

# STATE OF NEW YORK

---

7508--B

## IN SENATE

January 18, 2018

---

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

AN ACT intentionally omitted (Part A); intentionally omitted (Part B); to amend the transportation law, in relation to enhancing the ability of the state to enforce state and federal law relating to the safety of rail fixed guideway public transportation systems under the oversight of the public transportation safety board (Part C); intentionally omitted (Part D); intentionally omitted (Part E); intentionally omitted (Part F); to amend the vehicle and traffic law and the public officers law, in relation to authorizing political subdivisions to establish demonstration programs, implementing railroad grade crossing monitoring systems by means of photo devices; and providing for the repeal of certain provisions upon expiration thereof (Part G); to amend part FF of chapter 55 of the laws of 2017 relating to motor vehicles equipped with autonomous vehicle technology, in relation to demonstrations and tests; in relation to the submission or reports; and in relation to extending the effectiveness thereof; relates to demonstrations and testing of motor vehicles equipped with autonomous vehicle technology; and to repeal section 1226 of the vehicle and traffic law, relating to control of steering mechanisms (Part H); to amend the state finance law, in relation to removing the authorization for the OSC to prescribe a reporting requirement to the city of New York (Part I); to amend the vehicle and traffic law, in relation to establishing a pre-licensing course internet program; and providing for the repeal of such provisions upon expiration thereof (Part J); to amend the tax law, in relation to the disposition of certain fees and assessments; to amend the public authorities law, in relation to the metropolitan transportation authority finance fund; and to amend the state finance law, in relation to the metropolitan transportation authority financial assistance fund (Part K); intentionally omitted (Part L); to amend the public authorities law, in relation to the funding of the capital program of the metropolitan transportation authority (Part M); intentionally omitted (Part N); to amend the New

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

LBD12673-05-8

York state urban development corporation act, in relation to extending certain provisions relating to the empire state economic development fund (Part O); to amend the chapter 393 of the laws of 1994, amending the New York state urban development corporation act, relating to the powers of the New York state urban development corporation to make loans, in relation to the effectiveness thereof (Part P); intentionally omitted (Part Q); intentionally omitted (Part R); to amend chapter 21 of the laws of 2003, amending the executive law relating to permitting the secretary of state to provide special handling for all documents filed or issued by the division of corporations and to permit additional levels of such expedited service, in relation to extending the expiration date thereof (Part S); intentionally omitted (Part T); to amend the general municipal law, in relation to brown-field opportunity areas (Part U); to repeal section 159-j of the executive law, relating to the local share requirement for providers under the federal community services block grant program (Part V); intentionally omitted (Part W); intentionally omitted (Part X); to amend part S of chapter 58 of the laws of 2016, amending the New York state urban development corporation act relating to transferring the statutory authority for the promulgation of marketing orders from the department of agriculture and markets to the New York state urban development corporation, in relation to the effectiveness thereof (Part Y); to amend the real property tax law, in relation to the taxation of forest land; to amend the environmental conservation law, in relation to the creation of forest protection and management programs; and to amend the state finance law, in relation to the procurement of wood and wood fiber projects (Part Z); to amend the state finance law, in relation to the environmental protection fund (Part AA); intentionally omitted (Part BB); to amend the environmental conservation law, in relation to the central pine barrens area and the core preservation area (Part CC); intentionally omitted (Part DD); intentionally omitted (Part EE); intentionally omitted (Part FF); intentionally omitted (Part GG); to amend the real property actions and proceedings law and the civil practice law and rules, in relation to foreclosure upon a reverse mortgage (Part HH); intentionally omitted (Part II); to amend the insurance law, in relation to the prohibition of commissions and rebates (Part JJ); to amend part RR of chapter 58 of the laws of 2017 establishing the Indian Point closure task force, in relation to establishing the Indian Point tax stabilization fund (Part KK); to amend the public service law, in relation to requiring the public service commission retain an independent auditor to conduct audits of private water utility companies prior to and after rate changes are approved by the public service commission (Part LL); to amend the public authorities law, in relation to the examination of the Green Bank (Part MM); to amend the public service law, in relation to customer choice for electricity and natural gas commodity supply services (Part NN); to require the public service commission and the New York state energy research and development authority to provide that Green Bank funds include fund programs assisting certain building owners with installing energy efficient upgrades (Part OO); to amend the real property tax law, in relation to exempting from taxation combined heat and power generating equipment (Part PP); to amend the public service law, in relation to establishing the New York state clean energy tech production program (Part QQ); to amend the public authorities law, in relation to enacting the "New York microgrids act" (Part RR); to amend the public service law, in relation to setting the

rate of credit per kilowatt hour for farm waste generating equipment customer-generators, which includes the anaerobic digestion of agricultural waste (Part SS); to amend the economic development law, in relation to recharge New York power (Part TT); to amend the public authorities law, in relation to mobile cellular devices (Part UU); to amend the public service law, in relation to directing the public service commission to conduct a study and report on time-of-use plans offered by gas and electric utilities (Part VV); to amend the general municipal law, in relation to authorizing industrial development agencies to provide assistance to agricultural producers (Part WW); to amend the tax law, in relation to the farm workforce retention credit (Part XX); to amend the agriculture and markets law, in relation to state funding for electronic benefit transfer technology at farmers' markets (Part YY); to amend the alcoholic beverage control law, in relation to more closely align the privileges of farm distilleries with other privileges enjoyed by farmers (Part ZZ); to amend the agriculture and markets law, in relation to guidelines for pollinator protection (Part AAA); to amend the tax law, in relation to creating a tax credit for companies that purchase New York-grown crops and use such crops in value added products (Part BBB); to amend the navigation law, in relation to license fees per barrel of petroleum (Part CCC); to amend the agriculture and markets law, in relation to expanding the types of goods made and the methods of sale used by home processors (Part DDD); to amend the agriculture and markets law and the public lands law, in relation to access to viable agricultural land for new and beginning farmers (Part EEE); to amend the environmental conservation law, in relation to directing the department of environmental conservation to create a system for permitting access to state lands for the purpose of collecting sap from maple trees; and to amend the tax law, in relation to creating a tax credit for the purchase of qualified equipment used for the collection of maple sap and the production of maple syrup (Part FFF); to authorize and direct the commissioner of agriculture and markets to conduct a "women in farming" study (Part GGG); in relation to interests or rights acquired in real property for the preservation of agricultural lands (Part HHH); to amend the environmental conservation law, in relation to establishing the paint stewardship program (Part III); to amend the environmental conservation law, in relation to fees for certification of pesticide applicators; and to repeal certain provisions of such law relating thereto (Part JJJ); to amend the environmental conservation law, in relation to crossbows; and to repeal certain provisions of such law relating thereto (Part KKK); to amend the environmental conservation law and the tax law, in relation to shoreline resiliency infrastructure regulations and tax credits (Part LLL); to amend the soil and water conservation districts law, in relation to the manner state aid is distributed to districts for the conservation of soil and water resources (Part MMM); to amend the agriculture and markets law, in relation to enacting the "surplus food to charitable organizations act" (Part NNN); to amend the environmental conservation law, in relation to permitting the use of recyclable beverage container packaging (Part OOO); to amend the tax law, in relation to creating a tax credit for companies that invest in certain dairy equipment and use such equipment to produce value added products (Part PPP); to amend the tax law, in relation to establishing a tax credit for grocery donations to food pantries (Part QQQ); requiring the governor, legislature and the public to have access to the nominating process and

action plans for the governor's initiative to combat harmful algal blooms (Part RRR); to amend the environmental conservation law, in relation to wildlife damage management (Part SSS); to amend the vehicle and traffic law, in relation to the service of notice of parking violations (Part TTT); to amend the vehicle and traffic law, in relation to compliance with the federal Real ID Act (Part UUU); to amend the vehicle and traffic law, in relation to the penalty for a moving violation which results in the serious bodily injury or death of another person (Part VVV); to amend the public authorities law, in relation to discounted tolls on the Verrazano-Narrows bridge for residents of Kings county (Part WWW); to amend the vehicle and traffic law, in relation to the definition of an all terrain vehicle or "ATV" (Part XXX); to amend the vehicle and traffic law, in relation to distribution of certain mandatory surcharges imposed for alcohol-related traffic convictions; and to amend the state finance law, in relation to establishing an impaired driving safety fund (Part YYY); to amend the transportation law, in relation to the interagency coordinating committee on rural public transportation; and to amend the social services law, in relation to the transportation of eligible persons residing in a rural area (Part ZZZ); to amend the vehicle and traffic law, in relation to registration information (Part AAAA); to amend the general business law, in relation to enacting "the toll payer protection act" (Part BBBB); to establish the toll advisory task force, and providing for the powers and duties thereof (Part CCCC); to amend the vehicle and traffic law, in relation to providing for a discount on driver's license renewal fees for senior citizens (Part DDDD); to amend the highway law, in relation to the rate paid by the state to a city for maintenance and repair of highways (Part EEEE); in relation to ordering a study and report on a proposed extension of the Long Island Motor Parkway east from Winchester Boulevard to Little Neck Parkway in the county of Queens; and providing for the repeal of such provisions upon expiration thereof (Part FFFF); to amend the vehicle and traffic law, in relation to requiring the suspension of the license to operate a motor vehicle of any person convicted of two violations of school zone speed limits within eighteen months (Part GGGG); to amend the vehicle and traffic law, in relation to authorizing a distinctive "guardians for schools" license plate; and to amend the state finance law, in relation to establishing the guardians for schools fund (Part HHHH); to amend the highway law, in relation to directing the commissioner of transportation to prohibit use on any state or local highway of certain types of guardrails (Part IIII); to amend the vehicle and traffic law, in relation to designating human organ delivery vehicles as authorized emergency vehicles (Part JJJJ); to amend the economic development law, in relation to the establishment of regional economic development councils; and providing for the repeal of such provisions upon expiration thereof (Part KKKK); to amend the New York state urban development corporation act and the economic development law, in relation to the creation of a searchable database (Part LLLL); to amend the economic development law, in relation to businesses located in tax-free NY areas (Part MMMM); to amend the public authorities law, in relation to project applications and advisory opinions of the public authorities control board (Part NNNN); to amend the general municipal law, in relation to the powers of the New York state industrial development agency (Part OOOO); to amend the urban development corporation act, in relation to creating the New York state innovative energy and environmental technology

program (Subpart A); and to amend the New York state urban development corporation act, in relation to assistance for certain small businesses (Subpart B)(Part PPPP); to amend the New York state urban development corporation act, in relation to creating the community development revolving loan program (Part QQQQ); to amend the real property actions and proceedings law, in relation to reverse mortgage home loans (Part RRRR); in relation to enacting the "transformational infrastructure and revitalization project act"; to amend the administrative code of the city of New York, in relation to school safety measures; and providing for the repeal of certain provisions upon expiration thereof (Part SSSS); and to direct the commissioner of taxation and finance to make certain payments to the metropolitan transportation authority from local sales and compensating use taxes collected in the city of New York (Part TTTT)

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 2018-2019  
3 state fiscal year. Each component is wholly contained within a Part  
4 identified as Parts A through TTTT. The effective date for each partic-  
5 ular provision contained within such Part is set forth in the last  
6 section of such Part. Any provision in any section contained within a  
7 Part, including the effective date of the Part, which makes a reference  
8 to a 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.

12 PART A

13 Intentionally Omitted

14 PART B

15 Intentionally Omitted

16 PART C

17 Section 1. Section 217 of the transportation law is amended by adding  
18 a new subdivision 9 to read as follows:

19 9. To enforce the requirements of section five thousand three hundred  
20 twenty-nine of title forty-nine of the United States Code, and amend-  
21 ments thereto made prior to April first, two thousand nineteen, as it  
22 pertains to rail fixed guideway public transportation systems.

23 § 2. This act shall take effect immediately.

24 PART D

25 Intentionally Omitted

26 PART E

27 Intentionally Omitted

## PART F

Intentionally Omitted

## PART G

Section 1. Intentionally omitted.

§ 2. Intentionally omitted.

§ 3. Intentionally omitted.

§ 4. Intentionally omitted.

§ 5. Intentionally omitted.

§ 6. Intentionally omitted.

§ 7. Intentionally omitted.

§ 8. Intentionally omitted.

§ 9. Section 135-a of the vehicle and traffic law, as added by chapter 501 of the laws of 2016, is amended to read as follows:

§ 135-a. Railroad grade crossing. A location where [~~a public highway or private road, including associated sidewalks, crosses one or more~~] railroad tracks [~~at-grade~~] intersect a public or private highway, roadway or sidewalk.

§ 10. The vehicle and traffic law is amended by adding a new section 1170-a to read as follows:

§ 1170-a. Owner liability for failure of operator to obey signal indicating approach of train. (a) 1. Notwithstanding any other provision of law, any political subdivision is hereby authorized and empowered to adopt and amend a local law, ordinance or resolution establishing a demonstration program imposing monetary liability on the owner of a vehicle for failure of an operator thereof to comply with section eleven hundred seventy of this article. Such demonstration program shall empower a political subdivision to install and operate railroad grade crossing photo violation-monitoring devices at any railroad sign or signal within its jurisdiction. The cost of such photo violation-monitoring devices may be borne by the political subdivision, a commuter railroad operating within the political subdivision, or a combination of both such political subdivision and commuter railroad pursuant to a memorandum of understanding.

2. Such demonstration program shall utilize necessary technologies to ensure, to the extent practicable, that photographs produced by such railroad grade crossing photo violation-monitoring systems shall not include images that identify the driver, the passengers or the contents of the vehicle. Provided, however, that no notice of liability issued pursuant to this section shall be dismissed solely because a photograph or photographs allow for the identification of the contents of a vehicle, provided that such political subdivision has made a reasonable effort to comply with the provisions of this paragraph.

(b) Within the jurisdiction of any such political subdivision which has adopted a local law, ordinance or resolution pursuant to subdivision (a) of this section, the owner of a vehicle shall be liable for a penalty imposed pursuant to this section if such vehicle was used or operated with the permission of the owner, express or implied, in violation of section eleven hundred seventy of this article, and such violation is evidenced by information obtained from a railroad grade crossing photo violation-monitoring system; provided, however, that no owner of a vehicle shall be liable for a penalty imposed pursuant to this section where the operator of such vehicle has been convicted of the underlying violation of section eleven hundred seventy of this article.

1 (c) For purposes of this section, the following terms shall have the  
2 following meanings:

3 1. "Owner" shall have the meaning provided in article two-B of this  
4 chapter.

5 2. "Railroad grade crossing photo violation-monitoring system" shall  
6 mean a vehicle sensor installed to work in conjunction with a railroad  
7 sign or signal which automatically produces two or more photographs, two  
8 or more microphotographs, a videotape or other recorded images of each  
9 vehicle at the time it is used or operated in violation of section elev-  
10 en hundred seventy of this article.

11 3. "Political subdivision" shall mean a county, city, town or village  
12 located within the metropolitan commuter transportation district, as  
13 defined in section twelve hundred sixty-two of the public authorities  
14 law.

15 4. "Commuter railroad" shall mean a railroad owned and operated by the  
16 metropolitan transportation authority and located within the metropol-  
17 itan commuter transportation district, as defined in section twelve  
18 hundred sixty-two of the public authorities law.

19 (d) A certificate, sworn to or affirmed by a technician employed by  
20 the political subdivision in which the charged violation occurred, or a  
21 facsimile thereof, based upon inspection of photographs, microphoto-  
22 graphs, videotape or other recorded images produced by a railroad grade  
23 crossing photo violation-monitoring system, shall be prima facie  
24 evidence of the facts contained therein. Any photographs, microphoto-  
25 graphs, videotape or other recorded images evidencing such a violation  
26 shall be available for inspection in any proceeding to adjudicate the  
27 liability for such violation pursuant to a local law, ordinance or  
28 resolution adopted pursuant to this section.

29 (e) An owner liable for a violation of section eleven hundred seventy  
30 of this article pursuant to a local law, ordinance or resolution adopted  
31 pursuant to this section shall be liable for monetary penalties in  
32 accordance with a schedule of fines and penalties to be established in  
33 such local law, ordinance or resolution. The liability of the owner  
34 pursuant to this section shall not exceed one hundred dollars for each  
35 violation; provided, however, that an adjudicating authority may provide  
36 for an additional penalty of not in excess of twenty-five dollars for  
37 each violation for the failure to respond to a notice of liability with-  
38 in the prescribed period of time.

39 (f) An imposition of liability under a local law, ordinance or resol-  
40 ution adopted pursuant to this section shall not be deemed a conviction  
41 as an operator and shall not be made part of the operating record of the  
42 person upon whom such liability is imposed nor shall it be used for  
43 insurance purposes in the provision of motor vehicle insurance coverage.

44 (g) 1. A notice of liability shall be sent by first class mail to each  
45 person alleged to be liable as an owner for a violation of section elev-  
46 en hundred seventy of this article pursuant to this section. Personal  
47 delivery on the owner shall not be required. A manual or automatic  
48 record of mailing prepared in the ordinary course of business shall be  
49 prima facie evidence of the facts contained therein.

50 2. A notice of liability shall contain the name and address of the  
51 person alleged to be liable as an owner for a violation of section elev-  
52 en hundred seventy of this article pursuant to this section, the regis-  
53 tration number of the vehicle involved in such violation, the location  
54 where such violation took place, the date and time of such violation and  
55 the identification number of the camera which recorded the violation or  
56 other document locator number.



1     3. The notice of liability shall contain information advising the  
2 person charged of the manner and the time in which he or she may contest  
3 the liability alleged in the notice. Such notice of liability shall also  
4 contain a warning to advise the person charged that failure to contest  
5 in the manner and time provided shall be deemed an admission of liabil-  
6 ity and that a default judgment may be entered thereon.

7     4. The notice of liability shall be prepared and mailed by the poli-  
8 tical subdivision, or by any other entity authorized by such political  
9 subdivision to prepare and mail such notification of violation.

10    (h) Adjudication of the liability imposed upon owners by this section  
11 shall be by the court having jurisdiction over traffic infractions,  
12 except that if such political subdivision has established an administra-  
13 tive tribunal to hear and determine complaints of traffic infractions  
14 constituting parking, standing or stopping violations such political  
15 subdivision may, by local law, authorize such adjudication by such  
16 tribunal.

17    (i) If an owner receives a notice of liability pursuant to this  
18 section for any time period during which the vehicle was reported to a  
19 law enforcement agency as having been stolen, it shall be a valid  
20 defense to an allegation of liability for a violation of section eleven  
21 hundred seventy of this article pursuant to this section that the vehi-  
22 cle had been reported to the police as stolen prior to the time the  
23 violation occurred and had not been recovered by such time. For purposes  
24 of asserting the defense provided by this subdivision it shall be suffi-  
25 cient that a certified copy of a police report on the stolen vehicle be  
26 sent by first class mail to the court having jurisdiction or parking  
27 violations bureau.

28    (j) 1. In such political subdivision where the adjudication of liabil-  
29 ity imposed upon owners pursuant to this section is by a court having  
30 jurisdiction, an owner who is a lessor of a vehicle to which a notice of  
31 liability was issued pursuant to subdivision (g) of this section shall  
32 not be liable for the violation of section eleven hundred seventy of  
33 this article, provided that he or she sends to the court having juris-  
34 isdiction a copy of the rental, lease or other such contract document  
35 covering such vehicle on the date of the violation, with the name and  
36 address of the lessee clearly legible, within thirty-seven days after  
37 receiving notice from the court of the date and time of such violation,  
38 together with the other information contained in the original notice of  
39 liability. Failure to send such information within such thirty-seven  
40 day time period shall render the owner liable for the penalty prescribed  
41 by this section. Where the lessor complies with the provisions of this  
42 paragraph, the lessee of such vehicle on the date of such violation  
43 shall be deemed to be the owner of such vehicle for purposes of this  
44 section, shall be subject to liability for the violation of section  
45 eleven hundred seventy of this article pursuant to this section and  
46 shall be sent a notice of liability pursuant to subdivision (g) of this  
47 section.

48    2. (I) In such political subdivision which has authorized the adjudi-  
49 cation of liability imposed upon owners by this section by a parking  
50 violations bureau, an owner who is a lessor of a vehicle to which a  
51 notice of liability was issued pursuant to subdivision (g) of this  
52 section shall not be liable for the violation of section eleven hundred  
53 seventy of this article, provided that:

54    (A) prior to the violation, the lessor has filed with the bureau in  
55 accordance with the provisions of section two hundred thirty-nine of  
56 this chapter; and



1 (B) within thirty-seven days after receiving notice from the bureau of  
2 the date and time of a liability, together with the other information  
3 contained in the original notice of liability, the lessor submits to the  
4 bureau the correct name and address of the lessee of the vehicle identi-  
5 fied in the notice of liability at the time of such violation, together  
6 with such other additional information contained in the rental, lease or  
7 other contract document, as may be reasonably required by the bureau  
8 pursuant to regulations that may be promulgated for such purpose.

9 (II) Failure to comply with clause (B) of subparagraph (I) of this  
10 paragraph shall render the owner liable for the penalty prescribed in  
11 this section.

12 (III) Where the lessor complies with the provisions of this paragraph,  
13 the lessee of such vehicle on the date of such violation shall be deemed  
14 to be the owner of such vehicle for purposes of this section, shall be  
15 subject to liability for such violation pursuant to this section and  
16 shall be sent a notice of liability pursuant to subdivision (q) of this  
17 section.

18 (k) 1. If the owner liable for a violation of section eleven hundred  
19 seventy of this article pursuant to this section was not the operator of  
20 the vehicle at the time of the violation, the owner may maintain an  
21 action for indemnification against the operator.

22 2. Notwithstanding any other provision of this section, no owner of a  
23 vehicle shall be subject to a monetary fine imposed pursuant to this  
24 section if the operator of such vehicle was operating such vehicle with-  
25 out the consent of the owner at the time such operator failed to obey a  
26 railroad sign or signal indicating the approach of a train. For  
27 purposes of this subdivision there shall be a presumption that the oper-  
28 ator of such vehicle was operating such vehicle with the consent of the  
29 owner at the time such operator failed to obey a railroad sign or signal  
30 indicating the approach of a train.

31 (l) Nothing in this section shall be construed to limit the liability  
32 of an operator of a vehicle for any violation of section eleven hundred  
33 seventy of this article.

34 (m) In any such political subdivision which adopts a demonstration  
35 program pursuant to subdivision (a) of this section, such political  
36 subdivision shall submit an annual report on the results of the use of a  
37 railroad grade crossing photo violation-monitoring system to the gover-  
38 nor, the temporary president of the senate and the speaker of the assem-  
39 bly on or before June first, two thousand nineteen and on the same date  
40 in each succeeding year in which the demonstration program is operable.  
41 Such report shall include, but not be limited to:

42 1. a description of the locations where railroad grade crossing photo  
43 violation-monitoring systems were used;

44 2. the aggregate number, type and severity of accidents reported at  
45 intersections where a railroad grade crossing photo violation-monitoring  
46 system is used for the year preceding the installation of such system,  
47 to the extent the information is maintained by the department;

48 3. the aggregate number, type and severity of accidents reported at  
49 intersections where a railroad grade crossing photo violation-monitoring  
50 system is used, to the extent the information is maintained by the  
51 department;

52 4. the number of violations recorded at each intersection where a  
53 railroad grade crossing photo violation-monitoring system is used and in  
54 the aggregate on a daily, weekly and monthly basis;

55 5. the total number of notices of liability issued for violations  
56 recorded by such systems;

1 6. the number of fines and total amount of fines paid after first  
2 notice of liability issued for violations recorded by such systems;

3 7. the number of violations adjudicated and results of such adjudi-  
4 cations including breakdowns of dispositions made for violations  
5 recorded by such systems;

6 8. the total amount of revenue realized by such political subdivision  
7 from such adjudications;

8 9. expenses incurred by such political subdivision in connection with  
9 the program; and

10 10. quality of the adjudication process and its results.

11 (n) It shall be a defense to any prosecution for a violation of  
12 section eleven hundred seventy of this article pursuant to a local law  
13 or ordinance adopted pursuant to this section that the railroad signal  
14 indications were malfunctioning at the time of the alleged violation.

15 § 11. Subdivision 2 of section 87 of the public officers law is  
16 amended by adding a new paragraph (p) to read as follows:

17 (p) are photographs, microphotographs, videotape or other recorded  
18 images prepared under the authority of section eleven hundred seventy-a  
19 of the vehicle and traffic law.

20 § 12. Intentionally omitted.

21 § 13. Intentionally omitted.

22 § 14. Intentionally omitted.

23 § 15. This act shall take effect on the thirtieth day after it shall  
24 have become a law; provided, however, that sections nine, ten and eleven  
25 of this act shall expire and be deemed repealed 5 years after such  
26 effective date.

27 PART H

28 Section 1. Paragraph a of section 1 of part FF of chapter 55 of the  
29 laws of 2017 relating to motor vehicles equipped with autonomous vehicle  
30 technology, is amended to read as follows:

31 a. Notwithstanding the provisions of section 1226 of the vehicle and  
32 traffic law, the New York state commissioner of motor vehicles may  
33 approve demonstrations and tests consisting of the operation of a motor  
34 vehicle equipped with autonomous vehicle technology while such motor  
35 vehicle is engaged in the use of such technology on public highways  
36 within this state for the purposes of demonstrating and assessing the  
37 current development of autonomous vehicle technology and to begin iden-  
38 tifying potential impacts of such technology on safety, traffic control,  
39 traffic enforcement, emergency services, and such other areas as may be  
40 identified by such commissioner. Provided, however, that such [~~demon-~~  
41 ~~strations and tests shall only take place under the direct supervision~~  
42 ~~of the New York state police. Such~~] demonstrations and tests shall take  
43 place in a manner and form prescribed by the commissioner of motor vehi-  
44 cles including, but not limited to: a requirement that a natural person  
45 holding a valid license for the operation of the motor vehicle's class  
46 be present within such vehicle for the duration of the time it is oper-  
47 ated on public highways; a requirement that the motor vehicle utilized  
48 in such demonstrations and tests complies with all applicable federal  
49 motor vehicle safety standards and New York state motor vehicle  
50 inspection standards; and a requirement that the motor vehicle utilized  
51 in such demonstrations and tests has in place, at a minimum, financial  
52 security in the amount of five million dollars. Nothing in this act  
53 shall authorize the motor vehicle utilized in such demonstrations and

1 tests to operate in violation of article 22 or title 7 of the vehicle  
2 and traffic law, excluding section 1226 of such law.

3 § 2. Section 2 of part FF of chapter 55 of the laws of 2017 relating  
4 to motor vehicles equipped with autonomous vehicle technology, is  
5 amended to read as follows:

6 § 2. The commissioner of motor vehicles shall, in consultation with  
7 the superintendent of state police, submit a report to the governor, the  
8 temporary president of the senate, the speaker of the assembly, and the  
9 chairs of the senate and assembly transportation committees on the  
10 demonstrations and tests authorized by section one of this act. Such  
11 report shall include, but not be limited to, a description of the param-  
12 eters and purpose of such demonstrations and tests, the location or  
13 locations where demonstrations and tests were conducted, the demon-  
14 strations' and tests' impacts on safety, traffic control, traffic  
15 enforcement, emergency services, and such other areas as may be identi-  
16 fied by such commissioner. Such commissioner shall submit such report on  
17 or before June [~~1, 2018~~] first of each year section one of this act  
18 remains in effect.

19 § 3. Section 3 of part FF of chapter 55 of the laws of 2017 relating  
20 to motor vehicles equipped with autonomous vehicle technology, is  
21 amended to read as follows:

22 § 3. This act shall take effect April 1, 2017; provided, however, that  
23 section one of this act shall expire and be deemed repealed April 1,  
24 [~~2018~~] 2020.

25 § 4. a. The New York state commissioner of motor vehicles may approve  
26 demonstrations and tests consisting of the operation of a motor vehicle  
27 equipped with autonomous vehicle technology while such motor vehicle is  
28 engaged in the use of such technology on public highways within this  
29 state for the purposes of demonstrating and assessing the current devel-  
30 opment of autonomous vehicle technology and to begin identifying poten-  
31 tial impacts of such technology on safety, traffic control, traffic  
32 enforcement, emergency services, and such other areas as may be identi-  
33 fied by such commissioner. Such demonstrations and tests shall take  
34 place in a manner and form prescribed by the commissioner of motor vehi-  
35 cles including, but not limited to: a requirement that the motor vehicle  
36 utilized in such demonstrations and tests complies with all applicable  
37 federal motor vehicle safety standards and New York state motor vehicle  
38 inspection standards; and a requirement that the motor vehicle utilized  
39 in such demonstrations and tests has in place, at a minimum, financial  
40 security in the amount of five million dollars. Nothing in this act  
41 shall authorize the motor vehicle utilized in such demonstrations and  
42 tests to operate in violation of article 22 or title 7 of the vehicle  
43 and traffic law, excluding section 1226 of such law.

44 b. For the purposes of this section, the term "autonomous vehicle  
45 technology" shall mean the hardware and software that are collectively  
46 capable of performing part or all of the dynamic driving task on a  
47 sustained basis, and the term "dynamic driving task" shall mean all of  
48 the real-time operational and tactical functions required to operate a  
49 vehicle in on-road traffic, excluding the strategic functions such as  
50 trip scheduling and selection of destinations and waypoints.

51 § 5. The commissioner of motor vehicles shall, in consultation with  
52 the superintendent of state police, submit a report to the governor, the  
53 temporary president of the senate, the speaker of the assembly, and the  
54 chairs of the senate and assembly transportation committees on the  
55 demonstrations and tests authorized by section four of this act. Such  
56 report shall include, but not be limited to, a description of the param-

eters and purpose of such demonstrations and tests, the location or locations where demonstrations and tests were conducted, the demonstrations' and tests' impacts on safety, traffic control, traffic enforcement, emergency services, and such other areas as may be identified by such commissioner. Such commissioner shall submit such report on or before June first of each year section four of this act remains in effect.

§ 6. Section 1226 of the vehicle and traffic law is REPEALED.

§ 7. The commissioner of motor vehicles and the superintendent of financial services shall establish regulations consistent with this act.

§ 8. This act shall take effect immediately; provided, however, that:

(a) the amendments to subdivision a of section 1 of part FF of chapter 55 of the laws of 2017 made by section one of this act shall not affect the repeal of such section and shall be deemed to be repealed therewith; and

(b) sections four and five of this act shall take effect April 1, 2020.

#### PART I

Section 1. The closing paragraph of subdivision 3 of section 99-a of the state finance law, as amended by section 3 of part GG of chapter 55 of the laws of 2017, is amended to read as follows:

The comptroller may require such reporting and record keeping as he or she deems necessary to ensure the proper distribution of moneys in accordance with applicable laws. A justice court or the Nassau and Suffolk counties traffic and parking violations agencies or the city of Buffalo traffic violations agency [~~or the city of New York pursuant to article two-A of the vehicle and traffic law~~] may utilize these procedures only when permitted by the comptroller, and such permission, once given, may subsequently be withdrawn by the comptroller on due notice.

§ 2. The closing paragraph of subdivision 3 of section 99-a of the state finance law, as amended by section 10 of chapter 157 of the laws of 2017, is amended to read as follows:

The comptroller may require such reporting and record keeping as he or she deems necessary to ensure the proper distribution of moneys in accordance with applicable laws. A justice court or the Nassau and Suffolk counties traffic and parking violations agencies or the city of Buffalo traffic violations agency [~~or the city of New York pursuant to article two-A of the vehicle and traffic law~~] may utilize these procedures only when permitted by the comptroller, and such permission, once given, may subsequently be withdrawn by the comptroller on due notice.

§ 3. This act shall take effect immediately; provided, however, that the amendments to the closing paragraph of subdivision 3 of section 99-a of the state finance law as made by section two of this act shall take effect on the same date and in the same manner as section 10 of chapter 157 of the laws of 2017 takes effect, and shall be subject to the expiration of such subdivision pursuant to section 4 of part GG of chapter 55 of the laws of 2017, as amended, and shall be deemed expired therewith.

#### PART J

Section 1. The vehicle and traffic law is amended by adding a new article 12-D to read as follows:

ARTICLE 12-DPRE-LICENSING COURSE INTERNET PILOT PROGRAMSection 399-p. Pre-licensing course internet pilot program.399-q. Application.399-r. Regulations and fees.399-s. Pilot program scope and duration.399-t. Report by commissioner.

§ 399-p. Pre-licensing course internet pilot program. The commissioner shall establish, by regulation, a comprehensive pilot program to allow use of the internet, for the administration and completion of an approved pre-licensing course, which shall be deemed the equivalent of the course required by subparagraph (i) of paragraph (a) of subdivision four of section five hundred two of this chapter.

§ 399-q. Application. An applicant for participation in the pilot program established pursuant to this article shall be an approved sponsor of an internet accident prevention course, pursuant to article twelve-C of this title, prior to the effective date of this article. In order to be approved for participation in such pilot program, the course must comply with provisions of law, rules and regulations applicable thereto. The commissioner may, in his or her discretion, impose a fee for the submission of each application. Such fee shall not exceed seven thousand five hundred dollars, which shall be deposited in the dedicated highway and bridge trust fund established pursuant to section eighty-nine-b of the state finance law.

§ 399-r. Regulations and fees. 1. The commissioner is authorized to promulgate any rules and regulations necessary to implement the provisions of this article and to insure that the internet pilot program, as approved by the commissioner, can validate: student identity at registration and throughout the course; participation throughout the course; that time the requirements are met; and successful completion of the course. Provided, however, that any rules and regulations promulgated pursuant to this article shall not stipulate any particular location for delivery of a pre-licensing course or limit the time of day during which such course may be taken.

2. The commissioner is authorized to impose a fee upon each pre-licensing course sponsoring agency approved to deliver such course, which shall not exceed eight dollars for each student who completes such course, and which shall be deposited in the dedicated highway and bridge trust fund established pursuant to section eighty-nine-b of the state finance law.

§ 399-s. Pilot program scope and duration. The commissioner shall conduct a pilot program designed to evaluate utilizing the internet for delivering an approved pre-licensing course, which shall be deemed the equivalent of the course required by subparagraph (i) of paragraph (a) of subdivision four of section five hundred two of this chapter, by permitting qualified applicants to participate in the pilot program for a period of five years.

§ 399-t. Report by commissioner. Within five years of the establishment and implementation of this article, the commissioner shall report to the governor, the temporary president of the senate and the speaker of the assembly on the pre-licensing course internet pilot program and its results. Such reports shall include recommendations as to the future use of internet as an effective way, in addition to classroom presentation, to deliver to the public approved pre-licensing courses, and qualifications for participants in such approved internet delivered programs.



§ 2. Paragraph (h) of subdivision 4 of section 502 of the vehicle and traffic law, as added by section 1 of part L of chapter 59 of the laws of 2009, is amended to read as follows:

(h) Course completion certificate fee. The fee for a course completion certificate provided by the department to an entity that is approved by the commissioner to offer the pre-licensing course, required by this subdivision, for issuance by such entity to students upon their completion of such pre-licensing course shall be one dollar. Such fee shall be paid by such entity and shall not be charged to a person who takes the course in any manner. The provisions of this paragraph shall not apply to a pre-licensing course established pursuant to article twelve-D of this chapter.

§ 3. This act shall take effect on the one hundred eightieth day after it shall have become a law and shall expire and be deemed repealed five years after the date that the pre-licensing course internet pilot program is established and implemented by the commissioner of motor vehicles pursuant to article 12-D of the vehicle and traffic law, as added by section one of this act; provided that any rules and regulations necessary to implement the provisions of this act on its effective date are authorized and directed to be completed on or before such date; and provided, further, that the commissioner of motor vehicles shall notify the legislative bill drafting commission of the date he or she establishes and implements the pre-licensing course internet pilot program pursuant to article 12-D of the vehicle and traffic law, as added by section one of this act, in order that such commission may maintain an accurate and timely effective data base of the official text of the laws of the state of New York in furtherance of effecting the provisions of section 44 of the legislative law and section 70-b of the public officers law.

#### PART K

Section 1. Intentionally omitted.

§ 2. Intentionally omitted.

§ 3. Intentionally omitted.

§ 4. Intentionally omitted.

§ 5. Intentionally omitted.

§ 6. Intentionally omitted.

§ 7. Intentionally omitted.

§ 8. Intentionally omitted.

§ 9. Intentionally omitted.

§ 10. Intentionally omitted.

§ 11. Subsection (b) of section 805 of the tax law, as added by section 1 of part C of chapter 25 of the laws of 2009, is amended to read as follows:

(b) On or before the twelfth and twenty-sixth day of each succeeding month, after reserving such amount for such refunds and deducting such amounts for such costs, as provided for in subsection (a) of this section, the commissioner shall certify to the comptroller the amount of all revenues so received during the prior month as a result of the taxes, interest and penalties so imposed. The amount of revenues so certified shall be paid over by the fifteenth and the final business day of each succeeding month from such account without appropriation into the ~~[mobility tax trust account of the metropolitan transportation authority financial assistance fund established pursuant to section ninety-two ff of the state finance law, for payment, pursuant to appro-~~

~~priations by the legislature to the~~ metropolitan transportation authority finance fund established pursuant to section twelve hundred seventy-h of the public authorities law, provided, however, that the comptroller shall ensure that any payments to the metropolitan transportation authority finance fund which are due to be paid by the final business day in the month of December pursuant to this subsection shall be received by the metropolitan transportation authority finance fund on the same business day in which it is paid, and further provided that the metropolitan transportation authority shall not securitize the revenue stream from the payroll mobility tax, the aid trust revenues, and the state offset revenues, and may not issue a new bond credit that is pledged or backed by the metropolitan commuter transportation mobility tax, the aid trust account supplemental revenues, and the state payroll mobility tax revenue offset.

§ 12. Section 4 of the state finance law is amended by adding a new subdivision 12 to read as follows:

12. Notwithstanding subdivision one of this section and any other law to the contrary, the revenue (including taxes, interest and penalties) from the metropolitan commuter transportation mobility tax imposed pursuant to article twenty-three of the tax law which are paid in accordance with subsection (b) of section eight hundred five of the tax law into the metropolitan transportation authority finance fund established by section twelve hundred seventy-h of the public authorities law shall be made pursuant to statute but without an appropriation, provided, however, that the metropolitan transportation authority shall not securitize the revenue stream from the payroll mobility tax, the aid trust revenues, and the state offset revenues, and may not issue a new bond credit that is pledged or backed by the metropolitan commuter transportation mobility tax, the aid trust account supplemental revenues, and the state payroll mobility tax revenue offset.

§ 13. Subdivision 2 of section 1270-h of the public authorities law, as added by section 16 of part H of chapter 25 of the laws of 2009, is amended to read as follows:

2. The comptroller shall deposit into the metropolitan transportation authority finance fund (a) monthly, pursuant to appropriation, ~~[into the metropolitan transportation authority finance fund]~~ the moneys deposited in the mobility tax trust account of the metropolitan transportation authority financial assistance fund pursuant to ~~[article twenty-three of the tax law, and]~~ any ~~[other]~~ provision of law directing or permitting the deposit of moneys in such fund, and (b) without appropriation, the revenue including taxes, interest and penalties collected in accordance with article twenty-three of the tax law, provided, however, that the metropolitan transportation authority shall not securitize the revenue stream from the payroll mobility tax, the aid trust revenues, and the state offset revenues, and may not issue a new bond credit that is pledged or backed by the metropolitan commuter transportation mobility tax, the aid trust account supplemental revenues, and the state payroll mobility tax revenue offset.

§ 14. Subdivisions 3 and 5 of section 92-ff of the state finance law, as added by section 1 of part G of chapter 25 of the laws of 2009, are amended to read as follows:

3. Such fund shall consist of all moneys collected ~~[therefore]~~ therefor or credited or transferred thereto from any other fund, account or source, including, without limitation, the ~~[revenues derived from the metropolitan commuter transportation mobility tax imposed by article twenty-three of the tax law]~~ revenues derived from the special supple-



1 mental tax on passenger car rentals imposed by section eleven hundred  
2 sixty-six-a of the tax law; revenues derived from the transportation  
3 surcharge imposed by article twenty-nine-A of the tax law; the supple-  
4 mental registration fees imposed by article seventeen-C of the vehicle  
5 and traffic law; and the supplemental metropolitan commuter transporta-  
6 tion district license fees imposed by section five hundred three of the  
7 vehicle and traffic law. Any interest received by the comptroller on  
8 moneys on deposit in the metropolitan transportation authority financial  
9 assistance fund shall be retained in and become a part of such fund.

10 5. (a) The "mobility tax trust account" shall consist of [~~revenues~~  
11 ~~required to be deposited therein pursuant to the provisions of article~~  
12 ~~twenty-three of the tax law and all other~~] moneys credited or trans-  
13 ferred thereto from any [~~other~~] fund or source pursuant to law.

14 (b) Moneys in the "mobility tax trust account" shall, pursuant to  
15 appropriation by the legislature, be transferred on a monthly basis to  
16 the metropolitan transportation authority finance fund established by  
17 section twelve hundred seventy-h of the public authorities law and  
18 utilized in accordance with said section. It is the intent of the legis-  
19 lature to enact two appropriations from the mobility tax trust account  
20 to the metropolitan transportation authority finance fund established by  
21 section twelve hundred seventy-h of the public authorities law. One such  
22 appropriation shall be equal to the amounts expected to be available  
23 [~~for such purpose pursuant to article twenty-three of the tax law or~~]  
24 from any [~~other~~] monies described in paragraph (a) of this subdivision  
25 during the two thousand [~~nine~~] eighteen--two thousand [~~ten~~] nineteen  
26 fiscal year and shall be effective in that fiscal year. The other such  
27 appropriation shall be equal to the amounts expected to be available  
28 [~~for such purpose pursuant to article twenty-three of the tax law or~~]  
29 from any [~~other~~] monies described in paragraph (a) of this subdivision  
30 during the two thousand [~~ten~~] nineteen--two thousand [~~eleven~~] twenty  
31 fiscal year and shall, notwithstanding the provisions of section forty  
32 of this chapter, take effect on the first day of the two thousand [~~ten~~]  
33 nineteen--two thousand [~~eleven~~] twenty fiscal year and lapse on the last  
34 day of that fiscal year. It is the intent of the governor to submit and  
35 the legislature to enact for each fiscal year after the two thousand  
36 [~~nine~~] eighteen--two thousand [~~ten~~] nineteen fiscal year in an annual  
37 budget bill: (i) an appropriation for the amount expected to be avail-  
38 able in the mobility tax trust account during such fiscal year for the  
39 metropolitan transportation authority [~~pursuant to article twenty-three~~  
40 ~~of the tax law or~~] from any [~~other~~] monies described in paragraph (a) of  
41 this subdivision; and (ii) an appropriation for the amount projected by  
42 the director of the budget to be deposited in the mobility tax trust  
43 account [~~pursuant to article twenty-three of the tax law or~~] from any  
44 [~~other~~] monies described in paragraph (a) of this subdivision for the  
45 next succeeding fiscal year. Such appropriation for payment of revenues  
46 projected to be deposited in the succeeding fiscal year shall, notwith-  
47 standing the provisions of section forty of this chapter, take effect on  
48 the first day of such succeeding fiscal year and lapse on the last day  
49 of such fiscal year. If for any fiscal year commencing on or after the  
50 first day of April, two thousand ten the governor fails to submit a  
51 budget bill containing the foregoing, or the legislature fails to enact  
52 a bill with such provisions, then the metropolitan transportation  
53 authority shall notify the comptroller, the director of the budget, the  
54 chairperson of the senate finance committee and the chairperson of the  
55 assembly ways and means committee of amounts required to be disbursed  
56 from the appropriation made during the preceding fiscal year for payment

1 in such fiscal year. In no event shall the comptroller make any payments  
2 from such appropriation prior to May first of such fiscal year, and  
3 unless and until the director of the budget, the chairperson of the  
4 senate finance committee and the chairperson of the assembly ways and  
5 means committee have been notified of the required payments and the  
6 timing of such payments to be made from the mobility tax trust account  
7 to the metropolitan transportation authority finance fund established by  
8 section twelve hundred seventy-h of the public authorities law at least  
9 forty-eight hours prior to any such payments. Until such time as  
10 payments pursuant to such appropriation are made in full, revenues in  
11 the mobility tax trust account shall not be paid over to any person  
12 other than the metropolitan transportation authority.

13 § 15. This act shall take effect April 1, 2018.

14 PART L

15 Intentionally Omitted

16 PART M

17 Section 1. Intentionally omitted

18 § 2. Intentionally omitted

19 § 3. Section 1269-b of the public authorities law is amended by adding  
20 a new subdivision 10 to read as follows:

21 10. In the case of a disaster emergency declared pursuant to section  
22 twenty-eight of the executive law, where such disaster emergency relates  
23 to the continuing failures and the condition of the track, signals and  
24 other infrastructure of the transit facilities operated by the New York  
25 city transit authority, the state may appropriate revenues it deems  
26 necessary and appropriate to fund the capital costs of repairs and  
27 construction deemed essential to ensure the continued safe and effective  
28 operation of such transit facilities. Upon any such appropriation, the  
29 city of New York shall, within sixty days, appropriate an identical sum  
30 to provide for capital repairs and construction.

31 § 4. This act shall take effect immediately.

32 PART N

33 Intentionally Omitted

34 PART O

35 Section 1. Subdivision 3 of section 16-m of section 1 of chapter 174  
36 of the laws of 1968 constituting the New York state urban development  
37 corporation act, as amended by section 1 of part M of chapter 58 of the  
38 laws of 2017, is amended to read as follows:

39 3. The provisions of this section shall expire, notwithstanding any  
40 inconsistent provision of subdivision 4 of section 469 of chapter 309 of  
41 the laws of 1996 or of any other law, on July 1, [~~2018~~] 2019.

42 § 2. This act shall take effect immediately and shall be deemed to  
43 have been in full force and effect on and after July 1, 2018.

44 PART P

45 Section 1. Section 2 of chapter 393 of the laws of 1994, amending the  
46 New York state urban development corporation act, relating to the powers

1 of the New York state urban development corporation to make loans, as  
2 amended by section 1 of part N of chapter 58 of the laws of 2017, is  
3 amended to read as follows:

4 § 2. This act shall take effect immediately provided, however, that  
5 section one of this act shall expire on July 1, [~~2018~~ 2019], at which  
6 time the provisions of subdivision 26 of section 5 of the New York state  
7 urban development corporation act shall be deemed repealed; provided,  
8 however, that neither the expiration nor the repeal of such subdivision  
9 as provided for herein shall be deemed to affect or impair in any manner  
10 any loan made pursuant to the authority of such subdivision prior to  
11 such expiration and repeal.

12 § 2. This act shall take effect immediately and shall be deemed to  
13 have been in full force and effect on and after April 1, 2018.

14 PART Q

15 Intentionally Omitted

16 PART R

17 Intentionally Omitted

18 PART S

19 Section 1. Section 2 of chapter 21 of the laws of 2003, amending the  
20 executive law relating to permitting the secretary of state to provide  
21 special handling for all documents filed or issued by the division of  
22 corporations and to permit additional levels of such expedited service,  
23 as amended by section 1 of part Q of chapter 58 of the laws of 2017, is  
24 amended to read as follows:

25 § 2. This act shall take effect immediately, provided however, that  
26 section one of this act shall be deemed to have been in full force and  
27 effect on and after April 1, 2003 and shall expire March 31, [~~2018~~  
28 2019].

29 § 2. This act shall take effect immediately and shall be deemed to  
30 have been in full force and effect on and after March 31, 2018.

