

STATE OF NEW YORK

S. 2508--A

A. 3008--A

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 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

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

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 00 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

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

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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 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); 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); relating to the merger of the College Retirement Equities Fund and the Teachers Insurance and Annuity Association of America; and to repeal chapter 124 of the laws of 1952 relating to the charter of the college retirement equities fund (Part UU); to amend the public authorities law, the canal law and the economic development law in relation to enacting the New York state canal system revitalization act; and to repeal article 13-A of the canal law relating to the canal recreationway commission and section 57 of the canal law relating to special conditions for leases entered prior to approval of the canal recreationway plan (Part VV); and to authorize utility and cable television assessments that provide funds to the department of health from cable tele-vision assessment revenues and to the department of agriculture and markets, department of environmental conservation, department of state, and the office of parks, recreation and historic preservation from utility assessment revenues (Part WW)

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

1 Section 1. This act enacts into law major components of legislation
2 necessary to implement the state transportation, economic development
3 and environmental conservation budget for the 2021-2022 state fiscal
4 year. Each component is wholly contained within a Part identified as
5 Parts A through XX. The effective date for each particular provision
6 contained within such Part is set forth in the last section of such
7 Part. Any provision in any section contained within a Part, including
8 the effective date of the Part, which makes a reference to a section "of

1 this act", when used in connection with that particular component, shall
2 be deemed to mean and refer to the corresponding section of the Part in
3 which it is found. Section three of this act sets forth the general
4 effective date of this act.

5 PART A

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

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

34 (i) Notwithstanding the provisions of subdivisions (b) and (c) of this
35 section, a person convicted of a traffic infraction for a violation of
36 any ordinance, order, rule, regulation or local law adopted pursuant to
37 one or more of the following provisions of this chapter: paragraphs two
38 and nine of subdivision (a) of section sixteen hundred twenty-one;
39 subdivision three of section sixteen hundred thirty; or subdivision five
40 of section seventy-one of the transportation law, prohibiting the opera-
41 tion on a highway or parkway of a commercial motor vehicle as defined in
42 paragraph (a) of subdivision four of section five hundred one-a of this
43 chapter, for a first conviction thereof, be punished by a fine of not
44 more than [~~seven-hundred~~] five thousand dollars or by imprisonment of
45 not more than fifteen days or by both such fine and imprisonment; for a
46 conviction of a second violation, both of which were committed within a
47 period of eighteen months, such person shall be punished by a fine of
48 not more than [~~one~~] seven thousand five hundred dollars or by imprison-
49 ment for not more than forty-five days or by both such fine and impri-
50 sonment; upon a conviction of a third or subsequent violation, all of
51 which were committed within a period of eighteen months, such person
52 shall be punished by a fine of not more than [~~two~~] ten thousand dollars
53 or by imprisonment of not more than ninety days or by both such fine and
54 imprisonment. In addition to the penalties provided for in this subdivi-

1 sion, the registration of the vehicle may be suspended for a period not
2 to exceed one year whether at the time of the violation the vehicle was
3 in charge of the owner or his agent. The provisions of section five
4 hundred ten of this chapter shall apply to such suspension except as
5 otherwise provided herein.

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

9 18-a. A violation of the provisions of [~~subdivisions~~] subdivision two
10 or fourteen of this section, where the violation relates to the height
11 of the vehicle, including a violation related to the operation, within a
12 city not wholly included within one county, of a vehicle which exceeds
13 the limitations provided for in the rules and regulations of the city
14 department of transportation of such city, shall be punishable by a fine
15 of not more than [~~one~~] five thousand dollars, or by imprisonment for not
16 more than thirty days, or by both such fine and imprisonment, for the
17 first offense; by a fine of not more than [~~two~~] seven thousand five
18 hundred dollars, or by imprisonment for not more than sixty days, or by
19 both such fine and imprisonment, for the second or subsequent offense;
20 provided that a sentence or execution thereof for any violation under
21 this subdivision may not be suspended. For any violation of the
22 provisions of [~~subdivisions~~] subdivision two or fourteen of this section
23 where the violation relates to the height of the vehicle, including a
24 violation related to the operation, within a city not wholly included
25 within one county, of a vehicle which exceeds the limitations provided
26 for in the rules and regulations of the city department of transporta-
27 tion of such city, the registration of the vehicle may be suspended for
28 a period not to exceed one year whether at the time of the violation the
29 vehicle was in charge of the owner or his agent. The provisions of
30 section five hundred ten of this chapter shall apply to such suspension
31 except as otherwise provided herein.

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

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

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

53 (c) For the purposes of this subdivision:

54 (i) "Stretch limousine" shall mean an altered motor vehicle having a
55 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

1 sanitarian, New York city public health sanitarian, sanitation enforce-
2 ment agent, New York city sanitation worker, a firefighter, including a
3 firefighter acting as a paramedic or emergency medical technician admin-
4 istering first aid in the course of performance of duty as such fire-
5 fighter, an emergency medical service paramedic or emergency medical
6 service technician, or medical or related personnel in a hospital emer-
7 gency department, a city marshal, a school crossing guard appointed
8 pursuant to section two hundred eight-a of the general municipal law, a
9 traffic enforcement officer, traffic enforcement agent, a highway worker
10 as defined in section one hundred eighteen-a of the vehicle and traffic
11 law, a motor vehicle inspector and motor carrier investigator as defined
12 in section one hundred eighteen-b of the vehicle and traffic law,
13 employee of the New York state department of motor vehicles or a county
14 clerk performing motor vehicle transactions on behalf of such depart-
15 ment, or employee of any entity governed by the public service law in
16 the course of performing an essential service, from performing a lawful
17 duty, by means including releasing or failing to control an animal under
18 circumstances evincing the actor's intent that the animal obstruct the
19 lawful activity of such peace officer, police officer, prosecutor as
20 defined in subdivision thirty-one of section 1.20 of the criminal proce-
21 dure law, registered nurse, licensed practical nurse, public health
22 sanitarian, New York city public health sanitarian, sanitation enforce-
23 ment agent, New York city sanitation worker, firefighter, paramedic,
24 technician, city marshal, school crossing guard appointed pursuant to
25 section two hundred eight-a of the general municipal law, traffic
26 enforcement officer, traffic enforcement agent, highway worker as
27 defined by section one hundred eighteen-a of the vehicle and traffic
28 law, motor vehicle inspector and motor carrier investigator as defined
29 in section one hundred eighteen-b of the vehicle and traffic law,
30 employee of the New York state department of motor vehicles or a county
31 clerk performing motor vehicle transactions on behalf of such depart-
32 ment, or employee of an entity governed by the public service law, he or
33 she causes physical injury to such peace officer, police officer, prose-
34 cutor as defined in subdivision thirty-one of section 1.20 of the crimi-
35 nal procedure law, registered nurse, licensed practical nurse, public
36 health sanitarian, New York city public health sanitarian, sanitation
37 enforcement agent, New York city sanitation worker, firefighter,
38 paramedic, technician or medical or related personnel in a hospital
39 emergency department, city marshal, school crossing guard, traffic
40 enforcement officer, traffic enforcement agent, highway worker as
41 defined by section eighteen-a of the vehicle and traffic law, motor
42 vehicle inspector and motor carrier investigator as defined in section
43 one hundred eighteen-b of the vehicle and traffic law, employee of the
44 New York state department of motor vehicles or a county clerk performing
45 motor vehicle transactions on behalf of such department, or employee of
46 an entity governed by the public service law; or

47 11. With intent to cause physical injury to a train operator, ticket
48 inspector, conductor, signalperson, bus operator, station agent, station
49 cleaner or terminal cleaner employed by any transit agency, authority or
50 company, public or private, whose operation is authorized by New York
51 state or any of its political subdivisions, a city marshal, a school
52 crossing guard appointed pursuant to section two hundred eight-a of the
53 general municipal law, a traffic enforcement officer, traffic enforce-
54 ment agent, a highway worker as defined in section one hundred eigh-
55 teen-a of the vehicle and traffic law, a motor vehicle inspector and
56 motor carrier investigator as defined in section one hundred eighteen-b

1 of the vehicle and traffic law, employee of the New York state depart-
2 ment of motor vehicles or a county clerk performing motor vehicle trans-
3 actions on behalf of such department, prosecutor as defined in subdivi-
4 sion thirty-one of section 1.20 of the criminal procedure law,
5 sanitation enforcement agent, New York city sanitation worker, public
6 health sanitarian, New York city public health sanitarian, registered
7 nurse, licensed practical nurse, emergency medical service paramedic, or
8 emergency medical service technician, he or she causes physical injury
9 to such train operator, ticket inspector, conductor, signalperson, bus
10 operator, station agent, station cleaner or terminal cleaner, city
11 marshal, school crossing guard appointed pursuant to section two hundred
12 eight-a of the general municipal law, traffic enforcement officer, traf-
13 fic enforcement agent, highway worker as defined in section one hundred
14 eighteen-a of the vehicle and traffic law, motor vehicle inspector and
15 motor carrier investigator as defined in section one hundred eighteen-b
16 of the vehicle and traffic law, employee of the New York state depart-
17 ment of motor vehicles or a county clerk performing motor vehicle trans-
18 actions on behalf of such department, prosecutor as defined in subdivi-
19 sion thirty-one of section 1.20 of the criminal procedure law,
20 registered nurse, licensed practical nurse, public health sanitarian,
21 New York city public health sanitarian, sanitation enforcement agent,
22 New York city sanitation worker, emergency medical service paramedic, or
23 emergency medical service technician, while such employee is performing
24 an assigned duty on, or directly related to, the operation of a train or
25 bus, including the cleaning of a train or bus station or terminal, or
26 such city marshal, school crossing guard, traffic enforcement officer,
27 traffic enforcement agent, highway worker as defined by section one
28 hundred eighteen-a of the vehicle and traffic law, motor vehicle inspec-
29 tor and motor carrier investigator as defined in section one hundred
30 eighteen-b of the vehicle and traffic law, employee of the New York
31 state department of motor vehicles or a county clerk performing motor
32 vehicle transactions on behalf of such department, prosecutor as defined
33 in subdivision thirty-one of section 1.20 of the criminal procedure law,
34 registered nurse, licensed practical nurse, public health sanitarian,
35 New York city public health sanitarian, sanitation enforcement agent,
36 New York city sanitation worker, emergency medical service paramedic, or
37 emergency medical service technician is performing an assigned duty; or
38 § 2. The penal law is amended by adding a new section 120.19 to read
39 as follows:

40 § 120.19 Menacing a highway worker.

