

STATE OF NEW YORK

2006--B

IN ASSEMBLY

January 18, 2019

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

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 services aid; to amend the education law, in relation to authorizing boards of education to enter into piggyback contracts with other school districts; to amend the education law, in relation to the amount of the supplemental basic tuition for charter schools; to amend the education law, in relation to supplemental public excess cost aid; to amend the education law, in relation to universal pre-kindergarten school bus transportation; 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 state aid adjustments; in relation to legalizing, validating, ratifying and confirming certain acts by the Chester union free school district, the Huntington union free school district, the Islip union free school district, the Mount Morris central school district, the Newburgh enlarged city school district, the Panama central school district, the Roscoe central school district and the Spackenkill union free school district and providing that such school districts be relieved from paying any penalty arising from the late filing of a final cost report; in relation to legalizing, validating, ratifying and confirming certain acts by the Cold Spring Harbor central school district, the Corning city school district, the Fulton city school district and the Port Washington union free school district; to amend the education law, in relation to moneys apportioned, when and how payable; 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 the teacher certification exemption; to amend the education law, in relation to contracts for the transportation of school children; to amend chapter 374 of the laws of 2014,

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

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amending the education law, relating to the leasing of real property by boards of cooperative educational services, in relation to the effectiveness thereof; to amend chapter 756 of the laws of 1992, relating to funding a program for work force education conducted by the consortium for worker education in New York city, in relation to reimbursements for the 2019-2020 school year; to amend chapter 756 of the laws of 1992, relating to funding a program for work force education conducted by the consortium for worker education in New York city, in relation to withholding a portion of employment preparation education aid and in relation to the effectiveness thereof; to amend the education law, in relation to employment preparation education programs; 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 amend the education law, in relation to project costs for buildings of public libraries located in economically distressed communities; to amend chapter 498 of the laws of 2011 amending the education law relating to the public library construction grant program, in relation to the effectiveness thereof; to amend chapter 121 of the laws of 1996, relating to authorizing the Roosevelt union free school district to finance deficits by the issuance of serial bonds, in relation to the max apportionment for salary expenses; to amend the education law, in relation to the effectiveness of provisions relating to BOCES intermediate districts; to amend the general municipal law, in relation to allowing certain school districts and boards of cooperative educational services to

establish a retirement contribution reserve fund for the purposes of the New York state teachers' retirement system; to amend the education law, in relation to the smart schools review board; to require a tuition rate increase for certain schools; to amend the education law, in relation to expenditures for transportation after four o'clock in the afternoon; to amend the education law, in relation to payments of moneys due for prior years; to amend the education law, in relation to building condition surveys; to amend the education law, in relation to building aid for testing and filtering of potable water systems for lead contamination; to amend the education law, in relation to building aid for periodic inspections of public school buildings; and providing for the repeal of certain provisions upon expiration thereof and to repeal subdivision 16 of section 3602-ee of the education law relating to the authority of the department of education to administer the universal full-day pre-kindergarten program; to amend chapter 437 of the laws of 2014, amending the education law relating to removing the requirement for annual visual inspections of school buildings, in relation to the effectiveness thereof (Part A); intentionally omitted (Part B); intentionally omitted (Part C); intentionally omitted (Part D); intentionally omitted (Part E); to amend the state finance law, in relation to the arts capital grants fund (Part F); to utilize reserves in the mortgage insurance fund for various housing purposes (Part G); intentionally omitted (Part H); to amend the social services law, in relation to federally required background clearances for persons working in residential foster care programs (Part I); to amend the social services law, in relation to residential programs for domestic violence victims; and to repeal 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; to repeal certain provisions of the executive law and the social services law relating thereto; and to repeal section 104-b of part WWW of chapter 59 of the laws of 2017 amending the criminal procedure law and other laws relating to proceedings against juvenile and adolescent offenders, relating to state reimbursement for PINS (Part K); to amend the social services law, in relation to increasing the standards of monthly need for aged, blind and disabled persons living in the community (Part L); intentionally omitted (Part M); intentionally omitted (Part N); intentionally omitted (Part O); intentionally omitted (Part P); intentionally omitted (Part Q); intentionally omitted (Part R); intentionally omitted (Part S); intentionally omitted (Part T); intentionally omitted (Part U); intentionally omitted (Part V); intentionally omitted (Part W); intentionally omitted (Part X); intentionally omitted (Part Y); intentionally omitted (Part Z); to amend the election law, the executive law, the state finance law, the labor law, the vehicle and traffic law, the environmental conservation law, the public health law, the general municipal law, the military law, the domestic relations law, the education law, the mental hygiene law, the elder law, the social services law, the not-for-profit corporation law, the real property tax law, the New York state defense emergency act, the administrative code of the city of New York, and the New York city charter, in relation to changing the name of the New York state division of veterans' affairs to the New York state division of veterans' services; and to amend the executive law, in relation to changing the name of the veterans' affairs commission to the veterans' services commission (Part AA); to amend the state finance law, in relation to five-year

capital plans for the state university of New York and the city university of New York (Part BB); to amend the education law, in relation to state appropriations to the state university of New York and the city university of New York (Part CC); to amend the education law, in relation to state appropriations for increases in tuition credit (Part DD); to amend the education law, in relation to post secondary success support for students with disabilities (Part EE); to amend the education law, in relation to award granting prerequisites (Part FF); to amend the education law, in relation to establishing the Martin Luther King, Jr. scholarship (Part GG); to amend the social services law, in relation to home stability support programs (Part HH); to amend the labor law, in relation to hours, wages and supplements in contracts for public work (Part II); to amend the social services law, in relation to caseload standards for social services districts (Part JJ); to amend the education law, in relation to the foster youth college success initiative eligibility requirements (Part KK); to amend the social services law, in relation to requiring a study to be conducted to evaluate the adequacy of the current rates provided to certain adult care facilities (Part LL); to amend the state finance law, in relation to the local share requirements associated with increasing the age of juvenile jurisdiction; repealing section 54-m of the state finance law relating thereto; and to amend part WWW of chapter 59 of the laws of 2017, amending the criminal procedure law and other laws relating to proceedings against juvenile and adolescent offenders, and the age of juvenile and adolescent offenders, in relation to costs associated with the transport of youth (Part MM); and to amend the labor law, in relation to prevailing wage requirements for covered development projects (Part NN)

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 NN. The effective date for each particular
 5 provision contained within such Part is set forth in the last section of
 6 such Part. Any provision in any section contained within a Part, includ-
 7 ing the effective date of the Part, which makes a reference to a section
 8 "of this act", when used in connection with that particular component,
 9 shall be deemed to mean and refer to the corresponding section of the
 10 Part in which it is found. Section three of this act sets forth the
 11 general effective date of this act.

12

PART A

13 Section 1. Paragraph e of subdivision 1 of section 211-d of the educa-
 14 tion law, as amended by section 1 of part 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

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

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

40 § 2. Intentionally omitted.

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

44 bb. "Personal income growth index" shall mean (1) for the two thousand
45 twelve--two thousand thirteen school year, the average of the quotients
46 for each year in the period commencing with the two thousand five--two
47 thousand six state fiscal year and finishing with the two thousand nine-
48 -two thousand ten state fiscal year of the total personal income of the
49 state for each such year divided by the total personal income of the
50 state for the immediately preceding state fiscal year, but not less than
51 one ~~[and]~~, (2) for the two thousand thirteen--two thousand fourteen
52 ~~[school year and each school year thereafter]~~ through two thousand nine-
53 teen--two thousand twenty school years, the quotient of the total
54 personal income of the state for the state fiscal year one year prior to
55 the state fiscal year in which the base year commenced divided by the
56 total personal income of the state for the immediately preceding state

1 fiscal year, but not less than one and (3) for the two thousand twenty-
2 -two thousand twenty-one school year and each school year thereafter,
3 the average of the quotients for each year in the period commencing with
4 the state fiscal year nine years prior to the state fiscal year in which
5 the base year began and finishing with the state fiscal year prior to
6 the state fiscal year in which the base year began of the total personal
7 income of the state for each such year divided by the total personal
8 income of the state for the immediately preceding state fiscal year, but
9 not less than one.

10 § 4. Paragraph e of subdivision 4 of section 3602 of the education
11 law, as amended by section 9-b of part CCC of chapter 59 of the laws of
12 2018, is amended to read as follows:

13 e. Community schools aid set-aside. Each school district shall set
14 aside from its total foundation aid computed for the current year pursu-
15 ant to this subdivision an amount equal to the sum of (i) the amount, if
16 any, set forth for such district as "COMMUNITY SCHL AID (BT1617)" in the
17 data file produced by the commissioner in support of the enacted budget
18 for the two thousand sixteen--two thousand seventeen school year and
19 entitled "SA161-7", (ii) the amount, if any, set forth for such district
20 as "COMMUNITY SCHL INCR" in the data file produced by the commissioner
21 in support of the executive budget request for the two thousand seven-
22 teen--two thousand eighteen school year and entitled "BT171-8", [~~and~~]
23 (iii) the amount, if any, set forth for such district as "COMMUNITY
24 SCHOOLS INCREASE" in the data file produced by the commissioner in
25 support of the executive budget for the two thousand eighteen--two thou-
26 sand nineteen school year and entitled "BT181-9", and (iv) the amount,
27 if any, set forth for such districts as "COMMUNITY SCHOOL INCREASE" in
28 the data file produced by the commissioner in support of the executive
29 budget for the two thousand nineteen--two thousand twenty school year
30 and entitled "BT192-0", provided however that for the two thousand nine-
31 teen--two thousand twenty school year and thereafter, the community
32 school aid set-aside shall not exceed two and five-tenths percent
33 (0.025) of the foundation aid payable computed for the current year
34 pursuant to this subdivision, provided further that such annual increase
35 in the community school set-aside shall not exceed twenty percent (0.20)
36 of the foundation aid payable for the current year less the total foun-
37 dational aid base. Nothing in this subdivision shall prevent a school
38 district from using amounts above these limits to support community
39 school programs. Each school district shall use such [~~"COMMUNITY SCHL~~
40 ~~AID (BT1617)"] community school aid set-aside amount [~~to support the~~
41 ~~transformation of school buildings into community hubs to deliver co-lo-~~
42 ~~cated or school-linked academic, health, mental health, nutrition, coun-~~
43 ~~seling, legal and/or other services to students and their families,~~
44 ~~including but not limited to providing a community school site coordina-~~
45 ~~tor, or to support other costs incurred to maximize students' academic~~
46 ~~achievement. Each school district shall use such "COMMUNITY SCHL INCR"~~
47 ~~amount to support the transformation of school buildings into community~~
48 ~~hubs to deliver co-located or school linked academic, health, mental~~
49 ~~health services and personnel, after school programming, dual language~~
50 ~~programs, nutrition, counseling, legal and/or other services to students~~
51 ~~and their families, including but not limited to providing a community~~
52 ~~school site coordinator and programs for English language learners, or~~
53 ~~to support other costs incurred to maximize students' academic achieve-~~
54 ~~ment, provided however that a school district whose "COMMUNITY SCHL~~
55 ~~INCR" amount exceeds one million dollars (\$1,000,000) shall use an~~
56 ~~amount equal to the greater of one hundred fifty thousand dollars~~~~

~~1 (\$150,000) or ten percent of such "COMMUNITY SCHL INCR" amount to~~
~~2 support such transformation at schools with extraordinary high levels of~~
~~3 student need as identified by the commissioner, subject to the approval~~
~~4 of the director of the budget. Each school district shall use such~~
~~5 "COMMUNITY SCHOOLS INCREASE"]~~ to support the transformation of school
6 buildings into community hubs to deliver co-located or school linked
7 academic, health, mental health services and personnel, after-school
8 programming, dual language programs, nutrition, trauma informed support,
9 counseling, legal and/or other services to students and their families,
10 including but not limited to providing a community school site coordina-
11 tor and programs for English language learners, or to support other
12 costs incurred to maximize students' academic achievement.

13 § 5. Intentionally omitted.

14 § 5-a. Subdivision 1 of section 3602 of the education law is amended
15 by adding a new paragraph ii to read as follows:

16 ii. "Homeless pupil count" shall mean the number of students enrolled
17 in the district for the year prior to the base year who: (i) lacked a
18 fixed, regular, and adequate nighttime residence, including a student
19 who: shared the housing of other persons due to a loss of housing,
20 economic hardship or similar reason; lived in motels, hotels, trailer
21 parks or camping grounds due to the lack of alternative adequate accom-
22 modations; were abandoned in hospitals; or a migratory child, as defined
23 in subsection 2 of Section 1309 of the Elementary and Secondary Educa-
24 tion Act of 1965, as amended, who qualified as homeless under any of the
25 above provisions; or (ii) had a primary nighttime location that is a
26 supervised publicly or privately operated shelter designed to provide
27 temporary living accommodations including, but not limited to, shelters
28 operated or approved by the state or local department of social
29 services, and residential programs for runaway and homeless youth estab-
30 lished pursuant to article nineteen-H of the executive law or a public
31 or private place not designed for, or ordinarily used as, a regular
32 sleeping accommodation for human beings, including a car, park, public
33 space, abandoned building, substandard housing, bus, train station, or
34 similar setting.

35 § 5-b. Subdivision 1 of section 3602 of the education law is amended
36 by adding a new paragraph jj to read as follows:

37 jj. (i) "Direct certification count" shall be equal to the number of
38 children eligible for free meals or free milk based on information
39 obtained directly from the office of temporary and disability assistance
40 administering the supplemental nutrition assistance program and the
41 department of health administering medicaid and providing data as per
42 the United States Department of Agriculture Medicaid Demonstration
43 Project.

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

46 (iii) "Direct certification percent" shall mean the quotient arrived
47 at when dividing the direct certification count by direct certification
48 enrollment.

49 § 5-c. Subdivision 1 of section 3602 of the education law is amended
50 by adding a new paragraph kk to read as follows:

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

1 § 5-d. Subdivision 4 of section 3602 of the education law is amended
2 by adding a new paragraph g to read as follows:

3 g. Foundation aid payable in the two thousand nineteen--two thousand
4 twenty school year. Notwithstanding any provision of law to the contra-
5 ry, foundation aid payable in the two thousand nineteen--two thousand
6 twenty school year shall equal the sum of (1) the foundation aid base
7 plus (2) the executive foundation aid increase plus (3) the positive
8 difference, if any, of the foundation aid base as set forth on the
9 school aid computer listing produced by the commissioner in support of
10 the two thousand nineteen--two thousand twenty executive budget and
11 entitled "BT192-0" less the foundation aid base, plus (4) the greater of
12 tiers one through thirteen.

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

17 For the purposes of this paragraph:

18 (i) "Tier one" shall equal the product of foundation aid remaining
19 multiplied by six one-hundredths (0.06).

20 (ii) "Tier two" shall equal, for school districts where (A) the
21 difference between the public school district enrollment for the base
22 year pursuant to paragraph n of subdivision one of this section less
23 such public school enrollment for the two thousand fifteen--two thousand
24 sixteen school year is greater than or equal to twenty-five and (B) the
25 quotient arrived at when dividing such base year enrollment by such two
26 thousand fifteen--two thousand sixteen enrollment is greater than or
27 equal to one and fourteen one-thousandths (1.014), the product of foun-
28 dition aid remaining multiplied by fifteen hundredths (0.15).

29 (iii) "Tier three" shall equal, for school districts where (A) the
30 pupil wealth ratio computed pursuant to paragraph a of subdivision three
31 of this section is less than eight tenths (0.8), and (B) the quotient
32 arrived at when dividing the public school district enrollment for the
33 base year by such enrollment for the two thousand fifteen--two thousand
34 sixteen enrollment is greater than or equal to one and one one-hundredth
35 (1.01), the product of foundation aid remaining multiplied by two tenths
36 (0.2).

37 (iv) "Tier four" shall equal, for school districts with a pupil needs
38 index computed pursuant to paragraph a of subdivision three of this
39 section greater than or equal to one and eighty-three hundredths (1.83),
40 the product of foundation aid remaining multiplied by two tenths (0.2).

41 (v) "Tier five" shall equal, for school districts in a city with a
42 population of one million or more, the product of foundation aid remain-
43 ing multiplied by twenty-four thousand six hundred seventy-five one
44 hundred thousandths (0.24675).

45 (vi) "Tier six" shall equal, for a city school district in a city with
46 a population of more than one hundred twenty-five thousand but less than
47 two hundred thousand as of the most recent federal decennial census, the
48 product of foundation aid remaining multiplied by two hundred six one-
49 thousandths (0.236).

50 (vii) "Tier seven" shall equal, for school districts that were desig-
51 ated as small city school districts or central school districts whose
52 boundaries include a portion of a small city for the school aid computer
53 listing produced by the commissioner in support of the enacted budget
54 for the two thousand fourteen--two thousand fifteen school year and
55 entitled "SA141-5" with a pupil wealth ratio computed pursuant to para-
56 graph a of subdivision three of this section equal to or less than one

1 and three-tenths (1.3), the product of foundation aid remaining multi-
2 plied two thousand nine hundred eighty-five ten-thousandths (0.2985).
3 For all other small city school districts computed pursuant to paragraph
4 kk of subdivision one of this section, tier seven shall be the product
5 of foundation aid remaining multiplied by one thousand eight hundred
6 eighty-five ten-thousandths (0.1885).

7 (viii) "Tier eight" shall equal, for school districts with a direct
8 certification percentage for the year prior to the base year computed
9 pursuant to paragraph jj of subdivision one of this section greater than
10 or equal to seventy-five hundredths (0.75), the product of foundation
11 aid remaining multiplied by two hundred four one-thousandths (0.204).

12 (ix) "Tier nine" shall equal, for school districts with (A) a sparsity
13 count computed pursuant to paragraph r of subdivision one of this
14 section greater than zero, (B) a combined wealth ratio for total founda-
15 tion aid computed pursuant to paragraph c of subdivision three of this
16 section less than one, and (C) an extraordinary needs quotient which,
17 for purposes of this paragraph, shall be equal to the quotient arrived
18 at when dividing the extraordinary needs percent computed pursuant to
19 paragraph w of subdivision one of this section by five hundred twenty-
20 two one-thousandths (0.522) greater than fifty-one hundredths (0.51),
21 the product of one hundred dollars (\$100) multiplied by such extraor-
22 inary needs quotient multiplied by public school district enrollment
23 for the base year as computed pursuant to paragraph n of subdivision one
24 of this section.

25 (x) "Tier ten" shall equal, for school districts where the quotient
26 arrived at when dividing foundation aid remaining by total foundation
27 aid is greater than five-tenths (0.5), the difference of the product of
28 total foundation aid multiplied by fifty-three hundredths (0.53) less
29 the foundation aid base.

30 (xi) "Tier eleven" shall equal the product of the foundation aid base
31 multiplied by fifteen one-thousandths (0.015).

32 (xii) "Tier twelve" shall equal, for school districts with (A) a
33 three-year average free and reduced price lunch percent for the current
34 year computed pursuant to paragraph p of subdivision one of this section
35 greater than thirty eight one-hundredths (0.38) and (B) a combined
36 wealth ratio for total foundation aid computed pursuant to paragraph c
37 of subdivision three of this section less than or equal to one (1.0),
38 the product of the foundation aid base multiplied by twenty-five one-
39 thousandths (0.025).

40 (xiii) "Tier thirteen" shall equal, for school districts with (A) a
41 sparsity count computed pursuant to paragraph r of subdivision one of
42 this section greater than zero and (B) a combined wealth ratio for total
43 foundation aid computed pursuant to paragraph c of subdivision three of
44 this section less than or equal to one (1.0), the product of the founda-
45 tion aid base multiplied by three one-hundredths (0.03).

46 (xiv) The "executive foundation aid increase" shall be equal to the
47 difference of (A) the amounts set forth for each school district as
48 "FOUNDATION AID" under the heading "2019-20 ESTIMATED AIDS" in the
49 school aid computer listing produced by the commissioner in support of
50 the executive budget request for the two thousand nineteen--two thousand
51 twenty school year and entitled "BT192-0" less (B) the amounts set forth
52 for each school district as "FOUNDATION AID" under the heading "2018-19
53 BASE YEAR AIDS" in such computer listing.

54 § 5-e. Section 3602 of the education law is amended by adding a new
55 subdivision 19 to read as follows:

1 19. Homelessness aid. For the two thousand nineteen--two thousand
2 twenty school year, any district with a homeless pupil count computed
3 pursuant to paragraph ii of subdivision one of this section greater than
4 five shall be eligible for homelessness aid in an amount equal to the
5 greater of the product of one hundred forty-four dollars and seventy-one
6 cents (\$144.71) multiplied by the homeless pupil count or \$10,000,
7 provided that no district shall receive more than seven million dollars
8 of such aid in the two thousand nineteen--two thousand twenty school
9 year.

10 § 5-f. Clause (ii) of subparagraph 2 of paragraph b of subdivision 4
11 of section 3602 of the education law, as amended by section 9-b of part
12 CCC of chapter 59 of the laws of 2018, is amended to read as follows:

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

1 small city for the school aid computer listing produced by the commis-
2 sioner in support of the enacted budget for the two thousand fourteen--
3 two thousand fifteen school year and entitled "SA1415", four and seven
4 hundred fifty-one thousandths percent (0.04751); or (6) for all other
5 districts one percent (0.01), and for the two thousand sixteen--two
6 thousand seventeen school year the foundation aid phase-in increase
7 factor shall equal for an eligible school district the greater of: (1)
8 for a city school district in a city with a population of one million or
9 more, seven and seven hundred eighty four thousandths percent (0.07784);
10 or (2) for a city school district in a city with a population of more
11 than two hundred fifty thousand but less than one million as of the most
12 recent federal decennial census, seven and three hundredths percent
13 (0.0703); or (3) for a city school district in a city with a population
14 of more than two hundred thousand but less than two hundred fifty thou-
15 sand as of the most recent federal decennial census, six and seventy-two
16 hundredths percent (0.0672); or (4) for a city school district in a city
17 with a population of more than one hundred fifty thousand but less than
18 two hundred thousand as of the most recent federal decennial census, six
19 and seventy-four hundredths percent (0.0674); or (5) for a city school
20 district in a city with a population of more than one hundred twenty-
21 five thousand but less than one hundred fifty thousand as of the most
22 recent federal decennial census, nine and fifty-five hundredths percent
23 (0.0955); or (6) for school districts that were designated as small city
24 school districts or central school districts whose boundaries include a
25 portion of a small city for the school aid computer listing produced by
26 the commissioner in support of the enacted budget for the two thousand
27 fourteen--two thousand fifteen school year and entitled "SA141-5" with a
28 combined wealth ratio less than one and four tenths (1.4), nine percent
29 (0.09), provided, however, that for such districts that are also
30 districts designated as high need urban-suburban pursuant to clause (c)
31 of subparagraph two of paragraph c of subdivision six of this section
32 for the school aid computer listing produced by the commissioner in
33 support of the enacted budget for the two thousand seven--two thousand
34 eight school year and entitled "SA0708", nine and seven hundred and
35 nineteen thousandths percent (0.09719); or (7) for school districts
36 designated as high need rural pursuant to clause (c) of subparagraph two
37 of paragraph c of subdivision six of this section for the school aid
38 computer listing produced by the commissioner in support of the enacted
39 budget for the two thousand seven--two thousand eight school year and
40 entitled "SA0708", thirteen and six tenths percent (0.136); or (8) for
41 school districts designated as high need urban-suburban pursuant to
42 clause (c) of subparagraph two of paragraph c of subdivision six of this
43 section for the school aid computer listing produced by the commissioner
44 in support of the enacted budget for the two thousand seven--two thou-
45 sand eight school year and entitled "SA0708", seven hundred nineteen
46 thousandths percent (0.00719); or (9) for all other eligible school
47 districts, forty-seven hundredths percent (0.0047), provided further
48 that for the two thousand seventeen--two thousand eighteen school year
49 the foundation aid increase phase-in factor shall equal (1) for school
50 districts with a census 2000 poverty rate computed pursuant to paragraph
51 q of subdivision one of this section equal to or greater than twenty-six
52 percent (0.26), ten and three-tenths percent (0.103), or (2) for a
53 school district in a city with a population in excess of one million or
54 more, seventeen and seventy-seven one-hundredths percent (0.1777), or
55 (3) for a city school district in a city with a population of more than
56 two hundred fifty thousand but less than one million, as of the most

1 recent decennial census, twelve and sixty-nine hundredths percent
 2 (0.1269) or (4) for a city school district in a city with a population
 3 of more than one hundred fifty thousand but less than two hundred thou-
 4 sand, as of the most recent federal decennial census, ten and seventy-
 5 eight one hundredths percent (0.1078), or (5) for a city school district
 6 in a city with a population of more than one hundred twenty-five thou-
 7 sand but less than one hundred fifty thousand as of the most recent
 8 federal decennial census, nineteen and one hundred eight one-thousandths
 9 percent (0.19108), or (6) for a city school district in a city with a
 10 population of more than two hundred thousand but less than two hundred
 11 fifty thousand as of the most recent federal decennial census, ten and
 12 six-tenths percent (0.106), or (7) for all other districts, four and
 13 eighty-seven one-hundredths percent (0.0487), and for the two thousand
 14 [~~nineteen~~ twenty--two thousand [~~twenty~~ twenty-one school year [~~and~~
 15 ~~thereafter the commissioner shall annually determine the phase in foun-~~
 16 ~~dation increase factor subject to allocation pursuant to the provisions~~
 17 ~~of subdivision eighteen of this section and any provisions of a chapter~~
 18 ~~of the laws of New York as described therein]~~ the foundation aid phase-
 19 in increase factor shall be thirty-three percent (0.33), and for the two
 20 thousand twenty-one--two thousand twenty-two school year the foundation
 21 aid phase-in increase factor shall be fifty percent (0.5), and for the
 22 two thousand twenty-two--two thousand twenty-three school year and ther-
 23 eafter the foundation aid phase-in increase factor shall be one hundred
 24 percent (1.0).

25 § 6. Paragraph d of subdivision 4 of section 3602 of the education
 26 law, as amended by section 9-b of part CCC of chapter 59 of the laws of
 27 2018, is amended to read as follows:

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

33 § 7. Intentionally omitted.

34 § 8. Intentionally omitted.

35 § 9. Intentionally omitted.

36 § 9-a. Subparagraph 1 of paragraph b of subdivision 6-f of section
 37 3602 of the education law, as added by section 19 of part H of chapter
 38 83 of the laws of 2002, is amended to read as follows:

39 (1) has a total project cost of [~~one hundred~~ two hundred fifty thou-
 40 sand dollars or less; provided however, that for any district, no more
 41 than one project shall be eligible pursuant to this subparagraph for an
 42 apportionment within the same school year; and/or

43 § 9-b. Subparagraph 1 of paragraph a of subdivision 6 of section 3602
 44 of the education law, as amended by section 5 of part A of chapter 60 of
 45 the laws of 2000, is amended to read as follows:

46 (1) For new construction and the purchase of existing structures, the
 47 cost allowances shall be based upon the rated capacity of the building
 48 or addition and a basic per pupil allowance of up to six thousand three
 49 hundred seventy-five dollars adjusted monthly by a statewide index
 50 reflecting changes in the cost of labor and materials since July first,
 51 nineteen hundred ninety-two, established by the commissioner of labor,
 52 modified by an annual county or multi-county labor market composite wage
 53 rate, established by the commissioner of labor in consultation with the
 54 commissioner, for July first of the base year, commencing July first,
 55 nineteen hundred ninety-seven for general construction contracts awarded
 56 on or after July first, nineteen hundred ninety-eight, indexed to the

1 median of such county or multi-county rates, but not less than one.
2 Such base allowance shall apply to a building or an addition housing
3 grades prekindergarten through six and shall be adjusted for a building
4 or an addition housing grades seven through nine by a factor of one and
5 four-tenths, for a building or an addition housing grades seven through
6 twelve by a factor of one and five-tenths, for a building or addition
7 housing special education programs by a factor of two, except that where
8 such building or addition is connected to, or such space is located
9 within, a public school facility housing programs for nondisabled
10 pupils, as approved by the commissioner, a factor of three shall be
11 used. Rated capacity of a building or an addition shall be determined by
12 the commissioner based on space standards and other requirements for
13 building construction specified by the commissioner. Such assigned
14 capacity ratings shall include, in addition to those spaces used for the
15 instruction of pupils, those spaces which are used for elementary and
16 secondary school libraries, cafeterias, prekindergarten instructional
17 rooms, teachers' conference rooms, gymnasiums ~~and~~, auditoriums and
18 school based health, dental and mental health services. For new
19 construction projects approved on or after July first, two thousand, by
20 the voters of the school district or by the board of education of a city
21 school district in a city with more than one hundred twenty-five thou-
22 sand inhabitants, and/or the chancellor in a city school district in a
23 city having a population of one million or more, such rated capacity for
24 new buildings and additions constructed to replace existing buildings
25 that, in the judgment of the commissioner, have not been adequately
26 maintained and have not reached their projected useful life shall be
27 reduced by the commissioner by an amount proportional to the remaining
28 unused portion of the useful life of the existing buildings, provided
29 however that the commissioner may waive such requirement upon a finding
30 that replacement of the existing building is necessary to protect the
31 health and safety of students or staff, that reconstruction and modern-
32 ization of the existing building would not adequately address such
33 health and safety problems, and that the need to replace the building
34 was not caused by failure to adequately maintain the building. If the
35 commissioner of labor resets the statewide index reflecting changes in
36 the costs of labor and materials since July first, nineteen hundred
37 ninety-two, the commissioner shall adopt regulations to supersede the
38 basic per pupil allowance of up to six thousand three hundred seventy-
39 five dollars to the imputed allowance in effect at that time.

40 § 9-c. Subparagraph (iii) of paragraph (j) of subdivision 1 of
41 section 414 of the education law, as added by chapter 513 of the laws of
42 2005, is amended to read as follows:

43 (iii) Except where otherwise authorized by law, the cost of providing
44 health, dental or mental health services shall not be a charge upon the
45 school district or board of cooperative educational services, and shall
46 be paid from federal, state or other local funds available for such
47 purpose. Building space used for such a clinic shall be excluded from
48 the rated capacity of the school building for the purpose of computing
49 building aid pursuant to subdivision six of section thirty-six hundred
50 two of this chapter or aid pursuant to subdivision five of section nine-
51 teen hundred fifty of this chapter, except when building aid is specif-
52 ically authorized pursuant to subparagraph one of paragraph a of subdi-
53 vision six of section thirty-six hundred two of this chapter.

54 § 10. Intentionally omitted.

55 § 10-a. Section 3602 of the education law is amended by adding a new
56 subdivision 6-i to read as follows:

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

24 § 11. Intentionally omitted.