31 PART T

32 Intentionally Omitted

33 PART U

34 Section 1. Section 970-r of the general municipal law, as added by  
35 section 1 of part F of chapter 1 of the laws of 2003, subdivision 1,  
36 paragraph f of subdivision 3 and paragraph h of subdivision 6 as amended  
37 by section 1 of part F of chapter 577 of the laws of 2004, paragraph a  
38 of subdivision 1 as amended and paragraph h of subdivision 1 as added by  
39 chapter 386 of the laws of 2007, paragraph i of subdivision 1 as added  
40 and paragraph e of subdivision 1, paragraph a of subdivision 2, para-  
41 graph d of subdivision 2, the opening paragraph of paragraph e of subdi-  
42 vision 2, subparagraph 6 of paragraph e of subdivision 2, paragraph f of  
43 subdivision 2, paragraph g of subdivision 2, paragraph b of subdivision  
44 3, the opening paragraph of paragraph f of subdivision 3, subparagraph 6  
45 of paragraph f of subdivision 3, paragraph g of subdivision 3, paragraph  
46 h of subdivision 3, paragraph i of subdivision 3, and subdivisions 7 and

9 as amended by chapter 390 of the laws of 2008, paragraph b of subdivision 2 as amended by section 26 and subparagraphs 2 and 5 of paragraph c of subdivision 2 as amended by section 27, paragraph a of subdivision 3 as amended by section 28, subparagraphs 2 and 5 of paragraph e of subdivision 3 and subdivision 4 as amended by section 29, paragraph a and subparagraphs 2 and 5 of paragraph e of subdivision 6 as amended by section 30 and subdivision 10 as added by section 31 of part BB of chapter 56 of the laws of 2015, is amended to read as follows:

§ 970-r. State assistance for brownfield opportunity areas. 1. Definitions. a. "Applicant" shall mean the municipality, community board and/or community based organization submitting an application in the manner authorized by this section.

b. "Commissioner" shall mean the commissioner of the department of environmental conservation.

c. "Community based organization" shall mean a not-for-profit corporation exempt from taxation under section 501(c)(3) of the internal revenue code whose stated mission is promoting reuse of brownfield sites or community revitalization within a specified geographic area in which the community based organization is located; which has twenty-five percent or more of its board of directors residing in the community in such area; and represents a community with a demonstrated financial need. "Community based organization" shall not include any not-for-profit corporation that has caused or contributed to the release or threatened release of a contaminant from or onto the brownfield site, or any not-for-profit corporation that generated, transported, or disposed of, or that arranged for, or caused, the generation, transportation, or disposal of contamination from or onto the brownfield site. This definition shall not apply if more than twenty-five percent of the members, officers or directors of the not-for-profit corporation are or were employed or receiving compensation from any person responsible for a site under title thirteen or title fourteen of article twenty-seven of the environmental conservation law, article twelve of the navigation law or under applicable principles of statutory or common law liability.

d. "Brownfield site" shall have the same meaning as set forth in section 27-1405 of the environmental conservation law.

e. "Department" shall mean the department of state.

f. "Contamination" or "contaminated" shall have the same meaning as provided in section 27-1405 of the environmental conservation law.

g. "Municipality" shall have the same meaning as set forth in subdivision fifteen of section 56-0101 of the environmental conservation law.

h. "Community board" shall have the same meaning as set forth in section twenty-eight hundred of the New York city charter.

i. "Secretary" shall mean the secretary of state.

j. "Nomination" shall mean a study, analysis, outline, and written plan for redevelopment and revitalization of any area wherein one or more known or suspected brownfield sites are located, that contains those elements required by the secretary pursuant to this section, whether or not such nomination was funded pursuant to this section, and that is submitted to the secretary as a prerequisite for brownfield opportunity area designation in accordance with the criteria established by this section.

~~2. [State assistance for pre nomination study for brownfield opportunity areas. a. Within the limits of appropriations therefor, the secretary is authorized to provide, on a competitive basis, financial assistance to municipalities, to community based organizations, to community boards, or to municipalities and community based organizations acting in~~

~~cooperation to prepare a pre-nomination study for a brownfield opportunity area designation. Such financial assistance shall not exceed ninety percent of the costs of such pre-nomination study for any such area.~~

~~b. Activities eligible to receive such assistance shall include, but are not limited to, the assembly and development of basic information about:~~

- ~~(1) the borders of the proposed brownfield opportunity area;~~
- ~~(2) the number and size of known or suspected brownfield sites;~~
- ~~(3) current and anticipated uses of the properties in the proposed brownfield opportunity area;~~
- ~~(4) current and anticipated future conditions of groundwater in the proposed brownfield opportunity area;~~
- ~~(5) known data about the environmental conditions of the properties in the proposed brownfield opportunity area;~~
- ~~(6) ownership of the properties in the proposed brownfield opportunity area and whether the owners are participating in the brownfield opportunity area planning process; and~~
- ~~(7) preliminary descriptions of possible remediation strategies, reuse opportunities, necessary infrastructure improvements and other public or private measures needed to stimulate investment, promote revitalization, and enhance community health and environmental conditions.~~

~~c. Funding preferences shall be given to applications for such assistance that relate to areas having one or more of the following characteristics:~~

- ~~(1) areas for which the application is a partnered application by a municipality and a community based organization;~~
- ~~(2) areas with concentrations of known or suspected brownfield sites;~~
- ~~(3) areas for which the application demonstrates support from a municipality and a community based organization;~~
- ~~(4) areas showing indicators of economic distress including low resident incomes, high unemployment, high commercial vacancy rates, depressed property values; and~~
- ~~(5) areas with known or suspected brownfield sites presenting strategic opportunities to stimulate economic development, community revitalization or the siting of public amenities.~~

~~d. The secretary, upon the receipt of an application for such assistance from a community based organization not in cooperation with the local government having jurisdiction over the proposed brownfield opportunity area, shall request the municipal government to review and state the municipal government's support or lack of support. The municipal government's statement shall be considered a part of the application.~~

~~e. Each application for assistance shall be submitted to the secretary in a format, and containing such information, as prescribed by the secretary but shall include, at a minimum, the following:~~

- ~~(1) a statement of the rationale or relationship between the proposed assistance and the criteria set forth in this subdivision for the evaluation and ranking of assistance applications;~~
- ~~(2) the processes by which local participation in the development of the application has been sought;~~
- ~~(3) the process to be carried out with the state assistance including, but not limited to, the goals of and budget for the effort, the work plan and timeline for the attainment of these goals, and the intended process for community participation in the process;~~
- ~~(4) the manner and extent to which public or governmental agencies with jurisdiction over issues that will be addressed in the data gathering process will be involved in this process;~~

~~(5) other planning and development initiatives proposed or in progress in the proposed brownfield opportunity area; and~~

~~(6) for each community based organization which is an applicant or a co-applicant, a copy of its determination of tax exempt status issued by the federal internal revenue service pursuant to section 501 of the internal revenue code, a description of the relationship between the community based organization and the area that is the subject of the application, its financial and institutional accountability, its experience in conducting and completing planning initiatives and in working with the local government associated with the proposed brownfield opportunity area.~~

~~f. Prior to making an award for assistance, the secretary shall notify the temporary president of the senate and speaker of the assembly.~~

~~g. Following notification to the applicant that assistance has been awarded, and prior to disbursement of funds, a contract shall be executed between the department and the applicant or co-applicants. The secretary shall establish terms and conditions for such contracts as the secretary deems appropriate, including provisions to define: applicant's work scope, work schedule, and deliverables; fiscal reports on budgeted and actual use of funds expended; and requirements for submission of a final fiscal report. The contract shall also require the distribution of work products to the department, and, for community based organizations, to the applicant's municipality. Applicants shall be required to make the results publicly available.~~

~~3.] State assistance for nominations to designate brownfield opportunity areas. a. Within the limits of appropriations therefor, the secretary is authorized to provide, on a competitive basis, financial assistance to municipalities, to community based organizations, to community boards, or to municipalities and community based organizations acting in cooperation to prepare a nomination for designation of a brownfield opportunity area. Such financial assistance shall not exceed ninety percent of the costs of such nomination for any such area. A nomination study must include sufficient information to designate the brownfield opportunity area. [The contents of the nomination study shall be developed based on pre nomination study information, which shall principally consist of an area wide study, documenting the historic brownfield uses in the area proposed for designation.]~~

b. An application for such financial assistance shall include an indication of support from owners of brownfield sites in the proposed brownfield opportunity area. All residents and property owners in the proposed brownfield opportunity area shall receive notice in such form and manner as the secretary shall prescribe.

c. No application for such financial assistance shall be considered unless the applicant demonstrates that it has, to the maximum extent practicable, solicited and considered the views of residents of the proposed brownfield opportunity area, the views of state and local officials elected to represent such residents and the local organizations representing such residents.

d. Activities eligible to receive such financial assistance shall include the identification, preparation, creation, development and assembly of information and elements to be included in a nomination for designation of a brownfield opportunity area[7].

e. A nomination for designation of a brownfield opportunity area shall contain such elements as determined by the secretary of state, including but not limited to:

(1) the borders of the proposed brownfield opportunity area;



(2) ~~the~~ an inventory of known or suspected brownfield sites, including location and size of each known or suspected brownfield site in the proposed brownfield opportunity area;

(3) the identification of strategic sites within the proposed brownfield opportunity area;

(4) the type of potential developments anticipated for sites within the proposed brownfield opportunity area proposed by either the current or the prospective owners of such sites;

(5) local legislative or regulatory action which may be required to implement a plan for the redevelopment of the proposed brownfield opportunity area;

(6) priorities for public and private investment in infrastructure, open space, economic development, housing, or community facilities in the proposed brownfield opportunity area;

(7) identification, discussion, and mapping of current and anticipated uses of the properties and groundwater in the proposed brownfield opportunity area;

(8) existing detailed assessments of individual brownfield sites and, where the consent of the site owner has been obtained, the need for conducting on-site assessments;

(9) known data about the environmental conditions of properties in the proposed brownfield opportunity area;

(10) ownership of the known or suspected brownfield properties in the proposed brownfield opportunity area;

(11) descriptions of possible remediation strategies, reuse opportunities, brownfield redevelopment, necessary infrastructure improvements and other public or private measures needed to stimulate investment, promote revitalization, and enhance community health and environmental conditions;

(12) the goals and objectives, both short term and long term, for the economic revitalization of the proposed brownfield opportunity area; ~~and~~

(13) the publicly controlled and other developable lands and buildings within the proposed brownfield opportunity area which are or could be made available for residential, industrial and commercial development~~[-]; and~~

(14) a community participation strategy to solicit and consider the views of residents, businesses and other stakeholders of the proposed brownfield opportunity area.

~~e-~~ f. Funding preferences shall be given to applications for such assistance that relate to areas having one or more of the following characteristics:

(1) areas for which the application is a partnered application by a municipality and a community based organization;

(2) areas with concentrations of known or suspected brownfield sites;

(3) areas for which the application demonstrates support from a municipality and a community based organization;

(4) areas showing indicators of economic distress including low resident incomes, high unemployment, high commercial vacancy rates, depressed property values; and

(5) areas with known or suspected brownfield sites presenting strategic opportunities to stimulate economic development, community revitalization or the siting of public amenities.

~~f-~~ g. Each application for such assistance shall be submitted to the secretary in a format, and containing such information, as prescribed by the secretary but shall include, at a minimum, the following:



(1) a statement of the rationale or relationship between the proposed assistance and the criteria set forth in this section for the evaluation and ranking of assistance applications;

(2) the processes by which local participation in the development of the application has been sought;

(3) the process to be carried out under the state assistance including, but not limited to, the goals of and budget for the effort, the work plan and timeline for the attainment of these goals, and the intended process for public participation in the process;

(4) the manner and extent to which public or governmental agencies with jurisdiction over issues that will be addressed in the data gathering process will be involved in this process;

(5) other planning and development initiatives proposed or in progress in the proposed brownfield opportunity area;

(6) for each community based organization which is an applicant or a co-applicant, a copy of its determination of tax exempt status issued by the federal internal revenue service pursuant to section 501 of the internal revenue code, a description of the relationship between the community based organization and the area that is the subject of the application, its financial and institutional accountability, its experience in conducting and completing planning initiatives and in working with the local government associated with the proposed brownfield opportunity area; and

(7) the financial commitments the applicant will make to the brownfield opportunity area for activities including, but not limited to, marketing of the area for business development, human resource services for residents and businesses in the brownfield opportunity area, and services for small and minority and women-owned businesses.

~~[g. The secretary, upon the receipt of an]~~ h. An application for such assistance from a community based organization not in cooperation with the local government having jurisdiction over the proposed brownfield opportunity area, shall ~~[request the municipal government to review and state the municipal government's support or lack of support]~~ include a statement of support from the city, town, or village with planning and land use authority in which the brownfield opportunity area is proposed. The ~~[municipal government's]~~ from such city, town, or village statement shall be considered a part of the application.

~~[h.]~~ i. Prior to making an award for assistance, the secretary shall notify the temporary president of the senate and speaker of the assembly.

~~[i.]~~ j. Following notification to the applicant that assistance has been awarded, and prior to disbursement of funds, a contract shall be executed between the department and the applicant or co-applicants. The secretary shall establish terms and conditions for such contracts as the secretary deems appropriate, including provisions to define: applicant's work scope, work schedule, and deliverables; fiscal reports on budgeted and actual use of funds expended; and requirements for submission of a final fiscal report. The contract shall also require the distribution of work products to the department, and, for community based organizations, to the applicant's municipality. Applicants shall be required to make the results publicly available. Such contract shall further include a provision providing that if any responsible party payments become available to the applicant, the amount of such payments attributable to expenses paid by the award shall be paid to the department by the applicant; provided that the applicant may first apply such responsible party payments toward any actual project costs incurred by the applicant.

1 3. State assistance for activities to advance brownfield opportunity  
2 area revitalization. Within amounts appropriated therefor, the secretary  
3 is authorized to provide, on a competitive basis, financial assistance  
4 to municipalities, to community based organizations, or to community  
5 boards to conduct predevelopment and other activities within a desig-  
6 nated or proposed brownfield opportunity area to advance the goals and  
7 priorities set forth in a nomination as defined pursuant to this  
8 section. Such financial assistance shall not exceed ninety percent of  
9 the costs of such activities. Activities eligible to receive such  
10 assistance shall include: development and implementation of marketing  
11 strategies; development of plans and specifications; real estate  
12 services; building condition studies; infrastructure analyses; zoning  
13 and regulatory updates; environmental, housing and economic studies,  
14 analyses and reports; public outreach; building of local capacity; and  
15 other activities as determined by the secretary.

16 4. Designation of brownfield opportunity area. Upon completion of a  
17 nomination for designation of a brownfield opportunity area, it shall be  
18 forwarded by the applicant to the secretary, who shall determine whether  
19 it is consistent with the provisions of this section. The secretary may  
20 review and approve a nomination for designation of a brownfield opportu-  
21 nity area at any time. If the secretary determines that the nomination  
22 is consistent with the provisions of this section, the brownfield oppor-  
23 tunity area shall be designated. If the secretary determines that the  
24 nomination is not consistent with the provisions of this section, the  
25 secretary shall make recommendations in writing to the applicant of the  
26 manner and nature in which the nomination should be amended.

27 5. Priority and preference. The designation of a brownfield opportu-  
28 nity area pursuant to this section is intended to serve as a planning  
29 tool. It alone shall not impose any new obligations on any property or  
30 property owner. To the extent authorized by law, projects in brownfield  
31 opportunity areas designated pursuant to this section shall receive a  
32 priority and preference when considered for financial assistance pursu-  
33 ant to articles fifty-four and fifty-six of the environmental conserva-  
34 tion law. To the extent authorized by law, projects in brownfield oppor-  
35 tunity areas designated pursuant to this section may receive a priority  
36 and preference when considered for financial assistance pursuant to any  
37 other state, federal or local law.

38 6. State assistance for brownfield site assessments in brownfield  
39 opportunity areas. a. Within the limits of appropriations therefor, the  
40 secretary of state, is authorized to provide, on a competitive basis,  
41 financial assistance to municipalities, to community based organiza-  
42 tions, to community boards, or to municipalities and community based  
43 organizations acting in cooperation to conduct brownfield site assess-  
44 ments. Such financial assistance shall not exceed ninety percent of the  
45 costs of such brownfield site assessment.

46 b. Brownfield sites eligible for such assistance must be owned by a  
47 municipality, or volunteer as such term is defined in section 27-1405 of  
48 the environmental conservation law.

49 c. Brownfield site assessment activities eligible for funding include,  
50 but are not limited to, testing of properties to determine the nature  
51 and extent of the contamination (including soil and groundwater), envi-  
52 ronmental assessments, the development of a proposed remediation strate-  
53 gy to address any identified contamination, and any other activities  
54 deemed appropriate by the commissioner in consultation with the secre-  
55 tary of state. Any environmental assessment shall be subject to the  
56 review and approval of such commissioner.

d. Applications for such assistance shall be submitted to the commissioner in a format, and containing such information, as prescribed by the commissioner in consultation with the secretary of state.

e. Funding preferences shall be given to applications for such assistance that relate to areas having one or more of the following characteristics:

(1) areas for which the application is a partnered application by a municipality and a community based organization;

(2) areas with concentrations of known or suspected brownfield sites;

(3) areas for which the application demonstrates support from a municipality and a community based organization;

(4) areas showing indicators of economic distress including low resident incomes, high unemployment, high commercial vacancy rates, depressed property values; and

(5) areas with known or suspected brownfield sites presenting strategic opportunities to stimulate economic development, community revitalization or the siting of public amenities.

f. The commissioner, upon the receipt of an application for such assistance from a community based organization not in cooperation with the local government having jurisdiction over the proposed brownfield opportunity area, shall request the municipal government to review and state the municipal government's support or lack of support. The municipal government's statement shall be considered a part of the application.

g. Prior to making an award for assistance, the commissioner shall notify the temporary president of the senate and the speaker of the assembly.

h. Following notification to the applicant that assistance has been awarded, and prior to disbursement of funds, a contract shall be executed between the department and the applicant or co-applicants. The commissioner shall establish terms and conditions for such contracts as the commissioner deems appropriate in consultation with the secretary of state, including provisions to define: applicant's work scope, work schedule, and deliverables; fiscal reports on budgeted and actual use of funds expended; and requirements for submission of a final fiscal report. The contract shall also require the distribution of work products to the department, and, for community based organizations, to the applicant's municipality. Applicants shall be required to make the results publicly available. Such contract shall further include a provision providing that if any responsible party payments become available to the applicant, the amount of such payments attributable to expenses paid by the award shall be paid to the department by the applicant; provided that the applicant may first apply such responsible party payments towards actual project costs incurred by the applicant.

7. Amendments to designated area. Any proposed amendment to a brownfield opportunity area designated pursuant to this section shall be proposed, and reviewed by the secretary, in the same manner and using the same criteria set forth in this section and applicable to an initial nomination for the designation of a brownfield opportunity area.

8. Applications for brownfield opportunity area designation. ~~[a-]~~ All applications for ~~[pre-nomination study assistance or applications for]~~ designation of a brownfield opportunity area shall demonstrate that the following community participation activities have been ~~[or will be]~~ performed ~~[by the applicant]~~ in development of the nomination:

(1) identification of the interested public and preparation of a contact list;

(2) identification of major issues of public concern;

(3) ~~[provision to]~~ public access to (i) the ~~[draft and final application for pre-nomination assistance and]~~ nomination for designation of the brownfield opportunity area ~~[designation]~~, and (ii) any supporting documents in a manner ~~[convenient to the public]~~ as the secretary shall prescribe;

(4) public notice and newspaper notice of (i) the intent of the municipality and/or community based organization to ~~[undertake a pre-nomination process or prepare]~~ nominate a brownfield opportunity area ~~[plan]~~ for designation, and (ii) the availability of such application~~[-~~

~~b. Application for nomination of a brownfield opportunity area shall provide the following minimum community participation activities.];~~

~~[(1)]~~ (5) a comment period of at least thirty days on a draft application; and

~~[(2)]~~ (6) a public meeting on a brownfield opportunity area ~~[draft]~~ application for designation.

9. Financial assistance; advance payment. Notwithstanding any other law to the contrary, financial assistance pursuant to this section provided by the commissioner and the secretary pursuant to an executed contract may include an advance payment up to twenty-five percent of the contract amount.

10. The secretary shall establish criteria for brownfield opportunity area conformance determinations for purposes of the brownfield redevelopment tax credit component pursuant to clause (ii) of subparagraph (B) of paragraph ~~[(5)]~~ five of subdivision (a) of section twenty-one of the tax law. In establishing criteria, the secretary shall be guided by, but not limited to, the following considerations: how the proposed use and development advances the designated brownfield opportunity area plan's vision statement, goals and objectives for revitalization; how the density of development and associated buildings and structures advances the plan's objectives, desired redevelopment and priorities for investment; and how the project complies with zoning and other local laws and standards to guide and ensure appropriate use of the project site.

§ 2. This act shall take effect immediately.

#### PART V

Section 1. Section 159-j of the executive law is REPEALED.

§ 2. This act shall take effect October 1, 2018.

#### PART W

Intentionally Omitted

#### PART X

Intentionally Omitted

#### PART Y

Section 1. Section 3 of part S of chapter 58 of the laws of 2016 amending the New York state urban development corporation act relating to transferring the statutory authority for the promulgation of marketing orders from the department of agriculture and markets to the New York state urban development corporation is amended to read as follows:

§ 3. This act shall take effect on the ninetieth day after it shall have become a law and shall expire and be deemed repealed [~~two~~] five years after such date; provided, however, that any assessment due and payable under such marketing orders shall be remitted to the urban development corporation starting 30 days after such effective date.

§ 2. This act shall take effect immediately.

## PART Z

Section 1. This act shall be known and may be cited as the "empire forests for the future initiative".

§ 2. Subdivision 9 of section 480 of the real property tax law, as added by chapter 814 of the laws of 1974, is amended and a new subdivision 10 is added to read as follows:

9. No lands shall be classified pursuant to this section after September first, nineteen hundred seventy-four. As to lands classified pursuant to this section prior to such date, the owner thereof may elect to continue to have such lands so classified, subject to all the duties, responsibilities and privileges under this section, or he or she may elect to make application for certification pursuant to section four hundred eighty-a hereof until March first, two thousand twenty or section four hundred eighty-b of this title.

10. (a) The chief executive officer of a municipal corporation in which there are privately owned forest lands which are assessed in accordance with the provisions of subdivision three of this section may make application for state assistance as provided in this subdivision.

(b) Application for state assistance pursuant to this subdivision shall be made on a form prescribed by the commissioner and shall contain such information and documentation as may be required by the commissioner and the commissioner may promulgate rules and regulations necessary to the implementation of this subdivision.

(c) Upon receipt of the application for state assistance, such private forest lands shall be valued by the commissioner and the cumulative value of all such lands shall be equalized by applying thereto the appropriate state equalization rate or special equalization rate established in accordance with the rules of the commissioner.

(d) If the cumulative value determined and equalized pursuant to paragraph (c) of this subdivision exceeds the taxable assessed valuation of such property on the preceding assessment roll, as required by subdivision three of this section, the commissioner shall compute the amount of state assistance payable to or for the benefit of each municipal corporation by applying to the amount of the excess the appropriate tax rate of the municipal corporation and such amount shall be paid on audit and warrant of the comptroller out of moneys appropriated by the legislature.

§ 3. Section 480-a of the real property tax law, as amended by chapter 428 of the laws of 1987, paragraph (a) of subdivision 1 as amended by chapter 396 of the laws of 2008, subparagraph (ii) of paragraph (a) of subdivision 3 as further amended by subdivision (b) of section 1 of part W of chapter 56 of the laws of 2010, subdivision 4 as amended by chapter 316 of the laws of 1992 and paragraph (b) of subdivision 4 as further amended by subdivision (b) of section 1 of part W of chapter 56 of the laws of 2010, paragraphs (a) and (c) of subdivision 4 as amended by chapter 440 of the laws of 1993 and paragraph (c) of subdivision 4 as further amended by subdivision (b) of section 1 of part W of chapter 56 of the laws of 2010, paragraph (e) of subdivision 7 as amended by chap-



ter 590 of the laws of 1994 and paragraph (i) of subdivision 7 as added by chapter 2 of the laws of 1997, is amended to read as follows:

§ 480-a. Taxation of forest land under an approved management plan.  
1. As used in this section:

(a) "Approved management plan" shall mean~~[(i)]~~ a plan approved by the department for the management of an eligible tract which shall contain requirements and standards to ensure the continuing production of a merchantable forest crop selected by the owner. Every approved management plan shall set forth requirements and standards relating to stocking, cutting, forest management access, and any specified use of the eligible tract other than for the production of a merchantable forest crop which is desired by the owner and compatible with or supportive of the continuing production of a merchantable forest crop. Such plan shall include provisions accommodating endangered and threatened animals and plants. Such plan must be prepared by or under the direct supervision of a department approved forester who may be the owner or an agent of the owner, including an industrial forester or a cooperating consultant forester~~[-or~~

~~(ii) participation in a forest certification program (such as Forest Stewardship Council certification, Sustainable Forestry Initiative, American Tree Farm Program, etc.) recognized in the regulations of the department]~~.

(b) "Commitment" shall mean a declaration to the [~~department~~] assessor and county clerk made on an annual basis by the owner of a certified eligible tract committing such tract to continued forest crop production for the next succeeding ten years under an approved management plan. The document on which the commitment is made shall be known as the "commitment form" and shall include the "verification of continued eligibility" as defined by paragraph (i) of this subdivision. A commitment form without a properly completed verification of continued eligibility shall have no legal effect.

(c) "Cooperating consultant forester" shall mean a qualified forester who, or a qualified forestry consultant firm which, has entered into an agreement with the department under the New York state cooperating consultant foresters program pursuant to section 9-0713 of the environmental conservation law.

(d) "Department" shall mean the department of environmental conservation.

(e) "Eligible tract" shall mean a tract of privately owned forest land of at least fifty contiguous acres, exclusive of any portion thereof not devoted to the production of forest crops. Lands divided by federal, state, county or town roads, easements or rights-of-way, or energy transmission corridors or similar facilities will be considered contiguous for purposes of this section, unless vehicular access for forest management purposes is precluded. Lands from which a merchantable forest crop has been cut or removed within three years prior to the time of application for certification under this section will be ineligible unless such cutting or removal was accomplished under a forest management program designed to provide for the continuing production of merchantable forest crops as determined by the state forester or his or her designee.

(f) "Forest land" shall mean land exclusively devoted to and suitable for forest crop production through natural regeneration or through forestation and shall be stocked with a stand of forest trees sufficient to produce a merchantable forest crop within thirty years of the time of original certification.

(g) "Merchantable forest crop" shall mean timber or pulpwood, including veneer bolts, sawlogs, poles, posts and fuelwood, that is produced on forest land, has a value in the market and may be sold.

(h) ~~["Stumpage value" shall mean the current market worth of a merchantable forest crop as it stands at the time of sale, cutting, required cutting or removal]~~ "Certificate of eligibility" shall mean a certificate issued by the department to the landowner of an eligible tract that confirms such eligible tract meets all requirements of the approved management plan for the tract.

(i) "Verification of continued eligibility" shall mean a portion of the commitment form, prescribed by the department, prepared and signed by the landowner which certifies that such landowner continues to satisfy all conditions and requirements of his or her initial enrollment under this section.

2. (a) An owner of an eligible tract may ~~[make application]~~ apply to the department for ~~[certification]~~ a certificate of eligibility under this section on forms prescribed by the department. If the department finds that such tract is an eligible tract it shall forward a certificate of ~~[approval]~~ eligibility to the owner thereof~~[, together with the approved management plan, and a copy of a commitment certified by the department for the eligible tract].~~

(b) The department shall, after public hearings, adopt and promulgate rules and regulations necessary for the implementation of the department's responsibilities pursuant to this section. Such regulations relating to approved management plans or amendments thereto may provide for alternative or contingent requirements and standards based on the size and nature of the tract and other criteria consistent with environmentally and economically sound silvicultural practices.

(c) Any tract certified pursuant hereto shall be subject to the provisions of this section. ~~[The]~~ When property is transferred or sold to one or more family members of the landowner and the new owner or owners choose to continue participating in the program as authorized by paragraph (a) of subdivision twelve of this section, the obligations of this section shall devolve upon and the benefits inure to ~~[the]~~ such new owner~~[, his heirs, successors and assigns]~~ or owners.

(d) No new or additional tract shall be eligible for certification under an approved management plan after March first, two thousand twenty.

3. (a) To qualify for a forest land exemption under this section the owner of a certified eligible tract shall:

(i) file the certificate of ~~[approval]~~ eligibility in the office of the clerk of the county or counties in which such tract is situated. Such certificate shall specify that the tract described therein is committed to continued forest crop production under an approved management plan for an initial period of ten years. Upon receipt of such certificate, the county clerk shall record the same in the books kept for the recording of deeds and shall index the same in the deed index against the name of the owner of the property. Until notice of revocation of the certificate of ~~[approval]~~ eligibility has been recorded and indexed as provided in subdivision seven or eight of this section, a certificate that has been recorded and indexed pursuant to this subdivision shall give notice that the certified tract is subject to the provisions of this section; and

(ii) prior to the taxable status date for the first assessment roll upon which such exemption is sought, file an initial application for exemption with the appropriate assessor on forms prescribed by the



1 commissioner. Such application must be accompanied by a [~~certified~~  
2 ~~commitment~~] certificate of eligibility issued by the department [~~pursu-~~  
3 ~~ant to subdivision two of this section~~] and the commitment form; and

4 (iii) prior to the taxable status date for each subsequent assessment  
5 roll upon which such exemption is sought, file with the appropriate  
6 assessor a [~~certified~~] commitment [~~of~~] form for such tract to continued  
7 forest crop production under an approved management plan for the next  
8 succeeding ten years [~~under the approved management plan. Application~~  
9 ~~for such commitment shall be made by the owner of such tract to the~~  
10 ~~department, and the commitment shall be certified by the department~~].

11 (b) If [~~the assessor is satisfied that~~] the requirements of this  
12 section are met, [~~he or she~~] the assessor shall approve the application  
13 and such eligible tract shall be exempt from taxation pursuant to subdi-  
14 vision four of this section to be effective as of the first taxable  
15 status date occurring subsequent to such approval, and shall continue to  
16 be so exempt thereafter upon receipt by the assessor of a [~~certified~~]  
17 commitment form filed in accordance with subparagraph (iii) of paragraph  
18 (a) of this subdivision and so long as the certification of the eligible  
19 tract [~~shall~~] has not [~~be~~] been revoked by the department.

20 (c) Failure on the part of the owner to file the [~~certified~~] commit-  
21 ment form in any year following initial certification will result in the  
22 termination of the forest land exemption under this section[~~, if any,~~]  
23 applicable to the property for that and succeeding taxable years for  
24 which no such commitments are filed. Failure to file a commitment form  
25 will not constitute a conversion of the tract or breach of the approved  
26 management plan, pursuant to subdivision seven hereof, and the commit-  
27 ment of the property to forest crop production under the approved  
28 management plan shall remain in force for the next succeeding nine years  
29 following the last taxable year for which a [~~certified~~] commitment form  
30 was filed.

31 (d) Following failure to file a [~~certified~~] commitment form in one or  
32 more years, in order to obtain a forest land exemption under this  
33 section, an owner of a certified tract may submit a [~~certified~~] commit-  
34 ment form to the assessor before the taxable status date in any subse-  
35 quent year, except that a new application under paragraph (a) of subdi-  
36 vision two of this section and subparagraph (i) of paragraph (a) of this  
37 subdivision also shall be required if more than five years have elapsed  
38 since the owner's last [~~certified~~] commitment form was filed. Such new  
39 application also shall be required whenever, during the preceding year,  
40 the approved management plan has been amended with respect to the acre-  
41 age or location of forest land committed to forest crop production under  
42 this section.

43 4. (a) Certified eligible tracts approved for exemption under this  
44 section shall be exempt from taxation to the extent of eighty per centum  
45 of the assessed valuation thereof, or to the extent that the assessed  
46 valuation exceeds the amount resulting from multiplying the latest state  
47 equalization rate or, where a special equalization rate has been estab-  
48 lished pursuant to section twelve hundred twenty-four of this chapter  
49 for the purposes of this section, the special equalization rate by forty  
50 dollars per acre, whichever is the lesser.

51 (b) The assessed value of the exemption, if any, granted pursuant to  
52 this section shall be entered by the assessor on the assessment roll in  
53 such manner as shall be prescribed by the commissioner.

54 (c) Where a special equalization rate has been established by the  
55 commissioner pursuant to section twelve hundred twenty-four of this  
56 chapter, the assessor is directed and authorized to recompute the forest

land exemption on the assessment roll by applying such special equalization rate instead of the latest state equalization rate in computing the forest land exemption, and to make the appropriate corrections on the assessment roll, subject to the provisions of title two of article twelve of this chapter. Upon completion of the final assessment roll or, where a special equalization rate has been established, upon recomputation of the forest land exemption, the assessor shall certify to the department each exemption granted pursuant to this section in a manner prescribed by the commissioner.

5. (a) Whenever any cutting of the merchantable forest crop on any certified eligible tract is proposed during the period of commitment pursuant to subdivision three of this section, the owner shall give not less than thirty days' notice to the department in a manner and upon such form as may be prescribed by the department. Such notice shall include information as to the [~~stumpage value,~~] amount and location of such cutting. [~~The department shall, within fifteen days after receipt of such notice from the owner, certify the stumpage value, if any, to the owner and to the county treasurer of the county or counties in which the tract is situated. No later than thirty days after receipt of such certification of value, the owner shall pay a six percentum tax on the certified stumpage value of the merchantable forest crop to such county treasurer.~~]

(b) [~~Notwithstanding the provisions of paragraph (a) of this subdivision, if the stumpage value of a merchantable forest crop will be determined with reference to a scale to be conducted after the commencement of the proposed cutting, the owner may elect to be taxed in accordance with this paragraph. Such election shall be made not less than thirty days in advance of commencement of the cutting, in such manner and upon such form as may be prescribed by the department. Such notice shall include information as to the estimated volume, scaling method, and the schedule and length of the cutting period, not to exceed one year. If a proper election has been made in accordance with this paragraph, the department shall so notify the owner before any cutting takes place on the eligible tract, and it shall certify the scaled stumpage value to the owner of the tract and to the county treasurer of the county or counties when the cutting has concluded. No later than thirty days after the receipt of such certification of value, the owner shall pay a six per centum tax on the stumpage value of the merchantable forest crop to such county treasurer.~~]

(c) [~~In the event that a tax required by this subdivision or by subdivision six of this section shall not be timely paid, it shall be levied and collected, together with any penalty or penalties determined pursuant to subdivision seven of this section, in the same manner and at the same time as other taxes imposed and levied on the next completed tax roll of such county or counties.~~]

(d) [~~Notwithstanding the foregoing provisions of this subdivision and the provisions of subdivision six of this section, the owner of any land certified under this section may make all intermediate noncommercial cuttings, as prescribed in the approved management plan, and may annually cut, in accordance with sound forestry practices, not more than ten standard cords or the equivalent for such owner's own use, without notice~~ and free of tax imposed by this section].

6. (a) The department may serve notice upon the owner of a certified tract directing such owner to make a cutting as prescribed in the approved management plan for such tract. Should such cutting involve the sale or utilization of a merchantable forest crop, not less than thirty

1 days in advance of cutting the owner shall give notice to the department  
2 of the [~~stumpage value,~~] amount and location of the cutting on a form  
3 prescribed by the department. [~~The department shall within fifteen days~~  
4 ~~after receipt of such notice from the owner, certify the stumpage value,~~  
5 ~~if any, to the owner and to the county treasurer of the county or coun-~~  
6 ~~ties in which such tract is situated. No later than thirty days after~~  
7 ~~receipt of such certification of value, the owner shall pay a six per~~  
8 ~~centum tax on the certified stumpage value to such county treasurer.~~]

9 (b) Any cutting of a merchantable forest crop under this subdivision  
10 must be conducted within two years from the date of service of the  
11 notice upon the owner issued by the department. [~~Upon failure of the~~  
12 ~~owner within such period to conduct such cutting, the department shall~~  
13 ~~certify to the owner and the county treasurer of the county or counties~~  
14 ~~the stumpage value of such merchantable forest crop. No later than thir-~~  
15 ~~ty days after receipt of such certification of value, the owner shall~~  
16 ~~pay a six per centum tax on the certified stumpage value to such county~~  
17 ~~treasurer.~~]

18 (c) Any noncommercial cutting under this subdivision must be conducted  
19 within one year from the date of service of the notice upon the owner  
20 issued by the department.

21 (d) If such owner, within the period prescribed by this subdivision,  
22 makes such cuttings as directed by the department, the tract shall  
23 continue to be certified as long as the owner shall continue to comply  
24 with the provisions of this section and manage the same in the manner  
25 prescribed in the approved management plan for such tract.

26 7. (a) The department shall, after notice and hearing, issue a notice  
27 of violation of this section for any certified tract whenever it finds  
28 that:

29 (i) any tract or portion thereof is converted to a use which precludes  
30 management of the land for forest crop production; or

31 (ii) the owner fails to give written notice of a proposed cutting on  
32 such tract [~~or fails to timely pay the appropriate tax on the stumpage~~  
33 ~~value of the merchantable forest crop determined pursuant to subdivision~~  
34 ~~five or six of this section~~]; or

35 (iii) the owner fails to comply with the approved management plan for  
36 such tract at any time during the commitment period; or

37 (iv) the owner fails to make a timely cutting in accordance with the  
38 provisions of subdivision six of this section after service of notice by  
39 the department to make such a cutting.

40 (b) Notwithstanding the finding of an occurrence described by subpara-  
41 graph (ii), (iii) or (iv) of paragraph (a) of this subdivision, the  
42 department, upon prior notice to the appropriate assessor, may determine  
43 that a violation has not occurred if the failure to comply was due to  
44 reasons beyond the control of the owner and such failure can be  
45 corrected forthwith without significant effect on the overall purpose of  
46 the management plan.

47 (c) The owner of [~~such~~] an eligible tract, following the issuance of  
48 such notice by the department for one or more of the reasons set forth  
49 in paragraph (a) of this subdivision, shall be subject to a penalty as  
50 provided in paragraph (d) or (e) of this subdivision, whichever applies.  
51 Penalties imposed by this section shall be subject to interest charges  
52 at the rate established pursuant to section nine hundred twenty-four-a  
53 of this chapter for each applicable year or, for years prior to nineteen  
54 hundred eighty-four, at a rate of six per centum per annum compounded.  
55 Such interest shall accrue in the year with reference to which a penal-  
56 ty, or portion thereof, is attributed.

(d) Except as otherwise provided in paragraph (e) of this subdivision[7]:

(i) the penalty imposed under paragraph (c) of this subdivision for a parcel that has been enrolled under this section for less than ten years shall be computed by multiplying by two and one-half the amount of taxes that would have been levied on the forest land exemption entered on the assessment roll pursuant to subdivision four of this section for the current year and any prior years in which such an exemption was granted, utilizing the applicable tax rate for the current year and for such prior years[~~7, not to exceed a total of ten years~~].

(ii) the penalty imposed under paragraph (c) of this subdivision for a parcel that has been enrolled under this section for a minimum of ten years but less than twenty years shall be computed by multiplying by one and one-half the amount of taxes that would have been levied on the forest land exemption entered on the assessment roll pursuant to subdivision four of this section for the current year and prior years in which such an exemption was granted, utilizing the applicable tax rate for the current year and for such prior years, not to exceed a total of ten years.

(iii) the penalty imposed under paragraph (c) of this subdivision for a parcel that has been enrolled under this section for a minimum of twenty years shall be the amount of taxes that would have been levied on the forest land exemption entered on the assessment roll pursuant to subdivision four of this section for the current year and the prior years in which such an exemption was granted, utilizing the applicable tax rate for the current year and for such prior years, not to exceed a total of ten years.

(e) The penalty imposed under paragraph (c) of this subdivision applicable to converted land which constitutes only a portion of a certified eligible tract shall be twice the amount determined under paragraph (d) of this subdivision. In calculating such penalty, only that portion of the tract that was actually converted to a use that precludes management of the land for forest crop production shall be used as the basis for determining the penalty.

(f) A notice of violation issued under this subdivision shall be given by the department to the owner and to the county treasurer of the county or counties in which such tract is located, and the penalty and interest charges shall be computed for each of the municipal corporations in which such tract is located by such county treasurer. Upon completion of the computation of the penalty and interest, the county treasurer shall give notice to the owner of the amount of the penalty and interest, and the amount shall be entered on the next completed tax roll of such county or counties. Such penalties and interest shall be levied and collected in the same manner and at the same time as other taxes are imposed and levied on such roll. Upon collection of such penalties and interest, such county treasurer shall pay the amounts due to each of the appropriate municipal corporations.

(g) Upon receipt of proof satisfactory to the department that all penalties[~~7, stumpage taxes~~] and interest imposed by this section have been fully paid or satisfied, the department shall revoke the certificate of [~~approval~~] eligibility issued pursuant to subdivision two of this section, and notice of such revocation shall be given to the owner and to the county clerk of the county or counties in which the tract is located. Upon receipt of such notice of revocation, the county clerk shall record the same in the books kept for the recording of deeds and shall index the same in the deed index against the name of the owner of

1 the property. The county clerk shall also note on the face of the last  
2 certificate of [~~approval or certified~~] eligibility and commitment form  
3 previously recorded pursuant to this section the word "REVOKED" followed  
4 by a reference to the liber and page where the notice of revocation is  
5 recorded pursuant to this subdivision.

6 (h) The certificate of [~~approval~~] eligibility of a certified tract for  
7 which no notice of violation has been issued shall be revoked without  
8 penalty upon receipt of proof satisfactory to the department that nine  
9 years have passed from the year of the last [~~certified~~] commitment form  
10 filed with the assessor by the owner pursuant to subdivision three of  
11 this section. Notice of such revocation shall be recorded and indexed  
12 as provided in paragraph (g) of this subdivision.

13 (i) No fee, penalty or rollback of taxes otherwise due pursuant to  
14 this section may be imposed upon the city of New York for failure to  
15 comply with [~~a certified~~] an approved management plan for an eligible  
16 tract that the city acquires for watershed purposes.

17 8. (a) The owner of a certified tract shall not be subject to any  
18 penalty under this section that would otherwise apply because such tract  
19 or any portion thereof is converted to a use other than forest crop  
20 production by virtue of: (i) an involuntary taking by eminent domain or  
21 other involuntary proceeding, except a tax sale, or (ii) a voluntary  
22 proceeding, providing such proceeding involves the establishment of  
23 rights-of-way for public highway or energy transmission purposes wherein  
24 such corridors have been established subsequent to public hearing as  
25 needed in the public interest and environmentally compatible, or (iii)  
26 oil, gas or mineral exploration, development or extraction activity  
27 undertaken by an independent grantee pursuant to a lease or other  
28 conveyance of subsurface rights recorded more than ten years prior to  
29 the date of the certificate of [~~approval~~] eligibility issued by the  
30 department under subdivision two of this section, or (iv) where all or a  
31 substantial portion of the certified tract is destroyed or irreparably  
32 damaged by reason of an act of God or a natural disaster.

33 (b) In the event the land so converted to a use other than forest crop  
34 production constitutes only a portion of such tract, the assessor shall  
35 apportion the assessment, and enter that portion so converted as a sepa-  
36 rately assessed parcel on the appropriate portion of the assessment  
37 roll. The assessor shall then adjust the forest land exemption attribut-  
38 able to the portion of the tract not so converted by subtracting the  
39 proportionate part of the exemption of the converted parcel.

40 (c) If the portion so converted divides the tract into two or more  
41 separate parcels, such remaining parcels not so converted will remain  
42 [~~certified~~] eligible under this section, regardless of size, except that  
43 should any remaining parcel be no longer accessible for continued forest  
44 crop production, the department shall, after notice and hearing, revoke  
45 the [~~certification~~] certificate of eligibility of the inaccessible  
46 parcel or parcels, and notice of such revocation shall be recorded and  
47 indexed as provided in subdivision seven of this section. Such revoca-  
48 tion shall not subject the owner of the tract to penalty, but the  
49 exemption under this section shall no longer apply to the tract or  
50 portion thereof no longer accessible.

51 (d) The owner of a certified eligible tract shall not be subject to  
52 penalty under this section that would otherwise apply because the forest  
53 crop on the certified eligible tract or portion is, through no fault of  
54 the owner, damaged or destroyed by fire, infestation, disease, storm,  
55 flood, or other natural disaster, act of God, accident, trespass or war.  
56 If a merchantable forest crop is to be cut or removed in connection with



1 necessary salvage operations resulting from any such event, the owner  
2 shall give notice of cutting[~~, the department shall certify the stumpage~~  
3 ~~value, and stumpage tax shall be payable, collected and enforced as~~  
4 ~~provided in subdivisions five and seven of this section~~]. Nothing in  
5 this paragraph shall be construed to subject any person to penalty under  
6 subdivision seven of this section for immediate action taken in good  
7 faith in the event of an emergency.

8 9. All [~~stumpage tax,~~] penalties and interest charges thereon  
9 collected pursuant to subdivisions five, six and seven of this section  
10 shall be apportioned to the applicable municipal corporations in which  
11 such tract is situated.

12 10. (a) Management plans approved pursuant to this section shall not  
13 be deemed to authorize or permit any practice or activity prohibited,  
14 restricted or requiring further approval under the environmental conser-  
15 vation law, or any other general or special law of the state, or any  
16 lawful rule or regulation duly promulgated thereunder.

17 (b) No otherwise eligible tract, or portion thereof, shall be deemed  
18 to be ineligible for certification or qualification under this section,  
19 and no certificate of [~~approval~~] eligibility shall be revoked or penalty  
20 imposed, solely on the ground that any such law, rule or regulation  
21 partially restricts or requires further approval for forest crop  
22 production practices or activities on such tract or portion.

23 11. The owner of an eligible tract certified under an approved manage-  
24 ment plan under this section as of March first, two thousand nineteen  
25 may withdraw such eligible tract from commitment, without penalty or  
26 obligation to follow the approved management plan for the remaining  
27 commitment term, until February twenty-eighth, two thousand twenty. The  
28 owner of an eligible tract certified under an approved management plan  
29 under this section may withdraw such eligible tract from commitment,  
30 without penalty, upon commitment to sustainable forest management under  
31 a forest certification program of such eligible tract or implementing an  
32 approved forest management practice on a qualifying portion under  
33 section four hundred eighty-b of this title at any time.

34 12. Notwithstanding any law to the contrary, in the event that lands  
35 subject to an approved management plan and a certificate of eligibility  
36 pursuant to this section of law are:

37 (a) transferred or sold, such lands may continue to be eligible to  
38 participate in the program and all management obligations of such lands  
39 may also be transferred if such new landowner desires to continue  
40 participation in such program. If such landowner does not want to  
41 continue to participate in the program authorized by this section, a  
42 notification must be provided to the department and such lands shall no  
43 longer be eligible for the program. The landowner shall be responsible  
44 for the remaining nine years of the commitment including all management  
45 obligations or such new landowner may apply for a program pursuant to  
46 section four hundred eighty-b of this title at any time.

47 (b) the subject of an application for eligibility under a forest  
48 management practice plan pursuant to section four hundred eighty-b of  
49 this title after the sale or transfer of land as listed in paragraph (a)  
50 of this subdivision, such landowners shall not be required to conduct a  
51 qualifying management practice to be eligible for the program authorized  
52 pursuant to section four hundred eighty-b of this title.

53 13. (a) Any county, town or school district in which the total  
54 assessed value exempted by this section and section four hundred eighty  
55 and section four hundred eighty-b of this title represents a decrease of  
56 the total taxable assessed value on the final tax roll, as computed and



1 verified by the department of taxation and finance, shall be eligible to  
2 receive forestry exemption assistance.

3 (b)(i) The county treasurer of any eligible county shall annually  
4 submit to the department of taxation and finance a list of any changes  
5 to the assessed value, taxable status or acreage of all lands made  
6 subsequent to the filing of those assessments rolls upon which county  
7 taxes are extended, and the county tax rate and town tax rate extended  
8 against any parcel receiving one of those exemptions. Such list shall  
9 include a statement of the total taxable assessed value, both before and  
10 after application of the exemption, of the county and of each listed  
11 town and parcel.

12 (ii) The business manager of any eligible school district shall annu-  
13 ally submit to the department of taxation and finance a list of any  
14 changes to the assessed value, taxable status or acreage of all lands  
15 made subsequent to the filing of those assessment rolls upon which  
16 school taxes are extended, and the school tax rate extended against any  
17 parcel receiving one of those exemptions. Such list shall include a  
18 statement of the total taxable assessed value, both before and after  
19 application of the exemption, of the school district and of each listed  
20 parcel.

21 (iii) Lists prepared pursuant to this paragraph shall be filed with  
22 the department of taxation and finance within thirty days of the levy of  
23 taxes each year. In the event that a tax roll or final roll is revised,  
24 corrected, or altered for any reason within thirty-six months of the  
25 filing of such list, a county, town or school district shall so notify  
26 the department of taxation and finance. The department of taxation and  
27 finance shall thereupon increase or decrease the next payment of such  
28 assistance to the affected county, town and/or school district to the  
29 extent the prior payment was too low or too high in light of such  
30 revision, correction, or alteration.

31 (c) The department of taxation and finance shall annually compute the  
32 amount of forestry exemption assistance payable to or for the benefit of  
33 a county, town or school district.

34 (d) (i) Subject to appropriation, the amount of forestry exemption  
35 assistance paid to a county, town or school district pursuant to this  
36 subdivision in any year shall equal the tax exempt value of the reduced  
37 total taxable assessed value, as computed by paragraph (a) of this  
38 subdivision, multiplied by the applicable tax rate, as determined by the  
39 commissioner of taxation and finance, in such town, county, or school  
40 district.

41 (ii) Any forestry exemption assistance provided to a county or school  
42 district under this subdivision in any year shall be reduced by the  
43 amount of small government assistance paid to such county or school  
44 district in the current state fiscal year, and, in the case of a town,  
45 shall be reduced by the amount of small government assistance paid to  
46 such town in state fiscal year two thousand four-two thousand five  
47 pursuant to chapter fifty of the laws of two thousand four, and shall be  
48 further reduced by the amount that was added to the base level grant for  
49 such town pursuant to subparagraph eight of paragraph b of subdivision  
50 ten of section fifty-four of the state finance law as added by section  
51 two of part M of chapter fifty-six of the laws of two thousand five, as  
52 reported to the department of taxation and finance by the division of  
53 the budget.

