STATE OF NEW YORK

S. 8008--C A. 9008--C

SENATE - ASSEMBLY

January 19, 2022

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

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

AN ACT intentionally omitted (Part A); intentionally omitted (Part B); intentionally omitted (Part C); intentionally omitted (Part D); to amend part I of chapter 413 of the laws of 1999, relating to providing for mass transportation payments, in relation to the amount of payments in the Capital District Transportation District and adding Montgomery County to such District (Part E); to amend the public authorities law, in relation to the electronic submission and public posting of bids for New York state thruway authority construction, reconstruction and improvement contracts (Part F); intentionally omitted (Part G); to amend the public authorities law, in relation to increasing the statutory threshold for mandatory use of design-build by the metropolitan transportation authority (Part H); to amend the public authorities law, in relation to procurements conducted by the metropolitan transportation authority and the New York city transit authority (Part I); to amend part PP of 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 J); intentionally omitted (Part K); intentionally omitted (Part L); intentionally omit-

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

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ted (Part M); intentionally omitted (Part N); 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 O); to amend part U1 of 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 part B of 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 P); to amend the correction law, in relation to establishing an identification card program; and to amend the vehicle and traffic law, in relation to waiving non-driver identification application fees for incarcerated individuals (Part Q); to amend the civil rights law, in relation to requiring all state agencies to update all applicable forms and data systems to include a gender "x" option (Part R); to amend the public officers law, in relation to authorizing the disclosure of records for the public service loan forgiveness program (Part S); to amend the insurance law, in relation to the pilot program for entertainment industry employees and the pilot program for displaced workers, and to amend chapter 495 of the laws of 2004, amending the insurance law and the public health law relating to the New York state health insurance continuation assistance demonstration project, in relation to the effectiveness thereof (Part T); to amend the general municipal law, in relation to brownfield opportunity areas (Part U); intentionally omitted (Part V); intentionally omitted (Part W); in relation to authorizing certain health care professionals licensed to practice in other jurisdictions to practice in this state in connection with the Winter World University Games; and providing for the repeal of such provisions upon expiration thereof (Part X); 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 loan powers (Part Y); to amend the 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 Z); to amend the infrastructure investment act, in relation to requiring project labor agreements when undertaking certain authorized projects, and in relation to the effectiveness thereof; and to amend chapter 749 of the laws of 2019 authorizing, for certain public works undertaken pursuant to project labor agreements, use of the alternative delivery method known as design-build contracts, in relation to the definition of authorized entity, and in relation to the effectiveness thereof (Part AA); to amend the state finance law, in relation to the excelsior linked deposit program (Part BB); to amend the New York state urban development corporation act, in relation to creating the small business seed funding grant program (Part CC); 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 DD); intentionally omitted (Part EE); intentionally omitted (Part FF); intentionally omitted (Part GG); intentionally omitted (Part HH); to amend the state finance law and the public authorities law, in relation to the cannabis social equity fund (Part II); to repeal certain provisions of the highway law and

transportation corporations law, relating to fiber optic cable (Part JJ); to amend the environmental conservation law, in relation to removing a program cap and allowing funding of the solid waste mitigation program's inactive landfill initiative (Part KK); to amend the environmental conservation law and the tax law, in relation to eligibility for participation in the brownfield cleanup program, assignment of the brownfield redevelopment tax credits and brownfield opportunity areas; and to amend part H of chapter 1 of the laws of 2003, amending the tax law relating to brownfield redevelopment tax credits, remediated brownfield credit for real property taxes for qualified sites and environmental remediation insurance credits, in relation to the effectiveness thereof (Part LL); to amend the environmental conservation law, in relation to extending the waste tire management fee and conforming the applicable administrative provisions to article 28 of the tax law (Part MM); to amend part TT of chapter 59 of the laws of 2021 authorizing the creation of state debt in the amount of three billion dollars, in relation to creating the environmental bond act of 2022 "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, 2022, in relation to creating the Clean Water, Clean Air, and Green Jobs Environmental Bond Act of 2022 (Part NN); to amend the environmental conservation law, the state finance law, and part UU of chapter 59 of the laws of 2021 amending the environmental conservation law and the state finance law relating to the implementation of the environmental bond act of 2022 "restore mother nature", in relation to renaming such act the "clean water, clean air, and green jobs environmental bond act of 2022" (Part OO); to amend the tax law, in relation to increasing the transfer amount from the real estate transfer tax to the environmental protection fund (Part PP); to amend the environmental conservation law, in relation to freshwater wetlands; and to repeal certain provisions of such law relating thereto (Part QQ); intentionally omitted (Part RR); intentionally omitted (Part SS); intentionally omitted (Part TT); to amend the environmental conservation law, in relation to the water pollution control revolving fund (Part UU); intentionally omitted (Part VV); to amend the vehicle and traffic law and the state finance law, in relation to the vessel surcharge; and to repeal certain provisions of the state finance law relating thereto (Part WW); to amend the environmental conservation law and the real property tax law, in relation to river regulating district payment of taxes on lands owned by the state (Part XX); to amend the parks, recreation and historic preservation law, in relation to the powers, functions and duties of the state council of parks, recreation and historic preservation and the regional park, recreation and historic preservation commissions; and to repeal certain provisions of such law relating thereto (Part YY); intentionally omitted (Part ZZ); to authorize the 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 AAA); 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 the expiration thereof (Part BBB); intentionally omitted (Part CCC); intentionally omitted (Part DDD); intentionally omitted (Part EEE); to amend the public authorities law, in relation to authorizing the power authority of the state of New York to enter into agreements with state instrumentalities and municipal entities for the use of excess capacity in its broadband technologies and infrastructure (Part FFF); to amend the vehicle and traffic law, in relation to establishing the commercial driver's license (CDL) class A young adult training program; and to repeal subdivision 36 of section 14 of the transportation law relating thereto (Part GGG); to amend the urban development corporation act, in relation to expanding the Restore New York's Communities Initiative (Part HHH); to amend the financial services law, in relation to requiring assessments to defray operating expenses on persons regulated by the department of financial services that engage in virtual currency business activity (Part III); to amend the tax law, in relation to requiring the department of taxation and finance contract with an economic impact firm for the purposes of conducting an independent, comprehensive, analysis of each tax credit, tax deduction, and tax incentive (Part JJJ); to amend the environmental conservation law, in relation to enhancing the state's flood mitigation and coastal resiliency activities (Part KKK); to amend the public authorities law, in relation to requiring the metropolitan transportation authority to publish certain data relating to capital programs on the authority's website (Part LLL); to amend the New York state urban development corporation act, the general municipal law and the labor law, in relation to enacting the "working to implement reliable and equitable deployment of broadband act (WIRED broadband act)" (Part MMM); and to amend chapter 174 of the laws of 1968, constituting the New York state urban development corporation act, the economic development law, and the public authorities law, in relation to the reporting of economic development benefits and establishing a searchable state subsidy and aggregate economic development benefits database (Part NNN)

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

Section 1. This act enacts into law major components of legislation necessary to implement the state transportation, economic development and environmental conservation budget for the 2022-2023 state fiscal year. Each component is wholly contained within a Part identified as Parts A through NNN. The effective date for each particular provision contained within such Part is set forth in the last section of such Part. Any provision in any section contained within a Part, including the effective date of the Part, which makes a reference to a section "of this act", when used in connection with that particular component, shall be deemed to mean and refer to the corresponding section of the Part in which it is found. Section three of this act sets forth the general effective date of this act.

PART A

Intentionally Omitted

PART B

Intentionally Omitted

PART C

Intentionally Omitted

PART D

Intentionally Omitted

PART E

Section 1. Section 1 of part I of chapter 413 of the laws of 1999, relating to providing for mass transportation payments, as amended by section 1 of part D of chapter 58 of the laws of 2015, is amended to read as follows:

Section 1. Notwithstanding any other law, rule or regulation to the contrary, payment of mass transportation operating assistance pursuant to section 18-b of the transportation law shall be subject to the provisions contained herein and the amounts made available therefor by appropriation.

In establishing service and usage formulas for distribution of mass transportation operating assistance, the commissioner of transportation may combine and/or take into consideration those formulas used to distribute mass transportation operating assistance payments authorized by separate appropriations in order to facilitate program administration and to ensure an orderly distribution of such funds.

To improve the predictability in the level of funding for those systems receiving operating assistance payments under service and usage formulas, the commissioner of transportation is authorized with the approval of the director of the budget, to provide service payments based on service and usage statistics of the preceding year.

In the case of a service payment made, pursuant to section 18-b of the transportation law, to a regional transportation authority on account of mass transportation services provided to more than one county (considering the city of New York to be one county), the respective shares of the matching payments required to be made by a county to any such authority shall be as follows:

Local Jurisdiction	Percentage of Matching Payment
In the Metropolitan Commuter Transportation District:	
New York City	6.40
Dutchess	1.30
Nassau	39.60

Orange		0.50
Putnam		1.30
Rockland		0.10
Suffolk		25.70
Westchester		25.10
In the Capital District Transportation District:		
Albany	[~~56.10~~]	55.27
Rensselaer	[~~23.30~~]	22.96
Saratoga	[~~4.10~~]	4.04
Schenectady	[~~16.50~~]	16.26
Montgomery		1.47
In the Central New York Regional Transportation District:		
Cayuga		5.11
Onondaga		75.83
Oswego		2.85
Oneida		16.21
In the Rochester-Genesee Regional Transportation District:		
Genesee		1.36
Livingston		.90
Monroe		90.14
Wayne		.98
Wyoming		.51
Seneca		.64
Orleans		.77
Ontario		4.69
In the Niagara Frontier Transportation District: Erie		89.20
Niagara		10.80

Notwithstanding any other inconsistent provisions of section 18-b of the transportation law or any other law, any moneys provided to a public benefit corporation constituting a transportation authority or to other public transportation systems in payment of state operating assistance or such lesser amount as the authority or public transportation system shall make application for, shall be paid by the commissioner of transportation to such authority or public transportation system in lieu, and in full satisfaction, of any amounts which the authority would otherwise be entitled to receive under section 18-b of the transportation law.

Notwithstanding the reporting date provision of section 17-a of the transportation law, the reports of each regional transportation authority and other major public transportation systems receiving mass transportation operating assistance shall be submitted on or before July 15 of each year in the format prescribed by the commissioner of transportation. Copies of such reports shall also be filed with the chairpersons of the senate finance committee and the assembly ways and means committee and the director of the budget. The commissioner of transportation may withhold future state operating assistance payments to public transportation systems or private operators that do not provide such reports.

Payments may be made in quarterly installments as provided in subdivision 2 of section 18-b of the transportation law or in such other manner and at such other times as the commissioner of transportation, with the

approval of the director of the budget, may provide; and where payment is not made in the manner provided by such subdivision 2, the matching payments required of any city, county, Indian tribe or intercity bus company shall be made within 30 days of the payment of state operating assistance pursuant to this section or on such other basis as may be agreed upon by the commissioner of transportation, the director of the budget, and the chief executive officer of such city, county, Indian tribe or intercity bus company.

The commissioner of transportation shall be required to annually evaluate the operating and financial performance of each major public transportation system. Where the commissioner's evaluation process has identified a problem related to system performance, the commissioner may request the system to develop plans to address the performance deficiencies. The commissioner of transportation may withhold future state operating assistance payments to public transportation systems or private operators that do not provide such operating, financial, or other information as may be required by the commissioner to conduct the evaluation process.

Payments shall be made contingent upon compliance with regulations deemed necessary and appropriate, as prescribed by the commissioner of transportation and approved by the director of the budget, which shall promote the economy, efficiency, utility, effectiveness, and coordinated service delivery of public transportation systems. The chief executive officer of each public transportation system receiving a payment shall certify to the commissioner of transportation, in addition to information required by section 18-b of the transportation law, such other information as the commissioner of transportation shall determine is necessary to determine compliance and carry out the purposes herein.

Counties, municipalities or Indian tribes that propose to allocate service payments to operators on a basis other than the amount earned by the service payment formula shall be required to describe the proposed method of distributing governmental operating aid and submit it one month prior to the start of the operator's fiscal year to the commissioner of transportation in writing for review and approval prior to the distribution of state aid. The commissioner of transportation shall only approve alternate distribution methods which are consistent with the transportation needs of the people to be served and ensure that the system of private operators does not exceed established maximum service payment limits. Copies of such approvals shall be submitted to the chairpersons of the senate finance and assembly ways and means committees.

Notwithstanding the provisions of subdivision 4 of section 18-b of the transportation law, the commissioner of transportation is authorized to continue to use prior quarter statistics to determine current quarter payment amounts, as initiated in the April to June quarter of 1981. In the event that actual revenue passengers and actual total number of vehicle, nautical or car miles are not available for the preceding quarter, estimated statistics may be used as the basis of payment upon approval by the commissioner of transportation. In such event, the succeeding payment shall be adjusted to reflect the difference between the actual and estimated total number of revenue passengers and vehicle, nautical or car miles used as the basis of the estimated payment. The chief executive officer may apply for less aid than the system is eligible to receive. Each quarterly payment shall be attributable to operating expenses incurred during the quarter in which it is received, unless otherwise specified by such commissioner. In the event that a public

transportation system ceases to participate in the program, operating assistance due for the final quarter that service is provided shall be based upon the actual total number of revenue passengers and the actual total number of vehicle, nautical or car miles carried during that quarter.

Payments shall be contingent on compliance with audit requirements determined by the commissioner of transportation.

In the event that an audit of a public transportation system or private operator receiving funds discloses the existence of an overpayment of state operating assistance, regardless of whether such an overpayment results from an audit of revenue passengers and the actual number of revenue vehicle miles statistics, or an audit of private operators in cases where more than a reasonable return based on equity or operating revenues and expenses has resulted, the commissioner of transportation, in addition to recovering the amount of state operating assistance overpaid, shall also recover interest, as defined by the department of taxation and finance, on the amount of the overpayment.

Notwithstanding any other law, rule or regulation to the contrary, whenever the commissioner of transportation is notified by the comptroller that the amount of revenues available for payment from an account is less than the total amount of money for which the public mass transportation systems are eligible pursuant to the provisions of section 88-a of the state finance law and any appropriations enacted for these purposes, the commissioner of transportation shall establish a maximum payment limit which is proportionally lower than the amounts set forth in appropriations.

Notwithstanding paragraphs (b) of subdivisions 5 and 7 of section 88-a of the state finance law and any other general or special law, payments may be made in quarterly installments or in such other manner and at such other times as the commissioner of transportation, with the approval of the director of the budget may prescribe.

§ 2. This act shall take effect immediately and shall be deemed to have been in full force and effect on and after April 1, 2022.

PART F

Section 1. Subdivision 1 of section 359 of the public authorities law, as amended by section 6 of part TT of chapter 54 of the laws of 2016, is amended to read as follows:

1. On assuming jurisdiction of a thruway section or connection or any part thereof, or of a highway connection, the authority shall proceed with the construction, reconstruction or improvement thereof. All such work shall be done pursuant to a contract or contracts which shall be let to the lowest responsible bidder, by sealed proposals publicly opened, after public advertisement and upon such terms and conditions as the authority shall require; provided, however, that the authority may reject any and all proposals and may advertise for new proposals, as herein provided, if in its opinion, the best interests of the authority will thereby be promoted; provided further, however, that at the request of the authority, all or any portion of such work, together with any engineering required by the authority in connection therewith, shall be performed by the commissioner and his subordinates in the department of transportation as agents for, and at the expense of, the authority. **A sealed proposal may be accepted through an electronic platform established or used by the authority, provided that any sealed proposal**

received electronically shall be made public at the same time as any competing paper proposal, and provided further that the authority shall, at minimum, provide the same opportunity and time for submitting sealed proposals physically as for sealed proposals submitted electronically, and shall provide the opportunity for bidders to submit sealed proposals physically any time that it provides the opportunity to submit sealed electronic proposals. In addition, the authority shall establish a process for accommodating force majeure events that prevent the submission of a sealed electronic proposal, including but not limited to internet and power outage events, and for automatically confirming receipt of any sealed electronic proposal received. All bidders shall be notified of the time and place of any such adjournment or rejection.

§ 2. This act shall take effect immediately.

PART G

Intentionally Omitted

PART H

Section 1. Subdivision 1 of section 1264 of the public authorities law, as amended by section 2 of subpart B of part ZZZ of chapter 59 of the laws of 2019, is amended to read as follows:

1. The purposes of the authority shall be the continuance, further development and improvement of commuter transportation and other services related thereto within the metropolitan commuter transportation district, including but not limited to such transportation by railroad, omnibus, marine and air, in accordance with the provisions of this title. It shall be the further purpose of the authority, consistent with its status as the ex officio board of both the New York city transit authority and the triborough bridge and tunnel authority, to develop and implement a unified mass transportation policy for such district in an efficient and cost-effective manner that includes the use of design-build contracting on all projects over [~~twenty-five~~] two hundred million dollars in cost for new construction and all projects over four hundred million dollars in cost for projects that are predominantly rehabilitation or replacement of existing assets except where a waiver is granted by the New York state budget director pursuant to a request in writing from the metropolitan transportation authority. For purposes of granting a waiver pursuant to this section, such review shall consider whether the design build contracting method is appropriate for the project that such waiver is sought for, and the amount of savings and efficiencies that could be achieved using such method. The determination for such waiver shall be made in writing within forty-five days from request or shall be deemed granted.

§ 2. This act shall take effect immediately.

PART I

Section 1. Paragraph (b) of subdivision 7 of section 1209 of the public authorities law, as amended by section 3 of subpart C of part ZZZ of chapter 59 of the laws of 2019, is amended to read as follows:

(b) Section twenty-eight hundred seventy-nine of this chapter shall apply to the authority's acquisition of goods or services of any kind, in the actual or estimated amount of fifteen thousand dollars or more,

provided that (i) a contract for services in the actual or estimated amount of one million dollars or less shall not require approval by the board of the authority regardless of the length of the period over which the services are rendered, and provided further that a contract for services in the actual or estimated amount in excess of one million dollars shall require approval by the board of the authority regardless of the length of the period over which the services are rendered unless such a contract is awarded to the lowest responsible bidder after obtaining sealed bids and (ii) the board of the authority may by resolution adopt guidelines that authorize the award of contracts to small business concerns, to service disabled veteran owned businesses certified pursuant to article seventeen-B of the executive law, or minority or women-owned business enterprises certified pursuant to article fifteen-A of the executive law, or purchases of goods or technology that are recycled or remanufactured, in an amount not to exceed one million **five hundred thousand** dollars without a formal competitive process and without further board approval. The board of the authority shall adopt guidelines which shall be made publicly available for the awarding of such contract without a formal competitive process.

§ 2. Paragraph (e) of subdivision 9 of section 1209 of the public authorities law, as added by chapter 929 of the laws of 1986, is amended to read as follows:

(e) the item is available through an existing contract between a vendor and (i) another public authority provided that such other authority utilized a process of competitive bidding or a process of competitive requests for proposals to award such contract**, (ii) the United States general services administration provided that such administration utilized a process of competitive bidding or a process of competitive requests for proposals to award such contract, (iii) Nassau county** or [~~(ii)~~] **(iv)** the state of New York or the city of New York, provided that in any case when the authority under this paragraph determines that obtaining such item thereby would be in the public interest and sets forth the reasons for such determination**. Such rationale shall include, but need not be limited to, a determination of need, a consideration of the procurement method by which the contract was awarded, an analysis of alternative procurement sources including an explanation why a competitive procurement or the use of a centralized contract let by the commissioner of the office of general services is not in the best interest of the authority, and the reasonableness of cost**. The authority shall accept sole responsibility for any payment due the vendor as a result of the authority's order; or

§ 3. Subdivision 10 of section 1209 of the public authorities law, as added by chapter 929 of the laws of 1986, is amended to read as follows:

10. Upon the adoption of a resolution by the authority stating, for reasons of efficiency, economy, compatibility or maintenance reliability, that there is a need for standardization, the authority may establish procedures whereby particular supplies, materials or equipment are identified on a qualified products list. Such procedures shall provide for products or vendors to be added to or deleted from such list and shall include provisions for public advertisement of the manner in which such lists are compiled. The authority shall review such list no less than [~~twice~~] **once** a year for the purpose of making modifications thereto. Contracts for particular supplies, materials or equipment identified on a qualified products list may be awarded by the authority to the lowest responsible bidder after obtaining sealed bids in accordance with this section or without competitive sealed bids in instances when the

item is available from only a single source, except that the authority may dispense with advertising provided that it mails copies of the invitation to bid to all vendors of the particular item on the qualified products list.

§ 4. Paragraph (b) of subdivision 2 of section 1265-a of the public authorities law, as amended by section 3-a of subpart C of part ZZZ of chapter 59 of the laws of 2019, is amended to read as follows:

(b) Section twenty-eight hundred seventy-nine of this chapter shall apply to the authority's acquisition of goods or services of any kind, in the actual or estimated amount of fifteen thousand dollars or more, provided (i) that a contract for services in the actual or estimated amount of one million dollars or less shall not require approval by the board of the authority regardless of the length of the period over which the services are rendered, and provided further that a contract for services in the actual or estimated amount in excess of one million dollars shall require approval by the board of the authority regardless of the length of the period over which the services are rendered unless such a contract is awarded to the lowest responsible bidder after obtaining sealed bids, and (ii) the board of the authority may by resolution adopt guidelines that authorize the award of contracts to small business concerns, to service disabled veteran owned businesses certified pursuant to article seventeen-B of the executive law, or minority or women-owned business enterprises certified pursuant to article fifteen-A of the executive law, or purchases of goods or technology that are recycled or remanufactured, in an amount not to exceed one million **five hundred thousand** dollars without a formal competitive process and without further board approval. The board of the authority shall adopt guidelines which shall be made publicly available for the awarding of such contract without a formal competitive process.

§ 5. Paragraph (e) of subdivision 4 of section 1265-a of the public authorities law, as added by chapter 929 of the laws of 1986, is amended to read as follows:

(e) the item is available through an existing contract between a vendor and (i) another public authority provided that such other authority utilized a process of competitive bidding or a process of competitive requests for proposals to award such contracts [~~or~~], (ii) Nassau county, [~~or~~] (iii) the state of New York [~~or~~], (iv) the city of New York **or (v) the United States general services administration provided that such administration utilized a process of competitive bidding or a process of competitive requests for proposals to award such contract**, provided that in any case when under this paragraph the authority determines that obtaining such item thereby would be in the public interest and sets forth the reasons for such determination**. Such rationale shall include, but need not be limited to, a determination of need, a consideration of the procurement method by which the contract was awarded, an analysis of alternative procurement sources including an explanation why a competitive procurement or the use of a centralized contract let by the commissioner of the office of general services is not in the best interest of the authority, and the reasonableness of cost**. The authority shall accept sole responsibility for any payment due the vendor as a result of the authority's order; or

§ 6. Subdivision 5 of section 1265-a of the public authorities law, as added by chapter 929 of the laws of 1986, is amended to read as follows:

5. Upon the adoption of a resolution by the authority stating, for reasons of efficiency, economy, compatibility or maintenance reliability, that there is a need for standardization, the authority may estab-

lish procedures whereby particular supplies, materials or equipment are identified on a qualified products list. Such procedures shall provide for products or vendors to be added to or deleted from such list and shall include provisions for public advertisement of the manner in which such lists are compiled. The authority shall review such list no less than [~~twice~~] **once** a year for the purpose of making such modifications. Contracts for particular supplies, materials or equipment identified on a qualified products list may be awarded by the authority to the lowest responsible bidder after obtaining sealed bids in accordance with this section or without competitive sealed bids in instances when the item is available from only a single source, except that the authority may dispense with advertising provided that it mails copies of the invitation to bid to all vendors of the particular item on the qualified products list.

§ 7. This act shall take effect immediately; provided, however, that the amendments to paragraph (b) of subdivision 7 of section 1209 of the public authorities law made by section one of this act shall not affect the expiration of such subdivision and shall be deemed to expire therewith; and provided further, however, that the amendments to paragraph (b) of subdivision 2 of section 1265-a of the public authorities law made by section four of this act shall not affect the expiration of such paragraph and shall be deemed to expire therewith.

PART J

Section 1. Section 3 of part PP of chapter 54 of the laws of 2016, amending the general municipal law relating to the New York transit authority and the metropolitan transportation authority, as amended by section 1 of part K of chapter 58 of the laws of 2020, is amended to read as follows:

§ 3. This act shall take effect immediately; provided that the amendments to subdivision 1 of section 119-r of the general municipal law made by section two of this act shall expire and be deemed repealed April 1, [~~2022~~] **2023**, and provided further that such repeal shall not affect the validity or duration of any contract entered into before that date pursuant to paragraph f of such subdivision.

§ 2. This act shall take effect immediately.

