

**Amendments to Senate S.1506; Assembly A.2006
(ELFA Article VII Bill)**

Part A, relating to implementation of the 2019-20 Executive Budget School Aid proposal, is amended to:

- Clarify that "underfunded high-need schools" are defined in paragraph d of subdivision 3 of section 3614 of education law, not paragraph c.
- Specify that the School Funding Equity Plan language is "notwithstanding subdivision two of [section 3614 of education law]," in relation to the interaction between such plans and statutory budgetary requirements.
- Clarify that the Services Aid apportionment shall be equal to the product of the Services Aid base multiplied by the sum of "one and" the Consumer Price Index (CPI) for the current year "plus" the annual change in resident weighted average daily attendance, provided that such sum is not less than one. This change is necessary because CPI is defined in education law as the percentage change (e.g., 0.02 rather than 1.02).
- Include inadvertently repealed language related to state lottery support for deaf and blind schools, which is not impacted by the Services Aid proposal.

Part L, relating to an increase in the standards of monthly need for aged, blind and disabled persons living in the community, is amended to:

- Make a technical correction.

Part N, relating to permitting social services districts to assign individuals to participate in time-limited job try-outs as an allowable work activity leading to unsubsidized employment, is amended to:

- Make a technical correction to clarify the application of a provision.

New Part AA, relating to the name of the Division of Veterans' Affairs, is added to:

- Change the name of the "Division of Veterans' Affairs" to the "Division of Veterans' Services" to avoid confusion with the Federal Department of Veterans Affairs.

Page	Line	Amendment
Page 4,	Unnumbered line 1 (AN ACT CLAUSE)	After "Part Z)" strike out "and"
Page 4,	Unnumbered line 2 (AN ACT CLAUSE)	After "(Part Z)" insert "; and to amend the election law, the executive law, the state finance law, the labor law, the vehicle and traffic law, the environmental conservation law, the public health law, the general municipal law, the military law, the domestic relations law, the education law, the mental hygiene law, the elder law, the social services law, the not-for-profit corporation law, the real property tax law, chapter 784 of the laws of 1951, constituting the New York state defense emergency act of 1951, the administrative code of the city of New York, and the New York city charter, in relation to changing the name of the New York state division of veterans' affairs to the New York state division of veterans' services; and to amend the executive law, in relation to changing the name of the veterans' affairs commission to the veterans' services commission (Part AA)"
Page 4,	Line 4,	After "through" strike out "Z" and insert "AA"
Page 8,	Line 8,	After " <u>paragraph</u> " strike out " <u>c</u> " and insert " <u>d</u> "
Page 8,	Line 17,	After " <u>school year,</u> " insert " <u>notwithstanding subdivision two of this section,</u> "
Page 18,	Line 53,	After " <u>sum of</u> " insert " <u>one and</u> "
Page 18,	Line 55,	After " <u>current year</u> " strike out " <u>and</u> " and insert " <u>plus</u> "
Page 19,	Line 49,	After "14-a." strike out "Subparagraphs 1 and 2" and insert "Subparagraph 1"
Page 19,	Line 50,	After "finance law" strike out "are" and insert "is"
Page 95,	Line 14,	Insert "[" before "(i)", insert "]" after "(i)" and after " <u>nineteen,</u> " insert " <u>(i)</u> "
Page 101,	Line 45,	After "employees" insert " <u>when a participant is assigned pursuant to paragraph (b) of subdivision one of this section</u> "
Page 136,	Between lines 43 and 44,	Insert Part AA (LBD #72035-01-9)
Page 137,	Line 2,	After "through" strike out "Z" and insert "AA"

health professionals (Part Y); ~~and~~ establishing the "rent regulation act of 2019" (Part Z) *LONG TITLE INSERT*

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

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

AA

12

PART A

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

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

notwithstanding subdivision two of this section,

1 other continuations. Such plan shall specify how the district will
2 utilize for this purpose an amount at least equal to the product of the
3 equity percentage multiplied by the increase in foundation aid in the
4 current year pursuant to subdivision four of section thirty-six hundred
5 two of this part.

6 b. On or before May first of the base year, the director of the budget
7 shall produce a list of underfunded high-need schools, as defined in
8 paragraph [e.] of this subdivision. Provided, however, that the director of
9 the budget shall exclude from this list schools within district seven-
10 ty-five of the city school district of New York, schools that are of the
11 same school type within a district but do not serve any grade levels
12 that overlap, schools serving only students in prekindergarten, or any
13 other schools with irregular or outlying properties.

14 c. In the event that a school district designated as requiring an
15 equity plan for any such school year has not submitted an equity plan
16 pursuant to this subdivision that has been approved by the commissioner
17 by September first of the school year, the commissioner shall develop
18 such plan for the school district, specifying the increase in per pupil
19 expenditures required by paragraph a of this subdivision at each under-
20 funded high-need school within the school district, and shall order the
21 officers of the school district to implement such plan fully and faith-
22 fully.

23 d. For purposes of this subdivision:

24 (1) "school districts designated as requiring an equity plan" shall
25 mean any school district that is required to submit a statement under
26 subdivision one of this section for the base year with an underfunded
27 high-need school;

28 (2) "equity percentage" shall mean the product of ten percent multi-
29 plied by the number of underfunded high-need schools within the school
30 district, but shall not exceed: (A) fifty percent for any school
31 district which receives at least fifty percent of total revenue from
32 state aid as reported in the fiscal profiles master files report
33 produced by the commissioner concerning data on school district expendi-
34 tures and revenues for the two thousand fifteen--two thousand sixteen
35 school year; and (B) seventy-five percent for any other school district;

36 (3) "school type" for any school shall mean elementary, middle, high,
37 pre-k only, or K-12, as defined by the commissioner, provided that for
38 purposes of this subdivision, a "middle" school shall include any school
39 with the grade organization of either a middle school or a junior high
40 school, and a "high" school shall include any school with the grade
41 organization of either a senior high school or a junior-senior high
42 school;