25 § 11-a. Paragraph b of subdivision 5 of section 1950 of the education
26 law, as amended by chapter 296 of the laws of 2016, is amended to read
27 as follows:

28 b. The cost of services herein referred to shall be the amount allo-
29 cated to each component school district by the board of cooperative
30 educational services to defray expenses of such board, including
31 approved expenses from the testing of potable water systems of occupied
32 school buildings under the board's jurisdiction as required pursuant to
33 section eleven hundred ten of the public health law, except that that
34 part of the salary paid any teacher, supervisor or other employee of the
35 board of cooperative educational services which is, (i) for the two
36 thousand eighteen--two thousand nineteen and prior school years, in
37 excess of thirty thousand dollars, (ii) for aid payable in the two thou-
38 sand nineteen--two thousand twenty school year in excess of thirty-four
39 thousand dollars, (iii) for aid payable in the two thousand twenty--two
40 thousand twenty-one school year, in excess of forty thousand dollars,
41 (iv) for aid payable in the two thousand twenty-one--two thousand twen-
42 ty-two school year, in excess of forty-six thousand dollars, and (v) for
43 aid payable in the two thousand twenty-two--two thousand twenty-three
44 school year and thereafter, in excess of fifty-two thousand dollars,
45 shall not be such an approved expense, and except also that administra-
46 tive and clerical expenses shall not exceed ten percent of the total
47 expenses for purposes of this computation. Any gifts, donations or
48 interest earned by the board of cooperative educational services or on
49 behalf of the board of cooperative educational services by the dormitory
50 authority or any other source shall not be deducted in determining the
51 cost of services allocated to each component school district. Any
52 payments made to a component school district by the board of cooperative
53 educational services pursuant to subdivision eleven of section six-p of
54 the general municipal law attributable to an approved cost of service
55 computed pursuant to this subdivision shall be deducted from the cost of
56 services allocated to such component school district. The expense of

1 transportation provided by the board of cooperative educational services
2 pursuant to paragraph q of subdivision four of this section shall be
3 eligible for aid apportioned pursuant to subdivision seven of section
4 thirty-six hundred two of this chapter and no board of cooperative
5 educational services transportation expense shall be an approved cost of
6 services for the computation of aid under this subdivision. Transporta-
7 tion expense pursuant to paragraph q of subdivision four of this section
8 shall be included in the computation of the ten percent limitation on
9 administrative and clerical expenses.

10 § 11-b. Paragraph b of subdivision 10 of section 3602 of the education
11 law, as amended by section 16 of part B of chapter 57 of the laws of
12 2007, is amended to read as follows:

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

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

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

1 or greater than the level of such overall expenditures per pupil in the
2 preceding school year.

3 § 12. Intentionally omitted.

4 § 12-a. Subdivision 14 of section 305 of the education law is amended
5 by adding a new paragraph g to read as follows:

6 g. Notwithstanding the provisions of this subdivision, section one
7 hundred three of the general municipal law, or any other provision of
8 law to the contrary, the board of education shall be authorized to enter
9 into a piggyback contract with another school district that transports
10 students pursuant to a contract with a private transportation contrac-
11 tor, provided that the board finds that the contract cost is appropriate
12 and entry into a piggyback contract will result in a cost savings to the
13 school district. For purposes of this paragraph, a "piggyback contract"
14 means a contract for the transportation of students that: (1) provides
15 transportation to a location outside the students' school district of
16 residence to which another school district is already providing trans-
17 portation to its own students through an existing contract with a
18 private transportation contractor, other than a cooperatively bid
19 contract; (2) is entered into by the private transportation contractor
20 and each school district involved; and (3) provides for transportation
21 in accordance with the terms and conditions of such existing transporta-
22 tion contract.

23 § 13. Intentionally omitted.

24 § 13-a. Paragraph g of subdivision 1 of section 3635 of the education
25 law, as added by chapter 244 of the laws of 2012, is amended to read as
26 follows:

27 g. Notwithstanding any other provision of law to the contrary, the
28 trustees or board of education of any school district may, in its
29 discretion, provide transportation for students attending a universal
30 pre-kindergarten program in addition to transportation funded by such
31 program or transportation for students attending another district spon-
32 sored or district-run pre-kindergarten program, within mileage limits
33 established by the school district; if provided such transportation
34 shall be offered equally to all children in like circumstances residing
35 in the district. The cost of providing such transportation shall be a
36 charge upon the district [~~and~~]; provided that for purposes of subdivi-
37 sion seven of section thirty-six hundred two of this [~~chapter~~] article,
38 such pupils shall be considered [~~non~~] allowable pupils and the costs of
39 their transportation shall [~~not~~] be aidable.

40 § 14. Intentionally omitted.

41 § 14-a. Intentionally omitted.

42 § 14-b. Paragraph (d) of subdivision 1 of section 2856 of the educa-
43 tion law, as amended by section 4 of part YYY of chapter 59 of the laws
44 of 2017, is amended to read as follows:

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

54 § 14-c. Paragraph (c) of subdivision 1 of section 2856 of the educa-
55 tion law, as amended by section 4-a of part YYY of chapter 59 of the
56 laws of 2017, is amended to read as follows:

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

10 § 15. Intentionally omitted.

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

14 For the two thousand eight--two thousand nine school year, each school
15 district shall be entitled to an apportionment equal to the product of
16 fifteen percent and the additional apportionment computed pursuant to
17 this subdivision for the two thousand seven--two thousand eight school
18 year. For the two thousand nine--two thousand ten through two thousand
19 [~~eighteen~~ nineteen--two thousand [~~nineteen~~ twenty school years, each
20 school district shall be entitled to an apportionment equal to the
21 amount set forth for such school district as "SUPPLEMENTAL PUB EXCESS
22 COST" under the heading "2008-09 BASE YEAR AIDS" in the school aid
23 computer listing produced by the commissioner in support of the budget
24 for the two thousand nine--two thousand ten school year and entitled
25 "SA0910".

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

29 12. Academic enhancement aid. A school district that as of April first
30 of the base year has been continuously identified as a district in need
31 of improvement for at least five years shall, for the two thousand
32 eight--two thousand nine school year, be entitled to an additional
33 apportionment equal to the positive remainder, if any, of (a) the lesser
34 of fifteen million dollars or the product of the total foundation aid
35 base, as defined by paragraph j of subdivision one of this section,
36 multiplied by ten percent (0.10), less (b) the positive remainder of (i)
37 the sum of the total foundation aid apportioned pursuant to subdivision
38 four of this section and the supplemental educational improvement grants
39 apportioned pursuant to subdivision eight of section thirty-six hundred
40 forty-one of this article, less (ii) the total foundation aid base.

41 For the two thousand nine--two thousand ten through two thousand four-
42 teen--two thousand fifteen school years, each school district shall be
43 entitled to an apportionment equal to the amount set forth for such
44 school district as "EDUCATION GRANTS, ACADEMIC EN" under the heading
45 "2008-09 BASE YEAR AIDS" in the school aid computer listing produced by
46 the commissioner in support of the budget for the two thousand nine--two
47 thousand ten school year and entitled "SA0910", and such apportionment
48 shall be deemed to satisfy the state obligation to provide an apportion-
49 ment pursuant to subdivision eight of section thirty-six hundred forty-
50 one of this article.

51 For the two thousand fifteen--two thousand sixteen year, each school
52 district shall be entitled to an apportionment equal to the amount set
53 forth for such school district as "ACADEMIC ENHANCEMENT" under the head-
54 ing "2014-15 ESTIMATED AIDS" in the school aid computer listing produced
55 by the commissioner in support of the budget for the two thousand four-
56 teen--two thousand fifteen school year and entitled "SA141-5", and such

1 apportionment shall be deemed to satisfy the state obligation to provide
2 an apportionment pursuant to subdivision eight of section thirty-six
3 hundred forty-one of this article.

4 For the two thousand sixteen--two thousand seventeen school year, each
5 school district shall be entitled to an apportionment equal to the
6 amount set forth for such school district as "ACADEMIC ENHANCEMENT"
7 under the heading "2015-16 ESTIMATED AIDS" in the school aid computer
8 listing produced by the commissioner in support of the budget for the
9 two thousand fifteen--two thousand sixteen school year and entitled
10 "SA151-6", and such apportionment shall be deemed to satisfy the state
11 obligation to provide an apportionment pursuant to subdivision eight of
12 section thirty-six hundred forty-one of this article.

13 For the two thousand seventeen--two thousand eighteen school year,
14 each school district shall be entitled to an apportionment equal to the
15 amount set forth for such school district as "ACADEMIC ENHANCEMENT"
16 under the heading "2016-17 ESTIMATED AIDS" in the school aid computer
17 listing produced by the commissioner in support of the budget for the
18 two thousand sixteen--two thousand seventeen school year and entitled
19 "SA161-7", and such apportionment shall be deemed to satisfy the state
20 obligation to provide an apportionment pursuant to subdivision eight of
21 section thirty-six hundred forty-one of this article.

22 For the two thousand eighteen--two thousand nineteen school year, each
23 school district shall be entitled to an apportionment equal to the
24 amount set forth for such school district as "ACADEMIC ENHANCEMENT"
25 under the heading "2017-18 ESTIMATED AIDS" in the school aid computer
26 listing produced by the commissioner in support of the budget for the
27 two thousand seventeen--two thousand eighteen school year and entitled
28 "SA171-8", and such apportionment shall be deemed to satisfy the state
29 obligation to provide an apportionment pursuant to subdivision eight of
30 section thirty-six hundred forty-one of this article.

31 For the two thousand nineteen--two thousand twenty school year, each
32 school district shall be entitled to an apportionment equal to the
33 amount set forth for such school district as "ACADEMIC ENHANCEMENT"
34 under the heading "2018-19 ESTIMATED AIDS" in the school aid computer
35 listing produced by the commissioner in support of the budget for the
36 two thousand eighteen--two thousand nineteen school year and entitled
37 "SA181-9", and such apportionment shall be deemed to satisfy the state
38 obligation to provide an apportionment pursuant to subdivision eight of
39 section thirty-six hundred forty-one of this article.

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

43 Each school district shall be eligible to receive a high tax aid
44 apportionment in the two thousand eight--two thousand nine school year,
45 which shall equal the greater of (i) the sum of the tier 1 high tax aid
46 apportionment, the tier 2 high tax aid apportionment and the tier 3 high
47 tax aid apportionment or (ii) the product of the apportionment received
48 by the school district pursuant to this subdivision in the two thousand
49 seven--two thousand eight school year, multiplied by the due-minimum
50 factor, which shall equal, for districts with an alternate pupil wealth
51 ratio computed pursuant to paragraph b of subdivision three of this
52 section that is less than two, seventy percent (0.70), and for all other
53 districts, fifty percent (0.50). Each school district shall be eligible
54 to receive a high tax aid apportionment in the two thousand nine--two
55 thousand ten through two thousand twelve--two thousand thirteen school
56 years in the amount set forth for such school district as "HIGH TAX AID"

1 under the heading "2008-09 BASE YEAR AIDS" in the school aid computer
2 listing produced by the commissioner in support of the budget for the
3 two thousand nine--two thousand ten school year and entitled "SA0910".
4 Each school district shall be eligible to receive a high tax aid appor-
5 tionment in the two thousand thirteen--two thousand fourteen through two
6 thousand [~~eighteen~~] ~~nineteen~~--two thousand [~~nineteen~~] ~~twenty~~ school
7 years equal to the greater of (1) the amount set forth for such school
8 district as "HIGH TAX AID" under the heading "2008-09 BASE YEAR AIDS" in
9 the school aid computer listing produced by the commissioner in support
10 of the budget for the two thousand nine--two thousand ten school year
11 and entitled "SA0910" or (2) the amount set forth for such school
12 district as "HIGH TAX AID" under the heading "2013-14 ESTIMATED AIDS" in
13 the school aid computer listing produced by the commissioner in support
14 of the executive budget for the 2013-14 fiscal year and entitled
15 "BT131-4".

16 § 19. Subdivision 16 of section 3602-ee of the education law is
17 REPEALED.

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

21 a. State aid adjustments. All errors or omissions in the apportionment
22 shall be corrected by the commissioner. Whenever a school district has
23 been apportioned less money than that to which it is entitled, the
24 commissioner may allot to such district the balance to which it is enti-
25 tled. Whenever a school district has been apportioned more money than
26 that to which it is entitled, the commissioner may, by an order, direct
27 such moneys to be paid back to the state to be credited to the general
28 fund local assistance account for state aid to the schools, or may
29 deduct such amount from the next apportionment to be made to said
30 district, provided, however, that, upon notification of excess payments
31 of aid for which a recovery must be made by the state through deduction
32 of future aid payments, a school district may request that such excess
33 payments be recovered by deducting such excess payments from the
34 payments due to such school district and payable in the month of June in
35 (i) the school year in which such notification was received and (ii) the
36 two succeeding school years, provided further that there shall be no
37 interest penalty assessed against such district or collected by the
38 state. Such request shall be made to the commissioner in such form as
39 the commissioner shall prescribe, and shall be based on documentation
40 that the total amount to be recovered is in excess of one percent of the
41 district's total general fund expenditures for the preceding school
42 year. The amount to be deducted in the first year shall be the greater
43 of (i) the sum of the amount of such excess payments that is recognized
44 as a liability due to other governments by the district for the preced-
45 ing school year and the positive remainder of the district's unreserved
46 fund balance at the close of the preceding school year less the product
47 of the district's total general fund expenditures for the preceding
48 school year multiplied by five percent, or (ii) one-third of such excess
49 payments. The amount to be recovered in the second year shall equal the
50 lesser of the remaining amount of such excess payments to be recovered
51 or one-third of such excess payments, and the remaining amount of such
52 excess payments shall be recovered in the third year. Provided further
53 that, notwithstanding any other provisions of this subdivision, any
54 pending payment of moneys due to such district as a prior year adjust-
55 ment payable pursuant to paragraph c of this subdivision for aid claims
56 that had been previously paid as current year aid payments in excess of

1 the amount to which the district is entitled and for which recovery of
2 excess payments is to be made pursuant to this paragraph, shall be
3 reduced at the time of actual payment by any remaining unrecovered
4 balance of such excess payments, and the remaining scheduled deductions
5 of such excess payments pursuant to this paragraph shall be reduced by
6 the commissioner to reflect the amount so recovered. The commissioner
7 shall certify no payment to a school district based on a claim submitted
8 later than three years after the close of the school year in which such
9 payment was first to be made. For claims for which payment is first to
10 be made in the nineteen hundred ninety-six--ninety-seven school year,
11 the commissioner shall certify no payment to a school district based on
12 a claim submitted later than two years after the close of such school
13 year. For claims for which payment is first to be made in the nineteen
14 hundred ninety-seven--ninety-eight school year and thereafter, the
15 commissioner shall certify no payment to a school district based on a
16 claim submitted later than one year after the close of such school year.
17 Provided, however, no payments shall be barred or reduced where such
18 payment is required as a result of a final audit of the state. It is
19 further provided that [~~, until June thirtieth, nineteen hundred ninety-~~
20 ~~six,~~] the commissioner may grant a waiver from the provisions of this
21 section for any school district if it is in the best educational inter-
22 ests of the district pursuant to guidelines developed by the commission-
23 er [~~and approved by the director of the budget~~].

24 § 20-a. All the acts done and proceedings heretofore had and taken or
25 caused to be had and taken by (a) the Chester union free school district
26 and by all its officers or agents relating to or in connection with
27 certain final cost reports to be filed with the state education depart-
28 ment for project numbers 44020102-0001-005 and 44020102-0009-001, (b)
29 the Huntington union free school district and by any of its officers or
30 agents relating to or in connection with final building cost reports
31 required to be filed with the state education department for approved
32 building projects completed prior to December 31, 2011, (c) the Islip
33 union free school district and by all its officers or agents relating to
34 or in connection with a certain final cost report to be filed with the
35 state education department for project numbers 0003-12, 0011-007, 0011-
36 008, 0003-013, 0007-009, 0007-010, 0007-012, and 0011-009, (d) the Mount
37 Morris central school district and by all of its officers or agents
38 relating to or in connection with a certain final cost report to be
39 filed with the state education department for project numbers 0001-005
40 and 0001-006, (e) the Liverpool central school district and by all its
41 officers or agents relating to or in connection with certain final cost
42 reports to be filed with the state education department for projects
43 0001-003, 0001-005, 0002-007, 0003-003, 0003-005, 0004-005, 0005-006,
44 0007-003, 0009-004, 0009-006, 0010-005, 0010-007, 0012-003, 0014-005,
45 0015-003, 0016-007, 0016-010, 0016-011, 0018-008, 0018-010, 0019-007,
46 0024-004, 4011-001, 5008-002, (f) the Newburgh enlarged city school
47 district and by all its officers or agents relating to or in connection
48 with a certain final cost report to be filed with the state education
49 department for project numbers 441600-0003-010, 441600-0006-006,
50 441600-0009-004, 441600-0010-004, 441600-0018-002, 441600-0018-004,
51 441600-0022-001, 441600-0023-005, 441600-0035-007, 441600-0036-007, and
52 441600-0001-011, (g) the Panama central school district and by any of
53 its officers or agents relating to or in connection with final building
54 cost reports required to be filed with the state education department
55 for approved building projects completed prior to December 31, 2012, (h)
56 the Roscoe central school district and by any of its officers or agents

1 relating to or in connection with final building cost reports required
2 to be filed with the state education department for approved building
3 projects completed prior to December 31, 2017, and (i) the Spackenkill
4 union free school district and by any of its officers or agents relating
5 to or in connection with final building cost reports for an approved
6 capital construction project designated by the state education depart-
7 ment as project number 0-005-016 completed prior to December 31, 2012
8 and all acts incidental thereto are hereby legalized, validated, rati-
9 fied and confirmed, notwithstanding any failure to comply with the
10 approval and filing provisions of the education law or any other law or
11 any other statutory authority, rule or regulation, in relation to any
12 omission, error, defect, irregularity or illegality in such proceedings
13 had and taken.

14 § 20-b. Notwithstanding section 24-a of part A of chapter 57 of the
15 laws of 2013, and consistent with section twenty-a of this act, the
16 commissioner of education shall not recover from the Chester union free
17 school district, the Huntington union free school district, the Islip
18 union free school district, the Liverpool central school district, the
19 Mount Morris central school district, the Newburgh enlarged city school
20 district, the Panama central school district, the Roscoe central school
21 district, or the Spackenkill union free school district any penalty
22 arising from the late filing of a final cost report pursuant to section
23 31 of part A of chapter 57 of the laws of 2012, provided that any
24 amounts already so recovered shall be deemed a payment of moneys due for
25 prior years pursuant to paragraph c of subdivision 5 of section 3604 of
26 the education law and shall be paid to the appropriate district pursuant
27 to such provision, provided that such school district:

28 (a) submitted the late or missing final building cost report to the
29 commissioner of education;

30 (b) such cost report is approved by the commissioner of education;

31 (c) all state funds expended by the school district, as documented in
32 such cost report, were properly expended for such building project in
33 accordance with the terms and conditions for such project as approved by
34 the commissioner of education; and

35 (d) the failure to submit such report in a timely manner was an inad-
36 vertent administrative or ministerial oversight by the school district,
37 and there is no evidence of any fraudulent or other improper intent by
38 such district.

39 § 20-c. All the acts done and proceedings heretofore had and taken or
40 caused to be had and taken by (a) the Cold Spring Harbor central school
41 district and by all officers, employees or agents of such school
42 district relating to or in connection with a transportation contract
43 E259217 of the 2013-14 school year, (b) the Corning city school district
44 and by all officers, employees or agents of such school district relat-
45 ing to or in connection with transportation contracts E414960, E414961,
46 E414962, and E414963 of the 2017-18 school year, (c) the Fulton city
47 school district and by all officers, employees or agents of such school
48 district relating to or in connection with transportation contract
49 E006115 of the 2016-2017 school year, and (d) the Port Washington union
50 free school district and by all officers, employees or agents of such
51 school district relating to or in connection with transportation
52 contracts E267698, E275279, C415663, and E600646 of the 2016-2017 school
53 year, and all acts incidental hereto are hereby legalized, validated,
54 ratified and confirmed, notwithstanding any failure to comply with the
55 contract award, approval and filing provisions of the education law, the
56 general municipal law or any other law or any other statutory authority,

1 rule or regulation, other than those filing provisions defined in para-
2 graph a of subdivision 5 of section 3604 of the education law, in
3 relation to any omission, error, defect, irregularity or illegality in
4 such proceeding had and taken and provided that the failure to submit a
5 transportation contract in a timely manner was an inadvertent adminis-
6 trative or ministerial oversight by the school district, and there is no
7 evidence of any fraudulent or other improper intent by such district.

8 § 20-d. The department of education is hereby directed to consider the
9 aforementioned contracts for transportation aid as valid and proper
10 obligations of the Cold Spring Harbor central, the Corning city, the
11 Fulton city, and the Port Washington union free school districts.

12 § 21. Intentionally omitted.

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

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

53 § 22. Paragraph b of subdivision 2 of section 3612 of the education
54 law, as amended by section 22 of part CCC of chapter 59 of the laws of
55 2018, is amended to read as follows:

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

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

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

1 increases class sizes as provided pursuant to this subdivision, the
2 commissioner shall be authorized to terminate such authorization upon a
3 finding that the board has failed to develop or implement an approved
4 corrective action plan.

5 § 24. Intentionally omitted.

6 § 24-a. Subparagraph (ii) of paragraph (c) of subdivision 8 of section
7 3602-ee of the education law, as amended by section 18-b of part CCC of
8 chapter 59 of the laws of 2018, is amended to read as follows:

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

21 § 25. Intentionally omitted.

22 § 25-a. Paragraph a of subdivision 14 of section 305 of the education
23 law, as amended by chapter 273 of the laws of 1999, is amended to read
24 as follows:

25 a. (1) All contracts for the transportation of school children, all
26 contracts to maintain school buses owned or leased by a school district
27 that are used for the transportation of school children, all contracts
28 for mobile instructional units, and all contracts to provide, maintain
29 and operate cafeteria or restaurant service by a private food service
30 management company shall be subject to the approval of the commissioner,
31 who may disapprove a proposed contract if, in his or her opinion, the
32 best interests of the district will be promoted thereby. Except as
33 provided in paragraph e of this subdivision, all such contracts involv-
34 ing an annual expenditure in excess of the amount specified for purchase
35 contracts in the bidding requirements of the general municipal law shall
36 be awarded to the lowest responsible bidder, which responsibility shall
37 be determined by the board of education or the trustee of a district,
38 with power hereby vested in the commissioner to reject any or all bids
39 if, in his or her opinion, the best interests of the district will be
40 promoted thereby and, upon such rejection of all bids, the commissioner
41 shall order the board of education or trustee of the district to seek,
42 obtain and consider new proposals. All proposals for such transporta-
43 tion, maintenance, mobile instructional units, or cafeteria and restau-
44 rant service shall be in such form as the commissioner may prescribe.
45 Advertisement for bids shall be published in a newspaper or newspapers
46 designated by the board of education or trustee of the district having
47 general circulation within the district for such purpose. Such adver-
48 tisement shall contain a statement of the time when and place where all
49 bids received pursuant to such advertisement will be publicly opened and
50 read either by the school authorities or by a person or persons desig-
51 nated by them. All bids received shall be publicly opened and read at
52 the time and place so specified. At least five days shall elapse between
53 the first publication of such advertisement and the date so specified
54 for the opening and reading of bids. The requirement for competitive
55 bidding shall not apply to an award of a contract for the transportation
56 of pupils or a contract for mobile instructional units, if such award is

1 based on an evaluation of proposals in response to a request for
2 proposals pursuant to paragraph e of this subdivision. The requirement
3 for competitive bidding shall not apply to annual, biennial, or trienni-
4 al extensions of a contract nor shall the requirement for competitive
5 bidding apply to quadrennial or quinquennial year extensions of a
6 contract involving transportation of pupils, maintenance of school buses
7 or mobile instructional units secured either through competitive bidding
8 or through evaluation of proposals in response to a request for
9 proposals pursuant to paragraph e of this subdivision, when such exten-
10 sions (1) are made by the board of education or the trustee of a
11 district, under rules and regulations prescribed by the commissioner,
12 and, (2) do not extend the original contract period beyond five years
13 from the date cafeteria and restaurant service commenced thereunder and
14 in the case of contracts for the transportation of pupils, for the main-
15 tenance of school buses or for mobile instructional units, that such
16 contracts may be extended, except that power is hereby vested in the
17 commissioner, in addition to his or her existing statutory authority to
18 approve or disapprove transportation or maintenance contracts, (i) to
19 reject any extension of a contract beyond the initial term thereof if he
20 or she finds that amount to be paid by the district to the contractor in
21 any year of such proposed extension fails to reflect any decrease in the
22 regional consumer price index for the N.Y., N.Y.-Northeastern, N.J.
23 area, based upon the index for all urban consumers (CPI-U) during the
24 preceding twelve month period; and (ii) to reject any extension of a
25 contract after ten years from the date transportation or maintenance
26 service commenced thereunder, or mobile instructional units were first
27 provided, if in his or her opinion, the best interests of the district
28 will be promoted thereby. Upon such rejection of any proposed extension,
29 the commissioner may order the board of education or trustee of the
30 district to seek, obtain and consider bids pursuant to the provisions of
31 this section. The board of education or the trustee of a school district
32 electing to extend a contract as provided herein, may, in its
33 discretion, increase the amount to be paid in each year of the contract
34 extension by an amount not to exceed the regional consumer price index
35 increase for the N.Y., N.Y.-Northeastern, N.J. area, based upon the
36 index for all urban consumers (CPI-U), during the preceding twelve month
37 period, provided it has been satisfactorily established by the contrac-
38 tor that there has been at least an equivalent increase in the amount of
39 his or her cost of operation, during the period of the contract.

40 (2) Notwithstanding any other provision of this subdivision, the board
41 of education of a school district located in a city with at least one
42 million inhabitants shall include in contracts for the transportation of
43 school children in kindergarten through grade twelve, whether awarded
44 through competitive bidding or through evaluation of proposals in
45 response to a request for proposals pursuant to paragraph e of this
46 subdivision, provisions for the retention or preference in hiring of
47 school bus workers and for the preservation of wages, health, welfare
48 and retirement benefits and seniority for school bus workers who are
49 hired pursuant to such provisions for retention or preference in hiring,
50 in connection with such contracts. For purposes of this subparagraph,
51 "school bus worker" shall mean an operator, mechanic, dispatcher or
52 attendant who: (i) was employed as of June thirtieth, two thousand ten
53 or at any time thereafter by (A) a contractor that was a party to a
54 contract with the board of education of a school district located in a
55 city with at least one million inhabitants for the transportation of
56 school children in kindergarten through grade twelve, in connection with

such contract, or (B) a subcontractor of a contractor that was a party to a contract with the board of education of a school district located in a city with at least one million inhabitants for the transportation of school children in kindergarten through grade twelve, in connection with such contracts and (ii) has been furloughed or become unemployed as a result of a loss of such contract, or a part of such contract, by such contractor or such subcontractor, or as the result of a reduction in service directed by such board of education during the term of such contract.

§ 26. Intentionally omitted.

§ 27. Intentionally omitted.

§ 28. Intentionally omitted.

§ 29. Intentionally omitted.

§ 30. Intentionally omitted.

§ 31. Intentionally omitted.

§ 32. Intentionally omitted.

§ 33. Intentionally omitted.

§ 33-a. Intentionally omitted.

§ 33-b. Intentionally omitted.

§ 34. Intentionally omitted.

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

b. Reimbursement for programs approved in accordance with subdivision a of this section for the ~~[2016--2017 school year shall not exceed 60.3 percent of the lesser of such approvable costs per contact hour or thirteen dollars ninety cents per contact hour,~~ reimbursement for the 2017--2018 school year shall not exceed 60.4 percent of the lesser of such approvable costs per contact hour or thirteen dollars and ninety cents per contact hour, ~~[and]~~ reimbursement for the 2018--2019 school year shall not exceed 59.4 percent of the lesser of such approvable costs per contact hour or fourteen dollars and ninety-five cents per contact hour, and reimbursement for the 2019--2020 school year shall not exceed 57.7 percent of the lesser of such approvable costs per contact hour or fifteen dollars sixty cents per contact hour, where a contact hour represents sixty minutes of instruction services provided to an eligible adult. Notwithstanding any other provision of law to the contrary, for the ~~[2016--2017 school year such contact hours shall not exceed one million five hundred fifty one thousand three hundred twelve (1,551,312); whereas for the]~~ 2017--2018 school year such contact hours shall not exceed one million five hundred forty-nine thousand four hundred sixty-three (1,549,463); and for the 2018--2019 school year such contact hours shall not exceed one million four hundred sixty-three thousand nine hundred sixty-three (1,463,963); and for the 2019--2020 school year such contact hours shall not exceed one million four hundred forty-four thousand four hundred forty-four (1,444,444). Notwithstanding any other provision of law to the contrary, the apportionment calculated for the city school district of the city of New York pursuant to subdivision 11 of section 3602 of the education law shall be computed as if such contact hours provided by the consortium for worker education, not to exceed the contact hours set forth herein, were eligible for aid in accordance with the provisions of such subdivision 11 of section 3602 of the education law.

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

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

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

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

19 § 37-a. Paragraph a-1 of subdivision 11 of section 3602 of the educa-
20 tion law, as amended by section 27-a of part CCC of chapter 59 of the
21 laws of 2018, is amended to read as follows:

22 a-1. Notwithstanding the provisions of paragraph a of this subdivi-
23 sion, [~~for aid payable in the school years two thousand two thousand~~
24 ~~one through two thousand nine two thousand ten, and two thousand~~
25 ~~eleven two thousand twelve through two thousand eighteen two thousand~~
26 ~~nineteen,~~] the commissioner may set aside an amount not to exceed two
27 million five hundred thousand dollars from the funds appropriated for
28 purposes of this subdivision for the purpose of serving persons twenty-
29 one years of age or older who have not been enrolled in any school for
30 the preceding school year, including persons who have received a high
31 school diploma or high school equivalency diploma but fail to demon-
32 strate basic educational competencies as defined in regulation by the
33 commissioner, when measured by accepted standardized tests, and who
34 shall be eligible to attend employment preparation education programs
35 operated pursuant to this subdivision.

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

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

46 (24) sections one hundred eighteen through one hundred thirty of this
47 act shall be deemed to have been in full force and effect on and after
48 July 1, 1995; [~~provided further, however, that the amendments made~~
49 ~~pursuant to section one hundred twenty-four of this act shall be deemed~~
50 ~~to be repealed on and after July 1, 2019,~~]

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

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

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

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

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

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

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

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

54 § 43. Subdivision 12 of section 17 of chapter 345 of the laws of 2009
55 amending the education law and other laws relating to the New York city
56 board of education, chancellor, community councils, and community super-

1 intendents, as amended by section 2 of part G of chapter 61 of the laws
2 of 2017, is amended to read as follows:

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

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

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

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

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

22 § 46. Section 26 of subpart F of part C of chapter 97 of the laws of
23 2011, amending the education law relating to census reporting, as
24 amended by section 21-a of part A of chapter 56 of the laws of 2014, is
25 amended to read as follows:

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

33 § 47. School bus driver training. In addition to apportionments other-
34 wise provided by section 3602 of the education law, for aid payable in
35 the 2019--2020 school year, the commissioner of education shall allocate
36 school bus driver training grants to school districts and boards of
37 cooperative educational services pursuant to sections 3650-a, 3650-b and
38 3650-c of the education law, or for contracts directly with not-for-pro-
39 fit educational organizations for the purposes of this section. Such
40 payments shall not exceed four hundred thousand dollars (\$400,000) per
41 school year.

