

# STATE OF NEW YORK

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9006--B

## IN ASSEMBLY

January 19, 2022

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

AN ACT to amend the education law, in relation to school contracts for excellence; to amend the education law, in relation to foundation aid; to amend the education law, in relation to maintenance of equity aid; to amend the education law, in relation to potable water testing and standards in schools; to amend the education law, in relation to aid for career education; to amend the education law, in relation to building aid and the New York state energy research and development authority P-12 schools clean green schools initiative; to amend the education law, in relation to the additional apportionment of building aid for certain projects; to amend the education law, in relation to modifying the length of school sessions; to amend the education law, in relation to supplemental public excess cost aid; to amend the education law, in relation to academic enhancement aid; to amend the education law, in relation to high tax aid; to amend the education law, in relation to reimbursement methodologies for special educational services for certain children with handicapping conditions; to amend the education law, in relation to eliminating annual reconciliation of tuition rates and designing a new tuition rate setting methodology with stakeholder input; to establish a task force to design a reimbursement methodology for tuition for certain approved private schools and programs for the education of students with disabilities; to amend the education law, in relation to the statewide universal full-day pre-kindergarten program; to amend part B of chapter 57 of the laws of 2008 amending the education law relating to the universal pre-kindergarten program, in relation to the effectiveness thereof; to amend the education law, in relation to increasing incarcerated youth funding and expanding such funding to youth detained in juvenile detention facilities; to amend the education law, in relation to state aid adjustments; 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 reimbursement

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

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for the 2022-2023 school year, withholding a portion of employment preparation education aid and 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 making certain provisions thereof permanent; 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 making the provisions thereof permanent; to amend chapter 552 of the laws of 1995, amending the education law relating to contracts for the transportation of school children, in relation to the effectiveness thereof; providing for school bus driver training grants; to amend the education law, in relation to contracts for the transportation of school children; providing for special apportionment for salary expenses; providing for special apportionment for public pension accruals; to amend chapter 121 of the laws of 1996 relating to authorizing the Roosevelt union free school district to finance deficits by the issuance of serial bonds, in relation to apportionments for salary expenses; to amend the education law, in relation to permitting the city school district of the city of Rochester to make certain purchases from the board of cooperative educational services of the supervisory district serving its geographic region; to amend chapter 537 of the laws of 1976, relating to paid, free and reduced price breakfast for eligible pupils in certain school districts, in relation to meal subsidies; to amend chapter 82 of the laws of 1995, amending the education law and certain other laws relating to state aid to school districts and the appropriation of funds for the support of government, in relation to the effectiveness thereof; providing for set-asides from the state funds which certain districts are receiving from the total foundation aid; providing for support of public libraries; to amend chapter 566 of the laws of 1967, relating to providing for the apportionment of funds to certain special act school districts, in relation to eliminating reference to union free school district number eight of the town of Canaan, Columbia county; to provide for the payment of the debts and obligations and the handling of records of the union free school district number eight in the town of Canaan, Columbia County; to repeal certain provisions of the education law relating thereto; to repeal chapter 486 of the laws of 1964, relating to establishing union free school district number eight of the town of Canaan in the county of Columbia; and providing for the repeal of certain provisions upon expiration thereof (Part A); to amend the education law and the local finance law, in relation to zero-emission school buses (Part B); intentionally omitted (Part C); to amend the education law, in relation to state appropriations for reimbursement of tuition credits (Part D); to amend the education law, in relation to the expansion of the part-time tuition assistance program (Part E); to amend the education law, in relation to eligibility requirements and conditions for tuition assistance program awards; and to repeal certain provisions of the education law relating to the

ban on incarcerated individuals to be eligible to receive state aid (Part F); to amend the education law, in relation to establishing the amount awarded for the excelsior scholarship (Part G); to amend the education law, in relation to including certain apprenticeships in the definition of "eligible educational institution" for the New York state college choice tuition savings program (Part H); intentionally omitted (Part I); intentionally omitted (Part J); intentionally omitted (Part K); to amend the social services law, in relation to child care assistance; and providing for the repeal of certain provisions upon expiration thereof (Part L); intentionally omitted (Part M); to amend part C of chapter 83 of the laws of 2002, amending the executive law and other laws relating to funding for children and family services, in relation to extending the effectiveness thereof (Part N); to amend the social services law, in relation to reimbursement for a portion of the costs of social services districts for care provided to foster children in institutions, group residences, group homes, and agency operated boarding homes (Part O); intentionally omitted (Part P); intentionally omitted (Part Q); to amend the executive law, in relation to increasing the amount of reimbursement the division of veterans' affairs shall provide to local veterans' service agencies for the cost of maintenance of such agencies (Part R); 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 S); to amend part W of chapter 54 of the laws of 2016 amending the social services law relating to the powers and duties of the commissioner of social services relating to the appointment of a temporary operator, in relation to the effectiveness thereof (Part T); to amend the social services law, in relation to the public benefits and requirements; and to repeal certain provisions of such law relating thereto (Part U); intentionally omitted (Part V); intentionally omitted (Part W); intentionally omitted (Part X); intentionally omitted (Part Y); to utilize reserves in the mortgage insurance fund for various housing purposes (Part Z); intentionally omitted (Part AA); intentionally omitted (Part BB); intentionally omitted (Part CC); intentionally omitted (Part DD); intentionally omitted (Part EE); intentionally omitted (Part FF); to amend the executive law, in relation to the state's language access policy (Part GG); intentionally omitted (Part HH); intentionally omitted (Part II); to amend the social services law, in relation to providing that a homeless individual or family applying for or receiving temporary housing assistance shall not be required to pay room and board or contribute any earned or unearned income, available benefits or resources to eliminate their need for temporary housing assistance or as a condition to receive temporary housing assistance from such provider; and to repeal certain provisions of such law relating thereto (Part JJ); in relation to constituting chapter 13 of the consolidated law, in relation to establishing the veterans' services law and the department of veterans' services; to amend the domestic relations law, the education law, the election law, the environmental conservation law, the executive law, the general municipal law, the labor law, the mental hygiene law, the not-for-profit corporation law, the public health law, the social services law, the state finance law, the New York state defense emergency act, the administrative code of the city of New York, the New York city charter, the cannabis law, the state technology law, the county law, the economic development law, the correction law, the civil service law, the general business law, the

general construction law, the highway law, the insurance law, the judiciary law, the military law, the public housing law, the public officers law, the private housing finance law, the real property tax law, the tax law, the town law, the vehicle and traffic law, and the workers' compensation law, in relation to replacing all instances of the term "division of veterans services" with the term "department of veterans' services" and to making related conforming technical changes; and to repeal certain provisions of the executive law relating to veterans' services and of the military law relating to certain awards and medals (Part KK); requiring the state university of New York and the city university of New York to report on the hiring of faculty pursuant to any state funding appropriated for such purposes (Part LL); to amend the public housing law, in relation to establishing the housing access voucher program (Part MM); to amend the state finance law, in relation to five-year capital plans for the state university of New York and the city university of New York (Part NN); to amend the education law, in relation to state appropriations to the state university of New York and the city university of New York (Part OO); to amend the public housing law, in relation to an affordable housing five-year capital plan (Part PP); to amend the education law, in relation to student loan forgiveness for licensed social workers (Part QQ); to amend the education law, in relation to granting tuition assistance program awards (Part RR); and to amend the private housing finance law, in relation to establishing the foundations for futures housing program (Part SS)

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

1 Section 1. This act enacts into law major components of legislation  
2 necessary to implement the state education, labor, housing and family  
3 assistance budget for the 2022-2023 state fiscal year. Each component is  
4 wholly contained within a Part identified as Parts A through SS. The  
5 effective date for each particular provision contained within such Part  
6 is set forth in the last section of such Part. Any provision in any  
7 section contained within a Part, including the effective date of the  
8 Part, which makes a reference to a section "of this act", when used in  
9 connection with that particular component, shall be deemed to mean and  
10 refer to the corresponding section of the Part in which it is found.  
11 Section three of this act sets forth the general effective date of this  
12 act.

PART A

14 Section 1. Paragraph e of subdivision 1 of section 211-d of the educa-  
15 tion law, as amended by section 1 of part A of chapter 56 of the laws of  
16 2021, is amended to read as follows:

17 e. Notwithstanding paragraphs a and b of this subdivision, a school  
18 district that submitted a contract for excellence for the two thousand  
19 eight--two thousand nine school year shall submit a contract for excel-  
20 lence for the two thousand nine--two thousand ten school year in  
21 conformity with the requirements of subparagraph (vi) of paragraph a of  
22 subdivision two of this section unless all schools in the district are  
23 identified as in good standing and provided further that, a school  
24 district that submitted a contract for excellence for the two thousand

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

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

56 For purposes of this paragraph, the "gap elimination adjustment percent-

age" shall be calculated as the sum of one minus the quotient of the sum of the school district's net gap elimination adjustment for two thousand ten--two thousand eleven computed pursuant to chapter fifty-three of the laws of two thousand ten, making appropriations for the support of government, plus the school district's gap elimination adjustment for two thousand eleven--two thousand twelve as computed pursuant to chapter fifty-three of the laws of two thousand eleven, making appropriations for the support of the local assistance budget, including support for general support for public schools, divided by the total aid for adjustment computed pursuant to chapter fifty-three of the laws of two thousand eleven, making appropriations for the local assistance budget, including support for general support for public schools. Provided, further, that such amount shall be expended to support and maintain allowable programs and activities approved in the two thousand nine--two thousand ten school year or to support new or expanded allowable programs and activities in the current year.

§ 2. Subdivision 4 of section 3602 of the education law is amended by adding a new paragraph j to read as follows:

j. Foundation aid payable in the two thousand twenty-two--two thousand twenty-three school year. Notwithstanding any provision of law to the contrary, foundation aid payable in the two thousand twenty-two--two thousand twenty-three school year shall be equal to the sum of the total foundation aid base computed pursuant to paragraph j of subdivision one of this section plus the greater of (a) the product of the phase-in foundation increase factor as computed pursuant to subparagraph (ii) of paragraph b of this subdivision multiplied by the positive difference, if any, of (i) total foundation aid computed pursuant to paragraph a of this subdivision less (ii) the total foundation aid base computed pursuant to paragraph j of subdivision one of this section, or (b) the product of three hundredths (0.03) multiplied by the total foundation aid base computed pursuant to paragraph j of subdivision one of this section.

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

4-a. Foundation aid maintenance of equity aid. 1. For purposes of this subdivision the following terms shall be defined as follows:

a. "High-need LEAs" shall mean local educational agencies with (1) the highest percentage of economically disadvantaged students as calculated based on the most recent small area income and poverty estimates provided by the United States census bureau and (2) the cumulative sum of local educational agency enrollment for the base year is greater than or equal to the product of five-tenths (0.5) and the statewide total of such enrollment.

b. "Highest-poverty LEAs" shall mean local educational agencies with (1) the highest percentage of economically disadvantaged students as calculated based on the most recent small area income and poverty estimates provided by the United States census bureau and (2) the cumulative sum of local educational agency enrollment for the base year is greater than or equal to the product of two-tenths (0.2) and the statewide total of such enrollment.

c. "Eligible districts" shall mean school districts defined as high-need LEAs or highest-poverty LEAs in the current year which are subject to the state level maintenance of equity requirement in the American Rescue Plan Act of 2021, Section 2004, Part 1, Subtitle A, Title II, (Public Law 117-2) for the current year.



d. "State funding" shall mean any apportionment provided pursuant to sections seven hundred one, seven hundred eleven, seven hundred fifty-one, and seven hundred fifty-three of this chapter plus apportionments pursuant to subdivisions four, five-a, ten, twelve, and sixteen of this section.

e. "Local Educational Agency Enrollment" shall mean the unduplicated count of all children registered to receive educational services in grades kindergarten through twelve, including children in ungraded programs, as registered on the date prior to November first that is specified by the commissioner as the enrollment reporting date, registered in a local educational agency as defined pursuant to section 7801 of title 20 of the United States Code.

2. Eligible districts shall receive an apportionment of foundation aid maintenance of equity aid in the current year if the commissioner, in consultation with the director of the budget, determines the district would otherwise receive a reduction in state funding on a per pupil basis inconsistent with the federal state level maintenance of equity requirement. This apportionment shall be equal to the amount necessary to ensure compliance with the federal state level maintenance of equity requirement. This apportionment shall be paid in the current year pursuant to section thirty-six hundred nine-a of this part.

§ 4. Clause (ii) of paragraph j 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:

(ii) For aid payable in the two thousand eight--two thousand nine school year and thereafter, the total foundation aid base shall equal the total amount a district was eligible to receive in the base year pursuant to subdivision four of this section plus foundation aid maintenance of equity aid pursuant to subdivision four-a of this section.

§ 5. Section 3602-b of the education law is amended by adding a new subdivision 3 to read as follows:

3. a. In addition to apportionments calculated pursuant to subdivisions one and two of this section, each school district employing fewer than eight teachers defined as eligible pursuant to paragraph one of subdivision four-a of section thirty-six hundred two of this part shall receive an additional apportionment of public money in the current year if the commissioner, in consultation with the director of the budget, determines the district would otherwise receive a reduction in state funding, as defined in subparagraph d of paragraph one of subdivision four-a of section thirty-six hundred two of this part, on a per pupil basis inconsistent with the federal state level maintenance of equity requirement.

b. The maintenance of equity aid shall be equal to the amount necessary to ensure compliance with the federal state level maintenance of equity requirement in the American Rescue Plan Act of 2021, Section 2004, Part 1, Subtitle A, Title II, (Public Law 117-2) for the current year.

§ 5-a. Paragraph b of subdivision 5 of section 1950 of the education law, as amended by chapter 130 of the laws of 2022, is amended to read as follows:

b. The cost of services herein referred to shall be the amount allocated to each component school district by the board of cooperative educational services to defray expenses of such board, including approved expenses from the testing of potable water systems of occupied school buildings under the board's jurisdiction as required pursuant to section eleven hundred ten of the public health law, provided that such



1 expenses for testing of potable water systems are not reimbursable from  
2 another state or federal source except that that part of the salary paid  
3 any teacher, supervisor or other employee of the board of cooperative  
4 educational services which is, (i) for the two thousand twenty-one--two  
5 thousand twenty-two and prior school years, in excess of thirty thousand  
6 dollars, (ii) for aid payable in the two thousand twenty-two--two thou-  
7 sand twenty-three school year in excess of forty thousand dollars, (iii)  
8 for aid payable in the two thousand twenty-three--two thousand twenty-  
9 four school year in excess of fifty thousand dollars, (iv) for aid paya-  
10 ble in the two thousand twenty-four--two thousand twenty-five school  
11 year and thereafter, in excess of sixty thousand dollars, shall not be  
12 such an approved expense, and except also that administrative and cler-  
13 ical expenses shall not exceed ten percent of the total expenses for  
14 purposes of this computation. Any gifts, donations or interest earned by  
15 the board of cooperative educational services or on behalf of the board  
16 of cooperative educational services by the dormitory authority or any  
17 other source shall not be deducted in determining the cost of services  
18 allocated to each component school district. Any payments made to a  
19 component school district by the board of cooperative educational  
20 services pursuant to subdivision eleven of section six-p of the general  
21 municipal law attributable to an approved cost of service computed  
22 pursuant to this subdivision shall be deducted from the cost of services  
23 allocated to such component school district. The expense of transporta-  
24 tion provided by the board of cooperative educational services pursuant  
25 to paragraph q of subdivision four of this section shall be eligible for  
26 aid apportioned pursuant to subdivision seven of section thirty-six  
27 hundred two of this chapter and no board of cooperative educational  
28 services transportation expense shall be an approved cost of services  
29 for the computation of aid under this subdivision. Transportation  
30 expense pursuant to paragraph q of subdivision four of this section  
31 shall be included in the computation of the ten percent limitation on  
32 administrative and clerical expenses.

33 § 5-b. Paragraph b of subdivision 10 of section 3602 of the education  
34 law, as amended by section 16 of part B of chapter 57 of the laws of  
35 2007, is amended to read as follows:

36 b. Aid for career education. There shall be apportioned to such city  
37 school districts and other school districts which were not components of  
38 a board of cooperative educational services in the base year for pupils  
39 in grades ~~ten~~ nine through twelve in attendance in career education  
40 programs as such programs are defined by the commissioner, subject for  
41 the purposes of this paragraph to the approval of the director of the  
42 budget, an amount for each such pupil to be computed by multiplying the  
43 career education aid ratio by three thousand nine hundred dollars. Such  
44 aid will be payable for weighted pupils attending career education  
45 programs operated by the school district and for weighted pupils for  
46 whom such school district contracts with boards of cooperative educa-  
47 tional services to attend career education programs operated by a board  
48 of cooperative educational services. Weighted pupils for the purposes of  
49 this paragraph shall mean the sum of (i) the product of the attendance  
50 of students in grade nine multiplied by the special services phase-in  
51 factor plus (ii) the attendance of students in grades ten through twelve  
52 in career education sequences in trade, industrial, technical, agricul-  
53 tural or health programs plus the product of sixteen hundredths multi-  
54 plied by the sum of (i) the product of the attendance of students in  
55 grade nine multiplied by the special services phase-in factor plus (ii)  
56 the attendance of students in grades ten through twelve in career educa-

tion sequences in business and marketing as defined by the commissioner in regulations; provided that the special services phase-in factor shall be: (i) for the two thousand twenty-two--two thousand twenty-three school year, thirty-three percent (0.33), (ii) for the two thousand twenty-three--two thousand twenty-four school year, sixty-six percent (0.66), (iii) for the two thousand twenty-four--two thousand twenty-five school year and thereafter, one hundred percent (1.0). The career education aid ratio shall be computed by subtracting from one the product obtained by multiplying fifty-nine percent by the combined wealth ratio. This aid ratio shall be expressed as a decimal carried to three places without rounding, but not less than thirty-six percent.

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

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

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

6-i. Building aid and the New York state energy research and development authority P-12 schools: clean green schools initiative. 1. For aid payable in the school years two thousand twenty-two--two thousand twenty-three and thereafter, notwithstanding any provision of law to the contrary, the apportionment to any district under subdivision six, six-a, six-b, six-c, six-e, six-f, or six-h of this section for capital outlays for school building projects for energy efficiency shall not exclude grants authorized pursuant to the New York state energy research and development authority P-12 schools: clean green schools initiative from aidable expenditures, provided that the sum of apportionments for these projects calculated pursuant to subdivision six, six-a, six-b, six-c, six-e, six-f, or six-h of this section and such grants shall not exceed the actual project expenditures.

2. The New York state energy research and development authority shall provide a list of energy efficiency grants awarded to each school district to the commissioner no later than one month prior to the end of each calendar year and each school year. This list shall include the capital construction project or projects funded by the grants, the award amounts of each individual project grant, the district receiving such grants, the schools receiving such grants, the date on which the grant was received, and any other information necessary for the calculation of aid pursuant to subdivision six, six-a, six-b, six-c, six-e, six-f, or six-h of this section.

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

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

§ 7. Paragraph a of subdivision 4 of section 3204 of the education law is amended to read as follows:

a. A full time day school or class, except as otherwise prescribed, shall be in session for not less than one hundred ~~[ninety]~~ eighty days each year, ~~[inclusive]~~ exclusive of legal holidays that occur during the term of said school and exclusive of Saturdays.

§ 8. Paragraph s 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:

s. "Extraordinary needs count" shall mean the sum of the product of the ~~[limited English proficiency]~~ English language learner count multiplied by fifty percent, plus, the poverty count and the sparsity count.

§ 9. Subdivision 6 of section 3602 of the education law is amended by adding a new paragraph k to read as follows:

k. Final cost report penalties. (1) All acts done and proceedings heretofore had and taken, or caused to be had and taken, by school districts and by all its officers or agents relating to or in connection with final building cost reports required to be filed with the commissioner for approved building projects for which a certificate of substantial completion was issued on or after April first, nineteen hundred ninety-five, and where a final cost report was not submitted by June thirtieth of the school year in which the certificate of substantial completion of the project was issued by the architect or engineer, or six months after issuance of such certificate, whichever was later, and all acts incidental thereto are hereby legalized, validated, ratified and confirmed, notwithstanding any failure to comply with the approval and filing provisions of the education law or any other law or any other statutory authority, rule or regulation, in relation to any omission, error, defect, irregularity or illegality in such proceedings had and taken.

(2) The commissioner is hereby directed to consider the approved costs of the aforementioned projects as valid and proper obligations of such school districts and shall not recover on or after July first, two thousand thirteen any penalty arising from the late filing of a final cost report, provided that any amounts already so recovered on or after July first, two thousand thirteen shall be deemed a payment of moneys due for prior years pursuant to paragraph c of subdivision five of section thirty-six hundred four of this part and shall be paid to the appropriate district pursuant to such provision, provided that:

(a) such school district submitted the late or missing final building cost report to the commissioner;

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

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

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

§ 10. Section 3625 of the education law is amended by adding a new subdivision 5 to read as follows:

5. Transportation contract penalties. a. All acts done and proceedings heretofore had and taken, or caused to be had and taken, by school districts and by all its officers or agents relating to or in connection with a transportation contract, to be filed with the department, where

1 such contract was not timely executed and/or filed within one hundred  
2 twenty days of the commencement of service under such contract pursuant  
3 to subdivision two of this section and/or where the advertisement for  
4 bids for such contract did not meet the requirements set forth in para-  
5 graph a of subdivision fourteen of section three hundred five of this  
6 chapter, and all acts incidental hereto are hereby legalized, validated,  
7 ratified and confirmed, notwithstanding any failure to comply with such  
8 filing and/or advertising provision or provisions, provided that the  
9 conditions in subparagraphs one, two, three, and four of paragraph b of  
10 this subdivision are met.

11 b. The department is hereby directed to consider the aforementioned  
12 contracts for transportation aid as valid and proper obligations and  
13 shall not recover from such school districts any penalty arising from  
14 the failure to execute and/or file a transportation contract in a timely  
15 manner and/or meet such advertisement requirements, provided that any  
16 amounts already so recovered shall be deemed a payment of moneys due for  
17 prior years pursuant to paragraph c of subdivision five of section thir-  
18 ty-six hundred four of this article and shall be paid to the school  
19 district pursuant to such provision, provided that:

20 (1) such school district submitted the contract to the commissioner  
21 and such contract is for services in the two thousand twelve--two thou-  
22 sand thirteen school year or thereafter;

23 (2) such contract is approved by the commissioner;

24 (3) all state funds expended by the school district were properly  
25 expended for such transportation as approved by the commissioner; and

26 (4) the failure to execute or file such contract in a timely manner  
27 and/or meet such advertisement requirements was an inadvertent adminis-  
28 trative or ministerial oversight by the school district or due to exten-  
29 uating circumstances, and there is no evidence of any fraudulent or  
30 other improper intent by such district, as determined by the commission-  
31 er.

32 § 10-a. Subdivision 4 of section 3627 of the education law, as amended  
33 by section 14-f of part A of chapter 56 of the laws of 2020, is amended  
34 to read as follows:

35 4. Notwithstanding any other provision of law to the contrary, any  
36 expenditures for transportation provided pursuant to this section in the  
37 two thousand thirteen--two thousand fourteen school year and thereafter  
38 and otherwise eligible for transportation aid pursuant to subdivision  
39 seven of section thirty-six hundred two of this article shall be consid-  
40 ered approved transportation expenses eligible for transportation aid,  
41 provided further that for the two thousand thirteen--two thousand four-  
42 teen school year such aid shall be limited to eight million one hundred  
43 thousand dollars and for the two thousand fourteen--two thousand fifteen  
44 school year such aid shall be limited to the sum of twelve million six  
45 hundred thousand dollars plus the base amount and for the two thousand  
46 fifteen--two thousand sixteen school year through two thousand eigh-  
47 teen--two thousand nineteen school year such aid shall be limited to the  
48 sum of eighteen million eight hundred fifty thousand dollars plus the  
49 base amount[7] and for the two thousand nineteen--two thousand twenty  
50 school year such aid shall be limited to the sum of nineteen million  
51 three hundred fifty thousand dollars plus the base amount[7] and for the  
52 two thousand twenty--two thousand twenty-one school year [~~and thereaft-~~  
53 ~~er~~] such aid shall be limited to the sum of nineteen million eight  
54 hundred fifty thousand dollars plus the base amount and for the two  
55 thousand twenty-two--two thousand twenty-three school year and thereaft-  
56 er such aid shall be limited to the sum of twenty-two million three

1 hundred fifty thousand dollars plus the base amount. For purposes of  
2 this subdivision, "base amount" means the amount of transportation aid  
3 paid to the school district for expenditures incurred in the two thou-  
4 sand twelve--two thousand thirteen school year for transportation that  
5 would have been eligible for aid pursuant to this section had this  
6 section been in effect in such school year, except that subdivision six  
7 of this section shall be deemed not to have been in effect. And provided  
8 further that the school district shall continue to annually expend for  
9 the transportation described in subdivision one of this section at least  
10 the expenditures used for the base amount.

11 § 11. Subdivision 2 of section 3625 of the education law, as amended  
12 by chapter 474 of the laws of 1996, is amended to read as follows:

13 2. Filing of transportation contracts. Every transportation contract  
14 shall be filed with the department within one hundred twenty days of the  
15 commencement of service under such contract. No transportation expense  
16 shall be allowed for a period greater than one hundred twenty days prior  
17 to the filing of any contract for the transportation of pupils with the  
18 education department. No contract shall be considered filed unless it  
19 bears an original signature, in the case of a written document, or a  
20 certification, in the case of an approved electronic form, of the super-  
21 intendent of a school district or the designee of the superintendent and  
22 the sole trustee or president of the board of education of the school  
23 district. The final approval of any such contract by the commissioner  
24 shall not, however, obligate the state to allow transportation expense  
25 in an amount greater than the amount that would be allowed under the  
26 provisions of this part. The state, acting through the department of  
27 audit and control, may examine any and all accounts of the contractor in  
28 connection with a contract for the transportation of pupils, and every  
29 such contract shall contain the following provision: "The contractor  
30 hereby consents to an audit of any and all financial records relating to  
31 this contract by the department of audit and control."

32 § 11-a. Subdivision 1 of section 3625 of the education law, as amended  
33 by section 47 of part L of chapter 405 of the laws of 1999, is amended  
34 to read as follows:

35 1. Form of transportation contracts. Every contract for transportation  
36 of school children shall be in writing or in an electronic form approved  
37 by the commissioner when available, and before such contract is filed  
38 with the department as required by subdivision two of this section, the  
39 same shall be submitted for approval to the superintendent of schools of  
40 said district and such contract shall not be approved and filed by such  
41 superintendent unless he or she shall first investigate the same with  
42 particular reference to the type of conveyance, the character and abili-  
43 ty of the driver, the routes over which the conveyances shall travel,  
44 the time schedule, and such other matters as in the judgement of the  
45 superintendent are necessary for the comfort and protection of the chil-  
46 dren while being transported to and from school. Every such contract for  
47 transportation of children shall contain an agreement upon the part of  
48 the contractor that the vehicle shall come to a full stop before cross-  
49 ing the track or tracks of any railroad and before crossing any state  
50 highway.

51 § 12. Intentionally omitted.

52 § 12-a. Paragraph c of subdivision 9 of section 3602 of the education  
53 law, as added by section 12 of part CCC of chapter 59 of the laws of  
54 2018, is amended to read as follows:

55 c. Notwithstanding the provisions of paragraph a of this subdivision,  
56 school districts receiving an apportionment pursuant to paragraph a of



1 this subdivision in the two thousand eighteen--two thousand nineteen [~~or~~  
2 ~~two thousand nineteen--two thousand twenty~~] through the two thousand  
3 twenty-three--two thousand twenty-four school [~~year~~] years shall be  
4 eligible for (A) an apportionment in the following school year equal to  
5 the product of sixty-five percent multiplied by the aid received by the  
6 district pursuant to paragraph a of this subdivision in the prior school  
7 year, and (B) an apportionment in the school year after the following  
8 year equal to the product of thirty-five percent multiplied by the aid  
9 received by the district pursuant to paragraph a of this subdivision in  
10 the year preceding the prior year.

11 § 13. Intentionally omitted.

12 § 14. The closing paragraph of subdivision 5-a of section 3602 of the  
13 education law, as amended by section 12-b of part A of chapter 56 of the  
14 laws of 2021, is amended to read as follows:

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

27 § 15. Subdivision 12 of section 3602 of the education law, as amended  
28 by section 13-a of part A of chapter 56 of the laws of 2021, is amended  
29 to read as follows:

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

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

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

1 two thousand fourteen--two thousand fifteen school year and entitled  
2 "SA141-5", and such apportionment shall be deemed to satisfy the state  
3 obligation to provide an apportionment pursuant to subdivision eight of  
4 section thirty-six hundred forty-one of this article.

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

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

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

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

41 h. For the two thousand twenty--two thousand twenty-one school year,  
42 each school district shall be entitled to an apportionment equal to the  
43 amount set forth for such school district as "ACADEMIC ENHANCEMENT"  
44 under the heading "2019-20 ESTIMATED AIDS" in the school aid computer  
45 listing produced by the commissioner in support of the budget for the  
46 two thousand nineteen--two thousand twenty school year and entitled  
47 "SA192-0", and such apportionment shall be deemed to satisfy the state  
48 obligation to provide an apportionment pursuant to subdivision eight of  
49 section thirty-six hundred forty-one of this article.

50 i. For the two thousand twenty-one--two thousand twenty-two school  
51 year and the two thousand twenty-two--two thousand twenty-three school  
52 year, each school district shall be entitled to an apportionment equal  
53 to the amount set forth for such school district as "ACADEMIC ENHANCE-  
54 MENT" under the heading "2020-21 ESTIMATED AIDS" in the school aid  
55 computer listing produced by the commissioner in support of the budget  
56 for the two thousand twenty--two thousand twenty-one school year and



entitled "SA202-1", and such apportionment shall be deemed to satisfy the state obligation to provide an apportionment pursuant to subdivision eight of section thirty-six hundred forty-one of this article.

§ 16. The opening paragraph of subdivision 16 of section 3602 of the education law, as amended by section 14-a of part A of chapter 56 of the laws of 2021, is amended to read as follows:

Each school district shall be eligible to receive a high tax aid apportionment in the two thousand eight--two thousand nine school year, which shall equal the greater of (i) the sum of the tier 1 high tax aid apportionment, the tier 2 high tax aid apportionment and the tier 3 high tax aid apportionment or (ii) the product of the apportionment received by the school district pursuant to this subdivision in the two thousand seven--two thousand eight school year, multiplied by the due-minimum factor, which shall equal, for districts with an alternate pupil wealth ratio computed pursuant to paragraph b of subdivision three of this section that is less than two, seventy percent (0.70), and for all other districts, fifty percent (0.50). Each school district shall be eligible to receive a high tax aid apportionment in the two thousand nine--two thousand ten through two thousand twelve--two thousand thirteen school years in the amount set forth for such school district as "HIGH TAX AID" under the heading "2008-09 BASE YEAR AIDS" in the school aid computer listing produced by the commissioner in support of the budget for the two thousand nine--two thousand ten school year and entitled "SA0910". Each school district shall be eligible to receive a high tax aid apportionment in the two thousand thirteen--two thousand fourteen through two thousand ~~[twenty-one]~~ twenty-two--two thousand ~~[twenty-two]~~ twenty-three school years equal to the greater of (1) the amount set forth for such school district as "HIGH TAX AID" under the heading "2008-09 BASE YEAR AIDS" in the school aid computer listing produced by the commissioner in support of the budget for the two thousand nine--two thousand ten school year and entitled "SA0910" or (2) the amount set forth for such school district as "HIGH TAX AID" under the heading "2013-14 ESTIMATED AIDS" in the school aid computer listing produced by the commissioner in support of the executive budget for the 2013-14 fiscal year and entitled "BT131-4".

§ 16-a. Paragraph c of subdivision 4 of section 4405 of the education law, as amended by chapter 82 of the laws of 1995, is amended to read as follows:

c. The director of the budget, in consultation with the commissioner ~~[of education]~~, the commissioner of social services, and any other state agency or other source the director may deem appropriate, shall approve reimbursement methodologies for tuition and for maintenance. Any modification in the approved reimbursement methodologies shall be subject to the approval of the director of the budget. ~~[Notwithstanding any other provision of law, rule or regulation to the contrary, tuition rates established for the nineteen hundred ninety five--ninety six school year shall exclude the two percent cost of living adjustment authorized in rates established for the nineteen hundred ninety four--ninety five school year.]~~ Tuition and regional rates approved for the two thousand twenty-two--two thousand twenty-three school year and thereafter for special services or programs provided to school-age students by approved private residential or non-residential schools for the education of students with disabilities that are located within the state, special act school districts, July and August programs for students with disabilities approved pursuant to section forty-four hundred eight of this article, and special services or programs provided to preschool students

1 by programs serving preschool students with disabilities approved pursu-  
2 ant to section forty-four hundred ten of this article including, but not  
3 limited to, special class and special class in an integrated setting  
4 programs, multi-disciplinary evaluation programs, special education  
5 itinerant services, and preschool transportation services for which  
6 tuition and/or regional rates are determined, shall grow by a percentage  
7 equal to the greater of: (i) the difference of the quotient arrived at  
8 when dividing the statewide apportionments for general support for  
9 public schools, as defined in subdivision one of section thirty-six  
10 hundred nine-a of this chapter, for the current year by such apportion-  
11 ments for the base year, as such terms are defined in subdivision one of  
12 section thirty-six hundred two of this chapter, as computed based on an  
13 electronic data file used to produce the school aid computer listing  
14 produced by the commissioner in support of the enacted budget for the  
15 current year, less one; or (ii) zero.

16 Provided, however, commencing with the two thousand twenty-two--two  
17 thousand twenty-three school year, tuition and regional rates approved  
18 for special services or programs provided to school-age students by  
19 approved private residential or non-residential schools for the educa-  
20 tion of students with disabilities that are located within the state,  
21 special act school districts, July and August programs for students with  
22 disabilities approved pursuant to section forty-four hundred eight of  
23 this article, and special services or programs provided by programs  
24 serving preschool students with disabilities approved pursuant to  
25 section forty-four hundred ten of this article including, but not limit-  
26 ed to, special class and special class in an integrated setting  
27 programs, shall not be subject to annual reconciliation. Provided,  
28 further, for each five-year period commencing with the two thousand  
29 twenty-two--two thousand twenty-three school year, the tuition and  
30 regional rates approved for each subsequent school year shall be estab-  
31 lished at the previous year's rate plus the approved growth percentage.  
32 Provided, further, that funded tuition for each five-year period  
33 commencing with the two thousand twenty-two--two thousand twenty-three  
34 school year shall be reconciled against the allowable expenses for the  
35 same five-year period per the approved tuition methodology as promulgat-  
36 ed pursuant to regulations of the commissioner. Provided, further, that  
37 if the reconciled expenses for each five-year period commencing with the  
38 two thousand twenty-two--two thousand twenty-three school year are lower  
39 than the provided funding by greater than one percent, reimbursement  
40 shall be adjusted to recover the amount of underspending above one  
41 percent.

42 § 16-b. Subdivision 2 of section 4003 of the education law, as amended  
43 by chapter 947 of the laws of 1981, is amended to read as follows:

44 2. The director of the budget, in consultation with the commissioner  
45 [~~of education~~], the commissioner of social services, the commissioner of  
46 health, the commissioner of mental health, and any other state agency or  
47 other source he may deem appropriate, shall approve reimbursement meth-  
48 odologies for tuition and maintenance. Any modification in any such  
49 methodology which has previously been approved shall be subject to the  
50 approval of the director of the budget. Provided, however, commencing  
51 with the two thousand twenty-two--two thousand twenty-three school year,  
52 the tuition and regional rates approved for special services or programs  
53 provided to school-age students by approved private residential schools  
54 for the education of students with disabilities that are located within  
55 the state or by special act school districts, shall not be subject to  
56 annual reconciliation. Provided, further, that for each five-year period

commencing with the two thousand twenty-two--two thousand twenty-three school year, the tuition and regional rates approved for each subsequent school year shall be established at the previous year's rate plus the approved growth percentage. Provided, further, that funded tuition for each five-year period commencing with the two thousand twenty-two--two thousand twenty-three school year shall be reconciled against the allowable expenses for the same five-year period per the approved tuition methodology as promulgated pursuant to regulations of the commissioner. Provided, further, that if the reconciled expenses for each five-year period commencing with the two thousand twenty-two--two thousand twenty-three school year are lower than the provided funding by greater than one percent, reimbursement shall be adjusted to recover the amount of underspending above one percent.

§ 16-c. 1. The commissioner of education shall convene a task force to design a reimbursement methodology for implementation in the 2027-28 school year for tuition for preschool and school-age approved private schools and programs for the education of students with disabilities. The commissioner shall ensure that all regions of the state are represented on the task force and include members from school districts, approved programs serving preschool students with disabilities, approved private residential or non-residential schools for the education of students with disabilities, special act school districts, municipalities, and other interested stakeholders. The task force shall examine components essential to ensuring the fiscal stability of such schools and programs when designing a methodology including, but not limited to, cost screens, cost parameters, trend or growth factors, and reserves.

2. The task force shall issue a report of its findings and recommendations to the governor, the temporary president of the senate, and the speaker of the assembly on or before July 1, 2026.

§ 16-d. Notwithstanding any provision of law or regulation to the contrary, if approved private schools serving students with disabilities subject to articles 81 and 89 of the education law, special act school districts, and approved preschool special class and special class in an integrated setting programs pursuant to section 4410 of the education law experience an enrollment decrease as a percentage of operating capacity of 5 percentage points or more during the 2021-22 school year as compared to the three-year period from the 2016-17 through the 2018-19 school years, the commissioner of education shall apply an enrollment adjustment factor as part of the tuition rate reconciliation process to stabilize tuition revenue, provided that the commissioner of education shall submit a plan for the implementation of such enrollment adjustment factor to the director of the budget for approval.

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

§ 17-a. Subparagraph (ii) of paragraph (c) of subdivision 8 of section 3602-ee of the education law, as amended by section 23-b of part A of chapter 56 of the laws of 2021, is amended to read as follows:

(ii) Provided that, notwithstanding any provisions of this paragraph to the contrary, for the two thousand seventeen--two thousand eighteen through the two thousand [~~twenty-one~~] twenty-two--two thousand [~~twenty-two~~] twenty-three school years an exemption to the certification requirement of subparagraph (i) of this paragraph may be made for a teacher without certification valid for service in the early childhood grades who possesses a written plan to obtain certification and who has registered in the ASPIRE workforce registry as required under regu-

lations of the commissioner of the office of children and family services. Notwithstanding any exemption provided by this subparagraph, certification shall be required for employment no later than June thirtieth, two thousand ~~[twenty-two]~~ twenty-three; provided that for the two thousand twenty-one--two thousand twenty-two school year, school districts with teachers seeking an exemption to the certification requirement of subparagraph (i) of this paragraph shall submit a report to the commissioner regarding (A) the barriers to certification, if any, (B) the number of uncertified teachers registered in the ASPIRE workforce registry teaching pre-kindergarten in the district, including those employed by a community-based organization, (C) the number of previously uncertified teachers who have completed certification as required by this subdivision, and (D) the expected certification completion date of such teachers.

§ 17-b. Subdivision 4 of section 51 of part B of chapter 57 of the laws of 2008 amending the education law relating to the universal prekindergarten program, as amended by section 23-a of part A of chapter 56 of the laws of 2021, is amended to read as follows:

4. section twenty-three of this act shall take effect July 1, 2008 and shall expire and be deemed repealed June 30, ~~[2022]~~ 2023;

§ 17-c. Subparagraph (viii) of the opening paragraph of subdivision 10 of section 3602-e of the education law, as amended by section 23-c of part A of chapter 56 of the laws of 2021, is amended and a new subparagraph (ix) is added to read as follows:

(viii) for the two thousand twenty-one--two thousand twenty-two school year ~~[and thereafter]~~, each school district shall be eligible to receive a grant amount equal to the sum of (A) the amount set forth for such school district as "UNIVERSAL PREKINDERGARTEN ALLOCATION" on the computer file produced by the commissioner in support of the enacted budget for the prior year excluding amounts subject to section thirty-six hundred two-ee of this part and further excluding amounts paid pursuant to subdivision nineteen of this section plus (B) the Full-day 4-Year-Old Universal Prekindergarten Expansion added pursuant to paragraph e of subdivision nineteen of this section, provided that such school district has met all requirements pursuant to this section and such grants shall be added into a four-year-old grant amount based on the amount each district was eligible to receive in the base year to serve four-year-old prekindergarten pupils, ~~[plus (C) the amount awarded to such school district, subject to an available appropriation, through the prekindergarten expansion grant for the prior year, provided that such school district has met all requirements pursuant to this section and for purposes of calculating the maintenance of effort reduction in subdivision eleven of this section that such grant amounts shall be divided into a four-year-old grant amount based on the amount each district was eligible to receive in the base year to serve four-year-old prekindergarten pupils and a three-year-old grant amount based on the amount each district was eligible to receive in the base year to serve three-year-old pupils,]~~ and provided further that the maximum grant shall not exceed the total actual grant expenditures incurred by the school district in the current school year as approved by the commissioner~~[.]~~, and

(ix) for the two thousand twenty-two--two thousand twenty-three school year and thereafter, each school district shall be eligible to receive a grant amount equal to the sum of (A) the amount set forth for such school district as "UNIVERSAL PREKINDERGARTEN ALLOCATION" on the computer file produced by the commissioner in support of the enacted budget

1 for the prior year excluding amounts subject to section thirty-six  
2 hundred two-ee of this part and further excluding amounts paid pursuant  
3 to subdivision nineteen of this section plus (B) the Full-day 4-Year-Old  
4 Universal Prekindergarten Expansion added pursuant to paragraph e of  
5 subdivision nineteen of this section, provided that such school district  
6 has met all requirements pursuant to this section and such grants shall  
7 be added into a four-year-old grant amount based on the amount each  
8 district was eligible to receive in the base year to serve four-year-old  
9 prekindergarten pupils, plus (C) the amount set forth for such school  
10 district as "UPK ENHANCEMENT" in the school aid computer listing  
11 produced by the commissioner in support of the enacted budget for the  
12 two thousand twenty-two--two thousand twenty-three school year and enti-  
13 tled "SA222-3", provided that such grant amounts shall be divided into a  
14 four-year-old grant amount based on the amount each district was eligi-  
15 ble to receive in the base year to serve four-year-old prekindergarten  
16 pupils and a three-year-old grant amount based on the amount each  
17 district was eligible to receive in the base year to serve three-year-  
18 old pupils, and provided further that the maximum grant shall not exceed  
19 the total actual grant expenditures incurred by the school district in  
20 the current school year as approved by the commissioner.

21 § 17-d. Section 3602-e of the education law is amended by adding a new  
22 subdivision 20 to read as follows:

23 20. Universal prekindergarten expansions. a. For the two thousand  
24 twenty-two--two thousand twenty-three school year, a school district  
25 shall be eligible for enhanced funding for universal prekindergarten aid  
26 equal to the greater of (i) the product of five hundredths (0.05) multi-  
27 plied by the amount set forth for such school district as "UNIVERSAL  
28 PREKINDERGARTEN ALLOCATION" on the computer file produced by the commis-  
29 sioner in support of the executive budget request for the two thousand  
30 twenty-two--two thousand twenty-three school year and entitled "BT222-3"  
31 excluding amounts subject to section thirty-six hundred two-ee of this  
32 part, or (ii) the product of one hundred eighty-five thousandths (0.185)  
33 multiplied by the targeted amount, provided that no district shall be  
34 eligible for more than the targeted amount as defined in this paragraph.

35 b. (i) "Targeted amount" shall equal the positive difference of (1)  
36 the product of two multiplied by selected aid per prekindergarten pupil  
37 as defined pursuant to subdivision ten of this section, further multi-  
38 plied by maximum eligible as defined pursuant to this paragraph, less  
39 (2) the amount set forth for such school district as "UNIVERSAL PREKIN-  
40 DERGARTEN ALLOCATION" on the computer file produced by the commissioner  
41 in support of the executive budget request for the two thousand twenty-  
42 two--two thousand twenty-three school year and entitled "BT222-3"  
43 excluding amounts subject to section thirty-six hundred two-ee of this  
44 part.

45 (ii) "Maximum eligible" for purposes of this paragraph shall be  
46 defined as the sum of the prekindergarten four-year-old maintenance of  
47 effort base and prekindergarten three-year-old maintenance of effort  
48 base defined by subparagraph (v) of paragraph b of subdivision ten of  
49 this section added to the amount set forth for such school district as  
50 "ADDITIONAL SLOTS" in the school aid computer listing produced by the  
51 commissioner in support of the enacted budget for the two thousand twen-  
52 ty-one--two thousand twenty-two school year and entitled "SA212-2".

53 § 18. Intentionally omitted.

54 § 18-a. Subdivision 7 of section 3202 of the education law, as added  
55 by chapter 683 of the laws of 1986, the subdivision heading and para-  
56 graph a as amended and paragraph f as added by chapter 564 of the laws



1 of 2001 and paragraph b as amended by section 27 of part B of chapter 57  
2 of the laws of 2007, is amended to read as follows:

3 7. Youth incarcerated or detained in county correctional facilities  
4 ~~[or]~~, youth shelters, or juvenile detention facilities. a. A person  
5 under twenty-one years of age who has not received a high school diploma  
6 and who is incarcerated or detained in a correctional facility main-  
7 tained by a county or by the city of New York ~~[or]~~, in a youth shelter,  
8 or in a juvenile detention facility is eligible for educational services  
9 pursuant to this subdivision and in accordance with the regulations of  
10 the commissioner. Such services shall be provided by the school district  
11 in which the facility ~~[or]~~, youth shelter, or juvenile detention facili-  
12 ty is located, within the limits of the funds allocated by the commis-  
13 sioner for such purposes pursuant to section thirty-six hundred two of  
14 this chapter and pursuant to a plan approved by the commissioner.  
15 School districts shall submit such plan by July fifteenth of each school  
16 year. Boards of education are authorized to contract for the provision  
17 of such educational services by a board of cooperative educational  
18 services or by another public school district.

19 b. Except as otherwise provided in this paragraph, the school district  
20 in which the child resided at the time of the child's commitment to the  
21 custody of the sheriff or local commissioner of corrections ~~[or]~~, youth  
22 shelter, or juvenile detention facility shall reimburse the education  
23 department for its expenditure for the full time equivalent attendance  
24 of such child pursuant to subdivision thirteen of section thirty-six  
25 hundred two of this chapter on behalf of such child, in an amount equal  
26 to the product of such full time equivalent attendance and the school  
27 district basic contribution, as such term is defined in subdivision  
28 eight of section forty-four hundred one of this chapter, provided,  
29 however, that such basic contribution shall be multiplied by the full  
30 time equivalent attendance multiplied by one hundred twenty per centum  
31 for such children attending programs which operate between July first  
32 and June thirtieth. If at the applicable time specified in this para-  
33 graph a school district other than the school district in which the  
34 child resides is responsible for the cost of instruction of the child or  
35 for reimbursement of the state for its expenditure on behalf of the  
36 child pursuant to any provision of this chapter, then such other school  
37 district shall be responsible for reimbursement of the education depart-  
38 ment in accordance with this paragraph. Upon certification by the  
39 commissioner, the comptroller shall deduct from any state funds which  
40 become due to a school district an amount equal to the reimbursement  
41 required to be made by such school district in accordance with this  
42 paragraph, and the amount so deducted shall not be included in the oper-  
43 ating expense of such district for the purpose of computing the approved  
44 operating expense pursuant to paragraph t of subdivision one of section  
45 thirty-six hundred two of this chapter.

46 c. After admission of a child eligible for educational services pursu-  
47 ant to this subdivision, but within a time prescribed by the commission-  
48 er in regulations, the correctional facility maintained by the county or  
49 the city of New York or juvenile detention facility shall furnish such  
50 child with information concerning the availability of such educational  
51 services and shall submit a request for educational services to the  
52 school district in which the facility is located. Such request shall  
53 conform to requirements prescribed by the commissioner by regulation in  
54 consultation with the state commission of correction and shall include,  
55 but shall not be limited to, notice of: the name of the child, the name  
56 and location of the facility in which such child is incarcerated or

1 detained, the last grade completed by the child as reported by the  
2 child, the anticipated duration of the incarceration and the last known  
3 residence of such child at the time of the child's detainment or commit-  
4 ment to custody. The school district in which the facility is located  
5 shall notify other appropriate agencies, including, but not limited to,  
6 the education department and the school district identified as being  
7 responsible for the educational costs of such child pursuant to para-  
8 graph b of this subdivision, that such a request for educational  
9 services has been received. The commissioner shall promulgate regu-  
10 lations specifying the time within which such notice shall be provided  
11 and the contents of such notice, and establishing a procedure by which a  
12 school district may request the commissioner to review its identifica-  
13 tion as the school district responsible for the educational costs of  
14 such child.

15 d. Upon release or discharge of a child eligible for educational  
16 services pursuant to this subdivision, the correctional facility or  
17 juvenile detention facility shall apprise such child that further educa-  
18 tional services may be available pursuant to this section through the  
19 school district in which the child resides or in which the child is  
20 otherwise entitled to attend school, and shall, at the request of the  
21 student, notify such district of the child's desire to enroll in such  
22 district.

23 e. The state commission of correction shall promulgate rules and regu-  
24 lations in consultation with the commissioner which shall require each  
25 correctional facility operated by a county or the city of New York and  
26 juvenile detention facility to cooperate with the school district or  
27 board of cooperative educational services providing educational services  
28 and to comply with the requirements of this subdivision.

29 f. As used in this subdivision, "youth shelter" shall mean an alterna-  
30 tive residential facility for the incarceration of youths between the  
31 ages of sixteen and twenty-one who are remanded by the criminal courts.

32 g. As used in this subdivision, "juvenile detention facility" shall  
33 mean a secure detention facility for youth certified by the office of  
34 children and family services or specialized secure juvenile detention  
35 facility for older youth certified by the office of children and family  
36 services in conjunction with the state commissioner of corrections and  
37 community supervision and "detention" shall have the same meaning as  
38 defined in subdivision three of section five hundred two of the execu-  
39 tive law.

40 § 18-b. Subdivision 13 of section 3602 of the education law, as  
41 amended by section 16 of part B of chapter 57 of the laws of 2007, is  
42 amended to read as follows:

43 13. Youth incarcerated or detained in county correctional facilities  
44 and juvenile detention facilities apportionment. a. In addition to any  
45 other apportionment under this section, a school district shall be  
46 eligible for an apportionment for current year educational services  
47 provided between July first and June thirtieth to youth incarcerated in  
48 correctional facilities maintained by a county or the city of New York  
49 ~~[or]~~ pursuant to subdivision seven of section thirty-two hundred two of  
50 this chapter, in a youth shelter~~[r]~~ as defined in paragraph f of subdi-  
51 vision seven of section thirty-two hundred two of this chapter, ~~[pursu-~~  
52 ~~ant to subdivision seven of section thirty-two hundred two of this chap-~~  
53 ~~ter]~~ or in a juvenile detention facility, as defined in paragraph g of  
54 subdivision seven of section thirty-two hundred two of this chapter.  
55 Such apportionment shall not exceed the sum of the following: (i) for  
56 programs which operate between September first and June thirtieth, the



product of the district's [~~expense per pupil~~] approved operating expense pursuant to paragraph t of subdivision one of this section and the number of pupils in full-time equivalent attendance as defined in regulations of the commissioner multiplied by one hundred twenty-five per centum plus (ii) for programs which operate between July first and June thirtieth, the product of the district's [~~expense per pupil~~] approved operating expense pursuant to paragraph t of subdivision one of this section and the number of pupils in full-time equivalent attendance, multiplied by one hundred fifty per centum. Such apportionment shall be in accordance with regulations promulgated by the commissioner and approved by the director of the budget and shall be the lesser of the amount computed pursuant to this paragraph or the actual amount expended by the district for such approved educational services and approved administrative costs as reported to the commissioner provided, however, that the minimum allocation in any school year for a school district providing educational services to such children shall be [~~fifteen~~] one hundred ten thousand dollars. The educational costs for these children shall not be otherwise aidable or reimbursable under any provision of law; provided, however, that a city school district which operates an academy or an alternative high school at such a facility, may elect to receive applicable aid pursuant to other provisions of this section in lieu of any aid under this subdivision.

b. Notwithstanding the provisions of section thirty-six hundred nine-a of this part, the payment of such apportionment shall be based on reports required by the commissioner for the periods ending November thirtieth, March thirty-first and June thirtieth of each school year. For the city school district of the city of New York, computations made pursuant to this subdivision shall be computed on a city-wide basis.

[~~d~~] c. The commissioner shall adopt regulations to implement the provisions of this subdivision.

§ 19. The opening paragraph of section 3609-a of the education law, as amended by section 26 of part A of chapter 56 of the laws of 2021, is amended to read as follows:

For aid payable in the two thousand seven--two thousand eight school year through the two thousand [~~twenty-one~~] twenty-two--two thousand [~~twenty-two~~] twenty-three school year, "moneys apportioned" shall mean the lesser of (i) the sum of one hundred percent of the respective amount set forth for each school district as payable pursuant to this section in the school aid computer listing for the current year produced by the commissioner in support of the budget which includes the appropriation for the general support for public schools for the prescribed payments and individualized payments due prior to April first for the current year plus the apportionment payable during the current school year pursuant to subdivision six-a and subdivision fifteen of section thirty-six hundred two of this part minus any reductions to current year aids pursuant to subdivision seven of section thirty-six hundred four of this part or any deduction from apportionment payable pursuant to this chapter for collection of a school district basic contribution as defined in subdivision eight of section forty-four hundred one of this chapter, less any grants provided pursuant to subparagraph two-a of paragraph b of subdivision four of section ninety-two-c of the state finance law, less any grants provided pursuant to subdivision 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 [~~twenty-one~~] twenty-two--two thousand [~~twenty-two~~] twenty-three school year, reference to such "school aid computer listing for the current year" shall mean the printouts entitled [~~"SA212-2"~~] "SA222-3".

§ 19-a. Paragraph c of subdivision 5 of section 3604 of the education law, as added by chapter 82 of the laws of 1995, is amended to read as follows:

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

§ 20. Subdivision b of section 2 of chapter 756 of the laws of 1992, relating to funding a program for work force education conducted by the consortium for worker education in New York city, as amended by section 39 of part A of chapter 56 of the laws of 2021, is amended to read as follows:

b. Reimbursement for programs approved in accordance with subdivision a of this section for the reimbursement for the 2018--2019 school year shall not exceed 59.4 percent of the lesser of such approvable costs per contact hour or fourteen dollars and ninety-five cents per contact hour, reimbursement for the 2019--2020 school year shall not exceed 57.7 percent of the lesser of such approvable costs per contact hour or fifteen dollars sixty cents per contact hour, reimbursement for the 2020--2021 school year shall not exceed 56.9 percent of the lesser of such approvable costs per contact hour or sixteen dollars and twenty-five cents per contact hour, [~~and~~] reimbursement for the 2021--2022 school year shall not exceed 56.0 percent of the lesser of such approvable costs per contact hour or sixteen dollars and forty cents per contact hour, and reimbursement for the 2022--2023 school year shall not exceed 55.7 percent of the lesser of such approvable costs per contact hour or sixteen dollars and sixty cents per contact hour, and where a contact hour represents sixty minutes of instruction services provided to an eligible adult. Notwithstanding any other provision of law to the contrary, for the 2018--2019 school year such contact hours shall not exceed one million four hundred sixty-three thousand nine hundred sixty-three (1,463,963); for the 2019--2020 school year such contact

1 hours shall not exceed one million four hundred forty-four thousand four  
2 hundred forty-four (1,444,444); for the 2020--2021 school year such  
3 contact hours shall not exceed one million four hundred six thousand  
4 nine hundred twenty-six (1,406,926); ~~[and]~~ for the 2021--2022 school  
5 year such contact hours shall not exceed one million four hundred  
6 sixteen thousand one hundred twenty-two (1,416,122) ; and for the 2022-  
7 -2023 school year such contact hours shall not exceed one million four  
8 hundred six thousand nine hundred twenty-six (1,406,926). Notwithstand-  
9 ing any other provision of law to the contrary, the apportionment calcu-  
10 lated for the city school district of the city of New York pursuant to  
11 subdivision 11 of section 3602 of the education law shall be computed as  
12 if such contact hours provided by the consortium for worker education,  
13 not to exceed the contact hours set forth herein, were eligible for aid  
14 in accordance with the provisions of such subdivision 11 of section 3602  
15 of the education law.

16 § 21. Section 4 of chapter 756 of the laws of 1992, relating to fund-  
17 ing a program for work force education conducted by the consortium for  
18 worker education in New York city, is amended by adding a new subdivi-  
19 sion aa to read as follows:

20 aa. The provisions of this subdivision shall not apply after the  
21 completion of payments for the 2022-23 school year. Notwithstanding any  
22 inconsistent provisions of law, the commissioner of education shall  
23 withhold a portion of employment preparation education aid due to the  
24 city school district of the city of New York to support a portion of the  
25 costs of the work force education program. Such moneys shall be credited  
26 to the elementary and secondary education fund-local assistance account  
27 and shall not exceed thirteen million dollars (\$13,000,000).

28 § 22. Section 6 of chapter 756 of the laws of 1992, relating to fund-  
29 ing a program for work force education conducted by the consortium for  
30 worker education in New York city, as amended by section 41 of part A of  
31 chapter 56 of the laws of 2021, is amended to read as follows:

32 § 6. This act shall take effect July 1, 1992, and shall be deemed  
33 repealed on June 30, ~~[2022]~~ 2023.

34 § 22-a. Paragraph a-1 of subdivision 11 of section 3602 of the educa-  
35 tion law, as amended by section 41-a of part A of chapter 56 of the laws  
36 of 2021, is amended to read as follows:

37 a-1. Notwithstanding the provisions of paragraph a of this subdivi-  
38 sion, for aid payable in the school years two thousand--two thousand one  
39 through two thousand nine--two thousand ten, and two thousand eleven--  
40 two thousand twelve ~~[through two thousand twenty-one--two thousand twen-~~  
41 ~~ty-two]~~ and thereafter, the commissioner may set aside an amount not to  
42 exceed two million five hundred thousand dollars from the funds appro-  
43 priated for purposes of this subdivision for the purpose of serving  
44 persons twenty-one years of age or older who have not been enrolled in  
45 any school for the preceding school year, including persons who have  
46 received a high school diploma or high school equivalency diploma but  
47 fail to demonstrate basic educational competencies as defined in regu-  
48 lation by the commissioner, when measured by accepted standardized  
49 tests, and who shall be eligible to attend employment preparation educa-  
50 tion programs operated pursuant to this subdivision.

51 § 23. Subdivision 1 of section 167 of chapter 169 of the laws of 1994,  
52 relating to certain provisions related to the 1994-95 state operations,  
53 aid to localities, capital projects and debt service budgets, as amended  
54 by section 33 of part A of chapter 56 of the laws of 2020, is amended to  
55 read as follows:

1 1. Sections one through seventy of this act shall be deemed to have  
2 been in full force and effect as of April 1, 1994 provided, however,  
3 that sections one, two, twenty-four, twenty-five and twenty-seven  
4 through seventy of this act shall expire and be deemed repealed on March  
5 31, 2000; provided, however, that section twenty of this act shall apply  
6 only to hearings commenced prior to September 1, 1994, and provided  
7 further that section twenty-six of this act shall expire and be deemed  
8 repealed on March 31, 1997; and provided further that sections four  
9 through fourteen, sixteen, and eighteen, nineteen and twenty-one through  
10 twenty-one-a of this act shall expire and be deemed repealed on March  
11 31, 1997; and provided further that sections three, fifteen, seventeen,  
12 twenty, twenty-two and twenty-three of this act shall expire and be  
13 deemed repealed on March 31, [2022] 2024.

