

EXHIBIT A

NYS Budget Bill S2506-C, Part NN

STATE OF NEW YORK

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SENATE - ASSEMBLY

January 20, 2021

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

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

AN ACT to amend the education law, in relation to school contracts for excellence; to amend the education law, in relation to pandemic adjustment payment reduction; to amend the education law, in relation to aidable transportation expense; relating to funding from the elementary and secondary school emergency relief fund allocated by the American rescue plan act of 2021; to amend the education law, in relation to foundation aid; to amend the education law, in relation to the statewide universal full-day pre-kindergarten program; legalizing, validating, ratifying and confirming certain contracts and projects by the Huntington union free school district, the Liverpool central school district, and the Marlboro central school district; providing that the commissioner of education shall not recover any penalties from the Huntington union free school district, the Liverpool central school district, and the Marlboro central school district; legalizing, validating, ratifying and confirming certain transportation contracts by the Cold Spring Harbor central school district; to amend the education law, in relation to certain moneys apportioned in the 2021-2022 school year; to amend the education law, in relation to the preparation of estimated data for projections of apportionments; in relation to approved private schools serving certain students with disabili-

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

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ties, special act school districts and approved preschool special class and special class in an integrated setting programs experiencing enrollment decreases as a result of the state disaster emergency declared pursuant to Executive Order 202 of 2020; to amend the education law, in relation to authorizing the board of education of a special act school district to establish a fiscal stabilization reserve fund; to amend the education law, in relation to certain tuition methodology; to amend the education law, in relation to charter school aid; to amend part B of chapter 57 of the laws of 2008 amending the education law relating to the universal prekindergarten program, in relation to the effectiveness thereof; to amend chapter 507 of the laws of 1974, relating to providing for the apportionment of state monies to certain nonpublic schools, to reimburse them for their expenses in complying with certain state requirements for the administration of state testing and evaluation programs and for participation in state programs for the reporting of basic educational data, in relation to the calculation of nonpublic schools' eligibility to receive aid; to amend chapter 756 of the laws of 1992, relating to funding a program for work force education conducted by the consortium for worker education in New York city, in relation to reimbursement for the 2021-2022 school year; to amend chapter 756 of the laws of 1992, relating to funding a program for work force education conducted by the consortium for worker education in New York city, in relation to withholding a portion of employment preparation education aid and in relation to the effectiveness thereof; to amend the education law, in relation to funds for certain employment preparation education programs; to amend chapter 147 of the laws of 2001, amending the education law relating to conditional appointment of school district, charter school or BOCES employees, in relation to the effectiveness thereof; to amend chapter 425 of the laws of 2002, amending the education law relating to the provision of supplemental educational services, attendance at a safe public school and the suspension of pupils who bring a firearm to or possess a firearm at a school, in relation to the effectiveness thereof; to amend chapter 101 of the laws of 2003, amending the education law relating to implementation of the No Child Left Behind Act of 2001, in relation to the effectiveness thereof; relates to school bus driver training; relates to special apportionment for salary expenses and public pension accruals; to amend chapter 121 of the laws of 1996 relating to authorizing the Roosevelt union free school district to finance deficits by the issuance of serial bonds, in relation to the amounts of such apportionments; in relation to special apportionment for public pension accruals; relates to authorizing the city school district of the city of Rochester to purchase certain services; relates to suballocations of appropriations; relating to the support of public libraries; to repeal paragraph cc of subdivision 1 of section 3602 of the education law, relating to the gap elimination adjustment percentage; to repeal paragraph c of subdivision 17 of section 3602 of the education law, relating to the gap elimination adjustment; and providing for the repeal of certain provisions upon expiration thereof (Part A); intentionally omitted (Part B); intentionally omitted (Part C); to amend part D of chapter 58 of the laws of 2011 amending the education law relating to capital facilities in support of the state university and community colleges, procurement and the state university health care facilities, in relation to the effectiveness thereof (Part D); intentionally omitted (Part E); extending scholarship program eligibility

