STATE OF NEW YORK

1506--B

IN SENATE

January 18, 2019

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

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

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

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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:

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

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

PART A

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

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

district that submitted a contract for excellence for the two thousand fourteen--two thousand fifteen school year, unless all schools in the district are identified as in good standing, shall submit a contract for excellence for the two thousand fifteen--two thousand sixteen school year which shall, notwithstanding the requirements of subparagraph (vi) of paragraph a of subdivision two of this section, provide for the expenditure of an amount which shall be not less than the amount approved by the commissioner in the contract for excellence for the two thousand fourteen--two thousand fifteen school year; and provided further that a school district that submitted a contract for excellence for the two thousand fifteen--two thousand sixteen school year, unless all schools in the district are identified as in good standing, shall submit a contract for excellence for the two thousand sixteen--two thousand seventeen school year which shall, notwithstanding the requirements of subparagraph (vi) of paragraph a of subdivision two of this section, provide for the expenditure of an amount which shall be not less than the amount approved by the commissioner in the contract for excellence for the two thousand fifteen--two thousand sixteen school year; and provided further that, a school district that submitted a contract for excellence for the two thousand sixteen--two thousand seventeen school year, unless all schools in the district are identified as in good standing, shall submit a contract for excellence for the two thousand seventeen--two thousand eighteen school year which shall, notwithstanding the requirements of subparagraph (vi) of paragraph a of subdivision two of this section, provide for the expenditure of an amount which shall be not less than the amount approved by the commissioner in the contract for excellence for the two thousand sixteen--two thousand seventeen school year; and provided further that a school district that submitted a contract for excellence for the two thousand seventeen--two thousand eighteen school year, unless all schools in the district are identified as in good standing, shall submit a contract for excellence for the two thousand eighteen--two thousand nineteen school year which shall, notwithstanding the requirements of subparagraph (vi) of paragraph a of subdivision two of this section, provide for the expenditure of an amount which shall be not less than the amount approved by the commissioner in the contract for excellence for the two thousand seventeen--two thousand eighteen school year**; and provided further that no school district shall be required to submit a contract for excellence for the two thousand nineteen--two thousand twenty school year and thereafter**. For purposes of this paragraph, the "gap elimination adjustment percentage" shall be calculated as the sum of one minus the quotient of the sum of the school district's net gap elimination adjustment for two thousand ten--two thousand eleven computed pursuant to chapter fifty-three of the laws of two thousand ten, making appropriations for the support of government, plus the school district's gap elimination adjustment for two thousand eleven--two thousand twelve as computed pursuant to chapter fifty-three of the laws of two thousand eleven, making appropriations for the support of the local assistance budget, including support for general support for public schools, divided by the total aid for adjustment computed pursuant to chapter fifty-three of the laws of two thousand eleven, making appropriations for the local assistance budget, including support for general support for public schools. Provided, further, that such amount shall be expended to support and maintain allowable programs and activities approved in the two thousand nine--two thousand ten school year or to support new or expanded allowable programs and activities in the current year.

§ 2. 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

districts one percent (0.01), and for the two thousand sixteen--two thousand seventeen school year the foundation aid phase-in increase factor shall equal for an eligible school district the greater of: (1) for a city school district in a city with a population of one million or more, seven and seven hundred eighty four thousandths percent (0.07784); or (2) for a city school district in a city with a population of more than two hundred fifty thousand but less than one million as of the most recent federal decennial census, seven and three hundredths percent (0.0703); or (3) 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, six and seventy-two hundredths percent (0.0672); or (4) for a city school district in a city with a population of more than one hundred fifty thousand but less than two hundred thousand as of the most recent federal decennial census, six and seventy-four hundredths percent (0.0674); 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, nine and fifty-five hundredths percent (0.0955); or (6) 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 "SA141-5" with a combined wealth ratio less than one and four tenths (1.4), nine percent (0.09), provided, however, that for such districts that are also districts designated as high need urban-suburban 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", nine and seven hundred and nineteen thousandths percent (0.09719); or (7) for school districts designated as high need rural 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", thirteen and six tenths percent (0.136); or (8) for school districts designated as high need urban-suburban 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", seven hundred nineteen thousandths percent (0.00719); or (9) for all other eligible school districts, forty-seven hundredths percent (0.0047), provided further that for the two thousand seventeen--two thousand eighteen school year the foundation aid increase phase-in factor shall equal (1) for school districts with a census 2000 poverty rate computed pursuant to paragraph q of subdivision one of this section equal to or greater than twenty-six percent (0.26), ten and three-tenths percent (0.103), or (2) for a school district in a city with a population in excess of one million or more, seventeen and seventy-seven one-hundredths percent (0.1777), or (3) for a city school district in a city with a population of more than two hundred fifty thousand but less than one million, as of the most recent decennial census, twelve and sixty-nine hundredths percent (0.1269) or (4) for a city school district in a city with a population of more than one hundred fifty thousand but less than two hundred thousand, 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.

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

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

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

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

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

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

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

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

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

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

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

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

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

this subdivision for the two thousand seven--two thousand eight school year. For the two thousand nine--two thousand ten through two thousand [~~eighteen~~] nineteen--two thousand [~~nineteen~~] twenty school years, each school district shall be entitled to an apportionment equal to the amount set forth for such school district as "SUPPLEMENTAL PUB EXCESS COST" 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".

§ 17. Intentionally omitted.

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

Each school district shall be eligible to receive a high tax aid apportionment in the two thousand eight--two thousand nine school year, which shall equal the greater of (i) the sum of the tier 1 high tax aid apportionment, the tier 2 high tax aid apportionment and the tier 3 high tax aid apportionment or (ii) the product of the apportionment received by the school district pursuant to this subdivision in the two thousand seven--two thousand eight school year, multiplied by the due-minimum factor, which shall equal, for districts with an alternate pupil wealth ratio computed pursuant to paragraph b of subdivision three of this section that is less than two, seventy percent (0.70), and for all other districts, fifty percent (0.50). Each school district shall be eligible to receive a high tax aid apportionment in the two thousand nine--two thousand ten through two thousand twelve--two thousand thirteen school years in the amount set forth for such school district as "HIGH TAX AID" 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". Each school district shall be eligible to receive a high tax aid apportionment in the two thousand thirteen--two thousand fourteen through two thousand [~~eighteen~~] nineteen--two thousand [~~nineteen~~] twenty school years equal to the greater of (1) the amount set forth for such school district as "HIGH TAX AID" 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" or (2) the amount set forth for such school district as "HIGH TAX AID" under the heading "2013-14 ESTIMATED AIDS" in the school aid computer listing produced by the commissioner in support of the executive budget for the 2013-14 fiscal year and entitled "BT131-4".

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

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

§ 20. Intentionally omitted.

§ 21. Intentionally omitted.

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

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

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

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

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

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

§ 24. Intentionally omitted.

§ 25. Intentionally omitted.

§ 26. Intentionally omitted.

§ 27. Intentionally omitted.

§ 28. Intentionally omitted.

§ 29. Intentionally omitted.

§ 30. Intentionally omitted.

§ 31. Intentionally omitted.

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

10. Every school shall define the roles and areas of responsibility of school personnel, security personnel and law enforcement in response to student misconduct that violates the code of conduct. A school district or charter school that employs, contracts with, or otherwise retains law enforcement or public or private security personnel, including school resource officers, shall establish a written contract or memorandum of understanding that is developed with stakeholder input. Such written contract or memorandum of understanding shall define the relationship between a school district or charter school, school personnel, students, visitors, law enforcement, and public or private security personnel. Such contract or memorandum of understanding shall be consistent with the code of conduct, define law enforcement or security personnel's roles, responsibilities and involvement within a school and clearly delegate the role of school discipline to the school administration. Such written contract or memorandum of understanding shall be incorporated into and published as part of the district safety plan.

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

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

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

(i) identification and examination of ideas about healthy relationships and behaviors learned from home, family and the media;

(ii) self-esteem and self-worth;

(iii) friendship and empathy;

(iv) a definition of teen dating violence;

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

(vi) characteristics of a healthy relationship;

(vii) links between bullying and teen dating violence;

(viii) safe use of technology;

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

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

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

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

(xiii) instruction to identify and report sexual harassment.

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

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

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

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

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

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

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

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

§ 34. Intentionally omitted.

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

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

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

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

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

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

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

§ 38. Subdivisions 22 and 24 of section 140 of 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, as amended by section 28 of part CCC of chapter 59 of the laws of 2018, are amended to read as follows:

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

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

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

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

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

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

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

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

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

§ 42. Section 34 of 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, as amended by section 1 of part G of chapter 61 of the laws of 2017, is amended to read as follows:

§ 34. This act shall take effect July 1, 2002; provided, that sections one through twenty, twenty-four, and twenty-six through thirty of this act shall expire and be deemed repealed June 30, [~~2019~~] **2022** provided, further, that notwithstanding any provision of article 5 of the general construction law, on June 30, [~~2019~~] **2022** the provisions of subdivisions 3, 5, and 8, paragraph b of subdivision 13, subdivision 14, paragraphs b, d, and e of subdivision 15, and subdivisions 17 and 21 of section 2554 of the education law as repealed by section three of this act, subdivision 1 of section 2590-b of the education law as repealed by section six of this act, paragraph (a) of subdivision 2 of section 2590-b of the education law as repealed by section seven of this act, section 2590-c of the education law as repealed by section eight of this act, paragraph c of subdivision 2 of section 2590-d of the education law as repealed by section twenty-six of this act, subdivision 1 of section 2590-e of the education law as repealed by section twenty-seven of this act, subdivision 28 of section 2590-h of the education law as repealed by section twenty-eight of this act, subdivision 30 of section 2590-h of the education law as repealed by section twenty-nine of this act, subdivision 30-a of section 2590-h of the education law as repealed by section thirty of this act shall be revived and be read as such provisions existed in law on the date immediately preceding the effective date of this act; provided, however, that sections seven and eight of this act shall take effect on November 30, 2003; provided further that the amendments to subdivision 25 of section 2554 of the education law made by section two of this act shall be subject to the expiration and reversion of such subdivision pursuant to section 12 of chapter 147 of the laws of 2001, as amended, when upon such date the provisions of 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 [~~"SA181-0"~~] "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:

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

§ 46-e. Section 2 of 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, as amended by chapter 74 of the laws of 2013, is amended to read as follows:

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

§ 46-f. Section 4 of 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, as amended by chapter 28 of the laws of 2014, is amended to read as follows:

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

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

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

§ 46-h. Section 8 of 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, as amended by section 30 of part CCC of chapter 59 of the laws of 2018, is amended to read as follows:

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

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

§ 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

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

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

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

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

§ 50. Notwithstanding the provision of any law, rule, or regulation to the contrary, the city school district of the city of Rochester, upon the consent of the board of cooperative educational services of the supervisory district serving its geographic region may purchase from such board for the 2019--2020 school year, as a non-component school 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

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

d. For the purpose of teacher support for the 2019--2020 school year: for the city school district of the city of New York, sixty-two million seven hundred seven thousand dollars ($62,707,000); for the Buffalo city school district, one million seven hundred forty-one thousand dollars ($1,741,000); for the Rochester city school district, one million seventy six thousand dollars ($1,076,000); for the Yonkers city school district, one million one hundred forty-seven thousand dollars ($1,147,000); and for the Syracuse city school district, eight hundred nine thousand dollars ($809,000). All funds made available to a school district pursuant to this section shall be distributed among teachers including prekindergarten teachers and teachers of adult vocational and academic subjects in accordance with this section and shall be in addition to salaries heretofore or hereafter negotiated or made available; provided, however, that all funds distributed pursuant to this section for the current year shall be deemed to incorporate all funds distributed pursuant to former subdivision 27 of section 3602 of the education law for prior years. In school districts where the teachers are represented by certified or recognized employee organizations, all salary increases funded pursuant to this section shall be determined by separate collective negotiations conducted pursuant to the provisions and procedures of article 14 of the civil service law, notwithstanding the existence of a negotiated agreement between a school district and a certified or recognized employee organization.

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

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

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

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

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

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

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

3. The amendments to 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 made by sections thirty-five and thirty-six of this act shall not affect the repeal of such chapter and shall be deemed repealed therewith.

PART A-1

Section 1. Paragraph e 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:

e. Community schools aid set-aside. Each school district shall set aside from its total foundation aid computed for the current year pursuant to this subdivision an amount equal to the sum of (i) the amount, if any, set forth for such district as "COMMUNITY SCHL AID (BT1617)" in the data file produced by the commissioner in support of the enacted budget for the two thousand sixteen--two thousand seventeen school year and entitled "SA161-7", (ii) the amount, if any, set forth for such district as "COMMUNITY SCHL INCR" in the data file produced by the commissioner in support of the executive budget request for the two thousand seventeen--two thousand eighteen school year and entitled "BT171-8", [~~and~~] (iii) the amount, if any, set forth for such district as "COMMUNITY SCHOOLS INCREASE" in the data file produced by the commissioner in support of the executive budget for the two thousand eighteen--two thousand nineteen school year and entitled "BT181-9"**, and (iv) the amount, if any, set forth for such district as "19-20 COMMUNITY SCHOOLS INCR" in the data file produced by the commissioner in support of the executive budget for the two thousand nineteen--two thousand twenty school year and entitled "BT192-0"**. Each school district shall use such "COMMUNITY SCHL AID (BT1617)" amount to support the transformation of school buildings into community hubs to deliver co-located or school-linked academic, health, mental health, nutrition, counseling, legal and/or other services to students and their families, including but not limited to providing a community school site coordinator, or to support other costs incurred to maximize students' academic achievement. Each school district shall use such "COMMUNITY SCHL INCR" amount to support the transformation of school buildings into community hubs to deliver co-located or school linked academic, health, mental health services and personnel, after-school programming, dual language programs, nutrition, counseling, legal and/or other services to students and their families, including but not limited to providing a community school site 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

listing produced by the commissioner in support of the budget for the two thousand seventeen--two thousand eighteen school year and entitled "SA171-8", 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.

g. For the two thousand nineteen--two thousand twenty 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 listing produced by the commissioner in support of the budget for the two thousand seventeen--two thousand eighteen school year and entitled "SA171-8", less the apportionment deemed to satisfy the state obligation to provide an apportionment pursuant to subdivision eight of section thirty-six hundred forty-one of this article for the two thousand eighteen--two thousand nineteen school year.

