

FY 2021 NEW YORK STATE EXECUTIVE BUDGET

**EDUCATION, LABOR AND FAMILY ASSISTANCE
ARTICLE VII LEGISLATION**

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Legislative Bill Drafting Commission
12672-01-0

S. -----
Senate

IN SENATE--Introduced by Sen

--read twice and ordered printed,
and when printed to be committed
to the Committee on

----- A.
Assembly

IN ASSEMBLY--Introduced by M. of A.

with M. of A. as co-sponsors

--read once and referred to the
Committee on

BUDGBI

(Enacts into law major components of
legislation necessary to implement
the state education, labor, housing
and family assistance budget for the
2020-2021 state fiscal year)

BUDGBI. G; ELFA

AN ACT

to amend the education law, in
relation to contracts for excellence
and the apportionment of public
moneys; to amend the education law,
in relation to the purchase and loan
of text-books; to amend the educa-
tion law, in relation to aid for the
purchase of school library materi-
als; to amend the education law, in
relation to the purchase and loan of
computer software and hardware; to

IN SENATE

Senate introducer's signature

The senators whose names are circled below wish to join me in the sponsorship
of this proposal:

| | | | | |
|--------------|---------------|--------------|------------------|---------------|
| s15 Addabbo | s02 Flanagan | s09 Kaminsky | s25 Montgomery | s23 Savino |
| s52 Akshar | s55 Funke | s07 Kaplan | s20 Myrie | s32 Sepulveda |
| s46 Amedore | s59 Gallivan | s26 Kavanagh | s58 O'Mara | s41 Serino |
| s36 Bailey | s05 Gaughran | s63 Kennedy | s62 Ortt | s29 Serrano |
| s30 Benjamin | s12 Gianaris | s28 Krueger | s21 Parker | s51 Seward |
| s34 Biaggi | s22 Gounardes | s24 Lanza | s19 Persaud | s39 Skoufis |
| s57 Borrello | s47 Griffo | s01 LaValle | s13 Ramos | s16 Stavisky |
| s04 Boyle | s40 Harckham | s45 Little | s61 Ranzzenhofer | s35 Stewart- |
| s44 Breslin | s54 Helming | s11 Liu | s48 Ritchie | Cousins |
| s08 Brooks | s27 Hoylman | s03 Martinez | s33 Rivera | s49 Tedisco |
| s38 Carlucci | s31 Jackson | s53 May | s56 Robach | s06 Thomas |
| s14 Comrie | s60 Jacobs | s37 Mayer | s18 Salazar | s50 |
| s17 Felder | s43 Jordan | s42 Metzger | s10 Sanders | |

IN ASSEMBLY

Assembly introducer's signature

The Members of the Assembly whose names are circled below wish to join me in the
multi-sponsorship of this proposal:

| | | | | |
|------------------|------------------|--------------------|--------------------|------------------|
| a049 Abbate | a053 Davila | a128 Hunter | a037 Nolan | a140 Schimminger |
| a092 Abinanti | a072 De La Rosa | a029 Hyndman | a144 Norris | a099 Schmitt |
| a084 Arroyo | a034 DenDekker | a104 Jacobson | a069 O'Donnell | a076 Seawright |
| a107 Ashby | a003 DeStefano | a097 Jaffee | a051 Ortiz | a052 Simon |
| a035 Aubry | a070 Dickens | a011 Jean-Pierre | a091 Otis | a036 Simotas |
| a120 Barclay | a054 Dilan | a135 Johns | a132 Palmesano | a005 Smith |
| a030 Barnwell | a081 Dinowitz | a115 Jones | a002 Palumbo | a118 Smullen |
| a106 Barrett | a147 DiPietro | a077 Joyner | a088 Paulin | a022 Solages |
| a060 Barron | a016 D'Urso | a040 Kim | a141 Peoples- | a114 Stec |
| a082 Benedetto | a048 Eichenstein | a131 Kolb | Stokes | a110 Steck |
| a042 Bichotte | a004 Englebright | a105 Lalor | a058 Perry | a010 Stern |
| a079 Blake | a074 Epstein | a013 Lavine | a023 Pheffer | a127 Stirpe |
| a117 Blankenbush | a109 Fahy | a134 Lawrence | Amato | a102 Tague |
| a098 Brabene | a061 Fall | a050 Lentol | a086 Pichardo | a071 Taylor |
| a026 Braunstein | a080 Fernandez | a125 Lifton | a089 Pretlow | a001 Thiele |
| a138 Bronson | a126 Finch | a009 LiPetri | a073 Quart | a033 Vanel |
| a093 Buchwald | a008 Fitzpatrick | a123 Lupardo | a019 Ra | a116 Walczyk |
| a142 Burke | a124 Friend | a129 Magnarelli | a006 Ramos | a055 Walker |
| a119 Buttenschon | a046 Frontus | a064 Malliotakis | a062 Reilly | a143 Wallace |
| a094 Byrne | a095 Galef | a130 Manktelow | a087 Reyes | a112 Walsh |
| a133 Byrnes | a137 Gantt | a108 McDonald | a043 Richardson | a041 Weinstein |
| a103 Cahill | a007 Garbarino | a014 McDonough | a078 Rivera | a024 Weprin |
| a044 Carroll | a148 Giglio | a146 McMahan | a068 Rodriguez | a059 Williams |
| a047 Colton | a066 Glick | a017 Mikulin | a136 Romeo | a113 Woerner |
| a032 Cook | a150 Goodell | a101 Miller, B. | a027 Rosenthal, D. | a056 Wright |
| a085 Crespo | a075 Gottfried | a038 Miller, M. G. | a067 Rosenthal, L. | a096 Zebrowski |
| a122 Crouch | a021 Griffin | a020 Miller, M. L. | a025 Rozic | a012 |
| a039 Cruz | a100 Gunther | a015 Montesano | a149 Ryan | a031 |
| a063 Cusick | a139 Hawley | a145 Morinello | a121 Salka | |
| a045 Cymbrowitz | a083 Heastie | a057 Mosley | a111 Santabarbara | |
| a018 Darling | a028 Hevesi | a065 Niou | a090 Sayegh | |

1) Single House Bill (introduced and printed separately in either or
both houses). Uni-Bill (introduced simultaneously in both houses and printed
as one bill. Senate and Assembly introducer sign the same copy of the bill).

2) Circle names of co-sponsors and return to introduction clerk with 2
signed copies of bill and: in Assembly 2 copies of memorandum in support, in
Senate 4 copies of memorandum in support (single house); or 4 signed copies
of bill and 8 copies of memorandum in support (uni-bill).

amend the education law, in relation to boards of cooperative educational services; to amend the education law, in relation to the apportionment of public moneys in school districts employing eight or more teachers including foundation aid; to amend the education law, in relation to the statewide universal full-day pre-kindergarten program; to amend the education law, in relation to conditions under which districts are entitled to apportionment; to amend the education law, in relation to waiving certain duties of districts, schools or boards of cooperative educational services; to amend the education law, in relation to issuance of charters; to amend the education law, in relation to courses of instruction in patriotism and citizenship and in certain historic documents; to amend the education law, in relation to instruction in the Holocaust in certain schools; to amend the education law, in relation to moneys apportioned to school districts for commercial gaming grants; to amend chapter 756 of the laws of 1992, relating to funding a program for work force education conducted by the consortium for worker education in New York city, in relation to reimbursements for the 2020-2021 school year; to amend chapter 756 of the laws of 1992, relating to funding a program for work force education conducted by the consortium for worker education in New York city, in relation to withholding a portion of employment preparation education aid and in relation to the effectiveness thereof; to amend chapter 169 of the laws of 1994, relating to certain provisions related to the 1994-95 state operations, aid to localities, capital projects and debt service budgets, in relation to the effectiveness thereof; to amend chapter 147 of the laws of 2001, amending the education law relating to conditional appointment of school district, charter school or BOCES employees, in relation to the effectiveness thereof; to amend chapter

425 of the laws of 2002, amending the education law relating to the provision of supplemental educational services, attendance at a safe public school and the suspension of pupils who bring a firearm to or possess a firearm at a school, in relation to the effectiveness thereof; to amend chapter 101 of the laws of 2003, amending the education law relating to implementation of the No Child Left Behind Act of 2001, in relation to the effectiveness thereof; to amend part C of chapter 57 of the laws of 2004, relating to the support of education, in relation to the effectiveness thereof; relates to school bus driver training; relates to special apportionment for salary expenses and public pension accruals; relates to authorizing the city school district of the city of Rochester to purchase certain services; relates to suballocations of appropriations; and relates to the support of public libraries (Part A); to amend the education law, in relation to establishing the Syracuse Comprehensive Education and Workforce Training Center focusing on Science, Technology, Engineering, Arts, and Math to provide instruction to students in the Onondaga, Cortland and Madison county BOCES and the central New York region in the areas of science, technology, engineering, arts and mathematics (Part B); directing the commissioner of education to appoint a monitor for the Rochester city school district and establishing the powers and duties of such monitor and certain other officers; and providing for the repeal of such provisions upon the expiration thereof (Part C); to amend the education law, in relation to predictable tuition allowing annual tuition increase for SUNY and CUNY schools; and to amend chapter 260 of the laws of 2011, amending the education law and the New York state urban development corporation act relating to establishing components of the NY-SUNY 2020 challenge grant program, in relation to the effec-

tiveness thereof (Part D); to amend the education law, in relation to adjusted gross income qualification for the excelsior scholarship (Part E); to amend the education law, in relation to adjusted gross income caps for enhanced tuition awards (Part F); to amend the business corporation law, the partnership law and the limited liability company law, in relation to certified public accountants (Part G); to utilize reserves in the mortgage insurance fund for various housing purposes (Part H); to amend the emergency tenant protection act of nineteen seventy-four, in relation to authorizing a payment offset for rent administration costs (Part I); to amend the labor law, in relation to guaranteeing sick leave (Part J); to amend the social services law, in relation to increasing the standards of monthly need for aged, blind and disabled persons living in the community (Part K); to amend the family court act, in relation to judgments of parentage of children conceived through assisted reproduction or pursuant to surrogacy agreements; to amend the domestic relations law, in relation to restricting genetic surrogate parenting contracts; to amend the public health law, in relation to voluntary acknowledgments of parentage, gestational surrogacy and regulations concerning ova donation; to amend the general business law, the estates, powers and trusts law, and the social services law, in relation to the regulation of surrogacy programs; and to repeal section 73 of the domestic relations law, relating to legitimacy of children born by artificial insemination (Part L); to amend the social services law and the family court act, in relation to compliance with the Federal Family First Prevention Services Act (Part M); to amend the social services law, in relation to restructuring financing for residential school placements (Part N); and to amend the executive law, in

relation to New York state veterans
cemeteries (Part 0)

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

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

12 PART A

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

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

1 shall, notwithstanding the requirements of subparagraph (vi) of para-
2 graph a of subdivision two of this section, provide for the expenditure
3 of an amount which shall be not less than the product of the amount
4 approved by the commissioner in the contract for excellence for the two
5 thousand nine--two thousand ten school year, multiplied by the
6 district's gap elimination adjustment percentage and provided further
7 that, a school district that submitted a contract for excellence for the
8 two thousand eleven--two thousand twelve school year, unless all schools
9 in the district are identified as in good standing, shall submit a
10 contract for excellence for the two thousand twelve--two thousand thir-
11 teen school year which shall, notwithstanding the requirements of
12 subparagraph (vi) of paragraph a of subdivision two of this section,
13 provide for the expenditure of an amount which shall be not less than
14 the amount approved by the commissioner in the contract for excellence
15 for the two thousand eleven--two thousand twelve school year and
16 provided further that, a school district that submitted a contract for
17 excellence for the two thousand twelve--two thousand thirteen school
18 year, unless all schools in the district are identified as in good
19 standing, shall submit a contract for excellence for the two thousand
20 thirteen--two thousand fourteen school year which shall, notwithstanding
21 the requirements of subparagraph (vi) of paragraph a of subdivision two
22 of this section, provide for the expenditure of an amount which shall be
23 not less than the amount approved by the commissioner in the contract
24 for excellence for the two thousand twelve--two thousand thirteen school
25 year and provided further that, a school district that submitted a
26 contract for excellence for the two thousand thirteen--two thousand
27 fourteen school year, unless all schools in the district are identified
28 as in good standing, shall submit a contract for excellence for the two

1 thousand fourteen--two thousand fifteen school year which shall,
2 notwithstanding the requirements of subparagraph (vi) of paragraph a of
3 subdivision two of this section, provide for the expenditure of an
4 amount which shall be not less than the amount approved by the commis-
5 sioner in the contract for excellence for the two thousand thirteen--two
6 thousand fourteen school year; and provided further that, a school
7 district that submitted a contract for excellence for the two thousand
8 fourteen--two thousand fifteen school year, unless all schools in the
9 district are identified as in good standing, shall submit a contract for
10 excellence for the two thousand fifteen--two thousand sixteen school
11 year which shall, notwithstanding the requirements of subparagraph (vi)
12 of paragraph a of subdivision two of this section, provide for the
13 expenditure of an amount which shall be not less than the amount
14 approved by the commissioner in the contract for excellence for the two
15 thousand fourteen--two thousand fifteen school year; and provided
16 further that a school district that submitted a contract for excellence
17 for the two thousand fifteen--two thousand sixteen school year, unless
18 all schools in the district are identified as in good standing, shall
19 submit a contract for excellence for the two thousand sixteen--two thou-
20 sand seventeen school year which shall, notwithstanding the requirements
21 of subparagraph (vi) of paragraph a of subdivision two of this section,
22 provide for the expenditure of an amount which shall be not less than
23 the amount approved by the commissioner in the contract for excellence
24 for the two thousand fifteen--two thousand sixteen school year; and
25 provided further that, a school district that submitted a contract for
26 excellence for the two thousand sixteen--two thousand seventeen school
27 year, unless all schools in the district are identified as in good
28 standing, shall submit a contract for excellence for the two thousand

1 seventeen--two thousand eighteen school year which shall, notwithstand-
2 ing the requirements of subparagraph (vi) of paragraph a of subdivision
3 two of this section, provide for the expenditure of an amount which
4 shall be not less than the amount approved by the commissioner in the
5 contract for excellence for the two thousand sixteen--two thousand
6 seventeen school year; and provided further that a school district that
7 submitted a contract for excellence for the two thousand seventeen--two
8 thousand eighteen school year, unless all schools in the district are
9 identified as in good standing, shall submit a contract for excellence
10 for the two thousand eighteen--two thousand nineteen school year which
11 shall, notwithstanding the requirements of subparagraph (vi) of para-
12 graph a of subdivision two of this section, provide for the expenditure
13 of an amount which shall be not less than the amount approved by the
14 commissioner in the contract for excellence for the two thousand seven-
15 teen--two thousand eighteen school year; and provided further that, a
16 school district that submitted a contract for excellence for the two
17 thousand eighteen--two thousand nineteen school year, unless all schools
18 in the district are identified as in good standing, shall submit a
19 contract for excellence for the two thousand nineteen--two thousand
20 twenty school year which shall, notwithstanding the requirements of
21 subparagraph (vi) of paragraph a of subdivision two of this section,
22 provide for the expenditure of an amount which shall be not less than
23 the amount approved by the commissioner in the contract for excellence
24 for the two thousand eighteen--two thousand nineteen school year; and
25 provided further that, a school district that submitted a contract for
26 excellence for the two thousand nineteen--two thousand twenty school
27 year, unless all schools in the district are identified as in good
28 standing, shall submit a contract for excellence for the two thousand

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

23 § 2. Section 701 of the education law, as amended by chapter 587 of
24 the laws of 1973, subdivision 2 as amended by section 1 of part A1 of
25 chapter 58 of the laws of 2011, subdivision 3 as amended by chapter 391
26 of the laws of 1989, subdivision 4 as amended by chapter 82 of the laws
27 of 1995, subdivision 6 as amended by section 6 of part B of chapter 57
28 of the laws of 2007, subdivision 7 as amended by section 2 of part A of

1 chapter 436 of the laws of 1997, and subdivision 8 as added by chapter
2 635 of the laws of 1984, is amended to read as follows:

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

8 2. A text-book, for the purposes of this section shall mean: (i) any
9 book, or a book substitute, which shall include hard covered or paper-
10 back books, work books, or manuals and (ii) for expenses incurred after
11 July first, nineteen hundred ninety-nine, any courseware or other
12 content-based instructional materials in an electronic format, as such
13 terms are defined in the regulations of the commissioner, which a pupil
14 is required to use as a text, or a text-substitute, in a particular
15 class or program in the school he or she legally attends. For expenses
16 incurred on or after July first, two thousand eleven, and before July
17 first, two thousand nineteen, a text-book shall also mean items of
18 expenditure that are eligible for an apportionment pursuant to sections
19 seven hundred eleven, seven hundred fifty-one and/or seven hundred
20 fifty-three of this title, where such items are designated by the school
21 district as eligible for aid pursuant to this section, provided, howev-
22 er, that if aided pursuant to this section, such expenses shall not be
23 aidable pursuant to any other section of law. Expenditures aided pursu-
24 ant to this section shall not be eligible for aid pursuant to any other
25 section of law. Courseware or other content-based instructional materi-
26 als in an electronic format included in the definition of textbook
27 pursuant to this subdivision shall be subject to the same limitations on

1 content as apply to books or book substitutes aided pursuant to this
2 section.

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

21 4. No school district shall be required to purchase or otherwise
22 acquire textbooks, the cost of which shall exceed an amount equal to the
23 [apportionment] textbook factor pursuant to subdivision six of this
24 section plus a minimum lottery grant determined pursuant to subdivision
25 four of section ninety-two-c of the state finance law multiplied by [the
26 number of children residing in such district and so enrolled in the base
27 year] the sum of the enrollments in grades kindergarten through twelve
28 in the base year calculated pursuant to subparagraphs four, five and six

1 of paragraph n of subdivision one of section thirty-six hundred two of
2 this chapter; and no school district shall be required to loan textbooks
3 in excess of the textbooks owned or acquired by such district; provided,
4 however that all textbooks owned or acquired by such district shall be
5 loaned to children residing in the district and so enrolled in public
6 and nonpublic schools on an equitable basis.

7 5. In the several cities and school districts of the state, boards of
8 education, trustees or other school authorities may purchase supplies
9 and either rent, sell or loan the same to the pupils attending the
10 public schools in such cities and school districts upon such terms and
11 under such rules and regulations as may be prescribed by such boards of
12 education, trustees or other school authorities.

13 6. The commissioner, in addition to the annual apportionment of public
14 monies pursuant to other articles of this chapter, in the two thousand
15 nineteen--two thousand twenty school year and prior shall apportion to
16 each school district an amount equal to the cost of the textbooks
17 purchased and loaned by the district pursuant to this section in the
18 base year, but in no case shall the aid apportioned to the district
19 exceed the product of the textbook factor plus a minimum lottery grant,
20 determined pursuant to subdivision four of section ninety-two-c of the
21 state finance law, and the sum of the enrollments in grades kindergarten
22 through twelve in the base year calculated pursuant to subparagraphs
23 four, five, and six of paragraph n of subdivision one of section thir-
24 ty-six hundred two of this chapter. Aid payable pursuant to this section
25 shall be deemed final and not subject to change after April thirtieth of
26 the school year for which payment was due.

27 For aid payable in the two thousand seven--two thousand eight school
28 year [and thereafter] through the two thousand nineteen--two thousand

1 twenty school year, the textbook factor shall equal forty-three dollars
2 and twenty-five cents. For purposes of determining loans pursuant to
3 subdivisions three and four of this section in the two thousand twenty-
4 -two thousand twenty-one school year and thereafter, the textbook factor
5 shall equal fifty-eight dollars and twenty-five cents.

6 7. The apportionment provided for in this section shall be paid, at
7 such times as may be determined by the commissioner and approved by the
8 director of the budget, during the school year in which the expenditures
9 are reported to the department prior to such apportionment. Expenditures
10 by a school district in excess of the product of the textbook factor
11 plus a minimum lottery grant determined pursuant to subdivision four of
12 section ninety-two-c of the state finance law and the sum of the enroll-
13 ments in grades kindergarten through twelve in the base year calculated
14 pursuant to subparagraphs four, five, and six of paragraph n of subdivi-
15 sion one of section thirty-six hundred two of this chapter in any school
16 year shall be deemed approved operating expense of the district for the
17 purpose of computation of state aid pursuant to section thirty-six
18 hundred two of this chapter, but expenditures up to such product shall
19 not be deemed approved operating expenses for such purpose.

20 8. In its discretion, a board of education may adopt regulations spec-
21 ifying the date by which requests for the purchase and loan of textbooks
22 must be received by the district. Notice of such date shall be given to
23 all non-public schools. Such date shall not be earlier than the first
24 day of June of the school year prior to that for which such textbooks
25 are being requested, provided, however, that a parent or guardian of a
26 child not attending a particular non-public school prior to June first
27 of the school year may submit a written request for textbooks within
28 thirty days after such child is enrolled in such non-public school. In

1 no event however shall a request made later than the times otherwise
2 provided pursuant to this subdivision be denied where a reasonable
3 explanation is given for the delay in making the request.

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

7 4. Commencing July first, nineteen hundred ninety eight through June
8 thirtieth, two thousand twenty, the commissioner, in addition to the
9 annual apportionment of public monies pursuant to other articles of this
10 chapter, shall apportion to each school district an amount equal to the
11 cost of the school library materials purchased by the district pursuant
12 to this section in the base year, but in no case shall the aid appor-
13 tioned to the district exceed the product of the library materials
14 factor and the sum of public school district enrollment, nonpublic
15 school enrollment, and additional public enrollment as defined in
16 subparagraphs two, three, and six of paragraph n of subdivision one of
17 section thirty-six hundred two of this chapter. Aid payable pursuant to
18 this section shall be deemed final and not subject to change after April
19 thirtieth of the school year for which payment was due.

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

22 2. No school district shall be required to loan school library materi-
23 als in excess of the school library materials owned [or], acquired, or
24 designated by such district pursuant to section seven hundred eleven of
25 this article provided that such designated amount shall not exceed the
26 product of the library materials factor and the sum of public school
27 district enrollment, nonpublic school enrollment, and additional public
28 enrollment as defined in subparagraphs two, three and six of paragraph n

1 of subdivision one of section thirty-six hundred two of this chapter.

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

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

10 4. The commissioner, in addition to the annual apportionment of public
11 monies pursuant to other articles of this chapter, in the two thousand
12 nineteen--two thousand twenty school year and prior shall apportion to
13 each school district an amount equal to the cost of the software
14 programs purchased by the district pursuant to this section in the base
15 year, but in no case shall the aid apportioned to the district exceed
16 the product of the software factor and the sum of public school district
17 enrollment, nonpublic school enrollment, and additional public enroll-
18 ment as defined in subparagraphs two, three, and six of paragraph n of
19 subdivision one of section thirty-six hundred two of this chapter.

20 For aid payable in the nineteen hundred ninety-seven--ninety-eight and
21 nineteen hundred ninety-eight--ninety-nine school years, the software
22 factor shall equal four dollars and fifty-eight cents. For aid payable
23 in the nineteen hundred ninety-nine--two thousand school year, the soft-
24 ware factor shall equal seven dollars and fifty-five cents. For aid
25 payable in the two thousand--two thousand one school year, the software
26 factor shall equal fourteen dollars and ninety-eight cents. For aid
27 payable in the two thousand one--two thousand two school year, the soft-
28 ware factor shall equal twenty-three dollars and ninety cents. For aid

1 payable in the two thousand two--two thousand three school year and
2 thereafter, the software factor shall equal fourteen dollars and nine-
3 ty-eight cents. The apportionment provided for in this section shall be
4 paid at such times as may be determined by the commissioner and approved
5 by the director of the budget. Aid payable pursuant to this section
6 shall be deemed final and not subject to change after April thirtieth of
7 the school year for which payment was due.

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

10 2. No school district shall be required to loan software programs in
11 excess of the software programs owned [or], acquired, or designated by
12 such district pursuant to section seven hundred fifty-one of this arti-
13 cle provided that such designated amount shall not exceed the product of
14 the software factor and the sum of public school district enrollment,
15 nonpublic school enrollment, and additional public enrollment as defined
16 in subparagraphs two, three, and six of paragraph n of subdivision one
17 of section thirty-six hundred two of this chapter. Such software
18 programs shall be loaned on an equitable basis to children defined in
19 subdivision three of section seven hundred fifty-one of this article
20 attending in the current year. The payment of tuition under article
21 eighty-nine of this chapter is deemed to be an equitable loan to chil-
22 dren for whom such tuition is paid.

23 § 7. Section 753 of the education law, as added by section 7-a of part
24 B of chapter 57 of the laws of 2007, subdivision 1 as amended by section
25 4 of part A1 of chapter 58 of the laws of 2011, is amended to read as
26 follows:

27 § 753. Instructional computer hardware and technology equipment appor-
28 tionment. 1. In addition to any other apportionment under this chapter,

1 a school district shall be eligible for an apportionment under the
2 provisions of this section in the two thousand nineteen--two thousand
3 twenty school year and prior for approved expenses for (i) the purchase
4 or lease of micro and/or mini computer equipment or terminals for
5 instructional purposes or (ii) technology equipment, as defined in para-
6 graph c of subdivision two of this section, used for instructional
7 purposes, or (iii) for the repair of such equipment and training and
8 staff development for instructional purposes as provided hereinafter, or
9 (iv) for expenses incurred on or after July first, two thousand eleven
10 and before July first, two thousand nineteen, any items of expenditure
11 that are eligible for an apportionment pursuant to sections seven
12 hundred one, seven hundred eleven and/or seven hundred fifty-one of this
13 title, where such items are designated by the school district as eligi-
14 ble for aid pursuant to this section, provided, however, that if aided
15 pursuant to this section, such expenses shall not be aidable pursuant to
16 any other section of law. Such aid shall be provided pursuant to a plan
17 developed by the district which demonstrates to the satisfaction of the
18 commissioner that the instructional computer hardware needs of the
19 district's public school students have been adequately met and that the
20 school district has provided for the loan of instructional computer
21 hardware to students legally attending nonpublic schools pursuant to
22 section seven hundred fifty-four of this article. The apportionment
23 shall equal the lesser of such approved expense in the base year or, the
24 product of (i) the technology factor, (ii) the sum of the public school
25 district enrollment and the nonpublic school enrollment in the base year
26 as defined in subparagraphs two and three of paragraph n of subdivision
27 one of section thirty-six hundred two of this chapter, and (iii) the
28 building aid ratio, as defined in subdivision four of section thirty-six

1 hundred two of this chapter. For aid payable in the two thousand seven-
2 -two thousand eight school year and thereafter, the technology factor
3 shall be twenty-four dollars and twenty cents. A school district may use
4 up to twenty percent of the product of (i) the technology factor, (ii)
5 the sum of the public school district enrollment and the nonpublic
6 school enrollment in the base year as defined in subparagraphs two and
7 three of paragraph n of subdivision one of section thirty-six hundred
8 two of this chapter, and (iii) the building aid ratio for the repair of
9 instructional computer hardware and technology equipment and training
10 and staff development for instructional purposes pursuant to a plan
11 submitted to the commissioner.

12 2. As used in this article:

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

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

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

24 3. No school district shall be required to purchase or otherwise
25 acquire instructional computer hardware or technology equipment, the
26 cost of which exceeds, for the two thousand nineteen-two thousand twenty
27 school year and prior, the amount of state aid provided pursuant to this
28 section, and for the two thousand twenty--two thousand twenty-one school

1 year and thereafter, the product of (i) the technology factor, (ii) the
2 sum of the public school district enrollment and the nonpublic school
3 enrollment in the base year as defined in subparagraphs two and three of
4 paragraph n of subdivision one of section thirty-six hundred two of this
5 chapter, and (iii) the building aid ratio.

6 4. The apportionment provided for in this section shall be paid at
7 such times as may be determined by the commissioner and approved by the
8 director of the budget, during the school year in which the expenditures
9 are reported to the department prior to such apportionment, but not
10 earlier than the school year after the school year in which expenses are
11 incurred.

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

14 § 8. Paragraphs a, f, g and h of subdivision 5 of section 1950 of the
15 education law, paragraph a as amended by section 4 and paragraph g as
16 amended by section 5 of part C of chapter 57 of the laws of 2004, para-
17 graph f as amended by chapter 53 of the laws of 1981, and paragraph h as
18 added by section 1 of part L of chapter 57 of the laws of 2005, are
19 amended to read as follows:

20 a. Upon application by a board of cooperative educational services, in
21 the two thousand nineteen--two thousand twenty school year and prior,
22 there shall be apportioned and paid from state funds to each board of
23 cooperative educational services an amount which shall be the product of
24 the approved cost of services actually incurred during the base year
25 multiplied by the sharing ratio for cooperative educational services aid
26 which shall equal the greater of: (i) an amount equal to one minus the
27 quotient expressed as a decimal to three places without rounding of
28 eight mills divided by the tax rate of the local district computed upon

1 the actual valuation of taxable property, as determined pursuant to
2 subdivision one of section thirty-six hundred two of this chapter and
3 notwithstanding section three thousand six hundred three, expressed in
4 mills to the nearest tenth as determined by the commissioner, provided,
5 however, that where services are provided to a school district which is
6 included within a central high school district or to a central high
7 school district, such amount shall equal one minus the quotient
8 expressed as a decimal to three places without rounding of three mills
9 divided by the tax rates, expressed in mills to the nearest tenth, of
10 such districts, as determined by the commissioner or (ii) the aid ratio
11 of each school district for the current year, which shall be such compo-
12 nent school district's board of cooperative educational services aid
13 ratio and which shall be not less than thirty-six percent converted to
14 decimals and shall be not more than ninety percent converted to deci-
15 mals. For the purposes of this paragraph, the tax rate of the local
16 district computed upon the actual valuation of taxable property shall be
17 the sum of the amount of tax raised by the school district plus any
18 payments in lieu of taxes received by the school district pursuant to
19 section four hundred eighty-five of the real property tax law, divided
20 by the actual valuation of the school district, provided, however that
21 the tax rate for a central high school district shall be the sum of the
22 amount of tax raised by the common and union free school districts
23 included within the central high school district for the support of the
24 central high school district plus any payments in lieu of taxes received
25 for the support of the central high school district pursuant to section
26 four hundred eighty-five of the real property tax law, divided by the
27 actual valuation of the central high school district. The tax rate for
28 each common or union free school district which is included within a

1 central high school district shall be the sum of the amount raised for
2 the support of such common or union free school district plus any
3 payments in lieu of taxes received for the support of the school
4 district pursuant to section four hundred eighty-five of the real prop-
5 erty tax law, exclusive of the amount raised for the central high school
6 district, divided by the actual valuation of such common or union free
7 school district.

8 f. The sum of the amounts determined for each component school
9 district as the apportionment to the board of cooperative educational
10 services pursuant to the provisions of this section shall not be less
11 than the amount which would have been apportioned during the nineteen
12 hundred sixty-seven--sixty-eight school year under the provisions of
13 this subdivision as in effect on December thirty-first, nineteen hundred
14 sixty-six to the board of cooperative educational services of which the
15 district was a component member for which such apportionment was made,
16 except that such minimum apportionment shall be reduced in any year in
17 which the expenditures of the component district for board of cooper-
18 ative educational purposes fall below the expenditure on which the nine-
19 teen hundred sixty-seven--sixty-eight apportionment to the board of
20 cooperative educational services was based, such reduction to be made on
21 a proportionate basis, provided, however, that such limitation shall no
22 longer apply commencing with the two thousand twenty--two thousand twen-
23 ty-one school year.

