 pertaining to the admission of aliens to the United States, or an appli-
44 cant without lawful immigration status shall be eligible for an award at
45 the graduate level of study provided that the student:

46 (a) attended a registered New York state high school for two or more
47 years, graduated from a registered New York state high school, lived
48 continuously in New York state while attending an approved New York
49 state high school, applied for attendance at the institution of higher
50 education for the graduate study for which an award is sought, and
51 attended within ten years of receiving a New York state high school
52 diploma; or

53 (b) attended an approved New York state program for a state high
54 school equivalency diploma, lived continuously in New York state while
55 attending an approved New York state program for a general equivalency
56 diploma, received a state high school equivalency diploma, subsequently

1 applied for attendance at the institution of higher education for the
2 graduate study for which an award is sought, and attended the institu-
3 tion of higher education for the graduate study for which an award is
4 sought within ten years of receiving a state high school equivalency
5 diploma; or

6 (c) is otherwise eligible for the payment of tuition and fees at a
7 rate no greater than that imposed for resident students of the state
8 university of New York, the city university of New York or community
9 colleges as prescribed in subparagraph eight of paragraph h of subdivi-
10 sion two of section three hundred fifty-five or paragraph (a) of subdivi-
11 sion seven of section six thousand two hundred six of this chapter.

12 Provided, further, that a student without lawful immigration status
13 shall also be required to file an affidavit with such institution of
14 higher education stating that the student has filed an application to
15 legalize his or her immigration status, or will file such an application
16 as soon as he or she is eligible to do so.

17 § 5. Paragraph d of subdivision 5 of section 661 of the education law,
18 as amended by chapter 844 of the laws of 1975, is amended to read as
19 follows:

20 d. If an applicant for an award allocated on a geographic basis has
21 more than one residence in this state, his or her residence for the
22 purpose of this article shall be his or her place of actual residence
23 during the major part of the year while attending school, as determined
24 by the commissioner; and further provided that an applicant who does not
25 have a residence in this state and is eligible for an award pursuant to
26 subparagraph (ii) of paragraph a or subparagraph (ii) of paragraph b of
27 this subdivision shall be deemed to reside in the geographic area of the
28 institution of higher education in which he or she attends for purposes
29 of an award allocated on a geographic basis.

30 § 6. Paragraph e of subdivision 5 of section 661 of the education law,
31 as added by chapter 630 of the laws of 2005, is amended to read as
32 follows:

33 e. Notwithstanding any other provision of this article to the contra-
34 ry, the New York state [~~residency~~] eligibility [~~requirement~~] require-
35 ments for receipt of awards [~~is~~] set forth in paragraphs a and b of this
36 subdivision are waived for a member, or the spouse or dependent of a
37 member, of the armed forces of the United States on full-time active
38 duty and stationed in this state.

39 § 7. Clauses (i) and (ii) of subparagraph 8 of paragraph h of subdivi-
40 sion 2 of section 355 of the education law, as added by chapter 327 of
41 the laws of 2002, are amended to read as follows:

42 (i) attended an approved New York high school for two or more years,
43 graduated from an approved New York high school, lived continuously in
44 New York state while attending an approved New York high school, and
45 applied for attendance [~~at~~] and attended an institution or educational
46 unit of the state university within five years of receiving a New York
47 state high school diploma; or

48 (ii) attended an approved New York state program for general equiv-
49 alency diploma exam preparation, received a general equivalency diploma
50 issued within New York state, lived continuously in New York state while
51 attending an approved New York state program for general equivalency
52 diploma exam preparation, and subsequently applied for attendance [~~at~~],
53 earned admission based on that general equivalency diploma, and attended
54 an institution or educational unit of the state university within five
55 years of receiving a general equivalency diploma issued within New York
56 state; or

§ 8. Subparagraphs (i) and (ii) of paragraph (a-1) of subdivision 7 of section 6206 of the education law, as amended by chapter 260 of the laws of 2011, are amended to read as follows:

(i) attended an approved New York high school for two or more years, graduated from an approved New York high school, lived continuously in New York state while attending an approved New York high school, and applied for attendance [~~at~~] and attended an institution or educational unit of the city university within five years of receiving a New York state high school diploma; or

(ii) attended an approved New York state program for general equivalency diploma exam preparation, received a general equivalency diploma issued within New York state, lived continuously in New York state while attending an approved New York state program for general equivalency diploma exam preparation, and subsequently applied for attendance [~~at~~], earned admission based on that general equivalency diploma, and attended an institution or educational unit of the city university within five years of receiving a general equivalency diploma issued within New York state; or

§ 9. Paragraph (a) of subdivision 7 of section 6206 of the education law, as amended by chapter 327 of the laws of 2002, the opening paragraph as amended by section 4 of chapter 437 of the laws of 2015, is amended to read as follows:

(a) The board of trustees shall establish positions, departments, divisions and faculties; appoint and in accordance with the provisions of law fix salaries of instructional and non-instructional employees therein; establish and conduct courses and curricula; prescribe conditions of student admission, attendance and discharge; and shall have the power to determine in its discretion whether tuition shall be charged and to regulate tuition charges, and other instructional and non-instructional fees and other fees and charges at the educational units of the city university. The trustees shall review any proposed community college tuition increase and the justification for such increase. The justification provided by the community college for such increase shall include a detailed analysis of ongoing operating costs, capital, debt service expenditures, and all revenues. The trustees shall not impose a differential tuition charge based upon need or income. All students enrolled in programs leading to like degrees at the senior colleges shall be charged a uniform rate of tuition, except for differential tuition rates based on state residency. Notwithstanding any other provision of this paragraph, the trustees may authorize the setting of a separate category of tuition rate, that shall be greater than the tuition rate for resident students and less than the tuition rate for non-resident students, only for students enrolled in distance learning courses who are not residents of the state. The trustees shall further provide that the payment of tuition and fees by any student who is not a resident of New York state, other than a non-immigrant alien within the meaning of paragraph (15) of subsection (a) of section 1101 of title 8 of the United States Code, shall be paid at a rate or charge no greater than that imposed for students who are residents of the state if such student:

(i) attended an approved New York high school for two or more years, graduated from an approved New York high school, lived continuously in New York state while attending an approved New York high school, and applied for attendance [~~at~~] and attended an institution or educational unit of the city university within five years of receiving a New York state high school diploma; or

(ii) attended an approved New York state program for general equivalency diploma exam preparation, received a general equivalency diploma issued within New York state, lived continuously in New York state while attending an approved New York state program for general equivalency diploma exam preparation, and subsequently applied for attendance ~~[at]~~, earned admission based on that general equivalency diploma, and attended an institution or educational unit of the city university within five years of receiving a general equivalency diploma issued within New York state; or

(iii) was enrolled in an institution or educational unit of the city university in the fall semester or quarter of the two thousand one--two thousand two academic year and was authorized by such institution or educational unit to pay tuition at the rate or charge imposed for students who are residents of the state.

A student without lawful immigration status shall also be required to file an affidavit with such institution or educational unit stating that the student has filed an application to legalize his or her immigration status, or will file such an application as soon as he or she is eligible to do so. The trustees shall not adopt changes in tuition charges prior to the enactment of the annual budget. The board of trustees may accept as partial reimbursement for the education of veterans of the armed forces of the United States who are otherwise qualified such sums as may be authorized by federal legislation to be paid for such education. The board of trustees may conduct on a fee basis extension courses and courses for adult education appropriate to the field of higher education. In all courses and courses of study it may, in its discretion, require students to pay library, laboratory, locker, breakage and other instructional and non-instructional fees and meet the cost of books and consumable supplies. In addition to the foregoing fees and charges, the board of trustees may impose and collect fees and charges for student government and other student activities and receive and expend them as agent or trustee.

§ 10. Subdivision 5 of section 6301 of the education law, as amended by chapter 327 of the laws of 2002, is amended to read as follows:

5. "Resident." A person who has resided in the state for a period of at least one year and in the county, city, town, intermediate school district, school district or community college region, as the case may be, for a period of at least six months, both immediately preceding the date of such person's registration in a community college or, for the purposes of section sixty-three hundred five of this article, his or her application for a certificate of residence; provided, however, that this term shall include any student who is not a resident of New York state, other than a non-immigrant alien within the meaning of paragraph (15) of subsection (a) of section 1101 of title 8 of the United States Code, if such student:

(i) attended an approved New York high school for two or more years, graduated from an approved New York high school, lived continuously in New York state while attending an approved New York high school, and applied for attendance ~~[at an institution or educational unit of the state university]~~ and attended a community college within five years of receiving a New York state high school diploma; or

(ii) attended an approved New York state program for general equivalency diploma exam preparation, received a general equivalency diploma issued within New York state, lived continuously in New York state while attending an approved New York state program for general equivalency diploma exam preparation, and subsequently applied for attendance ~~[at an~~

1 ~~institution or educational unit of the state university~~], earned admis-
2 sion based on that general equivalency diploma, and attended a community
3 college within five years of receiving a general equivalency diploma
4 issued within New York state; or

5 (iii) was enrolled in [~~an institution or educational unit of the state~~
6 ~~university~~] a community college in the fall semester or quarter of the
7 two thousand one--two thousand two academic year and was authorized by
8 such [~~institution or educational unit~~] community college to pay tuition
9 at the rate or charge imposed for students who are residents of the
10 state.

11 Provided, further, that a student without lawful immigration status
12 shall also be required to file an affidavit with such [~~institution or~~
13 ~~educational unit~~] community college stating that the student has filed
14 an application to legalize his or her immigration status, or will file
15 such an application as soon as he or she is eligible to do so.

16 In the event that a person qualified as above for state residence, but
17 has been a resident of two or more counties in the state during the six
18 months immediately preceding his or her application for a certificate of
19 residence pursuant to section sixty-three hundred five of this [~~chapter~~
20 article], the charges to the counties of residence shall be allocated
21 among the several counties proportional to the number of months, or
22 major fraction thereof, of residence in each county.

23 § 11. Paragraph d of subdivision 3 of section 6451 of the education
24 law, as amended by chapter 494 of the laws of 2016, is amended to read
25 as follows:

26 d. Any necessary supplemental financial assistance, which may include
27 the cost of books and necessary maintenance for such enrolled students,
28 including students without lawful immigration status provided that the
29 student meets the requirements set forth in subparagraph (ii) of para-
30 graph a or subparagraph (ii) of paragraph b of subdivision five of
31 section six hundred sixty-one of this chapter, as applicable; provided,
32 however, that such supplemental financial assistance shall be furnished
33 pursuant to criteria promulgated by the commissioner with the approval
34 of the director of the budget;

35 § 12. Subparagraph (v) of paragraph a of subdivision 4 of section 6452
36 of the education law, as amended by chapter 917 of the laws of 1970, is
37 amended to read as follows:

38 (v) Any necessary supplemental financial assistance, which may include
39 the cost of books and necessary maintenance for such students, including
40 students without lawful immigration status provided that the student
41 meets the requirements set forth in subparagraph (ii) of paragraph a or
42 subparagraph (ii) of paragraph b of subdivision five of section six
43 hundred sixty-one of this chapter, as applicable; provided, however,
44 that such supplemental financial assistance shall be furnished pursuant
45 to criteria promulgated by such universities and approved by the regents
46 and the director of the budget.

47 § 13. Paragraph (a) of subdivision 2 of section 6455 of the education
48 law, as added by chapter 285 of the laws of 1986, is amended to read as
49 follows:

50 (a) (i) Undergraduate science and technology entry program moneys may
51 be used for tutoring, counseling, remedial and special summer courses,
52 supplemental financial assistance, program administration, and other
53 activities which the commissioner may deem appropriate. To be eligible
54 for undergraduate collegiate science and technology entry program
55 support, a student must be a resident of New York [~~who is~~], or meet the
56 requirements of subparagraph (ii) of this paragraph, and must be either

1 economically disadvantaged or from a minority group historically under
2 represented in the scientific, technical, health and health-related
3 professions, and ~~[who demonstrates]~~ must demonstrate interest in and a
4 potential for a professional career if provided special services. Eligi-
5 ble students must be in good academic standing, enrolled full time in an
6 approved, undergraduate level program of study, as defined by the
7 regents.

8 (ii) An applicant who is not a legal resident of the state eligible
9 pursuant to subparagraph (i) of this paragraph, but is a United States
10 citizen, an alien lawfully admitted for permanent residence in the
11 United States, an individual of a class of refugees paroled by the
12 attorney general of the United States under his or her parole authority
13 pertaining to the admission of aliens to the United States, or an appli-
14 cant without lawful immigration status shall be eligible for an award at
15 the undergraduate level of study provided that the student:

16 (A) attended a registered New York state high school for two or more
17 years, graduated from a registered New York state high school, lived
18 continuously in New York state while attending an approved New York
19 state high school, applied for attendance at the institution of higher
20 education for the undergraduate study for which an award is sought, and
21 attended within five years of receiving a New York state high school
22 diploma; or

23 (B) attended an approved New York state program for a state high
24 school equivalency diploma, lived continuously in New York state while
25 attending an approved New York state program for a general equivalency
26 diploma, received a state high school equivalency diploma, subsequently
27 applied for attendance at the institution of higher education for the
28 undergraduate study for which an award is sought, earned admission based
29 on that general equivalency diploma, and attended the institution of
30 higher education for the undergraduate study for which an award is
31 sought within five years of receiving a state high school equivalency
32 diploma; or

33 (C) is otherwise eligible for the payment of tuition and fees at a
34 rate no greater than that imposed for resident students of the state
35 university of New York, the city university of New York or community
36 colleges as prescribed in subparagraph eight of paragraph h of subdivi-
37 sion two of section three hundred fifty-five or paragraph (a) of subdivi-
38 sion seven of section six thousand two hundred six of this chapter.

39 Provided, further, that a student without lawful immigration status
40 shall also be required to file an affidavit with such institution of
41 higher education stating that the student has filed an application to
42 legalize his or her immigration status, or will file such an application
43 as soon as he or she is eligible to do so.

44 § 14. Paragraph (a) of subdivision 3 of section 6455 of the education
45 law, as added by chapter 285 of the laws of 1986, is amended to read as
46 follows:

47 (a) (i) Graduate science and technology entry program moneys may be
48 used for recruitment, academic enrichment, career planning, supplemental
49 financial assistance, review for licensing examinations, program admin-
50 istration, and other activities which the commissioner may deem appro-
51 priate. To be eligible for graduate collegiate science and technology
52 entry program support, a student must be a resident of New York ~~[who~~
53 ~~is]~~, or meet the requirements of subparagraph (ii) of this paragraph,
54 and must be either economically disadvantaged or from a minority group
55 historically underrepresented in the scientific, technical and health-
56 related professions. Eligible students must be in good academic stand-

ing, enrolled full time in an approved graduate level program, as defined by the regents.

(ii) An applicant who is not a legal resident of the state eligible pursuant to subparagraph (i) of this paragraph, but is a United States citizen, an alien lawfully admitted for permanent residence in the United States, an individual of a class of refugees paroled by the attorney general of the United States under his or her parole authority pertaining to the admission of aliens to the United States, or an applicant without lawful immigration status shall be eligible for an award at the graduate level of study provided that the student:

(A) attended a registered New York state high school for two or more years, graduated from a registered New York state high school, lived continuously in New York state while attending an approved New York state high school, applied for attendance at the institution of higher education for the graduate study for which an award is sought, and attended within ten years of receiving a New York state high school diploma; or

(B) attended an approved New York state program for a state high school equivalency diploma, lived continuously in New York state while attending an approved New York state program for a general equivalency diploma, received a state high school equivalency diploma, subsequently applied for attendance at the institution of higher education for the graduate study for which an award is sought, and attended the institution of higher education for the graduate study for which an award is sought within ten years of receiving a state high school equivalency diploma; or

(C) is otherwise eligible for the payment of tuition and fees at a rate no greater than that imposed for resident students of the state university of New York, the city university of New York or community college as prescribed in subparagraph eight of paragraph h of subdivision two of section three hundred fifty-five or paragraph (a) of subdivision seven of section six thousand two hundred six of this chapter.

Provided, further, that a student without lawful immigration status shall also be required to file an affidavit with such institution of higher education stating that the student has filed an application to legalize his or her immigration status, or will file such an application as soon as he or she is eligible to do so.

§ 15. Subparagraph (i) of paragraph a of subdivision 2 of section 695-e of the education law, as amended by chapter 593 of the laws of 2003, is amended to read as follows:

(i) the name, address and social security number [✗], employer identification number, or individual taxpayer identification number of the account owner unless a family tuition account that was in effect prior to the effective date of the chapter of the laws of two thousand nineteen that amended this subparagraph does not allow for a taxpayer identification number, in which case a taxpayer identification number shall be allowed upon the expiration of the contract;

§ 16. Subparagraph (iii) of paragraph a of subdivision 2 of section 695-e of the education law, as amended by chapter 593 of the laws of 2003, is amended to read as follows:

(iii) the name, address, and social security number, employer identification number, or individual taxpayer identification number of the designated beneficiary, unless a family tuition account that was in effect prior to the effective date of the chapter of the laws of two thousand nineteen that amended this subparagraph does not allow for a

taxpayer identification number, in which case a taxpayer identification number shall be allowed upon the expiration of the contract; and

§ 17. The president of the higher education services corporation shall establish an application form and procedures that shall allow a student applicant that meets the requirements set forth in subparagraph (ii) of paragraph a or subparagraph (ii) of paragraph b of subdivision 5 of section 661 of the education law to apply directly to the higher education services corporation for applicable awards without having to submit information to any other state or federal agency. All information contained with the applications filed with such corporation shall be deemed confidential, except that the corporation shall be entitled to release information to participating institutions as necessary for the administration of financial aid programs and to the extent required pursuant to article 6 of the public officers law or otherwise required by law.

§ 18. The higher education services corporation is authorized to promulgate rules and regulations, and may promulgate emergency regulations, necessary for the implementation of the provisions of this act.

§ 19. This act shall take effect on the ninetieth day after the issuance of regulations and the development of an application form by the president of the higher education services corporation or on the ninetieth day after it shall have become a law, whichever shall be later; provided, however, that:

a. the amendments to subparagraphs (i) and (ii) of paragraph (a-1) of subdivision 7 of section 6206 of the education law made by section eight of this act shall not affect the expiration of such paragraph and shall be deemed to expire therewith, when upon such date the provisions of section nine of this act shall take effect; and

b. the president of the higher education services corporation shall notify the legislative bill drafting commission upon the occurrence of the issuance of regulations and the development of an application form provided for in this section in order that the commission may maintain an accurate and timely effective data base of the official text of the laws of the state 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.

PART E

Section 1. This act shall be known and be cited as the "For-Profit College Accountability Act".

§ 2. The education law is amended by adding a new section 239-c to read as follows:

§ 239-c. Standards for for-profit higher education institutions. 1. For the purposes of this section a "proprietary institution of higher education" means a school that:

(a) (i) provides an eligible program of training to prepare students for gainful employment in a recognized occupation; or

(ii) provides a program leading to an associates or baccalaureate degree;

(b) is legally authorized in New York state to provide a program of education beyond secondary education; and

(c) is neither a public or nonprofit institution.

2. (a) Commencing in the two thousand nineteen--two thousand twenty academic year and thereafter, a proprietary institution of higher education, shall derive not less than twenty percent of such institution's

1 annual revenues from sources other than the combined revenues from
2 limited revenue sources as defined in subparagraph (i) of this para-
3 graph.

4 (i) For the purposes of this subdivision "limited revenue sources"
5 means: (A) the tuition assistance program pursuant to section six
6 hundred sixty-seven of this title;

7 (B) the enhanced tuition award pursuant to section six hundred sixty-
8 seven-d of this title;

9 (C) all federal student loan and grant programs authorized under
10 Subchapter IV of Chapter 28 of Title 20 of the United States Code; and

11 (D) any other local, state, or federal government loan, grant, or
12 scholarship program utilized to pay tuition, institutional fees, room
13 and board, or other costs of attendance on behalf of a student or
14 students utilizing public funds.

15 (ii) For purposes of this subdivision "limited revenue sources" shall
16 not include:

17 (A) the amount of funds the institution received from private or non-
18 government sources;

19 (B) the amount of funds received by students in the form of direct
20 payment;

21 (C) the amount of funds provided by the institution as matching funds
22 for a limited revenue source;

23 (D) interest or investment income;

24 (E) the amount of funds provided by the institution for a limited
25 revenue source that are required to be refunded or returned; and

26 (F) the amount charged for books, supplies, and equipment, unless the
27 institution includes that amount as tuition, fees, or other institu-
28 tional charges.

29 (iii) For purposes of this subdivision, institutional aid provided to
30 students by the institution shall not be included within the calculation
31 of annual revenues.

32 (b) A proprietary institution of higher education that fails to meet
33 the requirement of paragraph (a) of this subdivision for two consecutive
34 academic years shall be ineligible to enroll new students participating
35 in any program authorized under this chapter for a period of not less
36 than two academic years, commencing with the academic year immediately
37 following the year in which the institution's financial statement demon-
38 strating failure to meet the requirement for the second consecutive
39 academic year is submitted to the commissioner pursuant to subdivision
40 four of this section. To regain eligibility to enroll new students
41 participating in the programs authorized under this chapter, a proprie-
42 tary institution of higher education shall demonstrate compliance with
43 paragraph (a) of this subdivision for a minimum of two academic years
44 after the academic year in which the institution became ineligible.

45 3. On or before September first, a proprietary institution of higher
46 education shall annually submit to the commissioner and the commissioner
47 shall publish on the department's website a detailed financial statement
48 disclosing the institution's revenues and expenditures for the prior
49 academic year and shall disclose the sources of revenue by type as well
50 as types of expenditures. Such statement shall also include a listing of
51 the total individual compensation from the institution to all officers,
52 directors, board members, trustees, shareholders, members, owners, and
53 senior administrators, including all fringe benefits, bonuses, and
54 performance incentives paid in the prior academic year. Such statement
55 shall adhere to generally accepted accounting principles and shall be
56 certified by an independent certified public accountant and certified by

1 the president of the institution. Such statement shall be submitted in a
2 form and manner as determined by the commissioner.

3 4. No proprietary institution of higher education shall permit any
4 senior staff or board member of the institution to serve on the board of
5 any regional or national accrediting agency or association which is an
6 accreditor of the institution.

7 5. No proprietary institution of higher education shall include any
8 provision requiring arbitration of disputes within any student enroll-
9 ment contract or agreement.

10 6. (a) Commencing in the two thousand nineteen--two thousand twenty
11 academic year and thereafter, no less than fifty percent of a proprie-
12 tary institution of higher education's annual expenditures shall be made
13 in the area of student instruction.

14 (b) for the purposes of this subdivision "student instruction" means
15 expenditures for salaries, fringe benefits, professional development
16 expenses, and other payments made to instructors related to classroom
17 instruction. Such term does not include expenditures for staff training
18 required under state or federal laws, or for student recruitment,
19 marketing, direct mailing, or expenses of non-instructional staff.

20 (c) A proprietary institution of higher education that fails to meet
21 the requirement of paragraph (a) of this subdivision for two consecutive
22 academic years shall be ineligible to enroll new students participating
23 in any program authorized under this chapter for a period of not less
24 than two academic years, commencing with the academic year immediately
25 following the year in which the institution's financial statement demon-
26 strating failure to meet the requirement for the second consecutive
27 academic year is submitted to the commissioner pursuant to subdivision
28 four of this section. To regain eligibility to enroll new students
29 participating in the programs authorized under this chapter, a proprie-
30 tary institution of higher education shall demonstrate compliance with
31 paragraph (a) of this subdivision for a minimum of two academic years
32 after the academic year in which the institution became ineligible.

33 7. Failure to comply with the provisions of this section or a direc-
34 tive of the commissioner arising therefrom shall constitute a violation
35 of the laws governing state financial aid programs for the purposes of
36 section six hundred sixty-five-a of this title, and the president of the
37 higher education services corporation shall be authorized to terminate
38 existing agreements with the institution to participate in state finan-
39 cial aid programs and may prohibit participation of the institution in
40 state financial aid programs with respect to students enrolled after the
41 date of termination of such agreements. Further, where a proprietary
42 institution of higher education fails to comply with the provisions of
43 this section or a directive of the commissioner arising therefrom, the
44 commissioner shall be authorized to rescind such institution's authority
45 to enroll new students in academic programs in the state.

46 8. The commissioner is authorized to promulgate rules and regulations,
47 and may promulgate emergency regulations, necessary for the implementa-
48 tion of the provisions of this section.

49 § 3. This act shall take effect immediately.