43 (4) "underfunded high-need school" shall mean a school within a school
44 district that has been deemed both a significantly high-need school and
45 a significantly low funded school;

46 (5) "student need index" for any school shall mean the quotient
47 arrived at when dividing the weighted student enrollment as defined
48 herein by the K-12 enrollment for the base year as reported on the
49 statement required pursuant to this section;

50 (6) "average student need index by school type" shall mean the
51 quotient arrived at when dividing the sum of weighted student enrollment
52 as defined herein for all schools within a school district of the same
53 school type by the K-12 enrollment for the base year for all schools in
54 a school district of the same school type as reported on the statement
55 required pursuant to this section;

1 section may compute aid under the provisions of this subdivision using
 2 the difference of the highest of the aid ratios so computed pursuant to
 3 this clause for the reorganized district or the highest of the aid
 4 ratios so computed for any of the individual school districts which
 5 existed prior to the date of the reorganized school district.

6 § 11. Subdivision 1 of section 3602 of the education law is amended by
 7 adding a new paragraph ii to read as follows:

8 ii. "Services aid base" for the purposes of this section for aid paya-
 9 ble in the (i) two thousand twenty--two thousand twenty-one school year,
 10 shall equal the total amount a district was eligible to receive in the
 11 base year, as computed by the commissioner based on data on file with
 12 the education department on November fifteenth, two thousand nineteen
 13 for:

14 (1) the apportionment for textbooks provided and computed pursuant to
 15 section seven hundred one of this chapter;

16 (2) aid for the purchase of school library materials computed pursuant
 17 to section seven hundred eleven of this chapter;

18 (3) aid for computer software purchases computed pursuant to section
 19 seven hundred fifty-one of this chapter;

20 (4) instructional computer hardware and technology equipment appor-
 21 tionment computed pursuant to section seven hundred fifty-three of this
 22 chapter;

23 (5) BOCES aid computed pursuant to section nineteen hundred fifty of
 24 this chapter;

25 (6) supplemental public excess cost aid computed pursuant to subdivi-
 26 sion five-a of this section;

27 (7) transportation aid computed pursuant to subdivision seven of this
 28 section;

29 (8) special services aid for large city school districts and other
 30 school districts which were not components of a board of cooperative
 31 educational services in the base year computed pursuant to subdivision
 32 ten of this section;

33 (9) academic enhancement aid computed pursuant to subdivision twelve
 34 of this section;

35 (10) high tax aid computed pursuant to subdivision sixteen of this
 36 section;

37 (11) transitional aid for charter school payments computed pursuant to
 38 subdivision forty-one of this section; and

39 (ii) in the two thousand twenty-one--two thousand twenty--two school
 40 year and thereafter shall equal the total amount a district was eligible
 41 to receive in the base year pursuant to subdivision nineteen of this
 42 section.

43 § 12. Section 3602 of the education law is amended by adding a new
 44 subdivision 19 to read as follows:

45 19. Services aid. a. Notwithstanding sections seven hundred one, seven
 46 hundred eleven, seven hundred fifty-one, seven hundred fifty-three, and
 47 nineteen hundred fifty of this chapter and subdivisions five-a, seven,
 48 ten, twelve, sixteen, and forty-one of this section, for the two thou-
 49 sand twenty--two thousand twenty-one school year and thereafter, in lieu
 50 of such apportionments, a school district shall be eligible to receive a
 51 services aid apportionment in the amount of the product of the services
 52 aid base computed pursuant to paragraph ii of subdivision one of this
 53 section multiplied by the sum of (a) the consumer price index computed
 54 pursuant to paragraph hh of subdivision one of this section for the
 55 current year ~~and~~ (b) the annual change in resident weighted average
 56 daily attendance, provided that such sum is not less than one (1.0).

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1 Provided further, for the purposes of this section, "annual change in
 2 resident weighted average daily attendance" shall mean the quotient of
 3 (a) the difference of the resident weighted average daily attendance
 4 pursuant to subparagraph two of paragraph d of subdivision one of this
 5 section for the year prior to the base year less such resident weighted
 6 average daily attendance for the year two years prior to the base year
 7 divided by (b) the resident weighted average daily attendance for the
 8 year two years prior to the base year.

9 b. For the purposes of this chapter, "BOCES payment adjustment" shall
 10 mean the amount computed for the apportionment pursuant to section nine-
 11 teen hundred fifty of this chapter for the two thousand nineteen--two
 12 thousand twenty school year as computed by the commissioner based on
 13 data on file with the education department on November fifteenth, two
 14 thousand nineteen. Notwithstanding any provision of law to the contrary
 15 the BOCES payment adjustment shall be paid pursuant to section thirty-
 16 six hundred nine-d of this chapter.

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

20 Notwithstanding the provisions of section thirty-six hundred nine-a of
 21 this article, apportionments payable pursuant to section nineteen
 22 hundred fifty of this chapter, and the BOCES payment adjustment payable
 23 pursuant to subdivision nineteen of section thirty-six hundred two of
 24 this chapter shall be paid pursuant to this section. For aid payable in
 25 the two thousand four--two thousand five school year and thereafter,
 26 "moneys apportioned" shall mean the lesser of (i) one hundred percent of
 27 the respective amount set forth for each school district as payable
 28 pursuant to this section in the school aid computer listing produced by
 29 the commissioner in support of the budget including the appropriation
 30 for support of boards of cooperative educational services for payments
 31 due prior to April first for the current year, or (ii) the apportionment
 32 calculated by the commissioner based on data on file at the time the
 33 payment is processed; provided however, that for the purposes of any
 34 payment to be made in the month of June of two thousand six such calcu-
 35 lation shall be based on the school aid computer listing for the current
 36 year using updated data at the time of each payment. For districts
 37 subject to chapter five hundred sixty-three of the laws of nineteen
 38 hundred eighty, thirty-six hundred two-b, or two thousand forty of this
 39 chapter, for aid payable in the two thousand four--two thousand five
 40 school year and thereafter, "moneys apportioned" shall mean the appor-
 41 tionment calculated by the commissioner based on data on file at the
 42 time the payment is processed. The "school aid computer listing for the
 43 current year" shall be as defined in the opening paragraph of section
 44 thirty-six hundred nine-a of this article. The definitions "base year"
 45 and "current year" as set forth in subdivision one of section thirty-six
 46 hundred two of this article shall apply to this section.

