# STATE OF NEW YORK

S. 2508 A. 3008

# SENATE - ASSEMBLY

January 20, 2021

IN SENATE -- A BUDGET BILL, submitted by the Governor pursuant to article seven of the Constitution -- read twice and ordered printed, and when printed to be committed to the Committee on Finance

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

AN ACT to amend the vehicle and traffic law and the general business law, in relation to penalties for commercial vehicles on parkways and penalties for overheight vehicles and to preventing bridge strikes (Part A); to amend the penal law and the vehicle and traffic law, in relation to transportation worker safety (Subpart A); to amend the vehicle and traffic law and the highway law, in relation to highway clearance (Subpart B); to amend the vehicle and traffic law, in relation to increased fines for injury to pedestrians (Subpart C); and to amend the vehicle and traffic law, in relation to work zone safety and outreach (Subpart D) (Part B); to amend the public authorities law, in relation to electronic bidding (Part C); to amend the public authorities law, in relation to the minimum amount for a procurement contract (Part D); to amend the penal law, in relation to including the intentional use of any toll highway, parkway, road, bridge or tunnel or entry into or remaining in a tolled central business district without payment of the lawful toll or charge as a theft of services; and to amend the vehicle and traffic law, in relation to the penalty imposed upon the operator of a vehicle with an altered or obscured license plate while on a toll highway, bridge or tunnel (Part E); to amend the public authorities law, in relation to procurements conducted by the New York City transit authority and the metropolitan transportation authority; to amend part OO of chapter 54 of the laws of 2016, amending the public authorities law relating to procurements by the New York City transit authority and the metropolitan transportation authority, in relation to the effectiveness thereof; and to repeal certain provisions of the public authorities law relating thereto (Part F); to amend the public authorities law, in relation to metropolitan transportation authority capital projects and utility relocations (Part G); to amend the public authorities law, in relation to the use and occupancy of streets for transportation projects (Part

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

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H); to amend the penal law, in relation to assaulting or harassing certain employees of a transit agency or authority (Part I); 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 J); 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 K); to amend the multiple dwelling law, in relation to temporary rules for certain multiple dwelling units used as joint living-work quarters; and providing for the repeal of such provisions upon expiration thereof (Part L); to amend section 3 of part S of chapter 58 of the laws of 2016, relating to transferring the statutory authority for the promulgation of marketing orders from the department of agriculture and markets to the New York state urban development corporation, in relation to the effectiveness thereof (Part M); to amend chapter 21 of the laws of 2003, amending the executive law relating to permitting the secretary of state to provide special handling for all documents filed or issued by the division of corporations and to permit additional levels of such expedited service, in relation to the effectiveness thereof (Part N); to amend the business corporation law, the general associations law, the limited liability company law, the not-for-profit corporation law, the partnership law and the real property law, in relation to service of process (Part O); to amend the executive law, in relation to authorizing remote notarization (Part P); to amend the environmental conservation law, the executive law, and the public service law, in relation to making technical amendments related to the office of renewable energy siting (Part Q); in relation to the eligibility of certain renewable energy credits for purposes of compliance with local building emissions requirements; and providing for the repeal of such provisions upon the expiration thereof (Part R); to amend the public authorities law, in relation to powers of the New York convention center operating corporation (Part S); to amend part B of chapter 173 of the laws of 2013 relating to the issuance of securitized restructuring bonds to refinance the outstanding debt of the Long Island power authority, in relation to the utility debt securitization authority; and in relation to permitting the issuance of securitized restructuring bonds to finance system resiliency costs (Part T); to amend the economic development law, in relation to recharge New York power for eligible small businesses and not-for-profit corporations (Part U); to amend the insurance law, the public authorities law and the tax law, in relation to authorizing the power authority of the state of New York to form a pure captive insurance company (Part V); 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 W); to amend the environmental conservation law and the state finance law, in relation to hunting; and to repeal certain provisions of the environmental conservation law relating thereto (Part X); to amend the environmental conservation law, in relation to prohibiting plastic carryout bags (Part Y); to authorize the county of Nassau, to permanently and temporarily convey certain easements and to temporarily alienate certain

parklands (Subpart A); to authorize the village of East Rockaway, county of Nassau, to permanently and temporarily convey certain easements and to temporarily alienate certain parklands (Subpart B); and to authorize the village of Rockville Centre, county of Nassau, to permanently and temporarily convey certain easements and to temporarily alienate certain parklands (Subpart C) (Part Z); to amend the tax law, in relation to extending certain brownfield credit periods that expire on or after 3/20/20 and before 12/31/21 for two years (Part AA); to authorize the grant of certain easements to AlleCatt Wind Energy LLC on a proportion of real property within the Farmersville State Forest, Swift Hill State Forest, and Lost Nation State Forest in the county of Allegany; and providing for the repeal of such provisions upon the expiration thereof (Part BB); to amend chapter 58 of the laws of 2013 amending the environmental conservation law and the state finance law relating to the "Cleaner, Greener NY Act of 2013", in relation to the effectiveness thereof (Part CC); in relation to establishing the "rail advantaged housing act" (Part DD); to amend the public authorities law, in relation to the clean energy resources development and incentives program (Part EE); to amend chapter 166 of the laws of 1991, amending the tax law and other laws relating to taxes, in relation to extending the expiration of certain provisions of such chapter; and to amend the vehicle and traffic law, in relation to extending the expiration of the mandatory surcharge and victim assistance fee (Part FF); to amend the vehicle and traffic law, in relation to requiring persons to use one hand while operating a motor vehicle, unless such vehicle is engaged to perform steering function; and to amend part FF of chapter 55 of the laws of 2017 relating to motor vehicles equipped with autonomous vehicle technology, in relation to the required submission of a report on the demonstrations and tests of motor vehicles equipped with autonomous vehicle technology; and in relation to the effectiveness thereof (Part GG); to amend the vehicle and traffic law and the state finance law, in relation to temporarily requiring the department of motor vehicles to collect a one dollar convenience fee for modernization of information technology used by the department; and providing for the repeal of such provisions upon expiration thereof (Part HH); to amend chapter 58 of the laws of 2012, amending the public health law, relating to authorizing the dormitory authority to enter into certain design and construction management agreements, in relation to the effectiveness thereof (Part II); to amend the insurance law, in relation to unauthorized providers of health services; and to authorize the superintendent of financial services to convene a motor vehicle insurance task force to examine alternatives to the no-fault insurance system and deliver a report relating thereto (Part JJ); to repeal section 410 of the economic development law; and to amend the public authorities law, in relation to authorizing the department of economic development to designate centers for advanced technology program (Part KK); to amend the banking law, in relation to the forbearance of residential mortgage payments (Part LL); establishing the COVID-19 emergency eviction and foreclosure prevention for tenants and owners of commercial real property act of 2021; relating to a temporary stay of eviction proceedings of commercial tenants; and providing for the repeal of certain provisions upon expiration thereof (Subpart A); and relating to a temporary stay of mortgage foreclosure proceedings for commercial or multi-family real property; and providing for the repeal of certain provisions upon expiration thereof (Subpart B)(Part MM); to

amend subpart H of part C of chapter 20 of the laws of 2015, appropriating money for certain municipal corporations and school districts, in relation to funding to local government entities from the urban development corporation (Part NN); to amend chapter 108 of the laws of 2020, amending the public service law relating to issuing a moratorium on utility termination of services during periods of pandemics and/or state of emergencies, in relation to making such provisions permanent; to amend the public service law, the public authorities law and the general business law, in relation to issuing a moratorium on utility termination of services; and providing for the repeal of certain provisions of the public service law relating thereto (Part OO); to amend the general obligations law, in relation to the discontinuance of the London interbank offered rate (Part PP); to amend the general business law, in relation to broadband service for low-income consumers (Part QQ); to amend the public authorities law, in relation to authorizing the dormitory authority of the state of New York to enter into certain loans (Part RR); to amend the New York state medical care facilities finance agency act, in relation to the ability to issue certain bonds and notes (Part SS); and to amend the economic development law and the tax law, in relation to establishing the small business return-to-work tax credit program (Subpart A); to amend the economic development law and the tax law, in relation to establishing the restaurant return-to-work tax credit program (Subpart B); and to amend the tax law and the state finance law, in relation to establishing the New York city musical and theatrical production tax credit (Subpart C) (Part TT)

**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 2021-2022 state fiscal year. Each component is wholly contained within a Part identified as Parts A through TT. 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

Section 1. Subdivisions (h) and (i) of section 1800 of the vehicle and traffic law, as amended by section 1 of part B of chapter 58 of the laws of 2020, are amended to read as follows:

(h) Notwithstanding the provisions of subdivisions (b) and (c) of this section, a person convicted of a traffic infraction for a violation of any ordinance, order, rule, regulation or local law adopted pursuant to one or more of the following provisions of this chapter: paragraphs two and nine of subdivision (a) of section sixteen hundred twenty-one; subdivision three of section sixteen hundred thirty; or subdivision five of section seventy-one of the transportation law, prohibiting the opera-

tion on a highway or parkway of a motor vehicle registered as a commercial vehicle and having a gross vehicle weight rating of at least ten thousand pounds but no more than twenty-six thousand pounds shall, for a first conviction thereof, be punished by a fine of not more than [~~three hundred fifty~~] **one thousand** dollars or by imprisonment of not more than fifteen days or by both such fine and imprisonment; for a conviction of a second violation, both of which were committed within a period of eighteen months, such person shall be punished by a fine of not more than [~~seven~~] **one thousand five** hundred dollars or by imprisonment for not more than forty-five days or by both such fine and imprisonment; upon a conviction of a third or subsequent violation, all of which were committed within a period of eighteen months, such person shall be punished by a fine of not more than [~~one~~] **two** thousand **five hundred** dollars or by imprisonment of not more than ninety days or by both such fine and imprisonment; provided, however, the provisions of this subdivision shall not apply to a commercial motor vehicle as such term is defined in paragraph (a) of subdivision four of section five hundred one-a of this chapter.

(i) Notwithstanding the provisions of subdivisions (b) and (c) of this section, a person convicted of a traffic infraction for a violation of any ordinance, order, rule, regulation or local law adopted pursuant to one or more of the following provisions of this chapter: paragraphs two and nine of subdivision (a) of section sixteen hundred twenty-one; subdivision three of section sixteen hundred thirty; or subdivision five of section seventy-one of the transportation law, prohibiting the operation on a highway or parkway of a commercial motor vehicle as defined in paragraph (a) of subdivision four of section five hundred one-a of this chapter, for a first conviction thereof, be punished by a fine of not more than [~~seven hundred~~] **five thousand** dollars or by imprisonment of not more than fifteen days or by both such fine and imprisonment; for a conviction of a second violation, both of which were committed within a period of eighteen months, such person shall be punished by a fine of not more than [~~one~~] **seven** thousand five hundred dollars or by imprisonment for not more than forty-five days or by both such fine and imprisonment; upon a conviction of a third or subsequent violation, all of which were committed within a period of eighteen months, such person shall be punished by a fine of not more than [~~two~~] **ten** thousand dollars or by imprisonment of not more than ninety days or by both such fine and imprisonment. **In addition to the penalties provided for in this subdivision, the registration of the vehicle may be suspended for a period not to exceed one year whether at the time of the violation the vehicle was in charge of the owner or his agent. The provisions of section five hundred ten of this chapter shall apply to such suspension except as otherwise provided herein.**

§ 2. Subdivision 18-a of section 385 of the vehicle and traffic law, as added by section 2 of part B of chapter 58 of the laws of 2020, is amended to read as follows:

18-a. A violation of the provisions of [~~subdivisions~~] **subdivision** two or fourteen of this section, where the violation relates to the height of the vehicle, including a violation related to the operation, within a city not wholly included within one county, of a vehicle which exceeds the limitations provided for in the rules and regulations of the city department of transportation of such city, shall be punishable by a fine of not more than [~~one~~] **five** thousand dollars, or by imprisonment for not more than thirty days, or by both such fine and imprisonment, for the first offense; by a fine of not more than [~~two~~] **seven** thousand **five**

**hundred** dollars, or by imprisonment for not more than sixty days, or by both such fine and imprisonment, for the second or subsequent offense; provided that a sentence or execution thereof for any violation under this subdivision may not be suspended. For any violation of the provisions of [~~subdivisions~~] **subdivision** two or fourteen of this section where the violation relates to the height of the vehicle, including a violation related to the operation, within a city not wholly included within one county, of a vehicle which exceeds the limitations provided for in the rules and regulations of the city department of transportation of such city, the registration of the vehicle may be suspended for a period not to exceed one year whether at the time of the violation the vehicle was in charge of the owner or his agent. The provisions of section five hundred ten of this chapter shall apply to such suspension except as otherwise provided herein.

§ 3. Subdivision 54 of section 375 of the vehicle and traffic law, as added by chapter 11 of the laws of 2020, is amended to read as follows:

54. Stretch limousine **and commercial motor vehicle** commercial GPS. (a) Every stretch limousine **and commercial motor vehicle** registered in this state shall be equipped with commercial global positioning system (GPS) technology within no later than one year of the date upon which the national highway traffic safety administration promulgates final regulations establishing standards for commercial GPS.

(b) It shall be unlawful to operate or cause to be operated a stretch limousine **or commercial motor vehicle** registered in this state on any public highway or private road open to public motor vehicle traffic unless such stretch limousine **or commercial motor vehicle** is equipped with commercial global positioning system (GPS) technology as required by this subdivision and such commercial global positioning system (GPS) technology is used. The presence in such stretch limousine **or commercial motor vehicle** of commercial global positioning system (GPS) technology connected to a power source and in an operable condition is presumptive evidence of its use by any person operating such stretch limousine **or commercial motor vehicle**. Such presumption may be rebutted by any credible and reliable evidence which tends to show that such commercial global positioning system (GPS) technology was not in use.

(c) For the purposes of this subdivision:

(i) "Stretch limousine" shall mean an altered motor vehicle having a seating capacity of nine or more passengers, including the driver, commonly referred to as a "stretch limousine" and which is used in the business of transporting passengers for compensation; [~~and~~]

(ii) **"Commercial motor vehicle" shall mean a motor vehicle or combination of vehicles having a gross combination weight rating of more than ten thousand pounds used in commerce to transport property or persons and shall include a tow truck with a gross vehicle weight rating of at least eighty-six hundred pounds; and**

**(iii)** "Commercial global positioning system (GPS) technology" shall mean global positioning system (GPS) technology which has been specifically designed to assist in the navigation of commercial motor vehicles.

§ 4. The vehicle and traffic law is amended by adding a new section 509-vv to read as follows:

**§ 509-vv. The use of non-commercial global positioning systems. One year following the date upon which the national highway traffic safety administration promulgates final regulations establishing standards for commercial global positioning systems (GPS), the use of non-commercial global positioning systems (GPS) by any commercial driver or commercial**

motor carrier, while engaged in the operation or directing the operation of any commercial vehicle, is prohibited. For purposes of this section, non-commercial global positioning system (GPS) shall mean any global positioning technology which has not been specifically designed to assist in the navigation of commercial vehicles.

§ 5. The vehicle and traffic law is amended by adding a new section 509-vvv to read as follows:

§ 509-vvv. Parkways notification. Commercial carriers must notify, in writing, all commercial drivers in their employ of the prohibition against operating commercial motor vehicles on parkways.

§ 6. The vehicle and traffic law is amended by adding a new section 509-ii to read as follows:

§ 509-ii. The use of non-commercial global positioning systems. One year following the date upon which the national highway traffic safety administration promulgates final regulations establishing standards for commercial global positioning systems (GPS), the use of non-commercial global positioning systems (GPS) by any bus driver or motor carrier, while engaged in the operation or directing the operation of any bus, is prohibited. For purposes of this section, non-commercial global positioning system (GPS) shall mean any global positioning technology which has not been specifically designed to assist in the navigation of commercial vehicles.

§ 7. The vehicle and traffic law is amended by adding a new section 509-iii to read as follows:

§ 509-iii. Parkways notification. Motor carriers must notify, in writing, all bus drivers in their employ of the prohibition against operating commercial motor vehicles on parkways.

§ 8. The general business law is amended by adding a new section 396-zz to read as follows:

§ 396-zz. Commercial vehicle owner notifications of parkway prohibitions. (a) All rental vehicle companies, as defined in section three hundred ninety-six-z of this article, must notify in writing all authorized drivers or renters, as defined in section three hundred ninety-six-z of this article, of the prohibition against commercial motor vehicles operating on parkways for any rentals or leases of commercial motor vehicles. For purposes of this section "commercial motor vehicle" shall mean a motor vehicle or combination of vehicles having a gross combination weight rating of more than ten thousand pounds used to transport property or persons and shall include a tow truck with a gross vehicle weight rating of at least eighty-six hundred pounds.

(b) A conviction for a violation of this section shall be punishable by a fine of not more than one thousand dollars.

§ 9. Severability. If any clause, sentence, subdivision, paragraph, section or part of this act be adjudged by any court of competent jurisdiction to be invalid, or if any federal agency determines in writing that this act would render New York state ineligible for the receipt of federal funds, such judgment or written determination 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 or written determination shall have been rendered.

§ 10. This act shall take effect on the one hundred eightieth day after it shall have become a law; provided, however, that 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; and provided further that for sections four and six of this act, the commissioner of transportation shall notify the legislative bill drafting commission upon the occurrence of the provisions of sections four and six 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. Effective immediately, the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of sections four and six of this act on its effective date are authorized to be made and completed on or before such effective date.

PART B

Section 1. This act enacts into law components of legislation which are necessary to implement legislation relating to the safety of transportation workers, pedestrians, and the traveling public. Each component is wholly contained within a Subpart identified as Subparts A through D. The effective date for each particular provision contained within such Subpart is set forth in the last section of such Subpart. Any provision in any section contained within a Subpart, including the effective date of the Subpart, 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 Subpart in which it is found. Section three of this act sets forth the general effective date of this act.

SUBPART A

Section 1. Subdivisions 3 and 11 of section 120.05 of the penal law, subdivision 3 as amended by chapter 267 of the laws of 2016, and subdivision 11 as separately amended by chapters 268 and 281 of the laws of 2016, are amended to read as follows:

3. With intent to prevent a peace officer, a police officer, prosecutor as defined in subdivision thirty-one of section 1.20 of the criminal procedure law, registered nurse, licensed practical nurse, public health sanitarian, New York city public health sanitarian, sanitation enforcement agent, New York city sanitation worker, a firefighter, including a firefighter acting as a paramedic or emergency medical technician administering first aid in the course of performance of duty as such firefighter, an emergency medical service paramedic or emergency medical service technician, or medical or related personnel in a hospital emergency department, a city marshal, a school crossing guard appointed pursuant to section two hundred eight-a of the general municipal law, a traffic enforcement officer, traffic enforcement agent**, a highway worker as defined in section one hundred eighteen-a of the vehicle and traffic law, a motor vehicle inspector and motor carrier investigator as defined in section one hundred eighteen-b of the vehicle and traffic law, employee of the New York state department of motor vehicles or a county clerk performing motor vehicle transactions on behalf of such department,** or employee of any entity governed by the public service law in the course of performing an essential service, from performing a lawful duty, by means including releasing or failing to control an animal under circumstances evincing the actor's intent that the animal obstruct the

lawful activity of such peace officer, police officer, prosecutor as defined in subdivision thirty-one of section 1.20 of the criminal procedure law, registered nurse, licensed practical nurse, public health sanitarian, New York city public health sanitarian, sanitation enforcement agent, New York city sanitation worker, firefighter, paramedic, technician, city marshal, school crossing guard appointed pursuant to section two hundred eight-a of the general municipal law, traffic enforcement officer, traffic enforcement agent**, highway worker as defined by section one hundred eighteen-a of the vehicle and traffic law, motor vehicle inspector and motor carrier investigator as defined in section one hundred eighteen-b of the vehicle and traffic law, employee of the New York state department of motor vehicles or a county clerk performing motor vehicle transactions on behalf of such department,** or employee of an entity governed by the public service law, he or she causes physical injury to such peace officer, police officer, prosecutor as defined in subdivision thirty-one of section 1.20 of the criminal procedure law, registered nurse, licensed practical nurse, public health sanitarian, New York city public health sanitarian, sanitation enforcement agent, New York city sanitation worker, firefighter, paramedic, technician or medical or related personnel in a hospital emergency department, city marshal, school crossing guard, traffic enforcement officer, traffic enforcement agent**, highway worker as defined by section eighteen-a of the vehicle and traffic law, motor vehicle inspector and motor carrier investigator as defined in section one hundred eighteen-b of the vehicle and traffic law, employee of the New York state department of motor vehicles or a county clerk performing motor vehicle transactions on behalf of such department,** or employee of an entity governed by the public service law; or

11. With intent to cause physical injury to a train operator, ticket inspector, conductor, signalperson, bus operator, station agent, station cleaner or terminal cleaner employed by any transit agency, authority or company, public or private, whose operation is authorized by New York state or any of its political subdivisions, a city marshal, a school crossing guard appointed pursuant to section two hundred eight-a of the general municipal law, a traffic enforcement officer, traffic enforcement agent, **a highway worker as defined in section one hundred eighteen-a of the vehicle and traffic law, a motor vehicle inspector and motor carrier investigator as defined in section one hundred eighteen-b of the vehicle and traffic law, employee of the New York state department of motor vehicles or a county clerk performing motor vehicle transactions on behalf of such department,** prosecutor as defined in subdivision thirty-one of section 1.20 of the criminal procedure law, sanitation enforcement agent, New York city sanitation worker, public health sanitarian, New York city public health sanitarian, registered nurse, licensed practical nurse, emergency medical service paramedic, or emergency medical service technician, he or she causes physical injury to such train operator, ticket inspector, conductor, signalperson, bus operator, station agent, station cleaner or terminal cleaner, city marshal, school crossing guard appointed pursuant to section two hundred eight-a of the general municipal law, traffic enforcement officer, traffic enforcement agent, **highway worker as defined in section one hundred eighteen-a of the vehicle and traffic law, motor vehicle inspector and motor carrier investigator as defined in section one hundred eighteen-b of the vehicle and traffic law, employee of the New York state department of motor vehicles or a county clerk performing motor vehicle transactions on behalf of such department,** prosecutor as defined in subdivi-

sion thirty-one of section 1.20 of the criminal procedure law, registered nurse, licensed practical nurse, public health sanitarian, New York city public health sanitarian, sanitation enforcement agent, New York city sanitation worker, emergency medical service paramedic, or emergency medical service technician, while such employee is performing an assigned duty on, or directly related to, the operation of a train or bus, including the cleaning of a train or bus station or terminal, or such city marshal, school crossing guard, traffic enforcement officer, traffic enforcement agent, **highway worker as defined by section one hundred eighteen-a of the vehicle and traffic law, motor vehicle inspector and motor carrier investigator as defined in section one hundred eighteen-b of the vehicle and traffic law, employee of the New York state department of motor vehicles or a county clerk performing motor vehicle transactions on behalf of such department,** prosecutor as defined in subdivision thirty-one of section 1.20 of the criminal procedure law, registered nurse, licensed practical nurse, public health sanitarian, New York city public health sanitarian, sanitation enforcement agent, New York city sanitation worker, emergency medical service paramedic, or emergency medical service technician is performing an assigned duty; or

§ 2. The penal law is amended by adding a new section 120.19 to read as follows:

**§ 120.19 Menacing a highway worker.**

**A person is guilty of menacing a highway worker when he or she intentionally places or attempts to place a highway worker in reasonable fear of death, imminent serious physical injury or physical injury. For purposes of this section, a highway worker shall have the same meaning as defined by section one hundred eighteen-a of the vehicle and traffic law.**

**Menacing a highway worker is a class E felony.**

§ 3. The vehicle and traffic law is amended by adding two new sections 118-a and 118-b to read as follows:

**§ 118-a. Highway worker. Any person employed by or on behalf of the state, a county, city, town or village, a public authority, a local authority, or a public utility company, or the agent or contractor of any such entity, who has been assigned to perform work on a highway, including maintenance, repair, flagging, utility work, construction, reconstruction or operation of equipment on public highway infrastructure and associated rights-of-way in highway work areas, and shall also include any flagperson as defined in section one hundred fifteen-b of this article.**

**§ 118-b. Motor vehicle inspector and motor carrier investigator. Any person employed by the New York state department of transportation who has been assigned to perform inspections of any motor vehicles or investigation of any carriers regulated by the commissioner of the New York state department of transportation.**

§ 4. Subparagraphs (xii) and (xiii) of paragraph a of subdivision 2 of section 510 of the vehicle and traffic law, as added by section 1 of part B of chapter 55 of the laws of 2014, are amended to read as follows:

(xii) of a second or subsequent conviction of a violation of section twelve hundred twenty-five-c or section twelve hundred twenty-five-d of this chapter committed where such person is the holder of a probationary license, as defined in subdivision four of section five hundred one of this title, at the time of the commission of such violation and such second or subsequent violation was committed within six months following the restoration or issuance of such probationary license; [~~or~~]

(xiii) of a second or subsequent conviction of a violation of section twelve hundred twenty-five-c or section twelve hundred twenty-five-d of this chapter committed where such person is the holder of a class DJ or MJ learner's permit or a class DJ or MJ license at the time of the commission of such violation and such second or subsequent violation was committed within six months following the restoration of such permit or license; or

**(xiv) of menacing a highway worker, or menacing in the first, second or third degree, as defined in article one hundred twenty of the penal law, where such offense was committed against a highway worker**.

§ 5. The vehicle and traffic law is amended by adding a new section 1221-a to read as follows:

**§ 1221-a. Intrusion into an active work zone. 1. No driver of a vehicle shall enter or intrude into an active work zone except upon direction from a flagperson, police officer, or other visibly designated person in charge of traffic control or upon direction from a traffic control device regulating entry therein. For purposes of this section, the term "active work zone" shall mean the physical area of a highway, street, or private road on which construction, maintenance, or utility work is being conducted, which area is marked by signs, channeling devices, barriers, pavement markings, or work vehicles, and where workers are physically present.**

**2. A violation of subdivision one of this section shall constitute a class B misdemeanor punishable by a fine of not less than two hundred fifty dollars, nor more than five hundred dollars or by a period of imprisonment not to exceed three months, or by both such fine and imprisonment.**

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

SUBPART B

Section 1. Section 600 of the vehicle and traffic law is amended by adding a new subdivision 4 to read as follows:

**4. Any person operating a motor vehicle involved in an accident not involving personal injury or death who moves such vehicle to a location off the roadway but as near as possible to the place where the damage occurred, so as not to obstruct the regular flow of traffic, shall not be construed to be in violation of subdivision one of this section because of such movement.**

§ 2. Subdivision 2 of section 15 of the highway law, as amended by chapter 1110 of the laws of 1971, is amended to read as follows:

2. The commissioner [~~**of transportation**~~]**, a police officer, or any person acting at the direction of the commissioner or a police officer** shall have the power to cause the immediate removal, from the right of way of any state highway, of any vehicle**, cargo, or debris** which obstructs or interferes with the use of such a highway for public travel; or which obstructs or interferes with the construction, reconstruction or maintenance of such a highway; or which obstructs or interferes with the clearing or removal of snow or ice from such a highway; or which obstructs or interferes with any operation of the department of transportation during a public emergency. **The commissioner, or a police officer, or any person acting at the direction of the commissioner or a police officer, shall not be liable for any damage to such vehicle, cargo, or debris, unless such removal was carried out in a reckless or grossly negligent manner.**

§ 3. This act shall take effect immediately.

SUBPART C

Section 1. Paragraph 1 of subdivision (b) of section 1146 of the vehicle and traffic law, as amended by chapter 333 of the laws of 2010, is amended to read as follows:

1. A driver of a motor vehicle who causes physical injury as defined in article ten of the penal law to a pedestrian or bicyclist while failing to exercise due care in violation of subdivision (a) of this section, shall be guilty of a traffic infraction punishable by a fine of not more than [~~five hundred~~] one thousand dollars or by imprisonment for not more than fifteen days or by both such fine and imprisonment.

§ 2. Paragraph 1 of subdivision (c) of section 1146 of the vehicle and traffic law, as amended by chapter 333 of the laws of 2010, is amended to read as follows:

1. A driver of a motor vehicle who causes serious physical injury as defined in article ten of the penal law to a pedestrian or bicyclist while failing to exercise due care in violation of subdivision (a) of this section, shall be guilty of a traffic infraction punishable by a fine of not more than [~~seven hundred fifty~~] one thousand five hundred dollars or by imprisonment for not more than fifteen days or by required participation in a motor vehicle accident prevention course pursuant to paragraph (e-1) of subdivision two of section 65.10 of the penal law or by any combination of such fine, imprisonment or course, and by suspension of a license or registration pursuant to subparagraph (xiv) or (xv) of paragraph b of subdivision two of section five hundred ten of this chapter.

§ 3. Subdivision (d) of section 1146 of the vehicle and traffic law, as amended by chapter 333 of the laws of 2010, is amended to read as follows:

(d) A violation of subdivision (b) or (c) of this section committed by a person who has previously been convicted of any violation of such subdivisions within the preceding five years, shall constitute a class B misdemeanor punishable by a fine of not more than [~~one~~] two thousand dollars in addition to any other penalties provided by law.

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

SUBPART D

Section 1. The vehicle and traffic law is amended by adding a new section 1221-a to read as follows:

§ 1221-a. Work zone safety and outreach. The governor's traffic safety committee, upon consultation with the commissioner of transportation, the superintendent of state police, the commissioner of motor vehicles, the chairman of the New York state thruway authority, local law enforcement agencies, and representatives for contractors and laborers, shall design and implement a public education and outreach program to increase motorist awareness of the importance of highway work zone safety, to reduce the number of work zone incidents, including speeding, unauthorized intrusions into work zones, and any conduct resulting in threats or injuries to highway workers, and to increase and promote work zone safety.

§ 2. This act shall take effect immediately.

§ 2. Severability clause. If any clause, sentence, paragraph, subdivision, section, subpart 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, subpart 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 Subparts A through D of this act shall be as specifically set forth in the last section of such Subparts.

PART C

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, **or by electronically secure proposal submission as permitted by the authority and electronically posted for public view,** 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.

§ 2. This act shall take effect immediately.

PART D

Section 1. Section 359-a of the public authorities law, as amended by section 7 of part TT of chapter 54 of the laws of 2016, is amended to read as follows:

§ 359-a. Procurement contracts. For the purposes of section twenty-eight hundred seventy-nine of this chapter as applied to the authority, the term "procurement contract" shall mean any written agreement for the acquisition of goods or services of any kind by the authority in the actual or estimated amount of [~~fifteen~~] **fifty** thousand dollars or more.

§ 2. This act shall take effect immediately.

PART E

Section 1. Subdivision 3 of section 165.15 of the penal law is amended to read as follows:

3. With intent to obtain railroad, subway, bus, air, taxi or any other public transportation service **or to use any toll highway, parkway, road, bridge or tunnel or to enter or remain in the tolled central business district described in section seventeen hundred four of the vehicle and**

traffic law without payment of the lawful charge or toll therefor, or to avoid payment of the lawful charge or toll for such transportation service which has been rendered to him or her or for such use of any toll highway, parkway, road, bridge or tunnel or for such entering or remaining in such tolled central business district, he or she obtains or attempts to obtain such service or to use any toll highway, parkway, road, bridge or tunnel or to enter or remain in a tolled central business district or avoids or attempts to avoid payment therefor by force, intimidation, stealth, deception or mechanical tampering, or by unjustifiable failure or refusal to pay; or

§ 2. Paragraph (b) of subdivision 1 of section 402 of the vehicle and traffic law, as amended by chapter 109 of the laws of 2005, is amended and a new paragraph (c) is added to read as follows:

(b) Number plates shall be kept clean and in a condition so as to be easily readable and shall not be covered by glass or any plastic material, and shall not be knowingly covered or coated with any artificial or synthetic material or substance that conceals or obscures such number plates or that distorts a recorded or photographic image of such number plates, and the view of such number plates shall not be obstructed by any part of the vehicle or by anything carried thereon[~~, except for a receiver-transmitter issued by a publicly owned tolling facility in connection with electronic toll collection when such receiver-transmitter is affixed to the exterior of a vehicle in accordance with mounting instructions provided by the tolling facility~~].

(c) It shall be unlawful for any person to operate, drive or park a motor vehicle on a toll highway, bridge and/or tunnel facility or enter or remain in the tolled central business district described in section seventeen hundred four of this chapter, under the jurisdiction of the tolling authority, if such number plate is not easily readable, nor shall any number plate be covered by glass or any plastic material, and shall not be knowingly covered or coated with any artificial or synthetic material or substance that conceals or obscures such number plates, or that distorts a recorded or photographic image of such number plates, and the view of such number plates shall not be obstructed by any part of the vehicle or by anything carried thereon, except for a receiver-transmitter issued by a publicly owned tolling authority in connection with electronic toll collection when such receiver-transmitter is affixed to the exterior of a vehicle in accordance with mounting instructions provided by the tolling authority. For purposes of this paragraph, "tolling authority" shall mean every public authority which operates a toll highway, bridge and/or tunnel or a central business district tolling program as well as the Port Authority of New York and New Jersey, a bi-state agency created by compact set forth in chapter one hundred fifty-four of the laws of nineteen hundred twenty-one, as amended.

§ 3. Subdivision 8 of section 402 of the vehicle and traffic law, as amended by chapter 61 of the laws of 1989 and as renumbered by chapter 648 of the laws of 2006, is amended to read as follows:

8. The violation of this section shall be punishable by a fine of not less than twenty-five nor more than two hundred dollars except for violations of paragraph (c) of subdivision one of this section which shall be punishable by a fine of not less than one hundred nor more than five hundred dollars.

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

PART F

Section 1. Subdivisions 1, 2, 3, 4, 5 and 6 of section 1209 of the public authorities law are REPEALED.

§ 2. Paragraphs (a) and (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, are amended to read as follows:

(a) Except as otherwise provided in this section, all purchase contracts for supplies, materials or equipment involving an estimated expenditure in excess of one million dollars and all contracts for public work involving an estimated expenditure in excess of one million dollars shall be awarded by the authority to the lowest responsible bidder after obtaining [~~sealed~~] bids in the manner hereinafter set forth. The aforesaid shall not apply to contracts for personal, architectural, engineering or other professional services. The authority may reject all bids and obtain new bids in the manner provided by this section when it is deemed in the public interest to do so or, in cases where two or more responsible bidders submit identical bids which are the lowest bids, award the contract to any of such bidders or obtain new bids from such bidders. Nothing in this paragraph shall obligate the authority to seek new bids after the rejection of bids or after cancellation of an invitation to bid. Nothing in this section shall prohibit the evaluation of bids on the basis of costs or savings including life cycle costs of the item to be purchased, discounts, and inspection services so long as the invitation to bid reasonably sets forth the criteria to be used in evaluating such costs or savings. Life cycle costs may include but shall not be limited to costs or savings associated with installation, energy use, maintenance, operation and salvage or disposal.

(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 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.

§ 3. Paragraphs (a) and (b) of subdivision 8 of section 1209 of the public authorities law, paragraph (a) as amended by chapter 725 of the laws of 1993 and paragraph (b) as added by chapter 929 of the laws of 1986, are amended to read as follows:

(a) Advertisement for bids, when required by this section, shall be published at least once in [~~a newspaper of general circulation in the area served by the authority and in~~] the procurement opportunities newsletter published pursuant to article four-C of the economic development law provided that, notwithstanding the provisions of article four-C of the economic development law, an advertisement shall only be required when required by this section. Publication in [~~a newspaper of general circulation in the area served or in~~] the procurement opportunities newsletter shall not be required if bids for contracts for supplies, materials or equipment are of a type regularly purchased by the authority and are to be solicited from a list of potential suppliers, if such list is or has been developed consistent with the provisions of subdivision eleven of this section. Any such advertisement shall contain a statement of: (i) the time [~~and place where~~] by which bids received pursuant to any notice requesting [~~sealed~~] bids [~~will be publicly opened and read~~] shall be submitted; (ii) the name of the contracting agency; (iii) the contract identification number; (iv) a brief description of the public work, supplies, materials, or equipment sought, the location where work is to be performed, goods are to be delivered or services provided and the contract term; (v) the [~~address where~~] manner in which bids or proposals are to be submitted; (vi) the date when bids or proposals are due; (vii) a description of any eligibility or qualification requirement or preference; (viii) a statement as to whether the contract requirements may be fulfilled by a subcontracting, joint venture, or co-production arrangement; (ix) any other information deemed useful to potential contractors; and (x) the name, address, and telephone number of the person to be contacted for additional information. At least [~~fifteen~~] ten business days shall elapse between the first publication of such advertisement or the solicitation of bids, as the case may be, and the date of opening and reading of bids.

(b) The authority may designate any officer or employee to [~~open the bids at the time and place bids are to be opened and may designate an officer to~~] award the contract to the lowest responsible bidder. [~~Such designee shall make a record of all bids in such form and detail as the authority shall prescribe.~~] All bids [~~received~~] shall be received either through an electronic bidding platform and electronically posted for public view, or publicly opened and read, in either case at the time [~~and~~], place and in the manner specified in the advertisement or specified at the time of solicitation, or to which the opening and reading or posting have been adjourned by the authority. All bidders shall be notified of the time and place of any such adjournment. The authority's designated officer or employee shall make a record of all bids in such form and detail as the authority shall prescribe.

§ 4. 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 or (ii) the state of New York or the city of New York,~~] any department, agency or instrumentality of the United States government and/or any department, agency, office, political subdivision or instrumentality of any state or states 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. The authori-

ty shall accept sole responsibility for any payment due the vendor as a result of the authority's order; or

§ 5. Paragraphs (f) and (g) of subdivision 9 of section 1209 of the public authorities law are REPEALED.

§ 6. Section 1209 of the public authorities law is amended by adding a new subdivision 9-a to read as follows:

**9-a. Subdivision seven of this section notwithstanding, the authority may award design-build contracts or contracts for the purchase or rehabilitation of rapid transit cars or omnibuses pursuant to a process of competitive request for proposals as hereinafter set forth.**

**(a) (i) For purposes of this section, a process for competitive request for proposals shall mean a method of soliciting proposals and awarding a contract on the basis of a formal evaluation of the characteristics, such as quality, cost, delivery schedule and financing of such proposals against stated selection criteria. Public notice of the requests for proposals shall be given in the same manner as provided in subdivision eight of this section and shall include the selection criteria. In the event the authority makes a material change in the selection criteria from those previously stated in the notice, it will inform all proposers of such change and permit proposers to modify their proposals.**

**(ii) The authority may award a contract pursuant to this paragraph only after a resolution approved by a two-thirds vote of its members then in office at a public meeting of the authority with such resolution (A) disclosing the other proposers and the substance of their proposals, (B) summarizing the negotiation process including the opportunities, if any, available to proposers to present and modify their proposals, and (C) setting forth the criteria upon which the selection was made.**

**(iii) Nothing in this paragraph shall require or preclude (A) negotiations with any proposers following the receipt of responses to the request for proposals, or (B) the rejection of any or all proposals at any time. Upon the rejection of all proposals, the authority may solicit new proposals or bids in any manner prescribed in this section.**

**(b)(i) The authority may issue a competitive request for proposals pursuant to the procedures of paragraph (a) of this subdivision for the purchase or rehabilitation of rapid transit cars and omnibuses. Any such request may include among the stated selection criteria the performance of all or a portion of the contract at sites within the state of New York or the use of goods produced or services provided within the state of New York, provided however that in no event shall the authority award a contract to a manufacturer whose final offer, as expressed in unit cost is more than ten percent higher than the unit cost of any qualified competing final offer, if the sole basis for such award is that the higher priced offer includes more favorable provision for the performance of the contract within the state of New York or the use of goods produced or services provided within the state of New York, and further provided that the authority's discretion to award a contract to any manufacturer shall not be so limited if a basis for such award, as determined by the authority, is superior financing, delivery schedule, life cycle, reliability, or any other factor the authority deems relevant to its operations.**

**(ii) The authority may award a contract pursuant to this paragraph only after a resolution approved by a vote of not less than two-thirds of its members then in office at a public meeting of the authority with such resolution (A) disclosing the other proposers and the substance of their proposals, (B) summarizing the negotiation process including the opportunities, if any, available to proposers to present and modify**

their proposals, and (C) setting forth the criteria upon which the selection was made.

(iii) Nothing in this paragraph shall require or preclude (A) negotiations with any proposers following the receipt of responses to the request for proposals, or (B) the rejection of any or all proposals at any time. Upon the rejection of all proposals, the authority may solicit new proposals or bids in any manner prescribed in this section.

§ 7. 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.

§ 8. Subdivision 1 of section 1265-a of the public authorities law is REPEALED.