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for certain recipients affected by the COVID-19 pandemic (Part F); to amend the education law, in relation to establishing the amount awarded for the excelsior scholarship (Part G); to amend the executive law, in relation to facilities operated and maintained by the office of children and family services and to authorize the closure of certain facilities operated by such office (Part H); to amend part N of chapter 56 of the laws of 2020 amending the social services law relating to restructuring financing for residential school placements, in relation to making such provisions permanent (Part I); to amend part G of chapter 57 of the laws of 2013, amending the executive law and the social services law relating to consolidating the youth development and delinquency prevention program and the special delinquency prevention program, in relation to making such provisions permanent (Part J); to amend part K of chapter 57 of the laws of 2012, amending the education law, relating to authorizing the board of cooperative educational services to enter into contracts with the commissioner of children and family services to provide certain services, in relation to the effectiveness thereof (Part K); to amend the social services law and the family court act, in relation to compliance with the Federal Family First Prevention Services Act; and providing for the repeal of certain provisions upon expiration thereof (Part L); intentionally omitted (Part M); intentionally omitted (Part N); to utilize reserves in the mortgage insurance fund for various housing purposes (Part O); to amend the social services law, in relation to increasing the standards of monthly need for aged, blind and disabled persons living in the community (Part P); to amend the state finance law, in relation to authorizing a tax check-off for gifts to food banks (Part Q); intentionally omitted (Part R); intentionally omitted (Part S); intentionally omitted (Part T); to amend the private housing finance law, in relation to exempting certain projects from sales and compensating use taxes (Part U); intentionally omitted (Part V); intentionally omitted (Part W); intentionally omitted (Part X); intentionally omitted (Part Y); to amend the social services law, in relation to making child care more affordable for low-income families; and providing for the repeal of such provisions upon expiration thereof (Part Z); to amend the labor law and the public service law, in relation to requirements for certain renewable energy systems (Part AA); to establish a COVID-19 emergency rental assistance program; to amend the state finance law, in relation to establishing a COVID-19 emergency rental municipal corporation allocation fund; and providing for the repeal of such provisions upon expiration thereof (Subpart A); and to amend the tax law, in relation to establishing the utility COVID-19 debt relief credit (Subpart B) (Part BB); to amend the labor law, in relation to prohibiting the inclusion of claims for unemployment insurance arising from the closure of an employer due to COVID-19 from being included in such employer's experience rating charges; and to amend chapter 21 of the laws of 2021, amending the labor law relating to prohibiting the inclusion of claims for unemployment insurance arising from the closure of an employer due to COVID-19 from being included in such employer's experience rating charges, in relation to the effectiveness thereof (Part CC); to amend the education law, in relation to tuition assistance program awards; and to amend chapter 260 of the laws of 2011 amending the education law and the New York state urban development corporation act relating to establishing components of the NY-SUNY 2020 challenge grant program, in relation to the effectiveness thereof (Part DD); to amend the social services law,

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in relation to excluding certain funding from the determination of the maximum state aid rate for authorized agencies; and providing for the repeal of such provisions upon expiration thereof (Part EE); to implement section 4 of Division X of the federal consolidated appropriations act of 2021; and providing for the repeal of such provisions upon expiration thereof (Part FF); to amend the education law, in relation to state appropriations for reimbursement of tuition credits (Part GG); to amend the public officers law, in relation to defense and indemnification of physicians acting on behalf of the state (Part HH); to amend the public health law, in relation to the storage of sexual offense evidence collection kits (Part II); to amend the social services law, the education law and the public health law, in relation to providing supports and services for youth suffering from adverse childhood experiences; and providing for the repeal of certain provisions of the social services law relating thereto (Subpart A); intentionally omitted (Subpart B) (Part JJ); to amend the business corporation law, the general associations law, the limited liability company law, the not-for-profit corporation law, the partnership law and the real property law, in relation to service of process (Part KK); to amend the executive law, in relation to the community violence intervention act (Part LL); to amend the public service law, in relation to directing the public service commission to review broadband and fiber optic services within the state (Part MM); to amend the general business law, in relation to broadband service for low-income consumers (Part NN); and to amend the social services law, in relation to the powers of a social services official to receive and dispose of a deed, mortgage or lien (Part OO)

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

1 Section 1. This act enacts into law major components of legislation
 2 necessary to implement the state education, labor, housing and family
 3 assistance budget for the 2021-2022 state fiscal year. Each component is
 4 wholly contained within a Part identified as Parts A through OO. The
 5 effective date for each particular provision contained within such Part
 6 is set forth in the last section of such Part. Any provision in any
 7 section contained within a Part, including the effective date of the
 8 Part, which makes a reference to a section "of this act", when used in
 9 connection with that particular component, shall be deemed to mean and
 10 refer to the corresponding section of the Part in which it is found.
 11 Section three of this act sets forth the general effective date of this
 12 act.