14 § 24. Section 12 of chapter 147 of the laws of 2001, amending the  
15 education law relating to conditional appointment of school district,  
16 charter school or BOCES employees, as amended by section 42 of part A of  
17 chapter 56 of the laws of 2021, is amended to read as follows:

18 § 12. This act shall take effect on the same date as chapter 180 of  
19 the laws of 2000 takes effect, and shall expire July 1, [2022] 2023 when  
20 upon such date the provisions of this act shall be deemed repealed.

21 § 25. Section 4 of chapter 425 of the laws of 2002, amending the  
22 education law relating to the provision of supplemental educational  
23 services, attendance at a safe public school and the suspension of  
24 pupils who bring a firearm to or possess a firearm at a school, as  
25 amended by section 43 of part A of chapter 56 of the laws of 2021, is  
26 amended to read as follows:

27 § 4. This act shall take effect July 1, 2002 and section one of this  
28 act shall expire and be deemed repealed June 30, 2019[~~, and sections two~~  
29 ~~and three of this act shall expire and be deemed repealed on June 30,~~  
30 ~~2022~~].

31 § 26. Section 5 of chapter 101 of the laws of 2003, amending the  
32 education law relating to the implementation of the No Child Left Behind  
33 Act of 2001, as amended by section 44 of part A of chapter 56 of the  
34 laws of 2021, is amended to read as follows:

35 § 5. This act shall take effect immediately[~~, provided that sections~~  
36 ~~one, two and three of this act shall expire and be deemed repealed on~~  
37 ~~June 30, 2022~~].

38 § 27. Section 2 of chapter 552 of the laws of 1995, amending the  
39 education law relating to contracts for the transportation of school  
40 children, as amended by section 45 of part YYY of chapter 59 of the laws  
41 of 2019, is amended to read as follows:

42 § 2. This act shall take effect on the first day of January next  
43 succeeding the date on which it shall have become a law and shall remain  
44 in full force and effect until January 1, [2023] 2028, when upon such  
45 date the provisions of this act shall be deemed repealed.

46 § 28. School bus driver training. In addition to apportionments other-  
47 wise provided by section 3602 of the education law, for aid payable in  
48 the 2022-2023 through the 2026-2027 school years, subject to available  
49 appropriation, the commissioner of education shall allocate school bus  
50 driver training grants to school districts and boards of cooperative  
51 educational services pursuant to sections 3650-a, 3650-b and 3650-c of  
52 the education law, or for contracts directly with not-for-profit educa-  
53 tional organizations for the purposes of this section. Such payments  
54 shall not exceed four hundred thousand dollars (\$400,000) per school  
55 year.

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

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



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

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

46 § 29. Special apportionment for salary expenses. a. Notwithstanding  
47 any other provision of law, upon application to the commissioner of  
48 education, not sooner than the first day of the second full business  
49 week of June 2023 and not later than the last day of the third full  
50 business week of June 2023, a school district eligible for an apportion-  
51 ment pursuant to section 3602 of the education law shall be eligible to  
52 receive an apportionment pursuant to this section, for the school year  
53 ending June 30, 2023, for salary expenses incurred between April 1 and  
54 June 30, 2022 and such apportionment shall not exceed the sum of (i) the  
55 deficit reduction assessment of 1990--1991 as determined by the commis-  
56 sioner of education, pursuant to paragraph f of subdivision 1 of section

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

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

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

48 § 30. Special apportionment for public pension accruals. a. Notwith-  
49 standing any other provision of law, upon application to the commission-  
50 er of education, not later than June 30, 2023, a school district eligi-  
51 ble for an apportionment pursuant to section 3602 of the education law  
52 shall be eligible to receive an apportionment pursuant to this section,  
53 for the school year ending June 30, 2023 and such apportionment shall  
54 not exceed the additional accruals required to be made by school  
55 districts in the 2004--2005 and 2005--2006 school years associated with  
56 changes for such public pension liabilities. The amount of such addi-



1 tional accrual shall be certified to the commissioner of education by  
2 the president of the board of education or the trustees or, in the case  
3 of a city school district in a city with a population in excess of  
4 125,000 inhabitants, the mayor of such city. Such application shall be  
5 made by a school district, after the board of education or trustees have  
6 adopted a resolution to do so and in the case of a city school district  
7 in a city with a population in excess of 125,000 inhabitants, with the  
8 approval of the mayor of such city.

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

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

40 § 30-a. Subdivision a of section 5 of chapter 121 of the laws of 1996,  
41 relating to authorizing the Roosevelt union free school district to  
42 finance deficits by the issuance of serial bonds, as amended by section  
43 46-a of part A of chapter 56 of the laws of 2021, is amended to read as  
44 follows:

45 a. Notwithstanding any other provisions of law, upon application to  
46 the commissioner of education submitted not sooner than April first and  
47 not later than June thirtieth of the applicable school year, the Roose-  
48 velt union free school district shall be eligible to receive an appor-  
49 tionment pursuant to this chapter for salary expenses, including related  
50 benefits, incurred between April first and June thirtieth of such school  
51 year. Such apportionment shall not exceed: for the 1996-97 school year  
52 [~~through the 2021-22 school year~~ and thereafter, four million dollars  
53 (\$4,000,000) [~~, for the 2022-23 school year, three million dollars~~  
54 ~~(\$3,000,000); for the 2023-24 school year, two million dollars~~  
55 ~~(\$2,000,000); for the 2024-25 school year, one million dollars~~  
56 ~~(\$1,000,000); and for the 2025-26 school year, zero dollars]~~. Such annu-

1 al application shall be made after the board of education has adopted a  
2 resolution to do so with the approval of the commissioner of education.

3 § 31. Section 1950 of the education law is amended by adding a new  
4 subdivision 8-d to read as follows:

5 8-d. Notwithstanding the provision of any law, rule, or regulation to  
6 the contrary, the city school district of the city of Rochester, upon  
7 the consent of the board of cooperative educational services of the  
8 supervisory district serving its geographic region, may purchase from  
9 such board as a non-component school district, services required by  
10 article nineteen of the education law.

11 § 31-a. Section 5 of chapter 537 of the laws of 1976, relating to  
12 paid, free and reduced price breakfast for eligible pupils in certain  
13 school districts, as added by section 2 of part B of chapter 56 of the  
14 laws of 2018, is amended to read as follows:

15 § 5. a. Notwithstanding any monetary limitations with respect to  
16 school lunch programs contained in any law or regulation, for school  
17 lunch meals served in the school year commencing July 1, 2019 and [~~each~~  
18 ~~July 1 thereafter~~] ending June 30, 2022, a school food authority shall  
19 be eligible for a lunch meal State subsidy of twenty-five cents, which  
20 shall include any annual State subsidy received by such school food  
21 authority under any other provision of State law, for any school lunch  
22 meal served by such school food authority; provided that the school food  
23 authority certifies to the State Education Department through the appli-  
24 cation submitted pursuant to subdivision [~~b~~] c of this section that such  
25 food authority has purchased at least thirty percent of its total cost  
26 of food products for its school lunch service program from New York  
27 state farmers, growers, producers or processors in the preceding school  
28 year.

29 b. Notwithstanding any monetary limitations with respect to school  
30 meal programs contained in any law or regulation, commencing July 1,  
31 2022 and each July 1 thereafter, a school food authority shall be eligi-  
32 ble for a lunch meal State subsidy of twenty-five cents and a breakfast  
33 meal State subsidy of twenty-one cents, which shall include any annual  
34 State subsidy received by such school food authority under any other  
35 provision of State law, for any school lunch and school breakfast meal  
36 served by such school authority; provided that the school food authority  
37 certifies to the State Education Department through the application  
38 submitted pursuant to subdivision c of this section that such food  
39 authority has purchased at least thirty percent of its total cost of  
40 food products for its school meal program from New York state farmers,  
41 growers, producers or processors in the preceding school year.

42 c. The State Education Department, in cooperation with the Department  
43 of Agriculture and Markets, shall develop an application for school food  
44 authorities to seek an additional State subsidy pursuant to this section  
45 in a timeline and format prescribed by the commissioner of education.  
46 Such application shall include, but not be limited to, documentation  
47 demonstrating the school food authority's total food purchases for its  
48 school [~~lunch-service~~] meal program, and documentation demonstrating its  
49 total food purchases and percentages for such program from New York  
50 State farmers, growers, producers or processors in the preceding school  
51 year. The application shall also include an attestation from the school  
52 food authority's chief operating officer that it purchased at least  
53 thirty percent of its total cost of food products for its school [~~lunch~~  
54 ~~service~~] meal program from New York State farmers, growers, producers or  
55 processors in the preceding school year in order to meet the require-

ments for this additional State subsidy. School food authorities shall be required to annually apply for this subsidy.

~~[e]~~ d. The State Education Department shall annually publish information on its website commencing on September 1, 2019 and each September 1 thereafter, relating to each school food authority that applied for and received this additional State subsidy, including but not limited to: the school food authority name, student enrollment, average daily lunch ~~and breakfast~~ participation, total food costs for its school ~~[lunch]~~ meal service program, total cost of food products for its school ~~[lunch]~~ meal service program purchased from New York State farmers, growers, producers or processors, and the percent of total food costs that were purchased from New York State farmers, growers, producers or processors for its school ~~[lunch]~~ meal service program.

§ 31-b. Subdivision 6-a of section 140 of chapter 82 of the laws of 1995, amending the education law and certain other laws relating to state aid to school districts and the appropriation of funds for the support of government, as amended by section 41 of part YYY of chapter 59 of the laws of 2017, is amended to read as follows:

(6-a) Section seventy-three of this act shall take effect July 1, 1995 and shall be deemed repealed June 30, ~~[2022]~~ 2027;

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

a. for the development, maintenance or expansion of magnet schools or magnet school programs for the 2022--2023 school year. For the city school district of the city of New York there shall be a set-aside of foundation aid equal to forty-eight million one hundred seventy-five thousand dollars (\$48,175,000) including five hundred thousand dollars (\$500,000) for the Andrew Jackson High School; for the Buffalo city school district, twenty-one million twenty-five thousand dollars (\$21,025,000); for the Rochester city school district, fifteen million dollars (\$15,000,000); for the Syracuse city school district, thirteen million dollars (\$13,000,000); for the Yonkers city school district, forty-nine million five hundred thousand dollars (\$49,500,000); for the Newburgh city school district, four million six hundred forty-five thousand dollars (\$4,645,000); for the Poughkeepsie city school district, two million four hundred seventy-five thousand dollars (\$2,475,000); for the Mount Vernon city school district, two million dollars (\$2,000,000); for the New Rochelle city school district, one million four hundred ten thousand dollars (\$1,410,000); for the Schenectady city school district, one million eight hundred thousand dollars (\$1,800,000); for the Port Chester city school district, one million one hundred fifty thousand dollars (\$1,150,000); for the White Plains city school district, nine hundred thousand dollars (\$900,000); for the Niagara Falls city school district, six hundred thousand dollars (\$600,000); for the Albany city school district, three million five hundred fifty thousand dollars (\$3,550,000); for the Utica city school district, two million dollars (\$2,000,000); for the Beacon city school district, five hundred sixty-six thousand dollars (\$566,000); for the Middletown city school district, four hundred thousand dollars (\$400,000); for the Freeport union free school district, four hundred thousand dollars (\$400,000); for the Greenburgh central school district, three hundred thousand dollars (\$300,000); for the Amsterdam city school district, eight hundred thousand dollars (\$800,000); for the Peekskill city school district, two hundred thousand dollars (\$200,000); and for the Hudson city school district, four hundred thousand dollars (\$400,000).

b. Notwithstanding any inconsistent provision of law to the contrary, a school district setting aside such foundation aid pursuant to this section may use such set-aside funds for: (i) any instructional or instructional support costs associated with the operation of a magnet school; or (ii) any instructional or instructional support costs associated with implementation of an alternative approach to promote diversity and/or enhancement of the instructional program and raising of standards in elementary and secondary schools of school districts having substantial concentrations of minority students.

c. The commissioner of education shall not be authorized to withhold foundation aid from a school district that used such funds in accordance with this paragraph, notwithstanding any inconsistency with a request for proposals issued by such commissioner for the purpose of attendance improvement and dropout prevention for the 2022--2023 school year, and for any city school district in a city having a population of more than one million, the set-aside for attendance improvement and dropout prevention shall equal the amount set aside in the base year. For the 2022--2023 school year, it is further provided that any city school district in a city having a population of more than one million shall allocate at least one-third of any increase from base year levels in funds set aside pursuant to the requirements of this section to community-based organizations. Any increase required pursuant to this section to community-based organizations must be in addition to allocations provided to community-based organizations in the base year.

d. For the purpose of teacher support for the 2022--2023 school year: for the city school district of the city of New York, sixty-two million seven hundred seven thousand dollars (\$62,707,000); for the Buffalo city school district, one million seven hundred forty-one thousand dollars (\$1,741,000); for the Rochester city school district, one million seventy-six thousand dollars (\$1,076,000); for the Yonkers city school district, one million one hundred forty-seven thousand dollars (\$1,147,000); and for the Syracuse city school district, eight hundred nine thousand dollars (\$809,000). All funds made available to a school district pursuant to this section shall be distributed among teachers including prekindergarten teachers and teachers of adult vocational and academic subjects in accordance with this section and shall be in addition to salaries heretofore or hereafter negotiated or made available; provided, however, that all funds distributed pursuant to this section for the current year shall be deemed to incorporate all funds distributed pursuant to former subdivision 27 of section 3602 of the education law for prior years. In school districts where the teachers are represented by certified or recognized employee organizations, all salary increases funded pursuant to this section shall be determined by separate collective negotiations conducted pursuant to the provisions and procedures of article 14 of the civil service law, notwithstanding the existence of a negotiated agreement between a school district and a certified or recognized employee organization.

§ 33. Support of public libraries. The moneys appropriated for the support of public libraries by a chapter of the laws of 2022 enacting the aid to localities budget shall be apportioned for the 2022--2023 state fiscal year in accordance with the provisions of sections 271, 272, 273, 282, 284, and 285 of the education law as amended by the provisions of this chapter and the provisions of this section, provided that library construction aid pursuant to section 273-a of the education law shall not be payable from the appropriations for the support of public libraries and provided further that no library, library system or

1 program, as defined by the commissioner of education, shall receive less  
2 total system or program aid than it received for the year 2001--2002  
3 except as a result of a reduction adjustment necessary to conform to the  
4 appropriations for support of public libraries.

5 Notwithstanding any other provision of law to the contrary the moneys  
6 appropriated for the support of public libraries for the year 2022--2023  
7 by a chapter of the laws of 2022 enacting the education, labor and fami-  
8 ly assistance budget shall fulfill the state's obligation to provide  
9 such aid and, pursuant to a plan developed by the commissioner of educa-  
10 tion and approved by the director of the budget, the aid payable to  
11 libraries and library systems pursuant to such appropriations shall be  
12 reduced proportionately to ensure that the total amount of aid payable  
13 does not exceed the total appropriations for such purpose.

14 § 33-a. Chapter 486 of the laws of 1964 relating to establishing union  
15 free school district number eight in the town of Canaan in the county of  
16 Columbia is REPEALED.

17 § 33-b. Section 1 of chapter 566 of the laws of 1967, relating to  
18 providing for the apportionment of funds to certain special school  
19 districts, as amended by section 6 of chapter 446 of the laws of 2014,  
20 is amended to read as follows:

21 Section 1. Notwithstanding the provisions of section 3602 and 3602-b  
22 of the education law, and in lieu of any apportionments to which such  
23 school districts might otherwise be entitled under such sections or  
24 under any other provisions of law, the commissioner of education is  
25 hereby authorized to include the following school districts in the annu-  
26 al apportionment of public moneys and such apportionment shall be  
27 computed in accordance with the provisions of sections two, three and  
28 four of this act: union free school district number twenty-seven of the  
29 town of Dryden, Tompkins county; ~~union free school district number~~  
30 ~~eight of the town of Canaan, Columbia county;~~ union free school  
31 districts numbers ten, eleven and twelve of the town of Greenburgh,  
32 Westchester county; union free school districts numbers three and four  
33 of the town of Mount Pleasant, Westchester county; union free school  
34 district number six, Blythedale, town of Mount Pleasant, Westchester  
35 county; and Randolph Children's Home union free school district of the  
36 town of Randolph, Cattaraugus county; West Park union free school  
37 district number two, town of Esopus, Ulster county; common school  
38 district number seven of the town of Oyster Bay, Nassau county; the  
39 Hopevale union free school district, town of Hamburg, Erie county; and  
40 union free school district number three, town of Riverhead, Suffolk  
41 county.

42 § 33-c. Section 1 of chapter 566 of the laws of 1967, relating to  
43 providing for the apportionment of funds to certain special school  
44 districts, as amended by section 7 of chapter 446 of the laws of 2014,  
45 is amended to read as follows:

46 Section 1. Notwithstanding the provisions of section 3602 and 3602-b  
47 of the education law, and in lieu of any apportionments to which such  
48 school districts might otherwise be entitled under such sections or  
49 under any other provisions of law, the commissioner of education is  
50 hereby authorized to include the following school districts in the annu-  
51 al apportionment of public moneys and such apportionment shall be  
52 computed in accordance with the provisions of sections two, three and  
53 four of this act: union free school district number twenty-seven of the  
54 town of Dryden, Tompkins county; ~~union free school district number~~  
55 ~~eight of the town of Canaan, Columbia county;~~ union free school  
56 districts numbers ten, eleven and twelve of the town of Greenburgh,

Westchester county; union free school districts numbers three and four of the town of Mount Pleasant, Westchester county; union free school district number six, Blythedale, town of Mount Pleasant, Westchester county; and Randolph Children's Home union free school district of the town of Randolph, Cattaraugus county; West Park union free school district number two, town of Esopus, Ulster county; common school district number seven of the town of Oyster Bay, Nassau county; and union free school district number three, town of Riverhead, Suffolk county.

§ 33-d. Any funds remaining in the possession of the union free school district number eight in the town of Canaan in the county of Columbia, after all of its debts and obligations have been paid, shall be paid over to each social services district and school district having resident children served by the union free school district number eight in the town of Canaan in the county of Columbia in the 2019-2020 school year in the same proportion as the number of students placed by each such social services district or school district and served by the union free school district number eight in the town of Canaan in the county of Columbia in the 2019-2020 school year bears to the total number of students served by the union free school district number eight in the town of Canaan in the county of Columbia in the 2019-2020 school year. Though the union free school district number eight in the town of Canaan in the county of Columbia be dissolved, the board of cooperative educational services of the sole supervisory district of Rensselaer, Columbia, Greene Counties (Questar III BOCES) shall be authorized to act on behalf of the school district pursuant to section five of this act.

§ 33-e. Notwithstanding any other provision of law to the contrary, during any period in which there is no duly constituted board of education of the union free school district number eight of the town of Canaan, Columbia County, Questar III BOCES shall be authorized to take any actions on behalf of the school district that are reasonable and necessary to complete the closedown and dissolution of the district that the board of education would have, including but not limited to, the power to enter into contracts, pay outstanding debts for reimbursable costs incurred for closedown of the school district under this section and subparagraph (i) of paragraph j of subdivision 4 of section 4405 of the education law, provided however that the Questar III BOCES shall not pay for outstanding debts using its own funds and shall not be liable for any outstanding debt or claims incurred by the union free school district number eight of the town of Canaan, Columbia County. The Questar III BOCES may sell school district property, if any, with approval of the commissioner, and bill for and receive any reimbursement due and owing for tuition pursuant to article 81 of the education law or any other provision of law for services rendered to students on or before the school district ceased operation on June 30, 2020 and reimbursement for close down costs determined pursuant to this section and subparagraph (i) of paragraph j of subdivision 4 of section 4405 of the education law. The Questar III BOCES shall be reimbursed the actual documented cost to the Questar III BOCES of carrying out its duties under the provisions of this section and subparagraph (i) of paragraph j of subdivision 4 of section 4405 of the education law to close down the school district. The Questar III BOCES shall review the business records of the school district, including any claims, invoices and bills submitted to the school district during any period in which there was no duly constituted board of education and shall audit any expenses or claims, based on invoices, bills or other documentation, that were not included



1 in an audited financial statement or financial reports submitted to the  
2 department by the school district, to determine if such expenses or  
3 claims are duplicative of claims previously submitted for reimbursement  
4 and, if not, whether they are supported by documentation that would  
5 substantiate a claim that the expense was incurred by the school  
6 district or is otherwise an outstanding debt of the school district.  
7 Such audit may be conducted by the claims auditor of the BOCES or, with  
8 the approval of the commissioner, by an independent auditor retained by  
9 the BOCES. The BOCES shall report to the department any audited claims  
10 that were not included in an audited financial statement or financial  
11 report, together with the documentation supporting such claims.  
12 Reimbursement for costs incurred for closedown of the school district  
13 shall include only: (i) any allowable costs approved by the commissioner  
14 that were included in the audited financial statement and financial  
15 reports submitted by the school district in conformity with the finan-  
16 cial reporting requirements; (ii) additional allowable costs incurred in  
17 the 2019-2020 school year or subsequently during the closedown period  
18 that are approved by the commissioner in accordance with the reimbursa-  
19 ble cost manual in effect for the 2019-2020 school year and relate to  
20 claims that were audited by the Questar III BOCES pursuant to this  
21 section and subparagraph (i) of paragraph j of subdivision 4 of section  
22 4405 of the education law and are based on supporting documentation that  
23 would substantiate a claim that the expense was incurred by the school  
24 district and not duplicative of claims previously reimbursed; and (iii)  
25 the actual documented cost to the Questar III BOCES of carrying out its  
26 duties under the provisions of this section and subparagraph (i) of  
27 paragraph j of subdivision 4 of section 4405 of the education law to  
28 close down the school district, as approved by the commissioner based on  
29 documentation that such costs were necessary to carry out such duties,  
30 shall be included in a closedown rate payable by each school district or  
31 social services district responsible for tuition for students attending  
32 the special act school district in the 2019-2020 school year. Notwith-  
33 standing any other provision of law, rule or regulation to the contrary,  
34 such closedown rate may be payable in three installments which shall be  
35 as equal as practicable, over three consecutive years after the close-  
36 down rate is established; provided that any reimbursement costs remain-  
37 ing due to Questar III BOCES for carrying out its administrative duties  
38 under this act and subparagraph (i) of paragraph j of subdivision 4 of  
39 section 4405 of the education law may be paid in the first installment.  
40 In such capacity, such board of cooperative educational services and its  
41 officers and employees shall be entitled to defense and indemnification  
42 by the state pursuant to section 18 of the public officers law. Services  
43 provided by the Questar III BOCES under this act and subparagraph (i) of  
44 paragraph j of subdivision 4 of section 4405 of the education law shall  
45 not result in any additional costs being imposed on component school  
46 districts, except those costs imposed on a component school district  
47 pursuant to a closedown rate calculated under this section.

48 § 33-f. The records of union free school district number eight of the  
49 town of Canaan in the county of Columbia, shall be forwarded to the  
50 district superintendent of schools for the board of cooperative educa-  
51 tional services for the sole supervisory district of Rensselaer, Colum-  
52 bia, Greene Counties for preservation. Notwithstanding any other  
53 provision of law to the contrary, such records shall be deemed to be  
54 records of the sole supervisory district of Rensselaer, Columbia, Greene  
55 Counties for purposes of the management and disposition of such records



1 and any local government management grants issued pursuant to section  
2 57.35 of the arts and cultural affairs law.

3 § 34. Severability. The provisions of this act shall be severable, and  
4 if the application of any clause, sentence, paragraph, subdivision,  
5 section or part of this act to any person or circumstance shall be  
6 adjudged by any court of competent jurisdiction to be invalid, such  
7 judgment shall not necessarily affect, impair or invalidate the applica-  
8 tion of any such clause, sentence, paragraph, subdivision, section or  
9 part of this act or remainder thereof, as the case may be, to any other  
10 person or circumstance, but shall be confined in its operation to the  
11 clause, sentence, paragraph, subdivision, section or part thereof  
12 directly involved in the controversy in which such judgment shall have  
13 been rendered.

14 § 35. This act shall take effect immediately, and shall be deemed to  
15 have been in full force and effect on and after April 1, 2022, provided,  
16 however, that:

17 1. Sections one, two, five-a, five-b, six-a, seven, eight, ten-a,  
18 fourteen, fifteen, sixteen, seventeen-a, seventeen-c, seventeen-d, nine-  
19 teen, twenty-two-a, twenty-eight, thirty-a, thirty-one, thirty-one-a,  
20 and thirty-two of this act shall take effect July 1, 2022;

21 2. Sections three, four, and five of this act shall take effect imme-  
22 diately and shall expire September 30, 2024 when upon such date the  
23 provisions of such sections shall be deemed repealed;

24 3. The amendments to chapter 756 of the laws of 1992, relating to  
25 funding a program for work force education conducted by a consortium for  
26 worker education in New York city made by sections twenty and twenty-one  
27 of this act shall not affect the repeal of such chapter and shall be  
28 deemed repealed therewith;

29 4. Sections eighteen-a and eighteen-b of this act shall take effect  
30 September 1, 2022; and

31 5. The amendments to section 1 of chapter 566 of the laws of 1967,  
32 made by section thirty-three-c of this act, shall take effect on the  
33 same date and in the same manner as section 5 of chapter 213 of the laws  
34 of 2011, as amended, takes effect.

35 PART B

36 Section 1. The education law is amended by adding a new section 3638  
37 to read as follows:

38 § 3638. Zero-emission school buses. 1. For the purposes of this  
39 section "zero-emission school bus" shall mean a school bus that: (a) is  
40 propelled by an electric motor and associated power electronics which  
41 provide acceleration torque to the drive wheels during normal vehicle  
42 operations; and (b) draws electricity from a hydrogen fuel cell or  
43 battery.

44 2. No later than July first, two thousand twenty-seven, every school  
45 district shall:

46 (a) only purchase or lease zero-emission school buses when purchasing  
47 or leasing new buses; and

48 (b) include requirements in any procurement for school transportation  
49 services that any contractors providing transportation services for the  
50 school district must only purchase or lease zero-emission school buses  
51 when purchasing or leasing new school buses.

52 3. No later than July first, two thousand thirty-five, every school  
53 district shall:

54 (a) only operate and maintain zero-emission school buses; and

1 (b) include requirements in any procurement for school transportation  
2 services that any contractors providing transportation services for the  
3 school district must only operate zero-emission school buses when  
4 providing such transportation services to the school district.

5 4. (a) On or before July first, two thousand twenty-five, the commis-  
6 sioner, in consultation with the president of the New York state energy  
7 research and development authority, shall determine whether school  
8 districts will be able to comply with the requirements of this section  
9 without incurring financial hardship or disrupting the transportation of  
10 students. The commissioner shall consider the following factors when  
11 making such determination:

12 (i) the actual anticipated costs of transitioning to, and operating,  
13 zero-emission school buses including infrastructure, fuel, electricity,  
14 hydrogen, need to purchase additional buses to cover existing routes  
15 currently covered by diesel buses, and maintenance;

16 (ii) the availability of zero-emission school buses on the market;

17 (iii) the ability of zero-emission school buses to operate safely,  
18 efficiently, and effectively in all conditions including hilly terrain  
19 and cold weather;

20 (iv) the longevity of zero-emission buses and infrastructure including  
21 yearly battery degradation; and

22 (v) the ability for zero-emission school buses to adhere to mileage  
23 ranges required by school districts to transport students to and from  
24 school, extracurricular activities, and field trips.

25 (b) If the commissioner determines school districts will not be able  
26 to comply with the requirements of this section, the commissioner shall  
27 delay implementation until school districts are able to fully comply  
28 without incurring financial hardship or disrupting the transportation of  
29 students.

30 5. Notwithstanding any provision of law to the contrary, all rights  
31 and benefits, including terms and conditions of employment in accordance  
32 with the civil service law, and protection of civil service and collec-  
33 tive bargaining agreements of all existing employees of school  
34 districts or any entity contracted to provide pupil transportation  
35 services shall be preserved and protected. Nothing in this section shall  
36 result in the: (a) displacement of any currently employed worker or loss  
37 of position including partial displacement such as a reduction in the  
38 hours of non-overtime work, wages, or employment benefits or result in  
39 the impairment of existing collective bargaining agreements; (b) trans-  
40 fer of existing duties and functions related to maintenance and oper-  
41 ations currently performed by existing employees; or (c) transfer of  
42 future duties and functions ordinarily performed by employees.

43 6. On July first, two thousand twenty-five or upon implementation of  
44 this section as determined by the commissioner, whichever is later, and  
45 prior to the beginning of the procurement process for new zero-emission  
46 school buses or zero-emission infrastructure including school bus elec-  
47 tric charging or hydrogen fueling stations, every school district, board  
48 of cooperative educational services, or entity contracted to provide  
49 pupil transportation services for a school district that purchases or  
50 leases a zero-emission school bus shall prepare a workforce development  
51 report that: (a) estimates the number of jobs that would be eliminated  
52 or substantially changed after the purchase or lease of such buses, as  
53 well as the number of jobs expected to be created upon the proposed  
54 purchase or lease of such buses over a five-year period from the date of  
55 the publication of the workforce development report; (b) identifies gaps  
56 in skills needed to operate and maintain zero-emission school buses and

zero-emission infrastructure including school bus electric charging or hydrogen fueling stations; (c) includes a comprehensive plan to transition, train, or retrain employees that are impacted by this section; and (d) includes an estimated cost to implement such plan. Nothing contained herein shall be construed to affect the existing rights of employees pursuant to an existing collective bargaining agreement or the existing representational relationships among employee organizations or the bargaining relationships between the employer and an employee organization.

7. Any work related to the construction or installation of zero-emission school bus electric charging or hydrogen fueling stations shall be deemed a public work to be performed in accordance with the provisions of article eight of the labor law, and enforcement of prevailing wage requirements by the department of labor.

§ 2. Paragraphs c, d and e of subdivision 2 of section 3623-a of the education law, paragraph c as amended by chapter 453 of the laws of 2005, paragraph d as added by chapter 474 of the laws of 1996, and paragraph e as amended by section 68 of part A of chapter 436 of the laws of 1997, are amended and a new paragraph f is added to read as follows:

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

d. Other transportation capital, debt service and lease expense, as approved pursuant to regulations of the commissioner~~[-];~~

e. Any approved cost of construction, reconstruction, lease or purchase of a transportation storage facility or site in the amount of ten thousand dollars or more shall be aidable in accordance with subdivision six of section thirty-six hundred two of this article and shall not be aidable as transportation expense~~[-]; and~~

f. Approved costs relating to the lease, purchase, construction, or installation of zero-emission school bus electric charging or hydrogen fueling stations. For the purposes of this section, a zero-emission school bus electric charging station is a station that delivers electricity from a source outside a zero-emission school bus into one or more zero-emission school buses. An electric school bus charging station may include several charge points simultaneously connecting several zero-emission school buses to the station and any related equipment needed to facilitate charging plug-in zero-emission school buses.

§ 3. Paragraph e of subdivision 7 of section 3602 of the education law, as amended by section 4 of part L of chapter 57 of the laws of 2005, is amended to read as follows:

e. In determining approved transportation capital, debt service and lease expense for aid payable in the two thousand five--two thousand six school year and thereafter, the commissioner, after applying the provisions of paragraph c of this subdivision to such expense, shall establish an assumed amortization pursuant to this paragraph to deter-

mine the approved capital, debt service and lease expense of the school district that is aidable in the current year, whether or not the school district issues debt for such expenditures, subject to any deduction pursuant to paragraph d of this subdivision. Such assumed amortization shall be for a period of five years, and for the two thousand twenty-two--two thousand twenty-three school year and thereafter such assumed amortization for zero-emission school buses as defined in section thirty-six hundred thirty-eight of this chapter and related costs pursuant to paragraph f of subdivision two of section thirty-six hundred twenty-three-a of this chapter shall be for a period of ten years, and shall commence twelve months after the school district enters into a purchase contract[, or lease of the school bus, charging station, hydrogen refueling station, or equipment, or a general contract for the construction, reconstruction, lease or purchase of a transportation storage facility or site in an amount less than ten thousand dollars[~~, except that where expenses were incurred for the purchase or lease of a school bus or equipment or the construction, reconstruction, lease or purchase of a transportation storage facility or site prior to July first, two thousand five and debt service was still outstanding or the lease was still in effect as of such date, the assumed amortization shall commence as of July first, two thousand five and the period of the amortization shall be for a period equal to five years less the number of years, rounded to the nearest year, elapsed from the date upon which the school district first entered into such purchase contract or general contract and July first, two thousand five, as determined by the commissioner, or the remaining term of the lease as of such date~~]. Such assumed amortization shall provide for equal semiannual payments of principal and interest based on an assumed interest rate established by the commissioner pursuant to this paragraph. By the first day of September of the current year commencing with the two thousand five--two thousand six school year, each school district shall provide to the commissioner in a format prescribed by the commissioner such information as the commissioner shall require for all capital debt incurred by such school district during the preceding school year for expenses allowable pursuant to subdivision two of section thirty-six hundred twenty-three-a of this article. Based on such reported amortizations and a methodology prescribed by the commissioner in regulations, the commissioner shall compute an assumed interest rate that shall equal the average of the interest rates applied to all such debt issued during the preceding school year. The assumed interest rate shall be the interest rate of each such school district applicable to the current year for the purposes of this paragraph and shall be expressed as a decimal to five places rounded to the nearest eighth of one-one hundredth.

§ 4. Subparagraph 7 of paragraph e of subdivision 1 of section 3623-a of the education law, as added by chapter 474 of the laws of 1996, is amended to read as follows:

(7) fuel, oil, tires, chains, maintenance and repairs for school buses, provided that for purposes of this article, fuel shall include electricity used to charge or hydrogen used to refuel zero-emission school buses for the aidable transportation of pupils, but shall not include electricity or hydrogen used for other purposes;

§ 5. Subdivision 21-a of section 1604 of the education law, as added by chapter 472 of the laws of 1998, is amended to read as follows:

21-a. To lease a motor vehicle or vehicles to be used for the transportation of the children of the district from a school district, board of cooperative educational services or county vocational education and

1 extension board or from any other source, under the conditions specified  
2 in this subdivision. No such agreement for the lease of a motor vehicle  
3 or vehicles shall be for a term of more than one school year, provided  
4 that when authorized by a vote of the qualified voters of the district  
5 such lease may have a term of up to five years, or ten years for the  
6 lease of zero-emission school buses as defined in section thirty-six  
7 hundred thirty-eight of this chapter. Where the trustee or board of  
8 trustees enter into a lease of a motor vehicle or vehicles pursuant to  
9 this subdivision for a term of one school year or less, such trustee or  
10 board shall not be authorized to enter into another lease for the same  
11 or an equivalent replacement vehicle or vehicles, as determined by the  
12 commissioner, without obtaining approval of the qualified voters of the  
13 school district.

14 § 6. Paragraph i of subdivision 25 of section 1709 of the education  
15 law, as added by chapter 472 of the laws of 1998, is amended to read as  
16 follows:

17 i. In addition to the authority granted in paragraph e of this subdivi-  
18 sion, the board of education shall be authorized to lease a motor  
19 vehicle or vehicles to be used for the transportation of the children of  
20 the district from sources other than a school district, board of cooper-  
21 ative educational services or county vocational education and extension  
22 board under the conditions specified in this paragraph. No such agree-  
23 ment for the lease of a motor vehicle or vehicles shall be for a term of  
24 more than one school year, provided that when authorized by a vote of  
25 the qualified voters of the district such lease may have a term of up to  
26 five years, or ten years for the lease of zero-emission school buses as  
27 defined in section thirty-six hundred thirty-eight of this chapter.  
28 Where the board of education enters a lease of a motor vehicle or vehi-  
29 cles pursuant to this paragraph for a term of one school year or less,  
30 such board shall not be authorized to enter into another lease of the  
31 same or an equivalent replacement vehicle or vehicles, as determined by  
32 the commissioner, without obtaining approval of the voters.

33 § 7. Subdivision 29-a of paragraph a of section 11.00 of the local  
34 finance law, as added by section 1 of part BB of chapter 58 of the laws  
35 of 2015, is amended to read as follows:

36 29-a. Transit motor vehicles. The purchase of municipally owned omni-  
37 bus or similar surface transit motor vehicles or a zero-emission school  
38 bus owned by a school district defined pursuant to subdivision two of  
39 section two of this chapter, a city school district with a population of  
40 more than one hundred twenty-five thousand inhabitants, or board of  
41 cooperative educational services, ten years.

42 § 8. This act shall take effect immediately.

43 PART C

44 Intentionally Omitted

45 PART D

46 Section 1. Subparagraph 4-b of paragraph h of subdivision 2 of section  
47 355 of the education law, as added by section 1 of part GG of chapter 56  
48 of the laws of 2021, is amended to read as follows:

49 (4-b) ~~(4-i)~~ In state fiscal year two thousand twenty-two--two thousand  
50 twenty-three and thereafter, the state shall appropriate and make avail-  
51 able general fund operating support in the amount of ~~[thirty-three~~



1 ~~percent of~~] the tuition credit calculated pursuant to section six  
2 hundred eighty-nine-a of this chapter [~~for the two thousand twenty-two-~~  
3 ~~two thousand twenty-three academic year.~~

4 ~~(ii) In state fiscal year two thousand twenty-three--two thousand~~  
5 ~~twenty-four, the state shall appropriate and make available general fund~~  
6 ~~operating support in the amount of sixty-seven percent of the tuition~~  
7 ~~credit calculated pursuant to section six hundred eighty-nine-a of this~~  
8 ~~chapter for the two thousand twenty-three two thousand twenty-four~~  
9 ~~academic year.~~

10 ~~(iii) Beginning in state fiscal year two thousand twenty-four--two~~  
11 ~~thousand twenty-five and thereafter, the state shall appropriate and~~  
12 ~~make available general fund operating support in the amount of the~~  
13 ~~tuition credit calculated pursuant to section six hundred eighty-nine-a~~  
14 ~~of this chapter] annually.~~

15 § 2. Paragraph (f) of subdivision 7 of section 6206 of the education  
16 law, as added by section 2 of part GG of chapter 56 of the laws of 2021,  
17 is amended to read as follows:

18 (f) [~~(i)~~] In state fiscal year two thousand twenty-two--two thousand  
19 twenty-three and thereafter, the state shall appropriate and make avail-  
20 able general fund operating support in the amount of [~~thirty-three~~  
21 ~~percent of~~] the tuition credit calculated pursuant to section six  
22 hundred eighty-nine-a of this chapter [~~for the two thousand twenty-two-~~  
23 ~~two thousand twenty-three academic year.~~

24 ~~(ii) In state fiscal year two thousand twenty-three--two thousand~~  
25 ~~twenty-four, the state shall appropriate and make available general fund~~  
26 ~~operating support in the amount of sixty-seven percent of the tuition~~  
27 ~~credit calculated pursuant to section six hundred eighty-nine-a of this~~  
28 ~~chapter for the two thousand twenty-three two thousand twenty-four~~  
29 ~~academic year.~~

30 ~~(iii) Beginning in state fiscal year two thousand twenty-four--two~~  
31 ~~thousand twenty-five and thereafter, the state shall appropriate and~~  
32 ~~make available general fund operating support in the amount of the~~  
33 ~~tuition credit calculated pursuant to section six hundred eighty-nine-a~~  
34 ~~of this chapter] annually.~~

35 § 3. This act shall take effect immediately.

## 36 PART E

37 Section 1. Section 667-c of the education law, as added by section 1  
38 of part N of chapter 58 of the laws of 2006, is amended to read as  
39 follows:

40 § 667-c. Part-time tuition assistance program awards. 1. Notwithstand-  
41 ing any law, rule or regulation to the contrary, the president of the  
42 higher education services corporation is authorized to make tuition  
43 assistance program awards to part-time students enrolled at the state  
44 university, a community college, the city university of New York, and a  
45 non-profit college or university incorporated by the regents or by the  
46 legislature who meet all requirements for tuition assistance program  
47 awards except for the students' part-time attendance.

48 2. For purposes of this section, a part-time student is one who:

49 a. enrolled as a first-time freshman during the two thousand six--two  
50 thousand seven academic year or thereafter at a college or university  
51 within the state university, including a statutory or contract college,  
52 a community college established pursuant to article one hundred twenty-  
53 six of this chapter, the city university of New York, or a non-profit  
54 college or university incorporated by the regents or by the legislature;



b. ~~[has earned at least twelve credits in each of two consecutive semesters at one of the institutions named in paragraph a of this subdivision by the time of the awards,~~

~~e-]~~ is enrolled for at least six but less than twelve semester hours, or the equivalent, per semester in an approved undergraduate degree program; and

~~d-]~~c. has a cumulative grade-point average of at least 2.00.

3. a. For part-time students defined in this section, the award shall be calculated as provided in section six hundred sixty-seven of this article and shall be in an amount equal to the enrollment factor percent of the award the student would have been eligible for if the student were enrolled full-time. The enrollment factor percent is the percentage obtained by dividing the number of credits the student is enrolled in, as certified by the school, by the number of credits required for full-time study in the semester, quarter or term as defined by the commissioner.

b. Any semester, quarter or term of attendance during which a student receives an award pursuant to this section shall be counted as the enrollment factor percent of a semester, quarter or term toward the maximum term of eligibility for tuition assistance awards pursuant to section six hundred sixty-seven of this article. The total period of study for which payment may be made shall not exceed the equivalent of the maximum period authorized for that award.

§ 2. This act shall take effect immediately.

#### PART F

Section 1. Subparagraph (v) of paragraph b-1 of subdivision 4 of section 661 of the education law is REPEALED.

§ 2. Subparagraphs (iii) and (iv) of paragraph b-1 of subdivision 4 of section 661 of the education law, as added by section 1 of part Z of chapter 58 of the laws of 2011, are amended to read as follows:

(iii) does not maintain good academic standing pursuant to paragraph c of subdivision six of section six hundred sixty-five of this subpart, and if there is no applicable existing academic standards schedule pursuant to such subdivision, then such recipient shall be placed on the academic standards schedule applicable to students enrolled in a four-year or five-year undergraduate program; or

(iv) is in default in the repayment of any state or federal student loan, has failed to comply with the terms of any service condition imposed by an academic performance award made pursuant to this article, or has failed to make a refund of any award~~[re]~~.

§ 3. Paragraph d of subdivision 6 of section 661 of the education law is REPEALED.

§ 4. This act shall take effect immediately.

#### PART G

Section 1. Subdivision 2 of section 669-h of the education law, as amended by section 1 of part G of chapter 56 of the laws of 2021, is amended to read as follows:

2. Amount. Within amounts appropriated therefor and based on availability of funds, awards shall be granted beginning with the two thousand seventeen--two thousand eighteen academic year and thereafter to applicants that the corporation has determined are eligible to receive such awards. The corporation shall grant such awards in an amount up to

1 five thousand five hundred dollars or actual tuition, whichever is less;  
2 provided, however, (a) a student who receives educational grants and/or  
3 scholarships that cover the student's full cost of attendance shall not  
4 be eligible for an award under this program; and (b) an award under this  
5 program shall be applied to tuition after the application of payments  
6 received under the tuition assistance program pursuant to section six  
7 hundred sixty-seven of this subpart, tuition credits pursuant to section  
8 six hundred eighty-nine-a of this article, federal Pell grant pursuant  
9 to section one thousand seventy of title twenty of the United States  
10 code, et seq., and any other program that covers the cost of attendance  
11 unless exclusively for non-tuition expenses, and the award under this  
12 program shall be reduced in the amount equal to such payments, provided  
13 that the combined benefits do not exceed five thousand five hundred  
14 dollars. Upon notification of an award under this program, the institu-  
15 tion shall defer the amount of tuition. Notwithstanding paragraph h of  
16 subdivision two of section three hundred fifty-five and paragraph (a) of  
17 subdivision seven of section six thousand two hundred six of this chap-  
18 ter, and any other law, rule or regulation to the contrary, the under-  
19 graduate tuition charged by the institution to recipients of an award  
20 shall not exceed the tuition rate established by the institution for the  
21 two thousand sixteen--two thousand seventeen academic year provided,  
22 however, that in the two thousand [~~twenty-three~~] twenty-two--two thou-  
23 sand [~~twenty-four~~] twenty-three academic year and every year thereafter,  
24 the undergraduate tuition charged by the institution to recipients of an  
25 award shall be reset to equal the tuition rate established by the insti-  
26 tution for the forthcoming academic year, provided further that the  
27 tuition credit calculated pursuant to section six hundred eighty-nine-a  
28 of this article shall be applied toward the tuition rate charged for  
29 recipients of an award under this program. Provided further that the  
30 state university of New York and the city university of New York shall  
31 provide an additional tuition credit to students receiving an award to  
32 cover the remaining cost of tuition.

33 § 2. This act shall take effect immediately.

34 PART H

35 Section 1. Subdivision 5 of section 695-b of the education law, as  
36 amended by chapter 535 of the laws of 2000, is amended to read as  
37 follows:

38 5. "Eligible educational institution" shall mean (a) any institution  
39 of higher education defined as an eligible educational institution in  
40 section 529(e)(5) of the Internal Revenue Code of 1986, as amended, or  
41 (b) any apprenticeship program described in section 529(c)(8) of the  
42 Internal Revenue Code of 1986, as amended.

43 § 2. This act shall take effect immediately.

44 PART I

45 Intentionally Omitted

46 PART J

47 Intentionally Omitted

## 1 PART K

2 Intentionally Omitted

## 3 PART L

4 Section 1. Subdivision 2 of section 410-u of the social services law,  
5 as added by section 52 of part B of chapter 436 of the laws of 1997, is  
6 amended to read as follows:

7 2. The state block grant for child care shall be divided into two  
8 parts pursuant to a plan developed by the department and approved by the  
9 director of the budget. One part shall be retained by the state to  
10 provide child care on a statewide basis to special groups and for  
11 activities to increase the availability and/or quality of child care  
12 programs, including, but not limited to, the start-up of child care  
13 programs, the operation of child care resource and referral programs,  
14 training activities, the regulation and monitoring of child care  
15 programs, the development of computerized data systems, and consumer  
16 education, provided however, that child care resource and referral  
17 programs funded under title five-B of article six of this chapter shall  
18 meet additional performance standards developed by the department of  
19 social services including but not limited to: increasing the number of  
20 child care placements for persons who are at or below two hundred  
21 percent of the state income standard, or two hundred sixty percent of  
22 the state income standard effective August first, two thousand twenty-  
23 two, or three hundred twenty-five percent of the state income standard  
24 effective April first, two thousand twenty-three, or four hundred  
25 percent of the state income standard effective April first, two thousand  
26 twenty-four with emphasis on placements supporting local efforts in  
27 meeting federal and state work participation requirements, increasing  
28 technical assistance to all modalities of legal child care to persons  
29 who are at or below two hundred percent of the state income standard or,  
30 two hundred sixty percent of the state income standard[7] effective  
31 August first, two thousand twenty-two, or three hundred twenty-five  
32 percent of the state income standard effective April first, two thousand  
33 twenty-three, or four hundred percent of the state income standard  
34 effective April first, two thousand twenty-four, including the provision  
35 of training to assist providers in meeting child care standards or regu-  
36 latory requirements, and creating new child care opportunities, and  
37 assisting social services districts in assessing and responding to child  
38 care needs for persons at or below two hundred percent of the state  
39 income standard or, two hundred sixty percent of the state income stand-  
40 ard effective August first, two thousand twenty-two, or three hundred  
41 twenty-five percent of the state income standard effective April first,  
42 two thousand twenty-three, or four hundred percent of the state income  
43 standard effective April first, two thousand twenty-four. The department  
44 shall have the authority to withhold funds from those agencies which do  
45 not meet performance standards. Agencies whose funds are withheld may  
46 have funds restored upon achieving performance standards. The other part  
47 shall be allocated to social services districts to provide child care  
48 assistance to families receiving family assistance and to other low  
49 income families.

50 § 2. Subdivisions 1, 3 and 4 of section 410-w of the social services  
51 law, as amended by chapter 569 of the laws of 2001 and paragraph (a) of

subdivision 4 as amended by chapter 135 of the laws of 2007, are amended and a new subdivision 2-a is added to read as follows:

1. A social services district may use the funds allocated to it from the block grant to provide child care assistance to:

(a) families receiving public assistance when such child care assistance is necessary: to enable a parent or caretaker relative to engage in work, participate in work activities or perform a community service pursuant to title nine-B of article five of this chapter; to enable a teenage parent to attend high school or other equivalent training program; because the parent or caretaker relative is physically or mentally incapacitated; or because family duties away from home necessitate the parent or caretaker relative's absence; child day care shall be provided during breaks in activities, for a period of up to two weeks. Such child day care may be authorized for a period of up to one month if child care arrangements shall be lost if not continued, and the program or employment is scheduled to begin within such period;

(b) families with incomes up to two hundred percent of the state income standard, or two hundred sixty percent of the state income standard effective August first, two thousand twenty-two, or three hundred twenty-five percent of the state income standard effective April first, two thousand twenty-three, or four hundred percent of the state income standard effective April first, two thousand twenty-four who are attempting through work activities to transition off of public assistance when such child care is necessary in order to enable a parent or caretaker relative to engage in work provided such families' public assistance has been terminated as a result of increased hours of or income from employment or increased income from child support payments or the family voluntarily ended assistance; ~~and,~~ provided that the family received public assistance at least three of the six months preceding the month in which eligibility for such assistance terminated or ended or provided that such family has received child care assistance under subdivision four of this section;

(c) families with incomes up to two hundred percent of the state income standard, or two hundred sixty percent of the state income standard effective August first, two thousand twenty-two, or three hundred twenty-five percent of the state income standard effective April first, two thousand twenty-three, or four hundred percent of the state income standard effective April first, two thousand twenty-four, which are determined in accordance with the regulations of the department to be at risk of becoming dependent on family assistance;

(d) families with incomes up to two hundred percent of the state income standard, or two hundred sixty percent of the state income standard effective August first, two thousand twenty-two, or three hundred twenty-five percent of the state income standard effective April first, two thousand twenty-three, or four hundred percent of the state income standard effective April first, two thousand twenty-four who are attending a post secondary educational program and working at least seventeen and one-half hours per week; and

(e) other families with incomes up to two hundred percent of the state income standard, or two hundred sixty percent of the state income standard effective August first, two thousand twenty-two, or three hundred twenty-five percent of the state income standard effective April first, two thousand twenty-three, or four hundred percent of the state income standard effective April first, two thousand twenty-four which the social services district designates in its consolidated services plan as

1 eligible for child care assistance in accordance with criteria estab-  
2 lished by the department.

3 2-a. A social services district may, upon approval by the office of  
4 children and family services, use the funds allocated to it from the  
5 block grant to provide child care assistance to families with incomes up  
6 to four hundred percent of the state income standard.

7 3. A social services district shall guarantee child care assistance to  
8 families in receipt of public assistance with children under thirteen  
9 years of age when such child care assistance is necessary for a parent  
10 or caretaker relative to engage in work or participate in work activ-  
11 ities pursuant to the provisions of title nine-B of article five of this  
12 chapter. Child care assistance shall continue to be guaranteed for such  
13 a family for a period of twelve months after the month in which the  
14 family's eligibility for public assistance has terminated or ended when  
15 such child care is necessary in order to enable the parent or caretaker  
16 relative to engage in work, provided that the family's public assistance  
17 has been terminated as a result of an increase in the hours of or income  
18 from employment or increased income from child support payments or  
19 because the family voluntarily ended assistance; that the family  
20 received public assistance in at least three of the six months preceding  
21 the month in which eligibility for such assistance terminated or ended  
22 or provided that such family has received child care assistance under  
23 subdivision four of this section; ~~and~~ that the family's income does  
24 not exceed two hundred percent of the state income standard, or two  
25 hundred sixty percent of the state income standard effective August  
26 first, two thousand twenty-two, or three hundred twenty-five percent of  
27 the state income standard effective April first, two thousand twenty-  
28 three, or four hundred percent of the state income standard effective  
29 April first, two thousand twenty-four. Such child day care shall recog-  
30 nize the need for continuity of care for the child and a district shall  
31 not move a child from an existing provider unless the participant  
32 consents to such move.

33 4. (a) Local social services districts shall guarantee applicants who  
34 would otherwise be eligible for, or are recipients of, public assistance  
35 benefits and who are employed, the option to choose to receive continu-  
36 ing child day care subsidies in lieu of public assistance benefits, for  
37 such period of time as the recipient continues to be eligible for public  
38 assistance. For the purposes of this subdivision, an eligible applicant  
39 for, or recipient of, public assistance benefits and who is employed  
40 includes a person whose gross earnings equal, or are greater than, the  
41 required number of work hours times the state minimum wage. Recipients  
42 of child care subsidies under this subdivision who are no longer eligi-  
43 ble for public assistance benefits, shall be eligible for transitional  
44 child care described in paragraph (b) of subdivision one of this section  
45 as if they had been recipients of public assistance.

46 (b) Nothing herein shall be construed to waive the right of an appli-  
47 cant who chooses to receive continuing child day care subsidies pursuant  
48 to this section from applying for ongoing public assistance.

49 § 3. Subdivision 4 of section 410-x of the social services law, as  
50 added by section 52 of part B of chapter 436 of the laws of 1997, is  
51 amended to read as follows:

52 4. The amount to be paid or allowed for child care assistance funded  
53 under the block grant shall be the actual cost of care but no ~~more~~  
54 less than ninety percent of the applicable market-related payment rate  
55 ~~[established by the department in regulations]~~. The payment rates estab-  
56 lished by the department shall be sufficient to ensure equal access for



1 eligible children to comparable child care assistance in the substate  
2 area that are provided to children whose parents are not eligible to  
3 receive assistance under any federal or state programs. Such payment  
4 rates shall take into account the variations in the costs of providing  
5 child care in different settings and to children of different age  
6 groups, and the additional costs of providing child care for children  
7 with special needs.

8 § 4. This act shall take effect immediately; provided, however, that  
9 subdivision 2-a of section 410-w of the social services law, as added by  
10 section two of this act, shall expire and be deemed repealed April 1,  
11 2024.

12 PART M

13 Intentionally Omitted

14 PART N

15 Section 1. Section 28 of part C of chapter 83 of the laws of 2002,  
16 amending the executive law and other laws relating to funding for chil-  
17 dren and family services, as amended by section 1 of subpart A of part K  
18 of chapter 56 of the laws of 2017, is amended to read as follows:

19 § 28. This act shall take effect immediately; provided that sections  
20 nine through eighteen and twenty through twenty-seven of this act shall  
21 be deemed to have been in full force and effect on and after April 1,  
22 2002; provided, however, that section fifteen of this act shall apply to  
23 claims that are otherwise reimbursable by the state on or after April 1,  
24 2002 except as provided in subdivision 9 of section 153-k of the social  
25 services law as added by section fifteen of this act; provided further  
26 however, that nothing in this act shall authorize the office of children  
27 and family services to deny state reimbursement to a social services  
28 district for violations of the provisions of section 153-d of the social  
29 services law for services provided from January 1, 1994 through March  
30 31, 2002; provided that section nineteen of this act shall take effect  
31 September 13, 2002 and shall expire and be deemed repealed June 30,  
32 2012; and, provided further, however, that notwithstanding any law to  
33 the contrary, the office of children and family services shall have the  
34 authority to promulgate, on an emergency basis, any rules and regu-  
35 lations necessary to implement the requirements established pursuant to  
36 this act; provided further, however, that the regulations to be devel-  
37 oped pursuant to section one of this act shall not be adopted by emer-  
38 gency rule; and provided further that the provisions of sections nine  
39 through eighteen and twenty through twenty-seven of this act shall  
40 expire and be deemed repealed on June 30, [2022] 2027.

41 § 2. This act shall take effect immediately.

42 PART O

43 Section 1. Section 398-a of the social services law is amended by  
44 adding a new subdivision 2-c to read as follows:

45 (2-c) Those social services districts that as of July first, two thou-  
46 sand twenty-two were paying at least one hundred percent of the applica-  
47 ble rates published by the office of children and family services for  
48 the two thousand twenty-two--two thousand twenty-three rate year for  
49 care provided to foster children in regular, therapeutic, special needs,



and emergency foster boarding homes shall pay for the two thousand twenty-two--two thousand twenty-three rate year and for each subsequent rate year thereafter at least one hundred percent of the applicable rates published by the office of children and family services for that rate year. Those social services districts that as of July first, two thousand twenty-two were paying less than the applicable rates published by the office of children and family services for the two thousand twenty-two--two thousand twenty-three rate year for care provided to foster children in regular, therapeutic, special needs and emergency foster boarding homes shall increase their rates of payment so that: effective July first, two thousand twenty-two the difference between the percentage of the applicable rates published by the office of children and family services for the two thousand twenty-two--two thousand twenty-three rate year and the rates such districts are paying is at least one-half less than the difference between the percentage of the applicable rates published by the office of children and family services for the two thousand twenty-two--two thousand twenty-three rate year and the rates that such districts were paying for such programs on July first, two thousand twenty-two; and effective July first, two thousand twenty-three for the two thousand twenty-three--two thousand twenty-four rate year and for each subsequent year thereafter all social services districts shall pay at least one hundred percent of the applicable rates published by the office of children and family services for the applicable rate year. Provided further, the state shall assume one hundred percent of the costs associated with the applicable rates required pursuant to this section for the period of time between July first, two thousand twenty-two and the date on which the office of children and family services publishes such rates.

§ 2. This act shall take effect immediately.

#### PART P

Intentionally Omitted

#### PART Q

Intentionally Omitted

#### PART R

Section 1. Subdivision 1 of section 359 of the executive law, as amended by section 42 of part AA of chapter 56 of the laws of 2019, is amended to read as follows:

1. A local director shall designate the location of the local and branch offices of the local veterans' service agency within his or her jurisdiction, which offices shall be open during convenient hours. The cost of maintenance and operation of a county veterans' service agency shall be a county charge and the cost of maintenance and operation of a city veterans' service agency shall be a city charge, excepting that the state director with the approval of the veterans' services commission shall allot and pay, from state moneys made available to him or her for such purposes, to each county veterans' service agency and each city veterans' service agency, an amount equal to fifty per centum of its expenditures for maintenance and operation approved by the state direc-

tor, provided that in no event shall the amount allotted and paid for such approved expenditures incurred in any given year exceed (1) in the case of any county veterans' service agency in a county having a population of not more than one hundred thousand or in the case of any city veterans' service agency in a city having a population of not more than one hundred thousand, the sum of ~~[ten]~~ twenty-five thousand dollars, nor (2) in the case of any county veterans' service agency in a county having a population in excess of one hundred thousand excluding the population of any city therein which has a city veterans' service agency, the sum of ~~[ten]~~ twenty-five thousand dollars, and, in addition thereto, the sum of five thousand dollars for each one hundred thousand, or major portion thereof, of the population of the county in excess of one hundred thousand excluding the population of any city therein which has a city veterans' service agency, nor (3) in the case of any city veterans' service agency in a city having a population in excess of one hundred thousand, the sum of ~~[ten]~~ twenty-five thousand dollars, and, in addition thereto, the sum of five thousand dollars for each one hundred thousand, or major portion thereof, of the population of the city in excess of one hundred thousand. Such population shall be certified in the same manner as provided by section fifty-four of the state finance law.