42 § 48. Special apportionment for salary expenses. a. Notwithstanding
43 any other provision of law, upon application to the commissioner of
44 education, not sooner than the first day of the second full business
45 week of June 2020 and not later than the last day of the third full
46 business week of June 2020, a school district eligible for an appor-
47 tionment pursuant to section 3602 of the education law shall be eligible to
48 receive an apportionment pursuant to this section, for the school year
49 ending June 30, 2020, for salary expenses incurred between April 1 and
50 June 30, 2019 and such apportionment shall not exceed the sum of (i) the
51 deficit reduction assessment of 1990--1991 as determined by the commis-
52 sioner of education, pursuant to paragraph f of subdivision 1 of section
53 3602 of the education law, as in effect through June 30, 1993, plus (ii)
54 186 percent of such amount for a city school district in a city with a
55 population in excess of 1,000,000 inhabitants, plus (iii) 209 percent of
56 such amount for a city school district in a city with a population of

1 more than 195,000 inhabitants and less than 219,000 inhabitants accord-
2 ing to the latest federal census, plus (iv) the net gap elimination
3 adjustment for 2010--2011, as determined by the commissioner of educa-
4 tion pursuant to chapter 53 of the laws of 2010, plus (v) the gap elimi-
5 nation adjustment for 2011--2012 as determined by the commissioner of
6 education pursuant to subdivision 17 of section 3602 of the education
7 law, and provided further that such apportionment shall not exceed such
8 salary expenses. Such application shall be made by a school district,
9 after the board of education or trustees have adopted a resolution to do
10 so and in the case of a city school district in a city with a population
11 in excess of 125,000 inhabitants, with the approval of the mayor of such
12 city.

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

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

44 § 49. Special apportionment for public pension accruals. a. Notwith-
45 standing any other provision of law, upon application to the commission-
46 er of education, not later than June 30, 2020, a school district eligi-
47 ble for an apportionment pursuant to section 3602 of the education law
48 shall be eligible to receive an apportionment pursuant to this section,
49 for the school year ending June 30, 2020 and such apportionment shall
50 not exceed the additional accruals required to be made by school
51 districts in the 2004--2005 and 2005--2006 school years associated with
52 changes for such public pension liabilities. The amount of such addi-
53 tional accrual shall be certified to the commissioner of education by
54 the president of the board of education or the trustees or, in the case
55 of a city school district in a city with a population in excess of
56 125,000 inhabitants, the mayor of such city. Such application shall be

1 made by a school district, after the board of education or trustees have
2 adopted a resolution to do so and in the case of a city school district
3 in a city with a population in excess of 125,000 inhabitants, with the
4 approval of the mayor of such city.

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

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

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

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

45 a. for the development, maintenance or expansion of magnet schools or
46 magnet school programs for the 2019--2020 school year. For the city
47 school district of the city of New York there shall be a setaside of
48 foundation aid equal to forty-eight million one hundred seventy-five
49 thousand dollars (\$48,175,000) including five hundred thousand dollars
50 (\$500,000) for the Andrew Jackson High School; for the Buffalo city
51 school district, twenty-one million twenty-five thousand dollars
52 (\$21,025,000); for the Rochester city school district, fifteen million
53 dollars (\$15,000,000); for the Syracuse city school district, thirteen
54 million dollars (\$13,000,000); for the Yonkers city school district,
55 forty-nine million five hundred thousand dollars (\$49,500,000); for the
56 Newburgh city school district, four million six hundred forty-five thou-

1 sand dollars (\$4,645,000); for the Poughkeepsie city school district,
2 two million four hundred seventy-five thousand dollars (\$2,475,000); for
3 the Mount Vernon city school district, two million dollars (\$2,000,000);
4 for the New Rochelle city school district, one million four hundred ten
5 thousand dollars (\$1,410,000); for the Schenectady city school district,
6 one million eight hundred thousand dollars (\$1,800,000); for the Port
7 Chester city school district, one million one hundred fifty thousand
8 dollars (\$1,150,000); for the White Plains city school district, nine
9 hundred thousand dollars (\$900,000); for the Niagara Falls city school
10 district, six hundred thousand dollars (\$600,000); for the Albany city
11 school district, three million five hundred fifty thousand dollars
12 (\$3,550,000); for the Utica city school district, two million dollars
13 (\$2,000,000); for the Beacon city school district, five hundred sixty-
14 six thousand dollars (\$566,000); for the Middletown city school
15 district, four hundred thousand dollars (\$400,000); for the Freeport
16 union free school district, four hundred thousand dollars (\$400,000);
17 for the Greenburgh central school district, three hundred thousand
18 dollars (\$300,000); for the Amsterdam city school district, eight
19 hundred thousand dollars (\$800,000); for the Peekskill city school
20 district, two hundred thousand dollars (\$200,000); and for the Hudson
21 city school district, four hundred thousand dollars (\$400,000).

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

27 (ii) any instructional or instructional support costs associated with
28 implementation of an alternative approach to promote diversity and/or
29 enhancement of the instructional program and raising of standards in
30 elementary and secondary schools of school districts having substantial
31 concentrations of minority students.

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

47 d. For the purpose of teacher support for the 2019--2020 school year:
48 for the city school district of the city of New York, sixty-two million
49 seven hundred seven thousand dollars (\$62,707,000); for the Buffalo city
50 school district, one million seven hundred forty-one thousand dollars
51 (\$1,741,000); for the Rochester city school district, one million seven-
52 ty six thousand dollars (\$1,076,000); for the Yonkers city school
53 district, one million one hundred forty-seven thousand dollars
54 (\$1,147,000); and for the Syracuse city school district, eight hundred
55 nine thousand dollars (\$809,000). All funds made available to a school
56 district pursuant to this section shall be distributed among teachers

1 including prekindergarten teachers and teachers of adult vocational and
2 academic subjects in accordance with this section and shall be in addi-
3 tion to salaries heretofore or hereafter negotiated or made available;
4 provided, however, that all funds distributed pursuant to this section
5 for the current year shall be deemed to incorporate all funds distrib-
6 uted pursuant to former subdivision 27 of section 3602 of the education
7 law for prior years. In school districts where the teachers are repres-
8 ented by certified or recognized employee organizations, all salary
9 increases funded pursuant to this section shall be determined by sepa-
10 rate collective negotiations conducted pursuant to the provisions and
11 procedures of article 14 of the civil service law, notwithstanding the
12 existence of a negotiated agreement between a school district and a
13 certified or recognized employee organization.

14 § 51-a. Section 273-a of the education law, as amended by chapter 498
15 of the laws of 2011, subdivision 1 as amended by chapter 480 of the laws
16 of 2015, is amended to read as follows:

17 § 273-a. State aid for library construction. 1. State aid shall be
18 provided for up to fifty percent of the total project approved costs,
19 excluding feasibility studies, plans or similar activities, for projects
20 for the installation and infrastructure of broadband services, and for
21 the acquisition of vacant land and the acquisition, construction, reno-
22 vation or rehabilitation, including leasehold improvements, of buildings
23 of public libraries and library systems chartered by the regents of the
24 state of New York or established by act of the legislature subject to
25 the limitations provided in subdivision [~~five~~ ~~six~~ of this section and
26 upon approval by the commissioner, except that state aid may be provided
27 for up to seventy-five percent of the total project approved costs for
28 buildings of public libraries that are located in an economically disad-
29 vantaged community and that state aid may be provided for up to ninety
30 percent of the total project approved costs for buildings of public
31 libraries that are located in an economically distressed community.
32 Provided however that the state liability for aid paid pursuant to this
33 section shall be limited to funds appropriated for such purpose. Aid
34 shall be provided on approved expenses incurred during the period
35 commencing July first and ending June thirtieth for up to three years,
36 or until the project is completed, whichever occurs first. Fifty percent
37 of such aid shall be payable to each system or library upon approval of
38 the application by the department. Forty percent of such aid shall be
39 payable in the next state fiscal year. The remaining ten percent shall
40 be payable upon project completion.

41 2. Each application for state aid shall be submitted by the board of
42 trustees of the library or library system responsible for the operation
43 of the subject building to the commissioner for his or her review and
44 approval, after having been reviewed and approved by the governing board
45 of the public library system of which such library is a member. Each
46 application shall:

47 a. demonstrate that resources are or shall be available to provide for
48 maximum utilization of the project if approved;

49 b. contain verification in such form as may be acceptable to the
50 commissioner that the total cost of the project, exclusive of state aid,
51 has been or will be obtained;

52 c. demonstrate that library operations would be made more economical
53 as a consequence of approval;

54 d. be limited to one project concerning such building, provided that
55 no building shall be the subject of more than one application per year;

1 e. contain documentation, where such an application requests state aid
2 in an amount greater than fifty percent, demonstrating how the project
3 will address the service needs of one or more economically disadvantaged
4 communities. Such documentation may demonstrate need through poverty
5 rates, concentrations of English language learners, low high school
6 graduation rates, limited fiscal capacity or other relevant factors;
7 [~~and~~]

8 f. contain documentation, where such an application requests state aid
9 in an amount greater than seventy-five percent, demonstrating how the
10 project will address the service needs of one or more economically
11 distressed communities. An application must demonstrate that the average
12 poverty rate within the library's service area is equal to or greater
13 than the New York state average poverty rate using federal census data;
14 and the library must demonstrate that it lacks the capacity to provide
15 twenty-five percent of the project costs; and

16 g. provide such other information as may be required by the commis-
17 sioner.

18 3. In approving any application that would receive state aid beyond
19 fifty percent of the total project approved costs, the board of trustees
20 of the library system shall give particular attention to addressing the
21 library service needs of economically disadvantaged communities as
22 provided for in paragraph e of subdivision two of this section.

23 4. In approving any application that would receive state aid beyond
24 seventy-five percent of the total project approved costs, the board of
25 trustees of the library system shall give particular attention to
26 addressing the library service needs of economically distressed communi-
27 ties as provided for in paragraph f of subdivision two of this section.
28 No more than ten percent of the total funds appropriated to a library
29 system in subdivision six of this section may be used to support the
30 total costs for projects that would receive state aid beyond seventy-
31 five percent of the total project approved costs.

32 5. In approving any application the commissioner shall consider the
33 condition of existing libraries and, where appropriate, the needs of
34 isolated or economically disadvantaged communities, provided that no
35 application shall be approved for a project that is deemed by the
36 commissioner to have been completed prior to the date of the applica-
37 tion.

38 [~~5-~~] 6. Aid shall be distributed pursuant to this section as follows:

39 a. sixty percent of the funds appropriated pursuant to this section
40 shall be made available to libraries within each system by the commis-
41 sioner in such manner as to insure that the ratio of the amount received
42 within each system to the whole of the aid made available pursuant to
43 this paragraph is no greater than the ratio of the population served by
44 such system to the population of the state;

45 b. forty percent of the funds appropriated pursuant to this section
46 shall be made available to library systems or libraries within each
47 system by the commissioner in such manner as to insure that an equal
48 amount is received within each system in the state;

49 c. any funds made available pursuant to paragraph a or b of this
50 subdivision which by April first of each succeeding fiscal year, are
51 declined by such libraries or library systems for any reason, or which
52 cannot otherwise be used by such libraries or library systems for any
53 reason, shall be made available by the commissioner to other eligible
54 libraries within such system, or if no such library can use such funds
55 shall be reallocated among the other library systems and their libraries

1 in a manner that will to the extent possible provide from such reallo-
2 cated funds an equal amount to each such system.

3 ~~[6.]~~ 7. The commissioner shall adopt rules and regulations as are
4 necessary to carry out the purposes and provisions of this section.

5 ~~[7.]~~ 8. The commissioner shall submit to the temporary president of
6 the senate and the speaker of the assembly an annual report describing
7 those projects that have received state funding of greater than fifty
8 percent of project costs and the communities to be served by those
9 projects.

10 § 51-b. Section 2 of chapter 498 of the laws of 2011 amending the
11 education law relating to the public library construction grant program,
12 as amended by chapter 148 of the laws of 2014, is amended to read as
13 follows:

14 § 2. This act shall take effect on the first of April next succeeding
15 the date on which it shall have become a law [~~and shall expire and be~~
16 ~~deemed repealed March 31, 2020~~].

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

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

39 § 52-a. Subdivision a of section 5 of chapter 121 of the laws of 1996,
40 relating to authorizing the Roosevelt union free school district to
41 finance deficits by the issuance of serial bonds, as amended by section
42 42-a of part CCC of chapter 59 of the laws of 2018, is amended to read
43 as follows:

44 a. Notwithstanding any other provisions of law, upon application to
45 the commissioner of education submitted not sooner than April first and
46 not later than June thirtieth of the applicable school year, the Roose-
47 velt union free school district shall be eligible to receive an appor-
48 tionment pursuant to this chapter for salary expenses, including related
49 benefits, incurred between April first and June thirtieth of such school
50 year. Such apportionment shall not exceed [~~for the 1996-97 school year~~
51 ~~through the 2018-19 school year,~~] four million dollars (\$4,000,000) [~~,~~
52 ~~for the 2019-20 school year, three million dollars (\$3,000,000); for the~~
53 ~~2020-21 school year, two million dollars (\$2,000,000); for the 2021-22~~
54 ~~school year, one million dollars (\$1,000,000); and for the 2022-23~~
55 ~~school year, zero dollars~~]. Such annual application shall be made after

1 the board of education has adopted a resolution to do so with the
2 approval of the commissioner of education.

3 § 52-b. Subparagraph 2 of paragraph a of subdivision 4 of section 1950
4 of the education law, as amended by chapter 698 of the laws of 2003, is
5 amended to read as follows:

6 (2) Notwithstanding any inconsistent provision of law in no event
7 shall the total salary including amounts paid pursuant to section twen-
8 ty-two hundred nine of this chapter for district superintendents [~~for~~
9 ~~each school year through the two thousand two--two thousand three school~~
10 ~~year exceed ninety eight percent of that earned by the commissioner for~~
11 ~~state fiscal year nineteen hundred ninety two--ninety three, and in no~~
12 ~~event shall such total salary for a district superintendent]~~ for the two
13 thousand [~~three~~ ~~nineteen~~--two thousand [~~four~~ ~~twenty~~ school year or any
14 subsequent school year exceed: (i) one hundred six percent of the salary
15 cap applicable in the preceding school year, or (ii) ninety-eight
16 percent of that earned by the commissioner in the two thousand [~~three~~
17 ~~nineteen~~--two thousand [~~four~~ ~~twenty~~ state fiscal year, whichever is
18 less. In no event shall any district superintendent be permitted to
19 accumulate vacation or sick leave credits in excess of the vacation and
20 sick leave credits managerial/confidential employees of the state are
21 permitted to accumulate pursuant to regulations promulgated by the state
22 civil service commission, nor may any district superintendent at the
23 time of separation from service be compensated for accrued and unused
24 vacation credits or sick leave, or use accrued and unused sick leave for
25 retirement service credit or to pay for health insurance in retirement,
26 at a rate in excess of the rate permitted to managerial/confidential
27 employees of the state pursuant to regulations of the state civil
28 service commission. In addition to the payment of supplementary salary,
29 a board of cooperative educational services may provide for the payment
30 of all or a portion of the cost of insurance benefits for the district
31 superintendent of schools, including but not limited to health insur-
32 ance, disability insurance, life insurance or any other form of insur-
33 ance benefit made available to managerial/confidential employees of the
34 state; provided that any such payments for whole life, split dollar or
35 other life insurance policies having a cash value shall be included in
36 the total salary of the district superintendent for purposes of this
37 subparagraph, and provided further that any payments for the employee
38 contribution, co-pay or uncovered medical expenses under a health insur-
39 ance plan also shall be included in the total salary of the district
40 superintendent. Notwithstanding any other provision of law, payments
41 for such insurance benefits may be based on the district superinten-
42 dent's total salary or the amount of his or her supplementary salary
43 only. Any payments for transportation or travel expenses in excess of
44 actual, documented expenses incurred in the performance of duties for
45 the board of cooperative educational services or the state, and any
46 other lump sum payment not specifically excluded from total salary
47 pursuant to this subparagraph, shall be included in the total salary of
48 the district superintendent for purposes of this subparagraph. Nothing
49 herein shall prohibit a district superintendent from waiving any rights
50 provided for in an existing contract or agreement as hereafter prohibit-
51 ed in favor of revised compensation or benefit provisions as permitted
52 herein. In no event shall the terms of the district superintendent's
53 contract, including any provisions relating to an increase in salary,
54 compensation or other benefits, be contingent upon the terms of any
55 contract or collective bargaining agreement between the board of cooper-
56 ative educational services and its teachers or other employees. The

1 commissioner may adopt regulations for the purpose of implementing the
2 provisions of this paragraph.

3 § 52-c. Paragraphs b and c of subdivision 1 of section 6-r of the
4 general municipal law, as added by chapter 260 of the laws of 2004, are
5 amended to read as follows:

6 b. "Participating employer" means: (i) a participating employer as
7 defined in subdivision twenty of section two of the retirement and
8 social security law or in subdivision twenty of section three hundred
9 two of such law; or (ii) a participating employer as defined in subdivi-
10 sion three of section five hundred one of the education law.

11 c. "Retirement contribution" shall mean all or any portion of the
12 amount payable by a municipal corporation to: (i) either the New York
13 state and local employees' retirement system or the New York state and
14 local police and fire retirement system pursuant to section seventeen or
15 three hundred seventeen of the retirement and social security law; or
16 (ii) the New York state teachers' retirement system pursuant to section
17 five hundred twenty-one of the education law.

18 § 52-d. Subdivision 2 of section 6-r of the general municipal law, as
19 added by chapter 260 of the laws of 2004, is amended to read as follows:

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

30 § 52-e. Section 6-r of the general municipal law is amended by adding
31 a new subdivision 2-a to read as follows:

32 2-a. With respect to a municipal corporation which is a participating
33 employer as defined in subdivision three of section five hundred one of
34 the education law, which elects to utilize a retirement contribution
35 reserve fund (a) to finance retirement contributions to the New York
36 state teachers' retirement system pursuant to section five hundred twen-
37 ty-one of the education law and/or (b) to offset all or a portion of the
38 amount deducted from the moneys apportioned to the municipal corporation
39 from the state for the support of common schools pursuant to section
40 five hundred twenty-one of the education law, such municipal corporation
41 shall establish a sub-fund within the retirement contribution reserve
42 fund, which shall be separately administered consistent with the
43 provisions of this section. Such municipal corporation may pay into such
44 sub-fund during any particular fiscal year an amount not to exceed two
45 per centum of the total compensation or salaries of all teachers in the
46 employ of said municipal corporation who are members of the New York
47 state teachers' retirement system paid during the immediately preceding
48 fiscal year. The balance of such sub-fund may not exceed ten per centum
49 of the total compensation or salaries of all teachers in the employ of
50 the municipal corporation who are members of the New York state teach-
51 ers' retirement system paid during the immediately preceding fiscal
52 year. For the purposes of this subdivision, the term "teacher" shall
53 have the same meaning as such term is defined under subdivision four of
54 section five hundred one of the education law.

55 § 52-f. Subdivision 5 of section 6-r of the general municipal law, as
56 added by chapter 260 of the laws of 2004, is amended to read as follows:

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

21 § 52-g. Section 6-r of the general municipal law is amended by adding
22 a new subdivision 11 to read as follows:

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

34 § 52-h. Subparagraph 3 of paragraph b of subdivision 16 of section
35 3641 of the education law, as amended by section 3 of part YYY of chap-
36 ter 59 of the laws of 2017, is amended to read as follows:

37 (3) The smart schools review board shall review all smart schools
38 investment plans for compliance with all eligibility criteria and other
39 requirements set forth in the guidelines. The smart schools review board
40 ~~may~~ shall meet at minimum once every three months to approve or reject
41 such plans that have undergone such review, or may return such plans to
42 the school district for modifications; provided that notwithstanding any
43 inconsistent provision of law, the smart schools review board shall
44 approve no such plan first submitted to the department on or after April
45 fifteenth, two thousand seventeen, unless such plan calculates the
46 amount of classroom technology to be loaned to students attending
47 nonpublic schools pursuant to section seven hundred fifty-five of this
48 chapter in a manner that includes the amount budgeted by the school
49 district for servers, wireless access points and other portable connec-
50 tivity devices to be acquired as part of a school connectivity project.
51 At each such meeting, the smart schools review board shall announce the
52 date for their next meeting. Upon approval, the smart schools project or
53 projects described in the investment plan shall be eligible for smart
54 schools grants. A smart schools project included in a school district's
55 smart schools investment plan shall not require separate approval of the
56 commissioner unless it is part of a school construction project required

1 to be submitted for approval of the commissioner pursuant to section
2 four hundred eight of this chapter and/or subdivision six of section
3 thirty-six hundred two of this article. Any department, agency or public
4 authority shall provide the smart schools review board with any informa-
5 tion it requires to fulfill its duties pursuant to this subdivision.

6 § 52-i. Tuition rates approved for the two thousand nineteen--two
7 thousand twenty school year for special services or programs provided to
8 school-age students by special act school districts; approved private
9 residential or non-residential schools for the education of students
10 with disabilities that are located within the state shall provide for an
11 increase of at least four percent in reimbursable costs; and providers
12 of education to preschool children with disabilities pursuant to section
13 4410 of the education law shall provide for an increase of at least five
14 percent in reimbursable costs.

15 § 52-j. Subdivision 4 of section 3627 of the education law, as amended
16 by section 42-b of part CCC of chapter 59 of the laws of 2018, is
17 amended to read as follows:

18 4. Notwithstanding any other provision of law to the contrary, any
19 expenditures for transportation provided pursuant to this section in the
20 two thousand thirteen--two thousand fourteen school year and thereafter
21 and otherwise eligible for transportation aid pursuant to subdivision
22 seven of section thirty-six hundred two of this article shall be consid-
23 ered approved transportation expenses eligible for transportation aid,
24 provided further that for the two thousand thirteen--two thousand four-
25 teen school year such aid shall be limited to eight million one hundred
26 thousand dollars and for the two thousand fourteen--two thousand fifteen
27 school year such aid shall be limited to the sum of twelve million six
28 hundred thousand dollars plus the base amount and for the two thousand
29 fifteen--two thousand sixteen school year and thereafter such aid shall
30 be limited to the sum of [~~eighteen~~ **nineteen** million [~~eight~~ **three**
31 hundred [~~and~~] fifty thousand dollars plus the base amount. For purposes
32 of this subdivision, "base amount" means the amount of transportation
33 aid paid to the school district for expenditures incurred in the two
34 thousand twelve--two thousand thirteen school year for transportation
35 that would have been eligible for aid pursuant to this section had this
36 section been in effect in such school year, except that subdivision six
37 of this section shall be deemed not to have been in effect. And provided
38 further that the school district shall continue to annually expend for
39 the transportation described in subdivision one of this section at least
40 the expenditures used for the base amount.

41 § 52-k. Paragraph c of subdivision 5 of section 3604 of the education
42 law, as added by chapter 82 of the laws of 1995, is amended to read as
43 follows:

44 c. Payment of moneys due for prior years. State aid payments due for
45 prior years in accordance with the provisions of this subdivision shall
46 be paid either: (i) from funds available in the general support for
47 public school appropriation as a result of the deduction of excess
48 payments of aid pursuant to paragraph a of this subdivision, or (ii)
49 within the limit of the appropriation designated therefor provided,
50 however, that each eligible claim shall be payable in the order that it
51 has been approved for payment by the commissioner, but in no case shall
52 a single claim draw down more than forty percent of the appropriation so
53 designated for a single year, and provided further that no claim shall
54 be set aside for insufficiency of funds to make a complete payment, but
55 shall be eligible for a partial payment in one year and shall retain its

1 priority date status for appropriations designated for such purposes in
2 future years.

3 § 52-1. Subdivision 4 of section 3641 of the education law, as amended
4 by section 48 of part C of chapter 58 of the laws of 1998, paragraph b
5 as amended by section 27 of part A1 of chapter 58 of the laws of 2006,
6 is amended to read as follows:

7 4. Building condition survey services. a. Purpose. The purpose of this
8 subdivision is to assess the need of routine maintenance, repairs, minor
9 alterations, and operational improvements in order to safeguard and
10 promote the health, safety and welfare of both pupils and staff. The
11 legislature further finds that the existing aid formula does not provide
12 for local assistance for such building condition surveys and that,
13 therefore, additional funding is necessary to assist local public school
14 districts with such necessary building condition survey activities.

15 b. Building condition surveys. To be eligible for aid pursuant to
16 subdivision six-e of section thirty-six hundred two of this article,
17 building condition surveys shall be conducted by a licensed architect or
18 licensed professional engineer performing under a state contract entered
19 into pursuant to paragraph c of this subdivision, shall assess the
20 condition of all major building systems of a school building, and shall
21 be in the form and contain the information prescribed by the commis-
22 sioner. For purposes of this paragraph, "major building systems" shall mean
23 the electrical, plumbing, heating, ventilation and air conditioning
24 systems, and the roof and other major structural elements of a school
25 building.

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

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

36 (3) Commencing with the two thousand twenty-one--two thousand twenty-
37 two school year, the commissioner shall require school districts to
38 conduct building condition surveys pursuant to this section in accord-
39 ance with a staggered schedule as assigned by the commissioner, to be
40 structured as follows, and every five years thereafter. In assigning
41 school districts to a scheduled year, the commissioner shall ensure that
42 no region of the state is overrepresented in a given scheduled year. The
43 commissioner shall assign school districts to conduct building condition
44 surveys in the following manner:

45 (i) Schedule A: One-fifth of all school districts, as assigned by the
46 commissioner, shall conduct a building condition survey in the two thou-
47 sand twenty-one--two thousand twenty-two school year.

48 (ii) Schedule B: One-fifth of all school districts, as assigned by the
49 commissioner and excluding those school districts that shall conduct
50 their building condition survey pursuant to Schedule A, shall conduct a
51 building condition survey in the two thousand twenty-two--two thousand
52 twenty-three school year.

53 (iii) Schedule C: One-fifth of all school districts, as assigned by
54 the commissioner and excluding those school districts that shall conduct
55 their building condition survey pursuant to Schedule A or Schedule B,
56 shall conduct a building condition survey in the two thousand twenty-

three--two thousand twenty-four school year. The remaining school districts, other than those assigned to Schedule A and Schedule B, shall conduct a visual inspection as required pursuant to sections four hundred nine-d and four hundred nine-e of this chapter in the two thousand twenty-three--two thousand twenty-four school year;

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

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

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

6-e. Additional apportionment of building aid for building condition surveys of school buildings. In addition to the apportionments payable to a school district pursuant to subdivision six of this section, the commissioner is hereby authorized to apportion to any school district additional building aid in accordance with this subdivision for its approved expenses in the base year for building condition surveys of school buildings that are conducted pursuant to this subdivision and subdivision four of section thirty-six hundred forty-one of this article. The amount of such apportionment shall equal the product of the building aid ratio defined pursuant to paragraph c of subdivision six of this section and the actual approved expenses incurred by the district in the base year for each school building so inspected, provided that the amount of such apportionment shall not exceed the building condition survey aid ceiling~~[, and provided further that such approved expenses shall include approved expenses for testing of potable water systems for lead contamination pursuant to section eleven hundred ten of the public health law]~~. For surveys conducted in the nineteen hundred ninety-eight--ninety-nine school year, the building condition aid ceiling shall be twenty cents gross per square foot of floor area. For surveys conducted in the nineteen hundred ninety-nine--two thousand school year and thereafter, the inspection aid ceiling shall be twenty cents gross per square foot of floor area, plus an amount computed by the commissioner in accordance with regulations adopted for such purpose, on the basis of an index number reflecting changes in the costs of labor and materials from July first, nineteen hundred ninety-eight.

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

6-h. Building aid for testing and filtering of potable water systems for lead contamination. In addition to the apportionments payable to a school district pursuant to subdivision six of this section, the commissioner is hereby authorized to apportion to any school district additional building aid pursuant to this subdivision for its approved expenditures, otherwise ineligible for building aid, in the base year for the testing of potable water systems required pursuant to section

1 eleven hundred ten of the public health law and for the installation of
2 filters and/or other effective remedial measures for immediate remedi-
3 ation in cases where a finding of lead contamination is made pursuant to
4 such section and verified by confirmatory sampling, provided that the
5 cost of installation of such filters and/or other effective remedial
6 measures shall be deemed an approved expenditure only if (i) such
7 installation and/or other effective remedial measures have been approved
8 or reviewed by a professional with expertise in the field of water qual-
9 ity and remediation and (ii) such cost is incurred prior to July first,
10 two thousand nineteen. Such aid shall equal the product of the building
11 aid ratio defined pursuant to paragraph c of subdivision six of this
12 section and the actual approved expenditures incurred in the base year
13 pursuant to this subdivision. Commencing in the two thousand nineteen-
14 -two thousand twenty school year and every year thereafter, additional
15 building aid pursuant to this subdivision shall include approved
16 expenses for testing of potable water systems for lead contamination
17 pursuant to section eleven hundred ten of the public health law.

18 § 52-o. Section 3602 of the education law is amended by adding a new
19 subdivision 6-i to read as follows:

20 6-i. Building aid for periodic inspections of public school buildings.
21 In addition to the apportionments payable to a school district pursuant
22 to subdivision six of this section, the commissioner is hereby author-
23 ized to apportion to any school district additional building aid in
24 accordance with this subdivision for periodic inspections of public
25 school buildings that are conducted pursuant to section four hundred
26 nine-d and section four hundred nine-e of this chapter which are other-
27 wise ineligible for building aid, provided that any such inspections
28 shall be completed prior to June thirtieth, two thousand twenty-six.

29 § 52-p. Subdivision 2 of section 409-e of the education law, as added
30 by section 1 of part B of chapter 56 of the laws of 1998, paragraph (c)
31 as added by section 7 of part L of chapter 405 of the laws of 1999, is
32 amended to read as follows:

33 2. Periodic inspections. (a) [~~Every public school building shall be~~
34 ~~inspected annually in accordance with the code, provided however, the~~]
35 The commissioner may require [~~more frequent~~] periodic inspections of
36 public school buildings as deemed necessary to maintain the safety of
37 school buildings and the welfare of their occupants.

38 (b) As provided in paragraph (a) of this subdivision such inspections
39 shall:

40 (i) be conducted in a manner and by persons meeting the qualifica-
41 tions, as established in the code;

42 (ii) result in a safety rating of every building as required pursuant
43 to this article; and

44 (iii) be reported on forms prescribed by the commissioner, subscribed
45 by the person or persons who conducted the inspection and filed with the
46 commissioner within sixty days of the completion of the inspection.

47 (c) In the case of a city school district in a city having a popu-
48 lation of one million or more inhabitants, each school shall be
49 inspected periodically by the department of buildings pursuant to
50 section 27-211 of the New York city building code, or any successor or
51 substantially similar section.

52 § 52-q. Subdivision 1 of section 409-d of the education law, as
53 amended by chapter 437 of the laws of 2014, is amended to read as
54 follows:

55 1. Program establishment. The commissioner is authorized and directed
56 to establish, develop and monitor a comprehensive public school building

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

17 § 52-r. Section 3 of chapter 437 of the laws of 2014 amending the
18 education law relating to removing the requirements for annual visual
19 inspections of school buildings, is amended to read as follows:

20 § 3. This act shall take effect immediately, provided however, that
21 the provisions of section one of this act shall expire and be deemed
22 repealed June 30, [~~2019~~] 2026.