24 g. Any payment required by a board of cooperative educational services
25 to the dormitory authority or any payment required by a board of cooper-
26 ative educational services to acquire or construct a school facility of
27 the board of cooperative educational services, and any payments for
28 rental of facilities by a board of cooperative educational services

1 shall, for the purposes of apportionment of public moneys to the board
2 of cooperative educational services by the state of New York, be deemed
3 to be an administrative or capital expense, as designated by the commis-
4 sioner, but the entire amount of such payment shall be utilized in
5 making such apportionment and the limitation of ten percent of the total
6 expenses contained in this subdivision shall not be applicable. Any
7 expense designated by the commissioner as a capital expense shall be
8 included in the capital budget of the board of cooperative educational
9 services and, except as otherwise provided in this paragraph, shall be
10 aided in the same manner as an administrative expense, provided, howev-
11 er, that such aid shall not be provided commencing with the two thousand
12 twenty--two thousand twenty-one school year. Any such payment shall not
13 be considered part of the total expenses of the board for purposes of
14 determining the administrative and clerical expenses not to exceed ten
15 percent otherwise eligible for aid under this subdivision, and such
16 payments shall be considered for the purpose of apportionment during the
17 current school year such payment is made. The apportionment for such
18 payments shall be determined by multiplying the amount of such payment
19 allocated to each component school district in the board of cooperative
20 educational services by the aid ratio, and shall be not more than ninety
21 percent converted to decimals, of each such component computed pursuant
22 to subdivision three of section thirty-six hundred two and used to
23 apportion aid to that district in that current school year; provided,
24 however, the apportionment for the construction, acquisition, recon-
25 struction, rehabilitation, or improvement of board of cooperative educa-
26 tional services facilities, including payments to the dormitory authori-
27 ty and payments under any lease agreement, shall be based upon the cost
28 of the board of cooperative educational services school facilities but

1 not to exceed the cost allowance set forth in subdivision six of section
2 thirty-six hundred two of the education law and payments for rental
3 facilities shall be subject to the approval of the commissioner.

4 h. Each board of cooperative educational services receiving a payment
5 pursuant to paragraph a of this subdivision and section thirty-six
6 hundred nine-d of this chapter, in the two thousand nineteen--two thou-
7 sand twenty school year and prior, shall be required to set aside from
8 such payment an amount not less than the amount of state aid received
9 pursuant to paragraph a of this subdivision in the base year that was
10 attributable to cooperative services agreements (CO-SERs) for career
11 education, as determined by the commissioner, and shall be required to
12 use such amount to support career education programs in the current
13 year.

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

18 (ii) For aid payable in the two thousand eight--two thousand nine
19 school year through two thousand nineteen--two thousand twenty school
20 year, and in the two thousand twenty-one--two thousand twenty-two school
21 year and thereafter, the total foundation aid base shall equal the total
22 amount a district was eligible to receive in the base year pursuant to
23 subdivision four of this section.

24 (iii) For aid payable in the two thousand twenty--two thousand twen-
25 ty-one school year, the total foundation aid base shall equal the sum of

26 (1) the total amount a district was eligible to receive in the base
27 year pursuant to subdivision four of this section, plus

1 (2) the total amounts set forth for such school district as "2019-20
2 CLAIMED BOCES AID", "2019-20 ACADEMIC IMPRVMT AID", "2019-20 CAREER
3 EDUCATION AID", "2019-20 COMPUTER ADMIN AID", "2019-20 HARDWARE & TECH-
4 NOL AID", "2019-20 SOFTWARE AID", "2019-20 LIBRARY MATERIALS AID",
5 "2019-20 TEXTBOOK AID", "2019-20 CHRTR SCH TRANSTNL AID", "ACADEMIC
6 ENHANCEMENT", "HIGH TAX AID", and "SUPP PUB EXCESS COST", in the data
7 file produced by the commissioner in support of the executive budget
8 request for the two thousand twenty--two thousand twenty-one school year
9 and entitled "BT202-1".

10 § 10. Paragraph e of subdivision 4 of section 3602 of the education
11 law, as amended by section 4 of part YYY of chapter 59 of the laws of
12 2019, 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", (iii)
23 the amount, if any, set forth for such district as "COMMUNITY SCHOOLS
24 INCREASE" in the data file produced by the commissioner in support of
25 the executive budget for the two thousand eighteen--two thousand nine-
26 teen school year and entitled "BT181-9", [and] (iv) the amount, if any,
27 set forth for such district as "19-20 COMMUNITY SCHOOLS INCR" in the
28 data file produced by the commissioner in support of the executive budg-

1 et for the two thousand nineteen--two thousand twenty school year and
2 entitled "BT192-0", and (v) the amount, if any, set forth for such
3 district as "20-21 COMMUNITY SCHOOLS INCR" in the data file produced by
4 the commissioner in support of the executive budget for the two thousand
5 twenty--two thousand twenty-one school year and entitled "BT202-1".
6 Each school district shall use such "COMMUNITY SCHL AID (BT1617)" amount
7 to support the transformation of school buildings into community hubs to
8 deliver co-located or school-linked academic, health, mental health,
9 nutrition, counseling, legal and/or other services to students and their
10 families, including but not limited to providing a community school site
11 coordinator, or to support other costs incurred to maximize students'
12 academic achievement. Each school district shall use such "COMMUNITY
13 SCHL INCR" amount to support the transformation of school buildings into
14 community hubs to deliver co-located or school linked academic, health,
15 mental health services and personnel, after-school programming, dual
16 language programs, nutrition, counseling, legal and/or other services to
17 students and their families, including but not limited to providing a
18 community school site coordinator and programs for English language
19 learners, or to support other costs incurred to maximize students'
20 academic achievement, provided however that a school district whose
21 "COMMUNITY SCHL INCR" amount exceeds one million dollars (\$1,000,000)
22 shall use an amount equal to the greater of one hundred fifty thousand
23 dollars (\$150,000) or ten percent of such "COMMUNITY SCHL INCR" amount
24 to support such transformation at schools with extraordinary high levels
25 of student need as identified by the commissioner, subject to the
26 approval of the director of the budget. Each school district shall use
27 such "COMMUNITY SCHOOLS INCREASE" to support the transformation of
28 school buildings into community hubs to deliver co-located or school

1 linked academic, health, mental health services and personnel, after-
2 school programming, dual language programs, nutrition, counseling, legal
3 and/or other services to students and their families, including but not
4 limited to providing a community school site coordinator and programs
5 for English language learners, or to support other costs incurred to
6 maximize students' academic achievement. Each school district shall use
7 such "19-20 COMMUNITY SCHOOLS INCR" to support the transformation of
8 school buildings into community hubs to deliver co-located or school
9 linked academic, health, mental health services and personnel, after-
10 school programming, dual language programs, nutrition, trauma informed
11 support, counseling, legal and/or other services to students and their
12 families, including but not limited to providing a community school site
13 coordinator and programs for English language learners, or to support
14 other costs incurred to maximize students' academic achievement. Each
15 school district shall use such "20-21 COMMUNITY SCHOOLS INCR" to support
16 the transformation of school buildings into community hubs to deliver
17 co-located or school linked academic, health, mental health services and
18 personnel, after-school programming, dual language programs, nutrition,
19 trauma informed support, counseling, legal and/or other services to
20 students and their families, including but not limited to providing a
21 community school site coordinator and programs for English language
22 learners.

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

25 h. Foundation aid payable in the two thousand twenty--two thousand
26 twenty-one school year. Notwithstanding any provision of law to the
27 contrary, foundation aid payable in the two thousand twenty--two thou-
28 sand twenty-one school year shall equal the sum of (1) adjusted founda-

1 tion aid as defined in subparagraph (vi) of this paragraph plus (2) the
2 greater of tiers A through E plus (3) the community schools setaside
3 increase.

4 For the purposes of this paragraph, "foundation aid remaining" shall
5 mean the positive difference, if any, of (1) total foundation aid
6 computed pursuant to this subdivision less (2) the total foundation aid
7 base computed pursuant to subparagraph (iii) of paragraph j of subdivi-
8 sion one of this section.

9 For the purposes of this paragraph:

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

17 (ii) "Tier B" shall equal the product of the foundation aid remaining
18 multiplied by the Tier B phase-in factor, where the "Tier B phase-in
19 factor" shall equal the product of nine one-hundredths (0.09) multiplied
20 by the Tier B scaled factor, and where the "Tier B scaled factor" shall
21 equal the difference of one less the squared product of the pupil wealth
22 ratio computed pursuant to paragraph a of subdivision three of this
23 section multiplied by sixty-four one-hundredths (0.64), provided that
24 such difference shall be no greater than nine tenths (0.9) nor less than
25 zero.

26 (iii) "Tier C" shall equal, for school districts with a modified free-
27 and reduced-price lunch index of one and one-half (1.5) or greater, the
28 product of public school district enrollment as computed pursuant to

1 paragraph n of subdivision one of this section for the base year multi-
2 plied by the Tier C per pupil amount, where "Tier C per pupil amount"
3 shall equal the product of (A) one hundred forty-eight dollars and eigh-
4 teen cents (\$148.18) multiplied by (B) the regional cost index computed
5 pursuant to subparagraph two of paragraph a of this subdivision for such
6 school district multiplied by (C) the modified free and reduced-price
7 lunch index multiplied by (D) the difference of two less the product of
8 one and one-half (1.5) multiplied by the combined wealth ratio for total
9 foundation aid computed pursuant to subparagraph two of paragraph c of
10 subdivision three of this section, provided that such difference shall
11 be no greater than nine tenths (0.9) nor less than zero, and where the
12 "modified free and reduced-price lunch index" shall equal the quotient
13 arrived at when dividing the three year average free and reduced-price
14 lunch percent for the current year computed pursuant to paragraph p of
15 subdivision one of this section of the school district by the statewide
16 average of such percent excluding any city school district in a city
17 with a population of one million or more.

18 (iv) "Tier D" shall equal the product of the extraordinary needs count
19 computed pursuant to paragraph s of subdivision one of this section
20 multiplied by the Tier D per pupil amount, where "Tier D per pupil
21 amount" shall equal the product of (A) two hundred five dollars (\$205)
22 multiplied by (B) the sum of one plus the sparsity factor computed
23 pursuant to paragraph r of subdivision one of this section multiplied by
24 (C) the extraordinary needs index multiplied by (D) the tier D scaled
25 factor, where the "extraordinary needs index" shall equal the quotient
26 of the extraordinary needs percent for the district computed pursuant to
27 paragraph w of subdivision one of this section divided by the statewide
28 average of such percent, and where the "tier D scaled factor" shall

1 equal the difference of one and thirty-seven one-hundredths (1.37) less
2 the squared product of the pupil wealth ratio computed pursuant to para-
3 graph a of subdivision three of this section multiplied by one and twen-
4 ty-four one-hundredths (1.24), provided that such tier D scaled factor
5 shall not be less than zero nor more than one.

6 (v) "Tier E" shall equal the greater of the due minimum or the differ-
7 ence of the due minimum less the hold harmless, where "due minimum"
8 shall equal the product of the total foundation aid base computed pursu-
9 ant to subparagraph (iii) of paragraph j of subdivision one of this
10 section multiplied by twenty-five ten-thousandths (0.0025), and where
11 the "hold harmless" shall equal adjusted foundation aid less the total
12 foundation aid base computed pursuant to subparagraph (iii) of paragraph
13 j of subdivision one of this section.

14 (vi) For the two thousand twenty--two thousand twenty-one school year,
15 "adjusted foundation aid" shall equal the sum of the total amounts set
16 forth for such school district as "FOUNDATION AID PER-ADJ", "2020-21
17 EST. BOCES AID", "2020-21 COMPUTER ADMIN AID", "2020-21 CAREER EDUCATION
18 AID", "2020-21 ACADEMIC IMPROVMT AID", "2020-21 HARDWARE & TECHNOL AID",
19 "2020-21 SOFTWARE AID", "2020-21 LIBRARY MATERIALS AID", "2020-21 TEXT-
20 BOOK AID", "2020-21 TRANSITIONAL AID FOR CHARTER SCHOOL PAYMENTS",
21 "ACADEMIC ENHANCEMENT", "HIGH TAX AID", and "SUPP PUB EXCESS COST" in
22 the data file produced by the commissioner in support of the executive
23 budget request for the two thousand twenty--two thousand twenty-one
24 school year and entitled "BT202-1".

25 (vii) "Community schools setaside increase" shall equal the sum of the
26 community schools tier 1 increase and the community schools tier 2
27 increase, where (A) the community schools tier 1 increase shall equal,
28 for eligible school districts, the greater of thirty thousand dollars

1 (\$30,000) or the product of (1) sixty-six dollars and five cents
2 (\$66.05) multiplied by (2) the public school district enrollment as
3 computed pursuant to paragraph n of subdivision one of this section
4 multiplied by (3) the community schools setaside ratio and (B) the
5 community schools tier 2 increase shall equal, for eligible school
6 districts, the greater of twenty-five thousand dollars (\$25,000) or the
7 product of (1) forty-three dollars and ninety-four cents (\$43.94) multi-
8 plied by (2) the public school district enrollment as computed pursuant
9 to paragraph n of subdivision one of this section multiplied by (3) the
10 community schools setaside ratio. Provided further, the "community
11 schools setaside ratio" shall equal the difference of one less the prod-
12 uct of the combined wealth ratio for total foundation aid computed
13 pursuant to subparagraph two of paragraph c of subdivision three of this
14 section multiplied by sixty-four one-hundredths (0.64), provided that
15 such difference shall not be greater than nine tenths (0.9) nor less
16 than zero.

17 For purposes of this subparagraph, districts eligible for the communi-
18 ty schools tier 1 increase shall be (A) those districts that contain at
19 least one school identified as a Comprehensive Support & Improvement
20 (CSI) School in the two thousand eighteen--two thousand nineteen school
21 year, or (B) districts where (1) the difference of the quotient of the
22 English language learner count computed pursuant to paragraph o of
23 subdivision one of this section for the base year divided by public
24 school district enrollment for the base year less such quotient for the
25 school year five years prior to the base year is greater than or equal
26 to the statewide average of the difference of such quotients, and (2)
27 where the quotient arrived at when dividing the English language learner
28 count for the base year by public school district enrollment for the

1 base year is greater than or equal to the statewide average of such
2 quotient, and (3) where the combined wealth ratio for total foundation
3 aid computed pursuant to subparagraph two of paragraph c of subdivision
4 three of this section is less than or equal to one (1.0).

5 For purposes of this subparagraph, districts eligible for the communi-
6 ty schools tier 2 increase shall be those that did not receive funds
7 under the community schools setaside for the two thousand nineteen--two
8 thousand twenty school year, are not eligible for the community schools
9 tier 1 increase, and have a combined wealth ratio for total foundation
10 aid computed pursuant to subparagraph two of paragraph c of subdivision
11 three of this section less than or equal to eighty-four one-hundredths
12 (0.84).

13 § 12. Paragraph a of subdivision 10 of section 3602 of the education
14 law, as amended by section 32 of part H of chapter 83 of the laws of
15 2002 and such subdivision as renumbered by section 16 of part B of chap-
16 ter 57 of the laws of 2007, is amended to read as follows:

17 a. [The] In the two thousand nineteen--two thousand twenty school year
18 and prior, the city school districts of those cities having populations
19 in excess of one hundred twenty-five thousand and any other school
20 district which was not a component of a board of cooperative educational
21 services in the base year shall be entitled to an apportionment under
22 the provisions of this section.

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

26 In addition to any other apportionment under this section, for the two
27 thousand seven--two thousand eight school year [and thereafter] through
28 the two thousand nineteen--two thousand twenty school year, a school

1 district other than a city school district in a city having a population
2 of one million or more shall be eligible for an apportionment in an
3 amount equal to the sum of

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

6 c-1. For the purposes of this chapter, "BOCES payment adjustment"
7 shall mean the total amount set forth for such school district as
8 "2020-21 EST. BOCES AID" in the data file produced by the commissioner
9 in support of the executive budget request for the two thousand twenty-
10 -two thousand twenty-one school year and entitled "BT202-1". Notwith-
11 standing any provision of law to the contrary, for the two thousand
12 twenty--two thousand twenty-one school year and thereafter, of the total
13 apportionment pursuant to this subdivision, an amount equal to the BOCES
14 payment adjustment shall be paid pursuant to section thirty-six hundred
15 nine-d of this chapter.

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

19 Notwithstanding the provisions of section thirty-six hundred nine-a of
20 this article, for school years prior to the two thousand twenty--two
21 thousand twenty-one school year, apportionments payable pursuant to
22 section nineteen hundred fifty of this chapter shall be paid pursuant to
23 this section. For aid payable in the two thousand four--two thousand
24 five school year [and thereafter] through two thousand nineteen--two
25 thousand twenty school year, "moneys apportioned" shall mean the lesser
26 of (i) one hundred percent of the respective amount set forth for each
27 school district as payable pursuant to this section in the school aid
28 computer listing produced by the commissioner in support of the budget

1 including the appropriation for support of boards of cooperative educa-
2 tional services for payments due prior to April first for the current
3 year, or (ii) the apportionment calculated by the commissioner based on
4 data on file at the time the payment is processed; provided however,
5 that for the purposes of any payment to be made in the month of June of
6 two thousand six such calculation shall be based on the school aid
7 computer listing for the current year using updated data at the time of
8 each payment. For districts subject to chapter five hundred sixty-three
9 of the laws of nineteen hundred eighty, thirty-six hundred two-b, or two
10 thousand forty of this chapter, for aid payable in the two thousand
11 four--two thousand five school year and thereafter, "moneys apportioned"
12 shall mean the apportionment calculated by the commissioner based on
13 data on file at the time the payment is processed. Notwithstanding the
14 provisions of section thirty-six hundred nine-a of this article, for the
15 two thousand twenty--two thousand twenty-one school year and thereafter,
16 apportionments payable pursuant to paragraph c-1 of subdivision four of
17 section thirty-six hundred two of this chapter shall be paid pursuant to
18 this section. The "school aid computer listing for the current year"
19 shall be as defined in the opening paragraph of section thirty-six
20 hundred nine-a of this article. The definitions "base year" and
21 "current year" as set forth in subdivision one of section thirty-six
22 hundred two of this article shall apply to this section.

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

26 (2) Where a school district has expenditures for site purchase, grad-
27 ing or improvement of the site, original furnishings, equipment, machin-
28 ery or apparatus, or professional fees, or other incidental costs, the

1 cost allowances for new construction and the purchase of existing struc-
2 tures may be increased by the actual expenditures for such purposes but
3 by not more than the product of the applicable cost allowance estab-
4 lished pursuant to subparagraph one of this paragraph and twenty per
5 centum for school buildings or additions housing grades prekindergarten
6 through six and by not more than the product of such cost allowance and
7 twenty-five per centum for school buildings or additions housing grades
8 seven through twelve and by not more than the product of such cost
9 allowance and twenty-five per centum for school buildings or additions
10 housing special education programs as approved by the commissioner,
11 provided that commencing with projects approved on or after July first,
12 two thousand twenty by the voters of the school district or by the board
13 of education of a city school district in a city with more than one
14 hundred twenty-five thousand inhabitants, and/or the chancellor in a
15 city school district in a city having a population of one million or
16 more, the amount of the cost allowance that is increased by this subpar-
17 agraph may not be used for space that the commissioner deems as not
18 critical to the instructional program, the protection of health and
19 safety, or other appropriate use of the facilities, as defined in regu-
20 lations of the commissioner, including but not limited to athletic
21 facilities that exceed the requirements necessary for the physical
22 education program.

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

26 (ii) Apportionment. The apportionment pursuant to this subparagraph
27 shall equal the product of such eligible approved expenses determined in
28 accordance with the provisions of clause (i) of this subparagraph and

1 this section and the incentive decimal computed for use in the year in
2 which the project was approved. The incentive decimal shall equal (A)
3 for projects approved prior to July first, two thousand twenty by the
4 voters of the school district or by the board of education of a city
5 school district in a city with more than one hundred twenty-five thou-
6 sand inhabitants, and/or the chancellor in a city school district in a
7 city having a population of one million or more, the positive remainder
8 resulting when the district's building aid ratio selected pursuant to
9 paragraph c of this subdivision is subtracted from the enhanced building
10 aid ratio[. The]; and (B) for projects approved on or after July first,
11 two thousand twenty by the voters of the school district or by the board
12 of education of a city school district in a city with more than one
13 hundred twenty-five thousand inhabitants, and/or the chancellor in a
14 city school district in a city having a population of one million or
15 more the positive remainder resulting when the district's current year
16 building aid ratio pursuant to clause (d) of subparagraph two of para-
17 graph c of this subdivision is subtracted from the enhanced building aid
18 ratio. For purposes of this clause, the enhanced building aid ratio
19 shall equal (A) for projects approved prior to July first, two thousand
20 twenty by the voters of the school district or by the board of education
21 of a city school district in a city with more than one hundred twenty-
22 five thousand inhabitants, and/or the chancellor in a city school
23 district in a city having a population of one million or more, the sum
24 of the building aid ratio selected for use in the current year pursuant
25 to paragraph c of this subdivision and one-tenth, computed to three
26 decimals without rounding, but not more than (a) ninety-eight hundredths
27 for a high need school district, as defined pursuant to regulations of
28 the commissioner, for all school building projects approved by the

1 voters of the school district or by the board of education of a city
2 school district in a city with more than one hundred twenty-five thou-
3 sand inhabitants, and/or the chancellor in a city school district in a
4 city having a population of one million or more, on or after July first,
5 two thousand five, or (b) ninety-five hundredths for any other school
6 building project or school district, nor less than one-tenth; and (B)
7 For projects approved on or after July first, two thousand twenty by the
8 voters of the school district or by the board of education of a city
9 school district in a city with more than one hundred twenty-five thou-
10 sand inhabitants, and/or the chancellor in a city school district in a
11 city having a population of one million or more, the sum of the building
12 aid ratio for the current year pursuant to clause (d) of subparagraph
13 two of paragraph c of this subdivision and scaled incentive decimal,
14 computed to three decimals without rounding, but not more than, (a)
15 ninety-eight hundredths for a high need school district, as defined
16 pursuant to regulations of the commissioner and used for the school aid
17 computer listing produced by the commissioner in support of the enacted
18 budget for the two thousand seven--two thousand eight school year and
19 entitled "SA0708", for all school building projects approved by the
20 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, on or after July first,
24 two thousand five, or (b) ninety-five hundredths for any other school
25 building project or school district. For purposes of this clause, the
26 scaled incentive decimal shall equal (a) one-tenth for a high need
27 school district, as defined pursuant to regulations of the commissioner
28 and used for the school aid computer listing produced by the commission-

1 er in support of the enacted budget for the two thousand seven--two
2 thousand eight school year and entitled "SA0708", for all school build-
3 ing projects approved by the voters of the school district or by the
4 board of education of a city school district in a city with more than
5 one hundred twenty-five thousand inhabitants, and/or the chancellor in a
6 city school district in a city having a population of one million or
7 more, on or after July first, two thousand five or (b) the product of
8 one-tenth multiplied by the state sharing ratio computed pursuant to
9 paragraph g of subdivision three of this section for all other school
10 districts.

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

16 (b) For aid payable in the school years two thousand--two thousand one
17 and thereafter for all school building projects approved by the voters
18 of the school district or by the board of education of a city school
19 district in a city with more than one hundred twenty-five thousand
20 inhabitants, and/or the chancellor in a city school district in a city
21 having a population of one million or more, on or after July first, two
22 thousand, and prior to July first, two thousand twenty, any school
23 district shall compute aid under the provisions of this subdivision
24 using the sum of the high-need supplemental building aid ratio, if any,
25 computed pursuant to clause (c) of this subparagraph and the greater of
26 (i) the building aid ratio computed for use in the current year; or (ii)
27 a building aid ratio equal to the difference of the aid ratio that was
28 used or that would have been used to compute an apportionment pursuant

1 to this subdivision in the nineteen hundred ninety-nine--two thousand
2 school year as such aid ratio is computed by the commissioner based on
3 data on file with the department on or before July first of the third
4 school year following the school year in which aid is first payable,
5 less one-tenth; or (iii) for all such school building projects approved
6 by the voters of the school district or by the board of education of a
7 city school district in a city with more than one hundred twenty-five
8 thousand inhabitants, and/or the chancellor in a city school district in
9 a city having a population of one million or more, on or after July
10 first, two thousand and on or before June thirtieth, two thousand four,
11 for any school district for which the pupil wealth ratio is greater than
12 two and five-tenths in the school year in which such school building
13 project was approved by the voters of the school district or by the
14 board of education of a city school district in a city with more than
15 one hundred twenty-five thousand inhabitants, and/or the chancellor in a
16 city school district in a city having a population of one million or
17 more and for which the alternate pupil wealth ratio is less than eight-
18 y-five hundredths in such school year, and for all such school building
19 projects approved by the voters of the school district or by the board
20 of education of a city school district in a city with more than one
21 hundred twenty-five thousand inhabitants, and/or the chancellor in a
22 city school district in a city having a population of one million or
23 more, on or after July first, two thousand five and on or before June
24 thirtieth, two thousand eight, for any school district for which the
25 pupil wealth ratio was greater than two and five-tenths in the two thou-
26 sand--two thousand one school year and for which the alternate pupil
27 wealth ratio was less than eighty-five hundredths in the two thousand--
28 two thousand one school year, the additional building aid ratio;

1 provided that, school districts who are eligible for aid under paragraph
2 f of subdivision fourteen of this section may compute aid under the
3 provisions of this subdivision using the difference of the highest of
4 the aid ratios so computed for the reorganized district or the highest
5 of the aid ratios so computed for any of the individual school districts
6 which existed prior to the date of the reorganized school district less
7 one-tenth.

8 (c) For aid payable in the school years two thousand five--two thou-
9 sand six and thereafter for all school building projects approved by the
10 voters of the school district or by the board of education of a city
11 school district in a city with more than one hundred twenty-five thou-
12 sand inhabitants, and/or the chancellor in city school district in a
13 city having a population of one million or more, on or after July first,
14 two thousand five, and prior to July first, two thousand twenty, high
15 need school districts, as defined pursuant to regulations of the commis-
16 sioner, may compute aid under the provisions of this subdivision using
17 the high-need supplemental building aid ratio, which shall be the lesser
18 of (A) the product, computed to three decimals without rounding, of the
19 greater of the building aid ratios computed pursuant to subclauses i, ii
20 and iii of clause (b) of this subparagraph multiplied by five percent,
21 or (B) the positive remainder of ninety-eight one-hundredths less the
22 greater of the building aid ratios computed pursuant to subclauses i, ii
23 and iii of clause (b) of this subparagraph.

24 (d) For aid payable in the school years two thousand twenty-one--two
25 thousand twenty-two and thereafter for all school building projects
26 approved by the voters of the school district or by the board of educa-
27 tion of a city school district in a city with more than one hundred
28 twenty-five thousand inhabitants, and/or the chancellor in a city school

1 district in a city having a population of one million or more, on or
2 after July first, two thousand twenty, any school district shall compute
3 aid under the provisions of this subdivision using the sum of the high-
4 need supplemental building aid ratio, if any, computed pursuant to
5 clause (c) of this subparagraph and the building aid ratio computed for
6 use in the current year, provided that such sum shall not be less than
7 five percent; further provided that, school districts which are eligible
8 for aid under paragraph f of subdivision fourteen of this section may
9 compute aid under the provisions of this subdivision using the differ-
10 ence of the highest of the aid ratios so computed for the reorganized
11 district or the highest of the aid ratios so computed for any of the
12 individual school districts which existed prior to the date of the reor-
13 ganized school district.

14 § 19. Paragraph x of subdivision 1 of section 3602 of the education
15 law, as amended by section 11 of part B of chapter 57 of the laws of
16 2007, is amended to read as follows:

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

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

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

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

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

13 a. In addition to the foregoing apportionment, there shall be appor-
14 tioned to any school district for pupil transportation, the lesser of
15 ninety per centum or the state share of its approved transportation
16 expense for the base year. The state share shall equal the sum of the
17 transportation sparsity adjustment and the transportation aid ratio, but
18 not less than six and one-half percent. The transportation aid ratio
19 shall equal the greater of (i) the product of one and two hundred
20 sixty-three thousandths multiplied by the state sharing ratio, (ii) an
21 aid ratio computed by subtracting from one and one hundredth the product
22 computed to three decimals without rounding obtained by multiplying the
23 resident weighted average daily attendance wealth ratio by forty-six
24 percent, where such aid ratio shall be expressed as a decimal carried to
25 three places without rounding, provided that commencing with the two
26 thousand twenty-one--two thousand twenty-two school year and thereafter,
27 such aid ratio shall be zero, or (iii) excluding cities with a popu-
28 lation of more than one million, an aid ratio computed by subtracting

1 from one and one hundredth the product computed to three decimal places
2 without rounding obtained by multiplying the number computed to three
3 decimals without rounding obtained when the quotient of actual valuation
4 of a school district, as defined in paragraph c of subdivision one of
5 this section, divided by the sum of the resident public school district
6 enrollment, the resident nonpublic school district enrollment and the
7 additional public school enrollment of the school district for the year
8 prior to the base year is divided by the statewide average actual valu-
9 ation per the sum of such total resident public school district enroll-
10 ment, nonpublic school district enrollment and additional public school
11 enrollment of all school districts eligible for an apportionment pursu-
12 ant to this section except central high school districts as computed by
13 the commissioner using the latest single year actual valuation computed
14 under paragraph c of subdivision one of this section, by forty-six
15 percent, where such ratio shall be expressed as a decimal carried to
16 three decimal places without rounding. The computation of such statewide
17 average shall include the actual valuation of all school districts
18 eligible for an apportionment pursuant to this section except central
19 high school districts. The transportation sparsity adjustment shall
20 equal the quotient of: the positive remainder of twenty-one minus the
21 district's public school enrollment for the year prior to the base year
22 per square mile, divided by three hundred seventeen and eighty-eight
23 hundredths. Approved transportation expense shall be the sum of the
24 approved transportation operating expense and the approved transporta-
25 tion capital, debt service and lease expense of the district. Approved
26 transportation expense shall not be aidable pursuant to section nineteen
27 hundred fifty of this chapter.

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

27 (2) Notwithstanding any inconsistent provisions of this article, in
28 computing the apportionment payable to a school district in a city with

1 a population in excess of one million inhabitants pursuant to this
2 subdivision, approved transportation expense for public service trans-
3 portation shall not include any expenditures to the New York City Metro-
4 politan Transportation Authority for public service transportation nor
5 shall such expense be included in approved operating expense.