§ 2. This act shall take effect immediately and shall apply to all expenditures made on and after April 1, 2022.

#### PART S

Section 1. Paragraphs (a), (b), (c) and (d) of subdivision 1 of section 131-o of the social services law, as amended by section 1 of part P of chapter 56 of the laws of 2021, are amended to read as follows:

(a) in the case of each individual receiving family care, an amount equal to at least ~~[\$152.00]~~ \$161.00 for each month beginning on or after January first, two thousand ~~[twenty-one]~~ twenty-two.

(b) in the case of each individual receiving residential care, an amount equal to at least ~~[\$176.00]~~ \$186.00 for each month beginning on or after January first, two thousand ~~[twenty-one]~~ twenty-two.

(c) in the case of each individual receiving enhanced residential care, an amount equal to at least ~~[\$210.00]~~ \$222.00 for each month beginning on or after January first, two thousand ~~[twenty-one]~~ twenty-two.

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

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

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

§ 2. Paragraphs (a), (b), (c), (d), (e) and (f) of subdivision 2 of section 209 of the social services law, as amended by section 2 of part P of chapter 56 of the laws of 2021, are amended to read as follows:

(a) On and after January first, two thousand ~~[twenty-one]~~ twenty-two, for an eligible individual living alone, [~~\$881.00~~] \$928.00; and for an eligible couple living alone, [~~\$1,295.00~~] \$1,365.00.

(b) On and after January first, two thousand ~~[twenty-one]~~ twenty-two, for an eligible individual living with others with or without in-kind income, [~~\$817.00~~] \$864.00; and for an eligible couple living with others with or without in-kind income, [~~\$1,237.00~~] \$1,307.00.

(c) On and after January first, two thousand ~~[twenty-one]~~ twenty-two, (i) for an eligible individual receiving family care, [~~\$1,060.48~~] \$1,107.48 if he or she is receiving such care in the city of New York or the county of Nassau, Suffolk, Westchester or Rockland; and (ii) for an eligible couple receiving family care in the city of New York or the county of Nassau, Suffolk, Westchester or Rockland, two times the amount set forth in subparagraph (i) of this paragraph; or (iii) for an eligible individual receiving such care in any other county in the state, [~~\$1,022.48~~] \$1,069.48; and (iv) for an eligible couple receiving such care in any other county in the state, two times the amount set forth in subparagraph (iii) of this paragraph.

(d) On and after January first, two thousand ~~[twenty-one]~~ twenty-two, (i) for an eligible individual receiving residential care, [~~\$1,229.00~~] \$1,276.00 if he or she is receiving such care in the city of New York or the county of Nassau, Suffolk, Westchester or Rockland; and (ii) for an eligible couple receiving residential care in the city of New York or the county of Nassau, Suffolk, Westchester or Rockland, two times the amount set forth in subparagraph (i) of this paragraph; or (iii) for an eligible individual receiving such care in any other county in the state, [~~\$1,199.00~~] \$1,246.00; and (iv) for an eligible couple receiving such care in any other county in the state, two times the amount set forth in subparagraph (iii) of this paragraph.

(e) On and after January first, two thousand ~~[twenty-one]~~ twenty-two, (i) for an eligible individual receiving enhanced residential care, [~~\$1,488.00~~] \$1,535.00; and (ii) for an eligible couple receiving enhanced residential care, two times the amount set forth in subparagraph (i) of this paragraph.

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

§ 3. This act shall take effect December 31, 2022.

#### PART T

Section 1. Section 4 of part W of chapter 54 of the laws of 2016, as amended by section 1 of part M of chapter 56 of the laws of 2019, amending the social services law relating to the powers and duties of the commissioner of social services relating to the appointment of a temporary operator, is amended to read as follows:

§ 4. This act shall take effect immediately and shall be deemed to have been in full force and effect on and after April 1, 2016, provided further that this act shall expire and be deemed repealed March 31, ~~[2022]~~ 2025.

§ 2. This act shall take effect immediately.

#### PART U

1 Section 1. Subdivision 4 of section 158 of the social services law, as  
2 amended by section 44 of part B of chapter 436 of the laws of 1997, is  
3 amended to read as follows:

4 4. Social services officials shall determine eligibility for safety  
5 net assistance within ~~[forty-five]~~ thirty days of receiving an applica-  
6 tion for safety net assistance. Such officials shall notify applicants  
7 of safety net assistance about the availability of assistance to meet  
8 emergency circumstances or to prevent eviction.

9 § 2. Subdivision 8 of section 153 of the social services law, as  
10 amended by chapter 41 of the laws of 1992, is amended to read as  
11 follows:

12 8. Any inconsistent provision of the law or regulation of the depart-  
13 ment notwithstanding, state reimbursement shall not be made for any  
14 expenditure made for the duplication of any grant and allowance for any  
15 period, except as authorized by subdivision eleven of section one  
16 hundred thirty-one of this chapter~~[, or for any home relief payment made~~  
17 ~~for periods prior to forty-five days after the filing of an application]~~  
18 unless the district determines pursuant to department regulations that  
19 such assistance is required to meet emergency circumstances or prevent  
20 eviction. Notwithstanding any other provision of law, social services  
21 districts are not required to provide ~~[home relief]~~ safety net assist-  
22 ance to any person, otherwise eligible, if state reimbursement is not  
23 available in accordance with this subdivision.

24 § 3. Subparagraphs (ii) and (iii) of paragraph (a) of subdivision 8 of  
25 section 131-a of the social services law, subparagraph (ii) as amended  
26 by section 12 of part B of chapter 436 of the laws of 1997 and subpara-  
27 graph (iii) as amended by chapter 246 of the laws of 2002, are amended  
28 to read as follows:

29 (ii) fifty-five percent of the earned income for such month of any  
30 recipient; provided, however, that such percentage amount shall be  
31 adjusted in June of each year, commencing in nineteen hundred ninety-  
32 eight, to reflect changes in the most recently issued poverty guide-  
33 lines of the United States Bureau of the Census, such that a household  
34 of three without special needs, living in a heated apartment in New York  
35 city and without unearned income would become ineligible for assistance  
36 with gross earnings equal to the poverty level in such guidelines;  
37 provided, however, that no assistance shall be given to any household  
38 with gross earned and unearned income, exclusive of income described in  
39 subparagraphs (i) and (vi) of this paragraph, in excess of such poverty  
40 level;

41 (iii) from the earned income of any applicant, recipient, child or  
42 relative applying for or receiving aid pursuant to such program, or of  
43 any other individual living in the same household as such relative and  
44 child whose needs are taken into account in making such determination,  
45 ~~[the first ninety]~~ one hundred fifty dollars of the ~~[total of such]~~  
46 earned income for such month that remains after application of subpara-  
47 graph (ii) of this paragraph;

48 ~~[(iii) forty-two percent of the earned income for such month of any~~  
49 ~~recipient in a household containing a dependent child which remains~~  
50 ~~after application of all other subparagraphs of this paragraph;~~  
51 ~~provided, however, that such percentage amount shall be adjusted in June~~  
52 ~~of each year, commencing in nineteen hundred ninety eight, to reflect~~  
53 ~~changes in the most recently issued poverty guidelines of the United~~  
54 ~~States Bureau of the Census, such that a household of three without~~  
55 ~~special needs, living in a heated apartment in New York city and without~~  
56 ~~unearned income would become ineligible for assistance with gross earn-~~

~~ings equal to the poverty level in such guidelines, provided, however, that no assistance shall be given to any household with gross earned and unearned income, exclusive of income described in subparagraphs (i) and (vi) of this paragraph, in excess of such poverty level,]~~

§ 4. Subdivision 10 of section 131-a of the social services law is REPEALED.

§ 5. Subdivision 1 of section 131-n of the social services law, as separately amended by chapters 323 and 329 of the laws of 2019, is amended to read as follows:

1. The following resources shall be exempt and disregarded in calculating the amount of benefits of any household under any public assistance program: (a) cash and liquid or nonliquid resources up to two thousand five hundred dollars for applicants, [~~or~~] three thousand seven hundred fifty dollars for applicants in [~~the case of~~] households in which any member is sixty years of age or older or is disabled or ten thousand dollars for recipients, (b) an amount up to four thousand six hundred fifty dollars in a separate bank account established by an individual while currently in receipt of assistance for the sole purpose of enabling the individual to purchase a first or replacement vehicle for the recipient to seek, obtain or maintain employment, so long as the funds are not used for any other purpose, (c) an amount up to one thousand four hundred dollars in a separate bank account established by an individual while currently in receipt of assistance for the purpose of paying tuition at a two-year or four-year accredited post-secondary educational institution, so long as the funds are not used for any other purpose, (d) the home which is the usual residence of the household, (e) one automobile, up to ten thousand dollars fair market value, through March thirty-first, two thousand seventeen; one automobile, up to eleven thousand dollars fair market value, from April first, two thousand seventeen through March thirty-first, two thousand eighteen; and one automobile, up to twelve thousand dollars fair market value, beginning April first, two thousand eighteen and thereafter, or such other higher dollar value as the local social services district may elect to adopt, (f) one burial plot per household member as defined in department regulations, (g) bona fide funeral agreements up to a total of one thousand five hundred dollars in equity value per household member, (h) funds in an individual development account established in accordance with subdivision five of section three hundred fifty-eight of this chapter and section four hundred three of the social security act, (i) for a period of six months, real property which the household is making a good faith effort to sell, in accordance with department regulations and tangible personal property necessary for business or for employment purposes in accordance with department regulations, and (j) funds in a qualified tuition program that satisfies the requirement of section 529 of the Internal Revenue Code of 1986, as amended, and [~~(j)~~] (k) funds in a New York achieving a better life experience savings account established in accordance with article eighty-four of the mental hygiene law.

If federal law or regulations require the exemption or disregard of additional income and resources in determining need for family assistance, or medical assistance not exempted or disregarded pursuant to any other provision of this chapter, the department may, by regulations subject to the approval of the director of the budget, require social services officials to exempt or disregard such income and resources. Refunds resulting from earned income tax credits shall be disregarded in public assistance programs.



§ 6. Sections 341 and 341-a of the social services law are REPEALED and a new section 341 is added to read as follows:

§ 341. Re-engagement; conciliation; refusal to participate. 1. (a) Consistent with federal law and regulations and this title, if a participant has failed or refused to comply with the requirements of this title and the district has determined that he or she is not exempt from such requirements and has verified that appropriate child care, transportation, and accommodations for disability were in place at the time of such failure or refusal, the social services district shall issue a re-engagement notice in plain language indicating that such failure or refusal has taken place and of the right of such participant to avoid a pro-rata reduction in public assistance benefits through the re-engagement process. "Re-engagement process" shall mean the process through which a participant may avoid a pro-rata reduction in public assistance benefits by agreeing to comply with the requirements of this title consistent with any medical condition which may limit the individual's ability to participate in work activities, by notifying the district that he or she has become exempt from the requirements of this title, or by resolving the reasons for such failure or refusal at a conciliation conference. The notice shall indicate that the participant has ten days to request re-engagement with the district. The notice shall indicate the specific instance or instances of willful refusal or failure to comply without good cause with the requirements of this title and the necessary actions that must be taken to avoid a pro-rata reduction in public assistance benefits and the district has verified that appropriate child care, transportation and accommodations for disability were in place at the time of such failure or refusal.

(1) If a participant chooses to avoid a pro-rata reduction in public assistance benefits through a conciliation conference, it will be the responsibility of the participant to give reasons for such failure or refusal. The re-engagement notice shall also include an explanation in plain language of what would constitute good cause for non-compliance and examples of acceptable forms of evidence that may warrant an exemption from work activities, including evidence of domestic violence, and physical or mental health limitations that may be provided at the conciliation conference to demonstrate such good cause for failure to comply with the requirements of this title. Unless as part of the re-engagement process the participant does not agree to comply, has not become exempt or the district determines as a result of the conciliation conference that such failure or refusal was willful and without good cause, no further action shall be taken.

(2) If the participant does not contact the district within ten days of the re-engagement notice, the district shall make a finding of whether the alleged failure or refusal to comply was willful and without good cause and shall consider any evidence in the possession of the district indicating that the participant has good cause and if the participant is otherwise participating in work activities, there shall be no finding of willfulness without good cause based on a single appointment or infraction.

(b) If the district determines that such failure or refusal was willful and without good cause, and that the individual is not exempt from the requirements of this title, the district shall notify such participant in writing, in plain language and in a manner distinct from any previous notice, by issuing ten days notice of its intent to discontinue or reduce assistance. Such notice shall include the reasons for such determination, the specific instance or instances of willful



1 refusal or failure to comply without good cause with the require-  
2 ments of this title, shall verify that appropriate child care,  
3 transportation and accommodations for disability were in place at the  
4 time of such failure or refusal, and specify the necessary actions that  
5 must be taken to avoid a pro-rata reduction in public assistance  
6 benefits, including agreeing to comply with the requirements of this  
7 title consistent with any medical condition which may limit the  
8 individual's ability to participate in work activities or notifying the  
9 district that he or she has become exempt from the requirements of this  
10 title and the right to a fair hearing relating to such discontinuance or  
11 reduction.

12 2. (a) The department shall establish in regulation a conciliation  
13 procedure for the resolution of disputes related to an individual's  
14 participation in programs pursuant to this title.

15 (b) The district shall contract with an independent entity, approved  
16 by the department, or shall use designated trained staff at the supervi-  
17 sory level who have no direct responsibility for the participant's case  
18 to mediate disputes in the conciliation conference.

19 (c) If a participant's dispute cannot be resolved through such concil-  
20 iation procedure, an opportunity for a fair hearing shall be provided.  
21 No sanction relating to the subject dispute may be imposed during the  
22 re-engagement process.

23 3. When any participant required to participate in work activities  
24 fails to comply with the provisions of this title, the social  
25 services district shall take such actions as prescribed by appropriate  
26 federal law and regulation and this title.

27 4. Consistent with federal law and this title, a social services  
28 district shall provide to those participants whose failure to comply has  
29 continued for thirty days or longer a written reminder of the option to  
30 end a sanction by terminating the failure to comply as specified in  
31 subdivision one of this section. Such notice shall advise that the  
32 participant may immediately terminate the sanction by either agreeing to  
33 comply with the requirements of this title consistent with any medical  
34 condition which may limit the individual's ability to participate in  
35 work activities or notifying the district that he or she has become  
36 exempt from the requirements of this title.

37 5. Consistent with federal law and regulation and this title, no  
38 notice shall be issued as specified in subdivision one of this  
39 section unless it has been determined that the individual is not exempt  
40 from the requirements of this title and has determined that appropriate  
41 child care, transportation and accommodations for disability were in  
42 place at the time of such failure or refusal to comply with the require-  
43 ments of this title and no action shall be taken pursuant to this  
44 section for failure to participate in the program or refusal to accept  
45 employment if:

46 (a) child care for a child under age thirteen (or day care for any  
47 incapacitated individual living in the same home as a dependent child)  
48 is necessary for an individual to participate or continue participation  
49 in activities pursuant to this title or accept employment and such care  
50 is not available and the social services district fails to provide such  
51 care;

52 (b) (1) the employment would result in the family of the participant  
53 experiencing a net loss of cash income; provided, however, a participant  
54 may not claim good cause under this paragraph if the social services  
55 district assures that the family will not experience a net loss of cash  
56 income by making a supplemental payment;

(2) net loss of cash income results if the family's gross income less necessary work-related expenses is less than the cash assistance the participant was receiving at the time the offer of employment is made; or

(c) the participant meets other grounds for good cause set forth by the department in its implementation plan for this title which, at a minimum, must describe what circumstances beyond the household's control will constitute "good cause".

§ 7. Sections 342 and 342-a of the social services law are REPEALED and a new section 342 is added to read as follows:

§ 342. Noncompliance with the requirements of this title. 1. In accordance with the provisions of this section an individual who is required to participate in work activities shall be ineligible to receive public assistance if he or she fails to comply, without good cause, with the requirements of this title and the district has determined that he or she is not exempt from such requirements and has verified that appropriate child care, transportation, and accommodations for disability were in place at the time of such failure or refusal. Such ineligibility shall be for the amount and period specified in this section. Good cause for failing to comply with the requirements of this title shall be defined in department regulations, provided, however, that the parent or caretaker relative of a child under thirteen years of age shall not be subject to the ineligibility provisions of this section if the individual can demonstrate, in accordance with the regulations of the office of children and family services, that lack of available child care prevents such individual from complying with the work requirements of this title. The parent or caretaker relative shall be responsible for locating the child care needed to meet the work requirements; provided, however, that the relevant social services district shall provide a parent or caretaker relative who demonstrates an inability to obtain needed child care with a choice of two providers, at least one of which will be a regulated provider.

2. In the case of an applicant for or recipient of public assistance whom the district has determined is not exempt from the requirements of this title and who is a parent or caretaker of a dependent child, the public assistance benefits otherwise available to the household of which such individual is a member shall be reduced pro-rata until the individual is willing to comply with the requirements of this title consistent with any medical condition which may limit the individual's ability to participate in work activities.

3. In the case of an individual who is a member of a household without dependent children whom the district has determined is not exempt from the requirements of this title and who is applying for or in receipt of safety net assistance, the public assistance benefits otherwise available to the household of which such individual is a member shall be reduced pro-rata until the failure or refusal to comply with the requirements of this title consistent with any medical condition which may limit the individual's ability to participate in work activities ceases.

4. A recipient of public assistance whom the district has determined is not exempt from the requirements of this title and who quits or reduces his or her hours of employment without good cause or due to any medical condition which may limit the individual's ability to participate in work activities shall be considered to have failed to comply with the requirements of this article and shall be subject to the provisions of this section.

1 5. A person described in paragraph (b) of subdivision seven of section  
2 one hundred fifty-nine of this chapter may not be sanctioned if his or  
3 her failure to comply with requirements of this title is related to his  
4 or her health status.

5 § 8. Subdivision 6 of section 332-b of the social services law, as  
6 added by section 148 of part B of chapter 436 of the laws of 1997, is  
7 amended to read as follows:

8 6. When an applicant or recipient receives notification of the examin-  
9 ing medical professional's disability determination, he or she shall  
10 also be notified of his or her right to request a fair hearing within  
11 ten days of such notice. If such applicant timely requests a fair hear-  
12 ing, no assignment to work activities pursuant to this title may be made  
13 pending such hearing and determination unless the applicant or recipient  
14 agrees to a limited work assignment not inconsistent with the medical  
15 condition alleged by such person. Provided, however, that if a social  
16 services district has reason to believe that such recipient or applicant  
17 does not actually suffer from a work limiting condition, the district  
18 shall provide the applicant or recipient with notice of potential sanc-  
19 tions pursuant to subdivision [~~three~~] two of section three hundred  
20 forty-two of this title, and provided further that recipients will be  
21 subject to sanctions pursuant to subdivision [~~three~~] two of section  
22 three hundred forty-two of this title if the district determines, based  
23 on clear medical evidence, that there is no basis for the individual's  
24 claim that he or she is unable to fully engage in work activities, and  
25 that the individual intentionally misrepresented his or her medical  
26 condition.

27 § 9. Subdivision 2 of section 410-x of the social services law, as  
28 amended by chapter 416 of the laws of 2000, is amended to read as  
29 follows:

30 2. (a) A social services district may establish priorities for the  
31 families which will be eligible to receive funding; provided that the  
32 priorities provide that eligible families will receive equitable access  
33 to child care assistance funds to the extent that these funds are avail-  
34 able.

35 (b) A social services district shall set forth its priorities for  
36 child care assistance in the district's consolidated services plan. The  
37 commissioner of the office of children and family services shall not  
38 approve any plan that does not provide for equitable access to child  
39 care assistance funds.

40 (c) A social services district shall be authorized to set aside  
41 portions of its block grant allocation to serve one or more of its  
42 priority groups and/or to discontinue funding to families with lower  
43 priorities in order to serve families with higher priorities; provided  
44 that the method of disbursement to priority groups provides that eligi-  
45 ble families within a priority group will receive equitable access to  
46 child care assistance funds to the extent that these funds are avail-  
47 able.

48 (d) Notwithstanding any other provision of law to the contrary, the  
49 commissioner shall offer the twelve-month work exemption provided in  
50 paragraph (d) of subdivision one of section three hundred thirty-two of  
51 this chapter, to all parents or other relatives in receipt of public  
52 assistance who are personally providing care for a child under one year  
53 of age regardless of whether such parent or other relative has previous-  
54 ly been offered an exemption under such section three hundred thirty-  
55 two. This section shall not apply to individuals who:

1 (i) solely participate in work activities that provide earned income;  
2 or  
3 (ii) participate in a combination of work activities; for the portion  
4 of work activities that provide earned income.

5 (e) In the event that a social services district must discontinue  
6 funding to a priority group it shall notify the office of children and  
7 family services within ten days of such action, identifying the partic-  
8 ular group affected. In the event that funding is restored, the social  
9 services district shall notify the office of children and family  
10 services within ten days of such restoration.

11 (f) Each social services district shall collect and submit to the  
12 commissioner of the office of children and family services in a manner  
13 to be specified by the commissioner of the office of children and family  
14 services information concerning the disbursement of child care assist-  
15 ance funds showing geographic distribution of children receiving assist-  
16 ance within the district, the number of working families who were other-  
17 wise eligible for child care assistance but who were denied because the  
18 district lacked sufficient funding to serve all eligible families and  
19 the number and age of children who could not be served as a result.

20 ~~[(e)]~~ (g) The commissioner of the office of children and family  
21 services shall submit a report to the governor, temporary president of  
22 the senate and the speaker of the assembly on or before August thirty-  
23 first[~~, two thousand one~~] of every year concerning the implementation of  
24 this section. This report shall include information concerning the  
25 disbursement of child care assistance funds showing geographic distrib-  
26 ution of children receiving assistance within the state. Beginning  
27 August thirty-first, one year after the effective date of the chapter of  
28 the laws of two thousand twenty-two that amended this subdivision shall  
29 take effect, and each subsequent report thereafter, such report shall  
30 also:

31 (i) identify the counties that have discontinued or restored funding  
32 to priority groups, as set forth in subdivision (e) of this section;

33 (ii) list the priority groups affected;

34 (iii) provide for each county for each of the twelve months covered by  
35 this report the number of working families who were otherwise eligible  
36 for child care assistance but who were denied because the district  
37 lacked sufficient funding to serve all eligible families; and

38 (iv) the number and age of children who could not be served as a  
39 result.

40 § 10. Paragraph (a) of subdivision 8 of section 131-a of the social  
41 services law is amended by adding a new subparagraph (x) to read as  
42 follows:

43 (x) any unearned income of a child when the parent or non-parent care-  
44 giver chooses to exclude such child from the public assistance household  
45 pursuant to subdivision one of section one hundred thirty-one-c of this  
46 article.

47 § 11. The section heading of section 131-c of the social services law,  
48 as added by chapter 42 of the laws of 1985, is amended to read as  
49 follows:

50 Inclusion of parents ~~[and siblings]~~ of a minor in the public assist-  
51 ance household.

52 § 12. Subdivision 1 of section 131-c of the social services law, as  
53 added by chapter 42 of the laws of 1985, is amended to read as follows:

54 1. For the purposes of determining eligibility for and the amount of  
55 assistance payable, the social services district shall, when a minor is  
56 named as an applicant for public assistance, require that his or her

1 parents [~~and minor brothers and sisters~~] also apply for assistance and  
2 be included in the household for purposes of determining eligibility and  
3 grant amounts, if such individuals reside in the same dwelling unit as  
4 the minor applying for assistance. Any income of or available for such  
5 parents, [~~brothers and sisters~~] which is not disregarded under subdivi-  
6 sion eight of section one hundred thirty-one-a of this [~~article~~] title,  
7 shall be considered available to such household. [~~The provisions of~~] A  
8 parent or non-parent caregiver may choose to exclude any other child or  
9 children residing in the same dwelling unit from the public assistance  
10 household. Nothing in this [~~subdivision~~] chapter shall [~~not apply to~~]  
11 require individuals who are recipients of federal supplemental security  
12 income benefits, or who receive additional state payments pursuant to  
13 this chapter, or [~~to individuals~~] whose relationship to the minor is  
14 that of a brother, sister, half-brother, half-sister, stepbrother [~~or~~],  
15 stepsister, or cousin, or [~~to~~] any other individuals whose needs are  
16 excluded pursuant to department regulations consistent with federal law  
17 and regulations, to be included as part of the public assistance house-  
18 hold.

19 § 13. This act shall take effect October 1, 2022; provided, however,  
20 that the amendments to subdivision 1 of section 131-n of the social  
21 services law made by section five of this act shall not affect the expi-  
22 ration of such section and shall be deemed to expire therewith.

23 PART V

24 Intentionally Omitted

25 PART W

26 Intentionally Omitted

27 PART X

28 Intentionally Omitted

29 PART Y

30 Intentionally Omitted

31 PART Z

32 Section 1. Notwithstanding any other provision of law, the housing  
33 trust fund corporation may provide, for purposes of the neighborhood  
34 preservation program, a sum not to exceed \$14,580,000 for the fiscal  
35 year ending March 31, 2023. Within this total amount, \$250,000 shall be  
36 used for the purpose of entering into a contract with the neighborhood  
37 preservation coalition to provide technical assistance and services to  
38 companies funded pursuant to article 16 of the private housing finance  
39 law. Notwithstanding any other provision of law, and subject to the  
40 approval of the New York state director of the budget, the board of  
41 directors of the state of New York mortgage agency shall authorize the  
42 transfer to the housing trust fund corporation, for the purposes of

1 reimbursing any costs associated with neighborhood preservation program  
2 contracts authorized by this section, a total sum not to exceed  
3 \$14,580,000, such transfer to be made from (i) the special account of  
4 the mortgage insurance fund created pursuant to section 2429-b of the  
5 public authorities law, in an amount not to exceed the actual excess  
6 balance in the special account of the mortgage insurance fund, as deter-  
7 mined and certified by the state of New York mortgage agency for the  
8 fiscal year 2021-2022 in accordance with section 2429-b of the public  
9 authorities law, if any, and/or (ii) provided that the reserves in the  
10 project pool insurance account of the mortgage insurance fund created  
11 pursuant to section 2429-b of the public authorities law are sufficient  
12 to attain and maintain the credit rating (as determined by the state of  
13 New York mortgage agency) required to accomplish the purposes of such  
14 account, the project pool insurance account of the mortgage insurance  
15 fund, such transfer to be made as soon as practicable but no later than  
16 June 30, 2022.

17 § 2. Notwithstanding any other provision of law, the housing trust  
18 fund corporation may provide, for purposes of the rural preservation  
19 program, a sum not to exceed \$6,110,000 for the fiscal year ending March  
20 31, 2023. Within this total amount, \$250,000 shall be used for the  
21 purpose of entering into a contract with the rural housing coalition to  
22 provide technical assistance and services to companies funded pursuant  
23 to article 17 of the private housing finance law. Notwithstanding any  
24 other provision of law, and subject to the approval of the New York  
25 state director of the budget, the board of directors of the state of New  
26 York mortgage agency shall authorize the transfer to the housing trust  
27 fund corporation, for the purposes of reimbursing any costs associated  
28 with rural preservation program contracts authorized by this section, a  
29 total sum not to exceed \$6,110,000, such transfer to be made from (i)  
30 the special account of the mortgage insurance fund created pursuant to  
31 section 2429-b of the public authorities law, in an amount not to exceed  
32 the actual excess balance in the special account of the mortgage insur-  
33 ance fund, as determined and certified by the state of New York mortgage  
34 agency for the fiscal year 2021-2022 in accordance with section 2429-b  
35 of the public authorities law, if any, and/or (ii) provided that the  
36 reserves in the project pool insurance account of the mortgage insurance  
37 fund created pursuant to section 2429-b of the public authorities law  
38 are sufficient to attain and maintain the credit rating (as determined  
39 by the state of New York mortgage agency) required to accomplish the  
40 purposes of such account, the project pool insurance account of the  
41 mortgage insurance fund, such transfer to be made as soon as practicable  
42 but no later than June 30, 2022.

43 § 3. Notwithstanding any other provision of law, the housing trust  
44 fund corporation may provide, for purposes of the rural rental assist-  
45 ance program pursuant to article 17-A of the private housing finance  
46 law, a sum not to exceed \$21,630,000 for the fiscal year ending March  
47 31, 2023. Notwithstanding any other provision of law, and subject to  
48 the approval of the New York state director of the budget, the board of  
49 directors of the state of New York mortgage agency shall authorize the  
50 transfer to the housing trust fund corporation, for the purposes of  
51 reimbursing any costs associated with rural rental assistance program  
52 contracts authorized by this section, a total sum not to exceed  
53 \$21,630,000, such transfer to be made from (i) the special account of  
54 the mortgage insurance fund created pursuant to section 2429-b of the  
55 public authorities law, in an amount not to exceed the actual excess  
56 balance in the special account of the mortgage insurance fund, as deter-



1 mined and certified by the state of New York mortgage agency for the  
2 fiscal year 2021-2022 in accordance with section 2429-b of the public  
3 authorities law, if any, and/or (ii) provided that the reserves in the  
4 project pool insurance account of the mortgage insurance fund created  
5 pursuant to section 2429-b of the public authorities law are sufficient  
6 to attain and maintain the credit rating, as determined by the state of  
7 New York mortgage agency, required to accomplish the purposes of such  
8 account, the project pool insurance account of the mortgage insurance  
9 fund, such transfer shall be made as soon as practicable but no later  
10 than June 30, 2022.

11 § 4. This act shall take effect immediately.

12 PART AA

13 Intentionally Omitted

14 PART BB

15 Intentionally Omitted

16 PART CC

17 Intentionally Omitted

18 PART DD

19 Intentionally Omitted

20 PART EE

21 Intentionally Omitted

22 PART FF

23 Intentionally Omitted

24 PART GG

25 Section 1. The executive law is amended by adding a new section 202-a  
26 to read as follows:

27 § 202-a. Language translation services. 1. Each state agency that  
28 provides direct public services in New York state shall translate all  
29 vital documents relevant to services offered by the agency into the ten  
30 most common non-English languages spoken by limited-English proficient  
31 individuals in the state, based on the data in the most recent American  
32 Community Survey published by United States Census Bureau. Agencies  
33 subject to this section, in their discretion, shall offer at least two  
34 additional languages beyond the ten most common languages. Such  
35 languages shall be decided by the state agency and approved by the  
36 office of general services based on the population of limited-English

1 proficient individuals served by the agency, feedback from impacted  
2 community or advocacy groups, the geographic region within which the  
3 services are offered, any other relevant data published by the United  
4 States Census Bureau.

5 2. Each agency subject to the provisions of this section shall design-  
6 ate a language access coordinator who will work with the office of  
7 general services to ensure compliance with the requirements of this  
8 section.

9 3. Each agency subject to the provisions of this section shall develop  
10 a language access plan and submit such plan to the office of general  
11 services.

12 (a) An agency's initial language access plan shall be issued by the  
13 agency within ninety days of the effective date of this section.

14 (b) Language access plans shall be updated and reissued every two  
15 years on or before January first.

16 (c) Language access plans shall set forth, at a minimum:

17 (i) when and by what means the agency will provide or is already  
18 providing language assistance services;

19 (ii) the titles of all available translated documents and the  
20 languages into which they have been translated;

21 (iii) the number of public contact positions in the agency and the  
22 number of bilingual employees in public contact positions, and the  
23 languages such employees speak;

24 (iv) a training plan for agency employees which includes, at minimum,  
25 annual training on the language access policies of the agency and train-  
26 ing in how to provide language assistance services;

27 (v) a plan for annual internal monitoring of the agency's compliance  
28 with this section;

29 (vi) a description of how the agency intends to notify the public of  
30 the agency's offered language assistant services;

31 (vii) an assessment of the agency's service populations to determine  
32 whether additional languages of translation should be added beyond the  
33 top ten languages;

34 (viii) an explanation as to how the agency determined it would provide  
35 any additional language beyond the top ten languages required by this  
36 section; and

37 (ix) the identity of the agency's language access coordinator.

38 4. Each agency subject to the provisions of this section shall:

39 (a) provide interpretation services between the agency and an individ-  
40 ual in each individual's primary language with respect to the provision  
41 of services or benefits by the agency; and

42 (b) publish the agency's language access plan on the agency's website.

43 5. For purposes of this section, "vital document" means any paper or  
44 digital document that contains information that is critical for obtain-  
45 ing agency services or benefits or is otherwise required to be completed  
46 by law.

47 6. The office of general services will ensure agency compliance with  
48 this section and shall prepare an annual report, which shall be made  
49 public on the office of general services website, detailing each agen-  
50 cy's progress and compliance with this section.

51 § 2. This act shall take effect July 1, 2022.

52 PART HH

53 Intentionally Omitted

## PART II

Intentionally Omitted

## PART JJ

Section 1. Section 36-c of the social services law is REPEALED.

§ 2. Section 131-a of the social services law is amended by adding a new subdivision 16 to read as follows:

16. (a) Notwithstanding any other provision of law, rule or regulation to the contrary, a homeless individual or family applying for or receiving temporary housing assistance shall not be required to pay room and board or contribute any earned or unearned income, available benefits or resources to eliminate their need for temporary housing assistance or as a condition to receive temporary housing assistance from such provider. For the purposes of this subdivision, any provider of temporary housing assistance or short-term housing shall include, but not be limited to, a family shelter, a cluster site apartment, a shelter for adults, a United States Department of Housing and Urban Development assisted transitional housing shelter, a public home, a hotel, an emergency apartment, a domestic violence shelter, a runaway and homeless youth shelter, a room and board shelter, a safe haven shelter, a veterans short-term housing shelter, a criminal justice short-term housing shelter, or a safe house for refugees, asylees, or trafficking victims operating in New York state.

(b) Provided however, any funds that were collected prior to the effective date of this subdivision, by a social services district with a population of five million or more that had conducted a savings plan demonstration project, shall continue to be treated and made payable to recipients as follows: shall be payable to the recipient for the recipient's use to facilitate his or her transition to, or stabilize his or her residence in, permanent housing upon his or her discharge from temporary housing assistance or short-term housing or upon verification of such recipient's date of discharge from temporary housing assistance or short-term housing; and shall be considered exempt as income or a resource until the twelfth month following the month in which the recipient ceases receiving temporary housing assistance in temporary emergency shelter. Funds collected in such savings plans shall continue to be pooled, tracked individually, and maintained in a savings or money-market account at interest rates set by the institution with which such funds are deposited. Any savings and interest accrued in such account or accounts shall be distributed to a temporary housing assistance recipient upon his or her discharge from temporary emergency shelter or upon verification of such recipient's date of discharge from shelter, in accordance with the provisions of this paragraph.

§ 3. This act shall take effect April 1, 2022.

## PART KK

Section 1. Articles 17, 17-A and 17-B of the executive law and subdivision 1-c of section 247 of the military law are REPEALED.

§ 2. Chapter 13 of the consolidated laws is enacted to read as follows:

CHAPTER 13 OF THE CONSOLIDATED LAWS  
VETERANS' SERVICES

## ARTICLE 1

## DEPARTMENT OF VETERANS' SERVICES

## Section 1. Definitions.

2. Department of veterans' services.
3. Veterans' services commission.
4. General functions, powers and duties of department.
5. Veteran speaker education program.
6. Cooperation and facilities of other departments.
7. Information on status of veterans receiving assistance.
8. New York state supplemental burial allowance for members of the armed forces of the United States killed in combat or duty subject to hostile fire or imminent danger, as defined in 37 USC § 310.
9. New York state veteran burial fund.
10. Time within which marriage may be solemnized; member of the armed forces.
11. Use of personal confidential information obtained from veterans or family members of veterans receiving services from the state and political subdivisions thereof.
12. Acceptance of gifts.
13. State veterans' service agency.
14. Local veterans' service agencies.
15. Powers and duties of local veterans' service agencies.
16. Location and cost of local veterans' service agencies; deputy local directors.
17. Local veterans' service committees.
18. Appropriations for expenses and activities of local veterans' service agencies.
19. Women veterans coordinator.
20. Creation of annuity.
21. Evidence of entitlement.
22. Persons who may receive annuity.
23. New York state veterans' cemeteries.
24. Veterans health screening.
25. Payment to parents of veterans.
26. Cremated remains of a veteran.
27. New York state silver rose veterans service certificate.

## § 1. Definitions. When used in this article:

1. The term "department" means the department of veterans' services.
2. The term "state commissioner" means the New York state commissioner of veterans' services.
3. The term "veteran" means a person, male or female, resident of this state, who has served in the active military or naval service of the United States during a war in which the United States engaged and who has been released from such service otherwise than by dishonorable discharge, or who has been furloughed to the reserve.
4. The term "armed forces" means the military and naval forces of the United States.
5. The term "local director" means the director of a county or city veterans' service agency.
6. The term "county director" means a local director of a county veterans' service agency.
7. The term "city director" means a local director of a city veterans' service agency.
8. The term "qualifying condition" means a diagnosis of post-traumatic stress disorder or traumatic brain injury made by, or an experience of

1 military sexual trauma, as described in 38 USC 1720D, as amended from  
2 time to time, disclosed to, an individual licensed to provide health  
3 care services at a United States Department of Veterans Affairs facility  
4 or an individual licensed to provide health care services within the  
5 state of New York. The department shall develop a standardized form used  
6 to confirm that the veteran has a qualifying condition under this subdivi-  
7 sion.

8 9. The term "discharged LGBT veteran" means a veteran who was  
9 discharged less than honorably from military or naval service due to  
10 their sexual orientation or gender identity or expression, as those  
11 terms are defined in section two hundred ninety-two of the executive  
12 law, or statements, consensual sexual conduct, or consensual acts relat-  
13 ing to sexual orientation, gender identity or expression, or the disclo-  
14 sure of such statements, conduct, or acts, that were prohibited by the  
15 military or naval service at the time of discharge. The department shall  
16 establish a consistent and uniform process to determine whether a veter-  
17 an qualifies as a discharged LGBT veteran under this subdivision,  
18 including, at a minimum, standards for verifying a veteran's status as a  
19 discharged LGBT veteran, and a method of demonstrating eligibility as a  
20 discharged LGBT veteran.

21 § 2. Department of veterans' services. There is hereby created a  
22 department of veterans' services. The head of such department shall be  
23 the New York state commissioner of veterans' services who shall be a  
24 veteran. He or she shall be appointed by the governor and shall hold  
25 office during his or her pleasure. Such state commissioner shall receive  
26 an annual salary to be fixed by the governor within the limitation  
27 provided by law. He or she shall also be entitled to receive his or her  
28 expenses actually and necessarily incurred by him or her in the perform-  
29 ance of his or her duties. The state commissioner, with the approval of  
30 the governor, may establish such bureaus within the department as are  
31 necessary and appropriate to carrying out its functions and may consol-  
32 idate or abolish such bureaus. The state commissioner may appoint such  
33 officers, consultants, clerks and other employees and agents as he or  
34 she may deem necessary, fix their compensation within the limitation  
35 provided by law, and prescribe their duties.

36 § 3. Veterans' services commission. 1. There shall be in the depart-  
37 ment a veterans' services commission, which shall consist of the members  
38 and the ex officio members provided for in this section.

39 2. There shall be thirteen members of the commission who shall be  
40 veterans appointed by the governor, including two appointed on recommen-  
41 dation of the temporary president of the senate, one appointed on recom-  
42 mendation of the minority leader of the senate, two appointed on recom-  
43 mendation of the speaker of the assembly, and one appointed on  
44 recommendation of the minority leader of the assembly. The appointment  
45 of members made by the governor without recommendation shall be subject  
46 to advice and consent of the senate. The members of the commission  
47 shall serve for terms of three years each. Appointed members presently  
48 serving on the commission shall continue to serve for the remainder of  
49 the term appointed. Any member chosen to fill a vacancy of such an  
50 appointed member occurring otherwise than by expiration of term shall be  
51 appointed for the remainder of the unexpired term of the member whom he  
52 or she is to succeed. Members appointed as provided in this subdivision  
53 shall receive no salary or other compensation, but each shall be enti-  
54 tled to receive expenses actually and necessarily incurred in the  
55 performance of their duties.

1 3. Ex officio members. (a) The adjutant general of the state of New  
2 York shall be an ex officio member of the commission.

3 (b) In addition, the state commissioner may appoint the head of any  
4 other state agency or their designee as a non-voting, ex officio member  
5 of the commission. Such appointments shall expire annually on December  
6 thirty-first unless such appointments are renewed by the state commis-  
7 sioner.

8 4. One of the members of the commission, which shall include the adju-  
9 tant general, shall be designated as chairperson by the governor. The  
10 designation shall be in writing and shall be filed with the commission.

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

15 § 4. General functions, powers and duties of department. The depart-  
16 ment, by and through the state commissioner or his or her duly author-  
17 ized officer or employee, shall have the following functions, powers and  
18 duties:

19 1. To coordinate the program and activities of departments, divisions,  
20 boards, bureaus, commissions or agencies of the state or of any poli-  
21 tical subdivision of the state in providing services and facilities to  
22 members of the armed forces and to veterans who are residents of this  
23 state and their families.

24 2. To maintain liaison with other public officials and agencies  
25 concerned with the development or execution of plans for members of the  
26 armed forces and veterans who are residents of this state, and their  
27 families, and to assist in the development and execution of such plans.

28 3. To establish, direct and supervise a state veterans' services agen-  
29 cy; and to create or designate other agencies of the department to aid  
30 and assist in the discharge of one or more of its functions, powers or  
31 duties under this article, and grant authority to such agencies as may  
32 be deemed necessary for the effective accomplishment of any of such  
33 functions, powers or duties.

34 4. To operate and maintain counseling services, rest camps and other  
35 agencies and institutions and to administer benefits and facilities for  
36 members of the armed forces and veterans who are residents of this  
37 state, and their families.

38 5. To provide seminars three times per year at locations throughout  
39 the state to advise veterans and their surviving spouses, who are age  
40 sixty-two or older, of veterans' benefits for which they may be eligible  
41 from the state and federal governments, and the means of obtaining such  
42 benefits.

43 6. To provide seminars three times per year at locations throughout  
44 the state to advise women veterans of their benefits for which they may  
45 be eligible from the state and federal governments, the means of obtain-  
46 ing such benefits and other topics, including, but not limited to,  
47 health care issues of specific interest to women veterans.

48 7. To provide in cooperation with the office of general services and  
49 the office of the comptroller a series of seminars, that shall be  
50 conducted four or more times per year at regional sites located through-  
51 out the state of New York for the purpose of advising veteran-owned  
52 businesses regarding the opportunities available for obtaining procure-  
53 ment contracts from New York state agencies, municipalities, and author-  
54 ities. Furthermore the seminars shall provide requirements and training  
55 that will enable veteran-owned businesses to successfully participate in  
56 the procurement process.



1 8. To execute and assist in the execution of plans for the efficient  
2 utilization of the resources and facilities of the state in matters  
3 related to members of the armed forces and veterans who are residents of  
4 this state, and their families.

5 9. To make studies and analyses and develop and execute plans for  
6 assistance and benefits to members of the armed forces and veterans who  
7 are residents of this state, and their families, and the creation of  
8 agencies, institutions and facilities therefor.

9 10. To prepare and submit a report, in consultation with the office of  
10 temporary and disability assistance, department of labor, and office of  
11 children and family services to determine the number of homeless persons  
12 in New York state that are veterans. Such report shall include, but not  
13 be limited to, the following information to the extent it is reasonably  
14 accessible to the department: (a) an analysis of veterans in New York  
15 state who are currently homeless, or have been homeless within five  
16 years of being released from active duty including an analysis of gender  
17 as it relates to homelessness of veterans; (b) data on the number of  
18 children of homeless veterans, including the current placement of such  
19 children; (c) cases of military sexual trauma experienced by homeless  
20 veterans while on active duty or during military training, including a  
21 breakdown of the collected data based upon the gender of the victim; and  
22 (d) the unemployment rate for New York state veterans. The term "chil-  
23 dren of homeless veterans" shall mean a person who is unmarried and who  
24 is under the age of eighteen years, and is the biological or legally  
25 adopted child of a veteran. The report shall be delivered to the gover-  
26 nor, the speaker of the assembly and the temporary president of the  
27 senate by June thirtieth, two thousand twenty and every three years  
28 thereafter. Such report shall be publicly available and posted on the  
29 department of veterans' services website.

30 11. To develop and encourage plans for the occupational reorientation  
31 of veterans who are residents of this state, including the determination  
32 and certification of civilian equivalents for military experience and  
33 the development and encouragement of on-the-job training and apprentice-  
34 ship training programs. Furthermore, the department shall provide an  
35 internet connection to correlate military occupations and skills into  
36 civilian translations and terms.

37 12. To provide information regarding resources that are available to  
38 assist veterans in establishing and sustaining a small business by main-  
39 taining a small business portal on the department's internet website.  
40 Such portal shall provide virtual links to appropriate government  
41 programs including, but not limited to the United States Department of  
42 Veterans' Affairs. The department may consult with the New York State  
43 Small Business Development Center and any other appropriate state agen-  
44 cies. The department shall make reference to this information in its  
45 newsletter, at the three seminars sponsored by the department pursuant  
46 to subdivisions five, six, and seven of this section and the annual  
47 report to the governor and the legislature as provided in subdivision  
48 seventeen of this section. Such information required under this subdivi-  
49 sion shall be maintained and updated annually. The information may also  
50 be made available in printed form.

51 13. To provide information regarding resources that are available to  
52 assist veterans in obtaining employment by maintaining a veterans'  
53 employment portal on the department's internet website. Such portal  
54 shall provide virtual links to appropriate governmental programs on the  
55 federal and state level, including, but not limited to the United States  
56 department of labor and the New York state department of labor. The

1 department may consult with members of the community devoted to helping  
2 veterans obtain employment. The department shall make reference to this  
3 information pursuant to subdivisions five, six, and seven of this  
4 section and the annual report to the governor and the legislature as  
5 provided in subdivision seventeen of this section. Such information  
6 required under this subdivision shall be maintained and updated annual-  
7 ly. The information may also be made available in printed form.

8 14. To adopt, promulgate, amend and rescind suitable rules and regu-  
9 lations to carry out the provisions of this article.

10 15. To recommend to the legislature and the governor legislative  
11 proposals for the benefit of members of the armed forces and veterans  
12 who are residents of this state, and their families.

13 16. To exercise and perform such other functions, powers and duties as  
14 may be deemed necessary to protect the interests and promote the welfare  
15 of members of the armed forces and veterans who are residents of this  
16 state, and their families.

17 17. To render each year to the governor and to the legislature a writ-  
18 ten report of the activities and recommendations of the department.

19 18. (a) For the purpose of providing for the construction, establish-  
20 ment, expansion, improvement, support, operation, maintenance and the  
21 provision of perpetual care for state veterans' cemeteries, to seek  
22 funding from, and make application for funding to:

23 (1) the government of the United States, including any agency or  
24 public authority thereof;

25 (2) the government of the state of New York, including any agency or  
26 public authority thereof;

27 (3) any political subdivision of the government of the state of New  
28 York, including any agency or public authority thereof; or

29 (4) any private individual, corporation or foundation;

30 (b) Pursuant to section twenty-three of this article, to provide for  
31 the construction, establishment, expansion, improvement, support, opera-  
32 tion, maintenance and the provision of perpetual care for state veterans  
33 cemeteries;

34 (c) To expend moneys from the veterans remembrance and cemetery main-  
35 tenance and operation fund, established pursuant to section ninety-sev-  
36 en-mmmmm of the state finance law; and

37 (d) To evaluate, monitor and otherwise oversee the operation of veter-  
38 ans cemeteries in this state.

39 19. To make application to the government of the United States or any  
40 political subdivision, agency or instrumentality thereof, for funds for  
41 the purpose of providing an optional fund for the burial of veterans who  
42 (i) were honorably discharged or (ii) had a qualifying condition, as  
43 defined in section one of this article, and received a discharge other  
44 than bad conduct or dishonorable, or (iii) were a discharged LGBT veter-  
45 an, as defined in section one of this article, and received a discharge  
46 other than bad conduct or dishonorable, in any not-for-profit cemetery  
47 corporation in this state; provided, however, that all costs associated  
48 with the establishment of such optional fund shall be borne by the poli-  
49 tical subdivision, agency or instrumentality with which the department  
50 has contracted.

51 20. To establish, operate and maintain a toll-free telephone number,  
52 under the supervision of the state commissioner, for the purpose of  
53 providing callers thereof with information relating to services provided  
54 by the department as well as services and programs provided to veterans  
55 by other agencies, bureaus and organizations. Such services and programs  
56 shall include, but not be limited to, educational and job benefits,

1 tuition assistance programs, survivor benefits, health and mental health  
2 referrals and real property tax exemptions.

3 21. To establish, operate and maintain a free mobile application,  
4 under the supervision of the state commissioner, for the purposes of  
5 providing veterans and their family members with information, available  
6 on a region-specific basis, relating to services provided by the depart-  
7 ment as well as services and programs provided to veterans by other  
8 state agencies, the federal government, and other organizations. Such  
9 services and programs shall include, but not be limited to educational  
10 and job benefits, tuition assistance programs, survivor benefits, health  
11 and mental health referrals, and real property tax exemptions. The  
12 department's website shall contain a link to the free mobile applica-  
13 tion.

14 22. To develop, jointly with the commissioner of education, a form by  
15 which the parent or person in parental relation to a designated child  
16 may, should he or she so elect, report to the department that a parent  
17 of such child is a veteran of the armed forces who served in Vietnam  
18 during the Vietnam conflict. This form shall: (i) clearly state that the  
19 parent or person in parental relation is not required to provide the  
20 information requested and that the information will have no bearing upon  
21 the services the child will receive; (ii) state that the information  
22 will be used exclusively for research purposes and explain those  
23 research purposes in plain language; and (iii) provide the address to  
24 which the form is to be mailed, should the parent or person in parental  
25 relation elect to make such report. For the purposes of this subdivi-  
26 sion, the term "designated child" shall mean a child designated by a  
27 school district committee on special education pursuant to section  
28 forty-four hundred two of the education law as either learning disabled  
29 or emotionally disturbed.

30 23. To process all information received from nursing homes and resi-  
31 dential health care facilities, including assisted living and assisted  
32 living residences as defined in section forty-six hundred fifty-one of  
33 the public health law, and adult care facilities authorized under title  
34 two of article seven of the social services law, indicating veteran or  
35 veteran spouse status. Such processing shall occur by transmitting such  
36 information to state counselors for review and potential linkage to  
37 applicable benefits, including but not limited to federal aid and  
38 attendance and a federal improved pension program. State counselors  
39 shall work with county counselors or any accredited service officers of  
40 an organization chartered by the congress of the United States and/or  
41 recognized by the department of veterans affairs for claim represen-  
42 tation as necessary and where appropriate. Such information shall be  
43 protected as personal confidential information under article six-A of  
44 the public officers law against disclosure of confidential material, and  
45 shall be used only to assist in providing linkage to applicable benefits  
46 and entitlements under federal and state law.

47 24. To include within the annual report as required by subdivision  
48 seventeen of this section an accounting of the number of forms received  
49 from nursing homes and residential health care facilities, including  
50 assisted living and assisted living residences as defined in section  
51 forty-six hundred fifty-one of the public health law, and adult care  
52 facilities authorized under title two of article seven of the social  
53 services law, and the specific number of veterans and spouses of veter-  
54 ans linked to applicable benefits, including, but not limited to federal  
55 aid and attendance and a federal improved pension program. Such report  
56 shall evaluate the average time taken by the department between receipt

1 of such information, transmission to veterans counselors and linkage to  
2 available benefits. Such report shall also evaluate the effectiveness of  
3 the program and make recommendations for improvements as necessary.

4 25. To encourage the development of and to provide for the establish-  
5 ment of a state women veterans coordinator, as provided in section nine-  
6 teen of this article.

7 26. To make available information on accident prevention courses  
8 approved by the commissioner of motor vehicles online on the depart-  
9 ment's website. The department shall provide a link to the department of  
10 motor vehicles website pages containing information on the accident  
11 prevention courses.

12 27. To provide information regarding resources that are available to  
13 assist veterans who experience mental health or substance abuse prob-  
14 lems, and veterans with physical disabilities, by maintaining mental  
15 health, substance abuse and physical disabilities portals on the depart-  
16 ment's internet website. Such portals shall provide virtual links to  
17 appropriate governmental programs on the federal and state levels and  
18 information on suicide prevention, peer outreach and support, and  
19 services that address the special needs of physically disabled veterans.  
20 The department may consult with the office of mental health, the office  
21 of addiction services and supports, the department of health and the  
22 department of labor. The department shall make reference to this infor-  
23 mation provided pursuant to subdivisions five and six of this section  
24 and in the annual report to the governor and the legislature required  
25 pursuant to subdivision seventeen of this section. Such information  
26 required under this subdivision shall be maintained and updated annual-  
27 ly.

28 28. To include within the annual report as required by subdivision  
29 seventeen of this section an accounting of the number of veteran-owned  
30 small businesses in the state of New York, to be listed by the following  
31 designations: small business concern owned and controlled by veterans as  
32 set forth in 15 U.S.C. section 632(Q)(3), as amended from time to time,  
33 and service disabled veteran-owned business enterprise as set forth in  
34 article three of this chapter. Such listing shall include but not be  
35 limited to the name of the veteran owner or owners of each business,  
36 location of each such business, the type of each such business and when-  
37 ever practicable, be divided into categories of labor, services, equip-  
38 ment, materials and recognized construction trades. The department shall  
39 request this information annually from the U.S. department of veterans  
40 affairs, any other appropriate federal agencies and the department of  
41 service-disabled veterans' business development within the New York  
42 state office of general services.

43 29. To maintain a fact sheet on the department's webpage containing  
44 (a) contact information for all veterans integrated service networks  
45 located within the state, (b) current contact information for the United  
46 States veterans health administration including VA medical centers and  
47 clinics and (c) contact information for each New York State veterans'  
48 home. The fact sheet shall be entitled, "Information for Veterans  
49 concerning Health Care Options" and shall be updated annually.

50 30. To maintain a listing on the department's website of the local  
51 veterans' service agencies established pursuant to section fourteen of  
52 this article with the name, location, hours of operation and contact  
53 information of each county and city veterans' service agency. The  
54 department shall also provide this information in its annual report to  
55 the governor and the legislature as required pursuant to subdivision  
56 seventeen of this section. Information under this subdivision shall be

1 provided to the department by each local veterans' service agency and  
2 shall be updated annually.

3 31. To maintain a discharge upgrade advisory board program within the  
4 department to provide written non-binding advisory opinions to veterans  
5 of the state of New York appealing their character of discharge from the  
6 discharge review board or the board for corrections of military records  
7 for their branch of service on the federal level. Individuals may  
8 submit an application with evidence, including all relevant documents,  
9 which shall be reviewed by the discharge upgrade advisory board program  
10 in a timely manner. If such board finds the veteran's application for a  
11 discharge upgrade is meritorious, then the board will provide the veter-  
12 an with a written opinion advocating for the discharge review board or  
13 board for corrections of military or naval records to grant that veter-  
14 an's appeal. The department shall post information on the discharge  
15 upgrade advisory board program on its official webpage. The annual  
16 report required by subdivision seventeen of this section shall contain  
17 information including, but not limited to, the number of cases reviewed,  
18 and the number of cases where a veteran's application was found to be  
19 meritorious.

20 32. To provide information regarding resources that are available to  
21 assist veterans who experienced military sexual trauma while on active  
22 duty or during military training, by maintaining a military sexual trau-  
23 ma portal on the department's internet website. Such portal shall  
24 provide virtual links to appropriate governmental programs on the feder-  
25 al and state levels. The department may consult with the office of  
26 mental health and the department of health. The department shall make  
27 reference to this information provided pursuant to subdivisions five and  
28 six of this section and in the annual report to the governor and the  
29 legislature required pursuant to subdivision seventeen of this section.  
30 Such information required under this subdivision shall be maintained and  
31 updated annually.

32 33. To make widely available to the public via, among other things,  
33 publication on the department's website and free mobile application  
34 pursuant to subdivision twenty-one of this section, information regard-  
35 ing the veterans remembrance and cemetery maintenance and operation fund  
36 established pursuant to section ninety-seven-mmmmm of the state finance  
37 law.

38 34. To coordinate outreach efforts that ensure members of the armed  
39 forces and veterans who are residents of this state, and their families,  
40 are made aware of services for veterans from any departments, divisions,  
41 boards, bureaus, commissions or agencies of the state or any political  
42 subdivision of this state.

43 35. To develop collaborative relationships among state, federal, and  
44 local agencies and private organizations, including but not limited to  
45 the office of mental health, state office for the aging, and office of  
46 addiction services and supports, to help facilitate access to services  
47 by members of the armed forces and veterans who are residents of the  
48 state and their families.

49 § 5. Veteran speaker education program. 1. There is hereby established  
50 within the department a veteran speaker education program to be devel-  
51 oped and implemented by the commissioner in consultation with the  
52 commissioner of the New York state military museum and veterans resource  
53 center and in accordance with the provisions of this section. Such  
54 program shall provide school districts within this state with a listing  
55 of available veteran speakers willing to visit classrooms for the  
56 purpose of discussing their military experience.

2. The department, from its available resources, shall develop an informational pamphlet to be distributed either by mail or electronically to school districts which provides a general overview of the program including its purpose and how to participate. The department shall, in consultation with congressionally chartered veterans organizations and local veterans services agencies, appoint and create a listing of veteran speakers coordinators for each county of the state who shall be listed in the informational pamphlet. The veteran speakers coordinators' duties shall include but not be limited to contacting veterans who reside in their county including those who have participated in the veteran's oral history program at the New York state military museum or the West Point oral history project or the veterans history project of the American Folklore Center or any similar oral history project with information about this program and inquiring as to whether such persons would be willing to participate as speakers or in any other capacity. The listing shall include the names and contact information for such veterans including information describing the type of military service performed by each such person, the time and length of service, geographic area or areas where such person served and rank. The veteran speakers coordinators shall annually update such information regarding the availability of such veterans.

3. No teacher or veteran shall be required to participate in this program. Any teacher who wishes to supplement his or her classroom instruction concerning a particular era in American military history may contact a participating veteran personally to request that such person visit a classroom to discuss his or her military experience. A teacher shall be responsible for ascertaining the appropriateness of any proposed speaker based upon the age of the children and the intended subject matter. Nothing in this section shall be intended to supersede any particular or general school rules or regulations or other laws relating to curriculum.

4. The department shall require a certified copy of the veteran's discharge papers to participate in the veteran speaker program. Such form shall be filed with the department to serve as evidence that such person is a veteran who served in the United States military honorably.

5. The department shall implement a procedure for evaluations of each speaker to be completed by teachers and students, and maintain such evaluations and make them available upon request to other teachers who plan to participate.

6. The department may consult with other veterans organizations and any branch of the U.S. military in the development of this program.

§ 6. Cooperation and facilities of other departments. To effectuate the purposes of this article, the governor may direct any department, division, board, bureau, commission or agency of the state, or of any political subdivision thereof, to cooperate with and assist and advise the department in the performance of its duties and functions, and to provide such facilities, including personnel, materials and other assistance and data as will enable the department or any of its agencies to properly carry out its activities and effectuate its purposes under this article.

