STATE OF NEW YORK

6566

2021-2022 Regular Sessions

IN ASSEMBLY

March 19, 2021

Introduced by M. of A. ENGLEBRIGHT, AUBRY, BARRETT, BURDICK, DINOWITZ, EPSTEIN, GALEF, GONZALEZ-ROJAS, GRIFFIN, HEVESI, JACKSON, KELLES, LUNSFORD, MAGNARELLI, McDONALD, McMAHON, OTIS, PAULIN, SEAWRIGHT, SILLITTI, SIMON, STERN, THIELE -- read once and referred to the Committee on Environmental Conservation

AN ACT authorizing the creation of state debt in the amount of three billion dollars, in relation to creating the clean air and clean water environmental bond act of 2021 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 2021 (Part A); and to amend the envioronmental conservation law and the state finance law, in relation to the implementation of the clean air and clean water environmental bond act of 2021 (Part B)

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

Section 1. This act enacts into law components of legislation which are necessary to implement legislation relating to the clean air and clean water environmental bond act of 2021. Each component is wholly contained within a Part identified as Parts A through B. 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

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

LBD10504-01-1

Section 1. The clean air and clean water environmental bond act of 2021 is enacted to read as follows:

CLEAN AIR AND CLEAR WATER
ENVIRONMENTAL BOND ACT OF 2021

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

Section 1. Short title. This act shall be known and may be cited as the "clean air and clean water environmental bond act of 2021".

§ 2. Creation of state debt. The creation of state debt in an amount not exceeding in the aggregate three billion dollars ($3,000,000,000) 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 dollars ($1,000,000,000); open space land conservation and recreation up to five hundred fifty million dollars ($550,000,000); climate change mitigation up to seven hundred million dollars ($700,000,000); and, water quality improvement and resilient infrastructure not less than five hundred fifty million dollars ($550,000,000).

§ 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 billion dollars ($3,000,000,000) 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 billion dollars ($3,000,000,000) 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 billion dollars ($3,000,000,000) 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. 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 2021 and shall have been approved by a majority of all votes cast for and against it at such 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 Air and Clean Water Environmental Bond Act of 2021 authorizes the sale of state bonds up to three billion dollars to fund environmental protection, natural restoration, resiliency, and clean energy projects. Shall the Clean Air and Clean Water Environmental Bond Act of 2021 be approved?"

PART B

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

ARTICLE 58
IMPLEMENTATION OF THE CLEAN AIR AND CLEAN WATER ENVIRONMENTAL BOND ACT OF 2021

Title 1. General Provisions.
3. Restoration and flood risk reduction.
5. Open space land conservation and recreation.
7. Climate change mitigation.
9. Water quality improvement and resilient infrastructure.
11. Environmental justice and reporting.

TITLE 1
GENERAL PROVISIONS

Section 58-0101. Definitions.
58-0103. Allocation of moneys.
58-0105. Powers and duties.
58-0107. Powers and duties of a municipality.
58-0109. Consistency with federal tax laws.
58-0111. Compliance with other law.

§ 58-0101. Definitions.

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

1. "Bonds" shall mean general obligation bonds issued pursuant to the clean air and clean water environmental bond act of 2021 in accordance with article VII of the New York state constitution and article five of the state finance law.

2. "Cost" means the expense of an approved project, which shall include but not be limited to appraisal, surveying, planning, engineering and architectural services, plans and specifications, consultant and legal services, site preparation, demolition, construction and other direct expenses incident to such project.

3. "Department" shall mean the department of environmental conservation.

4. "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.

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

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 portion thereof, to a renewable energy source; (ii) reducing energy use or improving energy efficiency or occupant health at a state-owned building; (iii) installing a green roof at a state-owned building; and (iv) emission reduction projects.

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

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

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

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

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

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

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

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

§ 58-0103. Allocation of moneys.

The moneys received by the state from the sale of bonds pursuant to the clean air and clean water environmental bond act of 2021 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 dollars ($1,000,000,000) for restoration and flood risk reduction as set forth in title three of this article.

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

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

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

§ 58-0105. Powers and duties.

