

# STATE OF NEW YORK

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1506--B

## IN SENATE

January 18, 2019

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

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

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

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

school children; to amend the education law, in relation to the amount of the supplemental basic tuition for charter schools; to amend the general municipal law, in relation to allowing certain school districts and boards of cooperative educational services to establish a retirement contribution reserve fund for the purposes of the New York state teachers' retirement system; to amend the education law, in relation to building condition surveys; to amend the education law, in relation to building aid for approved expenditures for debt service for tax certiorari financing; and to amend chapter 437 of the laws of 2014, amending the education law relating to removing the requirement for annual visual inspections of school buildings, in relation to the effectiveness thereof (Part A-1); to amend the education law, the business corporation law, the partnership law and the limited liability company law, in relation to certified public accountants (Part B); to amend the education law, in relation to authorizing school bus stop cameras; and to amend the vehicle and traffic law, in relation to owner liability for operator illegally overtaking or passing a school bus and increasing fines for passing a stopped school bus (Part C); intentionally omitted (Part D); intentionally omitted (Part E); to amend the state finance law, in relation to the arts capital grants fund (Part F); to utilize reserves in the mortgage insurance fund for various housing purposes (Part G); intentionally omitted (Part H); to amend the social services law, in relation to federally required background clearances for persons working in residential foster care programs (Part I); to amend the social services law, in relation to residential programs for domestic violence victims; and repealing certain provisions of such law relating thereto (Part J); to amend the family court act, the social services law and the executive law, in relation to persons in need of supervision; and to repeal certain provisions of the family court act and the executive law relating thereto (Part K); to amend the social services law, in relation to increasing the standards of monthly need for aged, blind and disabled persons living in the community (Part L); intentionally omitted (Subpart A); and to amend part W of chapter 54 of the laws of 2016, amending the social services law relating to the powers and duties of the commissioner of social services relating to the appointment of a temporary operator, in relation to the effectiveness thereof (Subpart B) (Part M); intentionally omitted (Part N); to amend the lien law, in relation to employee liens; to amend the labor law, in relation to employee complaints; to amend the civil practice law and rules, in relation to grounds for attachment; to amend the business corporation law, in relation to streamlining procedures where employees may hold shareholders of non-publicly traded corporations personally liable for wage theft; and to amend the limited liability company law, in relation to creating a right for victims of wage theft to hold the ten members with the largest ownership interests in a company personally liable for wage theft (Subpart A); and to amend the criminal procedure law and the penal law, in relation to wage theft (Subpart B) (Part O); to amend the labor law, in relation to amending unemployment insurance benefits for earnings disregard (Part P); to amend the executive law, in relation to prohibiting wage or salary history inquiries; and to amend the labor law, in relation to the prohibition of a differential rate of pay on the basis of protected class status (Part Q); intentionally omitted (Part R); to amend the executive law, in relation to expanding the scope of unlawful discriminatory practices to include public educational institutions (Part S); intentionally omitted (Part

T); intentionally omitted (Part U); intentionally omitted (Part V); to amend the general business law, in relation to enacting the pension poaching prevention act (Part W); to amend the executive law, in relation to amending the definition of pregnancy-related condition (Part X); intentionally omitted (Part Y); intentionally omitted (Part Z); to amend the election law, the executive law, the state finance law, the labor law, the vehicle and traffic law, the environmental conservation law, the public health law, the general municipal law, the military law, the domestic relations law, the education law, the mental hygiene law, the elder law, the social services law, the not-for-profit corporation law, the real property tax law, chapter 784 of the laws of 1951, constituting the New York state defense emergency act of 1951, the administrative code of the city of New York, and the New York city charter, in relation to changing the name of the New York state division of veterans' affairs to the New York state division of veterans' services; and to amend the executive law, in relation to changing the name of the veterans' affairs commission to the veterans' services commission (Part AA); to amend the education law, in relation to increasing the minimum tuition assistance program award and increasing the tuition assistance program income threshold (Part BB); to amend the education law, in relation to requiring health care practitioners to provide and the state education department to collect information about the practice of their professions and in relation to providing practitioners with information on enrolling in the New York state donate life registry for organ, eye and tissue donations (Part CC); authorizing the State University of New York at Albany to enter into certain leases and contracts (Part DD); to amend the general business law, in relation to permitting certain audiologists and hearing aid dispensers to dispense hearing aids for a profit (Part EE); to amend the labor law, in relation to hours, wages and supplements in contracts for public work (Part FF); to amend the public authorities law, in relation to certain contracts of the New York city school construction authority; and to amend chapter 738 of the laws of 1988, amending the administrative code of the city of New York, the public authorities law and other laws relating to establishing the New York city school construction authority, in relation to extending certain provisions of such chapter relating to certain contracts of the New York city school construction authority (Part GG); to amend the labor law, in relation to enacting the "New York state YouthBuild act"; setting program requirements; authorizing the commissioner of labor to make grants to eligible YouthBuild programs and to establish application requirements; and expanding the number of YouthBuild programs in New York state (Part HH); and to amend the labor law, in relation to prevailing wage requirements for covered development projects (Part II)

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

1 Section 1. This act enacts into law major components of legislation  
 2 which are necessary to implement the state fiscal plan for the 2019-2020  
 3 state fiscal year. Each component is wholly contained within a Part  
 4 identified as Parts A through II. The effective date for each particular  
 5 provision contained within such Part is set forth in the last section of  
 6 such Part. Any provision in any section contained within a Part,

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

6 PART A

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

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

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

§ 2. Intentionally omitted.

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

§ 3. Intentionally omitted.

§ 4. Intentionally omitted.

§ 5. Intentionally omitted.

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

(ii) Phase-in foundation increase factor. For the two thousand eleven--two thousand twelve school year, the phase-in foundation increase factor shall equal thirty-seven and one-half percent (0.375) and the phase-in due minimum percent shall equal nineteen and forty-one hundredths percent (0.1941), for the two thousand twelve--two thousand thirteen school year the phase-in foundation increase factor shall equal one and seven-tenths percent (0.017), for the two thousand thirteen--two thousand fourteen school year the phase-in foundation increase factor shall equal (1) for a city school district in a city having a population of one million or more, five and twenty-three hundredths percent (0.0523) or (2) for all other school districts zero percent, for the two thousand fourteen--two thousand fifteen school year the phase-in foundation increase factor shall equal (1) for a city school district of a city having a population of one million or more, four and thirty-two hundredths percent (0.0432) or (2) for a school district other than a city school district having a population of one million or more for which (A) the quotient of the positive difference of the foundation formula aid minus the foundation aid base computed pursuant to paragraph j of subdivision one of this section divided by the foundation formula aid is greater than twenty-two percent (0.22) and (B) a combined wealth ratio less than thirty-five hundredths (0.35), seven percent (0.07) or (3) for all other school districts, four and thirty-one hundredths percent (0.0431), and for the two thousand fifteen--two thousand sixteen school year the phase-in foundation increase factor shall equal: (1) for a city school district of a city having a population of one million or more, thirteen and two hundred seventy-four thousandths percent (0.13274); or (2) for districts where the quotient arrived at when dividing (A) the product of the total aidable foundation pupil units multiplied by the district's selected foundation aid less the total foundation aid base computed pursuant to paragraph j of subdivision one of this section divided by (B) the product of the total aidable foundation pupil units multiplied by the district's selected foundation aid is greater than nineteen percent (0.19), and where the district's combined wealth ratio is less than thirty-three hundredths (0.33), seven and seventy-five hundredths percent (0.0775); or (3) for any other district designated as high need pursuant to clause (c) of subparagraph two of paragraph c of subdivision six of this section for the school aid computer listing produced by the commissioner in support of the enacted budget for the two thousand seven--two thousand eight school year and entitled "SA0708", four percent (0.04); or (4) for a city school district in a city having a population of one hundred twenty-five thousand or more but less than one million, fourteen percent (0.14); or (5) for school districts that were designated as small city school districts or central school districts whose boundaries include a portion of a small city for the school aid computer listing produced by the commissioner in support of the enacted budget for the two thousand fourteen--two thousand fifteen school year and entitled "SA1415", four and seven hundred fifty-one thousandths percent (0.04751); or (6) for all other

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



eight one hundredths percent (0.1078), or (5) for a city school district in a city with a population of more than one hundred twenty-five thousand but less than one hundred fifty thousand as of the most recent federal decennial census, nineteen and one hundred eight one-thousandths percent (0.19108), or (6) for a city school district in a city with a population of more than two hundred thousand but less than two hundred fifty thousand as of the most recent federal decennial census, ten and six-tenths percent (0.106), or (7) for all other districts, four and eighty-seven one-hundredths percent (0.0487), and for the two thousand [nineteen] twenty--two thousand [twenty] twenty-one school year [~~and thereafter the commissioner shall annually determine the phase-in foundation increase factor subject to allocation pursuant to the provisions of subdivision eighteen of this section and any provisions of a chapter of the laws of New York as described therein~~] the foundation aid phase-in increase factor shall be thirty-three percent (0.33), and for the two thousand twenty-one--two thousand twenty-two school year the foundation aid phase-in increase factor shall be fifty percent (0.5), and for the two thousand twenty-two--two thousand twenty-three school year and thereafter the foundation aid phase-in increase factor shall be one hundred percent (1.0).

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

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

§ 7. Intentionally omitted.

§ 8. Intentionally omitted.

§ 9. Intentionally omitted.

§ 10. Intentionally omitted.

§ 11. Intentionally omitted.

§ 12. Intentionally omitted.

§ 13. Intentionally omitted.

§ 14. Intentionally omitted.

§ 14-a. Intentionally omitted.

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

#### ARTICLE 39-A

##### REGIONAL STEM MAGNET SCHOOLS

##### Section 1918. Establishment of regional STEM magnet schools.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

10 § 17. Intentionally omitted.

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

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

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

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

50 § 20. Intentionally omitted.

51 § 21. Intentionally omitted.

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

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

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

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

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

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

3 § 24. Intentionally omitted.

4 § 25. Intentionally omitted.

5 § 26. Intentionally omitted.

6 § 27. Intentionally omitted.

7 § 28. Intentionally omitted.

8 § 29. Intentionally omitted.

9 § 30. Intentionally omitted.

10 § 31. Intentionally omitted.

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

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

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

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

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

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

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

46 (iii) friendship and empathy;

47 (iv) a definition of teen dating violence;

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

49 (vi) characteristics of a healthy relationship;

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

51 (viii) safe use of technology;

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

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

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



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

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

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

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

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

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

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

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

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

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

42 § 34. Intentionally omitted.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



§ 43. Subdivision 12 of section 17 of 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, as amended by section 2 of part G of chapter 61 of the laws of 2017, is amended to read as follows:

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

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

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

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

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

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

§ 26. This act shall take effect immediately provided, however, that the provisions of section three of this act shall expire June 30, ~~2019~~ 2024 when upon such date the provisions of such section shall be deemed repealed; provided, further that the provisions of sections eight, eleven, twelve, thirteen and twenty of this act shall expire July 1, 2014 when upon such date the provisions of such sections shall be deemed repealed.

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

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

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

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

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

For aid payable in the two thousand seven--two thousand eight school year through the two thousand ~~[eighteen]~~ nineteen--two thousand ~~[nineteen]~~ twenty school year, "moneys apportioned" shall mean the lesser of (i) the sum of one hundred percent of the respective amount set forth for each school district as payable pursuant to this section in the school aid computer listing for the current year produced by the commissioner in support of the budget which includes the appropriation for the general support for public schools for the prescribed payments and individualized payments due prior to April first for the current year plus the apportionment payable during the current school year pursuant to subdivision six-a and subdivision fifteen of section thirty-six hundred two of this part minus any reductions to current year aids pursuant to subdivision seven of section thirty-six hundred four of this part or any deduction from apportionment payable pursuant to this chapter for collection of a school district basic contribution as defined in subdivision eight of section forty-four hundred one of this chapter, less any grants provided pursuant to subparagraph two-a of paragraph b of subdivision four of section ninety-two-c of the state finance law, less any grants provided pursuant to subdivision six of section ninety-seven-nnnn of the state finance law, less any grants provided pursuant to subdivision twelve of section thirty-six hundred forty-one of this article, or (ii) the apportionment calculated by the commissioner based on data on file at the time the payment is processed; provided however, that for the purposes of any payments made pursuant to this section prior to the first business day of June of the current year, moneys apportioned shall not include any aids payable pursuant to subdivisions six and fourteen, if applicable, of section thirty-six hundred two of this part as current year aid for debt service on bond anticipation notes and/or bonds first issued in the current year or any aids payable for full-day kindergarten for the current year pursuant to subdivision nine of section thirty-six hundred two of this part. The definitions of "base year" and "current year" as set forth in subdivision one of section thirty-six hundred two of this part shall apply to this section. For aid payable in the two thousand ~~[eighteen]~~ nineteen--two thousand ~~[nineteen]~~ twenty school year, reference to such "school aid computer listing for the current year" shall mean the printouts entitled ~~["SA181-9"]~~ "SA192-0".

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

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

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

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

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

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

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

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

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

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

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

§ 48. Special apportionment for salary expenses. a. Notwithstanding any other provision of law, upon application to the commissioner of education, not sooner than the first day of the second full business week of June 2020 and not later than the last day of the third full business week of June 2020, a school district eligible for an apportionment pursuant to section 3602 of the education law shall be eligible to receive an apportionment pursuant to this section, for the school year ending June 30, 2020, for salary expenses incurred between April 1 and June 30, 2019 and such apportionment shall not exceed the sum of (i) the deficit reduction assessment of 1990--1991 as determined by the commissioner of education, pursuant to paragraph f of subdivision 1 of section 3602 of the education law, as in effect through June 30, 1993, plus (ii) 186 percent of such amount for a city school district in a city with a population in excess of 1,000,000 inhabitants, plus (iii) 209 percent of such amount for a city school district in a city with a population of more than 195,000 inhabitants and less than 219,000 inhabitants according to the latest federal census, plus (iv) the net gap elimination adjustment for 2010--2011, as determined by the commissioner of education pursuant to chapter 53 of the laws of 2010, plus (v) the gap elimination adjustment for 2011--2012 as determined by the commissioner of education pursuant to subdivision 17 of section 3602 of the education law, and provided further that such apportionment shall not exceed such salary expenses. Such application shall be made by a school district, after the board of education or trustees have adopted a resolution to do so and in the case of a city school district in a city with a population in excess of 125,000 inhabitants, with the approval of the mayor of such city.

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

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

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

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

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

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

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

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

a. for the development, maintenance or expansion of magnet schools or magnet school programs for the 2019--2020 school year. For the city school district of the city of New York there shall be a setaside of foundation aid equal to forty-eight million one hundred seventy-five thousand dollars (\$48,175,000) including five hundred thousand dollars (\$500,000) for the Andrew Jackson High School; for the Buffalo city school district, twenty-one million twenty-five thousand dollars (\$21,025,000); for the Rochester city school district, fifteen million dollars (\$15,000,000); for the Syracuse city school district, thirteen million dollars (\$13,000,000); for the Yonkers city school district, forty-nine million five hundred thousand dollars (\$49,500,000); for the Newburgh city school district, four million six hundred forty-five thousand dollars (\$4,645,000); for the Poughkeepsie city school district, two million four hundred seventy-five thousand dollars (\$2,475,000); for the Mount Vernon city school district, two million dollars (\$2,000,000); for the New Rochelle city school district, one million four hundred ten thousand dollars (\$1,410,000); for the Schenectady city school district, one million eight hundred thousand dollars (\$1,800,000); for the Port Chester city school district, one million one hundred fifty thousand dollars (\$1,150,000); for the White Plains city school district, nine hundred thousand dollars (\$900,000); for the Niagara Falls city school district, six hundred thousand dollars (\$600,000); for the Albany city school district, three million five hundred fifty thousand dollars (\$3,550,000); for the Utica city school district, two million dollars (\$2,000,000); for the Beacon city school district, five hundred sixty-six thousand dollars (\$566,000); for the Middletown city school district, four hundred thousand dollars (\$400,000); for the Freeport union free school district, four hundred thousand dollars (\$400,000); for the Greenburgh central school district, three hundred thousand dollars (\$300,000); for the Amsterdam city school district, eight hundred thousand dollars (\$800,000); for the Peekskill city school district, two hundred thousand dollars (\$200,000); and for the Hudson city school district, four hundred thousand dollars (\$400,000).

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

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

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

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

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

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

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

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



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

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

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

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

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

#### 21 PART A-1

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

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



tor and programs for English language learners, or to support other costs incurred to maximize students' academic achievement, provided however that a school district whose "COMMUNITY SCHL INCR" amount exceeds one million dollars (\$1,000,000) shall use an amount equal to the greater of one hundred fifty thousand dollars (\$150,000) or ten percent of such "COMMUNITY SCHL INCR" amount to support such transformation at schools with extraordinary high levels of student need as identified by the commissioner, subject to the approval of the director of the budget. Each school district shall use such "COMMUNITY SCHOOLS INCREASE" to support the transformation of school buildings into community hubs to deliver co-located or school linked academic, health, mental health services and personnel, after-school programming, dual language programs, nutrition, counseling, legal and/or other services to students and their families, including but not limited to providing a community school site coordinator and programs for English language learners, or to support other costs incurred to maximize students' academic achievement. Each school district shall use such "19-20 COMMUNITY SCHOOLS INCR" to support the transformation of school buildings into community hubs to deliver co-located or school linked academic, health, mental health services and personnel, after-school programming, dual language programs, nutrition, counseling, legal and/or other services to students and their families, including but not limited to providing a community school site coordinator and programs for English language learners, or to support other costs incurred to maximize students' academic achievement.

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

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

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

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

(iv) "Three-year direct certification percentage" shall mean the quotient of (A) the sum of the direct certification count for the base year, plus such direct certification count computed for the year prior to the base year, plus such direct certification count computed for the year two years prior to the base year, divided by (B) the direct certification enrollment for the base year, plus such direct certification enrollment computed for the year prior to the base year, plus such direct certification enrollment computed for the year two years prior to the base year.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

28 For purposes of this paragraph:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

(i) Schedule A: One-fifth of all school districts, as assigned by the commissioner, shall conduct a building condition survey in the two thousand nineteen--two thousand twenty school year. The remaining school districts 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 nineteen--two thousand twenty school year;

(ii) Schedule B: 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, shall conduct a building condition survey in the two thousand twenty--two thousand twenty-one school year. The remaining school districts, other than those assigned to schedule A, 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--two thousand twenty-one school year;

(iii) Schedule C: 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 or schedule B, shall conduct a building condition survey in the two thousand twenty-one--two thousand twenty-two 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-one--two thousand twenty-two 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-two--two thousand twenty-three 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-two--two thousand twenty-three 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-three--two thousand twenty-four school year.

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

§ 19. 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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

#### 40 PART B

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

(b) With respect to a professional service limited liability company formed to provide medical services as such services are defined in article 131 of the education law, each member of such limited liability company must be licensed pursuant to article 131 of the education law to practice medicine in this state. With respect to a professional service limited liability company formed to provide dental services as such services are defined in article 133 of the education law, each member of such limited liability company must be licensed pursuant to article 133 of the education law to practice dentistry in this state. With respect to a professional service limited liability company formed to provide veterinary services as such services are defined in article 135 of the education law, each member of such limited liability company must be licensed pursuant to article 135 of the education law to practice veterinary medicine in this state. With respect to a professional service limited liability company formed to provide professional engineering, land surveying, architectural, landscape architectural and/or geological services as such services are defined in article 145, article 147 and article 148 of the education law, each member of such limited liability company must be licensed pursuant to article 145, article 147 and/or article 148 of the education law to practice one or more of such professions in this state.

With respect to a professional service limited liability company formed to provide public accountancy services as such services are defined in article 149 of the education law each member of such limited liability company whose principal place of business is in this state and who provides public accountancy services, must be licensed pursuant to article 149 of the education law to practice public accountancy in this state.