§ 7. Information on status of veterans receiving assistance. Departments, divisions, bureaus, boards, commissions and agencies of the state and political subdivisions thereof, which provide assistance, treatment, counseling, care, supervision or custody in service areas involving health, mental health, family services, criminal justice or employment, including but not limited to the office of addiction services and



1 supports, office of mental health, office of probation and correctional  
2 alternatives, office of children and family services, office of tempo-  
3 rary and disability assistance, department of health, department of  
4 labor, local workforce investment boards, office for people with devel-  
5 opmental disabilities, and department of corrections and community  
6 supervision, shall request assisted persons to provide information with  
7 regard to their veteran status and military experiences. Individuals  
8 identifying themselves as veterans shall be advised that the department  
9 of veterans' services and local veterans' service agencies established  
10 pursuant to section fourteen of this article provide assistance to  
11 veterans regarding benefits under federal and state law. Information  
12 regarding veterans status and military service provided by assisted  
13 persons solely to implement this section shall be protected as personal  
14 confidential information under article six-A of the public officers law  
15 against disclosure of confidential material, and used only to assist in  
16 the diagnosis, treatment, assessment and handling of the veteran's prob-  
17 lems within the agency requesting such information and in referring the  
18 veteran to the department of veterans' services for information and  
19 assistance with regard to benefits and entitlements under federal and  
20 state law.

21 § 8. New York state supplemental burial allowance for members of the  
22 armed forces of the United States killed in combat or duty subject to  
23 hostile fire or imminent danger, as defined in 37 USC § 310. 1. As used  
24 in this section, "parent" means a father, a mother, a father through  
25 adoption, a mother through adoption, or an individual who, for a period  
26 of not less than one year, at any time before the decedent's entry into  
27 active military service stood in the relationship of a parent to a dece-  
28 dent who died in combat or duty subject to hostile fire or imminent  
29 danger, as defined in 37 USC § 310, or who died from a wound incurred in  
30 combat or while serving on duty subject to hostile fire or imminent  
31 danger, as defined in 37 USC § 310 or, if two persons stood in the  
32 relationship of a parent for one year or more, the person who bore the  
33 expenses of the funeral of the decedent.

34 2. As used in this section, (a) "wound" means a physical injury to a  
35 servicemember on active duty caused by (i) a bullet, shrapnel, or other  
36 projectile; (ii) a mine or trap; (iii) an explosion; (iv) a vehicle or  
37 aircraft accident not caused by the servicemember's willful misconduct;  
38 or (v) any other action caused or induced by the enemy directly result-  
39 ing in physical harm to the servicemember.

40 (b) "burial receptacle" means (i) a casket, which shall mean a rigid  
41 container that is designed for the encasement of human remains and  
42 customarily ornamented and lined with fabric, (ii) an urn, which shall  
43 mean a container of wood, metal, pottery, or other material designed for  
44 the storage of cremated human remains, and/or (iii) an outer burial  
45 receptacle, which shall mean a graveliner, burial vault, or other simi-  
46 lar type of container for the placement of a casket or urn.

47 3. There is hereby established within the department a New York state  
48 supplemental burial allowance for any member of the armed forces of the  
49 United States who: (a) died in combat or duty subject to hostile fire or  
50 imminent danger, as defined in 37 USC § 310 or died from a wound  
51 incurred in combat or while serving on duty subject to hostile fire or  
52 imminent danger, as defined in 37 USC § 310, other than the exceptions  
53 noted in paragraphs (d), (e) and (f) of subdivision four of this  
54 section, and (b) who was (i) a resident of New York state at the time of  
55 his or her death or (ii) a nonresident of New York state at the time of  
56 his or her death and a member of the New York Army National Guard or New

1 York Air National Guard at the time he or she entered title 10, United  
2 States Code, federal active duty status during which period of service  
3 he or she died.

4 4. (a) The purpose of the program is to administer and monitor a  
5 supplemental allowance program to aid families of military personnel who  
6 died in combat or duty subject to hostile fire or imminent danger, as  
7 defined in 37 USC § 310, or died from a wound incurred in combat or duty  
8 subject to hostile fire or imminent danger, as defined in 37 USC § 310,  
9 with respect to expenses incurred in connection with the decedent's  
10 funeral and the burial, burial receptacle, cremation, or other interment  
11 of the decedent's remains.

12 (b) Eligible recipients under this program shall be those who bore the  
13 cost of the decedent's funeral and burial, burial receptacle, cremation,  
14 or other interment, in the following order of priority: (i) a surviving  
15 spouse or domestic partner of the decedent; (ii) adult children of the  
16 decedent, to include step-children and adopted children; (iii) parents  
17 or grandparents of the decedent, and parents-in-law or grandparents-in-  
18 law of the decedent; (iv) brothers or sisters of the decedent, to  
19 include brothers or sisters adopted by the decedent's immediate family  
20 and brothers or sisters with whom the decedent shares only one parent in  
21 common, and brothers-in-law or sisters-in-law of the decedent; (v)  
22 aunts, uncles, and first cousins of the decedent; and (vi) any other  
23 relative. Any applicant convicted of making any false statement in the  
24 application for the reimbursement shall be subject to the penalties  
25 prescribed in the penal law.

26 (c) Such burial allowance is a partial reimbursement of an eligible  
27 decedent's funeral and burial, burial receptacle, cremation or other  
28 interment costs. The reimbursement is generally applicable to two compo-  
29 nents: (i) funeral expenses, and (ii) expenses arising from the burial,  
30 burial receptacle, cremation, or other interment of the decedent's  
31 remains. Any allowance granted by the government of the United States,  
32 pursuant to 38 U.S.C. §§2301, 2302, 2303, 2306, 2307 and 2308 or 10  
33 U.S.C. § 1482, or by the decedent's state of residence in the case of an  
34 allowance eligible pursuant to subparagraph (ii) of paragraph (b) of  
35 subdivision three of this section, shall be first applied toward funeral  
36 and burial, burial receptacle, cremation or other interment costs. The  
37 state may award an allowance of up to six thousand dollars to cover any  
38 remaining expenses.

39 (d) The state shall not award any funds from this allowance to reim-  
40 burse any costs for the headstone, grave marker, or medallion of the  
41 decedent.

42 (e) The state shall not grant supplemental burial allowance payments  
43 for the funeral or the burial, burial receptacle, cremation, or other  
44 interment of remains of any decedent whose relations received any  
45 reimbursement from this allowance for any previous funeral or burial,  
46 burial receptacle, cremation, or other interment of remains for this  
47 same decedent.

48 (f) The state shall not grant supplemental burial allowance payments  
49 for any person filing a completed application for such allowance with  
50 the state later than: (i) two years after the applicant received final  
51 written notice from the United States Department of Veterans Affairs  
52 regarding an application for reimbursement of funeral or burial, burial  
53 receptacle, cremation or other interment expenses pursuant to 38 U.S.C.  
54 §§2301, 2302, 2303, 2306, 2307, or 2308, or 10 U.S.C. § 1482, or any  
55 combination thereof; or (ii) two years after the expiration date of the  
56 filing deadline to apply for reimbursement of funeral, burial, burial

1 receptacle, cremation or other interment expenses from the United States  
2 Department of Veterans Affairs, as defined in 38 U.S.C. § 2304, if the  
3 applicant never applied for reimbursement of funeral, burial, burial  
4 receptacle, cremation or interment expenses from the United States  
5 Department of Veterans Affairs. Any applications received subsequent to  
6 these prescribed periods shall be denied as time-barred.

7 (g) Applicants shall furnish evidence of the decedent's military  
8 service and relevant after action reports or other documents explaining  
9 why the application meets eligibility requirements for each case in the  
10 manner and form prescribed by the state commissioner or his or her  
11 designee. Upon being satisfied that the facts in the application are  
12 true, the state commissioner or his or her designee shall certify to the  
13 state comptroller the name and address of such recipient. The decision  
14 of the state commissioner or his or her designee on all matters regard-  
15 ing any payment from this allowance shall be final.

16 (h) The state commissioner shall submit a report to the governor, the  
17 chairperson of the senate finance committee, and the chairperson of the  
18 assembly ways and means committee not later than January fifteenth of  
19 each year in which this section is in effect. Such report shall include,  
20 but not be limited to, regulations promulgated pursuant to this section,  
21 allowances paid, and an account of the monies spent and the relationship  
22 of the distributees to the decedent.

23 § 9. New York state veteran burial fund. 1. As used in this section,  
24 "agent in control of the disposition of remains" means the person  
25 responsible or designated to control the disposition of a deceased  
26 veteran's remains as defined and outlined in section forty-two hundred  
27 one of the public health law. The term "interment" means the disposition  
28 of remains as defined in paragraph (g) of section fifteen hundred two of  
29 the not-for-profit corporation law. The term "burial" shall include the  
30 process as defined in paragraph (e) of section fifteen hundred two of  
31 the not-for-profit corporation law.

32 2. As provided in subdivision nineteen of section four of this arti-  
33 cle, there is hereby established within the department a New York state  
34 veterans burial fund for honorably discharged members of the armed forc-  
35 es of the United States who were residents of New York state at the time  
36 of his or her death who (i) were honorably discharged from such service,  
37 or (ii) had a qualifying condition, as defined in section one of this  
38 article, and received a discharge other than bad conduct or dishonorable  
39 from such service, or (iii) were discharged LGBT veterans, as defined in  
40 section one of this article, and received a discharge other than bad  
41 conduct or dishonorable from such service.

42 (a) Eligible recipients under this program shall be those who bore the  
43 cost of the funeral as the agent in control of the disposition of  
44 remains. An application shall be made available to an eligible recipi-  
45 ent. Any applicant convicted of making any false statement in the appli-  
46 cation for the reimbursement shall be subject to the penalties  
47 prescribed in the penal law.

48 (b) Such optional burial allowance is a reimbursement of an eligible  
49 decedent's burial and interment costs not to exceed two thousand five  
50 hundred dollars in a New York state not-for-profit cemetery. The  
51 reimbursement is generally available as a plot interment allowance. Any  
52 allowance granted by the government of the United States, pursuant to 38  
53 U.S.C. §§ 2302, 2303, 2306, 2307 and 2308 or 10 U.S.C. § 1482 shall be  
54 first applied toward interment costs. An additional allowance of up to  
55 the cost of the actual burial and interment as provided under subdivi-

1 sion nineteen of section four of this article may be awarded to cover  
2 any remaining expenses.

3 (c) Evidence of the military service of the decedent for each case  
4 shall be furnished in the manner and form prescribed by the state direc-  
5 tor; upon being satisfied that the facts in the application are true,  
6 the state commissioner shall certify to the state comptroller the name  
7 and address of such agent in control of the disposition of remains for  
8 reimbursement as provided in this section.

9 § 10. Time within which marriage may be solemnized; member of the  
10 armed forces. Notwithstanding section thirteen-b of the domestic  
11 relations law, where either of the parties making application for a  
12 marriage license, pursuant to section thirteen of the domestic relations  
13 law, is a member of the armed forces of the United States on active duty  
14 the marriage of the parties shall not be solemnized within twenty-four  
15 hours after the issuance of the marriage license, nor shall it be solem-  
16 nized after one hundred eighty days from the date of the issuance of the  
17 marriage license. Proof that the applicant is a member of the armed  
18 forces of the United States shall be furnished to the satisfaction of  
19 the official issuing the marriage license. Every license to marry issued  
20 pursuant to the provisions of this section shall state the day and hour  
21 the license is issued and shall contain a recital that it is issued  
22 pursuant to the provisions of this section.

23 § 11. Use of personal confidential information obtained from veterans  
24 or family members of veterans receiving services from the state and  
25 political subdivisions thereof. 1. Departments, divisions, bureaus,  
26 boards, commissions and agencies of the state and political subdivisions  
27 thereof, which provide assistance, treatment, counseling, care, super-  
28 vision or custody in service areas involving health, mental health,  
29 family services, criminal justice or employment shall be required to  
30 solicit information on whether their customer or client is a veteran as  
31 defined in section eighty-five of the civil service law or family member  
32 of a veteran. Any new forms created after the effective date of this  
33 section shall contain the following questions: "Have you served in the  
34 United States Armed Forces?" "Has someone in your family served in the  
35 United States military?"

36 2. Individuals identifying themselves as having served in the military  
37 or a family member shall be advised that the department of veterans'  
38 services and local veterans service agencies established pursuant to  
39 section seventeen of this article provide assistance to veterans regard-  
40 ing benefits under federal and state law. Information regarding veterans  
41 and military status provided by assisted persons solely to implement  
42 this section shall be protected as personal confidential material, and  
43 used only to assist in the diagnosis, treatment, assessment and handling  
44 of the veteran's or family member's problems within the agency request-  
45 ing such information and in referring the veteran or family member to  
46 the department of veterans' services for the information and assistance  
47 with regard to benefits and entitlements under federal and state law.

48 § 12. Acceptance of gifts. The department with the approval of the  
49 governor, may accept any gift or grant for any of the purposes of this  
50 article. Any moneys so received may be expended by the department to  
51 effectuate any of the purposes of this article, subject to the same  
52 limitations as to authorization, audit and approval as are prescribed  
53 for state moneys appropriated for the purposes of this article.

54 § 13. State veterans' service agency. 1. A state veterans' service  
55 agency established by the department pursuant to this article shall have  
56 power and it shall be its duty to inform military and naval authorities

1 of the United States and assist members of the armed forces and veter-  
2 ans, who are residents of this state, and their families, in relation to  
3 (1) matters pertaining to educational training and retraining services  
4 and facilities, (2) health, medical and rehabilitation services and  
5 facilities, (3) provisions of federal, state and local laws and regu-  
6 lations affording special rights and privileges to members of the armed  
7 forces and war veterans and their families, (4) employment and re-em-  
8 ployment services, and (5) other matters of similar, related or appro-  
9 priate nature. The state veterans' service agency also shall perform  
10 such other duties as may be assigned by the state commissioner.

11 2. The state commissioner may, with the approval of the governor,  
12 appoint and remove a director of the state veterans' service agency. The  
13 state commissioner may from time to time establish, alter or abolish  
14 state veterans' service agency districts within the state, establish or  
15 abolish offices therefor, and appoint and at pleasure remove a deputy  
16 director of the state veterans' service agency for each such district  
17 office. With the approval of the state commissioner, the director of the  
18 veterans' service agency may appoint such officers, consultants, clerks  
19 and other employees as may be necessary to administer the functions of  
20 the state veterans' service agency, fix their compensation within the  
21 limitation provided by law, and prescribe their duties.

22 § 14. Local veterans' service agencies. 1. County veterans' service  
23 agencies. There shall be established a county veterans' service agency  
24 in each county not wholly included within a city, and there shall be a  
25 county director of each county veterans' service agency. Any county  
26 director hired after the effective date of this chapter shall be a  
27 veteran as defined in New York state statute. The chair of the board of  
28 supervisors of a county, with the approval of the board of supervisors,  
29 shall appoint and may at pleasure remove a county director of the county  
30 veterans' service agency for such county. In a county having a county  
31 president, a county executive or other chief executive officer, such  
32 president or executive officer shall appoint and may at pleasure remove  
33 a county director. The county director may be paid such compensation as  
34 shall be fixed by the appointing officer and the board of supervisors.  
35 The county director shall appoint such assistants and employees as he or  
36 she may deem necessary, other than those, if any, supplied by the state;  
37 he or she may prescribe the duties of those appointed by him or her and  
38 fix their salaries within the appropriations made available for that  
39 purpose by the county and may at pleasure remove any such assistants or  
40 employees. The county director shall have jurisdiction throughout the  
41 territorial limits of the county, including any city therein which does  
42 not have a city veterans' service agency, provided that after the estab-  
43 lishment of a city veterans' service agency in any such city, the county  
44 director shall not have jurisdiction within such city.

45 2. City veterans' service agency. There may be established a city  
46 veterans' service agency in each city; and there shall be a city direc-  
47 tor of each city veterans' service agency which is established. The  
48 mayor of such city, or the city manager in a city of less than one  
49 hundred forty thousand population having a city manager, shall appoint  
50 and may at pleasure remove the city director. A city director may be  
51 paid such compensation as shall be fixed by the mayor or city manager,  
52 as the case may be, empowered to appoint the city director, and the  
53 governing body of the city. The city director may appoint such deputies,  
54 assistants and employees as he or she may deem necessary other than  
55 those, if any, supplied by the state; the director may prescribe the  
56 duties of those appointed by him or her and fix their salaries within

1 the appropriations made available for that purpose by the city and may  
2 at pleasure remove any such assistant or employee. A city director  
3 shall have jurisdiction throughout the territorial limits of the city.

4 3. Accreditation. (a) Current county or city directors within three  
5 years from the effective date of this subdivision shall take all steps  
6 necessary to be accredited as a veterans service organization (VSO)  
7 representative. Accreditation shall mean the authority granted by the  
8 United States Department of Veterans Affairs to assist veterans and  
9 their family members in the preparation, presentation, and prosecution  
10 of claims for benefits pursuant to section 5902 of Title 38 U.S.C. and  
11 section 14.628 of Title 38 Code of Federal Regulations. Once an appli-  
12 cation for accreditation is approved by the General Counsel of the  
13 United States Department of Veterans Affairs and the applicant is noti-  
14 fied of this action, the director of the county or city veterans service  
15 agency shall file a copy of the accreditation certificate from the  
16 appropriate veterans service organization with the commissioner of the  
17 department. Such accreditation shall be maintained during the duration  
18 of his or her status as a commissioner of such county or city veterans  
19 service agency. The commissioner of the department may determine that  
20 satisfactory completion of a course or instruction on veterans' benefits  
21 approved by the United States Department of Veterans Affairs and  
22 conducted by the department may fulfill the requirements of this subdi-  
23 vision.

24 (b) Any county or city director hired after the effective date of this  
25 chapter shall take all steps necessary to be accredited as a veterans  
26 service organization (VSO) representative within eighteen months of such  
27 appointment. Accreditation shall mean the authority granted by the  
28 United States Department of Veterans Affairs to assist veterans and  
29 their family members in the preparation, presentation, and prosecution  
30 of claims for benefits pursuant to section 5902 of Title 38 U.S.C. and  
31 section 14.628 of Title 38 Code of Federal Regulations. Once an appli-  
32 cation for accreditation is approved by the General Counsel of the  
33 United States Department of Veterans Affairs and the applicant is noti-  
34 fied of this action, the director of the county or city veterans service  
35 agency shall file a copy of the accreditation certificate from the  
36 appropriate veterans service organization with the commissioner of the  
37 department. Such accreditation shall be maintained during the duration  
38 of his or her status as a director of such county or city veterans  
39 service agency. The commissioner of the department may determine that a  
40 satisfactory completion of a course of instruction on veterans' benefits  
41 approved by the United States Department of Veterans Affairs and  
42 conducted by the department may fulfill the requirements of this subdi-  
43 vision.

44 (c) During the time a director is working toward accreditation pursu-  
45 ant to paragraphs (a) and (b) of this subdivision, such individual may  
46 provide services to veterans and their family members as defined in  
47 section fifteen of this article other than the preparation, presenta-  
48 tion, and prosecution of claims for benefits under federal statutes and  
49 regulations.

50 § 15. Powers and duties of local veterans' service agencies. 1. A  
51 local veterans' service agency shall have power under the direction of  
52 the state veterans' service agency, and it shall be its duty to inform  
53 military and naval authorities of the United States and assist members  
54 of the armed forces and veterans, who are residents of this state, and  
55 their families, in relation to (1) matters pertaining to educational  
56 training and retraining services and facilities, (2) health, medical and



1 rehabilitation services and facilities, (3) provisions of federal, state  
2 and local laws and regulations affording special rights and privileges  
3 to members of the armed forces and war veterans and their families, (4)  
4 employment and re-employment services, (5) the process of submitting an  
5 application for a discharge upgrade to the discharge upgrade advisory  
6 board, and (6) other matters of similar, related or appropriate nature.  
7 The local veterans' service agency may also assist families of members  
8 of the reserve components of the armed forces and the organized militia  
9 ordered into active duty to ensure that they are made aware of and are  
10 receiving all appropriate support available to them and are placed in  
11 contact with the agencies responsible for such support, including, but  
12 not limited to, the division of military and naval affairs and other  
13 state agencies responsible for providing such support. The local veter-  
14 ans' service agency also shall perform such other duties as may be  
15 assigned by the state commissioner.

16 2. A local veterans' service agency shall utilize, so far as possible,  
17 the services and facilities of existing officers, offices, departments,  
18 commissions, boards, bureaus, institutions and other agencies of the  
19 state and of the political subdivisions thereof and all such officers  
20 and agencies shall cooperate with and extend such services and facili-  
21 ties to the local veterans' service agency as it may require.

22 § 16. Location and cost of local veterans' service agencies; deputy  
23 local directors. 1. A local director shall designate the location of the  
24 local and branch offices of the local veterans' service agency within  
25 his or her jurisdiction, which offices shall be open during convenient  
26 hours. The cost of maintenance and operation of a county veterans'  
27 service agency shall be a county charge and the cost of maintenance and  
28 operation of a city veterans' service agency shall be a city charge,  
29 excepting that the state commissioner with the approval of the veterans'  
30 services commission shall allot and pay, from state moneys made avail-  
31 able to him or her for such purposes, to each county veterans' service  
32 agency and each city veterans' service agency, an amount equal to fifty  
33 per centum of its expenditures for maintenance and operation approved by  
34 the state commissioner, provided that in no event shall the amount  
35 allotted and paid for such approved expenditures incurred in any given  
36 year exceed (1) in the case of any county veterans' service agency in a  
37 county having a population of not more than one hundred thousand or in  
38 the case of any city veterans' service agency in a city having a popu-  
39 lation of not more than one hundred thousand, the sum of ten thousand  
40 dollars, nor (2) in the case of any county veterans' service agency in a  
41 county having a population in excess of one hundred thousand excluding  
42 the population of any city therein which has a city veterans' service  
43 agency, the sum of ten thousand dollars, and, in addition thereto, the  
44 sum of five thousand dollars for each one hundred thousand, or major  
45 portion thereof, of the population of the county in excess of one  
46 hundred thousand excluding the population of any city therein which has  
47 a city veterans' service agency, nor (3) in the case of any city veter-  
48 ans' service agency in a city having a population in excess of one  
49 hundred thousand, the sum of ten thousand dollars, and, in addition  
50 thereto, the sum of five thousand dollars for each one hundred thousand,  
51 or major portion thereof, of the population of the city in excess of one  
52 hundred thousand. Such population shall be certified in the same manner  
53 as provided by section fifty-four of the state finance law.

54 2. The head of a branch office of a local veterans' service agency  
55 shall be a deputy local director of the local veterans' service agency  
56 who shall be appointed by the local director of the county or city in

1 which the branch office is located with the approval of the governing  
2 body which makes the appropriation for the maintenance of such branch  
3 office; provided, however, that the head of a branch office of a local  
4 veterans' service agency which operates in and for two or more adjoining  
5 towns or adjoining villages in the same county, and hereinafter in this  
6 article referred to as a consolidated branch office, shall be appointed  
7 by the local director of the county in which the branch office is  
8 located with the approval of the governing body of each town or village  
9 which makes an appropriation for or toward the maintenance of such  
10 branch office, and any town or village is authorized to enter into an  
11 agreement with an adjoining town or an adjoining village in the same  
12 county, respectively, or with two or more respective adjoining towns or  
13 villages in the same county, providing for their joint undertaking to  
14 appropriate and make available moneys for or toward the maintenance of  
15 such a consolidated branch office.

16 § 17. Local veterans' service committees. The same authority which  
17 appoints a local director shall appoint for each county and city veter-  
18 ans' service agency a veterans' service committee to assist the local  
19 director and shall appoint a chair thereof. Similar committees may be  
20 appointed in each village and town where there is a deputy local direc-  
21 tor by the mayor of such village and the supervisor of such town in  
22 which the branch office of the deputy local director is located or in  
23 which it operates. A similar committee may also be appointed in any city  
24 in and for which there is not established a separate city veterans'  
25 service agency, and in and for which there is a deputy local director  
26 and a branch office of the county veterans' service agency; and such  
27 appointment in any case shall be made by the city official authorized to  
28 appoint a city director in the case of a separate city veterans' service  
29 agency.

30 § 18. Appropriations for expenses and activities of local veterans'  
31 service agencies. Each county and each city of the state in which is  
32 established a county veterans' service agency or a city veterans'  
33 service agency, as the case may be, is hereby authorized to appropriate  
34 and make available to the veterans' service agency of such respective  
35 county or city, such sums of money as it may deem necessary to defray  
36 the expenses and activities of such agency, and the expenses and activ-  
37 ities of such agencies are hereby declared to be proper county and city  
38 purposes for which the moneys of the county or city may be expended.  
39 Each city in and for which there is not established a separate city  
40 veterans' service agency, and each village and town of the state is  
41 hereby authorized to appropriate and make available to the deputy local  
42 director heading the branch office in and for such city, village or  
43 town, if any, of the county veterans' service agency having jurisdiction  
44 within such city, village or town, such sums of money as it may deem  
45 necessary to defray the salary, expenses and activities of the deputy  
46 local director heading such branch office in and for such city, village  
47 or town and his or her office, including the salaries of persons  
48 employed in such office, and such salaries, expenses and activities are  
49 hereby declared to be proper city, village and town purposes for which  
50 the moneys of such cities, villages and towns may be expended. Each  
51 village and town is also authorized to appropriate and make available to  
52 the deputy local director heading the consolidated branch office, if  
53 any, for such village or town and any adjoining village or villages, or  
54 town or towns, as the case may be, of the county veterans' service agen-  
55 cy having jurisdiction within such village or town, such sums of money  
56 as it may determine to defray in part the salary, expenses and activ-

ities of the deputy local director heading such consolidated branch office for such village or town and any adjoining village or villages or town or towns, as the case may be, including the salaries of persons employed in such consolidated branch office, and such salaries, expenses and activities are hereby declared to be proper village and town purposes for which the moneys of such villages and towns may be expended.

§ 19. Women veterans coordinator. 1. Definitions. (a) "Veteran" shall have the same meaning as provided in subdivision one of section twenty-two of this article.

(b) "Department" shall mean the state department of veterans' services.

(c) "Women veterans coordinator" shall be a veteran.

2. Such women veterans coordinator shall be appointed by the commissioner.

3. Establishment of women veterans coordinator. There is hereby established within the department, a "women veterans coordinator" who shall work under the direction of the commissioner and whose duties shall include, but not be limited to, the:

(a) identification, development, planning, organization and coordination of all statewide programs and services to meet the needs of women veterans;

(b) recommendation to the commissioner to ensure compliance with all existing department policies and regulations pertaining to the needs of women veterans on the state and federal level and make recommendations regarding the improvement of benefits and services to women veterans;

(c) liaison between the department, the United States Department of Veterans Affairs center for women veterans, the United States Department of Veterans Affairs Advisory Committee on Women Veterans, state veterans nursing homes, state agencies, community groups, advocates and other veterans and military organizations and interested parties;

(d) advocating for all women veterans in the state;

(e) development and maintenance of a clearinghouse for information and resources for women veterans;

(f) promote events and activities that recognize, educate and honor women veterans, including but not limited to seminars required under subdivision six of section four of this article, veteran human rights conferences, veterans benefits and resources events, and veterans cultural competence training;

(g) inclusion of the contributions women veterans have made on behalf of the United States and this state on the department's official website; and

(h) preparation of reports on topics including, but not limited to, the demographics of women veterans, the number of women veterans listed by county, and the unique needs of the women veterans population, to the extent such information is available, to the commissioner on the status of women veterans within New York state.

4. Reports. The women veterans coordinator shall submit a report to the commissioner each year after the effective date of this section. Such report shall include, but not be limited to, a description of the women veterans coordinator's activities for the calendar year and the programs developed pursuant to the provisions of this section. The commissioner shall submit the report or a synopsis of the report to the governor in accordance with the provisions of section four of this article.

§ 20. Creation of annuity. 1. Payment to veterans. a. Any veteran as defined in this article who has been or is hereafter classified by the New York State commission for the visually handicapped as a blind person as defined in section three of chapter four hundred fifteen of the laws of nineteen hundred thirteen, as amended, and continues to be a blind person within the meaning of that section, shall, upon application to the commissioner of the department of veterans' services, be paid out of the treasury of the state for such term as such veteran shall be entitled thereto under the provisions of this article, the sum of one thousand dollars annually, plus any applicable annual adjustment, as provided in this section.

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

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

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

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

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

3. Annual adjustment. Commencing in the year two thousand five, and for each year thereafter, the amount of any annuity payable under this section shall be the same amount as the annuity payable in the preceding year plus a percentage adjustment equal to the annual percentage

1 increase, if any, for compensation and pension benefits administered by  
2 the United States Department of Veterans' Affairs in the previous year.  
3 Such percentage increase shall be rounded up to the next highest one-  
4 tenth of one percent and shall not be less than one percent nor more  
5 than four percent. Commencing in the year two thousand five, the direc-  
6 tor of veterans' services, not later than February first of each year,  
7 shall publish by any reasonable means the amount of the annuity as  
8 adjusted payable under this section.

9 § 21. Evidence of entitlement. 1. The evidence of such service, blind-  
10 ness, residence and domicile, or of such marriage, widowhood, residence  
11 and domicile in each case shall be furnished in the manner and form  
12 prescribed by the commissioner of veterans' services who shall examine  
13 the same.

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

28 3. Thereafter the department of taxation and finance, through the  
29 division of finance, on the audit and warrant of the comptroller, shall  
30 pay such veteran or widow or widower such sum as is authorized by the  
31 provisions of this article in monthly installments for so long as such  
32 veteran or widow or widower shall meet the requirements of this article.

33 § 22. Persons who may receive annuity. 1. a. The word "veteran," as  
34 used in this article shall be taken to mean and include any person who  
35 is a resident of the state of New York, and who (i) has been or may be  
36 given an honorable, general or ordinary discharge or any other form of  
37 release from such service, except a dishonorable discharge, a bad  
38 conduct discharge, an undesirable discharge, a discharge without honor  
39 or a discharge for the good of the service, or (ii) has a qualifying  
40 condition, as defined in section one of this article, and has received a  
41 discharge other than bad conduct or dishonorable from such service, or  
42 (iii) is a discharged LGBT veteran, as defined in section one of this  
43 article, and has received a discharge other than bad conduct or  
44 dishonorable from such service, and who (iv) was a recipient of the  
45 armed forces expeditionary medal, the navy expeditionary medal or the  
46 marine corps expeditionary medal for participation in operations in  
47 Lebanon from June first, nineteen hundred eighty-three to December  
48 first, nineteen hundred eighty-seven, in Grenada from October twenty-  
49 third, nineteen hundred eighty-three to November twenty-first, nineteen  
50 hundred eighty-three, or in Panama from December twentieth, nineteen  
51 hundred eighty-nine to January thirty-first, nineteen hundred ninety, or  
52 (v) served on active duty for ninety days or more in the armed forces of  
53 the United States during any one of the following wars or hostilities:

54 (1) in the Spanish-American war from the twenty-first day of April,  
55 eighteen hundred ninety-eight to the eleventh day of April, eighteen  
56 hundred ninety-nine, inclusive;

1 (2) in the Philippine insurrection or the China relief expedition from  
2 the eleventh day of April, eighteen hundred ninety-nine to the fourth  
3 day of July, nineteen hundred two, inclusive;

4 (3) in the Mexican border campaign from the ninth day of May, nineteen  
5 hundred sixteen, to the fifth day of April, nineteen hundred seventeen,  
6 inclusive;

7 (4) in World War I from the sixth day of April, nineteen hundred  
8 seventeen to the eleventh day of November, nineteen hundred eighteen,  
9 inclusive;

10 (5) in World War II from the seventh day of December, nineteen hundred  
11 forty-one to the thirty-first day of December, nineteen hundred forty-  
12 six, inclusive, or who was employed by the War Shipping Administration  
13 or Office of Defense Transportation or their agents as a merchant seaman  
14 documented by the United States Coast Guard or Department of Commerce,  
15 or as a civil servant employed by the United States Army Transport  
16 Service (later redesignated as the United States Army Transportation  
17 Corps, Water Division) or the Naval Transportation Service; and who  
18 served satisfactorily as a crew member during the period of armed  
19 conflict, December seventh, nineteen hundred forty-one, to August  
20 fifteenth, nineteen hundred forty-five, aboard merchant vessels in  
21 oceangoing, i.e., foreign, intercoastal, or coastwise service as such  
22 terms are defined under federal law (46 USCA 10301 & 10501) and further  
23 to include "near foreign" voyages between the United States and Canada,  
24 Mexico, or the West Indies via ocean routes, or public vessels in ocean-  
25 going service or foreign waters and who has received a Certificate of  
26 Release or Discharge from Active Duty and a discharge certificate, or an  
27 Honorable Service Certificate/Report of Casualty, from the Department of  
28 Defense, or who served as a United States civilian employed by the Amer-  
29 ican Field Service and served overseas under United States Armies and  
30 United States Army Groups in World War II during the period of armed  
31 conflict, December seventh, nineteen hundred forty-one through May  
32 eighth, nineteen hundred forty-five, and who (i) was discharged or  
33 released therefrom under honorable conditions, or (ii) has a qualifying  
34 condition, as defined in section one of this article, and has received a  
35 discharge other than bad conduct or dishonorable from such service, or  
36 (iii) is a discharged LGBT veteran, as defined in section one of this  
37 article, and has received a discharge other than bad conduct or  
38 dishonorable from such service, or who served as a United States civil-  
39 ian Flight Crew and Aviation Ground Support Employee of Pan American  
40 World Airways or one of its subsidiaries or its affiliates and served  
41 overseas as a result of Pan American's contract with Air Transport  
42 Command or Naval Air Transport Service during the period of armed  
43 conflict, December fourteenth, nineteen hundred forty-one through August  
44 fourteenth, nineteen hundred forty-five, and who (iv) was discharged or  
45 released therefrom under honorable conditions, or (v) has a qualifying  
46 condition, as defined in section one of this article, and has received a  
47 discharge other than bad conduct or dishonorable from such service, or  
48 (vi) is a discharged LGBT veteran, as defined in section one of this  
49 article, and has received a discharge other than bad conduct or  
50 dishonorable from such service;

51 (6) in the Korean hostilities from the twenty-seventh day of June,  
52 nineteen hundred fifty to the thirty-first day of January, nineteen  
53 hundred fifty-five, inclusive;

54 (7) in the Vietnam conflict from the twenty-eighth day of February,  
55 nineteen hundred sixty-one to the seventh day of May, nineteen hundred  
56 seventy-five;



1 (8) in the Persian Gulf conflict from the second day of August, nine-  
2 teen hundred ninety to the end of such conflict.

3 b. The word "veteran" shall also mean any person who meets the other  
4 requirements of paragraph a of this subdivision, who served on active  
5 duty for less than ninety days, if he or she was discharged or released  
6 from such service for a service-connected disability or who served for a  
7 period of ninety consecutive days or more and such period began or ended  
8 during any war or period of hostilities as defined in paragraph a of  
9 this subdivision.

10 c. The term "active duty" as used in this article shall mean full time  
11 duty in the armed forces, other than active duty for training; provided,  
12 however, that "active duty" shall also include any period of active duty  
13 for training during which the individual concerned was disabled or died  
14 from a disease or injury incurred or aggravated during such period.

15 2. No annuity shall be paid under this article to or for a person who  
16 is in prison in a federal, state or local penal institution as a result  
17 of conviction of a felony or misdemeanor for any part of the period  
18 beginning sixty-one days after his or her imprisonment begins and ending  
19 when his or her imprisonment ends.

20 3. Where any veteran is disqualified for the annuity for any period  
21 solely by reason of the provisions of subdivision two of this section,  
22 the commissioner of veterans' services shall pay to his or her spouse,  
23 if any, the annuity which such veteran would receive for that period but  
24 for said subdivision two.

25 4. In case an unmarried, divorced or widowed veteran or a widow of a  
26 deceased annuitant is being furnished hospital treatment, institutional  
27 or domiciliary care by the United States or the state, the annuity paya-  
28 ble under this article to such veteran or widow or widower may be  
29 discontinued after the first day of the seventh calendar month following  
30 the month of admission of such veteran or widow for treatment or care.  
31 Payment of such annuity shall be resumed if such veteran or widow or  
32 widower is discharged from the hospital, institution or home, or if his  
33 or her treatment or care therein is otherwise terminated.

34 5. Where payment of the annuity as hereinbefore authorized is to be  
35 made to a mentally incompetent person or a conservatee, such payment may  
36 be authorized by the commissioner of veterans' services of the state to  
37 be paid only to a duly qualified court-appointed committee or conserva-  
38 tor, legally vested with the care of such incompetent's person or prop-  
39 erty or of such conservatee's property, except that in the case of an  
40 incompetent annuitant for whom a committee has not been appointed or a  
41 person under a substantial impairment for whom a conservator has not  
42 been appointed and who is hospitalized in a United States veterans  
43 health administration hospital or in a hospital under the jurisdiction  
44 of the state of New York, the commissioner of veterans' services of the  
45 state may in his or her discretion certify payment of the annuity, as  
46 hereinbefore authorized, to the manager of such United States veterans  
47 health administration hospital or to the commissioner of such state  
48 hospital for the account of the said incompetent or substantially  
49 impaired annuitant.

50 § 23. New York state veterans' cemeteries. 1. Legislative intent. The  
51 legislature finds and determines that the devoted service and sacrifice  
52 of veterans deserve important, unique and eternal recognition by the  
53 state of New York. That it is by means of the devoted service and sacri-  
54 fice of veterans that the liberty, freedom and prosperity enjoyed by all  
55 New Yorkers is maintained and preserved.

1 The legislature further finds and determines that to provide this  
2 important, unique and eternal recognition, the state shall establish a  
3 program of New York state veterans' cemeteries in New York. Such program  
4 shall provide for the construction, establishment, expansion, improve-  
5 ment, support, operation, maintenance and the provision of perpetual  
6 care for state veterans' cemeteries in this state, and thereby for the  
7 memorialization and remembrance of individual veterans and their service  
8 to their community, state and nation.

9 The legislature additionally finds and determines that it is therefore  
10 necessary to provide for the construction and establishment of one or  
11 more New York state veterans' cemeteries, and that to thereafter,  
12 provide for the expansion, improvement, support, operation, maintenance  
13 and the provision of perpetual care of all such cemeteries so  
14 constructed and established. The legislature also finds and determines  
15 that it is appropriate to have the responsibility for the construction,  
16 establishment, expansion, improvement, support, operation, maintenance  
17 and the provision of perpetual care for veterans' cemeteries in this  
18 state, to be under the oversight and direction of the state department  
19 of veterans' services, and its commissioner, individually, and as chair  
20 of the management board, for each such veterans' cemetery so constructed  
21 and established.

22 2. The establishment of the first New York state veterans' cemetery.  
23 (a) The commissioner shall issue, on behalf of the department, a public  
24 request for information for any local government desiring to have the  
25 first state veterans' cemetery located within its political subdivision.  
26 Such request shall specify the type of information to be provided,  
27 including, at a minimum, a detailed map of the site including potential  
28 transportation routes, the history of the site, the types of burials the  
29 site could accommodate, and the estimated number of veterans within a  
30 seventy-five mile radius of the site. Such requests for information  
31 shall be returnable to the department by no later than sixty days  
32 following the issuance of the requests for information. Requests for  
33 information issued by and returned to the department shall be publicly  
34 available and posted on the department's website.

35 (a-1) Following the deadline for the return of requests for informa-  
36 tion pursuant to paragraph (a) of this subdivision, the department, in  
37 cooperation with the United States Department of Veterans Affairs, and  
38 in consultation with, and upon the support of the department of state  
39 division of cemeteries, is hereby directed to conduct an investigation  
40 and study on the issue of the construction and establishment of the  
41 first New York state veterans' cemetery. Such investigation and study  
42 shall include, but not be limited to:

43 (i) Potential site locations for such cemetery, with full consider-  
44 ation as to the needs of the veterans population; only locations within  
45 local governments that have submitted a request for information pursuant  
46 to paragraph (a) of this subdivision shall be considered and each such  
47 submission shall be considered;

48 (ii) The size of the cemetery and types of grave sites;

49 (iii) The number of annual interments at the cemetery;

50 (iv) Transportation accessibility to the cemetery by veterans, their  
51 families and the general public;

52 (v) Costs for construction of the cemetery;

53 (vi) Costs of operation of the cemetery, including but not limited to  
54 staffing costs to maintain the cemetery;

55 (vii) Scalability of the cemetery for future growth and expansion;

- 1 (viii) Potential for funding for the cemetery from federal, local and  
2 private sources;  
3 (ix) Cost of maintenance;  
4 (x) Data on the population that would be served by the site;  
5 (xi) The average age of the population in the area covered;  
6 (xii) The mortality rate of the veteran population for the area;  
7 (xiii) Surrounding land use;  
8 (xiv) Topography of the land;  
9 (xv) Site characteristics;  
10 (xvi) Cost of land acquisition;  
11 (xvii) The location of existing cemeteries including but not limited  
12 to national veterans' cemeteries, county veterans' cemeteries, ceme-  
13 teries that have plots devoted to veterans, not-for-profit cemeteries  
14 and any other burial ground devoted to veterans and any other type of  
15 burial grounds devoted to the interment of human remains that is of  
16 public record; and  
17 (xviii) Such other and further items as the commissioner of the  
18 department deems necessary for the first state veterans' cemetery to be  
19 successful.

20 A report of the investigation and study conclusions shall be delivered  
21 to the governor, the temporary president of the senate, the speaker of  
22 the assembly and the chair of the senate committee on veterans, homeland  
23 security and military affairs, and the chair of the assembly committee  
24 on veterans' affairs by no later than one hundred eighty days after the  
25 department has commenced the conduct of the investigation and study.

26 (a-2) Upon the completion of the investigation and study, the results  
27 shall be provided to the selection committee. The selection committee  
28 shall consist of nine members as follows:

29 (i) The commissioner of the department of veterans' services, or his  
30 or her representative;

31 (ii) The director of the division of the budget, or his or her repre-  
32 sentative;

33 (iii) Three members appointed by the governor, two of whom shall be  
34 veterans;

35 (iv) Two members appointed by the temporary president of the senate,  
36 at least one of whom shall be a veteran; and

37 (v) Two members appointed by the speaker of the assembly, at least one  
38 of whom shall be a veteran.

39 (a-3) The selection committee shall be subject to articles six and  
40 seven of the public officers law. The selection committee shall evaluate  
41 the results of the study and, upon a majority vote, make a determination  
42 as to the location of the first state veterans' cemetery. In making this  
43 determination, the committee's consideration shall, at a minimum,  
44 include:

45 (i) The findings established by the study;

46 (ii) The submitted responses to the requests for information issued  
47 pursuant to paragraph (a) of this subdivision;

48 (iii) The guidelines for receipt of federal funding specified in 38  
49 USC 2408, 38 CFR 39, and any other relevant federal statute or regu-  
50 lation;

51 (iv) The possibility of funding from private individuals, corpo-  
52 rations, or foundations; and

53 (v) Any other consideration that would facilitate the successful oper-  
54 ation of the first state veterans' cemetery.

55 (b) The commissioner of the department, the commissioner of the office  
56 of general services, and the chair of the division of cemeteries shall

1 determine the amount of money necessary to fund the non-reimbursable  
2 costs of a state veterans' cemetery, such as operation and maintenance,  
3 for a period of not less than ten years, provided that such amount shall  
4 not include monies that would be recoverable by the cemetery pursuant to  
5 a charge of fee for the provision of a gravesite for a non-veteran  
6 spouse or eligible dependent. Prior to submitting any application for  
7 funding from the government of the United States in accordance with the  
8 grant requirements specified in 38 USC 2408, 38 CFR 30, and other rele-  
9 vant federal statutes or regulations, for the purpose of seeking funds  
10 to support the construction, establishment, expansion, improvement,  
11 support, operation or maintenance of New York state's veterans' ceme-  
12 teries, the director of the division of the budget and the office of the  
13 state comptroller must certify to the governor, the temporary president  
14 of the senate, the speaker of the assembly, the chair of the senate  
15 finance committee and the chair of the assembly ways and means committee  
16 that there are sufficient funds to cover such amount; provided further  
17 that such moneys may include the veterans remembrance and cemetery main-  
18 tenance and operation fund created pursuant to section ninety-seven-mmmmm  
19 of the state finance law. In making such a certification, the director  
20 of the division of the budget and the office of the state comptroller  
21 shall consider, but are not limited to, the following factors:

22 (i) physical attributes of the veterans cemetery, including size,  
23 location, and terrain;

24 (ii) staffing costs, cost of equipment and equipment maintenance, and  
25 security costs;

26 (iii) relevant state and federal requirements and specifications for  
27 interment and perpetual care;

28 (iv) estimates provided by the United States Department of Veterans  
29 Affairs;

30 (v) any other non-reimbursable fiscal cost, charge or assessment that  
31 would be incurred by the cemetery.

32 (c) Once the certification that there are sufficient funds pursuant to  
33 paragraph (b) of this subdivision has been made, and no later than thir-  
34 ty days following the selection of the site pursuant to paragraph (a-3)  
35 of this subdivision, the commissioner, in consultation with the manage-  
36 ment board of the first New York state veterans' cemetery, shall  
37 commence the application process for funding from the government of the  
38 United States, in accordance with the grant requirements specified in  
39 section 2408 of title 38 of the United States code, part 39 of title 38  
40 of the code of federal regulations, and any other relevant federal stat-  
41 ute or regulation, for the purpose of seeking funds to support the  
42 construction, establishment, expansion, improvement, support, operation,  
43 maintenance and the provision of perpetual care of New York state's  
44 first veterans' cemetery. Such grant application shall be based on a  
45 site selected pursuant to paragraph (a-3) of this subdivision, and shall  
46 be consistent with the guidelines for receipt of federal funding pursu-  
47 ant to the relevant provisions of federal law.

48 (d) A management board for the first New York state veterans' cemetery  
49 shall be appointed pursuant to subdivision three of this section.

50 (e) The commissioner shall promulgate rules and regulations governing:

51 (i) The guidelines and standards for the construction, establishment,  
52 expansion, improvement, support, operation, maintenance and the  
53 provision of perpetual care for a state veterans' cemetery. Such guide-  
54 lines shall include, but not be limited to:

55 (1) The size and terrain of the cemetery;

1 (2) The management and operation of the cemetery, including but not  
2 limited to:

3 (A) Hours of operation;

4 (B) Employees, employee relations, and employee duties;

5 (C) The conduct and practice of events, ceremonies and programs;

6 (D) The filing and compliance of the cemetery with state and federal  
7 regulators; and

8 (E) Such other and further operational and management practices and  
9 procedures as the commissioner shall determine to be necessary for the  
10 successful operation of a state veterans' cemetery.

11 (3) The layout of plots;

12 (4) The locations of building and infrastructure, including but not  
13 limited to:

14 (A) Electrical lines and facilities;

15 (B) Waterlines, irrigation systems, and drainage facilities;

16 (C) Trees, flowers and other plantings;

17 (D) Non gravesite memorials, gravesite memorials, mausoleums, colum-  
18 barium niches, headstones, grave markers, indoor interment facilities,  
19 committal-service shelters, signage, flag poles, and other memorial  
20 gathering spaces or infrastructure;

21 (E) Roadways, pedestrian pathways, parking sites, curbs and curb cuts;

22 (F) Ponds, lakes and other water sites;

23 (G) Retaining walls, gates, fences, security systems or other devices  
24 for cemetery protection; and

25 (H) Any other buildings, structures or infrastructure necessary for  
26 the safe, efficient and effective operation of the cemetery;

27 (5) The qualifications for interment, consistent with the provisions  
28 of state and federal law and any requirements pursuant to the receipt of  
29 federal, state, local or private funds;

30 (6) The location and placement of interments;

31 (7) Consistent with the provisions of state and federal law and any  
32 requirements pursuant to the receipt of federal, state, local or private  
33 funds, the financial management of the cemetery, including but not  
34 limited to:

35 (A) The procedures for the protection and implementation of the ceme-  
36 tery's annual budget;

37 (B) The seeking, collecting, deposit and expenditure of operating  
38 funds pursuant to the cemetery's budget;

39 (C) The seeking, collecting, deposit and expenditure of capital funds  
40 pursuant to the cemetery's capital plan;

41 (D) The seeking, collecting, deposit and expenditure of emergency  
42 funds to address an unexpected event;

43 (E) The assessment, charging, collection and deposit of fees and  
44 charges;

45 (F) The management of cemetery finances, both current and future, with  
46 respect to investments; and

47 (G) Such other and further procedures and activities concerning the  
48 financial management of the cemetery;

49 (8) The provision of perpetual care for the cemetery, including but  
50 not limited to:

51 (A) The frequency, standards and methods for the beautification and  
52 maintenance of grounds, memorials, gravesites, buildings, ceremonial  
53 sites, or other locations within, or upon the curtilage of the cemetery;

54 (B) The frequency, standards and methods for the provision of flags,  
55 patriotic and military symbols, and other honorary items, at each  
56 gravesite and throughout the cemetery; and

1 (C) Such other and further standards as are necessary to assure the  
2 proper perpetual care of the cemetery in a manner befitting the highest  
3 level of honor and respect deserving to those veterans and their fami-  
4 lies interred in the cemetery;

5 (9) Guidelines and standards for the procurement of land for the ceme-  
6 tery providing that the state veterans' cemetery, and all the property  
7 upon which it resides shall be owned in fee simple absolute by the state  
8 of New York;

9 (10) Guidelines and standards for the practices and procedures for the  
10 construction and establishment of a state veterans' cemetery, including  
11 contracting and purchasing for construction services, professional  
12 services, legal services, architectural services, consulting services,  
13 as well as the procurement of materials, all consistent with the rele-  
14 vant provisions of federal, state and local law, the regulations promul-  
15 gated thereunder, and the requirements contained in the grants awarded  
16 or pursued from the federal government, or any source of private fund-  
17 ing;

18 (11) Guidelines and standards for the practices and procedures for the  
19 expansion and improvement of a state veterans' cemetery, including  
20 contracting and purchasing for construction services, professional  
21 services, legal services, architectural services, consulting services,  
22 as well as the procurement of materials, all consistent with the rele-  
23 vant provisions of federal, state and local law, the regulations promul-  
24 gated thereunder, and the requirements contained in the grants awarded  
25 or pursued from the federal government, or any source of private fund-  
26 ing;

27 (12) Any other guidelines and standards that would facilitate the  
28 successful construction, establishment, expansion, improvement, support,  
29 operation, maintenance and the provision of perpetual care for the state  
30 veterans' cemetery;

31 (ii) Guidelines and standards for any local government desiring to  
32 have the first state veterans' cemetery located within its political  
33 subdivision, including, but not limited to:

34 (1) The requirement that the local government will comply with all  
35 state and federal statutes and regulations concerning the construction,  
36 establishment, expansion, improvement, support, operation, maintenance  
37 and the provision of perpetual care of the state veterans' cemetery, and  
38 shall satisfy any and all applicable state and federal standards and  
39 requirements for the perpetual care of the state veterans' cemetery;

40 (2) That the state veterans' cemetery, and all the property upon which  
41 it resides shall be owned in fee simple absolute by the state of New  
42 York;

43 (3) That all lands upon which such cemetery is constructed and estab-  
44 lished shall be used solely for state veterans' cemetery purposes, and  
45 for the purpose of providing the honor and remembrance of veterans and  
46 their service through ceremonies and programs;

47 (4) Such other and further requirements as the commissioner may deem  
48 prudent in the facilitation of the successful siting and operation of a  
49 state veterans' cemetery in the jurisdiction of the local government;  
50 and

51 (iii) Such other and further guidelines and standards as are necessary  
52 for the successful construction, establishment, expansion, improvement,  
53 support, operation, maintenance and the provision of perpetual care for  
54 a state veterans' cemetery.

55 (f) Upon the approval of the application for funding from the govern-  
56 ment of the United States, made pursuant to paragraph (c) of this subdi-



1 vision, the commissioner, upon consultation with the management board,  
2 shall commence the process of construction and establishment of the  
3 first state veterans' cemetery. Such process shall be consistent with  
4 the relevant provisions of local, state and federal law, and the rules  
5 and regulations established pursuant to paragraph (e) of this subdivi-  
6 sion.

7 3. Management boards of New York state veterans' cemeteries. (a) For  
8 each New York state veterans' cemetery there shall be a management  
9 board. Each such management board shall consist of nine members, includ-  
10 ing the commissioner of the department who shall serve as chair, and  
11 four members, appointed by the governor. Of such four members, not fewer  
12 than two shall be a veteran of the United States army, the United States  
13 navy, the United States air force, the United States marines, the New  
14 York army national guard, the New York air national guard, the New York  
15 naval militia, or a member who has served in a theater of combat oper-  
16 ations of the United States coast guard or the United States merchant  
17 marine. Two members shall be appointed by the temporary president of the  
18 senate, and two members shall be appointed by the speaker of the state  
19 assembly. At least one of the members appointed by the temporary presi-  
20 dent of the senate and at least one of the members appointed by the  
21 speaker of the assembly shall be a veteran of the United States army,  
22 the United States navy, the United States air force, the United States  
23 marines, the New York army national guard, the New York air national  
24 guard, the New York naval militia, or a member who has served in a thea-  
25 ter of combat operations of the United States coast guard or the United  
26 States merchant marine. No member shall receive any compensation for his  
27 or her service, but members who are not state officials may be reim-  
28 bursed for their actual and necessary expenses, including travel  
29 expenses incurred in performance of their duties. The management board  
30 may consult with any federal, state or local entity for the purposes of  
31 advancing its purposes, mission and duties.

32 (b) The management board shall advise, by majority vote, the commis-  
33 sioner on issues concerning the construction, establishment, expansion,  
34 improvement, support, operation, maintenance and the provision of  
35 perpetual care for the veterans' cemetery, including but not limited to  
36 issues of financial concern, employment relations, cemetery policy,  
37 cemetery events and programs, and such other and further issues as the  
38 board and commissioner shall deem important.

39 4. Additional state veterans' cemeteries. (a) Not later than ten years  
40 after the construction and establishment of the first New York state  
41 veterans' cemetery, and every ten years thereafter, the department, in  
42 cooperation with the United States Department of Veterans Affairs, shall  
43 conduct an investigation and study on the issue of the construction and  
44 establishment of additional New York state veterans' cemeteries. Such  
45 investigation and study shall consider, but not be limited to, the study  
46 parameters established pursuant to paragraph (a) of subdivision two of  
47 this section. A report of the investigation and study required to be  
48 conducted pursuant to this subdivision shall be delivered to the gover-  
49 nor, the temporary president of the senate, the speaker of the assembly  
50 and the chair of the senate committee on veterans, homeland security and  
51 military affairs, and the chair of the assembly committee on veterans'  
52 affairs, by no later than ninety days after the department has commenced  
53 the conduct of the investigation and study;

54 (b) The report of the investigation and study required to be conducted  
55 pursuant to this subdivision shall provide a determination by the direc-  
56 tor as to whether the state should construct and establish one or more

1 additional veterans' cemeteries, and shall state the reasoning and basis  
2 for such determination; and

3 (c) The department may, at the discretion of the commissioner, at any  
4 time after five years from the completion of construction of the most  
5 recently constructed and established state veterans' cemetery, in coop-  
6 eration with the United States Department of Veterans Affairs, conduct  
7 an investigation and study on the issue of the construction and estab-  
8 lishment of additional New York state veterans' cemeteries. A report of  
9 the investigation and study required to be conducted shall be delivered  
10 to the governor, the temporary president of the senate, the speaker of  
11 the assembly and the chair of the senate committee on veterans, homeland  
12 security and military affairs, and the chair of the assembly committee  
13 on veterans' affairs, by no later than ninety days after the department  
14 has commenced the conduct of the investigation and study.

15 (d) If the commissioner, pursuant to the investigation and study  
16 conducted pursuant to this subdivision, determines that there shall be  
17 an additional state veterans' cemetery in New York state, the commis-  
18 sioner shall provide for the construction and establishment of such new  
19 veterans' cemetery pursuant to the same guidelines and standards for the  
20 construction and establishment of the first state veterans' cemetery  
21 under this section.

22 5. Expansion and improvement of existing state veterans' cemeteries.  
23 The commissioner, in consultation with the management board of a state  
24 veterans' cemetery, may provide for the expansion and/or improvement of  
25 the cemetery. Such expansion and improvement shall be conducted in  
26 accordance with the rules and regulations of the department under para-  
27 graph (e) of subdivision two of this section.

28 § 24. Veterans health screening. 1. As used in this section: a.  
29 "Eligible member" means a member of the New York army national guard or  
30 the New York air national guard who served in the Persian Gulf War, as  
31 defined in 38 USC 101, or in an area designated as a combat zone by the  
32 president of the United States during Operation Enduring Freedom or  
33 Operation Iraqi Freedom;

34 b. "Veteran" means a person, male or female, resident of this state,  
35 who has served in the active military, naval or air service of the  
36 United States during a time of war in which the United States engaged  
37 and who has been released from such service otherwise than by dishonor-  
38 able discharge, or who has been furloughed to the reserve;

39 c. "Military physician" includes a physician who is under contract  
40 with the United States department of defense to provide physician  
41 services to members of the armed forces; and

42 d. "Depleted uranium" means uranium containing less uranium-235 than  
43 the naturally occurring distribution of uranium isotopes.

44 2. On and after February first, two thousand seven, the adjutant  
45 general and the state commissioner shall assist any eligible member or  
46 veteran who has been experiencing health problems. Such problems may  
47 include exposure to toxic materials or harmful physical agents such as  
48 depleted uranium. An eligible member or veteran who has been assigned a  
49 risk level I, II or III for depleted uranium exposure by his or her  
50 branch of service, is referred by a military physician, or has reason to  
51 believe that he or she was exposed to toxic materials or harmful phys-  
52 ical agents such as depleted uranium during such service, in obtaining  
53 federal treatment services. Such treatment shall include, but not be  
54 limited to, a best practice health screening test for exposure to  
55 depleted uranium using a bioassay procedure involving sensitive methods  
56 capable of detecting depleted uranium at low levels and the use of

1 equipment with the capacity to discriminate between different radioiso-  
2 topes in naturally occurring levels of uranium and the characteristic  
3 ratio and marker for depleted uranium. As more scientific reliable tests  
4 become available such test shall be included in the treatment protocol.  
5 No state funds shall be used to pay for such tests or such other federal  
6 treatment services.

7 3. On or before February first, two thousand seven, the adjutant  
8 general shall submit a report to the chair of the senate veterans, home-  
9 land security and military affairs committee and the chair of the assem-  
10 bly veterans' affairs committee on the scope and adequacy of training  
11 received by members of the New York army national guard and the New York  
12 air national guard on detecting whether their service as eligible  
13 members is likely to entail, or to have entailed, exposure to toxic  
14 materials or harmful physical agents such as depleted uranium. The  
15 report shall include an assessment of the feasibility and cost of adding  
16 predeployment training concerning potential exposure to depleted uranium  
17 and other toxic chemical substances and the precautions recommended  
18 under combat and noncombat conditions while in a combat theater or  
19 combat zone of operations.

