

STATE OF NEW YORK

S. 7508--B

A. 9508--B

SENATE - ASSEMBLY

January 22, 2020

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

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

AN ACT to amend the highway law and the transportation law, in relation to consolidated local highway assistance payments (Part A); to amend the vehicle and traffic law in relation to penalties for commercial vehicles on parkways and penalties for over-height vehicles (Part B); to amend the vehicle and traffic law, in relation to the display of amber and blue lights on safety service patrol vehicles (Part C); intentionally omitted (Part D); to amend the vehicle and traffic law, in relation to the maximum dimension of certain vehicles proceeding to and from the New York state thruway authority (Part E); to amend the public authorities law, in relation to agreements for fiber optics (Part F); intentionally omitted (Part G); to amend the vehicle and traffic law, in relation to penalties for unlicensed operation of ground transportation to and from airports (Part H); to amend the public authorities law, in relation to setting the aggregate principal amount of bonds the Metropolitan transit authority, the Triborough bridge and tunnel authority and the New York city transit authority can issue (Part I); intentionally omitted (Part J); to amend chapter 54 of the laws of 2016 amending the general municipal law relating to the New York transit authority and the metropolitan transportation authority, in relation to extending authorization for tax increment financing for the metropolitan transportation authority (Part K); intentionally omitted (Part L); intentionally omitted (Part M); intentionally omitted (Part N); intentionally omitted (Part O); intentionally omitted (Part P); intentionally omitted (Part Q); to amend

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

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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 effectiveness thereof (Part R); to amend the general business law, in relation to prohibiting pricing of goods and services on the basis of gender (Part S); intentionally omitted (Part T); to amend the state law, in relation to making changes to the arms of the state (Part U); to amend the executive law, the real property law and the general business law, in relation to qualifications for appointment and employment (Part V); to amend the real property law, in relation to home inspection professional licensing (Part W); intentionally omitted (Part X); to authorize utility and cable television assessments that provide funds to the department of health from cable television assessment revenues and to the department of agriculture and markets, department of environmental conservation, department of state, and the office of parks, recreation and historic preservation from utility assessment revenues; and providing for the repeal of such provisions upon expiration thereof (Part Y); intentionally omitted (Part Z); intentionally omitted (Part AA); intentionally omitted (Part BB); to amend chapter 584 of the laws of 2011, amending the public authorities law relating to the powers and duties of the dormitory authority of the state of New York relative to the establishment of subsidiaries for certain purposes, in relation to the effectiveness thereof (Part CC); to amend the infrastructure investment act, in relation to requiring certain contracts to comply with service-disabled veteran-owned business enterprises, negotiating prices in certain lump-sum contracts, referencing certain sections of law and providing for a date of repeal (Part DD); to amend the New York state urban development corporation act, in relation to extending the authority of the New York state urban development corporation to administer the empire state economic development fund (Part EE); to amend 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 extending the general loan powers of the New York state urban development corporation (Part FF); to amend the economic development law, in relation to economic transformation program eligibility (Part GG); to authorize the New York state energy research and development authority to finance a portion of its research, development and demonstration, policy and planning, and Fuel NY program, as well as climate change related expenses of the department of environmental conservation and the department of agriculture and markets' Fuel NY program, from an assessment on gas and electric corporations (Part HH); to amend the labor law, in relation to the definition of farm laborer and labor practices for farm laborers (Part II); to amend the general municipal law, in relation to procurement procedures for school districts in relation to New York state products (Part JJ); to amend the public authorities law, in relation to the water pollution control revolving fund and the drinking water revolving fund (Part KK); intentionally omitted (Part LL); to amend the financial services law, in relation to student debt consultants (Part MM); intentionally omitted (Part NN); intentionally omitted (Part OO); to amend the environmental conservation law, in relation to expanded polystyrene foam container and polystyrene loose fill packaging ban; to amend the state finance law, in relation to moneys collected for violations of the expanded polys-

tyrene foam container and polystyrene loose fill packaging ban; and providing for the repeal of certain provisions upon expiration thereof (Part PP); authorizing the creation of state debt in the amount of three billion dollars, in relation to creating the environmental bond act of 2020 "restore mother nature" for the purposes of environmental improvements that preserve, enhance, and restore New York's natural resources and reduce the impact of climate change; and providing for the submission to the people of a proposition or question therefor to be voted upon at the general election to be held in November, 2020 (Part QQ); to amend the environmental conservation law and the state finance law, in relation to the implementation of the environmental bond act of 2020 "restore mother nature" (Part RR); intentionally omitted (Part SS); intentionally omitted (Part TT); to authorize the county of Nassau, to permanently and temporarily convey certain easements and to temporarily alienate certain parklands (Subpart A); to authorize the village of East Rockaway, county of Nassau, to permanently and temporarily convey certain easements and to temporarily alienate certain parklands (Subpart B); and to authorize the village of Rockville Centre, county of Nassau, to permanently and temporarily convey certain easements and to temporarily alienate certain parklands (Subpart C) (Part UU); intentionally omitted (Part VV); to amend the environmental conservation law, in relation to banning fracking (Part WW); to amend the vehicle and traffic law, in relation to bicycles with electric assist and electric scooters (Part XX); to amend chapter 62 of the laws of 2003, amending the vehicle and traffic law and other laws relating to increasing certain motor vehicle transaction fees, in relation to the effectiveness thereof; and to amend chapter 84 of the laws of 2002, amending the state finance law relating to the costs of the department of motor vehicles, in relation to the effectiveness thereof (Part YY); to amend the vehicle and traffic law, in relation to the acceptance of applications for accident prevention and pre-licensing internet courses; and to amend chapter 751 of the laws of 2005, amending the insurance law and the vehicle and traffic law relating to establishing the accident prevention course internet technology pilot program, in relation to the effectiveness thereof (Part ZZ); intentionally omitted (Part AAA); intentionally omitted (Part BBB); intentionally omitted (Part CCC); intentionally omitted (Part DDD); to amend the New York Buy American Act, in relation to the report to be provided and to making such provisions permanent (Part EEE); to amend the labor law, in relation to prevailing wage requirements (Part FFF); intentionally omitted (Part GGG); intentionally omitted (Part HHH); to amend the New York state urban development corporation act, in relation to the corporations' authorization to provide financial and technical assistance to community development financial institutions (Part III); to amend the public service law, the executive law, the public authorities law, the environmental conservation law and the state finance law, in relation to accelerating the growth of renewable energy facilities to meet critical state energy policy goals; and providing for the repeal of such provisions upon expiration thereof (Part JJJ); to amend the economic development law, in relation to extending the application deadline for businesses to participate in the START-UP NY program (Part KKK); to amend the public authorities law, in relation to authorizing the metropolitan transportation authority to borrow money and issue negotiable notes, bonds or other obligations to offset decreases in revenue; and providing for the repeal of certain provisions upon expiration

thereof (Part LLL); to amend the public authorities law, in relation to the central business district tolling lockbox fund (Part MMM); to amend the mental hygiene law, in relation to admission to residential treatment facilities (RTF) for children and youth (Part NNN); to authorize the transfer of certain office of mental health employees to the secure treatment rehabilitation center (Part OOO); to amend the mental hygiene law, in relation to the amount of time an individual may be held for emergency observation, care, and treatment in CPEP and the implementation of satellite sites; to amend chapter 723 of the laws of 1989 amending the mental hygiene law and other laws relating to comprehensive psychiatric emergency programs, in relation to the effectiveness of certain provisions thereof; and to repeal paragraphs 4 and 8 of subdivision (a) and subdivision (i) of section 31.27 of the mental hygiene law, relating thereto (Part PPP); to amend the insurance law, in relation to penalties relating to mental health and substance use disorder parity compliance requirements; and to amend the state finance law and the public health law, in relation to establishing the behavioral health parity compliance fund (Part QQQ); to amend the mental hygiene law, the social services law and the public health law, in relation to providers of service (Part RRR); to amend education law and other laws relating to applied behavior analysis, in relation to extending the expiration of certain provisions thereof (Part SSS); to amend part Q of chapter 59 of the laws of 2016, amending the mental hygiene law relating to the closure or transfer of a state-operated individualized residential alternative, in relation to the effectiveness thereof (Part TTT); to amend the state finance law, in relation to providing funding for the Metropolitan Transportation Authority 2020-2024 capital program and paratransit operating expenses; and providing for the repeal of certain provisions upon expiration thereof (Part UUU); to amend the public authorities law, in relation to acquisitions or transfers of property for transit projects; and providing for the repeal of such provisions upon the expiration thereof (Part VVV); to amend the tax law and the administrative code of the city of New York, in relation to decoupling from certain federal tax changes (Part WWW); to amend chapter 492 of the laws of 1993 amending the local finance law relating to installment loans and obligations evidencing installment loans, in relation to extending the effectiveness thereof (Item A); to amend chapter 581 of the laws of 2005 amending the local finance law relating to statutory installment bonds, in relation to extending the effectiveness thereof (Item B); to amend chapter 629 of the laws of 2005, amending the local finance law relating to refunding bonds, in relation to extending the effectiveness thereof (Item C); to amend chapter 307 of the laws of 2005, amending the public authorities law relating to the special powers of the New York state environmental facilities corporation, in relation to extending the effectiveness thereof (Item D); to amend the environmental conservation law, in relation to extending the authority of the department of environmental conservation to manage Atlantic and shortnose sturgeon (Item E); to amend the environmental conservation law, in relation to extending the authority of the department of environmental conservation to manage Atlantic Cod (Item F); to amend the environmental conservation law, in relation to extending the authority of the department of environmental conservation to manage Atlantic herring (Item G); to amend the environmental conservation law, in relation to extending the authority of the department of environmental conservation to manage black sea bass (Item H); to amend the environ-

mental conservation law, in relation to extending the authority of the department of environmental conservation to manage blueback herring (Item I); to amend the environmental conservation law, in relation to extending the authority of the department of environmental conservation to manage crabs (Item J); to amend the environmental conservation law, in relation to extending the authority of the department of environmental conservation to restrict the taking of fish, shellfish and crustacea in special management areas (Item K); to amend the environmental conservation law, in relation to extending the authority of the department of environmental conservation to manage of fluke-summer flounder (Item L); to amend the environmental conservation law, in relation to extending the authority of the department of environmental conservation to manage scup (Item M); to amend the environmental conservation law, in relation to extending the authority of the department of environmental conservation to manage sharks (Item N); to amend the environmental conservation law, in relation to extending the authority of the department of environmental conservation to manage squid (Item O); to amend the environmental conservation law, in relation to extending the authority of the department of environmental conservation to manage whelk and conch (Item P); to amend the environmental conservation law, in relation to extending the authority of the department of environmental conservation to manage winter flounder (Item Q); and to amend the environmental conservation law, in relation to commercial fishing licenses (Item R) (Subpart A); to authorize certain health care professionals licensed to practice in other jurisdictions to practice in this state in connection with an event sanctioned by the World Triathlon Corporation; and providing for the repeal of such provisions upon expiration thereof (Item A); to amend chapter 510 of the laws of 2013, authorizing the city of Middletown to enter into a contract to sell or pledge as collateral for a loan some or all of the delinquent liens held by such city to a private party or engage a private party to collect some or all of the delinquent tax liens held by it, in relation to the effectiveness thereof (Item B); redistributing bond volume allocations made pursuant to section 146 of the federal tax reform act of 1986, relating to allocation of the unified state bond volume ceiling, and enacting the private activity bond allocation act of 2020; and providing for the repeal of certain provisions upon expiration thereof (Item C); to amend chapter 448 of the laws of 2017, amending the canal law relating to the upstate flood mitigation task force, in relation to extending the effectiveness thereof (Item D); intentionally omitted (Item E); intentionally omitted (Item F); intentionally omitted (Item G); intentionally omitted (Item H); intentionally omitted (Item I); intentionally omitted (Item J); to amend chapter 454 of the laws of 2010, amending the vehicle and traffic law relating to authorizing a pilot residential parking permit system in the city of Albany, in relation to the effectiveness thereof (Item K); to amend chapter 465 of the laws of 1994, amending chapter 285 of the laws of 1891 relating to charging a fee for admission to the New York Botanical Garden, in relation to the effectiveness thereof (Item L); to amend chapter 414 of the laws of 2018, creating the radon task force, in relation to the reporting date and effectiveness thereof (Item M); to amend chapter 435 of the laws of 2014 amending the environmental conservation law relating to defining spearguns and allowing recreational spearfishing in New York's marine and coastal waters, in relation to extending the effectiveness thereof (Item N); to amend chapter 330 of the laws of

2014, amending the environmental conservation law relating to aquatic invasive species, spread prevention, and penalties, in relation to the effectiveness thereof (Item O); to amend chapter 104 of the laws of 2005, enacting the September 11th worker protection task force act, in relation to extending the expiration of such chapter (Item P); to amend chapter 266 of the laws of 1981, amending the civil practice law and rules relating to time limitations, in relation to extending time limitations for certain actions (Item Q); to amend chapter 455 of the laws of 1997 amending the New York city civil court act and the civil practice law and rules relating to authorizing New York city marshals to exercise the same functions, powers and duties as sheriffs with respect to the execution of money judgments, in relation to extending the effectiveness of such chapter (Item R); to amend chapter 490 of the laws of 2017 amending the insurance law relating to limits on certain supplementary insurance, in relation to extending the provisions thereof (Item S); to amend the local finance law, in relation to the sale of municipal obligations by the county of Erie (Item T); to amend chapter 846 of the laws of 1970, amending the county law relating to payment in lieu of taxes for property acquired for park or recreational purposes, in relation to extending the term of effectiveness of such chapter (Item U); to amend chapter 821 of the laws of 1970 amending the town law relating to payment in lieu of taxes for property acquired for park or recreational purposes by the town of Hempstead, in relation to the term of effectiveness of such chapter (Item V); to amend chapter 20 of the laws of 1998, amending the education law relating to the provision of physical therapy assistant services in public and private primary and secondary schools, in relation to extending the effectiveness of such chapter (Item W); to amend chapter 549 of the laws of 1994, amending the public authorities law relating to the membership composition of the metropolitan transportation authority board, in relation to extending the effectiveness of such provisions (Item X); to amend chapter 62 of the laws of 2003, amending the public service law relating to establishing the New York telecommunications relay service center, in relation to extending certain provisions of such center (Item Y); to amend chapter 55 of the laws of 2014, amending the real property tax law relating to the tax abatement and exemption for rent regulated and rent controlled property occupied by senior citizens, in relation to the effectiveness thereof; and to amend chapter 129 of the laws of 2014, amending the real property tax law relating to the tax abatement and exemption for rent regulated and rent controlled property occupied by persons with disabilities, in relation to the effectiveness thereof (Item Z); to amend chapter 427 of the laws of 2017 amending the state technology law relating to the creation of a state information technology innovation center, in relation to extending the provisions thereof (Item AA); to amend chapter 606 of the laws of 2006 amending the volunteer firefighters' benefit law relating to creating a presumption relating to certain lung disabilities incurred by volunteer firefighters, in relation to the effectiveness of such chapter (Item BB); to amend chapter 668 of the laws of 1977, amending the volunteer firefighters' benefit law relating to disability due to disease or malfunction of the heart or coronary arteries, in relation to extending the expiration of such provisions (Item CC); to amend chapter 217 of the laws of 2015, amending the education law relating to certified school psychologists and special education services and programs for preschool children with handicapping conditions, in

relation to the effectiveness thereof (Item DD); to amend chapter 192 of the laws of 2011, relating to authorizing certain health care professionals licensed to practice in other jurisdictions to practice in this state in connection with an event sanctioned by New York Road Runners, in relation to extending the provisions thereof (Item EE); to amend chapter 378 of the laws of 2010 amending the education law relating to paperwork reduction, in relation to extending the provisions thereof (Item FF); to amend the local finance law, in relation to bonds and notes of the city of Yonkers (Item GG); to amend the local finance law, in relation to the sale of bonds and notes of the city of Buffalo (Item HH); to amend chapter 401 of the laws of 2002, amending the real property tax law and the Nassau county administrative code relating to assessment and review of assessments in the county of Nassau, in relation to extending certain provisions thereof (Item II); to amend the insurance law, in relation to extending provisions of the property/casualty insurance availability act (Item JJ); to amend chapter 548 of the laws of 2004 amending the education law relating to certain tuition waivers for police officer students of the city university of New York, in relation to extending the provisions of such chapter (Item KK); to amend part U of chapter 56 of the laws of 2018, amending the education law relating to requiring regulations to permit tuition waivers for certain firefighters and fire officers for CUNY, in relation to the effectiveness thereof (Item LL); to amend chapter 274 of the laws of 2010 amending the environmental conservation law relating to repair of damaged pesticide containers, in relation to the effectiveness thereof (Item MM); to amend the environmental conservation law, in relation to pesticide registration time frames and fees; and to amend chapter 67 of the laws of 1992, amending the environmental conservation law relating to pesticide product registration timetables and fees, in relation to the effectiveness thereof (Item NN); to amend chapter 130 of the laws of 1998, amending the general municipal law relating to temporary investments by local governments, in relation to extending the expiration of the provisions thereof (Item OO); to amend chapter 779 of the laws of 1986, amending the social services law relating to authorizing services for non-residents in adult homes, residences for adults and enriched housing programs, in relation to extending the effectiveness of certain provisions thereof (Item PP); to amend the local finance law, in relation to the sale of bonds and notes of the city of New York, the issuance of bonds or notes with variable rates of interest, interest rate exchange agreements of the city of New York, the refunding of bonds, and the down payment for projects financed by bonds; to amend the New York state financial emergency act for the city of New York, in relation to a pledge and agreement of the state; and to amend chapter 142 of the laws of 2004, amending the local finance law relating to interest rate exchange agreements of the city of New York and refunding bonds of such city, in relation to the effectiveness thereof (Item QQ); to amend the racing, pari-mutuel wagering and breeding law, in relation to certain payments to the horsemen's organization (Item RR); to amend chapter 237 of the laws of 2015 amending the judiciary law, the civil practice law and rules and other laws relating to use of electronic means for the commencement and filing of papers in certain actions and proceedings, in relation to the effectiveness thereof (Item SS); to amend chapter 890 of the laws of 1982, relating to the establishment of certain water charges for hospitals and charities in New York city, in relation to the effectiveness thereof (Item

TT); to amend chapter 573 of the laws of 2011, amending the correction law relating to the boarding of out of state inmates at local correctional facilities, in relation to extending the expiration of the provisions thereof (Item UU); to amend chapter 29 of the laws of 2011 amending the executive law and other laws relating to the adoption of the interstate compact for juveniles by the state of New York, in relation to the effectiveness thereof (Item VV); to amend chapter 363 of the laws of 2010, amending the judiciary law relating to granting the chief administrator of the courts the authority to allow referees to determine applications for orders of protection during the hours family court is in session, in relation to the expiration date thereof (Item WW); to amend the economic development law, in relation to an advisory panel on employee-owned enterprises within the division of small business services; and to amend chapter 435 of the laws of 2017 amending the economic development law, relating to establishing an advisory panel on employee-owned enterprises within the division of small business services, in relation to the effectiveness thereof (Item XX); to amend chapter 522 of the laws of 2000, amending the state finance law and the general business law relating to establishing the underground facilities safety training account, in relation to the effectiveness thereof (Item YY); to amend chapter 141 of the laws of 2014 amending the environmental conservation law relating to authorizing the hunting of big game in the county of Albany with rifles, in relation to the effectiveness thereof (Item ZZ); to amend chapter 396 of the laws of 2010 amending the alcoholic beverage control law relating to liquidator's permits and temporary retail permits, in relation to the effectiveness of certain provisions thereof (Item AAA); to amend chapter 473 of the laws of 2010 amending the racing, pari-mutuel wagering and breeding law relating to the New York state thoroughbred breeding and development fund, in relation to the effectiveness thereof (Item BBB); to amend chapter 451 of the laws of 2012, amending the labor law relating to permitted deductions from wages, in relation to extending the effectiveness of such provisions (Item CCC); to amend chapter 456 of the laws of 2018 relating to establishing the digital currency task force, in relation to extending the provisions of such chapter (Item DDD); to amend chapter 548 of the laws of 2010, amending the New York city charter relating to authorizing the city of New York to sell to abutting property owners real property owned by such city, consisting of tax lots that cannot be independently developed due to the size, shape, configuration and topography of such lots and the zoning regulations applicable thereto, in relation to the effectiveness thereof (Item EEE); to amend chapter 402 of the laws of 1994, amending the state administrative procedure act relating to requiring certain agencies to submit regulatory agendas for publication in the state register, in relation to the effectiveness thereof (Item FFF); to amend chapter 378 of the laws of 2014 amending the environmental conservation law relating to the taking of sharks, in relation to the expiration thereof (Item GGG); to amend chapter 306 of the laws of 2011, authorizing owners of residential real property in high risk brush fire areas in the borough of Staten Island to cut and remove reeds from their property, in relation to extending the expiration and repeal date thereof for an additional year (Item HHH); to amend chapter 110 of the laws of 2019, relating to creating a temporary state commission to study and investigate how to regulate artificial intelligence, robotics and automation, in relation to the effectiveness thereof (Item III); to amend the real property

tax law, in relation to the determination of adjusted base proportions in special assessing units which are cities (Item JJJ); to amend the real property tax law, in relation to extending limitations on the shift between classes of taxable property in the town of Orangetown, county of Rockland (Item KKK); to amend the real property tax law, in relation to extending limitations on the shift between classes of taxable property in the town of Clarkstown, county of Rockland (Item LLL); to amend the real property tax law, in relation to allowing certain special assessing units other than cities to adjust their current base proportions, adjusted base proportions for assessment rolls, and the base proportion in approved assessing units in Nassau county (Item MMM); to amend the general municipal law and the retirement and social security law, in relation to increasing certain special accidental death benefits (Item NNN); to amend chapter 633 of the laws of 2006, amending the public health law relating to the home based primary care for the elderly demonstration project, in relation to the effectiveness thereof (Item OOO); to amend chapter 329 of the laws of 2015 amending the vehicle and traffic law relating to the residential parking system in the village of Dobbs Ferry in the county of Westchester, in relation to the effectiveness thereof (Item PPP); to amend chapter 383 of the laws of 1991, relating to the incorporation of the New York Zoological Society, in relation to extending the expiration date of free one day admission to the zoological park (Item QQQ); to amend the real property tax law, in relation to increasing the average assessed value threshold and to eligibility for J-51 tax abatements (Item RRR); to amend chapter 831 of the laws of 1981, amending the labor law relating to fees and expenses in unemployment insurance proceedings, in relation to the effectiveness thereof (Item SSS); to amend the insurance law, in relation to extending authorization for certain exemptions from filing requirements (Item TTT); and to amend the tax law and the administrative code of the city of New York, in relation to extending the tax rate reduction under the New York state real estate transfer tax and the New York city real property transfer tax for conveyances of real property to existing real estate investment funds (Item UUU)(Subpart B); to amend the tax law, in relation to the imposition of sales and compensating use taxes by the county of Albany (Item A); to amend the tax law, in relation to extending the expiration of the provisions authorizing the county of Allegany to impose an additional one and one-half percent sales and compensating use taxes (Item B); to amend the tax law, in relation to extending the authorization of the county of Broome to impose an additional one percent of sales and compensating use taxes (Item C); to amend the tax law, in relation to extending the expiration of provisions authorizing the county of Cattaraugus to impose an additional one percent of sales and compensating use tax (Item D); to amend the tax law, in relation to extending the authorization of the county of Cayuga to impose an additional one percent of sales and compensating use taxes (Item E); to amend the tax law, in relation to authorizing Chautauqua county to impose an additional one percent rate of sales and compensating use taxes (Item F); to amend the tax law, in relation to extending the authorization of the county of Chemung to impose an additional one percent of sales and compensating use taxes (Item G); to amend the tax law, in relation to extending the authority of Chenango county to impose additional taxes (Item H); to amend the tax law, in relation to extending the expiration of the authorization granted to the county of Clinton to impose an additional rate of sales

and compensating use tax (Item I); to amend the tax law, in relation to sales and compensating use tax in Columbia county (Item J); to amend the tax law, in relation to extending the authorization for imposition of additional sales tax in the county of Cortland (Item K); to amend the tax law, in relation to extending the authorization of the county of Delaware to impose an additional one percent of sales and compensating use taxes (Item L); to amend the tax law, in relation to sales and compensating use tax in Dutchess county (Item M); to amend the tax law, in relation to the imposition of additional rates of sales and compensating use taxes by Erie county (Item N); to amend the tax law, in relation to extending the authorization granted to the county of Essex to impose an additional one percent of sales and compensating use taxes (Item O); to amend the tax law, in relation to extending the expiration of the authority granted to the county of Franklin to impose an additional one percent of sales and compensating use taxes (Item P); to amend the tax law, in relation to the imposition of additional sales and compensating use tax in Fulton county (Item Q); to amend the tax law, in relation to extending the expiration of the authorization to the county of Genesee to impose an additional one percent of sales and compensating use taxes (Item R); to amend the tax law, in relation to extending the authorization for imposition of additional sales and compensating use taxes in Greene county (Item S); to amend the tax law, in relation to extending the authorization of the county of Hamilton to impose an additional one percent of sales and compensating use taxes (Item T); to amend the tax law, in relation to extending the period during which the county of Herkimer is authorized to impose additional sales and compensating use taxes (Item U); to amend the tax law, in relation to authorizing the county of Jefferson to impose additional sales tax (Item V); to amend the tax law, in relation to authorizing the county of Lewis to impose an additional one percent of sales and compensating use taxes (Item W); to amend the tax law, in relation to authorizing the county of Livingston to impose an additional one percent sales tax (Item X); to amend the tax law, in relation to extending the authorization of the county of Madison to impose an additional rate of sales and compensating use taxes (Item Y); to amend the tax law, in relation to the imposition of sales and compensating use taxes by the county of Monroe (Item Z); to amend the tax law, in relation to the imposition of sales and compensating use taxes in Montgomery county (Item AA); to amend the tax law, in relation to extending the authority of the county of Nassau to impose additional sales and compensating use taxes, and extending local government assistance programs in Nassau county (Item BB); to amend the tax law, in relation to continuing to authorize Niagara county to impose an additional rate of sales and compensating use taxes (Item CC); to amend the tax law, in relation to authorizing Oneida county to impose additional rates of sales and compensating use taxes and providing for allocation and distribution of a portion of net collections from such additional rates (Item DD); to amend the tax law, in relation to extending the authorization of the county of Onondaga to impose an additional rate of sales and compensating use taxes (Item EE); to amend the tax law, in relation to extending the authorization for Ontario county to impose additional rates of sales and compensating use taxes (Item FF); to amend the tax law, in relation to extending the authority of the county of Orange to impose an additional rate of sales and compensating use taxes (Item GG); to amend the tax law, in relation to extending the period during which the

county of Orleans is authorized to impose additional rates of sales and compensating use taxes (Item HH); to amend the tax law, in relation to extending authorization for an additional one percent sales and compensating use tax in the county of Oswego (Item II); to amend the tax law, in relation to extending the authorization for imposition of additional sales tax in the county of Otsego (Item JJ); to amend the tax law, in relation to the imposition of sales and compensating use taxes in the county of Putnam (Item KK); to amend the tax law, in relation to extending the authorization of the county of Rensselaer to impose an additional one percent of sales and compensating use taxes (Item LL); to amend the tax law, in relation to authorizing the county of Rockland to impose an additional rate of sales and compensating use taxes (Item MM); to amend the tax law, in relation to extending the authority of St. Lawrence county to impose sales tax (Item NN); to amend the tax law, in relation to the imposition of sales and compensating use tax in Schenectady county (Item OO); to amend the tax law, in relation to extending the authorization for imposition of additional sales tax in the county of Schoharie (Item PP); to amend the tax law, in relation to extending the authorization of the county of Schuyler to impose an additional one percent of sales and compensating use taxes (Item QQ); to amend the tax law, in relation to extending the expiration of the authorization to the county of Seneca to impose an additional one percent sales and compensating use tax (Item RR); to amend the tax law, in relation to extending the authorization of the county of Steuben to impose an additional one percent of sales and compensating use taxes (Item SS); to amend the tax law, in relation to extending the authority of the county of Suffolk to impose an additional one percent of sales and compensating use tax (Item TT); to amend the tax law, in relation to extending authorization to impose certain taxes in the county of Sullivan (Item UU); to amend the tax law, in relation to extending the authorization of the county of Tioga to impose an additional one percent of sales and compensating use taxes (Item VV); to amend the tax law, in relation to extending the authorization of the county of Tompkins to impose an additional one percent of sales and compensating use taxes (Item WW); to amend the tax law and chapter 200 of the laws of 2002 amending the tax law relating to certain tax rates imposed by the county of Ulster, in relation to extending the authority of the county of Ulster to impose an additional 1 percent sales and compensating use tax (Item XX); to amend the tax law, in relation to extending the additional one percent sales tax for Wayne county (Item YY); to amend the tax law, in relation to extending the expiration of the authorization to the county of Wyoming to impose an additional one percent sales and compensating use tax (Item ZZ); to amend the tax law, in relation to extending the authorization of the county of Yates to impose an additional one percent of sales and compensating use taxes (Item AAA); to amend the tax law, in relation to extending the authorization of the city of Oswego to impose an additional tax rate of sales and compensating use taxes (Item BBB); to amend the tax law, in relation to authorizing the city of Yonkers to impose additional sales tax; and to amend chapter 67 of the laws of 2015, amending the tax law relating to authorizing the city of Yonkers to impose additional sales tax, in relation to extending provisions relating thereto (Item CCC); to amend the tax law, in relation to extending the authorization of the city of New Rochelle to impose an additional sales and compensating use tax (Item DDD); and to amend the tax law, in relation to

revising the period of authorization for the county of Westchester's additional one percent rate of sales and compensating use tax and the expiration of the Westchester county spending limitation act; to amend chapter 272 of the laws of 1991, amending the tax law relating to the method of disposition of sales and compensating use tax revenue in Westchester county and enacting the Westchester county spending limitation act, in relation to revising the period of authorization for the county of Westchester's additional one percent rate of sales; and to amend chapter 44 of the laws of 2019, amending the tax law relating to authorizing the county of Westchester to impose an additional rate of sales and compensating use tax, in relation to extending the authorization for the county of Westchester impose an additional tax rate of sales and compensating use taxes (Item EEE)(Subpart C); to amend the tax law, in relation to extending the authority of the county of Nassau to impose hotel and motel taxes in Nassau county; and to amend chapter 179 of the laws of 2000, amending the tax law, relating to hotel and motel taxes in Nassau county and a surcharge on tickets to places of entertainment in such county, in relation to extending certain provisions thereof (Item A); to amend chapter 405 of the laws of 2007, amending the tax law relating to increasing hotel/motel taxes in Chautauqua county, in relation to extending the expiration of such provisions (Item B); to amend the tax law, in relation to extending the expiration of the authority granted to the county of Suffolk to impose hotel and motel taxes (Item C); and to amend chapter 105 of the laws of 2009, amending chapter 693 of the laws of 1980 enabling the county of Albany to impose and collect taxes on occupancy of hotel or motel rooms in Albany county relating to revenues received from the collection of hotel or motel occupancy taxes, in relation to the effectiveness thereof (Item D) (Subpart D); to amend chapter 333 of the laws of 2006 amending the tax law relating to authorizing the county of Schoharie to impose a county recording tax on obligation secured by a mortgage on real property, in relation to extending the effectiveness thereof (Item A); to amend chapter 326 of the laws of 2006, amending the tax law relating to authorizing the county of Hamilton to impose a county recording tax on obligations secured by mortgages on real property, in relation to extending the expiration thereof (Item B); to amend chapter 489 of the laws of 2004, amending the tax law relating to the mortgage recording tax in the county of Fulton, in relation to the effectiveness of such chapter (Item C); to amend the tax law, in relation to extending the expiration of the mortgage recording tax imposed by the city of Yonkers (Item D); to amend chapter 443 of the laws of 2007 amending the tax law relating to authorizing the county of Cortland to impose an additional mortgage recording tax, in relation to extending the effectiveness of such provisions (Item E); to amend chapter 579 of the laws of 2004, amending the tax law relating to authorizing the county of Genesee to impose a county recording tax on obligation secured by a mortgage on real property, in relation to extending the provisions of such chapter (Item F); to amend chapter 366 of the laws of 2005 amending the tax law relating to authorizing the county of Yates to impose a county recording tax on obligations secured by a mortgage on real property, in relation to extending the provisions of such chapter (Item G); to amend chapter 365 of the laws of 2005, amending the tax law relating to the mortgage recording tax in the county of Steuben, in relation to extending the provisions of such chapter (Item H); to amend chapter 405 of the laws of 2005 amending the tax law relating to authorizing

the county of Albany to impose a county recording tax on obligations secured by a mortgage on real property, in relation to extending the effectiveness thereof (Item I); intentionally omitted (Item J); intentionally omitted (Item K); to amend chapter 218 of the laws of 2009 amending the tax law relating to authorizing the county of Greene to impose an additional mortgage recording tax, in relation to extending the effectiveness thereof (Item L); to amend chapter 368 of the laws of 2008, amending the tax law relating to authorizing the county of Warren to impose an additional mortgage recording tax, in relation to extending the effectiveness thereof (Item M); and to amend chapter 549 of the laws of 2005 amending the tax law relating to authorizing the county of Herkimer to impose a county recording tax on obligation secured by a mortgage on real property, in relation to the expiration thereof (Item N)(Subpart E); to amend chapter 556 of the laws of 2007 amending the tax law relating to imposing an additional real estate transfer tax within the county of Columbia, in relation to the effectiveness thereof (Subpart F); to amend the tax law, the administrative code of the city of New York, chapter 877 of the laws of 1975, chapter 884 of the laws of 1975 and chapter 882 of the laws of 1977, relating to the imposition of certain taxes in the city of New York, in relation to postponing the expiration of certain tax rates and taxes in the city of New York (Subpart G); and to amend the tax law and part C of chapter 2 of the laws of 2005 amending the tax law relating to exemptions from sales and use taxes, in relation to extending certain provisions thereof; to amend the general city law and the administrative code of the city of New York, in relation to extending certain provisions relating to specially eligible premises and special rebates; to amend the administrative code of the city of New York, in relation to extending certain provisions relating to exemptions and deductions from base rent; to amend the real property tax law, in relation to extending certain provisions relating to eligibility periods and requirements; to amend the real property tax law, in relation to extending certain provisions relating to eligibility periods and requirements, benefit periods and applications for abatements; and to amend the administrative code of the city of New York, in relation to extending certain provisions relating to a special reduction in determining the taxable base rent (Item A); to amend the real property tax law, in relation to extending the expiration of the solar electric generating system and the electric energy storage equipment tax abatement (Item B); to amend chapter 54 of the laws of 2016, amending part C of chapter 58 of the laws of 2005 relating to authorizing reimbursements for expenditures made by or on behalf of social services districts for medical assistance for needy persons and administration thereof, in relation to the effectiveness thereof (Item C); to amend part D of chapter 58 of the laws of 2016, relating to repealing certain provisions of the state finance law relating to the motorcycle safety fund, in relation to the effectiveness of certain provisions of such part (Item D); and to amend chapter 589 of the laws of 2015, amending the insurance law relating to catastrophic or reinsurance coverage issued to certain small groups, in relation to the effectiveness thereof; and to amend chapter 588 of the laws of 2015, amending the insurance law relating to catastrophic or reinsurance coverage issued to certain small groups, in relation to the effectiveness thereof (Item E)(Subpart H)(Part XXX); to amend the vehicle and traffic law, in relation to the disclosure of certain records by the commissioner of motor vehicles (Part YYY); and to amend the election

law, in relation to public financing for state office; to amend the state finance law, in relation to establishing the New York state campaign finance fund; and to amend the tax law, in relation to establishing the NYS campaign finance fund check-off (Part ZZZ)

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
3 2020--2021 state fiscal year. Each component is wholly contained within
4 a Part identified as Parts A through ZZZ. The effective date for each
5 particular 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 Section 1. Paragraph (e) of subdivision 4 of section 10-c of the high-
14 way law, as amended by section 2 of subpart B of part C of chapter 97 of
15 the laws of 2011, is amended to read as follows:

16 (e) Funds allocated for local street or highway projects under this
17 subdivision shall be used to undertake work on a project either with the
18 municipality's own forces or by contract, provided however, that whenever
19 the estimate for the construction contract work exceeds one hundred
20 thousand dollars but does not exceed [~~two~~] three hundred fifty thousand
21 dollars such work must be performed either with the municipality's own
22 forces or by contract let by competitive bid in accordance with the
23 provisions of section one hundred three of the general municipal law and
24 provided further, however, that whenever the estimate for the
25 construction contract work exceeds [~~two~~] three hundred fifty thousand
26 dollars such work must be performed by contract let by competitive bid
27 in accordance with the provisions of section one hundred three of the
28 general municipal law.

29 § 2. Subdivision 6 of section 234 of the transportation law, as
30 amended by chapter 369 of the laws of 1979, is amended to read as
31 follows:

32 6. for local street or highway projects, to undertake the work of the
33 project either with its own forces or by contract, however, whenever the
34 estimate for the construction contract work exceeds three hundred fifty
35 thousand dollars such work must be performed by contract let by the
36 competitive bid process.

37 § 3. This act shall take effect immediately.

38

PART B

39 Section 1. Subdivisions (g) and (h) of section 1800 of the vehicle and
40 traffic law, as added by chapter 221 of the laws of 2008, are amended to
41 read as follows:

42 (g) Notwithstanding the provisions of subdivisions (b) and (c) of this
43 section, a person convicted of a traffic infraction for a violation of

1 any ordinance, order, rule, regulation or local law adopted pursuant to
2 one or more of the following provisions of this chapter: paragraphs two
3 and nine of subdivision (a) of section sixteen hundred twenty-one;
4 subdivision three of section sixteen hundred thirty; or subdivision five
5 of section seventy-one of the transportation law, prohibiting the opera-
6 tion on a highway or parkway of a motor vehicle registered as a commer-
7 cial vehicle and having a gross vehicle weight rating of less than
8 [~~twenty-six~~] ten thousand pounds shall, for a first conviction thereof,
9 be punished by a fine of not more than two hundred fifty dollars or by
10 imprisonment of not more than fifteen days or by both such fine and
11 imprisonment; for a conviction of a second violation, both of which were
12 committed within a period of eighteen months, such person shall be
13 punished by a fine of not more than five hundred dollars or by imprison-
14 ment for not more than forty-five days or by both such fine and impri-
15 sonment; upon a conviction of a third or subsequent violation, all of
16 which were committed within a period of eighteen months, such person
17 shall be punished by a fine of not more than seven hundred fifty dollars
18 or by imprisonment of not more than ninety days or by both such fine and
19 imprisonment. Provided, however, the provisions of this subdivision
20 shall not apply to a commercial motor vehicle as such term is defined in
21 paragraph (a) of subdivision four of section five hundred one-a of this
22 chapter.

23 (h) Notwithstanding the provisions of subdivisions (b) and (c) of this
24 section, a person convicted of a traffic infraction for a violation of
25 any ordinance, order, rule, regulation or local law adopted pursuant to
26 one or more of the following provisions of this chapter: paragraphs two
27 and nine of subdivision (a) of section sixteen hundred twenty-one;
28 subdivision three of section sixteen hundred thirty; or subdivision five
29 of section seventy-one of the transportation law, prohibiting the opera-
30 tion on a highway or parkway of a motor vehicle registered as a commer-
31 cial vehicle and having a gross vehicle weight rating of at least ten
32 thousand pounds but no more than twenty-six thousand pounds shall, for a
33 first conviction thereof, be punished by a fine of not more than three
34 hundred fifty dollars or by imprisonment of not more than fifteen days
35 or by both such fine and imprisonment; for a conviction of a second
36 violation, both of which were committed within a period of eighteen
37 months, such person shall be punished by a fine of not more than seven
38 hundred dollars or by imprisonment for not more than forty-five days or
39 by both such fine and imprisonment; upon a conviction of a third or
40 subsequent violation, all of which were committed within a period of
41 eighteen months, such person shall be punished by a fine of not more
42 than one thousand dollars or by imprisonment of not more than ninety
43 days or by both such fine and imprisonment; provided, however, the
44 provisions of this subdivision shall not apply to a commercial motor
45 vehicle as such term is defined in paragraph (a) of subdivision four of
46 section five hundred one-a of this chapter.

47 (i) Notwithstanding the provisions of subdivisions (b) and (c) of this
48 section, a person convicted of a traffic infraction for a violation of
49 any ordinance, order, rule, regulation or local law adopted pursuant to
50 one or more of the following provisions of this chapter: paragraphs two
51 and nine of subdivision (a) of section sixteen hundred twenty-one;
52 subdivision three of section sixteen hundred thirty; or subdivision five
53 of section seventy-one of the transportation law, prohibiting the opera-
54 tion on a highway or parkway of a commercial motor vehicle as defined in
55 paragraph (a) of subdivision four of section five hundred one-a of this
56 chapter, for a first conviction thereof, be punished by a fine of not

1 more than [~~three~~] seven hundred [~~fifty~~] dollars or by imprisonment of
2 not more than fifteen days or by both such fine and imprisonment; for a
3 conviction of a second violation, both of which were committed within a
4 period of eighteen months, such person shall be punished by a fine of
5 not more than [~~seven~~] one thousand five hundred dollars or by imprison-
6 ment for not more than forty-five days or by both such fine and impris-
7 sonment; upon a conviction of a third or subsequent violation, all of
8 which were committed within a period of eighteen months, such person
9 shall be punished by a fine of not more than [~~one~~] two thousand dollars
10 or by imprisonment of not more than ninety days or by both such fine and
11 imprisonment.

12 § 2. Subdivision 18 of section 385 of the vehicle and traffic law, as
13 amended by chapter 549 of the laws of 1985, is amended, and a new subdivi-
14 sion 18-a is added, to read as follows:

15 18. Except as provided in [~~subdivision~~] subdivisions eighteen-a or
16 nineteen of this section, the violation of the provisions of this
17 section including a violation related to the operation, within a city
18 not wholly included within one county, of a vehicle which exceeds the
19 limitations provided for in the rules and regulations of the city
20 department of transportation of such city, shall be punishable by a fine
21 of not less than two hundred nor more than five hundred dollars, or by
22 imprisonment for not more than thirty days, or by both such fine and
23 imprisonment, for the first offense; by a fine of not less than five
24 hundred nor more than one thousand dollars, or by imprisonment for not
25 more than sixty days, or by both such fine and imprisonment, for the
26 second or subsequent offense; provided that a sentence or execution
27 thereof for any violation under this subdivision may not be suspended.
28 For any violation of the provisions of this section, including a
29 violation related to the operation, within a city not wholly included
30 within one county, of a vehicle which exceeds the limitations provided
31 for in the rules and regulations of the city department of transporta-
32 tion of such city, the registration of the vehicle may be suspended for
33 a period not to exceed one year whether at the time of the violation the
34 vehicle was in charge of the owner or his agent. The provisions of
35 section five hundred ten of this chapter shall apply to such suspension
36 except as otherwise provided herein.

37 18-a. A violation of the provisions of subdivisions two or fourteen of
38 this section, where the violation relates to the height of the vehicle,
39 including a violation related to the operation, within a city not wholly
40 included within one county, of a vehicle which exceeds the limitations
41 provided for in the rules and regulations of the city department of
42 transportation of such city, shall be punishable by a fine of not more
43 than one thousand dollars, or by imprisonment for not more than thirty
44 days, or by both such fine and imprisonment, for the first offense; by a
45 fine of not more than two thousand dollars, or by imprisonment for not
46 more than sixty days, or by both such fine and imprisonment, for the
47 second or subsequent offense; provided that a sentence or execution
48 thereof for any violation under this subdivision may not be suspended.
49 For any violation of the provisions of subdivisions two or fourteen of
50 this section where the violation relates to the height of the vehicle,
51 including a violation related to the operation, within a city not wholly
52 included within one county, of a vehicle which exceeds the limitations
53 provided for in the rules and regulations of the city department of
54 transportation of such city, the registration of the vehicle may be
55 suspended for a period not to exceed one year whether at the time of the
56 violation the vehicle was in charge of the owner or his agent. The

1 provisions of section five hundred ten of this chapter shall apply to
2 such suspension except as otherwise provided herein.

3 § 3. This act shall take effect on the one hundred eightieth day after
4 it shall have become a law.

5 PART C

6 Section 1. Subparagraphs a and c of paragraph 4 of subdivision 41 of
7 section 375 of the vehicle and traffic law, as amended by chapter 465 of
8 the laws of 2010, are amended to read as follows:

9 a. One blue light may be affixed to any motor vehicle owned by a
10 volunteer member of a fire department or on a motor vehicle owned by a
11 member of such person's family residing in the same household or by a
12 business enterprise in which such person has a proprietary interest or
13 by which he or she is employed, provided such volunteer firefighter has
14 been authorized in writing to so affix a blue light by the chief of the
15 fire department or company of which he or she is a member, which author-
16 ization shall be subject to revocation at any time by the chief who
17 issued the same or his or her successor in office. Such blue light may
18 be displayed exclusively by such volunteer firefighter on such a vehicle
19 only when engaged in an emergency operation. The use of blue lights on
20 vehicles shall be restricted for use only by a volunteer firefighter
21 except as otherwise provided for in [~~subparagraph~~] subparagraphs b and
22 b-1 of this paragraph.

23 c. The commissioner is authorized to promulgate rules and regulations
24 relating to the use, placement, power and display of blue lights on a
25 police vehicle [~~and~~], fire vehicle, and hazard vehicle designed for the
26 towing or pushing of disabled vehicles.

27 § 2. Paragraph 4 of subdivision 41 of section 375 of the vehicle and
28 traffic law is amended by adding a new subparagraph b-1 to read as
29 follows:

30 b-1. In addition to the amber light authorized to be displayed pursu-
31 ant to paragraph three of this subdivision, one or more blue lights or
32 combination blue and amber lights may be affixed to a hazard vehicle
33 designed for the towing or pushing of disabled vehicles provided that
34 such blue light or lights shall be displayed on such a hazard vehicle
35 for rear projection only. Such blue light or lights may be displayed on
36 a hazard vehicle designed for the towing or pushing of disabled vehicles
37 when such vehicle is engaged in a hazardous operation and is also
38 displaying the amber light or lights required to be displayed during a
39 hazardous operation pursuant to paragraph three of this subdivision.
40 Nothing contained in this subparagraph shall be deemed to authorize the
41 use of blue lights on hazard vehicles designed for the towing or pushing
42 of disabled vehicles unless such hazard vehicles also display one or
43 more amber lights as otherwise authorized in this subdivision.

44 § 3. Subdivision (b) of section 1144-a of the vehicle and traffic law,
45 as amended by chapter 458 of the laws of 2011, is amended to read as
46 follows:

47 (b) Every operator of a motor vehicle shall exercise due care to avoid
48 colliding with a hazard vehicle which is parked, stopped or standing on
49 the shoulder or on any portion of such highway and such hazard vehicle
50 is displaying one or more amber lights pursuant to the provisions of
51 paragraph three of subdivision forty-one of section three hundred seven-
52 ty-five of this chapter or, if such hazard vehicle is designed for the
53 towing or pushing of disabled vehicles such hazard vehicle is displaying
54 one or more amber lights or one or more blue or combination blue and

1 amber lights pursuant to the provisions of paragraph three or subpara-
2 graph b-1 of paragraph four, as applicable, of subdivision forty-one of
3 section three hundred seventy-five of this chapter. For operators of
4 motor vehicles on parkways or controlled access highways, such due care
5 shall include, but not be limited to, moving from a lane which contains
6 or is immediately adjacent to the shoulder where (i) such hazard vehicle
7 displaying one or more amber lights pursuant to the provisions of para-
8 graph three of subdivision forty-one of section three hundred seventy-
9 five of this chapter or (ii) such hazard vehicle designed for the towing
10 or pushing of disabled vehicles displaying one or more amber lights or
11 one or more blue or combination blue and amber lights pursuant to the
12 provisions of paragraph three or subparagraph b-1 of paragraph four, as
13 applicable, of subdivision forty-one of section three hundred seventy-
14 five of this chapter, is parked, stopped or standing to another lane,
15 provided that such movement otherwise complies with the requirements of
16 this chapter including, but not limited to, the provisions of sections
17 eleven hundred ten and eleven hundred twenty-eight of this title.
18 § 4. This act shall take effect immediately.

19 PART D

20 Intentionally Omitted

21 PART E

22 Section 1. Subdivision 16 of section 385 of the vehicle and traffic
23 law is amended to add fourteen new paragraphs (v), (w), (x), (y), (z),
24 (aa), (bb), (cc), (dd), (ee), (ff), (gg), (hh) and (ii) to read as
25 follows:

26 (v) Within a distance of approximately one mile from the New York
27 state thruway interchange 24 traveling along interstate route 90 to
28 interchange 2 Washington avenue, and to Washington avenue traveling
29 westbound to Fuller road in a northerly direction to interstate route 90
30 traveling to interchange 24 of the New York state thruway, where the
31 commissioner of transportation determines that the vehicle or combina-
32 tion of vehicles could operate safely along the designated route and
33 that no applicable federal law, regulation or other requirement prohib-
34 its the operation of such vehicle or combination of vehicles on such
35 route.

36 (w) Within a distance of approximately .25 miles from the New York
37 state thruway interchange 25A, traveling in a westbound direction along
38 interstate route 88 to exit 25 to route 7, and to a left on Becker road
39 traveling in a southbound direction on Becker road for approximately .2
40 miles to the New York state thruway interchange 25A tandem lot access
41 road, where the commissioner of transportation determines that the vehi-
42 cle or combination of vehicles could operate safely along the designated
43 route and that no applicable federal law, regulation or other require-
44 ment prohibits the operation of such vehicle or combination of vehicles
45 on such route.

46 (x) Within a distance of approximately 2.2 miles from the New York
47 state thruway interchange 34A traveling in a southbound direction along
48 interstate route 481 to interstate 481 exit 5E Kirkville road east along
49 state route 53 Kirkville road in an eastbound direction to interstate
50 route 481 traveling northbound to exit 6 to interchange 34A of the New
51 York state thruway, where the commissioner of transportation determines
52 that the vehicle or combination of vehicles could operate safely along

1 the designated route and that no applicable federal law, regulation or
2 other requirement prohibits the operation of such vehicle or combination
3 of vehicles on such route.

4 (y) Within a distance of approximately .8 miles from the New York
5 state thruway interchange 35, traveling approximately 200 feet around
6 Carrier circle to traveling northbound on Thompson road for approximate-
7 ly 1000 feet, or traveling southbound on Thompson road for approximate-
8 ly 1000 feet, to traveling westbound on Tarbell road for approximately .5 miles
9 to reenter at the Dewitt service area of the New York state thruway
10 where the commissioner of transportation determines that the vehicle or
11 combination of vehicles could operate safely along the designated route
12 and that no applicable federal law, regulation or other requirement
13 prohibits the operation of such vehicle or combination of vehicles on
14 such route.

15 (z) Within a distance of approximately one mile from the New York
16 state thruway interchange 36 traveling in a southbound direction on
17 interstate 81 to interstate 81 exit 25 7th North street, and traveling
18 eastbound on 7th North street to interstate 81 traveling in a northbound
19 direction to interchange 36 of the New York state thruway, where the
20 commissioner of transportation determines that the vehicle or combina-
21 tion of vehicles could operate safely along the designated route and
22 that no applicable federal law, regulation or other requirement prohib-
23 its the operation of such vehicle or combination of vehicles on such
24 route.

25 (aa) Within a distance of approximately .6 miles from the New York
26 state thruway interchange 39 traveling eastbound on interstate 690 to
27 interstate 690 exit 2 Jones road in a northbound direction to state
28 route 690 north to interchange 39 of the New York state thruway, where
29 the commissioner of transportation determines that the vehicle or combi-
30 nation of vehicles could operate safely along the designated route and
31 that no applicable federal law, regulation or other requirement prohib-
32 its the operation of such vehicle or combination of vehicles on such
33 route.

34 (bb) Within a distance of approximately .5 miles from the New York
35 state thruway interchange 45, traveling on interstate 490 to interstate
36 490 exit 29, in a southwesterly direction along New York state route 96
37 to the point where New York state route 96 intersects with the entrance
38 ramp to the New York state thruway interchange 45, and for approximately
39 .2 miles along this entrance ramp to the New York state thruway inter-
40 change 45, where the commissioner of transportation determines that the
41 vehicle or combination of vehicles could operate safely along the desig-
42 nated route and that no applicable federal law, regulation or other
43 requirement prohibits the operation of such vehicle or combination of
44 vehicles on such route.

45 (cc) Within a distance of approximately .6 miles from the New York
46 state thruway interchange 46, traveling in a northeasterly direction on
47 the ramp from the New York state thruway interchange 46 to interstate
48 390 north exit to New York state route 253, Lehigh Station road, for a
49 distance of approximately .5 miles along the ramp from interstate 390
50 north exit to New York state route 253, Lehigh Station road, for a
51 distance of approximately .6 miles in a westerly direction along New
52 York state route 253, Lehigh Station road, to the intersection of New
53 York state route 253 with New York state route 15, then for a distance
54 of approximately .6 miles in a southerly direction along New York state
55 route 15, to the New York state thruway interchange 46 maintenance
56 facility entrance, where the commissioner of transportation determines

1 that the vehicle or combination of vehicles could operate safely along
2 the designated route and that no applicable federal law, regulation or
3 other requirement prohibits the operation of such vehicle or combination
4 of vehicles on such route.

5 (dd) Within a distance of approximately .3 miles from the New York
6 state thruway interchange 47, traveling on interstate 490 to interstate
7 490 exit 1, to a distance of approximately .2 miles along the ramp from
8 interstate 490 exit 1, for a distance of approximately .4 miles in a
9 southwesterly direction to the entrance ramp of the New York state thru-
10 way interchange 47, where the commissioner of transportation determines
11 that the vehicle or combination of vehicles could operate safely along
12 the designated route and that no applicable federal law, regulation or
13 other requirement prohibits the operation of such vehicle or combination
14 of vehicles on such route.

15 (ee) Within a distance of approximately .6 miles from the New York
16 state thruway interchange 19, traveling in a westbound direction along
17 route 28 to route 209, and traveling in a southbound direction on route
18 209 for approximately .1 miles to route 28, and traveling in an east-
19 bound direction on route 28 for approximately .8 miles to the New York
20 state thruway interchange 19 where the commissioner of transportation
21 determines that the vehicle or combination of vehicles could operate
22 safely along the designated route and that no applicable federal law,
23 regulation or other requirement prohibits the operation of such vehicle
24 or combination of vehicles on such route.

25 (ff) Within a distance of approximately .5 miles from the New York
26 state thruway interchange 31, traveling onto the ramp to Genesee street
27 south for approximately 2800 feet to Genesee street north for approxi-
28 mately 275 feet to interchange 31 of the New York state thruway where
29 the commissioner of transportation determines that the vehicle or combi-
30 nation of vehicles could operate safely along the designated route and
31 that no applicable federal law, regulation or other requirement prohib-
32 its the operation of such vehicle or combination of vehicles on such
33 route.

34 (gg) Within a distance of approximately .2 miles from the New York
35 state thruway interchange 33 traveling westbound on state route 365 for
36 approximately 900 feet to interchange 33 of the New York state thruway
37 where the commissioner of transportation determines that the vehicle or
38 combination of vehicles could operate safely along the designated route
39 and that no applicable federal law, regulation or other requirement
40 prohibits the operation of such vehicle or combination of vehicles on
41 such route.

42 (hh) Within a distance of approximately .15 miles from the New York
43 state thruway interchange 42 traveling on state route 14 for approxi-
44 mately 750 feet for travel to and from the thruway tandem lot and inter-
45 change 42 where the commissioner of transportation determines that the
46 vehicle or combination of vehicles could operate safely along the desig-
47 ated route and that no applicable federal law, regulation or other
48 requirement prohibits the operation of such vehicle or combination of
49 vehicles on such route .

50 (ii) Within a distance of approximately .1 miles from the New York
51 state interchange 43 traveling on state route 21 for approximately 600
52 feet for travel to and from the thruway tandem lot and interchange 43
53 where the commissioner of transportation determines that the vehicle or
54 combination of vehicles could operate safely along the designated route
55 and that no applicable federal law, regulation or other requirement

1 prohibits the operation of such vehicle or combination of vehicles on
2 such route.

3 § 2. This act shall take effect immediately.

4 PART F

5 Section 1. Paragraph a of subdivision 6 of section 2897 of the public
6 authorities law, as added by chapter 766 of the laws of 2005, is amended
7 and a new paragraph f is added to read as follows:

8 a. All disposals or contracts for disposal of property of a public
9 authority made or authorized by the contracting officer shall be made
10 after publicly advertising for bids except as provided in [~~paragraph~~]
11 paragraphs c and f of this subdivision.

12 f. Notwithstanding anything to the contrary in this section, disposals
13 for use of the thruway authority's fiber optic system, or any part ther-
14 eof, may be made through agreements based on set fees that shall not
15 require public auction, provided that:

16 i. the thruway authority has determined the disposal of such property
17 complies with all applicable provisions of this chapter;

18 ii. the thruway authority has determined that disposal of such proper-
19 ty is in the best interest of the thruway authority;

20 iii. the set fees established by the thruway authority for use of the
21 fiber optic system, or part thereof, shall be based on an independent
22 appraisal of the fair market value of the property; and

23 iv. any public authority, state agency, municipality, not-for-profit
24 hospital organized under section forty-three hundred one of the insur-
25 ance law, public library, or institution of higher education located in
26 New York state shall be required only to pay the actual cost of provid-
27 ing for use of the fiber optic system, but not exceeding the fair market
28 value determined pursuant to subparagraph (iii) of this paragraph. For
29 purposes of this paragraph, "public authority" shall refer to entities
30 defined in section two of the public authorities law. For purposes of
31 this paragraph, "institution of higher education" shall refer to enti-
32 ties as defined in subdivisions two and three of section six hundred one
33 of the education law.

34 Disposals of the fiber optic system, or any part thereof, through
35 agreements based on set fees shall not require the explanatory state-
36 ments required by this section. Any disposal of property, contract for
37 disposal of property or agreement made pursuant to this paragraph shall
38 not be deemed valid and enforceable unless it shall first have been
39 approved by both the comptroller and the attorney general.

40 § 2. This act shall take effect immediately.

41 PART G

42 Intentionally Omitted

43 PART H

44 Section 1. Subdivision 4 of section 1220-b of the vehicle and traffic
45 law, as amended by chapter 9 of the laws of 2012, is amended to read as
46 follows:

47 4. Any person who engages in the unlawful solicitation of ground
48 transportation services at an airport shall be guilty of a [~~class B~~
49 ~~misdemeanor~~] traffic infraction punishable by a fine of not less than
50 seven hundred fifty dollars nor more than one thousand five hundred

1 dollars, or by imprisonment [~~of~~] for not more than [~~ninety~~] fifteen days
2 or by both such fine and imprisonment[~~., Notwithstanding any contrary~~
3 ~~provision of law, any charge alleging a violation of this section shall~~
4 ~~be returnable before a court having jurisdiction over misdemeanors~~]; for
5 a conviction of a second violation, both of which were committed within
6 a period of eighteen months, such person shall be punished by a fine of
7 not less than one thousand five hundred dollars nor more than two thou-
8 sand dollars, or by imprisonment for not more than forty-five days, or
9 by both such fine and imprisonment; for a conviction of a third or
10 subsequent violation, all of which were committed within a period of
11 eighteen months, such person shall be punished by a fine of not less
12 than two thousand dollars nor more than three thousand dollars, or by
13 imprisonment for not more than ninety days, or by both such fine and
14 imprisonment.

15 § 2. Subparagraph (viii) of paragraph (b) of subdivision 2 of section
16 510 of the vehicle and traffic law, as added by chapter 313 of the laws
17 of 1994, is amended and a new subparagraph (vii) is added to read as
18 follows:

19 [~~(viii)~~] (vi) for a period of sixty days where the holder is convicted
20 of a violation of subdivision one of section twelve hundred twenty-b of
21 this chapter within a period of eighteen months of a previous violation
22 of such [~~section~~] subdivision.

23 (vii) for a period of ninety days where the holder is convicted of a
24 violation of subdivision one of section twelve hundred twenty-b of this
25 chapter within a period of eighteen months of two or more previous
26 violations of such subdivision.

27 § 3. Section 510 of the vehicle and traffic law is amended by adding a
28 new subdivision 4-g to read as follows:

29 4-g. Suspension of registration for unlawful solicitation of ground
30 transportation services at an airport. Upon the receipt of a notifica-
31 tion from a court or an administrative tribunal that an owner of a motor
32 vehicle was convicted of a second conviction of unlawful solicitation of
33 ground transportation services at an airport in violation of subdivision
34 one of section twelve hundred twenty-b of this chapter both of which
35 were committed within a period of eighteen months, the commissioner or
36 his agent shall suspend the registration of the vehicle involved in the
37 violation for a period of ninety days; upon the receipt of such notifi-
38 cation of a third or subsequent conviction for a violation of such
39 subdivision all of which were committed within a period of eighteen
40 months, the commissioner or his agent shall suspend such registration
41 for a period of one hundred eighty days. Such suspension shall take
42 effect no less than thirty days from the date on which notice thereof is
43 sent by the commissioner to the person whose registration or privilege
44 is suspended. The commissioner shall have the authority to deny a regis-
45 tration or renewal application to any other person for the same vehicle,
46 where it has been determined that such registrant's intent has been to
47 evade the purposes of this subdivision and where the commissioner has
48 reasonable grounds to believe that such registration or renewal will
49 have the effect of defeating the purposes of this subdivision.

50 § 4. This act shall take effect on the first of August next succeeding
51 the date on which it shall have become a law.

1 Section 1. Subdivision 12 of section 1269 of the public authorities
2 law, as amended by section 4 of part NN of chapter 54 of the laws of
3 2016, is amended to read as follows:

4 12. The aggregate principal amount of bonds, notes or other obli-
5 gations issued after the first day of January, nineteen hundred ninety-
6 three by the authority, the Triborough bridge and tunnel authority and
7 the New York city transit authority to fund projects contained in capi-
8 tal program plans approved pursuant to section twelve hundred sixty-
9 nine-b of this title for the period nineteen hundred ninety-two through
10 two thousand [~~nineteen~~] twenty-four shall not exceed [~~fifty-five~~] ninety
11 billion [~~four~~] one hundred [~~ninety-seven~~] million dollars. Such aggre-
12 gate principal amount of bonds, notes or other obligations or the
13 expenditure thereof shall not be subject to any limitation contained in
14 any other provision of law on the principal amount of bonds, notes or
15 other obligations or the expenditure thereof applicable to the authori-
16 ty, the Triborough bridge and tunnel authority or the New York city
17 transit authority. The aggregate limitation established by this subdivi-
18 sion shall not include (i) obligations issued to refund, redeem or
19 otherwise repay, including by purchase or tender, obligations thereto-
20 fore issued either by the issuer of such refunding obligations or by the
21 authority, the New York city transit authority or the Triborough bridge
22 and tunnel authority, (ii) obligations issued to fund any debt service
23 or other reserve funds for such obligations, (iii) obligations issued or
24 incurred to fund the costs of issuance, the payment of amounts required
25 under bond and note facilities, federal or other governmental loans,
26 security or credit arrangements or other agreements related thereto and
27 the payment of other financing, original issue premiums and related
28 costs associated with such obligations, (iv) an amount equal to any
29 original issue discount from the principal amount of such obligations or
30 to fund capitalized interest, (v) obligations incurred pursuant to
31 section twelve hundred seven-m of this article, (vi) obligations
32 incurred to fund the acquisition of certain buses for the New York city
33 transit authority as identified in a capital program plan approved
34 pursuant to chapter fifty-three of the laws of nineteen hundred ninety-
35 two, (vii) obligations incurred in connection with the leasing, selling
36 or transferring of equipment, and (viii) bond anticipation notes or
37 other obligations payable solely from the proceeds of other bonds, notes
38 or other obligations which would be included in the aggregate principal
39 amount specified in the first sentence of this subdivision, whether or
40 not additionally secured by revenues of the authority, or any of its
41 subsidiary corporations, New York city transit authority, or any of its
42 subsidiary corporations, or Triborough bridge and tunnel authority.

43 § 2. This act shall take effect immediately.

44 PART J

45 Intentionally Omitted

46 PART K

47 Section 1. Section 3 of part PP of chapter 54 of the laws of 2016,
48 amending the general municipal law relating to the New York transit
49 authority and the metropolitan transportation authority, is amended to
50 read as follows:

51 § 3. This act shall take effect immediately; provided that the amend-
52 ments to subdivision 1 of section 119-r of the general municipal law

1 made by section two of this act shall expire and be deemed repealed
2 April 1, [~~2021~~ 2022], and provided further that such repeal shall not
3 affect the validity or duration of any contract entered into before that
4 date pursuant to paragraph f of such subdivision.

5 § 2. This act shall take effect immediately.

6 PART L

7 Intentionally Omitted

8 PART M

9 Intentionally Omitted

10 PART N

11 Intentionally Omitted

12 PART O

13 Intentionally Omitted

14 PART P

15 Intentionally Omitted

16 PART Q

17 Intentionally Omitted

18 PART R

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 R of chapter 58 of the laws of 2019, 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, [~~2020~~
28 2021].

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, 2020.

31 PART S

32 Section 1. The general business law is amended by adding a new section
33 391-u to read as follows:

34 § 391-u. Pricing goods and services on the basis of gender prohibit-
35 ed. 1. Definitions. For the purposes of this section, the following
36 terms shall have the following meanings:

37 (a) "Business" shall mean any business acting within the state of New
38 York that sells goods to any individual or entity including, but not
39 limited to, retailers, suppliers, manufacturers, or distributors;

1 (b) "Goods" shall mean any consumer product used, bought or rendered
2 primarily for personal, family or household purposes;

3 (c) "Services" shall mean any consumer services used, bought or
4 rendered primarily for personal, family or household purposes;

5 (d) "Substantially similar" shall mean:

6 (i) two goods that exhibit no substantial differences in: (A) the
7 materials used in production; (B) the intended use of the good; (C) the
8 functional design and features of the good; and (D) the brand of the
9 good; or

10 (ii) two services that exhibit no substantial difference in: (A) the
11 amount of time to provide the services; (B) the difficulty in providing
12 the services; and (C) the cost of providing the services. A difference
13 in coloring among any good shall not be construed as a substantial
14 difference for the purposes of this paragraph.

15 2. No person, firm, partnership, company, corporation, or business
16 shall charge a price for any two goods that are substantially similar,
17 if such goods are priced differently based on the gender of the individ-
18 uals for whom the goods are marketed and intended.

19 3. No person, firm, partnership, company, corporation or business
20 shall charge a price for any services that are substantially similar if
21 such services are priced differently based upon the gender of the indi-
22 viduals for whom the services are performed, offered, or marketed.

23 4. Nothing in this section prohibits price differences in goods or
24 services based specifically upon the following:

25 (a) the amount of time it took to manufacture such goods or provide
26 such services;

27 (b) the difficulty in manufacturing such goods or offering such
28 services;

29 (c) the cost incurred in manufacturing such goods or offering such
30 services;

31 (d) the labor used in manufacturing such goods or providing such
32 services;

33 (e) the materials used in manufacturing such goods or providing such
34 services; or

35 (f) any other gender-neutral reason for having increased the cost of
36 such goods or services.

37 5. Any person, firm, partnership, company, corporation, or business
38 that provides services, as defined by this section, shall provide the
39 customer with a complete written price list upon request.

40 6. Whenever there shall be a violation of this section, an application
41 may be made by the attorney general in the name of the people of the
42 state of New York to a court or justice having jurisdiction to issue an
43 injunction, and upon notice to the defendant of not less than five days,
44 to enjoin and restrain the continuance of such violations. If it shall
45 appear to the satisfaction of the court or justice that the defendant
46 has, in fact, violated this section, an injunction may be issued by such
47 court or justice, enjoining or restraining any violation, without
48 requiring proof that any person has, in fact, been injured or damaged
49 thereby. In any such proceeding the court may make allowances to the
50 attorney general as provided in section eighty-three hundred three of
51 the civil practice law and rules, and may make direct restitution. In
52 connection with any such proposed application, the attorney general is
53 authorized to take proof and make a determination of the relevant facts
54 and to issue subpoenas in accordance with the civil practice law and
55 rules. Whenever the court shall determine that a violation of this
56 section has occurred, the court may impose a civil penalty not to exceed

1 two hundred fifty dollars for a first violation, and a civil penalty not
2 to exceed five hundred dollars for each subsequent violation. For the
3 purposes of this section, all identical items priced on the basis of
4 gender shall be considered a single violation.

5 § 2. Separability clause; construction. If any part or provision of
6 this act or the application thereof to any person or circumstances be
7 adjudged invalid by any court of competent jurisdiction, such judgment
8 shall be confined in its operation to the part, provision or application
9 directly involved in the controversy in which such judgment shall have
10 been rendered and shall not affect or impair the validity of the remain-
11 der of this act or the application thereof to other provisions or
12 circumstances.

13 § 3. This act shall take effect on the one hundred eightieth day after
14 it shall have become a law.

15 PART T

16 Intentionally Omitted

17 PART U

18 Section 1. Section 70 of the state law is amended to read as follows:

19 § 70. Description of the arms of the state and the state flag. The
20 device of arms of this state[~~, as adopted March sixteenth, seventeen~~
21 ~~hundred and seventy-eight,~~] is hereby declared to be correctly described
22 as follows:

23 Charge. Azure, in a landscape, the sun in fess, rising in splendor or,
24 behind a range of three mountains, the middle one the highest; in base a
25 ship and sloop under sail, passing and about to meet on a river,
26 bordered below by a grassy shore fringed with shrubs, all proper.

27 Crest. On a wreath azure and or, an American eagle proper, rising to
28 the dexter from a two-thirds of a globe terrestrial, showing the north
29 Atlantic ocean with outlines of its shores.

30 Supporters. On a quasi compartment formed by the extension of the
31 scroll.

32 Dexter. The figure of Liberty proper, her hair disheveled and deco-
33 rated with pearls, vested azure, sandaled gules, about the waist a cinc-
34 ture or, fringed gules, a mantle of the last depending from the shoul-
35 ders behind to the feet, in the dexter hand a staff ensigned with a
36 Phrygian cap or, the sinister arm embowed, the hand supporting the
37 shield at the dexter chief point, a royal crown by her sinister foot
38 dejected.

39 Sinister. The figure of Justice proper, her hair disheveled and deco-
40 rated with pearls, vested or, about the waist a cincture azure, fringed
41 gules, sandaled and mantled as Liberty, bound about the eyes with a
42 fillet proper, in the dexter hand a straight sword hilted or, erect,
43 resting on the sinister chief point of the shield, the sinister arm
44 embowed, holding before her her scales proper.

45 Motto. On a scroll below the shield argent, in sable, two lines. On
46 line one, Excelsior and on line two, E pluribus unum.

47 State flag. The state flag is hereby declared to be blue, charged with
48 the arms of the state in the colors as described in the blazon of this
49 section.

50 § 2. (a) Any state flag, object, or printed materials containing the
51 depiction of the former arms of the state may continue to be used until
52 such flag, object, or printed materials' useful life has expired or

1 until the person possessing such flag, object, or printed material
2 replaces it. Such continued use shall not constitute a violation of
3 section seventy-two of the state law.

4 (b) Any electronic depiction of the arms of the state shall be updated
5 within 60 days of the effective date of this act.

6 (c) No state agency, local government, or public authority shall be
7 required to replace a flag solely because such flag contains the former
8 arms of the state.

9 § 3. The secretary of state shall begin to use the new seal as of the
10 effective date of this act.

11 § 4. This act shall take effect on the one hundred eightieth day after
12 it shall have become a law. Effective immediately, the department of
13 state is authorized to take any action, including entering into
14 contracts, that is necessary for the timely implementation of this act
15 on its effective date.

16

PART V

17 Section 1. Subdivision 1 of section 130 of the executive law, as
18 amended by section 1 of subpart D of part II of chapter 55 of the laws
19 of 2019, is amended to read as follows:

20 1. The secretary of state may appoint and commission as many notaries
21 public for the state of New York as in his or her judgment may be deemed
22 best, whose jurisdiction shall be co-extensive with the boundaries of
23 the state. The appointment of a notary public shall be for a term of
24 four years. An application for an appointment as notary public shall be
25 in form and set forth such matters as the secretary of state shall
26 prescribe. Every person appointed as notary public must, at the time of
27 his or her appointment, be [~~a citizen of the United States and either~~] a
28 resident of the state of New York or have an office or place of business
29 in New York state. A notary public who is a resident of the state and
30 who moves out of the state but still maintains a place of business or an
31 office in New York state does not vacate his or her office as a notary
32 public. A notary public who is a nonresident and who ceases to have an
33 office or place of business in this state, vacates his or her office as
34 a notary public. A notary public who is a resident of New York state and
35 moves out of the state and who does not retain an office or place of
36 business in this state shall vacate his or her office as a notary
37 public. A non-resident who accepts the office of notary public in this
38 state thereby appoints the secretary of state as the person upon whom
39 process can be served on his or her behalf. Before issuing to any appli-
40 cant a commission as notary public, unless he or she be an attorney and
41 counsellor at law duly admitted to practice in this state or a court
42 clerk of the unified court system who has been appointed to such posi-
43 tion after taking a civil service promotional examination in the court
44 clerk series of titles, the secretary of state shall satisfy himself or
45 herself that the applicant is of good moral character, has the equiv-
46 alent of a common school education and is familiar with the duties and
47 responsibilities of a notary public; provided, however, that where a
48 notary public applies, before the expiration of his or her term, for
49 reappointment with the county clerk or where a person whose term as
50 notary public shall have expired applies within six months thereafter
51 for reappointment as a notary public with the county clerk, such quali-
52 fying requirements may be waived by the secretary of state, and further,
53 where an application for reappointment is filed with the county clerk
54 after the expiration of the aforementioned renewal period by a person

1 who failed or was unable to re-apply by reason of his or her induction
2 or enlistment in the armed forces of the United States, such qualifying
3 requirements may also be waived by the secretary of state, provided such
4 application for reappointment is made within a period of one year after
5 the military discharge of the applicant under conditions other than
6 dishonorable. In any case, the appointment or reappointment of any
7 applicant is in the discretion of the secretary of state. The secretary
8 of state may suspend or remove from office, for misconduct, any notary
9 public appointed by him or her but no such removal shall be made unless
10 the person who is sought to be removed shall have been served with a
11 copy of the charges against him or her and have an opportunity of being
12 heard. No person shall be appointed as a notary public under this arti-
13 cle who has been convicted, in this state or any other state or territo-
14 ry, of a crime, unless the secretary makes a finding in conformance with
15 all applicable statutory requirements, including those contained in
16 article twenty-three-A of the correction law, that such convictions do
17 not constitute a bar to appointment.

18 § 2. Subdivision 1 of section 130 of the executive law, as amended by
19 chapter 490 of the laws of 2019, is amended to read as follows:

20 1. The secretary of state may appoint and commission as many notaries
21 public for the state of New York as in his or her judgment may be deemed
22 best, whose jurisdiction shall be co-extensive with the boundaries of
23 the state. The appointment of a notary public shall be for a term of
24 four years. An application for an appointment as notary public shall be
25 in form and set forth such matters as the secretary of state shall
26 prescribe. Every person appointed as notary public must, at the time of
27 his or her appointment, be [~~a citizen of the United States and either~~] a
28 resident of the state of New York or have an office or place of business
29 in New York state. A notary public who is a resident of the state and
30 who moves out of the state but still maintains a place of business or an
31 office in New York state does not vacate his or her office as a notary
32 public. A notary public who is a nonresident and who ceases to have an
33 office or place of business in this state, vacates his or her office as
34 a notary public. A notary public who is a resident of New York state and
35 moves out of the state and who does not retain an office or place of
36 business in this state shall vacate his or her office as a notary
37 public. A non-resident who accepts the office of notary public in this
38 state thereby appoints the secretary of state as the person upon whom
39 process can be served on his or her behalf. Before issuing to any appli-
40 cant a commission as notary public, unless he or she be an attorney and
41 counsellor at law duly admitted to practice in this state or a court
42 clerk of the unified court system who has been appointed to such posi-
43 tion after taking a civil service promotional examination in the court
44 clerk series of titles, the secretary of state shall satisfy himself or
45 herself that the applicant is of good moral character, has the equiv-
46 alent of a common school education and is familiar with the duties and
47 responsibilities of a notary public; provided, however, that where a
48 notary public applies, before the expiration of his or her term, for
49 reappointment with the county clerk or where a person whose term as
50 notary public shall have expired applies within six months thereafter
51 for reappointment as a notary public with the county clerk, such quali-
52 fying requirements may be waived by the secretary of state, and further,
53 where an application for reappointment is filed with the county clerk
54 after the expiration of the aforementioned renewal period by a person
55 who failed or was unable to re-apply by reason of his or her induction
56 or enlistment in the armed forces of the United States, such qualifying

1 requirements may also be waived by the secretary of state, provided such
2 application for reappointment is made within a period of one year after
3 the military discharge of the applicant under conditions other than
4 dishonorable, or if the applicant has a qualifying condition, as defined
5 in section three hundred fifty of this chapter, within a period of one
6 year after the applicant has received a discharge other than bad conduct
7 or dishonorable from such service, or if the applicant is a discharged
8 LGBT veteran, as defined in section three hundred fifty of this chapter,
9 within a period of one year after the applicant has received a discharge
10 other than bad conduct or dishonorable from such service. In any case,
11 the appointment or reappointment of any applicant is in the discretion
12 of the secretary of state. The secretary of state may suspend or remove
13 from office, for misconduct, any notary public appointed by him or her
14 but no such removal shall be made unless the person who is sought to be
15 removed shall have been served with a copy of the charges against him or
16 her and have an opportunity of being heard. No person shall be
17 appointed as a notary public under this article who has been convicted,
18 in this state or any other state or territory, of a crime, unless the
19 secretary makes a finding in conformance with all applicable statutory
20 requirements, including those contained in article twenty-three-A of the
21 correction law, that such convictions do not constitute a bar to
22 appointment.

23 § 3. Section 440-a of the real property law, as amended by section 1
24 of subpart G of part II of chapter 55 of the laws of 2019, is amended to
25 read as follows:

26 § 440-a. License required for real estate brokers and salesmen. No
27 person, co-partnership, limited liability company or corporation shall
28 engage in or follow the business or occupation of, or hold himself or
29 itself out or act temporarily or otherwise as a real estate broker or
30 real estate salesman in this state without first procuring a license
31 therefor as provided in this article. No person shall be entitled to a
32 license as a real estate broker under this article, either as an indi-
33 vidual or as a member of a co-partnership, or as a member or manager of
34 a limited liability company or as an officer of a corporation, unless he
35 or she is twenty years of age or over[~~, a citizen of the United States~~
36 ~~or an alien lawfully admitted for permanent residence in the United~~
37 ~~States~~]. No person shall be entitled to a license as a real estate
38 salesman under this article unless he or she is over the age of eighteen
39 years. No person shall be entitled to a license as a real estate broker
40 or real estate salesman under this article who has been convicted in
41 this state or elsewhere of a crime, unless the secretary makes a finding
42 in conformance with all applicable statutory requirements, including
43 those contained in article twenty-three-A of the correction law, that
44 such convictions do not constitute a bar to licensure. No person shall
45 be entitled to a license as a real estate broker or real estate salesman
46 under this article who does not meet the requirements of section 3-503
47 of the general obligations law.

48 Notwithstanding anything to the contrary in this section, tenant asso-
49 ciations and not-for-profit corporations authorized in writing by the
50 commissioner of the department of the city of New York charged with
51 enforcement of the housing maintenance code of such city to manage resi-
52 dential property owned by such city or appointed by a court of competent
53 jurisdiction to manage residential property owned by such city shall be
54 exempt from the licensing provisions of this section with respect to the
55 properties so managed.

1 § 4. Subdivision 1 of section 72 of the general business law, as
2 amended by chapter 164 of the laws of 2003, is amended to read as
3 follows:

4 1. If the applicant is a person, the application shall be subscribed
5 by such person, and if the applicant is a firm or partnership the appli-
6 cation shall be subscribed by each individual composing or intending to
7 compose such firm or partnership. The application shall state the full
8 name, age, residences within the past three years, present and previous
9 occupations of each person or individual so signing the same, [~~that each
10 person or individual is a citizen of the United States or an alien
11 lawfully admitted for permanent residence in the United States~~] and
12 shall also specify the name of the city, town or village, stating the
13 street and number, if the premises have a street and number, and other-
14 wise such apt description as will reasonably indicate the location ther-
15 eof, where is to be located the principal place of business and the
16 bureau, agency, sub-agency, office or branch office for which the
17 license is desired, and such further facts as may be required by the
18 department of state to show the good character, competency and integrity
19 of each person or individual so signing such application. Each person or
20 individual signing such application shall, together with such applica-
21 tion, submit to the department of state, his photograph, taken within
22 six months prior thereto in duplicate, in passport size and also two
23 sets of fingerprints of his two hands recorded in such manner as may be
24 specified by the secretary of state or the secretary of state's author-
25 ized representative. Before approving such application it shall be the
26 duty of the secretary of state or the secretary of state's authorized
27 representative to forward one copy of such fingerprints to the division
28 of criminal justice services. Upon receipt of such fingerprints, such
29 division shall forward to the secretary of state a report with respect
30 to the applicant's previous criminal history, if any, or a statement
31 that the applicant has no previous criminal history according to its
32 files. If additional copies of fingerprints are required the applicant
33 shall furnish them upon request. Such fingerprints may be submitted to
34 the federal bureau of investigation for a national criminal history
35 record check. The secretary shall reveal the name of the applicant to
36 the chief of police and the district attorney of the applicant's resi-
37 dence and of the proposed place of business and shall request of them a
38 report concerning the applicant's character in the event they shall have
39 information concerning it. The secretary shall take such other steps as
40 may be necessary to investigate the honesty, good character and integri-
41 ty of each applicant. Every such applicant for a license as private
42 investigator shall establish to the satisfaction of the secretary of
43 state (a) if the applicant be a person, or, (b) in the case of a firm,
44 limited liability company, partnership or corporation, at least one
45 member of such firm, partnership, limited liability company or corpo-
46 ration, has been regularly employed, for a period of not less than three
47 years, undertaking such investigations as those described as performed
48 by a private investigator in subdivision one of section seventy-one of
49 this article, as a sheriff, police officer in a city or county police
50 department, or the division of state police, investigator in an agency
51 of the state, county, or United States government, or employee of a
52 licensed private investigator, or has had an equivalent position and
53 experience or that such person or member was an employee of a police
54 department who rendered service therein as a police officer for not less
55 than twenty years or was an employee of a fire department who rendered
56 service therein as a fire marshal for not less than twenty years. Howev-

1 er, employment as a watchman, guard or private patrolman shall not be
2 considered employment as a "private investigator" for purposes of this
3 section. Every such applicant for a license as watch, guard or patrol
4 agency shall establish to the satisfaction of the secretary of state (a)
5 if the applicant be a person, or, (b) in the case of a firm, limited
6 liability company, partnership or corporation, at least one member of
7 such firm, partnership, limited liability company or corporation, has
8 been regularly employed, for a period of not less than two years,
9 performing such duties or providing such services as described as those
10 performed or furnished by a watch, guard or patrol agency in subdivision
11 two of section seventy-one of this article, as a sheriff, police officer
12 in a city or county police department, or employee of an agency of the
13 state, county or United States government, or licensed private investi-
14 gator or watch, guard or patrol agency, or has had an equivalent posi-
15 tion and experience; qualifying experience shall have been completed
16 within such period of time and at such time prior to the filing of the
17 application as shall be satisfactory to the secretary of state. The
18 person or member meeting the experience requirement under this subdivi-
19 sion and the person responsible for the operation and management of each
20 bureau, agency, sub-agency, office or branch office of the applicant
21 shall provide sufficient proof of having taken and passed a written
22 examination prescribed by the secretary of state to test their under-
23 standing of their rights, duties and powers as a private investigator
24 and/or watchman, guard or private patrolman, depending upon the work to
25 be performed under the license. In the case of an application subscribed
26 by a resident of the state of New York such application shall be
27 approved, as to each resident person or individual so signing the same,
28 but not less than five reputable citizens of the community in which such
29 applicant resides or transacts business, or in which it is proposed to
30 own, conduct, manage or maintain the bureau, agency, sub-agency, office
31 or branch office for which the license is desired, each of whom shall
32 subscribe and affirm as true, under the penalties of perjury, that he
33 has personally known the said person or individual for a period of at
34 least five years prior to the filing of such application, that he has
35 read such application and believes each of the statements made therein
36 to be true, that such person is honest, of good character and competent,
37 and not related or connected to the person so certifying by blood or
38 marriage. In the case of an application subscribed by a non-resident of
39 the state of New York such application shall be approved, as to each
40 non-resident person or individual so signing the same by not less than
41 five reputable citizens of the community in which such applicant
42 resides. The certificate of approval shall be signed by such reputable
43 citizens and duly verified and acknowledged by them before an officer
44 authorized to take oaths and acknowledgment of deeds. All provisions of
45 this section, applying to corporations, shall also apply to joint-stock
46 associations, except that each such joint-stock association shall file a
47 duly certified copy of its certificate of organization in the place of
48 the certified copy of its certificate of incorporation herein required.

49 § 5. Subdivision 2 of section 81 of the general business law, as
50 amended by chapter 756 of the laws of 1952 and paragraph (b) as amended
51 by chapter 133 of the laws of 1982, is amended to read as follows:

52 2. No person shall hereafter be employed by any holder of a license
53 certificate until he shall have executed and furnished to such license
54 certificate holder a verified statement, to be known as "employee's
55 statement," setting forth:

56 (a) His full name, age and residence address.

1 (b) [~~That the applicant for employment is a citizen of the United~~
2 ~~States or an alien lawfully admitted for permanent residence in the~~
3 ~~United States.~~

4 ~~(e)~~] The business or occupation engaged in for the three years imme-
5 diately preceding the date of the filing of the statement, setting forth
6 the place or places where such business or occupation was engaged in,
7 and the name or names of employers, if any.

8 [~~(d)~~ (c) That he has not been convicted of a felony or of any offense
9 involving moral turpitude or of any of the misdemeanors or offenses
10 described in subdivision one of this section.

11 ~~(e)~~ (d) Such further information as the department of state may by
12 rule require to show the good character, competency, and integrity of
13 the person executing the statement.

14 § 6. Subdivision 4 of section 89-h of the general business law, as
15 added by chapter 336 of the laws of 1992, is amended to read as follows:

16 [~~4. Citizenship: be a citizen or resident alien of the United States,~~

17 § 7. This act shall take effect immediately; provided, however,
18 section two of this act shall take effect on the same date and in the
19 same manner as section 36 of chapter 490 of the laws of 2019, takes
20 effect.

21 PART W

22 Section 1. Paragraph (c) of subdivision 1 of section 444-e of the real
23 property law, as amended by chapter 541 of the laws of 2019, is amended
24 to read as follows:

25 (c) have passed the National Home Inspector examination or an examina-
26 tion offered by the secretary. Any examination offered by the secretary
27 must meet or exceed the national exam standards set by the Examination
28 Board of Professional Home Inspectors in consultation with the New York
29 State Association of Home Inspectors to include questions related to
30 state-specific procedures, rules, and regulations, and changes to state
31 and federal law, and be updated annually; and

32 § 2. This act shall take effect immediately and shall apply to appli-
33 cations for a license as a professional home inspector received on or
34 after November 25, 2019.

35 PART X

36 Intentionally Omitted

37 PART Y

38 Section 1. Expenditures of moneys appropriated in a chapter of the
39 laws of 2020 to the department of agriculture and markets from the
40 special revenue funds-other/state operations, miscellaneous special
41 revenue fund-339, public service account shall be subject to the
42 provisions of this section. Notwithstanding any other provision of law
43 to the contrary, direct and indirect expenses relating to the department
44 of agriculture and markets' participation in general ratemaking
45 proceedings pursuant to section 65 of the public service law or certif-
46 ication proceedings pursuant to article 7 or 10 of the public service
47 law, shall be deemed expenses of the department of public service within
48 the meaning of section 18-a of the public service law. No later than
49 August 15, 2021, the commissioner of the department of agriculture and
50 markets shall submit an accounting of such expenses, including, but not

1 limited to, expenses in the 2020--2021 state fiscal year for personal
2 and non-personal services and fringe benefits, to the chair of the
3 public service commission for the chair's review pursuant to the
4 provisions of section 18-a of the public service law.

5 § 2. Expenditures of moneys appropriated in a chapter of the laws of
6 2020 to the department of state from the special revenue funds-
7 other/state operations, miscellaneous special revenue fund-339, public
8 service account shall be subject to the provisions of this section.
9 Notwithstanding any other provision of law to the contrary, direct and
10 indirect expenses relating to the activities of the department of
11 state's utility intervention unit pursuant to subdivision 4 of section
12 94-a of the executive law, including, but not limited to participation
13 in general ratemaking proceedings pursuant to section 65 of the public
14 service law or certification proceedings pursuant to article 7 or 10 of
15 the public service law, and expenses related to the activities of the
16 major renewable energy development program established by section 94-c
17 of the executive law, shall be deemed expenses of the department of
18 public service within the meaning of section 18-a of the public service
19 law. No later than August 15, 2021, the secretary of state shall submit
20 an accounting of such expenses, including, but not limited to, expenses
21 in the 2020--2021 state fiscal year for personal and non-personal
22 services and fringe benefits, to the chair of the public service commis-
23 sion for the chair's review pursuant to the provisions of section 18-a
24 of the public service law.

25 § 3. Expenditures of moneys appropriated in a chapter of the laws of
26 2020 to the office of parks, recreation and historic preservation from
27 the special revenue funds-other/state operations, miscellaneous special
28 revenue fund-339, public service account shall be subject to the
29 provisions of this section. Notwithstanding any other provision of law
30 to the contrary, direct and indirect expenses relating to the office of
31 parks, recreation and historic preservation's participation in general
32 ratemaking proceedings pursuant to section 65 of the public service law
33 or certification proceedings pursuant to article 7 or 10 of the public
34 service law, shall be deemed expenses of the department of public
35 service within the meaning of section 18-a of the public service law. No
36 later than August 15, 2021, the commissioner of the office of parks,
37 recreation and historic preservation shall submit an accounting of such
38 expenses, including, but not limited to, expenses in the 2020--2021
39 state fiscal year for personal and non-personal services and fringe
40 benefits, to the chair of the public service commission for the chair's
41 review pursuant to the provisions of section 18-a of the public service
42 law.

43 § 4. Expenditures of moneys appropriated in a chapter of the laws of
44 2020 to the department of environmental conservation from the special
45 revenue funds-other/state operations, environmental conservation special
46 revenue fund-301, utility environmental regulation account shall be
47 subject to the provisions of this section. Notwithstanding any other
48 provision of law to the contrary, direct and indirect expenses relating
49 to the department of environmental conservation's participation in state
50 energy policy proceedings, or certification proceedings pursuant to
51 article 7 or 10 of the public service law, shall be deemed expenses of
52 the department of public service within the meaning of section 18-a of
53 the public service law. No later than August 15, 2021, the commissioner
54 of the department of environmental conservation shall submit an account-
55 ing of such expenses, including, but not limited to, expenses in the
56 2020--2021 state fiscal year for personal and non-personal services and

1 fringe benefits, to the chair of the public service commission for the
2 chair's review pursuant to the provisions of section 18-a of the public
3 service law.

4 § 5. Notwithstanding any other law, rule or regulation to the contra-
5 ry, expenses of the department of health public service education
6 program incurred pursuant to appropriations from the cable television
7 account of the state miscellaneous special revenue funds shall be deemed
8 expenses of the department of public service. No later than August 15,
9 2021, the commissioner of the department of health shall submit an
10 accounting of expenses in the 2020--2021 state fiscal year to the chair
11 of the public service commission for the chair's review pursuant to the
12 provisions of section 217 of the public service law.

13 § 6. Any expense deemed to be expenses of the department of public
14 service pursuant to sections one through four of this act shall not be
15 recovered through assessments imposed upon telephone corporations as
16 defined in subdivision 17 of section 2 of the public service law.

17 § 7. This act shall take effect immediately and shall be deemed to
18 have been in full force and effect on and after April 1, 2020 and shall
19 be deemed repealed April 1, 2021.

20

PART Z

21

Intentionally Omitted

22

PART AA

23

Intentionally Omitted

24

PART BB

25

Intentionally Omitted

26

PART CC

27 Section 1. Section 2 of chapter 584 of the laws of 2011, amending the
28 public authorities law relating to the powers and duties of the dormito-
29 ry authority of the state of New York relative to the establishment of
30 subsidiaries for certain purposes, as amended by section 1 of part X of
31 chapter 58 of the laws of 2018, is amended to read as follows:

32 § 2. This act shall take effect immediately and shall expire and be
33 deemed repealed on July 1, ~~2020~~ 2022; provided however, that the expi-
34 ration of this act shall not impair or otherwise affect any of the
35 powers, duties, responsibilities, functions, rights or liabilities of
36 any subsidiary duly created pursuant to subdivision twenty-five of
37 section 1678 of the public authorities law prior to such expiration.

38 § 2. This act shall take effect immediately.

39

PART DD

40 Section 1. Subdivision (a) of section 2 and section 3 of part F of
41 chapter 60 of the laws of 2015 constituting the infrastructure invest-
42 ment act, subdivision (a) of section 2 as amended by section 1 of part M
43 of chapter 39 of the laws of 2019, and section 3 as amended by section 3
44 of part RRR of chapter 59 of the laws of 2017, are amended to read as
45 follows:

1 (a) (i) "authorized state entity" shall mean the New York state thru-
 2 way authority, the department of transportation, the office of parks,
 3 recreation and historic preservation, the department of environmental
 4 conservation [~~and~~], the New York state bridge authority, the office of
 5 general services, the dormitory authority, the urban development corpo-
 6 ration, the state university construction fund, the New York state Olym-
 7 pic regional development authority and the battery park city authority.