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

g. Foundation aid payable in the two thousand nineteen--two thousand twenty school year. Notwithstanding any provision of law to the contrary, foundation aid payable in the two thousand nineteen--two thousand twenty school year shall equal the sum of

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

For purposes of this paragraph:

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

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

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

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

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

(v) "Tier E" shall equal, for school districts where (A) the quotient arrived at when dividing the public school district enrollment as computed pursuant to paragraph n of subdivision one of this section for the base year by such enrollment for the two thousand eight--two thousand nine school year is greater than one and fifteen one-hundredths (1.15), (B) the quotient arrived at when dividing the English language learner count computed pursuant to paragraph o of subdivision one of this section for the base year by such count for the two thousand eight--two thousand nine school year is greater than one and three-tenths (1.3), and (C) the quotient arrived at when dividing the combined wealth ratio computed pursuant to subparagraph one of paragraph c of subdivision three of this section for the current year by the combined wealth ratio for the two thousand fourteen--two thousand fifteen school year is less than one and fifteen one-hundredths (1.15), the product of foundation aid remaining multiplied by one hundred eight one-thousandths (0.108).

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

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

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

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

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

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

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

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

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

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

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

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

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

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

b. The education department is hereby directed to consider the aforementioned contracts for transportation aid as valid and proper obligations of such school district.

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

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

as a liability due to other governments by the district for the preceding school year and the positive remainder of the district's unreserved fund balance at the close of the preceding school year less the product of the district's total general fund expenditures for the preceding school year multiplied by five percent, or (ii) one-third of such excess payments. The amount to be recovered in the second year shall equal the lesser of the remaining amount of such excess payments to be recovered or one-third of such excess payments, and the remaining amount of such excess payments shall be recovered in the third year. Provided further that, notwithstanding any other provisions of this subdivision, any pending payment of moneys due to such district as a prior year adjustment payable pursuant to paragraph c of this subdivision for aid claims that had been previously paid as current year aid payments in excess of the amount to which the district is entitled and for which recovery of excess payments is to be made pursuant to this paragraph, shall be reduced at the time of actual payment by any remaining unrecovered balance of such excess payments, and the remaining scheduled deductions of such excess payments pursuant to this paragraph shall be reduced by the commissioner to reflect the amount so recovered. The commissioner shall certify no payment to a school district based on a claim submitted later than three years after the close of the school year in which such payment was first to be made. For claims for which payment is first to be made in the nineteen hundred ninety-six--ninety-seven school year, the commissioner shall certify no payment to a school district based on a claim submitted later than two years after the close of such school year. For claims for which payment is first to be made in the nineteen hundred ninety-seven--ninety-eight school year and thereafter, the commissioner shall certify no payment to a school district based on a claim submitted later than one year after the close of such school year. Provided, however, no payments shall be barred or reduced where such payment is required as a result of a final audit of the state. It is further provided that, until June thirtieth, nineteen hundred ninety-six, the commissioner may grant a waiver from the provisions of this section for any school district if it is in the best educational interests of the district pursuant to guidelines developed by the commissioner and approved by the director of the budget.

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

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

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

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

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

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

(2) Notwithstanding any inconsistent provision of law in no event shall the total salary including amounts paid pursuant to section twenty-two hundred nine of this chapter for district superintendents [~~for each school year through the two thousand two--two thousand three school year exceed ninety-eight percent of that earned by the commissioner for state fiscal year nineteen hundred ninety-two--ninety-three, and in no event shall such total salary for a district superintendent~~] for the two thousand [~~three~~] **nineteen**--two thousand [~~four~~] **twenty** school year or any subsequent school year exceed: (i) one hundred six percent of the salary cap applicable in the preceding school year, or (ii) ninety-eight percent of that earned by the commissioner in the two thousand [~~three~~] **nineteen**--two thousand [~~four~~] **twenty** state fiscal year, whichever is less. In no event shall any district superintendent be permitted to accumulate vacation or sick leave credits in excess of the vacation and sick leave credits managerial/confidential employees of the state are permitted to accumulate pursuant to regulations promulgated by the state civil service commission, nor may any district superintendent at the time of separation from service be compensated for accrued and unused vacation credits or sick leave, or use accrued and unused sick leave for retirement service credit or to pay for health insurance in retirement, at a rate in excess of the rate permitted to managerial/confidential employees of the state pursuant to regulations of the state civil service commission. In addition to the payment of supplementary salary, a board of cooperative educational services may provide for the payment of all or a portion of the cost of insurance benefits for the district superintendent of schools, including but not limited to health insurance, disability insurance, life insurance or any other form of insurance benefit made available to managerial/confidential employees of the state; provided that any such payments for whole life, split dollar or other life insurance policies having a cash value shall be included in the total salary of the district superintendent for purposes of this subparagraph, and provided further that any payments for the employee contribution, co-pay or uncovered medical expenses under a health insurance plan also shall be included in the total salary of the district superintendent. Notwithstanding any other provision of law, payments for such insurance benefits may be based on the district superintendent's total salary or the amount of his or her supplementary salary only. Any payments for transportation or travel expenses in excess of

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

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

b. The cost of services herein referred to shall be the amount allocated to each component school district by the board of cooperative educational services to defray expenses of such board, including approved expenses from the testing of potable water systems of occupied school buildings under the board's jurisdiction as required pursuant to section eleven hundred ten of the public health law, except that that part of the salary paid any teacher, supervisor or other employee of the board of cooperative educational services which is in excess of thirty thousand dollars shall not be such an approved expense, and except also that administrative and clerical expenses shall not exceed ten percent of the total expenses for purposes of this computation. **Provided however, that for teachers providing instruction in career and technical education to school age students, the salary, to be considered as an approved expense, shall not exceed thirty-four thousand dollars for the two thousand nineteen--two thousand twenty school year; thirty-eight thousand dollars for the two thousand twenty--two thousand twenty-one school year; forty-two thousand dollars for the two thousand twenty-one--two thousand twenty-two school year; forty-six thousand dollars for the two thousand twenty-two--two thousand twenty-three school year; and fifty thousand dollars for the two thousand twenty-three--two thousand twenty-four school year, and thereafter.** Any gifts, donations or interest earned by the board of cooperative educational services or on behalf of the board of cooperative educational services by the dormitory authority or any other source shall not be deducted in determining the cost of services allocated to each component school district. Any payments made to a component school district by the board of cooperative educational services pursuant to subdivision eleven of section six-p of the general municipal law attributable to an approved cost of service computed pursuant to this subdivision shall be deducted from the cost of services allocated to such component school district. The expense of transportation provided by the board of cooperative educational services pursuant to paragraph q of subdivision four of this section shall be eligible for aid apportioned pursuant to subdivision seven of section thirty-six hundred two of this chapter and no board of cooperative educational services transportation expense shall be an approved cost of services for the computation of aid under this subdivision. Transportation expense pursuant to paragraph q of subdivision four of this section

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

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

b. Aid for career education. There shall be apportioned to such city school districts and other school districts which were not components of a board of cooperative educational services in the base year for pupils in grades [~~ten~~] nine through twelve in attendance in career education programs as such programs are defined by the commissioner, subject for the purposes of this paragraph to the approval of the director of the budget, an amount for each such pupil to be computed by multiplying the career education aid ratio by [~~three~~] four thousand [~~nine~~] one hundred dollars. Such aid will be payable for weighted pupils attending career education programs operated by the school district and for weighted pupils for whom such school district contracts with boards of cooperative educational services to attend career education programs operated by a board of cooperative educational services. Weighted pupils for the purposes of this paragraph shall mean the sum of (i) the product of the attendance of students in grade nine multiplied by the special services phase-in factor plus (ii) the attendance of students in grades ten through twelve in career education sequences in trade, industrial, technical, agricultural or health programs plus the product of sixteen hundredths multiplied by the sum of (i) the product of the attendance of students in grade nine multiplied by the special services phase-in factor plus (ii) the attendance of students in grades ten through twelve in career education sequences in business and marketing as defined by the commissioner in regulations; provided that the special services phase-in factor shall be (i) for the two thousand twenty--two thousand twenty-one school year, twenty-five percent (0.25), (ii) for the two thousand twenty-one--two thousand twenty-two school year, fifty percent (0.5), (iii) for the two thousand twenty-two--two thousand twenty-three school year, seventy-five percent (0.75), and (iv) for the two thousand twenty-three--two thousand twenty-four school year and thereafter, one hundred percent (1.0). The career education aid ratio shall be computed by subtracting from one the product obtained by multiplying fifty-nine percent by the combined wealth ratio. This aid ratio shall be expressed as a decimal carried to three places without rounding, but not less than thirty-six percent.

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

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

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

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

that are used for the transportation of school children, all contracts for mobile instructional units, and all contracts to provide, maintain and operate cafeteria or restaurant service by a private food service management company shall be subject to the approval of the commissioner, who may disapprove a proposed contract if, in his **or her** opinion, the best interests of the district will be promoted thereby. Except as provided in paragraph e of this subdivision, all such contracts involving an annual expenditure in excess of the amount specified for purchase contracts in the bidding requirements of the general municipal law shall be awarded to the lowest responsible bidder, which responsibility shall be determined by the board of education or the trustee of a district, with power hereby vested in the commissioner to reject any or all bids if, in his **or her** opinion, the best interests of the district will be promoted thereby and, upon such rejection of all bids, the commissioner shall order the board of education or trustee of the district to seek, obtain and consider new proposals. All proposals for such transportation, maintenance, mobile instructional units, or cafeteria and restaurant service shall be in such form as the commissioner may prescribe. Advertisement for bids shall be published in a newspaper or newspapers designated by the board of education or trustee of the district having general circulation within the district for such purpose. Such advertisement shall contain a statement of the time when and place where all bids received pursuant to such advertisement will be publicly opened and read either by the school authorities or by a person or persons designated by them. All bids received shall be publicly opened and read at the time and place so specified. At least five days shall elapse between the first publication of such advertisement and the date so specified for the opening and reading of bids. The requirement for competitive bidding shall not apply to an award of a contract for the transportation of pupils or a contract for mobile instructional units, if such award is based on an evaluation of proposals in response to a request for proposals pursuant to paragraph e of this subdivision. The requirement for competitive bidding shall not apply to annual, biennial, or triennial extensions of a contract nor shall the requirement for competitive bidding apply to quadrennial or quinquennial year extensions of a contract involving transportation of pupils, maintenance of school buses or mobile instructional units secured either through competitive bidding or through evaluation of proposals in response to a request for proposals pursuant to paragraph e of this subdivision, when such extensions [~~(1)~~] **(i)** are made by the board of education or the trustee of a district, under rules and regulations prescribed by the commissioner, and, [~~(2)~~] **(ii)** do not extend the original contract period beyond five years from the date cafeteria and restaurant service commenced thereunder and in the case of contracts for the transportation of pupils, for the maintenance of school buses or for mobile instructional units, that such contracts may be extended, except that power is hereby vested in the commissioner, in addition to his **or her** existing statutory authority to approve or disapprove transportation or maintenance contracts, [~~(i)~~] **(A)** to reject any extension of a contract beyond the initial term thereof if he **or she** finds that amount to be paid by the district to the contractor in any year of such proposed extension fails to reflect any decrease in the regional consumer price index for the N.Y., N.Y.-Northeastern, N.J. area, based upon the index for all urban consumers (CPI-U) during the preceding twelve month period; and [~~(ii)~~] **(B)** to reject any extension of a contract after ten years from the date transportation or maintenance service commenced thereunder, or mobile

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

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

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

(d) 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 for expenses incurred in the two thousand nineteen--two thousand twenty school year and** thereafter.

§ 12. Paragraph (c) of subdivision 1 of section 2856 of the education law, as amended by section 4-a of part YYY of chapter 59 of the laws of 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

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

§ 16. Subdivision 5 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:

5. The governing board of such municipal corporation by resolution may authorize expenditures from a retirement contribution reserve fund. Except as otherwise provided by law, moneys in a retirement contribution reserve fund may only be expended (a) to finance 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, for appropriations authorized by law in order to offset all or a portion of the amount deducted from the moneys apportioned to the participating employer from the state for the support of common schools pursuant to section five hundred twenty-one of the education law. 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, expenditures from the retirement contribution reserve fund 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 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 may only be made from the sub-fund established pursuant to subdivision two-a of this section.