47 § 14. Subparagraphs 2 and 3 of paragraph a of subdivision 1 of section
 48 3609-a of the education law are REPEALED.

49 § 14-a. ~~Subparagraphs 1 and 2~~ of paragraph b of subdivision 4 of
 50 section 92-c of the state finance law ~~are~~ REPEALED. *is*

paragraph 1

51 § 15. The education law is amended by adding a new article 39-A to
 52 read as follows:

53 ARTICLE 39-A

54 REGIONAL STEM MAGNET SCHOOLS

55 Section 1918. Establishment of regional STEM magnet schools.

1 other county in the state, two times the amount set forth in subpara-
2 graph (iii) of this paragraph.

3 (d) On and after January first, two thousand [eighteen] nineteen, (i)
4 for an eligible individual receiving residential care, [\$1,185.00]
5 \$1,206.00 if he or she is receiving such care in the city of New York or
6 the county of Nassau, Suffolk, Westchester or Rockland; and (ii) for an
7 eligible couple receiving residential care in the city of New York or
8 the county of Nassau, Suffolk, Westchester or Rockland, two times the
9 amount set forth in subparagraph (i) of this paragraph; or (iii) for an
10 eligible individual receiving such care in any other county in the
11 state, [\$1,155.00] \$1,176.00; and (iv) for an eligible couple receiving
12 such care in any other county in the state, two times the amount set
13 forth in subparagraph (iii) of this paragraph.

14 (e) (i) On and after January first, two thousand [eighteen] nineteen, (i)
15 for an eligible individual receiving enhanced residential care,
16 [\$1,444.00] \$1,465.00; and (ii) for an eligible couple receiving
17 enhanced residential care, two times the amount set forth in subpara-
18 graph (i) of this paragraph.

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

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

25

PART M

26 Section 1. This Part enacts into law major components of legislation
27 which are necessary to improve the foster care system. Each component is
28 wholly contained within a Subpart identified as Subparts A through B.
29 The effective date for each particular provision contained within such
30 Subpart is set forth in the last section of such Subpart. Any provision
31 in any section contained within a Subpart, including the effective date
32 of the Subpart, which makes a reference to a section "of this act," when
33 used in connection with that particular component, shall be deemed to
34 mean and refer to the corresponding section of the Subpart in which it
35 is found. Section three of this Part sets forth the general effective
36 date of this Part.

37

SUBPART A

38 Section 1. The social services law is amended by adding a new section
39 462-c to read as follows:

40 § 462-c. Appointment of a temporary operator of a foster care program.

41 1. The office of children and family services shall have the authority
42 to appoint a temporary operator in accordance with this section.

43 2. For the purposes of this section:

44 (a) "Commissioner" shall mean the commissioner of the office or his or
45 her designee.

46 (b) "Office" shall mean the office of children and family services.

47 (c) "Foster care agency" shall mean an authorized agency as defined in
48 paragraph (a) of subdivision ten of section three hundred seventy-one of
49 this chapter that operates one or more foster care programs.

50 (d) "Established operator" shall mean a foster care agency.

51 (e) "Temporary operator" shall mean any foster care agency appointed
52 by the commissioner that:

1 (a) appropriate federal and state standards of health, safety and
2 other work conditions are maintained;

3 (b) The maximum number of hours a participant in work experience
4 activities authorized pursuant to this section shall be required to work
5 in such assignment shall not exceed [a number] forty hours in any week
6 and shall not exceed the number of hours which equals the amount of
7 assistance payable with respect to such [individual] individual's public
8 assistance household (inclusive of the value of [food stamps] supple-
9 mental nutrition assistance program benefits received by such [individ-
10 ual] household, if any) divided by the [higher] highest of [(a)] (i) the
11 federal minimum wage [provided that such hours shall be limited as set
12 forth in subdivision four of section three hundred thirty-six of this
13 title,]; or [(b)] (ii) the applicable state minimum wage; or (iii) for
14 those placements with a for-profit entity, the wage normally provided
15 for trainees in such positions;

16 (c) such recipients are provided appropriate workers' compensation or
17 equivalent protection for on-the-job injuries and tort claims protection
18 on the same basis, but not necessarily at the same benefit level, as
19 they are provided to other persons in the same or similar positions,
20 while participating in work experience activities under this section;

21 (d) the project to which the participant is assigned [serves] pursuant
22 to paragraph (b) of subdivision one of this section must serve a useful
23 public purpose in fields such as health, social services, environmental
24 protection, education, urban and rural development and redevelopment,
25 welfare, recreation, operation of public facilities, public safety, and
26 child day care;

27 (e) such assignment would not result in (i) the displacement of any
28 currently employed worker or loss of position (including partial
29 displacement such as reduction in the hours of non-overtime work, wages
30 or employment benefits) or result in the impairment of existing
31 contracts for services or collective bargaining agreements; (ii) the
32 loss of exclusivity, if any, to any employee organization with regard to
33 the work performed by any employees as part of a negotiating unit pursu-
34 ant to article fourteen of the civil service law; (iii) the employment
35 or assignment of a participant or the filling of a position when any
36 other person is on layoff from the same or any equivalent position
37 consistent with article five of the civil service law or the employer
38 has terminated the employment of any regular employee or otherwise
39 reduced its workforce with the effect of filling the vacancy so created
40 with a participant assigned pursuant to this section; [(iii)] (iv) any
41 infringement of the promotional opportunities of any current employed
42 person when a participant is assigned pursuant to paragraph (b) of
43 subdivision one of this section; [or (iv)] (v) the performance, by such
44 participant, of a substantial portion of the work ordinarily and actual-
45 ly performed by regular employees; or [(v)] (vi) the loss of a bargain-
46 ing unit position as a result of work experience participants perform-
47 ing, in part or in whole, the work normally performed by the employee in
48 such position;

49 (f) such assignment is not at any work site at which the regular
50 employees are on a legal strike against the employer or are being
51 subjected to lock out by the employer.