23 § 53. Severability. The provisions of this act shall be severable, and
24 if the application of any clause, sentence, paragraph, subdivision,
25 section or part of this act to any person or circumstance shall be
26 adjudged by any court of competent jurisdiction to be invalid, such
27 judgment shall not necessarily affect, impair or invalidate the applica-
28 tion of any such clause, sentence, paragraph, subdivision, section, part
29 of this act or remainder thereof, as the case may be, to any other
30 person or circumstance, but shall be confined in its operation to the
31 clause, sentence, paragraph, subdivision, section or part thereof
32 directly involved in the controversy in which such judgment shall have
33 been rendered.

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

37 1. Sections one, three, four, five-a, six, sixteen, seventeen, eigh-
38 teen, nineteen, twenty, twenty-one-a, twenty-two, twenty-three, twenty-
39 four-a, thirty-seven-a, forty-seven, fifty, fifty-one, fifty-two-a,
40 fifty-two-j, fifty-two-p and fifty-two-q of this act shall take effect
41 July 1, 2019;

42 2. The amendments to subdivision 1 of section 2856 of the education
43 law made by section fourteen-b of this act shall be subject to the expi-
44 ration and reversion of such subdivision pursuant to subdivision d of
45 section 27 of chapter 378 of the laws of 2007, as amended, when upon
46 such date the provisions of section fourteen-c of this act shall take
47 effect;

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

53 4. The amendments to section 273-a of the education law made by
54 section fifty-one-a of this act shall expire and be deemed repealed
55 March 31, 2025; and

1 5. The amendments to subdivision 1 of section 409-d of the education
2 law made by section fifty-two-q of this act shall be subject to the
3 expiration and reversion of such subdivision and shall be deemed to
4 expire therewith.

FISCAL NOTE.--Pursuant to Legislative Law, Section 50:

This bill would amend Section 6-r of the General Municipal Law to allow eligible participating employers of the New York State Teachers' Retirement System (NYSTRS) to establish a reserve sub-fund within the retirement contribution reserve fund for the purpose of reserving money to offset future required contributions to NYSTRS. An employer may pay into such sub-fund during any particular fiscal year an amount not to exceed two percent of the total compensation or salaries of all teachers employed by the employer who are members of NYSTRS paid during the immediately preceding fiscal year. Additionally, the total balance in the the sub-fund shall not exceed ten percent of the total compensation or salaries of all teachers employed by the employer who are members of NYSTRS paid during the immediately preceding fiscal year.

The governing board of the employer may by resolution authorize expenditures from the retirement contribution reserve fund. The governing board of the employer may also by resolution authorize the transfer of money between the separately administered sub-fund and the retirement contribution reserve fund subject to the limits on annual payments into the sub-fund and the balance of the sub-fund as provided in this bill.

It is estimated that there will be no annual cost to the employers of members of the New York State Teachers' Retirement System if this bill is enacted.

Member data is from the System's most recent actuarial valuation files, consisting of data provided by the employers to the Retirement System. Data distributions and statistics can be found in the System's Comprehensive Annual Financial Report (CAFR). System assets are as reported in the System's financial statements, and can also be found in the CAFR. Actuarial assumptions and methods are provided in the System's Actuarial Valuation Report.

The source of this estimate is Fiscal Note 2019-2 dated October 5, 2018 prepared by the Actuary of the New York State Teachers' Retirement System and is intended for use only during the 2019 Legislative Session. I, Richard A. Young, am the Actuary for the New York State Teachers' Retirement System. I am a member of the American Academy of Actuaries and I meet the Qualification Standards of the American Academy of Actuaries to render the actuarial opinion contained herein.

5 PART B

6 Intentionally Omitted

7 PART C

8 Intentionally Omitted

9 PART D

10 Intentionally Omitted

11 PART E

12 Intentionally Omitted

1

PART F

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

5 § 97-z. Arts capital [~~revolving~~] grants fund. 1. A special fund to be
6 known as the "arts capital [~~revolving~~] grants fund" is hereby estab-
7 lished in the custody of the state comptroller and the commissioner of
8 taxation and finance.

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

18 3. Monies of the fund, when allocated, shall be available for adminis-
19 trative costs of the council and to make [~~loans~~] grants to eligible
20 not-for-profit arts organizations as provided in section 3.07 of the
21 arts and cultural affairs law [~~and to pay the reasonable administrative~~
22 ~~costs of the dormitory authority incurred in monitoring construction on~~
23 ~~eligible projects and costs associated with contracts with outside enti-~~
24 ~~ties to disburse loans and receive payments on such loans, as provided~~
25 ~~in such section~~].

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

29 § 2. This act shall take effect immediately.

30

PART G

31 Section 1. Notwithstanding any other provision of law, the housing
32 trust fund corporation may provide, for purposes of the neighborhood
33 preservation program, a sum not to exceed \$12,830,000 for the fiscal
34 year ending March 31, 2020. Notwithstanding any other provision of law,
35 and subject to the approval of the New York state director of the budg-
36 et, the board of directors of the state of New York mortgage agency
37 shall authorize the transfer to the housing trust fund corporation, for
38 the purposes of reimbursing any costs associated with neighborhood pres-
39 ervation program contracts authorized by this section, a total sum not
40 to exceed \$12,830,000, such transfer to be made from (i) the special
41 account of the mortgage insurance fund created pursuant to section
42 2429-b of the public authorities law, in an amount not to exceed the
43 actual excess balance in the special account of the mortgage insurance
44 fund, as determined and certified by the state of New York mortgage
45 agency for the fiscal year 2018-2019 in accordance with section 2429-b
46 of the public authorities law, if any, and/or (ii) provided that the
47 reserves in the project pool insurance account of the mortgage insurance
48 fund created pursuant to section 2429-b of the public authorities law
49 are sufficient to attain and maintain the credit rating (as determined
50 by the state of New York mortgage agency) required to accomplish the
51 purposes of such account, the project pool insurance account of the
52 mortgage insurance fund, such transfer to be made as soon as practicable
53 but no later than June 30, 2019.

1 § 2. Notwithstanding any other provision of law, the housing trust
 2 fund corporation may provide, for purposes of the rural preservation
 3 program, a sum not to exceed \$5,360,000 for the fiscal year ending March
 4 31, 2020. Notwithstanding any other provision of law, and subject to
 5 the approval of the New York state director of the budget, the board of
 6 directors of the state of New York mortgage agency shall authorize the
 7 transfer to the housing trust fund corporation, for the purposes of
 8 reimbursing any costs associated with rural preservation program
 9 contracts authorized by this section, a total sum not to exceed
 10 \$5,360,000, such transfer to be made from (i) the special account of the
 11 mortgage insurance fund created pursuant to section 2429-b of the public
 12 authorities law, in an amount not to exceed the actual excess balance in
 13 the special account of the mortgage insurance fund, as determined and
 14 certified by the state of New York mortgage agency for the fiscal year
 15 2018-2019 in accordance with section 2429-b of the public authorities
 16 law, if any, and/or (ii) provided that the reserves in the project pool
 17 insurance account of the mortgage insurance fund created pursuant to
 18 section 2429-b of the public authorities law are sufficient to attain
 19 and maintain the credit rating (as determined by the state of New York
 20 mortgage agency) required to accomplish the purposes of such account,
 21 the project pool insurance account of the mortgage insurance fund, such
 22 transfer to be made as soon as practicable but no later than June 30,
 23 2019.

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

46 § 4. This act shall take effect immediately.

47 PART H

48 Intentionally Omitted

49 PART I

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

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

14 (a) Provided however, any authorized agency required to request crimi-
15 nal history information pursuant to this subdivision that operates a
16 residential program for foster children that is licensed or certified by
17 the office of children and family services shall request that the
18 justice center for the protection of people with special needs check,
19 and upon such request, such justice center shall request and shall be
20 authorized to receive from the division of criminal justice services and
21 the federal bureau of investigation criminal history information, as
22 such phrase is defined in paragraph (c) of subdivision one of the
23 section eight hundred forty-five-b of the executive law, for every:

24 (i) prospective employee of such program that is not already required
25 to be cleared pursuant to the opening paragraph of this subdivision; and
26 (ii) notwithstanding any other provision of law to the contrary, prior
27 to April first, two thousand twenty and in accordance with a schedule
28 developed by the office of children and family services, any person who
29 is employed in a residential foster care program that has not previously
30 had a clearance conducted pursuant to this section in connection to such
31 employment.

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

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

37 (d) Consistent with articles twenty-three and twenty-three-A of the
38 correction law, and guidelines developed pursuant to subdivision two of
39 section four hundred twenty-five of this article, if the office of chil-
40 dren and family services is made aware of the existence of a criminal
41 conviction or pending criminal charge pursuant to information obtained
42 in accordance with paragraph (a) of this subdivision, concerning a
43 current or prospective operator employee, or volunteer of a residential
44 foster care program such conviction or charge may be a basis to deny or
45 disapprove an application for or renewal of an operating certificate or
46 to deny or terminate an employment in accordance with subdivision five
47 of section eight hundred forty-five-b of the executive law. Before an
48 operating certificate may be denied or disapproved for a current or
49 prospective operator or before a current or prospective employee is
50 terminated or denied employment, the applicant for or holder of such
51 operating certificate, or prospective or current employee, is entitled,
52 in accordance with section twenty-two of this chapter and the implement-
53 ing regulations of the office of children and family services, to a
54 hearing before the office of children and family services. However, an
55 operating certificate or employment status shall be temporarily
56 suspended or limited without a hearing upon written notice to the opera-

1 tor or employee following a finding that the public health, or an indi-
2 vidual's safety or welfare, are in imminent danger.

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

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

12 § 3. Subparagraph (i) of paragraph (b) of subdivision 1 of section
13 424-a of the social services law, as amended by section 8-a of part D of
14 chapter 501 of the laws of 2012, is amended to read as follows:

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

42 (B) Notwithstanding clause (A) of this subparagraph, where the provid-
43 er agency is an authorized agency that operates a residential program
44 for foster children that is licensed or certified by the office of chil-
45 dren and family services such agency shall inquire of the office and the
46 office shall, subject to the provisions of paragraph (e) of this subdi-
47 vision, inform such agency and the subject of the inquiry whether:

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

53 (II) Notwithstanding any other provision of law to the contrary, prior
54 to April first, two thousand twenty and in accordance with a schedule
55 developed by the office of children and family services, whether any
56 person who is employed in a residential foster care program that has not

1 previously had a clearance conducted pursuant to this subparagraph in
2 connection to such employment is the subject of an indicated child abuse
3 and maltreatment report on file with the statewide central register of
4 child abuse and maltreatment.

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

6 PART J

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

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

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

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

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

25 2. The department shall annually establish, subject to the approval of
26 the director of the budget, a daily rate of reimbursement for each resi-
27 dential program for victims of domestic violence, as defined in article
28 six-A of this chapter, certified by the department which provides emer-
29 gency shelter and services to persons eligible for such emergency shel-
30 ter and services pursuant to this section. A social services district
31 [~~financially responsible for a victim of domestic violence~~] shall reim-
32 burse a residential program for victims of domestic violence for the
33 costs of emergency shelter and services provided to such victim at the
34 daily reimbursement rate established by the department reduced by [~~the~~
35 ~~sum of all fees which such victim is able to pay toward the costs of~~
36 ~~such shelter and services as determined in accordance with the public~~
37 ~~assistance budgeting rules set forth in the regulations of the depart-~~
38 ~~ment and by~~] any [~~third party~~] other state or federal funds provided for
39 such reimbursement available for such costs. Provided however, local
40 social services districts and residential programs for victims of domes-
41 tic violence shall be reimbursed at one hundred percent for any addi-
42 tional costs incurred providing shelter and services to victims of
43 domestic violence as a result of amendments made to subdivision one of
44 this section pursuant to a chapter of the laws of two thousand nineteen
45 amending the social services law relating to residential programs for
46 domestic violence victims. Provided, however, such funds utilized by
47 the state for such reimbursement shall not reduce expenditures provided
48 for services eligible under title XX of the federal social security act.

49 § 4. Section 459-f of the social services law, as amended by chapter
50 169 of the laws of 1994, is amended to read as follows:

51 § 459-f. [~~Fees~~] Payment for services. [~~Any program defined in subdivi-~~
52 ~~sion four of section four hundred fifty-nine-a of this article may~~
53 ~~charge a service fee to a victim of domestic violence who is able to pay~~
54 ~~all or part of the costs of the emergency shelter and services provided~~

1 ~~to the victim.~~ Payments by a social services district to a residential
 2 program for victims of domestic violence for the costs of emergency
 3 shelter and services provided to a victim of domestic violence at the
 4 daily reimbursement rate determined by the department in accordance with
 5 section one hundred thirty-one-u of this chapter shall be reduced by the
 6 sum of [~~all fees which such victim is able to pay toward the costs of~~
 7 ~~such shelter and services as determined in accordance with the public~~
 8 ~~assistance budgeting rules set forth in the regulations of the depart-~~
 9 ~~ment and by~~] any [~~third party~~] other state or federal funds provided for
 10 such reimbursement available for such costs.
 11 § 5. This act shall take effect April 1, 2019.

12 PART K

13 Section 1. Section 712 of the family court act, as amended by chapter
 14 920 of the laws of 1982, subdivision (a) as amended by section 7 of part
 15 G of chapter 58 of the laws of 2010, subdivision (b) as amended by chap-
 16 ter 465 of the laws of 1992, subdivision (g) as amended by section 2 of
 17 part B of chapter 3 of the laws of 2005, subdivision (h) as added by
 18 chapter 7 of the laws of 1999, subdivision (i) as amended and subdivi-
 19 sions (j), (k), (l) and (m) as added by chapter 38 of the laws of 2014,
 20 is amended to read as follows:

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

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

34 (b) "Detention". The temporary care and maintenance of children away
 35 from their own homes [~~as defined in section five hundred two of the~~
 36 ~~executive law~~] in a foster care program certified by the office of chil-
 37 dren and family services or a certified or approved family boarding
 38 home, or in a city having a population of one million or more, a foster
 39 care facility established and maintained pursuant to the social services
 40 law.

41 (c) "[~~Secure detention~~] Detention facility". A facility [~~characterized~~
 42 ~~by physically restricting construction, hardware and procedures~~] oper-
 43 ated in accordance with section five hundred three of the executive law.

44 (d) [~~"Non-secure detention facility". A facility characterized by the~~
 45 ~~absence of physically restricting construction, hardware and procedures.~~
 46 ~~(e)~~] "Fact-finding hearing". A hearing to determine whether the
 47 respondent did the acts alleged to show that he or she violated a law or
 48 is incorrigible, ungovernable or habitually disobedient and beyond the
 49 control of his or her parents, guardian or legal custodian.

50 [~~(f)~~] (e) "Dispositional hearing". A hearing to determine whether the
 51 respondent requires supervision or treatment.

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

1 ~~(h)~~ (g) "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)~~ (h) "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)~~ (i) "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]~~ Substance use disorder shall have the same meaning as
30 provided for in section 1.03 of the mental hygiene law.

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

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

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

45 § 2. Intentionally omitted.

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

52 § 720. Detention. 1. No child to whom the provisions of this article
53 may apply, shall be detained in any prison, jail, lockup, or other place
54 used for adults convicted of crime or under arrest and charged with a
55 crime.

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

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

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

24 5. (a) The court shall not order or direct detention under this arti-
25 cle, unless the court determines that there is no substantial likelihood
26 that the youth and his or her family will continue to benefit from
27 diversion services, and that continuation in the home would not be
28 appropriate because such continuation would (i) continue or worsen the
29 circumstances alleged in the underlying petition, or that created the
30 need for a petition to be sought, or (ii) create a safety risk to the
31 child or the child's family and that all other available alternatives to
32 detention have been exhausted; and

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

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

42 § 4. Intentionally omitted.

43 § 4-a. Section 727 of the family court act, as amended by chapter 920
44 of the laws of 1982, subdivisions (a) and (b) as amended by chapter 419
45 of the laws of 1987, is amended to read as follows:

46 § 727. Rules of court authorizing release before filing of petition.

47 (a) The agency responsible for operating a [~~detention facility~~] foster
48 care program certified by the office of children and family services or
49 a certified or approved family boarding home, or in a city of one
50 million or more, the agency responsible for operating a foster care
51 facility, may release a child in custody before the filing of a petition
52 to the custody of his parents or other relative, guardian or legal
53 custodian when the events occasioning the taking into custody appear to
54 involve a petition to determine whether a person is in need of super-
55 vision rather than a petition to determine whether a person is a juve-
56 nile delinquent.

1 (b) When a release is made under this section such release may, but
2 need not, be conditioned upon the giving of a recognizance in accord
3 with paragraph (i) of subdivision (b) of section seven hundred twenty-
4 four ~~[(b)-(i)] of this part.~~

5 (c) If the probation service for any reason does not release a child
6 under this section, the child shall promptly be brought before a judge
7 of the court, if practicable, and section seven hundred twenty-eight of
8 this part shall apply.

9 § 5. Subdivisions (c) and (d) of section 728 of the family court act,
10 subdivision (d) as added by chapter 145 of the laws of 2000, paragraph
11 (i) as added and paragraph (ii) of subdivision (d) as renumbered by
12 section 5 of part E of chapter 57 of the laws of 2005, and paragraph
13 (iii) as amended and paragraph (iv) of subdivision (d) as added by
14 section 10 of subpart B of part Q of chapter 58 of the laws of 2011, are
15 amended to read as follows:

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

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

23 (i) that there is no substantial likelihood that the youth and his or
24 her family will continue to benefit from diversion services, and that
25 continuation in the home would not be appropriate because such continua-
26 tion would (A) continue or worsen the circumstances alleged in the
27 underlying petition, or that created the need for a petition to be
28 sought, or (B) create a safety risk to the child or the child's family
29 and that all other available alternatives to detention have been
30 exhausted; and

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

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

42 (iv) whether the setting of the detention takes into account the prox-
43 imity to the community in which the person alleged to be or adjudicated
44 as a person in need of supervision lives with such person's parents or
45 to which such person will be discharged, and the existing educational
46 setting of such person and the proximity of such setting to the location
47 of the detention setting.

48 § 6. Intentionally omitted.

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

55 (b) The designated lead agency shall:

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

5 (ii) diligently attempt to prevent the filing of a petition under this
6 article or, after the petition is filed, to prevent the placement of the
7 youth into foster care in accordance with section seven hundred fifty-
8 six of this article; and

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

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

14 (v) determine whether alternatives to detention are appropriate to
15 avoid remand of the youth to detention; [~~and~~]

16 [~~(v)~~] (vi) assess whether remaining in the home would cause the
17 continuation or worsening of the circumstances that created the need for
18 a petition to be sought, or create a safety risk to the child, or the
19 child's family; and

20 (vii) determine whether an assessment of the youth for substance use
21 disorder by an office of alcoholism and substance abuse services certi-
22 fied provider is necessary when a person seeking to file a petition
23 alleges in such petition that the youth is suffering from a substance
24 use disorder which could make the youth a danger to himself or herself
25 or others. Provided, however, that notwithstanding any other provision
26 of law to the contrary, the designated lead agency shall not be required
27 to pay for all or any portion of the costs of such assessment or for any
28 substance use disorder or detoxification services, except in cases where
29 medical assistance for needy persons may be used to pay for all or any
30 portion of the costs of such assessment or services. The office of alco-
31 holism and substance abuse services shall make a list of its certified
32 providers available to the designated lead agency.

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

43 (f) Efforts to prevent the filing of a petition pursuant to this
44 section may extend until the designated lead agency determines that
45 there is no substantial likelihood that the youth and his or her family
46 will benefit from further attempts. Efforts at diversion pursuant to
47 this section may continue after the filing of a petition where the
48 designated lead agency determines that the youth and his or her family
49 will benefit from further attempts to prevent placement of the youth
50 from entering foster care in accordance with section seven hundred
51 fifty-six of this article.

52 § 8. Intentionally omitted.

53 § 9. Intentionally omitted.

54 § 10. Intentionally omitted.

55 § 11. Intentionally omitted.

56 § 12. Intentionally omitted.

1 § 12-a. Section 751 of the family court act, as amended by chapter 100
2 of the laws of 1993, is amended to read as follows:

3 § 751. Order dismissing petition. If the allegations of a petition
4 under this article are not established, the court shall dismiss the
5 petition. The court may in its discretion dismiss a petition under this
6 article, in the interests of justice where attempts have been made to
7 adjust the case as provided for in sections seven hundred thirty-five
8 and seven hundred forty-two of this article and the probation service
9 has exhausted its efforts to successfully adjust such case as a result
10 of the petition's failure to provide reasonable assistance to the
11 probation service. In dismissing a petition pursuant to this section,
12 the court shall consider whether a referral of services would be appro-
13 priate to meet the needs of the respondent and his or her family.

14 § 13. Section 754 of the family court act, subdivision 1 as designated
15 by chapter 878 of the laws of 1976, paragraph (c) of subdivision 1 as
16 amended by section 4 of part V of chapter 383 of the laws of 2001, the
17 closing paragraph of subdivision 1 as added by section 5 of part V of
18 chapter 55 of the laws of 2012, subdivision 2 as amended by chapter 7 of
19 the laws of 1999, subparagraph (ii) of paragraph (a) of subdivision 2 as
20 amended by section 20 and the closing paragraph of paragraph (b) of
21 subdivision 2 as amended by section 21 of part L of chapter 56 of the
22 laws of 2015, is amended to read as follows:

23 § 754. Disposition on adjudication of person in need of supervision.

24 1. Upon an adjudication of person in need of supervision, the court
25 shall enter an order of disposition:

26 (a) Discharging the respondent with warning;

27 (b) Suspending judgment in accord with section seven hundred fifty-
28 five of this part;

29 (c) Continuing the proceeding and placing the respondent in accord
30 with section seven hundred fifty-six of this part; [~~provided, however,~~
31 ~~that the court shall not place the respondent in accord with section~~
32 ~~seven hundred fifty-six where the respondent is sixteen years of age or~~
33 ~~older, unless the court determines and states in its order that special~~
34 ~~circumstances exist to warrant such placement~~]; or

35 (d) Putting the respondent on probation in accord with section seven
36 hundred fifty-seven of this part.

37 The court may order an eligible person to complete an education reform
38 program in accordance with section four hundred fifty-eight-1 of the
39 social services law, as part of a disposition pursuant to paragraph (a),
40 (b) or (d) of this subdivision.

41 2. (a) Notwithstanding any other provision of law to the contrary, the
42 court shall not order placement with the local commissioner of social
43 services pursuant to section seven hundred fifty-six of this part unless
44 the court finds and states in writing that:

45 (i) no appropriate suitable relative or suitable private person is
46 available for placement pursuant to section seven hundred fifty-six of
47 this part; and

48 (ii) placement in the child's home would not be appropriate because
49 such placement would:

50 (A) continue or worsen the circumstances alleged in the underlying
51 petition; or

52 (B) create a safety risk to the child, or the child's family.

53 (b) The order shall state the court's reasons for the particular
54 disposition. If in accordance with paragraph (a) of this subdivision the
55 court determines placement is appropriate and places the child in
56 accordance with section seven hundred fifty-six of this part, the court

1 in its order shall determine: (i) whether continuation in the child's
2 home would be contrary to the best interest of the child and where
3 appropriate, that reasonable efforts were made prior to the date of the
4 dispositional hearing held pursuant to this article to prevent or elimi-
5 nate the need for removal of the child from his or her home and, if the
6 child was removed from his or her home prior to the date of such hear-
7 ing, that such removal was in the child's best interest and, where
8 appropriate, reasonable efforts were made to make it possible for the
9 child to return safely home. If the court determines that reasonable
10 efforts to prevent or eliminate the need for removal of the child from
11 the home were not made but that the lack of such efforts was appropriate
12 under the circumstances, the court order shall include such a finding;
13 and (ii) in the case of a child who has attained the age of fourteen,
14 the services needed, if any, to assist the child to make the transition
15 from foster care to independent living. Nothing in this subdivision
16 shall be construed to modify the standards for directing detention set
17 forth in section seven hundred thirty-nine of this article.

18 [~~(b)~~] (c) For the purpose of this section, reasonable efforts to
19 prevent or eliminate the need for removing the child from the home of
20 the child or to make it possible for the child to return safely to the
21 home of the child shall not be required where the court determines that:

22 (i) the parent of such child has subjected the child to aggravated
23 circumstances, as defined in subdivision (g) of section seven hundred
24 twelve of this article;

25 (ii) the parent of such child has been convicted of (A) murder in the
26 first degree as defined in section 125.27 or murder in the second degree
27 as defined in section 125.25 of the penal law and the victim was another
28 child of the parent; or (B) manslaughter in the first degree as defined
29 in section 125.20 or manslaughter in the second degree as defined in
30 section 125.15 of the penal law and the victim was another child of the
31 parent, provided, however, that the parent must have acted voluntarily
32 in committing such crime;

33 (iii) the parent of such child has been convicted of an attempt to
34 commit any of the crimes set forth in subparagraphs (i) and (ii) of this
35 paragraph, and the victim or intended victim was the child or another
36 child of the parent; or has been convicted of criminal solicitation as
37 defined in article one hundred, conspiracy as defined in article one
38 hundred five or criminal facilitation as defined in article one hundred
39 fifteen of the penal law for conspiring, soliciting or facilitating any
40 of the foregoing crimes, and the victim or intended victim was the child
41 or another child of the parent;

42 (iv) the parent of such child has been convicted of assault in the
43 second degree as defined in section 120.05, assault in the first degree
44 as defined in section 120.10 or aggravated assault upon a person less
45 than eleven years old as defined in section 120.12 of the penal law, and
46 the commission of one of the foregoing crimes resulted in serious phys-
47 ical injury to the child or another child of the parent;

48 (v) the parent of such child has been convicted in any other jurisdic-
49 tion of an offense which includes all of the essential elements of any
50 crime specified in subparagraph (ii), (iii) or (iv) of this paragraph,
51 and the victim of such offense was the child or another child of the
52 parent; or

53 (vi) the parental rights of the parent to a sibling of such child have
54 been involuntarily terminated;
55 unless the court determines that providing reasonable efforts would be
56 in the best interests of the child, not contrary to the health and safe-

1 ty of the child, and would likely result in the reunification of the
2 parent and the child in the foreseeable future. The court shall state
3 such findings in its order.

4 If the court determines that reasonable efforts are not required
5 because of one of the grounds set forth above, a permanency hearing
6 shall be held within thirty days of the finding of the court that such
7 efforts are not required. At the permanency hearing, the court shall
8 determine the appropriateness of the permanency plan prepared by the
9 social services official which shall include whether and when the child:

10 (A) will be returned to the parent; (B) should be placed for adoption
11 with the social services official filing a petition for termination of
12 parental rights; (C) should be referred for legal guardianship; (D)
13 should be placed permanently with a fit and willing relative; or (E)
14 should be placed in another planned permanent living arrangement with a
15 significant connection to an adult willing to be a permanency resource
16 for the child if the child is age sixteen or older and if the require-
17 ments of subparagraph (E) of paragraph (iv) of subdivision (d) of
18 section seven hundred fifty-six-a of this part have been met. The social
19 services official shall thereafter make reasonable efforts to place the
20 child in a timely manner and to complete whatever steps are necessary to
21 finalize the permanent placement of the child as set forth in the
22 permanency plan approved by the court. If reasonable efforts are deter-
23 mined by the court not to be required because of one of the grounds set
24 forth in this paragraph, the social services official may file a peti-
25 tion for termination of parental rights in accordance with section three
26 hundred eighty-four-b of the social services law.

27 [~~(e)~~] (d) For the purpose of this section, in determining reasonable
28 efforts to be made with respect to a child, and in making such reason-
29 able efforts, the child's health and safety shall be the paramount
30 concern.

31 [~~(d)~~] (e) For the purpose of this section, a sibling shall include a
32 half-sibling.

33 § 13-a. Paragraph (a) of subdivision 7 of section 384-b of the social
34 services law, as amended by chapter 113 of the laws of 2010, is amended
35 to read as follows:

36 (a) For the purposes of this section, "permanently neglected child"
37 shall mean a child who is in the care of an authorized agency and whose
38 parent or custodian has failed for a period of either at least one year
39 or fifteen out of the most recent twenty-two months following the date
40 such child came into the care of an authorized agency substantially and
41 continuously or repeatedly to maintain contact with or plan for the
42 future of the child, although physically and financially able to do so,
43 notwithstanding the agency's diligent efforts to encourage and strength-
44 en the parental relationship when such efforts will not be detrimental
45 to the best interests of the child. The court shall consider the special
46 circumstances of an incarcerated parent or parents, or of a parent or
47 parents participating in a residential substance abuse treatment
48 program, when determining whether a child is a "permanently neglected
49 child" as defined in this paragraph. In such cases, the court also shall
50 consider the particular constraints, including but not limited to, limi-
51 tations placed on family contact and the unavailability of social or
52 rehabilitative services to aid in the development of a meaningful
53 relationship between the parent and his or her child, that may impact
54 the parent's ability to substantially and continuously or repeatedly
55 maintain contact with his or her child and to plan for the future of his
56 or her child as defined in paragraph (c) of this subdivision. Where a

1 court has previously determined in accordance with paragraph (b) of
2 subdivision three of section three hundred fifty-eight-a of this chapter
3 or section one thousand thirty-nine-b, subparagraph (A) of paragraph (i)
4 of subdivision (b) of section one thousand fifty-two, paragraph [~~(b)~~]
5 (c) of subdivision two of section seven hundred fifty-four or paragraph
6 (c) of subdivision two of section 352.2 of the family court act that
7 reasonable efforts to make it possible for the child to return safely to
8 his or her home are not required, the agency shall not be required to
9 demonstrate diligent efforts as defined in this section. In the event
10 that the parent defaults after due notice of a proceeding to determine
11 such neglect, such physical and financial ability of such parent may be
12 presumed by the court.

13 § 13-b. Subdivision (a) of section 755 of the family court act, as
14 amended by chapter 124 of the laws of 1993, is amended to read as
15 follows:

16 (a) Rules of court shall define permissible terms and conditions of a
17 suspended judgment. The court may order as a condition of a suspended
18 judgment restitution or services for public good pursuant to section
19 seven hundred fifty-eight-a of this part, and~~[, except when the respond-~~
20 ~~ent has been assigned to a facility in accordance with subdivision four~~
21 ~~of section five hundred four of the executive law,~~] in cases wherein the
22 record indicates that the consumption of alcohol by the respondent may
23 have been a contributing factor, the court may order attendance at and
24 completion of an alcohol awareness program established pursuant to
25 section 19.25 of the mental hygiene law.