20 § 25. Payment to parents of veterans. 1. Annuity established. (a) A  
21 parent, identified in 10 USC 1126 as a gold star parent, of a veteran  
22 who heretofore has died or a parent of a veteran dying hereafter, shall  
23 upon application to the state commissioner, be paid an annual annuity  
24 out of the treasury of the state for the sum of five hundred dollars for  
25 such term as such parent shall be entitled thereto under the provisions  
26 of this article. Commencing in the year two thousand nineteen, the  
27 amount of any annuity payable under this section shall be the same  
28 amount as the annuity payable in the preceding year plus a percentage  
29 adjustment equal to the annual percentage increase, if any, for compen-  
30 sation and pension benefits administered by the United States Department  
31 of Veterans Affairs in the previous year. Such percentage increase shall  
32 be rounded up to the next highest one-tenth of one percent and shall not  
33 be less than one percent nor more than four percent. The commissioner of  
34 veterans' services, not later than February first of each year, shall  
35 publish by any reasonable means, including but not limited to posting on  
36 the department's website, the amount of the annuity as adjusted payable  
37 under this section. The term "parent" for the purposes of this section  
38 includes mother, father, stepmother, stepfather, mother through adoption  
39 and father through adoption.

40 (b) The entitlement of any parent to receive the annuity provided by  
41 paragraph (a) of this subdivision shall terminate upon his or her death  
42 or upon his or her ceasing to continue to be a resident of and domiciled  
43 in the state of New York, but such entitlement may be reinstated upon  
44 application to the state commissioner, if such parent shall thereafter  
45 resume his or her residence and domicile in the state.

46 (c) The effective date of an award of the annuity to a parent shall be  
47 the day after the date of death of the veteran if the application there-  
48 for is received within one year from date of death. If the application  
49 is received after the expiration of the first year following the date of  
50 the death of the veteran, the effective date of an award of the annuity  
51 to a parent shall be the date of receipt of the application by the state  
52 commissioner. If the application is denied but is granted at a later  
53 date upon an application for reconsideration based upon new evidence,  
54 the effective date of the award of the annuity to a parent shall be the  
55 date of the receipt of the application for reconsideration by the state  
56 commissioner.

1 (d) Any applicant convicted of making any false statement in the  
2 application for the annuity shall be subject to penalties prescribed in  
3 the penal law.

4 2. Qualifications. (a) Any gold star parent, who is the parent of a  
5 deceased veteran, and who is a resident of and domiciled in the state of  
6 New York, shall make application to the department.

7 (b) No entitlement shall be paid under this section to or for a gold  
8 star parent who is in prison in a federal, state, or local penal insti-  
9 tution as a result of conviction of a felony or misdemeanor for any part  
10 of the period beginning sixty-one days after his or her imprisonment  
11 begins and ending with his or her release.

12 (c) Where one or more gold star parents are disqualified for the annu-  
13 ity for a period under paragraph (b) of this subdivision, the state  
14 commissioner shall pay the shares of such disqualified parents to the  
15 other parents, if they meet the qualifications on their own.

16 (d) The decision of the state commissioner on matters regarding the  
17 payment of such annuity shall be final.

18 3. Method of payment. (a) Evidence of the military service of the  
19 deceased veteran of the gold star parent for each case shall be  
20 furnished in the manner and form prescribed by the state commissioner.

21 (b) Upon being satisfied that such service was honorable, that other  
22 facts and statements in the application of such gold star parent are  
23 true, the state commissioner shall certify to the state comptroller the  
24 name and address of such gold star parent.

25 (c) Thereafter, the department of taxation and finance, on the audit  
26 and warrant of the comptroller, shall pay such gold star parent such sum  
27 as is authorized by the provisions of this section in semi-annual  
28 installments for so long as such qualified gold star parent shall meet  
29 the requirements of this section.

30 4. Report. The state commissioner shall submit a report to the gover-  
31 nor, the chair of the senate finance committee, and the chair of the  
32 assembly ways and means committee not later than January fifteenth of  
33 each year this section is in effect. Such report shall include, but not  
34 be limited to regulations promulgated pursuant to this section, and a  
35 description and evaluation of the program.

36 § 26. Cremated remains of a veteran. The cremated remains of a veteran  
37 may be disposed of pursuant to the provisions of section forty-two  
38 hundred three of the public health law.

39 § 27. New York state silver rose veterans service certificate. The  
40 commissioner, in consultation with the adjutant general, is hereby  
41 authorized to present in the name of the legislature of the state of New  
42 York, a certificate, to be known as the "New York State Silver Rose  
43 Veterans Service Certificate", bearing a suitable inscription to any  
44 person:

45 1. who is a citizen of the state of New York; or

46 2. who was a citizen of the state of New York while serving in the  
47 armed forces of the United States, and who while serving in the armed  
48 forces of the United States, or the organized militia on active duty was  
49 exposed to dioxin or phenoxy herbicides, as evinced by a medical diagno-  
50 sis of a disease associated with dioxin or phenoxy herbicides, and any  
51 other proof determined by the adjutant general to be necessary; or

52 3. who was honorably discharged or released under honorable circum-  
53 stances.

54 Not more than one New York state silver rose veterans certificates  
55 shall be awarded or presented, under the provisions of this section, to  
56 any person whose entire service subsequent to the time of the receipt of

1 such certificate shall not have been honorable. In the event of the  
2 death of any person during or subsequent to the receipt of such certifi-  
3 cate it shall be presented to such representative of the deceased as  
4 may be designated. The commissioner, in consultation with the adjutant  
5 general, shall make such rules and regulations as may be deemed neces-  
6 sary for the proper presentation and distribution of such certificates.

## ARTICLE 2

## VETERANS EMPLOYMENT ACT

9 Section 30. Short title.

10 31. Legislative findings.

11 32. Definitions.

12 33. Temporary hiring.

13 34. Department of civil services responsibilities.

14 35. Regulations.

15 § 30. Short title. This article shall be known and may be cited as the  
16 "veterans employment act".

17 § 31. Legislative findings. The legislature hereby finds that it is  
18 estimated that over the next five years, forty-four thousand veterans  
19 are expected to return to this state from their military posts, making  
20 the Empire State home to one of the largest veteran populations in the  
21 country. Shockingly, the unemployment rate for Post-9/11 veterans in New  
22 York was 10.7% in two thousand twelve, which is nearly one percent high-  
23 er than the national average and higher than the state's overall 8.2%  
24 unemployment rate. The legislature has found previously that it is in  
25 the interest of the state to ensure that returning veterans have employ-  
26 ment opportunities available upon their separation from military  
27 service.

28 The state already encourages private businesses to hire military  
29 veterans through tax credits and other economic incentives. In addition,  
30 the legislature has previously found that state agencies spend millions  
31 of dollars annually on temporary staff hired from temporary employment  
32 service companies to cover temporary staffing needs. These temporary  
33 state jobs could serve as a bridge for recently discharged military  
34 veterans who have yet to find full-time permanent work. In addition,  
35 these temporary assignments could serve to develop the next generation  
36 of the state workforce and help with succession planning for the current  
37 workforce.

38 The legislature declares it to be the policy of this state to use  
39 veterans for temporary appointments in state agencies rather than  
40 utilizing temporary employment service companies in order to provide  
41 employment opportunities for returning military veterans.

42 § 32. Definitions. As used in this article:

43 1. "State agency" shall mean any department, board, bureau, division,  
44 commission, council or committee within the executive branch, the state  
45 university of New York, the city university of New York, and all public  
46 authorities under the control of the executive branch.

47 2. "Temporary appointment" shall have the same meaning as provided in  
48 section sixty-four of the civil service law.

49 3. "Veteran" shall mean an individual who served on active duty in the  
50 United States army, navy, marine corps, air force, coast guard or the  
51 reserves component, or who served in active military service of the  
52 United States as a member of the army national guard, air national  
53 guard, New York guard or New York naval militia, who was released from  
54 such service otherwise than by dishonorable discharge after September  
55 eleventh, two thousand one.

1 4. "Veteran temporary hiring list" shall mean a hiring list maintained  
2 by the department of civil service.

3 § 33. Temporary hiring. Notwithstanding any provision of law to the  
4 contrary, a state agency shall select a veteran from the veteran tempo-  
5 rary hiring list when making a temporary appointment provided such  
6 veteran possesses the applicable skills needed for the temporary assign-  
7 ment.

8 § 34. Department of civil services responsibilities. The department of  
9 civil service shall:

10 1. establish and maintain a veteran temporary hiring list, for use by  
11 state agencies in the implementation of this article;

12 2. assist state agencies by making available services of the depart-  
13 ment of civil service to facilitate the provisions of this article; and

14 3. establish and maintain, together with the commissioner of the  
15 department of veterans' services, a program to educate separating  
16 service members as to the benefits available to veterans under this  
17 article.

18 § 35. Regulations. The president of the state civil service commission  
19 shall promulgate such rules and regulations as shall be necessary to  
20 implement the provisions of this article.

### 21 ARTICLE 3

#### 22 PARTICIPATION BY SERVICE-DISABLED VETERANS WITH RESPECT TO 23 STATE CONTRACTS

##### 24 Section 40. Definitions.

25 41. Division of service-disabled veterans' business development.

26 42. Opportunities for certified service-disabled veteran-owned  
27 business enterprises.

28 43. Severability.

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

31 1. "Certified service-disabled veteran-owned business enterprise"  
32 shall mean a business enterprise, including a sole proprietorship, part-  
33 nership, limited liability company or corporation that is:

34 (a) at least fifty-one percent owned by one or more service-disabled  
35 veterans;

36 (b) an enterprise in which such service-disabled veteran ownership is  
37 real, substantial, and continuing;

38 (c) an enterprise in which such service-disabled veteran ownership has  
39 and exercises the authority to control independently the day-to-day  
40 business decisions of the enterprise;

41 (d) an enterprise authorized to do business in this state and is inde-  
42 pendently-owned and operated;

43 (e) an enterprise that is a small business which has a significant  
44 business presence in the state, not dominant in its field and employs,  
45 based on its industry, a certain number of persons as determined by the  
46 director, but not to exceed three hundred, taking into consideration  
47 factors which include, but are not limited to, federal small business  
48 administration standards pursuant to 13 CFR part 121 and any amendments  
49 thereto; and

50 (f) certified by the office of general services.

51 2. "Commissioner" shall mean the commissioner of the office of general  
52 services.

53 3. "Director" shall mean the director of the division of service-disa-  
54 bled veterans' business development.



1 4. "Division" shall mean the division of service-disabled veterans'  
2 business development in the office of general services.

3 5. "Service-disabled veteran" shall mean (a) in the case of the United  
4 States army, navy, air force, marines, coast guard, army national guard  
5 or air national guard and/or reserves thereof, a veteran who received a  
6 compensation rating of ten percent or greater from the United States  
7 Department of Veterans Affairs or from the United States department of  
8 defense because of a service-connected disability incurred in the line  
9 of duty, and (b) in the case of the New York guard or the New York naval  
10 militia and/or reserves thereof, a veteran who certifies, pursuant to  
11 the rules and regulations promulgated by the director, to having  
12 incurred an injury equivalent to a compensation rating of ten percent or  
13 greater from the United States Department of Veterans Affairs or from  
14 the United States Department of Defense because of a service-connected  
15 disability incurred in the line of duty.

16 6. "State agency" shall mean: (a)(i) any state department; or (ii) any  
17 division, board, commission or bureau of any state department; or (iii)  
18 the state university of New York and the city university of New York,  
19 including all their constituent units except community colleges and the  
20 independent institutions operating statutory or contract colleges on  
21 behalf of the state; or (iv) a board, a majority of whose members are  
22 appointed by the governor or who serve by virtue of being state officers  
23 or employees as defined in subparagraph (i), (ii) or (iii) of paragraph  
24 (i) of subdivision one of section seventy-three of the public officers  
25 law.

26 (b) a "state authority" as defined in subdivision one of section two  
27 of the public authorities law, and the following:

28 Albany County Airport Authority;  
29 Albany Port District Commission;  
30 Alfred, Almond, Hornellsville Sewer Authority;  
31 Battery Park City Authority;  
32 Cayuga County Water and Sewer Authority;  
33 (Nelson A. Rockefeller) Empire State Plaza Performing Arts Center  
34 Corporation;  
35 Industrial Exhibit Authority;  
36 Livingston County Water and Sewer Authority;  
37 Long Island Power Authority;  
38 Long Island Rail Road;  
39 Long Island Market Authority;  
40 Manhattan and Bronx Surface Transit Operating Authority;  
41 Metro-North Commuter Railroad;  
42 Metropolitan Suburban Bus Authority;  
43 Metropolitan Transportation Authority;  
44 Natural Heritage Trust;  
45 New York City Transit Authority;  
46 New York Convention Center Operating Corporation;  
47 New York State Bridge Authority;  
48 New York State Olympic Regional Development Authority;  
49 New York State Thruway Authority;  
50 Niagara Falls Public Water Authority;  
51 Niagara Falls Water Board;  
52 Port of Oswego Authority;  
53 Power Authority of the State of New York;  
54 Roosevelt Island Operating Corporation;  
55 Schenectady Metroplex Development Authority;  
56 State Insurance Fund;

1 Staten Island Rapid Transit Operating Authority;  
2 State University Construction Fund;  
3 Syracuse Regional Airport Authority;  
4 Triborough Bridge and Tunnel Authority;  
5 Upper Mohawk valley regional water board;  
6 Upper Mohawk valley regional water finance authority;  
7 Upper Mohawk valley memorial auditorium authority;  
8 Urban Development Corporation and its subsidiary corporations.

9 (c) the following only to the extent of state contracts entered into  
10 for its own account or for the benefit of a state agency as defined in  
11 paragraph (a) or (b) of this subdivision:

12 Dormitory Authority of the State of New York;  
13 Facilities Development Corporation;  
14 New York State Energy Research and Development Authority;  
15 New York State Science and Technology Foundation.

16 (d) "state contract" shall mean: (i) a written agreement or purchase  
17 order instrument, providing for a total expenditure in excess of twen-  
18 ty-five thousand dollars, whereby a contracting agency is committed to  
19 expend or does expend funds in return for labor, services including but  
20 not limited to legal, financial and other professional services,  
21 supplies, equipment, materials or any combination of the foregoing, to  
22 be performed for, or rendered or furnished to the contracting agency;  
23 (ii) a written agreement in excess of one hundred thousand dollars  
24 whereby a contracting agency is committed to expend or does expend funds  
25 for the acquisition, construction, demolition, replacement, major repair  
26 or renovation of real property and improvements thereon; and (iii) a  
27 written agreement in excess of one hundred thousand dollars whereby the  
28 owner of a state assisted housing project is committed to expend or does  
29 expend funds for the acquisition, construction, demolition, replacement,  
30 major repair or renovation of real property and improvements thereon for  
31 such project.

32 7. "Veteran" shall mean a person who served in the United States army,  
33 navy, air force, marines, coast guard, and/or reserves thereof, and/or  
34 in the army national guard, air national guard, New York guard and/or  
35 the New York naval militia, and who (i) has received an honorable or  
36 general discharge from such service, or (ii) has a qualifying condition,  
37 as defined in section one of this chapter, and has received a discharge  
38 other than bad conduct or dishonorable from such service, or (iii) is a  
39 discharged LGBT veteran, as defined in section one of this chapter, and  
40 has received a discharge other than bad conduct or dishonorable from  
41 such service.

42 § 41. Division of service-disabled veterans' business development. 1.  
43 The head of the division of service-disabled veterans' business develop-  
44 ment shall be the director who shall be appointed by the governor and  
45 who shall hold office at the pleasure of the commissioner.

46 2. The director may appoint such deputies, assistants, and other  
47 employees as may be needed for the performance of the duties prescribed  
48 herein subject to the provisions of the civil service law and the rules  
49 and regulations of the civil service commission. The director may  
50 request and shall receive from any (i) department, division, board,  
51 bureau, or executive commission of the state or (ii) state agency, such  
52 assistance as may be necessary to carry out the provisions of this arti-  
53 cle.

54 3. The director shall have the following powers and duties:

55 (a) Develop, collect, summarize and disseminate information that will  
56 be helpful to persons and organizations throughout the state in under-

1 taking or promoting the establishment and successful operation of a  
2 service-disabled veteran-owned business.

3 (b) Develop and make available to state agencies a directory of certi-  
4 fied service-disabled veteran-owned business enterprises which shall,  
5 wherever practicable, be divided into categories of labor, services,  
6 supplies, equipment, materials and recognized construction trades and  
7 which shall indicate areas or locations of the state where such enter-  
8 prises are available to perform services. Such directory shall be posted  
9 on the office of general services website.

10 (c) Assist state agencies in the development of programs to foster and  
11 promote the use of service-disabled veteran-owned business enterprises  
12 on state contracts.

13 (d) Coordinate the plans, programs and operations of the state govern-  
14 ment which affect or may contribute to the establishment, preservation  
15 and development of service-disabled veteran-owned business enterprises.

16 (e) To appoint independent hearing officers who by contract or terms  
17 of employment shall preside over adjudicatory hearings pursuant to this  
18 section for the office and who are assigned no other work by the office.

19 (f) In conjunction with the commissioner, develop a comprehensive  
20 statewide plan and operational guidelines to promote service-disabled  
21 veteran-owned business enterprises and to assist them in obtaining  
22 opportunities to participate in the procurement of goods and services by  
23 the state, including identification of barriers to service-disabled  
24 veterans' business development and investigation and evaluation of their  
25 impact on achieving the objectives of this article.

26 4. The commissioner shall:

27 (a) Coordinate training of all procurement personnel of state agen-  
28 cies, emphasizing increased sensitivity and responsiveness to the unique  
29 needs and requirements of service-disabled veteran-owned business enter-  
30 prises.

31 (b) Conduct a coordinated review of all existing and proposed state  
32 training and technical assistance activities in direct support of the  
33 service-disabled veterans' business development program to assure  
34 consistency with the objectives of this article.

35 (c) Evaluate and assess availability of firms for the purpose of  
36 increasing participation of such firms in state contracting in consulta-  
37 tion with relevant state entities including, but not limited to, the New  
38 York state department of veterans' services.

39 (d) Provide advice and technical assistance to promote service-disa-  
40 bled veteran-owned business enterprises' understanding of state procure-  
41 ment laws, practices and procedures to facilitate and increase the  
42 participation of service-disabled veteran-owned business enterprises in  
43 state procurement.

44 (e) Establish regular performance reporting systems regarding imple-  
45 mentation of the programs designed to increase service-disabled veter-  
46 an-owned business participation in procurement contracts by state agen-  
47 cies.

48 (f) Submit a report by the thirty-first of December each year, to the  
49 governor, the temporary president of the senate, the speaker of the  
50 assembly and the chairpersons of the senate finance and assembly ways  
51 and means committees. Such report shall include information including,  
52 but not limited to, the number of contracts entered into pursuant to  
53 this article, the average amount of such contracts, the number of  
54 service-disabled veteran-owned business enterprises certified, the  
55 number of applications for certification as a service-disabled veteran-  
56 owned business enterprise, the number of denials for such certification,

1 the number of appeals of such denials, and the outcome of such appeals  
2 and the average time that is required for such certification to be  
3 completed. Also to be included shall be the level of service-disabled  
4 veteran-owned businesses participating in each agency's contracts for  
5 goods and services and on activities of the division and efforts by each  
6 contracting agency to promote utilization of service-disabled veteran-  
7 owned businesses and to promote and increase participation by certified  
8 service-disabled veteran-owned businesses with respect to state  
9 contracts and subcontracts to such businesses. Such report may recommend  
10 new activities and programs to effectuate the purposes of this article.

11 5. Certification. (a) The director, or in the absence of the director,  
12 the commissioner, within ninety days of the effective date of this arti-  
13 cle, shall promulgate rules and regulations providing for the establish-  
14 ment of a statewide certification program including rules and regu-  
15 lations governing the approval, denial, or revocation of any such  
16 certification. Such rules and regulations shall include, but not be  
17 limited to, such matters as may be required to ensure that the estab-  
18 lished procedures thereunder shall at least be in compliance with the  
19 code of fair procedure set forth in section seventy-three of the civil  
20 rights law.

21 (b) The division of service-disabled veterans' business development  
22 shall be responsible for verifying businesses as being owned, operated,  
23 and controlled by a service-disabled veteran and for certifying such  
24 verified businesses. Status as a service-disabled veteran pursuant to  
25 paragraph (a) of this subdivision shall be documented by a copy of the  
26 veteran's certificate of release or discharge from active duty, includ-  
27 ing but not limited to, a DD-214 form or an honorable service  
28 certificate/report of casualty from the Department of Defense, a letter  
29 of certification by the United States Department of Veterans Affairs or  
30 the United States Department of Defense and any additional information  
31 that may be required by the division of service-disabled veterans' busi-  
32 ness development. In the case of the New York guard or the New York  
33 naval militia and/or reserves thereof, status as a service-disabled  
34 veteran pursuant to this paragraph shall be documented pursuant to rules  
35 and regulations promulgated by the director, or in the absence of the  
36 director, the commissioner.

37 (c) Following application for certification pursuant to this section,  
38 the director shall provide the applicant with written notice of the  
39 status of the application, including notice of any outstanding deficien-  
40 cies, within thirty days. Within sixty days of submission of a final  
41 completed application, the director shall provide the applicant with  
42 written notice of a determination by the director approving or denying  
43 such certification and, in the event of a denial, a statement setting  
44 forth the reasons for such denial. Upon a determination denying or  
45 revoking certification, the business enterprise for which certification  
46 has been so denied or revoked shall, upon written request made within  
47 thirty days from receipt of notice of such determination, be entitled to  
48 a hearing before an independent hearing officer designated for such  
49 purpose by the director. In the event that a request for a hearing is  
50 not made within such thirty-day period, such determination shall be  
51 deemed to be final. The independent hearing officer shall conduct a  
52 hearing and upon the conclusion of such hearing, issue a written recom-  
53 mendation to the director to affirm, reverse, or modify such determi-  
54 nation of the director. Such written recommendation shall be issued to  
55 the parties. The director, within thirty days, by order, must accept,  
56 reject or modify such recommendation of the hearing officer and set

1 forth in writing the reason therefor. The director shall serve a copy of  
2 such order and reasons therefor upon the business enterprise by personal  
3 service or by certified mail return receipt requested. The order of the  
4 director shall be subject to review pursuant to article seventy-eight of  
5 the civil practice law and rules.

6 (d) All certifications shall be valid for a period of five years.

7 § 42. Opportunities for certified service-disabled veteran-owned busi-  
8 ness enterprises. 1. The director, or in the absence of the director,  
9 the commissioner, within ninety days of the effective date of this arti-  
10 cle shall promulgate rules and regulations for the following purposes:

11 (a) provide measures and procedures to ensure that certified service-  
12 disabled veteran-owned business enterprises are afforded the opportunity  
13 for meaningful participation in the performance of state contracts and  
14 to assist in state agencies' identification of those state contracts for  
15 which certified service-disabled veteran-owned business enterprises may  
16 best perform;

17 (b) provide for measures and procedures that assist state agencies in  
18 the identification of state contracts where service-disabled veteran  
19 contract goals are practical, feasible and appropriate for the purpose  
20 of increasing the utilization of service-disabled veteran-owned business  
21 enterprise participation on state contracts;

22 (c) achieve a statewide goal for participation on state contracts by  
23 service-disabled veteran-owned business enterprises of six percent;

24 (d) provide for procedures relating to submission and receipt of  
25 applications by service-disabled veteran-owned business enterprises for  
26 certification;

27 (e) provide for the monitoring and compliance of state contracts by  
28 state agencies with respect to the provisions of this article;

29 (f) provide for the requirement that state agencies submit regular  
30 reports, as determined by the director, with respect to their service-  
31 disabled veteran-owned business enterprise program activity, including  
32 but not limited to, utilization reporting and state contract monitoring  
33 and compliance;

34 (g) notwithstanding any provision of the state finance law, the public  
35 buildings law, the highway law, the transportation law or the public  
36 authorities law to the contrary, provide for the reservation or set-a-  
37 side of certain procurements by state agencies in order to achieve the  
38 objectives of this article; provided, however, that such procurements  
39 shall remain subject to (i) priority of preferred sources pursuant to  
40 sections one hundred sixty-two and one hundred sixty-three of the state  
41 finance law; (ii) the approval of the comptroller of the state of New  
42 York pursuant to section one hundred twelve and section one hundred  
43 sixty-three of the state finance law and section twenty-eight hundred  
44 seventy-nine-a of the public authorities law; and (iii) the procurement  
45 record requirements pursuant to paragraph g of subdivision nine of  
46 section one hundred sixty-three of the state finance law; and

47 (h) provide for any other purposes to effectuate this article.

48 2. State agencies shall administer the rules and regulations promul-  
49 gated by the director for the implementation of this article.

50 § 43. Severability. If any clause, sentence, paragraph, section or  
51 part of this article shall be adjudged by any court of competent juris-  
52 diction to be invalid, the judgment shall not affect, impair or invali-  
53 date the remainder thereof, but shall be confined in its operation to  
54 the clause, sentence, paragraph, section or part of this article direct-  
55 ly involved in the controversy in which the judgment shall have been  
56 rendered.

§ 3. Paragraph a of subdivision 3 of section 14-a of the domestic relations law, as separately amended by section 27 of part AA of chapter 56 and chapter 177 of the laws of 2019, is amended to read as follows:

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

§ 4. Subdivision 1 of section 19 of the domestic relations law, as amended by section 28 of part AA of chapter 56 of the laws of 2019, is amended to read as follows:

1. Each town and city clerk hereby empowered to issue marriage licenses shall keep a book supplied by the state department of health in which such clerk shall record and index such information as is required therein, which book shall be kept and preserved as a part of the public records of his or her office. Whenever an application is made for a search of such records the city or town clerk, excepting the city clerk of the city of New York, may make such search and furnish a certificate of the result to the applicant upon the payment of a fee of five dollars for a search of one year and a further fee of one dollar for the second year for which such search is requested and fifty cents for each additional year thereafter, which fees shall be paid in advance of such search. Whenever an application is made for a search of such records in the city of New York, the city clerk of the city of New York may make such search and furnish a certificate of the result to the applicant upon the payment of a fee of five dollars for a search of one year and a further fee of one dollar for the second year for which search is requested and fifty cents each additional year thereafter. Notwithstanding any other provision of this article, no fee shall be charged for any search or certificate when required by the United States department of veterans affairs or by the ~~[division]~~ department of veterans' services of the state of New York to be used in determining the eligibility of any person to participate in the benefits made available by the United States department of veterans affairs or by the state of New York. All such affidavits, statements and consents, immediately upon the taking or receiving of the same by the town or city clerk, shall be recorded and indexed as provided herein and shall be public records and open to public inspection whenever the same may be necessary or required for judicial or other proper purposes. At such times as the commissioner shall direct, the said town or city clerk, excepting the city clerk of the city of New York, shall file in the office of the state department of health the original of each affidavit, statement, consent, order of a justice or judge authorizing immediate solemnization of marriage, license and certificate, filed with or made before such clerk during the preceding month. Such clerk shall not be required to file any of said documents with the state department of health until the license is returned with the certificate showing that the marriage to which they refer has been actually performed.

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



§ 5. Subdivision 1 of section 3308 of the education law, as amended by section 29 of part AA of chapter 56 of the laws of 2019, is amended to read as follows:

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

§ 6. Subdivision 1 of section 6505-c of the education law, as amended by section 30 of part AA of chapter 56 of the laws of 2019, is amended to read as follows:

1. The commissioner shall develop, jointly with the ~~director~~ commissioner of the ~~division~~ department of veterans' services, a program to facilitate articulation between participation in the military service of the United States or the military service of the state and admission to practice of a profession. The commissioner and the ~~director~~ commissioner of veterans' services shall identify, review and evaluate professional training programs offered through either the military service of the United States or the military service of the state which may, where applicable, be accepted by the department as equivalent education and training in lieu of all or part of an approved program. Particular emphasis shall be placed on the identification of military programs which have previously been deemed acceptable by the department as equivalent education and training, programs which may provide, where applicable, equivalent education and training for those professions which are critical to public health and safety and programs which may provide, where applicable, equivalent education and training for those professions for which shortages exist in the state of New York.

§ 7. The opening paragraph of section 5-211 of the election law, as separately amended by chapters 587 and 672 of the laws of 2019, is amended to read as follows:

Each agency designated as a participating agency under the provisions of this section shall implement and administer a program of distribution of voter registration forms pursuant to the provisions of this section. The following offices which provide public assistance and/or provide state funded programs primarily engaged in providing services to persons with disabilities are hereby designated as voter registration agencies: designated as the state agencies which provide public assistance are the office of children and family services, the office of temporary and disability assistance and the department of health. Also designated as public assistance agencies are all agencies of local government that provide such assistance. Designated as state agencies that provide programs primarily engaged in providing services to people with disabilities are the department of labor, office for the aging, ~~division~~

1 department of veterans' services, office of mental health, office of  
2 vocational and educational services for individuals with disabilities,  
3 commission on quality of care for the mentally disabled, office for  
4 people with developmental disabilities, commission for the blind, office  
5 of [~~alcoholism and substance abuse services~~] addiction services and  
6 supports, the office of the advocate for the disabled and all offices  
7 which administer programs established or funded by such agencies. Addi-  
8 tional participating agencies designated as voter registration offices  
9 are the department of state and the district offices of the workers'  
10 compensation board. Such agencies shall be required to offer voter  
11 registration forms to persons upon initial application for services,  
12 renewal or recertification for services and upon change of address  
13 relating to such services. Such agencies shall also be responsible for  
14 providing assistance to applicants in completing voter registration  
15 forms, receiving and transmitting the completed application form from  
16 all applicants who wish to have such form transmitted to the appropriate  
17 board of elections. The state board of elections shall, together with  
18 representatives of the United States department of defense, develop and  
19 implement procedures for including recruitment offices of the armed  
20 forces of the United States as voter registration offices when such  
21 offices are so designated by federal law. The state board of elections  
22 shall also make request of the United States Citizenship and Immigration  
23 Services to include applications for registration by mail with any mate-  
24 rials which are given to new citizens.

25 § 8. Subdivision 3 of section 11-0707 of the environmental conserva-  
26 tion law, as amended by chapter 322 of the laws of 2021, is amended to  
27 read as follows:

28 3. Any person who is a patient at any facility in this state main-  
29 tained by the United States Veterans Health Administration or at any  
30 hospital or sanatorium for treatment of tuberculosis maintained by the  
31 state or any municipal corporation thereof or resident patient at any  
32 institution of the department of Mental Hygiene, or resident patient at  
33 the rehabilitation hospital of the department of Health, or at any rest  
34 camp maintained by the state through the [~~Division~~] Department of Veter-  
35 ans' Services [~~in the Executive Department~~] or any incarcerated individ-  
36 ual of a conservation work camp within the youth rehabilitation facility  
37 of the department of corrections and community supervision, or any  
38 incarcerated individual of a youth opportunity or youth rehabilitation  
39 center within the Office of Children and Family Services, any resident  
40 of a nursing home or residential health care facility as defined in  
41 subdivisions two and three of section twenty-eight hundred one of the  
42 public health law, or any staff member or volunteer accompanying or  
43 assisting one or more residents of such nursing home or residential  
44 health care facility on an outing authorized by the administrator of  
45 such nursing home or residential health care facility may take fish as  
46 if he or she held a fishing license, except that he or she may not take  
47 bait fish by net or trap, if he or she has on his or her person an  
48 authorization upon a form furnished by the department containing such  
49 identifying information and data as may be required by it, and signed by  
50 the superintendent or other head of such facility, institution, hospi-  
51 tal, sanitarium, nursing home, residential health care facility or rest  
52 camp, as the case may be, or by a staff physician thereat duly author-  
53 ized so to do by the superintendent or other head thereof. Such authori-  
54 zation with respect to incarcerated individuals of said conservation  
55 work camps shall be limited to areas under the care, custody and control  
56 of the department.

§ 9. Subdivisions 8, 9 and 10 of section 31 of the executive law, subdivision 8 as amended by section 2 of part AA of chapter 56 of the laws of 2019, subdivision 9 as amended by section 106 of subpart B of part C of chapter 62 of the laws of 2011 and subdivision 10 as amended by section 8 of part O of chapter 55 of the laws of 2012, are amended to read as follows:

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

~~9.]~~ The division of homeland security and emergency services.

~~[10.]~~ 9. Office of information technology services.

§ 10. Subdivision 1 of section 191 of the executive law, as amended by section 3 of part AA of chapter 56 of the laws of 2019, is amended to read as follows:

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

§ 11. Subdivision 1 of section 643 of the executive law, as amended by section 14 of part AA of chapter 56 of the laws of 2019, is amended to read as follows:

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

§ 12. Section 99-v of the general municipal law, as amended by section 25 of part AA of chapter 56 of the laws of 2019, is amended to read as follows:

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

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

5 § 13. Subdivision 1 of section 168 of the labor law, as amended by  
6 chapter 322 of the laws of 2021, is amended to read as follows:

7 1. This section shall apply to all persons employed by the state in  
8 the ward, cottage, colony, kitchen and dining room, and guard service  
9 personnel in any hospital, school, prison, reformatory or other institu-  
10 tion within or subject to the jurisdiction, supervision, control or  
11 visitation of the department of corrections and community supervision,  
12 the department of health, the department of mental hygiene, the depart-  
13 ment of social welfare or the [~~division~~] department of veterans'  
14 services [~~in the executive department~~], and engaged in the performance  
15 of such duties as nursing, guarding or attending the incarcerated indi-  
16 viduals, patients, wards or other persons kept or housed in such insti-  
17 tutions, or in protecting and guarding the buildings and/or grounds  
18 thereof, or in preparing or serving food therein.

19 § 14. Paragraph 5 of subdivision (b) of section 5.06 of the mental  
20 hygiene law, as amended by chapter 4 of the laws of 2022, is amended to  
21 read as follows:

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

29 § 14-a. Paragraph 5 of subdivision (b) of section 5.06 of the mental  
30 hygiene law, as amended by chapter 4 of the laws of 2022, is amended to  
31 read as follows:

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

39 § 15. Subdivision (1) of section 7.09 of the mental hygiene law, as  
40 added by chapter 378 of the laws of 2019, is amended to read as follows:

41 (1) Notwithstanding any general or special law to the contrary, the  
42 commissioner, in conjunction with the commissioner of [~~alcoholism and~~  
43 ~~substance abuse services~~] addiction services and supports and the direc-  
44 tor of the [~~division~~] department of veterans' services shall develop a  
45 public education initiative designed to eliminate stigma and misinforma-  
46 tion about mental illness and substance use among service members,  
47 veterans, and their families, improve their understanding of mental and  
48 substance use disorders and the existence of effective treatment, and  
49 provide information regarding available resources and how to access  
50 them. These public education initiatives may include the use of the  
51 internet, including the use of social networking sites.

52 § 16. Paragraph (g) of section 202 of the not-for-profit corporation  
53 law, as amended by section 33 of part AA of chapter 56 of the laws of  
54 2019, is amended to read as follows:

55 (g) Every corporation receiving any kind of state funding shall ensure  
56 the provision on any form required to be completed at application or

1 recertification for the purpose of obtaining financial assistance pursu-  
2 ant to this chapter, that the application form shall contain a check-off  
3 question asking whether the applicant or recipient or a member of his or  
4 her family served in the United States military, and an option to answer  
5 in the affirmative. Where the applicant or recipient answers in the  
6 affirmative to such question, the not-for-profit corporation shall  
7 ensure that contact information for the state [~~division~~] department of  
8 veterans' services is provided to such applicant or recipient in addi-  
9 tion to any other materials provided.

10 § 17. Paragraph (b) of section 1401 of the not-for-profit corporation  
11 law, as amended by section 34 of part AA of chapter 56 of the laws of  
12 2019, is amended to read as follows:

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

29 § 18. Subdivision 2 of section 3802 of the public health law, as  
30 amended by section 23 of part AA of chapter 56 of the laws of 2019, is  
31 amended to read as follows:

32 2. In the exercise of the foregoing powers and duties the commissioner  
33 shall consult with the [~~director~~] commissioner of the [~~division~~] depart-  
34 ment of veterans' services and the heads of state agencies charged with  
35 responsibility for manpower and health resources.

36 § 19. Subdivision 3 of section 3803 of the public health law, as  
37 amended by section 24 of part AA of chapter 56 of the laws of 2019, is  
38 amended to read as follows:

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

44 § 20. Paragraph (j) of subdivision 3 of section 20 of the social  
45 services law, as amended by section 32 of part AA of chapter 56 of the  
46 laws of 2019, is amended to read as follows:

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



§ 21. Subdivisions 3 and 4 of section 95-f of the state finance law, as amended by section 15 of part AA of chapter 56 of the laws of 2019, are amended to read as follows:

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

4. To the extent practicable, the ~~[director]~~ commissioner of the ~~[division]~~ department of veterans' services shall ensure that all monies received during a fiscal year are expended prior to the end of that fiscal year.

§ 22. The opening paragraph of subdivision 2-a and subdivision 5 of section 97-mmmm of the state finance law, as amended by section 16 of part AA of chapter 56 of the laws of 2019, are amended to read as follows:

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

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

§ 23. The opening paragraph of subdivision 2-a and subdivision 4 of section 99-v of the state finance law, as amended by section 17 of part AA of chapter 56 of the laws of 2019, are amended to read as follows:

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

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

§ 24. Subdivision 1 of section 20 of chapter 784 of the laws of 1951, constituting the New York state defense emergency act, as amended by section 38 of part AA of chapter 56 of the laws of 2019, is amended to read as follows:

1. There is hereby continued in the division of military and naval affairs in the executive department a state civil defense commission to consist of the same members as the members of the disaster preparedness commission as established in article two-B of the executive law. In addition, the superintendent of financial services, the chairperson of the workers' compensation board and the ~~[director]~~ commissioner of the ~~[division]~~ department of veterans' services shall be members. The governor shall designate one of the members of the commission to be the chairperson thereof. The commission may provide for its division into



1 subcommittees and for action by such subcommittees with the same force  
2 and effect as action by the full commission. The members of the commis-  
3 sion, except for those who serve ex officio, shall be allowed their  
4 actual and necessary expenses incurred in the performance of their  
5 duties under this article but shall receive no additional compensation  
6 for services rendered pursuant to this article.

7 § 25. Paragraph 2 of subdivision b of section 31-102 of the adminis-  
8 trative code of the city of New York, as amended by section 39 of part  
9 AA of chapter 56 of the laws of 2019, is amended to read as follows:

10 2. links to websites describing veteran employment services provided  
11 by the federal government and New York state government, including, but  
12 not limited to, the websites of the United States department of labor,  
13 the New York state department of labor, the United States department of  
14 veterans affairs, and the New York state [~~division~~] department of veter-  
15 ans' services; and

16 § 26. Subdivision a of section 3102 of the New York city charter, as  
17 amended by section 40 of part AA of chapter 56 of the laws of 2019, is  
18 amended to read as follows:

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

37 § 27. Subdivision 1 of section 143 of the state finance law, as  
38 amended by chapter 96 of the laws of 2019, is amended to read as  
39 follows:

40 1. Notwithstanding any inconsistent provision of any general or  
41 special law, the board, division, department, bureau, agency, officer or  
42 commission of the state charged with the duty of preparing plans and  
43 specifications for and awarding or entering into contracts for the  
44 performance of public work may require the payment of a fixed sum of  
45 money, not exceeding one hundred dollars, for each copy of such plans  
46 and specifications, by persons or corporations desiring a copy thereof.  
47 Any person or corporation desiring a copy of such plans and specifica-  
48 tions and making the deposit required by this section shall be furnished  
49 with one copy of the plans and specifications. Notwithstanding the fore-  
50 going, where payment is required it shall be waived upon request by  
51 minority- and women-owned business enterprises certified pursuant to  
52 article fifteen-A of the executive law or by service-disabled veteran-  
53 owned business enterprises certified pursuant to article [~~seventeen-B~~]  
54 three of the [~~executive~~] veterans' services law. Such payment may also  
55 be waived when such plans and specifications are made available and

1 obtained electronically or in any non-paper form from the board, division, department, bureau, agency, officer or commission of the state.

2 § 28. Paragraph j of subdivision 1 and subdivisions 6 and 6-d of  
3 section 163 of the state finance law, paragraph j of subdivision 1 as  
4 amended by chapter 569 of the laws of 2015, subdivision 6 as amended by  
5 chapter 257 of the laws of 2021 and subdivision 6-d as added by chapter  
6 96 of the laws of 2019, are amended to read as follows:

7 j. "Best value" means the basis for awarding contracts for services to  
8 the offerer which optimizes quality, cost and efficiency, among respon-  
9 sive and responsible offerers. Such basis shall reflect, wherever possi-  
10 ble, objective and quantifiable analysis. Such basis may also identify a  
11 quantitative factor for offerers that are small businesses, certified  
12 minority- or women-owned business enterprises as defined in subdivisions  
13 one, seven, fifteen and twenty of section three hundred ten of the exec-  
14 utive law or service-disabled veteran-owned business enterprises as  
15 defined in subdivision one of section [~~three hundred sixty-nine-h~~] forty  
16 of the [~~executive~~] veterans' services law to be used in evaluation of  
17 offers for awarding of contracts for services.

18 6. Discretionary buying thresholds. Pursuant to guidelines established  
19 by the state procurement council: the commissioner may purchase services  
20 and commodities for the office of general services or its customer agen-  
21 cies serviced by the office of general services business services center  
22 in an amount not exceeding eighty-five thousand dollars without a formal  
23 competitive process; state agencies may purchase services and commod-  
24 ities in an amount not exceeding fifty thousand dollars without a formal  
25 competitive process; and state agencies may purchase commodities or  
26 services from small business concerns or those certified pursuant to  
27 [~~articles~~] article fifteen-A [~~and seventeen-B~~] of the executive law and  
28 article three of the veterans' services law, or commodities or technolo-  
29 gy that are recycled or remanufactured in an amount not exceeding five  
30 hundred thousand dollars without a formal competitive process and for  
31 commodities that are food, including milk and milk products, grown,  
32 produced or harvested in New York state in an amount not to exceed two  
33 hundred thousand dollars, without a formal competitive process.

34 6-d. Pursuant to the authority provided in subdivision six of this  
35 section, state agencies shall report annually on a fiscal year basis by  
36 July first of the ensuing year to the director of the division of minor-  
37 ity and women-owned business development the total number and total  
38 value of contracts awarded to businesses certified pursuant to article  
39 fifteen-A of the executive law, and with respect to contracts awarded to  
40 businesses certified pursuant to article [~~seventeen-B~~] three of the  
41 [~~executive~~] veterans' services law such information shall be reported to  
42 the division of service-disabled veteran-owned business enterprises for  
43 inclusion in their respective annual reports.

44 § 29. Paragraph (f) of subdivision 5 of section 87 of the cannabis law  
45 is amended to read as follows:

46 (f) "Service-disabled veterans" shall mean persons qualified under  
47 article [~~seventeen-B~~] three of the [~~executive~~] veterans' services law.

48 § 30. Subdivision 6 of section 224-d of the labor law, as added by  
49 section 2 of part AA of chapter 56 of the laws of 2021, is amended to  
50 read as follows:

51 6. Each owner and developer subject to the requirements of this  
52 section shall comply with the objectives and goals of certified minority  
53 and women-owned business enterprises pursuant to article fifteen-A of  
54 the executive law and certified service-disabled veteran-owned busi-  
55 nesses pursuant to article [~~seventeen-B~~] three of the [~~executive~~] veter-

1 ans' services law. The department in consultation with the [~~directors~~]  
2 commissioner of the division of minority and women's business develop-  
3 ment and the director of the division of service-disabled veterans'  
4 business development shall make training and resources available to  
5 assist minority and women-owned business enterprises and service-disa-  
6 bled veteran-owned business enterprises on covered renewable energy  
7 systems to achieve and maintain compliance with prevailing wage require-  
8 ments. The department shall make such training and resources available  
9 online and shall afford minority and women-owned business enterprises  
10 and service-disabled veteran-owned business enterprises an opportunity  
11 to submit comments on such training.

12 § 31. Subdivision 3 of section 103-a of the state technology law, as  
13 added by chapter 427 of the laws of 2017, is amended to read as follows:

14 3. The director shall conduct an outreach campaign informing the  
15 public of the iCenter and shall conduct specific outreach to minority  
16 and women-owned business enterprises certified pursuant to article  
17 fifteen-A of the executive law, small businesses as such term is defined  
18 in section one hundred thirty-one of the economic development law, and  
19 service disabled veteran owned business enterprises certified pursuant  
20 to article [~~seventeen-B~~] three of the [~~executive~~] veterans' services law  
21 to inform such businesses of iCenter initiatives.

22 § 32. Section 831 of the county law, as amended by chapter 490 of the  
23 laws of 2019, is amended to read as follows:

24 § 831. Soldier burial plots in Dutchess county. The legislature of the  
25 county of Dutchess may authorize the purchase of burial plots and  
26 provide for marker settings and perpetual care and maintenance of such  
27 plots in one or more of the cemeteries of the county of Dutchess for  
28 deceased veterans, who, at the time of death, were residents of the  
29 county of Dutchess and who (i) were discharged from the armed forces of  
30 the United States either honorably or under honorable circumstances, or  
31 (ii) had a qualifying condition, as defined in section [~~three hundred~~  
32 ~~fifty~~] one of the [~~executive~~] veterans' services law, and received a  
33 discharge other than bad conduct or dishonorable, or (iii) were a  
34 discharged LGBT veteran, as defined in section [~~three hundred fifty~~] one  
35 of the [~~executive~~] veterans' services law, and received a discharge  
36 other than bad conduct or dishonorable. The expense thereof shall be a  
37 county charge.

38 § 33. Subdivision 6 of section 210 of the economic development law, as  
39 amended by chapter 490 of the laws of 2019, is amended to read as  
40 follows:

41 6. "Veteran" shall mean a person who served in the United States army,  
42 navy, air force, marines, coast guard, and/or reserves thereof, and/or  
43 in the army national guard, air national guard, New York guard and/or  
44 New York naval militia and who (a) has received an honorable or general  
45 discharge from such service, or (b) has a qualifying condition, as  
46 defined in section [~~three hundred fifty~~] one of the [~~executive~~] veter-  
47 ans' services law, and has received a discharge other than bad conduct  
48 or dishonorable from such service, or (c) is a discharged LGBT veteran,  
49 as defined in section [~~three hundred fifty~~] one of the [~~executive~~]  
50 veterans' services law, and has received a discharge other than bad  
51 conduct or dishonorable from such service.

52 § 34. Paragraph 1 of subdivision (a) of section 42 of the correction  
53 law, as amended by chapter 322 of the laws of 2021, is amended to read  
54 as follows:

55 1. There shall be within the commission a citizen's policy and  
56 complaint review council. It shall consist of nine persons to be

1 appointed by the governor, by and with the advice and consent of the  
2 senate. One person so appointed shall have served in the armed forces of  
3 the United States in any foreign war, conflict or military occupation,  
4 who (i) was discharged therefrom under other than dishonorable condi-  
5 tions, or (ii) has a qualifying condition, as defined in section [~~three~~  
6 ~~hundred-fifty~~] one of the [~~executive~~] veterans' services law, and has  
7 received a discharge other than bad conduct or dishonorable from such  
8 service, or (iii) is a discharged LGBT veteran, as defined in section  
9 [~~three hundred-fifty~~] one of the [~~executive~~] veterans' services law, and  
10 has received a discharge other than bad conduct or dishonorable from  
11 such service, or shall be a duly licensed mental health professional who  
12 has professional experience or training with regard to post-traumatic  
13 stress syndrome. One person so appointed shall be an attorney admitted  
14 to practice in this state. One person so appointed shall be a former  
15 incarcerated individual of a correctional facility. One person so  
16 appointed shall be a former correction officer. One person so appointed  
17 shall be a former resident of a division for youth secure center or a  
18 health care professional duly licensed to practice in this state. One  
19 person so appointed shall be a former employee of the office of children  
20 and family services who has directly supervised youth in a secure resi-  
21 dential center operated by such office. In addition, the governor shall  
22 designate one of the full-time members other than the [~~chairman~~] chair  
23 of the commission as [~~chairman~~] chair of the council to serve as such at  
24 the pleasure of the governor.

25 § 35. Paragraph (b) of subdivision 5 of section 50 of the civil  
26 service law, as amended by chapter 490 of the laws of 2019, is amended  
27 to read as follows:

28 (b) Notwithstanding the provisions of paragraph (a) of this subdivi-  
29 sion, the state civil service department, subject to the approval of the  
30 director of the budget, a municipal commission, subject to the approval  
31 of the governing board or body of the city or county, as the case may  
32 be, or a regional commission or personnel officer, pursuant to govern-  
33 mental agreement, may elect to waive application fees, or to abolish  
34 fees for specific classes of positions or types of examinations or  
35 candidates, or to establish a uniform schedule of reasonable fees  
36 different from those prescribed in paragraph (a) of this subdivision,  
37 specifying in such schedule the classes of positions or types of exam-  
38 inations or candidates to which such fees shall apply; provided, howev-  
39 er, that fees shall be waived for candidates who certify to the state  
40 civil service department, a municipal commission or a regional commis-  
41 sion that they are unemployed and primarily responsible for the support  
42 of a household, or are receiving public assistance. Provided further,  
43 the state civil service department shall waive the state application fee  
44 for examinations for original appointment for all veterans. Notwith-  
45 standing any other provision of law, for purposes of this section, the  
46 term "veteran" shall mean a person who has served in the armed forces of  
47 the United States or the reserves thereof, or in the army national  
48 guard, air national guard, New York guard, or the New York naval mili-  
49 tia, and who (1) has been honorably discharged or released from such  
50 service under honorable conditions, or (2) has a qualifying condition,  
51 as defined in section [~~three hundred-fifty~~] one of the [~~executive~~]  
52 veterans' services law, and has received a discharge other than bad  
53 conduct or dishonorable from such service, or (3) is a discharged LGBT  
54 veteran, as defined in section [~~three hundred-fifty~~] one of the [~~execu-~~  
55 ~~tive~~] veterans' services law, and has received a discharge other than

1 bad conduct or dishonorable from such service. The term "armed forces"  
2 shall mean the army, navy, air force, marine corps, and coast guard.

3 § 36. Paragraph (b) of subdivision 1 of section 75 of the civil  
4 service law, as amended by chapter 490 of the laws of 2019, is amended  
5 to read as follows:

6 (b) a person holding a position by permanent appointment or employment  
7 in the classified service of the state or in the several cities, coun-  
8 ties, towns, or villages thereof, or in any other political or civil  
9 division of the state or of a municipality, or in the public school  
10 service, or in any public or special district, or in the service of any  
11 authority, commission or board, or in any other branch of public  
12 service, who was honorably discharged or released under honorable  
13 circumstances from the armed forces of the United States including (i)  
14 having a qualifying condition as defined in section [~~three hundred~~  
15 ~~fifty~~] one of the [~~executive~~] veterans' services law, and receiving a  
16 discharge other than bad conduct or dishonorable from such service, or  
17 (ii) being a discharged LGBT veteran, as defined in section [~~three~~  
18 ~~hundred-fifty~~] one of the [~~executive~~] veterans' services law, and  
19 receiving a discharge other than bad conduct or dishonorable from such  
20 service, having served therein as such member in time of war as defined  
21 in section eighty-five of this chapter, or who is an exempt volunteer  
22 firefighter as defined in the general municipal law, except when a  
23 person described in this paragraph holds the position of private secre-  
24 tary, cashier or deputy of any official or department, or

25 § 37. Paragraph (a) of subdivision 1 of section 85 of the civil  
26 service law, as amended by chapter 608 of the laws of 2021, is amended  
27 to read as follows:

28 (a) The terms "veteran" and "non-disabled veteran" mean a member of  
29 the armed forces of the United States who was honorably discharged or  
30 released under honorable circumstances from such service including (i)  
31 having a qualifying condition as defined in section [~~three hundred~~  
32 ~~fifty~~] one of the [~~executive~~] veterans' services law, and receiving a  
33 discharge other than bad conduct or dishonorable from such service, or  
34 (ii) being a discharged LGBT veteran, as defined in section [~~three~~  
35 ~~hundred-fifty~~] one of the [~~executive~~] veterans' services law, and  
36 receiving a discharge other than bad conduct or dishonorable from such  
37 service, who is a citizen of the United States or an alien lawfully  
38 admitted for permanent residence in the United States and who is a resi-  
39 dent of the state of New York at the time of application for appointment  
40 or promotion or at the time of retention, as the case may be.

41 § 38. Section 86 of the civil service law, as amended by chapter 490  
42 of the laws of 2019, is amended to read as follows:

43 § 86. Transfer of veterans or exempt volunteer firefighters upon abol-  
44 ition of positions. If the position in the non-competitive or in the  
45 labor class held by any honorably discharged veteran of the armed forces  
46 of the United States or by any veteran of the armed forces of the United  
47 States released under honorable circumstances from such service includ-  
48 ing (i) having a qualifying condition as defined in section [~~three~~  
49 ~~hundred-fifty~~] one of the [~~executive~~] veterans' services law, and  
50 receiving a discharge other than bad conduct or dishonorable from such  
51 service, or (ii) being a discharged LGBT veteran, as defined in section  
52 [~~three hundred-fifty~~] one of the [~~executive~~] veterans' services law, and  
53 receiving a discharge other than bad conduct or dishonorable from such  
54 service, who served therein in time of war as defined in section eight-  
55 y-five of this chapter, or by an exempt volunteer firefighter as defined  
56 in the general municipal law, shall become unnecessary or be abolished



1 for reasons of economy or otherwise, the honorably discharged veteran or  
2 exempt volunteer firefighter holding such position shall not be  
3 discharged from the public service but shall be transferred to a similar  
4 position wherein a vacancy exists, and shall receive the same compen-  
5 sation therein. It is hereby made the duty of all persons clothed with  
6 the power of appointment to make such transfer effective. The right to  
7 transfer herein conferred shall continue for a period of one year  
8 following the date of abolition of the position, and may be exercised  
9 only where a vacancy exists in an appropriate position to which transfer  
10 may be made at the time of demand for transfer. Where the positions of  
11 more than one such veteran or exempt volunteer firefighter are abolished  
12 and a lesser number of vacancies in similar positions exist to which  
13 transfer may be made, the veterans or exempt volunteer firefighters  
14 whose positions are abolished shall be entitled to transfer to such  
15 vacancies in the order of their original appointment in the service.  
16 Nothing in this section shall be construed to apply to the position of  
17 private secretary, cashier or deputy of any official or department. This  
18 section shall have no application to persons encompassed by section  
19 eighty-a of this chapter.

20 § 39. Section 13-b of the domestic relations law, as amended by chap-  
21 ter 306 of the laws of 2021, is amended to read as follows:

22 § 13-b. Time within which marriage may be solemnized. A marriage shall  
23 not be solemnized within twenty-four hours after the issuance of the  
24 marriage license, unless authorized by an order of a court of record as  
25 hereinafter provided, nor shall it be solemnized after sixty days from  
26 the date of the issuance of the marriage license unless authorized  
27 pursuant to section [~~three hundred fifty-four-d~~] ten of the [~~executive~~]  
28 veterans' services law. Every license to marry hereafter issued by a  
29 town or city clerk, in addition to other requirements specified by this  
30 chapter, must contain a statement of the day and the hour the license is  
31 issued and the period during which the marriage may be solemnized. It  
32 shall be the duty of the clergyman or magistrate performing the marriage  
33 ceremony, or if the marriage is solemnized by written contract, of the  
34 judge before whom the contract is acknowledged, to annex to or endorse  
35 upon the marriage license the date and hour the marriage is solemnized.  
36 A judge or justice of the supreme court of this state or the county  
37 judge of the county in which either party to be married resides, or the  
38 judge of the family court of such county, if it shall appear from an  
39 examination of the license and any other proofs submitted by the parties  
40 that one of the parties is in danger of imminent death, or by reason of  
41 other emergency public interest will be promoted thereby, or that such  
42 delay will work irreparable injury or great hardship upon the contract-  
43 ing parties, or one of them, may, make an order authorizing the immedi-  
44 ate solemnization of the marriage and upon filing such order with the  
45 clergyman or magistrate performing the marriage ceremony, or if the  
46 marriage is to be solemnized by written contract, with the judge before  
47 whom the contract is acknowledged, such clergyman or magistrate may  
48 solemnize such marriage, or such judge may take such acknowledgment as  
49 the case may be, without waiting for such three day period and twenty-  
50 four hour period to elapse. The clergyman, magistrate or judge must file  
51 such order with the town or city clerk who issued the license within  
52 five days after the marriage is solemnized. Such town or city clerk must  
53 record and index the order in the book required to be kept by him or her  
54 for recording affidavits, statements, consents and licenses, and when so  
55 recorded the order shall become a public record and available in any  
56 prosecution under this section. A person who shall solemnize a marriage

1 in violation of this section shall be guilty of a misdemeanor and upon  
2 conviction thereof shall be punished by a fine of fifty dollars for each  
3 offense, and in addition thereto, his or her right to solemnize a  
4 marriage shall be suspended for ninety days.

5 § 40. Paragraph c of subdivision 1 of section 360 of the education  
6 law, as amended by chapter 490 of the laws of 2019, is amended to read  
7 as follows:

8 c. Adopt and enforce campus rules and regulations not inconsistent  
9 with the vehicle and traffic law relating to parking, vehicular and  
10 pedestrian traffic, and safety. Such rules and regulations may include  
11 provisions for the disposition of abandoned vehicles, removal by towing  
12 or otherwise of vehicles parked in violation of such rules at the  
13 expense of the owner, the payment of fees for the registration or park-  
14 ing of such vehicles, provided that such campus rules and regulations  
15 may provide that any veteran attending the state university as a student  
16 shall be exempt from any fees for parking or registering a motor vehi-  
17 cle, and the assessment of administrative fines upon the owner or opera-  
18 tor of such vehicles for each violation of the regulations. However, no  
19 such fine may be imposed without a hearing or an opportunity to be heard  
20 conducted by an officer or board designated by the board of trustees.  
21 Such fines, in the case of an officer or employee of state university,  
22 may be deducted from the salary or wages of such officer or employee  
23 found in violation of such regulations, or in the case of a student of  
24 state university found in violation of such regulations, the university  
25 may withhold his or her grades and transcripts until such time as any  
26 fine is paid. For purposes of this subdivision, the term "veteran" shall  
27 mean a member of the armed forces of the United States who served in  
28 such armed forces in time of war and who (i) was honorably discharged or  
29 released under honorable circumstances from such service, or (ii) has a  
30 qualifying condition, as defined in section ~~[three hundred fifty]~~ one of  
31 the ~~[executive]~~ veterans' services law, and has received a discharge  
32 other than bad conduct or dishonorable from such service, or (iii) is a  
33 discharged LGBT veteran, as defined in section ~~[three hundred fifty]~~ one  
34 of the ~~[executive]~~ veterans' services law, and has received a discharge  
35 other than bad conduct or dishonorable from such service.