54 (e) The department of taxation and finance shall annually certify to  
55 the state comptroller the amount of forestry exemption assistance paya-  
56 ble pursuant to this subdivision, and shall mail a copy of such certif-

1 ication to the county treasurer of each county and business manager of  
2 each school district containing eligible private forest tracts. Such  
3 forestry exemption assistance shall be paid on audit and warrant of the  
4 comptroller out of monies appropriated by the legislature, provided that  
5 if an appropriation does not fully reimburse all impacted towns, coun-  
6 ties and school districts, the amount shall be provided on a pro rata  
7 basis to each eligible town, county and school district.

8 14. (a) The chief executive officer of a municipal corporation in  
9 which there are privately owned forest lands which are assessed in  
10 accordance with the provisions of this section may make application for  
11 state assistance as provided in this subdivision.

12 (b) Application for state assistance pursuant to this subdivision  
13 shall be made on a form prescribed by the commissioner and shall contain  
14 such information and documentation as may be required by the commission-  
15 er and the commissioner may promulgate rules and regulations necessary  
16 to the implementation of this subdivision.

17 (c) Upon receipt of the application for state assistance, such private  
18 forest lands shall be valued by the commissioner and the cumulative  
19 value of all such lands shall be equalized by applying thereto the  
20 appropriate state equalization rate or special equalization rate estab-  
21 lished in accordance with the rules of the commissioner.

22 (d) If the cumulative value determined and equalized pursuant to para-  
23 graph (c) of this subdivision exceeds the taxable assessed valuation of  
24 such property on the preceding assessment roll, as required by this  
25 section the commissioner shall compute the amount of state assistance  
26 payable to or for the benefit of each municipal corporation by applying  
27 to the amount of the excess the appropriate tax rate of the municipal  
28 corporation and such amount shall be paid on audit and warrant of the  
29 comptroller out of moneys appropriated by the legislature.

30 § 4. The real property tax law is amended by adding a new section  
31 480-b to read as follows:

32 § 480-b. Taxation of forest land under a forest practice program or  
33 forest certification program. 1. As used in this section:

34 (a) "Agricultural land" shall mean land that has received an agricul-  
35 tural assessment pursuant to section three hundred five or section three  
36 hundred six of the agriculture and markets law, provided that farm wood-  
37 land that has received an agricultural assessment in each of the previ-  
38 ous five years may qualify for the exemption provided by this section.  
39 Farm woodland that qualifies for and receives this exemption shall not  
40 also receive an agricultural assessment.

41 (b) "Commitment" shall mean a declaration to the assessor and county  
42 clerk made on an annual basis by the owner of a certified eligible tract  
43 either (i) committing such tract to sustainable forest management for  
44 the next succeeding ten years under a forest certification program, or  
45 (ii) committing such tract to sustainable forestry and open space pres-  
46 ervation for the next succeeding ten years under a forest management  
47 practice plan. The commitment made shall be on a commitment form  
48 prescribed by the department, and shall include the verification of  
49 continued eligibility. A commitment form without a properly completed  
50 verification of continued eligibility shall be of no legal effect.

51 (c) "Certificate of eligibility" shall mean a certificate issued by  
52 the department and sent to the landowner of an eligible tract that  
53 demonstrates such tract meets all requirements of a forest certification  
54 program or forest management practice plan in which it is enrolled.

55 (d) "Department" shall mean the department of environmental conserva-  
56 tion.

1 (e) "Eligible tract" shall mean a tract of privately owned land of at  
2 least twenty-five contiguous acres, exclusive of any portion thereof not  
3 devoted to forest or other open space, as defined in regulations, of  
4 which at least half of the acres must be forest land. Lands divided by  
5 federal, state, county or town roads, easements or rights-of-way, or  
6 energy transmission corridors or similar facilities will be considered  
7 contiguous for purposes of this section, unless vehicular access for  
8 forest management purposes is precluded. Lands from which a merchantable  
9 forest crop, as defined in section four hundred eighty-a of this title,  
10 has been cut or removed within three years prior to the time of applica-  
11 tion for certification under this section will be ineligible unless such  
12 cutting or removal was accomplished under a forest management practice  
13 plan designed to provide for sustainable forestry as determined by the  
14 state forester or his or her designee. Agricultural land is not eligi-  
15 ble for enrollment under this program.

16 (f) "Forest land" shall mean land suitable for forest crop production  
17 through natural regeneration or through forestation and shall be stocked  
18 with a stand of forest trees sufficient to produce a merchantable forest  
19 crop in the future.

20 (g) "Forest certification program" shall mean a forest certification  
21 program, selected by the owner, and which is administered by a qualified  
22 third party to ensure sustainable forest management is practiced on the  
23 land, as specified in regulations promulgated by the department.

24 (h) "Qualifying forest management practice" shall mean:

25 (i) forest stand improvement projects to enhance growth and quality of  
26 wood fiber for activities such as tree marking, thinning, cull removal,  
27 or grapevine removal;

28 (ii) invasive species control projects to limit the spread of invasive  
29 species in forested environments through eradication or management prac-  
30 tices that support the forest owner's management goals. This project  
31 does not include orchard, ornamental, nursery or Christmas tree  
32 purposes;

33 (iii) afforestation or reforestation projects to encourage regener-  
34 ation of forest cover through site preparation, planting, seeding, fenc-  
35 ing, or tree shelters for the purposes of timber or fiber production or  
36 carbon sequestration. Planting shall be limited to non-invasive native  
37 or naturalized species and cannot be used for orchard, ornamental, nurs-  
38 ery or Christmas tree purposes;

39 (iv) water quality improvement projects to improve or protect water  
40 quality, riparian areas, forest wetlands and forest watersheds through  
41 the establishment, maintenance, renovation, and/or restoration of  
42 approved projects;

43 (v) fish and wildlife habitat improvement projects to create, protect,  
44 or maintain fish and wildlife habitat through establishment, mainte-  
45 nance, and restoration projects;

46 (vi) forest health projects to improve, protect or restore forest  
47 health relative to detection of or damage by insects, diseases, and  
48 animals affecting established stands;

49 (vii) wildfire and catastrophic event rehabilitation projects to  
50 restore and rehabilitate forests following catastrophic natural events  
51 such as wildfire, wind, and ice storms. Such activities may include  
52 stabilizing firebreak soils or burned areas, tree designation for stand  
53 improvement, and thinning; or

54 (viii) other activities as specified in regulations promulgated by the  
55 department.

(i) "Forest management practice plan" shall mean a plan approved by the department for one or more qualifying forest management practice to be conducted on a combined total of at least ten acres of an eligible tract which shall set forth requirements and standards as defined in regulations to ensure and enhance the future productivity and sustainability of the forest treated, and ensure successful regeneration of desirable species, when planned. Such plan must be prepared by or under the direct supervision of a department approved forester as specified in regulations promulgated by the department.

(j) "Verification of continued eligibility" shall mean a portion of the commitment form prepared and signed by the landowner which certifies that such landowner continues to satisfy all conditions and requirements of his or her initial enrollment under this section.

2. (a) An owner of an eligible tract may apply to the department for a certificate of eligibility under a forest management practice plan or forest certification program pursuant to this section on forms prescribed by the department. If the department finds that such tract is an eligible tract, it shall forward a certificate of eligibility to the owner thereof.

(b) The department shall, after public hearings, adopt and promulgate rules and regulations necessary for the implementation of this section, including specifying forest management practices which would qualify a tract for certification.

(c) Any tract certified pursuant to this subdivision shall be subject to the provisions of this section. The obligations of this section shall devolve upon and the benefits inure to the owner, his or her heirs, successors and assigns.

3. (a) To qualify for a forest land exemption under this section the owner of a certified eligible tract shall:

(i) file the certificate of eligibility in the office of the clerk of the county or counties in which such tract is situated. Such certificate shall specify that the tract described therein is committed to either (A) sustainable forest management under a forest certification program or (B) sustainable forestry and open space preservation under an approved forest management practice plan, whichever is applicable, for an initial period of ten years. Upon receipt of such certificate, the county clerk shall record the same in the books kept for the recording of deeds and shall index the same in the deed index against the name of the owner of the property; and (ii) prior to the taxable status date for the first assessment roll upon which such exemption is sought, file an initial application for exemption with the appropriate assessor on forms prescribed by the commissioner. Such application must be accompanied by a certificate of eligibility issued by the department and the commitment form; (iii) prior to the taxable status date for each subsequent assessment roll upon which such exemption is sought, file with the appropriate assessor the commitment form for such tract to either (A) sustainable forest management under a forest certification program or (B) sustainable forestry and open space protection under an approved forest management practice plan, whichever is applicable, for the next succeeding ten years; and (iv) conduct an approved initial qualifying forest management practice on a combined total of at least ten acres of forest land of an eligible tract.

(b) If the requirements of this section are met, the assessor shall approve the application and such eligible tract shall be exempt from taxation pursuant to subdivision four of this section to be effective as of the first taxable status date occurring subsequent to such approval,

1 and shall continue to be so exempt thereafter upon receipt by the asses-  
2 sor of a commitment form filed in accordance with subparagraph (iii) of  
3 paragraph (a) of this subdivision and so long as the certification of  
4 the eligible tract has not been revoked by the department.

5 (c) Failure on the part of the owner to file the commitment form in  
6 any year following initial certification will result in the termination  
7 of the forest land exemption under this section applicable to the prop-  
8 erty for that and each succeeding taxable years. Failure to file a  
9 commitment form will not constitute a conversion of the tract or breach  
10 of the commitment, pursuant to subdivision seven of this section, and  
11 the commitment of the property to either (i) sustainable forest manage-  
12 ment under a forest certification program or (ii) sustainable forestry  
13 or open space preservation through the approved forest management prac-  
14 tice plan option, whichever is applicable, shall remain in force for the  
15 next succeeding nine years following the last taxable year for which a  
16 commitment form was filed.

17 (d) Following failure to file a commitment form in one or more years,  
18 in order to obtain a forest land exemption under this section, an owner  
19 of a certified tract may submit a commitment form to the assessor before  
20 the taxable status date in any subsequent year, except that a new appli-  
21 cation under paragraph (a) of subdivision two of this section and  
22 subparagraph (i) of paragraph (a) of this subdivision also shall be  
23 required if more than five years have elapsed since the owner's last  
24 commitment form and verification of continued eligibility was filed.  
25 Such new application also shall be required whenever, during the preced-  
26 ing year, the approved forest management practice plan has been amended  
27 with respect to the acreage of land committed to sustainable forestry,  
28 under a forest certification program or sustainable forestry and open  
29 space preservation under this section.

30 4. (a) Certified eligible tracts approved for exemption under this  
31 section shall be exempt from taxation to the extent of (i) eighty per  
32 centum of the assessed valuation thereof in the case of an eligible  
33 tract enrolled under a department recognized forest certification  
34 program, or (ii) forty per centum of the assessed valuation thereof in  
35 the case of an eligible tract enrolled through a forest management prac-  
36 tice plan.

37 (b) The assessed value of the exemption granted pursuant to this  
38 section shall be entered by the assessor on the assessment roll in such  
39 manner as shall be prescribed by the commissioner.

40 5. (a) For lands eligible pursuant to a forest management practice  
41 plan, whenever any forest management practice on any certified eligible  
42 tract is proposed during the period of commitment pursuant to subdivi-  
43 sion three of this section, the owner shall submit a forest management  
44 practice plan to the department for approval no less than thirty days  
45 prior to the anticipated commencement of such plan and in a manner and  
46 upon such form as may be prescribed by the department.

47 (b) Notwithstanding the foregoing provisions of this subdivision and  
48 the provisions of subdivision six of this section, the owner of any land  
49 certified under this section may annually cut, in accordance with sound  
50 forestry practices, not more than ten standard cords or the equivalent  
51 for such owner's own use, without notice.

52 6. Any qualifying forest management practice under this subdivision  
53 must be conducted within two years from the date of department approval  
54 of the forest management practice plan.



1     7. (a) The department shall, after notice and hearing, issue a notice  
2 of violation of this section for any certified tract whenever it finds  
3 that:

4     (i) any tract or portion thereof is converted to a use which precludes  
5 management of the land for sustainable forestry or open space; or

6     (ii) the owner fails to submit a forest management practice plan to  
7 the department for approval prior to commencing such practice; or

8     (iii) the owner fails to maintain their participation in a department  
9 recognized forest certification program during the commitment period; or

10    (iv) the owner fails to carry out a forest management practice in  
11 accordance with the specifications of the qualifying forest management  
12 practice plan.

13    (b) Notwithstanding the finding of an occurrence described by subpara-  
14 graph (ii), (iii) or (iv) of paragraph (a) of this subdivision, the  
15 department, upon prior notice to the appropriate assessor, may determine  
16 that a violation has not occurred if the failure to comply was due to  
17 reasons beyond the control of the owner and such failure can be  
18 corrected forthwith without significant effect on the overall purpose of  
19 the commitment.

20    (c) The owner of such tract, following the issuance of such notice by  
21 the department for one or more of the reasons set forth in paragraph (a)  
22 of this subdivision, shall be subject to a penalty as provided in para-  
23 graph (d) or (e) of this subdivision, whichever applies. Penalties  
24 imposed by this section shall be subject to interest charges at the rate  
25 established pursuant to section nine hundred twenty-four-a of this chap-  
26 ter for each applicable year. Such interest shall accrue in the year  
27 with reference to which a penalty, or portion thereof, is attributed.

28    (d) Except as otherwise provided in paragraph (e) of this subdivision:

29    (i) the penalty imposed under paragraph (c) of this subdivision for a  
30 parcel that has been enrolled under this section for less than ten years  
31 shall be computed by multiplying by two and one-half the amount of taxes  
32 that would have been levied on the forest land exemption entered on the  
33 assessment roll pursuant to subdivision four of this section for the  
34 current year and any prior years in which such an exemption was granted,  
35 utilizing the applicable tax rate for the current year and for such  
36 prior years.

37    (ii) the penalty imposed under paragraph (c) of this subdivision for a  
38 parcel that has been enrolled under this section for a minimum of ten  
39 years but less than twenty years shall be computed by multiplying by one  
40 and one-half the amount of taxes that would have been levied on the  
41 forest land exemption entered on the assessment roll pursuant to subdivi-  
42 vision four of this section for the current year and prior years in  
43 which such an exemption was granted, utilizing the applicable tax rate  
44 for the current year and for such prior years, not to exceed a total of  
45 ten years.

46    (iii) the penalty imposed under paragraph (c) of this subdivision for  
47 a parcel that has been enrolled under this section for a minimum of  
48 twenty years shall be the amount of taxes that would have been levied on  
49 the forest land exemption entered on the assessment roll pursuant to  
50 subdivision four of this section for the current year and prior years in  
51 which such an exemption was granted, utilizing the applicable tax rate  
52 for the current year and for such prior years, not to exceed a total of  
53 ten years.

54    (e) The penalty imposed under paragraph (c) of this subdivision appli-  
55 cable to converted land which constitutes only a portion of a certified  
56 eligible tract shall be twice the amount determined under paragraph (d)



1 of this subdivision. In calculating such penalty, only that portion of  
2 the tract that was actually converted to a use that precludes either (i)  
3 sustainable forest management under a forest certification program or  
4 (ii) management of the land for sustainable forest management and open  
5 space, shall be used as the basis for determining the penalty, unless  
6 the remaining portion no longer meets the minimum acreage requirements  
7 of paragraph (e) of subdivision one of this section, in which case the  
8 entire tract shall be deemed ineligible and subject to revocation and  
9 penalties.

10 (f) A notice of violation issued under this subdivision shall be given  
11 by the department to the owner and to the county treasurer of the county  
12 or counties in which such tract is located, and the penalty and interest  
13 charges shall be computed for each of the municipal corporations in  
14 which such tract is located by such county treasurer. Upon completion of  
15 the computation of the penalty and interest, the county treasurer shall  
16 give notice to the owner of the amount of the penalty and interest, and  
17 the amount shall be entered on the next completed tax roll of such coun-  
18 ty or counties. Such penalties and interest shall be levied and  
19 collected in the same manner and at the same time as other taxes are  
20 imposed and levied on such roll. Upon collection of such penalties and  
21 interest, such county treasurer shall pay the amounts due to each of the  
22 appropriate municipal corporations.

23 (g) Upon a finding of a violation, the department shall revoke the  
24 certificate of eligibility issued pursuant to subdivision two of this  
25 section, and notice of such revocation shall be given to the owner and  
26 to the county clerk of the county or counties in which the tract is  
27 located. Upon receipt of such notice of revocation, the county clerk  
28 shall record the same in the books kept for the recording of deeds and  
29 shall index the same in the deed index against the name of the owner of  
30 the property. The county clerk shall also note on the face of the last  
31 certificate of eligibility and commitment form previously recorded  
32 pursuant to this section the word "REVOKED" followed by a reference to  
33 the liber and page where the notice of revocation is recorded pursuant  
34 to this subdivision.

35 (h) The certificate of eligibility of a tract for which no notice of  
36 violation has been issued shall be revoked without penalty upon receipt  
37 of proof satisfactory to the department that nine years have passed from  
38 the year of the last commitment form filed with the assessor by the  
39 owner pursuant to subdivision three of this section. Notice of such  
40 revocation shall be recorded and indexed as provided in paragraph (g) of  
41 this subdivision.

42 (i) No fee, penalty or rollback of taxes otherwise due pursuant to  
43 this section may be imposed upon the city of New York for failure to  
44 comply with an approved forest management practice plan for an eligible  
45 tract that the city acquires for watershed purposes.

46 8. (a) The owner of a certified eligible tract shall not be subject to  
47 any penalty under this section that would otherwise apply because such  
48 tract or any portion thereof is converted to a use other than (i)  
49 sustainable forest management under a forest certification program or  
50 (ii) sustainable forestry and open space preservation under an approved  
51 forest management practice, whichever is applicable, by virtue of: (A)  
52 an involuntary taking by eminent domain or other involuntary proceeding,  
53 except a tax sale, or (B) a voluntary proceeding, provided such proceed-  
54 ing involves the establishment of rights-of-way for public highway or  
55 energy transmission purposes wherein such corridors have been estab-  
56 lished subsequent to public hearing as needed in the public interest and

1 environmentally compatible, or (C) oil, gas or mineral exploration,  
2 development or extraction activity undertaken by an independent grantee  
3 pursuant to a lease or other conveyance of subsurface rights recorded  
4 more than ten years prior to the date of the certificate of eligibility  
5 issued by the department under subdivision two of this section, or (D)  
6 where all or a substantial portion of the certified tract is destroyed  
7 or irreparably damaged by reason of an act of God or a natural disaster.

8 (b) In the event the land so converted to a use other than (i)  
9 sustainable forest management under a forest certification program or  
10 (ii) sustainable forestry and open space preservation under an approved  
11 forest management practice plan, whichever is applicable, constitutes  
12 only a portion of such tract, the assessor shall apportion the assess-  
13 ment, and enter that portion so converted as a separately assessed  
14 parcel on the appropriate portion of the assessment roll. The assessor  
15 shall then adjust the forest land exemption attributable to the portion  
16 of the tract not so converted by subtracting the proportionate part of  
17 the exemption of the converted parcel.

18 (c) If the portion so converted divides the tract into two or more  
19 separate parcels, such remaining parcels not so converted will remain  
20 eligible under this section, regardless of size.

21 (d) The owner of a certified tract shall not be subject to penalty  
22 under this section that would otherwise apply because the forest or open  
23 space on the certified tract or portion is, through no fault of the  
24 owner, damaged or destroyed by fire, infestation, disease, storm, flood,  
25 or other natural disaster, act of God, accident, trespass or war. If a  
26 forest management practice is to occur in connection with necessary  
27 salvage operations resulting from any such event, the owner shall submit  
28 a forest management practice plan to the department for approval prior  
29 to the commencement of such practice. Nothing in this paragraph shall be  
30 construed to subject any person to penalty under subdivision seven of  
31 this section for immediate action taken in good faith in the event of an  
32 emergency.

33 9. All penalties and interest charges thereon collected pursuant to  
34 subdivisions five, six and seven of this section shall be apportioned to  
35 the applicable municipal corporations in which such tract is situated.

36 10. (a) Forest certification programs recognized and forest management  
37 practice plans approved pursuant to this section shall not be deemed to  
38 authorize or permit any practice or activity prohibited, restricted or  
39 requiring further approval under the environmental conservation law, or  
40 any other general or special law of the state, or any lawful rule or  
41 regulation duly promulgated thereunder.

42 (b) No otherwise eligible tract, or portion thereof, shall be deemed  
43 to be ineligible for certification or qualification under this section,  
44 and no certificate of eligibility shall be revoked or penalty imposed,  
45 solely on the ground that any such law, rule or regulation partially  
46 restricts or requires further approval for forest management practices  
47 or activities on such tract or portion.

48 § 5. Intentionally omitted.

49 § 6. Article 9 of the environmental conservation law is amended by  
50 adding two new titles 23 and 25 to read as follows:

51 **TITLE 23**

52 **COMMUNITY FOREST GRANT PROGRAM**

53 **Section 9-2301. Definitions.**

54 **9-2303. Criteria for community forest projects.**

55 **9-2305. State assistance application procedure.**

56 **9-2307. Regulations.**

9-2309. Contracts for state assistance payments.

9-2311. Powers and duties of the commissioner.

§ 9-2301. Definitions.

For the purpose of this title, the following terms shall have the following meanings:

1. "Eligible land" shall mean private forest land in the state that is at least twenty-five acres in size, suitable to sustain natural vegetation, which is at least seventy-five percent forested.

2. "Municipality" shall mean a county, city, town, village, or Indian nation or tribe recognized by the United States with a reservation wholly or partly within the boundaries of the state, a local public authority or public benefit corporation, or any combination thereof.

3. "Not-for-profit conservation organization" means a not-for-profit corporation organized for the conservation or preservation of real property and which has the power to acquire interests in real property. Such organization must have qualified as exempt for federal tax purposes pursuant to section 501 (c)(3) of the internal revenue code or any similar successor statutory provision.

§ 9-2303. Criteria for community forest projects.

1. The department shall provide, on a competitive basis, within amounts appropriated state assistance to municipalities and not-for-profit conservation organizations for the purchase of lands for the purposes herein provided, to establish forest plantations or for the care and management of forests. The program shall require a fifty percent non-state match.

2. The purpose of the program is to establish community forests to protect forest land from conversion to non-forest uses and provide community benefits such as sustainable forest management, environmental benefits including clean air, water, and wildlife habitat; benefits from forest-based educational programs; benefits from serving as models of effective forest stewardship; and recreational benefits secured with public access.

§ 9-2305. State assistance application procedure.

1. A municipality upon the approval of its governing body, or not-for-profit conservation organization, may submit an application to the commissioner, in such form and containing such information as the commissioner may require, for state assistance payments toward the cost of a project which is eligible for state assistance pursuant to this title.

2. The commissioner shall review such project application and may approve, disapprove or recommend modifications thereto consistent with applicable law, criteria, standards or rules and regulations relative to such projects.

§ 9-2307. Regulations.

The department may promulgate any rules and regulations necessary to implement and administer this title including but not limited to application procedures, review processes, and project approval guidelines and criteria.

§ 9-2309. Contracts for state assistance payments.

The commissioner shall impose such contractual requirements and conditions upon any municipality and any not-for-profit conservation organization which receive funds pursuant to this title as may be necessary and appropriate to assure that a public benefit shall accrue from the use of public funds by such municipality and not-for-profit conservation organization.

§ 9-2311. Powers and duties of the commissioner.

1 In administering the provisions of this title the commissioner:

2 1. shall make an itemized estimate of funds or appropriations  
3 requested annually for inclusion in the executive budget;

4 2. may, in the name of the state, as further provided within this  
5 title, contract to make, within the limitations of appropriation avail-  
6 able therefor, state assistance payments toward the costs of an approved  
7 project. Such contracts shall be subject to approval by the state comp-  
8 troller and, as to form, by the attorney general;

9 3. shall approve vouchers for the payments pursuant to an approved  
10 contract. All such payments shall be paid on the audit and warrant of  
11 the state comptroller; and

12 4. may perform such other and further acts as may be necessary, proper  
13 or desirable to carry out the provisions of this article.

14 TITLE 25

15 EMPIRE FOREST INCENTIVE PROGRAM

16 Section 9-2501. Definitions.

17 9-2503. Criteria for empire forest incentive projects.

18 9-2505. State assistance application procedure.

19 9-2507. Regulations.

20 9-2509. Contracts for state assistance payments.

21 9-2511. Powers and duties of the commissioner.

22 § 9-2501. Definitions.

23 For the purpose of this title, "eligible land" shall mean private  
24 forest land in the state that is at least twenty-five acres in size,  
25 suitable to sustain natural vegetation.

26 § 9-2503. Criteria for empire forest incentive projects.

27 1. The department shall provide through a competitive process, within  
28 amounts appropriated, state assistance payments pursuant to the empire  
29 forest incentive program to landowners for the costs associated with  
30 sound, scientifically based forest management practices on eligible  
31 land. The program shall require a non-state match. The department may  
32 contract with an independent third party organization to administer such  
33 state assistance program, provided that not more than ten percent of all  
34 funds may be made available to carry out the program for each fiscal  
35 year for program administration and technical assistance under such  
36 contract.

37 2. The projects that qualify for state assistance payments under this  
38 title shall include but are not limited to:

39 a. Forest stewardship planning projects, including upgrading an exist-  
40 ing plan to state approved standards. Forest stewardship planning  
41 projects must be completed and approved by the department before the  
42 landowner is eligible for other projects.

43 b. Forest stand improvement projects to enhance growth and quality of  
44 wood fiber for activities such as tree marking, thinning, cull removal,  
45 or grapevine removal.

46 c. Invasive species control projects to limit the spread of invasive  
47 species in forested environments through eradication or management prac-  
48 tices that support the forest owner's management goals. This project  
49 does not include orchard, ornamental, nursery or Christmas tree  
50 purposes.

51 d. Afforestation or reforestation projects to encourage regeneration  
52 of forest cover through site preparation, planting, seeding, fencing, or  
53 tree shelters for the purposes of timber or fiber production or carbon  
54 sequestration. Planting shall be limited to non-invasive native or natu-  
55 ralized species and cannot be used for orchard, ornamental, nursery or  
56 Christmas tree purposes.

1 e. Water quality improvement projects to improve or protect water  
2 quality, riparian areas, forest wetlands and forest watersheds through  
3 the establishment, maintenance, renovation, and/or restoration of  
4 approved projects.

5 f. Fish and wildlife habitat improvement projects to create, protect,  
6 or maintain fish and wildlife habitat through establishment, mainte-  
7 nance, and restoration projects.

8 g. Forest health projects to improve, protect or restore forest health  
9 relative to detection of or damage by insects, diseases, and animals  
10 affecting established stands. The project does not include cost-sharing  
11 for applications of chemical or biological agents for control of forest  
12 pests.

13 h. Wildfire and catastrophic event rehabilitation projects to restore  
14 and rehabilitate forests following catastrophic natural events such as  
15 wildfire, wind, and ice storms. Such activities may include stabilizing  
16 firebreak soils or burned areas, tree designation for stand improvement,  
17 and thinning.

18 § 9-2505. State assistance application procedure.

19 1. A landowner may submit an application to the commissioner, in such  
20 form and containing such information as the commissioner may require,  
21 for state assistance payments toward the cost of a qualifying project on  
22 eligible land.

23 2. The commissioner shall review such project application and may  
24 approve, disapprove or recommend modifications thereto consistent with  
25 applicable law, criteria, standards or rules and regulations relative to  
26 such projects.

27 § 9-2507. Regulations.

28 The department shall promulgate any rules and regulations necessary to  
29 implement and administer this title including but not limited to the  
30 amount or percentage for funding matches, application procedures, review  
31 processes, and project approval guidelines and criteria.

32 § 9-2509. Contracts for state assistance payments.

33 The commissioner shall impose such contractual requirements and condi-  
34 tions upon any landowner and any independent third party organization  
35 which receive funds pursuant to this title as may be necessary and  
36 appropriate to assure that a public benefit shall accrue from the use of  
37 public funds by such landowner and independent third party organization.

38 § 9-2511. Powers and duties of the commissioner.

39 In administering the provisions of this title the commissioner:

40 1. shall make an itemized estimate of funds or appropriations  
41 requested annually for inclusion in the executive budget;

42 2. may, in the name of the state, as further provided within this  
43 title, contract to make, within the limitations of appropriation avail-  
44 able therefor, state assistance payments toward the costs of an approved  
45 project on eligible land. Such contracts shall be subject to approval by  
46 the state comptroller and, as to form, by the attorney general;

47 3. shall approve vouchers for the payments pursuant to an approved  
48 contract. All such payments shall be paid on the audit and warrant of  
49 the state comptroller; and

50 4. may perform such other and further acts as may be necessary, proper  
51 or desirable to carry out the provisions of this article.

52 § 7. Subdivision 1 of section 163 of the state finance law is amended  
53 by adding a new paragraph 1 to read as follows:

54 1. "Wood products" shall mean any items made of wood or wood fiber  
55 from any species of tree.



§ 8. Subdivision 6 of section 163 of the state finance law, as amended by chapter 569 of the laws of 2015, is amended to read as follows:

6. Discretionary buying thresholds. Pursuant to guidelines established by the state procurement council: the commissioner may purchase services and commodities in an amount not exceeding eighty-five thousand dollars without a formal competitive process; state agencies may purchase services and commodities in an amount not exceeding fifty thousand dollars without a formal competitive process; and state agencies may purchase commodities or services from small business concerns or those certified pursuant to articles fifteen-A and seventeen-B of the executive law, or commodities or technology that are recycled or remanufactured, or commodities that are food, including milk and milk products, grown, produced or harvested in New York state; or wood products made from wood or wood fiber, grown and manufactured in New York state in an amount not exceeding two hundred thousand dollars without a formal competitive process.

§ 9. Subdivision 6-c of section 163 of the state finance law, as added by section 2 of part P of chapter 55 of the laws of 2013, is amended to read as follows:

6-c. Pursuant to the authority provided in subdivision six of this section, for the purchase of commodities that are food, including milk and milk products, grown, produced or harvested in New York state, or wood products made from wood or wood fiber, grown and manufactured in New York state where such commodities exceed fifty thousand dollars in value, state agencies must advertise the discretionary purchase on the state agency website for a reasonable period of time and make the discretionary purchase based on the lowest price that meets the state agency's form, function and utility.

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

§ 11. This act shall take effect immediately, provided however the amendments to sections 480-a and 480-b of the real property tax law made by sections three and four of this act shall take effect on January 1, 2019, provided further that the amendments to section 163 of the state finance law made by sections seven, eight and nine of this act shall not affect the repeal of such section and shall be deemed repealed therewith, provided further that, the forestry exemption assistance in subdivision 13 of section 480-a of the real property tax law as added by section three of this act shall apply beginning with final tax rolls filed in 2019.

#### PART AA

Section 1. Subdivision 3 of section 92-s of the state finance law, as amended by section 2-a of part JJ of chapter 58 of the laws of 2017, is amended to read as follows:

3. Such fund shall consist of the amount of revenue collected within the state from the amount of revenue, interest and penalties deposited pursuant to section fourteen hundred twenty-one of the tax law, the



1 amount of fees and penalties received from easements or leases pursuant  
2 to subdivision fourteen of section seventy-five of the public lands law  
3 and the money received as annual service charges pursuant to section  
4 four hundred four-n of the vehicle and traffic law, all moneys required  
5 to be deposited therein from the contingency reserve fund pursuant to  
6 section two hundred ninety-four of chapter fifty-seven of the laws of  
7 nineteen hundred ninety-three, all moneys required to be deposited  
8 pursuant to section thirteen of chapter six hundred ten of the laws of  
9 nineteen hundred ninety-three, repayments of loans made pursuant to  
10 section 54-0511 of the environmental conservation law, all moneys to be  
11 deposited from the Northville settlement pursuant to section one hundred  
12 twenty-four of chapter three hundred nine of the laws of nineteen  
13 hundred ninety-six, provided however, that such moneys shall only be  
14 used for the cost of the purchase of private lands in the core area of  
15 the central Suffolk pine barrens pursuant to a consent order with the  
16 Northville industries signed on October thirteenth, nineteen hundred  
17 ninety-four and the related resource restoration and replacement plan,  
18 the amount of penalties required to be deposited therein by section  
19 71-2724 of the environmental conservation law, all moneys required to be  
20 deposited pursuant to article thirty-three of the environmental conser-  
21 vation law, all fees collected pursuant to subdivision eight of section  
22 70-0117 of the environmental conservation law, all moneys collected  
23 pursuant to title thirty-three of article fifteen of the environmental  
24 conservation law, beginning with the fiscal year commencing on April  
25 first, two thousand thirteen, nineteen million dollars, and all fiscal  
26 years thereafter, twenty-three million dollars plus all funds received  
27 by the state each fiscal year in excess of the greater of the amount  
28 received from April first, two thousand twelve through March thirty-  
29 first, two thousand thirteen or one hundred twenty-two million two  
30 hundred thousand dollars, from the payments collected pursuant to subdi-  
31 vision four of section 27-1012 of the environmental conservation law and  
32 all funds collected pursuant to section 27-1015 of the environmental  
33 conservation law, [~~provided such funds shall not be less than four~~  
34 ~~million dollars for the fiscal year commencing April first, two thousand~~  
35 ~~thirteen, and not less than eight million dollars for all fiscal years~~  
36 ~~thereafter~~] and all other moneys credited or transferred thereto from  
37 any other fund or source pursuant to law. All such revenue shall be  
38 initially deposited into the environmental protection fund, for applica-  
39 tion as provided in subdivision five of this section.

40 § 2. Intentionally omitted.

41 § 3. Intentionally omitted.

42 § 4. Intentionally omitted.

43 § 5. Intentionally omitted.

44 § 6. Intentionally omitted.

45 § 7. Intentionally omitted.

46 § 8. This act shall take effect immediately.

47 PART BB

48 Intentionally Omitted

49 PART CC

50 Section 1. Subdivisions 10 and 11 of section 57-0107 of the environ-  
51 mental conservation law, as amended by chapter 267 of the laws of 2015,  
52 are amended to read as follows:

10. "Central Pine Barrens area" shall mean the contiguous area as described and bounded as follows:

Beginning at a point where the southerly side of Route 25A intersects the easterly side of Miller Place Road; thence southward along the easterly boundary of Miller Place Road to Helme Avenue; thence southward along the easterly boundary of Helme Avenue to Miller Place-Middle Island Road; thence southward along the easterly boundary of Miller Place-Middle Island Road to Whiskey Road; thence westward along the southerly boundary of Whiskey Road to Mount Sinai-Coram Road; thence southward along the easterly boundary of Mount Sinai-Coram Road to Middle Country Road (Route 25); thence westward along the southerly boundary of Route 25 to Patchogue-Mount Sinai Road (County Route 83); thence southward along the easterly boundary of County Route 83 to Bicycle Path Drive; thence southeastward along the easterly side of Bicycle Path Drive to Mt. McKinley Avenue; thence southward along the easterly boundary of Mt. McKinley Avenue to Granny Road; thence northeastward along the northerly boundary of Granny Road to Port Jefferson-Patchogue Road (Route 112); thence southward along the easterly boundary of Route 112 to Horse Block Road (County Route 16); thence eastward along the northerly boundary of County Route 16 to Maine Avenue; thence northward along the westerly boundary of Maine Avenue to Fire Avenue; thence eastward along the northerly boundary of Fire Avenue to John Roe Smith Avenue; thence southward along the easterly boundary of John Roe Smith Avenue to Jeff Street; thence eastward along the northerly boundary of Jeff Street to Hagerman Avenue; thence southward along the easterly boundary of Hagerman Avenue to the Long Island Expressway (Route 495); thence eastward along the northerly boundary of Route 495 to the westerly side of Yaphank Avenue (County Road 21); thence southward along the westerly side of Yaphank Avenue to the south side of the Long Island Expressway (Route 495); thence eastward along the southerly side of the Long Island Expressway (Route 495) to the easterly side of Yaphank Avenue; thence southward along the easterly side of Yaphank Avenue, crossing Sunrise Highway (Route 27) to the south side of Montauk Highway (County Road 80); thence southwestward along the south side of Montauk Highway (County Road 80) to South Country Road; thence southward along the easterly side of South Country Road to Fireplace Neck Road; thence southward along the easterly side of Fireplace Neck Road to Beaver Dam Road; thence eastward along the northerly side of Beaver Dam Road to the westerly boundary of the Carmans River and the lands owned by the United States known as Wertheim National Wildlife Refuge (the "Refuge"); thence generally westerly and southerly to the waters of Bellport Bay; thence generally easterly across the Bay and northerly along the easterly boundary of the Refuge, including all lands currently part of the Refuge and any lands which may become part of the Refuge in the future, to the east side of the southern terminus of Smith Road; thence northward along the easterly side of Smith Road to the southwesterly corner of the property identified as District 200, Section 974.50, Block 1, Lot 11; thence eastward, northward and westward in a counter-clockwise direction along the southern, eastern and northern boundaries of that property to the easterly side of Smith Road; thence northward along the east side of Smith Road to Merrick Road; thence northeasterly along the northerly side of Merrick Road to the easterly side of Surrey Circle and the southwest corner of the property identified as District 200, Section 880, Block 3, Lot 58.1; running thence easterly along the southerly side of said lot to the west side of William Floyd Parkway (County Road 46); thence northerly along the westerly side of William Floyd Parkway (Coun-

ty Road 46), crossing Route 27, to the Long Island Railroad (LIRR);  
thence eastward along the northerly boundary of the Long Island Rail  
Road tracks 7,500 feet; thence southward 500 feet; thence eastward 525  
feet to the intersection of North Street and Manor-Yaphank Road; thence  
southward along the easterly boundary of Manor-Yaphank Road to Moriches-  
Middle Island Road; thence eastward along the northerly boundary of  
Moriches-Middle Island Road to a point due north of the easterly bounda-  
ry of Cranford Boulevard; thence southward across Moriches-Middle Island  
Road and along the easterly boundary of Cranford Boulevard to the south-  
western corner of the property identified as District 200, Section 645,  
Block 3, Lot 29.1; thence southeastward along the southerly boundary of  
said property to its intersection with property identified as District  
200, Section 712, Block 9, Lot 1; thence generally southward along the  
westerly boundary of said property to its intersection with the norther-  
ly side of the eastward extension of Grove Drive; thence southward  
crossing Grove Drive to its south side; thence westward along the south-  
erly boundary of the Grove Drive road extension to the northwestern  
corner of the property identified as District 200, Section 749, Block 3,  
Lot 41.1; and comprised of parcels owned by the county of Suffolk and  
the town of Brookhaven; thence southward to the southwestern corner of  
property identified as District 200, Section 749, Block 3, Lot 43;  
thence eastward along the southerly boundary of said property to the  
west side of Lambert Avenue; thence crossing Lambert Avenue to its east-  
erly side; thence southward along the easterly boundary of Lambert  
Avenue to the northerly boundary of the Sunrise Highway Service Road;  
thence northeastward along the northerly boundary of the Sunrise Highway  
Service Road to Barnes Road; thence northward along the westerly bounda-  
ry of Barnes Road to the northeastern corner of property identified as  
District 200, Section 750, Block 3, Lot 40.2; thence westward along the  
northerly boundary of said property to the property identified as  
District 200, Section 713, Block 1, Lot 2; thence westward along the  
northerly boundary of property identified as District 200, Section 713,  
Block 1, Lot 1; thence northward along the westerly side of Weeks Avenue  
to the northeastern corner of property identified as District 200,  
Section 713, Block 3, Lot 1; thence westward along the northerly bounda-  
ry of said property to Michigan Avenue; thence northward along the east-  
erly boundary of Michigan Ave to Moriches-Middle Island Road; thence  
eastward along the northerly boundary of Moriches-Middle Island Road to  
Sunrise Highway (Route 27); thence eastward along the northerly boundary  
of Route 27 to an old railroad grade (unpaved); thence southeastward  
along the northerly boundary of the old railroad grade (unpaved) to Old  
County Road (Route 71); thence eastward along the northerly boundary of  
Route 71 to the Long Island Rail Road tracks; thence eastward along the  
northerly boundary of the Long Island Rail Road tracks to Montauk Highway;  
thence eastward along the northerly boundary of Montauk Highway to  
Route 24; thence northward along the westerly boundary of Route 24 to  
Sunrise Highway (Route 27); thence eastward along the northerly boundary  
of Route 27 to Squiretown Road; thence northward along the westerly  
boundary of Squiretown Road to Upper Red Creek Road; thence westward  
along the southern boundary of Upper Red Creek to Lower Red Creek Road;  
thence southward along the easterly boundary of Lower Red Creek Road to  
Hubbard County Park; thence westward along the northern boundary of  
Hubbard County Park to Riverhead-Hampton Bays Road (Route 24); thence  
westward along the southerly boundary of Route 24 to Peconic Avenue;  
thence northward along the westerly boundary of Peconic Avenue to the  
Riverhead-Southampton border; thence westward along the Riverhead-South-

1 ampton border and the Riverhead-Brookhaven border to the Forge Road  
2 Bridge; thence northward along the westerly boundary of the Forge Road  
3 Bridge to Forge Road; thence northwestward along the westerly boundary  
4 of Forge Road to the railroad tracks; thence northward along the westerly  
5 boundary of Forge Road (unpaved) to the intersection of Route 25 and  
6 River Road; thence westward along the southerly boundary of River Road  
7 to Edwards Avenue; thence northward along the westerly boundary of  
8 Edwards Avenue 3,800 feet; thence westward 4,400 feet to an unnamed,  
9 unpaved road; thence northward along the westerly boundary of the  
10 unnamed, unpaved road 150 feet; thence westward and northwestward along  
11 the eastern boundary of the United States Navy/Grumman Aerospace Corpo-  
12 ration property (as of 1982) up to its intersection with Middle Country  
13 Road (Route 25); thence westward along the southerly boundary of Route  
14 25 to the intersection of Route 25 and 25A; thence northeastward, west-  
15 ward, and southwestward along the eastern and northern boundary of the  
16 United States Navy/Grumman Aerospace Corporation (as of 1982) and  
17 located immediately east of Route 25A, to its intersection with Route  
18 25A; thence westward along the southerly boundary of Route 25A to a  
19 point due south of the southeast corner of the parcel identified as  
20 District 200, Section 128, Block 1, lot 3.1; thence northeastward,  
21 northward and westward along the southerly, easterly and northerly sides  
22 of the parcel identified as District 200, section 128, Block 1, lot 1 to  
23 the southeast corner of the parcel identified as District 200, Section  
24 82, Block 1, Lot 5.2; thence northward along the east side of this  
25 parcel to North Country Road; thence northward crossing North Country  
26 Road to its northerly side; thence eastward along the northerly side of  
27 North Country Road to the Brookhaven Town-Riverhead Town line; thence in  
28 a generally northwestward direction along said town line to a point in  
29 Wading River Creek with the coordinates 40.96225 latitude and -72.863633  
30 longitude; thence westward a distance of approximately 90 feet to the  
31 easterly side of LILCO Road; thence southward along LILCO Road to its  
32 intersection with the north side of North Country Road; thence westward  
33 along the north side of North Country Road to the southeast corner of  
34 the parcel identified as District 200, Section 39, Block 1, Lot 2;  
35 thence in a northward and westward direction along the easterly and  
36 northerly sides of said parcel to its northwest corner; thence northward  
37 along the westerly boundary of the parcel identified as District 200,  
38 Section 83, Block 1, Lot 1.4 to its northwest corner; and thence contin-  
39 uing in a westward direction along the northerly side of the parcel  
40 identified as District 200, Section 39, Block 1, Lot 1.2 and the south-  
41 erly extent of Long Island Sound to the northwest corner of the property  
42 identified as District 200, Section 39, Block 1, Lot 1.2; thence south-  
43 ward along the westerly boundary of said property to North Country Road;  
44 thence west along the southerly boundary of North Country Road to the  
45 northwestern corner of property identified as District 200, Section 82,  
46 Block 1, Lot 1.1; thence south along the westerly boundary of said prop-  
47 erty and the westerly boundary of the property identified as District  
48 200, Section 82, Block 1, Lot 1.2 to the northwest corner of property  
49 identified as District 200, Section 82, Block 1, Lot 5.1; thence south-  
50 ward along the westerly boundary of said property to the northeast  
51 corner of the property identified as District 200, Section 105, Block 3,  
52 Lot 5, thence southward along the easterly boundary of said property to  
53 the north side of Route 25A; thence southward crossing Route 25A to its  
54 south side; thence westward along the southerly boundary of Route 25A to  
55 the point or place of beginning, and excluding ~~[one]~~ two distinct ~~[area]~~  
56 areas described as follows: The first area defined as beginning at a

1 point where the westerly side of William Floyd Parkway (County Road 46)  
2 meets northerly side of the Long Island Railroad (LIRR); thence westward  
3 along the northerly side of the LIRR to Moriches-Middle Island Road;  
4 thence generally northwestward along the northerly side of Moriches-Mid-  
5 dle Island Road to the southerly side of Long Island Expressway (Route  
6 495); thence eastward along the southerly side of the Long Island  
7 Expressway (Route 495) to the westerly side of William Floyd Parkway  
8 (County Road 46); thence southward along the westerly side of William  
9 Floyd Parkway (County Road 46) and containing the subdivision known as  
10 RB Industrial Park, to the point or place of beginning and the second  
11 area defined as the property described as District 200, Section 39,  
12 Block 1, Lot 1.1.