52 § 6. Section 336-c of the social services law is amended by adding a
53 new subdivision 2-a to read as follows:

54 2-a. Job try-out programs in private for-profit, non-profit, and
55 public sector entities leading to unsubsidized full-time or part-time
56 employment. (a) Social services districts may enter agreements with

When a
participant is
assigned
pursuant to
paragraph (b)
of subdivision
one of this
section

S. 1506

136

A. 2006

1 address unlawful conduct or unsafe sexual practices; and (B) do not seek
 2 to change sexual orientation.

3 2. It shall be professional misconduct for a mental health profes-
 4 sional to engage in sexual orientation change efforts upon any patient
 5 under the age of eighteen years, and any mental health professional
 6 found guilty of such misconduct under the procedures prescribed in title
 7 two-A of article two of the public health law shall be subject to the
 8 penalties prescribed in section two hundred thirty-a of the public
 9 health law, as added by chapter six hundred six of the laws of nineteen
 10 hundred ninety-one.

11 § 3. This act shall take effect immediately.

12

PART Z

13 Section 1. Short title. This act shall be known and may be cited as
 14 the "rent regulation act of 2019".

15 § 2. Rent regulation act of 2019. Notwithstanding any other provision
 16 of law to the contrary, the New York state system of rent regulation
 17 pursuant to chapter 576 of the laws of 1974, chapter 274 of the laws of
 18 1946, chapter 329 of the laws of 1963, chapter 555 of the laws of 1982,
 19 chapter 402 of the laws of 1983, chapter 116 of the laws of 1997, and
 20 sections 26-501, 26-502, and 26-520 of the administrative code of the
 21 city of New York, shall be extended pursuant to a chapter of the laws of
 22 2019. Provided, however, such extension shall include rent regulation
 23 reforms to end vacancy decontrol, amend the application of preferential
 24 rent, and limit capital improvement charges based on a report on rent
 25 regulation delivered to the governor by the commissioner of the division
 26 of housing and community renewal ("the division") on or after March 1,
 27 2019 which shall include (i) the number of rent stabilized housing
 28 accommodations within the city of New York; (ii) the number of rent
 29 stabilized housing accommodations outside the city of New York; (iii)
 30 the number of rent controlled housing accommodations in the city of New
 31 York; (iv) the number of rent controlled housing accommodations outside
 32 the city of New York; (v) the number of applications for major capital
 33 improvements filed with such division; (vi) the number of units which
 34 are registered with such division where the amount charged to and paid
 35 by the tenant is less than the registered rent for the housing accommo-
 36 dation; (vii) for housing accommodations that are registered with such
 37 division where the amount charged to and paid by the tenant is less than
 38 the registered rent for the housing accommodation the average of the
 39 difference between the registered rent for a housing accommodation and
 40 the amount charged to and paid by the tenant; (viii) the number of rent
 41 overcharge complaints processed by the division; and (ix) the number of
 42 final overcharge orders granting an overcharge.

43 § 3. This act shall take effect immediately.

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

Insert Part AA (LRD# 72035-01-9)

S. 1506

137

A. 2006

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

AA

; and to amend the election law, the executive law, the state finance law, the labor law, the vehicle and traffic law, the environmental conservation law, the public health law, the general municipal law, the military law, the domestic relations law, the education law, the mental hygiene law, the elder law, the social services law, the not-for-profit corporation law, the real property tax law, chapter 784 of the laws of 1951, constituting the New York state defense emergency act of 1951, the administrative code of the city of New York, and the New York city charter, in relation to changing the name of the New York state division of veterans' affairs to the New York state division of veterans' services; and to amend the executive law, in relation to changing the name of the veterans' affairs commission to the veterans' services commission (Part AA)

DRAFT LBDC

A BUDGET BILL submitted by the Governor
in accordance with Article VII of the Constitution

AN ACT to amend the election law, the executive law, the state finance law, the labor law, the vehicle and traffic law, the environmental conservation law, the public health law, the general municipal law, the military law, the domestic relations law, the education law, the mental hygiene law, the elder law, the social services law, the not-for-profit corporation law, the real property tax law, chapter 784 of the laws of 1951, constituting the New York state defense emergency act of 1951, the administrative code of the city of New York, and the New York city charter, in relation to changing the name of the New York state division of veterans' affairs to the New York state division of veterans' services; and to amend the executive law, in relation to changing the name of the veterans' affairs commission to the veterans' services commission (Part);

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

PART AA

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

5 Each agency designated as a participating agency under the provisions
6 of this section shall implement and administer a program of distribution
7 of voter registration forms pursuant to the provisions of this section.
8 The following offices which provide public assistance and/or provide
9 state funded programs primarily engaged in providing services to persons
10 with disabilities are hereby designated as voter registration agencies:
11 designated as the state agencies which provide public assistance are the
12 office of children and family services, the office of temporary and

