

STATE OF NEW YORK

S. 7506--A

A. 9506--A

SENATE - ASSEMBLY

January 22, 2020

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

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

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

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

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in relation to the effectiveness thereof; to amend chapter 169 of the laws of 1994, relating to certain provisions related to the 1994-95 state operations, aid to localities, capital projects and debt service budgets, in relation to the effectiveness thereof; to amend chapter 147 of the laws of 2001, amending the education law relating to conditional appointment of school district, charter school or BOCES employees, in relation to the effectiveness thereof; to amend chapter 425 of the laws of 2002, amending the education law relating to the provision of supplemental educational services, attendance at a safe public school and the suspension of pupils who bring a firearm to or possess a firearm at a school, in relation to the effectiveness thereof; to amend chapter 101 of the laws of 2003, amending the education law relating to implementation of the No Child Left Behind Act of 2001, in relation to the effectiveness thereof; to amend part C of chapter 57 of the laws of 2004, relating to the support of education, in relation to the effectiveness thereof; relates to school bus driver training; relates to special apportionment for salary expenses and public pension accruals; relates to authorizing the city school district of the city of Rochester to purchase certain services; relates to suballocations of appropriations; and relates to the support of public libraries (Part A); to amend the education law, in relation to establishing the Syracuse Comprehensive Education and Workforce Training Center focusing on Science, Technology, Engineering, Arts, and Math to provide instruction to students in the Onondaga, Cortland and Madison county BOCES and the central New York region in the areas of science, technology, engineering, arts and mathematics (Part B); directing the commissioner of education to appoint a monitor for the Rochester city school district and establishing the powers and duties of such monitor and certain other officers; and providing for the repeal of such provisions upon the expiration thereof (Part C); to amend the education law, in relation to predictable tuition allowing annual tuition increase for SUNY and CUNY schools; and to amend chapter 260 of the laws of 2011, amending the education law and the New York state urban development corporation act relating to establishing components of the NY-SUNY 2020 challenge grant program, in relation to the effectiveness thereof (Part D); to amend the education law, in relation to adjusted gross income qualification for the excelsior scholarship (Part E); to amend the education law, in relation to adjusted gross income caps for enhanced tuition awards (Part F); to amend the business corporation law, the partnership law and the limited liability company law, in relation to certified public accountants (Part G); to utilize reserves in the mortgage insurance fund for various housing purposes (Part H); to amend the emergency tenant protection act of nineteen seventy-four, in relation to authorizing a payment offset for rent administration costs (Part I); to amend the labor law, in relation to guaranteeing sick leave (Part J); to amend the social services law, in relation to increasing the standards of monthly need for aged, blind and disabled persons living in the community (Part K); to amend the family court act, in relation to judgments of parentage of children conceived through assisted reproduction or pursuant to surrogacy agreements; to amend the domestic relations law, in relation to restricting genetic surrogate parenting contracts; to amend the public health law, in relation to voluntary acknowledgments of parentage, gestational surrogacy and regulations concerning ova donation; to amend the general business law, the estates, powers and trusts law, and the social services law, in relation to the regulation of surrogacy programs; and

to repeal section 73 of the domestic relations law, relating to legitimacy of children born by artificial insemination (Part L); to amend the social services law and the family court act, in relation to compliance with the Federal Family First Prevention Services Act (Part M); to amend the social services law, in relation to restructuring financing for residential school placements (Part N); to amend the executive law, in relation to New York state veterans cemeteries (Part O); and to amend the education law, in relation to establishing the curing Alzheimer's health consortium (Part P);

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

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

12 PART A

13 Section 1. Paragraph e of subdivision 1 of section 211-d of the educa-
14 tion law, as amended by section 1 of part YY of chapter 59 of the laws
15 of 2019, is amended to read as follows:

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

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

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

37 § 2. Section 701 of the education law, as amended by chapter 587 of
38 the laws of 1973, subdivision 2 as amended by section 1 of part A1 of
39 chapter 58 of the laws of 2011, subdivision 3 as amended by chapter 391
40 of the laws of 1989, subdivision 4 as amended by chapter 82 of the laws
41 of 1995, subdivision 6 as amended by section 6 of part B of chapter 57
42 of the laws of 2007, subdivision 7 as amended by section 2 of part A of
43 chapter 436 of the laws of 1997, and subdivision 8 as added by chapter
44 635 of the laws of 1984, is amended to read as follows:

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

50 2. A text-book, for the purposes of this section shall mean: (i) any
51 book, or a book substitute, which shall include hard covered or paper-
52 back books, work books, or manuals and (ii) for expenses incurred after
53 July first, nineteen hundred ninety-nine, any courseware or other
54 content-based instructional materials in an electronic format, as such
55 terms are defined in the regulations of the commissioner, which a pupil
56 is required to use as a text, or a text-substitute, in a particular

1 class or program in the school he or she legally attends. For expenses
2 incurred on or after July first, two thousand eleven, and before July
3 first, two thousand nineteen, a text-book shall also mean items of
4 expenditure that are eligible for an apportionment pursuant to sections
5 seven hundred eleven, seven hundred fifty-one and/or seven hundred
6 fifty-three of this title, where such items are designated by the school
7 district as eligible for aid pursuant to this section, provided, howev-
8 er, that if aided pursuant to this section, such expenses shall not be
9 aidable pursuant to any other section of law. Expenditures aided pursu-
10 ant to this section shall not be eligible for aid pursuant to any other
11 section of law. Courseware or other content-based instructional materi-
12 als in an electronic format included in the definition of textbook
13 pursuant to this subdivision shall be subject to the same limitations on
14 content as apply to books or book substitutes aided pursuant to this
15 section.

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

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

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

54 6. The commissioner, in addition to the annual apportionment of public
55 monies pursuant to other articles of this chapter, in the two thousand
56 nineteen--two thousand twenty school year and prior shall apportion to

1 each school district an amount equal to the cost of the textbooks
2 purchased and loaned by the district pursuant to this section in the
3 base year, but in no case shall the aid apportioned to the district
4 exceed the product of the textbook factor plus a minimum lottery grant,
5 determined pursuant to subdivision four of section ninety-two-c of the
6 state finance law, and the sum of the enrollments in grades kindergarten
7 through twelve in the base year calculated pursuant to subparagraphs
8 four, five, and six of paragraph n of subdivision one of section thirty-
9 ty-six hundred two of this chapter. Aid payable pursuant to this section
10 shall be deemed final and not subject to change after April thirtieth of
11 the school year for which payment was due.

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

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

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

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

48 4. Commencing July first, nineteen hundred ninety eight through June
49 thirtieth, two thousand twenty, the commissioner, in addition to the
50 annual apportionment of public monies pursuant to other articles of this
51 chapter, shall apportion to each school district an amount equal to the
52 cost of the school library materials purchased by the district pursuant
53 to this section in the base year, but in no case shall the aid appor-
54 tioned to the district exceed the product of the library materials
55 factor and the sum of public school district enrollment, nonpublic
56 school enrollment, and additional public enrollment as defined in

1 subparagraphs two, three, and six of paragraph n of subdivision one of
2 section thirty-six hundred two of this chapter. Aid payable pursuant to
3 this section shall be deemed final and not subject to change after April
4 thirtieth of the school year for which payment was due.

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

7 2. No school district shall be required to loan school library materi-
8 als in excess of the school library materials owned ~~[ex]~~, acquired, or
9 designated by such district pursuant to section seven hundred eleven of
10 this article provided that such designated amount shall not exceed the
11 product of the library materials factor and the sum of public school
12 district enrollment, nonpublic school enrollment, and additional public
13 enrollment as defined in subparagraphs two, three and six of paragraph n
14 of subdivision one of section thirty-six hundred two of this chapter.

15 Such school library materials shall be loaned on an equitable basis to
16 children defined in subdivision three of section seven hundred eleven of
17 this article attending in the current year. The payment of tuition under
18 article eighty-nine of this chapter is deemed to be an equitable loan to
19 children for whom such tuition is paid.

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

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

33 For aid payable in the nineteen hundred ninety-seven--ninety-eight and
34 nineteen hundred ninety-eight--ninety-nine school years, the software
35 factor shall equal four dollars and fifty-eight cents. For aid payable
36 in the nineteen hundred ninety-nine--two thousand school year, the soft-
37 ware factor shall equal seven dollars and fifty-five cents. For aid
38 payable in the two thousand--two thousand one school year, the software
39 factor shall equal fourteen dollars and ninety-eight cents. For aid
40 payable in the two thousand one--two thousand two school year, the soft-
41 ware factor shall equal twenty-three dollars and ninety cents. For aid
42 payable in the two thousand two--two thousand three school year and
43 thereafter, the software factor shall equal fourteen dollars and nine-
44 ty-eight cents. The apportionment provided for in this section shall be
45 paid at such times as may be determined by the commissioner and approved
46 by the director of the budget. Aid payable pursuant to this section
47 shall be deemed final and not subject to change after April thirtieth of
48 the school year for which payment was due.

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

51 2. No school district shall be required to loan software programs in
52 excess of the software programs owned ~~[ex]~~, acquired, or designated by
53 such district pursuant to section seven hundred fifty-one of this arti-
54 cle provided that such designated amount shall not exceed the product of
55 the software factor and the sum of public school district enrollment,
56 nonpublic school enrollment, and additional public enrollment as defined

1 in subparagraphs two, three, and six of paragraph n of subdivision one
2 of section thirty-six hundred two of this chapter. Such software
3 programs shall be loaned on an equitable basis to children defined in
4 subdivision three of section seven hundred fifty-one of this article
5 attending in the current year. The payment of tuition under article
6 eighty-nine of this chapter is deemed to be an equitable loan to chil-
7 dren for whom such tuition is paid.

8 § 7. Section 753 of the education law, as added by section 7-a of part
9 B of chapter 57 of the laws of 2007, subdivision 1 as amended by section
10 4 of part A1 of chapter 58 of the laws of 2011, is amended to read as
11 follows:

12 § 753. Instructional computer hardware and technology equipment appor-
13 tionment. 1. In addition to any other apportionment under this chapter,
14 a school district shall be eligible for an apportionment under the
15 provisions of this section in the two thousand nineteen--two thousand
16 twenty school year and prior for approved expenses for (i) the purchase
17 or lease of micro and/or mini computer equipment or terminals for
18 instructional purposes or (ii) technology equipment, as defined in para-
19 graph c of subdivision two of this section, used for instructional
20 purposes, or (iii) for the repair of such equipment and training and
21 staff development for instructional purposes as provided hereinafter, or
22 (iv) for expenses incurred on or after July first, two thousand eleven
23 and before July first, two thousand nineteen, any items of expenditure
24 that are eligible for an apportionment pursuant to sections seven
25 hundred one, seven hundred eleven and/or seven hundred fifty-one of this
26 title, where such items are designated by the school district as eligi-
27 ble for aid pursuant to this section, provided, however, that if aided
28 pursuant to this section, such expenses shall not be aidable pursuant to
29 any other section of law. Such aid shall be provided pursuant to a plan
30 developed by the district which demonstrates to the satisfaction of the
31 commissioner that the instructional computer hardware needs of the
32 district's public school students have been adequately met and that the
33 school district has provided for the loan of instructional computer
34 hardware to students legally attending nonpublic schools pursuant to
35 section seven hundred fifty-four of this article. The apportionment
36 shall equal the lesser of such approved expense in the base year or, the
37 product of (i) the technology factor, (ii) the sum of the public school
38 district enrollment and the nonpublic school enrollment in the base year
39 as defined in subparagraphs two and three of paragraph n of subdivision
40 one of section thirty-six hundred two of this chapter, and (iii) the
41 building aid ratio, as defined in subdivision four of section thirty-six
42 hundred two of this chapter. For aid payable in the two thousand seven-
43 -two thousand eight school year and thereafter, the technology factor
44 shall be twenty-four dollars and twenty cents. A school district may use
45 up to twenty percent of the product of (i) the technology factor, (ii)
46 the sum of the public school district enrollment and the nonpublic
47 school enrollment in the base year as defined in subparagraphs two and
48 three of paragraph n of subdivision one of section thirty-six hundred
49 two of this chapter, and (iii) the building aid ratio for the repair of
50 instructional computer hardware and technology equipment and training
51 and staff development for instructional purposes pursuant to a plan
52 submitted to the commissioner.

53 2. As used in this article:

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

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

3 c. "Technology equipment", for the purposes of this article, shall
4 mean equipment with a useful life used in conjunction with or in support
5 of educational programs including but not limited to video, solar ener-
6 gy, robotic, satellite, laser and such other equipment as the commis-
7 sioner shall approve provided that expenses for the purchase or lease of
8 such equipment shall not be eligible for aid under any other provisions
9 of this chapter.

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

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

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

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

34 a. Upon application by a board of cooperative educational services, in
35 the two thousand nineteen--two thousand twenty school year and prior,
36 there shall be apportioned and paid from state funds to each board of
37 cooperative educational services an amount which shall be the product of
38 the approved cost of services actually incurred during the base year
39 multiplied by the sharing ratio for cooperative educational services aid
40 which shall equal the greater of: (i) an amount equal to one minus the
41 quotient expressed as a decimal to three places without rounding of
42 eight mills divided by the tax rate of the local district computed upon
43 the actual valuation of taxable property, as determined pursuant to
44 subdivision one of section thirty-six hundred two of this chapter and
45 notwithstanding section three thousand six hundred three, expressed in
46 mills to the nearest tenth as determined by the commissioner, provided,
47 however, that where services are provided to a school district which is
48 included within a central high school district or to a central high
49 school district, such amount shall equal one minus the quotient
50 expressed as a decimal to three places without rounding of three mills
51 divided by the tax rates, expressed in mills to the nearest tenth, of
52 such districts, as determined by the commissioner or (ii) the aid ratio
53 of each school district for the current year, which shall be such compo-
54 nent school district's board of cooperative educational services aid
55 ratio and which shall be not less than thirty-six percent converted to
56 decimals and shall be not more than ninety percent converted to deci-

1 mals. For the purposes of this paragraph, the tax rate of the local
2 district computed upon the actual valuation of taxable property shall be
3 the sum of the amount of tax raised by the school district plus any
4 payments in lieu of taxes received by the school district pursuant to
5 section four hundred eighty-five of the real property tax law, divided
6 by the actual valuation of the school district, provided, however that
7 the tax rate for a central high school district shall be the sum of the
8 amount of tax raised by the common and union free school districts
9 included within the central high school district for the support of the
10 central high school district plus any payments in lieu of taxes received
11 for the support of the central high school district pursuant to section
12 four hundred eighty-five of the real property tax law, divided by the
13 actual valuation of the central high school district. The tax rate for
14 each common or union free school district which is included within a
15 central high school district shall be the sum of the amount raised for
16 the support of such common or union free school district plus any
17 payments in lieu of taxes received for the support of the school
18 district pursuant to section four hundred eighty-five of the real prop-
19 erty tax law, exclusive of the amount raised for the central high school
20 district, divided by the actual valuation of such common or union free
21 school district.

22 f. The sum of the amounts determined for each component school
23 district as the apportionment to the board of cooperative educational
24 services pursuant to the provisions of this section shall not be less
25 than the amount which would have been apportioned during the nineteen
26 hundred sixty-seven--sixty-eight school year under the provisions of
27 this subdivision as in effect on December thirty-first, nineteen hundred
28 sixty-six to the board of cooperative educational services of which the
29 district was a component member for which such apportionment was made,
30 except that such minimum apportionment shall be reduced in any year in
31 which the expenditures of the component district for board of cooper-
32 ative educational purposes fall below the expenditure on which the nine-
33 teen hundred sixty-seven--sixty-eight apportionment to the board of
34 cooperative educational services was based, such reduction to be made on
35 a proportionate basis, provided, however, that such limitation shall no
36 longer apply commencing with the two thousand twenty--two thousand twen-
37 ty-one school year.

38 g. Any payment required by a board of cooperative educational services
39 to the dormitory authority or any payment required by a board of cooper-
40 ative educational services to acquire or construct a school facility of
41 the board of cooperative educational services, and any payments for
42 rental of facilities by a board of cooperative educational services
43 shall, for the purposes of apportionment of public moneys to the board
44 of cooperative educational services by the state of New York, be deemed
45 to be an administrative or capital expense, as designated by the commis-
46 sioner, but the entire amount of such payment shall be utilized in
47 making such apportionment and the limitation of ten percent of the total
48 expenses contained in this subdivision shall not be applicable. Any
49 expense designated by the commissioner as a capital expense shall be
50 included in the capital budget of the board of cooperative educational
51 services and, except as otherwise provided in this paragraph, shall be
52 aided in the same manner as an administrative expense, provided, howev-
53 er, that such aid shall not be provided commencing with the two thousand
54 twenty--two thousand twenty-one school year. Any such payment shall not
55 be considered part of the total expenses of the board for purposes of
56 determining the administrative and clerical expenses not to exceed ten

1 percent otherwise eligible for aid under this subdivision, and such
2 payments shall be considered for the purpose of apportionment during the
3 current school year such payment is made. The apportionment for such
4 payments shall be determined by multiplying the amount of such payment
5 allocated to each component school district in the board of cooperative
6 educational services by the aid ratio, and shall be not more than ninety
7 percent converted to decimals, of each such component computed pursuant
8 to subdivision three of section thirty-six hundred two and used to
9 apportion aid to that district in that current school year; provided,
10 however, the apportionment for the construction, acquisition, recon-
11 struction, rehabilitation, or improvement of board of cooperative educa-
12 tional services facilities, including payments to the dormitory authori-
13 ty and payments under any lease agreement, shall be based upon the cost
14 of the board of cooperative educational services school facilities but
15 not to exceed the cost allowance set forth in subdivision six of section
16 thirty-six hundred two of the education law and payments for rental
17 facilities shall be subject to the approval of the commissioner.

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

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

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

38 (iii) For aid payable in the two thousand twenty--two thousand twen-
39 ty-one school year, the total foundation aid base shall equal the sum of
40 (1) the total amount a district was eligible to receive in the base
41 year pursuant to subdivision four of this section, plus

42 (2) the total amounts set forth for such school district as "2019-20
43 CLAIMED BOCES AID", "2019-20 ACADEMIC IMPRVMT AID", "2019-20 CAREER
44 EDUCATION AID", "2019-20 COMPUTER ADMIN AID", "2019-20 HARDWARE & TECH-
45 NOL AID", "2019-20 SOFTWARE AID", "2019-20 LIBRARY MATERIALS AID",
46 "2019-20 TEXTBOOK AID", "2019-20 CHRTR SCH TRANSTNL AID", "ACADEMIC
47 ENHANCEMENT", "HIGH TAX AID", and "SUPP PUB EXCESS COST", in the data
48 file produced by the commissioner in support of the executive budget
49 request for the two thousand twenty--two thousand twenty-one school year
50 and entitled "BT202-1".

51 § 10. Paragraph e of subdivision 4 of section 3602 of the education
52 law, as amended by section 4 of part YY of chapter 59 of the laws of
53 2019, is amended to read as follows:

54 e. Community schools aid set-aside. Each school district shall set
55 aside from its total foundation aid computed for the current year pursu-
56 ant to this subdivision an amount equal to the sum of (i) the amount, if

1 any, set forth for such district as "COMMUNITY SCHL AID (BT1617)" in the
2 data file produced by the commissioner in support of the enacted budget
3 for the two thousand sixteen--two thousand seventeen school year and
4 entitled "SA161-7", (ii) the amount, if any, set forth for such district
5 as "COMMUNITY SCHL INCR" in the data file produced by the commissioner
6 in support of the executive budget request for the two thousand seven-
7 teen--two thousand eighteen school year and entitled "BT171-8", (iii)
8 the amount, if any, set forth for such district as "COMMUNITY SCHOOLS
9 INCREASE" in the data file produced by the commissioner in support of
10 the executive budget for the two thousand eighteen--two thousand nine-
11 teen school year and entitled "BT181-9", ~~[and]~~ (iv) the amount, if any,
12 set forth for such district as "19-20 COMMUNITY SCHOOLS INCR" in the
13 data file produced by the commissioner in support of the executive budg-
14 et for the two thousand nineteen--two thousand twenty school year and
15 entitled "BT192-0", and (v) the amount, if any, set forth for such
16 district as "20-21 COMMUNITY SCHOOLS INCR" in the data file produced by
17 the commissioner in support of the executive budget for the two thousand
18 twenty--two thousand twenty-one school year and entitled "BT202-1".
19 Each school district shall use such "COMMUNITY SCHL AID (BT1617)" amount
20 to support the transformation of school buildings into community hubs to
21 deliver co-located or school-linked academic, health, mental health,
22 nutrition, counseling, legal and/or other services to students and their
23 families, including but not limited to providing a community school site
24 coordinator, or to support other costs incurred to maximize students'
25 academic achievement. Each school district shall use such "COMMUNITY
26 SCHL INCR" amount to support the transformation of school buildings into
27 community hubs to deliver co-located or school linked academic, health,
28 mental health services and personnel, after-school programming, dual
29 language programs, nutrition, counseling, legal and/or other services to
30 students and their families, including but not limited to providing a
31 community school site coordinator and programs for English language
32 learners, or to support other costs incurred to maximize students'
33 academic achievement, provided however that a school district whose
34 "COMMUNITY SCHL INCR" amount exceeds one million dollars (\$1,000,000)
35 shall use an amount equal to the greater of one hundred fifty thousand
36 dollars (\$150,000) or ten percent of such "COMMUNITY SCHL INCR" amount
37 to support such transformation at schools with extraordinary high levels
38 of student need as identified by the commissioner, subject to the
39 approval of the director of the budget. Each school district shall use
40 such "COMMUNITY SCHOOLS INCREASE" to support the transformation of
41 school buildings into community hubs to deliver co-located or school
42 linked academic, health, mental health services and personnel, after-
43 school programming, dual language programs, nutrition, counseling, legal
44 and/or other services to students and their families, including but not
45 limited to providing a community school site coordinator and programs
46 for English language learners, or to support other costs incurred to
47 maximize students' academic achievement. Each school district shall use
48 such "19-20 COMMUNITY SCHOOLS INCR" to support the transformation of
49 school buildings into community hubs to deliver co-located or school
50 linked academic, health, mental health services and personnel, after-
51 school programming, dual language programs, nutrition, trauma informed
52 support, counseling, legal and/or other services to students and their
53 families, including but not limited to providing a community school site
54 coordinator and programs for English language learners, or to support
55 other costs incurred to maximize students' academic achievement. Each
56 school district shall use such "20-21 COMMUNITY SCHOOLS INCR" to support

1 the transformation of school buildings into community hubs to deliver
2 co-located or school linked academic, health, mental health services and
3 personnel, after-school programming, dual language programs, nutrition,
4 trauma informed support, counseling, legal and/or other services to
5 students and their families, including but not limited to providing a
6 community school site coordinator and programs for English language
7 learners.

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

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

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

22 For the purposes of this paragraph:

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

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

39 (iii) "Tier C" shall equal, for school districts with a modified free-
40 and reduced-price lunch index of one and one-half (1.5) or greater, the
41 product of public school district enrollment as computed pursuant to
42 paragraph n of subdivision one of this section for the base year multi-
43 plied by the Tier C per pupil amount, where "Tier C per pupil amount"
44 shall equal the product of (A) one hundred forty-eight dollars and eigh-
45 teen cents (\$148.18) multiplied by (B) the regional cost index computed
46 pursuant to subparagraph two of paragraph a of this subdivision for such
47 school district multiplied by (C) the modified free and reduced-price
48 lunch index multiplied by (D) the difference of two less the product of
49 one and one-half (1.5) multiplied by the combined wealth ratio for total
50 foundation aid computed pursuant to subparagraph two of paragraph c of
51 subdivision three of this section, provided that such difference shall
52 be no greater than nine tenths (0.9) nor less than zero, and where the
53 "modified free and reduced-price lunch index" shall equal the quotient
54 arrived at when dividing the three year average free and reduced-price
55 lunch percent for the current year computed pursuant to paragraph p of
56 subdivision one of this section of the school district by the statewide

1 average of such percent excluding any city school district in a city
2 with a population of one million or more.