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

47 Menacing a highway worker is a class E felony.

48 § 3. The vehicle and traffic law is amended by adding two new sections
49 118-a and 118-b to read as follows:

50 § 118-a. Highway worker. Any person employed by or on behalf of the
51 state, a county, city, town or village, a public authority, a local
52 authority, or a public utility company, or the agent or contractor of
53 any such entity, who has been assigned to perform work on a highway,
54 including maintenance, repair, flagging, utility work, construction,
55 reconstruction or operation of equipment on public highway infrastruc-
56 ture and associated rights-of-way in highway work areas, and shall also

1 include any flagperson as defined in section one hundred fifteen-b of
2 this article.

3 § 118-b. Motor vehicle inspector and motor carrier investigator. Any
4 person employed by the New York state department of transportation who
5 has been assigned to perform inspections of any motor vehicles or inves-
6 tigation of any carriers regulated by the commissioner of the New York
7 state department of transportation.

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

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

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

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

29 § 5. The vehicle and traffic law is amended by adding a new section
30 1221-a to read as follows:

31 § 1221-a. Intrusion into an active work zone. 1. No driver of a vehi-
32 cle shall enter or intrude into an active work zone except upon direc-
33 tion from a flagperson, police officer, or other visibly designated
34 person in charge of traffic control or upon direction from a traffic
35 control device regulating entry therein. For purposes of this section,
36 the term "active work zone" shall mean the physical area of a highway,
37 street, or private road on which construction, maintenance, or utility
38 work is being conducted, which area is marked by signs, channeling
39 devices, barriers, pavement markings, or work vehicles, and where work-
40 ers are physically present.

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

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

48 SUBPART B

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

51 4. Any person operating a motor vehicle involved in an accident not
52 involving personal injury or death who moves such vehicle to a location
53 off the roadway but as near as possible to the place where the damage
54 occurred, so as not to obstruct the regular flow of traffic, shall not

1 be construed to be in violation of subdivision one of this section
2 because of such movement.

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

5 2. The commissioner [~~of transportation~~], a police officer, or any
6 person acting at the direction of the commissioner or a police officer
7 shall have the power to cause the immediate removal, from the right of
8 way of any state highway, of any vehicle, cargo, or debris which
9 obstructs or interferes with the use of such a highway for public trav-
10 el; or which obstructs or interferes with the construction, recon-
11 struction or maintenance of such a highway; or which obstructs or inter-
12 feres with the clearing or removal of snow or ice from such a highway;
13 or which obstructs or interferes with any operation of the department of
14 transportation during a public emergency. The commissioner, or a police
15 officer, or any person acting at the direction of the commissioner or a
16 police officer, shall not be liable for any damage to such vehicle,
17 cargo, or debris, unless such removal was carried out in a reckless or
18 grossly negligent manner.

19 § 3. This act shall take effect immediately.

20 SUBPART C

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

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

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

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

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

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

53 § 4. This act shall take effect on the one hundred eightieth day after
54 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

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

4 § 359-a. Procurement contracts. For the purposes of section twenty-
5 eight hundred seventy-nine of this chapter as applied to the authority,
6 the term "procurement contract" shall mean any written agreement for the
7 acquisition of goods or services of any kind by the authority in the
8 actual or estimated amount of [~~fifteen~~] fifty thousand dollars or more.

9 § 2. This act shall take effect immediately.

10 PART E

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

13 3. With intent to obtain railroad, subway, bus, air, taxi or any other
14 public transportation service or to use any toll highway, parkway, road,
15 bridge or tunnel or to enter or remain in the tolled central business
16 district described in section seventeen hundred four of the vehicle and
17 traffic law without payment of the lawful charge or toll therefor, or to
18 avoid payment of the lawful charge or toll for such transportation
19 service which has been rendered to him or her or for such use of any
20 toll highway, parkway, road, bridge or tunnel or for such entering or
21 remaining in such tolled central business district, he or she obtains or
22 attempts to obtain such service or to use any toll highway, parkway,
23 road, bridge or tunnel or to enter or remain in a tolled central busi-
24 ness district or avoids or attempts to avoid payment therefor by force,
25 intimidation, stealth, deception or mechanical tampering, or by unjusti-
26 fiable failure or refusal to pay; or

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

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

41 (c) It shall be unlawful for any person to operate, drive or park a
42 motor vehicle on a toll highway, bridge and/or tunnel facility or enter
43 or remain in the tolled central business district described in section
44 seventeen hundred four of this chapter, under the jurisdiction of the
45 tolling authority, if such number plate is not easily readable, nor
46 shall any number plate be covered by glass or any plastic material, and
47 shall not be knowingly covered or coated with any artificial or synthet-
48 ic material or substance that conceals or obscures such number plates,
49 or that distorts a recorded or photographic image of such number plates,
50 and the view of such number plates shall not be obstructed by any part
51 of the vehicle or by anything carried thereon, except for a receiver-
52 transmitter issued by a publicly owned tolling authority in connection
53 with electronic toll collection when such receiver-transmitter is
54 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

1 of the length of the period over which the services are rendered unless
2 such a contract is awarded to the lowest responsible bidder after
3 obtaining [~~sealed~~] bids and (ii) the board of the authority may by
4 resolution adopt guidelines that authorize the award of contracts to
5 small business concerns, to service disabled veteran owned businesses
6 certified pursuant to article seventeen-B of the executive law, or
7 minority or women-owned business enterprises certified pursuant to arti-
8 cle fifteen-A of the executive law, or purchases of goods or technology
9 that are recycled or remanufactured, in an amount not to exceed one
10 million dollars without a formal competitive process and without further
11 board approval. The board of the authority shall adopt guidelines which
12 shall be made publicly available for the awarding of such contract with-
13 out a formal competitive process.

14 § 3. Paragraphs (a) and (b) of subdivision 8 of section 1209 of the
15 public authorities law, paragraph (a) as amended by chapter 725 of the
16 laws of 1993 and paragraph (b) as added by chapter 929 of the laws of
17 1986, are amended to read as follows:

18 (a) Advertisement for bids, when required by this section, shall be
19 published at least once in [~~a newspaper of general circulation in the~~
20 ~~area served by the authority and in~~] the procurement opportunities news-
21 letter published pursuant to article four-C of the economic development
22 law provided that, notwithstanding the provisions of article four-C of
23 the economic development law, an advertisement shall only be required
24 when required by this section. Publication in [~~a newspaper of general~~
25 ~~circulation in the area served or in~~] the procurement opportunities
26 newsletter shall not be required if bids for contracts for supplies,
27 materials or equipment are of a type regularly purchased by the authori-
28 ty and are to be solicited from a list of potential suppliers, if such
29 list is or has been developed consistent with the provisions of subdivi-
30 sion eleven of this section. Any such advertisement shall contain a
31 statement of: (i) the time [~~and place where~~] by which bids received
32 pursuant to any notice requesting [~~sealed~~] bids [~~will be publicly opened~~
33 ~~and read~~] shall be submitted; (ii) the name of the contracting agency;
34 (iii) the contract identification number; (iv) a brief description of
35 the public work, supplies, materials, or equipment sought, the location
36 where work is to be performed, goods are to be delivered or services
37 provided and the contract term; (v) the [~~address where~~] manner in which
38 bids or proposals are to be submitted; (vi) the date when bids or
39 proposals are due; (vii) a description of any eligibility or qualifica-
40 tion requirement or preference; (viii) a statement as to whether the
41 contract requirements may be fulfilled by a subcontracting, joint
42 venture, or co-production arrangement; (ix) any other information deemed
43 useful to potential contractors; and (x) the name, address, and tele-
44 phone number of the person to be contacted for additional information.
45 At least [~~fifteen~~] ten business days shall elapse between the first
46 publication of such advertisement or the solicitation of bids, as the
47 case may be, and the date of opening and reading of bids.