8 (ii) Notwithstanding the provisions of subdivision 26 of section 1678
 9 of the public authorities law, section 8 of the public buildings law,
 10 sections 8 and 9 of section 1 of chapter 359 of the laws of 1968 as
 11 amended, section 103 of the general municipal law, and the provisions of
 12 any other law to the contrary, the term "authorized state entity" shall
 13 also refer to only those agencies or authorities identified below solely
 14 in connection with the following authorized projects, provided that such
 15 an authorized state entity may utilize the alternative delivery method
 16 referred to as design-build contracts solely in connection with the
 17 following authorized projects should the total cost of each such project
 18 not be less than five million dollars (\$5,000,000):

19 Authorized Projects	Authorized State Entity
20 1. Frontier Town	Urban Development Corporation
21 2. Life Sciences Laboratory	Dormitory Authority & Urban
22	Development Corporation
23 3. Whiteface Transformative Projects	New York State Olympic Regional
24	Development Authority
25 4. Gore Transformative Projects	New York State Olympic Regional
26	Development Authority
27 5. Belleayre Transformative Projects	New York State Olympic Regional
28	Development Authority
29 6. Mt. Van Hoevenberg Transformative	New York State Olympic Regional
30 Projects	Development Authority
31 7. Olympic Training Center	New York State Olympic Regional
32	Development Authority
33 8. Olympic Arena and Convention	New York State Olympic Regional
34 Center Complex	Development Authority
35 9. State Fair Revitalization	Office of General
36 Projects	Services
37 10. State Police Forensic	Office of General
38 Laboratory	Services

39 Notwithstanding any provision of law to the contrary, all rights or
 40 benefits, including terms and conditions of employment, and protection
 41 of civil service and collective bargaining status of all existing
 42 employees of authorized state entities [~~solely in connection with the~~
 43 ~~authorized projects listed above,~~] shall be preserved and protected.
 44 Nothing in this section shall result in the: (1) displacement of any
 45 currently employed worker or loss of position (including partial
 46 displacement such as a reduction in the hours of non-overtime work,
 47 wages, or employment benefits) or result in the impairment of existing
 48 collective bargaining agreements; [~~and~~] (2) transfer of existing duties
 49 and functions related to maintenance and operations currently performed
 50 by existing employees of authorized state entities to a contracting

1 entity; or (3) transfer of future duties and functions ordinarily
2 performed by employees of authorized state entities to the contracting
3 entity. Nothing contained herein shall be construed to affect (A) the
4 existing rights of employees pursuant to an existing collective bargain-
5 ing agreement, and (B) the existing representational relationships among
6 employee organizations or the bargaining relationships between the
7 employer and an employee organization.

8 If otherwise applicable, authorized projects undertaken by the author-
9 ized state entities listed above solely in connection with the
10 provisions of this act shall be subject to section 135 of the state
11 finance law, section 101 of the general municipal law, and section 222
12 of the labor law; provided, however, that an authorized state entity may
13 fulfill its obligations under section 135 of the state finance law or
14 section 101 of the general municipal law by requiring the contractor to
15 prepare separate specifications in accordance with section 135 of the
16 state finance law or section 101 of the general municipal law, as the
17 case may be.

18 § 3. Notwithstanding the provisions of section 38 of the highway law,
19 section 136-a of the state finance law, [~~section~~] sections 359, 1678,
20 1680 and 1680-a of the public authorities law, [~~section~~] sections 376,
21 407-a, 6281 and 7210 of the education law, sections 8 and 9 of the
22 public buildings law, section 103 of the general municipal law, and the
23 provisions of any other law to the contrary, and in conformity with the
24 requirements of this act, an authorized state entity may utilize the
25 alternative delivery method referred to as design-build contracts, in
26 consultation with relevant local labor organizations and construction
27 industry, for capital projects located in the state related to [~~the~~
28 ~~state's~~] physical infrastructure, including, but not limited to, [~~the~~
29 ~~state's~~] highways, bridges, buildings and appurtenant structures, dams,
30 flood control projects, canals, and parks, including, but not limited
31 to, to repair damage caused by natural disaster, to correct health and
32 safety defects, to comply with federal and state laws, standards, and
33 regulations, to extend the useful life of or replace [~~the state's~~] high-
34 ways, bridges, buildings and appurtenant structures, dams, flood control
35 projects, canals, and parks or to improve or add to [~~the state's~~] high-
36 ways, bridges, buildings and appurtenant structures, dams, flood control
37 projects, canals, and parks; provided that for the contracts executed by
38 the department of transportation, the office of parks, recreation and
39 historic preservation, or the department of environmental conservation,
40 the total cost of each such project shall not be less than ten million
41 dollars (\$10,000,000).

42 § 2. The opening paragraph and subdivision (a) of section 4 of part F
43 of chapter 60 of the laws of 2015 constituting the infrastructure
44 investment act, as amended by section 4 of part RRR of chapter 59 of the
45 laws of 2017, are amended to read as follows:

46 An entity selected by an authorized state entity to enter into a
47 design-build contract shall be selected [~~through a~~] by a one or two-step
48 method, [~~as follows~~] which includes the following features:

49 (a) Step one. Generation of a list of entities that have demonstrated
50 the general capability to perform the design-build contract. Such list
51 shall consist of a specified number of entities, as determined by an
52 authorized state entity, and shall be generated based upon the author-
53 ized state entity's review of responses to a publicly advertised request
54 for qualifications. The authorized state entity's request for qualifica-
55 tions shall include a general description of the project, the maximum
56 number of entities to be included on the list, the selection criteria to

1 be used and the relative weight of each criteria in generating the list.
2 Such selection criteria shall include the qualifications and experience
3 of the design and construction team, organization, demonstrated respon-
4 sibility, ability of the team or of a member or members of the team to
5 comply with applicable requirements, including the provisions of arti-
6 cles 145, 147 and 148 of the education law, past record of compliance
7 with the labor law, and such other qualifications the authorized state
8 entity deems appropriate which may include but are not limited to
9 project understanding, financial capability and record of past perform-
10 ance. The authorized state entity shall evaluate and rate all entities
11 responding to the request for qualifications. Based upon such ratings,
12 the authorized state entity shall list the entities that shall receive a
13 request for proposals in accordance with subdivision (b) of this
14 section. To the extent consistent with applicable federal law, the
15 authorized state entity shall consider, when awarding any contract
16 pursuant to this section, the participation of: (i) firms certified
17 pursuant to article 15-A of the executive law as minority or women-owned
18 businesses and the ability of other businesses under consideration to
19 work with minority and women-owned businesses so as to promote and
20 assist participation by such businesses; ~~and~~ (ii) small business
21 concerns identified pursuant to subdivision (b) of section 139-g of the
22 state finance law; and (iii) firms certified pursuant to article 17-B of
23 the executive law as service-disabled veteran-owned businesses and the
24 ability of other businesses under consideration to work with service-
25 disabled veteran-owned businesses so as to promote and assist partic-
26 ipation by such businesses.

27 § 3. Section 8 of part F of chapter 60 of the laws of 2015 constitut-
28 ing the infrastructure investment act is amended to read as follows:

29 § 8. Each contract entered into by the authorized state entity pursu-
30 ant to this section shall comply with the objectives and goals of minor-
31 ity and women-owned business enterprises pursuant to article 15-A of the
32 executive law and of service-disabled veteran-owned business enterprises
33 pursuant to article 17-B of the executive law or, for projects receiving
34 federal aid, shall comply with applicable federal requirements for
35 disadvantaged business enterprises.

36 § 4. Paragraph 3 of subdivision (a) and subdivision (b) of section 13
37 of part F of chapter 60 of the laws of 2015 constituting the infrastruc-
38 ture investment act, as amended by section 11 of part RRR of chapter 59
39 of the laws of 2017, are amended to read as follows:

40 3. (i) Utilizing a lump sum contract in which the contractor agrees to
41 accept a set dollar amount for a contract which comprises a single bid
42 without providing a cost breakdown for all costs such as for equipment,
43 labor, materials, as well as such contractor's profit for completing all
44 items of work comprising the project, which lump sum price may be nego-
45 tiated and established by the authorized state entity based on a
46 proposed guaranteed maximum price.

47 (ii) The design-build contract may include both lump sum elements and
48 cost-plus not to exceed guaranteed maximum price elements and may also
49 provide for professional services on a fee-for-service basis.

50 (b) Capital projects undertaken by an authorized state entity may
51 include an incentive clause in the contract for various performance
52 objectives, but the incentive clause shall not include an incentive that
53 exceeds the quantifiable value of the benefit received by the authorized
54 state entity. The authorized state entity shall ~~establish~~ require such
55 performance and payment bonds as it deems necessary.

1 § 5. Part F of chapter 60 of the laws of 2015 constituting the infras-
2 tructure investment act is amended by adding two new sections 15-a and
3 15-b to read as follows:

4 § 15-a. Any contract awarded pursuant to this act shall be deemed to
5 be awarded pursuant to a competitive procurement for purposes of section
6 2879 of the public authorities law.

7 § 15-b. Public employees as defined by paragraph (a) of subdivision 7
8 of section 201 of the civil service law and who are employed by author-
9 ized entities as defined in paragraph (i) of subdivision (a) of section
10 two of this act shall examine and review certifications provided by
11 contractors for conformance with material source testing, certifications
12 testing, surveying, monitoring of environmental compliance, independent
13 quality control testing and inspection and quality assurance audits.
14 Performance by authorized entities of any review described in this
15 subdivision shall not be construed to modify or limit contractors' obli-
16 gations to perform work in strict accordance with the applicable
17 design-build contracts or the contractors' or any subcontractors' obli-
18 gations or liabilities under any law.

19 § 6. Section 16 of part F of chapter 60 of the laws of 2015 constitut-
20 ing the infrastructure investment act is amended to read as follows:

21 § 16. A report shall be submitted on or no later than June 30, [~~2016~~]
22 2021 and annually thereafter, to the governor, the temporary president
23 of the senate and the speaker of the assembly by the New York state
24 [~~urban development corporation~~] office of general services on behalf of
25 authorized entities defined in paragraph (i) of subdivision (a) of
26 section two of this act containing information on each authorized state
27 entity that has entered into a design-build contract pursuant to this
28 act, which shall include, but not be limited to, a description of each
29 such design-build contract, information regarding the procurement proc-
30 ess for each such design-build project, [~~procurement information~~]
31 including the [~~short~~] list of qualified bidders, the total cost of each
32 design-build project, an explanation of the estimated cost and schedule
33 savings of each project, an explanation of how the savings were deter-
34 mined, the participation rate and total dollar value of minority- and
35 women-owned business enterprises and service-disabled veteran-owned
36 businesses, and whether a project labor agreement was used, and if
37 applicable, the justification for using a project labor agreement. Such
38 report shall also be posted on the website of the New York state office
39 of general services for public review.

40 § 7. Section 17 of part F of chapter 60 of the laws of 2015 constitut-
41 ing the infrastructure investment act, as amended by section 1 of part
42 WWW of chapter 59 of the laws of 2019, is amended to read as follows:

43 § 17. This act shall take effect immediately and shall expire and be
44 deemed repealed [~~6 years after such date~~] December 31, 2022, provided
45 that, projects with requests for qualifications issued prior to such
46 repeal shall be permitted to continue under this act notwithstanding
47 such repeal.

48 § 8. This act shall take effect immediately; provided, however, that
49 the amendments to part F of chapter 60 of the laws of 2015 made by
50 sections one, two, three, four, five and six of this act shall not
51 affect the repeal of such part and shall be deemed repealed therewith.

52 PART EE

53 Section 1. Subdivision 3 of section 16-m of section 1 of chapter 174
54 of the laws of 1968 constituting the New York state urban development

1 corporation act, as amended by section 1 of part Z of chapter 58 of the
2 laws of 2019, is amended to read as follows:

3 3. The provisions of this section shall expire, notwithstanding any
4 inconsistent provision of subdivision 4 of section 469 of chapter 309 of
5 the laws of 1996 or of any other law, on July 1, ~~2020~~ 2021.

6 § 2. This act shall take effect immediately and shall be deemed to
7 have been in full force and effect on and after July 1, 2020.

8

PART FF

9 Section 1. Section 2 of chapter 393 of the laws of 1994, amending the
10 New York state urban development corporation act, relating to the powers
11 of the New York state urban development corporation to make loans, as
12 amended by section 1 of part Y of chapter 58 of the laws of 2019, is
13 amended to read as follows:

14 § 2. This act shall take effect immediately provided, however, that
15 section one of this act shall expire on July 1, ~~2020~~ 2021, at which
16 time the provisions of subdivision 26 of section 5 of the New York state
17 urban development corporation act shall be deemed repealed; provided,
18 however, that neither the expiration nor the repeal of such subdivision
19 as provided for herein shall be deemed to affect or impair in any manner
20 any loan made pursuant to the authority of such subdivision prior to
21 such expiration and repeal.

22 § 2. This act shall take effect immediately and shall be deemed to
23 have been in full force and effect on and after April 1, 2020.

24

PART GG

25 Section 1. Paragraph (a) of subdivision 11 of section 400 of the
26 economic development law, as amended by section 3 of part QQ of chapter
27 60 of the laws of 2016, is amended to read as follows:

28 (a) a correctional facility, as defined in paragraph (a) of subdivi-
29 sion four of section two of the correction law, that has been selected
30 by the governor of the state of New York for closure after April first,
31 two thousand eleven [~~but no later than March thirty-first, two thousand~~
32 ~~twelve~~] but no later than March thirty-first, two thousand twenty-one;
33 or

34 § 2. This act shall take effect immediately; provided, however, that
35 the amendments to section 400 of the economic development law made by
36 section one of this act shall not affect the repeal of such section and
37 shall be deemed repealed therewith.

38

PART HH

39 Section 1. Expenditures of moneys by the New York state energy
40 research and development authority for services and expenses of the
41 energy research, development and demonstration program, including
42 grants, the energy policy and planning program, the zero emissions vehi-
43 cle and electric vehicle rebate program, and the Fuel NY program shall
44 be subject to the provisions of this section. Notwithstanding the
45 provisions of subdivision 4-a of section 18-a of the public service law,
46 all moneys committed or expended in an amount not to exceed \$22,700,000
47 shall be reimbursed by assessment against gas corporations, as defined
48 in subdivision 11 of section 2 of the public service law and electric
49 corporations as defined in subdivision 13 of section 2 of the public
50 service law, where such gas corporations and electric corporations have

1 gross revenues from intrastate utility operations in excess of \$500,000
2 in the preceding calendar year, and the total amount which may be
3 charged to any gas corporation and any electric corporation shall not
4 exceed one cent per one thousand cubic feet of gas sold and .010 cent
5 per kilowatt-hour of electricity sold by such corporations in their
6 intrastate utility operations in calendar year 2018. Such amounts shall
7 be excluded from the general assessment provisions of subdivision 2 of
8 section 18-a of the public service law. The chair of the public service
9 commission shall bill such gas and/or electric corporations for such
10 amounts on or before August 10, 2020 and such amounts shall be paid to
11 the New York state energy research and development authority on or
12 before September 10, 2020. Upon receipt, the New York state energy
13 research and development authority shall deposit such funds in the ener-
14 gy research and development operating fund established pursuant to
15 section 1859 of the public authorities law. The New York state energy
16 research and development authority is authorized and directed to: (1)
17 transfer up to \$4 million to the state general fund for climate change
18 related services and expenses of the department of environmental conser-
19 vation, \$150,000 to the state general fund for services and expenses of
20 the department of agriculture and markets, and \$825,000 to the Universi-
21 ty of Rochester laboratory for laser energetics from the funds received;
22 and (2) commencing in 2016, provide to the chair of the public service
23 commission and the director of the budget and the chairs and secretaries
24 of the legislative fiscal committees, on or before August first of each
25 year, an itemized record, certified by the president and chief executive
26 officer of the authority, or his or her designee, detailing any and all
27 expenditures and commitments ascribable to moneys received as a result
28 of this assessment by the chair of the department of public service
29 pursuant to section 18-a of the public service law. This itemized
30 record shall include an itemized breakdown of the programs being funded
31 by this section and the amount committed to each program. The authority
32 shall not commit for any expenditure, any moneys derived from the
33 assessment provided for in this section, until the chair of such author-
34 ity shall have submitted, and the director of the budget shall have
35 approved, a comprehensive financial plan encompassing all moneys avail-
36 able to and all anticipated commitments and expenditures by such author-
37 ity from any source for the operations of such authority. Copies of the
38 approved comprehensive financial plan shall be immediately submitted by
39 the chair to the chairs and secretaries of the legislative fiscal
40 committees. Any such amount not committed by such authority to
41 contracts or contracts to be awarded or otherwise expended by the
42 authority during the fiscal year shall be refunded by such authority on
43 a pro-rata basis to such gas and/or electric corporations, in a manner
44 to be determined by the department of public service, and any refund
45 amounts must be explicitly lined out in the itemized record described
46 above.

47 § 2. This act shall take effect immediately and shall be deemed to
48 have been in full force and effect on and after April 1, 2020.

49

PART II

50 Section 1. Subdivision 16 of section 2 of the labor law, as added by
51 chapter 564 of the laws of 2010, is renumbered subdivision 17 and a new
52 subdivision 18 is added to read as follows:

53 18. "Farm laborer" shall mean any individual who works on a farm and
54 is an employee under article nineteen of this chapter. Members of an

1 employer's immediate family who are related to the third degree of
2 consanguinity or affinity shall not be considered to be employed on a
3 farm if they work on a farm out of familial obligations and are not paid
4 wages, or other compensation based on their hours or days of work.

5 § 2. Paragraph (c) of subdivision 3 of section 701 of the labor law,
6 as added by chapter 105 of the laws of 2019, is amended to read as
7 follows:

8 (c) The term "employee" shall also include farm laborers. "Farm labor-
9 ers" shall mean any individual engaged or permitted by an employer to
10 work on a farm[~~, except the parent, spouse, child, or other member of~~
11 ~~the employer's immediate family~~]. Members of an agricultural employer's
12 immediate family who are related to the third degree of consanguinity or
13 affinity shall not be considered to be employed on a farm if they work
14 on a farm out of familial obligations and are not paid wages, or other
15 compensation based on their hours or days of work.

16 § 3. Section 705 of the labor law is amended by adding a new subdivi-
17 sion 1-b to read as follows:

18 1-b. The board shall determine whether any supervisory employee shall
19 be excluded from any negotiating unit that includes rank-and-file farm
20 laborers; provided, however, that nothing in this subdivision shall be
21 construed to limit or prohibit any supervisory employee from organizing
22 a separate negotiating unit.

23 § 4. The closing paragraph of subdivision 1 of section 161 of the
24 labor law, as added by chapter 105 of the laws of 2019, is amended to
25 read as follows:

26 Every person employed as a farm laborer shall be allowed at least
27 twenty-four consecutive hours of rest in each and every calendar week.
28 [~~This requirement shall not apply to the parent, child, spouse or other~~
29 ~~member of the employer's immediate family.~~] Twenty-four consecutive
30 hours spent at rest because of circumstances, such as weather or crop
31 conditions, shall be deemed to constitute the rest required by this
32 paragraph. No provision of this paragraph shall prohibit a farm laborer
33 from voluntarily agreeing to work on such day of rest required by this
34 paragraph, provided that the farm laborer is compensated at an overtime
35 rate which is at least one and one-half times the laborer's regular rate
36 of pay for all hours worked on such day of rest. The term "farm labor"
37 shall include all services performed in agricultural employment in
38 connection with cultivating the soil, or in connection with raising or
39 harvesting of agricultural commodities, including the raising, shearing,
40 caring for and management of livestock, poultry or dairy. The day of
41 rest authorized under this subdivision should, whenever possible, coin-
42 cide with the traditional day reserved by the farm laborer for religious
43 worship.

44 § 5. Section 163-a of the labor law, as added by chapter 105 of the
45 laws of 2019, is amended to read as follows:

46 § 163-a. Farm laborers. No person or corporation operating a farm
47 shall require any [~~employee~~] farm laborer to work more than sixty hours
48 in any calendar week; provided, however, that any overtime work
49 performed by a farm laborer shall be at a rate which is at least one and
50 one-half times the farm laborer's regular rate of pay. [~~No wage order~~
51 ~~subject to the provisions of this chapter shall be applicable to a farm~~
52 ~~laborer other than a wage order established pursuant to section six~~
53 ~~hundred seventy-four or six hundred seventy-four-a of this chapter.~~]

54 § 6. The opening paragraph of subdivision 2 of section 652 of the
55 labor law, as amended by chapter 38 of the laws of 1990, is amended to
56 read as follows:

1 The minimum wage orders in effect on the effective date of this act
2 shall remain in full force and effect, except as modified in accordance
3 with the provisions of this article; provided, however, that the minimum
4 wage order for farm workers codified at part one hundred ninety of title
5 twelve of the New York code of rules and regulations in effect on Janu-
6 ary first, two thousand twenty shall be deemed to be a wage order estab-
7 lished and adopted under this article and shall remain in full force and
8 effect except as modified in accordance with the provisions of this
9 article or article nineteen-A of this chapter.

10 § 7. Subdivision 2 of section 671 of the labor law, as added by chap-
11 ter 552 of the laws of 1969, is amended to read as follows:

12 2. "Employee" includes any individual employed or permitted to work by
13 an employer on a farm but shall not include: (a) domestic service in the
14 home of the employer; (b) the parent, spouse, child or other member of
15 the employer's immediate family; (c) a minor under seventeen years of
16 age employed as a hand harvest worker on the same farm as his parent or
17 guardian and who is paid on a piece-rate basis at the same piece rate as
18 employees seventeen years of age or over; or (d) an individual employed
19 or permitted to work for a federal, state, or a municipal government or
20 political subdivision thereof; ~~or (e) an individual to whom the~~
21 ~~provisions of article nineteen of this chapter are applicable~~.

22 § 8. This act shall take effect immediately and shall be deemed to
23 have been in full force and effect on and after January 1, 2020.

24 PART JJ

25 Section 1. Subparagraph (ii) of paragraph a of subdivision 9 of
26 section 103 of the general municipal law, as amended by chapter 90 of
27 the laws of 2017, is amended to read as follows:

28 (ii) such association of producers or growers is comprised of owners
29 of farms who also operate such farms and have combined to fill the order
30 of a school district or board of cooperative educational services, and
31 where such order is for [~~fifty~~] one hundred thousand dollars or less as
32 herein authorized, provided however, that a school district or board of
33 cooperative educational services may apply to the commissioner of educa-
34 tion for permission to purchase orders of more than [~~fifty~~] one hundred
35 thousand dollars from an association of owners of such farms when no
36 other producers or growers have offered to sell to such school;

37 § 2. This act shall take effect immediately.

38 PART KK

39 Section 1. Subdivision 4 of section 1285-j of the public authorities
40 law is amended by adding a new closing paragraph to read as follows:

41 Subject to any applicable provisions of federal or state law, any
42 financial assistance at an interest rate of zero percent provided to
43 municipalities that meet the financial hardship criteria regulations
44 established pursuant to section 17-1909 of the environmental conserva-
45 tion law, may have a final maturity up to forty years following sched-
46 uled completion of the eligible project.

47 § 2. Subdivision 4 of section 1285-m of the public authorities law is
48 amended by adding a new closing paragraph to read as follows:

49 Subject to any applicable provisions of federal or state law, any
50 financial assistance at an interest rate of zero percent provided to
51 recipients that meet the financial hardship criteria regulations estab-
52 lished pursuant to title four of article eleven of the public health

1 law, may have a final maturity up to forty years following scheduled
2 completion of the eligible project.

3 § 3. This act shall take effect immediately.

4 PART LL

5 Intentionally Omitted

6 PART MM

7 Section 1. The financial services law is amended by adding a new arti-
8 cle 7 to read as follows:

9 ARTICLE 7

10 STUDENT DEBT CONSULTANTS

11 Section 701. Definitions.

12 702. Prohibitions.

13 703. Disclosure requirements.

14 704. Student debt consulting contracts.

15 705. Penalties and other provisions.

16 706. Rules and regulations.

17 § 701. Definitions. (a) The term "advertisement" shall include, but
18 is not limited to, all forms of marketing, solicitation, or dissem-
19 ination of information related, directly or indirectly, to securing or
20 obtaining a student debt consulting contract or services. Further, it
21 shall include all commonly recognized forms of media marketing via tele-
22 vision, radio, print media, all forms of electronic communication via
23 the internet, and all prepared sales presentations given in person or
24 over the internet to the general public.

25 (b) "Borrower" means any resident of this state who has received a
26 student loan or agreed in writing to pay a student loan or any person
27 who shares a legal obligation with such resident for repaying a student
28 loan.

29 (c) "FSA ID" means a username and password allocated to an individual
30 by the federal government to enable the individual to log in to certain
31 United States department of education websites, and may be used to sign
32 certain documents electronically.

33 (d) "Student loan" means any loan to a borrower to finance post-second-
34 ary education or expenses related to post-secondary education.

35 (e) "Student debt consulting contract" or "contract" means an agree-
36 ment between a borrower and a consultant under which the consultant
37 agrees to provide student debt consulting services.

38 (f) "Student debt consultant" or "consultant" means an individual or a
39 corporation, partnership, limited liability company or other business
40 entity that, directly or indirectly, solicits or undertakes employment
41 to provide student debt consulting services. A consultant does not
42 include the following:

43 (1) a person or entity who holds or is owed an obligation on the
44 student loan while the person or entity performs services in connection
45 with the student loan;

46 (2) a bank, trust company, private banker, bank holding company,
47 savings bank, savings and loan association, thrift holding company,
48 credit union or insurance company organized under the laws of this
49 state, another state or the United States, or a subsidiary or affiliate
50 of such entity or a foreign banking corporation licensed by the super-
51 intendent of financial services or the comptroller of the currency;

1 (3) a bona fide not-for-profit organization that offers counseling or
2 advice to borrowers;

3 (4) an attorney admitted to practice in the state of New York when the
4 attorney is providing student debt consulting services to a borrower
5 free of charge;

6 (5) a public post-secondary educational institution or private nonpro-
7 fit post-secondary educational institution; or

8 (6) such other persons as the superintendent prescribes by rule.

9 (g) "Student debt consulting services" means services that a student
10 debt consultant provides to a borrower that the consultant represents
11 will help to achieve any of the following:

12 (1) stop, enjoin, delay, void, set aside, annul, stay or postpone a
13 default, bankruptcy, tax offset, or garnishment proceeding;

14 (2) obtain a forbearance, deferment, or other relief that temporarily
15 halts repayment of a student loan;

16 (3) assist the borrower with preparing or filing documents related to
17 student loan repayment;

18 (4) advise the borrower which student loan repayment plan or forgive-
19 ness program to consider;

20 (5) enroll the borrower in any student loan repayment, forgiveness,
21 discharge, or consolidation program;

22 (6) assist the borrower in re-establishing eligibility for federal
23 student financial assistance;

24 (7) assist the borrower in removing a student loan from default; or

25 (8) educate the borrower about student loan repayment.

26 § 702. Prohibitions. A student debt consultant is prohibited from
27 doing the following:

28 (a) performing student debt consulting services without a legal writ-
29 ten, fully-executed contract with a borrower that comports with the
30 provisions of this article;

31 (b) charging for or accepting any payment for student debt consulting
32 services before the full completion of all such services, including a
33 payment to be placed in escrow or any other account pending the
34 completion of such services;

35 (c) taking a power of attorney from a borrower;

36 (d) retaining any original loan document or other original document
37 related to a borrower's student loan;

38 (e) requesting that a borrower provide his or her FSA ID to the
39 consultant, or accepting a borrower's FSA ID;

40 (f) stating or implying that a borrower will not be able to obtain
41 relief on their own;

42 (g) misrepresenting, expressly or by implication, that:

43 (1) the consultant is a part of, affiliated with, or endorsed or spon-
44 sored by the government, government loan programs, the United States
45 department of education, or borrowers' student loan servicers; or

46 (2) some or all of a borrower's payments to the consultant will be
47 applied towards the borrower's student loans.

48 (h) inducing or attempting to induce a student debtor to enter a
49 contract that does not fully comply with the provisions of this article;
50 or

51 (i) engaging in any unfair, deceptive, or abusive act or practice.

52 § 703. Disclosure requirements. (a) A student debt consultant shall
53 clearly and conspicuously disclose in all advertisements:

54 (1) the actual services the consultant provides to borrowers;

55 (2) that borrowers may apply for consolidation loans from the United
56 States department of education at no cost, including providing a direct

1 link in all online advertising and contact information in all print
2 advertising to the application materials for a Direct Consolidation Loan
3 from the United States department of education;

4 (3) that consolidation or other services offered by the consultant may
5 not be the best or only option for borrowers;

6 (4) that alternative federal student loan repayment plans, including
7 income-based programs, that do not require consolidating existing feder-
8 al student loans may be available; and

9 (5) that borrowers should consider consulting their student loan
10 servicer before signing any legal document concerning a student loan.

11 (b) The disclosures required by subsection (a) of this section, if
12 disseminated through print media or the internet, shall be clearly and
13 legibly printed or displayed in not less than twelve-point bold type,
14 or, if the advertisement is printed to be displayed in print that is
15 smaller than twelve point, in bold type print that is no smaller than
16 the print in which the text of the advertisement is printed or
17 displayed.

18 (c) The provisions of this section shall apply to all consultants who
19 disseminate advertisements in the state of New York or who intend to
20 directly or indirectly contact a borrower who has a student loan and is
21 a resident of or a student in New York state. Consultants shall estab-
22 lish and at all times maintain control over the content, form and method
23 of dissemination of all advertisements of their services. Further, all
24 advertisements shall be sufficiently complete and clear to avoid the
25 possibility to mislead or deceive.

26 § 704. Student debt consulting contracts. (a) A student debt consult-
27 ing contract shall:

28 (1) contain the entire agreement of the parties;

29 (2) be provided in writing to the borrower for review before signing;

30 (3) be printed in at least twelve-point type and written in the same
31 language that is used by the borrower and was used in discussions
32 between the consultant and the borrower to describe the borrower's
33 services or to negotiate the contract;

34 (4) fully disclose the exact nature of the services to be provided by
35 the consultant or anyone working in association with the consultant;

36 (5) fully disclose the total amount and terms of compensation for such
37 services;

38 (6) contain the name, business address and telephone number of the
39 consultant and the street address, if different, and facsimile number or
40 email address of the consultant where communications from the debtor may
41 be delivered;

42 (7) be dated and personally signed by the borrower and the consultant
43 and be witnessed and acknowledged by a New York notary public; and

44 (8) contain the following notice, which shall be printed in at least
45 fourteen-point boldface type, completed with the name of the Provider,
46 and located in immediate proximity to the space reserved for the
47 debtor's signature:

48 "NOTICE REQUIRED BY NEW YORK LAW

49 You may cancel this contract, without any penalty or obligation, at any
50 time before midnight of

51 (fifth business day after execution).

52 (Name of consultant) (the "Consultant") or anyone working for
53 the Consultant may not take any money from you or ask you for money
54 until the consultant has completely finished doing everything this
55 Contract says the Consultant will do.

1 You should consider contacting your student loan servicer before signing
2 any legal document concerning your student loan. In addition, you may
3 want to visit the New York State Department of Financial Services'
4 student lending resource center at www.dfs.ny.gov/studentprotection. The
5 law requires that this contract contain the entire agreement between you
6 and the Provider. You should not rely upon any other written or oral
7 agreement or promise."

8 The Provider shall accurately enter the date on which the right to
9 cancel ends.

10 (b) (1) The borrower has the right to cancel, without any penalty or
11 obligation, any contract with a consultant until midnight of the fifth
12 business day following the day on which the consultant and the borrower
13 sign a consulting contract. Cancellation occurs when the borrower, or a
14 representative of the borrower, either delivers written notice of
15 cancellation in person to the address specified in the consulting
16 contract or sends a written communication by facsimile, by United States
17 mail or by an established commercial letter delivery service. A dated
18 proof of facsimile delivery or proof of mailing creates a presumption
19 that the notice of cancellation has been delivered on the date the
20 facsimile is sent or the notice is deposited in the mail or with the
21 delivery service. Cancellation of the contract shall release the borrow-
22 er from all obligations to pay fees or any other compensation to the
23 consultant.

24 (2) The contract shall be accompanied by two copies of a form,
25 captioned "notice of cancellation" in at least twelve-point bold type.
26 This form shall be attached to the contract, shall be easily detachable,
27 and shall contain the following statement written in the same language
28 as used in the contract, and the contractor shall insert accurate infor-
29 mation as to the date on which the right to cancel ends and the contrac-
30 tor's contact information:

31 "NOTICE OF CANCELLATION

32 Note: You may cancel this contract, without any penalty or obligation,
33 at any time before midnight of (Enter date)

34 To cancel this contract, sign and date both copies of this cancellation
35 notice and personally deliver one copy or send it by facsimile, United
36 States mail, or an established commercial letter delivery service, indi-
37 cating cancellation to the Consultant at one of the following:

38 Name of Consultant

39 Street Address

40 City, State, Zip

41 Facsimile:

42 I hereby cancel this transaction.

43 Name of Borrower:

44 Signature of Borrower:

45 Date: _____ "

46 (3) Within ten days following receipt of a notice of cancellation
47 given in accordance with this subsection, the consultant shall return
48 any original contract and any other documents signed by or provided by
49 the borrower. Cancellation shall release the borrower of all obligations
50 to pay any fees or compensation to the consultant.

51 § 705. Penalties and other provisions. (a) If the superintendent
52 finds, after notice and hearing, that a consultant has knowingly
53 violated any provision of this article and the violation was material,
54 the superintendent may: (1) make null and void any agreement between the
55 borrower and the consultant; and (2) impose a civil penalty of not more
56 than ten thousand dollars for each violation.

1 (b) If the consultant violates any provision of this article and the
 2 borrower suffers damage because of the violation, the borrower may
 3 recover actual and consequential damages and costs from the consultant
 4 in an action based on this article. If the consultant recklessly
 5 violates any provision of this article, the court may award attorneys'
 6 fees and costs. If the consultant intentionally violates any provision
 7 of this article, the court may award treble damages, attorneys' fees and
 8 costs.

9 (c) Any provision of a student debt consulting contract that attempts
 10 or purports to limit the liability of the consultant under this article
 11 shall be null and void. Inclusion of such provision shall at the option
 12 of the borrower render the contract void. Any provision in a contract
 13 which attempts or purports to require arbitration of any dispute arising
 14 under this article shall be void at the option of the borrower. Any
 15 waiver of the provisions of this article shall be void and unenforceable
 16 as contrary to public policy.

17 (d) The provisions of this article are not exclusive and are in addi-
 18 tion to any other requirements, rights, remedies, and penalties provided
 19 by law.

20 § 706. Rules and regulations. In addition to such powers as may
 21 otherwise be prescribed by this chapter, the superintendent is hereby
 22 authorized and empowered to promulgate such rules and regulations as may
 23 in the judgment of the superintendent be consistent with the purposes of
 24 this article, or appropriate for the effective administration of this
 25 article.

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

PART NN

Intentionally Omitted

PART OO

Intentionally Omitted

PART PP

33 Section 1. Article 27 of the environmental conservation law is amended
 34 by adding a new title 30 to read as follows:

TITLE 30

EXPANDED POLYSTYRENE FOAM CONTAINER AND POLYSTYRENE LOOSE FILL
PACKAGING BAN

Section 27-3001. Definitions.

27-3003. Expanded polystyrene foam container and polystyrene
loose fill packaging ban.

27-3005. Exemptions and waivers.

27-3007. Preemption.

27-3009. Severability.

§ 27-3001. Definitions.

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

1. "Covered food service provider" means a person engaged in the busi-
ness of selling or distributing prepared food or beverages for on-prem-
ise or off-premise consumption including but not limited to: (a) food
service establishments, caterers, temporary food service establishments,

1 mobile food service establishments, and pushcarts as defined in the New
2 York State Sanitary Code; (b) retail food stores as defined in article
3 28 of the agriculture and markets law; (c) delicatessens; (d) grocery
4 stores; (e) restaurants; (f) cafeterias; (g) coffee shops; (h) hospi-
5 tals, adult care facilities, and nursing homes; and (i) elementary and
6 secondary schools, colleges, and universities.

7 2. "Disposable food service container" means a bowl, carton, clam-
8 shell, cup, lid, plate, tray, or any other product that is designed or
9 used for the temporary storage or transport of a prepared food or bever-
10 age including a container generally recognized by the public as being
11 designed for single use.

12 3. "Expanded polystyrene foam" means expanded foam thermoplastics
13 utilizing a styrene monomer and processed by any number of techniques.
14 Such term shall not include rigid polystyrene.

15 4. "Manufacturer" means every person, firm or corporation that produc-
16 es or imports polystyrene loose fill packaging that is sold, offered for
17 sale, or distributed in the state.

18 5. "Polystyrene loose fill packaging" means a void-filling packaging
19 product made of expanded polystyrene foam that is used as a packaging
20 fill, commonly referred to as packing peanuts.

21 6. "Prepared food" means food or beverages that are cooked, chopped,
22 sliced, mixed, brewed, frozen, heated, squeezed, combined or otherwise
23 prepared on the premises of a covered food service provider for immedi-
24 ate consumption and require no further preparation to be consumed.
25 Prepared food includes but is not limited to ready to eat takeout foods
26 and beverages.

27 7. "Rigid polystyrene" means plastic packaging made from rigid, polys-
28 tyrene resin that has not been expanded, extruded, or foamed.

29 8. "Store" means a retail or wholesale establishment other than a
30 covered food service provider.

31 § 27-3003. Expanded polystyrene foam container and polystyrene loose
32 fill packaging ban.

33 1. (a) Beginning January first, two thousand twenty-two, no covered
34 food service provider or store shall sell, offer for sale, or distribute
35 disposable food service containers that contain expanded polystyrene
36 foam in the state.

37 (b) Beginning January first, two thousand twenty-two, no manufacturer
38 or store shall sell, offer for sale, or distribute polystyrene loose
39 fill packaging in the state.

40 2. The department is authorized to promulgate any other such rules and
41 regulations as it shall deem necessary to implement the provisions of
42 this title including criteria related to what constitutes comparable
43 costs pursuant to subdivision two of section 27-3005 of this title.

44 § 27-3005. Exemptions and waivers.

45 1. Notwithstanding any inconsistent provision of law, this title shall
46 not apply to:

47 (a) Prepackaged food filled or sealed prior to receipt at a covered
48 food service provider; or

49 (b) Raw meat, pork, seafood, poultry or fish sold for the purpose of
50 cooking or preparing off-premises by the customer.

51 2. Any facility, regardless of its income, including soup kitchens,
52 food pantries and places of worship, operated by a not-for-profit corpo-
53 ration or by a federal, state, or local government agency that provides
54 food to needy individuals at no or nominal charge, and any covered food
55 service provider having an annual gross income under five hundred thou-
56 sand dollars per location as stated on the income tax filing for the

1 most recent tax year and that: (a) does not operate ten or more
2 locations within the state; and (b) is not operated pursuant to a fran-
3 chise agreement may request from the department, in a manner and form
4 established by the department, a financial hardship waiver of the
5 requirements of section 27-3003 of this title. Such waiver request may
6 apply to one or more disposable food service containers sold, offered
7 for sale, or distributed by any such covered food service provider. The
8 department shall grant a waiver if such covered food service provider
9 demonstrates that there is no alternative product of comparable cost
10 that is not composed of expanded polystyrene foam and that the purchase
11 or use of an alternative product that is not composed of expanded polys-
12 tyrene foam would create an undue financial hardship. Such financial
13 hardship waiver shall be valid for twelve months and shall be renewable
14 upon application to the department.

15 § 27-3007. Preemption.

16 1. Except as provided in subdivisions two and three of this section,
17 this title shall supersede and preempt all local laws, ordinances or
18 regulations governing the sale, offer for sale, or distribution of
19 disposable food service containers containing expanded polystyrene foam
20 and polystyrene loose fill packaging.

21 2. Any local law, ordinance or regulation of any county shall not be
22 preempted if such local law, ordinance or regulation provides environ-
23 mental protection equal to or greater than the provisions of this title
24 or any rules or regulations promulgated hereunder, and such county files
25 with the department a written declaration of its intent to administer
26 and enforce such local law, ordinance or regulation.

27 3. This title shall not apply in a city with a population of one
28 million or more which has a local law, ordinance or regulation in place
29 which restricts the sale, offer for sale, or distribution of expanded
30 polystyrene containers and polystyrene loose fill packaging.

31 § 27-3009. Severability.

32 If any clause, sentence, paragraph, section or part of this title
33 shall be adjudged by any court of competent jurisdiction to be invalid,
34 such judgment shall not affect, impair or invalidate the remainder ther-
35 eof, but shall be confined in its operation to the clause, sentence,
36 paragraph, section or part thereof directly involved in the controversy
37 in which such judgment shall have been rendered.

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

40 § 71-2730. Enforcement of title 30 of article 27 of this chapter.

41 1. Any person who shall violate section 27-3003 of this chapter shall
42 be liable to the state of New York for a civil penalty of not more than
43 two hundred fifty dollars for the first violation, not more than five
44 hundred dollars for the second violation in the same calendar year, and
45 not more than one thousand dollars for the third and each subsequent
46 violation in the same calendar year. A hearing or opportunity to be
47 heard shall be provided prior to the assessment of any civil penalty.

48 2. (a) The department, the department of agriculture and markets, the
49 department of health, and the attorney general are hereby authorized to
50 enforce the provisions of section 27-3003 of this chapter.

51 (b) The provisions of section 27-3003 of this chapter may also be
52 enforced by a county and the local legislative body thereof may adopt
53 local laws, ordinances or regulations consistent with this title provid-
54 ing for the enforcement of such provisions. Provided that a violation of
55 this title may not be enforced by both the state and a county, and
56 provided further that any county that has filed a written declaration

1 pursuant to subdivision two of section 27-3007 of this title shall not
2 enforce the provisions of this title.

3 3. Any fines that are collected by the state during proceedings by the
4 state to enforce the provisions of section 27-3003 of this chapter shall
5 be paid into the environmental protection fund established pursuant to
6 section ninety-two-s of the finance law.

7 4. Any fines that are collected by a county during proceedings by the
8 county to enforce the provisions of section 27-3003 of this title within
9 the county shall be retained by the county.

10 § 3. Subdivision 3 of section 92-s of the state finance law, as
11 amended by section 4 of part H of chapter 58 of the laws of 2019, is
12 amended to read as follows:

13 3. Such fund shall consist of the amount of revenue collected within
14 the state from the amount of revenue, interest and penalties deposited
15 pursuant to section fourteen hundred twenty-one of the tax law, the
16 amount of fees and penalties received from easements or leases pursuant
17 to subdivision fourteen of section seventy-five of the public lands law
18 and the money received as annual service charges pursuant to section
19 four hundred four-n of the vehicle and traffic law, all moneys required
20 to be deposited therein from the contingency reserve fund pursuant to
21 section two hundred ninety-four of chapter fifty-seven of the laws of
22 nineteen hundred ninety-three, all moneys required to be deposited
23 pursuant to section thirteen of chapter six hundred ten of the laws of
24 nineteen hundred ninety-three, repayments of loans made pursuant to
25 section 54-0511 of the environmental conservation law, all moneys to be
26 deposited from the Northville settlement pursuant to section one hundred
27 twenty-four of chapter three hundred nine of the laws of nineteen
28 hundred ninety-six, provided however, that such moneys shall only be
29 used for the cost of the purchase of private lands in the core area of
30 the central Suffolk pine barrens pursuant to a consent order with the
31 Northville industries signed on October thirteenth, nineteen hundred
32 ninety-four and the related resource restoration and replacement plan,
33 the amount of penalties required to be deposited therein by section
34 71-2724 of the environmental conservation law, all moneys required to be
35 deposited pursuant to article thirty-three of the environmental conser-
36 vation law, all fees collected pursuant to subdivision eight of section
37 70-0117 of the environmental conservation law, all moneys collected
38 pursuant to title thirty-three of article fifteen of the environmental
39 conservation law, beginning with the fiscal year commencing on April
40 first, two thousand thirteen, nineteen million dollars, and all fiscal
41 years thereafter, twenty-three million dollars plus all funds received
42 by the state each fiscal year in excess of the greater of the amount
43 received from April first, two thousand twelve through March thirty-
44 first, two thousand thirteen or one hundred twenty-two million two
45 hundred thousand dollars, from the payments collected pursuant to subdi-
46 vision four of section 27-1012 of the environmental conservation law and
47 all funds collected pursuant to section 27-1015 of the environmental
48 conservation law, all moneys required to be deposited pursuant to
49 sections 27-2805 and 27-2807 of the environmental conservation law, all
50 moneys collected pursuant to section 71-2730 of the environmental
51 conservation law, and all other moneys credited or transferred thereto
52 from any other fund or source pursuant to law. All such revenue shall be
53 initially deposited into the environmental protection fund, for applica-
54 tion as provided in subdivision five of this section.

55 § 4. This act shall take effect immediately; provided however that
56 subdivision 4 of section 71-2730 of the environmental conservation law

1 as added by section two of this act shall expire and be deemed repealed
2 January 1, 2025.

3 PART QQ

4 Section 1. The restore mother nature bond act is enacted to read as
5 follows:

6 ENVIRONMENTAL BOND ACT OF 2020
7 "RESTORE MOTHER NATURE"

- 8 Section 1. Short title.
- 9 2. Creation of state debt.
- 10 3. Bonds of the state.
- 11 4. Use of moneys received.

12 § 1. Short title. This act shall be known and may be cited as the
13 "environmental bond act of 2020 restore mother nature".

14 § 2. Creation of state debt. The creation of state debt in an amount
15 not exceeding in the aggregate three billion dollars (\$3,000,000,000) is
16 hereby authorized to provide moneys for the single purpose of making
17 environmental improvements that preserve, enhance, and restore New
18 York's natural resources and reduce the impact of climate change by
19 funding capital projects for: restoration and flood risk reduction not
20 less than one billion dollars (\$1,000,000,000); open space land conser-
21 vation and recreation up to five hundred fifty million dollars
22 (\$550,000,000); climate change mitigation up to seven hundred million
23 dollars (\$700,000,000); and, water quality improvement and resilient
24 infrastructure not less than five hundred fifty million dollars
25 (\$550,000,000).

26 § 3. Bonds of the state. The state comptroller is hereby authorized
27 and empowered to issue and sell bonds of the state up to the aggregate
28 amount of three billion dollars (\$3,000,000,000) for the purposes of
29 this act, subject to the provisions of article 5 of the state finance
30 law. The aggregate principal amount of such bonds shall not exceed three
31 billion dollars (\$3,000,000,000) excluding bonds issued to refund or
32 otherwise repay bonds heretofore issued for such purpose; provided,
33 however, that upon any such refunding or repayment, the total aggregate
34 principal amount of outstanding bonds may be greater than three billion
35 dollars (\$3,000,000,000) only if the present value of the aggregate debt
36 service of the refunding or repayment bonds to be issued shall not
37 exceed the present value of the aggregate debt service of the bonds to
38 be refunded or repaid. The method for calculating present value shall be
39 determined by law.

40 § 4. Use of moneys received. The moneys received by the state from the
41 sale of bonds sold pursuant to this act shall be expended pursuant to
42 appropriations for capital projects related to design, planning, site
43 acquisition, demolition, construction, reconstruction, and rehabili-
44 tation projects specified in section two of this act.

45 § 2. This act shall take effect immediately, provided that the
46 provisions of section one of this act shall not take effect unless and
47 until this act shall have been submitted to the people at the general
48 election to be held in November 2020 and shall have been approved by a
49 majority of all votes cast for and against it at such election,
50 provided, however, that such act shall not be submitted to the people
51 unless the director of the division of the budget certifies to the
52 secretary of state that such debt can be issued within the state's
53 multi-year financial plan without adversely affecting the funding avail-
54 able for (a) capital projects currently authorized that are deemed

1 essential to the health and safety of the public, or (b) essential
 2 governmental services, and further provided that if such act is not
 3 submitted to the people at the general election to be held in November
 4 2020, this act shall expire and be deemed repealed. Upon approval by
 5 the people, section one of this act shall take effect immediately. The
 6 ballots to be furnished for the use of voters upon submission of this
 7 act shall be in the form prescribed by the election law and the proposi-
 8 tion or question to be submitted shall be printed thereon in the follow-
 9 ing form, namely "To address and combat the impact of climate change and
 10 damage to the environment, the Environmental Bond Act of 2020 "Restore
 11 Mother Nature" authorizes the sale of state bonds up to three billion
 12 dollars to fund environmental protection, natural restoration, resilien-
 13 cy, and clean energy projects. Shall the Environmental Bond Act of 2020
 14 be approved?".

15 PART RR

16 Section 1. The environmental conservation law is amended by adding a
 17 new article 58 to read as follows:

18 ARTICLE 58

19 IMPLEMENTATION OF THE ENVIRONMENTAL BOND ACT OF 2020 "RESTORE MOTHER
 20 NATURE"

21 Title 1. General Provisions.

- 22 3. Restoration and flood risk reduction.
- 23 5. Open space land conservation and recreation.
- 24 7. Climate change mitigation.
- 25 9. Water quality improvement and resilient infrastructure.
- 26 11. Environmental justice and reporting.

27 TITLE 1

28 GENERAL PROVISIONS

29 Section 58-0101. Definitions.

- 30 58-0103. Allocation of moneys.
- 31 58-0105. Powers and duties.
- 32 58-0107. Powers and duties of a municipality.
- 33 58-0109. Consistency with federal tax laws.
- 34 58-0111. Compliance with other law.

35 § 58-0101. Definitions.

36 As used in this article the following terms shall mean and include:

- 37 1. "Bonds" shall mean general obligation bonds issued pursuant to the
 38 environmental bond act of 2020 "restore mother nature" in accordance
 39 with article VII of the New York state constitution and article five of
 40 the state finance law.
- 41 2. "Cost" means the expense of an approved project, which shall
 42 include but not be limited to appraisal, surveying, planning, engineer-
 43 ing and architectural services, plans and specifications, consultant and
 44 legal services, site preparation, demolition, construction and other
 45 direct expenses incident to such project.
- 46 3. "Department" shall mean the department of environmental conserva-
 47 tion.
- 48 4. "Endangered or threatened species project" means a project to
 49 restore, recover, or reintroduce an endangered, threatened, or species
 50 of special concern pursuant to a recovery plan or restoration plan
 51 prepared and adopted by the department, including but not limited to the
 52 state's wildlife action plan.

1 5. "Environmental justice community" means a minority or low-income
2 community that may bear a disproportionate share of the negative envi-
3 ronmental consequences resulting from industrial, municipal, and commer-
4 cial operations or the execution of federal, state, local, and tribal
5 programs and policies.

6 6. "Flood risk reduction project" means projects that use nature-based
7 solutions where possible to reduce erosion or flooding, and projects
8 which mitigate or adapt to flood conditions.

9 7. "Green buildings project" means (i) installing, upgrading, or modi-
10 fying a renewable energy source at a state-owned building or for the
11 purpose of converting or connecting a state-owned building, or portion
12 thereof, to a renewable energy source; (ii) reducing energy use or
13 improving energy efficiency or occupant health at a state-owned build-
14 ing; (iii) installing a green roof at a state-owned building; and (iv)
15 emission reduction projects.

16 8. "Municipality" means a local public authority or public benefit
17 corporation, a county, city, town, village, school district, supervisory
18 district, district corporation, improvement district within a county,
19 city, town or village, or Indian nation or tribe recognized by the state
20 or the United States with a reservation wholly or partly within the
21 boundaries of New York state, or any combination thereof.

22 9. "Nature-based solution" means projects that are supported or
23 inspired by nature or natural processes and functions and that may also
24 offer environmental, economic, and social benefits, while increasing
25 resilience. Nature-based solutions include both green and natural
26 infrastructure.

27 10. "Open space land conservation project" means purchase of fee title
28 or conservation easements for the purpose of protecting lands or waters
29 and/or providing recreational opportunities for the public that (i)
30 possess ecological, habitat, recreational or scenic values; (ii) protect
31 the quality of a drinking water supply; (iii) provide flood control or
32 flood mitigation values; (iv) constitute a floodplain; (v) provide or
33 have the potential to provide important habitat connectivity; (vi)
34 provide open space for the use and enjoyment of the public; or (vii)
35 provide community gardens in urban areas.

36 11. "Recreational infrastructure project" means the development or
37 improvement of state and municipal parks, campgrounds, nature centers,
38 fish hatcheries, and infrastructure associated with open space land
39 conservation projects.

40 12. "State assistance payment" means payment of the state share of the
41 cost of projects authorized by this article to preserve, enhance,
42 restore and improve the quality of the state's environment.

43 13. "State entity" means any state department, division, agency,
44 office, public authority, or public benefit corporation.

45 14. "Water quality improvement project" for the purposes of this
46 title, means projects designed to improve the quality of drinking and
47 surface waters.

48 15. "Wetland and stream restoration project" means activities designed
49 to restore freshwater and tidal wetlands, and streams of the state, for
50 the purpose of enhancing habitat, increasing connectivity, improving
51 water quality, and flood risk reduction.

52 § 58-0103. Allocation of moneys.

53 The moneys received by the state from the sale of bonds pursuant to
54 the environmental bond act of 2020 shall be disbursed in the following
55 amounts pursuant to appropriations as specifically provided for in
56 titles three, five, seven, and nine of this article:

1 1. Not less than one billion dollars (\$1,000,000,000) for restoration
2 and flood risk reduction as set forth in title three of this article.

3 2. Up to five hundred fifty million dollars (\$550,000,000) for open
4 space land conservation and recreation as set forth in title five of
5 this article.

6 3. Up to seven hundred million dollars (\$700,000,000) for climate
7 change mitigation as set forth in title seven of this article.

8 4. Not less than five hundred fifty million dollars (\$550,000,000) for
9 water quality improvement and resilient infrastructure as set forth in
10 title nine of this article.

11 § 58-0105. Powers and duties.

12 In implementing the provisions of this article the department is here-
13 by authorized to:

14 1. Administer funds generated pursuant to the environmental bond act
15 of 2020 "restore mother nature".

16 2. In the name of the state, as further provided within this article,
17 contract to make, within the limitations of appropriations available
18 therefor, state assistance payments toward the cost of a project
19 approved, and to be undertaken pursuant to this article.

20 3. Approve vouchers for the payments pursuant to an approved contract.

21 4. Enter into contracts with any person, firm, corporation, not-for-
22 profit corporation, agency or other entity, private or governmental, for
23 the purpose of effectuating the provisions of this article.

24 5. Promulgate such rules and regulations and to develop such forms and
25 procedures necessary to effectuate the provisions of this article,
26 including but not limited to requirements for the form, content, and
27 submission of applications by municipalities for state financial assist-
28 ance.

29 6. Delegate to, or cooperate with, any other state entity in the
30 administration of this article.

31 7. Perform such other and further acts as may be necessary, proper or
32 desirable to carry out the provisions of this article.

33 § 58-0107. Powers and duties of a municipality.

34 A municipality shall have the power and authority to:

35 1. Undertake and carry out any project for which state assistance
36 payments pursuant to contract are received or are to be received pursu-
37 ant to this article and maintain and operate such project.

38 2. Expend money received from the state pursuant to this article for
39 costs incurred in conjunction with the approved project.

40 3. Apply for and receive moneys from the state for the purpose of
41 accomplishing projects undertaken or to be undertaken pursuant to this
42 article.

43 4. Perform such other and further acts as may be necessary, proper or
44 desirable to carry out a project or obligation, duty or function related
45 thereto.

46 § 58-0109. Consistency with federal tax law.

47 All actions undertaken pursuant to this article shall be reviewed for
48 consistency with provisions of the federal internal revenue code and
49 regulations thereunder, in accordance with procedures established in
50 connection with the issuance of any tax exempt bonds pursuant to this
51 article, to preserve the tax exempt status of such bonds.

52 § 58-0111. Compliance with other law.

53 Every recipient of funds to be made available pursuant to this article
54 shall comply with all applicable state, federal and local laws.

55 TITLE 3

56 RESTORATION AND FLOOD RISK REDUCTION

1 Section 58-0301. Allocation of moneys.

2 58-0303. Programs, plans and projects.

3 § 58-0301. Allocation of moneys.

4 Of the moneys received by the state from the sale of bonds pursuant to
5 the environmental bond act of 2020, not less than one billion dollars
6 (\$1,000,000,000) shall be available for disbursements for restoration
7 and flood risk reduction projects developed pursuant to section 58-0303
8 of this title. Not more than two hundred fifty million dollars
9 (\$250,000,000) of this amount shall be available for projects pursuant
10 to subdivision two of section 58-0303 of this title and not less than
11 one hundred million dollars (\$100,000,000) each shall be available for
12 coastal rehabilitation and shoreline restoration projects and projects
13 which address inland flooding, pursuant to paragraph a of subdivision
14 one of section 58-0303 of this title.

15 § 58-0303. Programs, plans and projects.

16 1. Eligible restoration and flood risk reduction projects include, but
17 are not limited to costs associated with:

18 a. (1) projects identified in state and regional management and resto-
19 ration programs and plans including but not limited to the Great Lakes
20 Action Agenda, Mohawk River Basin Action Agenda, Ocean Action Plan,
21 Hudson River Estuary Action Agenda, Long Island Sound Comprehensive
22 Conservation and Management Plan, South Shore Estuary Reserve Comprehen-
23 sive Management Plan, Peconic Estuary Comprehensive Conservation and
24 Management Plan, Delaware Action Plan, Susquehanna Action Plan, forest
25 management framework for New York City and New York/New Jersey Harbor
26 Estuary Plan;

27 (2) local waterfront revitalization plans prepared pursuant to article
28 forty-two of the executive law; and

29 (3) coastal rehabilitation and shoreline restoration projects, includ-
30 ing nature-based solutions;

31 b. flood risk reduction projects including but not limited to: acqui-
32 sition of real property; moving, lifting or raising of existing flood-
33 prone infrastructure or structures; relocation, repair, or raising of
34 flood-prone or repeatedly flooded roadways; and projects to remove,
35 alter, or right-size dams, bridges, and culverts, but shall not include
36 routine construction or maintenance undertaken by the state and munici-
37 palities which does not provide flood risk reduction benefits; and

38 c. restoration projects including but not limited to: floodplain,
39 wetland and stream restoration projects; forest conservation; endangered
40 and threatened species projects; and habitat restoration projects,
41 including acquisition of fee title and easements, intended to improve
42 the lands and waters of the state of ecological significance or any part
43 thereof, including, but not limited to forests, ponds, bogs, wetlands,
44 bays, sounds, streams, rivers, or lakes and shorelines thereof, to
45 support a spawning, nursery, wintering, migratory, nesting, breeding,
46 feeding, or foraging environment for fish and wildlife and other biota.

47 2. The commissioner and the commissioner of the division of housing
48 and community renewal are authorized pursuant to paragraph b of subdivi-
49 sion one of this section to purchase private real property identified as
50 at-risk to flooding, from willing sellers. The commissioner of the divi-
51 sion of housing and community renewal shall be authorized to transfer to
52 any state agency or public authority any real property in order to carry
53 out the purposes of this article. In connection therewith, the housing
54 trust fund corporation shall be authorized to create a subsidiary corpo-
55 ration to carry out the program authorized under this subdivision. Such
56 subsidiary corporation shall have all the privileges, immunities, tax

1 exemption and other exemptions of the agency to the extent the same are
2 not inconsistent with this section.

3 a. The commissioner and the commissioner of the division of housing
4 and community renewal or any other department or state agency that has
5 received funds suballocated pursuant to this section may enter into
6 agreements with municipalities, and not-for-profit corporations for the
7 purpose of implementing a program pursuant to this section.

8 b. The department and the division of housing and community renewal
9 shall prioritize projects in communities based on past flood risk or
10 those that participate in the federal emergency management agency's
11 (FEMA) community rating system.

12 c. Any state agency or authority, municipality, or not-for-profit
13 corporation purchasing private real property may expend costs associated
14 with:

15 (1) the acquisition of real property, based upon the pre-flood fair
16 market value of the subject property;

17 (2) the demolition and removal of structures and/or infrastructure on
18 the property; and

19 (3) the restoration of natural resources to facilitate beneficial open
20 space, flood mitigation, and/or shoreline stabilization.

21 d. Notwithstanding any provision of law to the contrary, any structure
22 which is located on real property purchased pursuant to this program
23 shall be demolished or removed, provided that it does not serve a use or
24 purpose consistent with paragraph f of this subdivision.

25 e. Notwithstanding any provision of law to the contrary, real property
26 purchased with funding pursuant to this program shall be property of the
27 state, municipality, or a not-for-profit corporation.

28 f. Notwithstanding any provision of law to the contrary, real property
29 purchased with funding pursuant to this program shall be restored and
30 maintained in perpetuity in a manner that, aims to increase ecosystem
31 function, provide additional flood damage mitigation for surrounding
32 properties, protect wildlife habitat, and wherever practicable and safe,
33 allow for passive and/or recreational community use. Municipal flood
34 mitigation plans, resilience, waterfront revitalization plans or hazard
35 mitigation plans, when applicable, shall be consulted to identify the
36 appropriate restoration and end-use of the property.

37 g. All or a portion of the appropriation in this section may be
38 provided to the department or the division of housing and community
39 renewal or suballocated to any other department, state agency or state
40 authority.

41 h. Private real property identified as at-risk to flooding should
42 generally be limited to those: (1) identified as being within the one
43 hundred-year floodplain on the most recent FEMA flood insurance maps;
44 (2) flooded structures that would qualify for buyout under criteria
45 generally applicable to FEMA post-emergency acquisitions; (3) structures
46 identified in a state, federal, local or regional technical study as
47 suitable for the location of a flood risk management or abatement
48 project in areas immediately proximate to inland or coastal waterways;
49 or (4) structures located in coastal or riparian areas that have been
50 determined by a state, federal, local or regional technical study to
51 significantly exacerbate flooding in other locations.

52 3. The department, the office of parks, recreation, and historic pres-
53 ervation and the department of state are authorized to provide state
54 assistance payments or grants to municipalities and not-for-profit
55 corporations and undertake projects pursuant to paragraph a of subdivi-
56 sion one of this section.

1 4. The department and the office of parks, recreation, and historic
2 preservation are authorized to provide state assistance payments or
3 grants to municipalities and not-for-profit corporations and undertake
4 projects pursuant to paragraph b of subdivision one of this section.
5 Culvert and bridge projects shall be in compliance with the department's
6 stream crossing guidelines and best management practices, and engineered
7 for structural integrity and appropriate hydraulic capacity including,
8 where available, projects flows based on flood modeling that incorpo-
9 rates climate change projections and shall not include routine
10 construction or maintenance undertaken by the state or municipalities.

11 5. The department and the office of parks, recreation, and historic
12 preservation are authorized to provide state assistance payments or
13 grants to municipalities and not-for-profit corporations and undertake
14 projects pursuant to paragraph c of subdivision one of this section.

15 6. Provided that for the purposes of selecting projects for funding
16 under paragraphs b and c of subdivision one of this section, the rele-
17 vant agencies shall develop eligibility guidelines and post information
18 on the department's website in the environmental notice bulletin provid-
19 ing for a thirty-day public comment period and upon adoption post such
20 eligibility guidelines on the relevant agency's website.

21 TITLE 5

22 OPEN SPACE LAND CONSERVATION AND RECREATION

23 Section 58-0501. Allocation of moneys.

24 58-0503. Programs, plans and projects.

25 § 58-0501. Allocation of moneys.

26 Of the moneys received by the state from the sale of bonds pursuant to
27 the environmental bond act of 2020 to be used for open space land
28 conservation and recreation projects, up to five hundred fifty million
29 dollars (\$550,000,000) shall be available for programs, plans, and
30 projects developed pursuant to section 58-0503 of this title, however,
31 not more than seventy-five million dollars (\$75,000,000) shall be made
32 available for the creation of a fish hatchery, or the improvement,
33 expansion, repair or maintenance of existing fish hatcheries, not less
34 than two hundred million dollars (\$200,000,000) shall be made available
35 for open space land conservation projects pursuant to paragraph a of
36 subdivision one of section 58-0503 of this title and not less than one
37 hundred million dollars (\$100,000,000) shall be made available for farm-
38 land protection pursuant to paragraph b of subdivision one of section
39 58-0503 of this title.

40 § 58-0503. Programs, plans and projects.

41 1. Eligible open space working lands conservation and recreation
42 projects include, but are not limited to:

43 a. costs associated with open space land conservation projects;

44 b. costs associated with purchasing conservation easements to protect
45 farmland pursuant to article twenty-five-aaa of the agriculture and
46 markets law; and

47 c. costs associated with recreational infrastructure projects.

48 2. The department or the office of parks, recreation and historic
49 preservation are authorized to undertake open space land conservation
50 projects, in cooperation with willing sellers pursuant to subdivision
51 one of this section and may enter into an agreement for purchase of real
52 property or conservation easements on real property by a municipality or
53 a not-for-profit corporation. Any such agreement shall contain such
54 provisions as shall be necessary to ensure that the purchase is consist-
55 ent with, and in furtherance of, this title and shall be subject to the
56 approval of the comptroller and, as to form, the attorney general. In

1 undertaking such projects, such commissioners shall consider the state
2 land acquisition plan prepared pursuant to section 49-0207 of this chap-
3 ter. Further, the department or the office of parks, recreation and
4 historic preservation are authorized to provide state assistance
5 payments to municipalities for eligible projects consistent with para-
6 graphs a and c of subdivision one of this section.

7 3. The cost of an open space land conservation project shall include
8 the cost of preparing a management plan for the preservation and benefi-
9 cial public enjoyment of the land acquired pursuant to this section
10 except where such a management plan already exists for the acquired
11 land.

12 4. The department and the department of agriculture and markets are
13 authorized to provide, pursuant to paragraph b of subdivision one of
14 this section, farmland preservation implementation grants to county
15 agricultural and farmland protection boards pursuant to article twenty-
16 five-aaa of the agriculture and markets law, or to municipalities, soil
17 and water conservation districts or not-for-profit corporations for
18 implementation of projects.

19 5. The department is authorized to expend moneys to purchase equip-
20 ment, devices, and other necessary materials and to acquire fee title or
21 conservation easements in lands for monitoring, restoration, recovery,
22 or reintroduction projects for species listed as endangered or threat-
23 ened or listed as a species of special concern pursuant to section
24 11-0535 of this chapter.

25 6. The department or the office of parks, recreation and historic
26 preservation are authorized to expend moneys for the planning, design,
27 and construction of projects to develop and improve parks, campgrounds,
28 nature centers, fish hatcheries, and other recreational facilities.

29 7. The commissioner and a not-for-profit corporation may enter into a
30 contract for the undertaking by the not-for-profit corporation of an
31 open space land acquisition project.

32 8. Real property acquired, developed, improved, restored or rehabili-
33 tated by or through a municipality pursuant to paragraph a of subdivi-
34 sion one of this section or undertaken by or on behalf of a municipality
35 with funds made available pursuant to this title shall not be sold,
36 leased, exchanged, donated or otherwise disposed of or used for other
37 than public park purposes without the express authority of an act of the
38 legislature, which shall provide for the substitution of other lands of
39 equal environmental value and fair market value and reasonably equiv-
40 alent usefulness and location to those to be discontinued, sold or
41 disposed of, and such other requirements as shall be approved by the
42 commissioner.

43 9. Provided that for the purposes of selecting projects for funding
44 under paragraphs a and b of subdivision one of this section, the rele-
45 vant agencies shall develop eligibility guidelines and post information
46 on the department's website in the environmental notice bulletin provid-
47 ing for a thirty day public comment period and upon adoption post such
48 eligibility guidelines on the relevant agency's website.

TITLE 7

CLIMATE CHANGE MITIGATION

51 Section 58-0701. Allocation of moneys.

52 58-0703. Programs, plans and projects.

53 § 58-0701. Allocation of moneys.

54 Of the moneys received by the state from the sale of bonds pursuant to
55 the environmental bond act of 2020, up to seven hundred million dollars
56 (\$700,000,000) shall be made available for disbursements for climate

1 change mitigation projects developed pursuant to section 58-0703 of this
2 title. Not less than three hundred fifty million dollars (\$350,000,000)
3 of this amount shall be available for green buildings projects.

4 § 58-0703. Programs, plans and projects.

5 1. Eligible climate change mitigation projects include, but are not
6 limited to:

7 a. costs associated with green building projects, projects that
8 increase energy efficiency or the use or siting of renewable energy on
9 state-owned buildings or properties including buildings owned by the
10 state university of the state of New York, city university of the state
11 of New York, and community colleges;

12 b. costs associated with projects that utilize natural and working
13 lands to sequester carbon and mitigate methane emissions from agricul-
14 tural sources, such as manure storage through cover and methane
15 reduction technologies;

16 c. costs associated with implementing climate adaptation and miti-
17 gation projects pursuant to section 54-1523 of this chapter;

18 d. costs associated with urban forestry projects such as forest and
19 habitat restoration, for purchase and planting of street trees and for
20 projects to expand the existing tree canopy and bolster community
21 health;

22 e. costs associated with projects that reduce urban heat island
23 effect, such as installation of green roofs, open space protection,
24 community gardens, cool pavement projects, projects that create or
25 upgrade community cooling centers, and the installation of reflective
26 roofs where installation of green roofs is not possible;

27 f. costs associated with projects to reduce or eliminate air pollution
28 from stationary or mobile sources of air pollution affecting an environ-
29 mental justice community; and

30 g. costs associated with projects which would reduce or eliminate
31 water pollution, whether from point or non-point discharges, affecting
32 an environmental justice community.

33 2. The department, the department of agriculture and markets, the
34 office of parks, recreation and historic preservation, the New York
35 state energy research and development authority and the office of gener-
36 al services are authorized to provide state assistance payments or
37 grants to municipalities and not-for-profit corporations or undertake
38 projects pursuant to this section.

39 3. Provided that for the purposes of selecting projects for funding
40 under this section, the relevant agencies shall develop eligibility
41 guidelines and post information on the department's website in the envi-
42 ronmental notice bulletin providing for a thirty-day public comment
43 period and upon adoption post such eligibility guidelines on the rele-
44 vant agency's website.

45 TITLE 9

46 WATER QUALITY IMPROVEMENT AND RESILIENT INFRASTRUCTURE

47 Section 58-0901. Allocation of moneys.

48 58-0903. Programs, plans and projects.

49 § 58-0901. Allocation of moneys.

50 Of the moneys received by the state from the sale of bonds pursuant to
51 the environmental bond act of 2020 for disbursements for state assist-
52 ance for water quality improvement projects as defined by title one of
53 this article, not less than five hundred fifty million dollars
54 (\$550,000,000) shall be available for water quality improvement projects
55 developed pursuant to section 58-0903 of this title. Not less than two
56 hundred million dollars (\$200,000,000) of this amount shall be available

1 for wastewater infrastructure projects undertaken pursuant to the New
2 York state water infrastructure improvement act of 2017 pursuant to
3 paragraph e of subdivision one of section 58-0903 of this title, and not
4 less than one hundred million dollars (\$100,000,000) shall be available
5 for municipal stormwater projects pursuant to paragraph a of subdivision
6 one of section 58-0903 of this title.

7 § 58-0903. Programs, plans and projects.

8 1. Eligible water quality improvement project costs include, but are
9 not limited to:

10 a. costs associated with grants to municipalities for projects that
11 reduce or control storm water runoff, using green infrastructure where
12 practicable;

13 b. costs associated with projects that reduce agricultural nutrient
14 runoff and promote soil health such as projects which implement compre-
15 hensive nutrient management plans, other agricultural nutrient manage-
16 ment projects, and non-point source abatement and control programs
17 including projects developed pursuant to sections eleven-a and eleven-b
18 of the soil and water conservation districts;

19 c. costs associated with projects that address harmful algal blooms
20 such as abatement projects and projects focused on addressing nutrient
21 reduction in freshwater and marine waters, wastewater infrastructure
22 systems that treat nitrogen and phosphorus, and lake treatment systems;

23 d. costs associated with wastewater infrastructure projects including
24 but not limited to extending or establishing sewer lines to replace
25 failing septic systems or cesspools and projects as provided by section
26 twelve hundred eighty-five-u of the public authorities law;

27 e. costs associated with projects to reduce, avoid or eliminate point
28 and non-point source discharges to water including projects authorized
29 by the New York state water improvement infrastructure act of 2017 and
30 section twelve hundred eighty-five-s of the public authorities law;

31 f. costs associated with the establishment of riparian buffers to
32 provide distance between farm fields and streams or abate erosion during
33 high flow events; and

34 g. costs associated with lead service line replacement pursuant to
35 section eleven hundred fourteen of the public health law.

36 2. The department and the New York state environmental facilities
37 corporation are authorized to provide state assistance payments or
38 grants to municipalities for projects authorized pursuant to paragraphs
39 a, b, and d of subdivision one of this section.

40 3. The department of agriculture and markets shall be authorized to
41 make state assistance payments to soil and water conservation districts
42 for the cost of implementing agricultural environmental management
43 plans, including purchase of equipment for measuring and monitoring soil
44 health and soil conditions.

45 4. The department is authorized to make grants available to not-for-
46 profits and academic institutions for paragraphs b, c, and f of subdivi-
47 sion one of this section, and make state assistance payments to munici-
48 palities and undertake projects pursuant to this section.

49 5. Provided that for the purposes of selecting projects for funding of
50 this section, the relevant agencies shall develop eligibility guidelines
51 and post information on the department's website in the environmental
52 notice bulletin providing for a thirty-day public comment period and
53 upon adoption post such eligibility guidelines on the relevant agency's
54 website.

55 TITLE 11

56 ENVIRONMENTAL JUSTICE AND REPORTING

1 Section 58-1101. Benefits of funds.

2 58-1103. Reporting.

3 § 58-1101. Benefits of funds.

4 The department shall make every effort practicable to ensure that
5 thirty-five percent of the funds pursuant to this article benefit envi-
6 ronmental justice communities.

7 § 58-1103. Reporting.

8 1. No later than sixty days following the end of each fiscal year,
9 each department, agency, public benefit corporation, and public authori-
10 ty receiving an allocation or allocations of appropriation financed from
11 the restore mother nature environmental bond act of 2020 shall submit to
12 the commissioner in a manner and form prescribed by the department, the
13 following information as of March thirty-first of such fiscal year,
14 within each category listed in this title: the total appropriation;
15 total commitments; year-to-date disbursements; remaining uncommitted
16 balances; and a description of each project.

17 2. No later than one hundred twenty days following the end of each
18 fiscal year, the department shall submit to the governor, the temporary
19 president of the senate, and the speaker of the assembly a report that
20 includes the information received. A copy of the report shall be posted
21 on the department's website.

22 § 2. The state finance law is amended by adding a new section 97-tttt
23 to read as follows:

24 § 97-tttt. Restore mother nature bond fund. 1. There is hereby estab-
25 lished in the joint custody of the state comptroller and the commission-
26 er of taxation and finance a special fund to be known as the "restore
27 mother nature bond fund".

28 2. The state comptroller shall deposit into the restore mother nature
29 bond fund all moneys received by the state from the sale of bonds and/or
30 notes for uses eligible pursuant to section four of the environmental
31 bond act of 2020 "restore mother nature".

32 3. Moneys in the restore mother nature bond fund, following appropri-
33 ation by the legislature and allocation by the director of the budget,
34 shall be available only for reimbursement of expenditures made from
35 appropriations from the capital projects fund for the purpose of the
36 restore mother nature bond fund, as set forth in the environmental bond
37 act of 2020 "restore mother nature".

38 4. No moneys received by the state from the sale of bonds and/or notes
39 sold pursuant to the environmental bond act of 2020 "restore mother
40 nature" shall be expended for any project until funds therefor have been
41 allocated pursuant to the provisions of this section and copies of the
42 appropriate certificates of approval filed with the chair of the senate
43 finance committee, the chair of the assembly ways and means committee
44 and the state comptroller.

45 § 3. Section 61 of the state finance law is amended by adding a new
46 subdivision 32 to read as follows:

47 32. Thirty years. For the payment of "restore mother nature" projects,
48 as defined in article fifty-eight of the environmental conservation law
49 and undertaken pursuant to a chapter of the laws of two thousand twenty,
50 enacting and constituting the environmental bond act of 2020 "restore
51 mother nature". Thirty years for flood control infrastructure, other
52 environmental infrastructure, wetland and other habitat restoration,
53 water quality projects, acquisition of land, including acquisition of
54 real property, and renewable energy projects. Notwithstanding the fore-
55 going, for the purposes of calculating annual debt service, the state
56 comptroller shall apply a weighted average period of probable life of

1 restore mother nature projects, including any other works or purposes to
2 be financed with state debt. Weighted average period of probable life
3 shall be determined by computing the sum of the products derived from
4 multiplying the dollar value of the portion of the debt contracted for
5 each work or purpose (or class of works or purposes) by the probable
6 life of such work or purpose (or class of works or purposes) and divid-
7 ing the resulting sum by the dollar value of the entire debt after
8 taking into consideration any original issue premium or discount.

9 § 4. If any clause, sentence, paragraph, section or part of this act
10 shall be adjudged by any court of competent jurisdiction to be invalid,
11 such judgment shall not affect, impair or invalidate the remainder ther-
12 eof, but shall be confined in its operation to the clause, sentence,
13 paragraph, section or part thereof directly involved in the controversy
14 in which such judgment shall have been rendered.

15 § 5. This act shall take effect only in the event that section 1 of
16 part QQ of the chapter of the laws of 2020 enacting the environmental
17 bond act of 2020 "restore mother nature" is submitted to the people at
18 the general election to be held in November 2020 and is approved by a
19 majority of all votes cast for and against it at such election. Upon
20 such approval, this act shall take effect immediately; provided that the
21 commissioner of environmental conservation shall notify the legislative
22 bill drafting commission upon the occurrence of the enactment of section
23 1 of part QQ of the chapter of the laws of 2020 enacting the environ-
24 mental bond act of 2020 "restore mother nature", in order that the
25 commission may maintain an accurate and timely effective data base of
26 the official text of the laws of the state of New York in furtherance of
27 effectuating the provisions of section 44 of the legislative law and
28 section 70-b of the public officers law. Effective immediately, the
29 addition, amendment, and/or repeal of any rule or regulation necessary
30 for the implementation of the foregoing sections of this act are author-
31 ized and directed to be made and completed on or before such effective
32 date.

33 PART SS

34 Intentionally Omitted

35 PART TT

36 Intentionally Omitted

37 PART UU

38 Section 1. This act enacts into law components of legislation which
39 are necessary to implement legislation relating to the Bay Park Convey-
40 ance Project. Each component is wholly contained within a Subpart iden-
41 tified as Subparts A through C. The effective date for each particular
42 provision contained within such Subpart is set forth in the last section
43 of such Subpart. Any provision in any section contained within a
44 Subpart, including the effective date of the Subpart, which makes a
45 reference to a section "of this act", when used in connection with that
46 particular component, shall be deemed to mean and refer to the corre-
47 sponding section of the Subpart in which it is found. Section three of
48 this act sets forth the general effective date of this act.

49 SUBPART A

1 Section 1. Subject to the provisions of this act, the county of
2 Nassau, acting by and through the county legislature of such county, is
3 hereby authorized to (a) discontinue permanently the use as parkland the
4 subsurface lands described in sections four, five, seven, eight, ten and
5 eleven of this act and establish permanent easements on such lands for
6 the purpose of constructing, operating, maintaining and repairing a
7 subsurface sewer main, and (b) discontinue temporarily the use as park-
8 land the lands described in sections three, six and nine of this act and
9 establish temporary easements on such lands for the purpose of
10 constructing a subsurface sewer main. Authorization for the temporary
11 easements described in sections three, six, and nine of this act shall
12 cease upon the completion of the construction of such sewer main, at
13 which time the department of environmental conservation shall restore
14 the surface of the parklands disturbed and the parklands shall continue
15 to be used for park purposes as they were prior to the establishment of
16 such temporary easements. Authorization for the permanent easements
17 described in sections four, five, seven, eight, ten and eleven of this
18 act shall require that the department of environmental conservation
19 restore the surface of the parklands disturbed and the parklands shall
20 continue to be used for park purposes as they were prior to the estab-
21 lishment of the permanent easements.

22 § 2. The authorization provided in section one of this act shall be
23 effective only upon the condition that the county of Nassau dedicate an
24 amount equal to or greater than the fair market value of the parklands
25 being discontinued to the acquisition of new parklands and/or capital
26 improvements to existing park and recreational facilities.

27 § 3. TEMPORARY EASEMENT - Force main shaft construction area. Park-
28 land upon and under which a temporary easement may be established pursu-
29 ant to subdivision (b) of section one of this act is described as all
30 that certain plot, piece or parcel of land with buildings and improve-
31 ments thereon erected, situate, lying and being located at Bay Park,
32 Town of Hempstead, County of Nassau and State of New York being more
33 particularly bounded and described as follows: beginning at a point on
34 the northerly line of the Nassau County Sewage Treatment Plant property,
35 said Point of Beginning being South 68°00' East, as measured along
36 northerly line of said sewage treatment plant, 543 feet plus or minus,
37 from the intersection of the northerly line Nassau County Sewage Treat-
38 ment Plant with the westerly side of Compton Street; running thence
39 South 68°00' East, along the northerly line of said sewage treatment
40 plant, 247 feet plus or minus; thence South 07°04' West 196 feet plus or
41 minus; thence North 78°37' West 33 feet plus or minus; thence North
42 06°10' East 105 feet plus or minus; thence North 30°53' West 56 feet
43 plus or minus; thence North 64°27' West 190 feet plus or minus; thence
44 North 20°21' East 49 feet plus or minus, to the northerly line of the
45 Nassau County Sewage Treatment Plant, at the Point of Beginning.
46 Containing within said bounds 19,700 square feet plus or minus. The
47 above described temporary easement is for the construction of a thirty-
48 foot diameter access shaft. The location of said access shaft is more
49 particularly described in section four of this act. Said parcel being
50 part of property designated as Section: 42 Block: A Lots: 50, 57 on the
51 Nassau County Land and Tax Map.

52 § 4. PERMANENT SUBSURFACE EASEMENT - Access shaft. Parkland upon and
53 under which a permanent easement may be established pursuant to subdivi-
54 sion (a) of section one of this act is described as all that certain
55 plot, piece or parcel of land with buildings and improvements thereon
56 erected, situate, lying and being located at Bay Park, Town of Hemp-

1 stead, County of Nassau and State of New York being more particularly
2 bounded and described as follows: a circular easement with a radius of
3 15 feet, the center of said circle being the following three (3) courses
4 from the intersection of the northerly line of the Nassau County Sewage
5 Treatment Plant with the westerly side of Compton Street: running thence
6 South 68°00' East, along the northerly line of said sewage treatment
7 plant, 581 feet plus or minus to the centerline of the permanent ease-
8 ment for a force main described in section five of this act; thence
9 South 21°34' West, along said centerline, 17 feet plus or minus; thence
10 South 14°28' West, continuing along said centerline, 1,439 feet plus or
11 minus, to the center of the herein described circular easement. Contain-
12 ing within said bound 707 square feet plus or minus. Said permanent
13 easement is for an access shaft that extends from the surface of the
14 ground to an approximate depth of 70 feet. Any permanent surface
15 improvements for cathodic protection, if necessary, would be flush with
16 the ground surface or integrated into site landscaping. Said parcel
17 being part of property designated as Section: 42 Block: A Lots: 50, 57
18 on the Nassau County Land and Tax Map.

19 § 5. PERMANENT SUBSURFACE EASEMENT - Force main. Parkland upon and
20 under which a permanent easement may be established pursuant to subdivi-
21 sion (a) of section one of this act is described as all that certain
22 plot, piece or parcel of land with buildings and improvements thereon
23 erected, situate, lying and being located at Bay Park, Town of Hemp-
24 stead, County of Nassau and State of New York being a 20-foot wide strip
25 of land more particularly bounded and described as follows: beginning at
26 a point on the northerly line of the Nassau County Sewage Treatment
27 Plant property, said Point of Beginning being South 68°00' East, as
28 measured along northerly line of said sewage treatment plant, 571 feet
29 plus or minus, from the intersection of the northerly line Nassau County
30 Sewage Treatment Plant with the westerly side of Compton Street; running
31 thence South 68°00' East, along the northerly line of said sewage treat-
32 ment plant, 20 feet plus or minus; thence South 21°34' West 17 feet plus
33 or minus; thence South 14°28' West 1,463 feet plus or minus; thence
34 North 75°32' West 20 feet plus or minus; thence North 14°28' East 1,464
35 feet plus or minus; thence North 21°34' East 18 feet plus or minus, to
36 the northerly line of the Nassau County Sewage Treatment Plant, at the
37 Point of Beginning. Containing within said bounds 29,600 square feet.
38 The above described permanent easement is for the construction and oper-
39 ation of a six-foot diameter force main at a minimum depth of fifteen
40 feet below the ground surface. Said parcel being part of property desig-
41 nated as Section: 42 Block: A Lots: 50, 57 on the Nassau County Land and
42 Tax Map.

43 § 6. TEMPORARY EASEMENT - Force main shaft construction area. Park-
44 land upon and under which a temporary easement may be established pursu-
45 ant to subdivision (b) of section one of this act is described as all
46 that certain plot, piece or parcel of land with buildings and improve-
47 ments thereon erected, situate, lying and being located at the hamlet of
48 Wantagh, Town of Hempstead, County of Nassau and State of New York being
49 more particularly bounded and described as follows: beginning at a point
50 on the northwesterly line of the herein described temporary easement for
51 the force main shaft construction area, said Point of Beginning being
52 more particularly described as commencing at the intersection of the
53 southerly side of Sunrise Highway Street with the southeasterly side of
54 Lakeview Road; running thence southerly along the southeasterly side of
55 Lakeview Road 243 feet plus or minus, to the centerline of the permanent
56 subsurface easement for force main described in section eight of this

1 act; thence South 60°06' East, along said centerline, 25 feet plus or
2 minus, to the northwesterly line of the temporary easement for the force
3 main shaft construction area, at the Point of Beginning. Running thence
4 North 39°06' East 111 feet plus or minus; thence South 55°47' East 70
5 feet plus or minus; thence South 38°42' West 240 feet plus or minus;
6 thence North 54°11' West 72 feet plus or minus; thence North 39°06' East
7 127 feet plus or minus, to the Point of Beginning. Containing within
8 said bounds 16,900 square feet plus or minus. The above described tempo-
9 rary easement is for the construction of a thirty-foot diameter access
10 shaft. The location of said access shaft is more particularly described
11 in section seven of this act. Said parcel being part of property desig-
12 nated as Section: 56 Block: Y Lot: 259 on the Nassau County Land and Tax
13 Map.

14 § 7. PERMANENT SUBSURFACE EASEMENT - Access shaft. Parkland upon and
15 under which a permanent easement may be established pursuant to subdivi-
16 sion (a) of section one of this act is described as all that certain
17 plot, piece or parcel of land with buildings and improvements thereon
18 erected, situate, lying and being located at Hamlet of Wantagh, Town of
19 Hempstead, County of Nassau and State of New York being more particular-
20 ly bounded and described as follows: a circular easement with a radius
21 of 15 feet, the center of said circle being the following two (2) cours-
22 es from the intersection of the southerly side of Sunrise Highway with
23 the southeasterly side of Lakeview Road: Southerly along the southeast-
24 erly side of Lakeview Road 243 feet plus or minus, to the centerline of
25 the permanent subsurface easement for force main, described in section
26 eight of this act; South 60°06' East, along said centerline, 51 feet
27 plus or minus, to the center of the herein described circular easement.
28 Containing within said bounds a surface area of 707 square feet plus or
29 minus. Said permanent easement is for an access shaft that extends from
30 the surface of the ground to an approximate depth of 70 feet. Any perma-
31 nent surface improvements for cathodic protection, if necessary, would
32 be flush with the ground surface or integrated into site landscaping.
33 Said parcel being part of property designated as Section: 56 Block: Y
34 Lot: 259 on the Nassau County Land and Tax Map.

35 § 8. PERMANENT SUBSURFACE EASEMENT - Force main. Parkland upon and
36 under which a permanent easement may be established pursuant to subdivi-
37 sion (a) of section one of this act is described as all that certain
38 plot, piece or parcel of land with buildings and improvements thereon
39 erected, situate, lying and being located at the Hamlet of Wantagh, Town
40 of Hempstead, County of Nassau and State of New York being a 20-foot
41 wide strip of land more particularly bounded and described as follows:
42 beginning at a point on the southeasterly side of Lakeview Road, said
43 Point of Beginning being southwesterly 222 feet plus or minus, as meas-
44 ured along the southeasterly side of Lakeview Road from the intersection
45 of the southerly side of Sunrise Highway with the southeasterly side of
46 Lakeview Road; thence South 60°06' East 49 feet plus or minus; thence
47 South 32°15' East 1,759 feet plus or minus; thence South 16°16' West 53
48 feet plus or minus; thence North 32°15' West 1,785 feet plus or minus;
49 thence North 60°06' West 53 feet plus or minus, to the southeasterly
50 side of Lakeview Road; thence North 48°13' East, along the southeasterly
51 side of Lakeview Road, 42 feet plus or minus, to the Point of Beginning.
52 Containing within said bounds 72,900 square feet plus or minus. The
53 above described permanent easement is for the construction and operation
54 of a six-foot diameter force main at a minimum depth of fifteen feet
55 below the ground surface. Said parcel being part of property designated
56 as Section: 56 Block: Y Lots: 259 on the Nassau County Land and Tax Map.

1 § 9. TEMPORARY EASEMENT - Force main shaft construction area. Park-
2 land upon and under which a temporary easement may be established pursu-
3 ant to subdivision (b) of section one of this act is described as all
4 that certain plot, piece or parcel of land with buildings and improve-
5 ments thereon erected, situate, lying and being located at the hamlet of
6 Wantagh, Town of Hempstead, County of Nassau and State of New York being
7 more particularly bounded and described as follows: beginning at a point
8 on the northerly line of the herein described temporary easement for the
9 force main shaft construction area, said Point of Beginning being more
10 particularly described as commencing at the intersection of the souther-
11 ly side of Byron Street with the easterly side of Wantagh Parkway;
12 running thence southerly along the easterly side of Wantagh Parkway 319
13 feet plus or minus, to the centerline of the permanent subsurface ease-
14 ment for force main, described in section eleven of this act; thence
15 South 19°15' East, along said centerline, 257 feet plus or minus, to the
16 northerly line of the temporary easement for the force main shaft
17 construction area, at the Point of Beginning. Running thence North
18 87°25' East 122 feet plus or minus; thence south 33°56' East 68 feet
19 plus or minus; thence South 04°43' East 54 feet plus or minus; thence
20 South 86°38' West 78 feet plus or minus; thence South 02°20' East 83
21 feet plus or minus; thence South 47°04' West 103 feet plus or minus;
22 thence South 86°22' West 28 feet plus or minus; thence North 08°39' West
23 264 feet plus or minus; thence North 87°25' East 53 feet plus or minus,
24 to the Point of Beginning. Containing within said bounds 36,500 square
25 feet plus or minus. The above described temporary easement is for the
26 construction of a thirty-foot diameter access shaft. The location of
27 said access shaft is more particularly described in section ten of this
28 act. Said parcel being part of property designated as Section: 63 Block:
29 261 Lots: 765G, 818A (Part of Cedar Creek Park) on the Nassau County
30 Land and Tax Map.

31 § 10. PERMANENT SUBSURFACE EASEMENT - Access shaft. Parkland upon and
32 under which a permanent easement may be established pursuant to subdivi-
33 sion (a) of section one of this act is described as all that certain
34 plot, piece or parcel of land with buildings and improvements thereon
35 erected, situate, lying and being located at Hamlet of Wantagh, Town of
36 Hempstead, County of Nassau and State of New York being more particular-
37 ly bounded and described as follows: a circular easement with a radius
38 of 15 feet, the center of said circle being the following two (2) cours-
39 es from the intersection of the southerly side of Byron Street with the
40 easterly side of Wantagh Parkway: Southerly along the easterly side of
41 Wantagh Parkway 319 feet plus or minus, to the centerline of the perma-
42 nent subsurface easement for force main, described in section eleven of
43 this act; thence South 19°15' East, along said centerline, 315 feet plus
44 or minus, to the center of the herein described circular easement.
45 Containing within said bounds a surface area of 707 square feet plus or
46 minus. Said permanent easement is for an access shaft that extends from
47 the surface of the ground to an approximate depth of 70 feet. Any perma-
48 nent surface improvements for cathodic protection, if necessary, would
49 be flush with the ground surface or integrated into site landscaping.
50 Said parcel being part of property designated as Section: 63 Block: 261
51 Lots: 765G, 818A (Part of Cedar Creek Park) on the Nassau County Land
52 and Tax Map.