1 disability assistance and the department of health. Also designated as
2 public assistance agencies are all agencies of local government that
3 provide such assistance. Designated as state agencies that provide
4 programs primarily engaged in providing services to people with disabili-
5 ties are the department of labor, office for the aging, division of
6 veterans' [affairs] services, office of mental health, office of voca-
7 tional and educational services for individuals with disabilities,
8 commission on quality of care for the mentally disabled, office of
9 mental retardation and developmental disabilities, commission for the
10 blind, office of alcoholism and substance abuse services, the office of
11 the advocate for the disabled and all offices which administer programs
12 established or funded by such agencies. Additional state agencies desig-
13 nated as voter registration offices are the department of state and the
14 division of workers' compensation. Such agencies shall be required to
15 offer voter registration forms to persons upon initial application for
16 services, renewal or recertification for services and change of address
17 relating to such services. Such agencies shall also be responsible for
18 providing assistance to applicants in completing voter registration
19 forms, receiving and transmitting the completed application form from
20 all applicants who wish to have such form transmitted to the appropriate
21 board of elections. The state board of elections shall, together with
22 representatives of the department of defense, develop and implement
23 procedures for including recruitment offices of the armed forces of the
24 United States as voter registration offices when such offices are so
25 designated by federal law. The state board shall also make request of
26 the United States Immigration and Naturalization Service to include
27 applications for registration by mail with any materials which are given
28 to new citizens. All institutions of the state university of New York

1 and the city university of New York, shall, at the beginning of the
2 school year, and again in January of a year in which the president of
3 the United States is to be elected, provide an application for registra-
4 tion to each student in each such institution. The state board of
5 elections may, by regulation, grant a waiver from any or all of the
6 requirements of this section to any office or program of an agency, if
7 it determines that it is not feasible for such office or program to
8 administer such requirement.

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

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

13 § 2-a. Paragraph (e) of subdivision 1 of section 169 of the executive
14 law, as amended by section 9 of part A of chapter 60 of the laws of
15 2012, is amended to read as follows:

16 (e) chairman of state athletic commission, director of the office of
17 victim services, chairman of human rights appeal board, chairman of the
18 industrial board of appeals, chairman of the state commission of
19 correction, members of the board of parole, member-chairman of unemploy-
20 ment insurance appeal board, director of veterans' [affairs] services,
21 and vice-chairman of the workers' compensation board;

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

24 1. There is hereby established within the division of military and
25 naval affairs a temporary advisory committee on the restoration and
26 display of New York state's military battle flags (hereinafter referred
27 to as the "committee"). The committee shall have thirteen members as
28 follows: the adjutant general, the director of the New York state mili-

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

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

18 VETERANS' [AFFAIRS] SERVICES

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

21 1. The term "division" means the division of veterans' [affairs]
22 services.

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

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

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

1 tor of veterans' [affairs] services who shall be a veteran. He shall be
2 appointed by the governor and shall hold office during his pleasure.
3 Such state director shall receive an annual salary to be fixed by the
4 governor within the limitation provided by law. He shall also be enti-
5 tled to receive his expenses actually and necessarily incurred by him in
6 the performance of his duties. The state director, with the approval of
7 the governor, may establish such bureaus within the division as are
8 necessary and appropriate to carrying out its functions and may consol-
9 idate or abolish such bureaus. The state director may appoint such offi-
10 cers, consultants, clerks and other employees and agents as he may deem
11 necessary, fix their compensation within the limitation provided by law,
12 and prescribe their duties.

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

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

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

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

26 § 354-a. Information on status of veterans receiving assistance.
27 Departments, divisions, bureaus, boards, commissions and agencies of the
28 state and political subdivisions thereof, which provide assistance,

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

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

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

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

3 § 362. Creation of annuity. 1. Payment to veterans. a. Any veteran as
4 defined in this article who has been or is hereafter classified by the
5 New York State commission for the visually handicapped as a blind person
6 as defined in section three of chapter four hundred fifteen of the laws
7 of nineteen hundred thirteen, as amended, and continues to be a blind
8 person within the meaning of that section, shall, upon application to
9 the director of the division of veterans' [affairs] services, be paid
10 out of the treasury of the state for such term as such veteran shall be
11 entitled thereto under the provisions of this article, the sum of one
12 thousand dollars annually, plus any applicable annual adjustment, as
13 provided in this section.

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

20 c. The effective date of an award of the annuity to a veteran shall be
21 the date of receipt of the application therefor by the director of
22 veterans' [affairs] services, except that if the application is denied
23 but is granted at a later date upon an application for reconsideration
24 based upon new evidence, the effective date of the award of the annuity
25 to a veteran shall be the date of receipt of the application for recon-
26 sideration by the director of veterans' [affairs] services.

27 2. Payment to widows and widowers of blind veterans. a. The unremar-
28 ried spouse of a veteran who heretofore has died or the unremarried

1 spouse of a veteran dying hereafter, such veteran being at the time of
2 her or his death a recipient of, or eligible for, the benefits above
3 provided, shall, upon application to the director of veterans' [affairs]
4 services, also be paid out of the treasury of the state the sum of one
5 thousand dollars annually, plus any applicable annual adjustment, for
6 such term as such unremarried spouse shall be entitled thereto under the
7 provisions of this article.

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

15 c. The effective date of an award of the annuity to a widow or widower
16 shall be the day after the date of death of the veteran if the applica-
17 tion therefor is received within one year from such date of death. If
18 the application is received after the expiration of the first year
19 following the date of the death of the veteran, the effective date of an
20 award of the annuity to a widow or widower shall be the date of receipt
21 of the application by the director of veterans' [affairs] services. If
22 an application is denied but is granted at a later date upon an applica-
23 tion for reconsideration based upon new evidence, the effective date of
24 the award of the annuity to a widow or widower shall be the date of
25 receipt of the application for reconsideration by the director of veter-
26 ans' [affairs] services.