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

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

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

16 a. State aid adjustments. All errors or omissions in the apportionment
17 shall be corrected by the commissioner. Whenever a school district has
18 been apportioned less money than that to which it is entitled, the
19 commissioner may allot to such district the balance to which it is enti-
20 tled. Whenever a school district has been apportioned more money than
21 that to which it is entitled, the commissioner may, by an order, direct
22 such moneys to be paid back to the state to be credited to the general
23 fund local assistance account for state aid to the schools, or may
24 deduct such amount from the next apportionment to be made to said
25 district, provided, however, that, upon notification of excess payments
26 of aid for which a recovery must be made by the state through deduction
27 of future aid payments, a school district may request that such excess
28 payments be recovered by deducting such excess payments from the

1 payments due to such school district and payable in the month of June in
2 (i) the school year in which such notification was received and (ii) the
3 two succeeding school years, provided further that there shall be no
4 interest penalty assessed against such district or collected by the
5 state. Such request shall be made to the commissioner in such form as
6 the commissioner shall prescribe, and shall be based on documentation
7 that the total amount to be recovered is in excess of one percent of the
8 district's total general fund expenditures for the preceding school
9 year. The amount to be deducted in the first year shall be the greater
10 of (i) the sum of the amount of such excess payments that is recognized
11 as a liability due to other governments by the district for the preced-
12 ing school year and the positive remainder of the district's unreserved
13 fund balance at the close of the preceding school year less the product
14 of the district's total general fund expenditures for the preceding
15 school year multiplied by five percent, or (ii) one-third of such excess
16 payments. The amount to be recovered in the second year shall equal the
17 lesser of the remaining amount of such excess payments to be recovered
18 or one-third of such excess payments, and the remaining amount of such
19 excess payments shall be recovered in the third year. Provided further
20 that, notwithstanding any other provisions of this subdivision, any
21 pending payment of moneys due to such district as a prior year adjust-
22 ment payable pursuant to paragraph c of this subdivision for aid claims
23 that had been previously paid as current year aid payments in excess of
24 the amount to which the district is entitled and for which recovery of
25 excess payments is to be made pursuant to this paragraph, shall be
26 reduced at the time of actual payment by any remaining unrecovered
27 balance of such excess payments, and the remaining scheduled deductions
28 of such excess payments pursuant to this paragraph shall be reduced by

1 the commissioner to reflect the amount so recovered. [The commissioner
2 shall certify no payment to a school district based on a claim submitted
3 later than three years after the close of the school year in which such
4 payment was first to be made. For claims for which payment is first to
5 be made in the nineteen hundred ninety-six--ninety-seven school year,
6 the commissioner shall certify no payment to a school district based on
7 a claim submitted later than two years after the close of such school
8 year.] For claims for which payment is first to be made [in the nineteen
9 hundred ninety-seven--ninety-eight] prior to the two thousand nineteen-
10 -two thousand twenty school year [and thereafter], the commissioner
11 shall certify no payment to a school district based on a claim submitted
12 later than one year after the close of such school year. For claims for
13 which payment is first to be made in the two thousand nineteen--two
14 thousand twenty school year and thereafter, the commissioner shall
15 certify no payment to a school district based on a claim submitted later
16 than the first of November of such school year. Provided, however, no
17 payments shall be barred or reduced where such payment is required as a
18 result of a final audit of the state. [It is further provided that,
19 until June thirtieth, nineteen hundred ninety-six, the commissioner may
20 grant a waiver from the provisions of this section for any school
21 district if it is in the best educational interests of the district
22 pursuant to guidelines developed by the commissioner and approved by the
23 director of the budget.] Further provided that for any apportionments
24 provided pursuant to sections seven hundred one, seven hundred eleven,
25 seven hundred fifty-one, seven hundred fifty-three, nineteen hundred
26 fifty, thirty-six hundred two, thirty-six hundred two-b, thirty-six
27 hundred two-c, thirty-six hundred two-e and forty-four hundred five of
28 this chapter for the two thousand nineteen--two thousand twenty and two

1 thousand twenty--two thousand twenty-one school years, the commissioner
2 shall certify no payment to a school district, other than payments
3 pursuant to subdivisions six-a, eleven, thirteen and fifteen of section
4 thirty-six hundred two of this part, in excess of the payment computed
5 based on an electronic data file used to produce the school aid computer
6 listing produced by the commissioner in support of the executive budget
7 request submitted for the two thousand twenty--two thousand twenty-one
8 state fiscal year and entitled "BT202-1", and further provided that for
9 any apportionments provided pursuant to sections thirty-six hundred two,
10 thirty-six hundred two-b, thirty-six hundred two-c, thirty-six hundred
11 two-e and forty-four hundred five of this chapter for the two thousand
12 twenty-one--two thousand twenty-two school year and thereafter, the
13 commissioner shall certify no payment to a school district, other than
14 payments pursuant to subdivisions six-a, eleven, thirteen and fifteen of
15 section thirty-six hundred two of this part, in excess of the payment
16 computed based on an electronic data file used to produce the school aid
17 computer listing produced by the commissioner in support of the execu-
18 tive budget request submitted for the state fiscal year in which the
19 school year commences.

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

23 For aid payable in the two thousand seven--two thousand eight school
24 year through the two thousand nineteen--two thousand twenty school year,
25 "moneys apportioned" shall mean the lesser of (i) the sum of one hundred
26 percent of the respective amount set forth for each school district as
27 payable pursuant to this section in the school aid computer listing for
28 the current year produced by the commissioner in support of the budget

1 which includes the appropriation for the general support for public
2 schools for the prescribed payments and individualized payments due
3 prior to April first for the current year plus the apportionment payable
4 during the current school year pursuant to subdivision six-a and subdivi-
5 vision fifteen of section thirty-six hundred two of this part minus any
6 reductions to current year aids pursuant to subdivision seven of section
7 thirty-six hundred four of this part or any deduction from apportionment
8 payable pursuant to this chapter for collection of a school district
9 basic contribution as defined in subdivision eight of section forty-four
10 hundred one of this chapter, less any grants provided pursuant to
11 subparagraph two-a of paragraph b of subdivision four of section nine-
12 ty-two-c of the state finance law, less any grants provided pursuant to
13 subdivision five of section ninety-seven-nnnn of the state finance law,
14 less any grants provided pursuant to subdivision twelve of section thir-
15 ty-six hundred forty-one of this article, or (ii) the apportionment
16 calculated by the commissioner based on data on file at the time the
17 payment is processed; provided however, that for the purposes of any
18 payments made pursuant to this section prior to the first business day
19 of June of the current year, moneys apportioned shall not include any
20 aids payable pursuant to subdivisions six and fourteen, if applicable,
21 of section thirty-six hundred two of this part as current year aid for
22 debt service on bond anticipation notes and/or bonds first issued in the
23 current year or any aids payable for full-day kindergarten for the
24 current year pursuant to subdivision nine of section thirty-six hundred
25 two of this part. The definitions of "base year" and "current year" as
26 set forth in subdivision one of section thirty-six hundred two of this
27 part shall apply to this section. [For aid payable in the two thousand
28 nineteen--two thousand twenty school year, reference to such "school aid

1 computer listing for the current year" shall mean the printouts entitled
2 "SA192-0".] For aid payable in the two thousand twenty-two thousand
3 twenty-one school year and thereafter, "moneys apportioned" shall mean
4 the lesser of: (i) the sum of one hundred percent of the respective
5 amount set forth for each school district as payable pursuant to this
6 section in the school aid computer listing for the current year produced
7 by the commissioner in support of the executive budget request which
8 includes the appropriation for the general support for public schools
9 for the prescribed payments and individualized payments due prior to
10 April first for the current year plus the apportionment payable during
11 the current school year pursuant to subdivisions six-a and fifteen of
12 section thirty-six hundred two of this part minus any reductions to
13 current year aids pursuant to subdivision seven of section thirty-six
14 hundred four of this part or any deduction from apportionment payable
15 pursuant to this chapter for collection of a school district basic
16 contribution as defined in subdivision eight of section forty-four
17 hundred one of this chapter, less any grants provided pursuant to
18 subparagraph two-a of paragraph b of subdivision four of section nine-
19 ty-two-c of the state finance law, less any grants provided pursuant to
20 subdivision six of section ninety-seven-nnnn of the state finance law,
21 less any grants provided pursuant to subdivision twelve of section thir-
22 ty-six hundred forty-one of this article, or (ii) the apportionment
23 calculated by the commissioner based on data on file at the time the
24 payment is processed; provided however, that for the purposes of any
25 payments made pursuant to this section prior to the first business day
26 of June of the current year, moneys apportioned shall not include any
27 aids payable pursuant to subdivisions six and fourteen, if applicable,
28 of section thirty-six hundred two of this part as current year aid for

1 debt service on bond anticipation notes and/or bonds first issued in the
2 current year or any aids payable for full-day kindergarten for the
3 current year pursuant to subdivision nine of section thirty-six hundred
4 two of this part. For aid payable in the two thousand twenty--two thou-
5 sand twenty-one school year, reference to such "school aid computer
6 listing for the current year" shall mean the printouts entitled
7 "BT202-1".

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

10 § 4403-a. Waivers from certain duties. 1. A local school district,
11 approved private school or board of cooperative educational services may
12 submit an application for a waiver from any requirement imposed on such
13 district, school or board of cooperative educational services pursuant
14 to section forty-four hundred two or section forty-four hundred three of
15 this article, and regulations promulgated thereunder, for a specific
16 school year. Such application must be submitted at least sixty days in
17 advance of the proposed date on which the waiver would be effective and
18 shall be in a form prescribed by the commissioner.

19 2. Before submitting an application for a waiver, the local school
20 district, approved private school or board of cooperative educational
21 services shall provide notice of the proposed waiver to the parents or
22 persons in parental relationship to the students that would be impacted
23 by the waiver if granted. Such notice shall be in a form and manner that
24 will ensure that such parents and persons in parental relationship will
25 be aware of all relevant changes that would occur under the waiver, and
26 shall include information on the form, manner and date by which parents
27 may submit written comments on the proposed waiver. The local school
28 district, approved private school, or board of cooperative educational

1 services shall provide at least sixty days for such parents and persons
2 in parental relationship to submit written comments, and shall include
3 in the waiver application submitted to the commissioner pursuant to
4 subdivision one of this section any written comments received from such
5 parents or persons in parental relationship to such students.

6 3. The commissioner may grant a waiver from any requirement imposed on
7 a local school district, approved private school or board of cooperative
8 educational services pursuant to section forty-four hundred two or
9 section forty-four hundred three of this article, upon a finding that
10 such waiver will enable a local school district, approved private school
11 or board of cooperative educational services to implement an innovative
12 special education program that is consistent with applicable federal
13 requirements, and will enhance student achievement and/or opportunities
14 for placement in regular classes and programs. In making such determi-
15 nation, the commissioner shall consider any comments received by the
16 local school district, approved private school or board of cooperative
17 educational services from parents or persons in parental relation to the
18 students that would be directly affected by the waiver if granted.

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

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

27 9. The total number of charters issued pursuant to this article state-
28 wide shall not exceed four hundred sixty. (a) All charters issued on or

1 after July first, two thousand fifteen and counted toward the numerical
2 limits established by this subdivision shall be issued by the board of
3 regents upon application directly to the board of regents or on the
4 recommendation of the board of trustees of the state university of New
5 York pursuant to a competitive process in accordance with subdivision
6 nine-a of this section. Fifty of such charters issued on or after July
7 first, two thousand fifteen, and no more, shall be granted to a charter
8 for a school to be located in a city having a population of one million
9 or more. The failure of any body to issue the regulations authorized
10 pursuant to this article shall not affect the authority of a charter
11 entity to propose a charter to the board of regents or the board of
12 regents' authority to grant such charter. A conversion of an existing
13 public school to a charter school, or the renewal or extension of a
14 charter approved by any charter entity, or the reissuance of a surren-
15 dered, revoked or terminated charter pursuant to paragraph (b) or (b-1)
16 of this subdivision shall not be counted toward the numerical limits
17 established by this subdivision.

18 (b) A charter that has been surrendered, revoked or terminated on or
19 before July first, two thousand fifteen, including a charter that has
20 not been renewed by action of its charter entity, may be reissued pursu-
21 ant to paragraph (a) of this subdivision by the board of regents either
22 upon application directly to the board of regents or on the recommenda-
23 tion of the board of trustees of the state university of New York pursu-
24 ant to a competitive process in accordance with subdivision nine-a of
25 this section. Provided that such reissuance shall not be counted toward
26 the statewide numerical limit established by this subdivision, and
27 provided further that no more than twenty-two charters may be reissued
28 pursuant to this paragraph.

1 (b-1) Notwithstanding any provision of law to the contrary, a charter
2 that has been surrendered, revoked or terminated after July first, two
3 thousand fifteen, including a charter that has not been renewed by
4 action of its charter entity, may be reissued pursuant to paragraph (a)
5 of this subdivision by the board of regents either upon application
6 directly to the board of regents or on the recommendation of the board
7 of trustees of the state university of New York pursuant to a compet-
8 itive process in accordance with subdivision nine-a of this section.
9 Provided that such reissuance shall not be counted toward the numerical
10 limits established by this subdivision.

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

14 (d) Notwithstanding any provision of this article to the contrary, any
15 charter authorized to be issued by chapter fifty-seven of the laws of
16 two thousand seven effective July first, two thousand seven, and that
17 remains unissued as of July first, two thousand fifteen, may be issued
18 pursuant to the provisions of law applicable to a charter authorized to
19 be issued by such chapter in effect as of June fifteenth, two thousand
20 fifteen; provided however that nothing in this paragraph shall be
21 construed to increase the numerical limit applicable to a city having a
22 population of one million or more as provided in paragraph (a) of this
23 subdivision, as amended by [a] subpart A of part B of chapter twenty of
24 the laws of two thousand fifteen [which added this paragraph].

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

1 1. In order to promote a spirit of patriotic and civic service and
2 obligation and to foster in the children of the state moral and intel-
3 lectual qualities which are essential in preparing to meet the obli-
4 gations of citizenship in peace or in war, the regents of The University
5 of the State of New York shall prescribe courses of instruction in
6 patriotism, citizenship, and human rights issues, with particular atten-
7 tion to the study of the inhumanity of genocide, slavery (including the
8 freedom trail and underground railroad), the Holocaust, civic education
9 and values, our shared history of diversity, the role of religious free-
10 dom in this country, and the mass starvation in Ireland from 1845 to
11 1850, to be maintained and followed in all the schools of the state. The
12 boards of education and trustees of the several cities and school
13 districts of the state shall require instruction to be given in such
14 courses, by the teachers employed in the schools therein. All pupils
15 attending such schools, over the age of eight years, shall attend upon
16 such instruction.

17 Similar courses of instruction shall be prescribed and maintained in
18 private schools in the state, and all pupils in such schools over eight
19 years of age shall attend upon such courses. If such courses are not so
20 established and maintained in a private school, attendance upon instruc-
21 tion in such school shall not be deemed substantially equivalent to
22 instruction given to pupils of like age in the public schools of the
23 city or district in which such pupils reside.

24 3. The regents shall determine the subjects to be included in such
25 courses of instruction in patriotism, citizenship, and human rights
26 issues, with particular attention to the study of the inhumanity of
27 genocide, slavery (including the freedom trail and underground rail-
28 road), the Holocaust, civic education and values, our shared history of

1 diversity, the role of religious freedom in this country, and the mass
2 starvation in Ireland from 1845 to 1850, and in the history, meaning,
3 significance and effect of the provisions of the constitution of the
4 United States, the amendments thereto, the declaration of independence,
5 the constitution of the state of New York and the amendments thereto,
6 and the period of instruction in each of the grades in such subjects.
7 They shall adopt rules providing for attendance upon such instruction
8 and for such other matters as are required for carrying into effect the
9 objects and purposes of this section. The commissioner shall be respon-
10 sible for the enforcement of such section and shall cause to be
11 inspected and supervise the instruction to be given in such subjects.
12 The commissioner may, in his discretion, cause all or a portion of the
13 public school money to be apportioned to a district or city to be with-
14 held for failure of the school authorities of such district or city to
15 provide instruction in such courses and to compel attendance upon such
16 instruction, as herein prescribed, and for a non-compliance with the
17 rules of the regents adopted as herein provided.

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

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

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

1 § 3609-h. Moneys apportioned to school districts for commercial gaming
2 grants pursuant to subdivision six of section ninety-seven-nnnn of the
3 state finance law, when and how payable commencing July first, two thou-
4 sand fourteen. Notwithstanding the provisions of section thirty-six
5 hundred nine-a of this part, apportionments payable pursuant to subdivi-
6 sion six of section ninety-seven-nnnn of the state finance law shall be
7 paid pursuant to this section. The definitions of "base year" and
8 "current year" as set forth in subdivision one of section thirty-six
9 hundred two of this part shall apply to this section.

10 1. The moneys apportioned by the commissioner to school districts
11 pursuant to subdivision six of section ninety-seven-nnnn of the state
12 finance law for the two thousand fourteen-two thousand fifteen school
13 year and thereafter shall be paid as a commercial gaming grant, as
14 computed pursuant to such subdivision, as follows:

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

20 b. For the two thousand fifteen--two thousand sixteen school year [and
21 thereafter] through the two thousand eighteen--two thousand nineteen
22 school year, seventy percent of such grant shall be paid on the same
23 date as the payment computed pursuant to clause (ii) of subparagraph
24 three of paragraph b of subdivision one of section thirty-six hundred
25 nine-a of this article, and thirty percent of such grant shall be paid
26 on the same date as the payment computed pursuant to clause (v) of
27 subparagraph three of paragraph b of subdivision one of section thirty-
28 six hundred nine-a of this article.

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

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

9 § 30. Subdivision b of section 2 of chapter 756 of the laws of 1992,
10 relating to funding a program for work force education conducted by the
11 consortium for worker education in New York city, as amended by section
12 35 of part YYY of chapter 59 of the laws of 2019, is amended to read as
13 follows:

14 b. Reimbursement for programs approved in accordance with subdivision
15 a of this section for the reimbursement for the 2017--2018 school year
16 shall not exceed 60.4 percent of the lesser of such approvable costs per
17 contact hour or thirteen dollars and ninety cents per contact hour,
18 reimbursement for the 2018--2019 school year shall not exceed 59.4
19 percent of the lesser of such approvable costs per contact hour or four-
20 teen dollars and ninety-five cents per contact hour, [and] reimbursement
21 for the 2019--2020 school year shall not exceed 57.7 percent of the
22 lesser of such approvable costs per contact hour or fifteen dollars
23 sixty cents per contact hour, and reimbursement for the 2020-21 school
24 year shall not exceed 56.9 percent of the lesser of such approvable
25 costs per contact hour or sixteen dollars and twenty-five cents per
26 contact hour, where a contact hour represents sixty minutes of instruc-
27 tion services provided to an eligible adult. Notwithstanding any other
28 provision of law to the contrary, for the 2017--2018 school year such

1 contact hours shall not exceed one million five hundred forty-nine thou-
2 sand four hundred sixty-three (1,549,463); and for the 2018--2019 school
3 year such contact hours shall not exceed one million four hundred
4 sixty-three thousand nine hundred sixty-three (1,463,963); [and] for the
5 2019--2020 school year such contact hours shall not exceed one million
6 four hundred forty-four thousand four hundred forty-four (1,444,444);
7 and for the 2020-21 school year such contact hours shall not exceed one
8 million two hundred forty-four thousand and five hundred and eighty-
9 eight (1,244,588). Notwithstanding any other provision of law to the
10 contrary, the apportionment calculated for the city school district of
11 the city of New York pursuant to subdivision 11 of section 3602 of the
12 education law shall be computed as if such contact hours provided by the
13 consortium for worker education, not to exceed the contact hours set
14 forth herein, were eligible for aid in accordance with the provisions of
15 such subdivision 11 of section 3602 of the education law.

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

20 y. The provisions of this subdivision shall not apply after the
21 completion of payments for the 2020-21 school year. Notwithstanding any
22 inconsistent provisions of law, the commissioner of education shall
23 withhold a portion of employment preparation education aid due to the
24 city school district of the city of New York to support a portion of the
25 costs of the work force education program. Such moneys shall be credited
26 to the elementary and secondary education fund-local assistance account
27 and shall not exceed eleven million five hundred thousand dollars
28 (\$11,500,000).

1 § 32. Section 6 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, as amended by section 37 of part YYY
4 of chapter 59 of the laws of 2019, is amended to read as follows:

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

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

12 1. Sections one through seventy of this act shall be deemed to have
13 been in full force and effect as of April 1, 1994 provided, however,
14 that sections one, two, twenty-four, twenty-five and twenty-seven
15 through seventy of this act shall expire and be deemed repealed on March
16 31, 2000; provided, however, that section twenty of this act shall apply
17 only to hearings commenced prior to September 1, 1994, and provided
18 further that section twenty-six of this act shall expire and be deemed
19 repealed on March 31, 1997; and provided further that sections four
20 through fourteen, sixteen, and eighteen, nineteen and twenty-one through
21 twenty-one-a of this act shall expire and be deemed repealed on March
22 31, 1997; and provided further that sections three, fifteen, seventeen,
23 twenty, twenty-two and twenty-three of this act shall expire and be
24 deemed repealed on March 31, [2020] 2022.

25 § 34. Section 12 of chapter 147 of the laws of 2001, amending the
26 education law relating to conditional appointment of school district,
27 charter school or BOCES employees, as amended by section 39 of part YYY
28 of chapter 59 of the laws of 2019, 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, [2020] 2021 when
3 upon such date the provisions of this act shall be deemed repealed.

4 § 35. 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 40 of part YYY of chapter 59 of the laws of 2019, 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] 2021.

14 § 36. Section 5 of chapter 101 of the laws of 2003, amending the
15 education law relating to the implementation of the No Child Left Behind
16 Act of 2001, as amended by section 41 of part YYY of chapter 59 of the
17 laws of 2019, 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, [2020] 2021.

21 § 37. Subdivision 11 of section 94 of part C of chapter 57 of the laws
22 of 2004, relating to the support of education, as amended by section 58
23 of part YYY of chapter 59 of the laws of 2017, is amended to read as
24 follows:

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

27 § 38. School bus driver training. In addition to apportionments other-
28 wise provided by section 3602 of the education law, for aid payable in

1 the 2020-2021 school year, the commissioner of education shall allocate
2 school bus driver training grants to school districts and boards of
3 cooperative educational services pursuant to sections 3650-a, 3650-b and
4 3650-c of the education law, or for contracts directly with not-for-pro-
5 fit educational organizations for the purposes of this section. Such
6 payments shall not exceed four hundred thousand dollars (\$400,000) per
7 school year.

8 § 39. Special apportionment for salary expenses. a. Notwithstanding
9 any other provision of law, upon application to the commissioner of
10 education, not sooner than the first day of the second full business
11 week of June 2021 and not later than the last day of the third full
12 business week of June 2021, a school district eligible for an apportion-
13 ment pursuant to section 3602 of the education law shall be eligible to
14 receive an apportionment pursuant to this section, for the school year
15 ending June 30, 2021, for salary expenses incurred between April 1 and
16 June 30, 2020 and such apportionment shall not exceed the sum of (i) the
17 deficit reduction assessment of 1990--1991 as determined by the commis-
18 sioner of education, pursuant to paragraph f of subdivision 1 of section
19 3602 of the education law, as in effect through June 30, 1993, plus (ii)
20 186 percent of such amount for a city school district in a city with a
21 population in excess of 1,000,000 inhabitants, plus (iii) 209 percent of
22 such amount for a city school district in a city with a population of
23 more than 195,000 inhabitants and less than 219,000 inhabitants accord-
24 ing to the latest federal census, plus (iv) the net gap elimination
25 adjustment for 2010--2011, as determined by the commissioner of educa-
26 tion pursuant to chapter 53 of the laws of 2010, plus (v) the gap elimi-
27 nation adjustment for 2011--2012 as determined by the commissioner of
28 education pursuant to subdivision 17 of section 3602 of the education

1 law, and provided further that such apportionment shall not exceed such
2 salary expenses. Such application shall be made by a school district,
3 after the board of education or trustees have adopted a resolution to do
4 so and in the case of a city school district in a city with a population
5 in excess of 125,000 inhabitants, with the approval of the mayor of such
6 city.

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

23 c. Notwithstanding the provisions of section 3609-a of the education
24 law, an amount equal to the amount paid to a school district pursuant to
25 subdivisions a and b of this section shall first be deducted from the
26 following payments due the school district during the school year
27 following the year in which application was made pursuant to subpara-
28 graphs (1), (2), (3), (4) and (5) of paragraph a of subdivision 1 of

1 section 3609-a of the education law in the following order: the lottery
2 apportionment payable pursuant to subparagraph (2) of such paragraph
3 followed by the fixed fall payments payable pursuant to subparagraph (4)
4 of such paragraph and then followed by the district's payments to the
5 teachers' retirement system pursuant to subparagraph (1) of such para-
6 graph, and any remainder to be deducted from the individualized payments
7 due the district pursuant to paragraph b of such subdivision shall be
8 deducted on a chronological basis starting with the earliest payment due
9 the district.

10 § 40. Special apportionment for public pension accruals. a. Notwith-
11 standing any other provision of law, upon application to the commission-
12 er of education, not later than June 30, 2021, a school district eligi-
13 ble for an apportionment pursuant to section 3602 of the education law
14 shall be eligible to receive an apportionment pursuant to this section,
15 for the school year ending June 30, 2021 and such apportionment shall
16 not exceed the additional accruals required to be made by school
17 districts in the 2004--2005 and 2005--2006 school years associated with
18 changes for such public pension liabilities. The amount of such addi-
19 tional accrual shall be certified to the commissioner of education by
20 the president of the board of education or the trustees or, in the case
21 of a city school district in a city with a population in excess of
22 125,000 inhabitants, the mayor of such city. Such application shall be
23 made by a school district, after the board of education or trustees have
24 adopted a resolution to do so and in the case of a city school district
25 in a city with a population in excess of 125,000 inhabitants, with the
26 approval of the mayor of such city.

27 b. The claim for an apportionment to be paid to a school district
28 pursuant to subdivision a of this section shall be submitted to the

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

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

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

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

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

12 a. for the development, maintenance or expansion of magnet schools or
13 magnet school programs for the 2020--2021 school year. For the city
14 school district of the city of New York there shall be a setaside of
15 foundation aid equal to forty-eight million one hundred seventy-five
16 thousand dollars (\$48,175,000) including five hundred thousand dollars
17 (\$500,000) for the Andrew Jackson High School; for the Buffalo city
18 school district, twenty-one million twenty-five thousand dollars
19 (\$21,025,000); for the Rochester city school district, fifteen million
20 dollars (\$15,000,000); for the Syracuse city school district, thirteen
21 million dollars (\$13,000,000); for the Yonkers city school district,
22 forty-nine million five hundred thousand dollars (\$49,500,000); for the
23 Newburgh city school district, four million six hundred forty-five thou-
24 sand dollars (\$4,645,000); for the Poughkeepsie city school district,
25 two million four hundred seventy-five thousand dollars (\$2,475,000); for
26 the Mount Vernon city school district, two million dollars (\$2,000,000);
27 for the New Rochelle city school district, one million four hundred ten
28 thousand dollars (\$1,410,000); for the Schenectady city school district,

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

17 b. Notwithstanding any inconsistent provision of law to the contrary,
18 a school district setting aside such foundation aid pursuant to this
19 section may use such setaside funds for: (i) any instructional or
20 instructional support costs associated with the operation of a magnet
21 school; or (ii) any instructional or instructional support costs associ-
22 ated with implementation of an alternative approach to promote diversity
23 and/or enhancement of the instructional program and raising of standards
24 in elementary and secondary schools of school districts having substan-
25 tial concentrations of minority students.

26 c. The commissioner of education shall not be authorized to withhold
27 foundation aid from a school district that used such funds in accordance
28 with this paragraph, notwithstanding any inconsistency with a request

1 for proposals issued by such commissioner for the purpose of attendance
2 improvement and dropout prevention for the 2020--2021 school year, and
3 for any city school district in a city having a population of more than
4 one million, the setaside for attendance improvement and dropout
5 prevention shall equal the amount set aside in the base year. For the
6 2020--2021 school year, it is further provided that any city school
7 district in a city having a population of more than one million shall
8 allocate at least one-third of any increase from base year levels in
9 funds set aside pursuant to the requirements of this section to communi-
10 ty-based organizations. Any increase required pursuant to this section
11 to community-based organizations must be in addition to allocations
12 provided to community-based organizations in the base year.

13 d. For the purpose of teacher support for the 2020--2021 school year:
14 for the city school district of the city of New York, sixty-two million
15 seven hundred seven thousand dollars (\$62,707,000); for the Buffalo city
16 school district, one million seven hundred forty-one thousand dollars
17 (\$1,741,000); for the Rochester city school district, one million seven-
18 ty-six thousand dollars (\$1,076,000); for the Yonkers city school
19 district, one million one hundred forty-seven thousand dollars
20 (\$1,147,000); and for the Syracuse city school district, eight hundred
21 nine thousand dollars (\$809,000). All funds made available to a school
22 district pursuant to this section shall be distributed among teachers
23 including prekindergarten teachers and teachers of adult vocational and
24 academic subjects in accordance with this section and shall be in addi-
25 tion to salaries heretofore or hereafter negotiated or made available;
26 provided, however, that all funds distributed pursuant to this section
27 for the current year shall be deemed to incorporate all funds distrib-
28 uted pursuant to former subdivision 27 of section 3602 of the education

1 law for prior years. In school districts where the teachers are repres-
2 ented by certified or recognized employee organizations, all salary
3 increases funded pursuant to this section shall be determined by sepa-
4 rate collective negotiations conducted pursuant to the provisions and
5 procedures of article 14 of the civil service law, notwithstanding the
6 existence of a negotiated agreement between a school district and a
7 certified or recognized employee organization.

8 § 43. Support of public libraries. The moneys appropriated for the
9 support of public libraries by a chapter of the laws of 2020 enacting
10 the aid to localities budget shall be apportioned for the 2020-2021
11 state fiscal year in accordance with the provisions of sections 271,
12 272, 273, 282, 284, and 285 of the education law as amended by the
13 provisions of this chapter and the provisions of this section, provided
14 that library construction aid pursuant to section 273-a of the education
15 law shall not be payable from the appropriations for the support of
16 public libraries and provided further that no library, library system or
17 program, as defined by the commissioner of education, shall receive less
18 total system or program aid than it received for the year 2001-2002
19 except as a result of a reduction adjustment necessary to conform to the
20 appropriations for support of public libraries.

21 Notwithstanding any other provision of law to the contrary the moneys
22 appropriated for the support of public libraries for the year 2020-2021
23 by a chapter of the laws of 2020 enacting the education, labor and fami-
24 ly assistance budget shall fulfill the state's obligation to provide
25 such aid and, pursuant to a plan developed by the commissioner of educa-
26 tion and approved by the director of the budget, the aid payable to
27 libraries and library systems pursuant to such appropriations shall be

1 reduced proportionately to assure that the total amount of aid payable
2 does not exceed the total appropriations for such purpose.

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

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

17 1. sections one, two, three, four, five, six, seven, eight, nine, ten,
18 eleven, twelve, thirteen, fourteen, fifteen, sixteen, seventeen, eigh-
19 teen, nineteen, twenty, twenty-one, twenty-two, twenty-three, twenty-
20 four, twenty-seven, thirty-eight, forty-one and forty-two of this act
21 shall take effect July 1, 2020;

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

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

1 4. the amendments to chapter 756 of the laws of 1992, relating to
2 funding a program for work force education conducted by a consortium for
3 worker education in New York City made by sections thirty and thirty-one
4 of this act shall not affect the repeal of such chapter and shall be
5 deemed repealed therewith.

6 PART B

7 Section 1. Legislative intent. The purpose of this act is to establish
8 the Syracuse Comprehensive Education and Workforce Training Center
9 focusing on Science, Technology, Engineering, Arts, and Math. The high
10 school and center shall provide a high school course of instruction for
11 grades nine through twelve, dedicated to providing expanded learning and
12 job training opportunities to students residing in the Onondaga, Cort-
13 land and Madison county board of cooperative educational services region
14 and central New York, in the areas of science, technology, engineering,
15 arts and mathematics as well as the core academic areas required for the
16 issuance of high school diplomas in accordance with the rules and regu-
17 lations promulgated by the board of regents. The legislature hereby
18 finds and declares that the establishment of the school is a necessary
19 component to the development of the greater central New York region of
20 New York state and a necessary link to fostering the development and
21 advancement of the arts and emerging technologies. This school will
22 advance the interests of the central New York region and New York state
23 by engaging students in rigorous and enriching educational experiences
24 focused on the arts and emerging technologies, project-based learning
25 and collaboration and by providing that experience within the context of
26 a business and learning community for the purpose of directly connecting

1 student learning with real world experience in the arts and advanced
2 technical facilities. It is expressly found that the establishment and
3 operation of such school pursuant to this act is a public purpose.

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

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

16 3. The board of education of the Syracuse city school district shall
17 have the responsibility for the operation, supervision and maintenance
18 of the school and shall be responsible for the administration of the
19 school, including curriculum, grading, discipline and staffing. The
20 Syracuse Comprehensive Education and Workforce Training Center shall
21 also partner with a certified institution of higher education to offer
22 an early college high school program. The Syracuse Comprehensive Educa-
23 tion and Workforce Training Center shall also partner with a certified
24 institution of higher education to offer apprenticeship training and
25 programs. The Syracuse Comprehensive Education and Workforce Training
26 Center shall also partner with the State University of New York Empire
27 State College to ensure that there are career connection programs and
28 opportunities including, but not limited to, workforce preparation and

1 training, industry certifications and credentials including advanced
2 technical certifications and high school equivalency programs, and
3 education opportunity center programs. The State University of New York
4 Empire State College may also partner with the New York State Department
5 of Labor. The Syracuse Comprehensive Education and Workforce Training
6 Center is also authorized to partner with other local entities includ-
7 ing, but not limited to, businesses, non-profit organizations, state and
8 local governments, and other organizations focused on closing the skills
9 gap and increasing employment opportunities through training. These
10 programs shall be available to students as well as members of the commu-
11 nity.