53 § 11. PERMANENT SUBSURFACE EASEMENT - Force main. Parkland upon and
54 under which a permanent easement may be established pursuant to subdivi-
55 sion (a) of section one of this act is described as all that certain
56 plot, piece or parcel of land with buildings and improvements thereon

1 erected, situate, lying and being located at the Hamlet of Wantagh, Town
2 of Hempstead, County of Nassau and State of New York being a 20-foot
3 wide strip of land more particularly bounded and described as follows:
4 beginning at a point on the easterly side of Wantagh Parkway, said Point
5 of Beginning being southerly 285 feet plus or minus, as measured along
6 the easterly side of Wantagh Parkway from the intersection of the south-
7 erly side of Byron Street with the easterly side of Wantagh Parkway;
8 running thence South 19°15' East 349 feet plus or minus; thence South
9 02°17' East 1,882 feet plus or minus; thence South 09°25' East 1,202
10 feet plus or minus; thence South 80°35' West 20 feet plus or minus;
11 thence North 09°25' West 1,203 feet plus or minus; thence North 02°17'
12 West 1,880 feet plus or minus; thence North 19°15' West 281 feet plus or
13 minus, to the easterly side of Wantagh Parkway; thence North 02°09'
14 West, along the easterly side of Wantagh Parkway, 68 feet plus or minus,
15 to the Point of Beginning. Containing within said bounds 68,000 square
16 feet plus or minus. The above described permanent easement is for the
17 construction and operation of a six-foot diameter force main at a mini-
18 mum depth of fifteen feet below the ground surface. Said parcel being
19 part of property designated as Section: 63 Block: 261 Lots: 765G, 818A
20 (Part of Cedar Creek Park) on the Nassau County Land and Tax Map.

21 § 12. Should the lands described in sections four, five, seven, eight,
22 ten and eleven of this act cease to be used for the purposes described
23 in section one of this act, the permanent easements established pursuant
24 to section one of this act shall cease and such lands shall be restored
25 and dedicated as parklands.

26 § 13. In the event that the county of Nassau received any funding
27 support or assistance from the federal government for the purchase,
28 maintenance, or improvement of the parklands set forth in sections three
29 through eleven of this act, the discontinuance and alienation of such
30 parklands authorized by the provisions of this act shall not occur until
31 the county of Nassau has complied with any applicable federal require-
32 ments pertaining to the alienation or conversion of parklands, including
33 satisfying the secretary of the interior that the alienation or conver-
34 sion complies with all conditions which the secretary of the interior
35 deems necessary to assure the substitution of other lands shall be
36 equivalent in fair market value and usefulness to the lands being alien-
37 ated or converted.

38 § 14. This act shall take effect immediately.

39

SUBPART B

40 Section 1. Subject to the provisions of this act, the village of East
41 Rockaway, in the county of Nassau, acting by and through the village
42 board of such village, is hereby authorized to (a) discontinue perma-
43 nently the use as parkland the subsurface lands described in sections
44 four and five of this act and to grant permanent easements on such lands
45 to the State of New York or county of Nassau for the purpose of
46 constructing, operating, maintaining and repairing a subsurface sewer
47 main, and (b) discontinue temporarily the use as parkland the lands
48 described in section three of this act and grant temporary easements on
49 such lands to the county of Nassau for the purpose of constructing a
50 subsurface sewer main. Authorization for the temporary easement
51 described in section three of this act shall cease upon the completion
52 of the construction of the sewer main, at which time the department of
53 environmental conservation shall restore the surface of the parklands
54 disturbed and the parklands shall continue to be used for park purposes

1 as they were prior to the grant of the temporary easement. Authorization
2 for the permanent easements described in sections four and five of this
3 act shall require that the department of environmental conservation
4 restore the surface of the parklands disturbed and the parklands shall
5 continue to be used for park purposes as they were prior to the estab-
6 lishment of the permanent easements.

7 § 2. The authorization provided in section one of this act shall be
8 effective only upon the condition that the village of East Rockaway
9 dedicate an amount equal to or greater than the fair market value of the
10 parklands being discontinued to the acquisition of new parklands and/or
11 capital improvements to existing park and recreational facilities.

12 § 3. TEMPORARY EASEMENT - Force Main Shaft Construction Area. Park-
13 land upon and under which a temporary easement may be granted pursuant
14 to subdivision (b) of section one of this act is described as follows:
15 all that certain plot, piece or parcel of land with buildings and
16 improvements thereon erected, situate, lying and being located at Incor-
17 porated Village of East Rockaway, and the Hamlet of Oceanside, Town of
18 Hempstead, County of Nassau and State of New York being more particular-
19 ly bounded and described as follows: beginning at a point on the
20 westerly line of the herein described temporary easement for the force
21 main shaft construction area, said Point of Beginning being more partic-
22 ularly described as commencing at the intersection of the northeasterly
23 side of Long Island Railroad right-of-way with the easterly side of
24 Ocean Avenue; running thence North 12°34' East, along the easterly side
25 of Ocean Avenue, 92 feet plus or minus, to the northerly line of proper-
26 ty designated as Section 38 Block E Lot 14, on the Nassau County Land
27 and Tax Map; thence South 74°46' East, partly along said northerly line,
28 206 feet plus or minus, to the westerly line of the temporary easement,
29 at the Point of Beginning. Running thence North 15°34' East 49 feet plus
30 or minus; thence South 67°33' East 238 feet plus or minus; thence South
31 07°07' West 31 feet plus or minus; thence South 86°06' West 161 feet
32 plus or minus; thence South 64°59' West 117 feet plus or minus; thence
33 North 15°34' East 140 feet plus or minus, to the Point of Beginning.
34 Containing within said bounds 23,000 square feet plus or minus. The
35 above described temporary easement is for the construction of a thirty-
36 foot diameter access shaft. The location of said access shaft is more
37 particularly described in section four of this act. Said parcel being
38 part of property designated as Section: 38, Block: E, Lots: 12, 14, 21A,
39 21B on the Nassau County Land and Tax Map.

40 § 4. PERMANENT SUBSURFACE EASEMENT - Access Shaft. Parkland upon and
41 under which a permanent easement may be granted pursuant to subdivision
42 (a) of section one of this act is described as all that certain plot,
43 piece or parcel of land with buildings and improvements thereon erected,
44 situate, lying and being located at Incorporated Village of East Rocka-
45 way, and the Hamlet of Oceanside, Town of Hempstead, County of Nassau
46 and State of New York being more particularly bounded and described as
47 follows: a circular easement with a radius of 15 feet, the center of
48 said circle being the following three (3) courses from the intersection
49 of the northeasterly side of Long Island Railroad right-of-way with the
50 easterly side of Ocean Avenue; North 12°34' East, along the easterly
51 side of Ocean Avenue, 92 feet plus or minus, to the northerly line of
52 property designated as Section 38 Block E Lot 14 on the Nassau County
53 Land and Tax Map; South 74°46' East, partly along the said northerly
54 line, 333 feet plus or minus, to the centerline of the subsurface ease-
55 ment for force main described in section five of this act; thence South
56 19°04' West, along said centerline, 16 feet plus or minus, to the center

1 of the herein described circular easement. Containing within said bounds
2 a surface area of 707 square feet plus or minus. Said permanent easement
3 is for an access shaft that extends from the surface of the ground to an
4 approximate depth of 70 feet. Any permanent surface improvements for
5 cathodic protection, if necessary, would be flush with the ground
6 surface or integrated into site landscaping. Said parcel being part of
7 property designated as Section: 38, Block: E, Lots: 12, 14, 21A, 21B on
8 the Nassau County Land and Tax Map.

9 § 5. PERMANENT SUBSURFACE EASEMENT - Force Main. Parkland upon and
10 under which a permanent easement may be granted pursuant to subdivision
11 (a) of section one of this act is described as all that certain plot,
12 piece or parcel of land with buildings and improvements thereon erected,
13 situate, lying and being located at Incorporated Village of East Rocka-
14 way, and the Hamlet of Oceanside, County of Nassau and State of New York
15 being a 20-foot wide strip of land more particularly bounded and
16 described as follows: beginning at a point on the westerly line of the
17 herein described permanent subsurface easement, said Point of Beginning
18 being more particularly described as commencing at the intersection of
19 the northeasterly side of Long Island Railroad right-of-way with the
20 easterly side of Ocean Avenue; running thence North 12°34' East, along
21 the easterly side of Ocean Avenue, 92 feet plus or minus, to the north-
22 erly line of property designated as Section 38 Block E Lot 14 on the
23 Nassau County Land and Tax Map; thence South 74°46' East, partly along
24 the said northerly line, 323 feet plus or minus, to the westerly line of
25 the permanent easement, at the Point of Beginning. Running thence North
26 19°04' East 73 feet plus or minus, to the northerly line of property
27 designated as Section 38 Block E Lot 21A on the Nassau County Land and
28 Tax Map; thence South 60°10' East, along said northerly line, 20 feet
29 plus or minus; thence South 19°04' West 82 feet plus or minus; thence
30 South 15°40' East 116 feet plus or minus, to the south line of property
31 designated as Section 38 Block E Lot 21A on the Nassau County Land and
32 Tax Map; thence North 88°09' West 21 feet plus or minus; thence North
33 15°40' West 116 feet plus or minus; thence North 19°04' East 19 feet
34 plus or minus, to the Point of Beginning. Containing within said bounds
35 4,100 square feet plus or minus. The above described permanent easement
36 is for the construction and operation of a six-foot diameter force main
37 at a minimum depth of fifteen feet below the ground surface. Said parcel
38 being part of property designated as Section: 38, Block: E, Lots: 12,
39 14, 21A, 21B on the Nassau County Land and Tax Map.

40 § 6. Should the lands described in sections four and five of this act
41 cease to be used for the purposes described in section one of this act,
42 the permanent easements established pursuant to section one of this act
43 shall cease and such lands shall be restored and dedicated as parklands.

44 § 7. In the event that the village of East Rockaway received any fund-
45 ing support or assistance from the federal government for the purchase,
46 maintenance, or improvement of the parklands set forth in sections three
47 through five of this act, the discontinuance and alienation of such
48 parklands authorized by the provisions of this act shall not occur until
49 the village of East Rockaway has complied with any applicable federal
50 requirements pertaining to the alienation or conversion of parklands,
51 including satisfying the secretary of the interior that the alienation
52 or conversion complies with all conditions which the secretary of the
53 interior deems necessary to assure the substitution of other lands shall
54 be equivalent in fair market value and usefulness to the lands being
55 alienated or converted.

56 § 8. This act shall take effect immediately.

1

SUBPART C

2 Section 1. Subject to the provisions of this act, the village of Rock-
3 ville Centre, in the county of Nassau, acting by and through the village
4 board of such village, is hereby authorized to (a) discontinue perma-
5 nently the use as parkland the subsurface lands described in sections
6 three, four and six of this act and to grant permanent easements on such
7 lands to the State of New York or county of Nassau for the purpose of
8 constructing, operating, maintaining and repairing a subsurface sewer
9 main, and (b) discontinue temporarily the use as parkland the lands
10 described in sections five and seven of this act and grant temporary
11 easements on such lands to the county of Nassau for the purpose of
12 constructing a subsurface sewer main. Authorization for the temporary
13 easements described in sections five and seven of this act shall cease
14 upon the completion of the construction of the sewer main, at which time
15 the department of environmental conservation shall restore the surface
16 of the parklands disturbed and the parklands shall continue to be used
17 for park purposes as they were prior to the grant of the temporary ease-
18 ments. Authorization for the permanent easements described in sections
19 three, four and six of this act shall require that the department of
20 environmental conservation restore the surface of the parklands
21 disturbed and the parklands shall continue to be used for park purposes
22 as they were prior to the establishment of the permanent easements.

23 § 2. The authorization provided in section one of this act shall be
24 effective only upon the condition that the village of Rockville Centre
25 dedicate an amount equal to or greater than the fair market value of the
26 parklands being discontinued to the acquisition of new parklands and/or
27 capital improvements to existing park and recreational facilities.

28 § 3. PERMANENT SUBSURFACE EASEMENT - Force Main. Parkland upon and
29 under which a permanent easement may be established pursuant to subdivi-
30 sion (a) of section one of this act is described as all that certain
31 plot, piece or parcel of land with buildings and improvements thereon
32 erected, situate, lying and being located at Incorporated Village of
33 East Rockaway, and the Incorporated Village of Rockville Centre, Town of
34 Hempstead, County of Nassau and State of New York, being a 20-foot wide
35 strip of land more particularly bounded and described as follows: the
36 Point of Beginning being at the intersection of the northerly side of
37 Mill River Avenue with the easterly side of Riverside Road; running
38 thence northerly along the easterly side of Riverside Road 346 feet plus
39 or minus; thence South 13°01' West 346 feet plus or minus, to the north-
40 erly side of Mill River Avenue; thence westerly along the northerly side
41 of Mill River Avenue, 17 feet plus or minus, to the easterly side of
42 Riverside Road, at the Point of Beginning. Containing within said bounds
43 3,100 square feet plus or minus. The above described permanent easement
44 is for the construction and operation of a six-foot diameter force main
45 at a minimum depth of fifteen feet below the ground surface. Said parcel
46 being part of property designated as Section: 38 Block: 136 Lots: 231 on
47 the Nassau County Land and Tax Map.

48 § 4. PERMANENT SUBSURFACE EASEMENT - Access Shaft. Parkland upon and
49 under which a permanent easement may be established pursuant to subdivi-
50 sion (a) of section one of this act is described as all that certain
51 plot, piece or parcel of land with buildings and improvements thereon
52 erected, situate, lying and being located at Incorporated Village of
53 Rockville Centre, Incorporated Village of East Rockaway, and Incorpo-
54 rated Village of Lynbrook, Town of Hempstead, County of Nassau and State
55 of New York being more particularly bounded and described as a circular

1 easement with a radius of 15 feet, the center of said circle being the
2 following two (2) courses from the intersection of the northerly side of
3 Park Avenue with the easterly side of Oxford Road: Easterly along the
4 northerly side of Park Avenue, 203 feet plus or minus, to the centerline
5 of the permanent subsurface easement for force main described in section
6 six of this act; North 13°01' East, along said centerline, 953 feet plus
7 or minus, to the center of the herein described circular easement.
8 Containing within said bounds a surface area of 707 square feet plus or
9 minus. Said permanent easement is for an access shaft that extends from
10 the surface of the ground to an approximate depth of 70 feet. Any perma-
11 nent surface improvements for cathodic protection, if necessary, would
12 be flush with the ground surface or integrated into site landscaping.
13 Said parcel being part of property designated as Section: 38 Block: F
14 Lots: 39-42, 50C, 50F and Section: 38, Block: T, Lots: 50A, 50B, 50C on
15 the Nassau County Land and Tax Map.

16 § 5. TEMPORARY EASEMENT - Force Main Shaft Construction Area. Park-
17 land upon and under which a temporary easement may be established pursu-
18 ant to subdivision (b) of section one of this act is described as all
19 that certain plot, piece or parcel of land with buildings and improve-
20 ments thereon erected, situate, lying and being located at Incorporated
21 Village of Rockville Centre, Incorporated Village of East Rockaway, and
22 Incorporated Village of Lynbrook, Town of Hempstead, County of Nassau
23 and State of New York being more particularly bounded and described as
24 follows: Beginning at a point on the southerly side of the herein
25 described temporary easement for the force main shaft construction area,
26 said Point of Beginning being more particularly described as commencing
27 at the intersection of the northerly side of Park Avenue with the east-
28 erly side of Oxford Road; running thence easterly along the northerly
29 side of Park Avenue, 203 feet plus or minus, to the centerline of the
30 permanent subsurface easement for force main described in section six of
31 this act; thence North 13°01' East, along said centerline, 920 feet plus
32 or minus, to the southerly line of the temporary easement, at the Point
33 of Beginning. Running thence North 76°19' West 136 feet plus or minus,
34 to the easterly terminus of Merton Avenue (unopened); thence North
35 76°19' West, through the unopened part of Merton Avenue, 48 feet plus or
36 minus; thence North 14°49' East 5' feet plus or minus, to the northerly
37 side of Merton Avenue; thence North 14°49' East 27' feet plus or minus;
38 thence South 76°29' East 66 feet plus or minus; thence North 36°47' East
39 61 feet plus or minus; thence North 78°41' East 145 feet plus or minus;
40 thence South 65°54' East 46 feet plus or minus; thence South 29°39' West
41 147 feet plus or minus; thence North 76°19' West 42 feet plus or minus,
42 to the Point of Beginning. Containing within said bounds 22,800 square
43 feet plus or minus. The above described temporary easement is for the
44 construction of a thirty-foot diameter access shaft. The location of
45 said access shaft is more particularly described in section four of this
46 act. Said parcel being part of property designated as Section: 38 Block:
47 F Lots: 39-42, 50C, 50F and Section: 38, Block: T, Lots: 50A, 50B, 50C
48 on the Nassau County Land and Tax Map.

49 § 6. PERMANENT SUBSURFACE EASEMENT - Force Main. Parkland upon and
50 under which a permanent easement may be established pursuant to subdivi-
51 sion (a) of section one of this act is described as all that certain
52 plot, piece or parcel of land with buildings and improvements thereon
53 erected, situate, lying and being located at Incorporated Village of
54 Rockville Centre, Incorporated Village of East Rockaway, and In corpo-
55 rated Village of Lynbrook, Town of Hempstead, County of Nassau and State
56 of New York being a 20-foot wide strip of land more particularly bounded

1 and described as follows: beginning at a point on the northerly side of
2 Park Avenue, said Point of Beginning 193 feet plus or minus easterly, as
3 measured along the northerly side of Park Avenue from the intersection
4 of the northerly side of Park Avenue with the easterly side of Oxford
5 Road; running thence North 13°01' East 956 feet plus or minus; thence
6 North 44°00' East 446 feet plus or minus, to the northeasterly line of
7 property designated as Section 38 Block F Lot 50F, on the Nassau County
8 Land and Tax Map; thence South 53°10' East, along said northeasterly
9 line, 20 feet plus or minus; thence South 44°00' West 443 feet plus or
10 minus; thence South 13°01' West 950 feet plus or minus, to the northerly
11 side of Park Avenue; thence North 79°36' West, along said northerly
12 side, 20 feet plus or minus to the Point of Beginning; containing within
13 said bounds 28,000 square feet plus or minus. The above described perma-
14 nent easement is for the construction and operation of a six-foot diam-
15 eter force main at a minimum depth of fifteen feet below the ground
16 surface. Said parcel being part of property designated as Section: 38
17 Block: F Lots: 39-42, 50C, 50F and Section: 38, Block: T, Lots: 50A,
18 50B, 50C on the Nassau County Land and Tax Map.

19 § 7. TEMPORARY EASEMENT - Force Main Shaft Construction Area. Park-
20 land upon and under which a temporary easement may be established pursu-
21 ant to subdivision (b) of section one of this act is described as all
22 that certain plot, piece or parcel of land with buildings and improve-
23 ments thereon erected, situate, lying and being located at Incorporated
24 Village of Rockville Centre, Town of Hempstead, County of Nassau and
25 State of New York being more particularly bounded and described as
26 follows: beginning at a point on the northerly side of Sunrise Highway
27 (New York State Route 27A), said Point of Beginning being distant 254
28 feet plus or minus westerly as measured along the northerly side of
29 Sunrise Highway from the intersection of the northerly side of Sunrise
30 Highway with the westerly side of Forest Avenue; running thence North
31 86°15' West, along the northerly side of Sunrise Highway, 175 feet plus
32 or minus; thence South 68°26' West, continuing along the northerly side
33 of Sunrise Highway, 111 feet plus or minus; thence North 14°47' West 162
34 feet plus or minus, to the southerly side of the Long Island Rail Road
35 right-of-way; thence South 86°59' East, along the southerly side of the
36 Long Island Rail Road, 479 feet plus or minus; thence South 01°59' West
37 75 feet plus or minus, to the northerly side of the travelled way of
38 Sunrise Highway, then 160 feet plus or minus along the arc or a circular
39 curve to the left that has a radius of 850 feet and a chord that bears
40 South 80°03' West 160 feet plus or minus to the Point of Beginning.
41 Containing within said bounds 50,300 square feet plus or minus. The
42 above described temporary easement is necessary for the construction of
43 temporary access to the aqueduct below Sunrise Highway area. Said parcel
44 being part of property designated as Section: 38 Block: 291 Lot: 17 on
45 the Nassau County Land and Tax Map.

46 § 8. Should the lands described in sections three, four and six of
47 this act cease to be used for the purposes described in section one of
48 this act, the permanent easements established pursuant to section one of
49 this act shall cease and such lands shall be restored and dedicated as
50 parklands.

51 § 9. In the event that the village of Rockville Centre received any
52 funding support or assistance from the federal government for the
53 purchase, maintenance, or improvement of the parklands set forth in
54 sections three through seven of this act, the discontinuance and alien-
55 ation of such parklands authorized by the provisions of this act shall
56 not occur until the village of Rockville Centre has complied with any

1 applicable federal requirements pertaining to the alienation or conver-
2 sion of parklands, including satisfying the secretary of the interior
3 that the alienation or conversion complies with all conditions which the
4 secretary of the interior deems necessary to assure the substitution of
5 other lands shall be equivalent in fair market value and usefulness to
6 the lands being alienated or converted.

7 § 10. This act shall take effect immediately.

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

17 § 3. This act shall take effect immediately, provided, however, that
18 the applicable effective date of Subparts A through C of this act shall
19 be as specifically set forth in the last section of such Subparts.

20 PART VV

21 Intentionally Omitted

22 PART WW

23 Section 1. Subdivision 3 of section 23-0501 of the environmental
24 conservation law is renumbered subdivision 4 and a new subdivision 3 is
25 added to read as follows:

26 3. (a) No permits shall be issued authorizing an applicant to drill,
27 deepen, plug back, or convert wells that use high-volume hydraulic frac-
28 turing to complete or recomplete natural gas or oil resources. For
29 purposes of this section, high-volume hydraulic fracturing shall be
30 defined as the stimulation of a well using three hundred thousand or
31 more gallons of water as the base fluid for hydraulic fracturing for all
32 stages in a well completion, regardless of whether the well is vertical
33 or directional, including horizontal.

34 (b) There shall be a moratorium on the department taking actions on
35 applications filed after the effective date of the chapter of the laws
36 of 2020 which added this subdivision to drill, deepen, plug back, or
37 convert wells that use gelled propane hydraulic fracturing to complete
38 or recomplete natural gas or oil resources until the department
39 completes an analysis of the potential impacts of gelled propane frac-
40 turing and makes the analysis publicly available. The scope of the
41 department's analysis shall reflect the potential for development of oil
42 and gas wells using gelled propane hydraulic fracturing and shall
43 disclose the potential adverse impacts to the environment. For purposes
44 of this section, gelled propane hydraulic fracturing shall be defined as
45 the stimulation of a well using gelled propane or liquefied petroleum
46 gas as the base fluid for hydraulic fracturing for all stages in a well
47 completion, regardless of whether the well is vertical or directional,
48 including horizontal.

49 § 2. This act shall take effect immediately.

50 PART XX

1 Section 1. The vehicle and traffic law is amended by adding a new
2 section 102-c to read as follows:

3 § 102-c. Bicycle with electric assist. A bicycle which is no more than
4 thirty-six inches wide and has an electric motor of less than seven
5 hundred fifty watts, equipped with operable pedals, meeting the equip-
6 ment and manufacturing requirements for bicycles adopted by the Consumer
7 Product Safety Commission under 16 C.F.R. Part 1512.1 et seq. and meet-
8 ing the requirements of one of the following three classes:

9 (a) "Class one bicycle with electric assist." A bicycle with electric
10 assist having an electric motor that provides assistance only when the
11 person operating such bicycle is pedaling, and that ceases to provide
12 assistance when such bicycle reaches a speed of twenty miles per hour.

13 (b) "Class two bicycle with electric assist." A bicycle with electric
14 assist having an electric motor that may be used exclusively to propel
15 such bicycle, and that is not capable of providing assistance when such
16 bicycle reaches a speed of twenty miles per hour.

17 (c) "Class three bicycle with electric assist." Solely within a city
18 having a population of one million or more, a bicycle with electric
19 assist having an electric motor that may be used exclusively to propel
20 such bicycle, and that is not capable of providing assistance when such
21 bicycle reaches a speed of twenty-five miles per hour.

22 § 2. The vehicle and traffic law is amended by adding a new section
23 114-e to read as follows:

24 § 114-e. Electric scooter. Every device weighing less than one hundred
25 pounds that (a) has handlebars, a floorboard or a seat that can be stood
26 or sat upon by the operator, and an electric motor, (b) can be powered
27 by the electric motor and/or human power, and (c) has a maximum speed of
28 no more than twenty miles per hour on a paved level surface when powered
29 solely by the electric motor.

30 § 3. Section 125 of the vehicle and traffic law, as amended by chapter
31 365 of the laws of 2008, is amended to read as follows:

32 § 125. Motor vehicles. Every vehicle operated or driven upon a public
33 highway which is propelled by any power other than muscular power,
34 except (a) electrically-driven mobility assistance devices operated or
35 driven by a person with a disability, (a-1) electric personal assistive
36 mobility devices operated outside a city with a population of one
37 million or more, (b) vehicles which run only upon rails or tracks, (c)
38 snowmobiles as defined in article forty-seven of this chapter, [and] (d)
39 all terrain vehicles as defined in article forty-eight-B of this
40 chapter, (e) bicycles with electric assist as defined in section one
41 hundred two-c of this article, and (f) electric scooters as defined in
42 section one hundred fourteen-e of this article. For the purposes of
43 title four of this chapter, the term motor vehicle shall exclude fire
44 and police vehicles other than ambulances. For the purposes of titles
45 four and five of this chapter the term motor vehicles shall exclude farm
46 type tractors and all terrain type vehicles used exclusively for agri-
47 cultural purposes, or for snow plowing, other than for hire, farm equip-
48 ment, including self-propelled machines used exclusively in growing,
49 harvesting or handling farm produce, and self-propelled caterpillar or
50 crawler-type equipment while being operated on the contract site.

51 § 4. The section heading of section 1238 of the vehicle and traffic
52 law, as amended by chapter 267 of the laws of 1993, is amended to read
53 as follows:

54 Passengers on bicycles under one year of age prohibited; passengers
55 and operators under fourteen years of age to wear protective headgear;

1 operators of class three bicycles with electric assist to wear protec-
2 tive headgear.

3 § 5. Section 1238 of the vehicle and traffic law is amended by adding
4 a new subdivision 5-c to read as follows:

5 5-c. No person shall ride upon, propel or otherwise operate a class
6 three bicycle with electric assist unless such person is wearing a
7 helmet meeting standards established by the commissioner. For the
8 purposes of this subdivision, wearing a helmet means having a properly
9 fitting helmet fixed securely on the head of such wearer with the helmet
10 straps securely fastened.

11 § 6. Subdivision 6 of section 1238 of the vehicle and traffic law, as
12 added by chapter 267 of the laws of 1993, paragraph (a) as amended by
13 chapter 402 of the laws of 2001 and paragraph (c) as amended by chapter
14 703 of the laws of 2004, is amended to read as follows:

15 6. (a) Any person who violates the provisions of subdivision five,
16 five-a [~~or~~], five-b or five-c of this section shall pay a civil fine not
17 to exceed fifty dollars.

18 (b) The court shall waive any fine for which a person who violates the
19 provisions of subdivision five or subdivision five-c of this section
20 would be liable if such person supplies the court with proof that
21 between the date of violation and the appearance date for such violation
22 such person purchased or rented a helmet.

23 (c) The court may waive any fine for which a person who violates the
24 provisions of subdivision five, five-a, [~~or~~] five-b, or five-c of this
25 section would be liable if the court finds that due to reasons of
26 economic hardship such person was unable to purchase a helmet or due to
27 such economic hardship such person was unable to obtain a helmet from
28 the statewide in-line skate and bicycle helmet distribution program, as
29 established in section two hundred six of the public health law, or a
30 local distribution program. Such waiver of a fine shall not apply to a
31 second or subsequent violation of subdivision five-c of this section.

32 § 7. Subdivision 8 of section 1238 of the vehicle and traffic law, as
33 amended by chapter 694 of the laws of 1995, is amended to read as
34 follows:

35 8. (a) A police officer shall only issue a summons for a violation of
36 subdivision two, five, or five-a of this section by a person less than
37 fourteen years of age to the parent or guardian of such person if the
38 violation by such person occurs in the presence of such person's parent
39 or guardian and where such parent or guardian is eighteen years of age
40 or more. Such summons shall only be issued to such parent or guardian,
41 and shall not be issued to the person less than fourteen years of age.

42 (b) A police officer shall only issue a summons for a violation of
43 subdivision five-c of this section by a person less than sixteen years
44 of age to the parent or guardian of such person if the violation by such
45 person occurs in the presence of such person's parent or guardian and
46 where such parent or guardian is eighteen years of age or more. Such
47 summons shall only be issued to such parent or guardian, and shall not
48 be issued to the person less than sixteen years of age.

49 § 8. The vehicle and traffic law is amended by adding two new sections
50 1242 and 1243 to read as follows:

51 § 1242. Additional provisions applicable to bicycles with electric
52 assist. 1. In addition to complying with all of the rules, regulations,
53 and provisions applicable to bicycles contained in this article, bicy-
54 cles with electric assist shall operate in a manner so that the electric
55 motor is disengaged or ceases to function when the brakes are applied or
56 the rider stops pedaling, or operate in a manner such that the electric

1 motor is engaged through a switch or mechanism that, when released, will
2 cause the electric motor to disengage or cease to function.

3 2. No person less than sixteen years of age shall operate a bicycle
4 with electric assist. The failure of any person to comply with the
5 provisions of this subdivision shall not constitute contributory negli-
6 gence or assumption of risk, and shall not in any way bar, preclude or
7 foreclose an action for personal injury or wrongful death by or on
8 behalf of such person, nor in any way diminish or reduce the damages
9 recoverable in any such action.

10 3. (a) Except as provided in paragraphs (b) and (c) of this subdivi-
11 sion, the governing body of any city, town or village may, by local law
12 or ordinance, further regulate the time, place and manner of the opera-
13 tion of bicycles with electric assist including, but not limited to,
14 maximum speed, requiring the use of protective headgear, and the wearing
15 of readily visible reflective clothing or material by operators of bicy-
16 cles with electric assist, and may limit, prohibit the use thereof in
17 specified areas, or prohibit entirely the use of bicycles with electric
18 assist within such city, town or village, provided that adequate signage
19 is visibly posted outside the boundaries of such prohibited areas.

20 (b) The governing body of any city, town or village in the counties of
21 Nassau or Suffolk may, by local law or ordinance, further regulate the
22 time, place and manner of the operation of bicycles with electric
23 assist, including, but not limited to, maximum speed, requiring the use
24 of protective headgear, and the wearing of readily visible reflective
25 clothing or material by operators of bicycles with electric assist only
26 after adoption of a local law or ordinance by the governing body of the
27 county in which the city, town or village is located. Provided, however,
28 that the provisions of this paragraph shall not apply to the adoption of
29 a local law or ordinance by a city, town or village in the counties of
30 Nassau or Suffolk pursuant to the provisions of paragraph (a) of this
31 subdivision to prohibit the use of bicycles with electric assist in
32 specified areas, or prohibit entirely the use of bicycles with electric
33 assist within such city, town or village, provided that adequate signage
34 is visibly posted outside the boundaries of such prohibited areas.

35 (c) The governing body of any town or village in the county of West-
36 chester may, by local law or ordinance, further regulate the time, place
37 and manner of the operation of bicycles with electric assist, including,
38 but not limited to, maximum speed, requiring the use of protective head-
39 gear, and the wearing of readily visible reflective clothing or material
40 by operators of bicycles with electric assist only after adoption of a
41 local law or ordinance by the governing body of Westchester county.
42 Provided, however, that the provisions of this paragraph shall not apply
43 to the adoption of a local law or ordinance by a town or village in the
44 county of Westchester pursuant to the provisions of paragraph (a) of
45 this subdivision to prohibit the use of bicycles with electric assist in
46 specified areas, or prohibit entirely the use of bicycles with electric
47 assist within such town or village, provided that adequate signage is
48 visibly posted outside the boundaries of such prohibited areas.

49 4. (a) No person shall operate a bicycle with electric assist on any
50 public lands or property, other than a highway exclusive of any greenway
51 running adjacent to or connected with a highway, except that a bicycle
52 with electric assist may be operated on any such lands that have been
53 designated and posted for travel by bicycles with electric assist in
54 accordance with the provisions of paragraph (b) of this subdivision. For
55 the purposes of this subdivision, the term "greenway" shall have the
56 same meaning as such term is defined by subdivision seven of section

1 44-0103 of the environmental conservation law and subdivision one of
2 section 39.03 of the parks, recreation and historic preservation law.

3 (b) A state agency, by regulation or order, and a city, town or
4 village, by local law or ordinance, may designate any appropriate public
5 lands and properties under its jurisdiction, other than highways exclu-
6 sive of any greenway running adjacent to or connected with a highway, as
7 a place open for travel by bicycles with electric assist upon written
8 request for such designation by any person, and may impose restrictions
9 and conditions for the regulation and safe operation of bicycles with
10 electric assist on such public lands or property, such as travel on
11 designated trails and hours of operation.

12 5. (a) No bicycle with electric assist shall be operated on a side-
13 walk, except as may be authorized by a local law or ordinance adopted by
14 a city, town or village having jurisdiction over such sidewalk including
15 parking on certain sidewalks within such city, town or village in
16 compliance with the federal Americans with Disabilities Act of 1990, as
17 amended (Public Law 101-336).

18 (b) (i) Notwithstanding the provisions of paragraph (a) of this subdi-
19 vision, a bicycle with electric assist owned by a natural person where
20 the owner is engaged in personal use may park on a sidewalk whether
21 attended or unattended. A city, town or village having jurisdiction over
22 such sidewalk shall provide a method by which a bicycle with electric
23 assist owned by a natural person may be identified as such.

24 (ii) Notwithstanding the provisions of paragraph (a) of this subdivi-
25 sion, a bicycle with electric assist used to transport property in
26 commerce may temporarily park on a sidewalk, whether attended or unat-
27 tended, for the purpose of and while actually engaged commercially in
28 the loading or unloading of property. A city, town or village having
29 jurisdiction over such sidewalk shall provide a method by which a bicy-
30 cle with electric assist used to transport property in commerce may be
31 identified as such.

32 (iii) No person shall park a bicycle with electric assist pursuant to
33 this paragraph in a manner that interferes with the free passage of
34 pedestrians on a sidewalk.

35 6. Every person operating a bicycle with electric assist shall yield
36 the right of way to pedestrians.

37 7. Notwithstanding the provisions of subdivision (b) of section twelve
38 hundred thirty-four of this article to the contrary, persons operating
39 bicycles with electric assist upon a roadway shall ride single file.

40 8. Except as may be otherwise provided by local law, ordinance, order,
41 rule or regulation enacted or promulgated pursuant to this article, a
42 bicycle with electric assist may only be operated on highways with a
43 posted speed limit of thirty miles per hour or less, including non-in-
44 terstate public highways, private roads open to motor vehicle traffic,
45 and designated bicycle or in-line skate lanes.

46 9. No person shall operate a class one or class two bicycle with elec-
47 tric assist in excess of twenty miles per hour. No person shall operate
48 a class three bicycle with electric assist in excess of twenty-five
49 miles per hour.

50 10. The operation of a class three bicycle with electric assist
51 outside of a city having a population of one million or more is prohib-
52 ited.

53 11. (a) No person, firm, association or corporation engaged in the
54 business of selling or leasing bicycles with electric assist shall sell
55 or lease any bicycle with electric assist on or after June first, two
56 thousand twenty-two unless such bicycle with electric assist has perma-

1 nently affixed thereto, in a prominent location, a manufacturer's label
2 which shall include the following information: the class, maximum
3 motor-assisted speed, and motor wattage of such bicycle with electric
4 assist. Manufacturers and distributors of bicycles with electric assist
5 shall, by April first, two thousand twenty-two, establish a process by
6 which an owner of a bicycle with electric assist may request and obtain
7 a manufacturer's label providing the class, maximum motor-assisted
8 speed, and motor wattage applicable to his or her bicycle with electric
9 assist purchased prior to June first, two thousand twenty-two and
10 installation instructions from such manufacturers and distributors.

11 (b) No person shall operate a bicycle with electric assist on any
12 public highway or street in this state after June first, two thousand
13 twenty-two unless such bicycle with electric assist has permanently
14 affixed thereto, in a prominent location, a manufacturer's label provid-
15 ing the class, maximum motor-assisted speed, and motor wattage of such
16 bicycle with electric assist. Any person who violates the provisions of
17 this paragraph shall be punished by a civil fine of up to fifty dollars.
18 The court shall waive any fine for which a person who violates the
19 provisions of this paragraph would be liable if such person supplies the
20 court with proof that, between the date on which he or she is charged
21 with having violated this paragraph and the appearance date for such
22 violation, a manufacturer's label was affixed to his or her bicycle with
23 electric assist as required by this paragraph. Provided, however, that
24 such waiver of fine shall not apply to a second or subsequent conviction
25 under this paragraph.

26 12. A violation of the provisions of subdivision two, five, six, nine,
27 or ten of this section shall result in a civil fine not to exceed fifty
28 dollars.

29 13. A police officer shall only issue a summons for a violation of
30 this section by a person less than sixteen years of age to the parent or
31 guardian of such person if the violation by such person occurs in the
32 presence of such person's parent or guardian and where such parent or
33 guardian is eighteen years of age or older. Such summons shall only be
34 issued to such parent or guardian, and shall not be issued to the person
35 less than sixteen years of age.

36 § 1243. Shared bicycle and shared bicycle with electric assist
37 systems; data protection. 1. The governing body of any city, town or
38 village may, by local law, ordinance, order, rule or regulation, author-
39 ize and regulate shared bicycle systems or shared bicycle with electric
40 assist systems within such city, town or village. No such shared
41 systems shall operate within a city, town or village except as author-
42 ized by such local law, ordinance, order, rule or regulation. For the
43 purposes of this subdivision, the term shared bicycle system or shared
44 bicycle with electric assist system shall mean a network of self-service
45 and publicly available bicycles or bicycles with electric assist in
46 which a bicycle or bicycle with electric assist trip begins and/or ends
47 on any public highway.

48 2. Notwithstanding any other provision of law to the contrary, all
49 trip data, personal information, images, videos, and other recorded
50 images collected by any shared bicycle system or shared bicycle with
51 electric assist system which is authorized to operate within a city,
52 town or village pursuant to this section: (a) shall be for the exclusive
53 use of such shared bicycle or shared bicycle with electric assist system
54 and shall not be sold, distributed, or otherwise made available for any
55 commercial purpose and (b) shall not be disclosed or otherwise made
56 accessible except (i) to the person who is the subject of such data,

1 information or record; or (ii) if necessary to comply with a lawful
2 court order, judicial warrant signed by a judge appointed pursuant to
3 article III of the United States constitution, or subpoena for individ-
4 ual data, information or records properly issued pursuant to the crimi-
5 nal procedure law or the civil practice law and rules. Provided, howev-
6 er, that nothing contained in this paragraph shall be deemed to preclude
7 the exchange of such data, information or recorded images solely for the
8 purpose of administering such authorized shared system. For the purposes
9 of this subdivision, "personal information" shall mean information that
10 identifies an individual, including but not limited to name, address,
11 telephone number, and the type and form of payment including credit card
12 number, debit card number, or other payment method.

13 § 9. The vehicle and traffic law is amended by adding a new section
14 1242-a to read as follows:

15 § 1242-a. Operation of a bicycle with electric assist while under the
16 influence of alcohol or drugs. 1. Offenses; criminal penalties. (a)
17 Operating a bicycle with electric assist while ability impaired. No
18 person shall operate a bicycle with electric assist while the person's
19 ability to operate such bicycle with electric assist is impaired by the
20 consumption of alcohol.

21 (i) A violation of this paragraph shall be a traffic infraction and
22 shall be punishable by a fine of not more than three hundred dollars, or
23 by imprisonment in a penitentiary or county jail for not more than
24 fifteen days, or by both such fine and imprisonment.

25 (ii) A person who operates a bicycle with electric assist in violation
26 of this paragraph after having been convicted of a violation of any
27 paragraph of this subdivision within the preceding five years shall be
28 punished by a fine of not more than seven hundred fifty dollars, or by
29 imprisonment of not more than thirty days in a penitentiary or county
30 jail or by both such fine and imprisonment.

31 (iii) A person who operates a bicycle with electric assist in
32 violation of this paragraph after being convicted two or more times of a
33 violation of any paragraph of this subdivision within the preceding ten
34 years shall be guilty of a misdemeanor, and shall be punished by a fine
35 of not more than one thousand dollars, or by imprisonment of not more
36 than one hundred eighty days in a penitentiary or county jail or by both
37 such fine and imprisonment.

38 (b) Operating a bicycle with electric assist while intoxicated; per
39 se. No person shall operate a bicycle with electric assist while such
40 person has .08 of one per centum or more by weight of alcohol in the
41 person's blood as shown by chemical analysis of such person's blood,
42 breath, urine or saliva, made pursuant to the provisions of subdivision
43 five of this section.

44 (c) Operating a bicycle with electric assist while intoxicated. No
45 person shall operate a bicycle with electric assist while in an intoxi-
46 cated condition.

47 (d) Operating a bicycle with electric assist while ability impaired by
48 drugs. No person shall operate a bicycle with electric assist while the
49 person's ability to operate such bicycle with electric assist is
50 impaired by the use of a drug as defined in this chapter.

51 (e) Operating a bicycle with electric assist while ability impaired by
52 the combined influence of drugs or of alcohol and any drug or drugs. No
53 person shall operate a bicycle with electric assist while the person's
54 ability to operate such bicycle with electric assist is impaired by the
55 combined influence of drugs or of alcohol and any drug or drugs.

1 (f) Penalty. (i) A violation of paragraph (b), (c), (d) or (e) of this
2 subdivision shall be a misdemeanor and shall be punishable by a fine of
3 not more than five hundred dollars, or by imprisonment in a penitentiary
4 or county jail for not more than one year, or by both such fine and
5 imprisonment.

6 (ii) A person who operates a bicycle with electric assist in violation
7 of paragraph (b), (c), (d) or (e) of this subdivision after having been
8 convicted of a violation of paragraph (b), (c), (d) or (e) of this
9 subdivision within the preceding ten years shall be guilty of a class E
10 felony, and shall be punished by a fine of not more than one thousand
11 dollars or by a period of imprisonment as provided in the penal law, or
12 by both such fine and imprisonment.

13 (iii) A person who operates a bicycle with electric assist in
14 violation of paragraph (b), (c), (d) or (e) of this subdivision after
15 having been convicted of a violation of paragraph (b), (c), (d) or (e)
16 of this subdivision two or more times within the preceding ten years
17 shall be guilty of a class E felony, and shall be punished by a fine of
18 not more than four thousand dollars or by a period of imprisonment as
19 provided in the penal law, or by both such fine and imprisonment.

20 2. Certain sentences prohibited. Notwithstanding any provisions of the
21 penal law, no judge or magistrate shall impose a sentence of uncondi-
22 tional discharge for a violation of paragraph (b), (c), (d) or (e) of
23 subdivision one of this section.

24 3. Sentencing; previous convictions. When sentencing a person for a
25 violation of paragraph (b), (c), (d) or (e) of subdivision one of this
26 section pursuant to subparagraph (ii) of paragraph (f) of subdivision
27 one of this section, the court shall consider any prior convictions the
28 person may have for a violation of subdivision two, two-a, three, four,
29 or four-a of section eleven hundred ninety-two of this title within the
30 preceding ten years. When sentencing a person for a violation of para-
31 graph (b), (c), (d) or (e) of subdivision one of this section pursuant
32 to subparagraph (iii) of paragraph (f) of subdivision one of this
33 section, the court shall consider any prior convictions the person may
34 have for a violation of subdivision two, two-a, three, four, or four-a
35 of section eleven hundred ninety-two of this title within the preceding
36 ten years. When sentencing a person for a violation of subparagraph (ii)
37 of paragraph (a) of subdivision one of this section, the court shall
38 consider any prior convictions the person may have for a violation of
39 any subdivision of section eleven hundred ninety-two of this title with-
40 in the preceding five years. When sentencing a person for a violation of
41 subparagraph (iii) of paragraph (a) of subdivision one of this section,
42 the court shall consider any prior convictions the person may have for a
43 violation of any subdivision of section eleven hundred ninety-two of
44 this title within the preceding ten years.

45 4. Arrest and field testing. (a) Arrest. Notwithstanding the
46 provisions of section 140.10 of the criminal procedure law, a police
47 officer may, without a warrant, arrest a person, in case of a violation
48 of any paragraph of subdivision one of this section, if such violation
49 is coupled with an accident or collision in which such person is
50 involved, which in fact had been committed, though not in the police
51 officer's presence, when the officer has reasonable cause to believe
52 that the violation was committed by such person. For the purposes of
53 this subdivision, police officer shall also include a peace officer
54 authorized to enforce this chapter when the alleged violation consti-
55 tutes a crime.

1 (b) Field testing. Every person operating a bicycle with electric
2 assist which has been involved in an accident shall, at the request of a
3 police officer, submit to a breath test to be administered by the police
4 officer. If such test indicates that such operator has consumed alcohol,
5 the police officer may request such operator to submit to a chemical
6 test in the manner set forth in subdivision five of this section.

7 5. Chemical tests; when authorized. A police officer may request any
8 person who operates a bicycle with electric assist in this state to
9 consent to a chemical test of one or more of the following: breath,
10 blood, urine, or saliva, for the purpose of determining the alcoholic
11 and/or drug content of such person's blood, provided that such test is
12 administered at the direction of a police officer with respect to a
13 chemical test of breath, urine or saliva or, with respect to a chemical
14 test of blood, at the direction of a police officer: (a) having reason-
15 able grounds to believe such person to have been operating in violation
16 of paragraph (a), (b), (c), (d) or (e) of subdivision one of this
17 section and within two hours after such person has been placed under
18 arrest for any such violation; or (b) within two hours after a breath
19 test, as provided in paragraph (b) of subdivision four of this section,
20 indicates that alcohol has been consumed by such person and in accord-
21 ance with the rules and regulations established by the police force of
22 which the officer is a member.

23 6. Testing procedures. (a) Persons authorized to withdraw blood; immu-
24 nity; testimony. (i) At the request of a police officer, the following
25 persons may withdraw blood for the purpose of determining the alcoholic
26 or drug content therein: (A) a physician, a registered professional
27 nurse, a registered physician assistant, a certified nurse practitioner,
28 or an advanced emergency medical technician as certified by the depart-
29 ment of health; or (B) under the supervision and at the direction of a
30 physician, registered physician assistant or certified nurse practition-
31 er acting within his or her lawful scope of practice, or upon the
32 express consent of the person eighteen years of age or older from whom
33 such blood is to be withdrawn: a clinical laboratory technician or clin-
34 ical laboratory technologist licensed pursuant to article one hundred
35 sixty-five of the education law; a phlebotomist; or a medical laboratory
36 technician or medical technologist employed by a clinical laboratory
37 approved under title five of article five of the public health law. This
38 limitation shall not apply to the taking of a urine, saliva or breath
39 specimen.

40 (ii) No person entitled to withdraw blood pursuant to subparagraph (i)
41 of this paragraph or hospital employing such person, and no other
42 employer of such person shall be sued or held liable for any act done or
43 omitted in the course of withdrawing blood at the request of a police
44 officer pursuant to this section.

45 (iii) Any person who may have a cause of action arising from the with-
46 drawal of blood as aforesaid, for which no personal liability exists
47 under subparagraph (ii) of this paragraph, may maintain such action
48 against the state if any person entitled to withdraw blood pursuant to
49 this paragraph acted at the request of a police officer employed by the
50 state, or against the appropriate political subdivision of the state if
51 such person acted at the request of a police officer employed by a poli-
52 tical subdivision of the state. No action shall be maintained pursuant
53 to this subparagraph unless notice of claim is duly filed or served in
54 compliance with law.

55 (iv) Notwithstanding subparagraphs (i), (ii) and (iii) of this para-
56 graph, an action may be maintained by the state or a political subdivi-

1 sion thereof against a person entitled to withdraw blood pursuant to
2 subparagraph (i) of this paragraph or hospital employing such person for
3 whose act or omission the state or the political subdivision has been
4 held liable under this paragraph to recover damages, not exceeding the
5 amount awarded to the claimant, that may have been sustained by the
6 state or the political subdivision by reason of gross negligence or bad
7 faith on the part of such person.

8 (v) The testimony of any person other than a physician, entitled to
9 withdraw blood pursuant to subparagraph (i) of this paragraph, in
10 respect to any such withdrawal of blood made by such person may be
11 received in evidence with the same weight, force and effect as if such
12 withdrawal of blood were made by a physician.

13 (vi) The provisions of subparagraphs (ii), (iii) and (iv) of this
14 paragraph shall also apply with regard to any person employed by a
15 hospital as security personnel for any act done or omitted in the course
16 of withdrawing blood at the request of a police officer pursuant to this
17 section.

18 (b) Right to additional test. The person tested shall be permitted to
19 choose a physician to administer a chemical test in addition to the one
20 administered at the direction of the police officer.

21 (c) Rules and regulations. The department of health shall issue and
22 file rules and regulations approving satisfactory techniques or methods
23 of conducting chemical analyses of a person's blood, urine, breath or
24 saliva and to ascertain the qualifications and competence of individuals
25 to conduct and supervise chemical analyses of a person's blood, urine,
26 breath or saliva. If the analyses were made by an individual possessing
27 a permit issued by the department of health, this shall be presumptive
28 evidence that the examination was properly given. The provisions of this
29 paragraph do not prohibit the introduction as evidence of an analysis
30 made by an individual other than a person possessing a permit issued by
31 the department of health.

32 7. Chemical test evidence. (a) Admissibility. Upon the trial of any
33 such action or proceeding arising out of actions alleged to have been
34 committed by any person arrested for a violation of any paragraph of
35 subdivision one of this section, the court shall admit evidence of the
36 amount of alcohol or drugs in the defendant's blood as shown by a test
37 administered pursuant to the provisions of subdivision five of this
38 section.

39 (b) Probative value. The following effect shall be given to evidence
40 of blood-alcohol content, as determined by such tests, of a person
41 arrested for a violation of subdivision one of this section:

42 (i) evidence that there was .05 of one per centum or less by weight of
43 alcohol in such person's blood shall be prima facie evidence that the
44 ability of such person to operate a bicycle with electric assist was not
45 impaired by the consumption of alcohol, and that such person was not in
46 an intoxicated condition;

47 (ii) evidence that there was more than .05 of one per centum but less
48 than .07 of one per centum by weight of alcohol in such person's blood
49 shall be prima facie evidence that such person was not in an intoxicated
50 condition, but such evidence shall be relevant evidence, but shall not
51 be given prima facie effect, in determining whether the ability of such
52 person to operate a bicycle with electric assist was impaired by the
53 consumption of alcohol; and

54 (iii) evidence that there was .07 of one per centum or more but less
55 than .08 of one per centum by weight of alcohol in such person's blood
56 shall be prima facie evidence that such person was not in an intoxicated

1 condition, but such evidence shall be given prima facie effect in deter-
2 mining whether the ability of such person to operate a bicycle with
3 electric assist was impaired by the consumption of alcohol.

4 8. Where applicable. The provisions of this section shall apply upon
5 public highways, private roads open to motor vehicle traffic, any other
6 parking lot, and sidewalks. For the purposes of this section "parking
7 lot" shall mean any area or areas of private property, including a
8 driveway, near or contiguous to and provided in connection with premises
9 and used as a means of access to and egress from a public highway to
10 such premises and having a capacity for the parking of four or more
11 motor vehicles. The provisions of this section shall not apply to any
12 area or areas of private property comprising all or part of property on
13 which is situated a one or two-family residence.

14 9. Enforcement upon crash. Notwithstanding any provision of this
15 section, no part of this section may be enforced unless in conjunction
16 with a crash involving an operator of a bicycle with electric assist.
17 For the purposes of this subdivision, "crash" shall mean colliding with
18 a vehicle, person, building or other object.

19 § 10. The vehicle and traffic law is amended by adding a new article
20 34-D to read as follows:

21 ARTICLE 34-D

22 OPERATION OF ELECTRIC SCOOTERS

23 Section 1280. Effect of regulations.

24 1281. Traffic laws apply to persons operating electric scooters;
25 local laws.

26 1282. Operating electric scooters.

27 1283. Clinging to vehicles.

28 1284. Riding on roadways, shoulders, and lanes reserved for
29 non-motorized vehicles and devices.

30 1285. Lamps and other equipment.

31 1286. Operators to wear protective headgear.

32 1287. Leaving the scene of an incident involving an electric
33 scooter without reporting in the second degree.

34 1288. Leaving the scene of an incident involving an electric
35 scooter without reporting in the first degree.

36 1289. Operation of an electric scooter while under the influence
37 of alcohol or drugs.

38 § 1280. Effect of regulations. 1. The parent of any child and the
39 guardian of any ward shall not authorize or knowingly permit any such
40 child or ward to violate any of the provisions of this article.

41 2. These regulations applicable to electric scooters shall apply when-
42 ever an electric scooter is operated upon any highway, upon private
43 roads open to public motor vehicle traffic and upon any path set aside
44 for the exclusive use of bicycles, in-line skates, electric scooters, or
45 all.

46 § 1281. Traffic laws apply to persons operating electric scooters;
47 local laws. 1. Every person riding an electric scooter upon a roadway
48 shall be granted all of the rights and shall be subject to all of the
49 duties applicable to the driver of a vehicle and the rider of a bicycle
50 by this title, except as to special regulations in this article and
51 except as to those provisions of this title which by their nature can
52 have no application.

53 2. (a) Except as provided in paragraphs (b) and (c) of this subdivi-
54 sion, the governing body of any city, town or village may, by local law
55 or ordinance, further regulate the time, place and manner of the opera-
56 tion of electric scooters, including, but not limited to, maximum speed,

1 requiring the use of protective headgear, and the wearing of readily
2 visible reflective clothing or material by operators of electric scoot-
3 ers, and may limit, prohibit the use thereof in specified areas, or
4 prohibit entirely the use of electric scooters within such city, town,
5 or village, provided that adequate signage is visibly posted outside the
6 boundaries of such prohibited areas.

7 (b) The governing body of any city, town or village in the counties of
8 Nassau or Suffolk may, by local law or ordinance, further regulate the
9 time, place and manner of the operation of electric scooters, including,
10 but not limited to, maximum speed, requiring the use of protective head-
11 gear, and the wearing of readily visible reflective clothing or material
12 by operators of electric scooters only after adoption of a local law or
13 ordinance by the governing body of the county in which the city, town or
14 village is located. Provided, however, that the provisions of this para-
15 graph shall not apply to the adoption of a local law or ordinance by a
16 city, town or village in the counties of Nassau or Suffolk pursuant to
17 the provisions of paragraph (a) of this subdivision to prohibit the use
18 of electric scooters in specified areas, or prohibit entirely the use of
19 electric scooters within such city, town or village, provided that
20 adequate signage is visibly posted outside the boundaries of such
21 prohibited areas.

22 (c) The governing body of any town or village in the county of West-
23 chester may, by local law or ordinance, further regulate the time, place
24 and manner of the operation of electric scooters, including, but not
25 limited to, maximum speed, requiring the use of protective headgear, and
26 the wearing of readily visible reflective clothing or material by opera-
27 tors of electric scooters only after adoption of a local law or ordi-
28 nance by the governing body of Westchester county. Provided, however,
29 that the provisions of this paragraph shall not apply to the adoption of
30 a local law or ordinance by a town or village in the county of Westches-
31 ter pursuant to the provisions of paragraph (a) of this subdivision to
32 prohibit the use of electric scooters in specified areas, or prohibit
33 entirely the use of electric scooters within such town or village,
34 provided that adequate signage is visibly posted outside the boundaries
35 of such prohibited areas.

36 3. No person shall operate an electric scooter unless such operation
37 is in compliance with the provisions of this chapter, and any regulation
38 or order or local law or ordinance adopted pursuant to this article.

39 § 1282. Operating electric scooters. 1. No electric scooter shall be
40 used to carry more than one person at one time. No person operating an
41 electric scooter shall carry any person as a passenger in a pack
42 fastened to the operator or fastened to the electric scooter. The fail-
43 ure of any person to comply with the provisions of this subdivision
44 shall not constitute contributory negligence or assumption of risk, and
45 shall not in any way bar, preclude or foreclose an action for personal
46 injury or wrongful death by or on behalf of such person, nor in any way
47 diminish or reduce the damages recoverable in any such action.

48 2. No person operating an electric scooter shall carry any package,
49 bundle or article which prevents the operator from keeping at least one
50 hand upon the handle bars or which obstructs his or her vision in any
51 direction.

52 3. Every person operating an electric scooter shall yield the right of
53 way to pedestrians.

54 4. No person less than sixteen years of age shall operate or ride as a
55 passenger upon an electric scooter, and no person sixteen years of age

1 or older shall allow any person less than sixteen years of age to oper-
2 ate or ride as a passenger upon such scooter.

3 5. Except as may be otherwise provided by local law, ordinance,
4 order, rule or regulation enacted or promulgated pursuant to this arti-
5 cle, an electric scooter may only be operated on highways with a posted
6 speed limit of thirty miles per hour or less, including non-interstate
7 public highways, private roads open to motor vehicle traffic, and desig-
8 ated bicycle or in-line skate lanes.

9 6. No person shall operate an electric scooter in excess of fifteen
10 miles per hour.

11 7. (a) No person shall operate an electric scooter on a sidewalk,
12 except as may be authorized by a local law or ordinance adopted by a
13 city, town or village having jurisdiction over such sidewalk including
14 parking on certain sidewalks within such city, town or village in
15 compliance with the federal Americans with Disabilities Act of 1990, as
16 amended (Public Law 101-336).

17 (b) Notwithstanding the provisions of paragraph (a) of this subdivi-
18 sion, an electric scooter owned by a natural person where the owner is
19 engaged in personal use may park on a sidewalk whether attended or unat-
20 tended, provided however that no person shall park an electric scooter
21 pursuant to this paragraph in a manner that interferes with the free
22 passage of pedestrians on a sidewalk. A city, town or village having
23 jurisdiction over such sidewalk shall provide a method by which an elec-
24 tric scooter owned by a natural person may be identified as such.

25 8. (a) No person shall operate an electric scooter on any public lands
26 or property, other than a highway exclusive of any greenway running
27 adjacent to or connected with a highway, except that an electric scooter
28 may be operated on any such lands that have been designated and posted
29 for travel by electric scooters in accordance with the provisions of
30 paragraph (b) of this subdivision. For the purposes of this subdivision,
31 the term "greenway" shall have the same meaning as such term is defined
32 by subdivision seven of section 44-0103 of the environmental conserva-
33 tion law and subdivision one of section 39.03 of the parks, recreation
34 and historic preservation law.

35 (b) A state agency, by regulation or order, and a city, town or
36 village, by local law or ordinance, may designate any appropriate public
37 lands and properties under its jurisdiction, other than highways exclu-
38 sive of any greenway running adjacent to or connected with a highway, as
39 a place open for travel by electric scooters upon written request for
40 such designation by any person, and may impose restrictions and condi-
41 tions for the regulation and safe operation of electric scooters on such
42 public lands or property, such as travel on designated trails and hours
43 of operation.

44 9. (a) No person, firm, association or corporation engaged in the
45 business of selling or leasing electric scooters shall sell or lease any
46 electric scooter on or after June first, two thousand twenty-two unless
47 such electric scooter has permanently affixed thereto, in a prominent
48 location, a manufacturer's label which shall include the following
49 information: the maximum motor-assisted speed, the number of persons for
50 which such electric scooter is designed and equipped, and motor wattage
51 of such electric scooter. Manufacturers and distributors of electric
52 scooters shall, by April first, two thousand twenty-two, establish a
53 process by which an owner of an electric scooter may request and obtain
54 a manufacturer's label providing the maximum motor-assisted speed, the
55 number of persons for which such electric scooter is designed and
56 equipped, and motor wattage applicable to his or her electric scooter

1 purchased prior to June first, two thousand twenty-two and installation
2 instructions from such manufacturers and distributors.

3 (b) No person shall operate an electric scooter on any public highway
4 or street in this state after June first, two thousand twenty-two unless
5 such electric scooter has permanently affixed thereto, in a prominent
6 location, a manufacturer's label providing the maximum motor-assisted
7 speed, the number of persons for which such electric scooter is designed
8 and equipped, and motor wattage of such electric scooter. Any person who
9 violates the provisions of this paragraph shall be punished by a civil
10 fine of up to fifty dollars. The court shall waive any fine for which a
11 person who violates the provisions of this paragraph would be liable if
12 such person supplies the court with proof that, between the date on
13 which he or she is charged with having violated this paragraph and the
14 appearance date for such violation, a manufacturer's label was affixed
15 to his or her electric scooter as required by this paragraph. Provided,
16 however, that such waiver of fine shall not apply to a second or subse-
17 quent conviction under this paragraph.

18 10. (a) The governing body of any city, town or village may, by local
19 law, ordinance, order, rule or regulation, authorize and regulate shared
20 electric scooter systems within such city, town or village. No such
21 shared systems shall operate within a city, town or village except as
22 authorized by such local law, ordinance, order, rule or regulation. No
23 such shared electric scooter system shall operate on public highways in
24 a county with a population of no less than one million five hundred
25 eighty-five thousand and no more than one million five hundred eighty-
26 seven thousand as of the two thousand ten decennial census. For the
27 purposes of this subdivision, the term shared electric scooter system
28 shall mean a network of self-service and publicly available electric
29 scooters, and related infrastructure, in which an electric scooter trip
30 begins and/or ends on any public highway.

31 (b) Notwithstanding any other provision of law to the contrary, all
32 trip data, personal information, images, videos, and other recorded
33 images collected by any shared electric scooter system which is author-
34 ized to operate within a city, town or village pursuant to this section:
35 (i) shall be for the exclusive use of such shared electric scooter
36 system and shall not be sold, distributed or otherwise made available
37 for any commercial purpose and (ii) shall not be disclosed or otherwise
38 made accessible except: (1) to the person who is the subject of such
39 data, information or record; or (2) if necessary to comply with a lawful
40 court order, judicial warrant signed by a judge appointed pursuant to
41 article III of the United States constitution, or subpoena for individ-
42 ual data, information or records properly issued pursuant to the crimi-
43 nal procedure law or the civil practice law and rules. Provided, howev-
44 er, that nothing contained in this paragraph shall be deemed to preclude
45 the exchange of such data, information or recorded images solely for the
46 purpose of administering such authorized shared system.

47 For the purposes of this subdivision, "personal information" shall
48 mean information that identifies an individual, including but not limit-
49 ed to name, address, telephone number, and the type and form of payment
50 including credit card number, debit card number, or other payment meth-
51 od.

52 11. A violation of the provisions of subdivision one, two, three,
53 four, six, or seven of this section shall result in a civil fine not to
54 exceed fifty dollars.

55 12. A police officer shall only issue a summons for a violation of
56 this section by a person less than sixteen years of age to the parent or

1 guardian of such person if the violation by such person occurs in the
2 presence of such person's parent or guardian and where such parent or
3 guardian is eighteen years of age or more. Such summons shall only be
4 issued to such parent or guardian, and shall not be issued to the person
5 less than sixteen years of age.

6 § 1283. Clinging to vehicles. 1. No person operating an electric
7 scooter shall attach such scooter, or himself or herself, to any vehicle
8 being operated upon a roadway.

9 2. No vehicle operator shall knowingly permit any person to attach any
10 electric scooter, or himself or herself, to such operator's vehicle in
11 violation of subdivision one of this section.

12 § 1284. Riding on roadways, shoulders, and lanes reserved for non-mo-
13 torized vehicles and devices. 1. Upon all roadways, any electric scooter
14 shall be operated either on a usable bicycle or in-line skate lane or,
15 if a usable bicycle or in-line skate lane has not been provided, near
16 the right-hand curb or edge of the roadway or upon a usable right-hand
17 shoulder in such a manner as to prevent undue interference with the flow
18 of traffic except when preparing for a left turn or when reasonably
19 necessary to avoid conditions that would make it unsafe to continue
20 along near the right-hand curb or edge. Conditions to be taken into
21 consideration include, but are not limited to, fixed or moving objects,
22 vehicles, bicycles, in-line skates, pedestrians, animals, surface
23 hazards or traffic lanes too narrow for a person operating an electric
24 scooter and a vehicle to travel safely side-by-side within the lane.

25 2. Persons operating electric scooters upon a roadway shall ride
26 single file. Persons operating electric scooters upon a shoulder, bicy-
27 cle or in-line skate lane, or bicycle or in-line skate path intended for
28 the use of bicycles, in-line skates or electric scooters may ride two or
29 more abreast if sufficient space is available, except that when passing
30 a vehicle, bicycle, electric personal assistive mobility device, person
31 on in-line skates or pedestrian standing or proceeding along such shoul-
32 der, lane or path, persons operating electric scooters shall operate
33 such scooters single file.

34 3. Any person operating an electric scooter who is entering a roadway
35 from a private road, driveway, alley or over a curb shall come to a full
36 stop before entering the roadway.

37 § 1285. Lamps and other equipment. 1. Every electric scooter when in
38 use during the period from one-half hour after sunset to one-half hour
39 before sunrise shall be equipped with a lamp on the front which shall
40 emit a white light visible during hours of darkness from a distance of
41 at least five hundred feet to the front and with a red light visible to
42 the rear for three hundred feet. At least one such light shall be visi-
43 ble for two hundred feet from each side.

44 2. No person shall operate an electric scooter unless such scooter is
45 equipped with a bell or other device capable of giving a signal audible
46 for a distance of at least one hundred feet, except that an electric
47 scooter shall not be equipped with nor shall any person use upon an
48 electric scooter any siren or whistle.

49 3. Every electric scooter shall be equipped with a brake that enables
50 the operator to bring the electric scooter to a controlled stop.

51 § 1286. Operators to wear protective headgear. 1. No person sixteen
52 or seventeen years of age shall ride upon, propel or otherwise operate
53 an electric scooter unless such person is wearing a helmet meeting stan-
54 dards established by the commissioner pursuant to the provisions of
55 subdivision two-a of section twelve hundred thirty-eight of this title.
56 As used in this subdivision, wearing a helmet means having a properly

1 fitting helmet fixed securely on the head of such wearer with the helmet
2 straps securely fastened.

3 2. Any person who violates the provisions of subdivision one of this
4 section shall pay a civil fine not to exceed fifty dollars.

5 3. The court shall waive any fine for which a person who violates the
6 provisions of subdivision one of this section would be liable if such
7 person supplies the court with proof that between the date of violation
8 and the appearance date for such violation such person purchased or
9 rented a helmet, which meets the requirements of subdivision one of this
10 section, or if the court finds that due to reasons of economic hardship
11 such person was unable to purchase a helmet or due to such economic
12 hardship such person was unable to obtain a helmet from the statewide
13 in-line skate and bicycle helmet distribution program, as established in
14 section two hundred six of the public health law or a local distribution
15 program. Such waiver of fine shall not apply to a second or subsequent
16 violation of subdivision one of this section.

17 4. The failure of any person to comply with the provisions of this
18 section shall not constitute contributory negligence or assumption of
19 risk, and shall not in any way bar, preclude or foreclose an action for
20 personal injury or wrongful death by or on behalf of such person, nor in
21 any way diminish or reduce the damages recoverable in any such action.

22 § 1287. Leaving the scene of an incident involving an electric scooter
23 without reporting in the second degree. 1. Any person age eighteen years
24 or older operating an electric scooter who, knowing or having cause to
25 know, that physical injury, as defined in subdivision nine of section
26 10.00 of the penal law, has been caused to another person, due to the
27 operation of such electric scooter by such person, shall, before leaving
28 the place where such physical injury occurred, stop, and provide his or
29 her name and residence, including street and street number, to the
30 injured party, if practical, and also to a police officer, or in the
31 event that no police officer is in the vicinity of the place of said
32 injury, then such person shall report such incident as soon as phys-
33 ically able to the nearest police station or judicial officer.

34 2. Leaving the scene of an incident involving an electric scooter
35 without reporting in the second degree is a violation.

36 § 1288. Leaving the scene of an incident involving an electric scooter
37 without reporting in the first degree. 1. Any person age eighteen years
38 or older operating an electric scooter who, knowing or having cause to
39 know, that serious physical injury, as defined in subdivision ten of
40 section 10.00 of the penal law, has been caused to another person, due
41 to the operation of such electric scooter by such person, shall, before
42 leaving the place where such serious physical injury occurred, stop, and
43 provide his or her name and residence, including street and street
44 number, to the injured party, if practical, and also to a police offi-
45 cer, or in the event that no police officer is in the vicinity of the
46 place of said injury, then such person shall report said incident as
47 soon as physically able to the nearest police station or judicial offi-
48 cer.

49 2. Leaving the scene of an incident involving an electric scooter
50 without reporting in the first degree is a class B misdemeanor.

51 § 1289. Operation of an electric scooter while under the influence of
52 alcohol or drugs. 1. Offenses; criminal penalties. (a) Operating an
53 electric scooter while ability impaired. No person shall operate an
54 electric scooter while the person's ability to operate such electric
55 scooter is impaired by the consumption of alcohol.

1 (i) A violation of this paragraph shall be a traffic infraction and
2 shall be punishable by a fine of not more than three hundred dollars, or
3 by imprisonment in a penitentiary or county jail for not more than
4 fifteen days, or by both such fine and imprisonment.

5 (ii) A person who operates an electric scooter in violation of this
6 paragraph after having been convicted of a violation of any paragraph of
7 this subdivision within the preceding five years shall be punished by a
8 fine of not more than seven hundred fifty dollars, or by imprisonment of
9 not more than thirty days in a penitentiary or county jail or by both
10 such fine and imprisonment.

11 (iii) A person who operates an electric scooter in violation of this
12 paragraph after being convicted two or more times of a violation of any
13 paragraph of this subdivision within the preceding ten years shall be
14 guilty of a misdemeanor, and shall be punished by a fine of not more
15 than one thousand dollars, or by imprisonment of not more than one
16 hundred eighty days in a penitentiary or county jail or by both such
17 fine and imprisonment.

18 (b) Operating an electric scooter while intoxicated; per se. No
19 person shall operate an electric scooter while such person has .08 of
20 one per centum or more by weight of alcohol in the person's blood as
21 shown by chemical analysis of such person's blood, breath, urine or
22 saliva, made pursuant to the provisions of subdivision five of this
23 section.

24 (c) Operating an electric scooter while intoxicated. No person shall
25 operate an electric scooter while in an intoxicated condition.

26 (d) Operating an electric scooter while ability impaired by drugs. No
27 person shall operate an electric scooter while the person's ability to
28 operate such electric scooter is impaired by the use of a drug as
29 defined in this chapter.

30 (e) Operating an electric scooter while ability impaired by the
31 combined influence of drugs or of alcohol and any drug or drugs. No
32 person shall operate an electric scooter while the person's ability to
33 operate such electric scooter is impaired by the combined influence of
34 drugs or of alcohol and any drug or drugs.

35 (f) Penalty. (i) A violation of paragraph (b), (c), (d) or (e) of this
36 subdivision shall be a misdemeanor and shall be punishable by a fine of
37 not more than five hundred dollars, or by imprisonment in a penitentiary
38 or county jail for not more than one year, or by both such fine and
39 imprisonment.

40 (ii) A person who operates an electric scooter in violation of para-
41 graph (b), (c), (d) or (e) of this subdivision after having been
42 convicted of a violation of paragraph (b), (c), (d) or (e) of this
43 subdivision within the preceding ten years shall be guilty of a class E
44 felony, and shall be punished by a fine of not more than one thousand
45 dollars or by a period of imprisonment as provided in the penal law, or
46 by both such fine and imprisonment.

47 (iii) A person who operates an electric scooter in violation of para-
48 graph (b), (c), (d) or (e) of this subdivision after having been
49 convicted of a violation of paragraph (b), (c), (d) or (e) of this
50 subdivision two or more times within the preceding ten years shall be
51 guilty of a class E felony, and shall be punished by a fine of not more
52 than four thousand dollars or by a period of imprisonment as provided in
53 the penal law, or by both such fine and imprisonment.

54 2. Certain sentences prohibited. Notwithstanding any provisions of the
55 penal law, no judge or magistrate shall impose a sentence of uncondi-

1 tional discharge for a violation of paragraph (b), (c), (d) or (e) of
2 subdivision one of this section.

3 3. Sentencing: previous convictions. When sentencing a person for a
4 violation of paragraph (b), (c), (d) or (e) of subdivision one of this
5 section pursuant to subparagraph (ii) of paragraph (f) of subdivision
6 one of this section, the court shall consider any prior convictions the
7 person may have for a violation of subdivision two, two-a, three, four,
8 or four-a of section eleven hundred ninety-two of this title within the
9 preceding ten years. When sentencing a person for a violation of para-
10 graph (b), (c), (d) or (e) of subdivision one of this section pursuant
11 to subparagraph (iii) of paragraph (f) of subdivision one of this
12 section, the court shall consider any prior convictions the person may
13 have for a violation of subdivision two, two-a, three, four, or four-a
14 of section eleven hundred ninety-two of this title within the preceding
15 ten years. When sentencing a person for a violation of subparagraph (ii)
16 of paragraph (a) of subdivision one of this section, the court shall
17 consider any prior convictions the person may have for a violation of
18 any subdivision of section eleven hundred ninety-two of this title with-
19 in the preceding five years. When sentencing a person for a violation of
20 subparagraph (iii) of paragraph (a) of subdivision one of this section,
21 the court shall consider any prior convictions the person may have for a
22 violation of any subdivision of section eleven hundred ninety-two of
23 this title within the preceding ten years.

24 4. Arrest and field testing. (a) Arrest. Notwithstanding the
25 provisions of section 140.10 of the criminal procedure law, a police
26 officer may, without a warrant, arrest a person, in case of a violation
27 of any paragraph of subdivision one of this section, if such violation
28 is coupled with an accident or collision in which such person is
29 involved, which in fact had been committed, though not in the police
30 officer's presence, when the officer has reasonable cause to believe
31 that the violation was committed by such person. For the purposes of
32 this subdivision, police officer shall also include a peace officer
33 authorized to enforce this chapter when the alleged violation consti-
34 tutes a crime.

35 (b) Field testing. Every person operating an electric scooter which
36 has been involved in an accident shall, at the request of a police offi-
37 cer, submit to a breath test to be administered by the police officer.
38 If such test indicates that such operator has consumed alcohol, the
39 police officer may request such operator to submit to a chemical test in
40 the manner set forth in subdivision five of this section.

41 5. Chemical tests; when authorized. A police officer may request any
42 person who operates an electric scooter in this state to consent to a
43 chemical test of one or more of the following: breath, blood, urine, or
44 saliva, for the purpose of determining the alcoholic and/or drug content
45 of such person's blood, provided that such test is administered at the
46 direction of a police officer with respect to a chemical test of breath,
47 urine or saliva or, with respect to a chemical test of blood, at the
48 direction of a police officer: (a) having reasonable grounds to believe
49 such person to have been operating in violation of paragraph (a), (b),
50 (c), (d) or (e) of subdivision one of this section and within two hours
51 after such person has been placed under arrest for any such violation;
52 or (b) within two hours after a breath test, as provided in paragraph
53 (b) of subdivision four of this section, indicates that alcohol has been
54 consumed by such person and in accordance with the rules and regulations
55 established by the police force of which the officer is a member.

1 6. Testing procedures. (a) Persons authorized to withdraw blood; immu-
2 nity; testimony. (i) At the request of a police officer, the following
3 persons may withdraw blood for the purpose of determining the alcoholic
4 or drug content therein: (A) a physician, a registered professional
5 nurse, a registered physician assistant, a certified nurse practitioner,
6 or an advanced emergency medical technician as certified by the depart-
7 ment of health; or (B) under the supervision and at the direction of a
8 physician, registered physician assistant or certified nurse practition-
9 er acting within his or her lawful scope of practice, or upon the
10 express consent of the person eighteen years of age or older from whom
11 such blood is to be withdrawn: a clinical laboratory technician or clin-
12 ical laboratory technologist licensed pursuant to article one hundred
13 sixty-five of the education law; a phlebotomist; or a medical laboratory
14 technician or medical technologist employed by a clinical laboratory
15 approved under title five of article five of the public health law. This
16 limitation shall not apply to the taking of a urine, saliva or breath
17 specimen.

18 (ii) No person entitled to withdraw blood pursuant to subparagraph one
19 of this paragraph or hospital employing such person, and no other
20 employer of such person shall be sued or held liable for any act done or
21 omitted in the course of withdrawing blood at the request of a police
22 officer pursuant to this section.

23 (iii) Any person who may have a cause of action arising from the with-
24 drawal of blood as aforesaid, for which no personal liability exists
25 under subparagraph (ii) of this paragraph, may maintain such action
26 against the state if any person entitled to withdraw blood pursuant to
27 this paragraph acted at the request of a police officer employed by the
28 state, or against the appropriate political subdivision of the state if
29 such person acted at the request of a police officer employed by a poli-
30 tical subdivision of the state. No action shall be maintained pursuant
31 to this subparagraph unless notice of claim is duly filed or served in
32 compliance with law.

33 (iv) Notwithstanding subparagraphs (i), (ii) and (iii) of this para-
34 graph an action may be maintained by the state or a political subdivi-
35 sion thereof against a person entitled to withdraw blood pursuant to
36 subparagraph (i) of this paragraph or hospital employing such person for
37 whose act or omission the state or the political subdivision has been
38 held liable under this paragraph to recover damages, not exceeding the
39 amount awarded to the claimant, that may have been sustained by the
40 state or the political subdivision by reason of gross negligence or bad
41 faith on the part of such person.

42 (v) The testimony of any person other than a physician, entitled to
43 withdraw blood pursuant to subparagraph (i) of this paragraph, in
44 respect to any such withdrawal of blood made by such person may be
45 received in evidence with the same weight, force and effect as if such
46 withdrawal of blood were made by a physician.

47 (vi) The provisions of subparagraphs (ii), (iii) and (iv) of this
48 paragraph shall also apply with regard to any person employed by a
49 hospital as security personnel for any act done or omitted in the course
50 of withdrawing blood at the request of a police officer pursuant to this
51 section.

52 (b) Right to additional test. The person tested shall be permitted to
53 choose a physician to administer a chemical test in addition to the one
54 administered at the direction of the police officer.

55 (c) Rules and regulations. The department of health shall issue and
56 file rules and regulations approving satisfactory techniques or methods

1 of conducting chemical analyses of a person's blood, urine, breath or
2 saliva and to ascertain the qualifications and competence of individuals
3 to conduct and supervise chemical analyses of a person's blood, urine,
4 breath or saliva. If the analyses were made by an individual possessing
5 a permit issued by the department of health, this shall be presumptive
6 evidence that the examination was properly given. The provisions of this
7 paragraph do not prohibit the introduction as evidence of an analysis
8 made by an individual other than a person possessing a permit issued by
9 the department of health.

10 7. Chemical test evidence. (a) Admissibility. Upon the trial of any
11 such action or proceeding arising out of actions alleged to have been
12 committed by any person arrested for a violation of any paragraph of
13 subdivision one of this section, the court shall admit evidence of the
14 amount of alcohol or drugs in the defendant's blood as shown by a test
15 administered pursuant to the provisions of subdivision five of this
16 section.

17 (b) Probative value. The following effect shall be given to evidence
18 of blood-alcohol content, as determined by such tests, of a person
19 arrested for a violation of subdivision one of this section:

20 (i) evidence that there was .05 of one per centum or less by weight of
21 alcohol in such person's blood shall be prima facie evidence that the
22 ability of such person to operate an electric scooter was not impaired
23 by the consumption of alcohol, and that such person was not in an intox-
24 icated condition;

25 (ii) evidence that there was more than .05 of one per centum but less
26 than .07 of one per centum by weight of alcohol in such person's blood
27 shall be prima facie evidence that such person was not in an intoxicated
28 condition, but such evidence shall be relevant evidence, but shall not
29 be given prima facie effect, in determining whether the ability of such
30 person to operate an electric scooter was impaired by the consumption of
31 alcohol; and

32 (iii) evidence that there was .07 of one per centum or more but less
33 than .08 of one per centum by weight of alcohol in such person's blood
34 shall be prima facie evidence that such person was not in an intoxicated
35 condition, but such evidence shall be given prima facie effect in deter-
36 mining whether the ability of such person to operate an electric scooter
37 was impaired by the consumption of alcohol.

38 8. Where applicable. The provisions of this section shall apply upon
39 public highways, private roads open to motor vehicle traffic, any other
40 parking lot, and sidewalks. For the purposes of this section "parking
41 lot" shall mean any area or areas of private property, including a
42 driveway, near or contiguous to and provided in connection with premises
43 and used as a means of access to and egress from a public highway to
44 such premises and having a capacity for the parking of four or more
45 motor vehicles. The provisions of this section shall not apply to any
46 area or areas of private property comprising all or part of property on
47 which is situated a one or two family residence.

48 9. Enforcement upon crash. Notwithstanding any provision of this
49 section, no part of this section may be enforced unless in conjunction
50 with a crash involving an operator of an electric scooter. For the
51 purposes of this subdivision, "crash" shall mean colliding with a vehi-
52 cle, person, building or other object.

53 § 11. This act shall take effect immediately; provided, however, that
54 section ten of this act shall take effect on the one hundred twentieth
55 day after it shall have become a law. Effective immediately, the addi-
56 tion, amendment and/or repeal of any rule or regulation necessary for

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

3 PART YY

4 Section 1. Section 13 of part U1 of chapter 62 of the laws of 2003,
5 amending the vehicle and traffic law and other laws relating to increas-
6 ing certain motor vehicle transaction fees, as amended by section 1 of
7 part A of chapter 58 of the laws of 2017, is amended to read as follows:

8 § 13. This act shall take effect immediately; provided however that
9 sections one through seven of this act, the amendments to subdivision 2
10 of section 205 of the tax law made by section eight of this act, and
11 section nine of this act shall expire and be deemed repealed on April 1,
12 ~~2020~~ 2022; provided further, however, that the provisions of section
13 eleven of this act shall take effect April 1, 2004 and shall expire and
14 be deemed repealed on April 1, ~~2020~~ 2022.

15 § 2. Section 2 of part B of chapter 84 of the laws of 2002, amending
16 the state finance law relating to the costs of the department of motor
17 vehicles, as amended by section 2 of part A of chapter 58 of the laws of
18 2015, is amended to read as follows:

19 § 2. This act shall take effect April 1, 2002; provided, however, if
20 this act shall become a law after such date it shall take effect imme-
21 diately and shall be deemed to have been in full force and effect on and
22 after April 1, 2002; provided further, however, that this act shall
23 expire and be deemed repealed on April 1, ~~2020~~ 2022.

24 § 3. This act shall take effect immediately.

25 PART ZZ

26 Section 1. Section 399-1 of the vehicle and traffic law, as amended by
27 section 1 of part UU of chapter 59 of the laws of 2018, is amended to
28 read as follows:

29 § 399-1. Application. Applicants for participation in the pilot
30 program established pursuant to this article shall be among those acci-
31 dent prevention course sponsoring agencies that have a course approved
32 by the commissioner pursuant to article twelve-B of this title [~~prior to~~
33 ~~the effective date of this article~~] and which deliver such course to the
34 public. Provided, [~~however,~~] the commissioner [~~may~~] shall, in his or her
35 discretion, approve additional applications after [~~such~~] the effective
36 date of this article. In order to be approved for participation in such
37 pilot program, the course must comply with the provisions of law, rules
38 and regulations applicable thereto. The commissioner may, in his or her
39 discretion, impose a fee for the submission of each application to
40 participate in the pilot program established pursuant to this article.
41 Such fee shall not exceed seven thousand five hundred dollars.

42 § 2. Section 399-q of the vehicle and traffic law, as added by chapter
43 368 of the laws of 2019, is amended to read as follows:

44 § 399-q. Application. An applicant for participation in the pilot
45 program established pursuant to this article shall be an approved spon-
46 sor of an internet accident prevention course, pursuant to article
47 twelve-C of this title, prior to the effective date of this article and
48 which delivers such courses to the public. Provided, the commissioner
49 shall, in his or her discretion, approve additional applications after
50 such date. In order to be approved for participation in such pilot
51 program, the course must comply with provisions of law, rules and regu-
52 lations applicable thereto. The commissioner may, in his or her

1 discretion, impose a fee for the submission of each application to
 2 participate in the pilot program established pursuant to this article.
 3 Such fee shall not exceed seven thousand five hundred dollars which
 4 shall, excluding administrative expenses of the department, be deposited
 5 in the dedicated highway and bridge trust fund established pursuant to
 6 section eighty-nine-b of the state finance law.

7 § 3. Section 399-s of the vehicle and traffic law, as added by chap-
 8 ter 368 of the laws of 2019, is amended to read as follows:

9 § 399-s. Pilot program scope and duration. The commissioner shall
 10 conduct a pilot program designed to evaluate utilizing the internet for
 11 delivering an approved pre-licensing course required by subparagraph (i)
 12 of paragraph (a) of subdivision four of section five hundred two of this
 13 chapter, by permitting qualified applicants to participate in the pilot
 14 program from June thirtieth, two thousand twenty to June thirtieth, two
 15 thousand twenty-five. Provided that applicants for class DJ and class MJ
 16 licenses shall not be eligible to participate in such pilot program.

17 § 4. Section 5 of chapter 751 of the laws of 2005, amending the insur-
 18 ance law and the vehicle and traffic law relating to establishing the
 19 accident prevention course internet technology pilot program, as amended
 20 by section 3 of part D of chapter 58 of the laws of 2016, is amended to
 21 read as follows:

22 § 5. This act shall take effect on the one hundred eightieth day after
 23 it shall have become a law and shall expire and be deemed repealed April
 24 1, [~~2020~~] 2022; provided that any rules and regulations necessary to
 25 implement the provisions of this act on its effective date are author-
 26 ized and directed to be completed on or before such date.

27 § 5. This act shall take effect immediately; provided that sections
 28 two and three of this act shall take effect on the same date and in the
 29 same manner as chapter 368 of the laws of 2019 takes effect; provided,
 30 however, that the amendments to section 399-1 of the vehicle and traffic
 31 law made by section one of this act shall not affect the repeal of such
 32 section and shall be deemed to be repealed therewith; provided further,
 33 that the amendments to article 12-D of the vehicle and traffic law made
 34 by sections two and three of this act shall not affect the repeal of
 35 such article and shall be deemed to be repealed therewith. Effective
 36 immediately, the addition, amendment and/or repeal of any rule or regu-
 37 lation necessary for the implementation of this act on its effective
 38 date are authorized to be made and completed on or before such effective
 39 date.

PART AAA

Intentionally Omitted

PART BBB

Intentionally Omitted

PART CCC

Intentionally Omitted

PART DDD

Intentionally Omitted

1

PART EEE

2 Section 1. Section 5 of chapter 451 of the laws of 2017, enacting the
3 New York Buy American Act, is amended to read as follows:

4 § 5. This act shall take effect April 1, 2018 and shall apply to any
5 state contracts executed and entered into on or after such date and
6 shall exclude such contracts that have been previously awarded or have
7 pending bids or pending requests for proposals issued as of April 1,
8 2018, and shall not apply to projects that have commenced project design
9 and environmental studies prior to such date[~~, provided, however, that~~
10 ~~this act shall expire and be deemed repealed April 15, 2020~~].

11 § 2. This act shall take effect immediately.

12

PART FFF

13 Section 1. The labor law is amended by adding a new section 224-a to
14 read as follows:

15 § 224-a. Prevailing wage requirements applicable to construction
16 projects performed under private contract. 1. Subject to the provisions
17 of this section, each "covered project" as defined in this section shall
18 be subject to prevailing wage requirements in accordance with section
19 two hundred twenty and two hundred twenty-b of this article. A "covered
20 project" shall mean construction work done under contract which is paid
21 for in whole or in part out of public funds as such term is defined in
22 this section where the amount of all such public funds, when aggregated,
23 is at least thirty percent of the total construction project costs and
24 where such project costs are over five million dollars except as
25 provided for by section two hundred twenty-four-c of this article.

26 2. For purposes of this section, "paid for in whole or in part out of
27 public funds" shall mean any of the following:

28 a. The payment of money, by a public entity, or a third party acting
29 on behalf of and for the benefit of a public entity, directly to or on
30 behalf of the contractor, subcontractor, developer or owner that is not
31 subject to repayment;

32 b. The savings achieved from fees, rents, interest rates, or other
33 loan costs, or insurance costs that are lower than market rate costs;
34 savings from reduced taxes as a result of tax credits, tax abatements,
35 tax exemptions or tax increment financing; savings from payments in lieu
36 of taxes; and any other savings from reduced, waived, or forgiven costs
37 that would have otherwise been at a higher or market rate but for the
38 involvement of the public entity;

39 c. Money loaned by the public entity that is to be repaid on a contin-
40 gent basis; or

41 d. Credits that are applied by the public entity against repayment of
42 obligations to the public entity.

43 3. For purposes of this section, "paid for in whole or in part out of
44 public funds" shall not include:

45 a. Benefits under section four hundred twenty-one-a of the real prop-
46 erty tax law;

47 b. Funds that are not provided primarily to promote, incentivize, or
48 ensure that construction work is performed, which would otherwise be
49 captured in subdivision two of this section;

50 c. Funds used to incentivize or ensure the development of a comprehen-
51 sive sewage system, including connection to existing sewer lines or
52 creation of new sewage lines or sewer capacity, provided, however, that

1 such work shall be deemed to be a public work covered under the
2 provisions of this article;

3 d. tax benefits provided for projects the length or value of which are
4 not able to be calculated at the time the work is to be performed;

5 e. tax benefits related to brownfield remediation or brownfield rede-
6 velopment pursuant to section twenty-one, twenty-two, one hundred eight-
7 y-seven-g or one hundred eighty-seven-h of the tax law, subdivision
8 seventeen or eighteen of section two hundred ten-B of the tax law,
9 subsection (dd) or (ee) of section six hundred six of the tax law, or
10 subdivision (u) or (v) of section fifteen hundred eleven of the tax law;

11 f. funds provided pursuant to subdivision three of section twenty-
12 eight hundred fifty-three of the education law; and

13 g. any other public monies, credits, savings or loans, determined by
14 the public subsidy board created in section two hundred twenty-four-c of
15 this article as exempt from this definition.

16 4. For purposes of this section "covered project" shall not include
17 any of the following:

18 a. Construction work on one or two family dwellings where the property
19 is the owner's primary residence, or construction work performed on
20 property where the owner of the property owns no more than four dwelling
21 units;

22 b. Construction work performed under a contract with a not-for-profit
23 corporation as defined in section one hundred two of the not-for-profit
24 corporation law, other than a not-for-profit corporation formed exclu-
25 sively for the purpose of holding title to property and collecting
26 income thereof or any public entity as defined in this section where the
27 not-for-profit corporation has gross annual revenue and support less
28 than five million dollars;

29 c. Construction work performed on a multiple residence and/or ancil-
30 lary amenities or installations that is wholly privately owned in any of
31 the following circumstances except as provided for by section two
32 hundred twenty-four-c of this article:

33 (i) where no less than twenty-five percent of the residential units
34 are affordable and shall be retained subject to an anticipated regulato-
35 ry agreement with a local, state, or federal governmental entity, or a
36 not-for-profit entity with an anticipated formal agreement with a local,
37 state, or federal governmental entity for purposes of providing afforda-
38 ble housing in a given locality or region provided that the period of
39 affordability for a residential unit deemed affordable under the
40 provisions of this paragraph shall be for no less than fifteen years
41 from the date of construction; or

42 (ii) where no less than thirty-five percent of the residential units
43 involves the provision of supportive housing services for vulnerable
44 populations provided that such units are subject to an anticipated regu-
45 latory agreement with a local, state, or federal governmental entity; or

46 (iii) any newly created programs for affordable or subsidized housing
47 as determined by the public subsidy board established by section two
48 hundred twenty-four-c of this article.

49 d. Construction work performed on a manufactured home park as defined
50 in paragraph three of subdivision a of section two hundred thirty-three
51 of the real property law where the manufactured home park is subject to
52 a regulatory agreement with a local, state, or federal governmental
53 entity for no less than fifteen years;

54 e. Construction work performed under a pre-hire collective bargaining
55 agreement between an owner or contractor and a bona fide building and
56 construction trade labor organization which has established itself as

1 the collective bargaining representative for all persons who will
2 perform work on such a project, and which provides that only contractors
3 and subcontractors who sign a pre-negotiated agreement with the labor
4 organization can perform work on such a project, or construction work
5 performed under a labor peace agreement, project labor agreement, or any
6 other construction work performed under an enforceable agreement between
7 an owner or contractor and a bona fide building and construction trade
8 labor organization;

9 f. Construction work performed on projects funded by section sixteen-n
10 of the urban development corporation act or the downtown revitalization
11 initiative;

12 g. Construction work and engineering and consulting services performed
13 in connection with the installation of a renewable energy system, renew-
14 able heating or cooling system, or energy storage system, with a capaci-
15 ty equal to or under five megawatts alternating current;

16 h. Construction work performed on supermarket retail space built or
17 renovated with tax incentives provided under the food retail expansion
18 to support health (FRESH) program through the New York city industrial
19 development agency;

20 i. Construction work performed for interior fit-outs and improvements
21 under ten thousand square feet through small business incubation
22 programs operated by the New York city economic development corporation;

23 j. Construction work on space to be used as a school under sixty thou-
24 sand square feet, pursuant to a lease from a private owner to the New
25 York city department of education and the school construction authority;
26 or

27 k. Construction work performed on projects that received tax benefits
28 related to historic rehabilitation pursuant to subdivision twenty-six of
29 section two hundred ten-B of the tax law, subsection (oo) or (pp) of
30 section six hundred six of the tax law, or subdivision (y) of section
31 fifteen hundred eleven of the tax law.

32 5. For purposes of this section, "public entity" shall include, but
33 shall not be limited to, the state, a local development corporation as
34 defined in subdivision eight of section eighteen hundred one of the
35 public authorities law or section fourteen hundred eleven of the not-
36 for-profit corporation law, a municipal corporation as defined in
37 section one hundred nineteen-n of the general municipal law, an indus-
38 trial development agency formed pursuant to article eighteen-A of the
39 general municipal law or industrial development authorities formed
40 pursuant to article eight of the public authorities law, and any state,
41 local or interstate or international authorities as defined in section
42 two of the public authorities law; and shall include any trust created
43 by any such entities.