13

PART A

14 Section 1. Paragraph e of subdivision 1 of section 211-d of the educa-
 15 tion law, as amended by section 1 of part A of chapter 56 of the laws of
 16 2020, is amended to read as follows:

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

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1 map shall include, but not be limited to, the following information for
 2 each location:

3 (i) download and upload speeds advertised and experienced;

4 (ii) the consistency and reliability of download and upload speeds
 5 including latency;

6 (iii) the types of internet service and technologies available includ-
 7 ing but not limited to dial-up, broadband, wireless, fiber, coax, or
 8 satellite;

9 (iv) the number of internet service providers available, the price of
 10 internet service available; and

11 (v) any other factors the commission may deem relevant.

12 3. The commission shall submit a report of its findings and recommen-
 13 dations from the study required in subdivision two of this section, to
 14 the governor, the temporary president of the senate and the speaker of
 15 the assembly no later than one year after the effective date of this
 16 section, and an updated report annually thereafter. Such report shall
 17 include, but not be limited to, the following, to the extent such infor-
 18 mation is available:

19 (a) the overall number of residences with access to high-speed inter-
 20 net identifying which areas are served, unserved and underserved;

21 (b) a regional survey of internet service prices in comparison to
 22 county-level median income;

23 (c) any relevant consumer subscription statistics;

24 (d) any other metrics or analyses the commission deems necessary in
 25 order to assess the availability, cost, and reliability of internet
 26 service in New York state; and

27 (e) the map maintained pursuant to paragraph (e) of subdivision two of
 28 this section.

29 4. The commission shall hold at least one public hearing in an upstate
 30 region and one in a downstate region within one year of the effective
 31 date of this section, to solicit input from the public and other stake-
 32 holders including but not limited to internet service providers, tele-
 33 communications concerns, labor organizations, public safety organiza-
 34 tions, healthcare, education, agricultural and other businesses or
 35 organizations.

36 5. To effectuate the purposes of this section, the commission may
 37 request and shall receive from any department, division, board, bureau,
 38 commission or other agency of the state or any state public authority
 39 such assistance, information and data as will enable the commission to
 40 carry out its powers and duties under this section. Additionally,
 41 internet service providers shall provide any information and data
 42 requested by the commission that is related to the study required under
 43 this section.

44 § 3. This act shall take effect on the thirtieth day after it shall
 45 have become a law.

46

PART NN

47 Section 1. The general business law is amended by adding a new
 48 section 399-zzzzz to read as follows:

49 § 399-zzzzz. Broadband service for low-income consumers. 1. For the
 50 purposes of this section, the term "broadband service" shall mean a
 51 mass-market retail service that provides the capability to transmit data
 52 to and receive data from all or substantially all internet endpoints,
 53 including any capabilities that are incidental to and enable the opera-
 54 tion of the communications service provided by a wireline, fixed wire-

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1 less or satellite service provider, but shall not include dial-up
2 service.

3 2. Every person, business, corporation, or their agents providing or
4 seeking to provide wireline, fixed wireless or satellite broadband
5 service in New York state shall, no later than sixty days after the
6 effective date of this section, offer high speed broadband service to
7 low-income consumers whose household: (a) is eligible for free or
8 reduced-priced lunch through the National School Lunch Program; or (b)
9 is eligible for, or receiving the supplemental nutrition assistance
10 program benefits; or (c) is eligible for, or receiving Medicaid bene-
11 fits; or (d) is eligible for, or enrolled in senior citizen rent
12 increase exemption; or (e) is eligible for, or enrolled in disability
13 rent increase exemption; or (f) is a recipient of an affordability bene-
14 fit from a utility. Such low-income broadband service shall provide a
15 minimum download speed equal to the greater of twenty-five megabits per
16 second download speed or the download speed of the provider's existing
17 low-income broadband service sold to customers in the state subject to
18 exceptions adopted by the Public Service Commission where such download
19 speed is not reasonably practicable.