13 11. "Core preservation area" shall mean the core preservation area of  
14 the Central Pine Barrens area which comprise the largest intact areas of  
15 undeveloped pine barrens as described and bounded as follows:

16 Beginning at a point where the northwestern corner of the New York  
17 State Rocky Point Natural Resource Management Area (the "NYS Rocky Point  
18 Land") intersects the southerly side of NYS Route 25A; thence generally  
19 southward and eastward along the generally westerly and southerly bound-  
20 aries of the NYS Rocky Point Land (including the Currans Road Pond State  
21 Wildlife Management Area, all adjacent or contiguous undeveloped Town of  
22 Brookhaven parks, preserves, open space areas, or reserved areas, and  
23 the crossings of the undeveloped Suffolk County property known as the  
24 Port Jefferson - Westhampton road right of way, Whiskey Road, County  
25 Route 21, and Currans Road), and including those properties identified  
26 as District 200, Section 346, Block 1, Lots 3 and 4, to the point where  
27 the NYS Rocky Point Land meets the northerly side of NYS Route 25  
28 (Middle Country Road); thence eastward along the northerly boundary of  
29 NYS Route 25 to the southeastern corner of that property west of Wood-  
30 lots Road which is identified as District 200, Section 349, Block 2, Lot  
31 1.3; thence northward along the easterly boundary of that property to  
32 the Suffolk County Pine Trail Nature Preserve; thence eastward and  
33 southeastward along the southerly boundary of the Suffolk County Pine  
34 Trail Nature Preserve where the Preserve is adjacent to developed  
35 parcels or parcels in agricultural or horticultural use, or along a line  
36 parallel to, and 100 (one hundred) feet south of, the Preserve where the  
37 Preserve is adjacent to parcels which are undeveloped as of June 1,  
38 1993, to County Route 46; thence southward along the easterly boundary  
39 of County Route 46 to NYS Route 25; thence eastward along the southerly  
40 boundary of NYS Route 25 to the Suffolk County Pine Trail Nature  
41 Preserve; thence southward along the westerly boundary of the Suffolk  
42 County Pine Trail Nature Preserve where the Preserve is adjacent to  
43 developed parcels, or along a line parallel to, and 100 (one hundred)  
44 feet west of, the Preserve where the Preserve is adjacent to parcels  
45 which are undeveloped as of June 1, 1993, to the northern boundary of  
46 the United States land known as Brookhaven National Laboratory; thence  
47 generally westward along the northerly boundary of Brookhaven National  
48 Laboratory to County Route 46 (William Floyd Parkway); thence generally  
49 northwestward on a straight line to the intersection of Sally Lane and  
50 Pond Lane; thence westward along the southerly side of Pond Lane to Ruth  
51 Lane; thence northward along the westerly side of Ruth Lane to NYS Route  
52 25; thence westward along the northerly side of NYS Route 25 to the  
53 southeast corner of the NYS Middle Island State Game Farm and Environ-  
54 mental Education Center; thence northward, westward, and southward along  
55 the easterly, northerly, and westerly boundaries of the NYS Middle  
56 Island State Game Farm and Environmental Education Center to NYS Route

1 25; thence westward along the southerly side of NYS Route 25, excluding  
2 all parcels abutting that road which are developed as of June 1, 1993,  
3 to Giant Oak Road; thence southward along the easterly side of Giant Oak  
4 Road to Medford Road; thence southwestward along the southeasterly side  
5 of Medford Road crossing to the west side of Smith Road; thence southerly  
6 along the westerly side of Smith Road to the southeast corner of  
7 District 200, Section 406, Block 1, Lot 6; thence westward and northward  
8 along the southerly and westerly sides of said parcel to the southerly  
9 side of the developed lands known as Strathmore Ridge; thence westward,  
10 northward and eastward along the southerly, westerly and northerly sides  
11 of the developed lands known as Strathmore Ridge to the westerly side of  
12 Smith Road; thence northerly along the westerly side of Smith Road to  
13 the southerly side of NYS Route 25; thence westerly along the southerly  
14 side of NYS Route 25, to the northwestern corner of that property which  
15 is identified as District 200, Section 406, Block 1, Lot 4.3; thence  
16 southerly along the westerly boundary of that property and continuing  
17 southward along the westerly sides of the properties identified as  
18 District 200, Section 406, Block 1, Lot 4.6; District 200, Section 406,  
19 Block 1, Lot 4.4 and District 200, Section 504, Block 1, Lot 2 to the  
20 southerly side of Longwood Road; thence eastward along the southerly  
21 side of Longwood Road to the northwest corner of the property identified  
22 as District 200, Section 504, Block 1, Lot 7.2; thence southward and  
23 westward along the generally westerly boundary of that parcel to the  
24 eastern end of Rugby Lane (also known as Rugby Avenue or Rugby Road), a  
25 paper street shown on Suffolk County tax maps District 200, Sections  
26 500, 502, and 503; thence westward along the northerly boundary of Rugby  
27 Lane, across County Route 21, to the westerly boundary of County Route  
28 21 (Yaphank - Middle Island Road); thence southward along the westerly  
29 boundary of County Route 21 to the northeastern corner of the parcel  
30 identified as District 200, Section 529, Block 1, Lot 28, and which is  
31 coterminous with the southerly boundaries of the parcels located on the  
32 south side of Rustic Lane; thence westward along the northerly boundary  
33 of that parcel to the southwest corner of the parcel identified as  
34 District 200, Section 528, Block 5, Lot 2; thence northward along a  
35 portion of the easterly boundary of the Carmans River, which comprises  
36 the easterly boundary of the parcel identified as District 200, Section  
37 528, Block 5, Lot 1, to its intersection with the southern boundary of  
38 the Suffolk County Nature Preserve parcel identified as District 200,  
39 Section 500, Block 1, Lot 1.4; thence eastward along the southern bound-  
40 ary of that parcel to the southeast corner of that parcel; thence north-  
41 ward along the easterly boundary of that Suffolk County Nature Preserve  
42 parcel to the southeast corner of the Suffolk County Nature Preserve  
43 parcel identified as District 200, Section 500, Block 1, Lot 3.1, thence  
44 generally northward along the easterly boundary of that parcel to the  
45 north side of East Bartlett Road; thence easterly along the north side  
46 of East Bartlett Road to the east side of County Road 21; thence south-  
47 erly along the east side of County Road 21 to the southwest corner of  
48 District 200, Section 501, Block 1, Lot 2.1; thence easterly and north-  
49 erly along the southern and eastern sides of that property and northward  
50 along the easterly side of District 0200, 50100, Block 0100, Lot 002002  
51 and across to the north side of Longwood Road; thence westerly along the  
52 north side of Longwood Road to the southeast corner of District 200,  
53 Section 482, Block 1, Lot 3.1; thence northward and eastward along the  
54 easterly and southerly boundaries of that parcel to the northwest corner  
55 of the parcel identified as District 200, Section 483, Block 2, Lot 1.4;  
56 thence eastward along the southerly property boundary of the parcel



1 identified as District 200, Section 482, Block 1, Lot 4 to the southeast  
2 corner of that parcel; thence northward along the easterly boundary of  
3 that parcel to the northeast corner of that parcel; thence eastward and  
4 northward along the southerly and easterly boundaries of the parcel  
5 identified as District 200, Section 456, Block 2, Lot 4 to the northeast  
6 corner of that parcel; thence generally northerly and westerly along the  
7 easterly and northerly boundary of Prosser Pines County Nature Preserve  
8 to County Road 21; thence westward (directly across County Route 21)  
9 along the southerly boundary of the property identified as District 200,  
10 Section 434, Block 1, Lot 12.1, to the southwest corner of the property  
11 identified as District 200, Section 434, Block 1, Lot 14.3, adjacent to  
12 the eastern side of Cathedral Pines County Park; thence northward along  
13 the eastern boundary of Cathedral Pines County Park to the southeast  
14 corner of the property identified as District 200, Section 402, Block 1,  
15 Lot 23.1, thence continuing northward along the easterly boundary of  
16 that property to the southerly side of Lafayette Road; thence westward  
17 along the southerly side of Lafayette Road to the eastern boundary of  
18 the property identified as District 200, Section 402, Block 1, Lot 24.7;  
19 thence generally in a counter-clockwise direction along the easterly,  
20 northerly, westerly and northerly boundaries of that property to the  
21 easterly boundary of the parcel identified as District 200, Section 402,  
22 Block 1, Lot 19.2; thence northerly along the easterly side of said lot  
23 to the southeast corner of the property identified as District 200,  
24 Section 402, Block 1, Lot 20, thence westward and northward along the  
25 southerly and westerly sides of that property to the southerly side of  
26 NYS Route 25; thence westward along the southerly boundary of NYS Route  
27 25 to the northwestern corner of the parcel identified as District 200,  
28 Section 402, Block 1, Lot 16.4; thence generally southward along the  
29 westerly boundary of that parcel to the northerly boundary of the parcel  
30 identified as District 200, Section 454, Block 1, Lot 9.1; thence west-  
31 ward along the northerly boundary of that parcel to East Bartlett Road;  
32 thence southward along the easterly boundary of East Bartlett Road to  
33 its intersection with Ashton Road; thence westward to the northeastern  
34 corner of the old filed map shown on District 200, Section 499; thence  
35 westward and southward along the northerly and westerly boundaries of  
36 the old filed map shown on Suffolk County tax maps District 200,  
37 Sections 498, 499, and 527 to Hillcrest Road; thence eastward along the  
38 southerly boundary of Hillcrest Road to Ashton Road; thence southward  
39 along the easterly side of Ashton Road to Granny Road; thence eastward  
40 along the southerly side of Granny Road to the northwesterly corner of  
41 District 200, Section 547, Block 1, Lot 18.1; thence generally south-  
42 ward, westward, southward, eastward and northward in a counter-clockwise  
43 direction along the western, northern, southern and eastern boundaries  
44 of said parcel to the southeast corner of the parcel identified as  
45 District 200, Section 548, Block 1, Lot 3; thence northward along the  
46 easterly boundary of that parcel to its northeast corner; thence gener-  
47 ally northward, northeastward and eastward along the westerly, northwes-  
48 terly and northerly sides of German Boulevard to its intersection with  
49 the northeasterly side of Lakeview Boulevard; thence southeastward along  
50 the northeasterly side of Lakeview Boulevard to the westerly boundary of  
51 the parcel identified as District 200, Section 611, Block 1, Lot 5;  
52 thence northward along the westerly boundary of that parcel to its  
53 northwest corner; thence southward along the westerly boundary of the  
54 parcel identified as District 200, Section 579, Block 3, Lot 1, compris-  
55 ing part of the western bank of the Carmans River also known as Upper  
56 Lake, to the northerly side of Mill Road, also known as County Route

1 101; thence eastward along the northerly side of Mill Road to the north-  
2 east corner of the parcel identified as District 200, Section 579, Block  
3 3, Lot 19; thence westerly along the northerly boundary of that parcel  
4 to the eastern boundary of the parcel identified as District 200,  
5 Section 579, Block 3, Lot 1; thence northward along the easterly side of  
6 that parcel, comprising part of the eastern bank of the Carmans River  
7 also known as Upper Lake, to the southwest corner of the parcel identi-  
8 fied as District 200, Section 548, Block 2, Lot 5.1; thence eastward  
9 along the southern boundary of that parcel to its southeast corner;  
10 thence eastward across County Route 21 to its easterly side; thence  
11 northward along the easterly boundary of County Route 21 to the south-  
12 west corner of the Suffolk County Nature Preserve parcel known as  
13 Warbler Woods and identified as District 200, Section 551, Block 1, Lot  
14 4; thence generally eastward along the southerly boundary of the Warbler  
15 Woods parcel and then southward along the westerly boundary of an exten-  
16 sion of that parcel's southerly boundary to the southeast corner of the  
17 southern terminus of Harold Road; thence generally westward, southward  
18 and westward in a counter-clockwise direction along the northerly,  
19 westerly, northerly and westerly boundaries of the Suffolk County Nature  
20 Preserve parcel known as Fox Lair, and identified as District 200,  
21 Section 580, Block 3, Lot 24.2, to the northwest corner of the parcel  
22 Suffolk County Water Authority parcel identified as District 200,  
23 Section 580, Block 3, Lot 24.6; thence southward, eastward and southward  
24 along the westerly boundary and southerly boundaries of that Suffolk  
25 County Water Authority parcel to Main Street; thence eastward along the  
26 north side of Main Street to the southeast corner of said Suffolk County  
27 Water Authority parcel to its southeast corner; thence northward along  
28 the easterly boundary of that parcel to the southwest property boundary  
29 of the Suffolk County Nature Preserve parcel known as Fox Lair and iden-  
30 tified as District 200, Section 580, Block 3, Lot 24.2, thence generally  
31 eastward, southward, eastward, northward and eastward along the southerly  
32 ly boundaries of said parcel and eastward along the southerly boundary  
33 of the Suffolk County Nature Preserve parcel identified as District 200,  
34 Section 583, Block 1, Lot 4.1, to the west side of the unimproved north-  
35 south oriented road known variously as Smith Road, Longwood Road and  
36 Private Road; thence southward along the westerly boundary of Smith Road  
37 to the north side of the Long Island Expressway; thence westward along  
38 the northerly boundary of the Long Island Expressway to the south side  
39 of Main Street in Yaphank; thence westward along the southerly boundary  
40 of Main Street in Yaphank to the westernmost extent along Main Street of  
41 the Southaven County Park boundary; thence westward across County Road  
42 21 to the western boundary of the County Road 21 right-of-way; thence  
43 southward along the western boundary of the County Road 21 right-of-way  
44 to the northerly side of the parcel identified as District 200, Section  
45 611, Block 3, Lot 16, comprising the northerly bank of the Carmans River  
46 known as Lower Lake; thence westward along the northerly side of that  
47 property to the southwest corner of the parcel identified as District  
48 200, Section 612, Block 4, Lot 1; thence northward along the westerly  
49 boundary of that parcel to the southerly side of County Route 21 known  
50 as Main Street; thence westward along the southerly side of County Route  
51 21 known as Main Street to the northeast corner of the parcel identified  
52 as District 200, Section 612, Block 2, Lot 12; thence southward along  
53 the easterly boundary of that parcel to the southeast corner of the  
54 parcel identified as District 200, Section 612, Block 2, Lot 11; thence  
55 westward and northwestward along the northerly and northeasterly bounda-  
56 ries of the Town of Brookhaven parcel identified as District 200,

1 Section 611, Block 3, Lot 9 to the south side of Mill Road, also known  
2 as County Road 101; thence generally westward and southward along the  
3 southerly side of Mill Road and continuing southward along the eastern  
4 side of Patchogue-Yaphank Road, also known as County Road 101, to the  
5 southerly side of Gerard Road; thence eastward along the southerly side  
6 of Gerard Road to its westerly boundary known as the map of Grand  
7 Heights, filed in the offices of the Suffolk County clerk; thence south-  
8 ward along the westerly map line of the filed map known as Grand Heights  
9 to the north side of the Long Island Expressway NYS Route 495; thence  
10 easterly along the northerly side of the Long Island Expressway NYS  
11 Route 495 to the westerly side of County Route 21 known as Yaphank  
12 Avenue; thence southward along the westerly side of Yaphank Avenue to  
13 the south side of the Long Island Expressway; thence eastward along the  
14 south side of the Long Island Expressway to the westerly boundary of  
15 Southaven County Park, thence generally southward along the westerly  
16 boundary of Southaven County Park to the northeast corner of the lands  
17 of Suffolk County identified as District 200, Section 665, Block 2, Lot  
18 1; thence generally southward along the easterly boundary of said lot,  
19 crossing the LIRR and Park Street and continuing southward along the  
20 westerly boundary of Davenport Avenue as shown on the old filed map  
21 known as Bellhaven Terrace; thence southward and eastward along the  
22 westerly and southerly boundaries of the parcel identified as District  
23 200, Section 744, Block 1, Lot 10 to the westerly boundary of the parcel  
24 identified as District 200, Section 781, Block 1, Lot 3.1; thence  
25 continuing southerly along the westerly boundary of that parcel to the  
26 easterly boundary of Gerard Road; thence southward along the easterly  
27 boundary of Gerard Road to Victory Avenue; thence eastward along the  
28 northerly boundary of Victory Avenue to a point where the west bank of  
29 the Carmans River passes under Victory Avenue and Route 27; thence south  
30 under Route 27 to the southerly side of Montauk Highway also known as  
31 County Road 80; thence westward along the southerly side of Montauk  
32 Highway County Road 80, including lands owned by the United States known  
33 as Wertheim National Wildlife Refuge (the "Refuge"), to the eastern side  
34 of Old Stump Road; thence southward along the easterly side of Old Stump  
35 Road to the northerly side of Beaver Dam Road; thence eastward along the  
36 northerly side of Beaver Dam Road to the lands owned by the United  
37 States known as Wertheim National Wildlife Refuge (the "Refuge"),  
38 including the Carmans River; thence generally westerly and southerly to  
39 the waters of Bellport Bay; thence generally easterly across the Bay and  
40 northerly along the easterly boundary of the Refuge, including all lands  
41 currently part of the Refuge and any lands which may become part of the  
42 Refuge in the future to the east side of the southern terminus of Smith  
43 Road; thence northward along the easterly side of Smith Road to the  
44 southwesterly corner of the property identified as District 200, Section  
45 974.50, Block 1, Lot 11; thence eastward, northward and westward in a  
46 counter-clockwise direction along the southern, eastern and northern  
47 boundaries of that property to the easterly side of Smith Road; thence  
48 northward along the easterly side of Smith Road to the northerly side of  
49 Montauk Highway County Road 80; thence northeasterly to the southwester-  
50 ly corner of the property identified as District 200, Section 849, Block  
51 2, Lot 2; thence eastward along the northerly boundary of Montauk High-  
52 way to the southeasterly corner of the property identified as District  
53 200, Section 850, Block 3, Lot 8; thence northward to the northeasterly  
54 corner of that parcel, including all lands owned by the United States  
55 known as Wertheim National Wildlife Refuge (the "Refuge") at any time  
56 between June 1, 1993 and the present, and any lands which may become

1 part of the Refuge in the future; thence northwestward across Sunrise  
2 Highway (NYS Route 27) to the southwesterly corner of the property iden-  
3 tified as District 200, Section 850, Block 2, Lot 1; thence northward  
4 along the westerly boundary of that parcel across to the northerly boun-  
5 dary of Victory Avenue; thence westward along the northerly boundary of  
6 Victory Avenue to the westerly boundary of River Road; thence northward  
7 along the westerly boundary of River Road to the north side of the Long  
8 Island Rail Road right-of-way; thence easterly along the northerly side  
9 of the Long Island Rail Road right-of-way to the north side of Morich-  
10 es-Middle Island Road; thence generally northward and westward along the  
11 northerly side of Moriches-Middle Island Road to the northerly side of  
12 the Long Island Expressway; thence westward along the northerly boundary  
13 of the Long Island Expressway to the southeasterly corner of the Long-  
14 wood Greenbelt property (the property identified as District 200,  
15 Section 583, Block 2, Lot 1.1); thence northward along the easterly  
16 boundary of the Longwood Greenbelt property to its northeast corner;  
17 thence eastward to the southwesterly corner of the property known as  
18 District 200, Section 552, Block 1, Lot 8; thence generally northeast-  
19 ward along the easterly boundary of the property identified as District  
20 200, Section 552, Block 1, Lot 1.7 to the northeasterly corner of that  
21 parcel; thence eastward along the southerly boundaries of the parcels  
22 identified as District 200, Section 504, Block 1, Lot 8, and District  
23 200, Section 504, Block 1, Lot 11, to the westerly boundary of the  
24 William Floyd Parkway (County Route 46); thence northward along the  
25 westerly side of County Route 46 to a point 2000 (two thousand) feet  
26 south of the southern bank of the Peconic River crossing of County Route  
27 46; thence generally southeastward along a line parallel to, and 2000  
28 (two thousand) feet generally south or southwest of, and parallel to,  
29 the southernmost bank of the Peconic River to a point where the Peconic  
30 River crosses the unpaved, unnamed, north-south firebreak and patrol  
31 road on the eastern half of the Brookhaven National Laboratory property;  
32 thence southward and southwestward along the easterly and southeasterly  
33 boundaries of the unpaved, unnamed, north-south firebreak and patrol  
34 road starting on the eastern half of the Brookhaven National Laboratory  
35 property to the Brookhaven National Laboratory road known as Brookhaven  
36 Avenue; thence due westward along a straight line to the Brookhaven  
37 National Laboratory road known as Princeton Avenue; thence westward  
38 along the southerly boundary of Princeton Avenue to the unnamed Labora-  
39 tory road which diverts southwest in the vicinity of the Laboratory gate  
40 house; thence southwestward along the southerly side of the unnamed  
41 Laboratory road just described to County Route 46; thence southward  
42 along the easterly side of County Route 46 to NYS Route 495; thence  
43 eastward along the northerly boundary of NYS Route 495 to County Route  
44 111; thence southeastward along the northerly boundary of County Route  
45 111 to NYS Route 27 (Sunrise Highway); thence generally southward across  
46 NYS Route 27 to the westernmost extent along NYS Route 27 of the unde-  
47 veloped portion (as of June 1, 1993) of the parcel assemblage comprised  
48 of those parcels identified as District 200, Section 594, Block 2, Lot 4  
49 and District 900, Section 325, Block 1, Lot 41.2; thence southward along  
50 the westerly boundary of the undeveloped portion (as of June 1, 1993) of  
51 that parcel assemblage to County Route 71 (Old Country Road); thence  
52 eastward along the northerly boundary of County Route 71 to the south-  
53 eastern corner of the Suffolk County Nature Preserve lands which run  
54 from NYS Route 27 south to County Route 111 and which adjoin the easterly  
55 side of the preceding assemblage; thence northward along the easterly  
56 boundary of that Suffolk County Nature Preserve assemblage (crossing the

1 County Route 111 right of way) to NYS Route 27; thence eastward along  
2 the southerly boundary of NYS Route 27 to the westerly end of 19th  
3 Street as shown in the old filed map contained within the tax map iden-  
4 tified as District 900, Section 276, Block 2; thence southward along the  
5 westerly boundary of that old filed map (shown in District 900, Sections  
6 276, 302, 303, 327, and 328), and coterminous with the westerly side of  
7 those parcels along the westerly side of Oishei Road, to County Route  
8 71; thence eastward along the northerly boundary of County Route 71 to  
9 the southeasterly corner of the parcel identified as District 900,  
10 Section 328, Block 2, Lot 19; thence northward along the easterly bound-  
11 ary of that old filed map surrounding Oishei Road, and coterminous with  
12 the easterly side of those parcels along the easterly side of Oishei  
13 Road, to a point along that line due west of the northwesterly corner of  
14 the parcel containing the Suffolk County facilities identified as  
15 District 900, Section 331, Block 1, Lot 1; thence due eastward along a  
16 straight line to the northwesterly corner of that parcel; thence east-  
17 ward along the northerly boundary of that parcel to its northeasterly  
18 corner shown in District 900, Section 307; thence due eastward along a  
19 straight line to Summit Boulevard; thence southward along the westerly  
20 side of Summit Boulevard to County Route 71; thence eastward along the  
21 northerly side of County Route 71, excluding all parcels abutting that  
22 road which are developed as of June 1, 1993, to the Long Island Rail  
23 Road tracks; thence eastward along the northerly boundary of the Long  
24 Island Rail Road tracks to County Route 31 (Old Riverhead Road); thence  
25 northward along the westerly boundary of County Route 31 to that point  
26 opposite the point along the easterly side of County Route 31 (north of  
27 the Stewart Avenue intersection) at which the undeveloped portion (as of  
28 June 1, 1993) of the Suffolk County Airport (Gabreski Airport) occurs;  
29 thence generally northward, eastward and southward around the westerly,  
30 northerly and easterly boundaries of the undeveloped portion (as of June  
31 1, 1993) of the airport property (excluding from the Core Preservation  
32 Area those portions of the airport property which are occupied by the  
33 runways, their associated maintenance areas, and those areas identified  
34 for future use in the Suffolk County Airport Master Plan approved by the  
35 County Legislature) to the Long Island Rail Road tracks (including in  
36 the Core Preservation Area those portions of the airport property which  
37 are adjacent to the Quogue Wildlife Refuge's westerly boundary and which  
38 are in their natural state); thence eastward along the northerly bounda-  
39 ry of the Long Island Rail Road tracks to the southeasterly corner of  
40 the Town of Southampton parcel identified as District 902, Section 1,  
41 Block 1, Lot 22.1; thence generally northward and eastward along the  
42 easterly border of that parcel and the Town of Southampton parcels to  
43 the immediate north identified as District 900, Section 313, Block 1,  
44 Lot 42.1 and District 900, Section 287, Block 1, Lot 1.55 to County  
45 Route 104; thence northward along the westerly boundary of County Route  
46 104 to a point 1000 (one thousand) feet southward of NYS Route 27;  
47 thence eastward along a line parallel to, and 1000 (one thousand) feet  
48 south of, NYS Route 27, to the westerly boundary of the parcel identi-  
49 fied as District 900, Section 252, Block 1, Lot 1; thence southward  
50 along the westerly boundary of that parcel to the Long Island Rail Road  
51 tracks; thence eastward along the northerly boundary of the Long Island  
52 Rail Road tracks to Montauk Highway; thence eastward along the northerly  
53 boundary of Montauk Highway to that point where the boundary of Sears-  
54 Bellows County Park heads northward along the eastern side of the Munns  
55 Pond portion; thence northward along the easterly boundary of Sears-Bel-  
56 lows County Park, to NYS Route 27; thence eastward along the northerly

1 boundary of NYS Route 27 to NYS Route 24 (Riverhead - Hampton Bays  
2 Road); thence generally northwestward and westward along the southwes-  
3 terly boundary of NYS Route 24 to the easternmost extent along NYS Route  
4 24 of the Suffolk County Parkland known as Flanders or Hubbard County  
5 Park; thence generally northward, westward, and southward along the  
6 easterly, northerly, and westerly boundaries of Flanders or Hubbard  
7 County Park, including all adjacent or contiguous undeveloped Town of  
8 Southampton parks, preserves, open space areas, or reserved areas, to  
9 NYS Route 24; thence westward along the southerly boundary of NYS Route  
10 24 to Pleasure Drive; thence southward along the easterly boundary of  
11 Pleasure Drive a distance of 2000 (two thousand) feet, excluding all  
12 parcels abutting that road which are developed as of June 1, 1993;  
13 thence generally westward along a straight line to the southernmost  
14 extent of the NYS David Sarnoff Preserve along the westerly boundaries  
15 of the parcels on the westerly side of Brookhaven Avenue; thence gener-  
16 ally northward and westward along the easterly and northerly boundary of  
17 the NYS David Sarnoff Pine Barrens Preserve, crossing County Routes 105  
18 and 104, to County Route 63 (Riverhead-Moriches Road); thence generally  
19 westward and northward along the northerly boundary of the Suffolk Coun-  
20 ty Cranberry Bog County Nature Preserve to County Route 51; thence  
21 southwesterly along the westerly side of County Route 51 to the boundary  
22 of the Cranberry Bog County Nature Preserve; thence westward and north-  
23 ward along the northeasterly boundary of Cranberry Bog County Nature  
24 Preserve to County Route 94 (also known as NYS Route 24, or Nugent  
25 Drive); thence eastward along the northerly side of County Route 94 to  
26 the County Route 94A bridge; thence northward along the westerly side of  
27 the County Route 94A bridge to the Riverhead-Southampton border; thence  
28 westward along the Riverhead-Southampton border, and the Riverhead-Bro-  
29 okhaven Border, to the Forge Road Bridge; thence northward along the  
30 westerly boundary of the Forge Road Bridge to Forge Road; thence  
31 northwestward along the westerly boundary of Forge Road to the Long  
32 Island Rail Road tracks; thence northward along the westerly boundary of  
33 Forge Road (unpaved) to the intersection of NYS Route 25 and River Road;  
34 thence westward along the southerly boundary of River Road to Edwards  
35 Avenue; thence westward along the southerly boundary of River Road  
36 (Grumman Boulevard or Swan Pond Road) to the southeast corner of that  
37 parcel containing Conoe (or Canoe) Lake and identified as District 600,  
38 Section 137, Block 1, Lot 1; thence northward, westward, and southward  
39 along the borders of that parcel containing Conoe (or Canoe) Lake to  
40 River Road (Grumman Boulevard); thence westward along the northerly  
41 boundary of Grumman Boulevard to the southeasternmost corner of the  
42 undeveloped portion (as of June 1, 1993) of the United States  
43 Navy/Grumman Corporation property located on the north side of Grumman  
44 Boulevard and adjacent to the Grumman entrance known as the South Gate;  
45 thence due north along the easternmost edge of that undeveloped portion  
46 (as of June 1, 1993) of the United States Navy/Grumman Corporation prop-  
47 erty to NYS Route 25; thence along a straight line to the northerly side  
48 of NYS Route 25 to a point occupied by the southeasternmost corner of  
49 the parcel assemblage comprised of District 600, Section 75, Block 3,  
50 Lot 10.1, and District 600, Section 96, Block 1, Lot 14, and otherwise  
51 known as Camp Wauwepex; thence northward, westward, and generally south-  
52 ward along the easterly, northerly, and generally westerly boundaries of  
53 the Camp Wauwepex assemblage to NYS Route 25; thence westward along the  
54 northerly side of NYS Route 25 to Montauk Trail; thence northeastward  
55 along the northwesterly side of Montauk Trail to Panamoka Trail; thence  
56 northward along the westerly side of Panamoka Trail, excluding all



1 parcels abutting that road which are developed as of June 1, 1993, to  
2 Matinecock Trail; thence westward along the southerly side of Matinecock  
3 Trail to the easterly boundary of Brookhaven State Park; thence general-  
4 ly northward along the easterly boundary of Brookhaven State Park,  
5 including all adjacent or contiguous undeveloped Town of Brookhaven  
6 parks, preserves, open space areas, or reserved areas, to its inter-  
7 section with NYS Route 25A; [~~thence westward along the southerly side of~~  
8 ~~NYS Route 25A to the northeast corner of the Shoreham-Wading River~~  
9 ~~school district property;~~] thence eastward along the southerly boundary  
10 of Route 25A to a point due south of the southeast corner of the parcel  
11 identified as District 200, Section 128, Block 1, Lot 3.1; thence  
12 northeastward, northward and westward along the southerly, easterly and  
13 northerly sides of the parcel identified as District 200, Section 128,  
14 Block 1, Lot 1 to the southeast corner of the parcel identified as  
15 District 200, Section 82, Block 1, Lot 5.2; thence northward along the  
16 east side of this parcel to its intersection with the south side of  
17 North Country Road; thence northward crossing North Country road to its  
18 northerly side; thence eastward along the northerly side of North Coun-  
19 try Road to the Brookhaven Town-Riverhead Town line; thence in a gener-  
20 ally northwestward direction along said town line to a point in Wading  
21 River Creek With the coordinates 40.96225 latitude and -72.863633 longi-  
22 tude; thence westward a distance of approximately 90 feet to the easter-  
23 ly side of LILCO Road; thence southward along LILCO Road to its inter-  
24 section with the north side of North Country Road; thence westward along  
25 the north side of North Country Road to the southeast corner of the  
26 parcel identified as District 200, Section 39, Block 1, Lot 2; thence in  
27 a northward and westward direction along the easterly and northerly  
28 sides of said parcel to its northwest corner; thence northward along the  
29 westerly boundary of the parcel identified as District 200, Section 83,  
30 Block 1, Lot 1.4 to its northwest corner and the shoreline of Long  
31 Island Sound; thence westward /along the northerly side of the parcel  
32 identified as District 200, Section 83, Block 1, Lot 1.4 and continuing  
33 in a westward direction along the northerly side of the parcel identi-  
34 fied as district 200, section 39, Block 1, lot 1.2 and the southerly  
35 extent of the Long Island Sound to the northwest corner of the property  
36 identified as District 200, Section 39, Block 1, Lot 1.2; thence south-  
37 ward along the westerly boundary of said property to North Country Road;  
38 thence west along the southerly boundary of North Country Road to the  
39 northwestern corner of the property identified as District 200, Section  
40 82, Block 1, Lot 1.1; thence south along the westerly boundary of said  
41 property and the westerly boundary of the property identified as  
42 District 200, Section 39, Block 1, Lot 1.2 to the northwest corner of  
43 property identified as District 200, Section 82, Block 1, Lot 5.1;  
44 thence southward along the westerly boundary of said property in a line  
45 to the northeast corner of property identified as District 200, Section  
46 105, Block 3, Lot 5; thence southward along the easterly boundary of  
47 said property to the north side of Route 25A; thence eastward along the  
48 north side of Route 25A to a point directly north of the northeast  
49 corner of the Shoreham-Wading River school district property; thence  
50 southward, crossing Route 25A to its southerly boundary and the north-  
51 east corner of the Shoreham-Wading river school district property;  
52 thence southward, westward, and northward along the easterly, southerly,  
53 and westerly boundaries of the Shoreham-Wading River school district  
54 property to NYS Route 25A; thence westward along the southerly side of  
55 NYS Route 25A to County Route 46; thence southward along the easterly  
56 side of County Route 46 to its intersection with the Suffolk County Pine

1 Trail Nature Preserve; thence westward along the northerly boundary of  
2 the Suffolk County Pine Trail Nature Preserve where the Preserve is  
3 adjacent to developed parcels or parcels in agricultural or horticultur-  
4 al use, or along a line parallel to, and 100 (one hundred) feet north  
5 of, the Preserve where the Preserve is adjacent to parcels which are  
6 undeveloped as of June 1, 1993, to the southeastern corner of the parcel  
7 west of Woodlots Road and identified as District 200, Section 291, Block  
8 1, Lot 14.1; thence northward and westward along the easterly and north-  
9 erly boundaries of that parcel to Whiskey Road; thence westward along  
10 the southerly side of Whiskey Road to Wading River Hollow Road; thence  
11 northward along the westerly side of Wading River Hollow Road to the  
12 boundary of the NYS Rocky Point Land; thence generally northward along  
13 the easterly boundary of the NYS Rocky Point Land, including all adja-  
14 cent or contiguous undeveloped Town of Brookhaven parks, preserves, open  
15 space areas, or reserved areas, to NYS Route 25A; thence westward along  
16 the southerly side of NYS Route 25A, excluding those parcels abutting  
17 that road which are developed as of June 1, 1993, and those lands iden-  
18 tified for the reroute of Route 25A by the NYS Department of Transporta-  
19 tion, to the northeastern corner of the parcel identified as District  
20 200, Section 102, Block 3, Lot 1.4; thence southward along the westerly  
21 boundary of that parcel to the parcel identified as District 200,  
22 Section 102, Block 3, Lot 1.6; thence generally westward and southward  
23 along the westerly boundaries of that parcel and the adjoining southerly  
24 parcel identified as District 200, Section 102, Block 3, Lot 1.5 to the  
25 boundary of the NYS Rocky Point Land; thence westward along the norther-  
26 ly boundary of the NYS Rocky Point Land to County Route 21; thence  
27 generally westward along a straight line across County Route 21 to the  
28 northernmost extent along County Route 21 of the NYS Rocky Point Land;  
29 thence generally westward along the generally northerly boundary of the  
30 NYS Rocky Point Land to the point or place of beginning, and excluding  
31 the area defined as beginning at a point where the southerly boundary of  
32 NYS Route 25 meets the easterly side of the Suffolk County Pine Trail  
33 Nature Preserve; thence southeastward along the easterly side of the  
34 Suffolk County Pine Trail Nature Preserve where the Preserve is adjacent  
35 to developed parcels, or along a line parallel to, and 100 (one hundred)  
36 feet east of, the Preserve where the Preserve is adjacent to parcels  
37 which are undeveloped as of June 1, 1993, to the Long Island Lighting  
38 Company high voltage transmission lines; thence northward along the  
39 westerly side of the Long Island Lighting Company high voltage trans-  
40 mission lines to NYS Route 25; thence westward along the southerly side  
41 of NYS Route 25 to the point or place of beginning;  
42 and excluding ~~two~~ three distinct areas described as follows: Area One  
43 is the area defined as beginning at a point where the southerly boundary  
44 of NYS Route 25 meets the easterly side of the Suffolk County Pine Trail  
45 Nature Preserve; thence southeastward along the easterly side of the  
46 Suffolk County Pine Trail Nature Preserve where the Preserve is adjacent  
47 to developed parcels, or along a line parallel to, and 100 (one hundred)  
48 feet east of, the Preserve where the Preserve is adjacent to parcels  
49 which are undeveloped as of June 1, 1993, to the Long Island Lighting  
50 Company high voltage transmission lines; thence northward along the  
51 westerly side of the Long Island Lighting Company high voltage trans-  
52 mission lines to NYS Route 25; thence westward along the southerly side  
53 of NYS Route 25 to the point or place of beginning; Area Two is the area  
54 defined as beginning at the northwest corner of the parcel identified as  
55 District 200, Section 552, Block 1, Lot 3; thence eastward, southwest-  
56 ward and generally northward along the northerly, southeasterly and

1 westerly boundaries of that parcel, containing the sewage treatment  
2 facility known as the Dorade facility, to the point of beginning; Area  
3 three is defined as the parcel identified as district 200, section 82,  
4 block 1, lot 3.

5 Beginning at a point on the southeasterly corner of the intersection  
6 of Moriches-Middle Island Road and Cranford Boulevard and thence south-  
7 ward along the easterly boundary of Cranford Boulevard to the southwest-  
8 ern corner of property identified as District 200, Section 645, Block 3,  
9 Lot 29.1; thence southeastward along the southerly boundary of said  
10 property to its intersection with property identified as District 200,  
11 Section 712, Block 9, Lot 1; thence generally southward along the  
12 westerly boundary of said property to its intersection with the norther-  
13 ly side of the eastward extension of Grove Drive; thence southward  
14 crossing Grove Drive to its south side; thence westward along the south-  
15 erly boundary of the Grove Drive road extension to the northwestern  
16 corner of the property identified as District 200, Section 749, Block 3,  
17 Lot 41.1 and comprised of parcels owned by the county of Suffolk and the  
18 town of Brookhaven; thence southward to the southwestern corner of prop-  
19 erty identified as District 200, Section 749, Block 3, Lot 43; thence  
20 eastward along the southerly boundary of said property to the west side  
21 of Lambert Avenue; thence crossing Lambert Avenue to its easterly side;  
22 thence southward along the easterly boundary of Lambert Avenue to the  
23 northerly boundary of the Sunrise Highway Service Road; thence  
24 northeastward along the northerly boundary of the Sunrise Highway  
25 Service Road to Barnes Road; thence northward along the westerly bounda-  
26 ry of Barnes Road to the northeastern corner of the property identified  
27 as District 200, Section 750, Block 3, Lot 40.2; thence westward along  
28 the northerly boundary of property identified as District 200, Section  
29 713, Block 1, Lot 2; thence westward along the northerly boundary of  
30 property identified as District 200, Section 713, Block 1, Lot 1; thence  
31 northward along the westerly side of Weeks Avenue to the northeastern  
32 corner of property identified as District 200, Section 713, Block 3, Lot  
33 1; thence westward along the northerly boundary of said property to  
34 Michigan Avenue; thence northward along the easterly boundary of Michi-  
35 gan Avenue to Moriches-Middle Island Road; thence westward along the  
36 southerly boundary of Moriches-Middle Island Road to the point of begin-  
37 ning.

38 § 2. This act shall take effect on the first of January next succeed-  
39 ing the date on which it shall have become a law provided that if the  
40 provisions of this act establishing a new description and boundaries of  
41 the Central Pine Barrens Area or the core preservation area removed or  
42 excludes any of the lands of the Central Pine Barrens Area or the core  
43 preservation area as such lands are described and bounded in chapter 267  
44 of the laws of 2015, and/or protections established and/or provided by  
45 such act, this act shall be deemed repealed and of no force and effect  
46 and chapter 267 of the laws of 2015 shall remain in full force and  
47 effect. The state legislature shall notify the legislative bill draft-  
48 ing commission of any such decrease and resulting repeal in order that  
49 the commission may maintain an accurate and timely effective data base  
50 of the official text of the laws of the state of New York in furtherance  
51 of effectuating the provisions of section 44 of the legislative law and  
52 section 70-b of the public officers law.

53 PART DD

54 Intentionally Omitted

1 PART EE

2 Intentionally Omitted

3 PART FF

4 Intentionally Omitted

5 PART GG

6 Intentionally Omitted

7 PART HH

8 Section 1. Paragraph (a) of subdivision 6 of section 1304 of the real  
9 property actions and proceedings law, as amended by section 6 of part Q  
10 of chapter 73 of the laws of 2016, is amended to read as follows:

11 (a) (1) "Home loan" means a loan, including an open-end credit plan,  
12 [~~other than a reverse mortgage transaction,~~] in which:

13 (i) The borrower is a natural person;

14 (ii) The debt is incurred by the borrower primarily for personal,  
15 family, or household purposes;

16 (iii) The loan is secured by a mortgage or deed of trust on real  
17 estate improved by a one to four family dwelling, or a condominium unit,  
18 in either case, used or occupied, or intended to be used or occupied  
19 wholly or partly, as the home or residence of one or more persons and  
20 which is or will be occupied by the borrower as the borrower's principal  
21 dwelling; and

22 (iv) The property is located in this state.

23 (2) A home loan shall include a loan secured by a reverse mortgage  
24 that meets the requirements of clauses (i) through (iv) of subparagraph  
25 one of this paragraph.

26 § 2. Subdivision (a) of rule 3408 of the civil practice law and rules,  
27 as amended by section 3 of part Q of chapter 73 of the laws of 2016, is  
28 amended to read as follows:

29 (a) [~~in~~] 1. Except as provided in paragraph two of this subdivision,  
30 in any residential foreclosure action involving a high-cost home loan  
31 consummated between January first, two thousand three and September  
32 first, two thousand eight, or a subprime or nontraditional home loan, as  
33 those terms are defined under section thirteen hundred four of the real  
34 property actions and proceedings law, in which the defendant is a resi-  
35 dent of the property subject to foreclosure, the court shall hold a  
36 mandatory conference within sixty days after the date when proof of  
37 service is filed with the county clerk, or on such adjourned date as has  
38 been agreed to by the parties, for the purpose of holding settlement  
39 discussions pertaining to the relative rights and obligations of the  
40 parties under the mortgage loan documents, including, but not limited  
41 to: [~~1-~~] (i) determining whether the parties can reach a mutually agree-  
42 able resolution to help the defendant avoid losing his or her home, and  
43 evaluating the potential for a resolution in which payment schedules or  
44 amounts may be modified or other workout options may be agreed to  
45 including, but not limited to, a loan modification, short sale, deed in  
46 lieu of foreclosure, or any other loss mitigation option; or [~~2-~~] (ii)  
47 whatever other purposes the court deems appropriate.

2. (i) Paragraph one of this subdivision shall not apply to a home loan secured by a reverse mortgage where the default was triggered by the death of the last surviving borrower unless:

(A) the last surviving borrower's spouse, if any, is a resident of the property subject to foreclosure; or

(B) the last surviving borrower's successor in interest, who, by bequest or through intestacy, owns, or has a claim to the ownership of the property subject to foreclosure, and who was a resident of such property at the time of the death of such last surviving borrower.

(ii) The superintendent of financial services may promulgate such rules and regulations as he or she shall deem necessary to implement the provisions of this paragraph.

§ 3. This act shall take effect immediately and shall be deemed to have been in full force and effect on and after April 20, 2017; provided that:

(a) the amendments to subdivision 6 of section 1304 of the real property actions and proceedings law, made by section one of this act, shall not affect the expiration and reversion of such subdivision pursuant to subdivision a of section 25 of chapter 507 of the laws of 2009, as amended, and shall be deemed repealed therewith; and

(b) the amendments to subdivision (a) of rule 3408 of the civil practice law and rules, made by section two of this act, shall take effect on the same date and in the same manner as section 3 of part Q of chapter 73 of the laws of 2016 takes effect.

## PART II

Intentionally Omitted

## PART JJ

Section 1. Subsection (d) of section 6409 of the insurance law, as amended by section 17 of part V of chapter 57 of the laws of 2014, is amended to read as follows:

(d) (1) No title insurance corporation, title insurance agent, or any other person acting for or on behalf of the title insurance corporation or title insurance agent, shall offer or make, directly or indirectly, any rebate of any portion of the fee, premium or charge made, or pay or give to any applicant, or to any person, firm, or corporation acting as agent, representative, attorney, or employee of the owner, lessee, mortgagee or the prospective owner, lessee, or mortgagee of the real property or any interest therein, either directly or indirectly, any commission, any part of its fees or charges, or any other consideration or valuable thing, as an inducement for, or as compensation for, any title insurance business, nor shall any applicant, or any person, firm, or corporation acting as agent, representative, attorney, or employee of the owner, lessee, mortgagee or of the prospective owner, lessee, or mortgagee of the real property or anyone having any interest in real property knowingly receive, directly or indirectly, any such rebate or other consideration or valuable thing. Any person or entity who violates this section shall be subject to a penalty of [~~1~~] (i) five thousand dollars; or [~~2~~] (ii) up to ten times the amount of any compensation or rebate received or paid in the case of a title insurance corporation or title insurance agent; or [~~3~~] (iii) up to five times the amount of any compensation or rebate received or paid; or [~~4~~] (iv) in the case of an applicant for title insurance that covers real property used predomi-



1 nantly for residential purposes, and which consists of not more than  
2 four dwelling units, other than hotels and motels, an amount not to  
3 exceed the compensation or rebate received or paid, when such applicant  
4 knew that it was a violation to receive such rebate, or other consider-  
5 ation or valuable thing; provided, however, if such applicant did not  
6 know that it was a violation to receive such rebate, or other consider-  
7 ation or valuable thing, he or she shall not be assessed a penalty under  
8 this ~~[subdivision]~~ subsection.

9 (2) For the purposes of this subsection, "an inducement for, or as  
10 compensation for, any title insurance business" shall mean a benefit  
11 given with the intention to compensate or offer compensation, directly  
12 or indirectly, for any past or present placement for a particular piece  
13 of title insurance business to any applicant, or person, firm, or corpo-  
14 ration acting as agent, representative, attorney, or employee of the  
15 owner, lessee, mortgagee or the prospective owner, lessee, or mortgagee  
16 of the real property or any interest therein. Nothing contained in para-  
17 graph one of this subsection to the contrary shall prohibit any title  
18 insurance corporation or title insurance agent, or any other person  
19 acting for or on behalf of the title insurance corporation or title  
20 insurance agent, from undertaking any usual and customary marketing  
21 activity aimed at acquainting present and prospective customers with the  
22 advantages of using a particular title insurer or title insurance agent  
23 that are not intended for the purpose of a reward for the future place-  
24 ment of, or the past placement, of a particular piece of title insurance  
25 business.

26 § 2. This act shall take effect immediately.

27 PART KK

28 Section 1. Part RR of chapter 58 of the laws of 2017, establishing the  
29 Indian Point closure task force, is amended by adding a new section 1-a  
30 to read as follows:

31 § 1-a. Indian Point tax stabilization fund. 1. (a) There is hereby  
32 established in the joint custody of the comptroller and the commissioner  
33 of taxation and finance a special fund to be known as the "Indian Point  
34 tax stabilization fund".

35 (b) The sources of funds shall consist of all moneys collected there-  
36 for, or moneys credited, appropriated or transferred thereto from any  
37 other fund or source pursuant to law, or any other moneys made available  
38 for the purposes of the fund.

39 2. Following appropriation by the legislature, moneys in the Indian  
40 Point tax stabilization fund shall be available for distribution to (a)  
41 the county of Westchester, (b) the town of Cortlandt, in the county of  
42 Westchester, (c) the village of Buchanan, in the county of Westchester  
43 and (d) the Hendrick Hudson central school district, to prevent  
44 increases in the real property tax levy resulting from decreases due to  
45 the closure of the Indian Point nuclear power plant.

46 3. Following appropriation by the legislature, moneys from the Indian  
47 Point tax stabilization fund shall be available to (a) the county of  
48 Westchester, (b) the town of Cortlandt, in the county of Westchester,  
49 (c) the village of Buchanan, in the county of Westchester and (d) the  
50 Hendrick Hudson central school district for distribution in accordance  
51 with a plan to be developed by the Indian Point closure task force which  
52 shall evaluate anticipated fiscal impacts on real property tax  
53 collections or payments in lieu of taxes on the aforementioned municipi-  
54 palities and determine recommended levels of payments needed to mitigate



1 fiscal stress on such entities and prevent increases in the real proper-  
2 ty tax levies due to the closure of the Indian Point nuclear power  
3 plant.

4 4. Payments from the Indian Point tax stabilization fund to (a) the  
5 county of Westchester, (b) the town of Cortlandt, in the county of West-  
6 chester, (c) the village of Buchanan, in the county of Westchester and  
7 (d) the Hendrick Hudson central school district, shall be subject to the  
8 limitations and other provisions of chapter 202 of the laws of 2001.

9 5. For the purposes of this section, payments made to (a) the county  
10 of Westchester, (b) the town of Cortlandt, in the county of Westchester,  
11 (c) the village of Buchanan, in the county of Westchester and (d) the  
12 Hendrick Hudson central school district from the Indian Point tax  
13 stabilization fund shall not be considered when determining the "allow-  
14 able levy growth factor" pursuant to chapter 97 of the laws of 2011.

15 § 2. This act shall take effect immediately, provided, however, that  
16 the amendments to part RR of chapter 58 of the laws of 2017 made by  
17 section one of this act shall not affect the repeal of such part and  
18 shall be deemed to be repealed therewith.

19 PART LL

20 Section 1. Subdivision 10 of section 89-c of the public service law is  
21 amended by adding a new paragraph (b-1) to read as follows:

22 (b-1) Prior to the approval by the commission of a change by a private  
23 water utility company in any rate or charge, or in any form of contract  
24 or agreement or any rule or regulation relating to any rate, charge or  
25 service, or in any general privilege or facility, the commissioner shall  
26 retain a third-party auditor to conduct an audit of such private water  
27 utility company and provide his or her findings to the commission in  
28 writing. The third-party auditor shall not be affiliated with the  
29 commission or with any member of the public service commission. In the  
30 event of approval by the commission of any such change by a private  
31 water utility company in rate or charge, or in any form of contract or  
32 agreement or any rule or regulation relating to any rate, charge or  
33 service, or in any general privilege or facility, the independent audi-  
34 tor shall conduct a second audit of the private water utility company  
35 one year after the change takes effect. The commission shall publish the  
36 results of all such audits on its website.

37 § 2. This act shall take effect immediately.

38 PART MM

39 Section 1. The public authorities law is amended by adding a new  
40 section 1859-a to read as follows:

41 § 1859-a. Examination. At least once in each calendar year, the Green  
42 Bank, a division of the New York state energy research and development  
43 authority, shall be examined by the superintendent of financial services  
44 for the purposes of determining such entity's net worth, the soundness  
45 of its management and operating policies and the rate of return on its  
46 loans and investments, and any losses on such loans and investments. The  
47 Green Bank shall not be deemed to be a banking organization; provided,  
48 however, that the Green Bank shall be examined applying the same stand-  
49 ards as applicable to loans and investments by financial institutions.  
50 The authority shall pay the cost of such examination. Copies of each  
51 examination report, including the findings, conclusions and recommenda-  
52 tions of the examiners, shall be furnished to the New York state energy

1 research and development authority and to the comptroller and the  
2 respective chairs of the senate finance committee and the assembly ways  
3 and means committee.

4 § 2. This act shall take effect immediately.

5 PART NN

6 Section 1. Section 66 of the public service law is amended by adding a  
7 new subdivision 29 to read as follows:

8 29. Notwithstanding any provision of law to the contrary, require that  
9 all customers of electric corporations and natural gas corporations  
10 shall have the opportunity to purchase electricity services and natural  
11 gas services from any supplier of electricity and natural gas; and that  
12 any electric corporation and natural gas corporation shall provide tran-  
13 smission and distribution services from any supplier of electricity and  
14 natural gas to any customer with which such supplier has an agreement  
15 for provision of electricity services and natural gas services.

16 § 2. This act shall take effect immediately.

17 PART OO

18 Section 1. Notwithstanding any law, rule, regulation or order to the  
19 contrary, the public service commission and the New York state energy  
20 research and development authority shall provide that the Green Bank  
21 program is made accessible for funding programs to assist residential,  
22 multi-family building owners, hospitals and commercial owners with  
23 installing upgrades to heating and cooling systems through the installa-  
24 tion of a high efficiency boiler or furnace or replacement of a burner  
25 in a boiler that results in incremental emissions reductions and  
26 increased energy efficiency. Heating and cooling improvement programs  
27 established pursuant to this section shall be designed to increase effi-  
28 ciency by at least twenty percent or reduce fuel usage by at least twen-  
29 ty percent and lead to a significant reduction in carbon and/or methane  
30 emissions as defined by the authority guidelines, developed after  
31 consultation with the department of environmental conservation, provided  
32 that such projects shall have a return on investment of five years or  
33 less. The Green Bank funding and the programs established pursuant to  
34 this section shall not be used for converting heating and cooling  
35 systems from one fuel source to another. The Green Bank shall seek to  
36 develop program guidelines that provide a level of support that is pro  
37 rata to the increase in efficiency, reduction of fuel use or reduction  
38 in emissions, such that enhancements that result in the greatest envi-  
39 ronmental benefits are provided a higher level of support.