44 6. For purposes of this section, "construction" means work which shall
45 be as defined by the public subsidy board to require payment of prevail-
46 ing wage, and which may involve the employment of laborers, workers, or
47 mechanics.

48 7. For purposes of this section and section two hundred twenty-four-b
49 of this article, the "fiscal officer" shall be deemed to be the commis-
50 sioner.

51 8. The enforcement of any construction work deemed to be a covered
52 project pursuant to this section, and any additional requirements, shall
53 be subject, in addition to this section, only to the requirements of
54 sections two hundred twenty, two hundred twenty-four-b, two hundred
55 twenty-four-c, and two hundred twenty-b of this article and within the
56 jurisdiction of the fiscal officer; provided, however, nothing contained

1 in this section shall be deemed to construe any covered project as
2 otherwise being considered public work pursuant to this article; and
3 further provided:

4 a. The owner or developer of such covered project shall certify under
5 penalty of perjury within five days of commencement of construction work
6 whether the project at issue is subject to the provisions of this
7 section through the use of a standard form developed by the fiscal offi-
8 cer.

9 b. The owners or developers of a property who are undertaking a
10 project under private contract, may seek guidance from the public subsi-
11 dy board contained in section two hundred twenty-four-c of this article,
12 and such board may render an opinion as to whether or not the project is
13 a covered project within the meaning of this article. Any such determi-
14 nation shall not be reviewable by the fiscal officer, nor shall it be
15 reviewable by the department pursuant to section two hundred twenty of
16 this article.

17 c. The owner or developer of a covered project shall be responsible
18 for retaining original payroll records in accordance with section two
19 hundred twenty of this article for a period of six years from the
20 conclusion of such work. All payroll records maintained by an owner or
21 developer pursuant to this section shall be subject to inspection on
22 request of the fiscal officer. Such owner or developer may authorize
23 the prime contractor of the construction project to take responsibility
24 for retaining and maintaining payroll records, but will be held jointly
25 and severally liable for any violations of such contractor. All records
26 obtained by the fiscal officer shall be subject to the Freedom of Infor-
27 mation Law.

28 d. Each public entity providing any of the public funds listed in
29 subdivision two of this section to an owner, developer, contractor or
30 subcontractor of a project shall identify the nature and dollar value of
31 such funds and whether any such funds are excluded under subdivision
32 three of this section and shall so notify the recipient of such funds of
33 such determination and of their obligations under paragraph a of this
34 subdivision.

35 e. The fiscal officer may issue rules and regulations governing the
36 provisions of this section. Violations of this section shall be grounds
37 for determinations and orders pursuant to section two hundred twenty-b
38 of this article.

39 9. Each owner and developer subject to the requirements of this
40 section shall comply with the objectives and goals of minority and
41 women-owned business enterprises pursuant to article fifteen-A of the
42 executive law and service-disabled veteran-owned businesses pursuant to
43 article seventeen-B of the executive law. The department in consulta-
44 tion with the directors of the division of minority and women's business
45 development and of the division of service-disabled veterans' business
46 development shall make training and resources available to assist minor-
47 ity and women-owned business enterprises and service-disabled veteran-
48 owned business enterprises on covered projects achieve and maintain
49 compliance with prevailing wage requirements. The department shall make
50 such training and resources available online and shall afford minority
51 and women-owned business enterprises and service-disabled veteran-owned
52 business enterprises an opportunity to submit comments on such training.

53 10. a. The fiscal officer shall report to the governor, the temporary
54 president of the senate, and the speaker of the assembly by July first,
55 two thousand twenty-two, and annually thereafter, on the participation
56 of minority and women-owned business enterprises in relation to covered

1 projects and contracts for public work subject to the provisions of this
2 section and section two hundred twenty of this article respectively as
3 well as the diversity practices of contractors and subcontractors
4 employing laborers, workers, and mechanics on such projects.

5 b. Such reports shall include aggregated data on the utilization and
6 participation of minority and women-owned business enterprises, the
7 employment of minorities and women in construction-related jobs on such
8 projects, and the commitment of contractors and subcontractors on such
9 projects to adopting practices and policies that promote diversity with-
10 in the workforce. The reports shall also examine the compliance of
11 contractors and subcontractors with other equal employment opportunity
12 requirements and anti-discrimination laws, in addition to any other
13 employment practices deemed pertinent by the commissioner.

14 c. The fiscal officer may require any owner or developer to disclose
15 information on the participation of minority and women-owned business
16 enterprises and the diversity practices of contractors and subcontrac-
17 tors involved in the performance of any covered project. It shall be
18 the duty of the fiscal officer to consult and to share such information
19 in order to effectuate the requirements of this section.

20 11. If construction work is not deemed to be a covered project, wheth-
21 er by virtue of an exclusion of such project under subdivision four of
22 this section, or by virtue or not receiving sufficient public money to
23 be deemed "paid for in whole or in part out of public funds", such
24 project shall not be subject to the requirements of sections two hundred
25 twenty and two hundred twenty-b of this article.

26 § 2. The labor law is amended by adding a new section 224-b to read as
27 follows:

28 § 224-b. Stop-work orders. Where a complaint is received pursuant to
29 this article, or where the fiscal officer upon his or her own investi-
30 gation, finds cause to believe that any person, in connection with the
31 performance of any contract for public work pursuant to section two
32 hundred twenty of this article or any covered project pursuant to
33 section two hundred twenty-four-a of this article, has substantially and
34 materially failed to comply with or intentionally evaded the provisions
35 of this article, the fiscal officer may notify such person in writing of
36 his or her intention to issue a stop-work order. Such notice shall (i)
37 be served in a manner consistent with section three hundred eight of the
38 civil practice law and rules; (ii) notify such person of his or her
39 right to a hearing; and (iii) state the factual basis upon which the
40 fiscal officer has based his or her decision to issue a stop-work order.
41 Any documents, reports, or information that form a basis for such deci-
42 sion shall be provided to such person within a reasonable time before
43 the hearing. Such hearing shall be expeditiously conducted.

44 Following the hearing, if the fiscal officer issues a stop-work order,
45 it shall be served by regular mail, and a second copy may be served by
46 telefacsimile or by electronic mail, with service effective upon receipt
47 of any such order. Such stop-work order shall also be served with regard
48 to a worksite by posting a copy of such order in a conspicuous location
49 at the worksite. The order shall remain in effect until the fiscal offi-
50 cer directs that the stop-work order be removed, upon a final determi-
51 nation on the complaint or where such failure to comply or evade has
52 been deemed corrected. If the person against whom such order is issued
53 shall within thirty days after issuance of the stop-work order makes an
54 application in affidavit form for a redetermination review of such order
55 the fiscal officer shall make a decision in writing on the issues raised
56 in such application. The fiscal officer may direct a conditional release

1 from a stop-work order upon a finding that such person has taken mean-
2 ingful and good faith steps to comply with the provisions of this arti-
3 cle.

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

6 § 224-c. Public subsidy board. 1. A board on public subsidies, herein-
7 after "the board", is hereby created, to consist of thirteen members.
8 The thirteen members shall be appointed by the governor as follows: one
9 member upon the recommendation of the temporary president of the senate,
10 one member upon the recommendation of the speaker of the assembly, the
11 commissioner, the president of the empire state development corporation,
12 the director of the division of the budget, two members representing
13 employees in the construction industry, of whom one shall be a represen-
14 tative of the largest statewide trade labor association representing
15 building and construction workers, and one shall be a representative of
16 the largest trade labor association representing building and
17 construction workers with membership in New York City, and two members
18 representing employers in the construction industry, of whom one shall
19 be a representative of the largest statewide organization representing
20 building owners and developers, either for-profit or not-for-profit, and
21 one shall be a representative of a statewide organization representing
22 building owners and developers, either for-profit or not-for-profit,
23 representing a region different than the region primarily represented by
24 the initial employer representative. The commissioner shall act as the
25 chair. The members shall serve at the pleasure of the authority recom-
26 mending, designating, or otherwise appointing such member and shall
27 serve without salary or compensation but shall be reimbursed for neces-
28 sary expenses incurred in the performance of their duties.

29 2. The board shall meet on an as needed basis and shall have the power
30 to conduct public hearings. The board may also consult with employers
31 and employees, and their respective representatives, in the construction
32 industry and with such other persons, including the commissioner, as it
33 shall determine. No public officer or employee appointed to the board
34 shall forfeit any position or office by virtue of appointment to such
35 board. Any proceedings of the board which relate to a particular indi-
36 vidual or project shall be confidential.

37 3. The board may examine and make recommendations regarding the
38 following:

39 (a) the minimum threshold percentage of public funds set forth in
40 subdivision one of section two hundred twenty-four-a of this article,
41 but no lower than that which is set forth in such subdivision;

42 (b) the minimum dollar threshold of projects set forth in subdivision
43 one of section two hundred twenty-four-a of this article, but no lower
44 than that which is set forth in such subdivision;

45 (c) construction work excluded as a covered project, as set forth in
46 subparagraphs (i), (ii) and (iii) of paragraph c of subdivision four of
47 section two hundred twenty-four-a of this article;

48 (d) the definition of construction for purposes of section two hundred
49 twenty-four-a of this article; or

50 (e) particular instances of benefits, monies or credits as to whether
51 or not they should constitute public funds.

52 4. Prior to making any recommendation intended to apply to all
53 projects, the board shall hold a public hearing. The board shall
54 announce each public hearing at least fifteen days in advance. The
55 announcement shall contain an agenda of the topics the board will
56 discuss. At each hearing, the board may hear testimony and/or review

1 written documents from any interested stakeholders related to the
2 planned agenda of the meeting. The board shall make any such recommen-
3 dations in writing. In making its recommendations, the board shall exam-
4 ine the impact of such thresholds and circumstances on private develop-
5 ment in light of available public subsidies, existing labor market
6 conditions, prevailing wage and supplement practices, and shall consider
7 the extent to which adjustments to such thresholds and circumstances
8 could ameliorate adverse impacts, if any, or expand opportunities for
9 prevailing wage and supplement standards on publicly subsidized private
10 construction projects in any region or regions of the state.

11 5. The board shall be empowered to issue binding determinations to any
12 public entity, or any private or not-for-profit owner or developer as to
13 any particular matter related to an existing or potential covered
14 project. In such instances the board shall make a determination based
15 upon documents, or testimony, or both in its sole discretion. Any such
16 proceedings shall be confidential, except that publication of such deci-
17 sions shall be made available on the department's website, subject to
18 redaction or confidentiality as the board shall deem warranted in
19 accordance with any applicable federal or state statutory or regulatory
20 requirement governing confidentiality and personal privacy.

21 6. Any recommendation rendered by the board pursuant to this section
22 shall be subject to the provisions of article seventy-eight of the civil
23 practice law and rules.

24 7. In the event that the board finds that there is or likely would be
25 a significant negative economic impact of implementing the prevailing
26 wage requirements provided for in section two hundred twenty-four-a of
27 this article, the board may temporarily delay the implementation of such
28 requirements beyond January first, two thousand twenty-two. Such a delay
29 may be effective statewide or effective only in a region of the state as
30 defined by the regional economic development councils. In making such a
31 determination to delay, the board shall consult the department, the
32 department's division of research and statistics, the United States
33 department of labor, the federal reserve bank of New York and other
34 economic experts. The board will reference well-established economic
35 indexes and accepted economic factors tied to the construction industry,
36 including but not limited to construction industry employment, wages,
37 and overall construction activity.

38 § 4. The labor law is amended by adding a new section 813-a to read as
39 follows:

40 § 813-a. Annual reports by apprenticeship programs. 1. On an annual
41 basis, all apprenticeship programs covered under the provisions of this
42 article shall report to the department on the participation of appren-
43 tices currently enrolled in such apprenticeship program. The data to be
44 included in such report shall include, at a minimum: (a) the total
45 number of apprentices in such apprenticeship program; (b) the demograph-
46 ic information of such apprentices to the extent such data is available,
47 including, but not limited to, the age, gender, race, ethnicity, and
48 national origin of such apprentices; (c) the rate of advancement and
49 graduation of such apprentices; and (d) the rate of placement of such
50 apprentices onto job sites as well as the demographic information of
51 such apprentices to the extent such data is available, including, but
52 not limited to the age, gender, race, ethnicity, and national origin of
53 such apprentices.

54 2. The department shall make such data publicly available on its
55 website by July first, two thousand twenty-two and on an annual basis,
56 but no later than December thirty-first of each following year.

1 3. The commissioner may promulgate rules and regulations necessary for
2 the implementation of this section.

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

12 § 6. This act shall take effect on January 1, 2022 and shall apply to
13 contracts for construction executed, incentive agreements executed,
14 procurements or solicitations issued, or applications for building
15 permits on or after such date; provided however that section three of
16 this act shall take effect on April 1, 2021, and provided further that
17 this act shall not pre-exempt any existing contracts, nor apply to any
18 appropriations of public funds made prior to the day on which this act
19 shall have become a law, or to re-appropriations of such funds first
20 appropriated prior to the day on which this act shall have become a law.
21 Effective immediately, the addition, amendment and/or repeal of any rule
22 or regulation necessary for the implementation of this act on its effec-
23 tive date are authorized to be made and completed on or before such
24 effective date.

25 PART GGG

26 Intentionally Omitted

27 PART HHH

28 Intentionally Omitted

29 PART III

30 Section 1. Subdivision 3 of section 16-o of section 1 of chapter 174
31 of the laws of 1968 constituting the New York state urban development
32 corporation act, as added by chapter 186 of the laws of 2007, is amended
33 to read as follows:

34 3. Establishment and purposes. The corporation shall establish a fund
35 to be known as the "community development financial institutions fund"
36 and shall pay into such fund any monies made available to the corpo-
37 ration for such fund from any source. The monies held in or credited to
38 the fund shall be expended solely for the purposes set forth in this
39 section. The corporation shall not [~~commingle~~] transfer the monies of
40 such fund [~~with~~] to any other fund or monies of the corporation or any
41 monies held in trust by the corporation. The corporation is authorized,
42 [~~within~~] subject to available [~~appropriations~~] funding, including, but
43 not limited to, available appropriations, to provide financial and tech-
44 nical assistance to community development financial institutions that
45 make loans and provide development services to specific investment areas
46 or targeted populations.

47 § 2. This act shall take effect immediately.

48 PART JJJ

1 Section 1. This act shall be known as the "accelerated renewable ener-
2 gy growth and community benefit act".

3 § 2. Legislative findings and statement of purpose. The legislature
4 hereby finds, determines and declares:

5 1. Chapter 106 of the laws of 2019 enacted the New York state climate
6 leadership and community protection act (the "CLCPA") that among other
7 things:

8 (a) directed the department of environmental conservation to establish
9 a statewide greenhouse gas emissions limit as a percentage of 1990 emis-
10 sions as follows: (i) 2030: 60% of 1990 emissions; and (ii) 2050: 15% of
11 1990 emissions;

12 (b) directed the public service commission ("commission") to establish
13 programs to require that a minimum of 70% statewide electric generation
14 be produced by renewable energy systems by 2030, and that by the year
15 2040 the statewide electrical demand system will generate zero emis-
16 sions; and

17 (c) directed the commission to require the procurement by the state's
18 jurisdictional load serving entities of at least 9 gigawatts of offshore
19 wind electricity generation by 2035 and six gigawatts of photovoltaic
20 solar generation by 2025, and to support three gigawatts of statewide
21 energy storage capacity by 2030 (collectively, the "CLCPA targets").

22 2. In order to achieve the CLCPA targets, the state shall take appro-
23 priate action to ensure that:

24 (a) new renewable energy generation projects can be sited in a timely
25 and cost-effective manner that includes consideration of local laws
26 concerning zoning, the environment or public health and safety and
27 avoids or minimizes, to the maximum extent practicable, adverse environ-
28 mental impacts; and

29 (b) renewable energy can be efficiently and cost effectively injected
30 into the state's distribution and transmission system for delivery to
31 regions of the state where it is needed. In particular, the state shall
32 provide for timely and cost effective construction of new, expanded and
33 upgraded distribution and transmission infrastructure as may be needed
34 to access and deliver renewable energy resources, which may include
35 alternating current transmission facilities, high voltage direct current
36 transmission infrastructure facilities, and submarine transmission
37 facilities needed to interconnect off-shore renewable generation
38 resources to the state's transmission system.

39 3. A public policy purpose would be served and the interests of the
40 people of the state would be advanced by directing the public service
41 commission to make a comprehensive study of the state's power grid to
42 identify distribution and transmission infrastructure needed to enable
43 the state to meet the CLCPA targets, and based on such study, develop
44 definitive plans that: (a) provide for the timely development of local
45 transmission and distribution system upgrades by the state's regulated
46 utilities and the Long Island power authority; (b) identify bulk trans-
47 mission investments that should be undertaken, including projects that
48 should be undertaken immediately and on an expedited basis in cooper-
49 ation with the power authority of the state of New York; and (c) other-
50 wise advance the policies of this act.

51 4. A public policy purpose would be served and the interests of the
52 people of the state would be advanced by:

53 (a) expediting the regulatory review for the siting of major renewable
54 energy facilities and transmission infrastructure necessary to meet the
55 CLCPA targets, in recognition of the importance of these facilities and
56 their ability to lower carbon emissions;

1 (b) making available to developers of clean generation resources
2 build-ready sites for the construction and operation of such renewable
3 energy facilities;

4 (c) developing uniform permit standards and conditions that are appli-
5 cable to classes and categories of renewable energy facilities, that
6 reflect the environmental benefits of such facilities and address common
7 conditions necessary to minimize impacts to the surrounding community
8 and environment;

9 (d) providing for workforce training, especially in disadvantaged
10 communities;

11 (e) implementing one or more programs to provide benefits to owners of
12 land and communities where renewable energy facilities and transmission
13 infrastructure would be sited;

14 (f) incentivizing the re-use or adaptation of sites with existing or
15 abandoned commercial or industrial uses, such as brownfields, landfills,
16 dormant electric generating sites and former commercial or industrial
17 sites, for the development of major renewable energy facilities and to
18 restore and protect the value of taxable land and leverage existing
19 resources; and

20 (g) implementing the state's policy to protect, conserve and recover
21 endangered and threatened species while establishing additional mech-
22 anisms to facilitate the achievement of a net conservation benefit to
23 endangered or threatened species which may be impacted by the
24 construction or operation of major renewable energy facilities.

25 § 3. Paragraphs (c) and (d) of subdivision 4 of section 162 of the
26 public service law, as added by chapter 388 of the laws of 2011, are
27 amended and a new subdivision (e) is added to read as follows:

28 (c) To a major electric generating facility (i) constructed on lands
29 dedicated to industrial uses, (ii) the output of which shall be used
30 solely for industrial purposes, on the premises, and (iii) the generat-
31 ing capacity of which does not exceed two hundred thousand kilowatts;
32 [~~or~~]

33 (d) To a major electric generating facility if, on or before the
34 effective date of the rules and regulations promulgated pursuant to this
35 article and section 19-0312 of the environmental conservation law, an
36 application has been made for a license, permit, certificate, consent or
37 approval from any federal, state or local commission, agency, board or
38 regulatory body, in which application the location of the major electric
39 generating facility has been designated by the applicant; or if the
40 facility is under construction at such time[~~+~~]; or

41 (e) To a major renewable energy facility as such term is defined in
42 section ninety-four-c of the executive law; provided, however, that any
43 person intending to construct a major renewable energy facility, that
44 has a draft pre-application public involvement program plan pursuant to
45 section one hundred sixty-three of this article and the regulations
46 implementing this article, which is pending with the siting board as of
47 the effective date of this paragraph may remain subject to the
48 provisions of this article or, may, by written notice to the secretary
49 of the commission, elect to become subject to the provisions of section
50 ninety-four-c of the executive law.

51 § 4. The executive law is amended by adding a new section 94-c to read
52 as follows:

53 § 94-c. Major renewable energy development program. 1. Purpose. It is
54 the purpose of this section to consolidate the environmental review and
55 permitting of major renewable energy facilities in this state and to
56 provide a single forum in which the office of renewable energy siting

1 created by this section may undertake a coordinated and timely review of
2 proposed major renewable energy facilities to meet the state's renewable
3 energy goals while ensuring the protection of the environment and
4 consideration of all pertinent social, economic and environmental
5 factors in the decision to permit such facilities as more specifically
6 provided in this section.

7 2. Definitions. (a) "Executive director" or "director" shall mean the
8 executive director of the office of renewable energy siting.

9 (b) "CLCPA targets" shall mean the public policies established in the
10 climate leadership and community protection act enacted in chapter one
11 hundred six of the laws of two thousand nineteen, including the require-
12 ment that a minimum of seventy percent of the statewide electric gener-
13 ation be produced by renewable energy systems by two thousand thirty,
14 that by the year two thousand forty the statewide electrical demand
15 system will generate zero emissions and the procurement of at least nine
16 gigawatts of offshore wind electricity generation by two thousand thir-
17 ty-five, six gigawatts of photovoltaic solar generation by two thousand
18 twenty-five and to support three gigawatts of statewide energy storage
19 capacity by two thousand thirty.

20 (c) "Local agency account" or "account" shall mean the account estab-
21 lished by the office pursuant to subdivision seven of this section.

22 (d) "Local agency" means any local agency, board, district, commission
23 or governing body, including any city, county, and other political
24 subdivision of the state.

25 (e) "Municipality" shall mean a county, city, town, or village.

26 (f) "Office" shall mean the office of renewable energy siting estab-
27 lished pursuant to this section.

28 (g) "Department" shall mean the department of state.

29 (h) "Major renewable energy facility" means any renewable energy
30 system, as such term is defined in section sixty-six-p of the public
31 service law as added by chapter one hundred six of the laws of two thou-
32 sand nineteen, with a nameplate generating capacity of twenty-five thou-
33 sand kilowatts or more, and any co-located system storing energy gener-
34 ated from such a renewable energy system prior to delivering it to the
35 bulk transmission system, including all associated appurtenances to
36 electric plants as defined under section two of the public service law,
37 including electric transmission facilities less than ten miles in length
38 in order to provide access to load and to integrate such facilities into
39 the state's bulk electric transmission system.

40 (i) "Siting permit" shall mean the major renewable energy facility
41 siting permit established pursuant to this section and the rules and
42 regulations promulgated by the office.

43 (j) "Dormant electric generating site" shall mean a site at which one
44 or more electric generating facilities produced electricity but has
45 permanently ceased operating.

46 3. Office of renewable energy siting; responsibilities. (a) There is
47 hereby established within the department an office of renewable energy
48 siting which is charged with accepting applications and evaluating,
49 issuing, amending, approving the assignment and/or transfer of siting
50 permits. The office shall exercise its authority by and through the
51 executive director.

52 (b) The office shall within one year of the effective date of this
53 section establish a set of uniform standards and conditions for the
54 siting, design, construction and operation of each type of major renewa-
55 ble energy facility relevant to issues that are common for particular
56 classes and categories of major renewable energy facilities, in consul-

1 tation with the New York state energy research and development authori-
2 ty, the department of environmental conservation, the department of
3 public service, the department of agriculture and markets, and other
4 relevant state agencies and authorities with subject matter expertise.
5 Prior to adoption of uniform standards and conditions, the office shall
6 hold four public hearings in different regions of the state to solicit
7 comment from municipal, or political subdivisions, and the public on
8 proposed uniform standards and conditions to avoid, minimize or mitigate
9 potential adverse environmental impacts from the siting, design,
10 construction and operation of a major renewable energy facility.

11 (c) The uniform standards and conditions established pursuant to this
12 section shall be designed to avoid or minimize, to the maximum extent
13 practicable, any potential significant adverse environmental impacts
14 related to the siting, design, construction and operation of a major
15 renewable energy facility. Such uniform standards and conditions shall
16 apply to those environmental impacts the office determines are common to
17 each type of major renewable energy facility.

18 (d) In its review of an application for a permit to develop a major
19 renewable energy facility, the office, in consultation with the depart-
20 ment of environmental conservation, shall identify those site-specific
21 environmental impacts, if any, that may be caused or contributed to by a
22 specific proposed major renewable energy facility and are unable to be
23 addressed by the uniform standards and conditions. The office shall
24 draft in consultation with the department of environmental conservation
25 site specific permit terms and conditions for such impacts, including
26 provisions for the avoidance or mitigation thereof, taking into account
27 the CLCPA targets and the environmental benefits of the proposed major
28 renewable energy facility, provided, however, that the office shall
29 require that the application of uniform standards and conditions and
30 site-specific conditions shall achieve a net conservation benefit to any
31 impacted endangered and threatened species.

32 (e) To the extent that environmental impacts are not completely
33 addressed by uniform standards and conditions and site-specific permit
34 conditions proposed by the office, and the office determines that miti-
35 gation of such impacts may be achieved by off-site mitigation, the
36 office may require payment of a fee by the applicant to achieve such
37 off-site mitigation. If the office determines, in consultation with the
38 department of environmental conservation, that mitigation of impacts to
39 endangered or threatened species that achieves a net conservation bene-
40 fit can be achieved by off-site mitigation, the amount to be paid for
41 such off-site mitigation shall be set forth in the final siting permit.
42 The office may require payment of funds sufficient to implement such
43 off-site mitigation into the endangered and threatened species miti-
44 gation fund established pursuant to section ninety-nine-hh of the state
45 finance law.

46 (f) The office, by and through the executive director, shall be
47 authorized to conduct hearings and dispute resolution proceedings, issue
48 permits, and adopt such rules, regulations and procedures as may be
49 necessary, convenient, or desirable to effectuate the purposes of this
50 section.

51 (g) The office shall within one year of the effective date of this
52 section promulgate rules and regulations with respect to all necessary
53 requirements to implement the siting permit program established in this
54 section and promulgate modifications to such rules and regulations as it
55 deems necessary; provided that the office shall promulgate regulations
56 requiring the service of applications on affected municipalities and

1 political subdivisions simultaneously with submission of the application
2 to the office.

3 (h) At the request of the office, all other state agencies and author-
4 ities are hereby authorized to provide support and render services to
5 the office within their respective functions.

6 (i) Notwithstanding any other provision of law, rule, or regulation to
7 the contrary and consistent with appropriations therefor, employees of
8 any state agency who are necessary to the functions of the office and
9 who may be substantially engaged in the performance of its functions
10 shall be transferred to the office in accordance with the provisions of
11 section seventy-eight of the civil service law. Employees transferred
12 pursuant to this section shall be transferred without further examina-
13 tion or qualification and shall retain their respective civil service
14 classifications. Nothing set forth in this subdivision shall be
15 construed to impede, infringe, or diminish the rights and benefits that
16 accrue to employees through collective bargaining agreements, impact or
17 change an employee's membership in a bargaining unit, or otherwise
18 diminish the integrity of the collective bargaining relationship.

19 4. Applicability. (a) On and after the effective date of this section,
20 no person shall commence the preparation of a site for, or begin the
21 construction of, a major renewable energy facility in the state, or
22 increase the capacity of an existing major renewable energy facility,
23 without having first obtained a siting permit pursuant to this section.
24 Any such major renewable energy facility with respect to which a siting
25 permit is issued shall not thereafter be built, maintained, or operated
26 except in conformity with such siting permit and any terms, limitations,
27 or conditions contained therein, provided that nothing in this subdivi-
28 sion shall exempt such major renewable energy facility from compliance
29 with federal laws and regulations.

30 (b) A siting permit issued by the office may be transferred or
31 assigned, subject to the prior written approval of the office, to a
32 person that agrees to comply with the terms, limitations and conditions
33 contained in such siting permit.

34 (c) The office or a permittee may initiate an amendment to a siting
35 permit under this section. An amendment initiated by the office or
36 permittee that is likely to result in any material increase in any envi-
37 ronmental impact or involves a substantial change to the terms or condi-
38 tions of a siting permit shall comply with the public notice and hearing
39 requirements of this section.

40 (d) Any hearings or dispute resolution proceedings initiated under
41 this section or pursuant to rules or regulations promulgated pursuant to
42 this section may be conducted by the executive director or any person to
43 whom the executive director shall delegate the power and authority to
44 conduct such hearings or proceedings in the name of the office at any
45 time and place.

46 (e) This section shall not apply:

47 (i) to a major renewable energy facility, or any portion thereof, over
48 which any agency or department of the federal government has exclusive
49 siting jurisdiction, or has siting jurisdiction concurrent with that of
50 the state and has exercised such jurisdiction to the exclusion of regu-
51 lation of the facility by the state; provided, however, nothing herein
52 shall be construed to expand federal jurisdiction;

53 (ii) to normal repairs, maintenance, replacements, non-material
54 modifications and improvements of a major renewable energy facility,
55 whenever built, which are performed in the ordinary course of business

1 and which do not constitute a violation of any applicable existing
2 permit;

3 (iii) to a major renewable energy facility if, on or before the effec-
4 tive date of this section, an application has been made or granted for a
5 license, permit, certificate, consent or approval from any federal,
6 state or local commission, agency, board or regulatory body, including
7 the submission of a pre-application public involvement program plan
8 under article ten of the public service law and its implementing regu-
9 lations, in which application the location of the major renewable energy
10 facility has been designated by the applicant, except in the case of a
11 person who elects to be subject to this section as authorized by para-
12 graph e of subdivision four of section one hundred sixty-two of the
13 public service law.

14 (f) Any person intending to construct a major renewable energy facili-
15 ty excluded from this section pursuant to paragraph (ii) or (iii) of
16 paragraph (e) of this subdivision may elect to become subject to the
17 provisions of this section by filing an application for a siting permit.
18 This section shall thereafter apply to each major renewable energy
19 facility identified in such notice from the date of its receipt by the
20 office. With respect to such major renewable energy facilities, the
21 rules and regulations promulgated pursuant to this section shall set
22 forth an expedited permitting process to account for matters and issues
23 already presented and resolved in relevant alternative permitting
24 proceedings.

25 (i) With respect to a major renewable energy facility for which an
26 application was previously reviewed pursuant to article ten of the
27 public service law, and for which a completeness determination had
28 already been issued at the time an application was filed pursuant to
29 this section, such application shall be considered complete pursuant to
30 this section upon filing.

31 (ii) With respect to a major renewable energy facility for which an
32 application was previously reviewed pursuant to article ten of the
33 public service law, and for which a completeness determination had not
34 been issued at the time the application was filed pursuant to this
35 section, the sixty-day time period provided in paragraph (b) of subdivi-
36 sion five of this section shall commence upon filing.

37 (g) Any person intending to construct a facility that is a renewable
38 energy system, as such term is defined in section sixty-six-p of the
39 public service law as added by chapter one hundred six of the laws of
40 two thousand nineteen, with a nameplate capacity of at least twenty
41 thousand but less than twenty-five thousand kilowatts, may apply to
42 become subject to the provisions of this section by filing an applica-
43 tion for a siting permit. Upon submission of such application, the
44 subject renewable energy facility shall be treated as a "major renewable
45 energy facility" exclusively for purposes of permitting under this
46 section.

47 5. Application, municipal notice and review. (a) Until the office
48 establishes uniform standards and conditions required by subdivision
49 three of this section and promulgates regulations specifying the content
50 of an application for a siting permit, an application for a siting
51 permit submitted to the office shall conform substantially to the form
52 and content of an application required by section one hundred sixty-four
53 of the public service law.

54 (b) Notwithstanding any law to the contrary, the office shall, within
55 sixty days of its receipt of an application for a siting permit deter-
56 mine whether the application is complete and notify the applicant of its

1 determination. If the office does not deem the application complete, the
2 office shall set forth in writing delivered to the applicant the reasons
3 why it has determined the application to be incomplete. If the office
4 fails to make a determination within the foregoing sixty-day time peri-
5 od, the application shall be deemed complete; provided, however, that
6 the applicant may consent to an extension of the sixty-day time period
7 for determining application completeness. Provided, further, that no
8 application may be complete without proof of consultation with the muni-
9 cipality or political subdivision where the project is proposed to be
10 located, or an agency thereof, prior to submission of an application to
11 the office, related to procedural and substantive requirements of local
12 law.

13 (c) (i) No later than sixty days following the date upon which an
14 application has been deemed complete, and following consultation with
15 any relevant state agency or authority, the office shall publish for
16 public comment draft permit conditions prepared by the office, which
17 comment period shall be for a minimum of sixty days from public notice
18 thereof. Such public notice shall include, at a minimum, written notice
19 to the municipality or political subdivision in which the major renewa-
20 ble energy facility is proposed to be located; publication in a newspa-
21 per or in electronic form, having general circulation in such muni-
22 cipality or political subdivision; and posted on the office's website.

23 (ii) For any municipality, political subdivision or an agency thereof
24 that has received notice of the filing of an application, pursuant to
25 regulations promulgated in accordance with this section, the muni-
26 cipality or political subdivision or agency thereof shall within the time-
27 frames established by this subdivision submit a statement to the office
28 indicating whether the proposed facility is designed to be sited,
29 constructed and operated in compliance with applicable local laws and
30 regulations, if any, concerning the environment, or public health and
31 safety. In the event that a municipality, political subdivision or an
32 agency thereof submits a statement to the office that the proposed
33 facility is not designed to be sited, constructed or operated in compli-
34 ance with local laws and regulations and the office determines not to
35 hold an adjudicatory hearing on the application, the department shall
36 hold non-adjudicatory public hearing in the affected municipality or
37 political subdivision.

38 (d) If public comment on a draft permit condition published by the
39 office pursuant to this subdivision, including comments provided by a
40 municipality or political subdivision or agency thereof, or members of
41 the public raises a substantive and significant issue, as defined in
42 regulations adopted pursuant to this section, that requires adjudi-
43 cation, the office shall promptly fix a date for an adjudicatory hearing
44 to hear arguments and consider evidence with respect thereto.

45 (e) Following the expiration of the public comment period set forth in
46 this subdivision, or following the conclusion of a hearing undertaken
47 pursuant to this subdivision, the office shall, in the case of a public
48 comment period, issue a written summary of public comment and an assess-
49 ment of comments received, and in the case of an adjudicatory hearing,
50 the executive officer or any person to whom the executive director has
51 delegated such authority, shall issue a final written hearing report. A
52 final siting permit may only be issued if the office makes a finding
53 that the proposed project, together with any applicable uniform and
54 site-specific standards and conditions would comply with applicable laws
55 and regulations. In making this determination, the office may elect not
56 to apply, in whole or in part, any local law or ordinance which would

1 otherwise be applicable if it makes a finding that, as applied to the
2 proposed major renewable energy facility, it is unreasonably burdensome
3 in view of the CLCPA targets and the environmental benefits of the
4 proposed major renewable energy facility.

5 (f) Notwithstanding any other deadline made applicable by this
6 section, the office shall make a final decision on a siting permit for
7 any major renewable energy project within one year from the date the
8 application was deemed complete, or within six months from the date the
9 application was deemed complete if the major renewable energy facility
10 is proposed to be sited on an existing or abandoned commercial use,
11 including without limitation, brownfields, landfills, former commercial
12 or industrial sites, dormant electric generating sites, and abandoned or
13 otherwise underutilized sites, as further defined by the regulations
14 promulgated by this section. Unless the office and the applicant have
15 agreed to an extension, with such extension limited to thirty days, and
16 if a final siting permit decision has not been made by the office within
17 such time period, then such siting permit shall be deemed to have been
18 automatically granted for all purposes set forth in this section and all
19 uniform conditions or site specific permit conditions issued for public
20 comment shall constitute enforceable provisions of the siting permit.
21 The final siting permit shall include a provision requiring the permit-
22 tee to provide a host community benefit, which may be a host community
23 benefit as determined by the public service commission pursuant to
24 section eight of the chapter of the laws of two thousand twenty that
25 added this section or such other project as determined by the office or
26 as subsequently agreed to between the applicant and the host community.

27 (g) Any party aggrieved by the issuance or denial of a permit under
28 this section may seek judicial review of such decision as provided in
29 this paragraph. (i) A judicial proceeding shall be brought in the appel-
30 late division of the supreme court of the state of New York in the judi-
31 cial department embracing the county wherein the facility is to be
32 located or, if the application is denied, the county wherein the appli-
33 cant has proposed to locate the facility. Such proceeding shall be
34 initiated by the filing of a petition in such court within ninety days
35 after the issuance of a final decision by the office together with proof
36 of service of a demand on the office to file with said court a copy of a
37 written transcript of the record of the proceeding and a copy of the
38 office's decision and opinion. The office's copy of said transcript,
39 decision and opinion, shall be available at all reasonable times to all
40 parties for examination without cost. Upon receipt of such petition and
41 demand the office shall forthwith deliver to the court a copy of the
42 record and a copy of the office's decision and opinion. Thereupon, the
43 court shall have jurisdiction of the proceeding and shall have the power
44 to grant such relief as it deems just and proper, and to make and enter
45 an order enforcing, modifying and enforcing as so modified, remanding
46 for further specific evidence or findings or setting aside in whole or
47 in part such decision. The appeal shall be heard on the record, without
48 requirement of reproduction, and upon briefs to the court. The findings
49 of fact on which such decision is based shall be conclusive if supported
50 by substantial evidence on the record considered as a whole and matters
51 of judicial notice set forth in the opinion. The jurisdiction of the
52 appellate division of the supreme court shall be exclusive and its judg-
53 ment and order shall be final, subject to review by the court of appeals
54 in the same manner and form and with the same effect as provided for
55 appeals in a special proceeding. All such proceedings shall be heard and
56 determined by the appellate division of the supreme court and by the

1 court of appeals as expeditiously as possible and with lawful precedence
2 over all other matters.

3 (ii) The grounds for and scope of review of the court shall be limited
4 to whether the decision and opinion of the office are:

5 (A) In conformity with the constitution, laws and regulations of the
6 state and the United States;

7 (B) Supported by substantial evidence in the record and matters of
8 judicial notice properly considered and applied in the opinion;

9 (C) Within the office's statutory jurisdiction or authority;

10 (D) Made in accordance with procedures set forth in this section or
11 established by rule or regulation pursuant to this section;

12 (E) Arbitrary, capricious or an abuse of discretion; or

13 (F) Made pursuant to a process that afforded meaningful involvement of
14 citizens affected by the facility regardless of age, race, color,
15 national origin and income.

16 (iii) Except as herein provided article seventy-eight of the civil
17 practice law and rules shall apply to appeals taken hereunder.

18 6. Powers of municipalities and state agencies and authorities; scope
19 of section. (a) Notwithstanding any other provision of law, including
20 without limitation article eight of the environmental conservation law
21 and article seven of the public service law, no other state agency,
22 department or authority, or any municipality or political subdivision or
23 any agency thereof may, except as expressly authorized under this
24 section or the rules and regulations promulgated under this section,
25 require any approval, consent, permit, certificate, contract, agreement,
26 or other condition for the development, design, construction, operation,
27 or decommissioning of a major renewable energy facility with respect to
28 which an application for a siting permit has been filed, provided in the
29 case of a municipality, political subdivision or an agency thereof, such
30 entity has received notice of the filing of the application therefor.
31 Notwithstanding the foregoing, the department of environmental conserva-
32 tion shall be the permitting agency for permits issued pursuant to
33 federally delegated or federally approved programs.

34 (b) This section shall not impair or abrogate any federal, state or
35 local labor laws or any otherwise applicable state law for the
36 protection of employees engaged in the construction and operation of a
37 major renewable energy facility.

38 (c) The department of public service or the public service commission
39 shall monitor, enforce and administer compliance with any terms and
40 conditions set forth in a permit issued pursuant to this section and in
41 doing so may use and rely on authority otherwise available under the
42 public service law.

43 7. Fees; local agency account. (a) Each application for a siting
44 permit shall be accompanied by a fee in an amount equal to one thousand
45 dollars for each thousand kilowatts of capacity of the proposed major
46 renewable energy facility, to be deposited in an account to be known as
47 the local agency account established for the benefit of local agencies
48 and community intervenors by the New York state energy research and
49 development authority and maintained in a segregated account in the
50 custody of the commissioner of taxation and finance. The office may
51 update the fee periodically solely to account for inflation. The
52 proceeds of such account shall be disbursed by the office, in accordance
53 with eligibility and procedures established by the rules and regulations
54 promulgated by the office pursuant to this section, for the partic-
55 ipation of local agencies and community intervenors in public comment
56 periods or hearing procedures established by this section, including the

1 rules and regulations promulgated hereto; provided that fees must be
2 disbursed for municipalities, political subdivisions or an agency there-
3 of, to determine whether a proposed facility is designed to be sited,
4 constructed and operated in compliance with the applicable local laws
5 and regulations.

6 (b) All funds so held by the New York state energy research and devel-
7 opment authority shall be subject to an annual independent audit as part
8 of such authority's audited financial statements, and such authority
9 shall prepare an annual report summarizing account balances and activ-
10 ities for each fiscal year ending March thirty-first and provide such
11 report to the office no later than ninety days after commencement of
12 such fiscal year and post on the authority's website.

13 (c) With respect to a person who has filed an application for a siting
14 permit pursuant to subdivision four of this section, any amounts held in
15 an intervenor account established pursuant to articles seven and ten of
16 the public service law shall be applied to the intervenor account estab-
17 lished by this subdivision.

18 (d) In addition to the fees established pursuant to paragraph (a) of
19 this subdivision, the office, pursuant to regulations adopted pursuant
20 to this section, may assess a fee for the purpose of recovering the
21 costs the office incurs related to reviewing and processing an applica-
22 tion submitted under this section.

23 § 5. The opening paragraph of section 1854 of the public authorities
24 law, as amended by chapter 558 of the laws of 1980, is amended to read
25 as follows:

26 The purposes of the authority shall be to develop and implement new
27 energy technologies and invest in build-ready sites, as defined in
28 subdivision eight of section nineteen hundred one of this article,
29 consistent with economic, social and environmental objectives, to devel-
30 op and encourage energy conservation technologies, to promote, develop,
31 encourage and assist in the acquiring, constructing, improving, main-
32 taining, equipping and furnishing of industrial, manufacturing, ware-
33 housing, commercial, research and industrial pollution control facili-
34 ties at the Saratoga Research and Development Center, and to promote,
35 develop, encourage and assist special energy projects and thereby
36 advance job opportunities, health, general prosperity and economic
37 welfare of the people of the state of New York. In carrying out such
38 purposes, the authority shall, with respect to the activities specified,
39 have the following powers:

40 § 6. Article 8 of the public authorities law is amended by adding a
41 new title 9-B to read as follows:

42 Title 9-B

43 CLEAN ENERGY RESOURCES DEVELOPMENT AND INCENTIVES PROGRAM

44 Section 1900. Statement of legislative intent.

45 1901. Definitions.

46 1902. Powers and duties.

47 1903. Eligibility.

48 1904. Funding.

49 1905. Reporting.

50 § 1900. Statement of legislative intent. It is the intent of the
51 legislature in enacting this title to empower the New York state energy
52 research and development authority to establish effective programs and
53 other mechanisms to: (1) foster and encourage the orderly and expedient
54 siting and development of renewable energy facilities, particularly at
55 sites which are difficult to develop, consistent with applicable law for
56 the purpose of enabling the state to meet CLCPA targets as defined in

1 subdivision two of section ninety-four-c of the executive law; (2)
2 incentivize the re-use of previously developed sites for renewable ener-
3 gy facilities to protect the value of taxable land, capitalize on exist-
4 ing infrastructure; (3) support the provision of benefits to communities
5 that host renewable energy facilities; and (4) protect environmental
6 justice areas from adverse environmental impacts.

7 § 1901. Definitions. As used in this title, the following terms shall
8 have the following meanings:

9 1. "Authority" shall have the same meaning as in subdivision two of
10 section eighteen hundred fifty-one of this article.

11 2. "Commission" shall mean the public service commission.

12 3. "Departments" shall mean the department of environmental conserva-
13 tion, the department of agriculture and markets, the department of
14 economic development and the department of public service.

15 4. "Environmental justice area" shall mean a minority or low-income
16 community that may bear a disproportionate share of the negative envi-
17 ronmental consequences resulting from industrial, municipal, and commer-
18 cial operations or the execution of federal, state, local, and tribal
19 programs and policies.

20 5. "Host community" shall mean any municipality within which a major
21 renewable energy facility, or any portion thereof, has been proposed for
22 development.

23 6. "Renewable energy facility" shall have the same meaning as renewa-
24 ble energy systems defined in section sixty-six-p of the public service
25 law.

26 7. "Municipality" shall mean a county, city, town or village or poli-
27 tical subdivision.

28 8. "Build-ready site" shall mean a site for which the authority has
29 secured permits, property interests, agreements and/or other authori-
30 zations necessary to offer such site for further development,
31 construction and operation of a renewable energy facility in accordance
32 with the other provisions of this title.

33 § 1902. Powers and duties. The authority is hereby authorized and
34 directed to undertake such actions it deems necessary or convenient to
35 foster and encourage the siting and development of build-ready sites
36 throughout the state in accordance with this title, work in collab-
37 oration with the department of public service and the New York state
38 urban development corporation and any of their affiliates, including
39 without limitation:

40 1. (a) Locate, identify and assess sites within the state that appear
41 suitable for the development of build-ready sites with a priority given
42 to previously developed sites. Such assessment may include but need not
43 be limited to the following considerations:

44 (i) natural conditions at the site that are favorable to renewable
45 energy generation;

46 (ii) current land uses at or near the site;

47 (iii) environmental conditions at or near the site;

48 (iv) the availability and characteristics of any transmission or
49 distribution facilities on or near the site that could be used to facil-
50 itate the delivery of energy from the site, including existing or poten-
51 tial constraints on such facilities;

52 (v) the potential for the development of energy storage facilities at
53 or near the site;

54 (vi) potential impacts of development on environmental justice commu-
55 nities; and

1 (vii) expressions of commercial interest in the site or general
2 location by developers of major renewable energy facilities.

3 (b) In making such assessment the authority shall give priority to
4 previously developed sites, existing or abandoned commercial sites,
5 including without limitation brownfields, landfills, former commercial
6 or industrial sites, dormant electric generating sites, or otherwise
7 underutilized sites;

8 2. Notwithstanding any provision of law to the contrary that would
9 require the authority to locate sites through a competitive procurement,
10 negotiate and enter into agreements with persons who own or control
11 interests in favorable sites for the purpose of securing the rights and
12 interests necessary to enable the authority to establish build-ready
13 sites;

14 3. Establish procedures and protocols for the purpose of establishment
15 and transfer of build-ready sites which shall include, at a minimum: (a)
16 written notice at the earliest practicable time to a municipality in
17 which a potential build-ready site has been identified; and (b) a
18 preliminary screening process to determine, in consultation with the
19 department of environmental conservation, whether the potential build-
20 ready site is located in or near an environmental justice area and
21 whether an environmental justice area would be adversely affected by
22 development of a build-ready site;

23 4. Undertake all work and secure such permits as the authority deems
24 necessary or convenient to facilitate the process of establishing build-
25 ready sites and for the transfer of the build-ready sites to developers
26 selected pursuant to a publicly noticed, competitive bidding process
27 authorized by law;

28 5. Notwithstanding title five-A of article nine of this chapter,
29 establish a build-ready program, including eligibility and other crite-
30 ria, pursuant to which the authority would, through a competitive and
31 transparent bidding process, transfer rights and other interests in
32 build-ready sites and development rights to developers for the purpose
33 of facilitating the development of renewable energy facilities on such
34 build-ready sites. Such transactions may include the transfer of
35 rights, interests and obligations existing under agreements providing
36 for host community benefits negotiated by the authority pursuant to
37 programs established pursuant to subdivision six of this section on such
38 terms and conditions as the authority deems appropriate;

39 6. Establish one or more programs pursuant to which property owners
40 and communities would receive incentives to host major renewable energy
41 facilities developed for the purpose of advancing the state policies
42 embodied in this article. Such program may include without limitation,
43 and notwithstanding any other provision of law to the contrary,
44 provisions for the authority to negotiate and enter into agreements with
45 property owners and host communities providing for incentives, including
46 a payment in lieu of taxes, the transfer of the authority's interests in
47 such agreements to developers to whom build-ready sites are transferred,
48 and the provision of information and guidance to stakeholders concerning
49 incentives. The authority shall maintain a record of such programs and
50 incentives, and shall publish such record on the authority's website;

51 7. Procure the services of one or more service providers, including
52 without limitation environmental consultants, engineers and attorneys,
53 to support the authority's responsibilities under this section and
54 perform such other functions as the authority deems appropriate;

55 8. In consultation with the department of economic development, the
56 department of labor and other state agencies and authorities having

1 experience with job training programs, assess the need for and avail-
2 ability of workforce training in the local area of build-ready sites to
3 support green jobs development with special attention to environmental
4 justice communities and, subject to available funding, establish one or
5 more programs pursuant to which financial support can be made available
6 for the local workforce and under-employed populations in the area;

7 9. Manage, allocate and spend any monies made available to the author-
8 ity in furtherance of this title as the authority determines to be
9 appropriate for the proper administration of programs created pursuant
10 to this title. The authority shall, in identifying build-ready sites,
11 consider the ability to recoup funds allocated or spent in furtherance
12 of the programs created pursuant to this title. Any proceeds, less
13 program expenses and administration, so earned by the authority pursuant
14 to this title shall be reinvested in accordance with a plan approved by
15 the commission;

16 10. Where the authority determines that it would be beneficial to the
17 policy embodied in this title, offer financing or other incentives to
18 eligible developers through a competitive process, including without
19 limitation measures and activities undertaken by the authority in
20 conjunction with its administration of the state's clean energy standard
21 or similar program as established in commission orders, including with-
22 out limitation orders issued in commission case number 15-E-0302; and

23 11. Request and receive the assistance of, the departments or any
24 other state agency or authority, within their respective relevant
25 subject matter expertise, to support the administration of the program
26 created pursuant to this title.

27 § 1903. Eligibility. The authority may establish and revise any eligi-
28 bility and evaluation criteria it deems appropriate for the proper
29 administration of the programs created pursuant to this title.

30 § 1904. Funding. 1. The authority may seek funding from any authorized
31 or other available source to administer this program.

32 2. Without limiting the foregoing, the authority shall submit a peti-
33 tion or other appropriate filing to the commission describing the activ-
34 ities it has taken and plans to undertake in furtherance of the policy
35 embodied in this title. Such filing may include a request for funding to
36 allow such activities to proceed promptly and for a period of at least
37 five years from the date of the order responding to such petition. The
38 commission shall, in accordance with and as promptly as authorized by
39 existing law and regulation but in no event more than four months
40 following the submission of the petition, issue an order responding to
41 such petition subject to any necessary and reasonable limitations based
42 on the public service law.

43 § 1905. Reporting. 1. Effective April first, two thousand twenty-one,
44 the authority shall issue an annual report specifying:

45 (a) any proceeds, less program expenses and administration, so earned
46 by the authority pursuant to this title;

47 (b) the sites auctioned for development pursuant to subdivision 5 of
48 section nineteen hundred two of this title;

49 (c) the identity of developers to whom rights have been transferred
50 pursuant to section nineteen hundred two of this title; and,

51 (d) the resulting renewable energy production.

52 2. The authority shall submit such report to the governor, the tempo-
53 rary president of the senate, and the speaker of the assembly. A copy of
54 the report shall also be posted on the authority's website.

55 § 7. State power grid study and program to achieve CLCPA targets. 1.
56 As used in this section:

1 (a) "CLCPA targets" means the public policies established in the
2 climate leadership and community protection act enacted in chapter 106
3 of the laws of 2019, including the requirements that a minimum of 70%
4 statewide electric generation be produced by renewable energy systems by
5 2030, by the year 2040 the statewide electrical demand system will
6 generate zero emissions, and the state's jurisdictional load serving
7 entities will procure at least 9 gigawatts of offshore wind electricity
8 generation by 2035, 6 gigawatts of photovoltaic solar generation by
9 2025, and support 3 gigawatts of statewide energy storage capacity by
10 2030, as such policies may from time to time be amended.

11 (b) "Commission" means the public service commission.

12 (c) "Department" means the department of public service.

13 (d) "Distribution upgrade" means a new distribution facility or an
14 improvement, enhancement, replacement, or other modification to the
15 electric power grid at the distribution level in a utility's service
16 territory that facilitates achievement of the CLCPA targets.

17 (e) "Local transmission upgrade" means a new transmission facility
18 that is identified within a utility's local transmission capital plan,
19 an upgrade to a local transmission facility as defined in the tariff of
20 the state grid operator, or an improvement, enhancement, replacement, or
21 other modification to a transmission facility in a utility's service
22 territory that facilitates achievement of the CLCPA targets.

23 (f) "Major renewable energy facility" has the same meaning as in para-
24 graph (g) of subdivision 2 of section 94-c of the executive law.

25 (g) "Bulk transmission investment" means a new transmission facility
26 or an improvement, enhancement, replacement, or other modification to
27 the state's bulk electric transmission grid that facilitates achievement
28 of the CLCPA targets and includes without limitation alternating current
29 facilities and high voltage direct current facilities, including subma-
30 rine transmission facilities.

31 (h) "State grid operator" means the federally designated electric bulk
32 system operator for New York state.

33 (i) "Utility" means an electric transmission or delivery utility or
34 any other person owning or maintaining an electric transmission or
35 delivery system, over which the commission has jurisdiction.

36 2. The department, in consultation with the New York state energy
37 research and development authority, the power authority of the state of
38 New York, the Long Island power authority, the state grid operator, and
39 the utilities shall undertake a comprehensive study for the purpose of
40 identifying distribution upgrades, local transmission upgrades and bulk
41 transmission investments that are necessary or appropriate to facilitate
42 the timely achievement of the CLCPA targets (collectively, "power grid
43 study"). The power grid study shall identify needed distribution
44 upgrades and local transmission upgrades for each utility service terri-
45 tory and separately address needed bulk transmission system investments.
46 In performing the study, the department may consider such issues it
47 determines to be appropriate including by way of example system reli-
48 ability; safety; cost-effectiveness of upgrades and investments in
49 promoting development of major renewable energy facilities and relieving
50 or avoiding constraints; and factors considered by the office of renewa-
51 ble energy siting in issuing and enforcing renewable energy siting
52 permits pursuant to section 94-c of the executive law. In carrying out
53 the study, the department shall gather input from owners and developers
54 of competitive transmission projects, the state grid operator, and
55 providers of transmission technology and smart grid solutions and to
56 utilize information available to the department from other pertinent

1 studies or research relating to modernization of the state's power grid.
2 To enable the state to meet the CLCPA targets in an orderly and cost-ef-
3 fective manner, the department may issue findings and recommendations as
4 part of the power grid study at reasonable intervals but shall make an
5 initial report of findings and recommendations within 270 days of the
6 effective date of this section.

7 3. The commission shall, within 60 days of the initial findings and
8 recommendations required by subdivision two of this section, or at such
9 earlier time as the commission determines to be appropriate, commence a
10 proceeding to establish a distribution and local transmission capital
11 plan for each utility in whose service territory the power grid study
12 identified distribution upgrades and local transmission upgrades that
13 the department determines are necessary or appropriate to achieve the
14 CLCPA targets (the "state distribution and local transmission upgrade
15 programs"). The state distribution and local transmission upgrade
16 programs shall establish a prioritized schedule upon which each such
17 upgrade shall be accomplished. Concurrently, the Long Island power
18 authority shall establish a capital program to address identified
19 distribution and local transmission upgrades in its service territory.

20 4. The commission shall, within 60 days of the initial findings and
21 recommendations required by subdivision two of this section, commence a
22 proceeding to establish a bulk transmission system investment program,
23 consistent with the commissions siting authority in article 7 of the
24 public service law that identifies bulk transmission investments that
25 the commission determines are necessary or appropriate to achieve the
26 CLCPA targets (the "state bulk transmission investment plan"). The
27 commission shall establish a prioritized schedule for implementation of
28 the state bulk transmission investment plan and, in particular shall
29 identify projects which shall be completed expeditiously to meet the
30 CLCPA targets. The state bulk transmission investment plan shall be
31 submitted by the commission to the state grid operator for appropriate
32 incorporation into the state grid operator's studies and plans. The
33 commission shall utilize the state grid operator's public policy trans-
34 mission planning process to select a project necessary for implementa-
35 tion of the state bulk transmission investment plan, and shall identify
36 such projects no later than eight months following a notice of the state
37 grid operator's public policy transmission planning process cycle,
38 except that for those projects for which the commission determines there
39 is a need to proceed expeditiously to promote the state's public policy
40 goals, such projects shall be designated and proceed in accordance with
41 subdivision five of this section. The commission shall periodically
42 review and update the state bulk transmission investment plan, and its
43 designation of projects in that plan which shall be completed expe-
44 ditiously.

45 5. The legislature finds and determines that timely development of the
46 bulk transmission investments identified in the state bulk transmission
47 investment plan is in the public interest of the people of the state of
48 New York. The legislature further finds and determines that the power
49 authority of the state of New York ("power authority") owns and operates
50 backbone electric transmission assets in New York, has rights-of-way
51 that can support in whole or in part bulk transmission investment
52 projects, and has the financial stability, access to capital, technical
53 expertise and experience to effectuate expeditious development of bulk
54 transmission investments needed to help the state meet the CLCPA
55 targets, and thus it is appropriate for the power authority as deemed
56 feasible and advisable by its trustees, by itself or in collaboration

1 with other parties as it determines to be appropriate, to develop those
2 bulk transmission investments found by the commission to be needed expe-
3 ditiously to achieve CLCPA targets ("priority transmission projects").
4 The power authority shall, through a public process, solicit interest
5 from potential co-participants in each project it has agreed to develop
6 and assess whether any joint development would provide for significant
7 additional benefits in achieving the CLCPA targets. The power authority
8 may thereafter determine to undertake the development of the project on
9 its own, or undertake the project jointly with one or more other parties
10 on such terms and conditions as the power authority finds to be appro-
11 priate and, notwithstanding any other law to the contrary, enter into
12 such agreements and take such other actions the power authority deter-
13 mines to be necessary in order to undertake and complete timely develop-
14 ment of the project. The intent of this act is for the power authority
15 to develop priority transmission projects authorized in this subdivi-
16 sion. For priority projects that the authority determines to undertake
17 and that are not substantially within the power authority's existing
18 rights of way, the authority shall, as deemed feasible and advisable by
19 its board of trustees, select private sector participants through a
20 competitive bidding process, provided however that priority transmission
21 projects is not intended to include generation lead lines, or repairs
22 to, replacement of or upgrades to the power authority's own transmission
23 assets.

24 6. For the state distribution and local transmission upgrade program,
25 the commission shall address implementation of such upgrades pursuant to
26 the existing processes under the public service law. The department
27 shall also make recommendations to the Long Island power authority for
28 upgrades for purposes of assisting the state to achieve the CLCPA
29 targets.

30 7. No later than January 1, 2023, and every 4 years thereafter, the
31 commission shall, after notice and provision for the opportunity to
32 comment, issue a comprehensive review of the actions taken pursuant to
33 this section and their impacts on grid congestion and achievement of the
34 CLCPA targets, and shall institute new proceedings as the commission
35 determines to be necessary to address any deficiencies identified there-
36 with.

37 8. The power authority of the state of New York and the New York state
38 energy research and development authority, are each authorized, as
39 deemed feasible and advisable by their respective boards, to contribute
40 to the cost of the power grid study required by subdivision two of this
41 section.

42 9. Nothing in this section is intended to:

43 (a) limit, impair, or affect the legal authority of the power authori-
44 ty that existed as of the effective date of this section; or

45 (b) limit the authority of the power authority to undertake any trans-
46 mission project, including bulk transmission investments, and recover
47 costs under any other process or procedure authorized by state or feder-
48 al law as the authority determines to be appropriate.

49 § 8. Host community benefit. 1. Definitions. As used in this section,
50 the following terms shall have the following meanings:

51 (a) "Renewable host community" shall mean any municipality within
52 which a major renewable energy facility defined in paragraph (h) of
53 subdivision 2 of section 94-c of the executive law, or any portion ther-
54 eof, has been proposed for development.

55 (b) "Renewable owner" shall mean the owner of a major renewable energy
56 facility constructed after the effective date of this section that is

1 proposed to be located in a host community, for which the New York state
2 energy research and development authority has executed an agreement for
3 the acquisition of environmental attributes related to a solicitation
4 issued by such authority after the effective date of this section.

5 (c) "Utility" means an electric distribution utility regulated pursu-
6 ant to section 66 of the public service law and serving customers within
7 a host community.

8 2. The public service commission shall, within 60 days from the effec-
9 tive date hereof, commence a proceeding to establish a program under
10 which renewable owners would fund a program to provide a discount or
11 credit on the utility bills of the utility's customers in a renewable
12 host community, or a compensatory or environmental benefit to such
13 customers. Such proceeding shall determine the amount of such discount,
14 credit, compensatory or environmental benefit based on all factors
15 deemed appropriate by the commission, including the expected average
16 electrical output of the facility, the average number of customers with-
17 in the renewable host community, and the expected aggregate annual elec-
18 tric consumption within such renewable host community, the potential
19 impact on environmental justice communities, and the role of utilities,
20 if any, in implementing any aspect of such program. The Long Island
21 power authority shall establish a program for renewable facilities in
22 its service territory to achieve the same objectives.

23 § 9. Subdivision 3 of section 123 of the public service law, as added
24 by chapter 252 of the laws of 2002, is amended to read as follows:

25 3. Unless otherwise stipulated by the applicant[~~, a final determi-~~
26 ~~nation regarding an application for a certificate to construct trans-~~
27 ~~mission facilities for interconnection with a wind energy production~~
28 ~~facility located in the county of Lewis shall be rendered within six~~
29 ~~months from the date of receipt of a compliant application.];~~

30 (a) proceedings on an application for a major utility transmission
31 facility as defined in paragraph a of subdivision two of section one
32 hundred twenty of this article shall be completed in all respects,
33 including a final decision by the commission, within twelve months from
34 the date of a determination by the secretary of the commission that an
35 application complies with section one hundred twenty-two of this arti-
36 cle; provided, however, the commission may extend the deadline in
37 reasonable circumstances by no more than six months in order to give
38 consideration to specific issues necessary to develop an adequate
39 record, because the applicant has been unable to obtain necessary
40 approvals and/or consents related to highway crossings or for other
41 reasons deemed in the public interest. The commission shall render a
42 final decision on the application by the aforementioned deadlines unless
43 such deadlines are waived by the applicant or if the applicant notices
44 the application for settlement, in which case the timeframes established
45 in this paragraph are tolled until such time that settlement discussions
46 are suspended. If, at any time subsequent to the commencement of the
47 hearing, there is a substantive and significant amendment to the appli-
48 cation, the commission shall promptly fix a date for commencement of a
49 public hearing thereon, such public hearing to commence no later than
50 sixty days after receipt of such amendment. The commission shall issue a
51 final decision thereon no later than six months after the conclusion of
52 the public hearing, unless such deadline is waived by the applicant.

53 (b) the commission shall, for the purpose of meeting the goals of
54 chapter one hundred six of the laws of two thousand nineteen, promulgate
55 rules or regulations to establish an expedited process for proceedings
56 on applications for a major utility transmission facility as defined in

1 paragraph a of subdivision two of section one hundred twenty of this
2 article that (i) would be constructed within existing rights-of-way,
3 (ii) the commission determines in consultation with the department of
4 environmental conservation would not result in any significant adverse
5 environmental impacts considering current uses and conditions existing
6 at the site, or (iii) would necessitate expanding the existing rights-
7 of-way but such expansion is only for the purpose of complying with law,
8 regulations, or industry practices relating to electromagnetic fields.

9 (c) for purposes of this subdivision, the following terms shall have
10 the following meanings:

11 (i) "Expedited process" shall mean a process for proceedings on appli-
12 cations for a major electric transmission facility that is completed in
13 all respects, including a final decision by the commission, within nine
14 months from the date of a determination by the secretary of the commis-
15 sion that an application complies with section one hundred twenty-two of
16 this article; provided, however, that if the applicant notices the
17 application for settlement, the timeframe established in this paragraph
18 shall be tolled until such time that settlement discussions are
19 suspended.

20 (ii) "Right-of-way" shall mean (a) real property that is used or
21 authorized to be used for electric utility purposes, or (b) real proper-
22 ty owned or controlled by or under the jurisdiction of the state, a
23 distribution utility, or a state public authority including by means of
24 ownership, lease or easement, that is used or authorized to be used for
25 transportation or canal purposes.

26 § 10. Paragraphs (c) and (d) of subdivision 1 of section 126 of the
27 public service law, paragraph (c) as amended by chapter 406 of the laws
28 of 1987 and paragraph (d) as amended by chapter 521 of the laws of 2015,
29 are amended to read as follows:

30 (c) that the facility [~~represents the minimum~~] avoids or minimizes to
31 the extent practicable any significant adverse environmental impact,
32 considering the state of available technology and the nature and econom-
33 ics of the various alternatives, and other pertinent considerations
34 including but not limited to, the effect on agricultural lands,
35 wetlands, parklands and river corridors traversed;

36 (d) that the facility [~~represents a minimum~~] avoids or minimizes to
37 the extent practicable any significant adverse impact on active farming
38 operations that produce crops, livestock and livestock products, as
39 defined in section three hundred one of the agriculture and markets law,
40 considering the state of available technology and the nature and econom-
41 ics of various alternatives, and the ownership and easement rights of
42 the impacted property;

43 § 11. Notwithstanding section 2897 of the public authorities law, the
44 power authority of the state of New York and the New York state energy
45 research and development authority may each negotiate and enter into
46 agreements with other parties providing for the conveyance of interests
47 in real property provided that in the case of any such conveyance such
48 entity determines that the conveyance will further the purposes of this
49 act or provide other benefits to the entity or the state.

50 § 12. The environmental conservation law is amended by adding a new
51 section 11-0535-c to read as follows:

52 § 11-0535-c. Endangered and threatened species mitigation bank fund.

53 1. The department is hereby authorized to utilize funds in the endan-
54 gered and threatened species mitigation bank fund, established pursuant
55 to section ninety-nine-hh of the state finance law, for the purposes of

1 implementing an endangered and threatened species mitigation plan
2 approved by the department.

3 2. Such fund shall consist of contributions, in an amount determined
4 by the department, deposited by an applicant granted a siting permit to
5 construct a major renewable energy facility, where such applicant has
6 been ordered to mitigate harm to a threatened or endangered species or
7 its habitat.

8 3. In administering the provisions of this article, the commissioner:

9 a. May, in the name of the state, enter into contracts with not-for-
10 profit corporations, private or public universities, and private
11 contractors for services contemplated by this title. Such contracts
12 shall be subject to approval by the state comptroller and, as to form,
13 by the attorney general.

14 b. Shall approve vouchers for payments pursuant to an approved
15 contract. All such payments shall be paid on the audit and warrant of
16 the state comptroller;

17 c. May, in the name of the state, enter into contracts with a not-for-
18 profit corporation to administer grants made pursuant to this title,
19 including the approval and payment of vouchers for approved contracts;
20 and

21 d. May perform such other and further acts as may be necessary, prop-
22 er, or desirable to carry out the provisions of this article.

23 4. Nothing in this article shall be construed to limit or restrict any
24 powers of the commissioner or any other agency pursuant to any other
25 provision of law.

26 5. The commissioner is authorized and directed to promulgate any regu-
27 lations deemed necessary to implement this section.

28 § 13. The state finance law is amended by adding a new section 99-hh
29 to read as follows:

30 § 99-hh. Endangered and threatened species mitigation bank fund. 1.
31 There is hereby established in the joint custody of the comptroller and
32 the commissioner of taxation and finance a special fund to be known as
33 the "Endangered and threatened species mitigation bank fund".

34 2. Such fund shall consist of all revenues received pursuant to the
35 provisions of section 11-0535-c of the environmental conservation law
36 and all other moneys appropriated, credited, or transferred thereto from
37 any other fund or source pursuant to law.

38 3. All moneys deposited in the endangered and threatened species miti-
39 gation bank fund shall be available for projects undertaken to facili-
40 tate a net conservation benefit to endangered and threatened species
41 potentially impacted by a major renewable energy facility.

42 4. Monies shall be payable from the fund on the audit and warrant of
43 the comptroller on vouchers approved and certified by the commissioner
44 of environmental conservation.

45 § 14. Severability. If any clause, sentence, paragraph, section or
46 part of this act shall be adjudged by any court of competent jurisdic-
47 tion to be invalid, such judgment shall not affect, impair or invalidate
48 the remainder thereof, but shall be confined in its operation to the
49 clause, sentence, paragraph, section or part thereof directly involved
50 in the controversy in which such judgment shall have been rendered.

51 § 15. This act shall take effect immediately and shall expire December
52 31, 2030 when upon such date this act shall be deemed repealed; provided
53 that such repeal shall not affect or impair any act done, any applica-
54 tion filed, any right, permit or authorization awarded, accrued,
55 received or acquired, or any liability incurred, prior to the time such
56 repeal takes effect, and provided further that any project for which the

1 New York state energy research and development authority has expended,
2 or committed to a third party to expend, funds towards the development
3 of a build-ready site prior to such repeal shall be permitted to contin-
4 ue in accordance with title 9-B of article 8 of the public authorities
5 law notwithstanding such repeal; provided further that any bulk trans-
6 mission investments the power authority of the state of New York has
7 notified the public service commission of its intent to develop individ-
8 ually or jointly prior to such repeal shall be permitted to continue
9 under this act notwithstanding such repeal, and provided further that on
10 the effective date of this act, the office of renewable energy siting
11 shall be authorized to promulgate any rules or regulations necessary to
12 implement section four of this act.

13 PART KKK

14 Section 1. Subdivision 1 of section 436 of the economic development
15 law, as added by section 1 of part A of chapter 68 of the laws of 2013,
16 is amended to read as follows:

17 1. A campus, university or college that has sponsored a tax-free NY
18 area (including any strategic state asset affiliated with the campus,
19 university or college) shall solicit and accept applications from busi-
20 nesses to locate in such area that are consistent with the plan of such
21 campus, university or college or strategic state asset that has been
22 approved pursuant to section four hundred thirty-five of this article.
23 Any business that wants to locate in a tax-free NY area must submit an
24 application to the campus, university or college which is sponsoring the
25 tax-free NY area by December thirty-first, two thousand [~~twenty~~ **twen-**
26 **ty-five**]. Prior to such date, the commissioner shall prepare an evalu-
27 ation on the effectiveness of the START-UP NY program and deliver it to
28 the governor and the legislature to determine continued eligibility for
29 application submissions.

30 § 2. This act shall take effect immediately.

31 PART LLL

32 Section 1. Section 1265 of the public authorities law is amended by
33 adding a new subdivision 3-a to read as follows:

34 3-a. (a) To borrow money, to issue negotiable notes, bonds or other
35 obligations and to provide for the rights of the holders thereof, in the
36 fiscal years of the authority beginning in two thousand twenty through
37 two thousand twenty-two to offset decreases in revenue, including but
38 not limited to, lost taxes, fees, charges, fares and tolls, or increases
39 in operating costs of the authority and its subsidiary corporations, the
40 New York city transit authority and its subsidiary corporations and the
41 Triborough bridge and tunnel authority due in whole or in part to the
42 state disaster emergency caused by the novel coronavirus, COVID-19;
43 provided, that such notes, bonds or other obligations shall be issued in
44 accordance with the provisions of section twelve hundred sixty-nine of
45 this title, except that the last sentence of subdivision two thereof
46 relating to the approval of the comptroller or the director of the budg-
47 et, as applicable, for private sales, and subdivision twelve thereof,
48 and the provisions of section twelve hundred sixty-nine-b of this title,
49 shall not be applicable with respect to notes, bonds or other obli-
50 gations issued for such purposes. No sale of such notes, bonds or other
51 obligations of the authority may be sold by the authority, however,
52 prior to the earlier of (i) seven days following the receipt by the

1 state comptroller of notice by the authority of such proposed sale and
2 the terms thereof or (ii) the receipt by the authority of the state
3 comptroller's comments on such proposed sale and the terms thereof.
4 Additionally, no sale of such notes, bonds or other obligations of the
5 authority may be sold by the authority, however, unless such sale and
6 the terms thereof have been approved in writing by the director of the
7 budget. The proceeds of the sale of such notes, bonds or other obli-
8 gations shall be taken into consideration as "revenue and any other
9 funds or property actually available to the authority and its subsidiary
10 corporations" within the meaning of subdivision three of section twelve
11 hundred sixty-six of this title. The aggregate principal amount of
12 bonds, notes or other obligations issued pursuant to this subdivision
13 shall not exceed ten billion dollars.

14 (b) The authority shall report on any issuances or obligations
15 incurred related to paragraph (a) of this subdivision. Such report shall
16 include, but not be limited to, an explanation of each note, bond, or
17 obligation and their respective values issued by the authority pursuant
18 to decreases in revenue in whole or in part due to the state disaster
19 emergency caused by novel coronavirus, COVID-19. The report shall also
20 provide: (i) details of such decreases in revenue in whole, (ii) details
21 of such decreases in revenue in part, (iii) details of such increases in
22 costs, (iv) the methodology used by the authority or metropolitan trans-
23 portation authority to calculate such changes, (v) an explanation for
24 attributing a particular increase in cost or a particular decrease in
25 revenue, to the state disaster emergency caused by coronavirus, COVID-
26 19, and (vi) how the authority determined that the particular note,
27 bond, or obligation issued was its most desired option. Such report
28 shall be posted on the authority's website and be submitted to the
29 governor, the temporary president of the senate, the speaker of the
30 assembly, the mayor and council of the city of New York, the metropol-
31 itan transportation authority board, and the metropolitan transportation
32 authority capital program review board.

33 § 2. This act shall take effect immediately, provided that paragraph
34 (a) of subdivision 3-a of section 1265 of the public authorities law as
35 added by section one of this act shall expire and be deemed repealed
36 three years after such effective date, provided that such repeal shall
37 not affect the terms of any notes, bonds, or other obligations issued
38 prior to such repeal.

39 PART MMM

40 Section 1. Subdivisions 2 and 4 of section 553-j of the public author-
41 ities law, as added by section 5 of subpart A of part ZZZ of chapter 59
42 of the laws of 2019, are amended to read as follows:

43 2. Monies in the fund shall be applied, subject to agreements with
44 bondholders and applicable federal law, to the payment of operating,
45 administration, and other necessary expenses of the authority, or to the
46 city of New York subject to the memorandum of understanding executed
47 pursuant to subdivision two-a of section seventeen hundred four of the
48 vehicle and traffic law properly allocable to such program, including
49 the planning, designing, constructing, installing or maintaining of the
50 central business district tolling program, including, without limita-
51 tion, the central business district tolling infrastructure, the central
52 business district tolling collection system and the central business
53 district tolling customer service center, and the costs of any metropol-
54 itan transportation authority capital projects included within the 2020

1 to 2024 MTA capital program or any successor programs. Monies in the
2 fund may be: (a) pledged by the authority to secure and be applied to
3 the payment of the bonds, notes or other obligations of the authority to
4 finance the costs of the central business district tolling program,
5 including, without limitation, the central business district tolling
6 infrastructure, the central business district tolling collection system
7 and the central business district tolling customer service center, and
8 the costs of any metropolitan transportation authority capital projects
9 included within the 2020 to 2024 MTA capital program or any successor
10 programs, including debt service, reserve requirements, if any, the
11 payment of amounts required under bond and note facilities or agreements
12 related thereto, the payment of federal government loans, security or
13 credit arrangements or other agreements related thereto; or (b) used by
14 the authority for the payment of such capital costs of the central busi-
15 ness district tolling program and the costs of any metropolitan trans-
16 portation authority capital projects included within the 2020 to 2024
17 MTA capital program or any successor programs; or (c) transferred to the
18 metropolitan transportation authority and (1) pledged by the metropol-
19 itan transportation authority to secure and be applied to the payment of
20 the bonds, notes or other obligations of the metropolitan transportation
21 authority to finance the costs of any metropolitan transportation
22 authority capital projects included within the 2020 to 2024 MTA capital
23 program or any successor programs, including debt service, reserve
24 requirements, if any, the payment of amounts required under bond and
25 note facilities or agreements related thereto, the payment of federal
26 government loans, security or credit arrangements or other agreements
27 related thereto, or (2) used by the metropolitan transportation authori-
28 ty for the payment of the costs of any metropolitan transportation
29 authority capital projects included within the 2020 to 2024 MTA capital
30 program or any successor programs, or (3) subject to approval by the
31 board of the metropolitan transportation authority and the director of
32 the budget, used by the metropolitan transportation authority in all or
33 any of the fiscal years of the authority beginning in 2020 through 2021
34 to offset decreases in revenue, including but not limited to, lost
35 taxes, fees, charges, fares and tolls, due in whole or in part, or
36 increases in operating costs due in whole to the state disaster emergen-
37 cy caused by the novel coronavirus, COVID-19. Such revenues shall only
38 supplement and shall not supplant any federal, state, or local funds
39 expended by the authority or the metropolitan transportation authority,
40 or such authority's or metropolitan transportation authority's affil-
41 iates or subsidiaries for such respective purposes. Central business
42 district toll revenues may be used as required to obtain, utilize, or
43 maintain federal authorization to collect tolls on federal aid highways.
44 Provided further that, in the event the authority or metropolitan trans-
45 portation authority receives funds or reimbursements, including without
46 limitation from the federal government or insurance maintained by the
47 authority or metropolitan transportation authority, due in whole or in
48 part to the novel coronavirus, COVID-19, any monies from the fund used
49 to offset decreases in revenue or increases in operating costs due in
50 whole or in part to the state disaster emergency caused by the novel
51 coronavirus, COVID-19, shall be repaid after the authority or the metro-
52 politan transportation authority fully repays any public or private
53 borrowings, draws on any lines of credit, issuances of revenue antic-
54 ipation notes, any internal loans, and use of corpus of OPEB Trust to
55 pay current retiree healthcare cost necessitated by COVID-19 revenue
56 shortfall. Such obligation to repay shall be limited to the availability

1 of any excess monies, and any such funds or reimbursements in excess of
2 the amounts needed to fully repay such amounts shall be transferred to
3 the fund and used for the purposes originally intended for such fund.

4 4. The authority shall report annually on all receipts and expendi-
5 tures of the fund. The report shall detail operating expenses of the
6 central business district tolling program and all fund expenditures
7 including capital projects. If, during the period of the report, any
8 monies in the fund were used by the authority or the metropolitan trans-
9 portation authority to offset decreases in revenue lost in whole or in
10 part due to the state disaster emergency caused by novel coronavirus,
11 COVID-19, or increases in operating costs in whole due to the novel
12 coronavirus, COVID-19, the report shall also provide: (a) details of
13 such decreases in revenue in whole, (b) details of such decreases in
14 revenue in part, (c) details of such increases in costs, (d) the method-
15 ology used by the authority or metropolitan transportation authority to
16 calculate such changes, and (e) explanation for attributing a particular
17 increase in cost or a particular decrease in revenue, to the state
18 disaster emergency caused by coronavirus, COVID-19. The report shall be
19 readily available to the public, and shall be posted on the authority's
20 website and be submitted to the governor, the temporary president of the
21 senate, the speaker of the assembly, the comptroller, the director of
22 the budget, the mayor and council of the city of New York, the metropol-
23 itan transportation authority board, and the metropolitan transportation
24 authority capital program review board.

25 § 2. This act shall take effect immediately; provided, however, that
26 the amendments to subdivision 2 of section 553-j of the public authori-
27 ties law made by section one of this act shall expire and be deemed
28 repealed two years after such effective date; and provided further, that
29 such repeal shall not affect the terms of any bonds, notes, or other
30 obligations issued prior to such repeal.

31 PART NNN

32 Section 1. Section 9.51 of the mental hygiene law, as added by chapter
33 947 of the laws of 1981, subdivision (b) as amended by chapter 465 of
34 the laws of 1992, subdivision (c) as amended by chapter 230 of the laws
35 of 2004, the opening paragraph of subdivision (d) as amended by chapter
36 273 of the laws of 1986, subdivision (f) as amended by chapter 401 of
37 the laws of 2006, and the closing paragraph of subdivision (g) as
38 amended by section 66 of part A of chapter 3 of the laws of 2005, is
39 amended to read as follows:

40 § 9.51 Residential treatment facilities for children and youth; admis-
41 sions.

42 (a) The director of a residential treatment facility for children and
43 youth, as defined by section 1.03 of this chapter, may receive as a
44 patient a person under the age of twenty-one in need of care and treat-
45 ment in such a facility who has been [~~certified as needing~~] determined
46 appropriate for such care [~~by the pre-admission certification committee~~
47 ~~-serving the facility~~] and treatment in accordance with standards and
48 priorities for admission established by [~~such committee, as provided by~~
49 ~~this section. Subject to the provisions of this section, the provisions~~
50 ~~of this article shall apply to admission and retention of patients to~~
51 ~~residential treatment facilities for children and youth~~] the office in
52 regulations in accordance with federal regulations.

53 (b) Persons admitted as in-patients to hospitals operated by the
54 office of mental health upon the application of the [~~director of the~~

1 ~~division for youth~~ commissioner of the office of children and family
2 services pursuant to section five hundred nine of the executive law or
3 353.4 of the family court act who are not subject to a restrictive
4 placement pursuant to section 353.5 of the family court act, may, if
5 appropriate, and subject to the provisions of subdivision (d) of this
6 section, be transferred to a residential treatment facility for children
7 and youth. The [~~director of the division for youth~~] commissioner of the
8 office of children and family services shall be notified of any such
9 transfer. When appropriate, the director of the residential treatment
10 facility may arrange the return of a patient so transferred to the
11 hospital or the transfer of a patient to another hospital or, in accord-
12 ance with subdivision four of section five hundred nine of the executive
13 law, ~~to the division for youth~~ to the commissioner of the office of
14 children and family services.

15 (c) The commissioner shall [~~designate pre-admission certification~~
16 ~~committees for defined geographic areas to evaluate each person proposed~~
17 ~~for admission or transfer to a residential treatment facility for chil-~~
18 ~~dren and youth. When designating persons to serve on pre-admission~~
19 ~~certification committees, the commissioners shall assure that the inter-~~
20 ~~ests of the people residing in the area to be served by each committee~~
21 ~~are represented. Such committees shall include a person designated by~~
22 ~~the office of mental health, a person designated by the state commis-~~
23 ~~sioner of social services and a person designated by the state commis-~~
24 ~~sioner of education. The commissioner of mental health shall consult~~
25 ~~with the conference of local mental hygiene directors and the commis-~~
26 ~~sioner of social services shall consult with county commissioners of~~
27 ~~social services in the area to be served by a committee prior to desig-~~
28 ~~nating persons to serve on a committee. The commissioners may designate~~
29 ~~persons who are not state employees to serve on pre-admission certifi-~~
30 ~~cation committees. Membership of pre-admission certification committees~~
31 ~~shall be limited to persons licensed in accordance with the education~~
32 ~~law to practice medicine, nursing, psychology, or licensed clinical~~
33 ~~social work. In the event the persons originally designated to a commit-~~
34 ~~tee by the commissioners do not include a physician, the commissioner~~
35 ~~shall designate a physician to serve as an additional member of the~~
36 ~~committee. Each pre-admission certification committee shall designate~~
37 ~~five persons representing local governments, voluntary agencies, parents~~
38 ~~and other interested persons who shall serve as an advisory board to the~~
39 ~~committee] consult with the executive director of the council on chil-
40 dren and families regarding the establishment of an advisory board. The
41 advisory board shall include, as deemed appropriate by the commissioner
42 and the executive director of the council on children and families,
43 representatives of the members of the council on children and families
44 as specified in section four hundred eighty-three of the social services
45 law, local agency representatives under the jurisdiction of a member
46 agency of the council on children and families, family representatives
47 with lived experience with residential treatment facility services,
48 medical directors from residential treatment facilities, and represen-
49 tatives from hospitals with pediatric inpatient psychiatric beds, that
50 is not operated by the state office of mental health. Members of the
51 advisory board shall be representative of the racial, ethnic, and
52 geographic diversity of the state. Such board shall have the right to
53 visit residential treatment facilities for children and youth [~~served by~~
54 ~~the committee~~] and shall have the right to review clinical records
55 [~~obtained by the pre-admission certification committee~~] and shall be
56 bound by the confidentiality requirements of section 33.13 of this chap-~~

1 ter. The advisory board shall issue an annual report on the disposition
2 of applications for admission to residential treatment facilities. Such
3 report shall include, but not be limited to: the number of children that
4 applied to each residential treatment facility, the number of children
5 admitted to each residential treatment facility, the number of children
6 transferred from a hospital operated by the office of mental health and
7 subsequently transferred to another hospital, the average length of stay
8 for residents at each residential treatment facility, the number of
9 children served at each residential treatment facility, and the number
10 of involuntary placements and/or transfers from office of mental health
11 operated inpatient facilities which occur each calendar year. Such annu-
12 al report shall be posted on the office of mental health's website and
13 submitted to the governor, the speaker of the assembly and the temporary
14 president of the senate by March first for the previous calendar year.

15 (d) [~~All applications~~] Applications for admission or transfer of an
16 individual to a residential treatment facility for children and youth
17 [~~shall be referred to a pre-admission certification committee for~~] must
18 document that there has been an evaluation of the needs of the individ-
19 ual and [~~certification~~] a determination of the individual's need for
20 treatment in a residential treatment facility for children and youth[
21 ~~Applications shall include an assessment of the individual's psychiat-~~
22 ~~ric, medical and social needs prepared in accordance with a uniform~~
23 ~~assessment method specified by the regulations of the commissioner. The~~
24 ~~committee may at its discretion refer an applicant to a hospital or~~
25 ~~other facility operated or licensed by the office for an additional~~
26 ~~assessment. In the event of such an additional assessment of the indi-~~
27 ~~vidual's needs, the facility conducting the assessment shall attempt to~~
28 ~~receive all third party insurance or federal reimbursement available as~~
29 ~~payment for the assessment. The state shall pay the balance of the fees~~
30 ~~which may be charged by the provider in accordance with applicable~~
31 ~~provisions of law. In addition, if necessary, in accordance with section~~
32 ~~four thousand five of the education law, the pre-admission certification~~
33 ~~committee shall obtain an evaluation of the educational needs of the~~
34 ~~child by the committee on special education of the school district of~~
35 ~~residence. The pre-admission certification committee shall review all~~
36 ~~requests for evaluation and certification within thirty days of receipt~~
37 ~~of a complete application and any additional assessments it may require~~
38 ~~and, using a uniform assessment method specified by regulation of the~~
39 ~~commissioner, evaluate the psychiatric, medical and social needs of the~~
40 ~~proposed admittee and certify: (i) the individual's need for services in~~
41 ~~a residential treatment facility for children and youth and (ii) the~~
42 ~~immediacy of that need, given the availability of such services in the~~
43 ~~area and the needs of other children evaluated by the committee and~~
44 ~~certified as eligible for admission to a residential treatment facility~~
45 ~~for children and youth who have not yet been admitted to such a facili-~~
46 ~~ty. A pre-admission certification committee shall not certify an indi-~~
47 ~~vidual for admission unless it finds that] and the appropriateness of
48 such treatment. In the case of individuals who are applicants or recipi-
49 ents of medical assistance pursuant to title eleven of article five of
50 the social services law, such determination shall also include certifi-
51 cation of need for residential treatment facility services in accord-
52 ance with this section. Where certification is required, an individual
53 will be certified for admission if:~~

54 (1) Available ambulatory care resources and other residential place-
55 ments do not meet the treatment needs of the individual;

1 (2) Proper treatment of the individual's psychiatric condition
2 requires in-patient care and treatment under the direction of a physi-
3 cian; and

4 (3) Care and treatment in a residential treatment facility for chil-
5 dren and youth can reasonably be expected to improve the individual's
6 condition or prevent further regression so that services will no longer
7 be needed, provided that a poor prognosis shall not in itself constitute
8 grounds for a denial of certification if treatment can be expected to
9 effect a change in prognosis. ~~[All decisions of the committee to recom-~~
10 ~~mend admission or priority of admission shall be based on the unanimous~~
11 ~~vote of those present. The decision of the committee shall be reported~~
12 ~~to the applicant.]~~ Decisions to recommend admission or priority admis-
13 sion shall occur in consultation with the residential treatment facility
14 and be based on a determination of appropriateness including consider-
15 ation of facility staffing, patient mix and acuity and the impact on the
16 safety of other residents. In the event [~~a committee~~] the office evalu-
17 ates a child who is the subject of a proceeding currently pending in the
18 family court, the [~~committee~~] office shall report its decision to the
19 family court. Prior to admission and no sooner than fourteen days after
20 admission, the office or its designee may evaluate the medical necessity
21 and quality of services for each Medicaid member. If the office or its
22 designee determines that residential treatment services are no longer
23 appropriate, the determination of the office or its designee shall be
24 reported to the facility and the person, or the person's legally author-
25 ized representative. Such determination shall not be effective retroac-
26 tively.

27 No residential treatment facility for children and youth shall admit a
28 person who has not been determined appropriate and where appropriate,
29 certified [~~as suitable~~] for such admission [~~by the appropriate pre-ad-~~
30 ~~mission certification committee~~]. Residential treatment facilities shall
31 admit [~~children in accordance with priorities for admission of children~~
32 ~~most immediately in need of such services established by the pre-admis-~~
33 ~~sion certification committee serving the facility in accordance with~~
34 ~~standards established by the commissioner~~] individuals who have been
35 designated as priority admissions by the office or commissioner's desig-
36 nee.

37 (e) Notwithstanding any inconsistent provision of law, no government
38 agency shall make payments pursuant to title nineteen of the federal
39 social security act or articles five and six of the social services law
40 to a residential treatment facility for children and youth for service
41 to a person whose need for care and treatment in such a facility was not
42 certified pursuant to this section.

43 (f) No person shall be admitted to a residential treatment facility
44 for children and youth who has a mental illness which presents a likeli-
45 hood of serious harm to others; "likelihood of serious harm" shall mean
46 a substantial risk of physical harm to other persons as manifested by
47 recent homicidal or other violent behavior by which others are placed in
48 reasonable fear of serious physical harm.

49 (g) Notwithstanding any other provision of law, [~~pre-admission certif-~~
50 ~~ication committees~~] the office or commissioner's designee shall be enti-
51 tled to review clinical records maintained by any person or entity which
52 pertain to an individual on whose behalf an application is made for
53 admission to a residential treatment facility for children and youth.
54 Any clinical records received by [~~a pre-admission certification commit-~~
55 ~~tee and all assessments submitted to the committee~~] the office or
56 commissioner's designee shall be kept confidential in accordance with

1 the provisions of section 33.13 of [~~the mental hygiene law, provided,~~
2 ~~however, that the commissioner may have access to and receive copies of~~
3 ~~such records for the purpose of evaluating the operation and effective-~~
4 ~~ness of the committee]~~ this chapter.

5 Confidentiality of clinical records of treatment of a person in a
6 residential treatment facility for children and youth shall be main-
7 tained as required in section 33.13 of this chapter. That portion of the
8 clinical record maintained by a residential treatment facility for chil-
9 dren and youth operated by an authorized agency specifically related to
10 medical care and treatment shall not be considered part of the record
11 required to be maintained by such authorized agency pursuant to section
12 three hundred seventy-two of the social services law and shall not be
13 discoverable in a proceeding under section three hundred fifty-eight-a
14 of the social services law or article ten-A of the family court act
15 except upon order of the family court; provided, however, that all other
16 information required by a local social services district or the office
17 of children and family services for purposes of sections three hundred
18 fifty-eight-a, four hundred nine-e and four hundred nine-f of the social
19 services law and article ten-A of the family court act shall be
20 furnished on request, and the confidentiality of such information shall
21 be safeguarded as provided in section four hundred sixty-e of the social
22 services law.

23 § 2. Subdivisions (b) and (c) of section 31.26 of the mental hygiene
24 law, as added by chapter 947 of the laws of 1981, are amended to read as
25 follows:

26 (b) The commissioner shall have the power to adopt rules and regu-
27 lations governing the establishment and operation of residential treat-
28 ment facilities for children and youth. Such rules and regulations shall
29 at least require, as a condition of issuance or retention of an operat-
30 ing certificate for a residential treatment facility for children and
31 youth, that admission of children into such facilities be in accordance
32 with priorities for admission of children most immediately in need of
33 such services [~~established by the pre-admission certification committee~~
34 ~~serving the facility,~~] in accordance with [~~section 9.51 of this chapter~~
35 standards established by the commissioner which shall be in accordance
36 with federal regulations.

37 (c) The commissioner [~~and the commissioner of social services shall~~],
38 in consultation with the commissioner of education [~~and the director of~~
39 ~~the division for youth,~~] and the commissioner of the office of children
40 and family services, shall adopt rules and regulations governing the
41 [~~operation of the pre-admission certification committees~~] standards for
42 admissions of individuals to residential treatment facilities required
43 in section 9.51 of this chapter in accordance with federal regulations.

44 § 3. Subdivision (g) of section 9.27 of the mental hygiene law, as
45 added by chapter 947 of the laws of 1981, is amended to read as follows:

46 (g) Applications for involuntary admission of patients to residential
47 treatment facilities for children and youth or transfer of involuntarily
48 admitted patients to such facilities [~~shall~~] may be reviewed by the
49 [~~pre-admission certification committee~~] office or commissioner's desig-
50 nee serving such facility in accordance with section 9.51 of this arti-
51 cle and in consultation with the residential treatment facility receiv-
52 ing an involuntary admission or transfer of an involuntarily admitted
53 patient.

54 § 4. This act shall take effect July 1, 2020 and shall apply to all
55 applications received on or after such effective date.