3 (iv) "Tier D" shall equal the product of the extraordinary needs count
4 computed pursuant to paragraph s of subdivision one of this section
5 multiplied by the Tier D per pupil amount, where "Tier D per pupil
6 amount" shall equal the product of (A) two hundred five dollars (\$205)
7 multiplied by (B) the sum of one plus the sparsity factor computed
8 pursuant to paragraph r of subdivision one of this section multiplied by
9 (C) the extraordinary needs index multiplied by (D) the tier D scaled
10 factor, where the "extraordinary needs index" shall equal the quotient
11 of the extraordinary needs percent for the district computed pursuant to
12 paragraph w of subdivision one of this section divided by the statewide
13 average of such percent, and where the "tier D scaled factor" shall
14 equal the difference of one and thirty-seven one-hundredths (1.37) less
15 the squared product of the pupil wealth ratio computed pursuant to para-
16 graph a of subdivision three of this section multiplied by one and twen-
17 ty-four one-hundredths (1.24), provided that such tier D scaled factor
18 shall not be less than zero nor more than one.

19 (v) "Tier E" shall equal the greater of the due minimum or the differ-
20 ence of the due minimum less the hold harmless, where "due minimum"
21 shall equal the product of the total foundation aid base computed pursu-
22 ant to subparagraph (iii) of paragraph j of subdivision one of this
23 section multiplied by twenty-five ten-thousandths (0.0025), and where
24 the "hold harmless" shall equal adjusted foundation aid less the total
25 foundation aid base computed pursuant to subparagraph (iii) of paragraph
26 j of subdivision one of this section.

27 (vi) For the two thousand twenty--two thousand twenty-one school year,
28 "adjusted foundation aid" shall equal the sum of the total amounts set
29 forth for such school district as "FOUNDATION AID PER-ADJ", "2020-21
30 EST. BOCES AID", "2020-21 COMPUTER ADMIN AID", "2020-21 CAREER EDUCATION
31 AID", "2020-21 ACADEMIC IMPROVMT AID", "2020-21 HARDWARE & TECHNOL AID",
32 "2020-21 SOFTWARE AID", "2020-21 LIBRARY MATERIALS AID", "2020-21 TEXT-
33 BOOK AID", "2020-21 TRANSITIONAL AID FOR CHARTER SCHOOL PAYMENTS",
34 "ACADEMIC ENHANCEMENT", "HIGH TAX AID", and "SUPP PUB EXCESS COST" in
35 the data file produced by the commissioner in support of the executive
36 budget request for the two thousand twenty--two thousand twenty-one
37 school year and entitled "BT202-1".

38 (vii) "Community schools setaside increase" shall equal the sum of the
39 community schools tier 1 increase and the community schools tier 2
40 increase, where (A) the community schools tier 1 increase shall equal,
41 for eligible school districts, the greater of thirty thousand dollars
42 (\$30,000) or the product of (1) sixty-six dollars and five cents
43 (\$66.05) multiplied by (2) the public school district enrollment as
44 computed pursuant to paragraph n of subdivision one of this section
45 multiplied by (3) the community schools setaside ratio and (B) the
46 community schools tier 2 increase shall equal, for eligible school
47 districts, the greater of twenty-five thousand dollars (\$25,000) or the
48 product of (1) forty-three dollars and ninety-four cents (\$43.94) multi-
49 plied by (2) the public school district enrollment as computed pursuant
50 to paragraph n of subdivision one of this section multiplied by (3) the
51 community schools setaside ratio. Provided further, the "community
52 schools setaside ratio" shall equal the difference of one less the prod-
53 uct of the combined wealth ratio for total foundation aid computed
54 pursuant to subparagraph two of paragraph c of subdivision three of this
55 section multiplied by sixty-four one-hundredths (0.64), provided that

1 such difference shall not be greater than nine tenths (0.9) nor less
2 than zero.

3 For purposes of this subparagraph, districts eligible for the communi-
4 ty schools tier 1 increase shall be (A) those districts that contain at
5 least one school identified as a Comprehensive Support & Improvement
6 (CSI) School in the two thousand eighteen--two thousand nineteen school
7 year, or (B) districts where (1) the difference of the quotient of the
8 English language learner count computed pursuant to paragraph o of
9 subdivision one of this section for the base year divided by public
10 school district enrollment for the base year less such quotient for the
11 school year five years prior to the base year is greater than or equal
12 to the statewide average of the difference of such quotients, and (2)
13 where the quotient arrived at when dividing the English language learner
14 count for the base year by public school district enrollment for the
15 base year is greater than or equal to the statewide average of such
16 quotient, and (3) where the combined wealth ratio for total foundation
17 aid computed pursuant to subparagraph two of paragraph c of subdivision
18 three of this section is less than or equal to one (1.0).

19 For purposes of this subparagraph, districts eligible for the communi-
20 ty schools tier 2 increase shall be those that did not receive funds
21 under the community schools setaside for the two thousand nineteen--two
22 thousand twenty school year, are not eligible for the community schools
23 tier 1 increase, and have a combined wealth ratio for total foundation
24 aid computed pursuant to subparagraph two of paragraph c of subdivision
25 three of this section less than or equal to eighty-four one-hundredths
26 (0.84).

27 § 12. Paragraph a of subdivision 10 of section 3602 of the education
28 law, as amended by section 32 of part H of chapter 83 of the laws of
29 2002 and such subdivision as renumbered by section 16 of part B of chap-
30 ter 57 of the laws of 2007, is amended to read as follows:

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

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

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

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

48 c-1. For the purposes of this chapter, "BOCES payment adjustment"
49 shall mean the total amount set forth for such school district as
50 "2020-21 EST. BOCES AID" in the data file produced by the commissioner
51 in support of the executive budget request for the two thousand twenty-
52 -two thousand twenty-one school year and entitled "BT202-1". Notwith-
53 standing any provision of law to the contrary, for the two thousand
54 twenty--two thousand twenty-one school year and thereafter, of the total
55 apportionment pursuant to this subdivision, an amount equal to the BOCES

1 payment adjustment shall be paid pursuant to section thirty-six hundred
2 nine-d of this chapter.

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

6 Notwithstanding the provisions of section thirty-six hundred nine-a of
7 this article, for school years prior to the two thousand twenty--two
8 thousand twenty-one school year, apportionments payable pursuant to
9 section nineteen hundred fifty of this chapter shall be paid pursuant to
10 this section. For aid payable in the two thousand four--two thousand
11 five school year [~~and thereafter~~] through two thousand nineteen--two
12 thousand twenty school year, "moneys apportioned" shall mean the lesser
13 of (i) one hundred percent of the respective amount set forth for each
14 school district as payable pursuant to this section in the school aid
15 computer listing produced by the commissioner in support of the budget
16 including the appropriation for support of boards of cooperative educa-
17 tional services for payments due prior to April first for the current
18 year, or (ii) the apportionment calculated by the commissioner based on
19 data on file at the time the payment is processed; provided however,
20 that for the purposes of any payment to be made in the month of June of
21 two thousand six such calculation shall be based on the school aid
22 computer listing for the current year using updated data at the time of
23 each payment. For districts subject to chapter five hundred sixty-three
24 of the laws of nineteen hundred eighty, thirty-six hundred two-b, or two
25 thousand forty of this chapter, for aid payable in the two thousand
26 four--two thousand five school year and thereafter, "moneys apportioned"
27 shall mean the apportionment calculated by the commissioner based on
28 data on file at the time the payment is processed. Notwithstanding the
29 provisions of section thirty-six hundred nine-a of this article, for the
30 two thousand twenty--two thousand twenty-one school year and thereafter,
31 apportionments payable pursuant to paragraph c-1 of subdivision four of
32 section thirty-six hundred two of this chapter shall be paid pursuant to
33 this section. The "school aid computer listing for the current year"
34 shall be as defined in the opening paragraph of section thirty-six
35 hundred nine-a of this article. The definitions "base year" and
36 "current year" as set forth in subdivision one of section thirty-six
37 hundred two of this article shall apply to this section.

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

41 (2) Where a school district has expenditures for site purchase, grad-
42 ing or improvement of the site, original furnishings, equipment, machin-
43 ery or apparatus, or professional fees, or other incidental costs, the
44 cost allowances for new construction and the purchase of existing struc-
45 tures may be increased by the actual expenditures for such purposes but
46 by not more than the product of the applicable cost allowance estab-
47 lished pursuant to subparagraph one of this paragraph and twenty per
48 centum for school buildings or additions housing grades prekindergarten
49 through six and by not more than the product of such cost allowance and
50 twenty-five per centum for school buildings or additions housing grades
51 seven through twelve and by not more than the product of such cost
52 allowance and twenty-five per centum for school buildings or additions
53 housing special education programs as approved by the commissioner,
54 provided that commencing with projects approved on or after July first,
55 two thousand twenty by the voters of the school district or by the board
56 of education of a city school district in a city with more than one

hundred twenty-five thousand inhabitants, and/or the chancellor in a city school district in a city having a population of one million or more, the amount of the cost allowance that is increased by this subparagraph may not be used for space that the commissioner deems as not critical to the instructional program, the protection of health and safety, or other appropriate use of the facilities, as defined in regulations of the commissioner, including but not limited to athletic facilities that exceed the requirements necessary for the physical education program.

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

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

1 computed to three decimals without rounding, but not more than, (a)
2 ninety-eight hundredths for a high need school district, as defined
3 pursuant to regulations of the commissioner and used for the school aid
4 computer listing produced by the commissioner in support of the enacted
5 budget for the two thousand seven--two thousand eight school year and
6 entitled "SA0708", for all school building projects approved by the
7 voters of the school district or by the board of education of a city
8 school district in a city with more than one hundred twenty-five thou-
9 sand inhabitants, and/or the chancellor in a city school district in a
10 city having a population of one million or more, on or after July first,
11 two thousand five, or (b) ninety-five hundredths for any other school
12 building project or school district. For purposes of this clause, the
13 scaled incentive decimal shall equal (a) one-tenth for a high need
14 school district, as defined pursuant to regulations of the commissioner
15 and used for the school aid computer listing produced by the commission-
16 er in support of the enacted budget for the two thousand seven--two
17 thousand eight school year and entitled "SA0708", for all school build-
18 ing projects approved by the voters of the school district or by the
19 board of education of a city school district in a city with more than
20 one hundred twenty-five thousand inhabitants, and/or the chancellor in a
21 city school district in a city having a population of one million or
22 more, on or after July first, two thousand five or (b) the product of
23 one-tenth multiplied by the state sharing ratio computed pursuant to
24 paragraph g of subdivision three of this section for all other school
25 districts.

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

31 (b) For aid payable in the school years two thousand--two thousand one
32 and thereafter for all school building projects approved by the voters
33 of the school district or by the board of education of a city school
34 district in a city with more than one hundred twenty-five thousand
35 inhabitants, and/or the chancellor in a city school district in a city
36 having a population of one million or more, on or after July first, two
37 thousand, and prior to July first, two thousand twenty, any school
38 district shall compute aid under the provisions of this subdivision
39 using the sum of the high-need supplemental building aid ratio, if any,
40 computed pursuant to clause (c) of this subparagraph and the greater of
41 (i) the building aid ratio computed for use in the current year; or (ii)
42 a building aid ratio equal to the difference of the aid ratio that was
43 used or that would have been used to compute an apportionment pursuant
44 to this subdivision in the nineteen hundred ninety-nine--two thousand
45 school year as such aid ratio is computed by the commissioner based on
46 data on file with the department on or before July first of the third
47 school year following the school year in which aid is first payable,
48 less one-tenth; or (iii) for all such school building projects approved
49 by the voters of the school district or by the board of education of a
50 city school district in a city with more than one hundred twenty-five
51 thousand inhabitants, and/or the chancellor in a city school district in
52 a city having a population of one million or more, on or after July
53 first, two thousand and on or before June thirtieth, two thousand four,
54 for any school district for which the pupil wealth ratio is greater than
55 two and five-tenths in the school year in which such school building
56 project was approved by the voters of the school district or by the

1 board of education of a city school district in a city with more than
2 one hundred twenty-five thousand inhabitants, and/or the chancellor in a
3 city school district in a city having a population of one million or
4 more and for which the alternate pupil wealth ratio is less than eight-
5 y-five hundredths in such school year, and for all such school building
6 projects approved by the voters of the school district or by the board
7 of education of a city school district in a city with more than one
8 hundred twenty-five thousand inhabitants, and/or the chancellor in a
9 city school district in a city having a population of one million or
10 more, on or after July first, two thousand five and on or before June
11 thirtieth, two thousand eight, for any school district for which the
12 pupil wealth ratio was greater than two and five-tenths in the two thou-
13 sand--two thousand one school year and for which the alternate pupil
14 wealth ratio was less than eighty-five hundredths in the two thousand--
15 two thousand one school year, the additional building aid ratio;
16 provided that, school districts who are eligible for aid under paragraph
17 f of subdivision fourteen of this section may compute aid under the
18 provisions of this subdivision using the difference of the highest of
19 the aid ratios so computed for the reorganized district or the highest
20 of the aid ratios so computed for any of the individual school districts
21 which existed prior to the date of the reorganized school district less
22 one-tenth.

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

39 (d) For aid payable in the school years two thousand twenty-one--two
40 thousand twenty-two and thereafter for all school building projects
41 approved by the voters of the school district or by the board of educa-
42 tion of a city school district in a city with more than one hundred
43 twenty-five thousand inhabitants, and/or the chancellor in a city school
44 district in a city having a population of one million or more, on or
45 after July first, two thousand twenty, any school district shall compute
46 aid under the provisions of this subdivision using the sum of the high-
47 need supplemental building aid ratio, if any, computed pursuant to
48 clause (c) of this subparagraph and the building aid ratio computed for
49 use in the current year, provided that such sum shall not be less than
50 five percent; further provided that, school districts which are eligible
51 for aid under paragraph f of subdivision fourteen of this section may
52 compute aid under the provisions of this subdivision using the differ-
53 ence of the highest of the aid ratios so computed for the reorganized
54 district or the highest of the aid ratios so computed for any of the
55 individual school districts which existed prior to the date of the reor-
56 ganized school district.

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

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

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

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

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

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

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

1 under paragraph c of subdivision one of this section, by forty-six
2 percent, where such ratio shall be expressed as a decimal carried to
3 three decimal places without rounding. The computation of such statewide
4 average shall include the actual valuation of all school districts
5 eligible for an apportionment pursuant to this section except central
6 high school districts. The transportation sparsity adjustment shall
7 equal the quotient of: the positive remainder of twenty-one minus the
8 district's public school enrollment for the year prior to the base year
9 per square mile, divided by three hundred seventeen and eighty-eight
10 hundredths. Approved transportation expense shall be the sum of the
11 approved transportation operating expense and the approved transporta-
12 tion capital, debt service and lease expense of the district. Approved
13 transportation expense shall not be aidable pursuant to section nineteen
14 hundred fifty of this chapter.

15 b. (1) For the purposes of this apportionment, approved transportation
16 operating expense shall be the actual expenditure incurred by a school
17 district and approved by the commissioner (i) for those items of trans-
18 portation operating expense allowable under subdivision one of section
19 thirty-six hundred twenty-three-a of this article for regular aidable
20 transportation of pupils as such terms are defined in sections thirty-
21 six hundred twenty-one and thirty-six hundred twenty-two-a of this arti-
22 cle, and (ii) for those items of transportation operating expense allow-
23 able under subdivision one of section thirty-six hundred twenty-three-a
24 of this article for the transportation required or authorized pursuant
25 to article eighty-nine of this chapter, and (iii) for providing monitors
26 on school buses for students with disabilities, and (iv) for transporta-
27 tion operating expenses allowable under section thirty-six hundred twen-
28 ty-three-a of this article for the transportation of homeless children
29 authorized by paragraph c of subdivision four of section thirty-two
30 hundred nine of this chapter, provided that the total approved cost of
31 such transportation shall not exceed the amount of the total cost of the
32 most cost-effective mode of transportation. Provided that, commencing
33 with apportionments for the two thousand twenty-one--two thousand twen-
34 ty-two school year and thereafter, approved transportation operating
35 expense for a school district shall not exceed the lesser of (i) total
36 approved transportation operating expense for the base year or (ii) the
37 product of the total approved transportation operating expense in the
38 year prior to the base year multiplied by the sum of one plus the infla-
39 tion-enrollment index computed pursuant to paragraph h of subdivision
40 three of this section.

41 (2) Notwithstanding any inconsistent provisions of this article, in
42 computing the apportionment payable to a school district in a city with
43 a population in excess of one million inhabitants pursuant to this
44 subdivision, approved transportation expense for public service trans-
45 portation shall not include any expenditures to the New York City Metro-
46 politan Transportation Authority for public service transportation nor
47 shall such expense be included in approved operating expense.

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

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

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

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

1 which payment is first to be made in the two thousand nineteen--two
2 thousand twenty school year and thereafter, the commissioner shall
3 certify no payment to a school district based on a claim submitted later
4 than the first of November of such school year. Provided, however, no
5 payments shall be barred or reduced where such payment is required as a
6 result of a final audit of the state. ~~[It is further provided that,~~
7 ~~until June thirtieth, nineteen hundred ninety-six, the commissioner may~~
8 ~~grant a waiver from the provisions of this section for any school~~
9 ~~district if it is in the best educational interests of the district~~
10 ~~pursuant to guidelines developed by the commissioner and approved by the~~
11 ~~director of the budget.]~~ Further provided that for any apportionments
12 provided pursuant to sections seven hundred one, seven hundred eleven,
13 seven hundred fifty-one, seven hundred fifty-three, nineteen hundred
14 fifty, thirty-six hundred two, thirty-six hundred two-b, thirty-six
15 hundred two-c, thirty-six hundred two-e and forty-four hundred five of
16 this chapter for the two thousand nineteen--two thousand twenty and two
17 thousand twenty--two thousand twenty-one school years, the commissioner
18 shall certify no payment to a school district, other than payments
19 pursuant to subdivisions six-a, eleven, thirteen and fifteen of section
20 thirty-six hundred two of this part, in excess of the payment computed
21 based on an electronic data file used to produce the school aid computer
22 listing produced by the commissioner in support of the executive budget
23 request submitted for the two thousand twenty--two thousand twenty-one
24 state fiscal year and entitled "BT202-1", and further provided that for
25 any apportionments provided pursuant to sections thirty-six hundred two,
26 thirty-six hundred two-b, thirty-six hundred two-c, thirty-six hundred
27 two-e and forty-four hundred five of this chapter for the two thousand
28 twenty-one--two thousand twenty-two school year and thereafter, the
29 commissioner shall certify no payment to a school district, other than
30 payments pursuant to subdivisions six-a, eleven, thirteen and fifteen of
31 section thirty-six hundred two of this part, in excess of the payment
32 computed based on an electronic data file used to produce the school aid
33 computer listing produced by the commissioner in support of the execu-
34 tive budget request submitted for the state fiscal year in which the
35 school year commences.

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

39 For aid payable in the two thousand seven--two thousand eight school
40 year through the two thousand nineteen--two thousand twenty school year,
41 "moneys apportioned" shall mean the lesser of (i) the sum of one hundred
42 percent of the respective amount set forth for each school district as
43 payable pursuant to this section in the school aid computer listing for
44 the current year produced by the commissioner in support of the budget
45 which includes the appropriation for the general support for public
46 schools for the prescribed payments and individualized payments due
47 prior to April first for the current year plus the apportionment payable
48 during the current school year pursuant to subdivision six-a and subdivi-
49 sion fifteen of section thirty-six hundred two of this part minus any
50 reductions to current year aids pursuant to subdivision seven of section
51 thirty-six hundred four of this part or any deduction from apportionment
52 payable pursuant to this chapter for collection of a school district
53 basic contribution as defined in subdivision eight of section forty-four
54 hundred one of this chapter, less any grants provided pursuant to
55 subparagraph two-a of paragraph b of subdivision four of section nine-
56 ty-two-c of the state finance law, less any grants provided pursuant to

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

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

§ 4403-a. Waivers from certain duties. 1. A local school district, approved private school or board of cooperative educational services may submit an application for a waiver from any requirement imposed on such

1 district, school or board of cooperative educational services pursuant
2 to section forty-four hundred two or section forty-four hundred three of
3 this article, and regulations promulgated thereunder, for a specific
4 school year. Such application must be submitted at least sixty days in
5 advance of the proposed date on which the waiver would be effective and
6 shall be in a form prescribed by the commissioner.

7 2. Before submitting an application for a waiver, the local school
8 district, approved private school or board of cooperative educational
9 services shall provide notice of the proposed waiver to the parents or
10 persons in parental relationship to the students that would be impacted
11 by the waiver if granted. Such notice shall be in a form and manner that
12 will ensure that such parents and persons in parental relationship will
13 be aware of all relevant changes that would occur under the waiver, and
14 shall include information on the form, manner and date by which parents
15 may submit written comments on the proposed waiver. The local school
16 district, approved private school, or board of cooperative educational
17 services shall provide at least sixty days for such parents and persons
18 in parental relationship to submit written comments, and shall include
19 in the waiver application submitted to the commissioner pursuant to
20 subdivision one of this section any written comments received from such
21 parents or persons in parental relationship to such students.

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

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

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

43 9. The total number of charters issued pursuant to this article state-
44 wide shall not exceed four hundred sixty. (a) All charters issued on or
45 after July first, two thousand fifteen and counted toward the numerical
46 limits established by this subdivision shall be issued by the board of
47 regents upon application directly to the board of regents or on the
48 recommendation of the board of trustees of the state university of New
49 York pursuant to a competitive process in accordance with subdivision
50 nine-a of this section. Fifty of such charters issued on or after July
51 first, two thousand fifteen, and no more, shall be granted to a charter
52 for a school to be located in a city having a population of one million
53 or more. The failure of any body to issue the regulations authorized
54 pursuant to this article shall not affect the authority of a charter
55 entity to propose a charter to the board of regents or the board of
56 regents' authority to grant such charter. A conversion of an existing

1 public school to a charter school, or the renewal or extension of a
2 charter approved by any charter entity, or the reissuance of a surren-
3 dered, revoked or terminated charter pursuant to paragraph (b) or (b-1)
4 of this subdivision shall not be counted toward the numerical limits
5 established by this subdivision.

6 (b) A charter that has been surrendered, revoked or terminated on or
7 before July first, two thousand fifteen, including a charter that has
8 not been renewed by action of its charter entity, may be reissued pursu-
9 ant to paragraph (a) of this subdivision by the board of regents either
10 upon application directly to the board of regents or on the recommenda-
11 tion of the board of trustees of the state university of New York pursu-
12 ant to a competitive process in accordance with subdivision nine-a of
13 this section. Provided that such reissuance shall not be counted toward
14 the statewide numerical limit established by this subdivision, and
15 provided further that no more than twenty-two charters may be reissued
16 pursuant to this paragraph.

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

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

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

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

44 1. In order to promote a spirit of patriotic and civic service and
45 obligation and to foster in the children of the state moral and intel-
46 lectual qualities which are essential in preparing to meet the obli-
47 gations of citizenship in peace or in war, the regents of The University
48 of the State of New York shall prescribe courses of instruction in
49 patriotism, citizenship, and human rights issues, with particular atten-
50 tion to the study of the inhumanity of genocide, slavery (including the
51 freedom trail and underground railroad), the Holocaust, civic education
52 and values, our shared history of diversity, the role of religious free-
53 dom in this country, and the mass starvation in Ireland from 1845 to
54 1850, to be maintained and followed in all the schools of the state. The
55 boards of education and trustees of the several cities and school
56 districts of the state shall require instruction to be given in such

1 courses, by the teachers employed in the schools therein. All pupils
2 attending such schools, over the age of eight years, shall attend upon
3 such instruction.

4 Similar courses of instruction shall be prescribed and maintained in
5 private schools in the state, and all pupils in such schools over eight
6 years of age shall attend upon such courses. If such courses are not so
7 established and maintained in a private school, attendance upon instruc-
8 tion in such school shall not be deemed substantially equivalent to
9 instruction given to pupils of like age in the public schools of the
10 city or district in which such pupils reside.