PART K

Intentionally Omitted

PART L

Intentionally Omitted

PART M

Intentionally Omitted

PART N

Intentionally Omitted

PART O

Section 1. Section 5 of 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, as amended by section 4 of part ZZ of chapter 58 of the laws of 2020, is amended to read as follows:

§ 5. This act shall take effect on the one hundred eightieth day after it shall have become a law and shall expire and be deemed repealed April 1, [~~2022~~] **2024**; provided that any rules and regulations necessary to implement the provisions of this act on its effective date are authorized and directed to be completed on or before such date.

§ 2. This act shall take effect immediately.

PART P

Section 1. Section 13 of part U1 of chapter 62 of the laws of 2003, amending the vehicle and traffic law and other laws relating to increasing certain motor vehicle transaction fees, as amended by section 1 of part YY of chapter 58 of the laws of 2020, is amended to read as follows:

§ 13. This act shall take effect immediately; provided however that sections one through seven of this act, the amendments to subdivision 2 of section 205 of the tax law made by section eight of this act, and section nine of this act shall expire and be deemed repealed on April 1, [~~2022~~] **2024**; provided further, however, that the provisions of section eleven of this act shall take effect April 1, 2004 and shall expire and be deemed repealed on April 1, [~~2022~~] **2024**.

§ 2. Section 2 of part B of chapter 84 of the laws of 2002, amending the state finance law relating to the costs of the department of motor vehicles, as amended by section 2 of part YY of chapter 58 of the laws of 2020, is amended to read as follows:

§ 2. This act shall take effect April 1, 2002; provided, however, if this act shall become a law after such date it shall take effect immediately and shall be deemed to have been in full force and effect on and after April 1, 2002; provided further, however, that this act shall expire and be deemed repealed on April 1, [~~2022~~] **2024**.

§ 3. This act shall take effect immediately.

PART Q

Section 1. The correction law is amended by adding a new section 11 to read as follows:

§ 11. Identification card program. 1. For purposes of this section, "identification card" shall have the same meaning as defined in section four hundred ninety of the vehicle and traffic law.

2. The commissioner, in consultation with the commissioner of motor vehicles, shall develop a program that would allow incarcerated individuals without an identification card, or incarcerated individuals who have not been issued a driver's license or learner's permit by the commissioner of motor vehicles, or incarcerated individuals whose driver's license or learner's permit is expired, suspended, revoked or surrendered, or incarcerated individuals whose identification card is expired, to obtain an identification card prior to the incarcerated individual's release from an institution or correctional facility under the jurisdiction of the department or upon the individual's release from

an institution or correctional facility under the jurisdiction of the department at the option of the incarcerated individual.

3. The sentence and commitment or certificate of conviction of an incarcerated individual shall be deemed sufficient to grant authorization to the department of corrections and community supervision to assist an incarcerated individual in an institution or correctional facility under the jurisdiction of such department to apply for and obtain an identification card from the department of motor vehicles.

4. (a) Prior to an incarcerated individual's release from an institution or correctional facility under the jurisdiction of the department, the department shall notify the incarcerated individual, verbally and in writing, of such identification card program. The department shall also document that they offered to assist the incarcerated individual in obtaining an identification card and if such incarcerated individual declined. The department shall make diligent efforts to ensure that an incarcerated individual is provided with an identification card, if requested, prior to or upon the release of such individual from an institution or correctional facility under the jurisdiction of the department.

(b) If an identification card is obtained with the assistance of the department for an incarcerated individual prior to such individual's release from the department's custody, the identification card shall be kept in the incarcerated individual's records until such individual is released from an institution or correctional facility under the jurisdiction of the department; upon such individual's release, the identification card shall be provided to the individual.

5. The department shall collect data on the number of incarcerated individuals participating in the identification card program and issue a report on such data to the governor, the temporary president of the senate and the speaker of the assembly annually until December thirty-first, two thousand twenty-six.

§ 2. Subdivision 3 of section 491 of the vehicle and traffic law, as added by section 1 of part H of chapter 58 of the laws of 2017, is amended to read as follows:

3. Waiver of fee. The commissioner may waive the payment of fees required by subdivision two of this section if the applicant is (a) an incarcerated individual in an institution or correctional facility under the jurisdiction of a state department or agency, or (b) a victim of a crime and the identification card applied for is a replacement for one that was lost or destroyed as a result of the crime.

§ 3. This act shall take effect immediately.

PART R

Section 1. The civil rights law is amended by adding a new section 79-q to read as follows:

§ 79-q. Collection of gender or sex designation information by state agencies. 1. All New York state agencies that collect demographic information about a person's gender or sex shall make available to the person at the point of data collection an option to mark their gender or sex as "x".

2. Where applicable federal law requires a state agency to collect sex or gender data as either "m" or "f", the state agency shall create a separate field for state purposes so that a person has the option to mark their gender or sex as "x" to be collected by the state.

3. All state agencies shall update any applicable physical and online forms or data systems by January first, two thousand twenty-three, except the department of labor, the office of children and family services, the office of temporary and disability assistance and the division of criminal justice services, which shall update any applicable forms or data systems by January first, two thousand twenty-four.

4. A state agency that cannot comply with the requirements of this section shall, at least sixty days before the applicable deadline, post publicly on its website a written progress report that describes with specificity the steps the agency has taken to comply with this section, the impediments that prevented compliance, the efforts undertaken by the agency to come into compliance, and an estimated time frame for compliance. The written report shall be updated every six months from the date of the original posting.

5. By January first, two thousand twenty-five, the governor shall post on a publicly available website and submit to the temporary president of the senate and the speaker of the assembly a written report listing every agency that has not yet complied with this section. Such report shall include the latest progress reports for each non-compliant agency. Such annual report shall be updated every year by January first; provided that once all agencies have complied with the requirements of this section, the governor shall post on a publicly available website and submit to the temporary president of the senate and the speaker of the assembly a certification of compliance with this section, and no further annual report shall be required.

§ 2. Subdivision 3 of section 62 of the civil rights law, as added by chapter 158 of the laws of 2021, is amended to read as follows:

3. Except as provided in subdivisions one and two of this section, the court shall not require any other pre-hearing notice. [~~The court shall not condition the entry of an order on notice to any other party or to any city, state or federal agency except by written order detailing the court's reasoning for requiring such notice and showing cause why such notice should be served.~~] Under no circumstances shall the court require notice to United States immigration and customs enforcement, United States customs and border protection, United States citizenship and immigration services, or any successor agencies, or any agencies having similar duties.

§ 3. This act shall take effect immediately.

PART S

Section 1. Paragraph (o) of subdivision 1 of section 96 of the public officers law, as added by chapter 319 of the laws of 2014, is amended to read as follows:

(o) to officers or employees of a public retirement system of the city of New York if the information sought to be disclosed is necessary for the receiving public retirement system to process benefits under the retirement and social security law, the administrative code of the city of New York, or the education law or any other applicable provision of law. A written request or consent from the data subject pursuant to paragraph (a) of this subdivision shall not be required for the disclosure of records pursuant to this paragraph**; or**

(p) to officers or employees of the United States department of education for such department to process credit for qualifying employment and loan forgiveness under the public service loan forgiveness program. A written request or consent from the data subject pursuant to paragraph

(a) of this subdivision shall not be required for the disclosure of records pursuant to this paragraph.

§ 2. This act shall take effect immediately.

PART T

Section 1. Subparagraphs (C) and (D) of paragraph 4 of subsection (a) of section 1122 of the insurance law, as added by chapter 495 of the laws of 2004, are amended to read as follows:

(C) resides in a household having a [~~not~~] **gross monthly** household income at or below [~~two hundred eight~~] **four hundred** percent of the non-farm federal poverty level (as defined and updated by the federal department of health and human services) [~~or the gross equivalent of such net income~~]; [~~and~~]

(D) is not eligible for employer provided coverage**; and**

(E) maintains the same level of insurance coverage as when they were employed.

§ 2. Paragraphs 3 and 4 of subsection (b) of section 1122 of the insurance law, as added by chapter 495 of the laws of 2004, are amended to read as follows:

(3) The superintendent shall review the applications and advise the applicants as to their eligibility to participate in the pilot program. Within amounts available for such purpose, the superintendent shall provide continuation assistance. Such assistance shall be issued, to the extent of funds available therefor, which is equivalent to [~~fifty~~] **seventy-five** percent of the premium for the period covered by such assistance. Continuation assistance shall not be provided for more than twelve months **within a five-year period**.

(4) In approving applications from eligible individuals, the superintendent shall:

(A) make a determination as to the extent of available funds for the pilot program so as to assure, to the extent possible, that the funding will be available to provide continuation assistance to the applicant in an amount equal to [~~fifty~~] **seventy-five** percent of the premium for a period of twelve months **within five years**; if the superintendent determines that such funding may not be available due to the level of enrollment in the pilot program at the time of the eligible individual's application, the superintendent shall deny such application; and

(B) require eligible individuals who are awarded continuation assistance to sign an acknowledgement that recipients who later become eligible for health insurance coverage through another employer are no longer eligible to receive assistance under this section and that the state may seek to recover assistance provided after the date of such eligibility.

§ 3. Paragraphs 3 and 4 of subsection (c) of section 1122 of the insurance law, as added by chapter 495 of the laws of 2004, are amended to read as follows:

(3) The superintendent shall review the applications and advise the applicants as to their eligibility to participate in the pilot program. Within amounts available for such purpose, the superintendent shall provide continuation assistance. Such assistance shall be issued, to the extent of funds available therefor, which is equivalent to [~~fifty~~] **seventy-five** percent of the premium for the period covered by such assistance. Continuation assistance shall not be provided for more than twelve months **within a five-year period**.

(4) In approving applications from eligible individuals, the superintendent shall:

(A) make a determination as to the extent of available funds for the pilot program so as to assure, to the extent possible, that the funding will be available to provide continuation assistance to the applicant in an amount equal to [~~fifty~~] seventy-five percent of the premium for a period of twelve months within five years; if the superintendent determines that such funding may not be available due to the level of enrollment in the pilot program at the time of the eligible individual's application, the superintendent shall deny such application; and

(B) require eligible individuals who were awarded continuation assistance to sign an acknowledgement that recipients who later become eligible for health insurance coverage through another employer are no longer eligible to receive assistance under this section and that the state may seek to recover assistance provided after the date of such eligibility.

§ 4. Section 4 of chapter 495 of the laws of 2004, amending the insurance law and the public health law relating to the New York state health insurance continuation assistance demonstration project, as amended by section 1 of part KK of chapter 57 of the laws of 2021, is amended to read as follows:

§ 4. This act shall take effect on the sixtieth day after it shall have become a law; provided, however, that this act shall remain in effect until July 1, [~~2022~~] 2023 when upon such date the provisions of this act shall expire and be deemed repealed; provided, further, that a displaced worker shall be eligible for continuation assistance retroactive to July 1, 2004.

§ 5. This act shall take effect immediately; provided, however, that the amendments to section 1122 of the insurance law made by sections one, two and three of this act shall not affect the repeal of such section and shall be deemed repealed therewith.

PART U

Section 1. Subparagraph 7 of paragraph b of subdivision 2 of section 970-r of the general municipal law, as amended by section 1 of part U of chapter 58 of the laws of 2018, is amended to read as follows:

(7) preliminary descriptions of possible remediation strategies, reuse opportunities, necessary infrastructure improvements and other public or private measures needed to stimulate investment, promote revitalization, [~~and~~] support job growth, reduce greenhouse gas emissions, increase climate resilience, enhance community health and environmental conditions, and achieve environmental justice.

§ 2. Subparagraph 11 of paragraph d of subdivision 3 of section 970-r of the general municipal law, as amended by section 1 of part U of chapter 58 of the laws of 2018, is amended to read as follows:

(11) descriptions of possible remediation strategies, reuse opportunities, brownfield redevelopment, necessary infrastructure improvements and other public or private measures needed to stimulate investment, promote revitalization, [~~and~~] support job growth, reduce greenhouse gas emissions, increase climate resilience, enhance community health and environmental conditions, and achieve environmental justice;

§ 3. Paragraph a of subdivision 3-a of section 970-r of the general municipal law, as added by section 1 of part U of chapter 58 of the laws of 2018, is amended to read as follows:

a. Within amounts appropriated therefor, the secretary is authorized to provide, on a competitive basis, financial assistance to municipalities, to community based organizations, to community boards, or to community based organizations acting in cooperation with a municipality,

to conduct predevelopment activities within a designated brownfield opportunity area to advance the goals and priorities of the brownfield opportunity area program set forth in the nomination of such area. Such financial assistance shall not exceed ninety percent of the costs of such activities. Activities eligible to receive such assistance shall include: development and implementation of marketing strategies; development of plans and specifications; real estate services; building condition studies; infrastructure analyses; zoning and regulatory updates; environmental, housing and economic studies, analyses and reports; renewable energy feasibility studies, legal and financial services; and public outreach.

§ 4. Paragraphs d, f, and g of subdivision 6 of section 970-r of the general municipal law, as amended by section 1 of part U of chapter 58 of the laws of 2018, are amended to read as follows:

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

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

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

§ 5. Subdivision 8 of section 970-r of the general municipal law, as amended by section 1 of part U of chapter 58 of the laws of 2018, is amended to read as follows:

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

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

(2) identification of major issues of public concern;

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

~~(4)~~] public notice and newspaper notice of (i) the intent of the municipality and/or community based organization to undertake a pre-nomination [~~process~~] or nomination study or [~~prepare~~] apply for designation of a brownfield opportunity area [~~plan~~], and (ii) the availability of such application and any supporting documents in a manner convenient to the public.

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

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

(2) a public meeting on [~~a brownfield opportunity area draft~~] an application[~~.~~];

(3) public access to such application, nomination, and any supporting documents in the manner convenient to the public.

§ 6. This act shall take effect immediately.

PART V

Intentionally Omitted

PART W

Intentionally Omitted

PART X

Section 1. Notwithstanding any other provision of law to the contrary, any person who is licensed or certified as a physician, physician's assistant, massage therapist, physical therapist, chiropractor, dentist, optometrist, nurse, nurse practitioner, emergency medical technician, podiatrist or athletic trainer by a foreign government may provide professional services within this state without first being licensed pursuant to the provisions of title 8 of the education law or certified pursuant to the provisions in the public health law, as may be applicable, to the team athletes, coaches, staff and delegations originating from such foreign government, in connection with the Winter World University Games, Lake Placid 2023. Such services shall be limited to athletes and personnel in relation to the Winter World University Games, Lake Placid 2023, between the dates of January 5, 2023 and January 25, 2023.

§ 2. Any person who is licensed or certified to practice as a physician, physician's assistant, massage therapist, physical therapist, chiropractor, dentist, optometrist, nurse, nurse practitioner, emergency medical technician, podiatrist or athletic trainer in another state or territory, who is in good standing in such state or territory, and who has been appointed by the Adirondack North Country Sports Council to provide professional services at an event in this state sanctioned by the Adirondack North Country Sports Council, may provide such professional services to team athletes, coaches, staff and delegations from such state or territory registered to train at a location in this state or registered to compete in an event conducted under the sanction of the Adirondack North Country Sports Council in this state without first being licensed pursuant to the provisions of title 8 of the education law or certified pursuant to the provisions of the public health law, as may be applicable. Such services shall be limited to team athletes, coaches, staff and delegations in relation to the Winter World University Games, Lake Placid 2023, between the dates of January 5, 2023 and January 25, 2023.

§ 3. This act shall take effect January 5, 2023 and shall expire and be deemed repealed January 25, 2023.

PART Y

Section 1. Section 2 of 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, as

amended by section 1 of part J of chapter 58 of the laws of 2021, is amended to read as follows:

§ 2. This act shall take effect immediately provided, however, that section one of this act shall expire on July 1, [~~2022~~] **2023**, at which time the provisions of subdivision 26 of section 5 of the New York state urban development corporation act shall be deemed repealed; provided, however, that neither the expiration nor the repeal of such subdivision as provided for herein shall be deemed to affect or impair in any manner any loan made pursuant to the authority of such subdivision prior to such expiration and repeal.

§ 2. This act shall take effect immediately and shall be deemed to have been in full force and effect on and after July 1, 2021.

PART Z

Section 1. Subdivision 3 of section 16-m of section 1 of chapter 174 of the laws of 1968 constituting the New York state urban development corporation act, as amended by section 1 of part K of chapter 58 of the laws of 2021, is amended to read as follows:

3. The provisions of this section shall expire, notwithstanding any inconsistent provision of subdivision 4 of section 469 of chapter 309 of the laws of 1996 or of any other law, on July 1, [~~2022~~] **2023**.

§ 2. This act shall take effect immediately and shall be deemed to have been in full force and effect on and after July 1, 2021.

PART AA

Section 1. Subdivision (a) of section 2 of part F of chapter 60 of the laws of 2015, constituting the infrastructure investment act, as amended by section 1 of part DD of chapter 58 the laws of 2020, is amended and a new subdivision (g) is added to read as follows:

(a) (i) "authorized state entity" shall mean the New York state thruway authority, the department of transportation, the office of parks, recreation and historic preservation, the department of environmental conservation, the New York state bridge authority, the office of general services, the dormitory authority, the urban development corporation, the state university construction fund, the New York state Olympic regional development authority and the battery park city authority.

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

Authorized Projects	Authorized State Entity
1. Frontier Town	Urban Development Corporation
2. Life Sciences Laboratory	Dormitory Authority & Urban Development Corporation

3.	Whiteface Transformative Projects	New York State Olympic Regional Development Authority
4.	Gore Transformative Projects	New York State Olympic Regional Development Authority
5.	Belleayre Transformative Projects	New York State Olympic Regional Development Authority
6.	Mt. Van Hoevenberg Transformative Projects	New York State Olympic Regional Development Authority
7.	Olympic Training Center	New York State Olympic Regional Development Authority
8.	Olympic Arena and Convention Center Complex	New York State Olympic Regional Development Authority
9.	State Fair Revitalization Projects	Office of General Services
10.	State Police Forensic Laboratory	Office of General Services

Notwithstanding any provision of law to the contrary, all rights or benefits, including terms and conditions of employment, and protection of civil service and collective bargaining status of all existing employees of authorized state entities shall be preserved and protected. Nothing in this section shall result in the: (1) displacement of any currently employed worker or loss of position (including partial displacement such as a reduction in the hours of non-overtime work, wages, or employment benefits) or result in the impairment of existing collective bargaining agreements; (2) transfer of existing duties and functions related to maintenance and operations currently performed by existing employees of authorized state entities to a contracting entity; or (3) transfer of future duties and functions ordinarily performed by employees of authorized state entities to the contracting entity. Nothing contained herein shall be construed to affect (A) the existing rights of employees pursuant to an existing collective bargaining agreement, and (B) the existing representational relationships among employee organizations or the bargaining relationships between the employer and an employee organization.

If otherwise applicable, authorized projects undertaken by the authorized state entities listed above solely in connection with the provisions of this act shall be subject to section 135 of the state finance law, section 101 of the general municipal law, and section 222 of the labor law; provided, however, that an authorized state entity may fulfill its obligations under section 135 of the state finance law or section 101 of the general municipal law by requiring the contractor to prepare separate specifications in accordance with section 135 of the state finance law or section 101 of the general municipal law, as the case may be. **Provided further, that authorized projects with a total construction cost of not less than twenty-five million dollars ($25,000,000) undertaken by the authorized state entities listed above solely in connection with the provisions of this act shall only be undertaken pursuant to a project labor agreement in accordance with section 222 of the labor law. If a project labor agreement is not performed on the authorized project, the authorized state entity shall not utilize a design-build contract for such project. Prior to utilizing the alternative delivery method referred to as design-build contracts for the authorized projects listed in this subparagraph with a total**

construction cost of less than twenty-five million dollars ($25,000,000), the authorized state entities listed above shall conduct a feasibility study in accordance with section 222 of the labor law.

(g) "project labor agreement" shall have the meaning set forth in subdivision 1 of section 222 of the labor law. A project labor agreement shall require participation in apprentice training programs.

§ 2. Section 3 of part F of chapter 60 of the laws of 2015, constituting the infrastructure investment act, as amended by section 1 of part DD of chapter 58 of the laws of 2020, is amended to read as follows:

§ 3. Notwithstanding the provisions of section 38 of the highway law, section 136-a of the state finance law, sections 359, 1678, 1680 and 1680-a of the public authorities law, sections 376, 407-a, 6281 and 7210 of the education law, sections 8 and 9 of the public buildings law, section 103 of the general municipal law, and the provisions of any other law to the contrary, and in conformity with the requirements of this act, an authorized state entity may utilize the alternative delivery method referred to as design-build contracts, in consultation with relevant local labor organizations and construction industry**, unless otherwise provided below**, for capital projects located in the state related to physical infrastructure, including, but not limited to, highways, bridges, buildings and appurtenant structures, dams, flood control projects, canals, and parks, including, but not limited to, to repair damage caused by natural disaster, to correct health and safety defects, to comply with federal and state laws, standards, and regulations, to extend the useful life of or replace highways, bridges, buildings and appurtenant structures, dams, flood control projects, canals, and parks or to improve or add to highways, bridges, buildings and appurtenant structures, dams, flood control projects, canals, and parks; provided that for the contracts executed by the department of transportation, the office of parks, recreation and historic preservation, or the department of environmental conservation, the total cost of each such project shall not be less than ten million dollars ($10,000,000). **Provided further that authorized state entities may only utilize the alternative delivery method referred to as design-build contracts on projects with a total construction cost of not less than twenty-five million dollars ($25,000,000) if undertaken pursuant to a project labor agreement in accordance with section 222 of the labor law. If a project labor agreement is not performed on the project, the authorized state entity shall not utilize a design-build contract for such project. The use of a project labor agreement on a federal aid project shall not be required where the federal government prohibits or disapproves of the use of a project labor agreement on such a federal aided project. Prior to utilizing the alternative delivery method referred to as design-build contracts for projects with a total construction cost of less than twenty-five million dollars ($25,000,000), authorized state entities shall conduct a feasibility study in accordance with section 222 of the labor law.**

§ 3. Section 17 of part F of chapter 60 of the laws of 2015, constituting the infrastructure investment act, as amended by section 7 of part DD of chapter 58 of the laws of 2020, is amended to read as follows:

§ 17. This act shall take effect immediately and shall expire and be deemed repealed December 31, [~~2022~~] **2027**, provided that, projects with requests for qualifications issued prior to such repeal shall be permitted to continue under this act notwithstanding such repeal **and provided further that projects with requests for qualifications issued or**

projects for which expenditures have been made for scoping, design or environmental studies prior to adoption of the amendments pursuant to a chapter of the laws of 2022 shall not be affected by such amendments if such projects are committed pursuant to the pending issuance or expenditures made.

§ 4. Subdivision (a) of section 2 and section 14 of chapter 749 of the laws of 2019, relating to authorizing, for certain public works undertaken pursuant to project labor agreements, use of the alternative delivery method known as design-build contracts, are amended to read as follows:

(a) "Authorized entity" shall mean the New York city department of design and construction, **the New York city department of citywide administrative services,** the New York city department of environmental protection, the New York city department of transportation, the New York city department of parks and recreation, the New York city health and hospitals corporation, the New York city school construction authority and the New York city housing authority.

§ 14. This act shall take effect immediately and shall expire and be deemed repealed [~~three~~] **eight** years after such date, provided that, public works with requests for qualifications issued prior to such repeal shall be permitted to continue under this act notwithstanding such repeal.

§ 5. This act shall take effect immediately; provided, however, that the amendments to part F of chapter 60 of the laws of 2015 made by sections one, two and three of this act, and the amendments to chapter 749 of the laws of 2019 made by section four of this act shall not affect the repeal of such part and such chapter and shall be deemed repealed therewith.

PART BB

Section 1. Subparagraph 6 of paragraph (g) of subdivision 11 of section 213 of the state finance law, as added by section 1 of part HH of chapter 59 of the laws of 2013, is amended and a new paragraph (h) is added to read as follows:

(6) small scale systems integration and packaging[~~.~~]**; or**

(h) a community development financial institution.

§ 2. Paragraph (e) of subdivision 12 of section 213 of the state finance law, as added by chapter 705 of the laws of 1993, is amended and a new paragraph (f) is added to read as follows:

(e) for certified minority-and women-owned businesses, projects to provide financing necessary to carry out a procurement contract with an agency or authority or other entity of the state or federal government[~~.~~]**; or**

(f) projects in which community development financial institutions make loans.

§ 3. Section 213 of the state finance law is amended by adding a new subdivision 25 to read as follows:

25. "Community development financial institution" means an organization as defined in 12 U.S.C. 4702(5)(a).

§ 4. This act shall take effect immediately.

PART CC

Section 1. Section 1 of chapter 174 of the laws of 1968, constituting the New York state urban development corporation act, is amended by adding a new section 16-gg to read as follows:

§ 16-gg. Small business seed funding grant program. 1. Definitions. As used in this section, the following terms shall have the following meanings:

(a) "Small business" shall mean a business which is resident in this state, independently owned and operated, not dominant in its field, and employs one hundred or less persons, was started on September 1, 2018 or later and has been operational for a minimum of six months prior to application.