With respect to a professional service limited liability company formed to provide licensed clinical social work services as such services are defined in article 154 of the education law, each member of such limited liability company shall be licensed pursuant to article 154 of the education law to practice licensed clinical social work in this state. With respect to a professional service limited liability company formed to provide creative arts therapy services as such services are defined in article 163 of the education law, each member of such limited liability company must be licensed pursuant to article 163 of the education law to practice creative arts therapy in this state. With respect to a professional service limited liability company formed to provide marriage and family therapy services as such services are defined in article 163 of the education law, each member of such limited liability company must be licensed pursuant to article 163 of the education law to practice marriage and family therapy in this state. With respect to a professional service limited liability company formed to provide mental health counseling services as such services are defined in article 163 of the education law, each member of such limited liability company must be licensed pursuant to article 163 of the education law to practice mental health counseling in this state. With respect to a professional service limited liability company formed to provide psychoanalysis services as such services are defined in article 163 of the education law, each member of

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

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

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



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



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

36 § 15. This act shall take effect immediately.

37 PART C

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

8 § 5. This act shall take effect immediately.

9 PART D

10 Intentionally Omitted

11 PART E

12 Intentionally Omitted

13 PART F

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

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

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

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

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

41 § 2. This act shall take effect immediately.

42 PART G

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



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

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

41 § 3. This act shall take effect immediately.

42 PART H

43 Intentionally Omitted

44 PART I

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

#### PART J

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

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

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

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

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

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

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

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

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

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

## 31 PART K

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

6                    CUSTODY ~~[AND DETENTION]~~

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

(b) The designated lead agency shall:

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

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

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

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

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

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

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

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

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

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

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

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

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

§ 9. Intentionally omitted.

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

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

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

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

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

(a) The order shall state the court's reasons for the particular disposition. If the court places the child in accordance with section seven hundred fifty-six of this part, the court in its order shall determine: (i) whether continuation in the child's home would be contrary to the best interest of the child and where appropriate, that reasonable efforts were made prior to the date of the dispositional hearing held pursuant to this article to prevent or eliminate the need for removal of the child from his or her home and, if the child was removed from his or her home prior to the date of such hearing, that such removal was in the child's best interest and, where appropriate, reasonable efforts were made to make it possible for the child to return safely home. If the court determines that reasonable efforts to prevent or eliminate the need for removal of the child from the home were not made but that the lack of such efforts was appropriate under the circumstances, the court order shall include such a finding; and (ii) in the case of a child who has attained the age of fourteen, the services needed, if any, to assist the child to make the transition from foster care to independent living. ~~[Nothing in this subdivision shall be construed to modify the standards for directing detention set forth in section seven hundred thirty-nine of this article.]~~

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

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

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

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

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

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

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

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

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

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

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

subdivision 12 as amended by section 12 of subpart B of part Q of chapter 58 of the laws of 2011, are amended to read as follows:

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

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

§ 18. Intentionally omitted.

§ 18-a. Intentionally omitted.

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

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

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

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



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

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

(a) Notwithstanding any provision of law to the contrary, eligible expenditures by a municipality during a particular program year for the care, maintenance and supervision in foster care programs certified by the office of children and family services, certified or approved family boarding homes, ~~[and non-secure detention facilities certified by the office for those youth alleged to be persons in need of supervision or adjudicated persons in need of supervision held pending transfer to a facility upon placement,]~~ and in secure and non-secure detention facilities certified by the office in accordance with section five hundred three of this article for those youth alleged to be juvenile delinquents; adjudicated juvenile delinquents held pending transfer to a facility upon placement, and juvenile delinquents held at the request of the office of children and family services pending extension of placement hearings or release revocation hearings or while awaiting disposition of such hearings; and youth alleged to be or convicted as juvenile offenders, youthful offenders and adolescent offenders, youth alleged to be persons in need of supervision or adjudicated persons in need of supervision held pending transfer to a facility upon placement in foster care programs certified by the office of children and family services and certified or approved foster boarding homes, shall be subject to state reimbursement for up to fifty percent of the municipality's expenditures, exclusive of any federal funds made available for such purposes, not to exceed the municipality's distribution from funds that have been appropriated specifically therefor for that program year. Municipalities shall implement the use of detention risk assessment instruments in a manner prescribed by the office so as to inform detention decisions. Notwithstanding any other provision of state law to the contrary, data necessary for completion of a detention risk assessment instrument may be shared among law enforcement, probation, courts, detention administrators, detention providers, and the attorney for the child upon retention or appointment; solely for the purpose of accurate completion of such risk assessment instrument, and a copy of the completed detention risk assessment instrument shall be made available to the applicable detention provider, the attorney for the child and the court.

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



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

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

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

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

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

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

#### 47 PART L

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

#### PART M

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

#### SUBPART A

Intentionally omitted.

#### SUBPART B

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

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

§ 2. This act shall take effect immediately.

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

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

#### PART N

Intentionally Omitted

1

## PART O

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

13

## SUBPART A

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

2. Within five days before or thirty days after filing the notice of an employee's lien, the lienor shall serve a copy of such notice upon the employer, if a natural person, (a) by delivering the same to him personally, or if the employer cannot be found, to his agent or attorney, or (b) by leaving it as his last known place of residence or business, with a person of suitable age and discretion, or (c) by registered or certified mail addressed to his last known place of residence or business, or (d) if such employer owns real property, by affixing a copy thereof conspicuously on such property, between the hours of nine o'clock in the forenoon and four o'clock in the afternoon. The lienor also shall, within thirty days after filing the notice of employee's lien, affix a copy thereof conspicuously on the real property identified in the notice of employee's lien, between the hours of nine o'clock in the forenoon and four o'clock in the afternoon. If the employer be a corporation, said service shall be made (i) by delivering such copy to and leaving the same with the president, vice-president, secretary or clerk to the corporation, the cashier, treasurer or a director or managing agent thereof, personally, within the state, or (ii) if such officer cannot be found within the state by affixing a copy thereof conspicuously on such property between the hours of nine o'clock in the forenoon and four o'clock in the afternoon, or (iii) by registered or certified mail addressed to its last known place of business, or (iv) by delivery to the secretary of the department of state in the same manner as required by subparagraph one of paragraph (b) of section three hundred six of the business corporation law. Failure to file proof of such a service with the county clerk within thirty-five days after the notice of lien is filed shall terminate the notice as a lien. Until service of the notice has been made, as above provided, an owner, without knowledge of the lien, shall be protected in any payment made in good faith to any other person claiming a lien.

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

41    § 46. Action in a court not of record. If an action to enforce a  
42 mechanic's lien or employee's lien against real property is brought in a  
43 court not of record, it shall be commenced by the personal service upon  
44 the owner of a summons and complaint verified in the same manner as a  
45 complaint in an action in a court of record. The complaint must set  
46 forth substantially the facts contained in the notice of lien, and the  
47 substance of the agreement under which the labor was performed or the  
48 materials were furnished, or if the lien is based upon a wage claim as  
49 defined in section two of this chapter, the basis for such wage claim.  
50 The form and contents of the summons shall be the same as provided by  
51 law for the commencement of an action upon a contract in such court. The  
52 summons must be returnable not less than twelve nor more than twenty  
53 days after the date of the summons, or if service is made by publica-  
54 tion, after the day of the last publication of the summons. Service  
55 must be made at least eight days before the return day.



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

#### SUBPART B

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

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

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

#### § 155.50 Wage theft; definition.

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

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

#### § 155.55 Wage theft in the fifth degree.

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

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

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

#### § 155.60 Wage theft in the fourth degree.

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

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

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

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

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

§ 155.65 Wage theft in the third degree.

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

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

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

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

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

§ 155.70 Wage theft in the second degree.

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

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

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

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

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

§ 155.75 Wage theft in the first degree.

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

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

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

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

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

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

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

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

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

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

8 PART P

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

26 § 12-a. Intentionally omitted.

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

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

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

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

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

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

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

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

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

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

(d) for periods of high unemployment for not more than [~~eighty effective days with respect to the applicable benefit year with a total maximum amount equal to~~] eighty percent of the total maximum amount of regular benefits payable in such benefit year.

4. Charging of extended benefits. The provisions of paragraph (e) of subdivision one of section five hundred eighty-one of this article shall apply to benefits paid pursuant to the provisions of this section, and if they were paid for [~~effective days~~] weeks of total unemployment or partial unemployment occurring in weeks following the end of a benefit year, they shall be deemed paid with respect to that benefit year. However, except for governmental entities as defined in section five hundred sixty-five and Indian tribes as defined in section five hundred sixty-six of this article, only one-half of the amount of such benefits shall be debited to the employers' account; the remainder thereof shall be debited to the general account, and such account shall be credited with the amount of payments received in the fund pursuant to the provisions of the federal-state extended unemployment compensation act. Notwithstanding the foregoing, where the state has entered an extended benefit period triggered pursuant to subparagraph one of paragraph (a) of subdivision one of this section for which federal law provides for one hundred percent federal sharing of the costs of benefits, all charges shall be debited to the general account and such account shall be credited with the amount of payments received in the fund pursuant to the provisions of the federal-state extended unemployment compensation act or other federal law providing for one hundred percent federal sharing for the cost of such benefits.

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

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

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

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

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

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

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

#### PART Q

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

(h) For an employer or employment agency in writing or otherwise, to rely on, or inquire about, the salary history information of an applicant for employment as a factor in determining whether to offer employment to an applicant or what salary to offer an applicant. Nothing in this subdivision shall prevent an applicant from voluntarily and without prompting disclosing salary history information to a prospective employer. If an applicant volunteers salary history information, nothing shall prohibit that employer from considering or relying on that information. Nothing in this subdivision shall prohibit an employer, without inquiring about salary history, from engaging in discussion with the applicant about their expectations with respect to salary, benefits, and other compensation. This paragraph shall not apply to any actions taken by an employer, employment agency, or employee or agent thereof pursuant to any federal, state, or local law that specifically authorizes the disclosure or verification of salary history information for employment purposes, or specifically requires knowledge of salary history informa-

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

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

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

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

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

#### PART R

Intentionally Omitted

#### PART S

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

35. The term "educational institution" shall mean:

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

(b) any public school, including any school district, board of cooperative education services, public college or public university.

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

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



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

§ 3. This act shall take effect immediately.

PART T

Intentionally Omitted

PART U

Intentionally Omitted

PART V

Intentionally Omitted

PART W

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

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

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

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

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

1     § 349-f. Pension poaching prevention. 1. For purposes of this section:  
2     (a) The term "veterans' benefits matter" means the preparation, pres-  
3     entation, or prosecution of any claim affecting any person who has filed  
4     or expressed an intent to file a claim for any benefit, program,  
5     service, commodity, function, or status, entitlement which is determined  
6     under the laws and regulations administered by the United States depart-  
7     ment of veterans affairs or the New York state division of veterans'  
8     affairs pertaining to veterans, their dependents, their survivors, and  
9     any other party eligible for such benefits.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

38 PART X

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

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

52 § 2. This act shall take effect immediately.

53 PART Y

Intentionally Omitted

PART Z

Intentionally Omitted

PART AA

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

Each agency designated as a participating agency under the provisions of this section shall implement and administer a program of distribution of voter registration forms pursuant to the provisions of this section. The following offices which provide public assistance and/or provide state funded programs primarily engaged in providing services to persons with disabilities are hereby designated as voter registration agencies: designated as the state agencies which provide public assistance are the office of children and family services, the office of temporary and disability assistance and the department of health. Also designated as public assistance agencies are all agencies of local government that provide such assistance. Designated as state agencies that provide programs primarily engaged in providing services to people with disabilities are the department of labor, office for the aging, division of veterans' ~~[affaires]~~ services, office of mental health, office of vocational and educational services for individuals with disabilities, commission on quality of care for the mentally disabled, office of mental retardation and developmental disabilities, commission for the blind, office of alcoholism and substance abuse services, the office of the advocate for the disabled and all offices which administer programs established or funded by such agencies. Additional state agencies designated as voter registration offices are the department of state and the division of workers' compensation. Such agencies shall be required to offer voter registration forms to persons upon initial application for services, renewal or recertification for services and change of address relating to such services. Such agencies shall also be responsible for providing assistance to applicants in completing voter registration forms, receiving and transmitting the completed application form from all applicants who wish to have such form transmitted to the appropriate board of elections. The state board of elections shall, together with representatives of the department of defense, develop and implement procedures for including recruitment offices of the armed forces of the United States as voter registration offices when such offices are so designated by federal law. The state board shall also make request of the United States Immigration and Naturalization Service to include applications for registration by mail with any materials which are given to new citizens. All institutions of the state university of New York and the city university of New York, shall, at the beginning of the school year, and again in January of a year in which the president of the United States is to be elected, provide an application for registration to each student in each such institution. The state board of elections may, by regulation, grant a waiver from any or all of the requirements of this section to any office or program of an agency, if it determines that it is not feasible for such office or program to administer such requirement.

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

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

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

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

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

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

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

VETERANS' ~~[AFFAIRES]~~ SERVICES

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

35 1. As used in this section, "crime victim-related agency" means any  
36 agency of state government which provides services to or deals directly  
37 with crime victims, including (a) the office of children and family  
38 services, the office for the aging, the division of [~~veterans-affaires~~]  
39 veterans' services, the office of probation and correctional alterna-  
40 tives, the department of corrections and community supervision, the  
41 office of victim services, the department of motor vehicles, the office  
42 of vocational rehabilitation, the workers' compensation board, the  
43 department of health, the division of criminal justice services, the  
44 office of mental health, every transportation authority and the division  
45 of state police, and (b) any other agency so designated by the governor  
46 within ninety days of the effective date of this section.

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

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

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



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

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

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

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

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

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

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

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

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

1. This section shall apply to all persons employed by the state in the ward, cottage, colony, kitchen and dining room, and guard service personnel in any hospital, school, prison, reformatory or other institution within or subject to the jurisdiction, supervision, control or visitation of the department of corrections and community supervision, the department of health, the department of mental hygiene, the department of social welfare or the division of veterans' ~~[affaires]~~ services in the executive department, and engaged in the performance of such duties as nursing, guarding or attending the inmates, patients, wards or other persons kept or housed in such institutions, or in protecting and

1 guarding the buildings and/or grounds thereof, or in preparing or serv-  
2 ing food therein.

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

6 3. A distinctive plate issued pursuant to this section shall be issued  
7 in the same manner as other number plates upon the payment of the regu-  
8 lar registration fee prescribed by section four hundred one of this  
9 article, provided, however, that an additional annual service charge of  
10 fifteen dollars shall be charged for such plate. Such annual service  
11 charge shall be deposited to the credit of the Eighth Air Force Histor-  
12 ical Society fund established pursuant to section ninety-five-f of the  
13 state finance law and shall be used for veterans' counseling services  
14 provided by local veterans' service agencies pursuant to section three  
15 hundred fifty-seven of the executive law under the direction of the  
16 division of veterans' ~~affaires~~ **services**. Provided, however, that one  
17 year after the effective date of this section funds in the amount of  
18 five thousand dollars, or so much thereof as may be available, shall be  
19 allocated to the department to offset costs associated with the  
20 production of such license plates.

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

24 3. Any person who is a patient at any facility in this state main-  
25 tained by the United States Veterans' Administration or at any hospital  
26 or sanitorium for treatment of tuberculosis maintained by the state or  
27 any municipal corporation thereof or resident patient at any institution  
28 of the department of Mental Hygiene, or resident patient at the rehabil-  
29 itation hospital of the department of Health, or at any rest camp main-  
30 tained by the state through the Division of Veterans' ~~Affaires~~ **Services**  
31 in the Executive Department or any inmate of a conservation work camp  
32 within the youth rehabilitation facility of the department of  
33 corrections and community supervision, or any inmate of a youth opportu-  
34 nity or youth rehabilitation center within the Office of Children and  
35 Family Services, any resident of a nursing home or residential health  
36 care facility as defined in subdivisions two and three of section twen-  
37 ty-eight hundred one of the public health law, or any staff member or  
38 volunteer accompanying or assisting one or more residents of such nurs-  
39 ing home or residential health care facility on an outing authorized by  
40 the administrator of such nursing home or residential health care facil-  
41 ity may take fish as if he held a fishing license, except that he may  
42 not take bait fish by net or trap, if he has on his person an authori-  
43 zation upon a form furnished by the department containing such identify-  
44 ing information and data as may be required by it, and signed by the  
45 superintendent or other head of such facility, institution, hospital,  
46 sanitarium, nursing home, residential health care facility or rest camp,  
47 as the case may be, or by a staff physician thereat duly authorized so  
48 to do by the superintendent or other head thereof. Such authorization  
49 with respect to inmates of said conservation work camps shall be limited  
50 to areas under the care, custody and control of the department.

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

54 5. The staff of a general hospital shall: (a) inquire whether or not  
55 the person admitted has served in the United States armed forces. Such  
56 information shall be listed on the admissions form; (b) notify any

1 admittee who is a veteran of the possible availability of services at a  
2 hospital operated by the veterans administration, and, upon request by  
3 the admittee, such staff shall make arrangements for the individual's  
4 transfer to a veterans administration operated hospital, provided,  
5 however, that transfers shall be authorized only after it has been  
6 determined, according to accepted clinical and medical standards, that  
7 the patient's condition has stabilized and transfer can be accomplished  
8 safely and without complication; and (c) provide any admittee who has  
9 served in the United States armed forces with a copy of the "Information  
10 for Veterans concerning Health Care Options" fact sheet, maintained by  
11 the division of veterans' ~~[affaires]~~ services pursuant to subdivision  
12 twenty-three of section three hundred fifty-three of the executive law  
13 prior to discharging or transferring the patient. The commissioner shall  
14 promulgate rules and regulations for notifying such admittees of possi-  
15 ble available services and for arranging a requested transfer.

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

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

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

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

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

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

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

49 § 25. Section 99-v of the general municipal law, as added by chapter  
50 16 of the laws of 2011, is amended to read as follows:

51 § 99-v. Veterans ~~[affaires]~~ services; display of events. Each county,  
52 city, town or village may adopt a local law to provide a bulletin board  
53 to be conspicuously displayed in such county, city, town or village  
54 building holding its local legislative body or municipal offices. Such  
55 bulletin board shall be used by veterans organizations, the New York  
56 state division of veterans' ~~[affaires]~~ services, the county veterans

1 service agency or city veterans service agency to display information  
2 regarding veterans in such county, city, town or village. Such informa-  
3 tion may include, but not be limited to, benefits or upcoming veterans  
4 related events in the community.

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

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

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

30 3. No fee shall be charged for any certificate when required by the  
31 veterans administration or by the division of veterans' ~~affaires~~  
32 services of the state of New York to be used in determining the eligi-  
33 bility of any person to participate in the benefits made available by  
34 the veterans administration or by the state of New York.

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

38 1. Each town and city clerk hereby empowered to issue marriage  
39 licenses shall keep a book supplied by the state department of health in  
40 which such clerk shall record and index such information as is required  
41 therein, which book shall be kept and preserved as a part of the public  
42 records of his office. Whenever an application is made for a search of  
43 such records the city or town clerk, excepting the city clerk of the  
44 city of New York, may make such search and furnish a certificate of the  
45 result to the applicant upon the payment of a fee of five dollars for a  
46 search of one year and a further fee of one dollar for the second year  
47 for which such search is requested and fifty cents for each additional  
48 year thereafter, which fees shall be paid in advance of such search.  
49 Whenever an application is made for a search of such records in the city  
50 of New York, the city clerk of the city of New York may make such search  
51 and furnish a certificate of the result to the applicant upon the  
52 payment of a fee of five dollars for a search of one year and a further  
53 fee of one dollar for the second year for which search is requested and  
54 fifty cents each additional year thereafter. Notwithstanding any other  
55 provision of this article, no fee shall be charged for any search or  
56 certificate when required by the veterans administration or by the divi-

1 sion of veterans' [~~affaires~~] services of the state of New York to be used  
2 in determining the eligibility of any person to participate in the bene-  
3 fits made available by the veterans administration or by the state of  
4 New York. All such affidavits, statements and consents, immediately upon  
5 the taking or receiving of the same by the town or city clerk, shall be  
6 recorded and indexed as provided herein and shall be public records and  
7 open to public inspection whenever the same may be necessary or required  
8 for judicial or other proper purposes. At such times as the commissioner  
9 shall direct, the said town or city clerk, excepting the city clerk of  
10 the city of New York, shall file in the office of the state department  
11 of health the original of each affidavit, statement, consent, order of a  
12 justice or judge authorizing immediate solemnization of marriage,  
13 license and certificate, filed with or made before such clerk during the  
14 preceding month. Such clerk shall not be required to file any of said  
15 documents with the state department of health until the license is  
16 returned with the certificate showing that the marriage to which they  
17 refer has been actually performed.