In implementing the provisions of this article the department is hereby authorized to:

1. Administer funds generated pursuant to the clean air and clean water environmental bond act of 2021.

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

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

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

5. Promulgate such rules and regulations and to develop such forms and procedures necessary to effectuate the provisions of this article, including but not limited to requirements for the form, content, and submission of applications by municipalities for state financial assistance.

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

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

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

A municipality shall have the power and authority to:

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

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

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

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

§ 58-0109. Consistency with federal tax law.

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

§ 58-0111. Compliance with other law.

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

TITLE 3
RESTORATION AND FLOOD RISK REDUCTION

Section 58-0301. Allocation of moneys.
58-0303. Programs, plans and projects.

§ 58-0301. Allocation of moneys.

Of the moneys received by the state from the sale of bonds pursuant to the clean air and clean water environmental bond act of 2021, not less than one billion dollars ($1,000,000,000) 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 resto-

ration projects and projects which address inland flooding, pursuant to paragraph a of subdivision one of section 58-0303 of this title.

§ 58-0303. Programs, plans and projects.

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

a. (1) projects identified in state and regional management and restoration programs and plans including but not limited to the Great Lakes Action Agenda, Mohawk River Basin Action Agenda, Ocean Action Plan, Hudson River Estuary Action Agenda, Long Island Sound Comprehensive Conservation and Management Plan, South Shore Estuary Reserve Comprehensive Management Plan, Peconic Estuary Comprehensive Conservation and Management Plan, Delaware Action Plan, Susquehanna Action Plan, forest management framework for New York City and New York/New Jersey Harbor Estuary Plan;

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

(3) coastal rehabilitation and shoreline restoration projects, including nature-based solutions;

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

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

2. The commissioner and the commissioner of the division of housing and community renewal are authorized pursuant to paragraph b of subdivision one of this section to purchase private real property identified as at-risk to flooding, from willing sellers. The commissioner of the division of housing and community renewal shall be authorized to transfer to any state agency or public authority any real property in order to carry out the purposes of this article. In connection therewith, the housing trust fund corporation shall be authorized to create a subsidiary corporation to carry out the program authorized under this subdivision. Such subsidiary corporation shall have all the privileges, immunities, tax exemption and other exemptions of the agency to the extent the same are not inconsistent with this section.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

TITLE 5

OPEN SPACE LAND CONSERVATION AND RECREATION

Section 58-0501. Allocation of moneys.

58-0503. Programs, plans and projects.

§ 58-0501. Allocation of moneys.

Of the moneys received by the state from the sale of bonds pursuant to the clean air and clean water environmental bond act of 2021 to be used for open space land conservation and recreation projects, up to five hundred fifty million dollars ($550,000,000) 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 hundred million dollars ($200,000,000) 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 million dollars ($100,000,000) shall be made available for farmland protection pursuant to paragraph b of subdivision one of section 58-0503 of this title.

§ 58-0503. Programs, plans and projects.

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

a. costs associated with open space land conservation projects;

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

c. costs associated with recreational infrastructure projects.

2. The department or the office of parks, recreation and historic preservation are authorized to undertake open space land conservation projects, in cooperation with willing sellers pursuant to subdivision one of this section and may enter into an agreement for purchase of real property or conservation easements on real property by a municipality or a not-for-profit corporation. Any such agreement shall contain such provisions as shall be necessary to ensure that the purchase is consistent with, and in furtherance of, this title and shall be subject to the approval of the comptroller and, as to form, the attorney general. In undertaking such projects, such commissioners shall consider the state land acquisition plan prepared pursuant to section 49-0207 of this chapter. Further, the department or the office of parks, recreation and historic preservation are authorized to provide state assistance payments to municipalities for eligible projects consistent with paragraphs a and c of subdivision one of this section.

3. The cost of an open space land conservation project shall include the cost of preparing a management plan for the preservation and beneficial public enjoyment of the land acquired pursuant to this section

except where such a management plan already exists for the acquired land.

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

5. The department is authorized to expend moneys to purchase equipment, devices, and other necessary materials and to acquire fee title or conservation easements in lands for monitoring, restoration, recovery, or reintroduction projects for species listed as endangered or threatened or listed as a species of special concern pursuant to section 11-0535 of this chapter.