§ 9. Paragraphs (a) and (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, are amended to read as follows:

(a) Except as otherwise provided in this section, all purchase contracts for supplies, materials or equipment involving an estimated expenditure in excess of one million dollars and all contracts for public work involving an estimated expenditure in excess of one million dollars shall be awarded by the authority to the lowest responsible bidder after obtaining [~~sealed~~] bids in the manner hereinafter set forth. For purposes hereof, contracts for public work shall exclude contracts for personal, engineering and architectural, or professional services. The authority may reject all bids and obtain new bids in the manner provided by this section when it is deemed in the public interest to do so or, in cases where two or more responsible bidders submit identical bids which are the lowest bids, award the contract to any of such bidders or obtain new bids from such bidders. Nothing in this paragraph shall obligate the authority to seek new bids after the rejection of bids or after cancellation of an invitation to bid. Nothing in this section shall prohibit the evaluation of bids on the basis of costs or savings including life cycle costs of the item to be purchased, discounts, and inspection services so long as the invitation to bid reasonably sets forth the criteria to be used in evaluating such costs or savings. Life cycle costs may include but shall not be limited to costs or savings associated with installation, energy use, maintenance, operation and salvage or disposal.

(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 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.

§ 10. Paragraphs (a) and (b) of subdivision 3 of section 1265-a of the public authorities law, paragraph (a) as amended by chapter 494 of the laws of 1990 and paragraph (b) as added by chapter 929 of the laws of 1986, are amended to read as follows:

(a) Advertisement for bids, when required by this section, shall be published at least once in [~~a newspaper of general circulation in the area served by the authority and in~~] the procurement opportunities newsletter published pursuant to article four-C of the economic development law provided that, notwithstanding the provisions of article four-C of the economic development law, an advertisement shall only be required for a purchase contract for supplies, materials or equipment when required by this section. Publication in [~~a newspaper of general circulation in the area served or in~~] the procurement opportunities newsletter shall not be required if bids for contracts for supplies, materials or equipment are of a type regularly purchased by the authority and are to be solicited from a list of potential suppliers, if such list is or has been developed consistent with the provisions of subdivision six of this section. Any such advertisement shall contain a statement of: (i) the time [~~and place where~~] by which bids received pursuant to any notice requesting [~~sealed~~] bids [~~will be publicly opened and read~~] shall be submitted; (ii) the name of the contracting agency; (iii) the contract identification number; (iv) a brief description of the public work, supplies, materials, or equipment sought, the location where work is to be performed, goods are to be delivered or services provided and the contract term; (v) the [~~address where~~] manner in which bids or proposals are to be submitted; (vi) the date when bids or proposals are due; (vii) a description of any eligibility or qualification requirement or preference; (viii) a statement as to whether the contract requirements may be fulfilled by a subcontracting, joint venture, or co-production arrangement; (ix) any other information deemed useful to potential contractors; and (x) the name, address, and telephone number of the person to be contacted for additional information. At least [~~fifteen~~] ten business days shall elapse between the first publication of such advertisement or the solicitation of bids, as the case may be, and the date of opening and reading of bids.

(b) The authority may designate any officer or employee to [~~open the bids at the time and place bids are to be opened and may designate an~~

~~officer to~~] award the contract to the lowest responsible bidder. [~~Such designee shall make a record of all bids in such form and detail as the authority shall prescribe.~~] All bids [~~received~~] shall be **received either through an electronic bidding platform and electronically posted for public view, or** publicly opened and read**, in either case** at the time**,** [~~and~~] place **and in the manner** specified in the advertisement or at the time of solicitation, or to which the opening and reading **or posting** have been adjourned by the authority. All bidders shall be notified of the time and place of any such adjournment. **The authority's designated officer or employee shall make a record of all bids in such form and detail as the authority shall prescribe**.

§ 11. 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~~] **any department, agency or instrumentality of the United States government and/or any department, agency, office, political subdivision or instrumentality of any state or states**, 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. The authority shall accept sole responsibility for any payment due the vendor as a result of the authority's order; or

§ 12. Paragraphs (f) and (g) of subdivision 4 of section 1265-a of the public authorities law are REPEALED.

§ 13. Section 1265-a of the public authorities law is amended by adding a new subdivision 4-a to read as follows:

**4-a. Subdivision two of this section notwithstanding, the authority may award design-build contracts or contracts for the purchase or rehabilitation of rapid transit cars or omnibuses pursuant to a process of competitive request for proposals as hereinafter set forth.**

**(a) (i) For purposes of this section, a process for competitive requests for proposals shall mean a method of soliciting proposals and awarding a contract on the basis of a formal evaluation of the characteristics, such as quality, cost, delivery schedule and financing of such proposals against stated selection criteria. Public notice of the requests for proposals shall be given in the same manner as provided in subdivision three of this section and shall include the selection criteria. In the event the authority makes a material change in the selection criteria from those previously stated in the notice, it will inform all proposers of such change and permit proposers to modify their proposals.**

**(ii) The authority may award a contract pursuant to this paragraph only after a resolution approved by a two-thirds vote of its members then in office at a public meeting of the authority with such resolution (A) disclosing the other proposers and the substance of their proposals, (B) summarizing the negotiation process including the opportunities, if any, available to proposers to present and modify their proposals, and (C) setting forth the criteria upon which the selection was made.**

**(iii) Nothing in this paragraph shall require or preclude (A) negotiations with any proposers following the receipt of responses to the request for proposals, or (B) the rejection of any or all proposals at any time. Upon the rejection of all proposals, the authority may solicit new proposals or bids in any manner prescribed in this section.**

(b)(i) The authority may issue a competitive request for proposals pursuant to the procedures of paragraph (a) of this subdivision for the purchase or rehabilitation of rail cars and omnibuses. Any such request may include among the stated selection criteria the performance of all or a portion of the contract at sites within the state of New York or the use of goods produced or services provided within the state of New York, provided however that in no event shall the authority award a contract to a manufacturer whose final offer, as expressed in unit cost is more than ten percent higher than the unit cost of any qualified competing final offer, if the sole basis for such award is that the higher priced offer includes more favorable provision for the performance of the contract within the state of New York or the use of goods produced or services provided within the state of New York, and further provided that the authority's discretion to award a contract to any manufacturer shall not be so limited if a basis for such award, as determined by the authority, is superior financing, delivery schedule, life cycle, reliability, or any other factor the authority deems relevant to its operations.

(ii) The authority may award a contract pursuant to this paragraph only after a resolution approved by a vote of not less than a two-thirds vote of its members then in office at a public meeting of the authority with such resolution (A) disclosing the other proposers and the substance of their proposals, (B) summarizing the negotiation process including the opportunities, if any, available to proposers to present and modify their proposals, and (C) setting forth the criteria upon which the selection was made.

(iii) Nothing in this paragraph shall require or preclude (A) negotiations with any proposers following the receipt of responses to the request for proposals, or (B) the rejection of any or all proposals at any time. Upon the rejection of all proposals, the authority may solicit new proposals or bids in any manner prescribed in this section.

§ 14. 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 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 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.

§ 15. Section 15 of part OO of chapter 54 of the laws of 2016, amending the public authorities law relating to procurements by the New York City transit authority and the metropolitan transportation authority, is amended to read as follows:

§ 15. This act shall take effect immediately[~~, and shall expire and be deemed repealed April 1, 2021~~].

§ 16. This act shall take effect immediately.

PART G

Section 1. Section 1266 of the public authorities law is amended by adding two new subdivisions 12-b and 12-c to read as follows:

12-b. Whenever in connection with the improvement, construction, reconstruction or rehabilitation of a transportation facility or a transit facility the authority determines that the pipes, mains, conduits or other infrastructure of any public service corporation and any fixtures and appliances connected therewith or attached thereto shall be removed, relocated or otherwise protected or replaced, either temporarily or permanently, hereinafter referred to as "the required utility work", the following provisions shall apply:

(a) Except as provided in paragraph (c) of this subdivision, the public service corporation shall design and perform all of the required utility work within a number of days after receipt of the authority's construction plans, which number of days shall be determined by the authority after consultation with the public service corporation. The cost of such required utility work, including the design, shall be borne solely by the public service corporation.

(b) In designing and performing the required utility work, a public service corporation shall not create the need for another public service corporation to remove or relocate its pipes, mains, conduits or other infrastructure without the agreement of the authority.

(c) The authority may opt to perform some or all of the required utility work on its own or by a contract or other arrangement. If the authority opts to perform some or all of the required utility work, the authority may also opt to provide the design for such work. If the authority opts to perform some or all of the required utility work, the public service corporation shall perform the portion of the utility work not performed by the authority and shall reimburse the authority for the authority's actual cost to perform the utility work, including the cost of the design done by the authority. If the authority designs some or all of the required utility work, such design shall be subject to the review and approval of the public service corporation, which shall not be unreasonably withheld. Such review and approval shall be completed within twenty-one calendar days, or within such other period of time as may be determined by the authority after consultation with the public service corporation.

12-c. Whenever in connection with the improvement, construction, reconstruction or rehabilitation of a transportation facility or transit facility the authority determines that the water or sewer infrastructure, including pipes or mains, street lighting, traffic signal systems, emergency call boxes and associated infrastructure of the city of New York and any fixtures and appliances connected therewith or attached thereto must be removed, relocated, or otherwise protected or replaced, either temporarily or permanently, hereinafter referred to as "the required city work", the following provisions shall apply:

(a) The city of New York shall provide any approvals or permits required by the authority for the required city work within thirty calendar days of submission by the authority of its construction plans or within such other period of time as may be determined by the authority after consultation with the city of New York.

(b) The authority shall pay the cost of the required city work and the cost of upgrading the water or sewer infrastructure to comply with the current standards of the city of New York for materials and capacity as determined by the current service being provided; provided, however, that the city of New York shall not demand that the authority provide for anticipated future service increases or any other betterments without the authority's agreement.

(c) In reviewing the authority's design for the required city work, or in providing any permits or approvals for the required city work, the city of New York shall not create the need for a public service corporation to remove or relocate its pipes, mains, conduits or other infrastructure without the agreement of the authority.

(d) The city of New York shall cooperate with the authority and public service corporations in planning and coordinating the relocation of its own water and sewer infrastructure as well as the pipes, mains, conduits or other infrastructure of any public service corporation. The city of New York shall not require the removal or relocation of additional public service corporation pipes, mains, conduits or other infrastructure beyond the minimum required to accommodate the required work.

§ 2. This act shall take effect immediately.

PART H

Section 1. Subdivision 12 of section 1266 of the public authorities law, as added by chapter 314 of the laws of 1981, is amended to read as follows:

12. The authority may, for itself or upon request of the New York city transit authority, upon suitable notice to and an offer to consult with an officer designated by the city of New York, occupy the streets of the city of New York for the purpose of doing, as a beneficial owner of such project via contract, easement agreement or other such agreement, any work over or under the same in connection with the improvement, construction, reconstruction or rehabilitation of a transportation facility without the consent of or payment to such city[~~.~~], notwithstanding that the city has previously permitted any such portion of such streets to be occupied by another. For the purposes of this subdivision, a "transportation facility" shall include a stairway entrance, elevator, escalator or other vertical transportation connecting to a subway station or any other transit improvement that is being renovated, relocated or constructed under a contract, easement agreement or other agreement with the authority or the New York city transit authority pursuant to the zoning resolution of the city of New York.

§ 2. This act shall take effect immediately.

PART I

Section 1. Subdivision 11 of section 120.05 of the penal law, as separately amended by chapters 268 and 281 of the laws of 2016, is amended to read as follows:

11. With intent to cause physical injury to a train operator, ticket inspector, conductor, signalperson, bus operator, station agent, station cleaner [~~or~~], terminal cleaner, station customer assistant; person whose official duties include the sale or collection of tickets, passes, vouchers, or other fare payment media for use on a train or bus; a person whose official duties include the maintenance, repair, inspection, troubleshooting, testing or cleaning of a transit signal

system, elevated or underground subway tracks, transit station structure, train yard, revenue train in passenger service, or a train or bus station or terminal; or a supervisor of such personnel, employed by any transit agency, authority or company, public or private, whose operation is authorized by New York state or any of its political subdivisions, a city marshal, a school crossing guard appointed pursuant to section two hundred eight-a of the general municipal law, a traffic enforcement officer, traffic enforcement agent, prosecutor as defined in subdivision thirty-one of section 1.20 of the criminal procedure law, sanitation enforcement agent, New York city sanitation worker, public health sanitarian, New York city public health sanitarian, registered nurse, licensed practical nurse, emergency medical service paramedic, or emergency medical service technician, he or she causes physical injury to such train operator, ticket inspector, conductor, signalperson, bus operator, station agent, station cleaner [~~or~~], terminal cleaner, station customer assistant; person whose official duties include the sale or collection of tickets, passes, vouchers or other fare payment media for use on a train or bus; a person whose official duties include the maintenance, repair, inspection, troubleshooting, testing or cleaning of a transit signal system, elevated or underground subway tracks, transit station structure, train yard, revenue train in passenger service, or a train or bus station or terminal; or a supervisor of such personnel, city marshal, school crossing guard appointed pursuant to section two hundred eight-a of the general municipal law, traffic enforcement officer, traffic enforcement agent, prosecutor as defined in subdivision thirty-one of section 1.20 of the criminal procedure law, registered nurse, licensed practical nurse, public health sanitarian, New York city public health sanitarian, sanitation enforcement agent, New York city sanitation worker, emergency medical service paramedic, or emergency medical service technician, while such employee is performing an assigned duty on, or directly related to, the operation of a train or bus, [~~including the~~] cleaning of a train or bus station or terminal or maintenance of a train or bus station or terminal, signal system, elevated or underground subway tracks, transit station structure, train yard or revenue train in passenger service, or such city marshal, school crossing guard, traffic enforcement officer, traffic enforcement agent, prosecutor as defined in subdivision thirty-one of section 1.20 of the criminal procedure law, registered nurse, licensed practical nurse, public health sanitarian, New York city public health sanitarian, sanitation enforcement agent, New York city sanitation worker, emergency medical service paramedic, or emergency medical service technician is performing an assigned duty; or

§ 2. Section 240.30 of the penal law is amended by adding a new subdivision 3-a to read as follows:

3-a. Strikes, shoves, kicks, or otherwise subjects another person to physical contact, which includes spitting on such other person, and such other person is an on-duty train operator; ticket inspector; conductor; signalperson; bus operator; station agent; station cleaner; terminal cleaner; station customer assistant; person whose official duties include the sale or collection of tickets, passes, vouchers or other fare payment media for use on a train or bus; person whose official duties include the maintenance, repair, inspection, troubleshooting, testing or cleaning of a transit signal system, elevated or underground subway tracks, transit station structure, train yard, revenue train in passenger service, or train or bus station or terminal, or a supervisor of such personnel, employed by any transit agency, authority or company,

public or private, whose operation is authorized by New York state or any of its political subdivisions; or

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

PART J

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 FF of chapter 58 of the laws of 2020, 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, [~~2021~~] 2024, 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 K

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 EE of chapter 58 of the laws of 2020, 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, [~~2021~~] 2024.

§ 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 L

Section 1. The multiple dwelling law is amended by adding a new section 277-a to read as follows:

§ 277-a. Temporary rules upon legislative finding of special state interest. 1. Application of rule. This section shall apply to building permits lawfully issued, or for which a completed application has been filed as defined by local law, on or before December thirty-first, two thousand twenty-six.

2. Applicability. Notwithstanding any other provision of this chapter or other state law to the contrary, no local zoning law ordinance, resolution or regulation addressing the minimum light and air standards for joint living-work quarters for artists or general residential portions of lofts or manufacturing and commercial buildings altered to residential use shall limit the applicability of this article to: (a) buildings erected prior to January first, nineteen hundred seventy-seven; or (b) specific locations or districts within the municipality, but shall apply this article uniformly throughout. Notwithstanding any state law, other local zoning law, ordinance, resolution, or regulation to the contrary, the conversions described in subdivisions three and four of this section are hereby authorized.

3. Class B multiple dwellings. The provisions of this section shall apply to any conversion of or alteration or improvement to any class B multiple dwelling operating as a hotel comprising fewer than one hundred fifty rooms, that is converted to a property that is (a) part of a state affordable housing plan or agreement with the department of homes and community renewal to provide a minimum of twenty percent of such housing units created as affordable housing, or (b) is to be operated as a supportive housing facility that is under a contract with any state or city agency to provide housing and supportive services for any population, or (c) will instead provide an amount necessary to support the creation or preservation of affordable housing or prevent homelessness as determined by the commissioner of the department of homes and community renewal and is located on tax lots in the city of New York already existing or created upon the effective date of this section, in any borough outside of Manhattan, or within the following area in the borough of Manhattan, beginning at the intersection of the United States pierhead line in the Hudson river and the center line of Chambers street extended, thence easterly to the center line of Chambers street and continuing along the center line of Chambers street to the center line of Centre street, thence southerly along the center line of Centre street to the center line of the Brooklyn Bridge to the intersection of the Brooklyn Bridge and the United States pierhead line in the East river, thence northerly along the United States pierhead line in the East river to the intersection of the United States pierhead line in the East river and the center line of One Hundred Tenth street extended, thence westerly to the center line of One Hundred Tenth street and continuing along the center line of One Hundred Tenth street to its westerly terminus, thence westerly to the intersection of the center line of One Hundred Tenth street extended and the United States pierhead line in the Hudson river, thence southerly along the United States pierhead line in the Hudson river to the point of beginning.

4. Commercial office buildings. The provisions of this section shall apply to any conversion of or alteration or improvement to any commercial office building which is graded based upon its market rate price as "class B or class C" properties within the area between 9th avenue on the westerly side, and Park avenue on the easterly side, utilizing 60th street as a northerly border and 14th street to the south, together encompassing a central business district provided that upon conversion or alteration or improvement such new use is either: (a) part of a state affordable housing plan or agreement with the department of homes and community renewal to provide a minimum of twenty percent of such housing units created as affordable housing, or (b) to operate as a supportive housing facility that is under a contract with any state or city agency to provide housing and supportive services for any population, or (c) to provide an amount necessary to support the creation or preservation of affordable housing or prevent homelessness as determined by the commissioner of the department of homes and community renewal.

§ 2. This act shall take effect immediately and shall expire December 31, 2026 when upon such date the provisions of this act shall be deemed repealed, provided however, that no variance shall be required to obtain a certificate of occupancy if such building satisfied the provisions of this act upon commencement, nor shall any other administrative action be required upon completion should this provision have otherwise expired.

PART M

Section 1. Section 3 of part S of chapter 58 of the laws of 2016, relating to transferring the statutory authority for the promulgation of marketing orders from the department of agriculture and markets to the New York state urban development corporation, as amended by section 1 of part Y of chapter 58 of the laws of 2018, is amended to read as follows:

§ 3. This act shall take effect on the ninetieth day after it shall have become a law [~~and shall expire and be deemed repealed July 31, 2021~~]; provided, however, that any assessment due and payable under such marketing orders shall be remitted to the urban development corporation starting 30 days after such effective date.

§ 2. This act shall take effect immediately.

PART N

Section 1. Section 2 of chapter 21 of the laws of 2003, amending the executive law relating to permitting the secretary of state to provide special handling for all documents filed or issued by the division of corporations and to permit additional levels of such expedited service, as amended by section 1 of part R of chapter 58 of the laws of 2020, is amended to read as follows:

§ 2. This act shall take effect immediately, provided however, that section one of this act shall be deemed to have been in full force and effect on and after April 1, 2003 [~~and shall expire March 31, 2021~~].

§ 2. This act shall take effect immediately and shall be deemed to have been in full force and effect on and after March 31, 2021.

PART O

Section 1. Paragraph (d) of section 304 of the business corporation law is amended to read as follows:

(d) Any designated [~~post-office~~] **post office** address to which the secretary of state shall mail a copy of process served upon him **or her** as agent of a domestic corporation or a foreign corporation, shall continue until the filing of a certificate **or other instrument** under this chapter directing the mailing to a different [~~post-office~~] **post office** address **and any designated email address to which the secretary of state shall email notice of the fact that process has been electronically served upon him or her as agent of a domestic corporation or foreign corporation shall continue until the filing of a certificate or other instrument under this chapter changing or deleting the email address**.

§ 2. Subparagraph 1 of paragraph (b) of section 306 of the business corporation law, as amended by chapter 419 of the laws of 1990, is amended to read as follows:

(1) Service of process on the secretary of state as agent of a domestic or authorized foreign corporation shall be made [~~by personally~~] **in the manner provided by clause (i) or (ii) of this subparagraph. (i) Personally** delivering to and leaving with the secretary of state or a deputy, or with any person authorized by the secretary of state to receive such service, at the office of the department of state in the city of Albany, duplicate copies of such process together with the statutory fee, which fee shall be a taxable disbursement. Service of process on such corporation shall be complete when the secretary of state is so served. The secretary of state shall promptly send one of such copies by certified mail, return receipt requested, to such corporation, at the post office address, on file in the department of state, specified for

the purpose. If a domestic or authorized foreign corporation has no such address on file in the department of state, the secretary of state shall so mail such copy, in the case of a domestic corporation, in care of any director named in its certificate of incorporation at the director's address stated therein or, in the case of an authorized foreign corporation, to such corporation at the address of its office within this state on file in the department**. (ii) Electronically submitting a copy of the process to the department of state together with the statutory fee, which fee shall be a taxable disbursement, through an electronic system operated by the department of state, provided the domestic or authorized foreign corporation has an email address on file in the department of state to which the secretary of state shall email a notice of the fact that process has been served electronically on the secretary of state. Service of process on such corporation shall be complete when the secretary of state has reviewed and accepted service of such process. The secretary of state shall promptly send a notice of the fact that process has been served to such corporation at the email address on file in the department of state, specified for the purpose and shall make a copy of the process available to such corporation**.

§ 3. The opening paragraph of paragraph (b) of section 307 of the business corporation law is amended to read as follows:

Service of such process upon the secretary of state shall be made [~~by personally~~] **in the manner provided by subparagraph one or two of this paragraph. (1) Personally** delivering to and leaving with him or his deputy, or with any person authorized by the secretary of state to receive such service, at the office of the department of state in the city of Albany, a copy of such process together with the statutory fee, which fee shall be a taxable disbursement**. (2) Electronically submitting a copy of the process to the department of state together with the statutory fee, which fee shall be a taxable disbursement, through an electronic system operated by the department of state**. Such service shall be sufficient if notice thereof and a copy of the process are:

§ 4. Subparagraph 7 of paragraph (a) of section 402 of the business corporation law is amended to read as follows:

(7) A designation of the secretary of state as agent of the corporation upon whom process against it may be served and the post office address within or without this state to which the secretary of state shall mail a copy of any process against it served upon him **or her. The corporation may include an email address to which the secretary of state shall email a notice of the fact that process against it has been electronically served upon him or her**.

§ 5. Paragraph (b) of section 801 of the business corporation law is amended by adding a new subparagraph 15 to read as follows:

**(15) To specify, change or delete the email address to which the secretary of state shall email a notice of the fact that process against the corporation has been electronically served upon him or her.**

§ 6. Paragraph (b) of section 803 of the business corporation law is amended by adding a new subparagraph 4 to read as follows:

**(4) To specify, change or delete the email address to which the secretary of state shall email a notice of the fact that process against the corporation has been electronically served upon him or her.**

§ 7. Paragraph (b) of section 805-A of the business corporation law, as added by chapter 725 of the laws of 1964, is amended to read as follows:

(b) A certificate of change which changes only the post office address to which the secretary of state shall mail a copy of any process against

a corporation served upon him or **her, and/or the email address to which the secretary of state shall email a notice of the fact that process against it has been electronically served upon the secretary of state and/or** the address of the registered agent, provided such address being changed is the address of a person, partnership or other corporation whose address, as agent, is the address to be changed**, and/or the email address being changed is the email address of a person, partnership or corporation whose email address, as agent, is the email address to be changed,** or who has been designated as registered agent for such corporation, may be signed[~~, verified~~] and delivered to the department of state by such agent. The certificate of change shall set forth the statements required under subparagraphs (a) (1), (2) and (3) of this section; that a notice of the proposed change was mailed to the corporation by the party signing the certificate not less than thirty days prior to the date of delivery to the department and that such corporation has not objected thereto; and that the party signing the certificate is the agent of such corporation to whose address the secretary of state is required to mail copies of process [~~or~~]**, and/or the agent of the corporation to whose email address the secretary of state is required to mail a notice of the fact that process against it has been electronically served upon the secretary of state, and/or** the registered agent, if such be the case. A certificate signed[~~, verified~~] and delivered under this paragraph shall not be deemed to effect a change of location of the office of the corporation in whose behalf such certificate is filed.

§ 8. Subparagraph 8 of paragraph (a) of section 904-a of the business corporation law, as amended by chapter 177 of the laws of 2008, is amended to read as follows:

(8) If the surviving or resulting entity is a foreign corporation or other business entity, a designation of the secretary of state as its agent upon whom process against it may be served in the manner set forth in paragraph (b) of section three hundred six of this chapter, in any action or special proceeding, and a post office address, within or without this state, to which the secretary of state shall mail a copy of any process against it served upon him **or her. The corporation may include an email address to which the secretary of state shall email a notice of the fact that process against it has been electronically served upon him or her**. Such post office address shall supersede any prior address designated as the address to which process shall be mailed **and such email address shall supersede any prior email address designated as the email address to which a notice shall be sent**;

§ 9. Clause (G) of subparagraph 2 of paragraph (e) of section 907 of the business corporation law, as amended by chapter 494 of the laws of 1997, is amended to read as follows:

(G) A designation of the secretary of state as its agent upon whom process against it may be served in the manner set forth in paragraph (b) of section 306 (Service of process), in any action or special proceeding, and a post office address, within or without this state, to which the secretary of state shall mail a copy of any process against it served upon him **or her. The corporation may include an email address to which the secretary of state shall email a notice of the fact that process against it has been electronically served upon him or her**. Such post office address shall supersede any prior address designated as the address to which process shall be mailed **and such email address shall supersede any prior email address designated as the email address to which a notice shall be sent**.

§ 10. Subparagraph 6 of paragraph (a) of section 1304 of the business corporation law, as amended by chapter 684 of the laws of 1963 and as renumbered by chapter 590 of the laws of 1982, is amended to read as follows:

(6) A designation of the secretary of state as its agent upon whom process against it may be served and the post office address within or without this state to which the secretary of state shall mail a copy of any process against it served upon him **or her. The corporation may include an email address to which the secretary of state shall email a notice of the fact that process against it has been electronically served upon him or her**.

§ 11. Paragraph (a) of section 1308 of the business corporation law is amended by adding a new subparagraph 10 to read as follows:

**(10) To specify, change or delete the email address to which the secretary of state shall email a notice of the fact that process against the corporation has been electronically served upon him or her.**

§ 12. Paragraph (c) of section 1309-A of the business corporation law, as amended by chapter 172 of the laws of 1999, is amended and a new subparagraph 4 is added to paragraph (a) to read as follows:

**(4) To specify, change or delete the email address to which the secretary of state shall email a notice of the fact that process against the corporation has been electronically served upon him or her.**

(c) A certificate of change of application for authority which changes only the post office address to which the secretary of state shall mail a copy of any process against an authorized foreign corporation served upon him or **her, and/or the email address to which the secretary of state shall email a notice of the fact that process against it has been electronically served upon the secretary of state and/or** which changes the address of its registered agent, provided such address is the address of a person, partnership or other corporation whose address, as agent, is the address to be changed [~~or~~]**, and/or the email address being changed is the email address of a person, partnership or corporation whose email address, as agent, is the email address to be changed, and/or** who has been designated as registered agent for such authorized foreign corporation, may be signed and delivered to the department of state by such agent. The certificate of change of application for authority shall set forth the statements required under subparagraphs (1), (2), (3) and (4) of paragraph (b) of this section; that a notice of the proposed change was mailed by the party signing the certificate to the authorized foreign corporation not less than thirty days prior to the date of delivery to the department and that such corporation has not objected thereto; and that the party signing the certificate is the agent of such foreign corporation to whose address the secretary of state is required to mail copies of process [~~or~~]**, and/or the agent of such foreign corporation to whose email address the secretary of state is required to mail a notice of the fact that process against it has been electronically served on the secretary of state and/or** the registered agent, if such be the case. A certificate signed and delivered under this paragraph shall not be deemed to effect a change of location of the office of the corporation in whose behalf such certificate is filed.

§ 13. Subparagraph 6 of paragraph (a) and paragraph (d) of section 1310 of the business corporation law, the opening paragraph of paragraph (d) as amended by chapter 172 of the laws of 1999, are amended to read as follows:

(6) A post office address within or without this state to which the secretary of state shall mail a copy of any process against it served upon him **or her. The corporation may include an email address to which the secretary of state shall email a notice of the fact that process against it has been electronically served upon him or her**.

(d) The post office address **and/or the email address** specified under subparagraph (6) of paragraph (a) of this section may be changed. A certificate, entitled "Certificate of amendment of certificate of surrender of authority of ..... (name of corporation) under section 1310 of the Business Corporation Law", shall be signed as provided in paragraph (a) of this section and delivered to the department of state. It shall set forth:

(1) The name of the foreign corporation.

(2) The jurisdiction of its incorporation.

(3) The date its certificate of surrender of authority was filed by the department of state.

(4) The changed post office address, within or without this state, to which the secretary of state shall mail a copy of any process against it served upon him **or her and/or the changed email address to which the secretary of state shall email a notice of the fact that process against it has been electronically served upon him or her**.

§ 14. Section 1311 of the business corporation law, as amended by chapter 375 of the laws of 1998, is amended to read as follows:

§ 1311. Termination of existence.

When an authorized foreign corporation is dissolved or its authority or existence is otherwise terminated or cancelled in the jurisdiction of its incorporation or when such foreign corporation is merged into or consolidated with another foreign corporation, a certificate of the secretary of state, or official performing the equivalent function as to corporate records, of the jurisdiction of incorporation of such foreign corporation attesting to the occurrence of any such event or a certified copy of an order or decree of a court of such jurisdiction directing the dissolution of such foreign corporation, the termination of its existence or the cancellation of its authority shall be delivered to the department of state. The filing of the certificate, order or decree shall have the same effect as the filing of a certificate of surrender of authority under section 1310 (Surrender of authority). The secretary of state shall continue as agent of the foreign corporation upon whom process against it may be served in the manner set forth in paragraph (b) of section 306 (Service of process), in any action or special proceeding based upon any liability or obligation incurred by the foreign corporation within this state prior to the filing of such certificate, order or decree and he **or she** shall promptly cause a copy of any such process to be mailed by [~~registered~~] **certified** mail, return receipt requested, to such foreign corporation at the post office address on file in his **or her** office specified for such purpose **or a notice of the fact that process against such foreign corporation has been served on him or her to be emailed to the foreign corporation at the email address on file in his or her office specified for such purpose**. The post office address **and/or email address** may be changed by signing and delivering to the department of state a certificate of change setting forth the statements required under section 1309-A (Certificate of change; contents) to effect a change in the post office address **and/or email address** under subparagraph (a) [~~(4)~~] **(7) or (10)** of section 1308 (Amendments or changes).

§ 15. Subdivisions 2 and 3 of section 18 of the general associations law, as amended by chapter 13 of the laws of 1938, are amended to read as follows:

2. Every association doing business within this state shall file in the department of state a certificate in its associate name, signed and acknowledged by its president, or a vice-president, or secretary, or treasurer, or managing director, or trustee, designating the secretary of state as an agent upon whom process in any action or proceeding against the association may be served within this state, and setting forth an address to which the secretary of state shall mail a copy of any process against the association which may be served upon him **or her** pursuant to law. **The association may include an email address to which the secretary of state shall email a notice of the fact that process against it has been electronically served upon him or her.** Annexed to the certificate of designation shall be a statement, executed in the same manner as the certificate is required to be executed under this section, which shall set forth**:**

(a) the names and places of residence of its officers and trustees

(b) its principal place of business

(c) the place where its office within this state is located and if such place be in a city, the location thereof by street and number or other particular description.

3. Any association, from time to time, may change the address to which the secretary of state is directed to mail copies of process **or specify, change or delete the email address to which the secretary of state shall email a notice of the fact that process against the association has been electronically served upon him or her**, by filing a statement to that effect, executed, signed and acknowledged in like manner as a certificate of designation as herein provided.

§ 16. Section 19 of the general associations law, as amended by chapter 166 of the laws of 1991, is amended to read as follows:

§ 19. Service of process. Service of process against an association upon the secretary of state shall be made [~~**by personally**~~] **in the manner provided by subdivision one or two of this section. (1) Personally** delivering to and leaving with him [~~**or a deputy secretary of state or an associate attorney, senior attorney or attorney in the corporation division of the department of state**~~] **or her or with a person authorized by the secretary of state to receive such service**, duplicate copies of such process at the office of the department of state in the city of Albany. At the time of such service the plaintiff shall pay a fee of forty dollars to the secretary of state which shall be a taxable disbursement. [~~**If the cost of registered mail for transmitting a copy of the process shall exceed two dollars, an additional fee equal to such excess shall be paid at the time of the service of such process.**~~] The secretary of state shall [~~**forthwith**~~] **promptly** send by [~~**registered**~~] **certified** mail one of such copies to the association at the address fixed for that purpose, as herein provided. **(2) Electronically submitting a copy of the process to the department of state together with the statutory fee, which fee shall be a taxable disbursement, through an electronic system operated by the department of state, provided the association has an email address on file in the department of state to which the secretary of state shall email a notice of the fact that process has been served electronically on the secretary of state. Service of process on such association shall be complete when the secretary of state has reviewed and accepted service of such process. The secretary of state shall promptly send a notice of the fact that process against such association**

has been served electronically upon him or her, to such association at the email address on file in the department of state, specified for the purpose and shall make a copy of the process available to such association. If the action or proceeding is instituted in a court of limited jurisdiction, service of process may be made in the manner provided in this section if the cause of action arose within the territorial jurisdiction of the court and the office of the defendant, as set forth in its statement filed pursuant to section eighteen of this chapter, is within such territorial jurisdiction.

§ 17. Paragraph 4 of subdivision (e) of section 203 of the limited liability company law, as added by chapter 470 of the laws of 1997, is amended to read as follows:

(4) a designation of the secretary of state as agent of the limited liability company upon whom process against it may be served and the post office address within or without this state to which the secretary of state shall mail a copy of any process against the limited liability company served upon him or her. The limited liability company may include an email address to which the secretary of state shall email a notice of the fact that process against it has been electronically served upon him or her;

§ 18. Subdivision (d) of section 211 of the limited liability company law is amended by adding a new paragraph 10 to read as follows:

(10) to specify, change or delete the email address to which the secretary of state shall email a notice of the fact that process against the limited liability company has been electronically served upon him or her.

§ 19. Section 211-A of the limited liability company law, as added by chapter 448 of the laws of 1998, is amended to read as follows:

§ 211-A. Certificate of change. (a) A limited liability company may amend its articles of organization from time to time to (i) specify or change the location of the limited liability company's office; (ii) specify or change the post office address to which the secretary of state shall mail a copy of any process against the limited liability company served upon him or her; [~~and~~] (iii) specify, change or delete the email address to which the secretary of state shall email a notice of the fact that process against the limited liability company has been electronically served upon him or her; and (iv) make, revoke or change the designation of a registered agent, or specify or change the address of the registered agent. Any one or more such changes may be accomplished by filing a certificate of change which shall be entitled "Certificate of Change of ..... (name of limited liability company) under section 211-A of the Limited Liability Company Law" and shall be signed and delivered to the department of state. It shall set forth:

(1) the name of the limited liability company, and if it has been changed, the name under which it was formed;

(2) the date the articles of organization were filed by the department of state; and

(3) each change effected thereby.

(b) A certificate of change which changes only the post office address to which the secretary of state shall mail a copy of any process against a limited liability company served upon him or her, and/or the email address to which the secretary of state shall email a notice of the fact that process against it has been electronically served upon the secretary of state and/or the address of the registered agent, provided such address being changed, and/or the email address being changed is the email address of a person, partnership or other corporation whose email

address, as agent, is the email address to be changed, is the address of a person, partnership or corporation whose address, as agent, is the address to be changed or who has been designated as registered agent for such limited liability company may be signed and delivered to the department of state by such agent. The certificate of change shall set forth the statements required under subdivision (a) of this section; that a notice of the proposed change was mailed to the domestic limited liability company by the party signing the certificate not less than thirty days prior to the date of delivery to the department of state and that such domestic limited liability company has not objected thereto; and that the party signing the certificate is the agent of such limited liability company to whose address the secretary of state is required to mail copies of process, and/or the agent of the limited liability company to whose email address of the secretary of state is required to email a notice of the fact that process against it has been electronically served upon the secretary of state, or the registered agent, if such be the case. A certificate signed and delivered under this subdivision shall not be deemed to effect a change of location of the office of the limited liability company in whose behalf such certificate is filed.

§ 20. Subdivision (c) of section 301 of the limited liability company law is amended to read as follows:

(c) Any designated post office address to which the secretary of state shall mail a copy of process served upon him or her as agent of a domestic limited liability company or a foreign limited liability company shall continue until the filing of a certificate or other instrument under this chapter directing the mailing to a different post office address and any designated email address to which the secretary of state shall email a notice of the fact that process has been electronically served upon him or her as agent of a domestic limited liability company or foreign limited liability company, shall continue until the filing of a certificate or other instrument under this chapter changing or deleting such email address.

§ 21. Subdivision (a) of section 303 of the limited liability company law, as relettered by chapter 341 of the laws of 1999, is amended to read as follows:

(a) Service of process on the secretary of state as agent of a domestic limited liability company or authorized foreign limited liability company shall be made [~~by personally~~] in the manner provided by paragraph one or two of this subdivision. (1) Personally delivering to and leaving with the secretary of state or his or her deputy, or with any person authorized by the secretary of state to receive such service, at the office of the department of state in the city of Albany, duplicate copies of such process together with the statutory fee, which fee shall be a taxable disbursement. Service of process on such limited liability company shall be complete when the secretary of state is so served. The secretary of state shall promptly send one of such copies by certified mail, return receipt requested, to such limited liability company at the post office address on file in the department of state specified for that purpose. (2) Electronically submitting a copy of the process to the department of state together with the statutory fee, which fee shall be a taxable disbursement, through an electronic system operated by the department of state, provided the domestic or authorized foreign limited liability company has an email address on file in the department of state to which the secretary of state shall email a notice of the fact that process has been served electronically on the secretary of state. Service of process on such limited liability company shall be complete

when the secretary of state has reviewed and accepted service of such process. The secretary of state shall promptly send a notice of the fact that process against such limited liability company has been served electronically on him or her to such limited liability company at the email address on file in the department of state, specified for the purpose and shall make a copy of the process available to such limited liability company.

§ 22. Subdivision (b) of section 304 of the limited liability company law is amended to read as follows:

(b) Service of such process upon the secretary of state shall be made [~~by personally~~] in the manner provided by paragraph one or two of this subdivision.

(1) Personally delivering to and leaving with the secretary of state or his or her deputy, or with any person authorized by the secretary of state to receive such service, at the office of the department of state in the city of Albany, a copy of such process together with the statutory fee, which fee shall be a taxable disbursement.

(2) Electronically submitting a copy of the process to the department of state together with the statutory fee, which fee shall be a taxable disbursement, through an electronic system operated by the department of state.

§ 23. Paragraph 4 of subdivision (a) of section 802 of the limited liability company law, as amended by chapter 470 of the laws of 1997, is amended to read as follows:

(4) a designation of the secretary of state as its agent upon whom process against it may be served and the post office address within or without this state to which the secretary of state shall mail a copy of any process against it served upon him or her. The limited liability company may include an email address to which the secretary of state shall email a notice of the fact that process against it has been electronically served upon him or her;

§ 24. Section 804-A of the limited liability company law, as added by chapter 448 of the laws of 1998, is amended to read as follows:

§ 804-A. Certificate of change. (a) A foreign limited liability company may amend its application for authority from time to time to (i) specify or change the location of the limited liability company's office; (ii) specify or change the post office address to which the secretary of state shall mail a copy of any process against the limited liability company served upon him or her; [~~and~~] (iii) specify, change or delete the email address to which the secretary of state shall email a notice of the fact that process against the limited liability company has been electronically served upon him or her; and (iv) to make, revoke or change the designation of a registered agent, or to specify or change the address of a registered agent. Any one or more such changes may be accomplished by filing a certificate of change which shall be entitled "Certificate of Change of ..... (name of limited liability company) under section 804-A of the Limited Liability Company Law" and shall be signed and delivered to the department of state. It shall set forth:

(1) the name of the foreign limited liability company and, if applicable, the fictitious name the limited liability company has agreed to use in this state pursuant to section eight hundred two of this article;

(2) the date its application for authority was filed by the department of state; and

(3) each change effected thereby,

(b) A certificate of change which changes only the post office address to which the secretary of state shall mail a copy of any process against

a foreign limited liability company served upon him or **her, and/or the email address to which the secretary of state shall email a notice of the fact that process against it has been electronically served upon the secretary of state, and/or** the address of the registered agent, provided such address being changed is the address of a person, partnership or corporation whose address, as agent, is the address to be changed**, and/or the email address being changed is the email address of a person, partnership or other corporation whose email address, as agent, is the email address to be changed,** or who has been designated as registered agent for such limited liability company may be signed and delivered to the department of state by such agent. The certificate of change shall set forth the statements required under subdivision (a) of this section; that a notice of the proposed change was mailed to the foreign limited liability company by the party signing the certificate not less than thirty days prior to the date of delivery to the department of state and that such foreign limited liability company has not objected thereto; and that the party signing the certificate is the agent of such foreign limited liability company to whose address the secretary of state is required to mail copies of process**, and/or the agent of such foreign limited liability company to whose email address the secretary of state is required to email a notice of the fact that process against it has been electronically served upon the secretary of state,** or the registered agent, if such be the case. A certificate signed and delivered under this subdivision shall not be deemed to effect a change of location of the office of the foreign limited liability company in whose behalf such certificate is filed.