50 PART F

51 Section 1. Section 97-z of the state finance law, as added by chapter
52 625 of the laws of 1987, subdivision 3 as amended by chapter 83 of the
53 laws of 1995, is amended to read as follows:

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

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

3. Monies of the fund, when allocated, shall be available for administrative costs of the council and to make [~~loans~~] **grants** to eligible not-for-profit arts organizations as provided in section 3.07 of the arts and cultural affairs law [~~and to pay the reasonable administrative costs of the dormitory authority incurred in monitoring construction on eligible projects and costs associated with contracts with outside entities to disburse loans and receive payments on such loans, as provided in such section~~].

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

§ 2. This act shall take effect immediately.

PART G

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 \$8,479,000 for the fiscal year ending March 31, 2020. 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 \$8,479,000, 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 2018-2019 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, 2019.

§ 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 \$3,539,000 for the fiscal year ending March 31, 2020. Notwithstanding any other provision of law, and subject to the approval of the New York state director of the budget, the board of

1 directors of the state of New York mortgage agency shall authorize the
2 transfer to the housing trust fund corporation, for the purposes of
3 reimbursing any costs associated with rural preservation program
4 contracts authorized by this section, a total sum not to exceed
5 \$3,539,000, such transfer to be made from (i) the special account of the
6 mortgage insurance fund created pursuant to section 2429-b of the public
7 authorities law, in an amount not to exceed the actual excess balance in
8 the special account of the mortgage insurance fund, as determined and
9 certified by the state of New York mortgage agency for the fiscal year
10 2018-2019 in accordance with section 2429-b of the public authorities
11 law, if any, and/or (ii) provided that the reserves in the project pool
12 insurance account of the mortgage insurance fund created pursuant to
13 section 2429-b of the public authorities law are sufficient to attain
14 and maintain the credit rating (as determined by the state of New York
15 mortgage agency) required to accomplish the purposes of such account,
16 the project pool insurance account of the mortgage insurance fund, such
17 transfer to be made as soon as practicable but no later than June 30,
18 2019.

19 § 3. This act shall take effect immediately.

20 PART H

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

24 (i) "Child day care" shall mean child care where a license or regis-
25 tration pursuant to this section is required and shall include care for
26 a child on a regular basis provided away from the child's residence for
27 less than twenty-four hours per day by someone other than: (1) the
28 parent, step-parent, guardian, or relative within the third degree of
29 consanguinity of the parents or step-parents of such child; or (2) an
30 enrolled legally-exempt provider as such term is defined in paragraph
31 (g) of this subdivision.

32 § 2. Subdivision 1 of section 390 of the social services law is
33 amended by adding two new paragraphs (g) and (h) to read as follows:

34 (g) "Enrolled legally-exempt provider" shall mean a person or entity
35 that is not required to be licensed or registered pursuant to this
36 section and that is enrolled to provide subsidized child care services
37 to eligible families in accordance with title five-C of this article and
38 the regulations of the office of children and family services.

39 (h) "Relative enrolled legally-exempt provider" shall mean an enrolled
40 legally-exempt provider who is an individual, age eighteen or older, and
41 who, by virtue of blood, marriage or court decree, is, to all of the
42 children that such person is enrolled to provide subsidized child care
43 services to in accordance with title five-C of this article:

44 (i) a grandparent;

45 (ii) a great-grandparent;

46 (iii) a sibling provided that such sibling resides in a separate
47 household from the child;

48 (iv) an aunt; or

49 (v) an uncle.

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

53 (a) Child day care centers caring for seven or more children and group
54 family day care programs, as defined in subdivision one of this section,

1 shall obtain a license from the office of children and family services
2 and shall operate in accordance with the terms of such license and the
3 regulations of such office. Initial licenses [~~shall be valid for a period of up to two years,~~] and subsequent licenses shall be valid for a
4 period of up to four years so long as the provider remains substantially
5 in compliance with applicable law and regulations during such period.

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

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

13 § 5. Paragraphs (a) and (b) of subdivision 3 of section 390 of the
14 social services law, paragraph (a) as amended by chapter 416 of the laws
15 of 2000, and paragraph (b) as amended by chapter 117 of the laws of
16 2010, are amended to read as follows:

17 (a) The office of children and family services may make announced or
18 unannounced inspections of the records and premises of any child [~~day~~]
19 care provider, whether or not such provider has a license from, or is
20 registered with, the office of children and family services. The office
21 of children and family services shall make unannounced inspections of
22 the records and premises of any child day care provider within fifteen
23 days after the office of children and family services receives a
24 complaint that, if true, would indicate such provider does not comply
25 with the applicable regulations of the office of children and family
26 services or with statutory requirements. If the complaint indicates that
27 there may be imminent danger to the children, the office of children and
28 family services shall investigate the complaint no later than the next
29 day of operation of the provider. The office of children and family
30 services may provide for inspections through the purchase of services.

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

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

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

45 (a) The office of children and family services on an annual basis
46 shall inspect [~~at least twenty percent of all registered family day care~~
47 ~~homes, registered child day care centers and registered school age child~~
48 ~~care programs to determine whether such homes, centers and programs are~~
49 ~~operating in compliance with applicable statutes and regulations. The~~
50 ~~office of children and family services shall increase the percentage of~~
51 ~~family day care homes, child day care centers and school age child care~~
52 ~~programs which are inspected pursuant to this subdivision as follows: to~~
53 ~~at least thirty percent by the thirty-first of December two thousand,~~
54 ~~and to at least fifty percent by the thirty-first of December two thou-~~
55 ~~sand and one] all child day care programs and all enrolled legally-exempt~~

1 providers other than relative enrolled legally-exempt providers. The
2 office of children and family services may provide for such inspections
3 through purchase of services. [~~Priority shall be given to family day~~
4 ~~care homes which have never been licensed or certified prior to initial~~
5 ~~registration.~~]

6 § 7. Subdivision 3 of section 390-a of the social services law, as
7 added by chapter 416 of the laws of 2000, paragraph (b) as amended by
8 chapter 552 of the laws of 2003, subparagraph (ix) as amended by chapter
9 117 of the laws of 2010, is amended to read as follows:

10 3. (a) The office of children and family services shall promulgate
11 regulations requiring operators, program directors, employees and
12 assistants of family day care homes, group family day care homes,
13 school-age child care programs and child day care centers to receive
14 pre-service and annual training, as applicable. Provided however that
15 such providers shall be required to receive thirty hours of training
16 every two years; provided, further however, that fifteen hours of such
17 training must be received within the first six months of the initial
18 licensure, registration or employment. Such training requirements shall
19 also apply to any volunteer in such day care homes, programs or centers
20 who has the potential for regular and substantial contact with children.
21 The thirty hours of training required during the first biennial cycle
22 after initial licensure or registration shall include training received
23 while an application for licensure or registration pursuant to section
24 three hundred ninety of this title is pending. The office of children
25 and family services may provide this training through purchase of
26 services.

27 (b) The training required in paragraph (a) of this subdivision shall
28 address topics and subject matters required by federal law and the
29 following topics or subject matters, unless such topics or subject
30 matters are substantially covered in training that is required pursuant
31 to federal law:

32 (i) principles of childhood development, focusing on the developmental
33 stages of the age groups for which the program provides care;

34 (ii) nutrition and health needs of infants and children;

35 (iii) child day care program development;

36 (iv) safety and security procedures;

37 (v) business record maintenance and management;

38 (vi) child abuse and maltreatment identification and prevention;

39 (vii) statutes and regulations pertaining to child day care;

40 (viii) statutes and regulations pertaining to child abuse and
41 maltreatment; and

42 (ix) for operators, program directors, employees and assistants of
43 family day care homes, group family day care homes and child day care
44 centers, education and information on the identification, diagnosis and
45 prevention of shaken baby syndrome.

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

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

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

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

7 Criminal history review and background clearances of child care
8 providers, generally.

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

12 1. Notwithstanding any other provision of law to the contrary, and
13 subject to rules and regulations of the office of children and family
14 services and, where applicable, the division of criminal justice
15 services, the following clearances shall be conducted for entities spec-
16 ified in subdivision two of this section in the time and manner as
17 required by this section:

18 (a) a criminal history record check with the division of criminal
19 justice services;

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

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

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

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

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

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

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

46 1-a. For purposes of this section, and in accordance with federal law,
47 the term "enrolled legally-exempt provider" shall refer to a person who
48 meets the definition of "enrolled legally-exempt provider" as defined in
49 paragraph (g) of subdivision one of section three hundred ninety of this
50 title and who is not an individual who is related to all children for
51 whom child care services are provided.

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

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

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

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

4 (iii) every prospective caregiver or employee, including directors and
5 operators of such a program; and

6 (iv) where the child care services will be or are provided in a home
7 setting where the child does not reside, any individual age eighteen or
8 older who, for a prospective program, resides, or who, for an existing
9 program, begins residing on the premises where the child care services
10 are provided;

11 (b) notwithstanding any other provision of law to the contrary, prior
12 to October first, two thousand twenty, all clearances listed in subdivi-
13 sion one of this section that have not previously been conducted pursu-
14 ant to paragraph (a) of this subdivision and for which on-going criminal
15 history results are not already provided, shall be conducted in accord-
16 ance with a schedule developed by the office of children and family
17 services, for all:

18 (i) existing volunteers with the potential for unsupervised contact
19 with children in care;

20 (ii) existing caregivers and employees including directors and opera-
21 tors of any such program; and

22 (iii) where the child care services are provided in a home setting
23 where the child does not reside, any individual age eighteen or older
24 who resides on the premises where the child care services are provided;

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

31 3. (a) Notwithstanding any other provision of law to the contrary, in
32 relation to the clearances required pursuant this section, an individual
33 or a program shall be deemed ineligible, as such term is defined in
34 paragraph (b) of this subdivision, if such individual:

35 (i) refuses to consent to such clearance;

36 (ii) knowingly makes a materially false statement in connection with
37 such a clearance;

38 (iii) is registered, or is required to be registered, on a state sex
39 offender registry or repository or the national sex offender registry
40 established under the Adam Walsh child protection and safety act of 2006
41 (42 U.S.C. 16901 et seq.); or

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

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

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

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

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

53 (3) be an enrolled legally-exempt provider; or

54 (ii) in relation to child day care programs or any enrolled legally-
55 exempt providers, where child care is, or is proposed to be provided, to
56 a child in a home setting where such child does not reside, such program

1 or provider shall not be eligible to operate or to be enrolled to serve
2 children receiving child care subsidies pursuant to title five-C of this
3 article, if an individual over the age of eighteen who resides in the
4 household where child care is, or is proposed to be provided, engaged in
5 conduct listed in paragraph (a) of this subdivision.

6 3-a. (a) In relation to child day care programs and any enrolled
7 legally-exempt provider, when a clearance conducted pursuant to this
8 section reveals that any existing operator, director, caregiver, or
9 person over the age of eighteen that resides in a home where child care
10 is provided in a home setting where the child does not reside has been
11 convicted of a crime other than one set forth in subparagraph (iv) of
12 paragraph (a) of subdivision three of this section, the office of chil-
13 dren and family services shall conduct a safety assessment of the
14 program and take all appropriate steps to protect the health and safety
15 of the children in the program, and may deny, limit, suspend, revoke or
16 reject such program's license or registration or terminate or reject
17 such program's enrollment, as applicable, unless the office of children
18 and family services, determines in its discretion, that continued opera-
19 tion by the child day care program or enrolled legally-exempt provider
20 will not in any way jeopardize the health, safety or welfare of the
21 children cared for in the program or by the provider.

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

34 (c) In relation to any child day care programs and any enrolled legal-
35 ly-exempt providers or any applicants to become an enrolled legally-ex-
36 empt provider, where a clearance conducted pursuant to this section
37 reveals a conviction for a crime other than one set forth in subpara-
38 graph (iv) of paragraph (a) of subdivision three of this section, for
39 any prospective employee, volunteer, or applicant seeking enrollment,
40 the office of children and family services may direct that such person
41 not be hired or be enrolled, as applicable, based on such a conviction,
42 consistent with article twenty-three-A of the correction law.

43 (d) (i) Where a clearance conducted pursuant to this section reveals
44 that an applicant to be the operator or director of a child day care
45 program, or anyone who resides in the home over the age of eighteen
46 where child day care is proposed to be provided to children in a home-
47 based setting has been charged with a crime, the office of children and
48 family services shall hold the application in abeyance until the charge
49 is finally resolved.

50 (ii) Where a clearance conducted pursuant to this section reveals that
51 the current operator or director of a child day care program or any
52 person over the age of eighteen that resides in a home where child day
53 care is provided has been charged with a crime, the office of children
54 and family services shall conduct a safety assessment of the program and
55 take all appropriate steps to protect the health and safety of children
56 in the program. The office of children and family services may suspend a

1 license or registration or terminate enrollment based on such a charge
2 when necessary to protect the health and safety of children in the
3 program.

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

11 (A) conduct a safety assessment; or

12 (B) take all appropriate steps to protect the health and safety of
13 children in the program.

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

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

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

28 6. The office of children and family services shall pay any required
29 processing fee for a criminal history or sex offender clearance pursuant
30 to this section. The office of children and family services shall
31 promptly submit fingerprints obtained pursuant to this section and such
32 processing fee to the division of criminal justice services.

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

35 7. Where the office of children and family services or its designee
36 denies or directs a child day care or an enrolled legally-exempt provid-
37 er to deny an application based on the criminal history record[7]; (a)
38 the provider must notify the applicant that such record is the basis of
39 the denial; and (b) the office of children and family services shall
40 also notify as the case may be, such current or prospective operator,
41 director, employee, assistant, legally exempt provider, volunteer with
42 the potential for unsupervised contact with children or other person
43 eighteen years of age or older, who resides in the home where care is
44 provided, other than the child's home, that the criminal record check
45 was the basis for the denial of clearance and shall provide such indi-
46 vidual with a copy of the results of the national criminal record check
47 upon which such denial was based together with a written statement
48 setting forth the reasons for such denial, as well as a copy of article
49 twenty-three-A of the correction law and inform such individual of his
50 or her right to seek correction of any incorrect information contained
51 in such national record check provided by the federal bureau of investi-
52 gation.

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

1 9. (a) Any criminal history record provided by the division of crimi-
2 nal justice services, and any summary of the criminal history record
3 provided by the office of children and family services to a [~~child-day~~
4 ~~care-provider~~] person that receives a clearance pursuant to this
5 section, is confidential and shall not be available for public
6 inspection; provided, however, nothing herein shall prevent [~~a-child-day~~
7 ~~care-provider-or~~] the office of children and family services from
8 disclosing criminal history information or the individual from disclos-
9 ing his or her criminal history information at any administrative or
10 judicial proceeding relating to the denial or revocation of an applica-
11 tion, employment, license or registration. The subject of a criminal
12 history review conducted pursuant to this section shall be entitled to
13 receive, upon written request, a copy of the summary of the criminal
14 history record [~~provided by the office of children and family services~~
15 ~~to the child-day care-provider~~]. Unauthorized disclosure of such
16 records or reports shall be subject [~~the-provider~~] to civil penalties in
17 accordance with the provisions of subdivision eleven of section three
18 hundred ninety of this title.

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

23 10. A child day care or enrolled legally-exempt provider shall advise
24 the office of children and family services when an individual who is
25 subject to criminal history record review in accordance with subdivision
26 one or two of this section is no longer subject to such review. The
27 office of children and family services shall inform the division of
28 criminal justice services when an individual who is subject to criminal
29 history review is no longer subject to such review so that the division
30 of criminal justice services may terminate its retain processing with
31 regard to such person. At least once a year, the office of children and
32 family services will be required to conduct a validation of the records
33 maintained by the division of criminal justice services.

34 11. Child day care centers which are not subject to the provisions of
35 section three hundred ninety of this title shall not be subject to the
36 provisions of this section, provided however, that the city of New York
37 shall require that such child day care centers meet the requirements of
38 any federal laws and regulations pertaining to the child care develop-
39 ment and block grant and the related federally approved plans of the
40 state of New York.

41 § 13. Subparagraph (z) of paragraph (A) of subdivision 4 of section
42 422 of the social services law, as amended by section 11 of part L of
43 chapter 56 of the laws of 2015, is amended to read as follows:

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

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

(a) A licensing agency shall inquire of the ~~[department]~~ office of children and family services and the ~~[department]~~ office shall, subject to the provisions of paragraph (e) of this subdivision, inform such agency and the subject of the inquiry whether an applicant for a certificate, license, enrollment or permit, ~~[assistants-to-group]~~ or to become an employee or volunteer with the potential for unsupervised contact with children in care of a family day care [providers] provider or an enrolled legally-exempt provider as such term is defined in subdivision one-a of section three hundred ninety-b of this article the director of a camp subject to the provisions of article thirteen-B of the public health law, a prospective successor guardian when a clearance is conducted pursuant to paragraph (d) of subdivision two of section four hundred fifty-eight-b of this article, and any person over the age of eighteen who resides in the home of a person who has applied to become an adoptive parent or a foster parent or to operate a family day care home or group family day care home or any person over the age of eighteen residing in the home of a prospective successor guardian when a clearance is conducted of a prospective successor guardian pursuant to this paragraph, or any person age eighteen or older that resides on the premises of where child care is provided in a setting that is not the child's own home by an enrolled legally-exempt provider as such term is defined in subdivision one-a of section three hundred ninety-b of this article has been or is currently the subject of an indicated child abuse and maltreatment report on file with the statewide central register of child abuse and maltreatment.

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

4. For purposes of this section, the term "licensing agency" shall mean an authorized agency which has received an application to become an adoptive parent or an authorized agency which has received an application for a certificate or license to receive, board or keep any child pursuant to the provisions of section three hundred seventy-six or three hundred seventy-seven of this article or an authorized agency which has received an application from a relative within the second degree or third degree of consanguinity of the parent of a child or a relative within the second degree or third degree of consanguinity of the step-parent of a child or children, or the child's legal guardian for approval to receive, board or keep such child, or an authorized agency that conducts a clearance pursuant to paragraph (d) of subdivision two of section four hundred fifty-eight-b of this article, or a state or local governmental agency which receives an application to provide child day care services in a child day care center, school-age child care program, family day care home or group family day care home or enrolled legally-exempt provider as such term is defined in subdivision one-a of section three hundred ninety-b of this article pursuant to the provisions of section three hundred ninety of this article, or the department of health and mental hygiene of the city of New York, when such department receives an application for a certificate of approval to provide child day care services in a child day care center pursuant to the provisions of the health code of the city of New York, or the office of mental health or the office for people with developmental disabilities when such office receives an application for an operating certifi-

1 icate pursuant to the provisions of the mental hygiene law to operate a
2 family care home, or a state or local governmental official who receives
3 an application for a permit to operate a camp which is subject to the
4 provisions of article thirteen-B of the public health law or the office
5 of children and family services which has received an application for a
6 certificate to receive, board or keep any child at a foster family home
7 pursuant to articles nineteen-G and nineteen-H of the executive law or
8 any other facility or provider agency, as defined in subdivision four of
9 section four hundred eighty-eight of this chapter, in regard to any
10 licensing or certification function carried out by such facility or
11 agency.

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

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

30 PART I

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

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

47 (b) Every authorized agency that operates a residential program for
48 foster children that is licensed or certified by the office of children
49 and family services shall request that the justice center for the
50 protection of people with special needs check, and upon such request,
51 such justice center shall request and shall be authorized to receive
52 from the division of criminal justice services and the federal bureau of
53 investigation criminal history information, as such phrase is defined in

1 paragraph (c) of subdivision one of the section eight hundred forty-
2 five-b of the executive law, for every:

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

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

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

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

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

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

25 § 3. Subparagraph (i) of paragraph (b) of subdivision 1 of section
26 424-a of the social services law, as amended by section 8-a of part D of
27 chapter 501 of the laws of 2012, is amended to read as follows:

28 (i) (A) Subject to the provisions of subdivision seven of this
29 section, a provider agency shall inquire of the office and the office
30 shall, subject to the provisions of paragraph (e) of this subdivision,
31 inform such agency and the subject of the inquiry whether any person who
32 is actively being considered for employment and who will have the poten-
33 tial for regular and substantial contact with individuals who are cared
34 for by the agency, is the subject of an indicated child abuse and
35 maltreatment report on file with the statewide central register of child
36 abuse and maltreatment prior to permitting such person to have unsuper-
37 vised contact with such individuals. Such agency may inquire of the
38 office and the office shall inform such agency and the subject of the
39 inquiry whether any person who is currently employed and who has the
40 potential for regular and substantial contact with individuals who are
41 cared for by such agency is the subject of an indicated child abuse and
42 maltreatment report on file with the statewide central register of child
43 abuse and maltreatment. A provider agency shall also inquire of the
44 office and the office shall inform such agency and the subject of the
45 inquiry whether any person who is employed by an individual, corpo-
46 ration, partnership or association which provides goods or services to
47 such agency who has the potential for regular and substantial contact
48 with individuals who are cared for by the agency, is the subject of an
49 indicated child abuse and maltreatment report on file with the statewide
50 central register of child abuse and maltreatment prior to permitting
51 such person to have unsupervised contact with such individuals.
52 Inquiries made to the office pursuant to this subparagraph by a provider
53 agency on current employees shall be made no more often than once in any
54 six month period.

55 (B) Notwithstanding clause (A) of this subparagraph, where the provid-
56 er agency is an authorized agency that operates a residential program

for foster children that is licensed or certified by the office of children and family services such agency shall inquire of the office and the office shall, subject to the provisions of paragraph (e) of this subdivision, inform such agency and the subject of the inquiry whether:

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

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

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

PART J

Section 1. The section heading and the opening paragraph of subdivision 1 of section 131-u of the social services law, as amended by chapter 169 of the laws of 1994, is amended to read as follows:

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

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

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

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

2. The department [~~shall~~] may annually establish, subject to the approval of the director of the budget, a daily rate of reimbursement for each residential program for victims of domestic violence, as defined in article six-A of this chapter, certified by the department which provides emergency shelter and services to persons eligible for such emergency shelter and services pursuant to this section. A social services district financially responsible for a victim of domestic violence shall reimburse a residential program for victims of domestic violence for the costs of emergency shelter and services provided to such victim at the daily reimbursement rate established by the department reduced by [~~the sum of all fees which such victim is able to pay toward the costs of such shelter and services as determined in accordance with the public assistance budgeting rules set forth in the regulations of the department and by~~] any [~~third party~~] other reimbursement available for such costs.

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

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

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

PART K

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

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

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

(b) ~~["Detention". The temporary care and maintenance of children away from their own homes as defined in section five hundred two of the executive law.]~~

~~(c) "Secure detention facility". A facility characterized by physically restricting construction, hardware and procedures.~~

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

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

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

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

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

7 [~~(i)~~] (f) "Diversion services". Services provided to children and
8 families pursuant to section seven hundred thirty-five of this article
9 for the purpose of avoiding the need to file a petition [~~or direct the~~
10 ~~detention of the child~~]. Diversion services shall include: efforts to
11 adjust cases pursuant to this article before a petition is filed, or by
12 order of the court, after the petition is filed but before fact-finding
13 is commenced; and preventive services provided in accordance with
14 section four hundred nine-a of the social services law to avert the
15 placement of the child [~~into foster care~~], including crisis intervention
16 and respite services. Diversion services may also include, in cases
17 where any person is seeking to file a petition that alleges that the
18 child has a substance use disorder or is in need of immediate detoxifi-
19 cation or substance use disorder services, an assessment for substance
20 use disorder; provided, however, that notwithstanding any other
21 provision of law to the contrary, the designated lead agency shall not
22 be required to pay for all or any portion of the costs of such assess-
23 ment or substance use disorder or detoxification services, except in
24 cases where medical assistance for needy persons may be used to pay for
25 all or any portion of the costs of such assessment or services.

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

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

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

41 [~~(m)~~] (j) "Substance use disorder services". Substance use disorder
42 services shall have the same meaning as provided for in section 1.03 of
43 the mental hygiene law.

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

46 CUSTODY [~~AND DETENTION~~]

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

53 § 720. Detention precluded. [~~1-~~] The detention of a child shall not be
54 directed under any of the provisions of this article, except as other-
55 wise authorized by the interstate compact on juveniles. No child to whom
56 the provisions of this article may apply, shall be detained in any pris-

1 on, jail, lockup, or other place used for adults convicted of crime or
2 under arrest and charged with a crime.