48 (b) The authority may designate any officer or employee to [~~open the~~
49 ~~bids at the time and place bids are to be opened and may designate an~~
50 ~~officer to~~] award the contract to the lowest responsible bidder. [~~Such~~
51 ~~designee shall make a record of all bids in such form and detail as the~~
52 ~~authority shall prescribe.~~] All bids [~~received~~] shall be received either
53 through an electronic bidding platform and electronically posted for
54 public view, or publicly opened and read, in either case at the time
55 [~~and~~], place and in the manner specified in the advertisement or speci-
56 fied 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 authority shall accept sole responsibility for any payment due the vendor as a result of the authority's order; or

§ 5. The opening paragraph of subdivision 9 of section 1209 of the public authorities law is amended to read as follows: 9. Notwithstanding the foregoing, the authority may, by resolution approved by a two-thirds vote of its members then in office or by a majority vote of its members with respect to contracts proposed to be let pursuant to paragraph (a) of this subdivision, declare that competitive bidding is impractical or inappropriate because of the existence of any of the circumstances hereinafter set forth and thereafter the authority may proceed to award contracts without complying with the requirements of subdivision seven or eight of this section~~[-]~~ provided that for any design-build contract to be awarded pursuant to paragraph (f) of this subdivision no such prior declaration that competitive bidding is impractical or inappropriate shall be required. In each case where the authority declares competitive bidding impractical or inappropriate, it shall state the reason therefor in writing and summarize any negotiations that have been conducted. Except for contracts awarded pursuant to paragraphs (a), (b), (c) and (e) of this subdivision, the authority shall not award any contract pursuant to this subdivision earlier than thirty days from the date on which the authority declares that competitive bidding is impractical or inappropriate. Competitive bidding may only be declared impractical or inappropriate where:

§ 6. 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 author-

ity may dispense with advertising provided that it mails copies of the invitation to bid to all vendors of the particular item on the qualified products list.

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

§ 8. 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.

§ 9. 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.

§ 10. 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

1 item thereby would be in the public interest and sets forth the reasons
2 for such determination. The authority shall accept sole responsibility
3 for any payment due the vendor as a result of the authority's order; or

4 § 11. The opening paragraph of subdivision 4 of section 1265-a of the
5 public authorities law is amended to read as follows:

6 4. Notwithstanding the foregoing, the authority may, by resolution
7 approved by a two-thirds vote of its members then in office or by major-
8 ity vote of its members with respect to contracts proposed to be let
9 pursuant to paragraph (a) of this subdivision declare, that competitive
10 bidding is impractical or inappropriate because of the existence of any
11 of the circumstances hereinafter set forth and thereafter the authority
12 may proceed to award contracts without complying with the requirements
13 of subdivision seven or eight of this section~~[-]~~ provided that for any
14 design-build contract to be awarded pursuant to paragraph (f) of this
15 subdivision no such prior declaration that competitive bidding is
16 impractical or inappropriate shall be required. In each case where the
17 authority declares competitive bidding impractical or inappropriate, it
18 shall state the reason therefor in writing and summarize any negoti-
19 ations that have been conducted. Except for contracts awarded pursuant
20 to paragraphs (a), (b), (c) and (e) of this subdivision, the authority
21 shall not award any contract pursuant to this subdivision earlier than
22 thirty days from the date on which the authority declares that compet-
23 itive bidding is impractical or inappropriate. Competitive bidding may
24 only be declared impractical or inappropriate where:

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

28 5. Upon the adoption of a resolution by the authority stating, for
29 reasons of efficiency, economy, compatibility or maintenance reliabil-
30 ity, that there is a need for standardization, the authority may estab-
31 lish procedures whereby particular supplies, materials or equipment are
32 identified on a qualified products list. Such procedures shall provide
33 for products or vendors to be added to or deleted from such list and
34 shall include provisions for public advertisement of the manner in which
35 such lists are compiled. The authority shall review such list no less
36 than ~~[twice]~~ once a year for the purpose of making such modifications.
37 Contracts for particular supplies, materials or equipment identified on
38 a qualified products list may be awarded by the authority to the lowest
39 responsible bidder after obtaining ~~[sealed]~~ bids in accordance with this
40 section or without competitive ~~[sealed]~~ bids in instances when the item
41 is available from only a single source, except that the authority may
42 dispense with advertising provided that it mails copies of the invita-
43 tion to bid to all vendors of the particular item on the qualified
44 products list.

45 § 13. Section 15 of part 00 of chapter 54 of the laws of 2016, amend-
46 ing the public authorities law relating to procurements by the New York
47 City transit authority and the metropolitan transportation authority, is
48 amended to read as follows:

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

51 § 15. This act shall take effect immediately.

52 PART G

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

1 12-b. Whenever in connection with the improvement, construction,
2 reconstruction or rehabilitation of a transportation facility or a tran-
3 sit facility the authority determines that the pipes, mains, conduits or
4 other infrastructure of any public service corporation and any fixtures
5 and appliances connected therewith or attached thereto shall be removed,
6 relocated or otherwise protected or replaced, either temporarily or
7 permanently, hereinafter referred to as "the required utility work", the
8 following provisions shall apply:

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

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

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

35 12-c. Whenever in connection with the improvement, construction,
36 reconstruction or rehabilitation of a transportation facility or transit
37 facility the authority determines that the water or sewer infrastruc-
38 ture, including pipes or mains, street lighting, traffic signal systems,
39 emergency call boxes and associated infrastructure of the city of New
40 York and any fixtures and appliances connected therewith or attached
41 thereto must be removed, relocated, or otherwise protected or replaced,
42 either temporarily or permanently, hereinafter referred to as "the
43 required city work", the following provisions shall apply:

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

49 (b) The authority shall pay the cost of the required city work and the
50 cost of upgrading the water or sewer infrastructure to comply with the
51 current standards of the city of New York for materials and capacity as
52 determined by the current service being provided; provided, however,
53 that the city of New York shall not demand that the authority provide
54 for anticipated future service increases or any other betterments with-
55 out 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 any work either by itself directly or by another for its benefit 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 for the benefit of and 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 or otherwise.

§ 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, 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, commuter rail tracks or stations, train yard, revenue train in passenger service, bus while on the road, or a train or bus station or terminal; or a supervisor of such personnel, employed by any transit or commuter railroad agency, authority or company, public or private, whose operation is authorized by New York state or any of its political subdi-

visions, 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, 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, commuter rail tracks or stations, train yard, revenue train in passenger service, bus while on the road, 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, assisting customers, the sale or collection of tickets, passes, vouchers, or other fare media for use on a train or bus, or maintenance of a train or bus station or terminal, signal system, elevated or underground subway tracks, transit station structure, commuter rail tracks or stations, train yard, revenue train in passenger service or bus while on the road, 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, commuter rail tracks or stations, train yard, revenue train in passenger service, bus while on the road, or train or bus station or terminal, or a supervisor of such personnel, employed by any transit or commuter railroad agency, authori-

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

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

5 PART J

6 Section 1. Section 2 of chapter 393 of the laws of 1994, amending the
7 New York state urban development corporation act, relating to the powers
8 of the New York state urban development corporation to make loans, as
9 amended by section 1 of part FF of chapter 58 of the laws of 2020, is
10 amended to read as follows:

11 § 2. This act shall take effect immediately provided, however, that
12 section one of this act shall expire on July 1, [~~2021~~] 2024, at which
13 time the provisions of subdivision 26 of section 5 of the New York state
14 urban development corporation act shall be deemed repealed; provided,
15 however, that neither the expiration nor the repeal of such subdivision
16 as provided for herein shall be deemed to affect or impair in any manner
17 any loan made pursuant to the authority of such subdivision prior to
18 such expiration and repeal.

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

21 PART K

22 Section 1. Subdivision 3 of section 16-m of section 1 of chapter 174
23 of the laws of 1968 constituting the New York state urban development
24 corporation act, as amended by section 1 of part EE of chapter 58 of the
25 laws of 2020, is amended to read as follows:

26 3. The provisions of this section shall expire, notwithstanding any
27 inconsistent provision of subdivision 4 of section 469 of chapter 309 of
28 the laws of 1996 or of any other law, on July 1, [~~2021~~] 2024.

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

31 PART L

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

34 § 277-a. Section 1 1. Legislative intent. The Legislature finds and
35 declares all of the following:

36 a. On March 7, 2020, Governor Andrew Cuomo proclaimed a state of emer-
37 gency in response to the Coronavirus disease (COVID-19) pandemic. Meas-
38 ures necessary to contain the spread of COVID-19 have brought about
39 widespread economic and societal disruption, placing the state of New
40 York in unprecedented circumstances.

41 b. COVID 19 exacerbated the pre-existing imbalance of supply and
42 demand for commercial real estate and hotels in certain geographies in
43 New York City. Many office spaces and hotel units are underutilized and
44 vacant.

45 c. Legislation is necessary to allow for the conversion of certain
46 commercial real estate and hotels within specified boundaries into resi-
47 dential housing. Converting office buildings and hotels into residential
48 units will increase housing supply and thereby relieve pressure on the
49 housing market and reduce rental prices. The conversion will also

1 provide needed affordable and supportive housing within central
2 locations and near public transit.

3 d. The conversion of commercial real estate and hotels will spur the
4 creation of jobs in the construction and other industries and aid in
5 remedying the harms to the economy caused by COVID 19. The creation of
6 residential-work neighborhoods will provide long term economic benefits
7 by bolstering local businesses that serve the communities. Temporary
8 rules upon legislative finding of special state interest. 2. Application
9 of rule. This section shall apply to building permits lawfully issued,
10 or for which a completed application has been filed as defined by local
11 law, on or before December thirty-first, two thousand twenty-four.