§ 25. Paragraph 6 of subdivision (b) of section 806 of the limited liability company law is amended to read as follows:

(6) a post office address within or without this state to which the secretary of state shall mail a copy of any process against it served upon him or her**. The limited liability company may include an email address to which the secretary of state shall email a notice of the fact that process against it has been electronically served upon him or her**.

§ 26. Section 807 of the limited liability company law is amended to read as follows:

§ 807. Termination of existence. When a foreign limited liability company that has received a certificate of authority is dissolved or its authority to conduct its business or existence is otherwise terminated or canceled in the jurisdiction of its formation or when such foreign limited liability company is merged into or consolidated with another foreign limited liability company, (a) a certificate of the secretary of state or official performing the equivalent function as to limited liability company records in the jurisdiction of organization of such limited liability company attesting to the occurrence of any such event or (b) a certified copy of an order or decree of a court of such jurisdiction directing the dissolution of such foreign limited liability company, the termination of its existence or the surrender of its authority shall be delivered to the department of state. The filing of the certificate, order or decree shall have the same effect as the filing of a certificate of surrender of authority under section eight hundred six of this article. The secretary of state shall continue as agent of the foreign limited liability company upon whom process against it may be served in the manner set forth in article three of this chapter, in any action or proceeding based upon any liability or obligation incurred by the foreign limited liability company within this state prior to the filing of such certificate, order or decree. The post

office address **and/or email address** may be changed by filing with the department of state a certificate of amendment under section eight hundred four of this article.

§ 27. Paragraph 11 of subdivision (a) of section 1003 of the limited liability company law, as amended by chapter 374 of the laws of 1998, is amended to read as follows:

(11) a designation of the secretary of state as its agent upon whom process against it may be served in the manner set forth in article three of this chapter in any action or special proceeding, and a post office address, within or without this state, to which the secretary of state shall mail a copy of any process served upon him or her. **The limited liability company may include an email address to which the secretary of state shall email a notice of the fact that process against it has been electronically served upon him or her.** Such post office address **or email address** shall supersede any prior address designated as the address to which process shall be mailed **or a notice emailed**;

§ 28. Paragraph 6 of subdivision (a) of section 1306 of the limited liability company law is amended to read as follows:

(6) a designation of the secretary of state as its agent upon whom process against it may be served and the post office address within or without this state to which the secretary of state shall mail a copy of any process against it served upon him or her**. The limited liability company may include an email address to which the secretary of state shall email a notice of the fact that process against it has been electronically served upon him or her**; and

§ 29. Paragraph (d) of section 304 of the not-for-profit corporation law, as amended by chapter 358 of the laws of 2015, is amended to read as follows:

(d) Any designated post-office address to which the secretary of state shall mail a copy of process served upon him or her as agent of a domestic corporation formed under article four of this chapter or foreign corporation, shall continue until the filing of a certificate **or other instrument** under this chapter directing the mailing to a different post-office address **and any designated email address to which the secretary of state shall email a notice of the fact that process has been electronically served upon him or her as agent of a domestic corporation or foreign corporation, shall continue until the filing of a certificate or other instrument under this chapter changing or deleting the email address**.

§ 30. Paragraph (b) of section 306 of the not-for-profit corporation law, as amended by chapter 23 of the laws of 2014, is amended to read as follows:

(b) Service of process on the secretary of state as agent of a domestic corporation formed under article four of this chapter or an authorized foreign corporation shall be made [~~**by personally**~~] **in the manner provided by subparagraph one or two of this paragraph. (1) Personally** delivering to and leaving with the secretary of state or his or her deputy, or with any person authorized by the secretary of state to receive such service, at the office of the department of state in the city of Albany, duplicate copies of such process together with the statutory fee, which fee shall be a taxable disbursement. Service of process on such corporation shall be complete when the secretary of state is so served. The secretary of state shall promptly send one of such copies by certified mail, return receipt requested, to such corporation, at the post office address, on file in the department of state, specified for the purpose. If a domestic corporation formed under article four of this

chapter or an authorized foreign corporation has no such address on file in the department of state, the secretary of state shall so mail such copy to such corporation at the address of its office within this state on file in the department. **(2) Electronically submitting a copy of the process to the department of state together with the statutory fee, which fee shall be a taxable disbursement, through an electronic system operated by the department of state, provided the domestic or authorized foreign corporation has an email address on file in the department of state to which the secretary of state shall email a notice of the fact that process has been served electronically on the secretary of state. Service of process on such corporation shall be complete when the secretary of state has reviewed and accepted service of such process. The secretary of state shall promptly send a notice of the fact that process against such corporation has been served electronically on him or her to such corporation at the email address on file in the department of state, specified for the purpose and shall make a copy of the process available to such corporation.**

§ 31. Paragraph (b) of section 307 of the not-for-profit corporation law is amended to read as follows:

(b) **(1)** Service of such process upon the secretary of state shall be made [~~**by personally**~~] **in the manner provided by items (i) or (ii) of this subparagraph. (i) Personally** delivering to and leaving with him or his deputy, or with any person authorized by the secretary of state to receive such service, at the office of the department of state in the city of Albany, a copy of such process together with the statutory fee, which fee shall be a taxable disbursement. [~~**Such service**~~] **(ii) Electronically submitting a copy of the process to the department of state together with the statutory fee, which fee shall be a taxable disbursement, through an electronic system operated by the department of state.**

**(2) Service under this paragraph** shall be sufficient if notice thereof and a copy of the process are:

[~~**(1)**~~] **(i)** Delivered personally without this state to such foreign corporation by a person and in the manner authorized to serve process by law of the jurisdiction in which service is made, or

[~~**(2)**~~] **(ii)** Sent by or on behalf of the plaintiff to such foreign corporation by registered mail with return receipt requested, at the post office address specified for the purpose of mailing process, on file in the department of state, or with any official or body performing the equivalent function, in the jurisdiction of its incorporation, or if no such address is there specified, to its registered or other office there specified, or if no such office is there specified, to the last address of such foreign corporation known to the plaintiff.

§ 32. Subparagraph 6 of paragraph (a) of section 402 of the not-for-profit corporation law, as added by chapter 564 of the laws of 1981 and as renumbered by chapter 132 of the laws of 1985, is amended to read as follows:

(6) A designation of the secretary of state as agent of the corporation upon whom process against it may be served and the post office address within or without this state to which the secretary of state shall mail a copy of any process against it served upon him **or her. The corporation may include an email address to which the secretary of state shall email a notice of the fact that process against it has been electronically served upon him or her**.

§ 33. Paragraph (b) of section 801 of the not-for-profit corporation law is amended by adding a new paragraph 10 to read as follows:

**(10) To specify, change or delete the email address to which the secretary of state shall email a notice that process against the corporation has been electronically served upon him or her.**

§ 34. Paragraph (c) of section 802 of the not-for-profit corporation law is amended by adding a new paragraph 4 to read as follows:

**(4) To specify, change or delete the email address to which the secretary of state shall email a notice of the fact that process against the corporation has been electronically served upon him or her.**

§ 35. Subparagraph 6 of paragraph (a) of section 803 of the not-for-profit corporation law, as amended by chapter 23 of the laws of 2014, is amended to read as follows:

(6) A designation of the secretary of state as agent of the corporation upon whom process against it may be served and the post office address within or without this state to which the secretary of state shall mail a copy of any process against it served upon the secretary. **The corporation may include an email address to which the secretary of state shall email a notice of the fact that process against it has been electronically served upon him or her.**

§ 36. Paragraph (b) of section 803-A of the not-for-profit corporation law, as amended by chapter 172 of the laws of 1999, is amended to read as follows:

(b) A certificate of change which changes only the post office address to which the secretary of state shall mail a copy of any process against the corporation served upon him or **her, and/or the email address to which the secretary of state shall email a notice of the fact that process against it has been electronically served upon the secretary of state, and/or** the address of the registered agent, provided such address being changed is the address of a person, partnership or other corporation whose address, as agent, is the address to be changed [~~or~~]**, and/or the email address being changed is the email address of a person, partnership or other corporation, whose email address, as agent, is the email address to be changed, and/or** who has been designated as registered agent for such corporation, may be signed and delivered to the department of state by such agent. The certificate of change shall set forth the statements required under subparagraphs (1), (2) and (3) of paragraph (a) of this section; that a notice of the proposed change was mailed to the corporation by the party signing the certificate not less than thirty days prior to the date of delivery to the department and that such corporation has not objected thereto; and that the party signing the certificate is the agent of such corporation to whose address the secretary of state is required to mail copies of any process against the corporation served upon him or **her, and/or the agent of the corporation to whose the email address the secretary of state is required to email a notice of the fact that process against the corporation has been electronically served upon him or her, and/or** the registered agent, if such be the case. A certificate signed and delivered under this paragraph shall not be deemed to effect a change of location of the office of the corporation in whose behalf such certificate is filed.

§ 37. Paragraph (c) of section 1310 of the not-for-profit corporation law, as amended by chapter 172 of the laws of 1999, is amended and a new subparagraph 4 is added to paragraph (a) to read as follows:

**(4) To specify, change or delete the email address to which the secretary of state shall email a notice of the fact that process against the corporation has been electronically served upon him or her.**

(c) A certificate of change of application for authority which changes only the post office address to which the secretary of state shall mail

a copy of any process against an authorized foreign corporation served upon him or **her, the email address to which the secretary of state shall email a notice of the fact that process against it has been electronically served upon the secretary of state and/or** which changes the address of its registered agent, provided such address is the address of a person, partnership or other corporation whose address, as agent, is the address to be changed**, and/or the email address being changed is the email address of a person, partnership or other corporation whose email address, as agent, is the email address to be changed,** or who has been designated as registered agent for such authorized foreign corporation, may be signed and delivered to the department of state by such agent. The certificate of change of application for authority shall set forth the statements required under subparagraphs (1), (2), (3) and (4) of paragraph (b) of this section; that a notice of the proposed change was mailed by the party signing the certificate to the authorized foreign corporation not less than thirty days prior to the date of delivery to the department and that such corporation has not objected thereto; and that the party signing the certificate is the agent of such foreign corporation to whose address the secretary of state is required to mail copies of process [~~or~~]**, and/or the agent of such foreign corporation to whose email address the secretary of state is required to email a notice of the fact that process against it has been electronically served upon the secretary of state, and/or** the registered agent, if such be the case. A certificate signed and delivered under this paragraph shall not be deemed to effect a change of location of the office of the corporation in whose behalf such certificate is filed.

§ 38. Subparagraph 6 of paragraph (a) of section 1311 of the not-for-profit corporation law is amended to read as follows:

(6) A post office address within or without this state to which the secretary of state shall mail a copy of any process against it served upon him **or her. The corporation may include an email address to which the secretary of state shall email a notice of the fact that process against it has been electronically served upon him or her**.

§ 39. Section 1312 of the not-for-profit corporation law, as amended by chapter 375 of the laws of 1998, is amended to read as follows:

§ 1312. Termination of existence.

When an authorized foreign corporation is dissolved or its authority or existence is otherwise terminated or cancelled in the jurisdiction of its incorporation or when such foreign corporation is merged into or consolidated with another foreign corporation, a certificate of the secretary of state, or official performing the equivalent function as to corporate records, of the jurisdiction of incorporation of such foreign corporation attesting to the occurrence of any such event or a certified copy of an order or decree of a court of such jurisdiction directing the dissolution of such foreign corporation, the termination of its existence or the cancellation of its authority shall be delivered to the department of state. The filing of the certificate, order or decree shall have the same effect as the filing of a certificate of surrender of authority under section 1311 (Surrender of authority). The secretary of state shall continue as agent of the foreign corporation upon whom process against it may be served in the manner set forth in paragraph (b) of section 306 (Service of process), in any action or special proceeding based upon any liability or obligation incurred by the foreign corporation within this state prior to the filing of such certificate, order or decree and he shall promptly cause a copy of any such process to be mailed by [~~registered~~] **certified** mail, return receipt

requested, to such foreign corporation at the post office address on file in his **or her** office specified for such purpose **or a notice of the fact that process against the corporation has been served on him or her to be emailed to the foreign corporation at the email address on file in his or her office specified for such purpose**. The post office address **and/or email address** may be changed by signing and delivering to the department of state a certificate of change setting forth the statements required under section 1310 (Certificate of change[~~,~~]**;** contents) to effect a change in the post office address **and/or email address** under subparagraph (a) [~~(4)~~] **(7)** of section 1308 (Amendments or changes).

§ 40. Subdivision (c) of section 121-104 of the partnership law, as added by chapter 950 of the laws of 1990, is amended to read as follows:

(c) Any designated post office address to which the secretary of state shall mail a copy of process served upon him as agent of a domestic limited partnership or foreign limited partnership shall continue until the filing of a certificate **or other instrument** under this article directing the mailing to a different post office address **and any designated email address to which the secretary of state shall email a notice of the fact that process against such domestic limited partnership or foreign limited partnership has been electronically served upon him or her as agent of a domestic limited partnership or foreign limited partnership, shall continue until the filing of a certificate or other instrument under this chapter changing or deleting the email address**.

§ 41. Subdivision (a) and the opening paragraph of subdivision (b) of section 121-109 of the partnership law, as added by chapter 950 of the laws of 1990 and as relettered by chapter 341 of the laws of 1999, are amended to read as follows:

(a) Service of process on the secretary of state as agent of a domestic or authorized foreign limited partnership shall be made [~~as follows~~] **in the manner provided by paragraph one or two of this subdivision**:

(1) By personally delivering to and leaving with him **or her** or his **or her** deputy, or with any person authorized by the secretary of state to receive such service, at the office of the department of state in the city of Albany, duplicate copies of such process together with the statutory fee, which fee shall be a taxable disbursement.

[~~(2)~~] The service on the limited partnership is complete when the secretary of state is so served.

[~~(3)~~] The secretary of state shall promptly send one of such copies by certified mail, return receipt requested, addressed to the limited partnership at the post office address, on file in the department of state, specified for that purpose.

**(2) Electronically submitting a copy of the process to the department of state together with the statutory fee, which fee shall be a taxable disbursement, through an electronic system operated by the department of state, provided the domestic or authorized foreign limited partnership has an email address on file in the department of state to which the secretary of state shall email a notice of the fact that process has been served electronically on the secretary of state as agent of such domestic or authorized foreign limited partnership. Service of process on such limited partnership or authorized foreign limited partnership shall be complete when the secretary of state has reviewed and accepted service of such process. The secretary of state shall promptly send a notice of the fact that process has been served to such limited partnership at the email address on file in the department of state, specified for the purpose and shall make a copy of the process available to such limited partnership or authorized foreign limited partnership.**

In any case in which a non-domiciliary would be subject to the personal or other jurisdiction of the courts of this state under article three of the civil practice law and rules, a foreign limited partnership not authorized to do business in this state is subject to a like jurisdiction. In any such case, process against such foreign limited partnership may be served upon the secretary of state as its agent. Such process may issue in any court in this state having jurisdiction of the subject matter. Service of process upon the secretary of state shall be made [~~by personally~~] **in the manner provided by paragraph one or two of this subdivision. (1) Personally** delivering to and leaving with him or his deputy, or with any person authorized by the secretary of state to receive such service, at the office of the department of state in the city of Albany, a copy of such process together with the statutory fee, which fee shall be a taxable disbursement. **(2) Electronically submitting a copy of the process to the department of state together with the statutory fee, which fee shall be a taxable disbursement, through an electronic system operated by the department of state.** Such service shall be sufficient if notice thereof and a copy of the process are:

§ 42. Paragraph 3 of subdivision (a) of section 121-201 of the partnership law, as amended by chapter 264 of the laws of 1991, is amended to read as follows:

(3) a designation of the secretary of state as agent of the limited partnership upon whom process against it may be served and the post office address within or without this state to which the secretary of state shall mail a copy of any process against it served upon him **or her. The limited partnership may include an email address to which the secretary of state shall email a notice of the fact that process against it has been electronically served upon him or her**;

§ 43. Paragraph 4 of subdivision (b) of section 121-202 of the partnership law, as amended by chapter 576 of the laws of 1994, is amended to read as follows:

(4) a change in the name of the limited partnership, or a change in the post office address to which the secretary of state shall mail a copy of any process against the limited partnership served on him **or her, a change in the email address to which the secretary of state shall email a notice of the fact that process against the limited partnership has been electronically served upon him or her**, or a change in the name or address of the registered agent, if such change is made other than pursuant to section 121-104 or 121-105 of this article.

§ 44. The opening paragraph of subdivision (a) and subdivision (b) of section 121-202-A of the partnership law, as added by chapter 448 of the laws of 1998, are amended to read as follows:

A certificate of limited partnership may be changed by filing with the department of state a certificate of change entitled "Certificate of Change of ..... (name of limited partnership) under Section 121-202-A of the Revised Limited Partnership Act" and shall be signed and delivered to the department of state. A certificate of change may (i) specify or change the location of the limited partnership's office; (ii) specify or change the post office address to which the secretary of state shall mail a copy of process against the limited partnership served upon him; [~~and~~] (iii) **specify, change or delete the email address to which the secretary of state shall email a notice of the fact that process against the limited partnership has been electronically served upon him or her; and (iv)** make, revoke or change the designation of a registered agent, or to specify or change the address of its registered agent. It shall set forth:

(b) A certificate of change which changes only the post office address to which the secretary of state shall mail a copy of any process against a limited partnership served upon him or **her, the email address to which the secretary of state shall email a notice of the fact that process against it has been electronically served upon the secretary of state, and/or** the address of the registered agent, provided such address being changed is the address of a person, partnership or corporation whose address, as agent, is the address to be changed**, and/or the email address being changed is the email address of a person, partnership or other corporation whose email address, as agent, is the email address to be changed,** or who has been designated as registered agent for such limited partnership shall be signed and delivered to the department of state by such agent. The certificate of change shall set forth the statements required under subdivision (a) of this section; that a notice of the proposed change was mailed to the domestic limited partnership by the party signing the certificate not less than thirty days prior to the date of delivery to the department of state and that such domestic limited partnership has not objected thereto; and that the party signing the certificate is the agent of such limited partnership to whose address the secretary of state is required to mail copies of process [~~or~~]**, and/or the agent to whose email address the secretary of state is required to email a notice of the fact that process against it has been electronically served upon the secretary of state, and/or** the registered agent, if such be the case. A certificate signed and delivered under this subdivision shall not be deemed to effect a change of location of the office of the limited partnership in whose behalf such certificate is filed.

§ 45. Paragraph 4 of subdivision (a) of section 121-902 of the partnership law, as amended by chapter 172 of the laws of 1999, is amended to read as follows:

(4) a designation of the secretary of state as its agent upon whom process against it may be served and the post office address within or without this state to which the secretary of state shall mail a copy of any process against it served upon him **or her. The limited partnership may include an email address to which the secretary of state shall email a notice of the fact that process against it has been electronically served upon him or her**;

§ 46. The opening paragraph of subdivision (a) and subdivision (b) of section 121-903-A of the partnership law, as added by chapter 448 of the laws of 1998, are amended to read as follows:

A foreign limited partnership may change its application for authority by filing with the department of state a certificate of change entitled "Certificate of Change of ..... (name of limited partnership) under Section 121-903-A of the Revised Limited Partnership Act" and shall be signed and delivered to the department of state. A certificate of change may (i) change the location of the limited partnership's office; (ii) change the post office address to which the secretary of state shall mail a copy of process against the limited partnership served upon him; [~~and~~] (iii) **specify, change or delete the email address to which the secretary of state shall email a notice of the fact that process against the limited partnership has been electronically served upon him or her; and (iv)** make, revoke or change the designation of a registered agent, or to specify or change the address of its registered agent. It shall set forth:

(b) A certificate of change which changes only the post office address to which the secretary of state shall mail a copy of any process against

a foreign limited partnership served upon him or **her, and/or the email address to which the secretary of state shall email a notice of the fact that process against it has been electronically served upon the secretary of state, and/or** the address of the registered agent, provided such address being changed is the address of a person, partnership or corporation whose address, as agent, is the address to be changed**, and/or the email address being changed is the email address of a person, partnership or other corporation whose email address, as agent, is the email address to be changed,** or who has been designated as registered agent for such foreign limited partnership shall be signed and delivered to the department of state by such agent. The certificate of change shall set forth the statements required under subdivision (a) of this section; that a notice of the proposed change was mailed to the foreign limited partnership by the party signing the certificate not less than thirty days prior to the date of delivery to the department of state and that such foreign limited partnership has not objected thereto; and that the party signing the certificate is the agent of such foreign limited partnership to whose address the secretary of state is required to mail copies of process [~~or~~]**, the email address of the party to whose email address the secretary of state is required to mail a notice of the fact that process against it has been electronically served upon the secretary of state and/or** the registered agent, if such be the case. A certificate signed and delivered under this subdivision shall not be deemed to effect a change of location of the office of the limited partnership in whose behalf such certificate is filed.

§ 47. Paragraph 6 of subdivision (b) of section 121-905 of the partnership law, as added by chapter 950 of the laws of 1990, is amended to read as follows:

(6) a post office address within or without this state to which the secretary of state shall mail a copy of any process against it served upon him **or her. The limited partnership may include an email address to which the secretary of state shall email a notice of the fact that process against it has been electronically served upon him or her**.

§ 48. Section 121-906 of the partnership law, as amended by chapter 172 of the laws of 1999, is amended to read as follows:

§ 121-906. Termination of existence. When a foreign limited partnership which has received a certificate of authority is dissolved or its authority to conduct its business or existence is otherwise terminated or cancelled in the jurisdiction of its organization or when such foreign limited partnership is merged into or consolidated with another foreign limited partnership, (i) a certificate of the secretary of state, or official performing the equivalent function as to limited partnership records, in the jurisdiction of organization of such limited partnership attesting to the occurrence of any such event, or (ii) a certified copy of an order or decree of a court of such jurisdiction directing the dissolution of such foreign limited partnership, the termination of its existence or the surrender of its authority, shall be delivered to the department of state. The filing of the certificate, order or decree shall have the same effect as the filing of a certificate of surrender of authority under section 121-905 of this article. The secretary of state shall continue as agent of the foreign limited partnership upon whom process against it may be served in the manner set forth in section 121-109 of this article, in any action or proceeding based upon any liability or obligation incurred by the foreign limited partnership within this state prior to the filing of such certificate, order or decree. The post office address **and/or email address** may be

changed by filing with the department of state a certificate of amendment under section 121-903 or a certificate of change under section 121-903-A of this article.

§ 49. Paragraph 7 of subdivision (a) of section 121-1103 of the partnership law, as added by chapter 950 of the laws of 1990, is amended to read as follows:

(7) A designation of the secretary of state as its agent upon whom process against it may be served in the manner set forth in section 121-109 of this article in any action or special proceeding, and a post office address, within or without this state, to which the secretary of state shall mail a copy of any process served upon him **or her. The limited partnership may include an email address to which the secretary of state shall email a notice of the fact that process against it has been electronically served upon him or her**. Such post office address **or email address** shall supersede any prior address designated as the address to which process shall be mailed **or a notice emailed**.

§ 50. Subparagraph 4 of paragraph (I) of subdivision (a) and subdivision (j-1) of section 121-1500 of the partnership law, paragraph (I) of subdivision (a) as amended by chapter 643 of the laws of 1995 and as redesignated by chapter 767 of the laws of 2005 and subdivision (j-1) as added by chapter 448 of the laws of 1998, are amended to read as follows:

(4) a designation of the secretary of state as agent of the partnership without limited partners upon whom process against it may be served and the post office address within or without this state to which the secretary of state shall mail a copy of any process against it or served upon it**. The partnership without limited partners may include an email address to which the secretary of state shall email a notice of the fact that process against it has been electronically served upon him or her**;

(j-1) A certificate of change which changes only the post office address to which the secretary of state shall mail a copy of any process against a registered limited liability partnership served upon him or **her, and/or the email address to which the secretary of state shall email a notice of the fact that process against it has been electronically served upon the secretary of state, and/or** the address of the registered agent, provided such address being changed is the address of a person, partnership or corporation whose address, as agent, is the address to be changed [~~or~~]**, and/or the email address being changed is the email address of a person, partnership or other corporation whose email address, as agent, is the email address to be changed, and/or** who has been designated as registered agent for such registered limited liability partnership shall be signed and delivered to the department of state by such agent. The certificate of change shall set forth: (i) the name of the registered limited liability partnership and, if it has been changed, the name under which it was originally filed with the department of state; (ii) the date of filing of its initial registration or notice statement; (iii) each change effected thereby; (iv) that a notice of the proposed change was mailed to the limited liability partnership by the party signing the certificate not less than thirty days prior to the date of delivery to the department of state and that such limited liability partnership has not objected thereto; and (v) that the party signing the certificate is the agent of such limited liability partnership to whose address the secretary of state is required to mail copies of process [~~or~~]**, and/or to whose email address the secretary of state is required to mail a notice of the fact that process against it has been electronically served upon the secretary of state, and/or** the registered

agent, if such be the case. A certificate signed and delivered under this subdivision shall not be deemed to effect a change of location of the office of the limited liability partnership in whose behalf such certificate is filed. The certificate of change shall be accompanied by a fee of five dollars.

§ 51. Paragraph (v) of subdivision (a) and subdivision (i-1) of section 121-1502 of the partnership law, paragraph (v) of subdivision (a) as amended by chapter 470 of the laws of 1997 and subdivision (i-1) as added by chapter 448 of the laws of 1998, are amended to read as follows:

(v) a designation of the secretary of state as agent of the foreign limited liability partnership upon whom process against it may be served and the post office address within or without this state to which the secretary of state shall mail a copy of any process against it or served upon it**. The foreign limited liability partnership may include an email address to which the secretary of state shall email a notice of the fact that process against it has been electronically served upon him or her**;

(i-1) A certificate of change which changes only the post office address to which the secretary of state shall mail a copy of any process against a New York registered foreign limited liability partnership served upon him or **her, and/or the email address to which the secretary of state shall email a notice of the fact that process against it has been electronically served upon the secretary of state, and/or** the address of the registered agent, provided such address being changed is the address of a person, partnership or corporation whose address, as agent, is the address to be changed [~~or~~]**, and/or the email address being changed is the email address of a person, partnership or other corporation whose email address, as agent, is the email address to be changed, and/or** who has been designated as registered agent of such registered foreign limited liability partnership shall be signed and delivered to the department of state by such agent. The certificate of change shall set forth: (i) the name of the New York registered foreign limited liability partnership; (ii) the date of filing of its initial registration or notice statement; (iii) each change effected thereby; (iv) that a notice of the proposed change was mailed to the limited liability partnership by the party signing the certificate not less than thirty days prior to the date of delivery to the department of state and that such limited liability partnership has not objected thereto; and (v) that the party signing the certificate is the agent of such limited liability partnership to whose address the secretary of state is required to mail copies of process [~~or~~]**, and/or to whose email address the secretary of state is required to mail a notice of the fact that process against it has been electronically served upon the secretary of state, and/or** the registered agent, if such be the case. A certificate signed and delivered under this subdivision shall not be deemed to effect a change of location of the office of the limited liability partnership in whose behalf such certificate is filed. The certificate of change shall be accompanied by a fee of five dollars.

§ 52. Subdivision (a) of section 121-1505 of the partnership law, as added by chapter 470 of the laws of 1997, is amended to read as follows:

(a) Service of process on the secretary of state as agent of a registered limited liability partnership **or New York registered foreign limited liability partnership** under this article shall be made [~~by personally~~] **in the manner provided by paragraph one or two of this subdivision. (1) Personally** delivering to and leaving with the secretary of state or a deputy, or with any person authorized by the secretary of

state to receive such service, at the office of the department of state in the city of Albany, duplicate copies of such process together with the statutory fee, which fee shall be a taxable disbursement. Service of process on such registered limited liability partnership shall be complete when the secretary of state is so served. The secretary of state shall promptly send one of such copies by certified mail, return receipt requested, to such registered limited liability partnership, at the post office address on file in the department of state specified for such purpose. **(2) Electronically submitting a copy of the process to the department of state together with the statutory fee, which fee shall be a taxable disbursement, through an electronic system operated by the department of state, provided the registered limited liability partnership or New York registered foreign limited liability partnership has an email address on file in the department of state to which the secretary of state shall email a notice of the fact that process against such registered limited liability partnership or New York registered foreign limited liability partnership served has been electronically served on the secretary of state. Service of process on such registered limited liability partnership or New York registered foreign limited liability partnership shall be complete when the secretary of state has reviewed and accepted service of such process. The secretary of state shall promptly send a notice of the fact that process against such registered limited liability partnership or New York registered foreign limited liability partnership has been served electronically upon him or her, to such registered limited liability partnership or New York registered foreign limited liability partnership at the email address on file in the department of state, specified for the purpose and shall make a copy of the process available to such registered limited liability partnership or New York registered foreign limited liability partnership.**

§ 53. Subdivision 7 of section 339-n of the real property law, as amended by chapter 346 of the laws of 1997, is amended to read as follows:

7. A designation of the secretary of state as agent of the corporation or board of managers upon whom process against it may be served **and the post office address within or without this state to which the secretary of state shall mail a copy of any process against it served upon him or her. The designation may include an email address to which the secretary of state shall email a notice of the fact that process against it has been electronically served upon him or her**. Service of process on the secretary of state as agent of such corporation or board of managers shall be made [~~personally~~] **in the manner provided by paragraph (a) or (b) of this subdivision. (a) Personally** delivering to and leaving with him or her or his or her deputy, or with any person authorized by the secretary of state to receive such service, at the office of the department of state in the city of Albany, duplicate copies of such process together with the statutory fee, which shall be a taxable disbursement. Service of process on such corporation or board of managers shall be complete when the secretary of state is so served. The secretary of state shall promptly send one of such copies by certified mail, return receipt requested, to such corporation or board of managers, at the post office address, on file in the department of state, specified for such purpose. **(b) Electronically submitting a copy of the process to the department of state together with the statutory fee, which fee shall be a taxable disbursement, through an electronic system operated by the department of state, provided the corporation or board of managers has an email address on file in the department of state to which the secre-**

tary of state shall email a notice of the fact that process against the corporation or board of managers has been served electronically on the secretary of state. Service of process on such corporation or board of managers shall be complete when the secretary of state has reviewed and accepted service of such process. The secretary of state shall promptly send notice of the fact that process has been served electronically on the secretary of state to such corporation or board of managers at the email address on file in the department of state, specified for the purpose and shall make a copy of the process available to such corporation or board of managers. Nothing in this subdivision shall affect the right to serve process in any other manner permitted by law. The corporation or board of managers shall also file with the secretary of state the name and post office address within or without this state to which the secretary of state shall mail a copy of any process against it served upon the secretary of state and shall update the filing as necessary.

§ 54. This act shall take effect January 1, 2023.

PART P

Section 1. The executive law is amended by adding a new section 142-b to read as follows:

§ 142-b. Remote notarization. 1. Definitions. As used in this section, the following terms have the following meanings:

(a) "Audio-video communication" means being able to see, hear, and communicate with another individual in real time using electronic means.

(b) "Credential" means a government-issued identification document that includes the principal's photograph, signature, and multiple credential security features such as: a holographic image, raised or textured print, microprinting, laser engraving, optical variable ink, long life multi-layer PET (polyethylene terephthalate)/PVC (polyvinyl chloride) credential body construction, the issuing agency's seal, or the credential holder's physical characteristics (such as height, eye color, hair color).

(c) "Credential analysis" means a process or service which authenticates a credential through review of public and proprietary data sources, and complies with the following criteria:

(i) uses automated software processes to aid the notary public in verifying the identity of a remotely located individual;

(ii) ensures that the credential passes an authenticity test, consistent with sound commercial practices that:

(1) uses appropriate technologies to confirm the integrity of visual, physical, or cryptographic security features;

(2) uses appropriate technologies to confirm that the identification credential is not fraudulent or inappropriately modified;

(3) uses information held or published by the issuing source or an authoritative source, as available, to confirm the validity of personal details and identification credential details; and

(iii) provides output of the credential analysis to the notary public; and

(iv) enables the notary public to visually compare the credential and the remotely located individual as viewed by the notary public in real time through audio-video communication.

(d) "Electronic" shall have the same meaning as set forth in section three hundred two of the state technology law.

(e) "Electronic record" means information evidencing any act, transaction, occurrence, event or other activity, produced or stored by electronic means and capable of being accurately reproduced in forms perceptible by human sensory capabilities.

(f) "Electronic signature" means an electronic sound, symbol, or process, attached to or logically associated with an electronic record and executed or adopted by a person with the intent to sign the record.

(g) "Identity proofing" means a knowledge-based authentication process through which a third party confirms the identity of a principal through review of personal information from public and proprietary data sources as may be further defined by regulation.

(h) "Notarial act" means the performance of an act authorized by section one hundred thirty-five of this chapter.

(i) "Principal" means an individual:

(i) whose signature is reflected on a document that is notarized;

(ii) who has taken an oath or affirmation administered by a notary public; or

(iii) whose signature is reflected on a document that is notarized after the individual has taken an oath or affirmation administered by a notary public.

(j) "Record" means information that is inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form.

(k) "Remote notarization" means the act of performing any notarial act that is authorized under section one hundred thirty-five of this chapter where a principal who is not in the physical presence of the notary public obtains a notarial act under subdivision two of this section.

(l) "Remote presentation" means display of a credential to the notary public through audio-video communication in a manner that allows the notary public to compare the principal to the credential facial image and to examine the front and back of any credential.

(m) "Wet signature" means a signature affixed in ink or pencil or other material to a paper document.

2. Any notary public qualified under this article is hereby authorized to perform a remote notarization by utilizing audio-video technology that allows the notary public to interact with a principal, provided that all conditions of this subdivision are met.

(a) The notary public must verify the identity of the principal in a manner consistent with the requirements of subdivision three of this section. A notary public may require an individual to provide additional information or identification credentials necessary to assure the notary public of the identity of the principal.

(b) The audio-video conference must allow for real-time, direct interaction between the principal and the notary public.

(c) The communication technology must provide reasonable security measures to prevent unauthorized access to the audio-video communication and to the methods used to verify the identity of the principal.

(d) A recording, containing both audio and video, of the remote notarization must be retained by the notary public for at least ten years.

(e) The notary public must take reasonable steps to ensure that a backup of the recording of the remote notarization exists and is secured from unauthorized use. A notary public may authorize a third party to retain such recordings on behalf of the notary, provided that all recordings retained by a third party be made available to the secretary upon request.

(f) If a notarial act is performed under this section, the certificates of an acknowledgment must conform substantially with the language in this paragraph that corresponds to the type of transaction at issue, the blanks being properly filled.

(1) For a remote notarization when the principal is located outside the State of New York:

State of New York }ss.:

County of .....}

On the ..... day of ..... in the year ..... before me, the undersigned, appeared through use of audio and video communication....., personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument, acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument, and who declared that (pronoun) (is) (are) located in ... (jurisdiction and location name) and that this record is to be filed with or relates to a matter before a court, governmental entity, public official, or other entity located in the territorial jurisdiction of the United States, or involves property located in the territorial jurisdiction of, or a transaction substantially connected with, the United States. (Signature and office of individual taking acknowledgement.)

(2) For a remote notarization when the principal is located within the State of New York:

State of New York }ss.:

County of .....}

On the ..... day of ..... in the year ..... before me, the undersigned, appeared through use of audio and video communication....., personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument. (Signature and office of individual taking acknowledgement.)

(g) For receipt and certification of instruments, the principal must transmit by fax or electronic means a legible copy of the signed signature page directly to the notary public on the same date it was signed before the notary public affixes their wet signature.

(h) The notary public must be physically situated in New York state at the time of the remote notarization.

(i) The notary public must maintain a journal of each remote notarization performed pursuant to this section, which upon demand, shall be subject to inspection by the secretary of state. The journal required by this subdivision shall be maintained by each notary public for as long as such notary public remains in office and then for an additional five years thereafter. Each journal entry shall:

(1) Be made contemporaneously with the performance of the notarial act;

(2) Indicate the date and approximate time of the notarial act;

(3) Indicate the name of the principal;

(4) Indicate the technology used to perform the remote presentation;

(5) Indicate the number and type of notarial services provided; and

(6) Indicate the type of credential used to identify the principal.

3. The notary public must be able to verify the identity of the principal at the time the notarial act is provided by one of the following methods:

(a) The notary public's personal knowledge of the principal; or

(b) Identification of the principal who appears remotely before the notary by means of audio-video communication by each of the following:

(i) Remote presentation by the principal of a credential;

(ii) Credential analysis; and

(iii) Identity proofing of the principal; or

(c) Oath or affirmation of a credible witness who personally knows the principal and who is either personally known to the notary public or who is identified by the notary public under paragraph (b) of this subdivision.

4. The notary public may notarize the electronically transmitted copy of the document and transmit the document back to the principal by mail, or by fax or secure electronic means. If the notarized document is transmitted to the principal by fax or secure electronic means, the notary public shall promptly destroy the original after receiving confirmation of the transmission. An electronically transmitted document notarized pursuant to this section shall be considered an original document. The notary public may repeat the notarization of the original signed document as of the date of execution provided the notary public receives such original signed document together with the electronically notarized copy within thirty days after the date of execution.

5. Notwithstanding article 9 of the real property law or any other law or regulation to the contrary, any act performed in conformity with this section shall be a permissive alternative to a personal appearance, unless a law expressly excludes the authorization provided for in this section.

6. Any person who suffers actual damages as a result of a principal who violates any of the provisions of this section, shall have a civil cause of action against any such principal in a court of competent jurisdiction.

7. The secretary of state may promulgate regulations establishing minimum standards that relate to reasonable security measures to prevent unauthorized access to audio-video communication and to the methods used to verify the identity of the principal, and any other matters necessary to administer the provisions of this section.

8. Pursuant to section one hundred thirty of this article, the secretary of state may suspend or remove from office any notary public that violates this section.

9. Notarial signature.

(a) Nothing in this section shall be construed as permitting a notary public to use an electronic signature to perform a remote notarization. Each remote notarization shall be completed by wet signature.

(b) A county clerk may certify pursuant to section one hundred thirty-three of this article the autograph signature of a notary public on any document that has been remotely notarized in compliance with this section.

10. Fees. Notwithstanding section one hundred thirty-six of this article, a notary public that performs a remote notarization pursuant to this section shall be entitled to the following fees:

(a) For administering an oath or affirmation, and certifying the same when required, except where another fee is specifically prescribed by statute, five dollars.

**(b) For taking and certifying the acknowledgment or proof of execution of a written instrument, by one person, five dollars, and by each additional person, five dollars, for swearing each witness thereto, five dollars.**

**11. Nothing in this section shall be construed as requiring any notary public to perform a remote notarization. A notary public may refuse to perform a notarial act if the notary public is not satisfied that (i) the principal is competent or has the capacity to execute a record, or (ii) the principal's signature is knowingly and voluntarily made.**

§ 2. Subdivision 1 of section 309-a of the real property law, as separately amended by chapter 179 of the laws of 1997 and chapter 596 of the laws of 1998, is amended to read as follows:

1. The certificate of an acknowledgment, within this state, of a conveyance or other instrument in respect to real property situate in this state, by a person, must conform substantially with the following form, the blanks being properly filled:

State of New York }ss.:
County of .....}

On the ..... day of ..... in the year ..... before me, the undersigned, **either (i)** personally appeared **or (ii) appeared remotely by audio and video technology** ....., personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument.

(Signature and office of individual taking acknowledgement.)

§ 3. Subdivision 1 of section 309-b of the real property law, as amended by chapter 609 of the laws of 2002, is amended to read as follows:

1. The certificate of an acknowledgement, without this state, of a conveyance or other instrument with respect to real property situate in this state, by a person, may conform substantially with the following form, the blanks being properly filled:

State, District of Columbia, Territory, Possession, or Foreign Country
) ss.:

On the _____ day of _____ in the year _____ before me, the undersigned, **either (i)** personally appeared **or (ii) appeared remotely by audio and video technology** _____, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument.

(Signature and office of individual taking acknowledgement.)

§ 4. This act shall take effect immediately.