18 The county clerks of the counties comprising the city of New York  
19 shall cause all original applications and original licenses with the  
20 marriage solemnization statements thereon heretofore filed with each,  
21 and all papers and records and binders relating to such original docu-  
22 ments pertaining to marriage licenses issued by said city clerk, in  
23 their custody and possession to be removed, transferred, and delivered  
24 to the borough offices of the city clerk in each of said counties.

25 § 29. Subdivision 1 of section 3308 of the education law, as added by  
26 section 1 of part A of chapter 328 of the laws of 2014, is amended to  
27 read as follows:

28 1. Each member state shall, through the creation of a state council or  
29 use of an existing body or board, provide for the coordination among its  
30 agencies of government, local educational agencies and military instal-  
31 lations concerning the state's participation in, and compliance with,  
32 this compact and interstate commission activities. In New York, the  
33 state council shall include the commissioner or his or her designee, the  
34 director of the New York state division of veterans' [~~affaires~~] services  
35 or his or her designee, the adjutant general of the state of New York or  
36 his or her designee, a superintendent of a school district with a high  
37 concentration of military children appointed by the commissioner, a  
38 district superintendent of schools of a board of cooperative educational  
39 services serving an area with a high concentration of military children  
40 appointed by the commissioner, a representative from a military instal-  
41 lation appointed by the governor, a representative of military families  
42 appointed by the governor, a public member appointed by the governor and  
43 one representative each appointed by the speaker of the assembly, the  
44 temporary president of the senate and the governor.

45 § 30. Subdivision 1 of section 6505-c of the education law, as added  
46 by chapter 106 of the laws of 2003, is amended to read as follows:

47 1. The commissioner shall develop, jointly with the director of the  
48 division of veterans' [~~affaires~~] services, a program to facilitate artic-  
49 ulation between participation in the military service of the United  
50 States or the military service of the state and admission to practice of  
51 a profession. The commissioner and the director shall identify, review  
52 and evaluate professional training programs offered through either the  
53 military service of the United States or the military service of the  
54 state which may, where applicable, be accepted by the department as  
55 equivalent education and training in lieu of all or part of an approved  
56 program. Particular emphasis shall be placed on the identification of



1 military programs which have previously been deemed acceptable by the  
2 department as equivalent education and training, programs which may  
3 provide, where applicable, equivalent education and training for those  
4 professions which are critical to public health and safety and programs  
5 which may provide, where applicable, equivalent education and training  
6 for those professions for which shortages exist in the state of New  
7 York.

8 § 31. Paragraph 5 of subdivision (b) of section 5.06 of the mental  
9 hygiene law, as added by section 2 of part N of chapter 56 of the laws  
10 of 2012, is amended to read as follows:

11 (5) one member appointed on the recommendation of the state director  
12 of the division of veterans' ~~[affaires]~~ services and one member appointed  
13 on the recommendation of the adjutant general of the division of mili-  
14 tary and naval affairs, at least one of whom shall be a current or  
15 former consumer of mental health services or substance use disorder  
16 services who is a veteran who has served in a combat theater or combat  
17 zone of operations and is a member of a veterans organization;

18 § 31-a. Subdivision (i) of section 19.07 of the mental hygiene law, as  
19 added by chapter 358 of the laws of 2013, is amended to read as follows:

20 (i) The office of alcoholism and substance abuse services shall peri-  
21 odically, in consultation with the state director of veterans' ~~[affaires]~~  
22 services: (1) review the programs operated by the office to ensure that  
23 the needs of the state's veterans who served in the U.S. armed forces  
24 and who are recovering from alcohol and/or substance abuse are being met  
25 and to develop improvements to programs to meet such needs; and (2) in  
26 collaboration with the state director of veterans' ~~[affaires]~~ services  
27 and the commissioner of the office of mental health, review and make  
28 recommendations to improve programs that provide treatment, rehabili-  
29 tation, relapse prevention, and recovery services to veterans who have  
30 served in a combat theatre or combat zone of operations and have a  
31 co-occurring mental health and alcoholism or substance abuse disorder.

32 § 31-b. Subdivision 15 of section 202 of the elder law, as amended by  
33 chapter 455 of the laws of 2016, is amended to read as follows:

34 15. to periodically, in consultation with the state director of veter-  
35 ans' ~~[affaires]~~ services, review the programs operated by the office to  
36 ensure that the needs of the state's aging veteran population are being  
37 met and to develop improvements to programs to meet such needs; and

38 § 32. Paragraph (j) of subdivision 3 of section 20 of the social  
39 services law, as added by chapter 407 of the laws of 2016, is amended to  
40 read as follows:

41 (j) to ensure the provision, on any form required to be completed at  
42 application or recertification for the purpose of obtaining financial  
43 assistance pursuant to this chapter, the form shall contain a check-off  
44 question asking whether the applicant or recipient or a member of his or  
45 her family served in the United States military, and an option to answer  
46 in the affirmative. Where the applicant or recipient answers in the  
47 affirmative to such question, the office of temporary and disability  
48 assistance shall ensure that contact information for the state division  
49 of veterans' ~~[affaires]~~ services is provided to such applicant or recipi-  
50 ent, in addition to any other materials provided.

51 § 33. Paragraph (g) of section 202 of the not-for-profit corporation  
52 law, as added by chapter 407 of the laws of 2016, is amended to read as  
53 follows:

54 (g) Every corporation receiving any kind of state funding shall ensure  
55 the provision on any form required to be completed at application or  
56 recertification for the purpose of obtaining financial assistance pursu-

1 ant to this chapter, that the application form shall contain a check-off  
2 question asking whether the applicant or recipient or a member of his or  
3 her family served in the United States military, and an option to answer  
4 in the affirmative. Where the applicant or recipient answers in the  
5 affirmative to such question, the not-for-profit corporation shall  
6 ensure that contact information for the state division of veterans'  
7 ~~[affaires]~~ services is provided to such applicant or recipient in addi-  
8 tion to any other materials provided.

9 § 34. Paragraph (b) of section 1401 of the not-for-profit corporation  
10 law, as amended by chapter 675 of the laws of 2004, is amended to read  
11 as follows:

12 (b) Removal of remains from private cemeteries to other cemeteries.  
13 The supervisor of any town containing a private cemetery may remove any  
14 body interred in such cemetery to any other cemetery within the town, if  
15 the owners of such cemeteries and the next of kin of the deceased  
16 consent to such removal. The owners of a private cemetery may remove the  
17 bodies interred therein to any other cemetery within such town, or to  
18 any cemetery designated by the next of kin of the deceased. Notice of  
19 such removal shall be given within twenty days before such removal  
20 personally or by certified mail to the next of kin of the deceased if  
21 known and to the clerk and historian of the county in which such real  
22 property is situated and notice shall be given to the New York state  
23 department of state, division of cemeteries. If any of the deceased are  
24 known to be veterans, the owners shall also notify the division of  
25 veterans' ~~[affaires]~~ services. In the absence of the next of kin, the  
26 county clerk, county historian or the division of veterans' ~~[affaires]~~  
27 services may act as a guardian to ensure proper reburial.

28 § 35. Subdivision 10 of section 458 of the real property tax law, as  
29 added by chapter 426 of the laws of 2014, is amended to read as follows:

30 10. The commissioner shall develop in consultation with the director  
31 of the New York state division of veterans' ~~[affaires]~~ services a listing  
32 of documents to be used to establish eligibility under this section,  
33 including but not limited to a certificate of release or discharge from  
34 active duty also known as a DD-214 form or an Honorable Service  
35 Certificate/Report of Causality from the department of defense. Such  
36 information shall be made available to each county, city, town or  
37 village assessor's office, or congressional chartered veterans service  
38 officers who request such information. The listing of acceptable mili-  
39 tary records shall be made available on the internet websites of the  
40 division of veterans' ~~[affaires]~~ services and the office of real property  
41 tax services.

42 § 36. Subdivision 9 of section 458-a of the real property tax law, as  
43 added by chapter 426 of the laws of 2014, is amended to read as follows:

44 9. The commissioner shall develop in consultation with the director of  
45 the New York state division of veterans' ~~[affaires]~~ services a listing of  
46 documents to be used to establish eligibility under this section,  
47 including but not limited to a certificate of release or discharge from  
48 active duty also known as a DD-214 form or an Honorable Service  
49 Certificate/Report of Causality from the department of defense. Such  
50 information shall be made available to each county, city, town or  
51 village assessor's office, or congressional chartered veterans service  
52 officers who request such information. The listing of acceptable mili-  
53 tary records shall be made available on the internet websites of the  
54 division of veterans' ~~[affaires]~~ services and the office of real property  
55 tax services.

§ 37. Subdivision 8 of section 458-b of the real property tax law, as added by chapter 426 of the laws of 2014, is amended to read as follows:

8. The commissioner shall develop in consultation with the director of the New York state division of veterans' ~~[affaires]~~ services a listing of documents to be used to establish eligibility under this section, including but not limited to a certificate of release or discharge from active duty also known as a DD-214 form or an Honorable Service Certificate/Report of Causality from the department of defense. Such information shall be made available to each county, city, town or village assessor's office, or congressional chartered veterans service officers who request such information. The listing of acceptable military records shall be made available on the internet websites of the division of veterans' ~~[affaires]~~ services and the office of real property tax services.

§ 38. Subdivision 1 of section 20 of chapter 784 of the laws of 1951, constituting the New York state defense emergency act of 1951, as amended by section 85 of part A of chapter 62 of the laws of 2011, is amended to read as follows:

1. There is hereby continued in the division of military and naval affairs in the executive department a state civil defense commission to consist of the same members as the members of the disaster preparedness commission as established in article two-B of the executive law. In addition, the superintendent of financial services, the chairman of the workers' compensation board and the director of the division of veterans' ~~[affaires]~~ services shall be members. The governor shall designate one of the members of the commission to be the chairman thereof. The commission may provide for its division into subcommittees and for action by such subcommittees with the same force and effect as action by the full commission. The members of the commission, except for those who serve ex officio, shall be allowed their actual and necessary expenses incurred in the performance of their duties under this article but shall receive no additional compensation for services rendered pursuant to this article.

§ 39. Paragraph 2 of subdivision b of section 31-102 of the administrative code of the city of New York, as added by local law number 113 of the city of New York for the year 2015, is amended to read as follows:

2. links to websites describing veteran employment services provided by the federal government and New York state government, including, but not limited to, the websites of the United States department of labor, the New York state department of labor, the United States department of veterans affairs, and the New York state division of veterans' ~~[affaires]~~ services; and

§ 40. Subdivision a of section 3102 of the New York city charter, as added by local law number 113 of the city of New York for the year 2015, is amended to read as follows:

a. Except as otherwise provided by law, the commissioner shall have such powers as provided by the director of the state veterans' service agency and shall have the duty to inform military and naval authorities of the United States and assist members of the armed forces and veterans, who are residents of the city, and their families, in relation to: (1) matters pertaining to educational training and retraining services and facilities, (2) health, medical and rehabilitation service and facilities, (3) provisions of federal, state and local laws and regulations affording special rights and privileges to members of the armed forces and veterans and their families, (4) employment and re-employment

1 services, and (5) other matters of similar, related or appropriate  
2 nature. The commissioner shall also assist families of members of the  
3 reserve components of the armed forces and the organized militia ordered  
4 into active duty to ensure that they are made aware of and are receiving  
5 all appropriate support available to them. The department also shall  
6 perform such other duties as may be assigned by the state director of  
7 the division of veterans' ~~[affaires]~~ services.

8 § 41. The section heading and subdivision 1 of section 352 of the  
9 executive law, as amended by chapter 501 of the laws of 1993, are  
10 amended to read as follows:

11 Veterans' ~~[affaires]~~ services commission. 1. There shall be in the  
12 division a veterans' ~~[affaires]~~ services commission, which shall consist  
13 of the members and the ex officio members provided for in this section.

14 § 42. Subdivision 1 of section 359 of the executive law, as amended by  
15 chapter 196 of the laws of 2009, is amended to read as follows:

16 1. A local director shall designate the location of the local and  
17 branch offices of the local veterans' service agency within his juris-  
18 diction, which offices shall be open during convenient hours. The cost  
19 of maintenance and operation of a county veterans' service agency shall  
20 be a county charge and the cost of maintenance and operation of a city  
21 veterans' service agency shall be a city charge, excepting that the  
22 state director with the approval of the veterans' ~~[affaires]~~ services  
23 commission shall allot and pay, from state moneys made available to him  
24 for such purposes, to each county veterans' service agency and each city  
25 veterans' service agency, an amount equal to fifty per centum of its  
26 expenditures for maintenance and operation approved by the state direc-  
27 tor, provided that in no event shall the amount allotted and paid for  
28 such approved expenditures incurred in any given year exceed (1) in the  
29 case of any county veterans' service agency in a county having a popu-  
30 lation of not more than one hundred thousand or in the case of any city  
31 veterans' service agency in a city having a population of not more than  
32 one hundred thousand, the sum of ten thousand dollars, nor (2) in the  
33 case of any county veterans' service agency in a county having a popu-  
34 lation in excess of one hundred thousand excluding the population of any  
35 city therein which has a city veterans' service agency, the sum of ten  
36 thousand dollars, and, in addition thereto, the sum of five thousand  
37 dollars for each one hundred thousand, or major portion thereof, of the  
38 population of the county in excess of one hundred thousand excluding the  
39 population of any city therein which has a city veterans' service agen-  
40 cy, nor (3) in the case of any city veterans' service agency in a city  
41 having a population in excess of one hundred thousand, the sum of ten  
42 thousand dollars, and, in addition thereto, the sum of five thousand  
43 dollars for each one hundred thousand, or major portion thereof, of the  
44 population of the city in excess of one hundred thousand. Such popu-  
45 lation shall be certified in the same manner as provided by section  
46 fifty-four of the state finance law.

47 § 43. Terms occurring in laws, contracts and other documents. Whenev-  
48 er the functions, powers, obligations, duties and officials relating to  
49 the division of veterans' affairs, the veterans' affairs commission or  
50 the director of veterans' affairs is referred to or designated in any  
51 other law, regulation, contract or document, such reference or desig-  
52 nation shall be deemed to refer to the appropriate functions, powers,  
53 obligations, duties, officials and director of the division of veterans'  
54 services or the veterans' services commission, as designated by this  
55 act.

§ 44. Existing rights and remedies preserved. No existing right or remedy of any character shall be lost, impaired or affected by reason of this act.

§ 45. Severability. If any clause, sentence, paragraph, subdivision, section or part contained in any part of this act shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section or part contained in any part thereof directly involved in the controversy in which such judgment shall have been rendered. It is hereby declared to be the intent of the legislature that this act would have been enacted even if such invalid provisions had not been included herein.

§ 46. This act shall take effect immediately; provided, however, that the amendments to paragraph (c) of subdivision 4 of section 369-i of the executive law made by section thirteen of this act shall not affect the repeal of such section and shall be deemed repealed therewith.

PART BB

Section 1. Subitem (c) of item 1 of clause (A) of subparagraph (i) of paragraph a of subdivision 3 of section 667 of the education law, as amended by section 1 of part U of chapter 56 of the laws of 2014, is amended to read as follows:

(c) For students first receiving aid in two thousand--two thousand one and thereafter, five thousand [~~dollars, except starting in two thousand fourteen two thousand fifteen and thereafter such students shall receive five thousand one~~] three hundred [~~sixty-five~~] ten dollars; or

§ 2. Section 689-a of the education law, as added by chapter 260 of the laws of 2011, is amended to read as follows:

§ 689-a. Tuition credits. 1. The New York state higher education services corporation shall calculate a tuition credit for each resident undergraduate student who has filed an application with such corporation for a tuition assistance program award pursuant to section six hundred sixty-seven of this article, and is determined to be eligible to receive such award, and is also enrolled in a program of undergraduate study at a state operated or senior college of the state university of New York or the city university of New York where the annual resident undergraduate tuition rate will exceed five thousand three hundred ten dollars. Such tuition credit shall be calculated for each semester, quarter or term of study that tuition is charged and tuition for the corresponding semester, quarter or term shall not be due for any student eligible to receive such tuition credit until such credit is calculated, the student and school where the student is enrolled is notified of the tuition credit amount, and such tuition credit is applied toward the tuition charged.

2. Each tuition credit pursuant to this section shall be an amount equal to the product of the total annual resident undergraduate tuition rate minus five thousand three hundred ten dollars then multiplied by an amount equal to the product of the total annual award for the student pursuant to section six hundred sixty-seven of this article divided by an amount equal to the maximum amount the student qualifies to receive pursuant to clause (A) of subparagraph (i) of paragraph a of subdivision three of section six hundred sixty-seven of this article.



§ 3. Clause (D) of subparagraph (ii) of paragraph a of subdivision 3 of section 667 of the education law, as amended by section 1 of part B of chapter 60 of the laws of 2000, is amended to read as follows:

(D) Eighteen thousand dollars or more, but not more than <del>[eighty]</del> <u>one hundred ten</u> thousand dollars	Nine hundred eighty dollars plus twelve per centum of excess over eighteen thousand dollars
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§ 4. Subparagraph (vi) of paragraph a of subdivision 3 of section 667 of the education law, as amended by section 1 of part B of chapter 60 of the laws of 2000, is amended to read as follows:

(vi) For the two thousand two--two thousand three academic year and thereafter, the award shall be the net amount of the base amount determined pursuant to subparagraph (i) of this paragraph reduced pursuant to subparagraph (ii) or (iii) of this paragraph but the award shall not be reduced below ~~[five hundred]~~ seven hundred fifty dollars.

§ 5. This act shall take effect June 1, 2019; provided however that the amendments to section 689-a of the education law made by section two of this act shall not affect the repeal of such section and shall be deemed repealed therewith.

## PART CC

Section 1. Section 6541 of the education law is amended by adding a new subdivision 4 to read as follows:

4. In conjunction with and as a condition of each triennial registration, each physician assistant shall provide to the department, and the department shall collect, such information and documentation required by the department, in consultation with the department of health, as is necessary to enable the department of health to evaluate access to needed services in this state, including, but not limited to, the location and type of setting wherein the physician assistant practices and other information the department, in consultation with the department of health, deems relevant. The department of health, in consultation with the department, shall make such data available in aggregate, de-identified form on a publicly accessible website. Additionally, in conjunction with each triennial registration, the department, in consultation with the department of health, shall provide information on registering in the donate life registry for organ and tissue donation, including the website address for such registry.

§ 2. Section 6548 of the education law is amended by adding a new subdivision 4 to read as follows:

4. In conjunction with and as a condition of each triennial registration, each specialist assistant shall provide to the department, and the department shall collect, such information and documentation required by the department, in consultation with the department of health, as is necessary to enable the department of health to evaluate access to needed services in this state, including, but not limited to, the location and type of setting wherein the specialist assistant practices and other information the department, in consultation with the department of health, deems relevant. The department of health, in consultation with the department, shall make such data available in aggregate, de-identified form on a publicly accessible website. Additionally, in conjunction with each triennial registration, the department, in consultation with the department of health, shall provide information on registering in

1 the donate life registry for organ and tissue donation, including the  
2 website address for such registry.

3 § 3. Subdivisions 7 and 8 of section 6554 of the education law, subdi-  
4 vision 7 as added by chapter 987 of the laws of 1971 and subdivision 8  
5 as amended by chapter 62 of the laws of 1989, are amended and a new  
6 subdivision 9 is added to read as follows:

7 (7) Character: be of good moral character as determined by the depart-  
8 ment; [~~and~~]

9 (8) Fees: pay a fee of one hundred seventy-five dollars to the depart-  
10 ment for admission to a department conducted examination and for an  
11 initial license, a fee of eighty-five dollars for each reexamination, a  
12 fee of one hundred fifteen dollars for an initial license for persons  
13 not requiring admission to a department conducted examination, and a fee  
14 of one hundred fifty-five dollars for each triennial registration peri-  
15 od[~~;~~]; and

16 (9) Information and documentation: in conjunction with and as a condi-  
17 tion of each triennial registration, provide to the department, and the  
18 department shall collect, such information and documentation required by  
19 the department, in consultation with the department of health, as is  
20 necessary to enable the department of health to evaluate access to need-  
21 ed services in this state, including, but not limited to, the location  
22 and type of setting wherein the chiropractor practices and other infor-  
23 mation the department, in consultation with the department of health,  
24 deems relevant. The department of health, in consultation with the  
25 department, shall make such data available in aggregate, de-identified  
26 form on a publicly accessible website. Additionally, in conjunction with  
27 each triennial registration, the department, in consultation with the  
28 department of health, shall provide information on registering in the  
29 donate life registry for organ and tissue donation, including the  
30 website address for such registry.