26 § 14. Section 756 of the family court act, as amended by chapter 920
27 of the laws of 1982, paragraph (i) of subdivision (a) as amended by
28 chapter 309 of the laws of 1996, the opening paragraph of paragraph (ii)
29 of subdivision (a) as amended by section 11 of part G of chapter 58 of
30 the laws of 2010, subdivision (b) as amended by chapter 7 of the laws of
31 1999, and subdivision (c) as amended by section 10 of part E of chapter
32 57 of the laws of 2005, is amended to read as follows:

33 § 756. Placement. (a) (i) For purposes of section seven hundred
34 fifty-four of this part, the court may place the child in its own home
35 or in the custody of a suitable relative or other suitable private
36 person or a commissioner of social services, to the extent such commis-
37 sioner shall direct placement in (1) a foster care program certified by
38 the office of children and family services, (2) a certified or approved
39 family boarding home, (3) in a city having a population of one million
40 or more, a foster care facility established and maintained pursuant to
41 the social services law, or (4) an available long term safe house for
42 youth meeting the definition of a sexually exploited child as defined in
43 subdivision one of section four hundred forty-seven-a of the social
44 services law subject to the orders of the court.

45 (ii) Where the child is placed with the commissioner of the local
46 social services district, the court may direct the commissioner to place
47 the child with an authorized agency or class of authorized agencies,
48 including, if the court finds that the respondent is a sexually
49 exploited child as defined in subdivision one of section four hundred
50 forty-seven-a of the social services law, an available long-term safe
51 house. Unless the dispositional order provides otherwise, the court so
52 directing shall include one of the following alternatives to apply in
53 the event that the commissioner is unable to so place the child:

54 (1) the commissioner shall apply to the court for an order to stay,
55 modify, set aside, or vacate such directive pursuant to the provisions

1 of section seven hundred sixty-two or seven hundred sixty-three of this
2 part; or

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

5 (b) Placements under this section may be for an initial period of
6 [~~twelve months~~] ninety days. The court may extend a placement pursuant
7 to section seven hundred fifty-six-a of this part. In its discretion,
8 the court may recommend restitution or require services for public good
9 pursuant to section seven hundred fifty-eight-a of this part in conjunc-
10 tion with an order of placement. [~~For the purposes of calculating the~~
11 ~~initial period of placement, such placement shall be deemed to have~~
12 ~~commenced sixty days after the date the child was removed from his or~~
13 ~~her home in accordance with the provisions of this article.~~] If the
14 respondent has been in detention pending disposition, the initial period
15 of placement ordered under this section shall be credited with and
16 diminished by the amount of time spent by the respondent in detention
17 prior to the commencement of the placement unless the court finds that
18 all or part of such credit would not serve the best interests of the
19 respondent.

20 (c) A placement pursuant to this section with the commissioner of
21 social services shall not be directed in any detention facility[~~, but~~
22 ~~the~~]. The court may direct detention pending transfer to a placement
23 authorized and ordered under this section for no more than than
24 [~~fifteen~~] ten days after such order of placement is made. Such direction
25 shall be subject to extension pursuant to subdivision three of section
26 three hundred ninety-eight of the social services law, upon written
27 documentation to the office of children and family services that the
28 youth is in need of specialized treatment or placement and the diligent
29 efforts by the commissioner of social services to locate an appropriate
30 placement.

31 § 14-a. Section 756-a of the family court act, as added by chapter 604
32 of the laws of 1986, subdivision (a) as amended by chapter 309 of the
33 laws of 1996, subdivisions (b) and (d) as amended by section 4 of part B
34 of chapter 327 of the laws of 2007, subdivisions (c) and (e) as amended
35 by chapter 7 of the laws of 1999, paragraph (ii) of subdivision (d) as
36 amended by section 3 of part M of chapter 54 of the laws of 2016, para-
37 graphs (iii), (iv) and (v) of subdivision (d) as amended by section 23
38 and subdivision (d-1) as amended by section 24 of part L of chapter 56
39 of the laws of 2015, is amended to read as follows:

40 § 756-a. Extension of placement. (a) In any case in which the child
41 has been placed pursuant to section seven hundred fifty-six of this
42 part, the child, the person with whom the child has been placed or the
43 commissioner of social services may petition the court to extend such
44 placement. Such petition shall be filed at least [~~sixty~~] thirty days
45 prior to the expiration of the period of placement, except for good
46 cause shown, but in no event shall such petition be filed after the
47 original expiration date.

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

52 (c) The provisions of section seven hundred forty-five of this article
53 shall apply at such permanency hearing. If the petition is filed within
54 [~~sixty~~] thirty days prior to the expiration of the period of placement,
55 the court shall first determine at such permanency hearing whether good

1 cause has been shown. If good cause is not shown, the court shall
2 dismiss the petition.

3 (d) At the conclusion of the permanency hearing the court may, in its
4 discretion, order an extension of the placement for not more than [~~one~~
5 ~~year~~] ninety days. The court must consider and determine in its order:

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

13 (ii) in the case of a child who has attained the age of fourteen, (A)
14 the services needed, if any, to assist the child to make the transition
15 from foster care to successful adulthood; and (B)(1) that the permanency
16 plan developed for the child, and any revision or addition to the plan
17 shall be developed in consultation with the child and, at the option of
18 the child, with up to two additional members of the child's permanency
19 planning team who are selected by the child and who are not a foster
20 parent of, or case worker, case planner or case manager for, the child,
21 except that the local commissioner of social services with custody of
22 the child may reject an individual so selected by the child if such
23 commissioner has good cause to believe that the individual would not act
24 in the best interests of the child, and (2) that one individual so
25 selected by the child may be designated to be the child's advisor and,
26 as necessary, advocate with respect to the application of the reasonable
27 and prudent parent standard;

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

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

1 placed for adoption, placed with a fit and willing relative, or placed
2 with a legal guardian; and (3) the court has made a determination
3 explaining why, as of the date of the hearing, another planned living
4 arrangement with a significant connection to an adult willing to be a
5 permanency resource for the child is the best permanency plan for the
6 child; and

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

9 (d-1) At the permanency hearing, the court shall consult with the
10 respondent in an age-appropriate manner regarding the permanency plan;
11 provided, however, that if the respondent is age sixteen or older and
12 the requested permanency plan for the respondent is placement in another
13 planned permanent living arrangement with a significant connection to an
14 adult willing to be a permanency resource for the respondent, the court
15 must ask the respondent about the desired permanency outcome for the
16 respondent.

17 (e) Pending final determination of a petition to extend such placement
18 filed in accordance with the provisions of this section, the court may,
19 on its own motion or at the request of the petitioner or respondent,
20 enter one or more temporary orders extending a period of placement not
21 to exceed thirty days upon satisfactory proof showing probable cause for
22 continuing such placement and that each temporary order is necessary.
23 The court may order additional temporary extensions, not to exceed a
24 total of fifteen days, if the court is unable to conclude the hearing
25 within the thirty day temporary extension period. In no event shall the
26 aggregate number of days in extensions granted or ordered under this
27 subdivision total more than forty-five days. The petition shall be
28 dismissed if a decision is not rendered within the period of placement
29 or any temporary extension thereof. Notwithstanding any provision of law
30 to the contrary, the initial permanency hearing shall be held within
31 ~~[twelve months of the date the child was placed into care]~~ a reasonable
32 period of time prior to the expiration of the initial period of place-
33 ment pursuant to section seven hundred fifty-six of this article and no
34 later than every twelve months thereafter. ~~[For the purposes of this~~
35 ~~section, the date the child was placed into care shall be sixty days~~
36 ~~after the child was removed from his or her home in accordance with the~~
37 ~~provisions of this section.]~~

38 (f) Successive extensions of placement under this section may be
39 granted, but no placement may be made or continued beyond the child's
40 eighteenth birthday without his or her consent and in no event past his
41 or her twenty-first birthday.

42 § 14-b. Section 757 of the family court act is amended by adding a new
43 subdivision (e) to read as follows:

44 (e) The court may order services deemed appropriate to address the
45 circumstances alleged in the underlying petition.

46 § 15. Section 758-a of the family court act, as amended by chapter 73
47 of the laws of 1979, subdivision 1 as amended by chapter 4 of the laws
48 of 1987, paragraph (b) of subdivision 1 as amended by chapter 575 of the
49 laws of 2007, subdivision 2 as amended by chapter 309 of the laws of
50 1996, and subdivision 3 as separately amended by chapter 568 of the laws
51 of 1979, is amended to read as follows:

52 § 758-a. Restitution. 1. In cases involving acts of [~~infants~~] children
53 over [~~ten~~] twelve and less than [~~sixteen~~] eighteen years of age, the
54 court may

55 (a) recommend as a condition of placement, or order as a condition of
56 probation or suspended judgment, restitution in an amount representing a

1 fair and reasonable cost to replace the property or repair the damage
2 caused by the [~~infant~~ child], not, however, to exceed one thousand
3 dollars. [~~In the case of a placement, the court may recommend that the~~
4 ~~infant pay out of his or her own funds or earnings the amount of~~
5 ~~replacement or damage, either in a lump sum or in periodic payments in~~
6 ~~amounts set by the agency with which he is placed, and in the case of~~
7 ~~probation or suspended judgment, the] The court may require that the
8 [~~infant~~ child] pay out of his or her own funds or earnings the amount of
9 replacement or damage, either in a lump sum or in periodic payments in
10 amounts set by the court; and/or~~

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

18 2. If the court recommends restitution or requires services for the
19 public good in conjunction with an order of placement pursuant to
20 section seven hundred fifty-six of this part, the placement shall be
21 made only to an authorized agency which has adopted rules and regu-
22 lations for the supervision of such a program, which rules and regu-
23 lations shall be subject to the approval of the state department of
24 social services. Such rules and regulations shall include, but not be
25 limited to provisions (i) assuring that the conditions of work, includ-
26 ing wages, meet the standards therefor prescribed pursuant to the labor
27 law; (ii) affording coverage to the child under the workers' compen-
28 sation law as an employee of such agency, department or institution;
29 (iii) assuring that the entity receiving such services shall not utilize
30 the same to replace its regular employees; and (iv) providing for
31 reports to the court not less frequently than every six months, unless
32 the order provides otherwise.

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

42 4. The court, upon receipt of the reports provided for in subdivision
43 two or three of this section may, on its own motion or the motion of any
44 party or the agency, hold a hearing to determine whether the placement
45 or condition should be altered or modified.

46 § 15-a. Section 768 of the family court act is amended to read as
47 follows:

48 § 768. Successive petitions. If a petition under section seven hundred
49 sixty-four of this part is denied, it may not be renewed for a period of
50 [~~ninety~~ thirty] days after the denial, unless the order of denial
51 permits renewal at an earlier time.

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

54 § 774. Action on petition for transfer. On receiving a petition under
55 section seven hundred seventy-three of this part, the court may proceed
56 under sections seven hundred thirty-seven, seven hundred thirty-eight or

1 seven hundred thirty-nine of this article with respect to the issuance
2 of a summons or warrant and sections seven hundred twenty-seven and
3 seven hundred twenty-nine govern questions of detention and failure to
4 comply with a promise to appear. Due notice of the petition and a copy
5 of the petition shall also be served personally or by mail upon the
6 office of the locality chargeable for the support of the person involved
7 and upon the person involved and his or her parents and other persons.

8 § 17. Paragraph (c) of subdivision 3 and subdivision 11 of section 398
9 of the social services law, paragraph (c) of subdivision 3 as amended by
10 section 19 of part E of chapter 57 of the laws of 2005 and subdivision
11 11 as added by chapter 514 of the laws of 1976, are amended to read as
12 follows:

13 (c) Receive within fifteen days from the order of placement as a
14 public charge any delinquent child committed or placed or ten days in
15 the case of a person in need of supervision placed in his or her care by
16 the family court provided, however, that the commissioner of the social
17 services district with whom the child is placed may apply to the state
18 commissioner or his or her designee for approval of an additional
19 fifteen days, or ten days in the case of a person in need of super-
20 vision, upon written documentation to the office of children and family
21 services that the youth is in need of specialized treatment or placement
22 and the diligent efforts by the commissioner of social services to
23 locate an appropriate placement.

24 11. In the case of a child who is adjudicated a person in need of
25 supervision or a juvenile delinquent and is placed by the family court
26 with the [~~division for youth~~] office of children and family services and
27 who is placed by [~~the division for youth~~] such office with an authorized
28 agency pursuant to court order, the social services official shall make
29 expenditures in accordance with the regulations of the department for
30 the care and maintenance of such child during the term of such placement
31 subject to state reimbursement pursuant to section one hundred fifty-
32 three-k of this [title, or article nineteen-C of the executive law in
33 applicable cases] article.

34 § 17-a. Paragraph (a) of subdivision 8 of section 404 of the social
35 services law, as added by section 1 of subpart A of part G of chapter 57
36 of the laws of 2012, is amended and a new paragraph (a-1) is added to
37 read as follows:

38 (a) Notwithstanding any other provision of law to the contrary, except
39 as provided for in paragraph (a-1) of this subdivision, eligible expend-
40 itures during the applicable time periods made by a social services
41 district for an approved juvenile justice services close to home initi-
42 ative shall, if approved by the department of family assistance, be
43 subject to reimbursement with state funds only up to the extent of an
44 annual appropriation made specifically therefor, after first deducting
45 therefrom any federal funds properly received or to be received on
46 account thereof; provided, however, that when such funds have been
47 exhausted, a social services district may receive state reimbursement
48 from other available state appropriations for that state fiscal year for
49 eligible expenditures for services that otherwise would be reimbursable
50 under such funding streams. Any claims submitted by a social services
51 district for reimbursement for a particular state fiscal year for which
52 the social services district does not receive state reimbursement from
53 the annual appropriation for the approved close to home initiative may
54 not be claimed against that district's appropriation for the initiative
55 for the next or any subsequent state fiscal year.

(a-1) State reimbursement shall be made available for one hundred percent of eligible expenditures made by a social services district, exclusive of any federal funds made available for such purposes, for approved juvenile justice services under an approved close to home initiative provided to youth age sixteen years or older when such services would not otherwise have been provided to such youth absent the provisions of chapter fifty-nine of the laws of two thousand seventeen that increased the age of juvenile jurisdiction above fifteen years of age.

§ 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

1 assist social services officials in making determinations of eligibility
2 for mandated preventive services pursuant to [~~clause (ii) of~~] this para-
3 graph.

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

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

33 § 20. Subdivision 1 and the opening paragraph of subdivision 2 of
34 section 529-b of the executive law, as amended by section 99 of part WWW
35 of chapter 59 of 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 resi-
2 dential care with the municipality, the municipality's reduction in the
3 use of detention and residential placements, and other factors as deter-
4 mined by the office. Such plan developed by the office shall be subject
5 to the approval of the director of the budget. The office is authorized,
6 in its discretion, to make advance distributions to a municipality in
7 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 or 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 § 21. Paragraph (a) of subdivision 2 of section 530 of the executive
23 law, as amended by section 100 of part WWW of chapter 59 of the laws of
24 2017, is amended to read as follows:

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

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

1 § 22-a. Subdivision 12 of section 153-k of the social services law is
2 REPEALED.

3 § 22-b. Section 104-b of part WWW of chapter 59 of the laws of 2017
4 amending the criminal procedure law and other laws relating to
5 proceedings against juvenile and adolescent offenders 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 immediately and shall be deemed to be
17 applicable to the detention or placement of youth pursuant to petitions
18 filed pursuant to article seven of the family court act on or after such
19 effective date; provided, however, that the amendments to section 404 of
20 the social services law made by section seventeen-a of this act shall
21 not affect the repeal of such section and shall be deemed repealed ther-
22 ewith; provided, further, that the amendments to subparagraph (ii) of
23 paragraph (a) of subdivision 1 of section 409-a of the social services
24 law made by section eighteen of this act shall be subject to the expira-
25 tion and reversion of such subparagraph pursuant to section 28 of part C
26 of chapter 83 of the laws of 2002, as amended, when upon such date the
27 provisions of section eighteen-a of this act shall take effect.

28 PART L

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

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

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

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

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

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

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

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

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

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

11 (c) On and after January first, two thousand ~~[eighteen]~~ nineteen, (i)
12 for an eligible individual receiving family care, [~~\$1,016.48~~] \$1,037.48
13 if he or she is receiving such care in the city of New York or the coun-
14 ty of Nassau, Suffolk, Westchester or Rockland; and (ii) for an eligible
15 couple receiving family care in the city of New York or the county of
16 Nassau, Suffolk, Westchester or Rockland, two times the amount set forth
17 in subparagraph (i) of this paragraph; or (iii) for an eligible individ-
18 ual receiving such care in any other county in the state, [~~\$978.48~~]
19 \$999.48; and (iv) for an eligible couple receiving such care in any
20 other county in the state, two times the amount set forth in subpara-
21 graph (iii) of this paragraph.

22 (d) On and after January first, two thousand ~~[eighteen]~~ nineteen, (i)
23 for an eligible individual receiving residential care, [~~\$1,185.00~~]
24 \$1,206.00 if he or she is receiving such care in the city of New York or
25 the county of Nassau, Suffolk, Westchester or Rockland; and (ii) for an
26 eligible couple receiving residential care in the city of New York or
27 the county of Nassau, Suffolk, Westchester or Rockland, two times the
28 amount set forth in subparagraph (i) of this paragraph; or (iii) for an
29 eligible individual receiving such care in any other county in the
30 state, [~~\$1,155.00~~] \$1,176.00; and (iv) for an eligible couple receiving
31 such care in any other county in the state, two times the amount set
32 forth in subparagraph (iii) of this paragraph.

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

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

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

44 PART M

45 Intentionally Omitted

46 PART N

47 Intentionally Omitted

48 PART O

49 Intentionally Omitted

1 PART P
2 Intentionally Omitted
3 PART Q
4 Intentionally Omitted
5 PART R
6 Intentionally Omitted
7 PART S
8 Intentionally Omitted
9 PART T
10 Intentionally Omitted
11 PART U
12 Intentionally Omitted
13 PART V
14 Intentionally Omitted
15 PART W
16 Intentionally Omitted
17 PART X
18 Intentionally Omitted
19 PART Y
20 Intentionally Omitted
21 PART Z
22 Intentionally Omitted
23 PART AA

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

27 Each agency designated as a participating agency under the provisions
28 of this section shall implement and administer a program of distribution
29 of voter registration forms pursuant to the provisions of this section.
30 The following offices which provide public assistance and/or provide
31 state funded programs primarily engaged in providing services to persons
32 with disabilities are hereby designated as voter registration agencies:
33 designated as the state agencies which provide public assistance are the

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

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

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

42 § 2-a. Paragraph (e) of subdivision 1 of section 169 of the executive
43 law, as amended by section 9 of part A of chapter 60 of the laws of
44 2012, is amended to read as follows:

45 (e) [~~chairman~~] chairperson of state athletic commission, director of
46 the office of victim services, [~~chairman~~] chairperson of human rights
47 appeal board, [~~chairman~~] chairperson of the industrial board of appeals,
48 [~~chairman~~] chairperson of the state commission of correction, members of
49 the board of parole, [~~member-chairman~~] member-chairperson of unemploy-
50 ment insurance appeal board, director of veterans' [~~affaires~~] services,
51 and [~~vice-chairman~~] vice-chairperson of the workers' compensation board;

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

54 1. There is hereby established within the division of military and
55 naval affairs a temporary advisory committee on the restoration and
56 display of New York state's military battle flags (hereinafter referred

1 to as the "committee"). The committee shall have thirteen members as
2 follows: the adjutant general, the director of the New York state mili-
3 tary heritage museum, the commissioners of education and parks, recre-
4 ation and historic preservation and the director of the division of
5 veterans' ~~[affaires]~~ services, or their designated representatives, two
6 members appointed each by the governor, speaker of the assembly and
7 majority leader of the senate and one member each appointed by the
8 minority leaders of the senate and assembly and shall serve at the plea-
9 sure of the appointing authority. Appointed members shall include indi-
10 viduals with experience in restoration of historical memorabilia, exper-
11 tise in military history, or a background in historical restoration or
12 fine arts conservation. No appointed member shall be a member of the
13 executive, legislative or judicial branch of the state government at the
14 time of his/her appointment. The advisory committee shall meet at least
15 four times a year. No members shall receive any compensation, but
16 members who are not state officials may receive actual and necessary
17 expenses incurred in the performance of their duties.

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

20 VETERANS' ~~[AFFAIRS]~~ SERVICES

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

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

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

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

28 § 351. Division of veterans' ~~[affaires]~~ services. There is hereby
29 created in the executive department a division of veterans' ~~[affaires]~~
30 services. The head of such division shall be the New York state direc-
31 tor of veterans' ~~[affaires]~~ services who shall be a veteran. He or she
32 shall be appointed by the governor and shall hold office during his or
33 her pleasure. Such state director shall receive an annual salary to be
34 fixed by the governor within the limitation provided by law. He or she
35 shall also be entitled to receive his or her expenses actually and
36 necessarily incurred by him or her in the performance of his or her
37 duties. The state director, with the approval of the governor, may
38 establish such bureaus within the division as are necessary and appro-
39 priate to carrying out its functions and may consolidate or abolish such
40 bureaus. The state director may appoint such officers, consultants,
41 clerks and other employees and agents as he or she may deem necessary,
42 fix their compensation within the limitation provided by law, and
43 prescribe their duties.

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

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

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

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

1 § 354-a. Information on status of veterans receiving assistance.
2 Departments, divisions, bureaus, boards, commissions and agencies of the
3 state and political subdivisions thereof, which provide assistance,
4 treatment, counseling, care, supervision or custody in service areas
5 involving health, mental health, family services, criminal justice or
6 employment, including but not limited to the office of alcoholism and
7 substance abuse services, office of mental health, office of probation
8 and correctional alternatives, office of children and family services,
9 office of temporary and disability assistance, department of health,
10 department of labor, local workforce investment boards, office for
11 people with developmental disabilities, and department of corrections
12 and community supervision, shall request assisted persons to provide
13 information with regard to their veteran status and military experi-
14 ences. Individuals identifying themselves as veterans shall be advised
15 that the division of veterans' [~~affaires~~] services and local veterans'
16 service agencies established pursuant to section three hundred fifty-
17 seven of this article provide assistance to veterans regarding benefits
18 under federal and state law. Information regarding veterans status and
19 military service provided by assisted persons solely to implement this
20 section shall be protected as personal confidential information under
21 article six-A of the public officers law against disclosure of confiden-
22 tial material, and used only to assist in the diagnosis, treatment,
23 assessment and handling of the veteran's problems within the agency
24 requesting such information and in referring the veteran to the division
25 of veterans' [~~affaires~~] services for information and assistance with
26 regard to benefits and entitlements under federal and state law.

27 § 8-a. Subdivision 2 of section 354-e of the executive law, as added
28 by chapter 322 of the laws of 2018, is amended to read as follows:

29 2. Individuals identifying themselves as having served in the military
30 or a family member shall be advised that the division of veterans'
31 [~~affaires~~] services and local veterans service agencies established
32 pursuant to section three hundred fifty-seven of this article provide
33 assistance to veterans regarding benefits under federal and state law.
34 Information regarding veterans and military status provided by assisted
35 persons solely to implement this section shall be protected as personal
36 confidential material, and used only to assist in the diagnosis, treat-
37 ment, assessment and handling of the veteran's or family member's prob-
38 lems within the agency requesting such information and in referring the
39 veteran or family member to the division of veterans' [~~affaires~~] services
40 for the information and assistance with regard to benefits and entitle-
41 ments under federal and state law.

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

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

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

49 § 362. Creation of annuity. 1. Payment to veterans. a. Any veteran as
50 defined in this article who has been or is hereafter classified by the
51 New York State commission for the visually handicapped as a blind person
52 as defined in section three of chapter four hundred fifteen of the laws
53 of nineteen hundred thirteen, as amended, and continues to be a blind
54 person within the meaning of that section, shall, upon application to
55 the director of the division of veterans' [~~affaires~~] services, be paid
56 out of the treasury of the state for such term as such veteran shall be

1 entitled thereto under the provisions of this article, the sum of one
2 thousand dollars annually, plus any applicable annual adjustment, as
3 provided in this section.

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

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

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

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

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

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

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

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

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

23 § 10-b. Subdivisions 3 and 5 of section 364 of the executive law,
24 subdivision 3 as added by chapter 424 of the laws of 1961, and subdivi-
25 sion 5 as amended by chapter 115 of the laws of 1981, are amended to
26 read as follows:

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

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

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

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

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

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

42 (g) Nothing in this section shall be construed to authorize the divi-
43 sion of veterans' [~~affaires~~] services to commence an investigation and
44 study pursuant to paragraph (a) of this subdivision, issuing a request
45 for proposals pursuant to paragraph (c) of this subdivision, selecting a
46 site for the first New York state [~~veterans~~] veterans' cemetery pursuant
47 to paragraph (d) of this subdivision, or submitting any application for
48 funding from the government of the United States in accordance with the
49 grant requirements specified in section 2408 of title 38 of the United
50 States code, part 30 of title 38 of the code of federal regulations, and
51 other relevant federal statutes or regulations, for the purpose of seek-
52 ing funds to support the construction, establishment, expansion,
53 improvement, support, operation, maintenance and the provision of
54 perpetual care of New York state's first [~~veterans~~] veterans' cemetery
55 pursuant to paragraph (e) of this subdivision until the funds in the

1 veterans remembrance and cemetery maintenance and operation fund have
2 been certified pursuant to paragraph (b) of this subdivision.

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

7 (6) The requirement that a response shall require the local government
8 to agree to authorize the state of New York, in the event that the local
9 government fails to perform its obligations under the contract with the
10 state of New York, that the state director of the division of veterans'
11 [~~affaires~~] services shall certify to the comptroller any unpaid amounts
12 or any amounts necessary for the state to assume the obligations which
13 the local government failed to perform, and the comptroller shall, to
14 the extent not otherwise prohibited by law, withhold such amount from
15 any state aid or other amount payable to such local government; to the
16 extent that sufficient funds are not available for such withholding, the
17 state may pursue any and all available legal remedies to enforce the
18 terms of the contract entered into between the state and a local govern-
19 ment pursuant to this subdivision; and

20 § 11-a. Paragraph (a) of subdivision 1 of section 367 of the executive
21 law, as amended by chapter 356 of the laws of 2018, is amended to read
22 as follows:

23 (a) A parent, identified in 10 USC 1126 as a gold star parent, of a
24 veteran who heretofore has died or parent of a veteran dying hereafter,
25 shall upon application to the state director, be paid an annual annuity
26 out of the treasury of the state for the sum of five hundred dollars for
27 such term as such parent shall be entitled thereto under the provisions
28 of this article. Commencing in the year two thousand nineteen, the
29 amount of any annuity payable under this section shall be the same
30 amount as the annuity payable in the preceding year plus a percentage
31 adjustment equal to the annual percentage increase, if any, for compen-
32 sation and pension benefits administered by the United States department
33 of [~~veterans~~] veterans affairs in the previous year. Such percentage
34 increase shall be rounded up to the next highest one-tenth of one
35 percent and shall not be less than one percent nor more than four
36 percent. The director of veterans' [~~affaires~~] services, not later than
37 February first of each year, shall publish by any reasonable means,
38 including but not limited to posting on the division's website, the
39 amount of the annuity as adjusted payable under this section. The term
40 "parent" for the purposes of this section includes mother, father, step-
41 mother, stepfather, mother through adoption and father through adoption.

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

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

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

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

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

1 1. As used in this section, "crime victim-related agency" means any
2 agency of state government which provides services to or deals directly
3 with crime victims, including (a) the office of children and family
4 services, the office for the aging, the division of [~~veterans affairs~~]
5 veterans' services, the office of probation and correctional alterna-
6 tives, the department of corrections and community supervision, the
7 office of victim services, the department of motor vehicles, the office
8 of vocational rehabilitation, the workers' compensation board, the
9 department of health, the division of criminal justice services, the
10 office of mental health, every transportation authority and the division
11 of state police, and (b) any other agency so designated by the governor
12 within ninety days of the effective date of this section.

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

16 3. Monies of the fund shall be expended for the provision of veterans'
17 counseling services provided by local veterans' service agencies pursu-
18 ant to section three hundred fifty-seven of the executive law under the
19 direction of the division of veterans' [~~affairs~~] services.

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

23 § 16. The opening paragraph of subdivision 2-a and subdivision 5 of
24 section 97-mmmm of the state finance law, the opening paragraph of
25 subdivision 2-a as amended by section 27-c of part UU of chapter 54 of
26 the laws of 2016, and subdivision 5 as added by section 2 of part W of
27 chapter 57 of the laws of 2013, are amended to read as follows:

28 On or before the first day of February each year, the director of the
29 New York state division of veterans' [~~affairs~~] services shall provide a
30 written report to the temporary president of the senate, speaker of the
31 assembly, chair of the senate finance committee, chair of the assembly
32 ways and means committee, chair of the senate committee on veterans,
33 homeland security and military affairs, chair of the assembly veterans'
34 affairs committee, the state comptroller and the public. Such report
35 shall include how the monies of the fund were utilized during the
36 preceding calendar year, and shall include:

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

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

45 1. There is hereby established in the joint custody of the commission-
46 er of taxation and finance, the New York state director of [~~veterans~~
47 affairs] veterans' services and the comptroller, a special fund to be
48 known as the "homeless veterans assistance fund".

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

1 shall include how the monies of the fund were utilized during the
2 preceding calendar year, and shall include:

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

6 5. Moneys shall be paid out of the fund on the audit and warrant of
7 the comptroller on vouchers approved and certified by the New York state
8 director of [~~veterans-affairs~~] veterans' services. Any interest
9 received by the comptroller on moneys on deposit in the homeless veter-
10 ans assistance fund shall be retained in and become part of such fund.

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

14 1. This section shall apply to all persons employed by the state in
15 the ward, cottage, colony, kitchen and dining room, and guard service
16 personnel in any hospital, school, prison, reformatory or other institu-
17 tion within or subject to the jurisdiction, supervision, control or
18 visitation of the department of corrections and community supervision,
19 the department of health, the department of mental hygiene, the depart-
20 ment of social welfare or the division of veterans' [~~affairs~~] services
21 in the executive department, and engaged in the performance of such
22 duties as nursing, guarding or attending the inmates, patients, wards or
23 other persons kept or housed in such institutions, or in protecting and
24 guarding the buildings and/or grounds thereof, or in preparing or serv-
25 ing food therein.

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

29 3. A distinctive plate issued pursuant to this section shall be issued
30 in the same manner as other number plates upon the payment of the regu-
31 lar registration fee prescribed by section four hundred one of this
32 article, provided, however, that an additional annual service charge of
33 fifteen dollars shall be charged for such plate. Such annual service
34 charge shall be deposited to the credit of the Eighth Air Force Histor-
35 ical Society fund established pursuant to section ninety-five-f of the
36 state finance law and shall be used for veterans' counseling services
37 provided by local veterans' service agencies pursuant to section three
38 hundred fifty-seven of the executive law under the direction of the
39 division of veterans' [~~affairs~~] services. Provided, however, that one
40 year after the effective date of this section funds in the amount of
41 five thousand dollars, or so much thereof as may be available, shall be
42 allocated to the department to offset costs associated with the
43 production of such license plates.