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

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

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

23 7. The public school district of residence shall be obligated to
24 provide transportation, without regard to any mileage limitations,
25 provided however, for aid reimbursements pursuant to subdivision 7 of
26 section 3602 of the education law, expenses associated with the trans-
27 portation of students to and from the Syracuse Comprehensive Education

1 and Workforce Training Center up to a distance of thirty miles shall be
2 included.

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

7 9. The trustees or the board of education of a school district may
8 enter into a memorandum of understanding with the board of education of
9 the Syracuse city school district to participate in such school program
10 for a period not to exceed five years upon such terms as such trustees
11 or board of education and the board of education of the Syracuse city
12 school district may mutually agree. Such memorandum of understanding
13 shall set forth a methodology for the calculation of per pupil tuition
14 costs that shall be subject to review and approval by the commissioner.

15 10. Any student eligible for enrollment in grades nine through twelve
16 of a public school entering into a memorandum of understanding with the
17 board of education of the Syracuse city school district to enroll
18 students in the Syracuse Comprehensive Education and Workforce Training
19 Center shall be eligible for admission to the high school. To the extent
20 that the number of qualified applicants may exceed the number of avail-
21 able spaces, the school shall grant admission on a random selection
22 basis, provided that an enrollment preference shall be provided to
23 pupils returning to the high school in the second or any subsequent
24 year. The criteria for admission shall not be limited based on intellec-
25 tual ability, measures of academic achievement or aptitude, athletic
26 aptitude, disability, race, creed, gender, national origin, religion,
27 ancestry, or location of residence. The high school shall determine the
28 tentative enrollment roster, notify the parents, or those in parental

1 relations to those students, and the resident school district by April
2 first of the school year preceding the school year for which the admis-
3 sion is granted.

4 11. Notwithstanding any other provision of law to the contrary, the
5 Syracuse city school district is authorized to transfer ownership of the
6 Syracuse Comprehensive Education and Workforce Training Center to the
7 county of Onondaga and the county of Onondaga is authorized to assume
8 such ownership and to enter into a lease for such facility with the
9 Syracuse city school district. The county of Onondaga may contract for
10 indebtedness to renovate such facility and any related financing shall
11 be deemed a county purpose. The county of Onondaga shall transfer owner-
12 ship of the Syracuse Comprehensive Education and Workforce Training
13 Center to the city of Syracuse upon the expiration of the lease.

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

1 13. Notwithstanding any other provision of law to the contrary, the
2 county of Onondaga shall submit estimated project costs for the reno-
3 vation and equipping of the Syracuse Comprehensive Education Workforce
4 and Training Center after the completion of fifty percent of the final
5 plans and specifications for review by the commissioner of education. If
6 the total project costs associated with such project exceed the approved
7 cost allowance of such building project pursuant to section three of
8 this act, and the county has not otherwise demonstrated to the satisfac-
9 tion of the New York state department of education the availability of
10 additional local share for such excess costs from the city of Syracuse
11 and/or the Syracuse city school district, then the county shall not
12 proceed with the completion of the remaining fifty percent of the plans
13 and specifications for such project until the project has been rede-
14 signed or value-engineered to reduce estimated project costs so as to
15 not exceed the above cost limits.

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

18 (8) Notwithstanding any other provision of law to the contrary, for
19 the purpose of computation of building aid for the renovation and equip-
20 ping of the Syracuse Comprehensive Education and Workforce Training
21 Center authorized for operation by the Syracuse city school district the
22 building aid units assigned to this project shall reflect a building aid
23 enrollment of one thousand students and multi-year cost allowances for
24 the project shall be established and utilized two times in the first
25 five-year period. Subsequent multi-year cost allowances shall be estab-
26 lished no sooner than ten years after establishment of the first maximum
27 cost allowance authorized pursuant to this subparagraph.

28 § 4. This act shall take effect immediately.

1 PART C

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

3 (a) "Commissioner" shall mean the commissioner of education;

4 (b) "Department" shall mean the state education department;

5 (c) "Board of education" or "board" shall mean the board of education
6 of the Rochester city school district;

7 (d) "School district" or "district" shall mean the Rochester city
8 school district;

9 (e) "Superintendent" shall mean the superintendent of the Rochester
10 city school district;

11 (f) "Relatives" shall mean a Rochester city school district board
12 member's spouse, domestic partner, child, stepchild, stepparent, or any
13 person who is a direct descendant of the grandparents of a current board
14 member or a board member's spouse or domestic partner;

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

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

17 § 2. Appointment of a monitor. The commissioner and the mayor shall
18 jointly appoint one monitor to provide oversight, guidance and technical
19 assistance related to the educational and fiscal policies, practices,
20 programs and decisions of the school district, the board of education
21 and the superintendent.

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

24 (a) elementary and secondary education;

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

26 (c) educating students with disabilities; and

27 (d) educating English language learners.

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

5 3. The reasonable and necessary expenses incurred by the monitor while
6 performing his or her official duties shall be paid by the school
7 district. Notwithstanding any other provision of law, the monitor shall
8 be entitled to defense and indemnification by the school district to the
9 same extent as a school district employee.

10 § 3. Meetings. 1. The monitor shall be entitled to attend all meetings
11 of the board, including executive sessions; provided however, such moni-
12 tor shall not be considered for purposes of establishing a quorum of the
13 board. The school district shall fully cooperate with the monitor
14 including, but not limited to, providing such monitor with access to any
15 necessary documents and records of the district including access to
16 electronic information systems, databases and planning documents,
17 consistent with all applicable state and federal statutes including, but
18 not limited to, Family Education Rights and Privacy Act (FERPA) (20
19 U.S.C. § 1232g) and section 2-d of the education law.

20 2. The board, in consultation with the monitor, shall adopt a conflict
21 of interest policy that complies with all existing applicable laws,
22 rules and regulations that ensures its board members and administration
23 act in the school district's best interest and comply with applicable
24 legal requirements. The conflict of interest policy shall include, but
25 not be limited to:

26 (a) a definition of the circumstances that constitute a conflict of
27 interest;

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

1 (c) a requirement that the person with the conflict of interest not be
2 present at or participate in board deliberations or votes on the matter
3 giving rise to such conflict, provided that nothing in this subdivision
4 shall prohibit the board from requesting that the person with the
5 conflict of interest present information as background or answer ques-
6 tions at a board meeting prior to the commencement of deliberations or
7 voting relating thereto;

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

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

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

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

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

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

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

4 § 5. Financial plan. 1. No later than November first, two thousand
5 twenty, the board of education, the superintendent and the monitor shall
6 develop a proposed financial plan for the two thousand twenty--two thou-
7 sand twenty-one school year and the four subsequent school years. The
8 financial plan shall ensure that annual aggregate operating expenses
9 shall not exceed annual aggregate operating revenues for such school
10 year and that the major operating funds of the district be balanced in
11 accordance with generally accepted accounting principles, and shall
12 consider whether financial and budgetary functions of the district shall
13 be subject to a shared services agreement with the city and whether
14 district governance should be modified. The financial plan shall
15 include statements of all estimated revenues, expenditures, and cash
16 flow projections of the district.

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

26 3. If the board of education and the monitor do not agree on all the
27 elements of the proposed financial plan, the board of education shall
28 conduct a public hearing on the proposed plan that details the elements

1 of disagreement between the monitor and the board, including documented
2 justification for such disagreements and any requested amendments from
3 the monitor. The proposed financial plan, elements of disagreement, and
4 requested amendments shall be made public on the district's website at
5 least three business days before such public hearing. After considering
6 the input of the community, the board may alter the proposed financial
7 plan and the monitor may alter his or her requested amendments, and the
8 monitor shall submit the proposed financial plan, his or her amendments
9 to the plan, and documentation providing justification for such disa-
10 greements and amendments to the commissioner and the mayor no later than
11 December first, two thousand twenty. By January fifteenth, two thousand
12 twenty-one, the commissioner and the mayor shall jointly approve the
13 proposed plan with any of the monitor's proposed amendments, or make
14 other modifications, they deem appropriate. The board of education
15 shall provide the commissioner and the mayor with any information they
16 request to approve such plan within three business days of such request.
17 Upon the approval of the commissioner and the mayor, the financial plan
18 shall be deemed approved for purposes of this act.

19 § 6. Academic improvement plan. 1. No later than November first, two
20 thousand twenty, the board of education, the superintendent and the
21 monitor shall develop an academic improvement plan for the district's
22 two thousand twenty--two thousand twenty-one school year and the four
23 subsequent school years. The academic improvement plan shall contain a
24 series of programmatic recommendations designed to improve academic
25 performance over the period of the plan in those academic areas that the
26 commissioner deems to be in need of improvement which shall include
27 addressing the provisions contained in any action plan set forth by the
28 department.

1 2. If the board of education and the monitor agree on all the elements
2 of the proposed academic improvement plan, the board of education shall
3 conduct a public hearing on the plan and consider the input of the
4 community. The proposed academic improvement plan shall be made public
5 on the district's website at least three business days before such
6 public hearing. Once the proposed academic improvement plan has been
7 approved by the board of education, such plan shall be submitted by the
8 monitor to the commissioner for approval and shall be deemed approved
9 for the purposes of this act.

10 3. If the board of education and the monitor do not agree on all the
11 elements of the proposed academic improvement plan, the board of educa-
12 tion shall conduct a public hearing on the proposed plan that details
13 the elements of disagreement between the monitor and the board, includ-
14 ing documented justification for such disagreements and any requested
15 amendments from the monitor. The proposed academic improvement plan,
16 elements of disagreement, and requested amendments shall be made public
17 on the district's website at least three business days before such
18 public hearing. After considering the input of the community, the board
19 may alter the proposed academic improvement plan and the monitor may
20 alter his or her requested amendments, and the monitor shall submit the
21 proposed academic improvement plan, his or her amendments to the plan,
22 and documentation providing justification for such disagreements and
23 amendments to the commissioner no later than December first, two thou-
24 sand twenty. By January fifteenth, two thousand twenty-one, the commis-
25 sioner shall approve the proposed plan with any of the monitor's
26 proposed amendments, or make other modifications, he or she deems appro-
27 priate. The board of education shall provide the commissioner with any
28 information he or she requests to approve such plan within three busi-

1 ness days of such request. Upon the approval of the commissioner, the
2 academic improvement plan shall be deemed approved for purposes of this
3 act.

4 § 7. Fiscal and operational oversight. 1. Starting with the proposed
5 budget for the two thousand twenty-one--two thousand twenty-two school
6 year, the board of education shall annually submit the school district's
7 proposed budget for the next succeeding school year to the monitor no
8 later than March first prior to the start of such next succeeding school
9 year. The monitor shall review the proposed budget to ensure that it is
10 balanced within the context of revenue and expenditure estimates and
11 mandated programs. The monitor shall also review the proposed budget to
12 ensure that it, to the greatest extent possible, is consistent with the
13 district academic improvement plan and financial plan developed and
14 approved pursuant to this act. The monitor shall present his or her
15 findings to the board of education, the mayor and the commissioner no
16 later than forty-five days prior to the date scheduled for the board of
17 education's vote on the adoption of the final budget or the last date on
18 which the budget may be finally adopted, whichever is sooner. The
19 commissioner and the mayor shall jointly require the board of education
20 to make amendments to the proposed budget consistent with any recommen-
21 dations made by the monitor if the commissioner and the mayor jointly
22 determine such amendments are necessary to comply with the financial
23 plan and academic improvement plan under this act. The school district
24 shall make available on the district's website: the initial proposed
25 budget, the monitor's findings, and the final proposed budget at least
26 seven days prior to the date of the school district's budget hearing.
27 The board of education shall provide the commissioner and the mayor with

1 any information they request in order to make a determination pursuant
2 to this subdivision within three business days of such request.

3 2. The district shall provide quarterly reports to the monitor and
4 annual reports to the mayor, the commissioner and the board of regents
5 on the academic, fiscal, and operational status of the school district.
6 In addition, the monitor shall provide semi-annual reports to the mayor,
7 the commissioner, board of regents, the governor, the temporary presi-
8 dent of the senate, and the speaker of the assembly on the academic,
9 fiscal, and operational status of the school district. Such semi-annual
10 report shall include all the contracts that the district entered into
11 throughout the year.

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

14 4. The monitor shall work with the district's shared decision-making
15 committee as defined in 8 NYCRR 100.11 in developing the academic
16 improvement plan, financial plan, district goals, implementation of
17 district priorities, budgetary recommendations and recommendations
18 related to school governance.

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

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

25 § 8. The commissioner may overrule any decision of the monitor, except
26 for collective bargaining agreements negotiated in accordance with arti-
27 cle 14 of the civil service law, if he or she deems that such decision
28 is not aligned with the academic improvement plan. The commissioner and

1 the mayor may jointly overrule any decision of the monitor, except for
2 collective bargaining agreements negotiated in accordance with article
3 14 of the civil service law, if they jointly deem such decision is not
4 aligned with the financial plan or the school district's budget.

5 § 9. The monitor may notify the commissioner, the mayor and the board
6 in writing when he or she deems the district is violating an element of
7 the financial plan or academic improvement plan in this act. Within
8 twenty days, the commissioner shall determine whether the district is in
9 violation of any of the elements of the academic improvement plan high-
10 lighted by the monitor and shall order the district to comply immediate-
11 ly with the plan and remedy any such violation. The mayor and the
12 commissioner shall, within twenty days, jointly determine whether the
13 district is in violation of any of the elements of the financial plan
14 highlighted by the monitor and shall order the district to comply imme-
15 diately with the plan and remedy any such violation. The school
16 district shall suspend all actions related to the potential violation of
17 the financial plan or academic improvement plan until the commissioner
18 issues a determination or the mayor and the commissioner jointly issue a
19 determination related to the financial plan.

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

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

1 Section 1. Subparagraph 4 of paragraph h of subdivision 2 of section
2 355 of the education law, as amended by section 1 of part JJJ of chapter
3 59 of the laws of 2017, is amended to read as follows:

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

26 (i) Commencing with the two thousand eleven--two thousand twelve
27 academic year and ending in the two thousand fifteen--two thousand
28 sixteen academic year the state university of New York board of trustees

1 shall be empowered to increase the resident undergraduate rate of
2 tuition by not more than three hundred dollars over the resident under-
3 graduate rate of tuition adopted by the board of trustees in the prior
4 academic year, provided however that commencing with the two thousand
5 eleven--two thousand twelve academic year and ending in the two thousand
6 sixteen--two thousand seventeen academic year if the annual resident
7 undergraduate rate of tuition would exceed five thousand dollars, then a
8 tuition credit for each eligible student, as determined and calculated
9 by the New York state higher education services corporation pursuant to
10 section six hundred eighty-nine-a of this title, shall be applied toward
11 the tuition charged for each semester, quarter or term of study. Tuition
12 for each semester, quarter or term of study shall not be due for any
13 student eligible to receive such tuition credit until the tuition credit
14 is calculated and applied against the tuition charged for the corre-
15 sponding semester, quarter or term.

16 (ii) Commencing with the two thousand seventeen--two thousand eighteen
17 academic year and ending in the two thousand twenty--two thousand twen-
18 ty-one academic year the state university of New York board of trustees
19 shall be empowered to increase the resident undergraduate rate of
20 tuition by not more than two hundred dollars over the resident under-
21 graduate rate of tuition adopted by the board of trustees in the prior
22 academic year, provided, however that if the annual resident undergradu-
23 ate rate of tuition would exceed five thousand dollars, then a tuition
24 credit for each eligible student, as determined and calculated by the
25 New York state higher education services corporation pursuant to section
26 six hundred eighty-nine-a of this title, shall be applied toward the
27 tuition charged for each semester, quarter or term of study. Tuition for
28 each semester, quarter or term of study shall not be due for any student

1 eligible to receive such tuition credit until the tuition credit is
2 calculated and applied against the tuition charged for the corresponding
3 semester, quarter or term. Provided, further that the revenue resulting
4 from an increase in the rate of tuition shall be allocated to each
5 campus pursuant to a plan approved by the board of trustees to support
6 investments in new classroom faculty, instruction, initiatives to
7 improve student success and on-time completion and a tuition credit for
8 each eligible student.

9 (iii) Commencing with the two thousand twenty-one--two thousand twen-
10 ty-two academic year and ending in the two thousand twenty-four--two
11 thousand twenty-five academic year the state university of New York
12 board of trustees shall be empowered to increase the resident undergrad-
13 uate rate of tuition by no more than two hundred dollars over the resi-
14 dent undergraduate rate of tuition adopted by the board of trustees in
15 the prior academic year, provided, however that if the annual resident
16 undergraduate rate of tuition would exceed five thousand dollars, then a
17 tuition credit for each eligible student, as determined and calculated
18 by the New York state higher education services corporation pursuant to
19 section six hundred eighty-nine-a of this title, shall be applied toward
20 the tuition charged for each semester, quarter or term of study. Tuition
21 for each semester, quarter or term of study shall not be due for any
22 student eligible to receive such tuition credit until the tuition credit
23 is calculated and applied against the tuition charged for the corre-
24 sponding semester, quarter or term. Provided further that the revenue
25 resulting from an increase in the rate of tuition shall be allocated to
26 each campus pursuant to a plan approved by the board of trustees to
27 support investments in new classroom faculty, instruction, initiatives

1 to improve student success and on-time completion and a tuition credit
2 for each eligible student.

3 (iv) On or before November thirtieth, two thousand [seventeen] twen-
4 ty-one, the trustees shall approve and submit to the chairs of the
5 assembly ways and means committee and the senate finance committee and
6 to the director of the budget a master tuition plan setting forth the
7 tuition rates that the trustees propose for resident undergraduate
8 students for the four year period commencing with the two thousand
9 [seventeen] twenty-one--two thousand [eighteen] twenty-two academic year
10 and ending in the two thousand [twenty] twenty-four--two thousand [twen-
11 ty-one] twenty-five academic year, and shall submit any proposed amend-
12 ments to such plan by November thirtieth of each subsequent year there-
13 after through November thirtieth, two thousand [twenty] twenty-four, and
14 provided further, that with the approval of the board of trustees, each
15 university center may increase non-resident undergraduate tuition rates
16 each year by not more than ten percent over the tuition rates of the
17 prior academic year for a six year period commencing with the two thou-
18 sand eleven--two thousand twelve academic year and ending in the two
19 thousand sixteen--two thousand seventeen academic year.

20 [(iv)] (v) Beginning in state fiscal year two thousand twelve-two
21 thousand thirteen and ending in state fiscal year two thousand fifteen-
22 -two thousand sixteen, the state shall appropriate and make available
23 general fund operating support, including fringe benefits, for the state
24 university in an amount not less than the amount appropriated and made
25 available in the prior state fiscal year; provided, however, that if the
26 governor declares a fiscal emergency, and communicates such emergency to
27 the temporary president of the senate and speaker of the assembly, state
28 support for operating expenses at the state university and city univer-

1 sity may be reduced in a manner proportionate to one another, and the
2 aforementioned provisions shall not apply.

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

17 (vii) Beginning in state fiscal year two thousand twenty-one--two
18 thousand twenty-two and ending in state fiscal year two thousand twen-
19 ty-four--two thousand twenty-five, the state shall appropriate and make
20 available general fund operating support, including fringe benefits, for
21 the state university in an amount not less than the amount appropriated
22 and made available in the prior state fiscal year; provided, however,
23 that if the governor declares a fiscal emergency, and communicates such
24 emergency to the temporary president of the senate and speaker of the
25 assembly, state support for operating expenses at the state university
26 and city university may be reduced in a manner proportionate to one
27 another, and the aforementioned provisions shall not apply; provided
28 further, the state shall appropriate and make available general fund

1 support to fully fund the tuition credit pursuant to subdivision two of
2 section six hundred sixty-nine-h of this title.

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

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

17 (4-a) Notwithstanding any law, rule, regulation, or practice to the
18 contrary and following the review and approval of the chancellor of the
19 state university or his or her designee, the board of trustees may raise
20 non-resident undergraduate rates of tuition by not more than ten percent
21 over the tuition rates of the prior academic year for the state univer-
22 sity of New York college of environmental science and forestry as
23 defined in article one hundred twenty-one of this chapter for a four
24 year period commencing with the two thousand twenty--two thousand twen-
25 ty-one academic year and ending in the two thousand twenty-three--two
26 thousand twenty-four academic year provided that such rate change is
27 approved annually prior to board of trustees action by the chancellor of
28 the state university or his or her designee.

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

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

26 (i) Commencing with the two thousand eleven--two thousand twelve
27 academic year and ending in the two thousand fifteen--two thousand
28 sixteen academic year, the city university of New York board of trustees

1 shall be empowered to increase the resident undergraduate rate of
2 tuition by not more than three hundred dollars over the resident under-
3 graduate rate of tuition adopted by the board of trustees in the prior
4 academic year, provided however that commencing with the two thousand
5 eleven--two thousand twelve academic year and ending with the two thou-
6 sand sixteen--two thousand seventeen academic year if the annual resi-
7 dent undergraduate rate of tuition would exceed five thousand dollars,
8 then a tuition credit for each eligible student, as determined and
9 calculated by the New York state higher education services corporation
10 pursuant to section six hundred eighty-nine-a of this chapter, shall be
11 applied toward the tuition charged for each semester, quarter or term of
12 study. Tuition for each semester, quarter or term of study shall not be
13 due for any student eligible to receive such tuition credit until the
14 tuition credit is calculated and applied against the tuition charged for
15 the corresponding semester, quarter or term.

16 (ii) Commencing with the two thousand seventeen--two thousand eighteen
17 academic year and ending in the two thousand twenty--two thousand twen-
18 ty-one academic year the city university of New York board of trustees
19 shall be empowered to increase the resident undergraduate rate of
20 tuition by not more than two hundred dollars over the resident under-
21 graduate rate of tuition adopted by the board of trustees in the prior
22 academic year, provided however that if the annual resident undergradu-
23 ate rate of tuition would exceed five thousand dollars, then a tuition
24 credit for each eligible student, as determined and calculated by the
25 New York state higher education services corporation pursuant to section
26 six hundred eighty-nine-a of this [title] chapter, shall be applied
27 toward the tuition charged for each semester, quarter or term of study.
28 Tuition for each semester, quarter or term of study shall not be due for

1 any student eligible to receive such tuition credit until the tuition
2 credit is calculated and applied against the tuition charged for the
3 corresponding semester, quarter or term. Provided, further that the
4 revenue resulting from an increase in the rate of tuition shall be allo-
5 cated to each campus pursuant to a plan approved by the board of trus-
6 tees to support investments in new classroom faculty, instruction,
7 initiatives to improve student success and on-time completion and a
8 tuition credit for each eligible student.

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

1 initiatives to improve student success and on-time completion and a
2 tuition credit for each eligible student.

3 (iv) On or before November thirtieth, two thousand [seventeen] twen-
4 ty-one, the trustees shall approve and submit to the chairs of the
5 assembly ways and means committee and the senate finance committee and
6 to the director of the budget a master tuition plan setting forth the
7 tuition rates that the trustees propose for resident undergraduate
8 students for the four year period commencing with the two thousand
9 [seventeen] twenty-one--two thousand [eighteen] twenty-two academic year
10 and ending in the two thousand [twenty] twenty-four--two thousand [twen-
11 ty-one] twenty-five academic year, and shall submit any proposed amend-
12 ments to such plan by November thirtieth of each subsequent year there-
13 after through November thirtieth, two thousand [twenty] twenty-four.

14 [(iv)] (v) Beginning in state fiscal year two thousand twelve--two
15 thousand thirteen and ending in state fiscal year two thousand fifteen-
16 -two thousand sixteen, the state shall appropriate and make available
17 state support for operating expenses, including fringe benefits, for the
18 city university in an amount not less than the amount appropriated and
19 made available in the prior state fiscal year; provided, however, that
20 if the governor declares a fiscal emergency, and communicates such emer-
21 gency to the temporary president of the senate and speaker of the assem-
22 bly, state support for operating expenses of the state university and
23 city university may be reduced in a manner proportionate to one another,
24 and the aforementioned provisions shall not apply.

25 [(v)] (vi) Beginning in state fiscal year two thousand seventeen--two
26 thousand eighteen and ending in state fiscal year two thousand twenty--
27 two thousand twenty-one, the state shall appropriate and make available
28 general fund operating support, including fringe benefits, for the city

1 university in an amount not less than the amount appropriated and made
2 available in the prior state fiscal year; provided, however, that if the
3 governor declares a fiscal emergency, and communicates such emergency to
4 the temporary president of the senate and speaker of the assembly, state
5 support for operating expenses at the state university and city univer-
6 sity may be reduced in a manner proportionate to one another, and the
7 aforementioned provisions shall not apply; provided further, the state
8 shall appropriate and make available general fund support to fully fund
9 the tuition credit pursuant to subdivision two of section six hundred
10 sixty-nine-h of this chapter.

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

25 § 4. Section 16 of chapter 260 of the laws of 2011, amending the
26 education law and the New York state urban development corporation act
27 relating to establishing components of the NY-SUNY 2020 challenge grant

1 program, as amended by section 5 of part JJJ of chapter 59 of the laws
2 of 2017, is amended to read as follows:

3 § 16. This act shall take effect July 1, 2011; provided that sections
4 one, two, three, four, five, six, eight, nine, ten, eleven, twelve and
5 thirteen of this act shall expire [10] 14 years after such effective
6 date when upon such date the provisions of this act shall be deemed
7 repealed; and provided further that sections fourteen and fifteen of
8 this act shall expire 5 years after such effective date when upon such
9 date the provisions of this act shall be deemed repealed.

10 § 5. This act shall take effect immediately; provided, however, that
11 the amendments to subparagraph 4 of paragraph h of subdivision 2 of
12 section 355 of the education law made by section one of this act and the
13 amendments to paragraph (a) of subdivision 7 of section 6206 of the
14 education law made by section three of this act shall not affect the
15 expiration of such paragraph and subparagraph and shall be deemed to
16 expire therewith.

17 PART E

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

21 (d) has an adjusted gross income for the qualifying year, as such
22 terms are defined in this subdivision, equal to or less than: (i) one
23 hundred thousand dollars for recipients receiving an award in the two
24 thousand seventeen--two thousand eighteen academic year; (ii) one
25 hundred ten thousand dollars for recipients receiving an award in the
26 two thousand eighteen--two thousand nineteen academic year; [and] (iii)

1 one hundred twenty-five thousand dollars for recipients receiving an
2 award in the two thousand nineteen--two thousand twenty academic year;
3 (iv) one hundred thirty-five thousand dollars for recipients receiving
4 an award in the two thousand twenty--two thousand twenty-one academic
5 year; and (v) one hundred fifty thousand dollars for recipients receiv-
6 ing an award in the two thousand twenty-one--two thousand twenty-two
7 academic year and thereafter; and

8 § 2. This act shall take effect immediately.

9 PART F

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

13 3. Income. An award shall be made to an applicant who has an adjusted
14 gross income for the qualifying year, as such terms are defined in this
15 subdivision, equal to or less than: (i) one hundred thousand dollars for
16 recipients receiving an award in the two thousand seventeen--two thou-
17 sand eighteen academic year; (ii) one hundred ten thousand dollars for
18 recipients receiving an award in the two thousand eighteen--two thousand
19 nineteen academic year; [and] (iii) one hundred twenty-five thousand
20 dollars for recipients receiving an award in the two thousand nineteen-
21 -two thousand twenty academic year; (iv) one hundred thirty-five thou-
22 sand dollars for recipients receiving an award in the two thousand twen-
23 ty--two thousand twenty-one academic year; and (v) one hundred fifty
24 thousand dollars for recipients receiving an award in the two thousand
25 twenty-one--two thousand twenty-two academic year and thereafter.
26 Adjusted gross income shall be the total of the combined adjusted gross

1 income of the applicant and the applicant's parents or the applicant and
2 the applicant's spouse, if married. Qualifying year shall be the
3 adjusted gross income as reported on the federal income tax return, or
4 as otherwise obtained by the corporation, for the calendar year coincid-
5 ing with the tax year established by the U.S. department of education to
6 qualify applicants for federal student financial aid programs authorized
7 by Title IV of the Higher Education Act of nineteen hundred sixty-five,
8 as amended, for the school year in which application for assistance is
9 made. Provided, however, if an applicant demonstrates to the corporation
10 that there has been a change in such applicant's adjusted gross income
11 in the year or years subsequent to the qualifying year which would qual-
12 ify such applicant for an award, the corporation shall review and make a
13 determination as to whether such applicant meets the requirement set
14 forth in this subdivision based on such year. Provided, further that
15 such change was caused by the death, permanent and total physical or
16 mental disability, divorce, or separation by judicial decree or pursuant
17 to an agreement of separation which is filed with a court of competent
18 jurisdiction of any person whose income was required to be used to
19 compute the applicant's total adjusted gross income.

20 § 2. This act shall take effect immediately.

21 PART G

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

24 (h) Any firm established for the business purpose of incorporating as
25 a professional service corporation formed to lawfully engage in the
26 practice of public accountancy, as such practice is respectively defined

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

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

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

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

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

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

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

19 No shareholder of a firm established for the business purpose of incor-
20 porating as a professional service corporation pursuant to paragraph (h)
21 of section fifteen hundred three of this article shall enter into a
22 voting trust agreement, proxy or any other type of agreement vesting in
23 another person, other than another shareholder of the same corporation,
24 the authority to exercise voting power of any or all of his or her
25 shares. All shares issued, agreements made or proxies granted in
26 violation of this section shall be void.

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

1 (c) The directors and officers of any firm established for the busi-
2 ness purpose of incorporating as a professional service corporation
3 pursuant to paragraph (h) of section fifteen hundred three of this arti-
4 cle may include individuals who are not licensed to practice public
5 accountancy, provided however that at least fifty-one percent of the
6 directors, at least fifty-one percent of the officers and the president,
7 the chairperson of the board of directors and the chief executive offi-
8 cer or officers are authorized by law to practice in any state the
9 profession which such corporation is authorized to practice, and are
10 either shareholders of such corporation or engaged in the practice of
11 their professions in such corporation.

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

14 § 1509. Disqualification of shareholders, directors, officers and
15 employees.

16 If any shareholder, director, officer or employee of a professional
17 service corporation, including a design professional service corpo-
18 ration, who has been rendering professional service to the public
19 becomes legally disqualified to practice his or her profession within
20 this state, he or she shall sever all employment with, and financial
21 interests (other than interests as a creditor) in, such corporation
22 forthwith or as otherwise provided in section 1510 of this article. All
23 provisions of law regulating the rendering of professional services by a
24 person elected or appointed to a public office shall be applicable to a
25 shareholder, director, officer and employee of such corporation in the
26 same manner and to the same extent as if fully set forth herein. Such
27 legal disqualification to practice his or her profession within this
28 state shall be deemed to constitute an irrevocable offer by the disqual-

1 ified shareholder to sell his or her shares to the corporation, pursuant
2 to the provisions of section 1510 of this article or of the certificate
3 of incorporation, by-laws or agreement among the corporation and all
4 shareholders, whichever is applicable. Compliance with the terms of such
5 offer shall be specifically enforceable in the courts of this state. A
6 professional service corporation's failure to enforce compliance with
7 this provision shall constitute a ground for forfeiture of its certifi-
8 cate of incorporation and its dissolution.

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

12 (a) No shareholder of a professional service corporation [~~or~~], includ-
13 ing a design professional service corporation, may sell or transfer his
14 or her shares in such corporation except to another individual who is
15 eligible to have shares issued to him or her by such corporation or
16 except in trust to another individual who would be eligible to receive
17 shares if he or she were employed by the corporation. Nothing herein
18 contained shall be construed to prohibit the transfer of shares by oper-
19 ation of law or by court decree. No transferee of shares by operation
20 of law or court decree may vote the shares for any purpose whatsoever
21 except with respect to corporate action under sections 909 and 1001 of
22 this chapter. The restriction in the preceding sentence shall not apply,
23 however, where such transferee would be eligible to have shares issued
24 to him or her if he or she were an employee of the corporation and, if
25 there are other shareholders, a majority of such other shareholders
26 shall fail to redeem the shares so transferred, pursuant to section 1510
27 of this article, within sixty days of receiving written notice of such
28 transfer. Any sale or transfer, except by operation of law or court

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

22 (c) A firm established for the business purpose of incorporating as a
23 professional service corporation pursuant to paragraph (h) of section
24 fifteen hundred three of this article, shall purchase or redeem the
25 shares of a non-licensed professional shareholder in the case of his or
26 her termination of employment within thirty days after such termination.
27 A firm established for the business purpose of incorporating as a
28 professional service corporation pursuant to paragraph (h) of section

1 fifteen hundred three of this article, shall not be required to purchase
2 or redeem the shares of a terminated non-licensed professional share-
3 holder if such shares, within thirty days after such termination, are
4 sold or transferred to another employee of the corporation pursuant to
5 this article.