27 3. Annual adjustment. Commencing in the year two thousand five, and
28 for each year thereafter, the amount of any annuity payable under this

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

11 § 10-a. Subdivisions 1 and 2 of section 363 of the executive law,
12 subdivision 1 as added by chapter 424 of the laws of 1961, and subdivi-
13 sion 2 as amended by chapter 1052 of the laws of 1971, are amended to
14 read as follows:

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

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

1 receiving or is entitled to receive a benefit from such retirement
2 system the director of veterans' [affairs] services shall certify to the
3 state comptroller the name and address of such veteran or widow.

4 § 10-b. Subdivisions 3 and 5 of section 364 of the executive law,
5 subdivision 3 as added by chapter 424 of the laws of 1961, and subdivi-
6 sion 5 as amended by chapter 115 of the laws of 1981, are amended to
7 read as follows:

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

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

1 such state hospital for the account of the said incompetent or substan-
2 tially impaired annuitant.

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

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

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

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

23 (g) Nothing in this section shall be construed to authorize the divi-
24 sion of veterans' [affairs] services to commence an investigation and
25 study pursuant to paragraph (a) of this subdivision, issuing a request
26 for proposals pursuant to paragraph (c) of this subdivision, selecting a
27 site for the first New York state [veterans] veterans' cemetery pursuant
28 to paragraph (d) of this subdivision, or submitting any application for

1 funding from the government of the United States in accordance with the
2 grant requirements specified in section 2408 of title 38 of the United
3 States code, part 30 of title 38 of the code of federal regulations, and
4 other relevant federal statutes or regulations, for the purpose of seek-
5 ing funds to support the construction, establishment, expansion,
6 improvement, support, operation, maintenance and the provision of
7 perpetual care of New York state's first [veterans] veterans' cemetery
8 pursuant to paragraph (e) of this subdivision until the funds in the
9 veterans remembrance and cemetery maintenance and operation fund have
10 been certified pursuant to paragraph (b) of this subdivision.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

19 3. A distinctive plate issued pursuant to this section shall be issued
20 in the same manner as other number plates upon the payment of the regu-
21 lar registration fee prescribed by section four hundred one of this
22 article, provided, however, that an additional annual service charge of
23 fifteen dollars shall be charged for such plate. Such annual service
24 charge shall be deposited to the credit of the Eighth Air Force Histor-
25 ical Society fund established pursuant to section ninety-five-f of the
26 state finance law and shall be used for veterans' counseling services
27 provided by local veterans' service agencies pursuant to section three
28 hundred fifty-seven of the executive law under the direction of the

1 division of veterans' [affairs] services. Provided, however, that one
2 year after the effective date of this section funds in the amount of
3 five thousand dollars, or so much thereof as may be available, shall be
4 allocated to the department to offset costs associated with the
5 production of such license plates.

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

9 3. Any person who is a patient at any facility in this state main-
10 tained by the United States Veterans' Administration or at any hospital
11 or sanitorium for treatment of tuberculosis maintained by the state or
12 any municipal corporation thereof or resident patient at any institution
13 of the department of Mental Hygiene, or resident patient at the rehabil-
14 itation hospital of the department of Health, or at any rest camp main-
15 tained by the state through the Division of Veterans' [Affairs] Services
16 in the Executive Department or any inmate of a conservation work camp
17 within the youth rehabilitation facility of the department of
18 corrections and community supervision, or any inmate of a youth opportu-
19 nity or youth rehabilitation center within the Office of Children and
20 Family Services, any resident of a nursing home or residential health
21 care facility as defined in subdivisions two and three of section twen-
22 ty-eight hundred one of the public health law, or any staff member or
23 volunteer accompanying or assisting one or more residents of such nurs-
24 ing home or residential health care facility on an outing authorized by
25 the administrator of such nursing home or residential health care facil-
26 ity may take fish as if he held a fishing license, except that he may
27 not take bait fish by net or trap, if he has on his person an authori-
28 zation upon a form furnished by the department containing such identify-

1 ing information and data as may be required by it, and signed by the
2 superintendent or other head of such facility, institution, hospital,
3 sanitarium, nursing home, residential health care facility or rest camp,
4 as the case may be, or by a staff physician thereat duly authorized so
5 to do by the superintendent or other head thereof. Such authorization
6 with respect to inmates of said conservation work camps shall be limited
7 to areas under the care, custody and control of the department.

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

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

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

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

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

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

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

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

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

6 § 25. Section 99-v of the general municipal law, as added by chapter
7 16 of the laws of 2011, is amended to read as follows:

8 § 99-v. Veterans [affairs] services; display of events. Each county,
9 city, town or village may adopt a local law to provide a bulletin board
10 to be conspicuously displayed in such county, city, town or village
11 building holding its local legislative body or municipal offices. Such
12 bulletin board shall be used by veterans organizations, the New York
13 state division of veterans' [affairs] services, the county veterans
14 service agency or city veterans service agency to display information
15 regarding veterans in such county, city, town or village. Such informa-
16 tion may include, but not be limited to, benefits or upcoming veterans
17 related events in the community.

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

20 1-b. The adjutant general is hereby authorized to present in the name
21 of the legislature of the state of New York, a certificate, to be known
22 as the "Cold War Certificate", bearing a suitable inscription, to any
23 person: (i) who is a citizen of the state of New York or (ii) who was a
24 citizen of the state of New York while serving in the armed forces of
25 the United States; (iii) who served in the United States Armed Forces
26 during the period of time from September second, nineteen hundred
27 forty-five through December twenty-sixth, nineteen hundred ninety-one,
28 commonly known as the Cold War Era; and (iv) who was honorably

1 discharged or released under honorable circumstances during the Cold War
2 Era. Not more than one Cold War Certificate shall be awarded or
3 presented, under the provisions of this subdivision, to any person whose
4 entire service subsequent to the time of the receipt of such medal shall
5 not have been honorable. In the event of the death of any person during
6 or subsequent to the receipt of such certificate it shall be presented
7 to such representative of the deceased as may be designated. The adju-
8 tant general, in consultation with the director of the division of
9 veterans' [affairs] services, shall make such rules and regulations as
10 may be deemed necessary for the proper presentation and distribution of
11 the certificate.