(b) "Micro-business" shall mean a business which is a resident in this state, independently owned and operated, not dominant in its field, and employs ten or less persons.

(c) "The program" shall mean the small business seed funding grant program established pursuant to subdivision two of this section.

(d) "Applicant" shall mean a micro-business, small business, or for-profit independent arts and cultural organization, including independent arts contractors submitting an application for a grant award to the program.

(e) "For-profit independent arts and cultural organization" shall mean a small or medium sized private for-profit, independently operated live-performance venue, promoter, production company, or performance related business, including independent arts contractors, located in New York state negatively impacted by COVID-19 health and safety protocols, and having one hundred or less full-time employees, excluding seasonal employees.

2. Small business seed funding grant program established. The small business seed funding grant program is hereby created to provide assistance to early-stage small businesses to succeed in a recovering New York state economy.

3. Authorization. The corporation is hereby authorized, using available funds, to issue grants and provide technical assistance and outreach to micro-businesses, small businesses, for-profit arts and cultural organizations including independent arts contractors and technical assistance partners for the purpose of aiding the recovery of the New York state economy, and may promulgate guidelines to effectuate the purposes herein.

4. Selection criteria and application process. (a) In order to be eligible for a grant or additional form of support under the program, an eligible small business shall:

(i) be incorporated in New York state or licensed or registered to do business in New York state and must be resident in the state of New York;

(ii) be a currently viable micro-business, small business, for-profit arts and cultural organization including independent arts contractors that started business on September 1, 2018 or later and has been operational for at least six months before an application is submitted;

(iii) have between five thousand and one million dollars in gross receipts or be able to demonstrate five thousand dollars in business expenses;

(iv) be in substantial compliance with applicable federal, state and local laws, regulations, codes and requirements; and

(v) not owe any federal, state or local taxes, or have an approved repayment, deferral plan, or agreement with appropriate federal, state, and local taxing authorities.

(b) (i) Grants awarded from this program shall be available to eligible micro-businesses, small businesses, and for-profit arts and cultural organizations including independent arts contractors that do not qualify for business assistance grant programs under the federal American Rescue Plan Act of 2021 or any other available federal COVID-19 economic recovery or business assistance grant programs, including loans forgiven under the federal Paycheck Protection Program, or are unable to obtain sufficient business assistance from such federal programs, with priority given to socially and economically disadvantaged business owners including, but not limited to, minority and women-owned business enterprises, service-disabled veteran-owned businesses, and veteran-owned businesses, or businesses located in communities that were economically distressed prior to March 1, 2020, as determined by the most recent census data.

(ii) Grants awarded from this program shall be available to eligible micro-businesses, small businesses and for-profit arts and cultural organizations including independent arts contractors that did not qualify for business assistance under the COVID-19 pandemic small business recovery grant program as provided for in section sixteen-ff of this act.

5. Eligible costs. (a) Eligible costs considered for micro-businesses and small businesses under this program must have been incurred between September 1, 2018 and January 1, 2022.

(b) (i) The following costs incurred by a micro-business, small business, and for-profit arts and cultural organization including independent arts contractors shall be considered eligible under the program at a minimum: payroll costs; costs of rent or mortgage as provided for in subparagraph (ii) of this paragraph; costs of repayment of local property or school taxes associated with such small business's location as provided for in subparagraph (iii) of this paragraph; insurance costs; utility costs; costs of personal protection equipment (PPE) necessary to protect worker and consumer health and safety; heating, ventilation, and air conditioning (HVAC) costs, or other machinery or equipment costs, or supplies and materials necessary for compliance with COVID-19 health and safety protocols, and other documented COVID-19 costs as approved by the corporation.

(ii) Mortgage payments or commercial rent shall be considered eligible costs.

(iii) Payment of local property taxes and school taxes shall be considered eligible costs.

(c) Grants awarded under the program shall not be used to re-pay or pay down any portion of a loan obtained through a federal coronavirus relief package for business assistance or any New York state business assistance programs.

6. Application and approval process. (a) An eligible micro-business, small business, or for-profit arts and cultural organization including independent arts contractors shall submit a complete application in a form and manner prescribed by the corporation.

(b) The corporation shall establish the procedures and time period for micro-businesses, small businesses, or for-profit arts and cultural organizations including independent arts contractors to submit applications to the program. As part of the application each micro-business, small business, or for-profit arts and cultural organization including independent arts contractors shall provide sufficient documentation in a manner prescribed by the corporation to demonstrate hardship, and prevent fraud, waste, and abuse.

7. Technical assistance and outreach. The corporation may offer or make available to all applicants, regardless of approval status, direct or indirect access to financial and business planning, legal consultation, language assistance services, mentoring services for post-pandemic planning, reopening planning assistance and other assistance and support as determined by the corporation. Assistance, support, outreach and other services may be provided by or through partner organizations, including but not limited to chambers of commerce, local business development corporations, trade associations and other community organizations that have expertise and background in providing technical assistance, at the discretion of the corporation.

8. Reporting. The corporation, on a quarterly basis beginning September 30, 2022, and ending when all program funds are expended, shall submit a separate and distinct report to the governor, the temporary president of the senate, and the speaker of the assembly setting forth the activities undertaken by the program. Such quarterly report shall include, but need not be limited to: the number of applicants and their county locations; the number of applicants approved by the program and their county location; the total amount of grants awarded, and the average amount of such grants awarded; and such other information as the corporation determines necessary and appropriate. Such report shall be included on the corporation's website and any other publicly accessible state database that list economic development programs, as determined by the commissioner. Such reporting may be incorporated as part of any reporting required under section sixteen-ff of this act.

§ 2. This act shall take effect immediately.

PART DD

Section 1. Section 2 of 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, as amended by section 1 of part CC of chapter 58 of the laws of 2020, is amended to read as follows:

§ 2. This act shall take effect immediately and shall expire and be deemed repealed on July 1, [~~2022~~] **2024**; provided however, that the expiration of this act shall not impair or otherwise affect any of the powers, duties, responsibilities, functions, rights or liabilities of any subsidiary duly created pursuant to subdivision twenty-five of section 1678 of the public authorities law prior to such expiration.

§ 2. This act shall take effect immediately.

PART EE

Intentionally Omitted

PART FF

Intentionally Omitted

PART GG

Intentionally Omitted

PART HH

Intentionally Omitted

PART II

Section 1. Section 99-ii of the state finance law is amended by adding a new subdivision 2-a to read as follows:

2-a. Revenues deposited into this fund pursuant to section fifteen of the cannabis law shall first be used to reimburse the state general fund for any funds transferred to this fund from the state general fund for the purposes of supporting expenditures authorized under paragraph (d) of subdivision three of this section.

§ 2. Paragraphs (d), (e), (f), and (g) of subdivision 3 of section 99-ii of the state finance law are relettered paragraphs (e), (f), (g), and (h), and a new paragraph (d) is added to read as follows:

(d) subject to available appropriations and providing that no more than fifty million dollars in funding, shall be made available, whether directly or indirectly for investment in a private debt or equity fund formed pursuant to subdivision thirty-two of section one thousand six hundred seventy-eight of the public authorities law or to cover capital costs associated with establishing conditional adult-use cannabis retail dispensaries for operation by social equity licensees duly licensed pursuant to article two of the cannabis law. Such capital costs shall include all costs, including closely related ancillary costs, related to the leasing, planning, design, construction, reconstruction, rehabilitation, improvement, furnishing, and equipping of such adult-use cannabis retail dispensaries, to the extent such work has been undertaken or costs for such work incurred by: (i) the office of cannabis management and the cannabis control board, (ii) the dormitory authority of the state of New York, or any subsidiary thereof, under agreement with the office of cannabis management and the cannabis control board, or with the private debt or equity fund formed pursuant to subdivision thirty-two of section one thousand six hundred seventy-eight of the public authorities law, or (iii) the private debt or equity fund formed pursuant to subdivision thirty-two of section one thousand six hundred seventy-eight of the public authorities law. Any repayment of the state's investment by the fund, as authorized in this paragraph shall be deposited in the New York state cannabis revenue fund.

§ 3. Section 1678 of the public authorities law is amended by adding three new subdivisions 30, 31 and 32 to read as follows:

30. To enter into one or more agreements with the office of cannabis management, the cannabis control board, or the private debt or equity fund, selected pursuant to subdivision thirty-two of this section, in which the state or any state agency, public authority, public benefit corporation, or division thereof has invested and is formed for the limited purpose of funding the capital costs associated with establishing conditional adult-use cannabis retail dispensaries for operation by social equity licensees duly licensed pursuant to article two of the cannabis law, for the following purposes:

(a) (i) To acquire by lease or sublease such real property or any interest therein as may be necessary or convenient for the construction, reconstruction, rehabilitation, improvement, or provision of conditional adult-use cannabis retail dispensaries for operation by social equity licensees, as agent, and (ii) to acquire by purchase or other agreement,

personal property or interest therein as may be necessary for the acquisition, construction, reconstruction, rehabilitation, improvement or provision of such dispensaries, whether as principal or agent;

(b) To prepare or cause to be prepared, whether as principal or agent, plans, specifications, designs, and estimates of costs for the design, construction, reconstruction, rehabilitation, improvement, furnishing or equipping of conditional adult-use cannabis retail dispensaries for operation by social equity licensees;

(c) To design, construct, reconstruct, rehabilitate, or to cause the design, construction, rehabilitation or improvement of, whether as principal or agent, conditional adult-use cannabis retail dispensaries for operation by social equity licensees and to enter into contracts to cause such facilities to be designed, constructed, reconstructed, rehabilitated, improved, furnished, or equipped;

(d) To enter, as lessor or as agent for the lessor, into leases, subleases, or other agreements with the social equity licensees operating for the conditional adult-use cannabis retail dispensaries; provided that (i) the authority shall only enter in lease agreements as agent of the private debt or equity fund selected pursuant to subdivision thirty-two of this section, (ii) any general terms of such lease agreement, and any material deviations or changes therefrom, are approved by the office of cannabis management; and

(e) To enter, as lender or as agent to the lender, into a non-recourse loan or other agreements with the social equity licensees operating the conditional adult-use cannabis retail dispensaries, provided that any general terms of such non-recourse loan agreements, and any material deviations or changes therefrom, are approved by the office of cannabis management and that the terms of the non-recourse loan agreement do not include a penalty for early termination but will allow for the inclusion of a make-whole provision and shall not, at the time the loan is established, exceed the prime lending rate plus one-half the interest rate specified under subdivision one of section fourteen-a of the banking law, nor include terms or conditions that would allow for an equity position in the social equity licensee's conditional adult-use cannabis retail dispensary business or that would entitle a share in, or claim to, any revenue or profit generated by such business.

31. (a) To form one or more subsidiaries for the purpose of limiting the potential liability of the authority when exercising the powers and duties conferred upon the authority by subdivision thirty of this section in connection with certain work performed on behalf of the office of cannabis management, the cannabis control board, or the private debt or equity fund in which the state or any state agency, public authority, public benefit corporation, or division thereof has invested and has been selected pursuant to subdivision thirty-two of this section. Such subsidiary created pursuant to this subdivision may exercise and perform one or more of the purposes, powers, duties, functions, rights and responsibilities of the authority other than the issuance of indebtedness, in connection with real and personal property with respect to which the authority holds title or a leasehold interest, in its own name or as agent for the titleholder or leaseholder including, but not limited to: (i) entering into leases, subleases, or other arrangements with regard to such property and acting in a manner consistent with the rights, obligations or responsibilities of the owner, landlord or tenant of such property pursuant to such lease or sublease agreements; (ii) servicing non-recourse loan payments; (iii)

furnishing property management services; and (iv) providing general operational and administrative support services.

(b) Such subsidiary authorized by paragraph (a) of this subdivision shall be established in the form of a public benefit corporation by executing and filing with the secretary of state a certificate of incorporation which shall identify the authority as the entity organizing such subsidiary and set forth the name of such subsidiary public benefit corporation, its duration, the location of its principal office and its corporate purposes as provided in this subdivision and which certificate may be amended from time to time by the filing of amendments thereto with the secretary of state. Such subsidiary shall be organized as a public benefit corporation, shall be a body politic and corporate, and shall have all the privileges, immunities, tax exemptions and other exemptions of the authority. The members of such subsidiary shall be the same as the members of the authority and the provisions of subdivision two of section sixteen hundred ninety-one of this title shall in all respects apply to such members when acting in such capacity.

(c) Nothing in this subdivision shall be construed to impose any liabilities, obligations, or responsibilities of such subsidiary upon the authority and the authority shall have no liability or responsibility therefor unless the authority expressly agrees to assume the same.

(d) Such subsidiary created pursuant to this subdivision shall be subject to any other provision of this chapter pertaining to subsidiaries of public authorities.

32. (a) (i) To select a private debt or equity fund formed for the sole purpose of funding the capital costs, including closely related ancillary and administrative costs, associated with establishing conditional adult-use cannabis retail dispensaries for operation by social equity licensees deemed to be eligible by the office of cannabis management for financing through such fund or related costs, provided that any partnership agreement between the fund and the authority, shall be subject to the written approval or resolution of the cannabis control board, the board of the dormitory authority, and the director of the division of the budget, and the selection of such general partner shall be made in consultation with the office of cannabis management.

(ii) The organizational structure and investment policy of the selected fund and the provisions of the partnership agreement shall satisfy the following parameters and requirements:

(1) The fund shall have a public policy committee composed of the chair of the cannabis control board, executive director of the office of cannabis management, and the president of the authority, or their representatives, who shall guide the decisions of the selected fund to achieve the public policy goals of the state, which includes providing advice and direction to the fund where matters implicate public policy and confirming the fund's adherence to its public purpose, which includes compliance with stated objectives or mission of the cannabis law and the marihuana regulation and taxation act, generally and more specifically, to provide social equity conditional adult-use cannabis retail dispensary licensees with the opportunity of acquiring commercially viable retail operations;

(2) Such committee shall:

(A) review and approve of the fund's investment policy statement and any changes thereto;

(B) review and approve any changes to the use and distribution of investment funds;

(C) review and approve the fund's strategic plan, particularly those pertaining to the investor class, the establishment, management, and liquidation of investments by the fund;

(D) monitor the fund's risk profile, investment activity, and performance;

(E) approve the maximum amount of promised return on investment, management fees, and compensation of the general partner;

(F) review and approve any changes or amendments to the fund's organizational structure, partnership agreements, and the fund manager or servicer's agreement to ensure that they are consistent with the fund's public purpose;

(G) take reasonable steps, at the direction of the office of cannabis management, to provide geographic equity and representation in establishing such conditional adult-use cannabis retail dispensaries for operation by social equity licensees, to the extent practicable, in support of the public purpose of the fund and further, at the direction of the office of cannabis management that the site selection for such dispensaries comports with the requirements of the cannabis law and the marihuana regulation and taxation act, and its rules and regulations governing the location of conditional adult-use cannabis dispensaries; and

(H) confirm that any real property leases and loan agreements issued by or on behalf of the fund shall be provided to social equity licensees, duly licensed pursuant to article two of the cannabis law;

(3) The general partner and the fund shall to the extent allowable by section one of article five of the state constitution, authorize the comptroller of the state, or the comptroller's legally authorized representatives, to access, examine, or audit the accounts and books of the fund including its receipts, disbursements, contracts, investments, and any other items directly relating to its financial standing and cooperate with any such financial examination or financial audit on an annual basis. The general partner shall agree to cause the key officers to be available to discuss the fund and the partnership and its activities at the time of the audit;

(4) The general partner shall agree to cause the key officers to be available to discuss the fund and the partnership and its activities at the request of the public policy committee;

(5) Any real property subleased out by the fund to a social equity licensee shall be at the same rate on which the fund has leased such property;

(6) The fund shall not be authorized to borrow any money or to incur any indebtedness, including guarantees, except when approved by the public policy committee;

(7) The fund shall not be voluntarily terminated early without the prior consent of the public policy committee;

(8) The fund shall have a conflict-of-interest policy approved by the public policy committee;

(9) Any loan agreement the fund enters into with social equity licensees shall be a non-recourse loan and shall allow prepayment of the debt without any penalty imposed by the fund but will allow for the inclusion of a make-whole provision and shall not, at the time that the non-recourse loan is established, exceed the prime lending rate plus one-half the maximum interest rate specified under subdivision one of section fourteen-a of the banking law;

(10) The fund shall not accept more than two hundred million dollars in total investment over the course of its life and the state's contribution to the fund shall not exceed fifty million dollars; and

(11) The fund shall not take any equity positions in, issue equity loans to, or enter into revenue or profit sharing agreements with any social equity adult-use cannabis retail dispensary business or include any terms and conditions in an agreement with such business to that effect; the fund shall also not include any excessive penalties within the loan agreements; and

(12) Any other requirement as the dormitory authority may deem appropriate, in consultation with the office of cannabis management, or the cannabis control board.

(b) (i) After the funding of the private debt or equity fund as provided pursuant to this subdivision, the authority shall prepare an annual report beginning on December thirtieth, two thousand twenty-two and annually thereafter, which report shall include, but not be limited to:

(1) the number of conditional adult-use cannabis retail dispensaries assisted by the authority pursuant to this subdivision;

(2) the geographic distribution of sites designated by the office of cannabis management and prepared by the authority for conditional adult-use cannabis retail dispensaries for operation by licensed social equity businesses; and

(3) any other such data and information, including information about subsidiary or subsidiaries created pursuant to subdivision thirty-one of this section.

(4) Additionally, for the first report, the authority shall report on the procurement and selection of the general partner.

(ii) Such report shall be published on the authority's website and presented to the governor, the temporary president of the senate and the speaker of the assembly, no later than December thirtieth, two thousand twenty-two and annually thereafter; and

(iii) The authority shall further submit a copy of the partnership agreement between the fund and the authority, to the governor, the temporary president of the senate, and the speaker of the assembly no later than fifteen days after such agreement has been fully executed.

§ 4. Paragraph (b) of subdivision 2 of section 1676 of the public authorities law is amended by adding three new undesignated paragraphs to read as follows:

the office of cannabis management.

the cannabis control board.

the private debt or equity fund in which the state or any state agency, public authority or public benefit corporation, or division thereof, has invested and is selected pursuant to subdivision thirty-two of section one thousand six hundred seventy-eight of this title to the extent authorized in subdivision thirty of such section.

§ 5. Subdivision 1 of section 1680 of the public authorities law is amended by adding three new undesignated paragraphs to read as follows:

the office of cannabis management.

the cannabis control board.

the private debt or equity fund in which the state or any agency, authority or division thereof has invested and is selected pursuant to subdivision thirty-two of section one thousand six hundred seventy-eight of this title to the extent authorized in subdivision thirty of such section.

§ 6. This act shall take effect immediately.

PART JJ

Section 1. Subdivision 24-e of section 10 of the highway law is REPEALED.

§ 2. Section 7 of the transportation corporations law is REPEALED.

§ 3. This act shall take effect on the thirtieth day after it shall have become a law; except that any and all annual fees for fiber optic facilities previously installed, or pending applications for proposed new fiber facilities shall continue to be due and owing in full, for the remaining duration of such previously installed facility's annual permit, or pending new application.

PART KK

Section 1. Subdivision 2 of section 27-1207 of the environmental conservation law, as amended by section 7 of part AA of chapter 58 of the laws of 2018, is amended to read as follows:

2. The solid waste mitigation program shall receive no more than [~~twenty-five~~] **fifty** million dollars from the clean water infrastructure act of 2017 and be made available to the department and the department of health, as applicable, for the following purposes:

a. enumeration and assessment of solid waste sites;

b. investigation and environmental characterization of solid waste sites, including environmental sampling;

c. mitigation and remediation of solid waste sites;

d. monitoring of solid waste sites; and

e. administration and enforcement of the requirements of section 27-1203 of this title.

§ 2. This act shall take effect immediately.

PART LL

Section 1. Subdivision 29 of section 27-1405 of the environmental conservation law, as added by section 2 of part BB of chapter 56 of the laws of 2015, is amended and two new subdivisions 32 and 33 are added to read as follows:

29. "Affordable housing project" **shall mean (a) a project as** shall be defined in regulation by the department, after consultation with the division of housing and community renewal, which shall at a minimum, establish the percentage of units in the project that must be below a defined percentage of the area median income**; or (b) a project situated on a brownfield site that demonstrates the project is the subject of a determination by a federal, state or local government housing agency that all or a portion of the project or site will qualify for benefits, including but not limited to real property taxation exemptions, is or will be eligible under an affordable housing program which requires that a percentage of residential rental or home ownership dwelling units be dedicated to tenants or homeowners at a defined maximum percentage or percentages of area median income based on the occupants' households annual gross income. Such federal, state or local affordable housing program shall confer a benefit to the project. For the purposes of this subdivision, the term "benefit" shall be broadly construed, and shall include, but not be limited to, tax benefits, including real estate tax benefits, tax credits, bond financing, subsidy financing, and zoning variances or waivers. Further, the department may by regulation, after consulting with the division of housing and community renewal, exclude**

specific benefits from qualifying pursuant to this subdivision. To demonstrate eligibility under this subdivision, the project must present a certification of compliance or other evidence of eligibility by a federal, state, or local government affordable housing agency that such project is an affordable housing project. For purposes of this subdivision, "area median income" shall mean the area median income for the primary metropolitan statistical area or for the county if located outside a metropolitan statistical area, as determined by the United States department of housing and urban development or its successor for a family of four, as adjusted for family size.

32. "Disadvantaged community" shall mean a community that is identified pursuant to section 75-0111 of this chapter.

33. "Renewable energy facility site" shall mean real property: (a) that is used for a renewable energy system, as defined in section sixty-six-p of the public service law; or (b) any co-located system storing energy generated from such a renewable energy system prior to delivering it to the bulk transmission, sub-transmission, or distribution system.

§ 2. The opening paragraph of subdivision 1-a of section 27-1407 of the environmental conservation law, as added by section 3 of part BB of chapter 56 of the laws of 2015, is amended to read as follows:

If the person is also seeking a determination that the site is eligible for the tangible property credit component of the brownfield redevelopment tax credit pursuant to paragraph three of subdivision (a) of section twenty-one of the tax law for a site located in a city having a population of one million or more, such person shall submit information sufficient to demonstrate that: (a) at least half of the site area is located in an environmental zone as defined in section twenty-one of the tax law; (b) the property is upside down or underutilized; [~~or~~] (c) the project is an affordable housing project; (d) the project is within a disadvantaged community, within a designated brownfield opportunity area, and meets the conformance determinations pursuant to subdivision ten of section nine hundred seventy-r of the general municipal law; or (e) the project is being developed as a renewable energy facility site. An applicant may request an eligibility determination for tangible property credits at any time from application until the site receives a certificate of completion pursuant to section 27-1419 of this title except for sites seeking eligibility under the underutilized category.

§ 3. Section 27-1409 of the environmental conservation law is amended by adding a new subdivision 13 to read as follows:

13. After acceptance by the department, an executed brownfield cleanup agreement shall be submitted and returned to the department with payment of a nonrefundable program fee in the amount of fifty thousand dollars, which shall be deposited to the credit of the oversight and assistance account of the hazardous waste remedial fund pursuant to section ninety-seven-b of the state finance law. The department shall waive such fee upon a demonstration of financial hardship by the applicant. To demonstrate financial hardship the applicant must show but for the program fee, remediation of the brownfield site would not be economically viable. When evaluating financial hardship, the department will consider whether the applicant has waived their rights to tax credits, whether the location of the proposed brownfield site is in a disadvantaged community or the proposed brownfield site is being developed as an affordable housing project, the assets and income of the applicant, and any other factors deemed relevant. The department shall establish regulations governing the demonstration of financial hardship. Program fees

shall not qualify for any of the tax credits available for brownfield sites under sections twenty-one, twenty-two, and twenty-three of the tax law.

§ 4. Paragraph 2 of subdivision (a) of section 21 of the tax law, as amended by section 1 of part H of chapter 577 of the laws of 2004, is amended to read as follows:

(2) Site preparation credit component. The site preparation credit component shall be equal to the applicable percentage of the site preparation costs paid or incurred by the taxpayer with respect to a qualified site. The credit component amount so determined with respect to a site's qualification for a certificate of completion shall be allowed for the taxable year in which the effective date of the certificate of completion occurs. The credit component amount determined other than with respect to such qualification shall be allowed for the taxable year in which the improvement to which the applicable costs apply is placed in service for up to five taxable years after the issuance of such certificate of completion**; provided, however, that for any qualified site to which a certificate of completion is issued on or after July first, two thousand fifteen but on or before June twenty-fourth, two thousand twenty-one, the site preparation credit component for such costs shall be allowed for up to seven taxable years after the issuance of such certificate of completion**.