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

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

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

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

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

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

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

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

3 (d) "Foreign professional service corporation" means a professional
4 service corporation, whether or not denominated as such, organized under
5 the laws of a jurisdiction other than this state, all of the sharehold-
6 ers, directors and officers of which are authorized and licensed to
7 practice the profession for which such corporation is licensed to do
8 business; except that all shareholders, directors and officers of a
9 foreign professional service corporation which provides health services
10 in this state shall be licensed in this state. A foreign professional
11 service corporation formed to lawfully engage in the practice of public
12 accountancy, as such practice is defined under article one hundred
13 forty-nine of the education law, or equivalent state law, shall be
14 required to show (1) that a simple majority of the ownership of the
15 firm, in terms of financial interests, and voting rights held by the
16 firm's owners, belongs to individuals licensed to practice public
17 accountancy in some state, and (2) that all shareholders of a foreign
18 professional service corporation whose principal place of business is in
19 this state, and who are engaged in the practice of public accountancy in
20 this state, hold a valid license issued under section seventy-four
21 hundred four of the education law. For purposes of this paragraph,
22 "financial interest" means capital stock, capital accounts, capital
23 contributions, capital interest, or interest in undistributed earnings
24 of a business entity. Although firms may include non-licensee owners,
25 the firm and its owners must comply with rules promulgated by the state
26 board of regents. Notwithstanding the foregoing, a firm registered
27 under this section may not have non-licensee owners if the firm's name
28 includes the words "certified public accountant," or "certified public

1 accountants," or the abbreviations "CPA" or "CPAs". Each non-licensee
2 owner of a firm that is operating under this section shall be a natural
3 person who actively participates in the business of the firm or its
4 affiliated entities, provided each beneficial owner of an equity inter-
5 est in such entity is a natural person who actively participates in the
6 business conducted by the firm or its affiliated entities. For purposes
7 of this paragraph, "actively participate" means to provide services to
8 clients or to otherwise individually take part in the day-to-day busi-
9 ness or management of the firm.

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

13 (q) Each partner of a registered limited liability partnership formed
14 to provide medical services in this state must be licensed pursuant to
15 article 131 of the education law to practice medicine in this state and
16 each partner of a registered limited liability partnership formed to
17 provide dental services in this state must be licensed pursuant to arti-
18 cle 133 of the education law to practice dentistry in this state. Each
19 partner of a registered limited liability partnership formed to provide
20 veterinary services in this state must be licensed pursuant to article
21 135 of the education law to practice veterinary medicine in this state.
22 Each partner of a registered limited liability partnership formed to
23 provide public accountancy services, whose principal place of business
24 is in this state and who provides public accountancy services, must be
25 licensed pursuant to article 149 of the education law to practice public
26 accountancy in this state. Each partner of a registered limited liabil-
27 ity partnership formed to provide professional engineering, land survey-
28 ing, geological services, architectural and/or landscape architectural

1 services in this state must be licensed pursuant to article 145, article
2 147 and/or article 148 of the education law to practice one or more of
3 such professions in this state. Each partner of a registered limited
4 liability partnership formed to provide licensed clinical social work
5 services in this state must be licensed pursuant to article 154 of the
6 education law to practice clinical social work in this state. Each part-
7 ner of a registered limited liability partnership formed to provide
8 creative arts therapy services in this state must be licensed pursuant
9 to article 163 of the education law to practice creative arts therapy in
10 this state. Each partner of a registered limited liability partnership
11 formed to provide marriage and family therapy services in this state
12 must be licensed pursuant to article 163 of the education law to prac-
13 tice marriage and family therapy in this state. Each partner of a regis-
14 tered limited liability partnership formed to provide mental health
15 counseling services in this state must be licensed pursuant to article
16 163 of the education law to practice mental health counseling in this
17 state. Each partner of a registered limited liability partnership formed
18 to provide psychoanalysis services in this state must be licensed pursu-
19 ant to article 163 of the education law to practice psychoanalysis in
20 this state. Each partner of a registered limited liability partnership
21 formed to provide applied behavior analysis service in this state must
22 be licensed or certified pursuant to article 167 of the education law to
23 practice applied behavior analysis in this state. A limited liability
24 partnership formed to lawfully engage in the practice of public accoun-
25 tancy, as such practice is respectively defined under article 149 of the
26 education law, shall be required to show (1) that a simple majority of
27 the ownership of the firm, in terms of financial interests, and voting
28 rights held by the firm's owners, belongs to individuals licensed to

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

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

26 (q) Each partner of a foreign limited liability partnership which
27 provides medical services in this state must be licensed pursuant to
28 article 131 of the education law to practice medicine in the state and

1 each partner of a foreign limited liability partnership which provides
2 dental services in the state must be licensed pursuant to article 133 of
3 the education law to practice dentistry in this state. Each partner of a
4 foreign limited liability partnership which provides veterinary service
5 in the state shall be licensed pursuant to article 135 of the education
6 law to practice veterinary medicine in this state. Each partner of a
7 foreign limited liability partnership which provides professional engi-
8 neering, land surveying, geological services, architectural and/or land-
9 scape architectural services in this state must be licensed pursuant to
10 article 145, article 147 and/or article 148 of the education law to
11 practice one or more of such professions. Each partner of a foreign
12 registered limited liability partnership formed to provide public
13 accountancy services, whose principal place of business is in this state
14 and who provides public accountancy services, must be licensed pursuant
15 to article 149 of the education law to practice public accountancy in
16 this state. Each partner of a foreign limited liability partnership
17 which provides licensed clinical social work services in this state must
18 be licensed pursuant to article 154 of the education law to practice
19 licensed clinical social work in this state. Each partner of a foreign
20 limited liability partnership which provides creative arts therapy
21 services in this state must be licensed pursuant to article 163 of the
22 education law to practice creative arts therapy in this state. Each
23 partner of a foreign limited liability partnership which provides
24 marriage and family therapy services in this state must be licensed
25 pursuant to article 163 of the education law to practice marriage and
26 family therapy in this state. Each partner of a foreign limited liabil-
27 ity partnership which provides mental health counseling services in this
28 state must be licensed pursuant to article 163 of the education law to

1 practice mental health counseling in this state. Each partner of a
2 foreign limited liability partnership which provides psychoanalysis
3 services in this state must be licensed pursuant to article 163 of the
4 education law to practice psychoanalysis in this state. Each partner of
5 a foreign limited liability partnership which provides applied behavior
6 analysis services in this state must be licensed or certified pursuant
7 to article 167 of the education law to practice applied behavior analy-
8 sis in this state. A foreign limited liability partnership formed to
9 lawfully engage in the practice of public accountancy, as such practice
10 is respectively defined under article 149 of the education law, shall be
11 required to show (1) that a simple majority of the ownership of the
12 firm, in terms of financial interests, and voting rights held by the
13 firm's owners, belongs to individuals licensed to practice public
14 accountancy in some state, and (2) that all partners of a foreign limit-
15 ed liability partnership whose principal place of business is in this
16 state, and who are engaged in the practice of public accountancy in this
17 state, hold a valid license issued under section seventy-four hundred
18 four of the education law. For purposes of this subdivision, "financial
19 interest" means capital stock, capital accounts, capital contributions,
20 capital interest, or interest in undistributed earnings of a business
21 entity. Although firms may include non-licensee owners, the firm and
22 its owners must comply with rules promulgated by the state board of
23 regents. Notwithstanding the foregoing, a firm registered under this
24 section may not have non-licensee owners if the firm's name includes the
25 words "certified public accountant," or "certified public accountants,"
26 or the abbreviations "CPA" or "CPAs". Each non-licensee owner of a firm
27 that is formed under this section shall be (1) a natural person who
28 actively participates in the business of the firm or its affiliated

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

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

10 (h) "Limited partnership" and "domestic limited partnership" mean,
11 unless the context otherwise requires, a partnership (i) formed by two
12 or more persons pursuant to this article or which complies with subdivi-
13 sion (a) of section 121-1202 of this article and (ii) having one or more
14 general partners and one or more limited partners. Notwithstanding any
15 other provisions of law a limited partnership or domestic limited part-
16 nership formed to lawfully engage in the practice of public accountancy,
17 as such practice is respectively defined under article 149 of the educa-
18 tion law shall be required to show (1) that a simple majority of the
19 ownership of the firm, in terms of financial interests, including owner-
20 ship-based compensation, and voting rights held by the firm's owners,
21 belongs to individuals licensed to practice public accountancy in some
22 state, and (2) that all partners of a limited partnership or domestic
23 limited partnership, whose principal place of business is in this state,
24 and who are engaged in the practice of public accountancy in this state,
25 hold a valid license issued under section seventy-four hundred four of
26 the education law or are public accountants licensed under section
27 seventy-four hundred five of the education law. Although firms may
28 include non-licensee owners, the firm and its owners must comply with

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

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

18 (b) With respect to a professional service limited liability company
19 formed to provide medical services as such services are defined in arti-
20 cle 131 of the education law, each member of such limited liability
21 company must be licensed pursuant to article 131 of the education law to
22 practice medicine in this state. With respect to a professional service
23 limited liability company formed to provide dental services as such
24 services are defined in article 133 of the education law, each member of
25 such limited liability company must be licensed pursuant to article 133
26 of the education law to practice dentistry in this state. With respect
27 to a professional service limited liability company formed to provide
28 veterinary services as such services are defined in article 135 of the

1 education law, each member of such limited liability company must be
2 licensed pursuant to article 135 of the education law to practice veter-
3 inary medicine in this state. With respect to a professional service
4 limited liability company formed to provide professional engineering,
5 land surveying, architectural, landscape architectural and/or geological
6 services as such services are defined in article 145, article 147 and
7 article 148 of the education law, each member of such limited liability
8 company must be licensed pursuant to article 145, article 147 and/or
9 article 148 of the education law to practice one or more of such
10 professions in this state. With respect to a professional service
11 limited liability company formed to provide public accountancy services
12 as such services are defined in article 149 of the education law each
13 member of such limited liability company whose principal place of busi-
14 ness is in this state and who provides public accountancy services, must
15 be licensed pursuant to article 149 of the education law to practice
16 public accountancy in this state. With respect to a professional service
17 limited liability company formed to provide licensed clinical social
18 work services as such services are defined in article 154 of the educa-
19 tion law, each member of such limited liability company shall be
20 licensed pursuant to article 154 of the education law to practice
21 licensed clinical social work in this state. With respect to a profes-
22 sional service limited liability company formed to provide creative arts
23 therapy services as such services are defined in article 163 of the
24 education law, each member of such limited liability company must be
25 licensed pursuant to article 163 of the education law to practice crea-
26 tive arts therapy in this state. With respect to a professional service
27 limited liability company formed to provide marriage and family therapy
28 services as such services are defined in article 163 of the education

1 law, each member of such limited liability company must be licensed
2 pursuant to article 163 of the education law to practice marriage and
3 family therapy in this state. With respect to a professional service
4 limited liability company formed to provide mental health counseling
5 services as such services are defined in article 163 of the education
6 law, each member of such limited liability company must be licensed
7 pursuant to article 163 of the education law to practice mental health
8 counseling in this state. With respect to a professional service limited
9 liability company formed to provide psychoanalysis services as such
10 services are defined in article 163 of the education law, each member of
11 such limited liability company must be licensed pursuant to article 163
12 of the education law to practice psychoanalysis in this state. With
13 respect to a professional service limited liability company formed to
14 provide applied behavior analysis services as such services are defined
15 in article 167 of the education law, each member of such limited liabil-
16 ity company must be licensed or certified pursuant to article 167 of the
17 education law to practice applied behavior analysis in this state. A
18 professional service limited liability company formed to lawfully engage
19 in the practice of public accountancy, as such practice is respectively
20 defined under article 149 of the education law shall be required to show
21 (1) that a simple majority of the ownership of the firm, in terms of
22 financial interests, and voting rights held by the firm's owners,
23 belongs to individuals licensed to practice public accountancy in some
24 state, and (2) that all members of a limited professional service limit-
25 ed liability company, whose principal place of business is in this
26 state, and who are engaged in the practice of public accountancy in this
27 state, hold a valid license issued under section seventy-four hundred
28 four of the education law. For purposes of this subdivision, "financial

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

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

21 (a) "Foreign professional service limited liability company" means a
22 professional service limited liability company, whether or not denomi-
23 nated as such, organized under the laws of a jurisdiction other than
24 this state, (i) each of whose members and managers, if any, is a profes-
25 sional authorized by law to render a professional service within this
26 state and who is or has been engaged in the practice of such profession
27 in such professional service limited liability company or a predecessor
28 entity, or will engage in the practice of such profession in the profes-

1 sional service limited liability company within thirty days of the date
2 such professional becomes a member, or each of whose members and manag-
3 ers, if any, is a professional at least one of such members is author-
4 ized by law to render a professional service within this state and who
5 is or has been engaged in the practice of such profession in such
6 professional service limited liability company or a predecessor entity,
7 or will engage in the practice of such profession in the professional
8 service limited liability company within thirty days of the date such
9 professional becomes a member, or (ii) authorized by, or holding a
10 license, certificate, registration or permit issued by the licensing
11 authority pursuant to, the education law to render a professional
12 service within this state; except that all members and managers, if any,
13 of a foreign professional service limited liability company that
14 provides health services in this state shall be licensed in this state.
15 With respect to a foreign professional service limited liability company
16 which provides veterinary services as such services are defined in arti-
17 cle 135 of the education law, each member of such foreign professional
18 service limited liability company shall be licensed pursuant to article
19 135 of the education law to practice veterinary medicine. With respect
20 to a foreign professional service limited liability company which
21 provides medical services as such services are defined in article 131 of
22 the education law, each member of such foreign professional service
23 limited liability company must be licensed pursuant to article 131 of
24 the education law to practice medicine in this state. With respect to a
25 foreign professional service limited liability company which provides
26 dental services as such services are defined in article 133 of the
27 education law, each member of such foreign professional service limited
28 liability company must be licensed pursuant to article 133 of the educa-

1 tion law to practice dentistry in this state. With respect to a foreign
2 professional service limited liability company which provides profes-
3 sional engineering, land surveying, geologic, architectural and/or land-
4 scape architectural services as such services are defined in article
5 145, article 147 and article 148 of the education law, each member of
6 such foreign professional service limited liability company must be
7 licensed pursuant to article 145, article 147 and/or article 148 of the
8 education law to practice one or more of such professions in this state.
9 With respect to a foreign professional service limited liability company
10 which provides public accountancy services as such services are defined
11 in article 149 of the education law, each member of such foreign profes-
12 sional service limited liability company whose principal place of busi-
13 ness is in this state and who provides public accountancy services,
14 shall be licensed pursuant to article 149 of the education law to prac-
15 tice public accountancy in this state. With respect to a foreign profes-
16 sional service limited liability company which provides licensed clin-
17 ical social work services as such services are defined in article 154 of
18 the education law, each member of such foreign professional service
19 limited liability company shall be licensed pursuant to article 154 of
20 the education law to practice clinical social work in this state. With
21 respect to a foreign professional service limited liability company
22 which provides creative arts therapy services as such services are
23 defined in article 163 of the education law, each member of such foreign
24 professional service limited liability company must be licensed pursuant
25 to article 163 of the education law to practice creative arts therapy in
26 this state. With respect to a foreign professional service limited
27 liability company which provides marriage and family therapy services as
28 such services are defined in article 163 of the education law, each

1 member of such foreign professional service limited liability company
2 must be licensed pursuant to article 163 of the education law to prac-
3 tice marriage and family therapy in this state. With respect to a
4 foreign professional service limited liability company which provides
5 mental health counseling services as such services are defined in arti-
6 cle 163 of the education law, each member of such foreign professional
7 service limited liability company must be licensed pursuant to article
8 163 of the education law to practice mental health counseling in this
9 state. With respect to a foreign professional service limited liability
10 company which provides psychoanalysis services as such services are
11 defined in article 163 of the education law, each member of such foreign
12 professional service limited liability company must be licensed pursuant
13 to article 163 of the education law to practice psychoanalysis in this
14 state. With respect to a foreign professional service limited liability
15 company which provides applied behavior analysis services as such
16 services are defined in article 167 of the education law, each member of
17 such foreign professional service limited liability company must be
18 licensed or certified pursuant to article 167 of the education law to
19 practice applied behavior analysis in this state. A foreign professional
20 service limited liability company formed to lawfully engage in the prac-
21 tice of public accountancy, as such practice is respectively defined
22 under article 149 of the education law shall be required to show (1)
23 that a simple majority of the ownership of the firm, in terms of finan-
24 cial interests, and voting rights held by the firm's owners, belongs to
25 individuals licensed to practice public accountancy in some state, and
26 (2) that all members of a foreign limited professional service limited
27 liability company, whose principal place of business is in this state,
28 and who are engaged in the practice of public accountancy in this state,

1 hold a valid license issued under section seventy-four hundred four of
2 the education law. For purposes of this subdivision, "financial inter-
3 est" means capital stock, capital accounts, capital contributions, capi-
4 tal interest, or interest in undistributed earnings of a business enti-
5 ty. Although firms may include non-licensee owners, the firm and its
6 owners must comply with rules promulgated by the state board of regents.
7 Notwithstanding the foregoing, a firm registered under this section may
8 not have non-licensee owners if the firm's name includes the words
9 "certified public accountant," or "certified public accountants," or the
10 abbreviations "CPA" or "CPAs". Each non-licensee owner of a firm that is
11 registered under this section shall be (1) a natural person who actively
12 participates in the business of the firm or its affiliated entities, or
13 (2) an entity, including, but not limited to, a partnership or profes-
14 sional corporation, provided each beneficial owner of an equity interest
15 in such entity is a natural person who actively participates in the
16 business conducted by the firm or its affiliated entities. For purposes
17 of this subdivision, "actively participate" means to provide services to
18 clients or to otherwise individually take part in the day-to-day busi-
19 ness or management of the firm.

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

26 § 14. This act shall take effect immediately.

1 Section 1. Notwithstanding any other provision of law, the housing
2 trust fund corporation may provide, for purposes of the neighborhood
3 preservation program, a sum not to exceed \$12,830,000 for the fiscal
4 year ending March 31, 2021. Notwithstanding any other provision of law,
5 and subject to the approval of the New York state director of the budg-
6 et, the board of directors of the state of New York mortgage agency
7 shall authorize the transfer to the housing trust fund corporation, for
8 the purposes of reimbursing any costs associated with neighborhood pres-
9 ervation program contracts authorized by this section, a total sum not
10 to exceed \$12,830,000, such transfer to be made from (i) the special
11 account of the mortgage insurance fund created pursuant to section
12 2429-b of the public authorities law, in an amount not to exceed the
13 actual excess balance in the special account of the mortgage insurance
14 fund, as determined and certified by the state of New York mortgage
15 agency for the fiscal year 2019-2020 in accordance with section 2429-b
16 of the public authorities law, if any, and/or (ii) provided that the
17 reserves in the project pool insurance account of the mortgage insurance
18 fund created pursuant to section 2429-b of the public authorities law
19 are sufficient to attain and maintain the credit rating (as determined
20 by the state of New York mortgage agency) required to accomplish the
21 purposes of such account, the project pool insurance account of the
22 mortgage insurance fund, such transfer to be made as soon as practicable
23 but no later than June 30, 2020.

24 § 2. Notwithstanding any other provision of law, the housing trust
25 fund corporation may provide, for purposes of the rural preservation
26 program, a sum not to exceed \$5,360,000 for the fiscal year ending March
27 31, 2021. Notwithstanding any other provision of law, and subject to
28 the approval of the New York state director of the budget, the board of

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

19 § 3. Notwithstanding any other provision of law, the housing trust
20 fund corporation may provide, for purposes of the rural rental assist-
21 ance program pursuant to article 17-A of the private housing finance
22 law, a sum not to exceed \$21,000,000 for the fiscal year ending March
23 31, 2021. Notwithstanding any other provision of law, and subject to
24 the approval of the New York state director of the budget, the board of
25 directors of the state of New York mortgage agency shall authorize the
26 transfer to the housing trust fund corporation, for the purposes of
27 reimbursing any costs associated with rural rental assistance program
28 contracts authorized by this section, a total sum not to exceed

1 \$21,000,000, such transfer to be made from (i) the special account of
2 the mortgage insurance fund created pursuant to section 2429-b of the
3 public authorities law, in an amount not to exceed the actual excess
4 balance in the special account of the mortgage insurance fund, as deter-
5 mined and certified by the state of New York mortgage agency for the
6 fiscal year 2019-2020 in accordance with section 2429-b of the public
7 authorities law, if any, and/or (ii) provided that the reserves in the
8 project pool insurance account of the mortgage insurance fund created
9 pursuant to section 2429-b of the public authorities law are sufficient
10 to attain and maintain the credit rating, as determined by the state of
11 New York mortgage agency, required to accomplish the purposes of such
12 account, the project pool insurance account of the mortgage insurance
13 fund, such transfer shall be made as soon as practicable but no later
14 than June 30, 2020.

15 § 4. Notwithstanding any other provision of law, the homeless housing
16 and assistance corporation may provide, for purposes of the New York
17 state supportive housing program, the solutions to end homelessness
18 program or the operational support for AIDS housing program, or to qual-
19 ified grantees under such programs, in accordance with the requirements
20 of such programs, a sum not to exceed \$42,641,000 for the fiscal year
21 ending March 31, 2021. The homeless housing and assistance corporation
22 may enter into an agreement with the office of temporary and disability
23 assistance to administer such sum in accordance with the requirements of
24 such programs. Notwithstanding any other provision of law, and subject
25 to the approval of the New York state director of the budget, the board
26 of directors of the state of New York mortgage agency shall authorize
27 the transfer to the homeless housing and assistance corporation, a total
28 sum not to exceed \$42,641,000, such transfer to be made from (i) the

1 special account of the mortgage insurance fund created pursuant to
2 section 2429-b of the public authorities law, in an amount not to exceed
3 the actual excess balance in the special account of the mortgage insur-
4 ance fund, as determined and certified by the state of New York mortgage
5 agency for the fiscal year 2019-2020 in accordance with section 2429-b
6 of the public authorities law, if any, and/or (ii) provided that the
7 reserves in the project pool insurance account of the mortgage insurance
8 fund created pursuant to section 2429-b of the public authorities law
9 are sufficient to attain and maintain the credit rating as determined by
10 the state of New York mortgage agency, required to accomplish the
11 purposes of such account, the project pool insurance account of the
12 mortgage insurance fund, such transfer shall be made as soon as practi-
13 cable but no later than March 31, 2021.

14 § 5. This act shall take effect immediately.

15 PART I

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

20 c. Whenever a city having a population of one million or more has
21 determined the existence of an emergency pursuant to section three of
22 this act, the provisions of this act and the New York city rent stabili-
23 zation law of nineteen hundred sixty-nine shall be administered by the
24 state [division of housing and community renewal] as provided in the New
25 York city rent stabilization law of nineteen hundred sixty-nine, as
26 amended, or as otherwise provided by law. The costs incurred by the

1 state [division of housing and community renewal] in administering such
2 regulation shall be paid by such city. All payments for such adminis-
3 tration shall be transmitted to the state [division of housing and
4 community renewal] as follows: on or after April first of each year
5 commencing with April, nineteen hundred eighty-four, the commissioner of
6 housing and community renewal, in consultation with the director of the
7 budget, shall determine an amount necessary to defray the [division's]
8 state's anticipated annual cost, and one-quarter of such amount shall be
9 paid by such city on or before July first of such year, one-quarter of
10 such amount on or before October first of such year, one-quarter of such
11 amount on or before January first of the following year and one-quarter
12 of such amount on or before March thirty-first of the following year.
13 After the close of the fiscal year of the state, the commissioner, in
14 consultation with the director of the budget, shall determine the amount
15 of all actual costs incurred in such fiscal year and shall certify such
16 amount to such city. If such certified amount shall differ from the
17 amount paid by the city for such fiscal year, appropriate adjustments
18 shall be made in the next quarterly payment to be made by such city. In
19 the event that the amount thereof is not paid to the commissioner, in
20 consultation with the director of the budget, as herein prescribed, the
21 commissioner, in consultation with the director of the budget, shall
22 certify the unpaid amount to the comptroller, and the comptroller shall,
23 to the extent not otherwise prohibited by law, withhold such amount from
24 any state aid payable to such city. In no event shall the amount imposed
25 on the owners exceed twenty dollars per unit per year.

26 § 2. Subdivisions d and e of section 8 of section 4 of chapter 576 of
27 the laws of 1974, constituting the emergency tenant protection act of
28 nineteen seventy-four, subdivision d as amended by section 16 of part K

1 of chapter 36 of the laws of 2019 and subdivision e as amended by
2 section 1 of part 0 of chapter 57 of the laws of 2009, are amended to
3 read as follows:

4 d. Notwithstanding subdivision c of this section or any other
5 provision of law to the contrary, whenever the state has incurred any
6 costs as a result of administering the rent regulation program for a
7 city having a population of one million or more in accordance with
8 subdivision c of this section, the director of the budget may direct any
9 other state agency to permanently reduce the amount of any other payment
10 or payments owed to such city or any department, agency, or instrumen-
11 tality thereof; provided however, that such reduction shall be in an
12 amount equal to the costs incurred by the state in administering the
13 rent regulation program for such city in accordance with subdivision c
14 of this section. If the director of the budget makes such direction in
15 accordance with this subdivision, the impacted city shall not make the
16 payments required by subdivision c of this section, and the division of
17 housing and community renewal shall notify such city in writing of what
18 payment or payments will be reduced and the amount of the reduction and
19 shall suballocate, as necessary, the value of the costs it incurred to
20 the agency or agencies which reduces the payments to such city or any
21 department, agency or authority thereof in accordance with this subdivi-
22 sion.

23 e. The failure to pay the prescribed assessment not to exceed twenty
24 dollars per unit for any housing accommodation subject to this act or
25 the New York city rent stabilization law of nineteen hundred sixty-nine
26 shall constitute a charge due and owing such city, town or village which
27 has imposed an annual charge for each such housing accommodation pursu-
28 ant to subdivision b of this section. Any such city, town or village

1 shall be authorized to provide for the enforcement of the collection of
2 such charges by commencing an action or proceeding for the recovery of
3 such fees or by the filing of a lien upon the building and lot. Such
4 methods for the enforcement of the collection of such charges shall be
5 the sole remedy for the enforcement of this section.

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

11 § 3. This act shall take effect immediately.

12 PART J

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

15 § 196-b. Sick leave requirements. 1. Every employer shall provide its
16 employees with sick leave as follows:

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

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

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

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

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

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

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

16 PART K

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

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

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

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

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

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

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

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

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

21 (b) On and after January first, two thousand [nineteen] twenty, for an
22 eligible individual living with others with or without in-kind income,
23 [~~\$794.00~~] \$806.00; and for an eligible couple living with others with or
24 without in-kind income, [~~\$1,203.00~~] \$1,221.00.

25 (c) On and after January first, two thousand [nineteen] twenty, (i)
26 for an eligible individual receiving family care, [~~\$1,037.48~~] \$1,049.48
27 if he or she is receiving such care in the city of New York or the coun-
28 ty of Nassau, Suffolk, Westchester or Rockland; and (ii) for an eligible

1 couple receiving family care in the city of New York or the county of
2 Nassau, Suffolk, Westchester or Rockland, two times the amount set forth
3 in subparagraph (i) of this paragraph; or (iii) for an eligible individ-
4 ual receiving such care in any other county in the state, [\$999.48]
5 \$1,011.48; and (iv) for an eligible couple receiving such care in any
6 other county in the state, two times the amount set forth in subpara-
7 graph (iii) of this paragraph.

8 (d) On and after January first, two thousand [nineteen] twenty, (i)
9 for an eligible individual receiving residential care, [\$1,206.00]
10 \$1,218.00 if he or she is receiving such care in the city of New York or
11 the county of Nassau, Suffolk, Westchester or Rockland; and (ii) for an
12 eligible couple receiving residential care in the city of New York or
13 the county of Nassau, Suffolk, Westchester or Rockland, two times the
14 amount set forth in subparagraph (i) of this paragraph; or (iii) for an
15 eligible individual receiving such care in any other county in the
16 state, [\$1,176.00] \$1,188.00; and (iv) for an eligible couple receiving
17 such care in any other county in the state, two times the amount set
18 forth in subparagraph (iii) of this paragraph.

19 (e) On and after January first, two thousand [nineteen] twenty, (i)
20 for an eligible individual receiving enhanced residential care,
21 [\$1,465.00] \$1,477.00; and (ii) for an eligible couple receiving
22 enhanced residential care, two times the amount set forth in subpara-
23 graph (i) of this paragraph.

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

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

2 PART L

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

5 ARTICLE 5-C

6 JUDGMENTS OF PARENTAGE OF CHILDREN CONCEIVED THROUGH ASSISTED

7 REPRODUCTION OR PURSUANT TO SURROGACY AGREEMENTS

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

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

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

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

12 5. Payment to donors and persons acting as surrogates (581-501 -
13 581-502)

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

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

16 PART 1

17 GENERAL PROVISIONS

18 Section 581-101. Purpose.

19 581-102. Definitions.

20 § 581-101. Purpose. The purpose of this article is to legally estab-
21 lish a child's relationship to his or her parents where the child is
22 conceived through assisted reproduction except for children born to a
23 person acting as surrogate who contributed the egg used in conception.
24 No fertilized egg, embryo or fetus shall have any independent rights

1 under the laws of this state, nor shall any fertilized egg, embryo or
2 fetus be viewed as a child under the laws of this state.

3 § 581-102. Definitions. (a) "Assisted reproduction" means a method of
4 causing pregnancy other than sexual intercourse and includes but is not
5 limited to:

- 6 1. intrauterine or vaginal insemination;
- 7 2. donation of gametes;
- 8 3. donation of embryos;
- 9 4. in vitro fertilization and transfer of embryos; and
- 10 5. intracytoplasmic sperm injection.

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

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

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

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

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

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

10 (h) "Independent escrow agent" means someone other than the parties to
11 a surrogacy agreement and their attorneys. An independent escrow agent
12 can, but need not, be a surrogacy program, provided such surrogacy
13 program is owned or managed by an attorney licensed to practice law in
14 the state of New York. If such independent escrow agent is not attorney
15 owned, it shall be licensed, bonded and insured.

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

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

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

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

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

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

10 (o) "Participant" is an individual who either: provides a gamete that
11 is used in assisted reproduction, is an intended parent, is a person
12 acting as surrogate, or is the spouse of an intended parent or person
13 acting as surrogate.

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

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

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

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

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

1 PART 2

2 JUDGMENT OF PARENTAGE

3 Section 581-201. Judgment of parentage.

4 581-202. Proceeding for judgment of parentage of a child
5 conceived through assisted reproduction.

6 581-203. Proceeding for judgment of parentage of a child
7 conceived pursuant to a surrogacy agreement.

8 581-204. Judgment of parentage for intended parents who are
9 spouses.

10 581-205. Inspection of records.

11 581-206. Jurisdiction, and exclusive continuing jurisdiction.

12 § 581-201. Judgment of parentage. (a) A civil proceeding may be main-
13 tained to adjudicate the parentage of a child under the circumstances
14 set forth in this article. This proceeding is governed by the civil
15 practice law and rules.