11 3. The regents shall determine the subjects to be included in such
12 courses of instruction in patriotism, citizenship, and human rights
13 issues, with particular attention to the study of the inhumanity of
14 genocide, slavery (including the freedom trail and underground rail-
15 road), the Holocaust, civic education and values, our shared history of
16 diversity, the role of religious freedom in this country, and the mass
17 starvation in Ireland from 1845 to 1850, and in the history, meaning,
18 significance and effect of the provisions of the constitution of the
19 United States, the amendments thereto, the declaration of independence,
20 the constitution of the state of New York and the amendments thereto,
21 and the period of instruction in each of the grades in such subjects.
22 They shall adopt rules providing for attendance upon such instruction
23 and for such other matters as are required for carrying into effect the
24 objects and purposes of this section. The commissioner shall be respon-
25 sible for the enforcement of such section and shall cause to be
26 inspected and supervise the instruction to be given in such subjects.
27 The commissioner may, in his discretion, cause all or a portion of the
28 public school money to be apportioned to a district or city to be with-
29 held for failure of the school authorities of such district or city to
30 provide instruction in such courses and to compel attendance upon such
31 instruction, as herein prescribed, and for a non-compliance with the
32 rules of the regents adopted as herein provided.

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

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

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

44 § 3609-h. Moneys apportioned to school districts for commercial gaming
45 grants pursuant to subdivision six of section ninety-seven-nnnn of the
46 state finance law, when and how payable commencing July first, two thou-
47 sand fourteen. Notwithstanding the provisions of section thirty-six
48 hundred nine-a of this part, apportionments payable pursuant to subdivi-
49 sion six of section ninety-seven-nnnn of the state finance law shall be
50 paid pursuant to this section. The definitions of "base year" and
51 "current year" as set forth in subdivision one of section thirty-six
52 hundred two of this part shall apply to this section.

53 1. The moneys apportioned by the commissioner to school districts
54 pursuant to subdivision six of section ninety-seven-nnnn of the state
55 finance law for the two thousand fourteen-two thousand fifteen school

1 year and thereafter shall be paid as a commercial gaming grant, as
2 computed pursuant to such subdivision, as follows:

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

8 b. For the two thousand fifteen--two thousand sixteen school year [~~and~~
9 ~~thereafter~~] through the two thousand eighteen--two thousand nineteen
10 school year, seventy percent of such grant shall be paid on the same
11 date as the payment computed pursuant to clause (ii) of subparagraph
12 three of paragraph b of subdivision one of section thirty-six hundred
13 nine-a of this article, and thirty percent of such grant shall be paid
14 on the same date as the payment computed pursuant to clause (v) of
15 subparagraph three of paragraph b of subdivision one of section thirty-
16 six hundred nine-a of this article.

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

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

25 § 30. Subdivision b of section 2 of chapter 756 of the laws of 1992,
26 relating to funding a program for work force education conducted by the
27 consortium for worker education in New York city, as amended by section
28 35 of part YYY of chapter 59 of the laws of 2019, is amended to read as
29 follows:

30 b. Reimbursement for programs approved in accordance with subdivision
31 a of this section for the reimbursement for the 2017--2018 school year
32 shall not exceed 60.4 percent of the lesser of such approvable costs per
33 contact hour or thirteen dollars and ninety cents per contact hour,
34 reimbursement for the 2018--2019 school year shall not exceed 59.4
35 percent of the lesser of such approvable costs per contact hour or four-
36 teen dollars and ninety-five cents per contact hour, [~~and~~] reimbursement
37 for the 2019--2020 school year shall not exceed 57.7 percent of the
38 lesser of such approvable costs per contact hour or fifteen dollars
39 sixty cents per contact hour, and reimbursement for the 2020-21 school
40 year shall not exceed 56.9 percent of the lesser of such approvable
41 costs per contact hour or sixteen dollars and twenty-five cents per
42 contact hour, where a contact hour represents sixty minutes of instruc-
43 tion services provided to an eligible adult. Notwithstanding any other
44 provision of law to the contrary, for the 2017--2018 school year such
45 contact hours shall not exceed one million five hundred forty-nine thou-
46 sand four hundred sixty-three (1,549,463); and for the 2018--2019 school
47 year such contact hours shall not exceed one million four hundred
48 sixty-three thousand nine hundred sixty-three (1,463,963); [~~and~~] for the
49 2019--2020 school year such contact hours shall not exceed one million
50 four hundred forty-four thousand four hundred forty-four (1,444,444);
51 and for the 2020-21 school year such contact hours shall not exceed one
52 million two hundred forty-four thousand and five hundred and eighty-
53 eight (1,244,588).

54 Notwithstanding any other provision of law to the
55 contrary, the apportionment calculated for the city school district of
56 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

1 consortium for worker education, not to exceed the contact hours set
2 forth herein, were eligible for aid in accordance with the provisions of
3 such subdivision 11 of section 3602 of the education law.

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

8 y. The provisions of this subdivision shall not apply after the
9 completion of payments for the 2020-21 school year. Notwithstanding any
10 inconsistent provisions of law, the commissioner of education shall
11 withhold a portion of employment preparation education aid due to the
12 city school district of the city of New York to support a portion of the
13 costs of the work force education program. Such moneys shall be credited
14 to the elementary and secondary education fund-local assistance account
15 and shall not exceed eleven million five hundred thousand dollars
16 (\$11,500,000).

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

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

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

28 1. Sections one through seventy of this act shall be deemed to have
29 been in full force and effect as of April 1, 1994 provided, however,
30 that sections one, two, twenty-four, twenty-five and twenty-seven
31 through seventy of this act shall expire and be deemed repealed on March
32 31, 2000; provided, however, that section twenty of this act shall apply
33 only to hearings commenced prior to September 1, 1994, and provided
34 further that section twenty-six of this act shall expire and be deemed
35 repealed on March 31, 1997; and provided further that sections four
36 through fourteen, sixteen, and eighteen, nineteen and twenty-one through
37 twenty-one-a of this act shall expire and be deemed repealed on March
38 31, 1997; and provided further that sections three, fifteen, seventeen,
39 twenty, twenty-two and twenty-three of this act shall expire and be
40 deemed repealed on March 31, [~~2020~~] 2022.

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

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

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

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

1 and three of this act shall expire and be deemed repealed on June 30,
2 [~~2020~~] 2021.

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

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

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

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

16 § 38. School bus driver training. In addition to apportionments other-
17 wise provided by section 3602 of the education law, for aid payable in
18 the 2020-2021 school year, the commissioner of education shall allocate
19 school bus driver training grants to school districts and boards of
20 cooperative educational services pursuant to sections 3650-a, 3650-b and
21 3650-c of the education law, or for contracts directly with not-for-pro-
22 fit educational organizations for the purposes of this section. Such
23 payments shall not exceed four hundred thousand dollars (\$400,000) per
24 school year.

25 § 39. Special apportionment for salary expenses. a. Notwithstanding
26 any other provision of law, upon application to the commissioner of
27 education, not sooner than the first day of the second full business
28 week of June 2021 and not later than the last day of the third full
29 business week of June 2021, a school district eligible for an apportion-
30 ment pursuant to section 3602 of the education law shall be eligible to
31 receive an apportionment pursuant to this section, for the school year
32 ending June 30, 2021, for salary expenses incurred between April 1 and
33 June 30, 2020 and such apportionment shall not exceed the sum of (i) the
34 deficit reduction assessment of 1990--1991 as determined by the commis-
35 sioner of education, pursuant to paragraph f of subdivision 1 of section
36 3602 of the education law, as in effect through June 30, 1993, plus (ii)
37 186 percent of such amount for a city school district in a city with a
38 population in excess of 1,000,000 inhabitants, plus (iii) 209 percent of
39 such amount for a city school district in a city with a population of
40 more than 195,000 inhabitants and less than 219,000 inhabitants accord-
41 ing to the latest federal census, plus (iv) the net gap elimination
42 adjustment for 2010--2011, as determined by the commissioner of educa-
43 tion pursuant to chapter 53 of the laws of 2010, plus (v) the gap elimi-
44 nation adjustment for 2011--2012 as determined by the commissioner of
45 education pursuant to subdivision 17 of section 3602 of the education
46 law, and provided further that such apportionment shall not exceed such
47 salary expenses. Such application shall be made by a school district,
48 after the board of education or trustees have adopted a resolution to do
49 so and in the case of a city school district in a city with a population
50 in excess of 125,000 inhabitants, with the approval of the mayor of such
51 city.

52 b. The claim for an apportionment to be paid to a school district
53 pursuant to subdivision a of this section shall be submitted to the
54 commissioner of education on a form prescribed for such purpose, and
55 shall be payable upon determination by such commissioner that the form
56 has been submitted as prescribed. Such approved amounts shall be payable

1 on the same day in September of the school year following the year in
2 which application was made as funds provided pursuant to subparagraph
3 (4) of paragraph b of subdivision 4 of section 92-c of the state finance
4 law, on the audit and warrant of the state comptroller on vouchers
5 certified or approved by the commissioner of education in the manner
6 prescribed by law from moneys in the state lottery fund and from the
7 general fund to the extent that the amount paid to a school district
8 pursuant to this section exceeds the amount, if any, due such school
9 district pursuant to subparagraph (2) of paragraph a of subdivision 1 of
10 section 3609-a of the education law in the school year following the
11 year in which application was made.

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

27 § 40. Special apportionment for public pension accruals. a. Notwith-
28 standing any other provision of law, upon application to the commission-
29 er of education, not later than June 30, 2021, a school district eligi-
30 ble for an apportionment pursuant to section 3602 of the education law
31 shall be eligible to receive an apportionment pursuant to this section,
32 for the school year ending June 30, 2021 and such apportionment shall
33 not exceed the additional accruals required to be made by school
34 districts in the 2004--2005 and 2005--2006 school years associated with
35 changes for such public pension liabilities. The amount of such addi-
36 tional accrual shall be certified to the commissioner of education by
37 the president of the board of education or the trustees or, in the case
38 of a city school district in a city with a population in excess of
39 125,000 inhabitants, the mayor of such city. Such application shall be
40 made by a school district, after the board of education or trustees have
41 adopted a resolution to do so and in the case of a city school district
42 in a city with a population in excess of 125,000 inhabitants, with the
43 approval of the mayor of such city.

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

1 district pursuant to subparagraph (2) of paragraph a of subdivision 1 of
2 section 3609-a of the education law in the school year following the
3 year in which application was made.

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

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

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

28 a. for the development, maintenance or expansion of magnet schools or
29 magnet school programs for the 2020--2021 school year. For the city
30 school district of the city of New York there shall be a setaside of
31 foundation aid equal to forty-eight million one hundred seventy-five
32 thousand dollars (\$48,175,000) including five hundred thousand dollars
33 (\$500,000) for the Andrew Jackson High School; for the Buffalo city
34 school district, twenty-one million twenty-five thousand dollars
35 (\$21,025,000); for the Rochester city school district, fifteen million
36 dollars (\$15,000,000); for the Syracuse city school district, thirteen
37 million dollars (\$13,000,000); for the Yonkers city school district,
38 forty-nine million five hundred thousand dollars (\$49,500,000); for the
39 Newburgh city school district, four million six hundred forty-five thou-
40 sand dollars (\$4,645,000); for the Poughkeepsie city school district,
41 two million four hundred seventy-five thousand dollars (\$2,475,000); for
42 the Mount Vernon city school district, two million dollars (\$2,000,000);
43 for the New Rochelle city school district, one million four hundred ten
44 thousand dollars (\$1,410,000); for the Schenectady city school district,
45 one million eight hundred thousand dollars (\$1,800,000); for the Port
46 Chester city school district, one million one hundred fifty thousand
47 dollars (\$1,150,000); for the White Plains city school district, nine
48 hundred thousand dollars (\$900,000); for the Niagara Falls city school
49 district, six hundred thousand dollars (\$600,000); for the Albany city
50 school district, three million five hundred fifty thousand dollars
51 (\$3,550,000); for the Utica city school district, two million dollars
52 (\$2,000,000); for the Beacon city school district, five hundred sixty-
53 six thousand dollars (\$566,000); for the Middletown city school
54 district, four hundred thousand dollars (\$400,000); for the Freeport
55 union free school district, four hundred thousand dollars (\$400,000);
56 for the Greenburgh central school district, three hundred thousand

1 dollars (\$300,000); for the Amsterdam city school district, eight
2 hundred thousand dollars (\$800,000); for the Peekskill city school
3 district, two hundred thousand dollars (\$200,000); and for the Hudson
4 city school district, four hundred thousand dollars (\$400,000).

5 b. Notwithstanding any inconsistent provision of law to the contrary,
6 a school district setting aside such foundation aid pursuant to this
7 section may use such setaside funds for: (i) any instructional or
8 instructional support costs associated with the operation of a magnet
9 school; or (ii) any instructional or instructional support costs associ-
10 ated with implementation of an alternative approach to promote diversity
11 and/or enhancement of the instructional program and raising of standards
12 in elementary and secondary schools of school districts having substan-
13 tial concentrations of minority students.

14 c. The commissioner of education shall not be authorized to withhold
15 foundation aid from a school district that used such funds in accordance
16 with this paragraph, notwithstanding any inconsistency with a request
17 for proposals issued by such commissioner for the purpose of attendance
18 improvement and dropout prevention for the 2020--2021 school year, and
19 for any city school district in a city having a population of more than
20 one million, the setaside for attendance improvement and dropout
21 prevention shall equal the amount set aside in the base year. For the
22 2020--2021 school year, it is further provided that any city school
23 district in a city having a population of more than one million shall
24 allocate at least one-third of any increase from base year levels in
25 funds set aside pursuant to the requirements of this section to communi-
26 ty-based organizations. Any increase required pursuant to this section
27 to community-based organizations must be in addition to allocations
28 provided to community-based organizations in the base year.

29 d. For the purpose of teacher support for the 2020--2021 school year:
30 for the city school district of the city of New York, sixty-two million
31 seven hundred seven thousand dollars (\$62,707,000); for the Buffalo city
32 school district, one million seven hundred forty-one thousand dollars
33 (\$1,741,000); for the Rochester city school district, one million seven-
34 ty-six thousand dollars (\$1,076,000); for the Yonkers city school
35 district, one million one hundred forty-seven thousand dollars
36 (\$1,147,000); and for the Syracuse city school district, eight hundred
37 nine thousand dollars (\$809,000). All funds made available to a school
38 district pursuant to this section shall be distributed among teachers
39 including prekindergarten teachers and teachers of adult vocational and
40 academic subjects in accordance with this section and shall be in addi-
41 tion to salaries heretofore or hereafter negotiated or made available;
42 provided, however, that all funds distributed pursuant to this section
43 for the current year shall be deemed to incorporate all funds distrib-
44 uted pursuant to former subdivision 27 of section 3602 of the education
45 law for prior years. In school districts where the teachers are repres-
46 ented by certified or recognized employee organizations, all salary
47 increases funded pursuant to this section shall be determined by sepa-
48 rate collective negotiations conducted pursuant to the provisions and
49 procedures of article 14 of the civil service law, notwithstanding the
50 existence of a negotiated agreement between a school district and a
51 certified or recognized employee organization.

52 § 43. Support of public libraries. The moneys appropriated for the
53 support of public libraries by a chapter of the laws of 2020 enacting
54 the aid to localities budget shall be apportioned for the 2020-2021
55 state fiscal year in accordance with the provisions of sections 271,
56 272, 273, 282, 284, and 285 of the education law as amended by the

1 provisions of this chapter and the provisions of this section, provided
2 that library construction aid pursuant to section 273-a of the education
3 law shall not be payable from the appropriations for the support of
4 public libraries and provided further that no library, library system or
5 program, as defined by the commissioner of education, shall receive less
6 total system or program aid than it received for the year 2001-2002
7 except as a result of a reduction adjustment necessary to conform to the
8 appropriations for support of public libraries.

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

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

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

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

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

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

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

48 PART B

49 Section 1. Legislative intent. The purpose of this act is to establish
50 the Syracuse Comprehensive Education and Workforce Training Center
51 focusing on Science, Technology, Engineering, Arts, and Math. The high
52 school and center shall provide a high school course of instruction for
53 grades nine through twelve, dedicated to providing expanded learning and
54 job training opportunities to students residing in the Onondaga, Cort-

land and Madison county board of cooperative educational services region and central New York, in the areas of science, technology, engineering, arts and mathematics as well as the core academic areas required for the issuance of high school diplomas in accordance with the rules and regulations promulgated by the board of regents. The legislature hereby finds and declares that the establishment of the school is a necessary component to the development of the greater central New York region of New York state and a necessary link to fostering the development and advancement of the arts and emerging technologies. This school will advance the interests of the central New York region and New York state by engaging students in rigorous and enriching educational experiences focused on the arts and emerging technologies, project-based learning and collaboration and by providing that experience within the context of a business and learning community for the purpose of directly connecting student learning with real world experience in the arts and advanced technical facilities. It is expressly found that the establishment and operation of such school pursuant to this act is a public purpose.

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

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

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

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

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

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

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

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

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

28 10. Any student eligible for enrollment in grades nine through twelve
29 of a public school entering into a memorandum of understanding with the
30 board of education of the Syracuse city school district to enroll
31 students in the Syracuse Comprehensive Education and Workforce Training
32 Center shall be eligible for admission to the high school. To the extent
33 that the number of qualified applicants may exceed the number of avail-
34 able spaces, the school shall grant admission on a random selection
35 basis, provided that an enrollment preference shall be provided to
36 pupils returning to the high school in the second or any subsequent
37 year. The criteria for admission shall not be limited based on intellec-
38 tual ability, measures of academic achievement or aptitude, athletic
39 aptitude, disability, race, creed, gender, national origin, religion,
40 ancestry, or location of residence. The high school shall determine the
41 tentative enrollment roster, notify the parents, or those in parental
42 relations to those students, and the resident school district by April
43 first of the school year preceding the school year for which the admis-
44 sion is granted.

45 11. Notwithstanding any other provision of law to the contrary, the
46 Syracuse city school district is authorized to transfer ownership of the
47 Syracuse Comprehensive Education and Workforce Training Center to the
48 county of Onondaga and the county of Onondaga is authorized to assume
49 such ownership and to enter into a lease for such facility with the
50 Syracuse city school district. The county of Onondaga may contract for
51 indebtedness to renovate such facility and any related financing shall
52 be deemed a county purpose. The county of Onondaga shall transfer owner-
53 ship of the Syracuse Comprehensive Education and Workforce Training
54 Center to the city of Syracuse upon the expiration of the lease.

55 12. Notwithstanding any other provision of law to the contrary, the
56 county of Onondaga shall submit estimated project costs for the reno-

1 vation and equipping of the Syracuse Comprehensive Education and Work-
2 force Training Center after the completion of schematic plans and spec-
3 ifications for review by the commissioner of education. If the total
4 project costs associated with such project exceed the approved cost
5 allowance of such building project pursuant to section three of this
6 act, and the county has not otherwise demonstrated to the satisfaction
7 of the New York state department of education the availability of addi-
8 tional local shares for such excess costs from the city of Syracuse
9 and/or the Syracuse city school district, then the county shall not
10 proceed with the preparation of final plans and specifications for such
11 project until the project has been redesigned or value-engineered to
12 reduce estimated project costs so as not to exceed the above cost
13 limits.

14 13. Notwithstanding any other provision of law to the contrary, the
15 county of Onondaga shall submit estimated project costs for the reno-
16 vation and equipping of the Syracuse Comprehensive Education Workforce
17 and Training Center after the completion of fifty percent of the final
18 plans and specifications for review by the commissioner of education. If
19 the total project costs associated with such project exceed the approved
20 cost allowance of such building project pursuant to section three of
21 this act, and the county has not otherwise demonstrated to the satisfac-
22 tion of the New York state department of education the availability of
23 additional local share for such excess costs from the city of Syracuse
24 and/or the Syracuse city school district, then the county shall not
25 proceed with the completion of the remaining fifty percent of the plans
26 and specifications for such project until the project has been rede-
27 signed or value-engineered to reduce estimated project costs so as to
28 not exceed the above cost limits.

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

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

41 § 4. This act shall take effect immediately.

42 PART C

43 Section 1. Definitions. As used in this act:

- 44 (a) "Commissioner" shall mean the commissioner of education;
45 (b) "Department" shall mean the state education department;
46 (c) "Board of education" or "board" shall mean the board of education
47 of the Rochester city school district;
48 (d) "School district" or "district" shall mean the Rochester city
49 school district;
50 (e) "Superintendent" shall mean the superintendent of the Rochester
51 city school district;
52 (f) "Relatives" shall mean a Rochester city school district board
53 member's spouse, domestic partner, child, stepchild, stepparent, or any

1 person who is a direct descendant of the grandparents of a current board
2 member or a board member's spouse or domestic partner;

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

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

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

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

12 (a) elementary and secondary education;

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

14 (c) educating students with disabilities; and

15 (d) educating English language learners.

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

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

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

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

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

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

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

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

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

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

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

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

12 (c) The third hearing shall take public comment on the fiscal perform-
13 ance of the district.

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

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

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

39 3. If the board of education and the monitor do not agree on all the
40 elements of the proposed financial plan, the board of education shall
41 conduct a public hearing on the proposed plan that details the elements
42 of disagreement between the monitor and the board, including documented
43 justification for such disagreements and any requested amendments from
44 the monitor. The proposed financial plan, elements of disagreement, and
45 requested amendments shall be made public on the district's website at
46 least three business days before such public hearing. After considering
47 the input of the community, the board may alter the proposed financial
48 plan and the monitor may alter his or her requested amendments, and the
49 monitor shall submit the proposed financial plan, his or her amendments
50 to the plan, and documentation providing justification for such disa-
51 greements and amendments to the commissioner and the mayor no later than
52 December first, two thousand twenty. By January fifteenth, two thousand
53 twenty-one, the commissioner and the mayor shall jointly approve the
54 proposed plan with any of the monitor's proposed amendments, or make
55 other modifications, they deem appropriate. The board of education
56 shall provide the commissioner and the mayor with any information they

1 request to approve such plan within three business days of such request.
2 Upon the approval of the commissioner and the mayor, the financial plan
3 shall be deemed approved for purposes of this act.

4 § 6. Academic improvement plan. 1. No later than November first, two
5 thousand twenty, the board of education, the superintendent and the
6 monitor shall develop an academic improvement plan for the district's
7 two thousand twenty--two thousand twenty-one school year and the four
8 subsequent school years. The academic improvement plan shall contain a
9 series of programmatic recommendations designed to improve academic
10 performance over the period of the plan in those academic areas that the
11 commissioner deems to be in need of improvement which shall include
12 addressing the provisions contained in any action plan set forth by the
13 department.

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

23 3. If the board of education and the monitor do not agree on all the
24 elements of the proposed academic improvement plan, the board of educa-
25 tion shall conduct a public hearing on the proposed plan that details
26 the elements of disagreement between the monitor and the board, includ-
27 ing documented justification for such disagreements and any requested
28 amendments from the monitor. The proposed academic improvement plan,
29 elements of disagreement, and requested amendments shall be made public
30 on the district's website at least three business days before such
31 public hearing. After considering the input of the community, the board
32 may alter the proposed academic improvement plan and the monitor may
33 alter his or her requested amendments, and the monitor shall submit the
34 proposed academic improvement plan, his or her amendments to the plan,
35 and documentation providing justification for such disagreements and
36 amendments to the commissioner no later than December first, two thou-
37 sand twenty. By January fifteenth, two thousand twenty-one, the commis-
38 sioner shall approve the proposed plan with any of the monitor's
39 proposed amendments, or make other modifications, he or she deems appro-
40 priate. The board of education shall provide the commissioner with any
41 information he or she requests to approve such plan within three busi-
42 ness days of such request. Upon the approval of the commissioner, the
43 academic improvement plan shall be deemed approved for purposes of this
44 act.