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

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

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

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

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

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

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

6-h. Building aid for testing and filtering of potable water systems for lead contamination. In addition to the apportionments payable to a school district pursuant to subdivision six of this section, the commissioner is hereby authorized to apportion to any school district additional building aid pursuant to this subdivision for its approved expenditures, otherwise ineligible for building aid, in the base year for the testing of potable water systems required pursuant to section eleven hundred ten of the public health law and for the installation of filters and/or other effective remedial measures for immediate remediation in cases where a finding of lead contamination is made pursuant to such section and verified by confirmatory sampling, provided that the cost of installation of such filters and/or other effective remedial measures shall be deemed an approved expenditure only if (i) such installation and/or other effective remedial measures have been approved or reviewed by a professional with expertise in the field of water quality and remediation and (ii) such cost is incurred prior to July first, two thousand nineteen. Such aid shall equal the product of the building aid ratio defined pursuant to paragraph c of subdivision six of this section and the actual approved expenditures incurred in the base year pursuant to this subdivision. **Commencing in the two thousand nineteen--two thousand twenty school year and every year thereafter, additional building aid pursuant to this subdivision shall include approved expenses for testing of potable water systems for lead contamination pursuant to section eleven hundred ten of the public health law.**

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

6-i. Building aid for periodic inspections of public 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 of any school district additional building aid in accordance with this subdivision for periodic inspections of public school buildings that are conducted pursuant to section four hundred nine-d and section four hundred nine-e of this chapter which are otherwise ineligible for building aid, provided that any such inspections shall be completed prior to June thirtieth, two thousand twenty-three.

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

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

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

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

1. Program establishment. The commissioner is authorized and directed to establish, develop and monitor a comprehensive public school building safety program which shall include a uniform inspection, safety rating and monitoring system. [~~Such~~] **Under such program, the commissioner may require periodic inspections of public school buildings as deemed necessary to maintain the safety of school buildings and the welfare of the occupants, and such** program shall establish a safety rating system for such school buildings to assess the need for maintenance, repairs, rehabilitation, reconstruction, construction and other improvements related to the structural integrity and overall safety of public school buildings including but not limited to building systems related to electrical, plumbing, heating, ventilation, and air conditioning, sanitation and health, fire and accident protection; and require that such ratings be used for the purpose of developing a buildings condition survey as required pursuant to subdivision four of section thirty-six hundred forty-one of this chapter and a five year facilities plan as required pursuant to clause (i) of subparagraph two of paragraph b of subdivision six of section thirty-six hundred two of this chapter.

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

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

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

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

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

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

school district pursuant to subdivision six of this section, beginning with debt service in the two thousand nineteen--two thousand twenty school year and thereafter, the commissioner is hereby authorized to apportion to any school district additional building aid pursuant to this subdivision for its approved debt service expenditures for financing the cost of a tax certiorari, where the total value of the bond exceeds the total general fund expenditures for the school district for the year prior to the year in which the school district first receives bond proceeds. In order to have such debt service expenditures approved, the school district shall submit to the commissioner, in a form he or she prescribes, documentation relating to the issuance of such bond, including but not limited to the original tax certiorari, the amortization schedule of such bond, and any other documentation deemed necessary. Provided, however, that in the event it refunds the original bond at any point, the school district shall provide such updated documentation as required by the commissioner, who shall adjust the annual approved expenditures accordingly. Such aid shall equal the product of the sum of (1) the building aid ratio defined pursuant to paragraph c of subdivision six of this section plus (2) one-tenth (0.1) multiplied by the actual approved debt service expenditures incurred in the base year pursuant to this subdivision.

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

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

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

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

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

PART B

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

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

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

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

required to show (1) that a simple majority of the ownership of the firm, in terms of financial interests, 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 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 provisions of this paragraph, a firm incorporated under this section may not have non-licensee owners if the firm's name includes the words "certified public accountant," or "certified public accountants," or the abbreviations "CPA" or "CPAs". Each non-licensee owner of a firm that is incorporated under this section shall be a natural person who actively participates in the business of the firm or its affiliated entities. For purposes of this subdivision, "actively participate" means to provide services to clients or to otherwise individually take part in the day-to-day business or management of the firm. Such a firm shall have attached to its certificate of incorporation a certificate or certificates demonstrating the firm's compliance with this paragraph, in lieu of the certificate or certificates required by subparagraph (ii) of paragraph (b) of this section.

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

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

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

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

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

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

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

(c) The directors and officers of any firm established for the business purpose of incorporating as a professional service corporation

pursuant to paragraph (h) of section fifteen hundred three of this article may include individuals who are not licensed to practice public accountancy, provided however that at least fifty-one percent of the directors, at least fifty-one percent of the officers and the president, the chairperson of the board of directors and the chief executive officer or officers are authorized by law to practice in 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 [~~or~~], 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

section 1510 of this article, within sixty days of receiving written notice of such transfer. Any sale or transfer, except by operation of law or court decree or except for a corporation having only one shareholder, may be made only after the same shall have been approved by the board of directors, or at a shareholders' meeting specially called for such purpose by such proportion, not less than a majority, of the outstanding shares as may be provided in the certificate of incorporation or in the by-laws of such professional service corporation. At such shareholders' meeting the shares held by the shareholder proposing to sell or transfer his shares may not be voted or counted for any purpose, unless all shareholders consent that such shares be voted or counted. The certificate of incorporation or the by-laws of the professional service corporation, or the professional service corporation and the shareholders by private agreement, may provide, in lieu of or in addition to the foregoing provisions, for the alienation of shares and may require the redemption or purchase of such shares by such corporation at prices and in a manner specifically set forth therein. The existence of the restrictions on the sale or transfer of shares, as contained in this article and, if applicable, in the certificate of incorporation, by-laws, stock purchase or stock redemption agreement, shall be noted conspicuously on the face or back of every certificate for shares issued by a professional service corporation. Any sale or transfer in violation of such restrictions shall be void.

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

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

(a) Notwithstanding any other provision of law, the name of a professional service corporation, including a design professional service corporation **and 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 contain any word which, at the time of incorporation, could be used in the name of a partnership practicing a profession which the corporation is authorized to practice, and may not contain any word which could not be used by such a partnership. Provided, however, the name of a professional service corporation may not contain the name of a deceased person unless

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

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

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

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

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

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

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

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

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

§ 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-

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

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

(q) Each partner of a registered limited liability partnership formed to provide medical services in this state must be licensed pursuant to article 131 of the education law to practice medicine in this state and each partner of a registered limited liability partnership formed to provide dental services in this state must be licensed pursuant to article 133 of the education law to practice dentistry in this state. Each partner of a registered limited liability partnership formed to provide veterinary services in this state must be licensed pursuant to article 135 of the education law to practice veterinary medicine in this state. Each partner of a registered limited liability partnership formed to provide public accountancy services, whose principal place of business is in this state and who provides public accountancy services, must be licensed pursuant to article 149 of the education law to practice public accountancy in this state. Each partner of a registered limited liability partnership formed to provide professional engineering, land surveying, geological services, architectural and/or landscape architectural services in this state must be licensed pursuant to article 145, article 147 and/or article 148 of the education law to practice one or more of such professions in this state. Each partner of a registered limited liability partnership formed to provide licensed clinical social work services in this state must be licensed pursuant to article 154 of the education law to practice clinical social work in this state. Each partner of a registered limited liability partnership formed to provide creative arts therapy services in this state must be licensed pursuant to article 163 of the education law to practice creative arts therapy in this state. Each partner of a registered limited liability partnership formed to provide marriage and family therapy services in this state must be licensed pursuant to article 163 of the education law to practice marriage and family therapy in this state. Each partner of a registered limited liability partnership formed to provide mental health counseling services in this state must be licensed pursuant to article 163 of the education law to practice mental health counseling in this state. Each partner of a registered limited liability partnership formed to provide psychoanalysis services in this state must be licensed pursuant to article 163 of the education law to practice psychoanalysis in this state. Each partner of a registered limited liability partnership formed to provide applied behavior analysis service in this state must be licensed or certified pursuant to article 167 of the education law to practice applied behavior analysis in this state. Notwithstanding any other provisions of law a limited liability partnership formed to lawfully engage in the practice of public accountancy, as such practice is respectively defined under article 149 of the education law, shall be required to show (1) that a simple majority of the ownership of the firm, in terms of financial interests, including ownership-based compensation, and voting rights held by the firm's owners, belongs to individuals licensed to practice public accountancy in some state, and (2) that all partners of a limited liability partnership whose principal place of business is in this state, and who are engaged in the practice of public accountancy in this state, hold a valid license issued under section 7404 of the education law or are public accountants licensed under section 7405 of the education law. Although firms may include non-licen-

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

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

(q) Each partner of a foreign limited liability partnership which provides medical services in this state must be licensed pursuant to article 131 of the education law to practice medicine in the state and each partner of a foreign limited liability partnership which provides dental services in the state must be licensed pursuant to article 133 of the education law to practice dentistry in this state. Each partner of a foreign limited liability partnership which provides veterinary service in the state shall be licensed pursuant to article 135 of the education law to practice veterinary medicine in this state. Each partner of a foreign limited liability partnership which provides professional engineering, land surveying, geological services, architectural and/or landscape architectural services in this state must be licensed pursuant to article 145, article 147 and/or article 148 of the education law to practice one or more of such professions. Each partner of a foreign registered limited liability partnership formed to provide public accountancy services, whose principal place of business is in this state and who provides public accountancy services, must be licensed pursuant to article 149 of the education law to practice public accountancy in this state. Each partner of a foreign limited liability partnership which provides licensed clinical social work services in this state must be licensed pursuant to article 154 of the education law to practice licensed clinical social work in this state. Each partner of a foreign limited liability partnership which provides creative arts therapy services in this state must be licensed pursuant to article 163 of the education law to practice creative arts therapy in this state. Each partner of a foreign limited liability partnership which provides marriage and family therapy services in this state must be licensed pursuant to article 163 of the education law to practice marriage and family therapy in this state. Each partner of a foreign limited liability partnership which provides mental health counseling services in this state must be licensed pursuant to article 163 of the education law to practice mental health counseling in this state. Each partner of a foreign limited liability partnership which provides psychoanalysis services in this state must be licensed pursuant to article 163 of the education law to practice psychoanalysis in this state. Each partner of a foreign limited liability partnership which provides applied behavior analysis services in this state must be licensed or certified pursuant to article 167 of the education law to practice applied behavior analysis in this state. Notwithstanding any other provisions of law a

foreign limited liability partnership formed to lawfully engage in the practice of public accountancy, as such practice is respectively defined under article 149 of the education law, shall be required to show (1) that a simple majority of the ownership of the firm, in terms of financial interests, including ownership-based compensation, and voting rights held by the firm's owners, belongs to individuals licensed to practice public accountancy in some state, and (2) that all partners of a foreign limited liability partnership whose principal place of business is in this state, and who are engaged in the practice of public accountancy in this state, hold a valid licence issued under section 7404 of the education law or are public accountants licensed under section 7405 of the education law. Although firms may include non-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 incorporated under this section shall be (1) a natural person who actively participates in the business of the firm or its affiliated entities, or (2) an entity, including, but not limited to, a partnership or professional corporation, provided each beneficial owner of an equity interest in such entity is a natural person who actively participates in the business conducted by the firm or its affiliated entities. For purposes of this subdivision, "actively participate" means to provide services to clients or to otherwise individually take part in the day-to-day business or management of the firm.

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

(h) "Limited partnership" and "domestic limited partnership" mean, unless the context otherwise requires, a partnership (i) formed by two or more persons pursuant to this article or which complies with subdivision (a) of section 121-1202 of this article and (ii) having one or more general partners and one or more limited partners. Notwithstanding any other provisions of law a limited partnership or domestic limited partnership formed to lawfully engage in the practice of public accountancy, as such practice is respectively defined under article 149 of the education law shall be required to show (1) that a simple majority of the ownership of the firm, in terms of financial interests, including ownership-based compensation, and voting rights held by the firm's owners, belongs to individuals licensed to practice public accountancy in some state, and (2) that all partners of a limited partnership or domestic limited partnership, whose principal place of business is in this state, and who are engaged in the practice of public accountancy in this state, hold a valid license issued under section 7404 of the education law or are public accountants licensed under section 7405 of the education law. Although firms may include non-licensee owners, the firm and its owners must comply with rules promulgated by the state board of regents. Notwithstanding the foregoing, a firm registered under this section may not have non-licensee owners if the firm's name includes the words "certified public accountant," or "certified public accountants," or the abbreviations "CPA" or "CPAs." Each non-licensee owner of a firm that is registered under this section shall be (1) a natural person who actively participates in the business of the firm or its affiliated entities, or (2) an entity, including, but not limited to, a partnership or professional corporation, provided each beneficial owner of an equity interest in such entity is a natural person who actively participates in the

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

§ 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

such limited liability company must be licensed pursuant to article 163 of the education law to practice psychoanalysis in this state. With respect to a professional service limited liability company formed to provide applied behavior analysis services as such services are defined in article 167 of the education law, each member of such limited liability company must be licensed or certified pursuant to article 167 of the education law to practice applied behavior analysis in this state. **Notwithstanding any other provisions of law a professional service limited liability company formed to lawfully engage in the practice of public accountancy, as such practice is respectively defined under article 149 of the education law shall be required to show (1) that a simple majority of the ownership of the firm, in terms of financial interests, 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 members of a limited professional service limited liability company, whose principal place of business is in this state, and who are engaged in the practice of public accountancy in this state, hold a valid license issued under section 7404 of the education law or are public accountants licensed under section 7405 of the education law. Although firms may include non-licensee owners, the firm and its owners must comply with rules promulgated by the state board of regents. Notwithstanding the foregoing, a firm registered under this section may not have non-licensee owners if the firm's name includes the words "certified public accountant," or "certified public accountants," or the abbreviations "CPA" or "CPAs." Each non-licensee owner of a firm that is registered under this section shall be (1) a natural person who actively participates in the business of the firm or its affiliated entities, or (2) an entity, including, but not limited to, a partnership or professional corporation, provided each beneficial owner of an equity interest in such entity is a natural person who actively participates in the business conducted by the firm or its affiliated entities. For purposes of this subdivision, "actively participate" means to provide services to clients or to otherwise individually take part in the day-to-day business or management of the firm.**