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

18 (c) A petition for a judgment of parentage or nonparentage of a child
19 conceived through assisted reproduction may be initiated by (1) a child,
20 or (2) a parent, or (3) a participant, or (4) a person with a claim to
21 parentage, or (5) social services official or other governmental agency
22 authorized by other law, or (6) a representative authorized by law to
23 act for an individual who would otherwise be entitled to maintain a
24 proceeding but who is deceased, incapacitated, or a minor, in order to
25 legally establish the child-parent relationship of either a child born
26 through assisted reproduction under part three of this article or a
27 child born pursuant to a surrogacy agreement under part four of this
28 article.

1 § 581-202. Proceeding for judgment of parentage of a child conceived
2 through assisted reproduction. (a) A proceeding for a judgment of
3 parentage with respect to a child conceived through assisted reprod-
4 uction may be commenced:

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

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

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

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

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

18 (2) a statement from the gestating intended parent that the gestating
19 intended parent became pregnant as a result of assisted reproduction;
20 and

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

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

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

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

4 (i) a statement or documentation from the gamete or embryo storage
5 facility or health care practitioner stating or demonstrating that such
6 gametes or embryos were anonymously donated or had previously been
7 released; or

8 (ii) clear and convincing evidence that the gamete or embryo donor
9 intended to donate gametes or embryos anonymously or intended to release
10 such gametes or embryos to a gamete or embryo storage facility or health
11 care practitioner; or

12 (2) in the case of a donation from a known donor, either: a. a record
13 from the gamete or embryo donor acknowledging the donation and confirm-
14 ing that the donor has no parental or proprietary interest in the
15 gametes or embryos. The record shall be signed by the gestating
16 intended parent and the gamete or embryo donor. The record may be, but
17 is not required to be, signed:

18 (i) before a notary public, or

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

20 (iii) before a health care practitioner; or

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

24 (3) In the absence of evidence pursuant to paragraph two of this
25 subdivision, notice shall be given to the donor at least twenty days
26 prior to the proceeding by delivery of a copy of the petition and
27 notice. Upon a showing to the court, by affidavit or otherwise, on or
28 before the date of the proceeding or within such further time as the

1 court may allow, that personal service cannot be effected at the donor's
2 last known address with reasonable effort, notice may be given, without
3 prior court order therefore, at least twenty days prior to the proceed-
4 ing by registered or certified mail directed to the donor's last known
5 address. Notice by publication shall not be required to be given to a
6 donor entitled to notice pursuant to the provisions of this section.

7 (4) Notwithstanding the above, where sperm is provided under the
8 supervision of a health care practitioner to someone other than the
9 sperm provider's intimate partner or spouse without a record of the
10 sperm provider's intent to parent, the sperm provider is presumed to be
11 a donor and notice is not required.

12 (e) In cases not covered by subdivision (c) of this section, the court
13 shall adjudicate the parentage of the child consistent with part three
14 of this article.

15 (f) Where the requirements of subdivision (c) of this section are met
16 or where the court finds the intended parent to be a parent under subdivi-
17 vision (e) of this section, the court shall issue a judgment of parent-
18 age:

19 (1) declaring, that upon the birth of the child, the intended parent
20 is the legal parent of the child; and

21 (2) ordering the intended parent to assume responsibility for the
22 maintenance and support of the child immediately upon the birth of the
23 child; and

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

26 (4) ordering that:

27 (i) Pursuant to section two hundred fifty-four of the judiciary law,
28 the clerk of the court shall transmit to the state commissioner of

1 health, or for a person born in New York city, to the commissioner of
2 health of the city of New York, on a form prescribed by the commission-
3 er, a written notification of such entry together with such other facts
4 as may assist in identifying the birth record of the person whose
5 parentage was in issue and, if such person whose parentage has been
6 determined is under eighteen years of age, the clerk shall also transmit
7 forthwith to the registry operated by the department of social services
8 pursuant to section three hundred seventy-two-c of the social services
9 law a notification of such determination; and

10 (ii) Pursuant to section forty-one hundred thirty-eight of the public
11 health law and NYC Public Health Code section 207.05 that upon receipt
12 of a judgment of parentage the local registrar where a child is born
13 will report the parentage of the child to the appropriate department of
14 health in conformity with the court order. If an original birth certif-
15 icate has already been issued, the appropriate department of health will
16 amend the birth certificate in an expedited manner and seal the previ-
17 ously issued birth certificate.

18 § 581-203. Proceeding for judgment of parentage of a child conceived
19 pursuant to a surrogacy agreement. (a) The proceeding may be commenced
20 (1) in any county where an intended parent resided any time after the
21 surrogacy agreement was executed; (2) in the county where the child was
22 born or resides; or (3) in the county where the surrogate resided any
23 time after the surrogacy agreement was executed.

24 (b) The proceeding may be commenced at any time after the surrogacy
25 agreement has been executed and shall be jointly filed by all intended
26 parents and the person acting as surrogate.

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

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

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

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

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

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

16 (2) declaring, that upon the birth of the child born during the term
17 of the surrogacy agreement, the person acting as surrogate, and the
18 spouse of the person acting as surrogate, if any, is not the legal
19 parent of the child;

20 (3) declaring that upon the birth of the child born during the term of
21 the surrogacy agreement, the donors, if any, are not the parents of the
22 child;

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

26 (5) ordering the intended parent or parents to assume responsibility
27 for the maintenance and support of the child immediately upon the birth
28 of the child; and

1 (6) ordering that:

2 (i) Pursuant to section two hundred fifty-four of the judiciary law,
3 the clerk of the court shall transmit to the state commissioner of
4 health, or for a person born in New York city, to the commissioner of
5 health of the city of New York, on a form prescribed by the commission-
6 er, a written notification of such entry together with such other facts
7 as may assist in identifying the birth record of the person whose
8 parentage was in issue and, if the person whose parentage has been
9 determined is under eighteen years of age, the clerk shall also transmit
10 to the registry operated by the department of social services pursuant
11 to section three hundred seventy-two-c of the social services law a
12 notification of the determination; and

13 (ii) Pursuant to section forty-one hundred thirty-eight of the public
14 health law and NYC Public Health Code section 207.05 that upon receipt
15 of a judgement of parentage the local registrar where a child is born
16 will report the parentage of the child to the appropriate department of
17 health in conformity with the court order. If an original birth certif-
18 icate has already been issued, the appropriate department of health will
19 amend the birth certificate in an expedited manner and seal the previ-
20 ously issued birth certificate.

21 (d) In the event the certification required by paragraph two of subdi-
22 vision (c) of this section cannot be made because of a technical or
23 non-material deviation from the requirements of this article; the court
24 may nevertheless enforce the agreement and issue a judgment of parentage
25 if the court determines the agreement is in substantial compliance with
26 the requirements of this article.

27 § 581-204. Judgment of parentage for intended parents who are spouses.
28 Notwithstanding or without limitation on presumptions of parentage that

1 apply, a judgment of parentage may be obtained under this part by
2 intended parents who are each other's spouse. Nothing in this section
3 requires intended parents to be married to each other in order to be
4 jointly declared the parents of the child.

5 § 581-205. Inspection of records. Court records relating to
6 proceedings under this article shall be sealed, provided, however, that
7 the office of temporary and disability assistance, a child support unit
8 of a social services district or a child support agency of another state
9 providing child support services pursuant to title IV-d of the federal
10 social security act, to the extent necessary to provide child support
11 services or for the administration of the program pursuant to title IV-d
12 of the federal social security act, may obtain a copy of a judgment of
13 parentage. The parties to the proceeding and the child shall have the
14 right to inspect the entire court record, including, but not limit-
15 ed to, the name of the person acting as surrogate and any known donors.

16 § 581-206. Jurisdiction, and exclusive continuing jurisdiction. (a)
17 Proceedings pursuant to this article may be instituted in the supreme or
18 family court or surrogates court.

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

24 PART 3

25 CHILD OF ASSISTED REPRODUCTION

26 Section 581-301. Scope of article.

27 581-302. Status of donor.

1 581-303. Parentage of child of assisted reproduction.

2 581-304. Consent to assisted reproduction.

3 581-305. Limitation on spouses' dispute of parentage of child of
4 assisted reproduction.

5 581-306. Effect of embryo disposition agreement between intended
6 parents which transfers legal rights and disposi-
7 tional control to one intended parent.

8 581-307. Effect of death of intended parent.

9 § 581-301. Scope of article. This article does not apply to the birth
10 of a child conceived by means of sexual intercourse.

11 § 581-302. Status of donor. A donor is not a parent of a child
12 conceived by means of assisted reproduction.

13 § 581-303. Parentage of child of assisted reproduction. (a) An indi-
14 vidual who provides gametes for, or who consents to, assisted reprod-
15 uction with the intent to be a parent of the child with the consent of
16 the gestating parent as provided in section 581-304 of this part, is a
17 parent of the resulting child for all legal purposes.

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

20 § 581-304. Consent to assisted reproduction. (a) Where the intended
21 parent who gives birth to a child by means of assisted reproduction is a
22 spouse, the consent of both spouses to the assisted reproduction is
23 presumed and neither spouse may challenge the parentage of the child,
24 except as provided in section 581-305 of this part.

25 (b) Where the intended parent who gives birth to a child by means of
26 assisted reproduction is not a spouse, the consent to the assisted
27 reproduction must be in a record in such a manner as to indicate the

1 mutual agreement of the intended parents to conceive and parent a child
2 together.

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

8 § 581-305. Limitation on spouses' dispute of parentage of child of
9 assisted reproduction. (a) Neither spouse may challenge the marital
10 presumption of parentage of a child created by assisted reproduction
11 during the marriage unless one spouse used assisted reproduction without
12 the knowledge and consent of the other spouse.

13 (b) Notwithstanding the foregoing, a married individual may use
14 assisted reproduction and the marital presumption shall not apply if the
15 spouses:

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

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

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

25 § 581-306. Effect of embryo disposition agreement between intended
26 parents which transfers legal rights and dispositional control to one
27 intended parent. (a) An embryo disposition agreement between intended

1 parents with joint dispositional control of an embryo shall be binding
2 under the following circumstances:

3 (1) it is in writing;

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

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

8 (b) The intended parent who transfers legal rights and dispositional
9 control of the embryo is not a parent of any child conceived from the
10 embryo unless the agreement states that he or she consents to be a
11 parent and that consent is not withdrawn consistent with subdivision (c)
12 of this section.

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

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

1 § 581-307. Effect of death of intended parent. If an individual who
2 consented in a record to be a parent by assisted reproduction dies
3 before the transfer of eggs, sperm, or embryos, the deceased individual
4 is not a parent of the resulting child unless the deceased individual
5 consented in a signed record that if assisted reproduction were to occur
6 after death, the deceased individual would be a parent of the child,
7 provided that the record complies with the estates, powers and trusts
8 law.

9 PART 4

10 SURROGACY AGREEMENT

11 Section 581-401. Surrogacy agreement authorized.

12 581-402. Eligibility to enter surrogacy agreement.

13 581-403. Requirements of surrogacy agreement.

14 581-404. Surrogacy agreement: effect of subsequent spousal
15 relationship.

16 581-405. Termination of surrogacy agreement.

17 581-406. Parentage under compliant surrogacy agreement.

18 581-407. Insufficient surrogacy agreement.

19 581-408. Absence of surrogacy agreement.

20 581-409. Dispute as to surrogacy agreement.

21 § 581-401. Surrogacy agreement authorized. (a) If eligible under this
22 article to enter into a surrogacy agreement, a person acting as surro-
23 gate, the spouse of the person acting as surrogate, if applicable, and
24 the intended parent or parents may enter into a surrogacy agreement
25 which will be enforceable provided the surrogacy agreement meets the
26 requirements of this article.

27 (b) A surrogacy agreement shall not apply to the birth of a child
28 conceived by means of sexual intercourse.

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

3 § 581-402. Eligibility to enter surrogacy agreement. (a) A person
4 acting as surrogate shall be eligible to enter into an enforceable
5 surrogacy agreement under this article if the person acting as surrogate
6 has met the following requirements at the time the surrogacy agreement
7 is executed:

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

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

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

14 (4) the person acting as surrogate has completed a medical evaluation
15 with a health care practitioner relating to the anticipated pregnancy;
16 and

17 (5) the person acting as surrogate, and the spouse of the person
18 acting as surrogate, if applicable, have been represented throughout the
19 contractual process and the duration of the contract and its execution
20 by independent legal counsel of their own choosing who is licensed to
21 practice law in the state of New York which shall be paid for by the
22 intended parent or parents except that a person acting as surrogate who
23 is receiving no compensation may waive the right to have the intended
24 parent or parents pay the fee for such legal counsel. Where the intended
25 parent or parents are paying for the independent legal counsel of the
26 person acting as surrogate, and the spouse of the person acting as
27 surrogate, if applicable, a separate retainer agreement shall be
28 prepared clearly stating that such legal counsel will only represent the

1 person acting as surrogate and the spouse of the person acting as surro-
2 gate, if applicable, in all matters pertaining to the surrogacy agree-
3 ment, that such legal counsel will not offer legal advice to any other
4 parties to the surrogacy agreement, and that the attorney-client
5 relationship lies with the person acting as surrogate and the spouse of
6 the person acting as surrogate, if applicable; and

7 (6) the person acting as surrogate has, or the surrogacy agreement
8 stipulates that prior to the embryo transfer, the person acting as
9 surrogate will obtain a health insurance policy that covers major
10 medical treatments and hospitalization as well as a surrogate pregnancy;
11 the policy shall be paid for, whether directly or through reimbursement
12 or other means, by the intended parent or parents on behalf of the
13 person acting as surrogate pursuant to the surrogacy agreement, if such
14 policy comes at an additional cost to the person acting as a surrogate,
15 except that a person acting as surrogate who is receiving no compen-
16 sation may waive the right to have the intended parent or parents pay
17 for the health insurance policy. The intended parent or parents shall
18 also pay for or reimburse the person acting as surrogate for all co-pay-
19 ments, deductibles and any other out-of-pocket medical costs associated
20 with the medical evaluation, psychological screening, embryo transfers,
21 pregnancy and post-natal care, that accrue through twelve weeks after
22 the birth of the child or termination of the pregnancy, except that such
23 responsibility shall be extended for up to six months after the birth of
24 the child or termination of the pregnancy in the event a medical compli-
25 cation related to the pregnancy is diagnosed within twelve weeks after
26 the birth of the child or termination of the pregnancy. A person acting
27 as surrogate who is receiving no compensation may waive the right to

1 have the intended parent or parents make such payments or reimburse-
2 ments.

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

7 (1) at least one intended parent is a United States citizen or a
8 lawful permanent resident or habitual lawful resident;

9 (2) the intended parent or parents has been represented throughout the
10 contractual process and the duration of the contract and its execution
11 by independent legal counsel of his, her or their own choosing who is
12 licensed to practice law in the state of New York; and

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

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

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

23 (4) where the spouse of an intended parent is not a required party to
24 the agreement, the spouse is not an intended parent and shall not have
25 rights or obligations to the child.

26 § 581-403. Requirements of surrogacy agreement. A surrogacy agreement
27 shall be deemed to have satisfied the requirements of this article and
28 be enforceable if it meets the following requirements:

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

3 (1) each intended parent, and

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

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

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

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

14 (c) it shall be executed by a person acting as surrogate meeting the
15 eligibility requirements of subdivision (a) of section 581-402 of this
16 part and by the spouse of the person acting as surrogate, unless the
17 signature of the spouse of the person acting as surrogate is not
18 required as set forth in this section; and

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

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

27 (f) if the surrogacy agreement provides for the payment of compen-
28 sation to the person acting as surrogate, the funds for base compen-

1 sation and reasonable anticipated additional expenses shall have been
2 placed in escrow with an independent escrow agent prior to the person
3 acting as surrogate commencing with any medical procedure other than
4 medical evaluations necessary to determine the person acting as surro-
5 gate's eligibility; and

6 (g) the surrogacy agreement must include information disclosing how
7 the intended parent or parents will cover the medical expenses of the
8 person acting as surrogate and the child. If health care coverage is
9 used to cover the medical expenses, the disclosure shall include a
10 review of the health care policy provisions related to coverage for the
11 person acting as surrogate's pregnancy, including any possible liability
12 of the person acting as surrogate's third-party liability liens or other
13 insurance coverage, and any notice requirements that could affect cover-
14 age or liability of the person acting as surrogate.

15 (h) the surrogacy agreement must comply with all of the following
16 terms:

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

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

21 (ii) the person acting as surrogate and the spouse of the person
22 acting as surrogate, if applicable, agree to surrender custody of all
23 resulting children to the intended parent or parents immediately upon
24 birth; and

25 (iii) the surrogacy agreement shall include the name of the attorney
26 representing the person acting as surrogate and, if applicable, the
27 spouse of the person acting as surrogate; and

1 (iv) the surrogacy agreement must permit the person acting as surro-
2 gate to make all health and welfare decisions regarding themselves and
3 their pregnancy including but not limited to, whether to consent to a
4 cesarean section or multiple embryo transfer, and notwithstanding any
5 other provisions in this chapter, provisions in the agreement to the
6 contrary are void and unenforceable. This article does not diminish the
7 right of the person acting as surrogate to terminate a pregnancy; and

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

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

14 (vii) the surrogacy agreement shall provide that, upon request, the
15 intended parent or parents have or will procure and pay for a life
16 insurance policy or contractual performance indemnity or accidental
17 death insurance policy for the person acting as surrogate for the dura-
18 tion of the pregnancy and eight weeks post-birth or termination; the
19 person acting as surrogate may designate the beneficiary of the person's
20 choosing; and

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

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

27 (i) the intended parent or parents agree to accept custody of all
28 resulting children immediately upon birth regardless of number, gender,

1 or mental or physical condition and regardless of whether the intended
2 embryos were transferred due to a laboratory error without diminishing
3 the rights, if any, of anyone claiming to have a superior parental
4 interest in the child; and

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

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

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

12 (v) the intended parent or parents agree to execute a will, prior to
13 the embryo transfer, designating a guardian for all resulting children
14 and authorizing their executor to perform the intended parent's or
15 parents' obligations pursuant to the surrogacy agreement.

16 § 581-404. Surrogacy agreement: effect of subsequent spousal relation-
17 ship. (a) After the execution of a surrogacy agreement under this arti-
18 cle, the subsequent spousal relationship of the person acting as surro-
19 gate does not affect the validity of a surrogacy agreement, the consent
20 of the spouse of the person acting as surrogate to the agreement shall
21 not be required, and the spouse of the person acting as surrogate shall
22 not be the presumed parent of any resulting children.

23 (b) The subsequent separation or divorce of the intended parents does
24 not affect the rights, duties and responsibilities of the intended
25 parents as outlined in the surrogacy agreement.

26 § 581-405. Termination of surrogacy agreement. After the execution of
27 a surrogacy agreement but before the person acting as surrogate becomes
28 pregnant by means of assisted reproduction, the person acting as surro-

1 gate, the spouse of the person acting as surrogate, if applicable, or
2 any intended parent may terminate the surrogacy agreement by giving
3 notice of termination in a record to all other parties. Upon proper
4 termination of the surrogacy agreement the parties are released from all
5 obligations recited in the surrogacy agreement except that the intended
6 parent or parents remains responsible for all expenses that are reim-
7 bursable under the agreement which have been incurred by the person
8 acting as surrogate through the date of termination. Unless the agree-
9 ment provides otherwise, the person acting as surrogate is entitled to
10 keep all payments received and obtain all payments to which the person
11 is entitled up until the date of termination. Neither a person acting as
12 surrogate nor the spouse of the person acting as surrogate, if any, is
13 liable to the intended parent or parents for terminating a surrogacy
14 agreement as provided in this section.

15 § 581-406. Parentage under compliant surrogacy agreement. Upon the
16 birth of a child conceived by assisted reproduction under a surrogacy
17 agreement that complies with this part, each intended parent is, by
18 operation of law, a parent of the child and neither the person acting as
19 a surrogate nor the person's spouse, if any, is a parent of the child.

20 § 581-407. Insufficient surrogacy agreement. If a surrogacy agreement
21 does not meet the material requirements of this article, the agreement
22 is not enforceable and the court shall determine parentage based on the
23 intent of the parties, taking into account the best interests of the
24 child. An intended parent's absence of genetic connection to the child
25 is not a sufficient basis to deny that individual a judgment of legal
26 parentage.

1 § 581-408. Absence of surrogacy agreement. Where there is no surrogacy
2 agreement, the parentage of the child will be determined based on other
3 laws of this state.

4 § 581-409. Dispute as to surrogacy agreement. (a) Unless the surroga-
5 cy agreement provides for mandatory mediation or arbitration, any
6 dispute which is related to a surrogacy agreement other than disputes as
7 to parentage shall be resolved by the supreme court, which shall deter-
8 mine the respective rights and obligations of the parties. Any
9 provision that purports to require mandatory mediation or arbitration of
10 disputes as to parentage shall be void and unenforceable.

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

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

20 PART 5

21 PAYMENT TO DONORS AND PERSONS ACTING AS SURROGATES

22 Section 581-501. Reimbursement.

23 581-502. Compensation.

24 § 581-501. Reimbursement. (a) A donor who has entered into a valid
25 agreement to be a donor may receive reimbursement from an intended
26 parent or parents for economic losses incurred in connection with the

1 donation which result from the retrieval or storage of gametes or embr-
2 yos.

3 (b) Premiums paid for insurance against economic losses directly
4 resulting from the retrieval or storage of gametes or embryos for
5 donation may be reimbursed.

6 § 581-502. Compensation. (a) Compensation may be paid to a donor or
7 person acting as surrogate based on medical risks, physical discomfort,
8 inconvenience and the responsibilities they are undertaking in
9 connection with their participation in the assisted reproduction. Under
10 no circumstances may compensation be paid to purchase gametes or embryos
11 or for the release of a parental interest in a child.

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

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

19 (d) Compensation may not be conditioned on actual genotypic or pheno-
20 typic characteristics of the donor or of any resulting children.

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

23 PART 6

24 SURROGATES' BILL OF RIGHTS

25 Section 581-601. Applicability.

26 581-602. Health and welfare decisions.

27 581-603. Independent legal counsel.

1 581-604. Health insurance and medical costs.

2 581-605. Counseling.

3 581-606. Life insurance.

4 581-607. Termination of surrogacy agreement.

5 § 581-601. Applicability. The rights enumerated in this part shall
6 apply to any person acting as surrogate in this state, notwithstanding
7 any surrogacy agreement, judgment of parentage, memorandum of under-
8 standing, verbal agreement or contract to the contrary. Except as
9 otherwise provided by law, any written or verbal agreement purporting to
10 waive or limit any of the rights in this part is void as against public
11 policy. The rights enumerated in this part are not exclusive, and are
12 in addition to any other rights provided by law, regulation, or a surro-
13 gacy agreement that meets the requirements of this article.

14 § 581-602. Health and welfare decisions. A person acting as surrogate
15 has the right to make all health and welfare decisions regarding them-
16 self and their pregnancy, including but not limited to whether to
17 consent to a cesarean section or multiple embryo transfer, to utilize
18 the services of a health care practitioner of their choosing, whether to
19 terminate or continue the pregnancy, and whether to reduce or retain the
20 number of fetuses or embryos they are carrying.

21 § 581-603. Independent legal counsel. A person acting as surrogate has
22 the right to be represented throughout the contractual process and the
23 duration of the surrogacy agreement and its execution by independent
24 legal counsel of their own choosing who is licensed to practice law in
25 the state of New York, to be paid for by the intended parent or parents.

26 § 581-604. Health insurance and medical costs. A person acting as
27 surrogate has the right to a health insurance policy that covers major
28 medical treatments and hospitalization as well as a surrogate pregnancy;

1 the policy shall be paid for, whether directly or through reimbursement
2 or other means, by the intended parent or parents on behalf of the
3 person acting as surrogate pursuant to the surrogacy agreement, if such
4 policy comes at an additional cost to the person acting as a surrogate.
5 The intended parent or parents shall also pay for or reimburse the
6 person acting as surrogate for all co-payments, deductibles and any
7 other out-of-pocket medical costs associated with pregnancy, medical
8 evaluation, psychological screening or embryo transfers that accrue
9 through twelve weeks after the birth of the child or termination of the
10 pregnancy, except that such responsibility shall be extended for up to
11 six months after the birth of the child or termination of the pregnancy
12 in the event a medical complication related to the pregnancy is diag-
13 nosed within twelve weeks after the birth of the child or termination of
14 the pregnancy.

15 § 581-605. Counseling. A person acting as surrogate has the right to
16 obtain counseling to address issues resulting from their participation
17 in a surrogacy agreement, to be paid for by the intended parent or
18 parents.

19 § 581-606. Life insurance. A person acting as surrogate has the right
20 to be provided with a life insurance policy or contractual performance
21 indemnity or accidental death insurance policy for the duration of the
22 pregnancy and eight weeks post-birth or termination, unless the surroga-
23 cy agreement specifies a sooner term, with a beneficiary or benefici-
24 aries of their choosing, to be paid for by the intended parent or
25 parents.

26 § 581-607. Termination of surrogacy agreement. A person acting as
27 surrogate has the right to terminate a surrogacy agreement prior to

1 becoming pregnant by means of assisted reproduction pursuant to section
2 581-405 of this article.

3 PART 7

4 MISCELLANEOUS PROVISIONS

5 Section 581-701. Remedial.

6 581-702. Severability.

7 581-703. Parent under section seventy of the domestic relations
8 law.

9 581-704. Interpretation.

10 § 581-701. Remedial. This legislation is hereby declared to be a
11 remedial statute and is to be construed liberally to secure the benefi-
12 cial interests and purposes thereof for the best interests of the child.

13 § 581-702. Severability. The invalidation of any part of this legis-
14 lation by a court of competent jurisdiction shall not result in the
15 invalidation of any other part.

16 § 581-703. Parent under section seventy of the domestic relations law.
17 The term "parent" in section seventy of the domestic relations law shall
18 include a person established to be a parent under this article or any
19 other relevant law.

20 § 581-704. Interpretation. Unless the context indicates otherwise,
21 words importing the singular include and apply to several persons,
22 parties, or things; words importing the plural include the singular.

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

24 § 3. Section 121 of the domestic relations law, as added by chapter
25 308 of the laws of 1992, is amended to read as follows:

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

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

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

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

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

10 (a) a [woman] genetic surrogate agrees either to be inseminated with
11 the sperm of a [man] person who is not [her husband] their spouse or to
12 be impregnated with an embryo that is the product of [an] the genetic
13 surrogate's ovum fertilized with the sperm of a [man] person who is not
14 [her husband] their spouse; and

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

18 § 4. Section 122 of the domestic relations law, as added by chapter
19 308 of the laws of 1992, is amended to read as follows:

20 § 122. Public policy. [Surrogate] Genetic surrogate parenting
21 [contracts] agreements are hereby declared contrary to the public policy
22 of this state, and are void and unenforceable.

23 § 5. Section 123 of the domestic relations law, as added by chapter
24 308 of the laws of 1992, is amended to read as follows:

25 § 123. Prohibitions and penalties. [1.] No person or other entity
26 shall knowingly request, accept, receive, pay or give any fee, compen-
27 sation or other remuneration, directly or indirectly, in connection with
28 any genetic surrogate parenting [contract] agreement, or induce, arrange

1 or otherwise assist in arranging a genetic surrogate parenting
2 [contract] agreement for a fee, compensation or other remuneration,
3 except for:

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

8 (b) payments for reasonable and actual medical fees and hospital
9 expenses for artificial insemination or in vitro fertilization services
10 incurred by the [mother] genetic surrogate in connection with the birth
11 of the child.

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

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

1 § 6. Section 124 of the domestic relations law, as added by chapter
2 308 of the laws of 1992, is amended to read as follows:

3 § 124. Proceedings regarding parental rights, status or obligations.
4 In any action or proceeding involving a dispute between the [birth moth-
5 er] genetic surrogate and [(i) the genetic father, (ii) the genetic
6 mother, (iii) both the genetic father and genetic mother, or (iv) the
7 parent or parents of the genetic father or genetic mother] any party
8 with a claim to legal parentage pursuant to a genetic surrogate parent-
9 ing agreement, regarding parental rights, status or obligations with
10 respect to a child born pursuant to a genetic surrogate parenting
11 [contract] agreement:

12 1. the court shall not consider the [birth mother's] genetic surro-
13 gate's participation in a genetic surrogate parenting [contract] agree-
14 ment as adverse to [her] their parental rights, status, or obligations;
15 and

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

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

5 § 4135. Birth certificate; child born out of wedlock. 1. (a) There
6 shall be no specific statement on the birth certificate as to whether
7 the child is born in wedlock or out of wedlock or as to the marital name
8 or status of the mother.

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

11 2. The name of the [putative] alleged father of a child born out of
12 wedlock shall not be entered on the certificate of birth prior to filing
13 without (i) an acknowledgment of [paternity] parentage pursuant to
14 section one hundred eleven-k of the social services law or section four
15 thousand one hundred thirty-five-b of this article executed by both the
16 mother and [putative] alleged father, and filed with the record of
17 birth; or (ii) notification having been received by, or proper proof
18 having been filed with, the record of birth by the clerk of a court of
19 competent jurisdiction or the parents, or their attorneys of a judgment,
20 order or decree relating to parentage.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

24 (e) The acknowledgment shall be executed on a form provided by the
25 commissioner developed in consultation with the [appropriate] commis-
26 sioner of the [department of family assistance] office of temporary and
27 disability assistance, which shall: (i) include the social security
28 number of the [mother and of the putative father and] signatories; (ii)

1 provide in plain language [(i)] (A) a statement by the [mother] person
2 who gave birth to the child consenting to the acknowledgment of [pater-
3 nity] parentage and a statement that the [putative father] other signa-
4 tory is the only possible [father] other genetic parent or that the
5 other signatory is an intended parent and the child was conceived
6 through assisted reproduction, [(ii)] (B) a statement by the putative
7 father, if any, that he is the biological father of the child, and
8 [(iii)] (C) a statement that the signing of the acknowledgment of
9 [paternity] parentage by both parties shall have the same force and
10 effect as an order of parentage or filiation entered after a court hear-
11 ing by a court of competent jurisdiction, including an obligation to
12 provide support for the child except that, only if filed with the
13 registrar of the district in which the birth certificate has been filed,
14 will the acknowledgment have such force and effect with respect to
15 inheritance rights; and (iii) include the known address of any gamete
16 donors.

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

24 (i) that the signing of the acknowledgment of [paternity] parentage
25 shall establish the [paternity] parentage of the child and shall have
26 the same force and effect as an order of [paternity] parentage or filia-
27 tion issued by a court of competent jurisdiction establishing the duty
28 of both parties to provide support for the child;

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

7 (iii) that if made a respondent in a proceeding to establish [paterni-
8 ty] parentage the [putative father] signatory other than the person who
9 gave birth to the child has a right to free legal representation if
10 indigent;

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

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

17 (vi) that a copy of the acknowledgment of [paternity] parentage shall
18 be filed with the [putative father] registry [pursuant to] created by
19 section three hundred seventy-two-c of the social services law, and that
20 such filing may establish the child's right to inheritance from the
21 [putative] alleged father or the other intended parent of a child
22 conceived through assisted reproduction pursuant to clause (B) of
23 subparagraph two of paragraph (a) of section 4-1.2 of the estates,
24 powers and trusts law;

25 (vii) that, if such acknowledgment is filed with the registrar of the
26 district in which the birth certificate has been filed, such acknowledg-
27 ment will establish inheritance rights from the [putative] alleged
28 father or the other intended parent of a child conceived through

1 assisted reproduction pursuant to clause (A) of subparagraph two of
2 paragraph (a) of section 4-1.2 of the estates, powers and trusts law;

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

6 (A) A signatory to an acknowledgment of [paternity] parentage, who had
7 attained the age of eighteen at the time of execution of the acknowledg-
8 ment, shall have the right to rescind the acknowledgment within the
9 earlier of sixty days from the date of signing the acknowledgment or the
10 date of an administrative or a judicial proceeding (including, but not
11 limited to, a proceeding to establish a support order) relating to the
12 child in which the signatory is a party, provided that the "date of an
13 administrative or a judicial proceeding" shall be the date by which the
14 respondent is required to answer the petition;

15 (B) A signatory to an acknowledgment of [paternity] parentage, who had
16 not attained the age of eighteen at the time of execution of the
17 acknowledgment, shall have the right to rescind the acknowledgment
18 anytime up to sixty days after the signatory's attaining the age of
19 eighteen years or sixty days after the date on which the respondent is
20 required to answer a petition (including, but not limited to, a petition
21 to establish a support order) relating to the child, whichever is earli-
22 er; provided, however, that the signatory must have been advised at such
23 proceeding of his or her right to file a petition to vacate the acknowl-
24 edgment within sixty days of the date of such proceeding;

25 (ix) that after the expiration of the time limits set forth in clauses
26 (A) and (B) of subparagraph (viii) of this paragraph, any of the signa-
27 tories may challenge the acknowledgment of [paternity] parentage in
28 court only on the basis of fraud, duress, or material mistake of fact,

1 with the burden of proof on the party challenging the voluntary acknowl-
2 edgment;

3 (x) that the [putative father and mother] person who gave birth to the
4 child and the other signatory may wish to consult with attorneys before
5 executing the acknowledgment; and that they have the right to seek legal
6 representation and supportive services including counseling regarding
7 such acknowledgment;

8 (xi) that the acknowledgment of [paternity] parentage may be the basis
9 for the [putative father] signatory other than the person who gave birth
10 to the child establishing custody and visitation rights to the child and
11 for requiring the [putative father's] consent of the signatory other
12 than the person who gave birth to the child prior to an adoption
13 proceeding;

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

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

20 In addition, the governing body of such hospital shall [insure] ensure
21 that appropriate staff shall provide to the [child's mother and putative
22 father] person who gave birth to the child and the other signatory,
23 prior to the [mother's] discharge from the hospital of the person who
24 gave birth to the child, the opportunity to speak with hospital staff to
25 obtain clarifying information and answers to their questions about
26 [paternity] parentage establishment, and shall also provide the tele-
27 phone number of the local support collection unit.