45 § 7. Fiscal and operational oversight. 1. Starting with the proposed
46 budget for the two thousand twenty-one--two thousand twenty-two school
47 year, the board of education shall annually submit the school district's
48 proposed budget for the next succeeding school year to the monitor no
49 later than March first prior to the start of such next succeeding school
50 year. The monitor shall review the proposed budget to ensure that it is
51 balanced within the context of revenue and expenditure estimates and
52 mandated programs. The monitor shall also review the proposed budget to
53 ensure that it, to the greatest extent possible, is consistent with the
54 district academic improvement plan and financial plan developed and
55 approved pursuant to this act. The monitor shall present his or her
56 findings to the board of education, the mayor and the commissioner no

1 later than forty-five days prior to the date scheduled for the board of
2 education's vote on the adoption of the final budget or the last date on
3 which the budget may be finally adopted, whichever is sooner. The
4 commissioner and the mayor shall jointly require the board of education
5 to make amendments to the proposed budget consistent with any recommen-
6 dations made by the monitor if the commissioner and the mayor jointly
7 determine such amendments are necessary to comply with the financial
8 plan and academic improvement plan under this act. The school district
9 shall make available on the district's website: the initial proposed
10 budget, the monitor's findings, and the final proposed budget at least
11 seven days prior to the date of the school district's budget hearing.
12 The board of education shall provide the commissioner and the mayor with
13 any information they request in order to make a determination pursuant
14 to this subdivision within three business days of such request.

15 2. The district shall provide quarterly reports to the monitor and
16 annual reports to the mayor, the commissioner and the board of regents
17 on the academic, fiscal, and operational status of the school district.
18 In addition, the monitor shall provide semi-annual reports to the mayor,
19 the commissioner, board of regents, the governor, the temporary presi-
20 dent of the senate, and the speaker of the assembly on the academic,
21 fiscal, and operational status of the school district. Such semi-annual
22 report shall include all the contracts that the district entered into
23 throughout the year.

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

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

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

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

37 § 8. The commissioner may overrule any decision of the monitor, except
38 for collective bargaining agreements negotiated in accordance with arti-
39 cle 14 of the civil service law, if he or she deems that such decision
40 is not aligned with the academic improvement plan. The commissioner and
41 the mayor may jointly overrule any decision of the monitor, except for
42 collective bargaining agreements negotiated in accordance with article
43 14 of the civil service law, if they jointly deem such decision is not
44 aligned with the financial plan or the school district's budget.

45 § 9. The monitor may notify the commissioner, the mayor and the board
46 in writing when he or she deems the district is violating an element of
47 the financial plan or academic improvement plan in this act. Within
48 twenty days, the commissioner shall determine whether the district is in
49 violation of any of the elements of the academic improvement plan high-
50 lighted by the monitor and shall order the district to comply immediate-
51 ly with the plan and remedy any such violation. The mayor and the
52 commissioner shall, within twenty days, jointly determine whether the
53 district is in violation of any of the elements of the financial plan
54 highlighted by the monitor and shall order the district to comply imme-
55 diately with the plan and remedy any such violation. The school
56 district shall suspend all actions related to the potential violation of

1 the financial plan or academic improvement plan until the commissioner
2 issues a determination or the mayor and the commissioner jointly issue a
3 determination related to the financial plan.

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

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

9 PART D

10 Section 1. Subparagraph 4 of paragraph h of subdivision 2 of section
11 355 of the education law, as amended by section 1 of part JJJ of chapter
12 59 of the laws of 2017, is amended to read as follows:

13 (4) The trustees shall not impose a differential tuition charge based
14 upon need or income. Except as hereinafter provided, all students
15 enrolled in programs leading to like degrees at state-operated insti-
16 tutions of the state university shall be charged a uniform rate of
17 tuition except for differential tuition rates based on state residency.
18 Provided, however, that the trustees may authorize the presidents of the
19 colleges of technology and the colleges of agriculture and technology to
20 set differing rates of tuition for each of the colleges for students
21 enrolled in degree-granting programs leading to an associate degree and
22 non-degree granting programs so long as such tuition rate does not
23 exceed the tuition rate charged to students who are enrolled in like
24 degree programs or degree-granting undergraduate programs leading to a
25 baccalaureate degree at other state-operated institutions of the state
26 university of New York. Notwithstanding any other provision of this
27 subparagraph, the trustees may authorize the setting of a separate cate-
28 gory of tuition rate, that shall be greater than the tuition rate for
29 resident students and less than the tuition rate for non-resident
30 students, only for students enrolled in distance learning courses who
31 are not residents of the state. Except as otherwise authorized in this
32 subparagraph, the trustees shall not adopt changes affecting tuition
33 charges prior to the enactment of the annual budget, provided however
34 that:

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

53 (ii) Commencing with the two thousand seventeen--two thousand eighteen
54 academic year and ending in the two thousand twenty--two thousand twen-

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

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

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

1 sand eleven--two thousand twelve academic year and ending in the two
2 thousand sixteen--two thousand seventeen academic year.

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

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

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

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

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

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

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

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

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

1 tuition credit is calculated and applied against the tuition charged for
2 the corresponding semester, quarter or term.

3 (ii) Commencing with the two thousand seventeen--two thousand eighteen
4 academic year and ending in the two thousand twenty--two thousand twen-
5 ty-one academic year the city university of New York board of trustees
6 shall be empowered to increase the resident undergraduate rate of
7 tuition by not more than two hundred dollars over the resident under-
8 graduate rate of tuition adopted by the board of trustees in the prior
9 academic year, provided however that if the annual resident undergradu-
10 ate rate of tuition would exceed five thousand dollars, then a tuition
11 credit for each eligible student, as determined and calculated by the
12 New York state higher education services corporation pursuant to section
13 six hundred eighty-nine-a of this ~~[title]~~ chapter, shall be applied
14 toward the tuition charged for each semester, quarter or term of study.
15 Tuition for each semester, quarter or term of study shall not be due for
16 any student eligible to receive such tuition credit until the tuition
17 credit is calculated and applied against the tuition charged for the
18 corresponding semester, quarter or term. Provided, further that the
19 revenue resulting from an increase in the rate of tuition shall be allo-
20 cated to each campus pursuant to a plan approved by the board of trus-
21 tees to support investments in new classroom faculty, instruction,
22 initiatives to improve student success and on-time completion and a
23 tuition credit for each eligible student.

24 (iii) Commencing with the two thousand twenty-one--two thousand twen-
25 ty-two academic year and ending in the two thousand twenty-four--two
26 thousand twenty-five academic year the city university of New York board
27 of trustees shall be empowered to increase the resident undergraduate
28 rate of tuition by not more than two hundred dollars over the resident
29 undergraduate rate of tuition adopted by the board of trustees in the
30 prior academic year; provided, however, that if the annual resident
31 undergraduate rate of tuition would exceed five thousand dollars, then a
32 tuition credit for each eligible student, as determined and calculated
33 by the New York state higher education services corporation pursuant to
34 section six hundred eighty-nine-a of this chapter, shall be applied
35 toward the tuition charged for each semester, quarter or term of study.
36 Tuition for each semester, quarter or term of study shall not be due for
37 any student eligible to receive such tuition credit until the tuition
38 credit is calculated and applied against the tuition charged for the
39 corresponding semester, quarter or term. Provided, further that the
40 revenue resulting from an increase in the rate of tuition shall be allo-
41 cated to each campus pursuant to a plan approved by the board of trus-
42 tees to support investments in new classroom faculty, instruction,
43 initiatives to improve student success and on-time completion and a
44 tuition credit for each eligible student.

45 (iv) On or before November thirtieth, two thousand ~~[seventeen]~~ twen-
46 ty-one, the trustees shall approve and submit to the chairs of the
47 assembly ways and means committee and the senate finance committee and
48 to the director of the budget a master tuition plan setting forth the
49 tuition rates that the trustees propose for resident undergraduate
50 students for the four year period commencing with the two thousand
51 ~~[seventeen]~~ twenty-one--two thousand ~~[eighteen]~~ twenty-two academic year
52 and ending in the two thousand ~~[twenty]~~ twenty-four--two thousand ~~[tween-~~
53 ~~ty-one]~~ twenty-five academic year, and shall submit any proposed amend-
54 ments to such plan by November thirtieth of each subsequent year there-
55 after through November thirtieth, two thousand ~~[twenty]~~ twenty-four.

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

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

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

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

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

52 § 5. This act shall take effect immediately; provided, however, that
53 the amendments to subparagraph 4 of paragraph h of subdivision 2 of
54 section 355 of the education law made by section one of this act and the
55 amendments to paragraph (a) of subdivision 7 of section 6206 of the
56 education law made by section three of this act shall not affect the

1 expiration of such paragraph and subparagraph and shall be deemed to
2 expire therewith.

3 PART E

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

7 (d) has an adjusted gross income for the qualifying year, as such
8 terms are defined in this subdivision, equal to or less than: (i) one
9 hundred thousand dollars for recipients receiving an award in the two
10 thousand seventeen--two thousand eighteen academic year; (ii) one
11 hundred ten thousand dollars for recipients receiving an award in the
12 two thousand eighteen--two thousand nineteen academic year; ~~and~~ (iii)
13 one hundred twenty-five thousand dollars for recipients receiving an
14 award in the two thousand nineteen--two thousand twenty academic year;
15 (iv) one hundred thirty-five thousand dollars for recipients receiving
16 an award in the two thousand twenty--two thousand twenty-one academic
17 year; and (v) one hundred fifty thousand dollars for recipients receiv-
18 ing an award in the two thousand twenty-one--two thousand twenty-two
19 academic year and thereafter; and

20 § 2. This act shall take effect immediately.

21 PART F

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

25 3. Income. An award shall be made to an applicant who has an adjusted
26 gross income for the qualifying year, as such terms are defined in this
27 subdivision, equal to or less than: (i) one hundred thousand dollars for
28 recipients receiving an award in the two thousand seventeen--two thou-
29 sand eighteen academic year; (ii) one hundred ten thousand dollars for
30 recipients receiving an award in the two thousand eighteen--two thousand
31 nineteen academic year; ~~and~~ (iii) one hundred twenty-five thousand
32 dollars for recipients receiving an award in the two thousand nineteen-
33 -two thousand twenty academic year; (iv) one hundred thirty-five thou-
34 sand dollars for recipients receiving an award in the two thousand twen-
35 ty--two thousand twenty-one academic year; and (v) one hundred fifty
36 thousand dollars for recipients receiving an award in the two thousand
37 twenty-one--two thousand twenty-two academic year and thereafter.

38 Adjusted gross income shall be the total of the combined adjusted gross
39 income of the applicant and the applicant's parents or the applicant and
40 the applicant's spouse, if married. Qualifying year shall be the
41 adjusted gross income as reported on the federal income tax return, or
42 as otherwise obtained by the corporation, for the calendar year coincid-
43 ing with the tax year established by the U.S. department of education to
44 qualify applicants for federal student financial aid programs authorized
45 by Title IV of the Higher Education Act of nineteen hundred sixty-five,
46 as amended, for the school year in which application for assistance is
47 made. Provided, however, if an applicant demonstrates to the corporation
48 that there has been a change in such applicant's adjusted gross income
49 in the year or years subsequent to the qualifying year which would qual-
50 ify such applicant for an award, the corporation shall review and make a
51 determination as to whether such applicant meets the requirement set
52 forth in this subdivision based on such year. Provided, further that

1 such change was caused by the death, permanent and total physical or
2 mental disability, divorce, or separation by judicial decree or pursuant
3 to an agreement of separation which is filed with a court of competent
4 jurisdiction of any person whose income was required to be used to
5 compute the applicant's total adjusted gross income.

6 § 2. This act shall take effect immediately.

7 PART G

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

10 (h) Any firm established for the business purpose of incorporating as
11 a professional service corporation formed to lawfully engage in the
12 practice of public accountancy, as such practice is respectively defined
13 under article one hundred forty-nine of the education law shall be
14 required to show (1) that a simple majority of the ownership of the
15 firm, in terms of financial interests, and voting rights held by the
16 firm's owners, belongs to individuals licensed to practice public
17 accountancy in some state, and (2) that all shareholders of a profes-
18 sional service corporation whose principal place of business is in this
19 state, and who are engaged in the practice of public accountancy in this
20 state, hold a valid license issued under section seventy-four hundred
21 four of the education law. For purposes of this paragraph, "financial
22 interest" means capital stock, capital accounts, capital contributions,
23 capital interest, or interest in undistributed earnings of a business
24 entity. Although firms may include non-licensee owners, the firm and
25 its owners must comply with rules promulgated by the state board of
26 regents. Notwithstanding the foregoing, a firm incorporated under this
27 section may not have non-licensee owners if the firm's name includes the
28 words "certified public accountant," or "certified public accountants,"
29 or the abbreviations "CPA" or "CPAs". Each non-licensee owner of a firm
30 that is incorporated under this section shall be a natural person who
31 actively participates in the business of the firm or its affiliated
32 entities. For purposes of this subdivision, "actively participate" means
33 to provide services to clients or to otherwise individually take part in
34 the day-to-day business or management of the firm. Such a firm shall
35 have attached to its certificate of incorporation a certificate or
36 certificates demonstrating the firm's compliance with this paragraph, in
37 lieu of the certificate or certificates required by subparagraph (ii) of
38 paragraph (b) of this section.

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

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

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

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

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

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

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

15 (c) The directors and officers of any firm established for the busi-
16 ness purpose of incorporating as a professional service corporation
17 pursuant to paragraph (h) of section fifteen hundred three of this arti-
18 cle may include individuals who are not licensed to practice public
19 accountancy, provided however that at least fifty-one percent of the
20 directors, at least fifty-one percent of the officers and the president,
21 the chairperson of the board of directors and the chief executive offi-
22 cer or officers are authorized by law to practice in any state the
23 profession which such corporation is authorized to practice, and are
24 either shareholders of such corporation or engaged in the practice of
25 their professions in such corporation.

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

28 § 1509. Disqualification of shareholders, directors, officers and
29 employees.

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

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

54 (a) No shareholder of a professional service corporation [~~ex~~], includ-
55 ing a design professional service corporation, may sell or transfer his
56 or her shares in such corporation except to another individual who is

1 eligible to have shares issued to him or her by such corporation or
2 except in trust to another individual who would be eligible to receive
3 shares if he or she were employed by the corporation. Nothing herein
4 contained shall be construed to prohibit the transfer of shares by oper-
5 ation of law or by court decree. No transferee of shares by operation
6 of law or court decree may vote the shares for any purpose whatsoever
7 except with respect to corporate action under sections 909 and 1001 of
8 this chapter. The restriction in the preceding sentence shall not apply,
9 however, where such transferee would be eligible to have shares issued
10 to him or her if he or she were an employee of the corporation and, if
11 there are other shareholders, a majority of such other shareholders
12 shall fail to redeem the shares so transferred, pursuant to section 1510
13 of this article, within sixty days of receiving written notice of such
14 transfer. Any sale or transfer, except by operation of law or court
15 decree or except for a corporation having only one shareholder, may be
16 made only after the same shall have been approved by the board of direc-
17 tors, or at a shareholders' meeting specially called for such purpose by
18 such proportion, not less than a majority, of the outstanding shares as
19 may be provided in the certificate of incorporation or in the by-laws of
20 such professional service corporation. At such shareholders' meeting the
21 shares held by the shareholder proposing to sell or transfer his or her
22 shares may not be voted or counted for any purpose, unless all share-
23 holders consent that such shares be voted or counted. The certificate of
24 incorporation or the by-laws of the professional service corporation, or
25 the professional service corporation and the shareholders by private
26 agreement, may provide, in lieu of or in addition to the foregoing
27 provisions, for the alienation of shares and may require the redemption
28 or purchase of such shares by such corporation at prices and in a manner
29 specifically set forth therein. The existence of the restrictions on the
30 sale or transfer of shares, as contained in this article and, if appli-
31 cable, in the certificate of incorporation, by-laws, stock purchase or
32 stock redemption agreement, shall be noted conspicuously on the face or
33 back of every certificate for shares issued by a professional service
34 corporation. Any sale or transfer in violation of such restrictions
35 shall be void.

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

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

50 (c) Each firm established for the business purpose of incorporating as
51 a professional service corporation pursuant to paragraph (h) of section
52 fifteen hundred three of this article shall, at least once every three
53 years on or before the date prescribed by the licensing authority,
54 furnish a statement to the licensing authority listing the names and
55 residence addresses of each shareholder, director and officer of such

1 corporation and certify as the date of certification and at all times
2 over the entire three year period that:

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

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

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

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

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

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

17 (d) "Foreign professional service corporation" means a professional
18 service corporation, whether or not denominated as such, organized under
19 the laws of a jurisdiction other than this state, all of the sharehold-
20 ers, directors and officers of which are authorized and licensed to
21 practice the profession for which such corporation is licensed to do
22 business; except that all shareholders, directors and officers of a
23 foreign professional service corporation which provides health services
24 in this state shall be licensed in this state. A foreign professional
25 service corporation formed to lawfully engage in the practice of public
26 accountancy, as such practice is defined under article one hundred
27 forty-nine of the education law, or equivalent state law, shall be
28 required to show (1) that a simple majority of the ownership of the
29 firm, in terms of financial interests, and voting rights held by the
30 firm's owners, belongs to individuals licensed to practice public
31 accountancy in some state, and (2) that all shareholders of a foreign
32 professional service corporation whose principal place of business is in
33 this state, and who are engaged in the practice of public accountancy in
34 this state, hold a valid license issued under section seventy-four
35 hundred four of the education law. For purposes of this paragraph,
36 "financial interest" means capital stock, capital accounts, capital
37 contributions, capital interest, or interest in undistributed earnings
38 of a business entity. Although firms may include non-licensee owners,
39 the firm and its owners must comply with rules promulgated by the state
40 board of regents. Notwithstanding the foregoing, a firm registered
41 under this section may not have non-licensee owners if the firm's name
42 includes the words "certified public accountant," or "certified public
43 accountants," or the abbreviations "CPA" or "CPAs". Each non-licensee
44 owner of a firm that is operating under this section shall be a natural
45 person who actively participates in the business of the firm or its
46 affiliated entities, provided each beneficial owner of an equity inter-
47 est in such entity is a natural person who actively participates in the
48 business conducted by the firm or its affiliated entities. For purposes
49 of this paragraph, "actively participate" means to provide services to
50 clients or to otherwise individually take part in the day-to-day busi-
51 ness or management of the firm.

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

55 (q) Each partner of a registered limited liability partnership formed
56 to provide medical services in this state must be licensed pursuant to

1 article 131 of the education law to practice medicine in this state and
2 each partner of a registered limited liability partnership formed to
3 provide dental services in this state must be licensed pursuant to arti-
4 cle 133 of the education law to practice dentistry in this state. Each
5 partner of a registered limited liability partnership formed to provide
6 veterinary services in this state must be licensed pursuant to article
7 135 of the education law to practice veterinary medicine in this state.
8 Each partner of a registered limited liability partnership formed to
9 provide public accountancy services, whose principal place of business
10 is in this state and who provides public accountancy services, must be
11 licensed pursuant to article 149 of the education law to practice public
12 accountancy in this state. Each partner of a registered limited liabil-
13 ity partnership formed to provide professional engineering, land survey-
14 ing, geological services, architectural and/or landscape architectural
15 services in this state must be licensed pursuant to article 145, article
16 147 and/or article 148 of the education law to practice one or more of
17 such professions in this state. Each partner of a registered limited
18 liability partnership formed to provide licensed clinical social work
19 services in this state must be licensed pursuant to article 154 of the
20 education law to practice clinical social work in this state. Each part-
21 ner of a registered limited liability partnership formed to provide
22 creative arts therapy services in this state must be licensed pursuant
23 to article 163 of the education law to practice creative arts therapy in
24 this state. Each partner of a registered limited liability partnership
25 formed to provide marriage and family therapy services in this state
26 must be licensed pursuant to article 163 of the education law to prac-
27 tice marriage and family therapy in this state. Each partner of a regis-
28 tered limited liability partnership formed to provide mental health
29 counseling services in this state must be licensed pursuant to article
30 163 of the education law to practice mental health counseling in this
31 state. Each partner of a registered limited liability partnership formed
32 to provide psychoanalysis services in this state must be licensed pursu-
33 ant to article 163 of the education law to practice psychoanalysis in
34 this state. Each partner of a registered limited liability partnership
35 formed to provide applied behavior analysis service in this state must
36 be licensed or certified pursuant to article 167 of the education law to
37 practice applied behavior analysis in this state. A limited liability
38 partnership formed to lawfully engage in the practice of public accoun-
39 tancy, as such practice is respectively defined under article 149 of the
40 education law, shall be required to show (1) that a simple majority of
41 the ownership of the firm, in terms of financial interests, and voting
42 rights held by the firm's owners, belongs to individuals licensed to
43 practice public accountancy in some state, and (2) that all partners of
44 a limited liability partnership whose principal place of business is in
45 this state, and who are engaged in the practice of public accountancy in
46 this state, hold a valid license issued under section seventy-four
47 hundred four of the education law. For purposes of this subdivision,
48 "financial interest" means capital stock, capital accounts, capital
49 contributions, capital interest, or interest in undistributed earnings
50 of a business entity. Although firms may include non-licensee owners,
51 the firm and its owners must comply with rules promulgated by the state
52 board of regents. Notwithstanding the foregoing, a firm registered under
53 this section may not have non-licensee owners if the firm's name
54 includes the words "certified public accountant," or "certified public
55 accounts," or the abbreviations "CPA" or "CPAs". Each non-licensee owner
56 of a firm that is formed under this section shall be (1) a natural

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

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

12 (q) Each partner of a foreign limited liability partnership which
13 provides medical services in this state must be licensed pursuant to
14 article 131 of the education law to practice medicine in the state and
15 each partner of a foreign limited liability partnership which provides
16 dental services in the state must be licensed pursuant to article 133 of
17 the education law to practice dentistry in this state. Each partner of a
18 foreign limited liability partnership which provides veterinary service
19 in the state shall be licensed pursuant to article 135 of the education
20 law to practice veterinary medicine in this state. Each partner of a
21 foreign limited liability partnership which provides professional engi-
22 neering, land surveying, geological services, architectural and/or land-
23 scape architectural services in this state must be licensed pursuant to
24 article 145, article 147 and/or article 148 of the education law to
25 practice one or more of such professions. Each partner of a foreign
26 registered limited liability partnership formed to provide public
27 accountancy services, whose principal place of business is in this state
28 and who provides public accountancy services, must be licensed pursuant
29 to article 149 of the education law to practice public accountancy in
30 this state. Each partner of a foreign limited liability partnership
31 which provides licensed clinical social work services in this state must
32 be licensed pursuant to article 154 of the education law to practice
33 licensed clinical social work in this state. Each partner of a foreign
34 limited liability partnership which provides creative arts therapy
35 services in this state must be licensed pursuant to article 163 of the
36 education law to practice creative arts therapy in this state. Each
37 partner of a foreign limited liability partnership which provides
38 marriage and family therapy services in this state must be licensed
39 pursuant to article 163 of the education law to practice marriage and
40 family therapy in this state. Each partner of a foreign limited liabil-
41 ity partnership which provides mental health counseling services in this
42 state must be licensed pursuant to article 163 of the education law to
43 practice mental health counseling in this state. Each partner of a
44 foreign limited liability partnership which provides psychoanalysis
45 services in this state must be licensed pursuant to article 163 of the
46 education law to practice psychoanalysis in this state. Each partner of
47 a foreign limited liability partnership which provides applied behavior
48 analysis services in this state must be licensed or certified pursuant
49 to article 167 of the education law to practice applied behavior analy-
50 sis in this state. A foreign limited liability partnership formed to
51 lawfully engage in the practice of public accountancy, as such practice
52 is respectively defined under article 149 of the education law, shall be
53 required to show (1) that a simple majority of the ownership of the
54 firm, in terms of financial interests, and voting rights held by the
55 firm's owners, belongs to individuals licensed to practice public
56 accountancy in some state, and (2) that all partners of a foreign limit-

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

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

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

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

4 (b) With respect to a professional service limited liability company
5 formed to provide medical services as such services are defined in arti-
6 cle 131 of the education law, each member of such limited liability
7 company must be licensed pursuant to article 131 of the education law to
8 practice medicine in this state. With respect to a professional service
9 limited liability company formed to provide dental services as such
10 services are defined in article 133 of the education law, each member of
11 such limited liability company must be licensed pursuant to article 133
12 of the education law to practice dentistry in this state. With respect
13 to a professional service limited liability company formed to provide
14 veterinary services as such services are defined in article 135 of the
15 education law, each member of such limited liability company must be
16 licensed pursuant to article 135 of the education law to practice veter-
17 inary medicine in this state. With respect to a professional service
18 limited liability company formed to provide professional engineering,
19 land surveying, architectural, landscape architectural and/or geological
20 services as such services are defined in article 145, article 147 and
21 article 148 of the education law, each member of such limited liability
22 company must be licensed pursuant to article 145, article 147 and/or
23 article 148 of the education law to practice one or more of such
24 professions in this state. With respect to a professional service

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

31 limited liability company formed to provide licensed clinical social
32 work services as such services are defined in article 154 of the educa-
33 tion law, each member of such limited liability company shall be
34 licensed pursuant to article 154 of the education law to practice
35 licensed clinical social work in this state. With respect to a profes-
36 sional service limited liability company formed to provide creative arts
37 therapy services as such services are defined in article 163 of the
38 education law, each member of such limited liability company must be
39 licensed pursuant to article 163 of the education law to practice crea-
40 tive arts therapy in this state. With respect to a professional service
41 limited liability company formed to provide marriage and family therapy
42 services as such services are defined in article 163 of the education
43 law, each member of such limited liability company must be licensed
44 pursuant to article 163 of the education law to practice marriage and
45 family therapy in this state. With respect to a professional service
46 limited liability company formed to provide mental health counseling
47 services as such services are defined in article 163 of the education
48 law, each member of such limited liability company must be licensed
49 pursuant to article 163 of the education law to practice mental health
50 counseling in this state. With respect to a professional service limited
51 liability company formed to provide psychoanalysis services as such
52 services are defined in article 163 of the education law, each member of
53 such limited liability company must be licensed pursuant to article 163
54 of the education law to practice psychoanalysis in this state. With
55 respect to a professional service limited liability company formed to
56 provide applied behavior analysis services as such services are defined

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

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

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

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

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

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

40 § 14. This act shall take effect immediately.