§ 5. Paragraph 4 of subdivision (a) of section 21 of the tax law, as amended by section 1 of part H of chapter 577 of the laws of 2004, is amended to read as follows:

(4) On-site groundwater remediation credit component. The on-site groundwater remediation credit component shall be equal to the applicable percentage of the on-site groundwater remediation costs paid or incurred by the taxpayer with respect to a qualified site (to the extent that such groundwater remediation costs are not included in the determination of the site preparation credit or the cost or other basis included in the determination of the tangible property credit). The credit component so determined for costs incurred and paid with respect to and prior to the issuance of a certificate of completion shall be allowed for the taxable year in which the effective date of the issuance of a certificate of completion occurs. The credit component amount determined in taxable years after the effective date of the issuance of a certificate of completion shall be allowed in the taxable year such qualified costs are incurred and paid for up to five taxable years after the issuance of such certificate of completion**; provided, however, that with respect to any qualified site for which a certificate of completion has been issued on or after July first, two thousand fifteen but on or before June twenty-fourth, two thousand twenty-one, the credit component amount determined in taxable years after the effective date of the issuance of a certificate of completion shall be allowed in the taxable year such qualified costs are incurred and paid for up to seven taxable years after the issuance of such certificate of completion**.

§ 6. Subparagraph (B) of paragraph 5 of subdivision (a) of section 21 of the tax law, as amended by section 21 of part BB of chapter 56 of the laws of 2015, is amended to read as follows:

(B) With respect to such qualified site for which the department of environmental conservation has issued a notice to the taxpayer on or after July first, two thousand fifteen [~~or the date of publication in the state register of proposed regulations defining "underutilized" as provided in subdivision thirty of section 27-1405 of the environmental conservation law, whichever shall be later~~], that its request for

participation has been accepted under subdivision six of section 27-1407 of the environmental conservation law, the applicable percentage for the tangible property credit component of the brownfield redevelopment tax credit pursuant to paragraph three of [~~subdivision (a) of~~] this [~~section~~] subdivision shall be the sum of ten percent and the following additional percentages, provided that if the sum is greater than twenty-four percent, the total percentage of the tangible property credit component shall be twenty-four percent and is otherwise subject to the limitations set forth in paragraphs three and three-a of [~~subdivision (a) of~~] this [~~section~~] subdivision:

(i) five percent for a site which:

(1) is located within an environmental zone; or

(2) is in a disadvantaged community as that term is defined in section 27-1405 of the environmental conservation law for which the department of environmental conservation has issued a notice to the taxpayer on or after January first, two thousand twenty-three that its request for participation has been accepted under subdivision six of section 27-1407 of the environmental conservation law;

(ii) five percent for a site located within a designated brownfield opportunity area and is developed in conformance with the goals and priorities established for that applicable brownfield opportunity area and meets the conformance determinations pursuant to subdivision ten of section nine hundred seventy-r of the general municipal law;

(iii) five percent for a site developed as affordable housing, as defined in section 27-1405 of the environmental conservation law;

(iv) five percent for a site to be used primarily for manufacturing activities as such term is defined in subparagraph (B) of paragraph three-a of this subdivision; [~~and~~]

(v) five percent for sites remediated to Track 1 as that term is defined in subdivision four of section 27-1415 of the environmental conservation law; and

(vi) for a qualified site for which the department of environmental conservation has issued a notice to the taxpayer on or after January first, two thousand twenty-three that its request for participation has been accepted under subdivision six of section 27-1407 of the environmental conservation law, five percent for sites developed as renewable energy facility sites as defined in section 27-1405 of the environmental conservation law.

§ 7. Paragraph 2 of subdivision (b) of section 21 of the tax law, as amended by section 23 of part BB of chapter 56 of the laws of 2015, is amended to read as follows:

(2) Site preparation costs. The term "site preparation costs" shall mean all amounts properly chargeable to a capital account, which are paid or incurred which are necessary to implement a site's investigation, remediation, or qualification for a certificate of completion, and shall include costs of: excavation; demolition; activities undertaken under the oversight of the department of labor or in accordance with standards established by the department of health to remediate and dispose of regulated materials including asbestos, lead or polychlorinated biphenyls; environmental consulting; engineering; legal costs; transportation, disposal, treatment or containment of contaminated soil; remediation measures taken to address contaminated soil vapor; cover systems consistent with applicable regulations; physical support of excavation; dewatering and other work to facilitate or enable remediation activities; sheeting, shoring, and other engineering controls required to prevent off-site migration of contamination from the quali-

fied site or migrating onto the qualified site; and the costs of fencing, temporary electric wiring, scaffolding, and security facilities until such time as the certificate of completion has been issued. Site preparation shall include all costs paid or incurred within sixty months after the last day of the tax year in which the certificate of completion is issued that are necessary for compliance with the certificate of completion or subsequent modifications thereof, or the remedial program defined in such certificate of completion including but not limited to institutional controls, engineering controls, an approved site management plan, and an environmental easement with respect to the qualified site**; provided, however, with respect to any qualified site for which the department of environmental conservation has issued a notice to the taxpayer on or after July first, two thousand fifteen but on or before June twenty-fourth, two thousand twenty-one that its request for participation has been accepted under subdivision six of section 27-1407 of the environmental conservation law, site preparation shall include all costs paid or incurred within eighty-four months after the last day of the tax year in which the certificate of completion is issued that are necessary for compliance with the certificate of completion or subsequent modifications thereof, or the remedial program defined in such certificate of completion including but not limited to institutional controls, engineering controls, an approved site management plan, and an environmental easement with respect to the qualified site.** Site preparation cost shall not include the costs of foundation systems that exceed the cover system requirements in the regulations applicable to the qualified site.

§ 8. Paragraph 4 of subdivision (b) of section 21 of the tax law, as amended by section 23 of part BB of chapter 56 of the laws of 2015, is amended to read as follows:

(4) On-site groundwater remediation costs. The term "on-site groundwater remediation costs" shall mean all amounts properly chargeable to a capital account, which are paid or incurred which are necessary to implement a site's groundwater investigation, remediation, or qualification for a certificate of completion not already covered under site preparation costs, and shall include costs of: environmental consulting; engineering; legal costs; transportation, disposal, treatment or containment of contaminated groundwater; sheeting, shoring, and other engineering controls required to prevent off-site migration of groundwater contamination from the qualified site or migrating onto the qualified site; and the costs of fencing, temporary electric wiring and security facilities until such time as the certificate of completion is issued. On-site groundwater remediation costs shall include all costs paid or incurred within sixty months after the last day of the tax year in which the certificate of completion is issued that are necessary for compliance with the certificate of completion or subsequent modifications thereof, or the groundwater remedial program defined in such certificate of completion including but not limited to institutional controls, engineering controls, an approved site management plan specific to on-site groundwater remediation, and an environmental easement with respect to the qualified site. **Provided, however, with respect to any qualified site for which a certificate of completion has been issued on or after July first, two thousand fifteen but on or before June twenty-fourth, two thousand twenty-one, on-site groundwater remediation costs shall include all such costs paid or incurred within eighty-four months after the last day of the tax year in which the certificate of completion is issued.**

§ 9. Subparagraph (i) of paragraph 3 of subdivision (a) of section 21 of the tax law, as amended by section 1 of part AA of chapter 58 of the laws of 2021, is amended to read as follows:

(i) The tangible property credit component shall be equal to the applicable percentage of the cost or other basis for federal income tax purposes of tangible personal property and other tangible property, including buildings and structural components of buildings, which constitute qualified tangible property and may include any related party service fee paid; provided that in determining the cost or other basis of such property, the taxpayer shall exclude the acquisition cost of any item of property with respect to which a credit under this section was allowable to another taxpayer**; and provided further that for the purposes of this section, starting with taxable year two thousand twenty-two, on sites that comply with the track one remediation standards promulgated pursuant to subdivision four of section 27-1415 of the environmental conservation law, stadiums, baseball parks, basketball courts and other athletic facilities shall be considered buildings, and that components of stadiums, baseball parks, basketball courts, and other athletic facilities constructed on such sites, including sports field turf, site lighting, sidewalks, access and entry ways, and other improvements added to land, shall be considered structural components of buildings under the internal revenue code, and shall be included in the definition of tangible property for the purposes of this section**. A related party service fee shall be allowed only in the calculation of the tangible property credit component and shall not be allowed in the calculation of the site preparation credit component or the on-site groundwater remediation credit component. The portion of the tangible property credit component which is attributable to related party service fees shall be allowed only as follows: (A) in the taxable year in which the qualified tangible property described in subparagraph (iii) of this paragraph is placed in service, for that portion of the related party service fees which have been earned and actually paid to the related party on or before the last day of such taxable year; and (B) with respect to any other taxable year for which the tangible property credit component may be claimed under this subparagraph and in which the amount of any additional related party service fees are actually paid by the taxpayer to the related party, the tangible property credit component for such amount shall be allowed in such taxable year. The credit component amount so determined shall be allowed for the taxable year in which such qualified tangible property is first placed in service on a qualified site with respect to which a certificate of completion has been issued to the taxpayer, or for the taxable year in which the certificate of completion is issued if the qualified tangible property is placed in service prior to the issuance of the certificate of completion. This credit component shall only be allowed for up to one hundred twenty months after the date of the issuance of such certificate of completion, provided, however, that for qualified sites to which a certificate of completion is issued on or after March twentieth, two thousand ten, but prior to January first, two thousand twelve, the commissioner may extend the credit component for up to one hundred forty-four months after the date of such issuance, if the commissioner, in consultation with the commissioner of environmental conservation, determines that the requirements for the credit would have been met if not for the restrictions related to the state disaster emergency declared pursuant to executive order 202 of 2020 or any extension thereof or subsequent executive order issued in response to the novel coronavirus (COVID-19) pandemic**;**

provided, however, with respect to any qualified site for which the department of environmental conservation has issued a certificate of completion to the taxpayer on or after March twentieth, two thousand ten and before December thirty-first, two thousand fifteen, this credit component shall be allowed for up to one hundred eighty months after the date of the issuance of such certificate of completion.

§ 10. Section 31 of part H of chapter 1 of the laws of 2003, amending the tax law relating to brownfield redevelopment tax credits, remediated brownfield credit for real property taxes for qualified sites and environmental remediation insurance credits, as amended by section 32 of part BB of chapter 56 of the laws of 2015, is amended to read as follows:

§ 31. The tax credits allowed under section 22 or 23 of the tax law and the corresponding provisions in articles 9, 9-A, 22 and 33 of the tax law, as added by the provisions of sections one through twenty-nine of this act, shall not be applicable to any site accepted into the brownfield cleanup program on and after July 1, 2015 [~~or the date of publication in the state register of proposed regulations defining "underutilized" as provided in subdivision 30 of section 27-1405 of the environmental conservation law, whichever shall be later~~]. The tax credits allowed under section 21 of the tax law and the corresponding provisions in articles 9, 9-A, 22 and 33 of the tax law, as added by the provisions of sections one through twenty-nine of this act, shall not be applicable to any site accepted into the brownfield cleanup program after December 31, [~~2022~~] **2032**, provided, however that any sites accepted on or before December 31, [~~2022~~] **2032** must have received the certificate of completion required to qualify for any of such credits on or before [~~March~~] **December** 31, [~~2026~~] **2036**.

§ 11. This act shall take effect immediately.

PART MM

Section 1. Subdivision 1 and the opening paragraph of subdivision 2 of section 27-1905 of the environmental conservation law, as amended by section 1 of part E of chapter 58 of the laws of 2019, are amended to read as follows:

1. Until December thirty-first, two thousand [~~twenty-two~~] **twenty-five**, accept from a customer, waste tires of approximately the same size and in a quantity equal to the number of new tires purchased or installed by the customer; and

Until December thirty-first, two thousand [~~twenty-two~~] **twenty-five**, post written notice in a prominent location, which must be at least eight and one-half inches by fourteen inches in size and contain the following language:

§ 2. Subdivisions 1, 2, 3 and paragraph (a) of subdivision 6 of section 27-1913 of the environmental conservation law, as amended by section 2 of part E of chapter 58 of the laws of 2019, are amended to read as follows:

1. Until December thirty-first, two thousand [~~twenty-two~~] **twenty-five**, a waste tire management and recycling fee of two dollars and fifty cents shall be charged on each new tire sold. The fee shall be paid by the purchaser to the tire service at the time the new tire or new motor vehicle is purchased.

The waste tire management and recycling fee does not apply to:

(a) recapped or resold tires;

(b) mail-order sales; or

(c) the sale of new motor vehicle tires to a person solely for the purpose of resale provided the subsequent retail sale in this state is subject to such fee.

2. Until December thirty-first, two thousand [~~twenty-two~~] twenty-five, the tire service shall collect the waste tire management and recycling fee from the purchaser at the time of the sale and shall remit such fee to the department of taxation and finance with the quarterly report filed pursuant to subdivision three of this section.

(a) The fee imposed shall be stated as an invoice item separate and distinct from the selling price of the tire.

(b) The tire service shall be entitled to retain an allowance of twenty-five cents per tire from fees collected.

3. [~~Until March thirty-first, two thousand twenty-three, each~~] Each tire service maintaining a place of business in this state shall make a return to the department of taxation and finance on a quarterly basis, with the return for December, January, and February being due on or before the immediately following March thirty-first; the return for March, April, and May being due on or before the immediately following June thirtieth; the return for June, July, and August being due on or before the immediately following September thirtieth; and the return for September, October, and November being due on or before the immediately following December thirty-first.

(a) Each return shall include:

(i) the name of the tire service;

(ii) the address of the tire service's principal place of business and the address of the principal place of business (if that is a different address) from which the tire service engages in the business of making retail sales of tires;

(iii) the name and signature of the person preparing the return;

(iv) the total number of new tires sold at retail for the preceding quarter and the total number of new tires placed on motor vehicles prior to original retail sale;

(v) the amount of waste tire management and recycling fees due; and

(vi) such other reasonable information as the department of taxation and finance may require.

(b) Copies of each report shall be retained by the tire service for three years.

If a tire service ceases business, it shall file a final return and remit all fees due under this title with the department of taxation and finance not more than one month after discontinuing that business.

(a) Until December thirty-first, two thousand [~~twenty-two~~] twenty-five, any additional waste tire management and recycling costs of the tire service in excess of the amount authorized to be retained pursuant to paragraph (b) of subdivision two of this section may be included in the published selling price of the new tire, or charged as a separate per-tire charge on each new tire sold. When such costs are charged as a separate per-tire charge: (i) such charge shall be stated as an invoice item separate and distinct from the selling price of the tire; (ii) the invoice shall state that the charge is imposed at the sole discretion of the tire service; and (iii) the amount of such charge shall reflect the actual cost to the tire service for the management and recycling of waste tires accepted by the tire service pursuant to section 27-1905 of this title, provided however, that in no event shall such charge exceed two dollars and fifty cents on each new tire sold.

§ 3. Subdivision 3 of section 27-1913 of the environmental conservation law, as amended by section two of this act, is amended to read as follows:

3. Each tire service maintaining a place of business in this state shall make a return to the department of taxation and finance [~~on a quarterly basis, with the return for December, January, and February being due on or before the immediately following March thirty-first; the return for March, April, and May being due on or before the immediately following June thirtieth; the return for June, July, and August being due on or before the immediately following September thirtieth; and the return for September, October, and November being due on or before the immediately following December thirty-first.~~

~~(a) Each return shall include:~~

~~(i) the name of the tire service;~~

~~(ii) the address of the tire service's principal place of business and the address of the principal place of business (if that is a different address) from which the tire service engages in the business of making retail sales of tires;~~

~~(iii) the name and signature of the person preparing the return;~~

~~(iv) the total number of new tires sold at retail for the preceding quarter and the total number of new tires placed on motor vehicles prior to original retail sale;~~

~~(v) the amount of waste tire management and recycling fees due; and~~

~~(vi) such other reasonable information as the department of taxation and finance may require.~~

~~(b) Copies of each report shall be retained by the tire service for three years.~~

~~If a tire service ceases business, it shall file a final return and remit all fees due under this title with the department of taxation and finance not more than one month after discontinuing that business~~] on such form and including such information as the commissioner of taxation and finance may require. Such returns shall be due at the same time and for the same periods as the sales tax return of such tire service, in accordance with section eleven hundred thirty-six of the tax law, and payment of all fees due for such periods shall be remitted with such returns.

§ 4. Subdivision 5 of section 27-1913 of the environmental conservation law, as added by section 2 of part E of chapter 686 of the laws of 2003, is amended to read as follows:

5. (a) The provisions of article [~~twenty-seven~~] twenty-eight of the tax law, including the provisions relating to definitions, exemptions, returns, personal liability for the tax, collection of tax from the customer, payment of tax and the administration of the tax imposed, shall apply to the provisions of this section in the same manner and with the same force and effect as if the language of such article had been incorporated in full into this section and had expressly referred to the fee under this section, except to the extent that any provision of such article is either inconsistent with a provision of this section or is not relevant to this section. For purposes of this section, any reference to a tax or the taxes imposed by article twenty-eight of the tax law shall be deemed also to refer to the waste tire management and recycling fee imposed under the authority of this section unless a different meaning is clearly required.

(b) Notwithstanding the provisions of paragraph (a) of this subdivision, the exemptions provided in section eleven hundred sixteen of the tax law shall not apply to this section except with respect to the enti-

ties described in paragraphs one, two, three and six of subdivision (a) of such section.

§ 5. This act shall take effect immediately; provided that sections three and four of this act shall take effect March 1, 2023; provided, further, that the return for the quarterly period ending on the last day of February, 2023 shall be due on March 31, 2023, and any fees required to be collected and paid for such period must be remitted with such return.

PART NN

Section 1. Section 1 of part TT of chapter 59 of the laws of 2021 authorizing the creation of state debt in the amount of three billion dollars, in relation to creating the environmental bond act of 2022 "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, 2022, is amended to read as follows:

Section 1. The [~~restore mother nature~~] clean water, clean air, and green jobs environmental bond act of 2022 is enacted to read as follows:

CLEAN WATER, CLEAN AIR, AND GREEN JOBS ENVIRONMENTAL
BOND ACT OF 2022
[~~"RESTORE MOTHER NATURE"~~]

Section 1. Short title.
2. Creation of state debt.
3. Bonds of the state.
4. Use of moneys received.

§ 1. Short title. This act shall be known and may be cited as the "clean water, clean air, and green jobs environmental bond act of 2022 [~~restore mother nature~~]".

§ 2. Creation of state debt. The creation of state debt in an amount not exceeding in the aggregate [~~three~~] four billion two hundred million dollars [~~($3,000,000,000)~~] ($4,200,000,000) is hereby authorized to provide moneys for the single purpose of making environmental improvements that preserve, enhance, and restore New York's natural resources and reduce the impact of climate change by funding capital projects for: restoration and flood risk reduction not less than one billion one hundred million dollars [~~($1,000,000,000)~~] ($1,100,000,000); open space land conservation and recreation up to [~~five~~] six hundred fifty million dollars [~~($550,000,000)~~] ($650,000,000); climate change mitigation up to [~~seven hundred~~] one billion five hundred million dollars [~~($700,000,000)~~] ($1,500,000,000); and, water quality improvement and resilient infrastructure not less than [~~five~~] six hundred fifty million dollars [~~($550,000,000)~~] ($650,000,000).

§ 3. Bonds of the state. The state comptroller is hereby authorized and empowered to issue and sell bonds of the state up to the aggregate amount of [~~three~~] four billion two hundred million dollars [~~($3,000,000,000)~~] ($4,200,000,000) for the purposes of this act, subject to the provisions of article 5 of the state finance law. The aggregate principal amount of such bonds shall not exceed [~~three~~] four billion two hundred million dollars [~~($3,000,000,000)~~] ($4,200,000,000) excluding bonds issued to refund or otherwise repay bonds heretofore issued for such purpose; provided, however, that upon any such refunding or repayment, the total aggregate principal amount of outstanding bonds

may be greater than [~~three~~] four billion two hundred million dollars [~~($3,000,000,000)~~] ($4,200,000,000) only if the present value of the aggregate debt service of the refunding or repayment bonds to be issued shall not exceed the present value of the aggregate debt service of the bonds to be refunded or repaid. The method for calculating present value shall be determined by law.

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

§ 2. Section 2 of part TT of chapter 59 of the laws of 2021 authorizing the creation of state debt in the amount of three billion dollars, in relation to creating the environmental bond act of 2022 "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, 2022, is amended to read as follows:

§ 2. This act shall take effect immediately, provided that the provisions of section one of this act shall not take effect unless and until this act shall have been submitted to the people at the general election to be held in November 2022 and shall have been approved by a majority of all votes cast for and against it at such general election. Upon approval by the people, section one of this act shall take effect immediately. The ballots to be furnished for the use of voters upon submission of this act shall be in the form prescribed by the election law and the proposition or question to be submitted shall be printed thereon in the following form, namely "To address and combat the impact of climate change and damage to the environment, the "Clean Water, Clean Air, and Green Jobs Environmental Bond Act of 2022 [~~"Restore Mother Nature~~]" authorizes the sale of state bonds up to [~~three~~] four billion two hundred million dollars to fund environmental protection, natural restoration, resiliency, and clean energy projects. Shall the Environmental Bond Act of 2022 be approved?".

§ 3. This act shall take effect immediately; provided that section one of this act shall take effect on the same date and in the same manner as section 1 of part TT of chapter 59 of the laws of 2021 authorizing the creation of state debt in the amount of three billion dollars, in relation to creating the environmental bond act of 2022 "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, 2022, takes effect.

PART OO

Section 1. The article heading of article 58 of the environmental conservation law, as added by section 1 of part UU of chapter 59 of the laws of 2021, is amended to read as follows:

IMPLEMENTATION OF THE "CLEAN WATER, CLEAN AIR, AND GREEN JOBS ENVIRONMENTAL BOND ACT OF 2022 [~~"RESTORE MOTHER NATURE~~]"

§ 2. Subdivisions 1, 4, 5 and 7 of section 58-0101 of the environmental conservation law, as added by section 1 of part UU of chapter 59 of the laws of 2021, are amended to read as follows:

1. "Bonds" shall mean general obligation bonds issued pursuant to the "clean water, clean air, and green jobs environmental bond act of 2022 ["~~restore mother nature~~]" in accordance with article VII of the New York state constitution and article five of the state finance law.

4. "Disadvantaged communities" shall mean a community that is identified pursuant to section 75-0111 of this chapter.

5. "Endangered or threatened species project" means a project to restore, recover, or reintroduce an endangered, threatened, or species of special concern pursuant to a recovery plan or restoration plan prepared and adopted by the department, including but not limited to the state's wildlife action plan.

[~~5. "Environmental justice community" means a minority or low-income community that may bear a disproportionate share of the negative environmental consequences resulting from industrial, municipal, and commercial operations or the execution of federal, state, local, and tribal programs and policies.~~]

7. "Green buildings project" means (i) installing, upgrading, or modifying a renewable energy source at a state-owned building or for the purpose of converting or connecting a state-owned building or a public school building, or portion thereof, to a renewable energy source; (ii) reducing energy use or improving energy efficiency or occupant health at a state-owned building or a public school building; (iii) installing a green roof at a state-owned building or a public school building; [~~and~~] (iv) installation of renewable heating and cooling systems at a state-owned building or a public school building; or (v) emission reduction projects.

§ 3. Section 58-0103 of the environmental conservation law, as added by section 1 of part UU of chapter 59 of the laws of 2021, is amended to read as follows:

§ 58-0103. Allocation of moneys.

The moneys received by the state from the sale of bonds pursuant to the environmental bond act of 2022 shall be disbursed in the following amounts pursuant to appropriations as specifically provided for in titles three, five, seven, and nine of this article:

1. Not less than one billion one hundred million dollars [~~($1,000,000,000)~~] ($1,100,000,000) for restoration and flood risk reduction as set forth in title three of this article.

2. Up to [~~five~~] six hundred fifty million dollars [~~($550,000,000)~~] ($650,000,000) for open space land conservation and recreation as set forth in title five of this article.

3. Up to [~~seven~~] one billion five hundred million dollars [~~($700,000,000)~~] ($1,500,000,000) for climate change mitigation as set forth in title seven of this article.

4. Not less than [~~five~~] six hundred fifty million dollars [~~($550,000,000)~~] ($650,000,000) for water quality improvement and resilient infrastructure as set forth in title nine of this article.

§ 4. Subdivision 1 of section 58-0105 of the environmental conservation law, as added by section 1 of part UU of chapter 59 of the laws of 2021, is amended to read as follows:

1. Administer funds generated pursuant to the "clean water, clean air, and green jobs environmental bond act of 2022 [~~"restore mother nature~~]".

§ 5. Section 58-0301 of the environmental conservation law, as added by section 1 of part UU of chapter 59 of the laws of 2021, is amended to read as follows:

§ 58-0301. Allocation of moneys.

Of the moneys received by the state from the sale of bonds pursuant to the environmental bond act of 2022, not less than one billion **one hundred million** dollars [~~($1,000,000,000)~~] **($1,100,000,000)** shall be available for disbursements for restoration and flood risk reduction projects developed pursuant to section 58-0303 of this title. Not more than two hundred fifty million dollars ($250,000,000) of this amount shall be available for projects pursuant to subdivision two of section 58-0303 of this title and not less than one hundred million dollars ($100,000,000) each shall be available for coastal rehabilitation and shoreline restoration projects and projects which address inland flooding, pursuant to paragraph a of subdivision one of section 58-0303 of this title.