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

5 ~~3. Detention of a person alleged to be or adjudicated as a person in~~
6 ~~need of supervision shall, except as provided in subdivision four of~~
7 ~~this section, be authorized only in a foster care program certified by~~
8 ~~the office of children and family services, or a certified or approved~~
9 ~~family boarding home, or a non-secure detention facility certified by~~
10 ~~the office and in accordance with section seven hundred thirty nine of~~
11 ~~this article. The setting of the detention shall take into account (a)~~
12 ~~the proximity to the community in which the person alleged to be or~~
13 ~~adjudicated as a person in need of supervision lives with such person's~~
14 ~~parents or to which such person will be discharged, and (b) the existing~~
15 ~~educational setting of such person and the proximity of such setting to~~
16 ~~the location of the detention setting.~~

17 ~~4. Whenever detention is authorized and ordered pursuant to this arti-~~
18 ~~cle, for a person alleged to be or adjudicated as a person in need of~~
19 ~~supervision, a family court in a city having a population of one million~~
20 ~~or more shall, notwithstanding any other provision of law, direct~~
21 ~~detention in a foster care facility established and maintained pursuant~~
22 ~~to the social services law. In all other respects, the detention of such~~
23 ~~a person in a foster care facility shall be subject to the identical~~
24 ~~terms and conditions for detention as are set forth in this article and~~
25 ~~in section two hundred thirty five of this act.~~

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

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

35 ~~(c) If the respondent may be a sexually exploited child as defined in~~
36 ~~subdivision one of section four hundred forty seven-a of the social~~
37 ~~services law, the court may direct the respondent to an available short-~~
38 ~~term safe house as defined in subdivision two of section four hundred~~
39 ~~forty-seven-a of the social services law as an alternative to~~
40 ~~detention.]~~

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

42 § 5. The section heading and subdivisions (c) and (d) of section 728
43 of the family court act, subdivision (d) as added by chapter 145 of the
44 laws of 2000, paragraph (i) as added and paragraph (ii) of subdivision
45 (d) as renumbered by section 5 of part E of chapter 57 of the laws of
46 2005, and paragraph (iii) as amended and paragraph (iv) of subdivision
47 (d) as added by section 10 of subpart B of part Q of chapter 58 of the
48 laws of 2011, are amended to read as follows:

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

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

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

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

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

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

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

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

§ 7. Subdivisions (b), paragraph (i) of subdivision (d) and subdivision (f) of section 735 of the family court act, subdivision (b) as amended by chapter 38 of the laws of 2014, paragraph (i) of subdivision (d) as amended by chapter 535 of the laws of 2011 and subdivision (f) as added by section 7 of part E of chapter 57 of the laws of 2005, are amended to read as follows:

(b) The designated lead agency shall:

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

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

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

(iv) assess whether the youth is a sexually exploited child as defined in section four hundred forty-seven-a of the social services law and, if so, whether such youth should be referred to a safe house; and

(v) determine whether alternatives to detention are appropriate to avoid remand of the youth to detention; and

~~(v)~~ (vi) determine whether an assessment of the youth for substance use disorder by an office of alcoholism and substance abuse services certified provider is necessary when a person seeking to file a petition alleges in such petition that the youth is suffering from a substance use disorder which could make the youth a danger to himself or herself or others. Provided, however, that notwithstanding any other provision of law to the contrary, the designated lead agency shall not be required to pay for all or any portion of the costs of such assessment or for any substance use disorder or detoxification services, except in cases where medical assistance for needy persons may be used to pay for all or any portion of the costs of such assessment or services. The office of alco-

1 holism and substance abuse services shall make a list of its certified
2 providers available to the designated lead agency.

3 (i) providing, at the first contact, information on the availability
4 of or a referral to services in the geographic area where the youth and
5 his or her family are located that may be of benefit in avoiding the
6 need to file a petition under this article; including the availability,
7 for up to twenty-one days, of a residential respite program, if the
8 youth and his or her parent or other person legally responsible for his
9 or her care agree, and the availability of other non-residential crisis
10 intervention programs such as family crisis counseling or alternative
11 dispute resolution programs or an educational program as defined in
12 section four hundred fifty-eight-1 of the social services law.

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

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

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

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

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

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

53 ~~(ii) where appropriate, whether reasonable efforts were made prior to~~
54 ~~the date of the court order directing detention in accordance with this~~
55 ~~section, to prevent or eliminate the need for removal of the respondent~~
56 ~~from his or her home or, if the respondent had been removed from his or~~

~~her home prior to the court appearance pursuant to this section, where appropriate, whether reasonable efforts were made to make it possible for the respondent to safely return home~~].

§ 9. Section 741-a of the family court act, as amended by section 3 of part B of chapter 327 of the laws of 2007, is amended to read as follows:

§ 741-a. Notice and right to be heard. The foster parent caring for ~~the child~~ a sexually exploited child placed in accordance with section seven hundred fifty-six of this article or any pre-adoptive parent or relative providing care for the respondent shall be provided with notice of any permanency hearing held pursuant to this article by the social services official. Such foster parent, pre-adoptive parent or relative shall have the right to be heard at any such hearing; provided, however, no such foster parent, pre-adoptive parent or relative shall be construed to be a party to the hearing solely on the basis of such notice and right to be heard. The failure of the foster parent, pre-adoptive parent, or relative caring for the child to appear at a permanency hearing shall constitute a waiver of the right to be heard and such failure to appear shall not cause a delay of the permanency hearing nor shall such failure to appear be a ground for the invalidation of any order issued by the court pursuant to this section.

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

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

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

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

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

(a) The order shall state the court's reasons for the particular disposition. If the court places the child in accordance with section seven hundred fifty-six of this part, the court in its order shall determine: (i) whether continuation in the child's home would be contrary to the best interest of the child and where appropriate, that reasonable efforts were made prior to the date of the dispositional hearing held pursuant to this article to prevent or eliminate the need for removal of the child from his or her home and, if the child was removed from his or her home prior to the date of such hearing, that such removal was in the child's best interest and, where appropriate, reasonable efforts were made to make it possible for the child to return safely home. If the court determines that reasonable efforts to prevent or eliminate the need for removal of the child from the home were not made but that the lack of such efforts was appropriate under the circumstances, the court order shall include such a finding; and (ii) in the case of a child who has attained the age of fourteen, the services needed, if any, to assist the child to make the transition from foster care

1 to independent living. [~~Nothing in this subdivision shall be construed~~
2 ~~to modify the standards for directing detention set forth in section~~
3 ~~seven hundred thirty-nine of this article.~~]

4 § 14. Section 756 of the family court act, as amended by chapter 920
5 of the laws of 1982, paragraph (i) of subdivision (a) as amended by
6 chapter 309 of the laws of 1996, the opening paragraph of paragraph (ii)
7 of subdivision (a) as amended by section 11 of part G of chapter 58 of
8 the laws of 2010, subdivision (b) as amended by chapter 7 of the laws of
9 1999, and subdivision (c) as amended by section 10 of part E of chapter
10 57 of the laws of 2005, is amended to read as follows:

11 § 756. Placement. (a) (i) For purposes of section seven hundred
12 fifty-four of this part, the court may place the child in its own home
13 or in the custody of a suitable relative or other suitable private
14 person [~~or a commissioner of social services~~], subject to the orders of
15 the court.

16 (ii) [~~Where the child is placed~~] If the court finds that the respond-
17 ent is a sexually exploited child as defined in subdivision one of
18 section four hundred forty-seven-a of the social services law, the court
19 may place the child with the commissioner of the local social services
20 district[, ~~the court~~] and may direct the commissioner to place the child
21 with an authorized agency or class of authorized agencies, including[~~7~~
22 ~~if the court finds that the respondent is a sexually exploited child as~~
23 ~~defined in subdivision one of section four hundred forty-seven-a of the~~
24 ~~social services law,~~] an available long-term safe house. Unless the
25 dispositional order provides otherwise, the court so directing shall
26 include one of the following alternatives to apply in the event that the
27 commissioner is unable to so place the child:

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

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

34 (b) Placements under this section may be for an initial period of
35 twelve months. The court may extend a placement pursuant to section
36 seven hundred fifty-six-a. In its discretion, the court may recommend
37 restitution or require services for public good pursuant to section
38 seven hundred fifty-eight-a of this part in conjunction with an order of
39 placement. For the purposes of calculating the initial period of place-
40 ment, such placement shall be deemed to have commenced sixty days after
41 the date the child was removed from his or her home in accordance with
42 the provisions of this article. [~~If the respondent has been in detention~~
43 ~~pending disposition, the initial period of placement ordered under this~~
44 ~~section shall be credited with and diminished by the amount of time~~
45 ~~spent by the respondent in detention prior to the commencement of the~~
46 ~~placement unless the court finds that all or part of such credit would~~
47 ~~not serve the best interests of the respondent.~~

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

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

§ 15. Section 758-a of the family court act, as amended by chapter 73 of the laws of 1979, subdivision 1 as amended by chapter 4 of the laws of 1987, paragraph (b) of subdivision 1 as amended by chapter 575 of the laws of 2007, subdivision 2 as amended by chapter 309 of the laws of 1996, and subdivision 3 as separately amended by chapter 568 of the laws of 1979, is amended to read as follows:

§ 758-a. Restitution. 1. In cases involving acts of [~~infants~~] children over [~~ten~~] twelve and less than [~~sixteen~~] eighteen years of age, the court may

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

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

2. [~~If the court recommends restitution or requires services for the public good in conjunction with an order of placement pursuant to section seven hundred fifty-six, the placement shall be made only to an authorized agency which has adopted rules and regulations for the supervision of such a program, which rules and regulations shall be subject to the approval of the state department of social services. Such rules and regulations shall include, but not be limited to provisions (i) assuring that the conditions of work, including wages, meet the standards therefor prescribed pursuant to the labor law; (ii) affording coverage to the child under the workers' compensation law as an employee of such agency, department or institution; (iii) assuring that the entity receiving such services shall not utilize the same to replace its regular employees; and (iv) providing for reports to the court not less frequently than every six months, unless the order provides otherwise.~~

3.] If the court requires restitution or services for the public good [~~as a condition of probation or suspended judgment~~], it shall provide that an agency or person supervise the restitution or services and that such agency or person report to the court not less frequently than every six months, unless the order provides otherwise. Upon the written notice sent by a school district to the court and the appropriate probation department or agency which submits probation recommendations or reports to the court, the court may provide that such school district shall supervise the performance of services for the public good.

[~~4.~~] 3. The court, upon receipt of the reports provided for in subdivision two [~~or three~~] of this section may, on its own motion or the

1 motion of any party or the agency, hold a hearing to determine whether
2 the [~~placement~~] condition should be altered or modified.

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

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

15 § 17. Subdivisions 3, 3-a, 11 and 12 of section 398 of the social
16 services law, subdivision 3 as amended by chapter 419 of the laws of
17 1987, paragraph (c) of subdivision 3 as amended by section 19 of part E
18 of chapter 57 of the laws of 2005, subdivision 3-a as added by section 1
19 of subpart B of part G of chapter 57 of the laws of 2012, subdivision 11
20 as added by chapter 514 of the laws of 1976 and subdivision 12 as
21 amended by section 12 of subpart B of part Q of chapter 58 of the laws
22 of 2011, are amended to read as follows:

23 3. As to delinquent children [~~and persons in need of supervision~~]:

24 (a) Investigate complaints as to alleged delinquency of a child.

25 (b) Bring such case of alleged delinquency when necessary before the
26 family court.

27 (c) Receive within fifteen days from the order of placement as a
28 public charge any delinquent child committed or placed [~~or person in~~
29 ~~need of supervision placed~~] in his or her care by the family court
30 provided, however, that the commissioner of the social services district
31 with whom the child is placed may apply to the state commissioner or his
32 or her designee for approval of an additional fifteen days, upon written
33 documentation to the office of children and family services that the
34 youth is in need of specialized treatment or placement and the diligent
35 efforts by the commissioner of social services to locate an appropriate
36 placement.

37 [~~3-a. As to delinquent children:~~

38 ~~(a)]~~ (d) (1) Conditionally release any juvenile delinquent placed with
39 the district to aftercare whenever the district determines conditional
40 release to be consistent with the needs and best interests of such juve-
41 nile delinquent, that suitable care and supervision can be provided, and
42 that there is a reasonable probability that such juvenile delinquent can
43 be conditionally released without endangering public safety; provided,
44 however, that such conditional release shall be made in accordance with
45 the regulations of the office of children and family services, and
46 provided further that no juvenile delinquent while absent from a facili-
47 ty or program without the consent of the director of such facility or
48 program shall be conditionally released by the district solely by reason
49 of the absence.

50 (2) It shall be a condition of such release that a juvenile delinquent
51 so released shall continue to be the responsibility of the social
52 services district for the period provided in the order of placement.

53 (3) The social services district may provide clothing, services and
54 other necessities for any conditionally released juvenile delinquent, as
55 may be required, including medical care and services not provided to

1 such juvenile delinquent as medical assistance for needy persons pursu-
2 ant to title eleven of article five of this chapter.

3 (4) The social services district, pursuant to the regulations of the
4 office of children and family services, may cause a juvenile delinquent
5 to be returned to a facility operated and maintained by the district, or
6 an authorized agency under contract with the district, at any time with-
7 in the period of placement, where there is a violation of the conditions
8 of release or a change of circumstances.

9 (5) Juvenile delinquents conditionally released by a social services
10 district may be provided for as follows:

11 (i) If, in the opinion of the social services district, there is no
12 suitable parent, relative or guardian to whom a juvenile delinquent can
13 be conditionally released, and suitable care cannot otherwise be
14 secured, the district may conditionally release such juvenile delinquent
15 to the care of any other suitable person; provided that where such suit-
16 able person has no legal relationship with the juvenile, the district
17 shall advise such person of the procedures for obtaining custody or
18 guardianship of the juvenile.

19 (ii) If a conditionally released juvenile delinquent is subject to
20 article sixty-five of the education law or elects to participate in an
21 educational program leading to a high school diploma, he or she shall be
22 enrolled in a school or educational program leading to a high school
23 diploma following release, or, if such release occurs during the summer
24 recess, upon the commencement of the next school term. If a condi-
25 tionally released juvenile delinquent is not subject to article sixty-
26 five of the education law, and does not elect to participate in an
27 educational program leading to a high school diploma, steps shall be
28 taken, to the extent possible, to facilitate his or her gainful employ-
29 ment or enrollment in a vocational program following release.

30 ~~[(b)]~~ (e) When a juvenile delinquent placed with the social services
31 district is absent from placement without consent, such absence shall
32 interrupt the calculation of time for his or her placement. Such inter-
33 ruption shall continue until such juvenile delinquent returns to the
34 facility or authorized agency in which he or she was placed. Provided,
35 however, that any time spent by a juvenile delinquent in custody from
36 the date of absence to the date placement resumes shall be credited
37 against the time of such placement provided that such custody:

38 (1) was due to an arrest or surrender based upon the absence; or

39 (2) arose from an arrest or surrender on another charge which did not
40 culminate in a conviction, adjudication or adjustment.

41 ~~[(e)]~~ (f) In addition to the other requirements of this section, no
42 juvenile delinquent placed with a social services district operating an
43 approved juvenile justice services close to home initiative pursuant to
44 section four hundred four of this chapter pursuant to a restrictive
45 placement under the family court act shall be released except pursuant
46 to section 353.5 of the family court act.

47 11. In the case of a child who is adjudicated ~~[a person in need of~~
48 ~~supervision or]~~ a juvenile delinquent and is placed by the family court
49 with the ~~[division for youth]~~ office of children and family services and
50 who is placed by ~~[the division for youth]~~ such office with an authorized
51 agency pursuant to court order, the social services official shall make
52 expenditures in accordance with the regulations of the department for
53 the care and maintenance of such child during the term of such placement
54 subject to state reimbursement pursuant to section one hundred fifty-
55 three-k of this [title, or article nineteen-C of the executive law in
56 applicable cases] article.

12. A social services official shall be permitted to place persons adjudicated ~~[in need of supervision or]~~ delinquent~~[, and alleged persons to be in need of supervision]~~ in detention pending transfer to a placement, in the same foster care facilities as are providing care to destitute, neglected, abused or abandoned children. Such foster care facilities shall not provide care to a youth in the care of a social services official as a convicted juvenile offender.

§ 18. Paragraph (a) of subdivision 1 of section 409-a of the social services law, as amended by chapter 87 of the laws of 1993, subparagraph (i) as amended by chapter 342 of the laws of 2010, and subparagraph (ii) as amended by section 22 of part C of chapter 83 of the laws of 2002, is amended to read as follows:

(a) A social services official shall provide preventive services to a child and his or her family, in accordance with the family's service plan as required by section four hundred nine-e of this ~~[chapter]~~ article and the social services district's child welfare services plan submitted and approved pursuant to section four hundred nine-d of this ~~[chapter]~~ article, upon a finding by such official that ~~[(i)]~~ the child will be placed, returned to or continued in foster care unless such services are provided and that it is reasonable to believe that by providing such services the child will be able to remain with or be returned to his or her family, and for a former foster care youth under the age of twenty-one who was previously placed in the care and custody or custody and guardianship of the local commissioner of social services or other officer, board or department authorized to receive children as public charges where it is reasonable to believe that by providing such services the former foster care youth will avoid a return to foster care ~~[or (ii) the child is the subject of a petition under article seven of the family court act, or has been determined by the assessment service established pursuant to section two hundred forty three a of the executive law, or by the probation service where no such assessment service has been designated, to be at risk of being the subject of such a petition, and the social services official determines that the child is at risk of placement into foster care]~~.

Such finding shall be entered in the child's uniform case record established and maintained pursuant to section four hundred nine-f of this ~~[chapter]~~ article. The commissioner shall promulgate regulations to assist social services officials in making determinations of eligibility for mandated preventive services pursuant to this ~~[subparagraph]~~ paragraph.

§ 18-a. Subparagraph (ii) of paragraph (a) of subdivision 1 of section 409-a of the social services law, as amended by chapter 87 of the laws of 1993, is amended to read as follows:

~~[(ii) the child is the subject of a petition under article seven of the family court act, or has been determined by the assessment service established pursuant to section two hundred forty three a of the executive law, or by the probation service where no such assessment service has been designated, to be at risk of being the subject of such a petition, and the social services official determines according to standards promulgated pursuant to section three hundred ninety eight b of this chapter that the child is at risk of placement into foster care.]~~

Such finding shall be entered in the child's uniform case record established and maintained pursuant to section four hundred nine-f of this ~~[chapter]~~ article. The commissioner shall promulgate regulations to assist social services officials in making determinations of eligibility

1 for mandated preventive services pursuant to [~~clause (ii) of~~] this para-
2 graph.

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

6 3. "Detention" means the temporary care and maintenance of youth held
7 away from their homes pursuant to article three [~~or seven~~] of the family
8 court act, or held pending a hearing for alleged violation of the condi-
9 tions of release from an office of children and family services facility
10 or authorized agency, or held pending a hearing for alleged violation of
11 the condition of parole as a juvenile offender, youthful offender or
12 adolescent offender or held pending return to a jurisdiction other than
13 the one in which the youth is held, or held pursuant to a securing order
14 of a criminal court if the youth named therein as principal is charged
15 as a juvenile offender, youthful offender or adolescent offender or held
16 pending a hearing on an extension of placement or held pending transfer
17 to a facility upon commitment or placement by a court. Only alleged or
18 convicted juvenile offenders, youthful offenders or adolescent offenders
19 who have not attained their eighteenth or, commencing October first, two
20 thousand eighteen, their twenty-first birthday shall be subject to
21 detention in a detention facility. Commencing October first, two thou-
22 sand eighteen, a youth who on or after such date committed an offense
23 when the youth was sixteen years of age; or commencing October first,
24 two thousand nineteen, a youth who committed an offense on or after such
25 date when the youth was seventeen years of age held pursuant to a secur-
26 ing order of a criminal court if the youth is charged as an adolescent
27 offender or held pending a hearing for alleged violation of the condi-
28 tion of parole as an adolescent offender, must be held in a specialized
29 secure juvenile detention facility for older youth certified by the
30 state office of children and family services in conjunction with the
31 state commission of correction.

32 § 20. Subdivision 1, the opening paragraph of subdivision 2 and
33 subparagraph (i) of paragraph (a) of subdivision 3 of section 529-b of
34 the executive law, as amended by section 99 of part WWW of chapter 59 of
35 the laws of 2017, are amended to read as follows:

36 1. (a) Notwithstanding any provision of law to the contrary, eligible
37 expenditures by an eligible municipality for services to divert youth at
38 risk of, alleged to be, or adjudicated as juvenile delinquents [~~or~~
39 ~~persons alleged or adjudicated to be in need of supervision~~], or youth
40 alleged to be or convicted as juvenile offenders, youthful offenders or
41 adolescent offenders from placement in detention or in residential care
42 shall be subject to state reimbursement under the supervision and treat-
43 ment services for juveniles program for up to sixty-two percent of the
44 municipality's expenditures, subject to available appropriations and
45 exclusive of any federal funds made available for such purposes, not to
46 exceed the municipality's distribution under the supervision and treat-
47 ment services for juveniles program.

48 (b) The state funds appropriated for the supervision and treatment
49 services for juveniles program shall be distributed to eligible munici-
50 palities by the office of children and family services based on a plan
51 developed by the office which may consider historical information
52 regarding the number of youth seen at probation intake for an alleged
53 act of delinquency, the number of alleged persons in need of supervision
54 receiving diversion services under section seven hundred thirty-five of
55 the family court act, the number of youth remanded to detention, the
56 number of juvenile delinquents placed with the office, the number of

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

8 As used in this section, the term "municipality" shall mean a county,
9 or a city having a population of one million or more, and "supervision
10 and treatment services for juveniles" shall mean community-based
11 services or programs designed to safely maintain youth in the community
12 pending a family court disposition or conviction in criminal court and
13 services or programs provided to youth adjudicated as juvenile delin-
14 quents [~~or persons in need of supervision~~], or youth alleged to be juve-
15 nile offenders, youthful offenders or adolescent offenders to prevent
16 residential placement of such youth or a return to placement where such
17 youth have been released to the community from residential placement or
18 programs provided to youth alleged to be adjudicated persons in need of
19 supervision to prevent such youth from further involvement in the juve-
20 nile or criminal justice systems. Supervision and treatment services for
21 juveniles may include but are not limited to services or programs that:

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

25 § 21. The opening paragraph and paragraph (a) of subdivision 2,
26 subparagraphs 1 and 4 of paragraph (a) and paragraph (b) of subdivision
27 5, and subdivision 7 of section 530 of the executive law, the opening
28 paragraph and paragraph (a) of subdivision 2 and subparagraphs 1 and 4
29 of paragraph (a) and paragraph (b) of subdivision 5 as amended by
30 section 100 of part WWW of chapter 59 of the laws of 2017 and subdivi-
31 sion 7 as amended by section 6 of subpart B of part Q of chapter 58 of
32 the laws of 2011, are amended to read as follows:

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

38 (a) Notwithstanding any provision of law to the contrary, eligible
39 expenditures by a municipality during a particular program year for the
40 care, maintenance and supervision [~~in foster care programs certified by~~
41 ~~the office of children and family services, certified or approved family~~
42 ~~boarding homes, and non-secure detention facilities certified by the~~
43 ~~office for those youth alleged to be persons in need of supervision or~~
44 ~~adjudicated persons in need of supervision held pending transfer to a~~
45 ~~facility upon placement, and~~] in secure and non-secure detention facili-
46 ties certified by the office in accordance with section five hundred
47 three of this article for those youth alleged to be juvenile delin-
48 quents; adjudicated juvenile delinquents held pending transfer to a
49 facility upon placement, and juvenile delinquents held at the request of
50 the office of children and family services pending extension of place-
51 ment hearings or release revocation hearings or while awaiting disposi-
52 tion of such hearings; and youth alleged to be or convicted as juvenile
53 offenders, youthful offenders and adolescent offenders and prior to
54 January first, two thousand twenty, youth alleged to be persons in need
55 of supervision or adjudicated persons in need of supervision held pend-
56 ing transfer to a facility upon placement in foster care programs certi-

1 fied by the office of children and family services, certified or
2 approved foster boarding homes and non-secure detention facilities
3 certified by the office, shall be subject to state reimbursement for up
4 to fifty percent of the municipality's expenditures, exclusive of any
5 federal funds made available for such purposes, not to exceed the
6 municipality's distribution from funds that have been appropriated
7 specifically therefor for that program year. Municipalities shall imple-
8 ment the use of detention risk assessment instruments in a manner
9 prescribed by the office so as to inform detention decisions. Notwith-
10 standing any other provision of state law to the contrary, data neces-
11 sary for completion of a detention risk assessment instrument may be
12 shared among law enforcement, probation, courts, detention administra-
13 tors, detention providers, and the attorney for the child upon retention
14 or appointment; solely for the purpose of accurate completion of such
15 risk assessment instrument, and a copy of the completed detention risk
16 assessment instrument shall be made available to the applicable
17 detention provider, the attorney for the child and the court.