41 PART H

42 Section 1. Notwithstanding any other provision of law, the housing
43 trust fund corporation may provide, for purposes of the neighborhood
44 preservation program, a sum not to exceed \$12,830,000 for the fiscal
45 year ending March 31, 2021. Notwithstanding any other provision of law,
46 and subject to the approval of the New York state director of the budg-
47 et, the board of directors of the state of New York mortgage agency
48 shall authorize the transfer to the housing trust fund corporation, for
49 the purposes of reimbursing any costs associated with neighborhood pres-
50 ervation program contracts authorized by this section, a total sum not
51 to exceed \$12,830,000, such transfer to be made from (i) the special
52 account of the mortgage insurance fund created pursuant to section
53 2429-b of the public authorities law, in an amount not to exceed the
54 actual excess balance in the special account of the mortgage insurance

1 fund, as determined and certified by the state of New York mortgage
2 agency for the fiscal year 2019-2020 in accordance with section 2429-b
3 of the public authorities law, if any, and/or (ii) provided that the
4 reserves in the project pool insurance account of the mortgage insurance
5 fund created pursuant to section 2429-b of the public authorities law
6 are sufficient to attain and maintain the credit rating (as determined
7 by the state of New York mortgage agency) required to accomplish the
8 purposes of such account, the project pool insurance account of the
9 mortgage insurance fund, such transfer to be made as soon as practicable
10 but no later than June 30, 2020.

11 § 2. Notwithstanding any other provision of law, the housing trust
12 fund corporation may provide, for purposes of the rural preservation
13 program, a sum not to exceed \$5,360,000 for the fiscal year ending March
14 31, 2021. Notwithstanding any other provision of law, and subject to
15 the approval of the New York state director of the budget, the board of
16 directors of the state of New York mortgage agency shall authorize the
17 transfer to the housing trust fund corporation, for the purposes of
18 reimbursing any costs associated with rural preservation program
19 contracts authorized by this section, a total sum not to exceed
20 \$5,360,000, such transfer to be made from (i) the special account of the
21 mortgage insurance fund created pursuant to section 2429-b of the public
22 authorities law, in an amount not to exceed the actual excess balance in
23 the special account of the mortgage insurance fund, as determined and
24 certified by the state of New York mortgage agency for the fiscal year
25 2019-2020 in accordance with section 2429-b of the public authorities
26 law, if any, and/or (ii) provided that the reserves in the project pool
27 insurance account of the mortgage insurance fund created pursuant to
28 section 2429-b of the public authorities law are sufficient to attain
29 and maintain the credit rating (as determined by the state of New York
30 mortgage agency) required to accomplish the purposes of such account,
31 the project pool insurance account of the mortgage insurance fund, such
32 transfer to be made as soon as practicable but no later than June 30,
33 2020.

34 § 3. Notwithstanding any other provision of law, the housing trust
35 fund corporation may provide, for purposes of the rural rental assist-
36 ance program pursuant to article 17-A of the private housing finance
37 law, a sum not to exceed \$21,000,000 for the fiscal year ending March
38 31, 2021. Notwithstanding any other provision of law, and subject to
39 the approval of the New York state director of the budget, the board of
40 directors of the state of New York mortgage agency shall authorize the
41 transfer to the housing trust fund corporation, for the purposes of
42 reimbursing any costs associated with rural rental assistance program
43 contracts authorized by this section, a total sum not to exceed
44 \$21,000,000, such transfer to be made from (i) the special account of
45 the mortgage insurance fund created pursuant to section 2429-b of the
46 public authorities law, in an amount not to exceed the actual excess
47 balance in the special account of the mortgage insurance fund, as deter-
48 mined and certified by the state of New York mortgage agency for the
49 fiscal year 2019-2020 in accordance with section 2429-b of the public
50 authorities law, if any, and/or (ii) provided that the reserves in the
51 project pool insurance account of the mortgage insurance fund created
52 pursuant to section 2429-b of the public authorities law are sufficient
53 to attain and maintain the credit rating, as determined by the state of
54 New York mortgage agency, required to accomplish the purposes of such
55 account, the project pool insurance account of the mortgage insurance

1 fund, such transfer shall be made as soon as practicable but no later
2 than June 30, 2020.

3 § 4. Notwithstanding any other provision of law, the homeless housing
4 and assistance corporation may provide, for purposes of the New York
5 state supportive housing program, the solutions to end homelessness
6 program or the operational support for AIDS housing program, or to qual-
7 ified grantees under such programs, in accordance with the requirements
8 of such programs, a sum not to exceed \$42,641,000 for the fiscal year
9 ending March 31, 2021. The homeless housing and assistance corporation
10 may enter into an agreement with the office of temporary and disability
11 assistance to administer such sum in accordance with the requirements of
12 such programs. Notwithstanding any other provision of law, and subject
13 to the approval of the New York state director of the budget, the board
14 of directors of the state of New York mortgage agency shall authorize
15 the transfer to the homeless housing and assistance corporation, a total
16 sum not to exceed \$42,641,000, such transfer to be made from (i) the
17 special account of the mortgage insurance fund created pursuant to
18 section 2429-b of the public authorities law, in an amount not to exceed
19 the actual excess balance in the special account of the mortgage insur-
20 ance fund, as determined and certified by the state of New York mortgage
21 agency for the fiscal year 2019-2020 in accordance with section 2429-b
22 of the public authorities law, if any, and/or (ii) provided that the
23 reserves in the project pool insurance account of the mortgage insurance
24 fund created pursuant to section 2429-b of the public authorities law
25 are sufficient to attain and maintain the credit rating as determined by
26 the state of New York mortgage agency, required to accomplish the
27 purposes of such account, the project pool insurance account of the
28 mortgage insurance fund, such transfer shall be made as soon as practi-
29 cable but no later than March 31, 2021.

30 § 5. This act shall take effect immediately.

31 PART I

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

36 c. Whenever a city having a population of one million or more has
37 determined the existence of an emergency pursuant to section three of
38 this act, the provisions of this act and the New York city rent stabili-
39 zation law of nineteen hundred sixty-nine shall be administered by the
40 state [~~division of housing and community renewal~~] as provided in the New
41 York city rent stabilization law of nineteen hundred sixty-nine, as
42 amended, or as otherwise provided by law. The costs incurred by the
43 state [~~division of housing and community renewal~~] in administering such
44 regulation shall be paid by such city. All payments for such adminis-
45 tration shall be transmitted to the state [~~division of housing and~~
46 ~~community renewal~~] as follows: on or after April first of each year
47 commencing with April, nineteen hundred eighty-four, the commissioner of
48 housing and community renewal, in consultation with the director of the
49 budget, shall determine an amount necessary to defray the [~~division's~~
50 state's] anticipated annual cost, and one-quarter of such amount shall be
51 paid by such city on or before July first of such year, one-quarter of
52 such amount on or before October first of such year, one-quarter of such
53 amount on or before January first of the following year and one-quarter
54 of such amount on or before March thirty-first of the following year.

1 After the close of the fiscal year of the state, the commissioner, in
2 consultation with the director of the budget, shall determine the amount
3 of all actual costs incurred in such fiscal year and shall certify such
4 amount to such city. If such certified amount shall differ from the
5 amount paid by the city for such fiscal year, appropriate adjustments
6 shall be made in the next quarterly payment to be made by such city. In
7 the event that the amount thereof is not paid to the commissioner, in
8 consultation with the director of the budget, as herein prescribed, the
9 commissioner, in consultation with the director of the budget, shall
10 certify the unpaid amount to the comptroller, and the comptroller shall,
11 to the extent not otherwise prohibited by law, withhold such amount from
12 any state aid payable to such city. In no event shall the amount imposed
13 on the owners exceed twenty dollars per unit per year.

14 § 2. Subdivisions d and e of section 8 of section 4 of chapter 576 of
15 the laws of 1974, constituting the emergency tenant protection act of
16 nineteen seventy-four, subdivision d as amended by section 16 of part K
17 of chapter 36 of the laws of 2019 and subdivision e as amended by
18 section 1 of part O of chapter 57 of the laws of 2009, are amended to
19 read as follows:

20 d. Notwithstanding subdivision c of this section or any other
21 provision of law to the contrary, whenever the state has incurred any
22 costs as a result of administering the rent regulation program for a
23 city having a population of one million or more in accordance with
24 subdivision c of this section, the director of the budget may direct any
25 other state agency to permanently reduce the amount of any other payment
26 or payments owed to such city or any department, agency, or instrumen-
27 talities thereof; provided however, that such reduction shall be in an
28 amount equal to the costs incurred by the state in administering the
29 rent regulation program for such city in accordance with subdivision c
30 of this section. If the director of the budget makes such direction in
31 accordance with this subdivision, the impacted city shall not make the
32 payments required by subdivision c of this section, and the division of
33 housing and community renewal shall notify such city in writing of what
34 payment or payments will be reduced and the amount of the reduction and
35 shall suballocate, as necessary, the value of the costs it incurred to
36 the agency or agencies which reduces the payments to such city or any
37 department, agency or authority thereof in accordance with this subdivi-
38 sion.

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

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

55 § 3. This act shall take effect immediately.

PART J

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

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

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

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

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

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

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

4. Employee use of leave. a. Upon the oral or written request of an employee, an employer shall provide sick leave for the following purposes:

i. diagnosis, care, or treatment of an existing health condition of, or preventive care for an employee or an employee's family member, or a ward for which the employee is the guardian; or

ii. for an employee or an employee's family member who is a victim of domestic violence pursuant to subdivision thirty-four of section two hundred ninety-two of the executive law, a sexual offense, stalking, or human trafficking, to avail themselves of services or assistance.

5. Nothing in this section shall be construed to prevent a city with a population of one million or more from enacting or enforcing local laws or ordinances which impose standards or requirements relating to sick leave that are more protective to employees than the accrual, use, payment, and employee eligibility requirements set forth in this section or in any rule or regulation promulgated hereunder.

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

7. An employer is not required to provide additional sick leave pursuant to this section if the employer has a paid leave policy or paid time off policy, the employer makes available an amount of leave applicable to employees that may be used for the same purposes and under the same conditions as specified in this section, and the policy satisfies one of the following:

i. the accrual, carryover, and use requirements of this section or regulations promulgated thereunder;

ii. provided paid sick leave or paid time off to a class of employees before January first, two thousand twenty, pursuant to a paid sick leave policy or paid time off policy that used an accrual method different than that set forth in paragraph a of this subdivision, provided that

1 the accrual is on a regular basis so that an employee, including an
2 employee hired into that class after January first two thousand twenty,
3 has not less than one day of accrued sick leave or paid time off within
4 two months of employment of each calendar year, or each twelve month
5 period, and the employee was eligible to earn at least the applicable
6 number of days set forth in this subdivision within nine months of
7 employment. If an employer modifies the accrual method used in the poli-
8 cy it had in place prior to January first, two thousand twenty, the
9 employer shall comply with any accrual method set forth in this subdivi-
10 sion or provide the full amount of leave at the beginning of each year
11 of employment, calendar year, or twelve month period. This section does
12 not prohibit the employer from increasing the accrual amount or rate for
13 a class of employees covered by this subdivision; or

14 iii. is pursuant to a collective bargaining agreement that (a)
15 expressly waives the rights afforded under this section and (b) such
16 agreement provides for a comparable benefit for the employees covered by
17 such agreement in the form of paid days off; such paid days off shall be
18 in the form of leave, compensation, other employee benefits, or some
19 combination thereof. Comparable benefits shall include, but are not
20 limited to, vacation time, personal time, safe/sick time, and holiday
21 and Sunday time pay at premium rates. Notwithstanding the foregoing, the
22 provisions of this chapter shall not apply to any employee in the
23 construction or grocery industry covered by a valid collective bargain-
24 ing agreement if such provisions are expressly waived in such collective
25 bargaining agreement.

26 8. Any paid sick leave benefits provided by a sick leave program
27 enforced by a municipal corporation in effect as of the effective date
28 of this chapter that provides sick leave for domestic workers shall not
29 be diminished or limited as a result of the enactment of this chapter.

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

32 PART K

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

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

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

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

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

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

52 (2) the amount in subparagraph one of this paragraph, multiplied by
53 the percentage of any federal supplemental security income cost of
54 living adjustment which becomes effective on or after January first, two

1 thousand [~~twenty~~] twenty-one, but prior to June thirtieth, two thousand
2 [~~twenty~~] twenty-one, rounded to the nearest whole dollar.

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

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

9 (b) On and after January first, two thousand [~~nineteen~~] twenty, for an
10 eligible individual living with others with or without in-kind income,
11 [~~\$794.00~~] \$806.00; and for an eligible couple living with others with or
12 without in-kind income, [~~\$1,203.00~~] \$1,221.00.

13 (c) On and after January first, two thousand [~~nineteen~~] twenty, (i)
14 for an eligible individual receiving family care, [~~\$1,037.48~~] \$1,049.48
15 if he or she is receiving such care in the city of New York or the coun-
16 ty of Nassau, Suffolk, Westchester or Rockland; and (ii) for an eligible
17 couple receiving family care in the city of New York or the county of
18 Nassau, Suffolk, Westchester or Rockland, two times the amount set forth
19 in subparagraph (i) of this paragraph; or (iii) for an eligible individ-
20 ual receiving such care in any other county in the state, [~~\$999.48~~]
21 \$1,011.48; and (iv) for an eligible couple receiving such care in any
22 other county in the state, two times the amount set forth in subpara-
23 graph (iii) of this paragraph.

24 (d) On and after January first, two thousand [~~nineteen~~] twenty, (i)
25 for an eligible individual receiving residential care, [~~\$1,206.00~~]
26 \$1,218.00 if he or she is receiving such care in the city of New York or
27 the county of Nassau, Suffolk, Westchester or Rockland; and (ii) for an
28 eligible couple receiving residential care in the city of New York or
29 the county of Nassau, Suffolk, Westchester or Rockland, two times the
30 amount set forth in subparagraph (i) of this paragraph; or (iii) for an
31 eligible individual receiving such care in any other county in the
32 state, [~~\$1,176.00~~] \$1,188.00; and (iv) for an eligible couple receiving
33 such care in any other county in the state, two times the amount set
34 forth in subparagraph (iii) of this paragraph.

35 (e) On and after January first, two thousand [~~nineteen~~] twenty, (i)
36 for an eligible individual receiving enhanced residential care,
37 [~~\$1,465.00~~] \$1,477.00; and (ii) for an eligible couple receiving
38 enhanced residential care, two times the amount set forth in subpara-
39 graph (i) of this paragraph.

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

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

46 PART L

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

49 ARTICLE 5-C

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

52 PART 1. General provisions (581-101 - 581-102)

53 2. Judgment of parentage (581-201 - 581-206)

54 3. Child of assisted reproduction (581-301 - 581-307)

4. Surrogacy agreement (581-401 - 581-409)

5. Payment to donors and persons acting as surrogates (581-501 - 581-502)

6. Surrogates' bill of rights (581-601 - 581-607)

7. Miscellaneous provisions (581-701 - 581-704)

PART 1

GENERAL PROVISIONS

Section 581-101. Purpose.

581-102. Definitions.

§ 581-101. Purpose. The purpose of this article is to legally establish a child's relationship to his or her parents where the child is conceived through assisted reproduction except for children born to a person acting as surrogate who contributed the egg used in conception. No fertilized egg, embryo or fetus shall have any independent rights under the laws of this state, nor shall any fertilized egg, embryo or fetus be viewed as a child under the laws of this state.

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

1. intrauterine or vaginal insemination;

2. donation of gametes;

3. donation of embryos;

4. in vitro fertilization and transfer of embryos; and

5. intracytoplasmic sperm injection.

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

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

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

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

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

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

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

1 the state of New York. If such independent escrow agent is not attorney
2 owned, it shall be licensed, bonded and insured.

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

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

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

15 (l) "Intended parent" is an individual who manifests the intent to be
16 legally bound as the parent of a child resulting from assisted reprod-
17 uction or a surrogacy agreement provided he or she meets the require-
18 ments of this article.

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

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

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

28 (p) "Record" means information inscribed in a tangible medium or
29 stored in an electronic or other medium that is retrievable in perceiva-
30 ble form.

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

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

38 (s) "State" means a state of the United States, the District of Colum-
39 bia, Puerto Rico, the United States Virgin Islands, or any territory or
40 insular possession subject to the jurisdiction of the United States.

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

43 PART 2

44 JUDGMENT OF PARENTAGE

45 Section 581-201. Judgment of parentage.

46 581-202. Proceeding for judgment of parentage of a child
47 conceived through assisted reproduction.

48 581-203. Proceeding for judgment of parentage of a child
49 conceived pursuant to a surrogacy agreement.

50 581-204. Judgment of parentage for intended parents who are
51 spouses.

52 581-205. Inspection of records.

53 581-206. Jurisdiction, and exclusive continuing jurisdiction.

54 § 581-201. Judgment of parentage. (a) A civil proceeding may be main-
55 tained to adjudicate the parentage of a child under the circumstances

1 set forth in this article. This proceeding is governed by the civil
2 practice law and rules.

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

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

16 § 581-202. Proceeding for judgment of parentage of a child conceived
17 through assisted reproduction. (a) A proceeding for a judgment of
18 parentage with respect to a child conceived through assisted repro-
19 duction may be commenced:

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

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

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

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

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

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

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

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

41 (d) The following shall be deemed sufficient proof of a donor's dona-
42 tive intent for purposes of this section:

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

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

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

54 (2) in the case of a donation from a known donor, either: a. a record
55 from the gamete or embryo donor acknowledging the donation and confirm-
56 ing that the donor has no parental or proprietary interest in the

1 gametes or embryos. The record shall be signed by the gestating
2 intended parent and the gamete or embryo donor. The record may be, but
3 is not required to be, signed:

4 (i) before a notary public, or

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

6 (iii) before a health care practitioner; or

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

10 (e)(1) In the absence of evidence pursuant to paragraph two of this
11 subdivision, notice shall be given to the donor at least twenty days
12 prior to the date set for the proceeding to determine the existence of
13 donative intent by delivery of a copy of the petition and notice. Upon a
14 showing to the court, by affidavit or otherwise, on or before the date
15 of the proceeding or within such further time as the court may allow,
16 that personal service cannot be effected at the donor's last known
17 address with reasonable effort, notice may be given, without prior court
18 order therefore, at least twenty days prior to the proceeding by regis-
19 tered or certified mail directed to the donor's last known address.
20 Notice by publication shall not be required to be given to a donor enti-
21 tled to notice pursuant to the provisions of this section.

22 (2) Notwithstanding the above, where sperm is provided under the
23 supervision of a health care practitioner to someone other than the
24 sperm provider's intimate partner or spouse without a record of the
25 sperm provider's intent to parent notice is not required.

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

29 (g) Where the requirements of subdivision (c) of this section are met
30 or where the court finds the intended parent to be a parent under subdi-
31 vision (e) of this section, the court shall issue a judgment of parent-
32 age:

33 (1) declaring, that upon the birth of the child, the intended parent
34 or parents is or are the legal parent or parents of the child; and

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

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

40 (4) ordering that:

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

52 (ii) Pursuant to section forty-one hundred thirty-eight of the public
53 health law and NYC Public Health Code section 207.05 that upon receipt
54 of a judgment of parentage the local registrar where a child is born
55 will report the parentage of the child to the appropriate department of
56 health in conformity with the court order. If an original birth certif-

1 icate has already been issued, the appropriate department of health will
2 amend the birth certificate in an expedited manner and seal the previ-
3 ously issued birth certificate.

4 § 581-203. Proceeding for judgment of parentage of a child conceived
5 pursuant to a surrogacy agreement. (a) The proceeding may be commenced
6 (1) in any county where an intended parent resided any time after the
7 surrogacy agreement was executed; (2) in the county where the child was
8 born or resides; or (3) in the county where the surrogate resided any
9 time after the surrogacy agreement was executed.

10 (b) The proceeding may be commenced at any time after the surrogacy
11 agreement has been executed and the person acting as surrogate and all
12 intended parents are necessary parties.

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

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

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

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

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

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

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

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

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

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

43 (6) ordering that:

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

55 (ii) Pursuant to section forty-one hundred thirty-eight of the public
56 health law and NYC Public Health Code section 207.05 that upon receipt

1 of a judgement of parentage the local registrar where a child is born
2 will report the parentage of the child to the appropriate department of
3 health in conformity with the court order. If an original birth certifi-
4 cate has already been issued, the appropriate department of health will
5 amend the birth certificate in an expedited manner and seal the previ-
6 ously issued birth certificate.

7 (e) In the event the certification required by paragraph two of subdivi-
8 vision (c) of this section cannot be made because of a technical or
9 non-material deviation from the requirements of this article; the court
10 may nevertheless enforce the agreement and issue a judgment of parentage
11 if the court determines the agreement is in substantial compliance with
12 the requirements of this article. In the event that any other require-
13 ments of subdivision (c) are not met, the court shall determine parent-
14 age according to part four of this article.

15 § 581-204. Judgment of parentage for intended parents who are spouses.
16 Notwithstanding or without limitation on presumptions of parentage that
17 apply, a judgment of parentage may be obtained under this part by
18 intended parents who are each other's spouse. Nothing in this section
19 requires intended parents to be married to each other in order to be
20 jointly declared the parents of the child.

21 § 581-205. Inspection of records. Court records relating to
22 proceedings under this article shall be sealed, provided, however, that
23 the office of temporary and disability assistance, a child support unit
24 of a social services district or a child support agency of another state
25 providing child support services pursuant to title IV-d of the federal
26 social security act, to the extent necessary to provide child support
27 services or for the administration of the program pursuant to title IV-d
28 of the federal social security act, may obtain a copy of a judgment of
29 parentage. The parties to the proceeding and the child shall have the
30 right to inspect the entire court record, including, but not limit-
31 ed to, the name of the person acting as surrogate and any known donors.