§ 6. Section 58-0501 of the environmental conservation law, as added by section 1 of part UU of chapter 59 of the laws of 2021, is amended to read as follows:

§ 58-0501. Allocation of moneys.

Of the moneys received by the state from the sale of bonds pursuant to the environmental bond act of 2022 to be used for open space land conservation and recreation projects, up to [~~five~~] **six** hundred fifty million dollars [~~($550,000,000)~~] **($650,000,000)** shall be available for programs, plans, and projects developed pursuant to section 58-0503 of this title, however, not more than seventy-five million dollars ($75,000,000) shall be made available for the creation of a fish hatchery, or the improvement, expansion, repair or maintenance of existing fish hatcheries, not less than [~~two~~] **three** hundred million dollars [~~($200,000,000)~~] **($300,000,000)** shall be made available for open space land conservation projects pursuant to paragraph a of subdivision one of section 58-0503 of this title and not less than one hundred **fifty** million dollars [~~($100,000,000)~~] **($150,000,000)** shall be made available for farmland protection pursuant to paragraph b of subdivision one of section 58-0503 of this title.

§ 7. Section 58-0701 and subdivision 1 of 58-0703 of the environmental conservation law, as added by section 1 of part UU of chapter 59 of the laws of 2021, are amended to read as follows:

§ 58-0701. Allocation of moneys.

Of the moneys received by the state from the sale of bonds pursuant to the environmental bond act of 2022, up to [~~seven~~] **one billion five** hundred million dollars [~~($700,000,000)~~] **($1,500,000,000)** shall be made available for disbursements for climate change mitigation projects developed pursuant to section 58-0703 of this title. Not less than [~~three~~] **four** hundred [~~fifty~~] million dollars [~~($350,000,000)~~] **($400,000,000)** of this amount shall be available for green buildings projects**, not less than one hundred million dollars ($100,000,000) for climate adaptation and mitigation projects pursuant to paragraph c of subdivision one of section 58-0703 of this title, not less than two hundred million dollars ($200,000,000) shall be available for disbursement to reduce or eliminate water pollution or air pollution affecting disadvantaged communities pursuant to paragraphs f and g of subdivision one of section 58-0703 of this title, and not less than five hundred million dollars ($500,000,000) for costs associated with the purchase of or conversion to zero emission school buses and supporting infrastruc-**

ture as set forth in paragraph h of subdivision one of section 58-0703 of this title.

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

a. costs associated with green building projects, projects that increase energy efficiency or the use or siting of renewable energy on state-owned buildings or properties including buildings owned by the state university of the state of New York, city university of the state of New York, [~~and~~] community colleges, and public schools;

b. costs associated with projects that utilize natural and working lands to sequester carbon and mitigate methane emissions from agricultural sources, such as manure storage through cover and methane reduction technologies;

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

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

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

f. costs associated with projects to reduce or eliminate air pollution from stationary or mobile sources of air pollution affecting [~~an environmental justice community~~] disadvantaged communities; [~~and~~]

g. costs associated with projects which would reduce or eliminate water pollution, whether from point or non-point discharges, affecting [~~an environmental justice community~~] disadvantaged communities; and

h. costs associated with the purchase or conversion to zero emission school buses, including costs associated with the supporting infrastructure.

§ 8. Section 58-0901 of the environmental conservation law, as added by section 1 of part UU of chapter 59 of the laws of 2021, is amended to read as follows:

§ 58-0901. Allocation of moneys.

Of the moneys received by the state from the sale of bonds pursuant to the environmental bond act of 2022 for disbursements for state assistance for water quality improvement projects as defined by title one of this article, not less than [~~five~~] six hundred fifty million dollars [~~($550,000,000)~~] ($650,000,000) shall be available for water quality improvement projects developed pursuant to section 58-0903 of this title. Not less than two hundred million dollars ($200,000,000) of this amount shall be available for wastewater infrastructure projects undertaken pursuant to the New York state water infrastructure improvement act of 2017 pursuant to paragraph e of subdivision one of section 58-0903 of this title, and not less than [~~one~~] two hundred fifty million dollars [~~($100,000,000)~~] ($250,000,000) shall be available for municipal stormwater projects pursuant to paragraph a of subdivision one of section 58-0903 of this title.

§ 9. Section 58-1101 and subdivision 1 of section 58-1103 of the environmental conservation law, as added by section 1 of part UU of chapter 59 of the laws of 2021, are amended to read as follows:

§ 58-1101. Benefits of funds.

The department shall make every effort practicable to [~~ensure that thirty-five~~] achieve a goal that forty percent of the funds pursuant to this article benefit [~~environmental justice~~] disadvantaged communities; however, disadvantaged communities shall receive no less than thirty-five percent of the benefit of the funds pursuant to this article.

1. No later than sixty days following the end of each fiscal year, each department, agency, public benefit corporation, and public authority receiving an allocation or allocations of appropriation financed from the [~~restore mother nature~~] clean water, clean air, and green jobs environmental bond act of 2022 shall submit to the commissioner in a manner and form prescribed by the department, the following information as of March thirty-first of such fiscal year, within each category listed in this title: the total appropriation; total commitments; year-to-date disbursements; remaining uncommitted balances; and a description of each project.

§ 9-a. Article 58 of the environmental conservation law is amended by adding a new title 13 to read as follows:

TITLE 13

LABOR STANDARDS

Section 58-1301. Labor standards.

§ 58-1301. Labor standards.

1. Projects funded pursuant to this article shall require compliance with prevailing wage requirements pursuant to section two hundred twenty of the labor law.

2. Any state entity or municipality receiving at least twenty-five million dollars ($25,000,000) from funds allocated pursuant to this article for a project costing greater than fifty million dollars ($50,000,000) shall require use of apprenticeship agreements as defined by article twenty-three of the labor law.

3. (a) Any state entity or municipality receiving at least twenty-five million dollars ($25,000,000) from funds allocated pursuant to this article for a project which involves the construction, reconstruction, alteration, maintenance, moving, demolition, excavation, development or other improvement of any building, structure or land, shall be subject to section two hundred twenty-two of the labor law.

(b) Any privately owned project receiving funds allocated pursuant to this title which utilizes a project labor agreement on such project shall not be subject to article eight of the labor law.

4. If determined applicable, a municipality or state entity may require that the private owner of a project, or a third party acting on the owner's behalf, enter into a labor peace agreement with at least one bona fide labor organization either: (a) where such bona fide labor organization is actively representing non-construction employees; or (b) upon notice by a bona fide labor organization that is attempting to represent non-construction employees. For purposes of this section "labor peace agreement" means an agreement between an entity and labor organization that, at a minimum, protects the state's proprietary interests by prohibiting labor organizations and members from engaging in picketing, work stoppages, boycotts, and any other economic interference.

5.(a) Any municipality or state entity, or a third party acting on behalf and for the benefit of the municipality or state entity, in each contract for construction, reconstruction, alteration, repair, improvement or maintenance of a project receiving funds under this article that is a public work, shall ensure that such contract contains a provision that the structural iron and structural steel used or supplied in the

performance of the contract or any subcontract thereto and that is permanently incorporated into the public work, shall be produced or made in whole or substantial part in the United States, its territories or possessions. In the case of a structural iron or structural steel product, all manufacturing must take place in the United States, from the initial melting stage through the application of coatings, except metallurgical processes involving the refinement of steel additives. For the purposes of this subdivision, "permanently incorporated" shall mean an iron or steel product that is required to remain in place at the end of the project contract, in a fixed location, affixed to the public work to which it was incorporated. Iron and steel products that are capable of being moved from one location to another are not permanently incorporated into a public work.

(b) The provisions of paragraph (a) of this subdivision shall not apply if the head of the department, agency, or municipal entity constructing the public work, in his or her sole discretion, determines that the provisions would not be in the public interest, would result in unreasonable costs, or that obtaining such steel or iron in the United States would increase the cost of the contract by an unreasonable amount, or such iron or steel, including without limitation structural iron and structural steel, cannot be produced or made in the United States in sufficient and reasonably available quantities and of satisfactory quality.

§ 10. Section 97-tttt of the state finance law, as added by section 2 of part UU of chapter 59 of the laws of 2021, is amended to read as follows:

§ 97-tttt. [~~Restore mother nature~~] Clean water, clean air, and green jobs bond fund. 1. There is hereby established in the joint custody of the state comptroller and the commissioner of taxation and finance a special fund to be known as the "[~~restore mother nature~~] clean water, clean air, and green jobs bond fund".

2. The state comptroller shall deposit into the [~~restore mother nature~~] clean water, clean air, and green jobs bond fund all moneys received by the state from the sale of bonds and/or notes for uses eligible pursuant to section four of the clean water, clean air, and green jobs environmental bond act of 2022 [~~"restore mother nature"~~].

3. Moneys in the [~~restore mother nature~~] clean water, clean air, and green jobs bond fund, following appropriation by the legislature and allocation by the director of the budget, shall be available only for reimbursement of expenditures made from appropriations from the capital projects fund for the purpose of the [~~restore mother nature~~] clean water, clean air, and green jobs bond fund, as set forth in the clean water, clean air, and green jobs environmental bond act of 2022 [~~"restore mother nature"~~].

4. No moneys received by the state from the sale of bonds and/or notes sold pursuant to the clean water, clean air, and green jobs environmental bond act of 2022 [~~"restore mother nature"~~] shall be expended for any project until funds therefor have been allocated pursuant to the provisions of this section and copies of the appropriate certificates of approval filed with the chair of the senate finance committee, the chair of the assembly ways and means committee and the state comptroller.

§ 11. Subdivision 32 of section 61 of the state finance law, as added by section 3 of part UU of chapter 59 of the laws of 2021, is amended to read as follows:

32. Thirty years. For the payment of "[~~restore mother nature~~] clean water, clean air, and green jobs" projects, as defined in article

fifty-eight of the environmental conservation law and undertaken pursuant to a chapter of the laws of two thousand twenty-one, enacting and constituting the **clean water, clean air, and green jobs** environmental bond act of 2022 [~~**"restore mother nature"**~~]. Thirty years for flood control infrastructure, other environmental infrastructure, wetland and other habitat restoration, water quality projects, acquisition of land, including acquisition of real property, and renewable energy projects. Notwithstanding the foregoing, for the purposes of calculating annual debt service, the state comptroller shall apply a weighted average period of probable life of [~~**restore mother nature**~~] **clean water, clean air, and green jobs** projects, including any other works or purposes to be financed with state debt. Weighted average period of probable life shall be determined by computing the sum of the products derived from multiplying the dollar value of the portion of the debt contracted for each work or purpose (or class of works or purposes) by the probable life of such work or purpose (or class of works or purposes) and dividing the resulting sum by the dollar value of the entire debt after taking into consideration any original issue premium or discount.

§ 12. Section 5 of part UU of chapter 59 of the laws of 2021 amending the environmental conservation law and the state finance law relating to the implementation of the environmental bond act of 2022 "restore mother nature", is amended to read as follows:

§ 5. This act shall take effect only in the event that section 1 of part TT of the chapter of the laws of 2021 enacting the **clean water, clean air, and green jobs** environmental bond act of 2022 [~~**"restore mother nature"**~~] is submitted to the people at the general election to be held in November 2022 and is approved by a majority of all votes cast for and against it at such election. Upon such approval, this act shall take effect immediately; provided that the commissioner of environmental conservation shall notify the legislative bill drafting commission upon the occurrence of the enactment of section 1 of part TT of the chapter of the laws of 2021 enacting the **clean water, clean air, and green jobs** environmental bond act of 2022 [~~**"restore mother nature"**~~], in order that the commission may maintain an accurate and timely effective data base of the official text of the laws of the state of New York in furtherance of effectuating the provisions of section 44 of the legislative law and section 70-b of the public officers law. Effective immediately, the addition, amendment, and/or repeal of any rule or regulation necessary for the implementation of the foregoing sections of this act are authorized [~~**and directed**~~] to be made and completed on or before such effective date.

§ 13. This act shall take effect immediately; provided, however that sections one, two, three, four, five, six, seven, eight, nine, nine-a, ten and eleven of this act shall take effect on the same date and in the same manner as part UU of chapter 59 of the laws of 2021, takes effect.

PART PP

Section 1. Subdivision (a) of section 1421 of the tax law, as amended by section 4 of part OOO of chapter 59 of the laws of 2019, is amended to read as follows:

(a) From the taxes, interest and penalties attributable to the tax imposed pursuant to section fourteen hundred two of this article, the amount of one hundred ninety-nine million three hundred thousand dollars shall be deposited by the comptroller in the environmental protection fund established pursuant to section ninety-two-s of the state finance

law for the fiscal year beginning April first, two thousand nine; the amount of one hundred nineteen million one hundred thousand dollars shall be deposited in such fund for the fiscal year beginning April first, two thousand ten; **the amount of two hundred fifty-seven million three hundred fifty thousand dollars shall be deposited into such fund for the fiscal year beginning April first, two thousand twenty-two;** and for each fiscal year thereafter. On or before June twelfth, nineteen hundred ninety-five and on or before the twelfth day of each month thereafter (excepting the first and second months of each fiscal year), the comptroller shall deposit into such fund from the taxes, interest and penalties collected pursuant to such section fourteen hundred two of this article which have been deposited and remain to the comptroller's credit in the banks, banking houses or trust companies referred to in section one hundred seventy-one-a of this chapter at the close of business on the last day of the preceding month, an amount equal to one-tenth of the annual amount required to be deposited in such fund pursuant to this section for the fiscal year in which such deposit is required to be made. In the event such amount of taxes, interest and penalties so remaining to the comptroller's credit is less than the amount required to be deposited in such fund by the comptroller, an amount equal to the shortfall shall be deposited in such fund by the comptroller with subsequent deposits, as soon as the revenue is available. Beginning April first, nineteen hundred ninety-seven, the comptroller shall transfer monthly to the clean water/clean air fund established pursuant to section ninety-seven-bbb of the state finance law, all moneys remaining from such taxes, interest and penalties collected that are not required for deposit in the environmental protection fund.

§ 2. This act shall take effect immediately.

PART QQ

Section 1. Subdivisions 1, 2, 3 and 7 of section 24-0105 of the environmental conservation law, as added by chapter 614 of the laws of 1975, subdivision 7 as renumbered by chapter 654 of the laws of 1977, are amended to read as follows:

1. The freshwater wetlands of the state of New York are invaluable resources for flood protection, wildlife habitat, open space**, climate change mitigation through the accumulation and storage of large amounts of carbon,** and water resources.

2. Considerable acreage of freshwater wetlands in the state of New York has been lost, despoiled or impaired by unregulated draining, dredging, filling, excavating, building, pollution or other [~~acts~~] **activities** inconsistent with the natural uses of such areas. [~~Other freshwater~~] **Freshwater** wetlands are in jeopardy of being lost, despoiled or impaired by such [~~unrelated acts~~] **activities and because of the recent curtailment of federal wetland protections**.

3. Recurrent flooding aggravated or caused by the loss of freshwater wetlands has serious effects upon natural ecosystems **and communities**. **The increasing severity and duration of storm-related flooding due to climate change, which has caused billions of dollars of property damage across the state, makes protection of all freshwater wetlands in the state of vital importance.**

7. Any loss of freshwater wetlands deprives the people of the state of some or all of the many and multiple benefits to be derived from wetlands, to wit:

(a) flood and storm control by the hydrologic absorption and storage capacity of freshwater wetlands;

(b) wildlife habitat by providing breeding, nesting and feeding grounds and cover for many forms of wildlife, wildfowl and shorebirds, including migratory wildfowl and rare**, endangered or threatened** species [**~~such as the bald eagle and osprey~~**]**, fish, reptiles and amphibians, insects and other invertebrates**;

(c) protection of subsurface water resources and provision for valuable watersheds and recharging ground water supplies;

(d) recreation by providing areas for hunting, fishing, boating, hiking, bird watching, photography, camping and other uses;

(e) pollution treatment by serving as biological and chemical oxidation basins **and carbon sinks**;

(f) erosion control by serving as sedimentation areas and filtering basins, absorbing silt and organic matter and protecting channels and harbors;

(g) education and scientific research by providing readily accessible outdoor bio-physical laboratories, living classrooms and vast training and education resources; [**~~and~~**]

(h) open space and aesthetic appreciation by providing often the only remaining open areas along crowded river fronts and coastal Great Lakes regions; [**~~and~~**]

(i) sources of nutrients in freshwater food cycles and nursery grounds and sanctuaries for freshwater fish[**~~.~~**]**;**

(j) preservation of plant species that are rare, endangered or threatened, or exploitably vulnerable as defined in section 9-1503 of this chapter; and

(k) preservation of communities of plants and animals that are deemed by the commissioner to be rare in the state or in a region of the state.

§ 2. The opening paragraph and paragraphs (c) and (d) of subdivision 1, and subdivisions 2, 3 and 8 of section 24-0107 of the environmental conservation law, as amended by chapter 654 of the laws of 1977, are amended and two new subdivisions 9 and 10 are added to read as follows:

"Freshwater wetlands" means lands and waters of the state [**~~as shown on the freshwater wetlands map~~**]**, that are not tidal wetlands as defined in subdivision one of section 25-0103 of this chapter, that have an area of at least twelve and four-tenths acres or, if less than twelve and four-tenths acres in size, are of unusual importance, and** which contain any or all of the following:

(c) lands and waters substantially enclosed by aquatic or semi-aquatic vegetation as set forth in paragraph (a) **of this subdivision** or by dead vegetation as set forth in paragraph (b) **of this subdivision**, the regulation of which is necessary to protect and preserve the aquatic and semi-aquatic vegetation; and

(d) the waters overlying the areas set forth in **paragraphs** (a) and (b) **of this subdivision** and the lands underlying **paragraph** (c) **of this subdivision**.

2. "Freshwater wetlands map" shall mean a map [**~~promulgated~~**] **developed** by the department pursuant to section 24-0301 of this article on which are indicated the boundaries of any freshwater wetlands. **Freshwater wetland maps depict the approximate location of wetlands and are not necessarily determinative as to whether a permit is required pursuant to section 24-0701 of this article.**

3. "Boundaries of a freshwater wetland" shall mean the outer limit of the vegetation specified in paragraphs (a) and (b) of subdivision one of

this section [~~24-0107~~] and of the lands and waters specified in paragraph (c) of such subdivision.

8. "Pollution" shall mean the presence in the environment of [~~man-induced~~] human-induced conditions, or contaminants in quantities or characteristics which are or may be injurious to human, plant or wildlife, or other animal life or to property.

9. "Unusual importance" shall mean a freshwater wetland, regardless of size, that possesses one or more of the following characteristics as determined by the department pursuant to regulations:

(a) it is located in a watershed that has experienced significant flooding in the past, or is expected to experience significant flooding in the future from severe storm events related to climate change;

(b) it is located within or adjacent to an urban area, as defined by the United States census bureau;

(c) it contains a plant species occurring in fewer than thirty-five sites statewide or having fewer than five thousand individuals statewide;

(d) it contains habitat for an essential behavior of an endangered or threatened species or a species of special concern as defined under section 11-0535 of this chapter or listed as a species of greatest conservation need in New York's wildlife action plan;

(e) it is classified by the department as a Class I wetland;

(f) it was previously classified and mapped by the department as a wetland of unusual local importance;

(g) it is a vernal pool that is known to be productive for amphibian breeding;

(h) it is located in an area designated as a floodway on the most current Digital Flood Insurance Rate Map (DFIRM) produced by the Federal Emergency Management Agency;

(i) it was previously mapped by the department as a wetland on or before December thirty-first, two thousand twenty-four;

(j) it has wetland functions and values that are of local or regional significance; or

(k) it is determined by the commissioner to be of significant importance to protecting the state's water quality.

10. "Delineation" shall mean a precise representation of a regulated freshwater wetland as defined in subdivision one of this section.

§ 3. Subdivisions 1, 2, 3, 4 and 5 of section 24-0301 of the environmental conservation law are REPEALED.

§ 4. Subdivisions 6, 7 and 8 of section 24-0301 of the environmental conservation law, subdivision 6 as amended by chapter 16 of the laws of 2010 and subdivision 7 as amended and subdivision 8 as added by chapter 654 of the laws of 1977, are amended and three new subdivisions 4, 5 and 6 are added to read as follows:

[~~6.~~] 1. Except as provided in subdivision [~~eight~~] three of this section, the commissioner shall supervise the maintenance of [~~such boundary~~] freshwater wetlands maps, which shall be available to the public for inspection and examination at the regional office of the department in which the wetlands are wholly or partly located [~~and in the office of the clerk of each county in which each such wetland or a portion thereof is located~~] on the department's website. Digital files of freshwater wetland maps may also be made available, upon request, to the clerk of each county, city, town, or village in which each such wetland or a portion thereof is located. The commissioner may readjust the map [~~thereafter to clarify the boundaries of the wetlands, to correct any errors on the map, to effect any additions, deletions or technical~~

~~changes on the map, and to reflect changes as have occurred as a result of the granting of permits pursuant to section 24-0703 of this article, or natural changes which may have occurred through erosion, accretion, or otherwise. Notice of such readjustment shall be given in the same manner as set forth in subdivision five of this section for the promulgation of final freshwater wetlands maps. In addition, at the time notice is provided pursuant to subdivision five of this section, the commissioner shall update any digital image of the map posted on the department's website to reflect such readjustment~~] at any time to more accurately depict the approximate location of wetlands, provided however, that a description of such changes shall be made available on the department's website along with the date such changes were made.

[~~7.~~] 2. Except as provided in subdivision [~~eight~~] three of this section, the commissioner may, upon [~~his~~] their own initiative, and shall, upon a written request by a landowner whose land or a portion thereof may be included within a wetland, or upon the written request of another person or persons or an official body whose interests are shown to be affected, cause to be delineated [~~more precisely~~] the boundary line or lines of a freshwater wetland or a portion thereof. [~~Such more precise delineation of a freshwater wetland boundary line or lines shall be of appropriate scale and sufficient clarity to permit the ready identification of individual buildings and of other major man-made structures or facilities or significant geographical features with respect to the boundary of any freshwater wetland.~~] The commissioner shall undertake to delineate the boundary of a particular wetland or wetlands, or a particular part of the boundary thereof only upon a showing by the applicant therefor of good cause for such [~~more precise~~] delineation and the establishment of such [~~more precise~~] line. Such delineation shall be effective for a period of five years from the date of such delineation.

[~~8.~~] 3. The supervision of the maintenance of any freshwater wetlands map or portion thereof applicable to wetlands within the Adirondack park, the readjustment and precise delineation of wetland boundary lines and the other functions and duties ascribed to the commissioner by subdivisions [~~six and seven~~] one and two of this section shall be performed by the Adirondack park agency, which shall make such maps available for public inspection and examination at its headquarters and on the agency's website.

4. There is a rebuttable presumption that mapped and unmapped areas meeting the definition of a freshwater wetland in this article are regulated and subject to permit requirements. This presumption may be rebutted by presenting information to the department that the area does not meet the definition contained in this article. A wetland delineation by the department, or a verification by the department of a wetland delineation by another party, is required to identify the regulated freshwater wetland boundary in a particular location.

5. By January 1, 2025, in addition to any ongoing aerial photography, soil surveys or field verifications being conducted by the department, the department shall accept information from federal government sources, other state sources, local governments, colleges, universities, environmental organizations or other private agencies, regarding the location of freshwater wetlands.

6. By January 1, 2025, the department shall make educational materials available on its website to inform landowners and local governments of the process for determining how to identify freshwater wetlands.

§ 5. Subdivisions 1 and 4 of section 24-0501 of the environmental conservation law, as amended by chapter 654 of the laws of 1977, are amended to read as follows:

1. On or after September 1, 1975, each local government may adopt, amend, and[~~, upon the filing of the appropriate freshwater wetlands map,~~] implement a freshwater wetlands protection law or ordinance in accordance with this article to be applicable to all freshwater wetlands wholly or partially within its jurisdiction. No freshwater wetlands protection law or ordinance adopted by a county pursuant to this section shall be applicable within the boundaries of any city, town or village which has adopted and is implementing a local freshwater wetlands protection law or ordinance consistent with this article.

4. [~~If a city, town or village fails to adopt and implement a freshwater wetlands protection law or ordinance in accordance with this article by the date the applicable freshwater wetlands map is filed by the department or by September 1, 1977, whichever is later, it shall be deemed to have transferred the function to the county in accordance with section 24-0503. If the county fails within ninety days after the date of filing of the applicable freshwater wetlands map or after September 1, 1977, whichever is later, to adopt and implement a freshwater wetlands protection law or ordinance in accordance with this article, it shall be deemed to have transferred the function to the department.~~] Within thirty days after the adoption of a freshwater wetlands protection law or ordinance pursuant to this article, the local government shall notify the department thereof, under such terms and conditions as the department may prescribe, together with its technical and administrative capacity to administer the act. Failure of a local government to give such notice shall constitute a transfer of function pursuant to this subdivision and section 24-0503 **of this article**.