1 [(c)] (g) Within ten days after receiving the certificate of birth,
2 the registrar shall furnish without charge to each parent or guardian of
3 the child or to the [mother] person who gave birth at the address desig-
4 nated by her for that purpose, a certified copy of the certificate of
5 birth and, if applicable, a certified copy of the written acknowledgment
6 of [paternity] parentage. If the [mother] person who gave birth is in
7 receipt of child support enforcement services pursuant to title six-A of
8 article three of the social services law, the registrar also shall
9 furnish without charge a certified copy of the certificate of birth and,
10 if applicable, a certified copy of the written acknowledgment of [pater-
11 nity] parentage to the social services district of the county within
12 which the [mother] person who gave birth resides.

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

18 (b) Where a child's [paternity] parentage has not been acknowledged
19 voluntarily pursuant to paragraph (a) of subdivision one of this section
20 or paragraph (a) of this subdivision, the [child's mother and the puta-
21 tive father] person who gave birth to the child and the other signatory
22 may voluntarily acknowledge a child's [paternity] parentage pursuant to
23 this paragraph by signing the acknowledgment of [paternity] parentage.

24 (c) A signatory to an acknowledgment of [paternity] parentage, who has
25 attained the age of eighteen at the time of execution of the acknowledg-
26 ment shall have the right to rescind the acknowledgment within the
27 earlier of sixty days from the date of signing the acknowledgment or the
28 date of an administrative or a judicial proceeding (including, but not

1 limited to, a proceeding to establish a support order) relating to the
2 child in which either signatory is a party; provided that for purposes
3 of this section, the "date of an administrative or a judicial proceed-
4 ing" shall be the date by which the respondent is required to answer the
5 petition.

6 (d) A signatory to an acknowledgment of [paternity] parentage, who has
7 not attained the age of eighteen at the time of execution of the
8 acknowledgment, shall have the right to rescind the acknowledgment
9 anytime up to sixty days after the signatory's attaining the age of
10 eighteen years or sixty days after the date on which the respondent is
11 required to answer a petition (including, but not limited to, a petition
12 to establish a support order) relating to the child in which the signa-
13 tory is a party, whichever is earlier; provided, however, that the
14 signatory must have been advised at such proceeding of his or her right
15 to file a petition to vacate the acknowledgment within sixty days of the
16 date of such proceeding.

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

25 3. (a) An acknowledgment of [paternity] parentage executed by [the
26 mother and father of a child born out of wedlock] any two people eligi-
27 ble to sign such an acknowledgment under paragraph (b) of subdivision
28 one of this section, married or unmarried, shall establish the [paterni-

1 ty] parentage of a child and shall have the same force and effect as an
2 order of [paternity] parentage or filiation issued by a court of compe-
3 tent jurisdiction. Such acknowledgement shall thereafter be filed with
4 the registrar pursuant to subdivision one or two of this section.

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

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

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

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

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

8 (e) the certificate of birth of a child born out of wedlock as defined
9 in paragraph (b) of subdivision one of section four thousand one hundred
10 thirty-five of this article has been filed without entry of the name of
11 the [father] signatory other than the person who gave birth and the
12 commissioner thereafter receives the acknowledgment of [paternity]
13 parentage pursuant to section one hundred eleven-k of the social
14 services law or section four thousand one hundred thirty-five-b of this
15 article executed by the [putative] alleged father and [mother] the
16 person who gave birth which authorizes the entry of the name of such
17 father or other signatory, and which may also authorize a conforming
18 change in the surname of the child.

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

22 GENETIC SURROGATE PARENTING CONTRACTS

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

25 ARTICLE 44

26 REGULATION OF SURROGACY PROGRAMS

27 Section 1400. Definitions.

1 1401. Programs regulated under this article.

2 1402. Conflicts of interest; prohibition on payments; funds in
3 escrow; licensure; notice of surrogates' bill of rights.

4 1403. Regulations.

5 § 1400. Definitions. As used in this section:

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

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

12 (c) "Surrogacy program" does not include any party to a surrogacy
13 agreement or any person licensed to practice law and representing a
14 party to the surrogacy agreement, but does include and is not limited to
15 any agency, agent, business, or individual engaged in, arranging, or
16 facilitating transactions contemplated by a surrogacy agreement, regard-
17 less of whether such agreement ultimately comports with the requirements
18 of article five-C of the family court act.

19 § 1401. Programs regulated under this article. The provisions of this
20 article apply to surrogacy programs arranging or facilitating trans-
21 actions contemplated by a surrogacy agreement under part four of article
22 five-C of the family court act if:

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

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

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

1 § 1402. Conflicts of interest; prohibition on payments; funds in
2 escrow; licensure; notice of surrogates' bill of rights. A surrogacy
3 program to which this article applies:

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

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

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

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

15 (e) May not be owned or managed, in any part, directly or indirectly,
16 by any health care provider providing any health services, including
17 assisted reproduction, to a party to the surrogacy agreement.

18 (f) Shall be licensed to operate in New York state pursuant to regu-
19 lations promulgated by the department of health in consultation with the
20 department of financial services, once such regulations are promulgated
21 and become effective.

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

26 § 1403. Regulations. The department of health, in consultation with
27 the department of financial services, shall promulgate regulations to
28 implement the requirements of this article, and shall annually report to

1 the state legislature regarding the practices of surrogacy programs and
2 all business transactions related to surrogacy in New York state, with
3 recommendations for any necessary amendments to this article.

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

6 ARTICLE 25-B

7 GESTATIONAL SURROGACY

8 Section 2599-cc. Gestational surrogacy.

9 § 2599-cc. Gestational surrogacy. 1. The commissioner shall promulgate
10 regulations on the practice of gestational surrogacy. Such regulations
11 shall include, but not be limited to:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

25 In addition, all such regulations shall maintain the anonymity of the
26 donor and any resulting offspring and govern access to information main-
27 tained by the registry.

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

4 (a) Any support order made by the court in any proceeding under the
5 provisions of article five-B of this act, pursuant to a reference from
6 the supreme court under section two hundred fifty-one of the domestic
7 relations law or under the provisions of article four, five or five-A of
8 this act (i) shall direct that payments of child support or combined
9 child and spousal support collected on behalf of persons in receipt of
10 services pursuant to section one hundred eleven-g of the social services
11 law, or on behalf of persons in receipt of public assistance be made to
12 the support collection unit designated by the appropriate social
13 services district, which shall receive and disburse funds so paid; or
14 (ii) shall be enforced pursuant to subdivision (c) of section five thou-
15 sand two hundred forty-two of the civil practice law and rules at the
16 same time that the court issues an order of support; and (iii) shall in
17 either case, except as provided for herein, be effective as of the
18 earlier of the date of the filing of the petition therefor, or, if the
19 children for whom support is sought are in receipt of public assistance,
20 the date for which their eligibility for public assistance was effec-
21 tive. Any retroactive amount of support due shall be support
22 arrears/past due support and shall be paid in one sum or periodic sums,
23 as the court directs, and any amount of temporary support which has been
24 paid to be taken into account in calculating any amount of such retroac-
25 tive support due. In addition, such retroactive child support shall be
26 enforceable in any manner provided by law including, but not limited to,
27 an execution for support enforcement pursuant to subdivision (b) of
28 section fifty-two hundred forty-one of the civil practice law and rules.

1 When a child receiving support is a public assistance recipient, or the
2 order of support is being enforced or is to be enforced pursuant to
3 section one hundred eleven-g of the social services law, the court shall
4 establish the amount of retroactive child support and notify the parties
5 that such amount shall be enforced by the support collection unit pursu-
6 ant to an execution for support enforcement as provided for in subdivi-
7 sion (b) of section fifty-two hundred forty-one of the civil practice
8 law and rules, or in such periodic payments as would have been author-
9 ized had such an execution been issued. In such case, the court shall
10 not direct the schedule of repayment of retroactive support. Where such
11 direction is for child support and [paternity] parentage has been estab-
12 lished by a voluntary acknowledgment of [paternity] parentage as defined
13 in section forty-one hundred thirty-five-b of the public health law, the
14 court shall inquire of the parties whether the acknowledgment has been
15 duly filed, and unless satisfied that it has been so filed shall require
16 the clerk of the court to file such acknowledgment with the appropriate
17 registrar within five business days. The court shall not direct that
18 support payments be made to the support collection unit unless the
19 child, who is the subject of the order, is in receipt of public assist-
20 ance or child support services pursuant to section one hundred eleven-g
21 of the social services law. Any such order shall be enforceable pursu-
22 ant to section fifty-two hundred forty-one or fifty-two hundred forty-
23 two of the civil practice law and rules, or in any other manner provided
24 by law. Such orders or judgments for child support and maintenance
25 shall also be enforceable pursuant to article fifty-two of the civil
26 practice law and rules upon a debtor's default as such term is defined
27 in paragraph seven of subdivision (a) of section fifty-two hundred
28 forty-one of the civil practice law and rules. The establishment of a

1 default shall be subject to the procedures established for the determi-
2 nation of a mistake of fact for income executions pursuant to subdivi-
3 sion (e) of section fifty-two hundred forty-one of the civil practice
4 law and rules. For the purposes of enforcement of child support orders
5 or combined spousal and child support orders pursuant to section five
6 thousand two hundred forty-one of the civil practice law and rules, a
7 "default" shall be deemed to include amounts arising from retroactive
8 support. Where permitted under federal law and where the record of the
9 proceedings contains such information, such order shall include on its
10 face the social security number and the name and address of the employ-
11 er, if any, of the person chargeable with support provided, however,
12 that failure to comply with this requirement shall not invalidate such
13 order.

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

18 § 516-a. Acknowledgment of [paternity] parentage. (a) An acknowledg-
19 ment of [paternity] parentage executed pursuant to section one hundred
20 eleven-k of the social services law or section four thousand one hundred
21 thirty-five-b of the public health law shall establish the [paternity]
22 parentage of and liability for the support of a child pursuant to this
23 act. Such acknowledgment must be reduced to writing and filed pursuant
24 to section four thousand one hundred thirty-five-b of the public health
25 law with the registrar of the district in which the birth occurred and
26 in which the birth certificate has been filed. No further judicial or
27 administrative proceedings are required to ratify an unchallenged
28 acknowledgment of [paternity] parentage.

1 (b) (i) Where a signatory to an acknowledgment of [paternity] parent-
2 age executed pursuant to section one hundred eleven-k of the social
3 services law or section four thousand one hundred thirty-five-b of the
4 public health law had attained the age of eighteen at the time of
5 execution of the acknowledgment, the signatory may seek to rescind the
6 acknowledgment by filing a petition with the court to vacate the
7 acknowledgment within the earlier of sixty days of the date of signing
8 the acknowledgment or the date of an administrative or a judicial
9 proceeding (including, but not limited to, a proceeding to establish a
10 support order) relating to the child in which the signatory is a party.
11 For purposes of this section, the "date of an administrative or a judi-
12 cial proceeding" shall be the date by which the respondent is required
13 to answer the petition.

14 (ii) Where a signatory to an acknowledgment of [paternity] parentage
15 executed pursuant to section one hundred eleven-k of the social services
16 law or section four thousand one hundred thirty-five-b of the public
17 health law had not attained the age of eighteen at the time of execution
18 of the acknowledgment, the signatory may seek to rescind the acknowlegd-
19 ment by filing a petition with the court to vacate the acknowledgment
20 anytime up to sixty days after the signatory's attaining the age of
21 eighteen years or sixty days after the date on which the respondent is
22 required to answer a petition (including, but not limited to, a petition
23 to establish a support order) relating to the child in which the signa-
24 tory is a party, whichever is earlier; provided, however, that the
25 signatory must have been advised at such proceeding of his or her right
26 to file a petition to vacate the acknowledgment within sixty days of the
27 date of such proceeding.

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

18 (iv) After the expiration of the time limits set forth in paragraphs
19 (i) and (ii) of this subdivision, any of the signatories to an acknowl-
20 edgment of [paternity] parentage may challenge the acknowledgment in
21 court by alleging and proving fraud, duress, or material mistake of
22 fact. If the petitioner proves to the court that the acknowledgment of
23 [paternity] parentage was signed under fraud, duress, or due to a mate-
24 rial mistake of fact, the court shall then order genetic marker tests or
25 DNA tests for the determination of the child's [paternity] parentage.
26 No such test shall be ordered, however, where the acknowledgment was
27 signed by the intended parent of a child born through assisted reprod-
28 uction pursuant to subparagraph (ii) of paragraph (b) of subdivision one

1 of section four thousand one hundred thirty-five-b of the public health
2 law, or upon a written finding by the court that it is not in the best
3 interests of the child on the basis of res judicata, equitable estoppel,
4 or the presumption of legitimacy of a child born to a married [woman]
5 person. If the court determines, following the test, that the person who
6 signed the acknowledgment is the [father] parent of the child, the court
7 shall make a finding of [paternity] parentage and enter an order of
8 [filiation] parentage. If the court determines that the person who
9 signed the acknowledgment is not the [father] parent of the child, the
10 acknowledgment shall be vacated.

11 (v) If, at any time before or after a signatory has filed a petition
12 to vacate an acknowledgment of [paternity] parentage pursuant to this
13 subdivision, the signatory dies or becomes mentally ill or cannot be
14 found within the state, neither the proceeding nor the right to commence
15 the proceeding shall abate but may be commenced or continued by any of
16 the persons authorized by this article to commence a [paternity] parent-
17 age proceeding.

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

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

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

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

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

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

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

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

19 [(d)] (e) A determination of [paternity] parentage made by any other
20 state, whether established through an administrative or judicial process
21 or through an acknowledgment of [paternity] parentage signed in accord-
22 ance with that state's laws, must be accorded full faith and credit
23 pursuant to section 466(a)(11) of title IV-D of the social security act
24 (42 U.S.C. § 666(a)(11)).

25 (f) Any reference to an acknowledgment of paternity in any law of this
26 state, or any similar instrument signed in another state consistent with
27 the law of that state shall be interpreted to mean an acknowledgment of
28 parentage executed pursuant to section one hundred eleven-k of the

1 social services law, section four thousand one hundred thirty-five-b of
2 the public health law, or signed in another state consistent with the
3 law of that state.

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

7 (b) The court shall also direct the local commissioner of social
8 services to conduct an investigation to locate any person who is not
9 recognized to be the child's legal parent and does not have the rights
10 of a legal parent under the laws of the state of New York but who (i)
11 has filed with a putative father registry an instrument acknowledging
12 [paternity] parentage of the child, pursuant to section 4-1.2 of the
13 estates, powers and trusts law, or (ii) has a pending [paternity]
14 parentage petition, or (iii) has been identified as a parent of the
15 child by the child's other parent in a written sworn statement. The
16 local commissioner of social services shall report the results of such
17 investigation to the court and parties, including the attorney for the
18 child.

19 § 17. Section 4-1.2 of the estates, powers and trusts law, as amended
20 by chapter 67 of the laws of 1981, the section heading, the opening
21 paragraph of subparagraph 1 of paragraph (a), the opening paragraph of
22 subparagraph 2 of paragraph (a) and the opening paragraph of subpara-
23 graph 3 of paragraph (a) as amended by chapter 595 of the laws of 1992,
24 subparagraph 2 of paragraph (a) as amended by chapter 434 of the laws of
25 1987, clause (A) of subparagraph 2 of paragraph (a) as amended by chap-
26 ter 170 of the laws of 1994, and clause (C) of subparagraph 2 of para-
27 graph (a) and paragraph (b) as amended by chapter 64 of the laws of
28 2010, is amended to read as follows:

1 § 4-1.2 Inheritance by non-marital children

2 (a) For the purposes of this article:

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

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

8 (A) a court of competent jurisdiction has, during the lifetime of the
9 father, made an order of filiation or parentage declaring [paternity]
10 parentage or the [mother and father] parentage of the child [have
11 executed] has been established through the execution of an acknowledg-
12 ment of [paternity] parentage pursuant to section four thousand one
13 hundred thirty-five-b of the public health law, which has been filed
14 with the registrar of the district in which the birth certificate has
15 been filed or;

16 (B) the father of the child has signed an instrument acknowledging
17 [paternity] parentage, provided that

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

23 (ii) such instrument is filed within sixty days from the making there-
24 of with the [putative father] registry established by the state depart-
25 ment of social services pursuant to section three hundred seventy-two-c
26 of the social services law, as added by chapter six hundred sixty-five
27 of the laws of nineteen hundred seventy-six and

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

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

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

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

23 (b) If a non-marital child dies, his or her surviving spouse, issue,
24 mother, maternal kindred, father and paternal kindred inherit and are
25 entitled to letters of administration as if the decedent was a marital
26 child, provided that the [father and paternal] kindred may inherit or
27 obtain such letters only if the [paternity] parentage of the non-marital

1 child has been established pursuant to any of the provisions of subpara-
2 graph (2) of paragraph (a).

3 § 18. Subdivision 1, paragraph g of subdivision 2, subdivision 3, and
4 subdivision 4 of section 111-c of the social services law, subdivision 1
5 as added by chapter 685 of the laws of 1975, paragraph g of subdivision
6 2 as added by chapter 809 of the laws of 1985, subdivision 3 as amended
7 by chapter 398 of the laws of 1997, and subdivision 4 as added by chap-
8 ter 343 of the laws of 2009, are amended to read as follows:

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

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

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

25 4. a. A social services district represents the interests of the
26 district in performing its functions and duties as provided in this
27 title and not the interests of any party. The interests of a district

1 shall include, but are not limited to, establishing [paternity] parent-
2 age, and establishing, modifying and enforcing child support orders.

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

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

14 § 19. Section 111-k of the social services law, as amended by chapter
15 398 of the laws of 1997, paragraphs (a) and (b) of subdivision 1 as
16 amended by chapter 214 of the laws of 1998, is amended to read as
17 follows:

18 § 111-k. Procedures relating to acknowledgments of [paternity]
19 parentage, agreements to support, and genetic tests. 1. A social
20 services official or his or her designated representative who confers
21 with a potential respondent or respondent, hereinafter referred to in
22 this section as the "respondent", the mother of a child born out of
23 wedlock and any other interested persons, pursuant to section one
24 hundred eleven-c of this title, may obtain:

25 (a) an acknowledgment of [paternity] parentage of a child, as provided
26 for in article five-B or section five hundred sixteen-a of the family
27 court act, by a written statement, witnessed by two people not related
28 to the signator or as provided for in section four thousand one hundred

1 thirty-five-b of the public health law. Prior to the execution of such
2 acknowledgment by the child's mother and the respondent, they shall be
3 advised, orally, which may be through the use of audio or video equip-
4 ment, and in writing, of the consequences of making such an acknowledg-
5 ment. Upon the signing of an acknowledgment of [paternity] parentage
6 pursuant to this section, the social services official or his or her
7 representative shall file the original acknowledgment with the regist-
8 rar.

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

20 2. (a) When the paternity of a child is contested, a social services
21 official or designated representative may order the mother, the child,
22 and the alleged father to submit to one or more genetic marker or DNA
23 tests of a type generally acknowledged as reliable by an accreditation
24 body designated by the secretary of the federal department of health and
25 human services and performed by a laboratory approved by such an accred-
26 itation body and by the commissioner of health or by a duly qualified
27 physician to aid in the determination of whether or not the alleged
28 father is the father of the child. The order may be issued prior or

1 subsequent to the filing of a petition with the court to establish
2 paternity, shall be served on the parties by certified mail, and shall
3 include a sworn statement which either (i) alleges [paternity] parentage
4 and sets forth facts establishing a reasonable possibility of the requi-
5 site sexual contact between the parties, or (ii) denies [paternity]
6 parentage and sets forth facts establishing a reasonable possibility
7 that the party is not the father. The parties shall not be required to
8 submit to the administration and analysis of such tests if they sign a
9 voluntary acknowledgment of [paternity] parentage in accordance with
10 paragraph (a) of subdivision one of this section, or if there has been a
11 written finding by the court that it is not in the best interests of the
12 child on the basis of res judicata, equitable estoppel, the child was
13 conceived through assisted reproduction or the presumption of legitimacy
14 of a child born to a married [woman] person.

15 (b) The record or report of the results of any such genetic marker or
16 DNA test may be submitted to the family court as evidence pursuant to
17 subdivision (e) of rule forty-five hundred eighteen of the civil prac-
18 tice law and rules where no timely objection in writing has been made
19 thereto.

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

1 (d) The parties shall be required to submit to such tests and appear
2 at any conference scheduled by the social services official or designee
3 to discuss the notice of the allegation of paternity or to discuss the
4 results of such tests. If the alleged [father] parent fails to appear
5 at any such conference or fails to submit to such genetic marker or DNA
6 tests, the social services official or designee shall petition the court
7 to establish [paternity] parentage, provide the court with a copy of the
8 records or reports of such tests if any, and request the court to issue
9 an order for temporary support pursuant to section five hundred forty-
10 two of the family court act.

11 3. Any reference to an acknowledgment of paternity in any law of this
12 state or any similar instrument signed in another state consistent with
13 the law of that state shall be interpreted to mean an acknowledgment of
14 parentage executed pursuant to this section, section four thousand one
15 hundred thirty-five-b of the public health law or signed in another
16 state consistent with the law of that state.

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

20 1. The department shall establish a [putative father] registry which
21 shall record the names and addresses of: (a) any person adjudicated by
22 a court of this state to be the [father] parent of a child born [out-of-
23 wedlock] out of wedlock; (b) any person who has filed with the registry
24 before or after the birth of a child [out-of-wedlock] out of wedlock, a
25 notice of intent to claim [paternity] parentage of the child; (c) any
26 person adjudicated by a court of another state or territory of the
27 United States to be the father of an [out-of-wedlock] out of wedlock
28 child, where a certified copy of the court order has been filed with the

1 registry by such person or any other person; (d) any person who has
2 filed with the registry an instrument acknowledging paternity pursuant
3 to section 4-1.2 of the estates, powers and trusts law.

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

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

11 (a) The chief administrator of the courts shall provide, in accordance
12 with subdivision (f) of this section, for the appointment of a suffi-
13 cient number of support magistrates to hear and determine support
14 proceedings. Except as hereinafter provided, support magistrates shall
15 be empowered to hear, determine and grant any relief within the powers
16 of the court in any proceeding under this article, articles five,
17 five-A, [and] five-B, and five-C and sections two hundred thirty-four
18 and two hundred thirty-five of this act, and objections raised pursuant
19 to section five thousand two hundred forty-one of the civil practice law
20 and rules. Support magistrates shall not be empowered to hear, determine
21 and grant any relief with respect to issues specified in section four
22 hundred fifty-five of this article, issues of contested paternity
23 involving claims of equitable estoppel, custody, visitation including
24 visitation as a defense, and orders of protection or exclusive
25 possession of the home, which shall be referred to a judge as provided
26 in subdivision (b) or (c) of this section. Where an order of filiation
27 is issued by a judge in a paternity proceeding and child support is in
28 issue, the judge, or support magistrate upon referral from the judge,

1 shall be authorized to immediately make a temporary or final order of
2 support, as applicable. A support magistrate shall have the authority to
3 hear and decide motions and issue summonses and subpoenas to produce
4 persons pursuant to section one hundred fifty-three of this act, hear
5 and decide proceedings and issue any order authorized by subdivision (g)
6 of section five thousand two hundred forty-one of the civil practice law
7 and rules, issue subpoenas to produce prisoners pursuant to section two
8 thousand three hundred two of the civil practice law and rules and make
9 a determination that any person before the support magistrate is in
10 violation of an order of the court as authorized by section one hundred
11 fifty-six of this act subject to confirmation by a judge of the court
12 who shall impose any punishment for such violation as provided by law. A
13 determination by a support magistrate that a person is in willful
14 violation of an order under subdivision three of section four hundred
15 fifty-four of this article and that recommends commitment shall be tran-
16 smitted to the parties, accompanied by findings of fact, but the deter-
17 mination shall have no force and effect until confirmed by a judge of
18 the court.

19 § 22. This act shall take effect on January 1, 2021, provided, howev-
20 er, that the amendments to subdivision (a) of section 439 of the family
21 court act made by section twenty-one of this act shall not affect the
22 expiration of such subdivision and shall be deemed to expire therewith.
23 Effective immediately, the addition, amendment and/or repeal of any rule
24 or regulation necessary for the implementation of this act on its effec-
25 tive date are authorized to be made and completed on or before such
26 effective date.

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

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

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

17 § 393. Court approval of placement in a qualified residential treat-
18 ment program. 1. The provisions of this section shall apply when a child
19 is placed on or after September twenty-ninth, two thousand twenty-one
20 and resides in a qualified residential treatment program, as defined in
21 section four hundred nine-h of this article, and whose care and custody
22 were transferred to the commissioner of a local social services district
23 in accordance with section three hundred fifty-eight-a of this chapter,
24 or whose custody and guardianship were transferred to the commissioner
25 of a local social services district in accordance with section three
26 hundred eighty-three-c, or three hundred eighty-four-b of this title.

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

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

7 (ii) Determine whether the needs of the child can be met through
8 placement in a foster home and, if not, whether placement of the child
9 in a qualified residential treatment program provides the most effective
10 and appropriate level of care for the child in the least restrictive
11 environment and whether that placement is consistent with the short-term
12 and long-term goals for the child, as specified in the child's permanen-
13 cy plan; and

14 (iii) Approve or disapprove the placement of the child in a qualified
15 residential treatment program. Provided that, notwithstanding any other
16 provision of law to the contrary, where the qualified individual deter-
17 mines that the placement of the child in a qualified residential treat-
18 ment program is not appropriate under the standards set forth in the
19 regulations of the office of children and family services, in accordance
20 with 42 United States Code section 672, the court shall disapprove the
21 placement of the child in the qualified residential treatment program.

22 (b) Notwithstanding any other provision of law to the contrary, if the
23 existing governing placement order of the court regarding the child
24 would not permit the local social services district to move the child
25 from the qualified residential treatment program as required by section
26 four hundred nine-h of this article, the court shall issue a new order
27 which shall not preclude such child from being placed in a residential
28 setting approved in the regulations of the office of children and family

1 services, in accordance with 42 United States Code section 672, for
2 children whose placement in a qualified residential treatment program
3 has been determined to be inappropriate in accordance with section four
4 hundred nine-h of this article.

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

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

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

12 § 409-h. Assessment of appropriateness of placement in a qualified
13 residential treatment program. 1. Within thirty days of the start of a
14 placement in a qualified residential treatment program of a child in the
15 care and custody or the custody and guardianship of the commissioner of
16 a local social services district or the office of children and family
17 services that occurs on or after September twenty-ninth, two thousand
18 twenty-one, a qualified individual shall assess the appropriateness of
19 such placement. Such qualified individual and assessment shall be in
20 accordance with the regulations of the office of children and family
21 services and 42 United State Code section 672.

22 2. (a) Where the qualified individual determines that the placement of
23 the child in a qualified residential treatment program is not appropri-
24 ate under the standards set forth in the regulations of the office of
25 children and family services and 42 United States Code section 672, the
26 local social services district or the office of children and family
27 services with legal custody of the child shall remove such child from a
28 qualified residential treatment program within thirty days in accordance

1 with federal law and the provisions of 42 United States Code section
2 672, and if placement of the child is to continue, place said child in a
3 placement setting approved by the office of children and family services
4 for children who have been determined to not be appropriate for a place-
5 ment in a qualified residential treatment program.

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

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

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

17 § 353.7. Placement in qualified residential treatment programs. 1. The
18 provisions of this section shall apply when a respondent is placed on or
19 after September twenty-ninth, two thousand twenty-one and resides in a
20 qualified residential treatment program, as defined in section four
21 hundred nine-h of the social services law, and whose care and custody
22 were transferred to a local social services district or the office of
23 children and family services in accordance with this article.

24 2. (a) When a respondent is in the care and custody of a local social
25 services district or the office of children and family services pursuant
26 to this article, such social services district or office shall report
27 any anticipated placement of the respondent into a qualified residential
28 treatment program as defined in section four hundred nine-h of the

1 social services law to the court and the attorneys for the parties,
2 including the attorney for the respondent, forthwith, but not later than
3 one business day following either the decision to place the respondent
4 in the qualified residential treatment program or the actual date the
5 placement change occurred, whichever is sooner. Such notice shall indi-
6 cate the date that the placement change is anticipated to occur or the
7 date the placement change occurred, as applicable. Provided, however, if
8 such notice lists an anticipated date for the placement change, the
9 local social services district or office shall subsequently notify the
10 court and the attorneys for the parties, including the attorney for the
11 respondent, of the date the placement change occurred; such notice shall
12 occur no later than one business day following the placement change.

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

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

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

4 (ii) Determine whether the needs of the respondent can be met through
5 placement in a foster home and, if not, whether placement of the
6 respondent in a qualified residential treatment program provides the
7 most effective and appropriate level of care for the respondent in the
8 least restrictive environment and whether that placement is consistent
9 with the short-term and long-term goals for the respondent, as specified
10 in the respondent's permanency plan; and

11 (iii) Approve or disapprove the placement of the respondent in a qual-
12 ified residential treatment program. Provided that, notwithstanding any
13 other provision of law to the contrary, where a qualified individual
14 determines that the placement of the respondent in a qualified residen-
15 tial treatment program is not appropriate under the standards set forth
16 in the regulations of the office of children and family services in
17 accordance with 42 United States Code section 672, the court shall
18 disapprove the placement of the respondent in the qualified residential
19 treatment program.

20 (b) Notwithstanding any other provision of law to the contrary, if the
21 existing governing placement order of the court regarding the respondent
22 would not permit the local social services district or the office to
23 move the respondent from the qualified residential treatment program as
24 required by section four hundred nine-h of the social services law, the
25 court shall issue a new order which shall not preclude such respondent
26 from being placed in a residential setting approved in the regulations
27 of the office of children and family services in accordance with 42
28 United States Code section 672 for children whose placement in a quali-

1 fied residential treatment program has been determined to be inappropri-
2 ate in accordance with section four hundred nine-h of the social
3 services law.