1

PART 000

2 Section 1. Pursuant to section 7.18 of the mental hygiene law, the
3 office of mental health will establish a separate appointing authority
4 of secure treatment and rehabilitation center within the office of
5 mental health for the care and treatment of dangerous sex offenders
6 requiring confinement as described in article 10 of the mental hygiene
7 law. All office of mental health employees who are substantially engaged
8 in the care and treatment of article 10 sex offenders will be trans-
9 ferred to the secure treatment and rehabilitation center pursuant to
10 subdivision 2 of section 70 of the civil service law. Employees will
11 remain in their current geographic location, and civil service title and
12 status. Such separate appointing authority shall not prevent an office
13 of mental health employee that is providing care and treatment of arti-
14 cle 10 sex offenders to also provide care and treatment to other popu-
15 lations at office of mental health facilities.

16 § 2. This act shall take effect immediately.

17

PART PPP

18 Section 1. Sections 19 and 21 of chapter 723 of the laws of 1989
19 amending the mental hygiene law and other laws relating to comprehensive
20 psychiatric emergency programs, as amended by section 1 of part I of
21 chapter 59 of the laws of 2016, are amended to read as follows:

22 § 19. Notwithstanding any other provision of law, the commissioner of
23 mental health shall, until July 1, [~~2020~~ 2024, be solely authorized, in
24 his or her discretion, to designate those general hospitals, local
25 governmental units and voluntary agencies which may apply and be consid-
26 ered for the approval and issuance of an operating certificate pursuant
27 to article 31 of the mental hygiene law for the operation of a compre-
28 hensive psychiatric emergency program.

29 § 21. This act shall take effect immediately, and sections one, two
30 and four through twenty of this act shall remain in full force and
31 effect, until July 1, [~~2020~~ 2024, at which time the amendments and
32 additions made by such sections of this act shall be deemed to be
33 repealed, and any provision of law amended by any of such sections of
34 this act shall revert to its text as it existed prior to the effective
35 date of this act.

36 § 2. Subdivision (b) of section 9.40 of the mental hygiene law, as
37 added by chapter 723 of the laws of 1989, is amended and a new subdivi-
38 sion (a-1) is added to read as follows:

39 (a-1) The director shall cause triage and referral services to be
40 provided by a psychiatric nurse practitioner or physician of the program
41 as soon as such person is received into the comprehensive psychiatric
42 emergency program. After receiving triage and referral services, such
43 person shall be appropriately treated and discharged, or referred for
44 further crisis intervention services including an examination by a
45 physician as described in subdivision (b) of this section.

46 (b) The director shall cause examination of such persons not
47 discharged after the provision of triage and referral services to be
48 initiated by a staff physician of the program as soon as practicable and
49 in any event within six hours after the person is received into the
50 program's emergency room. Such person may be retained for observation,
51 care and treatment and further examination for up to twenty-four hours
52 if, at the conclusion of such examination, such physician determines
53 that such person may have a mental illness for which immediate observa-

1 tion, care and treatment in a comprehensive psychiatric emergency
2 program is appropriate, and which is likely to result in serious harm to
3 the person or others.

4 § 3. Paragraphs 2 and 5 of subdivision (a), paragraph 1 and subpara-
5 graph (ii) of paragraph 2 of subdivision (b) of section 31.27 of the
6 mental hygiene law, paragraph 2 of subdivision (a) as added by chapter
7 723 of the laws of 1989, paragraph 5 of subdivision (a) as amended by
8 section 1 and paragraph 1 of subdivision (b) as amended by section 2 of
9 part M of chapter 57 of the laws of 2006 and subparagraph (ii) of para-
10 graph 2 of subdivision (b) as amended by section 2 of part E of chapter
11 111 of the laws of 2010, are amended and a new paragraph 12 is added to
12 subdivision (a) to read as follows:

13 (2) "Crisis intervention services" means [~~psychiatric emergency~~]
14 services provided in an emergency room located within a general hospi-
15 tal, which shall include but not be limited to: psychiatric and medical
16 evaluations and assessments; prescription or adjustment of medication,
17 counseling, and other stabilization or treatment services intended to
18 reduce symptoms of mental illness[~~; extended observation beds, and other~~
19 ~~on-site psychiatric emergency services~~] when appropriate.

20 (5) "Extended observation bed" means an inpatient bed which is in or
21 adjacent to an emergency room located within a general hospital or
22 satellite facility approved by the commissioner, designed to provide a
23 safe environment for an individual who, in the opinion of the examining
24 physician, requires extensive evaluation, assessment, or stabilization
25 of the person's acute psychiatric symptoms, except that, if the commis-
26 sioner determines that the program can provide for the privacy and safe-
27 ty of all patients receiving services in a hospital, he or she may
28 approve the location of one or more such beds within another unit of the
29 hospital.

30 (12) "Satellite facility" means a medical facility providing psychiat-
31 ric emergency services that is managed and operated by a general hospi-
32 tal who holds a valid operating certificate for a comprehensive psychi-
33 atric emergency program and is located away from the central campus of
34 the general hospital.

35 (1) The commissioner may license the operation of comprehensive
36 psychiatric emergency programs by general hospitals which are operated
37 by state or local governments or voluntary agencies. The provision of
38 such services in general hospitals may be located either within the
39 state or, with the approval of the commissioner and the director of the
40 budget and to the extent consistent with state and federal law, in a
41 contiguous state. The commissioner is further authorized to enter into
42 interstate agreements for the purpose of facilitating the development of
43 programs which provide services in another state. A comprehensive
44 psychiatric emergency program shall serve as a primary psychiatric emer-
45 gency service provider within a defined catchment area for persons in
46 need of psychiatric emergency services including persons who require
47 immediate observation, care and treatment in accordance with section
48 9.40 of this chapter. Each comprehensive psychiatric emergency program
49 shall provide or contract to provide psychiatric emergency services
50 twenty-four hours per day, seven days per week, including but not limit-
51 ed to: crisis intervention services, crisis outreach services, [~~crisis~~
52 ~~residence services,~~] extended observation beds, and triage and referral
53 services.

54 (ii) a description of the program's psychiatric emergency services,
55 including but not limited to crisis intervention services, crisis
56 outreach services, [~~crisis residence services,~~] extended observation

1 beds, and triage and referral services, whether or not provided directly
2 or through agreement with other providers of services;

3 § 4. Paragraphs 4 and 8 of subdivision (a) and subdivision (i) of
4 section 31.27 of the mental hygiene law are REPEALED.

5 § 5. This act shall take effect immediately and shall be deemed to
6 have been in full force and effect on and after April 1, 2020; provided
7 however that:

8 (a) sections two through four of this act shall take effect on the one
9 hundred eightieth day after it shall have become a law;

10 (b) the amendments to section 19 of chapter 723 of the laws of 1989
11 amending the mental hygiene law and other laws relating to comprehensive
12 psychiatric emergency programs made by section one of this act shall not
13 affect the repeal of such section and shall be deemed repealed there-
14 with;

15 (c) the amendments to section 9.40 of the mental hygiene law made by
16 section two of this act shall not affect the repeal of such section and
17 shall be deemed repealed therewith; and

18 (d) the amendments to section 31.27 of the mental hygiene law made by
19 section three of this act shall not affect the repeal of such section
20 and shall be deemed repealed therewith.

21 PART QQQ

22 Section 1. The insurance law is amended by adding a new section 344 to
23 read as follows:

24 § 344. Mental health and substance use disorder parity compliance
25 programs. Penalties collected for violations of section three thousand
26 two hundred sixteen, three thousand two hundred twenty-one and four
27 thousand three hundred three of this chapter related to mental health
28 and substance use disorder parity compliance shall be deposited in a
29 fund established pursuant to section ninety-nine-hh of the state finance
30 law.

31 § 2. The state finance law is amended by adding a new section 99-hh to
32 read as follows:

33 § 99-hh. Behavioral health parity compliance fund. 1. There is hereby
34 established in the custody of the state comptroller and the department
35 of taxation and finance a special fund to be known as the behavioral
36 health parity compliance fund.

37 2. Moneys in the behavioral health parity compliance fund shall be
38 kept separate from and shall not be commingled with any other moneys in
39 the custody of the comptroller or the commissioner of taxation and
40 finance. Provided, however that any moneys of the fund not required for
41 immediate use may, at the discretion of the comptroller, in consultation
42 with the director of the budget, be invested by the comptroller in obli-
43 gations of the United States or the state. The proceeds of any such
44 investment shall be retained by the fund as assets to be used for
45 purposes of this fund.

46 3. Such fund shall consist of all moneys required to be deposited
47 thereto pursuant to section three hundred forty-four of the insurance
48 law, section forty-four hundred fourteen of the public health law or any
49 other provision of law, monetary grants, gifts or bequests received by
50 the state, and all other moneys credited or transferred thereto from any
51 other fund or source.

52 4. Moneys of the fund shall only be expended for initiatives support-
53 ing parity implementation and enforcement on behalf of consumers,
54 including the behavioral health ombudsman program.

1 § 3. Section 4414 of the public health law, as added by chapter 2 of
2 the laws of 1998, and as further amended by section 104 of part A of
3 chapter 62 of the laws of 2011, is amended to read as follows:

4 § 4414. Health care compliance programs. 1. The commissioner [~~of~~
5 ~~health~~], after consultation with the superintendent of financial
6 services, shall by regulation establish standards and criteria for
7 compliance programs to be implemented by persons providing coverage or
8 coverage and service pursuant to any public or governmentally-sponsored
9 or supported plan for health care coverage or services. Such regulations
10 shall include provisions for the design and implementation of programs
11 or processes to prevent, detect and address instances of fraud and
12 abuse. Such regulations shall take into account the nature of the enti-
13 ty's business and the size of its enrolled population. The commissioner
14 [~~of health~~] and the superintendent of financial services shall accept
15 programs and processes implemented pursuant to section four hundred nine
16 of the insurance law as satisfying the obligations of this section and
17 the regulations promulgated thereunder when such programs and processes
18 incorporate the objectives contemplated by this section.

19 2. Notwithstanding any provisions of section twelve of this chapter to
20 the contrary, penalties collected from any health maintenance organiza-
21 tion certified pursuant to this article resulting from a violation of
22 the health maintenance organization's mental health and substance use
23 disorder parity compliance program shall be deposited into the behav-
24 ioral health parity compliance fund as established pursuant to section
25 ninety-nine-hh of the state finance law.

26 § 4. This act shall take effect immediately and shall be deemed to
27 have been in full force and effect on and after April 1, 2020.

28 PART RRR

29 Section 1. Subdivision (a) of section 16.03 of the mental hygiene law
30 is amended by adding a new paragraph 5 to read as follows:

31 (5) The provision of services approved in a medicaid state plan
32 authorized pursuant to section nineteen hundred two of the federal
33 social security act, including optional state plan services authorized
34 pursuant to subdivision (g) of section nineteen hundred fifteen of the
35 federal social security act, and designated by the commissioner of
36 health, in consultation with the commissioner, as being for persons with
37 developmental disabilities.

38 § 2. Subdivision (d) of section 16.03 of the mental hygiene law, as
39 added by chapter 786 of the laws of 1983, is amended to read as follows:

40 (d) The operation of a facility or provision of services for which an
41 operating certificate is required pursuant to this article shall be in
42 accordance with the terms of the operating certificate and the regu-
43 lations of the commissioner.

44 § 3. Subdivision (a) of section 16.11 of the mental hygiene law is
45 amended by adding a new paragraph 3 to read as follows:

46 (3) The review of providers of services, as defined in paragraph five
47 of subdivision (a) of section 16.03 of this article, shall ensure that
48 the provider of services complies with all the requirements of the
49 applicable federal regulations and rules and the regulations adopted by
50 the commissioner.

51 § 4. Paragraph (a) of subdivision 4 of section 488 of the social
52 services law, as amended by section 2 of part MM of chapter 58 of the
53 laws of 2015, is amended to read as follows:

1 (a) a facility or program in which services are provided and which is
2 operated, licensed or certified by the office of mental health, the
3 office for people with developmental disabilities or the office of
4 ~~[alcoholism and substance abuse services]~~ addiction services and
5 supports, including but not limited to psychiatric centers, inpatient
6 psychiatric units of a general hospital, developmental centers, interme-
7 diate care facilities, community residences, group homes and family care
8 homes, provided, however, that such term shall not include a secure
9 treatment facility as defined in section 10.03 of the mental hygiene
10 law, services defined in ~~[subparagraph]~~ paragraphs four and five of
11 subdivision (a) of section 16.03 of the mental hygiene law, or services
12 provided in programs or facilities that are operated by the office of
13 mental health and located in state correctional facilities under the
14 jurisdiction of the department of corrections and community supervision;

15 § 5. Subdivision 6 of section 2899 of the public health law, as
16 amended by section 3 of part C of chapter 57 of the laws of 2018, is
17 amended to read as follows:

18 6. "Provider" shall mean: (a) any residential health care facility
19 licensed under article twenty-eight of this chapter; or any certified
20 home health agency, licensed home care services agency or long term home
21 health care program certified under article thirty-six of this chapter;
22 any hospice program certified pursuant to article forty of this chapter;
23 or any adult home, enriched housing program or residence for adults
24 licensed under article seven of the social services law; or (b) a health
25 home, or any subcontractor of such health home, who contracts with or is
26 approved or otherwise authorized by the department to provide health
27 home services, including ~~[to all those enrolled pursuant to a diagnosis~~
28 ~~of a developmental disability as defined in subdivision twenty-two of~~
29 ~~section 1.03 of the mental hygiene law and]~~ enrollees who are under
30 twenty-one years of age, under section three hundred sixty-five-1 of the
31 social services law, except for a health home, or any subcontractor of
32 such health home, who contracts with or is approved or otherwise author-
33 ized by the department to provide health home services to all those
34 enrolled pursuant to a diagnosis of a developmental disability as
35 defined in subdivision twenty-two of section 1.03 of the mental hygiene
36 law; or any entity that provides home and community based services to
37 enrollees who are under twenty-one years of age under a demonstration
38 program pursuant to section eleven hundred fifteen of the federal social
39 security act.

40 § 6. Paragraph (b) of subdivision 9 of section 2899-a of the public
41 health law, as amended by section 4 of part C of chapter 57 of the laws
42 of 2018, is amended to read as follows:

43 (b) Residential health care facilities licensed pursuant to article
44 twenty-eight of this chapter and certified home health care agencies and
45 long-term home health care programs certified or approved pursuant to
46 article thirty-six of this chapter or a health home, or any subcontrac-
47 tor of such health home, who contracts with or is approved or otherwise
48 authorized by the department to provide health home services, including
49 ~~[to all those enrolled pursuant to a diagnosis of a developmental disa-~~
50 ~~bility as defined in subdivision twenty-two of section 1.03 of the~~
51 ~~mental hygiene law and]~~ enrollees who are under twenty-one years of age,
52 under section three hundred sixty-five-1 of the social services law,
53 except for a health home, or any subcontractor of such health home, who
54 contracts with or is approved or otherwise authorized by the department
55 to provide health home services to all those enrolled pursuant to a
56 diagnosis of a developmental disability as defined in subdivision twen-

1 ty-two of section 1.03 of the mental hygiene law; or any entity that
2 provides home and community based services to enrollees who are under
3 twenty-one years of age under a demonstration program pursuant to
4 section eleven hundred fifteen of the federal social security act, may,
5 subject to the availability of federal financial participation, claim as
6 reimbursable costs under the medical assistance program, costs reflect-
7 ing the fee established pursuant to law by the division of criminal
8 justice services for processing a criminal history information check,
9 the fee imposed by the federal bureau of investigation for a national
10 criminal history check, and costs associated with obtaining the finger-
11 prints, provided, however, that for the purposes of determining rates of
12 payment pursuant to article twenty-eight of this chapter for residential
13 health care facilities, such reimbursable fees and costs shall be
14 reflected as timely as practicable in such rates within the applicable
15 rate period.

16 § 7. Subdivision 10 of section 2899-a of the public health law, as
17 amended by section 1 of part EE of chapter 57 of the laws of 2019, is
18 amended to read as follows:

19 10. Notwithstanding subdivision eleven of section eight hundred
20 forty-five-b of the executive law, a certified home health agency,
21 licensed home care services agency or long term home health care program
22 certified, licensed or approved under article thirty-six of this chapter
23 or a home care services agency exempt from certification or licensure
24 under article thirty-six of this chapter, a hospice program under arti-
25 cle forty of this chapter, or an adult home, enriched housing program or
26 residence for adults licensed under article seven of the social services
27 law, or a health home, or any subcontractor of such health home, who
28 contracts with or is approved or otherwise authorized by the department
29 to provide health home services, including [~~to all enrollees enrolled~~
30 ~~pursuant to a diagnosis of a developmental disability as defined in~~
31 ~~subdivision twenty-two of section 1.03 of the mental hygiene law and~~]
32 enrollees who are under twenty-one years of age, under section three
33 hundred sixty-five-1 of the social services law, except for a health
34 home, or any subcontractor of such health home, who contracts with or is
35 approved or otherwise authorized by the department to provide health
36 home services to all those enrolled pursuant to a diagnosis of a devel-
37 opmental disability as defined in subdivision twenty-two of section 1.03
38 of the mental hygiene law; or any entity that provides home and communi-
39 ty based services to enrollees who are under twenty-one years of age
40 under a demonstration program pursuant to section eleven hundred fifteen
41 of the federal social security act may temporarily approve a prospective
42 employee while the results of the criminal history information check and
43 the determination are pending, upon the condition that the provider
44 conducts appropriate direct observation and evaluation of the temporary
45 employee, while he or she is temporarily employed, and the care recipi-
46 ent; provided, however, that for a health home, or any subcontractor of
47 a health home, who contracts with or is approved or otherwise authorized
48 by the department to provide health home services, including [~~to all~~
49 ~~enrollees enrolled pursuant to a diagnosis of developmental disability~~
50 ~~as defined in subdivision twenty-two of section 1.03 of the mental~~
51 ~~hygiene law and~~] enrollees who are under twenty-one years of age, under
52 section three hundred sixty-five-1 of the social services law, except
53 for a health home, or any subcontractor of such health home, who
54 contracts with or is approved or otherwise authorized by the department
55 to provide health home services to all those enrolled pursuant to a
56 diagnosis of a developmental disability as defined in subdivision twen-

1 ty-two of section 1.03 of the mental hygiene law; or any entity that
2 provides home and community based services to enrollees who are under
3 twenty-one years of age under a demonstration program pursuant to
4 section eleven hundred fifteen of the federal social security act,
5 direct observation and evaluation of temporary employees shall not be
6 required until July first, two thousand nineteen. The results of such
7 observations shall be documented in the temporary employee's personnel
8 file and shall be maintained. For purposes of providing such appropriate
9 direct observation and evaluation, the provider shall utilize an indi-
10 vidual employed by such provider with a minimum of one year's experience
11 working in an agency certified, licensed or approved under article thir-
12 ty-six of this chapter or an adult home, enriched housing program or
13 residence for adults licensed under article seven of the social services
14 law, a health home, or any subcontractor of such health home, who
15 contracts with or is approved or otherwise authorized by the department
16 to provide health home services, including [~~to those enrolled pursuant~~
17 ~~to a diagnosis of a developmental disability as defined in subdivision~~
18 ~~twenty-two of section 1.03 of the mental hygiene law and~~] enrollees who
19 are under twenty-one years of age, under section three hundred sixty-
20 five-1 of the social services law, except for a health home, or any
21 subcontractor of such health home, who contracts with or is approved or
22 otherwise authorized by the department to provide health home services
23 to all those enrolled pursuant to a diagnosis of a developmental disa-
24 bility as defined in subdivision twenty-two of section 1.03 of the
25 mental hygiene law; or any entity that provides home and community based
26 services to enrollees who are under twenty-one years of age under a
27 demonstration program pursuant to section eleven hundred fifteen of the
28 federal social security act. If the temporary employee is working under
29 contract with another provider certified, licensed or approved under
30 article thirty-six of this chapter, such contract provider's appropriate
31 direct observation and evaluation of the temporary employee, shall be
32 considered sufficient for the purposes of complying with this subdivi-
33 sion.

34 § 8. This act shall take effect on the ninetieth day after it shall
35 have become a law; provided, however, that the amendments to subdivision
36 6 of section 2899 of the public health law made by section five of this
37 act shall not affect the expiration of such subdivision and shall be
38 deemed to expire therewith.

39

PART SSS

40 Section 1. Subdivision a of section 13 of chapter 554 of the laws of
41 2013, amending the education law and other laws relating to applied
42 behavior analysis, as amended by chapter 8 of the laws of 2014, is
43 amended to read as follows:

44 a. Nothing in this act shall be construed as prohibiting a person
45 employed or retained by programs licensed, certified, operated,
46 approved, registered or funded and regulated by the office for people
47 with developmental disabilities, the office of children and family
48 services, or the office of mental health from performing the duties of a
49 licensed behavior analyst or a certified behavior analyst assistant in
50 the course of such employment or retention; provided, however, that this
51 section shall not authorize the use of any title authorized pursuant to
52 article 167 of the education law; and provided further, however, that
53 this section shall be deemed repealed on July 1, [2020] 2025.

54 § 2. This act shall take effect immediately.

1

PART TTT

2 Section 1. Section 2 of part Q of chapter 59 of the laws of 2016,
3 amending the mental hygiene law relating to the closure or transfer of a
4 state-operated individualized residential alternative, as amended by
5 section 2 of part II of chapter 57 of the laws of 2018, is amended to
6 read as follows:

7 § 2. This act shall take effect immediately and shall expire and be
8 deemed repealed March 31, [~~2020~~] 2022.

9 § 2. This act shall take effect immediately.

10

PART UUU

11 Section 1. This act commits the state of New York and the city of New
12 York ("city") to fund, over a multi-year period, \$6,000,000,000 in capi-
13 tal costs related to projects contained in the Metropolitan Transporta-
14 tion Authority ("MTA") 2020-2024 capital program ("capital program").
15 The state share of \$3,000,000,000 and the city share of \$3,000,000,000
16 shall be provided to pay the capital costs of the capital program. The
17 funds committed by the state and city shall be provided concurrently,
18 and in proportion to the respective shares of each, in accordance with
19 the funding needs of the capital program.

20 § 2. (a) No funds dedicated for operating assistance of the MTA shall
21 be used to reduce or supplant the commitment of the state or city to
22 provide \$6,000,000,000 pursuant to section one of this act.

23 (b) The city and state's share of funds provided concurrently pursuant
24 to section one of this act shall be scheduled and paid to the MTA on a
25 schedule to be determined by the state director of the budget. In order
26 to determine the adequacy and pace of the level of state and city fund-
27 ing in support of the MTA's capital program, and to gauge the availabil-
28 ity of MTA capital resources planned for the capital program, the direc-
29 tor of the budget and the city may request, and the MTA shall provide,
30 periodic reports on the MTA's capital programs and financial activities.
31 The city shall certify to the state comptroller and the New York state
32 director of the budget, no later than seven days after making each
33 payment pursuant to this section, the amount of the payments and the
34 date upon which such payments were made.

35 § 3. (a) Notwithstanding any provision of law to the contrary, in the
36 event the city fails to certify to the state comptroller and the New
37 York state director of the budget that the city has paid in full any
38 concurrent payment required by section two of this act, the New York
39 state director of the budget shall direct the state comptroller to
40 transfer, collect, or deposit funds in accordance with subdivision (b)
41 of this section in an amount equal to the unpaid balance of any payment
42 required by section two of this act, provided that any such deposits
43 shall be counted against the city share of the Metropolitan Transporta-
44 tion Authority (MTA) 2020-2024 capital program (capital program) pursu-
45 ant to section one of this act. Such direction shall be pursuant to a
46 written plan or plans filed with the state comptroller, the chairperson
47 of the senate finance committee and the chairperson of the assembly ways
48 and means committee.

49 (b) Notwithstanding any provision of law to the contrary and as set
50 forth in a plan or plans submitted by the New York state director of the
51 budget pursuant to subdivision (a) of this section, the state comp-
52 troller is hereby directed and authorized to: (i) transfer funds
53 authorized by any undisbursed general fund aid to localities appropri-

1 ations or state special revenue fund aid to localities appropriations,
2 excluding debt service, fiduciary, and federal fund appropriations, to
3 the city to the Metropolitan Transportation Authority capital assistance
4 fund established by section 92-ii of the state finance law in accordance
5 with such plan; and/or (ii) collect and deposit into the Metropolitan
6 Transportation Authority capital assistance fund established by section
7 92-ii of the state finance law funds from any other revenue source of
8 the city, including the sales and use tax, in accordance with such plan.
9 The state comptroller is hereby authorized and directed to make such
10 transfers, collections and deposits as soon as practicable but not more
11 than 3 days following the transmittal of such plan to the comptroller in
12 accordance with subdivision (a) of this section.

13 (c) Notwithstanding any provision of law to the contrary, the state's
14 obligation and or liability to fund any program included in general fund
15 aid to localities appropriations or state special revenue fund aid to
16 localities appropriations from which funds are transferred pursuant to
17 subdivision (b) of this section shall be reduced in an amount equal to
18 such transfer or transfers.

19 § 4. The state finance law is amended by adding a new section 92-ii to
20 read as follows:

21 § 92-ii. Metropolitan transportation authority capital assistance
22 fund. 1. There is hereby established in the custody of the comptroller a
23 special fund to be known as the metropolitan transportation authority
24 capital assistance fund.

25 2. Such fund shall consist of any monies directed thereto pursuant to
26 the provisions of section three of the part of the chapter of the laws
27 of two thousand twenty which added this section.

28 3. All monies deposited into the fund pursuant to the part of the
29 chapter of the laws of two thousand twenty which added this section
30 shall be paid to the metropolitan transportation authority by the comp-
31 troller, without appropriation, for use in the same manner as the
32 payments required by section two of such part, as soon as practicable
33 but not more than five days from the date the comptroller determines
34 that the full amount of the unpaid balance of any payment required by
35 section three of such part has been deposited into the fund.

36 § 5. Starting July 1, 2020, the city will fund a fifty percent share
37 of the net paratransit operating expenses of the MTA, provided that such
38 contribution shall not exceed \$215 million in 2020, \$277 million in
39 2021, \$290 million in 2022, and \$310 million in 2023. Net paratransit
40 operating expenses shall be calculated monthly by the MTA and will
41 consist of the total paratransit operating expenses of the program minus
42 the six percent of the urban tax dedicated to paratransit services as of
43 the date of this act and minus any money collected as passenger fares
44 from paratransit operations.

45 § 6. The city's share of funds provided pursuant to section five of
46 this act shall be paid to the MTA monthly. Such schedule shall include
47 an annual reconciliation process to adjust for any overpayment or under-
48 payment. The city shall certify to the state comptroller and the New
49 York state director of the budget, no later than seven days after making
50 each payment pursuant to this section, the amount of the payments and
51 the date upon which such payments were made.

52 § 7. (a) Notwithstanding any provision of law to the contrary, in the
53 event the city fails to certify to the state comptroller and the New
54 York state director of the budget that the city has paid in full any
55 payment required by section six of this act, the New York state director
56 of the budget shall direct the state comptroller to transfer, collect,

1 or deposit funds in accordance with subdivision (b) of this section in
2 an amount equal to the unpaid balance of any payment required by section
3 six of this act, and any such deposits shall be counted against the
4 city's fifty percent share of the net paratransit operating expenses of
5 the MTA pursuant to section five of this act. Such direction shall be
6 pursuant to a written plan or plans filed with the state comptroller,
7 the chairperson of the senate finance committee and the chairperson of
8 the assembly ways and means committee.

9 (b) Notwithstanding any provision of law to the contrary and as set
10 forth in a plan or plans submitted by the New York state director of the
11 budget pursuant to subdivision (a) of this section, the state comp-
12 troller is hereby directed and authorized to: (i) transfer funds
13 authorized by any undisbursed general fund aid to localities appropri-
14 ations or state special revenue fund aid to localities appropriations,
15 excluding debt service, fiduciary, and federal fund appropriations, to
16 the city to the Metropolitan Transportation Authority paratransit
17 assistance fund established by section 92-jj of the state finance law in
18 accordance with such plan; and/or (ii) collect and deposit into the
19 Metropolitan Transportation Authority paratransit assistance fund estab-
20 lished by section 92-jj of the state finance law funds from any other
21 revenue source of the city, including the sales and use tax, in accord-
22 ance with such plan. The state comptroller is hereby authorized and
23 directed to make such transfers, collections and deposits as soon as
24 practicable but not more than 3 days following the transmittal of such
25 plan to the comptroller in accordance with subdivision (a) of this
26 section.

27 (c) Notwithstanding any provision of law to the contrary, the state's
28 obligation and or liability to fund any program included in general fund
29 aid to localities appropriations or state special revenue fund aid to
30 localities appropriations from which funds are transferred pursuant to
31 subdivision (b) of this section shall be reduced in an amount equal to
32 such transfer or transfers.

33 § 8. The state finance law is amended by adding a new section 92-jj to
34 read as follows:

35 § 92-jj. Metropolitan transportation authority paratransit assistance
36 fund. 1. There is hereby established in the custody of the comptroller a
37 special fund to be known as the metropolitan transportation authority
38 paratransit assistance fund.

39 2. Such fund shall consist of any monies directed thereto pursuant to
40 the provisions of section seven of the part of the chapter of the laws
41 of two thousand twenty which added this section.

42 3. All monies deposited into the fund pursuant to the part of the
43 chapter of the laws of two thousand twenty which added this section
44 shall be paid to the metropolitan transportation authority by the comp-
45 troller, without appropriation, for use in the same manner as the
46 payments required by section six of such part, as soon as practicable
47 but not more than five days from the date the comptroller determines
48 that the full amount of the unpaid balance of any payment required by
49 section seven of such part has been deposited into the fund.

50 § 9. This act shall take effect immediately; provided that sections
51 five through seven of this act shall expire and be deemed repealed June
52 30, 2024; and provided further that such repeal shall not affect or
53 otherwise reduce amounts owed to the metropolitan transportation author-
54 ity paratransit assistance fund to meet the city's share of the net
55 paratransit operating expenses of the MTA for services provided prior to
56 June 30, 2024.

1

PART VVV

2 Section 1. Legislative findings and declaration of purpose. It is
3 hereby found and declared that it is a matter of substantial and imper-
4 ative state concern that the metropolitan transportation authority be
5 enabled to deliver as quickly and efficiently as practicable the capital
6 projects included in its 2015 to 2019 and 2020 to 2024 approved capital
7 programs, which together will make the subway, bus, and commuter rail
8 systems it operates in the metropolitan transportation commuter district
9 safer, more reliable, cleaner, more modern, and more accessible for all
10 its customers. The people of the state through their legislature have
11 made substantial commitments to ensure stable and reliable capital fund-
12 ing to repair and revitalize the metropolitan transportation authority's
13 subway, bus, and commuter rail systems including most recently the
14 program to establish tolls for vehicles entering or remaining in New
15 York city's central business district, which is expected to fund fifteen
16 billion dollars for capital projects.

17 The legislature further finds and declares that the metropolitan
18 transportation authority anticipates that some projects in an approved
19 capital program plan will require that it acquire from the city of New
20 York through negotiation temporary and permanent interests in real prop-
21 erty for transportation facilities or transit projects. So as not to
22 unduly delay the commencement of such capital projects and to ensure
23 that their cost is not undue, the city of New York must not unreasonably
24 withhold its consent to such acquisitions nor must it try to use the
25 metropolitan transportation authority's urgent need for the interests in
26 real property unreasonably as a lever to obtain an undue price. Other-
27 wise, the metropolitan transportation authority's efforts to make its
28 transportation system more accessible and more reliable and efficient
29 will be significantly impeded. Valuations of the property interests and
30 negotiations to determine the fair market value shall be conducted only
31 after the metropolitan transportation authority has identified the need
32 for such property interests and the city of New York has consented to
33 their transfer or acquisition. Under the valuation procedure enacted
34 herein, those negotiations will be swift and lead to a reasonable price.
35 It is therefore the intent of the legislature to provide a means that
36 fairly determines the fair market value of property interests to be
37 acquired by the authority from the city of New York while at the same
38 time ensuring that the metropolitan transportation authority be able to
39 efficiently and cost-effectively deliver capital projects that will
40 make the subway system more accessible and more reliable. In doing so,
41 the legislature further finds and declares that it is acting on a matter
42 of substantial state concern.

43 § 2. Section 1266 of the public authorities law is amended by adding a
44 new subdivision 12-a to read as follows:

45 12-a. (a) Whenever the authority determines in consultation with the
46 city of New York that it is necessary to obtain the temporary or perma-
47 nent use, occupancy, control or possession of vacant or undeveloped or
48 underutilized but replaceable real property, or any interest therein, or
49 subsurface real property or any interest therein then owned by the city
50 of New York for a project in the two thousand fifteen to two thousand
51 nineteen or the two thousand twenty to two thousand twenty-four approved
52 capital programs to (i) install one or more elevators to make one or
53 more subway stations more accessible, (ii) construct or reconstruct an
54 electrical substation to increase available power to the subway system
55 to expand passenger capacity or reliability, or (iii) in connection with

1 the capital project to construct four commuter railroad passengers
2 stations in the borough of the Bronx known as Penn Station access, the
3 authority upon approval by the board of the metropolitan transportation
4 authority and upon suitable notice and with the consent of the city of
5 New York may cause the title to such real property, or any interest
6 therein, to be transferred to the authority by adding it to the agree-
7 ment of lease dated June first, nineteen hundred fifty-three, as
8 amended, renewed and supplemented, authorized by section twelve hundred
9 three of this article, or may itself acquire title to such property from
10 the city of New York, and any such transfer or acquisition of real prop-
11 erty shall be subject to the provisions of subdivision five of section
12 twelve hundred sixty-six-c of this title. Nothing in this subdivision
13 shall be deemed to authorize any temporary or permanent transfer or
14 acquisition of real property, or interest therein, that is dedicated
15 parkland without separate legislative approval of such alienation.

16 (b) (i) Upon the execution of any transfer or acquisition pursuant to
17 this subdivision, which shall be final upon the approval by the board of
18 the metropolitan transportation authority and consent of the city of New
19 York, the fair market value shall be determined pursuant to this para-
20 graph. The authority shall make a written offer to pay to the city of
21 New York the fair market value of the authority's use, occupancy,
22 control, possession or acquisition of such property. The offer by the
23 authority shall be based on an appraisal of the value of such property
24 and a copy of such appraisal shall be included with the offer. Such
25 appraisal shall be done by an independent New York state licensed or
26 certified appraiser, who may not be employed by the authority, selected
27 at random from a panel of appraisers maintained by it for such purpose.
28 Such appraisal and a second appraisal, if required pursuant to subpara-
29 graph (ii) of this paragraph, shall consider only the reasonably antic-
30 ipated lawful use of the property and its zoning designation under the
31 zoning resolution of the city of New York at the time the authority
32 notified the city of New York of its determination to use, occupy,
33 control, possess or acquire such property.

34 (ii) Within thirty days of receipt of the offer by the authority, the
35 city of New York may accept it, agree with the authority on another
36 amount, or request a second appraisal by an independent New York state
37 licensed or certified appraiser, who may not be employed by the city of
38 New York, selected at random by the city of New York from a panel of
39 appraisers maintained by it for such purpose. Such second appraisal
40 shall be completed within thirty days. If the second appraisal produces
41 an estimate of the fair market value of the property that is greater
42 than that of the first appraisal, the authority shall have ten days to
43 increase its offer to such higher amount, otherwise the two appraisers
44 shall reconcile their valuations and agree on a final valuation within
45 ten days, which shall be an amount not less than the first appraisal nor
46 greater than the second appraisal.

47 (c) Nothing in this subdivision shall be construed to affect or limit
48 the authority's power under subdivision twelve of this section.

49 § 3. This act shall take effect immediately and shall expire and be
50 deemed repealed on December 31, 2025; provided, however, that the repeal
51 of this act shall not affect any transfer or acquisition pursuant to all
52 of the terms of section two of this act that has been approved by the
53 board of the metropolitan transportation authority before such repeal
54 date.

1 Section 1. Paragraph (b) of subdivision 9 of section 208 of the tax
2 law is amended by adding a new subparagraph 26 to read as follows:

3 (26) For taxable years beginning in two thousand nineteen and two
4 thousand twenty, the amount of the increase in the federal interest
5 deduction allowed pursuant to section 163(j)(10)(A)(i) of the internal
6 revenue code.

7 § 2. Subsection (a) of section 607 of the tax law, as amended by chap-
8 ter 28 of the laws of 1987, is amended to read as follows:

9 (a) General. Any term used in this article shall have the same meaning
10 as when used in a comparable context in the laws of the United States
11 relating to federal income taxes, unless a different meaning is clearly
12 required but such meaning shall be subject to the exceptions or modifi-
13 cations prescribed in this article or by statute. Any reference in this
14 article to the laws of the United States shall mean the provisions of
15 the internal revenue code of nineteen hundred eighty-six (unless a
16 reference to the internal revenue code of nineteen hundred fifty-four is
17 clearly intended), and amendments thereto, and other provisions of the
18 laws of the United States relating to federal income taxes, as the same
19 may be or become effective at any time or from time to time for the
20 taxable year. Provided however, for taxable years beginning before Janu-
21 ary first, two thousand twenty-two, any amendments made to the internal
22 revenue code of nineteen hundred eighty-six after March first, two thou-
23 sand twenty shall not apply to this article.

24 § 3. Subdivision (a) of section 11-1707 of the administrative code of
25 the city of New York, as amended by chapter 333 of the laws of 1987, is
26 amended to read as follows:

27 (a) General. Any term used in this chapter shall have the same meaning
28 as when used in a comparable context in the laws of the United States
29 relating to federal income taxes, unless a different meaning is clearly
30 required but such meaning shall be subject to the exceptions or modifi-
31 cations prescribed in this chapter or by statute. Any reference in this
32 chapter to the laws of the United States shall mean the provisions of
33 the internal revenue code of nineteen hundred eighty-six (unless a
34 reference to the internal revenue code of nineteen hundred fifty-four is
35 clearly intended), and amendments thereto, and other provisions of the
36 laws of the United States relating to federal income taxes, as the same
37 may be or become effective at any time or from time to time for the
38 taxable year, as included and quoted in the appendices (including any
39 supplements and additions thereto) to this chapter. Provided however,
40 for taxable years beginning before January first, two thousand twenty-
41 two, any amendments made to the internal revenue code of nineteen
42 hundred eighty-six after March first, two thousand twenty shall not
43 apply to this chapter. (Such quotation of the aforesaid laws of the
44 United States is intended to make them a part of this chapter and to
45 avoid constitutional uncertainties which might result if such laws were
46 merely incorporated by reference. The quotation of a provision of the
47 internal revenue code or of any other law of the United States in such
48 appendices shall not necessarily mean that it is applicable or has rele-
49 vance to this chapter).

50 § 4. Paragraph (b) of subdivision 8 of section 11-652 of the adminis-
51 trative code of the city of New York is amended by adding a new subpara-
52 graph 22 to read as follows:

53 (22) For taxable years beginning in two thousand nineteen and two
54 thousand twenty, the amount of the increase in the federal interest
55 deduction allowed pursuant to section 163(j)(10)(A)(i) of the internal
56 revenue code.

1 § 5. Subdivision (b) of section 11-506 of the administrative code of
2 the city of New York is amended by adding a new paragraph 17 to read as
3 follows:

4 (17) For taxable years beginning in two thousand nineteen and two
5 thousand twenty, the amount of the increase in the federal interest
6 deduction allowed pursuant to section 163(j)(10)(A)(i) of the internal
7 revenue code.

8 § 6. Paragraph (b) of subdivision 8 of section 11-602 of the adminis-
9 trative code of the city of New York is amended by adding a new subpara-
10 graph 21 to read as follows:

11 (21) For taxable years beginning in two thousand nineteen and two
12 thousand twenty, the amount of the increase in the federal interest
13 deduction allowed pursuant to section 163(j)(10)(A)(i) of the internal
14 revenue code.

15 § 7. This act shall take effect immediately.

16 PART XXX

17 Section 1. This Part enacts into law legislation providing for the
18 extension of certain provisions. Each component is wholly contained
19 within a Subpart identified as Subparts A through H. The effective date
20 for each particular provision contained within such Subpart is set forth
21 in the last section of such Subpart. Any provision in any section
22 contained within a Subpart, including the effective date of the Subpart,
23 which makes reference to a section "of this act", when used in
24 connection with that particular component, shall be deemed to mean and
25 refer to the corresponding section of the Subpart in which it is found.
26 Section three of this Part sets forth the general effective date of this
27 Part.

28 SUBPART A

29 Section 1. This Subpart enacts into law major components of legis-
30 lation relating to issues deemed necessary for the state. Each component
31 is wholly contained within an Item identified as Items A through R. The
32 effective date for each particular provision contained within such Item
33 is set forth in the last section of such Item. Any provision in any
34 section contained within an Item, including the effective date of the
35 Item, which makes reference to a section "of this act", when used in
36 connection with that particular component, shall be deemed to mean and
37 refer to the corresponding section of the Item in which it is found.
38 Section three of this Subpart sets forth the general effective date of
39 this Subpart.

40 ITEM A

41 Section 1. Section 3 of chapter 492 of the laws of 1993, amending the
42 local finance law relating to installment loans and obligations evidenc-
43 ing installment loans, as amended by chapter 46 of the laws of 2017, is
44 amended to read as follows:

45 § 3. This act shall take effect immediately and shall remain in full
46 force and effect until September 30, [~~2020~~ 2023], at which time it shall
47 be deemed repealed.

48 § 2. This act shall take effect immediately.

49 ITEM B

1 Section 1. Section 2 of chapter 581 of the laws of 2005, amending the
2 local finance law relating to statutory installment bonds, as amended by
3 chapter 139 of the laws of 2017, is amended to read as follows:

4 § 2. This act shall take effect immediately and shall remain in full
5 force and effect until September 30, [~~2020~~] 2023, at which time it shall
6 expire and be deemed repealed.

7 § 2. This act shall take effect immediately.

8 ITEM C

9 Section 1. Section 2 of chapter 629 of the laws of 2005, amending the
10 local finance law relating to refunding bonds, as amended by chapter 45
11 of the laws of 2017, is amended to read as follows:

12 § 2. This act shall take effect immediately and shall expire and be
13 deemed repealed September 30, [~~2020~~] 2023.

14 § 2. This act shall take effect immediately.

15 ITEM D

16 Section 1. Section 3 of chapter 307 of the laws of 2005, amending the
17 public authorities law relating to the special powers of the New York
18 state environmental facilities corporation, as amended by chapter 137 of
19 the laws of 2017, is amended to read as follows:

20 § 3. This act shall take effect immediately and shall expire and be
21 deemed repealed September 30, [~~2020~~] 2023.

22 § 2. This act shall take effect immediately.

23 ITEM E

24 Section 1. Paragraph c of subdivision 1 of section 13-0339-a of the
25 environmental conservation law, as amended by chapter 217 of the laws of
26 2017, is amended to read as follows:

27 c. Atlantic and shortnose sturgeon (*Acipenser oxyrinchus* and *brevi-*
28 *rostrum*) until December thirty-first, two thousand [~~twenty~~]
29 twenty-three,

30 § 2. This act shall take effect immediately.

31 ITEM F

32 Section 1. Paragraph a of subdivision 1 of section 13-0339-a of the
33 environmental conservation law, as amended by chapter 218 of the laws of
34 2017, is amended to read as follows:

35 a. Atlantic cod (*Gadus morhua*) until December thirty-first, two thou-
36 sand [~~twenty~~] twenty-three,

37 § 2. This act shall take effect immediately

38 ITEM G

39 Section 1. Paragraph d of subdivision 1 of section 13-0339-a of the
40 environmental conservation law, as amended by chapter 219 of the laws of
41 2017, is amended to read as follows:

42 d. Atlantic herring (*Clupea harengus*) until December thirty-first, two
43 thousand [~~twenty~~] twenty-three,

44 § 2. This act shall take effect immediately.

45 ITEM H

1 Section 1. Section 13-0340-f of the environmental conservation law, as
2 amended by chapter 207 of the laws of 2017, is amended to read as
3 follows:

4 § 13-0340-f. Black sea bass (*Centropristis striata*).

5 The department may, until December thirty-first, two thousand [~~twenty~~
6 ~~twenty-three~~, fix by regulation measures for the management of black sea
7 bass (*Centropristis striata*), including size limits, catch and
8 possession limits, open and closed seasons, closed areas, restrictions
9 on the manner of taking and landing, requirements for permits and eligi-
10 bility therefor, recordkeeping requirements, requirements on the amount
11 and type of fishing effort and gear and requirements relating to trans-
12 portation, possession and sale, provided that such regulations are no
13 less restrictive than requirements set forth in this chapter and
14 provided further that such regulations are consistent with the compli-
15 ance requirements of applicable fishery management plans adopted by the
16 Atlantic States Marine Fisheries Commission and with applicable
17 provisions of fishery management plans adopted pursuant to the Federal
18 Fishery Conservation and Management Act (16 U.S.C. § 1800 et seq.).

19 § 2. This act shall take effect immediately.

20

ITEM I

21 Section 1. Paragraph g of subdivision 1 of section 13-0339-a of the
22 environmental conservation law, as amended by chapter 220 of the laws of
23 2017, is amended to read as follows:

24 g. blueback herring (*Alosa aestivalis*) until December thirty-first,
25 two thousand [~~twenty~~ ~~twenty-three~~,

26 § 2. This act shall take effect immediately.

27

ITEM J

28 Section 1. Subdivision 7 of section 13-0331 of the environmental
29 conservation law, as amended by chapter 20 of the laws of 2019, is
30 amended to read as follows:

31 7. The department may, until December thirty-first, two thousand
32 [~~twenty~~ ~~twenty-three~~, fix by regulation measures for the management of
33 crabs of any kind including horseshoe crabs (*Limulus* sp.), including
34 size limits, catch and possession limits, open and closed seasons,
35 closed areas, restrictions on the manner of taking and landing, require-
36 ments for permits and eligibility therefor, recordkeeping requirements,
37 requirements on the amount and type of fishing effort and gear, and
38 requirements relating to transportation, possession and sale, provided
39 that such regulations are no less restrictive than requirements set
40 forth in this chapter and provided further that such regulations are
41 consistent with the compliance requirements of applicable fishery
42 management plans adopted by the Atlantic States Marine Fisheries Commis-
43 sion and with applicable provisions of fishery management plans adopted
44 pursuant to the Federal Fishery Conservation and Management Act (16
45 U.S.C. § 1800 et seq.).

46 § 2. This act shall take effect immediately.

47

ITEM K

48 Section 1. Subdivision 3 of section 13-0360 of the environmental
49 conservation law, as amended by chapter 209 of the laws of 2017, is
50 amended to read as follows:

1 3. Notwithstanding any other provision of this chapter, the department
2 may, until December thirty-first, two thousand [~~twenty~~] ~~twenty-three~~,
3 adopt regulations restricting the taking of fish, shellfish and crusta-
4 cea in any special management area designated pursuant to subdivision
5 two of this section. Such regulations may restrict the manner of taking
6 of fish, shellfish and crustacea in such areas and the landing of fish,
7 shellfish and crustacea which have been taken therefrom. Such regu-
8 lations shall be consistent with all relevant federal and interstate
9 fisheries management plans and with the marine fisheries conservation
10 and management policy set forth in section 13-0105 of this article.
11 § 2. This act shall take effect immediately.

12 ITEM L

13 Section 1. Section 13-0340-b of the environmental conservation law, as
14 amended by chapter 221 of the laws of 2017, is amended to read as
15 follows:

16 § 13-0340-b. Fluke - summer flounder (*Paralichthys dentatus*).

17 The department may, until December thirty-first, two thousand [~~twenty~~]
18 ~~twenty-three~~, fix by regulation measures for the management of fluke or
19 summer flounder (*Paralichthys dentatus*), including size limits, catch
20 and possession limits, open and closed seasons, closed areas,
21 restrictions on the manner of taking and landing, requirements for
22 permits and eligibility therefor, recordkeeping requirements, require-
23 ments on the amount and type of fishing effort and gear, and require-
24 ments relating to transportation, possession and sale, provided that
25 such regulations are no less restrictive than requirements set forth in
26 this chapter and provided further that such regulations are consistent
27 with the compliance requirements of applicable fishery management plans
28 adopted by the Atlantic States Marine Fisheries Commission and with
29 applicable provisions of fishery management plans adopted pursuant to
30 the Federal Fishery Conservation and Management Act (16 U.S.C. § 1800 et
31 seq.).

32 § 2. This act shall take effect immediately.

33 ITEM M

34 Section 1. Section 13-0340-e of the environmental conservation law, as
35 amended by chapter 222 of the laws of 2017, is amended to read as
36 follows:

37 § 13-0340-e. Scup (*Stenotomus chrysops*).

38 The department may, until December thirty-first, two thousand [~~twenty~~]
39 ~~twenty-three~~, fix by regulation measures for the management of scup
40 (*Stenotomus chrysops*), including size limits, catch and possession
41 limits, open and closed seasons, closed areas, restrictions on the
42 manner of taking and landing, requirements for permits and eligibility
43 therefor, recordkeeping requirements, requirements on the amount and
44 type of fishing effort and gear, and requirements relating to transpor-
45 tation, possession and sale, provided that such regulations are no less
46 restrictive than requirements set forth in this chapter and provided
47 further that such regulations are consistent with the compliance
48 requirements of applicable fishery management plans adopted by the
49 Atlantic States Marine Fisheries Commission and with applicable
50 provisions of fishery management plans adopted pursuant to the Federal
51 Fishery Conservation and Management Act (16 U.S.C. § 1800 et seq.).

52 § 2. This act shall take effect immediately.

1 ITEM N

2 Section 1. Subdivision 4 of section 13-0338 of the environmental
3 conservation law, as amended by chapter 223 of the laws of 2017, is
4 amended to read as follows:

5 4. The department may, until December thirty-first, two thousand
6 [~~twenty~~] twenty-three, fix by regulation measures for the management of
7 sharks, including size limits, catch and possession limits, open and
8 closed seasons, closed areas, restrictions on the manner of taking and
9 landing, requirements for permits and eligibility therefor, recordkeep-
10 ing requirements, requirements on the amount and type of fishing effort
11 and gear, and requirements relating to transportation, possession and
12 sale, provided that such regulations are no less restrictive than
13 requirements set forth in this chapter and provided further that such
14 regulations are consistent with the compliance requirements of applica-
15 ble fishery management plans adopted by the Atlantic States Marine Fish-
16 eries Commission and with applicable provisions of fishery management
17 plans adopted pursuant to the Federal Fishery Conservation and Manage-
18 ment Act (16 U.S.C. §1800 et seq.).

19 § 2. This act shall take effect immediately.

20 ITEM O

21 Section 1. Paragraph h of subdivision 1 of section 13-0339-a of the
22 environmental conservation law, as amended by chapter 208 of the laws of
23 2017, is amended to read as follows:

24 h. squid (cephalopoda) until December thirty-first, two thousand
25 [~~twenty~~] twenty-three, and

26 § 2. This act shall take effect immediately.

27 ITEM P

28 Section 1. Subdivision 6 of section 13-0330 of the environmental
29 conservation law, as amended by chapter 224 of the laws of 2017, is
30 amended to read as follows:

31 6. The department may, until December thirty-first, two thousand
32 [~~twenty~~] twenty-three, fix by regulation measures for the management of
33 whelk or conch (*Busycon* and *Busycotypus* spp.), including size limits,
34 catch and possession limits, open and closed seasons, closed areas,
35 restrictions on the manner of taking and landing, requirements for
36 permits and eligibility therefor, recordkeeping requirements, require-
37 ments on the amount and type of fishing effort and gear, and require-
38 ments relating to transportation, possession and sale, provided that
39 such regulations are no less restrictive than requirements set forth in
40 this chapter and provided further that such regulations are consistent
41 with the compliance requirements of applicable fishery management plans
42 adopted by the Atlantic States Marine Fisheries Commission and with
43 applicable provisions of fishery management plans adopted pursuant to
44 the Federal Fishery Conservation and Management Act (16 U.S.C. § 1800 et
45 seq.).

46 § 2. This act shall take effect immediately.

47 ITEM Q

1 Section 1. Section 13-0340-c of the environmental conservation law, as
2 amended by chapter 213 of the laws of 2017, is amended to read as
3 follows:

4 § 13-0340-c. Winter flounder (*Pleuorenetes americanus*).

5 The department may, until December thirty-first, two thousand [~~twenty~~
6 twenty-three, fix by regulation measures for the management of winter
7 flounder (*Pleuorenetes americanus*), including size limits, catch and
8 possession limits, open and closed seasons, closed areas, restrictions
9 on the manner of taking and landing, requirements for permits and eligi-
10 bility therefor, recordkeeping requirements, requirements on the amount
11 and type of fishing effort and gear, and requirements relating to trans-
12 portation, possession and sale, provided that such regulations are no
13 less restrictive than requirements set forth in this chapter and
14 provided further that such regulations are consistent with the compli-
15 ance requirements of applicable fishery management plans adopted by the
16 Atlantic States Marine Fisheries Commission and with applicable
17 provisions of fishery management plans adopted pursuant to the Federal
18 Fishery Conservation and Management Act (16 U.S.C. § 1800 et seq.).

19 § 2. This act shall take effect immediately.

20

ITEM R

21 Section 1. Paragraphs a and b and the opening paragraph of paragraph c
22 of subdivision 1 of section 13-0328 of the environmental conservation
23 law, as amended by chapter 21 of the laws of 2019, are amended to read
24 as follows:

25 a. for the period beginning January first, two thousand eighteen
26 through December thirty-first, two thousand [~~twenty~~ twenty-one, the
27 number of resident commercial food fish licenses and the number of non-
28 resident commercial food fish licenses shall not exceed the following
29 annual limits:

30 (i) for two thousand eighteen, the number of licenses shall be limited
31 to the number of licenses issued in two thousand seventeen, plus fifty
32 percent of any difference between the number of licenses issued in two
33 thousand seventeen and nine hundred sixty-nine;

34 (ii) for two thousand nineteen, the number of licenses shall be limit-
35 ed to the number of licenses established in subparagraph (i) of this
36 paragraph; [~~and~~]

37 (iii) for two thousand twenty, the number of licenses shall be limited
38 to the number of licenses established in subparagraph (i) of this para-
39 graph; and

40 (iv) for two thousand twenty-one, the number of licenses shall be
41 limited to the number of licenses established in subparagraph (i) of
42 this paragraph.

43 b. for the period beginning January first, two thousand [~~nineteen~~
44 twenty through December thirty-first, two thousand [~~twenty~~ twenty-one,
45 persons who were issued a commercial food fish license in the previous
46 year shall be eligible to be issued such license.

47 for the period beginning January first, two thousand [~~nineteen~~ twenty
48 through December thirty-first, two thousand [~~twenty~~ twenty-one, the
49 department shall issue commercial food fish licenses to persons who were
50 not issued such license in the previous year provided that the total
51 number of such licenses issued to such persons does not exceed the
52 difference between the number of licenses established in paragraph a of
53 this subdivision and the number of such licenses issued pursuant to
54 paragraph b of this subdivision, subject to the following:

1 § 2. Subdivisions 2, 3, 4 and 5 of section 13-0328 of the environ-
2 mental conservation law, as amended by chapter 21 of the laws of
3 2019, are amended to read as follows:

4 2. Commercial lobster permits. Commercial lobster permits provided for
5 by section 13-0329 of this title shall be issued as follows:

6 for the period beginning January first, two thousand [~~nineteen~~]
7 ~~twenty~~, through December thirty-first, two thousand [~~twenty~~] ~~twenty-one~~,
8 only persons who were issued a commercial lobster permit in the previous
9 year shall be eligible to be issued such permit.

10 3. Commercial crab permits. Commercial crab permits provided for by
11 section 13-0331 of this title shall be issued as follows:

12 a. for the period beginning January first, two thousand eighteen
13 through December thirty-first, two thousand [~~twenty~~] ~~twenty-one~~, the
14 number of resident commercial crab permits and the number of non-resi-
15 dent commercial crab permits shall not exceed the following annual
16 limits:

17 (i) for two thousand eighteen, the number of permits shall be limited
18 to the number of permits issued in two thousand seventeen, plus fifty
19 percent of any difference between the number of permits issued in two
20 thousand seventeen and five hundred sixty-three;

21 (ii) for two thousand nineteen, the number of permits shall be limited
22 to the number of permits established in subparagraph (i) of this para-
23 graph; [~~and~~]

24 (iii) for two thousand twenty, the number of permits shall be limited
25 to the number of permits established in subparagraph (i) of this para-
26 graph; ~~and~~

27 (iv) for two thousand twenty-one, the number of licenses shall be
28 limited to the number of licenses established in subparagraph (i) of
29 this paragraph.

30 b. for the period beginning January first, two thousand [~~nineteen~~]
31 ~~twenty~~ through December thirty-first, two thousand [~~twenty~~] ~~twenty-one~~,
32 persons who were issued a commercial crab permit in the previous year
33 shall be eligible to be issued such permit.

34 c. for the period beginning January first, two thousand [~~nineteen~~]
35 ~~twenty~~ through December thirty-first, two thousand [~~twenty~~] ~~twenty-one~~,
36 the department shall issue commercial crab permits to persons who were
37 not issued such permit in the previous year provided that the total
38 number of such permits issued to such persons does not exceed the
39 difference between the number of permits established in paragraph a of
40 this subdivision and the number of such permits issued pursuant to para-
41 graph b of this subdivision, subject to the following:

42 (i) permits shall be issued in the order in which the applications
43 were received, except that where multiple applications are received by
44 the department on the same day, applicants for whom the department has
45 received notice of successful completion of an apprenticeship pursuant
46 to subdivision seven of this section shall be considered by the depart-
47 ment prior to other applicants;

48 (ii) permits may be issued to individuals only;

49 (iii) permits shall be issued to applicants who are sixteen years of
50 age or older at the time of the application; and

51 (iv) permits shall be issued only to persons who demonstrate in a
52 manner acceptable to the department that they received an average of at
53 least fifteen thousand dollars of income over three consecutive years
54 from commercial fishing or fishing, or who successfully complete an
55 apprenticeship pursuant to subdivision seven of this section. As used in
56 this subparagraph, "commercial fishing" means the taking and sale of

1 marine resources including fish, shellfish, crustacea or other marine
2 biota and "fishing" means commercial fishing and carrying fishing
3 passengers for hire. Individuals who wish to qualify based on income
4 from "fishing" must hold a valid marine and coastal district party and
5 charter boat license. No more than ten percent of the permits issued
6 each year based on income eligibility pursuant to this paragraph shall
7 be issued to applicants who qualify based upon income derived from oper-
8 ation of or employment by a party or charter boat.

9 4. Commercial whelk or conch licenses. Commercial whelk or conch
10 licenses provided for by section 13-0330 of this title shall be issued
11 as follows:

12 a. for the period beginning January first, two thousand eighteen
13 through December thirty-first, two thousand [~~twenty~~] twenty-one, the
14 number of resident commercial whelk or conch licenses and the number of
15 non-resident commercial whelk or conch licenses shall not exceed the
16 following annual limits:

17 (i) for two thousand eighteen, the number of licenses shall be limited
18 to the number of licenses issued in two thousand seventeen plus fifty
19 percent of any difference between the number of licenses issued in two
20 thousand seventeen and two hundred fifty-two;

21 (ii) for two thousand nineteen, the number of licenses shall be limit-
22 ed to the number of licenses established in subparagraph (i) of this
23 paragraph; [~~and~~]

24 (iii) for two thousand twenty, the number of licenses shall be limited
25 to the number of licenses established in subparagraph (i) of this para-
26 graph; and

27 (iv) for two thousand twenty-one, the number of licenses shall be
28 limited to the number of licenses established in subparagraph (i) of
29 this paragraph.

30 b. for the period beginning January first, two thousand [~~nineteen~~]
31 twenty through December thirty-first, two thousand [~~twenty~~] twenty-one,
32 persons who were issued a commercial whelk or conch license in the
33 previous year shall be eligible to be issued such license.

34 c. for the period beginning January first, two thousand [~~nineteen~~]
35 twenty through December thirty-first, two thousand [~~twenty~~] twenty-one,
36 persons who were not issued a commercial whelk or conch license in the
37 previous year shall be eligible to be issued such license provided that
38 the total number of such licenses issued to such persons shall not
39 exceed the difference between the number of licenses established in
40 paragraph a of this subdivision and the number of such licenses issued
41 pursuant to paragraph b of this subdivision, subject to the following:

42 (i) licenses shall be issued in the order in which the applications
43 were received, except that where multiple applications are received by
44 the department on the same day, applicants for whom the department has
45 received notice of successful completion of an apprenticeship pursuant
46 to subdivision seven of this section shall be considered by the depart-
47 ment prior to other applicants;

48 (ii) licenses may be issued to individuals only;

49 (iii) licenses shall be issued to applicants who are sixteen years of
50 age or older at the time of the application; and

51 (iv) licenses shall be issued only to persons who demonstrate in a
52 manner acceptable to the department that they received an average of at
53 least fifteen thousand dollars of income over three consecutive years
54 from commercial fishing or fishing, or who successfully complete an
55 apprenticeship pursuant to subdivision seven of this section. As used in
56 this subparagraph, "commercial fishing" means the taking and sale of

1 marine resources including fish, shellfish, crustacea or other marine
2 biota and "fishing" means commercial fishing and carrying fishing
3 passengers for hire. Individuals who wish to qualify based on income
4 from "fishing" must hold a valid marine and coastal district party and
5 charter boat license. No more than ten percent of the licenses issued
6 each year pursuant to this paragraph shall be issued to applicants who
7 qualify based upon income derived from operation of or employment by a
8 party or charter boat.

9 5. Marine and coastal district party and charter boat licenses. Marine
10 and coastal district party and charter boat licenses provided for by
11 section 13-0336 of this title shall be issued as follows, except that
12 this subdivision shall not apply to the owner or operator of a party
13 boat or charter boat whose vessel is classified by the United States
14 Coast Guard as an Inspected Passenger Vessel and which is licensed to
15 carry more than six passengers:

16 a. for the years two thousand [~~nineteen~~] twenty through two thousand
17 [~~twenty~~] twenty-one, the annual number of marine and coastal district
18 party and charter boat licenses issued shall not exceed five hundred
19 seventeen.

20 b. for the years two thousand [~~nineteen~~] twenty through two thousand
21 [~~twenty~~] twenty-one, persons who were issued a marine and coastal
22 district party and charter boat license in the previous year shall be
23 eligible to be issued such license.

24 c. for the years two thousand [~~nineteen~~] twenty through two thousand
25 [~~twenty~~] twenty-one, the department shall issue marine and coastal
26 district party and charter boat licenses to persons who were not issued
27 such license in the previous year, provided that the total number of
28 licenses issued does not exceed five hundred seventeen, subject to the
29 following:

30 (i) licenses shall be issued in the order in which the applications
31 were received;

32 (ii) licenses shall be issued only to persons who hold an Uninspected
33 Passenger Vessel license issued by the United States Coast Guard.

34 § 3. This act shall take effect December 31, 2020. Effective imme-
35 diately, the addition, amendment and/or repeal of any rule or regulation
36 necessary for the implementation of this act on its effective date are
37 authorized and directed to be made and completed on or before such
38 effective date.

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

48 § 3. This act shall take effect immediately provided, however, that
49 the applicable effective date of Items A through R of this act shall be
50 as specifically set forth in the last section of such Items.

51

SUBPART B

52 Section 1. This Subpart enacts into law major components of legis-
53 lation relating to issues deemed necessary for the state. Each component
54 is wholly contained within an Item identified as Items A through UUU.

1 The effective date for each particular provision contained within such
2 Item is set forth in the last section of such Item. Any provision in any
3 section contained within an Item, including the effective date of the
4 Item, which makes reference to a section "of this act", when used in
5 connection with that particular component, shall be deemed to mean and
6 refer to the corresponding section of the Item in which it is found.
7 Section three of this Subpart sets forth the general effective date of
8 this Subpart.

9

ITEM A

10 Section 1. Notwithstanding any inconsistent provision of law, any
11 person who is licensed or certified to practice as a physician, physi-
12 cian's assistant, massage therapist, physical therapist, chiropractor,
13 dentist, optometrist, nurse, nurse practitioner, emergency medical tech-
14 nician, podiatrist or athletic trainer in another state or territory,
15 who is in good standing in such state or territory and who has been
16 appointed by the World Triathlon Corporation to provide professional
17 services at an event in this state sanctioned by the World Triathlon
18 Corporation, may provide such professional services to athletes and team
19 personnel registered to train at a location in this state or registered
20 to compete in an event conducted under the sanction of the World Triath-
21 lon Corporation in the state without first being licensed pursuant to
22 the provisions of title 8 of the education law or certified pursuant to
23 the provisions of the public health law, as may be applicable. Such
24 services shall be provided only four days before through one day after
25 each of the following events:

- 26 a. Ironman Lake Placid scheduled to be held on July 26, 2020; and
27 b. Ironman 70.3 Lake Placid scheduled to be held on September 13,
28 2020.

29 § 2. This act shall take effect immediately and shall expire and be
30 deemed repealed September 17, 2020.

31

ITEM B

32 Section 1. Section 3 of chapter 510 of the laws of 2013, authorizing
33 the city of Middletown to enter into a contract to sell or pledge as
34 collateral for a loan some or all of the delinquent liens held by such
35 city to a private party or engage a private party to collect some or all
36 of the delinquent tax liens held by it, as amended by chapter 391 of the
37 laws of 2017, is amended to read as follows:

38 § 3. This act shall take effect immediately and shall expire and be
39 deemed repealed on and after December 31, [~~2019~~] 2021.

40 § 2. This act shall take effect immediately.

41

ITEM C

42 Section 1. Short title. This act shall be known and may be cited as
43 the "private activity bond allocation act of 2020".

44 § 2. Legislative findings and declaration. The legislature hereby
45 finds and declares that the federal tax reform act of 1986 established a
46 statewide bond volume ceiling on the issuance of certain tax exempt
47 private activity bonds and notes and, under certain circumstances,
48 governmental use bonds and notes issued by the state and its public
49 authorities, local governments, agencies which issue on behalf of local
50 governments, and certain other issuers. The federal tax reform act

1 establishes a formula for the allocation of the bond volume ceiling
2 which was subject to temporary modification by gubernatorial executive
3 order until December 31, 1987. That act also permits state legislatures
4 to establish, by statute, an alternative formula for allocating the
5 volume ceiling. Bonds and notes subject to the volume ceiling require an
6 allocation from the state's annual volume ceiling in order to qualify
7 for federal tax exemption.

8 It is hereby declared to be the policy of the state to maximize the
9 public benefit through the issuance of private activity bonds for the
10 purposes of, among other things, allocating a fair share of the bond
11 volume ceiling upon initial allocation and from a bond reserve to local
12 agencies and for needs identified by local governments; providing hous-
13 ing and promoting economic development; job creation; an economical
14 energy supply; and resource recovery and to provide for an orderly and
15 efficient volume ceiling allocation process for state and local agencies
16 by establishing an alternative formula for making such allocations.

17 § 3. Definitions. As used in this act, unless the context requires
18 otherwise:

19 1. "Bonds" means bonds, notes or other obligations.

20 2. "Carryforward" means an amount of unused private activity bond
21 ceiling available to an issuer pursuant to an election filed with the
22 internal revenue service pursuant to section 146(f) of the code.

23 3. "Code" means the internal revenue code of 1986, as amended.

24 4. "Commissioner" means the commissioner of the New York state depart-
25 ment of economic development.

26 5. "Covered bonds" means those tax exempt private activity bonds and
27 that portion of the non-qualified amount of an issue of governmental use
28 bonds for which an allocation of the statewide ceiling is required for
29 the interest earned by holders of such bonds to be excluded from the
30 gross income of such holders for federal income tax purposes under the
31 code.

32 6. "Director" means the director of the New York state division of the
33 budget.

34 7. "Issuer" means a local agency, state agency or other issuer.

35 8. "Local agency" means an industrial development agency established
36 or operating pursuant to article 18-A of the general municipal law, the
37 Troy industrial development authority and the Auburn industrial develop-
38 ment authority.

39 9. "Other issuer" means any agency, political subdivision or other
40 entity, other than a local agency or state agency, that is authorized to
41 issue covered bonds.

42 10. "Qualified small issue bonds" means qualified small issue bonds,
43 as defined in section 144(a) of the code.

44 11. "State agency" means the state of New York, the New York state
45 energy research and development authority, the New York job development
46 authority, the New York state environmental facilities corporation, the
47 New York state urban development corporation and its subsidiaries, the
48 Battery Park city authority, the port authority of New York and New
49 Jersey, the power authority of the state of New York, the dormitory
50 authority of the state of New York, the New York state housing finance
51 agency, the state of New York mortgage agency, and any other public
52 benefit corporation or public authority designated by the governor for
53 the purposes of this act.

54 12. "Statewide ceiling" means for any calendar year the highest state
55 ceiling (as such term is used in section 146 of the code) applicable to
56 New York state.

1 13. "Future allocations" means allocations of statewide ceiling for up
2 to two future years.

3 14. "Multi-year housing development project" means a project (a) which
4 qualifies for covered bonds; (b) which is to be constructed over two or
5 more years and (c) in which at least twenty percent of the dwelling
6 units will be occupied by persons and families of low income.

7 § 4. Local agency set-aside. A set-aside of statewide ceiling for
8 local agencies for any calendar year shall be an amount which bears the
9 same ratio to one-third of the statewide ceiling as the population of
10 the jurisdiction of such local agency bears to the population of the
11 entire state. The commissioner shall administer allocations of such
12 set-aside to local agencies.

13 § 5. State agency set-aside. A set-aside of statewide ceiling for all
14 state agencies for any calendar year shall be one-third of the statewide
15 ceiling. The director shall administer allocations of such set-aside to
16 state agencies and may grant an allocation to any state agency upon
17 receipt of an application in such form as the director shall require.

18 § 6. Statewide bond reserve. One-third of the statewide ceiling is
19 hereby set aside as a statewide bond reserve to be administered by the
20 director.

21 1. Allocation of the statewide bond reserve among state agencies,
22 local agencies and other issuers. The director shall transfer a portion
23 of the statewide bond reserve to the commissioner for allocation to and
24 use by local agencies and other issuers in accordance with the terms of
25 this section. The remainder of the statewide bond reserve may be allo-
26 cated by the director to state agencies in accordance with the terms of
27 this section.

28 2. Allocation of statewide bond reserve to local agencies or other
29 issuers.

30 (a) Local agencies or other issuers may at any time apply to the
31 commissioner for an allocation from the statewide bond reserve. Such
32 application shall demonstrate:

33 (i) that the requested allocation is required under the code for the
34 interest earned on the bonds to be excluded from the gross income of
35 bondholders for federal income tax purposes;

36 (ii) that the local agency's remaining unused allocation provided
37 pursuant to section four of this act, and other issuer's remaining
38 unused allocation, or any available carryforward will be insufficient
39 for the specific project or projects for which the reserve allocation is
40 requested; and

41 (iii) that, except for those allocations made pursuant to section
42 thirteen of this act to enable carryforward elections, the requested
43 allocation is reasonably expected to be used during the calendar year,
44 and the requested future allocation is reasonably expected to be used in
45 the calendar year to which the future allocation relates.

46 (b) In reviewing and approving or disapproving applications, the
47 commissioner shall exercise discretion to ensure an equitable distrib-
48 ution of allocations from the statewide bond reserve to local agencies
49 and other issuers. Prior to making a determination on such applications,
50 the commissioner shall notify and seek the recommendation of the presi-
51 dent and chief executive officer of the New York state housing finance
52 agency in the case of an application related to the issuance of multi-
53 family housing or mortgage revenue bonds, and in the case of other
54 requests, such state officers, departments, divisions and agencies as
55 the commissioner deems appropriate.

1 (c) Applications for allocations shall be made in such form and
2 contain such information and reports as the commissioner shall require.

3 (d) On or before September fifteenth of each year, the commissioner
4 shall publish the total amount of local agency set-aside that has been
5 recaptured pursuant to section twelve of this act for that year on the
6 department of economic development's website.

7 3. Allocation of statewide bond reserve to state agencies. The direc-
8 tor may make an allocation from the statewide bond reserve to any state
9 agency. Before making any allocation of statewide bond reserve to state
10 agencies the director shall be satisfied:

11 (a) that the allocation is required under the code for the interest
12 earned on the bonds to be excluded from the gross income of bondholders
13 for federal income tax purposes;

14 (b) that the state agency's remaining unused allocation provided
15 pursuant to section five of this act or any available carryforward will
16 be insufficient to accommodate the specific bond issue or issues for
17 which the reserve allocation is requested; and

18 (c) that, except for those allocations made pursuant to section thir-
19 teen of this act to enable carryforward elections, the requested allo-
20 cation is reasonably expected to be used during the calendar year, and
21 the requested future allocation is reasonably expected to be used in the
22 calendar year to which the future allocation relates.

23 § 7. Access to employment opportunities. 1. All issuers shall require
24 that any new employment opportunities created in connection with indus-
25 trial or manufacturing projects financed through the issuance of quali-
26 fied small issue bonds shall be listed with the New York state depart-
27 ment of labor and with the one-stop career center established pursuant
28 to the federal Workforce Innovation and Opportunity Act (Pub. L. No.
29 113-128) serving the locality in which the employment opportunities are
30 being created. Such listing shall be in a manner and form prescribed by
31 the commissioner. All issuers shall further require that for any new
32 employment opportunities created in connection with an industrial or
33 manufacturing project financed through the issuance of qualified small
34 issue bonds by such issuer, industrial or manufacturing firms shall
35 first consider persons eligible to participate in the Workforce Inno-
36 vation and Opportunity Act (Pub. L. No. 113-128) programs who shall be
37 referred to the industrial or manufacturing firm by one-stop centers in
38 local workforce investment areas or by the department of labor. Issuers
39 of qualified small issue bonds are required to monitor compliance with
40 the provisions of this section as prescribed by the commissioner.

41 2. Nothing in this section shall be construed to require users of
42 qualified small issue bonds to violate any existing collective bargain-
43 ing agreement with respect to the hiring of new employees. Failure on
44 the part of any user of qualified small issue bonds to comply with the
45 requirements of this section shall not affect the allocation of bonding
46 authority to the issuer of the bonds or the validity or tax exempt
47 status of such bonds.

48 § 8. Overlapping jurisdictions. In a geographic area represented by a
49 county local agency and one or more sub-county local agencies, the allo-
50 cation granted by section four of this act with respect to such area of
51 overlapping jurisdiction shall be apportioned one-half to the county
52 local agency and one-half to the sub-county local agency or agencies.
53 Where there is a local agency for the benefit of a village within the
54 geographic area of a town for the benefit of which there is a local
55 agency, the allocation of the village local agency shall be based on the
56 population of the geographic area of the village, and the allocation of

1 the town local agency shall be based upon the population of the
2 geographic area of the town outside of the village. Notwithstanding the
3 foregoing, a local agency may surrender all or part of its allocation
4 for such calendar year to another local agency with an overlapping
5 jurisdiction. Such surrender shall be made at such time and in such
6 manner as the commissioner shall prescribe.

7 § 9. Ineligible local agencies. To the extent that any allocation of
8 the local agency set-aside would be made by this act to a local agency
9 which is ineligible to receive such allocation under the code or under
10 regulations interpreting the state volume ceiling provisions of the
11 code, such allocation shall instead be made to the political subdivision
12 for whose benefit that local agency was created.

13 § 10. Municipal reallocation. The chief executive officer of any poli-
14 tical subdivision or, if such political subdivision has no chief execu-
15 tive officer, the governing board of the political subdivision for the
16 benefit of which a local agency has been established, may withdraw all
17 or any portion of the allocation granted by section four of this act to
18 such local agency. The political subdivision may then reallocate all or
19 any portion of such allocation, as well as all or any portion of the
20 allocation received pursuant to section nine of this act, to itself or
21 any other issuer established for the benefit of that political subdivi-
22 sion or may assign all or any portion of the allocation received pursu-
23 ant to section nine of this act to the local agency created for its
24 benefit. The chief executive officer or governing board of the political
25 subdivision, as the case may be, shall notify the commissioner of any
26 such reallocation.

27 § 11. Future allocations for multi-year housing development projects.
28 1. In addition to other powers granted under this act, the commissioner
29 is authorized to make the following future allocations of statewide
30 ceiling for any multi-year housing development project for which the
31 commissioner also makes an allocation of statewide ceiling for the
32 current year under this act or for which, in the event of expiration of
33 provisions of this act described in section eighteen of this act, an
34 allocation of volume cap for a calendar year subsequent to such expira-
35 tion shall have been made under section 146 of the code: (a) to local
36 agencies from the local agency set-aside (but only with the approval of
37 the chief executive officer of the political subdivision to which the
38 local agency set-aside relates or the governing body of a political
39 subdivision having no chief executive officer) and (b) to other issuers
40 from that portion, if any, of the statewide bond reserve transferred to
41 the commissioner by the director. Any future allocation made by the
42 commissioner shall constitute an allocation of statewide ceiling for the
43 future year specified by the commissioner and shall be deemed to have
44 been made on the first day of the future year so specified.

45 2. In addition to other powers granted under this act, the director is
46 authorized to make future allocations of statewide ceiling from the
47 state agency set-aside or from the statewide bond reserve to state agen-
48 cies for any multi-year housing development project for which the direc-
49 tor also makes an allocation of statewide ceiling from the current year
50 under this act or for which, in the event of expiration of provisions of
51 this act described in section eighteen of this act, an allocation of
52 volume cap for a calendar year subsequent to such expiration shall have
53 been made under section 146 of the code, and is authorized to make
54 transfers of the statewide bond reserve to the commissioner for future
55 allocations to other issuers for multi-year housing development projects
56 for which the commissioner has made an allocation of statewide ceiling

1 for the current year. Any such future allocation or transfer of the
2 statewide bond reserve for future allocation made by the director shall
3 constitute an allocation of statewide ceiling or transfer of the state-
4 wide bond reserve for the future years specified by the director and
5 shall be deemed to have been made on the first day of the future year so
6 specified.

7 3. (a) If an allocation made with respect to a multi-year housing
8 development project is not used by September fifteenth of the year to
9 which the allocation relates, the allocation with respect to the then
10 current year shall be subject to recapture in accordance with the
11 provisions of section twelve of this act, and in the event of such a
12 recapture, unless a carryforward election by another issuer shall have
13 been approved by the commissioner or a carryforward election by a state
14 agency shall have been approved by the director, all future allocations
15 made with respect to such project pursuant to subdivision one or two of
16 this section shall be canceled.

17 (b) The commissioner and the director shall have the authority to make
18 future allocations from recaptured current year allocations and canceled
19 future allocations to multi-year housing development projects in a
20 manner consistent with the provisions of this act. Any such future allo-
21 cation shall, unless a carryforward election by another issuer shall
22 have been approved by the commissioner or a carryforward election by a
23 state agency shall have been approved by the director, be canceled if
24 the current year allocation for the project is not used by December 31,
25 2021.

26 (c) The commissioner and the director shall establish procedures
27 consistent with the provisions of this act relating to carryforward of
28 future allocations.

29 4. The aggregate future allocations from either of the two succeeding
30 years shall not exceed six hundred fifty million dollars for each such
31 year.

32 § 12. Year end allocation recapture. On or before September first of
33 each year, each state agency shall report to the director and each local
34 agency and each other issuer shall report to the commissioner the amount
35 of bonds subject to allocation under this act that will be issued prior
36 to the end of the then current calendar year, and the amount of the
37 issuer's then total allocation that will remain unused. As of September
38 fifteenth of each year, the unused portion of each local agency's and
39 other issuer's then total allocation as reported and the unallocated
40 portion of the set-aside for state agencies shall be recaptured and
41 added to the statewide bond reserve and shall no longer be available to
42 covered bond issuers except as otherwise provided herein. From September
43 fifteenth through the end of the year, each local agency or other issuer
44 having an allocation shall immediately report to the commissioner and
45 each state agency having an allocation shall immediately report to the
46 director any changes to the status of its allocation or the status of
47 projects for which allocations have been made which should affect the
48 timing or likelihood of the issuance of covered bonds therefor. If the
49 commissioner determines that a local agency or other issuer has overes-
50 timated the amount of covered bonds subject to allocation that will be
51 issued prior to the end of the calendar year, the commissioner may
52 recapture the amount of the allocation to such local agency or other
53 issuer represented by such overestimation by notice to the local agency
54 or other issuer, and add such allocation to the statewide bond reserve.
55 The director may likewise make such determination and recapture with
56 respect to state agency allocations.

1 § 13. Allocation carryforward. 1. No local agency or other issuer
2 shall make a carryforward election utilizing any unused allocation
3 (pursuant to section 146(f) of the code) without the prior approval of
4 the commissioner. Likewise no state agency shall make or file such an
5 election, or elect to issue or carryforward mortgage credit certifi-
6 cates, without the prior approval of the director.

7 2. On or before November fifteenth of each year, each state agency
8 seeking unused statewide ceiling for use in future years shall make a
9 request for an allocation for a carryforward to the director, whose
10 approval shall be required before a carryforward election is filed by or
11 on behalf of any state agency. A later request may also be considered by
12 the director, who may file a carryforward election for any state agency
13 with the consent of such agency.

14 3. On or before November fifteenth of each year, each local agency or
15 other issuer seeking unused statewide ceiling for use in future years
16 shall make a request for an allocation for a carryforward to the commis-
17 sioner, whose approval shall be required before a carryforward election
18 is filed by or on behalf of any local or other agency. A later request
19 may also be considered by the commissioner.

20 4. On or before January fifteenth of each year, the director shall
21 publish the total amount of unused statewide ceiling from the prior year
22 on the division of budget's website.

23 § 14. New York state bond allocation policy advisory panel. 1. There
24 is hereby created a policy advisory panel and process to provide policy
25 advice regarding the priorities for distribution of the statewide ceil-
26 ing.

27 2. The panel shall consist of five members, one designee being
28 appointed by each of the following: the governor, the temporary presi-
29 dent of the senate, the speaker of the assembly, the minority leader of
30 the senate and the minority leader of the assembly. The designee of the
31 governor shall chair the panel. The panel shall monitor the allocation
32 process through the year, and in that regard, the division of the budget
33 and the department of economic development shall assist and cooperate
34 with the panel as provided in this section. The advisory process shall
35 operate through the issuance of advisory opinions by members of the
36 panel as provided in subdivisions six and seven of this section. A meet-
37 ing may be held at the call of the chair with the unanimous consent of
38 the members.

39 3. (a) Upon receipt of a request for allocation or a request for
40 approval of a carryforward election from the statewide reserve from a
41 local agency or other issuer, the commissioner shall, within five work-
42 ing days, notify the panel of such request and provide the panel with
43 copies of all application materials submitted by the applicant.

44 (b) Upon receipt of a request for allocation or a request for approval
45 of carryforward election from the statewide reserve from a state agency,
46 the director shall, within five working days, notify the panel of such
47 request and provide the panel with copies of all application materials
48 submitted by the applicant.

49 4. (a) Following receipt of a request for allocation from a local
50 agency or other issuer, the commissioner shall notify the panel of a
51 decision to approve or exclude from further consideration such request,
52 and the commissioner shall state the reasons. Such notification shall be
53 made with or after the transmittal of the information specified in
54 subdivision three of this section and at least five working days before
55 formal notification is made to the applicant.

1 (b) Following receipt of a request for allocation from a state agency,
2 the director shall notify the panel of a decision to approve or exclude
3 from further consideration such request, and shall state the reasons.
4 Such notification shall be made with or after the transmission of the
5 information specified in subdivision three of this section and at least
6 five working days before formal notification is made to the state agen-
7 cy.

8 5. The requirements of subdivisions three and four of this section
9 shall not apply to adjustments to allocations due to bond sizing chang-
10 es.

11 6. In the event that any decision to approve or to exclude from
12 further consideration a request for allocation is made within ten work-
13 ing days of the end of the calendar year and in the case of all requests
14 for consent to a carryforward election, the commissioner or director, as
15 is appropriate, shall provide the panel with the longest possible
16 advance notification of the action, consistent with the requirements of
17 the code, and shall, wherever possible, solicit the opinions of the
18 members of the panel before formally notifying any applicant of the
19 action. Such notification may be made by means of telephone communi-
20 cation to the members or by written notice delivered to the Albany
21 office of the appointing authority of the respective members.

22 7. Upon notification by the director or the commissioner, any member
23 of the panel may, within five working days, notify the commissioner or
24 the director of any policy objection concerning the expected action. If
25 three or more members of the panel shall submit policy objections in
26 writing to the intended action, the commissioner or the director shall
27 respond in writing to the objection prior to taking the intended action
28 unless exigent circumstances make it necessary to respond after the
29 action has been taken.

30 8. On or before the first day of July, in any year, the director shall
31 report to the members of the New York state bond allocation policy advi-
32 sory panel on the actual utilization of volume cap for the issuance of
33 bonds during the prior calendar year and the amount of such cap allo-
34 cated for carryforwards for future bond issuance. The report shall
35 include, for each local agency or other issuer and each state agency the
36 initial allocation, the amount of bonds issued subject to the allo-
37 cation, the amount of the issuer's allocation that remained unused, the
38 allocation of the statewide bond reserve, carryforward allocations and
39 recapture of allocations. Further, the report shall include projections
40 regarding private activity bond issuance for state and local issuers for
41 the calendar year, as well as any recommendations for legislative
42 action. The director shall publish the report on the division of budg-
43 et's website concurrently with the release of the report to the panel.

44 § 15. Severability. If any clause, sentence, paragraph, section, or
45 item of this subpart shall be adjudged by any court of competent juris-
46 diction to be invalid, such judgment shall not affect, impair, or inval-
47 idate the remainder thereof, but shall be confined in its operation to
48 the clause, sentence, paragraph, section, or item thereof directly
49 involved in the controversy in which such judgment shall have been
50 rendered.

51 § 16. Notwithstanding any provisions of this act to the contrary (1)
52 provided that a local agency or other issuer certifies to the commis-
53 sioner on or before October 1, 2020 that it has issued private activity
54 bonds described in this act and the amount thereof which used statewide
55 ceiling, a commitment or allocation of statewide ceiling to a local
56 agency or other issuer made to or so used by such local agency or other

1 issuer pursuant to the federal tax reform act of 1986 on or after Janu-
 2 ary 1, 2020 and prior to the effective date of this act, in an amount
 3 which exceeds the local agency set-aside established by section four of
 4 this act, shall be first chargeable to the statewide bond reserve estab-
 5 lished pursuant to section six of this act, and (2) a commitment or
 6 allocation of statewide ceiling to a state agency made to or used by
 7 such agency pursuant to the internal revenue code, as amended, on or
 8 after January 1, 2020 and prior to the effective date of this act, shall
 9 be first chargeable to the state agency set-aside established pursuant
 10 to section five of this act, and, thereafter, to the statewide bond
 11 reserve established by section six of this act.

12 § 17. Nothing contained in this act shall be deemed to supersede,
 13 alter or impair any allocation used by or committed by the director or
 14 commissioner to a state or local agency or other issuer pursuant to the
 15 federal tax reform act of 1986 and prior to the effective date of this
 16 act.

17 § 18. This act shall take effect immediately; provided, however, that
 18 sections three, four, five, six, seven, eight, nine, ten, twelve, thir-
 19 teen and fourteen of this act shall expire July 1, 2022 when upon such
 20 date the provisions of such sections shall be deemed repealed; except
 21 that the provisions of subdivisions two and three of section thirteen of
 22 this act shall expire and be deemed repealed February 15, 2022.

23 ITEM D

24 Section 1. Section 3 of chapter 448 of the laws of 2017, amending the
 25 canal law relating to the upstate flood mitigation task force, is
 26 amended to read as follows:

27 § 3. This act shall take effect immediately; provided, however, that
 28 section 139-d of the canal law, as added by section one of this act,
 29 shall take effect April 1, 2018; and provided, further, that this act
 30 shall expire and be deemed repealed March 31, [~~2020~~ 2021].
 31 § 2. This act shall take effect immediately.

32 ITEM E

33 Intentionally Omitted

34 ITEM F

35 Intentionally Omitted

36 ITEM G

37 Intentionally Omitted

38 ITEM H

39 Intentionally Omitted

40 ITEM I

1 Intentionally Omitted

2 ITEM J

3 Intentionally Omitted

4 ITEM K

5 Section 1. Section 3 of chapter 454 of the laws of 2010 amending the
6 vehicle and traffic law relating to authorizing a pilot residential
7 parking permit system in the city of Albany, as amended by chapter 243
8 of the laws of 2018, is amended to read as follows:

9 § 3. This act shall take effect immediately and shall remain in full
10 force and effect for a period of [~~eight~~] nine years after the implemen-
11 tation of the local law or ordinance adopted by the city of Albany
12 pursuant to section 1640-m of the vehicle and traffic law as added by
13 section two of this act at which time this act shall expire and be
14 deemed repealed.

15 § 2. This act shall take effect immediately.

16 ITEM L

17 Section 1. Section 3 of chapter 465 of the laws of 1994, amending
18 chapter 285 of the laws of 1891 relating to charging a fee for admission
19 to the New York Botanical Garden, as amended by chapter 120 of the laws
20 of 2014, is amended to read as follows:

21 § 3. This act shall take effect immediately and shall be deemed to
22 have been in full force and effect on and after April 30, 1994; provided
23 that:

24 (a) the amendment made by section one of this act shall expire and be
25 deemed repealed on May 1, [~~2020~~] 2025; and

26 (b) section two of this act shall take effect on May 1, [~~2020~~] 2025.

27 § 2. This act shall take effect immediately.

28 ITEM M

29 Section 1. Sections 5 and 6 of chapter 414 of the laws of 2018, creat-
30 ing the radon task force, as amended by chapter 225 of the laws of 2019,
31 are amended to read as follows:

32 § 5. A report of the findings and recommendations of the task force
33 and any proposed legislation necessary to implement such findings shall
34 be filed with the governor, the temporary president of the senate, the
35 speaker of the assembly, the minority leader of the senate, and the
36 minority leader of the assembly on or before November first, two thou-
37 sand [~~twenty~~] twenty-one.

38 § 6. This act shall take effect immediately and shall expire and be
39 deemed repealed December 31, [~~2020~~] 2021.

40 § 2. This act shall take effect immediately.

41 ITEM N

42 Section 1. Section 3 of chapter 435 of the laws of 2014 amending the
43 environmental conservation law relating to defining spearguns and allow-
44 ing recreational spearfishing in New York's marine and coastal waters,

1 as amended by chapter 66 of the laws of 2017, is amended to read as
2 follows:

3 § 3. This act shall take effect on the ninetieth day after it shall
4 have become a law and shall expire and be deemed repealed June 1, [~~2020~~
5 2023.

6 § 2. This act shall take effect immediately.

7 ITEM O

8 Section 1. Section 4 of chapter 330 of the laws of 2014, amending the
9 environmental conservation law relating to aquatic invasive species,
10 spread prevention, and penalties, as amended by chapter 81 of the laws
11 of 2019, is amended to read as follows:

12 § 4. This act shall take effect one year after it shall have become a
13 law, and shall expire and be deemed repealed June 1, [~~2020~~ 2021.
14 Effective immediately, the addition, amendment, and/or repeal of any
15 rule or regulation necessary for the timely implementation of this act
16 on its effective date is authorized to be made on or before such effec-
17 tive date.

18 § 2. This act shall take effect immediately.

19 ITEM P

20 Section 1. Section 11 of part B of chapter 104 of the laws of 2005,
21 enacting the September 11th worker protection task force act, as amended
22 by chapter 45 of the laws of 2015, is amended to read as follows:

23 § 11. This act shall take effect September 11, 2005, and shall expire
24 and be deemed repealed on June 10, [~~2020~~ 2025.

25 § 2. This act shall take effect immediately.

26 ITEM Q

27 Section 1. Section 4 of chapter 266 of the laws of 1981, amending the
28 civil practice law and rules relating to time limitations, as amended by
29 chapter 82 of the laws of 2018, is amended to read as follows:

30 § 4. Every cause of action for an injury or death caused by contact
31 with or exposure to phenoxy herbicides while serving as a member of the
32 armed forces of the United States in Indo-China from February 28, 1961
33 through May 7, 1975, which is or would be barred prior to June 16, 1985,
34 because the applicable period of limitation has expired is hereby
35 revived and extended and any action thereon may be commenced and prose-
36 cuted provided such action is commenced not later than June 16, [~~2020~~
37 2022.

38 § 2. This act shall take effect immediately.

39 ITEM R

40 Section 1. Section 3 of chapter 455 of the laws of 1997, amending the
41 New York city civil court act and the civil practice law and rules
42 relating to authorizing New York city marshals to exercise the same
43 functions, powers and duties as sheriffs with respect to the execution
44 of money judgments, as amended by chapter 47 of the laws of 2019, is
45 amended to read as follows:

46 § 3. This act shall take effect immediately and shall remain in full
47 force and effect only until June 30, [~~2020~~ 2021 when upon such date
48 this act shall be deemed repealed.

1 § 2. This act shall take effect immediately.

2 ITEM S

3 Section 1. Section 2 of chapter 490 of the laws of 2017 amending the
4 insurance law relating to limits on certain supplementary insurance is
5 amended to read as follows:

6 § 2. This act shall take effect on the one hundred eightieth day after
7 it shall have become a law, and shall apply to new insurance policies
8 and contracts issued on and after such effective date and shall expire
9 and be deemed repealed June 30, [~~2020~~] 2023.

10 § 2. This act shall take effect immediately.