31 § 4. Subdivisions 7 and 8 of section 6604 of the education law, subdi-  
32 vision 7 as added by chapter 987 of the laws of 1971 and subdivision 8  
33 as amended by chapter 62 of the laws of 1989, are amended and a new  
34 subdivision 9 is added to read as follows:

35 (7) Character: be of good moral character as determined by the depart-  
36 ment; [~~and~~]

37 (8) Fees: pay a fee of two hundred twenty dollars to the department  
38 for admission to a department conducted examination and for an initial  
39 license, a fee of one hundred fifteen dollars for each reexamination, a  
40 fee of one hundred thirty-five dollars for an initial license for  
41 persons not requiring admission to a department conducted examination,  
42 and a fee of two hundred ten dollars for each triennial registration  
43 period[~~;~~]; and

44 (9) Information and documentation: in conjunction with and as a condi-  
45 tion of each triennial registration, provide to the department, and the  
46 department shall collect, such information and documentation required by  
47 the department, in consultation with the department of health, as is  
48 necessary to enable the department of health to evaluate access to need-  
49 ed services in this state, including, but not limited to, the location  
50 and type of setting wherein the dentist practices and other information  
51 the department, in consultation with the department of health, deems  
52 relevant. The department of health, in consultation with the department,  
53 shall make such data available in aggregate, de-identified form on a  
54 publicly accessible website. Additionally, in conjunction with each  
55 triennial registration, the department, in consultation with the depart-  
56 ment of health, shall provide information on registering in the donate

life registry for organ and tissue donation, including the website address for such registry.

§ 5. Subdivisions 4 and 5 of section 6608-b of the education law, subdivision 4 as amended by chapter 300 of the laws of 2006 and subdivision 5 as amended by chapter 565 of the laws of 1995, are amended and a new subdivision 6 is added to read as follows:

(4) Education and experience: (A) have received a high school diploma, or its equivalent, and (B) have successfully completed, in accordance with the commissioner's regulations, (i) an approved one-year course of study in dental assisting in a degree-granting institution or a board of cooperative educational services program which includes at least two hundred hours of clinical experience, or an equivalent approved course of study in dental assisting in a non-degree granting institution which shall not be a professional association or professional organization or (ii) an alternate course of study in dental assisting acceptable to the department which shall be provided by a degree-granting institution or a board of cooperative educational services program which includes at least one thousand hours of relevant work experience; ~~and~~

(5) Examination: pass an examination given by an organization which administers examinations for certifying dental assistants and which is acceptable to the department~~[-]; and~~

(6) Information and documentation: in conjunction with and as a condition of each triennial registration, provide to the department, and the department shall collect, such information and documentation required by the department, in consultation with the department of health, as is necessary to enable the department of health to evaluate access to needed services in this state, including, but not limited to, the location and type of setting wherein the certified dental assistant practices and other information the department, in consultation with the department of health, deems relevant. The department of health, in consultation with the department, shall make such data available in aggregate, de-identified form on a publicly accessible website. Additionally, in conjunction with each triennial registration, the department, in consultation with the department of health, shall provide information on registering in the donate life registry for organ and tissue donation, including the website address for such registry.

§ 6. Subdivisions 7 and 8 of section 6609 of the education law, subdivision 7 as added by chapter 987 of the laws of 1971 and subdivision 8 as amended by chapter 62 of the laws of 1989, are amended and a new subdivision 9 is added to read as follows:

(7) Character: be of good moral character as determined by the department; ~~and~~

(8) Fees: pay a fee of one hundred fifteen dollars to the department for admission to a department conducted examination and for an initial license, a fee of fifty dollars for each reexamination, a fee of seventy dollars for an initial license for persons not requiring admission to a department conducted examination, and a fee of fifty dollars for each triennial registration period~~[-]; and~~

(9) Information and documentation: in conjunction with and as a condition of each triennial registration, provide to the department, and the department shall collect, such information and documentation required by the department, in consultation with the department of health, as is necessary to enable the department of health to evaluate access to needed services in this state, including, but not limited to, the location and type of setting wherein the dental hygienist practices and other information the department, in consultation with the department of

1 health, deems relevant. The department of health, in consultation with  
2 the department, shall make such data available in aggregate, de-identi-  
3 fied form on a publicly accessible website. Additionally, in conjunc-  
4 tion with each triennial registration, the department, in consultation  
5 with the department of health, shall provide information on registering  
6 in the donate life registry for organ and tissue donation, including the  
7 website address for such registry.

8 § 7. Subdivision 6 of section 6632 of the education law, as added by  
9 chapter 409 of the laws of 2013, is amended and a new subdivision 7 is  
10 added to read as follows:

11 6. [~~Fee~~] fee: pay a fee determined by the department for an initial  
12 license and for each triennial registration period[~~+~~]; and

13 7. information and documentation: in conjunction with and as a condi-  
14 tion of each triennial registration, provide to the department, and the  
15 department shall collect, such information and documentation required by  
16 the department, in consultation with the department of health, as is  
17 necessary to enable the department of health to evaluate access to need-  
18 ed services in this state, including, but not limited to, the location  
19 and type of setting wherein the licensed perfusionist practices and  
20 other information the department, in consultation with the department of  
21 health, deems relevant. The department of health, in consultation with  
22 the department, shall make such data available in aggregate, de-identi-  
23 fied form on a publicly accessible website. Additionally, in conjunction  
24 with each triennial registration, the department, in consultation with  
25 the department of health, shall provide information on registering in  
26 the donate life registry for organ and tissue donation, including the  
27 website address for such registry.

28 § 8. Subdivisions f and g of section 6734 of the education law, subdivi-  
29 sion f as added by chapter 618 of the laws of 1980 and subdivision g  
30 as amended by chapter 62 of the laws of 1989, are amended and a new  
31 subdivision h is added to read as follows:

32 f. Character: be of good moral character as determined by the depart-  
33 ment; [~~and~~]

34 g. Fees: pay a fee of one hundred seventy-five dollars to the depart-  
35 ment for admission to a department conducted examination and for an  
36 initial license; a fee of eighty-five dollars for each reexamination; a  
37 fee of one hundred fifteen dollars for an initial license for persons  
38 not requiring admission to a department conducted examination; and a fee  
39 of one hundred fifty-five dollars for each triennial registration peri-  
40 od[~~+~~]; and

41 h. Information and documentation: in conjunction with and as a condi-  
42 tion of each triennial registration, provide to the department, and the  
43 department shall collect, such information and documentation required by  
44 the department, in consultation with the department of health, as is  
45 necessary to enable the department of health to evaluate access to need-  
46 ed services in this state, including, but not limited to, the location  
47 and type of setting wherein the physical therapist practices and other  
48 information the department, in consultation with the department of  
49 health, deems relevant. The department of health, in consultation with  
50 the department, shall make such data available in aggregate, de-identi-  
51 fied form on a publicly accessible website. Additionally, in conjunction  
52 with each triennial registration, the department, in consultation with  
53 the department of health, shall provide information on registering in  
54 the donate life registry for organ and tissue donation, including the  
55 website address for such registry.

§ 9. Subdivision g of section 6740 of the education law, as amended by chapter 62 of the laws of 1989, is amended and a new subdivision h is added to read as follows:

g. Fees: pay a fee for an initial certificate of forty-five dollars, and for the biennial registration period ending December thirty-first, nineteen hundred eighty-two a fee of twenty dollars and a fee of fifty dollars for each triennial registration period[-]; and

h. Information and documentation: in conjunction with and as a condition of each triennial registration, provide to the department, and the department shall collect, such information and documentation required by the department, in consultation with the department of health, as is necessary to enable the department of health to evaluate access to needed services in this state, including, but not limited to, the location and type of setting wherein the physical therapist assistant practices and other information the department, in consultation with the department of health, deems relevant. The department of health, in consultation with the department, shall make such data available in aggregate, de-identified form on a publicly accessible website. Additionally, in conjunction with each triennial registration, the department, in consultation with the department of health, shall provide information on registering in the donate life registry for organ and tissue donation, including the website address for such registry.

§ 10. Paragraphs 7 and 8 of subdivision 1 of section 6805 of the education law, paragraph 7 as added by chapter 987 of the laws of 1971 and paragraph 8 as amended by chapter 62 of the laws of 1989, are amended and a new paragraph 9 is added to read as follows:

(7) Character: be of good moral character as determined by the department; [and]

(8) Fees: pay a fee of one hundred seventy-five dollars to the department for admission to a department conducted examination and for an initial license, a fee of eighty-five dollars for each re-examination, a fee of one hundred fifteen dollars for an initial license for persons not requiring admission to a department conducted examination, and a fee of one hundred fifty-five dollars for each triennial registration period[-]; and

(9) Information and documentation: in conjunction with and as a condition of each triennial registration, provide to the department, and the department shall collect, such information and documentation required by the department, in consultation with the department of health, as is necessary to enable the department of health to evaluate access to needed services in this state, including, but not limited to, the location and type of setting wherein the pharmacist practices and other information the department, in consultation with the department of health, deems relevant. The department of health, in consultation with the department, shall make such data available in aggregate, de-identified form on a publicly accessible website. Additionally, in conjunction with each triennial registration, the department, in consultation with the department of health, shall provide information on registering in the donate life registry for organ and tissue donation, including the website address for such registry.

§ 11. Subdivisions 7 and 8 of section 6905 of the education law, subdivision 7 as amended by chapter 994 of the laws of 1971 and such section as renumbered by chapter 50 of the laws of 1972, and subdivision 8 as amended by chapter 62 of the laws of 1989, are amended and a new subdivision 9 is added to read as follows:



1 (7) Character: be of good moral character as determined by the depart-  
2 ment; [~~and~~]

3 (8) Fees: pay a fee of one hundred fifteen dollars to the department  
4 for admission to a department conducted examination and for an initial  
5 license, a fee of forty-five dollars for each reexamination, a fee of  
6 seventy dollars for an initial license for persons not requiring admis-  
7 sion to a department conducted examination, and a fee of fifty dollars  
8 for each triennial registration period[~~✓~~]; ~~and~~

9 (9) Information and documentation: in conjunction with and as a condi-  
10 tion of each triennial registration, provide to the department, and the  
11 department shall collect, such information and documentation required by  
12 the department, in consultation with the department of health, as is  
13 necessary to enable the department of health to evaluate access to need-  
14 ed services in this state, including, but not limited to, the location  
15 and type of setting wherein the registered professional nurse practices,  
16 whether the registered professional nurse is certified to practice as a  
17 clinical nurse specialist under section sixty-nine hundred eleven of  
18 this article, and other information the department, in consultation with  
19 the department of health, deems relevant. The department of health, in  
20 consultation with the department, shall make such data available in  
21 aggregate, de-identified form on a publicly accessible website. Addi-  
22 tionally, in conjunction with each triennial registration, the depart-  
23 ment, in consultation with the department of health, shall provide  
24 information on registering in the donate life registry for organ and  
25 tissue donation, including the website address for such registry.

26 § 12. Subdivisions 7 and 8 of section 6906 of the education law,  
27 subdivision 7 as amended by chapter 330 of the laws of 1981 and subdivi-  
28 sion 8 as amended by chapter 62 of the laws of 1989, are amended and a  
29 new subdivision 8-a is added to read as follows:

30 (7) Character: be of good moral character as determined by the depart-  
31 ment; [~~and~~]

32 (8) Fees: pay a fee of one hundred fifteen dollars to the department  
33 for admission to a department conducted examination and for an initial  
34 license, a fee of forty-five dollars for each reexamination, a fee of  
35 seventy dollars for an initial license for persons not requiring admis-  
36 sion to a department conducted examination, and a fee of fifty dollars  
37 for each triennial registration period[~~✓~~]; ~~and~~

38 (8-a) Information and documentation: In conjunction with and as a  
39 condition of each triennial registration, provide to the department, and  
40 the department shall collect, such information and documentation  
41 required by the department, in consultation with the department of  
42 health, as is necessary to enable the department of health to evaluate  
43 access to needed services in this state, including, but not limited to,  
44 the location and type of setting wherein the licensed practical nurse  
45 practices and other information the department, in consultation with the  
46 department of health, deems relevant. The department of health, in  
47 consultation with the department, shall make such data available in  
48 aggregate, de-identified form on a publicly accessible website. Addi-  
49 tionally, in conjunction with each triennial registration, the depart-  
50 ment, in consultation with the department of health, shall provide  
51 information on registering in the donate life registry for organ and  
52 tissue donation, including the website address for such registry.

53 § 13. Section 6955 of the education law is amended by adding a new  
54 subdivision 8 to read as follows:

55 8. Information and documentation: in conjunction with and as a condi-  
56 tion of each triennial registration, provide to the department, and the

department shall collect, such information and documentation required by the department, in consultation with the department of health, as is necessary to enable the department of health to evaluate access to needed services in this state, including, but not limited to, the location and type of setting wherein the midwife practices and other information the department, in consultation with the department of health, deems relevant. The department of health, in consultation with the department, shall make such data available in aggregate, de-identified form on a publicly accessible website. Additionally, in conjunction with each triennial registration, the department, in consultation with the department of health, shall provide information on registering in the donate life registry for organ and tissue donation, including the website address for such registry.

§ 14. Section 7004 of the education law is amended by adding a new subdivision 10 to read as follows:

(10) Information and documentation: in conjunction with and as a condition of each triennial registration, provide to the department, and the department shall collect, such information and documentation required by the department, in consultation with the department of health, as is necessary to enable the department of health to evaluate access to needed services in this state, including, but not limited to, the location and type of setting wherein the podiatrist practices, whether the podiatrist has been issued a privilege to perform podiatric standard ankle surgery pursuant to section seven thousand nine of this article, and other information the department, in consultation with the department of health, deems relevant. The department of health, in consultation with the department, shall make such data available in aggregate, de-identified form on a publicly accessible website. Additionally, in conjunction with each triennial registration, the department, in consultation with the department of health, shall provide information on registering in the donate life registry for organ and tissue donation, including the website address for such registry.

§ 15. Subdivisions 7 and 8 of section 7104 of the education law, subdivision 7 as added by chapter 987 of the laws of 1971 and subdivision 8 as amended by chapter 517 of the laws of 1995, are amended and a new subdivision 9 is added to read as follows:

(7) Character: be of good moral character as determined by the department; ~~and~~

(8) Fees: pay a fee of two hundred twenty dollars to the department for admission to a department conducted examination and for an initial license, a fee of one hundred fifteen dollars for each reexamination, a fee of one hundred thirty-five dollars for an initial license for persons not requiring admission to a department conducted examination, and a fee of two hundred ten dollars for each triennial registration period, and for additional authorization for the purpose of utilizing diagnostic pharmaceutical agents, a fee of sixty dollars~~[-]; and~~

(9) Information and documentation: in conjunction with and as a condition of each triennial registration, provide to the department, and the department shall collect, such information and documentation required by the department, in consultation with the department of health, as is necessary to enable the department of health to evaluate access to needed services in this state, including, but not limited to, the location and type of setting wherein the optometrist practices and other information the department, in consultation with the department of health, deems relevant. The department of health, in consultation with the department, shall make such data available in aggregate, de-identified

1 form on a publicly accessible website. Additionally, in conjunction  
2 with each triennial registration, the department, in consultation with  
3 the department of health, shall provide information on registering in  
4 the donate life registry for organ and tissue donation, including the  
5 website address for such registry.

6 § 16. Paragraphs 7 and 8 of subdivision a of section 7124 of the  
7 education law, paragraph 7 as amended by chapter 475 of the laws of 1973  
8 and paragraph 8 as amended by chapter 62 of the laws of 1989, are  
9 amended and a new paragraph 9 is added to read as follows:

10 (7) Character: be of good moral character as determined by the depart-  
11 ment; [~~and~~]

12 (8) Fees: pay a fee of one hundred fifteen dollars to the department  
13 for admission to a department conducted examination and for an initial  
14 license, a fee of forty-five dollars for each reexamination, a fee of  
15 fifty dollars for an initial license for persons not requiring admission  
16 to a department conducted examination, and a fee of fifty dollars for  
17 each triennial registration period[~~+~~]; and

18 (9) Information and documentation: in conjunction with and as a condi-  
19 tion of each triennial registration, provide to the department, and the  
20 department shall collect, such information and documentation required by  
21 the department, in consultation with the department of health, as is  
22 necessary to enable the department of health to evaluate access to need-  
23 ed services in this state, including, but not limited to, the location  
24 and type of setting wherein the ophthalmic dispenser practices, whether  
25 the ophthalmic dispenser is permitted to fit contact lenses, and other  
26 information the department, in consultation with the department of  
27 health, deems relevant. The department of health, in consultation with  
28 the department, shall make such data available in aggregate, de-identi-  
29 fied form on a publicly accessible website. Additionally, in conjunc-  
30 tion with each triennial registration, the department, in consultation  
31 with the department of health, shall provide information on registering  
32 in the donate life registry for organ and tissue donation, including the  
33 website address for such registry.

34 § 17. Subdivisions 7 and 8 of section 7603 of the education law,  
35 subdivision 7 as added by chapter 987 of the laws of 1971 and subdivi-  
36 sion 8 as amended by chapter 62 of the laws of 1989, are amended and a  
37 new subdivision 9 is added to read as follows:

38 (7) Character: be of good moral character as determined by the depart-  
39 ment; [~~and~~]

40 (8) Fees: pay a fee of one hundred seventy dollars to the department  
41 for admission to a department conducted examination and for an initial  
42 license, a fee of eighty-five dollars for each reexamination, a fee of  
43 one hundred fifteen dollars for an initial license for persons not  
44 requiring admission to a department conducted examination, and a fee of  
45 one hundred fifty-five dollars for each triennial registration  
46 period[~~+~~]; and

47 (9) Information and documentation: in conjunction with and as a condi-  
48 tion of each triennial registration, provide to the department, and the  
49 department shall collect, such information and documentation required by  
50 the department, in consultation with the department of health and the  
51 office of mental health, as is necessary to enable the department of  
52 health and the office of mental health to evaluate access to needed  
53 services in this state, including, but not limited to, the location and  
54 type of setting wherein the psychologist practices and other information  
55 the department, in consultation with the department of health and the  
56 office of mental health, deems relevant. The department of health, in

consultation with the department and the office of mental health, shall make such data available in aggregate, de-identified form on a publicly accessible website. Additionally, in conjunction with each triennial registration, the department, in consultation with the department of health, shall provide information on registering in the donate life registry for organ and tissue donation, including the website address for such registry.

§ 18. Paragraphs (f) and (g) of subdivision 1 of section 7704 of the education law, paragraph (f) as added by chapter 420 of the laws of 2002 and paragraph (g) as amended by section 2 of part J of chapter 57 of the laws of 2005, are amended and a new paragraph (h) is added to read as follows:

(f) Character: be of good moral character as determined by the department; [and]

(g) Fees: pay a fee of one hundred fifteen dollars to the department for an initial license, and a fee of one hundred fifty-five dollars for each triennial registration period. An additional surcharge in the amount of five dollars shall be paid with each triennial registration fee and shall be used for the marketing and evaluation of the regents licensed social worker loan forgiveness program established by section six hundred five of this chapter[+]; and

(h) Information and documentation: in conjunction with and as a condition of each triennial registration, provide to the department, and the department shall collect, such information and documentation required by the department, in consultation with the department of health, the office of mental health, the office of alcoholism and substance abuse services and any other state agency as appropriate, as is necessary to enable the department of health, the office of mental health, the office of alcoholism and substance abuse services and any other state agency as appropriate to evaluate access to needed services in this state, including, but not limited, to the location and type of setting wherein the licensed master social worker practices and other information the department, in consultation with the department of health, the office of mental health, the office of alcoholism and substance abuse services and any other state agency as appropriate, deems relevant. The department of health, in consultation with the department, the office of mental health, the office of alcoholism and substance abuse services and any other state agency as appropriate, shall make such data available in aggregate, de-identified form on a publicly accessible website. Additionally, in conjunction with each triennial registration, the department, in consultation with the department of health, shall provide information on registering in the donate life registry for organ and tissue donation, including the website address for such registry.