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

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

8. Real property acquired, developed, improved, restored or rehabilitated by or through a municipality pursuant to paragraph a of subdivision one of this section or undertaken by or on behalf of a municipality with funds made available pursuant to this title shall not be sold, leased, exchanged, donated or otherwise disposed of or used for other than public park purposes 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.

9. Provided that for the purposes of selecting projects for funding under paragraphs a and b of subdivision one of this section, the relevant agencies shall develop eligibility guidelines and post information on the department's website in the environmental notice bulletin providing for a thirty day public comment period and upon adoption post such eligibility guidelines on the relevant agency's website.

TITLE 7
CLIMATE CHANGE MITIGATION

Section 58-0701. Allocation of moneys.
58-0703. Programs, plans and projects.

§ 58-0701. Allocation of moneys.

Of the moneys received by the state from the sale of bonds pursuant to the clean air and clean water environmental bond act of 2021, up to seven hundred million dollars ($700,000,000) shall be made available for disbursements for climate change mitigation projects developed pursuant to section 58-0703 of this title. Not less than three hundred fifty million dollars ($350,000,000) of this amount shall be available for green buildings projects.

§ 58-0703. Programs, plans and projects.

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;

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 for the installation of publicly available fast charging electric vehicle charging stations and the electrification of municipal and state fleet vehicles;

g. costs associated with projects to reduce or eliminate air pollution from stationary or mobile sources of air pollution affecting an environmental justice community, including, but not limited to, air monitoring equipment; and

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

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

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

TITLE 9

WATER QUALITY IMPROVEMENT AND RESILIENT INFRASTRUCTURE

Section 58-0901. Allocation of moneys.

58-0903. Programs, plans and projects.

§ 58-0901. Allocation of moneys.

Of the moneys received by the state from the sale of bonds pursuant to the clean air and clean water environmental bond act of 2021 for disbursements for state assistance for water quality improvement projects as defined by title one of this article, not less than five hundred fifty million dollars ($550,000,000) 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 hundred million dollars

($100,000,000) shall be available for municipal stormwater projects pursuant to paragraph a of subdivision one of section 58-0903 of this title.

§ 58-0903. Programs, plans and projects.

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

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

b. costs associated with projects that reduce agricultural nutrient runoff and promote soil health such as projects which implement comprehensive nutrient management plans, other agricultural nutrient management projects, and non-point source abatement and control programs including projects developed pursuant to sections eleven-a and eleven-b of the soil and water conservation districts;

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

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

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

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

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

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

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

4. The department is authorized to make grants available to not-for-profits and academic institutions for paragraphs b, c, and f of subdivision one of this section, and make state assistance payments to municipalities and undertake projects pursuant to this section.

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

TITLE 11
ENVIRONMENTAL JUSTICE AND REPORTING

Section 58-1101. Benefits of funds.
58-1103. Reporting.

§ 58-1101. Benefits of funds.

The department shall make every effort practicable to ensure that no less than thirty-five percent of the funds pursuant to this article benefit environmental justice communities.

§ 58-1103. Reporting.

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 clean air and clean water environmental bond act of 2021 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.

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

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

§ 97-tttt. Clean air and clean water 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 "clean air and clean water bond fund".

2. The state comptroller shall deposit into the clean air and clean water 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 air and clean water environmental bond act of 2021.

3. Moneys in the clean air and clean water 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 clean air and clean water bond fund, as set forth in the clean air and clean water environmental bond act of 2021.

4. No moneys received by the state from the sale of bonds and/or notes sold pursuant to the clean air and clean water environmental bond act of 2021 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.

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

32. Thirty years. For the payment of "clean air and clean water" 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 air and clean water environmental bond act of 2021. 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 clean air and clean water 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.

§ 4. If any clause, sentence, paragraph, 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, section or part thereof directly involved in the controversy in which such judgment shall have been rendered.

§ 5. This act shall take effect only in the event that section 1 of part A of this act enacting the clean air and clean water environmental bond act of 2021 is submitted to the people at the general election to be held in November 2021 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 A of this act enacting the clean air and clean water environmental bond act of 2021, 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.

§ 2. Severability clause. If any clause, sentence, paragraph, subdivision, section or part of this act shall be adjudged by a 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 B of this act shall be as specifically set forth in the last section of such Parts.