## PART Q

Section 1. Paragraph (b) of subdivision 5 of section 8-0111 of the environmental conservation law, as amended by chapter 388 of the laws of 2011, is amended to read as follows:

(b) Actions subject to the provisions requiring a certificate of environmental compatibility and public need in articles seven, ten and the former article eight of the public service law **or requiring a siting permit under section ninety-four-c of the executive law**; or

§ 2. Paragraph (i) of subdivision 3 and paragraph (d) of subdivision 7 of section 94-c of the executive law, as added by section 4 of part JJJ of chapter 58 of the laws of 2020, is amended to read as follows:

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

(d) In addition to the fees established pursuant to paragraph (a) of this subdivision, the office, pursuant to regulations adopted pursuant to this section, may assess a fee for the purpose of recovering [~~the~~] costs the office incurs [~~related to reviewing and processing an application submitted under this section~~].

§ 3. Subdivision 2-b of section 2 of the public service law, as amended by chapter 6 of the laws of 2011, is amended to read as follows:

2-b. The term "alternate energy production facility," when used in this chapter, includes any solar, wind turbine, fuel cell, tidal, wave energy, waste management resource recovery, refuse-derived fuel, wood burning facility, or energy storage device utilizing batteries, flow batteries, flywheels or compressed air, together with any related facilities located at the same project site, with an electric generating capacity of [~~up to eighty~~] **less than twenty-five** megawatts, which produces electricity, gas or useful thermal energy.

§ 4. This act shall take effect immediately and shall be deemed to have been in full force and effect on and after April 3, 2020; provided, however, that section three of this act shall not apply to any major electric generating facility issued a certificate under article 10 of the public service law prior to such date; and provided further, that the amendments to section 94-c of the executive law, made by section two of this act, shall not affect the repeal of such section and shall be deemed repealed therewith.

## PART R

Section 1. Notwithstanding any provision of law to the contrary, general, special or local, (1) a building owner is authorized pursuant to sections 28-320-3.6 and 28-320-3.6.1 of the administrative code of the city of New York to deduct from the reported annual building emissions the number of renewable energy credits purchased by or on behalf of such owner associated with energy produced by a renewable energy resource that is eligible under tier 2 of the renewable energy standard (RES) adopted by the public service commission, or qualifying renewable energy credits made available through contracts with the New York state

energy research and development authority and associated with energy produced by offshore wind energy resources delivering into the zone J load zone or energy resources subject to tier 4 of the RES; provided, however, that such building owner may only use tier 2 renewable energy credits for the purposes of this subdivision in the absence of the availability of such offshore wind or tier 4 renewable energy credits; and (2) renewable energy credits associated with energy produced by such offshore wind, tier 2 and tier 4 energy resources shall be treated the same with respect to the conversion of such credits into emissions that may be deducted by such building owner.

§ 2. This act shall take effect immediately and shall expire and be deemed repealed December 31, 2034.

PART S

Section 1. The public authorities law is amended by adding a new section 2564-a to read as follows:

**§ 2564-a. Additional powers of the corporation. 1. For the purposes of this section, the following terms shall have the following meanings:**

**(a) "premises" means all buildings and structures now or hereafter constituting all or any part of the Jacob K. Javits Convention Center at and in the general vicinity of 655 West 34th Street and 650 West 39th Street, New York, New York, together with the lands on which such buildings and structures are or will be located.**

**(b) "New York city codes" means the New York city construction codes of two thousand fourteen, including but not limited to the building, mechanical, plumbing, fuel gas, and energy conservation codes; the New York city construction and maintenance code of nineteen hundred sixty-eight; the New York city fire code of two thousand fourteen; the New York city electrical code; the New York city energy code; title one of the rules of the city of New York, department of buildings; title two of the rules of the city of New York board of standards and appeals; and title three of the rules of the city of New York fire department.**

**(c) "The uniform code" means the New York state uniform fire prevention and building code.**

**(d) "The NYS energy code" means the New York state energy conservation construction code.**

**(e) "Part twelve hundred four" means part twelve hundred four of title nineteen of the codes, rules and regulations of New York state, as amended.**

**2. In connection with the operations and ongoing events and other activities at any building or structure constituting all or any part of a premises, the corporation may, for purposes of such premises, act as the construction-permitting agency pursuant to article eighteen of the executive law and the regulations promulgated thereunder, as amended. Notwithstanding any other provision of any other state or local law, rule or regulation to the contrary:**

**(a) when the corporation acts as the construction-permitting agency for the premises or any portion thereof, the corporation may elect, if deemed feasible and appropriate, to subject all or any part of such premises and all buildings and structures constituting all or any part of the premises to the requirements of the New York city codes, as amended, instead of the requirements of the uniform code and the NYS energy code, as amended, for such premises; and**

**(b) Notwithstanding the fact that such premises and all buildings and structures constituting all or any part of such premises shall be**

subject to the requirements of the New York city codes instead of the requirements of the uniform code and NYS energy code:

(i) the corporation shall be authorized to:

(A) render such services for all or any portion of any such premises without approval of any other state department, agency, officer or office but only as directly related to the authority granted by this section; and

(B) take all reasonably required actions to execute its duties as the construction-permitting agency, including without limitation, those required to review, permit and inspect the premises and enforce the New York city codes; and

(C) issue temporary place of assembly permits, temporary structure permits, construction permits and all other permits available under the New York city codes after determining any request or application for such permits complies with the requirements of the New York city codes; and

(D) issue a code compliance certificate, certificate of occupancy, or a temporary approval for occupancy allowing use and occupancy of the premises or parts thereof after determining such premises or parts thereof complies with the requirements of the New York city codes; and

(E) employ such experts and consultants as shall reasonably be required to fulfill its responsibilities as the construction-permitting agency; and

(ii) the corporation shall continue to act as the construction-permitting agency for such premises and for all buildings and structures constituting all or any part of such premises, and shall determine that the design of any such building and structure, or, if applicable, the design of any phase or portion of any such building or structure, complies with the requirements of the New York city codes before issuing a construction permit for such building or structure, or phase or portion thereof, and shall determine that such building or structure, or, if applicable, any phase or portion thereof, complies with the requirements of the New York city codes before issuing a code compliance certificate or temporary approval for occupancy for such building or structure, or phase or portion thereof; and

(iii) upon written request of the corporation or any other interested party for a variance or modification of any provision or requirement of any one or more of the New York city codes, the department of state shall be authorized to consider the evidence offered and such other reports, studies and other information the department of state may deem appropriate, arrange for the review of the request by other state agencies or internal or external experts and consultants, make findings of fact and conclusions of law, and render a decision in writing on such request, granting or denying, in whole or in part, the requested variance or modification, provided, however, that:

(A) no such variance or modification shall be granted unless the applicant establishes to the satisfaction of the department of state that granting such variance or modification shall not materially affect adversely provisions for health, safety and security; and

(B) any decision to grant a variance or modification, in whole or in part, shall also be noted on the applicable plans and specifications signed and sealed by a professional engineer or architect; and

(iv) such premises and all buildings and structures constituting all or any part of such premises shall continue to be subject to the provisions of part twelve hundred four; provided, however, that for the purposes of applying part twelve hundred four, all references in part

twelve hundred four to the uniform code shall be deemed to be references to the New York city codes; and

(v) no municipal corporation or subdivision thereof shall have the power to modify or change the plans or specifications for such premises, or the construction, plumbing, heating, lighting or other mechanical branch work necessary to complete the work in question, nor to require that any person, firm or corporation employed on any such work shall perform any such work in any other different manner than that required by such plans and specifications, nor to conduct construction-related inspections, including but not limited to fire safety inspections or other inspections of such premises or of any building or structure constituting all or any part of such premises, nor to issue notices of violation, orders to remedy, summonses, or other enforcement-related instruments of any kind relating to any alleged violation of the New York city codes by such premises or any building or structure constituting all or any part of such premises, and no condition or requirement whatever may be imposed by any such municipal corporation or subdivision thereof in relation to work being done on such premises, as such work shall be under the sole control of the corporation in accordance with the plans, specification and contracts in relation thereto, provided that emergency personnel shall have access to the premises site for purposes of emergency operations, coordination, and preparedness; and

(c) the corporation shall be responsible for reimbursement to the department of state for costs incurred in considering a request for a variance or modification as contemplated by subparagraph (iii) of paragraph (b) of this subdivision.

3. Nothing in this section shall prohibit the corporation from negotiating an agreement with the applicable municipal corporation to assume administration and enforcement of any applicable codes with respect to the premises or any individual project on the premises.

4. Nothing in this section shall prohibit the corporation from utilizing the uniform code and the NYS energy code, as amended for any additional work that requires a construction permit.

§ 2. This act shall take effect immediately.

PART T

Section 1. Legislative Findings. The legislature hereby finds and determines that the establishment of the utility debt securitization authority under part B of chapter 173 of the laws of 2013, as amended, permitted the issuance of securitized restructuring bonds on favorable terms which resulted in lower aggregate distribution, transmission and transition charges to Long Island ratepayers, compared to other available alternatives, and the purposes of such act will be further advanced by amending such act to permit the issuance of additional such bonds subject to a limit on the outstanding principal amount thereof and to allow such bonds to be issued to refund bonds of the utility debt securitization authority. The legislature hereby further finds and determines that improvements to the transmission and distribution system of the Long Island Power Authority to increase resiliency and better withstand the effects of climate change are necessary, and that issuance of securitized restructuring bonds by the Utility Debt Securitization Authority may allow the funding of such improvements on more favorable terms than if such bonds were issued by the Long Island Power Authority.

§ 2. Subdivision 2 of section 2 of part B of chapter 173 of the laws of 2013 relating to the issuance of securitized restructuring bonds to

refinance the outstanding debt of the Long Island power authority, is amended to read as follows:

2. "Approved restructuring costs" means, to the extent approved as such under a restructuring cost financing order, (a) costs of purchasing, redeeming or defeasing a portion of outstanding debt of the authority **or the restructuring bond issuer**, including bonds and notes issued by the authority **or the restructuring bond issuer**, debt issued by the New York state energy research and development authority for the benefit of the LILCO; (b) costs of terminating interest rate swap contracts and other financial contracts entered into by or for the benefit of the authority and related to debt obligations of the authority; (c) rebate, yield reduction payments and any other amounts payable to the United States Treasury or to the Internal Revenue Service to preserve or protect the federal tax-exempt status of outstanding debt obligations of the authority; [~~and~~] (d) upfront financing costs associated with restructuring bonds**; and (e) system resiliency costs**.

§ 3. Subdivision 11 of section 2 of part B of chapter 173 of the laws of 2013 relating to the issuance of securitized restructuring bonds to refinance the outstanding debt of the Long Island power authority, as amended by section 2-a of part W of chapter 58 of the laws of 2015, is amended to read as follows:

11. "Restructuring bonds" means bonds or other evidences of indebtedness that are issued pursuant to an indenture or other agreement of the restructuring bond issuer under a restructuring cost financing order (a) the proceeds of which are used, directly or indirectly, to recover, finance, or refinance approved restructuring costs, (b) that are directly or indirectly secured by, or payable from, restructuring property, **and** (c) that have a term no longer than thirty years [~~**and (d) that have a final scheduled maturity date no later than the final scheduled maturity date of the authority bonds purchased, redeemed or defeased with the proceeds of such restructuring bonds**~~].

§ 4. Section 2 of part B of chapter 173 of the laws of 2013 relating to the issuance of securitized restructuring bonds to refinance the outstanding debt of the Long Island power authority, is amended by adding a new subdivision 17-a to read as follows:

**17-a. "System resiliency costs" means, to the extent approved as such under a restructuring cost financing order, costs of rebuilding, improving or constructing transmission and distribution system assets to increase resiliency of such assets, better withstand changes in climate, absorb impacts from outage-inducing events, and recover quickly from outages including but not limited to, improvements to and replacement of poles and wires, moving power lines underground, raising substations, constructing flood barriers, and system automation and costs of purchasing, redeeming or defeasing debt of the authority incurred to finance such costs or reimbursing the authority for amounts already spent on such costs.**

§ 5. Subdivision 1 of section 3 of part B of chapter 173 of the laws of 2013 relating to the issuance of securitized restructuring bonds to refinance the outstanding debt of the Long Island power authority, is amended to read as follows:

1. Standard. The authority may prepare a restructuring cost financing order **(a)** for the purpose of issuing restructuring bonds to refinance outstanding debt of the authority **or the restructuring bond issuer** based on a finding that such bond issuance is expected to result in savings to consumers of electric transmission and distribution services in the service area on a net present value basis**; or (b) for the purpose of**

issuing restructuring bonds to finance system resiliency costs based on a finding that funding of such system resiliency costs by the issuer would result in lower costs to consumers of electric transmission and distribution services in the service area on a net present value basis than funding of such costs by the authority.

§ 6. Paragraph (a) of subdivision 1 of section 4 of part B of chapter 173 of the laws of 2013 relating to the issuance of securitized restructuring bonds to refinance the outstanding debt of the Long Island power authority, as amended by section 3 of part W of chapter 58 of the laws of 2015, is amended to read as follows:

(a) For the purpose of effectuating the purposes declared in section one of this act, there is hereby created a special purpose corporate municipal instrumentality of the state to be known as "utility debt securitization authority", which shall be a body corporate and politic, a political subdivision of the state, and a public benefit corporation, exercising essential governmental and public powers for the good of the public. Such restructuring bond issuer shall not be created or organized, and its operations shall not be conducted, for the purpose of making a profit. No part of the revenues or assets of such restructuring bond issuer shall inure to the benefit of or be distributable to its trustees or officers or any other private persons, except as herein provided for actual services rendered. [~~The aggregate principal amount of restructuring bonds authorized to be issued by restructuring bond issuers created pursuant to this act shall not exceed~~] No more than four billion five hundred million dollars aggregate principal amount of restructuring bonds issued by restructuring bond issuers created pursuant to this act shall be outstanding at any time. For the purposes of this section, restructuring bonds shall not be deemed to be outstanding if they have matured or if they have been paid or redeemed or provision for payment or redemption of such bonds shall have been made.

§ 7. Subparagraphs (i) and (iv) of paragraph (a) of subdivision 2 of section 4 of part B of chapter 173 of the laws of 2013 relating to the issuance of securitized restructuring bonds to refinance the outstanding debt of the Long Island power authority, subparagraph (i) as amended and subparagraph (iv) as added by section 4 of part W of chapter 58 of the laws of 2015, are amended to read as follows:

(i) issue the restructuring bonds contemplated by a restructuring cost financing order, and use the proceeds thereof to purchase or acquire, and to own, hold and use restructuring property or to pay or fund upfront financing costs [~~provided, however, that the restructuring bond issuer shall not issue restructuring bonds for the purpose of refunding other restructuring bond~~];

(iv) [~~only~~] issue restructuring bonds of which the final scheduled maturity date of any series of restructuring bonds shall be no later than [~~the final scheduled maturity date of the authority bonds to be purchased, redeemed or defeased with the proceeds of such restructuring bonds~~] thirty years from the date of issuance of such restructuring bonds.

§ 8. This act shall take effect immediately.

## PART U

Section 1. Paragraph 4 of subdivision (c) of section 188-a of the economic development law, as added by section 2 of part CC of chapter 60 of the laws of 2011, is amended to read as follows:

(4) The board may base its recommendation on which eligible applicants it determines best meet the applicable criteria; provided, however, that the board shall dedicate recharge New York power as follows: (i) at least three hundred fifty megawatts for use at facilities located within the service territories of the utility corporations that, prior to the effective date of this section, purchased Niagara and Saint Lawrence hydroelectric power for the benefit of their domestic and rural consumers; (ii) at least two hundred megawatts for the purposes of attracting new business to the state, creating new business within the state, or encouraging the expansion of existing businesses within the state, that create new jobs or leverage new capital investment; and (iii) an amount not to exceed one hundred **fifty** megawatts for eligible small businesses and eligible not-for-profit corporations.

§ 2. This act shall take effect immediately.

PART V

Section 1. Subsections (e) and (g) of section 7002 of the insurance law, as amended by chapter 188 of the laws of 2003, are amended to read as follows:

(e) "Industrial insured" means an insured:

(1) whose net worth exceeds one hundred million dollars;

(2) who is a member of a holding company system whose net worth exceeds one hundred million dollars;

(3) who is the metropolitan transportation authority and its statutory subsidiaries. When filing an application to form a pure captive insurance company the metropolitan transportation authority shall submit written notice of such filing to the governor, the temporary president of the senate and the speaker of the assembly; [~~or~~]

(4) **who is the power authority of the state of New York and any statutory subsidiary or affiliate thereof. When filing an application to form a pure captive insurance company the power authority shall submit written notice of such filing to the governor, the temporary president of the senate and the speaker of the assembly; or**

**(5)** who is a city with a population of one million or more. When filing an application to form a pure captive insurance company, a city with a population of one million or more shall submit written notice of such filing to the governor, the temporary president of the senate and the speaker of the assembly.

(g) "Industrial insured group" means any group of unaffiliated industrial insureds that are engaged in similar or related businesses or activities, however, the metropolitan transportation authority**, the power authority of the state of New York and any statutory subsidiary or affiliate thereof** and cities with a population of one million or more shall not be a member of an industrial insured group, and that collectively:

(1) own, control or hold with power to vote all of the outstanding voting shares of stock of a group captive insurance company incorporated as a stock insurer; or

(2) represent one hundred percent of the voting members of a group captive insurance company organized as a mutual insurer.

§ 2. Section 1005 of the public authorities law is amended by adding a new subdivision 28 to read as follows:

**28. The authority may establish a subsidiary corporation for the purpose of forming a pure captive insurance company as provided in section seven thousand two of the insurance law. The members of such**

subsidiary corporation of the authority shall be the same persons holding the offices of members of the authority. Such subsidiary corporation shall have all of the privileges, immunities, tax exemptions and other exemptions of the authority and of the authority's property, functions and activities. The subsidiary corporation of the authority shall be subject to suit in accordance with section one thousand seventeen of this title. The employees of any such subsidiary corporation, except those who are also employees of the authority, shall not be deemed employees of the authority.

§ 3. Subdivision (a) of section 1500 of the tax law, as amended by section 21 of part A of chapter 59 of the laws of 2014, is amended to read as follows:

(a) The term "insurance corporation" includes a corporation, association, joint stock company or association, person, society, aggregation or partnership, by whatever name known, doing an insurance business, and, notwithstanding the provisions of section fifteen hundred twelve of this article, shall include (1) a risk retention group as defined in subsection (n) of section five thousand nine hundred two of the insurance law, (2) the state insurance fund and (3) a corporation, association, joint stock company or association, person, society, aggregation or partnership doing an insurance business as a member of the New York insurance exchange described in section six thousand two hundred one of the insurance law. The definition of the "state insurance fund" contained in this subdivision shall be limited in its effect to the provisions of this article and the related provisions of this chapter and shall have no force and effect other than with respect to such provisions. The term "insurance corporation" shall also include a captive insurance company doing a captive insurance business, as defined in subsections (c) and (b), respectively, of section seven thousand two of the insurance law; provided, however, "insurance corporation" shall not include the metropolitan transportation authority, the power authority of New York or any statutory subsidiary or affiliate thereof, or a public benefit corporation or not-for-profit corporation formed by a city with a population of one million or more pursuant to subsection (a) of section seven thousand five of the insurance law, each of which is expressly exempt from the payment of fees, taxes or assessments, whether state or local; and provided further "insurance corporation" does not include any combinable captive insurance company. The term "insurance corporation" shall also include an unauthorized insurer operating from an office within the state, pursuant to paragraph five of subsection (b) of section one thousand one hundred one and subsection (i) of section two thousand one hundred seventeen of the insurance law. The term "insurance corporation" also includes a health maintenance organization required to obtain a certificate of authority under article forty-four of the public health law.

§ 4. Subdivision (a) of section 1502-b of the tax law, as amended by section 22 of part A of chapter 59 of the laws of 2014, is amended to read as follows:

(a) In lieu of the taxes and tax surcharge imposed by sections fifteen hundred one, fifteen hundred two-a, fifteen hundred five-a, and fifteen hundred ten of this article, every captive insurance company licensed by the superintendent of financial services pursuant to the provisions of article seventy of the insurance law, other than the metropolitan transportation authority, the power authority of New York or any statutory subsidiary or affiliate thereof, and a public benefit corporation or not-for-profit corporation formed by a city with a population of one

million or more pursuant to subsection (a) of section seven thousand five of the insurance law, each of which is expressly exempt from the payment of fees, taxes or assessments whether state or local, and other than combinable captive insurance company, shall, for the privilege of exercising its corporate franchise, pay a tax on (1) all gross direct premiums, less return premiums thereon, written on risks located or resident in this state and (2) all assumed reinsurance premiums, less return premiums thereon, written on risks located or resident in this state. The rate of the tax imposed on gross direct premiums shall be four-tenths of one percent on all or any part of the first twenty million dollars of premiums, three-tenths of one percent on all or any part of the second twenty million dollars of premiums, two-tenths of one percent on all or any part of the third twenty million dollars of premiums, and seventy-five thousandths of one percent on each dollar of premiums thereafter. The rate of the tax on assumed reinsurance premiums shall be two hundred twenty-five thousandths of one percent on all or any part of the first twenty million dollars of premiums, one hundred and fifty thousandths of one percent on all or any part of the second twenty million dollars of premiums, fifty thousandths of one percent on all or any part of the third twenty million dollars of premiums and twenty-five thousandths of one percent on each dollar of premiums thereafter. The tax imposed by this section shall be equal to the greater of (i) the sum of the tax imposed on gross direct premiums and the tax imposed on assumed reinsurance premiums or (ii) five thousand dollars.

§ 5. This act shall take effect immediately.

## PART W

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 $22,700,000 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 2019. 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, 2021 and such amounts shall be paid to the New York state energy research and development authority on or before September 10, 2021. 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 envi-

ronmental conservation, $150,000 to the state general fund for services and expenses of the department of agriculture and markets, and $825,000 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 encompassing 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, 2021.

PART X

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

§ 11-0701. Definitions of licenses and privileges of licensees.

1. A hunting license[~~:~~

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

~~b. entitles a holder who is fourteen or fifteen years of age to hunt wildlife, including wild deer and bear, as provided in title 9 of this article, subject, specifically, to the provisions of section 11-0929 of this article. It entitles such holder to possess firearms as provided in section 265.05 of the penal law.~~]

2. a. A hunting license entitles the holder to hunt wildlife subject to the following:

(1) a holder who is eighteen years of age or older may hunt wildlife as provided in title 9 of this article,

(2) a holder who is sixteen years of age or older may hunt wildlife, except big game, as provided in title 9 of this article, [~~and~~]

(3) a holder who is between the ages of sixteen and eighteen may hunt big game pursuant to the provisions of title 9 of this article while the holder is accompanied by a parent, guardian or person over the age of eighteen as required by section 11-0929 of this article[~~.~~

~~A~~] **, and**

**(4) a** holder may take fish with a longbow as provided in titles 9 and 13 this article.

b. A special antlerless deer license is applicable to the hunting of wild antlerless deer in a special open season fixed pursuant to subdivision 6 of section 11-0903 of this article in a tract within a Wilderness Hunting Area and entitles the holder of a hunting license to hunt antlerless deer in such special open season, as provided in title 9 of this article if he or she has on his or her person while so hunting both his or her hunting license and his or her special antlerless deer license.

3. A bowhunting privilege when included on a hunting license entitles a holder:

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

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

(3) who is sixteen or seventeen years of age to exercise the same privileges subject to the provisions of section 11-0929 and subdivision 3 of section 11-0713 of this article.

4. A fishing license entitles the holder to take fish by angling, spearing, hooking, longbow and tipups, to take frogs by spearing, catching with the hands or by use of a club or hook, and to take bait fish for personal use, as provided in titles 9 and 13 of this article, except that such license shall not entitle the holder to take migratory fish of the sea or to take fish from the waters of the marine district.

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

6. A seven-day fishing license entitles the holder to exercise the privileges of a fishing license for the seven consecutive days specified in the license.

7. A one-day fishing license entitles the holder to exercise the privileges of a fishing license on the day specified on the license.

8. A trapping license entitles the holder to trap beaver, otter, fisher, mink, muskrat, skunk, raccoon, bobcat, coyote, fox, opossum, weasel, pine marten and unprotected wildlife except birds, as provided in title 11, subject to the provisions of section 11-0713 of this article.

9. A muzzle-loading privilege when included on a hunting license entitles a holder who is [~~fourteen~~] **twelve** years of age or older to hunt

wild deer and bear with a muzzle-loading firearm or crossbow, as provided in title 9 of this article, in a special muzzle-loading firearm season.

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

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

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

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

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

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

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

~~**(3) crossbows may be used but only by licensees who are fourteen years of age or older**~~].

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

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

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

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

length of such crossbow from buttstock to front of limbs shall be twenty-four inches.

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

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

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

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

§ 9. Subdivision 10 of section 11-0907 of the environmental conservation law, as added by section 14 of part EE of chapter 55 of the laws of 2014, is amended to read as follows:

10. Notwithstanding any provision of this chapter, or any prior notwithstanding language in this article, the department may, by regulation, authorize the taking of big game by the use of a crossbow by any licensed person in any big game season [~~in any area designated in items (a), (b), (c), (d), (e), (f), (i), (k) and (l) of paragraph a of subdivision two of this section in which a shotgun or muzzle loader is permitted provided however, that any crossbow use during an archery-only season shall only take place during the last fourteen consecutive days of such archery-only season in the southern zone provided that such archery-only season shall consist of not less than forty-five days and only during the last ten consecutive days of any archery-only season in the northern zone provided that such archery-only season shall consist of no less than twenty-three days. Any muzzle loading season which occurs at the same time as a special archery season may only occur during times when crossbows are authorized to be used~~].

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

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

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

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

§ 11-0933. Taking small game by crossbow.

Notwithstanding any provision of this chapter, or any prior notwithstanding language in this article, the department may, by regulation, authorize the taking of small game and wild upland game birds by the use of a crossbow by any licensed person [~~fourteen years of age or older~~], in any small game season[~~, in any area designated in items (a), (b),~~

~~(c), (d), (e), (f), (i), (k), and (l) of paragraph a of subdivision two of section 11-0907 of this title in which a shotgun or muzzle loader is permitted~~].

§ 13. Subparagraph (i) of paragraph 4 of subdivision (a) of section 83 of the state finance law, as amended by section 1 of part AA of chapter 58 of the laws of 2015, is amended to read as follows:

(i) There is hereby created a special account within the conservation fund to be known as the state fish and game trust account to consist of all moneys received by the state from the sale of lifetime hunting, fishing, and trapping licenses, and lifetime archery and muzzle-loading privileges pursuant to section 11-0702 of the environmental conservation law except those moneys deposited in the habitat conservation and access account pursuant to section eighty-three-a of this chapter. The state comptroller shall invest the moneys in such account in securities as defined by section ninety-eight-a of this article **or, within the discretion of the comptroller to maximize income for the account, in investments authorized by section one hundred seventy-seven of the retirement and social security law or consistent with the provisions of subdivision b of section thirteen of the retirement and social security law**. Any income earned by the investment of such moneys, except income transferred to the conservation fund pursuant to subparagraph (iii) of this paragraph, shall be added to and become a part of, and shall be used for the purposes of such account.

§ 14. This act shall take effect immediately.

PART Y

Section 1. Section 27-2701 of the environmental conservation law, as added by chapter 641 of the laws of 2008, subdivision 2 as amended and subdivision 7 as added by chapter 481 of the laws of 2014, is amended to read as follows:

§ 27-2701. Definitions.

As used in this title:

1. "Compostable plastic bag" means a plastic bag that at a minimum meets the American Society for Testing and Materials standard D6400 for compostable plastic, as amended.

2. "Manufacturer" means the producer of a plastic carryout bag or **other** film plastic sold to a store or the manufacturer's agent or broker who sold the plastic carryout bag or **other** film plastic to the store.

3. "Operator" means a person in control of, or having daily responsibility for, the daily operation of a store, which may include, but is not limited to, the owner of the store.

4. "Plastic carryout bag" means a [~~plastic~~] carryout bag **made of film plastic** provided by a store to a customer at the point of sale **that is not a reusable bag**.

5. "Reusable bag" means **a bag designed and manufactured for multiple reuse that**:

(a) [~~a bag~~] **is either** made of [~~cloth~~] **(i) hand washable** or [~~other~~] machine washable **cloth or** fabric [~~that has handles~~]**, including woven or nonwoven polypropylene (PP), polyethylene-terephthalate (PET), polyester, or nylon fabric, as well as fabric blends that include any such materials**; or

[~~(b) a durable plastic bag with handles that is specifically designed and manufactured for multiple reuse~~] **(ii) other non-film plastic washable material; and**

(b) has at least one strap or handle that does not stretch and allows the bag to meet the strength and durability standards provided in paragraphs (c) and (d) of this subdivision;

(c) has a minimum lifespan of one hundred twenty-five uses, with a use equal to the ability to carry a minimum of twenty-two pounds over a distance of at least one hundred seventy-five feet; and

(d) has a minimum fabric weight of eighty grams per square meter ("GSM") or equivalent for bags made of any non-film plastic of natural, synthetic, petroleum-based, or non-petroleum-based origin, including woven or nonwoven polypropylene (PP), polyethylene-terephthalate (PET), cotton, jute, or canvas.

6. "Store" means a retail establishment that [~~provides~~] provided plastic carryout bags to its customers as a result of the sale of a product any time prior to March first, two thousand twenty and (a) has over ten thousand square feet of retail space, or (b) such retail establishment is part of a chain engaged in the same general field of business which operates five or more units of over five thousand square feet of retail space in this state under common ownership and management.

7. "Film plastic" means [~~uncontaminated non-rigid film plastic packaging products composed of plastic resins, which include,~~] a flexible sheet or sheets of petroleum or non-petroleum-based plastic resin or other material commonly used in and as packaging products, which include, but are not limited to, newspaper bags, [~~dry cleaning bags and~~] garment bags, shrink-wrap, bags used to carryout and deliver prepared food and other plastic overwrap.

8. "Film plastic bag" means a bag that is made of film plastic.

§ 2. Section 27-2703 of the environmental conservation law, as added by chapter 641 of the laws of 2008 and subdivision 1 as amended by chapter 481 of the laws of 2014, is amended to read as follows:

§ 27-2703. Store operator responsibilities.

1. The operator of a store shall establish an at-store recycling program pursuant to the provisions of this title that provides an opportunity for a customer of the store to return to the store clean plastic carryout bags and other film plastic.

2. A retail establishment that does not meet the definition of a store [~~and that provides plastic carryout bags to customers at the point of sale~~] may also adopt an at-store recycling program.

§ 3. Section 27-2705 of the environmental conservation law, as added by chapter 641 of the laws of 2008 and subdivisions 2, 3 and 4 as amended by chapter 481 of the laws of 2014, is amended to read as follows:

§ 27-2705. Recycling program requirements.

An at-store recycling program provided by the operator of a store shall require:

1. [~~a plastic carryout bag provided by the store to have printed or displayed on the bag, in a manner visible to a consumer, the words "PLEASE RETURN TO A PARTICIPATING STORE FOR RECYCLING". Provided, however, such store shall be allowed for one year from the effective date of this subdivision to use its existing stock of plastic carryout bags. A store may also apply to the commissioner for approval of an alternative plastic bag recycling message. The commissioner shall approve or reject the proposed message within forty-five days;~~

~~2.~~] a collection bin that is visible, easily accessible to the consumer, and clearly marked that the collection bin is available for the purpose of collecting and recycling plastic carryout bags and other film plastic. This subdivision shall apply to stores not within an enclosed

shopping mall and stores of at least fifty thousand square feet within an enclosed shopping mall. In the case of an enclosed shopping mall, the owner of the enclosed mall shall place bins at reasonable intervals throughout the enclosed mall area;

[~~3.~~] **2.** all plastic carryout bags and **other** film plastic collected by the store to be collected, transported and recycled along with any other in-store plastic recycling, except for **film** plastic bags that are not sufficiently free of foreign material to enter the recycling stream. Plastic carryout bags and **other** film plastic collected by the store or the manufacturer, which are free of foreign material, shall not be disposed of in any solid waste disposal facility permitted or authorized pursuant to title seven of this article;

[~~4.~~] **3.** the store or its agent to maintain, for a minimum of three years, records describing the collection, transport and recycling of plastic carryout bags and **other** film plastic collected by weight, provided however that stores or its agents may weigh such **plastic** bags, film plastic and any other in-store plastic recycling at a regional collection center. Such records shall be made available to the department upon request, to demonstrate compliance with this title; and

[~~5.~~] **4.** the operator of the store to (a) make reusable bags available to customers within the store for purchase, and (b) permit a [~~reuseable~~] **reusable** bag to be used in lieu of a [~~plastic carryout bag or~~] paper **carryout** bag.

§ 4. Section 27-2707 of the environmental conservation law, as added by chapter 641 of the laws of 2008 and subdivision 1 as amended by chapter 481 of the laws of 2014, is amended to read as follows:

§ 27-2707. Manufacturer responsibilities.

1. When the manufacturer accepts plastic carryout bags and **other** film plastic for return, it or its agent shall maintain, for a minimum of three years, records describing the collection, transport and recycling of plastic carryout bags and **other** film plastic collected by weight, provided that the manufacturer or its agents may weigh such bags, film plastic and any other plastic resins at a regional collection center. Such records shall be made available to the department upon request, to demonstrate compliance with this title.

2. Manufacturers of compostable plastic bags sold to stores in the state that are subject to the provisions of this title shall have printed on the bag, in a manner visible to the consumer, the words "COMPOSTABLE BAG -- DO NOT PLACE IN RECYCLING BIN". [~~Provided however, such bags may be sold or distributed for one year from the effective date of this section to use the store's existing stock of compostable bags.~~]

§ 5. Section 27-2709 of the environmental conservation law, as amended by chapter 481 of the laws of 2014, is amended to read as follows:

§ 27-2709. Department responsibility.

1. The department shall develop educational materials to encourage the reduction, reuse and recycling of plastic carryout bags and **other** film plastic and shall make those materials available to stores required to comply with this article.

2. The department shall provide information regarding the availability of recycling facilities and companies that recycle **film** plastic bags and **other** film plastic, including the addresses and phone numbers of such facilities and companies to stores required to comply with this article.

§ 6. Section 27-2713 of the environmental conservation law, as amended by chapter 481 of the laws of 2014, is amended to read as follows:

§ 27-2713. Preemption.

Jurisdiction in all matters pertaining to plastic carryout bag and other film plastic recycling is by this article vested exclusively in the state. Any provision of any local law or ordinance, or any rule or regulation promulgated thereto, governing the recycling of plastic carryout bags and other film plastic shall, upon the effective date of this title, be preempted. Provided however, nothing in this section shall preclude a person from coordinating for recycling or reuse the collection of plastic carryout bags or other film plastic.

§ 7. Section 27-2801 of the environmental conservation law, as added by section 2 of part H of chapter 58 of the laws of 2019, is amended to read as follows:

§ 27-2801. Definitions.

As used in this title:

1. "Exempt bag" means a bag that is: (a) used solely to contain or wrap uncooked meat, fish, or poultry; (b) [~~bags~~] used by a customer solely to package bulk items such as fruits, vegetables, grains, or candy; (c) [~~bags~~] used solely to contain food sliced or prepared to order; (d) [~~bags~~] used solely to contain a newspaper for delivery to a subscriber; (e) [~~bags sold~~] prepackaged by the manufacturer or distributor in bulk quantities and sold to a consumer [~~at the point of sale~~]; (f) sold as a trash [~~bags~~] or yard waste bag; (g) sold as a food storage [~~bags~~] bag; (h) used as a garment [~~bags~~] bag; (i) [~~bags~~] prepackaged, prelabeled, or tagged as merchandise for sale to a customer; (j) a plastic carryout [~~bags~~] bag provided by a restaurant, tavern or similar food service establishment, as defined in the state sanitary code, to carry-out or deliver prepared food; [~~or~~] (k) [~~bags~~] provided by a pharmacy to carry prescription drugs; or (l) a reusable bag.

2. "Plastic carryout bag" means any film plastic bag, other than an exempt bag, that is provided to a customer by a person required to collect tax to be used by the customer to [~~carry~~] transport tangible personal property, regardless of whether such person required to collect tax sells any tangible personal property or service to the customer, and regardless of whether any tangible personal property or service sold is exempt from tax under article twenty-eight of the tax law. A bag that meets the requirements of a reusable bag, as defined in subdivision four of this section, is not a plastic carryout bag.

3. "Paper carryout bag" means a paper bag, other than an exempt bag, that is provided to a customer by a person required to collect tax to be used by the customer to carry tangible personal property, regardless of whether such person required to collect tax sells any tangible personal property or service to the customer, and regardless of whether any tangible personal property or service sold is exempt from tax under article twenty-eight of the tax law.

4. "Reusable bag" means a bag designed and manufactured for multiple reuse that: (a) is either made of [~~cloth~~] (i) hand washable or [~~other~~] machine washable cloth or fabric [~~that has handles~~]; or [~~(b) a durable bag with handles that is specifically designed and manufactured for multiple reuse.~~] (ii) other non-film plastic washable material; and

(b) has at least one strap or handle that does not stretch and allows the bag to meet the strength and durability standards in paragraphs (c) and (d) of this subdivision;

(c) has a minimum lifespan of one hundred twenty-five uses, with a use equal to the ability to carry a minimum of twenty-two pounds over a distance of at least one hundred seventy-five feet; and

(d) has a minimum fabric weight of eighty grams per square meter ("GSM") or equivalent for bags made of any non-film plastic of natural,

synthetic, petroleum based, or non-petroleum-based origin, including woven or nonwoven polypropylene (PP), polyethylene-terephthalate (PET), cotton, jute, or canvas.

5. "Film plastic" means a flexible sheet or sheets of petroleum or non-petroleum based plastic resin or other material (not including a paper carryout bag) commonly used in and as packaging products, which include, but are not limited to, newspaper bags, garment bags, shrink-wrap, bags used to carryout and deliver prepared food, and other plastic overwrap.

[~~5.~~] 6. "Person required to collect tax" means any vendor of tangible personal property subject to the tax imposed by subdivision (a) of section eleven hundred five of the tax law.

§ 8. Section 27-2803 of the environmental conservation law, as added by section 2 of part H of chapter 58 of the laws of 2019, is amended to read as follows:

§ 27-2803. Plastic carryout bag ban.

1. No person required to collect tax shall distribute, for free or for sale, any plastic carryout bags to its customers unless such bags are exempt bags as defined in subdivision one of section 27-2801 of this title.

2. No person required to collect tax shall prevent a person from using a bag of any kind that they have brought for purposes of carrying goods.

3. [~~Nothing in this section shall be deemed to exempt the provisions set forth in title 27 of this article relating to at store recycling~~] Any person who was required to comply with the collection and recycling requirements in title 27 of this article prior to March first, two thousand twenty, including the requirement to maintain a collection bin for collection and recycling plastic carryout bags and other film plastic, shall continue to comply.

§ 9. This act shall take effect immediately.

PART Z

Section 1. This act enacts into law components of legislation which are necessary to implement legislation relating to the Bay Park Conveyance Project. Each component is wholly contained within a Subpart identified as Subparts A through C. The effective date for each particular provision contained within such Subpart is set forth in the last section of such Subpart. Any provision in any section contained within a Subpart, including the effective date of the Subpart, 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 Subpart in which it is found. Section three of this act sets forth the general effective date of this act.

SUBPART A

Section 1. Subject to the provisions of this act, the county of Nassau, acting by and through the county legislature of such county, is hereby authorized to (a) discontinue permanently the use as parkland the subsurface lands described in sections five, seven, eight and eleven of this act and establish permanent easements on such lands for the purpose of constructing, operating, maintaining and repairing a subsurface sewer main, and (b) discontinue temporarily the use as parkland the lands described in sections three, six and nine of this act and establish temporary easements on such lands for the purpose of constructing a

subsurface sewer main. Authorization for the temporary easements described in sections three, four, six, nine and ten of this act shall cease upon the completion of the construction of such sewer main, at which time the department of environmental conservation shall restore the surface of the parklands disturbed and the parklands shall continue to be used for park purposes as they were prior to the establishment of such temporary easements. Authorization for the permanent easements described in sections five, seven, eight and eleven of this act shall require that the department of environmental conservation restore the surface of the parklands disturbed and the parklands shall continue to be used for park purposes as they were prior to the establishment of the permanent easements.

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

§ 3. TEMPORARY EASEMENT - Force main shaft construction area. Parkland upon and under which a temporary easement may be established pursuant to subdivision (b) of section one of this act is described as all that certain plot, piece or parcel of land with buildings and improvements thereon erected, situate, lying and being located at Bay Park, Town of Hempstead, County of Nassau and State of New York being more particularly bounded and described as follows: beginning at a point on the northerly line of the Nassau County Sewage Treatment Plant property, said Point of Beginning being South 68°06'12" East, as measured along northerly line of said sewage treatment plant, 535.50 feet plus or minus, from the intersection of the northerly line Nassau County Sewage Treatment Plant with the westerly side of Compton Street; running thence South 68°06'12" East, along the northerly line of said sewage treatment plant, 249.60 feet plus or minus; thence South 07°20'58" West 198.58 feet plus or minus; thence North 78°30'32" West 35.88 feet plus or minus; thence North 06°10'23" East 89.20 feet plus or minus; thence North 33°17'21" West 78.28 feet plus or minus; thence North 66°13'52" West 173.72 feet plus or minus; thence North 19°56'50" East 62.50 feet plus or minus, to the northerly line of the Nassau County Sewage Treatment Plant, at the Point of Beginning. Containing within said bounds 23,089 square feet plus or minus. The above described temporary easement is for the construction of a fifty-foot diameter access shaft. The location of said temporary access shaft is more particularly described in section four of this act. Said parcel being part of property designated as Section: 42 Block: A Lots: 50, 57 on the Nassau County Land and Tax Map.