12 3. Any building or portion of a building erected prior to December
13 thirty-first, two thousand twenty may be converted to a class A multiple
14 dwelling subject to the provisions of section 277, except that subpara-
15 graph F of subparagraph (i) of paragraph (b) of subdivision 7 of such
16 section shall be modified to provide that any yards or courts onto which
17 a window opens pursuant to such subparagraph (i) may be existing or new
18 in a buildings of any height, without regard to any other provisions of
19 this chapter, other state law or any provisions of the zoning resolution
20 of the city of New York to the contrary, but subject, however to the
21 provisions of subdivision 4 and 5 of this section 277-a.

22 4. Class B multiple dwellings. The provisions of this section shall
23 apply to any conversion of or alteration or improvement to any class B
24 multiple dwelling operating as a hotel that prior to the date of enact-
25 ment of this section was already permitted by this Article and applica-
26 ble local law to be occupied for residential purposes in compliance with
27 the standards of section 277. Further, the provisions of this section
28 shall only apply to hotels: (a) comprising fewer than one hundred fifty
29 rooms; (b) located on tax lots in the city of New York already existing
30 or created upon the effective date of this section, in any borough
31 outside of Manhattan, or within Manhattan excluding the following area
32 in the borough of Manhattan, beginning at the intersection of the United
33 States pierhead line in the Hudson river and the center line of Chambers
34 street extended, thence easterly to the center line of Chambers street
35 and continuing along the center line of Chambers street to the center
36 line of Centre street, thence southerly along the center line of Centre
37 street to the center line of the Brooklyn Bridge to the intersection of
38 the Brooklyn Bridge and the United States pierhead line in the East
39 river, thence northerly along the United States pierhead line in the
40 East river to the intersection of the United States pierhead line in the
41 East river and the center line of One Hundred Tenth street extended,
42 thence westerly to the center line of One Hundred Tenth street and
43 continuing along the center line of One Hundred Tenth street to its
44 westerly terminus, thence westerly to the intersection of the center
45 line of One Hundred Tenth street extended and the United States pierhead
46 line in the Hudson river, thence southerly along the United States pier-
47 head line in the Hudson river to the point of beginning; and (c) which,
48 upon conversion or alteration or improvement such new use is either
49 subject to an agreement with (i) the division of housing and community
50 renewal to provide a minimum of twenty -five percent of such housing
51 units as affordable housing, or (ii) with any state or city agency to
52 provide housing and supportive services for any population.

53 5. Commercial office buildings. The provisions of this section shall
54 apply to any conversion of or alteration or improvement to any commer-
55 cial office building that prior to the date of enactment of this section
56 was already permitted by this Article and applicable local law to be

1 occupied for residential purposes in compliance with the standards of
2 Section 277. Further, this section shall only apply to commercial
3 office buildings or portion thereof (a) existing on January 1, 1980 with
4 a valid temporary certificate of occupancy or permanent certification of
5 occupancy; or (b) existing on December 31, 2020 with a valid temporary
6 certificate of occupancy or permanent certificate of occupancy, and that
7 is part of an estate administered pursuant to 11 U.S.C. Title 11 or
8 subject to receivership pursuant to CPLR section 6401(a); and (c) begin-
9 ning at a point at the intersection of the extension of the south line
10 of West 60th Street with the U.S. Pierhead Line on the east side of the
11 Hudson River and runs thence along the extension of the south line of
12 West 60th Street and along the south line of West 60th Street and along
13 the south line of East 60th Street and along the extension of the south
14 line of East 60th Street to the U.S. Pierhead Line on the west side of
15 the East River, thence along the U.S. Pierhead Line on the west side of
16 the East River southerly to its intersection with the U.S. Pierhead Line
17 on the east side of the Hudson River, thence in a northerly direction
18 along the U.S. Pierhead Line on the east side of the Hudson River to
19 the point of beginning; and (d) which, upon conversion or alteration or
20 improvement such new use is either subject to an agreement with: (i) the
21 division of housing and community renewal to provide a minimum of twen-
22 ty-five percent of such housing units created as affordable housing, or
23 (ii) with any state or city agency to provide housing and supportive
24 services for any population.

25 6. Notwithstanding any other provision of this chapter or other state
26 law to the contrary, no local zoning law ordinance, resolution or regu-
27 lation addressing the minimum light and air standards for joint living-
28 work quarters for artists or general residential portions of lofts or
29 manufacturing and commercial buildings altered to residential use shall,
30 except as set forth herein, limit the applicability of this article to:
31 (a) building erected prior to December thirty-first, two thousand twen-
32 ty; or (b) specific locations or districts within the municipality.
33 Notwithstanding any law, other local zoning law, ordinance, resolution,
34 or regulation to the contrary, the conversions described in this section
35 are hereby authorized and to the extent any law, ordinance, resolution
36 or regulation is or hereafter becomes inconsistent with the provision of
37 this Section, such law, ordinance, resolution or regulation is hereby
38 repealed pursuant to Section 365.

39 §2. Section 301 of the multiple dwelling law is amended by adding a
40 new paragraph 7 to read as follows:

41 Any certificate by the department authorizing occupancy of a dwelling
42 as a Class B hotel shall also authorize occupancy of units in such
43 dwelling for permanent residence purposes, where such units are subject
44 to an agreement with the division of housing and community renewal or a
45 state or city agency to provide housing and supportive services,
46 notwithstanding any provision of this chapter or of any state law, local
47 law, ordinance, resolution or regulation that would have: (i) prohibited
48 such occupancy, (ii) required a change or alteration to the dwelling or
49 (iii) required a new or amended certificate.

50 §3. The commissioner of the New York State division of housing and
51 community renewal may promulgate regulations and rules necessary to
52 effectuate this act. Such regulations may include the definition and
53 determination of affordable or supportive housing and the length of time
54 such housing needs to remain affordable or supportive.

55 § 4. This act shall take effect immediately and shall expire December
56 31, 2024 when upon such date the provisions of this act shall be deemed

1 repealed, provided however, that no variance shall be required to obtain
2 a certificate of occupancy if such building satisfied the provisions of
3 this act upon commencement, nor shall any other administrative action be
4 required upon completion should this provision have otherwise expired.

PART M

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

11 § 3. This act shall take effect on the ninetieth day after it shall
12 have become a law [~~and shall expire and be deemed repealed July 31,~~
13 ~~2021~~]; provided, however, that any assessment due and payable under such
14 marketing orders shall be remitted to the urban development corporation
15 starting 30 days after such effective date.

16 § 2. This act shall take effect immediately.

PART N

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

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

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

PART O

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

32 (d) Any designated [~~post-office~~] post office address to which the
33 secretary of state shall mail a copy of process served upon him or her
34 as agent of a domestic corporation or a foreign corporation, shall
35 continue until the filing of a certificate or other instrument under
36 this chapter directing the mailing to a different [~~post-office~~] post
37 office address and any designated email address to which the secretary
38 of state shall email notice of the fact that process has been electron-
39 ically served upon him or her as agent of a domestic corporation or
40 foreign corporation shall continue until the filing of a certificate or
41 other instrument under this chapter changing or deleting the email
42 address.

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

46 (1) Service of process on the secretary of state as agent of a domes-
47 tic or authorized foreign corporation shall be made [~~by personally~~] in
48 the manner provided by clause (i) or (ii) of this subparagraph. (i)
49 Personally delivering to and leaving with the secretary of state or a
50 deputy, or with any person authorized by the secretary of state to

1 receive such service, at the office of the department of state in the
2 city of Albany, duplicate copies of such process together with the stat-
3 utory fee, which fee shall be a taxable disbursement. Service of process
4 on such corporation shall be complete when the secretary of state is so
5 served. The secretary of state shall promptly send one of such copies by
6 certified mail, return receipt requested, to such corporation, at the
7 post office address, on file in the department of state, specified for
8 the purpose. If a domestic or authorized foreign corporation has no such
9 address on file in the department of state, the secretary of state shall
10 so mail such copy, in the case of a domestic corporation, in care of any
11 director named in its certificate of incorporation at the director's
12 address stated therein or, in the case of an authorized foreign corpo-
13 ration, to such corporation at the address of its office within this
14 state on file in the department. (ii) Electronically submitting a copy
15 of the process to the department of state together with the statutory
16 fee, which fee shall be a taxable disbursement, through an electronic
17 system operated by the department of state, provided the domestic or
18 authorized foreign corporation has an email address on file in the
19 department of state to which the secretary of state shall email a notice
20 of the fact that process has been served electronically on the secretary
21 of state. Service of process on such corporation shall be complete when
22 the secretary of state has reviewed and accepted service of such proc-
23 ess. The secretary of state shall promptly send a notice of the fact
24 that process has been served to such corporation at the email address on
25 file in the department of state, specified for the purpose and shall
26 make a copy of the process available to such corporation.

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

29 Service of such process upon the secretary of state shall be made [~~by~~
30 ~~personally~~] in the manner provided by subparagraph one or two of this
31 paragraph. (1) Personally delivering to and leaving with him or his
32 deputy, or with any person authorized by the secretary of state to
33 receive such service, at the office of the department of state in the
34 city of Albany, a copy of such process together with the statutory fee,
35 which fee shall be a taxable disbursement. (2) Electronically submitting
36 a copy of the process to the department of state together with the stat-
37 utory fee, which fee shall be a taxable disbursement, through an elec-
38 tronic system operated by the department of state. Such service shall be
39 sufficient if notice thereof and a copy of the process are:

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

42 (7) A designation of the secretary of state as agent of the corpo-
43 ration upon whom process against it may be served and the post office
44 address within or without this state to which the secretary of state
45 shall mail a copy of any process against it served upon him or her. The
46 corporation may include an email address to which the secretary of state
47 shall email a notice of the fact that process against it has been elec-
48 tronically served upon him or her.