40 § 2. The funding streams for the Green Bank shall be made available  
41 for programs as described in section one of this act and may consist of  
42 monies derived from assessments on transmission and distribution compa-  
43 nies under direct oversight of the public service commission collected  
44 on or after July 1, 2006 and monies collected by auctions administered  
45 under the regional greenhouse gas initiative or any other monies admin-  
46 istered by the New York state energy research and development authority  
47 that may be available for such purpose.

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

50 PART PP

Section 1. Paragraphs (k) and (l) of subdivision 1, subdivisions 2, 3, 4 and 5 and paragraph (a) of subdivision 8 of section 487 of the real property tax law, paragraphs (k) and (l) of subdivision 1 as added and subdivisions 2, 3, 4 and 5 and paragraph (a) of subdivision 8 as amended by chapter 336 of the laws of 2017, are amended to read as follows:

(k) "~~Micro-combined~~ Combined heat and power generating equipment" means an integrated, cogenerating building heating and electrical power generation system, ~~owned, leased or operated by~~ serving a residential or commercial customer, located at such customer's premises, operating on any fuel and of any applicable engine, fuel cell or other technology with a rated capacity of at least one kilowatt and not more than ~~ten kilowatts~~ fifteen megawatts electric and any thermal output that has a design total fuel use efficiency in the production of heat and electricity of not less than ~~eighty~~ sixty percent, and annually produces at least two thousand kilowatt hours of useful energy in the form of electricity that may work in combination with supplemental or parallel conventional heating systems, that is manufactured, installed and operated in accordance with applicable government and industry standards, that is connected to the electric system and operated in conjunction with an electric corporation's transmission and distribution facilities. It does not include pipes, controls, insulation or other equipment which are part of the normal heating, cooling, or insulation system of a building. It does not include insulated glazing or insulation to the extent that such materials exceed the energy efficiency standards established by law.

(l) "~~Micro-combined~~ Combined heat and power generating equipment system" means an arrangement or combination of equipment designed to produce electrical energy and heat for a residential or commercial customer on such customer's premises.

2. Real property which includes a solar or wind energy system, farm waste energy system, micro-hydroelectric energy system, fuel cell electric generating system, ~~micro-combined~~ combined heat and power generating equipment system, or electric energy storage equipment and electric energy storage system approved in accordance with the provisions of this section shall be exempt from taxation to the extent of any increase in the value thereof by reason of the inclusion of such solar or wind energy system, farm waste energy system, micro-hydroelectric energy system, fuel cell electric generating system, ~~micro-combined~~ combined heat and power generating equipment system, or electric energy storage equipment and electric energy storage system for a period of fifteen years. When a solar or wind energy system or components thereof, farm waste energy system, micro-hydroelectric energy system, fuel cell electric generating system, ~~micro-combined~~ combined heat and power generating equipment system, or electric energy storage equipment and electric energy storage system also serve as part of the building structure, the increase in value which shall be exempt from taxation shall be equal to the assessed value attributable to such system or components multiplied by the ratio of the incremental cost of such system or components to the total cost of such system or components. The exemption provided by this section is inapplicable to any structure that satisfies the requirements for exemption under section four hundred eighty-three-e of this title.

3. The president of the authority shall provide definitions and guidelines for the eligibility for exemption of the solar and wind energy equipment and systems, farm waste energy equipment and systems, micro-hydroelectric equipment and systems, fuel cell electric generating

equipment and systems, [~~micro-combined~~] combined heat and power generating equipment and systems and electric energy storage equipment and electric energy storage system described in paragraphs (a), (b), (e), (f), (g), (h), (i), (j), (k), (l), (m) and (n) of subdivision one of this section.

4. No solar or wind energy system, farm waste energy system, micro-hydroelectric energy system, fuel cell electric generating system, [~~micro-combined~~] combined heat and power generating equipment system, or electric energy storage equipment and electric energy storage system shall be entitled to any exemption from taxation under this section unless such system meets the guidelines set by the president of the authority and all other applicable provisions of law.

5. The exemption granted pursuant to this section shall only be applicable to (a) solar or wind energy systems or farm waste energy systems which are (i) existing or constructed prior to July first, nineteen hundred eighty-eight or (ii) constructed subsequent to January first, nineteen hundred ninety-one and prior to January first, two thousand twenty-five, and (b) micro-hydroelectric energy systems, fuel cell electric generating systems, [~~micro-combined~~] combined heat and power generating equipment systems, or electric energy storage equipment or electric energy storage system which are constructed [~~subsequent to January first, two thousand eighteen and~~] prior to January first, two thousand twenty-five.

(a) Notwithstanding the provisions of subdivision two of this section, a county, city, town or village may by local law or a school district, other than a school district to which article fifty-two of the education law applies, may by resolution provide either (i) that no exemption under this section shall be applicable within its jurisdiction with respect to any solar or wind energy system or farm waste energy system which began construction subsequent to January first, nineteen hundred ninety-one or the effective date of such local law, ordinance or resolution, whichever is later, and/or (ii) that no exemption under this section shall be applicable within its jurisdiction with respect to any micro-hydroelectric energy system, fuel cell electric generating system, [~~micro-combined~~] combined heat and power generating equipment system, or electric energy storage equipment or electric energy storage system constructed subsequent to [~~January first, two thousand eighteen or~~] the effective date of such local law, ordinance or resolution[~~, whichever is later~~]. A copy of any such local law or resolution shall be filed with the commissioner and with the president of the authority.

§ 2. This act shall take effect January 1, 2019.

## PART QQ

Section 1. The public service law is amended by adding a new section 66-p to read as follows:

§ 66-p. New York state clean energy tech production program. 1. The commission shall, within forty-five days of the effective date of this section, commence a proceeding to establish a self-directed program for its industrial, commercial and large energy users, in order to stimulate the growth and adoption of more efficient use of energy, greater use of advanced energy management products, deeper penetration of renewable energy resources such as wind, solar, geothermal, renewable biomass or biogas and anaerobic digestion, wider deployment of "distributed" energy resources, such as micro grids, roof-top solar, fuel cells and other on-site power supplies, and energy storage.

2. The commission, in collaboration with the utilities and large industrial customers, shall develop, oversee and issue guidelines establishing rules and principles for the self-directed program which shall include the following elements:

(a) A program structure that allows industrial, commercial and large users to treat their existing and future clean energy surcharges; including, but not limited to, surcharges to support the clean energy fund, the system benefits charge, the renewable portfolio standard, the energy efficiency portfolio standard and energy efficiency transition implementation plans as dedicated funds for energy efficiency, greater use of advanced energy management products, deeper penetration of renewable energy resources such as wind, solar, geothermal, and anaerobic digestion, wider deployment of "distributed" energy resources, such as micro grids, roof-top solar, fuel cells and other on-site power supplies, and energy storage through an energy savings account.

(b) The self-directed program shall be available to all individual customers with a thirty-six month average demand of two megawatts or greater as well as customers with an aggregated thirty-six month average demand of four megawatts or greater as long as one or more of the accounts being aggregated by the customer has at least a thirty-six month average demand of one megawatt.

(c) A mechanism to recoup paid funds from self-directed customers if it is determined that funds contained in the energy savings account were utilized erroneously or if planned energy efficiency or other projects permitted herein did not actually occur.

(d) A requirement that after seven years any unused surcharges contained in the energy saving account shall be made available for original purposes of the surcharge.

(e) A requirement to collect and establish self-directed customers' baseline energy use data.

(f) A method to measure and verify all claimed energy objectives, using the same standards for data collection as other existing and future clean energy surcharges.

(g) Offering self-directed customers multi-year time frames greater than thirty-five months in which to expend aggregated energy efficiency fees.

(h) A means to calculate energy optimization established by the commission and based on annual electricity usage, provided that:

(1) annual electricity usage shall be normalized so that neither of the following are included in the calculation of the percentage of incremental energy savings: (i) changes in electricity usage because of changes in business activity levels not attributable to energy optimization; (ii) changes in electricity usage because of the installation, operation, or testing of pollution control equipment.

(2) savings may also be calculated on the average number of megawatt hours of electricity sold by the electric provider annually during the previous three years to retail customers in this state.

(i) The self-directed customer must develop a self-directed optimization plan. Such plan shall outline how the customer intends to achieve the goals of the self-directed program.

(j) A customer implementing a self-directed energy optimization plan shall provide a brief report biannually documenting the measures taken to meet the goals of the self-directed program. The report shall provide sufficient information for the utilities and the commission to monitor progress toward the goals in the self-directed plan and to develop reliable estimates of the energy savings, renewable power generated and/or



1 the deployment of distributed energy resources that are being achieved  
2 from self-directed plans.

3 (k) Participants will have the opportunity to self-direct all of their  
4 own contributions otherwise recovered through surcharges to qualifying  
5 projects, provided, however, that a portion of the contributions, equal  
6 to no more than one percent, is allocated to support program adminis-  
7 tration and evaluation, measurement and verification.

8 (l) A mechanism to provide that measures taken by self-directed  
9 customers, to meet the goals of the self-directed program, should be  
10 accredited to the appropriate program goals of the utility and/or load  
11 serving entity of the self-directed customer. Nothing contained in this  
12 section shall be construed as transferring the obligations of one  
13 customer class to another customer class.

14 (m) A requirement that self-direct customers match seven and one-half  
15 percent of self-directed energy optimization plan total costs provided  
16 such matching contribution may be in the form of a financial and/or in  
17 kind contribution.

18 3. The commission shall provide an annual report on or before the  
19 first day of January to the governor, the temporary president of the  
20 senate, the speaker of the assembly, the minority leader of the senate  
21 and the minority leader of the assembly, on the clean energy tech  
22 production program.

23 § 2. This act shall take effect immediately.

24 PART RR

25 Section 1. Article 8 of the public authorities law is amended by  
26 adding a new title 9-B to read as follows:

27 TITLE 9-B  
28 NEW YORK MICROGRIDS ACT

29 Section 1900. Short title.

30 1901. Definitions.

31 1902. Purposes.

32 1903. Microgrids of New York grant program.

33 § 1900. Short title. This title shall be known and may be cited as the  
34 "New York microgrids act".

35 § 1901. Definitions. As used in this section, the following terms  
36 shall have the following meanings:

37 1. "Authority" means the New York state energy research and develop-  
38 ment authority continued pursuant to section eighteen hundred fifty-two  
39 of this article.

40 2. "Energy insecure regions" means areas of the state that have expe-  
41 rienced increased electricity outages due to grid instability, capacity  
42 constraints, distribution and transmission line issues.

43 3. "Program" means the microgrids of New York grant program estab-  
44 lished pursuant to section nineteen hundred three of this title.

45 4. "Rural areas" shall have the same meaning as is ascribed to such  
46 term pursuant to subdivision seven of section four hundred eighty-one of  
47 the executive law.

48 5. "Low-income community" means a census block group, or contiguous  
49 area with multiple census block groups, having a low-income population  
50 equal to or greater than 23.59 percent of the total population of such  
51 block group or groups, or such other percentage as may be determined by  
52 the New York state department of environmental conservation.



1     § 1902. Purposes. The purposes of this title are to:  
2     1. promote long term reduction of energy costs;  
3     2. reduce the capacity demand for the market by drawing less energy  
4     from the original grid;  
5     3. stabilize energy costs;  
6     4. enhance the reliability of energy sources;  
7     5. increase energy independence throughout the state; and  
8     6. promote reliance on renewable energy sources to help mitigate  
9     climate change and achieve the state's energy use reduction goals.

10    § 1903. Microgrids of New York grant program. 1. The authority shall  
11    establish and operate the microgrids of New York grant program. Such  
12    program shall be implemented by the authority, in consultation with the  
13    department of public service, the power authority of the state of New  
14    York, the Long Island power authority and the department of environ-  
15    mental conservation. In furtherance thereof, the authority shall:

16    (a) use monies made available for the purposes of this title and the  
17    program;

18    (b) enter into contracts with constituency based organizations and  
19    other entities through the competitive grant process established pursu-  
20    ant to subdivision two of this section;

21    (c) enter into contracts with one or more program implementers to  
22    perform such functions as the authority deems appropriate; and

23    (d) exercise such other powers as are necessary for the proper imple-  
24    mentation of this title.

25    2. The authority shall:

26    (a) issue one or more program opportunity notices or requests for  
27    proposals to solicit applications from partnerships comprised of consti-  
28    tuency based organizations, which can connect community members to the  
29    program, including facilitating awareness of the program and enrollment  
30    therein;

31    (b) award grants of not more than one million dollars to each approved  
32    applicant;

33    (c) with regard to awarding such grants, give preference to:

34    (i) communities in areas of the state where energy costs are a partic-  
35    ularly high percentage of a community's median household income as  
36    determined by the authority;

37    (ii) communities that would benefit from energy resiliency provided by  
38    a microgrid, as demonstrated by prior outage history due to weather or  
39    other causes;

40    (iii) low income communities;

41    (iv) energy insecure regions; and

42    (v) rural areas.

43    3. The authority is authorized in consultation with the department of  
44    public service, the power authority of the state of New York, the Long  
45    Island power authority and the department of environmental conservation,  
46    to promulgate such rules and regulations as shall be necessary to imple-  
47    ment the provisions of this section.

48    § 2. This act shall take effect on the one hundred eightieth day after  
49    it shall have become a law.

50                                   PART SS

51    Section 1. Legislative Intent. It is the intent of this Legislature  
52    to support the ongoing financial viability of farm waste generating  
53    equipment customer-generators--more commonly known as anaerobic diges-  
54    ters--in New York state. Anaerobic digesters located on New York dairy

1 farms create critical environmental attributes including, but not limit-  
2 ed to, reducing methane gas releases and abating nutrient contamination  
3 of nearby water sources. The Legislature also recognizes that legacy  
4 anaerobic digesters are not financially viable under the current compen-  
5 sation methodology; as such, legacy anaerobic digesters are at risk of  
6 closure. Any closures would undo the significant financial investment  
7 made by the state of New York to install anaerobic digesters under the  
8 Clean Energy Fund program. Closures would also put New York behind on  
9 meeting greenhouse gas emission reduction goals as set forth under the  
10 State Energy Plan, and behind on developing a clean, distributed grid.  
11 While the New York state Public Service Commission has initiated a  
12 proceeding to transition to a compensation methodology based on the  
13 value of distributed energy resources, the implementation of the new  
14 methodology will not address the immediate financial need of existing,  
15 or legacy, anaerobic digesters, or new digesters installed prior to the  
16 finalization of a meaningful value stack methodology that includes envi-  
17 ronmental values attributed to the avoided use of electricity generated  
18 by fossil fuels and the reduction of on-site greenhouse gas emissions.

19 The Legislature hereby determines that the public interest requires an  
20 increase in the rate of compensation for customer-generators operating  
21 legacy anaerobic digesters, and new digesters installed prior to the  
22 finalization of a meaningful value stack methodology, which will apply  
23 to credit calculations for the customer-generators' bills following  
24 implementation of this legislation.

25 § 2. Paragraph (b) of subdivision 4 of section 66-j of the public  
26 service law, as amended by chapter 494 of the laws of 2014, is amended  
27 to read as follows:

28 (b) In the event that the amount of electricity produced by a custom-  
29 er-generator during the billing period exceeds the amount of electricity  
30 used by the customer-generator, the corporation shall apply a credit to  
31 the next bill for service to the customer-generator for the net elec-  
32 tricity provided at the same rate per kilowatt hour applicable to  
33 service provided to other customers in the same service class which do  
34 not generate electricity onsite, except for micro-combined heat and  
35 power or fuel cell customer-generators [~~or farm waste generating equip-~~  
36 ~~ment customer-generators as described in subparagraph (ix) of paragraph~~  
37 ~~(a) of subdivision one of this section~~], who will be credited at the  
38 corporation's avoided costs; provided, however, that in the case of farm  
39 waste generating equipment customer-generators, the corporation shall  
40 apply a credit to the next bill at a rate of no less than twelve cents  
41 per kilowatt hour. The avoided cost credit provided to micro-combined  
42 heat and power or fuel cell customer-generators [~~or farm waste generat-~~  
43 ~~ing equipment customer-generators as described in subparagraph (ix) of~~  
44 ~~paragraph (a) of subdivision one of this section~~] shall be treated for  
45 ratemaking purposes as a purchase of electricity in the market that is  
46 includable in commodity costs.

47 § 3. This act shall take effect immediately.

48 PART TT

49 Section 1. Paragraph 8 of subdivision (a) of section 188-a of the  
50 economic development law, as added by section 2 of part CC of chapter 60  
51 of the laws of 2011, is amended to read as follows:

52 (8) "Recharge New York power" shall mean and consist of equal amounts  
53 of (i) four hundred fifty-five megawatts of firm hydroelectric power  
54 from the Niagara and Saint Lawrence hydroelectric projects to be with-

drawn from utility corporations that, prior to the effective date of this section, purchased such power for the benefit of their domestic and rural consumers ("recharge New York hydropower"), and (ii) power procured by the authority through a competitive procurement process, authority sources (other than the Niagara and Saint Lawrence projects) or through an alternate method ("recharge New York market power"); provided, however, that if such recharge New York market power comes from authority sources, the use of that power shall not reduce the availability of, or cause an increase in the price of, power provided by the authority for any other program authorized in this article or pursuant to any other statute; provided, further, however that if such recharge New York market power comes from authority sources, the use of that power shall be at least eight percent less than default service.

§ 2. Paragraph 3 of subdivision (c) of section 188-a of the economic development law, as added by section 2 of part CC of chapter 60 of the laws of 2011, is amended to read as follows:

(3) The board's recommendation shall require that if the actual metered load at the facility where the allocation is utilized is less than the allocation, such allocation will be reduced accordingly, provided that, the recipient may elect to reduce the recharge New York market power allocation first, and provided further that, under its contract with the authority, the recipient shall be afforded a reasonable period within which to fully utilize the allocation, taking into account construction schedules and economic conditions. The authority shall reallocate any withdrawn or relinquished power for the recharge New York power program consistent with paragraph four of this subdivision.

§ 3. Paragraph 7 of subdivision (c) of section 188-a of the economic development law, as added by section 2 of part CC of chapter 60 of the laws of 2011, is amended to read as follows:

(7) The board shall not recommend a total of recharge New York power allocations in excess of nine hundred ten megawatts except upon the unanimous recommendation of the board.

§ 4. This act shall take effect immediately.

#### PART UU

Section 1. The public authorities law is amended by adding a new section 1884 to read as follows:

§ 1884. Application compatible with mobile cellular devices. (a) The authority shall develop and maintain an application compatible with mobile cellular devices. Such application shall use the mobile cellular device's location to determine the distance, driving directions, and location of the nearest electric vehicle charging station. Such information shall be displayed in the form of an interactive map. This application shall be updated at least every six months to reflect changes in the operation and location of electric vehicle charging stations. The authority shall be prohibited from charging a fee for the use of such application.

(b) The authority shall also maintain a website with the same information available in such application.

§ 2. This act shall take effect immediately.

#### PART VV

1 Section 1. The public service law is amended by adding a new section  
2 66-p to read as follows:

3 § 66-p. Time-of-use study and report. The commission shall conduct a  
4 study and compile a report analyzing the available time-of-use plans  
5 offered by all gas and electric utility companies conducting business in  
6 the state. Such study and report shall include, but not be limited to:

7 (a) all available time-of-use plans from all gas and electric utility  
8 companies in the state that are available to residential customers;

9 (b) all available time-of-use plans from all gas and electric utility  
10 companies in the state that are available to commercial customers;

11 (c) details about prices, including a comparison of the prices for  
12 different types of plans for each such utility company;

13 (d) recommendations regarding Advanced Metering Infrastructure (AMI)  
14 including, but not limited to, whether the utility companies' plans  
15 require an AMI to implement a time-of-use plan, recommendations on how  
16 to incentivize AMI growth in the state, and recommendations on alterna-  
17 tive ways to finance the installation of AMI in residences;

18 (e) recommendations regarding the impacts of increased electric-vehi-  
19 cle use in off-peak timeframes;

20 (f) details regarding restrictions on time-of-use plans listed by each  
21 utility company;

22 (g) recommendations for consumers on how to use time-of-use plans most  
23 efficiently; and

24 (h) include possible impacts on ratepayers if they choose time-of-use  
25 plans.

26 The commission shall publish a report of its findings within one  
27 hundred eighty days of the effective date of this section. Copies of  
28 such report shall be submitted to the temporary president of the senate,  
29 the speaker of the assembly, the chair of the senate energy and telecom-  
30 munications committee and the chair of the assembly energy committee.  
31 The commission shall also publish the report online.

32 § 2. This act shall take effect immediately.

33 PART WW

34 Section 1. The first undesignated paragraph of section 852 of the  
35 general municipal law, as amended by chapter 747 of the laws of 2005, is  
36 amended to read as follows:

37 It is hereby declared to be the policy of this state to promote the  
38 economic welfare, recreation opportunities and prosperity of its inhab-  
39 itants and to actively promote, attract, encourage and develop recre-  
40 ation, economically sound commerce ~~and~~, industry and agriculture, and  
41 economically sound projects identified and called for to implement a  
42 state heritage area management plan as provided in title G of the parks,  
43 recreation and historic preservation law through governmental action for  
44 the purpose of preventing unemployment and economic deterioration by the  
45 creation of industrial development agencies which are hereby declared to  
46 be governmental agencies and instrumentalities and to grant to such  
47 industrial development agencies the rights and powers provided in this  
48 article.

49 § 2. Subdivision 4 of section 854 of the general municipal law, as  
50 amended by section 6 of part J of chapter 59 of the laws of 2013, is  
51 amended and a new subdivision 13 is added to read as follows:

52 (4) "Project" - shall mean any land, any building or other improve-  
53 ment, and all real and personal properties located within the state of  
54 New York and within or outside or partially within and partially outside

the municipality for whose benefit the agency was created, including, but not limited to, machinery, equipment and other facilities deemed necessary or desirable in connection therewith, or incidental thereto, whether or not now in existence or under construction, which shall be suitable for manufacturing, warehousing, research, commercial ~~[or]~~, industrial or agricultural purposes or other economically sound purposes identified and called for to implement a state designated urban cultural park management plan as provided in title G of the parks, recreation and historic preservation law and which may include or mean an industrial pollution control facility, a recreation facility, educational or cultural facility, a horse racing facility, a railroad facility or an automobile racing facility, provided, however, no agency shall use its funds or provide financial assistance in respect of any project wholly or partially outside the municipality for whose benefit the agency was created without the prior consent thereto by the governing body or bodies of all the other municipalities in which a part or parts of the project is, or is to be, located, and such portion of the project located outside such municipality for whose benefit the agency was created shall be contiguous with the portion of the project inside such municipality.

(13) "Agriculture" or "agricultural" - shall mean and include the production of any agricultural, horticultural, floricultural or aquacultural product of the soil or water that has been grown, harvested or produced within the state, including but not limited to fruits, vegetables, eggs, dairy products, meat and meat products, poultry and poultry products, fish and fish products, grain and grain products, honey, nuts, preserves, maple sap products, apple cider, and fruit juice and includes the commercial raising, shearing, feeding and management of animals on a farm or ranch.

§ 3. This act shall take effect immediately.

## PART XX

Section 1. Subdivision (e) of section 42 of the tax law, as added by section 1 of part RR of chapter 60 of the laws of 2016, is amended to read as follows:

(e) For taxable years beginning on or after January first, two thousand seventeen and before January first, two thousand eighteen, the amount of the credit allowed under this section shall be equal to the product of the total number of eligible farm employees and ~~[two]~~ five hundred ~~[fifty]~~ dollars. For taxable years beginning on or after January first, two thousand eighteen and before January first, two thousand nineteen, the amount of the credit allowed under this section shall be equal to the product of the total number of eligible farm employees and ~~[three]~~ six hundred dollars. For taxable years beginning on or after January first, two thousand nineteen and before January first, two thousand twenty, the amount of the credit allowed under this section shall be equal to the product of the total number of eligible farm employees and ~~[five]~~ eight hundred dollars. For taxable years beginning on or after January first, two thousand twenty and before January first, two thousand twenty-one, the amount of the credit allowed under this section shall be equal to the product of the total number of eligible farm employees and ~~[four hundred]~~ one thousand dollars. For taxable years beginning on or after January first, two thousand twenty-one and before January first, two thousand twenty-two, the amount of the credit allowed under this section shall be equal to the product of the total number of



1 eligible farm employees and [~~six hundred~~] one thousand two hundred  
2 dollars.

3 § 2. This act shall take effect immediately and shall apply to taxable  
4 years beginning on and after January 1, 2019.

5 PART YY

6 Section 1. Paragraph (c) of subdivision 1 of section 262 of the agri-  
7 culture and markets law, as added by section 4 of part U of chapter 60  
8 of the laws of 2011, is amended to read as follows:

9 (c) equipment costs associated with improving farmers' market func-  
10 tions, including but not limited to expanding access to electronic bene-  
11 fit transfer technology [~~for~~] and service costs and any fees associated  
12 with furnishing such technology, such as transaction fees, wireless  
13 technology fees, application fees, and seasonal reactivation fees, at  
14 farmers' markets and other non-traditional food access points in food  
15 deserts in the state.

16 § 2. This act shall take effect on the thirtieth day after it shall  
17 have become a law.

18 PART ZZ

19 Section 1. Subdivision 25 of section 3 of the alcoholic beverage  
20 control law is amended to read as follows:

21 25. "Retail sale" or "sale at retail" means a sale to a consumer or to  
22 any person for any purpose other than for resale. Such sale may occur  
23 during a tasting or during any other activities where permitted by law.

24 § 2. Subparagraphs (v) and (vii) of paragraph (a) of subdivision 2-c  
25 of section 61 of the alcoholic beverage control law, as amended by chap-  
26 ter 103 of the laws of 2017, are amended to read as follows:

27 (v) To conduct tastings of and sell at retail for consumption on or  
28 off the premises New York state labelled beer manufactured by [~~a~~  
29 ~~licensed brewer~~] either a brewer licensed in New York state or [licensed  
30 farm brewery] a farm brewery licensed in New York state;

31 (vii) To conduct tastings of and sell at retail for consumption on or  
32 off the premises New York state labelled wine manufactured by either a  
33 licensed winery licensed in New York state or a licensed farm winery  
34 licensed in New York state.

35 § 3. Paragraph (e) of subdivision 2-c of section 61 of the alcoholic  
36 beverage control law, as amended by chapter 431 of the laws of 2014, is  
37 amended to read as follows:

38 (e) Notwithstanding any other provision of law to the contrary, the  
39 holder of a farm distillery license may (i) sell at retail for consump-  
40 tion on the licensed premises[~~r~~]; any liquor manufactured by the licen-  
41 see or any New York state labeled liquor, or any alcoholic beverage for  
42 consumption on the licensed premises pursuant to this subdivision.

43 Provided, however, the licensee shall regularly keep food available for  
44 sale or service to its retail customers for consumption on the premises.  
45 A licensee providing the following shall be deemed in compliance with  
46 this provision: sandwiches, soups or other such foods, whether fresh,  
47 processed, pre-cooked or frozen; and/or food items intended to [~~compli-~~  
48 ~~ment~~] complement the tasting of alcoholic beverages, which shall mean a  
49 diversified selection of food that is ordinarily consumed without the  
50 use of tableware and can be conveniently consumed while standing or  
51 walking, including but not limited to: cheese, fruits, vegetables, choc-  
52 olates, breads, mustards and crackers. All of the provisions of this



chapter relative to licenses to sell liquor at retail for consumption on the premises shall apply so far as applicable to such licensee; and

(ii) operate a restaurant, hotel, catering establishment, or other food and drinking establishment in or adjacent to the licensed premises and sell at such place, in addition to any food items or other purchased items, at retail for consumption on the premises, only liquor manufactured by the licensee and any New York state labeled liquor. All of the provisions of this chapter relative to licenses to sell liquor at retail for consumption on ~~the~~ such premises shall apply so far as applicable to such licensee. Notwithstanding any other provision of law, the licensee may apply to the authority for a license under this chapter to sell other alcoholic beverages at retail for consumption on the premises at such establishment. The privileges contained in this subdivision shall not extend to the premises of a restaurant, hotel or catering establishment.

§ 4. Paragraphs (e) and (f) of subdivision 2 of section 76-a of the alcoholic beverage control law, paragraph (e) as amended by chapter 328 of the laws of 2016 and paragraph (f) as amended by chapter 431 of the laws of 2014, are amended to read as follows:

(e) sell at the licensed premises at retail for consumption on or off the licensed premises: ~~cider and wine manufactured by the licensee or any other licensed farm winery[, and beer and spirits manufactured by any licensed farm brewery or farm distillery, at retail for consumption on or off the licensed premises];~~ New York state labeled cider manufactured by any of the following so long as it is licensed in New York state by a brewer, farm brewer, winery, cider producer, or a farm cidery; New York state labeled beer manufactured by either a brewer licensed in New York state or a farm brewery licensed in New York state; and New York state labeled liquor manufactured by either a distillery licensed in New York state or a farm distillery licensed in New York state;

(f) operate a restaurant, hotel, catering establishment, or other food and drinking establishment in or adjacent to the licensed premises and sell at such place, in addition to any food items or other permitted items, at retail for consumption on the premises, wine, cider and wine products manufactured by the licensee and any New York state labeled wine, New York state labeled cider or New York state labeled wine product. All of the provisions of this chapter relative to licenses to sell wine at retail for consumption on the premises shall apply so far as applicable to such licensee. Notwithstanding any other provision of law, the licensed winery may apply to the authority for a license under article four of this chapter to sell other alcoholic beverages at retail for consumption on the premises at such establishment. The privileges contained in paragraphs (e), (f), (g) and (h) of subdivision six of this section shall not extend to the premises of a restaurant, hotel or catering establishment.

§ 5. Paragraphs (e), (f), (g) and (h) of subdivision 6 of section 76-a of the alcoholic beverage control law, paragraphs (e) and (f) as amended by chapter 571 of the laws of 2008, paragraph (g) as added by chapter 108 of the laws of 2012 and paragraph (h) as amended by chapter 384 of the laws of 2013, are amended to read as follows:

(e) Sell for consumption on or off the licensed premises New York state labelled liquors manufactured by the holder of a class A-1, B-1, or C distiller's license.

(f) Conduct tastings on the licensed premises of New York state labelled liquors manufactured by the holder of a class A-1, B-1, or C

1 distiller's license or by a farm distillery licensed in New York state.  
2 All liquor tastings conducted pursuant to this paragraph shall be  
3 conducted in the same manner as tastings of brandy pursuant to section  
4 seventy-six-e of this article.

5 (g) Conduct tastings of and sell at retail for consumption on or off  
6 the licensed premises New York state labelled beer manufactured by  
7 either a [~~licensed~~] brewer licensed in New York state or a farm brewery  
8 licensed in New York state.

9 (h) Conduct tastings of and sell at retail for consumption on or off  
10 the licensed premises New York state labelled cider manufactured by [~~a~~]  
11 any of the following so long as it is licensed in New York state: a  
12 brewer licensed in New York state, [~~licensed~~] a farm brewery licensed in  
13 New York state, a winery, [~~licensed~~] farm winery, [~~licensed~~] cider  
14 producer or [~~licensed~~] farm cidery.

15 § 6. Paragraphs (f), (h), (i) and (j) of subdivision 2 of section 58-c  
16 of the alcoholic beverage control law, paragraph (f) as amended by chap-  
17 ter 431 of the laws of 2014 and paragraphs (h), (i) and (j) as amended  
18 by chapter 327 of the laws of 2016, are amended to read as follows:

19 (f) (i) if at the licensed premises, [~~conduct~~] the licensee conducts  
20 tastings of, [~~and-sell~~] or sells at retail for consumption on or off the  
21 licensed premises, any cider manufactured by the licensee or any New  
22 York state labeled cider, or any alcoholic beverage for consumption on  
23 the licensed premises pursuant to paragraph (g), (h), (i), or (j) of  
24 this subdivision the licensee shall regularly keep food available for  
25 sale or service to its retail customers for consumption on the premises.

26 Provided, [~~however,~~] further that for tastings and sales for on-premises  
27 consumption, the licensee shall regularly keep food available for sale  
28 or service to its retail customers for consumption on the premises. A  
29 licensee providing the following shall be deemed in compliance with this  
30 provision: (A) sandwiches, soups or other such foods, whether fresh,  
31 processed, pre-cooked or frozen; and/or (B) food items intended to  
32 complement the tasting of alcoholic beverages, which shall mean a diver-  
33 sified selection of food that is ordinarily consumed without the use of  
34 tableware and can be conveniently consumed while standing or walking,  
35 including but not limited to: cheeses, fruits, vegetables, chocolates,  
36 breads, mustards and crackers. All of the provisions of this chapter  
37 relative to licensees selling cider at retail shall apply; and

38 (ii) operate a restaurant, hotel, catering establishment, or other  
39 food and drinking establishment in or adjacent to the licensed premises  
40 and sell at such place, in addition to any food items or other permitted  
41 items, at retail for consumption on the premises, only cider manufac-  
42 tured by the licensee and any New York state labeled cider. All of the  
43 provisions of this chapter relative to licensees to selling cider at  
44 retail shall apply. Notwithstanding any other provision of law, the  
45 licensed farm cidery may apply to the authority for a license under this  
46 chapter to sell other alcoholic beverages at retail for consumption on  
47 the premises at such establishment, but the privileges contained in  
48 paragraph (g), (h), (i), or (j) of this subdivision shall not extend to  
49 the premises of the restaurant, hotel, or catering establishment;

50 (h) conduct tastings of and sell at retail for consumption on or off  
51 the premises New York state labeled beer manufactured by [~~a-licensed~~]  
52 either a brewery licensed in New York state or [~~licensed~~] a farm brewery  
53 licensed in New York state;

54 (i) conduct tastings of and sell at retail for consumption on or off  
55 the licensed premises New York state labelled wine manufactured by

1 ~~either~~ a [~~licensed~~] winery licensed in New York state or [~~licensed~~] a  
2 farm winery licensed in New York state;

3 (j) conduct tastings of and sell at retail for consumption on or off  
4 the premises New York state labelled liquor manufactured by [~~a-licensed~~]  
5 ~~either a~~ distiller licensed in New York state or [~~licensed~~] a farm  
6 distiller licensed in New York state; provided, however, that no consum-  
7 er may be provided, directly or indirectly: (i) with more than three  
8 samples of liquor for tasting in one calendar day; or (ii) with a sample  
9 of liquor for tasting equal to more than one-quarter fluid ounce; and

10 § 7. Paragraphs (e), (f), (g), (h), (i), (j), (k) and (l) of subdivi-  
11 sion 2 of section 51-a of the alcoholic beverage control law, paragraph  
12 (e) as amended by chapter 328 of the laws of 2016, paragraphs (f), (h),  
13 (i), (k) and (l) as added by chapter 108 of the laws of 2012, paragraph  
14 (g) as amended by chapter 431 of the laws of 2014 and paragraph (j) as  
15 added and paragraphs (k) and (l) as relettered by chapter 384 of the  
16 laws of 2013, are amended to read as follows:

17 (e) [~~sell at the licensed premises beer and cider manufactured by the~~  
18 ~~licensee or any other licensed farm brewery, and wine and spirits manu-~~  
19 ~~factured by any licensed farm winery or farm distillery, at retail for~~  
20 ~~consumption on or off the licensed premises~~] (i) sell at retail for  
21 consumption on or off the licensed premises beer manufactured by the  
22 licensee, or New York state labelled beer manufactured by either a brew-  
23 er licensed in New York state or a farm brewery licensed in New York  
24 state;

25 (ii) to conduct tastings of, and sell at retail for consumption on or  
26 off the licensed premises cider manufactured by the licensee, or New  
27 York state labelled cider manufactured by either a cidery licensed in  
28 New York state or a farm cidery licensed in New York state;

29 (iii) to conduct tastings of, and sell at retail for consumption on or  
30 off the licensed premises New York state labelled wine manufactured by  
31 either a winery licensed in New York state or a farm winery licensed in  
32 New York state; and

33 (iv) to conduct tastings of, and sell at retail for consumption on or  
34 off the licensed premises New York state labelled spirits manufactured  
35 by either a distillery licensed in New York state or a farm distillery  
36 licensed in New York state; provided, however, that no consumer may be  
37 provided, directly or indirectly: (A) with more than three samples of  
38 liquor for tasting in one calendar day; or (B) with a sample of liquor  
39 for tasting equal to more than one-quarter fluid ounce;

40 (f) [~~conduct tastings at the licensed premises of beer and cider manu-~~  
41 ~~factured by the licensee or any other licensed farm brewery;~~

42 (g) ~~operate a restaurant, hotel, catering establishment, or other food~~  
43 ~~and drinking establishment in or adjacent to the licensed premises and~~  
44 ~~sell at such place, at retail for consumption on the premises, beer and~~  
45 ~~cider manufactured by the licensee and any New York state labeled beer~~  
46 ~~or New York state labeled cider. All of the provisions of this chapter~~  
47 ~~relative to licenses to sell beer at retail for consumption on and off~~  
48 ~~the premises shall apply so far as applicable to such licensee.~~  
49 ~~Notwithstanding any other provision of law, the licensed farm brewery~~  
50 ~~may apply to the authority for a license under this chapter to sell~~  
51 ~~other alcoholic beverages at retail for consumption on the premises at~~  
52 ~~such establishment]~~ at the licensed premises, conduct tastings of any  
53 beer manufactured by the licensee or any New York state labeled beer, or  
54 any alcoholic beverage for consumption licensed pursuant to paragraph  
55 (e) of this subdivision. Provided however, the licensee shall regularly  
56 keep food available for sale or service to its retail customers for

1 consumption on the premises. Provided, however, for tastings and sales  
2 for on-premises consumption, the licensee shall regularly keep food  
3 available for sale or service to its retail customers for consumption on  
4 the premises. A licensee providing the following shall be deemed in  
5 compliance with this provision: (i) sandwiches, soups, or other such  
6 foods, whether fresh, processed, pre-cooked or frozen; and/or (ii) food  
7 items to complement the tasting of alcoholic beverages, which shall mean  
8 a diversified selection of food that is ordinarily consumed without the  
9 use of tableware and can be conveniently consumed while standing or  
10 walking, including but not limited to: cheeses, fruits, vegetables,  
11 chocolates, breads, mustards and crackers. All of the provisions of this  
12 chapter relative to licensees selling cider at retail shall apply; and  
13 (iii) operate a restaurant, hotel, catering establishment, or other food  
14 and drinking establishment in or adjacent to the licensed premises and  
15 sell at such place, in addition to any food items or other permitted  
16 items, at retail for consumption on the premises, only cider manufac-  
17 tured by the licensee and any New York state labeled cider. All of the  
18 provisions of this chapter relative to licensees to selling cider at  
19 retail shall apply. Notwithstanding any other provision of law, the  
20 licensed farm brewery may apply to the authority for a license under  
21 this chapter to sell other alcoholic beverages at retail for consumption  
22 on the premises at such establishment, but the privileges contained in  
23 paragraph (e) of this subdivision shall not extend to the premises of  
24 the restaurant, hotel, or catering establishment;

25 ~~[(h)]~~ (g) sell beer and cider manufactured by the licensee or any  
26 other ~~[licensed]~~ farm brewery licensed in New York state at retail for  
27 consumption off the premises, at the state fair, at recognized county  
28 fairs and at farmers markets operated on a not-for-profit basis; and

29 ~~[(i) conduct tastings of and sell at retail for consumption off the~~  
30 ~~premises New York state labelled wine manufactured by a licensed winery~~  
31 ~~or licensed farm winery;~~

32 ~~[(j) conduct tastings of and sell at retail for consumption off the~~  
33 ~~premises New York state labelled cider manufactured by a licensed cider~~  
34 ~~producer or licensed farm cidery;~~

35 ~~[(k) conduct tastings of and sell at retail for consumption off the~~  
36 ~~premises New York state labelled liquor manufactured by a licensed~~  
37 ~~distiller or licensed farm distiller; provided, however, that no consum-~~  
38 ~~er may be provided, directly or indirectly: (i) with more than three~~  
39 ~~samples of liquor for tasting in one calendar day; or (ii) with a sample~~  
40 ~~of liquor for tasting equal to more than one quarter fluid ounce; and~~

41 ~~[(l)]~~ (h) engage in any other business on the licensed premises subject  
42 to such rules and regulations as the authority may prescribe. Such rules  
43 and regulations shall determine which businesses will be compatible with  
44 the policy and purposes of this chapter and shall consider the effect of  
45 particular businesses on the community and area in the vicinity of the  
46 farm brewery licensee.

47 § 8. This act shall take effect on the ninetieth day after it shall  
48 have become a law; provided, however, that effective immediately, the  
49 addition, amendment and/or repeal of any rule or regulation necessary  
50 for the implementation of this act on its effective date are authorized  
51 and directed to be made and completed on or before such effective date.

52 PART AAA

53 Section 1. Section 16 of the agriculture and markets law is amended by  
54 adding a new subdivision 49 to read as follows:

49. Develop, in consultation with the department of environmental conservation and institutions of higher education with expertise in pollinator protection, minimum guidelines for vegetation management plans used by any person, corporation, partnership, association or other organized group of persons who make public claims that their property or commercial enterprise on a property, including, but not limited to solar electric generating systems, is pollinator friendly or provides benefits and protection to pollinators. Such guidelines shall provide guidance for short-term and long-term property management practices that provide and maintain native perennial vegetation to protect the health and well-being of pollinators including, but not limited to the percentage of the property that may be covered with native perennial vegetation; the type, amount, and diversity of native perennial vegetation that may be maintained on the property; the number of seasons and the minimum number of species of native perennial vegetation that may be in bloom; maintenance practices to be used; the use of pesticides; the width and composition of buffers adjacent to the property; and any other guidelines established by the department. Nothing in this subdivision shall be deemed to restrict any farming practices by any person, corporation, partnership, association or other organized group of persons not making such public claims.

§ 2. This act shall take effect on the ninetieth day after it shall have become a law.

#### PART BBB

Section 1. The tax law is amended by adding a new section 44 to read as follows:

§ 44. NY crops for value added products tax credit. (a) General. A taxpayer subject to tax under article nine, nine-A or twenty-two of this chapter shall be allowed a credit against such tax pursuant to the provisions referenced in subdivision (e) of this section, however, the unused portion of any tax credit claimed shall not be carried forward and applied in another tax year. The tax credit allowed pursuant to this section shall apply to taxable years beginning on or after January first, two thousand nineteen.

(b) Definitions. For the purposes of this section the following terms shall have the following meanings:

(1) "crop" shall mean (i) fruits, including apples, peaches, grapes, cherries and berries, (ii) vegetables, including tomatoes, snap beans, cabbage, carrots, beets and onions, and (iii) potatoes and dry beans;

(2) "value added product" shall mean the increase in the fair market value of a product resulting from the processing of such product;

(3) "net sales" shall mean the total sales of the business subject to tax.

(4) "eligible taxpayer" means a corporation (including a New York S corporation), a sole proprietorship, a limited liability company or a partnership.

(c) The amount of the credit shall be proscribed according to the following schedule:

(1) for twenty percent of net sales attributed to value added products that used a New York-grown crop, the credit shall be one thousand five hundred dollars.

(2) for forty percent of net sales attributed to value added products that used a New York-grown crop, the credit shall be three thousand dollars.



1 (3) for sixty percent of net sales attributed to value added products  
2 that used a New York-grown crop, the credit shall be six thousand  
3 dollars.

4 (4) for eighty percent of net sales attributed to value added products  
5 that used a New York-grown crop, the credit shall be twelve thousand  
6 dollars.

7 (5) for one hundred percent of net sales attributed to value added  
8 products that used a New York-grown crop, the credit shall be twenty-  
9 five thousand dollars.

10 (d) (1) Businesses claiming the NY crops for value added products tax  
11 credit shall submit a computer-generated report with tax returns that  
12 claim a tax credit.

13 (2) Such report shall include the name of the producer and the phys-  
14 ical place of business where the products are produced.

15 (3) The amount paid by the grocer or business to the producer and  
16 amount of units purchased.

17 (e) Cross-references. For application of the credit provided for in  
18 this section, see the following provisions of this chapter:

19 (1) Article 9: Section 187-t.

20 (2) Article 9-A: Section 210-B, subdivision 53.

21 (3) Article 22: Section 606, subsections (i) and (iii).

22 § 2. Section 210-B of the tax law is amended by adding a new subdivi-  
23 sion 53 to read as follows:

24 53. NY crops for value added products tax credit. A taxpayer shall be  
25 allowed a credit, to be computed as provided in section forty-four of  
26 this chapter against the tax imposed by this article. The credit allowed  
27 under this subdivision for any taxable year shall not reduce the tax due  
28 for such year to less than the fixed dollar minimum amount prescribed in  
29 paragraph (d) of subdivision one of section two hundred ten of this  
30 article. However, if the amount of credit allowed under this subdivision  
31 for any taxable year reduces the tax to such amount or if the taxpayer  
32 otherwise pays tax based on the fixed dollar minimum amount, any amount  
33 of credit thus not deductible in such taxable year shall be treated as  
34 an overpayment of tax to be credited or refunded in accordance with the  
35 provisions of section one thousand eighty-six of this chapter. Provided,  
36 however, the provisions of subsection (c) of section one thousand eight-  
37 y-eight of this chapter notwithstanding, no interest shall be paid ther-  
38 eon. The tax credit allowed pursuant to this section shall apply to  
39 taxable years beginning on or after January first, two thousand nine-  
40 teen.

41 § 3. Section 606 of the tax law is amended by adding a new subsection  
42 (iii) to read as follows:

43 (iii) NY crops for value added products tax credit. A taxpayer shall  
44 be allowed a credit to be computed as provided in section forty-four of  
45 this chapter against the tax imposed by this article. If the amount of  
46 the credit allowed under this subsection for any taxable year shall  
47 exceed the taxpayer's tax for such year, the excess shall be treated as  
48 an overpayment of tax to be credited or refunded in accordance with the  
49 provisions of section six hundred eighty-six of this article, provided,  
50 however, that no interest shall be paid thereon. The tax credit allowed  
51 pursuant to this section shall apply to taxable years beginning on or  
52 after January first, two thousand nineteen.

53 § 4. Subparagraph (B) of paragraph 1 of subsection (i) of section 606  
54 of the tax law is amended by adding a new clause (xliv) to read as  
55 follows:



(xliv) NY crops for value added products      Amount of credit under  
tax credit under subsection (iii)      subdivision fifty-three of  
section two hundred ten-B

§ 5. The tax law is amended by adding a new section 187-t to read as follows:

§ 187-t. NY crops for value added products tax credit. (a) Allowance of credit. A taxpayer shall be allowed a credit, to be computed as provided in section forty-four of this chapter against the tax imposed by this article.

(b) Application of credit. The credit allowed under this subdivision for any taxable year shall not reduce the tax due for such year to less than the fixed dollar minimum amount prescribed in paragraph (d) of subdivision one of section two hundred ten of this chapter. However, if the amount of credit allowed under this subdivision for any taxable year reduces the tax to such amount or if the taxpayer otherwise pays tax based on the fixed dollar minimum amount, any amount of credit thus not deductible in such taxable year shall be treated as an overpayment of tax to be credited or refunded in accordance with the provisions of section one thousand eighty-six of this chapter. Provided, however, the provisions of subsection (c) of section one thousand eighty-eight of this chapter notwithstanding, no interest shall be paid thereon. The tax credit allowed pursuant to this section shall apply to taxable years beginning on or after January first, two thousand nineteen.

§ 6. This act shall take effect immediately and shall apply to taxable years beginning on or after January 1, 2019.

#### PART CCC

Section 1. Paragraph (a) of subdivision 4 of section 174 of the navigation law, as amended by section 1 of part X of chapter 58 of the laws of 2015, is amended to read as follows:

(a) The license fee shall be nine and one-half cents per barrel transferred, unless the major facility is located within one mile of a facility in an adjoining state, which if such facility in another state was located in this state would be a major facility, then such fee shall be one cent per barrel transferred, provided, however, that the fee on any barrel, including any products derived therefrom, subject to multiple transfer, shall be imposed only once at the point of first transfer. Provided further, the license fee for major facilities that (i) transfer barrels for their own use, and (ii) do not sell or transfer the product subject to such license fee, shall be eight cents. In each fiscal year following any year in which the balance of the account established by paragraph (a) of subdivision two of section one hundred seventy-nine of this article equals or exceeds forty million dollars, no license fee shall be imposed unless (a) the current balance in such account is less than thirty-five million dollars or (b) pending claims against such account exceed fifty percent of the existing balance of such account. In the event of either such occurrence and upon certification thereof by the state comptroller, the administrator shall within ten days of the date of such certification reimpose the license fee, which shall take effect on the first day of the month following such relevy. The rate may be set at less than nine and one-half cents per barrel transferred if the administrator determines that the revenue produced by such lower rate shall be sufficient to pay outstanding claims against such account within one year of such imposition of the license fee. Should such account exceed forty million dollars, as a result of interest, the

1 administrator and the commissioner of environmental conservation shall  
2 report to the legislature and the governor concerning the options for  
3 the use of such interest. The fee established by this paragraph shall  
4 not be imposed upon any barrel which is transferred to a land based  
5 facility but thereafter exported from this state for use outside the  
6 state and is shipped to facilities outside the state regardless of  
7 whether the delivery or sale of such petroleum occurs in this state.