§ 4. TEMPORARY SUBSURFACE EASEMENT - Access shaft. Parkland upon and under which a temporary easement may be established pursuant to subdivision (a) of section one of this act is described as all that certain plot, piece or parcel of land with buildings and improvements thereon erected, situate, lying and being located at Bay Park, Town of Hempstead, County of Nassau and State of New York being more particularly bounded and described as follows: a circular easement with a radius of 25 feet, the center of said circle being the following three (3) courses from the intersection of the northerly line of the Nassau County Sewage Treatment Plant with the westerly side of Compton Street: South 68°06'12" East, along the northerly line of said sewage treatment plant, 573.10 feet plus or minus to the centerline of the permanent easement for a force main described in section five of this act; thence South

22°24'56" West, along said centerline, 19.74 feet plus or minus; thence South 22°24'56" West, along the production of said centerline, 5.25 feet, to the center of the herein described circular easement. Containing within said bound 1,963 square feet plus or minus. Said temporary easement is for an access shaft that extends from the surface of the ground to an approximate depth of 70 feet. Any permanent surface improvements for cathodic protection, if necessary, would be flush with the ground surface or integrated into site landscaping. Said parcel being part of property designated as Section: 42 Block: A Lots: 50, 57 on the Nassau County Land and Tax Map.

§ 5. PERMANENT SUBSURFACE EASEMENT - Force main. Parkland upon and under which a permanent easement may be established pursuant to subdivision (a) of section one of this act is described as all that certain plot, piece or parcel of land with buildings and improvements thereon erected, situate, lying and being located at Bay Park, Town of Hempstead, County of Nassau and State of New York being a 20-foot wide strip of land more particularly bounded and described as follows: Beginning at a point on the northerly line of the Nassau County Sewage Treatment Plant property, said Point of Beginning being South 68°06'12" East, as measured along northerly line of said sewage treatment plant, 563.10 feet plus or minus, from the intersection of the northerly line Nassau County Sewage Treatment Plant with the westerly side of Compton Street; running thence South 68°06'12" East, along the northerly line of said sewage treatment plant, 20.00 feet plus or minus; thence South 22°24'56" West 19.15 feet plus or minus; thence South 14°35'11" West 1,446.44 feet plus or minus; thence North 75°24'49 West 20.00 feet plus or minus; thence North 14°35'11" East 1,447.81 feet plus or minus; thence North 22°24'56" East 20.34 feet plus or minus, to the northerly line of the Nassau County Sewage Treatment Plant, at the Point of Beginning. Containing within said bounds 29,337 square feet. The above described permanent easement is for the construction and operation of a six-foot diameter force main at a minimum depth of fifteen feet below the ground surface. Said parcel being part of property designated as Section: 42 Block: A Lots: 50, 57 on the Nassau County Land and Tax Map.

§ 6. TEMPORARY EASEMENT - Force main shaft construction area. Parkland upon and under which a temporary easement may be established pursuant to subdivision (b) of section one of this act is described as all that certain plot, piece or parcel of land with buildings and improvements thereon erected, situate, lying and being located at the hamlet of Wantagh, Town of Hempstead, County of Nassau and State of New York being more particularly bounded and described as follows: beginning at a point on the northwesterly line of the herein described temporary easement for the force main shaft construction area, said Point of Beginning being North 44°03'41" East 50.26 feet plus or minus, from the intersection of the northerly line of lands licensed to the County of Nassau, as described in deed dated December 5, 1977, recorded on January 13, 1978, at the Nassau County Clerk's Office in Liber 9088 of Deeds at page 567, and as shown on map entitled Department of Public Works Nassau County, N.Y., Map Showing Lands under the Jurisdiction of the Long Island State Park Commission in Wantagh State Park to be Licensed to the County of Nassau for Park and Recreational Purposes in the Vicinity of Wantagh, Town of Hempstead, dated September 1976, and on file at the New York State Office of Parks, Recreation and Historic Preservation as Map No. 21R-1860-1, with the southeasterly side of Lakeview Road, formerly known as Old Mill Road; running thence along the southeasterly side of Lakeview Road, North 44°03'41" East 237.63 feet plus or minus; thence South

50°48'50" East 70.10 feet plus or minus; thence partly through the aforementioned lands licensed to the County of Nassau by the State of New York (Long Island State Park Commission), South 43°39'59" West 239.51 feet; thence partially through a permanent drainage easement granted from the City of New York to the County of Nassau, as shown on Map of Real Property to be Acquired for the Improvement of Bellmore Creek from Wilson Avenue to Lakeview Road, Filed February 8, 1979, at the Nassau County Clerk's Office as Map No. H-1841, and also through the aforementioned licensed lands, North 49°12'28" West 71.62 feet plus or minus; to the southeasterly side of Lakeview Road, at the Point of Beginning. Containing within said bounds 16,864 square feet plus or minus. The above described temporary easement is for the construction of a forty-four-foot diameter permanent access shaft. The location of said permanent access shaft is more particularly described in section seven of this act. Said parcel being part of property designated as Section: 56 Block: Y Lot: 259 on the Nassau County Land and Tax Map.

§ 7. PERMANENT SUBSURFACE EASEMENT - Access shaft. Parkland upon and under which a permanent easement may be established pursuant to subdivision (a) of section one of this act is described as all that certain plot, piece or parcel of land with buildings and improvements thereon erected, situate, lying and being located at Hamlet of Wantagh, Town of Hempstead, County of Nassau and State of New York being more particularly bounded and described as follows: Beginning at a point on the southeasterly side of Lakeview Road, said Point of Beginning being North 44°03'41" East 170.39 feet plus or minus, from the intersection of the northerly line of lands licensed to the County of Nassau, as described in deed dated December 5, 1977, recorded on January 13, 1978, at the Nassau County Clerk's Office in Liber 9088 of Deeds at page 567, and as shown on map entitled Department of Public Works Nassau County, N.Y., Map Showing Lands under the Jurisdiction of the Long Island State Park Commission in Wantagh State Park to be Licensed to the County of Nassau for Park and Recreational Purposes in the Vicinity of Wantagh, Town of Hempstead, dated September 1976, and on file at the New York State Office of Parks, Recreation and Historic Preservation as Map No. 21R-1860-1, with the southeasterly side of Lakeview Road, formerly known as Old Mill Road; running thence, along the southeasterly side of Lakeview Road, North 44°03'41" East 25.04 feet plus or minus, to the beginning of a non-tangent curve; thence 111.59 feet plus or minus along said non-tangent circular curve to the right that has a radius of 22.00 feet, subtends an angle of 290°37'31", and has a chord that bears South 44°03'41" West 25.04 feet, to the Point of Beginning.
Containing within said bounds a surface area of 1,454 square feet plus or minus. Said permanent easement is for an access shaft that extends from the surface of the ground to an approximate depth of 70 feet. The permanent easement allows vehicular and personnel access to the shaft and within the shaft for inspection, maintenance, repair and reconstruction. Any permanent surface improvements for a manhole or for cathodic protection, if necessary, would be flush with the ground surface or integrated into site landscaping. Said parcel being part of property designated as Section: 56 Block: Y Lot: 259 on the Nassau County Land and Tax Map.

§ 8. PERMANENT SUBSURFACE EASEMENT - Force main. Parkland upon and under which a permanent easement may be established pursuant to subdivision (a) of section one of this act is described as all that certain plot, piece or parcel of land with buildings and improvements thereon erected, situate, lying and being located at the Hamlet of Wantagh, Town

of Hempstead, County of Nassau and State of New York being a 20-foot wide strip of land more particularly bounded and described as follows: Beginning at the intersection of the southerly side of the Wantagh State Parkway, also being the same as the southerly line of a permanent easement granted by the State of New York (Long Island State Park Commission) to the Town of Hempstead for Highway purposes shown as Parcel E on Map No. 21R-1651, dated September 30, 1935 and on file at the New York State Office of Parks, Recreation and Historic Preservation, with the easterly side of Linden Street, also being the westerly side of Wantagh State Parkway; running thence South 87°54'31" West 16.42 feet plus or minus, along the southerly side of the Wantagh State Parkway; thence through the aforementioned easement, North 49°40'30" West 172.07 feet plus or minus; thence partially through lands licensed to the County of Nassau by the State of New York (Long Island State Park Commission), as described in deed dated December 5, 1977, recorded on January 13, 1978, at the Nassau County Clerk's Office in Liber 9088 of Deeds at page 567, also as shown on map entitled Department of Public Works Nassau County, N.Y., Map Showing Lands under the Jurisdiction of the Long Island State Park Commission in Wantagh State Park to be Licensed to the County of Nassau for Park and Recreational Purposes in the Vicinity of Wantagh, Town of Hempstead, dated September 1976, and on file at the New York State Office of Parks, Recreation and Historic Preservation as Map No. 21R-1860-1, North 32°14'44" West 1,935.06 feet; thence North 60°00'15" West 18.68 feet plus or minus, to the southeasterly side of Lakeview Road; thence along the southeasterly side of Lakeview Road, North 44°03'41" East 20.62 feet plus or minus; thence South 60°00'15" East 18.61 feet plus or minus; thence through the aforementioned licensed lands, South 32°14'44" East 1,936.94 feet; thence South 49°40'30" East 294.48 feet plus or minus, to the westerly side of the Wantagh State Parkway, also being the same as the easterly side of Linden Street; thence northwesterly along the westerly side of the Wantagh State Parkway, being also the easterly side of Linden Street, 113.74 feet plus or minus along the arc of a non-tangent curve, bearing to the left, having a radius of 1,233.00', a chord that bears North 54°10'34" West 113.70 feet plus or minus, to the southerly side of the Wantagh State Parkway, at the Point of Beginning. Containing within said bounds 43,088 square feet plus or minus. The above described permanent easement is for the construction and operation of a six-foot diameter force main at a minimum depth of fifteen feet below the ground surface. Said parcel being part of property designated as Section: 56 Block: Y Lots: 259 on the Nassau County Land and Tax Map.

§ 9. TEMPORARY EASEMENT - Force main shaft construction area. Parkland upon and under which a temporary easement may be established pursuant to subdivision (b) of section one of this act is described as all that certain plot, piece or parcel of land with buildings and improvements thereon erected, situate, lying and being located at the hamlet of Wantagh, Town of Hempstead, County of Nassau and State of New York being more particularly bounded and described as follows: Beginning at a point on the northerly line of the herein described temporary easement for construction staging, said Point of Beginning being more particularly described as commencing at the intersection of the southerly side of Byron Street with the easterly side of Wantagh Parkway; running thence South 02°05'40" East, along the easterly side of Wantagh Parkway, 392.77 feet plus or minus, to the centerline of the permanent subsurface easement for force main, described in section 11 of this act; thence South 19°14'42" East, along said centerline, 166.40 feet plus or minus, to the

northerly line of the temporary easement for construction staging, at the Point of Beginning. Running thence North 87°24'47" East 122.41 feet plus or minus; thence South 33°56'04" East 67.89 feet plus or minus; thence South 04°43'16" East 53.69 feet plus or minus; thence South 86°37'33" West 78.30 feet plus or minus; thence South 02°20'25" East 83.22 feet plus or minus; thence South 47°03'34" West 102.51 feet plus or minus; thence South 86°22'25" West 27.76 feet plus or minus; thence North 07°01'12" West 263.59 feet plus or minus; thence North 87°24'47" East 45.17 feet plus or minus, to the Point of Beginning. Containing within said bounds 35,505 square feet plus or minus. The above described temporary easement is for the construction of a forty-four-foot diameter access shaft. The location of said temporary access shaft is more particularly described in section ten of this act. Said parcel being part of property designated as Section: 63 Block: 261 Lots: 765G, 765H, 818A (Part of Cedar Creek Park) on the Nassau County Land and Tax Map.

§ 10. TEMPORARY SUBSURFACE EASEMENT - Access shaft. Parkland upon and under which a permanent easement may be established pursuant to subdivision (a) of section one of this act is described as all that certain plot, piece or parcel of land with buildings and improvements thereon erected, situate, lying and being located at Hamlet of Wantagh, Town of Hempstead, County of Nassau and State of New York being more particularly bounded and described as follows: a circular easement with a radius of 22 feet, the center of said circle being the following two (2) courses from the intersection of the southerly side of Byron Street with the easterly side of Wantagh Parkway: South 02°05'40" East along the easterly side of Wantagh Parkway, 392.77 feet plus or minus, to the centerline of the permanent subsurface easement for force main, described in section 11 of this act; thence South 19°14'42" East, along said centerline, 224.60 feet plus or minus, to the center of the herein described circular easement. Containing within said bounds a surface area of 1,521 square feet plus or minus. Said temporary easement is for an access shaft that extends from the surface of the ground to an approximate depth of 70 feet. Any permanent surface improvements for cathodic protection, if necessary, would be flush with the ground surface or integrated into site landscaping. Said parcel being part of property designated as Section: 63 Block: 261 Lots: 765G, 765H, 818A (Part of Cedar Creek Park) on the Nassau County Land and Tax Map.

§ 11. PERMANENT SUBSURFACE EASEMENT - Force main. Parkland upon and under which a permanent easement may be established pursuant to subdivision (a) of section one of this act is described as all that certain plot, piece or parcel of land with buildings and improvements thereon erected, situate, lying and being located at the Hamlet of Wantagh, Town of Hempstead, County of Nassau and State of New York being a 20-foot wide strip of land more particularly bounded and described as follows: beginning at a point on the easterly side of the Wantagh State Parkway, said Point of Beginning being South 02°05'40" East 358.86 feet plus or minus from the intersection of the southerly side of Byron Street with the easterly side of Wantagh Parkway; running thence South 19°14'42" East 258.49 feet plus or minus; thence South 02°16'58" East 1,725.93 feet plus or minus; thence southwesterly 43.40 feet plus or minus along the arc of a curve to the left having a radius of 1,075.00 feet and a chord that bears South 25°09'48" West 43.39 feet plus or minus; thence North 02°16'58" West 1,761.45 feet plus or minus; thence North 19°14'42" West 190.70 feet plus or minus, to the easterly side of Wantagh Parkway; thence North 02°05'40" West, along the easterly side of Wantagh Parkway, 67.82 feet plus or minus, to the Point of Beginning. Containing within

said bounds 39,359 square feet plus or minus. The above described permanent easement is for the construction and operation of a six-foot diameter force main at a minimum depth of fifteen feet below the ground surface. Said parcel being part of property designated as Section: 63 Block: 261 Lots: 765G, 818A (Part of Cedar Creek Park) on the Nassau County Land and Tax Map.

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

§ 13. In the event that the county of Nassau received any funding support or assistance from the federal government for the purchase, maintenance, or improvement of the parklands set forth in sections three through eleven of this act, the discontinuance and alienation of such parklands authorized by the provisions of this act shall not occur until the county of Nassau has complied with any applicable federal requirements pertaining to the alienation or conversion of parklands, including satisfying the secretary of the interior that the alienation or conversion complies with all conditions which the secretary of the interior deems necessary to assure the substitution of other lands shall be equivalent in fair market value and usefulness to the lands being alienated or converted.

§ 14. This act shall take effect immediately.

SUBPART B

Section 1. Subject to the provisions of this act, the village of East Rockaway, in the county of Nassau, acting by and through the village board of such village, is hereby authorized to (a) discontinue permanently the use as parkland the subsurface lands described in sections four and five of this act and to grant permanent easements on such lands to the State of New York or county of Nassau for the purpose of constructing, operating, maintaining and repairing a subsurface sewer main, and (b) discontinue temporarily the use as parkland the lands described in section three of this act and grant temporary easements on such lands to the county of Nassau for the purpose of constructing a subsurface sewer main. Authorization for the temporary easement described in section three of this act shall cease upon the completion of the construction of the sewer main, at which time the department of environmental conservation shall restore the surface of the parklands disturbed and the parklands shall continue to be used for park purposes as they were prior to the grant of the temporary easement. Authorization for the permanent easements described in sections four and five of this act shall require that the department of environmental conservation restore the surface of the parklands disturbed and the parklands shall continue to be used for park purposes as they were prior to the establishment of the permanent easements.

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

§ 3. TEMPORARY EASEMENT - Force Main Shaft Construction Area. Parkland upon and under which a temporary easement may be granted pursuant to subdivision (b) of section one of this act is described as follows:

all that certain plot, piece or parcel of land with buildings and improvements thereon erected, situate, lying and being located at Incorporated Village of East Rockaway, and the Hamlet of Oceanside, Town of Hempstead, County of Nassau and State of New York being more particularly bounded and described as follows: Beginning at a point on the westerly line of the herein described temporary easement for the force main shaft construction area, said Point of Beginning being more particularly described as commencing at the northeast corner of property described in deed dated September 16, 1964 from Mary T. Caretto to The Incorporated Village of East Rockaway, recorded September 18, 1964 at the Nassau County Clerk's Office in Liber 7317 Deeds at page 494, running thence South 76°23'40" East, on the northerly property line produced, of property described in the aforesaid Liber 7317 page 494, a distance of 53.41 feet plus or minus, to the westerly line of the herein described temporary easement at the Point of Beginning. Running thence North 14°03'08" East 42.21 feet plus or minus; thence South 67°25'43" East 237.47 feet plus or minus; thence South 04°13'09" West 35.58 feet plus or minus; thence South 86°58'21" West 165.83 feet plus or minus; thence South 64°59'21" West 106.15 feet; thence North 14°03'08" East 143.63 feet plus or minus, to the Point of Beginning. Containing within said bounds 23,103 square feet plus or minus. The above described temporary easement is for the construction of a forty-four-foot diameter access shaft. The location of said permanent access shaft is more particularly described in section four of this act. Said parcel being part of property designated as Section: 38, Block: E, Lots: 12, 14, 21A, 21B on the Nassau County Land and Tax Map.

§ 4. PERMANENT SUBSURFACE EASEMENT - Access Shaft. Parkland upon and under which a permanent easement may be granted pursuant to subdivision (a) of section one of this act is described as all that certain plot, piece or parcel of land with buildings and improvements thereon erected, situate, lying and being located at Incorporated Village of East Rockaway, and the Hamlet of Oceanside, Town of Hempstead, County of Nassau and State of New York being more particularly bounded and described as follows: a circular easement with a radius of 22 feet, the center of said circle being the following two(2) courses from the northeast corner of property described in deed dated September 16, 1964 from Mary T. Caretto to The Incorporated Village of East Rockaway, recorded September 18, 1964 at the Nassau County Clerk's Office in Liber 7317 of Deeds at page 494; South 76°23'40" East, on the northerly property line produced, of property described in the aforesaid Liber 7317 page 494, a distance of 185.51 feet plus or minus; to the centerline of the permanent subsurface easement for force main, described in section 5 of this act; thence along said easement centerline South 19°04'18" West 22.47 feet plus or minus, to the center of the herein described circular easement. Containing within said bounds a surface area of 1,521 square feet plus or minus. Said permanent easement is for an access shaft that extends from the surface of the ground to an approximate depth of 70 feet. The permanent easement allows vehicular and personnel access to the shaft and within the shaft for inspection, maintenance, repair and reconstruction. Any permanent surface improvements for a manhole or for cathodic protection, if necessary, would be flush with the ground surface or integrated into site landscaping. Said parcel being part of property designated as Section: 38, Block: E, Lots: 12, 14, 21A, 21B on the Nassau County Land and Tax Map.

§ 5. PERMANENT SUBSURFACE EASEMENT - Force Main. Parkland upon and under which a permanent easement may be granted pursuant to subdivision

(a) of section one of this act is described as all that certain plot, piece or parcel of land with buildings and improvements thereon erected, situate, lying and being located at Incorporated Village of East Rockaway, and the Hamlet of Oceanside, County of Nassau and State of New York being a 20-foot wide strip of land more particularly bounded and described as follows: Beginning at a point on the westerly line of the herein described permanent subsurface easement, said Point of Beginning being more particularly described as commencing at the northeast corner of property described in deed dated September 16, 1964 from Mary T. Caretto to The Incorporated Village of East Rockaway, recorded September 18, 1964 at the Nassau County Clerk's Office in Liber 7317 of Deeds at page 494; running thence South 76°23'40" East, on the northerly property line produced, of property described in the aforesaid Liber 7317 page 494, a distance of 175.47 feet plus or minus, to the westerly line of the herein described permanent easement, at the Point of Beginning. Running thence North 19°04'18" East 31.11 feet plus or minus, to the southerly side of Mill River; thence South 67°42'35" East, along the southerly side of Mill River, 20.03 feet plus or minus; thence South 19°04'18" West 48.37 feet plus or minus; thence South 15°40'03" East 55.00 feet plus or minus, to the northerly side of Mill River; thence North 84°40'35" West, along the northerly side of Mill River, 20.33 feet plus or minus; thence North 15°40'03" West 57.60 feet plus or minus; thence North 19°04'18" East 24.64 feet plus or minus, to the Point of Beginning. Containing within said bounds 2,167 square feet plus or minus. The above described permanent easement is for the construction and operation of a six-foot diameter force main at a minimum depth of fifteen feet below the ground surface. Said parcel being part of property designated as Section: 38, Block: E, Lots: 12, 14, 21A, 21B on the Nassau County Land and Tax Map.

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

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

§ 8. This act shall take effect immediately.

SUBPART C

Section 1. Subject to the provisions of this act, the village of Rockville Centre, in the county of Nassau, acting by and through the village board of such village, is hereby authorized to (a) discontinue permanently the use as parkland the subsurface lands described in sections three and six of this act and to grant permanent easements on such lands to the State of New York or county of Nassau for the purpose of constructing, operating, maintaining and repairing a subsurface sewer

main, and (b) discontinue temporarily the use as parkland the lands described in sections four, five and seven of this act and grant temporary easements on such lands to the county of Nassau for the purpose of constructing a subsurface sewer main. Authorization for the temporary easements described in sections four, five and seven of this act shall cease upon the completion of the construction of the sewer main, at which time the department of environmental conservation shall restore the surface of the parklands disturbed and the parklands shall continue to be used for park purposes as they were prior to the grant of the temporary easements. Authorization for the permanent easements described in sections three and six of this act shall require that the department of environmental conservation restore the surface of the parklands disturbed and the parklands shall continue to be used for park purposes as they were prior to the establishment of the permanent easements.

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

§ 3. PERMANENT SUBSURFACE EASEMENT - Force Main. Parkland upon and under which a permanent easement may be established pursuant to subdivision (a) of section one of this act is described as all that certain plot, piece or parcel of land with buildings and improvements thereon erected, situate, lying and being located at Incorporated Village of East Rockaway, and the Incorporated Village of Rockville Centre, Town of Hempstead, County of Nassau and State of New York, being a 20-foot wide strip of land more particularly bounded and described as follows: Beginning at a point on the northerly side of Mill River Avenue, said Point of Beginning being South 74°20'24" East, as measured along the northerly side of Mill River Avenue, 60.73 feet plus or minus from the intersection of the northerly side of Mill River Avenue with the easterly side of Riverside Road; running thence North 10°26'55" East 461.31 feet plus or minus; to the southerly side of South Park Avenue; thence along the southerly side of South Park Avenue, South 79°11'54" East 20.00 feet plus or minus, thence South 10°26'55" West 463.01 feet plus or minus, to the northerly side of Mill River Avenue, thence along the northerly side of Mill River Avenue, North 74°20'24" West 20.08 feet plus or minus, to the Point of Beginning. Containing within said bounds 9,243 square feet plus or minus. The above described permanent easement is for the construction and operation of a six-foot diameter force main at a minimum depth of fifteen feet below the ground surface. Said parcel being part of property designated as Section: 38 Block: 136 Lots: 231 on the Nassau County Land and Tax Map.

§ 4. TEMPORARY SUBSURFACE EASEMENT - Access Shaft. Parkland upon and under which a temporary easement may be established pursuant to subdivision (a) of section one of this act is described as all that certain plot, piece or parcel of land with buildings and improvements thereon erected, situate, lying and being located at Incorporated Village of Rockville Centre, Incorporated Village of East Rockaway, and Incorporated Village of Lynbrook, Town of Hempstead, County of Nassau and State of New York being more particularly bounded and described as a circular easement with a radius of 22 feet, the center of said circle being the following two (2) courses from the intersection of the northerly side of South Park Avenue with the easterly side of Chester Road: South 79°24'16" East, along the northerly side of South Park Avenue, 247.33 feet plus or minus, to the centerline of the permanent subsurface ease-

ment for force main described in section 6 of this subpart of this act; North 10°26'55" East, along said centerline, 953.71 feet plus or minus, to the center of the herein described circular easement. Containing within said bounds a surface area of 1,521 square feet plus or minus. Said temporary easement is for an access shaft that extends from the surface of the ground to an approximate depth of 70 feet. Any permanent surface improvements for cathodic protection, if necessary, would be flush with the ground surface or integrated into site landscaping. Said parcel being part of property designated as Section: 38 Block: F Lot: 50F on the Nassau County Land and Tax Map.

§ 5. TEMPORARY EASEMENT - Force Main Shaft Construction Area. Parkland upon and under which a temporary easement may be established pursuant to subdivision (b) of section one of this act is described as all that certain plot, piece or parcel of land with buildings and improvements thereon erected, situate, lying and being located at Incorporated Village of Rockville Centre, Incorporated Village of East Rockaway, and Incorporated Village of Lynbrook, Town of Hempstead, County of Nassau and State of New York being more particularly bounded and described as follows: Beginning at a point on the southerly side of the herein described temporary easement for construction staging, said Point of Beginning being more particularly described as commencing at the intersection of the northerly side of South Park Avenue with the easterly side of Chester Road; running thence South 79°24'16" East along the northerly side of South Park Avenue, 247.33 feet plus or minus, to the centerline of the permanent subsurface easement for force main described in section 6 of this act; thence North 10°26'55" East, along said centerline, 920.41 feet plus or minus, to the southerly line of the temporary easement, at the Point of Beginning. Running thence North 76°19'09" West 185.92 feet plus or minus; thence North 14°49'03" East 31.83 feet plus or minus; thence South 76°28'34" East 65.98 feet plus or minus; thence North 36°46'43" East 60.84 feet plus or minus; thence North 78°41'29" East 145.19 feet plus or minus; thence South 65°54'19" East 45.62 feet plus or minus; thence South 29°38'55" West 146.71 feet plus or minus; thence North 76°19'09" West 40.66 feet plus or minus, to the Point of Beginning. Containing within said bounds 22,827 square feet plus or minus. The above described temporary easement is for the construction of a forty-four-foot diameter access shaft. The location of said temporary access shaft is more particularly described in section four of this act. Said parcel being part of property designated as Section: 38 Block: F, Lot: 50F and part of Merton Avenue (not open) on the Nassau County Land and Tax Map.

§ 6. PERMANENT SUBSURFACE EASEMENT - Force Main. Parkland upon and under which a permanent easement may be established pursuant to subdivision (a) of section one of this act is described as all that certain plot, piece or parcel of land with buildings and improvements thereon erected, situate, lying and being located at Incorporated Village of Rockville Centre, Incorporated Village of East Rockaway, and Incorporated Village of Lynbrook, Town of Hempstead, County of Nassau and State of New York being a 20-foot wide strip of land more particularly bounded and described as follows: Beginning at a point on the northerly side of South Park Avenue, said point being South 79°24'16" East, along the northerly side of South Park Avenue, 237.33 feet plus or minus, from the intersection of the northerly side of South Park Avenue with the easterly side of Chester Road; running thence North 10°26'55" East 956.35 feet plus or minus; thence North 40°12'27" East 464.95 feet plus or minus, to the westerly side of Mill River; thence along the westerly side of Mill

River the following five (5) courses South 10°54'32" East 4.49 feet plus or minus; South 08°32'16" West 6.44 feet plus or minus; South 17°55'44" West 8.24 feet plus or minus; South 10°55'50" West 4.90 feet plus or minus; South 07°44'20" West 14.16 feet plus or minus; thence South 40°12'27" West 427.49 feet plus or minus; thence South 10°26'55" West 951.08 feet plus or minus to the northerly side of South Park Avenue; thence North 79°24'16" West, along the northerly side of South Park Avenue, 20.00 feet plus or minus, to the Point of Beginning. Containing within said bounds 28,014 square feet plus or minus. The above described permanent easement is for the construction and operation of a six-foot diameter force main at a minimum depth of fifteen feet below the ground surface. Said parcel being part of property designated as Section: 38 Block: F Lot: 50F and Section: 38, Block: T, Lot: 50A, on the Nassau County Land and Tax Map.

§ 7. TEMPORARY EASEMENT - Force Main Shaft Construction Area. Parkland upon and under which a temporary easement may be established pursuant to subdivision (b) of section one of this act is described as all that certain plot, piece or parcel of land with buildings and improvements thereon erected, situate, lying and being located at Incorporated Village of Rockville Centre, Town of Hempstead, County of Nassau and State of New York being more particularly bounded and described as follows: Beginning at a point on the northerly side of Sunrise Highway (New York State Route 27), said point being distant 82.57 feet westerly along the northerly side of Sunrise Highway from the extreme westerly end of an arc of a curve connecting the northerly side of Sunrise Highway with the westerly side of North Forest Avenue. Running thence along the northerly side of Sunrise Highway the following three (3) courses: Southwesterly 250.24 feet plus or minus along the arc of a curve bearing to the left having a radius of 862.00 feet and a chord that bears South 77°03'07" West 249.36 feet plus or minus, South 68°43'30" West 161.85 feet plus or minus; Southwesterly 20.44 feet plus or minus along the arc of a curve bearing to the right having a radius of 592.00 feet and a chord that bears South 69°00'05" West 20.44 feet plus or minus; thence North 14°30'46" West 215.45 feet plus or minus, to the southerly side of Long Island Rail Road; thence along the southerly side of the Long Island Rail Road, South 87°41'41" East 469.93 feet plus or minus; thence South 02°13'26" West 67.80 feet plus or minus, to the northerly side of Sunrise Highway, at the Point of Beginning. Containing within said bounds 57,506 square feet plus or minus. The above described temporary easement is necessary for the construction of temporary access to the aqueduct below Sunrise Highway area. Said parcel being part of property designated as Section: 38 Block: 291 Lot: 17 on the Nassau County Land and Tax Map.

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

§ 9. In the event that the village of Rockville Centre received any funding support or assistance from the federal government for the purchase, maintenance, or improvement of the parklands set forth in sections three through seven of this act, the discontinuance and alienation of such parklands authorized by the provisions of this act shall not occur until the village of Rockville Centre has complied with any applicable federal requirements pertaining to the alienation or conversion of parklands, including satisfying the secretary of the interior that the alienation or conversion complies with all conditions which the

secretary of the interior deems necessary to assure the substitution of other lands shall be equivalent in fair market value and usefulness to the lands being alienated or converted.

§ 10. This act shall take effect immediately.

§ 2. Severability clause. If any clause, sentence, paragraph, subdivision, section, subpart 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, subpart 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 Subparts A through C of this act shall be as specifically set forth in the last section of such Subparts.

PART AA

Section 1. Subparagraph (i) of paragraph 3 of subdivision (a) of section 21 of the tax law, as amended by section 17 of part BB of chapter 56 of the laws of 2015, 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. 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 credit component shall be allowed for up to one hundred forty-four months after the date of such issuance**.

§ 2. This act shall take effect immediately.

PART BB

Section 1. Notwithstanding the contrary provisions of section 9-0501 of the environmental conservation law and the contrary provisions of the public lands law, the department of environmental conservation is authorized to grant easements for buried cables on real property within the Farmersville State Forest, Lost Nation State Forest, and Swift Hill State Forest, which meet the following conditions:

(a) The easements are for buried electric cables which are part of a wind powered electric generation project located in the towns of Rushford, Farmersville, Arcade, Centerville, Freedom, and Machias.

(b) The easements are for a portion of the property within Farmersville State Forest, Lost Nation State Forest, and Swift Hill State Forest owned by the state and managed by the department of environmental conservation. The buried cables shall be:

(1) located underground for approximately 500 feet between turbines 101 and 102 (which are sited on private land), and passing below a section of Farmersville State Forest in Cattaraugus County;

(2) located underground for approximately 1,600 feet on the south side of Hess Road along the Farmersville State Forest boundary in Cattaraugus County, turning southwest to follow an existing track for approximately 420 feet, and continuing west along the northern parcel boundary for approximately 1,300 feet to the property line, to connect turbines 100 and 104 (both sited on private land);

(3) located underground for approximately 2,950 feet along the west side of North Hill Road in Lost Nation State Forest in Allegany County to connect turbines 73, 75, 76, and 77 (all sited on private land) to the rest of the project; and

(4) located underground for approximately 1,150 feet on the east side of Rushford Road, along the western edge of Swift Hill State Forest in Allegany County to connect turbines 124 and 125 (both sited on private land) to the rest of the project.

(c) The easements will be conveyed by the department of environmental conservation and take effect only in the event the underground cables proposed to be on such easement lands are certified and approved as part of a wind powered electric generation facility pursuant to article 10 of the public service law.

(d) The easements shall terminate when the associated wind powered electric generation project ceases to operate for 18 months as set forth in the easements and the easements shall then revert to the state to be managed by the department of environmental conservation as state forest land.

(e) The use of chemicals/herbicides for clearing said easements is prohibited unless prior approval for the same is granted by the department of environmental conservation, division of lands and forests.

§ 2. (a) In entering into the easements described in section one of this act, the department of environmental conservation is authorized to grant such easements for fair market value plus twenty percent of the value of the easements plus one hundred thousand dollars upon application by Alle-Catt Wind Energy LLC.

(b) An amount, not less than fair market value plus twenty percent of the value of the easements plus one hundred thousand dollars shall be

used to obtain for the state an interest in real property for open space purposes in region 9 of the department of environmental conservation from the regional priority conservation projects list in region 9 as part of this state's open space conservation plan. The total payment for such acquisition or acquisitions shall not be less than the value of the easements to be conveyed by the state plus twenty percent of the value of such easements plus one hundred thousand dollars.

(c) Any monies received by the department of environmental conservation from Alle-Catt Wind Energy LLC in consideration of these easements shall be deposited into the state environmental protection fund, as established in section 92-s of the state finance law, until such time as they can be used towards the purchase of the real property as contemplated in subdivision (b) of this section.

(d) The description of the easements to be conveyed by this act is not intended to be a legal description, but is intended to identify the easements to be conveyed. As a condition of conveyance Alle-Catt Wind Energy LLC shall submit to the commissioner of environmental conservation for his or her approval an accurate survey and description of lands generally described in this section which may be used in the conveyance thereof.

(e) The grant of the easements is conditioned on the issuance of certificates of environmental compatibility and public need pursuant to the provisions of article 10 of the public service law.

(f) Compensation for the stumpage value of trees to be felled by the entity shall be deposited in the same manner as in subdivision (b) of this section with the felled trees to become the property of Invenergy LLC. Stumpage value is to be determined by the department of environmental conservation forester based on the most recent department of environmental conservation stumpage price report at the time the trees are felled.

§ 3. The commissioner of environmental conservation may prescribe additional terms for such exchange of real property. Such contract shall not become binding upon the state until approved by the state comptroller. Title to the land to the people of the state of New York pursuant to the provisions of such contract shall be approved by the attorney general, and the deed to the state shall be approved by him or her as to form and manner of execution and recordability before such deed shall be accepted on behalf of the state. Notwithstanding the contrary provisions of the public lands law, the conveyance of the state-owned easements pursuant to such contract shall be without reservation or exception, except as provided for in such contract. Upon certification by the commissioner of environmental conservation to the commissioner of general services of a copy of the contract, and certification that Alle-Catt Wind Energy LLC has complied with all terms and conditions of the contract upon their part to be kept and performed, together with a description of any of the easements to be exchanged, conveyed and/or payments to be made, the commissioner of general services shall convey the easements described in section one of this act in accordance with the provisions of the contract.

§ 4. This act shall take effect immediately, and shall expire and be deemed repealed five years after such date; provided, however, should the easements be granted within the five years, the term of the easements will establish the end date of the easements. At such time the land will revert back to the state of New York for state forest purposes.

PART CC

Section 1. Section 12 of part F of chapter 58 of the laws of 2013 amending the environmental conservation law and the state finance law relating to the "Cleaner, Greener NY Act of 2013", as amended by chapter 65 of the laws of 2019, is amended to read as follows:

§ 12. This act shall take effect immediately and shall be deemed to have been in full force and effect on and after April 1, 2013; provided, however, that the amendments to subdivision 5-a of section 27-1015 of the environmental conservation law, as added by section nine of this act, shall expire and be deemed repealed on April 1, [~~2021~~] **2023**.

§ 2. This act shall take effect immediately.

PART DD

Section 1. This act shall be known and may be cited as the "rail advantaged housing act".

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

(a) Chapter 106 of the laws of 2019 enacted the New York state climate leadership and community protection act (the "CLCPA"). The CLCPA directed the department of environmental conservation to establish a statewide greenhouse gas emissions limit for 2030 equal to 60% of 1990 emissions, and a statewide greenhouse gas emissions limit for 2050 equal to 15% of 1990 emissions (the "CLCPA limits").

(b) Transportation currently accounts for 36% of the greenhouse gas emissions in New York. New York has an obligation to reduce greenhouse gas emissions in every sector, including transportation.

(c) The CLCPA recognizes the need to encourage and facilitate land use and transportation planning strategies to reduce greenhouse gas emissions from the transportation sector.

(d) In 1946, the legislature declared a housing emergency in New York City. The emergency has continued through the present day. Housing production throughout the New York City metropolitan area has been insufficient to address this emergency for decades.

(e) Creating housing in close proximity to commuter rail stations promotes both the goals of the CLCPA and helps to address the housing emergency in New York City.

(f) A public policy purpose would be served and the interests of the people of the state would be advanced by expediting the regulatory review of local zoning changes that will lead to the production of housing in close proximity to commuter rail stations.

§ 3. Definitions.

(a) "Commissioner" shall mean the commissioner of environmental conservation or the commissioner's designee.

(b) "Commuter rail station" shall mean a rail station, other than a rail station located in New York City, on any rail line operated by either the Long Island Rail Road or the Metro-North Railroad.

(c) "Commuter rail station area" shall mean the area within one-half mile of any commuter rail station.

(d) "Incremental parking decrease" shall mean, with respect to a rail advantaged housing rezoning proposal, the percentage decrease in publicly accessible vehicle parking proximate to a commuter rail station that such rezoning proposal would cause, if effective.

(e) "Incremental population increase" shall mean, with respect to a rail advantaged housing rezoning proposal, the percentage by which the

population of a local jurisdiction including the property subject to such rezoning proposal would increase if: (1) such rezoning proposal were to become effective; (2) all of the housing permitted to be built as a result of such rezoning proposal were to be built; and (3) all of such housing were to be fully occupied.

(f) "Local jurisdiction" shall mean any city, county, town, village or other political subdivision of the state.

(g) "Local agency zoning mitigation account" shall mean an account established by a local agency solely for the purpose of mitigating environmental impacts due to any rezoning.

(h) "Local agency" means any governing body of a local jurisdiction.

(i) "Rail advantaged housing" shall mean any housing or residential building located within one-half mile of a commuter rail station.

(j) "Rail advantaged housing envelope" shall mean the total square feet of residential space permitted to be built in a commuter rail station area under the zoning regulations applicable to such commuter rail station area.

(k) "Rail advantaged housing rezoning proposal" shall mean a proposal for rezoning which, if effective, (1) would increase the rail advantaged housing envelope in the area proposed for rezoning, and (2) would not affect zoning regulations applicable outside a commuter rail station area.

(l) "Rezoning" shall mean an action undertaken by a local agency to modify zoning regulations.

(m) "Rezoning entity" shall mean a local agency authorized to modify zoning regulations.

§ 4. Uniform standards and conditions.

(a) The commissioner shall establish a set of uniform standards and conditions for rail advantaged housing rezoning proposals that are common for all rail advantaged housing rezoning proposals or for particular classes and categories of rail advantaged housing rezoning proposals.