32 § 581-206. Jurisdiction, and exclusive continuing jurisdiction. (a)
33 Proceedings pursuant to this article may be instituted in the supreme or
34 family court or surrogates court.

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

40 PART 3

41 CHILD OF ASSISTED REPRODUCTION

42 Section 581-301. Scope of article.

43 581-302. Status of donor.

44 581-303. Parentage of child of assisted reproduction.

45 581-304. Consent to assisted reproduction.

46 581-305. Limitation on spouses' dispute of parentage of child of
47 assisted reproduction.

48 581-306. Effect of embryo disposition agreement between intended
49 parents which transfers legal rights and disposi-
50 tional control to one intended parent.

51 581-307. Effect of death of intended parent.

52 § 581-301. Scope of article. This article does not apply to the birth
53 of a child conceived by means of sexual intercourse.

1 § 581-302. Status of donor. A donor is not a parent of a child
2 conceived by means of assisted reproduction where there is proof of
3 donative intent under section 581-202(d) of this article.

4 § 581-303. Parentage of child of assisted reproduction. (a) An indi-
5 vidual who provides gametes for, or who consents to, assisted reprod-
6 uction with the intent to be a parent of the child with the consent of
7 the gestating parent as provided in section 581-304 of this part, is a
8 parent of the resulting child for all legal purposes.

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

11 § 581-304. Consent to assisted reproduction. (a) Where the intended
12 parent who gives birth to a child by means of assisted reproduction is a
13 spouse, the consent of both spouses to the assisted reproduction is
14 presumed and neither spouse may challenge the parentage of the child,
15 except as provided in section 581-305 of this part.

16 (b) Where the intended parent who gives birth to a child by means of
17 assisted reproduction is not a spouse, the consent to the assisted
18 reproduction must be in a record in such a manner as to indicate the
19 mutual agreement of the intended parents to conceive and parent a child
20 together.

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

26 § 581-305. Limitation on spouses' dispute of parentage of child of
27 assisted reproduction. (a) Neither spouse may challenge the marital
28 presumption of parentage of a child created by assisted reproduction
29 during the marriage unless one spouse used assisted reproduction without
30 the knowledge and consent of the other spouse.

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

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

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

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

43 § 581-306. Effect of embryo disposition agreement between intended
44 parents which transfers legal rights and dispositional control to one
45 intended parent. (a) An embryo disposition agreement between intended
46 parents with joint dispositional control of an embryo shall be binding
47 under the following circumstances:

48 (1) it is in writing;

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

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

53 (b) The intended parent who transfers legal rights and dispositional
54 control of the embryo is not a parent of any child conceived from the
55 embryo unless the agreement states that he or she consents to be a

parent and that consent is not withdrawn consistent with subdivision (c) of this section.

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

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

§ 581-307. Effect of death of intended parent. If an individual who consented in a record to be a parent by assisted reproduction dies before the transfer of eggs, sperm, or embryos, the deceased individual is not a parent of the resulting child unless the deceased individual consented in a signed record that if assisted reproduction were to occur after death, the deceased individual would be a parent of the child, provided that the record complies with the estates, powers and trusts law.

PART 4

SURROGACY AGREEMENT

Section 581-401. Surrogacy agreement authorized.

581-402. Eligibility to enter surrogacy agreement.

581-403. Requirements of surrogacy agreement.

581-404. Surrogacy agreement: effect of subsequent spousal relationship.

581-405. Termination of surrogacy agreement.

581-406. Parentage under compliant surrogacy agreement.

581-407. Insufficient surrogacy agreement.

581-408. Absence of surrogacy agreement.

581-409. Dispute as to surrogacy agreement.

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

(b) A surrogacy agreement shall not apply to the birth of a child conceived by means of sexual intercourse, or where the person acting as surrogate contributed the egg used in conception.

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

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

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

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

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

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

8 (5) the person acting as surrogate, and the spouse of the person
9 acting as surrogate, if applicable, have been represented throughout the
10 contractual process and the duration of the contract and its execution
11 by independent legal counsel of their own choosing who is licensed to
12 practice law in the state of New York which shall be paid for by the
13 intended parent or parents except that a person acting as surrogate who
14 is receiving no compensation may waive the right to have the intended
15 parent or parents pay the fee for such legal counsel. Where the intended
16 parent or parents are paying for the independent legal counsel of the
17 person acting as surrogate, and the spouse of the person acting as
18 surrogate, if applicable, a separate retainer agreement shall be
19 prepared clearly stating that such legal counsel will only represent the
20 person acting as surrogate and the spouse of the person acting as surro-
21 gate, if applicable, in all matters pertaining to the surrogacy agree-
22 ment, that such legal counsel will not offer legal advice to any other
23 parties to the surrogacy agreement, and that the attorney-client
24 relationship lies with the person acting as surrogate and the spouse of
25 the person acting as surrogate, if applicable; and

26 (6) the person acting as surrogate has, or the surrogacy agreement
27 stipulates that prior to the embryo transfer, the person acting as
28 surrogate will obtain a comprehensive health insurance policy that
29 covers major medical treatments and hospitalization as well as a surro-
30 gate pregnancy; the policy shall be paid for, whether directly or
31 through reimbursement or other means, by the intended parent or parents
32 on behalf of the person acting as surrogate pursuant to the surrogacy
33 agreement, if such policy comes at an additional cost to the person
34 acting as a surrogate, except that a person acting as surrogate who is
35 receiving no compensation may waive the right to have the intended
36 parent or parents pay for the health insurance policy. The intended
37 parent or parents shall also pay for or reimburse the person acting as
38 surrogate for all co-payments, deductibles and any other out-of-pocket
39 medical costs associated with the medical evaluation, psychological
40 screening, embryo transfers, pregnancy and post-natal care, that accrue
41 through twelve weeks after the birth of the child or termination of the
42 pregnancy, except that such responsibility shall be extended for up to
43 six months after the birth of the child or termination of the pregnancy
44 in the event a medical complication related to the pregnancy is diag-
45 nosed within twelve weeks after the birth of the child or termination of
46 the pregnancy. A person acting as surrogate who is receiving no compen-
47 sation may waive the right to have the intended parent or parents make
48 such payments or reimbursements.

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

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

55 (2) the intended parent or parents has been represented throughout the
56 contractual process and the duration of the contract and its execution

1 by independent legal counsel of his, her or their own choosing who is
2 licensed to practice law in the state of New York; and

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

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

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

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

16 § 581-403. Requirements of surrogacy agreement. A surrogacy agreement
17 shall be deemed to have satisfied the requirements of this article and
18 be enforceable if it meets the following requirements:

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

21 (1) each intended parent, and

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

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

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

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

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

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

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

45 (f) if the surrogacy agreement provides for the payment of compen-
46 sation to the person acting as surrogate, the funds for base compen-
47 sation and reasonable anticipated additional expenses shall have been
48 placed in escrow with an independent escrow agent prior to the person
49 acting as surrogate commencing with any medical procedure other than
50 medical evaluations necessary to determine the person acting as surro-
51 gate's eligibility; and

52 (g) the surrogacy agreement must include information disclosing how
53 the intended parent or parents will cover the medical expenses of the
54 person acting as surrogate and the child. If comprehensive health care
55 coverage is used to cover the medical expenses, the disclosure shall
56 include a review and summary of the health care policy provisions

1 related to coverage and exclusions for the person acting as surrogate's
2 pregnancy.

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

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

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

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

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

16 (iv) the surrogacy agreement must permit the person acting as surro-
17 gate to make all health and welfare decisions regarding themselves and
18 their pregnancy including but not limited to, whether to consent to a
19 cesarean section or multiple embryo transfer, and notwithstanding any
20 other provisions in this chapter, provisions in the agreement to the
21 contrary are void and unenforceable. This article does not diminish the
22 right of the person acting as surrogate to terminate or continue a preg-
23 nancy; and

24 (v) the surrogacy agreement shall permit the person acting as a surro-
25 gate to utilize the services of a health care practitioner of the
26 person's choosing; and

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

30 (vii) the surrogacy agreement shall provide that, upon the person
31 acting as surrogate's request, the intended parent or parents have or
32 will procure and pay for a life insurance policy and disability insur-
33 ance policy for the person acting as surrogate; the person acting as
34 surrogate may designate the beneficiary of the person's choosing; and

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

40 (2) As to the intended parent or parents:

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

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

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

51 (iv) the surrogacy agreement shall provide that the rights and obli-
52 gations of the intended parent or parents under the surrogacy agreement
53 are not assignable; and

54 (v) the intended parent or parents agree to execute a will, prior to
55 the embryo transfer, designating a guardian for all resulting children

1 and authorizing their executor to perform the intended parent's or
2 parents' obligations pursuant to the surrogacy agreement.

3 § 581-404. Surrogacy agreement: effect of subsequent spousal relation-
4 ship. (a) After the execution of a surrogacy agreement under this arti-
5 cle, the subsequent spousal relationship of the person acting as surro-
6 gate does not affect the validity of a surrogacy agreement, the consent
7 of the spouse of the person acting as surrogate to the agreement shall
8 not be required, and the spouse of the person acting as surrogate shall
9 not be the presumed parent of any resulting children.

10 (b) The subsequent separation or divorce of the intended parents does
11 not affect the rights, duties and responsibilities of the intended
12 parents as outlined in the surrogacy agreement. After the execution of
13 a surrogacy agreement under this article, the subsequent spousal
14 relationship of the intended parent does not affect the validity of a
15 surrogacy agreement, and the consent of the spouse of the intended
16 parent to the agreement shall not be required.

17 § 581-405. Termination of surrogacy agreement. After the execution of
18 a surrogacy agreement but before the person acting as surrogate becomes
19 pregnant by means of assisted reproduction, the person acting as surro-
20 gate, the spouse of the person acting as surrogate, if applicable, or
21 any intended parent may terminate the surrogacy agreement by giving
22 notice of termination in a record to all other parties. Upon proper
23 termination of the surrogacy agreement the parties are released from all
24 obligations recited in the surrogacy agreement except that the intended
25 parent or parents remains responsible for all expenses that are reim-
26 bursable under the agreement which have been incurred by the person
27 acting as surrogate through the date of termination. Unless the agree-
28 ment provides otherwise, the person acting as surrogate is entitled to
29 keep all payments received and obtain all payments to which the person
30 is entitled up until the date of termination. Neither a person acting as
31 surrogate nor the spouse of the person acting as surrogate, if any, is
32 liable to the intended parent or parents for terminating a surrogacy
33 agreement as provided in this section.

34 § 581-406. Parentage under compliant surrogacy agreement. Upon the
35 birth of a child conceived by assisted reproduction under a surrogacy
36 agreement that complies with this part, each intended parent is, by
37 operation of law, a parent of the child and neither the person acting as
38 a surrogate nor the person's spouse, if any, is a parent of the child.

39 § 581-407. Insufficient surrogacy agreement. If a surrogacy agreement
40 does not meet the material requirements of this article, the agreement
41 is not enforceable and the court shall determine parentage based on the
42 intent of the parties, taking into account the best interests of the
43 child. An intended parent's absence of genetic connection to the child
44 is not a sufficient basis to deny that individual a judgment of legal
45 parentage.

46 § 581-408. Absence of surrogacy agreement. Where there is no surrogacy
47 agreement, the parentage of the child will be determined based on other
48 laws of this state.

49 § 581-409. Dispute as to surrogacy agreement. (a) Unless the surroga-
50 cy agreement provides for mandatory mediation or arbitration, any
51 dispute which is related to a surrogacy agreement other than disputes as
52 to parentage shall be resolved by the supreme court, which shall deter-
53 mine the respective rights and obligations of the parties. Any
54 provision that purports to require mandatory mediation or arbitration of
55 disputes as to parentage shall be void and unenforceable.

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

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

PART 5

PAYMENT TO DONORS AND PERSONS ACTING AS SURROGATES

Section 581-501. Reimbursement.

581-502. Compensation.

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

§ 581-502. Compensation. (a) Compensation may be paid to a donor or person acting as surrogate based on medical risks, physical discomfort, inconvenience and the responsibilities they are undertaking in connection with their participation in the assisted reproduction. Under no circumstances may compensation be paid to purchase gametes or embryos or for the release of a parental interest in a child.

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

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

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

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

PART 6

SURROGATES' BILL OF RIGHTS

Section 581-601. Applicability.

581-602. Health and welfare decisions.

581-603. Independent legal counsel.

581-604. Health insurance and medical costs.

581-605. Counseling.

581-606. Life and disability insurance.

581-607. Termination of surrogacy agreement.

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

§ 581-602. Health and welfare decisions. A person acting as surrogate has the right to make all health and welfare decisions regarding them-

1 self and their pregnancy, including but not limited to whether to
2 consent to a cesarean section or multiple embryo transfer, to utilize
3 the services of a health care practitioner of their choosing, whether to
4 terminate or continue the pregnancy, and whether to reduce or retain the
5 number of fetuses or embryos they are carrying.

6 § 581-603. Independent legal counsel. A person acting as surrogate has
7 the right to be represented throughout the contractual process and the
8 duration of the surrogacy agreement and its execution by independent
9 legal counsel of their own choosing who is licensed to practice law in
10 the state of New York, to be paid for by the intended parent or parents.

11 § 581-604. Health insurance and medical costs. A person acting as
12 surrogate may obtain a comprehensive health insurance policy that covers
13 major medical treatments and hospitalization as well as a surrogate
14 pregnancy; the policy shall be paid for, whether directly or through
15 reimbursement or other means, by the intended parent or parents on
16 behalf of the person acting as surrogate pursuant to the surrogacy
17 agreement, if such policy comes at an additional cost to the person
18 acting as a surrogate. The intended parent or parents shall also pay for
19 or reimburse the person acting as surrogate for all co-payments, deduct-
20 ibles and any other out-of-pocket medical costs associated with pregnan-
21 cy, medical evaluation, psychological screening or embryo transfers that
22 accrue through twelve weeks after the birth of the child or termination
23 of the pregnancy, except that such responsibility shall be extended for
24 up to six months after the birth of the child or termination of the
25 pregnancy in the event a medical complication related to the pregnancy
26 is diagnosed within twelve weeks after the birth of the child or termi-
27 nation of the pregnancy.

28 § 581-605. Counseling. A person acting as surrogate has the right to
29 obtain counseling to address issues resulting from their participation
30 in a surrogacy agreement, to be paid for by the intended parent or
31 parents.

32 § 581-606. Life and disability insurance. A person acting as surrogate
33 may obtain a life insurance policy and disability insurance policy with
34 a beneficiary or beneficiaries of their choosing, to be paid for by the
35 intended parent or parents.

36 § 581-607. Termination of surrogacy agreement. A person acting as
37 surrogate has the right to terminate a surrogacy agreement prior to
38 becoming pregnant by means of assisted reproduction pursuant to section
39 581-405 of this article.

40 PART 7

41 MISCELLANEOUS PROVISIONS

42 Section 581-701. Remedial.

43 581-702. Severability.

44 581-703. Parent under section seventy of the domestic relations
45 law.

46 581-704. Interpretation.

47 § 581-701. Remedial. This legislation is hereby declared to be a
48 remedial statute and is to be construed liberally to secure the benefi-
49 cial interests and purposes thereof for the best interests of the child.

50 § 581-702. Severability. The invalidation of any part of this legis-
51 lation by a court of competent jurisdiction shall not result in the
52 invalidation of any other part.

53 § 581-703. Parent under section seventy of the domestic relations law.
54 The term "parent" in section seventy of the domestic relations law shall

1 include a person established to be a parent under this article or any
2 other relevant law.

3 § 581-704. Interpretation. Unless the context indicates otherwise,
4 words importing the singular include and apply to several persons,
5 parties, or things; words importing the plural include the singular.

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

7 § 3. Section 121 of the domestic relations law, as added by chapter
8 308 of the laws of 1992, is amended to read as follows:

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

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

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

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

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

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

25 (b) the ~~[woman]~~ genetic surrogate agrees to, or intends to, surrender
26 or consent to the adoption of the child born as a result of such insemi-
27 nation or impregnation.

28 § 4. Section 122 of the domestic relations law, as added by chapter
29 308 of the laws of 1992, is amended to read as follows:

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

33 § 5. Section 123 of the domestic relations law, as added by chapter
34 308 of the laws of 1992, is amended to read as follows:

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

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

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

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

54 ~~(b) Any other person or entity who or which induces, arranges or~~
55 ~~otherwise assists in the formation of a surrogate parenting contract for~~
56 ~~a fee, compensation or other remuneration or otherwise violates this~~

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

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

§ 124. Proceedings regarding parental rights, status or obligations. In any action or proceeding involving a purported genetic surrogacy parenting agreement, ~~[dispute between the birth mother and (i) the genetic father, (ii) the genetic mother, (iii) both the genetic father and genetic mother, or (iv) the parent or parents of the genetic father or genetic mother, regarding parental rights, status or obligations with respect to a child born pursuant to a surrogate parenting contract]~~ the parentage of the child will be determined based on the laws of New York State and:

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

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

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

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

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

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

1 competent jurisdiction or the parents, or their attorneys of a judgment,
2 order or decree relating to parentage.

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

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

10 § 4135-b. Voluntary acknowledgments of ~~[paternity, child born out of~~
11 ~~wedlock]~~ parentage. 1. (a) Immediately preceding or following the
12 in-hospital birth of a child to an unmarried ~~[woman]~~ person or to a
13 person who gave birth to a child conceived through assisted
14 reproduction, the person in charge of such hospital or his or her desig-
15 nated representative shall provide to the ~~[child's mother and putative]~~
16 unmarried person who gave birth to the child and the alleged [father]
17 genetic parent, if such ~~[father]~~ alleged genetic parent is readily iden-
18 tifiable and available, or to the person who gave birth and the other
19 intended parent of a child conceived through assisted reproduction if
20 such person is readily identifiable and available, the documents and
21 written instructions necessary for such ~~[mother]~~ person or to a person
22 who gave birth to a child conceived through assisted reproduction and
23 ~~[putative father]~~ alleged persons to complete an acknowledgment of
24 ~~[paternity]~~ parentage witnessed by two persons not related to the signa-
25 tory. Such acknowledgment, if signed by both parties, at any time
26 following the birth of a child, shall be filed with the registrar at the
27 same time at which the certificate of live birth is filed, if possible,
28 or anytime thereafter. Nothing herein shall be deemed to require the
29 person in charge of such hospital or his or her designee to seek out or
30 otherwise locate ~~[a putative]~~ an alleged [father] genetic parent or
31 intended parent of a child conceived through assisted reproduction who
32 is not readily identifiable or available.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(vi) that a copy of the acknowledgment of ~~[paternity]~~ parentage shall be filed with the ~~[putative father]~~ registry ~~[pursuant to]~~ created by section three hundred seventy-two-c of the social services law, and that

1 such filing may establish the child's right to inheritance from the
2 ~~[putative]~~ alleged ~~[father]~~ genetic parent or the other intended parent
3 of a child conceived through assisted reproduction pursuant to clause
4 (B) of subparagraph two of paragraph (a) of section 4-1.2 of the
5 estates, powers and trusts law;

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

13 (viii) that no further judicial or administrative proceedings are
14 required to ratify an unchallenged acknowledgment of ~~[paternity]~~ parent-
15 age provided, however, that:

16 (A) A signatory to an acknowledgment of ~~[paternity]~~ parentage, who had
17 attained the age of eighteen at the time of execution of the acknowledg-
18 ment, shall have the right to rescind the acknowledgment within the
19 earlier of sixty days from the date of signing the acknowledgment or the
20 date of an administrative or a judicial proceeding (including, but not
21 limited to, a proceeding to establish a support order) relating to the
22 child in which the signatory is a party, provided that the "date of an
23 administrative or a judicial proceeding" shall be the date by which the
24 respondent is required to answer the petition;

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

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

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

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

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

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

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

12 [~~(e)~~] (g) Within ten days after receiving the certificate of birth,
13 the registrar shall furnish without charge to each parent or guardian of
14 the child or to the [~~mother~~] person who gave birth at the address desig-
15 nated by her for that purpose, a certified copy of the certificate of
16 birth and, if applicable, a certified copy of the written acknowledgment
17 of [~~paternity~~] parentage. If the [~~mother~~] person who gave birth is in
18 receipt of child support enforcement services pursuant to title six-A of
19 article three of the social services law, the registrar also shall
20 furnish without charge a certified copy of the certificate of birth and,
21 if applicable, a certified copy of the written acknowledgment of [~~pater-~~
22 ~~nity~~] parentage to the social services district of the county within
23 which the [~~mother~~] person who gave birth resides.

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

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

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

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

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

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

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

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

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

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

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

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

1 such [~~father~~] other signatory, and which may also authorize a conforming
2 change in the surname of the child.

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

6 GENETIC SURROGATE PARENTING CONTRACTS

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

9 ARTICLE 44

10 REGULATION OF SURROGACY PROGRAMS

11 Section 1400. Definitions.

12 1401. Programs regulated under this article.

13 1402. Conflicts of interest; prohibition on payments; funds in
14 escrow; licensure; notice of surrogates' bill of rights.

15 1403. Regulations.

16 § 1400. Definitions. As used in this section:

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

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

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

30 § 1401. Programs regulated under this article. The provisions of this
31 article apply to surrogacy programs arranging or facilitating trans-
32 actions contemplated by a surrogacy agreement under part four of article
33 five-C of the family court act if:

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

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

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

39 § 1402. Conflicts of interest; prohibition on payments; funds in
40 escrow; licensure; notice of surrogates' bill of rights. A surrogacy
41 program to which this article applies:

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

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

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

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

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

4 (f) Shall be licensed to operate in New York state pursuant to regu-
5 lations promulgated by the department of health in consultation with the
6 department of financial services, once such regulations are promulgated
7 and become effective; and

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

12 § 1403. Regulations. The department of health, in consultation with
13 the department of financial services, shall promulgate regulations to
14 implement the requirements of this article, and shall annually report to
15 the state legislature regarding the practices of surrogacy programs and
16 all business transactions related to surrogacy in New York state, with
17 recommendations for any necessary amendments to this article.

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

20 ARTICLE 25-B

21 GESTATIONAL SURROGACY

22 Section 2599-cc. Gestational surrogacy.

23 § 2599-cc. Gestational surrogacy. 1. The commissioner shall promulgate
24 regulations on the practice of gestational surrogacy. Such regulations
25 shall include, but not be limited to:

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

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

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

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

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

41 (iii) other information deemed appropriate by the commissioner.

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

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

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

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

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

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

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

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

(iii) other information deemed appropriate by the commissioner.