§ 6. Section 24-0507 of the environmental conservation law, as amended by section 42 of part D of chapter 60 of the laws of 2012, is amended to read as follows:

§ 24-0507. Reservation of local jurisdiction.

1. Except as provided in this article, jurisdiction over all areas which would qualify as freshwater wetlands [~~except that they are not designated as such on the freshwater wetlands map pursuant to section 24-0301 of this article because they are~~] less than twelve and four-tenths acres in size and are not of unusual [~~local~~] importance is reserved to the city, town or village in which they are wholly or partially located, and the implementation of this article with respect thereto is the responsibility of said city, town or village, in accordance with section 24-0501 and title twenty-three of article seventy-one of this chapter, except that a city, town or village in the exercise of its powers under this section, shall not be subject to the provisions of subdivision four of section 24-0501, subdivisions two and three of section 24-0503, or section 24-0505 of this article.

2. The department shall consult with any city, town, or village that exercises its powers under this section for the protection of freshwater wetlands.

§ 7. Subdivisions 1 and 4 of section 24-0701 of the environmental conservation law, subdivision 1 as amended by chapter 654 of the laws of 1977 and subdivision 4 as amended by chapter 697 of the laws of 1979, are amended to read as follows:

1. [~~After issuance of the official freshwater wetlands map of the state, or of any selected section or region thereof, any~~] **Any** person desiring to conduct **activities** on freshwater wetlands [~~as so designated~~

~~thereon any of the regulated activities set forth in subdivision two of this section~~], or the regulated areas adjacent to these wetlands set forth in subdivision two of this section, must obtain a permit as provided in this title.

4. [~~The~~] On lands in active agricultural use or silviculture use, the activities of farmers and other landowners in grazing and watering livestock, making reasonable use of water resources, harvesting natural products of the wetlands, selectively cutting timber, draining land or wetlands for growing agricultural products and otherwise engaging in the use of wetlands or other land for growing agricultural products shall be excluded from regulated activities and shall not require a permit under subdivision one [~~hereof~~] of this section, except that structures not required for enhancement or maintenance of the agricultural productivity of the land and any filling activities shall not be excluded hereunder, and provided that the use of land [~~designated as a freshwater wetland upon the freshwater wetlands map at the effective date thereof~~] that meets the definition of a freshwater wetland in section 24-0107 of this article for uses other than those referred to in this subdivision shall be subject to the provisions of this article. All activities on lands that meet the definition of a freshwater wetland shall be subject to the provisions of this article once agricultural or silviculture activities cease.

§ 8. Subdivision 5 of section 24-0703 of the environmental conservation law, as amended by section 38 of part D of chapter 60 of the laws of 2012, is amended to read as follows:

5. [~~Prior to the promulgation of the final freshwater wetlands map in a particular area and the implementation of a freshwater wetlands protection law or ordinance, no person shall conduct, or cause to be conducted, any activity for which a permit is required under section 24-0701 of this title on any freshwater wetland unless he has obtained a permit from the commissioner under this section.~~] Any person may inquire of the department as to whether or not a given parcel of land [~~will be designated~~] includes a freshwater wetland subject to regulation or a regulated freshwater wetland adjacent area. The department shall give a definite answer in writing within [~~thirty~~] ninety days of such request as to [~~whether~~] the status of such parcel [~~will or will not be so designated~~] and whether a permit is required for the proposed activity, provided that the person has a delineation verified by the department and site-specific development plans. Provided that, in the event that weather or ground conditions prevent the department from making a determination within [~~thirty~~] ninety days, it may extend such period until a determination can be made. Such answer in the affirmative shall be reviewable; such an answer in the negative shall be a complete defense to the enforcement of this article as to such parcel of land for a period of five years from the date the department issues the negative answer. [~~The commissioner may by regulation adopted after public hearing exempt categories or classes of wetlands or individual wetlands which he determines not to be critical to the furtherance of the policies and purposes of this article.~~]

§ 9. Subdivision 1 of section 24-0705 of the environmental conservation law, as amended by chapter 654 of the laws of 1977, is amended to read as follows:

1. In granting, denying or limiting any permit, the local government or the commissioner shall consider the effect of the proposed activity with reference to the public health and welfare, climate change, fishing, flood, hurricane and storm dangers, and protection or enhancement

of the several functions of the freshwater wetlands and the benefits derived therefrom which are set forth in section 24-0103 of this article. The effects of the proposed activity shall be considered by the department or a local government, as the case may be, irrespective of political boundaries.

§ 10. Subdivision 1 of section 24-0901 of the environmental conservation law, as added by chapter 614 of the laws of 1975, is amended to read as follows:

1. [~~Upon completion of the freshwater wetlands map, the~~] **The** commissioner shall confer with local government officials in each region [~~in which the inventory has been conducted~~] to establish a program for the protection of the freshwater wetlands of the state.

§ 11. Subdivisions 1 and 5 of section 24-0903 of the environmental conservation law, as added by chapter 614 of the laws of 1975, are amended to read as follows:

1. [~~Upon completion of the freshwater wetlands map of the state, or of any selected section or region thereof, the~~] **The** commissioner shall [~~proceed to~~] classify freshwater wetlands [~~so designated thereon~~] according to their most appropriate uses, in light of the values set forth in section 24-0105 of this article and the present conditions of such wetlands. The commissioner shall determine what uses of such wetlands are most compatible with the foregoing and shall prepare minimum land use regulations to permit only such compatible uses. The classifications may cover freshwater wetlands in more than one governmental subdivision. Permits pursuant to section 24-0701 of this article are required whether or not a classification has been promulgated.

5. Prior to the adoption of any land use regulations governing freshwater wetlands, the commissioner shall hold a public hearing thereon in the area in which the affected freshwater wetlands are located, and give fifteen days prior notice thereof by **posting on the department's website or by** publication at least once in a newspaper having general circulation in the area of the local government involved. The commissioner shall promulgate the regulations [~~within thirty days of such hearing~~] and **post such order on the department's website or** publish such order [~~at least once~~] in a newspaper having general circulation in the area of the local government affected and make such plan available for public inspection and review[~~; such order shall not take effect until thirty days after the filing thereof with the clerk of the county in which such wetland is located~~].

§ 12. Section 24-1305 of the environmental conservation law, as added by chapter 771 of the laws of 1976, is amended to read as follows:

§ 24-1305. Applicability.

The provisions of this article shall not apply to any land use, improvement or development for which final approval shall have been obtained prior to the effective date of this article from the local governmental authority or authorities having jurisdiction over such land use. As used in this section, the term "final approval" shall mean[~~:~~

~~(a) in the case of the subdivision of land, conditional approval of a final plat as the term is defined in section two hundred seventy-six of the town law, and approval as used in section 7-728 of the village law and section thirty-two of the general cities law;~~

~~(b) in the case of a site plan not involving the subdivision of land, approval by the appropriate body or office of a city, village or town of the site plan; and~~

~~(c) in those cases not covered by subdivision (a) or (b) above,~~] the issuance of a building permit or other authorization for the commence-

ment of the use, improvement or development for which such permit or authorization was issued or in those local governments which do not require such permits or authorizations, the actual commencement of the use, improvement or development of the land.

§ 13. Paragraph b of subdivision 1 of section 54-1523 of the environmental conservation law, as added by section 5 of part U of chapter 58 of the laws of 2016, is amended to read as follows:

b. nature-based solutions such as wetland protections**, including mapping and restoration of freshwater wetlands,** to address physical climate risk due to sea level rise, and/or storm surges and/or flooding, based on available data predicting the likelihood of future extreme weather events, including hazard risk analysis data if applicable;

§ 14. Subdivision 8 of section 70-0117 of the environmental conservation law, as added by section 1 of part AAA of chapter 59 of the laws of 2009, is amended to read as follows:

8. (a) All persons required to obtain a permit from the department pursuant to section 24-0701 of this chapter shall submit to the department an application fee in an amount not to exceed the following:

(i) [~~fifty~~] **one hundred** dollars per application for a [~~permit for a minor project as defined in this article or~~] modification to any existing permit issued pursuant to section 24-0701 of this chapter;

(ii) [~~fifty~~] **three hundred** dollars per application for [~~a permit for a residential project defined as associated with~~] one **new** single family dwelling and customary appurtenances thereto;

(iii) [~~one~~] **five** hundred dollars per application for **multiple new single family dwellings, or a new** multiple family dwelling and customary appurtenances thereto;

(iv) [~~two~~] **one thousand dollars per application for new commercial or industrial structures or improvements;**

(v) one hundred dollars per application for a permit for any other project as defined in this article.

(b) All persons required to obtain a permit from the department pursuant to section 25-0402 of this chapter shall submit to the department an application fee in an amount not to exceed the following:

(i) [~~two~~] **three** hundred dollars per application for a permit for a minor project as defined in this article or modification to any existing permit issued pursuant to section 25-0402 of this chapter;

(ii) [~~nine hundred~~] **two thousand dollars per application for subdivision of land or new commercial or industrial structures or improvements;**

(iii) one thousand dollars per application for a permit for a project as defined in this article.

(c) [~~All fees~~] **Fees** collected pursuant to [~~this~~] **paragraph (a) of this** subdivision shall be deposited [~~into the environmental protection fund pursuant to section ninety-two-s of the state finance law~~] **to the credit of the conservation fund. Fees collected pursuant to paragraph (b) of this subdivision shall be deposited to the credit of the marine resources account of the conservation fund.**

(d) Application fees required pursuant to this subdivision will not be required for any state department.

§ 15. Subdivisions 1 and 2 of section 71-2303 of the environmental conservation law, as amended by chapter 99 of the laws of 2010, are amended to read as follows:

1. [~~Administrative~~] **Civil** sanctions. **a.** Any person who violates, disobeys or disregards any provision of article twenty-four, including title five and section 24-0507 thereof or any rule or regulation, local law or ordinance, permit or order issued pursuant thereto, shall be liable to

the people of the state for a civil penalty of not to exceed eleven thousand dollars for every such violation, to be assessed, after a hearing or opportunity to be heard upon due notice and with the rights to specification of the charges and representation by counsel at such hearing, by the commissioner or local government **or in an action initiated by the attorney general pursuant to section 71-2305 of this title or on the attorney general's own initiative**. **Each violation shall be a separate and distinct violation and, in the case of a continuing violation, each day's continuance thereof shall be deemed a separate and distinct violation.** Such penalty **assessed by the commissioner or local government** may be recovered in an action brought by the attorney general at the request and in the name of the commissioner or local government in any court of competent jurisdiction. Such civil penalty may be released or compromised by the commissioner or local government before the matter has been referred to the attorney general; and where such matter has been referred to the attorney general, any such penalty may be released or compromised and any action commenced to recover the same may be settled and discontinued by the attorney general with the consent of the commissioner or local government. In addition, the commissioner or local government shall have power, following a hearing held in conformance with the procedures set forth in section 71-1709 of this article, to direct the violator to cease [~~his violation of~~] **violating** the act and to restore the affected freshwater wetland to its condition prior to the violation, insofar as that is possible within a reasonable time and under the supervision of the commissioner or local government. Any such order of the commissioner or local government shall be enforceable in an action brought by the attorney general at the request and in the name of the commissioner or local government in any court of competent jurisdiction. Any civil penalty or order issued by the commissioner or local government pursuant to this subdivision shall be reviewable in a proceeding pursuant to article seventy-eight of the civil practice law and rules.

b. Upon determining that significant damage to the functions and benefits of a freshwater wetland is occurring or is imminent as a result of any violation of article twenty-four of this chapter, including but not limited to (i) activity taking place requiring a permit under article twenty-four of this chapter but for which no permit has been granted or (ii) failure on the part of a permittee to adhere to permit conditions, the commissioner or local government shall have power to direct the violator to cease and desist from violating the act. In such cases the violator shall be provided an opportunity to be heard within ten days of receipt of the notice to cease and desist.

2. Criminal sanctions. Any person who violates any provision of article twenty-four of this chapter, including any rule or regulation, local law or ordinance, permit or order issued pursuant thereto, shall, in addition, for the first offense, be guilty of a violation punishable by a fine of not less than two thousand nor more than [~~four~~] **five** thousand dollars; for a second and each subsequent offense he shall be guilty of a misdemeanor punishable by a fine of not less than four thousand nor more than [~~seven~~] **ten** thousand dollars or a term of imprisonment of not less than fifteen days nor more than six months or both. [~~Instead of~~] **In addition to** these punishments, any offender may be punishable by being ordered by the court to restore the affected freshwater wetland **or adjacent area** to its condition prior to the offense, insofar as that is possible. The court shall specify a reasonable time for the completion of such restoration, which shall be effected under the supervision of

the commissioner or local government. Each offense shall be a separate and distinct offense and, in the case of a continuing offense, each day's continuance thereof shall be deemed a separate and distinct offense.

§ 16. Subdivision 1 of section 71-2305 of the environmental conservation law, as added by chapter 614 of the laws of 1975, is amended to read as follows:

1. The attorney general, upon [~~his~~] **their** own initiative or upon complaint of the commissioner or local government, shall prosecute persons alleged to have violated [~~any such order of the commissioner or local government pursuant to~~] article twenty-four **of this chapter**.

§ 17. The opening paragraph of subdivision 1 of section 24-0107 of the environmental conservation law, as amended by section two of this act, is amended to read as follows:

"Freshwater wetlands" means lands and waters of the state, that are not tidal wetlands as defined in subdivision one of section 25-0103 of this chapter, that have an area of at least [~~twelve~~] **seven** and four-tenths acres or, if less than [~~twelve~~] **seven** and four-tenths acres in size, are of unusual importance, and which contain any or all of the following:

§ 18. Subdivision 1 of section 24-0507 of the environmental conservation law, as amended by section six of this act, is amended to read as follows:

1. Except as provided in this article, jurisdiction over all areas which would qualify as freshwater wetlands less than [~~twelve~~] **seven** and four-tenths acres in size and are not of unusual importance is reserved to the city, town or village in which they are wholly or partially located, and the implementation of this article with respect thereto is the responsibility of said city, town or village, in accordance with section 24-0501 and title twenty-three of article seventy-one of this chapter, except that a city, town or village in the exercise of its powers under this section, shall not be subject to the provisions of subdivision four of section 24-0501, subdivisions two and three of section 24-0503, or section 24-0505 of this article.

§ 19. This act shall take effect immediately, provided, however, that section fourteen of this act shall take effect January 1, 2023, sections two, three, four, five, six, seven, eight, nine, and ten of this act shall take effect January 1, 2025, and sections seventeen and eighteen of this act shall take effect January 1, 2028. Effective immediately, the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of this act on its effective date are authorized to be made and completed on or before such effective date.

PART RR

Intentionally Omitted

PART SS

Intentionally Omitted

PART TT

Intentionally Omitted

PART UU

Section 1. Paragraph h of subdivision 1 of section 17-1909 of the environmental conservation law, as added by chapter 565 of the laws of 1989, is amended to read as follows:

h. "Municipality" means any county, city, town, village, district corporation, county or town improvement district, **school district,** Indian reservation wholly within New York state, any public benefit corporation or public authority established pursuant to the laws of New York or any agency of New York state which is empowered to construct and operate an eligible project, or any two or more of the foregoing which are acting jointly in connection with an eligible project.

§ 2. This act shall take effect immediately.

PART VV

Intentionally Omitted

PART WW

Section 1. Subdivision 3 of section 2251 of the vehicle and traffic law, as amended by section 5 of part G of chapter 59 of the laws of 2009, is amended to read as follows:

3. Fees. The triennial fee for registration of a vessel shall be: twenty-two dollars and fifty cents [~~and a vessel surcharge of three dollars and seventy-five cents,~~] if less than sixteen feet in length; forty-five dollars [~~and a vessel surcharge of twelve dollars and fifty cents,~~] if sixteen feet or over but less than twenty-six feet in length; seventy-five dollars [~~and a vessel surcharge of eighteen dollars and seventy-five cents,~~] if twenty-six feet or over. [~~All funds derived from the collection of the vessel access surcharge pursuant to this subdivision are to be deposited in a subaccount of the "I love NY waterways" vessel access account established pursuant to section ninety-seven-nn of the state finance law. The vessel access surcharge shall not be considered a registration fee for purposes of section seventy-nine-b of the navigation law.~~

~~Notwithstanding any inconsistent provision of this section, the difference collected between the fees set forth in this subdivision in effect on and after September first, two thousand nine and the fees set forth in this subdivision prior to such date shall be deposited to the credit of the dedicated highway and bridge trust fund. Notwithstanding any inconsistent provision of this section, the difference collected between the vessel surcharge set forth in this subdivision in effect on and after September first, two thousand nine and the vessel surcharge set forth in this subdivision in effect prior to such date shall be deposited to the credit of the dedicated highway and bridge trust fund.~~]

§ 2. Subdivision 2 of section 97-nn of the state finance law, as added by chapter 524 of the laws of 2008, is amended to read as follows:

2. The "I love NY waterways" fund shall consist of [~~two accounts: (a)~~] the "I love NY waterways" boating safety account[~~; and (b) the "I love NY waterways" vessel access account. Moneys in each account shall be kept separate and not commingled with any other moneys of the state~~].

§ 3. Subdivision 4 of section 97-nn of the state finance law, as amended by chapter 524 of laws of 2008, is REPEALED.

§ 4. This act shall take effect immediately; provided, however, that sections two and three of this act shall take effect April 1, 2024.

PART XX

Section 1. Section 15-2115 of the environmental conservation law is amended to read as follows:

§ 15-2115. Taxation of real estate.

Lands owned by the state and acquired pursuant to the provisions of title 21 of this article, exclusive of the improvements erected thereon by the regulating districts, shall be assessed and taxed in the same manner as state lands subject to taxation pursuant to title 2 of article 5 of the Real Property Tax Law, provided, however, that the aggregate assessed valuations of such lands in any town shall not be reduced below the aggregate assessed valuations thereof with the improvements thereon at the time of their acquisition by the regulating districts, and provided further that in case of a general increase in assessments in any town the assessed valuations of the lands and improvements at the time of their acquisition by the regulating districts shall be deemed to have been increased proportionately with the increase of other real property in such tax district. [~~The taxes levied thereon shall be paid by the river regulating district under whose authority the land was acquired.~~]

§ 2. Section 532 of the real property tax law is amended by adding a new subdivision (l) to read as follows:

(l) lands owned by the state and acquired pursuant to the provisions of title twenty-one of article fifteen of the environmental conservation law exclusive of the improvements erected thereon erected by the regulating districts.

§ 3. This act shall take effect immediately.

PART YY

Section 1. Subdivision 6 of section 5.09 of the parks, recreation and historic preservation law is REPEALED.

§ 2. Section 7.11 of the parks, recreation and historic preservation law, as amended by chapter 679 of the laws of 1981, is amended to read as follows:

§ 7.11 Powers and duties of commissions. Each regional park, recreation and historic preservation commission shall:

1. [~~Review the application of policy and plans of the office to the park region served by the commission and review and approve the budget for such region prior to its submission to the commissioner.~~

~~2. Adopt policies, rules and regulations applicable to its park region subject to the general policies formulated by the commissioner and reviewed by the council and in conformity with rules and regulations adopted by the commissioner.~~

~~3.~~] Act as a central advisory agency on all matters affecting parks, outdoor recreation and historic preservation within the park region it serves.

[~~4.~~] **2.** Represent and convey to the commissioner and council citizen viewpoints as to the programs and needs of the park region it serves.

[~~5.~~] **3.** Maintain close liaison with officials of the office having administrative jurisdiction over the park region which it serves, and advise such officials on local policy, operational and budgetary matters.

§ 3. Section 7.13 of the parks, recreation and historic preservation law is REPEALED.

§ 4. This act shall take effect immediately.

PART ZZ

Intentionally Omitted

PART AAA

Section 1. Expenditures of moneys by the New York state energy research and development authority for services and expenses of the energy research, development and demonstration program, including grants, the energy policy and planning program, the zero emissions vehicle and electric vehicle rebate program, and the Fuel NY program shall be subject to the provisions of this section. Notwithstanding the provisions of subdivision 4-a of section 18-a of the public service law, all moneys committed or expended in an amount not to exceed $22,875,000 shall be reimbursed by assessment against gas corporations, as defined in subdivision 11 of section 2 of the public service law and electric corporations as defined in subdivision 13 of section 2 of the public service law, where such gas corporations and electric corporations have gross revenues from intrastate utility operations in excess of $500,000 in the preceding calendar year, and the total amount assessed shall be allocated to each electric corporation and gas corporation in proportion to its intrastate electricity and gas revenues in the calendar year 2020. Such amounts shall be excluded from the general assessment provisions of subdivision 2 of section 18-a of the public service law. The chair of the public service commission shall bill such gas and/or electric corporations for such amounts on or before August 10, 2022 and such amounts shall be paid to the New York state energy research and development authority on or before September 10, 2022. Upon receipt, the New York state energy research and development authority shall deposit such funds in the energy research and development operating fund established pursuant to section 1859 of the public authorities law. The New York state energy research and development authority is authorized and directed to: (1) transfer up to $4 million to the state general fund for climate change related services and expenses of the department of environmental conservation, $150,000 to the state general fund for services and expenses of the department of agriculture and markets, and $1,000,000 to the University of Rochester laboratory for laser energetics from the funds received; and (2) commencing in 2016, provide to the chair of the public service commission and the director of the budget and the chairs and secretaries of the legislative fiscal committees, on or before August first of each year, an itemized record, certified by the president and chief executive officer of the authority, or his or her designee, detailing any and all expenditures and commitments ascribable to moneys received as a result of this assessment by the chair of the department of public service pursuant to section 18-a of the public service law. This itemized record shall include an itemized breakdown of the programs being funded by this section and the amount committed to each program. The authority shall not commit for any expenditure, any moneys derived from the assessment provided for in this section, until the chair of such authority shall have submitted, and the director of the budget shall have approved, a comprehensive financial plan encom-

passing all moneys available to and all anticipated commitments and expenditures by such authority from any source for the operations of such authority. Copies of the approved comprehensive financial plan shall be immediately submitted by the chair to the chairs and secretaries of the legislative fiscal committees. Any such amount not committed by such authority to contracts or contracts to be awarded or otherwise expended by the authority during the fiscal year shall be refunded by such authority on a pro-rata basis to such gas and/or electric corporations, in a manner to be determined by the department of public service, and any refund amounts must be explicitly lined out in the itemized record described above.

§ 2. This act shall take effect immediately and shall be deemed to have been in full force and effect on and after April 1, 2022.

PART BBB

Section 1. Expenditures of moneys appropriated in a chapter of the laws of 2022 to the department of agriculture and markets from the special revenue funds-other/state operations, miscellaneous special revenue fund-339, public service account shall be subject to the provisions of this section. Notwithstanding any other provision of law to the contrary, direct and indirect expenses relating to the department of agriculture and markets' participation in general ratemaking proceedings pursuant to section 65 of the public service law or certification proceedings pursuant to article 7 or 10 of the public service law, shall be deemed expenses of the department of public service within the meaning of section 18-a of the public service law. No later than August 15, 2023, the commissioner of the department of agriculture and markets shall submit an accounting of such expenses, including, but not limited to, expenses in the 2022--2023 state fiscal year for personal and non-personal services and fringe benefits, to the chair of the public service commission for the chair's review pursuant to the provisions of section 18-a of the public service law.

§ 2. Expenditures of moneys appropriated in a chapter of the laws of 2022 to the department of state from the special revenue funds-other/state operations, miscellaneous special revenue fund-339, public service account shall be subject to the provisions of this section. Notwithstanding any other provision of law to the contrary, direct and indirect expenses relating to the activities of the department of state's utility intervention unit pursuant to subdivision 4 of section 94-a of the executive law, including, but not limited to participation in general ratemaking proceedings pursuant to section 65 of the public service law or certification proceedings pursuant to article 7 or 10 of the public service law, and expenses related to the activities of the major renewable energy development program established by section 94-c of the executive law, shall be deemed expenses of the department of public service within the meaning of section 18-a of the public service law. No later than August 15, 2023, the secretary of state shall submit an accounting of such expenses, including, but not limited to, expenses in the 2022--2023 state fiscal year for personal and non-personal services and fringe benefits, to the chair of the public service commission for the chair's review pursuant to the provisions of section 18-a of the public service law.

§ 3. Expenditures of moneys appropriated in a chapter of the laws of 2022 to the office of parks, recreation and historic preservation from the special revenue funds-other/state operations, miscellaneous special

revenue fund-339, public service account shall be subject to the provisions of this section. Notwithstanding any other provision of law to the contrary, direct and indirect expenses relating to the office of parks, recreation and historic preservation's participation in general ratemaking proceedings pursuant to section 65 of the public service law or certification proceedings pursuant to article 7 or 10 of the public service law, shall be deemed expenses of the department of public service within the meaning of section 18-a of the public service law. No later than August 15, 2023, the commissioner of the office of parks, recreation and historic preservation shall submit an accounting of such expenses, including, but not limited to, expenses in the 2022--2023 state fiscal year for personal and non-personal services and fringe benefits, to the chair of the public service commission for the chair's review pursuant to the provisions of section 18-a of the public service law.