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

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

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

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

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

7 (b) A certificate of change which changes only the post office address
8 to which the secretary of state shall mail a copy of any process against
9 a corporation served upon him or her, and/or the email address to which
10 the secretary of state shall email a notice of the fact that process
11 against it has been electronically served upon the secretary of state
12 and/or the address of the registered agent, provided such address being
13 changed is the address of a person, partnership or other corporation
14 whose address, as agent, is the address to be changed, and/or the email
15 address being changed is the email address of a person, partnership or
16 corporation whose email address, as agent, is the email address to be
17 changed, or who has been designated as registered agent for such corpo-
18 ration, may be signed[~~, verified~~] and delivered to the department of
19 state by such agent. The certificate of change shall set forth the
20 statements required under subparagraphs (a) (1), (2) and (3) of this
21 section; that a notice of the proposed change was mailed to the corpo-
22 ration by the party signing the certificate not less than thirty days
23 prior to the date of delivery to the department and that such corpo-
24 ration has not objected thereto; and that the party signing the certif-
25 icate is the agent of such corporation to whose address the secretary of
26 state is required to mail copies of process [~~ex~~], and/or the agent of
27 the corporation to whose email address the secretary of state is
28 required to mail a notice of the fact that process against it has been
29 electronically served upon the secretary of state, and/or the registered
30 agent, if such be the case. A certificate signed[~~, verified~~] and deliv-
31 ered under this paragraph shall not be deemed to effect a change of
32 location of the office of the corporation in whose behalf such certif-
33 icate is filed.

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

37 (8) If the surviving or resulting entity is a foreign corporation or
38 other business entity, a designation of the secretary of state as its
39 agent upon whom process against it may be served in the manner set forth
40 in paragraph (b) of section three hundred six of this chapter, in any
41 action or special proceeding, and a post office address, within or with-
42 out this state, to which the secretary of state shall mail a copy of any
43 process against it served upon him or her. The corporation may include
44 an email address to which the secretary of state shall email a notice of
45 the fact that process against it has been electronically served upon him
46 or her. Such post office address shall supersede any prior address
47 designated as the address to which process shall be mailed and such
48 email address shall supersede any prior email address designated as the
49 email address to which a notice shall be sent;

50 § 9. Clause (G) of subparagraph 2 of paragraph (e) of section 907 of
51 the business corporation law, as amended by chapter 494 of the laws of
52 1997, is amended to read as follows:

53 (G) A designation of the secretary of state as its agent upon whom
54 process against it may be served in the manner set forth in paragraph
55 (b) of section 306 (Service of process), in any action or special
56 proceeding, and a post office address, within or without this state, to

1 which the secretary of state shall mail a copy of any process against it
2 served upon him or her. The corporation may include an email address to
3 which the secretary of state shall email a notice of the fact that proc-
4 ess against it has been electronically served upon him or her. Such
5 post office address shall supersede any prior address designated as the
6 address to which process shall be mailed and such email address shall
7 supersede any prior email address designated as the email address to
8 which a notice shall be sent.

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

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

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

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

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

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

31 (c) A certificate of change of application for authority which changes
32 only the post office address to which the secretary of state shall mail
33 a copy of any process against an authorized foreign corporation served
34 upon him or her, and/or the email address to which the secretary of
35 state shall email a notice of the fact that process against it has been
36 electronically served upon the secretary of state and/or which changes
37 the address of its registered agent, provided such address is the
38 address of a person, partnership or other corporation whose address, as
39 agent, is the address to be changed [~~or~~], and/or the email address being
40 changed is the email address of a person, partnership or corporation
41 whose email address, as agent, is the email address to be changed,
42 and/or who has been designated as registered agent for such authorized
43 foreign corporation, may be signed and delivered to the department of
44 state by such agent. The certificate of change of application for
45 authority shall set forth the statements required under subparagraphs
46 (1), (2), (3) and (4) of paragraph (b) of this section; that a notice of
47 the proposed change was mailed by the party signing the certificate to
48 the authorized foreign corporation not less than thirty days prior to
49 the date of delivery to the department and that such corporation has not
50 objected thereto; and that the party signing the certificate is the
51 agent of such foreign corporation to whose address the secretary of
52 state is required to mail copies of process [~~or~~], and/or the agent of
53 such foreign corporation to whose email address the secretary of state
54 is required to mail a notice of the fact that process against it has
55 been electronically served on the secretary of state and/or the regis-
56 tered agent, if such be the case. A certificate signed and delivered

1 under this paragraph shall not be deemed to effect a change of location
2 of the office of the corporation in whose behalf such certificate is
3 filed.

4 § 13. Subparagraph 6 of paragraph (a) and paragraph (d) of section
5 1310 of the business corporation law, the opening paragraph of paragraph
6 (d) as amended by chapter 172 of the laws of 1999, are amended to read
7 as follows:

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

13 (d) The post office address and/or the email address specified under
14 subparagraph (6) of paragraph (a) of this section may be changed. A
15 certificate, entitled "Certificate of amendment of certificate of
16 surrender of authority of (name of corporation) under section
17 1310 of the Business Corporation Law", shall be signed as provided in
18 paragraph (a) of this section and delivered to the department of state.
19 It shall set forth:

20 (1) The name of the foreign corporation.

21 (2) The jurisdiction of its incorporation.

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

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

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

31 § 1311. Termination of existence.

32 When an authorized foreign corporation is dissolved or its authority
33 or existence is otherwise terminated or cancelled in the jurisdiction of
34 its incorporation or when such foreign corporation is merged into or
35 consolidated with another foreign corporation, a certificate of the
36 secretary of state, or official performing the equivalent function as to
37 corporate records, of the jurisdiction of incorporation of such foreign
38 corporation attesting to the occurrence of any such event or a certified
39 copy of an order or decree of a court of such jurisdiction directing the
40 dissolution of such foreign corporation, the termination of its exist-
41 ence or the cancellation of its authority shall be delivered to the
42 department of state. The filing of the certificate, order or decree
43 shall have the same effect as the filing of a certificate of surrender
44 of authority under section 1310 (Surrender of authority). The secretary
45 of state shall continue as agent of the foreign corporation upon whom
46 process against it may be served in the manner set forth in paragraph
47 (b) of section 306 (Service of process), in any action or special
48 proceeding based upon any liability or obligation incurred by the
49 foreign corporation within this state prior to the filing of such
50 certificate, order or decree and he or she shall promptly cause a copy
51 of any such process to be mailed by [~~registered~~] certified mail, return
52 receipt requested, to such foreign corporation at the post office
53 address on file in his or her office specified for such purpose or a
54 notice of the fact that process against such foreign corporation has
55 been served on him or her to be emailed to the foreign corporation at
56 the email address on file in his or her office specified for such

1 purpose. The post office address and/or email address may be changed by
2 signing and delivering to the department of state a certificate of
3 change setting forth the statements required under section 1309-A
4 (Certificate of change; contents) to effect a change in the post office
5 address and/or email address under subparagraph (a) [~~(4)~~] (7) or (10) of
6 section 1308 (Amendments or changes).

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

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

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

25 (b) its principal place of business

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

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

36 § 16. Section 19 of the general associations law, as amended by chap-
37 ter 166 of the laws of 1991, is amended to read as follows:

38 § 19. Service of process. Service of process against an association
39 upon the secretary of state shall be made [~~by personally~~] in the manner
40 provided by subdivision one or two of this section. (1) Personally
41 delivering to and leaving with him [~~or a deputy secretary of state or an~~
42 ~~associate attorney, senior attorney or attorney in the corporation divi-~~
43 ~~sion of the department of state~~] or her or with a person authorized by
44 the secretary of state to receive such service, duplicate copies of such
45 process at the office of the department of state in the city of Albany.
46 At the time of such service the plaintiff shall pay a fee of forty
47 dollars to the secretary of state which shall be a taxable disbursement.
48 [~~If the cost of registered mail for transmitting a copy of the process~~
49 ~~shall exceed two dollars, an additional fee equal to such excess shall~~
50 ~~be paid at the time of the service of such process.~~] The secretary of
51 state shall [~~forthwith~~] promptly send by [~~registered~~] certified mail one
52 of such copies to the association at the address fixed for that purpose,
53 as herein provided. (2) Electronically submitting a copy of the process
54 to the department of state together with the statutory fee, which fee
55 shall be a taxable disbursement, through an electronic system operated
56 by the department of state, provided the association has an email

1 address on file in the department of state to which the secretary of
2 state shall email a notice of the fact that process has been served
3 electronically on the secretary of state. Service of process on such
4 association shall be complete when the secretary of state has reviewed
5 and accepted service of such process. The secretary of state shall
6 promptly send a notice of the fact that process against such association
7 has been served electronically upon him or her, to such association at
8 the email address on file in the department of state, specified for the
9 purpose and shall make a copy of the process available to such associ-
10 ation. If the action or proceeding is instituted in a court of limited
11 jurisdiction, service of process may be made in the manner provided in
12 this section if the cause of action arose within the territorial juris-
13 diction of the court and the office of the defendant, as set forth in
14 its statement filed pursuant to section eighteen of this chapter, is
15 within such territorial jurisdiction.