(b) The uniform standards and conditions established under paragraph (a) of this section shall include:

1. A standard establishing a maximum incremental population increase the exceedance of which by a rail advantaged housing rezoning proposal would cause such rezoning proposal to be deemed to have an environmental impact;

2. A standard establishing a maximum incremental parking decrease the exceedance of which by a rail advantaged housing rezoning proposal would cause such rezoning proposal to be deemed to have an environmental impact;

3. A formula to determine, by reference to any, all, or any combination of the following factors, the amount which, if paid to a local agency zoning mitigation account, would mitigate the impact of housing construction on the quality of a jurisdiction's environment and on a local agency's ability to provide essential public services: such local agency's expenses for public education; such local agency's expenses for maintenance and improvement of roads, bicycle paths, pedestrian walkways and parks; such local agency's expenses to provide drinking water and to manage water quality; and other factors determined by the commissioner to be relevant; and

4. Any other standards and conditions determined by the commissioner.

§ 5. Expedited zoning review. Whenever a county legislature has adopted a local law to permit rail advantaged housing as defined in section three of this act, the uniform standards established pursuant to

section four of this act shall apply to such project if the project is approved. Approval by a rezoning entity of a rail advantaged housing rezoning proposal is contingent upon the approval of the chief executive officer of any town, village or city and shall be deemed to not have a significant effect on the environment under subparagraph (ii) of paragraph (c) of subdivision 2 of section 8-0113 of the environmental conservation law if prior to such approval:

(a) the chief executive officer of any town, village or city which includes property subject to such rezoning has certified that such rail advantaged housing rezoning proposal:

1. does not exceed the population increase standard established under paragraph 1 of subdivision (b) of section four of this act;

2. does not exceed the parking decrease standard established under paragraph 2 of subdivision (b) of section four of this act;

3. requires that any person who builds housing pursuant to such rezoning proposal must pay to any applicable local agency's local agency rezoning mitigation account an amount not less than the amount determined in accordance with the formula established under paragraph 3 of subdivision (b) of section four of this act to be sufficient to mitigate any impacts caused by such housing; and

(b) such rezoning entity has conducted at least one public hearing on such rail advantaged rezoning proposal.

§ 6. This act shall take effect immediately.

## PART EE

Section 1. Subdivision 5 of section 1902 of the public authorities law, as added by section 6 of part JJJ of chapter 58 of the laws of 2020, is amended to read as follows:

5. Notwithstanding title five-A of article nine of this chapter, **or any law to the contrary,** establish a build-ready program, including eligibility and other criteria, pursuant to which the authority would, through a competitive and transparent bidding process, **and using single purpose project holding companies established by or on behalf of the authority and having no separate and independent operational control, acquire, sell and** transfer rights and other interests in build-ready sites and development rights to developers for the purpose of facilitating the development of renewable energy facilities on such build-ready sites. Such transactions may include the transfer of rights, interests and obligations existing under agreements providing for host community benefits negotiated by the authority pursuant to programs established pursuant to subdivision six of this section on such terms and conditions as the authority deems appropriate;

§ 2. This act shall take effect immediately; provided however, that the amendments to section 1902 of the public authorities law made by section one of this act shall be subject to the repeal of such section and shall expire and be deemed repealed therewith.

## PART FF

Section 1. Subdivision (p) of section 406 of chapter 166 of the laws of 1991, amending the tax law and other laws relating to taxes, as amended by section 12 of part A of chapter 55 of the laws of 2020, is amended to read as follows:

(p) The amendments to section 1809 of the vehicle and traffic law made by sections three hundred thirty-seven and three hundred thirty-eight of

this act shall not apply to any offense committed prior to such effective date; provided, further, that section three hundred forty-one of this act shall take effect immediately and shall expire November 1, 1993 at which time it shall be deemed repealed; sections three hundred forty-five and three hundred forty-six of this act shall take effect July 1, 1991; sections three hundred fifty-five, three hundred fifty-six, three hundred fifty-seven and three hundred fifty-nine of this act shall take effect immediately and shall expire June 30, 1995 and shall revert to and be read as if this act had not been enacted; section three hundred fifty-eight of this act shall take effect immediately and shall expire June 30, 1998 and shall revert to and be read as if this act had not been enacted; section three hundred sixty-four through three hundred sixty-seven of this act shall apply to claims filed on or after such effective date; sections three hundred sixty-nine, three hundred seventy-two, three hundred seventy-three, three hundred seventy-four, three hundred seventy-five and three hundred seventy-six of this act shall remain in effect until September 1, [~~2021~~] **2023**, at which time they shall be deemed repealed; provided, however, that the mandatory surcharge provided in section three hundred seventy-four of this act shall apply to parking violations occurring on or after said effective date; and provided further that the amendments made to section 235 of the vehicle and traffic law by section three hundred seventy-two of this act, the amendments made to section 1809 of the vehicle and traffic law by sections three hundred thirty-seven and three hundred thirty-eight of this act and the amendments made to section 215-a of the labor law by section three hundred seventy-five of this act shall expire on September 1, [~~2021~~] **2023** and upon such date the provisions of such subdivisions and sections shall revert to and be read as if the provisions of this act had not been enacted; the amendments to subdivisions 2 and 3 of section 400.05 of the penal law made by sections three hundred seventy-seven and three hundred seventy-eight of this act shall expire on July 1, 1992 and upon such date the provisions of such subdivisions shall revert and shall be read as if the provisions of this act had not been enacted; the state board of law examiners shall take such action as is necessary to assure that all applicants for examination for admission to practice as an attorney and counsellor at law shall pay the increased examination fee provided for by the amendment made to section 465 of the judiciary law by section three hundred eighty of this act for any examination given on or after the effective date of this act notwithstanding that an applicant for such examination may have prepaid a lesser fee for such examination as required by the provisions of such section 465 as of the date prior to the effective date of this act; the provisions of section 306-a of the civil practice law and rules as added by section three hundred eighty-one of this act shall apply to all actions pending on or commenced on or after September 1, 1991, provided, however, that for the purposes of this section service of such summons made prior to such date shall be deemed to have been completed on September 1, 1991; the provisions of section three hundred eighty-three of this act shall apply to all money deposited in connection with a cash bail or a partially secured bail bond on or after such effective date; and the provisions of sections three hundred eighty-four and three hundred eighty-five of this act shall apply only to jury service commenced during a judicial term beginning on or after the effective date of this act; provided, however, that nothing contained herein shall be deemed to affect the application, qualification, expiration or repeal of any provision of law amended by any section of this act and such provisions

shall be applied or qualified or shall expire or be deemed repealed in the same manner, to the same extent and on the same date as the case may be as otherwise provided by law;

§ 2. Subdivision 8 of section 1809 of the vehicle and traffic law, as amended by section 13 of part A of chapter 55 of the laws of 2020, is amended to read as follows:

8. The provisions of this section shall only apply to offenses committed on or before September first, two thousand [~~twenty-one~~] **twenty-three**.

§ 3. This act shall take effect immediately.

## PART GG

Section 1. Section 1226 of the vehicle and traffic law, as amended by chapter 506 of the laws of 1971, is amended to read as follows:

§ 1226. Control of steering mechanism. No person shall operate a motor vehicle without having at least one hand or, in the case of a physically handicapped person, at least one prosthetic device or aid on the steering mechanism at all times when the motor vehicle is in motion **unless a driving automation system, as defined in SAE J3016 as periodically revised, is engaged to perform steering function**.

§ 2. Subdivision a of section 1 of part FF of chapter 55 of the laws of 2017, relating to motor vehicles equipped with autonomous vehicle technology, as amended by section 1 of part H of chapter 58 of the laws of 2018, is amended to read as follows:

a. Notwithstanding the provisions of section 1226 of the vehicle and traffic law, the New York state commissioner of motor vehicles may approve demonstrations and tests consisting of the operation of a motor vehicle equipped with autonomous vehicle technology while such motor vehicle is engaged in the use of such technology on public highways within this state for the purposes of demonstrating and assessing the current development of autonomous vehicle technology and to begin identifying potential impacts of such technology on safety, traffic control, traffic enforcement, emergency services, and such other areas as may be identified by such commissioner. [~~Provided, however, that such demonstrations and tests shall only take place under the direct supervision of the New York state police, in a form and manner prescribed by the superintendent of the New York state police. Additionally, a law enforcement interaction plan shall be included as part of the demonstration and test application that includes information for law enforcement and first responders regarding how to interact with such a vehicle in emergency and traffic enforcement situations. Such demonstrations and tests shall take place in a manner and form prescribed by the commissioner of motor vehicles including, but not limited to: a requirement that a natural person holding a valid license for the operation of the motor vehicle's class be present within such vehicle for the duration of the time it is operated on public highways; a requirement that the motor vehicle utilized in such demonstrations and tests complies with all applicable federal motor vehicle safety standards and New York state motor vehicle inspection standards; and a requirement that the motor vehicle utilized in such demonstrations and tests has in place, at a minimum, financial security in the amount of five million dollars~~] **The commissioner shall issue and promulgate rules and regulations for the administration of this act**. Nothing in this act shall authorize the motor vehicle utilized in such demonstrations and tests to operate in

violation of article 22 or title 7 of the vehicle and traffic law, excluding section 1226 of such law.

§ 3. Section 3 of part FF of chapter 55 of the laws of 2017, relating to motor vehicles equipped with autonomous vehicle technology, as amended by section 2 of part M of chapter 58 of the laws of 2019, is amended to read as follows:

§ 3. This act shall take effect April 1, 2017; provided, however, that section one of this act shall expire and be deemed repealed April 1, [~~2021~~] 2026.

§ 4. There is hereby established a group to be known as the "Interagency Group on Autonomous Vehicle Technology". The group shall be composed of the following members: the commissioner of the department of transportation or his or her designee; the commissioner of the department of motor vehicles or his or her designee; the director of the New York State thruway authority or his or her designee; the chancellor of the state university of New York or his or her designee; and the director of the state police or his or her designee. The group shall be responsible for the coordination of all State policy with regard to autonomous vehicle and connected autonomous vehicle technology with the goal of providing quick and efficient modification of regulation in response to evolving industry trends. The group shall study, evaluate and develop recommendations relating to specific actionable measures that address how automated vehicle technology will transform the state's roadways, economy, education system, and society. The group shall study how to support safe testing, deployment and operation of automated vehicle technology on public highways. In doing so, the group shall take the following into consideration: (a) the measures necessary to successfully implement automated vehicles, including necessary legislative and regulatory or administrative changes; (b) the difficulties and liabilities that could arise by allowing automated vehicles on public highways and proper mechanisms to manage risks and ensure adequate risk coverage; (c) how automated vehicle technology can promote research and development in this state; (d) potential infrastructure changes needed and capital planning considerations; and (f) any other issue the group deems relevant.

§ 5. This act shall take effect immediately, provided, however, that section one of this act shall take effect April 1, 2026.

## PART HH

Section 1. The vehicle and traffic law is amended by adding a new section 224-b to read as follows:

**§ 224-b. Convenience fee. In addition to any other fees provided for in this chapter, a nonrefundable technology fee of one dollar shall be added to the applicable fee for any transaction for which a fee is charged by the department for: the registration, reregistration or renewal of a registration of a motor vehicle, motorcycle, historic motorcycle, snowmobile or vessel; and the issuance of any original, duplicate or renewal learner permit, driver's license or non-driver identification card. Such fees shall be deposited to the credit of the dedicated highway and bridge trust fund, established pursuant to section eighty-nine-b of the state finance law.**

§ 2. Paragraph (a) of subdivision 3 of section 89-b of the state finance law, as amended by section 4 of chapter 368 of the laws of 2019, is amended to read as follows:

(a) The special obligation reserve and payment account shall consist (i) of all moneys required to be deposited in the dedicated highway and bridge trust fund pursuant to the provisions of sections two hundred five, two hundred eighty-nine-e, three hundred one-j, five hundred fifteen and eleven hundred sixty-seven of the tax law, [~~section~~] **sections two hundred twenty-four-b and** four hundred one and article [~~twelve-d~~] **twelve-D** of the vehicle and traffic law, and section thirty-one of chapter fifty-six of the laws of nineteen hundred ninety-three, (ii) all fees, fines or penalties collected by the commissioner of transportation and the commissioner of motor vehicles pursuant to section fifty-two, section three hundred twenty-six, section eighty-eight of the highway law, subdivision fifteen of section three hundred eighty-five of the vehicle and traffic law, section two of part U1 of chapter sixty-two of the laws of two thousand three, subdivision (d) of section three hundred four-a, paragraph one of subdivision (a) and subdivision (d) of section three hundred five, subdivision six-a of section four hundred fifteen and subdivision (g) of section twenty-one hundred twenty-five of the vehicle and traffic law, section fifteen of this chapter, excepting moneys deposited with the state on account of betterments performed pursuant to subdivision twenty-seven or subdivision thirty-five of section ten of the highway law, and section one hundred forty-five of the transportation law, (iii) any moneys collected by the department of transportation for services provided pursuant to agreements entered into in accordance with section ninety-nine-r of the general municipal law, and (iv) any other moneys collected therefor or credited or transferred thereto from any other fund, account or source.

§ 3. Paragraph (a) of subdivision 3 of section 89-b of the state finance law, as amended by section 5 of chapter 368 of the laws of 2019, is amended to read as follows:

(a) The special obligation reserve and payment account shall consist (i) of all moneys required to be deposited in the dedicated highway and bridge trust fund pursuant to the provisions of sections two hundred eighty-nine-e, three hundred one-j, five hundred fifteen and eleven hundred sixty-seven of the tax law, [~~section~~] **sections two hundred twenty-four-b and** four hundred one and article [~~twelve-d~~] **twelve-D** of the vehicle and traffic law, and section thirty-one of chapter fifty-six of the laws of nineteen hundred ninety-three, (ii) all fees, fines or penalties collected by the commissioner of transportation and the commissioner of motor vehicles pursuant to section fifty-two, section three hundred twenty-six, section eighty-eight of the highway law, subdivision fifteen of section three hundred eighty-five of the vehicle and traffic law, section fifteen of this chapter, excepting moneys deposited with the state on account of betterments performed pursuant to subdivision twenty-seven or subdivision thirty-five of section ten of the highway law, and section one hundred forty-five of the transportation law, (iii) any moneys collected by the department of transportation for services provided pursuant to agreements entered into in accordance with section ninety-nine-r of the general municipal law, and (iv) any other moneys collected therefor or credited or transferred thereto from any other fund, account or source.

§ 4. This act shall take effect on the one hundred eightieth day after it shall have become a law and shall expire and be deemed repealed five years after such date; provided, however, that the amendments to paragraph (a) of subdivision 3 of section 89-b of the state finance law, made by section two of this act, shall be subject to the expiration and reversion of such paragraph pursuant to section 13 of part U1 of chapter

62 of the laws of 2003, as amended, when upon such date the provisions of section three of this act shall take effect; provided further that the convenience fee authorized to be collected in connection with fee transactions relating to the registration of motor vehicles, motorcycles, historic motorcycles, vessels and snowmobiles shall apply to new registrations issued, reregistrations occurring, and to renewals of registrations expiring, on and after such date; and provided further that the technology fee authorized to be collected in connection with fee transactions relating to learner permits, driver licenses and identification cards shall apply to new learner permits, driver licenses and identification cards issued, and to renewals of learner permits, driver licenses and identification cards expiring, on and after such date. Effective immediately, the addition, amendment and/or repeal of any rule or regulation and any changes in procedures and information technology systems 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 II

Section 1. Section 2 of part BB of chapter 58 of the laws of 2012 amending the public authorities law, relating to authorizing the dormitory authority to enter into certain design and construction management agreements, as amended by section 1 of part B of chapter 58 of the laws of 2019, is amended to read as follows:

§ 2. This act shall take effect immediately and shall expire and be deemed repealed April 1, [~~2021~~] 2024.

§ 2. The dormitory authority of the state of New York shall provide a report providing information regarding any project undertaken pursuant to a design and construction management agreement, as authorized by part BB of chapter 58 of the laws of 2012, between the dormitory authority of the state of New York and the department of environmental conservation and/or the office of parks, recreation and historic preservation to the governor, the temporary president of the senate and speaker of the assembly. Such report shall include but not be limited to a description of each such project, the project identification number of each such project, if applicable, the projected date of completion, the status of the project, the total cost or projected cost of each such project, and the location, including the names of any county, town, village or city, where each such project is located or proposed. In addition, such a report shall be provided to the aforementioned parties by the first day of March of each year that the authority to enter into such agreements pursuant to part BB of chapter 58 of the laws of 2012 is in effect.

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

PART JJ

Section 1. The opening paragraph of section 5102 of the insurance law is amended and a new subsection (n) is added to read as follows:

In this [~~chapter~~] article:

(n) "Provider of health services" means a person or entity who or that renders health services.

§ 2. Section 5109 of the insurance law, as added by chapter 423 of the laws of 2005, is amended to read as follows:

§ 5109. Unauthorized providers of health services. (a) [~~The superintendent, in consultation with the commissioner of health and the commissioner of education, shall by regulation, promulgate standards and procedures for investigating and suspending or removing the authorization for providers of health services to demand or request payment for health services as specified in paragraph one of subsection (a) of section five thousand one hundred two of this article upon findings reached after investigation pursuant to this section. Such regulations shall ensure the same or greater due process provisions, including notice and opportunity to be heard, as those afforded physicians investigated under article two of the workers' compensation law and shall include provision for notice to all providers of health services of the provisions of this section and regulations promulgated thereunder at least ninety days in advance of the effective date of such regulations.~~] As used in this section, "health services" means services, supplies, therapies or other treatments as specified in subparagraph (i), (ii) or (iv) of paragraph one of subsection (a) of section five thousand one hundred two of this article.

(b) [~~The commissioner of health and the commissioner of education shall provide a list of the names of all providers of health services who the commissioner of health and the commissioner of education shall deem, after reasonable investigation, not authorized to demand or request any payment for medical services in connection with any claim under this article because such provider of health services~~] The superintendent may prohibit a provider of health services from demanding or requesting payment for health services rendered under this article, other than health services rendered in the emergency department of a general hospital, as defined in subdivision ten of section two thousand eight hundred one of the public health law, for a period not exceeding three years, if the superintendent determines, after notice and hearing, that the provider of health services:

(1) has admitted to, or been found guilty of, professional [~~or other~~] misconduct [~~or incompetency~~], as defined in the education law, in connection with [~~medical~~] health services rendered under this article; [~~or~~

~~(2) has exceeded the limits of his or her professional competence in rendering medical care under this article or has knowingly made a false statement or representation as to a material fact in any medical report made in connection with any claim under this article; or~~

~~(3)~~] (2) solicited, or [~~has~~] employed another person to solicit for [~~himself or herself~~] the provider of health services or [~~for~~] another person or entity, professional treatment, examination or care of [~~an injured~~] a person in connection with any claim under this article; [~~or~~

~~(4) has~~] (3) refused to appear before, or [~~to~~] answer any question upon request of, the [~~commissioner of health, the~~] superintendent[~~,~~] or any duly authorized officer of [~~the~~] this state, [~~any legal question,~~] or refused to produce any relevant information concerning [~~his or her~~] the conduct of the provider of health services in connection with [~~rendering medical~~] health services rendered under this article; [~~or~~

~~(5) has~~] (4) engaged in [~~patterns~~] a pattern of billing for:

(A) health services [~~which~~] alleged to have been rendered under this article, when the health services were not [~~provided~~] rendered, provided, however, that an adverse determination by the superintendent pursuant to this subparagraph shall not be based on good faith disputes regarding the appropriateness of a particular code to describe a health service; or

(B) unnecessary health services, provided, however, that an adverse determination by the superintendent pursuant to this subparagraph shall not be based solely on the fact that one or more insurers have denied multiple claims submitted by the provider of health services;

(5) utilized unlicensed persons to render health services under this article, when only a person licensed in this state may render the health services;

(6) utilized licensed persons to render health services that were beyond the authorized scope of the person's license;

(7) ceded ownership, operation or control of a business entity authorized to provide professional health services in this state, including a professional service corporation, professional limited liability company or registered limited liability partnership, to a person not licensed to render the health services for which the entity is legally authorized to provide, except where the unlicensed person's ownership, operation or control is otherwise permitted by law;

(8) committed a fraudulent insurance act as defined in section 176.05 of the penal law;

(9) has been convicted of a crime involving fraudulent or dishonest practices; or

(10) violated any provision of this article or regulations promulgated thereunder.

(c) [~~Providers~~] A provider of health services shall [~~refrain from subsequently treating for remuneration, as a private patient, any person seeking medical treatment~~] not demand or request payment for any health services under this article [~~if such provider pursuant to this section has been prohibited from demanding or requesting any payment for medical services under this article. An injured claimant so treated or examined may raise this as~~] other than health services rendered in the emergency department of a general hospital, as defined in subdivision ten of section two thousand eight hundred one of the public health law, that are rendered during the term of the prohibition ordered by the superintendent pursuant to subsection (b) of this section. The prohibition ordered by the superintendent may be a defense in any action by [~~such~~] the provider of health services for payment for [~~treatment rendered at any time after such provider has been prohibited from demanding or requesting payment for medical services in connection with any claim under this article~~] such health services.

(d) The chair of the workers' compensation board shall provide the superintendent a list of the names of all providers of health services which, in connection with any investigation, hearing, or findings pursuant to section thirteen-d of the workers' compensation law, have voluntarily resigned or are disqualified from rendering health services under the workers' compensation law. Such providers of health services shall not be authorized to demand or request any payment for health services in connection with any claim under this article, other than health services rendered in the emergency department of a general hospital, as defined in subdivision ten of section two thousand eight hundred one of the public health law, that are rendered during the period that such providers of health services have voluntarily resigned or are disqualified from rendering health services under the workers' compensation law.

(e) The chair of the workers' compensation board shall maintain and regularly update a database containing a list of providers of health services which, in connection with any investigation, hearing, or findings pursuant to section thirteen-d of the workers' compensation law, have voluntarily resigned or are disqualified from rendering health

services under the workers' compensation law, and shall make such information available to the public.

(f) The [~~commissioner of health and the commissioner of education~~] superintendent shall maintain [~~and regularly update~~] a database containing a list of providers of health services prohibited by this section from demanding or requesting any payment for health services [~~connected to a claim~~] rendered under this article and shall make [~~such~~] the information available to the public [~~by means of a website and by a toll free number~~].

(g) The superintendent may levy a civil penalty not exceeding fifty thousand dollars on any provider of health services that the superintendent prohibits from demanding or requesting payment for health services pursuant to subsection (b) of this section. Any civil penalty imposed under this section that is based upon the commission of a fraudulent insurance act, as defined in section 176.05 of the penal law, shall be levied in accordance with subsection (c) of section four hundred three of this chapter.

[~~(e)~~] (h) Nothing in this section shall be construed as limiting in any respect the powers and duties of the commissioner of health, commissioner of education, the chair of the workers' compensation board, or the superintendent to investigate instances of misconduct by a [~~health care~~] provider [~~and, after a hearing and upon written notice to the provider, to temporarily prohibit a provider of health services under such investigation from demanding or requesting any payment for medical services under this article for up to ninety days from the date of such notice~~] of health services and take appropriate action pursuant to any other provision of law. A determination of the superintendent pursuant to subsection (b) of this section shall not be binding upon the commissioner of health or the commissioner of education in a professional discipline proceeding relating to the same conduct.

§ 3. The superintendent of financial services shall convene a motor vehicle insurance task force, to examine alternatives to the no-fault insurance system as well as other legislative or regulatory initiatives to reduce the cost of motor vehicle insurance. The task force shall issue a report to the governor on its recommendations no later than December 31, 2021. The task force shall be chaired by the superintendent of financial services or his or her designee, and the governor shall appoint eight (8) members comprised of consumer representatives, health insurers, trial attorneys, healthcare providers, and insurers. The members of the task force shall receive no compensation for their services, but shall be allowed their actual and necessary expenses incurred in the performance of their duties.

§ 4. This act shall take effect immediately; provided, however that sections one and two of this act shall take effect on the one hundred eightieth day after it shall have become a law.

## PART KK

Section 1. Section 410 of the economic development law is REPEALED.

§ 2. Section 3102-b of the public authorities law, as renumbered by chapter 291 of the laws of 1990, the opening paragraph as amended by chapter 616 of the laws of 1991, paragraph (a) of subdivision 1, subdivision 3 and paragraph (a) of subdivision 6 as amended by chapter 191 of the laws of 2010, subdivisions 5 and 6 as added by chapter 828 of the laws of 1987, is amended to read as follows:

§ 3102-b. Centers for advanced technology. In order to encourage greater collaboration between private industry and the universities of the state in the development and application of new technologies, the [~~foundation~~] **department** is authorized to designate for advanced technology such areas as integrated electronics, optics, biotechnology, telecommunications, automation and robotics, electronics packaging, imaging technology and others [~~identified by the foundation~~] as **determined by the department in accordance with the criteria set forth in section three of part T of chapter eighty-four of the laws of two thousand two, in areas identified by such department as** having significant potential for economic growth in New York, or in which the application of new technologies could significantly enhance the productivity and stability of New York businesses. Such designations shall be made in accordance with the standards and criteria set forth in subdivision two of this section. Centers so designated shall be eligible for support from the foundation in the manner provided for in subdivision three of this section, and for such additional support as may otherwise be provided by law.

1. As used in this section:

(a) "center for advanced technology" or "center" means a university or university-affiliated research institute or a consortium of such institutions, designated by the [~~foundation~~] **department**, which conducts a continuing program of basic and applied research, development, and technology commercialization in one or more technological areas, in collaboration with and through the support of private business and industry; and

(b) "applicant" means a university or university-affiliated research institute or a consortium of such institutions which request designation as a center in accordance with such requirements as are established by the [~~foundation~~] **department** for this purpose.

**(c) "department" means the department of economic development.**

2. The [~~foundation~~] **department** shall:

(a) identify technological areas for which centers should be designated including technological areas that are related to industries with significant potential for economic growth and development in New York state and technological areas that are related to the enhancement of productivity in various industries located in New York state.

(b) establish criteria that applicants must satisfy for designation as a center, including, but not limited to the following:

(i) an established record of research, development and instruction in the area or areas of technology involved;

(ii) the capacity to conduct research and development activities in collaboration with business and industry;

(iii) the capacity to secure substantial private and other governmental funding for the proposed center, in amounts at least equal to the total of support sought from the state;

(iv) the ability and willingness to cooperate with other institutions in the state in conducting research and development activities, and in disseminating research results; and to work with technical and community colleges in the state to enhance the quality of technical education in the area or areas of technology involved;

(v) the ability and willingness to cooperate with the [~~foundation~~] **department** and other economic development agencies in promoting the growth and development in New York state of industries based upon or benefiting from the area or areas of technology involved.

(c) establish such requirements as it deems appropriate for the format, content and filing of applications for designation as centers for advanced technology.

(d) establish such procedures as it deems appropriate for the evaluation of applications for designation as centers for advanced technology, including the establishment of peer review panels composed of nationally recognized experts in the technological areas and industries to which the application is related.

**(e) Notwithstanding the criteria set forth in this subdivision, or any provision of law to the contrary, the universities, university-affiliated research institutes or a consortium of such institutions designated as centers of excellence under section four hundred ten of the economic development law on or before the effective date of the chapter of the laws of two thousand twenty-one that amended this section shall be designated as centers for advanced technology for a period of two years, during which time a competition will be held to award ten year designations to applicants deemed to have significant economic impact potential. The number of awards made as a result of such competition shall be at least equal to the number of centers of excellence. Centers of excellence receiving a two year center designation shall include: Buffalo Center of Excellence in Bioinformatics and Life Sciences; Syracuse Center of Excellence in Environmental and Energy Systems; Albany Center of Excellence in Nanoelectronics; Stony Brook Center of Excellence in Wireless and Information Technology; Binghamton Center of Excellence in Small Scale Systems Integration and Packaging; Stony Brook Center of Excellence in Advanced Energy Research; Buffalo Center of Excellence in Materials Informatics; Rochester Center of Excellence in Sustainable Manufacturing; Rochester Center of Excellence in Data Science; Rensselaer Polytechnic Institute Center of Excellence in Digital Game Development; Rochester Institute of Technology Center of Excellence in Digital Game Development; New York University Center of Excellence in Digital Game Development; Cornell University Center of Excellence in Food and Agriculture Innovation; Albany Center of Excellence in Data Science in Atmospheric and Environmental Prediction and Innovation; New York Medical College Center of Excellence in Precision Responses to Bioterrorism and Disaster; and Clarkson - SUNY ESF Center of Excellence in Healthy Water Solutions.**

3. (a) From such funds as may be appropriated for this purpose by the legislature, the [~~foundation~~] **department** may provide financial support, through contracts or other means, to designated centers for advanced technology, in order to enhance and accelerate the development of such centers. Funds received pursuant to this subdivision may be used for purchase of equipment and fixtures, employment of faculty and support staff, provision of graduate fellowships, and other purposes approved by the [~~foundation~~] **department**, but may not be used for capital construction. In each case, the amount provided by the [~~foundation~~] **department** to a center shall be matched by commitments of support from private and governmental other than state sources provided that:

(i) funds or in-kind resources provided by the public or private university of which the center is a part may be counted towards the match;

(ii) such match shall not be required on a project-by-project basis;

(iii) matching funds received from businesses with no more than one hundred employees shall count as double the actual dollar amount toward the center's overall match requirement;

(iv) funds used by the center for any workforce development activities required by the [~~foundation~~] **department** shall not be included as part of the center's award when determining the amount of matching funds required by the [~~foundation~~] **department**. Such activities shall include, but are not limited to, helping incumbent workers expand their skill sets through short courses, seminars, and workshops; providing industry-driven research assistant opportunities for students, and aiding in the development of undergraduate and graduate courses in the center's technology focus to help ensure that students are trained to meet the needs of industry;

(v) centers may use not more then twenty-five percent of indirect costs towards any match requirements.

(b) **(i)** The [~~amount provided by the foundation shall be made in accordance with the following:~~

~~(i) for the academic year in which it is first funded as a designated center, and the five subsequent years, the~~] amount provided by the [~~foundation~~] **department** to a center shall be matched equally by the center[~~:~~

~~(ii) beginning in the sixth academic year following the academic year in which a center is first funded as a designated center and for each academic year thereafter, amounts provided by the foundation of up to seven hundred fifty thousand dollars shall be matched equally by the center, amounts in excess of seven hundred fifty thousand dollars shall be matched by the center in amounts of at least the percentage set forth herein: in the sixth year, one hundred twenty percent; in the seventh year, one hundred forty percent; in the eighth year, one hundred sixty percent; in the ninth year, one hundred eighty percent; in the tenth year and each year thereafter, two hundred percent;~~

~~(iii) beginning in the ninth academic year following the academic year in which a center is first funded as a designated center, the foundation shall evaluate such center's area of advanced technology to determine whether it has continued significant potential for enhancing economic growth in New York, or whether the application of technologies in the area could significantly enhance the productivity and stability of New York businesses;~~

~~(iv) upon~~]**. (ii) Upon** a finding by the [~~foundation~~] **department** that an area of advanced technology has continued significant potential for enhancing economic growth in New York, or that the application of technologies in the area could significantly enhance the productivity and stability of New York businesses, the [~~foundation~~] **department** will initiate a redesignation process in accordance with the standards and criteria set forth in paragraph (b) of subdivision two and in accordance with paragraphs (c) and (d) of subdivision two of this section.

[~~(1) In the event a new center is selected in the redesignation process, the foundation shall provide funds to such new center in accordance with the funding match requirements set forth in subparagraphs (i) and (ii) of paragraph (a) of this subdivision.~~

~~(2) In the event a previously designated center is redesignated in the same area of technology, which redesignation is effective for the tenth academic year following the first academic year of both designation and funding, then, in that year and in each year thereafter, the foundation shall provide funds of up to seven hundred fifty thousand dollars to be matched equally by the center, amounts in excess of seven hundred fifty thousand dollars shall be matched by the center in amounts of at least two hundred percent.~~

~~(3)~~] (iii) In the event a currently designated center is not selected in the redesignation process for an additional term, or upon a finding by the [~~foundation~~] department that the area of advanced technology does not have significant potential for enhancing economic growth in New York, or upon a finding that the application of technologies in that area would not significantly enhance the productivity and stability of New York businesses, then the [~~foundation~~] department shall, in the tenth academic year following such center's first both designation and funding, which year shall be the final year of funding for such center, provide an amount of up to five hundred thousand dollars.

(c) Continued funding of the operations of each center shall be based upon a showing that: the center continues to comply with the criteria established by the [~~foundation~~] department pursuant to paragraph (b) of subdivision two of this section; a demonstration of assistance to small businesses in New York state through research, technology transfer or other means as approved by the [~~foundation~~] department; evidence of partnerships with other appropriate entities to develop outreach networks and ensure that companies receive access to appropriate federal funding for technology development and commercialization as well as non-research assistance such as general business consulting. Appropriate partners are those with which the center demonstrates a relationship that enhances and advances the center's ability to aid economic growth in New York state; and compliance with the rules, regulations and guidelines of the [~~foundation~~] department; and, compliance with any contracts between the [~~foundation~~] department and the designated center.

(d) Each center shall report on its activities to the [~~foundation~~] department in a manner and according to the schedule established by the [~~foundation~~] department, and shall provide such additional information as the [~~foundation~~] department may require provided, that quantifiable economic development impact measures are not restricted to any period less than five years and that centers provide a full description of all non-quantifiable measures. The [~~foundation~~] department shall evaluate center operations using methods such as site visits, reporting of specified information and peer review evaluations using experts in the field of technology in which the center was designated. The [~~foundation~~] department shall notify each center of the results of its evaluations and findings of deficiencies in the operation of such center or its research, education, or technology commercialization activities and shall work with such centers to remedy such findings. If such factors are not remedied, the [~~foundation~~] department may withdraw the state funding support, in whole or in part, or withdraw the center designation.

(e) In order to encourage that the results of center research benefit New York state, designation and continued funding of each center shall be contingent upon each center's establishing within its licensing guidelines the following: after payment of the inventor's share, a reduced payment due to the university of any royalty, income or other consideration earned from the license or sale of intellectual property rights created or developed at, or through the use of, the facilities of the center by any person or entity if the manufacturing or use resulting from such intellectual property rights occurs within New York state. The [~~foundation~~] department shall promulgate rules and regulations regarding the provisions of the licensing guidelines described herein as they apply to such reduced payment, and such provisions shall be subject to the approval of the [~~foundation~~] department.

4. From such funds as may be appropriated for this purpose by the legislature, the [~~foundation~~] department may provide grants to any one university or university-affiliated research institution for purposes of planning and program development aimed at enabling such university or university-affiliated research institution to qualify for designation as a center. Such grants shall be awarded on a competitive basis, and shall be available only to those applicants which in the judgment of the [~~foundation~~] department may reasonably be expected to be designated as centers. No applicant shall receive more than one such grant.

5. (a) From such funds as may be appropriated for the purpose of incentive grants or other funds which may be available from the [~~foundation~~] department to enhance center activities in areas of crucial interest in the state's economic development, the [~~foundation~~] department may provide grants, on a competitive basis, to centers for projects including, but not limited to, those which:

(i) explore new technologies with commercial application conducted jointly by two or more centers or a center and non-center university, college or community college;

(ii) are aimed at enhancing or accelerating the process of bringing new products, particularly those under development by new small businesses, to the marketplace; or

(iii) increase technology transfer projects with the state's mature manufacturing industries in applying technology in their manufacturing processes or for new product development.

(b) State support for incentive grants may be matched on an individual basis by the [~~foundation~~] department, which may consider the type of project and the availability of amounts from private, university and governmental, other than state, sources.

6. (a) The [~~foundation~~] department shall make an annual report of the centers for advanced technology program to the governor and the legislature not later than September first of each year. Such report shall include, but not be limited to, the results of the [~~foundation's~~] department's evaluation of each center, a description of the achievement of each center, any deficiencies in the operation of each center or its research, education and technology commercialization activities, remedial actions recommended by the [~~foundation~~] department, remedial actions taken by each center, a description of the small business assistance provided by each center, a description of any incentive grant program awarded a grant by the [~~foundation~~] department and the achievements of such program, and the amount of financial assistance provided by the [~~foundation~~] department and the level of matching funds provided by each center and the uses of such monies.

(b) Annual reports shall include a discussion of any fields of technology that the foundation has identified as having significant potential for economic growth or improved productivity and stability of New York businesses and in which no center for advanced technology has been designated and recommendations of the [~~foundation~~] department as to actions that should be taken.

§ 3. This act shall take effect immediately, provided, however section one of this act shall take effect April 1, 2023.

## PART LL

Section 1. Paragraph (a) of subdivision 1 of section 9-x of the banking law, as amended by section 1 of part C of chapter 126 of the laws of 2020, is amended to read as follows:

(a) "Covered period" means March 7, 2020 until the **later of December 31, 2021 or the** date on which none of the provisions that closed or otherwise restricted public or private businesses or places of public accommodation, or required postponement or cancellation of all non-essential gatherings of individuals of any size for any reason in Executive Orders 202.3, 202.4, 202.5, 202.6, 202.7, 202.8, 202.10, 202.11, 202.13 or 202.14, as extended by Executive Orders 202.28 and 202.31 and as further extended by any future Executive Order, issued in response to the COVID-19 pandemic continue to apply in the county of the qualified mortgagor's residence;

§ 2. This act shall take effect immediately.

PART MM

Section 1. This act enacts into law components of legislation relating to eviction and foreclosure protections for tenants and owners of commercial real property. Each component is wholly contained within a subpart identified as Subparts A through B. The effective date for each particular provision contained within such Subpart is set forth in the last section of such Subpart. Any provision in any section contained within a subpart, including the effective date of the subpart, which makes 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 subpart in which it is found. Section five of this act sets forth the general effective date of this act.

§ 2. Short title. This act shall be known and may be cited as the "COVID-19 Emergency Eviction and Foreclosure Prevention for Tenants and Owners of Commercial Real Property Act of 2021".

§ 3. Legislative intent. The Legislature finds and declares all of the following:

1. On March 7, 2020, Governor Andrew Cuomo proclaimed a state of emergency in response to the Coronavirus disease (COVID-19) pandemic. Measures necessary to contain the spread of COVID-19 have brought about widespread economic and societal disruption, placing the state of New York in unprecedented circumstances.

2. COVID-19 presents a historic threat to public health and the economic well-being of New Yorkers. Commercial tenants and real property owners are facing eviction or foreclosure due to necessary disease control measures that reduced businesses revenue and triggered mass unemployment across the state.

3. The pandemic has further interrupted court operations, the availability of counsel, the ability for parties to pay for counsel, and the ability to safely commute and enter a courtroom, settlement conference and the like.

4. A temporary prohibition of evictions and foreclosures for commercial properties is to the mutual benefit of all New Yorkers and will help the state address the financial toll of the pandemic, protect public health, and set the stage for economic recovery.

5. As such, a limited, temporary stay is necessary to protect the public health, financial security, and morals of the people the Legislature represents from the dangers of the COVID-emergency pandemic.

SUBPART A

Section 1. Definitions. For the purposes of this act:

1. "Eviction proceeding" means a summary proceeding to recover possession of real property relating to a commercial unit under the real property actions and proceedings law for nonpayment of rent or any other judicial proceeding to recover possession of commercial real property for nonpayment of rent.

2. "Landlord" includes a landlord, owner of real property and any other person with a legal right to pursue eviction, possessory action, or a money judgment for rent, including arrears, owed or that becomes due during the COVID-19 covered period, as defined in section 1 of chapter 127 of the laws of 2020.

3. "Tenant" includes a commercial tenant, or any other person or entity responsible for paying rent, use and occupancy, or any other financial obligation under a lease for real property or tenancy agreement, but does not include a residential tenant of a dwelling unit.

4. "Hardship declaration" means the following statement, or a substantially equivalent statement in the tenant's primary language, in 14-point type, published by the office of court administration, whether in physical or electronic form, regarding the financial hardship of the tenant and signed under the penalty of perjury by the tenant:

"NOTICE TO COMMERCIAL TENANT: If you have lost income or had increased costs during the COVID-19 pandemic as described in this hardship declaration and you sign and deliver this hardship declaration to your landlord, you cannot be evicted until at least May 1, 2021 for nonpayment of rent. You or your licensees may still be evicted for violating your lease by persistently engaging in behavior that infringes on the use and enjoyment of other tenants or occupants or causes a substantial safety hazard to others. If your landlord has provided you with this form, your landlord must also provide you with a mailing address and email address to which you can return this form. If your landlord has already started an eviction proceeding against you, you can return this form to either your landlord, the court, or both at any time. You should keep a copy or a picture of the signed form for your records. You will still owe any unpaid rent to your landlord. You should also keep careful track of what you have paid and any amount you still owe.

COMMERCIAL TENANT'S DECLARATION OF HARDSHIP DURING THE COVID-19 PANDEMIC: I am a commercial tenant, lawful occupant, or other person responsible for paying rent, use and occupancy, or any other financial obligation under a commercial lease or commercial tenancy agreement at (address of commercial property).