11 ITEM T

12 Section 1. Section 54.50 of the local finance law, as amended by chap-
13 ter 74 of the laws of 2019, is amended to read as follows:

14 § 54.50 Costs of sales; county of Erie. To facilitate the marketing of
15 any issue of serial bonds or notes of the county of Erie issued on or
16 before June thirtieth, two thousand [~~twenty~~] twenty-one such county may,
17 notwithstanding any limitations on private sales of bonds provided by
18 law, and subject to approval by the state comptroller of the terms and
19 conditions of such sale:

20 a. arrange for the underwriting of its bonds or notes at private sale
21 through negotiated agreement, compensation for such underwriting to be
22 provided by negotiated fee or by sale of such bonds or notes to an
23 underwriter at a price less than the sum of par value of, and the
24 accrued interest on, such obligations; or

25 b. arrange for the private sale of its bonds or notes through negoti-
26 ated agreement, compensation for such sales to be provided by negotiated
27 fee, if required. The cost of such underwriting or private placement
28 shall be deemed a preliminary cost for purposes of section 11.00 of this
29 chapter.

30 § 2. This act shall take effect immediately.

31 ITEM U

32 Section 1. Section 2 of chapter 846 of the laws of 1970, amending the
33 county law relating to payment in lieu of taxes for property acquired
34 for park or recreational purposes, as amended by chapter 41 of the laws
35 of 2015, is amended to read as follows:

36 § 2. This act shall take effect July 1, 1970 but shall be operative
37 only to and including June 30, [~~2020~~] 2025.

38 § 2. This act shall take effect immediately.

39 ITEM V

40 Section 1. Section 3 of chapter 821 of the laws of 1970 amending the
41 town law relating to payment in lieu of taxes for property acquired for
42 park or recreational purposes by the town of Hempstead, as amended by
43 chapter 38 of the laws of 2015, is amended to read as follows:

44 § 3. This act shall take effect July 1, 1970 but shall be operative
45 only to and including June 30, [~~2020~~] 2025.

46 § 2. This act shall take effect immediately.

47 ITEM W

1 Section 1. Section 2 of chapter 20 of the laws of 1998, amending the
2 education law relating to the provision of physical therapy assistant
3 services in public and private primary and secondary schools, as amended
4 by chapter 27 of the laws of 2015, is amended to read as follows:

5 § 2. This act shall take effect immediately and shall remain in effect
6 until June 30, [~~2020~~] 2025 when upon such date the provisions of this
7 act shall expire and be deemed repealed.

8 § 2. This act shall take effect immediately.

9

ITEM X

10 Section 1. Section 3 of chapter 549 of the laws of 1994, amending the
11 public authorities law relating to the membership composition of the
12 metropolitan transportation authority board, as amended by section 1 of
13 part J of chapter 73 of the laws of 2016, is amended to read as follows:

14 § 3. This act shall take effect January 1, 1995 and shall expire and
15 be deemed repealed on June 30, [~~2020~~] 2024 and upon such date the
16 provisions of law amended by this act shall revert to and be read as if
17 the provisions of this act had not been enacted.

18 § 2. This act shall take effect immediately.

19

ITEM Y

20 Section 1. Section 4 of part H1 of chapter 62 of the laws of 2003,
21 amending the public service law relating to establishing the New York
22 telecommunications relay service center, as amended by chapter 291 of
23 the laws of 2017, is amended to read as follows:

24 § 4. This act shall take effect on April 1, 2003, provided, however,
25 if this act shall become a law after such date it shall take effect
26 immediately and shall be deemed to have been in full force and effect on
27 and after April 1, 2003, provided, further, that section three of this
28 act shall expire on June 30, [~~2020~~] 2024.

29 § 2. This act shall take effect immediately.

30

ITEM Z

31 Section 1. Section 4 of part U of chapter 55 of the laws of 2014,
32 amending the real property tax law relating to the tax abatement and
33 exemption for rent regulated and rent controlled property occupied by
34 senior citizens, as amended by section 1 of part EE of chapter 54 of the
35 laws of 2016, is amended to read as follows:

36 § 4. This act shall take effect July 1, 2014, and sections one and two
37 of this act shall expire and be deemed repealed June 30, [~~2020~~] 2022;
38 provided that the amendment to section 467-b of the real property tax
39 law made by section one of this act shall not affect the expiration of
40 such section and shall be deemed to expire therewith.

41 § 2. Section 4 of chapter 129 of the laws of 2014, amending the real
42 property tax law relating to the tax abatement and exemption for rent
43 regulated and rent controlled property occupied by persons with disabil-
44 ities, as amended by section 3 of part EE of chapter 54 of the laws of
45 2016, is amended to read as follows:

46 § 4. This act shall take effect July 1, 2014 provided, however, that:

47 (a) the amendments to paragraph b of subdivision 3 of section 467-b of
48 the real property tax law made by section one of this act shall be
49 subject to the expiration and reversion of such subdivision pursuant to
50 section 17 of chapter 576 of the laws of 1974, as amended, when upon

1 such date the provisions of section two of this act shall take effect;
2 and

3 (b) nothing contained in this act shall be construed so as to extend
4 the provisions of this act beyond June 30, [~~2020~~] 2022, when upon such
5 date this act shall expire and the provisions contained in this act
6 shall be deemed repealed.

7 § 3. This act shall take effect immediately.

8 ITEM AA

9 Section 1. Section 2 of chapter 427 of the laws of 2017 amending the
10 state technology law relating to the creation of a state information
11 technology innovation center, is amended to read as follows:

12 § 2. This act shall take effect on the ninetieth day after it shall
13 have become a law and shall expire and be deemed repealed June 30,
14 [~~2020~~] 2024.

15 § 2. This act shall take effect immediately.

16 ITEM BB

17 Section 1. Section 2 of chapter 606 of the laws of 2006 amending the
18 volunteer firefighters' benefit law relating to creating a presumption
19 relating to certain lung disabilities incurred by volunteer firefight-
20 ers, as amended by chapter 25 of the laws of 2015, is amended to read as
21 follows:

22 § 2. This act shall take effect immediately and shall expire and be
23 deemed repealed June 30, [~~2020~~] 2025.

24 § 2. This act shall take effect immediately.

25 ITEM CC

26 Section 1. Section 4 of chapter 668 of the laws of 1977, amending the
27 volunteer firefighters' benefit law relating to disability due to
28 disease or malfunction of the heart or coronary arteries, as amended by
29 chapter 26 of the laws of 2015, is amended to read as follows:

30 § 4. The provisions of section two of this act shall remain in full
31 force and effect to and including the thirtieth day of June, [~~2020~~]
32 2025.

33 § 2. This act shall take effect immediately.

34 ITEM DD

35 Section 1. Section 3 of chapter 217 of the laws of 2015, amending the
36 education law relating to certified school psychologists and special
37 education services and programs for preschool children with handicapping
38 conditions, as amended by chapter 68 of the laws of 2018, is amended to
39 read as follows:

40 § 3. This act shall take effect immediately and shall be deemed to
41 have been in full force and effect on and after July 1, 2014, provided,
42 however that the provisions of this act shall expire and be deemed
43 repealed June 30, [~~2020~~] 2022.

44 § 2. This act shall take effect immediately.

45 ITEM EE

1 Section 1. Chapter 192 of the laws of 2011, relating to authorizing
2 certain health care professionals licensed to practice in other juris-
3 dictions to practice in this state in connection with an event sanc-
4 tioned by New York Road Runners, as amended by chapter 80 of the laws of
5 2019, is amended to read as follows:

6 Section 1. Notwithstanding any inconsistent provision of law, any
7 person who is licensed to practice as a physician, physician's assist-
8 ant, massage therapist, physical therapist, chiropractor, dentist, opto-
9 metrist, nurse, nurse practitioner, certified athletic trainer or podia-
10 trist in another state or territory, who is in good standing in such
11 state or territory and who has been appointed by the New York Road
12 Runners to provide professional services at an event in this state sanc-
13 tioned by the New York Road Runners, may provide such professional
14 services to athletes and team personnel registered to train at a
15 location in this state or registered to compete in an event conducted
16 under the sanction of the New York Road Runners in the state without
17 first being licensed pursuant to the provisions of title 8 of the educa-
18 tion law. Such services shall be provided only four days before through
19 one day after each of the following events:

20 a. the Staten Island half marathon scheduled to be held on [~~October~~
21 ~~13, 2019~~] a date in 2020;

22 b. the New York city marathon scheduled to be held on [~~November 3,~~
23 ~~2019~~] a date in 2020;

24 c. the Brooklyn half marathon scheduled to be held on [~~May 18, 2019~~
25 ~~and May 16, 2020~~] a date in 2020 and on May 15, 2021;

26 d. the Bronx half marathon scheduled to be held on [~~September 29,~~
27 ~~2019~~] a date in 2020;

28 e. the Queens 10k scheduled to be held on [~~June 15, 2019~~] a date in
29 2020; and

30 f. the New York city half marathon scheduled to be held on [~~March 17,~~
31 ~~2019 and March 15, 2020~~] a date in 2020 and on March 14, 2021.

32 § 2. This act shall take effect immediately and shall expire and be
33 deemed repealed June 30, [~~2020~~] 2021.

34 § 2. This act shall take effect immediately and shall be deemed to
35 have been in effect on and after January 1, 2020; provided that the
36 amendments to section 1 of chapter 192 of the laws of 2011, made by
37 section one of this act, shall not affect the expiration of such section
38 and shall be deemed repealed therewith.

39 ITEM FF

40 Section 1. Section 11 of chapter 378 of the laws of 2010 amending the
41 education law relating to paperwork reduction, as amended by chapter 49
42 of the laws of 2015, is amended to read as follows:

43 § 11. This act shall take effect immediately; provided, however, that
44 the commissioner of education shall promulgate any rules or regulations
45 necessary to implement the provisions of this act on or before July 1,
46 2010; provided, further that if section ten of this act shall take
47 effect after July 1, 2010 it shall be deemed to have been in full force
48 and effect on and after July 1, 2010; and provided further that section
49 ten of this act shall expire and be deemed repealed on June 30, [~~2020~~
50 2025].

51 § 2. This act shall take effect immediately.

52 ITEM GG

1 Section 1. Section 54.40 of the local finance law, as amended by chap-
2 ter 71 of the laws of 2019, is amended to read as follows:

3 § 54.40 Bonds and notes of the city of Yonkers. Subject to the
4 provisions of the New York state financial emergency act of nineteen
5 hundred eighty-four for the city of Yonkers, to facilitate the marketing
6 of any issue of serial bonds or notes of the city of Yonkers issued on
7 or before June thirtieth, two thousand [~~twenty~~] twenty-one, such city
8 may, notwithstanding any limitations on private sales of bonds provided
9 by law, and subject to approval by the state comptroller of the terms
10 and conditions of such sale: (a) arrange for the underwriting of its
11 bonds or notes at private sale through negotiated agreement, compen-
12 sation for such underwriting to be provided by negotiated fee or by sale
13 of such bonds or notes to an underwriter at a price of less than the sum
14 of par value of, and the accrued interest on, such obligations; or (b)
15 arrange for the private sale of its bonds or notes through negotiated
16 agreement, compensation for such sales to be provided by negotiated fee,
17 if required. The cost of such underwriting or private placement shall be
18 deemed a preliminary cost for purposes of section 11.00 of this article.

19 § 2. This act shall take effect immediately.

20

ITEM HH

21 Section 1. Section 54.30 of the local finance law, as amended by chap-
22 ter 77 of the laws of 2019, is amended to read as follows:

23 § 54.30 Costs of sales; bonds and notes of the city of Buffalo.
24 Subject to the provisions of chapter one hundred twenty-two of the laws
25 of two thousand three creating the Buffalo fiscal stability authority,
26 to facilitate the marketing of any issue of serial bonds or notes of the
27 city of Buffalo issued on or before June thirtieth, two thousand [~~twen-~~
28 ~~ty~~] twenty-one, such city may, notwithstanding any limitations on
29 private sales of bonds provided by law, and subject to approval by the
30 state comptroller of the terms and conditions of such sale: (a) arrange
31 for the underwriting of its bonds or notes at private sale through nego-
32 tiated agreement, compensation for such underwriting to be provided by
33 negotiated fee or by sale of such bonds or notes to an underwriter at a
34 price of less than the sum of par value of, and the accrued interest on,
35 such obligations; or (b) arrange for the private sale of its bonds or
36 notes through negotiated agreement, compensation for such sales to be
37 provided by negotiated fee, if required. The cost of such underwriting
38 or private placement shall be deemed a preliminary cost for purposes of
39 section 11.00 of this article.

40 § 2. This act shall take effect immediately.

41

ITEM II

42 Section 1. Subdivision 8 of section 9 of chapter 401 of the laws of
43 2002, amending the real property tax law and the Nassau county adminis-
44 trative code relating to assessment and review of assessments in the
45 county of Nassau, as amended by chapter 84 of the laws of 2018, is
46 amended to read as follows:

47 8. Notwithstanding the foregoing provisions of this act, on June 30,
48 [~~2020~~] 2022, the amendments of sections 6-2.1 and 6-13.0 of the Nassau
49 county administrative code, made by sections two and four of this act,
50 and section 6-24.1 of such code, as added by section seven of this act,
51 shall be deemed repealed. On such date the addition of the words "the
52 year following" to the first sentence of subdivision 8 of section 523-b

1 of the real property tax law, as amended by section one of this act,
2 shall be deemed repealed.

3 § 2. This act shall take effect immediately.

4 ITEM JJ

5 Section 1. Section 2342 of the insurance law, as amended by chapter 69
6 of the laws of 2017, is amended to read as follows:

7 § 2342. Expiration of certain provisions. The provisions of subsection
8 (c) of section two thousand three hundred seven, section two thousand
9 three hundred eight, subsection (a) of section two thousand three
10 hundred ten, sections two thousand three hundred sixteen, two thousand
11 three hundred twenty, two thousand three hundred twenty-three, two thou-
12 sand three hundred twenty-six, and two thousand three hundred thirty-
13 five, and subsection (b) of section two thousand three hundred thirty-
14 six of this article shall cease to be of any force or effect during the
15 period August third, two thousand one through the day before the effec-
16 tive date of the property/casualty insurance availability act, and after
17 June thirtieth, two thousand [~~twenty~~] twenty-three.

18 § 2. Subsection (f) of section 2305 of the insurance law, as amended
19 by chapter 69 of the laws of 2017, is amended to read as follows:

20 (f) Subsection (a) of this section shall be of no force or effect
21 during the period August third, two thousand one through the day before
22 the effective date of the property/casualty insurance availability act,
23 and after June thirtieth, two thousand [~~twenty~~] twenty-three. During the
24 period August third, two thousand one through the day before the effec-
25 tive date of the property/casualty insurance availability act, and again
26 commencing on July first, two thousand [~~twenty~~] twenty-three, all rates
27 previously subject to subsection (a) of this section, other than rates
28 that are not required to be filed pursuant to subsection (b) of section
29 two thousand three hundred ten of this article or that have been
30 suspended from the filing requirement pursuant to section two thousand
31 three hundred eleven of this article, shall become subject to
32 subsections (b), (c) and (d) of this section. All other provisions of
33 this article applicable to kinds of insurance or insurance activities
34 the rates for which are subject to prior approval under subsection (b)
35 of this section shall apply to kinds of insurance the rates for which
36 were previously subject to subsection (a) of this section or the rates
37 for which are not required to be filed pursuant to subsection (b) of
38 section two thousand three hundred ten of this article or the rates for
39 which have been suspended from the filing requirement pursuant to
40 section two thousand three hundred eleven of this article.

41 § 3. Subsection (h) of section 2344 of the insurance law, as amended
42 by chapter 69 of the laws of 2017, is amended to read as follows:

43 (h) This section shall cease to be of any force or effect during the
44 period August third, two thousand one through the day before the effec-
45 tive date of the property/casualty insurance availability act, and after
46 June thirtieth, two thousand [~~twenty~~] twenty-three, except that rates
47 shall reflect the likely reductive cost effects reasonably attributable
48 to the statutory provisions specified in paragraph one of subsection (g)
49 of this section.

50 § 4. Paragraphs 1 and 2 and the opening paragraph of paragraph 3 of
51 subsection (m) of section 3425 of the insurance law, as amended by chap-
52 ter 69 of the laws of 2017, are amended to read as follows:

53 (1) Paragraphs eight and nine of subsection (a), subsection (f) and
54 subparagraphs (B) and (E) of paragraph one of subsection (j) of this

1 section shall not apply to any new covered policy of automobile insur-
2 ance voluntarily written on or after August first, nineteen hundred
3 eighty-five and prior to January first, nineteen hundred eighty-six, and
4 on or after August second, two thousand one and prior to the effective
5 date of the property/casualty insurance availability act, and on or
6 after June thirtieth, two thousand [~~twenty~~] twenty-three, but the legal
7 rights granted to insurers or policyholders under such provisions shall
8 not be extinguished or impaired thereby.

9 (2) In lieu of such provisions, paragraph seven of subsection (a),
10 subparagraph (A) of paragraph one of subsection (j) of this section and
11 paragraph three of this subsection shall apply to such automobile insur-
12 ance policies that are newly and voluntarily written to have an effec-
13 tive date on or after August first, nineteen hundred eighty-five and
14 prior to January first, nineteen hundred eighty-six, and on or after
15 August second, two thousand one and prior to the effective date of the
16 property/casualty insurance availability act, and on or after June thir-
17 tieth, two thousand [~~twenty~~] twenty-three.

18 On and after August first, nineteen hundred eighty-five and prior to
19 January first, nineteen hundred eighty-six, and on or after August
20 second, two thousand one and prior to the effective date of the
21 property/casualty insurance availability act, and on or after June thir-
22 tieth, two thousand [~~twenty~~] twenty-three, no notice of nonrenewal or
23 conditional renewal of such covered automobile insurance policies
24 referred to in this subsection shall be issued to become effective
25 during the required policy period unless it is based upon a ground for
26 which the policy could have been cancelled or unless it is based upon
27 one or more of the following grounds that occurred during the thirty-six
28 month period ending on the last day of the fourth month preceding the
29 month of the effective date of such notice of nonrenewal or conditional
30 renewal:

31 § 5. Sections 2328 and 2329 of the insurance law, as amended by chap-
32 ter 69 of the laws of 2017, are amended to read as follows:

33 § 2328. Certain motor vehicle insurance rates; prior approval. For the
34 periods February first, nineteen hundred seventy-four through August
35 second, two thousand one, and the effective date of the
36 property/casualty insurance availability act through June thirtieth, two
37 thousand [~~twenty~~] twenty-three, no changes in rates, rating plans,
38 rating rules and rate manuals applicable to motor vehicle insurance,
39 including no-fault coverages under article fifty-one of this chapter,
40 shall be made effective until approved by the superintendent, notwith-
41 standing any inconsistent provisions of this article; provided, however,
42 that changes in such rates, rating plans, rating rules and rate manuals
43 may be made effective without such approval if the rates that result
44 from such changes are no higher than the insurer's rates last approved
45 by the superintendent. This section shall apply only to policies cover-
46 ing losses or liabilities arising out of ownership of a motor vehicle
47 used principally for the transportation of persons for hire, including a
48 bus or a school bus as defined in sections one hundred four and one
49 hundred forty-two of the vehicle and traffic law.

50 § 2329. Motor vehicle insurance rates; excess profits. In accordance
51 with regulations prescribed by the superintendent, each insurer issuing
52 policies that are subject to article fifty-one of this chapter, includ-
53 ing policies of motor vehicle personal injury liability insurance or
54 policies of motor vehicle property damage liability insurance or insur-
55 ance for loss or damage to a motor vehicle, shall establish a fair,
56 practicable, and nondiscriminatory plan for refunding or otherwise cred-

1 iting to those purchasing such policies their share of the insurer's
2 excess profit, if any, on such policies. An excess profit shall be a
3 profit beyond a percentage rate of return on net worth attributable to
4 such policies, computed in accordance with the regulation required by
5 section two thousand three hundred twenty-three of this article, and
6 determined by the superintendent to be so far above a reasonable average
7 profit as to amount to an excess profit, taking into consideration the
8 fact that losses or profits below a reasonable average profit will not
9 be recouped from such policyholders. Each plan shall apply to policy
10 periods for the periods January first, nineteen hundred seventy-four
11 through August second, two thousand one, and the effective date of the
12 property/casualty insurance availability act through June thirtieth, two
13 thousand [~~twenty~~] ~~twenty-three~~. In prescribing such regulations the
14 superintendent may limit the duration of such plans, waive any require-
15 ment for refund or credit that he or she determines to be de minimis or
16 impracticable, adopt forms of returns that shall be made to him or her
17 in order to establish the amount of any refund or credit due, establish
18 periods and times for the determination and distribution of refunds and
19 credits, and shall provide that insurers receive appropriate credit
20 against any refunds or credits required by any such plan for policyhold-
21 er dividends and for return premiums that may be due under rate credit
22 or retrospective rating plans based on experience.

23 § 6. Subsection (g) of section 5412 of the insurance law, as amended
24 by chapter 69 of the laws of 2017, is amended to read as follows:

25 (g) The provisions of this section shall cease to be of any force or
26 effect on or after June thirtieth, two thousand [~~twenty~~] ~~twenty-three~~,
27 except that policies issued or other obligations incurred by the associ-
28 ation shall not be impaired by the expiration of this section and the
29 association shall continue for the purpose of servicing such policies
30 and performing such obligations.

31 § 7. This act shall take effect immediately.

32 ITEM KK

33 Section 1. Section 2 of chapter 548 of the laws of 2004 amending the
34 education law relating to certain tuition waivers for police officer
35 students of the city university of New York, as amended by chapter 67 of
36 the laws of 2018, is amended to read as follows:

37 § 2. This act shall take effect immediately and shall expire and be
38 deemed repealed July 1, [~~2020~~] ~~2022~~.

39 § 2. This act shall take effect immediately.

40 ITEM LL

41 Section 1. Section 2 of part U of chapter 56 of the laws of 2018,
42 amending the education law relating to requiring regulations to permit
43 tuition waivers for certain firefighters and fire officers for CUNY, is
44 amended to read as follows:

45 § 2. This act shall take effect immediately and shall expire and be
46 deemed repealed July 1, [~~2020~~] ~~2022~~.

47 § 2. This act shall take effect immediately.

48 ITEM MM

49 Section 1. Section 2 of chapter 274 of the laws of 2010 amending the
50 environmental conservation law relating to repair of damaged pesticide

1 containers, as amended by chapter 94 of the laws of 2018, is amended to
2 read as follows:

3 § 2. This act shall take effect immediately and shall expire July 1,
4 [~~2020~~] 2022 when upon such date the provisions of this act shall be
5 deemed repealed.

6 § 2. This act shall take effect immediately.

7

ITEM NN

8 Section 1. Section 33-0705 of the environmental conservation law, as
9 amended by section 1 of part SS of chapter 58 of the laws of 2017, is
10 amended to read as follows:

11 § 33-0705. Fee for registration.

12 The applicant for registration shall pay a fee as follows:

13 a. On or before July 1, [~~2020~~] 2023, six hundred dollars for each
14 pesticide proposed to be registered, provided that the applicant has
15 submitted to the department proof in the form of a federal income tax
16 return for the previous year showing gross annual sales, for federal
17 income tax purposes, of three million five hundred thousand dollars or
18 less;

19 b. On or before July 1, [~~2020~~] 2023, for all others, six hundred twen-
20 ty dollars for each pesticide proposed to be registered;

21 c. After July 1, [~~2020~~] 2023, fifty dollars for each pesticide
22 proposed to be registered.

23 § 2. Section 9 of chapter 67 of the laws of 1992, amending the envi-
24 ronmental conservation law relating to pesticide product registration
25 timetables and fees, as amended by section 2 of part SS of chapter 58 of
26 the laws of 2017, is amended to read as follows:

27 § 9. This act shall take effect April 1, 1992 provided, however, that
28 section three of this act shall take effect July 1, 1993 and shall
29 expire and be deemed repealed on July 1, [~~2020~~] 2023.

30 § 3. This act shall take effect immediately and shall be deemed to
31 have been in full force and effect on and after April 1, 2020.

32

ITEM OO

33 Section 1. Section 2 of chapter 130 of the laws of 1998, amending the
34 general municipal law relating to temporary investments by local govern-
35 ments, as amended by chapter 65 of the laws of 2017, is amended to read
36 as follows:

37 § 2. This act shall take effect June 30, 1998 and shall expire and be
38 deemed repealed on July 1, [~~2020~~] 2023, provided, however, that invest-
39 ments purchased prior to the expiration of this act pursuant to the
40 provisions of paragraph a of subdivision 3 of section 11 of the general
41 municipal law, as designated and amended by section one of this act,
42 shall continue to be subject to the conditions contained in such subdi-
43 vision to the same extent as they had been subject thereto prior to such
44 expiration and repeal.

45 § 2. This act shall take effect immediately; provided however, that if
46 this act shall have become a law after July 1, 2020 it shall be deemed
47 to have been in full force and effect on and after July 1, 2020.

48

ITEM PP

49 Section 1. Section 4 of chapter 779 of the laws of 1986, amending the
50 social services law relating to authorizing services for non-residents

1 in adult homes, residences for adults and enriched housing programs, as
2 amended by chapter 49 of the laws of 2017, is amended to read as
3 follows:

4 § 4. This act shall take effect on the one hundred twentieth day after
5 it shall have become a law and shall remain in full force and effect
6 until July 1, [~~2020~~] 2023, provided however, that effective immediately,
7 the addition, amendment and/or repeal of any rules or regulations neces-
8 sary for the implementation of the foregoing sections of this act on its
9 effective date are authorized and directed to be made and completed on
10 or before such effective date.

11 § 2. This act shall take effect immediately and shall be deemed to
12 have been in full force and effect on and after July 1, 2020.

13 ITEM QQ

14 Section 1. The opening paragraph of paragraph (a) of section 54.10 of
15 the local finance law, as amended by chapter 75 of the laws of 2019, is
16 amended to read as follows:

17 To facilitate the marketing of any issue of bonds or notes of the city
18 of New York issued on or before June thirtieth, two thousand [~~twenty~~]
19 twenty-one, the mayor and comptroller of such city may, subject to the
20 approval of the state comptroller and the limitations on private sales
21 of bonds and notes, respectively, provided by law:

22 § 2. The closing paragraph of paragraph a of section 54.90 of the
23 local finance law, as amended by chapter 75 of the laws of 2019, is
24 amended to read as follows:

25 Notwithstanding the foregoing, whenever in the judgment of the finance
26 board of the city of New York the interest of such city would be served
27 thereby, the city of New York may without further approval issue bonds
28 or notes, on or before July fifteenth, two thousand [~~twenty~~] twenty-one,
29 with interest rates that vary in accordance with a formula or procedure
30 and are subject to a maximum rate of interest set forth or referred to
31 in the bonds or notes and may provide the holders thereof with such
32 rights to require the city or other persons to purchase such bonds or
33 notes or renewals thereof from the proceeds of the resale thereof or
34 otherwise from time to time prior to the final maturity of such bonds or
35 notes as the finance board of the city of New York may determine and the
36 city may resell, at any time prior to final maturity, any such bonds or
37 notes acquired as a result of the exercise of such rights; provided,
38 however, that at no time shall the total principal amount of bonds and
39 notes issued by the city of New York pursuant to this paragraph (other
40 than bonds and notes (1) bearing interest at rates and for periods of
41 time that are specified without reference to future events or contingen-
42 cies, or (2) described in section 136.00 of this article) exceed twen-
43 ty-five percent of the limit prescribed by section 104.00 of this arti-
44 cle.

45 § 3. The opening paragraph of subdivision 1 of paragraph d of section
46 54.90 of the local finance law, as amended by chapter 75 of the laws of
47 2019, is amended to read as follows:

48 On or before July fifteenth, two thousand [~~twenty~~] twenty-one the
49 mayor and comptroller of the city of New York may:

50 § 4. The opening paragraph of paragraph a of section 57.00 of the
51 local finance law, as amended by chapter 75 of the laws of 2019, is
52 amended to read as follows:

53 Bonds shall be sold only at public sale and in accordance with the
54 procedure set forth in this section and sections 58.00 and 59.00 of this

1 title, except as otherwise provided in this paragraph. Bonds may be sold
2 at private sale to the United States government or any agency or instru-
3 mentality thereof, the state of New York municipal bond bank agency, to
4 any sinking fund or pension fund of the municipality, school district or
5 district corporation selling such bonds, or, in the case of sales by the
6 city of New York prior to July first, two thousand [~~twenty~~] twenty-one,
7 also to the municipal assistance corporation for the city of New York or
8 to any other purchaser with the consent of the mayor and the comptroller
9 of such city and approval of the state comptroller, or, in the case of
10 sales by the county of Nassau prior to December thirty-first, two thou-
11 sand seven, also to the Nassau county interim finance authority with the
12 approval of the state comptroller, or, in the case of sales by the city
13 of Buffalo prior to June thirtieth, two thousand thirty-seven, also to
14 the Buffalo fiscal stability authority with the approval of the state
15 comptroller, or, in the case of bonds or other obligations of a munici-
16 pality issued for the construction of any sewage treatment works, sewage
17 collecting system, storm water collecting system, water management
18 facility, air pollution control facility or solid waste disposal facili-
19 ty, also to the New York state environmental facilities corporation, or,
20 in the case of bonds or other obligations of a school district or a city
21 acting on behalf of a city school district in a city having a population
22 in excess of one hundred twenty-five thousand but less than one million
23 inhabitants according to the latest federal census, issued to finance or
24 refinance the cost of school district capital facilities or school
25 district capital equipment, as defined in section sixteen hundred seven-
26 ty-six of the public authorities law, also to the dormitory authority of
27 the state of New York. Bonds of a river improvement or drainage district
28 established by or under the supervision of the department of environ-
29 mental conservation may be sold at private sale to the state of New York
30 as investments for any funds of the state which by law may be invested,
31 provided, however, that the rate of interest on any such bonds so sold
32 shall be approved by the water power and control commission and the
33 state comptroller. Bonds may also be sold at private sale as provided in
34 section 63.00 of this title. No bonds shall be sold on option or on a
35 deferred payment plan, except that options to purchase, effective for a
36 period not exceeding one year, may be given:

37 § 5. Subdivision 3 of paragraph g of section 90.00 of the local
38 finance law, as amended by chapter 75 of the laws of 2019, is amended to
39 read as follows:

40 3. Outstanding bonds may, pursuant to a power to recall and redeem or
41 with the consent of the holders thereof, be exchanged for refunding
42 bonds (i) if the refunding bonds are to bear interest at a rate equal to
43 or lower than that borne by the bonds to be refunded or (ii) if, in the
44 case of the city of New York prior to July first, two thousand [~~twenty~~]
45 twenty-one, the annual payment required for principal and interest on
46 the refunding bond is less than the annual payment required for princi-
47 pal and interest on the bond to be refunded, in each case such annual
48 payments to be determined by dividing the total principal and interest
49 payments due over the remaining life of the bond by the number of years
50 to maturity of the bond or (iii) if the bonds to be refunded were issued
51 by the city of New York after June thirtieth, nineteen hundred seventy-
52 eight and prior to July first, two thousand [~~twenty~~] twenty-one and
53 contain covenants referring to the existence of the New York state
54 financial control board for the city of New York or any other covenants
55 relating to matters other than the prompt payment of principal and

1 interest on the obligations when due and the refunding bond omits or
2 modifies any such covenant.

3 § 6. Subdivision 1 of section 10-a of section 2 of chapter 868 of the
4 laws of 1975, constituting the New York state financial emergency act
5 for the city of New York, as amended by chapter 75 of the laws of 2019,
6 is amended to read as follows:

7 1. In the event that after the date on which the provisions of this
8 act become operative, any notes or bonds are issued by the city prior to
9 July 1, [~~2020~~ 2021], or any bonds are issued by a state financing agen-
10 cy, the state of New York hereby authorizes the city and authorizes and
11 requires such state financing agency to include a pledge and agreement
12 of the state of New York in any agreement made by the city or such state
13 financing agency with holders or guarantors of such notes or bonds that
14 the state will not take any action which will (a) substantially impair
15 the authority of the board during a control period, as defined in subdi-
16 vision twelve of section two of this act as in effect on the date such
17 notes or bonds are issued (i) to approve, disapprove, or modify any
18 financial plan or financial plan modification, including the revenue
19 projections (or any item thereof) contained therein, subject to the
20 standards set forth in paragraphs a, c, d, e and f of subdivision one of
21 section eight of this act as in effect on the date such notes or bonds
22 are issued and paragraph b of such subdivision as in effect from time to
23 time, (ii) to disapprove a contract of the city or a covered organiza-
24 tion if the performance of such contract would be inconsistent with the
25 financial plan or to approve or disapprove proposed short-term or long-
26 term borrowing of the city or a covered organization or any agreement or
27 other arrangement referred to in subdivision four of section seven of
28 this act, or (iii) to establish and adopt procedures with respect to the
29 deposit in and disbursement from the board fund of city revenues; (b)
30 substantially impair the authority of the board to review financial
31 plans, financial plan modifications, contracts of the city or the
32 covered organizations and proposed short-term or long-term borrowings of
33 the city and the covered organizations; (c) substantially impair the
34 independent maintenance of a separate fund for the payment of debt
35 service on bonds and notes of the city; (d) alter the composition of the
36 board so that the majority of the voting members of the board are not
37 officials of the state of New York elected in a state-wide election or
38 appointees of the governor; (e) terminate the existence of the board
39 prior to the time to be determined in accordance with section thirteen
40 of this act as in effect on the date such notes or bonds are issued; (f)
41 substantially modify the requirement that the city's financial state-
42 ments be audited by a nationally recognized independent certified public
43 accounting firm or consortium of firms and that a report on such audit
44 be furnished to the board; or (g) alter the definition of a control
45 period set forth in subdivision twelve of section two of this act, as in
46 effect on the date such notes or bonds are issued, or substantially
47 alter the authority of the board, as set forth in said subdivision to
48 reimpose or terminate a control period; provided, however, that the
49 foregoing pledge and agreement shall be of no further force and effect
50 if at any time (i) there is on deposit in a separate trust account with
51 a bank, trust company or other fiduciary sufficient moneys or direct
52 obligations of the United States or obligations guaranteed by the United
53 States, the principal of and/or interest on which will provide moneys to
54 pay punctually when due at maturity or prior to maturity by redemption,
55 in accordance with their terms, all principal of and interest on all
56 outstanding notes and bonds of the city or such state financing agency

1 containing this pledge and agreement and irrevocable instructions from
2 the city or such state financing agency to such bank, trust company or
3 other fiduciary for such payment of such principal and interest with
4 such moneys shall have been given, or (ii) such notes and bonds, togeth-
5 er with interest thereon, have been paid in full at maturity or have
6 otherwise been refunded, redeemed, defeased, or discharged; and provided
7 further that the foregoing pledge and agreement shall be of full force
8 and effect upon its inclusion in any agreement made by the city or state
9 financing agency with holders or guarantors of such notes or bonds.

10 Upon payment for such obligations issued pursuant to this act by the
11 original and all subsequent holders inclusion of the foregoing covenant
12 shall be deemed conclusive evidence of valuable consideration received
13 by the state and city for such covenant and of reliance upon such pledge
14 and agreement by any such holder. The state hereby grants any such bene-
15 fited holder the right to sue the state in a court of competent juris-
16 diction and enforce this covenant and agreement and waives all rights of
17 defense based on sovereign immunity in such an action or suit.

18 § 7. Section 5 of chapter 142 of the laws of 2004, amending the local
19 finance law relating to interest rate exchange agreements of the city of
20 New York and refunding bonds of such city, as amended by chapter 75 of
21 the laws of 2019, is amended to read as follows:

22 § 5. This act shall take effect immediately, provided, that section
23 three of this act shall expire and be deemed repealed July 15, [~~2020~~]
24 2021.

25 § 8. Separability. If any clause, sentence, paragraph, section or part
26 of this act shall be adjudged by any court of competent jurisdiction to
27 be invalid, such judgment shall not affect, impair or invalidate the
28 remainder thereof, but shall be confined in its operation to the clause,
29 sentence, paragraph, section or part thereof directly involved in the
30 controversy in which such judgment shall have been rendered.

31 § 9. This act shall take effect immediately.

32 ITEM RR

33 Section 1. The opening paragraph of subdivision 2 of section 228 of
34 the racing, pari-mutuel wagering and breeding law, as amended by chapter
35 122 of the laws of 2019, is amended to read as follows:

36 The New York state gaming commission shall, as a condition of racing,
37 require any franchised corporation and every other corporation subject
38 to its jurisdiction to withhold one percent of all purses, except that
39 for the franchised corporation, starting on September first, two thou-
40 sand seven and continuing through August thirty-first, two thousand
41 [~~twenty~~ twenty-one, two percent of all purses shall be withheld, and,
42 in the case of the franchised corporation, to pay such sum to the
43 horsemen's organization or its successor that was first entitled to
44 receive payments pursuant to this section in accordance with rules of
45 the commission adopted effective November third, nineteen hundred eight-
46 y-three representing at least fifty-one percent of the owners and train-
47 ers utilizing the facilities of such franchised corporation, on the
48 condition that such horsemen's organization shall expend as much as is
49 necessary, but not to exceed one-half of one percent of such total sum,
50 to acquire and maintain the equipment required to establish a program at
51 a state college within this state with an approved equine science
52 program to test for the presence of steroids in horses, provided further
53 that the qualified organization shall also, in an amount to be deter-
54 mined by its board of directors, annually include in its expenditures

1 for benevolence programs, funds to support an organization providing
2 services necessary to backstretch employees, and, in the case of every
3 other corporation, to pay such one percent sum of purses to the
4 horsemen's organization or its successor that was first entitled to
5 receive payments pursuant to this section in accordance with rules of
6 the commission adopted effective May twenty-third, nineteen hundred
7 eighty-six representing at least fifty-one percent of the owners and
8 trainers utilizing the facilities of such corporation.
9 § 2. This act shall take effect immediately.

10 ITEM SS

11 Section 1. Section 11 of chapter 237 of the laws of 2015 amending the
12 judiciary law, the civil practice law and rules and other laws relating
13 to use of electronic means for the commencement and filing of papers in
14 certain actions and proceedings, as amended by chapter 212 of the laws
15 of 2019, is amended to read as follows:
16 § 11. This act shall take effect immediately; provided that sections
17 four, five, six and seven of this act shall each expire and be deemed
18 repealed September 1, [~~2020~~] 2021; and provided that paragraph 2-a of
19 subdivision (b) of section 2111 of the civil practice law and rules, as
20 added by section two of this act, shall expire and be deemed repealed
21 September 1, [~~2020~~] 2021.
22 § 2. This act shall take effect immediately.

23 ITEM TT

24 Section 1. Section 2 of chapter 890 of the laws of 1982, relating to
25 the establishment of certain water charges for hospitals and charities
26 in New York city, as amended by chapter 155 of the laws of 2018, is
27 amended to read as follows:
28 § 2. This act shall take effect immediately and shall remain in full
29 force and effect only until September 1, [~~2020~~] 2022.
30 § 2. This act shall take effect immediately.

31 ITEM UU

32 Section 1. Section 4 of chapter 573 of the laws of 2011, amending the
33 correction law relating to the boarding of out of state inmates at local
34 correctional facilities, as amended by chapter 148 of the laws of 2017,
35 is amended to read as follows:
36 § 4. This act shall take effect immediately and shall expire September
37 1, [~~2020~~] 2023 when upon such date the provisions of this act shall be
38 deemed repealed.
39 § 2. This act shall take effect immediately.

40 ITEM VV

41 Section 1. Section 8 of chapter 29 of the laws of 2011 amending the
42 executive law and other laws relating to the adoption of the interstate
43 compact for juveniles by the state of New York, as amended by chapter
44 195 of the laws of 2015, is amended to read as follows:
45 § 8. This act shall take effect on the thirtieth day after it shall
46 have become a law and shall expire September 1, [~~2020~~] 2025 when upon
47 such date the provisions of this act shall be deemed repealed; provided,
48 however, that notwithstanding the provisions of article 5 of the general

1 construction law, on September 1, [~~2020~~] 2025 the provisions of chapter
2 155 of the laws of 1955, as repealed by section one of this act, are
3 hereby revived and shall continue in full force and effect as such
4 provisions existed on June 1, 2010; provided, further, nothing herein
5 shall disrupt services, supervision or return of juveniles, delinquents
6 and status offenders agreed to under the repealed 1955 interstate
7 compact on juveniles prior to such effective date, or preclude the state
8 of New York from entering into appropriate agreements with non-compact
9 member states for the proper supervision or return of juveniles, delin-
10 quents and status offenders who are on probation or parole and who have
11 absconded, escaped or run away from supervision and control and in so
12 doing have endangered their own safety and the safety of others.
13 § 2. This act shall take effect immediately.

14

ITEM WW

15 Section 1. Section 2 of chapter 363 of the laws of 2010, amending the
16 judiciary law relating to granting the chief administrator of the courts
17 the authority to allow referees to determine applications for orders of
18 protection during the hours family court is in session, as amended by
19 chapter 161 of the laws of 2018, is amended to read as follows:
20 § 2. This act shall take effect immediately; provided that paragraph
21 (n) of subdivision 2 of section 212 of the judiciary law, as added by
22 section one of this act, shall expire and be deemed repealed September
23 1, [~~2020~~] 2021.
24 § 2. This act shall take effect immediately.

25

ITEM XX

26 Section 1. Subdivision 5 of section 139 of the economic development
27 law, as amended by chapter 372 of the laws of 2019, is amended to read
28 as follows:
29 5. Reporting. The advisory panel shall issue a report no later than
30 June thirtieth, two thousand [~~twenty~~] twenty-one outlining the findings
31 and recommendations of the panel. The report shall be delivered to the
32 governor, the speaker of the assembly, the temporary president of the
33 senate, the minority leader of the assembly, the minority leader of the
34 senate, the chair of the assembly committee on ways and means, the chair
35 of the senate committee on finance, the chair of the assembly committee
36 on economic development, the chair of the assembly committee on small
37 business, the chair of the senate committee on commerce, economic devel-
38 opment, and small business, the chair of the assembly committee on
39 labor, and the chair of the senate committee on labor.
40 § 2. Section 2 of chapter 435 of the laws of 2017 amending the econom-
41 ic development law, relating to establishing an advisory panel on
42 employee-owned enterprises within the division of small business
43 services, as amended by chapter 372 of the laws of 2019, is amended to
44 read as follows:
45 § 2. This act shall take effect immediately and shall expire October
46 1, [~~2020~~] 2021 when upon such date the provisions of this act shall be
47 deemed repealed.
48 § 3. This act shall take effect immediately; provided that the amend-
49 ments to subdivision 5 of section 139 of the economic development law
50 made by section one of this act shall not affect the repeal of such
51 section and shall be deemed repealed therewith.

1

ITEM YY

2 Section 1. Section 4 of chapter 522 of the laws of 2000, amending the
3 state finance law and the general business law relating to establishing
4 the underground facilities safety training account, as amended by chap-
5 ter 126 of the laws of 2015, is amended to read as follows:

6 § 4. This act shall take effect thirty days after it shall have become
7 a law and shall expire and be deemed repealed October 1, [~~2020~~] 2025.

8 § 2. This act shall take effect immediately.

9

ITEM ZZ

10 Section 1. Subdivision (c) of section 3 of chapter 141 of the laws of
11 2014 amending the environmental conservation law relating to authorizing
12 the hunting of big game in the county of Albany with rifles, as amended
13 by chapter 160 of the laws of 2018, is amended to read as follows:

14 (c) nothing contained in this act shall be construed so as to extend
15 the provisions of this act beyond October 1, [~~2020~~] 2022, when upon such
16 date this act shall expire and the provisions contained herein shall be
17 deemed repealed.

18 § 2. This act shall take effect immediately.

19

ITEM AAA

20 Section 1. Section 5 of chapter 396 of the laws of 2010 amending the
21 alcoholic beverage control law relating to liquidator's permits and
22 temporary retail permits, as amended by chapter 190 of the laws of 2019,
23 is amended to read as follows:

24 § 5. This act shall take effect on the sixtieth day after it shall
25 have become a law, provided that paragraph (b) of subdivision 1 of
26 section 97-a of the alcoholic beverage control law as added by section
27 two of this act shall expire and be deemed repealed October 12, [~~2020~~]
28 2021.

29 § 2. This act shall take effect immediately.

30

ITEM BBB

31 Section 1. Section 2 of chapter 473 of the laws of 2010 amending the
32 racing, pari-mutuel wagering and breeding law relating to the New York
33 state thoroughbred breeding and development fund, as amended by chapter
34 343 of the laws of 2019, is amended to read as follows:

35 § 2. This act shall take effect immediately, provided, however that
36 this act shall expire and be deemed repealed [~~nine~~] ten years after the
37 commencement of the operation of a video lottery facility at Aqueduct
38 racetrack; provided that the chair of the New York state thoroughbred
39 breeding and development fund shall notify the legislative bill drafting
40 commission upon the occurrence of the commencement of the operation of a
41 video lottery facility at Aqueduct racetrack in order that the commis-
42 sion may maintain an accurate and timely effective data base of the
43 official text of the laws of the state of New York in furtherance of
44 effectuating the provisions of section 44 of the legislative law and
45 section 70-b of the public officers law; provided further, that effec-
46 tive immediately the addition, amendment and/or repeal of any rules or
47 regulations necessary for the implementation of this act on its effec-
48 tive date are authorized and directed to be made and completed on or
49 before such date.

1 § 2. This act shall take effect immediately.

2 ITEM CCC

3 Section 1. Section 3 of chapter 451 of the laws of 2012, amending the
4 labor law relating to permitted deductions from wages, as amended by
5 chapter 368 of the laws of 2018, is amended to read as follows:

6 § 3. This act shall take effect on the sixtieth day after it shall
7 have become a law and shall expire and be deemed repealed [~~8~~] 10 years
8 after such effective date.

9 § 2. This act shall take effect immediately.

10 ITEM DDD

11 Section 1. The opening paragraph of section 3 and section 4 of chapter
12 456 of the laws of 2018 relating to establishing the digital currency
13 task force, is amended to read as follows:

14 On or before December 15, [~~2020~~] 2021, the task force shall submit to
15 the governor, the temporary president of the senate and the speaker of
16 the assembly a report containing, but not limited to, the following
17 information based on available data:

18 § 4. This act shall take effect immediately and shall expire December
19 15, [~~2020~~] 2021 when upon such date the provisions of this act shall be
20 deemed repealed.

21 § 2. This act shall take effect immediately.

22 ITEM EEE

23 Section 1. Section 2 of chapter 548 of the laws of 2010, amending the
24 New York city charter relating to authorizing the city of New York to
25 sell to abutting property owners real property owned by such city,
26 consisting of tax lots that cannot be independently developed due to the
27 size, shape, configuration and topography of such lots and the zoning
28 regulations applicable thereto, as amended by chapter 505 of the laws of
29 2015, is amended to read as follows:

30 § 2. This act shall take effect immediately and shall expire December
31 31, [~~2020~~] 2025, when upon such date the provisions of this act shall be
32 deemed repealed.

33 § 2. This act shall take effect immediately.

34 ITEM FFF

35 Section 1. Section 2 of chapter 402 of the laws of 1994, amending the
36 state administrative procedure act relating to requiring certain agen-
37 cies to submit regulatory agendas for publication in the state register,
38 as amended by chapter 418 of the laws of 2016, is amended to read as
39 follows:

40 § 2. This act shall take effect on the first day of November next
41 succeeding the date on which it shall have become a law and shall expire
42 and be deemed repealed on December 31, [~~2020~~] 2024, and upon such date
43 the provisions of subdivisions 1 and 2 of section 202-d of the state
44 administrative procedure act as amended by section one of this act shall
45 revert to and be read as set out in law on the date immediately preced-
46 ing such effective date.

47 § 2. This act shall take effect immediately.

1 ITEM GGG

2 Section 1. Section 2 of chapter 378 of the laws of 2014, amending the
3 environmental conservation law relating to the taking of sharks, as
4 amended by chapter 427 of the laws of 2018, is amended to read as
5 follows:

6 § 2. This act shall take effect immediately and shall expire and be
7 deemed repealed December 31, [~~2020~~] 2022.

8 § 2. This act shall take effect immediately.

9 ITEM HHH

10 Section 1. Section 3 of chapter 306 of the laws of 2011, authorizing
11 owners of residential real property in high risk brush fire areas in the
12 borough of Staten Island to cut and remove reeds from their property, as
13 amended by chapter 393 of the laws of 2019, is amended to read as
14 follows:

15 § 3. This act shall take effect immediately and shall expire and be
16 deemed repealed December 31, [~~2020~~] 2021.

17 § 2. This act shall take effect immediately.

18 ITEM III

19 Section 1. Section 6 of chapter 110 of the laws of 2019, relating to
20 creating a temporary state commission to study and investigate how to
21 regulate artificial intelligence, robotics and automation, is amended to
22 read as follows:

23 § 6. This act shall take effect immediately and shall expire and be
24 deemed repealed December 31, [~~2020~~] 2021.

25 § 2. This act shall take effect immediately.

26 ITEM JJJ

27 Section 1. Subdivision 1 of section 1803-a of the real property tax
28 law is amended by adding a new paragraph (ii) to read as follows:

29 (ii) Notwithstanding the provisions of paragraph (c) of this subdivi-
30 sion to the contrary, in a special assessing unit which is a city and
31 for current base proportions to be determined in such special assessing
32 unit's fiscal year two thousand twenty-one, the percent increase of the
33 current base proportion of any class over the adjusted base proportion
34 or adjusted proportions, whichever is appropriate, of the immediately
35 preceding year shall be determined by the local legislative body of such
36 special assessing unit, provided that such percent increase shall be no
37 more than five percent, and provided further, that the local legislative
38 body shall make such determination by October first, two thousand twen-
39 ty.

40 § 2. In the event the special assessing unit which is a city has sent
41 out real property tax bills for its fiscal year 2021 before this act
42 shall have become a law, the city shall take such actions as are neces-
43 sary, consistent with applicable state and local law, to effect the
44 provisions of section one of this act, including, but not limited to,
45 revising the current base proportions and adjusted base proportions,
46 resetting the real property tax rates and sending amended real property
47 tax bills. Provided, however, that nothing in this act shall be deemed
48 to affect the obligation of any taxpayer with respect to the payment of
49 any installment of real property tax for such fiscal year which was due

1 and payable prior to the date such amended real property tax bills are
 2 sent; for this purpose, such obligations shall be determined in accord-
 3 ance with the applicable provisions of law that were in effect imme-
 4 diately prior to the effective date of this act, and such city shall be
 5 authorized to determine the date on which amended bills are to be sent
 6 and the installments of real property tax which are to be reflected
 7 therein.

8 § 3. This act shall take effect immediately.

9 ITEM KKK

10 Section 1. Subparagraph (xix) of paragraph (a) of subdivision 3 of
 11 section 1903 of the real property tax law, as amended by chapter 121 of
 12 the laws of 2019, is amended to read as follows:

13 (xix) Notwithstanding any other provision of law, in an approved
 14 assessing unit in the town of Orangetown, county of Rockland and for
 15 current base proportions to be determined by taxes based on such
 16 approved assessing unit's two thousand eighteen--two thousand nineteen
 17 [~~and~~], two thousand nineteen--two thousand twenty and two thousand twen-
 18 ty--two thousand twenty-one assessment rolls, the current base propor-
 19 tion of any class shall not exceed the adjusted base proportion or
 20 adjusted proportion, whichever is appropriate, of the immediately
 21 preceding year, by more than one percent, provided that such approved
 22 assessing unit has passed a local law, ordinance or resolution providing
 23 therefor. Where the computation of current base proportions would other-
 24 wise produce such result, the current base proportion of such class or
 25 classes shall be limited to such one percent increase and the legisla-
 26 tive body of such approved assessing unit shall alter the current base
 27 proportion of either class so that the sum of the current base
 28 proportions equals one.

29 § 2. This act shall take effect immediately.

30 ITEM LLL

31 Section 1. Subparagraph (xx) of paragraph (a) of subdivision 3 of
 32 section 1903 of the real property tax law, as amended by chapter 119 of
 33 the laws of 2019, is amended to read as follows:

34 (xx) Notwithstanding any other provision of law, in an approved
 35 assessing unit in the town of Clarkstown, county of Rockland and for
 36 current base proportions to be determined by taxes based on such
 37 approved assessing unit's two thousand seventeen--two thousand eighteen,
 38 two thousand eighteen--two thousand nineteen [~~assessment~~], [~~and~~] two
 39 thousand nineteen--two thousand twenty and two thousand twenty--two
 40 thousand twenty-one assessment rolls, the current base proportion of any
 41 class shall not exceed the adjusted base proportion or adjusted propor-
 42 tion, whichever is appropriate, of the immediately preceding year, by
 43 more than one percent, provided that such approved assessing unit has
 44 passed a local law, ordinance or resolution providing therefor. Where
 45 the computation of current base proportions would otherwise produce such
 46 result, the current base proportion of such class or classes shall be
 47 limited to such one percent increase and the legislative body of such
 48 approved assessing unit shall alter the current base proportion of
 49 either class so that the sum of the current base proportions equals one.

50 § 2. This act shall take effect immediately.

51 ITEM MMM

1 Section 1. Subdivision 1 of section 1803-a of the real property tax
2 law is amended by adding a new paragraph (hh) to read as follows:

3 (hh) Notwithstanding the provisions of paragraph (c) of this subdivi-
4 sion to the contrary, in a special assessing unit that is not a city and
5 for current base proportions to be determined by taxes based on such
6 special assessing unit's two thousand twenty assessment roll, the
7 current base proportion of any class shall not exceed the adjusted base
8 proportion or adjusted proportion, whichever is appropriate, of the
9 immediately preceding year by more than one percent. Where the computa-
10 tion performed pursuant to paragraph (b) of this subdivision would
11 otherwise produce such result, the current base proportion of such class
12 or classes shall be limited to such one percent increase and the legis-
13 lative body of such special assessing unit shall alter the current base
14 proportion of any or all remaining classes so that the sum of the
15 current base proportions equals one.

16 § 2. Subparagraph (iv) of paragraph (a) of subdivision 3 of section
17 1903 of the real property tax law, as amended by chapter 12 of the laws
18 of 2019, is amended to read as follows:

19 (iv) Notwithstanding any other provision of law, in an approved
20 assessing unit in the county of Suffolk and for current base proportions
21 to be determined by taxes based on such approved assessing unit's two
22 thousand three - two thousand four, two thousand four - two thousand
23 five and two thousand five - two thousand six assessment rolls, the
24 current base proportion of any class shall not exceed the adjusted base
25 proportion or adjusted proportion, whichever is appropriate, of the
26 immediately preceding year by more than two percent, or in the case of
27 the two thousand five--two thousand six, two thousand six--two thousand
28 seven, two thousand seven--two thousand eight, two thousand eight--two
29 thousand nine, two thousand twelve--two thousand thirteen, two thousand
30 thirteen--two thousand fourteen, two thousand fourteen--two thousand
31 fifteen, two thousand fifteen--two thousand sixteen, two thousand
32 sixteen--two thousand seventeen, two thousand seventeen--two thousand
33 eighteen, two thousand eighteen--two thousand nineteen, [~~and~~] two thou-
34 sand nineteen--two thousand twenty, and two thousand twenty--two thou-
35 sand twenty-one assessment rolls, one percent. Where the computation of
36 current base proportions would otherwise produce such result, the
37 current base proportion of such class or classes shall be limited to
38 such two percent or one percent increase whichever is applicable, and
39 the legislative body of such approved assessing unit shall alter the
40 current base proportion of either class so that the sum of the current
41 base proportions equals one.

42 § 3. Paragraph (a) of subdivision 3 of section 1903 of the real prop-
43 erty tax law is amended by adding a new subparagraph (xxii) to read as
44 follows:

45 (xxii) Notwithstanding any other provision of law, in an approved
46 assessing unit in the county of Nassau and for current base proportions
47 to be determined by taxes based on such approved assessing unit's two
48 thousand twenty assessment roll, the current base proportion of any
49 class shall not exceed the adjusted base proportion or adjusted propor-
50 tion, whichever is appropriate, of the immediately preceding year, by
51 more than one percent, provided that such approved assessing unit has
52 passed a local law, ordinance or resolution providing therefor. Where
53 the computation of current base proportions would otherwise produce such
54 result, the current base proportion of such class or classes shall be
55 limited to such one percent increase and the legislative body of such

1 approved assessing unit shall alter the current base proportion of
2 either class so that the sum of the current base proportions equals one.

3 § 4. This act shall take effect immediately; provided, however, that
4 section one of this act shall apply to the levy of taxes based on the
5 2020 assessment roll in a special assessing unit that is not a city and
6 that section three of this act shall apply to the levy of taxes based on
7 the 2020 assessment roll in approved assessing units in the county of
8 Nassau that pass a local law, ordinance or resolution to adopt these
9 provisions.

10 ITEM NNN

11 Section 1. Subdivision c of section 208-f of the general municipal
12 law, as amended by chapter 382 of the laws of 2019, is amended to read
13 as follows:

14 c. Commencing July first, two thousand [~~nineteen~~] twenty the special
15 accidental death benefit paid to a widow or widower or the deceased
16 member's children under the age of eighteen or, if a student, under the
17 age of twenty-three, if the widow or widower has died, shall be esca-
18 lated by adding thereto an additional percentage of the salary of the
19 deceased member (as increased pursuant to subdivision b of this section)
20 in accordance with the following schedule:

21	calendar year of death		per centum
22	of the deceased member		
23	1977 or prior	[246.1%]	<u>256.5%</u>
24	1978	[236%]	<u>246.1%</u>
25	1979	[226.2%]	<u>236%</u>
26	1980	[216.7%]	<u>226.2%</u>
27	1981	[207.5%]	<u>216.7%</u>
28	1982	[198.5%]	<u>207.5%</u>
29	1983	[189.8%]	<u>198.5%</u>
30	1984	[181.4%]	<u>189.8%</u>
31	1985	[173.2%]	<u>181.4%</u>
32	1986	[165.2%]	<u>173.2%</u>
33	1987	[157.5%]	<u>165.2%</u>
34	1988	[150.0%]	<u>157.5%</u>
35	1989	[142.7%]	<u>150.0%</u>
36	1990	[135.7%]	<u>142.7%</u>
37	1991	[128.8%]	<u>135.7%</u>
38	1992	[122.1%]	<u>128.8%</u>
39	1993	[115.7%]	<u>122.1%</u>
40	1994	[109.4%]	<u>115.7%</u>
41	1995	[103.3%]	<u>109.4%</u>
42	1996	[97.4%]	<u>103.3%</u>
43	1997	[91.6%]	<u>97.4%</u>
44	1998	[86.0%]	<u>91.6%</u>
45	1999	[80.6%]	<u>86.0%</u>
46	2000	[75.4%]	<u>80.6%</u>
47	2001	[70.2%]	<u>75.4%</u>
48	2002	[65.3%]	<u>70.2%</u>
49	2003	[60.5%]	<u>65.3%</u>
50	2004	[55.8%]	<u>60.5%</u>
51	2005	[51.3%]	<u>55.8%</u>
52	2006	[46.9%]	<u>51.3%</u>
53	2007	[42.6%]	<u>46.9%</u>
54	2008	[38.4%]	<u>42.6%</u>

1	2009	[34.4%]	<u>38.4%</u>
2	2010	[30.5%]	<u>34.4%</u>
3	2011	[26.7%]	<u>30.5%</u>
4	2012	[23.0%]	<u>26.7%</u>
5	2013	[19.4%]	<u>23.0%</u>
6	2014	[15.9%]	<u>19.4%</u>
7	2015	[12.6%]	<u>15.9%</u>
8	2016	[9.3%]	<u>12.6%</u>
9	2017	[6.1%]	<u>9.3%</u>
10	2018	[3.0%]	<u>6.1%</u>
11	2019	[0.0%]	<u>3.0%</u>
12	2020		<u>0.0%</u>

13 § 2. Subdivision c of section 361-a of the retirement and social secu-
 14 rity law, as amended by chapter 382 of the laws of 2019, is amended to
 15 read as follows:

16 c. Commencing July first, two thousand [~~nineteen~~] **twenty** the special
 17 accidental death benefit paid to a widow or widower or the deceased
 18 member's children under the age of eighteen or, if a student, under the
 19 age of twenty-three, if the widow or widower has died, shall be esca-
 20 lated by adding thereto an additional percentage of the salary of the
 21 deceased member, as increased pursuant to subdivision b of this section,
 22 in accordance with the following schedule:

23	calendar year of death		
24	of the deceased member	per centum	
25	1977 or prior	[246.1%]	<u>256.5%</u>
26	1978	[236%]	<u>246.1%</u>
27	1979	[226.2%]	<u>236%</u>
28	1980	[216.7%]	<u>226.2%</u>
29	1981	[207.5%]	<u>216.7%</u>
30	1982	[198.5%]	<u>207.5%</u>
31	1983	[189.8%]	<u>198.5%</u>
32	1984	[181.4%]	<u>189.8%</u>
33	1985	[173.2%]	<u>181.4%</u>
34	1986	[165.2%]	<u>173.2%</u>
35	1987	[157.5%]	<u>165.2%</u>
36	1988	[150.0%]	<u>157.5%</u>
37	1989	[142.7%]	<u>150.0%</u>
38	1990	[135.7%]	<u>142.7%</u>
39	1991	[128.8%]	<u>135.7%</u>
40	1992	[122.1%]	<u>128.8%</u>
41	1993	[115.7%]	<u>122.1%</u>
42	1994	[109.4%]	<u>115.7%</u>
43	1995	[103.3%]	<u>109.4%</u>
44	1996	[97.4%]	<u>103.3%</u>
45	1997	[91.6%]	<u>97.4%</u>
46	1998	[86.0%]	<u>91.6%</u>
47	1999	[80.6%]	<u>86.0%</u>
48	2000	[75.4%]	<u>80.6%</u>
49	2001	[70.2%]	<u>75.4%</u>
50	2002	[65.3%]	<u>70.2%</u>
51	2003	[60.5%]	<u>65.3%</u>
52	2004	[55.8%]	<u>60.5%</u>
53	2005	[51.3%]	<u>55.8%</u>
54	2006	[46.9%]	<u>51.3%</u>
55	2007	[42.6%]	<u>46.9%</u>
56	2008	[38.4%]	<u>42.6%</u>

1	2009	[34.4%]	<u>38.4%</u>
2	2010	[30.5%]	<u>34.4%</u>
3	2011	[26.7%]	<u>30.5%</u>
4	2012	[23.0%]	<u>26.7%</u>
5	2013	[19.4%]	<u>23.0%</u>
6	2014	[15.9%]	<u>19.4%</u>
7	2015	[12.6%]	<u>15.9%</u>
8	2016	[9.3%]	<u>12.6%</u>
9	2017	[6.1%]	<u>9.3%</u>
10	2018	[3.0%]	<u>6.1%</u>
11	2019	[0.0%]	<u>3.0%</u>
12	<u>2020</u>		<u>0.0%</u>

13 § 3. This act shall take effect July 1, 2020.

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

This bill would amend both the General Municipal Law and the Retirement and Social Security Law to increase the salary used in the computation of the special accidental death benefit by 3% in cases where the date of death was before 2020.

Insofar as this bill would amend the Retirement and Social Security Law, it is estimated that there would be an additional annual cost of approximately \$606,000 above the approximately \$13.6 million current annual cost of this benefit. This cost would be shared by the State of New York and all participating employers of the New York State and Local Police and Fire Retirement System.

Summary of relevant resources:

The membership data used in measuring the impact of the proposed change was the same as that used in the March 31, 2019 actuarial valuation. Distributions and other statistics can be found in the 2019 Report of the Actuary and the 2019 Comprehensive Annual Financial Report.

The actuarial assumptions and methods used are described in the 2015, 2016, 2017, 2018, and 2019 Annual Report to the Comptroller on Actuarial Assumptions, and the Codes, Rules and Regulations of the State of New York: Adult and Control.

The Market Assets and GASB Disclosures are found in the March 31, 2019 New York State and Local Retirement System Financial Statements and Supplementary Information.

I am a member of the American Academy of Actuaries and meet the Qualification Standards to render the actuarial opinion contained herein.

This fiscal note does not constitute a legal opinion on the viability of the proposed change nor is it intended to serve as a substitute for the professional judgment of an attorney.

This estimate, dated February 24, 2020, and intended for use only during the 2020 Legislative Session, is Fiscal Note No. 2020-57, prepared by the Actuary for the New York State and Local Retirement System.

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

SUMMARY OF BILL: This proposed legislation would amend General Municipal Law (GML) Section 208-f(c) to increase certain Special Accidental Death Benefits (SADB) for surviving spouses, dependent children, and certain other individuals (Eligible Beneficiaries) of former uniformed employees of the City of New York and the New York City Health and Hospitals Corporation, and for certain former employees of the Triborough Bridge and Tunnel Authority, who were members of certain New York City Pension Funds or Retirement Systems (NYCRS) and died as a natural

and proximate result of an accident sustained in the performance of duty.

Effective Date: July 1, 2020.

BACKGROUND: Under the GML, the basic SADB is defined as:

The salary of the deceased member at date of death (or, in certain instances, a greater salary based on a higher rank or other status) (Final Salary), less the following payments to an Eligible Beneficiary:

- * Any NYCERS death benefit as adjusted by any Supplementation or Cost-of-Living Adjustment (COLA),
- * Any Social Security death benefit, and
- * Any Workers' Compensation benefit.

The SADB is paid to the deceased member's surviving spouse, if alive. If the spouse is no longer alive, the SADB is paid to the deceased member's children until age eighteen or until age twenty-three if a student. If neither a spouse nor a dependent child is alive, the SADB may be paid to certain other individuals, if eligible, in accordance with certain laws related to the World Trade Center attack.

The GML also provides that the SADB is subject to escalation based on the calendar year in which the former member died. The SADB has traditionally been increased by a cumulative, incremental percentage of Final Salary based on the calendar year of the member's death.

IMPACT ON BENEFITS: With respect to the NYCERS, the proposed legislation would impact the SADB payable to certain survivors of members of the:

- * New York City Employees' Retirement System (NYCERS),
 - * New York City Police Pension Fund (POLICE), or
 - * New York City Fire Pension Fund (FIRE),
- and who were employed by one of the following employers in certain positions:
- * New York City Police Department - Uniformed Position,
 - * New York City Fire Department - Uniformed Position,
 - * New York City Department of Sanitation - Uniformed Position,
 - * New York City Housing Authority - Uniformed Position,
 - * New York City Transit Authority - Uniformed Position,
 - * New York City Department of Correction - Uniformed Position,
 - * New York City - Uniformed Position as Emergency Medical Technician (EMT),
 - * New York City Health and Hospitals Corporation - Uniformed Position as EMT, or
 - * Triborough Bridge and Tunnel Authority - Bridge and Tunnel Position.

Under the proposed legislation, effective July 1, 2020, an additional 3.0% of Final Salary would be applied to the SADB paid due to deaths occurring in each calendar year on and after 1977. The SADB for deaths occurring prior to 1977 would receive the same escalation as deaths occurring in 1977.

FINANCIAL IMPACT - PRESENT VALUES: Based on the Eligible Beneficiaries of deceased NYCERS members who would be impacted by this proposed legislation and the actuarial assumptions and methods described herein, the enactment of this proposed legislation would increase the Present Value of Future Benefits (PVFB) by approximately \$52.0 million.

FINANCIAL IMPACT - ANNUAL EMPLOYER CONTRIBUTIONS: As a result of the past four decades' practice of providing 3.0% COLAs on the SADB each year, and the likelihood that COLAs will continue to be granted in the future, the Actuary assumes that the SADB benefit will continue to increase 3.0% per year in the future in determining NYCERS employer contributions. Therefore, the costs of this proposed legislation have

already been accounted for and will not result in a further increase in employer contributions. There will, however, be a decrease in employer contributions if the proposed legislation is not enacted.

In accordance with Section 13-638.2(k-2) of the Administrative Code of the City of New York (ACCNYS), new Unfunded Accrued Liability to benefit changes are to be amortized as determined by the Actuary, but are generally amortized over the remaining working lifetime of those impacted by the benefit changes. However, since changes in the SADB COLA paid are not known in advance, the decrease in expected pension payments due to this legislation not passing would be treated as an actuarial gain. These actuarial gains would be amortized over a 15-year period (14 payments under the One-Year Lag Methodology (OYLM)) using level dollar payments. This would result in a decrease in NYCERS annual employer contributions of approximately \$6.2 million each year.

CONTRIBUTION TIMING: For the purposes of this Fiscal Note, it is assumed that the changes in the PVFB and annual employer contributions if this proposed legislation fails to pass, would be reflected for the first time in the Final June 30, 2021 actuarial valuations of NYCERS, POLICE, and FIRE. In accordance with the OYLM used to determine employer contributions, the decrease in employer contributions would first be reflected in Fiscal Year 2023.

CENSUS DATA: The estimates presented herein are based upon the census data for such Eligible Beneficiaries provided by NYCERS.

Retirement System	Number of Deceased Members with Eligible Survivors	Annual Accidental Death Benefit Prior to Proposed July 1, 2019 Increase (\$ Millions)
NYCERS	40	\$ 3.7
POLICE	426	48.6
FIRE	<u>643</u>	<u>77.3</u>
Total	1,109	\$129.6

ACTUARIAL ASSUMPTIONS AND METHODS: The changes in the PVFB and annual employer contributions presented herein have been calculated based on the actuarial assumptions and methods in effect for the June 30, 2019 (Lag) actuarial valuations used to determine the Preliminary Fiscal Year 2021 employer contributions of NYCERS, POLICE, and FIRE.

RISK AND UNCERTAINTY: The costs presented in this Fiscal Note depend highly on the realization of the actuarial assumptions used, as well as certain demographic characteristics of NYCERS, POLICE and FIRE and other exogenous factors such as investment, contribution, and other risks. If actual experience deviates from actuarial assumptions, the actual costs could differ from those presented herein. Costs are also dependent on the actuarial methods used, and therefore different actuarial methods could produce different results. Quantifying these risks is beyond the scope of this Fiscal Note.

Not measured in this Fiscal Note are the following:

* The initial, additional administrative costs of NYCERS, POLICE, and FIRE and other New York City agencies to implement the proposed legislation.

STATEMENT OF ACTUARIAL OPINION: I, Sherry S. Chan, am the Chief Actuary for, and independent of, the New York City Retirement Systems and Pension Funds. I am a Fellow of the Society of Actuaries, an Enrolled

Actuary under the Employee Retirement Income and Security Act of 1974, a Member of the American Academy of Actuaries, and a Fellow of the Conference of Consulting Actuaries. I meet the Qualification Standards of the American Academy of Actuaries to render the actuarial opinion contained herein. To the best of my knowledge, the results contained herein have been prepared in accordance with generally accepted actuarial principles and procedures and with the Actuarial Standards of Practice issued by the Actuarial Standards Board.

FISCAL NOTE IDENTIFICATION: This Fiscal Note 2020-16 dated March 18, 2020 was prepared by the Chief Actuary for the New York City Employees' Retirement System, the New York City Police Pension Fund, and New York City Fire Pension Fund. This estimate is intended for use only during the 2020 Legislative Session.

1 ITEM 000

2 Section 1. Section 2 of chapter 633 of the laws of 2006, amending the
3 public health law relating to the home based primary care for the elder-
4 ly demonstration project, as amended by chapter 124 of the laws of 2015,
5 is amended to read as follows:

6 § 2. This act shall take effect immediately and shall expire and be
7 deemed repealed January 1, [~~2021~~] 2026.

8 § 2. This act shall take effect immediately and shall be deemed to
9 have been in full force and effect on and after January 1, 2021.

10 ITEM PPP

11 Section 1. Section 3 of chapter 329 of the laws of 2015, amending the
12 vehicle and traffic law relating to the residential parking system in
13 the village of Dobbs Ferry in the county of Westchester, as amended by
14 chapter 240 of the laws of 2017, is amended to read as follows:

15 § 3. This act shall take effect on the sixtieth day after it shall
16 have become a law and shall expire on January 1, [~~2021~~] 2025 when upon
17 such date the provisions of this act shall be deemed repealed.

18 § 2. This act shall take effect immediately.

19 ITEM QQQ

20 Section 1. Section 3 of chapter 383 of the laws of 1991, relating to
21 the incorporation of the New York Zoological Society, as amended by
22 chapter 39 of the laws of 2015, is amended to read as follows:

23 § 3. This act shall take effect immediately, provided, however, that
24 section two of this act shall take effect [~~July 1~~] December 31, [~~2020~~]
25 2025.

26 § 2. This act shall take effect immediately.

27 ITEM RRR

28 Section 1. The opening paragraph of paragraph (a) of subdivision 1 of
29 section 489 of the real property tax law, as amended by chapter 72 of
30 the laws of 2019, is amended to read as follows:

31 Any city to which the multiple dwelling law is applicable, acting
32 through its local legislative body or other governing agency, is hereby
33 authorized and empowered, to and including January first, two thousand
34 [~~twenty~~] twenty-one, to adopt and amend local laws or ordinances provid-
35 ing that any increase in assessed valuation of real property shall be

1 exempt from taxation for local purposes, as provided herein, to the
2 extent such increase results from:

3 § 2. The closing paragraph of subparagraph 6 of paragraph (a) of
4 subdivision 1 of section 489 of the real property tax law, as amended by
5 chapter 72 of the laws of 2019, is amended to read as follows:

6 Such conversion, alterations or improvements shall be completed within
7 thirty months after the date on which same shall be started except that
8 such thirty month limitation shall not apply to conversions of residen-
9 tial units which are registered with the loft board in accordance with
10 article seven-C of the multiple dwelling law pursuant to subparagraph
11 one of this paragraph. Notwithstanding the foregoing, a sixty month
12 period for completion shall be available for alterations or improvements
13 undertaken by a housing development fund company organized pursuant to
14 article eleven of the private housing finance law, which are carried out
15 with the substantial assistance of grants, loans or subsidies from any
16 federal, state or local governmental agency or instrumentality or which
17 are carried out in a property transferred from such city if alterations
18 and improvements are completed within seven years after the date of
19 transfer. In addition, the local housing agency is hereby empowered to
20 grant an extension of the period of completion for any project carried
21 out with the substantial assistance of grants, loans or subsidies from
22 any federal, state or local governmental agency or instrumentality, if
23 such alterations or improvements are completed within sixty months from
24 commencement of construction. Provided, further, that such conversion,
25 alterations or improvements shall in any event be completed prior to
26 June thirtieth, two thousand [~~twenty~~] twenty-one. Exemption for conver-
27 sions, alterations or improvements pursuant to subparagraph one, two,
28 three or four of this paragraph shall continue for a period not to
29 exceed fourteen years and begin no sooner than the first quarterly tax
30 bill immediately following the completion of such conversion, alter-
31 ations or improvements. Exemption for alterations or improvements pursu-
32 ant to this subparagraph or subparagraph five of this paragraph shall
33 continue for a period not to exceed thirty-four years and shall begin no
34 sooner than the first quarterly tax bill immediately following the
35 completion of such alterations or improvements. Such exemption shall be
36 equal to the increase in the valuation which is subject to exemption in
37 full or proportionally under this subdivision for ten or thirty years,
38 whichever is applicable. After such period of time, the amount of such
39 exempted assessed valuation of such improvements shall be reduced by
40 twenty percent in each succeeding year until the assessed value of the
41 improvements are fully taxable. Provided, however, exemption for any
42 conversion, alterations or improvements which are aided by a loan or
43 grant under article eight, eight-A, eleven, twelve, fifteen or twenty-
44 two of the private housing finance law, section six hundred ninety-six-a
45 or section ninety-nine-h of the general municipal law, or section three
46 hundred twelve of the housing act of nineteen hundred sixty-four (42
47 U.S.C.A. 1452b), or the Cranston-Gonzalez national affordable housing
48 act (42 U.S.C.A. 12701 et. seq.), or started after July first, nineteen
49 hundred eighty-three by a housing development fund company organized
50 pursuant to article eleven of the private housing finance law which are
51 carried out with the substantial assistance of grants, loans or subsi-
52 dies from any federal, state or local governmental agency or instrumen-
53 tality or which are carried out in a property transferred from any city
54 and where alterations and improvements are completed within seven years
55 after the date of transfer may commence at the beginning of any tax
56 quarter subsequent to the start of such conversion, alterations or

1 improvements and prior to the completion of such conversion, alterations
2 or improvements.

3 § 3. This act shall take effect immediately.

4 ITEM SSS

5 Section 1. Section 3 of chapter 831 of the laws of 1981, amending the
6 labor law relating to fees and expenses in unemployment insurance
7 proceedings, as amended by chapter 257 of the laws of 2018, is amended
8 to read as follows:

9 § 3. This act shall take effect January 1, 1982, provided, however,
10 that paragraphs (a) and (c) of subdivision 3 of section 538 of the labor
11 law as added by section one of this act shall remain in full force and
12 effect until December 31, [~~2020~~] 2022.

13 § 2. This act shall take effect immediately.

14 ITEM TTT

15 Section 1. Paragraph 3 of subsection (c) of section 6302 of the insur-
16 ance law, as amended by chapter 438 of the laws of 2018, is amended to
17 read as follows:

18 (3) until [~~December thirty-first~~] June thirtieth, two thousand [~~twen-~~
19 ~~ty~~] twenty-three, a domestic property/casualty insurance company that
20 maintains at all times a surplus to policyholders of at least twice the
21 minimum surplus to policyholders required to be maintained for the kinds
22 of insurance that it is authorized to write in this state, or an insurer
23 licensed pursuant to article sixty-one of this chapter as a reciprocal
24 insurer that maintains at all times a surplus to policyholders of at
25 least the minimum surplus to policyholders required to be maintained for
26 the kinds of insurance that it is authorized to write in this state,
27 provided that the domestic property/casualty insurance company or recip-
28 rocal insurer: (A) has total direct premiums comprised of at least
29 ninety percent medical malpractice insurance; (B) assumes reinsurance
30 premiums in an amount that is less than five percent of total direct
31 premiums written; and (C) writes ninety percent of its total direct
32 premiums in this state.

33 § 2. This act shall take effect immediately.

34 ITEM UUU

35 Section 1. The opening paragraph of subparagraph (B) of paragraph 2 of
36 subdivision (b) of section 1402 of the tax law, as amended by chapter
37 272 of the laws of 2017, is amended to read as follows:

38 For purposes of this subdivision, the phrase "real estate investment
39 trust transfer" shall mean any conveyance of real property or an inter-
40 est therein to a REIT, or to a partnership or corporation in which a
41 REIT owns a controlling interest immediately following the conveyance,
42 which conveyance (I) occurs in connection with the initial formation of
43 the REIT, provided that the conditions set forth in clauses (i) and (ii)
44 of this subparagraph are satisfied, or (II) in the case of any real
45 estate investment trust transfer occurring on or after July thirteenth,
46 nineteen hundred ninety-six and before September first, two thousand
47 [~~twenty~~] twenty-three, is described in the last sentence of this subpar-
48 agraph.

1 § 2. Subparagraph 2 of paragraph (xi) of subdivision (b) of section
2 1201 of the tax law, as amended by chapter 272 of the laws of 2017, is
3 amended to read as follows:

4 (2) any issuance or transfer of an interest in a REIT, or in a part-
5 nership or corporation in which a REIT owns a controlling interest imme-
6 diately following the issuance or transfer, in connection with a trans-
7 action described in subparagraph one of this paragraph. Notwithstanding
8 the foregoing, a transaction described in the preceding sentence shall
9 not constitute a real estate investment trust transfer unless (A) it
10 occurs in connection with the initial formation of the REIT and the
11 conditions described in subparagraphs three and four of this paragraph
12 are satisfied, or (B) in the case of any real estate investment trust
13 transfer occurring on or after July thirteenth, nineteen hundred nine-
14 ty-six and before September first, two thousand [~~twenty~~] ~~twenty-three~~,
15 the transaction is described in subparagraph five of this paragraph in
16 which case the provisions of such subparagraph shall apply.

17 § 3. Subparagraph (B) of paragraph 2 of subdivision e of section
18 11-2102 of the administrative code of the city of New York, as amended
19 by chapter 272 of the laws of 2017, is amended to read as follows:

20 (B) any issuance or transfer of an interest in a REIT, or in a part-
21 nership or corporation in which a REIT owns a controlling interest imme-
22 diately following the issuance or transfer in connection with a trans-
23 action described in subparagraph (A) of this paragraph. Notwithstanding
24 the foregoing, a transaction described in the preceding sentence shall
25 not constitute a real estate investment trust transfer unless (i) it
26 occurs in connection with the initial formation of the REIT and the
27 conditions described in subparagraphs (C) and (D) of this paragraph are
28 satisfied, or (ii) in the case of any real estate investment trust
29 transfer occurring on or after July thirteenth, nineteen hundred nine-
30 ty-six and before September first, two thousand [~~twenty~~] ~~twenty-three~~,
31 the transaction is described in subparagraph (E) of this paragraph in
32 which case the provision of such subparagraph shall apply.

33 § 4. This act shall take effect immediately.

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

43 § 3. This act shall take effect immediately provided, however, that
44 the applicable effective date of Items A through UUU of this act shall
45 be as specifically set forth in the last section of such Items.

46

SUBPART C

47 Section 1. This Subpart enacts into law legislation providing for the
48 imposition of sales and compensating use taxes by certain municipi-
49 palities. Each component is wholly contained within an Item identified
50 as Items A through EEE. The effective date for each particular provision
51 contained within an Item is set forth in the last section of such Item.
52 Any provision of any section contained within an Item, including the
53 effective date of the Item, which makes reference to a section "of this
54 act", when used in connection with that particular component, shall be

1 deemed to mean and refer to the corresponding section of the Item in
2 which it is found. Section three of this Subpart sets forth the general
3 effective date of this Subpart.

4 ITEM A

5 Section 1. Clause 10 of subparagraph (i) of the opening paragraph of
6 section 1210 of the tax law, as amended by section 1 of subpart A of
7 part A of chapter 61 of the laws of 2017, is amended to read as follows:

8 (10) the county of Albany is hereby further authorized and empowered
9 to adopt and amend local laws, ordinances or resolutions imposing such
10 taxes at a rate which is one percent additional to the three percent
11 rate authorized above in this paragraph for such county for the period
12 beginning September first, nineteen hundred ninety-two and ending Novem-
13 ber thirtieth, two thousand [~~twenty~~] twenty-three;

14 § 2. Notwithstanding any inconsistent provision of law, if the county
15 of Albany imposes the additional one percent rate of sales and compen-
16 sating use taxes authorized by section one of this act for any portion
17 of the period during which the county is so authorized to impose such
18 additional one percent rate of such taxes, then such county of Albany
19 shall allocate and distribute quarterly to the cities and the area in
20 the county outside the cities the same proportion of net collections
21 attributable to such additional one percent rate of such taxes as such
22 county is allocating and distributing the net collections from the coun-
23 ty's three percent rate of such taxes as of the date this act shall have
24 become a law, and such portion of net collections attributable to such
25 additional one percent rate of such taxes shall be allocated and
26 distributed to the towns and villages in such county in the same manner
27 as the net collections attributable to such county's three percent rate
28 of such taxes are allocated and distributed to such towns and villages
29 as of the date this act shall have become a law. In the event that any
30 city in the county of Albany exercises its prior right to impose tax
31 pursuant to section 1224 of the tax law, then the county of Albany shall
32 not be required to allocate and distribute net collections in accordance
33 with the previous sentence for any period of time during which any such
34 city tax is in effect.

35 § 3. This act shall take effect immediately.

36 ITEM B

37 Section 1. Clause 8 of subparagraph (i) of the opening paragraph of
38 section 1210 of the tax law, as amended by section 1 of subpart B of
39 part A of chapter 61 of the laws of 2017, is amended to read as follows:

40 (8) the county of Allegany is hereby further authorized and empowered
41 to adopt and amend local laws, ordinances or resolutions imposing such
42 taxes at a rate which is: (i) one percent additional to the three
43 percent rate authorized above in this paragraph for such county for the
44 period beginning December first, nineteen hundred eighty-six and ending
45 November thirtieth, two thousand four; and (ii) one and one-half percent
46 additional to the three percent rate authorized above in this paragraph
47 for such county for the period beginning December first, two thousand
48 four and ending November thirtieth, two thousand [~~twenty~~] twenty-three;

49 § 2. This act shall take effect immediately.

50 ITEM C

1 Section 1. Clause 18 of subparagraph (i) of the opening paragraph of
2 section 1210 of the tax law, as amended by section 1 of subpart C of
3 part A of chapter 61 of the laws of 2017, is amended to read as follows:

4 (18) the county of Broome is hereby further authorized and empowered
5 to adopt and amend local laws, ordinances or resolutions imposing such
6 taxes at a rate which is one percent additional to the three percent
7 rate authorized above in this paragraph for such county for the period
8 beginning March first, nineteen hundred ninety-four, and ending November
9 thirtieth, two thousand [~~twenty~~] twenty-three;

10 § 2. This act shall take effect immediately.

11 ITEM D

12 Section 1. Clause 5 of subparagraph (i) of the opening paragraph of
13 section 1210 of the tax law, as amended by section 1 of subpart D of
14 part A of chapter 61 of the laws of 2017, is amended to read as follows:

15 (5) the county of Cattaraugus is hereby further authorized and
16 empowered to adopt and amend local laws, ordinances or resolutions
17 imposing such taxes at a rate which is one percent additional to the
18 three percent rate authorized above in this paragraph for such county
19 for the period beginning March first, nineteen hundred eighty-six and
20 ending November thirtieth, two thousand [~~twenty~~] twenty-three;

21 § 2. This act shall take effect immediately.

22 ITEM E

23 Section 1. Clause 9 of subparagraph (i) of the opening paragraph of
24 section 1210 of the tax law, as amended by section 1 of subpart E of
25 part A of chapter 61 of the laws of 2017, is amended to read as follows:

26 (9) the county of Cayuga is hereby further authorized and empowered to
27 adopt and amend local laws, ordinances or resolutions imposing such
28 taxes at a rate which is one percent additional to the three percent
29 rate authorized above in this paragraph for such county for the period
30 beginning September first, nineteen hundred ninety-two and ending Novem-
31 ber thirtieth, two thousand [~~twenty~~] twenty-three;

32 § 2. This act shall take effect immediately.

33 ITEM F

34 Section 1. Clause 38 of subparagraph (i) of the opening paragraph of
35 section 1210 of the tax law, as amended by section 1 of subpart F of
36 part A of chapter 61 of the laws of 2017, is amended to read as follows:

37 (38) the county of Chautauqua is hereby further authorized and
38 empowered to adopt and amend local laws, ordinances or resolutions
39 imposing such taxes at a rate that is: (i) one and one-quarter percent
40 additional to the three percent rate authorized above in this paragraph
41 for such county for the period beginning March first, two thousand five
42 and ending August thirty-first, two thousand six; (ii) one percent addi-
43 tional to the three percent rate authorized above in this paragraph for
44 such county for the period beginning September first, two thousand six
45 and ending November thirtieth, two thousand seven; (iii) three-quarters
46 of one percent additional to the three percent rate authorized above in
47 this paragraph for such county for the period beginning December first,
48 two thousand seven and ending November thirtieth, two thousand ten; (iv)
49 one-half of one percent additional to the three percent rate authorized
50 above in this paragraph for such county for the period beginning Decem-

1 ber first, two thousand ten and ending November thirtieth, two thousand
2 fifteen; and (v) one percent additional to the three percent rate
3 authorized above in this clause for such county for the period beginning
4 December first, two thousand fifteen and ending November thirtieth, two
5 thousand [~~twenty~~] ~~twenty-three~~;

6 § 2. Section 1262-o of the tax law, as amended by section 2 of subpart
7 F of part A of chapter 61 of the laws of 2017, is amended to read as
8 follows:

9 § 1262-o. Disposition of net collections from the additional rate of
10 sales and compensating use taxes in the county of Chautauqua. Notwith-
11 standing any contrary provision of law, if the county of Chautauqua
12 imposes the additional one and one-quarter percent rate of sales and
13 compensating use taxes authorized by section twelve hundred ten of this
14 article for all or any portion of the period beginning March first, two
15 thousand five and ending August thirty-first, two thousand six, the
16 additional one percent rate authorized by such section for all or any of
17 the period beginning September first, two thousand six and ending Novem-
18 ber thirtieth, two thousand seven, the additional three-quarters of one
19 percent rate authorized by such section for all or any of the period
20 beginning December first, two thousand seven and ending November thirti-
21 eth, two thousand ten, the county shall allocate one-fifth of the net
22 collections from the additional three-quarters of one percent to the
23 cities, towns and villages in the county on the basis of their respec-
24 tive populations, determined in accordance with the latest decennial
25 federal census or special population census taken pursuant to section
26 twenty of the general municipal law completed and published prior to the
27 end of the quarter for which the allocation is made, and allocate the
28 remainder of the net collections from the additional three-quarters of
29 one percent as follows: (1) to pay the county's expenses for Medicaid
30 and other expenses required by law; (2) to pay for local road and bridge
31 projects; (3) for the purposes of capital projects and repaying any
32 debts incurred for such capital projects in the county of Chautauqua
33 that are not otherwise paid for by revenue received from the mortgage
34 recording tax; and (4) for deposit into a reserve fund for bonded
35 indebtedness established pursuant to the general municipal law. Notwith-
36 standing any contrary provision of law, if the county of Chautauqua
37 imposes the additional one-half percent rate of sales and compensating
38 use taxes authorized by such section twelve hundred ten for all or any
39 of the period beginning December first, two thousand ten and ending
40 November thirtieth, two thousand fifteen, the county shall allocate
41 three-tenths of the net collections from the additional one-half of one
42 percent to the cities, towns and villages in the county on the basis of
43 their respective populations, determined in accordance with the latest
44 decennial federal census or special population census taken pursuant to
45 section twenty of the general municipal law completed and published
46 prior to the end of the quarter for which the allocation is made, and
47 allocate the remainder of the net collections from the additional one-
48 half of one percent as follows: (1) to pay the county's expenses for
49 Medicaid and other expenses required by law; (2) to pay for local road
50 and bridge projects; (3) for the purposes of capital projects and repay-
51 ing any debts incurred for such capital projects in the county of Chau-
52 tauqua that are not otherwise paid for by revenue received from the
53 mortgage recording tax; and (4) for deposit into a reserve fund for
54 bonded indebtedness established pursuant to the general municipal law.
55 Notwithstanding any contrary provision of law, if the county of Chautau-
56 qua imposes the additional one percent rate of sales and compensating

1 use taxes authorized by such section twelve hundred ten for all or any
2 of the period beginning December first, two thousand fifteen and ending
3 November thirtieth, two thousand [~~twenty~~] twenty-three, the county shall
4 allocate three-twentieths of the net collections from the additional one
5 percent to the cities, towns and villages in the county on the basis of
6 their respective populations, determined in accordance with the latest
7 decennial federal census or special population census taken pursuant to
8 section twenty of the general municipal law completed and published
9 prior to the end of the quarter for which the allocation is made, and
10 allocate the remainder of the net collections from the additional one
11 percent as follows: (1) to pay the county's expenses for Medicaid and
12 other expenses required by law; (2) to pay for local road and bridge
13 projects; (3) for the purposes of capital projects and repaying any
14 debts incurred for such capital projects in the county of Chautauqua
15 that are not otherwise paid for by revenue received from the mortgage
16 recording tax; and (4) for deposit into a reserve fund for bonded
17 indebtedness established pursuant to the general municipal law. The net
18 collections from the additional rates imposed pursuant to this section
19 shall be deposited in a special fund to be created by such county sepa-
20 rate and apart from any other funds and accounts of the county to be
21 used for purposes above described.

22 § 3. This act shall take effect immediately.

23

ITEM G

24 Section 1. Clause 27 of subparagraph (i) of the opening paragraph of
25 section 1210 of the tax law, as amended by section 1 of subpart G of
26 part A of chapter 61 of the laws of 2017, is amended to read as follows:

27 (27) the county of Chemung is hereby further authorized and empowered
28 to adopt and amend local laws, ordinances or resolutions imposing such
29 taxes at a rate which is one percent additional to the three percent
30 rate authorized above in this paragraph for such county for the period
31 beginning December first, two thousand two, and ending November thirti-
32 eth, two thousand [~~twenty~~] twenty-three;

33 § 2. This act shall take effect immediately.

34

ITEM H

35 Section 1. Clause 24 of subparagraph (i) of the opening paragraph of
36 section 1210 of the tax law, as amended by section 1 of subpart H of
37 part A of chapter 61 of the laws of 2017, is amended to read as follows:

38 (24) the county of Chenango is hereby further authorized and empowered
39 to adopt and amend local laws, ordinances or resolutions imposing such
40 taxes at a rate which is one percent additional to the three percent
41 rate authorized above in this paragraph for such county for the period
42 beginning September first, two thousand two, and ending November thirti-
43 eth, two thousand [~~twenty~~] twenty-three;

44 § 2. This act shall take effect immediately.

45

ITEM I

46 Section 1. Clause 36 of subparagraph (i) of the opening paragraph of
47 section 1210 of the tax law, as amended by section 1 of subpart I of
48 part A of chapter 61 of the laws of 2017, is amended to read as follows:

49 (36) the county of Clinton is hereby further authorized and empowered
50 to adopt and amend local laws, ordinances or resolutions imposing such

1 taxes at a rate which is one percent additional to the three percent
2 rate authorized above in this paragraph for such county for the period
3 beginning December first, two thousand seven, and ending November thir-
4 tieth, two thousand [~~twenty~~] twenty-three;

5 § 2. Subdivision (cc) of section 1224 of the tax law, as amended by
6 section 2 of subpart I of part A of chapter 61 of the laws of 2017, is
7 amended to read as follows:

8 (cc) The county of Clinton shall have the sole right to impose the
9 additional one percent rate of tax which such county is authorized to
10 impose pursuant to the authority of section twelve hundred ten of this
11 article. Such additional rate of tax shall be in addition to any other
12 tax which such county may impose or may be imposing pursuant to this
13 article or any other law and such additional rate of tax shall not be
14 subject to preemption. The maximum three percent rate referred to in
15 this section shall be calculated without reference to the additional one
16 percent rate of tax which the county of Clinton is authorized and
17 empowered to adopt pursuant to section twelve hundred ten of this arti-
18 cle. Net collections from any additional rate of sales and compensating
19 use taxes which the county may impose during the period commencing
20 December first, two thousand eleven, and ending November thirtieth, two
21 thousand [~~twenty~~] twenty-three, pursuant to the authority of section
22 twelve hundred ten of this article shall be used by the county solely
23 for county purposes and shall not be subject to any revenue distribution
24 agreement entered into pursuant to the authority of subdivision (c) of
25 section twelve hundred sixty-two of this article.