§ 19. Paragraphs (f) and (g) of subdivision 2 of section 7704 of the education law, paragraph (f) as added by chapter 420 of the laws of 2002 and paragraph (g) as amended by chapter 230 of the laws of 2004, are amended and a new paragraph (h) is added to read as follows:

(f) Character: be of good moral character as determined by the department; [and]

(g) Fees: pay a fee of one hundred fifteen dollars to the department for an initial license and a fee of one hundred fifty-five dollars for each triennial registration period[+]; and

(h) Information and documentation: in conjunction with and as a condition of each triennial registration, provide to the department, and the department shall collect, such information and documentation required by the department, in consultation with the department of health, the

office of mental health, the office of alcoholism and substance abuse services and any other state agency as appropriate, as is necessary to enable the department of health, the office of mental health, the office of alcoholism and substance abuse services and any other state agency as appropriate to evaluate access to needed services in this state, including, but not limited to, the location and type of setting wherein the licensed clinical social worker practices and other information the department, in consultation with the department of health, the office of mental health, the office of alcoholism and substance abuse services and any other state agency as appropriate, deems relevant. The department of health, in consultation with the department, the office of mental health, the office of alcoholism and substance abuse services and any other state agency as appropriate, shall make such data available in aggregate, de-identified form on a publicly accessible website. Additionally, in conjunction with each triennial registration, the department, in consultation with the department of health, shall provide information on registering in the donate life registry for organ and tissue donation, including the website address for such registry.

§ 20. Subdivisions 6 and 7 of section 7804 of the education law, as amended by chapter 230 of the laws of 1997, are amended and a new subdivision 8 is added to read as follows:

(6) Character: be of good moral character as determined by the department; ~~[and]~~

(7) Fees: pay a fee of one hundred fifteen dollars to the department for admission to a department conducted examination and for an initial license, a fee of forty-five dollars for each reexamination, a fee of fifty dollars for an initial license for persons not requiring admission to a department conducted examination, and a fee of fifty dollars for each triennial registration period~~[.]; and~~

(8) Information and documentation: in conjunction with and as a condition of each triennial registration, provide to the department, and the department shall collect, such information and documentation required by the department, in consultation with the department of health, as is necessary to evaluate access to needed services in this state, including, but not limited to, the location and type of setting wherein the massage therapist practices and other information the department, in consultation with the department of health, deems relevant. The department of health, in consultation with the department, shall make such data available in aggregate, de-identified form on a publicly accessible website. Additionally, in conjunction with each triennial registration, the department, in consultation with the department of health, shall provide information on registering in the donate life registry for organ and tissue donation, including the website address for such registry.

§ 21. Section 7904 of the education law is amended by adding a new subdivision 9 to read as follows:

(9) In conjunction with and as a condition of each triennial registration, the occupational therapist shall provide to the department, and the department shall collect, such information and documentation required by the department, in consultation with the department of health, as is necessary to enable the department of health to evaluate access to needed services in this state, including, but not limited to, the location and type of setting wherein the occupational therapist practices and other information the department, in consultation with the department of health, deems relevant. The department of health, in consultation with the department, shall make such data available in aggregate, de-identified form on a publicly accessible website. Addi-



tionally, in conjunction with each triennial registration, the department, in consultation with the department of health, shall provide information on registering in the donate life registry for organ and tissue donation, including the website address for such registry.

§ 22. Subdivisions (f) and (g) of section 7904-a of the education law, as added by chapter 470 of the laws of 2015, are amended and a new subdivision (h) is added to read as follows:

(f) pay a fee for an initial license and a fee for each triennial registration period that shall be one-half of the fee for initial license and for each triennial registration period established for occupational therapists; ~~and~~

(g) except as otherwise provided by subdivision two of section seventy-nine hundred seven of this article, pass an examination acceptable to the department~~[-]; and~~

(h) in conjunction with and as a condition of each triennial registration, provide to the department, and the department shall collect, such information and documentation required by the department, in consultation with the department of health, as is necessary to enable the department of health to evaluate access to needed services in this state, including, but not limited to, the location and type of setting wherein the occupational therapy assistant practices and other information the department, in consultation with the department of health, deems relevant. The department of health, in consultation with the department, shall make such data available in aggregate, de-identified form on a publicly accessible website. Additionally, in conjunction with each triennial registration, the department, in consultation with the department of health, shall provide information on registering in the donate life registry for organ and tissue donation, including the website address for such registry.

§ 23. Subdivision 5 of section 8004 of the education law, as added by chapter 635 of the laws of 1991, is amended and a new subdivision 6 is added to read as follows:

5. Be at least eighteen years of age~~[-]; and~~

6. In conjunction with and as a condition of each triennial registration, the certified dietitian or certified nutritionist shall provide to the department, and the department shall collect, such information and documentation required by the department, in consultation with the department of health, as is necessary to enable the department of health to evaluate access to needed services in this state, including, but not limited to, the location and type of setting wherein the certified dietitian or certified nutritionist practices and other information the department, in consultation with the department of health, deems relevant. The department of health, in consultation with the department, shall make such data available in aggregate, de-identified form on a publicly accessible website. Additionally, in conjunction with each triennial registration, the department, in consultation with the department of health, shall provide information on registering in the donate life registry for organ and tissue donation, including the website address for such registry.

§ 24. Subdivisions 6 and 7 of section 8206 of the education law, subdivision 6 as amended by chapter 43 of the laws of 1983 and subdivision 7 as amended by chapter 62 of the laws of 1989, are amended and a new subdivision 8 is added to read as follows:

(6) Character: be of good moral character as determined by the department; ~~and~~

(7) Fees: pay a fee of one hundred forty dollars to the department for admission to a department conducted examination and for an initial license, a fee of seventy dollars for each reexamination, a fee of one hundred fifteen dollars for an initial license for persons not requiring admission to a department conducted examination, and a fee of one hundred fifty-five dollars for each triennial registration period[+]; and

(8) Information and documentation: in conjunction with and as a condition of each triennial registration, provide to the department, and the department shall collect, such information and documentation required by the department, in consultation with the department of health, as is necessary to enable the department of health to evaluate access to needed services in this state, including, but not limited to, the location and type of setting wherein the speech-language pathologist or audiologist practices and other information the department, in consultation with the department of health, deems relevant. The department of health, in consultation with the department, shall make such data available in aggregate, de-identified form on a publicly accessible website. Additionally, in conjunction with each triennial registration, the department, in consultation with the department of health, shall provide information on registering in the donate life registry for organ and tissue donation, including the website address for such registry.

§ 25. Subdivision 8 of section 8214 of the education law, as added by chapter 772 of the laws of 1990, is amended and a new subdivision 9 is added to read as follows:

(8) Registration: if a license is granted, register triennially with the department, including present home and business address and such other pertinent information as the department requires[+]; and

(9) Information and documentation: in conjunction with and as a condition of each triennial registration, provide to the department, and the department shall collect, such information and documentation required by the department, in consultation with the department of health, as is necessary to enable the department of health to evaluate access to needed services in this state, including, but not limited to, the location and type of setting wherein the acupuncturist practices and other information the department, in consultation with the department of health, deems relevant. The department of health, in consultation with the department, shall make such data available in aggregate, de-identified form on a publicly accessible website. Additionally, in conjunction with each triennial registration, the department, in consultation with the department of health, shall provide information on registering in the donate life registry for organ and tissue donation, including the website address for such registry.

§ 26. Subdivisions 5 and 6 of section 8355 of the education law, as added by section 798 of the laws of 1992, are amended and a new subdivision 7 is added to read as follows:

5. Age: be at least twenty-one years of age; [and]

6. Fees: pay a fee for an initial certificate of one hundred dollars to the department; and a fee of fifty dollars for each triennial registration period[+]; and

7. Information and documentation: in conjunction with and as a condition of each triennial registration, provide to the department, and the department shall collect, such information and documentation required by the department, in consultation with the department of health, as is necessary to enable the department of health to evaluate access to needed services in this state including, but not limited to, the location

1 and type of setting wherein the certified athletic trainer practices and  
2 other information the department, in consultation with the department of  
3 health, deems relevant. The department of health, in consultation with  
4 the department, shall make such data available in aggregate, de-identi-  
5 fied form on a publicly accessible website. Additionally, in conjunc-  
6 tion with each triennial registration, the department, in consultation  
7 with the department of health, shall provide information on registering  
8 in the donate life registry for organ and tissue donation, including the  
9 website address for such registry.

10 § 27. Paragraphs (f) and (g) of subdivision 3 of section 8402 of the  
11 education law, paragraph (f) as added by chapter 676 of the laws of 2002  
12 and paragraph (g) as amended by chapter 210 of the laws of 2004, are  
13 amended and a new paragraph (h) is added to read as follows:

14 (f) Character: Be of good moral character as determined by the depart-  
15 ment; [~~and~~]

16 (g) Fees: Pay a fee of one hundred seventy-five dollars for an initial  
17 license and a fee of one hundred seventy dollars for each triennial  
18 registration period[~~✓~~]; and

19 (h) Information and documentation: in conjunction with and as a condi-  
20 tion of each triennial registration, provide to the department, and the  
21 department shall collect, such information and documentation required by  
22 the department, in consultation with the department of health, as is  
23 necessary to enable the department of health and the office of mental  
24 health to evaluate access to needed services in this state, including,  
25 but not limited to, the location and type of setting wherein the  
26 licensed mental health counselor practices and other information the  
27 department, in consultation with the department of health and the office  
28 of mental health, deems relevant. The department of health, in consulta-  
29 tion with the department and the office of mental health, shall make  
30 such data available in aggregate, de-identified form on a publicly  
31 accessible website. Additionally, in conjunction with each triennial  
32 registration, the department, in consultation with the department of  
33 health, shall provide information on registering in the donate life  
34 registry for organ and tissue donation, including the website address  
35 for such registry.

36 § 28. Paragraphs (f) and (g) of subdivision 3 of section 8403 of the  
37 education law, paragraph (f) as added by chapter 676 of the laws of 2002  
38 and paragraph (g) as amended by chapter 210 of the laws of 2004, are  
39 amended and a new paragraph (h) is added to read as follows:

40 (f) Character: Be of good moral character as determined by the depart-  
41 ment; [~~and~~]

42 (g) Fees: Pay a fee of one hundred seventy-five dollars for an initial  
43 license and a fee of one hundred seventy dollars for each triennial  
44 registration period[~~✓~~]; and

45 (h) Information and documentation: in conjunction with and as a condi-  
46 tion of each triennial registration, provide to the department, and the  
47 department shall collect, such information and documentation required by  
48 the department, in consultation with the department of health and the  
49 office of mental health, as is necessary to enable the department of  
50 health and the office of mental health to evaluate access to needed  
51 services in this state, including, but not limited to, the location and  
52 type of setting wherein the licensed marriage and family therapist prac-  
53 tices and other information the department, in consultation with the  
54 department of health and the office of mental health, deems relevant.  
55 The department of health, in consultation with the department and the  
56 office of mental health, shall make such data available in aggregate,

1 de-identified form on a publicly accessible website. Additionally, in  
2 conjunction with each triennial registration, the department, in consul-  
3 tation with the department of health, shall provide information on  
4 registering in the donate life registry for organ and tissue donation,  
5 including the website address for such registry.

6 § 29. Paragraphs (f) and (g) of subdivision 3 of section 8404 of the  
7 education law, paragraph (f) as added by chapter 676 of the laws of 2002  
8 and paragraph (g) as amended by chapter 210 of the laws of 2004, are  
9 amended and a new paragraph (h) is added to read as follows:

10 (f) Character: Be of good moral character as determined by the depart-  
11 ment; [~~and~~]

12 (g) Fees: Pay a fee of one hundred seventy-five dollars for an initial  
13 license and a fee of one hundred seventy dollars for each triennial  
14 registration period[~~;~~]; and

15 (h) Information and documentation: in conjunction with and as a condi-  
16 tion of each triennial registration, provide to the department, and the  
17 department shall collect, such information and documentation required by  
18 the department, in consultation with the department of health and the  
19 office of mental health, as is necessary to enable the department of  
20 health and the office of metal health to evaluate access to needed  
21 services in this state, including, but not limited to, the location and  
22 type of setting wherein the creative arts therapist practices and other  
23 information the department, in consultation with the department of  
24 health and the office of mental health, deems relevant. The department  
25 of health, in consultation with the department and the office of mental  
26 health, shall make such data available in aggregate, de-identified form  
27 on a publicly accessible website. Additionally, in conjunction with each  
28 triennial registration, the department, in consultation with the depart-  
29 ment of health, shall provide information on registering in the donate  
30 life registry for organ and tissue donation, including the website  
31 address for such registry.

32 § 30. Paragraphs (f) and (g) of subdivision 3 of section 8405 of the  
33 education law, paragraph (f) as added by chapter 676 of the laws of 2002  
34 and paragraph (g) as amended by chapter 210 of the laws of 2004, are  
35 amended and a new paragraph (h) is added to read as follows:

36 (f) Character: Be of good moral character as determined by the depart-  
37 ment; [~~and~~]

38 (g) Fees: Pay a fee of one hundred seventy-five dollars for an initial  
39 license and a fee of one hundred seventy dollars for each triennial  
40 registration period[~~;~~]; and

41 (h) Information and documentation: in conjunction with and as a condi-  
42 tion of each triennial registration, provide to the department, and the  
43 department shall collect, such information and documentation required by  
44 the department, in consultation with the department of health and the  
45 office of mental health, as is necessary to enable the department of  
46 health and the office of mental health to evaluate access to needed  
47 services in this state, including, but not limited to, the location and  
48 type of setting wherein the licensed psychoanalyst practices and other  
49 information the department, in consultation with the department of  
50 health and the office of mental health, deems relevant. The department  
51 of health, in consultation with the department and the office of mental  
52 health, shall make such data available in aggregate, de-identified form  
53 on a publicly accessible website. Additionally, in conjunction with each  
54 triennial registration, the department, in consultation with the depart-  
55 ment of health, shall provide information on registering in the donate

1 life registry for organ and tissue donation, including the website  
2 address for such registry.

3 § 31. Subdivisions 6 and 7 of section 8504 of the education law, as  
4 added by chapter 817 of the laws of 1992, are amended and a new subdivi-  
5 sion 8 is added to read as follows:

6 6. Character: be of good moral character as determined by the depart-  
7 ment; [~~and~~]

8 7. Fees: pay a fee of one hundred seventy-five dollars to the depart-  
9 ment for admission to a department conducted examination and for an  
10 initial license; a fee of eighty-five dollars for each re-examination; a  
11 fee of one hundred fifteen dollars for an initial license for persons  
12 not requiring admission to a department conducted examination and a fee  
13 of one hundred fifty-five dollars for each triennial registration period  
14 commencing on and after June first, nineteen hundred ninety-three[~~;~~];  
15 and

16 8. Information and documentation: in conjunction with and as a condi-  
17 tion of each triennial registration, provide to the department, and the  
18 department shall collect, such information and documentation required by  
19 the department, in consultation with the department of health, as is  
20 necessary to enable the department of health to evaluate access to need-  
21 ed services in this state, including, but not limited to, the location  
22 and type of setting wherein the respiratory therapist practices and  
23 other information the department, in consultation with the department of  
24 health, deems relevant. The department of health, in consultation with  
25 the department, shall make such data available in aggregate, de-identi-  
26 fied form on a publicly accessible website. Additionally, in conjunction  
27 with each triennial registration, the department, in consultation with  
28 the department of health, shall provide information on registering in  
29 the donate life registry for organ and tissue donation, including the  
30 website address for such registry.

31 § 32. Subdivisions 6 and 7 of section 8510 of the education law, as  
32 added by chapter 817 of the laws of 1992, are amended and a new subdivi-  
33 sion 8 is added to read as follows:

34 6. Character: be of good moral character as determined by the depart-  
35 ment; [~~and~~]

36 7. Fees: pay a fee of ninety dollars to the department for admission  
37 to a department conducted examination and for an initial license; a fee  
38 of sixty dollars for each re-examination; a fee of fifty dollars for an  
39 initial license for persons not requiring admission to a department  
40 conducted examination and a fee of ninety dollars for each triennial  
41 registration period commencing on and after June first, nineteen hundred  
42 ninety-three[~~;~~]; and

43 8. Information and documentation: in conjunction with and as a condi-  
44 tion of each triennial registration, provide to the department, and the  
45 department shall collect, such information and documentation required by  
46 the department, in consultation with the department of health, as is  
47 necessary to enable the department of health to evaluate access to need-  
48 ed services in this state, including, but not limited to, the location  
49 and type of setting wherein the respiratory therapy technician practices  
50 and other information the department, in consultation with the depart-  
51 ment of health, deems relevant. The department of health, in consulta-  
52 tion with the department, shall make such data available in aggregate,  
53 de-identified form on a publicly accessible website. Additionally, in  
54 conjunction with each triennial registration, the department, in consul-  
55 tation with the department of health, shall provide information on



1 registering in the donate life registry for organ and tissue donation,  
2 including the website address for such registry.

3 § 33. Paragraphs (e) and (f) of subdivision 1 of section 8605 of the  
4 education law, as added by chapter 755 of the laws of 2004, are amended  
5 and a new paragraph (g) is added to read as follows:

6 (e) Character: be of good moral character as determined by the depart-  
7 ment; [~~and~~]

8 (f) Fees: pay a fee of one hundred seventy-five dollars for an initial  
9 license and a fee of one hundred seventy dollars for each triennial  
10 registration period[~~;~~]; and

11 (g) Information and documentation: in conjunction with and as a condi-  
12 tion of each triennial registration, provide to the department, and the  
13 department shall collect, such information and documentation required by  
14 the department, in consultation with the department of health, as is  
15 necessary to enable the department of health to evaluate access to need-  
16 ed services in this state, including, but not limited to, the location  
17 and type of setting wherein the clinical laboratory technologist prac-  
18 tices and other information the department, in consultation with the  
19 department of health, deems relevant. The department of health, in  
20 consultation with the department, shall make such data available in  
21 aggregate, de-identified form on a publicly accessible website. Addi-  
22 tionally, in conjunction with each triennial registration, the depart-  
23 ment, in consultation with the department of health, shall provide  
24 information on registering in the donate life registry for organ and  
25 tissue donation, including the website address for such registry.

26 § 34. Paragraphs (e) and (f) of subdivision 2 of section 8605 of the  
27 education law, as added by chapter 755 of the laws of 2004, are amended  
28 and a new paragraph (g) is added to read as follows:

29 (e) Character: be of good moral character as determined by the depart-  
30 ment; [~~and~~]

31 (f) Fees: pay a fee of one hundred seventy-five dollars for an initial  
32 license and a fee of one hundred seventy dollars for each triennial  
33 registration period[~~;~~]; and

34 (g) Information and documentation: in conjunction with and as a condi-  
35 tion of each triennial registration, provide to the department, and the  
36 department shall collect, such information and documentation required by  
37 the department, in consultation with the department of health, as is  
38 necessary to enable the department of health to evaluate access to need-  
39 ed services in this state, including, but not limited to, the location  
40 and type of setting wherein the cytotechnologist practices and other  
41 information the department, in consultation with the department of  
42 health, deems relevant. The department of health, in consultation with  
43 the department, shall make such data available in aggregate, de-identi-  
44 fied form on a publicly accessible website. Additionally, in conjunction  
45 with each triennial registration, the department, in consultation with  
46 the department of health, shall provide information on registering in  
47 the donate life registry for organ and tissue donation, including the  
48 website address for such registry.