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

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

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

42 7. The agency administering detention for each county and the city of
43 New York shall submit to the office of children and family services, at
44 such times and in such form and manner and containing such information
45 as required by the office of children and family services, an annual
46 report on youth remanded pursuant to article three or seven of the fami-
47 ly court act who are detained during each calendar year including,
48 commencing January first, two thousand twelve, the risk level of each
49 detained youth as assessed by a detention risk assessment instrument
50 approved by the office of children and family services provided, howev-
51 er, that the report due January first, two thousand twenty-one and ther-
52 eafter shall not be required to contain any information on youth who are
53 subject to article seven of the family court act. The office may require
54 that such data on detention use be submitted to the office electron-
55 ically. Such report shall include, but not be limited to, the reason for
56 the court's determination in accordance with section 320.5 or seven

1 hundred thirty-nine of the family court act to detain the youth; the
2 offense or offenses with which the youth is charged; and all other
3 reasons why the youth remains detained. The office shall submit a compi-
4 lation of all the separate reports to the governor and the legislature.

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

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

16 § 24. This act shall take effect January 1, 2020 and shall be deemed
17 to be applicable to the detention or placement of youth pursuant to
18 petitions filed pursuant to article seven of the family court act on or
19 after such effective date; provided, however, that:

20 (a) the amendments to subdivision 3-a of section 398 of the social
21 services law made by section seventeen of this act shall not affect the
22 repeal of such subdivision and shall be deemed repealed therewith; and

23 (b) the amendments to subparagraph (ii) of paragraph (a) of subdivi-
24 sion 1 of section 409-a of the social services law made by section eigh-
25 teen of this act shall be subject to the expiration and reversion of
26 such subparagraph pursuant to section 28 of part C of chapter 83 of the
27 laws of 2002, as amended, when upon such date the provisions of section
28 eighteen-a of this act shall take effect.

29 PART L

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

PART M

Section 1. This Part enacts into law major components of legislation which are necessary to improve the foster care system. Each component is wholly contained within a Subpart identified as Subparts A through B. The effective date for each particular provision contained within such Subpart is set forth in the last section of such Subpart. Any provision in any section contained within a Subpart, including the effective date of the Subpart, 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 Subpart in which it

1 is found. Section three of this Part sets forth the general effective
2 date of this Part.

3 SUBPART A

4 Section 1. The social services law is amended by adding a new section
5 462-c to read as follows:

6 § 462-c. Appointment of a temporary operator of a foster care program.

7 1. The office of children and family services shall have the authority
8 to appoint a temporary operator in accordance with this section.

9 2. For the purposes of this section:

10 (a) "Commissioner" shall mean the commissioner of the office or his or
11 her designee.

12 (b) "Office" shall mean the office of children and family services.

13 (c) "Foster care agency" shall mean an authorized agency as defined in
14 paragraph (a) of subdivision ten of section three hundred seventy-one of
15 this chapter that operates one or more foster care programs.

16 (d) "Established operator" shall mean a foster care agency.

17 (e) "Temporary operator" shall mean any foster care agency appointed
18 by the commissioner that:

19 (i) agrees to provide foster care on a temporary basis in the best
20 interests of the foster care youth served by the established operator;

21 (ii) has a history of recent compliance with applicable laws, rules,
22 and regulations and a record of providing foster care of good quality,
23 as determined by the commissioner; and

24 (iii) prior to appointment as temporary operator, develops a plan
25 determined to be satisfactory by the commissioner to address the estab-
26 lished operator's deficiencies.

27 (f) "Local social services district" shall include any local social
28 services district with care and custody or custody and guardianship of a
29 foster care youth placed with the established operator that may be
30 subject to the appointment of a temporary operator pursuant to this
31 section, as well as the local social services district where the estab-
32 lished operator is located.

33 3. (a) (i) A temporary operator may only be appointed after the estab-
34 lished operator has been provided notice of alleged violations and the
35 ability to cure such violations.

36 (ii) The local social services district shall also be notified of the
37 alleged violations prior to the appointment of a temporary operator.

38 (iii) If the established operator fails to cure such violations in a
39 timely manner, a temporary operator may be appointed:

40 (A) where the established operator is unable or unwilling to ensure
41 the proper operation of the foster care program and there exist condi-
42 tions that have the potential to seriously endanger or jeopardize the
43 health, safety, or welfare of foster care youth; or

44 (B) when necessary to protect the health, safety or welfare of youth
45 served by the established program.

46 (iv) If the commissioner determines to appoint a temporary operator,
47 the commissioner shall notify the established operator and the local
48 social services district of his or her intention to appoint a temporary
49 operator to assume sole responsibility for the established operator's
50 operations for a limited period of time.

51 (v) The appointment of a temporary operator shall be effectuated
52 pursuant to this section, and shall be in addition to any other remedies
53 provided by law.

1 (b) The established operator may at any time request the commissioner
2 to appoint a temporary operator. Upon receiving such a request, the
3 commissioner may, if he or she determines that such an action is neces-
4 sary, enter into an agreement with the established operator for the
5 appointment of a temporary operator to restore or maintain the provision
6 of services to children and families provided in the foster care
7 program, until the established operator can resume operations within
8 the designated time period or other action is taken to suspend, revoke,
9 or limit the authority of the established operator.

10 4. (a) A temporary operator appointed pursuant to this section shall
11 use his or her best efforts to implement the plan deemed satisfactory by
12 the commissioner to correct or eliminate any concerns regarding health,
13 safety or welfare of the established operator, and promote the quality
14 and accessibility of services provided to foster children and their
15 families in the applicable foster care program.

16 (b) During the term of appointment, the temporary operator shall have
17 the authority to direct the staff of the established operator as neces-
18 sary to appropriately provide care for foster care youth in accordance
19 with the plan approved by the commissioner. The temporary operator
20 shall, during this period, provide programs and services for foster
21 youth in such a manner as to promote the health, safety, and welfare of
22 the youth by the established operator until either the established oper-
23 ator can resume operations or until the office revokes the authority of
24 the established operator to operate a foster care program.

25 (c) The established operator shall grant the temporary operator access
26 to the established operator's accounts and records in order to address
27 any serious health, safety or welfare deficiencies. The temporary opera-
28 tor shall approve any decision related to an established provider's day
29 to day operations or the established provider's ability to provide
30 programs and services for foster youth.

31 (d) The temporary operator shall not be required to file any bond. No
32 security interest in any real or personal property comprising the estab-
33 lished operator, contained within the established operator, or in any
34 fixture of the building or buildings owned by the established operator,
35 shall be impaired or diminished in priority by the temporary operator.
36 Neither the temporary operator nor the office shall engage in any activ-
37 ity that constitutes a confiscation of property.

38 5. Costs associated with the temporary operator, including compen-
39 sation, shall be borne by the established operator and follow the
40 financing structure established in accordance with section one hundred
41 fifty-three-k of this chapter as modified by the current aid to locali-
42 ties provisions for the office of children and family services within
43 the department of family assistance. The temporary operator shall be
44 liable in its capacity as temporary operator for injury to persons and
45 property by reason of its operation of such building; no liability shall
46 incur in the temporary operator's personal capacity, except for gross
47 negligence and intentional acts.

48 6. (a) The initial term of the appointment of the temporary operator
49 shall not exceed ninety days. After ninety days, if the commissioner
50 determines that termination of the temporary operator would cause
51 significant deterioration of the quality of the foster care program run
52 by the established operator or that reappointment is necessary to
53 correct the deficiencies that required the appointment of the temporary
54 operator, the commissioner may authorize additional ninety day terms.

55 (b) Within fourteen days prior to the termination of each term of the
56 appointment of the temporary operator, the temporary operator shall

1 submit to the commissioner, to the local social services district, and
2 to the established operator a report describing:

3 (i) the actions taken during the appointment to address the identified
4 deficiencies, the resumption of operations by the established operator,
5 or the revocation of authority to operate a foster care program;

6 (ii) objectives for the continuation of the temporary operatorship if
7 necessary and a schedule for satisfaction of such objectives; and

8 (iii) if applicable, the recommended actions for the ongoing provision
9 of foster care after the temporary operatorship is complete.

10 (c) The term of the initial appointment and of any subsequent reap-
11 pointment of a temporary operator in accordance with this section may be
12 terminated prior to the expiration of the designated term, if the estab-
13 lished operator and the commissioner agree on a plan of correction and
14 the implementation of such plan.

15 7. (a) The commissioner shall, upon making a determination of an
16 intention to appoint a temporary operator pursuant to this section,
17 cause the established operator and the local social services district
18 to be notified of the intention by registered or certified mail
19 addressed to the principal office of the established operator and the
20 local social services district. Such notification shall include a
21 detailed description of the findings underlying the intention to appoint
22 a temporary operator, and the date and time of a required meeting with
23 the commissioner within ten business days of the receipt of such
24 notice. At such meeting, the established operator, and the commissioner
25 shall have the opportunity to review and discuss all relevant findings.
26 At such meeting, the commissioner and the established operator shall
27 attempt to develop a mutually satisfactory plan of correction and sched-
28 ule for implementation. If a mutually satisfactory plan of correction
29 and schedule for implementation is developed, the commissioner shall
30 notify the established operator that the commissioner will abstain from
31 appointing a temporary operator contingent upon the established operator
32 remediating the identified deficiencies within the agreed upon time-
33 frame.

34 (b) The commissioner shall, upon making a determination of an inten-
35 tion to appoint a temporary operator pursuant to this section, cause the
36 temporary president of the senate, and the speaker of the assembly to
37 receive appropriate and timely notification of the intention to appoint
38 a temporary operator. Such notification shall include a description of
39 the findings underlying the intention to appoint a temporary operator,
40 the identification of the temporary operator when practicable, and the
41 date of expected transfer of operations. Such notice shall be made as
42 soon as practicable under the circumstances.

43 (c) The commissioner, at any time he or she deems necessary, and to
44 the extent practicable, shall consult and may involve the local social
45 services district.

46 (d) Should the commissioner and the established operator be unable to
47 establish a plan of correction pursuant to this subdivision, or should
48 the established operator fail to respond to the commissioner's initial
49 notification, there shall be an administrative hearing on the commis-
50 sioner's determination to appoint a temporary operator to begin no later
51 than thirty days from the date of the notice to the established opera-
52 tor. Any such hearing shall be strictly limited to the issue of whether
53 the determination of the commissioner to appoint a temporary operator is
54 supported by substantial evidence. A copy of the decision shall be sent
55 to the established operator and the local social services district.

1 (e) If the decision to appoint a temporary operator is upheld such
2 temporary operator shall be appointed as soon as is practicable and
3 shall provide appropriate care and services for the foster care youth
4 as well as take any necessary actions pursuant to the provisions of this
5 chapter or the regulations of the office of children and family
6 services.

7 8. Notwithstanding the appointment of a temporary operator, the estab-
8 lished operator shall remain obligated for the continued provision of
9 care and services for the foster care youth. No provision contained in
10 this section shall be deemed to relieve the established operator or any
11 other person of any civil or criminal liability incurred, or any duty
12 imposed by law, by reason of acts or omissions of the established opera-
13 tor or any other person prior to the appointment of any temporary opera-
14 tor of the building hereunder; nor shall anything contained in this
15 section be construed to suspend during the term of the appointment of
16 the temporary operator of the building any obligation of the estab-
17 lished operator or any other person for the maintenance and repair of
18 the building, provision of utility services, payment of taxes or other
19 operating and maintenance expenses of the building, nor of the estab-
20 lished operator or any other person for the payment of mortgages or
21 liens.

22 § 2. This act shall take effect immediately.

23 SUBPART B

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

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

32 § 2. This act shall take effect immediately.

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

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

45 PART N

46 Section 1. Paragraph (n) of subdivision 1 of section 336 of the social
47 services law, as amended by section 148 of part B of chapter 436 of the
48 laws of 1997, is amended and a new paragraph (o) is added to read as
49 follows:

50 (n) educational activities pursuant to section three hundred thirty-
51 six-a of this title[~~7~~];

(o) time-limited job try-outs as work experience assignments with private for-profit, non-profit and public sector entities that lead to unsubsidized full-time or part-time employment.

§ 2. Subparagraph (iii) of paragraph (e) of subdivision 1 of section 335-b of the social services law, as amended by section 2 of part J of chapter 58 of the laws of 2006, is amended to read as follows:

(iii) In the case of a two-parent family receiving federally funded child care assistance and a parent in the family is not disabled or caring for a severely disabled child, the individual and the other parent in the family are participating in work activities for a total of at least fifty-five hours per week during the month, not fewer than fifty hours of which are attributable to activities described in paragraphs (a) through (h) ~~[and]~~, (l) and (o) of subdivision one of section three hundred thirty-six of this title.

§ 3. Subdivision 2 of section 335-b of the social services law, as amended by chapter 380 of the laws of 2004, is amended to read as follows:

2. Engaged in work for a month shall mean participating in work activities identified in subdivision one of section three hundred thirty-six of this title for the required number of hours specified in this section provided, however, that at least twenty hours of such participation, or thirty hours for two-parent families, or fifty hours for two-parent families receiving federally funded child care as set forth in subparagraph (iii) of paragraph (d) of subdivision one of this section, shall be attributable to the activities described in paragraphs (a) through (h) ~~[and]~~, (l) and (o) of subdivision one of section three hundred thirty-six of this title, or for households without dependent children at least twenty hours of participation shall be attributable to the activities set forth in paragraphs (a) through (h) ~~[and]~~, (l) and (o) of subdivision one of section three hundred thirty-six of this title, and further provided that participation in job search and job readiness assistance as identified in paragraph (f) of subdivision one of section three hundred thirty-six of this title shall only be determined as engaged in work for a maximum period of six weeks, only four of which may be consecutive as otherwise limited by federal law; and that individuals in all families and in two parent families may be engaged in work for a month by reason of participation in vocational training to the extent allowed by federal law. Any non-graduate student participating or approved by CUNY, SUNY or another degree granting institution, or any other state or local district approved education, training or vocational rehabilitation agency to participate in work-study, or in internships, externships, or other work placements that are part of the curriculum of that student, shall not be unreasonably denied the ability to participate in such programs and each hour of participation shall count toward satisfaction of such student's work activity requirements of this title provided that the district may consider, among other factors, (a) whether the student has voluntarily terminated his or her employment or voluntarily reduced his or her earnings to qualify for public assistance pursuant to subdivision ten of section one hundred thirty-one of this article; (b) whether a comparable job or on the job training position can reasonably be expected to exist in the private, public or not-for-profit sector; (c) that the student has a cumulative C average or its equivalent, which may be waived by the district for undue hardship based on (1) the death of a relative of the student, (2) the personal injury or illness of the student, or (3) other extenuating circumstances; and (d) whether the institution cooperates in monitoring

1 students attendance and performance and reports to the local social
2 services department monthly on each student. Failure of the institution
3 to monitor and report monthly to local social services districts on
4 attendance and performance of the student's work study, internship,
5 externship or other work placement shall be cause for the department to
6 reasonably deny the student's ability to participate in such programs.
7 Students shall be subject to sanctions equivalent to those associated
8 with failure to adequately satisfy their other required work activities.
9 In assigning a non-graduate student participating in work-study, intern-
10 ships, externships or other work placements, pursuant to this section,
11 to other work activities the district shall make reasonable effort to
12 assign the student to hours that do not conflict with the student's
13 academic schedule.

14 § 4. Subdivision 1 of section 336-c of the social services law is
15 amended by adding a new paragraph (c) to read as follows:

16 (c) A social services district may also establish time-limited, job
17 try-out opportunities with private for-profit, non-profit or public
18 sector entities leading to unsubsidized full-time or part-time employ-
19 ment.

20 § 5. Subdivision 2 of section 336-c of the social services law, as
21 amended by section 148 of part B of chapter 436 of the laws of 1997, is
22 amended to read as follows:

23 2. A recipient may be assigned to participate in [~~such~~] a work experi-
24 ence program only if:

25 (a) appropriate federal and state standards of health, safety and
26 other work conditions are maintained;

27 (b) The maximum number of hours a participant in work experience
28 activities authorized pursuant to this section shall be required to work
29 in such assignment shall not exceed [~~a number~~] forty hours in any week
30 and shall not exceed the number of hours which equals the amount of
31 assistance payable with respect to such [~~individual~~] individual's public
32 assistance household (inclusive of the value of [~~food stamps~~] supple-
33 mental nutrition assistance program benefits received by such [~~individ-~~
34 ual] household, if any) divided by the [~~higher~~] highest of [~~(a)~~] (i) the
35 federal minimum wage [~~provided that such hours shall be limited as set~~
36 ~~forth in subdivision four of section three hundred thirty six of this~~
37 ~~title~~]; or [~~(b)~~] (ii) the applicable state minimum wage; or (iii) for
38 those placements with a for-profit entity, the wage normally provided
39 for trainees in such positions;

40 (c) such recipients are provided appropriate workers' compensation or
41 equivalent protection for on-the-job injuries and tort claims protection
42 on the same basis, but not necessarily at the same benefit level, as
43 they are provided to other persons in the same or similar positions,
44 while participating in work experience activities under this section;

45 (d) the project to which the participant is assigned [~~serves~~] pursuant
46 to paragraph (b) of subdivision one of this section must serve a useful
47 public purpose in fields such as health, social services, environmental
48 protection, education, urban and rural development and redevelopment,
49 welfare, recreation, operation of public facilities, public safety, and
50 child day care;

51 (e) such assignment would not result in (i) the displacement of any
52 currently employed worker or loss of position (including partial
53 displacement such as reduction in the hours of non-overtime work, wages
54 or employment benefits) or result in the impairment of existing
55 contracts for services or collective bargaining agreements; (ii) the
56 loss of exclusivity, if any, to any employee organization with regard to

1 the work performed by any employees as part of a negotiating unit pursu-
2 ant to article fourteen of the civil service law; (iii) the employment
3 or assignment of a participant or the filling of a position when any
4 other person is on layoff from the same or any equivalent position
5 consistent with article five of the civil service law or the employer
6 has terminated the employment of any regular employee or otherwise
7 reduced its workforce with the effect of filling the vacancy so created
8 with a participant assigned pursuant to this section; [~~(iii)~~] (iv) any
9 infringement of the promotional opportunities of any current employed
10 person when a participant is assigned pursuant to paragraph (b) of
11 subdivision one of this section; [~~or (iv)~~] (v) the performance, by such
12 participant, of a substantial portion of the work ordinarily and actual-
13 ly performed by regular employees when a participant is assigned pursu-
14 ant to paragraph (b) of subdivision one of this section; or [~~(v)~~] (vi)
15 the loss of a bargaining unit position as a result of work experience
16 participants performing, in part or in whole, the work normally
17 performed by the employee in such position;

18 (f) such assignment is not at any work site at which the regular
19 employees are on a legal strike against the employer or are being
20 subjected to lock out by the employer.

21 § 6. Section 336-c of the social services law is amended by adding a
22 new subdivision 2-a to read as follows:

23 2-a. Job try-out programs in private for-profit, non-profit, and
24 public sector entities leading to unsubsidized full-time or part-time
25 employment. (a) Social services districts may enter agreements with
26 private for-profit, non-profit, or public sector entities to establish
27 job try-out programs which will provide public assistance recipients the
28 training opportunities to learn the skills necessary to perform the job
29 duties for an anticipated job opening. Any such agreements between
30 social services districts and private for-profit, non-profit or public
31 sector entities shall provide that participants will be offered full-
32 time or part-time unsubsidized employment following the end of a nine-
33 ty-day job try-out period absent demonstrated reasonable cause for not
34 hiring the participants. An entity which unreasonably terminates the
35 ninety-day job try-out period or fails to offer full-time or part-time
36 unsubsidized employment to a participant who successfully completes the
37 ninety-day job try-out shall become ineligible to participate in the job
38 try-out program, as provided for in paragraph (c) of this subdivision.

39 (b) A public assistance recipient may be assigned to participate in a
40 job try-out pursuant to this subdivision only if:

41 (i) the private for-profit, non-profit, or public sector entity has
42 entered into an agreement with a social services district pursuant to
43 paragraph (a) of this subdivision;

44 (ii) there is no conflict with laws and regulations regarding collec-
45 tive bargaining in the private for-profit, non-profit, and public
46 sectors;

47 (iii) notwithstanding any other section of law, the job try-out posi-
48 tion to which the participant is assigned shall be unpaid and shall not
49 be considered employment; however, the following provisions shall be
50 excepted and shall apply to job try-out placements:

51 (A) the human rights law as set forth in article fifteen of the execu-
52 tive law;

53 (B) licensure and employment of persons previously convicted of one or
54 more criminal offenses as set forth in article twenty-three-a of the
55 correction law;

1 (C) one day of rest in seven as set forth in section one hundred
2 sixty-one of the labor law;

3 (D) time allowed for meals as set forth in section one hundred sixty-
4 two of the labor law;

5 (E) prohibited discrimination against engagement in certain activities
6 as set forth in section two hundred one-d of the labor law; and

7 (F) prohibited retaliation as set forth in section two hundred fifteen
8 of the labor law;

9 (iv) the household of which the participant is a member will continue
10 to receive any public assistance, supplemental nutrition assistance
11 program, or other benefits that such household is otherwise eligible for
12 throughout the job try-out assignment;

13 (v) the job try-out program to which the participant is assigned shall
14 be limited to ninety days. The assignment may not be extended beyond the
15 ninety days, even if agreed to by the participant and the private for-
16 profit, non-profit or public sector entity;

17 (vi) prior to the job try-out assignment, the participant will receive
18 from the private for-profit, non-profit or public sector entity a writ-
19 ten explanation of his or her training expectations along with a
20 description of the supervision and skills to be learned;

21 (vii) the private sector for-profit, non-profit or public sector enti-
22 ty is required to provide to the social services district, at no less
23 than thirty-day intervals, information regarding the participant's
24 attendance and performance as part of a job try-out assignment;

25 (c) Non-compliance. If a social services district determines that a
26 private for-profit, non-profit or public sector entity without reason-
27 able cause, has not retained the participant for the full ninety day job
28 try-out period or has not offered full-time or part-time unsubsidized
29 employment to the participant on or before the end of the ninety day job
30 try-out period pursuant to the requirements of this subdivision, the
31 social services district shall take the following actions:

32 (i) a first violation shall result in a one-month ban on new assign-
33 ments with the private for-profit, non-profit or public sector entity;

34 (ii) a second violation, within one year of the first violation, shall
35 result in a three-month ban on new assignments with the private for-pro-
36 fit, non-profit or public sector entity; and

37 (iii) a third violation, and any further violations, within two years
38 of the first violation, shall result in a one-year ban on new assignment
39 placements with the private for-profit, non-profit or public sector
40 entity.

41 § 7. This act shall take effect on the one hundred twentieth day after
42 it shall have become a law; provided that the commissioner of the office
43 of temporary and disability assistance may promulgate any rules or regu-
44 lations necessary to implement this act on or before its effective date.

45 PART O

46 Section 1. Subdivision 1 of section 198-a of the labor law, as amended
47 by chapter 564 of the laws of 2010, is amended to read as follows:

48 1. Every employer who does not pay the wages of all of his or her
49 employees in accordance with the provisions of this chapter, and the
50 officers and agents of any corporation, partnership, or limited liabil-
51 ity company who knowingly permit the corporation, partnership, or limit-
52 ed liability company to violate this chapter by failing to pay the wages
53 of any of its employees in accordance with the provisions thereof, shall
54 be guilty [~~of a misdemeanor for the first offense and upon conviction~~

~~therefor shall be fined not less than five hundred nor more than twenty thousand dollars or imprisoned for not more than one year, and, in the event that any second or subsequent offense occurs within six years of the date of conviction for a prior offense, shall be guilty of a felony for the second or subsequent offense, and upon conviction therefor, shall be fined not less than five hundred nor more than twenty thousand dollars or imprisoned for not more than one year plus one day, or punished by both such fine and imprisonment, for each such offense. An indictment of a person or corporation operating a steam surface railroad for an offense specified in this section may be found and tried in any county within the state in which such railroad ran at the time of such offense]~~ , except as otherwise provided in this chapter or in the penal law, of a class A misdemeanor for failure to pay a single employee less than one thousand dollars or less than twenty-five thousand dollars to more than one employee; of a class E felony for failure to pay a single employee greater than one thousand dollars or greater than twenty-five thousand dollars to more than one employee; of a class D felony for failure to pay a single employee greater than three thousand dollars or one hundred thousand dollars to more than one employee; and a class C felony for failure to pay a single employee greater than fifty thousand dollars or greater than five hundred thousand dollars to more than one employee. Further, a court may order restitution of wages in the amount of the underpayment and together with such amounts provided for by section two hundred eighteen of this chapter.