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

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

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

11 10. Where the respondent remains placed in a qualified residential
12 treatment program, as defined in section four hundred nine-h of the
13 social services law, the commissioner of the local social services
14 district or the office of children and family services with legal custo-
15 dy of the respondent shall submit evidence at the permanency hearing
16 with respect to the respondent:

17 (a) demonstrating that ongoing assessment of the strengths and needs
18 of the respondent cannot be met through placement in a foster home, that
19 the placement in a qualified residential treatment program provides the
20 most effective and appropriate level of care for the respondent in the
21 least restrictive environment, and that the placement is consistent with
22 the short-term and long-term goals for the respondent, as specified in
23 the respondent's permanency plan;

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

27 (c) documenting the efforts made by the local social services district
28 or the office of children and family services with legal custody of the

1 respondent to prepare the respondent to return home, or to be placed
2 with a fit and willing relative, legal guardian or adoptive parent, or
3 in a foster home.

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

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

11 (i) demonstrating that ongoing assessment of the strengths and needs
12 of the respondent continues to support the determination that the needs
13 of the respondent cannot be met through placement in a foster home, that
14 the placement in a qualified residential treatment program provides the
15 most effective and appropriate level of care for the respondent in the
16 least restrictive environment, and that the placement is consistent with
17 the short-term and long-term goals of the respondent, as specified in
18 the respondent's permanency plan;

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

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

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

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

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

25 (b) When a respondent whose legal custody was transferred to a local
26 social services district in accordance with this part resides in a qual-
27 ified residential treatment program, as defined in section four hundred
28 nine-h of the social services law, and where such respondent's placement

1 in such qualified residential treatment program commenced on or after
2 September twenty-ninth, two thousand twenty-one, upon receipt of notice
3 required pursuant to paragraph (a) of this subdivision, the court shall
4 schedule a hearing in accordance with subdivision three of this section.
5 Notwithstanding any other provision of law to the contrary, such hearing
6 shall occur no later than sixty days from the date the placement of the
7 respondent in the qualified residential treatment program commenced.

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

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

14 (ii) Determine whether the needs of the respondent can be met through
15 placement in a foster home and, if not, whether placement of the
16 respondent in a qualified residential treatment program provides the
17 most effective and appropriate level of care for the respondent in the
18 least restrictive environment and whether that placement is consistent
19 with the short-term and long-term goals for the respondent as specified
20 in the respondent's permanency plan; and

21 (iii) Approve or disapprove the placement of the respondent in a qual-
22 ified residential treatment program. Provided that, notwithstanding any
23 other provision of law to the contrary, where the qualified individual
24 determines that the placement of the respondent in a qualified residen-
25 tial treatment program is not appropriate under the standards set forth
26 in the regulations of the office of children and family services in
27 accordance with 42 United States Code section 672, the court shall

1 disapprove the placement of the respondent in the qualified residential
2 treatment program.

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

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

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

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

22 (b) When a child whose legal custody was transferred to the commis-
23 sioner of a local social services district in accordance with this
24 section resides in a qualified residential treatment program, as defined
25 in section four hundred nine-h of the social services law, and where
26 such child's placement in such program commenced on or after September
27 twenty-ninth, two thousand twenty-one, upon receipt of notice required
28 pursuant to paragraph (a) of this subdivision the court shall schedule a

1 hearing in accordance with section one thousand fifty-five-c of this
2 article. Notwithstanding any other provision of law to the contrary,
3 such hearing shall occur no later than sixty days from the date the
4 placement of the child in the qualified residential treatment program
5 commenced.

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

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

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

22 § 1055-c. Court approval of placement in a qualified residential
23 treatment program. 1. The provisions of this section shall apply when a
24 child is placed on or after September twenty-ninth, two thousand twen-
25 ty-one and resides in a qualified residential treatment program, as
26 defined in section four hundred nine-h of the social services law, and
27 whose care and custody were transferred to the commissioner of a local
28 social services district in accordance with this article.

1 2. Within sixty days of the start of a placement of a child referenced
2 in subdivision one of this section in a qualified residential treatment
3 program, the court shall:

4 (a) Consider the assessment, determination, and documentation made by
5 the qualified individual pursuant to section four hundred nine-h of the
6 social services law;

7 (b) Determine whether the needs of the child can be met through place-
8 ment in a foster home and, if not, whether placement of the child in a
9 qualified residential treatment program provides the most effective and
10 appropriate level of care for the child in the least restrictive envi-
11 ronment and whether that placement is consistent with the short-term and
12 long-term goals for the child, as specified in the child's permanency
13 plan; and

14 (c) Approve or disapprove the placement of the child in a qualified
15 residential treatment program. Provided that, notwithstanding any other
16 provision of law to the contrary, where the qualified individual deter-
17 mines that the placement of the child in a qualified residential treat-
18 ment program is not appropriate under the standards set forth in the
19 regulations of the office of children and family services in accordance
20 with 42 United States Code section 672, the court shall disapprove the
21 placement of the child in the qualified residential treatment program.

22 3. Notwithstanding any other provision of law to the contrary, if the
23 existing governing placement order of the court regarding the child
24 would not permit the local social services district to move the child
25 from the qualified residential treatment program as required by section
26 four hundred nine-h of the social services law, the court shall issue a
27 new order which shall not preclude such child from being placed in a
28 residential setting approved in the regulations of the office of chil-

1 dren and family services in accordance with 42 United States Code
2 section 672 for children whose placement in a qualified residential
3 treatment program has been determined to be inappropriate in accordance
4 with section four hundred nine-h of the social services law.

5 4. The scope of the court's consideration and determination shall be
6 limited to the provisions set forth in subdivisions two and three of
7 this section.

8 5. Documentation of the court's determination pursuant to this section
9 shall be recorded in the child's case record.

10 § 11. Clause (C) of subparagraph (ix) of paragraph 5 of subdivision
11 (c) of section 1089 of the family court act, as amended by section 27 of
12 part A of chapter 3 of the laws of 2005, is amended and a new paragraph
13 6 is added to read as follows:

14 (C) if the child is over age fourteen and has voluntarily withheld his
15 or her consent to an adoption, the facts and circumstances regarding the
16 child's decision to withhold consent and the reasons therefor[.]; and

17 (6) Where the child remains placed in a qualified residential treat-
18 ment program, as defined in section four hundred nine-h of the social
19 services law, the commissioner of the social services district with
20 legal custody of the child shall submit evidence at the permanency hear-
21 ing with respect to the child:

22 (i) demonstrating that ongoing assessment of the strengths and needs
23 of the child continues to support the determination that the needs of
24 the child cannot be met through placement in a foster home, that the
25 placement in a qualified residential treatment program provides the most
26 effective and appropriate level of care for the child in the least
27 restrictive environment, and that the placement is consistent with the

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

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

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

10 § 12. The opening paragraph of clause (H) of subparagraph (vii) of
11 paragraph 2 of subdivision (d) of section 1089 of the family court act,
12 is designated item (I) and a new item (II) is added to read as follows:

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

26 § 13. The family court act is amended by adding a new section 1091-a
27 to read as follows:

1 § 1091-a. Court approval of placement in a qualified residential
2 treatment program. 1. The provisions of this section shall apply when a
3 former foster care youth is placed on or after September twenty-ninth,
4 two thousand twenty-one, and resides in a qualified residential treat-
5 ment program, as defined in section four hundred nine-h of the social
6 services law, and whose care and custody were transferred to a local
7 social services district or the office of children and family services
8 in accordance with this article.

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

27 (b) When a child whose legal custody was transferred to a local social
28 services district or the office of children and family services in

1 accordance with this article resides in a qualified residential treat-
2 ment program, as defined in section four hundred nine-h of the social
3 services law, and where such child's placement in such qualified resi-
4 dential treatment program commenced on or after September twenty-ninth,
5 two thousand twenty-one, upon receipt of notice required pursuant to
6 paragraph (a) of this subdivision, the court shall schedule a hearing in
7 accordance with subdivision three of this section. Notwithstanding any
8 other provision of law to the contrary, such hearing shall occur no
9 later than sixty days from the date the placement of the child in the
10 qualified residential treatment program commenced.

11 3. Within sixty days of the start of a placement of a former foster
12 care youth referenced in subdivision one of this section in a qualified
13 residential treatment program, the court shall:

14 (a) Consider the assessment, determination, and documentation made by
15 the qualified individual pursuant to section four hundred nine-h of the
16 social services law;

17 (b) Determine whether the needs of the former foster care youth can be
18 met through placement in a foster home and, if not, whether placement of
19 the former foster care youth in a qualified residential treatment
20 program provides the most effective and appropriate level of care for
21 the former foster care youth in the least restrictive environment and
22 whether that placement is consistent with the short-term and long-term
23 goals for the former foster care youth, as specified in the former
24 foster care youth's permanency plan; and

25 (c) Approve or disapprove the placement of the former foster care
26 youth in qualified residential treatment program. Provided that,
27 notwithstanding any other provision of law to the contrary, where the
28 qualified individual determines that the placement of the former foster

1 care youth in a qualified residential treatment program is not appropri-
2 ate under the standards set forth in the regulations of the office of
3 children and family services in accordance with 42 United States Code
4 section 672, the court shall disapprove the placement of the former
5 foster care youth in the qualified residential treatment program.

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

18 5. The scope of the court's consideration and determination shall be
19 limited to the provisions set forth in subdivisions three and four of
20 this section.

21 6. Documentation of the court's determination pursuant to this section
22 shall be recorded in the former foster care youth's case record.

23 § 14. The family court act is amended by adding a new section 1097 to
24 read as follows:

25 § 1097. Court approval of placement in a qualified residential treat-
26 ment program. 1. The provisions of this section shall apply when a child
27 is placed on or after September twenty-ninth, two thousand twenty-one,
28 and resides in a qualified residential treatment program, as defined in

1 section four hundred nine-h of the social services law, and whose care
2 and custody were transferred to a local social services district or the
3 office of children and family services in accordance with this article.

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

21 (b) When a child whose legal custody was transferred to a local social
22 services district in accordance with this article resides in a qualified
23 residential treatment program, as defined in section four hundred nine-h
24 of the social services law, and where such child's placement in such
25 qualified residential treatment program commenced on or after September
26 twenty-ninth, two thousand twenty-one, upon receipt of notice required
27 pursuant to paragraph (a) of this subdivision, the court shall schedule
28 a hearing in accordance with subdivision three of this section. Notwith-

1 standing any other provision of law to the contrary, such hearing shall
2 occur no later than sixty days from the date the placement of the child
3 in the qualified residential treatment program commenced.

4 3. Within sixty days of the start of a placement of a child referenced
5 in subdivision one of this section in a qualified residential treatment
6 program, the court shall:

7 (a) Consider the assessment, determination, and documentation made by
8 the qualified individual pursuant to section four hundred nine-h of the
9 social services law;

10 (b) Determine whether the needs of the child can be met through place-
11 ment in a foster home and, if not, whether placement of the child in a
12 qualified residential treatment program provides the most effective and
13 appropriate level of care for the child in the least restrictive envi-
14 ronment and whether that placement is consistent with the short-term and
15 long-term goals for the child, as specified in the child's permanency
16 plan; and

17 (c) Approve or disapprove the placement of the child in the qualified
18 residential treatment program. Provided that, notwithstanding any other
19 provision of law to the contrary, where the qualified individual deter-
20 mines that the placement of the child in a qualified residential treat-
21 ment program is not appropriate under the standards set forth in the
22 regulations of the office of children and family services in accordance
23 with 42 United States Code section 672, the court shall disapprove the
24 placement of the child in the qualified residential treatment program.

25 4. Notwithstanding any other provision of law to the contrary, if the
26 existing governing placement order of the court regarding the child
27 would not permit the local social services district to move the child
28 from the qualified residential treatment program as required by section

1 four hundred nine-h of the social services law, the court shall issue a
2 new order which shall not preclude such child from being placed in a
3 residential setting approved in the regulations of the office of chil-
4 dren and family services in accordance with 42 United States Code
5 section 672 for children whose placement in a qualified residential
6 treatment program has been determined to be inappropriate in accordance
7 with section four hundred nine-h of the social services law.

8 5. The scope of the court's consideration and determination shall be
9 limited to the provisions set forth in subdivisions three and four of
10 this section.

11 6. Documentation of the court's determination pursuant to this section
12 shall be recorded in the child's case record.

13 § 15. Severability. If any clause, sentence, paragraph, section or
14 part of this act shall be adjudged by any court of competent jurisdic-
15 tion to be invalid and after exhaustion of all further judicial review,
16 the judgment shall not affect, impair or invalidate the remainder there-
17 of, but shall be confined in its operation to the clause, sentence,
18 paragraph, section or part of this act directly involved in the contro-
19 versy in which the judgment shall have been rendered.

20 § 16. This act shall take effect September 29, 2021; provided, howev-
21 er, that:

22 (a) (i) notwithstanding any other provision of law, provisions in this
23 act shall not take effect unless and until the state title IV-E agency
24 submits to the United States Department of Health and Human Services,
25 Administration for Children, Youth and Families, an amendment to the
26 title IV-E state plan and the United States Department of Health and
27 Human Services, Administration for Children, Youth and Families approves
28 said title IV-E state plan amendment regarding when a child is placed in

1 a qualified residential treatment program in relation to the following
2 components: (1) the establishment of the 30-day assessment as estab-
3 lished by section three of this act; (2) the 60-day court reviews as
4 established by sections one, two, four, seven, eight, nine, ten, twelve,
5 thirteen and fourteen of this act; and (3) permanency hearing require-
6 ments as established by sections five, six and eleven of this act;

7 (ii) provided however, that if the United States Department of Health
8 and Human Services, Administration for Children, Youth and Families
9 fails to approve or disapproves any of the components listed in para-
10 graph (i) of this subdivision, such action shall not impact the effec-
11 tive date for the remaining components listed therein;

12 (b) the office of children and family services shall inform the legis-
13 lative bill drafting commission upon the occurrence of the submission
14 set forth in subdivision (a) of this section and any approval related
15 thereto in order that the commission may maintain an effective and time-
16 ly database of the official texts of the state of laws of New York in
17 furtherance of effectuating the provisions of section 44 of the legisla-
18 tive law and section 70-b of the public officers law;

19 (c) if chapter 732 of the laws of 2019 shall not have taken effect on
20 or before such effective date, then sections one, eight, nine and twelve
21 of this act shall take effect on the same date and same manner as chap-
22 ter 732 of the laws of 2019, takes effect;

23 (d) for the purposes of this act, the term "placement" shall refer
24 only to placements made on or after the effective date of the Title IV-E
25 state plan to establish the 30-day assessment, 60-day court review and
26 permanency hearing requirements set forth in this act that occur on or
27 after its effective date; and

1 (e) the office of children and family services and the office of court
2 administration are hereby authorized to promulgate such rules and regu-
3 lations as may be necessary to implement the provisions of this act on
4 or before such effective date.

5 PART N

6 Section 1. Subdivision 10 of section 153 of the social services law,
7 as amended by section 1 of subpart B of part K of chapter 56 of the laws
8 of 2017, is amended to read as follows:

9 10. Expenditures made by a social services district for the mainte-
10 nance of children with disabilities, placed by school districts, pursu-
11 ant to section forty-four hundred five of the education law shall, if
12 approved by the office of children and family services, be subject to
13 [eighteen and four hundred twenty-four thousandths percent reimbursement
14 by the state and thirty-eight and four hundred twenty-four thousandths
15 percent reimbursement by school districts, except for social services
16 districts located within a city with a population of one million or
17 more, where such expenditures shall be subject to] fifty-six and eight
18 hundred forty-eight thousandths percent reimbursement by the school
19 district, in accordance with paragraph c of subdivision one of section
20 forty-four hundred five of the education law, after first deducting
21 therefrom any federal funds received or to be received on account of
22 such expenditures, except that in the case of a student attending a
23 state-operated school for the deaf or blind pursuant to article eighty-
24 seven or eighty-eight of the education law who was not placed in such
25 school by a school district such expenditures shall be subject to fifty
26 percent reimbursement by the state after first deducting therefrom any

1 federal funds received or to be received on account of such expenditures
2 and there shall be no reimbursement by school districts. Such expendi-
3 tures shall not be subject to the limitations on state reimbursement
4 contained in subdivision two of section one hundred fifty-three-k of
5 this title. In the event of the failure of the school district to make
6 the maintenance payment pursuant to the provisions of this subdivision,
7 the state comptroller shall withhold state reimbursement to any such
8 school district in an amount equal to the unpaid obligation for mainte-
9 nance and pay over such sum to the social services district upon certifi-
10 cation of the commissioner of the office of children and family
11 services and the commissioner of education that such funds are overdue
12 and owed by such school district. The commissioner of the office of
13 children and family services, in consultation with the commissioner of
14 education, shall promulgate regulations to implement the provisions of
15 this subdivision.

16 § 2. This act shall take effect immediately; provided however that the
17 amendments to subdivision 10 of section 153 of the social services law,
18 by section one of this act, shall not affect the repeal of such subdivi-
19 sion and shall be deemed repealed therewith.

20 PART O

21 Section 1. Subdivisions 2, 3, 4 and 5 of section 365 of the executive
22 law, as added by section 5 of part W of chapter 57 of the laws of 2013,
23 the opening paragraph of paragraph (a), the opening paragraph of para-
24 graph (b), paragraph (g), the opening paragraph of subparagraph (ii) and
25 clause 6 of subparagraph (ii) of paragraph (h) of subdivision 2 as

1 amended by section 11 of part AA of chapter 56 of the laws of 2019, are
2 amended to read as follows:

3 2. The establishment of the first New York state veterans cemetery.

4 (a) The division, in cooperation with the United States department of
5 veterans affairs, and in consultation with, and upon the support of the
6 department of state division of cemeteries, is hereby directed to
7 conduct an investigation and study on the issue of the construction and
8 establishment of the first New York state veterans' cemetery. Such
9 investigation and study shall include, but not be limited to:

10 (i) Potential site locations for such cemetery, with full consider-
11 ation as to the needs of the veterans population;

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

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

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

16 (v) Costs for construction of the cemetery;

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

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

20 (viii) Potential for funding for the cemetery from federal, local and
21 private sources;

22 (ix) Cost of maintenance;

23 (x) Data on the population that would be served by the site;

24 (xi) The average age of the population in the area covered;

25 (xii) The mortality rate of the veteran population for the area;

26 (xiii) Surrounding land use;

27 (xiv) Topography of the land;

28 (xv) Site characteristics;

1 (xvi) Cost of land acquisition;

2 (xvii) The location of existing cemeteries including but not limited
3 to national veterans' cemeteries, county veterans' cemeteries, ceme-
4 teries that have plots devoted to veterans, not-for-profit cemeteries
5 and any other burial ground devoted to veterans and any other type of
6 burial grounds devoted to the interment of human remains that is of
7 public record; and

8 (xviii) Such other and further items as the director of the division
9 deems necessary for the first state veterans cemetery to be successful.

10 A report of the investigation and study conclusions shall be delivered
11 to the governor, the temporary president of the senate, the speaker of
12 the assembly and the chair of the senate committee on veterans, homeland
13 security and military affairs, and the chair of the assembly committee
14 on veterans' affairs by no later than one hundred eighty days after the
15 division has commenced the conduct of the investigation and study.

16 (b) [Prior to the commencement of the investigation and study pursuant
17 to paragraph (a) of this subdivision, the director of the division of
18 veterans' services, the director of the division of the budget, the
19 director of the department of state's division of cemeteries, and the
20 office of the state comptroller must certify to the governor, the tempo-
21 rary president of the senate, the speaker of the assembly, the chair of
22 the senate finance committee and the chair of the assembly ways and
23 means committee that the veterans remembrance and cemetery maintenance
24 and operation fund, created pursuant to section ninety-seven-mmmmm of the
25 state finance law, contains moneys sufficient, adjusted to reflect
26 projected future inflation, to fund the operation, maintenance and the
27 provision of perpetual care of a state veterans' cemetery for a period
28 of not less than fifteen years, provided that such amount shall not

1 include any amount that shall be reimbursed or contributed to the ceme-
2 tery from the government of the United States or any amount that would
3 be recoverable by the cemetery pursuant to a charge of fee for the
4 provision of a grave site for a non-veteran spouse or family member. In
5 making such a certification, the director of the division of veterans'
6 services, the director of the division of the budget, the director of
7 the department of state's division of cemeteries, and the office of the
8 state comptroller shall consider, but are not limited to, the following
9 factors:

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

12 (ii) management and operation, including staffing costs, cost of
13 equipment and equipment maintenance, and security costs;

14 (iii) relevant state and federal requirements and specifications for
15 interment and perpetual care;

16 (iv) estimates provided by the United States department of veterans
17 affairs;

18 (v) any other fiscal cost, charge or assessment that would be incurred
19 by the cemetery.

20 (c) By no later than ninety days following the issuance of the report,
21 pursuant to the rules and regulations issued under paragraph (h) of this
22 subdivision, the director shall issue, on behalf of the division, a
23 request for proposals for any local government desiring to have the
24 first state veterans cemetery located within its political subdivision.
25 Such request for proposals shall be returnable to the division by no
26 later than sixty days following the issuance of the request for
27 proposals.

1 (d)] No later than sixty days following the [deadline for the return
2 of requests for proposals] submission of the report of the investigation
3 and study conclusions pursuant to paragraph [(c)] (a) of this subdivi-
4 sion, the director[, in consultation with the management board of the
5 first New York state veterans cemetery,] shall select a site for the
6 first New York state veterans cemetery. In selecting such site, the
7 director shall consider:

8 (i) The investigation and study, and the report produced by the same,
9 pursuant to paragraph (a) of this subdivision;

10 (ii) [The submitted responses to the requests for proposals issued
11 pursuant to paragraph (b) of this subdivision;

12 (iii)] The guidelines for receipt of federal funding specified in
13 section 2408 of title 38 of the United States code, part 39 of title 38
14 of the code of federal regulations, and any other relevant federal stat-
15 ute or regulation;

16 [(iv)] (iii) The possibility of funding from private individuals,
17 corporations or foundations; and

18 [(v)] (iv) Any other consideration that would facilitate the success-
19 ful operation of the first New York state veterans cemetery.

20 [(e)] (c) No later than thirty days following the selection of the
21 site pursuant to paragraph [(d)] (b) of this subdivision, the director[,
22 in consultation with the management board of the first New York state
23 veterans cemetery,] shall commence the application process for funding
24 from the government of the United States, in accordance with the grant
25 requirements specified in section 2408 of title 38 of the United States
26 code, part 39 of title 38 of the code of federal regulations, and any
27 other relevant federal statute or regulation, for the purpose of seeking
28 funds to support the construction, establishment, expansion, improve-

1 ment, support, operation, maintenance and the provision of perpetual
2 care of New York state's first veterans cemetery. Such grant application
3 shall be based on a site selected pursuant to paragraph [(d)] (b) of
4 this subdivision, and shall be consistent with the guidelines for
5 receipt of federal funding pursuant to the relevant provisions of feder-
6 al law.

7 [(f)] (d) A management board for the first New York state veterans
8 cemetery shall be appointed pursuant to subdivision three of this
9 section.

10 [(g) Nothing in this section shall be construed to authorize the divi-
11 sion of veterans' services to commence an investigation and study pursu-
12 ant to paragraph (a) of this subdivision, issuing a request for
13 proposals pursuant to paragraph (c) of this subdivision, selecting a
14 site for the first New York state veterans' cemetery pursuant to para-
15 graph (d) of this subdivision, or submitting any application for funding
16 from the government of the United States in accordance with the grant
17 requirements specified in section 2408 of title 38 of the United States
18 code, part 30 of title 38 of the code of federal regulations, and other
19 relevant federal statutes or regulations, for the purpose of seeking
20 funds to support the construction, establishment, expansion, improve-
21 ment, support, operation, maintenance and the provision of perpetual
22 care of New York state's first veterans' cemetery pursuant to paragraph
23 (e) of this subdivision until the funds in the veterans remembrance and
24 cemetery maintenance and operation fund have been certified pursuant to
25 paragraph (b) of this subdivision.]

26 [(h)] (e) The director shall promulgate rules and regulations govern-
27 ing:

1 (i) [The guidelines and standards for the construction, establishment,
2 expansion, improvement, support, operation, maintenance and the
3 provision of perpetual care for a state veterans cemetery. Such guide-
4 lines shall include, but not be limited to:

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

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

8 (A) Hours of operation;

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

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

11 (D) The filing and compliance of the cemetery with state and federal
12 regulators; and

13 (E) Such other and further operational and management practices and
14 procedures as the director shall determine to be necessary for the
15 successful operation of a state veterans cemetery.

16 (3) The layout of plots;

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

19 (A) Electrical lines and facilities;

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

21 (C) Trees, flowers and other plantings;

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

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

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

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

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

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

8 (6) The location and placement of interments;

9 (7) Consistent with the provisions of state and federal law and any
10 requirements pursuant to the receipt of federal, state, local or private
11 funds, the financial management of the cemetery, including but not
12 limited to:

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

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

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

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

21 (E) The assessment, charging, collection and deposit of fees and
22 charges;

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

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

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

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

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

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

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

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

24 (11) Guidelines and standards for the practices and procedures for the
25 expansion and improvement of a state veterans cemetery, including
26 contracting and purchasing for construction services, professional
27 services, legal services, architectural services, consulting services,
28 as well as the procurement of materials, all consistent with the rele-

1 vant provisions of federal, state and local law, the regulations promul-
2 gated thereunder, and the requirements contained in the grants awarded
3 or pursued from the federal government, or any source of private fund-
4 ing;

5 (12) Any other guidelines and standards that would facilitate the
6 successful construction, establishment, expansion, improvement, support,
7 operation, maintenance and the provision of perpetual care for the state
8 veterans cemetery;

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

13 (1) The form, requirements and standards required for submission of a
14 response to the request for proposals;

15 (2) The requirement, if the director so elects, that a response shall
16 require the local government to agree to contract with the state of New
17 York that all costs for construction, establishment, expansion, improve-
18 ment, support, operation, maintenance and the provision of perpetual
19 care of the veterans cemetery shall be the sole responsibility of, and
20 paid by the local government, and that to the extent such costs are not
21 paid or reimbursed by the government of the United States, or a private
22 individual, corporation or foundation;

23 (3) The requirement that the local government will comply with all
24 state and federal statutes and regulations concerning the construction,
25 establishment, expansion, improvement, support, operation, maintenance
26 and the provision of perpetual care of the state veterans cemetery, and
27 shall satisfy any and all applicable state and federal standards and
28 requirements for the perpetual care of the state veterans cemetery;

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

4 (5) That all lands upon which such cemetery is constructed and estab-
5 lished shall be used solely for state veterans cemetery purposes, and
6 for the purpose of providing the honor and remembrance of veterans and
7 their service through ceremonies and programs;

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

21 (7) Such other and further requirements as the director may deem
22 prudent in the facilitation of the successful siting and operation of a
23 state veterans cemetery in the jurisdiction of the local government; and

24 (iii)] The management, operation, maintenance, expansion and improve-
25 ment of the cemetery; and

26 (ii) Such other and further guidelines and standards as are necessary
27 for the successful construction, establishment, expansion, improvement,

1 support, operation, maintenance and the provision of perpetual care for
2 a state veterans cemetery;

3 [(i) Upon the approval of the application for funding from the govern-
4 ment of the United States, made pursuant to paragraph (e) of this subdi-
5 vision, the director, upon consultation with the management board, shall
6 commence the process of construction and establishment of the first
7 state veterans cemetery. Such process shall be consistent with the rele-
8 vant provisions of local, state and federal law, and the rules and regu-
9 lations established pursuant to paragraph (h) of this subdivision.]

10 3. Management boards of New York state veterans cemeteries. (a) For
11 each New York state veterans cemetery there shall be a management board.
12 Each such management board shall consist of nine members, including the
13 director of the division who shall serve as chair, and four members,
14 appointed by the governor. Of such four members, not fewer than two
15 shall be a veteran of the United States army, the United States navy,
16 the United States air force, the United States marines, the New York
17 army national guard, the New York air national guard, the New York naval
18 militia, or a member who has served in a theater of combat operations of
19 the United States coast guard or the United States merchant marine. Two
20 members shall be appointed by the temporary president of the senate, and
21 two members shall be appointed by the speaker of the state assembly. At
22 least one of the members appointed by the temporary president of the
23 senate and at least one of the members appointed by the speaker of the
24 assembly shall be a veteran of the United States army, the United States
25 navy, the United States air force, the United States marines, the New
26 York army national guard, the New York air national guard, the New York
27 naval militia, or a member who has served in a theater of combat oper-
28 ations of the United States coast guard or the United States merchant

1 marine. No member shall receive any compensation for his or her service,
2 but members who are not state officials may be reimbursed for their
3 actual and necessary expenses, including travel expenses incurred in
4 performance of their duties. The management board may consult with any
5 federal, state or local entity for the purposes of advancing its
6 purposes, mission and duties.

7 (b) The management board shall advise, by majority vote, the director
8 on issues concerning the [construction, establishment, expansion,
9 improvement, support, operation, maintenance and the provision of
10 perpetual care] operations and perpetual care for the veterans cemetery,
11 including but not limited to issues of financial concern, employment
12 relations, cemetery policy, cemetery events and programs, and such other
13 and further issues as the board and director shall deem important.

14 (c) The director, in consultation with the management board of a state
15 veterans cemetery, may provide for the expansion and/or improvement of
16 the cemetery. Such expansion and improvement shall be conducted in
17 accordance with the rules and regulations of the division under para-
18 graph (e) of subdivision two of this section.

19 4. Additional state veterans cemeteries. (a) [Not later than ten years
20 after the construction and establishment of the first New York state
21 veterans cemetery, and every ten years thereafter, the division, in
22 cooperation with the United States department of veterans affairs, shall
23 conduct an investigation and study on the issue of the construction and
24 establishment of additional New York state veterans cemeteries. Such
25 investigation and study shall consider, but not be limited to, the study
26 parameters established pursuant to paragraph (a) of subdivision two of
27 this section. A report of the investigation and study required to be
28 conducted pursuant to this subdivision shall be delivered to the gover-

1 nor, the temporary president of the senate, the speaker of the assembly
2 and the chair of the senate committee on veterans, homeland security and
3 military affairs, and the chair of the assembly committee on veterans'
4 affairs, by no later than ninety days after the division has commenced
5 the conduct of the investigation and study;

6 (b) The report of the investigation and study required to be conducted
7 pursuant to this subdivision shall provide a determination by the direc-
8 tor as to whether the state should construct and establish one or more
9 additional veterans cemeteries, and shall state the reasoning and basis
10 for such determination; and

11 (c)] The division may, at the discretion of the director, [at any time
12 after five years from the completion of construction of the most recent-
13 ly constructed and established state veterans cemetery,] in cooperation
14 with the United States department of veterans affairs, conduct an inves-
15 tigation and study on the issue of the construction and establishment of
16 additional New York state veterans cemeteries. A report of the investi-
17 gation and study required to be conducted shall be delivered to the
18 governor, the temporary president of the senate, the speaker of the
19 assembly and the chair of the senate committee on veterans, homeland
20 security and military affairs, and the chair of the assembly committee
21 on veterans' affairs, by no later than ninety days after the division
22 has commenced the conduct of the investigation and study.

23 [(d)] (b) If the director, pursuant to the investigation and study
24 conducted pursuant to this subdivision, determines that there shall be
25 an additional state veterans cemetery in New York state, the director
26 shall provide for the construction and establishment of such new veter-
27 ans cemetery pursuant to the same guidelines and standards for the

1 construction and establishment of the first state veterans cemetery
2 under this section.

3 [5. Expansion and improvement of existing state veterans cemeteries.
4 The director, in consultation with the management board of a state
5 veterans cemetery, may provide for the expansion and/or improvement of
6 the cemetery. Such expansion and improvement shall be conducted in
7 accordance with the rules and regulations of the division under para-
8 graph (h) of subdivision two of this section.]

9 § 2. The opening paragraph of paragraph (a) of subdivision 12 of
10 section 353 of the executive law, as added by section 3 of part W of
11 chapter 57 of the laws of 2013, is amended to read as follows:

12 For the purpose of providing for the construction, establishment,
13 expansion, improvement, support, operation, maintenance and the
14 provision of perpetual care for state veterans cemeteries, to own and
15 operate, and to enter into such contracts that are necessary for such
16 ownership and operation for all state veterans cemeteries in the state,
17 to seek funding from, and make application for funding to:

18 § 3. This act shall take effect immediately.

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

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