49 § 35. Subdivisions 5 and 6 of section 8606 of the education law, as  
50 added by chapter 755 of the laws of 2004, are amended and a new subdivi-  
51 sion 7 is added to read as follows:

52 5. Character: be of good moral character as determined by the depart-  
53 ment; [~~and~~]

54 6. Fees: pay a fee of one hundred twenty-five dollars for an initial  
55 certification and a fee of one hundred twenty dollars for each triennial  
56 registration period[~~;~~]; and

7. Information and documentation: in conjunction with and as a condition of each triennial registration, provide to the department, and the department shall collect, such information and documentation required by the department, in consultation with the department of health, as is necessary to enable the department of health to evaluate access to needed services in this state, including, but not limited to, the location and type of setting wherein the clinical laboratory technician practices and other information the department, in consultation with the department of health, deems relevant. The department of health, in consultation with the department, shall make such data available in aggregate, de-identified form on a publicly accessible website. Additionally, in conjunction with each triennial registration, the department, in consultation with the department of health, shall provide information on registering in the donate life registry for organ and tissue donation, including the website address for such registry.

§ 36. Subdivisions 5 and 6 of section 8606-a of the education law, as added by chapter 204 of the laws of 2008, are amended and a new subdivision 7 is added to read as follows:

5. Character: be of good moral character as determined by the department; ~~and~~

6. Fees: pay a fee of one hundred twenty-five dollars for an initial certification and a fee of one hundred twenty dollars for each triennial registration period~~[-]~~; and

7. Information and documentation: in conjunction with and as a condition of each triennial registration, provide to the department, and the department shall collect, such information and documentation required by the department, in consultation with the department of health, as is necessary to enable the department of health to evaluate access to needed services in this state, including, but not limited to, the location and type of setting wherein the histological technician practices and other information the department, in consultation with the department of health, deems relevant. The department of health, in consultation with the department, shall make such data available in aggregate, de-identified form on a publicly accessible website. Additionally, in conjunction with each triennial registration, the department, in consultation with the department of health, shall provide information on registering in the donate life registry for organ and tissue donation, including the website address for such registry.

§ 37. Subdivision 6 of section 8705 of the education law, as added by chapter 495 of the laws of 2001, is amended and a new subdivision 7 is added to read as follows:

6. Fee: pay a fee of three hundred dollars to the department for admission to a department conducted examination for licensure, a fee of one hundred fifty dollars for licensure with special competency in the first specialty and twenty-five dollars for each additional specialty, and a fee of three hundred dollars for each biennial registration period~~[-]~~; and

7. Information and documentation: in conjunction with and as a condition of each triennial registration, provide to the department, and the department shall collect, such information and documentation required by the department, in consultation with the department of health, as is necessary to enable the department of health to evaluate access to needed services in this state, including, but not limited to, the location and type of setting wherein the professional medical physicist practices and other information the department, in consultation with the department of health, deems relevant. The department of health, in consulta-

tion with the department, shall make such data available in aggregate, de-identified form on a publicly accessible website. Additionally, in conjunction with each triennial registration, the department, in consultation with the department of health, shall provide information on registering in the donate life registry for organ and tissue donation, including the website address for such registry.

§ 38. Paragraphs (f) and (g) of subdivision 1 of section 8804 of the education law, as added by chapter 554 of the laws of 2013, are amended and a new paragraph (h) is added to read as follows:

(f) Character: be of good moral character as determined by the department and submit an attestation of moral character; ~~and~~

(g) Fee: pay a fee of one hundred fifty dollars for an initial license and a fee of seventy-five dollars for each triennial registration period~~[-]~~; and

(h) Information and documentation: in conjunction with and as a condition of each triennial registration, provide to the department, and the department shall collect, such information and documentation required by the department, in consultation with the department of health, as is necessary to enable the department of health to evaluate access to needed services in this state, including, but not limited to, the location and type of setting wherein the certified behavioral analyst assistant practices and other information the department, in consultation with the department of health, deems relevant. The department of health, in consultation with the department, shall make such data available in aggregate, de-identified form on a publicly accessible website. Additionally, in conjunction with each triennial registration, the department, in consultation with the department of health, shall provide information on registering in the donate life registry for organ and tissue donation, including the website address for such registry.

§ 39. Paragraphs (f) and (g) of subdivision 2 of section 8804 of the education law, as added by chapter 554 of the laws of 2013, are amended and a new paragraph (h) is added to read as follows:

(f) Character: be of good moral character as determined by the department and submit an attestation of moral character; ~~and~~

(g) Fee: pay a fee of two hundred dollars for an initial license and a fee of one hundred dollars for each triennial registration period~~[-]~~; and

(h) Information and documentation: in conjunction with and as a condition of each triennial registration, provide to the department, and the department shall collect, such information and documentation required by the department, in consultation with the department of health, as is necessary to enable the department of health to evaluate access to needed services in this state, including, but not limited to, the location and type of setting wherein the licensed behavior analyst practices and other information the department, in consultation with the department of health, deems relevant. The department of health, in consultation with the department, shall make such data available in aggregate, de-identified form on a publicly accessible website. Additionally, in conjunction with each triennial registration, the department, in consultation with the department of health, shall provide information on registering in the donate life registry for organ and tissue donation, including the website address for such registry.

§ 40. Section 8852 of the education law is amended by adding a new subdivision 7 to read as follows:

7. Information and documentation: in conjunction with and as a condition of each triennial registration, the department shall collect and a

pathologist assistant shall provide such information and documentation required by the department, in consultation with the department of health, as is necessary to enable the department of health to evaluate access to needed services in this state, including, but not limited to, the location and type of setting wherein the pathologists' assistant practices and other information the department, in consultation with the department of health, deems relevant. The department of health, in consultation with the department, shall make such data available in aggregate, de-identified form on a publicly accessible website. Additionally, in conjunction with each triennial registration, the department, in consultation with the department of health, shall provide information on registering in the donate life registry for organ and tissue donation, including the website address for such registry.

§ 41. This act shall take effect on the one hundred eightieth day after it shall have become a law.

#### PART DD

Section 1. Legislative findings. The legislature finds that the State University of New York at Albany ("University") is in the process of developing 12 neighboring acres on the W. Averell Harriman State Office Building Campus to build the 245,000-square-foot Emerging Technology and Entrepreneurship Complex ("ETEC"). This ETEC development is part of a long-term development strategy of the University as part of the NYSUNY 2020 Challenge Grant Program. ETEC will house the University's College of Emergency Preparedness, Homeland Security and Cybersecurity, the Department of Atmospheric and Environmental Sciences, the Atmospheric Sciences Research Center and other University academic departments, as well as the New York State Mesonet weather-detection system. As part of this effort, the University wishes to lease a portion of the space within ETEC to non-New York State entities, including businesses, to enable collaboration, research commercialization, and real world experiential learning opportunities for students.

The legislature further finds that granting the trustees of the State University of New York the authority and power to lease and otherwise contract a portion of the ETEC will promote the mission of the new facility to help the state be better prepared for emerging threats of extreme weather and terrorism.

§ 2. Notwithstanding any other law to the contrary, the state university trustees are authorized and empowered to delegate to the University the authorization and empowerment to lease or otherwise contract to tenants with interests that are in alignment with the academic and research mission of the University. The University under this authorization shall be permitted to lease or otherwise contract up to 15,000 square feet of space and facilities at ETEC, without any public bidding. Any lease or contract of such space and facilities at ETEC may be subject to applicable approvals of the office of the attorney general and office of the state comptroller for revenue contracts. Such leases or contracts shall be for periods not to exceed 50 years and shall be conditioned upon any terms and conditions determined to be necessary by the state university trustees.

§ 3. Any leases entered into by the University pursuant to section two of this act shall be considered revenue contracts of the University and subject to review and approval by the office of the attorney general and office of the state comptroller as required for revenue contracts at the

1 time of execution of said leases. All proceeds from said leases to shall  
2 be deposited into accounts of the University.

3 § 4. Insofar as the provisions of this act are inconsistent with the  
4 provisions of any law, general, special or local, the provisions of this  
5 act shall be controlling.

6 § 5. This act shall take effect immediately.

7 PART EE

8 Section 1. Section 802 of the general business law, as added by chap-  
9 ter 599 of the laws of 1998, subdivision 1 as designated and subdivision  
10 2 as added by chapter 301 of the laws of 2000, is amended to read as  
11 follows:

12 § 802. Special provisions; not-for-profit sales. 1. ~~[No]~~ Except as  
13 provided in subdivision three of this section, no otolaryngologist or  
14 other licensed physician who has conducted a medical evaluation of hear-  
15 ing loss shall engage in the business of dispensing hearing aids for a  
16 profit. No otolaryngologist or other licensed physician who has  
17 dispensed a hearing aid shall refuse or fail to perform repairs or  
18 service on any hearing aid that they have dispensed.

19 2. Every licensed physician who engages in the dispensing of hearing  
20 aids in compliance with the provisions of this section shall be required  
21 to comply with sections seven hundred ninety-one, seven hundred ninety-  
22 eight and eight hundred three of this article, in addition to compliance  
23 with this section.

24 3. An audiologist or hearing aid dispenser licensed under article one  
25 hundred fifty-nine of the education law employed by an otolaryngologist  
26 who has conducted a medical evaluation of hearing loss may dispense  
27 hearing aids for profit provided that the otolaryngologist who has  
28 conducted a medical evaluation of hearing loss provides to the patient a  
29 list containing the name and office location of five hearing aid dispen-  
30 sers with a place of business located within the same county in which  
31 the otolaryngologist's office is located and a written statement  
32 disclosing that the otolaryngologist's office will receive a profit from  
33 the sale of any hearing aid device. In the event that there exist fewer  
34 than five hearing aid dispensers within the same county in which the  
35 otolaryngologist is located, then the otolaryngologist must provide to  
36 the patient a list containing the name and office location of the hear-  
37 ing aid dispensers with a place of business within the county in which  
38 the otolaryngologist's office is located.

39 § 2. This act shall take effect immediately.

40 PART FF

41 Section 1. Subdivision 2 of section 220 of the labor law, as amended  
42 by chapter 678 of the laws of 2007, is amended to read as follows:

43 2. ~~[Each]~~ Every contract ~~[to which the state or a public benefit~~  
44 ~~corporation or a municipal corporation or a commission appointed pursu-~~  
45 ~~ant to law is a party, and any contract for public work entered into by~~  
46 ~~a third party acting in place of, on behalf of and for the benefit of~~  
47 ~~such public entity pursuant to any lease, permit or other agreement~~  
48 ~~between such third party and the public entity, and which may involve~~  
49 ~~the employment of laborers, workers or mechanics]~~ for public work shall  
50 contain a stipulation that no laborer, worker or mechanic in the employ  
51 of the contractor, subcontractor or other person doing or contracting to  
52 do the whole or a part of the work contemplated by the contract shall be



1 permitted or required to work more than eight hours in any one calendar  
2 day or more than five days in any one week except in cases of extraor-  
3 dinary emergency including fire, flood or danger to life or property. No  
4 such person shall be so employed more than eight hours in any day or  
5 more than five days in any one week except in such emergency. Extraor-  
6 dinary emergency within the meaning of this section shall be deemed to  
7 include situations in which sufficient laborers, workers and mechanics  
8 cannot be employed to carry on public work expeditiously as a result of  
9 such restrictions upon the number of hours and days of labor and the  
10 immediate commencement or prosecution or completion without undue delay  
11 of the public work is necessary in the judgment of the commissioner for  
12 the preservation of the contract site and for the protection of the life  
13 and limb of the persons using the same. Upon the application of any  
14 person interested, the commissioner shall make a determination as to  
15 whether or not on any public project or on all public projects in any  
16 area of this state, sufficient laborers, workers and mechanics of any or  
17 all classifications can be employed to carry on work expeditiously if  
18 their labor is restricted to eight hours per day and five days per week,  
19 and in the event that the commissioner determines that there are not  
20 sufficient workers, laborers and mechanics of any or all classifications  
21 which may be employed to carry on such work expeditiously if their labor  
22 is restricted to eight hours per day and five days per week, and the  
23 immediate commencement or prosecution or completion without undue delay  
24 of the public work is necessary in the judgment of the commissioner for  
25 the preservation of the contract site and for the protection of the life  
26 and limb of the persons using the same, the commissioner shall grant a  
27 dispensation permitting all laborers, workers and mechanics, or any  
28 classification of such laborers, workers and mechanics, to work such  
29 additional hours or days per week on such public project or in such  
30 areas the commissioner shall determine. Whenever such a dispensation is  
31 granted, all work in excess of eight hours per day and five days per  
32 week shall be considered overtime work, and the laborers, workers and  
33 mechanics performing such work shall be paid a premium wage commensurate  
34 with the premium wages prevailing in the area in which the work is  
35 performed. No such dispensation shall be effective with respect to any  
36 public work unless and until the department of jurisdiction, as defined  
37 in this section, certifies to the commissioner that such public work is  
38 of an important nature and that a delay in carrying it to completion  
39 would result in serious disadvantage to the public. Time lost in any  
40 week because of inclement weather by employees engaged in the  
41 construction, reconstruction and maintenance of highways outside of the  
42 limits of cities and villages may be made up during that week and/or the  
43 succeeding three weeks.

44 § 2. Subdivision 5 of section 220 of the labor law is amended by  
45 adding four new paragraphs m, n, o and p to read as follows:

46 m. For the purposes of this article, "public work" means any of the  
47 following:

48 (i) Construction paid for in whole or in part out of public funds;

49 (ii) Construction work performed under private contract when all of  
50 the following conditions exist:

51 (A) The construction contract is between private parties;

52 (B) The property subject to the construction contract is privately  
53 owned, but upon completion of the construction work, any portion of the  
54 property is leased or will be leased to the state or any public entity,  
55 and one of the following conditions exist:

1 (1) The public entity entered into or bargained for the lease agree-  
2 ment prior to the construction contract; or

3 (2) The construction work is performed according to plans, specifica-  
4 tions, or criteria furnished by the public entity, and the lease agree-  
5 ment between the lessor and public entity, as lessee, is entered into  
6 during, or upon completion of, the construction work, or within six  
7 months following completion of the construction work; or

8 (iii) Construction work performed on property owned by a public entity  
9 in whole or in part or will be owned or maintained by a public entity in  
10 whole or in part upon completion of the project.

11 (iv) For the purposes of this article, "public work" shall not mean  
12 any of the following:

13 (A) Construction work on one or two family dwellings where the proper-  
14 ty is the owner's primary residence or construction work done on proper-  
15 ty where the owner of the property owns no more than four dwelling  
16 units;

17 (B) Construction work performed under a contract with a non-profit as  
18 defined in section one hundred two of the not-for-profit corporation law  
19 where the value of the public funds provided to the non-profit for the  
20 project is less than one hundred thousand dollars and the non-profit has  
21 gross annual revenue and support less than one million dollars; or

22 (C) Construction work performed on a multiple dwelling where no less  
23 than seventy-five percent of the residential units are affordable for  
24 households up to sixty percent of the area median income, adjusted for  
25 family size, as calculated by the United States department of housing  
26 and urban development, provided however, that any construction performed  
27 on non-residential space in connection with a multiple dwelling project  
28 shall be considered public work if it meets any of the criteria in this  
29 paragraph. Further, any construction work performed on a project eligi-  
30 ble for benefits under section four hundred twenty-one-a of the real  
31 property tax law shall not be considered public work for the purposes of  
32 this article.

33 n. "Paid for in whole or in part out of public funds" means all of the  
34 following:

35 (i) The payment of money or the equivalent of money, including the  
36 issuance of bonds and grants, by the state or a public entity, or a  
37 third party acting on behalf of and for the benefit of the state or  
38 public entity, directly to or on behalf of the public works contractor,  
39 subcontractor, or developer.

40 (ii) Performance of construction work by the state or any public enti-  
41 ty in the execution of the project.

42 (iii) Transfer by the state or a public entity of an asset of value  
43 for less than fair market value.

44 (iv) Fees, costs, rents, insurance or bond premiums, loans, interest  
45 rates, taxes, or other obligations that would normally be required in  
46 the execution of the project, that are paid, reduced, charged at less  
47 than fair market value, waived, or forgiven by the state or public enti-  
48 ty.

49 (v) Money loaned by the state or public entity that is to be repaid on  
50 a contingent basis.

51 (vi) Credits that are applied by the state or public entity against  
52 repayment obligations to the state or public entity.

53 o. "Public entity" includes, but is not limited to, the state, a  
54 local development corporation as defined in subdivision eight of section  
55 eighteen hundred one of the public authorities law or section fourteen  
56 hundred eleven of the not-for-profit corporation law, municipal corpo-

ration as defined in section one hundred nineteen-n of the general municipal law, industrial development agencies formed pursuant to article eighteen-A of the general municipal law or industrial development authorities formed pursuant to article eight of the public authorities law, educational corporation established under article fifty-six of the education law, commission appointed pursuant to law, as well as state, local and interstate and international authorities as defined in section two of the public authorities law; and shall include any trust created by any such entities.

p. (i) "Construction" includes, but is not limited to, demolition, reconstruction, excavation, rehabilitation, repair, installation, renovation, alteration, and custom fabrication. "Construction" also includes work preformed during the design and preconstruction phases of construction, including but not limited to, inspection and land surveying work and work performed during the post-construction phases of construction, including, but not limited to, all cleanup work at the jobsite. "Construction" also includes the delivery to and hauling from the jobsite of aggregate supply construction materials, such as sand, gravel, stone, dirt, fill, as well as any necessary return hauls, whether empty or loaded.

(ii) For the purposes of this article, "custom fabrication" means the fabrication and all drafting related to the fabrication of all masonry panels, woodwork, cases, cabinets, or counters, and the fabrication of plumbing, heating, cooling, ventilation, or exhaust duct systems, and mechanical insulation solely and specifically designed and engineered for installation in the construction, repair, or renovation of a building, regardless of where the custom fabrication is performed. The applicable prevailing wage for any off-site custom fabrication work shall be the on-site prevailing wage for the public work site.

§ 3. The labor law is amended by adding a new section 224-a to read as follows:

§ 224-a. Stop-work orders. Where a complaint is received pursuant to this article, or where the fiscal officer upon his or her own investigation, finds cause to believe that any person, in connection with the performance of any contract for public work, has substantially and materially failed to comply with or intentionally evaded the provisions of this article, the commissioner may notify such person in writing of his or her intention to issue a stop-work order. Such notice shall (i) be served in a manner consistent with section three hundred eight of the civil practice law and rules; (ii) notify such person of his or her right to a hearing; and (iii) state the factual basis upon which the commissioner has based his or her decision to issue a stop-work order. Any documents, reports, or information that form a basis for such decision shall be provided to such person within a reasonable time before the hearing. Such hearing shall be expeditiously conducted.

Following the hearing, if the commissioner issues a stop-work order, it shall be served by regular mail, and a second copy may be served by telefacsimile or by electronic mail, with service effective upon receipt of any of such order. Such stop-work order shall also be served with regard to a worksite by posting a copy of such order in a conspicuous location at the worksite. The order shall remain in effect until the commissioner directs that the stop-work order be removed, upon a final determination on the complaint or where such failure to comply or evade has been deemed corrected. If the person against whom such order is issued shall within thirty days after issuance of the stop-work order makes an application in affidavit form for a redetermination review of

such order the commissioner shall make a decision in writing on the issues raised in such application. The commissioner may direct a conditional release from a stop-work order upon a finding that such person has taken meaningful and good faith steps to comply with the provisions of this article.

§ 4. This act shall take effect immediately.

#### PART GG

Section 1. Subdivision 1 of section 1735 of the public authorities law, as amended by chapter 67 of the laws of 2014, is amended to read as follows:

1. Notwithstanding the provisions of paragraph b of subdivision one of section seventeen hundred thirty-four of this title, the award of construction contracts by the authority between July first, nineteen hundred eighty-nine and June thirtieth, two thousand ~~nineteen~~ twenty-four, shall not be subject to the provisions of section one hundred one of the general municipal law.

§ 2. Section 19 of chapter 738 of the laws of 1988, amending the administrative code of the city of New York, the public authorities law and other laws relating to establishing the New York city school construction authority, as amended by chapter 67 of the laws of 2014, is amended to read as follows:

§ 19. This act shall take effect immediately, provided, however, that the provisions of subdivision 6 of section 209 of the civil service law, as added by section four of this act, shall expire and be deemed repealed on and after June 30, 1995, and further provided that the provisions of section 1735 of the public authorities law, as added by section fourteen of this act, shall expire and be deemed repealed on June 30, ~~2019~~ 2024.