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

47 3. Any person who is a patient at any facility in this state main-
48 tained by the United States [~~Veterans'~~] Veterans Health Administration
49 or at any hospital or sanitorium for treatment of tuberculosis main-
50 tained by the state or any municipal corporation thereof or resident
51 patient at any institution of the department of Mental Hygiene, or resi-
52 dent patient at the rehabilitation hospital of the department of Health,
53 or at any rest camp maintained by the state through the Division of
54 Veterans' [~~Affairs~~] Services in the Executive Department or any inmate
55 of a conservation work camp within the youth rehabilitation facility of
56 the department of corrections and community supervision, or any inmate

1 of a youth opportunity or youth rehabilitation center within the Office
2 of Children and Family Services, any resident of a nursing home or resi-
3 dential health care facility as defined in subdivisions two and three of
4 section twenty-eight hundred one of the public health law, or any staff
5 member or volunteer accompanying or assisting one or more residents of
6 such nursing home or residential health care facility on an outing
7 authorized by the administrator of such nursing home or residential
8 health care facility may take fish as if he or she held a fishing
9 license, except that he or she may not take bait fish by net or trap, if
10 he or she has on his or her person an authorization upon a form
11 furnished by the department containing such identifying information and
12 data as may be required by it, and signed by the superintendent or other
13 head of such facility, institution, hospital, sanitarium, nursing home,
14 residential health care facility or rest camp, as the case may be, or by
15 a staff physician thereat duly authorized so to do by the superintendent
16 or other head thereof. Such authorization with respect to inmates of
17 said conservation work camps shall be limited to areas under the care,
18 custody and control of the department.

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

22 5. The staff of a general hospital shall: (a) inquire whether or not
23 the person admitted has served in the United States armed forces. Such
24 information shall be listed on the admissions form; (b) notify any
25 admittee who is a veteran of the possible availability of services at a
26 hospital operated by the [~~veterans administration~~] United States veter-
27 ans health administration, and, upon request by the admittee, such staff
28 shall make arrangements for the individual's transfer to a [~~veterans~~
29 ~~administration operated~~] United States veterans health administration
30 hospital, provided, however, that transfers shall be authorized only
31 after it has been determined, according to accepted clinical and medical
32 standards, that the patient's condition has stabilized and transfer can
33 be accomplished safely and without complication; and (c) provide any
34 admittee who has served in the United States armed forces with a copy of
35 the "Information for Veterans concerning Health Care Options" fact
36 sheet, maintained by the division of veterans' [~~affairs~~] services pursu-
37 ant to subdivision twenty-three of section three hundred fifty-three of
38 the executive law prior to discharging or transferring the patient. The
39 commissioner shall promulgate rules and regulations for notifying such
40 admittees of possible available services and for arranging a requested
41 transfer.

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

46 2. Every nursing home and residential health care facility shall in
47 writing advise all individuals identifying themselves as veterans or
48 spouses of veterans that the division of veterans' [~~affairs~~] services
49 and local veterans' service agencies established pursuant to section
50 three hundred fifty-seven of the executive law to provide assistance to
51 veterans and their spouses regarding benefits under federal and state
52 law. Such written information shall include the name, address and tele-
53 phone number of the New York state division of veterans' [~~affairs~~]
54 services, the nearest division of veterans' [~~affairs~~] services office,
55 the nearest county or city veterans' service agency and the nearest
56 accredited veterans' service officer.

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

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

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

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

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

19 § 25. Section 99-v of the general municipal law, as added by chapter
20 16 of the laws of 2011, is amended to read as follows:

21 § 99-v. Veterans [~~affaires~~] services; display of events. Each county,
22 city, town or village may adopt a local law to provide a bulletin board
23 to be conspicuously displayed in such county, city, town or village
24 building holding its local legislative body or municipal offices. Such
25 bulletin board shall be used by veterans organizations, the New York
26 state division of veterans' [~~affaires~~] services, the county veterans
27 service agency or city veterans service agency to display information
28 regarding veterans in such county, city, town or village. Such informa-
29 tion may include, but not be limited to, benefits or upcoming veterans
30 related events in the community.

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

33 1-b. The adjutant general is hereby authorized to present in the name
34 of the legislature of the state of New York, a certificate, to be known
35 as the "Cold War Certificate", bearing a suitable inscription, to any
36 person: (i) who is a citizen of the state of New York or (ii) who was a
37 citizen of the state of New York while serving in the armed forces of
38 the United States; (iii) who served in the United States Armed Forces
39 during the period of time from September second, nineteen hundred
40 forty-five through December twenty-sixth, nineteen hundred ninety-one,
41 commonly known as the Cold War Era; and (iv) who was honorably
42 discharged or released under honorable circumstances during the Cold War
43 Era. Not more than one Cold War Certificate shall be awarded or
44 presented, under the provisions of this subdivision, to any person whose
45 entire service subsequent to the time of the receipt of such medal shall
46 not have been honorable. In the event of the death of any person during
47 or subsequent to the receipt of such certificate it shall be presented
48 to such representative of the deceased as may be designated. The adju-
49 tant general, in consultation with the director of the division of
50 veterans' [~~affaires~~] services, shall make such rules and regulations as
51 may be deemed necessary for the proper presentation and distribution of
52 the certificate.

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

1 3. No fee shall be charged for any certificate when required by the
2 [~~veterans administration~~] United States department of veterans affairs
3 or by the division of veterans' [~~affaires~~] services of the state of New
4 York to be used in determining the eligibility of any person to partic-
5 ipate in the benefits made available by the [~~veterans administration~~]
6 United States department of veterans affairs or by the state of New
7 York.

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

11 1. Each town and city clerk hereby empowered to issue marriage
12 licenses shall keep a book supplied by the state department of health in
13 which such clerk shall record and index such information as is required
14 therein, which book shall be kept and preserved as a part of the public
15 records of his or her office. Whenever an application is made for a
16 search of such records the city or town clerk, excepting the city clerk
17 of the city of New York, may make such search and furnish a certificate
18 of the result to the applicant upon the payment of a fee of five dollars
19 for a search of one year and a further fee of one dollar for the second
20 year for which such search is requested and fifty cents for each addi-
21 tional year thereafter, which fees shall be paid in advance of such
22 search. Whenever an application is made for a search of such records in
23 the city of New York, the city clerk of the city of New York may make
24 such search and furnish a certificate of the result to the applicant
25 upon the payment of a fee of five dollars for a search of one year and a
26 further fee of one dollar for the second year for which search is
27 requested and fifty cents each additional year thereafter. Notwithstand-
28 ing any other provision of this article, no fee shall be charged for any
29 search or certificate when required by the [~~veterans administration~~]
30 United States department of veterans affairs or by the division of
31 veterans' [~~affaires~~] services of the state of New York to be used in
32 determining the eligibility of any person to participate in the benefits
33 made available by the [~~veterans administration~~] United States department
34 of veterans affairs or by the state of New York. All such affidavits,
35 statements and consents, immediately upon the taking or receiving of the
36 same by the town or city clerk, shall be recorded and indexed as
37 provided herein and shall be public records and open to public
38 inspection whenever the same may be necessary or required for judicial
39 or other proper purposes. At such times as the commissioner shall
40 direct, the said town or city clerk, excepting the city clerk of the
41 city of New York, shall file in the office of the state department of
42 health the original of each affidavit, statement, consent, order of a
43 justice or judge authorizing immediate solemnization of marriage,
44 license and certificate, filed with or made before such clerk during the
45 preceding month. Such clerk shall not be required to file any of said
46 documents with the state department of health until the license is
47 returned with the certificate showing that the marriage to which they
48 refer has been actually performed.

49 The county clerks of the counties comprising the city of New York
50 shall cause all original applications and original licenses with the
51 marriage solemnization statements thereon heretofore filed with each,
52 and all papers and records and binders relating to such original docu-
53 ments pertaining to marriage licenses issued by said city clerk, in
54 their custody and possession to be removed, transferred, and delivered
55 to the borough offices of the city clerk in each of said counties.

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

4 1. Each member state shall, through the creation of a state council or
5 use of an existing body or board, provide for the coordination among its
6 agencies of government, local educational agencies and military instal-
7 lations concerning the state's participation in, and compliance with,
8 this compact and interstate commission activities. In New York, the
9 state council shall include the commissioner or his or her designee, the
10 director of the New York state division of veterans' [~~affaires~~] services
11 or his or her designee, the adjutant general of the state of New York or
12 his or her designee, a superintendent of a school district with a high
13 concentration of military children appointed by the commissioner, a
14 district superintendent of schools of a board of cooperative educational
15 services serving an area with a high concentration of military children
16 appointed by the commissioner, a representative from a military instal-
17 lation appointed by the governor, a representative of military families
18 appointed by the governor, a public member appointed by the governor and
19 one representative each appointed by the speaker of the assembly, the
20 temporary president of the senate and the governor.

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

23 1. The commissioner shall develop, jointly with the director of the
24 division of veterans' [~~affaires~~] services, a program to facilitate artic-
25 ulation between participation in the military service of the United
26 States or the military service of the state and admission to practice of
27 a profession. The commissioner and the director shall identify, review
28 and evaluate professional training programs offered through either the
29 military service of the United States or the military service of the
30 state which may, where applicable, be accepted by the department as
31 equivalent education and training in lieu of all or part of an approved
32 program. Particular emphasis shall be placed on the identification of
33 military programs which have previously been deemed acceptable by the
34 department as equivalent education and training, programs which may
35 provide, where applicable, equivalent education and training for those
36 professions which are critical to public health and safety and programs
37 which may provide, where applicable, equivalent education and training
38 for those professions for which shortages exist in the state of New
39 York.

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

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

50 § 31-a. Subdivision (i) of section 19.07 of the mental hygiene law, as
51 added by chapter 358 of the laws of 2013, is amended to read as follows:

52 (i) The office of alcoholism and substance abuse services shall peri-
53 odically, in consultation with the state director of veterans' [~~affaires~~]
54 services: (1) review the programs operated by the office to ensure that
55 the needs of the state's veterans who served in the U.S. armed forces
56 and who are recovering from alcohol and/or substance abuse are being met

1 and to develop improvements to programs to meet such needs; and (2) in
2 collaboration with the state director of veterans' ~~[affaires]~~ services
3 and the commissioner of the office of mental health, review and make
4 recommendations to improve programs that provide treatment, rehabili-
5 tation, relapse prevention, and recovery services to veterans who have
6 served in a combat theatre or combat zone of operations and have a
7 co-occurring mental health and alcoholism or substance abuse disorder.

8 § 31-b. Subdivision 15 of section 202 of the elder law, as amended by
9 chapter 455 of the laws of 2016, is amended to read as follows:

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

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

17 (j) to ensure the provision, on any form required to be completed at
18 application or recertification for the purpose of obtaining financial
19 assistance pursuant to this chapter, the form shall contain a check-off
20 question asking whether the applicant or recipient or a member of his or
21 her family served in the United States military, and an option to answer
22 in the affirmative. Where the applicant or recipient answers in the
23 affirmative to such question, the office of temporary and disability
24 assistance shall ensure that contact information for the state division
25 of veterans' ~~[affaires]~~ services is provided to such applicant or recipi-
26 ent, in addition to any other materials provided.

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

30 (g) Every corporation receiving any kind of state funding shall ensure
31 the provision on any form required to be completed at application or
32 recertification for the purpose of obtaining financial assistance pursu-
33 ant to this chapter, that the application form shall contain a check-off
34 question asking whether the applicant or recipient or a member of his or
35 her family served in the United States military, and an option to answer
36 in the affirmative. Where the applicant or recipient answers in the
37 affirmative to such question, the not-for-profit corporation shall
38 ensure that contact information for the state division of veterans'
39 ~~[affaires]~~ services is provided to such applicant or recipient in addi-
40 tion to any other materials provided.

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

44 (b) Removal of remains from private cemeteries to other cemeteries.
45 The supervisor of any town containing a private cemetery may remove any
46 body interred in such cemetery to any other cemetery within the town, if
47 the owners of such cemeteries and the next of kin of the deceased
48 consent to such removal. The owners of a private cemetery may remove the
49 bodies interred therein to any other cemetery within such town, or to
50 any cemetery designated by the next of kin of the deceased. Notice of
51 such removal shall be given within twenty days before such removal
52 personally or by certified mail to the next of kin of the deceased if
53 known and to the clerk and historian of the county in which such real
54 property is situated and notice shall be given to the New York state
55 department of state, division of cemeteries. If any of the deceased are
56 known to be veterans, the owners shall also notify the division of

1 veterans' [~~affaires~~] services. In the absence of the next of kin, the
2 county clerk, county historian or the division of veterans' [~~affaires~~]
3 services may act as a guardian to ensure proper reburial.

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

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

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

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

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

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

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

50 1. There is hereby continued in the division of military and naval
51 affairs in the executive department a state civil defense commission to
52 consist of the same members as the members of the disaster preparedness
53 commission as established in article two-B of the executive law. In
54 addition, the superintendent of financial services, the [~~chairman~~]
55 chairperson of the workers' compensation board and the director of the
56 division of veterans' [~~affaires~~] services shall be members. The governor

1 shall designate one of the members of the commission to be the [~~chair-~~
2 ~~man~~] chairperson thereof. The commission may provide for its division
3 into subcommittees and for action by such subcommittees with the same
4 force and effect as action by the full commission. The members of the
5 commission, except for those who serve ex officio, shall be allowed
6 their actual and necessary expenses incurred in the performance of their
7 duties under this article but shall receive no additional compensation
8 for services rendered pursuant to this article.

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

13 2. links to websites describing veteran employment services provided
14 by the federal government and New York state government, including, but
15 not limited to, the websites of the United States department of labor,
16 the New York state department of labor, the United States department of
17 veterans affairs, and the New York state division of veterans' [~~affaires~~
18 services]; and

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

22 a. Except as otherwise provided by law, the commissioner shall have
23 such powers as provided by the director of the state veterans' service
24 agency and shall have the duty to inform military and naval authorities
25 of the United States and assist members of the armed forces and veter-
26 ans, who are residents of the city, and their families, in relation to:
27 (1) matters pertaining to educational training and retraining services
28 and facilities, (2) health, medical and rehabilitation service and
29 facilities, (3) provisions of federal, state and local laws and regu-
30 lations affording special rights and privileges to members of the armed
31 forces and veterans and their families, (4) employment and re-employment
32 services, and (5) other matters of similar, related or appropriate
33 nature. The commissioner shall also assist families of members of the
34 reserve components of the armed forces and the organized militia ordered
35 into active duty to ensure that they are made aware of and are receiving
36 all appropriate support available to them. The department also shall
37 perform such other duties as may be assigned by the state director of
38 the division of veterans' [~~affaires~~] services.

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

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

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

47 1. A local director shall designate the location of the local and
48 branch offices of the local veterans' service agency within his or her
49 jurisdiction, which offices shall be open during convenient hours. The
50 cost of maintenance and operation of a county veterans' service agency
51 shall be a county charge and the cost of maintenance and operation of a
52 city veterans' service agency shall be a city charge, excepting that the
53 state director with the approval of the veterans' [~~affaires~~] services
54 commission shall allot and pay, from state moneys made available to him
55 or her for such purposes, to each county veterans' service agency and
56 each city veterans' service agency, an amount equal to fifty per centum

1 of its expenditures for maintenance and operation approved by the state
2 director, provided that in no event shall the amount allotted and paid
3 for such approved expenditures incurred in any given year exceed (1) in
4 the case of any county veterans' service agency in a county having a
5 population of not more than one hundred thousand or in the case of any
6 city veterans' service agency in a city having a population of not more
7 than one hundred thousand, the sum of ten thousand dollars, nor (2) in
8 the case of any county veterans' service agency in a county having a
9 population in excess of one hundred thousand excluding the population of
10 any city therein which has a city veterans' service agency, the sum of
11 ten thousand dollars, and, in addition thereto, the sum of five thousand
12 dollars for each one hundred thousand, or major portion thereof, of the
13 population of the county in excess of one hundred thousand excluding the
14 population of any city therein which has a city veterans' service agen-
15 cy, nor (3) in the case of any city veterans' service agency in a city
16 having a population in excess of one hundred thousand, the sum of ten
17 thousand dollars, and, in addition thereto, the sum of five thousand
18 dollars for each one hundred thousand, or major portion thereof, of the
19 population of the city in excess of one hundred thousand. Such popu-
20 lation shall be certified in the same manner as provided by section
21 fifty-four of the state finance law.

22 § 43. Terms occurring in laws, contracts and other documents. Whenev-
23 er the functions, powers, obligations, duties and officials relating to
24 the division of veterans' affairs, the veterans' affairs commission or
25 the director of veterans' affairs is referred to or designated in any
26 other law, regulation, contract or document, such reference or desig-
27 nation shall be deemed to refer to the appropriate functions, powers,
28 obligations, duties, officials and director of the division of veterans'
29 services or the veterans' services commission, as designated by this
30 act.

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

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

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

48

PART BB

49 Section 1. Section 22-c of the state finance law is amended by adding
50 a new subdivision 7 to read as follows:

51 7. For the fiscal year beginning on April first, two thousand twenty
52 and every fifth fiscal year thereafter, the governor shall submit to the
53 legislature as part of the annual executive budget, five-year capital
54 plans for the state university of New York state-operated campuses and

1 city university of New York senior colleges. Such plans shall provide
2 for the annual appropriation of capital funds to cover one hundred
3 percent of the annual critical maintenance needs identified by each
4 university system, and may include funds for new infrastructure or other
5 major capital initiatives, provided that such funding for new infras-
6 tructure or other major capital initiatives shall not count towards
7 meeting the overall critical maintenance requirement. In the event that
8 such plan is unable to fund one hundred percent of the critical mainte-
9 nance needs due to the limitation imposed by article five-B of this
10 chapter, the director of the budget shall develop five-year capital
11 plans whereby the implementation of each capital plan would annually
12 reduce the overall facility condition index (FCI) for each university
13 system. For the purposes of this subdivision, "facility condition index"
14 shall mean an industry benchmark that measures the ratio of deferred
15 maintenance dollars to replacement dollars for the purposes of analyzing
16 the effect of investing in facility improvements. The apportionment of
17 capital appropriations to each state-operated campus or senior college
18 shall be based on a methodology to be developed by the director of the
19 budget, in consultation with the state university of New York and city
20 university of New York.

21 § 2. This act shall take effect immediately.

22 PART CC

23 Section 1. Clauses (v) and (vi) of subparagraph 4 of paragraph h of
24 subdivision 2 of section 355 of the education law, as amended by section
25 1 of part JJJ of chapter 59 of the laws of 2017, are amended to read as
26 follows:

27 (v) Beginning in state fiscal year two thousand seventeen--two thou-
28 sand eighteen and ending in state fiscal year two thousand [~~twenty~~
29 ~~nineteen~~--two thousand [~~twenty-one~~ twenty, the state shall appropriate
30 and make available general fund operating support, including fringe
31 benefits, for the state university in an amount not less than the amount
32 appropriated and made available in the prior state fiscal year;
33 provided, however, that if the governor declares a fiscal emergency, and
34 communicates such emergency to the temporary president of the senate and
35 speaker of the assembly, state support for operating expenses at the
36 state university and city university may be reduced in a manner propor-
37 tionate to one another, and the aforementioned provisions shall not
38 apply; provided further, the state shall appropriate and make available
39 general fund support to fully fund the tuition credit pursuant to subdi-
40 vision two of section six hundred sixty-nine-h of this title.

41 (vi) Beginning in state fiscal year two thousand twenty--two thousand
42 twenty-one and thereafter, the state shall appropriate and make avail-
43 able general fund operating support and fringe benefits, for the state
44 university and the state university health science centers in an amount
45 not less than the amounts separately appropriated and made available in
46 the prior state fiscal year; provided, further, the state shall appro-
47 priate and make available general fund operating support to cover all
48 mandatory costs of the state university and the state university health
49 science centers, which shall include, but not be limited to, collective
50 bargaining costs including salary increments, fringe benefits, and other
51 non-personal service costs such as utility costs, building rentals and
52 other inflationary expenses incurred by the state university and the
53 state university health science centers, and any increase in the tuition
54 credit pursuant to section six hundred eighty-nine-a of this title as

tuition increases are enacted by the board of trustees of the state university; provided, however, that if the governor declares a fiscal emergency, and communicates such emergency to the temporary president of the senate and the speaker of the assembly, state support for operating expenses at the state university and city university may be reduced in a manner proportionate to one another, and the aforementioned provisions shall not apply; provided further, the state shall appropriate and make available general fund support to fully fund the tuition credit pursuant to subdivision two of section six hundred sixty-nine-h of this title.

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

§ 2. Subparagraph (v) of paragraph (a) of subdivision 7 of section 6206 of the education law, as amended by section 2 of part JJJ of chapter 59 of the laws of 2017, is amended and a new subparagraph (vi) is added to read as follows:

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

(vi) Beginning in state fiscal year two thousand twenty--two thousand twenty-one and thereafter, the state shall appropriate and make available general fund operating support and fringe benefits, for the city university in an amount not less than the amounts separately appropriated and made available in the prior state fiscal year; provided, further, the state shall appropriate and make available general fund operating support to cover all mandatory costs of the city university, which shall include, but not be limited to, collective bargaining costs including salary increments, fringe benefits, and other non-personal service costs such as utility costs, building rentals and other inflationary expenses incurred by the city university, and any increase in the tuition credit pursuant to section six hundred eighty-nine-a of this chapter as tuition increases are enacted by the board of trustees of the city university; provided, however, that if the governor declares a fiscal emergency, and communicates such emergency to the temporary president of the senate and the speaker of the assembly, state support for operating expenses at the state university and city university may be

reduced in a manner proportionate to one another, and the aforementioned provisions shall not apply; provided further, the state shall appropriate and make available general fund support to fully fund the tuition credit pursuant to subdivision two of section six hundred sixty-nine-h of this chapter.

§ 3. This act shall take effect immediately provided that:

(a) the amendments to subparagraph 4 of paragraph h of subdivision 2 of section 355 of the education law made by section one of this act shall not affect the expiration and reversion of such subparagraph pursuant to chapter 260 of the laws of 2011, as amended, and shall expire therewith; and

(b) the amendments to paragraph (a) of subdivision 7 of section 6206 of the education law made by section two of this act shall not affect the expiration and reversion of such paragraph pursuant to chapter 260 of the laws of 2011, as amended, and shall expire therewith.

PART DD

Section 1. Subparagraph 4 of paragraph h of subdivision 2 of section 355 of the education law is amended by adding a new clause (vii) to read as follows:

(vii) Beginning in state fiscal year two thousand twenty--two thousand twenty-one and thereafter, the state shall appropriate and make available general fund operating support to cover any increase in the tuition credit pursuant to section six hundred eighty-nine-a of this title annually.

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

Beginning in state fiscal year two thousand twenty--two thousand twenty-one and thereafter, the state shall appropriate and make available general fund operating support to cover any increase in the tuition credit pursuant to section six hundred eighty-nine-a of this title annually.

§ 3. Paragraph (a) of subdivision 7 of section 6206 of the education law is amended by adding a new subparagraph (vi) to read as follows:

(vi) Beginning in state fiscal year two thousand twenty--two thousand twenty-one and thereafter, the state shall appropriate and make available general fund operating support to cover any increase in the tuition credit pursuant to section six hundred eighty-nine-a of this chapter annually.

§ 4. Paragraph (a) of subdivision 7 of section 6206 of the education law is amended by adding a new closing paragraph to read as follows:

Beginning in state fiscal year two thousand twenty--two thousand twenty-one and thereafter, the state shall appropriate and make available general fund operating support to cover any increase in the tuition credit pursuant to section six hundred eighty-nine-a of this chapter annually.

§ 5. This act shall take effect immediately; provided, however that the amendments to subparagraph 4 of paragraph h of subdivision 2 of section 355 of the education law made by section one of this act shall not affect the expiration and reversion of such subparagraph pursuant to section 16 of chapter 260 of the laws of 2011, as amended, when upon such date section two of this act shall take effect; and provided, further that the amendments to paragraph (a) of subdivision 7 of section 6206 of the education law made by section three of this act shall not

1 affect the expiration and reversion of such paragraph pursuant to
2 section 16 of chapter 260 of the laws of 2011, as amended, when upon
3 such date section four of this act shall take effect.

4 PART EE

5 Section 1. The education law is amended by adding a new section 6457
6 to read as follows:

7 § 6457. Enhancing supports and services for students with disabilities
8 for postsecondary success. 1. For the purposes of this section,
9 "students with disabilities" shall mean individuals with a disability
10 who have a physical or mental impairment that substantially limits one
11 or more major life activity or activities, a record of such impairment,
12 or being regarded as having such impairment and who are enrolled in a
13 degree-granting institution in New York.

14 2. Subject to an appropriation, the commissioner shall allocate funds
15 available for enhancing supports and services for students with disabil-
16 ities in New York State degree granting colleges and universities so
17 they can succeed in their education. Such funds shall be awarded through
18 grants to institutions of the state university and institutions of the
19 city university of New York, and the commissioner shall enter into
20 contracts with degree-granting institutions in New York that are
21 currently funded under the tuition assistance program under article
22 fourteen of this chapter for the purpose of providing additional
23 services and supports to expand opportunities for students with disabil-
24 ities.

25 3. (a) Funds appropriated in the two thousand nineteen--two thousand
26 twenty academic year and thereafter for the purpose of this initiative
27 shall be allocated proportionally for each student with a disability
28 enrolled in an institution of higher education that successfully applies
29 for funding pursuant to subdivision six of this section based upon the
30 total number of students with disabilities that are enrolled in all
31 institutions of higher education that successfully apply for funding
32 pursuant to subdivision six of this section. The number of students with
33 disabilities used for this calculation shall be based on data submitted
34 annually by the institution to the commissioner through a process
35 required for this purpose by the commissioner.

36 (b) Funds shall be awarded to each institution of higher education
37 that successfully applies for funding pursuant to subdivision six of
38 this section directly and not through entities who do not directly
39 enroll students.

40 4. Funds shall be awarded through a formula in equal amounts per iden-
41 tified student with a disability to each institution of higher education
42 that successfully applies for funding pursuant to subdivision six of
43 this section. The number of students with disabilities at each institu-
44 tion shall be determined based upon the data submitted annually by the
45 institution to the commissioner through a process required for this
46 purpose by the commissioner.

47 5. Moneys made available to institutions under this section shall be
48 spent for the following purposes:

49 (a) to supplement funding for supports and accommodations of students
50 with disabilities to expand supports and services provided at the state
51 university, the city university of New York, and other degree-granting
52 higher education institutions;

1 (b) to support college preparation programs to assist students with
2 disabilities in transitioning to college, and prepare them to navigate
3 campus facilities and systems;

4 (c) to provide full and part-time faculty and staff at the state
5 university, the city university of New York, and other degree-granting
6 higher education institutions with disability training; and

7 (d) to improve the identification process of students with disabili-
8 ties and enhance data collection capabilities at the state university,
9 the city university of New York, and other degree-granting higher educa-
10 tion institutions.

11 6. Eligible institutions shall file an application for approval by the
12 commissioner no later than the first of May each year demonstrating a
13 need for such funding, including how the funding would be used and how
14 many students with disabilities would be assisted with such funding. The
15 commissioner shall review all applications for compliance with all
16 eligibility criteria and other requirements set forth in regulations of
17 the commissioner. Successful applicants will be funded as provided in
18 subdivision four of this section.

19 7. No funds pursuant to this section shall be made available to
20 support the regular academic programs of any institution participating
21 in this program.

22 § 2. This act shall take effect immediately.

23 PART FF

24 Section 1. Subdivision 2-a of section 669-e of the education law, as
25 added by section 1 of part BB of chapter 56 of the laws of 2018, is
26 amended to read as follows:

27 2-a. [~~Within amounts appropriated therefor and based on availability~~
28 ~~of funds, beginning~~] Beginning with the two thousand eighteen--two thou-
29 sand nineteen academic year and thereafter, awards shall be granted to
30 applicants at New York state private degree granting institutions of
31 higher education that the corporation has determined are eligible to
32 receive such awards. The corporation shall grant such awards in an
33 amount equal to the amount of undergraduate tuition for residents of New
34 York state charged by the state university of New York or actual tuition
35 charged, whichever is less; provided, however, (i) a student who
36 receives educational grants and/or scholarships that cover the student's
37 full cost of attendance shall not be eligible for an award under this
38 program; (ii) for a student who receives educational grants and/or scho-
39 larships that cover less than the student's full cost of attendance,
40 such grants and/or scholarships shall not be deemed duplicative of this
41 program and may be held concurrently with an award under this program,
42 provided that the combined benefits do not exceed the student's full
43 cost of attendance; and (iii) an award under this program shall be
44 applied to tuition after the application of all other educational grants
45 and scholarships limited to tuition and shall be reduced in an amount
46 equal to such educational grants and/or scholarships. Upon notification
47 of an award under this program, the institution shall defer the amount
48 of tuition equal to the award. No award shall be final until the recipi-
49 ent's successful completion of a term has been certified by the institu-
50 tion.

51 § 2. This act shall take effect on April 1, 2019.

52 PART GG

1 Section 1. The education law is amended by adding a new section 669-i
2 to read as follows:

3 § 669-i. Martin Luther King, Jr. scholarship. 1. Purpose. The New York
4 state Martin Luther King, Jr. scholarship is hereby established for the
5 purpose of granting awards to assist students with the expenses of non-
6 tuition costs and fees associated with attending an institution of high-
7 er education in the state of New York.

8 2. Eligibility. A Martin Luther King, Jr. scholarship award shall be
9 made to an applicant who is eligible for an award under the tuition
10 assistance program as set forth in section six hundred sixty-seven of
11 this subpart.

12 3. Amount. Within amounts appropriated therefor and based on the
13 availability of funds, awards shall be granted beginning with the two
14 thousand nineteen-two thousand twenty academic year and thereafter to
15 applicants that the corporation has determined are eligible to receive
16 such awards. The corporation shall grant an annual award in the amount
17 of three thousand five hundred dollars to each applicant.

18 4. Qualified non-tuition costs. An award pursuant to this section
19 shall be applied toward a recipient's non-tuition costs and fees. For
20 the purposes of this section non-tuition costs shall include room and
21 board, transportation expenses, textbooks and instructional materials,
22 technology and electronic devices, and personal expenses including
23 clothing, food, or medical, vision, and dental insurance.

24 5. Duration. An eligible recipient shall not receive an award for more
25 than four academic years of full-time undergraduate study or five
26 academic years if the program of study normally requires five years. An
27 eligible recipient enrolled in an eligible two year program of study
28 shall not receive an award for more than two academic years.

29 6. Recipient selection. The president may establish: (a) an applica-
30 tion deadline and (b) a method of selecting recipients in accordance
31 with the demonstrated financial needs if in any given year there are
32 insufficient funds to cover the needs of all applicants as determined by
33 the corporation, provided that priority shall be given to eligible
34 applicants who have received an award pursuant to this section in a
35 prior year.

36 7. Other awards. Recipients shall be eligible to apply for other
37 awards under this article. Awards pursuant to this section shall not be
38 included within the calculation for determining a student's eligibility
39 or award amount for an excelsior scholarship pursuant to section six
40 hundred sixty-nine-h of this subpart or an enhanced tuition award pursu-
41 ant to section six hundred sixty-seven-d of this subpart.

42 8. Rules and regulations. The corporation is authorized to promulgate
43 rules and regulations, and may promulgate emergency regulations, neces-
44 sary for the implementation of the provisions of this section.

45 § 2. This act shall take effect immediately.