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

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

(a) Any support order made by the court in any proceeding under the provisions of article five-B of this act, pursuant to a reference from the supreme court under section two hundred fifty-one of the domestic relations law or under the provisions of article four, five or five-A of this act (i) shall direct that payments of child support or combined child and spousal support collected on behalf of persons in receipt of services pursuant to section one hundred eleven-g of the social services law, or on behalf of persons in receipt of public assistance be made to the support collection unit designated by the appropriate social services district, which shall receive and disburse funds so paid; or (ii) shall be enforced pursuant to subdivision (c) of section five thousand two hundred forty-two of the civil practice law and rules at the same time that the court issues an order of support; and (iii) shall in either case, except as provided for herein, be effective as of the earlier of the date of the filing of the petition therefor, or, if the children for whom support is sought are in receipt of public assistance, the date for which their eligibility for public assistance was effective. Any retroactive amount of support due shall be support

arrears/past due support and shall be paid in one sum or periodic sums, as the court directs, and any amount of temporary support which has been paid to be taken into account in calculating any amount of such retroactive support due. In addition, such retroactive child support shall be enforceable in any manner provided by law including, but not limited to, an execution for support enforcement pursuant to subdivision (b) of section fifty-two hundred forty-one of the civil practice law and rules. When a child receiving support is a public assistance recipient, or the order of support is being enforced or is to be enforced pursuant to section one hundred eleven-g of the social services law, the court shall establish the amount of retroactive child support and notify the parties that such amount shall be enforced by the support collection unit pursuant to an execution for support enforcement as provided for in subdivision (b) of section fifty-two hundred forty-one of the civil practice law and rules, or in such periodic payments as would have been authorized had such an execution been issued. In such case, the court shall not direct the schedule of repayment of retroactive support. Where such direction is for child support and ~~[paternity]~~ parentage has been established by a voluntary acknowledgment of ~~[paternity]~~ parentage as defined in section forty-one hundred thirty-five-b of the public health law, the court shall inquire of the parties whether the acknowledgment has been duly filed, and unless satisfied that it has been so filed shall require the clerk of the court to file such acknowledgment with the appropriate

1 registrar within five business days. The court shall not direct that
2 support payments be made to the support collection unit unless the
3 child, who is the subject of the order, is in receipt of public assist-
4 ance or child support services pursuant to section one hundred eleven-g
5 of the social services law. Any such order shall be enforceable pursu-
6 ant to section fifty-two hundred forty-one or fifty-two hundred forty-
7 two of the civil practice law and rules, or in any other manner provided
8 by law. Such orders or judgments for child support and maintenance
9 shall also be enforceable pursuant to article fifty-two of the civil
10 practice law and rules upon a debtor's default as such term is defined
11 in paragraph seven of subdivision (a) of section fifty-two hundred
12 forty-one of the civil practice law and rules. The establishment of a
13 default shall be subject to the procedures established for the determi-
14 nation of a mistake of fact for income executions pursuant to subdivi-
15 sion (e) of section fifty-two hundred forty-one of the civil practice
16 law and rules. For the purposes of enforcement of child support orders
17 or combined spousal and child support orders pursuant to section five
18 thousand two hundred forty-one of the civil practice law and rules, a
19 "default" shall be deemed to include amounts arising from retroactive
20 support. Where permitted under federal law and where the record of the
21 proceedings contains such information, such order shall include on its
22 face the social security number and the name and address of the employ-
23 er, if any, of the person chargeable with support provided, however,
24 that failure to comply with this requirement shall not invalidate such
25 order.

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

30 § 516-a. Acknowledgment of [~~paternity~~] parentage. (a) An acknowledg-
31 ment of [~~paternity~~] parentage executed pursuant to section one hundred
32 eleven-k of the social services law or section four thousand one hundred
33 thirty-five-b of the public health law shall establish the [~~paternity~~]
34 parentage of and liability for the support of a child pursuant to this
35 act. Such acknowledgment must be reduced to writing and filed pursuant
36 to section four thousand one hundred thirty-five-b of the public health
37 law with the registrar of the district in which the birth occurred and
38 in which the birth certificate has been filed. No further judicial or
39 administrative proceedings are required to ratify an unchallenged
40 acknowledgment of [~~paternity~~] parentage.

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

54 (ii) Where a signatory to an acknowledgment of [~~paternity~~] parentage
55 executed pursuant to section one hundred eleven-k of the social services
56 law or section four thousand one hundred thirty-five-b of the public

1 health law had not attained the age of eighteen at the time of execution
2 of the acknowledgment, the signatory may seek to rescind the acknowledg-
3 ment by filing a petition with the court to vacate the acknowledgment
4 anytime up to sixty days after the signatory's attaining the age of
5 eighteen years or sixty days after the date on which the respondent is
6 required to answer a petition (including, but not limited to, a petition
7 to establish a support order) relating to the child in which the signa-
8 tory is a party, whichever is earlier; provided, however, that the
9 signatory must have been advised at such proceeding of his or her right
10 to file a petition to vacate the acknowledgment within sixty days of the
11 date of such proceeding.

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

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

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

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

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

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

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

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

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

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

16 (d) Neither signatory's legal obligations, including the obligation
17 for child support arising from the acknowledgment, may be suspended
18 during the challenge to the acknowledgment except for good cause as the
19 court may find. If the court vacates the acknowledgment of [~~paternity~~]
20 parentage, the court shall immediately provide a copy of the order to
21 the registrar of the district in which the child's birth certificate is
22 filed and also to the putative father registry operated by the depart-
23 ment of social services pursuant to section three hundred seventy-two-c
24 of the social services law. In addition, if the [~~mother~~] parent of the
25 child who is the subject of the acknowledgment is in receipt of child
26 support services pursuant to title six-A of article three of the social
27 services law, the court shall immediately provide a copy of the order to
28 the child support enforcement unit of the social services district that
29 provides the [~~mother~~] parent with such services.

30 [~~(d)~~] (e) A determination of [~~paternity~~] parentage made by any other
31 state, whether established through an administrative or judicial process
32 or through an acknowledgment of [~~paternity~~] parentage signed in accord-
33 ance with that state's laws, must be accorded full faith and credit
34 pursuant to section 466(a)(11) of title IV-D of the social security act
35 (42 U.S.C. § 666(a)(11)).

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

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

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

1 investigation to the court and parties, including the attorney for the
2 child.

3 § 17. Section 4-1.2 of the estates, powers and trusts law, as amended
4 by chapter 67 of the laws of 1981, the section heading, the opening
5 paragraph of subparagraph 1 of paragraph (a), the opening paragraph of
6 subparagraph 2 of paragraph (a) and the opening paragraph of subpara-
7 graph 3 of paragraph (a) as amended by chapter 595 of the laws of 1992,
8 subparagraph 2 of paragraph (a) as amended by chapter 434 of the laws of
9 1987, clause (A) of subparagraph 2 of paragraph (a) as amended by chap-
10 ter 170 of the laws of 1994, and clause (C) of subparagraph 2 of para-
11 graph (a) and paragraph (b) as amended by chapter 64 of the laws of
12 2010, is amended to read as follows:

13 § 4-1.2 Inheritance by non-marital children

14 (a) For the purposes of this article:

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

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

20 (A) a court of competent jurisdiction has, during the lifetime of the
21 father, made an order of filiation or parentage declaring [~~paternity~~]
22 parentage or the [~~mother and father~~] parentage of the child [~~have~~
23 ~~executed~~] has been established through the execution of an acknowledg-
24 ment of [~~paternity~~] parentage pursuant to section four thousand one
25 hundred thirty-five-b of the public health law, which has been filed
26 with the registrar of the district in which the birth certificate has
27 been filed or;

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

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

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

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

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

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

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

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

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

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

g. obtain from respondent, when appropriate and in accordance with the procedures established by section one hundred eleven-k of this chapter, an acknowledgement of [~~paternity~~] parentage or an agreement to make support payments, or both;

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

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

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

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

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

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

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

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

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

(b) The record or report of the results of any such genetic marker or DNA test may be submitted to the family court as evidence pursuant to subdivision (e) of rule forty-five hundred eighteen of the civil prac-

1 tice law and rules where no timely objection in writing has been made
2 thereto.

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

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

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

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

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

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

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

49 (a) The chief administrator of the courts shall provide, in accordance
50 with subdivision (f) of this section, for the appointment of a suffi-
51 cient number of support magistrates to hear and determine support
52 proceedings. Except as hereinafter provided, support magistrates shall
53 be empowered to hear, determine and grant any relief within the powers
54 of the court in any proceeding under this article, articles five,
55 five-A, ~~[and]~~ five-B, and five-C and sections two hundred thirty-four
56 and two hundred thirty-five of this act, and objections raised pursuant

1 to section five thousand two hundred forty-one of the civil practice law
2 and rules. Support magistrates shall not be empowered to hear, determine
3 and grant any relief with respect to issues specified in section four
4 hundred fifty-five of this article, issues of contested [~~paternity~~]
5 parentage involving claims of equitable estoppel, custody, visitation
6 including visitation as a defense, and orders of protection or exclusive
7 possession of the home, which shall be referred to a judge as provided
8 in subdivision (b) or (c) of this section. Where an order of filiation
9 is issued by a judge in a paternity proceeding and child support is in
10 issue, the judge, or support magistrate upon referral from the judge,
11 shall be authorized to immediately make a temporary or final order of
12 support, as applicable. A support magistrate shall have the authority to
13 hear and decide motions and issue summonses and subpoenas to produce
14 persons pursuant to section one hundred fifty-three of this act, hear
15 and decide proceedings and issue any order authorized by subdivision (g)
16 of section five thousand two hundred forty-one of the civil practice law
17 and rules, issue subpoenas to produce prisoners pursuant to section two
18 thousand three hundred two of the civil practice law and rules and make
19 a determination that any person before the support magistrate is in
20 violation of an order of the court as authorized by section one hundred
21 fifty-six of this act subject to confirmation by a judge of the court
22 who shall impose any punishment for such violation as provided by law. A
23 determination by a support magistrate that a person is in willful
24 violation of an order under subdivision three of section four hundred
25 fifty-four of this article and that recommends commitment shall be tran-
26 smitted to the parties, accompanied by findings of fact, but the deter-
27 mination shall have no force and effect until confirmed by a judge of
28 the court.

29 § 22. Subparagraph (D) of paragraph (17) of subsection (a) of section
30 1113 of the insurance law is amended to read as follows:

31 (D) (i)(I) Indemnifying an adoptive parent for verifiable expenses not
32 prohibited under the law paid to or on behalf of the birth mother when
33 either one or both of the birth parents of the child withdraw or with-
34 hold their consent to adoption. Such expenses may include maternity-con-
35 nected medical or hospital expenses of the birth mother, necessary
36 living expenses of the birth mother preceding and during confinement,
37 travel expenses of the birth mother to arrange for the adoption of the
38 child, legal fees of the birth mother, and any other expenses [~~which~~
39 that an adoptive parent may lawfully pay to or on behalf of the birth
40 mother[+]; or (II) Indemnifying an intended parent for financial loss
41 incurred as a result of the failure by the person acting as surrogate to
42 perform under the surrogacy contract due to death, bodily injury, sick-
43 ness, disappearance of the person acting as surrogate, late miscarriage,
44 or stillbirth. Such financial loss shall include medical and hospital
45 expenses, insurance co-payments, deductibles, and coinsurance, necessary
46 living expenses of the person acting as surrogate to arrange for the
47 surrogacy, legal fees of the person acting as surrogate, and any other
48 expenses that an intended parent may lawfully pay to or on behalf of the
49 person acting as surrogate; and (ii) For the purposes of this [~~section~~
50 subparagraph "adoptive parent" means the parent or his or her spouse
51 seeking to adopt a child, "birth mother" means the biological mother of
52 the child, "birth parent" means the biological mother or biological
53 father of the child, and the terms "donor", "intended parent", "person
54 acting as surrogate", and "surrogacy agreement" shall have the meaning
55 set forth in section 581-102 of the family court act; or

§ 23. Paragraph (32) of subsection (a) of section 1113 of the insurance law, as renumbered by chapter 626 of the laws of 2006, is renumbered paragraph (33) and a new paragraph (32) is added to read as follows:

(32) "Donor medical expense insurance" means insurance indemnifying an intended parent for medical or hospital expenses that the intended parent is contractually obligated to pay under a donor agreement when the expenses result from medical complications that occur as a result of the donation of gametes. For the purpose of this paragraph, "donor", "gametes" and "intended parent" shall have the meaning set forth in section 581-102 of the family court act.

(33) "Substantially similar kind of insurance," means such insurance which in the opinion of the superintendent is determined to be substantially similar to one of the foregoing kinds of insurance and thereupon for the purposes of this chapter shall be deemed to be included in that kind of insurance.

§ 24. Subsection (a) of section 2105 of the insurance law, as amended by section 9 of part I of chapter 61 of the laws of 2011, is amended to read as follows:

§ 2105. Excess line brokers; licensing. (a) The superintendent may issue an excess line broker's license to any person, firm, association or corporation who or which is licensed as an insurance broker under section two thousand one hundred four of this article, or who or which is licensed as an excess line broker in the licensee's home state, provided, however, that the applicant's home state grants non-resident licenses to residents of this state on the same basis, except that reciprocity is not required in regard to the placement of liability insurance on behalf of a purchasing group or any of its members; authorizing such person, firm, association or corporation to procure, subject to the restrictions herein provided, policies of insurance from insurers which are not authorized to transact business in this state of the kind or kinds of insurance specified in paragraphs four through fourteen, sixteen, seventeen, nineteen, twenty, twenty-two, twenty-seven, twenty-eight, ~~and~~ thirty-one, and thirty-two of subsection (a) of section one thousand one hundred thirteen of this chapter and in subsection (h) of this section, provided, however, that the provisions of this section and section two thousand one hundred eighteen of this article shall not apply to ocean marine insurance and other contracts of insurance enumerated in subsections (b) and (c) of section two thousand one hundred seventeen of this article. Such license may be suspended or revoked by the superintendent whenever in his or her judgment such suspension or revocation will best promote the interests of the people of this state.

§ 25. Subsection (b) of section 4101 of the insurance law is amended to read as follows:

(b) "Non-basic kinds of insurance" means the kinds of insurance described in the following paragraphs of subsection (a) of section one thousand one hundred thirteen of this chapter numbered therein as set forth in parentheses below:

- accident and health (item (i) of (3));
- non-cancellable disability (item (ii) of (3));
- miscellaneous property (5);
- water damage (6);
- collision (12);
- property damage liability (14) - non-basic as to mutual companies only;
- motor vehicle and aircraft physical damage (19);

inland marine as specified in marine and inland marine (20);
 marine protection and indemnity (21) - non-basic as to stock companies
 only;
 residual value (22);
 credit unemployment (24);
 gap (26);
 prize indemnification (27);
 service contract reimbursement (28);
 legal services insurance (29);
 involuntary unemployment insurance (30);
 salary protection insurance (31);
donor medical expense insurance (32).

§ 26. Group A of table one as contained in paragraph (1) of subsection
 (a) of section 4103 of the insurance law, as amended by chapter 626 of
 the laws of 2006, is amended to read as follows:

Group

A:

7	\$300,000	\$150,000
8, 9, 10, 11, or 14 - for each such kind	\$100,000	\$ 50,000
13 or 15 - for each such kind	\$500,000	\$250,000
16	\$900,000	\$450,000
17	\$400,000	\$200,000
Basic additional amount required for any one or more of the above kinds of insurance	\$100,000	\$ 50,000
3(i), 3(ii), 6{1} or 12{2} - for each such kind	\$100,000	\$ 50,000
22	\$2,000,000	\$1,000,000
24	\$400,000	\$200,000
26(B)	\$200,000	\$100,000
26(A), 26 (C) or 26{O} - for each such kind	\$600,000	\$300,000
27	\$300,000	\$150,000
28	\$2,000,000	\$1,000,000
30	\$400,000	\$200,000
31	\$100,000	\$ 50,000
<u>32</u>	<u>\$100,000</u>	<u>\$ 50,000</u>

§ 27. Group C of table three as contained in subsection (b) of section
 4107 of the insurance law, as amended by chapter 626 of the laws of
 2006, is amended to read as follows:

Group C:

3(i) or 3(ii) - for each such kind	\$ 100,000	\$ 100,000
22	\$3,000,000	\$2,000,000
24	\$ 300,000	\$ 300,000
26 (B)	\$ 300,000	\$ 200,000
26(A), 26 (C) or 26(D) - for each such kind	\$ 900,000	\$ 600,000
28	\$3,000,000	\$2,000,000
6{5}, 12{6} or 14{2} - for each such kind	\$ 50,000	\$ 50,000
27	\$ 300,000	\$ 150,000
30	\$ 300,000	\$ 300,000
31	\$ 100,000	\$ 100,000

1 32 \$ 100,000 \$ \$100,000"
2 § 28. This act shall take effect January 1, 2021, provided, however,
3 that the amendments to subdivision (a) of section 439 of the family
4 court act made by section twenty-one of this act shall not affect the
5 expiration of such subdivision and shall be deemed to expire therewith.
6 Effective immediately, the addition, amendment and/or repeal of any rule
7 or regulation necessary for the implementation of this act on its effec-
8 tive date are authorized to be made and completed on or before such
9 effective date.

PART M

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

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

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

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

37 2. (a) Within sixty days of the start of a placement of a child refer-
38 enced in subdivision one of this section in a qualified residential
39 treatment program, the court shall:

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

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

50 (iii) Approve or disapprove the placement of the child in a qualified
51 residential treatment program. Provided that, notwithstanding any other
52 provision of law to the contrary, where the qualified individual deter-
53 mines that the placement of the child in a qualified residential treat-
54 ment program is not appropriate under the standards set forth in the

1 regulations of the office of children and family services, in accordance
2 with 42 United States Code section 672, the court shall disapprove the
3 placement of the child in the qualified residential treatment program.

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

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

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

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

22 § 409-h. Assessment of appropriateness of placement in a qualified
23 residential treatment program. 1. Within thirty days of the start of a
24 placement in a qualified residential treatment program of a child in the
25 care and custody or the custody and guardianship of the commissioner of
26 a local social services district or the office of children and family
27 services that occurs on or after September twenty-ninth, two thousand
28 twenty-one, a qualified individual shall assess the appropriateness of
29 such placement. Such qualified individual and assessment shall be in
30 accordance with the regulations of the office of children and family
31 services and 42 United State Code section 672.

32 2. (a) Where the qualified individual determines that the placement of
33 the child in a qualified residential treatment program is not appropri-
34 ate under the standards set forth in the regulations of the office of
35 children and family services and 42 United States Code section 672, the
36 local social services district or the office of children and family
37 services with legal custody of the child shall remove such child from a
38 qualified residential treatment program within thirty days in accordance
39 with federal law and the provisions of 42 United States Code section
40 672, and if placement of the child is to continue, place said child in a
41 placement setting approved by the office of children and family services
42 for children who have been determined to not be appropriate for a place-
43 ment in a qualified residential treatment program.

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

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

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

55 § 353.7. Placement in qualified residential treatment programs. 1. The
56 provisions of this section shall apply when a respondent is placed on or

1 after September twenty-ninth, two thousand twenty-one and resides in a
2 qualified residential treatment program, as defined in section four
3 hundred nine-h of the social services law, and whose care and custody
4 were transferred to a local social services district or the office of
5 children and family services in accordance with this article.

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

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

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

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

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

48 (iii) Approve or disapprove the placement of the respondent in a qual-
49 ified residential treatment program. Provided that, notwithstanding any
50 other provision of law to the contrary, where a qualified individual
51 determines that the placement of the respondent in a qualified residen-
52 tial treatment program is not appropriate under the standards set forth
53 in the regulations of the office of children and family services in
54 accordance with 42 United States Code section 672, the court shall
55 disapprove the placement of the respondent in the qualified residential
56 treatment program.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

10 § 756-b. Court approval of placement in a qualified residential treat-
11 ment program. 1. The provisions of this section shall apply when a
12 respondent is placed on or after September twenty-ninth, two thousand
13 twenty-one and resides in a qualified residential treatment program, as
14 defined in section four hundred nine-h of the social services law, and
15 whose care and custody were transferred to a local social services
16 district in accordance with this part.

17 2. (a) When a respondent is in the care and custody of a local social
18 services district pursuant to this part, such social services district
19 shall report any anticipated placement of the respondent into a quali-
20 fied residential treatment program, as defined in section four hundred
21 nine-h of the social services law, to the court and the attorneys for
22 the parties, including the attorney for the respondent, forthwith, but
23 not later than one business day following either the decision to place
24 the respondent in the qualified residential treatment program or the
25 actual date the placement change occurred, whichever is sooner. Such
26 notice shall indicate the date that the placement change is anticipated
27 to occur or the date the placement change occurred, as applicable.
28 Provided, however, if such notice lists an anticipated date for the
29 placement change, the local social services district shall subsequently
30 notify the court and the attorneys for the parties, including the attor-
31 ney for the respondent, of the date the placement change occurred; such
32 notice shall occur no later than one business day following the place-
33 ment change.

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

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

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

51 (ii) Determine whether the needs of the respondent can be met through
52 placement in a foster home and, if not, whether placement of the
53 respondent in a qualified residential treatment program provides the
54 most effective and appropriate level of care for the respondent in the
55 least restrictive environment and whether that placement is consistent

1 with the short-term and long-term goals for the respondent as specified
2 in the respondent's permanency plan; and

3 (iii) Approve or disapprove the placement of the respondent in a qual-
4 ified residential treatment program. Provided that, notwithstanding any
5 other provision of law to the contrary, where the qualified individual
6 determines that the placement of the respondent in a qualified residen-
7 tial treatment program is not appropriate under the standards set forth
8 in the regulations of the office of children and family services in
9 accordance with 42 United States Code section 672, the court shall
10 disapprove the placement of the respondent in the qualified residential
11 treatment program.

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

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

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

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

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

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

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

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

3 § 1055-c. Court approval of placement in a qualified residential
4 treatment program. 1. The provisions of this section shall apply when a
5 child is placed on or after September twenty-ninth, two thousand twen-
6 ty-one and resides in a qualified residential treatment program, as
7 defined in section four hundred nine-h of the social services law, and
8 whose care and custody were transferred to the commissioner of a local
9 social services district in accordance with this article.

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

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

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

23 (c) Approve or disapprove the placement of the child in a qualified
24 residential treatment program. Provided that, notwithstanding any other
25 provision of law to the contrary, where the qualified individual deter-
26 mines that the placement of the child in a qualified residential treat-
27 ment program is not appropriate under the standards set forth in the
28 regulations of the office of children and family services in accordance
29 with 42 United States Code section 672, the court shall disapprove the
30 placement of the child in the qualified residential treatment program.

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

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

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

47 § 11. Clause (C) of subparagraph (ix) of paragraph 5 of subdivision
48 (c) of section 1089 of the family court act, as added by section 27 of
49 part A of chapter 3 of the laws of 2005, is amended and a new paragraph
50 6 is added to read as follows:

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

54 (6) Where the child remains placed in a qualified residential treat-
55 ment program, as defined in section four hundred nine-h of the social
56 services law, the commissioner of the social services district with

1 legal custody of the child shall submit evidence at the permanency hear-
2 ing with respect to the child:

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

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

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

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

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

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

36 § 1091-a. Court approval of placement in a qualified residential
37 treatment program. 1. The provisions of this section shall apply when a
38 former foster care youth is placed on or after September twenty-ninth,
39 two thousand twenty-one, and resides in a qualified residential treat-
40 ment program, as defined in section four hundred nine-h of the social
41 services law, and whose care and custody were transferred to a local
42 social services district or the office of children and family services
43 in accordance with this article.

44 2. (a) When a former foster care youth is in the care and custody of a
45 local social services district or the office of children and family
46 services pursuant to this article, such social services district or
47 office shall report any anticipated placement of the former foster care
48 youth into a qualified residential treatment program, as defined in
49 section four hundred nine-h of the social services law, to the court and
50 the attorneys for the parties, including the attorney for the former
51 foster care youth, forthwith, but not later than one business day
52 following either the decision to place the former foster care youth in
53 the qualified residential treatment program or the actual date the
54 placement change occurred, whichever is sooner. Such notice shall indi-
55 cate the date that the placement change is anticipated to occur or the
56 date the placement change occurred, as applicable. Provided, however, if

1 such notice lists an anticipated date for the placement change, the
2 local social services district or office shall subsequently notify the
3 court and attorneys for the parties, including the attorney for the
4 child, of the date the placement change occurred; such notice shall
5 occur no later than one business day following the placement change.

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

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

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

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

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

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

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

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

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

5 § 1097. Court approval of placement in a qualified residential treat-
6 ment program. 1. The provisions of this section shall apply when a child
7 is placed on or after September twenty-ninth, two thousand twenty-one,
8 and resides in a qualified residential treatment program, as defined in
9 section four hundred nine-h of the social services law, and whose care
10 and custody were transferred to a local social services district or the
11 office of children and family services in accordance with this article.