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

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

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

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

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

35 § 211-A. Certificate of change. (a) A limited liability company may
36 amend its articles of organization from time to time to (i) specify or
37 change the location of the limited liability company's office; (ii)
38 specify or change the post office address to which the secretary of
39 state shall mail a copy of any process against the limited liability
40 company served upon him or her; ~~and~~ (iii) specify, change or delete
41 the email address to which the secretary of state shall email a notice
42 of the fact that process against the limited liability company has been
43 electronically served upon him or her; and (iv) make, revoke or change
44 the designation of a registered agent, or specify or change the address
45 of the registered agent. Any one or more such changes may be accom-
46 plished by filing a certificate of change which shall be entitled
47 "Certificate of Change of (name of limited liability company)
48 under section 211-A of the Limited Liability Company Law" and shall be
49 signed and delivered to the department of state. It shall set forth:

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

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

54 (3) each change effected thereby.

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

1 a limited liability company served upon him or her, and/or the email
2 address to which the secretary of state shall email a notice of the fact
3 that process against it has been electronically served upon the secre-
4 tary of state and/or the address of the registered agent, provided such
5 address being changed, and/or the email address being changed is the
6 email address of a person, partnership or other corporation whose email
7 address, as agent, is the email address to be changed, is the address of
8 a person, partnership or corporation whose address, as agent, is the
9 address to be changed or who has been designated as registered agent for
10 such limited liability company may be signed and delivered to the
11 department of state by such agent. The certificate of change shall set
12 forth the statements required under subdivision (a) of this section;
13 that a notice of the proposed change was mailed to the domestic limited
14 liability company by the party signing the certificate not less than
15 thirty days prior to the date of delivery to the department of state and
16 that such domestic limited liability company has not objected thereto;
17 and that the party signing the certificate is the agent of such limited
18 liability company to whose address the secretary of state is required to
19 mail copies of process, and/or the agent of the limited liability compa-
20 ny to whose email address of the secretary of state is required to
21 email a notice of the fact that process against it has been electron-
22 ically served upon the secretary of state, or the registered agent, if
23 such be the case. A certificate signed and delivered under this subdivi-
24 sion shall not be deemed to effect a change of location of the office of
25 the limited liability company in whose behalf such certificate is filed.

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

28 (c) Any designated post office address to which the secretary of state
29 shall mail a copy of process served upon him or her as agent of a domes-
30 tic limited liability company or a foreign limited liability company
31 shall continue until the filing of a certificate or other instrument
32 under this chapter directing the mailing to a different post office
33 address and any designated email address to which the secretary of state
34 shall email a notice of the fact that process has been electronically
35 served upon him or her as agent of a domestic limited liability company
36 or foreign limited liability company, shall continue until the filing of
37 a certificate or other instrument under this chapter changing or delet-
38 ing such email address.

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

42 (a) Service of process on the secretary of state as agent of a domes-
43 tic limited liability company or authorized foreign limited liability
44 company shall be made ~~[by personally]~~ in the manner provided by para-
45 graph one or two of this subdivision. (1) Personally delivering to and
46 leaving with the secretary of state or his or her deputy, or with any
47 person authorized by the secretary of state to receive such service, at
48 the office of the department of state in the city of Albany, duplicate
49 copies of such process together with the statutory fee, which fee shall
50 be a taxable disbursement. Service of process on such limited liability
51 company shall be complete when the secretary of state is so served. The
52 secretary of state shall promptly send one of such copies by certified
53 mail, return receipt requested, to such limited liability company at the
54 post office address on file in the department of state specified for
55 that purpose. (2) Electronically submitting a copy of the process to the
56 department of state together with the statutory fee, which fee shall be

1 a taxable disbursement, through an electronic system operated by the
2 department of state, provided the domestic or authorized foreign limited
3 liability company has an email address on file in the department of
4 state to which the secretary of state shall email a notice of the fact
5 that process has been served electronically on the secretary of state.
6 Service of process on such limited liability company shall be complete
7 when the secretary of state has reviewed and accepted service of such
8 process. The secretary of state shall promptly send a notice of the fact
9 that process against such limited liability company has been served
10 electronically on him or her to such limited liability company at the
11 email address on file in the department of state, specified for the
12 purpose and shall make a copy of the process available to such limited
13 liability company.

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

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

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

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

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

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

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

40 § 804-A. Certificate of change. (a) A foreign limited liability compa-
41 ny may amend its application for authority from time to time to (i)
42 specify or change the location of the limited liability company's
43 office; (ii) specify or change the post office address to which the
44 secretary of state shall mail a copy of any process against the limited
45 liability company served upon him or her; ~~[and]~~ (iii) specify, change or
46 delete the email address to which the secretary of state shall email a
47 notice of the fact that process against the limited liability company
48 has been electronically served upon him or her; and (iv) to make, revoke
49 or change the designation of a registered agent, or to specify or change
50 the address of a registered agent. Any one or more such changes may be
51 accomplished by filing a certificate of change which shall be entitled
52 "Certificate of Change of (name of limited liability company)
53 under section 804-A of the Limited Liability Company Law" and shall be
54 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

1 the certificate, order or decree shall have the same effect as the
2 filing of a certificate of surrender of authority under section eight
3 hundred six of this article. The secretary of state shall continue as
4 agent of the foreign limited liability company upon whom process against
5 it may be served in the manner set forth in article three of this chap-
6 ter, in any action or proceeding based upon any liability or obligation
7 incurred by the foreign limited liability company within this state
8 prior to the filing of such certificate, order or decree. The post
9 office address and/or email address may be changed by filing with the
10 department of state a certificate of amendment under section eight
11 hundred four of this article.

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

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

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

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

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

37 (d) Any designated post-office address to which the secretary of state
38 shall mail a copy of process served upon him or her as agent of a domes-
39 tic corporation formed under article four of this chapter or foreign
40 corporation, shall continue until the filing of a certificate or other
41 instrument under this chapter directing the mailing to a different post-
42 office address and any designated email address to which the secretary
43 of state shall email a notice of the fact that process has been elec-
44 tronically served upon him or her as agent of a domestic corporation or
45 foreign corporation, shall continue until the filing of a certificate or
46 other instrument under this chapter changing or deleting the email
47 address.

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

51 (b) Service of process on the secretary of state as agent of a domes-
52 tic corporation formed under article four of this chapter or an author-
53 ized foreign corporation shall be made [~~by personally~~] in the manner
54 provided by subparagraph one or two of this paragraph. (1) Personally
55 delivering to and leaving with the secretary of state or his or her
56 deputy, or with any person authorized by the secretary of state to

1 receive such service, at the office of the department of state in the
2 city of Albany, duplicate copies of such process together with the stat-
3 utory fee, which fee shall be a taxable disbursement. Service of process
4 on such corporation shall be complete when the secretary of state is so
5 served. The secretary of state shall promptly send one of such copies
6 by certified mail, return receipt requested, to such corporation, at the
7 post office address, on file in the department of state, specified for
8 the purpose. If a domestic corporation formed under article four of this
9 chapter or an authorized foreign corporation has no such address on file
10 in the department of state, the secretary of state shall so mail such
11 copy to such corporation at the address of its office within this state
12 on file in the department. (2) Electronically submitting a copy of the
13 process to the department of state together with the statutory fee,
14 which fee shall be a taxable disbursement, through an electronic system
15 operated by the department of state, provided the domestic or authorized
16 foreign corporation has an email address on file in the department of
17 state to which the secretary of state shall email a notice of the fact
18 that process has been served electronically on the secretary of state.
19 Service of process on such corporation shall be complete when the secre-
20 tary of state has reviewed and accepted service of such process. The
21 secretary of state shall promptly send a notice of the fact that process
22 against such corporation has been served electronically on him or her to
23 such corporation at the email address on file in the department of
24 state, specified for the purpose and shall make a copy of the process
25 available to such corporation.

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

28 (b) (1) Service of such process upon the secretary of state shall be
29 made [by personally] in the manner provided by items (i) or (ii) of this
30 subparagraph. (i) Personally delivering to and leaving with him or his
31 deputy, or with any person authorized by the secretary of state to
32 receive such service, at the office of the department of state in the
33 city of Albany, a copy of such process together with the statutory fee,
34 which fee shall be a taxable disbursement. [~~Such service~~] (ii) Electron-
35 ically submitting a copy of the process to the department of state
36 together with the statutory fee, which fee shall be a taxable disburse-
37 ment, through an electronic system operated by the department of state.

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

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

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

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

55 (6) A designation of the secretary of state as agent of the corpo-
56 ration upon whom process against it may be served and the post office

1 address within or without this state to which the secretary of state
2 shall mail a copy of any process against it served upon him or her. The
3 corporation may include an email address to which the secretary of state
4 shall email a notice of the fact that process against it has been elec-
5 tronically served upon him or her.

