

# STATE OF NEW YORK

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2006--B

## IN ASSEMBLY

January 18, 2019

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

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

LBD12572-03-9

amending the education law, relating to the leasing of real property by boards of cooperative educational services, in relation to the effectiveness thereof; to amend chapter 756 of the laws of 1992, relating to funding a program for work force education conducted by the consortium for worker education in New York city, in relation to reimbursements for the 2019-2020 school year; to amend chapter 756 of the laws of 1992, relating to funding a program for work force education conducted by the consortium for worker education in New York city, in relation to withholding a portion of employment preparation education aid and in relation to the effectiveness thereof; to amend the education law, in relation to employment preparation education programs; to amend chapter 82 of the laws of 1995, amending the education law and other laws relating to state aid to school districts and the appropriation of funds for the support of government, in relation to the effectiveness thereof; to amend chapter 147 of the laws of 2001, amending the education law relating to conditional appointment of school district, charter school or BOCES employees, in relation to the effectiveness thereof; to amend chapter 425 of the laws of 2002, amending the education law relating to the provision of supplemental educational services, attendance at a safe public school and the suspension of pupils who bring a firearm to or possess a firearm at a school, in relation to the effectiveness thereof; to amend chapter 101 of the laws of 2003, amending the education law relating to implementation of the No Child Left Behind Act of 2001, in relation to the effectiveness thereof; to amend chapter 91 of the laws of 2002 amending the education law and other laws relating to reorganization of the New York city school construction authority, board of education and community boards, in relation to the effectiveness thereof; to amend chapter 345 of the laws of 2009 amending the education law and other laws relating to the New York city board of education, chancellor, community councils, and community superintendents, in relation to the effectiveness thereof; to amend chapter 472 of the laws of 1998, amending the education law relating to the lease of school buses by school districts, in relation to the effectiveness thereof; to amend chapter 552 of the laws of 1995, amending the education law relating to contracts for the transportation of school children, in relation to the effectiveness thereof; to amend chapter 97 of the laws of 2011, amending the education law relating to census reporting, in relation to the effectiveness thereof; in relation to school bus driver training; in relation to special apportionment for salary expenses and public pension accruals; in relation to the city school district of the city of Rochester; in relation to total foundation aid for the purpose of the development, maintenance or expansion of certain magnet schools or magnet school programs for the 2019-2020 school year; in relation to the support of public libraries; to amend the education law, in relation to project costs for buildings of public libraries located in economically distressed communities; to amend chapter 498 of the laws of 2011 amending the education law relating to the public library construction grant program, in relation to the effectiveness thereof; to amend chapter 121 of the laws of 1996, relating to authorizing the Roosevelt union free school district to finance deficits by the issuance of serial bonds, in relation to the max apportionment for salary expenses; to amend the education law, in relation to the effectiveness of provisions relating to BOCES intermediate districts; to amend the general municipal law, in relation to allowing certain school districts and boards of cooperative educational services to

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



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

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

1 Section 1. This act enacts into law major components of legislation  
 2 which are necessary to implement the state fiscal plan for the 2019-2020  
 3 state fiscal year. Each component is wholly contained within a Part  
 4 identified as Parts A through NN. The effective date for each particular  
 5 provision contained within such Part is set forth in the last section of  
 6 such Part. Any provision in any section contained within a Part, includ-  
 7 ing the effective date of the Part, which makes a reference to a section  
 8 "of this act", when used in connection with that particular component,  
 9 shall be deemed to mean and refer to the corresponding section of the  
 10 Part in which it is found. Section three of this act sets forth the  
 11 general effective date of this act.

12

## PART A

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

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

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



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

40 § 2. Intentionally omitted.

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

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



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

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

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



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

13 § 5. Intentionally omitted.

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

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

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

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

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

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

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

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



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

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

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

17 For the purposes of this paragraph:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

33 § 7. Intentionally omitted.

34 § 8. Intentionally omitted.

35 § 9. Intentionally omitted.

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

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

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

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

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

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

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

54 § 10. Intentionally omitted.

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

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

24 § 11. Intentionally omitted.

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

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

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

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

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

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

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



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

3 § 12. Intentionally omitted.