36 § 41. The opening paragraph of subdivision 6, subdivision 7, paragraph  
37 c of subdivision 9, and paragraph a of subdivisions 10 and 10-a of  
38 section 503 of the education law, as amended by chapter 490 of the laws  
39 of 2019, are amended to read as follows:

40 Credit for service in war after world war I, which shall mean military  
41 service during the period commencing the first day of July, nineteen  
42 hundred forty, and terminating the thirtieth day of June, nineteen  
43 hundred forty-seven, or during the period commencing the twenty-seventh  
44 day of June, nineteen hundred fifty, and terminating the thirty-first  
45 day of January, nineteen hundred fifty-five, or during both such peri-  
46 ods, as a member of the armed forces of the United States, of any person  
47 who (i) has been honorably discharged or released under honorable  
48 circumstances from such service, or (ii) has a qualifying condition, as  
49 defined in section ~~[three hundred fifty]~~ one of the ~~[executive]~~ veter-  
50 ans' services law, and has received a discharge other than bad conduct  
51 or dishonorable from such service, or (iii) is a discharged LGBT veter-  
52 an, as defined in section ~~[three hundred fifty]~~ one of the ~~[executive]~~  
53 veterans' services law, and has received a discharge other than bad  
54 conduct or dishonorable from such service, or service by one who was  
55 employed by the War Shipping Administration or Office of Defense Trans-  
56 portation or their agents as a merchant seaman documented by the United



1 States Coast Guard or Department of Commerce, or as a civil servant  
2 employed by the United States Army Transport Service (later redesignated  
3 as the United States Army Transportation Corps, Water Division) or the  
4 Naval Transportation Service; and who served satisfactorily as a crew  
5 member during the period of armed conflict, December seventh, nineteen  
6 hundred forty-one, to August fifteenth, nineteen hundred forty-five,  
7 aboard merchant vessels in oceangoing, i.e., foreign, intercoastal, or  
8 coastwise service as such terms are defined under federal law (46 USCA  
9 10301 & 10501) and further to include "near foreign" voyages between the  
10 United States and Canada, Mexico, or the West Indies via ocean routes,  
11 or public vessels in oceangoing service or foreign waters and who has  
12 received a Certificate of Release or Discharge from Active Duty and a  
13 discharge certificate, or an Honorable Service Certificate/Report of  
14 Casualty, from the Department of Defense or who served as a United  
15 States civilian employed by the American Field Service and served over-  
16 seas under United States Armies and United States Army Groups in world  
17 war II during the period of armed conflict, December seventh, nineteen  
18 hundred forty-one through May eighth, nineteen hundred forty-five, and  
19 (iv) who was discharged or released therefrom under honorable condi-  
20 tions, or (v) has a qualifying condition, as defined in section [~~three~~  
21 ~~hundred-fifty~~] one of the [~~executive~~] veterans' services law, and has  
22 received a discharge other than bad conduct or dishonorable from such  
23 service, or (vi) is a discharged LGBT veteran, as defined in section  
24 [~~three hundred-fifty~~] one of the [~~executive~~] veterans' services law, and  
25 has received a discharge other than bad conduct or dishonorable from  
26 such service, or who served as a United States civilian Flight Crew and  
27 Aviation Ground Support Employee of Pan American World Airways or one of  
28 its subsidiaries or its affiliates and served overseas as a result of  
29 Pan American's contract with Air Transport Command or Naval Air Trans-  
30 port Service during the period of armed conflict, December fourteenth,  
31 nineteen hundred forty-one through August fourteenth, nineteen hundred  
32 forty-five, and who (vii) was discharged or released therefrom under  
33 honorable conditions, or (viii) has a qualifying condition, as defined  
34 in section [~~three hundred-fifty~~] one of the [~~executive~~] veterans'  
35 services law, and has received a discharge other than bad conduct or  
36 dishonorable from such service, or (ix) is a discharged LGBT veteran, as  
37 defined in section [~~three hundred-fifty~~] one of the [~~executive~~] veter-  
38 ans' services law, and has received a discharge other than bad conduct  
39 or dishonorable from such service, and who was a teacher in the public  
40 schools of this state at the time of his or her entrance into the armed  
41 forces of the United States, provided no compensation was received under  
42 the provisions of section two hundred forty-two of the military law, and  
43 who returned to public school teaching following discharge or completion  
44 of advanced education provided under servicemen's readjustment act of  
45 nineteen hundred forty-four, or who following such discharge or release  
46 entered into a service which would qualify him or her pursuant to  
47 section forty-three of the retirement and social security law to trans-  
48 fer his or her membership in the New York state teachers' retirement  
49 system, shall be provided as follows, any provisions of section two  
50 hundred forty-three of the military law to the contrary notwithstanding.

51 7. A teacher, who was a member of the New York state teachers retire-  
52 ment system but who withdrew his or her accumulated contributions imme-  
53 diately prior to his or her entry into, or during his or her service in  
54 the armed forces of the United States in war after World War I, who (i)  
55 has been honorably discharged or released from service, or (ii) has a  
56 qualifying condition, as defined in section [~~three hundred-fifty~~] one of

1 the [~~executive~~] veterans' services law, and has received a discharge  
2 other than bad conduct or dishonorable from such service, or (iii) is a  
3 discharged LGBT veteran, as defined in section [~~three hundred fifty~~] one  
4 of the [~~executive~~] veterans' services law, and has received a discharge  
5 other than bad conduct or dishonorable from such service, provided no  
6 compensation was received under the provisions of section two hundred  
7 forty-two of the military law, and who returned to public school teach-  
8 ing in the state of New York following such discharge or release, or  
9 following completion of advanced education provided under servicemen's  
10 readjustment act of nineteen hundred forty-four, any provisions of  
11 section two hundred forty-three of the military law to the contrary  
12 notwithstanding, will be entitled to credit for service in war after  
13 World War I, cost free, provided, however, that such credit will not be  
14 allowed until he or she claims and pays for all prior teaching service  
15 credited to him or her at the time of his or her termination of member-  
16 ship in the New York state teachers retirement system, and provided  
17 further that claim for such service in war after World War I shall be  
18 filed by the member with the retirement board before the first day of  
19 July, nineteen hundred sixty-eight.

20 c. (i) has been honorably discharged or released under honorable  
21 circumstances from such service, or (ii) has a qualifying condition, as  
22 defined in section [~~three hundred fifty~~] one of the [~~executive~~] veter-  
23 ans' services law, and has received a discharge other than bad conduct  
24 or dishonorable from such service, or (iii) is a discharged LGBT veter-  
25 an, as defined in section [~~three hundred fifty~~] one of the [~~executive~~]  
26 veterans' services law, and has received a discharge other than bad  
27 conduct or dishonorable from such service, and

28 a. In addition to credit for military service pursuant to section two  
29 hundred forty-three of the military law and subdivisions six through  
30 nine of this section, a member employed as a full-time teacher by an  
31 employer as defined in subdivision three of section five hundred one of  
32 this article and who joined the retirement system prior to July first,  
33 nineteen hundred seventy-three, may obtain credit for military service  
34 not in excess of three years and not otherwise creditable under section  
35 two hundred forty-three of the military law and subdivisions six through  
36 nine of this section, rendered on active duty in the armed forces of the  
37 United States during the period commencing July first, nineteen hundred  
38 forty, and terminating December thirty-first, nineteen hundred forty-  
39 six, or on service by one who was employed by the War Shipping Adminis-  
40 tration or Office of Defense Transportation or their agents as a  
41 merchant seaman documented by the United States Coast Guard or Depart-  
42 ment of Commerce, or as a civil servant employed by the United States  
43 Army Transport Service (later redesignated as the United States Army  
44 Transportation Corps, Water Division) or the Naval Transportation  
45 Service; and who served satisfactorily as a crew member during the peri-  
46 od of armed conflict, December seventh, nineteen hundred forty-one, to  
47 August fifteenth, nineteen hundred forty-five, aboard merchant vessels  
48 in oceangoing, i.e., foreign, intercoastal, or coastwise service as such  
49 terms are defined under federal law (46 USCA 10301 & 10501) and further  
50 to include "near foreign" voyages between the United States and Canada,  
51 Mexico, or the West Indies via ocean routes, or public vessels in ocean-  
52 going service or foreign waters and who has received a Certificate of  
53 Release or Discharge from Active Duty and a discharge certificate, or an  
54 Honorable Service Certificate/Report of Casualty, from the Department of  
55 Defense or on service by one who served as a United States civilian  
56 employed by the American Field Service and served overseas under United

1 States Armies and United States Army Groups in world war II during the  
2 period of armed conflict, December seventh, nineteen hundred forty-one  
3 through May eighth, nineteen hundred forty-five, and who (i) was  
4 discharged or released therefrom under honorable conditions, or (ii) has  
5 a qualifying condition, as defined in section [~~three hundred fifty~~] one  
6 of the [~~executive~~] veterans' services law, and has received a discharge  
7 other than bad conduct or dishonorable from such service, or (iii) is a  
8 discharged LGBT veteran, as defined in section [~~three hundred fifty~~] one  
9 of the [~~executive~~] veterans' services law, and has received a discharge  
10 other than bad conduct or dishonorable from such service, or on service  
11 by one who served as a United States civilian Flight Crew and Aviation  
12 Ground Support Employee of Pan American World Airways or one of its  
13 subsidiaries or its affiliates and served overseas as a result of Pan  
14 American's contract with Air Transport Command or Naval Air Transport  
15 Service during the period of armed conflict, December fourteenth, nine-  
16 teen hundred forty-one through August fourteenth, nineteen hundred  
17 forty-five, and who (iv) was discharged or released therefrom under  
18 honorable conditions, or (v) has a qualifying condition, as defined in  
19 section [~~three hundred fifty~~] one of the [~~executive~~] veterans' services  
20 law, and has received a discharge other than bad conduct or dishonorable  
21 from such service, or (vi) is a discharged LGBT veteran, as defined in  
22 section [~~three hundred fifty~~] one of the [~~executive~~] veterans' services  
23 law, and has received a discharge other than bad conduct or dishonorable  
24 from such service, by a person who was a resident of New York state at  
25 the time of entry into such service and at the time of being discharged  
26 therefrom under honorable circumstances, and who makes the payments  
27 required in accordance with the provisions of this subdivision.

28 a. In addition to credit for military service pursuant to section two  
29 hundred forty-three of the military law and subdivisions six through  
30 nine of this section, a member who joined the retirement system prior to  
31 July first, nineteen hundred seventy-three, and who was not eligible for  
32 credit for military service under subdivision ten of this section as a  
33 result of being on a leave of absence without pay between July twenti-  
34 eth, nineteen hundred seventy-six and October fifteenth, nineteen  
35 hundred seventy-seven or on leave of absence with less than full pay  
36 between July twentieth, nineteen hundred seventy-six and October  
37 fifteenth, nineteen hundred seventy-seven, may obtain credit for mili-  
38 tary service not in excess of three years and not otherwise creditable  
39 under section two hundred forty-three of the military law and subdivi-  
40 sions six through nine of this section, rendered on active duty in the  
41 armed forces of the United States during the period commencing July  
42 first, nineteen hundred forty, and terminating December thirty-first,  
43 nineteen hundred forty-six, or on service by one who was employed by the  
44 War Shipping Administration or Office of Defense Transportation or their  
45 agents as a merchant seaman documented by the United States Coast Guard  
46 or Department of Commerce, or as a civil servant employed by the United  
47 States Army Transport Service (later redesignated as the United States  
48 Army Transportation Corps, Water Division) or the Naval Transportation  
49 Service; and who served satisfactorily as a crew member during the peri-  
50 od of armed conflict, December seventh, nineteen hundred forty-one, to  
51 August fifteenth, nineteen hundred forty-five, aboard merchant vessels  
52 in oceangoing, i.e., foreign, intercoastal, or coastwise service as such  
53 terms are defined under federal law (46 USCA 10301 & 10501) and further  
54 to include "near foreign" voyages between the United States and Canada,  
55 Mexico, or the West Indies via ocean routes, or public vessels in ocean-  
56 going service or foreign waters and who has received a Certificate of

1 Release or Discharge from Active Duty and a discharge certificate, or an  
2 Honorable Service Certificate/Report of Casualty, from the Department of  
3 Defense, or on service by one who served as a United States civilian  
4 employed by the American Field Service and served overseas under United  
5 States Armies and United States Army Groups in world war II during the  
6 period of armed conflict, December seventh, nineteen hundred forty-one  
7 through May eighth, nineteen hundred forty-five, and who (i) was  
8 discharged or released therefrom under honorable conditions, or (ii) has  
9 a qualifying condition, as defined in section [~~three hundred fifty~~] one  
10 of the [~~executive~~] veterans' services law, and has received a discharge  
11 other than bad conduct or dishonorable from such service, or (iii) is a  
12 discharged LGBT veteran, as defined in section [~~three hundred fifty~~] one  
13 of the [~~executive~~] veterans' services law, and has received a discharge  
14 other than bad conduct or dishonorable from such service, or on service  
15 by one who served as a United States civilian Flight Crew and Aviation  
16 Ground Support Employee of Pan American World Airways or one of its  
17 subsidiaries or its affiliates and served overseas as a result of Pan  
18 American's contract with Air Transport Command or Naval Air Transport  
19 Service during the period of armed conflict, December fourteenth, nine-  
20 teen hundred forty-one through August fourteenth, nineteen hundred  
21 forty-five, and who (iv) was discharged or released therefrom under  
22 honorable conditions, or (v) has a qualifying condition, as defined in  
23 section [~~three hundred fifty~~] one of the [~~executive~~] veterans' services  
24 law, and has received a discharge other than bad conduct or dishonorable  
25 from such service, or (vi) is a discharged LGBT veteran, as defined in  
26 section [~~three hundred fifty~~] one of the [~~executive~~] veterans' services  
27 law, and has received a discharge other than bad conduct or dishonorable  
28 from such service, by a person who was a resident of New York state at  
29 the time of entry into such service and at the time of being discharged  
30 therefrom under honorable circumstances, and who makes the payments  
31 required in accordance with the provisions of this subdivision.

32 § 42. Subdivision 5 of section 605 of the education law, as amended by  
33 chapter 490 of the laws of 2019, is amended to read as follows:

34 5. Regents scholarships for war veterans. Regents scholarships for war  
35 veterans shall be awarded on a competitive basis, for study beginning  
36 with the college year nineteen hundred seventy-five--nineteen hundred  
37 seventy-six. Six hundred such scholarships shall be awarded in such year  
38 to veterans of the armed forces of the United States who have served on  
39 active duty (other than for training) between October one, nineteen  
40 hundred sixty-one and March twenty-nine, nineteen hundred seventy-three,  
41 and who on the date by which applications are required to be submitted  
42 (a) have been released from such active duty on conditions not other  
43 than honorable, or (b) have a qualifying condition, as defined in  
44 section [~~three hundred fifty~~] one of the [~~executive~~] veterans' services  
45 law, and have received a discharge other than bad conduct or dishonor-  
46 able from such service, or (c) are discharged LGBT veterans, as defined  
47 in section [~~three hundred fifty~~] one of the [~~executive~~] veterans'  
48 services law, and have received a discharge other than bad conduct or  
49 dishonorable from such service. Such scholarships shall be allocated to  
50 each county in the state in the same ratio that the number of legal  
51 residents in such county, as determined by the most recent federal  
52 census, bears to the total number of residents in the state; provided,  
53 however, that no county shall be allocated fewer scholarships than such  
54 county received during the year nineteen hundred sixty-eight--sixty-  
55 nine.

§ 43. Subparagraph 3 of paragraph b of subdivision 3 of section 663 of the education law, as amended by chapter 490 of the laws of 2019, is amended to read as follows:

(3) The applicant was enlisted in full time active military service in the armed forces of the United States and (i) has been honorably discharged from such service, or (ii) has a qualifying condition, as defined in section ~~[three hundred fifty]~~ one of the ~~[executive]~~ veterans' services law, and has received a discharge other than bad conduct or dishonorable from such service, or (iii) is a discharged LGBT veteran, as defined in section ~~[three hundred fifty]~~ one of the ~~[executive]~~ veterans' services law, and has received a discharge other than bad conduct or dishonorable from such service, and, provided, however, that the applicant has not and will not be claimed as a dependent by either parent for purposes of either federal or state income tax.

§ 44. Paragraph (b) of subdivisions 1 and 2 of section 668 of the education law, as amended by chapter 490 of the laws of 2019, are amended to read as follows:

(b) December seven, nineteen hundred forty-one to December thirty-one, nineteen hundred forty-six, or have been employed by the War Shipping Administration or Office of Defense Transportation or their agents as a merchant seaman documented by the United States Coast Guard or Department of Commerce, or as a civil servant employed by the United States Army Transport Service (later redesignated as the United States Army Transportation Corps, Water Division) or the Naval Transportation Service; and who served satisfactorily as a crew member during the period of armed conflict, December seventh, nineteen hundred forty-one, to August fifteenth, nineteen hundred forty-five, aboard merchant vessels in oceangoing, i.e., foreign, intercoastal, or coastwise service as such terms are defined under federal law (46 USCA 10301 & 10501) and further to include "near foreign" voyages between the United States and Canada, Mexico, or the West Indies via ocean routes, or public vessels in oceangoing service or foreign waters and who has received a Certificate of Release or Discharge from Active Duty and a discharge certificate, or an Honorable Service Certificate/Report of Casualty, from the Department of Defense or have served as a United States civilian employed by the American Field Service and served overseas under United States Armies and United States Army Groups in world war II during the period of armed conflict, December seventh, nineteen hundred forty-one through May eighth, nineteen hundred forty-five, and who (i) was discharged or released therefrom under honorable conditions, or (ii) has a qualifying condition, as defined in section ~~[three hundred fifty]~~ one of the ~~[executive]~~ veterans' services law, and has received a discharge other than bad conduct or dishonorable from such service, or (iii) is a discharged LGBT veteran, as defined in section ~~[three hundred fifty]~~ one of the ~~[executive]~~ veterans' services law, and has received a discharge other than bad conduct or dishonorable from such service, or have served as a United States civilian Flight Crew and Aviation Ground Support Employee of Pan American World Airways or one of its subsidiaries or its affiliates and served overseas as a result of Pan American's contract with Air Transport Command or Naval Air Transport Service during the period of armed conflict, December fourteenth, nineteen hundred forty-one through August fourteenth, nineteen hundred forty-five, and who (iv) was discharged or released therefrom under honorable conditions, or (v) has a qualifying condition, as defined in section ~~[three hundred fifty]~~ one of the ~~[executive]~~ veterans' services law, and has received a discharge other than bad conduct or dishonorable from such service, or (vi) is a



1 discharged LGBT veteran, as defined in section [~~three hundred fifty~~] one  
2 of the [~~executive~~] veterans' services law, and has received a discharge  
3 other than bad conduct or dishonorable from such service.

4 (b) (i) is an honorably discharged veteran of the United States or  
5 member of the armed forces of the United States, or (ii) has a qualify-  
6 ing condition, as defined in section [~~three hundred fifty~~] one of the  
7 [~~executive~~] veterans' services law, and has received a discharge other  
8 than bad conduct or dishonorable from such service, or (iii) is a  
9 discharged LGBT veteran, as defined in section [~~three hundred fifty~~] one  
10 of the [~~executive~~] veterans' services law, and has received a discharge  
11 other than bad conduct or dishonorable from such service, who is a resi-  
12 dent of the state of New York, and who has a current disability of forty  
13 percent or more as a result of an injury or illness which is incurred or  
14 was incurred during such military service; or

15 § 45. Subdivision 1 of section 668-c of the education law, as amended  
16 by chapter 606 of the laws of 2021, is amended to read as follows:

17 1. Eligible students. Awards shall be made to Vietnam veterans' resi-  
18 dent children born with Spina Bifida enrolled in approved undergraduate  
19 or graduate programs at degree granting institutions. For the purpose of  
20 this section, "Vietnam veteran" shall mean a person who served in Indo-  
21 china at any time from the first day of November, nineteen hundred  
22 fifty-five, to and including the seventh day of May, nineteen hundred  
23 seventy-five and (a) was honorably discharged from the armed forces of  
24 the United States, or (b) has a qualifying condition, as defined in  
25 section [~~three hundred fifty~~] one of the [~~executive~~] veterans' services  
26 law, and has received a discharge other than bad conduct or dishonorable  
27 from the armed forces of the United States, or (c) is a discharged LGBT  
28 veteran, as defined in section [~~three hundred fifty~~] one of the [~~execu-~~  
29 ~~tive~~] veterans' services law, and has received a discharge other than  
30 bad conduct or dishonorable from the armed forces of the United States;  
31 "born with Spina Bifida" shall mean a diagnosis at birth of such disease  
32 inclusive of all forms, manifestations, complications and associated  
33 medical conditions thereof, but shall not include Spina Bifida Occulta.  
34 Such diagnosis shall be in accordance with the provisions of the federal  
35 Spina Bifida program and shall be documented by the United States Admin-  
36 istration of Veterans' Affairs.

37 § 46. Paragraphs a, b, c and d of subdivision 1 of section 669-a of  
38 the education law, paragraph a as amended by chapter 606 of the laws of  
39 2021 and paragraphs b, c and d as amended by chapter 490 of the laws of  
40 2019, are amended to read as follows:

41 a. "Vietnam veteran" means (i) a person who is a resident of this  
42 state, (ii) who served in the armed forces of the United States in Indo-  
43 china at any time from the first day of November, nineteen hundred  
44 fifty-five, to and including the seventh day of May, nineteen hundred  
45 seventy-five, and (iii) who was either discharged therefrom under honor-  
46 able conditions, including but not limited to honorable discharge,  
47 discharge under honorable conditions, or general discharge, or has a  
48 qualifying condition, as defined in section [~~three hundred fifty~~] one  
49 of the [~~executive~~] veterans' services law, and has received a discharge  
50 other than bad conduct or dishonorable from such service, or is a  
51 discharged LGBT veteran, as defined in section [~~three hundred fifty~~] one  
52 of the [~~executive~~] veterans' services law, and has received a discharge  
53 other than bad conduct or dishonorable from such service.

54 b. "Persian Gulf veteran" means (i) a person who is a resident of this  
55 state, (ii) who served in the armed forces of the United States in the  
56 hostilities that occurred in the Persian Gulf from the second day of

1 August, nineteen hundred ninety through the end of such hostilities, and  
2 (iii) who was either discharged therefrom under honorable conditions,  
3 including but not limited to honorable discharge, discharge under honor-  
4 able conditions, or general discharge, or has a qualifying condition, as  
5 defined in section [~~three hundred fifty~~] one of the [~~executive~~] veter-  
6 ans' services law, and has received a discharge other than bad conduct  
7 or dishonorable from such service, or is a discharged LGBT veteran, as  
8 defined in section [~~three hundred fifty~~] one of the [~~executive~~] veter-  
9 ans' services law, and has received a discharge other than bad conduct  
10 or dishonorable from such service.

11 c. "Afghanistan veteran" means (i) a person who is a resident of this  
12 state, (ii) who served in the armed forces of the United States in the  
13 hostilities that occurred in Afghanistan from the eleventh day of  
14 September, two thousand one, to the end of such hostilities, and (iii)  
15 who was either discharged therefrom under honorable conditions, includ-  
16 ing but not limited to honorable discharge, discharge under honorable  
17 conditions, or general discharge, or has a qualifying condition, as  
18 defined in section [~~three hundred fifty~~] one of the [~~executive~~] veter-  
19 ans' services law, and has received a discharge other than bad conduct  
20 or dishonorable from such service, or is a discharged LGBT veteran, as  
21 defined in section [~~three hundred fifty~~] one of the [~~executive~~] veter-  
22 ans' services law, and has received a discharge other than bad conduct  
23 or dishonorable from such service.

24 d. "Other eligible combat veteran" means: an individual who (i) is a  
25 resident of this state, (ii) served in the armed forces of the United  
26 States in hostilities that occurred after February twenty-eighth, nine-  
27 teen hundred sixty-one, as evidenced by their receipt of an Armed Forces  
28 Expeditionary Medal, Navy Expeditionary Medal, or Marine Corps Expedi-  
29 tionary Medal, and (iii) was either discharged under honorable condi-  
30 tions, including but not limited to honorable discharge, discharge under  
31 honorable conditions, or general discharge, or has a qualifying condi-  
32 tion, as defined in section [~~three hundred fifty~~] one of the [~~executive~~]  
33 veterans' services law, and has received a discharge other than bad  
34 conduct or dishonorable from such service, or is a discharged LGBT  
35 veteran, as defined in section [~~three hundred fifty~~] one of the [~~execu-~~  
36 ~~tive~~] veterans' services law, and has received a discharge other than  
37 bad conduct or dishonorable from such service.

38 § 47. Subdivision 1 of section 3202 of the education law, as amended  
39 by chapter 490 of the laws of 2019, is amended to read as follows:

40 1. A person over five and under twenty-one years of age who has not  
41 received a high school diploma is entitled to attend the public schools  
42 maintained in the district in which such person resides without the  
43 payment of tuition. Provided further that such person may continue to  
44 attend the public school in such district in the same manner, if tempo-  
45 rarily residing outside the boundaries of the district when relocation  
46 to such temporary residence is a consequence of such person's parent or  
47 person in parental relationship being called to active military duty,  
48 other than training. Notwithstanding any other provision of law to the  
49 contrary, the school district shall not be required to provide transpor-  
50 tation between a temporary residence located outside of the school  
51 district and the school the child attends. A veteran of any age who  
52 shall have served as a member of the armed forces of the United States  
53 and who (a) shall have been discharged therefrom under conditions other  
54 than dishonorable, or (b) has a qualifying condition, as defined in  
55 section [~~three hundred fifty~~] one of the [~~executive~~] veterans' services  
56 law, and has received a discharge other than bad conduct or dishonorable



1 from such service, or (c) is a discharged LGBT veteran, as defined in  
2 section [~~three hundred fifty~~] one of the [~~executive~~] veterans' services  
3 law, and has received a discharge other than bad conduct or dishonorable  
4 from such service, may attend any of the public schools of the state  
5 upon conditions prescribed by the board of education, and such veterans  
6 shall be included in the pupil count for state aid purposes. A nonveter-  
7 an under twenty-one years of age who has received a high school diploma  
8 shall be permitted to attend classes in the schools of the district in  
9 which such person resides or in a school of a board of cooperative  
10 educational services upon payment of tuition under such terms and condi-  
11 tions as shall be established in regulations promulgated by the commis-  
12 sioner; provided, however, that a school district may waive the payment  
13 of tuition for such nonveteran, but in any case such a nonveteran who  
14 has received a high school diploma shall not be counted for any state  
15 aid purposes. Nothing herein contained shall, however, require a board  
16 of education to admit a child who becomes five years of age after the  
17 school year has commenced unless his or her birthday occurs on or before  
18 the first of December.

19 § 48. Clause (h) of subparagraph 3 of paragraph b of subdivision 1 of  
20 section 4402 of the education law, as amended by chapter 652 of the laws  
21 of 2007, is amended to read as follows:

22 (h) Provide the form developed pursuant to subdivision [~~fifteen~~] twen-  
23 ty-two of section [~~three hundred fifty three~~] four of the [~~executive~~]  
24 veterans' services law to the parent or person in parental relation of a  
25 child designated by the committee as either disabled or emotionally  
26 disturbed.

27 § 49. Subdivision 15 of section 1-104 of the election law, as amended  
28 by chapter 490 of the laws of 2019, is amended to read as follows:

29 15. The term "veterans' hospital" means any sanitarium, hospital,  
30 soldiers' and sailors' home, United States Veterans' Administration  
31 Hospital, or other home or institution, which is used, operated and  
32 conducted exclusively for the care, maintenance and treatment of persons  
33 serving in the military or naval service or coast guard of the United  
34 States or the state of New York, or persons who (a) were honorably  
35 discharged from such service, or (b) have a qualifying condition, as  
36 defined in section [~~three hundred fifty~~] one of the [~~executive~~] veter-  
37 ans' services law, and have received a discharge other than bad conduct  
38 or dishonorable from such service, or (c) are a discharged LGBT veteran,  
39 as defined in section [~~three hundred fifty~~] one of the [~~executive~~]  
40 veterans' services law, and have received a discharge other than bad  
41 conduct or dishonorable from such service.

42 § 50. Subdivision 4 of section 5-210 of the election law, as amended  
43 by chapter 490 of the laws of 2019, is amended to read as follows:

44 4. Any qualified person who has been honorably discharged from the  
45 military after the twenty-fifth day before a general election, or who  
46 has a qualifying condition, as defined in section [~~three hundred fifty~~]  
47 one of the [~~executive~~] veterans' services law, and has received a  
48 discharge other than bad conduct or dishonorable from the military after  
49 the twenty-fifth day before a general election, or who is a discharged  
50 LGBT veteran, as defined in section [~~three hundred fifty~~] one of the  
51 [~~executive~~] veterans' services law, and has received a discharge other  
52 than bad conduct or dishonorable from the military after the twenty-  
53 fifth day before a general election, or who has become a naturalized  
54 citizen after the twenty-fifth day before a general election may  
55 personally register at the board of elections in the county of his or

1 her residence and vote in the general election held at least ten days  
2 after such registration.

3 § 51. Subdivision 16 of section 11-0305 of the environmental conserva-  
4 tion law, as amended by chapter 103 of the laws of 2012, is amended to  
5 read as follows:

6 16. Notwithstanding any inconsistent provision of law, to authorize  
7 free sport fishing clinics. A free sport fishing clinic shall include,  
8 but not be limited to, instruction provided by employees of the depart-  
9 ment or its designee in recreational angling, including its benefits and  
10 values, and may also include instruction and other information relevant  
11 to an understanding of fisheries management, ethics and aquatic ecology  
12 and habitat. No license or recreational marine fishing registration is  
13 required to take fish by angling while participating in a fishing clinic  
14 conducted by the department or its designee that has been designated by  
15 the commissioner as a free sport fishing clinic. Such clinics shall be  
16 implemented consistent with department standards and in a manner deter-  
17 mined by the department to best provide public notice thereof and to  
18 maximize public participation therein, so as to promote the recreational  
19 opportunities afforded by sport fishing. Further, the commissioner may  
20 designate additional fishing events organized through the department  
21 that provide physical or emotional rehabilitation for veterans, as  
22 defined in subdivision three of section [~~three hundred fifty~~] one of the  
23 [~~executive~~] veterans' services law, or active duty members of the armed  
24 forces of the United States, as defined in 10 U.S.C. section 101(d)(1).  
25 No license or recreational marine fishing registration shall be required  
26 for such veterans or active duty members to take fish by angling while  
27 participating in these events.

28 § 52. Subdivision 4 of section 11-0715 of the environmental conserva-  
29 tion law, as amended by chapter 490 of the laws of 2019, is amended to  
30 read as follows:

31 4. A person, resident in the state for at least thirty days immediate-  
32 ly prior to the date of application, who (a) has been honorably  
33 discharged from service in the armed forces of the United States, or (b)  
34 has a qualifying condition, as defined in section [~~three hundred fifty~~]  
35 one of the [~~executive~~] veterans' services law, and has received a  
36 discharge other than bad conduct or dishonorable from such service, or  
37 (c) is a discharged LGBT veteran, as defined in section [~~three hundred~~  
38 ~~fifty~~] one of the [~~executive~~] veterans' services law, and has received a  
39 discharge other than bad conduct or dishonorable from such service, and  
40 is certified as having a forty percent or greater service-connected  
41 disability is entitled to receive all licenses, privileges, tags, and  
42 permits authorized by this title for which he or she is eligible, except  
43 turkey permits, renewable each year for a five dollar fee.

44 § 53. Subparagraph (iv) of paragraph c of subdivision 1 of section  
45 13-0328 of the environmental conservation law, as amended by chapter 656  
46 of the laws of 2021, is amended to read as follows:

47 (iv) licenses shall be issued only to persons who demonstrate in a  
48 manner acceptable to the department that they received an average of at  
49 least fifteen thousand dollars of income over three consecutive years  
50 from commercial fishing or fishing, or who successfully complete a  
51 commercial food fish apprenticeship pursuant to subdivision seven of  
52 this section. As used in this subparagraph, "commercial fishing" means  
53 the taking and sale of marine resources including fish, shellfish, crus-  
54 tacea or other marine biota and "fishing" means commercial fishing and  
55 carrying fishing passengers for hire. Individuals who wish to qualify  
56 based on income from "fishing" must hold a valid marine and coastal

1 district party and charter boat license. No more than ten percent of the  
2 licenses issued each year based on income eligibility pursuant to this  
3 paragraph shall be issued to applicants who qualify based solely upon  
4 income derived from operation of or employment by a party or charter  
5 boat. For the income evaluation of this subdivision, the department may  
6 consider persons who would otherwise be eligible but for having served  
7 in the United States armed forces on active duty, provided that such  
8 individual (1) has received an honorable or general discharge, or (2)  
9 has a qualifying condition, as defined in section [~~three hundred fifty~~]  
10 ~~one~~ of the [~~executive~~] veteran's services law, and has received a  
11 discharge other than bad conduct or dishonorable from such service, or  
12 (3) is a discharged LGBT veteran, as defined in section [~~three hundred~~  
13 ~~fifty~~] ~~one~~ of the [~~executive~~] veteran's services law, and has received a  
14 discharge other than bad conduct or dishonorable from such service,  
15 shall not be deemed ineligible.

16 § 54. Subdivision 1 of section 130 of the executive law, as amended by  
17 section 2 of part V of chapter 58 of the laws of 2020, is amended to  
18 read as follows:

19 1. The secretary of state may appoint and commission as many notaries  
20 public for the state of New York as in his or her judgment may be deemed  
21 best, whose jurisdiction shall be co-extensive with the boundaries of  
22 the state. The appointment of a notary public shall be for a term of  
23 four years. An application for an appointment as notary public shall be  
24 in form and set forth such matters as the secretary of state shall  
25 prescribe. Every person appointed as notary public must, at the time of  
26 his or her appointment, be a resident of the state of New York or have  
27 an office or place of business in New York state. A notary public who is  
28 a resident of the state and who moves out of the state but still main-  
29 tains a place of business or an office in New York state does not vacate  
30 his or her office as a notary public. A notary public who is a nonresi-  
31 dent and who ceases to have an office or place of business in this  
32 state, vacates his or her office as a notary public. A notary public who  
33 is a resident of New York state and moves out of the state and who does  
34 not retain an office or place of business in this state shall vacate his  
35 or her office as a notary public. A non-resident who accepts the office  
36 of notary public in this state thereby appoints the secretary of state  
37 as the person upon whom process can be served on his or her behalf.  
38 Before issuing to any applicant a commission as notary public, unless he  
39 or she be an attorney and counsellor at law duly admitted to practice in  
40 this state or a court clerk of the unified court system who has been  
41 appointed to such position after taking a civil service promotional  
42 examination in the court clerk series of titles, the secretary of state  
43 shall satisfy himself or herself that the applicant is of good moral  
44 character, has the equivalent of a common school education and is famil-  
45 iar with the duties and responsibilities of a notary public; provided,  
46 however, that where a notary public applies, before the expiration of  
47 his or her term, for reappointment with the county clerk or where a  
48 person whose term as notary public shall have expired applies within six  
49 months thereafter for reappointment as a notary public with the county  
50 clerk, such qualifying requirements may be waived by the secretary of  
51 state, and further, where an application for reappointment is filed with  
52 the county clerk after the expiration of the aforementioned renewal  
53 period by a person who failed or was unable to re-apply by reason of his  
54 or her induction or enlistment in the armed forces of the United States,  
55 such qualifying requirements may also be waived by the secretary of  
56 state, provided such application for reappointment is made within a

1 period of one year after the military discharge of the applicant under  
2 conditions other than dishonorable, or if the applicant has a qualifying  
3 condition, as defined in section [~~three hundred fifty of this chapter~~]  
4 one of the veterans' services law, within a period of one year after the  
5 applicant has received a discharge other than bad conduct or dishonor-  
6 able from such service, or if the applicant is a discharged LGBT veter-  
7 an, as defined in section [~~three hundred fifty of this chapter~~] one of  
8 the veterans' services law, within a period of one year after the appli-  
9 cant has received a discharge other than bad conduct or dishonorable  
10 from such service. In any case, the appointment or reappointment of any  
11 applicant is in the discretion of the secretary of state. The secretary  
12 of state may suspend or remove from office, for misconduct, any notary  
13 public appointed by him or her but no such removal shall be made unless  
14 the person who is sought to be removed shall have been served with a  
15 copy of the charges against him or her and have an opportunity of being  
16 heard. No person shall be appointed as a notary public under this arti-  
17 cle who has been convicted, in this state or any other state or territo-  
18 ry, of a crime, unless the secretary makes a finding in conformance with  
19 all applicable statutory requirements, including those contained in  
20 article twenty-three-A of the correction law, that such convictions do  
21 not constitute a bar to appointment.

22 § 55. Subdivision 1 of section 32 of the general business law, as  
23 amended by chapter 490 of the laws of 2019, is amended to read as  
24 follows:

25 1. Every member of the armed forces of the United States who (a) was  
26 honorably discharged from such service, or (b) has a qualifying condi-  
27 tion, as defined in section [~~three hundred fifty~~] one of the [~~executive~~]  
28 veterans' services law, and has received a discharge other than bad  
29 conduct or dishonorable from such service, or (c) is a discharged LGBT  
30 veteran, as defined in section [~~three hundred fifty~~] one of the [~~execu-~~  
31 ~~tive~~] veterans' services law, and has received a discharge other than  
32 bad conduct or dishonorable from such service, and who is a resident of  
33 this state and a veteran of any war, or who shall have served in the  
34 armed forces of the United States overseas, and the surviving spouse of  
35 any such veteran, if a resident of the state, shall have the right to  
36 hawk, peddle, vend and sell goods, wares or merchandise or solicit trade  
37 upon the streets and highways within the county of his or her residence,  
38 as the case may be, or if such county is embraced wholly by a city,  
39 within such city, by procuring a license for that purpose to be issued  
40 as herein provided. No part of the lands or premises under the jurisdic-  
41 tion of the division of the state fair in the department of agriculture  
42 and markets, shall be deemed a street or highway within the meaning of  
43 this section.

44 § 56. Section 35 of the general business law, as amended by chapter  
45 490 of the laws of 2019, is amended to read as follows:

46 § 35. Municipal regulations. This article shall not affect the appli-  
47 cation of any ordinance, by-law or regulation of a municipal corporation  
48 relating to hawkers and peddlers within the limits of such corporations,  
49 but the provisions of this article are to be complied with in addition  
50 to the requirements of any such ordinance, by-law or regulation;  
51 provided, however, that no such by-law, ordinance or regulation shall  
52 prevent or in any manner interfere with the hawking or peddling, without  
53 the use of any but a hand driven vehicle, in any street, avenue, alley,  
54 lane or park of a municipal corporation, by any honorably discharged  
55 member of the armed forces of the United States who (1) was honorably  
56 discharged from such service, or (2) has a qualifying condition, as

defined in section [~~three hundred fifty~~] one of the [~~executive~~] veterans' services law, and has received a discharge other than bad conduct or dishonorable from such service, or (3) is a discharged LGBT veteran, as defined in section [~~three hundred fifty~~] one of the [~~executive~~] veterans' services law, and has received a discharge other than bad conduct or dishonorable from such service, and who is physically disabled as a result of injuries received while in the service of said armed forces and the holder of a license granted pursuant to section thirty-two of this article.

§ 57. Paragraph (a) of subdivision 1 of section 35-a of the general business law, as amended by chapter 490 of the laws of 2019, is amended to read as follows:

(a) In cities having a population of one million or more, the official designated by a local law or ordinance to issue a local license to hawk, peddle, vend and sell goods, wares or merchandise or solicit trade upon the streets and highways within such city shall issue specialized vending licenses to members of the armed forces of the United States who (i) were honorably discharged from such service, or (ii) have a qualifying condition, as defined in section [~~three hundred fifty~~] one of the [~~executive~~] veterans' services law, and received a discharge other than bad conduct or dishonorable from such service, or (iii) are a discharged LGBT veteran, as defined in section [~~three hundred fifty~~] one of the [~~executive~~] veterans' services law, and received a discharge other than bad conduct or dishonorable from such service, and who are physically disabled as a result of injuries received while in the service of said armed forces and who are eligible to hold licenses granted pursuant to section thirty-two of this article. Such specialized vending licenses shall authorize holders thereof to hawk or peddle within such city in accordance with the provisions contained in this section. Specialized vending licenses issued under this section shall permit the holders thereof to vend on any block face, and no licensee authorized under this section shall be restricted in any way from vending in any area, except as provided in this section.

§ 58. Paragraph (b) of subdivision 3 of section 69-p of the general business law, as amended by chapter 490 of the laws of 2019, is amended to read as follows:

(b) In the case of persons who are or were in the military service and (i) have been or will be discharged under conditions other than dishonorable, or (ii) have a qualifying condition, as defined in section [~~three hundred fifty~~] one of the [~~executive~~] veterans' services law, and received a discharge other than bad conduct or dishonorable from such service, or (iii) are discharged LGBT veterans, as defined in section [~~three hundred fifty~~] one of the [~~executive~~] veterans' services law, and have received a discharge other than bad conduct or dishonorable from such service, the period of two years specified in subdivision one of this section need not be continuous. The length of time such person was engaged in the business of installing, servicing or maintaining security or fire alarm systems before entering the military service may be added to any period of time during which such person was or is engaged in the business of installing, servicing or maintaining security or fire alarm systems after the termination of military service.

§ 59. The closing paragraph of section 435 of the general business law, as amended by chapter 490 of the laws of 2019, is amended to read as follows:

In the case of persons who are or were in the military service and (a) have been or will be discharged under conditions other than dishonor-



able, or (b) have a qualifying condition, as defined in section [~~three hundred fifty~~] one of the [~~executive~~] veterans' services law, and received a discharge other than bad conduct or dishonorable from such service, or (c) are discharged LGBT veterans, as defined in section [~~three hundred fifty~~] one of the [~~executive~~] veterans' services law, and have received a discharge other than bad conduct or dishonorable from such service, the period of one year specified in subdivision one of this section and the period of six months specified in subdivision two of this section need not be continuous. The length of time such person was engaged in the practice of barbering before entering the military service may be added to any period of time during which such person was or is engaged in the practice of barbering after the termination of military service.

§ 60. Section 13-a of the general construction law, as amended by chapter 490 of the laws of 2019, is amended to read as follows:

§ 13-a. Armed forces of the United States. "Armed forces of the United States" means the army, navy, marine corps, air force and coast guard, including all components thereof, and the national guard when in the service of the United States pursuant to call as provided by law. Pursuant to this definition no person shall be considered a member or veteran of the armed forces of the United States unless his or her service therein is or was on a full-time active duty basis, other than active duty for training or he or she was employed by the War Shipping Administration or Office of Defense Transportation or their agents as a merchant seaman documented by the United States Coast Guard or Department of Commerce, or as a civil servant employed by the United States Army Transport Service (later redesignated as the United States Army Transportation Corps, Water Division) or the Naval Transportation Service; and who served satisfactorily as a crew member during the period of armed conflict, December seventh, nineteen hundred forty-one, to August fifteenth, nineteen hundred forty-five, aboard merchant vessels in oceangoing, i.e., foreign, intercoastal, or coastwise service as such terms are defined under federal law (46 USCA 10301 & 10501) and further to include "near foreign" voyages between the United States and Canada, Mexico, or the West Indies via ocean routes, or public vessels in oceangoing service or foreign waters and who has received a Certificate of Release or Discharge from Active Duty and a discharge certificate, or an Honorable Service Certificate/Report of Casualty, from the Department of Defense or he or she served as a United States civilian employed by the American Field Service and served overseas under United States Armies and United States Army Groups in world war II during the period of armed conflict, December seventh, nineteen hundred forty-one through May eighth, nineteen hundred forty-five, and (i) was discharged or released therefrom under honorable conditions, or (ii) has a qualifying condition, as defined in section [~~three hundred fifty~~] one of the [~~executive~~] veterans' services law, and has received a discharge other than bad conduct or dishonorable from such service, or (iii) is a discharged LGBT veteran, as defined in section [~~three hundred fifty~~] one of the [~~executive~~] veterans' services law, and has received a discharge other than bad conduct or dishonorable from such service, or he or she served as a United States civilian Flight Crew and Aviation Ground Support Employee of Pan American World Airways or one of its subsidiaries or its affiliates and served overseas as a result of Pan American's contract with Air Transport Command or Naval Air Transport Service during the period of armed conflict, December fourteenth, nineteen hundred forty-one through August fourteenth, nineteen hundred forty-five, and (iv) was

1 discharged or released therefrom under honorable conditions, or (v) has  
2 a qualifying condition, as defined in section [~~three hundred fifty~~] one  
3 of the [~~executive~~] veterans' services law, and has received a discharge  
4 other than bad conduct or dishonorable from such service, or (vi) is a  
5 discharged LGBT veteran, as defined in section [~~three hundred fifty~~] one  
6 of the [~~executive~~] veterans' services law, and has received a discharge  
7 other than bad conduct or dishonorable from such service.

8 § 61. Subdivision 1 of section 77 of the general municipal law, as  
9 amended by chapter 490 of the laws of 2019, is amended to read as  
10 follows:

11 1. A municipal corporation may lease, for not exceeding five years, to  
12 a post or posts of the Grand Army of the Republic, Veterans of Foreign  
13 Wars of the United States, American Legion, Catholic War Veterans, Inc.,  
14 Disabled American Veterans, the Army and Navy Union, U.S.A., Marine  
15 Corps League, AMVETS, American Veterans of World War II, Jewish War  
16 Veterans of the United States, Inc., Italian American War Veterans of  
17 the United States, Incorporated, Masonic War Veterans of the State of  
18 New York, Inc., Veterans of World War I of the United States of America  
19 Department of New York, Inc., Polish-American Veterans of World War II,  
20 Amsterdam, N.Y., Inc., Polish-American Veterans of World War II, Sche-  
21 nectady, N.Y., Inc., Polish Legion of American Veterans, Inc., Vietnam  
22 Veterans of America or other veteran organization of members of the  
23 armed forces of the United States who (a) were honorably discharged from  
24 such service or (b) have a qualifying condition, as defined in section  
25 [~~three hundred fifty~~] one of the [~~executive~~] veterans' services law, and  
26 received a discharge other than bad conduct or dishonorable from such  
27 service, or (c) are discharged LGBT veterans, as defined in section  
28 [~~three hundred fifty~~] one of the [~~executive~~] veterans' services law, and  
29 received a discharge other than bad conduct or dishonorable from such  
30 service, or to an incorporated organization or an association of either  
31 active or exempt volunteer firefighters, a public building or part ther-  
32 eof, belonging to such municipal corporation, except schoolhouses in  
33 actual use as such, without expense, or at a nominal rent, fixed by the  
34 board or council having charge of such buildings and provide furniture  
35 and furnishings, and heat, light and janitor service therefor, in like  
36 manner.

37 § 62. Paragraph (a) of subdivision 1 of section 148 of the general  
38 municipal law, as amended by chapter 490 of the laws of 2019, is amended  
39 to read as follows:

40 (a) The board of supervisors in each of the counties, or the board of  
41 estimate in the city of New York, shall designate some proper person,  
42 association or commission, other than that designated for the care of  
43 burial of public charges or criminals, who shall cause to be interred  
44 the body of any member of the armed forces of the United States who (i)  
45 was honorably discharged from such service or (ii) had a qualifying  
46 condition, as defined in section [~~three hundred fifty~~] one of the [~~exec-~~  
47 ~~utive~~] veterans' services law, and received a discharge other than bad  
48 conduct or dishonorable from such service, or (iii) was a discharged  
49 LGBT veteran, as defined in section [~~three hundred fifty~~] one of the  
50 [~~executive~~] veterans' services law, and received a discharge other than  
51 bad conduct or dishonorable from such service, or the body of any minor  
52 child or either parent, or the spouse or unremarried surviving spouse of  
53 any such member of the armed forces of the United States, if such person  
54 shall hereafter die in a county or in the city of New York without leav-  
55 ing sufficient means to defray his or her funeral expenses.



§ 63. Section 117-c of the highway law, as amended by chapter 490 of the laws of 2019, is amended to read as follows:

§ 117-c. Hawking, peddling, vending, sale of goods, wares or merchandise; Erie county; certain areas. Notwithstanding any law to the contrary, except section thirty-five of the general business law, the county of Erie shall have the power to enact a local law prohibiting hawking, peddling, vending and sale of goods, wares or merchandise or solicitation of trade in the right-of-way of county roads adjacent to arenas, stadiums, auditoriums or like facilities, which contain fifty thousand or more seats, which are used for events likely to attract large numbers of spectators, including but not limited to home games of a National Football League franchise. Provided, however, that the power to enact such local law shall be subject to the requirement that provision be made, by lease agreement, regulation or otherwise, for the hawking, peddling, vending and sales of goods, wares or merchandise or solicitation of trade in designated vending areas on the ground of county-owned lands leased for use as an arena, stadium or auditorium or like facility which contain fifty thousand or more seats; and further provided that members of the armed forces of the United States who (a) were honorably discharged from such service, or (b) have a qualifying condition, as defined in section ~~[three hundred fifty]~~ one of the ~~[executive]~~ veterans' services law, and received a discharge other than bad conduct or dishonorable from such service, or (c) are discharged LGBT veterans, as defined in section ~~[three hundred fifty]~~ one of the ~~[executive]~~ veterans' services law, and received a discharge other than bad conduct or dishonorable from such service, and who are entitled to hawk, vend, sell or peddle merchandise in the public right-of-way pursuant to sections thirty-two and thirty-five of the general business law, shall be given first preference in any assignment or vending locations or in the allocation of such locations.

§ 64. Paragraph 11 of subsection (j) of section 2103 of the insurance law, as amended by chapter 490 of the laws of 2019, is amended to read as follows:

(11) No license fee shall be required of any person who served as a member of the armed forces of the United States at any time and who (A) shall have been discharged therefrom, under conditions other than dishonorable, or (B) has a qualifying condition, as defined in section ~~[three hundred fifty]~~ one of the ~~[executive]~~ veterans' services law, and has received a discharge other than bad conduct or dishonorable from such service, or (C) is a discharged LGBT veteran, as defined in section ~~[three hundred fifty]~~ one of the ~~[executive]~~ veterans' services law, and has received a discharge other than bad conduct or dishonorable from such service, in a current licensing period, for the duration of such period.

§ 65. Subparagraph (F) of paragraph 3 of subsection (e) and paragraph 2 of subsection (f) of section 2104 of the insurance law, as amended by chapter 490 of the laws of 2019, are amended to read as follows:

(F) served as a member of the armed forces of the United States at any time, and shall (i) have been discharged under conditions other than dishonorable, or (ii) has a qualifying condition, as defined in section ~~[three hundred fifty]~~ one of the ~~[executive]~~ veterans' services law, and has received a discharge other than bad conduct or dishonorable from such service, or (iii) is a discharged LGBT veteran, as defined in section ~~[three hundred fifty]~~ one of the ~~[executive]~~ veterans' services law, and has received a discharge other than bad conduct or dishonorable from such service, and who within three years prior to his or her entry

1 into the armed forces held a license as insurance broker for similar  
2 lines, provided his or her application for such license is filed before  
3 one year from the date of final discharge; or

4 (2) No license fee shall be required of any person who served as a  
5 member of the armed forces of the United States at any time, and who (A)  
6 shall have been discharged, under conditions other than dishonorable, or  
7 (B) has a qualifying condition, as defined in section [~~three hundred~~  
8 ~~fifty~~] one of the [~~executive~~] veterans' services law, and has received a  
9 discharge other than bad conduct or dishonorable from such service, or  
10 (C) is a discharged LGBT veteran, as defined in section [~~three hundred~~  
11 ~~fifty~~] one of the [~~executive~~] veterans' services law, and has received a  
12 discharge other than bad conduct or dishonorable from such service, in a  
13 current licensing period, for the duration of such period.

14 § 66. Paragraph 2 of subsection (i) of section 2108 of the insurance  
15 law, as amended by chapter 490 of the laws of 2019, is amended to read  
16 as follows:

17 (2) No license fee shall be required of any person who served as a  
18 member of the armed forces of the United States at any time and who (A)  
19 shall have been discharged, under conditions other than dishonorable, or  
20 (B) has a qualifying condition, as defined in section [~~three hundred~~  
21 ~~fifty~~] one of the [~~executive~~] veterans' services law, and has received a  
22 discharge other than bad conduct or dishonorable from such service, or  
23 (C) is a discharged LGBT veteran, as defined in section [~~three hundred~~  
24 ~~fifty~~] one of the [~~executive~~] veterans' services law, and has received a  
25 discharge other than bad conduct or dishonorable from such service, in a  
26 current licensing period, for the duration of such period.

27 § 67. Paragraph 10 of subsection (h) of section 2137 of the insurance  
28 law, as amended by chapter 490 of the laws of 2019, is amended to read  
29 as follows:

30 (10) No license fee shall be required of any person who served as a  
31 member of the armed forces of the United States at any time and who (A)  
32 shall have been discharged therefrom, under conditions other than  
33 dishonorable, or (B) has a qualifying condition, as defined in section  
34 [~~three hundred fifty~~] one of the [~~executive~~] veterans' services law, and  
35 has received a discharge other than bad conduct or dishonorable from  
36 such service, or (C) is a discharged LGBT veteran, as defined in section  
37 [~~three hundred fifty~~] one of the [~~executive~~] veterans' services law, and  
38 has received a discharge other than bad conduct or dishonorable from  
39 such service, in a current licensing period, for the duration of such  
40 period.

41 § 68. Paragraph 11 of subsection (i) of section 2139 of the insurance  
42 law, as amended by chapter 490 of the laws of 2019, is amended to read  
43 as follows:

44 (11) No license fee shall be required of any person who served as a  
45 member of the armed forces of the United States at any time, and who (A)  
46 shall have been discharged therefrom under conditions other than  
47 dishonorable, or (B) has a qualifying condition, as defined in section  
48 [~~three hundred fifty~~] one of the [~~executive~~] veterans' services law, and  
49 has received a discharge other than bad conduct or dishonorable from  
50 such service, or (C) is a discharged LGBT veteran, as defined in section  
51 [~~three hundred fifty~~] one of the [~~executive~~] veterans' services law, and  
52 has received a discharge other than bad conduct or dishonorable from  
53 such service, in a current licensing period for the duration of such  
54 period.

55 § 69. Section 466 of the judiciary law, as amended by chapter 490 of  
56 the laws of 2019, is amended to read as follows:

§ 466. Attorney's oath of office. 1. Each person, admitted as prescribed in this chapter must, upon his or her admission, take the constitutional oath of office in open court, and subscribe the same in a roll or book, to be kept in the office of the clerk of the appellate division of the supreme court for that purpose.

2. Any person now in actual service in the armed forces of the United States or whose induction or enlistment therein is imminent, or within sixty days after such person (1) has been honorably discharged, or (2) has received a discharge other than bad conduct or dishonorable from such service, if such person has a qualifying condition, as defined in section ~~[three hundred fifty]~~ one of the ~~[executive]~~ veterans' services law, or (3) has received a discharge other than bad conduct or dishonorable from such service, if such person is a discharged LGBT veteran, as defined in section ~~[three hundred fifty]~~ one of the ~~[executive]~~ veterans' services law, if the appellate division of the supreme court in the department in which such person resides is not in session, may subscribe and take the oath before a justice of that court, with the same force and effect as if it were taken in open court, except that in the first department the oath must be taken before the presiding justice or, in his or her absence, before the senior justice.

§ 70. Subdivision 3 of section 20 of the military law, as amended by chapter 490 of the laws of 2019, is amended to read as follows:

3. Any person who has served as a commissioned or warrant officer in the organized militia or in the armed forces of the United States and (a) has been honorably discharged therefrom, or (b) has a qualifying condition, as defined in section ~~[three hundred fifty]~~ one of the ~~[executive]~~ veterans' services law, and has received a discharge other than bad conduct or dishonorable from such service, or (c) is a discharged LGBT veteran, as defined in section ~~[three hundred fifty]~~ one of the ~~[executive]~~ veterans' services law, and has received a discharge other than bad conduct or dishonorable from such service, may be commissioned and placed on the state reserve list in the highest grade previously held by him or her after complying with such conditions as may be prescribed by regulations issued pursuant to this chapter.

§ 71. Paragraphs (b) and (c) of subdivision 1 and subparagraphs 1 and 2 of paragraph (a) of subdivision 4-b of section 243 of the military law, as amended by chapter 490 of the laws of 2019, are amended to read as follows:

(b) The term "military duty" shall mean military service in the military, naval, aviation or marine service of the United States subsequent to July first, nineteen hundred forty, or service under the selective training and service act of nineteen hundred forty, or the national guard and reserve officers mobilization act of nineteen hundred forty, or any other act of congress supplementary or amendatory thereto, or any similar act of congress hereafter enacted and irrespective of the fact that such service was entered upon following a voluntary enlistment therefor or was required under one of the foregoing acts of congress, or service with the United States public health service as a commissioned officer, or service with the American Red Cross while with the armed forces of the United States on foreign service, or service with the special services section of the armed forces of the United States on foreign service, or service in the merchant marine which shall consist of service as an officer or member of the crew on or in connection with a vessel documented under the laws of the United States or a vessel owned by, chartered to, or operated by or for the account or use of the government of the United States, or service by one who was employed by

1 the War Shipping Administration or Office of Defense Transportation or  
2 their agents as a merchant seaman documented by the United States Coast  
3 Guard or Department of Commerce, or as a civil servant employed by the  
4 United States Army Transport Service (later redesignated as the United  
5 States Army Transportation Corps, Water Division) or the Naval Transpor-  
6 tation Service; and who served satisfactorily as a crew member during  
7 the period of armed conflict, December seventh, nineteen hundred forty-  
8 one, to August fifteenth, nineteen hundred forty-five, aboard merchant  
9 vessels in oceangoing, i.e., foreign, intercoastal, or coastwise service  
10 as such terms are defined under federal law (46 USCA 10301 & 10501) and  
11 further to include "near foreign" voyages between the United States and  
12 Canada, Mexico, or the West Indies via ocean routes, or public vessels  
13 in oceangoing service or foreign waters and who has received a Certif-  
14 icate of Release or Discharge from Active Duty and a discharge certif-  
15 icate, or an Honorable Service Certificate/Report of Casualty, from the  
16 Department of Defense, or who served as a United States civilian  
17 employed by the American Field Service and served overseas under United  
18 States Armies and United States Army Groups in world war II during the  
19 period of armed conflict, December seventh, nineteen hundred forty-one  
20 through May eighth, nineteen hundred forty-five, and who (i) was  
21 discharged or released therefrom under honorable conditions, or (ii) has  
22 a qualifying condition, as defined in section [~~three hundred fifty~~] one  
23 of the [~~executive~~] veterans' services law, and has received a discharge  
24 other than bad conduct or dishonorable from such service, or (iii) is a  
25 discharged LGBT veteran, as defined in section [~~three hundred fifty~~] one  
26 of the [~~executive~~] veterans' services law, and has received a discharge  
27 other than bad conduct or dishonorable from such service, or who served  
28 as a United States civilian Flight Crew and Aviation Ground Support  
29 Employee of Pan American World Airways or one of its subsidiaries or its  
30 affiliates and served overseas as a result of Pan American's contract  
31 with Air Transport Command or Naval Air Transport Service during the  
32 period of armed conflict, December fourteenth, nineteen hundred forty-  
33 one through August fourteenth, nineteen hundred forty-five, and who (iv)  
34 was discharged or released therefrom under honorable conditions, or (v)  
35 has a qualifying condition, as defined in section [~~three hundred fifty~~]  
36 one of the [~~executive~~] veterans' services law, and has received a  
37 discharge other than bad conduct or dishonorable from such service, or  
38 (vi) is a discharged LGBT veteran, as defined in section [~~three hundred~~  
39 ~~fifty~~] one of the [~~executive~~] veterans' services law, and has received a  
40 discharge other than bad conduct or dishonorable from such service; or  
41 service in police duty on behalf of the United States government in a  
42 foreign country, if such person is a police officer, as defined by  
43 section 1.20 of the criminal procedure law, and if such police officer  
44 obtained the prior consent of his or her public employer to absent  
45 himself or herself from his or her position to engage in the performance  
46 of such service; or as an enrollee in the United States maritime service  
47 on active duty and, to such extent as may be prescribed by or under the  
48 laws of the United States, any period awaiting assignment to such  
49 service and any period of education or training for such service in any  
50 school or institution under the jurisdiction of the United States  
51 government, but shall not include temporary and intermittent gratuitous  
52 service in any reserve or auxiliary force. It shall include time spent  
53 in reporting for and returning from military duty and shall be deemed to  
54 commence when the public employee leaves his or her position and to end  
55 when he or she is reinstated to his or her position, provided such rein-  
56 statement is within ninety days after the termination of military duty,

1 as hereinafter defined. Notwithstanding the foregoing provisions of this  
2 paragraph, the term "military duty" shall not include any of the forego-  
3 ing services entered upon voluntarily on or after January first, nine-  
4 teen hundred forty-seven and before June twenty-fifth, nineteen hundred  
5 fifty; and, on or after July first, nineteen hundred seventy, the term  
6 "military duty" shall not include any voluntary service in excess of  
7 four years performed after that date, or the total of any voluntary  
8 services, additional or otherwise, in excess of four years performed  
9 after that date, shall not exceed five years, if the service in excess  
10 of four years is at the request and for the convenience of the federal  
11 government, except if such voluntary service is performed during a peri-  
12 od of war, or national emergency declared by the president.