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

(a) "Foreign professional service limited liability company" means a professional service limited liability company, whether or not denominated as such, organized under the laws of a jurisdiction other than this state, (i) each of whose members and managers, if any, is a professional authorized by law to render a professional service within this state and who is or has been engaged in the practice of such profession in such professional service limited liability company or a predecessor entity, or will engage in the practice of such profession in the professional service limited liability company within thirty days of the date such professional becomes a member, or each of whose members and managers, if any, is a professional at least one of such members is authorized by law to render a professional service within this state and who is or has been engaged in the practice of such profession in such professional service limited liability company or a predecessor entity, or will engage in the practice of such profession in the professional service limited liability company within thirty days of the date such professional becomes a member, or (ii) authorized by, or holding a license, certificate, registration or permit issued by the licensing authority pursuant to, the education law to render a professional

service within this state; except that all members and managers, if any, of a foreign professional service limited liability company that provides health services in this state shall be licensed in this state. With respect to a foreign professional service limited liability company which provides veterinary services as such services are defined in article 135 of the education law, each member of such foreign professional service limited liability company shall be licensed pursuant to article 135 of the education law to practice veterinary medicine. With respect to a foreign professional service limited liability company which provides medical services as such services are defined in article 131 of the education law, each member of such foreign professional service limited liability company must be licensed pursuant to article 131 of the education law to practice medicine in this state. With respect to a foreign professional service limited liability company which provides dental services as such services are defined in article 133 of the education law, each member of such foreign professional service limited liability company must be licensed pursuant to article 133 of the education law to practice dentistry in this state. With respect to a foreign professional service limited liability company which provides professional engineering, land surveying, geologic, architectural and/or landscape architectural services as such services are defined in article 145, article 147 and article 148 of the education law, each member of such foreign professional service limited liability company must be licensed pursuant to article 145, article 147 and/or article 148 of the education law to practice one or more of such professions in this state. **With respect to a foreign professional service limited liability company which provides public accountancy services as such services are defined in article 149 of the education law, each member of such foreign professional service limited liability company whose principal place of business is in this state and who provides public accountancy services, shall be licensed pursuant to article 149 of the education law to practice public accountancy in this state.** With respect to a foreign professional service limited liability company which provides licensed clinical social work services as such services are defined in article 154 of the education law, each member of such foreign professional service limited liability company shall be licensed pursuant to article 154 of the education law to practice clinical social work in this state. With respect to a foreign professional service limited liability company which provides creative arts therapy services as such services are defined in article 163 of the education law, each member of such foreign professional service limited liability company must be licensed pursuant to article 163 of the education law to practice creative arts therapy in this state. With respect to a foreign professional service limited liability company which provides marriage and family therapy services as such services are defined in article 163 of the education law, each member of such foreign professional service limited liability company must be licensed pursuant to article 163 of the education law to practice marriage and family therapy in this state. With respect to a foreign professional service limited liability company which provides mental health counseling services as such services are defined in article 163 of the education law, each member of such foreign professional service limited liability company must be licensed pursuant to article 163 of the education law to practice mental health counseling in this state. With respect to a foreign professional service limited liability company which provides psychoanalysis services as such services are defined in article 163 of the education law, each member of such foreign

professional service limited liability company must be licensed pursuant to article 163 of the education law to practice psychoanalysis in this state. With respect to a foreign professional service limited liability company which provides applied behavior analysis services as such services are defined in article 167 of the education law, each member of such foreign professional service limited liability company must be licensed or certified pursuant to article 167 of the education law to practice applied behavior analysis in this state. **Notwithstanding any other provisions of law a foreign professional service limited liability company formed to lawfully engage in the practice of public accountancy, as such practice is respectively defined under article 149 of the education law shall be required to show (1) that a simple majority of the ownership of the firm, in terms of financial interests, 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 members of a foreign limited professional service limited liability company, whose principal place of business is in this state, and who are engaged in the practice of public accountancy in this state, hold a valid license issued under section 7404 of the education law or are public accountants licensed under section 7405 of the education law. Although firms may include non-licensee owners, the firm and its owners must comply with rules promulgated by the state board of regents. Notwithstanding the foregoing, a firm registered under this section may not have non-licensee owners if the firm's name includes the words "certified public accountant," or "certified public accountants," or the abbreviations "CPA" or "CPAs." Each non-licensee owner of a firm that is registered under this section shall be (1) a natural person who actively participates in the business of the firm or its affiliated entities, or (2) an entity, including, but not limited to, a partnership or professional corporation, provided each beneficial owner of an equity interest in such entity is a natural person who actively participates in the business conducted by the firm or its affiliated entities. For purposes of this subdivision, "actively participate" means to provide services to clients or to otherwise individually take part in the day-to-day business or management of the firm.**

§ 15. This act shall take effect immediately.

PART C

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

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

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

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

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

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

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

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

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

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

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

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

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

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

4. The notice of liability shall be prepared and mailed by the respective law enforcement agency having jurisdiction over the location where the violation occurred.

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

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

(j) Where the adjudication of liability imposed upon owners pursuant to this section is by an administrative tribunal, traffic violations bureau, or a court having jurisdiction, an owner who is a lessor of a vehicle to which a notice of liability was issued pursuant to subdivision (g) of this section shall not be liable for the violation of subdivision (a) of section eleven hundred seventy-four of this title, provided that he or she sends to the administrative tribunal, traffic violations bureau, or court having jurisdiction a copy of the rental, lease or other such contract document covering such vehicle on the date of the violation, with the name and address of the lessee clearly legible, within thirty-seven days after receiving notice from the bureau or court of the date and time of such violation, together with the other information contained in the original notice of liability. Failure to send such information within such thirty-seven day time period shall render the owner liable for the penalty prescribed by this section. Where the lessor complies with the provisions of this paragraph, the lessee of such vehicle on the date of such violation shall be deemed to be the owner of such vehicle for purposes of this section, shall be subject to liability for the violation of subdivision (a) of section eleven hundred seventy-four of this title pursuant to this section and shall be sent a notice of liability pursuant to subdivision (g) of this section.

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

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

2. Notwithstanding any other provision of this section, no owner of a vehicle shall be subject to a monetary fine imposed pursuant to this section if the operator of such vehicle was operating such vehicle without the consent of the owner at the time such operator was found to have been overtaking or passing a school bus. For purposes of this subdivision there shall be a presumption that the operator of such vehicle was operating such vehicle with the consent of the owner at the time such operator was found to have been overtaking or passing a school bus.

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

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

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

2. the aggregate number of annual incidents of violations of subdivision (a) of section eleven hundred seventy-four of this title within the district;

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

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

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

6. the number of violations adjudicated and results of such adjudications including breakdowns of dispositions made for violations recorded by such systems;

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

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

9. quality of the adjudication process and its results.

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

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

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

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

§ 5. This act shall take effect immediately.

PART D

Intentionally Omitted

PART E

Intentionally Omitted

PART F

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

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

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

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

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

§ 2. This act shall take effect immediately.

PART G

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

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

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

§ 3. This act shall take effect immediately.

PART H

Intentionally Omitted

PART I

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

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

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

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

(i) prospective employee of such program that is not already required to be cleared pursuant to paragraph (a) of this subdivision; 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, any person who is employed in a residential foster care program that has not previously had a clearance conducted pursuant to this section in connection to such employment.

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

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

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

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

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

(i) **(A)** Subject to the provisions of subdivision seven of this section, a provider 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 any person who is actively being considered for employment and who will have 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. Such agency may inquire of the office and the office shall inform such agency and the subject of the inquiry whether any person who is currently employed and who has the potential for regular and substantial contact with individuals who are 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

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

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

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

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

PART K

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

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

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

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

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

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

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

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

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

[~~(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.

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

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

CUSTODY [~~AND DETENTION~~]

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

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

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

~~3. Detention of a person alleged to be or adjudicated as a person in need of supervision shall, except as provided in subdivision four of this section, be authorized only in a foster care program certified by the office of children and family services, or a certified or approved family boarding home, or a non-secure detention facility certified by the office and in accordance with section seven hundred thirty-nine of this article. The setting of the detention shall take into account (a) 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 (b) the existing educational setting of such person and the proximity of such setting to the location of the detention setting.~~

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

~~5. (a) The court shall not order or direct detention under this article, unless the court determines 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~~

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

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

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

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

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

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

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

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

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

~~(i) whether continuation of the respondent in the respondent's home would be contrary to the best interests of the respondent based upon, and limited to, the facts and circumstance available to the court at the 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 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-G 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

securing order of a criminal court if the person named therein as principal is under seventeen years of age; or

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

7. The agency administering detention for each county and the city of New York shall submit to the office of children and family services, at such times and in such form and manner and containing such information as required by the office of children and family services, an annual report on youth remanded pursuant to article three or seven of the family court act who are detained during each calendar year including, commencing January first, two thousand twelve, the risk level of each detained youth as assessed by a detention risk assessment instrument approved by the office of children and family services **provided, however, that the report due January first, two thousand twenty-one and thereafter shall not be required to contain any information on youth who are subject to article seven of the family court act**. The office may require that such data on detention use be submitted to the office electronically. Such report shall include, but not be limited to, the reason for the court's determination in accordance with section 320.5 or seven hundred thirty-nine of the family court act to detain the youth; the offense or offenses with which the youth is charged; and all other reasons why the youth remains detained. The office shall submit a compilation of all the separate reports to the governor and the legislature.

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

§ 23. 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.

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

PART L

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

(a) in the case of each individual receiving family care, an amount equal to at least [~~$144.00~~] **$148.00** for each month beginning on or after 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, [~~$1,220.00~~] $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

PART O

Section 1. This Part enacts into law major components of legislation which are necessary to improve employee rights. 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

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

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

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

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

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

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

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

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

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

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

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

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

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

§ 6. Subdivision 1 of section 10 of the lien law, as amended by chapter 367 of the laws of 2011, is amended to read as follows:

1. **(a)** Notice of **mechanic's** lien may be filed at any time during the progress of the work and the furnishing of the materials, or, within eight months after the completion of the contract, or the final performance of the work, or the final furnishing of the materials, dating from the last item of work performed or materials furnished; provided, however, that where the improvement is related to real property improved or to be improved with a single family dwelling, the notice of **mechanic's** lien may be filed at any time during the progress of the work and the furnishing of the materials, or, within four months after the completion of the contract, or the final performance of the work, or the final furnishing of the materials, dating from the last item of work performed or materials furnished; and provided further where the notice of **mechanic's** lien is for retainage, the notice of **mechanic's** lien may be filed within ninety days after the date the retainage was due to be released; except that in the case of a **mechanic's** lien by a real estate broker, the notice of **mechanic's** lien may be filed only after the performance of the brokerage services and execution of lease by both lessor and lessee and only if a copy of the alleged written agreement of employment or compensation is annexed to the notice of lien, provided that where the payment pursuant to the written agreement of employment or compensation is to be made in installments, then a notice of lien may be filed within eight months after the final payment is due, but in no event later than a date five years after the first payment was made. For purposes of this section, the term "single family dwelling" shall not include a dwelling

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

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

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

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

§ 11. Service of copy of notice of lien. **1.** Within five days before or thirty days after filing the notice of **a mechanic's** lien, the lienor shall serve a copy of such notice upon the owner, if a natural person, (a) by delivering the same to him personally, or if the owner cannot be found, to his agent or attorney, or (b) by leaving it at his last known place of residence in the city or town in which the real property or some part thereof is situated, with a person of suitable age and discretion, or (c) by registered or certified mail addressed to his last known place of residence, or (d) if such owner has no such residence in such city or town, or cannot be found, and he has no agent or attorney, 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; if the owner 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. 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 contractor or other person claiming 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

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

§ 10. Subdivision 1 of section 13 of the lien law, as amended by chapter 878 of the laws of 1947, is amended to read as follows:

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

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

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

be continued by such extension for more than one year from the filing thereof. In the event an action is not commenced to foreclose the lien within such extended period, such lien shall be extinguished unless an order be granted by a court of record or a judge or justice thereof, continuing such lien, and such lien shall be redocketed as of the date of granting such order and a statement made that such lien is continued by virtue of such order. A lien on real property improved or to be improved with a single family dwelling may only be extended by an order of a court of record, or a judge or justice thereof. No lien shall be continued by court order for more than one year from the granting thereof, but a new order and entry may be made in each of two successive years. If a lienor is made a party defendant in an action to enforce another lien, and the plaintiff or such defendant has filed a notice of the pendency of the action within the time prescribed in this section, the lien of such defendant is thereby continued. Such action shall be deemed an action to enforce the lien of such defendant lienor. The failure to file a notice of pendency of action shall not abate the action as to any person liable for the payment of the debt specified in the notice of lien, and the action may be prosecuted to judgment against such person. The provisions of this section in regard to continuing liens shall apply to liens discharged by deposit or by order on the filing of an undertaking. Where a lien is discharged by deposit or by order, a notice of pendency of action shall not be filed.