8 § 2. Subdivision 4 of section 174 of the navigation law is amended by  
9 adding a new paragraph (e) to read as follows:

10 (e) Notwithstanding paragraph (d) of this subdivision, the surcharge  
11 established by paragraph (b) of this subdivision shall be one and one-  
12 half cents per barrel for any barrel that is transferred into a major  
13 facility located within one mile of a facility in an adjoining state,  
14 which if such facility in another state was located in this state would  
15 be a major facility, and thereafter exported from this state for use  
16 outside the state as described by paragraph (a) of this subdivision.

17 § 3. This act shall take effect immediately.

18 PART DDD

19 Section 1. The agriculture and markets law is amended by adding a new  
20 section 16-b to read as follows:

21 § 16-b. Homemade products. The commissioner shall promulgate rules and  
22 regulations to execute and carry into effect the following:

23 1. a review of the ingredients and foods home processors are prohibit-  
24 ed from using and making;

25 2. in consultation with the department of health, modifications to  
26 expand the ingredients that may be used and the types of goods that may  
27 be offered for sale by home processors consistent with the standards and  
28 best practices of food safety; and

29 3. approved home-processed product methods of sale to individuals,  
30 restaurants, retailers and grocers:

31 (a) direct and indirect internet sales;

32 (b) home-based in-person sales;

33 (c) home-based delivery services; and

34 (d) community-supported agriculture subscriptions.

35 § 2. This act shall take effect immediately.

36 PART EEE

37 Section 1. Section 16 of the agriculture and markets law is amended by  
38 adding a new subdivision 2-f to read as follows:

39 2-f. Aid in efforts supporting the successful transfer or lease of  
40 viable agricultural land from existing owners to new owners and opera-  
41 tors, especially beginning farmers.

42 § 2. Subdivision 5 of section 309 of the agriculture and markets law,  
43 as added by chapter 79 of the laws of 1980, is amended to read as  
44 follows:

45 5. The advisory council on agriculture shall advise the commissioner  
46 and other state agency heads on state government plans, policies and  
47 programs affecting farming and the agricultural industry of this state  
48 including, but not limited to, advice regarding tax, financial assist-  
49 ance and other policies and programs that could address the needs of  
50 beginning farmers and issues related to the transfer or lease of owner-  
51 ship of farms. Concerned state agencies shall be encouraged to estab-

lish a working relationship with the council and shall fully cooperate with the council in any requests it shall make.

§ 3. Subdivision 6 of section 323 of the agriculture and markets law, as amended by chapter 150 of the laws of 2013, is amended to read as follows:

6. reporting biennially to the governor and the legislature regarding the activities of the commissioner, including efforts to enhance access to viable agricultural land for new and beginning farmers, the types of technical assistance rendered to county agricultural and farmland protection boards, municipalities, soil and water conservation districts and not-for-profit conservation organizations, and the need to protect the state's agricultural economy and land resources.

§ 4. The agriculture and markets law is amended by adding a new section 329-a to read as follows:

§ 329-a. Farmland availability information. 1. The department shall collect and compile information about public land that is viable for farming and is available for purchase or lease for farming and make available such information, including contact information for the office of general services, other state agencies, municipalities, and other governmental entities offering such land, on its internet website. The department shall provide guidance and assistance to the office of general services, other state agencies, municipalities and other governmental organizations that request such assistance, in identifying land that is viable for farming.

2. The department shall make available similar information about private land available for purchase or lease for farming, including contact information for the owners of such land.

§ 5. Section 2 of the public lands law is amended by adding a new subdivision 3-a to read as follows:

3-a. Land viable for farming; identification. The commissioner of general services is authorized and directed to consult, as part of the state-owned real property management program, with the department of agriculture and markets to identify land that may be viable for farming and be made available for purchase or lease for farming and make such information available to the department of agriculture and markets to be disseminated to the public.

§ 6. This act shall take effect immediately.

#### PART FFF

Section 1. The environmental conservation law is amended by adding a new section 9-0309 to read as follows:

§ 9-0309. Access to state lands; collection of sap from maple trees.

Notwithstanding any other provisions of this article, the commissioner shall create a permitting system and promulgate rules and regulations to permit access to state lands for the purpose of collecting sap from maple trees. Such system shall at a minimum include:

1. Setting of a nominal fee to be paid by persons applying for such permit; and

2. A requirement that persons applying for such permit have adequate insurance coverage as determined by the commissioner.

§ 2. Subdivision 1 of section 9-0303 of the environmental conservation law, as amended by chapter 602 of the laws of 2003, is amended to read as follows:

1. Trees or timber. Except as provided in subdivision 2 of section 9-0107, section 9-0309 and in sections 9-0501 through 9-0507 of this

1 article no person shall cut, remove, injure, destroy or cause to be cut,  
2 removed, injured or destroyed any trees or timber or other property  
3 thereon or enter upon such lands with intent to do so.

4 § 3. Section 210-B of the tax law is amended by adding a new subdivi-  
5 sion 53 to read as follows:

6 53. Maple syrup producer tax credit. (a) Allowance of credit. A  
7 taxpayer who shall be allowed a credit, to be computed as hereinafter  
8 provided, against the taxes imposed by this article. Such credit, to be  
9 computed as hereinafter provided, shall be allowed for qualified equip-  
10 ment, purchased and used by a taxpayer for the collection of maple sap  
11 and the production of maple syrup on lands that such taxpayer owns or  
12 leases, placed in service during the taxable year; provided, however,  
13 that the commissioner shall require such documentary proof to qualify  
14 for any exemption provided herein as the commissioner deems appropriate.

15 (b) Definition. As used in this section "qualified equipment" shall  
16 mean equipment and materials used in the collection of maple sap and the  
17 production of maple syrup, such as but not limited to, taps, tubing,  
18 buckets, evaporator and packaging.

19 (c) Amount of credit. The amount of credit under this subdivision  
20 shall be thirty percent of the cost of any such qualified equipment  
21 placed in service during the taxable year, not exceeding five thousand  
22 dollars.

23 (d) Application of credit. If the amount of the credit allowed under  
24 this subdivision for any taxable year shall exceed the taxpayer's tax  
25 for such year, the excess shall be treated as an overpayment of tax to  
26 be credited or refunded in accordance with the provisions of section six  
27 hundred eighty-six of this chapter, provided, however, that no interest  
28 shall be paid thereon.

29 § 4. Section 606 of the tax law is amended by adding a new subsection  
30 (ccc) to read as follows:

31 (ccc) Maple syrup producer tax credit. (1) Allowance of credit. A  
32 taxpayer who shall be allowed a credit, to be computed as hereinafter  
33 provided, against the taxes imposed by this article. Such credit, to be  
34 computed as hereinafter provided, shall be allowed for qualified equip-  
35 ment, purchased and used by a taxpayer for the collection of maple sap  
36 and the production of maple syrup on lands that such taxpayer owns or  
37 leases, placed in service during the taxable year; provided, however,  
38 that the commissioner shall require such documentary proof to qualify  
39 for any exemption provided herein as the commissioner deems appropriate.

40 (2) Definition. As used in this section "qualified equipment" shall  
41 mean equipment and materials used in the collection of maple sap and the  
42 production of maple syrup, such as but not limited to, taps, tubing,  
43 buckets, evaporator and packaging.

44 (3) Amount of credit. The amount of credit under this subsection shall  
45 be thirty percent of the cost of any such qualified equipment placed in  
46 service during the taxable year, not exceeding five thousand dollars.

47 (4) Application of credit. If the amount of the credit allowed under  
48 this subsection for any taxable year shall exceed the taxpayer's tax for  
49 such year, the excess shall be treated as an overpayment of tax to be  
50 credited or refunded in accordance with the provisions of section six  
51 hundred eighty-six of this article, provided, however, that no interest  
52 shall be paid thereon.

53 § 5. This act shall take effect on the ninetieth day after it shall  
54 become a law; provided, however, that sections three and four of this  
55 act shall apply to all tax years beginning on and after January 1, 2019.  
56 Effective immediately, the addition, amendment and/or repeal of any rule

1 or regulation necessary for the implementation of this act on its effective date are authorized and directed to be made and completed on or before such effective date.

4 PART GGG

5 Section 1. The commissioner of agriculture and markets is hereby authorized and directed to conduct a "women in farming" study on women who are farm operators in New York state. Special attention in such study shall be given to: the impediments and barriers to growing existing women-operated farm businesses, the impediments for women seeking to pursue farming careers, the factors contributing to a growing number of women choosing to become farm operators and any recommendations for legislation and administrative programs to support and encourage women farmers.

14 § 2. Within one year of the effective date of this act the commissioner of agriculture and markets shall deliver a report of his or her findings and recommendations, including proposed legislation to the governor, the temporary president of the senate and the speaker of the assembly. The report shall describe with particularity how any recommendations for legislation and administrative programs to support and encourage women farmers made by the study can be implemented in New York state.

22 § 3. This act shall take effect immediately.

23 PART HHH

24 Section 1. Notwithstanding any provision of law to the contrary, all interests or rights acquired in real property for the preservation of agricultural lands pursuant to section 247 of the general municipal law do not and have not constituted an alienation of the owner's right to use the land or to construct buildings or structures for bona fide agricultural production and such acquisitions shall permit the use of such land for bona fide agricultural production pursuant to state and local law; and the granting of a permit for uses, buildings or structures on such real property that are necessary for bona fide agricultural production shall not constitute alienation of any interests or rights in real property acquired for the preservation of agricultural lands, pursuant to this section.

36 § 2. This act shall apply to all interests or rights acquired in real property by any municipality for the preservation of agricultural lands, pursuant to section 247 of the general municipal law, now-owned or hereafter acquired.

40 § 3. This act shall take effect immediately.

41 PART III

42 Section 1. Article 27 of the environmental conservation law is amended by adding a new title 20 to read as follows:

44 TITLE 20

45 PAINT STEWARDSHIP PROGRAM

46 Section 27-2001. Definitions.

47 27-2003. Paint stewardship program.

48 27-2005. Regulations.

49 27-2007. Reporting.

50 § 27-2001. Definitions.



1 When used in this title:

2 1. "Architectural paint" means interior and exterior architectural  
3 coatings sold in containers of five gallons or less. Architectural paint  
4 does not include industrial, original equipment or specialty coatings.

5 2. "Distributor" means a person that has a contractual relationship  
6 with one or more producers to market and sell architectural paint to  
7 retailers or directly to consumers or end-users in the state.

8 3. "Environmentally sound management practices" means procedures for  
9 the collection, storage, transportation, reuse, recycling and disposal  
10 of architectural paint, to be implemented by the producer or represen-  
11 tative organization or such representative organization's contracted  
12 partners to ensure compliance with all applicable federal, state and  
13 local laws, regulations and ordinances and the protection of human  
14 health and the environment. Environmentally sound management practices  
15 include, but are not limited to, record keeping, the tracking and docu-  
16 menting of the fate of post-consumer paint in and outside of the state,  
17 and environmental liability coverage for professional services and for  
18 the operations of the contractors working on behalf of the producer or  
19 representative organization.

20 4. "Paint stewardship assessment" means the amount added to the  
21 purchase price of architectural paint sold in the state that is neces-  
22 sary to cover the cost of collecting, transporting and processing post-  
23 consumer paint by the producer or representative organization pursuant  
24 to the paint stewardship program.

25 5. "Paint stewardship program" or "program" means a program for the  
26 management of post-consumer paint operated by a producer or represen-  
27 tative organization.

28 6. "Post-consumer paint" means architectural paint that is not used  
29 and that is no longer wanted by a purchaser of architectural paint.

30 7. "Producer" means a manufacturer of architectural paint who sells,  
31 offers for sale, distributes or contracts to distribute architectural  
32 paint in the state.

33 8. "Recycling" means the series of activities by which recyclables are  
34 collected, sorted, processed and converted into raw materials or used in  
35 the production of new products. This term excludes thermal treatment or  
36 the use of waste as a fuel substitute or for energy production.

37 9. "Representative organization" means a nonprofit organization  
38 created by producers to implement the paint stewardship program  
39 described in section 27-2003 of this title.

40 10. "Retailer" means any person who offers architectural paint for  
41 sale at retail in the state.

42 11. "Reuse" means the return of a product into the economic stream for  
43 use in the same kind of application as the product was originally  
44 intended to be used, without a change in the product's identity.

45 12. "Sell" or "sale" means any transfer for consideration of title or  
46 the right to use, from a manufacturer or retailer to a person, includ-  
47 ing, but not limited to, transactions conducted through retail sales  
48 outlets, catalogs, mail, the telephone, the internet, or any electronic  
49 means; this does not include samples, donations, and reuse.

50 § 27-2003. Paint stewardship program.

51 1. On or before March first, two thousand nineteen, a producer or a  
52 representative organization shall submit a plan for the establishment of  
53 a paint stewardship program to the department for approval. The program  
54 shall minimize the public sector involvement in the management of post-  
55 consumer paint by reducing the generation of post-consumer paint, nego-  
56 tiating agreements to collect, transport, reuse, recycle, and/or burn



1 for energy recovery at an appropriately licensed facility post-consumer  
2 paint using environmentally sound management practices. The program  
3 shall minimize the public sector involvement in the management of post-  
4 consumer paint by reducing the generation of post-consumer paint, nego-  
5 tiating agreements to collect, transport, reuse, recycle, and/or combust  
6 for energy recovery at an appropriately authorized facility, including  
7 permittees, post-consumer paint using environmentally sound management  
8 practices.

9 2. The program shall provide for convenient and available state-wide  
10 collection of post-consumer paint that, at a minimum, provides at least  
11 one permanent collection site located within a fifteen mile radius of  
12 all "incorporated cities" and "census-designated places" in the state;  
13 and one additional permanent collection site for every thirty thousand  
14 people located in those areas, unless otherwise approved by the depart-  
15 ment. Where a permanent collection site cannot be located within a  
16 fifteen mile radius of an incorporated city or census-designated place,  
17 the program shall provide for at least one collection event annually.  
18 The program shall not charge a fee to the consumer at the time of  
19 collection of post-consumer architectural paint.

20 3. The plan submitted to the department pursuant to this section  
21 shall:

22 (a) identify each producer participating in the paint stewardship  
23 program and the brands of architectural paint sold in the state covered  
24 by the program;

25 (b) identify how the producer or representative organization will  
26 provide convenient, statewide accessibility to the program;

27 (c) set forth the process by which an independent auditor will be  
28 selected and identify the criteria used by the producer or represen-  
29 tative organization in selecting an independent auditor;

30 (d) identify, in detail, the educational and outreach program that  
31 will be implemented to inform consumers and retailers of the program and  
32 how to participate;

33 (e) identify, in detail, the operational plans for interacting with  
34 retailers on the proper handling and management of post-consumer paint;

35 (f) include the proposed, audited paint assessment as identified in  
36 this section and the criteria upon which the assessment is based;

37 (g) include the targeted annual collection rate;

38 (h) include a description of the intended treatment, storage, trans-  
39 portation and disposal options and methods for the collected post-con-  
40 sumer paint; and

41 (i) be accompanied by a fee in the amount of five thousand dollars for  
42 each producer, or ten thousand dollars for each product stewardship  
43 organization to be deposited into the environmental regulatory account  
44 as established in section 72-1009 of this chapter, to cover the review  
45 of said plan by the department.

46 4. The commissioner shall approve or reject a plan submitted under  
47 this section within ninety days of submission and, if rejected, inform  
48 the producer or representative organization in writing as to any defi-  
49 ciencies in said plan. A producer or representative organization shall  
50 amend and resubmit any rejected plans for reconsideration within sixty  
51 days of notification of the rejection of said plan. The commissioner  
52 shall approve or reject said plan within thirty days of resubmission. A  
53 plan shall be approved by the commissioner if it meets the required  
54 elements under subdivision three of this section.

1     5. Not later than three months after the date the plan is approved,  
2 the representative organization shall implement the paint stewardship  
3 program.

4     6. On or before March first, two thousand nineteen, the proposed  
5 uniform paint stewardship assessment for all architectural paint sold in  
6 the state shall be reviewed by an independent auditor to assure that the  
7 assessment is consistent with the budget of the paint stewardship  
8 program described in this section and the independent auditor shall  
9 recommend an amount for the paint stewardship assessment to the depart-  
10 ment. The department shall approve the paint stewardship assessment  
11 based upon the independent auditor's recommendation. The department  
12 shall be responsible for the approval of such paint stewardship assess-  
13 ment based upon the independent auditor's recommendation. If the paint  
14 stewardship assessment previously approved by the department pursuant to  
15 this section is proposed to be changed, the producer or representative  
16 organization shall submit the new, adjusted uniform paint stewardship  
17 assessment to an independent auditor for review. After such review has  
18 been completed, the producer or representative organization shall submit  
19 the results of said auditor's review and a proposal to amend the paint  
20 stewardship assessment to the department for review. The department  
21 shall review and approve, in writing, the adjusted paint stewardship  
22 assessment before the new assessment can be implemented. Any proposed  
23 changes to the paint stewardship assessment shall be submitted to the  
24 department no later than sixty days prior to the date the producer or  
25 representative organization anticipates the adjusted assessment to take  
26 effect.

27     7. On and after the date of implementation of the paint stewardship  
28 program pursuant to this section, the paint stewardship assessment shall  
29 be added to the cost of all architectural paint sold to retailers and  
30 distributors in the state by each producer. On and after such implemen-  
31 tation date, each retailer or distributor, as applicable, shall add the  
32 amount of such paint stewardship assessment to the purchase price of all  
33 architectural paint sold in the state.

34     8. Any retailer may participate, on a voluntary basis, as a paint  
35 collection point pursuant to such paint stewardship program and in  
36 accordance with any applicable provision of law or regulation.

37     9. Each producer and the representative organization shall be immune  
38 from liability for any claim of a violation of antitrust law or unfair  
39 trade practice if such conduct is a violation of antitrust law, to the  
40 extent such producer or representative organization is exercising  
41 authority pursuant to the provisions of this section.

42     10. Not later than the implementation date of the paint stewardship  
43 program, the department shall list the names of participating producers  
44 and the brands of architectural paint covered by such paint stewardship  
45 program on its website.

46     11. (a) On and after the implementation date of the paint stewardship  
47 program, no producer, distributor or retailer shall sell or offer for  
48 sale architectural paint to any person in the state if the producer of  
49 such architectural paint is not a member of the representative organiza-  
50 tion.

51     (b) No retailer or distributor shall be found to be in violation of  
52 the provisions of this section if, on the date the architectural paint  
53 was ordered from the producer or its agent, the producer or the subject  
54 brand of architectural paint was listed on the department's website in  
55 accordance with the provisions of this section.

1 (c) Notwithstanding any other provision of law, a retailer carrying  
2 out duties or responsibilities imposed by this title shall incur no  
3 civil liability or penalty of any sort unless it is determined by a  
4 court of competent jurisdiction that such retailer has acted in a gross-  
5 ly negligent manner in the transport or storage of paint and/or altering  
6 the contents of a returned paint container.

7 12. Producers or the representative organization shall provide retail-  
8 ers with educational materials regarding the paint stewardship assess-  
9 ment and paint stewardship program to be distributed at the point of  
10 sale to the consumer. Such materials shall include, but not be limited  
11 to, information regarding available end-of-life management options for  
12 architectural paint offered through the paint stewardship program and  
13 information that notifies consumers that a charge for the operation of  
14 such paint stewardship program is included in the purchase price of all  
15 architectural paint sold in the state.

16 13. On or before October fifteenth, two thousand twenty, and annually  
17 thereafter, each operator of a program shall submit a report to the  
18 commissioner that details the paint stewardship program for the prior  
19 year's program from July first to June thirtieth. Said report shall  
20 include a copy of the independent audit detailed in paragraph (d) of  
21 this subdivision. Such annual report shall include:

22 (a) a detailed description of the methods used to collect, transport  
23 and process post-consumer paint in the state including detailing  
24 collection methods made available to consumers and an evaluation of the  
25 program's collection convenience;

26 (b) the overall volume of post-consumer paint collected in the state;

27 (c) the volume and type of post-consumer paint collected in the state  
28 by method of disposition, including reuse, recycling and other methods  
29 of processing or disposal;

30 (d) the total cost of implementing the program, as determined by an  
31 independent financial audit, as performed by an independent auditor;

32 (e) an evaluation of the adequacy of the program's funding mechanism;

33 (f) samples of all educational materials provided to consumers of  
34 architectural paint and retailers;

35 (g) a detailed list of efforts undertaken and an evaluation of the  
36 methods used to disseminate such materials including recommendations, if  
37 any, for how the educational component of the program can be improved;  
38 and

39 (h) the annual report shall be accompanied by a fee in the amount of  
40 three thousand dollars to be deposited into the environmental regulatory  
41 account, established pursuant to section 72-1009 of this chapter to  
42 cover the review of said plan by the department.

43 14. The representative organization shall update the plan, as needed,  
44 when there are changes proposed to the current program. A new plan or  
45 amendment will be required to be submitted to the department for  
46 approval when:

47 (a) there is a change to the amount of the assessment; or

48 (b) there is an addition to the products covered under the program; or

49 (c) there is a revision of the product stewardship organization's  
50 goals; or

51 (d) every four years, if requested, in writing, by the department.

52 The operator of the paint stewardship program shall notify the depart-  
53 ment annually, in writing, if there are no changes proposed to the  
54 program and the producer or representative organization intends to  
55 continue implementation of the program as previously approved by the  
56 department.

1 § 27-2005. Regulations.

2 The department is hereby authorized to promulgate rules and regu-  
3 lations as may be necessary to implement and carry out the provisions of  
4 this title.

5 § 27-2007. Reporting.

6 Not later than January fifteenth, two thousand twenty-one, and bienni-  
7 ally thereafter, the commissioner shall submit a report to the legisla-  
8 ture and the governor that describes the results and activities of the  
9 paint stewardship program as enacted pursuant to this title including  
10 any recommendations to improve the functioning and efficiency of the  
11 paint stewardship program, as necessary.

12 § 2. The environmental conservation law is amended by adding a new  
13 section 71-2730 to read as follows:

14 § 71-2730. Enforcement of title 20 of article 27 of this chapter.

15 1. Civil penalties under this section shall be assessed by the commis-  
16 sioner after a hearing or opportunity to be heard pursuant to the  
17 provisions of section 71-1709 of this article, or shall be assessed by  
18 the court in any action or proceeding pursuant to this section. In addi-  
19 tion to any civil penalties, any retailer or producer, as those terms  
20 are defined in section 27-2001 of this chapter, may by similar process  
21 be enjoined from continuing such violation.

22 2. All penalties collected pursuant to this section shall be paid over  
23 to the commissioner for deposit to the environmental protection fund  
24 established pursuant to section ninety-two-s of the state finance law.

25 § 3. This act shall take effect immediately.

26 PART JJJ

27 Section 1. Paragraph d of subdivision 3 of section 33-0905 of the  
28 environmental conservation law, as amended by section 1 of part U of  
29 chapter 59 of the laws of 2004, is amended to read as follows:

30 d. Except as provided in [~~paragraphs~~ paragraph e [~~and—f~~] of this  
31 subdivision, pesticide applicator certifications shall be valid for  
32 three years after which every applicator shall recertify according to  
33 the requirements then in effect. Certification identification cards  
34 shall be valid for three years.

35 § 2. Paragraph f of subdivision 3 of section 33-0905 of the environ-  
36 mental conservation law is REPEALED.

37 § 3. Subdivision 2 of section 33-0911 of the environmental conserva-  
38 tion law, as amended by section 3 of part YY of chapter 59 of the laws  
39 of 2009, is amended to read as follows:

40 2. [~~a. Except as provided in paragraph b of this subdivision, fees~~  
41 Fees for pesticide applicator certification shall be four hundred fifty  
42 dollars for commercial pesticide applicator certification in one indi-  
43 vidual category, one hundred fifty dollars for each additional category  
44 and one hundred fifty dollars for each additional sub-category chosen.  
45 For private applicators a fee of twenty-five dollars for the initial  
46 certified private applicator and five dollars for subsequent applicators  
47 on the same farm or business shall be charged at the time of initial  
48 certification, renewal of certification or recertification.

49 [~~b. Fees for pesticide applicator certification for a commercial~~  
50 ~~pesticide applicator with only subcategory 3A ornamentals, shade trees~~  
51 ~~and turf or only subcategory 3B turf shall be two hundred dollars.~~]

52 § 4. This act shall take effect immediately and shall apply to certif-  
53 ications issued on or after such date.

## PART KKK

Section 1. Paragraph a of subdivision 1, the closing paragraph of paragraph a of subdivision 2, paragraphs 1 and 2 of subdivision 3, subdivision 5 and subdivision 9 of section 11-0701 of the environmental conservation law, paragraph a of subdivision 1 as amended by section 21 and subdivision 9 as amended by section 17 of part EE of chapter 55 of the laws of 2014, the closing paragraph of paragraph a of subdivision 2, paragraphs 1 and 2 of subdivision 3 and subdivision 5 as amended by section 1-a of part R of chapter 58 of the laws of 2013, are amended to read as follows:

a. entitles a holder who is twelve or thirteen years of age to hunt wildlife, except big game, as provided in title 9 of this article subject, specifically, to the provisions of section 11-0929 of this article. It entitles such holder to possess firearms as provided in section 265.05 of the penal law. [~~A holder who is twelve or thirteen years of age shall not hunt with a crossbow.~~]

A holder may take fish with a longbow or crossbow as provided in titles 9 and 13 of this article.

(1) who is between the ages of twelve and sixteen years to hunt wild deer and bear with a longbow or crossbow during the special archery season and during the regular season, as provided in title 9 of this article, subject to the provisions of section 11-0929 and subdivision 3 of section 11-0713 of this article;

(2) who is eighteen years of age or older to hunt wild deer and bear with a longbow or crossbow, as provided in title 9 of this article, in a special [~~longbow~~] archery season; and

5. A non-resident bear tag entitles a person who has not been a resident of the state for more than thirty days who also possesses a hunting license to hunt bear during the regular open season therefor or in an open season fixed by regulation pursuant to subdivision eight of section 11-0903 of this article. It entitles a non-resident holder who also possesses a hunting license with bowhunting privilege to hunt bear with a longbow or crossbow during the open bear season. It entitles a non-resident holder who also possesses a hunting license with muzzle-loading privilege to hunt bear with a muzzleloader during the open bear season.

9. A muzzle-loading privilege when included on a hunting license entitles a holder who is fourteen years of age or older to hunt wild deer and bear with a muzzle-loading firearm [~~or crossbow~~], as provided in title 9 of this article, in a special muzzle-loading firearm season.

§ 2. Paragraph b of subdivision 6 of section 11-0703 of the environmental conservation law, as amended by section 2 of part R of chapter 58 of the laws of 2013, is amended to read as follows:

b. Except as provided in section 11-0707 and section 11-0709 of this title, no person shall (1) hunt wild deer or bear unless such person holds and is entitled to exercise the privileges of a hunting license, and meets the requirements of this article; (2) hunt wild deer or bear with a longbow or crossbow in a special [~~longbow~~] archery season unless such person holds and is entitled to exercise the privileges of a hunting license with a bowhunting privilege and meets the requirements of this article; or (3) hunt wild deer or bear with a muzzle-loading firearm in a special muzzle-loading firearm season unless such person is at least fourteen years old and holds a hunting license with a muzzle-loading privilege and meets the requirements of this article.

§ 3. Subdivision 6 of section 11-0713 of the environmental conservation law is REPEALED.



§ 4. Subparagraph 3 of paragraph c of subdivision 3 of section 11-0901 of the environmental conservation law is REPEALED.

§ 5. Paragraph c of subdivision 3 of section 11-0901 of the environmental conservation law, as amended by section 19 of part EE of chapter 55 of the laws of 2014, is amended to read as follows:

c. Wild small game and wild upland game birds shall be taken only by longbow, crossbow or gun, or by the use of raptors as provided in title 10 of this article, except that:

(1) skunk, raccoon, bobcat, coyote, fox, mink and muskrat may be taken in any manner not prohibited in this section or in title 11 of the Fish and Wildlife Law; and

(2) frogs may also be taken by spearing, catching with the hands, or by the use of a club or hook[~~, and~~].

§ 6. Subparagraph 9 of paragraph b and subparagraph 9 of paragraph c of subdivision 4 of section 11-0901 of the environmental conservation law, subparagraph 9 of paragraph b as added by section 6 and subparagraph 9 of paragraph c as added by section 7 of part EE of chapter 55 of the laws of 2014, are amended to read as follows:

(9) with a crossbow unless such crossbow shall consist of a bow and string, either compound or recurve, that launches a minimum fourteen inch [~~belt~~] arrow, not including point, mounted upon a stock with a trigger that holds the string and limbs under tension until released. The trigger unit of such crossbow must have a working safety. The [~~minimum limb width of such crossbow shall be seventeen inches, have a~~] minimum peak draw weight [~~of~~] shall be one hundred pounds [~~and a maximum peak draw weight of two hundred pounds~~]. The minimum overall length of such crossbow from buttstock to front of limbs shall be twenty-four inches.

(9) with a crossbow unless such crossbow shall consist of a bow and string, either compound or recurve, that launches a minimum fourteen inch [~~belt~~] arrow, not including point, mounted upon a stock with a trigger that holds the string and limbs under tension until released. The trigger unit of such crossbow must have a working safety. The [~~minimum limb width of such crossbow shall be seventeen inches, have a~~] minimum peak draw weight [~~of~~] shall be one hundred pounds [~~and a maximum peak draw weight of two hundred pounds~~]. The minimum overall length of such crossbow from buttstock to front of limbs shall be twenty-four inches.

§ 7. Subdivision 13 of section 11-0901 of the environmental conservation law, as amended by section 23 of part R of chapter 58 of the laws of 2013, is amended to read as follows:

13. Persons engaged in hunting deer and/or bear with a longbow or a crossbow must possess a current bowhunting privilege or a valid certificate of qualification in responsible bowhunting practices issued or honored by the department.

§ 8. Subdivisions 11 and 16 of section 11-0901 of the environmental conservation law are REPEALED.

§ 9. Section 11-0903 of the environmental conservation law is amended by adding a new subdivision 12 to read as follows:

12. Notwithstanding any inconsistent provision of this article, the department is authorized to adopt regulations which authorize the taking of wildlife by the use of crossbow. A summary of regulations adopted pursuant to this subdivision shall be published each year in the hunting syllabus issued pursuant to section 11-0323 of this article.

§ 10. Subdivision 10 of section 11-0907 of the environmental conservation law is REPEALED.



§ 11. Subdivision 1 of section 11-0929 of the environmental conservation law, as amended by section 20 of part EE of chapter 55 of the laws of 2014, is amended to read as follows:

1. A licensee who is twelve or thirteen years of age shall not hunt wildlife with a gun, crossbow or a longbow unless he or she is accompanied by his or her parent or legal guardian, or by a person twenty-one years of age or older designated in writing by his or her parent or legal guardian on a form prescribed by the department, who holds a hunting license. ~~[A licensee who is twelve or thirteen years of age shall not hunt with a crossbow.]~~

§ 12. Subparagraph 5 of paragraph b of subdivision 2 of section 11-0929 of the environmental conservation law is REPEALED and subparagraph 6 is renumbered subparagraph 5.

§ 13. Subparagraph 2 of paragraph a and subparagraph 1 of paragraph b of subdivision 4 of section 11-0931 of the environmental conservation law, as amended by section 8 of part EE of chapter 55 of the laws of 2014, are amended to read as follows:

(2) discharge a firearm within five hundred feet, a long bow within one hundred fifty feet, or a crossbow within ~~[two]~~ one hundred fifty feet from a dwelling house, farm building or farm structure actually occupied or used, school building, school playground, public structure, or occupied factory or church;

(1) The owner or lessee of the dwelling house, or members of his immediate family actually residing therein, or a person in his employ, or the guest of the owner or lessee of the dwelling house acting with the consent of said owner or lessee, provided however, that nothing herein shall be deemed to authorize such persons to discharge a firearm within five hundred feet, a long bow within one hundred fifty feet, or a crossbow within ~~[two]~~ one hundred fifty feet of any other dwelling house, or a farm building or farm structure actually occupied or used, or a school building or playground, public structure, or occupied factory or church;

§ 14. Section 11-0933 of the environmental conservation law, as added by section 22 of part EE of chapter 55 of the laws of 2014, is amended to read as follows:

§ 11-0933. Taking small game by crossbow.

Notwithstanding any provision of this chapter, or any prior notwithstanding language in this article, the department may, by regulation, authorize the taking of small game and wild upland game birds by the use of a crossbow by any licensed person ~~[fourteen]~~ twelve years of age or older, in any small game season~~[, in any area designated in items (a), (b), (c), (d), (e), (f), (i), (k), and (l) of paragraph a of subdivision two of section 11-0907 of this title in which a shotgun or muzzle loader is permitted].~~

§ 15. This act shall take effect immediately.

#### PART LLL

Section 1. The environmental conservation law is amended by adding a new section 3-0321 to read as follows:

#### § 3-0321. Shoreline resiliency infrastructure.

The department shall, no later than January first, two thousand nineteen, develop, adopt and promulgate rules and regulations describing shoreline resiliency infrastructure projects approved for use by home owners, businesses, farmers and non-profits. These shoreline resiliency infrastructure projects shall be preventive measures that could be taken to mitigate the impact of future flooding. The department shall include

descriptions of approved shoreline resiliency infrastructure projects on the department's website.

§ 2. Section 210-B of the tax law is amended by adding a new subdivision 53 to read as follows:

53. Shoreline resiliency infrastructure tax credit. (a) For taxable years beginning on or after January first, two thousand nineteen, a taxpayer shall be allowed a credit as hereinafter provided, against the tax imposed by this article, in an amount equal to twenty-five percent of the costs of shoreline resiliency infrastructure improvements made. Provided, however, the credit shall not exceed ten thousand dollars in a given year.

(b) Tax credits allowed pursuant to this subdivision shall be allowed in the taxable year in which the expenditures were made.

(c) If the amount of the credit allowable under this subdivision for any taxable year shall exceed the taxpayer's tax for such year, the excess may be carried over to the following year or years, and may be applied against the taxpayer's tax for such year or years.

(d) The term "approved shoreline resiliency infrastructure improvements" shall refer to shoreline resiliency infrastructure improvements that have been approved by the department of environmental conservation pursuant to section 3-0321 of the environmental conservation law.

§ 3. Section 606 of the tax law is amended by adding a new subsection (ccc) to read as follows:

(ccc) Shoreline resiliency infrastructure tax credit. (1) For taxable years beginning on or after January first, two thousand nineteen, a taxpayer shall be allowed a credit as hereinafter provided, against the tax imposed by this article, in an amount equal to twenty-five percent of the costs of shoreline resiliency infrastructure improvements made. Provided, however, the credit shall not exceed ten thousand dollars in a given year.

(2) Tax credits allowed pursuant to this subsection shall be allowed in the taxable year in which the expenditures were made.

(3) If the amount of the credit allowable under this subsection for any taxable year shall exceed the taxpayer's tax for such year, the excess may be carried over to the following year or years, and may be applied against the taxpayer's tax for such year or years.

(4) The term "approved shoreline resiliency infrastructure improvements" shall refer to shoreline resiliency infrastructure improvements that have been approved by the department of environmental conservation pursuant to section 3-0321 of the environmental conservation law.

§ 4. Subparagraph (B) of paragraph 1 of subsection (i) of section 606 of the tax law is amended by adding a new clause (xliv) to read as follows:

|                                    |                                   |
|------------------------------------|-----------------------------------|
| <u>(xliv) Shoreline resiliency</u> | <u>Amount of credit under</u>     |
| <u>infrastructure tax credit</u>   | <u>subdivision fifty-three of</u> |
| <u>under subsection (ccc)</u>      | <u>section two hundred ten-B</u>  |

§ 5. This act shall take effect immediately and sections two, three and four shall apply to taxable years beginning on or after January 1, 2019.

#### PART MMM

Section 1. Paragraph (c) of subdivision 1 of section 11-a of the soil and water conservation districts law, as amended by section 2 of part U-1 of chapter 109 of the laws of 2006, is amended to read as follows:

(c) Within amounts available, provide financial assistance to each soil and water conservation district, in addition to the amounts provided under paragraphs (a) and (b) of this subdivision, for the purposes of carrying out projects for the conservation of the soil and water resources of this state, and for the improvement of water quality, and for the control and prevention of soil erosion and for the prevention of floodwater and sediment damages, and for furthering the conservation, development, utilization and disposal of water, and thereby to preserve natural resources, control and abate nonpoint sources of water pollution, assist in the control of floods, assist in the drainage and irrigation of agricultural lands, prevent impairment of dams and reservoirs, assist in maintaining the navigability of rivers and harbors, preserve wildlife, protect the tax base, protect public lands, and protect and promote the health, safety and general welfare of the people of this state. Any funds made available pursuant to this paragraph shall be available for financial assistance for the purposes of carrying out such activities to each soil and water conservation district ~~[on a competitive basis]~~ pursuant to performance standards to be established by the soil and water conservation committee and the commissioner of the department of agriculture and markets. Such standards shall include, but not be limited to, the extent and sufficiency of district board activity; district reporting and outreach activities; delivery of state natural resource conservation programs; and the ability of the district to use such funding to leverage additional funds from local, federal and private sources.

§ 2. This act shall take effect immediately.

#### PART NNN

Section 1. Short title. This act shall be known and may be cited as the "surplus food to charitable organizations act".

§ 2. The agriculture and markets law is amended by adding a new article 4-E to read as follows:

#### ARTICLE 4-E

##### SURPLUS FOOD TO CHARITABLE ORGANIZATIONS ACT

##### of 17 Section 71-aa. Definitions.

##### 71-bb. Declaration of policy.

##### 71-cc. Availability.

##### 71-dd. Construction.

§ 71-aa. Definitions. As used in this article: 1. The term "excess food" means food products that a supermarket has offered for sale for human consumption, which is still edible but which such supermarket is disposing of due to diminishing quality standards or appearance, the "best by date" or "use by date" labeling deadline has passed, supplies are overstocked or other similar conditions. Excess food shall not include: fresh milk, meat, fish or poultry; food damaged due to pests, mold, bacteria or other contamination; food damaged by storage conditions; and any food that is subject to governmental or producer recall. Excess food shall not include any food: returned to a supplier; donated to a qualifying charity; sold to a food remarketer, a restaurant or other preparer of food for human consumption; or sold to a farmer or other producer.

2. The term "qualifying charity" means a religious, charitable or not-for-profit organization that provides food at no cost to the poor, needy, disadvantaged or at-risk persons, including but not limited to a

1 food pantry, food bank, soup kitchen or community based organization  
2 that provides food at no cost to such persons.

3 3. The term "supermarket" means a retail store having more than ten  
4 thousand square feet at a given location devoted to the sale of foods,  
5 food stuffs and groceries for human consumption. The following shall not  
6 be considered supermarkets for the purposes of this act: hotels, motels,  
7 restaurants, cafeterias, bakeries, caterers, hospitals, assisted living  
8 facilities, independent living facilities, nursing homes, hospices,  
9 group homes, drug stores, educational institutions, food courts in shop-  
10 ping malls, food retailers at airports or other transportation facili-  
11 ties, gas stations, sports arenas, movie theaters or any other similar  
12 establishments.

13 § 71-bb. Declaration of policy. In the United States, sixty to one  
14 hundred million tons of edible food is disposed of and thrown out each  
15 year, primarily deposited in landfills. In the face of this fact an  
16 estimated fifty million Americans, including sixteen million children,  
17 do not have sufficient food to eat. This constitutes a humanitarian  
18 disgrace. It is further declared that it shall be the policy of this  
19 state to encourage, wherever possible, supermarkets to ensure edible  
20 food that would otherwise be disposed of is made available to qualifying  
21 charities that provide food at no cost to needy, disadvantaged or  
22 at-risk persons.

23 In support of this policy, the federal Emerson Good Samaritan Food  
24 Donation Act, section seventeen hundred ninety-one of title forty-two of  
25 the United States Code, which establishes liability standards and  
26 protections for donated foods, shall be applicable to food transferred  
27 pursuant to this article.

28 § 71-cc. Availability. 1. Every supermarket shall, to the best of its  
29 ability, make a reasonable effort to make available on its premises to a  
30 qualifying charity excess food which the supermarket from time to time  
31 has in its possession.

32 2. No supermarket shall be required to provide or maintain a partic-  
33 ular quantity or level of excess food.

34 3. A supermarket may, in accordance with any applicable laws, dispose  
35 of any excess food that is not timely picked up by a qualifying charity.

36 4. No supermarket shall be required to transport or distribute any  
37 excess food in connection with this article.

38 5. A supermarket shall be deemed to be in compliance with this section  
39 if, in good faith, it establishes pick-up or retrieval arrangements with  
40 one or more qualifying charities that has requested permission in writ-  
41 ing to pick up excess food from such supermarket.

42 6. A supermarket may impose restrictions on qualifying charities to  
43 ensure that retrieval of excess food from the supermarket does not  
44 interfere with the business operations of the supermarket.

45 § 71-dd. Construction. Nothing contained in this article shall be  
46 construed to supersede any federal, state or local health or sanitary  
47 laws, rules or regulations that govern food safety and food donation.

48 § 3. This act shall take effect on the one hundred eightieth day after  
49 it shall have become a law.

50 PART 000

51 Section 1. Subdivision 3 of section 27-1011 of the environmental  
52 conservation law, as amended by section 7 of part SS of chapter 59 of  
53 the laws of 2009, is amended to read as follows:

3. No deposit initiator, distributor or dealer shall sell or offer for sale in this state beverage containers connected to each other by a separate holding device constructed of plastic [~~which does not decompose~~], unless such device decomposes by photodegradation or biodegradation or such device is recyclable, made of at least ninety percent post-consumer recycled high density polyethylene, and does not have any holes greater than one and three-quarters inches in diameter.

§ 2. This act shall take effect immediately.

PART PPP

Section 1. The tax law is amended by adding a new section 44 to read as follows:

§ 44. Value added dairy investment tax credit. (a) General. A taxpayer subject to tax under article nine, nine-A or twenty-two of this chapter shall be allowed a credit against such tax pursuant to the provisions referenced in subdivision (e) of this section, however, the unused portion of any tax credit claimed shall not be carried forward and applied in another tax year. The tax credit allowed pursuant to this section shall apply to taxable years beginning on or after January first, two thousand nineteen.

(b) Definitions. For the purposes of this section the following terms shall have the following meanings:

(1) "dairy product" shall mean dairy beverages, cheese, yogurt, frozen dairy products or any additional product added by regulation by the commissioner, in consultation with the commissioner of agriculture and markets, that contains milk;

(2) "value added dairy product" shall mean the increase in the fair market value of a dairy product resulting from the processing of such into a flavored or enhanced dairy product processed wholly within the state;

(3) "farm business" shall mean (i) a business with farm related income of at least one thousand dollars in one of the last three years; or (ii) a new business with farm related income;

(4) "eligible expenses" shall mean tools, equipment and supplies for the manufacturing and packaging of value added dairy products; and

(5) "eligible taxpayer" means a corporation (including a New York S corporation), a sole proprietorship, a limited liability company or a partnership.

(c) The amount of the credit shall be for one hundred percent of up to ten thousand dollars for eligible expenses associated with the production of value added products for wholesale or retail sale within five hundred miles of such taxpayer's farm business.

(d) (1) Businesses claiming the value added dairy product tax credit shall submit a computer-generated report with tax returns that claim a tax credit.

(2) Such report shall include (i) the name of the producer and the physical place of business where the products are produced; (ii) the amount paid by the eligible taxpayer for eligible expenses; and (iii) the physical places of business such value added dairy products are sold.

(e) Cross-references. For application of the credit provided for in this section, see the following provisions of this chapter:

(1) Article 9: Section 187-g.

(2) Article 9-A: Section 210-B, subdivision 53.

(3) Article 22: Section 606, subsections (i) and (iii).



§ 2. Section 210-B of the tax law is amended by adding a new subdivision 53 to read as follows:

53. Value added dairy investment tax credit. A taxpayer shall be allowed a credit, to be computed as provided in section forty-four of this chapter against the tax imposed by this article. The credit allowed under this subdivision for any taxable year shall not reduce the tax due for such year to less than the fixed dollar minimum amount prescribed in paragraph (d) of subdivision one of section two hundred ten of this article. The tax credit allowed pursuant to this section shall apply to taxable years beginning on or after January first, two thousand nineteen.

§ 3. Section 606 of the tax law is amended by adding a new subsection (iii) to read as follows:

(iii) Value added dairy investment tax credit. A taxpayer shall be allowed a credit to be computed as provided in section forty-four of this chapter against the tax imposed by this article. The tax credit allowed pursuant to this section shall apply to taxable years beginning on or after January first, two thousand nineteen.

§ 4. Subparagraph (B) of paragraph 1 of subsection (i) of section 606 of the tax law is amended by adding a new clause (xliv) to read as follows:

|  |                                   |
|--|-----------------------------------|
| <u>(xliv) NY crops for value added</u> | <u>Amount of credit under</u>     |
| <u>products tax credit under</u>       | <u>subdivision fifty-three of</u> |
| <u>subsection (iii)</u>                | <u>section two hundred ten-B</u>  |

§ 5. The tax law is amended by adding a new section 187-q to read as follows:

§ 187-q. Value added dairy investment tax credit. (a) Allowance of credit. A taxpayer shall be allowed a credit, to be computed as provided in section forty-four of this chapter against the tax imposed by this article.

(b) Application of credit. The credit allowed under this subdivision for any taxable year shall not reduce the tax due for such year to less than the fixed dollar minimum amount prescribed in paragraph (d) of subdivision one of section two hundred ten of this chapter. The tax credit allowed pursuant to this section shall apply to taxable years beginning on or after January first, two thousand nineteen.

§ 6. This act shall take effect immediately and shall apply to taxable years beginning on or after January 1, 2019.

#### PART QQQ

Section 1. Section 210-B of the tax law is amended by adding a new subdivision 53 to read as follows:

53. Credit for grocery donations to food pantries. (a) General. In the case of an eligible taxpayer there shall be allowed a tax credit to be computed as hereinafter provided against the tax imposed by this article for taxable years beginning on and after January first, two thousand nineteen. The amount of the tax credit shall be twenty-five percent of the wholesale value of the eligible taxpayer's qualified donations made to any eligible food pantry during the taxable year, not to exceed a cumulative amount of tax credits under this section of five thousand dollars per taxable year.

(b) Qualified donation. For purposes of this subdivision, the term "qualified donation" means a donation of apparently wholesome food, as defined in section 170(e)(3)(C)(vi) of the internal revenue code, that is surplus or about-to-waste food, including, but not limited to,



1 fruits, vegetables, meats, poultry, eggs, dairy products or other  
2 natural and processed products offered for sale for human or animal  
3 consumption.

4 (c) Eligible taxpayer. For purposes of this subdivision, the term  
5 "eligible taxpayer" means a grocery store, food broker, wholesaler,  
6 restauranteur, or catering service.

7 (d) Eligible food pantry. For purposes of this subdivision, the term  
8 "eligible food pantry" means food pantry, food bank, or other emergency  
9 food program operating within this state that has qualified for tax  
10 exemption under section 501(c)(3) of the internal revenue code.

11 (e) Determination of wholesale value. For purposes of this subdivi-  
12 sion, to determine the wholesale value of apparently wholesome food  
13 donated to an eligible food pantry, the standards set forth under  
14 section 170 (e)(3)(C)(v) of the internal revenue code shall apply.

15 (f) Record of donation. To claim a credit under this subdivision, an  
16 eligible taxpayer must get and keep a receipt from the eligible food  
17 pantry showing: (1) the name of the eligible food pantry; (2) the date  
18 and location of the qualified donation; and (3) a reasonably detailed  
19 description of the qualified donation. A letter or other written commu-  
20 nication from the eligible food pantry acknowledging receipt of the  
21 contribution and containing the information in subparagraphs one, two,  
22 and three of this paragraph will serve as a receipt. Any local food  
23 pantry may accept or reject any donation of food made under this section  
24 for any reason. For purposes of this section, any donations of food  
25 accepted by a local food pantry shall be valued at wholesale value.

26 (g) Application of credit. The credit allowed under this subdivision  
27 for any taxable year will not reduce the tax due for such year to less  
28 than the amount prescribed in paragraph (d) of subdivision one of  
29 section two hundred ten of this article. However, if the amount of  
30 credit allowed under this subdivision for any taxable year reduces the  
31 tax to such amount or if the taxpayer otherwise pays tax based on the  
32 fixed dollar minimum amount, any amount of credit thus not deductible in  
33 such taxable year will be treated as an overpayment of tax to be credit-  
34 ed or refunded in accordance with the provisions of section one thousand  
35 eighty-six of this chapter. Provided, however, the provisions of  
36 subsection (c) of section one thousand eighty-eight of this chapter  
37 notwithstanding, no interest will be paid thereon.