13 (c) The term "termination of military duty" shall mean the date of a  
14 certificate of honorable discharge or a certificate of completion of  
15 training and service as set forth in the selective training and service  
16 act of nineteen hundred forty, and the national guard and reserve offi-  
17 cers mobilization act of nineteen hundred forty or, or a certificate of  
18 release or discharge from active duty where an employee (i) has a quali-  
19 fying condition, as defined in section [~~three hundred fifty~~ one] of the  
20 [~~executive~~ veterans' services] law, and has received a discharge other  
21 than bad conduct or dishonorable from such service, or (ii) is a  
22 discharged LGBT veteran, as defined in section [~~three hundred fifty~~ one]  
23 of the [~~executive~~ veterans' services] law, and has received a discharge  
24 other than bad conduct or dishonorable from such service, or in the  
25 event of the incurrence of a temporary disability arising out of and in  
26 the course of such military duty, the date of termination of such disa-  
27 bility. The existence and termination of such temporary disability, in  
28 the case of a public employee occupying a position in the classified  
29 civil service or of a person on an eligible list for a position in such  
30 service, shall be determined by the civil service commission having  
31 jurisdiction over such position and, in the case of a public employee  
32 occupying a position not in the classified civil service, shall be  
33 determined by the officer or body having the power of appointment.

34 (1) "New York city veteran of world war II". Any member of the New  
35 York city employees' retirement system in city-service who, after his or  
36 her last membership in such system began, served as a member of the  
37 armed forces of the United States during the period beginning on Decem-  
38 ber seventh, nineteen hundred forty-one and ending on December thirty-  
39 first, nineteen hundred forty-six, and (i) was honorably discharged or  
40 released under honorable circumstances from such service, or (ii) has a  
41 qualifying condition, as defined in section [~~three hundred fifty~~ one] of  
42 the [~~executive~~ veterans' services] law, and has received a discharge  
43 other than bad conduct or dishonorable from such service, or (iii) is a  
44 discharged LGBT veteran, as defined in section [~~three hundred fifty~~ one]  
45 of the [~~executive~~ veterans' services] law, and has received a discharge  
46 other than bad conduct or dishonorable from such service.

47 (2) "New York city veteran of the Korean conflict." Any member of the  
48 New York city employees' retirement system in city-service who, after  
49 his or her last membership in such system began, served as a member of  
50 the armed forces of the United States during the period beginning on the  
51 twenty-seventh of June, nineteen hundred fifty and ending on the thir-  
52 ty-first day of January, nineteen hundred fifty-five, and (i) was honor-  
53 ably discharged or released under honorable circumstances from such  
54 service, or (ii) has a qualifying condition, as defined in section  
55 [~~three hundred fifty~~ one] of the [~~executive~~ veterans' services] law, and  
56 has received a discharge other than bad conduct or dishonorable from



1 such service, or (iii) is a discharged LGBT veteran, as defined in  
2 section [~~three hundred fifty~~] one of the [~~executive~~] veterans' services  
3 law, and has received a discharge other than bad conduct or dishonorable  
4 from such service.

5 § 72. Section 245 of the military law, as amended by chapter 490 of  
6 the laws of 2019, is amended to read as follows:

7 § 245. Retirement allowances of certain war veterans. 1. Any member  
8 of a teachers' retirement system to which the city of New York is  
9 required by law to make contributions on account of such member who (i)  
10 is an honorably discharged member of any branch of the armed forces of  
11 the United States, or (ii) has a qualifying condition, as defined in  
12 section [~~three hundred fifty~~] one of the [~~executive~~] veterans' services  
13 law, and has received a discharge other than bad conduct or dishonor-  
14 able, or (iii) is a discharged LGBT veteran, as defined in section  
15 [~~three hundred fifty~~] one of the [~~executive~~] veterans' services law, and  
16 has received a discharge other than bad conduct or dishonorable, having  
17 served as such during the time of war and who has attained the age of  
18 fifty years, may retire upon his or her own request upon written appli-  
19 cation to the board setting forth at what time not less than thirty days  
20 subsequent to the execution and filing thereof he or she desires to be  
21 retired, provided that such member at the time so specified for his or  
22 her retirement shall have completed at least twenty-five years of allow-  
23 able service. Upon retirement such member shall receive an annuity of  
24 equivalent actuarial value to his or her accumulated deductions, and, in  
25 addition, a pension beginning immediately, having a value equal to the  
26 present value of the pension that would have become payable had he or  
27 she continued at his or her current salary to the age at which he or she  
28 would have first become eligible for service retirement, provided,  
29 however, that the said member on making application for retirement shall  
30 pay into the retirement fund a sum of money which calculated on an actu-  
31 arial basis, together with his or her prior contributions and other  
32 accumulations in said fund then to his or her credit, shall be suffi-  
33 cient to entitle the said member to the same annuity and pension that he  
34 or she would have received had he or she remained in the service of the  
35 city until he or she had attained the age at which he or she otherwise  
36 would have first become eligible for service retirement.

37 2. Notwithstanding any other provision of this section or of any  
38 general, special or local law or code to the contrary, a member of any  
39 such teachers' retirement system who (i) is separated or discharged  
40 under honorable conditions from any branch of the armed forces of the  
41 United States, or (ii) has a qualifying condition, as defined in section  
42 [~~three hundred fifty~~] one of the [~~executive~~] veterans' services law, and  
43 has received a discharge other than bad conduct or dishonorable, or  
44 (iii) is a discharged LGBT veteran, as defined in section [~~three hundred~~  
45 ~~fifty~~] one of the [~~executive~~] veterans' services law, and has received a  
46 discharge other than bad conduct or dishonorable, having served as such  
47 during the time of war and who has attained the age of fifty years, may  
48 retire upon his or her own request upon written application to the board  
49 setting forth at what time, not less than thirty days subsequent to the  
50 execution and filing thereof, he or she desires to be retired, provided  
51 that such member at that time so specified for his or her retirement  
52 shall have completed at least twenty-five years of allowable service.  
53 Upon reaching his or her previously selected minimum retirement age,  
54 such member shall receive an annuity of equivalent actuarial value, at  
55 that time, to his or her accumulated deductions, and, in addition, a  
56 pension based upon his or her credited years of allowable service, plus



1 the pension-for-increased-take-home-pay, if any. Should such member die  
2 before reaching his or her retirement age, then any beneficiary under a  
3 selected option shall be eligible for benefits under such option at the  
4 date upon which the member would have reached his or her selected  
5 retirement age.

6 § 73. Subdivision 1-b of section 247 of the military law, as amended  
7 by chapter 490 of the laws of 2019, is amended to read as follows:

8 1-b. The adjutant general is hereby authorized to present in the name  
9 of the legislature of the state of New York, a certificate, to be known  
10 as the "Cold War Certificate", bearing a suitable inscription, to any  
11 person: (i) who is a citizen of the state of New York or (ii) who was a  
12 citizen of the state of New York while serving in the armed forces of  
13 the United States; (iii) who served in the United States Armed Forces  
14 during the period of time from September second, nineteen hundred  
15 forty-five through December twenty-sixth, nineteen hundred ninety-one,  
16 commonly known as the Cold War Era; and (iv) who was honorably  
17 discharged or released under honorable circumstances during the Cold War  
18 Era, or has a qualifying condition, as defined in section [~~three hundred~~  
19 ~~fifty~~] one of the [~~executive~~] veterans' services law, and received a  
20 discharge other than bad conduct or dishonorable during the Cold War  
21 Era, or is a discharged LGBT veteran, as defined in section [~~three~~  
22 ~~hundred-fifty~~] one of the [~~executive~~] veterans' services law, and  
23 received a discharge other than bad conduct or dishonorable during the  
24 Cold War Era. Not more than one Cold War Certificate shall be awarded or  
25 presented, under the provisions of this subdivision, to any person whose  
26 entire service subsequent to the time of the receipt of such medal shall  
27 not have been honorable. In the event of the death of any person during  
28 or subsequent to the receipt of such certificate it shall be presented  
29 to such representative of the deceased as may be designated. The adju-  
30 tant general, in consultation with the [~~director~~] commissioner of the  
31 [~~division~~] department of veterans' services, shall make such rules and  
32 regulations as may be deemed necessary for the proper presentation and  
33 distribution of the certificate.

34 § 74. Section 249 of the military law, as amended by chapter 490 of  
35 the laws of 2019, is amended to read as follows:

36 § 249. State and municipal officers and employees granted leaves of  
37 absence on July fourth in certain cases. Each officer and employee of  
38 the state or of a municipal corporation or of any other political subdi-  
39 vision thereof who was a member of the national guard or naval militia  
40 or a member of the reserve corps at a time when the United States was  
41 not at war and who (i) has been honorably discharged therefrom, or (ii)  
42 has a qualifying condition, as defined in section [~~three hundred fifty~~  
43 one] of the [~~executive~~] veterans' services law, and has received a  
44 discharge other than bad conduct or dishonorable from such service, or  
45 (iii) is a discharged LGBT veteran, as defined in section [~~three hundred~~  
46 ~~fifty~~] one of the [~~executive~~] veterans' services law, and has received a  
47 discharge other than bad conduct or dishonorable from such service,  
48 shall, in so far as practicable, be entitled to absent himself or  
49 herself from [~~his~~] duties or service, with pay, on July fourth of each  
50 year. Notwithstanding the provisions of any general, special or local  
51 law or the provisions of any city charter, no such officer or employee  
52 shall be subjected by any person whatever directly or indirectly by  
53 reason of such absence to any loss or diminution of vacation or holiday  
54 privilege or be prejudiced by reason of such absence with reference to  
55 promotion or continuance in office or employment or to reappointment to  
56 office or to re-employment.

§ 75. Subparagraph 2 of paragraph b of subdivision 1 of section 156 of the public housing law, as amended by chapter 490 of the laws of 2019, is amended to read as follows:

(2) (i) have been thereafter discharged or released therefrom under conditions other than dishonorable, or (ii) have a qualifying condition, as defined in section ~~[three hundred fifty]~~ one of the ~~[executive]~~ veterans' services law, and have received a discharge other than bad conduct or dishonorable from such service, or (iii) are discharged LGBT veterans, as defined in section ~~[three hundred fifty]~~ one of the ~~[executive]~~ veterans' services law, and have received a discharge other than bad conduct or dishonorable from such service, or (iv) died in such service, not more than five years prior to the time of application for admission to such project, and

§ 76. The opening paragraph and paragraph (d) of subdivision 1 of section 2632 of the public health law, as amended by chapter 490 of the laws of 2019, are amended to read as follows:

Every veteran of the armed forces of the United States, who (i) (A) was separated or discharged under honorable conditions after serving on active duty therein for a period of not less than thirty days, or (B) has a qualifying condition, as defined in section ~~[three hundred fifty]~~ one of the ~~[executive]~~ veterans' services law, and has received a discharge other than bad conduct or dishonorable after serving on active duty therein for a period of not less than thirty days, or (C) is a discharged LGBT veteran, as defined in section ~~[three hundred fifty]~~ one of the ~~[executive]~~ veterans' services law, and has received a discharge other than bad conduct or dishonorable after serving on active duty therein for a period of not less than thirty days, or (ii) (A) was separated or discharged under honorable conditions after serving on active duty therein for a period of not less than thirty days or (B) has a qualifying condition, as defined in section ~~[three hundred fifty]~~ one of the ~~[executive]~~ veterans' services law, and has received a discharge other than bad conduct or dishonorable after serving on active duty therein for a period of not less than thirty days, or (C) is a discharged LGBT veteran, as defined in section ~~[three hundred fifty]~~ one of the ~~[executive]~~ veterans' services law, and has received a discharge other than bad conduct or dishonorable after serving on active duty therein for a period of not less than thirty days, and who was a recipient of the armed forces expeditionary medal, navy expeditionary medal or marine corps expeditionary medal for participation in operations in Lebanon from June first, nineteen hundred eighty-three to December first, nineteen hundred eighty-seven, in Grenada from October twenty-third, nineteen hundred eighty-three to November twenty-first, nineteen hundred eighty-three, or in Panama from December twentieth, nineteen hundred eighty-nine to January thirty-first, nineteen hundred ninety, or in Bosnia and Herzegovina from November twenty-first, nineteen hundred ninety-five to November first, two thousand seven, or was a recipient of the Kosovo campaign medal or (iii) (A) was separated or discharged under honorable conditions after serving on active duty therein for a period of not less than thirty days or (B) has a qualifying condition, as defined in section ~~[three hundred fifty]~~ one of the ~~[executive]~~ veterans' services law, and has received a discharge other than bad conduct or dishonorable after serving on active duty therein for a period of not less than thirty days, or (C) is a discharged LGBT veteran, as defined in section ~~[three hundred fifty]~~ one of the ~~[executive]~~ veterans' services law, and has received a discharge other than bad conduct or dishonorable after serving on active duty therein for a period of not

1 less than thirty days, and who served during the period of actual  
2 hostilities of either

3 (d) world war II between December seventh, nineteen hundred forty-one  
4 and December thirty-first, nineteen hundred forty-six, both inclusive,  
5 or who was employed by the War Shipping Administration or Office of  
6 Defense Transportation or their agents as a merchant seaman documented  
7 by the United States Coast Guard or Department of Commerce, or as a  
8 civil servant employed by the United States Army Transportation Service  
9 (later redesignated as the United States Army Transportation Corps,  
10 Water Division) or the Naval Transportation Service; and who served  
11 satisfactorily as a crew member during the period of armed conflict,  
12 December seventh, nineteen hundred forty-one, to August fifteenth, nine-  
13 teen hundred forty-five, aboard merchant vessels in oceangoing, i.e.,  
14 foreign, intercoastal, or coastwise service as such terms are defined  
15 under federal law (46 USCA 10301 & 10501) and further to include "near  
16 foreign" voyages between the United States and Canada, Mexico, or the  
17 West Indies via ocean routes, or public vessels in oceangoing service or  
18 foreign waters and who has received a Certificate of Release or  
19 Discharge from Active Duty and a discharge certificate, or an Honorable  
20 Service Certificate/Report of Casualty, from the Department of Defense,  
21 or who served as a United States civilian employed by the American Field  
22 Service and served overseas under United States Armies and United States  
23 Army Groups in world war II during the period of armed conflict, Decem-  
24 ber seventh, nineteen hundred forty-one through May eighth, nineteen  
25 hundred forty-five, and who (i) was discharged or released therefrom  
26 under honorable conditions, or (ii) has a qualifying condition, as  
27 defined in section [~~three hundred fifty~~ one of the [~~executive~~ veter-  
28 ans' services law, and has received a discharge other than bad conduct  
29 or dishonorable from such service, or (iii) is a discharged LGBT veter-  
30 an, as defined in section [~~three hundred fifty~~ one of the [~~executive~~  
31 veterans' services law, and has received a discharge other than bad  
32 conduct or dishonorable from such service, or who served as a United  
33 States civilian Flight Crew and Aviation Ground Support Employee of Pan  
34 American World Airways or one of its subsidiaries or its affiliates and  
35 served overseas as a result of Pan American's contract with Air Trans-  
36 port Command or Naval Air Transport Service during the period of armed  
37 conflict, December fourteenth, nineteen hundred forty-one through August  
38 fourteenth, nineteen hundred forty-five, and who (iv) was discharged or  
39 released therefrom under honorable conditions, or (v) has a qualifying  
40 condition, as defined in section [~~three hundred fifty~~ one of the [~~exec-~~  
41 utive] veterans' services law, and has received a discharge other than  
42 bad conduct or dishonorable from such service, or (vi) is a discharged  
43 LGBT veteran, as defined in section [~~three hundred fifty~~ one of the  
44 [~~executive~~] veterans' services law, and has received a discharge other  
45 than bad conduct or dishonorable from such service; or

46 § 77. Subdivision 5 of section 2805-b of the public health law, as  
47 amended by section 21 of part AA of chapter 56 of the laws of 2019, is  
48 amended to read as follows:

49 5. The staff of a general hospital shall: (a) inquire whether or not  
50 the person admitted has served in the United States armed forces. Such  
51 information shall be listed on the admissions form; (b) notify any  
52 admittee who is a veteran of the possible availability of services at a  
53 hospital operated by the United States veterans health administration,  
54 and, upon request by the admittee, such staff shall make arrangements  
55 for the individual's transfer to a United States veterans health admin-  
56 istration hospital, provided, however, that transfers shall be author-

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

§ 78. Subdivision 2 of section 2805-o of the public health law, as amended by chapter 75 of the laws of 2022, is amended to read as follows:

2. Every nursing home, residential health care facility and every adult care facility licensed and certified by the department pursuant to title two of article seven of the social services law or article forty-six-B of this chapter, including all adult homes, enriched housing programs, residences for adults, assisted living programs, and assisted living residences shall in writing advise all individuals identifying themselves as veterans or spouses of veterans that the ~~[division]~~ department of veterans' services and local veterans' service agencies established pursuant to section ~~[three hundred fifty-seven]~~ fourteen of the ~~[executive]~~ veterans' services law to provide assistance to veterans and their spouses regarding benefits under federal and state law. Such written information shall include the name, address and telephone number of the New York state ~~[division]~~ department of veterans' services, the nearest ~~[division]~~ department of veterans' services office, the nearest county or city veterans' service agency and the nearest accredited veterans' service officer.

§ 79. Subdivision 3 of section 3422 of the public health law, as amended by chapter 490 of the laws of 2019, is amended to read as follows:

3. A candidate who fails to attain a passing grade on his or her licensing examination is entitled to a maximum of three re-examinations; provided, however, that if such candidate fails to attain a passing grade within three years after completion of his or her training, he or she must requalify in accordance with the provisions of the public health law and rules and regulations promulgated thereunder existing and in force as of the date of subsequent application for licensing examination, except that a satisfactorily completed required course of study need not be recompleted. A candidate inducted into the armed forces of the United States during or after completion of training may (a) after honorable discharge or (b) after a discharge other than bad conduct or dishonorable where the candidate (i) has a qualifying condition, as defined in section ~~[three hundred fifty]~~ one of the ~~[executive]~~ veterans' services law, or (ii) is a discharged LGBT veteran, as defined in section ~~[three hundred fifty]~~ one of the ~~[executive]~~ veterans' services law, and upon proper application as required by the department be eligible for an exemption with respect to time served in such service.

§ 80. Section 63 of the public officers law, as amended by chapter 606 of the laws of 2021, is amended to read as follows:

§ 63. Leave of absence for veterans on Memorial day and Veterans' day. It shall be the duty of the head of every public department and of every court of the state of New York, of every superintendent or foreman on

1 the public works of said state, of the county officers of the several  
2 counties of said state, of the town officers of the various towns in  
3 this state, of the fire district officers of the various fire districts  
4 in this state, and of the head of every department, bureau and office in  
5 the government of the various cities and villages in this state, and the  
6 officers of any public benefit corporation or any public authority of  
7 this state, or of any public benefit corporation or public authority of  
8 any county or subdivision of this state, to give leave of absence with  
9 pay for twenty-four hours on the day prescribed by law as a public holi-  
10 day for the observance of Memorial day and on the eleventh day of Novem-  
11 ber, known as Veterans' day, to every person in the service of the  
12 state, the county, the town, the fire district, the city or village, the  
13 public benefit corporation or public authority of this state, or any  
14 public benefit corporation or public authority of any county or subdivi-  
15 sion of this state, as the case may be, (i) who served on active duty in  
16 the armed forces of the United States during world war I or world war  
17 II, or who was employed by the War Shipping Administration or Office of  
18 Defense Transportation or their agents as a merchant seaman documented  
19 by the United States Coast Guard or Department of Commerce, or as a  
20 civil servant employed by the United States Army Transport Service  
21 (later redesignated as the United States Army Transportation Corps,  
22 Water Division) or the Naval Transportation Service; and who served  
23 satisfactorily as a crew member during the period of armed conflict,  
24 December seventh, nineteen hundred forty-one, to August fifteenth, nine-  
25 teen hundred forty-five, aboard merchant vessels in oceangoing, i.e.,  
26 foreign, intercoastal, or coastwise service as such terms are defined  
27 under federal law (46 USCA 10301 & 10501) and further to include "near  
28 foreign" voyages between the United States and Canada, Mexico, or the  
29 West Indies via ocean routes, or public vessels in oceangoing service or  
30 foreign waters and who has received a Certificate of Release or  
31 Discharge from Active Duty and a discharge certificate, or an Honorable  
32 Service Certificate/Report of Casualty, from the Department of Defense,  
33 or who served as a United States civilian employed by the American Field  
34 Service and served overseas under United States Armies and United States  
35 Army Groups in world war II during the period of armed conflict, Decem-  
36 ber seventh, nineteen hundred forty-one through May eighth, nineteen  
37 hundred forty-five, and who (a) was discharged or released therefrom  
38 under honorable conditions, or (b) has a qualifying condition, as  
39 defined in section [~~three hundred fifty~~] one of the [~~executive~~] veter-  
40 ans' services law, and has received a discharge other than bad conduct  
41 or dishonorable from such service, or (c) is a discharged LGBT veteran,  
42 as defined in section [~~three hundred fifty~~] one of the [~~executive~~]  
43 veterans' services law, and has received a discharge other than bad  
44 conduct or dishonorable from such service or who served as a United  
45 States civilian Flight Crew and Aviation Ground Support Employee of Pan  
46 American World Airways or one of its subsidiaries or its affiliates and  
47 served overseas as a result of Pan American's contract with Air Trans-  
48 port Command or Naval Air Transport Service during the period of armed  
49 conflict, December fourteenth, nineteen hundred forty-one through August  
50 fourteenth, nineteen hundred forty-five, and who (d) was discharged or  
51 released therefrom under honorable conditions, or (e) has a qualifying  
52 condition, as defined in section [~~three hundred fifty~~] one of the [~~exec-~~  
53 utive] veterans' services law, and has received a discharge other than  
54 bad conduct or dishonorable from such service, or (f) is a discharged  
55 LGBT veteran, as defined in section [~~three hundred fifty~~] one of the  
56 [~~executive~~] veterans' services law, and has received a discharge other



1 than bad conduct or dishonorable from such service or during the period  
2 of the Korean conflict at any time between the dates of June twenty-sev-  
3 enth, nineteen hundred fifty and January thirty-first, nineteen hundred  
4 fifty-five, or during the period of the Vietnam conflict from the twen-  
5 ty-eighth day of February, nineteen hundred sixty-one to the seventh day  
6 of May, nineteen hundred seventy-five, or (ii) who served on active duty  
7 in the armed forces of the United States and who was a recipient of the  
8 armed forces expeditionary medal, navy expeditionary medal or marine  
9 corps expeditionary medal for participation in operations in Lebanon  
10 from June first, nineteen hundred eighty-three to December first, nine-  
11 teen hundred eighty-seven, in Grenada from October twenty-third, nine-  
12 teen hundred eighty-three to November twenty-first, nineteen hundred  
13 eighty-three, or in Panama from December twentieth, nineteen hundred  
14 eighty-nine to January thirty-first, nineteen hundred ninety, or (iii)  
15 who served in the armed forces of a foreign country allied with the  
16 United States during world war I or world war II, or during the period  
17 of the Korean conflict at any time between June twenty-seventh, nineteen  
18 hundred fifty and January thirty-first, nineteen hundred fifty-five, or  
19 during the period of the Vietnam conflict from the first day of Novem-  
20 ber, nineteen hundred fifty-five to the seventh day of May, nineteen  
21 hundred seventy-five, or during the period of the Persian Gulf conflict  
22 from the second day of August, nineteen hundred ninety to the end of  
23 such conflict, or who served on active duty in the army or navy or  
24 marine corps or air force or coast guard of the United States, and who  
25 (a) was honorably discharged or separated from such service under honor-  
26 able conditions, or (b) has a qualifying condition, as defined in  
27 section [~~three hundred fifty~~ one of the [~~executive~~ veterans' services  
28 law, and has received a discharge other than bad conduct or dishonorable  
29 from such service, or (c) is a discharged LGBT veteran, as defined in  
30 section [~~three hundred fifty~~ one of the [~~executive~~ veterans' services  
31 law, and has received a discharge other than bad conduct or dishonorable  
32 from such service except where such action would endanger the public  
33 safety or the safety or health of persons cared for by the state, in  
34 which event such persons shall be entitled to leave of absence with pay  
35 on another day in lieu thereof. All such persons who are compensated on  
36 a per diem, hourly, semi-monthly or monthly basis, with or without main-  
37 tenance, shall also be entitled to leave of absence with pay under the  
38 provisions of this section and no deduction in vacation allowance or  
39 budgetary allowable number of working days shall be made in lieu there-  
40 of. A refusal to give such leave of absence to one entitled thereto  
41 shall be neglect of duty.

42 § 81. Subdivision 3 of section 1271 of the private housing finance  
43 law, as amended by chapter 490 of the laws of 2019, is amended to read  
44 as follows:

45 3. "Veteran" shall mean a resident of this state who (a) has served in  
46 the United States army, navy, marine corps, air force or coast guard or  
47 (b) has served on active duty or ordered to active duty as defined in 10  
48 USC 101 (d)(1) as a member of the national guard or other reserve compo-  
49 nent of the armed forces of the United States or (c) has served on  
50 active duty or ordered to active duty for the state, as a member of the  
51 state organized militia as defined in subdivision nine of section one of  
52 the military law, and has been released from such service documented by  
53 an honorable or general discharge, or has a qualifying condition, as  
54 defined in section [~~three hundred fifty~~ one of the [~~executive~~ veter-  
55 ans' services law, and has received a discharge other than bad conduct  
56 or dishonorable from such service, or is a discharged LGBT veteran, as



1 defined in section [~~three hundred fifty~~] one of the [~~executive~~] veter-  
2 ans' services law, and has received a discharge other than bad conduct  
3 or dishonorable from such service.

4 § 82. Subdivisions 2 and 4-a of section 458 of the real property tax  
5 law, as amended by chapter 490 of the laws of 2019, are amended to read  
6 as follows:

7 2. Real property purchased with moneys collected by popular  
8 subscription in partial recognition of extraordinary services rendered  
9 by any veteran of world war one, world war two, or of the hostilities  
10 which commenced June twenty-seventh, nineteen hundred fifty, who (a) was  
11 honorably discharged from such service, or (b) has a qualifying condi-  
12 tion, as defined in section [~~three hundred fifty~~] one of the [~~executive~~]  
13 veterans' services law, and has received a discharge other than bad  
14 conduct or dishonorable from such service, or (c) is a discharged LGBT  
15 veteran, as defined in section [~~three hundred fifty~~] one of the [~~execu-~~  
16 ~~tive~~] veterans' services law, and has received a discharge other than  
17 bad conduct or dishonorable from such service, and who sustained perma-  
18 nent disability while on military duty, either total or partial, and  
19 owned by the person who sustained such injuries, or by his or her spouse  
20 or unremarried surviving spouse, or dependent father or mother, is  
21 subject to taxation as herein provided. Such property shall be assessed  
22 in the same manner as other real property in the tax district. At the  
23 meeting of the assessors to hear complaints concerning the assessments,  
24 a verified application for the exemption of such real property from  
25 taxation may be presented to them by or on behalf of the owner thereof,  
26 which application must show the facts on which the exemption is claimed,  
27 including the amount of moneys so raised and used in or toward the  
28 purchase of such property. No exemption on account of any such gift  
29 shall be allowed in excess of five thousand dollars. The application for  
30 exemption shall be presented and action thereon taken in the manner  
31 provided by subdivision one of this section. If no application for  
32 exemption be granted, the property shall be subject to taxation for all  
33 purposes. The provisions herein, relating to the assessment and  
34 exemption of property purchased with moneys raised by popular  
35 subscription, apply and shall be enforced in each municipal corporation  
36 authorized to levy taxes.

37 4-a. For the purposes of this section, the term "military or naval  
38 services" shall be deemed to also include service: (a) by a person who  
39 was employed by the War Shipping Administration or Office of Defense  
40 Transportation or their agents as a merchant seaman documented by the  
41 United States Coast Guard or Department of Commerce, or as a civil serv-  
42 ant employed by the United States Army Transport Service (later redesign-  
43 nated as the United States Army Transportation Corps, Water Division) or  
44 the Naval Transportation Service; and who served satisfactorily as a  
45 crew member during the period of armed conflict, December seventh, nine-  
46 teen hundred forty-one, to August fifteenth, nineteen hundred forty-  
47 five, aboard merchant vessels in oceangoing, i.e., foreign, inter-  
48 coastal, or coastwise service as such terms are defined under federal  
49 law (46 USCA 10301 & 10501) and further to include "near foreign"  
50 voyages between the United States and Canada, Mexico, or the West Indies  
51 via ocean routes, or public vessels in oceangoing service or foreign  
52 waters and who has received a Certificate of Release or Discharge from  
53 Active Duty and a discharge certificate, or an Honorable Service  
54 Certificate/Report of Casualty, from the department of defense; (b)  
55 service by a United States civilian employed by the American Field  
56 Service who served overseas under United States Armies and United States

1 Army Groups in world war II during the period of armed conflict, Decem-  
2 ber seventh, nineteen hundred forty-one through May eighth, nineteen  
3 hundred forty-five, and who (i) was discharged or released therefrom  
4 under honorable conditions, or (ii) has a qualifying condition, as  
5 defined in section [~~three hundred fifty~~] one of the [~~executive~~] veter-  
6 ans' services law, and has received a discharge other than bad conduct  
7 or dishonorable from such service, or (iii) is a discharged LGBT veter-  
8 an, as defined in section [~~three hundred fifty~~] one of the [~~executive~~]  
9 veterans' services law, and has received a discharge other than bad  
10 conduct or dishonorable from such service; or (c) service by a United  
11 States civilian Flight Crew and Aviation Ground Support Employee of Pan  
12 American World Airways or one of its subsidiaries or its affiliates who  
13 served overseas as a result of Pan American's contract with Air Trans-  
14 port Command or Naval Air Transport Service during the period of armed  
15 conflict, December fourteenth, nineteen hundred forty-one through August  
16 fourteenth, nineteen hundred forty-five, and who (i) was discharged or  
17 released therefrom under honorable conditions, or (ii) has a qualifying  
18 condition, as defined in section [~~three hundred fifty~~] one of the [~~exec-~~  
19 ~~utive~~] veterans' services law, and has received a discharge other than  
20 bad conduct or dishonorable from such service, or (iii) is a discharged  
21 LGBT veteran, as defined in section [~~three hundred fifty~~] one of the  
22 [~~executive~~] veterans' services law, and has received a discharge other  
23 than bad conduct or dishonorable from such service.

24 § 83. Paragraph (e) of subdivision 1 and subdivisions 9 and 10 of  
25 section 458-a of the real property tax law, paragraph (e) of subdivision  
26 1 and subdivision 10 as amended by chapter 490 of the laws of 2019,  
27 subdivision 9 as amended by section 36 of part AA of chapter 56 of the  
28 laws of 2019, are amended to read as follows:

29 (e) "Veteran" means a person (i) who served in the active military,  
30 naval, or air service during a period of war, or who was a recipient of  
31 the armed forces expeditionary medal, navy expeditionary medal, marine  
32 corps expeditionary medal, or global war on terrorism expeditionary  
33 medal, and who (1) was discharged or released therefrom under honorable  
34 conditions, or (2) has a qualifying condition, as defined in section  
35 [~~three hundred fifty~~] one of the [~~executive~~] veterans' services law, and  
36 has received a discharge other than bad conduct or dishonorable from  
37 such service, or (3) is a discharged LGBT veteran, as defined in section  
38 [~~three hundred fifty~~] one of the [~~executive~~] veterans' services law, and  
39 has received a discharge other than bad conduct or dishonorable from  
40 such service, (ii) who was employed by the War Shipping Administration  
41 or Office of Defense Transportation or their agents as a merchant seaman  
42 documented by the United States Coast Guard or Department of Commerce,  
43 or as a civil servant employed by the United States Army Transport  
44 Service (later redesignated as the United States Army Transportation  
45 Corps, Water Division) or the Naval Transportation Service; and who  
46 served satisfactorily as a crew member during the period of armed  
47 conflict, December seventh, nineteen hundred forty-one, to August  
48 fifteenth, nineteen hundred forty-five, aboard merchant vessels in  
49 oceangoing, i.e., foreign, intercoastal, or coastwise service as such  
50 terms are defined under federal law (46 USCA 10301 & 10501) and further  
51 to include "near foreign" voyages between the United States and Canada,  
52 Mexico, or the West Indies via ocean routes, or public vessels in ocean-  
53 going service or foreign waters and who has received a Certificate of  
54 Release or Discharge from Active Duty and a discharge certificate, or an  
55 Honorable Service Certificate/Report of Casualty, from the department of  
56 defense, (iii) who served as a United States civilian employed by the

1 American Field Service and served overseas under United States Armies  
2 and United States Army Groups in world war II during the period of armed  
3 conflict, December seventh, nineteen hundred forty-one through May  
4 eighth, nineteen hundred forty-five, and who (1) was discharged or  
5 released therefrom under honorable conditions, or (2) has a qualifying  
6 condition, as defined in section [~~three hundred fifty~~] one of the [~~exec-~~  
7 ~~utive~~] veterans' services law, and has received a discharge other than  
8 bad conduct or dishonorable from such service, or (3) is a discharged  
9 LGBT veteran, as defined in section [~~three hundred fifty~~] one of the  
10 [~~executive~~] veterans' services law, and has received a discharge other  
11 than bad conduct or dishonorable from such service, (iv) who served as a  
12 United States civilian Flight Crew and Aviation Ground Support Employee  
13 of Pan American World Airways or one of its subsidiaries or its affil-  
14 iates and served overseas as a result of Pan American's contract with  
15 Air Transport Command or Naval Air Transport Service during the period  
16 of armed conflict, December fourteenth, nineteen hundred forty-one  
17 through August fourteenth, nineteen hundred forty-five, and who (1) was  
18 discharged or released therefrom under honorable conditions, or (2) has  
19 a qualifying condition, as defined in section [~~three hundred fifty~~] one  
20 of the [~~executive~~] veterans' services law, and has received a discharge  
21 other than bad conduct or dishonorable from such service, or (3) is a  
22 discharged LGBT veteran, as defined in section [~~three hundred fifty~~] one  
23 of the [~~executive~~] veterans' services law, and has received a discharge  
24 other than bad conduct or dishonorable from such service, or (v)  
25 notwithstanding any other provision of law to the contrary, who are  
26 members of the reserve components of the armed forces of the United  
27 States who (1) received an honorable discharge or release therefrom  
28 under honorable conditions, or (2) has a qualifying condition, as  
29 defined in section [~~three hundred fifty~~] one of the [~~executive~~] veter-  
30 ans' services law, and has received a discharge other than bad conduct  
31 or dishonorable from such service, or (3) is a discharged LGBT veteran,  
32 as defined in section [~~three hundred fifty~~] one of the [~~executive~~]  
33 veterans' services law, and has received a discharge other than bad  
34 conduct or dishonorable from such service, but are still members of the  
35 reserve components of the armed forces of the United States provided  
36 that such members meet all other qualifications under the provisions of  
37 this section.

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

50 10. A county, city, town, village or school district may adopt a local  
51 law or resolution to include those military personnel who served in the  
52 Reserve component of the United States Armed Forces that were deemed on  
53 active duty under Executive Order 11519 signed March twenty-third, nine-  
54 teen hundred seventy, 35 Federal Register 5003, dated March twenty-  
55 fourth, nineteen hundred seventy and later designated by the United  
56 States Department of Defense as Operation Graphic Hand, if such member

(1) was discharged or released therefrom under honorable conditions, or (2) has a qualifying condition, as defined in section ~~[three hundred fifty]~~ one of the ~~[executive]~~ veterans' services law, and has received a discharge other than bad conduct or dishonorable from such service, or (3) is a discharged LGBT veteran, as defined in section ~~[three hundred fifty]~~ one of the ~~[executive]~~ veterans' services law, and has received a discharge other than bad conduct or dishonorable from such service, provided that such veteran meets all other qualifications of this section.

§ 84. Paragraph (a) of subdivision 1 and subdivision 8 of section 458-b of the real property tax law, paragraph (a) of subdivision 1 as amended by chapter 490 of the laws of 2019, subdivision 8 as amended by section 37 of part AA of chapter 56 of the laws of 2019, are amended to read as follows:

(a) "Cold War veteran" means a person, male or female, who served on active duty in the United States armed forces, during the time period from September second, nineteen hundred forty-five to December twenty-sixth, nineteen hundred ninety-one, and (i) was discharged or released therefrom under honorable conditions, or (ii) has a qualifying condition, as defined in section ~~[three hundred fifty]~~ one of the ~~[executive]~~ veterans' services law, and has received a discharge other than bad conduct or dishonorable from such service, or (iii) is a discharged LGBT veteran, as defined in section ~~[three hundred fifty]~~ one of the ~~[executive]~~ veterans' services law, and has received a discharge other than bad conduct or dishonorable from such service.

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

§ 85. Subparagraph (v) of paragraph (a) of subdivision 1 of section 122 of the social services law, as amended by chapter 490 of the laws of 2019, is amended to read as follows:

(v) any alien lawfully residing in the state who is on active duty in the armed forces (other than active duty for training) or who (1) has received an honorable discharge (and not on account of alienage) from the armed forces, or (2) has a qualifying condition, as defined in section ~~[three hundred fifty]~~ one of the ~~[executive]~~ veterans' services law, and has received a discharge other than bad conduct or dishonorable (and not on account of alienage) from the armed forces, or (3) is a discharged LGBT veteran, as defined in section ~~[three hundred fifty]~~ one of the ~~[executive]~~ veterans' services law, and has received a discharge other than bad conduct or dishonorable (and not on account of alienage) from the armed forces, or the spouse, unremarried surviving spouse or unmarried dependent child of any such alien, if such alien, spouse or dependent child is a qualified alien as defined in section 431 of the federal personal responsibility and work opportunity reconciliation act of 1996 (8 U.S. Code 1641), as amended;

§ 86. Subdivision 1 and paragraph 5 of subdivision 2 of section 168 of the social services law, as amended by chapter 490 of the laws of 2019, are amended to read as follows:

1. Veteran means a person, male or female, who has served in the armed forces of the United States in time of war, or who was a recipient of the armed forces expeditionary medal, navy expeditionary medal or marine corps expeditionary medal for participation in operations in Lebanon from June first, nineteen hundred eighty-three to December first, nineteen hundred eighty-seven, in Grenada from October twenty-third, nineteen hundred eighty-three to November twenty-first, nineteen hundred eighty-three, or in Panama from December twentieth, nineteen hundred eighty-nine to January thirty-first, nineteen hundred ninety, and who (1) has been honorably discharged or released under honorable circumstances from such service or furloughed to the reserve, or (2) has a qualifying condition, as defined in section ~~[three hundred fifty]~~ one of the ~~[executive]~~ veterans' services law, and has received a discharge other than bad conduct or dishonorable from such service, or (3) is a discharged LGBT veteran, as defined in section ~~[three hundred fifty]~~ one of the ~~[executive]~~ veterans' services law, and has received a discharge other than bad conduct or dishonorable from such service.

(5) World war II; from the seventh day of December, nineteen hundred forty-one to and including the thirty-first day of December, nineteen hundred forty-six, or who was employed by the War Shipping Administration or Office of Defense Transportation or their agents as a merchant seaman documented by the United States Coast Guard or Department of Commerce, or as a civil servant employed by the United States Army Transport Service (later redesignated as the United States Army Transportation Corps, Water Division) or the Naval Transportation Service; and who served satisfactorily as a crew member during the period of armed conflict, December seventh, nineteen hundred forty-one, to August fifteenth, nineteen hundred forty-five, aboard merchant vessels in oceangoing, i.e., foreign, intercoastal, or coastwise service as such terms are defined under federal law (46 USCA 10301 & 10501) and further to include "near foreign" voyages between the United States and Canada, Mexico, or the West Indies via ocean routes, or public vessels in oceangoing service or foreign waters and who has received a Certificate of Release or Discharge from Active Duty and a discharge certificate, or an Honorable Service Certificate/Report of Casualty, from the Department of Defense or who served as a United States civilian employed by the American Field Service and served overseas under United States Armies and United States Army Groups in world war II during the period of armed conflict, December seventh, nineteen hundred forty-one through May eighth, nineteen hundred forty-five, and who (i) was discharged or released therefrom under honorable conditions, or (ii) has a qualifying condition, as defined in section ~~[three hundred fifty]~~ one of the ~~[executive]~~ veterans' services law, and has received a discharge other than bad conduct or dishonorable from such service, or (iii) is a discharged LGBT veteran, as defined in section ~~[three hundred fifty]~~ one of the ~~[executive]~~ veterans' services law, and has received a discharge other than bad conduct or dishonorable from such service, or who served as a United States civilian Flight Crew and Aviation Ground Support Employee of Pan American World Airways or one of its subsidiaries or its affiliates and served overseas as a result of Pan American's contract with Air Transport Command or Naval Air Transport Service during the period of armed conflict, December fourteenth, nineteen hundred forty-one through August fourteenth, nineteen hundred forty-five, and who (iv) was



1 discharged or released therefrom under honorable conditions, or (v) has  
2 a qualifying condition, as defined in section [~~three hundred fifty~~] one  
3 of the [~~executive~~] veterans' services law, and has received a discharge  
4 other than bad conduct or dishonorable from such service, or (vi) is a  
5 discharged LGBT veteran, as defined in section [~~three hundred fifty~~] one  
6 of the [~~executive~~] veterans' services law, and has received a discharge  
7 other than bad conduct or dishonorable from such service.

8 § 87. Subparagraph 1 of paragraph (b) of subdivision 29 of section  
9 210-B of the tax law, as amended by chapter 490 of the laws of 2019, is  
10 amended to read as follows:

11 (1) who served on active duty in the United States army, navy, air  
12 force, marine corps, coast guard or the reserves thereof, or who served  
13 in active military service of the United States as a member of the army  
14 national guard, air national guard, New York guard or New York naval  
15 militia; who (i) was released from active duty by general or honorable  
16 discharge after September eleventh, two thousand one, or (ii) has a  
17 qualifying condition, as defined in section [~~three hundred fifty~~] one of  
18 the [~~executive~~] veterans' services law, and has received a discharge  
19 other than bad conduct or dishonorable from such service after September  
20 eleventh, two thousand one, or (iii) is a discharged LGBT veteran, as  
21 defined in section [~~three hundred fifty~~] one of the [~~executive~~] veter-  
22 ans' services law, and has received a discharge other than bad conduct  
23 or dishonorable from such service after September eleventh, two thousand  
24 one;

25 § 88. Subparagraph (A) of paragraph 2 of subsection (a-2) of section  
26 606 of the tax law, as amended by chapter 490 of the laws of 2019, is  
27 amended to read as follows:

28 (A) who served on active duty in the United States army, navy, air  
29 force, marine corps, coast guard or the reserves thereof, or who served  
30 in active military service of the United States as a member of the army  
31 national guard, air national guard, New York guard or New York naval  
32 militia; who (i) was released from active duty by general or honorable  
33 discharge after September eleventh, two thousand one, or (ii) has a  
34 qualifying condition, as defined in section [~~three hundred fifty~~] one of  
35 the [~~executive~~] veterans' services law, and has received a discharge  
36 other than bad conduct or dishonorable from such service after September  
37 eleventh, two thousand one, or (iii) is a discharged LGBT veteran, as  
38 defined in section [~~three hundred fifty~~] one of the [~~executive~~] veter-  
39 ans' services law, and has received a discharge other than bad conduct  
40 or dishonorable from such service after September eleventh, two thousand  
41 one;

42 § 89. Paragraph 18-a of subdivision (a) of section 1115 of the tax  
43 law, as added by chapter 478 of the laws of 2016, is amended to read as  
44 follows:

45 (18-a) Tangible personal property manufactured and sold by a veteran,  
46 as defined in section [~~three hundred sixty-four~~] twenty-two of the  
47 [~~executive~~] veterans' services law, for the benefit of a veteran's  
48 service organization, provided that such person or any member of his or  
49 her household does not conduct a trade or business in which similar  
50 items are sold, the first two thousand five hundred dollars of receipts  
51 from such sales in a calendar year.

52 § 90. Subparagraph (A) of paragraph 2 of subdivision (g-1) of section  
53 1511 of the tax law, as amended by chapter 490 of the laws of 2019, is  
54 amended to read as follows:

55 (A) who served on active duty in the United States army, navy, air  
56 force, marine corps, coast guard or the reserves thereof, or who served



1 in active military service of the United States as a member of the army  
2 national guard, air national guard, New York guard or New York naval  
3 militia; who (i) was released from active duty by general or honorable  
4 discharge after September eleventh, two thousand one, or (ii) has a  
5 qualifying condition, as defined in section [~~three hundred fifty~~] one of  
6 the [~~executive~~] veterans' services law, and has received a discharge  
7 other than bad conduct or dishonorable from such service after September  
8 eleventh, two thousand one, or (iii) is a discharged LGBT veteran, as  
9 defined in section [~~three hundred fifty~~] one of the [~~executive~~] veter-  
10 ans' services law, and has received a discharge other than bad conduct  
11 or dishonorable from such service after September eleventh, two thousand  
12 one;

13 § 91. Section 295 of the town law, as amended by chapter 490 of the  
14 laws of 2019, is amended to read as follows:

15 § 295. Removal of remains of deceased members of armed forces. Upon a  
16 verified petition presented to a judge of a court of record by any armed  
17 forces' organization in any town or city in this state by a majority of  
18 its officers, or a majority of any memorial committee in any town or  
19 city where there are two or more veteran armed forces' organizations, or  
20 in towns or cities where there are no veteran armed forces' organiza-  
21 tions, upon the petition of five or more veterans of the armed forces,  
22 the judge to whom said verified petition is presented shall make an  
23 order to show cause, returnable before him or her at a time and place  
24 within the county in not less than fourteen or more than twenty days  
25 from the date of presentation of said petition, why the remains of any  
26 deceased members of the armed forces buried in potter's field, or in any  
27 neglected or abandoned cemeteries, should not be removed to and rein-  
28 terred in a properly kept incorporated cemetery in the same town or city  
29 or in a town adjoining the town or city in which the remains of a  
30 deceased member of the armed forces are buried, and to fix the amount of  
31 the expenses for such removal and reinterment, and the order to show  
32 cause shall provide for its publication in a newspaper, to be designated  
33 in the order, which is published nearest to the cemetery from which the  
34 removal is sought to be made, once in each week for two successive  
35 weeks. The verified petition presented to the judge shall show that the  
36 petitioners are a majority of the officers of a veteran armed forces  
37 organization, or a majority of a memorial committee in towns or cities  
38 where two or more veteran armed forces organizations exist, or that the  
39 petitioners are honorably discharged veterans of the armed forces in  
40 towns or cities where no veteran armed forces organization exists, or  
41 that the petitioners have a qualifying condition, as defined in section  
42 [~~three hundred fifty~~] one of the [~~executive~~] veterans' services law, and  
43 received a discharge other than bad conduct or dishonorable from such  
44 service and are in towns or cities where no veteran armed forces organ-  
45 izations exist, or that the petitioners are discharged LGBT veterans, as  
46 defined in section [~~three hundred fifty~~] one of the [~~executive~~] veter-  
47 ans' services law, and received a discharge other than bad conduct or  
48 dishonorable from such service and are in towns and cities where no  
49 veteran armed forces organizations exist, and (1) the name of the  
50 deceased member or members of the armed forces, whose remains are sought  
51 to be removed, and if known the unit in which he, she or they served;  
52 (2) the name and location of the cemetery in which he or she is interred  
53 and from which removal is asked to be made; (3) the name and location of  
54 the incorporated cemetery to which the remains are desired to be removed  
55 and reinterred; (4) the facts showing the reasons for such removal. Upon  
56 the return day of the order to show cause and at the time and place

1 fixed in said order, upon filing proof of publication of the order to  
2 show cause with the judge, if no objection is made thereto, he or she  
3 shall make an order directing the removal of the remains of said  
4 deceased member or members of the armed forces to the cemetery desig-  
5 nated in the petition within the town or city or within a town adjoining  
6 the town or city in which the remains are then buried and shall specify  
7 in the order the amount of the expenses of such removal, which expenses  
8 of removal and reinterment, including the expense of the proceeding  
9 under this section, shall be a charge upon the county in which the town  
10 or city is situated from which the removal is made and such expenses  
11 shall be a county charge and audited by the board of supervisors of the  
12 county and paid in the same manner as other county charges. On and after  
13 the removal and reinterment of the remains of the deceased member or  
14 members of the armed forces in the armed forces' plot, the expenses for  
15 annual care of the grave in the armed forces' burial plot to which the  
16 removal is made shall be annually provided by the town or city in which  
17 the remains were originally buried, at the rate of not to exceed twenty  
18 dollars per grave, and shall be paid annually to the incorporated ceme-  
19 tery association to which the remains of each deceased member of the  
20 armed forces may be removed and reinterred. The petition and order shall  
21 be filed in the county clerk's office of the county in which the remains  
22 of the deceased member of the armed forces were originally interred, and  
23 the service of a certified copy of the final order upon the cemetery  
24 association shall be made prior to any removal. Any relative of the  
25 deceased member or members of the armed forces, or the officer of any  
26 cemetery association in which the remains of the deceased member or  
27 members of the armed forces were originally interred, or the authorities  
28 of the county in which the member or members of the armed forces were  
29 originally buried, may oppose the granting of said order and the judge  
30 shall summarily hear the statement of the parties and make such order as  
31 the justice and equity of the application shall require. Any headstone  
32 or monument which marks the grave of the deceased member of the armed  
33 forces shall be removed and reset at the grave in the cemetery in which  
34 the removal is permitted to be made and in each case the final order  
35 shall provide the amount of the expenses of such removals and reinter-  
36 ment and resetting of the headstone or monument, including the expenses  
37 of the proceedings under this section; except that where provision is  
38 otherwise made for the purchase or erection of a new headstone, monument  
39 or marker at the grave in the cemetery to which such removal is permit-  
40 ted, such old headstone or monument need not be so removed and reset, in  
41 which case such final order shall not provide for the expense of reset-  
42 ting. The order shall designate the person or persons having charge of  
43 the removals and reinterments. Upon completion of the removal, reinter-  
44 ment and resetting of the headstones or monuments, the person or persons  
45 having charge of the same shall make a verified report of the removal,  
46 reinterment and resetting of the headstone or monument and file the  
47 report in the clerk's office of the proper county. The words "member of  
48 the armed forces" shall be construed to mean a member of the armed forc-  
49 es who served in the armed forces of the United States and who (5) was  
50 honorably discharged from such service, or (6) has a qualifying condi-  
51 tion, as defined in section [~~three hundred fifty~~] one of the [~~executive~~]  
52 veterans' services law, and has received a discharge other than bad  
53 conduct or dishonorable from such service, or (7) is a discharged LGBT  
54 veteran, as defined in section [~~three hundred fifty~~] one of the [~~execu-~~  
55 ~~tive~~] veterans' services law, and has received a discharge other than  
56 bad conduct or dishonorable from such service, and the words "armed

forces plot" shall be construed to mean a plot of land in any incorporated cemetery set apart to be exclusively used as a place for interring the remains of deceased veterans of the armed forces of the United States.

§ 92. Subdivision 2 of section 404-v of the vehicle and traffic law, as amended by chapter 490 of the laws of 2019, is amended to read as follows:

2. The distinctive plate authorized pursuant to this section shall be issued upon proof, satisfactory to the commissioner, that the applicant is a veteran who served in the United States Naval Armed Guard and who (1) was honorably discharged from such service, or (2) has a qualifying condition, as defined in section ~~[three hundred fifty]~~ one of the ~~[executive]~~ veterans' services law, and has received a discharge other than bad conduct or dishonorable from such service, or (3) is a discharged LGBT veteran, as defined in section ~~[three hundred fifty]~~ one of the ~~[executive]~~ veterans' services law, and has received a discharge other than bad conduct or dishonorable from such service.

§ 93. Subdivision 3 of section 404-v of the vehicle and traffic law, as amended by section 19 of part AA of chapter 56 of the laws of 2019, is amended to read as follows:

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

§ 94. Paragraphs (a) and (b) of subdivision 1 of section 404-w of the vehicle and traffic law, as amended by chapter 490 of the laws of 2019, are amended to read as follows:

(a) a person who served in the armed forces of the United States in the hostilities that occurred in the Persian Gulf from the eleventh day of September, two thousand one, to the end of such hostilities, who (i) was discharged therefrom under other than dishonorable conditions, or (ii) has a qualifying condition, as defined in section ~~[three hundred fifty]~~ one of the ~~[executive]~~ veterans' services law, and has received a discharge other than bad conduct or dishonorable from such service, or (iii) is a discharged LGBT veteran, as defined in section ~~[three hundred fifty]~~ one of the ~~[executive]~~ veterans' services law, and has received a discharge other than bad conduct or dishonorable from such service; or

(b) a person who served in the armed forces of the United States in the hostilities that occurred in Afghanistan from the eleventh day of September, two thousand one, to the end of such hostilities, who (i) was discharged therefrom under other than dishonorable conditions, or (ii) has a qualifying condition, as defined in section ~~[three hundred fifty]~~ one of the ~~[executive]~~ veterans' services law, and has received a discharge other than bad conduct or dishonorable from such service, or (iii) is a discharged LGBT veteran, as defined in section ~~[three hundred~~

1 ~~fifty~~ one of the [~~executive~~] veterans' services law, and has received a  
2 discharge other than bad conduct or dishonorable from such service.

3 § 95. Subdivision 3 of section 404-w of the vehicle and traffic law,  
4 as amended by chapter 490 of the laws of 2019, is amended to read as  
5 follows:

6 3. For the purposes of this section, "Persian Gulf veteran" shall mean  
7 a person who is a resident of this state, who served in the armed forces  
8 of the United States in the hostilities that occurred in the Persian  
9 Gulf from the second day of August, nineteen hundred ninety to the end  
10 of such hostilities, and was (a) honorably discharged from the military,  
11 or (b) has a qualifying condition, as defined in section [~~three hundred~~  
12 ~~fifty~~] one of the [~~executive~~] veterans' services law, and has received a  
13 discharge other than bad conduct or dishonorable from such service, or  
14 (c) is a discharged LGBT veteran, as defined in section [~~three hundred~~  
15 ~~fifty~~] one of the [~~executive~~] veterans' services law, and has received a  
16 discharge other than bad conduct or dishonorable from such service.

17 § 96. Paragraphs (a) and (b) of subdivision 3 of section 404-y of the  
18 vehicle and traffic law, as amended by chapter 490 of the laws of 2019,  
19 are amended to read as follows:

20 (a) "Veteran of the Iraq War" shall mean a person who is a resident of  
21 this state, who served in the armed forces of the United States in the  
22 hostilities that occurred in Iraq from the sixteenth day of October, two  
23 thousand two to the end of such hostilities who (i) was discharged there-  
24 from under other than dishonorable conditions or (ii) has a qualifying  
25 condition, as defined in section [~~three hundred fifty~~] one of the [~~exec-~~  
26 ~~utive~~] veterans' services law, and has received a discharge other than  
27 bad conduct or dishonorable from such service, or (iii) is a discharged  
28 LGBT veteran, as defined in section [~~three hundred fifty~~] one of the  
29 [~~executive~~] veterans' services law, and has received a discharge other  
30 than bad conduct or dishonorable from such service; and

31 (b) "Veteran of the Afghanistan War" shall mean a person who is a  
32 resident of this state, who served in the armed forces of the United  
33 States in the hostilities that occurred in Afghanistan from the seventh  
34 day of October, two thousand one to the end of such hostilities who (i)  
35 was discharged therefrom under other than dishonorable conditions or  
36 (ii) has a qualifying condition, as defined in section [~~three hundred~~  
37 ~~fifty~~] one of the [~~executive~~] veterans' services law, and has received a  
38 discharge other than bad conduct or dishonorable from such service, or  
39 (iii) is a discharged LGBT veteran, as defined in section [~~three hundred~~  
40 ~~fifty~~] one of the [~~executive~~] veterans' services law, and has received a  
41 discharge other than bad conduct or dishonorable from such service.

42 § 97. Paragraph (b) of subdivision 3 of section 490 of the vehicle and  
43 traffic law, as amended by chapter 490 of the laws of 2019, is amended  
44 to read as follows:

45 (b) The identification card shall contain a distinguishing number or  
46 mark and adequate space upon which an anatomical gift, pursuant to arti-  
47 cle forty-three of the public health law, by the holder may be recorded  
48 and shall contain such other information and shall be issued in such  
49 form as the commissioner shall determine; provided, however, every iden-  
50 tification card or renewal thereof issued to a person under the age of  
51 twenty-one years shall have prominently imprinted thereon the statement  
52 "UNDER 21 YEARS OF AGE" in notably distinctive print or format.  
53 Provided, further, however, that every identification card issued to an  
54 applicant who was a member of the armed forces of the United States and  
55 (i) received an honorable discharge or was released therefrom under  
56 honorable conditions, or (ii) has a qualifying condition, as defined in

1 section [~~three hundred fifty~~ one] of the [~~executive~~ veterans' services  
2 law, and has received a discharge other than bad conduct or dishonorable  
3 from such service, or (iii) is a discharged LGBT veteran, as defined in  
4 section [~~three hundred fifty~~ one] of the [~~executive~~ veterans' services  
5 law, and has received a discharge other than bad conduct or dishonorable  
6 from such service, shall, upon his or her request and submission of  
7 proof as set forth herein, contain a distinguishing mark, in such form  
8 as the commissioner shall determine, indicating that he or she is a  
9 veteran. Such proof shall consist of a certificate of release or  
10 discharge from active duty including but not limited to a DD Form 214 or  
11 other proof satisfactory to the commissioner. The commissioner shall not  
12 require fees for the issuance of such identification cards or renewals  
13 thereof to persons under twenty-one years of age which are different  
14 from the fees required for the issuance of identification cards or  
15 renewals thereof to persons twenty-one years of age or over, nor fees to  
16 persons requesting a veteran distinguishing mark which are different  
17 from fees that would otherwise be required. Provided, however, that  
18 notwithstanding the provisions of section four hundred ninety-one of  
19 this article, the commissioner shall not require any fees for the dupli-  
20 cation or amendment of an identification card prior to its renewal if  
21 such duplication or amendment was solely for the purpose of adding a  
22 veteran distinguishing mark to such identification card.