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

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

23 § 13. Intentionally omitted.

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

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

40 § 14. Intentionally omitted.

41 § 14-a. Intentionally omitted.

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

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

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

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

10 § 15. Intentionally omitted.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

12 § 21. Intentionally omitted.

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

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

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

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

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

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





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

5 § 24. Intentionally omitted.

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

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

21 § 25. Intentionally omitted.

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

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

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

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



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

10 § 26. Intentionally omitted.

11 § 27. Intentionally omitted.

12 § 28. Intentionally omitted.

13 § 29. Intentionally omitted.

14 § 30. Intentionally omitted.

15 § 31. Intentionally omitted.

16 § 32. Intentionally omitted.

17 § 33. Intentionally omitted.

18 § 33-a. Intentionally omitted.

19 § 33-b. Intentionally omitted.

20 § 34. Intentionally omitted.

21 § 35. Subdivision b of section 2 of chapter 756 of the laws of 1992,  
22 relating to funding a program for work force education conducted by the  
23 consortium for worker education in New York city, as amended by section  
24 25 of part CCC of chapter 59 of the laws of 2018, is amended to read as  
25 follows:

26 b. Reimbursement for programs approved in accordance with subdivision  
27 a of this section for the [2016--2017 school year shall not exceed 60.3  
28 percent of the lesser of such approvable costs per contact hour or thir-  
29 teen dollars ninety cents per contact hour,] reimbursement for the  
30 2017--2018 school year shall not exceed 60.4 percent of the lesser of  
31 such approvable costs per contact hour or thirteen dollars and ninety  
32 cents per contact hour, [and] reimbursement for the 2018--2019 school  
33 year shall not exceed 59.4 percent of the lesser of such approvable  
34 costs per contact hour or fourteen dollars and ninety-five cents per  
35 contact hour, and reimbursement for the 2019--2020 school year shall not  
36 exceed 57.7 percent of the lesser of such approvable costs per contact  
37 hour or fifteen dollars sixty cents per contact hour, where a contact  
38 hour represents sixty minutes of instruction services provided to an  
39 eligible adult. Notwithstanding any other provision of law to the  
40 contrary, for the [2016--2017 school year such contact hours shall not  
41 exceed one million five hundred fifty-one thousand three hundred twelve  
42 (1,551,312); whereas for the] 2017--2018 school year such contact hours  
43 shall not exceed one million five hundred forty-nine thousand four  
44 hundred sixty-three (1,549,463); and for the 2018--2019 school year such  
45 contact hours shall not exceed one million four hundred sixty-three  
46 thousand nine hundred sixty-three (1,463,963); and for the 2019--2020  
47 school year such contact hours shall not exceed one million four hundred  
48 forty-four thousand four hundred forty-four (1,444,444). Notwithstand-  
49 ing any other provision of law to the contrary, the apportionment calcu-  
50 lated for the city school district of the city of New York pursuant to  
51 subdivision 11 of section 3602 of the education law shall be computed as  
52 if such contact hours provided by the consortium for worker education,  
53 not to exceed the contact hours set forth herein, were eligible for aid  
54 in accordance with the provisions of such subdivision 11 of section 3602  
55 of the education law.



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

20 § 52-m. Subdivision 6-e of section 3602 of the education law, as  
21 amended by chapter 296 of the laws of 2016, is amended to read as  
22 follows:

23 6-e. Additional apportionment of building aid for building condition  
24 surveys of school buildings. In addition to the apportionments payable  
25 to a school district pursuant to subdivision six of this section, the  
26 commissioner is hereby authorized to apportion to any school district  
27 additional building aid in accordance with this subdivision for its  
28 approved expenses in the base year for building condition surveys of  
29 school buildings that are conducted pursuant to this subdivision and  
30 subdivision four of section thirty-six hundred forty-one of this arti-  
31 cle. The amount of such apportionment shall equal the product of the  
32 building aid ratio defined pursuant to paragraph c of subdivision six of  
33 this section and the actual approved expenses incurred by the district  
34 in the base year for each school building so inspected, provided that  
35 the amount of such apportionment shall not exceed the building condition  
36 survey aid ceiling[, and provided further that such approved expenses  
37 shall include approved expenses for testing of potable water systems for  
38 lead contamination pursuant to section eleven hundred ten of the public  
39 health law]. For surveys conducted in the nineteen hundred ninety-eight-  
40 -ninety-nine school year, the building condition aid ceiling shall be  
41 twenty cents gross per square foot of floor area. For surveys conducted  
42 in the nineteen hundred ninety-nine--two thousand school year and there-  
43 after, the inspection aid ceiling shall be twenty cents gross per square  
44 foot of floor area, plus an amount computed by the commissioner in  
45 accordance with regulations adopted for such purpose, on the basis of an  
46 index number reflecting changes in the costs of labor and materials from  
47 July first, nineteen hundred ninety-eight.