§ 2. Section 213 of the labor law, as amended by chapter 729 of the laws of 1980, is amended to read as follows:

§ 213. Violations of provisions of labor law; the rules, regulations or orders of the industrial commissioner and the industrial board of appeals. Any person who violates or does not comply with any provision of the labor law, any rule, regulation or lawful order of the industrial commissioner or the industrial board of appeals, and the officers and agents of any corporation who knowingly permit the corporation to violate such provisions, are guilty of a class A misdemeanor and upon conviction shall be punished in accordance with the penal law, [~~except as in this chapter or in the penal law otherwise provided, for a first offense by a fine of not more than one hundred dollars, provided, however, that if the first offense is a violation of a rule or provision for the protection of the safety or health of employees or persons lawfully frequenting a place to which this chapter applies, the punishment shall be a fine of not more than one hundred dollars or by imprisonment for not more than fifteen days or by both such fine and imprisonment,~~] and, for a second [~~offense by a fine of not less than one hundred nor more than five hundred dollars, or by imprisonment for not more than thirty days or by both such fine and imprisonment, for a subsequent offense by a fine of not less than three hundred dollars, or by imprisonment for not more than sixty days, or by both such fine and imprisonment~~] or subsequent offense committed within six years of the date of conviction of a prior offense, are guilty of a class E felony and upon conviction shall be punished in accordance with the penal law. This section shall not apply to any person covered by section twenty-seven-a of this chapter.

§ 3. This act shall take effect immediately.

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

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

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

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

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

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

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

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

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

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

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

(iii) In those instances where the federal government is the claimant's last employer prior to the filing of the claim for benefits and such employer is not a base-period employer, payments [~~equaling the first twenty-eight effective days of benefits~~] in an amount equal to the benefits paid for seven weeks of total unemployment as otherwise prescribed by this section shall be charged to the general account. In those instances where the federal government is the claimant's last employer prior to the filing of the claim for benefits and a base-period employer, such employer shall be liable for charges for all benefits paid on such claim in the same proportion that the remuneration paid by such employer during the base period bears to the remuneration paid by all employers during the base period. In addition, benefit payment charges [~~for the first twenty-eight effective days of benefits~~] in an amount equal to the benefits paid for seven weeks of total unemployment other than those chargeable to the federal government as prescribed above shall be made to the general account.

(iv) In those instances where a combined wage claim is filed pursuant to interstate reciprocal agreements and the claimant's last employer prior to the filing of the claim is an out-of-state employer and such employer is not a base-period employer, benefit payments ~~[equaling the first twenty-eight effective days of benefits]~~ in an amount equal to the benefits paid for seven weeks of total unemployment as otherwise prescribed by this section shall be charged to the general account. In those instances where the out-of-state employer is the last employer prior to the filing of the claim for benefits and a base-period employer such employer shall be liable for charges for all benefits paid on such claim in the same proportion that the remuneration paid by such employer during the base period bears to the remuneration paid by all employers during the base period. In addition, benefit payment charges ~~[for the twenty-eight effective days of benefits]~~ in an amount equal to the benefits paid for seven weeks of total unemployment other than those chargeable to the out-of-state employer as prescribed above shall be made to the general account.

§ 6. Subdivisions 1, 3, 4, paragraph (a) of subdivision 5 and subdivisions 6 and 7 of section 590 of the labor law, subdivisions 1 and 3 as amended by chapter 645 of the laws of 1951, subdivision 4 as amended by chapter 457 of the laws of 1987, paragraph (a) of subdivision 5 as amended by section 8 of part 0 of chapter 57 of the laws of 2013, subdivision 6 as added by chapter 720 of the laws of 1953 and as renumbered by chapter 675 of the laws of 1977, and subdivision 7 as amended by chapter 415 of the laws of 1983, are amended and two new paragraphs (c) and (d) are added to subdivision 5 to read as follows:

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

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

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

(a) A claimant's weekly benefit amount shall be one twenty-sixth of the remuneration paid during the highest calendar quarter of the base period by employers, liable for contributions or payments in lieu of contributions under this article, provided the claimant has remuneration paid in all four calendar quarters during his or her base period or alternate base period. However, for any claimant who has remuneration paid in all four calendar quarters during his or her base period or alternate base period and whose high calendar quarter remuneration during the base period is three thousand five hundred seventy-five dollars or less, the benefit amount shall be one twenty-fifth of the remuneration paid during the highest calendar quarter of the base period by employers liable for contributions or payments in lieu of contributions under this article. A claimant's weekly benefit shall be one twenty-sixth of the average remuneration paid in the two highest quar-

ters paid during the base period or alternate base period by employers liable for contributions or payments in lieu of contributions under this article when the claimant has remuneration paid in two or three calendar quarters provided however, that a claimant whose high calendar quarter is four thousand dollars or less but greater than three thousand five hundred seventy-five dollars shall have a weekly benefit amount of one twenty-sixth of such high calendar quarter. However, for any claimant who has remuneration paid in two or three calendar quarters during his or her base period or alternate base period and whose high calendar quarter remuneration during the base period is three thousand five hundred seventy-five dollars or less, the benefit amount shall be one twenty-fifth of the remuneration paid during the highest calendar quarter of the base period by employers liable for contributions or payments in lieu of contributions under this article. Any claimant whose high calendar quarter remuneration during the base period is more than three thousand five hundred seventy-five dollars shall not have a weekly benefit amount less than one hundred forty-three dollars. The weekly benefit amount, so computed, that is not a multiple of one dollar shall be lowered to the next multiple of one dollar. On the first Monday of September, nineteen hundred ninety-eight the weekly benefit amount shall not exceed three hundred sixty-five dollars nor be less than forty dollars, until the first Monday of September, two thousand, at which time the maximum benefit payable pursuant to this subdivision shall equal one-half of the state average weekly wage for covered employment as calculated by the department no sooner than July first, two thousand and no later than August first, two thousand, rounded down to the lowest dollar. On and after the first Monday of October, two thousand fourteen, the weekly benefit shall not be less than one hundred dollars, nor shall it exceed four hundred twenty dollars until the first Monday of October, two thousand fifteen when the maximum benefit amount shall be four hundred twenty-five dollars, until the first Monday of October, two thousand sixteen when the maximum benefit amount shall be four hundred thirty dollars, until the first Monday of October, two thousand seventeen when the maximum benefit amount shall be four hundred thirty-five dollars, until the first Monday of October, two thousand eighteen when the maximum benefit amount shall be four hundred fifty dollars, until the first Monday of October, two thousand nineteen when the maximum benefit amount shall be thirty-six percent of the average weekly wage until the first Monday of October, two thousand twenty when the maximum benefit amount shall be thirty-eight percent of the average weekly wage, until the first Monday of October two thousand twenty-one when the maximum benefit amount shall be forty percent of the average weekly wage, until the first Monday of October, two thousand twenty-two when the maximum benefit amount shall be forty-two percent of the average weekly wage, until the first Monday of October, two thousand twenty-three when the maximum benefit amount shall be forty-four percent of the average weekly wage, until the first Monday of October, two thousand twenty-four when the maximum benefit amount shall be forty-six percent of the average weekly wage, until the first Monday of October, two thousand twenty-five when the maximum benefit amount shall be forty-eight percent of the average weekly wage, until the first Monday of October, two thousand twenty-six and each year thereafter on the first Monday of October when the maximum benefit amount shall be fifty percent of the average weekly wage provided, however, that in no event shall the maximum benefit amount be reduced from the previous year. A claimant shall receive his or her full benefit rate for each week of total unemployment.

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

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

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

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

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

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

§ 7. Subdivisions 1 and 2, paragraph (a) of subdivision 3 and paragraph (a) of subdivision 6 of section 591 of the labor law, subdivisions 1 and 2 as amended by chapter 413 of the laws of 2003, paragraph (a) of subdivision 3 as amended by chapter 794 of the laws of 1963 and paragraph (a) of subdivision 6 as added by section 13 of part 0 of chapter 57 of laws of 2013, are amended to read as follows:

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

2. Availability and capability. Except as provided in section five hundred ninety-one-a of this title, no benefits shall be payable to any claimant who is not capable of work or who is not ready, willing and able to work in his usual employment or in any other for which he is reasonably fitted by training and experience. The commissioner shall promulgate regulations defining a claimant's eligibility for benefits when such claimant is not capable of work or not ready, willing and able to work in his or her usual employment or in any other which he or she is reasonably fitted by training and experience.

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

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

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

9 § 8. Subdivisions 1 and 2 of section 591 of the labor law, subdivision
10 1 as amended by chapter 446 of the laws of 1981 and subdivision 2 as
11 amended by section 12 of part 0 of chapter 57 of the laws of 2013, are
12 amended to read as follows:

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

21 2. Availability, capability, and work search. No benefits shall be
22 payable to any claimant who is not capable of work or who is not ready,
23 willing and able to work in his or her usual employment or in any other
24 for which he or she is reasonably fitted by training and experience and
25 who is not actively seeking work. In order to be actively seeking work a
26 claimant must be engaged in systematic and sustained efforts to find
27 work. The commissioner shall promulgate regulations defining systematic
28 and sustained efforts to find work and setting standards for the proof
29 of work search efforts. The commissioner shall promulgate regulations
30 defining a claimant's eligibility for benefits when such claimant is not
31 capable of work or not ready, willing and able to work in his or her
32 usual employment or in any other which he or she is reasonably fitted by
33 training and experience.

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

36 2. Concurrent payments prohibited. No [~~days of total unemployment~~
37 ~~shall be deemed to occur~~] benefits shall be payable in any week with
38 respect to which or a part of which a claimant has received or is seek-
39 ing unemployment benefits under an unemployment compensation law of any
40 other state or of the United States, provided that this provision shall
41 not apply if the appropriate agency of such other state or of the United
42 States finally determines that he or she is not entitled to such unem-
43 ployment benefits.

44 § 10. Paragraph (a) of subdivision 1, the opening paragraph of subdivi-
45 sion 2 and subdivisions 3 and 4 of section 593 of the labor law, para-
46 graph (a) of subdivision 1, the opening paragraph of subdivision 2 and
47 subdivision 3 as amended by section 15 of part 0 of chapter 57 of the
48 laws of 2013 and subdivision 4 as amended by chapter 589 of the laws of
49 1998, are amended to read as follows:

50 (a) No [~~days of total unemployment shall be deemed to occur~~] benefits
51 shall be payable for any week of total unemployment or partial unemploy-
52 ment that occurs after a claimant's voluntary separation without good
53 cause from employment until he or she has subsequently worked in employ-
54 ment and earned remuneration at least equal to ten times his or her
55 weekly benefit rate. In addition to other circumstances that may be
56 found to constitute good cause, including a compelling family reason as

1 set forth in paragraph (b) of this subdivision, voluntary separation
2 from employment shall not in itself disqualify a claimant if circum-
3 stances have developed in the course of such employment that would have
4 justified the claimant in refusing such employment in the first instance
5 under the terms of subdivision two of this section or if the claimant,
6 pursuant to an option provided under a collective bargaining agreement
7 or written employer plan which permits waiver of his or her right to
8 retain the employment when there is a temporary layoff because of lack
9 of work, has elected to be separated for a temporary period and the
10 employer has consented thereto.

11 No [~~days of total unemployment shall be deemed to occur~~] benefits
12 shall be payable for any week of total unemployment or partial unemploy-
13 ment beginning with the day on which a claimant, without good cause,
14 refuses to accept an offer of employment for which he or she is reason-
15 ably fitted by training and experience, including employment not subject
16 to this article, until he or she has subsequently worked in employment
17 and earned remuneration at least equal to ten times his or her weekly
18 benefit rate. Except that claimants who are not subject to a recall date
19 or who do not obtain employment through a union hiring hall and who are
20 still unemployed after receiving ten weeks of benefits shall be required
21 to accept any employment proffered that such claimants are capable of
22 performing, provided that such employment would result in a wage not
23 less than eighty percent of such claimant's high calendar quarter wages
24 received in the base period and not substantially less than the prevail-
25 ing wage for similar work in the locality as provided for in paragraph
26 (d) of this subdivision. No refusal to accept employment shall be deemed
27 without good cause nor shall it disqualify any claimant otherwise eligi-
28 ble to receive benefits if:

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

35 4. Criminal acts. No [~~days of total unemployment shall be deemed to~~
36 ~~occur during~~] benefits shall be payable for any week of total unemploy-
37 ment or partial unemployment for a period of twelve months after a
38 claimant loses employment as a result of an act constituting a felony in
39 connection with such employment, provided the claimant is duly convicted
40 thereof or has signed a statement admitting that he or she has committed
41 such an act. Determinations regarding a benefit claim may be reviewed
42 at any time. Any benefits paid to a claimant prior to a determination
43 that the claimant has lost employment as a result of such act shall not
44 be considered to have been accepted by the claimant in good faith. In
45 addition, remuneration paid to the claimant by the affected employer
46 prior to the claimant's loss of employment due to such criminal act may
47 not be utilized for the purpose of establishing entitlement to a subse-
48 quent, valid original claim. The provisions of this subdivision shall
49 apply even if the employment lost as a result of such act is not the
50 claimant's last employment prior to the filing of his or her claim.

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

53 § 594. [~~Reduction and recovery~~] Recovery of benefits and penalties for
54 wilful false statement. (1) A claimant who has wilfully made a false
55 statement or representation to obtain any benefit under the provisions
56 of this article shall [~~forfeit benefits for at least the first four but~~

~~not more than the first eighty effective days following discovery of such offense for which he or she otherwise would have been entitled to receive benefits. Such penalty shall apply only once with respect to each such offense.~~

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

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

~~[(4)]~~ (2) A claimant shall refund all moneys received because of such false statement or representation and pay a civil penalty in an amount equal to ~~[the greater of one hundred dollars or fifteen]~~ twenty-five percent of the total overpaid benefits determined pursuant to this section. ~~[The]~~ If a claimant is found to have made a second false statement or representation within five years of the first determination, the penalty shall be fifty percent of the total overpaid benefits. Fifteen percent of the penalties collected hereunder for the first and second occurrences shall be deposited in the fund. The remaining percentage of the penalties shall be deposited in the unemployment insurance control fund. The penalties assessed under this subdivision shall apply and be assessed for any benefits paid under federal unemployment and extended unemployment programs administered by the department in the same manner as provided in this article. The penalties in this section shall be in addition to any penalties imposed under this chapter or any state or federal criminal statute. No penalties or interest assessed pursuant to this section may be deducted or withheld from benefits.

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

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

(ii) The commissioner has made efforts to collect on such final determination; and

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

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

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

(ii) The total amount to be docketed; and

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

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

§ 12. Subdivisions 1 and 4 of section 596 of the labor law, subdivision 1 as amended by chapter 204 of the laws of 1982 and subdivision 4 as added by chapter 705 of the laws of 1944 and as renumbered by section 148-a of part B of chapter 436 of the laws of 1997, are amended to read as follows:

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

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

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

§ 12-a. Subdivision 3 of section 597 of the labor law, as amended by chapter 42 of the laws of 1961, is amended to read as follows:

3. Limitation on review of determinations. Any determination regarding a benefit claim may, in the absence of fraud or wilful misrepresentation, be reviewed only within ~~[one year]~~ two years from the date it is issued because of new or corrected information, or, if the review is based thereon, within six months from a retroactive payment of remuneration, provided that no decision on the merits of the case has been made upon hearing or appeal. Such review shall be conducted and a new determination issued in accordance with the provisions of this article and

1 regulations and procedure prescribed thereunder with respect to the
2 adjudication and payment of claims, including the right of appeal.

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

6 (a) Notwithstanding any other provision of this chapter, a claimant
7 attending an approved training course or program under this section may
8 receive additional benefits of up to ~~[one hundred four effective days]~~
9 twenty-six times his or her weekly benefit amount following exhaustion
10 of regular and, if in effect, any other extended benefits, provided that
11 entitlement to a new benefit claim cannot be established. Certification
12 of continued satisfactory participation and progress in such training
13 course or program must be submitted to the commissioner prior to the
14 payment of any such benefits. The ~~[duration]~~ amount of such additional
15 benefits shall in no case exceed twice the ~~[number of effective days]~~
16 amount of regular benefits to which the claimant is entitled at the time
17 the claimant is accepted in, or demonstrates application for appropriate
18 training.

19 § 14. The opening paragraph and paragraph (e) of subdivision 2 of
20 section 601 of the labor law, as amended by chapter 35 of the laws of
21 2009, are amended to read as follows:

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

25 (e) is not claiming benefits pursuant to an interstate claim filed
26 under the interstate benefit payment plan in a state where an extended
27 benefit period is not in effect, except that this condition shall not
28 apply with respect to the first ~~[eight effective days]~~ two weeks of
29 total unemployment or partial unemployment for which extended benefits
30 shall otherwise be payable pursuant to an interstate claim filed under
31 the interstate benefit payment plan; and

32 § 15. Subdivisions 3 and 4 and paragraphs (b) and (e) of subdivision 5
33 of section 601 of the labor law, as amended by chapter 35 of the laws of
34 2009, are amended to read as follows:

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

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

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

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

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

53 4. Charging of extended benefits. The provisions of paragraph (e) of
54 subdivision one of section five hundred eighty-one of this article shall
55 apply to benefits paid pursuant to the provisions of this section, and
56 if they were paid for ~~[effective days]~~ weeks of total unemployment or

1 partial unemployment occurring in weeks following the end of a benefit
2 year, they shall be deemed paid with respect to that benefit year.
3 However, except for governmental entities as defined in section five
4 hundred sixty-five and Indian tribes as defined in section five hundred
5 sixty-six of this article, only one-half of the amount of such benefits
6 shall be debited to the employers' account; the remainder thereof shall
7 be debited to the general account, and such account shall be credited
8 with the amount of payments received in the fund pursuant to the
9 provisions of the federal-state extended unemployment compensation act.
10 Notwithstanding the foregoing, where the state has entered an extended
11 benefit period triggered pursuant to subparagraph one of paragraph (a)
12 of subdivision one of this section for which federal law provides for
13 one hundred percent federal sharing of the costs of benefits, all charg-
14 es shall be debited to the general account and such account shall be
15 credited with the amount of payments received in the fund pursuant to
16 the provisions of the federal-state extended unemployment compensation
17 act or other federal law providing for one hundred percent federal shar-
18 ing for the cost of such benefits.

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

29 (e) No ~~[days of total unemployment]~~ benefits shall be ~~[deemed to occur~~
30 ~~in]~~ payable for any week within an eligibility period under section five
31 hundred ninety-three of this ~~[article]~~ title, until he or she has subse-
32 quently worked in employment in accordance with the requirements set
33 forth in section five hundred ninety-three of this ~~[article]~~ title.

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

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

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

50 § 18. This act shall take effect on the ninetieth day after the
51 commissioner of labor certifies that the department of labor has an
52 information technology system capable of accommodating the provisions in
53 this act; provided that the commissioner of labor shall notify the
54 legislative bill drafting commission of the date of such certification
55 in order that the commission may maintain an accurate and timely effec-
56 tive database of the official text of the laws of the state of New York

1 in furtherance of effecting the provisions of section 44 of the legisla-
2 tive law and section 70-b of the public officers law. Effective imme-
3 diately, the addition, amendment and/or repeal of any rule or regulation
4 necessary for the implementation of this act on its effective date are
5 authorized to be made and completed on or before such effective date.
6 Provided further that the amendments to subdivisions 1 and 2 of section
7 591 of the labor law made by section seven of this act shall be subject
8 to the expiration and reversion of such subdivisions pursuant to section
9 10 of chapter 413 of the laws of 2003, when upon such date the
10 provisions of section eight of this act shall take effect.

11 PART Q

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

14 (h) For an employer or employment agency in writing or otherwise, to
15 rely on, or inquire about, the salary history information of an appli-
16 cant for employment as a factor in determining whether to offer employ-
17 ment to an applicant or what salary to offer an applicant. Nothing in
18 this subdivision shall prevent an applicant from voluntarily and without
19 prompting disclosing salary history information to a prospective employ-
20 er. If an applicant volunteers salary history information, nothing shall
21 prohibit that employer from considering or relying on that information.
22 Nothing in this subdivision shall prohibit an employer, without inquir-
23 ing about salary history, from engaging in discussion with the applicant
24 about their expectations with respect to salary, benefits, and other
25 compensation.

26 § 2. The section heading and subdivision 1 of section 194 of the labor
27 law, the section heading as added by chapter 548 of the laws of 1966 and
28 subdivision 1 as amended by chapter 362 of the laws of 2015, are amended
29 to read as follows:

30 Differential in rate of pay because of ~~[sex]~~ protected class status
31 prohibited. 1. No employee who is a member of a protected class shall
32 be paid a wage at a rate less than the rate at which an employee ~~[of the~~
33 ~~opposite sex]~~ who is not a member of the protected class in the same
34 establishment is paid for ~~[equal work on a job the performance of which~~
35 ~~requires equal skill, effort and responsibility, and which is performed~~
36 ~~under similar working conditions]~~ substantially similar work, when
37 viewed as a composite of skill, effort, and responsibility, and
38 performed under similar working conditions, except where payment is made
39 pursuant to a differential based on:

- 40 a. a seniority system;
- 41 b. a merit system;
- 42 c. a system which measures earnings by quantity or quality of
43 production; or
- 44 d. a bona fide factor other than ~~[sex]~~ the protected class status,
45 such as education, training, or experience. Such factor: (i) shall not
46 be based upon ~~[or derived from]~~ a ~~[sex-based]~~ differential in compen-
47 sation that was originally derived from a protected class status and
48 (ii) shall be job-related with respect to the position in question and
49 shall be consistent with business necessity. Such exception under this
50 paragraph shall not apply when the employee demonstrates (A) that an
51 employer uses a particular employment practice that causes a disparate
52 impact on the basis of ~~[sex]~~ protected class status, (B) that an alter-
53 native employment practice exists that would serve the same business

1 purpose and not produce such differential, and (C) that the employer has
2 refused to adopt such alternative practice.

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

5 PART R

6 Section 1. Subdivisions 1 and 2 of section 291 of the executive law,
7 as amended by chapter 196 of the laws of 2010, are amended to read as
8 follows:

9 1. The opportunity to obtain employment without discrimination because
10 of age, race, creed, color, national origin, sexual orientation, gender
11 identity or expression, military status, sex, marital status, or disa-
12 bility, is hereby recognized as and declared to be a civil right.

13 2. The opportunity to obtain education, the use of places of public
14 accommodation and the ownership, use and occupancy of housing accommo-
15 dations and commercial space without discrimination because of age,
16 race, creed, color, national origin, sexual orientation, gender identity
17 or expression, military status, sex, marital status, or disability, as
18 specified in section two hundred ninety-six of this article, is hereby
19 recognized as and declared to be a civil right.

20 § 2. Section 292 of the executive law is amended by adding a new
21 subdivision 35 to read as follows:

22 35. The term "gender identity or expression" means a person's actual
23 or perceived gender-related identity, appearance, behavior, expression,
24 or other gender-related characteristic regardless of the sex assigned to
25 that person at birth, including, but not limited to, the status of being
26 transgender.

27 § 3. Subdivisions 8 and 9 of section 295 of the executive law, as
28 amended by chapter 106 of the laws of 2003, are amended to read as
29 follows:

30 8. To create such advisory councils, local, regional or state-wide, as
31 in its judgment will aid in effectuating the purposes of this article
32 and of section eleven of article one of the constitution of this state,
33 and the division may empower them to study the problems of discrimi-
34 nation in all or specific fields of human relationships or in specific
35 instances of discrimination because of age, race, creed, color, national
36 origin, sexual orientation, gender identity or expression, military
37 status, sex, disability or marital status and make recommendations to
38 the division for the development of policies and procedures in general
39 and in specific instances. The advisory councils also shall disseminate
40 information about the division's activities to organizations and indi-
41 viduals in their localities. Such advisory councils shall be composed of
42 representative citizens, serving without pay, but with reimbursement for
43 actual and necessary traveling expenses; and the division may make
44 provision for technical and clerical assistance to such councils and for
45 the expenses of such assistance.

46 9. To develop human rights plans and policies for the state and assist
47 in their execution and to make investigations and studies appropriate to
48 effectuate this article and to issue such publications and such results
49 of investigations and research as in its judgement will tend to inform
50 persons of the rights assured and remedies provided under this article,
51 to promote good-will and minimize or eliminate discrimination because of
52 age, race, creed, color, national origin, sexual orientation, gender
53 identity or expression, military status, sex, disability or marital
54 status.

§ 4. Paragraphs (a), (b), (c) and (d) of subdivision 1 of section 296 of the executive law, as amended by chapter 365 of the laws of 2015, are amended to read as follows:

(a) For an employer or licensing agency, because of an individual's age, race, creed, color, national origin, sexual orientation, gender identity or expression, military status, sex, disability, predisposing genetic characteristics, familial status, marital status, or domestic violence victim status, to refuse to hire or employ or to bar or to discharge from employment such individual or to discriminate against such individual in compensation or in terms, conditions or privileges of employment.