20 3. Broadband service for low-income consumers, as set forth in this
21 section, shall be provided at a cost of no more than fifteen dollars per
22 month, inclusive of any recurring taxes and fees such as recurring
23 rental fees for service provider equipment required to obtain broadband
24 service and usage fees. Broadband service providers shall allow low-in-
25 come broadband service subscribers to purchase standalone or bundled
26 cable and/or phone services separately. Broadband service providers may,
27 once every five years, and after thirty days' notice to its customers
28 and the department of public service, increase the price of this service
29 by the lesser of the most recent change in the consumer price index or a
30 maximum of two percent per year of the price for such service.

31 4. A broadband service provider who offers a high speed broadband
32 service to eligible low-income customers, as such term is used in subdivi-
33 sion two of this section, at a download speed of two hundred megabits
34 per second or greater at a cost of no more than twenty dollars per
35 month, inclusive of any recurring taxes and fees such as recurring
36 rental fees for service provider equipment required to obtain broadband
37 service and usage fees, shall be considered to be in compliance with the
38 requirements of subdivisions two and three of this section. Such provid-
39 ers may, once every two years, and after thirty days' notice to its
40 customers and the department of public service, increase the price of
41 such service by the lesser of the most recent change in the consumer
42 price index or a maximum of two percent per year of the price for such
43 service.

44 5. The requirements of subdivisions two and three of this section
45 shall not apply to any broadband service provider providing service to
46 no more than twenty thousand households, if the public service commis-
47 sion determines that compliance with such requirements would result in
48 unreasonable or unsustainable financial impact on the broadband service
49 provider.

50 6. Any contract or agreement for broadband service targeted to low-in-
51 come consumers provided by an entity described in subdivision two of
52 this section, pursuant to this section or otherwise, shall have the same
53 terms and conditions, other than price and speed set pursuant to this
54 section, as for the regularly priced offerings for similar service
55 provided by such entity.

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1 7. Every person, business, corporation, or their agents providing or
2 seeking to provide broadband service in New York state shall make all
3 commercially reasonable efforts to promote and advertise the availabili-
4 ty of broadband service for low-income consumers including, but not
5 limited to, the prominent display of, and enrollment procedures for,
6 such service on its website and in any written and commercial promo-
7 tional materials developed to inform consumers who may be eligible for
8 service pursuant to this section.

9 8. Every person, business, corporation, or their agents providing or
10 seeking to provide broadband service in New York state shall annually
11 submit to the department of public service, no later than November
12 fifteenth after the effective date of this act, and annually thereafter,
13 a compliance report setting forth: (a) a description of the service
14 offered pursuant to this section; (b) the number of consumers enrolled
15 in such service; (c) a description of the procedures being used to veri-
16 fy the eligibility of customers receiving such service; (d) a
17 description and samples of the advertising or marketing efforts under-
18 taken to advertise or promote such service; (e) a description of all
19 retail rate products, including pricing, offered by such person, busi-
20 ness, corporation, or their agents; (f) a description, including speed
21 and price, of all broadband products offered in the state of New York;
22 (g) a description of the number of customers in arrears for the payment
23 for broadband service, percentage of customers in arrears that qualify
24 for low-income broadband service, the number of households that have had
25 their service terminated as a result of non-payment, the number of
26 customers whose service was terminated for arrears arising from non-pay-
27 ment for services other than broadband service, and the number of house-
28 holds that have their broadband service restored after being delinquent
29 on their payments; and such other information as the department of
30 public service may require.

31 9. The department of public service shall, within two years of the
32 effective date of this section and at least every five years thereafter,
33 undertake a proceeding to determine if the minimum broadband download
34 speed in this section should be increased to the federal communications
35 commission's benchmark broadband download speed, or to another minimum
36 broadband download speed if the federal communications commission has
37 not increased its benchmark by such date. The department of public
38 service shall also: (a) undertake appropriate measures to inform the
39 public about available broadband products, including retail rate product
40 offerings and low-income offerings; and (b) periodically, but no less
41 than once every five years, review eligibility requirements for the
42 low-income service required pursuant to this section, and update such
43 requirements as may be necessary to meet the needs of consumers.