48 § 52-n. Subdivision 6-h of section 3602 of the education law, as added  
49 by chapter 296 of the laws of 2016, is amended to read as follows:

50 6-h. Building aid for testing and filtering of potable water systems  
51 for lead contamination. In addition to the apportionments payable to a  
52 school district pursuant to subdivision six of this section, the commis-  
53 sioner is hereby authorized to apportion to any school district addi-  
54 tional building aid pursuant to this subdivision for its approved  
55 expenditures, otherwise ineligible for building aid, in the base year  
56 for the testing of potable water systems required pursuant to section

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

5 PART B

6 Intentionally Omitted

7 PART C

8 Intentionally Omitted

9 PART D

10 Intentionally Omitted

11 PART E

12 Intentionally Omitted

1

## PART F

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

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

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

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

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

29 § 2. This act shall take effect immediately.

30

## PART G

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

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

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

46 § 4. This act shall take effect immediately.

47 PART H

48 Intentionally Omitted

49 PART I

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

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

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

24 (i) prospective employee of such program that is not already required  
25 to be cleared pursuant to the opening paragraph of this subdivision; and

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

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

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

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



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

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

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

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

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

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

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

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

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

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

6

PART J

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

10 Domestic violence services [to eligible persons].

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

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

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

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

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

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

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

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

12

PART K

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

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

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

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

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

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

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

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

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



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

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

26 [(j)] (i) "Substance use disorder". [The misuse of, dependence on, or  
27 addiction to alcohol and/or legal or illegal drugs leading to effects  
28 that are detrimental to the person's physical and mental health or the  
29 welfare of others] Substance use disorder shall have the same meaning as  
30 provided for in section 1.03 of the mental hygiene law.

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

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

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

45 § 2. Intentionally omitted.

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

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

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

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

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

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

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

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

42 § 4. Intentionally omitted.

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

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

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

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

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

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

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

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

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

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

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

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

48 § 6. Intentionally omitted.

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

55 (b) The designated lead agency shall:

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

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

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

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

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

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

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

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

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

52 § 8. Intentionally omitted.

53 § 9. Intentionally omitted.

54 § 10. Intentionally omitted.

55 § 11. Intentionally omitted.

56 § 12. Intentionally omitted.



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

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

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

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

26 (a) Discharging the respondent with warning;

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

10 § 18. Paragraph (a) of subdivision 1 of section 409-a of the social  
11 services law, as amended by chapter 87 of the laws of 1993, subparagraph  
12 (i) as amended by chapter 342 of the laws of 2010, and subparagraph (ii)  
13 as amended by section 22 of part C of chapter 83 of the laws of 2002, is  
14 amended to read as follows:

15 (a) A social services official shall provide preventive services to a  
16 child and his or her family, in accordance with the family's service  
17 plan as required by section four hundred nine-e of this [chapter] arti-  
18 cle and the social services district's child welfare services plan  
19 submitted and approved pursuant to section four hundred nine-d of this  
20 [chapter] article, upon a finding by such official that (i) the child  
21 will be placed, returned to or continued in foster care unless such  
22 services are provided and that it is reasonable to believe that by  
23 providing such services the child will be able to remain with or be  
24 returned to his or her family, and for a former foster care youth under  
25 the age of twenty-one who was previously placed in the care and custody  
26 or custody and guardianship of the local commissioner of social services  
27 or other officer, board or department authorized to receive children as  
28 public charges where it is reasonable to believe that by providing such  
29 services the former foster care youth will avoid a return to foster care  
30 or (ii) the child is the subject of a petition under article seven of  
31 the family court act[, or has been determined by the assessment service  
32 established pursuant to section two hundred forty-three-a of the execu-  
33 tive law,] or by the probation service where no such assessment service  
34 has been designated, to be at risk of being the subject of such a peti-  
35 tion, and the social services official determines that the child is at  
36 risk of placement into foster care.