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

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

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

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

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

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

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

29 (b) A certificate of change which changes only the post office address
30 to which the secretary of state shall mail a copy of any process against
31 the corporation served upon him or her, and/or the email address to
32 which the secretary of state shall email a notice of the fact that proc-
33 ess against it has been electronically served upon the secretary of
34 state, and/or the address of the registered agent, provided such address
35 being changed is the address of a person, partnership or other corpo-
36 ration whose address, as agent, is the address to be changed ~~[or]~~,
37 and/or the email address being changed is the email address of a person,
38 partnership or other corporation, whose email address, as agent, is the
39 email address to be changed, and/or who has been designated as regis-
40 tered agent for such corporation, may be signed and delivered to the
41 department of state by such agent. The certificate of change shall set
42 forth the statements required under subparagraphs (1), (2) and (3) of
43 paragraph (a) of this section; that a notice of the proposed change was
44 mailed to the corporation by the party signing the certificate not less
45 than thirty days prior to the date of delivery to the department and
46 that such corporation has not objected thereto; and that the party sign-
47 ing the certificate is the agent of such corporation to whose address
48 the secretary of state is required to mail copies of any process against
49 the corporation served upon him or her, and/or the agent of the corpo-
50 ration to whose the email address the secretary of state is required to
51 email a notice of the fact that process against the corporation has been
52 electronically served upon him or her, and/or the registered agent, if
53 such be the case. A certificate signed and delivered under this para-
54 graph shall not be deemed to effect a change of location of the office
55 of the corporation in whose behalf such certificate is filed.

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

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

7 (c) A certificate of change of application for authority which changes
8 only the post office address to which the secretary of state shall mail
9 a copy of any process against an authorized foreign corporation served
10 upon him or her, the email address to which the secretary of state shall
11 email a notice of the fact that process against it has been electron-
12 ically served upon the secretary of state and/or which changes the
13 address of its registered agent, provided such address is the address of
14 a person, partnership or other corporation whose address, as agent, is
15 the address to be changed, and/or the email address being changed is the
16 email address of a person, partnership or other corporation whose email
17 address, as agent, is the email address to be changed, or who has been
18 designated as registered agent for such authorized foreign corporation,
19 may be signed and delivered to the department of state by such agent.
20 The certificate of change of application for authority shall set forth
21 the statements required under subparagraphs (1), (2), (3) and (4) of
22 paragraph (b) of this section; that a notice of the proposed change was
23 mailed by the party signing the certificate to the authorized foreign
24 corporation not less than thirty days prior to the date of delivery to
25 the department and that such corporation has not objected thereto; and
26 that the party signing the certificate is the agent of such foreign
27 corporation to whose address the secretary of state is required to mail
28 copies of process ~~[ex]~~, and/or the agent of such foreign corporation to
29 whose email address the secretary of state is required to email a notice
30 of the fact that process against it has been electronically served upon
31 the secretary of state, and/or the registered agent, if such be the
32 case. A certificate signed and delivered under this paragraph shall not
33 be deemed to effect a change of location of the office of the corpo-
34 ration in whose behalf such certificate is filed.

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

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

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

44 § 1312. Termination of existence.

45 When an authorized foreign corporation is dissolved or its authority
46 or existence is otherwise terminated or cancelled in the jurisdiction of
47 its incorporation or when such foreign corporation is merged into or
48 consolidated with another foreign corporation, a certificate of the
49 secretary of state, or official performing the equivalent function as to
50 corporate records, of the jurisdiction of incorporation of such foreign
51 corporation attesting to the occurrence of any such event or a certified
52 copy of an order or decree of a court of such jurisdiction directing the
53 dissolution of such foreign corporation, the termination of its exist-
54 ence or the cancellation of its authority shall be delivered to the
55 department of state. The filing of the certificate, order or decree
56 shall have the same effect as the filing of a certificate of surrender

1 of authority under section 1311 (Surrender of authority). The secretary
2 of state shall continue as agent of the foreign corporation upon whom
3 process against it may be served in the manner set forth in paragraph
4 (b) of section 306 (Service of process), in any action or special
5 proceeding based upon any liability or obligation incurred by the
6 foreign corporation within this state prior to the filing of such
7 certificate, order or decree and he shall promptly cause a copy of any
8 such process to be mailed by ~~[registered]~~ certified mail, return receipt
9 requested, to such foreign corporation at the post office address on
10 file in his or her office specified for such purpose or a notice of the
11 fact that process against the corporation has been served on him or her
12 to be emailed to the foreign corporation at the email address on file in
13 his or her office specified for such purpose. The post office address
14 and/or email address may be changed by signing and delivering to the
15 department of state a certificate of change setting forth the statements
16 required under section 1310 (Certificate of change[~~7~~]; contents) to
17 effect a change in the post office address and/or email address under
18 subparagraph (a) [~~(4)~~] (7) of section 1308 (Amendments or changes).

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

21 (c) Any designated post office address to which the secretary of state
22 shall mail a copy of process served upon him as agent of a domestic
23 limited partnership or foreign limited partnership shall continue until
24 the filing of a certificate or other instrument under this article
25 directing the mailing to a different post office address and any desig-
26 nated email address to which the secretary of state shall email a notice
27 of the fact that process against such domestic limited partnership or
28 foreign limited partnership has been electronically served upon him or
29 her as agent of a domestic limited partnership or foreign limited part-
30 nership, shall continue until the filing of a certificate or other
31 instrument under this chapter changing or deleting the email address.

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

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

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

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

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

50 (2) Electronically submitting a copy of the process to the department
51 of state together with the statutory fee, which fee shall be a taxable
52 disbursement, through an electronic system operated by the department of
53 state, provided the domestic or authorized foreign limited partnership
54 has an email address on file in the department of state to which the
55 secretary of state shall email a notice of the fact that process has
56 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

1 change the post office address to which the secretary of state shall
2 mail a copy of process against the limited partnership served upon him;
3 ~~[and]~~ (iii) specify, change or delete the email address to which the
4 secretary of state shall email a notice of the fact that process against
5 the limited partnership has been electronically served upon him or her;
6 and (iv) make, revoke or change the designation of a registered agent,
7 or to specify or change the address of its registered agent. It shall
8 set forth:

9 (b) A certificate of change which changes only the post office address
10 to which the secretary of state shall mail a copy of any process against
11 a limited partnership served upon him or her, the email address to
12 which the secretary of state shall email a notice of the fact that proc-
13 ess against it has been electronically served upon the secretary of
14 state, and/or the address of the registered agent, provided such address
15 being changed is the address of a person, partnership or corporation
16 whose address, as agent, is the address to be changed, and/or the email
17 address being changed is the email address of a person, partnership or
18 other corporation whose email address, as agent, is the email address to
19 be changed, or who has been designated as registered agent for such
20 limited partnership shall be signed and delivered to the department of
21 state by such agent. The certificate of change shall set forth the
22 statements required under subdivision (a) of this section; that a notice
23 of the proposed change was mailed to the domestic limited partnership by
24 the party signing the certificate not less than thirty days prior to the
25 date of delivery to the department of state and that such domestic
26 limited partnership has not objected thereto; and that the party signing
27 the certificate is the agent of such limited partnership to whose
28 address the secretary of state is required to mail copies of process
29 ~~[or]~~, and/or the agent to whose email address the secretary of state is
30 required to email a notice of the fact that process against it has been
31 electronically served upon the secretary of state, and/or the registered
32 agent, if such be the case. A certificate signed and delivered under
33 this subdivision shall not be deemed to effect a change of location of
34 the office of the limited partnership in whose behalf such certificate
35 is filed.

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

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

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

49 A foreign limited partnership may change its application for authority
50 by filing with the department of state a certificate of change entitled
51 "Certificate of Change of (name of limited partnership) under
52 Section 121-903-A of the Revised Limited Partnership Act" and shall be
53 signed and delivered to the department of state. A certificate of change
54 may (i) change the location of the limited partnership's office; (ii)
55 change the post office address to which the secretary of state shall
56 mail a copy of process against the limited partnership served upon him;

1 ~~[and]~~ (iii) specify, change or delete the email address to which the
2 secretary of state shall email a notice of the fact that process against
3 the limited partnership has been electronically served upon him or her;
4 and (iv) make, revoke or change the designation of a registered agent,
5 or to specify or change the address of its registered agent. It shall
6 set forth:

7 (b) A certificate of change which changes only the post office address
8 to which the secretary of state shall mail a copy of any process against
9 a foreign limited partnership served upon him or her, and/or the email
10 address to which the secretary of state shall email a notice of the fact
11 that process against it has been electronically served upon the secre-
12 tary of state, and/or the address of the registered agent, provided such
13 address being changed is the address of a person, partnership or corpo-
14 ration whose address, as agent, is the address to be changed, and/or the
15 email address being changed is the email address of a person, partner-
16 ship or other corporation whose email address, as agent, is the email
17 address to be changed, or who has been designated as registered agent
18 for such foreign limited partnership shall be signed and delivered to
19 the department of state by such agent. The certificate of change shall
20 set forth the statements required under subdivision (a) of this section;
21 that a notice of the proposed change was mailed to the foreign limited
22 partnership by the party signing the certificate not less than thirty
23 days prior to the date of delivery to the department of state and that
24 such foreign limited partnership has not objected thereto; and that the
25 party signing the certificate is the agent of such foreign limited part-
26 nership to whose address the secretary of state is required to mail
27 copies of process ~~[ex]~~, the email address of the party to whose email
28 address the secretary of state is required to mail a notice of the fact
29 that process against it has been electronically served upon the secre-
30 tary of state and/or the registered agent, if such be the case. A
31 certificate signed and delivered under this subdivision shall not be
32 deemed to effect a change of location of the office of the limited part-
33 nership in whose behalf such certificate is filed.