§ 4. Expenditures of moneys appropriated in a chapter of the laws of 2022 to the department of environmental conservation from the special revenue funds-other/state operations, environmental conservation special revenue fund-301, utility environmental regulation account shall be subject to the provisions of this section. Notwithstanding any other provision of law to the contrary, direct and indirect expenses relating to the department of environmental conservation's participation in state energy policy proceedings, or certification proceedings pursuant to article 7 or 10 of the public service law, shall be deemed expenses of the department of public service within the meaning of section 18-a of the public service law. No later than August 15, 2023, the commissioner of the department of environmental conservation shall submit an accounting of such expenses, including, but not limited to, expenses in the 2022--2023 state fiscal year for personal and non-personal services and fringe benefits, to the chair of the public service commission for the chair's review pursuant to the provisions of section 18-a of the public service law.

§ 5. Notwithstanding any other law, rule or regulation to the contrary, expenses of the department of health public service education program incurred pursuant to appropriations from the cable television account of the state miscellaneous special revenue funds shall be deemed expenses of the department of public service. No later than August 15, 2023, the commissioner of the department of health shall submit an accounting of expenses in the 2022--2023 state fiscal year to the chair of the public service commission for the chair's review pursuant to the provisions of section 217 of the public service law.

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

§ 7. This act shall take effect immediately and shall be deemed to have been in full force and effect on and after April 1, 2022 and shall expire and be deemed repealed April 1, 2023.

PART CCC

Intentionally Omitted

PART DDD

Intentionally Omitted

PART EEE

Intentionally Omitted

PART FFF

Section 1. Section 1005 of the public authorities law is amended by adding a new subdivision 29 to read as follows:

29. (a) Notwithstanding any other provision of law, the authority is authorized, as deemed feasible and advisable by the trustees, to enter into lease agreements with other state instrumentalities and municipal entities for the use of excess capacity in the authority's fiber optic communications infrastructure to provide affordable, high-speed broadband in unserved and underserved communities in the state.

(b) Any excess fiber optic communication infrastructure leased out by the authority to a state instrumentality or municipal entity pursuant to paragraph (a) of this subdivision shall be at a rate that is no greater than necessary to cover the cost of maintenance of such fiber optic communications infrastructure, provided that this paragraph shall not limit the authority from recovering other costs it incurs to make such excess capacity available in unserved and underserved communities in the state.

(c) Lease agreements authorized pursuant to paragraph (a) of this subdivision shall allow for further sublease agreements between state instrumentalities and municipal entities and internet service providers for the use of such fiber optic communications infrastructure for the purpose of providing affordable, high-speed broadband in unserved and underserved communities in the state.

(d) Lease agreements authorized pursuant to paragraph (a) of this subdivision, and sublease agreements authorized pursuant to paragraph (c) of this subdivision, shall be subject to review and comment by the division of broadband access within the empire state development corporation in consultation with the public service commission.

(e) Nothing in this subdivision is intended to limit, impair, or affect the legal authority of the authority that existed as of the effective date of this subdivision.

§ 2. This act shall take effect immediately and shall be deemed to have been in full force and effect on and after April 1, 2022.

PART GGG

Section 1. Paragraph (d) of subdivision 5 of section 502 of the vehicle and traffic law, as added by chapter 618 of the laws of 2021, is amended to read as follows:

(d) **(i)** The commissioner shall not issue a class A commercial driver's license to a person who is eighteen, nineteen or twenty years old unless, in addition to meeting the requirements of this chapter with respect to the issuance of commercial driver's licenses, such person submits [~~**acceptable**~~]**, in a form prescribed by the commissioner,** proof of successful completion of the commercial driver's license (CDL) class A young adult training program established [~~**by the commissioner of transportation pursuant to subdivision thirty-six of section fourteen of the**~~

~~transportation law,~~] pursuant to subparagraph (ii) of this paragraph and proof of completion of the minimum hours of supervised driving required by such [~~subdivision~~] subparagraph. The commissioner shall place an "intrastate only" restriction on any class A commercial driver's license issued to a person who is eighteen, nineteen or twenty years old and such restriction shall remain until such person turns twenty-one years of age.

(ii) The commissioner, in consultation with the commissioner of transportation, shall establish and implement a commercial driver's license (CDL) class A young adult training program for young adult class A commercial driver's license applicants. The commissioner shall provide for the requirements and criteria of such training program which shall include the entry-level driver training requirements prescribed by the federal motor carrier safety administration under appendices A, C, D and E of part 380 of title 49 of the code of federal regulations, as may be amended from time to time, and include no less than three hundred hours of behind-the-wheel training under the immediate supervision and control of an experienced driver. For purposes of this paragraph, the following terms shall have the following meanings:

(A) "Young adult" shall mean an individual who is eighteen, nineteen or twenty years old.

(B) "Experienced driver" shall mean an individual who:

(1) is not less than twenty-one years of age;

(2) holds a valid class A commercial driver's license which is not suspended, revoked or cancelled pursuant to the provisions of this chapter or rules and regulations promulgated thereunder and has held such commercial driver's license for at least two years;

(3) has not, for at least a one-year period: been the operator of a motor vehicle involved in an accident reportable to the federal motor carrier safety administration, or been the operator of a commercial motor vehicle involved in an accident reportable to the commissioner, or been convicted of a serious traffic violation, or been convicted of any violation of title VII of this chapter for which the commissioner assesses points, or been disqualified from operating a commercial motor vehicle pursuant to this chapter or rules and regulations promulgated thereunder; and

(4) has a minimum of one year of experience driving, in commerce, a commercial motor vehicle which can only be operated with a class A commercial driver's license.

(C) "Serious traffic violation" shall have the same meaning as such term is defined in subdivision four of section five hundred ten-a of this chapter.

§ 2. Subdivision 36 of section 14 of the transportation law, as added by chapter 618 of the laws of 2021, is REPEALED.

§ 3. This act shall be deemed repealed if any federal agency determines in writing that this act would render New York state ineligible for the receipt of federal funds or any court of competent jurisdiction finally determines that this act would render New York state out of compliance with federal law or regulation.

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

§ 5. This act shall take effect on the same date and in the same manner as chapter 618 of the laws of 2021 takes effect; provided that the commissioner of motor vehicles shall notify the legislative bill drafting commission upon the occurrence of the repeal of this act provided for in section three of this act in order that the commission may maintain an accurate and timely effective data base of the official text of the laws of the state of New York in furtherance of effectuating the provisions of section 44 of the legislative law and section 70-b of the public officers law.

PART HHH

Section 1. Paragraph (a) of subdivision 1 of section 16-n of section 1 of chapter 174 of the laws of 1968 constituting the New York state urban development corporation act, as added by section 2 of part C-2 of chapter 109 of the laws of 2006, is amended and three new paragraphs (d), (e) and (f) are added to read as follows:

(a) For the purposes of this section "deconstruction" shall mean the careful disassembly of buildings of architectural or historic significance with the intent to rehabilitate, reconstruct the building or salvage the material disassembled from the building[~~;~~].

(d) For the purposes of this section "municipality" shall mean any county, city, town or village within the state of New York, except a city having a population of one million or more, unless such area is in a distressed community as defined in paragraph (c) of subdivision six of this section.

(e) For the purposes of this section "residential apartment unit" shall mean a multiple dwelling consisting of one or more rooms containing at least one bathroom, which room or rooms are separated and set apart from all other rooms within a multiple dwelling.

(f) For the purposes of this section "affordable housing units" shall mean permanent housing that is affordable to low- and moderate-income households, such that the new housing achieves income averaging at or below fifty percent of the area median income, with residents' eligibility capped at a maximum of eighty percent of the area median income at the start of their lease.

§ 2. Subdivisions 3, 4 and 5 of section 16-n of section 1 of chapter 174 of the laws of 1968 constituting the New York state urban development corporation act, as added by section 2 of part C-2 of chapter 109 of the laws of 2006, are amended to read as follows:

3. Property assessment list. To be eligible for the demolition and deconstruction program or rehabilitation and reconstruction program assistance, as established in subdivisions four and five of this section, municipalities shall conduct an assessment of vacant, abandoned, surplus or condemned buildings in communities within their jurisdiction. Such real property may include [~~both~~] residential **real property, residential apartment units** and commercial real properties. Such properties shall be selected for the purpose of revitalizing urban centers **or rural areas**, encouraging commercial investment [~~and~~]**,** adding value to the municipal housing stock**, and increasing the amount of affordable housing units available to low- and moderate-income households**. The property assessment list shall be organized to indicate the location, size, whether the building is residential or commercial and whether the building will be demolished, deconstructed, rehabilitated or reconstructed. Such properties shall be published in a local daily newspaper for no less than three consecutive days. Additionally, the

municipality shall conduct public hearings in the communities where the buildings are identified.

4. Demolition and deconstruction program. Real property in need of demolition or deconstruction on the property assessment list may receive grants of up to [~~twenty~~] thirty thousand dollars per residential real property. The corporation shall determine the cost of demolition and deconstruction of commercial properties on a per-square foot basis and establish maximum grant awards accordingly. The corporation shall also consider geographic differences in the cost of demolition and deconstruction in the establishment of maximum grant awards.

5. Rehabilitation and reconstruction program. (a) Real property in need of rehabilitation or reconstruction on the property assessment list may receive grants of up to one hundred fifty thousand dollars per residential real property. Exclusive of such grant of up to one hundred fifty thousand dollars for residential real property, individual residential apartment units on the property assessment list may receive grants of up to seventy thousand dollars per unit. Nothing contained in this paragraph shall be construed to authorize grants for real property and residential apartment units to be combined.

(b) Provided, further, that a project for the rehabilitation or reconstruction of real property pursuant to this subdivision for the purpose of creating affordable housing units shall be eligible to receive a grant of up to one hundred fifty thousand dollars plus up to seventy thousand dollars per residential apartment unit.

(c) The corporation shall determine the cost of rehabilitation and reconstruction of commercial properties on a per-square foot basis and establish maximum grant awards accordingly. The corporation shall also consider geographic differences in the cost of rehabilitation and reconstruction in the establishment of maximum grant awards. Provided, however, to the extent possible, all such rehabilitation and reconstruction program real property shall be architecturally consistent with nearby and adjacent properties or in a manner consistent with a local revitalization or urban development plan. Provided, further, such grant may be used for site development needs including but not limited to water, sewer and parking.

§ 3. Paragraphs (b) and (d) of subdivision 6 of section 16-n of section 1 of chapter 174 of the laws of 1968 constituting the New York state urban development corporation act, as added by section 2 of part C-2 of chapter 109 of the laws of 2006, are amended to read as follows:

(b) Priority in granting such assistance shall be given to properties eligible under this section that have approved applications or are receiving grants pursuant to other state or federal redevelopment, remediation or planning programs including, but not limited to, to the brownfield opportunity areas program adopted pursuant to section 970-r of the general municipal law or [~~empire zone development plans pursuant to article 18-B~~] an investment zone designated pursuant to paragraph (i) of subdivision (a) or subdivision (d) of section 958 of the general municipal law.

(d) A municipality that is granted an award or awards under this section shall provide a matching contribution of no less than ten percent of the aggregated award or awards amount. Such matching contribution may be in the form of a financial and/or in kind contribution. Financial contributions may include grants from federal, state and local entities. In kind contributions may include but shall not be limited to the efforts of municipalities to conduct an inventory and assessment of vacant, abandoned, surplus, condemned, and deteriorated properties and

to manage and administer grants pursuant to subdivisions four and five of this section. **A municipality that is granted an award or awards under this section shall make best efforts to ensure that minority-owned and women-owned business enterprises certified pursuant to article fifteen-A of the executive law are given the opportunity for maximum feasible participation in any municipal contracting opportunities.**

§ 4. This act shall take effect immediately.

PART III

Section 1. Subsection (a) of section 206 of the financial services law is amended to read as follows:

(a) For each fiscal year commencing on or after April first, two thousand twelve, assessments to defray operating expenses, including all direct and indirect costs, of the department, except expenses incurred in the liquidation of banking organizations, shall be assessed by the superintendent in accordance with this subsection. Persons regulated under the insurance law shall be assessed by the superintendent for the operating expenses of the department that are solely attributable to regulating persons under the insurance law, which shall include any expenses that were permissible to be assessed in fiscal year two thousand nine-two thousand ten, with the assessments allocated pro rata upon all domestic insurers and all licensed United States branches of alien insurers domiciled in this state within the meaning of paragraph four of subsection (b) of section seven thousand four hundred eight of the insurance law, in proportion to the gross direct premiums and other considerations, written or received by them in this state during the calendar year ending December thirty-first immediately preceding the end of the fiscal year for which the assessment is made (less return premiums and considerations thereon) for policies or contracts of insurance covering property or risks resident or located in this state the issuance of which policies or contracts requires a license from the superintendent. Persons regulated under the banking law shall be assessed by the superintendent for the operating expenses of the department that are solely attributable to regulating persons under the banking law in such proportions as the superintendent shall deem just and reasonable. **Persons regulated under this chapter that engage in "virtual currency business activity," as that term is defined by the department, shall be assessed by the superintendent for the operating expenses of the department that are solely attributable to regulating such persons in such proportions as the superintendent shall deem just and reasonable.** Operating expenses of the department not covered by the assessments set forth above shall be assessed by the superintendent in such proportions as the superintendent shall deem just and reasonable upon all domestic insurers and all licensed United States branches of alien insurers domiciled in this state within the meaning of paragraph four of subsection (b) of section seven thousand four hundred eight of the insurance law, and upon any regulated person under the banking law, other than mortgage loan originators, **and upon persons regulated under this chapter that engage in virtual currency business activity,** except as otherwise provided by sections one hundred fifty-one and two hundred twenty-eight of the workers' compensation law and by section sixty of the volunteer firefighters' benefit law. The provisions of this subsection shall not be applicable to a bank holding company, as that term is defined in article three-A of the banking law. Persons regulated under the banking law will not be assessed for expenses that the superintendent deems to

benefit solely persons regulated under the insurance law **or under this chapter that engage in virtual currency business activity**, and persons regulated under the insurance law will not be assessed for expenses that the superintendent deems to benefit solely persons regulated under the banking law **or under this chapter that engage in virtual currency business activity. Persons regulated under this chapter that engage in virtual currency business activity will not be assessed for expenses that the superintendent deems to benefit solely persons regulated under the insurance law or under the banking law**.

§ 2. Section 206 of the financial services law is amended by adding a new subsection (d-1) to read as follows:

(d-1) The expenses of every examination of the affairs of any person regulated pursuant to this chapter that engages in virtual currency business activity shall be borne and paid by the regulated person so examined, but the superintendent, with the approval of the comptroller, may in the superintendent's discretion for good cause shown remit such charges.

§ 3. This act shall take effect on the sixtieth day after it shall have become a law. Effective immediately, the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of this act on its effective date are authorized to be made on or before such date.

PART JJJ

Section 1. The tax law is amended by adding a new section 180 to read as follows:

§ 180. Independent analysis. 1. The department shall contract with an economic impact firm for the provision of an independent, comprehensive, analysis of each tax credit, tax deduction, and tax incentive established in this chapter or any other chapter of the law which relates to increasing economic development including, but not necessarily limited to, increasing employment, developing the state's workforce, and increasing business activity. Such analysis shall include the relevant programs run at the state agency level, including relevant programs administered by executive agencies, authorities, commissions, and other government run entities, and shall not include an analysis of individual private entities or individual taxpayers. Such analysis shall include, but need not be limited to, a complete and thorough evaluation of the return on investment for each tax credit, tax deduction, and tax incentive, the economic impact of each relevant program, including direct and indirect benefits, including the creation of temporary project hires, the fiscal impact of each relevant program, including revenues received and forgone by municipalities and New York state, as applicable. For the purposes of this section, "return on investment" shall mean: (a) total job creation, including temporary project hires resulting from each project supported by each relevant program, and retained jobs; (b) whether the expenditures by the state on each tax credit, tax deduction or tax incentive result in an increase or decrease in tax revenues for New York state municipalities, and New York state; (c) other estimated quantifiable economic benefits, including but not necessarily limited to personal income; indirect, induced, long term, and temporary job creation; and private investment for each tax credit, tax deduction and tax incentive; (d) whether similar job creation or private investment would have occurred without the existence of a state tax incentive; and (e) other qualitative economic benefits that improve the economy, and

provide opportunities for advancement for New York residents, including: (i) global media exposure; (ii) increased tourism attraction and positioning of New York as a destination, providing quality of life amenities to assist with community development, placemaking, positioning communities for add-on private sector investment, making New York competitive on the basis of cost and other attraction amenities; and (iii) contributing to the positive perception of the state and its regions to assist with business attraction and creating economic opportunity for New Yorkers.

2. Prior to the analysis pursuant to subdivision one of this section, the economic impact firm that the department contracts with may solicit input from leaders in the business community, organized labor and economic development stakeholders, including, but not necessarily limited to representatives from nonprofits, academic institutions, and leading New York state community development experts.

3. Such analysis shall be completed and submitted to the department no later than January first, two thousand twenty-four and shall be posted publicly on the department's website within thirty days of submission to the department. The analysis shall also be submitted to the governor, the temporary president of the senate, the speaker of the assembly, and the chair of the senate finance committee and the chair of the assembly ways and means committee.

4. The economic impact firm providing the department's comprehensive analysis shall adhere to the requirements in this subdivision. Notwithstanding this subdivision, the department may contract with a firm upon a written determination by the commissioner which shall detail that such firm was awarded such contract on the basis that no firm meets the requirements set forth in this subdivision.

(a) Such economic impact firm shall be prohibited from providing analysis services to the department if the analysis partner having primary responsibility for the analysis, or the analysis partner responsible for reviewing the analysis, has performed analysis services for the department in the past three fiscal years.

(b) Such economic impact firm shall be prohibited from performing any non-analysis services to the department contemporaneously with the analysis, including: (i) bookkeeping or other services related to the accounting records or financial statements of such department; (ii) financial information systems design and implementation; (iii) appraisal or valuation services, fairness opinions, or contribution-in-kind reports; (iv) actuarial services; (v) internal analysis outsourcing services; (vi) management functions or human services; (vii) broker or dealer, investment advisor, or investment banking services; and (viii) legal services and expert services unrelated to the analysis.

(c) Such economic impact firm shall be prohibited from providing analysis services to the department if an employee assigned to the analysis has performed analysis services for the department or has been employed by the department in the past three fiscal years.

§ 2. This act shall take effect immediately.

PART KKK

Section 1. Section 54-1523 of the environmental conservation law, as added by section 5 of part U of chapter 58 of the laws of 2016, paragraphs f and g of subdivision 1 as amended and paragraph h of subdivision 1 as added by chapter 106 of the laws of 2019, is amended to read as follows:

§ 54-1523. Climate adaptation and mitigation projects.

1. The commissioner is authorized to provide on a competitive basis, within amounts appropriated, state assistance payments to a municipality toward the cost of any climate adaptation or mitigation projects. Such projects shall include:

a. the construction of natural resiliency measures, conservation or restoration of riparian areas and tidal marsh migration areas;

b. nature-based solutions such as wetland protections to address physical climate risk due to sea level rise, and/or storm surges and/or flooding, based on available data predicting the likelihood of future extreme weather events, including hazard risk analysis data if applicable;

c. relocation or retrofit of facilities to address physical climate risk due to sea level rise, and/or storm surges and/or flooding based on available data predicting the likelihood of future extreme weather events, including hazard risk analysis data if applicable;

d. flood risk reduction;

e. greenhouse gas emission reductions outside the power sector;

f. enabling communities to become certified under the climate smart communities program, including by developing natural resources inventories, right sizing of municipal fleets and developing climate adaptation strategies;

g. climate change adaptation planning and supporting studies, including but not limited to vulnerability assessment and risk analysis of municipal drinking water, wastewater, and transportation infrastructure; [~~and~~]

h. to establish and implement easily-replicated renewable energy projects, including solar arrays, heat pumps and wind turbines in public low-income housing in suburban, urban and rural areas**; and**

i. land acquisition, including but not limited to flood mitigation and coastal riparian resiliency; provided, however, no monies shall be expended for acquisition by eminent domain.

2. To the fullest extent practicable, it is the policy of the state to promote an equitable regional distribution of climate adaptation and mitigation projects, consistent with the purpose of this title, taking into account regional differences in climate change risks, socioeconomic conditions and ecological resources.

[~~**3. No monies shall be expended for land acquisition.**~~]

§ 2. The environmental conservation law is amended by adding a new section 54-1525 to read as follows:

§ 54-1525. Restriction on alienation.

Real property acquired, developed, improved, restored or rehabilitated by a municipality pursuant to paragraph (i) of subdivision one of section 54-1523 of this title with funds made available pursuant to this title shall not be sold or disposed of or used for other than public purposes without the express authority of an act of the legislature, which shall provide for the substitution of other lands of equal environmental and fair market value and reasonably equivalent usefulness and location to those to be discontinued, sold or disposed of, and such other requirements as shall be approved by the commissioner.

§ 3. Subdivision 6 of section 15-3303 of the environmental conservation law, as added by section 2 of part T of chapter 57 of the laws of 2017, is amended to read as follows:

6. Real property acquired, developed, improved, restored or rehabilitated by or through a municipality**, county soil and water conservation district** or not-for-profit corporation with funds made available pursu-

ant to this title shall not be sold, leased, exchanged, donated or otherwise disposed of or used for other than the public purposes of this title without the express authority of an act of the legislature, which shall provide for the substitution of other lands of equal environmental value and fair market value and reasonably equivalent usefulness and location to those to be discontinued, sold or disposed of, and such other requirements as shall be approved by the commissioner.

§ 4. This act shall take effect immediately.

PART LLL

Section 1. Subdivision 2-a of section 1269-b of the public authorities law is amended by adding three new paragraphs (c), (d) and (e) to read as follows:

(c) The authority shall publish data pertaining to capital programs of the authority and any amendments to such programs as required by this section on the authority's website in a common, machine readable format, as defined by executive order number ninety-five of two thousand thirteen, "Using Technology to Promote Transparency, Improve Government Performance and Enhance Citizen Engagement" or any successor order. Such data shall include, but not be limited to:

(i) all data required by paragraph (c) of subdivision one of this section, including estimates of capital budget required by element for an approved capital program and expected sources of such funding for the entire capital program; and

(ii) all data required by subdivision two of this section, including proposed annual commitments for individual capital elements required.

(d) At a minimum, individual capital project data for projects that are committed for construction shall be included in a capital program dashboard maintained by the authority on its website. Any summary views provided on the website shall include the original budgets at the time of project commitment when scope and budget are defined, project scopes, and schedules, in addition to current or amended budgets, project scopes, and schedules. Data pertaining to individual projects shall include, but not be limited to:

(i) the capital project identification number delineated by agency, category, element and project as used in the capital program;

(ii) the capital plan years;

(iii) the agency or authority undertaking the project;

(iv) a project description;

(v) the project location where appropriate;

(vi) the capital needs code of the project, such as state of good repair, normal replacement, system improvement, system expansion or other category;

(vii) budget information including the original budget at the time of project commitment when scope and budget are defined, all amendments, the current budget and planned annual allocations; and

(viii) a schedule for project delivery including original, amended and current start and completion dates as projects develop at each phase.

The status of projects shall be provided and state the current phase of the project, such as planning, design, construction or completion, and shall state how far the project has progressed as measured in percentage by expenditure. The dashboard shall measure progress based on original budgets at the time of project commitment when scope and budget are defined. At a minimum, all changes to planned budgets of greater than ten percent, significant project scope or a three month or more

change in schedule shall be provided in narrative form and describe the reason for each change or amendment. The dashboard shall include a glossary or data dictionary which contains plain language descriptions of the data and information provided on the dashboard. The dashboard shall be updated, at a minimum, on a quarterly basis, and all data fields available on the dashboard shall be made available for download on the authority's website in a single tabular data file in a common, machine readable format. Capital dashboard data shall also be made available on the data.ny.gov website or such other successor website maintained by, or on behalf of, the state, as deemed appropriate by the New York state office of information technology services under executive order number ninety-five of two thousand thirteen, or any successor agency or order.

(e) The data required to be published pursuant to this subdivision shall be made in a single tabular data file in a common, machine readable format and shall be accessible on the authority's website and the website data.ny.gov or such other successor website maintained by, or on behalf of, the state, as deemed appropriate by the New York state office of information technology services under executive order number ninety-five of two thousand thirteen, or any successor agency or order.

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

PART MMM

Section 1. Short title. This act shall be known and may be cited as the "working to implement reliable and equitable deployment of broadband act (WIRED broadband act)".