44 10. Whenever there shall be a violation of this section, an applica-
45 tion may be made by the attorney general in the name of the people of
46 the state of New York to a court or justice having jurisdiction by a
47 special proceeding to issue an injunction, and upon notice to the
48 defendant of not less than five days, to enjoin and restrain the contin-
49 uance of such violation; and if it shall appear to the satisfaction of
50 the court or justice that the defendant has, in fact, violated this
51 section, an injunction may be issued by the court or justice, enjoining
52 and restraining any further violations, without requiring proof that any
53 person has, in fact, been injured or damaged thereby. In any such
54 proceeding, the court may make allowances to the attorney general as
55 provided in paragraph six of subdivision (a) of section eighty-three
56 hundred three of the civil practice law and rules, and direct restitu-

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1 tion. Whenever the court shall determine that a violation of this
 2 section has occurred, the court may impose a civil penalty of not more
 3 than one thousand dollars per violation. In connection with any such
 4 proposed application, the attorney general is authorized to take proof
 5 and make a determination of the relevant facts and to issue subpoenas in
 6 accordance with the civil practice law and rules.

7 § 2. This act shall take effect immediately.

8

PART OO

9 Section 1. Section 106 of the social services law, as amended by
 10 section 1 of part S of chapter 56 of the laws of 2014, is amended to
 11 read as follows:

12 § 106. Powers of social services official to receive and dispose of a
 13 deed, mortgage, or lien. 1. A social services official responsible, by
 14 or pursuant to any provision of this chapter, for the administration of
 15 assistance [~~or care~~] granted or applied for [~~may~~] shall not accept a
 16 deed of real property and/or a mortgage thereon on behalf of the social
 17 services district for the assistance [~~and care~~] of a person at public
 18 expense [~~but such property shall not be considered as public property~~
 19 ~~and shall remain on the tax rolls and such deed or mortgage shall be~~
 20 ~~subject to redemption as provided in paragraph (a) of subdivision six~~
 21 ~~hereof~~].

22 2. [~~A social services official may not assert any claim under any~~
 23 ~~provision of this section to recover~~] (a) Notwithstanding subdivision
 24 one of this section, if, prior to the effective date of the chapter of
 25 the laws of two thousand twenty-one that amended this section, a social
 26 services official accepted a deed of real property and/or a mortgage on
 27 behalf of the social services district for the assistance of a person at
 28 public expense, such social services official shall not assert any claim
 29 under any provision of this section to recover:

30 (1) payments made as part of Supplemental Nutrition Assistance Program
 31 (SNAP), child care services, Emergency Assistance to Adults or the Home
 32 Energy Assistance Program (HEAP)[~~+~~

33 ~~3. A social services official may not assert any claim under any~~
 34 ~~provision of this section to recover];~~

35 (2) payments of public assistance if such payments were reimbursed by
 36 child support collections[~~+~~

37 ~~4. A social services official may not assert any claim under any~~
 38 ~~provision of this section to recover];~~

39 (3) payments of public assistance unless, before [~~it has accepted~~] a
 40 deed or mortgage was accepted from an applicant or recipient, [~~it has~~
 41 the official first received a signed acknowledgment from the applicant
 42 or recipient acknowledging that:

43 [~~(a)~~] A. benefits provided as part of Supplemental Nutrition Assist-
 44 ance Program (SNAP), child care services, Emergency Assistance to Adults
 45 or the Home Energy Assistance Program (HEAP) may not be included as part
 46 of the recovery to be made under the mortgage or lien; and

47 [~~(b)~~] B. if the applicant or recipient declines to provide the lien or
 48 mortgage the children in the household shall remain eligible for public
 49 assistance.

50 [~~5.-(a)~~] (b) Such property shall not be considered public property and
 51 shall remain on the tax rolls and such deed or mortgage shall be subject
 52 to redemption as provided in subparagraph one of paragraph (d) of this
 53 subdivision.