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

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

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

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

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

53 (c) Approve or disapprove the placement of the child in the qualified
54 residential treatment program. Provided that, notwithstanding any other
55 provision of law to the contrary, where the qualified individual deter-
56 mines that the placement of the child in a qualified residential treat-

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

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

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

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

21 § 15. Severability. If any clause, sentence, paragraph, section or
22 part of this act shall be adjudged by any court of competent jurisdic-
23 tion to be invalid and after exhaustion of all further judicial review,
24 the judgment shall not affect, impair or invalidate the remainder there-
25 of, but shall be confined in its operation to the clause, sentence,
26 paragraph, section or part of this act directly involved in the contro-
27 versy in which the judgment shall have been rendered.

28 § 16. This act shall take effect September 29, 2021; provided, howev-
29 er, that:

30 (a) (i) notwithstanding any other provision of law, provisions in this
31 act shall not take effect unless and until the state title IV-E agency
32 submits to the United States Department of Health and Human Services,
33 Administration for Children, Youth and Families, an amendment to the
34 title IV-E state plan and the United States Department of Health and
35 Human Services, Administration for Children, Youth and Families approves
36 said title IV-E state plan amendment regarding when a child is placed in
37 a qualified residential treatment program in relation to the following
38 components: (1) the establishment of the 30-day assessment as estab-
39 lished by section three of this act; (2) the 60-day court reviews as
40 established by sections one, two, four, seven, eight, nine, ten, twelve,
41 thirteen and fourteen of this act; and (3) permanency hearing require-
42 ments as established by sections five, six and eleven of this act;

43 (ii) provided however, that if the United States Department of Health
44 and Human Services, Administration for Children, Youth and Families
45 fails to approve or disapproves any of the components listed in para-
46 graph (i) of this subdivision, such action shall not impact the effec-
47 tive date for the remaining components listed therein;

48 (b) the office of children and family services shall inform the legis-
49 lative bill drafting commission upon the occurrence of the submission
50 set forth in subdivision (a) of this section and any approval related
51 thereto in order that the commission may maintain an effective and time-
52 ly database of the official texts of the state of laws of New York in
53 furtherance of effectuating the provisions of section 44 of the legisla-
54 tive law and section 70-b of the public officers law;

55 (c) if chapter 732 of the laws of 2019 shall not have taken effect on
56 or before such effective date, then sections one, eight, nine and twelve

1 of this act shall take effect on the same date and same manner as chap-
2 ter 732 of the laws of 2019, takes effect;

3 (d) for the purposes of this act, the term "placement" shall refer
4 only to placements made on or after the effective date of the Title IV-E
5 state plan to establish the 30-day assessment, 60-day court review and
6 permanency hearing requirements set forth in this act that occur on or
7 after its effective date; and

8 (e) the office of children and family services and the office of court
9 administration are hereby authorized to promulgate such rules and regu-
10 lations as may be necessary to implement the provisions of this act on
11 or before such effective date.

12 PART N

13 Section 1. Subdivision 10 of section 153 of the social services law,
14 as amended by section 1 of subpart B of part K of chapter 56 of the laws
15 of 2017, is amended to read as follows:

16 10. Expenditures made by a social services district for the mainte-
17 nance of children with disabilities, placed by school districts, pursu-
18 ant to section forty-four hundred five of the education law shall, if
19 approved by the office of children and family services, be subject to
20 ~~[eighteen and four hundred twenty-four thousandths percent reimbursement~~
21 ~~by the state and thirty-eight and four hundred twenty-four thousandths~~
22 ~~percent reimbursement by school districts, except for social services~~
23 ~~districts located within a city with a population of one million or~~
24 ~~more, where such expenditures shall be subject to]~~ fifty-six and eight
25 hundred forty-eight thousandths percent reimbursement by the school
26 district, in accordance with paragraph c of subdivision one of section
27 forty-four hundred five of the education law, after first deducting
28 therefrom any federal funds received or to be received on account of
29 such expenditures, except that in the case of a student attending a
30 state-operated school for the deaf or blind pursuant to article eighty-
31 seven or eighty-eight of the education law who was not placed in such
32 school by a school district such expenditures shall be subject to fifty
33 percent reimbursement by the ~~[state]~~ school district after first deduct-
34 ing therefrom any federal funds received or to be received on account of
35 such expenditures ~~[and there shall be no reimbursement by school~~
36 ~~districts]~~. Such expenditures shall not be subject to the limitations
37 on state reimbursement contained in subdivision two of section one
38 hundred fifty-three-k of this title. In the event of the failure of the
39 school district to make the maintenance payment pursuant to the
40 provisions of this subdivision, the state comptroller shall withhold
41 state reimbursement to any such school district in an amount equal to
42 the unpaid obligation for maintenance and pay over such sum to the
43 social services district upon certification of the commissioner of the
44 office of children and family services and the commissioner of education
45 that such funds are overdue and owed by such school district. The
46 commissioner of the office of children and family services, in consulta-
47 tion with the commissioner of education, shall promulgate regulations to
48 implement the provisions of this subdivision.

49 § 2. Paragraph b of subdivision 1 of section 4405 of the education law
50 is REPEALED.

51 § 3. This act shall take effect immediately; provided however that
52 the amendments to subdivision 10 of section 153 of the social services
53 law, by section one of this act, shall not affect the expiration of such
54 subdivision and shall be deemed to expire therewith.

1

PART O

2 Section 1. Subdivisions 2, 3, 4 and 5 of section 365 of the executive
3 law, as added by section 5 of part W of chapter 57 of the laws of 2013,
4 the opening paragraph of paragraph (a), the opening paragraph of para-
5 graph (b), paragraph (g), the opening paragraph of subparagraph (ii) and
6 clause 6 of subparagraph (ii) of paragraph (h) of subdivision 2 as
7 amended by section 11 of part AA of chapter 56 of the laws of 2019, are
8 amended to read as follows:

9 2. The establishment of the first New York state veterans cemetery.

10 (a) The division, in cooperation with the United States department of
11 veterans affairs, and in consultation with, and upon the support of the
12 department of state division of cemeteries, is hereby directed to
13 conduct an investigation and study on the issue of the construction and
14 establishment of the first New York state veterans' cemetery. Such
15 investigation and study shall include, but not be limited to:

16 (i) Potential site locations for such cemetery, with full consider-
17 ation as to the needs of the veterans population;

18 (ii) The size of the cemetery and types of grave sites;

19 (iii) The number of annual interments at the cemetery;

20 (iv) Transportation accessibility to the cemetery by veterans, their
21 families and the general public;

22 (v) Costs for construction of the cemetery;

23 (vi) Costs of operation of the cemetery, including but not limited to
24 staffing costs to maintain the cemetery;

25 (vii) Scalability of the cemetery for future growth and expansion;

26 (viii) Potential for funding for the cemetery from federal, local and
27 private sources;

28 (ix) Cost of maintenance;

29 (x) Data on the population that would be served by the site;

30 (xi) The average age of the population in the area covered;

31 (xii) The mortality rate of the veteran population for the area;

32 (xiii) Surrounding land use;

33 (xiv) Topography of the land;

34 (xv) Site characteristics;

35 (xvi) Cost of land acquisition;

36 (xvii) The location of existing cemeteries including but not limited
37 to national veterans' cemeteries, county veterans' cemeteries, ceme-
38 teries that have plots devoted to veterans, not-for-profit cemeteries
39 and any other burial ground devoted to veterans and any other type of
40 burial grounds devoted to the interment of human remains that is of
41 public record; and

42 (xviii) Such other and further items as the director of the division
43 deems necessary for the first state veterans cemetery to be successful.

44 A report of the investigation and study conclusions shall be delivered
45 to the governor, the temporary president of the senate, the speaker of
46 the assembly and the chair of the senate committee on veterans, homeland
47 security and military affairs, and the chair of the assembly committee
48 on veterans' affairs by no later than one hundred eighty days after the
49 division has commenced the conduct of the investigation and study.

50 (b) ~~Prior to the commencement of the investigation and study pursuant~~
51 ~~to paragraph (a) of this subdivision, the director of the division of~~
52 ~~veterans' services, the director of the division of the budget, the~~
53 ~~director of the department of state's division of cemeteries, and the~~
54 ~~office of the state comptroller must certify to the governor, the tempo-~~
55 ~~rary 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 mmm of the state finance law, contains moneys sufficient, adjusted to reflect projected future inflation, to fund the operation, maintenance and the provision of perpetual care of a state veterans' cemetery for a period of not less than fifteen years, provided that such amount shall not include any amount that shall be reimbursed or contributed to the cemetery from the government of the United States or any amount that would be recoverable by the cemetery pursuant to a charge of fee for the provision of a grave site for a non veteran spouse or family member. In making such a certification, the director of the division of veterans' services, the director of the division of the budget, the director of the department of state's division of cemeteries, and the office of the state comptroller shall consider, but are not limited to, the following factors:~~

~~(i) physical attributes of the veterans cemetery, including size, location, and terrain;~~
~~(ii) management and operation, including staffing costs, cost of equipment and equipment maintenance, and security costs;~~
~~(iii) relevant state and federal requirements and specifications for interment and perpetual care;~~
~~(iv) estimates provided by the United States department of veterans affairs;~~
~~(v) any other fiscal cost, charge or assessment that would be incurred by the cemetery.~~

~~(c) By no later than ninety days following the issuance of the report, pursuant to the rules and regulations issued under paragraph (h) of this subdivision, the director shall issue, on behalf of the division, a request for proposals for any local government desiring to have the first state veterans cemetery located within its political subdivision. Such request for proposals shall be returnable to the division by no later than sixty days following the issuance of the request for proposals.~~

~~(d)] No later than sixty days following the [deadline for the return of requests for proposals]~~ submission of the report of the investigation and study conclusions pursuant to paragraph ~~[(c)]~~ (a) of this subdivision, the director~~[, in consultation with the management board of the first New York state veterans cemetery,]~~ shall select a site for the first New York state veterans cemetery. In selecting such site, the director shall consider:

(i) The investigation and study, and the report produced by the same, pursuant to paragraph (a) of this subdivision;

(ii) ~~[The submitted responses to the requests for proposals issued pursuant to paragraph (b) of this subdivision,~~

~~(iii)]~~ The guidelines for receipt of federal funding specified in section 2408 of title 38 of the United States code, part 39 of title 38 of the code of federal regulations, and any other relevant federal statute or regulation;

~~[(iv)]~~ (iii) The possibility of funding from private individuals, corporations or foundations; and

~~[(v)]~~ (iv) Any other consideration that would facilitate the successful operation of the first New York state veterans cemetery.

~~[(e)]~~ (c) No later than thirty days following the selection of the site pursuant to paragraph ~~[(d)]~~ (b) of this subdivision, the director~~[, in consultation with the management board of the first New York state~~

1 ~~veterans cemetery,~~] shall commence the application process for funding
2 from the government of the United States, in accordance with the grant
3 requirements specified in section 2408 of title 38 of the United States
4 code, part 39 of title 38 of the code of federal regulations, and any
5 other relevant federal statute or regulation, for the purpose of seeking
6 funds to support the construction, establishment, expansion, improve-
7 ment, support, operation, maintenance and the provision of perpetual
8 care of New York state's first veterans cemetery. Such grant application
9 shall be based on a site selected pursuant to paragraph ~~(d)~~ (b) of
10 this subdivision, and shall be consistent with the guidelines for
11 receipt of federal funding pursuant to the relevant provisions of feder-
12 al law.

13 ~~(f)~~ (d) A management board for the first New York state veterans
14 cemetery shall be appointed pursuant to subdivision three of this
15 section.

16 ~~[(g) Nothing in this section shall be construed to authorize the divi-
17 sion of veterans' services to commence an investigation and study pursu-
18 ant to paragraph (a) of this subdivision, issuing a request for
19 proposals pursuant to paragraph (c) of this subdivision, selecting a
20 site for the first New York state veterans' cemetery pursuant to para-
21 graph (d) of this subdivision, or submitting any application for funding
22 from the government of the United States in accordance with the grant
23 requirements specified in section 2408 of title 38 of the United States
24 code, part 30 of title 38 of the code of federal regulations, and other
25 relevant federal statutes or regulations, for the purpose of seeking
26 funds to support the construction, establishment, expansion, improve-
27 ment, support, operation, maintenance and the provision of perpetual
28 care of New York state's first veterans' cemetery pursuant to paragraph
29 (e) of this subdivision until the funds in the veterans remembrance and
30 cemetery maintenance and operation fund have been certified pursuant to
31 paragraph (b) of this subdivision.]~~

32 ~~(h)~~ (e) The director shall promulgate rules and regulations govern-
33 ing:

34 (i) ~~[The guidelines and standards for the construction, establishment,
35 expansion, improvement, support, operation, maintenance and the
36 provision of perpetual care for a state veterans cemetery. Such guide-
37 lines shall include, but not be limited to:~~

38 ~~(1) The size and terrain of the cemetery,~~

39 ~~(2) The management and operation of the cemetery, including but not
40 limited to:~~

41 ~~(A) Hours of operation,~~

42 ~~(B) Employees, employee relations, and employee duties,~~

43 ~~(C) The conduct and practice of events, ceremonies and programs,~~

44 ~~(D) The filing and compliance of the cemetery with state and federal
45 regulators, and~~

46 ~~(E) Such other and further operational and management practices and
47 procedures as the director shall determine to be necessary for the
48 successful operation of a state veterans cemetery.~~

49 ~~(3) The layout of plots,~~

50 ~~(4) The locations of building and infrastructure, including but not
51 limited to:~~

52 ~~(A) Electrical lines and facilities,~~

53 ~~(B) Waterlines, irrigation systems, and drainage facilities,~~

54 ~~(C) Trees, flowers and other plantings,~~

55 ~~(D) Non-gravesite memorials, gravesite memorials, mausoleums, colum-
56 barium niches, headstones, grave markers, indoor interment facilities,~~

~~committal service shelters, signage, flag poles, and other memorial gathering spaces or infrastructure;~~

~~(E) Roadways, pedestrian pathways, parking sites, curbs and curb cuts;~~

~~(F) Ponds, lakes and other water sites;~~

~~(G) Retaining walls, gates, fences, security systems or other devices for cemetery protection; and~~

~~(H) Any other buildings, structures or infrastructure necessary for the safe, efficient and effective operation of the cemetery;~~

~~(5) The qualifications for interment, consistent with the provisions of state and federal law and any requirements pursuant to the receipt of federal, state, local or private funds;~~

~~(6) The location and placement of interments;~~

~~(7) Consistent with the provisions of state and federal law and any requirements pursuant to the receipt of federal, state, local or private funds, the financial management of the cemetery, including but not limited to:~~

~~(A) The procedures for the protection and implementation of the cemetery's annual budget;~~

~~(B) The seeking, collecting, deposit and expenditure of operating funds pursuant to the cemetery's budget;~~

~~(C) The seeking, collecting, deposit and expenditure of capital funds pursuant to the cemetery's capital plan;~~

~~(D) The seeking, collecting, deposit and expenditure of emergency funds to address an unexpected event;~~

~~(E) The assessment, charging, collection and deposit of fees and charges;~~

~~(F) The management of cemetery finances, both current and future, with respect to investments; and~~

~~(G) Such other and further procedures and activities concerning the financial management of the cemetery;~~

~~(8) The provision of perpetual care for the cemetery, including but not limited to:~~

~~(A) The frequency, standards and methods for the beautification and maintenance of grounds, memorials, gravesites, buildings, ceremonial sites, or other locations within, or upon the curtilage of the cemetery;~~

~~(B) The frequency, standards and methods for the provision of flags, patriotic and military symbols, and other honorary items, at each gravesite and throughout the cemetery; and~~

~~(C) Such other and further standards as are necessary to assure the proper perpetual care of the cemetery in a manner befitting the highest level of honor and respect deserving to those veterans and their families interred in the cemetery;~~

~~(9) Guidelines and standards for the procurement of land for the cemetery providing that the state veterans cemetery, and all the property upon which it resides shall be owned in fee simple absolute by the state of New York;~~

~~(10) Guidelines and standards for the practices and procedures for the construction and establishment of a state veterans cemetery, including contracting and purchasing for construction services, professional services, legal services, architectural services, consulting services, as well as the procurement of materials, all consistent with the relevant provisions of federal, state and local law, the regulations promulgated thereunder, and the requirements contained in the grants awarded or pursued from the federal government, or any source of private funding;~~

~~(11) Guidelines and standards for the practices and procedures for the expansion and improvement of a state veterans cemetery, including contracting and purchasing for construction services, professional services, legal services, architectural services, consulting services, as well as the procurement of materials, all consistent with the relevant provisions of federal, state and local law, the regulations promulgated thereunder, and the requirements contained in the grants awarded or pursued from the federal government, or any source of private funding;~~

~~(12) Any other guidelines and standards that would facilitate the successful construction, establishment, expansion, improvement, support, operation, maintenance and the provision of perpetual care for the state veterans cemetery;~~

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

~~(1) The form, requirements and standards required for submission of a response to the request for proposals;~~

~~(2) The requirement, if the director so elects, that a response shall require the local government to agree to contract with the state of New York that all costs for construction, establishment, expansion, improvement, support, operation, maintenance and the provision of perpetual care of the veterans cemetery shall be the sole responsibility of, and paid by the local government, and that to the extent such costs are not paid or reimbursed by the government of the United States, or a private individual, corporation or foundation;~~

~~(3) The requirement that the local government will comply with all state and federal statutes and regulations concerning the construction, establishment, expansion, improvement, support, operation, maintenance and the provision of perpetual care of the state veterans cemetery, and shall satisfy any and all applicable state and federal standards and requirements for the perpetual care of the state veterans cemetery;~~

~~(4) That the state veterans cemetery, and all the property upon which it resides shall be owned in fee simple absolute by the state of New York;~~

~~(5) That all lands upon which such cemetery is constructed and established shall be used solely for state veterans cemetery purposes, and for the purpose of providing the honor and remembrance of veterans and their service through ceremonies and programs;~~

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

~~(7) Such other and further requirements as the director may deem prudent in the facilitation of the successful siting and operation of a state veterans cemetery in the jurisdiction of the local government; and~~

1 ~~(iii)]~~ The management, operation, maintenance, expansion and improve-
2 ment of the cemetery; and

3 (ii) Such other and further guidelines and standards as are necessary
4 for the successful construction, establishment, expansion, improvement,
5 support, operation, maintenance and the provision of perpetual care for
6 a state veterans cemetery;

7 ~~[(i) Upon the approval of the application for funding from the govern-~~
8 ~~ment of the United States, made pursuant to paragraph (e) of this subdi-~~
9 ~~vision, the director, upon consultation with the management board, shall~~
10 ~~commence the process of construction and establishment of the first~~
11 ~~state veterans cemetery. Such process shall be consistent with the rele-~~
12 ~~vant provisions of local, state and federal law, and the rules and regu-~~
13 ~~lations established pursuant to paragraph (h) of this subdivision.]~~

14 3. Management boards of New York state veterans cemeteries. (a) For
15 each New York state veterans cemetery there shall be a management board.
16 Each such management board shall consist of nine members, including the
17 director of the division who shall serve as chair, and four members,
18 appointed by the governor. Of such four members, not fewer than two
19 shall be a veteran of the United States army, the United States navy,
20 the United States air force, the United States marines, the New York
21 army national guard, the New York air national guard, the New York naval
22 militia, or a member who has served in a theater of combat operations of
23 the United States coast guard or the United States merchant marine. Two
24 members shall be appointed by the temporary president of the senate, and
25 two members shall be appointed by the speaker of the state assembly. At
26 least one of the members appointed by the temporary president of the
27 senate and at least one of the members appointed by the speaker of the
28 assembly shall be a veteran of the United States army, the United States
29 navy, the United States air force, the United States marines, the New
30 York army national guard, the New York air national guard, the New York
31 naval militia, or a member who has served in a theater of combat oper-
32 ations of the United States coast guard or the United States merchant
33 marine. No member shall receive any compensation for his or her service,
34 but members who are not state officials may be reimbursed for their
35 actual and necessary expenses, including travel expenses incurred in
36 performance of their duties. The management board may consult with any
37 federal, state or local entity for the purposes of advancing its
38 purposes, mission and duties.

39 (b) The management board shall advise, by majority vote, the director
40 on issues concerning the ~~[construction, establishment, expansion,~~
41 ~~improvement, support, operation, maintenance and the provision of~~
42 ~~perpetual care]~~ operations and perpetual care for the veterans cemetery,
43 including but not limited to issues of financial concern, employment
44 relations, cemetery policy, cemetery events and programs, and such other
45 and further issues as the board and director shall deem important.

46 (c) The director, in consultation with the management board of a state
47 veterans cemetery, may provide for the expansion and/or improvement of
48 the cemetery. Such expansion and improvement shall be conducted in
49 accordance with the rules and regulations of the division under para-
50 graph (e) of subdivision two of this section.

51 4. Additional state veterans cemeteries. (a) ~~[Not later than ten years~~
52 ~~after the construction and establishment of the first New York state~~
53 ~~veterans cemetery, and every ten years thereafter, the division, in~~
54 ~~cooperation with the United States department of veterans affairs, shall~~
55 ~~conduct an investigation and study on the issue of the construction and~~
56 ~~establishment of additional New York state veterans cemeteries. Such~~

~~investigation and study shall consider, but not be limited to, the study parameters established pursuant to paragraph (a) of subdivision two of this section. A report of the investigation and study required to be conducted pursuant to this subdivision shall be delivered to the governor, the temporary president of the senate, the speaker of the assembly and the chair of the senate committee on veterans, homeland security and military affairs, and the chair of the assembly committee on veterans' affairs, by no later than ninety days after the division has commenced the conduct of the investigation and study,~~

~~(b) The report of the investigation and study required to be conducted pursuant to this subdivision shall provide a determination by the director as to whether the state should construct and establish one or more additional veterans cemeteries, and shall state the reasoning and basis for such determination, and~~

~~(c)] The division may, at the discretion of the director, [at any time after five years from the completion of construction of the most recently constructed and established state veterans cemetery,] in cooperation with the United States department of veterans affairs, conduct an investigation and study on the issue of the construction and establishment of additional New York state veterans cemeteries. A report of the investigation and study required to be conducted shall be delivered to the governor, the temporary president of the senate, the speaker of the assembly and the chair of the senate committee on veterans, homeland security and military affairs, and the chair of the assembly committee on veterans' affairs, by no later than ninety days after the division has commenced the conduct of the investigation and study.~~

~~(d)] (b) If the director, pursuant to the investigation and study conducted pursuant to this subdivision, determines that there shall be an additional state veterans cemetery in New York state, the director shall provide for the construction and establishment of such new veterans cemetery pursuant to the same guidelines and standards for the construction and establishment of the first state veterans cemetery under this section.~~

~~[5. Expansion and improvement of existing state veterans cemeteries. The director, in consultation with the management board of a state veterans cemetery, may provide for the expansion and/or improvement of the cemetery. Such expansion and improvement shall be conducted in accordance with the rules and regulations of the division under paragraph (h) of subdivision two of this section.]~~

§ 2. The opening paragraph of paragraph (a) of subdivision 12 of section 353 of the executive law, as added by section 3 of part W of chapter 57 of the laws of 2013, is amended to read as follows:

For the purpose of providing for the construction, establishment, expansion, improvement, support, operation, maintenance and the provision of perpetual care for state veterans cemeteries, to own and operate, and to enter into such contracts that are necessary for such ownership and operation for all state veterans cemeteries in the state, to seek funding from, and make application for funding to:

§ 3. This act shall take effect immediately.

PART P

Section 1. The education law is amended by adding a new section 363 to read as follows:

§ 363. Curing Alzheimer's health consortium. 1. There is hereby established within the state university of New York the curing Alzheimer's

1 health consortium. The consortium shall have as its purpose to identify
2 genes that predict an increased risk for developing the disease, collab-
3 orating with research institutions within the state university of New
4 York system, and the department of health, in research projects and
5 studies to identify opportunities to develop new therapeutic treatment
6 and cures for Alzheimer's.

7 2. The state university of New York shall issue a request for
8 proposals to partner with hospitals both within the state university of
9 New York and other not-for-profit article twenty-eight of the public
10 health law hospitals and non-profit higher education research insti-
11 tutions to map the genomes of individuals suffering from or at risk of
12 Alzheimer's.

13 § 2. This act shall take effect immediately.

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

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