§ 2. Section 1 of chapter 174 of the laws of 1968, constituting the New York state urban development corporation act, is amended by adding a new section 16-gg to read as follows:

§ 16-gg. Division of Broadband Access. 1. Statement of Legislative findings and purpose. The legislature hereby finds and declares that: access to high-speed, reliable, and affordable broadband is essential for education, economic growth, and full participation in civic life; the persistence of the digital divide is a key barrier to improving the general welfare; the digital divide disproportionately affects communities of color, lower-income areas, rural areas, and other vulnerable populations, and the benefits of broadband access should be available to all; a robust and competitive internet marketplace in New York supports general economic development and benefits New Yorkers with improved internet service and affordability; the state has a responsibility to assist in ending the digital divide, supporting a more robust and competitive internet marketplace, and carrying out other actions to ensure universal access to high-speed, reliable, and affordable broadband.

2. Definitions. The following definitions shall apply throughout this section unless the context clearly requires otherwise:

(a) "Advisory committee" or "committee" shall mean the broadband development advisory committee created by this section.

(b) "Broadband", "broadband service", or "broadband internet" means a mass-market retail service by wire or radio that provides the capability to transmit data to and receive data from all or substantially all internet endpoints, including any capabilities that are incidental to and enable the operation of the communications service, but excluding dial-up internet access service.

(c) "Commissioner" shall mean the commissioner of economic development.

(d) "Director" shall mean the director of the division of broadband access.

(e) "Division" means the division of broadband access created by this section.

(f) "Unserved location" means a broadband-serviceable location, as determined by the division, that has no access to broadband service or lacks access to reliable broadband service at 25 megabits per second for downloads and 3 megabits per second upload speed.

(g) "Underserved location" means a broadband-serviceable location, as determined by the division, that only has access to broadband service of at least 25 megabits per second but less than 100 megabits per second download speed and at least 3 megabits per second but less than 20 megabits per second upload speed.

(h) Should the division determine that the definitions under paragraphs (f) and (g) of this subdivision concerning download and upload speeds be outdated as a result of advancements in broadband technological capabilities or standards, such download and upload speeds established under this section shall be superseded by guidelines, rules, or regulations established by the division; provided that the download and upload speeds included in the definitions shall not be reduced.

3. Division of broadband access; director; employees. There is hereby created within the department of economic development a division of broadband access. The head of such office shall hold the title of director and be appointed by the commissioner, and shall hold office at the pleasure of the commissioner.

4. Powers and duties of the division of broadband development. The division shall have the power to:

(a) Coordinate the activities of all state agencies performing functions affecting access to high-speed, reliable, and affordable broadband.

(b) Conduct research and analyses of matters affecting access to high-speed, reliable, and affordable broadband.

(c) Advise and make recommendations to the commissioner on matters affecting access to high-speed, reliable, and affordable broadband.

(d) Provide advisory assistance to municipalities, state and local authorities, and other entities to expand access to high-speed, reliable, and affordable broadband.

(e) Establish and implement programs, including grant programs, to expand access to high-speed, reliable, and affordable broadband, including but not limited to: programs to improve broadband access at unserved and underserved locations; programs to deploy broadband infrastructure owned or managed by municipalities, state and local authorities, entities established pursuant to section 99-y of the general municipal law, or not-for-profit entities; programs to deploy innovative broadband technologies and means to improve broadband access; including in low-income areas; programs to improve digital equity, digital inclusion, and digital literacy.

(f) Take additional actions the division deems necessary to expand access to high-speed, reliable, and affordable broadband.

5. Rules and regulations. The commissioner may adopt any necessary rules, regulations, or guidelines to effectuate the purposes of the division. Notwithstanding any conflicting provision of this article, the commissioner may adopt any necessary rules, regulations, or guidelines for state participation in federal broadband programs consistent

with the requirements set forth under the Infrastructure Investment and Jobs Act, American Rescue Plan Act, Digital Equity Act, or any other federal program determined as directly relevant to increasing access to high-speed, reliable, and affordable broadband by the commissioner.

6. Broadband access advisory committee. (a) There is hereby created in the division of broadband access a broadband development advisory committee. The committee shall consist of 16 members, four of which are to be appointed by the governor, one of which is to be appointed by the speaker of the assembly, and one of which is to be appointed by the temporary president of the senate. The commissioners, or designees thereof, of the department of public service, department of labor, department of transportation, office of general services, department of economic development, department of homeland security and emergency services, division of housing and community renewal, and education department, the president of the New York power authority, and the director of the division of the budget shall serve as ex-officio members. The governor shall designate a chairperson from the members of the advisory committee, to serve as such at the pleasure of the governor. In appointing the members of the advisory committee the governor shall ensure that at least one member is an individual representing a telecommunications union, at least one member is an individual with substantial expertise in tribal affairs, and two of the members are individuals who have substantial expertise in telecommunications policy, broadband development, grant-making, or internet regulation, of which one shall have expertise on service providers with over 100,000 subscribers in New York state and one shall have expertise on service providers with less than 100,000 subscribers in New York state.

(b) All members of the advisory committee, other than the ex-officio members, shall serve for terms of three years, such term shall commence on the first day the committee is convened. Any vacancies occurring otherwise than by expiration of term shall be filled in the same manner as original appointments for the balance of the unexpired term.

(c) The advisory committee shall meet at least twice in each calendar year. Special meetings may be called by its chairperson and shall be called by the chairperson at the request of the director of the division of broadband access.

(d) No member of the advisory committee shall be disqualified from holding any other public office, nor forfeit any such office by reason of appointment hereunder, notwithstanding the provisions of any general, special or local law, ordinance or city charter, provided however that members appointed by the governor, speaker of the assembly, or temporary president of the senate shall be considered state officers and subject to the provisions of paragraph (a) of subdivision 8 of section 73 of the public officers law.

(e) The members of the advisory committee shall receive no compensation for their services but shall be allowed their actual and necessary expenses incurred in the performance of their duties hereunder.

(f) The committee shall:

(i) advise the director in carrying out the functions, powers and duties of the division, as set forth in this article.

(ii) advise the director, the governor, and the legislature concerning policy changes necessary to promote expansion and development of access to high-speed, reliable, and affordable broadband.

(iii) advise the director, the governor, and the legislature concerning existing policies of state agencies which may be counter-productive

or inimical to promote expansion and deployment of high-speed, reliable, and affordable broadband.

(iv) advise the director, the governor, and the legislature concerning the development of inter-governmental cooperation among agencies of the federal, state, and local governments and cooperation between private industry and government so as to promote expansion, deployment and continued provision of high-speed, reliable, and affordable broadband.

(v) advise the director, the governor, and the legislature on issues related to fostering consumer choice, increasing competition in the broadband industry, and promoting open-access infrastructure.

(vi) advise the director, in consultation with the division of broadband access, on potential guidelines or regulations for implementation of broadband-related programs.

(vii) advise the director, the governor, and the legislature on policies related to the deployment of wireless and cellular services, including deployment of small cell networks for access to 5G services.

(viii) advise the director on policies to reduce regulatory obstacles and streamline regulations to promote access to high-speed, reliable, and affordable broadband.

(ix) advise the director on policies to maximize access to high-speed, reliable, and affordable broadband in affordable housing projects.

(x) advise the director on policies relevant to ensuring that senior citizens have access to high-speed, reliable, and affordable broadband.

(xi) make periodic recommendations as to updates to the broadband report required by the Comprehensive Broadband Connectivity Act.

7. ConnectAll deployment program. The ConnectAll deployment program is hereby established to provide grant funding to construct infrastructure necessary to provide broadband services to unserved and underserved locations in the state. Grants issued pursuant to this program shall facilitate projects that, at a minimum, provide reliable internet service with consistent speeds of at least 100 megabits per second for download and at least 20 megabits per second for upload, unless this requirement is waived for a specific project or location and a different speed level is approved by the division, but under no circumstances less than 25 megabits per second download and 3 megabits per second upload; provided further that applicants for grant funding under this section may include incorporated organizations, Native American tribes or tribal organizations, local units of government, or a group of any of the above entities; provided further that an applicant for grant funding under this section shall demonstrate suitable fiscal, technical, operational, and management capabilities as determined by the division; provided further that an applicant for grant funding under this section shall provide certifications as to compliance with relevant safety standards as determined by the division, including the National Electrical Safety Code; provided further that an applicant for grant funding under this section shall provide certifications as to compliance with relevant workplace protections as determined by the division including the Occupational Safety and Health Act, the Fair Labor Standards Act, Title VII of the Civil Rights Act of 1964, and New York State labor and employment laws; provided further that an applicant for grant funding under this section shall submit to the division a workforce plan in a format determined by the division which, to the extent practicable, shall include: (a) information relating to whether the construction workforce will be directly employed or subcontracted; (b) the anticipated size of the workforce required to carry out the proposed work; (c) a description of plans to maximize use of local or regional workforce; and (d) a

description of the expected workforce safety standards and training to ensure the project is completed at a high standard. The division shall establish the procedures to solicit, receive and evaluate applications for the program consistent with rules, regulations, or guidelines established by the commissioner; provided that preference shall be given to applications that: (a) are capable of delivering speeds of 1 gigabit per second download and 1 gigabit per second upload to the end user; (b) provide service to locations in unserved areas as determined by the division; (c) commit not to impose caps on data usage on the service provided to the end-user or to block, throttle, or prioritize internet content in the general course of business; and (d) have and commit to maintaining high standards of workplace safety practices, training, certification or licensure for all relevant workers, and compliance with state and federal workplace protections.

8. ConnectAll municipal assistance program. The ConnectAll municipal assistance program is hereby established to provide grant funding to municipalities, state and local authorities, and entities established pursuant to section 99-y of the general municipal law to plan and construct infrastructure necessary to provide broadband services, support the adoption of broadband services, or other purposes for maximizing the effectiveness of municipal broadband programs as determined by the division. For the purposes of broadband infrastructure, such grants issued pursuant to this program shall facilitate projects that, at a minimum, provide reliable internet service with consistent speeds of at least 100 megabits per second for download and at least 20 megabits per second for upload, unless this requirement is waived for a specific project or location and a different speed level is approved by the division, but under no circumstances less than 25 megabits per second download and 3 megabits per second upload; provided further that an applicant for grant funding under this section shall demonstrate suitable fiscal, technical, operational, and management capabilities as determined by the division; provided further that an applicant for grant funding under this section shall provide certifications as to compliance with relevant safety standards as determined by the division, including the National Electrical Safety Code; provided further that an applicant for grant funding under this section shall provide certifications as to compliance with relevant workplace protections as determined by the division including the Occupational Safety and Health Act, the Fair Labor Standards Act, Title VII of the Civil Rights Act of 1964, and New York state labor and employment laws; provided further that an applicant for grant funding under this section shall submit to the division a workforce plan in a format determined by the division which, to the extent practicable, shall include: (a) information relating to whether the construction workforce will be directly employed or subcontracted; (b) the anticipated size of the workforce required to carry out the proposed work; (c) a description of plans to maximize use of local or regional workforce; and (d) a description of the expected workforce safety standards and training to ensure the project is completed at a high standard. The division shall establish the procedures to solicit, receive and evaluate proposals for the program consistent with, rules, regulations, or guidelines established by the commissioner; provided that preference shall be given to applications that: (a) are capable of delivering speeds of 1 gigabit per second download and 1 gigabit per second upload to the end user; (b) provide service to locations in unserved areas as determined by the division; (c) commit not to impose caps on data usage on the service provided to the end-user or to block,

throttle, or prioritize internet content in the general course of business; and (d) have and commit to maintaining high standards of workplace safety practices, training, certification or licensure for all relevant workers, and compliance with state and federal workplace protections.

9. ConnectAll innovation grant program. The ConnectAll innovation grant program is hereby established to develop, pilot, and deploy innovative models and technologies for the delivery of broadband services. Grants issued pursuant to this program shall: (a) benefit the development of innovative and new broadband solutions and technologies; (b) deploy innovative broadband technology to rural, low-income, or other areas that would be unlikely to otherwise see such deployment; (c) promote critical private sector investment in such technologies; (d) provide seed funding for the development of such technologies and products; or (e) foster collaboration between the academic research community and the business sector for such purposes. The division shall establish the procedures to solicit, receive and evaluate proposals for the program consistent with rules, regulations, or guidelines established by the commissioner.

10. ConnectAll digital equity grant program. The ConnectAll digital equity grant program is hereby established to support individuals to have the information technology capacity needed for full participation in society and the economy, including the effective implementation of a State Digital Equity Plan or any successor plan. Grants issued pursuant to this program shall be awarded in a manner and form as determined by the division consistent with all relevant federal laws, codes, rules, and regulations associated with the federal Digital Equity Act as established under the Infrastructure Investment and Jobs Act. The division shall establish such State Digital Equity Plan and the procedures to solicit, receive and evaluate proposals for the program consistent with rules, regulations, or guidelines established by the commissioner.

11. Assistance of other agencies. To effectuate the purposes of this article, the director may request from any department, division, board, bureau, commission or other agency of the state or from any public corporation or district, and the same are authorized to provide, such assistance, services and data as will enable the office properly to carry out its functions, powers and duties hereunder.

12. New NY Broadband Program; transfer. All the functions and powers possessed by and all the obligations and duties of the state broadband program office and the New NY Broadband Program are hereby transferred and assigned to and assumed by the division.

13. Reporting. The division shall: (a) in a form and manner prescribed in accordance with the Infrastructure Investment and Jobs Act or American Rescue Plan Act, make publicly available information relevant to long term plans for the use of broadband expansion funds, the mechanisms by which the division will award such funds, the entities that will receive such funds from the division, progress reports on the use and disbursement of such funds by the division, and a comprehensive final report on the activities of the division; and

(b) every six months, beginning twelve months after the first disbursement to a grant awardee under any program established under this section, until such a time that all funds associated with all programs established under this section have been fully expended, submit a report to the governor, the temporary president of the senate, and the speaker of the assembly setting forth the activities undertaken by the program. Such reports shall include, but need not be limited to, the details of the grants and recipients, locations of the projects, and such other

information as the division deems necessary and appropriate, to the extent that the production such reporting is not duplicative of federal reporting requirements associated with broadband expansion in New York state under the Infrastructure Investment and Jobs Act or American Rescue Plan Act. Such reports shall be included on the department's website and any other publicly accessible state database that list economic development programs as determined by the director.

§ 3. The general municipal law is amended by adding a new section 99-y to read as follows:

§ 99-y. Internet access and communications. The governing body of any county, city, town or village is hereby authorized and empowered to establish, construct, and maintain broadband and related telecommunications infrastructure, or to contract for the construction and maintenance of such services with a corporation or nonprofit organization, and for the maintenance, care, and replacement of infrastructure in connection therewith, if such governing body finds that such facilities are necessary. For the purposes of this section, "nonprofit organization" shall mean a corporation having tax exempt status under section 501 (c) (3) of the United States internal revenue code, or any organization incorporated under the not-for-profit corporation law.

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

§ 224-e. Wage requirements for certain broadband projects. 1. For purposes of this section, a "covered broadband project" means a broadband project funded by programs established pursuant to subdivisions seven and eight of section sixteen-gg of the New York state urban development corporation act.

2. Notwithstanding the provisions of section two hundred twenty-four-a of this article, a covered broadband project shall be subject to prevailing wage requirements in accordance with sections two hundred twenty and two hundred twenty-b of this article, provided that a covered broadband project may still otherwise be considered a covered project pursuant to section two hundred twenty-four-a of this article if it meets the definition therein.

3. For purposes of this section, the "fiscal officer" shall be deemed to be the commissioner. The enforcement of any covered broadband project under this section shall be subject to the requirements of sections two hundred twenty, two hundred twenty-a, two hundred twenty-b, two hundred twenty-three, two hundred twenty-four-b of this article, and section two hundred twenty-seven of this chapter and within the jurisdiction of the fiscal officer; provided, however, nothing contained in this section shall be deemed to construe any covered broadband project as otherwise being considered public work pursuant to this article.

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

5. Each owner and developer subject to the requirements of this section shall comply with the objectives and goals of certified minority and women-owned business enterprises pursuant to article fifteen-A of the executive law and certified service-disabled veteran-owned businesses pursuant to article seventeen-B of the executive law. The department in consultation with the directors of the division of minority and women's business development and of the division of service-disabled veterans' business development shall make training and resources available to assist minority and women-owned business enterprises and

service-disabled veteran-owned business enterprises undertaking covered broadband projects to achieve and maintain compliance with prevailing wage requirements. The department shall make such training and resources available online and shall afford minority and women-owned business enterprises and service-disabled veteran-owned business enterprises an opportunity to submit comments on such training.

6. (a) The fiscal officer shall report to the governor, the temporary president of the senate, and the speaker of the assembly by July first, two thousand twenty-three and annually thereafter, on the participation of minority and women-owned business enterprises undertaking covered broadband projects subject to the provisions of this section as well as the diversity practices of contractors and subcontractors employing workers on such projects.

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

(c) The fiscal officer may require any owner or developer to disclose information on the participation of minority and women-owned business enterprises and the diversity practices of contractors and subcontractors involved in the performance of any covered broadband project. It shall be the duty of the fiscal officer to consult and to share such information in order to effectuate the requirements of this section.

§ 5. This act shall take effect immediately.

PART NNN

Section 1. Section 1 of chapter 174 of the laws of 1968, constituting the New York state urban development corporation act, is amended by adding a new section 58 to read as follows:

§ 58. Reporting. 1. Definitions. For the purposes of this section, the following terms shall have the following meanings:

(a) "Economic development benefits" shall mean:

(i) available state funds including, but not limited to, state grants, loans, loan guarantees, loan interest subsidies, and subsidies; and

(ii) tax credits, tax exemptions, reduced tax rates or other tax incentives which are applied for and preapproved or certified by a state agency.

(a-1) "Empire state economic development benefits" shall mean those economic development benefits made available to the urban development corporation or the department of economic development to award such benefits to qualified recipients.

(a-2) "Additional state benefits for empire state development projects" shall mean those benefits provided by other state agencies for the same project receiving empire state economic development benefits.

(a-3) "Other state agency economic development benefits" shall mean those economic development benefits made available to a state agency to award such benefits to qualified recipients for economic development projects, provided such information regarding such awards is required to be submitted to the urban development corporation or the department of economic development per subdivision 6 of this section.

(a-4) "Aggregate economic development benefits" shall mean those benefits provided for in paragraphs (a-1), (a-2) and (a-3) of this subdivision and displayed separately in the database created pursuant to subdivision 2 of this section.

(b) "Qualified participant" shall mean an individual, business, limited liability corporation or any other entity that has applied for and received benefits as defined in paragraphs (a-1) through (a-4) of this subdivision.

(c) "State agency" shall mean any state department, board, bureau, division, commission, committee, state authority, public corporation, council, office or other state governmental entity performing a governmental or proprietary function for the state, as well as entities created by any of the preceding or that are governed by a board of directors or similar body with a majority of members designated by one or more state officials;

(d) "Full-time equivalent" shall mean a unit of measure which is equal to one filled, full-time, annual-salaried position.

(e) "Project hires" shall mean a job in which an individual is hired for a season or for a limited period of time.

(f) "Part-time job" shall mean a job in which an individual is employed by a qualified participant for less than thirty-five hours a week.

2. Notwithstanding any laws to the contrary, the corporation, in cooperation with the department of economic development, shall create a searchable database, or modify an existing one, displaying empire state economic development benefits that a qualified participant has been awarded. Such database shall also display additional state agency benefits that a qualified participant has been awarded in connection with an empire state development project such qualified participant has received. Such database shall also display other state agency economic development benefits that a qualified participant has been awarded, to the extent that such data has been made available to and is received by the corporation in the form and manner prescribed by the corporation.

3. Data related to paragraphs (a-2) and (a-3) of subdivision 1 of this section shall be analyzed for quality and accuracy by the agency or authority providing such funding to qualified recipients and managing the contracts related thereto. Upon submission of such other state agency economic development benefit data to the corporation for inclusion in the database, all awarding agencies and authorities shall certify to the corporation that each field of project data accurately summarizes economic development project investments made by the other agency or authority. Such searchable database shall include, at a minimum, the following features and functionality to the extent practicable:

(a) the ability to search the database by each of the reported information fields;

(b) the ability to be searchable, downloadable, and updated quarterly, and posted on a New York state maintained website as well as referenced on the empire state development website, with a direct link to the database;

(c) for projects started on or after January 1, 2018, the following information shall be included:

(i) a qualified participant's name and project, project location, the project's complete address, including the postal code in a separate and searchable field, and the economic region of the state;

(ii) the time span over which a qualified participant is to receive or has received aggregate economic development benefits;

(iii) the type of such aggregate economic development benefits provided to a qualified participant, including the name of the program or programs through which aggregate economic development benefits are provided, and details as to whether such programs are grants or tax credit programs as a separate and searchable field. Such data shall be provided for other state agency benefits, to the extent practicable, and such requirement shall be applied to contracts initiated six months after the effective date of this section;

(iv) the total number of employees at all sites utilizing such aggregate economic development benefits at the time of the agreement, including the number of full-time equivalents, provided that any project hires or part-time jobs converted to full-time equivalents shall be displayed in separate fields and denoted as such, to the extent practicable, and such requirements shall be applied to contracts initiated six months after the effective date of this section;

(v) for any aggregate economic development benefit that provides for job retention or job creation that a qualified participant is receiving, the total job creation commitments, job retention commitments, job creation actual number, and the job retention actual number, displayed in terms of full-time equivalents and part-time jobs, shall each be displayed as separate and searchable fields;

(vi) the amount of aggregate economic development benefits received by a qualified participant to date;

(vii) for all projects associated with utilization goals related to minority and women-owned businesses, per article 15-A of the executive law, such goals and progress towards such goals shall be included to the extent practicable, and such requirement shall be applied to contracts initiated twelve months after the effective date of this section;

(viii) the total public-private investment made to the project, total state funding received by a project, and project status;

(ix) details related to individual project compliance indicating whether, during the current reporting quarter, the corporation or other entity managing the award has reduced, cancelled, or recaptured aggregate economic development benefits from a qualified participant, and, if so, the total amount of the reduction, cancellation, or recapture. Separately, a notation of penalties assessed shall be displayed in a separate and searchable field, as well as the reasons therefor in another separate and searchable field;

(x) the ability to digitally select defined individual fields corresponding to any of the reported information from qualified participants to create unique database views;

(xi) the ability to download the database in its entirety, or in part, in a common machine readable format;

(xii) a definition or description of terms for fields in the database;

(xiii) a summary of each aggregate economic development benefit awarded to qualified participants;

(xiv) a user-friendly guide to outline the features and functionality of the database; and

(xv) a dedicated email account for the public to direct questions related to the database.

4. Upon request the corporation shall provide, or direct to a source providing, in an electronically accessible and downloadable form, any contracts or award agreements for projects included in paragraphs (a-1), (a-2), or (a-3) of subdivision 1 of this section, to the extent such contracts or award agreements are available to the public pursuant to article 6 of the public officers law. Provided however that only

contract documents and award agreements related to projects defined in paragraph (a-1) of subdivision 1 of this section shall be shared by the corporation, and all contract documents and award agreements related to projects defined in paragraphs (a-2) and (a-3) of subdivision 1 of this section shall be shared, upon request, by the agency or authority holding and managing such contract;

5. The corporation may request any data from qualified participants which is necessary and required in developing, updating, and maintaining the searchable database. Such qualified participants shall provide any such information requested by the corporation.

6. The corporation shall prescribe the form and manner in which a state agency or authority awarding other state agency economic development benefits shall submit information and data regarding other state agency benefits as required for developing, updating, and maintaining the database and publish guidelines as needed to facilitate receipt of such data to comply with the provisions of this section, including the submission provisions included in subdivision 3 of this section. The corporation, to the extent practicable, shall note on the database where a state agency or authority failed to submit the required data.

§ 2. Section 100 of the economic development law is amended by adding a new subdivision 18-j to read as follows:

18-j. to assist the urban development corporation to establish a searchable database pursuant to section fifty-eight of section one of chapter one hundred seventy-four of the laws of nineteen hundred sixty-eight, constituting the New York state urban development corporation act.

§ 3. The public authorities law is amended by adding a new section 2807 to read as follows:

§ 2807. Reporting for searchable state subsidy and aggregate economic development benefits database. Notwithstanding any other provision of law to the contrary, every state authority shall submit to the urban development corporation, and update quarterly, in the form and manner prescribed by the urban development corporation, any and all data and information as necessary for developing, updating, and maintaining the database established in section fifty-eight of section one of chapter one hundred seventy-four of the laws of nineteen hundred sixty-eight, constituting the New York state urban development corporation act, regarding economic development benefits, as such term is defined in such section, awarded by such state authority. A state authority may request and shall receive any data from an individual, business, limited liability corporation or any other entity that has applied for and received approval for, or is the beneficiary of, any such economic development benefits, as is necessary and required to comply with this section.

§ 4. This act shall take effect immediately

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

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