(b) For an employment agency to discriminate against any individual because of age, race, creed, color, national origin, sexual orientation, gender identity or expression, military status, sex, disability, predisposing genetic characteristics, familial status, or marital status, in receiving, classifying, disposing or otherwise acting upon applications for its services or in referring an applicant or applicants to an employer or employers.

(c) For a labor organization, because of the age, race, creed, color, national origin, sexual orientation, gender identity or expression, military status, sex, disability, predisposing genetic characteristics, familial status, or marital status of any individual, to exclude or to expel from its membership such individual or to discriminate in any way against any of its members or against any employer or any individual employed by an employer.

(d) For any employer or employment agency to print or circulate or cause to be printed or circulated any statement, advertisement or publication, or to use any form of application for employment or to make any inquiry in connection with prospective employment, which expresses directly or indirectly, any limitation, specification or discrimination as to age, race, creed, color, national origin, sexual orientation, gender identity or expression, military status, sex, disability, predisposing genetic characteristics, familial status, or marital status, or any intent to make any such limitation, specification or discrimination, unless based upon a bona fide occupational qualification; provided, however, that neither this paragraph nor any provision of this chapter or other law shall be construed to prohibit the department of civil service or the department of personnel of any city containing more than one county from requesting information from applicants for civil service examinations concerning any of the aforementioned characteristics, other than sexual orientation, for the purpose of conducting studies to identify and resolve possible problems in recruitment and testing of members of minority groups to insure the fairest possible and equal opportunities for employment in the civil service for all persons, regardless of age, race, creed, color, national origin, sexual orientation or gender identity or expression, military status, sex, disability, predisposing genetic characteristics, familial status, or marital status.

§ 5. Paragraphs (b), (c) and (d) of subdivision 1-a of section 296 of the executive law, as amended by chapter 365 of the laws of 2015, are amended to read as follows:

(b) To deny to or withhold from any person because of race, creed, color, national origin, sexual orientation, gender identity or expression, military status, sex, age, disability, familial status, or marital status, the right to be admitted to or participate in a guidance program, an apprenticeship training program, on-the-job training

1 program, executive training program, or other occupational training or
2 retraining program;

3 (c) To discriminate against any person in his or her pursuit of such
4 programs or to discriminate against such a person in the terms, condi-
5 tions or privileges of such programs because of race, creed, color,
6 national origin, sexual orientation, gender identity or expression,
7 military status, sex, age, disability, familial status or marital
8 status;

9 (d) To print or circulate or cause to be printed or circulated any
10 statement, advertisement or publication, or to use any form of applica-
11 tion for such programs or to make any inquiry in connection with such
12 program which expresses, directly or indirectly, any limitation, spec-
13 ification or discrimination as to race, creed, color, national origin,
14 sexual orientation, gender identity or expression, military status, sex,
15 age, disability, familial status or marital status, or any intention to
16 make any such limitation, specification or discrimination, unless based
17 on a bona fide occupational qualification.

18 § 6. Paragraph (a) of subdivision 2 of section 296 of the executive
19 law, as amended by chapter 106 of the laws of 2003, is amended to read
20 as follows:

21 (a) It shall be an unlawful discriminatory practice for any person,
22 being the owner, lessee, proprietor, manager, superintendent, agent or
23 employee of any place of public accommodation, resort or amusement,
24 because of the race, creed, color, national origin, sexual orientation,
25 gender identity or expression, military status, sex, ~~[ex]~~ disability or
26 marital status of any person, directly or indirectly, to refuse, with-
27 hold from or deny to such person any of the accommodations, advantages,
28 facilities or privileges thereof, including the extension of credit, or,
29 directly or indirectly, to publish, circulate, issue, display, post or
30 mail any written or printed communication, notice or advertisement, to
31 the effect that any of the accommodations, advantages, facilities and
32 privileges of any such place shall be refused, withheld from or denied
33 to any person on account of race, creed, color, national origin, sexual
34 orientation, gender identity or expression, military status, sex, ~~[ex]~~
35 disability or marital status, or that the patronage or custom thereof of
36 any person of or purporting to be of any particular race, creed, color,
37 national origin, sexual orientation, gender identity or expression,
38 military status, sex or marital status, or having a disability is unwel-
39 come, objectionable or not acceptable, desired or solicited.

40 § 7. Paragraphs (a), (b), (c) and (c-1) of subdivision 2-a of section
41 296 of the executive law, paragraphs (a), (b) and (c) as amended and
42 paragraph (c-1) as added by chapter 106 of the laws of 2003, are amended
43 to read as follows:

44 (a) To refuse to sell, rent or lease or otherwise to deny to or with-
45 hold from any person or group of persons such housing accommodations
46 because of the race, creed, color, disability, national origin, sexual
47 orientation, gender identity or expression, military status, age, sex,
48 marital status, or familial status of such person or persons, or to
49 represent that any housing accommodation or land is not available for
50 inspection, sale, rental or lease when in fact it is so available.

51 (b) To discriminate against any person because of his or her race,
52 creed, color, disability, national origin, sexual orientation, gender
53 identity or expression, military status, age, sex, marital status, or
54 familial status in the terms, conditions or privileges of any publicly-
55 assisted housing accommodations or in the furnishing of facilities or
56 services in connection therewith.

(c) To cause to be made any written or oral inquiry or record concerning the race, creed, color, disability, national origin, sexual orientation, gender identity or expression, membership in the reserve armed forces of the United States or in the organized militia of the state, age, sex, marital status, or familial status of a person seeking to rent or lease any publicly-assisted housing accommodation; provided, however, that nothing in this subdivision shall prohibit a member of the reserve armed forces of the United States or in the organized militia of the state from voluntarily disclosing such membership.

(c-1) To print or circulate or cause to be printed or circulated any statement, advertisement or publication, or to use any form of application for the purchase, rental or lease of such housing accommodation or to make any record or inquiry in connection with the prospective purchase, rental or lease of such a housing accommodation which expresses, directly or indirectly, any limitation, specification or discrimination as to race, creed, color, national origin, sexual orientation, gender identity or expression, military status, sex, age, disability, marital status, or familial status, or any intent to make any such limitation, specification or discrimination.

§ 8. Subdivision 3-b of section 296 of the executive law, as amended by chapter 106 of the laws of 2003, is amended to read as follows:

3-b. It shall be an unlawful discriminatory practice for any real estate broker, real estate salesperson or employee or agent thereof or any other individual, corporation, partnership or organization for the purpose of inducing a real estate transaction from which any such person or any of its stockholders or members may benefit financially, to represent that a change has occurred or will or may occur in the composition with respect to race, creed, color, national origin, sexual orientation, gender identity or expression, military status, sex, disability, marital status, or familial status of the owners or occupants in the block, neighborhood or area in which the real property is located, and to represent, directly or indirectly, that this change will or may result in undesirable consequences in the block, neighborhood or area in which the real property is located, including but not limited to the lowering of property values, an increase in criminal or anti-social behavior, or a decline in the quality of schools or other facilities.

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

4. It shall be an unlawful discriminatory practice for an education corporation or association which holds itself out to the public to be non-sectarian and exempt from taxation pursuant to the provisions of article four of the real property tax law to deny the use of its facilities to any person otherwise qualified, or to permit the harassment of any student or applicant, by reason of his race, color, religion, disability, national origin, sexual orientation, gender identity or expression, military status, sex, age or marital status, except that any such institution which establishes or maintains a policy of educating persons of one sex exclusively may admit students of only one sex.

§ 10. Subdivision 5 of section 296 of the executive law, as amended by chapter 106 of the laws of 2003, is amended to read as follows:

5. (a) It shall be an unlawful discriminatory practice for the owner, lessee, sub-lessee, assignee, or managing agent of, or other person having the right to sell, rent or lease a housing accommodation, constructed or to be constructed, or any agent or employee thereof:

(1) To refuse to sell, rent, lease or otherwise to deny to or withhold from any person or group of persons such a housing accommodation because

1 of the race, creed, color, national origin, sexual orientation, gender
2 identity or expression, military status, sex, age, disability, marital
3 status, or familial status of such person or persons, or to represent
4 that any housing accommodation or land is not available for inspection,
5 sale, rental or lease when in fact it is so available.

6 (2) To discriminate against any person because of race, creed, color,
7 national origin, sexual orientation, gender identity or expression,
8 military status, sex, age, disability, marital status, or familial
9 status in the terms, conditions or privileges of the sale, rental or
10 lease of any such housing accommodation or in the furnishing of facili-
11 ties or services in connection therewith.

12 (3) To print or circulate or cause to be printed or circulated any
13 statement, advertisement or publication, or to use any form of applica-
14 tion for the purchase, rental or lease of such housing accommodation or
15 to make any record or inquiry in connection with the prospective
16 purchase, rental or lease of such a housing accommodation which
17 expresses, directly or indirectly, any limitation, specification or
18 discrimination as to race, creed, color, national origin, sexual orien-
19 tation, gender identity or expression, military status, sex, age, disa-
20 bility, marital status, or familial status, or any intent to make any
21 such limitation, specification or discrimination.

22 The provisions of this paragraph (a) shall not apply (1) to the rental
23 of a housing accommodation in a building which contains housing accommo-
24 dations for not more than two families living independently of each
25 other, if the owner resides in one of such housing accommodations, (2)
26 to the restriction of the rental of all rooms in a housing accommodation
27 to individuals of the same sex or (3) to the rental of a room or rooms
28 in a housing accommodation, if such rental is by the occupant of the
29 housing accommodation or by the owner of the housing accommodation and
30 the owner resides in such housing accommodation or (4) solely with
31 respect to age and familial status to the restriction of the sale,
32 rental or lease of housing accommodations exclusively to persons sixty-
33 two years of age or older and the spouse of any such person, or for
34 housing intended and operated for occupancy by at least one person
35 fifty-five years of age or older per unit. In determining whether hous-
36 ing is intended and operated for occupancy by persons fifty-five years
37 of age or older, Sec. 807(b) (2) (c) (42 U.S.C. 3607 (b) (2) (c)) of the
38 federal Fair Housing Act of 1988, as amended, shall apply.

39 (b) It shall be an unlawful discriminatory practice for the owner,
40 lessee, sub-lessee, or managing agent of, or other person having the
41 right of ownership or possession of or the right to sell, rent or lease,
42 land or commercial space:

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

50 (2) To discriminate against any person because of race, creed, color,
51 national origin, sexual orientation, gender identity or expression,
52 military status, sex, age, disability, marital status, or familial
53 status in the terms, conditions or privileges of the sale, rental or
54 lease of any such land or commercial space; or in the furnishing of
55 facilities or services in connection therewith;

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

(4) With respect to age and familial status, the provisions of this paragraph shall not apply to the restriction of the sale, rental or lease of land or commercial space exclusively to persons fifty-five years of age or older and the spouse of any such person, or to the restriction of the sale, rental or lease of land to be used for the construction, or location of housing accommodations exclusively for persons sixty-two years of age or older, or intended and operated for occupancy by at least one person fifty-five years of age or older per unit. In determining whether housing is intended and operated for occupancy by persons fifty-five years of age or older, Sec. 807(b) (2) (c) (42 U.S.C. 3607(b) (2) (c)) of the federal Fair Housing Act of 1988, as amended, shall apply.

(c) It shall be an unlawful discriminatory practice for any real estate broker, real estate salesperson or employee or agent thereof:

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

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

(3) With respect to age and familial status, the provisions of this paragraph shall not apply to the restriction of the sale, rental or lease of any housing accommodation, land or commercial space exclusively to persons fifty-five years of age or older and the spouse of any such person, or to the restriction of the sale, rental or lease of any housing accommodation or land to be used for the construction or location of

1 housing accommodations for persons sixty-two years of age or older, or
2 intended and operated for occupancy by at least one person fifty-five
3 years of age or older per unit. In determining whether housing is
4 intended and operated for occupancy by persons fifty-five years of age
5 or older, Sec. 807 (b) (2) (c) (42 U.S.C. 3607 (b) (2) (c)) of the
6 federal Fair Housing Act of 1988, as amended, shall apply.

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

14 (e) It shall be an unlawful discriminatory practice for the owner,
15 proprietor or managing agent of, or other person having the right to
16 provide care and services in, a private proprietary nursing home, conva-
17 lescent home, or home for adults, or an intermediate care facility, as
18 defined in section two of the social services law, heretofore
19 constructed, or to be constructed, or any agent or employee thereof, to
20 refuse to provide services and care in such home or facility to any
21 individual or to discriminate against any individual in the terms,
22 conditions, and privileges of such services and care solely because such
23 individual is a blind person. For purposes of this paragraph, a "blind
24 person" shall mean a person who is registered as a blind person with the
25 commission for the visually handicapped and who meets the definition of
26 a "blind person" pursuant to section three of chapter four hundred
27 fifteen of the laws of nineteen hundred thirteen entitled "An act to
28 establish a state commission for improving the condition of the blind of
29 the state of New York, and making an appropriation therefor".

30 (f) The provisions of this subdivision, as they relate to age, shall
31 not apply to persons under the age of eighteen years.

32 (g) It shall be an unlawful discriminatory practice for any person
33 offering or providing housing accommodations, land or commercial space
34 as described in paragraphs (a), (b), and (c) of this subdivision to make
35 or cause to be made any written or oral inquiry or record concerning
36 membership of any person in the state organized militia in relation to
37 the purchase, rental or lease of such housing accommodation, land, or
38 commercial space, provided, however, that nothing in this subdivision
39 shall prohibit a member of the state organized militia from voluntarily
40 disclosing such membership.

41 § 11. Paragraph (a) of subdivision 9 of section 296 of the executive
42 law, as amended by chapter 365 of the laws of 2015, is amended to read
43 as follows:

44 (a) It shall be an unlawful discriminatory practice for any fire
45 department or fire company therein, through any member or members there-
46 of, officers, board of fire commissioners or other body or office having
47 power of appointment of volunteer firefighters, directly or indirectly,
48 by ritualistic practice, constitutional or by-law prescription, by tacit
49 agreement among its members, or otherwise, to deny to any individual
50 membership in any volunteer fire department or fire company therein, or
51 to expel or discriminate against any volunteer member of a fire depart-
52 ment or fire company therein, because of the race, creed, color,
53 national origin, sexual orientation, gender identity or expression,
54 military status, sex, marital status, or familial status, of such indi-
55 vidual.

§ 12. Subdivision 13 of section 296 of the executive law, as amended by chapter 365 of the laws of 2015, is amended to read as follows:

13. It shall be an unlawful discriminatory practice (i) for any person to boycott or blacklist, or to refuse to buy from, sell to or trade with, or otherwise discriminate against any person, because of the race, creed, color, national origin, sexual orientation, gender identity or expression, military status, sex, disability, or familial status, of such person, or of such person's partners, members, stockholders, directors, officers, managers, superintendents, agents, employees, business associates, suppliers or customers, or (ii) for any person wilfully to do any act or refrain from doing any act which enables any such person to take such action. This subdivision shall not apply to:

(a) Boycotts connected with labor disputes; or

(b) Boycotts to protest unlawful discriminatory practices.

§ 13. Subdivisions 1, 2 and 3 of section 296-a of the executive law, as amended by chapter 106 of the laws of 2003, are amended to read as follows:

1. It shall be an unlawful discriminatory practice for any creditor or any officer, agent or employee thereof:

a. In the case of applications for credit with respect to the purchase, acquisition, construction, rehabilitation, repair or maintenance of any housing accommodation, land or commercial space to discriminate against any such applicant because of the race, creed, color, national origin, sexual orientation, gender identity or expression, military status, age, sex, marital status, disability, or familial status of such applicant or applicants or any member, stockholder, director, officer or employee of such applicant or applicants, or of the prospective occupants or tenants of such housing accommodation, land or commercial space, in the granting, withholding, extending or renewing, or in the fixing of the rates, terms or conditions of, any such credit;

b. To discriminate in the granting, withholding, extending or renewing, or in the fixing of the rates, terms or conditions of, any form of credit, on the basis of race, creed, color, national origin, sexual orientation, gender identity or expression, military status, age, sex, marital status, disability, or familial status;

c. To use any form of application for credit or use or make any record or inquiry which expresses, directly or indirectly, any limitation, specification, or discrimination as to race, creed, color, national origin, sexual orientation, gender identity or expression, military status, age, sex, marital status, disability, or familial status;

d. To make any inquiry of an applicant concerning his or her capacity to reproduce, or his or her use or advocacy of any form of birth control or family planning;

e. To refuse to consider sources of an applicant's income or to subject an applicant's income to discounting, in whole or in part, because of an applicant's race, creed, color, national origin, sexual orientation, gender identity or expression, military status, age, sex, marital status, childbearing potential, disability, or familial status;

f. To discriminate against a married person because such person neither uses nor is known by the surname of his or her spouse.

This paragraph shall not apply to any situation where the use of a surname would constitute or result in a criminal act.

2. Without limiting the generality of subdivision one of this section, it shall be considered discriminatory if, because of an applicant's or class of applicants' race, creed, color, national origin, sexual orientation, gender identity or expression, military status, age, sex, mari-

tal status or disability, or familial status, (i) an applicant or class of applicants is denied credit in circumstances where other applicants of like overall credit worthiness are granted credit, or (ii) special requirements or conditions, such as requiring co-obligors or reapplication upon marriage, are imposed upon an applicant or class of applicants in circumstances where similar requirements or conditions are not imposed upon other applicants of like overall credit worthiness.

3. It shall not be considered discriminatory if credit differentiations or decisions are based upon factually supportable, objective differences in applicants' overall credit worthiness, which may include reference to such factors as current income, assets and prior credit history of such applicants, as well as reference to any other relevant factually supportable data; provided, however, that no creditor shall consider, in evaluating the credit worthiness of an applicant, aggregate statistics or assumptions relating to race, creed, color, national origin, sexual orientation, gender identity or expression, military status, sex, marital status or disability, or to the likelihood of any group of persons bearing or rearing children, or for that reason receiving diminished or interrupted income in the future.

§ 14. Paragraph (b) of subdivision 2 of section 296-b of the executive law, as added by chapter 481 of the laws of 2010, is amended to read as follows:

(b) Subject a domestic worker to unwelcome harassment based on gender, race, religion, sexual orientation, gender identity or expression or national origin, where such harassment has the purpose or effect of unreasonably interfering with an individual's work performance by creating an intimidating, hostile, or offensive working environment.

§ 15. Section 40-c of the civil rights law, as amended by chapter 2 of the laws of 2002, is amended to read as follows:

§ 40-c. Discrimination. 1. All persons within the jurisdiction of this state shall be entitled to the equal protection of the laws of this state or any subdivision thereof.

2. No person shall, because of race, creed, color, national origin, sex, marital status, sexual orientation, gender identity or expression, or disability, as such term is defined in section two hundred ninety-two of the executive law, be subjected to any discrimination in his or her civil rights, or to any harassment, as defined in section 240.25 of the penal law, in the exercise thereof, by any other person or by any firm, corporation or institution, or by the state or any agency or subdivision of the state.

§ 16. Paragraph (a) of subdivision 1 of section 313 of the education law, as amended by chapter 2 of the laws of 2002, is amended to read as follows:

(a) It is hereby declared to be the policy of the state that the American ideal of equality of opportunity requires that students, otherwise qualified, be admitted to educational institutions and be given access to all the educational programs and courses operated or provided by such institutions without regard to race, color, sex, religion, creed, marital status, age, sexual orientation as defined in section two hundred ninety-two of the executive law, gender identity or expression as defined in section two hundred ninety-two of the executive law, or national origin, except that, with regard to religious or denominational educational institutions, students, otherwise qualified, shall have the equal opportunity to attend therein without discrimination because of race, color, sex, marital status, age, sexual orientation as defined in section two hundred ninety-two of the executive law, gender identity or

1 expression as defined in section two hundred ninety-two of the executive
2 law, or national origin. It is a fundamental American right for members
3 of various religious faiths to establish and maintain educational insti-
4 tutions exclusively or primarily for students of their own religious
5 faith or to effectuate the religious principles in furtherance of which
6 they are maintained. Nothing herein contained shall impair or abridge
7 that right.

8 § 17. Subdivision 3 of section 313 of the education law, as amended by
9 chapter 2 of the laws of 2002, is amended to read as follows:

10 (3) Unfair educational practices. It shall be an unfair educational
11 practice for an educational institution after September fifteenth, nine-
12 teen hundred forty-eight:

13 (a) To exclude or limit or otherwise discriminate against any person
14 or persons seeking admission as students to such institution or to any
15 educational program or course operated or provided by such institution
16 because of race, religion, creed, sex, color, marital status, age, sexu-
17 al orientation as defined in section two hundred ninety-two of the exec-
18 utive law, gender identity or expression as defined in section two
19 hundred ninety-two of the executive law, or national origin; except that
20 nothing in this section shall be deemed to affect, in any way, the right
21 of a religious or denominational educational institution to select its
22 students exclusively or primarily from members of such religion or
23 denomination or from giving preference in such selection to such members
24 or to make such selection of its students as is calculated by such
25 institution to promote the religious principles for which it is estab-
26 lished or maintained. Nothing herein contained shall impair or abridge
27 the right of an independent institution, which establishes or maintains
28 a policy of educating persons of one sex exclusively, to admit students
29 of only one sex.

30 (b) To penalize any individual because he or she has initiated, testi-
31 fied, participated or assisted in any proceedings under this section.

32 (c) To accept any endowment or gift of money or property conditioned
33 upon teaching the doctrine of supremacy of any particular race.

34 (d) With respect to any individual who withdraws from attendance to
35 serve on active duty in the armed forces of the United States in time of
36 war, including any individual who withdrew from attendance on or after
37 August second, nineteen hundred ninety to serve on active duty in the
38 armed forces of the United States in the Persian Gulf conflict: (i) to
39 deny or limit the readmission of such individual to such institution or
40 to any educational program or course operated or provided by such insti-
41 tution because of such withdrawal from attendance or because of the
42 failure to complete any educational program or course due to such with-
43 drawal; (ii) to impose any academic penalty on such person because of
44 such withdrawal or because of the failure to complete any educational
45 program or course due to such withdrawal; (iii) to reduce or eliminate
46 any financial aid award granted to such individual which could not be
47 used, in whole or part, because of such withdrawal or because of the
48 failure to complete any educational program or course due to such with-
49 drawal; or (iv) to fail to provide a credit or refund of tuition and
50 fees paid by such individual for any semester, term or quarter not
51 completed because of such withdrawal or because of the failure to
52 complete any program or course due to such withdrawal.

53 (e) It shall not be an unfair educational practice for any educational
54 institution to use criteria other than race, religion, creed, sex,
55 color, marital status, age, sexual orientation as defined in section two
56 hundred ninety-two of the executive law, gender identity or expression

1 as defined in section two hundred ninety-two of the executive law, or
2 national origin in the admission of students to such institution or to
3 any of the educational programs and courses operated or provided by such
4 institution.

5 § 18. Section 485.00 of the penal law, as added by chapter 107 of the
6 laws of 2000, is amended to read as follows:

7 § 485.00 Legislative findings.

8 The legislature finds and determines as follows: criminal acts involv-
9 ing violence, intimidation and destruction of property based upon bias
10 and prejudice have become more prevalent in New York state in recent
11 years. The intolerable truth is that in these crimes, commonly and
12 justly referred to as "hate crimes", victims are intentionally selected,
13 in whole or in part, because of their race, color, national origin,
14 ancestry, gender, gender identity or expression, religion, religious
15 practice, age, disability or sexual orientation. Hate crimes do more
16 than threaten the safety and welfare of all citizens. They inflict on
17 victims incalculable physical and emotional damage and tear at the very
18 fabric of free society. Crimes motivated by invidious hatred toward
19 particular groups not only harm individual victims but send a powerful
20 message of intolerance and discrimination to all members of the group to
21 which the victim belongs. Hate crimes can and do intimidate and disrupt
22 entire communities and vitiate the civility that is essential to healthy
23 democratic processes. In a democratic society, citizens cannot be
24 required to approve of the beliefs and practices of others, but must
25 never commit criminal acts on account of them. Current law does not
26 adequately recognize the harm to public order and individual safety that
27 hate crimes cause. Therefore, our laws must be strengthened to provide
28 clear recognition of the gravity of hate crimes and the compelling
29 importance of preventing their recurrence.

30 Accordingly, the legislature finds and declares that hate crimes
31 should be prosecuted and punished with appropriate severity.