37 Such finding shall be entered in the child's uniform case record  
38 established and maintained pursuant to section four hundred nine-f of  
39 this [chapter] article. The commissioner shall promulgate regulations to  
40 assist social services officials in making determinations of eligibility  
41 for mandated preventive services pursuant to this [subparagraph] para-  
42 graph.

43 § 18-a. Subparagraph (ii) of paragraph (a) of subdivision 1 of section  
44 409-a of the social services law, as amended by chapter 87 of the laws  
45 of 1993, is amended to read as follows:

46 (ii) the child is the subject of a petition under article seven of the  
47 family court act[, or has been determined by the assessment service  
48 established pursuant to section two hundred forty-three-a of the execu-  
49 tive law,] or by the probation service where no such assessment service  
50 has been designated, to be at risk of being the subject of such a peti-  
51 tion, and the social services official determines according to standards  
52 promulgated pursuant to section three hundred ninety-eight-b of this  
53 chapter that the child is at risk of placement into foster care.

54 Such finding shall be entered in the child's uniform case record  
55 established and maintained pursuant to section four hundred nine-f of  
56 this [chapter] article. The commissioner shall promulgate regulations to

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

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

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

33 § 20. Subdivision 1 and the opening paragraph of subdivision 2 of  
34 section 529-b of the executive law, as amended by section 99 of part WWW  
35 of chapter 59 of the laws of 2017, are amended to read as follows:

36 1. (a) Notwithstanding any provision of law to the contrary, eligible  
37 expenditures by an eligible municipality for services to divert youth at  
38 risk of, alleged to be, or adjudicated as juvenile delinquents or  
39 persons alleged or adjudicated to be in need of supervision, or youth  
40 alleged to be or convicted as juvenile offenders, youthful offenders or  
41 adolescent offenders from placement in detention or in residential care  
42 shall be subject to state reimbursement under the supervision and treat-  
43 ment services for juveniles program for up to sixty-two percent of the  
44 municipality's expenditures, subject to available appropriations and  
45 exclusive of any federal funds made available for such purposes, not to  
46 exceed the municipality's distribution under the supervision and treat-  
47 ment services for juveniles program.

48 (b) The state funds appropriated for the supervision and treatment  
49 services for juveniles program shall be distributed to eligible munici-  
50 palities by the office of children and family services based on a plan  
51 developed by the office which may consider historical information  
52 regarding the number of youth seen at probation intake for an alleged  
53 act of delinquency, the number of alleged persons in need of supervision  
54 receiving diversion services under section seven hundred thirty-five of  
55 the family court act, the number of youth remanded to detention, the  
56 number of juvenile delinquents placed with the office, the number of

1 juvenile delinquents and persons in need of supervision placed in resi-  
2 dential care with the municipality, the municipality's reduction in the  
3 use of detention and residential placements, and other factors as deter-  
4 mined by the office. Such plan developed by the office shall be subject  
5 to the approval of the director of the budget. The office is authorized,  
6 in its discretion, to make advance distributions to a municipality in  
7 anticipation of state reimbursement.

8 As used in this section, the term "municipality" shall mean a county,  
9 or a city having a population of one million or more, and "supervision  
10 and treatment services for juveniles" shall mean community-based  
11 services or programs designed to safely maintain youth in the community  
12 pending a family court disposition or conviction in criminal court and  
13 services or programs provided to youth adjudicated as juvenile delin-  
14 quents or persons in need of supervision, or youth alleged to be juve-  
15 nile offenders, youthful offenders or adolescent offenders to prevent  
16 residential placement of such youth or a return to placement where such  
17 youth have been released to the community from residential placement or  
18 programs provided to youth alleged or adjudicated persons in need of  
19 supervision to prevent such youth from further involvement in the juve-  
20 nile or criminal justice systems. Supervision and treatment services for  
21 juveniles may include but are not limited to services or programs that:

22 § 21. Paragraph (a) of subdivision 2 of section 530 of the executive  
23 law, as amended by section 100 of part WWW of chapter 59 of the laws of  
24 2017, is amended to read as follows:

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

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

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

3 § 22-b. Section 104-b of part WWW of chapter 59 of the laws of 2017  
4 amending the criminal procedure law and other laws relating to  
5 proceedings against juvenile and adolescent offenders is REPEALED.