§ 3. This act shall take effect immediately; provided that the amendments made to subdivision 1 of section 1735 of the public authorities law by section one of this act shall not affect the repeal of such section and shall be deemed repealed therewith.

#### PART HH

Section 1. Short title. This act shall be known and may be cited as the "New York state YouthBuild act".

§ 2. Legislative intent. The legislature seeks to support economically disadvantaged youth, especially youth who have not finished high school, to obtain the education, work experience skills training, personal counseling, leadership development skills training, job placement assistance, and long-term follow-up services necessary for them to achieve permanent economic self-sufficiency, while at the same time providing valuable community service that addresses urgent community needs including the demand for affordable housing and the need for young role models and mentors for younger teenagers and children.

The legislature further intends to foster the development of leadership skills and a commitment to community development among youth and to ensure maximum educational achievement of program participants through high school diploma or the equivalent attainment and transition to institutions of higher education, where appropriate.

The legislature further intends to provide communities the opportunity to establish or rebuild neighborhood stability in economically depressed and low-income areas, as well as historic areas requiring restoration or

1 preservation, while providing economically disadvantaged youth and youth  
2 who have not finished high school an opportunity for a meaningful  
3 participation in society.

4 The legislature further intends to allow communities to expand the  
5 supply of affordable housing for homeless and other low-income individ-  
6 uals by utilizing the energies and talents of economically disadvantaged  
7 youth and young people who have not graduated from high school.

8 The legislature also intends to foster the development of leadership  
9 skills and a commitment to community development among youth.

10 § 3. The labor law is amended by adding a new section 42-a to read as  
11 follows:

12 § 42-a. YouthBuild; program requirements services. 1. The commission-  
13 er is authorized, subject to amounts made available by appropriation, to  
14 make grants to eligible applicants for the purpose of carrying out  
15 YouthBuild programs as approved under this section. All programs funded  
16 pursuant to the provisions of this section shall use funds available  
17 pursuant to this section to provide the following services:

18 a. The training costs for the rehabilitation or construction of hous-  
19 ing and related facilities to be used for the purpose of providing  
20 homeownership for disadvantaged persons, residential housing for home-  
21 less individuals, and low-income and very low-income families, or tran-  
22 sitional housing for persons who are homeless, have disabilities, are  
23 ill, are deinstitutionalized, or have special needs, or the rehabili-  
24 tation or construction of community facilities owned by not-for-profit  
25 public agencies.

26 b. The cost of providing training and placement in the growing employ-  
27 ment sectors of healthcare and technology.

28 c. The cost of integrated education and work experience skills train-  
29 ing services and activities which are evenly divided within the program  
30 shall include the following elements:

31 (1) An education component which includes: basic skills instruction,  
32 secondary education services, and other activities designed to lead to  
33 the attainment of a high school diploma or its equivalent. The curric-  
34 ulum for this component shall include math, language arts, vocational  
35 education, life skills training, social studies related to the cultural  
36 and community history of the students, leadership skills, and other  
37 topics at the discretion of the programs; and

38 (2) A work experience and skills training component pre-apprenticeship  
39 program that includes construction and rehabilitation activities  
40 described in paragraph a of this subdivision. The process of  
41 construction must be coupled with work experience skills training and  
42 with close on-site supervision by experienced trainers. The curriculum  
43 for this component shall contain a set of locally agreed upon skills and  
44 competencies that are systematically taught, with students' mastery  
45 assessed individually on a regular, ongoing basis. The work experience  
46 and skills training component shall be coordinated to the maximum extent  
47 feasible with preapprenticeship programs, and apprenticeship programs  
48 authorized under article twenty-three of this chapter.

49 d. The cost of counseling services designed to assist participants to  
50 positively participate in society, which should include all of the  
51 following if necessary: outreach, assessment, and orientation; individ-  
52 ual and peer counseling; life skills training; drug and alcohol abuse  
53 education and prevention; and referral to appropriate drug rehabili-  
54 tation, medical, mental health, legal, housing, and other services and  
55 resources in the community.



2. A training subsidy, living allowance, or stipend that shall be no less than minimum wage must be provided to program participants for the time spent at the worksite in construction training, health care or information technology services. Stipends and wages may be distributed in a manner that offers incentives for good performance.

a. Full time participation in a YouthBuild program shall be offered for a period of not less than six months and not more than twenty-four months.

b. A concentrated effort, for those participants who choose not to immediately enroll in an institution of higher education, shall be made to find construction, construction-related, and nonconstruction jobs as well as jobs in the fields of healthcare and technology for all graduates of the program who have performed well. The work experience skills training curriculum shall provide participants with basic preparation for seeking and maintaining a job. Follow-up counseling and assistance in job-seeking shall also be provided to participants for the twelve months following graduation from the program.

c. All programs serving twenty-eight trainees or more are required to have a full-time director responsible for the coordination of all aspects of the YouthBuild program.

3. a. Eligible participants are youth between the ages of sixteen and twenty-four who are economically disadvantaged as defined in 29 United States Code 1503, and who are part of one of the following groups:

(1) Persons who are not attending any school and have not received a secondary school diploma or its equivalent; or

(2) Persons currently enrolled in a traditional or alternative school setting or a HSE/TASC (high school equivalency/test assessing secondary completion) program and who are in danger of dropping out of school; or

(3) Very low-income persons whose incomes are at or less than fifty percent of the area median income area, adjusted for family size, as estimated by the department of housing and urban development.

b. An exception may be made for individuals not meeting income or educational need requirements. Not more than twenty-five percent of the participants in such program may be individuals who do not meet the requirements of this subdivision, but who have educational needs despite the attainment of a high school diploma.

4. Priority in the awarding of funds under this section shall be given to applicants with experience in operating YouthBuild programs and implementing the YouthBuild model, including but not limited to, housing construction skills training, education, leadership development, life skills training, and counseling services. Priority shall also be given to those who meet the program standards of YouthBuild USA, Inc.

5. Any not-for-profit private agencies, or public agencies with experience operating a YouthBuild program or with a plan to incubate a YouthBuild program until it can be established as a not-for-profit private agency are eligible entities. Only not-for-profit private agencies or public agencies that are licensed affiliates of YouthBuild USA, Inc. or currently receive a department of labor YouthBuild award, are eligible to use the term YouthBuild or eligible to apply for these funds.

6. The commissioner shall require applicants for YouthBuild funds to include various information on the applicant's programs and shall promulgate regulations outlining information required on such applicant. Provided, however, that at a minimum such application shall include:

a. A request for an implementation grant, specifying the amount of the grant requested and its proposed uses;

b. A description of the applicant and a statement of its qualifications, including a description of the applicant's past experience running a YouthBuild program, and its experience with housing rehabilitation or construction and with youth and youth education, youth leadership development and work experience skills training programs, and its relationship with local unions and youth apprenticeship programs, and other community groups; and

c. A description of the educational and work experience skills training activities, work opportunities, and other services that shall be provided to participants.

§ 4. This act shall take effect one year after it shall have become a law.

## PART II

Section 1. Subdivisions 5, 8 and 10 of section 230 of the labor law, subdivisions 5 and 8 as added by chapter 777 of the laws of 1971, subdivision 10 as added by chapter 547 of the laws of 1998, are amended and seven new subdivisions 15, 16, 17, 18, 19, 20 and 21 are added to read as follows:

5. "Wage" includes: (a) basic hourly cash rate of pay; and (b) supplements. The term "supplements" means fringe benefits including medical or hospital care, pensions on retirement or death, compensation for injuries or illness resulting from occupational activity, or insurance to provide any of the foregoing, unemployment benefits, life insurance, disability and sickness insurance, accident insurance, vacation and holiday pay, costs of apprenticeship or other similar programs and other bona fide fringe benefits not otherwise required by federal, state or local law to be provided by the contractor, covered developer, covered lessee or lessor, covered employer, or subcontractor.

8. "Fiscal officer" means the industrial commissioner, except for building service work performed by or on behalf of a city or where the covered development project or real property subject to a covered lease is located within a city with a population of over one million, in which case "fiscal officer" means the comptroller or other analogous officer of such city.

10. "Substantially-owned affiliated entity" shall mean the parent company of the contractor or subcontractor, or covered developer, or covered lessee or lessor any subsidiary of the contractor or subcontractor, or covered developer, or covered lessee or lessor, or any entity in which the parent of the contractor or subcontractor, or covered developer, or covered lessee or lessor owns more than fifty percent of the voting stock, or an entity in which one or more of the top five shareholders of the contractor or subcontractor individually or collectively also owns a controlling share of the voting stock, or an entity which exhibits any other indicia of control over the contractor or subcontractor, or covered developer, or covered lessee or lessor or over which the contractor or subcontractor, or covered developer, or covered lessee or lessor exhibits control, regardless of whether or not the controlling party or parties have any identifiable or documented ownership interest. Such indicia shall include: power or responsibility over employment decisions, access to and/or use of the relevant entity's assets or equipment, power or responsibility over contracts of the entity, responsibility for maintenance or submission of certified payroll records, and influence over the business decisions of the relevant entity.

1 15. "Covered developer" means any entity receiving financial assist-  
2 ance in relation to a covered development project, or any assignee or  
3 successor in interest of real property that qualifies as a covered  
4 development project.

5 16. "Covered employer" means any entity, other than a covered develop-  
6 er who employs building service workers at a covered development project  
7 or at any real property subject to a covered lease.

8 17. "Covered lessee" means any entity leasing real property from a  
9 public agency.

10 18. "Covered lessor" means any entity from whom a public agency is  
11 leasing commercial office space or commercial office facilities of ten  
12 thousand square feet or more provided that the public agency whether  
13 through a single agreement or multiple agreement leases no less than  
14 fifty-one percent of the total square footage of the building to which  
15 the lease or leases applies.

16 19. "Financial assistance" means assistance that is provided to a  
17 covered developer for the improvement or development of real property,  
18 economic development, job retention and growth, or other similar  
19 purposes, and that is paid in whole or in part by a public agency or  
20 agencies, and of a cumulative total anticipated financial value of one  
21 million dollars or more. Financial assistance includes, but is not  
22 limited to, cash payments or grants, bond financing, tax abatements or  
23 exemptions (including, but not limited to, abatements or exemptions from  
24 real property, mortgage recording, sales and uses taxes, or the differ-  
25 ence between any payments in lieu of taxes and the amount of real prop-  
26 erty or other taxes that would have been due if the property were not  
27 exempted from the payment of such taxes), tax increment financing,  
28 filing fee waivers, energy cost reductions, environmental remediation  
29 costs, write-downs in the market value of building, land, or the cost of  
30 capital improvements related to real property that, under ordinary  
31 circumstances, the public agency would not pay for. Where assistance  
32 takes the form of loans or bond financing, the value of the assistance  
33 shall be determined based on the difference between the financing cost  
34 to a borrower and the cost to a similar borrower that does not receive  
35 financial assistance.

36 20. "Covered lease" means any agreement by a public agency with a  
37 covered lessor or lessee.

38 21. "Covered development project" means a project that has received or  
39 is expected to receive financial assistance.

40 § 2. The labor law is amended by adding a new section 231-a to read as  
41 follows:

42 § 231-a. Prevailing wage for covered leases and covered development  
43 projects. 1. Covered developers and covered lessees or lessors shall  
44 ensure that all building service employees performing building service  
45 work in connection with a covered development project or covered lease  
46 are paid no less than the prevailing wage.

47 2. The obligation to pay prevailing supplements may be discharged by  
48 furnishing any equivalent combinations of fringe benefits or by making  
49 equivalent or differential payments in cash under rules and regulations  
50 established by the fiscal officer.

51 3. The public agency providing financial assistance or entering into a  
52 covered lease shall require, as a contractual condition of such finan-  
53 cial assistance or covered lease, that any building service employee  
54 performing building service work in connection with a covered develop-  
55 ment project or covered lease, regardless of the employing entity, shall  
56 be paid no less than the prevailing wage; and any lease, contract for

1 property management services, or contract for the provision of building  
2 services, entered into by the covered developer or covered lessee or  
3 lessor, and any subcontract thereof, shall contain the following  
4 provision "All building service employees shall be paid no less than the  
5 prevailing wage as provided by the fiscal officer as described in  
6 section two hundred and thirty-four of the Labor Law. Any covered  
7 employer, as defined in section two hundred and thirty of the Labor Law,  
8 shall maintain all records relating to the employment of building  
9 service workers as described in section two hundred and thirty-three of  
10 the Labor Law which are to be provided to the covered developer. Such  
11 covered employer shall also submit such statements as required under  
12 section two hundred and thirty-seven of the Labor Law. This requirement  
13 shall apply to any covered development project or real property subject  
14 to a covered lease as provided by Article Nine of the Labor Law."

15 4. Upon the award of financial assistance or entering into a covered  
16 lease by a public agency, the awarding public agency shall immediately  
17 furnish to the fiscal officer (a) the name and address of the awardee;  
18 (b) the date when the financial assistance was awarded or the covered  
19 lease was entered into; (c) the specific building or facility address or  
20 addresses, or locality to which the covered lease or financial assist-  
21 ance pertains, if the financial assistance is targeted to a particular  
22 building or buildings, facility or facilities, or locality; and (d) the  
23 anticipated total value of the financial assistance.

24 5. When the financial assistance to the covered development project  
25 applies to a particular building or buildings, facility or facilities,  
26 or locality the prevailing wage shall apply only to such building or  
27 buildings, facility or facilities, or locality; however when the finan-  
28 cial assistance is not so limited, the covered development project shall  
29 be deemed to include any building or facility in which the covered  
30 developer operates within the state and the prevailing wage requirement  
31 set forth in this section shall apply to any building or facility in  
32 which the covered developer operates within the state.

33 6. The fiscal officer shall maintain a list of covered developers,  
34 covered lessees or lessors, and covered development projects, including  
35 the addresses of each. Such list shall be updated and published as often  
36 as is necessary to keep it current.

37 7. Within two weeks of receiving financial assistance or entering into  
38 a covered lease, a covered developer, covered lessee or lessor, or  
39 covered employer shall post in the same location and manner that other  
40 statutorily required notices are posted at every such covered develop-  
41 ment project or real property subject to a covered lease, and provide  
42 each building service employee a copy of a written notice which shall be  
43 prepared by the fiscal officer, detailing the wages, benefits, and other  
44 protections to which building service employees are entitled under this  
45 section. Such notice shall also provide the name, address and telephone  
46 number of the fiscal officer and a statement advising building service  
47 employees that if they have been paid less than the prevailing wage they  
48 may notify the fiscal officer and request an investigation or bring suit  
49 in a court of competent jurisdiction. Such notices shall be posted in  
50 English and in any other language which at least twenty percent of  
51 employees speak as a primary language. Such notice shall remain posted  
52 for the time that the requirements of this section shall apply and shall  
53 be adjusted periodically to reflect the current prevailing wage for  
54 building service employees. In addition to posting the covered develop-  
55 er, covered lessee or lessor, or covered employer shall provide each  
56 individual employee a copy of the notice in English or any other

1 language spoken by the employee as a primary language, so long as the  
2 fiscal officer has made such notice available to employers in such  
3 language on its website. The fiscal officer shall make available on its  
4 website sample written notices explaining the rights of building service  
5 employees under this section and shall translate such sample written  
6 notices into such languages it deems appropriate.

7 8. The requirements of this section shall apply for the term of the  
8 financial assistance, for ten years from the date that the financially  
9 assisted project opens, or for the duration of any written agreement  
10 between a public agency and a covered developer providing for financial  
11 assistance, or for the duration of the covered lease, whichever is long-  
12 er.

13 9. This section shall not preempt any public agency from establishing  
14 higher minimum wages for covered developers or covered lessees or  
15 lessors receiving financial assistance or leasing from or to a public  
16 agency. Nor shall any covered developer, covered lessee or lessor, or  
17 covered employer be preempted from paying a wage higher than the  
18 prevailing wage.

19 § 3. Section 232 of the labor law, as added by chapter 777 of the laws  
20 of 1971, is amended to read as follows:

21 § 232. Overtime. An employee, employed by a contractor or employed at  
22 a covered development project or at real property subject to a covered  
23 lease, who works more than eight hours in any one day or more than forty  
24 hours in any workweek shall be paid wages for such overtime at a rate  
25 not less than one-and-one-half times his prevailing basic cash hourly  
26 rate.

27 § 4. Section 233 of the labor law, as added by chapter 777 of the laws  
28 of 1971, is amended to read as follows:

29 § 233. Record keeping. 1. In all cases where service work is being  
30 performed pursuant to a contract therefor or covered lease, or covered  
31 development project, the contractor, or covered developer, or covered  
32 lessee or lessor shall keep original payrolls or transcripts thereof,  
33 subscribed and confirmed by him as true, under penalties of perjury,  
34 showing the hours and days worked by each employee, the craft, trade or  
35 occupation at which he was employed, and the wages paid. A covered  
36 developer, or covered lessee or lessor may satisfy this requirement by  
37 obtaining copies of employment records from a covered employer.

38 2. Where the wages paid include sums which are not paid directly to  
39 the workmen weekly and which are expended for supplements, the records  
40 required to be maintained shall include a record of such hourly payment  
41 on behalf of such employees, the supplement for which such payment has  
42 been made, and the name and address of the person to whom such payment  
43 has been made. In all such cases, the contractor or covered developer,  
44 or covered lessee or lessor shall keep a true and inscribed copy of the  
45 agreement under which such payments are made, a record of all net  
46 payments made thereunder, and a list of all persons for whom such  
47 payments are made. A covered developer, or covered lessee or lessor may  
48 satisfy this requirement by obtaining copies of employment records from  
49 a covered employer.

50 3. The records required to be maintained shall be kept on the site of  
51 the work during all of the time that work under the contract or other-  
52 wise subject to the requirements of this section is being performed.

53 4. All records required to be maintained shall be preserved for a  
54 period of three years after the completion of work.

55 5. A covered developer, or covered lessee or lessor shall include a  
56 requirement in all leases, management agreements or service contracts,



1 and any subcontracts thereof, that any covered employer shall comply  
2 with the record keeping requirements of this section. The covered devel-  
3 oper, or covered lessee or lessor shall obtain such records from any  
4 covered employer and preserve such records for a period of six years  
5 after the completion of the employee's work.

6 6. Failure to maintain such records as required shall create a rebutt-  
7 able presumption that the building service employees were not paid the  
8 wages and supplements required under this article.

9 § 5. Paragraph (f) of subdivision 1 of section 234 of the labor law,  
10 as added by chapter 777 of the laws of 1971, is amended to read as  
11 follows:

12 (f) to require a contractor or covered developer, or covered lessee or  
13 lessor to file with the fiscal officer a record of the wages actually  
14 paid by such contractor or covered developer, or covered lessee or  
15 lessor to the employees and of their hours of work;

16 § 6. The labor law is amended by adding a new section 235-a to read as  
17 follows:

18 § 235-a. Investigations, hearings, and private right of action for  
19 covered leases and covered development projects. 1. Whenever the fiscal  
20 officer has reason to believe that a building service employee perform-  
21 ing building service work in connection with a covered lease or covered  
22 development project has been paid less than the applicable prevailing  
23 wage and supplements or upon receipt of a written complaint, the fiscal  
24 officer shall conduct a special investigation to determine the facts  
25 relating thereto.

26 2. If, despite the requirements of law, the fiscal officer has not  
27 determined the prevailing wage as required in this article, the fiscal  
28 officer shall determine in the proceeding before him or her the wages  
29 prevailing at the time the work was performed for the crafts, trades or  
30 occupations of the employees involved.

31 3. In an investigation conducted under the provisions of this section,  
32 the inquiry of the fiscal officer shall not extend to work performed  
33 more than three years prior to: (a) the filing of the complaint, or (b)  
34 the commencement of the investigation upon the fiscal officer's own  
35 volition, whichever is earlier in point of time.