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

2. (a) No employee's lien on real property shall be a lien for a longer period than one year after the notice of lien has been filed, unless an extension to such lien is filed with the county clerk of the county in which the notice of lien is filed within one year from the filing of the original notice of lien, continuing such lien and such lien shall be redocketed as of the date of filing such extension. Such extension shall contain the names of the lienor and the owner of the real property against whose interest therein such lien is claimed, a brief description of the property affected by such lien, the amount of such lien, and the date of filing the notice of lien. No lien shall be continued by such extension for more than one year from the filing thereof. In the event an action is not commenced to obtain judgment on the wage claim or to foreclose the lien within such extended period, such lien shall be extinguished unless an order be granted by a court of record or a judge or justice thereof, continuing such lien, and such lien shall be redocketed as of the date of granting such order and a statement made that such lien is continued by virtue of such order.

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

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

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

(d) Notwithstanding the foregoing, if a lienor commences a foreclosure action or an action to obtain a judgment on the wage claim within one year from the filing of the notice of lien on real property or the recording of the financing statement creating lien on personal property, the lien shall be extended during the pendency of the action and for one hundred twenty days following the entry of final judgment in such action, unless the action results in a final judgment or administrative order in the lienor's favor on the wage claims and the lienor commences a foreclosure action, in which instance the lien shall be valid during the pendency of the foreclosure action. If a lien is extended due to the pendency of a foreclosure action or an action to obtain a judgment on the wage claim, the lienor shall file a notice of such pendency and extension with the county clerk of the county in which the notice of lien is filed, containing the names of the parties to the action, the object of the action, a brief description of the property affected thereby, and the time of filing the notice of lien, or in the case of a lien on personal property shall file such notice with the office authorized to accept financing statements pursuant to section 9-501 of the uniform commercial code. For purposes of this section, an action to obtain judgment on a wage claim includes an action brought in any court of competent jurisdiction, the submission of a complaint to the department of labor or the submission of a claim to arbitration pursuant to an arbitration agreement. An action also includes an investigation of wage claims by the commissioner of labor or the attorney general of the state of New York, regardless of whether such investigation was initiated by a complaint.

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

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

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

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

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

a. The execution of any such bond or undertaking by any fidelity or surety company authorized by the laws of this state to transact business, shall be sufficient; and where a certificate of qualification has been issued by the superintendent of financial services under the provisions of section one thousand one hundred eleven of the insurance law, and has not been revoked, no justification or notice thereof shall be necessary. Any such company may execute any such bond or undertaking as surety by the hand of its officers, or attorney, duly authorized thereto by resolution of its board of directors, a certified copy of which resolution, under the seal of said company, shall be filed with each bond or undertaking. Any such bond or undertaking shall be filed with the clerk of the county in which the notice of lien is filed, and a copy shall be served upon the adverse party. The undertaking is effective when so served and filed. If a certificate of qualification issued pursuant to subsections (b), (c) and (d) of section one thousand one hundred eleven of the insurance law is not filed with the undertaking, a party may except, to the sufficiency of a surety and by a written notice of exception served upon the adverse party within ten days after receipt, a copy of the undertaking. Exceptions deemed by the court to have been taken unnecessarily, or for vexation or delay, may, upon notice, be set aside, with costs. Where no exception to sureties is taken within ten days or where exceptions taken are set aside, the undertaking shall be allowed.

b. In the case of bonds or undertakings not executed pursuant to paragraph a of this subdivision, the **employer,** owner or contractor shall execute an undertaking with two or more sufficient sureties, who shall be free holders, to the clerk of the county where the premises are situated. The sureties must together justify in at least double the sum named in the undertaking. A copy of the undertaking, with notice that the sureties will justify before the court, or a judge or justice thereof, at the time and place therein mentioned, must be served upon the lienor or his attorney, not less than five days before such time. Upon the approval of the undertaking by the court, judge or justice an order shall be made by such court, judge or justice discharging such lien.

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

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

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

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

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

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

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

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

and which have not been discharged as in this article provided, shall be subordinate to the lien of such trust bond and mortgage or such trust note and mortgage to the extent of the aggregate amount of all certificates of interest therein issued by such trustee or trustees, or their successors, for moneys loaned, materials furnished, labor performed and any other indebtedness incurred after said trust mortgage shall have been recorded, and for expenses in connection with said trust mortgage, and shall also be subordinate to the lien of the bond and mortgage or note and mortgage, given to secure the amount agreed to be advanced under such contract for a building loan to the extent of the amount which shall be advanced by the holder of such bond and mortgage or such note and mortgage to the trustee or trustees, or their successors, under such assignment. The provisions of this section shall apply to all bonds and mortgages and notes and mortgages and all assignments of moneys due, or to become due under building loan contracts executed by such owner, in like manner, and recorded or filed, from time to time as hereinbefore provided. In case of an assignment to trustees under the provisions of this section, the trustees and their successors shall be the agents of the assignor to receive and receipt for any and all sums advanced by the holder of the building loan bond and mortgage or the building loan note and mortgage under the building loan contract and such assignment. No lienor shall have any priority over the bond and mortgage or note and mortgage given to secure the money agreed to be advanced under a building loan contract or over the advances made thereunder, by reason of any act preceding the making and approval of such assignment.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

3. Each employee and his or her authorized representative shall be notified in writing**, of the termination of the commissioner's investigation of the employee's complaint and the result of such investigation,** of any award and collection of back wages and civil penalties, and of any intent to seek criminal penalties. In the event that criminal penalties are sought the employee and his or her authorized representative shall be notified of the outcome of prosecution.

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

2. By commissioner. On behalf of any employee paid less than the wage to which the employee is entitled under the provisions of this article, the commissioner may bring any legal action necessary, including administrative action, to collect such claim, and the employer shall be required to pay the full amount of the underpayment, plus costs, and unless the employer proves a good faith basis to believe that its underpayment was in compliance with the law, an additional amount as liquidated damages. Liquidated damages shall be calculated by the commissioner as no more than one hundred percent of the total amount of underpayments found to be due the employee. In any action brought by the commissioner in a court of competent jurisdiction, liquidated damages shall be calculated as an amount equal to one hundred percent of underpayments found to be due the employee. **Each employee or his or her authorized representative shall be notified in writing of the outcome of**

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

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

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

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

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

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

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

(b) Confirmation of order. Except where an order of attachment is granted on the ground specified in subdivision one or six of section 6201, an order of attachment granted without notice shall provide that within a period not to exceed five days after levy, the plaintiff shall move, on such notice as the court shall direct to the defendant, the garnishee, if any, and the sheriff, for an order confirming the order of attachment. Where an order of attachment without notice is granted on the ground specified in subdivision one or six of section 6201, the court shall direct that the statement required by section 6219 be served within five days, that a copy thereof be served upon the plaintiff, and the plaintiff shall move within ten days after levy for an order confirming the order of attachment. If the plaintiff upon such motion shall show that the statement has not been served and that the plaintiff will be unable to satisfy the requirement of subdivision (b) of section 6223 until the statement has been served, the court may grant one extension of the time to move for confirmation for a period not to exceed ten days. If plaintiff fails to make such motion within the required period, the order of attachment and any levy thereunder shall have no further

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

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

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

2. On a motion for an attachment pursuant to subdivision six of section 6201, the court shall order that the plaintiff give an accessible undertaking of no more than five hundred dollars, or in the alternative, may waive the undertaking altogether. The attorney for the plaintiff shall not be liable to the sheriff for such fees. The surety on the undertaking shall not be discharged except upon notice to the sheriff.

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

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

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

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

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

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

(b) Any person who shall have been a shareholder of record of a corporation**, or who is or shall have been a laborer, servant or employee,** upon at least five days' written demand shall have the right to examine in person or by agent or attorney, during usual business hours, its minutes of the proceedings of its shareholders and record of shareholders and to make extracts therefrom for any purpose reasonably related to such person's interest as a shareholder**, laborer, servant or employee**. Holders of voting trust certificates representing shares of the corporation shall be regarded as shareholders for the purpose of this section. Any such agent or attorney shall be authorized in a writing that satisfies the requirements of a writing under paragraph (b) of section 609 (Proxies). A corporation requested to provide information pursuant to this paragraph shall make available such information in written form and in any other format in which such information is maintained by the corporation and shall not be required to provide such information in any other format. If a request made pursuant to this paragraph includes a request to furnish information regarding beneficial owners, the corporation shall make available such information in its possession regarding beneficial owners as is provided to the corporation by a registered broker or dealer or a bank, association or other entity that exercises fiduciary powers in connection with the forwarding of information to such owners. The corporation shall not be required to obtain information about beneficial owners not in its possession.

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

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

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

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

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

(c) A shareholder who has paid more than his pro rata share under this section shall be entitled to contribution pro rata from the other shareholders liable under this section with respect to the excess so paid, over and above his pro rata share, and may sue them jointly or severally or any number of them to recover the amount due from them. Such recovery may be had in a separate action. As used in this paragraph, "pro rata" means in proportion to beneficial share interest. Before a shareholder may claim contribution from other shareholders under this paragraph, he shall[~~, unless they have been given notice by a laborer, servant or employee under paragraph (a),~~] give them notice in writing that he intends to hold them so liable to him. Such notice shall be given by him within twenty days after the date that [~~notice was given to him by~~] **he became aware that** a laborer, servant or employee **may seek to hold him liable** under paragraph (a).

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

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

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

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

demand shall have the right to examine in person or by agent or attorney, during usual business hours, records described in paragraph two of subdivision (a) of this section throughout the period of time during which such laborer, servant or employee provided services to such company. A company requested to provide information pursuant to this paragraph shall make available such records in written form and in any other format in which such information is maintained by the company and shall not be required to provide such information in any other format. Upon refusal by the company or by an officer or agent of the company to permit an inspection of the records described in this paragraph, the person making the demand for inspection may apply to the supreme court in the judicial district where the office of the company is located, upon such notice as the court may direct, for an order directing the company, its members or managers to show cause why an order should not be granted permitting such inspection by the applicant. Upon the return day of the order to show cause, the court shall hear the parties summarily, by affidavit or otherwise, and if it appears that the applicant is qualified and entitled to such inspection, the court shall grant an order compelling such inspection and awarding such further relief as to the court may seem just and proper. If the applicant is found to be qualified and entitled to such inspection, the company shall pay all reasonable attorney's fees and costs of said applicant related to the demand for inspection of the records.

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

SUBPART B

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

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

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

§ 155.50 Wage theft; definition.

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

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

§ 155.55 Wage theft in the fifth degree.

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

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

§ 4. The penal law is amended by adding a new section 155.60 to read 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

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 P

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

§ 522. Total unemployment. "Total unemployment" **or "totally unemployed"** means the [~~total~~] lack of any employment [~~on~~] **in** any [~~day~~] **week**. The term "employment" as used in this section means any employment including that not defined in this title.

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

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

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

§ 524. Week of employment. For purposes of this article, "week of employment" shall mean a Monday through Sunday period during which a claimant was paid remuneration for employment for an employer or employers liable for contributions or for payments in lieu of contributions under this article. **A claimant who is employed on a shift continuing through midnight is deemed to have been employed on the day beginning before midnight with respect to such shift, except where night shift employees are regularly scheduled to start their work week at seven post meridiem or thereafter on Sunday night, their regularly scheduled starting 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

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

(iv) In those instances where a combined wage claim is filed pursuant to interstate reciprocal agreements and the claimant's last employer prior to the filing of the claim is an out-of-state employer and such employer is not a base-period employer, benefit payments [~~equaling the first twenty-eight effective days of benefits~~] **in an amount equal to the benefits paid for seven weeks of total unemployment** as otherwise prescribed by this section shall be charged to the general account. In those instances where the out-of-state employer is the last employer prior to the filing of the claim for benefits and a base-period employer such employer shall be liable for charges for all benefits paid on such claim in the same proportion that the remuneration paid by such employer during the base period bears to the remuneration paid by all employers during the base period. In addition, benefit payment charges [~~for the twenty-eight effective days of benefits~~] **in an amount equal to the benefits paid for seven weeks of total unemployment** other than those chargeable to the out-of-state employer as prescribed above shall be made to the general account.

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

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

3. Compensable periods. Benefits shall be paid for each [~~accumulation of effective days within a~~] week **of partial unemployment or total unemployment**.