6 § 23. Severability. If any clause, sentence, paragraph, subdivision,  
7 section or part contained in any part of this act shall be adjudged by  
8 any court of competent jurisdiction to be invalid, such judgment shall  
9 not affect, impair, or invalidate the remainder thereof, but shall be  
10 confined in its operation to the clause, sentence, paragraph, subdivi-  
11 sion, section or part contained in any part thereof directly involved in  
12 the controversy in which such judgment shall have been rendered. It is  
13 hereby declared to be the intent of the legislature that this act would  
14 have been enacted even if such invalid provisions had not been included  
15 herein.

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

28

## PART L

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

44 PART M

45 Intentionally Omitted

46 PART N

47 Intentionally Omitted

48 PART O

49 Intentionally Omitted

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PART P  
Intentionally Omitted  
PART Q  
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PART S  
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PART T  
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PART U  
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PART V  
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PART W  
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PART X  
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PART Y  
Intentionally Omitted  
PART Z  
Intentionally Omitted  
PART AA

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

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

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

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

41 8. The division of veterans' [affairs] services.

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

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

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

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

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

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

20 VETERANS' [AFFAIRS] SERVICES

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

48

## PART BB

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

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



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

21 § 2. This act shall take effect immediately.

22

PART CC

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

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

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





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

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

22 § 2. Subparagraph (v) of paragraph (a) of subdivision 7 of section  
23 6206 of the education law, as amended by section 2 of part JJJ of chap-  
24 ter 59 of the laws of 2017, is amended and a new subparagraph (vi) is  
25 added to read as follows:

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

40 (vi) Beginning in state fiscal year two thousand twenty--two thousand  
41 twenty-one and thereafter, the state shall appropriate and make avail-  
42 able general fund operating support and fringe benefits, for the city  
43 university in an amount not less than the amounts separately appropri-  
44 ated and made available in the prior state fiscal year; provided,  
45 further, the state shall appropriate and make available general fund  
46 operating support to cover all mandatory costs of the city university,  
47 which shall include, but not be limited to, collective bargaining costs  
48 including salary increments, fringe benefits, and other non-personal  
49 service costs such as utility costs, building rentals and other infla-  
50 tionary expenses incurred by the city university, and any increase in  
51 the tuition credit pursuant to section six hundred eighty-nine-a of this  
52 chapter as tuition increases are enacted by the board of trustees of the  
53 city university; provided, however, that if the governor declares a  
54 fiscal emergency, and communicates such emergency to the temporary pres-  
55 ident of the senate and the speaker of the assembly, state support for  
56 operating expenses at the state university and city university may be



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

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

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

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

16

## PART DD

17 Section 1. Subparagraph 4 of paragraph h of subdivision 2 of section  
18 355 of the education law is amended by adding a new clause (vii) to read  
19 as follows:

20 (vii) Beginning in state fiscal year two thousand twenty--two thousand  
21 twenty-one and thereafter, the state shall appropriate and make avail-  
22 able general fund operating support to cover any increase in the tuition  
23 credit pursuant to section six hundred eighty-nine-a of this title annu-  
24 ally.

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

28 Beginning in state fiscal year two thousand twenty--two thousand  
29 twenty-one and thereafter, the state shall appropriate and make avail-  
30 able general fund operating support to cover any increase in the tuition  
31 credit pursuant to section six hundred eighty-nine-a of this title annu-  
32 ally.