46 PART HH

47 Section 1. The social services law is amended by adding a new section
48 131-bb to read as follows:

49 § 131-bb. Home stability support program. 1. (a) Notwithstanding any
50 other provision of law to the contrary, each local social services
51 district shall provide a shelter supplement to eligible individuals and
52 families to prevent eviction and address homelessness in accordance with
53 this section.

54 (b) For the purposes of this section:

1 (i) "homeless" shall mean the lack of a fixed, regular, and adequate
2 nighttime residence; having a primary nighttime residence that is a
3 public or private place not designed for or ordinarily used as a regular
4 sleeping accommodation for human beings, including a car, park, aban-
5 doned building, bus or train station, airport or campground or other
6 places not meant for human habitation; living in a supervised publicly
7 or privately operated shelter designated to provide temporary living
8 arrangements (including hotels and motels paid for by federal, state or
9 local government programs for low-income individuals or by charitable
10 organizations, congregate shelters, or transitional housing); exiting an
11 institution where they resided and will lack a regular fixed and
12 adequate nighttime residence upon release or discharge; or are an unac-
13 companied youth and homeless families with children and youth defined as
14 homeless under either this paragraph or federal statute who have experi-
15 enced a long-term period without living independently in permanent hous-
16 ing; have experienced persistent instability as measured by frequent
17 moves; and can be expected to continue in such status for an extended
18 period of time because of chronic disabilities, chronic physical health
19 or mental health conditions, substance addiction, histories of domestic
20 violence or childhood abuse, the presence of a child or youth with a
21 disability, or multiple barriers to employment, or other dangerous or
22 life-threatening conditions, including conditions that relate to
23 violence against an individual or a family member; and

24 (ii) "imminent loss of housing" shall mean having received a verified
25 rent demand or a petition for eviction; having received a court order
26 resulting from an eviction action that notifies the individual or family
27 that they must leave their housing; facing loss of housing due to
28 hazardous conditions, including but not limited to asbestos, lead expo-
29 sure, mold, and radon; having a primary nighttime residence that is a
30 room in a hotel or motel and lack the resources necessary to stay;
31 facing loss of the primary nighttime residence, which may include living
32 in the home of another household, where the owner or renter of the hous-
33 ing will not allow the individual or family to stay, provided further,
34 that an assertion from an individual or family member alleging such loss
35 of housing or homelessness shall be sufficient to establish eligibility;
36 or, fleeing, or attempting to flee, domestic violence, dating violence,
37 sexual assault, stalking, human trafficking or other dangerous or life-
38 threatening conditions that relate to violence against the individual or
39 a family member, provided further that an assertion from an individual
40 or family member alleging such abuse and loss of housing shall be suffi-
41 cient to establish eligibility.

42 2. (a) Each local social services district shall provide a shelter
43 supplement to eligible individuals and families as defined in subdivi-
44 sion three of this section in an amount equal to eighty-five percent of
45 the fair market rent in the district, as established by the federal
46 department of housing and urban development, for the particular unit
47 size. The shelter supplement shall be issued by the local social
48 services district directly to the landlord or vendor.

49 (b) A local social services district may also provide an additional
50 supplement in excess of eighty-five percent of the fair market rent, up
51 to one hundred percent of the fair market rent in the district, as
52 established by the federal department of housing and urban development.
53 Provided, however, the cost of the additional supplement shall be paid
54 by the local social services district.

55 (c) As part of the supplement referenced in this subdivision, when an
56 eligible recipient, as defined in subdivision three of this section,

1 incurs separate fuel for heating expenses, the local social services
2 district shall provide additional funds to cover such expenses, in
3 excess of the amount already required for shelter costs pursuant to
4 paragraph (a) of this subdivision. Such heating allowance shall be
5 equivalent to the full amount of fuel for heating expenses, and shall be
6 made directly to the vendor on behalf of the recipient. Any expenses
7 incurred by the local social services district that are (i) in excess of
8 a recipient's fuel for heating allowance authorized pursuant to para-
9 graph (b) of subdivision two of section one hundred thirty-one-a of this
10 title; (ii) made pursuant to section ninety-seven of this chapter; or
11 (iii) to cover any arrears payments made to restore heating services or
12 to prevent a shut-off, shall not be recoupable.

13 (d) Individuals not in receipt of public assistance, residing in a
14 household that is benefiting from a shelter supplement under this
15 section shall be required to contribute thirty percent of their gross
16 income, or their pro rata share of the rent, whichever is less. Minor
17 children without income shall not be counted in the pro rata share
18 equation. In addition, the income of minor children shall not be consid-
19 ered part of the gross income.

20 (e) Any supplement or allowance provided under this section shall not
21 be considered to be part of the standard of need as defined in paragraph
22 (b) of subdivision ten of section one hundred thirty-one-a of this
23 title.

24 (f) In the event that the local social services district determines
25 that payment of rental arrears would prevent homelessness and subse-
26 quently pays such arrears, such payments shall not be recoupable.

27 3. (a) For the period beginning October first, two thousand twenty
28 until September thirtieth, two thousand twenty-one, individuals, or
29 families, who are eligible for public assistance, are either homeless or
30 face an imminent loss of housing, and are not currently receiving anoth-
31 er shelter supplement shall be eligible for the shelter supplement
32 provided under this section.

33 (b) On and after October first, two thousand twenty-one, individuals
34 or families who are eligible for public assistance and are (i) homeless
35 or face an imminent loss of housing, and are not currently receiving
36 another shelter supplement; or (ii) currently in receipt of a shelter
37 supplement, other than a supplement required by this section, that is
38 being transferred to the home stability support program pursuant to
39 subdivision eight of this section, shall be eligible for the shelter
40 supplement provided under this section.

41 4. (a) Local social services districts shall provide the shelter
42 supplement required under this section for up to five years, provided
43 such individuals or families are otherwise eligible for public assist-
44 ance. A shelter supplement may be provided for an additional length of
45 time for good cause.

46 (b) If an individual or family receiving the shelter supplement is no
47 longer eligible for public assistance, the local social services
48 district shall continue to provide the shelter supplement, and if appro-
49 priate heating allowance, for one year from the date of such determi-
50 nation, so long as their income does not exceed two hundred percent of
51 the federal poverty level.

52 5. The shelter supplement and heating allowance shall not be affected
53 by a recipient's sanction status.

54 6. (a) The commissioner shall contract with not-for-profit agencies,
55 that have experience providing support services to the homeless and
56 at-risk of homelessness populations, for the purpose of providing home

1 stability support services. Such services shall assist eligible recipi-
2 ents, as defined in subdivision three of this section, in avoiding home-
3 lessness and achieving long-term housing stability. Such services shall
4 include, but not be limited to:

5 (i) services to resolve conflicts between landlords and tenants and to
6 facilitate fair and workable solutions;

7 (ii) referrals to legal services to households threatened with the
8 loss of their homes through eviction, harassment or other means;

9 (iii) benefit/entitlement advocacy to ensure that households are
10 receiving all federal, state and local benefits to which they are enti-
11 tled, such as temporary assistance to needy families, safety net assist-
12 ance, supplemental nutrition assistance program, supplemental security
13 income, rent security deposits, furniture and household moving expenses,
14 medical assistance; and

15 (iv) relocation assistance which provides for the identification of
16 and referral to permanent and habitable housing, transportation
17 services, landlord/tenant lease negotiation services and assistance in
18 establishing utility services.

19 (b) The commissioner shall issue a request-for-proposal for home
20 stability support services. The request-for-proposal shall include:

21 (i) a description of the home stability support services to be
22 provided, including procedures for intake, referral, outreach, the
23 provision of services, follow-up and anticipated outcomes;

24 (ii) a description of the manner in which coordination with other
25 federal, state, local and privately funded services will be achieved;
26 and

27 (iii) a description of how the services will be designed to assist
28 households to achieve housing stability.

29 (c) Prior to entering into a contract pursuant to this subdivision,
30 the commissioner shall determine that the eligible applicant is a bona
31 fide organization which shall have demonstrated by its past and current
32 activities that it has the ability to provide such services, that the
33 organization is financially responsible and that the proposal is appro-
34 priate for the needs of households to be served.

35 7. The home stability support program shall provide for up to a total
36 of fourteen thousand new shelter supplements a year statewide, and funds
37 shall be distributed to each local social services district based on
38 their pro rata share of households below the federal poverty level in
39 the state, using the most recent United States census data as of April
40 first, two thousand nineteen, and annually thereafter.

41 8. If local social services districts offer a shelter supplement not
42 required by this section, such districts may utilize supplements avail-
43 able under this section on or after October first, two thousand twenty-
44 one, to transfer eligible recipients as defined in subparagraph (ii) of
45 paragraph (b) of subdivision three of this section into the home stabil-
46 ity support program. Provided, however, a district shall not allocate
47 one hundred percent of their shelter supplements provided under this
48 section to existing supplement recipients, unless there is no current or
49 unmet need for supplements as defined in subparagraph (i) of paragraph
50 (b) of subdivision three of this section in such district.

51 9. The commissioner shall issue a report on the home stability support
52 program to the governor, the speaker of the assembly, the temporary
53 president of the senate, the chairs of the senate and assembly social
54 services committees, and the chairs of the assembly ways and means
55 committee and the senate finance committee on or before October first of
56 each year, starting October first, two thousand twenty-two, regarding

1 the effectiveness of the program, based on the information provided from
 2 the local social services districts. Each local district, upon the
 3 request of the office, shall provide the office the necessary data for
 4 the completion of the report. Each report shall include the following
 5 information for each district:

6 (a) the number of individuals participating in the program;

7 (b) factors contributing to households experiencing housing issues,
 8 including, but not limited to, health and safety and budgeting
 9 constraints;

10 (c) total funding utilized;

11 (d) estimated avoided costs in temporary shelter; and

12 (e) any other information or available data that the commissioner
 13 deems relevant and necessary for comprehensive evaluation of the current
 14 need of entitlements for public assistance recipients.

15 § 2. Section 153 of the social services law is amended by adding a new
 16 subdivision 13 to read as follows:

17 13. Notwithstanding any other provision of law to the contrary, one
 18 hundred percent of costs for shelter supplements including costs for
 19 heating expenses, and home stability support services required by
 20 section one hundred thirty-one-bb of this article shall be subject to
 21 reimbursement by the state, as follows:

22 (a) by federal funds that can be properly applied to such expendi-
 23 tures; and

24 (b) the remainder to be paid by state funds.

25 § 3. This act shall take effect on April 1, 2020.

26 PART II

27 Section 1. Subdivision 2 of section 220 of the labor law, as amended
 28 by chapter 678 of the laws of 2007, is amended to read as follows:

29 2. ~~[Each] Every~~ contract ~~[to which the state or a public benefit~~
 30 ~~corporation or a municipal corporation or a commission appointed pursu-~~
 31 ~~ant to law is a party, and any contract for public work entered into by~~
 32 ~~a third party acting in place of, on behalf of and for the benefit of~~
 33 ~~such public entity pursuant to any lease, permit or other agreement~~
 34 ~~between such third party and the public entity, and which may involve~~
 35 ~~the employment of laborers, workers or mechanics] for public work~~ shall

36 contain a stipulation that no laborer, worker or mechanic in the employ
 37 of the contractor, subcontractor or other person doing or contracting to
 38 do the whole or a part of the work contemplated by the contract shall be
 39 permitted or required to work more than eight hours in any one calendar
 40 day or more than five days in any one week except in cases of extraor-
 41 dinary emergency including fire, flood or danger to life or property. No
 42 such person shall be so employed more than eight hours in any day or
 43 more than five days in any one week except in such emergency. Extraor-
 44 dinary emergency within the meaning of this section shall be deemed to
 45 include situations in which sufficient laborers, workers and mechanics
 46 cannot be employed to carry on public work expeditiously as a result of
 47 such restrictions upon the number of hours and days of labor and the
 48 immediate commencement or prosecution or completion without undue delay
 49 of the public work is necessary in the judgment of the commissioner for
 50 the preservation of the contract site and for the protection of the life
 51 and limb of the persons using the same. Upon the application of any
 52 person interested, the commissioner shall make a determination as to
 53 whether or not on any public project or on all public projects in any
 54 area of this state, sufficient laborers, workers and mechanics of any or

1 all classifications can be employed to carry on work expeditiously if
2 their labor is restricted to eight hours per day and five days per week,
3 and in the event that the commissioner determines that there are not
4 sufficient workers, laborers and mechanics of any or all classifications
5 which may be employed to carry on such work expeditiously if their labor
6 is restricted to eight hours per day and five days per week, and the
7 immediate commencement or prosecution or completion without undue delay
8 of the public work is necessary in the judgment of the commissioner for
9 the preservation of the contract site and for the protection of the life
10 and limb of the persons using the same, the commissioner shall grant a
11 dispensation permitting all laborers, workers and mechanics, or any
12 classification of such laborers, workers and mechanics, to work such
13 additional hours or days per week on such public project or in such
14 areas the commissioner shall determine. Whenever such a dispensation is
15 granted, all work in excess of eight hours per day and five days per
16 week shall be considered overtime work, and the laborers, workers and
17 mechanics performing such work shall be paid a premium wage commensurate
18 with the premium wages prevailing in the area in which the work is
19 performed. No such dispensation shall be effective with respect to any
20 public work unless and until the department of jurisdiction, as defined
21 in this section, certifies to the commissioner that such public work is
22 of an important nature and that a delay in carrying it to completion
23 would result in serious disadvantage to the public. Time lost in any
24 week because of inclement weather by employees engaged in the
25 construction, reconstruction and maintenance of highways outside of the
26 limits of cities and villages may be made up during that week and/or the
27 succeeding three weeks.

28 § 2. Subdivision 5 of section 220 of the labor law is amended by
29 adding four new paragraphs m, n, o and p to read as follows:

30 m. For the purposes of this article, "public work" means any of the
31 following:

32 (i) Construction paid for in whole or in part out of public funds;

33 (ii) Construction work performed under private contract when all of
34 the following conditions exist:

35 (A) The construction contract is between private parties;

36 (B) The property subject to the construction contract is privately
37 owned, but upon completion of the construction work, any portion of the
38 property is leased or will be leased to the state or any public entity,
39 and one of the following conditions exist:

40 (1) The public entity entered into or bargained for the lease agree-
41 ment prior to the construction contract; or

42 (2) The construction work is performed according to plans, specifica-
43 tions, or criteria furnished by the public entity, and the lease agree-
44 ment between the lessor and public entity, as lessee, is entered into
45 during, or upon completion of, the construction work, or within six
46 months following completion of the construction work; or

47 (iii) Construction work performed on property owned by a public entity
48 in whole or in part or will be owned or maintained by a public entity in
49 whole or in part upon completion of the project.

50 (iv) For the purposes of this article, "public work" shall not mean
51 any of the following:

52 (A) Construction work on one or two family dwellings where the proper-
53 ty is the owner's primary residence or construction work done on proper-
54 ty where the owner of the property owns no more than four dwelling
55 units;

1 (B) Construction work performed under a contract with a non-profit as
2 defined in section one hundred two of the not-for-profit corporation law
3 where the value of the public funds provided to the non-profit for the
4 project is less than one hundred thousand dollars and the non-profit has
5 gross annual revenue and support less than one million dollars; or

6 (C) Construction work performed on a multiple dwelling where no less
7 than seventy-five percent of the residential units are affordable for
8 households up to sixty percent of the area median income, adjusted for
9 family size, as calculated by the United States department of housing
10 and urban development, provided however, that any construction performed
11 on non-residential space in connection with a multiple dwelling project
12 shall be considered public work if it meets any of the criteria in this
13 paragraph. Further, any construction work performed on a project eligi-
14 ble for benefits under section four hundred twenty-one-a of the real
15 property tax law shall not be considered public work for the purposes of
16 this article.

17 n. "Paid for in whole or in part out of public funds" means all of the
18 following:

19 (i) The payment of money or the equivalent of money, including the
20 issuance of bonds and grants, by the state or a public entity, or a
21 third party acting on behalf of and for the benefit of the state or
22 public entity, directly to or on behalf of the public works contractor,
23 subcontractor, or developer.

24 (ii) Performance of construction work by the state or any public enti-
25 ty in the execution of the project.

26 (iii) Transfer by the state or a public entity of an asset of value
27 for less than fair market value.

28 (iv) Fees, costs, rents, insurance or bond premiums, loans, interest
29 rates, taxes, or other obligations that would normally be required in
30 the execution of the project, that are paid, reduced, charged at less
31 than fair market value, waived, or forgiven by the state or public enti-
32 ty.

33 (v) Money loaned by the state or public entity that is to be repaid on
34 a contingent basis.

35 (vi) Credits that are applied by the state or public entity against
36 repayment obligations to the state or public entity.

37 o. "Public entity" includes, but is not limited to, the state, a
38 local development corporation as defined in subdivision eight of section
39 eighteen hundred one of the public authorities law or section fourteen
40 hundred eleven of the not-for-profit corporation law, municipal corpo-
41 ration as defined in section one hundred nineteen-n of the general
42 municipal law, industrial development agencies formed pursuant to arti-
43 cle eighteen-A of the general municipal law or industrial development
44 authorities formed pursuant to article eight of the public authorities
45 law, educational corporation established under article fifty-six of the
46 education law, commission appointed pursuant to law, as well as state,
47 local and interstate and international authorities as defined in section
48 two of the public authorities law; and shall include any trust created
49 by any such entities.

50 p. (i) "Construction" includes, but is not limited to, demolition,
51 reconstruction, excavation, rehabilitation, repair, installation, reno-
52 vation, alteration, and custom fabrication. "Construction" also includes
53 work preformed during the design and preconstruction phases of
54 construction, including but not limited to, inspection and land survey-
55 ing work and work performed during the post-construction phases of
56 construction, including, but not limited to, all cleanup work at the

1 jobsite. "Construction" also includes the delivery to and hauling from
2 the jobsite of aggregate supply construction materials, such as sand,
3 gravel, stone, dirt, fill, as well as any necessary return hauls, wheth-
4 er empty or loaded.

5 (ii) For the purposes of this article, "custom fabrication" means the
6 fabrication and all drafting related to the fabrication of all masonry
7 panels, woodwork, cases, cabinets, or counters, and the fabrication of
8 plumbing, heating, cooling, ventilation, or exhaust duct systems, and
9 mechanical insulation solely and specifically designed and engineered
10 for installation in the construction, repair, or renovation of a build-
11 ing, regardless of where the custom fabrication is performed. The appli-
12 cable prevailing wage for any off-site custom fabrication work shall be
13 the on-site prevailing wage for the public work site.

14 § 3. The labor law is amended by adding a new section 224-a to read as
15 follows:

16 § 224-a. Stop-work orders. Where a complaint is received pursuant to
17 this article, or where the fiscal officer upon his or her own investi-
18 gation, finds cause to believe that any person, in connection with the
19 performance of any contract for public work, has substantially and mate-
20 rially failed to comply with or intentionally evaded the provisions of
21 this article, the commissioner may notify such person in writing of his
22 or her intention to issue a stop-work order. Such notice shall (i) be
23 served in a manner consistent with section three hundred eight of the
24 civil practice law and rules; (ii) notify such person of his or her
25 right to a hearing; and (iii) state the factual basis upon which the
26 commissioner has based his or her decision to issue a stop-work order.
27 Any documents, reports, or information that form a basis for such deci-
28 sion shall be provided to such person within a reasonable time before
29 the hearing. Such hearing shall be expeditiously conducted.

30 Following the hearing, if the commissioner issues a stop-work order,
31 it shall be served by regular mail, and a second copy may be served by
32 telefacsimile or by electronic mail, with service effective upon receipt
33 of any of such order. Such stop-work order shall also be served with
34 regard to a worksite by posting a copy of such order in a conspicuous
35 location at the worksite. The order shall remain in effect until the
36 commissioner directs that the stop-work order be removed, upon a final
37 determination on the complaint or where such failure to comply or evade
38 has been deemed corrected. If the person against whom such order is
39 issued shall within thirty days after issuance of the stop-work order
40 makes an application in affidavit form for a redetermination review of
41 such order the commissioner shall make a decision in writing on the
42 issues raised in such application. The commissioner may direct a condi-
43 tional release from a stop-work order upon a finding that such person
44 has taken meaningful and good faith steps to comply with the provisions
45 of this article.

46 § 4. This act shall take effect immediately.

47 PART JJ

48 Section 1. Section 20-a of the social services law, as added by chap-
49 ter 107 of the laws of 1971, is amended to read as follows:

50 § 20-a. Local personnel; limitations on department's power. Notwith-
51 standing any inconsistent provision of this chapter, the board, the
52 commissioner or the department, acting singly or in unison, shall not
53 have the power, directly or indirectly to prescribe the number of
54 persons to be employed in any social services district providing the

1 district complies with the minimum federal standards relating thereto;
2 provided, however, that the provisions of this section shall not apply
3 to the regulations of the office of children and family services estab-
4 lishing caseload standards for child protective services workers promul-
5 gated pursuant to paragraph (a) of subdivision nine of section four
6 hundred twenty-one of this chapter.

7 § 2. Paragraph (a) of subdivision 1 of section 153-k of the social
8 services law, as added by section 15 of part C of chapter 83 of the laws
9 of 2002, is amended to read as follows:

10 (a) Expenditures made by social services districts for child protec-
11 tive services, preventive services provided, as applicable, to eligible
12 children and families of children who are in and out of foster care
13 placement, independent living services, aftercare services, and adoption
14 administration and services other than adoption subsidies provided
15 pursuant to article six of this chapter and the regulations of the
16 department of family assistance shall, if approved by the office of
17 children and family services, be subject to sixty-five percent state
18 reimbursement exclusive of any federal funds made available for such
19 purposes, in accordance with the directives of the department of family
20 assistance and subject to the approval of the director of the budget.
21 Provided however, for requirements prescribed in subdivision nine of
22 section four hundred twenty-one of this chapter, such expenditures shall
23 be subject to one hundred percent state reimbursement, provided that
24 local social services districts continue to maintain current expendi-
25 tures related to child protective services at a level equal to or great-
26 er than expenditures for such activities during the fiscal year prior to
27 a chapter of the laws of two thousand nineteen which amended this para-
28 graph.

29 § 3. Section 421 of the social services law is amended by adding a new
30 subdivision 9 to read as follows:

31 9. promulgate regulations in consultation with local social services
32 districts, relating to caseload standards for child protective services
33 workers. Such standards shall include, but not be limited to: (a) limi-
34 tations on the number of investigations which can be assigned to child
35 protective services workers, provided however, to the extent possible
36 and within amounts appropriated therefore, no more than two initial
37 investigations per week may be assigned per full time equivalent child
38 protective services worker; and (b) guidance as it relates to how such
39 investigations are assigned, taking into consideration the child protec-
40 tive services worker current caseload, as well as the complexity of the
41 particular investigation, if known. Nothing in this subdivision shall be
42 construed to prohibit the office from prescribing a local social
43 services districts from establishing caseload standards that are less
44 than what is required in this subdivision.

45 § 4. Paragraph (c) of subdivision 1 of section 423 of the social
46 services law, as amended by chapter 83 of the laws of 1995, is amended
47 to read as follows:

48 (c) The child protective service shall have a sufficient staff, in
49 accordance with the provisions of subdivision nine of section four
50 hundred twenty-one of this title, of sufficient qualifications to
51 fulfill the purposes of this title and be organized in such a way as to
52 maximize the continuity of responsibility, care and service of individ-
53 ual workers toward individual children and families. A social services
54 district shall have flexibility in assigning staff to the child protec-
55 tive service provided that each staff assigned to such service has the
56 staff qualifications and has received the training required by the

1 department regulations promulgated pursuant to subdivisions four and
2 five of section four hundred twenty-one of this title.

3 § 5. Section 426 of the social services law, as amended by section
4 11-a of part D of chapter 501 of the laws of 2012, is amended to read as
5 follows:

6 § 426. Annual reports. The commissioner shall prepare for inclusion in
7 the annual report required by subdivision (d) of section seventeen of
8 this chapter to be filed with the governor and the legislature prior to
9 December fifteenth of each year, a report on the operations of the state
10 central register of child abuse and maltreatment and the various local
11 child protective services. The report shall include a full statistical
12 analysis of the reports made to the central register together with a
13 report on the implementation of this title, his or her evaluation of
14 services offered under this chapter and his or her recommendations for
15 additional legislation to fulfill the purposes of this title. Such
16 report shall indicate the number of child abuse and maltreatment reports
17 and cases received by the statewide central register of child abuse and
18 maltreatment by each district in the preceding year, the number of such
19 cases determined to have been indicated and the number of such cases
20 determined to be unfounded by each district in the preceding year, the
21 number of such cases which have not been indicated or unfounded within
22 the time period required by subdivision seven of section four hundred
23 twenty-four of this ~~[article]~~ title by each district in the preceding
24 year ~~[and]~~. Such report shall also include a monthly accounting by local
25 social services districts, of the total number of child protective
26 services workers ~~[assigned to the child protective service in each~~
27 ~~district in]~~ with an indication of how many hold a supervisory position,
28 as well as the average number of active cases per child protective
29 service worker, with an indication of how many were in the initial
30 investigation stage at the time the information was collected for the
31 preceding year. Such report shall include, among other information,
32 available demographic information and available information concerning
33 the racial and ethnic characteristics of the family members and persons
34 served by the differential response program pursuant to section four
35 hundred twenty-seven-a of ~~[the social services law]~~ this title, as well
36 as available information concerning the racial and ethnic character-
37 istics of the family members and persons serviced under the traditional
38 child protective services program, in each local social services
39 district in the state.

40 § 6. This act shall take effect immediately; provided however sections
41 one, two, three, and four of this act shall take effect on the seven
42 hundred thirtieth day after it shall have become a law; provided,
43 further, however that the amendments to section 153-k of the social
44 services law made by section two of this act shall not affect the repeal
45 of such section and shall be deemed repealed therewith.

46

PART KK

47 Section 1. Subdivisions 2 and 4 and paragraph e of subdivision 5 of
48 section 6456 of the education law, subdivision 2 as added by section 1
49 of part X of chapter 56 of the laws of 2015, subdivision 4 as amended by
50 section 2 of part V of chapter 56 of the laws of 2018, and paragraph e
51 of subdivision 5 as added by section 1 of part V of chapter 56 of the
52 laws of 2018, are amended to read as follows:

53 2. For the purposes of this section, "foster youth" shall mean
54 students who have qualified as an orphan, foster child or ward of the

1 court [~~for the purposes of federal student financial aid programs~~
 2 ~~authorized by Title IV of the Higher Education Act of 1965, as amended~~]
 3 at any time after his or her thirteenth birthday.

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

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

15 § 2. This act shall take effect immediately.

16 PART LL

17 Section 1. Section 209 of the social services law is amended by adding
 18 a new subdivision 7 to read as follows:

19 7. (a) The commissioner of the office of temporary and disability
 20 assistance in consultation with the commissioner of health shall conduct
 21 a study to evaluate the adequacy of the current rates provided to adult
 22 care facilities providing enhanced residential care as well as the
 23 sufficiency of personal needs allowances made to or on behalf of indi-
 24 viduals and couples receiving such services and care.

25 (b) Based on the results of such study conducted pursuant to paragraph
 26 (a) of this subdivision such commissioners shall determine and provide
 27 recommendations on: (i) appropriate rates and models of compensation
 28 that would be sufficient to assure the health and safety of individuals
 29 receiving care in such facility, and (ii) adequate personal need allow-
 30 ances for individuals and couples receiving enhanced residential care in
 31 adult home facilities. Such commissioners shall publish the study and
 32 recommendations on their respective websites and provide copies to the
 33 governor, the temporary president of the senate, the speaker of the
 34 assembly and the minority leaders of the senate and assembly not later
 35 than January first, two thousand twenty.

36 § 2. This act shall take effect immediately.

37 PART MM

38 Section 1. Section 54-m of the state finance law is REPEALED and a new
 39 section 54-m is added to read as follows:

40 § 54-m. Local share requirements associated with increasing the age of
 41 juvenile jurisdiction above fifteen years of age. Notwithstanding any
 42 other provision of law to the contrary, counties and the city of New
 43 York shall not be required to contribute a local share of eligible
 44 expenditures that would not have been incurred absent the provisions of
 45 chapter fifty-nine of the laws of two thousand seventeen that increased
 46 the age of juvenile jurisdiction above fifteen years of age.

47 § 2. Section 104-a of part WWW of chapter 59 of the laws of 2017,
 48 amending the criminal procedure law and other laws relating to
 49 proceedings against juvenile and adolescent offenders, and the age of
 50 juvenile and adolescent offenders, is amended to read as follows:

51 § 104-a. Notwithstanding any other provision of law to the contrary,
 52 [~~in accordance with the waiver provisions set forth in section 54-m of~~

1 ~~the state finance law,~~ state funding shall be available for one hundred
2 percent of a county's costs associated with transport of youth by the
3 applicable county sheriff that would not otherwise have occurred absent
4 the provisions of [~~the~~] chapter fifty-nine of the laws of two thousand
5 seventeen that [~~added this section~~] increased the age of juvenile juris-
6 isdiction above fifteen years of age.

7 § 3. This act shall take effect immediately; provided however:

8 (a) section one of this act shall be deemed to have been in full force
9 and effect on and after April 1, 2018; and

10 (b) section two of this act shall be deemed to have been in full force
11 and effect on and after April 1, 2017.

12 PART NN

13 Section 1. Subdivisions 5, 8 and 10 of section 230 of the labor law,
14 subdivisions 5 and 8 as added by chapter 777 of the laws of 1971, subdi-
15 vision 10 as added by chapter 547 of the laws of 1998, are amended and
16 seven new subdivisions 15, 16, 17, 18, 19, 20 and 21 are added to read
17 as follows:

18 5. "Wage" includes: (a) basic hourly cash rate of pay; and (b) supple-
19 ments. The term "supplements" means fringe benefits including medical or
20 hospital care, pensions on retirement or death, compensation for inju-
21 ries or illness resulting from occupational activity, or insurance to
22 provide any of the foregoing, unemployment benefits, life insurance,
23 disability and sickness insurance, accident insurance, vacation and
24 holiday pay, costs of apprenticeship or other similar programs and other
25 bona fide fringe benefits not otherwise required by federal, state or
26 local law to be provided by the contractor, covered developer, covered
27 lessee or lessor, covered employer, or subcontractor.

28 8. "Fiscal officer" means the industrial commissioner, except for
29 building service work performed by or on behalf of a city or where the
30 covered development project or real property subject to a covered lease
31 is located within a city with a population of over one million, in which
32 case "fiscal officer" means the comptroller or other analogous officer
33 of such city.

34 10. "Substantially-owned affiliated entity" shall mean the parent
35 company of the contractor or subcontractor, or covered developer, or
36 covered lessee or lessor any subsidiary of the contractor or subcontrac-
37 tor, or covered developer, or covered lessee or lessor, or any entity in
38 which the parent of the contractor or subcontractor, or covered develop-
39 er, or covered lessee or lessor owns more than fifty percent of the
40 voting stock, or an entity in which one or more of the top five share-
41 holders of the contractor or subcontractor individually or collectively
42 also owns a controlling share of the voting stock, or an entity which
43 exhibits any other indicia of control over the contractor or subcontrac-
44 tor, or covered developer, or covered lessee or lessor or over which the
45 contractor or subcontractor, or covered developer, or covered lessee or
46 lessor exhibits control, regardless of whether or not the controlling
47 party or parties have any identifiable or documented ownership interest.
48 Such indicia shall include: power or responsibility over employment
49 decisions, access to and/or use of the relevant entity's assets or
50 equipment, power or responsibility over contracts of the entity, respon-
51 sibility for maintenance or submission of certified payroll records, and
52 influence over the business decisions of the relevant entity.