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

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

alternate base period. However, for any claimant who has remuneration paid in all four calendar quarters during his or her base period or alternate base period and whose high calendar quarter remuneration during the base period is three thousand five hundred seventy-five dollars or less, the benefit amount shall be one twenty-fifth of the remuneration paid during the highest calendar quarter of the base period by employers liable for contributions or payments in lieu of contributions under this article. A claimant's weekly benefit shall be one twenty-sixth of the average remuneration paid in the two highest quarters paid during the base period or alternate base period by employers liable for contributions or payments in lieu of contributions under this article when the claimant has remuneration paid in two or three calendar quarters provided however, that a claimant whose high calendar quarter is four thousand dollars or less but greater than three thousand five hundred seventy-five dollars shall have a weekly benefit amount of one twenty-sixth of such high calendar quarter. However, for any claimant who has remuneration paid in two or three calendar quarters during his or her base period or alternate base period and whose high calendar quarter remuneration during the base period is three thousand five hundred seventy-five dollars or less, the benefit amount shall be one twenty-fifth of the remuneration paid during the highest calendar quarter of the base period by employers liable for contributions or payments in lieu of contributions under this article. Any claimant whose high calendar quarter remuneration during the base period is more than three thousand five hundred seventy-five dollars shall not have a weekly benefit amount less than one hundred forty-three dollars. The weekly benefit amount, so computed, that is not a multiple of one dollar shall be lowered to the next multiple of one dollar. On the first Monday of September, nineteen hundred ninety-eight the weekly benefit amount shall not exceed three hundred sixty-five dollars nor be less than forty dollars, until the first Monday of September, two thousand, at which time the maximum benefit payable pursuant to this subdivision shall equal one-half of the state average weekly wage for covered employment as calculated by the department no sooner than July first, two thousand and no later than August first, two thousand, rounded down to the lowest dollar. On and after the first Monday of October, two thousand fourteen, the weekly benefit shall not be less than one hundred dollars, nor shall it exceed four hundred twenty dollars until the first Monday of October, two thousand fifteen when the maximum benefit amount shall be four hundred twenty-five dollars, until the first Monday of October, two thousand sixteen when the maximum benefit amount shall be four hundred thirty dollars, until the first Monday of October, two thousand seventeen when the maximum benefit amount shall be four hundred thirty-five dollars, until the first Monday of October, two thousand eighteen when the maximum benefit amount shall be four hundred fifty dollars, until the first Monday of October, two thousand nineteen when the maximum benefit amount shall be thirty-six percent of the average weekly wage until the first Monday of October, two thousand twenty when the maximum benefit amount shall be thirty-eight percent of the average weekly wage, until the first Monday of October two thousand twenty-one when the maximum benefit amount shall be forty percent of the average weekly wage, until the first Monday of October, two thousand twenty-two when the maximum benefit amount shall be forty-two percent of the average weekly wage, until the first Monday of October, two thousand twenty-three when the maximum benefit amount shall be forty-four percent of the average weekly wage, until the first Monday of October, two thousand twenty-four

when the maximum benefit amount shall be forty-six percent of the average weekly wage, until the first Monday of October, two thousand twenty-five when the maximum benefit amount shall be forty-eight percent of the average weekly wage, until the first Monday of October, two thousand twenty-six and each year thereafter on the first Monday of October when the maximum benefit amount shall be fifty percent of the average weekly wage provided, however, that in no event shall the maximum benefit amount be reduced from the previous year. **A claimant shall receive his or her full benefit rate for each week of total unemployment.**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

§ 10. Paragraph (a) of subdivision 1, the opening paragraph of subdivision 2 and subdivisions 3 and 4 of section 593 of the labor law, paragraph (a) of subdivision 1, the opening paragraph of subdivision 2 and subdivision 3 as amended by section 15 of part O of chapter 57 of the laws of 2013 and subdivision 4 as amended by chapter 589 of the laws of 1998, are amended to read as follows:

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

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

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

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

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

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

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

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

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

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

equal to the greater of one hundred dollars or fifteen percent of the total overpaid benefits determined pursuant to this section. The penalties collected hereunder shall be deposited in the fund. The penalties assessed under this subdivision shall apply and be assessed for any benefits paid under federal unemployment and extended unemployment programs administered by the department in the same manner as provided in this article. The penalties in this section shall be in addition to any penalties imposed under this chapter or any state or federal criminal statute. No penalties or interest assessed pursuant to this section may be deducted or withheld from benefits.

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

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

(ii) The commissioner has made efforts to collect on such final determination; and

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

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

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

(ii) The total amount to be docketed; and

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

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

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

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

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

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

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

§ 12-a. Intentionally omitted.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(b) No entity shall advertise for-compensation services in veterans benefits matters without including the following disclosure: "this business is not sponsored by, or affiliated with, the United States department of veterans affairs, the New York state division of veterans' affairs, or any other congressionally chartered veterans service organization. Other organizations, including but not limited to the New York state division of veterans' affairs, your local county veterans service agency, and other congressionally chartered veterans service organizations, may be able to provide you with these services free of charge. Products or services offered by this business are not necessarily endorsed by any of these organizations. You may qualify for other veterans' benefits beyond the services that this business offers." If the advertisement is printed, including but not limited to advertisements visible to internet users, the disclosure must appear in a readily visible place on the advertisement. If the advertisement is verbal, the spoken statement of the disclosure must be clear and intelligible.

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

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

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

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

PART X

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

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

§ 2. This act shall take effect immediately.

PART Y

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' [~~affairs~~] **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' [~~affairs~~] 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' [~~affairs~~] 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' [~~affairs~~] 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' [~~AFFAIRS~~] 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' [~~affairs~~] services.

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

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

§ 351. Division of veterans' [~~affairs~~] services. There is hereby created in the executive department a division of veterans' [~~affairs~~] services. The head of such division shall be the New York state director of veterans' [~~affairs~~] 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-

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

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

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

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

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

§ 354-a. Information on status of veterans receiving assistance. Departments, divisions, bureaus, boards, commissions and agencies of the state and political subdivisions thereof, which provide assistance, treatment, counseling, care, supervision or custody in service areas involving health, mental health, family services, criminal justice or employment, including but not limited to the office of alcoholism and substance abuse services, office of mental health, office of probation and correctional alternatives, office of children and family services, office of temporary and disability assistance, department of health, department of labor, local workforce investment boards, office for people with developmental disabilities, and department of corrections and community supervision, shall request assisted persons to provide information with regard to their veteran status and military experiences. Individuals identifying themselves as veterans shall be advised that the division of veterans' [~~affairs~~] **services** and local veterans' service agencies established pursuant to section three hundred fifty-seven of this article provide assistance to veterans regarding benefits under federal and state law. Information regarding veterans status and military service provided by assisted persons solely to implement this section shall be protected as personal confidential information under article six-A of the public officers law against disclosure of confidential material, and used only to assist in the diagnosis, treatment, assessment and handling of the veteran's problems within the agency requesting such information and in referring the veteran to the division of veterans' [~~affairs~~] **services** for information and assistance with regard to benefits and entitlements under federal and state law.

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

(b) "Division" shall mean the state division of veterans' [~~affairs~~] **services**.

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

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

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

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

c. The effective date of an award of the annuity to a veteran shall be the date of receipt of the application therefor by the director of veterans' [~~affairs~~] services, except that if the application is denied but is granted at a later date upon an application for reconsideration based upon new evidence, the effective date of the award of the annuity to a veteran shall be the date of receipt of the application for reconsideration by the director of veterans' [~~affairs~~] services.

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

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

c. The effective date of an award of the annuity to a widow or widower shall be the day after the date of death of the veteran if the application therefor is received within one year from such date of death. If the application is received after the expiration of the first year following the date of the death of the veteran, the effective date of an award of the annuity to a widow or widower shall be the date of receipt of the application by the director of veterans' [~~affairs~~] services. If an application is denied but is granted at a later date upon an application for reconsideration based upon new evidence, the effective date of the award of the annuity to a widow or widower shall be the date of receipt of the application for reconsideration by the director of veterans' [~~affairs~~] services.

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

each year, shall publish by any reasonable means the amount of the annuity as adjusted payable under this section.

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

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

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

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

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

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

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

The legislature additionally finds and determines that it is therefore necessary to provide for the construction and establishment of one or more New York state veterans cemeteries, and that to thereafter, provide for the expansion, improvement, support, operation, maintenance and the provision of perpetual care of all such cemeteries so constructed and established. The legislature also finds and determines that it is appropriate to have the responsibility for the construction, establishment, expansion, improvement, support, operation, maintenance and the provision of perpetual care for veterans cemeteries in this state, to be under the oversight and direction of the state division of veterans [~~affairs~~] **services**, and its director, individually, and as chair of the management board, for each such veterans cemetery so constructed and established.

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

Prior to the commencement of the investigation and study pursuant to paragraph (a) of this subdivision, the director of the division of veterans' [~~affairs~~] **services**, the director of the division of the budget, the director of the department of state's division of cemeteries, and the office of the state comptroller must certify to the governor, the temporary president of the senate, the speaker of the assembly, the chair of the senate finance committee and the chair of the assembly ways and means committee that the veterans remembrance and cemetery maintenance and operation fund, created pursuant to section ninety-seven-mmmm of the state finance law, contains moneys sufficient, adjusted to reflect projected future inflation, to fund the operation, maintenance and the provision of perpetual care of a state veterans' cemetery for a period of not less than fifteen years, provided that such amount shall not include any amount that shall be reimbursed or contributed to the cemetery from the government of the United States or any amount that would be recoverable by the cemetery pursuant to a charge of fee for the provision of a grave site for a non-veteran spouse or family member. In making such a certification, the director of the division of veterans' [~~affairs~~] **services**, the director of the division of the budget, the director of the department of state's division of cemeteries, and the office of the state comptroller shall consider, but are not limited to, the following factors:

(g) Nothing in this section shall be construed to authorize the division of veterans' [~~affairs~~] **services** to commence an investigation and study pursuant to paragraph (a) of this subdivision, issuing a request for proposals pursuant to paragraph (c) of this subdivision, selecting a site for the first New York state [~~veterans~~] **veterans'** cemetery pursuant to paragraph (d) of this subdivision, or submitting any application for funding from the government of the United States in accordance with the grant requirements specified in section 2408 of title 38 of the United States code, part 30 of title 38 of the code of federal regulations, and other relevant federal statutes or regulations, for the purpose of seeking funds to support the construction, establishment, expansion, improvement, support, operation, maintenance and the provision of perpetual care of New York state's first [~~veterans~~] **veterans'** cemetery pursuant to paragraph (e) of this subdivision until the funds in the

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

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

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

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

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

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

(c) Evaluate and assess availability of firms for the purpose of increasing participation of such firms in state contracting in consultation with relevant state entities including, but not limited to, the New York state division of veterans' [~~affairs~~] services.

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

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

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

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

4. To the extent practicable, the director of the division of veterans' [~~affairs~~] services shall ensure that all monies received during a 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' [~~affairs~~] **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 affairs~~] **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 affairs~~] **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' [~~affairs~~] **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 affairs~~] **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 affairs~~] **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' [~~affairs~~] **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

guarding the buildings and/or grounds thereof, or in preparing or serving food therein.

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

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

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

3. Any person who is a patient at any facility in this state maintained by the United States Veterans' Administration or at any hospital or sanitorium for treatment of tuberculosis maintained by the state or any municipal corporation thereof or resident patient at any institution of the department of Mental Hygiene, or resident patient at the rehabilitation hospital of the department of Health, or at any rest camp maintained by the state through the Division of Veterans' [~~Affairs~~] **Services** in the Executive Department or any inmate of a conservation work camp within the youth rehabilitation facility of the department of corrections and community supervision, or any inmate of a youth opportunity or youth rehabilitation center within the Office of Children and Family Services, any resident of a nursing home or residential health care facility as defined in subdivisions two and three of section twenty-eight hundred one of the public health law, or any staff member or volunteer accompanying or assisting one or more residents of such nursing home or residential health care facility on an outing authorized by the administrator of such nursing home or residential health care facility may take fish as if he held a fishing license, except that he may not take bait fish by net or trap, if he has on his person an authorization upon a form furnished by the department containing such identifying information and data as may be required by it, and signed by the superintendent or other head of such facility, institution, hospital, sanitarium, nursing home, residential health care facility or rest camp, as the case may be, or by a staff physician thereat duly authorized so to do by the superintendent or other head thereof. Such authorization with respect to inmates of said conservation work camps shall be limited to areas under the care, custody and control of the department.

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

5. The staff of a general hospital shall: (a) inquire whether or not the person admitted has served in the United States armed forces. Such information shall be listed on the admissions form; (b) notify any

admittee who is a veteran of the possible availability of services at a hospital operated by the veterans administration, and, upon request by the admittee, such staff shall make arrangements for the individual's transfer to a veterans administration operated hospital, provided, however, that transfers shall be authorized only after it has been determined, according to accepted clinical and medical standards, that the patient's condition has stabilized and transfer can be accomplished safely and without complication; and (c) provide any admittee who has served in the United States armed forces with a copy of the "Information for Veterans concerning Health Care Options" fact sheet, maintained by the division of veterans' [~~affairs~~] **services** pursuant to subdivision twenty-three of section three hundred fifty-three of the executive law prior to discharging or transferring the patient. The commissioner shall promulgate rules and regulations for notifying such admittees of possible available services and for arranging a requested transfer.

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

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

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

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

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

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

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

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

§ 99-v. Veterans [~~affairs~~] **services**; display of events. Each county, city, town or village may adopt a local law to provide a bulletin board to be conspicuously displayed in such county, city, town or village building holding its local legislative body or municipal offices. Such bulletin board shall be used by veterans organizations, the New York state division of veterans' [~~affairs~~] **services**, the county veterans

service agency or city veterans service agency to display information regarding veterans in such county, city, town or village. Such information may include, but not be limited to, benefits or upcoming veterans related events in the community.

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

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

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

3. No fee shall be charged for any certificate when required by the veterans administration or by the division of veterans' [~~affairs~~] **services** of the state of New York to be used in determining the eligibility of any person to participate in the benefits made available by the veterans administration or by the state of New York.

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

1. Each town and city clerk hereby empowered to issue marriage licenses shall keep a book supplied by the state department of health in which such clerk shall record and index such information as is required therein, which book shall be kept and preserved as a part of the public records of his office. Whenever an application is made for a search of such records the city or town clerk, excepting the city clerk of the city of New York, may make such search and furnish a certificate of the result to the applicant upon the payment of a fee of five dollars for a search of one year and a further fee of one dollar for the second year for which such search is requested and fifty cents for each additional year thereafter, which fees shall be paid in advance of such search. Whenever an application is made for a search of such records in the city of New York, the city clerk of the city of New York may make such search and furnish a certificate of the result to the applicant upon the payment of a fee of five dollars for a search of one year and a further fee of one dollar for the second year for which search is requested and fifty cents each additional year thereafter. Notwithstanding any other provision of this article, no fee shall be charged for any search or certificate when required by the veterans administration or by the divi-

sion of veterans' [~~affairs~~] **services** of the state of New York to be used in determining the eligibility of any person to participate in the benefits made available by the veterans administration or by the state of New York. All such affidavits, statements and consents, immediately upon the taking or receiving of the same by the town or city clerk, shall be recorded and indexed as provided herein and shall be public records and open to public inspection whenever the same may be necessary or required for judicial or other proper purposes. At such times as the commissioner shall direct, the said town or city clerk, excepting the city clerk of the city of New York, shall file in the office of the state department of health the original of each affidavit, statement, consent, order of a justice or judge authorizing immediate solemnization of marriage, license and certificate, filed with or made before such clerk during the preceding month. Such clerk shall not be required to file any of said documents with the state department of health until the license is returned with the certificate showing that the marriage to which they refer has been actually performed.