32 § 19. Subdivisions 1, 2 and 4 of section 485.05 of the penal law, as
33 added by chapter 107 of the laws of 2000, are amended to read as
34 follows:

35 1. A person commits a hate crime when he or she commits a specified
36 offense and either:

37 (a) intentionally selects the person against whom the offense is
38 committed or intended to be committed in whole or in substantial part
39 because of a belief or perception regarding the race, color, national
40 origin, ancestry, gender, gender identity or expression, religion, reli-
41 gious practice, age, disability or sexual orientation of a person,
42 regardless of whether the belief or perception is correct, or

43 (b) intentionally commits the act or acts constituting the offense in
44 whole or in substantial part because of a belief or perception regarding
45 the race, color, national origin, ancestry, gender, gender identity or
46 expression, religion, religious practice, age, disability or sexual
47 orientation of a person, regardless of whether the belief or perception
48 is correct.

49 2. Proof of race, color, national origin, ancestry, gender, gender
50 identity or expression, religion, religious practice, age, disability or
51 sexual orientation of the defendant, the victim or of both the defendant
52 and the victim does not, by itself, constitute legally sufficient
53 evidence satisfying the people's burden under paragraph (a) or (b) of
54 subdivision one of this section.

55 4. For purposes of this section:

56 (a) the term "age" means sixty years old or more;

(b) the term "disability" means a physical or mental impairment that substantially limits a major life activity[-];

(c) the term "gender identity or expression" means a person's actual or perceived gender-related identity, appearance, behavior, expression, or other gender-related characteristic regardless of the sex assigned to that person at birth, including, but not limited to, the status of being transgender.

§ 20. Subdivision 3 of section 240.30 of the penal law, as amended by chapter 188 of the laws of 2014, is amended to read as follows:

3. With the intent to harass, annoy, threaten or alarm another person, he or she strikes, shoves, kicks, or otherwise subjects another person to physical contact, or attempts or threatens to do the same because of a belief or perception regarding such person's race, color, national origin, ancestry, gender, gender identity or expression, religion, religious practice, age, disability or sexual orientation, regardless of whether the belief or perception is correct; or

§ 21. The opening paragraph of section 240.31 of the penal law, as amended by chapter 49 of the laws of 2006, is amended to read as follows:

A person is guilty of aggravated harassment in the first degree when with intent to harass, annoy, threaten or alarm another person, because of a belief or perception regarding such person's race, color, national origin, ancestry, gender, gender identity or expression, religion, religious practice, age, disability or sexual orientation, regardless of whether the belief or perception is correct, he or she:

§ 22. Section 240.00 of the penal law is amended by adding a new subdivision 7 to read as follows:

7. "Gender identity or expression" means a person's actual or perceived gender-related identity, appearance, behavior, expression, or other gender-related characteristic regardless of the sex assigned to that person at birth, including, but not limited to, the status of being transgender.

§ 23. Paragraph (c) of subdivision 7 of section 200.50 of the criminal procedure law, as amended by chapter 7 of the laws of 2007, is amended to read as follows:

(c) in the case of any hate crime, as defined in section 485.05 of the penal law, specifies, as applicable, that the defendant or defendants intentionally selected the person against whom the offense was committed or intended to be committed; or intentionally committed the act or acts constituting the offense, in whole or in substantial part because of a belief or perception regarding the race, color, national origin, ancestry, gender, gender identity or expression, religion, religious practice, age, disability or sexual orientation of a person; and

§ 24. This act shall take effect on the thirtieth day after it shall have become a law; provided, however, that sections eighteen through twenty-three of this act shall take effect on the first of November next succeeding the date on which it shall have become a law.

PART S

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

35. The term "educational institution" shall mean:

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

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

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

5 4. It shall be an unlawful discriminatory practice for an [~~education~~
6 ~~corporation or association which holds itself out to the public to be~~
7 ~~non-sectarian and exempt from taxation pursuant to the provisions of~~
8 ~~article four of the real property tax law~~] educational institution to
9 deny the use of its facilities to any person otherwise qualified, or to
10 permit the harassment of any student or applicant, by reason of his
11 race, color, religion, disability, national origin, sexual orientation,
12 military status, sex, age or marital status, except that any such insti-
13 tution which establishes or maintains a policy of educating persons of
14 one sex exclusively may admit students of only one sex.

15 § 3. This act shall take effect immediately.

16 PART T

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

19 § 2. Section 292 of the executive law is amended by adding a new
20 subdivision 35 to read as follows:

21 35. The term "lawful source of income" shall include, but not be
22 limited to, child support, alimony, foster care subsidies, income
23 derived from social security, or any form of federal, state, or local
24 public assistance or housing assistance including, but not limited to,
25 section 8 vouchers, or any other form of housing assistance payment or
26 credit whether or not such income or credit is paid or attributed
27 directly to a landlord, and any other forms of lawful income.

28 § 3. Paragraphs (a), (b), (c) and (c-1) of subdivision 2-a of section
29 296 of the executive law, paragraphs (a), (b) and (c) as amended and
30 paragraph (c-1) as added by chapter 106 of the laws of 2003, are amended
31 to read as follows:

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

39 (b) To discriminate against any person because of his or her race,
40 creed, color, disability, national origin, sexual orientation, military
41 status, age, sex, marital status, lawful source of income or familial
42 status in the terms, conditions or privileges of any publicly-assisted
43 housing accommodations or in the furnishing of facilities or services in
44 connection therewith.

45 (c) To cause to be made any written or oral inquiry or record concern-
46 ing the race, creed, color, disability, national origin, sexual orien-
47 tation, membership in the reserve armed forces of the United States or
48 in the organized militia of the state, age, sex, marital status, lawful
49 source of income or familial status of a person seeking to rent or lease
50 any publicly-assisted housing accommodation; provided, however, that
51 nothing in this subdivision shall prohibit a member of the reserve armed
52 forces of the United States or in the organized militia of the state
53 from voluntarily disclosing such membership.

(c-1) To print or circulate or cause to be printed or circulated any statement, advertisement or publication, or to use any form of application for the purchase, rental or lease of such housing accommodation or to make any record or inquiry in connection with the prospective purchase, rental or lease of such a housing accommodation which expresses, directly or indirectly, any limitation, specification or discrimination as to race, creed, color, national origin, sexual orientation, military status, sex, age, disability, marital status, lawful source of income or familial status, or any intent to make any such limitation, specification or discrimination.

§ 4. Subparagraphs 1, 2 and 3 of paragraph (a) of subdivision 5 of section 296 of the executive law, as amended by chapter 106 of the laws of 2003, are amended to read as follows:

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

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

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

§ 5. Subparagraphs 1 and 2 of paragraph (c) of subdivision 5 of section 296 of the executive law, as amended by chapter 106 of the laws of 2003, are amended to read as follows:

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

(2) To print or circulate or cause to be printed or circulated any statement, advertisement or publication, or to use any form of applica-

tion for the purchase, rental or lease of any housing accommodation, land or commercial space or to make any record or inquiry in connection with the prospective purchase, rental or lease of any housing accommodation, land or commercial space which expresses, directly or indirectly, any limitation, specification, or discrimination as to race, creed, color, national origin, sexual orientation, military status, sex, age, disability, marital status, lawful source of income or familial status; or any intent to make any such limitation, specification or discrimination.

§ 6. Paragraph (d) of subdivision 5 of section 296 of the executive law, as amended by chapter 106 of the laws of 2003, amended to read as follows:

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

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

PART U

Section 1. Subdivision 2 of section 7-108 of the general obligations law is amended by adding a new paragraph (f) to read as follows:

(f) Except in instances where statutes or regulations provide for a lesser payment, fee, deposit or charge, no landlord, lessor, sub-lessor or grantor may demand any payment, fee, deposit, or charge, including, but not limited to, any payment, fee, deposit, or charge that is imposed at the beginning of the tenancy to be used to reimburse the landlord for costs associated with processing a new tenant or that is imposed as an advance payment of rent, used or to be used for any purpose, including a security deposit, in an amount or value in excess of an amount equal to two months' rent, including the first month's rent.

§ 2. This act shall take effect immediately.

PART V

Section 1. Section 300 of the executive law, as amended by chapter 166 of the laws of 2000, is amended to read as follows:

§ 300. Construction. The provisions of this article shall be construed liberally for the accomplishment of the purposes thereof. Judicial interpretations of similarly worded provisions of federal civil rights laws are not controlling. Such interpretations of federal civil rights laws establish a floor below which interpretation of this article cannot fall, rather than a ceiling above which interpretation of this article cannot rise. Nothing contained in this article shall be deemed to repeal any of the provisions of the civil rights law or any other law of this state relating to discrimination because of race, creed, color or national origin; but, as to acts declared unlawful by section two hundred ninety-six of this article, the procedure herein provided shall, while pending, be exclusive; and the final determination therein shall exclude any other state civil action[~~, civil or criminal,~~] based on the same grievance of the individual concerned. If such individual institutes any action based on such grievance without resorting to the proce-

1 dure provided in this article, he or she may not subsequently resort to
2 the procedure herein.

3 § 2. Subdivision 21 of section 296 of the executive law, as renumbered
4 by chapter 536 of the laws of 2010, is renumbered subdivision 22 and a
5 new subdivision 21 is added to read as follows:

6 21. Harassment on the basis of any protected characteristic is an
7 unlawful discriminatory practice in any area of jurisdiction as set
8 forth in this article. Harassment includes the types of actions that
9 have been found by the courts to create a hostile environment or a
10 tangible job detriment. Such actions are an unlawful discriminatory
11 practice when they result in a person or persons being treated not as
12 well as others because of a protected characteristic. Harassment is not
13 limited only to those actions that are severe or pervasive. Harassment
14 does not include what a reasonable person with the same protected char-
15 acteristic would consider petty slights or trivial inconveniences.

16 § 3. Section 5-336 of the general obligations law, as added by section
17 1 of subpart D of part KK of chapter 57 of the laws of 2018, is amended
18 to read as follows:

19 § 5-336. Nondisclosure agreements. 1. Notwithstanding any other law to
20 the contrary, no employer, its officers or employees shall have the
21 authority to include or agree to include in any settlement, agreement or
22 other resolution of any claim, the factual foundation for which involves
23 sexual harassment, any term or condition that would prevent the disclo-
24 sure of the underlying facts and circumstances to the claim or action
25 unless the condition of confidentiality is the complainant's preference.
26 Any such term or condition must be provided to all parties, and the
27 complainant shall have twenty-one days to consider such term or condi-
28 tion. If after twenty-one days such term or condition is the
29 complainant's preference, such preference shall be memorialized in an
30 agreement signed by all parties. For a period of at least seven days
31 following the execution of such agreement, the complainant may revoke
32 the agreement, and the agreement shall not become effective or be
33 enforceable until such revocation period has expired.

34 2. Notwithstanding any other law to the contrary, any provision in a
35 contract or other agreement between an employer or an agent of an
36 employer and any employee or potential employee of that employer entered
37 into on or after January first, two thousand twenty, that prevents the
38 disclosure of factual information related to any future claim of sexual
39 harassment, assault, or discrimination is void or unenforceable unless
40 such provision includes language ensuring that the parties to the agree-
41 ment still have the right to file a complaint about such factual infor-
42 mation with a state or local agency, and testify or otherwise partic-
43 ipate in a government investigation.

44 § 4. Subdivision 3 of section 201-g of the labor law is renumbered
45 subdivision 4 and a new subdivision 3 is added to read as follows:

46 3. The department shall consult with the division of human rights to
47 produce and distribute a workplace sexual harassment prevention poster.

48 a. Such poster shall include an explanation of sexual harassment
49 consistent with guidance issued by the department in consultation with
50 the division of human rights and information concerning employees'
51 rights of redress and all available forums for adjudicating complaints.

52 b. Every employer shall post such poster or a poster that equals or
53 exceeds the minimum standards of such poster in a conspicuous location.

54 § 5. This act shall take effect January 1, 2020.

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

3 § 2. Legislative findings and intent. Nationally, veterans and their
4 family members are often subject to a practice commonly called pension
5 poaching. This troubling practice, as described in recent reports from
6 the Federal Trade Commission, the Federal Government Accountability
7 Office, the United States Department of Veterans Affairs, and several
8 other entities, generally target elderly or disabled veterans and their
9 family members. Pension poaching involves dishonest financial planners,
10 insurance agents, and other professionals luring veterans and their
11 family members to pay substantial funds for veterans' benefits services
12 that the offering entity is unqualified to provide and that can detri-
13 mentally impact the future financial situations of the veteran and his
14 or her dependents.

15 Entities engaging in pension poaching tend to use high-pressure sales
16 tactics directed toward potential customers, falsely guaranteeing bene-
17 fits for veterans and their families even when the advertising entity
18 lacks the federal accreditation required by law to file such claims and
19 appeals for federal veterans' benefits. Often, they persuade veterans
20 and their family members to abruptly move most or all of their assets to
21 potentially qualify for certain federal veterans benefits, frequently
22 causing veterans and their family members to unwittingly lose control
23 over their assets and adversely affecting the ability of veterans and
24 their families to qualify for Medicaid and other important benefits in
25 the future. These entities frequently charge extremely high fees for
26 these services, even in matters where federal law expressly prohibits
27 such fees.

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

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

34 § 349-f. Pension poaching prevention. 1. For purposes of this section:

35 (a) The term "veteran" means a person who has served on active duty
36 service in the armed forces of the United States, or service in the Army
37 national guard, air national guard, commissioned officer in the public
38 health service, commissioned officer of the national oceanic atmospheric
39 administration or environmental sciences services administration, cadet
40 at a United States armed forces service academy or provisions under 38
41 U.S.C. § 106, and who has been released from such service under honor-
42 able conditions.

43 (b) The term "veterans' benefits matter" means the preparation, pres-
44 entation, or prosecution of any claim affecting any person who has filed
45 or expressed an intent to file a claim for any benefit, program,
46 service, commodity, function, or status, entitlement which is determined
47 under the laws and regulations administered by the United States depart-
48 ment of veterans affairs or the New York state division of veterans'
49 affairs pertaining to veterans, their dependents, their survivors, and
50 any other party eligible for such benefits.

51 (c) The term "compensation" means money, property, or anything else of
52 value.

53 (d) The term "entity" includes, but is not limited to, any natural
54 person, corporation, trust, partnership, alliance, or unincorporated
55 association.

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

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

8 (c) Any entity seeking to receive compensation for advising or assist-
9 ing any party with any veterans' benefits matter shall, before rendering
10 any services, memorialize all terms regarding the party's payment of
11 fees for services rendered in a written agreement, signed by both
12 parties, that adheres to all criteria specified within title 38, section
13 14.636, of the United States code of federal regulations.

14 (d) No entity shall receive any fees for any services rendered before
15 the date on which a notice of disagreement is filed with respect to the
16 veteran's case.

17 (e) No entity shall guarantee, either directly or by implication, that
18 any party is certain to receive specific veterans' benefits or that any
19 party is certain to receive a specific level, percentage, or amount of
20 veterans' benefits.

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

26 3. (a) No entity shall advise or assist for compensation any party
27 with any veterans' benefits matter without clearly providing, at the
28 outset of this business relationship, the following disclosure, both
29 orally and in writing: "this business is not sponsored by, or affiliated
30 with, the United States department of veterans affairs, the New York
31 state division of veterans' affairs, or any other congressionally char-
32 tered veterans service organization. Other organizations, including but
33 not limited to the New York state division of veterans' affairs, your
34 local county veterans service agency, and other congressionally char-
35 tered veterans service organizations, may be able to provide you with
36 this service free of charge. Products or services offered by this busi-
37 ness are not necessarily endorsed by any of these organizations. You
38 may qualify for other veterans' benefits beyond the benefits for which
39 you are receiving services here." The written disclosure must appear in
40 at least twelve-point font and must appear in a readily noticeable and
41 identifiable place in the entity's agreement with the party seeking
42 services. The party must verbally acknowledge understanding of the oral
43 disclosure and must provide his or her signature to represent under-
44 standing of these provisions on the document in which the written
45 disclosure appears. The entity offering services must retain a copy of
46 the written disclosure while providing veterans' benefits services for
47 compensation to the party and for at least one year after the date on
48 which this service relationship terminates.

49 (b) No entity shall advertise for-compensation services in veterans
50 benefits matters without including the following disclosure: "this busi-
51 ness is not sponsored by, or affiliated with, the United States depart-
52 ment of veterans affairs, the New York state division of veterans'
53 affairs, or any other congressionally chartered veterans service organ-
54 ization. Other organizations, including but not limited to the New York
55 state division of veterans' affairs, your local county veterans service
56 agency, and other congressionally chartered veterans service organiza-

tions, may be able to provide you with these services free of charge. Products or services offered by this business are not necessarily endorsed by any of these organizations. You may qualify for other veterans' benefits beyond the services that this business offers." If the advertisement is printed, including but not limited to advertisements visible to internet users, the disclosure must appear in a readily visible place on the advertisement. If the advertisement is verbal, the spoken statement of the disclosure must be clear and intelligible.

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

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

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

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

PART X

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

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

§ 2. This act shall take effect immediately.

PART Y

Section 1. The education law is amended by adding a new section 6509-e to read as follows:

§ 6509-e. Additional definition of professional misconduct; mental health professionals. 1. For the purposes of this section:

a. "Mental health professional" means a person subject to the provisions of article one hundred fifty-three, one hundred fifty-four or one hundred sixty-three of this title; or any other person designated as a mental health professional pursuant to law, rule or regulation.

b. "Sexual orientation change efforts" (i) means any practice by a mental health professional that seeks to change an individual's sexual orientation, including, but not limited to, efforts to change behaviors, gender identity, or gender expressions, or to eliminate or reduce sexual or romantic attractions or feelings towards individuals of the same sex

1 and (ii) shall not include counseling for a person seeking to transition
2 from one gender to another, or psychotherapies that: (A) provide accept-
3 ance, support and understanding of patients or the facilitation of
4 patients' coping, social support and identity exploration and develop-
5 ment, including sexual orientation-neutral interventions to prevent or
6 address unlawful conduct or unsafe sexual practices; and (B) do not seek
7 to change sexual orientation.

8 2. It shall be professional misconduct for a mental health profes-
9 sional to engage in sexual orientation change efforts upon any patient
10 under the age of eighteen years, and any mental health professional
11 found guilty of such misconduct under the procedures prescribed in
12 section sixty-five hundred ten of this subarticle shall be subject to
13 the penalties prescribed in section sixty-five hundred eleven of this
14 subarticle.

15 § 2. The education law is amended by adding a new section 6531-a to
16 read as follows:

17 § 6531-a. Additional definition of professional misconduct; mental
18 health professionals. 1. Definitions. For the purposes of this section:

19 a. "Mental health professional" means a person subject to the
20 provisions of article one hundred thirty-one of this title.

21 b. "Sexual orientation change efforts" (i) means any practice by a
22 mental health professional that seeks to change an individual's sexual
23 orientation, including, but not limited to, efforts to change behaviors,
24 gender identity, or gender expressions, or to eliminate or reduce sexual
25 or romantic attractions or feelings towards individuals of the same sex;
26 and (ii) shall not include counseling for a person seeking to transition
27 from one gender to another, or psychotherapies that: (A) provide accept-
28 ance, support and understanding of patients or the facilitation of
29 patients' coping, social support, and identity exploration and develop-
30 ment, including sexual orientation-neutral interventions to prevent or
31 address unlawful conduct or unsafe sexual practices; and (B) do not seek
32 to change sexual orientation.

33 2. It shall be professional misconduct for a mental health profes-
34 sional to engage in sexual orientation change efforts upon any patient
35 under the age of eighteen years, and any mental health professional
36 found guilty of such misconduct under the procedures prescribed in title
37 two-A of article two of the public health law shall be subject to the
38 penalties prescribed in section two hundred thirty-a of the public
39 health law, as added by chapter six hundred six of the laws of nineteen
40 hundred ninety-one.

41 § 3. This act shall take effect immediately.

42 PART Z

43 Section 1. Short title. This act shall be known and may be cited as
44 the "rent regulation act of 2019".

45 § 2. Rent regulation act of 2019. Notwithstanding any other provision
46 of law to the contrary, the New York state system of rent regulation
47 pursuant to chapter 576 of the laws of 1974, chapter 274 of the laws of
48 1946, chapter 329 of the laws of 1963, chapter 555 of the laws of 1982,
49 chapter 402 of the laws of 1983, chapter 116 of the laws of 1997, and
50 sections 26-501, 26-502, and 26-520 of the administrative code of the
51 city of New York, shall be extended pursuant to a chapter of the laws of
52 2019. Provided, however, such extension shall include rent regulation
53 reforms to end vacancy decontrol, amend the application of preferential
54 rent, and limit capital improvement charges based on a report on rent

1 regulation delivered to the governor by the commissioner of the division
2 of housing and community renewal ("the division") on or after March 1,
3 2019 which shall include (i) the number of rent stabilized housing
4 accommodations within the city of New York; (ii) the number of rent
5 stabilized housing accommodations outside the city of New York; (iii)
6 the number of rent controlled housing accommodations in the city of New
7 York; (iv) the number of rent controlled housing accommodations outside
8 the city of New York; (v) the number of applications for major capital
9 improvements filed with such division; (vi) the number of units which
10 are registered with such division where the amount charged to and paid
11 by the tenant is less than the registered rent for the housing accommo-
12 dation; (vii) for housing accommodations that are registered with such
13 division where the amount charged to and paid by the tenant is less than
14 the registered rent for the housing accommodation the average of the
15 difference between the registered rent for a housing accommodation and
16 the amount charged to and paid by the tenant; (viii) the number of rent
17 overcharge complaints processed by the division; and (ix) the number of
18 final overcharge orders granting an overcharge.

19 § 3. This act shall take effect immediately.

20 PART AA

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

24 Each agency designated as a participating agency under the provisions
25 of this section shall implement and administer a program of distribution
26 of voter registration forms pursuant to the provisions of this section.
27 The following offices which provide public assistance and/or provide
28 state funded programs primarily engaged in providing services to persons
29 with disabilities are hereby designated as voter registration agencies:
30 designated as the state agencies which provide public assistance are the
31 office of children and family services, the office of temporary and
32 disability assistance and the department of health. Also designated as
33 public assistance agencies are all agencies of local government that
34 provide such assistance. Designated as state agencies that provide
35 programs primarily engaged in providing services to people with disabil-
36 ities are the department of labor, office for the aging, division of
37 veterans' ~~affaires~~ services, office of mental health, office of voca-
38 tional and educational services for individuals with disabilities,
39 commission on quality of care for the mentally disabled, office of
40 mental retardation and developmental disabilities, commission for the
41 blind, office of alcoholism and substance abuse services, the office of
42 the advocate for the disabled and all offices which administer programs
43 established or funded by such agencies. Additional state agencies desig-
44 nated as voter registration offices are the department of state and the
45 division of workers' compensation. Such agencies shall be required to
46 offer voter registration forms to persons upon initial application for
47 services, renewal or recertification for services and change of address
48 relating to such services. Such agencies shall also be responsible for
49 providing assistance to applicants in completing voter registration
50 forms, receiving and transmitting the completed application form from
51 all applicants who wish to have such form transmitted to the appropriate
52 board of elections. The state board of elections shall, together with
53 representatives of the department of defense, develop and implement
54 procedures for including recruitment offices of the armed forces of the

1 United States as voter registration offices when such offices are so
2 designated by federal law. The state board shall also make request of
3 the United States Immigration and Naturalization Service to include
4 applications for registration by mail with any materials which are given
5 to new citizens. All institutions of the state university of New York
6 and the city university of New York, shall, at the beginning of the
7 school year, and again in January of a year in which the president of
8 the United States is to be elected, provide an application for registra-
9 tion to each student in each such institution. The state board of
10 elections may, by regulation, grant a waiver from any or all of the
11 requirements of this section to any office or program of an agency, if
12 it determines that it is not feasible for such office or program to
13 administer such requirement.

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

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

18 § 2-a. Paragraph (e) of subdivision 1 of section 169 of the executive
19 law, as amended by section 9 of part A of chapter 60 of the laws of
20 2012, is amended to read as follows:

21 (e) chairman of state athletic commission, director of the office of
22 victim services, chairman of human rights appeal board, chairman of the
23 industrial board of appeals, chairman of the state commission of
24 correction, members of the board of parole, member-chairman of unemploy-
25 ment insurance appeal board, director of veterans' ~~[affaires]~~ services,
26 and vice-chairman of the workers' compensation board;

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

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

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

51 VETERANS' ~~[AFFAIRS]~~ SERVICES

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

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

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

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

4 § 351. Division of veterans' ~~[affaires]~~ services. There is hereby
5 created in the executive department a division of veterans' ~~[affaires]~~
6 services. The head of such division shall be the New York state direc-
7 tor of veterans' ~~[affaires]~~ services who shall be a veteran. He shall be
8 appointed by the governor and shall hold office during his pleasure.
9 Such state director shall receive an annual salary to be fixed by the
10 governor within the limitation provided by law. He shall also be enti-
11 tled to receive his expenses actually and necessarily incurred by him in
12 the performance of his duties. The state director, with the approval of
13 the governor, may establish such bureaus within the division as are
14 necessary and appropriate to carrying out its functions and may consol-
15 idate or abolish such bureaus. The state director may appoint such offi-
16 cers, consultants, clerks and other employees and agents as he may deem
17 necessary, fix their compensation within the limitation provided by law,
18 and prescribe their duties.