53 15. "Covered developer" means any entity receiving financial assist-
54 ance in relation to a covered development project, or any assignee or

1 successor in interest of real property that qualifies as a covered
2 development project.

3 16. "Covered employer" means any entity, other than a covered develop-
4 er who employs building service workers at a covered development project
5 or at any real property subject to a covered lease.

6 17. "Covered lessee" means any entity leasing real property from a
7 public agency.

8 18. "Covered lessor" means any entity from whom a public agency is
9 leasing commercial office space or commercial office facilities of ten
10 thousand square feet or more provided that the public agency whether
11 through a single agreement or multiple agreement leases no less than
12 fifty-one percent of the total square footage of the building to which
13 the lease or leases applies.

14 19. "Financial assistance" means assistance that is provided to a
15 covered developer for the improvement or development of real property,
16 economic development, job retention and growth, or other similar
17 purposes, and that is paid in whole or in part by a public agency or
18 agencies, and of a cumulative total anticipated financial value of one
19 million dollars or more. Financial assistance includes, but is not
20 limited to, cash payments or grants, bond financing, tax abatements or
21 exemptions (including, but not limited to, abatements or exemptions from
22 real property, mortgage recording, sales and uses taxes, or the differ-
23 ence between any payments in lieu of taxes and the amount of real prop-
24 erty or other taxes that would have been due if the property were not
25 exempted from the payment of such taxes), tax increment financing,
26 filing fee waivers, energy cost reductions, environmental remediation
27 costs, write-downs in the market value of building, land, or the cost of
28 capital improvements related to real property that, under ordinary
29 circumstances, the public agency would not pay for. Where assistance
30 takes the form of loans or bond financing, the value of the assistance
31 shall be determined based on the difference between the financing cost
32 to a borrower and the cost to a similar borrower that does not receive
33 financial assistance.

34 20. "Covered lease" means any agreement by a public agency with a
35 covered lessor or lessee.

36 21. "Covered development project" means a project that has received or
37 is expected to receive financial assistance.

38 § 2. The labor law is amended by adding a new section 231-a to read as
39 follows:

40 § 231-a. Prevailing wage for covered leases and covered development
41 projects. 1. Covered developers and covered lessees or lessors shall
42 ensure that all building service employees performing building service
43 work in connection with a covered development project or covered lease
44 are paid no less than the prevailing wage.

45 2. The obligation to pay prevailing supplements may be discharged by
46 furnishing any equivalent combinations of fringe benefits or by making
47 equivalent or differential payments in cash under rules and regulations
48 established by the fiscal officer.

49 3. The public agency providing financial assistance or entering into a
50 covered lease shall require, as a contractual condition of such finan-
51 cial assistance or covered lease, that any building service employee
52 performing building service work in connection with a covered develop-
53 ment project or covered lease, regardless of the employing entity, shall
54 be paid no less than the prevailing wage; and any lease, contract for
55 property management services, or contract for the provision of building
56 services, entered into by the covered developer or covered lessee or

1 lessor, and any subcontract thereof, shall contain the following
2 provision "All building service employees shall be paid no less than the
3 prevailing wage as provided by the fiscal officer as described in
4 section two hundred and thirty-four of the Labor Law. Any covered
5 employer, as defined in section two hundred and thirty of the Labor Law,
6 shall maintain all records relating to the employment of building
7 service workers as described in section two hundred and thirty-three of
8 the Labor Law which are to be provided to the covered developer. Such
9 covered employer shall also submit such statements as required under
10 section two hundred and thirty-seven of the Labor Law. This requirement
11 shall apply to any covered development project or real property subject
12 to a covered lease as provided by Article Nine of the Labor Law."

13 4. Upon the award of financial assistance or entering into a covered
14 lease by a public agency, the awarding public agency shall immediately
15 furnish to the fiscal officer (a) the name and address of the awardee;
16 (b) the date when the financial assistance was awarded or the covered
17 lease was entered into; (c) the specific building or facility address or
18 addresses, or locality to which the covered lease or financial assist-
19 ance pertains, if the financial assistance is targeted to a particular
20 building or buildings, facility or facilities, or locality; and (d) the
21 anticipated total value of the financial assistance.

22 5. When the financial assistance to the covered development project
23 applies to a particular building or buildings, facility or facilities,
24 or locality the prevailing wage shall apply only to such building or
25 buildings, facility or facilities, or locality; however when the finan-
26 cial assistance is not so limited, the covered development project shall
27 be deemed to include any building or facility in which the covered
28 developer operates within the state and the prevailing wage requirement
29 set forth in this section shall apply to any building or facility in
30 which the covered developer operates within the state.

31 6. The fiscal officer shall maintain a list of covered developers,
32 covered lessees or lessors, and covered development projects, including
33 the addresses of each. Such list shall be updated and published as often
34 as is necessary to keep it current.

35 7. Within two weeks of receiving financial assistance or entering into
36 a covered lease, a covered developer, covered lessee or lessor, or
37 covered employer shall post in the same location and manner that other
38 statutorily required notices are posted at every such covered develop-
39 ment project or real property subject to a covered lease, and provide
40 each building service employee a copy of a written notice which shall be
41 prepared by the fiscal officer, detailing the wages, benefits, and other
42 protections to which building service employees are entitled under this
43 section. Such notice shall also provide the name, address and telephone
44 number of the fiscal officer and a statement advising building service
45 employees that if they have been paid less than the prevailing wage they
46 may notify the fiscal officer and request an investigation or bring suit
47 in a court of competent jurisdiction. Such notices shall be posted in
48 English and in any other language which at least twenty percent of
49 employees speak as a primary language. Such notice shall remain posted
50 for the time that the requirements of this section shall apply and shall
51 be adjusted periodically to reflect the current prevailing wage for
52 building service employees. In addition to posting the covered develop-
53 er, covered lessee or lessor, or covered employer shall provide each
54 individual employee a copy of the notice in English or any other
55 language spoken by the employee as a primary language, so long as the
56 fiscal officer has made such notice available to employers in such

1 language on its website. The fiscal officer shall make available on its
2 website sample written notices explaining the rights of building service
3 employees under this section and shall translate such sample written
4 notices into such languages it deems appropriate.

5 8. The requirements of this section shall apply for the term of the
6 financial assistance, for ten years from the date that the financially
7 assisted project opens, or for the duration of any written agreement
8 between a public agency and a covered developer providing for financial
9 assistance, or for the duration of the covered lease, whichever is long-
10 er.

11 9. This section shall not preempt any public agency from establishing
12 higher minimum wages for covered developers or covered lessees or
13 lessors receiving financial assistance or leasing from or to a public
14 agency. Nor shall any covered developer, covered lessee or lessor, or
15 covered employer be preempted from paying a wage higher than the
16 prevailing wage.

17 § 3. Section 232 of the labor law, as added by chapter 777 of the laws
18 of 1971, is amended to read as follows:

19 § 232. Overtime. An employee, employed by a contractor or employed at
20 a covered development project or at real property subject to a covered
21 lease, who works more than eight hours in any one day or more than forty
22 hours in any workweek shall be paid wages for such overtime at a rate
23 not less than one-and-one-half times his prevailing basic cash hourly
24 rate.

25 § 4. Section 233 of the labor law, as added by chapter 777 of the laws
26 of 1971, is amended to read as follows:

27 § 233. Record keeping. 1. In all cases where service work is being
28 performed pursuant to a contract therefor or covered lease, or covered
29 development project, the contractor, or covered developer, or covered
30 lessee or lessor shall keep original payrolls or transcripts thereof,
31 subscribed and confirmed by him as true, under penalties of perjury,
32 showing the hours and days worked by each employee, the craft, trade or
33 occupation at which he was employed, and the wages paid. A covered
34 developer, or covered lessee or lessor may satisfy this requirement by
35 obtaining copies of employment records from a covered employer.

36 2. Where the wages paid include sums which are not paid directly to
37 the workmen weekly and which are expended for supplements, the records
38 required to be maintained shall include a record of such hourly payment
39 on behalf of such employees, the supplement for which such payment has
40 been made, and the name and address of the person to whom such payment
41 has been made. In all such cases, the contractor or covered developer,
42 or covered lessee or lessor shall keep a true and inscribed copy of the
43 agreement under which such payments are made, a record of all net
44 payments made thereunder, and a list of all persons for whom such
45 payments are made. A covered developer, or covered lessee or lessor may
46 satisfy this requirement by obtaining copies of employment records from
47 a covered employer.

48 3. The records required to be maintained shall be kept on the site of
49 the work during all of the time that work under the contract or other-
50 wise subject to the requirements of this section is being performed.

51 4. All records required to be maintained shall be preserved for a
52 period of three years after the completion of work.

53 5. A covered developer, or covered lessee or lessor shall include a
54 requirement in all leases, management agreements or service contracts,
55 and any subcontracts thereof, that any covered employer shall comply
56 with the record keeping requirements of this section. The covered devel-

1 oper, or covered lessee or lessor shall obtain such records from any
2 covered employer and preserve such records for a period of six years
3 after the completion of the employee's work.

4 6. Failure to maintain such records as required shall create a rebutt-
5 able presumption that the building service employees were not paid the
6 wages and supplements required under this article.

7 § 5. Paragraph (f) of subdivision 1 of section 234 of the labor law,
8 as added by chapter 777 of the laws of 1971, is amended to read as
9 follows:

10 (f) to require a contractor or covered developer, or covered lessee or
11 lessor to file with the fiscal officer a record of the wages actually
12 paid by such contractor or covered developer, or covered lessee or
13 lessor to the employees and of their hours of work;

14 § 6. The labor law is amended by adding a new section 235-a to read as
15 follows:

16 § 235-a. Investigations, hearings, and private right of action for
17 covered leases and covered development projects. 1. Whenever the fiscal
18 officer has reason to believe that a building service employee perform-
19 ing building service work in connection with a covered lease or covered
20 development project has been paid less than the applicable prevailing
21 wage and supplements or upon receipt of a written complaint, the fiscal
22 officer shall conduct a special investigation to determine the facts
23 relating thereto.

24 2. If, despite the requirements of law, the fiscal officer has not
25 determined the prevailing wage as required in this article, the fiscal
26 officer shall determine in the proceeding before him or her the wages
27 prevailing at the time the work was performed for the crafts, trades or
28 occupations of the employees involved.

29 3. In an investigation conducted under the provisions of this section,
30 the inquiry of the fiscal officer shall not extend to work performed
31 more than three years prior to: (a) the filing of the complaint, or (b)
32 the commencement of the investigation upon the fiscal officer's own
33 volition, whichever is earlier in point of time.

34 4. (a) The investigation and hearing shall be expeditiously conducted
35 and upon the completion thereof the fiscal officer shall determine the
36 issues raised and shall make and file an order in his or her office
37 stating such determination and forthwith serve personally or by mail a
38 copy of such order and determination together with a notice of filing
39 upon all parties to the proceeding and upon the financial officer of the
40 public agency involved.

41 (b) In addition to directing payment of wages found to be due, such
42 order of the fiscal officer shall direct payment of liquidated damages
43 in an amount equal to the greater of two percent of the annual value of
44 the financial assistance or covered lease, or two-tenths of a percent of
45 the total value of the financial assistance or covered lease. Where the
46 fiscal officer is the commissioner, the penalty shall be paid to the
47 commissioner for deposit in the state treasury. Where the fiscal officer
48 is a city comptroller or other analogous officer, the penalty shall be
49 paid to said officer for deposit in the city treasury.

50 (c) An order directing the payment to specified employees of wages
51 found to be due and unpaid shall include interest at a rate not less
52 than six per centum per year and not more than the rate of interest then
53 in effect as prescribed by the superintendent of financial services
54 pursuant to section fourteen-a of the banking law per annum from the
55 time such wages should have been paid. In determining the rate of
56 interest to be imposed the fiscal officer shall consider the size of the

1 employer's business, the good faith of the employer, the gravity of the
2 violation, the history of previous violations of the employer, successor
3 or substantially-owned affiliated entity, any officer of the covered
4 developer, covered lessee or lessor, or covered employer who knowingly
5 participated in the violation of this article, and any of the partners
6 if the covered developer, covered lessee or lessor, or covered employer
7 is a partnership or any of the five largest shareholders of the covered
8 developer, covered lessee or lessor, or the covered employer, as deter-
9 mined by the fiscal officer, and the failure to comply with recordkeep-
10 ing or other non-wage requirements.

11 5. (a) Provided that no proceeding for judicial review as provided in
12 this section shall then be pending and the time for initiation of such
13 proceeding shall have expired, the fiscal officer shall file with the
14 county clerk of the county where the employer resides or has a place of
15 business the order of the fiscal officer containing the amount found to
16 be due. The filing of such order shall have the full force and effect of
17 a judgment duly docketed in the office of such clerk. The order may be
18 enforced by and in the name of the fiscal officer in the same manner,
19 and with like effect, as that prescribed by the civil practice law and
20 rules for the enforcement of a money judgment.

21 (b) When a final determination has been made in favor of a complainant
22 and the covered developer, covered lessee or lessor, or covered employer
23 found violating this article has failed to make payment as required by
24 the order of the fiscal officer, and provided that no relevant proceed-
25 ing for judicial review shall then be pending and the time for initi-
26 ation of such proceeding shall have expired, the fiscal officer may file
27 a copy of the order of the fiscal officer containing the amount found to
28 be due with the county clerk of the county of residence or place of
29 business of any of the following:

30 (i) any substantially-owned affiliated entity or any successor of the
31 covered developer, covered lessee or lessor, or covered employer;

32 (ii) any of the partners if the covered developer, covered lessee or
33 lessor, or covered employer is a partnership or any of the five largest
34 shareholders of the covered developer, covered lessee or lessor, or
35 covered employer, as determined by the fiscal officer; or

36 (iii) any officer of the covered developer, covered lessee or lessor,
37 or covered employer who knowingly participated in the violation of this
38 article; provided, however, that the fiscal officer shall within five
39 days of the filing of the order provide notice thereof to the partner or
40 top five shareholders or successor or substantially-owned affiliated
41 entity. The notified party may contest the filing on the basis that it
42 is not a partner or one of the five largest shareholders, an officer of
43 the covered developer, covered lessee or lessor, or covered employer who
44 knowingly participated in the violation of this article, or a successor
45 or substantially-owned affiliated entity. If, after reviewing the infor-
46 mation provided by the notified party in support of such contest, the
47 fiscal officer determines that the notified party is not within the
48 definitions described herein, the fiscal officer shall immediately with-
49 draw his or her filing of the order.

50 (c) The filing of such order shall have the full force and effect of a
51 judgment duly docketed in the office of such clerk. The order may be
52 enforced by and in the name of the fiscal officer in the same manner,
53 and with like effect, as that prescribed by the civil practice law and
54 rules for the enforcement of a money judgment.

55 6. When a final determination has been made and such determination is
56 in favor of an employee, such employee may, in addition to any other

1 remedy provided by this article, institute an action in any court of
2 appropriate jurisdiction against the entity found to have violated this
3 article, any substantially-owned affiliated entity, any officer of the
4 covered developer, covered lessee or lessor, or covered employer who
5 knowingly participated in the violation of this article, and any of the
6 partners if the covered developer, covered lessee or lessor, or covered
7 employer is a partnership or any of the five largest shareholders of the
8 covered developer, covered lessee or lessor, or covered employer, as
9 determined by the fiscal officer, for the recovery of the difference
10 between the sum, if any, actually paid to him or her by the aforesaid
11 financial officer pursuant to said order and the amount found to be due
12 him or her as determined by said order. Such action must be commenced
13 within three years from the date of the filing of said order, or if the
14 said order is reviewed in a proceeding pursuant to article seventy-eight
15 of the civil practice law and rules, within three years after the termi-
16 nation of such review proceeding.

17 7. (a) Any person claimed to be aggrieved by violation of this arti-
18 cle shall have a cause of action in any court of competent jurisdiction
19 against the entity alleged to have violated this article, any substan-
20 tially-owned affiliated entity, any officer of the covered developer,
21 covered lessee or lessor, or covered employer who knowingly participated
22 in the violation of this article, and any of the partners if the covered
23 developer, covered lessee or lessor, or covered employer is a partner-
24 ship or any of the five largest shareholders of the covered developer,
25 covered lessee or lessor, or covered employer, as determined by the
26 fiscal officer, for the recovery of the difference between the sum, if
27 any, actually paid to him or her by the aforesaid financial officer
28 pursuant to said order and the amount found to be due him or her as
29 determined by said order. The cause of action may seek damages, includ-
30 ing punitive damages, and for injunctive relief and such other remedies
31 as may be appropriate, unless such person has filed a complaint with the
32 fiscal officer with respect to such claim. In an action brought by a
33 building service employee, if the court finds in favor of the employee,
34 it shall award the employee, in addition to other relief, his or her
35 reasonable attorneys' fees and costs.

36 (b) Investigation by the fiscal officer shall not be a prerequisite to
37 nor a bar against a person bringing a civil action under this section.
38 Notwithstanding any inconsistent provision of subdivisions one through
39 six of this section where a complaint filed with the fiscal officer is
40 dismissed an aggrieved person shall maintain all rights to commence a
41 civil action pursuant to this action as if no complaint had been filed.

42 (c) No procedure or remedy set forth in this section is intended to be
43 exclusive or a prerequisite for asserting a claim for relief to enforce
44 any rights hereunder in a court of law. This section shall not be
45 construed to limit an employee's right to bring a common law cause of
46 action for wrongful termination.

47 (d) Any judgment or court order awarding remedies under this section
48 shall provide that if any amounts remain unpaid upon the expiration of
49 ninety days following issuance of judgment, or ninety days after expira-
50 tion of the time to appeal and no appeal is then pending, whichever is
51 later, the total amount of judgment shall automatically increase by
52 fifteen percent.

53 (e) In any action instituted upon a wage claim by a building service
54 employee in which the employee prevails, the court may allow such
55 employee, in addition to ordinary costs, a reasonable sum, not exceeding

1 one hundred dollars for expenses which may be taxed as costs. No assignee of a wage claim shall be benefited by this paragraph.

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3 (f) Notwithstanding any other provision of law, an action to recover upon a liability imposed by this article must be commenced within the greater of six years from the date the cause of action accrued or two years from the time the plaintiff or the person under whom the plaintiff claims discovered the fraud, or could with reasonable diligence have discovered it. The statute of limitations shall be tolled from the date an employee files a complaint with the fiscal officer or the fiscal officer commences an investigation, whichever is earlier, until an order to comply issued by the fiscal officer becomes final, or where the fiscal officer does not issue an order, until the date on which the fiscal officer notifies the complainant that the investigation has concluded.

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15 8. (a) No person shall take any adverse action against an employee that penalizes an employee for, or is reasonably likely to deter an employee from, exercising or attempting to exercise rights under this article or interfere with an employee's exercise of rights under this article.

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20 (b) Taking an adverse action includes, but is not limited to threatening, intimidating, disciplining, discharging, demoting, suspending, or harassing an employee, reducing the hours of pay of an employee, informing another employer than an employee has engaged in activities protected by this article, discriminating against the employee, including actions related to perceived immigration status or work authorization, and maintenance or application of an absence control policy that counts protected leave as an absence that may lead to or result in an adverse action.

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29 (c) An employee need not explicitly refer to a provision of this article to be protected from an adverse action.

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31 (d) A causal connection may be established between the exercise, attempted exercise, or anticipated exercise of rights protected by this article and an employer's adverse action against an employee or a group of employees by indirect or direct evidence.

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35 (e) Retaliation is established when it is shown that a protected activity was a motivating factor for an adverse action, whether or not other factors motivated the adverse action.

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38 9. (a) When a final determination has been made against a covered employer in favor of a complainant and the covered developer, or covered lessee or lessor has made payment to the complainant of any wages and interest due the complainant and any civil penalty, and providing that no relevant proceeding for judicial review shall then be pending and the time for initiation of such proceeding shall have expired, the covered developer, or covered lessee or lessor may file a copy of the order of the fiscal officer containing the amount found to be due with the county clerk of the county of residence or place of business of the covered employer. The filing of such order shall have the full force and effect of a judgment duly docketed in the office of such clerk. The judgment may be docketed in favor of the covered developer who may proceed as a judgment creditor against the covered employer for the recovery of all monies paid by the covered developer, or covered lessee or lessor under such order.

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53 (b) When a covered developer, or covered lessee or lessor has made payment to a complainant of any wages and interest due to him or her because of a covered employer's violation of this article, the covered developer, or covered lessee or lessor may bring suit to recover all

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1 monies paid by the covered developer, or covered lessee or lessor from
2 the covered employer.

3 10. When two judgments or final orders pursuant to the provisions of
4 this section have been entered against a covered developer, covered
5 lessee or lessor, covered employer, successor, or any substantially-
6 owned affiliated entity of the covered developer, covered lessee or
7 lessor, or covered employer, any of the partners if the covered develop-
8 er, covered lessee or lessor, or covered employer is a partnership, any
9 of the five largest shareholders of the covered developer, covered
10 lessee or lessor, or covered employer, any officer of the covered devel-
11 oper, covered lessee or lessor, or covered employer who knowingly
12 participated in the violation of this article within any consecutive
13 six-year period determining that such covered developer, covered lessee
14 or lessor, or covered employer and/or its successor, substantially-owned
15 affiliated entity of the covered developer, covered lessee or lessor, or
16 covered employer, any of the partners or any of the five largest share-
17 holders of the covered developer, covered lessee or lessor, or covered
18 employer, any officer of the covered developer, covered lessee or
19 lessor, or covered employer who knowingly participated in the violation
20 of this article has willfully failed to pay the prevailing wages in
21 accordance with the provisions of this article, whether such failures
22 were concurrent or consecutive and whether or not such final determi-
23 nations concerning separate covered leases or awards of financial
24 assistance are rendered simultaneously, such covered developer, covered
25 lessee or lessor, covered employer, successor, and if the covered devel-
26 oper, covered lessee or lessor, covered employer, successor, or any
27 substantially-owned affiliated entity of the covered developer, covered
28 lessee or lessor, or covered employer, any of the partners if the
29 covered developer, covered lessee or lessor, or covered employer is a
30 partnership, or any of the five largest shareholders of the covered
31 developer, covered lessee or lessor, or covered employer, any officer of
32 the covered developer, covered lessee or lessor, or covered employer who
33 knowingly participated in the violation of this article, or any succes-
34 sor is a corporation, any officer of such corporation who knowingly
35 participated in such failure, shall be ineligible to enter into covered
36 leases with a public agency or receive financial assistance for a period
37 of five years from the date of the second order; provided, however, that
38 where any such final order involves the falsification of payroll records
39 or the kickback of wages, the covered developer, covered lessee or
40 lessor, covered employer, successor, substantially-owned affiliated
41 entity of the covered developer, covered lessee or lessor, or covered
42 employer, any partner if the covered developer, covered lessee or
43 lessor, or covered employer is a partnership or any of the five largest
44 shareholders of the covered developer, covered lessee or lessor, or
45 covered employer, any officer of the covered developer, covered lessee
46 or lessor, or covered employer who knowingly participated in the
47 violation of this article shall be ineligible to receive for a period of
48 five years from the date of the first final order. Nothing in this
49 subdivision shall be construed as affecting any provision of any other
50 law or regulation relating to the awarding of financial assistance or
51 entering into a covered lease with a public agency. The commissioner
52 shall maintain a list of covered developers, and covered lessees or
53 lessors, who are ineligible, including their names, address, date and
54 duration of their ineligibility. Such list shall be updated and
55 published as often as is necessary to keep it current.

1 § 7. Subdivision 1 of section 237 of the labor law, as amended by
2 chapter 698 of the laws of 1988, is amended and a new subdivision 5 is
3 added to read as follows:

4 1. Subcontractors engaged for service work by a contractor or its
5 subcontractor and covered employers, shall, upon receipt from the
6 covered developer, or covered lessee or lessor, contractor or its
7 subcontractor of the schedule of wages and supplements specified in the
8 contract or article nine prevailing wage schedule, provide to the
9 covered developer, covered lessee or lessor, contractor or its subcon-
10 tractor a verified statement attesting that the covered employer or
11 subcontractor has received and reviewed such schedule of wages and
12 supplements, and agrees that it will pay the applicable prevailing wages
13 and will pay or provide the supplements specified therein. Such verified
14 statement shall be filed in the manner described in subdivision three of
15 this section for subcontractors of a contractor or its subcontractor,
16 and in the manner described in subdivision four of this section for
17 covered employers. It shall be a violation of this article for any
18 covered developer, covered lessee or lessor, contractor or its subcon-
19 tractor to fail to provide for its subcontractor a copy of the schedule
20 of wages and supplements specified in the contract or article nine
21 prevailing wage schedules.

22 5. Prior to receiving financial assistance or entering into a covered
23 lease, or an extension, renewal, amendment, modification of a covered
24 lease, and annually thereafter, every covered developer, covered lessee
25 or lessor, or covered employer shall provide the public agency providing
26 financial assistance and the fiscal officer with an annual verified
27 statement that all building service employees employed at a covered
28 development project or at real property subject to a covered lease by
29 the covered developer, covered lessee or lessor, or by a covered employ-
30 er to perform building service work will be and/or have been paid the
31 prevailing wage. Such verified statement shall include a record of the
32 days and hours worked and the wages paid to each building service
33 employee employed at the covered development project, or at real proper-
34 ty subject to a covered lease. Where the wages paid include sums which
35 are not paid directly to the workmen weekly and which are expended for
36 supplements, the statement shall include a record of such hourly
37 payments on behalf of such employees, the supplement for which such
38 payment has been made, and the name and address of the person to whom
39 the payment has been made. Such statement shall be verified by the oath
40 of the chief executive or chief financial officer of the covered devel-
41 oper, or covered lessee or lessor, or the designee of any such person
42 that he or she has read such statements subscribed by him or her and
43 knows the contents thereof, and that the same is true of his or her own
44 knowledge, except with respect to wages and supplements owing by
45 contract which may be certified upon information and belief. A violation
46 of any provision of the statement, or failure to provide such statement,
47 shall constitute a violation of this section. The fiscal officer or a
48 public agency leasing or providing financial assistance may inspect the
49 records maintained pursuant to section two hundred thirty-three of this
50 article to verify these statements.

51 § 8. Subdivision 1 of section 238 of the labor law, as added by chap-
52 ter 777 of the laws of 1971, is amended and two new subdivisions 3 and 4
53 are added to read as follows:

54 1. Any contractor, covered developer, covered lessee or lessor,
55 covered employer, or subcontractor who shall upon his oath verify any
56 statement required to be filed under this article which is known by him

1 to be false shall be guilty of perjury and punishable as provided by the
2 penal law.

3 3. In the event of a failure by a covered developer, covered lessee or
4 lessor, or covered employer to comply with the provisions of this arti-
5 cle, the covered developer, covered lessee or lessor, or covered employ-
6 er shall be provided with a written notice of failure to comply by the
7 fiscal officer allowing ten days to cure the failure to comply. If the
8 covered developer, covered lessee or lessor, or covered employer fails
9 to timely cure in addition to any other remedies available at law or in
10 equity, the fiscal officer shall be permitted to seek the following
11 remedies:

12 (a) Suspension: suspend the payments of any financial assistance to
13 the covered developer until the date of cure.

14 (b) Liquidated damages: failure to provide a required record or
15 statement or to allow work place access may result in liquidated damages
16 in an amount equal to the greater of two percent of the annual value of
17 the financial assistance or covered lease, or two-tenths of a percent of
18 the total value of the financial assistance or covered lease.

19 (c) Termination: a material breach of this article that continues for
20 a period of six months or more, shall allow the public agency to termi-
21 nate the financial assistance or covered lease.

22 (d) Penalty for late filing: late filing of any report required under
23 this article: a payment of one thousand dollars per day for each day the
24 report is late for up to fourteen days. After fourteen days, the remedy
25 in paragraph (b) of this subdivision shall apply.

26 4. Where the fiscal officer is the commissioner, the penalty shall be
27 paid to the commissioner for deposit in the state treasury. Where the
28 fiscal officer is a city comptroller or other analogous officer, the
29 penalty shall be paid to said officer for deposit in the city treasury.

30 § 9. Section 239 of the labor law, as added by chapter 777 of the laws
31 of 1971, subdivisions 1, 2 and 3 as amended by chapter 770 of the laws
32 of 1986, is amended to read as follows:

33 § 239. Provisions in contracts prohibiting discrimination on account
34 of race, creed, color, national origin, age or sex. [~~Every~~] Covered
35 developers and covered lessees or lessors shall comply with the follow-
36 ing provisions and every contract for service work shall contain
37 provisions by which the contractor agrees:

38 (1) that in the hiring of employees for the performance of work under
39 the contract or any subcontract thereunder within the territorial limits
40 of this state, no contractor, subcontractor, nor any person acting on
41 behalf of such contractor or subcontractor, shall by reason of race,
42 creed, color, national origin, age, sex or disability, discriminate
43 against any citizen of the state of New York who is qualified and avail-
44 able to perform the work to which the employment relates;

45 (2) that no contractor, subcontractor, nor any person on his behalf
46 shall, in any manner, discriminate against or intimidate any employee
47 hired for the performance of work under the contract on account of race,
48 creed, color, national origin, age, sex or disability;

49 (3) that there may be deducted from the amount payable to the contrac-
50 tor by the public agency under the contract a penalty of fifty dollars
51 for each person for each day during which such person was discriminated
52 against or intimidated in violation of the provisions of the contract;

53 (4) that the contract, covered lease, or grant of financial assistance
54 may be cancelled or terminated by the public agency, and all moneys due
55 or to become due thereunder may be forfeited for a second or any subse-

1 quent violation of the terms or conditions of this section of the
2 contract.

3 § 10. Section 239-a of the labor law, as added by chapter 777 of the
4 laws of 1971, is amended to read as follows:

5 § 239-a. Enforcement of article. If the fiscal officer, as defined
6 herein, finds that any covered developer, covered lessee or lessor, or
7 contractor on service work fails to comply with or evades the provisions
8 of this article, he shall present evidence of such noncompliance or
9 evasion to the public agency having charge of such work, or who has
10 entered into a covered lease or provided financial assistance for the
11 covered development project for enforcement. Where such evidence indi-
12 cates a noncompliance or evasion on the part of a subcontractor or
13 covered employer, the contractor or covered developer, or covered lessee
14 or lessors, shall be responsible for such noncompliance or evasion. It
15 shall be the duty of the public agency in charge of such service work,
16 or who has entered into a covered lease or provided financial assistance
17 for the covered development project to enforce the provisions of this
18 article.

19 § 11. This act shall take effect immediately.

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

29 § 3. This act shall take effect immediately provided, however, that
30 the applicable effective date of Parts A through NN of this act shall be
31 as specifically set forth in the last section of such Parts.