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

15 3. No fee shall be charged for any certificate when required by the
16 veterans administration or by the division of veterans' [affairs]
17 services of the state of New York to be used in determining the eligi-
18 bility of any person to participate in the benefits made available by
19 the veterans administration or by the state of New York.

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

23 1. Each town and city clerk hereby empowered to issue marriage
24 licenses shall keep a book supplied by the state department of health in
25 which such clerk shall record and index such information as is required
26 therein, which book shall be kept and preserved as a part of the public
27 records of his office. Whenever an application is made for a search of
28 such records the city or town clerk, excepting the city clerk of the

1 city of New York, may make such search and furnish a certificate of the
2 result to the applicant upon the payment of a fee of five dollars for a
3 search of one year and a further fee of one dollar for the second year
4 for which such search is requested and fifty cents for each additional
5 year thereafter, which fees shall be paid in advance of such search.
6 Whenever an application is made for a search of such records in the city
7 of New York, the city clerk of the city of New York may make such search
8 and furnish a certificate of the result to the applicant upon the
9 payment of a fee of five dollars for a search of one year and a further
10 fee of one dollar for the second year for which search is requested and
11 fifty cents each additional year thereafter. Notwithstanding any other
12 provision of this article, no fee shall be charged for any search or
13 certificate when required by the veterans administration or by the divi-
14 sion of veterans' [affairs] services of the state of New York to be used
15 in determining the eligibility of any person to participate in the bene-
16 fits made available by the veterans administration or by the state of
17 New York. All such affidavits, statements and consents, immediately upon
18 the taking or receiving of the same by the town or city clerk, shall be
19 recorded and indexed as provided herein and shall be public records and
20 open to public inspection whenever the same may be necessary or required
21 for judicial or other proper purposes. At such times as the commissioner
22 shall direct, the said town or city clerk, excepting the city clerk of
23 the city of New York, shall file in the office of the state department
24 of health the original of each affidavit, statement, consent, order of a
25 justice or judge authorizing immediate solemnization of marriage,
26 license and certificate, filed with or made before such clerk during the
27 preceding month. Such clerk shall not be required to file any of said
28 documents with the state department of health until the license is

1 returned with the certificate showing that the marriage to which they
2 refer has been actually performed.

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

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

13 1. Each member state shall, through the creation of a state council or
14 use of an existing body or board, provide for the coordination among its
15 agencies of government, local educational agencies and military instal-
16 lations concerning the state's participation in, and compliance with,
17 this compact and interstate commission activities. In New York, the
18 state council shall include the commissioner or his or her designee, the
19 director of the New York state division of veterans' [affairs] services
20 or his or her designee, the adjutant general of the state of New York or
21 his or her designee, a superintendent of a school district with a high
22 concentration of military children appointed by the commissioner, a
23 district superintendent of schools of a board of cooperative educational
24 services serving an area with a high concentration of military children
25 appointed by the commissioner, a representative from a military instal-
26 lation appointed by the governor, a representative of military families
27 appointed by the governor, a public member appointed by the governor and

1 one representative each appointed by the speaker of the assembly, the
2 temporary president of the senate and the governor.

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

5 1. The commissioner shall develop, jointly with the director of the
6 division of veterans' [affairs] services, a program to facilitate artic-
7 ulation between participation in the military service of the United
8 States or the military service of the state and admission to practice of
9 a profession. The commissioner and the director shall identify, review
10 and evaluate professional training programs offered through either the
11 military service of the United States or the military service of the
12 state which may, where applicable, be accepted by the department as
13 equivalent education and training in lieu of all or part of an approved
14 program. Particular emphasis shall be placed on the identification of
15 military programs which have previously been deemed acceptable by the
16 department as equivalent education and training, programs which may
17 provide, where applicable, equivalent education and training for those
18 professions which are critical to public health and safety and programs
19 which may provide, where applicable, equivalent education and training
20 for those professions for which shortages exist in the state of New
21 York.

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

25 (5) one member appointed on the recommendation of the state director
26 of the division of veterans' [affairs] services and one member appointed
27 on the recommendation of the adjutant general of the division of mili-
28 tary and naval affairs, at least one of whom shall be a current or

1 former consumer of mental health services or substance use disorder
2 services who is a veteran who has served in a combat theater or combat
3 zone of operations and is a member of a veterans organization;

4 § 31-a. Subdivision (i) of section 19.07 of the mental hygiene law, as
5 added by chapter 358 of the laws of 2013, is amended to read as follows:

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

18 § 31-b. Subdivision 15 of section 202 of the elder law, as amended by
19 chapter 455 of the laws of 2016, is amended to read as follows:

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

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

27 (j) to ensure the provision, on any form required to be completed at
28 application or recertification for the purpose of obtaining financial

1 assistance pursuant to this chapter, the form shall contain a check-off
2 question asking whether the applicant or recipient or a member of his or
3 her family served in the United States military, and an option to answer
4 in the affirmative. Where the applicant or recipient answers in the
5 affirmative to such question, the office of temporary and disability
6 assistance shall ensure that contact information for the state division
7 of veterans' [affairs] services is provided to such applicant or recipi-
8 ent, in addition to any other materials provided.

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

12 (g) Every corporation receiving any kind of state funding shall ensure
13 the provision on any form required to be completed at application or
14 recertification for the purpose of obtaining financial assistance pursu-
15 ant to this chapter, that the application form shall contain a check-off
16 question asking whether the applicant or recipient or a member of his or
17 her family served in the United States military, and an option to answer
18 in the affirmative. Where the applicant or recipient answers in the
19 affirmative to such question, the not-for-profit corporation shall
20 ensure that contact information for the state division of veterans'
21 [affairs] services is provided to such applicant or recipient in addi-
22 tion to any other materials provided.