You must indicate below your qualification for eviction protection by checking the appropriate box and signing the declaration:

My business is experiencing financial hardship due to the COVID-19 pandemic, I certify I have not received any federal, state or local aid for businesses harmed by COVID-19, and I am unable to pay my rent or other financial obligations under the lease in full because of the following:

( ) My business was subject to seating, occupancy or on-premises presence limitations due to COVID-19 safety measures as required by New York State Executive Orders and the business suffered a significant loss of income or significant increase in cost, the approximate percentage of which may be required to be provided or proved by documentation;

( ) My business has experienced a reduction in gross receipts by at least thirty-five percent for any three-month term during the COVID-19 coverage period that is comparable to a three-month term in 2019, which may be required to be proved by documentation;

( ) My business has experienced a net decrease in employment by at least thirty-five percent for any three-month term during the COVID-19 coverage period that is comparable to a three-month term in 2019, which may be required to be proved by documentation; or

( ) I attest that my business was in receipt of federal, state, or local aid for businesses financially harmed by COVID-19, however the amounts received _____ (fill in amount) was insufficient to pay fully any arrears, and my business still meets one or more of the criteria laid out above and I qualify for financial hardship under this section.

I understand that I must comply with all other lawful terms under my tenancy, lease agreement or similar contract. I further understand that lawful fees, penalties or interest for not having paid rent in full or met other financial obligations as required by my tenancy, lease agreement or similar contract may still be charged or collected and may result in a monetary judgment against me. I further understand that my landlord may be able to seek eviction after May 1, 2021, and that the law may provide certain protections at that time that are separate from those available through this declaration.

Signed:
Printed name:
Date signed:

NOTICE: You are signing and submitting this form under penalty of law. That means it is against the law to make a statement on this form that you know is false."

§ 2. Notwithstanding any law to the contrary no commercial tenant shall be removed from possession prior to May 1, 2021, except by an eviction proceeding.

§ 3. Pending eviction proceedings. Any eviction proceeding pending on the effective date of this act, including eviction proceedings filed on or before March 7, 2020, or commenced within thirty days of the effective date of this act shall be stayed for at least thirty days, or to such later date that the chief administrative judge shall determine is necessary to ensure that courts are prepared to conduct proceedings in compliance with this act and to give tenants an opportunity to submit the hardship declaration pursuant to this act. The court in each case shall promptly issue an order directing such stay and promptly mail the respondent a copy of the hardship declaration.

§ 4. Prohibition on initiation of eviction proceeding. If there is no pending eviction proceeding and a tenant provides a hardship declaration to the landlord or an agent of the landlord, there shall be no initiation of an eviction proceeding against the tenant until at least May 1, 2021, and in such event any specific time limit for the commencement of an eviction proceeding shall be tolled until May 1, 2021.

§ 5. Required affidavit. 1. No court shall accept for filing any petition or complaint or other filing to commence an eviction proceeding unless the petitioner or an agent of the petitioner or plaintiff files an affidavit of service, attesting to the service of both the eviction papers and an unexecuted copy of the hardship declaration, and accompanied by an affidavit by petitioner or plaintiff that:

a. at the time of filing, neither the petitioner or the plaintiff nor any agent of the petitioner or plaintiff has received a hardship declaration from the respondent or defendant, or

b. the respondent or defendant has returned a hardship declaration, but the respondent or its licensees are persistently engaging in behav-

ior that infringes on the use and enjoyment of other tenants or occupants or causes a substantial safety hazard to others, with a specific description of the behavior alleged.

2. Upon accepting a petition or complaint the attorney, judge, or clerk of the court, as the case may be, shall determine whether a copy of the hardship declaration is annexed to the served notice of petition or summons and complaint and, if not, shall ensure that the hardship declaration is attached to such notice or summons. At the earliest possible opportunity, the court shall seek confirmation on the record or in writing from the respondent or defendant that the respondent or defendant has received the hardship declaration and that the respondent or defendant has not submitted a hardship declaration to the petitioner or plaintiff, an agent of the petitioner or plaintiff, or the court.

§ 6. Pending proceedings. In any eviction proceeding in which an eviction warrant or judgment of possession or ejectment has not been issued, including eviction proceedings filed on or before March 7, 2020, if the tenant provides a hardship declaration to the petitioner or plaintiff, the court, or an agent of the petitioner or the court, the eviction proceeding shall be stayed until at least May 1, 2021. If such hardship declaration is provided to the petitioner or plaintiff or their agent, such petitioner or plaintiff or their agent shall promptly file it with the court, advising the court in writing the index number of all relevant cases.

§ 7. Sections two, three, four, and six of this act shall not apply if the tenant or its licensees are persistently engaging in behavior that infringes on the use and enjoyment of other tenants or occupants or causes a substantial health or safety hazard to others.

§ 8. Translation of hardship declaration. The office of court administration shall translate the hardship declaration, as defined in section one of this act, into Spanish and the six most common languages in the city of New York, after Spanish, and shall post and maintain such translations and an English language copy of the hardship declaration on the website of such office beginning within fifteen days of the effective date of this act. To the extent practicable, the office of court administration shall post and maintain on its website translations into such additional languages as the chief administrative judge shall deem appropriate to ensure that tenants have an opportunity to understand and submit hardship declarations pursuant to this act.

§ 9. If any clause, sentence, paragraph, section, or part of this act shall be adjudged by any court of competent jurisdiction to be invalid and after exhaustion of all further judicial review, the 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 of this act directly involved in the controversy in which the judgment shall have been rendered.

§ 10. This act shall take effect immediately and sections one, two, three, four, five, six, seven, and eight of this act shall expire May 1, 2021.

SUBPART B

Section 1. This subpart enacts into law components of legislation relating to mortgage foreclosures.

§ 2. Application. This act shall apply to any action to foreclose a mortgage relating to a commercial or multi-family real property.

(a) For purposes of this act, real property shall not include residential real property that is subject to the COVID-19 Emergency Eviction and Foreclosure Prevention Act of 2020.

(b) For purposes of this act, real property shall not include property that has not been maintained or has not been actively marketed for rental for a continuous period of six months before the submission of a hardship declaration pursuant to this action.

(c) Notwithstanding anything to the contrary, this act shall not apply to and does not affect any mortgage loans made, insured, purchased or securitized by a corporate governmental agency of the state constituted as a political subdivision and public benefit corporation, or the rights and obligations of any lender, issuer, servicer, or trustee of such obligations.

§ 3. Definitions. For the purposes of this act, "Hardship Declaration" means the following statement, or a substantially similar statement, in the mortgagor's primary language, in 14-point type, published by the office of court administration, whether in physical or electronic form and signed under the penalty of perjury stating the following:

"NOTICE TO MORTGAGOR: If you have lost income or had increased costs during the COVID-19 pandemic as described in this hardship declaration and you sign and deliver this hardship declaration to your mortgage lender, you cannot be foreclosed on until at least May 1, 2021. You or your licensees may still be evicted for violating your lease by persistently engaging in behavior that infringes on the use and enjoyment of other tenants or occupants or causes a substantial safety hazard to others.

If your mortgage lender or other foreclosing party has provided you with this form, they must also provide you with a mailing address and email address to which you can return this form. If your mortgage lender or other foreclosing party has already started a foreclosure proceeding against you, you can return this form to either your mortgage lender or the foreclosing party, the court, or both at any time. You should keep a copy or a picture of the signed form for your records. You will still owe any unpaid mortgage payments and lawful fees to your lender. You should also keep careful track of what you have paid and any amount you still owe.

COMMERCIAL MORTGAGOR'S DECLARATION OF COVID-19 BUSINESS RELATED HARDSHIP: I am the mortgagor of the property at (address of commercial business). I am experiencing financial hardship and I have not received any federal, state, or local aid for businesses financially harmed by COVID-19, and I am unable to pay my mortgage in full because of one or more of the following:

( ) One or more of my tenants have defaulted on a significant amount of rent payments since March 1, 2020, which may be required to be proved by documentation;

( ) My tenant's business was subject to seating, occupancy or on-premises presence limitations due to COVID-19 safety measures as required by New York State Executive Orders and the business suffered a significant loss or income or increase in cost which has resulted in the reduction of a significant amount of rent payments, which may be required to be proved by documentation;

( ) I have suffered a significant reduction in revenue or increase in cost for any three-month period during the COVID-19 coverage period, which may be required to be proved by documentation.

I attest that if my business was in receipt of federal, state, or local aid for businesses financially harmed by COVID-19, that such amount of _____ (fill in amount), was insufficient to cover my mortgage and my business still meets the criteria laid out above and I qualify for financial hardship under this section. I understand that I must comply with all the other lawful terms under my mortgage agreement. I further understand that lawful fees, penalties or interest for not having paid my mortgage in full as required by my mortgage agreement may still be charged or collected and may result in a monetary judgment against me. I also understand that my mortgage lender or other foreclosing party may pursue a foreclosure action against me on or after May 1, 2021, if I do not fully repay any missed or partial payments and lawful fees.

Signed:
Printed name:
Date signed:

NOTICE: You are signing and submitting this form under penalty of law. That means it is against the law to make a statement on this form that you know is false."

§ 4. Any action to foreclose a mortgage pending on the effective date of this act, including actions filed on or before March 7, 2020, or commenced within thirty days of the effective date of this act shall be stayed for at least thirty days, or to such later date that the chief administrative judge shall determine is necessary to ensure that courts are prepared to conduct proceedings in compliance with this act and to give mortgagors an opportunity to submit the hardship declaration pursuant to this act. The court in each case shall promptly issue an order directing such stay and promptly mail the mortgagor a copy of the hardship declaration.

§ 5. If a mortgagor provides a hardship declaration to the foreclosing party or an agent of the foreclosing party, there shall be no initiation of an action to foreclose a mortgage against the mortgagor until at least May 1, 2021, and in such event any specific time limit for the commencement of an action to foreclose a mortgage shall be tolled until May 1, 2021.

§ 6. No court shall accept for filing any action to foreclose a mortgage unless the foreclosing party or an agent of the foreclosing party files an affidavit, of service demonstrating the service of a copy of the summons and complaint or notice of petition, along with an unexecuted copy of the hardship declaration; and an affidavit by the petitioner attesting that at the time of filing, neither the foreclosing party nor any agent of the foreclosing party has received a hardship declaration from the mortgagor. At the earliest possible opportunity, the court shall seek confirmation on the record or in writing that the mortgagor has received a copy of the hardship declaration and that the mortgagor has not returned the hardship declaration to the foreclosing party or an agent of the foreclosing party. If the court determines a mortgagor has not received a hardship declaration, then the court shall stay the proceeding for a reasonable period of time, which shall be no less than ten business days or any longer period provided by law, to ensure the mortgagor received and fully considered whether to submit the hardship declaration.

§ 7. In any action to foreclose a mortgage in which a judgment of sale has been issued prior to the effective date of this act but has not yet been executed as of the effective date of this act, including actions

filed on or before March 7, 2020, the court shall stay the execution of the judgment at least until the court has held a status conference with the parties. In any action to foreclose a mortgage, if the mortgagor provides a hardship declaration to the foreclosing party, the court, or an agent of the foreclosing party or the court, prior to the execution of the judgment, the execution shall be stayed until at least May 1, 2021. If such hardship declaration is provided to the foreclosing party or agent of the foreclosing party, such foreclosing party or agent shall promptly file it with the court, advising the court in writing the index number of all relevant cases.

§ 8. If any clause, sentence, paragraph, section, or part of this act shall be adjudged by any court of competent jurisdiction to be invalid and after exhaustion of all further judicial review, the 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 of this act directly involved in the controversy in which the judgment shall have been rendered.

§ 9. This act shall take effect immediately and sections one, two, three, four, five, six and seven of this act shall expire May 1, 2021.

§ 4. 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.

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

## PART NN

Section 1. Section 1 of subpart H of part C of chapter 20 of the laws of 2015, appropriating money for certain municipal corporations and school districts, as amended by section 1 of part AAA of chapter 59 of the laws of 2018, is amended to read as follows:

Section 1. Contingent upon available funding, and not to exceed [~~$69,000,000~~] $140,000,000 moneys from the urban development corporation shall be available for a local government entity, which for the purposes of this section shall mean a county, city, town, village, school district or special district, where (i) on or after June 25, 2015, an electric generating facility located within such local government entity has ceased operations, and (ii) the closing of such facility has caused a reduction in the real property tax collections or payments in lieu of taxes of at least twenty percent owed by such electric generating facility. Such moneys attributable to the cessation of operations, shall be paid annually on a first come, first served basis by the urban development corporation to such local government entity within a reasonable time upon confirmation from the state office of real property tax services or the local industrial development authority established pursuant to titles eleven and fifteen of article eight of the public authorities law, or the local industrial development agency established pursuant to article eighteen-A of the general municipal law that such cessation has resulted in a reduction in the real property tax

collections or payments in lieu of taxes, provided, however, that the urban development corporation shall not provide assistance to such local government entity for more than seven years, and shall award payments reflecting the loss of revenues due to the cessation of operations as follows:

| Award Year | Maximum Potential Award |
|---|---|
| 1 | no more than eighty percent of loss of revenues |
| 2 | no more than seventy percent of loss of revenues |
| 3 | no more than sixty percent of loss of revenues |
| 4 | no more than fifty percent of loss of revenues |
| 5 | no more than forty percent of loss of revenues |
| 6 | no more than thirty percent of loss of revenues |
| 7 | no more than twenty percent of loss of revenues |

A local government entity shall be eligible for only one payment of funds hereunder per year. A local government entity may seek assistance under the electric generation facility cessation mitigation fund once a generator has submitted its notice to the federally designated electric bulk system operator (BSO) serving the state of New York of its intent to retire the facility or of its intent to voluntarily remove the facility from service subject to any return-to-service provisions of any tariff, and that the facility also is ineligible to participate in the markets operated by the BSO. The date of submission of a local government entity's application for assistance shall establish the order in which assistance is paid to program applicants, except that in no event shall assistance be paid to a local government entity until such time that an electric generating facility has retired or become ineligible to participate in the markets operated by the BSO. For purposes of this section, any local government entity seeking assistance under the electric generation facility cessation mitigation fund must submit an attestation to the department of public service that a facility is no longer producing electricity and is no longer participating in markets operated by the BSO. After receipt of such attestation, the department of public service shall confirm such information with the BSO. In the case that the BSO confirms to the department of public service that the facility is no longer producing electricity and participating in markets operated by such BSO, it shall be deemed that the electric generating facility located within the local government entity has ceased operation. The department of public service shall provide such confirmation to the urban development corporation upon receipt. The determination of the amount of such annual payment shall be determined by the president of the urban development corporation based on the amount of the differential between the annual real property taxes and payments in lieu of taxes imposed upon the facility, exclusive of interest and penalties, during the last year of operations and the current real property taxes and payments in lieu of taxes imposed upon the facility, exclusive of interest and penalties. The total amount awarded from this program shall not exceed [~~$69,000,000~~] $140,000,000.

§ 2. This act shall take effect immediately; provided, however, that the amendments to section 1 of subpart H of part C of chapter 20 of the laws of 2015 made by section one of this act shall not affect the repeal of such subpart and shall be deemed repealed therewith.

PART OO

Section 1. Section 5 of chapter 108 of the laws of 2020, amending the public service law relating to issuing a moratorium on utility termination of services during periods of pandemics and/or state of emergencies, as amended by section 2 of part B of chapter 126 of the laws of 2020, is amended to read as follows:

§ 5. This act shall take effect immediately [~~and shall expire March 31, 2021 when upon such date the provisions of this act shall be deemed repealed~~].

§ 2. Subdivisions 6, 7, 8 and 9 of section 32 of the public service law, subdivision 6 as amended and subdivisions 7, 8 and 9 as added by chapter 108 of the laws of 2020, are amended to read as follows:

6. No utility corporation or municipality shall terminate or disconnect services to any residential customer **or a small business customer with twenty-five or fewer employees that is not a (i) publicly held company, or a subsidiary thereof, (ii) seasonal, short-term, or temporary customer, (iii) high energy customer as defined by the commission, or (iv) customer that the utility can demonstrate has the resources to pay the bill, provided that the utility notifies the small business customer of its reasons and of the customer's right to contest this determination through the commission's complaint procedures,** for the non-payment of an overdue charge for the duration of [~~the~~] **a** state disaster emergency declared pursuant to **section twenty-eight of the** executive [~~order two hundred two of two thousand twenty (herein after "the COVID-19 state of emergency")~~] **law issued in response to a state, national, or global event that is deemed to have a significant negative and long-term impact on the state's economic future, and not due to a short-term weather-related disaster emergency**.

Utility corporations and municipalities shall have a duty to restore service, to the extent not already required under this chapter, to any residential customer within forty-eight hours if such service has been terminated **for non-payment** during the pendency of the [~~COVID-19~~] state [~~of~~] **disaster** emergency.

7. [~~For a period of one hundred eighty days after the COVID-19 state of emergency is lifted or expires, no~~] **No** utility corporation or municipality shall terminate or disconnect the service of a residential **or small business** customer because of defaulted deferred payment agreements or arrears owed to the utility corporation or municipality when such customer has experienced a change in financial circumstances **as defined by the department** due to [~~the COVID-19~~] **a** state [~~of~~] **disaster** emergency[~~, as defined by the department~~] **as set forth in subdivision six of this section**. The utility corporation or municipality shall provide such residential **or small business** customer with the right to enter into, or restructure, a deferred payment agreement without the requirement of a down payment, late fees, or penalties, as such is provided for in this article **with such prohibition on down payments, late fees, or penalties applicable to all arrears incurred during the duration of the state disaster emergency**.

8. Every utility corporation or municipality shall provide notice to residential **and small business** customers, in a writing to be included with a bill statement or, when appropriate, via electronic transmission the provisions of this section and shall further make reasonable efforts to contact customers who have demonstrated a change in financial circumstances due to [~~the COVID-19~~] **a** state [~~of~~] **disaster** emergency **as set forth in subdivision six of this section** for the purpose of offering such customers a deferred payment agreement consistent with the provisions of this article.

9. Implementation of the provisions of this section shall not prohibit a utility or municipality from recovering lost or deferred revenues after the lifting or expiration of [~~the COVID-19~~] a state [~~of~~] disaster emergency as set forth in subdivision six of this section, pursuant to such means for recovery as are provided for in this chapter, and by means not inconsistent with any of the provisions of this article. Nothing in this section shall prohibit a utility corporation or municipality from disconnecting service necessary to protect the health and safety of customers and the public.

§ 3. Subdivision 6 of section 32 of the public service law, as added by chapter 686 of the laws of 2002, is REPEALED.

§ 4. Subdivisions 9, 10 and 11 of section 89-b of the public service law, as added by chapter 108 of the laws of 2020, are amended to read as follows:

9. [~~For a period of one hundred eighty days after the COVID-19 state of emergency is lifted or expires, no~~] No water-works corporation shall terminate or disconnect the service of a residential customer account or the account of a small business customer with twenty-five or fewer employees that is not a (i) publicly held company, or a subsidiary thereof, (ii) seasonal, short-term, or temporary customer, (iii) high usage customer as defined by the commission, or (iv) customer that the utility can demonstrate has the resources to pay the bill, provided that the utility notifies the small business customer of its reasons and of the customer's right to contest this determination through the commission's complaint procedures, because of defaulted deferred payment agreements or arrears owed to the water-works corporation when such customer has experienced a change in financial circumstances, as defined by the department, due to [~~the COVID-19~~] a state [~~of~~] disaster emergency[~~, as defined by the department~~] declared pursuant to section twenty-eight of the executive law issued in response to a state, national, or global event that is deemed to have a significant negative and long-term impact on the state's economic future. The water-works corporation shall provide such residential or small business customer with the right to enter into, or restructure, a deferred payment agreement without the requirement of a down payment, late fees, or penalties, as such is provided for in article two of this chapter with such prohibition on down payments, late fees, or penalties applicable to all arrears incurred during the duration of the state disaster emergency.

10. Every water-works corporation or small business shall provide notice to residential customers, in a writing to be included with a bill statement or, when appropriate, via electronic transmission, the provisions of this section and shall further make reasonable efforts to contact customers who have demonstrated a change in financial circumstances due to [~~the COVID-19~~] a state [~~of~~] disaster emergency as set forth in subdivision nine of this section for the purpose of offering such customers a deferred payment agreement consistent with the provisions of this section and article two of this chapter.

11. Implementation of the provisions of this section shall not prohibit a water-works corporation from recovering lost or deferred revenues after the lifting or expiration of the [~~COVID-19~~] state [~~of~~] disaster emergency as set forth in subdivision nine of this section, pursuant to such means for recovery as are provided for in this chapter, and by means not inconsistent with any of the provisions of this article. Nothing in this section shall prohibit a water-works corporation from disconnecting service when it is necessary to protect the health and safety of customers and the public.

§ 5. Section 89-l of the public service law, as added by chapter 715 of the laws of 1931, subdivisions 3, 4, 5 and 6 as added by chapter 108 of the laws of 2020, is amended to read as follows:

§ 89-l. Municipal water systems. 1. For the purposes of this section, and for the purposes of any jurisdiction conferred by it upon the public service commission, a municipality is one which owns, maintains or operates, or proposes to own, maintain or operate, a water system, or which sells, furnishes or distributes, or proposes to sell, furnish or distribute, water for domestic, commercial or public uses, whether provided by its own system or the system of a water-works corporation or another municipality. As so limited, the term "municipality" for the purposes of this section, means a city, town, village or public district; and a "public district," as here used, is a district or other territorial division, whether incorporated or not, whose affairs are managed by any officer or officers, person or persons, elected by voters or taxpayers or appointed by a public officer or officers, and includes, without excluding others, a water district, water supply district and a fire district. The other provisions of this chapter shall not apply to such a municipality, nor to its said business of owning, maintaining or operating a water system or of selling, furnishing or distributing water, except such provisions as are applied by this section by express reference. The jurisdiction of the public service commission, with respect to such a municipality or its said business, is that, and only that, provided for in this section.

2. Each such municipality shall file with the public service commission a copy of the annual report of its division, bureau or department of water.

3. No municipality shall terminate or discontinue residential service **or service to a small business with twenty-five or fewer employees that is not a (i) publicly held company, or a subsidiary thereof, (ii) seasonal, short-term, or temporary customer, (iii) high usage customer as defined by the commission, or (iv) customer that the utility can demonstrate has the resources to pay the bill, provided that the utility notifies the small business customer of its reasons and of the customer's right to contest this determination through the commission's complaint procedures,** for the nonpayment of bills, taxes, or fees for the duration of [~~the~~] **a** state disaster emergency declared pursuant to [~~executive order two hundred two of two thousand twenty (hereinafter the "COVID-19 state of emergency")~~] **section twenty-eight of the executive law in response to a state, national, or global event that is deemed to have a significant negative and long-term impact on the state's economic future**. Every municipality shall have a duty to restore service to any residential customer within forty-eight hours of the effective date of this subdivision if such service has been terminated **for non-payment** during the pendency of [~~the COVID-19~~] **a** state [~~of~~] **disaster** emergency.

4. [~~For a period of one hundred eighty days after the COVID-19 state of emergency is lifted or expires, no~~] **No** municipality shall terminate or discontinue the service of a residential **or small business** customer because of bill arrears, taxes, or fees owed to the municipality when such customer has experienced a change in financial circumstances**, as defined by the department,** due to [~~the COVID-19~~] **a** state [~~of~~] **disaster** emergency[~~, as defined by the department~~] **as set forth in subdivision three of this section**. The municipality shall provide a residential **or small business** service customer that has experienced a change in financial circumstances due to the [~~COVID-19~~] state [~~of~~] **disaster** emergency with the right to enter into, or restructure, a deferred payment agree-

ment without the requirement of a down payment, late fees, or penalties, as such is provided for in article two of this chapter, with such prohibition on down payments, late fees, or penalties applicable to all arrears incurred during the duration of the state disaster emergency.

5. Every municipality shall provide notice to residential and small business customers in a writing to be included with a bill statement or, when appropriate, via electronic transmission the provisions of this section and shall further make reasonable efforts to contact customers who have demonstrated a change in financial circumstances due to the [~~COVID-19~~] state [~~of~~] disaster emergency as set forth in subdivision three of this section for the purpose of offering such customers a deferred payment agreement consistent with the provisions of this section and article two of this chapter.

6. Implementation of the provisions of this section shall not prohibit a municipality from recovering lost or deferred revenues after the lifting or expiry of [~~the COVID-19~~] a state [~~of~~] disaster emergency, provided that such means are not inconsistent with the provisions of this article. Nothing in this section shall prohibit a municipality from disconnecting service when it is necessary to protect the health and safety of customers and the public.

7. Notwithstanding the provisions of subdivision one of this section, for the purposes of subdivisions three, four, five and six of this section, a "municipality" shall also include a public water authority established pursuant to article five of the public authorities law. Every municipality shall be subject to the jurisdiction of the commission for the purposes of enforcing the provisions of subdivisions three, four, five and six of this section pursuant to sections twenty-four, twenty-five and twenty-six of this chapter.

§ 6. Subdivisions 9, 10, 11 and 12 of section 91 of the public service law, subdivisions 9, 10 and 12 as amended by section 1 of part B of chapter 126 of the laws of 2020, subdivision 11 as added by chapter 108 of the laws of 2020, are amended to read as follows:

9. No telephone corporation shall terminate or disconnect any services provided by its infrastructure to a residential service customer or a small business customer with twenty-five or fewer employees that is not a (i) publicly held company, or a subsidiary thereof, (ii) seasonal, short-term, or temporary customer, (iii) high usage customer as defined by the commission, or (iv) customer that the utility can demonstrate has the resources to pay the bill, provided that the utility notifies the small business customer of its reasons and of the customer's right to contest this determination through the commission's complaint procedures, for the non-payment of an overdue charge for the duration of [~~the~~] a state disaster emergency declared pursuant to section twenty-eight of the executive [~~order two hundred two of two thousand twenty (hereinafter "the COVID-19 state of emergency")~~] law in response to a state, national or global event that is deemed to have a significant negative and long-term impact on the state's economic future. Telephone corporations shall have a duty to restore service, to the extent not already required under this chapter, at the request of any residential or small business customer within forty-eight hours if such service has been terminated during the pendency of the [~~COVID-19~~] state [~~of~~] disaster emergency and disconnection of such service was due to non-payment of an overdue charge.

10. [~~For a period of one hundred eighty days after the COVID-19 state of emergency is lifted or expires, no~~] No telephone corporation shall terminate or disconnect [~~the service~~] any services provided by its

infrastructure of a residential or small business customer account because of defaulted deferred payment agreements or arrears then owed to the telephone corporation when such customer has experienced a change in financial circumstances as defined by the department, due to [~~the COVID-19~~] a state [~~of~~] disaster emergency[~~, as defined by the department~~] as set forth in subdivision nine of this section. The telephone corporation shall provide such residential or small business customer with the right to enter into, or restructure, a deferred payment agreement without the requirement of a down payment, late fees, or penalties, with such prohibition on down payments, late fees, or penalties applicable to all arrears incurred during the duration of the state disaster emergency.

11. Every telephone corporation shall provide notice to residential customers, and to those small business customers set forth in subdivision nine of this section, in a writing to be included with a bill statement or, when appropriate, via electronic transmission the provisions of this section and shall further make reasonable efforts to contact customers who have demonstrated a change in financial circumstances due to [~~the COVID-19~~] a state [~~of~~] disaster emergency as set forth in subdivision nine of this section for the purpose of offering such customers a deferred payment agreement consistent with the provisions of this section and article two of this chapter.

12. Implementation of the provisions of this section shall not prohibit a telephone corporation from recovering lost or deferred revenues after the lifting or expiration of [~~the COVID-19~~] a state [~~of~~] disaster emergency as set forth in subdivision nine of this section, pursuant to such means for recovery as are provided for in this chapter, and by means not inconsistent with any of the provisions of this article. Nothing in this section shall prohibit a telephone corporation from disconnecting service at the request of a customer. Nothing in this section shall prohibit a telephone corporation from disconnecting service when it is necessary to protect the health and safety of customers and the public.

§ 7. Section 216 of the public service law is amended by adding five new subdivisions 6, 7, 8, 9 and 10 to read as follows:

6. No cable television company shall terminate or disconnect services provided over their infrastructure to a residential service customer or a small business customer with twenty-five or fewer employees that is not a (i) publicly held company, or a subsidiary thereof, (ii) seasonal, short-term, or temporary customer, or (iii) customer that the cable television company can demonstrate has the resources to pay the bill, provided that the cable television company notifies the small business customer of its reasons and of the customer's right to contest this determination through the commission's complaint procedures, for the non-payment of an overdue charge for the duration of a state disaster emergency declared pursuant to an executive order issued in response to a state, national, or global event that is deemed to result in a significant negative and long-term impact on the state's economic future. Cable television companies shall have a duty to restore service, to the extent not already required under this chapter, at the request of any residential or small business customer within forty-eight hours if such service has been terminated during the pendency of the state disaster emergency and disconnection of such service was due to non-payment of an overdue charge.

7. No cable television company shall terminate or disconnect services provided over their infrastructure of a residential or small business

customer account because of defaulted deferred payment agreements or arrears then owed to the cable television company when such customer has experienced a change in financial circumstances, as defined by the department, due to a state disaster emergency as set forth in subdivision six of this section. The cable television company shall provide such residential or small business customer with the right to enter into, or restructure, a deferred payment agreement without the requirement of a down payment, late fees, or penalties, with such prohibition on down payments, late fees, or penalties applicable to all arrears incurred during the duration of the state disaster emergency.

8. Every cable television company shall provide notice to residential or small business customers in a writing to be included with a bill statement or, when appropriate, via electronic transmission the provisions of this section and shall further make reasonable efforts to contact customers who have demonstrated a change in financial circumstances due to a state disaster emergency as set forth in subdivision six of this section for the purpose of offering such customers a deferred payment agreement consistent with the provisions of this section and article two of this chapter.

9. Implementation of the provisions of this section shall not prohibit a cable television company from recovering lost or deferred revenues after the lifting or expiration of a state disaster emergency as set forth in subdivision six of this section, pursuant to such means for recovery as are provided for in this chapter, and by means not inconsistent with any of the provisions of this article. Nothing in this section shall prohibit a cable television company from disconnecting service at the request of a customer. Nothing in this section shall prohibit a cable television company from disconnecting service when it is necessary to protect the health and safety of customers and the public.

10. Every cable television company shall be subject to the jurisdiction of the commission for the purposes of enforcing the provisions of subdivisions six, seven, eight and nine of this section pursuant to sections twenty-four, twenty-five and twenty-six of this chapter, and any other applicable provision of this chapter.

§ 8. Subdivision 1 of section 1020-s of the public authorities law, as amended by chapter 415 of the laws of 2017, is amended to read as follows:

1. The rates, services and practices relating to the electricity generated by facilities owned or operated by the authority shall not be subject to the provisions of the public service law or to regulation by, or the jurisdiction of, the public service commission, except to the extent (a) article seven of the public service law applies to the siting and operation of a major utility transmission facility as defined therein, (b) article ten of such law applies to the siting of a generating facility as defined therein, (c) section eighteen-a of such law provides for assessment for certain costs, property or operations, (d) to the extent that the department of public service reviews and makes recommendations with respect to the operations and provision of services of, and rates and budgets established by, the authority pursuant to section three-b of such law, [~~and~~] (e) that section seventy-four of the public service law applies to qualified energy storage systems within the authority's jurisdiction, and (f) subdivisions six, seven, eight, nine and ten of section thirty-two of the public service law.

§ 9. The general business law is amended by adding a new section 399-zzzzz, to read as follows:

§ 399-zzzzz. Prohibition of certain broadband terminations or disconnections. 1. For the purposes of this section, the term "broadband service" shall mean a mass-market retail service 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, and shall include service provided by commercial mobile telephone service providers, but shall not include dial-up service.

2. No person, business, corporation, or their agents providing or seeking to provide broadband service in New York state shall terminate or disconnect services provided over their infrastructure to a residential service customer or a small business customer with twenty-five or fewer employees that is not a (i) publicly held company, or a subsidiary thereof, (ii) seasonal, short-term, or temporary customer, or (iii) customer that the broadband service provider can demonstrate has the resources to pay the bill, provided that the broadband service provider notifies the small business customer of its reasons and of the customer's right to contest this determination through the commission's complaint procedures, for the non-payment of an overdue charge for the duration of a state disaster emergency declared pursuant to section twenty-eight of the executive law in response to a state, national, or global event that is deemed to result in a significant negative and long-term impact on the state's economic future. Such persons or entities shall have a duty to restore service, to the extent not already required, at the request of any residential or small business customer within forty-eight hours if such service has been terminated during the pendency of the state disaster emergency and disconnection of such service was due to non-payment of an overdue charge.

3. No person, business, corporation, or their agents providing or seeking to provide broadband service in New York state shall terminate or disconnect services provided over their infrastructure to a residential or small business customer account because of defaulted deferred payment agreements or arrears then owed to such persons or entities when such customer has experienced a change in financial circumstances due to a state disaster emergency as set forth in subdivision two of this section. The person, business, corporation, or their agents providing or seeking to provide broadband service in New York state shall provide such residential or small business customer with the right to enter into, or restructure, a deferred payment agreement consistent with the provisions of article two of the public service law without the requirement of a down payment, late fees, or penalties, with such prohibition on down payments, late fees, or penalties applicable to all arrears incurred during the duration of the state disaster emergency.

4. Every person, business, corporation, or their agents providing or seeking to provide broadband service in New York state shall provide notice to residential or small business customers in a writing to be included with a bill statement or, when appropriate, via electronic transmission the provisions of this section and shall further make reasonable efforts to contact customers who have demonstrated a change in financial circumstances due to a state disaster emergency as set forth in subdivision two of this section for the purpose of offering such customers a deferred payment agreement consistent with the provisions of article two of the public service law.

5. Implementation of the provisions of this section shall not prohibit a person, business, corporation, or their agents providing or seeking to provide broadband service in New York state from recovering lost or

deferred revenues after the lifting or expiration of a state disaster emergency as set forth in subdivision two of this section, pursuant to such means for recovery by means not inconsistent with any of the provisions of this section. Nothing in this section shall prohibit a person, business, corporation, or their agents providing or seeking to provide broadband service in New York state from disconnecting service at the request of a customer. Nothing in this section shall prohibit a person, business, corporation, or their agents providing or seeking to provide broadband service in New York state from disconnecting service when it is necessary to protect the health and safety of customers and the public.

6. Whenever there shall be a violation of this section, an application may be made by the attorney general in the name of the people of the state of New York to a court or justice having jurisdiction by a special proceeding to issue an injunction, and upon notice to the defendant of not less than five days, to enjoin and restrain the continuance of such violation; and if it shall appear to the satisfaction of the court or justice that the defendant has, in fact, violated this section, an injunction may be issued by the court or justice, enjoining and restraining any further violations, without requiring proof that any person has, in fact, been injured or damaged thereby. In any such proceeding, the court may make allowances to the attorney general as provided in paragraph six of subdivision (a) of section eighty-three hundred three of the civil practice law and rules, and direct restitution. Whenever the court shall determine that a violation of this section has occurred, the court may impose a civil penalty of not more than one thousand dollars per violation. In connection with any such proposed application, the attorney general is authorized to take proof and make a determination of the relevant facts and to issue subpoenas in accordance with the civil practice law and rules.

§ 10. This act shall take effect immediately; provided, however, that this act shall be applicable to relevant executive orders issued on or after the effective date of this act.

PART PP

Section 1. The general obligations law is amended by adding a new article 18-C to read as follows:

ARTICLE 18-C

LIBOR DISCONTINUANCE

Section 18-400. Definitions.

18-401. Effect of LIBOR discontinuance on agreements.

18-402. Continuity of contract and safe harbor.

18-403. Severability.

§ 18-400. Definitions. As used in this article the following terms shall have the following meanings:

1. "LIBOR" shall mean, for purposes of the application of this article to any particular contract, security or instrument, U.S. dollar LIBOR (formerly known as the London interbank offered rate) as administered by ICE Benchmark Administration Limited (or any successor thereof).

2. "LIBOR discontinuance event" shall mean the earliest to occur of any of the following:

a. a public statement or publication of information by or on behalf of the administrator of LIBOR announcing that such administrator has ceased or will cease to provide LIBOR, permanently or indefinitely, provided

that, at the time of the statement or publication, there is no successor administrator that will continue to provide LIBOR;

b. a public statement or publication of information by the regulatory supervisor for the administrator of LIBOR, the United States Federal Reserve System, an insolvency official with jurisdiction over the administrator for LIBOR, a resolution authority with jurisdiction over the administrator for LIBOR or a court or an entity with similar insolvency or resolution authority over the administrator for LIBOR, which states that the administrator of LIBOR has ceased or will cease to provide LIBOR permanently or indefinitely, provided that, at the time of the statement or publication, there is no successor administrator that will continue to provide LIBOR; or

c. a public statement or publication of information by the regulatory supervisor for the administrator of LIBOR announcing that LIBOR is no longer representative.

3. "LIBOR replacement date" shall mean:

a. in the case of a LIBOR discontinuance event described in paragraph a or b of subdivision two of this section, the later of (i) the date of the public statement or publication of information referenced therein; and (ii) the date on which the administrator of LIBOR permanently or indefinitely ceases to provide LIBOR; and

b. in the case of a LIBOR discontinuance event described in paragraph c of subdivision two of this section, the date of the public statement or publication of information referenced therein.

4. "Fallback provisions" shall mean terms in a contract, security or instrument that set forth a methodology or procedure for determining a benchmark replacement, including any terms relating to the date on which the benchmark replacement becomes effective, without regard to whether a benchmark replacement can be determined in accordance with such methodology or procedure.

5. "Benchmark" shall mean an index of interest rates or dividend rates that is used, in whole or in part, as the basis of or as a reference for calculating or determining any valuation, payment or other measurement under or in respect of a contract, security or instrument.

6. "Benchmark replacement" shall mean a benchmark, or an interest rate or dividend rate (which may or may not be based in whole or in part on a prior setting of LIBOR), to replace or substitute for LIBOR or any interest rate or dividend rate based on LIBOR, whether on a temporary, permanent or indefinite basis, under or in respect of a contract, security or instrument.

7. "Recommended benchmark replacement" shall mean, with respect to any particular type of contract, security or instrument, a benchmark replacement based on SOFR, which shall include any recommended spread adjustment and any benchmark replacement conforming changes, that shall have been selected or recommended by a relevant recommending body with respect to such type of contract, security or instrument.

8. "Recommended spread adjustment" shall mean a spread adjustment, or method for calculating or determining such spread adjustment, (which may be a positive or negative value or zero) that shall have been selected or recommended by a relevant recommending body for a recommended benchmark replacement for a particular type of contract, security or instrument and for a particular term to account for the effects of the transition or change from LIBOR to a recommended benchmark replacement.

9. "Benchmark replacement conforming changes" shall mean, with respect to any contract, security or instrument, any technical, administrative or operational changes, alterations or modifications that are associated

with and reasonably necessary to the use, adoption, calculation or implementation of a recommended benchmark replacement and that:

a. have been selected or recommended by a relevant recommending body; and

b. if, in the reasonable judgment of the calculating person, the benchmark replacement conforming changes selected or recommended pursuant to paragraph a of this subdivision do not apply to such contract, security or instrument or are insufficient to permit administration and calculation of the recommended benchmark replacement, then benchmark replacement conforming changes shall include such other changes, alterations or modifications that, in the reasonable judgment of the calculating person:

(i) are necessary to permit administration and calculation of the recommended benchmark replacement under or in respect of such contract, security or instrument in a manner consistent with market practice for substantially similar contracts, securities or instruments and, to the extent practicable, the manner in which such contract, security or instrument was administered immediately prior to the LIBOR replacement date; and

(ii) would not result in a disposition of such contract, security or instrument for U.S. federal income tax purposes.

10. "Determining person" shall mean, with respect to any contract, security or instrument, in the following order of priority:

a. any person specified as a "determining person"; or

b. any person with the authority, right or obligation to:

(i) determine the benchmark replacement that will take effect on the LIBOR replacement date,

(ii) calculate or determine a valuation, payment or other measurement based on a benchmark, or

(iii) notify other persons of the occurrence of a LIBOR discontinuance event, a LIBOR replacement date or a benchmark replacement.

11. "Relevant recommending body" shall mean the Federal Reserve Board, the Federal Reserve Bank of New York, or the Alternative Reference Rates Committee, or any successor to any of them.

12. "SOFR" shall mean, with respect to any day, the secured overnight financing rate published for such day by the Federal Reserve Bank of New York, as the administrator of the benchmark (or a successor administrator), on the Federal Reserve Bank of New York's website.

13. "Calculating person" shall mean, with respect to any contract, security or instrument, any person (which may be a determining person) responsible for calculating or determining any valuation, payment or other measurement based on a benchmark.

14. "Contract, security, or instrument" shall include, without limitation, any contract, agreement, mortgage, deed of trust, lease, security (whether representing debt or equity, and including any interest in a corporation, a partnership or a limited liability company), instrument, or other obligation.

§ 18-401. Effect of LIBOR discontinuance on agreements. 1. On the LIBOR replacement date, the recommended benchmark replacement shall, by operation of law, be the benchmark replacement for any contract, security or instrument that uses LIBOR as a benchmark and:

a. contains no fallback provisions; or

b. contains fallback provisions that result in a benchmark replacement, other than a recommended benchmark replacement, that is based in any way on any LIBOR value.