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

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

1. Each member state shall, through the creation of a state council or use of an existing body or board, provide for the coordination among its agencies of government, local educational agencies and military installations concerning the state's participation in, and compliance with, this compact and interstate commission activities. In New York, the state council shall include the commissioner or his or her designee, the director of the New York state division of veterans' [~~affairs~~] **services** or his or her designee, the adjutant general of the state of New York or his or her designee, a superintendent of a school district with a high concentration of military children appointed by the commissioner, a district superintendent of schools of a board of cooperative educational services serving an area with a high concentration of military children appointed by the commissioner, a representative from a military installation appointed by the governor, a representative of military families appointed by the governor, a public member appointed by the governor and one representative each appointed by the speaker of the assembly, the temporary president of the senate and the governor.

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

1. The commissioner shall develop, jointly with the director of the division of veterans' [~~affairs~~] **services**, a program to facilitate articulation between participation in the military service of the United States or the military service of the state and admission to practice of a profession. The commissioner and the director shall identify, review and evaluate professional training programs offered through either the military service of the United States or the military service of the state which may, where applicable, be accepted by the department as equivalent education and training in lieu of all or part of an approved program. Particular emphasis shall be placed on the identification of

military programs which have previously been deemed acceptable by the department as equivalent education and training, programs which may provide, where applicable, equivalent education and training for those professions which are critical to public health and safety and programs which may provide, where applicable, equivalent education and training for those professions for which shortages exist in the state of New York.

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

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

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

(i) The office of alcoholism and substance abuse services shall periodically, in consultation with the state director of veterans' [~~affairs~~] services: (1) review the programs operated by the office to ensure that the needs of the state's veterans who served in the U.S. armed forces and who are recovering from alcohol and/or substance abuse are being met and to develop improvements to programs to meet such needs; and (2) in collaboration with the state director of veterans' [~~affairs~~] services and the commissioner of the office of mental health, review and make recommendations to improve programs that provide treatment, rehabilitation, relapse prevention, and recovery services to veterans who have served in a combat theatre or combat zone of operations and have a co-occurring mental health and alcoholism or substance abuse disorder.

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

15. to periodically, in consultation with the state director of veterans' [~~affairs~~] services, review the programs operated by the office to ensure that the needs of the state's aging veteran population are being met and to develop improvements to programs to meet such needs; and

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

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

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

(g) Every corporation receiving any kind of state funding shall ensure the provision on any form required to be completed at application or recertification for the purpose of obtaining financial assistance pursu-

ant to this chapter, that the application form shall contain a check-off question asking whether the applicant or recipient or a member of his or her family served in the United States military, and an option to answer in the affirmative. Where the applicant or recipient answers in the affirmative to such question, the not-for-profit corporation shall ensure that contact information for the state division of veterans' [~~affairs~~] **services** is provided to such applicant or recipient in addition to any other materials provided.

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

(b) Removal of remains from private cemeteries to other cemeteries. The supervisor of any town containing a private cemetery may remove any body interred in such cemetery to any other cemetery within the town, if the owners of such cemeteries and the next of kin of the deceased consent to such removal. The owners of a private cemetery may remove the bodies interred therein to any other cemetery within such town, or to any cemetery designated by the next of kin of the deceased. Notice of such removal shall be given within twenty days before such removal personally or by certified mail to the next of kin of the deceased if known and to the clerk and historian of the county in which such real property is situated and notice shall be given to the New York state department of state, division of cemeteries. If any of the deceased are known to be veterans, the owners shall also notify the division of veterans' [~~affairs~~] **services**. In the absence of the next of kin, the county clerk, county historian or the division of veterans' [~~affairs~~] **services** may act as a guardian to ensure proper reburial.

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

10. The commissioner shall develop in consultation with the director of the New York state division of veterans' [~~affairs~~] **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' [~~affairs~~] **services** and the office of real property tax services.

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

9. The commissioner shall develop in consultation with the director of the New York state division of veterans' [~~affairs~~] **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' [~~affairs~~] **services** and the office of real property 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' [~~affairs~~] **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' [~~affairs~~] **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' [~~affairs~~] **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' [~~affairs~~] **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

services, and (5) other matters of similar, related or appropriate nature. The commissioner shall also assist families of members of the reserve components of the armed forces and the organized militia ordered into active duty to ensure that they are made aware of and are receiving all appropriate support available to them. The department also shall perform such other duties as may be assigned by the state director of the division of veterans' [~~affairs~~] **services**.

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

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

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

1. A local director shall designate the location of the local and branch offices of the local veterans' service agency within his jurisdiction, which offices shall be open during convenient hours. The cost of maintenance and operation of a county veterans' service agency shall be a county charge and the cost of maintenance and operation of a city veterans' service agency shall be a city charge, excepting that the state director with the approval of the veterans' [~~affairs~~] **services** commission shall allot and pay, from state moneys made available to him for such purposes, to each county veterans' service agency and each city veterans' service agency, an amount equal to fifty per centum of its expenditures for maintenance and operation approved by the state director, provided that in no event shall the amount allotted and paid for such approved expenditures incurred in any given year exceed (1) in the case of any county veterans' service agency in a county having a population of not more than one hundred thousand or in the case of any city veterans' service agency in a city having a population of not more than one hundred thousand, the sum of ten thousand dollars, nor (2) in the case of any county veterans' service agency in a county having a population in excess of one hundred thousand excluding the population of any city therein which has a city veterans' service agency, the sum of ten thousand dollars, and, in addition thereto, the sum of five thousand dollars for each one hundred thousand, or major portion thereof, of the population of the county in excess of one hundred thousand excluding the population of any city therein which has a city veterans' service agency, nor (3) in the case of any city veterans' service agency in a city having a population in excess of one hundred thousand, the sum of ten thousand dollars, and, in addition thereto, the sum of five thousand dollars for each one hundred thousand, or major portion thereof, of the population of the city in excess of one hundred thousand. Such population shall be certified in the same manner as provided by section fifty-four of the state finance law.

§ 43. Terms occurring in laws, contracts and other documents. Whenever the functions, powers, obligations, duties and officials relating to the division of veterans' affairs, the veterans' affairs commission or the director of veterans' affairs is referred to or designated in any other law, regulation, contract or document, such reference or designation shall be deemed to refer to the appropriate functions, powers, obligations, duties, officials and director of the division of veterans' services or the veterans' services commission, as designated by this 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 [~~eighty~~] one hundred ten thousand dollars	Nine hundred eighty dollars plus twelve per centum of excess over eighteen thousand dollars

§ 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

the donate life registry for organ and tissue donation, including the website address for such registry.

§ 3. Subdivisions 7 and 8 of section 6554 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 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 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

(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 chiropractor 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.

§ 4. Subdivisions 7 and 8 of section 6604 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 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

(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 dentist 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.

§ 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

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.

§ 7. Subdivision 6 of section 6632 of the education law, as added by chapter 409 of the laws of 2013, is amended and a new subdivision 7 is added to read as follows:

6. [~~Fee~~] fee: pay a fee determined by the department for an initial license and 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 licensed perfusionist 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.

§ 8. Subdivisions f and g of section 6734 of the education law, subdivision f as added by chapter 618 of the laws of 1980 and subdivision g as amended by chapter 62 of the laws of 1989, are amended and a new subdivision 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 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 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

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 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.

§ 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:

(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 forty-five 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 registered professional nurse practices, whether the registered professional nurse is certified to practice as a clinical nurse specialist under section sixty-nine hundred eleven 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.

§ 12. Subdivisions 7 and 8 of section 6906 of the education law, subdivision 7 as amended by chapter 330 of the laws of 1981 and subdivision 8 as amended by chapter 62 of the laws of 1989, are amended and a new subdivision 8-a 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 forty-five 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

(8-a) 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 practical nurse 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.

§ 13. Section 6955 of the education law is amended by adding a new subdivision 8 to read as follows:

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 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

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.

§ 16. Paragraphs 7 and 8 of subdivision a of section 7124 of the education law, paragraph 7 as amended by chapter 475 of the laws of 1973 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 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

(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 ophthalmic dispenser practices, whether the ophthalmic dispenser is permitted to fit contact lenses, 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.

§ 17. Subdivisions 7 and 8 of section 7603 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 seventy dollars to the department for admission to a department conducted examination and for an initial license, a fee of eighty-five 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

(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 and the office of mental health, as is necessary to enable the department of health and the office of mental health to evaluate access to needed services in this state, including, but not limited to, the location and type of setting wherein the psychologist practices and other information the department, in consultation with the department of health and the 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

and type of setting wherein the certified athletic trainer 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.

§ 27. Paragraphs (f) and (g) of subdivision 3 of section 8402 of the education law, paragraph (f) as added by chapter 676 of the laws of 2002 and paragraph (g) as amended by chapter 210 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 seventy-five dollars for an initial license and a fee of one hundred seventy 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 and the office of mental health to evaluate access to needed services in this state, including, but not limited to, the location and type of setting wherein the licensed mental health counselor practices and other information the department, in consultation with the department of health and the 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.

§ 28. Paragraphs (f) and (g) of subdivision 3 of section 8403 of the education law, paragraph (f) as added by chapter 676 of the laws of 2002 and paragraph (g) as amended by chapter 210 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 seventy-five dollars for an initial license and a fee of one hundred seventy 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 and the office of mental health, as is necessary to enable the department of health and the office of mental health to evaluate access to needed services in this state, including, but not limited to, the location and type of setting wherein the licensed marriage and family therapist practices and other information the department, in consultation with the department of health and the 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.

§ 29. Paragraphs (f) and (g) of subdivision 3 of section 8404 of the education law, paragraph (f) as added by chapter 676 of the laws of 2002 and paragraph (g) as amended by chapter 210 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 seventy-five dollars for an initial license and a fee of one hundred seventy 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 and the office of mental health, as is necessary to enable the department of health and the office of metal health to evaluate access to needed services in this state, including, but not limited to, the location and type of setting wherein the creative arts therapist practices and other information the department, in consultation with the department of health and the 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.

§ 30. Paragraphs (f) and (g) of subdivision 3 of section 8405 of the education law, paragraph (f) as added by chapter 676 of the laws of 2002 and paragraph (g) as amended by chapter 210 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 seventy-five dollars for an initial license and a fee of one hundred seventy 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 and the office of mental health, as is necessary to enable the department of health and the office of mental health to evaluate access to needed services in this state, including, but not limited to, the location and type of setting wherein the licensed psychoanalyst practices and other information the department, in consultation with the department of health and the 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.

§ 31. Subdivisions 6 and 7 of section 8504 of the education law, as added by chapter 817 of the laws of 1992, 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 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 commencing on and after June first, nineteen hundred ninety-three[~~.~~]; 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 respiratory 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.

§ 32. Subdivisions 6 and 7 of section 8510 of the education law, as added by chapter 817 of the laws of 1992, 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 ninety dollars to the department for admission to a department conducted examination and for an initial license; a fee of sixty dollars for each re-examination; a fee of fifty dollars for an initial license for persons not requiring admission to a department conducted examination and a fee of ninety dollars for each triennial registration period commencing on and after June first, nineteen hundred ninety-three[~~.~~]; 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 respiratory therapy 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.

§ 33. Paragraphs (e) and (f) of subdivision 1 of section 8605 of the education law, as added by chapter 755 of the laws of 2004, are amended and a new paragraph (g) is added to read as follows:

(e) Character: be of good moral character as determined by the department; [~~and~~]

(f) Fees: pay a fee of one hundred seventy-five dollars for an initial license and a fee of one hundred seventy dollars for each triennial registration period[~~.~~]; and

(g) 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 technologist 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.

§ 34. Paragraphs (e) and (f) of subdivision 2 of section 8605 of the education law, as added by chapter 755 of the laws of 2004, are amended and a new paragraph (g) is added to read as follows:

(e) Character: be of good moral character as determined by the department; [~~and~~]

(f) Fees: pay a fee of one hundred seventy-five dollars for an initial license and a fee of one hundred seventy dollars for each triennial registration period[~~.~~]; and

(g) 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 cytotechnologist 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.

§ 35. Subdivisions 5 and 6 of section 8606 of the education law, as added by chapter 755 of the laws of 2004, 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 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

time of execution of said leases. All proceeds from said leases to shall be deposited into accounts of the University.

§ 4. Insofar as the provisions of this act are inconsistent with the provisions of any law, general, special or local, the provisions of this act shall be controlling.

§ 5. This act shall take effect immediately.

PART EE

Section 1. Section 802 of the general business law, as added by chapter 599 of the laws of 1998, subdivision 1 as designated and subdivision 2 as added by chapter 301 of the laws of 2000, is amended to read as follows:

§ 802. Special provisions; not-for-profit sales. 1. [~~No~~] **Except as provided in subdivision three of this section, no** otolaryngologist or other licensed physician who has conducted a medical evaluation of hearing loss shall engage in the business of dispensing hearing aids for a profit. No otolaryngologist or other licensed physician who has dispensed a hearing aid shall refuse or fail to perform repairs or service on any hearing aid that they have dispensed.