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

26 (b) Removal of remains from private cemeteries to other cemeteries.
27 The supervisor of any town containing a private cemetery may remove any
28 body interred in such cemetery to any other cemetery within the town, if

1 the owners of such cemeteries and the next of kin of the deceased
2 consent to such removal. The owners of a private cemetery may remove the
3 bodies interred therein to any other cemetery within such town, or to
4 any cemetery designated by the next of kin of the deceased. Notice of
5 such removal shall be given within twenty days before such removal
6 personally or by certified mail to the next of kin of the deceased if
7 known and to the clerk and historian of the county in which such real
8 property is situated and notice shall be given to the New York state
9 department of state, division of cemeteries. If any of the deceased are
10 known to be veterans, the owners shall also notify the division of
11 veterans' [affairs] services. In the absence of the next of kin, the
12 county clerk, county historian or the division of veterans' [affairs]
13 services may act as a guardian to ensure proper reburial.

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

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

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

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

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

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

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

5 1. There is hereby continued in the division of military and naval
6 affairs in the executive department a state civil defense commission to
7 consist of the same members as the members of the disaster preparedness
8 commission as established in article two-B of the executive law. In
9 addition, the superintendent of financial services, the chairman of the
10 workers' compensation board and the director of the division of veter-
11 ans' [affairs] services shall be members. The governor shall designate
12 one of the members of the commission to be the chairman thereof. The
13 commission may provide for its division into subcommittees and for
14 action by such subcommittees with the same force and effect as action by
15 the full commission. The members of the commission, except for those who
16 serve ex officio, shall be allowed their actual and necessary expenses
17 incurred in the performance of their duties under this article but shall
18 receive no additional compensation for services rendered pursuant to
19 this article.

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

24 2. links to websites describing veteran employment services provided
25 by the federal government and New York state government, including, but
26 not limited to, the websites of the United States department of labor,
27 the New York state department of labor, the United States department of

1 veterans affairs, and the New York state division of veterans' [affairs]
2 services; and

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

6 a. Except as otherwise provided by law, the commissioner shall have
7 such powers as provided by the director of the state veterans' service
8 agency and shall have the duty to inform military and naval authorities
9 of the United States and assist members of the armed forces and veter-
10 ans, who are residents of the city, and their families, in relation to:

11 (1) matters pertaining to educational training and retraining services
12 and facilities, (2) health, medical and rehabilitation service and
13 facilities, (3) provisions of federal, state and local laws and regu-
14 lations affording special rights and privileges to members of the armed
15 forces and veterans and their families, (4) employment and re-employment
16 services, and (5) other matters of similar, related or appropriate
17 nature. The commissioner shall also assist families of members of the
18 reserve components of the armed forces and the organized militia ordered
19 into active duty to ensure that they are made aware of and are receiving
20 all appropriate support available to them. The department also shall
21 perform such other duties as may be assigned by the state director of
22 the division of veterans' [affairs] services.

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

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

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

3 1. A local director shall designate the location of the local and
4 branch offices of the local veterans' service agency within his juris-
5 diction, which offices shall be open during convenient hours. The cost
6 of maintenance and operation of a county veterans' service agency shall
7 be a county charge and the cost of maintenance and operation of a city
8 veterans' service agency shall be a city charge, excepting that the
9 state director with the approval of the veterans' [affairs] services
10 commission shall allot and pay, from state moneys made available to him
11 for such purposes, to each county veterans' service agency and each city
12 veterans' service agency, an amount equal to fifty per centum of its
13 expenditures for maintenance and operation approved by the state direc-
14 tor, provided that in no event shall the amount allotted and paid for
15 such approved expenditures incurred in any given year exceed (1) in the
16 case of any county veterans' service agency in a county having a popu-
17 lation of not more than one hundred thousand or in the case of any city
18 veterans' service agency in a city having a population of not more than
19 one hundred thousand, the sum of ten thousand dollars, nor (2) in the
20 case of any county veterans' service agency in a county having a popu-
21 lation in excess of one hundred thousand excluding the population of any
22 city therein which has a city veterans' service agency, the sum of ten
23 thousand dollars, and, in addition thereto, the sum of five thousand
24 dollars for each one hundred thousand, or major portion thereof, of the
25 population of the county in excess of one hundred thousand excluding the
26 population of any city therein which has a city veterans' service agen-
27 cy, nor (3) in the case of any city veterans' service agency in a city
28 having a population in excess of one hundred thousand, the sum of ten

1 thousand dollars, and, in addition thereto, the sum of five thousand
2 dollars for each one hundred thousand, or major portion thereof, of the
3 population of the city in excess of one hundred thousand. Such popu-
4 lation shall be certified in the same manner as provided by section
5 fifty-four of the state finance law.

6 § 43. Terms occurring in laws, contracts and other documents. Whenev-
7 er the functions, powers, obligations, duties and officials relating to
8 the division of veterans' affairs, the veterans' affairs commission or
9 the director of veterans' affairs is referred to or designated in any
10 other law, regulation, contract or document, such reference or desig-
11 nation shall be deemed to refer to the appropriate functions, powers,
12 obligations, duties, officials and director of the division of veterans'
13 services or the veterans' services commission, as designated by this
14 act.

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

18 § 45. Severability. If any clause, sentence, paragraph, subdivision,
19 section or part contained in any part of this act shall be adjudged by
20 any court of competent jurisdiction to be invalid, such judgment shall
21 not affect, impair, or invalidate the remainder thereof, but shall be
22 confined in its operation to the clause, sentence, paragraph, subdivi-
23 sion, section or part contained in any part thereof directly involved in
24 the controversy in which such judgment shall have been rendered. It is
25 hereby declared to be the intent of the legislature that this act would
26 have been enacted even if such invalid provisions had not been included
27 herein.

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