2. Following the occurrence of a LIBOR discontinuance event, any fallback provisions in a contract, security, or instrument that provide for a benchmark replacement based on or otherwise involving a poll, survey or inquiries for quotes or information concerning interbank lending rates or any interest rate or dividend rate based on LIBOR shall be disregarded as if not included in such contract, security or instrument and shall be deemed null and void and without any force or effect.

3. This subdivision shall apply to any contract, security, or instrument that uses LIBOR as a benchmark and contains fallback provisions that permit or require the selection of a benchmark replacement:

a. that is based in any way on any LIBOR value; or

b. with the characteristics for which the recommended benchmark replacement may be selected or used in accordance with subdivision one of section 18-402 of this article.

A determining person shall have the authority under this article, but shall not be required, to select on or after the occurrence of a LIBOR discontinuance event the recommended benchmark replacement as the benchmark replacement. Such selection of the recommended benchmark replacement shall be:

(i) irrevocable;

(ii) made by the earlier of either the LIBOR replacement date, or the latest date for selecting a benchmark replacement according to such contract, security, or instrument; and

(iii) used in any determinations of the benchmark under or with respect to such contract, security or instrument occurring on and after the LIBOR replacement date.

4. If a recommended benchmark replacement becomes the benchmark replacement for any contract, security, or instrument pursuant to subdivision one or subdivision three of this section, then all benchmark replacement conforming changes that are applicable (in accordance with the definition of benchmark replacement conforming changes) to such recommended benchmark replacement shall become an integral part of such contract, security, or instrument by operation of law.

5. The provisions of this article shall not alter or impair:

a. any written agreement by all requisite parties that, retrospectively or prospectively, a contract, security, or instrument shall not be subject to this article without necessarily referring specifically to this article. For purposes of this subdivision, "requisite parties" means all parties required to amend the terms and provisions of a contract, security, or instrument that would otherwise be altered or affected by this article;

b. any contract, security or instrument that contains fallback provisions that, after the application of subdivision two of this section would result in a benchmark replacement that is not based on LIBOR, including, but not limited to, the prime rate or the federal funds rate;

c. any contract, security, or instrument subject to subdivision three of this section as to which a determining person does not elect to use a recommended benchmark replacement pursuant to subdivision three of this section or as to which a determining person elects to use a recommended benchmark replacement prior to the occurrence of a LIBOR discontinuance event, except that such contract, security, or instrument shall be subject to subdivision two of this section; or

d. the application to a recommended benchmark replacement of any cap, floor, modifier, or spread adjustment to which LIBOR had been subject pursuant to the terms of a contract, security, or instrument.

6. Notwithstanding the uniform commercial code or any other law of this state, this title shall apply to all contracts, securities and instruments, including contracts, with respect to commercial transactions, and shall not be deemed to be displaced by any other law of this state.

§ 18-402. Continuity of contract and safe harbor. 1. The selection or use of a recommended benchmark replacement as a benchmark replacement under or in respect of a contract, security or instrument by operation of section 18-401 of this section shall constitute:

a. a commercially reasonable substitute for and a commercially substantial equivalent to LIBOR;

b. a reasonable, comparable or analogous term for LIBOR under or in respect of such contract, security or instrument;

c. a replacement that is based on a methodology or information that is similar or comparable to LIBOR; and

d. substantial performance by any person of any right or obligation under or in respect of a contract, security or instrument.

2. None of: a. a LIBOR discontinuance event or a LIBOR replacement date, b. the use of a recommended benchmark replacement as a benchmark replacement; or c. the determination, implementation or performance of benchmark replacement conforming changes, in each case, by operation of section 18-401 of this article, shall:

(i) be deemed to impair or affect the right of any person to receive a payment, or affect the amount or timing of such payment, under any contract, security, or instrument; or

(ii) have the effect of (A) discharging or excusing performance under any contract, security or instrument for any reason, claim or defense, including, but not limited to, any force majeure or other provision in any contract, security or instrument; (B) giving any person the right to unilaterally terminate or suspend performance under any contract, security or instrument; (C) constituting a breach of a contract, security or instrument; or (D) voiding or nullifying any contract, security or instrument.

3. No person shall have any liability for damages to any person or be subject to any claim or request for equitable relief arising out of or related to the use of a recommended benchmark replacement or the determination, implementation or performance of benchmark replacement conforming changes, in each case, by operation of section 18-401 of this article, and such selection or use of the recommended benchmark replacement or the implementation or performance of benchmark replacement conforming changes shall not give rise to any claim or cause of action by any person in law or in equity.

4. The selection or use of a recommended benchmark replacement or the determination, implementation, or performance of benchmark replacement conforming changes, in each case, by operation of section 18-401 of this article, shall be deemed to:

a. not be an amendment or modification of any contract, security or instrument; and

b. not prejudice, impair or affect any person's rights or obligations under or in respect of any contract, security or instrument.

5. Except as provided in either subdivision one or subdivision two of section 18-401 of this article, the provisions of this article shall not be interpreted as creating any negative inference or negative presumption regarding the validity or enforceability of any of the following if agreed to by the parties to a contract:

a. any benchmark replacement that is not a recommended replacement benchmark;

b. any spread adjustment, or method for calculating or determining a spread adjustment, that is not a recommended spread adjustment; or

c. any changes, alterations or modifications to or in respect of a contract, security or instrument that are not benchmark replacement conforming changes.

§ 18-403. Severability. If any provision of this article or application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of this article that can be given effect without the invalid provision or application, and to this end the provisions of this article shall be severable.

§ 2. This act shall take effect immediately.

PART QQ

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

§ 399-zzzzz. Broadband service for low-income consumers. 1. For the purposes of this section, the term "broadband service" shall mean a mass-market retail service 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 shall not include dial-up service.

2. Every person, business, corporation, or their agents providing or seeking to provide broadband service in New York state shall, no later than sixty days after the effective date of this section, offer high speed broadband service to low-income consumers whose household: (a) is eligible for free or reduced-priced lunch through the National School Lunch Program; or (b) whose annual gross household income is not in excess of one hundred eighty-five percent of the federal poverty guidelines as updated periodically in the Federal Register by the United States Department of Health and Human Services under the authority of 42 U.S.C. § 9902(2). Such low-income broadband service shall provide a minimum download speed equal to the greater of twenty-five megabits per second download speed or the download speed of the provider's existing low-income broadband service sold to customers in the state.

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

4. Every person, business, corporation, or their agents providing or seeking to provide broadband service in New York state shall make all commercially reasonable efforts to promote and advertise the availability of broadband service for low-income consumers including, but not limited to, the prominent display of, and enrollment procedures for, such service on its website and in any written and commercial promo-

tional materials developed to inform consumers who may be eligible for service pursuant to this section.

5. Every person, business, corporation, or their agents providing or seeking to provide broadband service in New York state shall annually submit to the department of public service, no later than November fifteenth after the effective date of this act, and annually thereafter, a compliance report setting forth: (a) a description of the service offered pursuant to this section; (b) the number of consumers enrolled in such service; (c) a description of the procedures being used to verify the eligibility of customers receiving such service; (d) a description and samples of the advertising or marketing efforts undertaken to advertise or promote such service; (e) a description of all retail rate products, including pricing, offered by such person, business, corporation, or their agents; (f) a description, including speed and price, of all broadband products offered in the state of New York; and (g) such other information as the department of public service may require.

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

7. Whenever there shall be a violation of this section, an application may be made by the attorney general in the name of the people of the state of New York to a court or justice having jurisdiction by a special proceeding to issue an injunction, and upon notice to the defendant of not less than five days, to enjoin and restrain the continuance of such violation; and if it shall appear to the satisfaction of the court or justice that the defendant has, in fact, violated this section, an injunction may be issued by the court or justice, enjoining and restraining any further violations, without requiring proof that any person has, in fact, been injured or damaged thereby. In any such proceeding, the court may make allowances to the attorney general as provided in paragraph six of subdivision (a) of section eighty-three hundred three of the civil practice law and rules, and direct restitution. Whenever the court shall determine that a violation of this section has occurred, the court may impose a civil penalty of not more than one thousand dollars per violation. In connection with any such proposed application, the attorney general is authorized to take proof and make a determination of the relevant facts and to issue subpoenas in accordance with the civil practice law and rules.

§ 2. This act shall take effect immediately.

PART RR

Section 1. Section 1678 of the public authorities law is amended by adding a new subdivision 30 to read as follows:

**30. (a) To enter into loans with, and to provide services related to planning, design, construction, renovation, reconstruction, furnishing or equipping to, any school district, not-for-profit corporation or group of not-for-profit corporations, for capital projects located in New York state with an aggregate cost of not less than five million dollars.**

**(b) To enter into loans with any school district or not-for-profit corporation to fund their working capital needs, provided such loans have been presented to the authority's board during the COVID-19 state of emergency.**

**(c) For the purposes of this subdivision:**

**(i) "Not-for-profit corporation" shall mean a domestic or foreign corporation as defined in section one hundred two of the not-for-profit corporation law.**

**(ii) "School district" shall mean any school district located in the state of New York.**

**(iii) "Working capital" shall mean funds used to pay operational expenses, including but not limited to, salaries, accounts payable, purchasing inventory and other operational obligations.**

**(iv) "COVID-19 state of emergency" shall mean the period in which executive order two hundred two of two thousand twenty, as amended, is in effect to address the outbreak of the novel coronavirus, COVID-19.**

§ 2. Nothing in this act is intended to limit, impair, or affect the legal authority of the dormitory authority of the state of New York under any other provision of law.

§ 3. This act shall take effect immediately.

## PART SS

Section 1. Paragraph (b) of subdivision 1 of section 7 of section 1 of chapter 392 of the laws of 1973 constituting the New York State Medical Care Facilities Finance Agency act, as amended by chapter 183 of the laws of 2018, is amended to read as follows:

(b) The agency shall not issue hospital and nursing home project bonds and hospital and nursing home project notes in an aggregate principal amount exceeding [~~sixteen~~] **seventeen** billion [~~six~~] **four** hundred million dollars, excluding hospital and nursing home project bonds and hospital and nursing home project notes issued to refund outstanding hospital and nursing home projects bonds and hospital and nursing home project notes; provided, however, that upon any such refunding or repayment the total aggregate principal amount of outstanding bonds, notes or other obligations may be greater than [~~sixteen~~] **seventeen** billion [~~six~~] **four** hundred million dollars only if the present value of the aggregate debt service of the refunding or repayment bonds, notes or other obligations to be issued shall not exceed the present value of the aggregate debt service of the bonds, notes or other obligations so to be refunded or repaid. For purposes hereof, the present values of the aggregate debt service of the refunding or repayment bonds, notes or other obligations and of the aggregate debt service of the bonds, notes or other obligations so refunded or repaid, shall be calculated by utilizing the effective interest rate of the refunding or repayment bonds, notes or other obligations, which shall be that rate arrived at by doubling the semi-annual interest rate (compounded semi-annually) necessary to discount the debt service payments on the refunding or repayment bonds, notes or other obligations from the payment dates thereof to the date of issue of the refunding or repayment bonds, notes or other obligations

and to the price bid including estimated accrued interest or proceeds received by the agency including estimated accrued interest from the sale thereof. The agency shall not issue hospital and nursing home project bonds at any time secured by the hospital and nursing home capital reserve fund if upon issuance, the amount in the hospital and nursing home capital reserve fund will be less than the hospital and nursing home capital reserve fund requirement, unless the agency, at the time of issuance of such bonds, shall deposit in such reserve fund from the proceeds of the bonds so to be issued, or otherwise, an amount which together with the amount then in such reserve fund, will be not less than the hospital and nursing home capital reserve fund requirement.

§ 2. This act shall take effect immediately.

PART TT

Section 1. This act enacts into law components of legislation relating to the pandemic recovery and restart program. Each component is wholly contained within a Subpart identified as Subparts A through C. The effective date for each particular provision contained within such Subpart is set forth in the last section of such Subpart. Any provision in any section contained within a Subpart, including the effective date of the Subpart, which makes 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 Subpart in which it is found. Section three of this act sets forth the general effective date of this act.

SUBPART A

Section 1. The economic development law is amended by adding a new article 24 to read as follows:

**ARTICLE 24**

**SMALL BUSINESS RETURN-TO-WORK TAX CREDIT PROGRAM**

**Section 460. Short title.**
**461. Statement of legislative findings and declaration.**
**462. Definitions.**
**463. Eligibility criteria.**
**464. Application and approval process.**
**465. Small business return-to-work tax credit.**
**466. Powers and duties of the commissioner.**
**467. Maintenance of records.**
**468. Reporting.**
**469. Cap on tax credit.**

**§ 460. Short title. This article shall be known and may be cited as the "small business return-to-work tax credit program act".**

**§ 461. Statement of legislative findings and declaration. It is hereby found and declared that New York state needs, as a matter of public policy, to create financial incentives for small businesses in industries that have suffered economic harm as a result of the COVID-19 pandemic to expeditiously rehire workers and increase total small business employment. The small business return-to-work tax credit program is created to provide financial incentives to economically harmed small businesses to offer relief, expedite their hiring efforts, and reduce the duration and severity of the current economic difficulties.**

**§ 462. Definitions. For the purposes of this article:**

1. "Accommodation sector" means establishments that provide lodging or short-term accommodations for travelers, vacationers, and others.

2. "Arts, entertainment, and recreation sector" means establishments that operate facilities or provide services to meet varied cultural, entertainment, and recreational interests of their patrons. This sector comprises: (a) establishments that are involved in producing, promoting, or participating in live performances, events, or exhibits intended for public viewing; (b) establishments that preserve and exhibit objects and sites of historical, cultural, or educational interest; and (c) establishments that operate facilities or provide services that enable patrons to participate in recreational activities or pursue amusement, hobby, and leisure-time interests.

3. "Average full-time employment" shall mean the average number of full-time equivalent positions employed by a business entity in an eligible industry during a given period.

4. "Average starting full-time employment" shall be calculated as the average number of full-time equivalent positions employed by a business entity in an eligible industry between January first, two thousand twenty-one, and March thirty-first, two thousand twenty-one.

5. "Average ending full-time employment" shall be calculated as the average number of full-time equivalent positions employed by a business entity in an eligible industry between April first, two thousand twenty-one, and December thirty-first, two thousand twenty-one.

6. "Certificate of tax credit" means the document issued to a business entity by the department after the department has verified that the business entity has met all applicable eligibility criteria in this article. The certificate shall specify the exact amount of the tax credit under this article that a business entity may claim, pursuant to section four hundred sixty-five of this article.

7. "Commissioner" shall mean the commissioner of the department of economic development.

8. "Department" shall mean the department of economic development.

9. "Eligible industry" means a business entity operating predominantly in one of the following business sectors:

(a) accommodations; or

(b) arts, entertainment, and recreation.

10. "Net employee increase" means an increase of at least one full-time equivalent employee between the average starting full-time employment and the average ending full-time employment of a business entity.

§ 463. Eligibility criteria. 1. To be eligible for a tax credit under the small business return-to-work tax credit program, a business entity must:

(a) be a small business as defined in section one hundred thirty-one of this chapter and have fewer than one hundred full-time job equivalents in New York state as of April first, two thousand twenty-one;

(b) operate a business location in New York state that charges admission and/or accepts payment for goods and/or services from in-person customers;

(c) operate predominantly in an eligible industry as defined in subdivision nine of section four hundred sixty-two of this article; provided, however, that the department, in its regulations promulgated pursuant to this article, shall have the authority to list certain sectors of those industries as ineligible;

(d) have experienced economic harm as a result of the COVID-19 emergency as evidenced by a year-to-year decrease of at least forty percent in New York state between the second quarter of two thousand nineteen

and the second quarter of two thousand twenty or the third quarter of two thousand nineteen and the third quarter of two thousand twenty for one or both of: (i) gross receipts or (ii) average full-time employment; and

(e) have demonstrated a net employee increase.

2. A business entity must be in substantial compliance with any emergency restrictions or public health orders impacting the industry sector or other laws and regulations as determined by the commissioner. In addition, a business entity may not owe past due state taxes or local property taxes unless the business entity is making payments and complying with an approved binding payment agreement entered into with the taxing authority.

§ 464. Application and approval process. 1. A business entity must submit a complete application as prescribed by the commissioner.

2. The commissioner shall establish procedures and a timeframe for business entities to submit applications. As part of the application, each business entity must:

(a) provide evidence in a form and manner prescribed by the commissioner of their business eligibility;

(b) agree to allow the department of taxation and finance to share the business entity's tax information with the department. However, any information shared as a result of this program shall not be available for disclosure or inspection under the state freedom of information law;

(c) agree to allow the department of labor to share its tax and employer information with the department. However, any information shared as a result of this program shall not be available for disclosure or inspection under the state freedom of information law;

(d) allow the department and its agents access to any and all books and records the department may require to monitor compliance;

(e) certify, under penalty of perjury, that it is in substantial compliance with all emergency orders or public health regulations currently required of such entity, and local, and state tax laws; and

(f) agree to provide any additional information required by the department relevant to this article.

3. After reviewing a business entity's completed final application and determining that the business entity meets the eligibility criteria as set forth in this article, the department may issue to that business entity a certificate of tax credit. A business entity may claim the tax credit in the taxable year that includes December thirty-first, two thousand twenty-one.

§ 465. Small business return-to-work tax credit. 1. A business entity in the small business return-to-work tax credit program that meets the eligibility requirements of section four hundred sixty-three of this article may be eligible to claim a credit equal to five thousand dollars per each full-time equivalent net employee increase as defined in subdivision ten of section four hundred sixty-two of this article.

2. A business entity, including a partnership, limited liability company and subchapter S corporation, may not receive in excess of fifty thousand dollars in tax credits under this program.

3. The credit shall be allowed as provided in section forty-five, subdivision fifty-five of section two hundred ten-B and subsection (kkk) of section six hundred six of the tax law.

§ 466. Powers and duties of the commissioner. 1. The commissioner may promulgate regulations establishing an application process and eligibility criteria, that will be applied consistent with the purposes of this article, so as not to exceed the annual cap on tax credits set forth in

section four hundred sixty-nine of this article which, notwithstanding any provisions to the contrary in the state administrative procedure act, may be adopted on an emergency basis.

2. The commissioner shall, in consultation with the department of taxation and finance, develop a certificate of tax credit that shall be issued by the commissioner to eligible businesses. Such certificate shall contain such information as required by the department of taxation and finance.

3. The commissioner shall solely determine the eligibility of any applicant applying for entry into the program and shall remove any business entity from the program for failing to meet any of the requirements set forth in section four hundred sixty-three of this article, or for failing to meet the requirements set forth in subdivision one of section four hundred sixty-four of this article.

§ 467. Maintenance of records. Each business entity participating in the program shall keep all relevant records for their duration of program participation for at least three years.

§ 468. Reporting. Each business entity participating in this program must submit a performance report to the department at a time prescribed in regulations by the commissioner.

§ 469. Cap on tax credit. The total amount of tax credits listed on certificates of tax credit issued by the commissioner pursuant to this article may not exceed fifty million dollars.

§ 2. The tax law is amended by adding a new section 45 to read as follows:

§ 45. Small business return-to-work tax credit. (a) Allowance of credit. A taxpayer subject to tax under article nine-A or twenty-two of this chapter shall be allowed a credit against such tax, pursuant to the provisions referenced in subdivision (f) of this section. The amount of the credit is equal to the amount determined pursuant to section four hundred sixty-five of the economic development law. No cost or expense paid or incurred by the taxpayer which is included as part of the calculation of this credit shall be the basis of any other tax credit allowed under this chapter.

(b) Eligibility. To be eligible for the small business return-to-work tax credit, the taxpayer shall have been issued a certificate of tax credit by the department of economic development pursuant to subdivision two of section four hundred sixty-four of the economic development law, which certificate shall set forth the amount of the credit that may be claimed for the taxable year. The taxpayer shall be allowed to claim only the amount listed on the certificate of tax credit for that taxable year. A taxpayer that is a partner in a partnership, member of a limited liability company or shareholder in a subchapter S corporation that has received a certificate of tax credit shall be allowed its pro rata share of the credit earned by the partnership, limited liability company or subchapter S corporation.

(c) Tax return requirement. The taxpayer shall be required to attach to its tax return, in the form prescribed by the commissioner, proof of receipt of its certificate of tax credit issued by the commissioner of the department of economic development.

(d) Information sharing. Notwithstanding any provision of this chapter, employees of the department of economic development and the department shall be allowed and are directed to share and exchange:

(1) information derived from tax returns or reports that is relevant to a taxpayer's eligibility to participate in the small business return-to-work tax credit program;

(2) information regarding the credit applied for, allowed or claimed pursuant to this section and taxpayers that are applying for the credit or that are claiming the credit; and

(3) information contained in or derived from credit claim forms submitted to the department and applications for admission into the small business return-to-work tax credit program. Except as provided in paragraph two of this subdivision, all information exchanged between the department of economic development and the department shall not be subject to disclosure or inspection under the state's freedom of information law.

(e) Credit recapture. If a certificate of tax credit issued by the department of economic development under article twenty-four of the economic development law is revoked by such department, the amount of credit described in this section and claimed by the taxpayer prior to that revocation shall be added back to tax in the taxable year in which any such revocation becomes final.

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

(1) article 9-A: section 210-B, subdivision 55;

(2) article 22: section 606, subsection (kkk).

§ 3. Section 210-B of the tax law is amended by adding a new subdivision 55 to read as follows:

55. Small business return-to-work tax credit. (a) Allowance of credit. A taxpayer shall be allowed a credit, to be computed as provided in section forty-five of this chapter, against the taxes imposed by this article.

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

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

(kkk) Small business return-to-work tax credit. (1) Allowance of credit. A taxpayer shall be allowed a credit, to be computed as provided in section forty-five of this chapter, against the tax imposed by this article.

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

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

| | |
|---|---|
| (xlvi) Small business return-to-work tax credit | Amount of credit under subdivision fifty-five of section two hundred ten-B |

§ 6. This act shall take effect immediately.

SUBPART B

Section 1. The economic development law is amended by adding a new article 25 to read as follows:

ARTICLE 25

RESTAURANT RETURN-TO-WORK TAX CREDIT PROGRAM

Section 470. Short title.

471. Statement of legislative findings and declaration.

472. Definitions.

473. Eligibility criteria.

474. Application and approval process.

475. Restaurant return-to-work tax credit.

476. Powers and duties of the commissioner.

477. Maintenance of records.

478. Reporting.

479. Cap on tax credit.

§ 470. Short title. This article shall be known and may be cited as the "restaurant return-to-work tax credit program act".

§ 471. Statement of legislative findings and declaration. It is hereby found and declared that New York state needs, as a matter of public policy, to create financial incentives for restaurants that have suffered economic harm as a result of the COVID-19 pandemic to expeditiously rehire workers and increase total employment. The restaurant return-to-work tax credit program is created to provide financial incentives to economically harmed restaurants to offer relief, expedite their hiring efforts, and reduce the duration and severity of the current economic difficulties.

§ 472. Definitions. For the purposes of this article:

1. "Average full-time employment" shall mean the average number of full-time equivalent positions employed by a business entity in an eligible industry during a given period.

2. "Average starting full-time employment" shall be calculated as the average number of full-time equivalent positions employed by a business entity in an eligible industry between January first, two thousand twenty-one, and March thirty-first, two thousand twenty-one.

3. "Average ending full-time employment" shall be calculated as the average number of full-time equivalent positions employed by a business entity in an eligible industry between April first, two thousand twenty-one, and either August thirty-first, two thousand twenty-one, or December thirty-first, two thousand twenty-one, whichever date the business entity chooses to use.

4. "Certificate of tax credit" means the document issued to a business entity by the department after the department has verified that the business entity has met all applicable eligibility criteria in this article. The certificate shall specify the exact amount of the tax credit under this article that a business entity may claim, pursuant to section four hundred seventy-five of this article.

5. "Commissioner" shall mean commissioner of the department of economic development.

6. "Department" shall mean the department of economic development.

7. "Eligible industry" means a business entity operating predominantly in the COVID-19 impacted food services sector.

8. "Net employee increase" means an increase of at least one full-time equivalent employee between the average starting full-time employment and the average ending full-time employment of a business entity.

9. "COVID-19 impacted food services sector" means:

(a) independently owned establishments that are located inside the city of New York and have been subjected to a ban on indoor dining for over six months and are primarily organized to prepare and provide meals, and/or beverages to customers for consumption, including for immediate indoor on-premises consumption, as further defined in regulations pursuant to this article; and

(b) independently owned establishments that are located outside of the city of New York in an area which has been and/or remains designated by the department of health as either an orange zone or red zone pursuant to Executive Order 202.68 as amended, and for which such designation was or has been in effect and resulted in additional restrictions on indoor dining for at least thirty consecutive days, and are primarily organized to prepare and provide meals, and/or beverages to customers for consumption, including for immediate indoor on-premises consumption, as further defined in regulations pursuant to this article.

§ 473. Eligibility criteria. 1. To be eligible for a tax credit under the restaurant return-to-work tax credit program, a business entity must:

(a) be a small business as defined in section one hundred thirty-one of this chapter and have fewer than one hundred full-time job equivalents in New York state as of April first, two thousand twenty-one;

(b) operate a business location in New York state that is primarily organized to accept payment for meals and/or beverages including from in-person customers;

(c) operate predominantly in the COVID-19 impacted food services sector; provided, however, that the department, in its regulations promulgated pursuant to this article, shall have the authority to list certain types of establishments as ineligible;

(d) have experienced economic harm as a result of the COVID-19 emergency as evidenced by a year-to-year decrease of at least forty percent in New York state between the second quarter of two thousand nineteen and the second quarter of two thousand twenty or the third quarter of two thousand nineteen and the third quarter of two thousand twenty for one or both of: (i) gross receipts or (ii) average full-time employment; and

(e) have demonstrated a net employee increase.

2. A business entity must be in substantial compliance with any public health or other emergency orders or regulations related to the entity's sector or other laws and regulations as determined by the commissioner. In addition, a business entity may not owe past due state taxes or local property taxes unless the business entity is making payments and complying with an approved binding payment agreement entered into with the taxing authority.

§ 474. Application and approval process. 1. A business entity must submit a complete application as prescribed by the commissioner.

2. The commissioner shall establish procedures and a timeframe for business entities to submit applications. As part of the application, each business entity must:

(a) provide evidence in a form and manner prescribed by the commissioner of their business eligibility;

(b) agree to allow the department of taxation and finance to share the business entity's tax information with the department. However, any

information shared as a result of this program shall not be available for disclosure or inspection under the state freedom of information law;

(c) agree to allow the department of labor to share its tax and employer information with the department. However, any information shared as a result of this program shall not be available for disclosure or inspection under the state freedom of information law;

(d) allow the department and its agents access to any and all books and records the department may require to monitor compliance;

(e) certify, under penalty of perjury, that it is in substantial compliance with all emergency orders or public health regulations currently required of such entity, and local, and state tax laws; and

(f) agree to provide any additional information required by the department relevant to this article.

3. After reviewing a business entity's completed final application and determining that the business entity meets the eligibility criteria as set forth in this article, the department may issue to that business entity a certificate of tax credit. A business entity may claim the tax credit in the taxable year that includes December thirty-first, two thousand twenty-one.

§ 475. Restaurant return-to-work tax credit. 1. A business entity in the restaurant return-to-work tax credit program that meets the eligibility requirements of section four hundred seventy-three of this article may be eligible to claim a credit equal to five thousand dollars per each full-time equivalent net employee increase as defined in subdivision eight of section four hundred seventy-two of this article.

2. A business entity, including a partnership, limited liability company and subchapter S corporation, may not receive in excess of fifty thousand dollars in tax credits under this program.

3. The credit shall be allowed as provided in sections forty-six, subdivision fifty-six of section two hundred ten-B and subsection (lll) of section six hundred six of the tax law.

§ 476. Powers and duties of the commissioner. 1. The commissioner may promulgate regulations establishing an application process and eligibility criteria, that will be applied consistent with the purposes of this article, so as not to exceed the annual cap on tax credits set forth in section four hundred seventy-nine of this article which, notwithstanding any provisions to the contrary in the state administrative procedure act, may be adopted on an emergency basis.

2. The commissioner shall, in consultation with the department of taxation and finance, develop a certificate of tax credit that shall be issued by the commissioner to eligible businesses. Such certificate shall contain such information as required by the department of taxation and finance.

3. The commissioner shall solely determine the eligibility of any applicant applying for entry into the program and shall remove any business entity from the program for failing to meet any of the requirements set forth in section four hundred seventy-three of this article, or for failing to meet the requirements set forth in subdivision one of section four hundred seventy-four of this article.

§ 477. Maintenance of records. Each business entity participating in the program shall keep all relevant records for their duration of program participation for at least three years.

§ 478. Reporting. Each business entity participating in this program must submit a performance report to the department at a time prescribed in regulations by the commissioner.

§ 479. Cap on tax credit. The total amount of tax credits listed on certificates of tax credit issued by the commissioner pursuant to this article may not exceed fifty million dollars.

§ 2. The tax law is amended by adding a new section 46 to read as follows:

§ 46. Restaurant return-to-work tax credit. (a) Allowance of credit. A taxpayer subject to tax under article nine-A or twenty-two of this chapter shall be allowed a credit against such tax, pursuant to the provisions referenced in subdivision (f) of this section. The amount of the credit is equal to the amount determined pursuant to section four hundred seventy-five of the economic development law. No cost or expense paid or incurred by the taxpayer which is included as part of the calculation of this credit shall be the basis of any other tax credit allowed under this chapter.

(b) Eligibility. To be eligible for the restaurant return-to-work tax credit, the taxpayer shall have been issued a certificate of tax credit by the department of economic development pursuant to subdivision two of section four hundred seventy-four of the economic development law, which certificate shall set forth the amount of the credit that may be claimed for the taxable year. The taxpayer shall be allowed to claim only the amount listed on the certificate of tax credit for that taxable year. A taxpayer that is a partner in a partnership, member of a limited liability company or shareholder in a subchapter S corporation that has received a certificate of tax credit shall be allowed its pro rata share of the credit earned by the partnership, limited liability company or subchapter S corporation.

(c) Tax return requirement and advance payment option. (1) The taxpayer shall be required to attach to its tax return in the form prescribed by the commissioner, proof of receipt of its certificate of tax credit issued by the commissioner of the department of economic development.

(2) Taxpayers who choose to use August thirty-first, two thousand twenty-one as the last date to calculate their average ending full-time employment and have received their certificate of tax credit by November fifteenth, two thousand twenty-one shall have the option to request an advance payment of the amount of tax credit they are allowed under this section. A taxpayer must submit such request to the department in the manner prescribed by the commissioner after it has been issued a certificate of tax credit by the department of economic development pursuant to subdivision two of section four hundred seventy-four of the economic development law (or such certificate has been issued to a partnership, limited liability company or subchapter S corporation in which it is a partner, member or shareholder, respectively), but such request must be submitted no later than November fifteenth, two thousand twenty-one. For those taxpayers who have requested an advance payment and for whom the commissioner has determined eligible for this credit, the commissioner shall advance a payment of the tax credit allowed to the taxpayer. However, in the case of a taxpayer subject to article nine-A of this chapter, such payment shall be equal to the amount of credit allowed to the taxpayer less twenty-five dollars. Such twenty-five dollars shall represent a partial payment of tax owed by the taxpayer under article nine-A, including any fixed dollar minimum owed under paragraph (d) of subdivision one of section two hundred ten of this chapter. When a taxpayer files its return for the taxable year, such taxpayer shall properly reconcile the advance payment and any partial payment of fixed dollar minimum tax, if applicable, on the taxpayer's return.

(d) Information sharing. Notwithstanding any provision of this chapter, employees of the department of economic development and the department shall be allowed and are directed to share and exchange:

(1) information derived from tax returns or reports that is relevant to a taxpayer's eligibility to participate in the restaurant return-to-work tax credit program;

(2) information regarding the credit applied for, allowed or claimed pursuant to this section and taxpayers that are applying for the credit or that are claiming the credit; and

(3) information contained in or derived from credit claim forms submitted to the department and applications for admission into the restaurant return-to-work tax credit program. Except as provided in paragraph two of this subdivision, all information exchanged between the department of economic development and the department shall not be subject to disclosure or inspection under the state's freedom of information law.

(e) Credit recapture. If a certificate of tax credit issued by the department of economic development under article twenty-five of the economic development law is revoked by such department, the amount of credit described in this section and claimed by the taxpayer prior to that revocation shall be added back to tax in the taxable year in which any such revocation becomes final.

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

(1) article 9-A: section 210-B, subdivision 56;

(2) article 22: section 606, subsection (lll).

§ 3. Section 210-B of the tax law is amended by adding a new subdivision 56 to read as follows:

56. Restaurant return-to-work tax credit. (a) Allowance of credit. A taxpayer shall be allowed a credit, to be computed as provided in section forty-six of this chapter, against the taxes imposed by this article.

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

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

(lll) Restaurant return-to-work tax credit. (1) Allowance of credit. A taxpayer shall be allowed a credit, to be computed as provided in section forty-six of this chapter, against the tax imposed by this article.

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

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

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| (xlvii) Restaurant return-to-work tax credit | Amount of credit under subdivision fifty-six of section two hundred ten-B |

§ 6. This act shall take effect immediately.

SUBPART C

Section 1. The tax law is amended by adding a new section 24-c to read as follows:

§ 24-c. New York city musical and theatrical production tax credit. (a) (1) Allowance of credit. A taxpayer that is a qualified New York city musical and theatrical production company, or is a sole proprietor of or a member of a partnership that is a qualified New York city musical and theatrical production company, and that is subject to tax under article nine-A or twenty-two of this chapter, shall be allowed a credit against such tax, pursuant to the provisions referred to in subdivision (d) of this section, and to be computed as provided in this section.

(2) The amount of the credit shall be the product (or pro rata share of the product, in the case of a member of a partnership) of twenty-five percent and the sum of the qualified production expenditures paid for during the qualified New York city musical and theatrical production's credit period. Provided however that the amount of the credit cannot exceed five hundred thousand dollars per qualified New York city musical and theatrical production company.

(3) No qualified production expenditures used by a taxpayer either as the basis for the allowance of the credit provided pursuant to this section or used in the calculation of the credit provided pursuant to this section shall be used by such taxpayer to claim any other credit allowed pursuant to this chapter.

(b) Definitions. As used in this section, the following terms shall have the following meanings:

(1) "Qualified musical and theatrical production" means a for-profit live, dramatic stage presentation that, in its original or adaptive version, is performed in a qualified New York city production facility, whether or not such production was performed in a qualified New York city production facility prior to March twelfth, two thousand twenty.

(2) "Qualified production expenditure" means any costs for tangible property used and services performed directly and predominantly in the production of a qualified musical and theatrical production within the city of New York, including: (i) expenditures for design, construction and operation, including sets, special and visual effects, costumes, wardrobes, make-up, accessories and costs associated with sound, lighting, and staging; (ii) all salaries, wages, fees, and other compensation including related benefits for services performed of which the total allowable expense shall not exceed two hundred thousand dollars per week; and (iii) technical and crew production costs, such as expenditures for a qualified New York city production facility, or any part thereof, props, make-up, wardrobe, costumes, equipment used for special and visual effects, sound recording, set construction, and lighting. Qualified production expenditure does not include any costs incurred prior to March thirteenth, two thousand twenty.

(3) "Qualified New York city production facility" means a facility located within the city of New York (i) in which live theatrical productions are or are intended to be primarily presented, (ii) that contains at least one stage, a seating capacity of five hundred or more seats, and dressing rooms, storage areas, and other ancillary amenities necessary for the qualified musical and theatrical production, and (iii) for which receipts attributable to ticket sales constitute seventy-five percent or more of gross receipts of the facility.

(4) "Qualified New York city musical and theatrical production company" is a corporation, partnership, limited partnership, or other entity or individual which or who (i) is principally engaged in the production of a qualified musical or theatrical production that is to be performed in a qualified New York city production facility, and (ii) has expended at least one million dollars in qualified production expenditures on the qualified musical and theatrical production at the time of its application to the department of economic development for a tax credit certificate authorized under this section.

(5) (i) "The credit period of a qualified New York city musical and theatrical production company" is the period starting on the production start date and ending on the earlier of December thirty-first, two thousand twenty-one or the date the qualified musical and theatrical production closes.

(ii) "The production start date" is the date that is six weeks prior to the first performance of the qualified musical and theatrical production.

(c) The credit shall be allowed for the taxable year beginning on or after January first, two thousand twenty-one but before January first, two thousand twenty-two.

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

(1) article 9-A: section 210-B: subdivision 57;

(2) article 22: section 606: subsection (mmm).

(e) Notwithstanding any provision of this chapter, (i) employees and officers of the department of economic development and the department shall be allowed and are directed to share and exchange information regarding the credits applied for, allowed, or claimed pursuant to this section and taxpayers who are applying for credits or who are claiming credits, including information contained in or derived from credit claim forms submitted to the department and applications for certification submitted to the department of economic development, and (ii) the commissioner and the commissioner of the department of economic development may release the names and addresses of any qualified New York city musical and theatrical production company entitled to claim this credit and the amount of the credit earned by such company.

(f) Maximum amount of credits. (1) The aggregate amount of tax credits allowed under this section, subdivision fifty-seven of section two hundred ten-B and subsection (mmm) of section six hundred six of this chapter shall be twenty-five million dollars. Such aggregate amount of credits shall be allocated by the department of economic development among taxpayers in order of priority based upon the date of filing an application for allocation of the New York city musical and theatrical production tax credit with such department.

(2) The commissioner of economic development, after consulting with the commissioner, shall promulgate regulations to establish procedures for the allocation of tax credits as required by this section. Such rules and regulations shall include provisions describing the applica-

tion process, the due dates for such applications, the standards that will be used to evaluate the applications, the documentation that will be provided by applicants to substantiate to the department the amount of qualified production expenditures of such applicants, and such other provisions as deemed necessary and appropriate. Notwithstanding any other provisions to the contrary in the state administrative procedure act, such rules and regulations may be adopted on an emergency basis.

(g) Any qualified New York city musical and theatrical production company that performs in a qualified New York city production facility and applies to receive a credit under this section shall be required to: (1) participate in a New York state diversity and arts job training program; (2) create and implement a plan to ensure that their production is available and accessible for low-or no-cost to low income New Yorkers; and (3) contribute to the New York state council on the arts, cultural program fund an amount up to fifty percent of the total credits received if such production company earns revenue prospectively after receipt of the credit that is at least equal to two hundred percent of its production costs, with such amount payable from twenty-five percent of net operating profits, such amounts payable on a monthly basis, up until such fifty percent of the total credit amount is reached. Any funds deposited pursuant to this subdivision shall be used for arts and cultural educational and workforce development programs in-school and community-based organizations.

§ 2. Section 210-B of the tax law is amended by adding a new subdivision 57 to read as follows:

57. New York city musical and theatrical production tax credit. (a) Allowance of credit. A taxpayer shall be allowed a credit, to be computed as provided in section twenty-four-c of this chapter, against the taxes imposed by this article.

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

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

(mmm) New York city musical and theatrical production tax credit. (1) Allowance of credit. A taxpayer shall be allowed a credit, to be computed as provided in section twenty-four-c of this chapter, against the tax imposed by this article.

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

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

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| (xlviii) New York city musical and theatrical production tax credit | Amount of credit under subdivision fifty-seven of section two hundred ten-B |

§ 5. The state finance law is amended by adding a new section 99-ii to read as follows:

§ 99-ii. New York state arts and cultural programs fund. 1. There is hereby established in the joint custody of the state comptroller and commissioner of taxation and finance a special fund to be known as the "New York state arts and cultural program fund".

2. Such fund shall consist of all revenues received by the state, pursuant to the provisions of section twenty-four-c of the tax law and all other moneys appropriated thereto from any other fund or source pursuant to law. Nothing contained in this section shall prevent the state from receiving grants, gifts or bequests for the purposes of the fund as defined in this section and depositing them into the fund according to law.

3. On or before the first day of February two thousand twenty-four, the commissioner of education shall provide a written report to the temporary president of the senate, the speaker of the assembly, the chair of the senate finance committee, the chair of the assembly ways and means committee, the chair of the senate committee on health, the chair of the assembly health committee, the state comptroller and the public. Such report shall include how the monies of the fund were utilized during the preceding calendar year, and shall include:

(a) the amount of money dispersed from the fund and the award process used for such disbursements;

(b) recipients of awards from the fund;

(c) the amount awarded to each;

(d) the purposes for which such awards were granted; and

(e) a summary financial plan for such monies which shall include estimates of all receipts and all disbursements for the current and succeeding fiscal years, along with the actual results from the prior fiscal year.

4. Moneys shall be payable from the fund on the audit and warrant of the comptroller on vouchers approved and certified by the commissioner of education.

5. The moneys in such fund shall be expended for the purpose of supplementing art and cultural programs for secondary and elementary children, including programs that increase access to art and cultural programs and events for children in underserved communities.

§ 6. 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 Subparts A through C of this act shall be as specifically set forth in the last section of such Subparts.

§ 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 TT of this act shall be as specifically set forth in the last section of such Parts.