26 § 3. This act shall take effect immediately.

27 ITEM J

28 Section 1. Clause 21 of subparagraph (i) of the opening paragraph of
29 section 1210 of the tax law, as amended by section 1 of subpart J of
30 part A of chapter 61 of the laws of 2017, is amended to read as follows:

31 (21) the county of Columbia is hereby further authorized and empowered
32 to adopt and amend local laws, ordinances or resolutions imposing such
33 taxes at a rate which is one percent additional to the three percent
34 rate authorized above in this paragraph for such county for the period
35 beginning March first, nineteen hundred ninety-five, and ending November
36 thirtieth, two thousand [~~twenty~~] twenty-three;

37 § 2. This act shall take effect immediately.

38 ITEM K

39 Section 1. Clause 12 of subparagraph (i) of the opening paragraph of
40 section 1210 of the tax law, as amended by section 1 of subpart K of
41 part A of chapter 61 of the laws of 2017, is amended to read as follows:

42 (12) the county of Cortland is hereby further authorized and empowered
43 to adopt and amend local laws, ordinances, or resolutions imposing such
44 taxes at a rate which is one percent additional to the three percent
45 rate authorized above in this paragraph for such county for the period
46 beginning September first, nineteen hundred ninety-two and ending Novem-
47 ber thirtieth, two thousand [~~twenty~~] twenty-three;

48 § 2. This act shall take effect immediately.

49 ITEM L

1 Section 1. Clause 41 of subparagraph (i) of the opening paragraph of
2 section 1210 of the tax law, as amended by section 1 of subpart L of
3 part A of chapter 61 of the laws of 2017, is amended to read as follows:

4 (41) the county of Delaware is hereby further authorized and empowered
5 to adopt and amend local laws, ordinances or resolutions imposing such
6 taxes at a rate which is one percent additional to the three percent
7 rate authorized above in this paragraph for such county for the period
8 beginning September first, two thousand two, and ending November thirti-
9 eth, two thousand [~~twenty~~] twenty-three;

10 § 2. This act shall take effect immediately.

11 ITEM M

12 Section 1. Clause 29 of subparagraph (i) of the opening paragraph of
13 section 1210 of the tax law, as amended by section 1 of subpart M of
14 part A of chapter 61 of the laws of 2017, is amended to read as follows:

15 (29) the county of Dutchess is hereby further authorized and empowered
16 to adopt and amend local laws, ordinances or resolutions imposing such
17 taxes at a rate which is three-quarters of one percent additional to the
18 three percent rate authorized above in this paragraph for such county
19 for the period beginning March first, two thousand three, and ending
20 November thirtieth, two thousand [~~twenty~~] twenty-three,

21 § 2. This act shall take effect immediately.

22 ITEM N

23 Section 1. Clause 4 of subparagraph (i) of the opening paragraph of
24 section 1210 of the tax law, as amended by section 1 of subpart N of
25 part A of chapter 61 of the laws of 2017, is amended to read as follows:

26 (4) the county of Erie is hereby further authorized and empowered to
27 adopt and amend local laws, ordinances or resolutions imposing such
28 taxes (i) at a rate which is one percent additional to the three percent
29 rate authorized above in this paragraph for such county for the period
30 beginning January tenth, nineteen hundred eighty-eight and ending Novem-
31 ber thirtieth, two thousand [~~twenty~~] twenty-three; and (ii) at a rate
32 which is three-quarters of one percent additional to the three percent
33 rate authorized above in this paragraph, and which is also additional to
34 the one percent rate also authorized above in this clause for such coun-
35 ty, for the period beginning December first, two thousand eleven, and
36 ending November thirtieth, two thousand [~~twenty~~] twenty-three;

37 § 2. Subdivision 2 of section 1262-q of the tax law, as amended by
38 section 2 of subpart N of part A of chapter 61 of the laws of 2017, is
39 amended to read as follows:

40 (2) Net collections from the additional three-quarters of one percent
41 rate of sales and compensating use taxes which the county may impose
42 during the period commencing December first, two thousand eleven, and
43 ending November thirtieth, two thousand [~~twenty~~] twenty-three, pursuant
44 to the authority of item (ii) of clause (4) of subparagraph (i) of the
45 opening paragraph of section twelve hundred ten of this article shall be
46 used by the county solely for county purposes and shall not be subject
47 to any revenue distribution agreement the county entered into pursuant
48 to the authority of subdivision (c) of section twelve hundred sixty-two
49 of this part.

50 § 3. This act shall take effect immediately.

51 ITEM O

1 Section 1. Clause 36 of subparagraph (i) of the opening paragraph of
2 section 1210 of the tax law, as amended by section 1 of subpart O of
3 part A of chapter 61 of the laws of 2017, is amended to read as follows:

4 (36) the county of Essex is hereby further authorized and empowered to
5 adopt and amend local laws, ordinances or resolutions imposing such
6 taxes at a rate which is one percent additional to the three percent
7 rate authorized above in this paragraph for such county for the period
8 beginning December first, two thousand thirteen, and ending November
9 thirtieth, two thousand [~~twenty~~] twenty-three;

10 § 2. This act shall take effect immediately.

11 ITEM P

12 Section 1. Clause 40 of subparagraph (i) of the opening paragraph of
13 section 1210 of the tax law, as amended by section 1 of subpart P of
14 part A of chapter 61 of the laws of 2017, is amended to read as follows:

15 (40) the county of Franklin is hereby further authorized and empowered
16 to adopt and amend local laws, ordinances or resolutions imposing such
17 taxes at a rate that is one percent additional to the three percent rate
18 authorized above in this paragraph for such county for the period begin-
19 ning June first, two thousand six and ending November thirtieth, two
20 thousand [~~twenty~~] twenty-three;

21 § 2. This act shall take effect immediately.

22 ITEM Q

23 Section 1. Clause 39 of subparagraph (i) of the opening paragraph of
24 section 1210 of the tax law, as amended by section 1 of subpart Q of
25 part A of chapter 61 of the laws of 2017, is amended to read as follows:

26 (39) the county of Fulton is hereby further authorized and empowered
27 to adopt and amend local laws, ordinances or resolutions imposing such
28 taxes at a rate which is one percent additional to the three percent
29 rate authorized above in this paragraph for such county for the period
30 beginning September first, two thousand five, and ending November thir-
31 tieth, two thousand [~~twenty~~] twenty-three;

32 § 2. This act shall take effect immediately.

33 ITEM R

34 Section 1. Clause 20 of subparagraph (i) of the opening paragraph of
35 section 1210 of the tax law, as amended by section 1 of subpart R of
36 part A of chapter 61 of the laws of 2017, is amended to read as follows:

37 (20) the county of Genesee is hereby further authorized and empowered
38 to adopt and amend local laws, ordinances or resolutions imposing such
39 taxes at a rate which is one percent additional to the three percent
40 rate authorized above in this paragraph for such county for the period
41 beginning September first, nineteen hundred ninety-four, and ending
42 November thirtieth, two thousand [~~twenty~~] twenty-three;

43 § 2. Notwithstanding any other provision of law to the contrary, the
44 one percent increase in sales and compensating use taxes authorized for
45 the county of Genesee until November 30, 2023 pursuant to clause 20 of
46 subparagraph (i) of the opening paragraph of section 1210 of the tax
47 law, as amended by section one of this act, shall be divided in the same
48 manner and proportion as the existing three percent sales and compensat-
49 ing use taxes in such county are divided.

50 § 3. This act shall take effect immediately.

1

ITEM S

2 Section 1. Clause 15 of subparagraph (i) of the opening paragraph of
3 section 1210 of the tax law, as amended by section 1 of subpart S of
4 part A of chapter 61 of the laws of 2017, is amended to read as follows:

5 (15) the county of Greene is hereby further authorized and empowered
6 to adopt and amend local laws, ordinances or resolutions imposing such
7 taxes at a rate which is one percent additional to the three percent
8 rate authorized above in this paragraph for such county for the period
9 beginning March first, nineteen hundred ninety-three, and ending Novem-
10 ber thirtieth, two thousand [~~twenty~~] twenty-three;

11 § 2. This act shall take effect immediately.

12

ITEM T

13 Section 1. Clause 41 of subparagraph (i) of the opening paragraph of
14 section 1210 of the tax law, as added by section 1 of subpart T of part
15 A of chapter 61 of the laws of 2017, is amended to read as follows:

16 (41) The county of Hamilton is hereby further authorized and empowered
17 to adopt and amend local laws, ordinances or resolutions imposing such
18 taxes at a rate that is one percent additional to the three percent rate
19 authorized above in this paragraph for such county for the period begin-
20 ning December first, two thousand thirteen and ending November thirti-
21 eth, two thousand [~~twenty~~] twenty-three;

22 § 2. This act shall take effect immediately.

23

ITEM U

24 Section 1. Clause 19 of subparagraph (i) of the opening paragraph of
25 section 1210 of the tax law, as amended by section 1 of subpart U of
26 part A of chapter 61 of the laws of 2017, is amended to read as follows:

27 (19) the county of Herkimer is hereby further authorized and empowered
28 to adopt and amend local laws, ordinances or resolutions imposing such
29 taxes at a rate which is one percent additional to the three percent
30 rate authorized above in this paragraph for such county for the period
31 beginning September first, nineteen hundred ninety-four, and ending
32 November thirtieth, two thousand [~~twenty~~] twenty-three;

33 § 2. Section 1210-E of the tax law, as amended by section 2 of
34 subpart U of part A of chapter 61 of the laws of 2017, is amended to
35 read as follows:

36 § 1210-E. Sales and compensating use taxes within Herkimer county. In
37 addition to the taxes imposed by section twelve hundred ten of this
38 subpart or any other provision of law, the county of Herkimer is hereby
39 authorized and empowered to adopt and amend local laws, ordinances or
40 resolutions imposing within the territorial limits of such county addi-
41 tional sales and compensating use taxes at the rate of one-quarter of
42 one percent for the period beginning December first, two thousand seven
43 and ending November thirtieth, two thousand [~~twenty~~] twenty-three, which
44 taxes shall be identical to the taxes imposed by such county pursuant to
45 the authority of section twelve hundred ten of this subpart. Except as
46 hereinafter provided, all provisions of this article, including the
47 definition and exemption provisions and the provisions relating to the
48 administration, collection and distribution by the commissioner, shall
49 apply for purposes of the taxes authorized by this section in the same
50 manner and with the same force and effect as if the language of this
51 article had been incorporated in full in this section and had expressly

1 referred to the taxes authorized by this section; provided, however,
2 that any provision relating to a maximum rate shall be calculated with-
3 out reference to the rate of additional sales and compensating use taxes
4 herein authorized. For purposes of part IV of this article, relating to
5 the disposition of revenues resulting from taxes collected and adminis-
6 tered by the commissioner, the additional sales and compensating use
7 taxes authorized by this section imposed under the authority of section
8 twelve hundred ten of this subpart and all provisions relating to the
9 deposit, administration and disposition of taxes, penalties and interest
10 relating to taxes imposed by a county under the authority of section
11 twelve hundred ten of this subpart shall, except as otherwise provided
12 in this section, apply to the additional sales and compensating use
13 taxes authorized by this section.

14 § 3. Section 1262-s of the tax law, as amended by section 3 of
15 subpart U of part A of chapter 61 of the laws of 2017, is amended to
16 read as follows:

17 § 1262-s. Disposition of net collections from the additional one-quar-
18 ter of one percent rate of sales and compensating use taxes in the coun-
19 ty of Herkimer. Notwithstanding any contrary provision of law, if the
20 county of Herkimer imposes the additional one-quarter of one percent
21 rate of sales and compensating use taxes authorized by section twelve
22 hundred ten-E of this article for all or any portion of the period
23 beginning December first, two thousand seven and ending November thirti-
24 eth, two thousand [~~twenty~~ twenty-three, the county shall use all net
25 collections from such additional one-quarter of one percent rate to pay
26 the county's expenses for the construction of additional correctional
27 facilities. The net collections from the additional rate imposed pursu-
28 ant to section twelve hundred ten-E of this article shall be deposited
29 in a special fund to be created by such county separate and apart from
30 any other funds and accounts of the county. Any and all remaining net
31 collections from such additional tax, after the expenses of such
32 construction are paid, shall be deposited by the county of Herkimer in
33 the general fund of such county for any county purpose.

34 § 4. This act shall take effect immediately.

35 ITEM V

36 Section 1. Clause 37 of subparagraph (i) of the opening paragraph of
37 section 1210 of the tax law, as amended by section 1 of subpart V of
38 part A of chapter 61 of the laws of 2017, is amended to read as follows:

39 (37) the county of Jefferson is hereby further authorized and
40 empowered to adopt and amend local laws, ordinances or resolutions
41 imposing such taxes at a rate which is one percent additional to the
42 three percent rate authorized above in this paragraph for such county
43 for the period beginning December first, two thousand fifteen, and
44 ending November thirtieth, two thousand [~~twenty~~ twenty-three;

45 § 2. This act shall take effect immediately.

46 ITEM W

47 Section 1. Clause 36 of subparagraph (i) of the opening paragraph of
48 section 1210 of the tax law, as amended by section 1 of subpart W of
49 part A of chapter 61 of the laws of 2017, is amended to read as follows:

50 (36) the county of Lewis is hereby further authorized and empowered to
51 adopt and amend local laws, ordinances or resolutions imposing such
52 taxes at a rate that is one percent additional to the three percent rate

1 authorized above in this paragraph for such county for the period begin-
2 ning June first, two thousand four, and ending November thirtieth, two
3 thousand [~~twenty~~] twenty-three;
4 § 2. This act shall take effect immediately.

5 ITEM X

6 Section 1. Clause 32 of subparagraph (i) of the opening paragraph of
7 section 1210 of the tax law, as amended by section 1 of subpart X of
8 part A of chapter 61 of the laws of 2017, is amended to read as follows:

9 (32) the county of Livingston is hereby further authorized and
10 empowered to adopt and amend local laws, ordinances or resolutions
11 imposing such taxes at a rate which is one percent additional to the
12 three percent rate authorized above in this paragraph for such county
13 for the period beginning June first, two thousand three, and ending
14 November thirtieth, two thousand [~~twenty~~] twenty-three;

15 § 2. Section 1262-p of the tax law, as amended by section 2 of subpart
16 X of part A of chapter 61 of the laws of 2017, is amended to read as
17 follows:

18 § 1262-p. Disposition of net collections from the additional one
19 percent rate of sales and compensating use taxes in the county of
20 Livingston. Notwithstanding any contrary provision of law, if the coun-
21 ty of Livingston imposes the additional one percent rate of sales and
22 compensating use taxes authorized by section twelve hundred ten of this
23 article for all or any portion of the period beginning June first, two
24 thousand three and ending November thirtieth, two thousand [~~twenty~~]
25 twenty-three, the county shall use all net collections from such addi-
26 tional one percent rate to pay the county's expenses for Medicaid. The
27 net collections from the additional one percent rate imposed pursuant to
28 this section shall be deposited in a special fund to be created by such
29 county separate and apart from any other funds and accounts of the coun-
30 ty. Any and all remaining net collections from such additional one
31 percent tax, after the Medicaid expenses are paid, shall be deposited by
32 the county of Livingston in the general fund of such county for any
33 county purpose.

34 § 3. This act shall take effect immediately.

35 ITEM Y

36 Section 1. Clause 35 of subparagraph (i) of the opening paragraph of
37 section 1210 of the tax law, as amended by section 1 of subpart Y of
38 part A of chapter 61 of the laws of 2017, is amended to read as follows:

39 (35) the county of Madison is hereby further authorized and empowered
40 to adopt and amend local laws, ordinances or resolutions imposing such
41 taxes at a rate which is one percent additional to the three percent
42 rate authorized above in this paragraph for such county for the period
43 beginning June first, two thousand four, and ending November thirtieth,
44 two thousand [~~twenty~~] twenty-three;

45 § 2. This act shall take effect immediately.

46 ITEM Z

47 Section 1. Clause 25 of subparagraph (i) of the opening paragraph of
48 section 1210 of the tax law, as amended by section 1 of subpart Z of
49 part A of chapter 61 of the laws of 2017, is amended to read as follows:

1 (25) the county of Monroe is hereby further authorized and empowered
2 to adopt and amend local laws, ordinances or resolutions imposing such
3 taxes at a rate which is one percent additional to the three percent
4 rate authorized above in this paragraph for the period beginning Decem-
5 ber first, nineteen hundred ninety-three and ending November thirtieth,
6 two thousand [~~twenty~~] ~~twenty-three~~;

7 § 2. Notwithstanding the provisions of subdivisions (b) and (c) of
8 section 1262 and section 1262-g of the tax law, net collections, as such
9 term is defined in section 1262 of the tax law, derived from the imposi-
10 tion of sales and compensating use taxes by the county of Monroe at the
11 additional rate of one percent as authorized pursuant to clause (25) of
12 subparagraph (i) of the opening paragraph of section 1210 of the tax
13 law, as amended by section one of this act, which are in addition to the
14 current net collections derived from the imposition of such taxes at the
15 three percent rate authorized by the opening paragraph of section 1210
16 of the tax law, shall be distributed and allocated as follows: for the
17 period of December 1, 2020 through November 30, 2023 in cash, five
18 percent to the school districts in the area of the county outside the
19 city of Rochester, three percent to the towns located within the county,
20 one and one-quarter percent to the villages located within the county,
21 and ninety and three-quarters percent to the city of Rochester and coun-
22 ty of Monroe. The amount of the ninety and three-quarters percent to be
23 distributed and allocated to the city of Rochester and county of Monroe
24 shall be distributed and allocated to each so that the combined total
25 distribution and allocation to each from the sales tax revenues pursuant
26 to sections 1262 and 1262-g of the tax law and this section shall result
27 in the same total amount being distributed and allocated to the city of
28 Rochester and county of Monroe. The amount so distributed and allocated
29 to the county shall be used for county purposes. The foregoing cash
30 payments to the school districts shall be allocated on the basis of the
31 enrolled public school pupils, thereof, as such term is used in subdivi-
32 sion (b) of section 1262 of the tax law, residing in the county of
33 Monroe. The cash payments to the towns located within the county of
34 Monroe shall be allocated on the basis of the ratio which the population
35 of each town, exclusive of the population of any village or portion
36 thereof located within a town, bears to the total population of the
37 towns, exclusive of the population of the villages located within such
38 towns. The cash payments to the villages located within the county shall
39 be allocated on the basis of the ratio which the population of each
40 village bears to the total population of the villages located within the
41 county. The term population as used in this section shall have the same
42 meaning as used in subdivision (b) of section 1262 of the tax law.

43 § 3. The net collections resulting from the additional sales and
44 compensating use taxes, as authorized by this act, shall not be included
45 in determining a sales tax increase or decrease as defined in paragraphs
46 (c) and (d) of subdivision 1 of section 1262-g of the tax law.

47 § 4. Severability. If any clause, sentence, paragraph, or item of this
48 subpart shall be adjudged by any court of competent jurisdiction to be
49 invalid, such judgment shall not affect, impair or invalidate the
50 remainder thereof, but shall be confined in its operation to the clause,
51 sentence, paragraph, section or item thereof directly involved in the
52 controversy in which such judgment shall have been rendered.

53 § 5. This act shall take effect immediately.

1 Section 1. Clause 31 of subparagraph (i) of the opening paragraph of
2 section 1210 of the tax law, as amended by section 1 of subpart AA of
3 part A of chapter 61 of the laws of 2017, is amended to read as follows:

4 (31) the county of Montgomery is hereby further authorized and
5 empowered to adopt and amend local laws, ordinances or resolutions
6 imposing such taxes at a rate which is one percent additional to the
7 three percent rate authorized above in this paragraph for such county
8 for the period beginning June first, two thousand three, and ending
9 November thirtieth, two thousand [~~twenty~~] twenty-three;

10 § 2. This act shall take effect immediately.

11 ITEM BB

12 Section 1. Clause 2 of subparagraph (i) of the opening paragraph of
13 section 1210 of the tax law, as amended by section 1 of subpart BB of
14 part A of chapter 61 of the laws of 2017, is amended to read as follows:

15 (2) the county of Nassau is hereby further authorized and empowered to
16 adopt and amend local laws, ordinances or resolutions imposing such
17 taxes at a rate which is three-quarters percent additional to the three
18 percent rate authorized above in this paragraph for such county for the
19 period beginning January first, nineteen hundred eighty-six and ending
20 November thirtieth, two thousand [~~twenty~~] twenty-three, subject to the
21 limitation set forth in section twelve hundred sixty-two-e of this arti-
22 cle, and also at a rate which is one-half percent additional to the
23 three percent rate authorized above in this paragraph, and which is also
24 additional to the three-quarters percent rate also authorized above in
25 this clause for such county, for the period beginning September first,
26 nineteen hundred ninety-one and ending November thirtieth, two thousand
27 [~~twenty~~] twenty-three;

28 § 2. Section 1262-e of the tax law, as amended by section 2 of subpart
29 BB of part A of chapter 61 of the laws of 2017, is amended to read as
30 follows:

31 § 1262-e. Establishment of local government assistance programs in
32 Nassau county. 1. Towns and cities. Notwithstanding any other provision
33 of law to the contrary, for the calendar year beginning on January
34 first, nineteen hundred ninety-eight and continuing through the calendar
35 year beginning on January first, two thousand [~~twenty~~] twenty-three, the
36 county of Nassau shall enact and establish a local government assistance
37 program for the towns and cities within such county to assist such towns
38 and cities to minimize real property taxes; defray the cost and expense
39 of the treatment, collection, management, disposal, and transportation
40 of municipal solid waste, and to comply with the provisions of chapter
41 two hundred ninety-nine of the laws of nineteen hundred eighty-three;
42 and defray the cost of maintaining conservation and environmental
43 control programs. Such special assistance program for the towns and
44 cities within such county and the funding for such program shall equal
45 one-third of the revenues received by such county from the imposition of
46 the three-quarters percent sales and use tax during calendar years two
47 thousand one, two thousand two, two thousand three, two thousand four,
48 two thousand five, two thousand six, two thousand seven, two thousand
49 eight, two thousand nine, two thousand ten, two thousand eleven, two
50 thousand twelve, two thousand thirteen, two thousand fourteen, two thou-
51 sand fifteen, two thousand sixteen, [~~7~~] two thousand seventeen, two thou-
52 sand eighteen, two thousand nineteen [~~and~~], two thousand twenty, two
53 thousand twenty-one, two thousand twenty-two and two thousand twenty-
54 three additional to the regular three percent rate authorized for such

1 county in section twelve hundred ten of this article. The monies for
2 such special local assistance shall be paid and distributed to the towns
3 and cities on a per capita basis using the population figures in the
4 latest decennial federal census. Provided further, that notwithstanding
5 any other law to the contrary, the establishment of such special assist-
6 ance program shall preclude any city or town within such county from
7 preempting or claiming under any other section of this chapter the
8 revenues derived from the additional tax authorized by section twelve
9 hundred ten of this article. Provided further, that any such town or
10 towns may, by resolution of the town board, apportion all or a part of
11 monies received in such special assistance program to an improvement
12 district or special district account within such town or towns in order
13 to accomplish the purposes of this special assistance program.

14 2. Villages. Notwithstanding any other provision of law to the contra-
15 ry, for the calendar year beginning on January first, nineteen hundred
16 ninety-eight and continuing through the calendar year beginning on Janu-
17 ary first, two thousand [~~twenty~~] twenty-three, the county of Nassau, by
18 local law, is hereby empowered to enact and establish a local government
19 assistance program for the villages within such county to assist such
20 villages to minimize real property taxes; defray the cost and expense of
21 the treatment, collection, management, disposal, and transportation of
22 municipal solid waste; and defray the cost of maintaining conservation
23 and environmental control programs. The funding of such local assistance
24 program for the villages within such county may be provided by Nassau
25 county during any calendar year in which such village local assistance
26 program is in effect and shall not exceed one-sixth of the revenues
27 received from the imposition of the three-quarters percent sales and use
28 tax that are remaining after the towns and cities have received their
29 funding pursuant to the provisions of subdivision one of this section.
30 The funding for such village local assistance program shall be paid and
31 distributed to the villages on a per capita basis using the population
32 figures in the latest decennial federal census. Provided further, that
33 the establishment of such village local assistance program shall
34 preclude any village within such county from preempting or claiming
35 under any other section of this chapter the revenues derived from the
36 additional tax authorized by section twelve hundred ten of this article.

37 § 3. This act shall take effect immediately.

38

ITEM CC

39 Section 1. Clause 29 of subparagraph (i) of the opening paragraph of
40 section 1210 of the tax law, as amended by section 1 of subpart CC of
41 part A of chapter 61 of the laws of 2017, is amended to read as follows:

42 (29) the county of Niagara is hereby further authorized and empowered
43 to adopt and amend local laws, ordinances or resolutions imposing such
44 taxes at a rate which is one percent additional to the three percent
45 rate authorized above in this paragraph for such county for the period
46 beginning March first, two thousand three, and ending November thirti-
47 eth, two thousand [~~twenty~~] twenty-three;

48 § 2. Section 1262-n of the tax law, as amended section 2 of subpart CC
49 of part A of chapter 61 of the laws of 2017, is amended to read as
50 follows:

51 § 1262-n. Disposition of net collections from the additional one
52 percent rate of sales and compensating use taxes in the county of
53 Niagara. Notwithstanding any contrary provision of law, if the county
54 of Niagara imposes the additional one percent rate of sales and compen-

1 sating use taxes authorized by section twelve hundred ten of this arti-
2 cle for all or any portion of the period beginning March first, two
3 thousand three and ending November thirtieth, two thousand [~~twenty~~]
4 ~~twenty-three~~, the county shall use all net collections from such addi-
5 tional one percent rate to pay the county's expenses for Medicaid. The
6 net collections from the additional one percent rate imposed pursuant to
7 this section shall be deposited in a special fund to be created by such
8 county separate and apart from any other funds and accounts of the coun-
9 ty. Any and all remaining net collections from such additional one
10 percent tax, after the Medicaid expenses are paid, shall be deposited by
11 the county of Niagara in the general fund of such county for any county
12 purpose.

13 § 3. This act shall take effect immediately.

14

ITEM DD

15 Section 1. Clause 13 of subparagraph (i) of the opening paragraph of
16 section 1210 of the tax law, as amended by section 1 of subpart DD of
17 part A of chapter 61 of the laws of 2017, is amended to read as follows:

18 (13) the county of Oneida is hereby further authorized and empowered
19 to adopt and amend local laws, ordinances or resolutions imposing such
20 taxes at a rate which is: (i) one percent additional to the three
21 percent rate authorized above in this paragraph for such county for the
22 period beginning September first, nineteen hundred ninety-two and ending
23 November thirtieth, two thousand [~~twenty~~ ~~twenty-three~~; and also (ii) at
24 a rate which is three-quarters of one percent or one-half of one percent
25 additional to the three percent rate authorized above in this paragraph,
26 and which is also additional to the one percent rate also authorized
27 above in this clause for such county, for the period beginning December
28 first, two thousand eight and ending November thirtieth, two thousand
29 [~~twenty~~ ~~twenty-three~~;

30 § 2. Section 1262-g of the tax law, as amended by section 2 of subpart
31 DD of part A of chapter 61 of the laws of 2017, is amended to read as
32 follows:

33 § 1262-g. Oneida county allocation and distribution of net collections
34 from the additional one percent rate of sales and compensating use
35 taxes. Notwithstanding any contrary provision of law, if the county of
36 Oneida imposes sales and compensating use taxes at a rate which is one
37 percent additional to the three percent rate authorized by section
38 twelve hundred ten of this article, as authorized by such section, (a)
39 where a city in such county imposes tax pursuant to the authority of
40 subdivision (a) of such section twelve hundred ten, such county shall
41 allocate, distribute and pay in cash quarterly to such city one-half of
42 the net collections attributable to such additional one percent rate of
43 the county's taxes collected in such city's boundaries; (b) where a city
44 in such county does not impose tax pursuant to the authority of such
45 subdivision (a) of such section twelve hundred ten, such county shall
46 allocate, distribute and pay in cash quarterly to such city not so
47 imposing tax a portion of the net collections attributable to one-half
48 of the county's additional one percent rate of tax calculated on the
49 basis of the ratio which such city's population bears to the county's
50 total population, such populations as determined in accordance with the
51 latest decennial federal census or special population census taken
52 pursuant to section twenty of the general municipal law completed and
53 published prior to the end of the quarter for which the allocation is
54 made, which special census must include the entire area of the county;

1 and (c) provided, however, that such county shall dedicate the first one
2 million five hundred thousand dollars of net collections attributable to
3 such additional one percent rate of tax received by such county after
4 the county receives in the aggregate eighteen million five hundred thou-
5 sand dollars of net collections from such additional one percent rate of
6 tax imposed for any of the periods: September first, two thousand twelve
7 through August thirty-first, two thousand thirteen; September first, two
8 thousand thirteen through August thirty-first, two thousand fourteen;
9 and September first, two thousand fourteen through August thirty-first,
10 two thousand fifteen; September first, two thousand fifteen through
11 August thirty-first, two thousand sixteen; and September first, two
12 thousand sixteen through August thirty-first, two thousand seventeen;
13 September first, two thousand seventeen through August thirty-first, two
14 thousand eighteen; [~~and~~] September first, two thousand eighteen through
15 August thirty-first, two thousand twenty; and September first, two thou-
16 sand twenty through August thirty-first, two thousand twenty-three, to
17 an allocation on a per capita basis, utilizing figures from the latest
18 decennial federal census or special population census taken pursuant to
19 section twenty of the general municipal law, completed and published
20 prior to the end of the year for which such allocation is made, which
21 special census must include the entire area of such county, to be allo-
22 cated and distributed among the towns of Oneida county by appropriation
23 of its board of legislators; provided, further, that nothing herein
24 shall require such board of legislators to make any such appropriation
25 until it has been notified by any town by appropriate resolution and, in
26 any case where there is a village wholly or partly located within a
27 town, a resolution of every such village, embodying the agreement of
28 such town and village or villages upon the amount of such appropriation
29 to be distributed to such village or villages out of the allocation to
30 the town or towns in which it is located.
31 § 3. This act shall take effect immediately.

32

ITEM EE

33 Section 1. Clause 37 of subparagraph (i) of the opening paragraph of
34 section 1210 of the tax law, as amended by section 1 of subpart EE of
35 part A of chapter 61 of the laws of 2017, is amended to read as follows:

36 (37) the county of Onondaga is hereby further authorized and empowered
37 to adopt and amend local laws, ordinances or resolutions imposing such
38 taxes at a rate that is one percent additional to the three percent rate
39 authorized above in this paragraph for such county for the period begin-
40 ning September first, two thousand four, and ending November thirtieth,
41 two thousand [~~twenty~~] twenty-three;

42 § 2. Notwithstanding any contrary provision of law, net collections
43 from the additional one percent rate of sales and compensating use taxes
44 which may be imposed by the county of Onondaga during the period
45 commencing December 1, 2020 and ending November 30, 2021, pursuant to
46 the authority of section 1210 of the tax law, shall not be subject to
47 any revenue distribution agreement entered into under subdivision (c) of
48 section 1262 of the tax law, but shall be allocated and distributed or
49 paid, at least quarterly, as follows: (i) 1.58% to the county of Ononda-
50 ga for any county purpose; (ii) 97.79% to the city of Syracuse; and
51 (iii) .63% to the school districts in accordance with subdivision (a) of
52 section 1262 of the tax law.

53 § 3. Notwithstanding any contrary provision of law, net collections
54 from the additional one percent rate of sales and compensating use taxes

1 which may be imposed by the county of Onondaga during the period
2 commencing December 1, 2021 and ending November 30, 2022, pursuant to
3 the authority of section 1210 of the tax law, shall not be subject to
4 any revenue distribution agreement entered into under subdivision (c) of
5 section 1262 of the tax law, but shall be allocated and distributed or
6 paid, at least quarterly, as follows: (i) 1.58% to the county of Ononda-
7 ga for any county purpose; (ii) 97.79% to the city of Syracuse; and
8 (iii) .63% to the school districts in accordance with subdivision (a) of
9 section 1262 of the tax law.

10 § 4. Notwithstanding any contrary provision of law, net collections
11 from the additional one percent rate of sales and compensating use taxes
12 which may be imposed by the county of Onondaga during the period
13 commencing December 1, 2022 and ending November 30, 2023, pursuant to
14 the authority of section 1210 of the tax law, shall not be subject to
15 any revenue distribution agreement entered into under subdivision (c) of
16 section 1262 of the tax law, but shall be allocated and distributed or
17 paid, at least quarterly, as follows: (i) 1.58% to the county of Ononda-
18 ga for any county purpose; (ii) 97.79% to the city of Syracuse; and
19 (iii) .63% to the school districts in accordance with subdivision (a) of
20 section 1262 of the tax law.

21 § 5. This act shall take effect immediately.

22

ITEM FF

23 Section 1. Clause 40 of subparagraph (i) of the opening paragraph of
24 section 1210 of the tax law, as amended by section 1 of subpart FF of
25 part A of chapter 61 of the laws of 2017, is amended to read as follows:

26 (40) the county of Ontario is hereby further authorized and empowered
27 to adopt and amend local laws, ordinances or resolutions imposing such
28 taxes at a rate that is: (A) one-eighth of one percent additional to the
29 three percent rate authorized above in this paragraph for such county
30 for the period beginning June first, two thousand six and ending Novem-
31 ber thirtieth, two thousand [~~twenty~~] twenty-three; and also (B) at a
32 rate that is three-eighths of one percent additional to the three
33 percent rate authorized above in this paragraph, and that is also addi-
34 tional to the one-eighth of one percent rate authorized in this clause
35 for such county, for the period beginning September first, two thousand
36 nine and ending November thirtieth, two thousand [~~twenty~~] twenty-three;

37 § 2. This act shall take effect immediately.

38

ITEM GG

39 Section 1. Clause 35 of subparagraph (i) of the opening paragraph of
40 section 1210 of the tax law, as amended by section 1 of subpart GG of
41 part A of chapter 61 of the laws of 2017, is amended to read as follows:

42 (35) the county of Orange is hereby further authorized and empowered
43 to adopt and amend local laws, ordinances or resolutions imposing such
44 taxes at a rate which is three-quarters of one percent additional to the
45 three percent rate authorized above in this paragraph for such county
46 for the period beginning June first, two thousand four, and ending
47 November thirtieth, two thousand [~~twenty~~] twenty-three;

48 § 2. Notwithstanding subdivision (c) of section 1262 of the tax law,
49 net collections from any additional rate of sales and compensating use
50 taxes which may be imposed by the county of Orange during the period
51 commencing December 1, 2020, and ending November 30, 2023, pursuant to
52 the authority of section 1210 of the tax law, shall be paid to the coun-

1 ty of Orange and shall be used by such county solely for county purposes
2 and shall not be subject to any revenue distribution agreement entered
3 into pursuant to the authority of subdivision (c) of section 1262 of the
4 tax law.

5 § 3. This act shall take effect immediately.

6 ITEM HH

7 Section 1. Clause 16 of subparagraph (i) of the opening paragraph of
8 section 1210 of the tax law, as amended by section 1 of subpart HH of
9 part A of chapter 61 of the laws of 2017, is amended to read as follows:

10 (16) the county of Orleans is hereby further authorized and empowered
11 to adopt and amend local laws, ordinances or resolutions imposing such
12 taxes at a rate which is one percent additional to the three percent
13 rate authorized above in this paragraph for such county for the period
14 beginning June first, nineteen hundred ninety-three, and ending November
15 thirtieth, two thousand [~~twenty~~] twenty-three;

16 § 2. This act shall take effect immediately.

17 ITEM II

18 Section 1. Clause 36 of subparagraph (i) of the opening paragraph of
19 section 1210 of the tax law, as amended by section 1 of subpart II of
20 part A of chapter 61 of the laws of 2017, is amended to read as follows:

21 (36) the county of Oswego is hereby further authorized and empowered
22 to adopt and amend local laws, ordinances or resolutions imposing such
23 taxes at a rate which is one percent additional to the three percent
24 rate authorized above in this paragraph for such county for the period
25 beginning September first, two thousand four, and ending November thir-
26 tieth, two thousand [~~twenty~~] twenty-three;

27 § 2. This act shall take effect immediately.

28 ITEM JJ

29 Section 1. Clause 34 of subparagraph (i) of the opening paragraph of
30 section 1210 of the tax law, as amended by section 1 of subpart JJ of
31 part A of chapter 61 of the laws of 2017, is amended to read as follows:

32 (34) the county of Otsego is hereby further authorized and empowered
33 to adopt and amend local laws, ordinances or resolutions imposing such
34 taxes at a rate which is one percent additional to the three percent
35 rate authorized above in this paragraph for such county for the period
36 beginning December first, two thousand three, and ending November thir-
37 tieth, two thousand [~~twenty~~] twenty-three;

38 § 2. This act shall take effect immediately.

39 ITEM KK

40 Section 1. Clause 39 of subparagraph (i) of the opening paragraph of
41 section 1210 of the tax law, as amended by section 1 of subpart KK of
42 part A of chapter 61 of the laws of 2017, is amended to read as follows:

43 (39) the county of Putnam is hereby further authorized and empowered
44 to adopt and amend local laws, ordinances or resolutions imposing such
45 taxes at a rate that is: (i) one-half of one percent additional to the
46 three percent rate authorized above in this paragraph for such county
47 for the period beginning September first, two thousand five and ending
48 August thirty-first, two thousand seven; and (ii) one percent additional

1 to the three percent rate authorized above in this paragraph for such
2 county for the period beginning September first, two thousand seven and
3 ending November thirtieth, two thousand [~~twenty~~] twenty-three;
4 § 2. This act shall take effect immediately.

5 ITEM LL

6 Section 1. Clause 3 of subparagraph (i) of the opening paragraph of
7 section 1210 of the tax law, as amended by section 1 of subpart LL of
8 part A of chapter 61 of the laws of 2017, is amended to read as follows:
9 (3) the county of Rensselaer is hereby further authorized and
10 empowered to adopt and amend local laws, ordinances or resolutions
11 imposing such taxes at a rate which is one percent additional to the
12 three percent rate authorized above in this paragraph for such county
13 for the period beginning September first, nineteen hundred ninety-four
14 and ending November thirtieth, two thousand [~~twenty~~] twenty-three;
15 § 2. This act shall take effect immediately.

16 ITEM MM

17 Section 1. Clause 23 of subparagraph (i) of the opening paragraph of
18 section 1210 of the tax law, as amended by section 1 of subpart MM of
19 part A of chapter 61 of the laws of 2017, is amended to read as follows:
20 (23) the county of Rockland is hereby further authorized and empowered
21 to adopt and amend local laws, ordinances or resolutions imposing such
22 taxes at a rate which is: (i) five-eighths of one percent additional to
23 the three percent rate authorized above in this paragraph for such coun-
24 ty for the period beginning March first, two thousand two, and ending
25 November thirtieth, two thousand [~~twenty~~] twenty-three; and also (ii) at
26 a rate which is three-eighths of one percent additional to the three
27 percent rate authorized above in this paragraph, and which is also addi-
28 tional to the five-eighths of one percent rate also authorized above in
29 this clause for such county, for the period beginning March first, two
30 thousand seven and ending November thirtieth, two thousand [~~twenty~~]
31 twenty-three;
32 § 2. Section 1262-1 of the tax law, as amended by section 2 of subpart
33 MM of part A of chapter 61 of the laws of 2017, is amended to read as
34 follows:
35 § 1262-1. Allocation and distribution of net collections from the
36 additional rate of sales and compensating use tax in Rockland county. 1.
37 Notwithstanding any provision of law to the contrary, if the county of
38 Rockland imposes the additional five-eighths of one percent rate of tax
39 authorized by section twelve hundred ten of this article during the
40 period beginning March first, two thousand two, and ending November
41 thirtieth, two thousand [~~twenty~~] twenty-three, such county shall allo-
42 cate and distribute twenty percent of the net collections from such
43 additional rate to the towns and villages in the county in accordance
44 with subdivision (c) of section twelve hundred sixty-two of this part on
45 the basis of the ratio which the population of each such town or village
46 bears to such county's total population; and
47 2. Notwithstanding any provision of law to the contrary, if the county
48 of Rockland imposes the additional three-eighths of one percent rate of
49 tax authorized by section twelve hundred ten of this article during the
50 period beginning March first, two thousand seven, and ending November
51 thirtieth, two thousand [~~twenty~~] twenty-three, such county shall allo-
52 cate and distribute sixteen and two-thirds percent of the net

1 collections from such additional rate to the general funds of towns and
2 villages within the county of Rockland with existing town and village
3 police departments from March first, two thousand seven through December
4 thirty-first, two thousand seven and thirty-three and one-third percent
5 of the net collections from such additional rate from January first, two
6 thousand eight through November thirtieth, two thousand [~~twenty~~ twen-
7 ty-three. The monies allocated and distributed pursuant to this subdivi-
8 sion shall be allocated and distributed to towns and villages with
9 police departments on the basis of the number of full-time equivalent
10 police officers employed by each police department and shall not be used
11 for salaries heretofore or hereafter negotiated.

12 § 3. This act shall take effect immediately.

13 ITEM NN

14 Section 1. Clause 41 of subparagraph (i) of the opening paragraph of
15 section 1210 of the tax law, as amended by section 1 of subpart NN of
16 part A of chapter 61 of the laws of 2017, is amended to read as follows:

17 (41) The county of St. Lawrence is hereby further authorized and
18 empowered to adopt and amend local laws, ordinances or resolutions
19 imposing such taxes at a rate that is one percent additional to the
20 three percent rate authorized above in this paragraph for such county
21 for the period beginning December first, two thousand thirteen and
22 ending November thirtieth, two thousand [~~twenty~~ twenty-three;

23 § 2. This act shall take effect immediately.

24 ITEM OO

25 Section 1. Clause 31 of subparagraph (i) of the opening paragraph of
26 section 1210 of the tax law, as amended by section 1 of subpart OO of
27 part A of chapter 61 of the laws of 2017, is amended to read as follows:

28 (31) the county of Schenectady is hereby further authorized and
29 empowered to adopt and amend local laws, ordinances or resolutions
30 imposing such taxes at a rate which is one-half of one percent addi-
31 tional to the three percent rate authorized above in this paragraph for
32 such county for the period beginning June first, two thousand three, and
33 ending November thirtieth, two thousand [~~twenty~~ twenty-three;

34 § 2. This act shall take effect immediately.

35 ITEM PP

36 Section 1. Clause 35 of subparagraph (i) of the opening paragraph of
37 section 1210 of the tax law, as amended by section 1 of subpart PP of
38 part A of chapter 61 of the laws of 2017, is amended to read as follows:

39 (35) the county of Schoharie is hereby further authorized and
40 empowered to adopt and amend local laws, ordinances or resolutions
41 imposing such taxes at a rate which is one percent additional to the
42 three percent rate authorized above in this paragraph for such county
43 for the period beginning June first, two thousand four, and ending
44 November thirtieth, two thousand [~~twenty~~ twenty-three;

45 § 2. This act shall take effect immediately.

46 ITEM QQ

1 Section 1. Clause 22 of subparagraph (i) of the opening paragraph of
2 section 1210 of the tax law, as amended by section 1 of subpart QQ of
3 part A of chapter 61 of the laws of 2017, is amended to read as follows:

4 (22) the county of Schuyler is hereby further authorized and empowered
5 to adopt and amend local laws, ordinances or resolutions imposing such
6 taxes at a rate which is one percent additional to the three percent
7 rate authorized above in this paragraph for such county for the period
8 beginning September first, nineteen hundred ninety-nine, and ending
9 November thirtieth, two thousand [~~twenty~~] twenty-three;

10 § 2. This act shall take effect immediately.

11 ITEM RR

12 Section 1. Clause 28 of subparagraph (i) of the opening paragraph of
13 section 1210 of the tax law, as amended by section 1 of subpart RR of
14 part A of chapter 61 of the laws of 2017, is amended to read as follows:

15 (28) the county of Seneca is hereby further authorized and empowered
16 to adopt and amend local laws, ordinances or resolutions imposing such
17 taxes at a rate that is one percent additional to the three percent rate
18 authorized above in this paragraph for such county for the period begin-
19 ning December first, two thousand two and ending November thirtieth, two
20 thousand [~~twenty~~] twenty-three;

21 § 2. This act shall take effect immediately.

22 ITEM SS

23 Section 1. Clause 26 of subparagraph (i) of the opening paragraph of
24 section 1210 of the tax law, as amended by section 1 of subpart SS of
25 part A of chapter 61 of the laws of 2017, is amended to read as follows:

26 (26) the county of Steuben is hereby further authorized and empowered
27 to adopt and amend local laws, ordinances or resolutions imposing such
28 taxes at a rate which is one percent additional to the three percent
29 rate authorized above in this paragraph for such county for the period
30 beginning December first, nineteen hundred ninety-two and ending Novem-
31 ber thirtieth, two thousand [~~twenty~~] twenty-three;

32 § 2. Section 1262-h of the tax law, as amended by section 2 of subpart
33 SS of part A of chapter 61 of the laws of 2017, is amended to read as
34 follows:

35 § 1262-h. Allocation and distribution of net collections from the
36 additional one percent rate of sales and compensating use taxes in Steu-
37 ben county. Notwithstanding any provision of law to the contrary, of the
38 net collections received by the county of Steuben as a result of the
39 imposition of the additional one percent rate of tax authorized by
40 section twelve hundred ten of this article (a) during the period begin-
41 ning December first, nineteen hundred ninety-three and ending November
42 thirtieth, nineteen hundred ninety-four, the county of Steuben shall pay
43 or cause to be paid to the city of Hornell the sum of two hundred thou-
44 sand dollars, to the city of Corning the sum of three hundred thousand
45 dollars, and the sum of five hundred thousand dollars to the towns and
46 villages of the county of Steuben, on the basis of the ratio which the
47 full valuation of real property in each town or village bears to the
48 aggregate full valuation of real property in all of the towns and
49 villages in such area. Of the net collections received by the county of
50 Steuben as a result of the imposition of said additional one percent
51 rate of tax authorized by section twelve hundred ten of this article
52 during the period beginning December first, nineteen hundred ninety-four

1 and ending November thirtieth, nineteen hundred ninety-five, the county
2 of Steuben shall pay or cause to be paid to the city of Hornell the sum
3 of three hundred thousand dollars, to the city of Corning the sum of
4 four hundred fifty thousand dollars, and the sum of seven hundred fifty
5 thousand dollars to the towns and villages of the county of Steuben, on
6 the basis of the ratio which the full valuation of real property in each
7 town or village bears to the aggregate full valuation of real property
8 in all of the towns and villages in such area; and (b) during the period
9 beginning December first, nineteen hundred ninety-five and ending Novem-
10 ber thirtieth, two thousand seven, the county of Steuben shall annually
11 pay or cause to be paid to the city of Hornell the sum of five hundred
12 fifty thousand dollars, to the city of Corning the sum of six hundred
13 thousand dollars, and the sum of seven hundred fifty thousand dollars to
14 the towns and villages of the county of Steuben, on the basis of the
15 ratio which the full valuation of real property in each town or village
16 bears to the aggregate full valuation of real property in all of the
17 towns and villages in such area; and during the period beginning Decem-
18 ber first, two thousand seven and ending November thirtieth, two thou-
19 sand nine, the county of Steuben shall annually pay or cause to be paid
20 to the city of Hornell the sum of six hundred ten thousand dollars, to
21 the city of Corning the sum of six hundred fifty thousand dollars, and
22 the sum of seven hundred fifty thousand dollars to the towns and
23 villages of the county of Steuben, on the basis of the ratio which the
24 full valuation of real property in each town or village bears to the
25 aggregate full valuation of real property in all of the towns and
26 villages in such area; and during the period beginning December first,
27 two thousand nine and ending November thirtieth, two thousand eleven,
28 the county of Steuben shall annually pay or cause to be paid to the city
29 of Hornell the sum of seven hundred ten thousand dollars, to the city of
30 Corning the sum of seven hundred ten thousand dollars, and the sum of
31 seven hundred fifty thousand dollars to the towns and villages of the
32 county of Steuben, on the basis of the ratio which the full valuation of
33 real property in each town or village bears to the aggregate full valu-
34 ation of real property in all of the towns and villages in such area;
35 and during the period beginning December first, two thousand eleven and
36 ending November thirtieth, two thousand thirteen, the county of Steuben
37 shall annually pay or cause to be paid to the city of Hornell the sum of
38 seven hundred forty thousand dollars, to the city of Corning the sum of
39 seven hundred forty thousand dollars, and the sum of seven hundred fifty
40 thousand dollars to the towns and villages of the county of Steuben, on
41 the basis of the ratio which the full valuation of real property in each
42 town or village bears to the aggregate full valuation of real property
43 in all of the towns and villages in such area; and during the period
44 beginning December first, two thousand thirteen and ending November
45 thirtieth, two thousand fifteen, the county of Steuben shall annually
46 pay or cause to be paid to the city of Hornell the sum of seven hundred
47 sixty-five thousand dollars, to the city of Corning the sum of seven
48 hundred sixty-five thousand dollars, and the sum of seven hundred fifty
49 thousand dollars to the towns and villages of the county of Steuben, on
50 the basis of the ratio which the full valuation of real property in each
51 town or village bears to the aggregate full valuation of real property
52 in all of the towns and villages in such area; and during the period
53 beginning December first, two thousand fifteen and ending November thir-
54 tieth, two thousand seventeen, the county of Steuben shall annually pay
55 or cause to be paid to the city of Hornell the sum of seven hundred
56 sixty-five thousand dollars, to the city of Corning the sum of seven

1 hundred sixty-five thousand dollars, and the sum of seven hundred fifty
2 thousand dollars to the towns and villages of the county of Steuben, on
3 the basis of the ratio which the full valuation of real property in each
4 town or village bears to the aggregate full valuation of real property
5 in all of the towns and villages in such area; and during the period
6 beginning December first, two thousand seventeen and ending November
7 thirtieth, two thousand twenty, the county of Steuben shall annually pay
8 or cause to be paid to the city of Hornell the sum of seven hundred
9 eighty thousand dollars, to the city of Corning the sum of seven hundred
10 eighty thousand dollars, and the sum of seven hundred fifty thousand
11 dollars to the towns and villages of the county of Steuben, on the basis
12 of the ratio which the full valuation of real property in each town or
13 village bears to the aggregate full valuation of real property in all of
14 the towns and villages in such area; and during the period beginning
15 December first, two thousand twenty and ending November thirtieth, two
16 thousand twenty-three, the county of Steuben shall annually pay or cause
17 to be paid to the city of Hornell the sum of seven hundred eighty thou-
18 sand dollars, to the city of Corning the sum of seven hundred eighty
19 thousand dollars, and the sum of seven hundred fifty thousand dollars to
20 the towns and villages of the county of Steuben, on the basis of the
21 ratio which the full valuation of real property in each town or village
22 bears to the aggregate full valuation of real property in all of the
23 towns and villages in such area.

24 § 3. This act shall take effect immediately.

25

ITEM TT

26 Section 1. Clause 14 of subparagraph (i) of the opening paragraph of
27 section 1210 of the tax law, as amended by section 1 of subpart TT of
28 part A of chapter 61 of the laws of 2017, is amended to read as follows:

29 (14) the county of Suffolk is hereby further authorized and empowered
30 to adopt and amend local laws, ordinances or resolutions imposing such
31 taxes at a rate which is one percent additional to the three percent
32 rate authorized above in this paragraph for such county for the period
33 beginning June first, two thousand one and ending November thirtieth,
34 two thousand [~~twenty~~] twenty-three;

35 § 2. Subdivision (c) of section 1262-j of the tax law, as amended by
36 section 2 of subpart TT of part A of chapter 61 of the laws of 2017, is
37 amended to read as follows:

38 (c) Notwithstanding any provision of law to the contrary, of the net
39 collections received by the county of Suffolk as a result of the
40 increase of one percent to the tax authorized by section twelve hundred
41 ten of this article for the period beginning June first, two thousand
42 one and ending November thirtieth, two thousand [~~twenty~~] twenty-three,
43 imposed by local laws or resolutions (by simple majority) by the county
44 legislature, and signed by the county executive, the county of Suffolk
45 shall allocate such net collections as follows: no less than one-eighth
46 and no more than three-eighths of such net collections received shall be
47 dedicated for public safety purposes and the balance shall be deposited
48 in the general fund of the county of Suffolk.

49 § 3. This act shall take effect immediately.

50

ITEM UU

1 Section 1. Clause 33 of subparagraph (i) of the opening paragraph of
2 section 1210 of the tax law, as amended by section 1 of subpart UU of
3 part A of chapter 61 of the laws of 2017, is amended to read as follows:

4 (33) the county of Sullivan is hereby further authorized and empowered
5 to adopt and amend local laws, ordinances or resolutions imposing such
6 taxes at a rate that is: (i) one-half of one percent additional to the
7 three percent rate authorized above in this paragraph for such county
8 for the period beginning June first, two thousand three, and ending
9 November thirtieth, two thousand [~~twenty~~] twenty-three; and (ii) an
10 additional one-half of one percent in addition to the other rates
11 authorized above in this paragraph for such county for the period begin-
12 ning June first, two thousand seven and ending November thirtieth, two
13 thousand [~~twenty~~] twenty-three;

14 § 2. This act shall take effect immediately.

15

ITEM VV

16 Section 1. Clause 17 of subparagraph (i) of the opening paragraph of
17 section 1210 of the tax law, as amended by section 1 of subpart VV of
18 part A of chapter 61 of the laws of 2017, is amended to read as follows:

19 (17) the county of Tioga is hereby further authorized and empowered to
20 adopt and amend local laws, ordinances or resolutions imposing such
21 taxes at a rate which is: (i) one-half of one percent additional to the
22 three percent rate authorized above in this paragraph for such county
23 for the period beginning September first, nineteen hundred ninety-three,
24 and ending November thirtieth, two thousand three; and (ii) one percent
25 additional to the three percent rate authorized above in this paragraph
26 for such county for the period beginning December first, two thousand
27 five, and ending November thirtieth, two thousand [~~twenty~~] twenty-three;

28 § 2. This act shall take effect immediately.

29

ITEM WW

30 Section 1. Clause 11 of subparagraph (i) of the opening paragraph of
31 section 1210 of the tax law, as amended by section 1 of subpart WW of
32 part A of chapter 61 of the laws of 2017, is amended to read as follows:

33 (11) the county of Tompkins is hereby further authorized and empowered
34 to adopt and amend local laws, ordinances or resolutions imposing such
35 taxes at a rate which is one-half or one percent additional to the three
36 percent rate authorized above in this paragraph for such county for the
37 period beginning December first, nineteen hundred ninety-two and ending
38 November thirtieth, two thousand [~~twenty~~] twenty-three;

39 § 2. This act shall take effect immediately.

40

ITEM XX

41 Section 1. Clause 7 of subparagraph (i) of the opening paragraph of
42 section 1210 of the tax law, as amended by section 1 of subpart XX of
43 part A of chapter 61 of the laws of 2017, is amended to read as follows:

44 (7) the county of Ulster is hereby further authorized and empowered to
45 adopt and amend local laws, ordinances or resolutions imposing such
46 taxes at a rate which is one percent additional to the three percent
47 rate authorized above in this paragraph for such county for the period
48 beginning September first, two thousand two and ending November thirti-
49 eth, two thousand [~~twenty~~] twenty-three;

1 § 2. Section 3 of chapter 200 of the laws of 2002 amending the tax law
2 relating to certain tax rates imposed by the county of Ulster, as
3 amended by section 2 of subpart XX of part A of chapter 61 of the laws
4 of 2017, is amended to read as follows:

5 § 3. If, pursuant to the authority of this act, the county of Ulster
6 imposes sales and compensating use taxes at a rate greater than three
7 percent for all or any portion of the period commencing September 1,
8 2002, and ending November 30, [~~2020~~] 2023, net collections from such
9 additional rate of tax imposed during such period shall be deemed to be,
10 and shall be included in, net collections subject to such county's
11 existing agreement with the city of Kingston entered into pursuant to
12 subdivision (c) of section 1262 of the tax law and such net collections
13 shall be allocated in accordance with such agreement.

14 § 3. This act shall take effect immediately.

15 ITEM YY

16 Section 1. Clause 34 of subparagraph (i) of the opening paragraph of
17 section 1210 of the tax law, as amended by section 1 of subpart YY of
18 part A of chapter 61 of the laws of 2017, is amended to read as follows:

19 (34) the county of Wayne is hereby further authorized and empowered to
20 adopt and amend local laws, ordinances or resolutions imposing such
21 taxes at a rate that is one percent additional to the three percent rate
22 authorized above in this paragraph for such county for the period begin-
23 ning December first, two thousand five, and ending November thirtieth,
24 two thousand [~~twenty~~] twenty-three;

25 § 2. This act shall take effect immediately.

26 ITEM ZZ

27 Section 1. Clause 6 of subparagraph (i) of the opening paragraph of
28 section 1210 of the tax law, as amended by section 1 of subpart ZZ of
29 part A of chapter 61 of the laws of 2017, is amended to read as follows:

30 (6) the county of Wyoming is hereby further authorized and empowered
31 to adopt and amend local laws, ordinances or resolutions imposing such
32 taxes at a rate which is one percent additional to the three percent
33 rate authorized above in this paragraph for such county for the period
34 beginning September first, nineteen hundred ninety-two and ending Novem-
35 ber thirtieth, two thousand [~~twenty~~] twenty-three;

36 § 2. This act shall take effect immediately.

37 ITEM AAA

38 Section 1. Clause 30 of subparagraph (i) of the opening paragraph of
39 section 1210 of the tax law, as amended by section 1 of subpart AAA of
40 part A of chapter 61 of the laws of 2017, is amended to read as follows:

41 (30) the county of Yates is hereby further authorized and empowered to
42 adopt and amend local laws, ordinances or resolutions imposing such
43 taxes at a rate which is one percent additional to the three percent
44 rate authorized above in this paragraph for such county for the period
45 beginning September first, two thousand three, and ending November thir-
46 tieth, two thousand [~~twenty~~] twenty-three;

47 § 2. This act shall take effect immediately.

48 ITEM BBB

1 Section 1. Clause 6 of subparagraph (ii) of the opening paragraph of
2 section 1210 of the tax law, as amended by section 1 of subpart BBB of
3 part A of chapter 61 of the laws of 2017, is amended to read as follows:

4 (6) the city of Oswego is hereby further authorized and empowered to
5 adopt and amend local laws, ordinances or resolutions imposing such
6 taxes at a rate which is one percent additional to the three percent
7 rate authorized above in this paragraph for such city for the period
8 beginning September first, two thousand four, and ending November thir-
9 tieth, two thousand [~~twenty~~] twenty-three;

10 § 2. This act shall take effect immediately.

11 ITEM CCC

12 Section 1. Clause 1 of subparagraph (ii) of the opening paragraph of
13 section 1210 of the tax law, as amended by section 1 of subpart CCC of
14 part A of chapter 61 of the laws of 2017, is amended to read as follows:

15 (1) the city of Yonkers is hereby further authorized and empowered to
16 adopt and amend local laws, ordinances or resolutions imposing such
17 taxes at a rate which is: (a) one percent additional to the three
18 percent rate authorized above in this paragraph for such city; and (b)
19 one-half of one percent in addition to the other rates authorized in
20 this paragraph for such city for the period beginning September first,
21 two thousand fifteen and ending November thirtieth, two thousand [~~twe-~~
22 ~~ty~~] twenty-three;

23 § 2. Section 7 of chapter 67 of the laws of 2015, amending the tax law
24 relating to authorizing the city of Yonkers to impose additional sales
25 tax, as amended by section 2 of subpart CCC of part A of chapter 61 of
26 the laws of 2017, is amended to read as follows:

27 § 7. This act shall take effect immediately and shall expire and be
28 deemed repealed November 30, [~~2020~~] 2023.

29 § 3. This act shall take effect immediately; provided, however, that
30 the amendments to clause 1 of subparagraph (ii) of the opening paragraph
31 of section 1210 of the tax law made by section one of this act shall not
32 affect the expiration and reversion of such clause and shall be deemed
33 expired therewith.

34 ITEM DDD

35 Section 1. Clause 4 of subparagraph (ii) of the opening paragraph of
36 section 1210 of the tax law, as amended by section 1 of subpart DDD of
37 part A of chapter 61 of the laws of 2017, is amended to read as follows:

38 (4) the city of New Rochelle is hereby further authorized and
39 empowered to adopt and amend local laws, ordinances or resolutions
40 imposing such taxes at a rate which is one percent additional to the
41 three percent rate authorized above in this paragraph for such city for
42 the period beginning September first, nineteen hundred ninety-three and
43 ending December thirty-first, two thousand [~~twenty~~] twenty-three;

44 § 2. This act shall take effect immediately.

45 ITEM EEE

46 Section 1. Clause 42 of subparagraph (i) of the opening paragraph of
47 section 1210 of the tax law, as amended by chapter 43 of the laws of
48 2019, is amended to read as follows:

49 (42) the county of Westchester is hereby further authorized and
50 empowered to adopt and amend local laws, ordinances or resolutions

1 imposing such taxes at a rate that is one percent additional to the
2 three percent rate authorized above in this paragraph for such county
3 for the period beginning August first, two thousand nineteen and ending
4 November thirtieth, two thousand [~~twenty~~ twenty-three;

5 § 2. Subdivision e of section 4 and section 5, 7 and 16 of chapter 272
6 of the laws of 1991, amending the tax law relating to the method of
7 disposition of sales and compensating use tax revenue in Westchester
8 county and enacting the Westchester county spending limitation act, as
9 amended by chapter 43 of the laws of 2019, are amended to read as
10 follows:

11 e. "Spending limitation" means the maximum amount of county spending
12 established in county fiscal years 1992, 1993, 1994, 1995, 1996, 1997,
13 1998, 1999, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009,
14 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019 [~~and~~], 2020,
15 2021, 2022 and 2023.

16 § 5. Establishment of annual spending limitation. a. For county fiscal
17 years 1992, 1993, 1994, 1995, 1996, 1997, 1998, 1999, 2000, 2001, 2002,
18 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014,
19 2015, 2016, 2017, 2018, 2019 [~~and~~], 2020, 2021, 2022 and 2023 there
20 shall be in effect an annual spending limitation. The spending limita-
21 tion shall be derived from a fixed percentage reflecting the ratio of
22 base year spending to county personal income. County personal income for
23 such calculation shall be for the period January 1, 1986 through Decem-
24 ber 31, 1986. Such percentage shall be applied to county personal income
25 for the period January 1, 1989 through December 31, 1989, to determine
26 the spending limitation for county fiscal year 1992; to determine the
27 spending limitation for county fiscal year 1993, such percentage shall
28 be applied to county personal income for the period January 1, 1990
29 through December 31, 1990; to determine the spending limitation for
30 county fiscal year 1994, such percentage shall be applied to county
31 personal income for the period January 1, 1991 through December 31,
32 1991; to determine the spending limitation for county fiscal year 1995,
33 such percentage shall be applied to county personal income for the peri-
34 od January 1, 1992 through December 31, 1992; to determine the spending
35 limitation for county fiscal year 1996, such percentage shall be applied
36 to county personal income for the period January 1, 1993 through Decem-
37 ber 31, 1993; to determine the spending limitation for county fiscal
38 year 1997, such percentage shall be applied to county personal income
39 for the period January 1, 1994 through December 31, 1994; to determine
40 the spending limitation for county fiscal year 1998, such percentage
41 shall be applied to county personal income for the period January 1,
42 1995 through December 31, 1995; to determine the spending limitation for
43 county fiscal year 1999, such percentage shall be applied to county
44 personal income for the period January 1, 1996 through December 31,
45 1996; to determine the spending limitation for county fiscal year 2000,
46 such percentage shall be applied to county personal income for the peri-
47 od January 1, 1997 through December 31, 1997; to determine the spending
48 limitation for county fiscal year 2001, such percentage shall be applied
49 to county personal income for the period January 1, 1998 through Decem-
50 ber 31, 1998; to determine the spending limitation for county fiscal
51 year 2002, such percentage shall be applied to county personal income
52 for the period January 1, 1999 through December 31, 1999; to determine
53 the spending limitation for county fiscal year 2003, such percentage
54 shall be applied to county personal income for the period January 1,
55 2000 through December 31, 2000; to determine the spending limitation for
56 county fiscal year 2004, such percentage shall be applied to county

1 personal income for the period January 1, 2001 through December 31,
2 2001; to determine the spending limitation for county fiscal year 2005,
3 such percentage shall be applied to county personal income for the peri-
4 od January 1, 2002 through December 31, 2002; to determine the spending
5 limitation for county fiscal year 2006, such percentage shall be applied
6 to county personal income for the period January 1, 2003 through Decem-
7 ber 31, 2003; to determine the spending limitation for the county fiscal
8 year 2007, such percentage shall be applied to county personal income
9 for the period January 1, 2004 through December 31, 2004; to determine
10 the spending limitation for the county fiscal year 2008, such percentage
11 shall be applied to county personal income for the period January 1,
12 2005 through December 31, 2005; to determine the spending limitation for
13 the county fiscal year 2009, such percentage shall be applied to county
14 personal income for the period January 1, 2006 through December 31,
15 2006; to determine the spending limitation for the county fiscal year
16 2010, such percentage shall be applied to county personal income for the
17 period January 1, 2007 through December 31, 2007; to determine the
18 spending limitation for the county fiscal year 2011, such percentage
19 shall be applied to county personal income for the period January 1,
20 2008 through December 31, 2008; to determine the spending limitation for
21 the county fiscal year 2012, such percentage shall be applied to county
22 personal income for the period January 1, 2009 through December 31,
23 2009; to determine the spending limitation for the county fiscal year
24 2013, such percentage shall be applied to county personal income for the
25 period January 1, 2010 through December 31, 2010; to determine the
26 spending limitation for the county fiscal year 2014, such percentage
27 shall be applied to county personal income for the period January 1,
28 2011 through December 31, 2011; to determine the spending limitation for
29 the county fiscal year 2015, such percentage shall be applied to county
30 personal income for the period January 1, 2012 through December 31,
31 2012; to determine the spending limitation for county fiscal year 2016,
32 such percentage shall be applied to the county personal income for the
33 period January 1, 2013 through December 31, 2013; to determine the
34 spending limitation for the county fiscal year 2017, such percentage
35 shall be applied to county personal income for the period January 1,
36 2014 through December 31, 2014; and to determine the spending limitation
37 for county fiscal year 2018, such percentage shall be applied to the
38 county personal income for the period January 1, 2015 through December
39 31, 2015; to determine the spending limitation for the county fiscal
40 year 2019, such percentage shall be applied to county personal income
41 for the period January 1, 2016 through December 31, 2016; and to deter-
42 mine the spending limitation for county fiscal year 2020, such percent-
43 age shall be applied to the county personal income for the period Janu-
44 ary 1, 2017 through December 31, 2017; and to determine the spending
45 limitation for the county fiscal year 2021, such percentage shall be
46 applied to county personal income for the period January 1, 2018 through
47 December 31, 2018; and to determine the spending limitation for the
48 county fiscal year 2022, such percentage shall be applied to county
49 personal income for the period January 1, 2019 through December 31,
50 2019; and to determine the spending limitation for the county fiscal
51 year 2023, such percentage shall be applied to county personal income
52 for the period January 1, 2020 through December 31, 2020.

53 b. The spending limitation shall serve as a statutory cap on county
54 spending to be reflected in the tentative budget as well as the enacted
55 budget for county fiscal years beginning in 1992.

1 § 7. Mandatory tax reduction. In the event that the county spending
2 subject to the spending limitation exceeds such limitation in the adop-
3 tive county budget for county fiscal year 1992, 1993, 1994, 1995, 1996,
4 1997, 1998, 1999, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008,
5 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019 [~~or~~],
6 2020, 2021, 2022 or 2023 then section 1262-b of the tax law shall be
7 repealed.

8 § 16. This act shall take effect immediately, provided, however, that
9 sections one through seven of this act shall be in full force and effect
10 until November 30, [~~2020~~] 2023.

11 § 3. Section 6-a of chapter 44 of the laws of 2019, amending the tax
12 law relating to authorizing the county of Westchester to impose an addi-
13 tional rate of sales and compensating use tax, as added by chapter 43 of
14 the laws of 2019, is amended to read as follows:

15 § 6-a. Notwithstanding any other provision of any state or local law
16 to the contrary, any local law, ordinance or resolution enacted, adopted
17 or amended to impose the sales and compensating use taxes at the one
18 percent additional rate of tax authorized by this act for the period
19 beginning August 1, 2019, and ending November 30, [~~2020~~] 2023, shall
20 take effect on that date in accordance with the provisions of subdivi-
21 sion (d) of section 1210 of the tax law, except that such additional
22 rate may take effect on August 1, 2019, and the minimum notice require-
23 ments shall be deemed complied with if such county mails, by certified
24 or registered mail, a certified copy of such local law, ordinance or
25 resolution to the commissioner of taxation and finance at his or her
26 office in Albany no later than July 1, [~~2019~~] 2020.

27 § 4. This act shall take effect immediately; provided that the amend-
28 ments made to section 4, 5 and 7 of chapter 272 of the laws of 1991 made
29 by section two of this act shall not affect the expiration of such
30 sections and shall be deemed repealed therewith.

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

40 § 3. This act shall take effect immediately provided, however, that
41 the applicable effective date of Items A through EEE of this Subpart
42 shall be as specifically set forth in the last section of such Items.

43

SUBPART D

44 Section 1. This Subpart enacts into law legislation providing for the
45 imposition of hotel and motel taxes by certain counties. Each component
46 is wholly contained within an Item identified as Items A through D. The
47 effective date for each particular provision contained within an Item is
48 set forth in the last section of such Item. Any provision of any section
49 contained within an Item, including the effective date of the Item,
50 which makes reference to a section "of this act", when used in
51 connection with that particular component, shall be deemed to mean and
52 refer to the corresponding section of the Item in which it is found.
53 Section three of this Subpart sets forth the general effective date of
54 this Subpart.

1

ITEM A

2 Section 1. Subdivision 7 of section 1202-q of the tax law, as amended
3 by section 1 of subpart A of part B of chapter 61 of the laws of 2017,
4 is amended to read as follows:

5 (7) Such local law shall provide for the imposition of a hotel or
6 motel tax for a period to expire on December thirty-first, two thousand
7 [~~twenty~~] twenty-three.

8 § 2. Section 6 of chapter 179 of the laws of 2000, amending the tax
9 law, relating to hotel and motel taxes in Nassau county and a surcharge
10 on tickets to places of entertainment in such county, as amended by
11 section 2 of subpart A of part B of chapter 61 of the laws of 2017, is
12 amended to read as follows:

13 § 6. This act shall take effect immediately, except that section five
14 of this act shall take effect on the same date as a chapter of the laws
15 of 2000 amending the public authorities law and the tax law relating to
16 creating the Nassau county interim finance authority takes effect;
17 provided, further, that sections two, three and four of this act shall
18 expire and be deemed repealed December 31, [~~2020~~] 2023.

19 § 3. This act shall take effect immediately.

20

ITEM B

21 Section 1. Section 2 of chapter 405 of the laws of 2007, amending the
22 tax law relating to increasing hotel/motel taxes in Chautauqua county,
23 as amended by section 1 of subpart B of part B of chapter 61 of the laws
24 of 2017, is amended to read as follows:

25 § 2. This act shall take effect December 1, 2007 and shall expire and
26 be deemed repealed November 30, [~~2020~~] 2023.

27 § 2. This act shall take effect immediately.

28

ITEM C

29 Section 1. Subdivision 7 of section 1202-o of the tax law, as amended
30 by section 1 of subpart C of part B of chapter 61 of the laws of 2017,
31 is amended to read as follows:

32 (7) Such local law shall provide for the imposition of a hotel or
33 motel tax until December thirty-first, two thousand [~~twenty~~] twenty-
34 three.

35 § 2. This act shall take effect immediately.

36

ITEM D

37 Section 1. Section 3 of chapter 105 of the laws of 2009, amending
38 chapter 693 of the laws of 1980 enabling the county of Albany to impose
39 and collect taxes on occupancy of hotel or motel rooms in Albany county
40 relating to revenues received from the collection of hotel or motel
41 occupancy taxes, as amended by chapter 134 of the laws of 2018, is
42 amended to read as follows:

43 § 3. This act shall take effect upon the adoption by the county of
44 Albany of a local law imposing in such county the additional occupancy
45 tax authorized by this act and shall expire and be deemed repealed
46 December 31, [~~2020~~] 2023; provided that Albany county shall notify the
47 legislative bill drafting commission upon the occurrence of the enact-
48 ment of such local law in order that the commission may maintain an
49 accurate and timely effective data base of the official text of the laws

1 of the state of New York in furtherance of effecting the provisions of
2 section 44 of the legislative law and section 70-b of the public offi-
3 cers law.

4 § 2. This act shall take effect immediately.

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

14 § 3. This act shall take effect immediately provided, however, that
15 the applicable effective date of Items A through D of this Subpart shall
16 be as specifically set forth in the last section of such Items.

17 SUBPART E

18 Section 1. This Subpart enacts into law legislation providing for the
19 imposition of a county recording tax on obligation secured by a mortgage
20 on real property. Each component is wholly contained within an Item
21 identified as Items A through N. The effective date for each particular
22 provision contained within an Item is set forth in the last section of
23 such Item. Any provision of any section contained within a Item, includ-
24 ing the effective date of the Item, which makes reference to a section
25 "of this act", when used in connection with that particular component,
26 shall be deemed to mean and refer to the corresponding section of the
27 Item in which it is found. Section three of this Subpart sets forth the
28 general effective date of this Subpart.

29 ITEM A

30 Section 1. Section 2 of chapter 333 of the laws of 2006 amending the
31 tax law relating to authorizing the county of Schoharie to impose a
32 county recording tax on obligation secured by a mortgage on real proper-
33 ty, as amended by section 1 of subpart A of part C of chapter 61 of the
34 laws of 2017, is amended to read as follows:

35 § 2. This act shall take effect immediately and shall expire and be
36 deemed repealed on and after December 1, [~~2020~~] 2023.

37 § 2. This act shall take effect immediately.

38 ITEM B

39 Section 1. Section 2 of chapter 326 of the laws of 2006, amending the
40 tax law relating to authorizing the county of Hamilton to impose a coun-
41 ty recording tax on obligations secured by mortgages on real property,
42 as amended by section 1 of subpart B of part C of chapter 61 of the laws
43 of 2017, is amended to read as follows:

44 § 2. This act shall take effect immediately and shall expire and be
45 deemed repealed December 1, [~~2020~~] 2023.

46 § 2. This act shall take effect immediately.

47 ITEM C

1 Section 1. Section 2 of chapter 489 of the laws of 2004, amending the
2 tax law relating to the mortgage recording tax in the county of Fulton,
3 as amended by section 1 of subpart C of part C of chapter 61 of the laws
4 of 2017, is amended to read as follows:

5 § 2. This act shall take effect immediately and shall expire November
6 30, [~~2020~~] 2023 when upon such date the provisions of this act shall be
7 deemed repealed.

8 § 2. This act shall take effect immediately.

9

ITEM D

10 Section 1. Subdivision 1 of section 253-d of the tax law, as amended
11 by section 1 of subpart D of part C of chapter 61 of the laws of 2017,
12 is amended to read as follows:

13 1. The city of Yonkers, acting through its local legislative body, is
14 hereby authorized and empowered to adopt and amend local laws imposing
15 in any such city during the period beginning September first, nineteen
16 hundred ninety-three and ending August thirty-first, two thousand [~~twen-~~
17 ~~ty~~] twenty-three, a tax of fifty cents for each one hundred dollars and
18 each remaining major fraction thereof of principal debt or obligation
19 which is or under any contingency may be secured at the date of
20 execution thereof, or at any time thereafter, by a mortgage on real
21 property situated within such city and recorded on or after the date
22 upon which such tax takes effect and a tax of fifty cents on such mort-
23 gage if the principal debt or obligation which is or by any contingency
24 may be secured by such mortgage is less than one hundred dollars.

25 § 2. This act shall take effect immediately.

26

ITEM E

27 Section 1. Section 2 of chapter 443 of the laws of 2007 amending the
28 tax law relating to authorizing the county of Cortland to impose an
29 additional mortgage recording tax, as amended by section 1 of subpart E
30 of part C of chapter 61 of the laws of 2017, is amended to read as
31 follows:

32 § 2. This act shall take effect on the sixtieth day after it shall
33 have become a law and shall expire and be deemed repealed December 1,
34 [~~2020~~] 2023.

35 § 2. This act shall take effect immediately.

36

ITEM F

37 Section 1. Section 2 of chapter 579 of the laws of 2004, amending the
38 tax law relating to authorizing the county of Genesee to impose a county
39 recording tax on obligation secured by a mortgage on real property, as
40 amended by section 1 of subpart F of part C of chapter 61 of the laws of
41 2017, is amended to read as follows:

42 § 2. This act shall take effect on the thirtieth day after it shall
43 have become a law; and shall expire on November 1, [~~2020~~] 2023, when
44 upon such date the provisions of this act shall be deemed repealed.

45 § 2. This act shall take effect immediately.

46

ITEM G

47 Section 1. Section 2 of chapter 366 of the laws of 2005, amending the
48 tax law relating to authorizing the county of Yates to impose a county

1 recording tax on obligations secured by a mortgage on real property, as
2 amended by section 1 of subpart G of part C of chapter 61 of the laws of
3 2017, is amended to read as follows:

4 § 2. This act shall take effect on the thirtieth day after it shall
5 have become a law and shall expire and be deemed repealed on December 1,
6 [~~2020~~] 2023.

7 § 2. This act shall take effect immediately.

8

ITEM H

9 Section 1. Section 3 of chapter 365 of the laws of 2005, amending the
10 tax law relating to the mortgage recording tax in the county of Steuben,
11 as amended by section 1 of subpart H of part C of chapter 61 of the laws
12 of 2017, is amended to read as follows:

13 § 3. This act shall take effect immediately except that section two of
14 this act shall take effect on the thirtieth day after it shall have
15 become a law and shall expire and be deemed repealed on December 1,
16 [~~2020~~] 2023.

17 § 2. This act shall take effect immediately.

18

ITEM I

19 Section 1. Section 2 of chapter 405 of the laws of 2005 amending the
20 tax law relating to authorizing the county of Albany to impose a county
21 recording tax on obligations secured by a mortgage on real property, as
22 amended by chapter 346 of the laws of 2018, is amended to read as
23 follows:

24 § 2. This act shall take effect on the thirtieth day after it shall
25 have become a law and shall expire and be deemed repealed on the first
26 of December, [~~2020~~] 2023.

27 § 2. This act shall take effect immediately.

28

ITEM J

29 Intentionally Omitted

30

ITEM K

31

Intentionally Omitted

32

ITEM L

33 Section 1. Section 2 of chapter 218 of the laws of 2009 amending the
34 tax law relating to authorizing the county of Greene to impose an addi-
35 tional mortgage recording tax, as amended by chapter 13 of the laws of
36 2019, is amended to read as follows:

37 § 2. This act shall take effect on the sixtieth day after it shall
38 have become a law and shall expire and be deemed repealed December 1,
39 [~~2020~~] 2023.

40 § 2. This act shall take effect immediately and shall be deemed to
41 have been in full force and effect on and after December 1, 2019.

42

ITEM M

43 Section 1. Section 2 of chapter 368 of the laws of 2008, amending the
44 tax law relating to authorizing the county of Warren to impose an addi-

1 tional mortgage recording tax, as amended by chapter 15 of the laws of
2 2019, is amended to read as follows:

3 § 2. This act shall take effect immediately and shall expire and be
4 deemed repealed December 1, [~~2020~~] 2023.

5 § 2. This act shall take effect immediately and shall be deemed to
6 have been in full force and effect on and after December 1, 2019.

7
8 ITEM N

9 Section 1. Section 2 of chapter 549 of the laws of 2005 amending the
10 tax law relating to authorizing the county of Herkimer to impose a coun-
11 ty recording tax on obligation secured by a mortgage on real property,
12 as amended by chapter 141 of the laws of 2018, is amended to read as
13 follows:

14 § 2. This act shall take effect immediately and shall expire and be
15 deemed repealed on December 1, [~~2020~~] 2023.

16 § 2. This act shall take effect immediately.

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

26 § 3. This act shall take effect immediately provided, however, that
27 the applicable effective date of Items A through N of this Subpart shall
28 be as specifically set forth in the last section of such Items.

29
30 SUBPART F

31 Section 1. Section 2 of chapter 556 of the laws of 2007 amending the
32 tax law relating to imposing an additional real estate transfer tax
33 within the county of Columbia, as amended by section 1 of part D of
34 chapter 61 of the laws of 2017, is amended to read as follows:

35 § 2. This act shall take effect immediately and shall expire and be
36 deemed repealed on December 31, [~~2020~~] 2023.

37 § 2. This act shall take effect immediately.

38
39 SUBPART G

40 Section 1. Paragraph 3 of subdivision (a) of section 1212-a of the tax
41 law, as amended by section 1 of part F of chapter 61 of the laws of
42 2017, is amended to read as follows:

43 (3) a tax, at the same uniform rate, but at a rate not to exceed four
44 and one-half per centum, in multiples of one-half of one per centum, on
45 the receipts from every sale of any or all of the following services in
46 whole or in part: credit rating, credit reporting, credit adjustment and
47 collection services, including, but not limited to, those services
48 provided by mercantile and consumer credit rating or reporting bureaus
49 or agencies and credit adjustment or collection bureaus or agencies,
50 whether rendered in written or oral form or in any other manner, except
51 to the extent otherwise taxable under article twenty-eight of this chap-
52 ter; notwithstanding the foregoing, collection services shall not
53 include those services performed by a law office or a law and collection
54 office, the maintenance or conduct of which constitutes the practice of

1 law, if the services are performed by an attorney at law who has been
 2 duly licensed and admitted to practice law in this state. The local law
 3 imposing the taxes authorized by this paragraph may provide for exclu-
 4 sions and exemptions in addition to those provided for in such para-
 5 graph. Provided, however, that the tax hereby authorized shall not be
 6 imposed after November thirtieth, two thousand [~~twenty~~] twenty-three.

7 § 2. Subsection (a) of section 1301 of the tax law, as amended by
 8 section 2 of part F of chapter 61 of the laws of 2017, paragraph 1 as
 9 amended by section 1 of part QQ of chapter 59 of the laws of 2018, is
 10 amended to read as follows:

11 (a) Notwithstanding any other provision of law to the contrary, any
 12 city in this state having a population of one million or more inhabit-
 13 ants, acting through its local legislative body, is hereby authorized
 14 and empowered to adopt and amend local laws imposing in any such city,
 15 for taxable years beginning after nineteen hundred seventy-five:

16 (1) a tax on the personal income of residents of such city, at the
 17 rates provided for under subsection (a) of section thirteen hundred four
 18 of this article for taxable years beginning before two thousand [~~twen-~~
 19 ~~ty-one~~] twenty-four, and at the rates provided for under subsection (b)
 20 of section thirteen hundred four of this article for taxable years
 21 beginning after two thousand [~~twenty~~] twenty-three, provided, however,
 22 that if, for any taxable year beginning after two thousand [~~twenty~~]
 23 twenty-three, the rates set forth in such subsection (b) are rendered
 24 inapplicable and the rates set forth in such subsection (a) are rendered
 25 applicable, then the tax for such taxable year shall be at the rates
 26 provided under subparagraphs (A) of paragraphs one, two and three of
 27 such subsection (a),

28 (2) for taxable years beginning after nineteen hundred seventy-six, a
 29 separate tax on the ordinary income portion of lump sum distributions of
 30 such residents, at the rates provided for herein, such taxes to be
 31 administered, collected and distributed by the commissioner as provided
 32 for in this article.

33 § 3. Subsection (b) of section 1304 of the tax law, as amended by
 34 section 3 of part F of chapter 61 of the laws of 2017, is amended to
 35 read as follows:

36 (b) A tax other than the city separate tax on the ordinary income
 37 portion of lump sum distributions imposed pursuant to the authority of
 38 section thirteen hundred one of this article shall be determined as
 39 follows:

40 (1) Resident married individuals filing joint returns and resident
 41 surviving spouses. The tax under this section for each taxable year on
 42 the city taxable income of every city resident married individual who
 43 makes a single return jointly with his or her spouse under subsection
 44 (b) of section thirteen hundred six of this article and on the city
 45 taxable income of every city resident surviving spouse shall be deter-
 46 mined in accordance with the following table:

47 For taxable years beginning after two thousand [~~twenty~~] twenty-three:

48 If the city taxable income is:	The tax is:
49 Not over \$21,600	1.18% of the city taxable income
50 Over \$21,600 but not	\$255 plus 1.435% of excess
51 over \$45,000	over \$21,600
52 Over \$45,000 but not	\$591 plus 1.455% of excess
53 over \$90,000	over \$45,000
54 Over \$90,000	\$1,245 plus 1.48% of excess

1 over \$90,000

2 (2) Resident heads of households. The tax under this section for each
3 taxable year on the city taxable income of every city resident head of a
4 household shall be determined in accordance with the following table:

5 For taxable years beginning after two thousand [~~twenty~~] twenty-three:

6 If the city taxable income is:	The tax is:
7 Not over \$14,400	1.18% of the city taxable income
8 Over \$14,400 but not 9 over \$30,000	\$170 plus 1.435% of excess over \$14,400
10 Over \$30,000 but not 11 over \$60,000	\$394 plus 1.455% of excess over \$30,000
12 Over \$60,000	\$830 plus 1.48% of excess over \$60,000
13	

14 (3) Resident unmarried individuals, resident married individuals
15 filing separate returns and resident estates and trusts. The tax under
16 this section for each taxable year on the city taxable income of every
17 city resident individual who is not a city resident married individual
18 who makes a single return jointly with his or her spouse under
19 subsection (b) of section thirteen hundred six of this article or a city
20 resident head of household or a city resident surviving spouse, and on
21 the city taxable income of every city resident estate and trust shall be
22 determined in accordance with the following table:

23 For taxable years beginning after two thousand [~~twenty~~] twenty-three:

24 If the city taxable income is:	The tax is:
25 Not over \$12,000	1.18% of the city taxable income
26 Over \$12,000 but not 27 over \$25,000	\$142 plus 1.435% of excess over \$12,000
28 Over \$25,000 but not 29 over \$50,000	\$328 plus 1.455% of excess over \$25,000
30 Over \$50,000	\$692 plus 1.48% of excess over \$50,000
31	

32 § 4. Subsection (a) of section 1304-B of the tax law, as amended by
33 section 4 of part F of chapter 61 of the laws of 2017, is amended to
34 read as follows:

35 (a) (1) In addition to any other taxes authorized by this article, any
36 city imposing such taxes is hereby authorized and empowered to adopt and
37 amend local laws imposing in any such city for each taxable year begin-
38 ning after nineteen hundred ninety but before two thousand [~~twenty-one~~]
39 twenty-four, an additional tax on the city taxable income of every city
40 resident individual, estate and trust, to be calculated for each taxable
41 year as follows: (i) for each taxable year beginning after nineteen
42 hundred ninety but before nineteen hundred ninety-nine, at the rate of
43 fourteen percent of the sum of the taxes for each such taxable year
44 determined pursuant to section thirteen hundred four and section thir-
45 teen hundred four-A of this article; and (ii) for each taxable year
46 beginning after nineteen hundred ninety-eight, at the rate of fourteen
47 percent of the tax for such taxable year determined pursuant to such
48 section thirteen hundred four.

49 (2) Notwithstanding paragraph one of this subsection, for each taxable
50 year beginning after nineteen hundred ninety-nine but before two thou-

1 sand [~~twenty-one~~] ~~twenty-four~~, any city imposing such additional tax may
 2 by local law impose such tax at a rate that is less than fourteen
 3 percent and may impose such tax at more than one rate depending upon the
 4 filing status and city taxable income of such city resident individual,
 5 estate or trust.

6 (3) A local law enacted pursuant to paragraph two of this subsection
 7 shall be applicable with respect to any taxable year only if it has been
 8 enacted on or before July thirty-first of such year. A certified copy of
 9 such local law shall be mailed by registered mail to the department at
 10 its office in Albany within fifteen days of its enactment. However, the
 11 department may allow additional time for such certified copy to be
 12 mailed if it deems such action to be consistent with its duties under
 13 this article.

14 § 5. Paragraph E of subdivision 1 of section 11-604 of the administra-
 15 tive code of the city of New York, as amended by section 5 of part F of
 16 chapter 61 of the laws of 2017, is amended to read as follows:

17 E. For taxable years beginning on or after January first, nineteen
 18 hundred seventy-eight but before January first, two thousand [~~twenty-~~
 19 ~~one~~] ~~twenty-four~~, the tax imposed by subdivision one of section 11-603
 20 of this subchapter shall be, in the case of each taxpayer:

21 (a) whichever of the following amounts is the greatest:

22 (1) an amount computed, for taxable years beginning before nineteen
 23 hundred eighty-seven, at the rate of nine per centum, and for taxable
 24 years beginning after nineteen hundred eighty-six, at the rate of eight
 25 and eighty-five one-hundredths per centum, of its entire net income or
 26 the portion of such entire net income allocated within the city as here-
 27 inafter provided, subject to any modification required by paragraphs (d)
 28 and (e) of subdivision three of this section,

29 (2) an amount computed at one and one-half mills for each dollar of
 30 its total business and investment capital, or the portion thereof allo-
 31 cated within the city, as hereinafter provided, except that in the case
 32 of a cooperative housing corporation as defined in the internal revenue
 33 code, the applicable rate shall be four-tenths of one mill,

34 (3) an amount computed, for taxable years beginning before nineteen
 35 hundred eighty-seven, at the rate of nine per centum, and for taxable
 36 years beginning after nineteen hundred eighty-six, at the rate of eight
 37 and eighty-five one-hundredths per centum, on thirty per centum of the
 38 taxpayer's entire net income plus salaries and other compensation paid
 39 to the taxpayer's elected or appointed officers and to every stockholder
 40 owning in excess of five per centum of its issued capital stock minus
 41 fifteen thousand dollars (subject to proration as hereinafter provided)
 42 and any net loss for the reported year, or on the portion of any such
 43 sum allocated within the city as hereinafter provided for the allocation
 44 of entire net income, subject to any modification required by paragraphs
 45 (d) and (e) of subdivision three of this section, provided, however,
 46 that for taxable years beginning on or after July first, nineteen
 47 hundred ninety-six, the provisions of paragraph H of this subdivision
 48 shall apply for purposes of the computation under this clause, or

49 (4) for taxable years ending on or before June thirtieth, nineteen
 50 hundred eighty-nine, one hundred twenty-five dollars, for taxable years
 51 ending after June thirtieth, nineteen hundred eighty-nine and beginning
 52 before two thousand nine, three hundred dollars, and for taxable years
 53 beginning after two thousand eight:

54 If New York city receipts are:	Fixed dollar minimum tax is:
55 Not more than \$100,000	\$25
56 More than \$100,000 but not over \$250,000	\$75

1	More than \$250,000 but not over \$500,000	\$175
2	More than \$500,000 but not over \$1,000,000	\$500
3	More than \$1,000,000 but not over \$5,000,000	\$1,500
4	More than \$5,000,000 but not over \$25,000,000	\$3,500
5	Over \$25,000,000	\$5,000

6 For purposes of this clause, New York city receipts are the receipts
7 computed in accordance with subparagraph two of paragraph (a) of subdivi-
8 sion three of this section for the taxable year. For taxable years
9 beginning after two thousand eight, if the taxable year is less than
10 twelve months, the amount prescribed by this clause shall be reduced by
11 twenty-five percent if the period for which the taxpayer is subject to
12 tax is more than six months but not more than nine months and by fifty
13 percent if the period for which the taxpayer is subject to tax is not
14 more than six months. If the taxable year is less than twelve months,
15 the amount of New York city receipts for purposes of this clause is
16 determined by dividing the amount of the receipts for the taxable year
17 by the number of months in the taxable year and multiplying the result
18 by twelve, plus;

19 (b) an amount computed at the rate of three-quarters of a mill for
20 each dollar of the portion of its subsidiary capital allocated within
21 the city as hereinafter provided.

22 In the case of a taxpayer which is not subject to tax for an entire
23 year, the exemption allowed in clause three of subparagraph (a) of this
24 paragraph shall be prorated according to the period such taxpayer was
25 subject to tax. Provided, however, that this paragraph shall not apply
26 to taxable years beginning after December thirty-first, two thousand
27 [~~twenty~~] twenty-three. For the taxable years specified in the preceding
28 sentence, the tax imposed by subdivision one of section 11-603 of this
29 subchapter shall be, in the case of each taxpayer, determined as speci-
30 fied in paragraph A of this subdivision, provided, however, that the
31 provisions of paragraphs G and H of this subdivision shall apply for
32 purposes of the computation under clause three of subparagraph (a) of
33 such paragraph A.