38 § 2. Section 606 of the tax law is amended by adding a new subsection  
39 (ccc) to read as follows:

40 (ccc) Credit for grocery donations to food pantries. (a) General. In  
41 the case of an eligible taxpayer there shall be allowed a tax credit to  
42 be computed as hereinafter provided against the tax imposed by this  
43 article for taxable years beginning on and after January first, two  
44 thousand nineteen. The amount of the tax credit shall be twenty-five  
45 percent of the wholesale value of the eligible taxpayer's qualified  
46 donations made to any eligible food pantry during the taxable year, not  
47 to exceed a cumulative amount of tax credits under this section of five  
48 thousand dollars per taxable year.

49 (b) Qualified donation. For purposes of this subdivision, the term  
50 "qualified donation" means a donation of apparently wholesome food, as  
51 defined in section 170(e)(3)(C)(vi) of the internal revenue code, that  
52 is surplus or about-to-waste food, including, but not limited to,  
53 fruits, vegetables, meats, poultry, eggs, dairy products or other  
54 natural and processed products offered for sale for human or animal  
55 consumption.

(c) Eligible taxpayer. For purposes of this subdivision, the term "eligible taxpayer" means a grocery store, food broker, wholesaler, restaurateur, or catering service.

(d) Eligible food pantry. For purposes of this subdivision, the term "eligible food pantry" means food pantry, food bank, or other emergency food program operating within this state that has qualified for tax exemption under section 501(c)(3) of the internal revenue code.

(e) Determination of wholesale value. For purposes of this subdivision, to determine the wholesale value of apparently wholesome food donated to an eligible food pantry, the standards set forth under section 170 (e)(3)(C)(v) of the internal revenue code shall apply.

(f) Record of donation. To claim a credit under this subdivision, an eligible taxpayer must get and keep a receipt from the eligible food pantry showing: (1) the name of the eligible food pantry; (2) the date and location of the qualified donation; and (3) a reasonably detailed description of the qualified donation. A letter or other written communication from the eligible food pantry acknowledging receipt of the contribution and containing the information in subparagraphs one, two, and three of this paragraph will serve as a receipt. Any local food pantry may accept or reject any donation of food made under this section for any reason. For purposes of this section, any donations of food accepted by a local food pantry shall be at valued wholesale value.

(g) Application of credit. The credit allowed under this subdivision for any taxable year will not reduce the tax due for such year to less than the amount prescribed in paragraph (d) of subdivision one of section two hundred ten of this chapter. However, if the amount of credit allowed under this subdivision for any taxable year reduces the tax to such amount or if the taxpayer otherwise pays tax based on the fixed dollar minimum amount, any amount of credit thus not deductible in such taxable year will be treated as an overpayment of tax to be credited or refunded in accordance with the provisions of section one thousand eighty-six of this chapter. Provided, however, the provisions of subsection (c) of section one thousand eighty-eight of this chapter notwithstanding, no interest will be paid thereon.

§ 3. Subparagraph (B) of paragraph 1 of subsection (i) of section 606 of the tax law is amended by adding a new clause (xliv) to read as follows:

|                                       |                                   |
|---------------------------------------|-----------------------------------|
| <u>(xliv) Grocery store donations</u> | <u>Amount of credit under</u>     |
| <u>to food pantries credit under</u>  | <u>subdivision fifty-three of</u> |
| <u>subsection (ccc)</u>               | <u>section two hundred ten-B</u>  |

§ 4. This act shall take effect immediately and shall apply to taxable years beginning on or after January 1, 2019.

#### PART RRR

Section 1. The legislature finds harmful algal blooms are becoming more prevalent in lakes in this state, with 340 documented blooms in the past six years. Harmful algal blooms threaten the drinking water quality and the recreational use of the affected lakes. While the governor's harmful algal bloom summits and \$65 million 4-point initiative to combat algal blooms are a step in the right direction, the legislature has concerns over the transparency of the nomination process. The legislature wants to ensure the lakes with the greatest need are awarded funding to implement the Action Plans.

§ 2. (a) No later than 10 days after a decision has been made on which lakes will receive funding to implement the Action Plans pursuant to the

governor's initiative to combat harmful algal blooms, the commissioner of the department of environmental conservation, the commissioner of the department of health and the commissioner of agriculture and markets shall deliver a report on the nomination process with a detailed description of how each lake was chosen, to the governor, the temporary president of the senate, the speaker of the assembly, the chair of the environmental conservation committee of the senate, and the chair of the environmental conservation committee of the assembly. Additionally, the report shall be posted on the department of environmental conservation website.

(b) No later than 10 days after a decision has been made on which lakes will receive funding to implement the Action Plans pursuant to the governor's initiative to combat harmful algal blooms, the commissioner of the department of environmental conservation, the commissioner of the department of health and the commissioner of agriculture and markets shall deliver a copy of the action plans to the governor, the temporary president of the senate, the speaker of the assembly, the chair of the environmental conservation committee of the senate, and the chair of the environmental conservation committee of the assembly. Additionally, the action plans shall be posted on the department of environmental conservation website.

§ 3. This act shall take effect immediately.

#### PART SSS

Section 1. Subdivision 3 of section 11-0521 of the environmental conservation law, as renumbered by chapter 911 of the laws of 1990, is renumbered subdivision 4 and a new subdivision 3 is added to read as follows:

3. The department may, by permit issued to an employee of any state, federal or local government agency acting in their official capacity or to any person acting pursuant to a permit issued by the department under this section, exempt such employee or person from prohibitions contained in subdivision one of this section, subdivisions three and eight of section 11-0505 of this title, subdivision two of section 11-0901 and subdivisions two, four and five of section 11-0931 of this article only to the extent that such exemption or exemptions are expressly provided for in such permit.

§ 2. This act shall take effect immediately.

#### PART TTT

Section 1. The vehicle and traffic law is amended by adding a new section 1605 to read as follows:

§ 1605. Service of notice of parking violation. Notwithstanding any other provision of law, a notice of any parking violation may be sent by first class mail to any person alleged to be liable as an owner of the motor vehicle within fourteen business days if such owner is a resident of this state and within forty-five business days if such owner is a non-resident. Personal delivery on the owner of the motor vehicle shall not be required.

§ 2. Subdivision 2 of section 238 of the vehicle and traffic law, as amended by chapter 224 of the laws of 1995, is amended to read as follows:

2. A notice of violation shall be served personally upon the operator of a motor vehicle who is present at the time of service, and his name,

1 together with the plate designation and the plate type as shown by the  
2 registration plates of said vehicle and the expiration date; the make or  
3 model, and body type of said vehicle; a description of the charged  
4 violation, including but not limited to a reference to the applicable  
5 traffic rule or provision of this chapter; information as to the days  
6 and hours the applicable rule or provision of this chapter is in effect,  
7 unless always in effect pursuant to rule or this chapter and where  
8 appropriate the word ALL when the days and/or hours in effect are every-  
9 day and/or twenty-four hours a day; the meter number for a meter  
10 violation, where appropriate; and the date, time and particular place of  
11 occurrence of the charged violation, shall be inserted therein. A mere  
12 listing of a meter number in cases of charged meter violations shall not  
13 be deemed to constitute a sufficient description of a particular place  
14 of occurrence for purposes of this subdivision. The notice of violation  
15 shall be served upon the owner of the motor vehicle if the operator is  
16 not present, by affixing such notice to said vehicle in a conspicuous  
17 place, or by first class mail as set forth in section sixteen hundred  
18 five of this chapter. Whenever such notice is so affixed, in lieu of  
19 inserting the name of the person charged with the violation in the space  
20 provided for the identification of said person, the words "owner of the  
21 vehicle bearing license" may be inserted to be followed by the plate  
22 designation and plate type as shown by the registration plates of said  
23 vehicle together with the expiration date; the make or model, and body  
24 type of said vehicle; a description of the charged violation, including  
25 but not limited to a reference to the applicable traffic rule or  
26 provision of this chapter; information as to the days and hours the  
27 applicable rule or provision of this chapter is in effect unless always  
28 in effect pursuant to rule or this chapter and where appropriate the  
29 word ALL when the days and/or hours in effect are every day and/or twen-  
30 ty-four hours a day; the meter number for a meter violation where appro-  
31 priate; and the date, time and particular place of occurrence of the  
32 charged violation. Service of the notice of violation, or a duplicate  
33 thereof by affixation as herein provided shall have the same force and  
34 effect and shall be subject to the same penalties for disregard thereof  
35 as though the same was personally served with the name of the person  
36 charged with the violation inserted therein.

37 § 3. This act shall take effect immediately.

38 PART UUU

39 Section 1. This act shall be known, and may be cited as the "New York  
40 Remembers Act".

41 § 2. Legislative intent. The legislature hereby finds and declares the  
42 following:

43 (a) That the federal Real ID Act, which was passed by Congress and  
44 signed into law in 2005, is a coordinated effort by the states and  
45 federal government, intended to improve the reliability and accuracy of  
46 state-issued identification documents, which serve to inhibit a terror-  
47 ist's ability to evade detection by using fraudulent identification;

48 (b) That the standards established by the federal Real ID Act resulted  
49 from a Congressional study investigating the various factors which led  
50 to the horrific tragedy that occurred on September 11, 2001;

51 (c) That in addition to developing tamper proof technologies within  
52 the identification card itself, states were directed to initiate a proc-  
53 ess whereby the documentation submitted by an individual applying for a  
54 state issued driver's license could be verified as authentic;

(d) That the verification requirement was meant to ensure that terrorists were not issued identification cards based on the proffering of forged or otherwise fake documentation;

(e) That after ten years of non-compliance, the department of motor vehicles applied for, and received a one-year compliance waiver from the federal government which was renewed in 2016 and 2017;

(f) That in addition to the security threat that further delay presents, failure to comply could result in New Yorkers being denied admittance to airports, federal facilities and military bases; and

(g) That it is the intent of this legislature, by and through enactment of this act, to meet or exceed the document and issuance standards set forth in the federal Real ID Act of 2005 (Public Law 109-13), in order to ensure the safety and security of our great state, and to provide New Yorkers with a federally recognized and acceptable driver's license.

§ 3. Section 502 of the vehicle and traffic law is amended by adding a new subdivision 1-a to read as follows:

1-a. Compliance with federal Real ID Act. (a) Notwithstanding any provision of law, rule or regulation to the contrary, that in the issuance of a driver's license under this chapter, the department shall only issue or reissue upon application for renewal or replacement, driver's licenses which comply with section 202 of title II of the federal Real ID Act of 2005 (Public Law 109-13) and which are acceptable for federal purposes.

(b) Notwithstanding any provision of law, rule or regulation to the contrary, upon the submission and verification of proper documentation, the department shall reissue to any current licensee possessing a valid, but non-compliant state issued license, a driver's license which is compliant with the federal Real ID Act and which is acceptable for federal purposes. The department may not charge any fee or surcharge for the reissuance of any license pursuant to this paragraph.

(c) On December first, two thousand twenty-five, the department shall submit a report to the governor and the legislature detailing any additional costs to the state resulting from compliance with the federal Real ID Act (Public Law 109-13), in order for the state to request reimbursement from the federal government.

§ 4. Section 490 of the vehicle and traffic law is amended by adding a new subdivision 1-a to read as follows:

1-a. Compliance with federal Real ID Act. (a) Notwithstanding any provision of law, rule or regulation to the contrary, that in the issuance of a non-driver identification card under this chapter, the department shall only issue or reissue upon application for renewal or replacement, non-driver identification cards which comply with section 202 of title II of the federal Real ID Act of 2005 (Public Law 109-13) and which are acceptable for federal purposes.

(b) Notwithstanding any provision of law, rule or regulation to the contrary, upon the submission and verification of proper documentation, the department shall reissue to any person who has been issued a non-compliant non-driver identification card, a non-driver identification card which complies with the federal Real ID Act and which is acceptable for federal purposes. The department may not charge any fee or surcharge for the reissuance of any identification card pursuant to this paragraph.

(c) On December first, two thousand twenty-five, the department shall submit a report to the governor and the legislature detailing any additional costs to the state resulting from compliance with the federal



1 Real ID Act (Public Law 109-13), in order for the state to request  
2 reimbursement from the federal government.

3 § 5. The vehicle and traffic law is amended by adding a new section  
4 504-a to read as follows:

5 § 504-a. Compliance with federal law. The commissioner shall undertake  
6 a review of all applicable federal laws and regulations, concerning the  
7 issuance of driver's licenses and vehicle registrations, and shall issue  
8 a report to the governor and legislature, on or before December first of  
9 each year, detailing the status of New York's compliance with each and  
10 every applicable federal law or regulation. The report shall expressly  
11 identify any portion of federal law or regulation with which New York  
12 state is not presently fully complying with, and shall state any and all  
13 reasons for the failure of the department to comply.

14 § 6. This act shall take effect on the one hundred twentieth day after  
15 it shall have become a law. Effective immediately, the department of  
16 motor vehicles shall begin promulgating rules and regulations to effec-  
17 tuate the provisions of this act.

18 PART VVV

19 Section 1. Section 1800 of the vehicle and traffic law is amended by  
20 adding a new subdivision (i) to read as follows:

21 (i) Every person convicted of a traffic infraction for a violation of  
22 any ordinance, order, rule or regulation adopted pursuant to title seven  
23 of this chapter which involves a moving violation with a motor vehicle,  
24 where such violation results in the serious bodily injury or death of  
25 another person, shall be guilty of a misdemeanor, which shall be punish-  
26 able by a fine of no less than three hundred dollars, or imprisonment of  
27 not more than thirty days or both such fine and imprisonment, and the  
28 completion of a motor vehicle accident prevention course, as defined by  
29 article twelve-B of this chapter.

30 § 2. This act shall take effect on the sixtieth day after it shall  
31 have become a law.

32 PART WWW

33 Section 1. The public authorities law is amended by adding a new  
34 section 553-j to read as follows:

35 § 553-j. Verrazano-Narrows reduced toll; Kings county. Notwithstand-  
36 ing any inconsistent provision of law, but subject to agreements with  
37 noteholders and bondholders, the authority shall establish a reduced  
38 toll for residents of the county of Kings as set forth in this section,  
39 which shall entitle such residents to crossings over the Verrazano-Nar-  
40 rows bridge at a reduced cost of fifty-eight per centum of the regular  
41 crossing fare imposed on nonresidents of the county of Kings. In the  
42 event the authority shall impose a surcharge in addition to the regular  
43 toll for crossings over the Verrazano-Narrows bridge, such surcharge  
44 shall not be deemed a part of the regular crossing fare for purposes of  
45 this section, and such residents of the county of Kings shall be enti-  
46 tled to a permanent exemption from the payment of any such surcharge.  
47 The provisions of this section shall apply to residents of Kings county  
48 who utilize an electronic method of toll payment and who cross the  
49 Verrazano-Narrows bridge three or more times per month. Application for  
50 such discount shall be made in such manner as prescribed by the authori-  
51 ty and shall contain such information as the authority may reasonably  
52 require.



§ 2. This act shall take effect immediately.

PART XXX

Section 1. Paragraph (a) of subdivision 1 of section 2281 of the vehicle and traffic law, as amended by chapter 319 of the laws of 1997, is amended to read as follows:

(a) "All terrain vehicle" or "ATV" means any self-propelled vehicle which is manufactured for sale for operation primarily on off-highway trails or off-highway competitions and only incidentally operated on public highways providing that such vehicle does not exceed seventy inches in width, or one thousand five hundred pounds dry weight. Provided, however, this definition shall not include a "snowmobile" or other self-propelled vehicles manufactured for off-highway use exclusively designed for travel on snow or ice, steered by skis or runners and supported in whole or in part by one or more skis, belts or cleats which utilize an endless belt tread.

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

PART YYY

Section 1. Paragraph (a) of subdivision 1 of section 1197 of the vehicle and traffic law, as separately amended by chapters 196 and 688 of the laws of 1996 and subparagraph 3 as amended by chapter 345 of the laws of 2007, is amended to read as follows:

(a) Where a county establishes a special traffic options program for driving while intoxicated, pursuant to this section, it shall receive fines and forfeitures collected by any court, judge, magistrate or other officer within that county, including, where appropriate, a hearing officer acting on behalf of the commissioner[~~r~~]: (1) imposed for violations of subparagraphs (ii) and (iii) of paragraph (a) of subdivision two or subparagraph (i) of paragraph (a) of subdivision three of section five hundred eleven of this chapter; (2) imposed in accordance with the provisions of section eleven hundred ninety-three, paragraph (f) of subdivision seven of section eleven hundred ninety-six, subdivision nine of section eleven hundred ninety-eight, and civil penalties imposed pursuant to subdivision two of section eleven hundred ninety-four-a of this article, including, where appropriate, a hearing officer acting on behalf of the commissioner, from violations of sections eleven hundred ninety-two, eleven hundred ninety-two-a and findings made under section eleven hundred ninety-four-a of this article; and (3) imposed upon a conviction for: aggravated vehicular assault, pursuant to section 120.04-a of the penal law; vehicular assault in the first degree, pursuant to section 120.04 of the penal law; vehicular assault in the second degree, pursuant to section 120.03 of the penal law; aggravated vehicular homicide, pursuant to section 125.14 of the penal law; vehicular manslaughter in the first degree, pursuant to section 125.13 of the penal law; and vehicular manslaughter in the second degree, pursuant to section 125.12 of the penal law, as provided in section eighteen hundred three of this chapter. Upon receipt of these moneys, the county shall deposit them in a separate account entitled "special traffic options program for driving while intoxicated," and they shall be under the exclusive care, custody, and control of the chief fiscal officer of each county participating in the program.

§ 2. The opening paragraph of subdivision 9 of section 1803 of the vehicle and traffic law, as amended by chapter 345 of the laws of 2007, is amended to read as follows:

Where a county establishes a special traffic options program for driving while intoxicated, approved by the commissioner ~~[of motor vehicles]~~, pursuant to section eleven hundred ninety-seven of this chapter, all fines, penalties and forfeitures: (a) imposed and collected [from] for violations of subparagraphs (ii) and (iii) of paragraph (a) of subdivision two or subparagraph (i) of paragraph (a) of subdivision three of section five hundred eleven~~[, all fines, penalties and forfeitures] of this chapter;~~ (b) imposed and collected in accordance with section eleven hundred ninety-three of this chapter [collected from] for violations of section eleven hundred ninety-two of this chapter; [and any fines or forfeitures] (c) imposed and collected for violations of paragraph (f) of subdivision seven of section eleven hundred ninety-six of this chapter or for violations of subdivision nine of section eleven hundred ninety-eight of this chapter; (d) collected by any court, judge, magistrate or other officer imposed upon a conviction for: aggravated vehicular assault, pursuant to section 120.04-a of the penal law; vehicular assault in the first degree, pursuant to section 120.04 of the penal law; vehicular assault in the second degree, pursuant to section 120.03 of the penal law; aggravated vehicular homicide, pursuant to section 125.14 of the penal law; vehicular manslaughter in the first degree, pursuant to section 125.13 of the penal law; and vehicular manslaughter in the second degree, pursuant to section 125.12 of the penal law; and (e) civil penalties imposed pursuant to subdivision two of section eleven hundred ninety-four-a of this chapter, shall be paid to such county.

§ 3. Subdivisions 1 and 2 of section 1809-c of the vehicle and traffic law, as added by section 37 of part J of chapter 62 of the laws of 2003, are amended to read as follows:

1. Notwithstanding any other provision of law, whenever proceedings in a court of this state result in a conviction pursuant to: (a) section eleven hundred ninety-two of this chapter; (b) subparagraphs (ii) and (iii) of paragraph (a) of subdivision two or subparagraph (i) of paragraph (a) of subdivision three of section five hundred eleven of this chapter; (c) paragraph (f) of subdivision seven of section eleven hundred ninety-six of this chapter; or (d) subdivision nine of section eleven hundred ninety-eight of this chapter, there shall be levied, in addition to any sentence or other surcharge required or permitted by law, an additional surcharge of twenty-five dollars.

2. The additional surcharge provided for in subdivision one of this section shall be paid to the clerk of the court that rendered the conviction. Within the first ten days of the month following collection of the surcharge the collecting authority shall determine the amount of surcharge collected and it shall pay such money to the state comptroller who shall deposit such money in the state treasury pursuant to section one hundred twenty-one of the state finance law to the credit of the general fund; provided, however, commencing on the first day of April, two thousand nineteen, the state comptroller shall deposit fifty percent of such money to the credit of the impaired driving safety fund pursuant to section eighty-nine-i of the state finance law and such money shall be distributed in accordance with the provisions of such section; and commencing on the first day of April, two thousand twenty and every fiscal year thereafter, the state comptroller shall deposit all such money to the credit of the impaired driving safety fund pursuant to

1 section eighty-nine-i of the state finance law and such money shall be  
2 distributed in accordance with the provisions of such section.

3 § 4. Paragraph b of subdivision 1 and subdivision 2 of section 1809-e  
4 of the vehicle and traffic law, as added by section 1 of part EE of  
5 chapter 56 of the laws of 2008, are amended to read as follows:

6 b. Notwithstanding any other provision of law, whenever proceedings in  
7 a court of this state result in a conviction pursuant to: (1) section  
8 eleven hundred ninety-two of this chapter; (2) subparagraphs (ii) and  
9 (iii) of paragraph (a) of subdivision two or subparagraph (i) of para-  
10 graph (a) of subdivision three of section five hundred eleven of this  
11 chapter; (3) paragraph (f) of subdivision seven of section eleven  
12 hundred ninety-six of this chapter; or (4) subdivision nine of section  
13 eleven hundred ninety-eight of this chapter, there shall be levied, in  
14 addition to any sentence or other surcharge required or permitted by  
15 law, an additional surcharge of one hundred seventy dollars.

16 2. The additional surcharges provided for in subdivision one of this  
17 section shall be paid to the clerk of the court or administrative tribu-  
18 nal that rendered the conviction. Within the first ten days of the month  
19 following collection of such surcharges, the collecting authority shall  
20 pay such money to the state comptroller to be deposited to the general  
21 fund; provided, however, commencing on the first day of April, two thou-  
22 sand nineteen, the state comptroller shall deposit fifty percent of such  
23 money to the credit of the impaired driving safety fund pursuant to  
24 section eighty-nine-i of the state finance law and such money shall be  
25 distributed in accordance with the provisions of such section; and  
26 commencing on the first day of April, two thousand twenty and every  
27 fiscal year thereafter, the state comptroller shall deposit all such  
28 money to the credit of the impaired driving safety fund pursuant to  
29 section eighty-nine-i of the state finance law and such money shall be  
30 distributed in accordance with the provisions of such section.

31 § 5. The state finance law is amended by adding a new section 89-i to  
32 read as follows:

33 § 89-i. Impaired driving safety fund. 1. There is hereby established  
34 in the custody of the comptroller, a special fund to be known as the  
35 "impaired driving safety fund".

36 2. Such fund shall consist of all moneys received by the state for the  
37 collection of surcharges imposed pursuant to sections eighteen hundred  
38 nine-c and eighteen hundred nine-e of the vehicle and traffic law and  
39 all other grants, bequests or other moneys appropriated, credited or  
40 transferred thereto from any other fund or source pursuant to law.

41 3. Thirty-three percent, but not more than three million dollars of  
42 moneys in the impaired driving safety fund shall be made available to  
43 the office of probation and correctional alternatives for the costs  
44 associated with monitoring persons subject to the ignition interlock  
45 program as set forth in section eleven hundred ninety-eight of the vehi-  
46 cle and traffic law, and sixty-seven percent of such money in such fund  
47 shall be made available to the department of motor vehicles for distrib-  
48 ution for services and expenses related to county special traffic  
49 options programs for driving while intoxicated pursuant to section elev-  
50 en hundred ninety-seven of the vehicle and traffic law, and an allo-  
51 cation plan subject to the approval of the director of the budget. In  
52 the event that the thirty-three percent of such moneys exceeds three  
53 million dollars, the remainder shall accrue to the department of motor  
54 vehicles for distribution to county special traffic options programs for  
55 driving while intoxicated in accordance with the provisions of this  
56 subdivision.

4. The moneys of the fund shall be paid out on the audit and warrant of the comptroller on vouchers certified or approved by the commissioner of the division of criminal justice services or the commissioner of motor vehicles, as applicable, including advance of funds, if necessary, for costs incurred by a county for monitoring persons subject to the ignition interlock program. At the end of each year any moneys remaining in the fund shall be retained in the fund exclusively for the purposes set forth herein and shall not revert to the general fund. The interest and income earned on moneys in the fund after deducting applicable charges shall be credited to the fund.

§ 6. This act shall take effect on the first of November next succeeding the date on which it shall have become a law.

PART ZZZ

Section 1. Section 73-d of the transportation law, as amended by chapter 562 of the laws of 1987, is amended to read as follows:

§ 73-d. Interagency coordinating committee on rural public transportation. 1. There is hereby created a committee to be known as the "interagency coordinating committee on rural public transportation", to be comprised of nineteen members. The commissioner or his or her designee shall serve as chairperson. Twelve of such members shall be the following or his or her duly designated representative: the director of the office for the aging; the commissioner of education; the commissioner of labor; the commissioner of health; the commissioner of the office of mental health; the commissioner of the office of alcoholism and substance abuse services; the commissioner of the office ~~[of mental retardation and]~~ for people with developmental disabilities; the commissioner of ~~[social services, state advocate for the disabled]~~ the office for temporary and disability assistance; the executive director of the New York state justice center for the protection of people with special needs; the secretary of state; the commissioner of agriculture and markets~~;~~ ~~the director of the office of rural affairs]~~ and the ~~[director of the division for youth]~~ commissioner of the office of children and family services. Six additional members, ~~[all]~~ five of whom shall be transportation providers or consumers representing rural counties and one shall be a representative of a labor union affiliated with public transportation systems receiving public transportation systems operating assistance account funds, shall be appointed to serve a term of three years as follows: two by the ~~[president pro tempore]~~ temporary president of the senate, two by the speaker of the assembly, one by the minority leader of the senate, and one by the minority leader of the assembly. Efforts shall be made to provide a broad representation of consumers and providers of transportation services in rural counties when making such appointments. ~~[Members of the committee shall receive no salary.]~~ The six members appointed by the legislature, as well as the commissioner or his or her designee, shall be the voting members. The balance of the committee will serve in an advisory or consulting capacity. The committee shall keep a record of its official actions.

The commissioner shall cause the department to provide staff assistance necessary for the efficient and effective operation of the committee.

2. The committee shall~~[+]~~ meet at least once every three months and shall report to the governor, the temporary president of the senate and the speaker of the assembly annually, beginning October first, two thousand eighteen. The annual report shall:

1 a. identify existing rural transportation systems and provide data on  
2 ridership, revenue, and financial challenges for each system;

3 b. identify rural populations currently utilizing public transporta-  
4 tion, as well as populations in need of public transportation without  
5 access, and discuss recommendations for maintaining and expanding  
6 services;

7 c. include a breakdown by county of cost savings, modes of transporta-  
8 tion provided to Medicaid patients, and rates of utilization of public  
9 transportation by Medicaid patients;

10 d. identify programs and the annual amounts and sources of funds from  
11 such programs that are eligible to be used to support a coordinated  
12 public transportation service, and the annual amounts and sources of  
13 such funds that are actually used for client transportation or for  
14 transportation of persons in connection with agency-affiliated programs  
15 or services; such data shall be provided on a county basis;

16 ~~[b. identify restrictions on existing programs that inhibit funds from~~  
17 ~~such programs being used to pay for a coordinated public transportation~~  
18 ~~service in rural counties;~~

19 ~~e.]~~ e. recommend changes in state or local laws or regulations that  
20 would improve the coordination of funds, facilities, vehicles or equip-  
21 ment and other resources used for transportation at the local level;

22 ~~[d.]~~ f. upon request, compile and forward to the commissioner any data  
23 or other information required by this section.

24 3. A majority of the whole number of voting members of the committee  
25 shall constitute a quorum for the transaction of the committee's busi-  
26 ness. The committee shall have the power to act by a majority vote of  
27 the voting members. Committee members shall hold office until their  
28 successors have been appointed and have qualified. The selection of  
29 successors to fill a vacancy shall be made in the same manner in which  
30 the retiring committee members shall have been selected. Members of the  
31 committee shall receive no salary or other compensation, but shall be  
32 entitled to their actual and necessary expenses, including traveling  
33 expenses incurred in the discharge of their duties.

34 § 2. The opening paragraph of subdivision 4 of section 365-h of the  
35 social services law is designated paragraph (a) and a new paragraph (b)  
36 is added to read as follows:

37 (b) Where the commissioner of health elects to assume such responsi-  
38 bility from a local social services district authorized transportation  
39 for an eligible person, whose originating location exists within a coun-  
40 ty defined as a rural area pursuant to subdivision seven of section four  
41 hundred eighty-one of the executive law, shall be assigned to an exist-  
42 ing public transportation system, as defined in subdivision one of  
43 section eighteen-b of the transportation law, if that system provides an  
44 appropriate, available and least expensive mode of transportation. A  
45 county defined as a rural area pursuant to subdivision seven of section  
46 four hundred eighty-one of the executive law may opt out of such  
47 election by the commissioner of health by notifying such commissioner in  
48 writing.

49 § 3. This act shall take effect immediately; provided, however, that  
50 section two of this act shall take effect on the thirtieth day after it  
51 shall have become a law and that the amendments to subdivision 4 of  
52 section 365-h of the social services law, made by section two of this  
53 act, shall not affect the expiration and repeal of such section, and  
54 shall expire and be deemed repealed therewith.



Section 1. Paragraph (b) of subdivision 4 of section 202 of the vehicle and traffic law, as amended by chapter 293 of the laws of 1989, is amended to read as follows:

(b) ~~[The commissioner shall notify each vehicle registrant that the registration information specified in paragraph (a) of this subdivision has been or will be furnished to the contracting party. The commissioner shall inform each vehicle registrant when such registrant first makes application for a vehicle registration or when such registrant applies to renew an existing vehicle registration how to achieve the deletion of such information from the contracting party's file.]~~ The contract between the commissioner and the contracting party shall provide that, ~~[upon the request of the registrant made in such manner and in such form as shall be prescribed by the commissioner, such]~~ the registration information specified in paragraph (a) of this subdivision shall be deleted from the contracting party's file for all purposes, except: ~~[(i) issuance of manufacturer's warranty, safety recall or similar notices, or (ii) statistical compilations.]~~

(i) issuance of manufacturer's warranty, safety recall or similar notices; or

(ii) for use in research activities, so long as personal information is not published, redisclosed, or used to contact individuals; or

(iii) for use in producing statistical reports, so long as personal information is not published, redisclosed, or used to contact individuals; or

(iv) to remove non-owner records from the original records of motor vehicle manufacturers; or

(v) for use by any government agency, including any court or law enforcement agency in carrying out its functions, or any private person or entity acting on behalf of a federal, state, or local agency in carrying out its functions; or

(vi) for use in the normal course of business by a legitimate business or its agents, employees, or contractors, but only: (A) to verify the accuracy of personal information submitted by the individual to the business or its agents, employees, or contractors; and (B) if such information as so submitted is not correct or is no longer correct, to obtain the correct information but only for the purposes of preventing fraud by, pursuing legal remedies against, or recovering on a debt or security interest against the individual; or

(vii) for use by any insurer or by a self-insured entity, or by an insurance support organization on behalf of any insurer or by a self-insured entity, or its agents, employees, or contractors, in connection with motor vehicle claims investigation activities, antifraud activities, rating or underwriting.

§ 2. This act shall take effect immediately and shall only apply to contracts executed on or after such effective date.

#### PART BBBB

Section 1. This act shall be known and may be cited as "the toll payer protection act."

§ 2. The general business law is amended by adding a new section 399-zzzzz to read as follows:

§ 399-zzzzz. Toll payer protection act. 1. Any person, firm, corporation, or other entity who is charged with the payment of a cashless toll fee in the state of New York shall have the option to be notified by text message or electronic mail that such fee has been so charged,



1 the entity to which such fee must be paid, and the date by when such fee  
2 must be paid, no more than seventy-two hours following the time such fee  
3 has been incurred, or no more than fourteen days if notified by mail.  
4 The thruway authority shall create an online method by which any person  
5 can register for text message alerts or electronic mail for a fee  
6 notification.

7 2. Any person, firm, corporation, or other entity who is charged with  
8 the payment of a toll fee in the state of New York shall be entitled to  
9 dispute such fee and any related penalties incurred. The process for  
10 such disputes shall be prominently posted on the New York state thruway  
11 authority's website which shall include an option to initiate a toll  
12 dispute online within one hundred twenty days after the effective date  
13 of this section.

14 3. Any person, firm, corporation, or other entity who is charged with  
15 the payment of a toll fee in the state of New York shall be entitled to  
16 establish a payment plan for the payment of such fee and any related  
17 penalties. The commissioner of motor vehicles shall promulgate rules  
18 and regulations for the establishment of such payment plan within one  
19 hundred twenty days after the effective date of this section.

20 4. Any person, firm, corporation, or other entity who is charged with  
21 the payment of a toll fee in the state of New York shall be entitled to  
22 review records which directly prompted the issuance of such fee. Such  
23 persons shall also be entitled to review records which prompted the  
24 issuance of any late fees or charges.

25 5. Any toll fee that will be charged for the usage of any bridge,  
26 tunnel, road, or any other entity shall be displayed conspicuously and  
27 prominently on signage of a reasonable size in a manner reasonably  
28 calculated to provide ample and adequate notice. In addition, any penal-  
29 ties for non-payment or late payment of such fee shall be displayed in  
30 the same manner. Signs alerting drivers to the availability of text  
31 message and electronic mail notification of toll fees shall be displayed  
32 in the same manner.

33 6. If the non-payment or late payment of a toll fee shall subject a  
34 licenseholder's registration to suspension, the licenseholder shall be  
35 entitled to notice by certified mail that such suspension may occur if  
36 payment is not made thirty days before such suspension shall be effec-  
37 tive.

38 7. No excessive fee shall be charged for non-payment or late payment  
39 of a toll fee and if the aggregate amount of any such fees for non-pay-  
40 ment or late payment of a toll fee charged to one vehicle registration  
41 reaches one thousand dollars, the license holder shall be notified by  
42 certified mail that such a fee has been reached.

43 8. No fees for late payment of a toll fee shall be assessed against a  
44 vehicle registration if the bill for such toll fee was found to have not  
45 been sent to the holder of such registration postmarked more than thir-  
46 ty-one days after such toll fee has been incurred.

47 9. EZPass holders shall be charged the EZPass rate in the event the  
48 EZPass holder crosses a toll when their EZPass account has insufficient  
49 funds.

50 10. Any bill sent for any toll fee incurred shall itemize the date,  
51 time, location, license plate number, and vehicle registration number  
52 for which said toll fee was incurred.

53 11. All rest stops along the New York state thruway shall be required  
54 to make EZPass available for purchase.

55 § 3. This act shall take effect on the one hundred twentieth day after  
56 it shall have become a law.

1

## PART CCCC

2 Section 1. Toll advisory task force. 1. The commissioner of transpor-  
3 tation and the chairman of the New York state thruway authority shall  
4 convene a toll advisory task force to review the New York state thruway  
5 authority's current toll rates, commuter discount options, resident  
6 discount programs and commercial vehicle rates in order to ensure  
7 affordable travel on the toll roads and bridges within the state.

8 2. Such task force shall consist of eight members. Such members shall  
9 be as follows: two members appointed by the governor; two members  
10 appointed by the temporary president of the senate; two members  
11 appointed by the speaker of the assembly; the commissioner of transpor-  
12 tation, or his or her designee; and the chairman of the New York state  
13 thruway authority, or his or her designee.

14 3. The task force shall be co-chaired by the commissioner of transpor-  
15 tation and the chairman of the New York state thruway authority, or  
16 their designees.

17 4. The goals of the task force shall include, but are not limited to,  
18 the study and evaluation of the New York state thruway authority's:

- 19 (a) current toll rates;
- 20 (b) commuter discount programs;
- 21 (c) resident discount programs;
- 22 (d) rates issued for commercial vehicles;
- 23 (e) any other special toll discount plans; and
- 24 (f) potential toll increases as related to funding for the Governor  
25 Mario M. Cuomo bridge.

26 5. The task force shall hold a minimum of four public hearings. At  
27 least one public hearing shall be held in the county of Rockland and one  
28 public hearing shall be held in the county of Westchester. During the  
29 public hearings, the task force shall hear the testimony of voluntary  
30 witnesses, shall provide an opportunity for public comment, and may  
31 request the production of any documents the task force deems reasonably  
32 necessary to carry out its responsibilities.

33 6. The task force shall make a report to the governor and the legisla-  
34 ture of its findings, conclusions and recommendations on or before  
35 December 31, 2019.

36 § 2. This act shall take effect immediately.

37

## PART DDDD

38 Section 1. Paragraph (c) of subdivision 2 of section 503 of the vehi-  
39 cle and traffic law is amended by adding a new subparagraph (v) to read  
40 as follows:

41 (v) Provided that for a senior citizen, the renewal fee shall be ten  
42 percent less than the fees otherwise required by this paragraph. For the  
43 purposes of this subparagraph, the term "senior citizen" means a person  
44 at least sixty-five years of age.

45 § 2. This act shall take effect on the ninetieth day after it shall  
46 have become a law.

47

## PART EEEE

48 Section 1. The opening paragraph of subdivision 5-a of section 340-b  
49 of the highway law, as amended by chapter 30 of the laws of 1987, is  
50 amended to read as follows:

51 The commissioner of transportation and the city of New York, acting  
52 through the mayor or other administrative head thereof, pursuant to a

1 resolution of the governing body of such city, are authorized to enter  
2 into a written agreement for the maintenance and repair, under the  
3 supervision and subject to the approval of the commissioner of transpor-  
4 tation, of any state interstate highway or portion thereof, exclusive of  
5 service roads and pavement on intersecting street bridges, which is  
6 within the boundaries of such city and which is now or which shall here-  
7 after be designated in section three hundred forty-a of this chapter and  
8 which has been constructed or which shall have been constructed as  
9 authorized by section three hundred forty-a of this chapter. Such agree-  
10 ment may provide that the state shall pay annually to such city a sum to  
11 be computed at the rate of (a) not more than [~~eighty-five~~] one dollar  
12 and eighty cents per square yard of the pavement area that is included  
13 in the state highway system according to the provisions of this section,  
14 and (b) an additional [~~ten~~] twenty cents per square yard of such pave-  
15 ment area where such pavement area is located on any elevated bridge,  
16 such rate shall be increased in each year of the agreement by the  
17 percentage change in the consumer price index for all urban consumers  
18 (CPI-U), New York-Northern New Jersey-Long Island, NY-NJ-CT-PA, as  
19 published by the United States department of labor bureau of labor  
20 statistics, over the prior five years.

21 § 2. The opening paragraph of subdivision 7 of section 349-c of the  
22 highway law, as amended by chapter 30 of the laws of 1987, is amended to  
23 read as follows:

24 The commissioner of transportation and any city named in this article,  
25 acting through the mayor or other administrative head thereof, pursuant  
26 to a resolution of the governing body of such city except the city of  
27 New York, are authorized to enter into a written agreement for the main-  
28 tenance and repair, under the supervision and subject to the approval of  
29 the commissioner, of any public street, main route or thoroughfare or  
30 portion thereof, exclusive of service roads and pavement on intersecting  
31 street bridges, which is within the boundaries of such city and which is  
32 now or which shall hereafter be designated in this article and which has  
33 been constructed or which shall have been constructed as authorized by  
34 [~~articles~~] this article and article four [~~and twelve-B~~] of this chapter  
35 and with grants made available by the federal government pursuant to the  
36 federal aid highway act of nineteen hundred forty-four, being public law  
37 five hundred twenty-one of the seventy-eighth congress, chapter six  
38 hundred twenty-six, second session, as approved on the twentieth day of  
39 December, nineteen hundred forty-four. Such agreement may provide that  
40 the state shall pay annually to such city a sum to be computed at the  
41 rate of (a) not more than [~~eighty-five~~] one dollar and eighty cents per  
42 square yard of the pavement area that is included in the state highway  
43 system according to the provisions of this section, and (b) an addi-  
44 tional [~~ten~~] twenty cents per square yard of such pavement area where  
45 such pavement area is located on any elevated bridge, such rate shall be  
46 increased in each year of the agreement by the percentage change in the  
47 consumer price index for all urban consumers (CPI-U), New York-Northern  
48 New Jersey-Long Island, NY-NJ-CT-PA, as published by the United States  
49 department of labor bureau of labor statistics, over the prior five  
50 years.

51 § 3. This act shall take effect immediately.

52 PART FFFF

53 Section 1. The commissioner of the department of transportation is  
54 hereby authorized and directed to conduct a study on a proposed exten-

1 sion of the Long Island Motor Parkway east from Winchester Boulevard to  
2 Little Neck Parkway in the county of Queens.

3 1. Such study shall address no less than the following issues:

4 (a) The estimated total cost of the project.

5 (b) The estimated duration of the project.

6 (c) The impact construction will have on local traffic patterns.

7 (d) The environmental impact of the project, represented in an envi-  
8 ronmental impact statement, if such statement is required by law, or is  
9 deemed warranted according to the discretion of the commissioner of the  
10 department of transportation.

11 2. The commissioner of the department of transportation shall report  
12 such findings to the governor and the legislature by February 1, 2020.

13 § 2. This act shall take effect immediately and shall expire February  
14 2, 2020 when upon such date the provisions of this act shall be deemed  
15 repealed.

16 PART GGGG

17 Section 1. Paragraph b of subdivision 2 of section 510 of the vehicle  
18 and traffic law is amended by adding a new subparagraph (xviii) to read  
19 as follows:

20 (xviii) for a period of sixty days where the holder has been convicted  
21 of two violations, committed within a period of eighteen months, of  
22 subdivision (c) of section eleven hundred eighty of this chapter.

23 § 2. This act shall take effect on the first of September next  
24 succeeding the date on which it shall have become a law.

25 PART HHHH

26 Section 1. The vehicle and traffic law is amended by adding a new  
27 section 404-ee to read as follows:

28 § 404-ee. Distinctive "guardians for schools" license plates. 1. Any  
29 person residing in this state shall upon request be issued a distinctive  
30 "guardians for schools" license plate bearing the phrase "guardians for  
31 schools". Application for said license plates shall be filed with the  
32 commissioner in such form and detail as the commissioner shall  
33 prescribe.

34 2. Any distinctive plate issued pursuant to this section shall be  
35 issued in the same manner as other number plates upon the payment of the  
36 regular registration fee prescribed by section four hundred one of this  
37 article provided, however, that an additional annual service charge of  
38 twenty-five dollars shall be charged for such plate. Such annual service  
39 charge shall be deposited pursuant to the provisions of section four  
40 hundred four-oo of this article to the credit of the guardians for  
41 schools fund established by section ninety-seven-yyyy of the state  
42 finance law, and shall be used for purpose of ensuring increased securi-  
43 ty in public schools. Provided, however, that one year after the effec-  
44 tive date of this section, funds in the amount of five thousand dollars,  
45 or so much thereof as may be available shall be allocated from such fund  
46 to the department to offset costs associated with the production of such  
47 license plate.

48 § 2. The state finance law is amended by adding a new section 97-yyyy  
49 to read as follows:

50 § 97-yyyy. Guardians for schools fund. 1. There is hereby estab-  
51 lished in the joint custody of the commissioner of taxation and finance

1 and the comptroller, a special fund to be known as the "guardians for  
2 schools fund".

3 2. Such fund shall consist of all revenues received pursuant to the  
4 provisions of section four hundred four-ee of the vehicle and traffic  
5 law and all other moneys appropriated, credited, or transferred thereto  
6 from any other fund or source pursuant to law. Nothing contained in this  
7 section shall prevent the state from receiving grants, gifts or bequests  
8 for the purposes of the fund as defined in this section and depositing  
9 them into the fund according to law.

10 3. Moneys of the fund shall be expended for the sole purpose of ensur-  
11 ing increased security in public schools, including, but not limited to,  
12 helping pay for school resource officers, security training, mental  
13 health counseling, metal detectors, security cameras and other school  
14 building modifications to improve school safety. The commissioner of  
15 education of the state of New York shall establish guidelines and crite-  
16 ria for qualifying expenditures under this subdivision and shall promul-  
17 gate all rules and regulations necessary to implement the provisions of  
18 this subdivision.

19 4. Moneys shall be paid out of the fund on the audit and warrant of  
20 the state comptroller on vouchers certified or approved by the commis-  
21 sioner of education of the state of New York.

22 5. Any income earned on moneys in the guardians for schools fund shall  
23 be added to and used for the purposes of such fund.

24 6. Monies of the fund shall be used solely for the use of school secu-  
25 rity measures and may not be diverted into the general fund.

26 § 3. This act shall take effect on the one hundred eightieth day after  
27 it shall have become a law. Effective immediately, the addition, amend-  
28 ment and/or repeal of any rule or regulation necessary for the implemen-  
29 tation of this act on its effective date are authorized to be made on or  
30 before such effective date.

31 PART IIII

32 Section 1. Section 10 of the highway law is amended by adding a new  
33 subdivision 47 to read as follows:

34 47. Promulgate rules and regulations prohibiting the use and installa-  
35 tion, on any state or local highway, of any "X-Lite" guardrail or rail  
36 cap manufactured by the Lindsay Corporation, or any other guardrail or  
37 rail cap of similar design and/or materials as determined by the commis-  
38 sioner. Additionally, the department shall immediately act to remove  
39 any existing "X-Lite" guardrail or rail cap manufactured by the Lindsay  
40 Corporation, or any other guardrail or rail cap of similar design and/or  
41 materials as determined by the commissioner.

42 § 2. This act shall take effect immediately.

43 PART JJJJ

44 Section 1. Section 101 of the vehicle and traffic law, as amended by  
45 chapter 446 of the laws of 2003, is amended to read as follows:

46 § 101. Authorized emergency vehicle. Every ambulance, police vehicle  
47 or bicycle, correction vehicle, fire vehicle, civil defense emergency  
48 vehicle, emergency ambulance service vehicle, blood delivery vehicle,  
49 human organ delivery vehicle, county emergency medical services vehicle,  
50 environmental emergency response vehicle, sanitation patrol vehicle,  
51 hazardous materials emergency vehicle and ordnance disposal vehicle of  
52 the armed forces of the United States.



§ 2. Section 114-b of the vehicle and traffic law, as amended by chapter 460 of the laws of 1996, is amended to read as follows:

§ 114-b. Emergency operation. The operation, or parking, of an authorized emergency vehicle, when such vehicle is engaged in transporting a sick or injured person, transporting prisoners, delivering blood or blood products in a situation involving an imminent health risk, transporting human organs, human tissue or medical personnel for the purpose of organ recovery or transplantation in a situation involving an imminent health risk, pursuing an actual or suspected violator of the law, or responding to, or working or assisting at the scene of an accident, disaster, police call, alarm of fire, actual or potential release of hazardous materials or other emergency. Emergency operation shall not include returning from such service.

§ 3. The vehicle and traffic law is amended by adding a new section 117-e to read as follows:

§ 117-e. Human organ delivery vehicle. Any vehicle which is operated by or on behalf of an organ procurement organization, as defined in subdivision five of section four thousand three hundred sixty of the public health law, for the sole purpose of transporting human organs, human tissue, or medical personnel for the purpose of organ recovery or transplantation on an emergency basis. No human organ delivery vehicle shall be operated as an authorized emergency vehicle engaged in an emergency operation unless the driver of such vehicle has undergone appropriate training for the operation of authorized emergency vehicles during emergency operations.

§ 4. This act shall take effect immediately.

#### PART KKKK

Section 1. The economic development law is amended by adding a new section 233 to read as follows:

§ 233. Regional economic development councils. 1. The governor shall establish ten regional economic development councils, one for each of the following regions of the state:

(a) Long Island (which consists of Suffolk and Nassau counties);

(b) the city of New York (which consists of Bronx, New York, Queens, Kings, and Richmond counties);

(c) the Mid-Hudson region (which consists of Sullivan, Ulster, Dutchess, Orange, Putnam, Westchester, and Rockland counties);

(d) the Southern tier (which consists of Steuben, Schuyler, Tompkins, Chemung, Tioga, Chenango, Broome, and Delaware counties);

(e) the Capital region (which consists of Warren, Washington, Saratoga, Schenectady, Rensselaer, Albany, Columbia, and Greene counties);

(f) the Mohawk valley (which consists of Oneida, Herkimer, Fulton, Montgomery, Otsego, and Schoharie counties);

(g) the North country (which consists of Clinton, Franklin, St. Lawrence, Jefferson, Lewis, Hamilton, and Essex counties);

(h) the Central region (which consists of Oswego, Cayuga, Onondaga, Madison, and Cortland counties);

(i) the Finger Lakes region (which consists of Orleans, Monroe, Wayne, Genesee, Wyoming, Livingston, Ontario, Seneca, and Yates counties); and

(j) the Western region (which consists of Niagara, Erie, Chautauqua, Cattaraugus, and Allegany counties).