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

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

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

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

47 § 5. This act shall take effect immediately; provided, however that  
48 the amendments to subparagraph 4 of paragraph h of subdivision 2 of  
49 section 355 of the education law made by section one of this act shall  
50 not affect the expiration and reversion of such subparagraph pursuant to  
51 section 16 of chapter 260 of the laws of 2011, as amended, when upon  
52 such date section two of this act shall take effect; and provided,  
53 further that the amendments to paragraph (a) of subdivision 7 of section  
54 6206 of the education law made by section three of this act shall not

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

4

## PART EE

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

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

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

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

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

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

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

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



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

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

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

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

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

22 § 2. This act shall take effect immediately.

23

## PART FF

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

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

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

52

## PART GG



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

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

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

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

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

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

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

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

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

45 § 2. This act shall take effect immediately.

46

#### PART HH

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

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

54 (b) For the purposes of this section:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

10 (c) total funding utilized;

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

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

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

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

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

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

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

26

## PART II

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

29 2. [Each] Every contract [to which the state or a public benefit  
30 corporation or a municipal corporation or a commission appointed pursu-  
31 ant to law is a party, and any contract for public work entered into by  
32 a third party acting in place of, on behalf of and for the benefit of  
33 such public entity pursuant to any lease, permit or other agreement  
34 between such third party and the public entity, and which may involve  
35 the employment of laborers, workers or mechanics] for public work shall  
36 contain a stipulation that no laborer, worker or mechanic in the employ  
37 of the contractor, subcontractor or other person doing or contracting to  
38 do the whole or a part of the work contemplated by the contract shall be  
39 permitted or required to work more than eight hours in any one calendar  
40 day or more than five days in any one week except in cases of extraor-  
41 dinary emergency including fire, flood or danger to life or property. No  
42 such person shall be so employed more than eight hours in any day or  
43 more than five days in any one week except in such emergency. Extraor-  
44 dinary emergency within the meaning of this section shall be deemed to  
45 include situations in which sufficient laborers, workers and mechanics  
46 cannot be employed to carry on public work expeditiously as a result of  
47 such restrictions upon the number of hours and days of labor and the  
48 immediate commencement or prosecution or completion without undue delay  
49 of the public work is necessary in the judgment of the commissioner for  
50 the preservation of the contract site and for the protection of the life  
51 and limb of the persons using the same. Upon the application of any  
52 person interested, the commissioner shall make a determination as to  
53 whether or not on any public project or on all public projects in any  
54 area of this state, sufficient laborers, workers and mechanics of any or



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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

46 § 4. This act shall take effect immediately.

47 PART JJ

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

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

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

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

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

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

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

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

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

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

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

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

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

46

## PART KK

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

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

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

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

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

15 § 2. This act shall take effect immediately.

16 PART LL

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

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

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

36 § 2. This act shall take effect immediately.

37 PART MM

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

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

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

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

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

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

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

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

12

## PART NN

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

2  
3 (f) Notwithstanding any other provision of law, an action to recover upon a liability imposed by this article must be commenced within the greater of six years from the date the cause of action accrued or two years from the time the plaintiff or the person under whom the plaintiff claims discovered the fraud, or could with reasonable diligence have discovered it. The statute of limitations shall be tolled from the date an employee files a complaint with the fiscal officer or the fiscal officer commences an investigation, whichever is earlier, until an order to comply issued by the fiscal officer becomes final, or where the fiscal officer does not issue an order, until the date on which the fiscal officer notifies the complainant that the investigation has concluded.

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

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

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

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

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

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

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

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

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





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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

5 § 239-a. Enforcement of article. If the fiscal officer, as defined  
6 herein, finds that any covered developer, covered lessee or lessor, or  
7 contractor on service work fails to comply with or evades the provisions  
8 of this article, he shall present evidence of such noncompliance or  
9 evasion to the public agency having charge of such work, or who has  
10 entered into a covered lease or provided financial assistance for the  
11 covered development project for enforcement. Where such evidence indi-  
12 cates a noncompliance or evasion on the part of a subcontractor or  
13 covered employer, the contractor or covered developer, or covered lessee  
14 or lessors, shall be responsible for such noncompliance or evasion. It  
15 shall be the duty of the public agency in charge of such service work,  
16 or who has entered into a covered lease or provided financial assistance  
17 for the covered development project to enforce the provisions of this  
18 article.

19 § 11. This act shall take effect immediately.

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

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