34 § 6. The opening paragraph of section 11-1701 of the administrative
35 code of the city of New York, as amended by section 6 of part F of chap-
36 ter 61 of the laws of 2017, is amended to read as follows:

37 A tax is hereby imposed on the city taxable income of every city resi-
38 dent individual, estate and trust determined in accordance with the
39 rates set forth in subdivision (a) of this section for taxable years
40 beginning before two thousand [~~twenty-one~~] twenty-four, and in accord-
41 ance with the rates set forth in subdivision (b) of this section for
42 taxable years beginning after two thousand [~~twenty~~] twenty-three.
43 Provided, however, that if, for any taxable year beginning after two
44 thousand [~~twenty~~] twenty-three, the rates set forth in such subdivision
45 (b) are rendered inapplicable and the rates set forth in such subdivi-
46 sion (a) are rendered applicable, then the tax for such taxable year
47 shall be at the rates provided under subparagraph (A) of paragraphs one,
48 two and three of such subdivision (a).

49 § 7. Subdivision (b) of section 11-1701 of the administrative code of
50 the city of New York, as amended by section 7 of part F of chapter 61 of
51 the laws of 2017, is amended to read as follows:

52 (b) Rate of tax. A tax imposed pursuant to this section shall be
53 determined as follows:

54 (1) Resident married individuals filing joint returns and resident
55 surviving spouses. The tax under this section for each taxable year on
56 the city taxable income of every city resident married individual who

1 makes a single return jointly with his or her spouse under subdivision
 2 (b) of section 11-1751 of this title and on the city taxable income of
 3 every city resident surviving spouse shall be determined in accordance
 4 with the following table:

5 For taxable years beginning after two thousand [~~twenty~~] twenty-three:

6 If the city taxable income is:	The tax is:
7 Not over \$21,600	1.18% of the city taxable income
8 Over \$21,600 but not	\$255 plus 1.435% of excess
9 over \$45,000	over \$21,600
10 Over \$45,000 but not	\$591 plus 1.455% of excess
11 over \$90,000	over \$45,000
12 Over \$90,000	\$1,245 plus 1.48% of excess
13	over \$90,000

14 (2) Resident heads of households. The tax under this section for each
 15 taxable year on the city taxable income of every city resident head of a
 16 household shall be determined in accordance with the following table:

17 For taxable years beginning after two thousand [~~twenty~~] twenty-three:

18 If the city taxable income is:	The tax is:
19 Not over \$14,400	1.18% of the city taxable income
20 Over \$14,400 but not	\$170 plus 1.435% of excess
21 over \$30,000	over \$14,400
22 Over \$30,000 but not	\$394 plus 1.455% of excess
23 over \$60,000	over \$30,000
24 Over \$60,000	\$830 plus 1.48% of excess
25	over \$60,000

26 (3) Resident unmarried individuals, resident married individuals
 27 filing separate returns and resident estates and trusts. The tax under
 28 this section for each taxable year on the city taxable income of every
 29 city resident individual who is not a married individual who makes a
 30 single return jointly with his or her spouse under subdivision (b) of
 31 section 11-1751 of this title or a city resident head of a household or
 32 a city resident surviving spouse, and on the city taxable income of
 33 every city resident estate and trust shall be determined in accordance
 34 with the following table:

35 For taxable years beginning after two thousand [~~twenty~~] twenty-three:

36 If the city taxable income is:	The tax is:
37 Not over \$12,000	1.18% of the city taxable income
38 Over \$12,000 but not	\$142 plus 1.435% of excess
39 over \$25,000	over \$12,000
40 Over \$25,000 but not	\$328 plus 1.455% of excess
41 over \$50,000	over \$25,000
42 Over \$50,000	\$692 plus 1.48% of excess
43	over \$50,000

44 § 8. Paragraph 1 of subdivision (a) of section 11-1704.1 of the admin-
 45 istrative code of the city of New York, as amended by section 8 of part
 46 F of chapter 61 of the laws of 2017, is amended to read as follows:

47 (1) In addition to any other taxes imposed by this chapter, there is
 48 hereby imposed for each taxable year beginning after nineteen hundred
 49 ninety but before two thousand [~~twenty-one~~] twenty-four, an additional
 50 tax on the city taxable income of every city resident individual, estate
 51 and trust, to be calculated for each taxable year as follows: (i) for

1 each taxable year beginning after nineteen hundred ninety but before
2 nineteen hundred ninety-nine, at the rate of fourteen percent of the sum
3 of the taxes for each such taxable year determined pursuant to section
4 11-1701 and section 11-1704 of this subchapter; and (ii) for each taxa-
5 ble year beginning after nineteen hundred ninety-eight, at the rate of
6 fourteen percent of the tax for such taxable year determined pursuant to
7 such section 11-1701.

8 § 9. Subdivision (a) of section 11-2002 of the administrative code of
9 the city of New York, as amended by section 9 of part F of chapter 61 of
10 the laws of 2017, is amended to read as follows:

11 (a) There are hereby imposed and there shall be paid sales taxes at
12 the rate of four and one-half percent on receipts from every sale of the
13 services of beauty, barbering, hair restoring, manicuring, pedicuring,
14 electrolysis, massage services and similar services, and every sale of
15 services by weight control salons, health salons, gymnasiums, turkish
16 and sauna bath and similar establishments and every charge for the use
17 of such facilities, whether or not any tangible personal property is
18 transferred in conjunction therewith; but excluding services rendered by
19 a physician, osteopath, dentist, nurse, physiotherapist, chiropractor,
20 podiatrist, optometrist, ophthalmic dispenser or a person performing
21 similar services licensed under title eight of the education law, as
22 amended, and excluding such services when performed on pets and other
23 animals, as authorized by subdivision (a) of section twelve hundred
24 twelve-A of the tax law. Provided, however, that the tax hereby imposed
25 shall not be imposed after November thirtieth, two thousand [~~twenty~~
26 twenty-three].

27 § 10. The opening paragraph of subdivision (a) of section 11-2040 of
28 the administrative code of the city of New York, as amended by section
29 10 of part F of chapter 61 of the laws of 2017, is amended to read as
30 follows:

31 There is hereby imposed within the city and there shall be paid a tax
32 at the rate of four and one-half percent upon the receipts from every
33 sale, except for resale, of the following services, provided, however,
34 that the tax hereby imposed shall not be imposed after November thirti-
35 eth, two thousand [~~twenty~~] twenty-three, on receipts from sales of the
36 services specified in paragraph one of this subdivision:

37 § 11. Section 4 of chapter 877 of the laws of 1975, relating to the
38 imposition of certain taxes in the city of New York, as amended by
39 section 11 of part F of chapter 61 of the laws of 2017, is amended to
40 read as follows:

41 § 4. This act shall expire on December 31, [~~2020~~] 2023, provided,
42 however, that it is hereby declared to be the express intention of the
43 legislature that the provisions of sections two and three of this act,
44 except with respect to the enforcement and collection of any tax arising
45 thereunder, shall remain in full force and effect only until the date of
46 such expiration, at which time the provisions of law amended by this act
47 shall be continued in full force and effect as they existed prior to the
48 enactment of this act.

49 § 12. Section 6 of chapter 884 of the laws of 1975, relating to the
50 imposition of certain taxes in the city of New York, as amended by
51 section 12 of part F of chapter 61 of the laws of 2017, is amended to
52 read as follows:

53 § 6. This act shall expire on December 31, [~~2020~~] 2023, provided,
54 however, that it is hereby declared to be the express intention of the
55 legislature that the provisions of sections two, three and four of this
56 act, except with respect to the enforcement and collection of any tax

1 arising thereunder, shall remain in full force and effect only until the
2 date of such expiration, at which time the provisions of law amended by
3 this act shall be continued in full force and effect as they existed
4 prior to the enactment of this act.

5 § 13. Section 2 of chapter 882 of the laws of 1977, relating to the
6 imposition of certain taxes in the city of New York, as amended by
7 section 13 of part F of chapter 61 of the laws of 2017, is amended to
8 read as follows:

9 § 2. This act shall expire on December 31, [~~2020~~] 2023, provided,
10 however, that it is hereby declared to be the express intention of the
11 legislature that the provisions of section one of this act, except with
12 respect to the enforcement and collection of any tax arising thereunder,
13 shall remain in full force and effect only until the date of such expi-
14 ration, at which time the provisions of law amended by this act shall be
15 continued in full force and effect as they existed prior to the enact-
16 ment of this act.

17 § 14. This act shall take effect immediately.

18

SUBPART H

19 Section 1. This Subpart enacts into law major components of legis-
20 lation relating to issues deemed necessary for the state. Each component
21 is wholly contained within an Item identified as Items A through E. The
22 effective date for each particular provision contained within such Item
23 is set forth in the last section of such Item. Any provisions in any
24 section contained within an Item, including the effective date of the
25 Item, which makes reference to a section "of this act", when used in
26 connection with that particular component, shall be deemed to mean and
27 refer to the corresponding section of the Item in which it is found.
28 Section three of this Subpart sets forth the general effective date of
29 this Subpart.

30

ITEM A

31 Section 1. Subparagraph (A) of paragraph 7 of subdivision (ee) of
32 section 1115 of the tax law, as amended by section 1 of part E of chap-
33 ter 61 of the laws of 2017, is amended to read as follows:

34 (A) "Tenant" means a person who, as lessee, enters into a space lease
35 with a landlord for a term of ten years or more commencing on or after
36 September first, two thousand five, but not later than, in the case of a
37 space lease with respect to leased premises located in eligible areas as
38 defined in clause (i) of subparagraph (D) of this paragraph, September
39 first, two thousand [~~twenty~~] twenty-three and, in the case of a space
40 lease with respect to leased premises located in eligible areas as
41 defined in clause (ii) of subparagraph (D) of this paragraph not later
42 than September first, two thousand [~~twenty-two~~] twenty-five, of premises
43 for use as commercial office space in buildings located or to be located
44 in the eligible areas. A person who currently occupies premises for use
45 as commercial office space under an existing lease in a building in the
46 eligible areas shall not be eligible for exemption under this subdivi-
47 sion unless such existing lease, in the case of a space lease with
48 respect to leased premises located in eligible areas as defined in
49 clause (i) of subparagraph (D) of this paragraph expires according to
50 its terms before September first, two thousand [~~twenty~~] twenty-three or
51 such existing lease, in the case of a space lease with respect to leased
52 premises located in eligible areas as defined in clause (ii) of subpara-

1 graph (D) of this paragraph and such person enters into a space lease,
2 for a term of ten years or more commencing on or after September first,
3 two thousand five, of premises for use as commercial office space in a
4 building located or to be located in the eligible areas, provided that
5 such space lease with respect to leased premises located in eligible
6 areas as defined in clause (i) of subparagraph (D) of this paragraph
7 commences no later than September first, two thousand [~~twenty~~] twenty-
8 three, and provided that such space lease with respect to leased prem-
9 ises located in eligible areas as defined in clause (ii) of subparagraph
10 (D) of this paragraph commences no later than September first, two thou-
11 sand [~~twenty-two~~] twenty-five and provided, further, that such space
12 lease shall expire no earlier than ten years after the expiration of the
13 original lease.

14 § 2. Section 2 of part C of chapter 2 of the laws of 2005 amending the
15 tax law relating to exemptions from sales and use taxes, as amended by
16 section 2 of part E of chapter 61 of the laws of 2017, is amended to
17 read as follows:

18 § 2. This act shall take effect September 1, 2005 and shall expire and
19 be deemed repealed on December 1, [~~2023~~] 2026, and shall apply to sales
20 made, uses occurring and services rendered on or after such effective
21 date, in accordance with the applicable transitional provisions of
22 sections 1106 and 1217 of the tax law; except that clause (i) of subpar-
23 agraph (D) of paragraph seven of subdivision (ee) of section 1115 of the
24 tax law, as added by section one of this act, shall expire and be deemed
25 repealed December 1, [~~2021~~] 2024.

26 § 3. Paragraph 1 of subdivision (b) of section 25-s of the general
27 city law, as amended by section 7 of part E of chapter 61 of the laws of
28 2017, is amended to read as follows:

29 (1) non-residential premises that are wholly contained in property
30 that is eligible to obtain benefits under title two-D or two-F of arti-
31 cle four of the real property tax law, or would be eligible to receive
32 benefits under such article except that such property is exempt from
33 real property taxation and the requirements of paragraph (b) of subdivi-
34 sion seven of section four hundred eighty-nine-dddd of such title two-D,
35 or the requirements of subparagraph (ii) of paragraph (b) of subdivision
36 five of section four hundred eighty-nine-cccc of such title two-F,
37 whichever is applicable, have not been satisfied, provided that applica-
38 tion for such benefits was made after May third, nineteen hundred eight-
39 y-five and prior to July first, two thousand [~~twenty~~] twenty-three, that
40 construction or renovation of such premises was described in such appli-
41 cation, that such premises have been substantially improved by such
42 construction or renovation so described, that the minimum required
43 expenditure as defined in such title two-D or two-F, whichever is appli-
44 cable, has been made, and that such real property is located in an
45 eligible area; or

46 § 4. Paragraph 3 of subdivision (b) of section 25-s of the general
47 city law, as amended by section 8 of part E of chapter 61 of the laws of
48 2017, is amended to read as follows:

49 (3) non-residential premises that are wholly contained in real proper-
50 ty that has obtained approval after October thirty-first, two thousand
51 and prior to July first, two thousand [~~twenty~~] twenty-three for financ-
52 ing by an industrial development agency established pursuant to article
53 eighteen-A of the general municipal law, provided that such financing
54 has been used in whole or in part to substantially improve such premises
55 (by construction or renovation), and that expenditures have been made
56 for improvements to such real property in excess of ten per centum of

1 the value at which such real property was assessed for tax purposes for
2 the tax year in which such improvements commenced, that such expendi-
3 tures have been made within thirty-six months after the earlier of (i)
4 the issuance by such agency of bonds for such financing, or (ii) the
5 conveyance of title to such property to such agency, and that such real
6 property is located in an eligible area; or

7 § 5. Paragraph 5 of subdivision (b) of section 25-s of the general
8 city law, as amended by section 9 of part E of chapter 61 of the laws of
9 2017, is amended to read as follows:

10 (5) non-residential premises that are wholly contained in real proper-
11 ty owned by such city or the New York state urban development corpo-
12 ration, or a subsidiary thereof, a lease for which was approved in
13 accordance with the applicable provisions of the charter of such city or
14 by the board of directors of such corporation, and such approval was
15 obtained after October thirty-first, two thousand and prior to July
16 first, two thousand [~~twenty~~] twenty-three, provided, however, that such
17 premises were constructed or renovated subsequent to such approval, that
18 expenditures have been made subsequent to such approval for improvements
19 to such real property (by construction or renovation) in excess of ten
20 per centum of the value at which such real property was assessed for tax
21 purposes for the tax year in which such improvements commenced, that
22 such expenditures have been made within thirty-six months after the
23 effective date of such lease, and that such real property is located in
24 an eligible area; or

25 § 6. Paragraph 2 of subdivision (c) of section 25-t of the general
26 city law, as amended by section 10 of part E of chapter 61 of the laws
27 of 2017, is amended to read as follows:

28 (2) No eligible energy user, qualified eligible energy user, on-site
29 cogenerator, or clean on-site cogenerator shall receive a rebate pursu-
30 ant to this article until it has obtained a certification from the
31 appropriate city agency in accordance with a local law enacted pursuant
32 to this section. No such certification for a qualified eligible energy
33 user shall be issued on or after November first, two thousand. No such
34 certification of any other eligible energy user, on-site cogenerator, or
35 clean on-site cogenerator shall be issued on or after July first, two
36 thousand [~~twenty~~] twenty-three.

37 § 7. Paragraph 1 of subdivision (a) of section 25-aa of the general
38 city law, as amended by section 11 of part E of chapter 61 of the laws
39 of 2017, is amended to read as follows:

40 (1) is eligible to obtain benefits under title two-D or two-F of arti-
41 cle four of the real property tax law, or would be eligible to receive
42 benefits under such title except that such property is exempt from real
43 property taxation and the requirements of paragraph (b) of subdivision
44 seven of section four hundred eighty-nine-dddd of such title two-D, or
45 the requirements of subparagraph (ii) of paragraph (b) of subdivision
46 five of section four hundred eighty-nine-cccccc of such title two-F,
47 whichever is applicable, of the real property tax law have not been
48 satisfied, provided that application for such benefits was made after
49 the thirtieth day of June, nineteen hundred ninety-five and before the
50 first day of July, two thousand [~~twenty~~] twenty-three, that construction
51 or renovation of such building or structure was described in such appli-
52 cation, that such building or structure has been substantially improved
53 by such construction or renovation, and (i) that the minimum required
54 expenditure as defined in such title has been made, or (ii) where there
55 is no applicable minimum required expenditure, the building was
56 constructed within such period or periods of time established by title

1 two-D or two-F, whichever is applicable, of article four of the real
2 property tax law for construction of a new building or structure; or
3 § 8. Paragraphs 2 and 3 of subdivision (a) of section 25-aa of the
4 general city law, as amended by section 12 of part E of chapter 61 of
5 the laws of 2017, are amended to read as follows:

6 (2) has obtained approval after the thirtieth day of June, nineteen
7 hundred ninety-five and before the first day of July, two thousand
8 [~~twenty~~] twenty-three, for financing by an industrial development agency
9 established pursuant to article eighteen-A of the general municipal law,
10 provided that such financing has been used in whole or in part to
11 substantially improve such building or structure by construction or
12 renovation, that expenditures have been made for improvements to such
13 real property in excess of twenty per centum of the value at which such
14 real property was assessed for tax purposes for the tax year in which
15 such improvements commenced, and that such expenditures have been made
16 within thirty-six months after the earlier of (i) the issuance by such
17 agency of bonds for such financing, or (ii) the conveyance of title to
18 such building or structure to such agency; or

19 (3) is owned by the city of New York or the New York state urban
20 development corporation, or a subsidiary corporation thereof, a lease
21 for which was approved in accordance with the applicable provisions of
22 the charter of such city or by the board of directors of such corpo-
23 ration, as the case may be, and such approval was obtained after the
24 thirtieth day of June, nineteen hundred ninety-five and before the first
25 day of July, two thousand [~~twenty~~] twenty-three, provided that expendi-
26 tures have been made for improvements to such real property in excess of
27 twenty per centum of the value at which such real property was assessed
28 for tax purposes for the tax year in which such improvements commenced,
29 and that such expenditures have been made within thirty-six months after
30 the effective date of such lease; or

31 § 9. Subdivision (f) of section 25-bb of the general city law, as
32 amended by section 13 of part E of chapter 61 of the laws of 2017, is
33 amended to read as follows:

34 (f) Application and certification. An owner or lessee of a building or
35 structure located in an eligible revitalization area, or an agent of
36 such owner or lessee, may apply to such department of small business
37 services for certification that such building or structure is an eligi-
38 ble building or targeted eligible building meeting the criteria of
39 subdivision (a) or (q) of section twenty-five-aa of this article.
40 Application for such certification must be filed after the thirtieth day
41 of June, nineteen hundred ninety-five and before a building permit is
42 issued for the construction or renovation required by such subdivisions
43 and before the first day of July, two thousand [~~twenty~~] twenty-three,
44 provided that no certification for a targeted eligible building shall be
45 issued after October thirty-first, two thousand. Such application shall
46 identify expenditures to be made that will affect eligibility under such
47 subdivision (a) or (q). Upon completion of such expenditures, an appli-
48 cant shall supplement such application to provide information (i) estab-
49 lishing that the criteria of such subdivision (a) or (q) have been met;
50 (ii) establishing a basis for determining the amount of special rebates,
51 including a basis for an allocation of the special rebate among eligible
52 revitalization area energy users purchasing or otherwise receiving ener-
53 gy services from an eligible redistributor of energy or a qualified
54 eligible redistributor of energy; and (iii) supporting an allocation of
55 charges for energy services between eligible charges and other charges.
56 Such department shall certify a building or structure as an eligible

1 building or targeted eligible building after receipt and review of such
2 information and upon a determination that such information establishes
3 that the building or structure qualifies as an eligible building or
4 targeted eligible building. Such department shall mail such certifi-
5 cation or notice thereof to the applicant upon issuance. Such certifi-
6 cation shall remain in effect provided the eligible redistributor of
7 energy or qualified eligible redistributor of energy reports any changes
8 that materially affect the amount of the special rebates to which it is
9 entitled or the amount of reduction required by subdivision (c) of this
10 section in an energy services bill of an eligible revitalization area
11 energy user and otherwise complies with the requirements of this arti-
12 cle. Such department shall notify the private utility or public utility
13 service required to make a special rebate to such redistributor of the
14 amount of such special rebate established at the time of certification
15 and any changes in such amount and any suspension or termination by such
16 department of certification under this subdivision. Such department may
17 require some or all of the information required as part of an applica-
18 tion or other report be provided by a licensed engineer.

19 § 10. Paragraph 1 of subdivision (i) of section 22-601 of the adminis-
20 trative code of the city of New York, as amended by section 14 of part E
21 of chapter 61 of the laws of 2017, is amended to read as follows:

22 (1) Non-residential premises that are wholly contained in property
23 that is eligible to obtain benefits under part four or part five of
24 subchapter two of chapter two of title eleven of this code, or would be
25 eligible to receive benefits under such chapter except that such proper-
26 ty is exempt from real property taxation and the requirements of para-
27 graph two of subdivision g of section 11-259 of this code, or the
28 requirements of subparagraph (b) of paragraph two of subdivision e of
29 section 11-270 of this code, whichever is applicable, have not been
30 satisfied, provided that application for such benefits was made after
31 May third, nineteen hundred eighty-five and prior to July first, two
32 thousand [~~twenty~~ twenty-three, that construction or renovation of such
33 premises was described in such application, that such premises have been
34 substantially improved by such construction or renovation so described,
35 that the minimum required expenditure as defined in such part four or
36 part five, whichever is applicable, has been made, and that such real
37 property is located in an eligible area; or

38 § 11. Paragraph 3 of subdivision (i) of section 22-601 of the adminis-
39 trative code of the city of New York, as amended by section 15 of part E
40 of chapter 61 of the laws of 2017, is amended to read as follows:

41 (3) non-residential premises that are wholly contained in real proper-
42 ty that has obtained approval after October thirty-first, two thousand
43 and prior to July first, two thousand [~~twenty~~ twenty-three for financ-
44 ing by an industrial development agency established pursuant to article
45 eighteen-A of the general municipal law, provided that such financing
46 has been used in whole or in part to substantially improve such premises
47 (by construction or renovation), and that expenditures have been made
48 for improvements to such real property in excess of ten per centum of
49 the value at which such real property was assessed for tax purposes for
50 the tax year in which such improvements commenced, that such expendi-
51 tures have been made within thirty-six months after the earlier of (i)
52 the issuance by such agency of bonds for such financing, or (ii) the
53 conveyance of title to such property to such agency, and that such real
54 property is located in an eligible area; or

1 § 12. Paragraph 5 of subdivision (i) of section 22-601 of the adminis-
2 trative code of the city of New York, as amended by section 16 of part E
3 of chapter 61 of the laws of 2017, is amended to read as follows:

4 (5) non-residential premises that are wholly contained in real proper-
5 ty owned by such city or the New York state urban development corpo-
6 ration, or a subsidiary thereof, a lease for which was approved in
7 accordance with the applicable provisions of the charter of such city or
8 by the board of directors of such corporation, and such approval was
9 obtained after October thirty-first, two thousand and prior to July
10 first, two thousand [~~twenty~~] twenty-three, provided, however, that such
11 premises were constructed or renovated subsequent to such approval, that
12 expenditures have been made subsequent to such approval for improvements
13 to such real property (by construction or renovation) in excess of ten
14 per centum of the value at which such real property was assessed for tax
15 purposes for the tax year in which such improvements commenced, that
16 such expenditures have been made within thirty-six months after the
17 effective date of such lease, and that such real property is located in
18 an eligible area; or

19 § 13. Paragraph 1 of subdivision (c) of section 22-602 of the adminis-
20 trative code of the city of New York, as amended by section 17 of part
21 E of chapter 61 of the laws of 2017, is amended to read as follows:

22 (1) No eligible energy user, qualified eligible energy user, on-site
23 cogenerator, clean on-site cogenerator or special eligible energy user
24 shall receive a rebate pursuant to this chapter until it has obtained a
25 certification as an eligible energy user, qualified eligible energy
26 user, on-site cogenerator, clean on-site cogenerator or special eligible
27 energy user, respectively, from the commissioner of small business
28 services. No such certification for a qualified eligible energy user
29 shall be issued on or after July first, two thousand three. No such
30 certification of any other eligible energy user, on-site cogenerator or
31 clean on-site cogenerator shall be issued on or after July first, two
32 thousand [~~twenty~~] twenty-three. The commissioner of small business
33 services, after notice and hearing, may revoke a certification issued
34 pursuant to this subdivision where it is found that eligibility criteria
35 have not been met or that compliance with conditions for continued
36 eligibility has not been maintained. The corporation counsel may main-
37 tain a civil action to recover an amount equal to any benefits improper-
38 ly obtained.

39 § 14. Subparagraph (b-2) of paragraph 2 of subdivision i of section
40 11-704 of the administrative code of the city of New York, as amended by
41 section 18 of part E of chapter 61 of the laws of 2017, is amended to
42 read as follows:

43 (b-2) The amount of the special reduction allowed by this subdivision
44 with respect to a lease other than a sublease commencing between July
45 first, two thousand five and June thirtieth, two thousand [~~twenty~~] twen-
46 ty-three with an initial or renewal lease term of at least five years
47 shall be determined as follows:

48 (i) For the base year the amount of such special reduction shall be
49 equal to the base rent for the base year.

50 (ii) For the first, second, third and fourth twelve-month periods
51 following the base year the amount of such special reduction shall be
52 equal to the lesser of (A) the base rent for each such twelve-month
53 period or (B) the base rent for the base year.

54 § 15. Subdivision 9 of section 499-aa of the real property tax law, as
55 amended by section 19 of part E of chapter 61 of the laws of 2017, is
56 amended to read as follows:

1 9. "Eligibility period." The period commencing April first, nineteen
2 hundred ninety-five and terminating March thirty-first, two thousand
3 one, provided, however, that with respect to eligible premises defined
4 in subparagraph (i) of paragraph (b) of subdivision ten of this section,
5 the period commencing July first, two thousand and terminating June
6 thirtieth, two thousand [~~twenty-one~~] twenty-four, and provided, further,
7 however, that with respect to eligible premises defined in subparagraph
8 (ii) of paragraph (b) or paragraph (c) of subdivision ten of this
9 section, the period commencing July first, two thousand five and termi-
10 nating June thirtieth, two thousand [~~twenty-one~~] twenty-four.

11 § 16. Subparagraph (iii) of paragraph (a) of subdivision 3 of section
12 499-cc of the real property tax law, as amended by section 20 of part E
13 of chapter 61 of the laws of 2017, is amended to read as follows:

14 (iii) With respect to the eligible premises defined in subparagraph
15 (ii) of paragraph (b) or paragraph (c) of subdivision ten of section
16 four hundred ninety-nine-aa of this title and for purposes of determin-
17 ing whether the amount of expenditures required by subdivision one of
18 this section have been satisfied, expenditures on improvements to the
19 common areas of an eligible building shall be included only if work on
20 such improvements commenced and the expenditures are made on or after
21 July first, two thousand five and on or before December thirty-first,
22 two thousand [~~twenty-one~~] twenty-four; provided, however, that expendi-
23 tures on improvements to the common areas of an eligible building made
24 prior to three years before the lease commencement date shall not be
25 included.

26 § 17. Subdivisions 5 and 9 of section 499-a of the real property tax
27 law, as amended by section 21 of part E of chapter 61 of the laws of
28 2017, are amended to read as follows:

29 5. "Benefit period." The period commencing with the first day of the
30 month immediately following the rent commencement date and terminating
31 no later than sixty months thereafter, provided, however, that with
32 respect to a lease commencing on or after April first, nineteen hundred
33 ninety-seven with an initial lease term of less than five years, but not
34 less than three years, the period commencing with the first day of the
35 month immediately following the rent commencement date and terminating
36 no later than thirty-six months thereafter. Notwithstanding the forego-
37 ing sentence, a benefit period shall expire no later than March thirty-
38 first, two thousand [~~twenty-seven~~] thirty.

39 9. "Eligibility period." The period commencing April first, nineteen
40 hundred ninety-five and terminating March thirty-first, two thousand
41 [~~twenty-one~~] twenty-four.

42 § 18. Paragraph (a) of subdivision 3 of section 499-c of the real
43 property tax law, as amended by section 22 of part E of chapter 61 of
44 the laws of 2017, is amended to read as follows:

45 (a) For purposes of determining whether the amount of expenditures
46 required by subdivision one of this section have been satisfied, expendi-
47 tures on improvements to the common areas of an eligible building shall
48 be included only if work on such improvements commenced and the expendi-
49 tures are made on or after April first, nineteen hundred ninety-five and
50 on or before September thirtieth, two thousand [~~twenty-one~~] twenty-four;
51 provided, however, that expenditures on improvements to the common areas
52 of an eligible building made prior to three years before the lease
53 commencement date shall not be included.

54 § 19. Subdivision 8 of section 499-d of the real property tax law, as
55 amended by section 23 of part E of chapter 61 of the laws of 2017, is
56 amended to read as follows:

1 8. Leases commencing on or after April first, nineteen hundred nine-
2 ty-seven shall be subject to the provisions of this title as amended by
3 chapter six hundred twenty-nine of the laws of nineteen hundred ninety-
4 seven, chapter one hundred eighteen of the laws of two thousand one,
5 chapter four hundred forty of the laws of two thousand three, chapter
6 sixty of the laws of two thousand seven, chapter twenty-two of the laws
7 of two thousand ten, chapter fifty-nine of the laws of two thousand
8 fourteen, chapter twenty of the laws of two thousand fifteen [~~and the~~],
9 chapter of the laws of two thousand seventeen and the chapter of the
10 laws of two thousand twenty that [~~added~~] amended this phrase. Notwith-
11 standing any other provision of law to the contrary, with respect to
12 leases commencing on or after April first, nineteen hundred ninety-sev-
13 en, an application for a certificate of abatement shall be considered
14 timely filed if filed within one hundred eighty days following the lease
15 commencement date or within sixty days following the date chapter six
16 hundred twenty-nine of the laws of nineteen hundred ninety-seven became
17 a law, whichever is later.

18 § 20. Subparagraph (a) of paragraph 2 of subdivision i of section
19 11-704 of the administrative code of the city of New York, as amended by
20 section 24 of part E of chapter 61 of the laws of 2017, is amended to
21 read as follows:

22 (a) An eligible tenant of eligible taxable premises shall be allowed a
23 special reduction in determining the taxable base rent for such eligible
24 taxable premises. Such special reduction shall be allowed with respect
25 to the rent for such eligible taxable premises for a period not exceed-
26 ing sixty months or, with respect to a lease commencing on or after
27 April first, nineteen hundred ninety-seven with an initial lease term of
28 less than five years, but not less than three years, for a period not
29 exceeding thirty-six months, commencing on the rent commencement date
30 applicable to such eligible taxable premises, provided, however, that in
31 no event shall any special reduction be allowed for any period beginning
32 after March thirty-first, two thousand [~~twenty-seven~~] thirty. For
33 purposes of applying such special reduction, the base rent for the base
34 year shall, where necessary to determine the amount of the special
35 reduction allowable with respect to any number of months falling within
36 a tax period, be prorated by dividing the base rent for the base year by
37 twelve and multiplying the result by such number of months.

38 § 21. This act shall take effect immediately, except that if this act
39 shall become a law after June 30, 2020, this act shall be deemed to have
40 been in full force and effect on and after June 30, 2020; provided,
41 further, that the amendments to subparagraph (A) of paragraph 7 of
42 subdivision (ee) of section 1115 of the tax law made by section one of
43 this act shall not affect the repeal of such subdivision and shall be
44 repealed therewith.

45

ITEM B

46 Section 1. Paragraphs (d) and (e) of subdivision 1 of section
47 499-bbbb of the real property tax law, paragraph (d) as separately
48 amended by chapters 327 and 412 of the laws of 2018 and paragraph (e) as
49 added by chapter 412 of the laws of 2018, are amended to read as
50 follows:

51 (d) if the solar electric generating system is placed in service on or
52 after January first, two thousand fourteen, and before January first,
53 two thousand [~~twenty-one~~] twenty-four, for each year of the compliance
54 period such tax abatement shall be the lesser of (i) five percent of

1 eligible solar electric generating system expenditures, (ii) the amount
2 of taxes payable in such tax year, or (iii) sixty-two thousand five
3 hundred dollars; or

4 (e) if electric energy storage equipment is placed in service on or
5 after January first, two thousand nineteen, and before January first,
6 two thousand [~~twenty-one~~ twenty-four], for each year of the compliance
7 period such tax abatement shall be the lesser of (i) ten percent of
8 eligible electric energy storage equipment expenditures, (ii) the amount
9 of taxes payable in such tax year, or (iii) sixty-two thousand five
10 hundred dollars.

11 § 2. Subdivision 1 of section 499-cccc of the real property tax law,
12 as separately amended by chapters 327 and 412 of the laws of 2018, is
13 amended to read as follows:

14 1. To obtain a tax abatement pursuant to this title, an applicant must
15 file an application for tax abatement, which may be filed on or after
16 January first, two thousand nine, and on or before March fifteenth, two
17 thousand [~~twenty-one~~ twenty-four].

18 § 3. This act shall take effect immediately.

19

ITEM C

20 Section 1. Section 2 of part II of chapter 54 of the laws of 2016,
21 amending part C of chapter 58 of the laws of 2005 relating to
22 authorizing reimbursements for expenditures made by or on behalf of
23 social services districts for medical assistance for needy persons and
24 administration thereof, as amended by section 3 of part T of chapter 57
25 of the laws of 2018, is amended to read as follows:

26 § 2. This act shall take effect immediately and shall expire and be
27 deemed repealed March 31, [~~2020~~ 2022].

28 § 2. This act shall take effect immediately.

29

ITEM D

30 Section 1. Section 13 of part D of chapter 58 of the laws of 2016,
31 relating to repealing certain provisions of the state finance law relat-
32 ing to the motorcycle safety fund, is amended to read as follows:

33 § 13. This act shall take effect immediately; provided, however, that
34 section seven of this act shall take effect April 1, [~~2020~~ 2024];
35 provided further, however, that the amendments to section 399-1 of the
36 vehicle and traffic law made by section one of this act shall not affect
37 the repeal of such section and shall be deemed repealed therewith; and
38 provided further, however, that the amendments to paragraph (a) of
39 subdivision 3 of section 89-b of the state finance law made by section
40 eleven of this act shall be subject to the expiration and reversion of
41 such paragraph pursuant to section 13 of part U1 of chapter 62 of the
42 laws of 2003, as amended, when upon such date the provisions of section
43 twelve of this act shall take effect.

44 § 2. This act shall take effect immediately.

45

ITEM E

46 Section 1. Section 5 of chapter 589 of the laws of 2015, amending the
47 insurance law relating to catastrophic or reinsurance coverage issued to
48 certain small groups, as amended by chapter 202 of the laws of 2019, is
49 amended to read as follows:

1 § 5. This act shall take effect on the same date and in the same
2 manner as [a] chapter [~~of the laws of 2015 amending the insurance law~~
3 ~~relating to catastrophic or reinsurance coverage issued to certain small~~
4 ~~groups, as proposed in legislative bills numbers S.5928-A and A.8134-A]~~
5 588 of the laws of 2015, takes effect and shall be deemed repealed [~~six~~]
6 seven years thereafter.

7 § 2. Section 5 of chapter 588 of the laws of 2015, amending the insur-
8 ance law relating to catastrophic or reinsurance coverage issued to
9 certain small groups, as amended by chapter 202 of the laws of 2019, is
10 amended to read as follows:

11 § 5. This act shall take effect immediately; and shall be deemed
12 repealed [~~6~~] 7 years after it shall have become a law.

13 § 3. This act shall take effect immediately.

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

23 § 3. This act shall take effect immediately, provided, however, that
24 the applicable effective date of Items A through E of this act shall be
25 as specifically set forth in the last section of such Items.

26 § 2. Severability clause. If any clause, sentence, paragraph, subdivi-
27 sion, section, item, subpart or part of this act shall be adjudged by
28 any court of competent jurisdiction to be invalid, such judgment shall
29 not affect, impair, or invalidate the remainder thereof, but shall be
30 confined in its operation to the clause, sentence, paragraph, subdivi-
31 sion, section, item, subpart or part thereof directly involved in the
32 controversy in which such judgment shall have been rendered. It is here-
33 by declared to be the intent of the legislature that this act would have
34 been enacted even if such invalid provisions had not been included here-
35 in.

36 § 3. This act shall take effect immediately provided, however, that
37 the applicable effective date of Subparts A through H of this act shall
38 be as specifically set forth in the last section of such Subparts.

39 PART YYY

40 Section 1. Subdivision 12 of section 201 of the vehicle and traffic
41 law, as added by chapter 37 of the laws of 2019, is amended to read as
42 follows:

43 12. (a) Except as required for the commissioner to issue or renew a
44 driver's license or learner's permit that meets federal standards for
45 identification, as necessary for an individual seeking acceptance into a
46 trusted traveler program, or to facilitate vehicle imports and/or
47 exports, the commissioner, and any agent or employee of the commis-
48 sioner, shall not disclose or make accessible in any manner records or
49 information that he or she maintains, to any agency that primarily
50 enforces immigration law or to any employee or agent of such agency,
51 unless the commissioner is presented with a lawful court order or judi-
52 cial warrant signed by a judge appointed pursuant to article III of the
53 United States constitution. Upon receiving a request for such records or
54 information from an agency that primarily enforces immigration law, the

1 commissioner shall, no later than three days after such request, notify
2 the individual about whom such information was requested, informing such
3 individual of the request and the identity of the agency that made such
4 request.

5 (b) The commissioner shall require any person or entity that receives
6 or has access to records or information from the department to certify
7 to the commissioner, before such receipt or access, that such person or
8 entity shall not (i) use such records or information for civil immi-
9 gration purposes or (ii) disclose such records or information to any
10 agency that primarily enforces immigration law or to any employee or
11 agent of any such agency unless such disclosure is pursuant to a cooper-
12 ative arrangement between city, state and federal agencies which
13 arrangement does not enforce immigration law and which disclosure is
14 limited to the specific records or information being sought pursuant to
15 such arrangement. Violation of such certification shall be a class E
16 felony. In addition to any records required to be kept pursuant to
17 subdivision (c) of section 2721 of title 18 of the United States code,
18 any person or entity certifying pursuant to this paragraph shall keep
19 for a period of five years records of all uses and identifying each
20 person or entity that primarily enforces immigration law that received
21 department records or information from such certifying person or entity.
22 Such records shall be maintained in a manner and form prescribed by the
23 commissioner and shall be available for inspection by the commissioner
24 or his or her designee upon his or her request.

25 (c) For purposes of this subdivision, the term "agency that primarily
26 enforces immigration law" shall include, but not be limited to, United
27 States immigration and customs enforcement and United States customs and
28 border protection, and any successor agencies having similar duties.
29 Failure to maintain records as required by this subdivision shall be a
30 class E felony.

31 § 2. This act shall take effect immediately.

32 PART ZZZ

33 Section 1. The article heading of article 14 of the election law is
34 amended to read as follows:

35 CAMPAIGN RECEIPTS AND EXPENDITURES;
36 PUBLIC FINANCING

37 § 2. Sections 14-100 through 14-132 of the election law are designated
38 title I and a new title heading is added to read as follows:

39 CAMPAIGN RECEIPTS AND EXPENDITURES

40 § 3. Subdivision 1 of section 14-114 of the election law, as amended
41 by chapter 79 of the laws of 1992 and paragraphs a and b as amended by
42 chapter 659 of the laws of 1994, is amended to read as follows:

43 1. The following limitations apply to all contributions to candidates
44 for election to any public office or for nomination for any such office,
45 or for election to any party positions, and to all contributions to
46 political committees working directly or indirectly with any candidate
47 to aid or participate in such candidate's nomination or election, other
48 than any contributions to any party committee or constituted committee:

49 a. In any election for a public office to be voted on by the voters of
50 the entire state, or for nomination to any such office, no contributor
51 may make a contribution to any candidate or political committee, partic-
52 ipating in the state's public campaign financing system pursuant to
53 title two of this article and no such candidate or political committee
54 may accept any contribution from any contributor, which is in the aggre-

1 gate amount greater than ~~[(i) in the case of any nomination to public~~
2 ~~office, the product of the total number of enrolled voters in the candi-~~
3 ~~date's party in the state, excluding voters in inactive status, multi-~~
4 ~~plied by \$.005, but such amount shall be not less than four thousand~~
5 ~~dollars nor more than twelve] eighteen thousand dollars [as increased or~~
6 ~~decreased by the cost of living adjustment described in paragraph c of~~
7 ~~this subdivision, and (ii) in the case of any election to a public~~
8 ~~office, twenty-five thousand dollars as increased or decreased by the~~
9 ~~cost of living adjustment described in paragraph c of this subdivision]~~
10 divided equally among the primary and general election in an election
11 cycle; provided however, that the maximum amount which may be so
12 contributed or accepted, in the aggregate, from any candidate's child,
13 parent, grandparent, brother and sister, and the spouse of any such
14 persons, shall not exceed in the case of any nomination to public office
15 an amount equivalent to the product of the number of enrolled voters in
16 the candidate's party in the state, excluding voters in inactive status,
17 multiplied by \$.025, and in the case of any election for a public
18 office, an amount equivalent to the product of the number of registered
19 voters in the state excluding voters in inactive status, multiplied by
20 \$.025.

21 b. In any other election for party position or for election to a
22 public office or for nomination for any such office, no contributor may
23 make a contribution to any candidate or political committee participat-
24 ing in the state's public campaign financing system pursuant to title
25 two of this article and no such candidate or political committee may
26 accept any contribution from any contributor, which is in the aggregate
27 amount greater than election for party position, or for nomination to
28 public office, the product of the total number of enrolled voters in the
29 candidate's party in the district in which he is a candidate, excluding
30 voters in inactive status, multiplied by \$.05, and (ii) in the case of
31 any election for a public office, the product of the total number of
32 registered voters in the district, excluding voters in inactive status,
33 multiplied by \$.05, however in the case of a nomination within the city
34 of New York for the office of mayor, public advocate or comptroller,
35 such amount shall be not less than four thousand dollars nor more than
36 twelve thousand dollars as increased or decreased by the cost of living
37 adjustment described in paragraph c of this subdivision; in the case of
38 an election within the city of New York for the office of mayor, public
39 advocate or comptroller, twenty-five thousand dollars as increased or
40 decreased by the cost of living adjustment described in paragraph c of
41 this subdivision; in the case of a nomination or election for state
42 senator, [~~four~~ ten thousand dollars [~~as increased or decreased by the~~
43 ~~cost of living adjustment described in paragraph c of this subdivision,~~
44 ~~in the case of an election for state senator, six thousand two hundred~~
45 ~~five hundred dollars as increased or decreased by the cost of living adjustment~~
46 ~~described in paragraph c of this subdivision], divided equally among the~~
47 primary and general election in an election cycle; in the case of an
48 election or nomination for a member of the assembly, [~~twenty-five~~
49 ~~hundred] six thousand dollars [~~as increased or decreased by the cost of~~
50 ~~living adjustment described in paragraph c of this subdivision, but in~~
51 ~~no event shall any such maximum exceed fifty thousand dollars or be less~~
52 ~~than one thousand dollars], divided equally among the primary and gener-~~
53 al election in an election cycle; provided however, that the maximum
54 amount which may be so contributed or accepted, in the aggregate, from
55 any candidate's child, parent, grandparent, brother and sister, and the
56 spouse of any such persons, shall not exceed in the case of any election~~

1 for party position or nomination for public office an amount equivalent
2 to the number of enrolled voters in the candidate's party in the
3 district in which he is a candidate, excluding voters in inactive
4 status, multiplied by \$.25 and in the case of any election to public
5 office, an amount equivalent to the number of registered voters in the
6 district, excluding voters in inactive status, multiplied by \$.25; or
7 twelve hundred fifty dollars, whichever is greater, or in the case of a
8 nomination or election of a state senator, twenty thousand dollars,
9 whichever is greater, or in the case of a nomination or election of a
10 member of the assembly twelve thousand five hundred dollars, whichever
11 is greater, but in no event shall any such maximum exceed one hundred
12 thousand dollars.

13 c. In any election for a public office to be voted on by the voters of
14 the entire state, or for nomination to any such office, no contributor
15 may make a contribution to any candidate or political committee in
16 connection with a candidate who is not a participating candidate as
17 defined in subdivision fourteen of section 14-200-a of this article, and
18 no such candidate or political committee may accept any contribution
19 from any contributor, which is in the aggregate amount greater than
20 eighteen thousand dollars, divided equally among the primary and general
21 election in an election cycle; provided however, that the maximum amount
22 which may be so contributed or accepted, in the aggregate, from any
23 candidate's child, parent, grandparent, brother and sister, and the
24 spouse of any such persons, shall not exceed in the case of any nomi-
25 nation to public office an amount equivalent to the product of the
26 number of enrolled voters in the candidate's party in the state, exclud-
27 ing voters in inactive status, multiplied by \$.025, and in the case of
28 any election for a public office, an amount equivalent to the product of
29 the number of registered voters in the state, excluding voters in inac-
30 tive status, multiplied by \$.025.

31 d. In any nomination or election of a candidate who is not a partic-
32 ipating candidate for state senator, ten thousand dollars, divided
33 equally among the primary and general election in an election cycle; in
34 the case of an election or nomination for a member of the assembly, six
35 thousand dollars, divided equally among the primary and general election
36 in an election cycle.

37 e.(1) At the beginning of each fourth calendar year, commencing in
38 nineteen hundred ninety-five, the state board shall determine the
39 percentage of the difference between the most recent available monthly
40 consumer price index for all urban consumers published by the United
41 States bureau of labor statistics and such consumer price index
42 published for the same month four years previously. The amount of each
43 contribution limit fixed in this subdivision shall be adjusted by the
44 amount of such percentage difference to the closest one hundred dollars
45 by the state board which, not later than the first day of February in
46 each such year, shall issue a regulation publishing the amount of each
47 such contribution limit. Each contribution limit as so adjusted shall be
48 the contribution limit in effect for any election held before the next
49 such adjustment.

50 (2) Provided, however, that such adjustments shall not occur for
51 candidates seeking statewide office, or the position of state senator or
52 member of the assembly, whether such candidate does or does not partic-
53 ipate in the public finance program established pursuant to title two of
54 this article.

55 f. Notwithstanding any other contribution limit in this section,
56 participating candidates as defined in subdivision fourteen of section

1 14-200-a of this article may contribute, out of their own money, three
2 times the applicable contribution limit to their own authorized commit-
3 tee.

4 § 4. Article 14 of the election law is amended by adding a new title
5 II to read as follows:

6 TITLE II

7 PUBLIC FINANCING

8 Section 14-200. Legislative findings and intent.

9 14-200-a. Definitions.

10 14-201. Political committee registration.

11 14-202. Proof of compliance.

12 14-203. Eligibility.

13 14-204. Limits on public financing.

14 14-205. Payment of public matching funds.

15 14-206. Use of public matching funds; qualified campaign
16 expenditures.

17 14-207. Composition, powers, and duties of the public campaign
18 finance board.

19 14-208. Audits and repayments.

20 14-209. Enforcement and penalties for violations and other
21 proceedings.

22 14-210. Reports.

23 14-211. Debates for candidates for statewide office.

24 14-212. Severability.

25 § 14-200. Legislative findings and intent. The legislature finds that
26 reform of New York state's campaign finance system is crucial to improv-
27 ing public confidence in the state's democratic processes and continuing
28 to ensure a government that is accountable to all of the voters of the
29 state regardless of wealth or position. The legislature finds that New
30 York's current system of campaign finance, with its large contributions
31 to candidates for office and party committees, has created the potential
32 for and the appearance of corruption. The legislature further finds
33 that, whether or not this system creates actual corruption, the appear-
34 ance of such corruption can give rise to a distrust in government and
35 citizen apathy that undermines the democratic operation of the political
36 process.

37 The legislature also finds that the high cost of running for office in
38 New York discourages qualified candidates from running for office and
39 creates an electoral system that encourages candidates to spend too much
40 time raising money rather than attending to the duties of their office,
41 representing the needs of their constituents, and communicating with
42 voters.

43 The legislature amends this article creating a new title to this arti-
44 cle to reduce the possibility and appearance that special interests
45 exercise undue influence over state officials; to increase the actual
46 and apparent responsiveness of elected officials to all voters; to
47 encourage qualified candidates to run for office; and to reduce the
48 pressure on candidates to spend large amounts of time raising large
49 contributions for their campaigns.

50 The legislature also finds that the system of voluntary public financ-
51 ing furthers the government's interest in encouraging qualified candi-
52 dates to run for office. The legislature finds that the voluntary public
53 funding program will enlarge the public debate and increase partic-
54 ipation in the democratic process. In addition, the legislature finds
55 that the voluntary expenditure limitations and matching fund program

1 reduce the burden on candidates and officeholders to spend time raising
2 money for their campaigns.

3 Therefore, the legislature declares that these amendments further the
4 important and valid government interests of reducing voter apathy,
5 building confidence in government, reducing the reality and appearance
6 of corruption, and encouraging qualified candidates to run for office,
7 while reducing candidates' and officeholders' fundraising burdens.

8 § 14-200-a. Definitions. For the purposes of this title, the following
9 terms shall have the following meanings:

10 1. "authorized committee" means the single political committee desig-
11 nated by a candidate pursuant to these recommendations to receive
12 contributions and make expenditures in support of the candidate's
13 campaign for such election.

14 2. "PCFB" means the public campaign finance board established in this
15 title, unless otherwise specified.

16 3. "contribution" shall have the same meaning as appears in subdivi-
17 sion nine of section 14-100 of this article.

18 4. "contributor" means any person or entity that makes a contribution.

19 5. "covered election" means any primary, general, or special election
20 for nomination for election, or election, to the office of governor,
21 lieutenant governor, attorney general, state comptroller, state senator,
22 or member of the assembly.

23 6. "election cycle" means the two-year period starting the day after
24 the last general election for candidates for the state legislature and
25 shall mean the four-year period starting after the day after the last
26 general election for candidates for statewide office.

27 7. "expenditure" means any gift, subscription, advance, payment, or
28 deposit of money, or anything of value, or a contract to make any gift,
29 subscription, payment, or deposit of money, or anything of value, made
30 in connection with the nomination for election, or election, of any
31 candidate. Expenditures made by contract are deemed made when such
32 funds are obligated.

33 8. "fund" means the New York state campaign finance fund established
34 pursuant to section ninety-two-t of the state finance law.

35 9. "immediate family" means a spouse, domestic partner, child,
36 sibling, or parent.

37 10. "item with significant intrinsic and enduring value" means any
38 item, including tickets to an event, that are valued at twenty-five
39 dollars or more.

40 11. (a) "matchable contribution" means a contribution not less than
41 five dollars and not more than two hundred fifty dollars, for a candi-
42 date for public office to be voted on by the voters of the entire state
43 or for nomination to any such office, a contribution for any covered
44 elections held in the same election cycle, made by a natural person who
45 is a resident in the state of New York to a participating candidate, and
46 for a candidate for election to the state assembly or state senate or
47 for nomination to any such office, a contribution for any covered
48 elections held in the same election cycle, made by a natural person who
49 is also a resident of such state assembly or state senate district from
50 which such candidate is seeking nomination or election, that has been
51 reported in full to the PCFB in accordance with sections 14-102 and
52 14-104 of this article by the candidate's authorized committee and has
53 been contributed on or before the day of the applicable primary, gener-
54 al, runoff, or special election. Any contribution, contributions, or a
55 portion of a contribution determined to be invalid for matching funds by
56 the PCFB may not be treated as a matchable contribution for any purpose.

1 (b) The following contributions are not matchable:
2 (i) loans;
3 (ii) in-kind contributions of property, goods, or services;
4 (iii) contributions in the form of the purchase price paid for an item
5 with significant intrinsic and enduring value;
6 (iv) transfers from a party or constituted committee;
7 (v) anonymous contributions;
8 (vi) contributions whose source is not itemized as required by these
9 recommendations;
10 (vii) contributions gathered during a previous election cycle;
11 (viii) illegal contributions;
12 (ix) contributions from minors;
13 (x) contributions from vendors for campaigns hired by the candidate
14 for such election cycle;
15 (xi) contributions from lobbyists registered pursuant to subdivision
16 (a) of section one-c of the legislative law; and
17 (xii) any portion of a contribution when the aggregate contributions
18 are in excess of two hundred fifty dollars from any one contributor to
19 such participating candidate for nomination or election.

20 13. "nonparticipating candidate" means a candidate for a covered
21 election who fails to file a written certification in the form of an
22 affidavit pursuant to these recommendation by the applicable deadline.

23 14. "participating candidate" means any candidate for nomination for
24 election, or election, to the office of governor, lieutenant governor,
25 attorney general, state comptroller, state senator, or member of the
26 assembly, who files a written certification in the form determined by
27 the PCFB.

28 15. "post-election period" means the period following an election when
29 a candidate is subject to an audit.

30 16. "qualified campaign expenditure" means an expenditure for which
31 public matching funds may be used.

32 17. "threshold for eligibility" means the amount of matchable contrib-
33 utions that a candidate's authorized committee must receive in total in
34 order for such candidate to qualify for voluntary public financing under
35 this title.

36 18. "transfer" means any exchange of funds between a party or consti-
37 tuted committee and a candidate or any of his or her authorized commit-
38 tees.

39 19. "surplus" means those funds where the total sum of contributions
40 received and public matchable funds received by a participating candi-
41 date and his or her authorized committee exceeds the total campaign
42 expenditures of such candidate and authorized committee for all covered
43 elections held in the same calendar year or for a special election to
44 fill a vacancy.

45 § 14-201. Political committee registration. 1. Political committees,
46 as defined pursuant to subdivision one of section 14-100 of this arti-
47 cle, shall register with the state board of elections before making any
48 contribution or expenditure. The state board of elections shall publish
49 a cumulative list of political committees that have registered, includ-
50 ing on its webpage, and regularly update it.

51 2. Only one authorized committee per candidate per elective office
52 sought. Before receiving any contribution or making any expenditure for
53 a covered election, each candidate shall notify the PCFB as to the
54 existence of his or her authorized committee that has been approved by
55 such candidate. Each candidate shall have one and only one authorized

1 committee per elective office sought. Each authorized committee shall
2 have a treasurer.

3 3. (a) In addition to each authorized and political committee report-
4 ing to the PCFB every contribution and loan received and every expendi-
5 ture made in the time and manner prescribed by sections 14-102, 14-104,
6 and 14-108 of this article, each authorized and political committee for
7 participating candidates shall also submit disclosure reports on March
8 fifteenth of each election year reporting to the PCFB every contribution
9 and loan received and every expenditure made. For contributors who make
10 aggregate contributions of one hundred dollars or more, each authorized
11 and political committee shall report to the PCFB the occupation and
12 business address of each contributor and lender. The PCFB shall revise,
13 prepare, and post forms on its webpage that facilitate compliance with
14 the requirements of this section.

15 (b) The PCFB shall review each disclosure report filed and shall
16 inform authorized and political committees of relevant questions it has
17 concerning: (i) compliance with requirements of this title and of the
18 rules issued by the PCFB, and (ii) qualification for receiving public
19 matching funds pursuant to this title. In the course of this review, it
20 shall give authorized and political committees an opportunity to respond
21 to and correct potential violations and give candidates an opportunity
22 to address questions it has concerning their matchable contribution
23 claims or other issues concerning eligibility for receiving public
24 matching funds pursuant to this title.

25 (c) Contributions that are not itemized in reports filed with the PCFB
26 shall not be matchable.

27 (d) Participating candidates may file reports of contributions as
28 frequently as once a week on Monday so that their matching funds may be
29 paid at the earliest allowable date.

30 § 14-202. Proof of compliance. Authorized and political committees
31 shall maintain such records of receipts and expenditures for a covered
32 election as required by the PCFB. Authorized and political committees
33 shall obtain and furnish to the PCFB any information it may request
34 relating to financial transactions or contributions and furnish such
35 documentation and other proof of compliance with this title as may be
36 requested. In compliance with section 14-108 of this article, authorized
37 and political committees shall maintain copies of such records for a
38 period of five years.

39 § 14-203. Eligibility. 1. Terms and conditions. To be eligible for
40 voluntary public financing under this title, a candidate must:

41 (a) be a candidate in a covered election;

42 (b) meet all the requirements of law to have his or her name on the
43 ballot, subject to the requirements of subdivision three of section
44 1-104 and subdivision one of section 6-142 of this chapter;

45 (c) in the case of a covered general or special election, be opposed
46 by another candidate on the ballot who is not a write-in candidate;

47 (d) submit a certification in the form of an affidavit, in such form
48 as may be prescribed by the PCFB, that sets forth his or her acceptance
49 of and agreement to comply with the terms and conditions for the
50 provision of such funds in each covered election and such certification
51 shall be submitted at least four months before a primary election and on
52 the last day in which a certification of nomination is filed in a
53 special election pursuant to a schedule promulgated by the PCFB;

54 (e) be certified as a participating candidate by the PCFB;

55 (f) not make, and not have made, expenditures from or use his or her
56 personal funds or property or the personal funds or property jointly

1 held with his or her spouse, or unemancipated children in connection
2 with his or her nomination for election or election to a covered office,
3 but may make a contribution to his or her authorized committee in an
4 amount that does not exceed three times the applicable contribution
5 limit from an individual contributor to candidates for the office that
6 he or she is seeking;

7 (g) meet the threshold for eligibility set forth in subdivision two of
8 this section;

9 (h) continue to abide by all requirements during the post-election
10 period; and

11 (i) not have accepted contributions in amounts exceeding the contrib-
12 ution limits set forth for candidates in paragraphs a and b of subdivi-
13 sion one of section 14-114 of this article during the election cycle for
14 which the candidate seeks certification;

15 (i) Provided however, that, if a candidate accepted contributions
16 exceeding such limits, such acceptance shall not prevent the candidate
17 from being certified by the PCFB if the candidate in a reasonable time,
18 as determined by rule, pays to the fund or returns to the contributor
19 the portion of any contribution that exceeded the applicable contrib-
20 ution limit.

21 (ii) If the candidate is unable to return such funds in a reasonable
22 time, as determined by rule, because they have already been spent,
23 acceptance of contributions exceeding the limits shall not prevent the
24 candidate from being certified by the PCFB if the candidate submits an
25 affidavit agreeing to pay to the fund all portions of any contributions
26 that exceeded the limit no later than thirty days before the general
27 election. If a candidate provides the PCFB with such an affidavit, any
28 disbursement of public funds to the candidate shall be reduced by no
29 more than twenty-five percent until the total amount owed by the candi-
30 date is repaid.

31 (iii) Nothing in this section shall be interpreted to require a candi-
32 date who retains funds raised during any previous election cycle to
33 forfeit such funds. Funds raised during a previous election cycle may be
34 retained and used by the candidate for the candidate's campaign in the
35 next election cycle but funds shall not qualify for satisfying the
36 threshold for participating in the public campaign finance program
37 established in this title nor shall they be eligible to be matched. The
38 PCFB shall adopt regulations to ensure that contributions that would
39 satisfy the applicable contribution limits authorized in this title
40 shall be transferred into the appropriate campaign account.

41 (iv) Contributions received and expenditures made by the candidate or
42 an authorized committee of the candidate prior to the effective date of
43 this title shall not constitute a violation of this title. Unexpended
44 contributions shall be treated the same as campaign surpluses under
45 subparagraph (iii) of this paragraph. Nothing in this recommendation
46 shall be construed to limit, in any way, any candidate or public offi-
47 cial from expending any portion of pre-existing campaign funds for any
48 lawful purpose other than those related to his or her campaign.

49 (v) A candidate who has raised matchable contributions but, in the
50 case of a covered primary, general or special election, is not opposed
51 by another candidate on the ballot who is not a write-in candidate, or
52 who chooses not to accept matchable funds, may retain such contributions
53 and apply them in accord with this title to the candidate's next
54 campaign, should there be one, in the next election cycle.

55 2. Threshold for eligibility. (a) The threshold for eligibility for
56 public funding for participating candidates shall be in the case of:

1 (i) governor, not less than five hundred thousand dollars in contribu-
 2 tions including at least five thousand matchable contributions shall be
 3 counted toward this qualifying threshold;

4 (ii) lieutenant governor, attorney general and comptroller, not less
 5 than one hundred thousand dollars in contributions including at least
 6 one thousand matchable contributions shall be counted toward this quali-
 7 fying threshold;

8 (iii) state senator, except as otherwise provided in paragraph (c) of
 9 this subdivision, not less than twelve thousand dollars in contributions
 10 including at least one hundred fifty matchable contributions shall be
 11 counted toward this qualifying threshold; and

12 (iv) member of the assembly, except as otherwise provided in paragraph
 13 (c) of this subdivision, not less than six thousand dollars in contrib-
 14 utions including at least seventy-five matchable contributions shall be
 15 counted toward this qualifying threshold.

16 (b) However, solely for purposes of achieving the monetary thresholds
 17 in paragraph (a) of this subdivision, the first two hundred fifty
 18 dollars of any contribution of more than two hundred fifty dollars to a
 19 candidate or a candidate's committee which would otherwise be matchable
 20 except that it comes from a contributor who has contributed more than
 21 two hundred fifty dollars to such candidate or candidate's committee, is
 22 deemed to be a matchable contribution and shall count toward satisfying
 23 such monetary threshold but shall not otherwise be considered a matcha-
 24 ble contribution.

25 (c) With respect to the minimum dollar threshold for participating
 26 candidates for state senate and state assembly, in such districts where
 27 average median income ("AMI") is below the AMI as determined by the
 28 United States Census Bureau three years before such election for which
 29 public funds are sought, such minimum dollar threshold for eligibility
 30 shall be reduced by one-third. The PCFB shall make public which
 31 districts are subject to such reduction no later than two years before
 32 the first primary election for which funding is sought.

33 (d) Any participating candidate meeting the threshold for eligibility
 34 in a primary election for one of the foregoing offices shall be applied
 35 to satisfy the threshold for eligibility for such office in any other
 36 subsequent election held in the same calendar year. Any participating
 37 candidate who is nominated in a primary election and has participated in
 38 the public financing program set forth in this title, must participate
 39 in the general election for such office.

40 § 14-204. Limits on public financing. The following limitations apply
 41 to the total amounts of public funds that may be provided to a partic-
 42 ipating candidate's authorized committee for an election cycle:

43 1. In any primary election, receipt of public funds by participating
 44 candidates and by their participating committees shall not exceed:

- | | |
|--|--------------------|
| 45 <u>(a) for Governor</u> | <u>\$3,500,000</u> |
| 46 <u>(b) for Lieutenant Governor, Attorney General or Comptroller</u> | <u>\$3,500,000</u> |
| 47 <u>(c) for State Senator</u> | <u>\$375,000</u> |
| 48 <u>(d) for Member of the Assembly</u> | <u>\$175,000</u> |

49 2. In any general or special election, receipt of public funds by a
 50 participating candidate's authorized committees shall not exceed:

- | | |
|---|--------------------|
| 51 <u>(a) for Governor and Lieutenant Governor (combined)</u> | <u>\$3,500,000</u> |
| 52 <u>(b) for Attorney General</u> | <u>\$3,500,000</u> |
| 53 <u>(c) for Comptroller</u> | <u>\$3,500,000</u> |
| 54 <u>(d) for State Senator</u> | <u>\$375,000</u> |
| 55 <u>(e) for Member of the Assembly</u> | <u>\$175,000</u> |

1 3. No participating candidate for nomination for an office who is not
2 opposed by a candidate on the ballot in a primary election shall be
3 entitled to payment of public matching funds, except that, where there
4 is a contest in such primary election for the nomination of at least one
5 of the two political parties with the highest and second highest number
6 of enrolled members for such office, a participating candidate who is
7 unopposed in the primary election may receive public funds before the
8 primary election, for expenses incurred on or before the date of such
9 primary election, in an amount equal to up to half the sum set forth in
10 paragraph one of this section.

11 4. Nothing in this section shall be construed to limit the amount of
12 private funds a candidate may receive subject to the contribution limits
13 contained in section 14-114 of this article. Any contributions so
14 received which are not expended in the general election may be applied
15 to the next covered election for an office for which such candidate
16 seeks nomination or election.

17 5. A candidate only on the ballot in one or more primary elections in
18 which the number of persons eligible to vote for party nominees in each
19 such election totals fewer than one thousand shall not receive public
20 funds in excess of five thousand dollars for qualified campaign expendi-
21 tures in such election or elections. For the purposes of this section,
22 the number of persons eligible to vote for party nominees in a primary
23 election shall be as determined by the state board of elections for the
24 calendar year of the primary election. A candidate for office on the
25 ballot in more than one primary for such office, shall be deemed, for
26 purposes of this recommendation, to be a single candidate.

27 § 14-205. Payment of public matching funds. 1. Determination of eligi-
28 bility. No public matching funds shall be paid to an authorized commit-
29 tee unless the PCFB determines that the participating candidate has met
30 the eligibility requirements of this title. Payment shall not exceed the
31 amounts specified in subdivision two of this section, and shall be made
32 only in accordance with the provisions of this title. Such payment may
33 be made only to the participating candidate's authorized committee. No
34 public matching funds shall be used except as reimbursement or payment
35 for qualified campaign expenditures actually and lawfully incurred or to
36 repay loans used to pay qualified campaign expenditures.

37 2. Calculation of payment. (a) In any election for a public office to
38 be voted on by the voters of the entire state or for nomination to any
39 such office, if the threshold for eligibility is met, the participating
40 candidate's authorized committee shall receive payment for qualified
41 campaign expenditures of six dollars of public matching funds for each
42 one dollar of matchable contributions, obtained and reported to the PCFB
43 in accordance with the provisions of this title. The maximum payment of
44 public matching funds shall be limited to the amounts set forth in this
45 section for the covered election.

46 (b) In any election for state senate or state assembly or for nomi-
47 nation to any such office, if the threshold for eligibility is met, the
48 participating candidate's authorized committee shall receive payment for
49 qualified campaign expenditures for matchable contributions of eligible
50 private funds per contributor, obtained, and reported to the PCFB here-
51 in, of: twelve dollars of public matching funds for each of the first
52 fifty dollars of matchable contributions; nine dollars of public match-
53 ing funds for each of the next one hundred dollars of public matchable
54 contributions; and eight dollars for the each of the next one hundred
55 dollars of public matchable contributions. The maximum payment of public

1 matching funds shall be limited to the amounts set forth in this section
2 for the covered election.

3 3. Timing of payment. The PCFB shall make any payment of public match-
4 ing funds to participating candidates as soon as is practicable. But in
5 all cases, it shall verify eligibility for public matching funds within
6 four days, excluding weekends and holidays, of receiving a campaign
7 contribution report filed in compliance with section 14-104 of this
8 article. Within two days of determining that a candidate for a covered
9 office is eligible for public matching funds, it shall authorize payment
10 of the applicable matching funds owed to the candidate. The PCFB shall
11 schedule at least three payment dates in the thirty days prior to a
12 covered primary, general, or special election. If any of such payments
13 would require payment on a weekend or federal holiday, payment shall be
14 made on the next business day.

15 4. Notwithstanding any provision of this section to the contrary, the
16 amount of public funds payable to a participating candidate on the
17 ballot in any covered election shall not exceed one-quarter of the maxi-
18 mum public funds payment otherwise applicable and no participating
19 candidate shall be eligible to receive a disbursement of public funds
20 prior to two weeks after the last day to file designating petitions for
21 a primary election unless the participating candidate is opposed by a
22 competitive candidate. The PCFB shall, by regulation, set forth objec-
23 tive standards to determine whether a candidate is competitive and the
24 procedures for qualifying for the payment of public funds.

25 5. Electronic funds transfer. The PCFB shall, in consultation with the
26 office of the comptroller, promulgate rules to facilitate electronic
27 funds transfers directly from the campaign finance fund into an author-
28 ized committee's bank account.

29 6. Irregularly scheduled elections. Notwithstanding any other
30 provision of this title, the PCFB shall promulgate rules to provide for
31 the prompt issuance of public matching funds to eligible participating
32 candidates for qualified campaign expenditures in the case of any other
33 covered election held on a day different from the day originally sched-
34 uled, including special elections. Provided, however in all cases, the
35 PCFB shall: (a) within four days, excluding weekends and holidays, of
36 receiving a report of contributions from a candidate for a covered
37 office claiming eligibility for public matching funds, verify that
38 candidate's eligibility for public matching funds; and (b) within two
39 days of determining that the candidate for a covered office is eligible
40 for public matching funds, it shall authorize payment of the applicable
41 matching funds owed to the candidate.

42 § 14-206. Use of public matching funds; qualified campaign expendi-
43 tures. 1. Public matching funds provided pursuant to this title may be
44 used only by an authorized committee for expenditures to further the
45 participating candidate's nomination for election or election, including
46 paying for debts incurred within one year prior to an election to
47 further the participating candidate's nomination for election or
48 election.

49 2. Such public matching funds may not be used for:

50 (a) an expenditure in violation of any law;

51 (b) an expenditure in excess of the fair market value of services,
52 materials, facilities, or other things of value received in exchange;

53 (c) an expenditure made after the candidate has been finally disquali-
54 fied from the ballot;

1 (d) an expenditure made after the only remaining opponent of the
2 candidate has been finally disqualified from the general or special
3 election ballot;

4 (e) an expenditure made by cash payment;

5 (f) a contribution or loan or transfer made to or expenditure to
6 support another candidate or political committee or party committee or
7 constituted committee;

8 (g) an expenditure to support or oppose a candidate for an office
9 other than that which the participating candidate seeks;

10 (h) gifts, except brochures, buttons, signs, tee shirts and other
11 printed campaign material;

12 (i) legal fees to defend against a criminal charge;

13 (j) any expenditure made to challenge the validity of any petition of
14 designation or nomination or any certificate of nomination, acceptance,
15 authorization, declination, or substitution;

16 (k) payments made to the candidate or a spouse, domestic partner,
17 child, grandchild, parent, grandparent, brother or sister of the candi-
18 date or spouse or domestic partner of such child, grandchild, parent,
19 grandparent, brother or sister, or to a business entity in which the
20 candidate or any such person has a ten percent or greater ownership
21 interest;

22 (l) an expenditure made primarily for the purpose of expressly advo-
23 cating a vote for or against a ballot proposal, other than expenditures
24 made also to further the participating candidate's nomination for
25 election or election;

26 (m) payment of any settlement, penalty or fine imposed pursuant to
27 federal, state or local law;

28 (n) payments made through advances, except in the case of individual
29 purchases less than two hundred fifty dollars; or

30 (o) expenditures to facilitate, support, or otherwise assist in the
31 execution or performance of the duties of public office.

32 § 14-207. Composition, powers, and duties of the public campaign
33 finance board. 1. There shall be a public campaign finance board within
34 the state board of elections that shall be comprised of the following
35 commissioners: the four state board of elections commissioners and three
36 additional commissioners, one jointly appointed by the legislative lead-
37 ers of one major political party in each house of the legislature, one
38 jointly appointed by the legislative leaders of the other major poli-
39 tical party in each house of the legislature, and one of whom shall be
40 appointed by the governor. Each commissioner must be a New York state
41 resident and registered voter, and may not currently be, or within the
42 previous five years have been, an officer of a political party or poli-
43 tical committee as defined in the election law, or a registered lobby-
44 ist. The chair of the PCFB shall be designated by the PCFB from among
45 the three additional commissioners. Each of the three additional commis-
46 sioners shall receive a per diem of three hundred fifty dollars for work
47 actually performed not to exceed twenty-five thousand dollars in any one
48 calendar year. They shall be considered public officers for purposes of
49 sections seventy-three-a and seventy-four of the public officers law.
50 The three commissioners so appointed pursuant to this recommendation
51 will be appointed for a term of five years to commence on July first,
52 two thousand twenty and may be removed by his or her appointing authori-
53 ty solely for substantial neglect of duty, gross misconduct in office,
54 inability to discharge the power or duties of office, after written
55 notice and opportunity to be heard. During the period of his or her term
56 as a commissioner appointed hereunder, each such commissioner is barred

1 from making, or soliciting from other persons, any contributions to
2 candidates for election to the offices of governor, lieutenant governor,
3 attorney general, comptroller, member of the assembly, or state senator.
4 Any vacancy occurring on the PCFB shall be filled within thirty days of
5 its occurrence in the same manner as the member whose vacancy is being
6 filled was appointed. A person appointed to fill a vacancy occurring
7 other than by expiration of a term of office shall be appointed for the
8 unexpired term of the member he or she succeeds. Four members of the
9 PCFB shall constitute a quorum, and the PCFB shall have the power to act
10 by majority vote of the total number of members of the commission with-
11 out vacancy. All members of the PCFB shall be appointed no later than
12 the first day of July, two thousand twenty and the PCFB shall promulgate
13 such regulations as are needed no later than the first day of July, two
14 thousand twenty-one.

15 2. The PCFB and state board of elections may utilize existing state
16 board of elections staff and hire such other staff as are necessary to
17 carry out its duties. It may expand its staffing, as needed, to provide
18 additional candidate liaisons to assist candidates in complying with the
19 terms of this public campaign finance system as provided for in these
20 recommendations, as well as auditors, trainers, attorneys, technical
21 staff and other such staff as the PCFB determines is necessary to admin-
22 ister this system. Annually, on or before the first of every year, the
23 PCFB shall submit to the governor and the division of the budget a
24 request for appropriations for the next state fiscal year to fully
25 support the administration of the public campaign finance program estab-
26 lished in this title.

27 3. The PCFB shall develop a program for informing candidates and the
28 public as to the purpose and effect of the provisions of this title,
29 including by means of a webpage. The PCFB shall prepare in plain
30 language and make available educational materials, including compliance
31 manuals and summaries and explanations of the purposes and provisions of
32 this title. The PCFB shall provide compliance counseling and guidance to
33 candidates seeking to participate in public financing as provided for in
34 this title, as well as to such candidates who participate. The PCFB
35 shall prepare or have prepared and make available materials, including,
36 to the extent feasible, computer software, to facilitate the task of
37 compliance with the disclosure and record keeping requirements of this
38 title.

39 4. The PCFB shall have the authority to promulgate such rules and
40 regulations and provide such forms as it deems necessary for the admin-
41 istration of this title.

42 5. The PCFB shall provide an interactive, searchable computer database
43 that shall contain all information necessary for the proper adminis-
44 tration of this title, including information on contributions to and
45 expenditures by candidates and their authorized committees, independent
46 expenditures in support or opposition of candidates for covered offices,
47 and distributions of moneys from the fund. Such database shall be acces-
48 sible to the public on the PCFB's webpage.

49 6. Any advice provided by PCFB staff to a participating or non partic-
50 ipating candidate with regard to an action shall be presumptive evidence
51 that such action, if taken in reliance on such advice, should not be
52 subject to a penalty or repayment obligation where such candidate or
53 such candidate's committee has confirmed such advice in writing to such
54 PCFB staff by registered or certified mail to the correct address, or by
55 electronic or facsimile transmission with evidence of receipt, describ-
56 ing the action to be taken pursuant to the advice given and the PCFB or

1 its staff has not responded to such written confirmation within seven
2 business days disavowing or altering such advice, provided that the
3 PCFB's response shall be by registered or certified mail to the correct
4 address, or by electronic or facsimile transmission with evidence of
5 receipt.

6 7. The PCFB and its proceedings shall be subject to articles six and
7 seven of the public officers law.

8 8. Notwithstanding any other provision of law including, but not
9 limited to, subdivision one of section 3-104 of this chapter, the PCFB
10 shall have sole authority to investigate all referrals and complaints
11 relating to the administration of the program established hereunder and
12 violations of any of its provisions, and it shall have sole authority to
13 administer the program established in this title and to enforce such
14 provisions of this program except as otherwise provided in this title.

15 9. The PCFB may take such other actions as are necessary and proper to
16 carry out the purposes of this recommendation.

17 § 14-208. Audits and repayments. 1. Audits. (a) The PCFB shall audit
18 and examine all matters relating to the proper administration of this
19 title and shall complete all such audits no later than one and one-half
20 years after the election in question. This deadline shall not apply in
21 cases involving potential campaign-related fraud, knowing and willful
22 violations of this article, or criminal activity.

23 (b) Every participating candidate for statewide office who receives
24 public funds as provided in this title, and every candidate for any
25 other office who receives five hundred thousand dollars or greater in
26 public funds as provided in this title, shall be audited by the PCFB
27 along with all other candidates in each such race. Such audits shall be
28 completed within one and one-half years of the election in question.

29 (c) Except as provided in paragraph (b) of this subdivision, the PCFB
30 shall select not more than one-third of all participating candidates in
31 covered elections for audit through a lottery which shall be completed
32 within one year of the election in question. A separate lottery shall be
33 conducted for each office. The PCFB shall select senate and assembly
34 districts to be audited, auditing every candidate in each selected
35 district, while ensuring that the number of audited candidates within
36 those districts does not exceed fifty percent of all participating
37 candidates for the relevant office. The lottery for senate and assembly
38 elections shall be weighted to increase the likelihood that a district
39 for the relevant office is audited based on how frequently it has not
40 been selected for auditing during the past three election cycles. The
41 PCFB shall promulgate rules concerning the method of weighting the
42 senate and assembly lotteries, including provisions for the first three
43 election cycles for each office.

44 (d) The cost of complying with a post-election audit shall be borne by
45 the candidate's authorized committee using public funds, private funds,
46 or any combination of such funds. Candidates who run in any primary or
47 general election must maintain a reserve of three percent of the public
48 funds received to comply with the post-election audit.

49 (e) The PCFB shall issue to each campaign audited a final audit report
50 that details its findings.

51 2. Repayments. (a) If the PCFB determines that any portion of the
52 payment made to a candidate's authorized committee from the fund was in
53 excess of the aggregate amount of payments that such candidate was
54 eligible to receive pursuant to this title, it shall notify such commit-
55 tee and such committee shall pay to the PCFB an amount equal to the
56 amount of excess payments. Such committee shall first utilize the

1 surplus for repayment of such sums and then such other funds as it may
2 have. Provided, however, that if the erroneous payment was the result of
3 an error by the PCFB, then the erroneous payment will be deducted from
4 any future payment, if any, and if no future payment is to be made then
5 neither the candidate nor the committee shall be liable to repay the
6 excess amount to the PCFB. The candidate and the candidate's authorized
7 committee are jointly and severally liable for any repayments to the
8 PCFB.

9 (b) If the PCFB determines that any portion of the payment made to a
10 candidate's authorized committee from the fund was used for purposes
11 other than qualified campaign expenditures and such expenditures were
12 not approved by the PCFB, it shall notify such committee of the amount
13 so disqualified and such committee shall pay to the PCFB an amount equal
14 to such disqualified amount. The candidate, the treasurer, and the
15 candidate's authorized committee are jointly and severally liable for
16 any repayments to the PCFB.

17 (c) If the total sum of contributions received and public matching
18 payments from the fund received by a participating candidate and his or
19 her authorized committee exceed the total campaign expenditures of such
20 candidate and authorized committee for all covered elections held in the
21 same calendar year or for a special election to fill a vacancy, such
22 candidate and committee shall use such surplus funds to reimburse the
23 fund for payments received by such authorized committee from the fund
24 during such calendar year or for such special election. Participating
25 candidates shall make such payments not later than twenty-seven days
26 after all liabilities for the election have been paid and in any event,
27 not later than the day on which the PCFB issues its final audit report
28 for the participating candidate's authorized committee; provided, howev-
29 er, that all unspent public campaign funds for a participating candidate
30 shall be immediately due and payable to the PCFB upon a determination by
31 the PCFB that the participant has delayed the post-election audit. A
32 participating candidate may make post-election expenditures with public
33 funds only for routine activities involving nominal cost associated with
34 winding up a campaign and responding to the post-election audit. Nothing
35 in this title shall be construed to prevent a candidate or his or her
36 authorized committee from using campaign contributions received from
37 private contributors for otherwise lawful expenditures.

38 3. Rules and regulations. (a) The PCFB shall promulgate regulations
39 for the certification of the amount of funds payable by the comptroller
40 from the fund established pursuant to section ninety-two-t of the state
41 finance law, to a participating candidate that has qualified to receive
42 such payment. These regulations shall include the promulgation and
43 distribution of forms on which contributions and expenditures are to be
44 reported, the periods during which such reports must be filed, and the
45 verification required. The PCFB shall institute procedures which will
46 make possible payment by the fund within four business days after
47 receipt of the required forms and verifications.

48 (b) All rules and regulations promulgated pursuant to this recommenda-
49 tion shall be promulgated pursuant to the state administrative procedure
50 act. The PCFB's determinations pursuant to such regulations and these
51 recommendations shall be deemed final.

52 § 14-209. Enforcement and penalties for violations and other
53 proceedings. 1. Civil penalties. Violations of any provisions regarding
54 public campaign financing stated in this title or regulation promulgated
55 pursuant to this title shall be subject to a civil penalty in an amount
56 not in excess of fifteen thousand dollars and such other lesser fines as

1 the PCFB may promulgate in regulation. Candidates may contest alleged
2 failures to file, late reports and reports with noticed deficiencies and
3 have an opportunity to be heard by the PCFB. The PCFB shall promulgate a
4 regulation setting forth a schedule of fines for such infractions
5 including those that it may assess directly on violators. The PCFB
6 shall investigate referrals and complaints. After investigation, it may
7 recommend dismissal, settlement, civil action, or referral to law
8 enforcement. The PCFB may assess penalties and it is authorized to
9 commence a civil action in court to enforce all penalties and recover
10 money due.

11 2. Notice of violation and opportunity to be heard. The PCFB shall:

12 (a) determine whether a violation of any provision of this title or
13 regulation promulgated hereunder has been committed;

14 (b) serve written notice upon each person or entity it has reason to
15 believe has committed a violation and such written notice shall describe
16 with particularity the nature of the alleged violation including a writ-
17 ten reference to a specific law or regulation alleged to have been
18 violated;

19 (c) provide such person or entity an opportunity to be heard pursuant
20 to the state administrative procedure act and any regulations of the
21 PCFB; and

22 (d) if appropriate, assess penalties for violations, following such
23 notice and opportunity to be heard.

24 3. Criminal conduct. Any person who knowingly and willfully furnishes
25 or submits false statements or information to the PCFB in connection
26 with its administration of this title shall be guilty of a misdemeanor
27 in addition to any other penalty as may be imposed under this chapter or
28 pursuant to any other law. The attorney general, upon referral from the
29 PCFB, shall have exclusive authority to prosecute any such criminal
30 violation. The PCFB shall seek to recover any public matching funds
31 obtained as a result of such criminal conduct.

32 4. Court proceedings. Proceedings as to public financing brought under
33 this title shall have preference over all other causes in all courts.

34 (a) The determination of eligibility pursuant to this title and any
35 question or issue relating to payments for campaign expenditures pursu-
36 ant to this title may be contested in a proceeding instituted in the
37 Supreme Court, Albany county by any aggrieved candidate.

38 (b) A proceeding with respect to such a determination of eligibility
39 or payment for qualified campaign expenditures pursuant to this chapter
40 shall be instituted within fourteen days after such determination was
41 made. The PCFB shall be made a party to any such proceeding.

42 (c) Upon the PCFB's failure to receive the amount due from a partic-
43 ipating candidate or such candidate's authorized committee after the
44 issuance of written notice of such amount due, as required by this
45 title, the PCFB is authorized to institute a special proceeding or civil
46 action in Supreme Court, Albany county to obtain a judgment for any
47 amounts determined to be payable to the PCFB as a result of an examina-
48 tion and audit made pursuant to this title or to obtain such amounts
49 directly from the candidate or authorized committee after a hearing at
50 the PCFB.

51 (d) The PCFB shall settle or, in its sole discretion, institute a
52 special proceeding or civil action in Supreme Court, Albany county to
53 obtain a judgment for civil penalties determined to be payable to the
54 PCFB pursuant to this title or to impose such penalty directly after a
55 hearing at the PCFB.

1 § 14-210. Reports. The PCFB shall review and evaluate the effect of
2 this title upon the conduct of election campaigns and shall submit a
3 report to the legislature on or before January first, two thousand twen-
4 ty-five and every second year thereafter, and at any other time upon the
5 request of the governor and at such other times as the PCFB deems appro-
6 priate. These reports shall include:

7 1. a list of the participating and nonparticipating candidates in
8 covered elections and the votes received by each candidate in those
9 elections;

10 2. the amount of contributions and loans received, and expenditures
11 made on behalf of these candidates;

12 3. the amount of public matching funds each participating candidate
13 received, spent, and repaid pursuant to this program;

14 4. analysis of the effect of this title on political campaigns,
15 including its effect on the sources and amounts of private financing,
16 the level of campaign expenditures, voter participation, the number of
17 candidates, the candidates' ability to campaign effectively for public
18 office, and the diversity of candidates seeking and elected to office;
19 and

20 5. recommendations for further legislative and regulatory enactments,
21 including changes in contribution limits, thresholds for eligibility,
22 and any other features of the system.

23 § 14-211. Debates for candidates for statewide office. The PCFB shall
24 promulgate regulations to facilitate debates among participating candi-
25 dates who seek election to statewide office. Participating candidates
26 are required to participate in one debate before each election for which
27 the candidate receives public funds, unless the participating candidate
28 is running unopposed. Nonparticipating candidates may participate in
29 such debates.

30 § 14-212. Severability. If any clause, sentence, or other portion of
31 paragraph (c) of subdivision two of section 14-203 of this title be
32 adjudged by any court of competent jurisdiction to be invalid, then
33 subparagraphs (iii) and (iv) of paragraph (a) of subdivision two of
34 section 14-203 of this title shall read as follows:

35 (iii) state senator, except as otherwise provided in paragraph (c) of
36 this subdivision, not less than ten thousand dollars in matchable
37 contributions including at least one hundred and fifty matchable
38 contributions in an amount greater than five dollars and no greater than
39 the limits in this chapter, of which the first two hundred fifty dollars
40 shall be counted toward this qualifying threshold; and

41 (iv) member of the assembly, except as otherwise provided in paragraph
42 (c) of this subdivision, not less than five thousand dollars in matcha-
43 ble contributions including at least seventy-five matchable contrib-
44 utions in an amount greater than five dollars and no greater than the
45 limits in this chapter, of which the first two hundred fifty dollars
46 shall be counted toward this qualifying threshold.

47 § 5. The state finance law is amended by adding a new section 92-t to
48 read as follows:

49 § 92-t. New York state campaign finance fund. 1. There is hereby
50 established in the joint custody of the state comptroller and the
51 commissioner of taxation and finance a fund to be known as the New York
52 state campaign finance fund.

53 2. Such fund shall consist of all revenues received from the New York
54 state campaign finance fund check-off pursuant to section six hundred
55 thirty-h of the tax law, from the abandoned property fund pursuant to
56 section ninety-five of this article, from the general fund, and from all

1 other moneys credited or transferred thereto from any other fund or
2 source pursuant to law. Such fund shall also receive contributions from
3 private individuals, organizations, or other persons to fulfill the
4 purposes of the public financing system.

5 3. Moneys of the fund, following appropriation by the legislature, may
6 be expended for the purposes of making payments to candidates pursuant
7 to title two of article fourteen of the election law and for administra-
8 tive expenses related to the implementation of article fourteen of the
9 election law. Moneys shall be paid out of the fund by the state comp-
10 troller on vouchers certified or approved by the state board of
11 elections, or its duly designated representative, in the manner
12 prescribed by law, not more than five working days after such voucher is
13 received by the state comptroller.

14 4. Notwithstanding any provision of law to the contrary, if, in any
15 state fiscal year, the state campaign finance fund lacks the amount of
16 money to pay all claims vouchered by eligible candidates and certified
17 or approved by the state board of elections, any such deficiency shall
18 be paid by the state comptroller, from funds deposited in the general
19 fund of the state not more than four working days after such voucher is
20 received by the state comptroller.

21 5. Commencing in two thousand twenty-five, if the surplus in the fund
22 on April first of the year after a year in which a governor is elected
23 exceeds twenty-five percent of the disbursements from the fund over the
24 previous four years, the excess shall revert to the general fund of the
25 state.

26 6. No public funds shall be paid to any participating candidates in a
27 primary election any earlier than thirty days after designating
28 petitions or certificates of nomination have been filed and not later
29 than thirty days after such primary election.

30 7. No public funds shall be paid to any participating candidates in a
31 general election any earlier than the day after the day of the primary
32 election held to nominate candidates for such election.

33 8. No public funds shall be paid to any participating candidates in a
34 special election any earlier than the day after the last day to file
35 certificates of party nomination for such special election.

36 9. No public funds shall be paid to any participating candidate who
37 has been disqualified or whose designating petitions have been declared
38 invalid by the appropriate board of elections or a court of competent
39 jurisdiction until and unless such finding is reversed by a higher court
40 in a final judgment. No payment from the fund in the possession of such
41 a candidate or such candidate's participating committee on the date of
42 such disqualification or invalidation may thereafter be expended for any
43 purpose except the payment of liabilities incurred before such date. All
44 such moneys shall be repaid to the fund.

45 § 6. Section 95 of the state finance law is amended by adding a new
46 subdivision 5 to read as follows:

47 5. (a) As often as necessary, the co-chairs of the state board of
48 elections shall certify the amount such co-chairs have determined neces-
49 sary to fund estimated payments from the fund established by section
50 ninety-two-t of this article for the primary, general or special
51 election.

52 (b) Notwithstanding any provision of this section authorizing the
53 transfer of any moneys in the abandoned property fund to the general
54 fund, the comptroller, after receiving amounts sufficient to pay claims
55 against the abandoned property fund, shall, based upon a certification
56 of the state board of elections pursuant to paragraph (a) of this subdi-

1 vision, and at the direction of the director of the budget, transfer the
2 requested amount from remaining available monies in the abandoned prop-
3 erty fund to the campaign finance fund established by section ninety-
4 two-t of this article.

5 § 7. The tax law is amended by adding a new section 630-h to read as
6 follows:

7 § 630-h. New York state campaign finance fund check-off. (a) For each
8 taxable year beginning on and after January first, two thousand twenty,
9 every resident taxpayer whose New York state income tax liability for
10 the taxable year for which the return is filed is forty dollars or more
11 may designate on such return that forty dollars be paid into the New
12 York state campaign finance fund established by section ninety-two-t of
13 the state finance law. Where a husband and wife file a joint return and
14 have a New York state income tax liability for the taxable year for
15 which the return is filed is eighty dollars or more, or file separate
16 returns on a single form, each such taxpayer may make separate desig-
17 nations on such return of forty dollars to be paid into the New York
18 state campaign finance fund. The contribution shall not reduce the
19 amount of state tax owed by such taxpayer.

20 (b) Notwithstanding any other provision of law, all revenue contrib-
21 uted pursuant to this section shall be credited to the New York state
22 campaign finance fund, established pursuant to section ninety-two-t of
23 the state finance law.

24 (c) The commissioner shall include space on the personal income tax
25 return to enable a taxpayer to make such contribution for a tax year
26 beginning on or after January first, two thousand twenty.

27 § 8. Paragraph (a) of subdivision 9-A of section 3-102 of the election
28 law, as amended by chapter 406 of the laws of 2005, is amended to read
29 as follows:

30 (a) develop an electronic reporting system to process the statements
31 of campaign receipts, contributions, transfers and expenditures required
32 to be filed with any board of elections pursuant to the provisions of
33 sections 14-102 [~~and~~], 14-104 and 14-201 of this chapter;

34 § 9. Subdivision 1 of section 6-142 of the election law, as amended by
35 chapter 79 of the laws of 1992, is amended to read as follows:

36 1. An independent nominating petition for candidates to be voted for
37 by all the voters of the state must be signed by at least [~~fifteen~~]
38 forty-five thousand voters, or one percent of the total number of votes,
39 excluding blank and void ballots, cast for the office of governor at the
40 last gubernatorial election, whichever is less, of whom at least [~~one~~]
41 five hundred, or one percent of enrolled voters, whichever is less,
42 shall reside in each of one-half of the congressional districts of the
43 State.

44 § 10. Subdivision 3 of section 1-104 of the election law is amended to
45 read as follows:

46 3. The term "party" means any political organization which [~~at the~~]
47 ~~last preceding election for governor polled at least fifty thousand~~
48 ~~votes for its candidate for governor], excluding blank and void ballots,
49 at the last preceding election for governor received, at least two
50 percent of the total votes cast for its candidate for governor, or one
51 hundred thirty thousand votes, whichever is greater, in the year in
52 which a governor is elected and at least two percent of the total votes
53 cast for its candidate for president, or one hundred thirty thousand
54 votes, whichever is greater, in a year when a president is elected.~~

55 § 11. Severability. The component clauses, sentences, subdivisions,
56 paragraphs, sections, and parts of this law shall be interpreted as

1 being non-severable from the other components herein. If any clause,
2 sentence, subdivision, paragraph, section or part of this act be
3 adjudged by any court of competent jurisdiction to be invalid, such
4 judgment shall invalidate the remainder thereof, and shall not be
5 confined in its operation to the clause, sentence, subdivision, para-
6 graph, section or part thereof directly involved in the controversy in
7 which such judgment shall have been rendered.

8 § 12. This act shall take effect immediately; provided, however that
9 sections one, two, three and four of this act shall take effect on
10 November 9, 2022 and shall apply to participants in the primary and
11 general elections to be held in 2024; and provided further, that the
12 terms and appointments of the members of the public campaign finance
13 board as established by section four of this act, and the final date for
14 regulations to be promulgated by such board, shall take place in accord-
15 ance with dates as prescribed in section four of this act.

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

25 § 3. This act shall take effect immediately provided, however, that
26 the applicable effective date of Parts A through ZZZ of this act shall
27 be as specifically set forth in the last section of such Parts.