2. Each regional economic development council shall develop a long-term strategic plan for economic growth within its region by December thirty-first, two thousand eighteen.

1 3. The members of each regional economic development council shall be  
2 local experts and stakeholders from businesses, academia, municipalities  
3 and non-governmental organizations within the region. Each regional  
4 economic development council shall be comprised of twenty-four voting  
5 members appointed by the governor, four on the recommendation of the  
6 temporary president of the senate, four on the recommendation of the  
7 speaker of the assembly, two on the recommendation of the minority lead-  
8 er of the senate, and two on the recommendation of the minority leader  
9 of the assembly. All voting members shall serve terms of four years and  
10 may serve no more than two consecutive terms. The governor shall  
11 appoint the chair or co-chairs of each regional economic development  
12 council, who may serve in such capacity for no more than four years.

13 4. All members of regional economic development councils shall be  
14 subject to the provisions of section seventy-four of the public officers  
15 law relating to conflicts of interest. The department shall adopt a code  
16 of ethical conduct for the regional economic development councils  
17 consistent with section seventy-four of the public officers law. All  
18 members of the regional economic development councils shall participate  
19 in an approved good governance training program by the authorities budg-  
20 et office regarding their responsibilities as members of the regional  
21 economic development councils.

22 5. All members of regional economic development councils shall be  
23 subject to the provisions of section seventy-three-a of the public offi-  
24 cers law relating to financial disclosure; provided that such members  
25 shall not be required to disclose: (a) the category of amount using  
26 Table I or category of value of contract using Table II; or (b) any  
27 position or financial interest that will not reasonably conflict in any  
28 way with the proper discharge of his or her official duties as a member  
29 of the regional economic development council.

30 6. Each regional economic development council shall be subject to the  
31 provisions of article seven of the public officers law relating to the  
32 open meetings law and article six of the public officers law relating to  
33 the freedom of information law.

34 7. The department shall develop scoring criteria for all regional  
35 economic development councils to use when evaluating an application. The  
36 score determined by the regional economic development council shall  
37 count towards fifty percent of the total score on an application, and  
38 the score determined by the applicable state agency on the application  
39 shall count for the other fifty percent of the total score. The scores  
40 of both the regional economic development council and the applicable  
41 state agency on each application shall be publicly available and posted  
42 prominently by the department on its website.

43 8. The final list of regional economic development council awards  
44 developed by the governor every year shall be reviewed and approved by  
45 the public authorities control board, in conjunction with the authori-  
46 ties budget office, prior to its release and announcement.

47 9. The department shall develop detailed standardized metrics for each  
48 regional economic development council to use in evaluating the ongoing  
49 performance of award recipients. The annual progress report of each  
50 regional economic development council shall contain specific job  
51 creation and retention statistics for every award recipient in the  
52 region, and the amount of funding disbursed to date to every award  
53 recipient.

54 10. The department, in consultation with the state comptroller, shall  
55 obtain an annual cost benefit analysis of the overall effectiveness of  
56 the regional economic development council program by an independent

1 auditor to be completed no later than December thirty-first, two thou-  
2 sand eighteen.

3 § 2. This act shall take effect immediately and shall expire and be  
4 deemed repealed April 1, 2020.

5 PART LLLL

6 Section 1. Section 1 of chapter 174 of the laws of 1968, constituting  
7 the New York state urban development corporation act, is amended by  
8 adding a new section 52 to read as follows:

9 § 52. Reporting. (1) Definitions. For the purposes of this section,  
10 the following terms shall have the following meanings:

11 (a) "Economic development benefits" shall mean:

12 (i) the available state resources including, but not limited to, state  
13 grants, loans, loan guarantees, loan interest subsidies, and/or subsi-  
14 dies allocated through the corporation; and

15 (ii) tax credits, tax exemptions or reduced tax rates and/or benefits  
16 which are applied for and preapproved or certified by a state agency;

17 (b) "Qualified participant" shall mean an individual, business, or any  
18 other entity that has applied for and received approval for and/or is  
19 the beneficiary of, any economic development benefits of ten thousand  
20 dollars or more under any individual economic development program or  
21 project overseen by the New York state urban development corporation or  
22 economic development benefits that were originally allocated to the  
23 corporation or that flow through the corporation;

24 (c) "State agency" shall mean any New York state department, board,  
25 bureau, division, commission, committee, public authority, public corpo-  
26 ration, council, office or other state governmental entity performing a  
27 governmental or proprietary function for the state, as well as entities  
28 created by any of the preceding or that are governed by a board of  
29 directors or similar body a majority of which is designated by one or  
30 more state officials;

31 (d) "Full-time job" shall mean a job in which an individual is  
32 employed by a qualified participant for at least thirty-five hours a  
33 week;

34 (e) "Full-time equivalent" shall mean a unit of measure which is equal  
35 to one filled, full-time, annual-salaried position;

36 (f) "Part-time job" shall mean a job in which an individual is  
37 employed by a qualified participant for less than thirty-five hours a  
38 week; and

39 (g) "Contract job" shall mean a job in which an individual is hired  
40 for a season or for a limited period of time.

41 (2) Searchable state subsidy and economic development benefits data-  
42 base. Notwithstanding any laws to the contrary, the corporation, in  
43 cooperation with the department of economic development, shall create or  
44 modify an existing searchable database, which includes the following  
45 features and functionality:

46 (a) the ability to search the database by each of the reported infor-  
47 mation to the corporation and for the public viewer to show a qualified  
48 participant which is a recipient of an economic development benefit and  
49 view a list of all types and amounts of benefits received by a qualified  
50 participant;

51 (b) for the prior state fiscal year, the following information:

52 (i) a qualified participant's name and location;

53 (ii) the time span over which a qualified participant is to or has  
54 received economic development benefits;

1 (iii) the type of such economic development benefits provided to a  
2 qualified participant, including the name of the program or programs  
3 through which economic development benefits are provided;

4 (iv) for any economic development benefits provided for job retention  
5 and creation, the total number of employees at all sites covered by the  
6 project utilizing such economic development benefits at the time of the  
7 agreement including the number of permanent full-time jobs, the number  
8 of permanent part-time jobs, the number of full-time equivalents, and  
9 the number of contract jobs;

10 (v) the number of jobs that a qualified participant receiving economic  
11 development benefits is contractually obligated to retain and create  
12 over the life of the project utilizing such economic development bene-  
13 fits, except that such information shall be reported on an annual basis  
14 for agreements containing annual job retention or creation requirements,  
15 and for each reporting year, the base employment level the entity  
16 receiving economic development benefits agrees to retain over the life  
17 of the project utilizing such economic development benefits, any job  
18 creation scheduled to take place as a result of the project utilizing  
19 such economic development benefits and where applicable, any job  
20 creation targets for the current reporting year;

21 (vi) the amount of economic development benefits received by a quali-  
22 fied participant during the year covered by the report, the amount of  
23 economic development benefits received by a qualified participant since  
24 the beginning of the project period, and the present value of the  
25 further economic development benefits committed to by the state but not  
26 yet received by a qualified participant for the duration of the project;

27 (vii) for any economic development benefits provided for job retention  
28 and creation, the total actual number of employees at all sites covered  
29 by the project utilizing such economic development benefits for the  
30 current reporting year, including the number of permanent full-time  
31 jobs, the number of permanent part-time jobs, the number of full-time  
32 equivalents, and the number of contract jobs;

33 (viii) a statement of compliance indicating whether, during the  
34 current reporting year, the corporation and/or any other state agency  
35 has reduced, cancelled or recaptured economic development benefits from  
36 such qualified participant, and, if so, the total amount of the  
37 reduction, cancellation or recapture, and any penalty assessed and the  
38 reasons therefor;

39 (c) the ability to digitally select defined individual fields corre-  
40 sponding to any of the reported information from qualified participants  
41 to create unique database views;

42 (d) the ability to download the database in its entirety, or in part,  
43 in a common machine readable format;

44 (e) the ability to view and download contracts or award agreements for  
45 each economic development benefit received by the qualified participant  
46 to the extent such contracts or award agreements are available to the  
47 public pursuant to article six of the public officers law;

48 (f) a definition or description of terms for fields in the database;  
49 and

50 (g) a summary of each economic development benefit available to quali-  
51 fied participants.

52 (3) Certification regarding reporting. The corporation shall certify  
53 to the New York state authorities budget office, the corporation's board  
54 of directors and post to its website that it has fulfilled all of its  
55 reporting requirements as required by law, rules, regulations, or execu-  
56 tive orders. The corporation shall provide a list of all reports, the

1 due dates of such reports, and certify to the New York state authorities  
2 budget office and the corporation's board of directors, that each report  
3 has been submitted to the individual, office, or entity as prescribed by  
4 applicable laws, rules, and regulations.

5 (4) Database reporting. The corporation may request the specific data  
6 from qualified participants, which is necessary and required in develop-  
7 ing, updating and maintaining the searchable database. Such qualified  
8 participants shall provide any such information requested by the corpo-  
9 ration. Beginning on June first, two thousand nineteen, the corporation  
10 shall make all reported data on such database available to the public on  
11 its website. Such database shall be updated on a quarterly basis with  
12 qualified participants added to any programs and any new data provided  
13 by existing qualified participants required reporting.

14 (5) Reporting. The corporation's senior staff shall report on a quar-  
15 terly basis, to the corporation's board of directors with a status  
16 update on the development and maintenance of the searchable database.

17 § 2. Section 100 of the economic development law is amended by adding  
18 a new subdivision 18-j to read as follows:

19 18-j. to assist the urban development corporation to establish a  
20 searchable database pursuant to section fifty-two of the urban develop-  
21 ment corporation act.

22 § 3. This act shall take effect on the ninetieth day after it shall  
23 have become a law; provided, however, that effective immediately, the  
24 addition, amendment and/or repeal of any rule or regulation necessary  
25 for the implementation of this act on its effective date are authorized  
26 to be made and completed on or before such effective date.

27 PART MMMM

28 Section 1. Subdivision 1 of section 436 of the economic development  
29 law, as added by section 1 of part A of chapter 68 of the laws of 2013,  
30 is amended to read as follows:

31 1. A campus, university or college that has sponsored a tax-free NY  
32 area (including any strategic state asset affiliated with the campus,  
33 university or college) shall solicit and accept applications from busi-  
34 nesses to locate in such area that are consistent with the plan of such  
35 campus, university or college or strategic state asset that has been  
36 approved pursuant to section four hundred thirty-five of this article.  
37 Any business that wants to locate in a tax-free NY area must submit an  
38 application to the campus, university or college which is sponsoring the  
39 tax-free NY area by December thirty-first, two thousand [~~twenty~~ eigh-  
40 teen]. Prior to such date, the commissioner shall prepare [~~an evaluation~~  
41 a final report] on the effectiveness of the START-UP NY program and  
42 deliver it to the governor and the legislature [~~to determine continued~~  
43 eligibility for application submissions].

44 § 2. This act shall take effect immediately.

45 PART NNNN

46 Section 1. Subdivisions 2, 3, 3-a, 4 and 5 of section 51 of the public  
47 authorities law are renumbered subdivisions 6, 7, 7-a, 8 and 9 and four  
48 new subdivisions 2, 3, 4 and 5 are added to read as follows:

49 2. Any application made concerning a proposed project involving a loan  
50 shall include the terms, conditions and dates of the repayment of state  
51 appropriations authorized by law pursuant to a repayment agreement and  
52 shall include a copy of the proposed repayment agreement. In any such



1 application the terms and conditions shall include, but not be limited  
2 to:

3 a. Any job retention or job creation requirements and the terms of any  
4 such requirements, where such loan would be conditional on any job  
5 retention or job creation requirements, a description of any contractual  
6 clawback provisions or other remedies in the event such requirements are  
7 not met;

8 b. Rate of interest, for fixed rate agreements;

9 c. All terms necessary to determine and calculate interest for non-  
10 fixed rate loan agreements;

11 d. Repayment date, or dates, and associated amounts, for the return of  
12 loan principal;

13 e. Any conditions or restrictions associated with the loan, the terms  
14 of such conditions or restrictions, and any contractual remedy if such  
15 conditions or restrictions in the event of a breach of such terms;

16 f. Any security provision and a description of such provisions; and

17 g. Any guarantee associated with such loan.

18 3. Any application made concerning a proposed project involving a  
19 grant shall include the terms and conditions of state appropriations  
20 authorized by law pursuant to a grant disbursement agreement and pursu-  
21 ant to any other agreements which would relate to such grant. In any  
22 such application the terms and conditions shall include, but not be  
23 limited to:

24 a. Any job retention or job creation requirements and the terms of any  
25 such requirements, where such loan would be conditional on any job  
26 retention or job creation requirements, a description of any contractual  
27 clawback provisions or other remedies in the event such requirements are  
28 not met;

29 b. A full description of the project and how the grant funds would be  
30 used by the grantee;

31 c. Where such project would involve the purchase of real property, a  
32 description of who would own the property;

33 d. Total cost of the project;

34 e. A list of all sources of funds for such project and a description  
35 of each source of funds;

36 f. A list of all uses of funds for such project and a description of  
37 each use of funds;

38 g. An conditions or restrictions on the grantee, the terms of such  
39 conditions or restrictions, and any contractual remedies in the event of  
40 a breach of such terms;

41 h. A description of the ownership;

42 i. A description of any lease agreements;

43 j. Any security provisions; and

44 k. Any guarantees associated with such grant.

45 4. Notwithstanding any law to the contrary, any project submitted to  
46 the public authorities control board involving a loan or grant where  
47 such loan or grant would be conditional on job retention or job creation  
48 requirements shall include clawback provisions if such job requirements  
49 are not met. The board may approve such projects only upon its determi-  
50 nation that:

51 a. Such submitted project includes clawback provisions, in the event  
52 job retention or job creation requirements are not met; and

53 b. Prior to grant disbursement, such applicant will submit to the  
54 public authorities control board a binding letter of agreement between  
55 the applicant and the grantee or loan recipient, or any beneficiaries of  
56 such loan or grant who would be expected to retain or create jobs,

1 attesting that they agreed to the job creation or job retention clawback  
2 requirements as a precondition to receiving the grant or loan.

3 5. A public benefit corporation subject to the provisions of this  
4 section may submit to the public authorities control board a potential  
5 project for comment from the public authorities control board. Such  
6 preliminary project shall be submitted to all public authorities control  
7 board members and all members as well as the state comptroller, and each  
8 shall have thirty days to comment on the preliminary project, if they so  
9 choose. Any such comments shall be filed by the public authorities  
10 control board and transmitted to the relevant public benefit corpo-  
11 ration. Any such comment shall be purely advisory, shall have no binding  
12 effect on any future decision of the public authorities control board,  
13 and shall not provide approval for any project.

14 § 2. This act shall take effect immediately.

15 PART 0000

16 Section 1. Subdivisions 16 and 17 of section 858 of the general munic-  
17 ipal law, as renumbered by chapter 356 of the laws of 1993, are renum-  
18 bered subdivisions 19 and 20 and three new subdivisions 16, 17 and 18  
19 are added to read as follows:

20 (16) To provide loans to any private or public corporation or any  
21 legal entity provided said loan is memorialized in an appropriate loan  
22 agreement and further provided that the loan proceeds are used in furth-  
23 erance of the agency's corporate purposes;

24 (17) To provide grants to any private or public corporation or any  
25 legal entity provided said grant is memorialized in an appropriate grant  
26 agreement stipulating the services to be provided in furtherance of the  
27 agency's corporate purposes;

28 (18) Notwithstanding any other law, to provide seed and early-stage  
29 equity funding to any private corporation or any legal entity, in  
30 accordance with a plan to be developed by the agency, located within, or  
31 to be located within, the municipality for whose benefit the agency was  
32 created and that is in the seed, early stage or venture stage of devel-  
33 opment and that has the potential to generate additional economic activ-  
34 ity in New York state provided, however, that funds received by the  
35 beneficiary private corporation or legal entity shall be returned if the  
36 beneficiary private corporation or legal entity leaves the municipality  
37 for whose benefit the agency was created within a period of time to be  
38 established by the agency;

39 § 2. This act shall take effect immediately.

40 PART PPPP

41 Section 1. This Part enacts into law major components of legislation  
42 relating to programs to provide assistance to small businesses in the  
43 state. Each component is wholly contained within a Subpart identified as  
44 Subparts A through B. The effective date for each particular provision  
45 contained within such Subpart is set forth in the last section of such  
46 Subpart. Any provision in any section contained within a Subpart,  
47 including the effective date of the Subpart, which makes a reference to  
48 a section "of this act," when used in connection with that particular  
49 component, shall be deemed to mean and refer to the corresponding  
50 section of the Subpart in which it is found. Section three of this Part  
51 sets forth the general effective date of this Part.

## SUBPART A

Section 1. Legislative intent. The legislature hereby finds and declares that the success of innovative energy and environmental technology-oriented businesses with growth potential is essential to the continued economic health and security of New York state. It is further found that the development of new products to assist mature industries undergoing dramatic changes or facing increasing international competition with reducing energy costs and complying with environmental regulations, can serve to retain, and even increase, employment. However, commercialization of these products is restrained as numerous small businesses are limited by lack of early stage financing.

Therefore, the legislature seeks to provide early stage funds, via a grants program, to stimulate the creation of a substantial number of new businesses and jobs in the energy and environmental sectors of New York's economy.

§ 2. Section 1 of chapter 174 of the laws of 1968, constituting the New York state urban development corporation act, is amended by adding a new section 16-cc to read as follows:

§ 16-cc. New York state innovative energy and environmental technology program. 1. Definitions. As used in this section, the following words and terms shall have the following meanings:

(a) "Innovative energy technologies" shall mean all methods used to produce, distribute, conserve and store energy by methods which have significant potential for commercialization, with emphasis on renewable energy sources including, but not limited to, solar, wind, fuel cells, advanced hydroelectric, and biomass power conversion technologies.

(b) "Innovative environmental technologies" shall mean technologies that advance sustainable development by reducing risk, enhancing cost-effectiveness, improving process efficiency, and creating products and processes that are environmentally beneficial or benign and which have significant potential for commercialization. Emerging environmental technologies include, but are not limited to: air, water, and soil pollution control; solid and toxic waste management; site remediation; and environmental monitoring and recycling.

(c) "Small businesses" shall mean an independently owned and operated business that meets all of the following conditions: (i) headquartered in the state, and principal business operations located in the state; (ii) employs one hundred or less persons, eighty percent of whom are employed within the state on a full-time basis; and (iii) involved in developing innovative energy and environmental technologies.

(d) "Eligible costs" shall mean costs associated with working capital needs, the acquisition or upgrading of equipment, or leasehold improvements necessary for commercialization of the product, device, technique, system or process; provided that no other source of funds is available under terms, interest rates, or other conditions that would allow the project to proceed successfully. Eligible costs shall exclude any costs incurred prior to the effective date of this section.

2. The corporation is authorized, within available appropriations in the empire state economic development fund established pursuant to section 16-m of this act or from any other funds appropriated for the purpose set out in this section, to award capital grants of up to one hundred thousand dollars to small businesses, for the purpose of encouraging and supporting innovative energy and environmental technology development and commercialization across the state. Such grants shall be

1 awarded on a competitive basis to small business applicants responding  
2 to requests for proposals issued by the corporation.

3 3. Grants and contracts made by the corporation pursuant to this  
4 section shall be subject to the following:

5 (a) grants shall not exceed one hundred fifty thousand dollars per  
6 year;

7 (b) the corporation may not enter into more than one grant per year to  
8 a small business; and

9 (c) grants provided by the corporation may only be used for eligible  
10 costs.

11 4. Applications for grants authorized under this section shall  
12 describe the product, device, technique, system or process which is to  
13 be developed, including:

14 (a) a market assessment;

15 (b) an explanation of its technical value;

16 (c) measurable outcomes resulting from its manufacture and sale,  
17 including the estimated number of jobs to be created and retained and  
18 the salary levels of such jobs;

19 (d) an estimated timeline for bringing it to market, with proposed  
20 starting and completion dates and benchmarks; and

21 (e) a budget for its development and marketing that describes how the  
22 grant will be used, why the grant from the corporation is essential and  
23 cannot be obtained from other sources, and sources and amounts of other  
24 funds to be used in its development, marketing and distribution.

25 5. The corporation shall, in consultation with the New York state  
26 energy research and development authority and the department of environ-  
27 mental conservation, develop criteria to be used in evaluating grant  
28 applications. Such criteria shall include, but not be limited to:

29 (a) economic impact as measured by such variables as potential reven-  
30 ue, job creation, effect on the local economy, global competitiveness,  
31 and, purchases from in-state suppliers;

32 (b) ability of the applicant to leverage other funds;

33 (c) financial commitment of the applicant;

34 (d) technical feasibility;

35 (e) likelihood that the economic benefits will be manifest within a  
36 six- to twelve-month period, but at most within three years; and

37 (f) likelihood of the product, device, technique, system or process to  
38 result in improvements to public health, quality of life, the environ-  
39 ment, human or business performance or economic productivity.

40 6. The corporation shall, on or before September first, two thousand  
41 nineteen and annually thereafter, submit a report to the governor, the  
42 temporary president of the senate and the senate minority leader, the  
43 speaker of the assembly, and the minority leader of the assembly, the  
44 chairpersons of the senate finance committee and the assembly ways and  
45 means committee, and to any other member of the legislature requesting  
46 such reports on the effectiveness and accomplishments of the New York  
47 state innovative energy and environmental technology grants program.  
48 Such report shall include for each grant awarded, the name and location  
49 of the recipient, a description of the product, device, technique,  
50 system or process being commercialized, the amount and use of the grant,  
51 the total project cost, the impact of the project on the recipient's  
52 business, the number of jobs created or retained, and such other infor-  
53 mation as the corporation shall deem appropriate.

54 7. Nothing in this section shall require the corporation to disclose  
55 any matters involving confidential intellectual property or work prod-  
56 uct, whether patentable or not, including any formula, plan, pattern,

process, tool, mechanism, compound, procedure, production data or compilation of information, which is not patented, but which is known only to certain individuals who are using it to fabricate, produce or compound an article of trade or service having commercial value and which gives its user an opportunity to obtain a business advantage over competitors who do not know it or use it.

§ 3. This act shall take effect immediately.

#### SUBPART B

Section 1. Subdivision 1 of section 16-m of section 1 of chapter 174 of the laws of 1968, constituting the New York state urban development corporation act is amended by adding a new paragraph (p) to read as follows:

(p) Assistance to small businesses engaged in dry cleaning or appearance enhancement businesses which practice nail specialty to make capital improvements through grants and flexible financing programs, including, but not limited to, loan loss reserve and revolving loan programs, working capital loans, working capital loan guarantees, or other flexible financing programs that leverage traditional financing. Such financial assistance shall be used to assist: (i) dry cleaning businesses for the purchase and installation of non-perchloroethylene machines and sprinkler systems to comply with state and local codes, rules and regulations; and (ii) appearance enhancement businesses which practice nail specialty to make capital improvements and upgrades to mechanical ventilation systems that are necessary to comply with federal, state and local indoor air quality codes, rules and regulations. The corporation, in consultation with the environmental facilities corporation, the department of environmental conservation and the department of health, shall promulgate all necessary rules and regulations to facilitate and administer such assistance program. For the purposes of this paragraph, "small businesses" shall have the same meaning as defined in section one hundred thirty-one of the economic development law.

§ 2. This act shall take effect on the ninetieth day after it shall have become a law; provided, however, the amendments to subdivision one of section 16-m of section 1 of chapter 174 of the laws of 1968, constituting the New York state urban development corporation act made by section one of this act shall not affect the expiration of such section and shall be deemed to expire therewith; provided, further, however, that effective immediately, the addition, amendment, and/or repeal of any rule or regulation necessary for the implementation of this act on its effective date are authorized to be made and completed on or before such effective date.

§ 2. Severability clause. If any clause, sentence, paragraph, subdivision, section or subpart of this act shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section or subpart thereof directly involved in the controversy in which such judgment shall have been rendered. It is hereby declared to be the intent of the legislature that this act would have been enacted even if such invalid provisions had not been included herein.

§ 3. This act shall take effect immediately; provided, however, that the applicable effective date of Subparts A through B of this act shall be as specifically set forth in the last section of such Subparts.



## PART QQQQ

Section 1. Section 1 of chapter 174 of the laws of 1968, constituting the New York state urban development corporation act, is amended by adding a new section 16-dd to read as follows:

§ 16-dd. Community development revolving loan program. 1. Definitions. As used in this section, the following terms shall have the following meanings:

(a) "Community development financial institution" means an organization whose principal office is located in this state, which has been certified as a community development financial institution by the federal community development financial institutions fund, as established pursuant to 12 U.S.C. § 4701, et seq.

(b) "Investment area" means a geographic area which:

(i) Is economically distressed as defined in section sixteen-d of this act; and

(ii) Has significant unmet needs for loans or is located in a federally designated empowerment zone or enterprise community as established pursuant to title XIII of the federal omnibus budget reconciliation act of 1993 (Public Law 103-66).

(c) "Low income" means having an income, adjusted for family size, of not more than:

(i) For metropolitan areas, eighty percent of the area median income; or

(ii) For non-metropolitan areas, the greater of eighty percent of the area median income of the statewide non-metropolitan area median income.

(d) "Targeted population" means individuals or an identifiable group of individuals including, but not limited to, minority and women-owned business enterprises who are low income or otherwise lack adequate access to loans.

(e) "Target market" means a defined service area which serves one or more investment areas or targeted population.

2. The community development revolving loan program is hereby created to provide low interest loans or loan guarantees to a targeted market, where it is underserved and otherwise difficult to obtain regular bank financing. Such loans or loan guarantees shall be made by a community development financial institution and shall be made in target markets for purposes of small businesses, microbusinesses, small farm businesses, residential mortgages, commercial mortgages, housing rehabilitation, home improvement, not-for-profit community based organizations and for such other purposes as permitted by the corporation.

3. A community development financial institution desiring to participate in the program shall execute an agreement in such form as the corporation may prescribe and shall contain such terms and provisions as the corporation or its agent may deem as necessary and appropriate.

4. The corporation is hereby authorized to administer the program created in subdivision two of this section or alternatively, to do the following:

(a) Enter into a contract with a third party to act as the agent of the corporation with respect to the administration of such program, pursuant to a competitive process;

(b) Conduct an annual review and assessment of the performance of the third party in its capacity as agent for the corporation to determine whether the contract referenced in paragraph (a) of this subdivision should be renewed for an additional two year period. The review shall be

1 based on whether the third party agent has satisfactorily met the terms  
2 and conditions of the contract;

3 (c) Promulgate rules and regulations with respect to the implementa-  
4 tion of the community development revolving loan program established by  
5 this section and any other rules and regulations necessary to fulfill  
6 the purposes of this section, in accordance with the state administra-  
7 tive procedure act.

8 (d) Any contract entered into pursuant to paragraph (a) of this subdi-  
9 vision shall:

10 (i) Be for a period of two years and shall be renewed for an addi-  
11 tional two year period subject to requirements of paragraph (b) of this  
12 subdivision; and

13 (ii) Provide for compensation for expenses incurred by the third party  
14 agent in connection with its services as agent and for such other  
15 services as the corporation may deem appropriate including, but not  
16 limited to the use of the premises, personnel and personal property of  
17 the third party agent.

18 5. The corporation is authorized to establish a revolving loan fund  
19 account into which funds may be received from any source, including but  
20 not limited to, the corporation, financial institutions, insurance  
21 companies, business corporations and from settlements of civil actions  
22 by the department of financial services, and from which funds may be  
23 expended for the aforementioned purposes.

24 6. With respect to loans pursuant to this program, a community devel-  
25 opment financial institution may charge application, commitment and loan  
26 guarantee fees subject to a schedule of fees approved by the corpo-  
27 ration.

28 7. A community development financial institution participating in the  
29 program shall submit to the corporation, an annual report detailing the  
30 following:

31 (a) The number of program loans made;

32 (b) The amount of program funding used for loans;

33 (c) The use of loan proceeds by the borrower;

34 (d) The number of jobs created or retained;

35 (e) A description of the economic development generated;

36 (f) The status of outstanding program loans; and

37 (g) Such other information as the corporation or its agent shall  
38 require.

39 8. The corporation may directly or through a third party conduct  
40 audits of a community development financial institution's compliance  
41 with the provisions of this section and any regulations promulgated. In  
42 the event of substantive noncompliance, the corporation may terminate  
43 the participation of such community development financial institution in  
44 the program.

45 9. The corporation shall create an advisory committee, consisting of a  
46 maximum of five members. Such committee shall advise the corporation  
47 with respect to loan practices, processes and procedures; internal cred-  
48 it policies and appropriate risk assessment standards for loans made by  
49 community development financial institutions. Such committee shall addi-  
50 tionally advise the corporation in the promotion, implementation and  
51 administration of such fund, including also providing assistance to the  
52 corporation in securing private funds for the revolving loan fund. The  
53 members of such committee shall have experience with community develop-  
54 ment financial institutions, and shall, to the extent practical, reflect  
55 diversity in geographic location and communities served.

§ 2. This act shall take effect April 1, 2018; provided however, if this act shall become a law after such date it shall take effect immediately and shall be deemed to have been in full force and effect on and after April 1, 2018. Effective immediately, the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of this act on its effective date are authorized and directed to be made and completed on or before such effective date.

## PART RRRR

Section 1. Section 1304 of the real property actions and proceedings law is amended by adding a new subdivision 1-a to read as follows:

1-a. Notwithstanding any other provision of law, with regard to a reverse mortgage home loan, at least ninety days before a lender, an assignee or a mortgage loan servicer commences legal action against the borrower or borrowers at the property address and any other addresses of record, including reverse mortgage foreclosure, such lender, assignee or mortgage loan servicer shall give notice to the borrower in at least fourteen-point type except for the heading which shall be in at least sixteen-point type which shall include the following:

YOU COULD LOSE YOUR HOME TO FORECLOSURE.  
PLEASE READ THE FOLLOWING NOTICE CAREFULLY.

Date

Borrower's address

Loan Number:

Property Address:

Dear Borrower(s):

As of \_\_\_\_\_, we as your lender or servicer claim that your reverse mortgage loan is \_\_\_\_\_ days in default. Under New York State Law, we are required to send you this notice to inform you that you may be at risk of losing your home.

We, the lender or servicer of your loan, are claiming that your reverse mortgage loan is in default because you have not complied with the following conditions of your loan:

\_\_\_\_\_ You are not occupying your home as your principal residence

\_\_\_\_\_ You did not submit the required annual certificate of occupancy

\_\_\_\_\_ The named borrower on the reverse mortgage has died

\_\_\_\_\_ You did not pay property taxes

\_\_\_\_\_ {Servicer name} paid your property taxes for the following time periods:

\_\_\_\_\_ {quarter/year}

\_\_\_\_\_ You did not maintain homeowner's insurance

\_\_\_\_\_ {Servicer name} purchased homeowner's insurance for you on the following date(s) and for the following cost(s):

\_\_\_\_\_ You did not pay water/sewer charges

\_\_\_\_\_ [~~Servicer~~ name] paid water/sewer charges for you on the following date(s) and for the following cost(s):

\_\_\_\_\_ You did not make required repairs to your home

If the claim is based on your failure to pay property or water and sewer charges or maintain homeowner's insurance, you can cure this default by making the payment of \$ \_\_\_\_\_ for the advancements we made towards these payments on your behalf.

You have the right to dispute the claims listed above by contacting us, by calling \_\_\_\_\_ or sending a letter to \_\_\_\_\_. This may include proof of payments made for property taxes or water and sewer charges or a current declaration page from your insurance company, or any other proof to dispute the servicer's claim.

If you are in default for failure to pay property charges (property taxes, homeowner's insurance and/or water/sewer charges) you may qualify for a grant, loan, or re-payment plan to cure the default balance owed.

If you are in default due to the death of your spouse, you may be considered an eligible "Non-Borrowing Spouse" under a HUD program which allows you to remain in your home for the rest of your life.

If you are over the age of 80 and have a long term illness, you may also qualify for the "At-Risk Extension," which allows you to remain in your home for one additional year and requires an annual re-certification.

Attached to this notice is a list of government-approved housing counseling agencies and legal services in your area which provide free counseling. You can also call the NYS Office of the Attorney General's Homeowner Protection Program (HOPP) toll-free consumer hotline to be connected to free housing counseling services in your area at 1-855-HOME-456 (1-855-466-3456), or visit their website at <http://www.aghomehelp.com>. A statewide listing by county is also available at [http://www.dfs.ny.gov/consumer/mortg\\_nys\\_np\\_counseling\\_agencies.htm](http://www.dfs.ny.gov/consumer/mortg_nys_np_counseling_agencies.htm). You may also call your local Department of Aging for a referral or call 311 if you live in New York City.

Qualified free help is available; watch out for companies or people who charge a fee for these services.

You may also contact us directly at \_\_\_\_\_ and ask to discuss all possible options to allow you to cure your default and prevent the foreclosure of your home. While we cannot ensure that a resolution is possible, we encourage you to take immediate steps to try to achieve a resolution. The longer you wait, the fewer options you may have.

If you have not taken any actions to resolve this matter within 90 days from the date this notice was mailed, we may commence legal action against you (or sooner if you cease to live in the dwelling as your primary residence).

If you need further information, please call the New York State Department of Financial Services' toll-free helpline at 877-226-5697 or visit the Department's website at <http://www.dfs.ny.gov>.

IMPORTANT: You have the right to remain in your home until you receive a court order telling you to leave the property. If a foreclosure action is filed against you in court, you still have the right to remain in the home until a court orders you to leave. You legally remain the owner of

1 and are responsible for the property until the property is sold by you  
2 or by order of the court at the conclusion of any foreclosure  
3 proceedings. This notice is not an eviction notice, and a foreclosure  
4 action has not yet been commenced against you.

5 The provisions of the prescribed notice, required by this subdivision,  
6 shall relieve any lender, assignee or mortgage loan servicer of a  
7 reverse mortgage home loan, of any requirement to provide the notice  
8 required in subdivision one of this section.

9 § 2. This act shall take effect on the sixtieth day after it shall  
10 have become a law.

11 PART SSSS

12 Section 1. This act shall be known and may be cited as the "transfor-  
13 mational infrastructure and revitalization project act".

14 § 2. Definitions. For the purposes of this act, the following terms  
15 shall have the following meanings:

16 (a) "Public work" shall mean the Brooklyn-Queens Expressway, Atlantic  
17 Avenue to Sands Street.

18 (b) "Authorized entity" shall mean the New York city department of  
19 design and construction, and the New York city department of transporta-  
20 tion.

21 (c) "Best value" shall mean the basis for awarding contracts for  
22 services to a proposer that optimizes quality, cost and efficiency,  
23 price and performance criteria, which may include, but is not limited  
24 to:

25 (1) The quality of the proposer's performance on previous projects;

26 (2) The timeliness of the proposer's performance on previous projects;

27 (3) The level of customer satisfaction with the proposer's performance  
28 on previous projects;

29 (4) The proposer's record of performing previous projects on budget  
30 and ability to minimize cost overruns;

31 (5) The proposer's ability to limit change orders;

32 (6) The proposer's ability to prepare appropriate project plans;

33 (7) The proposer's technical capacities;

34 (8) The individual qualifications of the proposer's key personnel;

35 (9) The proposer's ability to assess and manage risk and minimize risk  
36 impact;

37 (10) The proposer's financial capability;

38 (11) The proposer's ability to comply with applicable requirements,  
39 including the provisions of articles 145, 147 and 148 of the education  
40 law;

41 (12) The proposer's past record of compliance with federal, state and  
42 local laws, rules, licensing requirements, where applicable, and execu-  
43 tive orders, including but not limited to compliance with the labor law  
44 and other applicable labor and prevailing wage laws, article 15-A of the  
45 executive law, and any other applicable laws concerning minority- and  
46 women-owned business enterprise participation;

47 (13) The proposer's record of complying with existing labor standards,  
48 maintaining harmonious labor relations, and protecting the health and  
49 safety of workers and payment of wages above any locally-defined living  
50 wage; and

51 (14) A quantitative factor to be used in evaluation of bids or offers  
52 for awarding of contracts for bidders or offerers that are certified as  
53 minority- or women-owned business enterprises as defined in subdivisions



1 1, 7, 15 and 20 of section 310 of the executive law, or certified pursu-  
2 ant to local law as minority- or women-owned business enterprises.

3 Such basis shall reflect, wherever possible, objective and quantifi-  
4 able analysis.

5 (d) "Cost plus" shall mean compensating a contractor for the cost to  
6 complete a contract by reimbursing actual costs for labor, equipment and  
7 materials plus an additional amount for overhead and profit.

8 (e) "Design-build contract" shall mean a contract for the design and  
9 construction of a public work with a single entity, which may be a team  
10 comprised of separate entities.

11 (f) "Project labor agreement" shall have the meaning set forth in  
12 subdivision 1 of section 222 of the labor law. A project labor agreement  
13 shall require participation in apprentice training programs in accord-  
14 ance with paragraph (e) of subdivision 2 of such section.

15 § 3. Any contract for a public work undertaken pursuant to a project  
16 labor agreement in accordance with section 222 of the labor law may be a  
17 design-build contract in accordance with this act.

18 § 4. Notwithstanding any general, special or local law, rule or regu-  
19 lation to the contrary, including but not limited to article 5-A of the  
20 general municipal law, and in conformity with the requirements of this  
21 act, for any public work that has an estimated total cost of not less  
22 than ten million dollars and is undertaken pursuant to a project labor  
23 agreement in accordance with section 222 of the labor law, an authorized  
24 entity charged with awarding a contract for public work may use the  
25 alternative delivery method referred to as design-build contracts.

26 (a) A contractor selected by such authorized entity to enter into a  
27 design-build contract shall be selected through a two-step method, as  
28 follows:

29 (1) Step one. Generation of a list of responding entities that have  
30 demonstrated the general capability to perform the design-build  
31 contract. Such list shall consist of a specified number of responding  
32 entities, as determined by an authorized entity, and shall be generated  
33 based upon the authorized entity's review of responses to a publicly  
34 advertised request for qualifications. The authorized entity's request  
35 for qualifications shall include a general description of the public  
36 work, the maximum number of responding entities to be included on the  
37 list, the selection criteria to be used and the relative weight of each  
38 criteria in generating the list. Such selection criteria shall include  
39 the qualifications and experience of the design and construction team,  
40 organization, demonstrated responsibility, ability of the team or of a  
41 member or members of the team to comply with applicable requirements,  
42 including the provisions of articles 145, 147 and 148 of the education  
43 law, past record of compliance with the labor law, and such other quali-  
44 fications the authorized entity deems appropriate, which may include but  
45 are not limited to project understanding, financial capability and  
46 record of past performance. The authorized entity shall evaluate and  
47 rate all responding entities to the request for qualifications. Based  
48 upon such ratings, the authorized entity shall list the responding enti-  
49 ties that shall receive a request for proposals in accordance with para-  
50 graph two of this subdivision. To the extent consistent with applicable  
51 federal law, the authorized entity shall consider, when awarding any  
52 contract pursuant to this section, the participation of (i) responding  
53 entities that are certified as minority- or women-owned business enter-  
54 prises as defined in subdivisions 1, 7, 15 and 20 of section 310 of the  
55 executive law, or certified pursuant to local law as minority- or  
56 women-owned business enterprises; and (ii) small business concerns iden-

1 tified pursuant to subdivision (b) of section 139-g of the state finance  
2 law; and

3 (2) Step two. Selection of the proposal which is the best value to the  
4 authorized entity. The authorized entity shall issue a request for  
5 proposals to the responding entities listed pursuant to paragraph one of  
6 this subdivision. If such a responding entity consists of a team of  
7 separate entities, the entities that comprise such a team must remain  
8 unchanged from the responding entity as listed pursuant to paragraph one  
9 of this subdivision unless otherwise approved by the authorized entity.

10 The request for proposals shall set forth the public work's scope of  
11 work, and other requirements, as determined by the authorized entity,  
12 which may include separate goals for work under the contract to be  
13 performed by businesses certified as minority- or women-owned business  
14 enterprises as defined in subdivisions 1, 7, 15 and 20 of section 310 of  
15 the executive law, or certified pursuant to local law as minority- or  
16 women-owned business enterprises. The request for proposals shall also  
17 specify the criteria to be used to evaluate the responses and the rela-  
18 tive weight of each of such criteria. Such criteria shall include the  
19 proposal's cost, the quality of the proposal's solution, the qualifica-  
20 tions and experience of the proposer, and other factors deemed pertinent  
21 by the authorized entity, which may include, but shall not be limited  
22 to, the proposal's manner and schedule of project implementation, the  
23 proposer's ability to complete the work in a timely and satisfactory  
24 manner, maintenance costs of the completed public work, maintenance of  
25 traffic approach, and community impact. Any contract awarded pursuant to  
26 this act shall be awarded to a responsive and responsible proposer,  
27 which, in consideration of these and other specified criteria deemed  
28 pertinent, offers the best value, as determined by the authorized enti-  
29 ty. The request for proposals shall include a statement that proposers  
30 shall designate in writing those portions of the proposal that contain  
31 trade secrets or other proprietary information that are to remain confi-  
32 dential; that the material designated as confidential shall be readily  
33 separable from the proposal. Nothing in this subdivision shall be  
34 construed to prohibit the authorized entity from negotiating final  
35 contract terms and conditions including cost. All proposals submitted  
36 shall be scored according to the criteria listed in the request for  
37 proposals and such final scores shall be published on the authorized  
38 entity's website.

39 (b) An authorized entity awarding a design-build contract to a  
40 contractor offering the best value may but shall not be required to use  
41 the following types of contracts:

42 (1) A cost-plus not to exceed guaranteed maximum price form of  
43 contract in which the authorized entity shall be entitled to monitor and  
44 audit all costs. In establishing the schedule and process for determin-  
45 ing a guaranteed maximum price, the contract between the authorized  
46 entity and the contractor shall:

47 (i) Describe the scope of the work and the cost of performing such  
48 work,

49 (ii) Include a detailed line item cost breakdown,

50 (iii) Include a list of all drawings, specifications and other infor-  
51 mation on which the guaranteed maximum price is based,

52 (iv) Include the dates of substantial and final completion on which  
53 the guaranteed maximum price is based, and

54 (v) Include a schedule of unit prices; or

55 (2) A lump sum contract in which the contractor agrees to accept a set  
56 dollar amount for a contract which comprises a single bid without

1 providing a cost breakdown for all costs such as for equipment, labor,  
2 materials, as well as such contractor's profit for completing all items  
3 of work comprising the public work.

4 § 5. Any contract entered into pursuant to this act shall include a  
5 clause requiring that any professional services regulated by articles  
6 145, 147 and 148 of the education law shall be performed and stamped and  
7 sealed, where appropriate, by a professional licensed in accordance with  
8 the appropriate article.

9 § 6. Construction with respect to each contract entered into by an  
10 authorized entity pursuant to this act shall be deemed a "public work"  
11 to be performed in accordance with the provisions of article 8 of the  
12 labor law, as well as subject to sections 200, 240, 241 and 242 of such  
13 law and enforcement of prevailing wage requirements pursuant to applica-  
14 ble law or, for projects or public works receiving federal aid, applica-  
15 ble federal requirements for prevailing wage. Any contract entered into  
16 pursuant to this act shall include a clause requiring the selected  
17 design builder to obligate every tier of contractor working on the  
18 public work to comply with the project labor agreement referenced in  
19 section three of this act, and shall include project labor agreement  
20 compliance monitoring and enforcement provisions consistent with the  
21 applicable project labor agreement.

22 § 7. Each contract entered into by an authorized entity pursuant to  
23 this act shall comply with the objectives and goals with regard to  
24 minority- and women-owned business enterprises pursuant to, as applica-  
25 ble, section 6-129 of the administrative code of the city of New York  
26 or, for projects or public works receiving federal aid, applicable  
27 federal requirements for disadvantaged business enterprises or minority-  
28 and women-owned business enterprises.

29 § 8. Public works undertaken by an authorized entity pursuant to this  
30 act shall be subject to the requirements of article 8 of the environ-  
31 mental conservation law, and, where applicable, the requirements of the  
32 National Environmental Policy Act.

33 § 9. (a) Notwithstanding any provision of law to the contrary, all  
34 rights or benefits, including terms and conditions of employment, and  
35 protection of civil service and collective bargaining status of all  
36 employees of authorized entities solely in connection with the public  
37 works identified in subdivision (a) of section two of this act, shall be  
38 preserved and protected.

39 (b) Nothing in this act shall result in the: (1) displacement of any  
40 currently employed worker or loss of position (including partial  
41 displacement such as a reduction in the hours of non-overtime work,  
42 wages or employment benefits), or result in the impairment of existing  
43 collective bargaining agreements; and (2) transfer of existing duties  
44 and functions related to maintenance and operations currently performed  
45 by existing employees of authorized entities to a contractor.

46 (c) Employees of authorized entities using design-build contracts  
47 serving in positions in newly created titles shall be assigned to the  
48 appropriate bargaining unit. Nothing contained in this act shall be  
49 construed to affect (1) the existing rights of employees of such enti-  
50 ties pursuant to an existing collective bargaining agreement, (2) the  
51 existing representational relationships among employee organizations  
52 representing employees of such entities, or (3) the bargaining relation-  
53 ships between such entities and such employee organizations.

54 § 10. The submission of a proposal or responses or the execution of a  
55 design-build contract pursuant to this act shall not be construed to be  
56 a violation of section 6512 of the education law.

1 § 11. Nothing contained in this act shall limit the right or obli-  
2 gation of any authorized entity to comply with the provisions of any  
3 existing contract or to award contracts as otherwise provided by law.

4 § 12. All savings realized by the city of New York, as determined by  
5 an audit conducted by the office of the New York city comptroller,  
6 through the use of a design build contract for the public work shall be  
7 deposited daily with such responsible banks, banking houses or trust  
8 companies, as may be designated by the comptroller, to the credit of the  
9 comptroller in trust for the metropolitan transportation authority. An  
10 account may be established in one or more of such depositories. Such  
11 deposits will be kept separate and apart from all other money in the  
12 possession of the comptroller. The comptroller shall require adequate  
13 security from all such depositories. Funds deposited pursuant to this  
14 section shall be paid on a quarterly basis to the metropolitan transit  
15 authority to be expended on costs incurred in the execution of the  
16 metropolitan transit authority capital plan solely for the purposes of  
17 New York city transit beginning on the first day of the first quarter  
18 immediately following the execution of a design-build contract for the  
19 Brooklyn-Queens Expressway, Atlantic Avenue to Sands Street. For  
20 purposes of this section, the term "savings" shall mean the projected  
21 amount that would have been expended on the public work without the use  
22 of a design build contract less the amount that was expended on the  
23 public work using a design build contract.

24 § 13. The administrative code of the city of New York is amended by  
25 adding a new section 10-179 to read as follows:

26 § 10-179 School safety measures. The police commissioner of the city  
27 shall assign a police officer at least one hour prior to the commence-  
28 ment of instructional hours at every school, public and/or private,  
29 within the city of New York. Such police officer shall remain on site at  
30 such school during instructional hours and for a minimum one hour post  
31 instructional hours unless, in the discretion of the mayor of the city  
32 or the police commissioner of the city, a state of emergency exists  
33 requiring redeployment of a police officer during the required hours set  
34 forth in this section.

35 § 14. This act shall take effect immediately; provided that sections  
36 one through twelve of this act shall expire and be deemed repealed 4  
37 years after such date; provided, however that, public works with  
38 requests for qualifications issued prior to such repeal shall be permit-  
39 ted to continue under this act notwithstanding such repeal.

40 PART TTTT

41 Section 1. Notwithstanding any other provision of law to the contrary,  
42 from the taxes, interest and penalties collected or received by the  
43 commissioner of taxation and finance with respect to the tax imposed by  
44 the city of New York pursuant to the authority of section 1210, 1211,  
45 1212 or 1212-A of the tax law, the state comptroller shall pay, as  
46 directed in writing by the director of the budget, the sum of  
47 \$35,666,667 on or before the twelfth day of each month from such taxes,  
48 penalties and interest collected or received by such commissioner during  
49 the previous month to a governmental fund or funds of the state treasury  
50 to be paid to the metropolitan transportation authority, and shall be  
51 used by such authority for the purposes of funding the subway action  
52 plan. The state comptroller shall make the first payment to the metro-  
53 politan transportation authority on or before the twelfth day of May,  
54 2018 from the taxes, penalties and interest collected or received during

1 April 2018 and the last payment pursuant to this act on or before the  
2 twelfth day of April, 2019 from the taxes, penalties and interest  
3 collected or received during March 2019. Provided, however, that in no  
4 event shall such payments exceed \$428,000,000 in a fiscal year; and  
5 provided, further, that such payments shall not reduce the reasonable  
6 costs of such commissioner under subdivision (b) of section 1261 of the  
7 tax law.

8 § 2. This act shall take effect immediately.

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

18 § 3. This act shall take effect immediately provided, however, that  
19 the applicable effective date of Parts A through TTTT of this act shall  
20 be as specifically set forth in the last section of such Parts.