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

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

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

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

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

1 of veterans' [~~affaires~~] services for information and assistance with
2 regard to benefits and entitlements under federal and state law.

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

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

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

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

21 b. The entitlement of any veteran to receive the annuity herein
22 provided shall terminate upon his or her ceasing to continue to be a
23 resident of and domiciled in the state, but such entitlement may be
24 reinstated upon application to the director of veterans' [~~affaires~~]
25 services, if such veteran shall thereafter resume his or her residence
26 and domicile in the state.

27 c. The effective date of an award of the annuity to a veteran shall be
28 the date of receipt of the application therefor by the director of
29 veterans' [~~affaires~~] services, except that if the application is denied
30 but is granted at a later date upon an application for reconsideration
31 based upon new evidence, the effective date of the award of the annuity
32 to a veteran shall be the date of receipt of the application for recon-
33 sideration by the director of veterans' [~~affaires~~] services.

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

43 b. The entitlement of any widow or widower to receive the annuity
44 herein provided shall terminate upon her or his death or re-marriage or
45 upon her or his ceasing to continue to be a resident of and domiciled in
46 the state of New York, but such entitlement may be reinstated upon
47 application to the director of veterans' [~~affaires~~] services, if such
48 widow or widower shall thereafter resume her or his residence and domi-
49 cile in the state.

50 c. The effective date of an award of the annuity to a widow or widower
51 shall be the day after the date of death of the veteran if the applica-
52 tion therefor is received within one year from such date of death. If
53 the application is received after the expiration of the first year
54 following the date of the death of the veteran, the effective date of an
55 award of the annuity to a widow or widower shall be the date of receipt
56 of the application by the director of veterans' [~~affaires~~] services. If

1 an application is denied but is granted at a later date upon an applica-
2 tion for reconsideration based upon new evidence, the effective date of
3 the award of the annuity to a widow or widower shall be the date of
4 receipt of the application for reconsideration by the director of veter-
5 ans' [affairs] services.

6 3. Annual adjustment. Commencing in the year two thousand five, and
7 for each year thereafter, the amount of any annuity payable under this
8 section shall be the same amount as the annuity payable in the preceding
9 year plus a percentage adjustment equal to the annual percentage
10 increase, if any, for compensation and pension benefits administered by
11 the United States Department of Veterans' Affairs in the previous year.
12 Such percentage increase shall be rounded up to the next highest one-
13 tenth of one percent and shall not be less than one percent nor more
14 than four percent. Commencing in the year two thousand five, the direc-
15 tor of veterans' [affairs] services, not later than February first of
16 each year, shall publish by any reasonable means the amount of the annu-
17 ity as adjusted payable under this section.

18 § 10-a. Subdivisions 1 and 2 of section 363 of the executive law,
19 subdivision 1 as added by chapter 424 of the laws of 1961, and subdivi-
20 sion 2 as amended by chapter 1052 of the laws of 1971, are amended to
21 read as follows:

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

26 2. Upon being satisfied that such service was performed, that other
27 facts and statements in the application of such veteran or widow are
28 true and that the said veteran has been classified by the New York state
29 commission for the visually handicapped as a blind person, where such
30 veteran is not receiving or not entitled to receive a benefit from any
31 existing retirement system to which the state is a contributor, unless
32 such veteran shall have become disabled by reason of loss of sight,
33 while engaged in employment entitling him to receive a benefit from any
34 existing retirement system to which the state is a contributor, and as a
35 result of such disability has retired from such employment and is
36 receiving or is entitled to receive a benefit from such retirement
37 system the director of veterans' [affairs] services shall certify to the
38 state comptroller the name and address of such veteran or widow.

39 § 10-b. Subdivisions 3 and 5 of section 364 of the executive law,
40 subdivision 3 as added by chapter 424 of the laws of 1961, and subdivi-
41 sion 5 as amended by chapter 115 of the laws of 1981, are amended to
42 read as follows:

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

48 5. Where payment of the annuity as hereinbefore authorized is to be
49 made to a mentally incompetent person or a conservatee, such payment may
50 be authorized by the director of veterans' [affairs] services of the
51 state to be paid only to a duly qualified court-appointed committee or
52 conservator, legally vested with the care of such incompetent's person
53 or property or of such conservatee's property, except that in the case
54 of an incompetent annuitant for whom a committee has not been appointed
55 or a person under a substantial impairment ~~[within the meaning of the~~
56 ~~conservatorship provisions of article seventy-seven of the mental~~

1 ~~hygiene law~~] for whom a conservator has not been appointed and who is
2 hospitalized in a United States veterans' administration hospital or in
3 a hospital under the jurisdiction of the state of New York, the director
4 of veterans' [~~affaires~~] services of the state may in his discretion
5 certify payment of the annuity, as hereinbefore authorized, to the
6 manager of such veterans' administration hospital or to the director of
7 such state hospital for the account of the said incompetent or substan-
8 tially impaired annuitant.

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

15 The legislature additionally finds and determines that it is therefore
16 necessary to provide for the construction and establishment of one or
17 more New York state veterans cemeteries, and that to thereafter, provide
18 for the expansion, improvement, support, operation, maintenance and the
19 provision of perpetual care of all such cemeteries so constructed and
20 established. The legislature also finds and determines that it is appro-
21 priate to have the responsibility for the construction, establishment,
22 expansion, improvement, support, operation, maintenance and the
23 provision of perpetual care for veterans cemeteries in this state, to be
24 under the oversight and direction of the state division of veterans
25 [~~affaires~~] services, and its director, individually, and as chair of the
26 management board, for each such veterans cemetery so constructed and
27 established.

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

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

(g) Nothing in this section shall be construed to authorize the division of veterans' ~~[affaires]~~ 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]~~ 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]~~ 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.

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

(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' ~~[affaires]~~ 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

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

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

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

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

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

1. As used in this section, "crime victim-related agency" means any agency of state government which provides services to or deals directly with crime victims, including (a) the office of children and family services, the office for the aging, the division of ~~[veterans-affaires]~~ veterans' services, the office of probation and correctional alternatives, the department of corrections and community supervision, the office of victim services, the department of motor vehicles, the office of vocational rehabilitation, the workers' compensation board, the

1 department of health, the division of criminal justice services, the
2 office of mental health, every transportation authority and the division
3 of state police, and (b) any other agency so designated by the governor
4 within ninety days of the effective date of this section.

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

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

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

15 § 16. The opening paragraph of subdivision 2-a and subdivision 5 of
16 section 97-mmmm of the state finance law, the opening paragraph of
17 subdivision 2-a as amended by section 27-c of part UU of chapter 54 of
18 the laws of 2016, and subdivision 5 as added by section 2 of part W of
19 chapter 57 of the laws of 2013, are amended to read as follows:

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

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

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

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

41 On or before the first day of February each year, the director of the
42 New York state division of veterans' ~~[affaires]~~ services shall provide a
43 written report to the temporary president of the senate, speaker of the
44 assembly, chair of the senate finance committee, chair of the assembly
45 ways and means committee, chair of the senate committee on veterans,
46 homeland security and military affairs, chair of the assembly veterans'
47 affairs committee, the state comptroller and the public. Such report
48 shall include how the monies of the fund were utilized during the
49 preceding calendar year, and shall include:

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

53 5. Moneys shall be paid out of the fund on the audit and warrant of
54 the comptroller on vouchers approved and certified by the New York state
55 director of ~~[veterans-affaires]~~ veterans' services. Any interest

1 received by the comptroller on moneys on deposit in the homeless veter-
2 ans assistance fund shall be retained in and become part of such fund.

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

6 1. This section shall apply to all persons employed by the state in
7 the ward, cottage, colony, kitchen and dining room, and guard service
8 personnel in any hospital, school, prison, reformatory or other institu-
9 tion within or subject to the jurisdiction, supervision, control or
10 visitation of the department of corrections and community supervision,
11 the department of health, the department of mental hygiene, the depart-
12 ment of social welfare or the division of veterans' ~~[affaires]~~ services
13 in the executive department, and engaged in the performance of such
14 duties as nursing, guarding or attending the inmates, patients, wards or
15 other persons kept or housed in such institutions, or in protecting and
16 guarding the buildings and/or grounds thereof, or in preparing or serv-
17 ing food therein.

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

21 3. A distinctive plate issued pursuant to this section shall be issued
22 in the same manner as other number plates upon the payment of the regu-
23 lar registration fee prescribed by section four hundred one of this
24 article, provided, however, that an additional annual service charge of
25 fifteen dollars shall be charged for such plate. Such annual service
26 charge shall be deposited to the credit of the Eighth Air Force Histor-
27 ical Society fund established pursuant to section ninety-five-f of the
28 state finance law and shall be used for veterans' counseling services
29 provided by local veterans' service agencies pursuant to section three
30 hundred fifty-seven of the executive law under the direction of the
31 division of veterans' ~~[affaires]~~ services. Provided, however, that one
32 year after the effective date of this section funds in the amount of
33 five thousand dollars, or so much thereof as may be available, shall be
34 allocated to the department to offset costs associated with the
35 production of such license plates.

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

39 3. Any person who is a patient at any facility in this state main-
40 tained by the United States Veterans' Administration or at any hospital
41 or sanatorium for treatment of tuberculosis maintained by the state or
42 any municipal corporation thereof or resident patient at any institution
43 of the department of Mental Hygiene, or resident patient at the rehabil-
44 itation hospital of the department of Health, or at any rest camp main-
45 tained by the state through the Division of Veterans' ~~[Affaires]~~ Services
46 in the Executive Department or any inmate of a conservation work camp
47 within the youth rehabilitation facility of the department of
48 corrections and community supervision, or any inmate of a youth opportu-
49 nity or youth rehabilitation center within the Office of Children and
50 Family Services, any resident of a nursing home or residential health
51 care facility as defined in subdivisions two and three of section twen-
52 ty-eight hundred one of the public health law, or any staff member or
53 volunteer accompanying or assisting one or more residents of such nurs-
54 ing home or residential health care facility on an outing authorized by
55 the administrator of such nursing home or residential health care facil-
56 ity may take fish as if he held a fishing license, except that he may

1 not take bait fish by net or trap, if he has on his person an authori-
2 zation upon a form furnished by the department containing such identify-
3 ing information and data as may be required by it, and signed by the
4 superintendent or other head of such facility, institution, hospital,
5 sanitarium, nursing home, residential health care facility or rest camp,
6 as the case may be, or by a staff physician thereat duly authorized so
7 to do by the superintendent or other head thereof. Such authorization
8 with respect to inmates of said conservation work camps shall be limited
9 to areas under the care, custody and control of the department.

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

13 5. The staff of a general hospital shall: (a) inquire whether or not
14 the person admitted has served in the United States armed forces. Such
15 information shall be listed on the admissions form; (b) notify any
16 admittee who is a veteran of the possible availability of services at a
17 hospital operated by the veterans administration, and, upon request by
18 the admittee, such staff shall make arrangements for the individual's
19 transfer to a veterans administration operated hospital, provided,
20 however, that transfers shall be authorized only after it has been
21 determined, according to accepted clinical and medical standards, that
22 the patient's condition has stabilized and transfer can be accomplished
23 safely and without complication; and (c) provide any admittee who has
24 served in the United States armed forces with a copy of the "Information
25 for Veterans concerning Health Care Options" fact sheet, maintained by
26 the division of veterans' ~~affaires~~ services pursuant to subdivision
27 twenty-three of section three hundred fifty-three of the executive law
28 prior to discharging or transferring the patient. The commissioner shall
29 promulgate rules and regulations for notifying such admittees of possi-
30 ble available services and for arranging a requested transfer.

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

35 2. Every nursing home and residential health care facility shall in
36 writing advise all individuals identifying themselves as veterans or
37 spouses of veterans that the division of veterans' ~~affaires~~ services
38 and local veterans' service agencies established pursuant to section
39 three hundred fifty-seven of the executive law to provide assistance to
40 veterans and their spouses regarding benefits under federal and state
41 law. Such written information shall include the name, address and tele-
42 phone number of the New York state division of veterans' ~~affaires~~
43 services, the nearest division of veterans' ~~affaires~~ services office,
44 the nearest county or city veterans' service agency and the nearest
45 accredited veterans' service officer.

46 3. Every nursing home and residential health care facility, upon
47 request of individuals identifying themselves as veterans or spouses of
48 veterans, shall transmit such veteran status information to the division
49 of veterans' ~~affaires~~ services.

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

52 2. In the exercise of the foregoing powers and duties the commissioner
53 shall consult with the director of the division of veterans' ~~affaires~~
54 services and the heads of state agencies charged with responsibility for
55 manpower and health resources.

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

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

9 § 25. Section 99-v of the general municipal law, as added by chapter
10 16 of the laws of 2011, is amended to read as follows:

11 § 99-v. Veterans [~~affaires~~] services; display of events. Each county,
12 city, town or village may adopt a local law to provide a bulletin board
13 to be conspicuously displayed in such county, city, town or village
14 building holding its local legislative body or municipal offices. Such
15 bulletin board shall be used by veterans organizations, the New York
16 state division of veterans' [~~affaires~~] services, the county veterans
17 service agency or city veterans service agency to display information
18 regarding veterans in such county, city, town or village. Such informa-
19 tion may include, but not be limited to, benefits or upcoming veterans
20 related events in the community.

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

23 1-b. The adjutant general is hereby authorized to present in the name
24 of the legislature of the state of New York, a certificate, to be known
25 as the "Cold War Certificate", bearing a suitable inscription, to any
26 person: (i) who is a citizen of the state of New York or (ii) who was a
27 citizen of the state of New York while serving in the armed forces of
28 the United States; (iii) who served in the United States Armed Forces
29 during the period of time from September second, nineteen hundred
30 forty-five through December twenty-sixth, nineteen hundred ninety-one,
31 commonly known as the Cold War Era; and (iv) who was honorably
32 discharged or released under honorable circumstances during the Cold War
33 Era. Not more than one Cold War Certificate shall be awarded or
34 presented, under the provisions of this subdivision, to any person whose
35 entire service subsequent to the time of the receipt of such medal shall
36 not have been honorable. In the event of the death of any person during
37 or subsequent to the receipt of such certificate it shall be presented
38 to such representative of the deceased as may be designated. The adju-
39 tant general, in consultation with the director of the division of
40 veterans' [~~affaires~~] services, shall make such rules and regulations as
41 may be deemed necessary for the proper presentation and distribution of
42 the certificate.

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

46 3. No fee shall be charged for any certificate when required by the
47 veterans administration or by the division of veterans' [~~affaires~~]
48 services of the state of New York to be used in determining the eligi-
49 bility of any person to participate in the benefits made available by
50 the veterans administration or by the state of New York.

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

54 1. Each town and city clerk hereby empowered to issue marriage
55 licenses shall keep a book supplied by the state department of health in
56 which such clerk shall record and index such information as is required

1 therein, which book shall be kept and preserved as a part of the public
2 records of his office. Whenever an application is made for a search of
3 such records the city or town clerk, excepting the city clerk of the
4 city of New York, may make such search and furnish a certificate of the
5 result to the applicant upon the payment of a fee of five dollars for a
6 search of one year and a further fee of one dollar for the second year
7 for which such search is requested and fifty cents for each additional
8 year thereafter, which fees shall be paid in advance of such search.
9 Whenever an application is made for a search of such records in the city
10 of New York, the city clerk of the city of New York may make such search
11 and furnish a certificate of the result to the applicant upon the
12 payment of a fee of five dollars for a search of one year and a further
13 fee of one dollar for the second year for which search is requested and
14 fifty cents each additional year thereafter. Notwithstanding any other
15 provision of this article, no fee shall be charged for any search or
16 certificate when required by the veterans administration or by the divi-
17 sion of veterans' ~~[affaires]~~ services of the state of New York to be used
18 in determining the eligibility of any person to participate in the bene-
19 fits made available by the veterans administration or by the state of
20 New York. All such affidavits, statements and consents, immediately upon
21 the taking or receiving of the same by the town or city clerk, shall be
22 recorded and indexed as provided herein and shall be public records and
23 open to public inspection whenever the same may be necessary or required
24 for judicial or other proper purposes. At such times as the commissioner
25 shall direct, the said town or city clerk, excepting the city clerk of
26 the city of New York, shall file in the office of the state department
27 of health the original of each affidavit, statement, consent, order of a
28 justice or judge authorizing immediate solemnization of marriage,
29 license and certificate, filed with or made before such clerk during the
30 preceding month. Such clerk shall not be required to file any of said
31 documents with the state department of health until the license is
32 returned with the certificate showing that the marriage to which they
33 refer has been actually performed.

34 The county clerks of the counties comprising the city of New York
35 shall cause all original applications and original licenses with the
36 marriage solemnization statements thereon heretofore filed with each,
37 and all papers and records and binders relating to such original docu-
38 ments pertaining to marriage licenses issued by said city clerk, in
39 their custody and possession to be removed, transferred, and delivered
40 to the borough offices of the city clerk in each of said counties.

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

44 1. Each member state shall, through the creation of a state council or
45 use of an existing body or board, provide for the coordination among its
46 agencies of government, local educational agencies and military instal-
47 lations concerning the state's participation in, and compliance with,
48 this compact and interstate commission activities. In New York, the
49 state council shall include the commissioner or his or her designee, the
50 director of the New York state division of veterans' ~~[affaires]~~ services
51 or his or her designee, the adjutant general of the state of New York or
52 his or her designee, a superintendent of a school district with a high
53 concentration of military children appointed by the commissioner, a
54 district superintendent of schools of a board of cooperative educational
55 services serving an area with a high concentration of military children
56 appointed by the commissioner, a representative from a military instal-

1 lation appointed by the governor, a representative of military families
2 appointed by the governor, a public member appointed by the governor and
3 one representative each appointed by the speaker of the assembly, the
4 temporary president of the senate and the governor.

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

7 1. The commissioner shall develop, jointly with the director of the
8 division of veterans' ~~[affaires]~~ services, a program to facilitate artic-
9 ulation between participation in the military service of the United
10 States or the military service of the state and admission to practice of
11 a profession. The commissioner and the director shall identify, review
12 and evaluate professional training programs offered through either the
13 military service of the United States or the military service of the
14 state which may, where applicable, be accepted by the department as
15 equivalent education and training in lieu of all or part of an approved
16 program. Particular emphasis shall be placed on the identification of
17 military programs which have previously been deemed acceptable by the
18 department as equivalent education and training, programs which may
19 provide, where applicable, equivalent education and training for those
20 professions which are critical to public health and safety and programs
21 which may provide, where applicable, equivalent education and training
22 for those professions for which shortages exist in the state of New
23 York.

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

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

34 § 31-a. Subdivision (i) of section 19.07 of the mental hygiene law, as
35 added by chapter 358 of the laws of 2013, is amended to read as follows:

36 (i) The office of alcoholism and substance abuse services shall peri-
37 odically, in consultation with the state director of veterans' ~~[affaires]~~
38 services: (1) review the programs operated by the office to ensure that
39 the needs of the state's veterans who served in the U.S. armed forces
40 and who are recovering from alcohol and/or substance abuse are being met
41 and to develop improvements to programs to meet such needs; and (2) in
42 collaboration with the state director of veterans' ~~[affaires]~~ services
43 and the commissioner of the office of mental health, review and make
44 recommendations to improve programs that provide treatment, rehabili-
45 tation, relapse prevention, and recovery services to veterans who have
46 served in a combat theatre or combat zone of operations and have a
47 co-occurring mental health and alcoholism or substance abuse disorder.

48 § 31-b. Subdivision 15 of section 202 of the elder law, as amended by
49 chapter 455 of the laws of 2016, is amended to read as follows:

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

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

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

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

(g) Every corporation receiving any kind of state funding shall ensure the provision on any form required to be completed at application or recertification for the purpose of obtaining financial assistance pursuant to this chapter, that the application form shall contain a check-off question asking whether the applicant or recipient or a member of his or her family served in the United States military, and an option to answer in the affirmative. Where the applicant or recipient answers in the affirmative to such question, the not-for-profit corporation shall ensure that contact information for the state division of veterans' ~~[affaires]~~ services is provided to such applicant or recipient in addition to any other materials provided.

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

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

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

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

1 division of veterans' [~~affaires~~] services and the office of real property
2 tax services.

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

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

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

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

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

35 1. There is hereby continued in the division of military and naval
36 affairs in the executive department a state civil defense commission to
37 consist of the same members as the members of the disaster preparedness
38 commission as established in article two-B of the executive law. In
39 addition, the superintendent of financial services, the chairman of the
40 workers' compensation board and the director of the division of veter-
41 ans' [~~affaires~~] services shall be members. The governor shall designate
42 one of the members of the commission to be the chairman thereof. The
43 commission may provide for its division into subcommittees and for
44 action by such subcommittees with the same force and effect as action by
45 the full commission. The members of the commission, except for those who
46 serve ex officio, shall be allowed their actual and necessary expenses
47 incurred in the performance of their duties under this article but shall
48 receive no additional compensation for services rendered pursuant to
49 this article.

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

54 2. links to websites describing veteran employment services provided
55 by the federal government and New York state government, including, but
56 not limited to, the websites of the United States department of labor,

1 the New York state department of labor, the United States department of
2 veterans affairs, and the New York state division of veterans' [~~affaires~~
3 services]; and

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

7 a. Except as otherwise provided by law, the commissioner shall have
8 such powers as provided by the director of the state veterans' service
9 agency and shall have the duty to inform military and naval authorities
10 of the United States and assist members of the armed forces and veter-
11 ans, who are residents of the city, and their families, in relation to:
12 (1) matters pertaining to educational training and retraining services
13 and facilities, (2) health, medical and rehabilitation service and
14 facilities, (3) provisions of federal, state and local laws and regu-
15 lations affording special rights and privileges to members of the armed
16 forces and veterans and their families, (4) employment and re-employment
17 services, and (5) other matters of similar, related or appropriate
18 nature. The commissioner shall also assist families of members of the
19 reserve components of the armed forces and the organized militia ordered
20 into active duty to ensure that they are made aware of and are receiving
21 all appropriate support available to them. The department also shall
22 perform such other duties as may be assigned by the state director of
23 the division of veterans' [~~affaires~~ services].

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

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

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

32 1. A local director shall designate the location of the local and
33 branch offices of the local veterans' service agency within his juris-
34 diction, which offices shall be open during convenient hours. The cost
35 of maintenance and operation of a county veterans' service agency shall
36 be a county charge and the cost of maintenance and operation of a city
37 veterans' service agency shall be a city charge, excepting that the
38 state director with the approval of the veterans' [~~affaires~~ services
39 commission shall allot and pay, from state moneys made available to him
40 for such purposes, to each county veterans' service agency and each city
41 veterans' service agency, an amount equal to fifty per centum of its
42 expenditures for maintenance and operation approved by the state direc-
43 tor, provided that in no event shall the amount allotted and paid for
44 such approved expenditures incurred in any given year exceed (1) in the
45 case of any county veterans' service agency in a county having a popu-
46 lation of not more than one hundred thousand or in the case of any city
47 veterans' service agency in a city having a population of not more than
48 one hundred thousand, the sum of ten thousand dollars, nor (2) in the
49 case of any county veterans' service agency in a county having a popu-
50 lation in excess of one hundred thousand excluding the population of any
51 city therein which has a city veterans' service agency, the sum of ten
52 thousand dollars, and, in addition thereto, the sum of five thousand
53 dollars for each one hundred thousand, or major portion thereof, of the
54 population of the county in excess of one hundred thousand excluding the
55 population of any city therein which has a city veterans' service agen-
56 cy, nor (3) in the case of any city veterans' service agency in a city

1 having a population in excess of one hundred thousand, the sum of ten
2 thousand dollars, and, in addition thereto, the sum of five thousand
3 dollars for each one hundred thousand, or major portion thereof, of the
4 population of the city in excess of one hundred thousand. Such popu-
5 lation shall be certified in the same manner as provided by section
6 fifty-four of the state finance law.

7 § 43. Terms occurring in laws, contracts and other documents. Whenev-
8 er the functions, powers, obligations, duties and officials relating to
9 the division of veterans' affairs, the veterans' affairs commission or
10 the director of veterans' affairs is referred to or designated in any
11 other law, regulation, contract or document, such reference or desig-
12 nation shall be deemed to refer to the appropriate functions, powers,
13 obligations, duties, officials and director of the division of veterans'
14 services or the veterans' services commission, as designated by this
15 act.

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

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

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

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

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