23 § 98. Paragraph (a-1) of subdivision 1 of section 504 of the vehicle  
24 and traffic law, as amended by chapter 490 of the laws of 2019, is  
25 amended to read as follows:

26 (a-1) Every license or renewal thereof issued to an applicant who was  
27 a member of the armed forces of the United States and who (i) received  
28 an honorable discharge or was released therefrom under honorable condi-  
29 tions, or (ii) has a qualifying condition, as defined in section [~~three~~  
30 ~~hundred fifty~~ one] of the [~~executive~~ veterans' services] law, and has  
31 received a discharge other than bad conduct or dishonorable from such  
32 service, or (iii) is a discharged LGBT veteran, as defined in section  
33 [~~three hundred fifty~~ one] of the [~~executive~~ veterans' services] law, and  
34 has received a discharge other than bad conduct or dishonorable from  
35 such service, shall, upon his or her request and submission of proof as  
36 set forth herein, contain a distinguishing mark, in such form as the  
37 commissioner shall determine, indicating that he or she is a veteran.  
38 Such proof shall consist of a certificate of release or discharge from  
39 active duty including but not limited to a DD Form 214 or other proof  
40 satisfactory to the commissioner. The commissioner shall not require  
41 fees for the issuance of such licenses or renewals thereof to persons  
42 requesting a veteran distinguishing mark which are different from fees  
43 otherwise required; provided, however, that notwithstanding the  
44 provisions of this section, the commissioner shall not require fees for  
45 a duplication or amendment of a license prior to its renewal if such  
46 duplication or amendment was solely for the purpose of adding a veteran  
47 distinguishing mark to such license.

48 § 99. The second undesignated subparagraph of paragraph (a) of subdivi-  
49 sion 8 of section 15 of the workers' compensation law, as amended by  
50 chapter 490 of the laws of 2019, is amended to read as follows:

51 Second: That any plan which will reasonably, equitably and practically  
52 operate to break down hindrances and remove obstacles to the employment  
53 of partially disabled persons who (i) are honorably discharged from our  
54 armed forces, or (ii) have a qualifying condition, as defined in section  
55 [~~three hundred fifty~~ one] of the [~~executive~~ veterans' services] law, and  
56 received a discharge other than bad conduct or dishonorable from such



1 service, or (iii) are discharged LGBT veterans, as defined in section  
2 [~~three hundred fifty~~ one of the [~~executive~~ veterans' services law, and  
3 received a discharge other than bad conduct or dishonorable from such  
4 service, or any other physically handicapped persons, is of vital impor-  
5 tance to the state and its people and is of concern to this legislature;

6 § 100. Transfer of powers of the division of veterans' services. The  
7 functions and powers possessed by and all of the obligations and duties  
8 of the division of veterans' services, as established pursuant to arti-  
9 cle 17 of the executive law and other laws, shall be transferred and  
10 assigned to, and assumed by and devolved upon, the department of veter-  
11 ans' services.

12 § 101. Abolition of the division of veterans' services. Upon the  
13 transfer pursuant to this act of the functions and powers possessed by  
14 and all of the obligations and duties of the division of veterans'  
15 services, as established pursuant to article 17 of the executive law and  
16 other laws, the division of veterans' services shall be abolished.

17 § 102. Continuity of authority of the division of veterans' services.  
18 Except as herein otherwise provided, upon the transfer pursuant to this  
19 act of the functions and powers possessed by, and all of the obligations  
20 and duties of, the division of veterans' services, as established pursu-  
21 ant to article 17 of the executive law and other laws, to the department  
22 of veterans' services as prescribed by this act, for the purpose of  
23 succession, all functions, powers, duties and obligations of the depart-  
24 ment of veterans' services shall be deemed and be held to constitute the  
25 continuation of such functions, powers, duties and obligations and not a  
26 different agency.

27 § 103. Transfer of records of the division of veterans' services. Upon  
28 the transfer pursuant to this act of the functions and powers possessed  
29 by and all of the obligations and duties of the division of veterans'  
30 services, as established pursuant to article 17 of the executive law and  
31 other laws, to the department of veterans' services as prescribed by  
32 this act, all books, papers, records and property pertaining to the  
33 division of veterans' services shall be transferred to and maintained by  
34 the department of veterans' services.

35 § 104. Completion of unfinished business of the division of veterans'  
36 services. Upon the transfer pursuant to this act of the functions and  
37 powers possessed by and all of the obligations and duties of the divi-  
38 sion of veterans' services, as established pursuant to article 17 of the  
39 executive law and other laws, to the department of veterans' services as  
40 prescribed by this act, any business or other matter undertaken or  
41 commenced by the division of veterans' services pertaining to or  
42 connected with the functions, powers, obligations and duties so trans-  
43 ferred and assigned to the department of veterans' services, may be  
44 conducted or completed by the department of veterans' services.

45 § 105. Terms occurring in laws, contracts or other documents of or  
46 pertaining to the division of veterans' services. Upon the transfer  
47 pursuant to this act of the functions and powers possessed by and all of  
48 the obligations and duties of the division of veterans' services, as  
49 established pursuant to article 17 of the executive law and other laws,  
50 as prescribed by this act, whenever the division of veterans' services  
51 and the commissioner thereof, the functions, powers, obligations and  
52 duties of which are transferred to the department of veterans' services,  
53 are referred to or designated in any law, regulation, contract or docu-  
54 ment pertaining to the functions, powers, obligations and duties trans-  
55 ferred and assigned pursuant to this act, such reference or designation



1 shall be deemed to refer to the department of veterans' services and its  
2 commissioner.

3 § 106. (a) Wherever the term "division of veterans' services" appears  
4 in the consolidated or unconsolidated laws of this state, such term is  
5 hereby changed to "department of veterans' services".

6 (b) The legislative bill drafting commission is hereby directed to  
7 effectuate this provision, and shall be guided by a memorandum of  
8 instruction setting forth the specific provisions of law to be amended.  
9 Such memorandum shall be transmitted to the legislative bill drafting  
10 commission within sixty days of enactment of this provision. Such memo-  
11 randum shall be issued jointly by the governor, the temporary president  
12 of the senate and the speaker of the assembly, or by the delegate of  
13 each.

14 § 107. Existing rights and remedies of or pertaining to the division  
15 of veterans' services. Upon the transfer pursuant to this act of the  
16 functions and powers possessed by and all of the obligations and duties  
17 of the division of veterans' services, as established pursuant to arti-  
18 cle 17 of the executive law and other laws, to the department of veter-  
19 ans' services as prescribed by this act, no existing right or remedy of  
20 the state, including the division of veterans' services, shall be lost,  
21 impaired or affected by reason of this act.

22 § 108. Pending actions and proceedings of or pertaining to the divi-  
23 sion of veterans' services. Upon the transfer pursuant to this act of  
24 the functions and powers possessed by and all of the obligations and  
25 duties of the division of veterans' services, as established pursuant to  
26 article 17 of the executive law and other laws, to the department of  
27 veterans' services as prescribed by this act, no action or proceeding  
28 pending on the effective date of this act, brought by or against the  
29 division of veterans' services or the commissioner thereof shall be  
30 affected by any provision of this act, but the same may be prosecuted or  
31 defended in the name of the New York state department of veterans'  
32 services. In all such actions and proceedings, the New York state  
33 department of veterans' services, upon application to the court, shall  
34 be substituted as a party.

35 § 109. Continuation of rules and regulations of or pertaining to the  
36 division of veterans' services. Upon the transfer pursuant to this act  
37 of the functions and powers possessed by and all the obligations and  
38 duties of the division of veterans' services, as established pursuant to  
39 article 17 of the executive law and other laws, to the department of  
40 veterans' services as prescribed by this act, all rules, regulations,  
41 acts, orders, determinations, decisions, licenses, registrations and  
42 charters of the division of veterans' services, pertaining to the func-  
43 tions transferred and assigned by this act to the department of veter-  
44 ans' services, in force at the time of such transfer, assignment,  
45 assumption or devolution shall continue in force and effect as rules,  
46 regulations, acts, determinations and decisions of the department of  
47 veterans' services until duly modified or repealed.

48 § 110. Transfer of appropriations heretofore made to the division of  
49 veterans' services. Upon the transfer pursuant to this act of the func-  
50 tions and powers possessed by and all of the obligations and duties of  
51 the division of veterans' services, as established pursuant to article  
52 17 of the executive law and other laws, to the department of veterans'  
53 services as prescribed by this act, all appropriations and reappropri-  
54 ations which shall have been made available as of the date of such  
55 transfer to the division of veterans' services or segregated pursuant to  
56 law, to the extent of remaining unexpended or unencumbered balances

1 thereof, whether allocated or unallocated and whether obligated or unob-  
2 ligated, shall be transferred to and made available for use and expendi-  
3 ture by the department of veterans' services and shall be payable on  
4 vouchers certified or approved by the commissioner of taxation and  
5 finance, on audit and warrant of the comptroller. Payments of liabil-  
6 ities for expenses of personnel services, maintenance and operation  
7 which shall have been incurred as of the date of such transfer by the  
8 division of veterans' services, and for liabilities incurred and to be  
9 incurred in completing its affairs shall also be made on vouchers certi-  
10 fied or approved by the commissioner of veterans' services, on audit and  
11 warrant of the comptroller.

12 § 111. Transfer of employees. Upon the transfer pursuant to this act  
13 of the functions and powers possessed by and all of the division of  
14 veterans' services, as established pursuant to article 17 of the execu-  
15 tive law and other laws, to the department of veterans' services as  
16 prescribed by this act, provision shall be made for the transfer of all  
17 employees from the division of veterans' services into the department of  
18 veterans' services. Employees so transferred shall be transferred with-  
19 out further examination or qualification to the same or similar titles  
20 and shall remain in the same collective bargaining units and shall  
21 retain their respective civil service classifications, status and rights  
22 pursuant to their collective bargaining units and collective bargaining  
23 agreements.

24 § 112. Severability. If any clause, sentence, paragraph, section or  
25 part of this act shall be adjudged by any court of competent jurisdic-  
26 tion to be invalid, such judgment shall not affect, impair or invalidate  
27 the remainder thereof, but shall be confined in its operation to the  
28 clause, sentence, paragraph, section or part thereof directly involved  
29 in the controversy in which such judgment shall have been rendered.

30 § 113. This act shall take effect April 1, 2023; provided, however,  
31 that the amendments to subdivision (1) of section 7.09 of the mental  
32 hygiene law made by section fifteen of this act shall not affect the  
33 repeal of such subdivision and shall be deemed repealed therewith; and  
34 provided further that the amendments to paragraph j of subdivision 1 and  
35 subdivisions 6 and 6-d of section 163 of the state finance law made by  
36 section twenty-eight of this act shall not affect the repeal of such  
37 section and shall be deemed to be repealed therewith; and provided  
38 further that the amendments to paragraph 5 of subdivision (b) of section  
39 5.06 of the mental hygiene law made by section fourteen-a of this act  
40 shall take effect on the same date and in the same manner as section two  
41 of chapter 4 of the laws of 2022, takes effect; and provided further  
42 that the amendments to subdivision 3 of section 103-a of the state tech-  
43 nology law made by section thirty-one of this act shall not affect the  
44 repeal of such section and shall be deemed to be repealed therewith; and  
45 provided further, that if chapter 609 of the laws of 2021 shall not  
46 have taken effect on or before such date, then section seventy-eight of  
47 this act shall take effect on the same date and in the same manner as  
48 such chapter of the laws of 2021 takes effect. Effective immediately,  
49 the addition, amendment and/or repeal of any rule or regulation neces-  
50 sary for the implementation of this act on its effective date are  
51 authorized to be made on or before such date.

52 PART LL

53 Section 1. By February 1, 2023, the state university of New York and  
54 the city university of New York shall each submit a report to the gover-

nor, the temporary president of the senate, and the speaker of the assembly on the hiring of faculty pursuant to any state funding appropriated for such purposes. Such report shall include the following information:

1. the number of faculty hired, including a breakdown, by campus, of the number of full-time tenured faculty, full-time tenure-track faculty, full-time non-tenure track faculty, part-time faculty, adjunct faculty, lecturers, visiting faculty, and any other related position;

2. the number of unfilled faculty positions at each campus;

3. the ratio of full-time faculty to full-time equivalent students at each campus;

4. the number of credit hours taught by full-time faculty, per year; and

5. the number of credit hours taught by part-time faculty, per year.

§ 2. This act shall take effect immediately.

#### PART MM

Section 1. The public housing law is amended by adding a new article 15 to read as follows:

#### ARTICLE 15

#### HOUSING ACCESS VOUCHER PROGRAM

#### Section 700. Legislative findings.

##### 701. Definitions.

##### 702. Housing access voucher program.

##### 703. Eligibility.

##### 704. Funding allocation and distribution.

##### 705. Payment of housing vouchers.

##### 706. Leases and tenancy.

##### 707. Rental obligation.

##### 708. Monthly assistance payment.

##### 709. Inspection of units.

##### 710. Rent.

##### 711. Vacated units.

##### 712. Leasing of units owned by a housing access voucher local administrator.

##### 713. Verification of income.

##### 714. Division of an assisted family.

##### 715. Maintenance of effort.

##### 716. Vouchers statewide.

##### 717. Applicable codes.

##### 718. Housing choice.

§ 700. Legislative findings. The legislature finds that it is in the public interest and an obligation of the state to ensure that individuals and families are not rendered homeless because of an inability to pay the cost of housing, and that the state should aid individuals and families who are homeless or face an imminent loss of housing in obtaining and maintaining suitable permanent housing in accordance with the provisions of this article.

§ 701. Definitions. For the purposes of this article, the following terms shall have the following meanings:

1. "Homeless" means lacking a fixed, regular, and adequate nighttime residence; having a primary nighttime residence that is a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings, including a car, park, abandoned building, bus or train station, airport, campground, or other place not meant

1 for human habitation; living in a supervised publicly or privately oper-  
2 ated shelter designated to provide temporary living arrangements  
3 (including hotels and motels paid for by federal, state or local govern-  
4 ment programs for low-income individuals or by charitable organizations,  
5 congregate shelters, or transitional housing); exiting an institution  
6 where an individual or family has resided and lacking a regular fixed  
7 and adequate nighttime residence upon release or discharge; being a  
8 homeless family with children or unaccompanied youth defined as homeless  
9 under 42 U.S.C. § 11302(a); having experienced a long-term period with-  
10 out living independently in permanent housing or having experienced  
11 persistent instability as measured by frequent moves and being reason-  
12 ably expected to continue in such status for an extended period of time  
13 because of chronic disabilities, chronic physical health or mental  
14 health conditions, substance addiction, histories of domestic violence  
15 or childhood abuse, the presence of a child or youth with a disability,  
16 multiple barriers to employment, or other dangerous or life-threatening  
17 conditions, including conditions that relate to violence against an  
18 individual or a family member.

19 2. "Imminent loss of housing" means having received a verified rent  
20 demand or a petition for eviction; having received a court order result-  
21 ing from an eviction action that notifies the individual or family that  
22 they must leave their housing; facing loss of housing due to a court  
23 order to vacate the premises due to hazardous conditions, which may  
24 include but not be limited to asbestos, lead exposure, mold, and radon;  
25 having a primary nighttime residence that is a room in a hotel or motel  
26 and lacking the resources necessary to stay; facing loss of the primary  
27 nighttime residence, which may include living in the home of another  
28 household, where the owner or renter of the housing will not allow the  
29 individual or family to stay, provided further, that an assertion from  
30 an individual or family member alleging such loss of housing or home-  
31 lessness shall be sufficient to establish eligibility; or fleeing or  
32 attempting to flee domestic violence, dating violence, sexual assault,  
33 stalking, human trafficking or other dangerous or life-threatening  
34 conditions that relate to violence against the individual or a family  
35 member, provided further that an assertion from an individual or family  
36 member alleging such abuse and loss of housing shall be sufficient to  
37 establish eligibility.

38 3. "Public housing agency" means any county, municipality, or other  
39 governmental entity or public body that is authorized to administer any  
40 public housing program (or an agency or instrumentality of such an enti-  
41 ty), and any other public or private non-profit entity that administers  
42 any other public housing program or assistance.

43 4. "Section 8 local administrator" means an organization that adminis-  
44 ters the Section 8 Housing Choice Vouchers program within a community,  
45 county or region, or statewide, on behalf of and under contract with the  
46 housing trust fund corporation.

47 5. "Housing access voucher local administrator" means a public housing  
48 agency, as defined in subdivision three of this section, or Section 8  
49 local administrator designated to administer the housing access voucher  
50 program within a community, county or region, or statewide, on behalf of  
51 and under contract with the housing trust fund corporation.

52 6. "Family" means a group of persons residing together. Such group  
53 includes, but is not limited to a family with or without children (a  
54 child who is temporarily away from the home because of placement in  
55 foster care is considered a member of the family) or any remaining

1 members of a tenant family. The commissioner shall have the discretion  
2 to determine if any other group of persons qualifies as a family.

3 7. "Owner" means any private person or any entity, including a cooper-  
4 ative, an agency of the federal government, or a public housing agency,  
5 having the legal right to lease or sublease dwelling units.

6 8. "Dwelling unit" means a single-family dwelling, including attached  
7 structures such as porches and stoops; or a single-family dwelling unit  
8 in a structure that contains more than one separate residential dwelling  
9 unit, and in which each such unit is used or occupied, or intended to be  
10 used or occupied, in whole or in part, as the residence of one or more  
11 persons.

12 9. "Income" means income from all sources of each member of the house-  
13 hold, including all wages, tips, over-time, salary, welfare assistance,  
14 social security payments, child support payments, returns on invest-  
15 ments, and recurring gifts. The term "income" shall not include:  
16 employment income from children under eighteen years of age, employment  
17 income from children eighteen years of age or older who are full-time  
18 students, foster care payments, sporadic gifts, groceries provided by  
19 persons not living in the household, supplemental nutrition assistance  
20 program (food stamp) benefits, earned income disregard (EID), or the  
21 earned income tax credit.

22 10. "Adjusted income" means income minus any deductions allowable by  
23 the rules promulgated by the commissioner pursuant to this article.  
24 Mandatory deductions shall include:

- 25 (a) four hundred eighty dollars for each dependent;  
26 (b) four hundred dollars for any elderly family member and/or a family  
27 member with a disability;  
28 (c) any reasonable child care expenses necessary to enable a member of  
29 the family to be employed or to further his or her education;  
30 (d) The sum total of unreimbursed medical expenses for each elderly  
31 family member and/or family member with a disability plus unreimbursed  
32 attendant care and/or medical apparatus expenses for each member of the  
33 family with a disability which are necessary for any member of the fami-  
34 ly (including the member of the family who is a person with a disabili-  
35 ty) to be employed, that is greater than three percent of the annual  
36 income; and  
37 (e) expenses related to child support payments due and owing.

38 11. "Reasonable rent" means rent not more than the rent charged on  
39 comparable units in the private unassisted market and rent charged for  
40 comparable unassisted units in the premises.

41 12. "Fair market rent" means the fair market rent for each rental area  
42 as promulgated annually by the United States department of housing and  
43 urban development's office of policy development and research pursuant  
44 to 42 U.S.C. 1437f.

45 13. "Voucher" means a document issued by the housing trust fund corpo-  
46 ration pursuant to this article to an individual or family selected for  
47 admission to the housing access voucher program, which describes such  
48 program and the procedures for approval of a unit selected by the family  
49 and states the obligations of the individual or family under the  
50 program.

51 14. "Lease" means a written agreement between an owner and a tenant  
52 for the leasing of a dwelling unit to the tenant. The lease establishes  
53 the conditions for occupancy of the dwelling unit by an individual or  
54 family with housing assistance payments under a contract between the  
55 owner and the housing access voucher local administrator.

1 15. "Dependent" means any member of the family who is neither the head  
2 of household, nor the head of the household's spouse, and who is:

- 3 (a) under the age of eighteen;  
4 (b) a person with a disability; or  
5 (c) a full-time student.

6 16. "Elderly" means a person sixty-two years of age or older.

7 17. "Child care expenses" means expenses relating to the care of chil-  
8 dren under the age of thirteen.

9 18. "Severely rent burdened" means those individuals and families who  
10 pay more than fifty percent of their income in rent as defined by the  
11 United States census bureau.

12 19. "Disability" means:

13 (a) the inability to engage in any substantial gainful activity by  
14 reason of any medically determinable physical or mental impairment which  
15 can be expected to result in death or which has lasted or can be  
16 expected to last for a continuous period of not less than twelve months;  
17 or

18 (b) in the case of an individual who has attained the age of fifty-  
19 five and is blind, the inability by reason of such blindness to engage  
20 in substantial gainful activity requiring skills or abilities comparable  
21 to those of any gainful activity in which they have previously engaged  
22 with some regularity and over a substantial period of time; or

23 (c) a physical, mental, or emotional impairment which:

24 (i) is expected to be of long-continued and indefinite duration;

25 (ii) substantially impedes his or her ability to live independently;  
26 and

27 (iii) is of such a nature that such ability could be improved by more  
28 suitable housing conditions; or

29 (d) a developmental disability that is a severe, chronic disability of  
30 an individual that:

31 (i) is attributable to a mental or physical impairment or combination  
32 of mental and physical impairments;

33 (ii) is manifested before the individual attains age twenty-two;

34 (iii) is likely to continue indefinitely;

35 (iv) results in substantial functional limitations in three or more of  
36 the following areas of major life activity:

37 (A) self-care;

38 (B) receptive and expressive language;

39 (C) learning;

40 (D) mobility;

41 (E) self-direction;

42 (F) capacity for independent living; or

43 (G) economic self-sufficiency; and

44 (v) reflects the individual's need for a combination and sequence of  
45 special, interdisciplinary, or generic services, individualized  
46 supports, or other forms of assistance that are of lifelong or extended  
47 duration and are individually planned and coordinated.

48 § 702. Housing access voucher program. The commissioner, subject to  
49 the appropriation of funds for this purpose, shall implement a program  
50 of rental assistance in the form of housing vouchers for eligible indi-  
51 viduals and families who are homeless or who face an imminent loss of  
52 housing in accordance with the provisions of this article. The housing  
53 trust fund corporation shall issue vouchers pursuant to this article,  
54 subject to appropriation of funds for this purpose, and may contract  
55 with the division of housing and community renewal to administer any  
56 aspect of this program in accordance with the provisions of this arti-



1 cle. The commissioner shall designate housing access voucher local  
2 administrators in the state to make vouchers available to such individ-  
3 uals and families and to administer other aspects of the program in  
4 accordance with the provisions of this article. In the city of New York,  
5 the housing access voucher local administrator shall be the New York  
6 city department of housing preservation and development, or the New York  
7 city housing authority, or both.

8 § 703. Eligibility. The commissioner shall promulgate standards for  
9 determining eligibility for assistance under this program. Individuals  
10 and families who meet the standards shall be eligible regardless of  
11 immigration status. Eligibility shall be limited to individuals and  
12 families who are homeless or facing imminent loss of housing. Housing  
13 access voucher local administrators may rely on correspondence from a  
14 homeless shelter or similar institution or program to determine whether  
15 an applicant qualifies as a homeless individual or family.

16 1. An individual or family shall be eligible for this program if they  
17 are homeless or facing imminent loss of housing and have an income of no  
18 more than fifty percent of the area median income, as defined by the  
19 federal department of housing and urban development.

20 2. An individual or family in receipt of rental assistance pursuant to  
21 this program shall be no longer financially eligible for such assistance  
22 under this program when thirty percent of the individual's or family's  
23 adjusted income is greater than or equal to the total rent for the  
24 dwelling unit.

25 3. When an individual or family becomes financially ineligible for  
26 rental assistance under this program pursuant to subdivision two of this  
27 section, the individual or family shall retain rental assistance for a  
28 period no shorter than one year, subject to appropriation of funds for  
29 this purpose.

30 4. Income eligibility shall be verified prior to a public housing  
31 agency's initial determination to provide rental assistance for this  
32 program and upon determination of such eligibility, an individual or  
33 family shall annually certify their income for the purpose of determin-  
34 ing continued eligibility and any adjustments to such rental assistance.

35 5. The commissioner shall collaborate with the office of temporary  
36 and disability assistance and other state and city agencies to allow  
37 public housing agencies to access income information for the purpose of  
38 verifying an individual's or family's income.

39 § 704. Funding allocation and distribution. 1. Funding shall be allo-  
40 cated by the commissioner in each county and the city of New York in  
41 proportion to the number of households in each county or the city of New  
42 York who are severely rent burdened based on data published by the  
43 United States census bureau.

44 2. The commissioner shall be responsible for distributing the funds  
45 allocated in each county or the city of New York among housing access  
46 voucher local administrators operating in each county or in the city of  
47 New York.

48 3. At least fifty percent of funds distributed in each county or in  
49 the city of New York shall be allocated to individuals or families who  
50 are homeless. If a county is unable to fully distribute all funds allo-  
51 cated pursuant to this program under this section, such county may spend  
52 fewer than fifty percent of its funds for those who are homeless,  
53 provided that all eligible applicant individuals or families who are  
54 homeless have been served.

55 4. At least eighty-five percent of funds distributed in each county or  
56 in the city of New York for individuals or families who are homeless

1 pursuant to subdivision three of this section shall be allocated to  
2 individuals and families whose income does not exceed thirty percent of  
3 the area median income as defined by the federal department of housing  
4 and urban development.

5 5. Of the funds allocated to individuals and families who face an  
6 imminent loss of housing, priority shall be given to individuals and  
7 families who have formerly experienced homelessness, including those who  
8 have previously received a temporary rental voucher from the state, a  
9 locality, or a non-profit organization or who currently have a rental  
10 assistance voucher that is due to expire within six months of applica-  
11 tion.

12 § 705. Payment of housing vouchers. The housing voucher shall be paid  
13 directly to any owner under a contract between the owner of the dwelling  
14 unit to be occupied by the voucher recipient and the appropriate housing  
15 access voucher local administrator. A housing assistance payment  
16 contract entered into pursuant to this section shall establish the maxi-  
17 mum monthly rent (including utilities and all maintenance and management  
18 charges) which the owner is entitled to receive for each dwelling unit  
19 with respect to which such assistance payments are to be made. The maxi-  
20 mum monthly rent shall not exceed one hundred ten percent nor be less  
21 than ninety percent of the fair market rent for the rental area in which  
22 it is located. Fair market rent for a rental area shall be published  
23 not less than annually by the commissioner and shall be made available  
24 on the website of New York state homes and community renewal.

25 § 706. Leases and tenancy. Each housing assistance payment contract  
26 entered into by a housing access voucher local administrator and the  
27 owner of a dwelling unit shall provide:

28 1. that the lease between the tenant and the owner shall be for a term  
29 of not less than one year, except that the housing access voucher local  
30 administrator may approve a shorter term for an initial lease between  
31 the tenant and the dwelling unit owner if the housing access voucher  
32 local administrator determines that such shorter term would improve  
33 housing opportunities for the tenant and if such shorter term is consid-  
34 ered to be a prevailing local market practice;

35 2. that the dwelling unit owner shall offer leases to tenants assisted  
36 under this article that:

37 (a) are in a standard form used in the locality by the dwelling unit  
38 owner; and

39 (b) contain terms and conditions that:

40 (i) are consistent with state and local law; and

41 (ii) apply generally to tenants in the property who are not assisted  
42 under this article;

43 (c) shall provide that during the term of the lease, the owner shall  
44 not terminate the tenancy except for serious or repeated violation of  
45 the terms and conditions of the lease, for violation of applicable state  
46 or local law, or for other good cause, and in the case of an owner who  
47 is an immediate successor in interest pursuant to foreclosure during the  
48 term of the lease vacating the property prior to sale shall not consti-  
49 tute other good cause, except that the owner may terminate the tenancy  
50 effective on the date of transfer of the unit to the owner if the owner:

51 (i) will occupy the unit as a primary residence; and

52 (ii) has provided the tenant a notice to vacate at least ninety days  
53 before the effective date of such notice;

54 (d) shall provide that any termination of tenancy under this section  
55 shall be preceded by the provision of written notice by the owner to the

1 tenant specifying the grounds for that action, and any relief shall be  
2 consistent with applicable state and local law;

3 3. that any unit under an assistance contract originated under this  
4 article shall only be occupied by the individual or family designated in  
5 said contract and shall be the designated individual or family's primary  
6 residence. Contracts shall not be transferable between units and shall  
7 not be transferable between recipients. A family or individual may  
8 transfer their voucher to a different unit under a new contract pursuant  
9 to this article;

10 4. that an owner shall not charge more than a reasonable rent as  
11 defined in section seven hundred one of this article.

12 § 707. Rental obligation. 1. The monthly rental obligation for an  
13 individual or family receiving housing assistance pursuant to the hous-  
14 ing access voucher program shall be the greater of:

15 (a) thirty percent of the monthly adjusted income of the family or  
16 individual; or

17 (b) If the family or individual is receiving payments for welfare  
18 assistance from a public agency and a part of those payments, adjusted  
19 in accordance with the actual housing costs of the family, is specif-  
20 ically designated by that agency to meet the housing costs of the fami-  
21 ly, the portion of those payments that is so designated. These payments  
22 include, but are not limited to any shelter assistance or housing  
23 assistance administered by any federal, state or local agency.

24 2. If the rent for the individual or family (including the amount  
25 allowed for tenant-paid utilities) exceeds the applicable payment stand-  
26 ard established under subdivision three of section seven hundred eight  
27 of this article, the monthly assistance payment for the family shall be  
28 equal to the amount by which the applicable payment standard exceeds the  
29 greater of amounts under paragraphs (a) and (b) of subdivision one of  
30 this section.

31 § 708. Monthly assistance payment. 1. The amount of the monthly  
32 assistance payment with respect to any dwelling unit shall be the  
33 difference between the maximum monthly rent which the contract provides  
34 that the owner is to receive for the unit and the rent the individual or  
35 family is required to pay under section seven hundred seven of this  
36 article. Reviews of income shall be made no less frequently than annual-  
37 ly.

38 2. The commissioner shall establish maximum rent levels for different  
39 sized rentals in each rental area in a manner that promotes the use of  
40 the program in all localities based on the fair market rental of the  
41 rental area. Rental areas shall be delineated by county, excepting that  
42 the city of New York shall be considered one rental area. The commis-  
43 sioner may rely on data or other information promulgated by any other  
44 state or federal agency in determining the rental areas and fair market  
45 rent.

46 3. The payment standard for each size of dwelling unit in a rental  
47 area shall not be less than ninety percent and shall not exceed one  
48 hundred ten percent of the fair market rent established in section seven  
49 hundred one of this article for the same size of dwelling unit in the  
50 same rental area, except that the commissioner shall not be required as  
51 a result of a reduction in the fair market rent to reduce the payment  
52 standard applied to a family continuing to reside in a unit for which  
53 the family was receiving assistance under this article at the time the  
54 fair market rent was reduced.

55 § 709. Inspection of units. 1. Initial inspection.

1 (a) For each dwelling unit for which a housing assistance payment  
2 contract is established under this article, the housing access voucher  
3 local administrator (or other entity pursuant to section seven hundred  
4 twelve of this article) shall inspect the unit before any assistance  
5 payment is made to determine whether the dwelling unit meets the housing  
6 quality standards under subdivision two of this section, except as  
7 provided in paragraph (b) or (c) of this subdivision.

8 (b) In the case of any dwelling unit that is determined, pursuant to  
9 an inspection under paragraph (a) of this subdivision, not to meet the  
10 housing quality standards under subdivision two of this section, assist-  
11 ance payments may be made at the discretion of a housing access voucher  
12 local administrator for the unit notwithstanding subdivision three of  
13 this section if failure to meet such standards is a result only of non-  
14 life-threatening conditions, as such conditions are established by the  
15 commissioner. A housing access voucher local administrator making  
16 assistance payments pursuant to this paragraph for a dwelling unit  
17 shall, thirty days after the beginning of the period for which such  
18 payments are made, withhold any assistance payments for the unit if any  
19 deficiency resulting in noncompliance with the housing quality standards  
20 has not been corrected by such time. The housing access voucher local  
21 administrator shall recommence assistance payments when such deficiency  
22 has been corrected, and may use any payments withheld to make assistance  
23 payments relating to the period during which payments were withheld.

24 (c) In the case of any property that within the previous twenty-four  
25 months has met the requirements of an inspection that qualifies as an  
26 alternative inspection method pursuant to subdivision five of this  
27 section, a housing access voucher local administrator may authorize  
28 occupancy before the inspection under paragraph (a) of this subdivision  
29 has been completed, and may make assistance payments retroactive to the  
30 beginning of the lease term after the unit has been determined pursuant  
31 to an inspection under paragraph (a) of this subdivision to meet the  
32 housing quality standards under subdivision two of this section. This  
33 paragraph may not be construed to exempt any dwelling unit from compli-  
34 ance with the requirements of subdivision four of this section.

35 2. The housing quality standards under this subdivision shall be stan-  
36 dards for safe and habitable housing established:

37 (a) by the commissioner for purposes of this subdivision; or  
38 (b) by local housing codes or by codes adopted by the housing access  
39 voucher local administrator that:

40 (i) meet or exceed housing quality standards, except that the commis-  
41 sioner may waive the requirement under this subparagraph to significant-  
42 ly increase access to affordable housing and to expand housing opportu-  
43 nities for families assisted under this article, except where such  
44 waiver could adversely affect the health or safety of families assisted  
45 under this article; and

46 (ii) do not severely restrict housing choice.

47 3. The determination required under subdivision one of this section  
48 shall be made by the housing access voucher local administrator (or  
49 other entity, as provided in section seven hundred twelve of this arti-  
50 cle) pursuant to an inspection of the dwelling unit conducted before any  
51 assistance payment is made for the unit. Inspections of dwelling units  
52 under this subdivision shall be made before the expiration of the  
53 fifteen day period beginning upon a request by the resident or landlord  
54 to the housing access voucher local administrator or, in the case of any  
55 housing access voucher local administrator that provides assistance  
56 under this article on behalf of more than one thousand two hundred fifty

1 families, before the expiration of a reasonable period beginning upon  
2 such request. The performance of the housing access voucher local admin-  
3 istrator in meeting the fifteen-day inspection deadline shall be taken  
4 into consideration in assessing the performance of the housing access  
5 voucher local administrator.

6 4. (a) Each housing access voucher local administrator providing  
7 assistance under this article (or other entity, as provided in section  
8 seven hundred twelve of this article) shall, for each assisted dwelling  
9 unit, make inspections not less often than annually during the term of  
10 the housing assistance payments contract for the unit to determine  
11 whether the unit is maintained in accordance with the requirements under  
12 subdivision one of this section.

13 (b) The requirements under paragraph (a) of this subdivision may be  
14 complied with by use of inspections that qualify as an alternative  
15 inspection method pursuant to subdivision five of this section.

16 (c) The housing access voucher local administrator (or other entity)  
17 shall retain the records of the inspection for a reasonable time, as  
18 determined by the commissioner.

19 5. An inspection of a property shall qualify as an alternative  
20 inspection method for purposes of this subdivision if:

21 (a) the inspection was conducted pursuant to requirements under a  
22 federal, state, or local housing program; and

23 (b) pursuant to such inspection, the property was determined to meet  
24 the standards or requirements regarding housing quality or safety appli-  
25 cable to properties assisted under such program, and, if a non-state  
26 standard or requirement was used, the housing access voucher local  
27 administrator has certified to the commissioner that such standard or  
28 requirement provides the same (or greater) protection to occupants of  
29 dwelling units meeting such standard or requirement as would the housing  
30 quality standards under subdivision two of this section.

31 6. Upon notification to the housing access voucher local administra-  
32 tor, by an individual or family (on whose behalf tenant-based rental  
33 assistance is provided under this article) or by a government official,  
34 that the dwelling unit for which such assistance is provided does not  
35 comply with the housing quality standards under subdivision two of this  
36 section, the housing access voucher local administrator shall inspect  
37 the dwelling unit:

38 (a) in the case of any condition that is life-threatening, within  
39 twenty-four hours after the housing access voucher local administrator's  
40 receipt of such notification, unless waived by the commissioner in  
41 extraordinary circumstances; and

42 (b) in the case of any condition that is not life-threatening, within  
43 a reasonable time frame, as determined by the commissioner.

44 In conducting such an inspection, the housing access voucher local  
45 administrator may, at its discretion, require evidence from the owner of  
46 the physical condition of a unit, including, but not limited to photo-  
47 graphs, signed work orders, and contractor bills in lieu of the housing  
48 access voucher local administrator conducting a physical inspection.

49 7. The commissioner shall establish procedural guidelines and perform-  
50 ance standards to facilitate inspections of dwelling units and conform  
51 such inspections with practices utilized in the private housing market.  
52 Such guidelines and standards shall take into consideration variations  
53 in local laws and practices and shall provide flexibility to the housing  
54 access voucher local administrator appropriate to facilitate efficient  
55 provision of assistance under this section.



1     § 710. Rent. 1. The rent for dwelling units for which a housing  
2 assistance payment contract is established under this article shall be  
3 reasonable in comparison with rents charged for comparable dwelling  
4 units in the private, unassisted local market.

5     2. A housing access voucher local administrator (or other entity, as  
6 provided in section seven hundred twelve of this article) shall, at the  
7 request of an individual or family receiving tenant-based assistance  
8 under this article, assist that individual or family in negotiating a  
9 reasonable rent with a dwelling unit owner. A housing access voucher  
10 local administrator (or other such entity) shall review the rent for a  
11 unit under consideration by the individual or family (and all rent  
12 increases for units under lease by the individual or family) to deter-  
13 mine whether the rent (or rent increase) requested by the owner is  
14 reasonable. If a housing access voucher local administrator (or other  
15 such entity) determines that the rent (or rent increase) for a dwelling  
16 unit is not reasonable, the housing access voucher local administrator  
17 (or other such entity) shall not make housing assistance payments to the  
18 owner under this subdivision with respect to that unit.

19     3. If a dwelling unit for which a housing assistance payment contract  
20 is established under this article is exempt from local rent control  
21 provisions during the term of that contract, the rent for that unit  
22 shall be reasonable in comparison with other units in the rental area  
23 that are exempt from local rent control provisions.

24     4. Each housing access voucher local administrator shall make timely  
25 payment of any amounts due to a dwelling unit owner under this section,  
26 subject to appropriation of funds for this purpose. The housing assist-  
27 ance payment contract between the owner and the housing access voucher  
28 local administrator may provide for penalties for the late payment of  
29 amounts due under the contract, which shall be imposed on the housing  
30 access voucher local administrator in accordance with generally accepted  
31 practices in the local housing market.

32     5. Unless otherwise authorized by the commissioner, each housing  
33 access voucher local administrator shall pay any penalties from adminis-  
34 trative fees collected by the housing access voucher local administra-  
35 tor, except that no penalty shall be imposed if the late payment is due  
36 to factors that the commissioner determines are beyond the control of  
37 the housing access voucher local administrator.

38     § 711. Vacated units. If an assisted family vacates a dwelling unit  
39 for which rental assistance is provided under a housing assistance  
40 payment contract before the expiration of the term of the lease for the  
41 unit, rental assistance pursuant to such contract may not be provided  
42 for the unit after the month during which the unit was vacated.

43     § 712. Leasing of units owned by a housing access voucher local admin-  
44 istrator. 1. If an eligible individual or family assisted under this  
45 article leases a dwelling unit (other than a public housing dwelling  
46 unit) that is owned by a housing access voucher local administrator  
47 administering assistance to that individual or family under this  
48 section, the commissioner shall require the unit of general local  
49 government or another entity approved by the commissioner, to make  
50 inspections required under section seven hundred nine of this article  
51 and rent determinations required under section seven hundred ten of this  
52 article. The housing access voucher local administrator shall be respon-  
53 sible for any expenses of such inspections and determinations, subject  
54 to the appropriation of funds for this purpose.

55     2. For purposes of this section, the term "owned by a housing access  
56 voucher local administrator" means, with respect to a dwelling unit,



1 that the dwelling unit is in a project that is owned by such administra-  
2 tor, by an entity wholly controlled by such administrator, or by a  
3 limited liability company or limited partnership in which such adminis-  
4 trator (or an entity wholly controlled by such administrator) holds a  
5 controlling interest in the managing member or general partner. A dwell-  
6 ing unit shall not be deemed to be owned by a housing access voucher  
7 local administrator for purposes of this section because such adminis-  
8 trator holds a fee interest as ground lessor in the property on which  
9 the unit is situated, holds a security interest under a mortgage or deed  
10 of trust on the unit, or holds a non-controlling interest in an entity  
11 which owns the unit or in the managing member or general partner of an  
12 entity which owns the unit.

13 § 713. Verification of income. The commissioner shall establish proce-  
14 dures which are appropriate and necessary to assure that income data  
15 provided to the housing access voucher local administrator and owners by  
16 individuals and families applying for or receiving assistance under this  
17 article is complete and accurate. In establishing such procedures, the  
18 commissioner shall randomly, regularly, and periodically select a sample  
19 of families to authorize the commissioner to obtain information on these  
20 families for the purpose of income verification, or to allow those fami-  
21 lies to provide such information themselves. Such information may  
22 include, but is not limited to, data concerning unemployment compen-  
23 sation and federal income taxation and data relating to benefits made  
24 available under the social security act, 42 U.S.C. 301 et seq., the food  
25 and nutrition act of 2008, 7 U.S.C. 2011 et seq., or title 38 of the  
26 United State Code. Any such information received pursuant to this  
27 section shall remain confidential and shall be used only for the purpose  
28 of verifying incomes in order to determine eligibility of individuals  
29 and families for benefits (and the amount of such benefits, if any)  
30 under this article.

31 § 714. Division of an assisted family. 1. In those instances where a  
32 family assisted under this article becomes divided into two otherwise  
33 eligible individuals or families due to divorce, legal separation or the  
34 division of the family, where the new units cannot agree as to which new  
35 unit should continue to receive the assistance, and where there is no  
36 determination by a court, the public housing authority shall consider  
37 the following factors to determine which of the individuals or families  
38 will continue to be assisted:

- 39 (a) which of the new units has custody of dependent children;  
40 (b) which family member was the head of household when the voucher was  
41 initially issued as listed on the initial application;  
42 (c) the composition of the new units and which unit includes elderly  
43 or disabled members;  
44 (d) whether domestic violence was involved in the breakup of the fami-  
45 ly unit;  
46 (e) which family members remain in the unit; and  
47 (f) recommendations of social service professionals.

48 2. Documentation of these factors will be the responsibility of the  
49 requesting parties. If documentation is not provided, the housing access  
50 voucher local administrator will terminate assistance on the basis of  
51 failure to provide information necessary for a recertification.

52 § 715. Maintenance of effort. Any funds made available pursuant to  
53 this article shall not be used to offset or reduce the amount of funds  
54 previously expended for the same or similar programs in a prior year in  
55 any county or in the city of New York, but shall be used to supplement  
56 any prior year's expenditures. The commissioner may grant an exception

1 to this requirement if any county, municipality, or other governmental  
2 entity or public body can affirmatively show that such amount of funds  
3 previously expended is in excess of the amount necessary to provide  
4 assistance to all individuals and families within the area in which the  
5 funds were previously expended who are homeless or facing an imminent  
6 loss of housing.

7 § 716. Vouchers statewide. Notwithstanding section seven hundred six  
8 of this article, any voucher issued pursuant to this article may be used  
9 for housing anywhere in the state. The commissioner shall inform voucher  
10 holders that a voucher may be used anywhere in the state and, to the  
11 extent practicable, the commissioner shall assist voucher holders in  
12 finding housing in the area of their choice.

13 § 717. Applicable codes. Housing eligible for participation in the  
14 housing access voucher program shall comply with applicable state and  
15 local health, housing, building and safety codes.

16 § 718. Housing choice. 1. The commissioner shall administer the hous-  
17 ing access voucher program under this article to promote housing choice  
18 for voucher holders. The commissioner shall affirmatively promote fair  
19 housing to the extent possible under this program.

20 2. Nothing in this article shall lessen or abridge any fair housing  
21 obligations promulgated by municipalities, localities, or any other  
22 applicable jurisdiction.

23 § 2. This act shall take effect immediately.

24 PART NN

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

27 7. For the fiscal year beginning on April first, two thousand twenty-  
28 seven and every fifth fiscal year thereafter, the governor shall submit  
29 to the legislature as part of the annual executive budget, five-year  
30 capital plans for the state university of New York state-operated  
31 campuses and city university of New York senior colleges. Such plans  
32 shall provide for the annual appropriation of capital funds to cover one  
33 hundred percent of the annual critical maintenance needs identified by  
34 each university system, and may include funds for new infrastructure or  
35 other major capital initiatives, provided that such funding for new  
36 infrastructure or other major capital initiatives shall not count  
37 towards meeting the overall critical maintenance requirement. In the  
38 event that such plan is unable to fund one hundred percent of the crit-  
39 ical maintenance needs due to the limitation imposed by article five-B  
40 of this chapter, the director of the budget shall develop five-year  
41 capital plans whereby the implementation of each capital plan would  
42 annually reduce the overall facility condition index (FCI) for each  
43 university system. For the purposes of this subdivision, "facility  
44 condition index" shall mean an industry benchmark that measures the  
45 ratio of deferred maintenance dollars to replacement dollars for the  
46 purposes of analyzing the effect of investing in facility improvements.  
47 The apportionment of capital appropriations to each state-operated  
48 campus or senior college shall be based on a methodology to be developed  
49 by the director of the budget, in consultation with the state university  
50 of New York and city university of New York.

51 § 2. This act shall take effect immediately.

52 PART OO

Section 1. Clause (vi) of subparagraph 4 of paragraph h of subdivision 2 of section 355 of the education law, as amended by section 1 of part JJJ of chapter 59 of the laws of 2017, is amended to read as follows:

(vi) Beginning in state fiscal year two thousand twenty-three--two thousand twenty-four and thereafter, the state shall appropriate and make available general fund operating support and fringe benefits, for the state university and the state university health science centers in an amount not less than the amounts separately appropriated and made available in the prior state fiscal year; provided, further, the state shall appropriate and make available general fund operating support to cover all mandatory costs of the state university and the state university health science centers, which shall include, but not be limited to, collective bargaining costs including salary increments, fringe benefits, and other non-personal service costs such as utility costs, building rentals and other inflationary expenses incurred by the state university and the state university health science centers; provided, however, that if the governor declares a fiscal emergency, and communicates such emergency to the temporary president of the senate and the speaker of the assembly, state support for operating expenses at the state university and city university may be reduced in a manner proportionate to one another, and the aforementioned provisions shall not apply.

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

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

(vi) Beginning in state fiscal year two thousand twenty-three--two thousand twenty-four and thereafter, the state shall appropriate and make available general fund operating support and fringe benefits, for the city university in an amount not less than the amounts separately appropriated and made available in the prior state fiscal year; provided, further, the state shall appropriate and make available general fund operating support to cover all mandatory costs of the city university, which shall include, but not be limited to, collective bargaining costs including salary increments, fringe benefits, and other non-personal service costs such as utility costs, building rentals and other inflationary expenses incurred by the city university; provided, however, that if the governor declares a fiscal emergency, and communicates such emergency to the temporary president of the senate and the speaker of the assembly, state support for operating expenses at the state university and city university may be reduced in a manner proportionate to one another, and the aforementioned provisions shall not apply.

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

(a) the amendments to subparagraph 4 of paragraph h of subdivision 2 of section 355 of the education law made by section one of this act

shall not affect the expiration and reversion of such subparagraph pursuant to chapter 260 of the laws of 2011, as amended, and shall expire therewith; and

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

PART PP

Section 1. The public housing law is amended by adding a new section 20-a to read as follows:

§ 20-a. Affordable housing five-year capital plan. 1. For the fiscal year commencing on April first, two thousand twenty-seven and every fifth fiscal year thereafter, the governor shall submit to the legislature, as part of the annual executive budget, a statewide comprehensive five-year capital plan to support the development, preservation and capital improvement of affordable housing in New York state.

2. The statewide comprehensive five-year capital plan to support the development, preservation and capital improvement of affordable housing in New York state required pursuant to subdivision one of this section shall be developed in consultation with any state department, agency or public authority which administers and/or plans for the development of any program intended to provide suitable housing accommodations which may fall under the purview of the capital plan and shall provide for, at a minimum: the development of supportive housing units; the preservation and/or capital improvement of public housing units of the New York city housing authority and other public housing authorities in the state; the development and/or rehabilitation of affordable housing targeted to low-income seniors; the rehabilitation of site-specific multi-family rental housing currently under a regulatory agreement or extended use agreement with the division of housing and community renewal or another state, federal or local housing agency; the preservation and/or capital improvement of Mitchell-Lama properties; the promotion of home ownership among families of low- and moderate-income; and the repair and/or replacement of mobile and manufactured homes. Such plan shall, to the greatest extent possible: provide for both rental and homeownership opportunities affordable to low- and moderate-income households across the state; address areas and populations with critical affordable housing needs; and advance the specific housing priorities of New York state.

3. On or before September first, two thousand twenty-seven and on or before September first annually thereafter, and on or before March first, two thousand twenty-eight and on or before March first annually thereafter, the governor shall, as part of the statewide comprehensive five-year capital plan to support the development, preservation and capital improvement of affordable housing in New York state required pursuant to subdivision one of this section and in consultation with the commissioner of housing and community renewal, submit and make publicly available to the legislature and on the division's website information summarizing the activities undertaken pursuant to the funding made available in the enacted affordable housing capital plan. Such information shall be cumulative and shall include an itemized list of each project utilizing funds appropriated by the affordable housing capital plan subsequent to the enactment of the capital plan, including a brief description of the project, street address, county, awardee, total budg-

et, amount of capital subsidy appropriated by the affordable housing capital plan, relevant section of the affordable housing capital plan, bonded or cash, amount of each additional public funding source, funding program, number of units, area median income requirements if applicable, month and year construction will commence, projected date of occupancy, and project phase (in development, engineering, construction, complete, defunded).

§ 2. This act shall take effect immediately.

#### PART QQ

Section 1. Section 679-a of the education law, as added by chapter 161 of the laws of 2005, subdivisions 1 and 3 as amended by section 1 of part V of chapter 56 of the laws of 2014, is amended to read as follows:

§ 679-a. New York state licensed social worker loan forgiveness program. 1. Purpose. The president shall grant student loan forgiveness awards for the purpose of increasing the number of social workers serving in critical human service areas and colleges and universities in New York state. For the purposes of this section, the term "critical human service area" shall mean an area in New York state designated by the corporation, in consultation with a committee comprised of one representative each from the corporation, the department, the department of health, the department of mental hygiene, and the office of children and family services, provided that such areas shall include, but not be limited to, areas with a shortage of social workers in home care, health, mental health, substance abuse, aging, HIV/AIDS and child welfare concerns, or communities with multi-lingual needs.

2. Eligibility. To be eligible for an award pursuant to this subdivision, applicants shall (a) be licensed as a social worker pursuant to article one hundred fifty-four of this chapter; (b) comply with [~~subdivisions three and~~] subdivision five of section six hundred sixty-one of this part; and (c) have an outstanding student loan debt.

3. Priority. Such awards shall be made annually to applicants in the following priority:

(a) First priority shall be given to applicants who have received payment of an award pursuant to this section in a prior year and who, in the year prior to application, have provided social work services in (i) a critical human service area, or (ii) a previously designated critical human service area, or (iii) a college or university in New York state;

(b) Second priority shall be given to applicants who have not received payment of an award pursuant to this section in a prior year and who have provided social work services in a critical human service area or a college or university in New York state in the year prior to such application; and

(c) Third priority shall be given to applicants who are economically disadvantaged as defined by the corporation.

4. Awards. The corporation shall grant awards in the value of six thousand five hundred dollars to individuals who have provided full-time social work services in a critical human service area or a college or university in New York state in the year prior to such application, provided that no recipient shall receive an award that exceeds the total remaining balance of the student loan debt and that no recipient shall receive cumulative awards, pursuant to this section, in excess of twenty-six thousand dollars. Awards shall be within the amounts appropriated for such purpose and based on availability of funds.



5. Rules and regulations. The corporation is authorized to promulgate rules and regulations necessary for the implementation of the provisions of this section. In the event that there are more applicants who have the same priority, as provided in subdivision three of this section, than there are remaining awards, the corporation shall provide in regulation the method of distributing the remaining number of such awards, which may include a lottery or other form of random selection.

§ 2. This act shall take effect immediately.

PART RR

Section 1. Clause (A) of subparagraph (i) and subparagraph (vi) of paragraph a and subparagraph (i) of paragraph b of subdivision 3 of section 667 of the education law, clause (A) of subparagraph (i) of paragraph a of subdivision 3 as amended by section 1 of part DD of chapter 56 of the laws of 2021, subparagraph (vi) of paragraph a of subdivision 3 as amended by section 1 of part B of chapter 60 of the laws of 2000 and subparagraph (i) of paragraph b of subdivision 3 as amended by section 2 of part DD of chapter 56 of the laws of 2021, are amended to read as follows:

(A) (1) In the case of students who have not been granted an exclusion of parental income, who have qualified as an orphan, foster child, or ward of the court for the purposes of federal student financial aid programs authorized by Title IV of the Higher Education Act of 1965, as amended, or had a dependent for income tax purposes during the tax year next preceding the academic year for which application is made, except for those students who have been granted exclusion of parental income who have a spouse but no other dependent:

(a) Five thousand dollars, except starting in two thousand fourteen--two thousand fifteen such students shall receive five thousand one hundred sixty-five dollars, ~~[and]~~ except starting in two thousand twenty-one--two thousand twenty-two ~~[and thereafter]~~ such students shall receive five thousand six hundred sixty-five dollars, except starting in two thousand twenty-two--two thousand twenty-three such students shall receive six thousand three hundred sixty-eight dollars, and except starting in two thousand twenty-three--two thousand twenty-four and thereafter such students shall receive seven thousand seventy dollars, provided however that nothing herein shall be construed as increasing any award made pursuant to this section for ~~[an]~~ any prior academic year ~~[prior to two thousand twenty-one--two thousand twenty-two]~~; or

(b) For undergraduate students enrolled in a program of study at a non-public degree-granting institution that does not offer a program of study that leads to a baccalaureate degree, or at a registered not-for-profit business school qualified for tax exemption under section 501(c)(3) of the internal revenue code for federal income tax purposes that does not offer a program of study that leads to a baccalaureate degree, four thousand dollars, except starting in two thousand twenty-one--two thousand twenty-two ~~[and thereafter]~~ such students shall receive four thousand five hundred dollars, except starting in two thousand twenty-two--two thousand twenty-three such students shall receive five thousand two hundred three dollars, and except starting in two thousand twenty-three--two thousand twenty-four and thereafter such students shall receive five thousand nine hundred five dollars. Provided, however, that this subitem shall not apply to students enrolled in a program of study leading to a certificate or degree in nursing.



(2) In the case of students receiving awards pursuant to subparagraph (iii) of this paragraph and those students who have been granted exclusion of parental income who have a spouse but no other dependent beginning in the two thousand twenty-one--two thousand twenty-two academic year ~~[and thereafter]~~, three thousand five hundred twenty-five dollars, except starting in two thousand twenty-two--two thousand twenty-three such students shall receive four thousand two hundred twenty-eight dollars, and except starting in two thousand twenty-three--two thousand twenty-four and thereafter such students shall receive four thousand nine hundred thirty dollars, provided that nothing herein shall be construed as increasing any award made for any prior academic year; or

(vi) For the two thousand ~~[two--two thousand three]~~ twenty-two--two thousand twenty-three academic year and thereafter, the award shall be the net amount of the base amount determined pursuant to subparagraph (i) of this paragraph reduced pursuant to subparagraph (ii) or (iii) of this paragraph but the award shall not be reduced below ~~[five hundred]~~ one thousand dollars.

(i) For each year of study, assistance shall be provided as computed on the basis of the amount which is the lesser of the following:

(A) (1) ~~[one]~~ for the two thousand twenty-two--two thousand twenty-three academic year, two thousand three dollars, and for the two thousand twenty-three--two thousand twenty-four academic year and thereafter, two thousand ~~[three]~~ seven hundred five dollars, or

(2) for students receiving awards pursuant to subparagraph (iii) of this paragraph, for the two thousand twenty-two--two thousand twenty-three academic year, one thousand eight hundred forty-three dollars, and for the two thousand twenty-three--two thousand twenty-four academic year and thereafter, [one] two thousand ~~[one]~~ five hundred ~~[forty]~~ forty-five dollars; or

(B) ~~[(1) Ninety-five percent of the amount of tuition (exclusive of educational fees) charged,~~

~~(2) For the two thousand one--two thousand two academic year and thereafter] one hundred percent of the amount of tuition (exclusive of educational fees).~~

§ 2. This act shall take effect July 1, 2022.

## PART SS

Section 1. The private housing finance law is amended by adding a new article 32 to read as follows:

### ARTICLE 32

#### FOUNDATIONS FOR FUTURES HOUSING PROGRAM

##### Section 1290. Foundations for futures housing program.

§ 1290. Foundations for futures housing program. 1. Program establishment. Within amounts appropriated or otherwise available therefor, the division of housing and community renewal shall develop and administer a program which shall provide assistance in the form of payments, grants and loans for the formation of limited equity cooperative housing utilizing funding appropriated for such a purpose as well as any other funding source or sources which the commissioner may determine is suitable to support such a program. Such program may utilize state owned sites, municipally owned sites, or sites owned by a not-for-profit corporation or community land trust exclusively for the purpose of providing housing pursuant to this section. Real property may be acquired for the purpose of such program as authorized pursuant to section five hundred seventy-six-a of this chapter. Such program shall

1 provide (a) housing for households up to one hundred and thirty percent  
2 of area median income, (b) a process in which households shall have the  
3 ability to accrue equity over time, and (c) that housing units created  
4 pursuant to this section remain affordable in perpetuity. The commis-  
5 sioner shall also assist prospective homebuyers to identify funding  
6 sources that provide low interest loans to develop properties and  
7 provide loans to prospective homebuyers.

8 2. Additional responsibilities. The division of housing and community  
9 renewal shall have the power and duty to issue regulations to implement  
10 such program and the process for:

11 (a) homebuyers obtaining a new unit which shall include both confirm-  
12 ing income qualifications as well as a restriction on the maximum amount  
13 of assets any qualified homebuyer may have;

14 (b) selling shares in the cooperative in such a way as the affordabil-  
15 ity of the cooperative is maintained while allowing households to gain  
16 equity over time;

17 (c) prohibiting the use of a fixed percentage appreciation cap for the  
18 purposes of determining an allowable sales price for shares in the coop-  
19 erative;

20 (d) selecting new households eligible to purchase housing which have  
21 been vacated by a previous owner; and

22 (e) the creation of boards of directors for such limited profit hous-  
23 ing companies established by this chapter, provided however that such  
24 boards shall have the powers and be subject to the limitations contained  
25 in the not-for-profit corporation law.

26 3. Supervision. All such housing projects shall be managed independ-  
27 ently of the residents of the project by a corporation or not-for-profit  
28 corporation determined qualified by the division of housing and communi-  
29 ty renewal. Any regulatory agreement that is executed for such program  
30 shall include a requirement that resident maintenance fees increase by a  
31 minimum percentage annually to ensure that such housing continues to be  
32 in good repair.

33 4. Tax exemptions. Housing for such program shall be eligible for tax  
34 exemptions in the same manner as projects under article eleven of this  
35 chapter.

36 § 2. This act shall take effect immediately.

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

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