36 4. (a) The investigation and hearing shall be expeditiously conducted  
37 and upon the completion thereof the fiscal officer shall determine the  
38 issues raised and shall make and file an order in his or her office  
39 stating such determination and forthwith serve personally or by mail a  
40 copy of such order and determination together with a notice of filing  
41 upon all parties to the proceeding and upon the financial officer of the  
42 public agency involved.

43 (b) In addition to directing payment of wages found to be due, such  
44 order of the fiscal officer shall direct payment of liquidated damages  
45 in an amount equal to the greater of two percent of the annual value of  
46 the financial assistance or covered lease, or two-tenths of a percent of  
47 the total value of the financial assistance or covered lease. Where the  
48 fiscal officer is the commissioner, the penalty shall be paid to the  
49 commissioner for deposit in the state treasury. Where the fiscal officer  
50 is a city comptroller or other analogous officer, the penalty shall be  
51 paid to said officer for deposit in the city treasury.

52 (c) An order directing the payment to specified employees of wages  
53 found to be due and unpaid shall include interest at a rate not less  
54 than six per centum per year and not more than the rate of interest then  
55 in effect as prescribed by the superintendent of financial services  
56 pursuant to section fourteen-a of the banking law per annum from the

time such wages should have been paid. In determining the rate of interest to be imposed the fiscal officer shall consider the size of the employer's business, the good faith of the employer, the gravity of the violation, the history of previous violations of the employer, successor or substantially-owned affiliated entity, any officer of the covered developer, covered lessee or lessor, or covered employer who knowingly participated in the violation of this article, and any of the partners if the covered developer, covered lessee or lessor, or covered employer is a partnership or any of the five largest shareholders of the covered developer, covered lessee or lessor, or the covered employer, as determined by the fiscal officer, and the failure to comply with recordkeeping or other non-wage requirements.

5. (a) Provided that no proceeding for judicial review as provided in this section shall then be pending and the time for initiation of such proceeding shall have expired, the fiscal officer shall file with the county clerk of the county where the employer resides or has a place of business the order of the fiscal officer containing the amount found to be due. The filing of such order shall have the full force and effect of a judgment duly docketed in the office of such clerk. The order may be enforced by and in the name of the fiscal officer in the same manner, and with like effect, as that prescribed by the civil practice law and rules for the enforcement of a money judgment.

(b) When a final determination has been made in favor of a complainant and the covered developer, covered lessee or lessor, or covered employer found violating this article has failed to make payment as required by the order of the fiscal officer, and provided that no relevant proceeding for judicial review shall then be pending and the time for initiation of such proceeding shall have expired, the fiscal officer 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 any of the following:

(i) any substantially-owned affiliated entity or any successor of the covered developer, covered lessee or lessor, or covered employer;

(ii) any of the partners if the covered developer, covered lessee or lessor, or covered employer is a partnership or any of the five largest shareholders of the covered developer, covered lessee or lessor, or covered employer, as determined by the fiscal officer; or

(iii) any officer of the covered developer, covered lessee or lessor, or covered employer who knowingly participated in the violation of this article; provided, however, that the fiscal officer shall within five days of the filing of the order provide notice thereof to the partner or top five shareholders or successor or substantially-owned affiliated entity. The notified party may contest the filing on the basis that it is not a partner or one of the five largest shareholders, an officer of the covered developer, covered lessee or lessor, or covered employer who knowingly participated in the violation of this article, or a successor or substantially-owned affiliated entity. If, after reviewing the information provided by the notified party in support of such contest, the fiscal officer determines that the notified party is not within the definitions described herein, the fiscal officer shall immediately withdraw his or her filing of the order.

(c) The filing of such order shall have the full force and effect of a judgment duly docketed in the office of such clerk. The order may be enforced by and in the name of the fiscal officer in the same manner, and with like effect, as that prescribed by the civil practice law and rules for the enforcement of a money judgment.

6. When a final determination has been made and such determination is in favor of an employee, such employee may, in addition to any other remedy provided by this article, institute an action in any court of appropriate jurisdiction against the entity found to have violated this article, any substantially-owned affiliated entity, any officer of the covered developer, covered lessee or lessor, or covered employer who knowingly participated in the violation of this article, and any of the partners if the covered developer, covered lessee or lessor, or covered employer is a partnership or any of the five largest shareholders of the covered developer, covered lessee or lessor, or covered employer, as determined by the fiscal officer, for the recovery of the difference between the sum, if any, actually paid to him or her by the aforesaid financial officer pursuant to said order and the amount found to be due him or her as determined by said order. Such action must be commenced within three years from the date of the filing of said order, or if the said order is reviewed in a proceeding pursuant to article seventy-eight of the civil practice law and rules, within three years after the termination of such review proceeding.

7. (a) Any person claimed to be aggrieved by violation of this article shall have a cause of action in any court of competent jurisdiction against the entity alleged to have violated this article, any substantially-owned affiliated entity, any officer of the covered developer, covered lessee or lessor, or covered employer who knowingly participated in the violation of this article, and any of the partners if the covered developer, covered lessee or lessor, or covered employer is a partnership or any of the five largest shareholders of the covered developer, covered lessee or lessor, or covered employer, as determined by the fiscal officer, for the recovery of the difference between the sum, if any, actually paid to him or her by the aforesaid financial officer pursuant to said order and the amount found to be due him or her as determined by said order. The cause of action may seek damages, including punitive damages, and for injunctive relief and such other remedies as may be appropriate, unless such person has filed a complaint with the fiscal officer with respect to such claim. In an action brought by a building service employee, if the court finds in favor of the employee, it shall award the employee, in addition to other relief, his or her reasonable attorneys' fees and costs.

(b) Investigation by the fiscal officer shall not be a prerequisite to nor a bar against a person bringing a civil action under this section. Notwithstanding any inconsistent provision of subdivisions one through six of this section where a complaint filed with the fiscal officer is dismissed an aggrieved person shall maintain all rights to commence a civil action pursuant to this action as if no complaint had been filed.

(c) No procedure or remedy set forth in this section is intended to be exclusive or a prerequisite for asserting a claim for relief to enforce any rights hereunder in a court of law. This section shall not be construed to limit an employee's right to bring a common law cause of action for wrongful termination.

(d) Any judgment or court order awarding remedies under this section shall provide that if any amounts remain unpaid upon the expiration of ninety days following issuance of judgment, or ninety days after expiration of the time to appeal and no appeal is then pending, whichever is later, the total amount of judgment shall automatically increase by fifteen percent.

(e) In any action instituted upon a wage claim by a building service employee in which the employee prevails, the court may allow such

1 employee, in addition to ordinary costs, a reasonable sum, not exceeding  
2 one hundred dollars for expenses which may be taxed as costs. No assignee of a wage claim shall be benefited by this paragraph.

3  
4 (f) Notwithstanding any other provision of law, an action to recover  
5 upon a liability imposed by this article must be commenced within the  
6 greater of six years from the date the cause of action accrued or two  
7 years from the time the plaintiff or the person under whom the plaintiff  
8 claims discovered the fraud, or could with reasonable diligence have  
9 discovered it. The statute of limitations shall be tolled from the date  
10 an employee files a complaint with the fiscal officer or the fiscal  
11 officer commences an investigation, whichever is earlier, until an order  
12 to comply issued by the fiscal officer becomes final, or where the  
13 fiscal officer does not issue an order, until the date on which the  
14 fiscal officer notifies the complainant that the investigation has  
15 concluded.

16 8. (a) No person shall take any adverse action against an employee  
17 that penalizes an employee for, or is reasonably likely to deter an  
18 employee from, exercising or attempting to exercise rights under this  
19 article or interfere with an employee's exercise of rights under this  
20 article.

21 (b) Taking an adverse action includes, but is not limited to threaten-  
22 ing, intimidating, disciplining, discharging, demoting, suspending, or  
23 harassing an employee, reducing the hours of pay of an employee, inform-  
24 ing another employer than an employee has engaged in activities  
25 protected by this article, discriminating against the employee, includ-  
26 ing actions related to perceived immigration status or work authori-  
27 zation, and maintenance or application of an absence control policy that  
28 counts protected leave as an absence that may lead to or result in an  
29 adverse action.

30 (c) An employee need not explicitly refer to a provision of this arti-  
31 cle to be protected from an adverse action.

32 (d) A causal connection may be established between the exercise,  
33 attempted exercise, or anticipated exercise of rights protected by this  
34 article and an employer's adverse action against an employee or a group  
35 of employees by indirect or direct evidence.

36 (e) Retaliation is established when it is shown that a protected  
37 activity was a motivating factor for an adverse action, whether or not  
38 other factors motivated the adverse action.

39 9. (a) When a final determination has been made against a covered  
40 employer in favor of a complainant and the covered developer, or covered  
41 lessee or lessor has made payment to the complainant of any wages and  
42 interest due the complainant and any civil penalty, and providing that  
43 no relevant proceeding for judicial review shall then be pending and the  
44 time for initiation of such proceeding shall have expired, the covered  
45 developer, or covered lessee or lessor may file a copy of the order of  
46 the fiscal officer containing the amount found to be due with the county  
47 clerk of the county of residence or place of business of the covered  
48 employer. The filing of such order shall have the full force and effect  
49 of a judgment duly docketed in the office of such clerk. The judgment  
50 may be docketed in favor of the covered developer who may proceed as a  
51 judgment creditor against the covered employer for the recovery of all  
52 monies paid by the covered developer, or covered lessee or lessor under  
53 such order.

54 (b) When a covered developer, or covered lessee or lessor has made  
55 payment to a complainant of any wages and interest due to him or her  
56 because of a covered employer's violation of this article, the covered

1 developer, or covered lessee or lessor may bring suit to recover all  
2 monies paid by the covered developer, or covered lessee or lessor from  
3 the covered employer.

4 10. When two judgments or final orders pursuant to the provisions of  
5 this section have been entered against a covered developer, covered  
6 lessee or lessor, covered employer, successor, or any substantially-  
7 owned affiliated entity of the covered developer, covered lessee or  
8 lessor, or covered employer, any of the partners if the covered develop-  
9 er, covered lessee or lessor, or covered employer is a partnership, any  
10 of the five largest shareholders of the covered developer, covered  
11 lessee or lessor, or covered employer, any officer of the covered devel-  
12 oper, covered lessee or lessor, or covered employer who knowingly  
13 participated in the violation of this article within any consecutive  
14 six-year period determining that such covered developer, covered lessee  
15 or lessor, or covered employer and/or its successor, substantially-owned  
16 affiliated entity of the covered developer, covered lessee or lessor, or  
17 covered employer, any of the partners or any of the five largest share-  
18 holders of the covered developer, covered lessee or lessor, or covered  
19 employer, any officer of the covered developer, covered lessee or  
20 lessor, or covered employer who knowingly participated in the violation  
21 of this article has willfully failed to pay the prevailing wages in  
22 accordance with the provisions of this article, whether such failures  
23 were concurrent or consecutive and whether or not such final determi-  
24 nations concerning separate covered leases or awards of financial  
25 assistance are rendered simultaneously, such covered developer, covered  
26 lessee or lessor, covered employer, successor, and if the covered devel-  
27 oper, covered lessee or lessor, covered employer, successor, or any  
28 substantially-owned affiliated entity of the covered developer, covered  
29 lessee or lessor, or covered employer, any of the partners if the  
30 covered developer, covered lessee or lessor, or covered employer is a  
31 partnership, or any of the five largest shareholders of the covered  
32 developer, covered lessee or lessor, or covered employer, any officer of  
33 the covered developer, covered lessee or lessor, or covered employer who  
34 knowingly participated in the violation of this article, or any succes-  
35 sor is a corporation, any officer of such corporation who knowingly  
36 participated in such failure, shall be ineligible to enter into covered  
37 leases with a public agency or receive financial assistance for a period  
38 of five years from the date of the second order; provided, however, that  
39 where any such final order involves the falsification of payroll records  
40 or the kickback of wages, the covered developer, covered lessee or  
41 lessor, covered employer, successor, substantially-owned affiliated  
42 entity of the covered developer, covered lessee or lessor, or covered  
43 employer, any partner if the covered developer, covered lessee or  
44 lessor, or covered employer is a partnership or any of the five largest  
45 shareholders of the covered developer, covered lessee or lessor, or  
46 covered employer, any officer of the covered developer, covered lessee  
47 or lessor, or covered employer who knowingly participated in the  
48 violation of this article shall be ineligible to receive for a period of  
49 five years from the date of the first final order. Nothing in this  
50 subdivision shall be construed as affecting any provision of any other  
51 law or regulation relating to the awarding of financial assistance or  
52 entering into a covered lease with a public agency. The commissioner  
53 shall maintain a list of covered developers, and covered lessees or  
54 lessors, who are ineligible, including their names, address, date and  
55 duration of their ineligibility. Such list shall be updated and  
56 published as often as is necessary to keep it current.



§ 7. Subdivision 1 of section 237 of the labor law, as amended by chapter 698 of the laws of 1988, is amended and a new subdivision 5 is added to read as follows:

1. Subcontractors engaged for service work by a contractor or its subcontractor and covered employers, shall, upon receipt from the covered developer, or covered lessee or lessor, contractor or its subcontractor of the schedule of wages and supplements specified in the contract or article nine prevailing wage schedule, provide to the covered developer, covered lessee or lessor, contractor or its subcontractor a verified statement attesting that the covered employer or subcontractor has received and reviewed such schedule of wages and supplements, and agrees that it will pay the applicable prevailing wages and will pay or provide the supplements specified therein. Such verified statement shall be filed in the manner described in subdivision three of this section for subcontractors of a contractor or its subcontractor, and in the manner described in subdivision four of this section for covered employers. It shall be a violation of this article for any covered developer, covered lessee or lessor, contractor or its subcontractor to fail to provide for its subcontractor a copy of the schedule of wages and supplements specified in the contract or article nine prevailing wage schedules.

5. Prior to receiving financial assistance or entering into a covered lease, or an extension, renewal, amendment, modification of a covered lease, and annually thereafter, every covered developer, covered lessee or lessor, or covered employer shall provide the public agency providing financial assistance and the fiscal officer with an annual verified statement that all building service employees employed at a covered development project or at real property subject to a covered lease by the covered developer, covered lessee or lessor, or by a covered employer to perform building service work will be and/or have been paid the prevailing wage. Such verified statement shall include a record of the days and hours worked and the wages paid to each building service employee employed at the covered development project, or at real property subject to a covered lease. Where the wages paid include sums which are not paid directly to the workmen weekly and which are expended for supplements, the statement shall include a record of such hourly payments on behalf of such employees, the supplement for which such payment has been made, and the name and address of the person to whom the payment has been made. Such statement shall be verified by the oath of the chief executive or chief financial officer of the covered developer, or covered lessee or lessor, or the designee of any such person that he or she has read such statements subscribed by him or her and knows the contents thereof, and that the same is true of his or her own knowledge, except with respect to wages and supplements owing by contract which may be certified upon information and belief. A violation of any provision of the statement, or failure to provide such statement, shall constitute a violation of this section. The fiscal officer or a public agency leasing or providing financial assistance may inspect the records maintained pursuant to section two hundred thirty-three of this article to verify these statements.

§ 8. Subdivision 1 of section 238 of the labor law, as added by chapter 777 of the laws of 1971, is amended and two new subdivisions 3 and 4 are added to read as follows:

1. Any contractor, covered developer, covered lessee or lessor, covered employer, or subcontractor who shall upon his oath verify any statement required to be filed under this article which is known by him

1 to be false shall be guilty of perjury and punishable as provided by the  
2 penal law.

3 3. In the event of a failure by a covered developer, covered lessee or  
4 lessor, or covered employer to comply with the provisions of this arti-  
5 cle, the covered developer, covered lessee or lessor, or covered employ-  
6 er shall be provided with a written notice of failure to comply by the  
7 fiscal officer allowing ten days to cure the failure to comply. If the  
8 covered developer, covered lessee or lessor, or covered employer fails  
9 to timely cure in addition to any other remedies available at law or in  
10 equity, the fiscal officer shall be permitted to seek the following  
11 remedies:

12 (a) Suspension: suspend the payments of any financial assistance to  
13 the covered developer until the date of cure.

14 (b) Liquidated damages: failure to provide a required record or  
15 statement or to allow work place access may result in liquidated damages  
16 in an amount equal to the greater of two percent of the annual value of  
17 the financial assistance or covered lease, or two-tenths of a percent of  
18 the total value of the financial assistance or covered lease.

19 (c) Termination: a material breach of this article that continues for  
20 a period of six months or more, shall allow the public agency to termi-  
21 nate the financial assistance or covered lease.

22 (d) Penalty for late filing: late filing of any report required under  
23 this article: a payment of one thousand dollars per day for each day the  
24 report is late for up to fourteen days. After fourteen days, the remedy  
25 in paragraph (b) of this subdivision shall apply.

26 4. Where the fiscal officer is the commissioner, the penalty shall be  
27 paid to the commissioner for deposit in the state treasury. Where the  
28 fiscal officer is a city comptroller or other analogous officer, the  
29 penalty shall be paid to said officer for deposit in the city treasury.

30 § 9. Section 239 of the labor law, as added by chapter 777 of the laws  
31 of 1971, subdivisions 1, 2 and 3 as amended by chapter 770 of the laws  
32 of 1986, is amended to read as follows:

33 § 239. Provisions in contracts prohibiting discrimination on account  
34 of race, creed, color, national origin, age or sex. [~~Every~~] Covered  
35 developers and covered lessees or lessors shall comply with the follow-  
36 ing provisions and every contract for service work shall contain  
37 provisions by which the contractor agrees:

38 (1) that in the hiring of employees for the performance of work under  
39 the contract or any subcontract thereunder within the territorial limits  
40 of this state, no contractor, subcontractor, nor any person acting on  
41 behalf of such contractor or subcontractor, shall by reason of race,  
42 creed, color, national origin, age, sex or disability, discriminate  
43 against any citizen of the state of New York who is qualified and avail-  
44 able to perform the work to which the employment relates;

45 (2) that no contractor, subcontractor, nor any person on his behalf  
46 shall, in any manner, discriminate against or intimidate any employee  
47 hired for the performance of work under the contract on account of race,  
48 creed, color, national origin, age, sex or disability;

49 (3) that there may be deducted from the amount payable to the contrac-  
50 tor by the public agency under the contract a penalty of fifty dollars  
51 for each person for each day during which such person was discriminated  
52 against or intimidated in violation of the provisions of the contract;

53 (4) that the contract, covered lease, or grant of financial assistance  
54 may be cancelled or terminated by the public agency, and all moneys due  
55 or to become due thereunder may be forfeited for a second or any subse-

1 quent violation of the terms or conditions of this section of the  
2 contract.

3 § 10. Section 239-a of the labor law, as added by chapter 777 of the  
4 laws of 1971, is amended to read as follows:

5 § 239-a. Enforcement of article. If the fiscal officer, as defined  
6 herein, finds that any covered developer, covered lessee or lessor, or  
7 contractor on service work fails to comply with or evades the provisions  
8 of this article, he shall present evidence of such noncompliance or  
9 evasion to the public agency having charge of such work, or who has  
10 entered into a covered lease or provided financial assistance for the  
11 covered development project for enforcement. Where such evidence indi-  
12 cates a noncompliance or evasion on the part of a subcontractor or  
13 covered employer, the contractor or covered developer, or covered lessee  
14 or lessors, shall be responsible for such noncompliance or evasion. It  
15 shall be the duty of the public agency in charge of such service work,  
16 or who has entered into a covered lease or provided financial assistance  
17 for the covered development project to enforce the provisions of this  
18 article.

19 § 11. This act shall take effect immediately.

20 § 2. Severability clause. If any clause, sentence, paragraph, subdivi-  
21 sion, section or part of this act shall be adjudged by any court of  
22 competent jurisdiction to be invalid, such judgment shall not affect,  
23 impair, or invalidate the remainder thereof, but shall be confined in  
24 its operation to the clause, sentence, paragraph, subdivision, section  
25 or part thereof directly involved in the controversy in which such judg-  
26 ment shall have been rendered. It is hereby declared to be the intent of  
27 the legislature that this act would have been enacted even if such  
28 invalid provisions had not been included herein.

29 § 3. This act shall take effect immediately provided, however, that  
30 the applicable effective date of Parts A through II of this act shall be  
31 as specifically set forth in the last section of such Parts.