2. Every licensed physician who engages in the dispensing of hearing aids in compliance with the provisions of this section shall be required to comply with sections seven hundred ninety-one, seven hundred ninety-eight and eight hundred three of this article, in addition to compliance with this section.

3. An audiologist or hearing aid dispenser licensed under article one hundred fifty-nine of the education law employed by an otolaryngologist who has conducted a medical evaluation of hearing loss may dispense hearing aids for profit provided that the otolaryngologist who has conducted a medical evaluation of hearing loss provides to the patient a list containing the name and office location of five hearing aid dispensers with a place of business located within the same county in which the otolaryngologist's office is located and a written statement disclosing that the otolaryngologist's office will receive a profit from the sale of any hearing aid device. In the event that there exist fewer than five hearing aid dispensers within the same county in which the otolaryngologist is located, then the otolaryngologist must provide to the patient a list containing the name and office location of the hearing aid dispensers with a place of business within the county in which the otolaryngologist's office is located.

§ 2. This act shall take effect immediately.

PART FF

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

2. [~~Each~~] **Every** contract [~~to which the state or a public benefit corporation or a municipal corporation or a commission appointed pursuant to law is a party, and any contract for public work entered into by a third party acting in place of, on behalf of and for the benefit of such public entity pursuant to any lease, permit or other agreement between such third party and the public entity, and which may involve the employment of laborers, workers or mechanics~~] **for public work** shall contain a stipulation that no laborer, worker or mechanic in the employ of the contractor, subcontractor or other person doing or contracting to do the whole or a part of the work contemplated by the contract shall be

permitted or required to work more than eight hours in any one calendar day or more than five days in any one week except in cases of extraordinary emergency including fire, flood or danger to life or property. No such person shall be so employed more than eight hours in any day or more than five days in any one week except in such emergency. Extraordinary emergency within the meaning of this section shall be deemed to include situations in which sufficient laborers, workers and mechanics cannot be employed to carry on public work expeditiously as a result of such restrictions upon the number of hours and days of labor and the immediate commencement or prosecution or completion without undue delay of the public work is necessary in the judgment of the commissioner for the preservation of the contract site and for the protection of the life and limb of the persons using the same. Upon the application of any person interested, the commissioner shall make a determination as to whether or not on any public project or on all public projects in any area of this state, sufficient laborers, workers and mechanics of any or all classifications can be employed to carry on work expeditiously if their labor is restricted to eight hours per day and five days per week, and in the event that the commissioner determines that there are not sufficient workers, laborers and mechanics of any or all classifications which may be employed to carry on such work expeditiously if their labor is restricted to eight hours per day and five days per week, and the immediate commencement or prosecution or completion without undue delay of the public work is necessary in the judgment of the commissioner for the preservation of the contract site and for the protection of the life and limb of the persons using the same, the commissioner shall grant a dispensation permitting all laborers, workers and mechanics, or any classification of such laborers, workers and mechanics, to work such additional hours or days per week on such public project or in such areas the commissioner shall determine. Whenever such a dispensation is granted, all work in excess of eight hours per day and five days per week shall be considered overtime work, and the laborers, workers and mechanics performing such work shall be paid a premium wage commensurate with the premium wages prevailing in the area in which the work is performed. No such dispensation shall be effective with respect to any public work unless and until the department of jurisdiction, as defined in this section, certifies to the commissioner that such public work is of an important nature and that a delay in carrying it to completion would result in serious disadvantage to the public. Time lost in any week because of inclement weather by employees engaged in the construction, reconstruction and maintenance of highways outside of the limits of cities and villages may be made up during that week and/or the succeeding three weeks.

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

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

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

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

(A) The construction contract is between private parties;

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

(1) The public entity entered into or bargained for the lease agreement prior to the construction contract; or

(2) The construction work is performed according to plans, specifications, or criteria furnished by the public entity, and the lease agreement between the lessor and public entity, as lessee, is entered into during, or upon completion of, the construction work, or within six months following completion of the construction work; or

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

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

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

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

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

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

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

(ii) Performance of construction work by the state or any public entity in the execution of the project.

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

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

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

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

o. "Public entity" includes, but is not limited to, the state, a local development corporation as defined in subdivision eight of section eighteen hundred one of the public authorities law or section fourteen 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

preservation, while providing economically disadvantaged youth and youth who have not finished high school an opportunity for a meaningful participation in society.

The legislature further intends to allow communities to expand the supply of affordable housing for homeless and other low-income individuals by utilizing the energies and talents of economically disadvantaged youth and young people who have not graduated from high school.

The legislature also intends to foster the development of leadership skills and a commitment to community development among youth.

§ 3. The labor law is amended by adding a new section 42-a to read as follows:

§ 42-a. YouthBuild; program requirements services. 1. The commissioner is authorized, subject to amounts made available by appropriation, to make grants to eligible applicants for the purpose of carrying out YouthBuild programs as approved under this section. All programs funded pursuant to the provisions of this section shall use funds available pursuant to this section to provide the following services:

a. The training costs for the rehabilitation or construction of housing and related facilities to be used for the purpose of providing homeownership for disadvantaged persons, residential housing for homeless individuals, and low-income and very low-income families, or transitional housing for persons who are homeless, have disabilities, are ill, are deinstitutionalized, or have special needs, or the rehabilitation or construction of community facilities owned by not-for-profit public agencies.

b. The cost of providing training and placement in the growing employment sectors of healthcare and technology.

c. The cost of integrated education and work experience skills training services and activities which are evenly divided within the program shall include the following elements:

(1) An education component which includes: basic skills instruction, secondary education services, and other activities designed to lead to the attainment of a high school diploma or its equivalent. The curriculum for this component shall include math, language arts, vocational education, life skills training, social studies related to the cultural and community history of the students, leadership skills, and other topics at the discretion of the programs; and

(2) A work experience and skills training component pre-apprenticeship program that includes construction and rehabilitation activities described in paragraph a of this subdivision. The process of construction must be coupled with work experience skills training and with close on-site supervision by experienced trainers. The curriculum for this component shall contain a set of locally agreed upon skills and competencies that are systematically taught, with students' mastery assessed individually on a regular, ongoing basis. The work experience and skills training component shall be coordinated to the maximum extent feasible with preapprenticeship programs, and apprenticeship programs authorized under article twenty-three of this chapter.

d. The cost of counseling services designed to assist participants to positively participate in society, which should include all of the following if necessary: outreach, assessment, and orientation; individual and peer counseling; life skills training; drug and alcohol abuse education and prevention; and referral to appropriate drug rehabilitation, medical, mental health, legal, housing, and other services and 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.

15. "Covered developer" means any entity receiving financial assistance in relation to a covered development project, or any assignee or successor in interest of real property that qualifies as a covered development project.

16. "Covered employer" means any entity, other than a covered developer who employs building service workers at a covered development project or at any real property subject to a covered lease.

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

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

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

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

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

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

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

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

3. The public agency providing financial assistance or entering into a covered lease shall require, as a contractual condition of such financial assistance or covered lease, that any building service employee performing building service work in connection with a covered development project or covered lease, regardless of the employing entity, shall be paid no less than the prevailing wage; and any lease, contract for

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

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

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

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

7. Within two weeks of receiving financial assistance or entering into a covered lease, a covered developer, covered lessee or lessor, or covered employer shall post in the same location and manner that other statutorily required notices are posted at every such covered development project or real property subject to a covered lease, and provide each building service employee a copy of a written notice which shall be prepared by the fiscal officer, detailing the wages, benefits, and other protections to which building service employees are entitled under this section. Such notice shall also provide the name, address and telephone number of the fiscal officer and a statement advising building service employees that if they have been paid less that the prevailing wage they may notify the fiscal officer and request an investigation or bring suit in a court of competent jurisdiction. Such notices shall be posted in English and in any other language which at least twenty percent of employees speak as a primary language. Such notice shall remain posted for the time that the requirements of this section shall apply and shall be adjusted periodically to reflect the current prevailing wage for building service employees. In addition to posting the covered developer, covered lessee or lessor, or covered employer shall provide each individual employee a copy of the notice in English or any other

language spoken by the employee as a primary language, so long as the fiscal officer has made such notice available to employers in such language on its website. The fiscal officer shall make available on its website sample written notices explaining the rights of building service employees under this section and shall translate such sample written notices into such languages it deems appropriate.

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

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

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

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

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

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

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

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

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

5. A covered developer, or covered lessee or lessor shall include a requirement in all leases, management agreements or service contracts,

and any subcontracts thereof, that any covered employer shall comply with the record keeping requirements of this section. The covered developer, or covered lessee or lessor shall obtain such records from any covered employer and preserve such records for a period of six years after the completion of the employee's work.

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

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

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

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

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

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

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

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

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

(c) An order directing the payment to specified employees of wages found to be due and unpaid shall include interest at a rate not less than six per centum per year and not more than the rate of interest then in effect as prescribed by the superintendent of financial services 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

employee, in addition to ordinary costs, a reasonable sum, not exceeding one hundred dollars for expenses which may be taxed as costs. No assignee of a wage claim shall be benefited by this paragraph.

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

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

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

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

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

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

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

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

developer, or covered lessee or lessor may bring suit to recover all monies paid by the covered developer, or covered lessee or lessor from the covered employer.

10. When two judgments or final orders pursuant to the provisions of this section have been entered against a covered developer, covered lessee or lessor, covered employer, successor, or any substantially-owned affiliated entity of the covered developer, covered lessee or lessor, or covered employer, any of the partners if the covered developer, covered lessee or lessor, or covered employer is a partnership, any of the five largest shareholders of the covered developer, covered lessee or lessor, or covered employer, any officer of the covered developer, covered lessee or lessor, or covered employer who knowingly participated in the violation of this article within any consecutive six-year period determining that such covered developer, covered lessee or lessor, or covered employer and/or its successor, substantially-owned affiliated entity of the covered developer, covered lessee or lessor, or covered employer, any of the partners or any of the five largest shareholders of the covered developer, covered lessee or lessor, or covered employer, any officer of the covered developer, covered lessee or lessor, or covered employer who knowingly participated in the violation of this article has willfully failed to pay the prevailing wages in accordance with the provisions of this article, whether such failures were concurrent or consecutive and whether or not such final determinations concerning separate covered leases or awards of financial assistance are rendered simultaneously, such covered developer, covered lessee or lessor, covered employer, successor, and if the covered developer, covered lessee or lessor, covered employer, successor, or any substantially-owned affiliated entity of the covered developer, covered lessee or lessor, or covered employer, 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, any officer of the covered developer, covered lessee or lessor, or covered employer who knowingly participated in the violation of this article, or any successor is a corporation, any officer of such corporation who knowingly participated in such failure, shall be ineligible to enter into covered leases with a public agency or receive financial assistance for a period of five years from the date of the second order; provided, however, that where any such final order involves the falsification of payroll records or the kickback of wages, the covered developer, covered lessee or lessor, covered employer, successor, substantially-owned affiliated entity of the covered developer, covered lessee or lessor, or covered employer, any partner 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, any officer of the covered developer, covered lessee or lessor, or covered employer who knowingly participated in the violation of this article shall be ineligible to receive for a period of five years from the date of the first final order. Nothing in this subdivision shall be construed as affecting any provision of any other law or regulation relating to the awarding of financial assistance or entering into a covered lease with a public agency. The commissioner shall maintain a list of covered developers, and covered lessees or lessors, who are ineligible, including their names, address, date and duration of their ineligibility. Such list shall be updated and 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

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

3. In the event of a failure by a covered developer, covered lessee or lessor, or covered employer to comply with the provisions of this article, the covered developer, covered lessee or lessor, or covered employer shall be provided with a written notice of failure to comply by the fiscal officer allowing ten days to cure the failure to comply. If the covered developer, covered lessee or lessor, or covered employer fails to timely cure in addition to any other remedies available at law or in equity, the fiscal officer shall be permitted to seek the following remedies:

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

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

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

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

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

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

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

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

(2) that no contractor, subcontractor, nor any person on his behalf shall, in any manner, discriminate against or intimidate any employee hired for the performance of work under the contract on account of race, creed, color, national origin, age, sex or disability;

(3) that there may be deducted from the amount payable to the contractor by the public agency under the contract a penalty of fifty dollars for each person for each day during which such person was discriminated against or intimidated in violation of the provisions of the contract;

(4) that the contract**, covered lease, or grant of financial assistance** may be cancelled or terminated by the public agency, and all moneys due or to become due thereunder may be forfeited for a second or any subse-

quent violation of the terms or conditions of this section of the contract.

§ 10. Section 239-a of the labor law, as added by chapter 777 of the laws of 1971, is amended to read as follows:

§ 239-a. Enforcement of article. If the fiscal officer, as defined herein, finds that any **covered developer, covered lessee or lessor, or** contractor on service work fails to comply with or evades the provisions of this article, he shall present evidence of such noncompliance or evasion to the public agency having charge of such work**, or who has entered into a covered lease or provided financial assistance for the covered development project** for enforcement. Where such evidence indicates a noncompliance or evasion on the part of a subcontractor **or covered employer**, the contractor **or covered developer, or covered lessee or lessors,** shall be responsible for such noncompliance or evasion. It shall be the duty of the public agency in charge of such service work**, or who has entered into a covered lease or provided financial assistance for the covered development project** to enforce the provisions of this article.

§ 11. This act shall take effect immediately.

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

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