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

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

42 § 48. Section 121-906 of the partnership law, as amended by chapter
43 172 of the laws of 1999, is amended to read as follows:

44 § 121-906. Termination of existence. When a foreign limited partner-
45 ship which has received a certificate of authority is dissolved or its
46 authority to conduct its business or existence is otherwise terminated
47 or cancelled in the jurisdiction of its organization or when such
48 foreign limited partnership is merged into or consolidated with another
49 foreign limited partnership, (i) a certificate of the secretary of
50 state, or official performing the equivalent function as to limited
51 partnership records, in the jurisdiction of organization of such limited
52 partnership attesting to the occurrence of any such event, or (ii) a
53 certified copy of an order or decree of a court of such jurisdiction
54 directing the dissolution of such foreign limited partnership, the
55 termination of its existence or the surrender of its authority, shall be
56 delivered to the department of state. The filing of the certificate,

1 order or decree shall have the same effect as the filing of a certifi-
2 cate of surrender of authority under section 121-905 of this article.
3 The secretary of state shall continue as agent of the foreign limited
4 partnership upon whom process against it may be served in the manner set
5 forth in section 121-109 of this article, in any action or proceeding
6 based upon any liability or obligation incurred by the foreign limited
7 partnership within this state prior to the filing of such certificate,
8 order or decree. The post office address and/or email address may be
9 changed by filing with the department of state a certificate of amend-
10 ment under section 121-903 or a certificate of change under section
11 121-903-A of this article.

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

15 (7) A designation of the secretary of state as its agent upon whom
16 process against it may be served in the manner set forth in section
17 121-109 of this article in any action or special proceeding, and a post
18 office address, within or without this state, to which the secretary of
19 state shall mail a copy of any process served upon him or her. The
20 limited partnership may include an email address to which the secretary
21 of state shall email a notice of the fact that process against it has
22 been electronically served upon him or her. Such post office address or
23 email address shall supersede any prior address designated as the
24 address to which process shall be mailed or a notice emailed.

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

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

38 (j-1) A certificate of change which changes only the post office
39 address to which the secretary of state shall mail a copy of any process
40 against a registered limited liability partnership served upon him or
41 her, and/or the email address to which the secretary of state shall
42 email a notice of the fact that process against it has been electron-
43 ically served upon the secretary of state, and/or the address of the
44 registered agent, provided such address being changed is the address of
45 a person, partnership or corporation whose address, as agent, is the
46 address to be changed ~~[or]~~, and/or the email address being changed is
47 the email address of a person, partnership or other corporation whose
48 email address, as agent, is the email address to be changed, and/or who
49 has been designated as registered agent for such registered limited
50 liability partnership shall be signed and delivered to the department of
51 state by such agent. The certificate of change shall set forth: (i) the
52 name of the registered limited liability partnership and, if it has been
53 changed, the name under which it was originally filed with the depart-
54 ment of state; (ii) the date of filing of its initial registration or
55 notice statement; (iii) each change effected thereby; (iv) that a notice
56 of the proposed change was mailed to the limited liability partnership

1 by the party signing the certificate not less than thirty days prior to
2 the date of delivery to the department of state and that such limited
3 liability partnership has not objected thereto; and (v) that the party
4 signing the certificate is the agent of such limited liability partner-
5 ship to whose address the secretary of state is required to mail copies
6 of process [~~ex~~], and/or to whose email address the secretary of state is
7 required to mail a notice of the fact that process against it has been
8 electronically served upon the secretary of state, and/or the registered
9 agent, if such be the case. A certificate signed and delivered under
10 this subdivision shall not be deemed to effect a change of location of
11 the office of the limited liability partnership in whose behalf such
12 certificate is filed. The certificate of change shall be accompanied by
13 a fee of five dollars.

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

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

26 (i-1) A certificate of change which changes only the post office
27 address to which the secretary of state shall mail a copy of any process
28 against a New York registered foreign limited liability partnership
29 served upon him or her, and/or the email address to which the secretary
30 of state shall email a notice of the fact that process against it has
31 been electronically served upon the secretary of state, and/or the
32 address of the registered agent, provided such address being changed is
33 the address of a person, partnership or corporation whose address, as
34 agent, is the address to be changed [~~ex~~], and/or the email address being
35 changed is the email address of a person, partnership or other corpo-
36 ration whose email address, as agent, is the email address to be
37 changed, and/or who has been designated as registered agent of such
38 registered foreign limited liability partnership shall be signed and
39 delivered to the department of state by such agent. The certificate of
40 change shall set forth: (i) the name of the New York registered foreign
41 limited liability partnership; (ii) the date of filing of its initial
42 registration or notice statement; (iii) each change effected thereby;
43 (iv) that a notice of the proposed change was mailed to the limited
44 liability partnership by the party signing the certificate not less than
45 thirty days prior to the date of delivery to the department of state and
46 that such limited liability partnership has not objected thereto; and
47 (v) that the party signing the certificate is the agent of such limited
48 liability partnership to whose address the secretary of state is
49 required to mail copies of process [~~ex~~], and/or to whose email address
50 the secretary of state is required to mail a notice of the fact that
51 process against it has been electronically served upon the secretary of
52 state, and/or the registered agent, if such be the case. A certificate
53 signed and delivered under this subdivision shall not be deemed to
54 effect a change of location of the office of the limited liability part-
55 nership in whose behalf such certificate is filed. The certificate of
56 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

1 state shall promptly send one of such copies by certified mail, return
2 receipt requested, to such corporation or board of managers, at the post
3 office address, on file in the department of state, specified for such
4 purpose. (b) Electronically submitting a copy of the process to the
5 department of state together with the statutory fee, which fee shall be
6 a taxable disbursement, through an electronic system operated by the
7 department of state, provided the corporation or board of managers has
8 an email address on file in the department of state to which the secre-
9 tary of state shall email a notice of the fact that process against the
10 corporation or board of managers has been served electronically on the
11 secretary of state. Service of process on such corporation or board of
12 managers shall be complete when the secretary of state has reviewed and
13 accepted service of such process. The secretary of state shall promptly
14 send notice of the fact that process has been served electronically on
15 the secretary of state to such corporation or board of managers at the
16 email address on file in the department of state, specified for the
17 purpose and shall make a copy of the process available to such corpo-
18 ration or board of managers. Nothing in this subdivision shall affect
19 the right to serve process in any other manner permitted by law. The
20 corporation or board of managers shall also file with the secretary of
21 state the name and post office address within or without this state to
22 which the secretary of state shall mail a copy of any process against it
23 served upon the secretary of state and shall update the filing as neces-
24 sary.

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

26 PART P

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

29 § 142-b. Remote notarization. 1. Definitions. As used in this section,
30 the following terms have the following meanings:

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

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

41 (c) "Credential analysis" means a process or service which authenti-
42 cates a credential through review of public and proprietary data sourc-
43 es, and complies with the following criteria:

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

46 (ii) ensures that the credential passes an authenticity test, consist-
47 ent with sound commercial practices that:

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

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

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

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

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

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

8 (e) "Electronic record" means information evidencing any act, trans-
9 action, occurrence, event or other activity, produced or stored by elec-
10 tronic means and capable of being accurately reproduced in forms percep-
11 tible by human sensory capabilities.

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

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

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

21 (i) "Principal" means an individual:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

13 State of New York }ss.:

14 County of}

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

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

32 State of New York }ss.:

33 County of}

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

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

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

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

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

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

2 (3) Indicate the name of the principal;

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

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

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

6 3. The notary public must be able to verify the identity of the prin-
7 cipal at the time the notarial act is provided by one of the following
8 methods:

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

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

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

13 (ii) Credential analysis; and

14 (iii) Identity proofing of the principal; or

15 (c) Oath or affirmation of a credible witness who personally knows the
16 principal and who is either personally known to the notary public or who
17 is identified by the notary public under paragraph (b) of this subdivi-
18 sion.

19 4. The notary public may notarize the electronically transmitted copy
20 of the document and transmit the document back to the principal by mail,
21 or by fax or secure electronic means. If the notarized document is tran-
22 smitted to the principal by fax or secure electronic means, the notary
23 public shall promptly destroy the original after receiving confirmation
24 of the transmission. An electronically transmitted document notarized
25 pursuant to this section shall be considered an original document. The
26 notary public may repeat the notarization of the original signed docu-
27 ment as of the date of execution provided the notary public receives
28 such original signed document together with the electronically notarized
29 copy within thirty days after the date of execution.

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

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

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

44 8. Pursuant to section one hundred thirty of this article, the secre-
45 tary of state may suspend or remove from office any notary public that
46 violates this section.

47 9. Notarial signature.

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

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

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

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

7 (b) For taking and certifying the acknowledgment or proof of execution
8 of a written instrument, by one person, five dollars, and by each addi-
9 tional person, five dollars, for swearing each witness thereto, five
10 dollars.

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

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

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

23 State of New York }ss.:

24 County of}

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

34 (Signature and office of individual taking acknowledgement.)

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

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

42 State, District of Columbia, Territory, Possession, or Foreign Country

43) ss.:

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

53 (Signature and office of individual taking acknowledgement.)

54 § 4. This act shall take effect immediately.

1

PART Q

2 Section 1. Paragraph (b) of subdivision 5 of section 8-0111 of the
3 environmental conservation law, as amended by chapter 388 of the laws of
4 2011, is amended to read as follows:

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

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

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

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

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

33 2-b. The term "alternate energy production facility," when used in
34 this chapter, includes any solar, wind turbine, fuel cell, tidal, wave
35 energy, waste management resource recovery, refuse-derived fuel, wood
36 burning facility, or energy storage device utilizing batteries, flow
37 batteries, flywheels or compressed air, together with any related facil-
38 ities located at the same project site, with an electric generating
39 capacity of [~~up to eighty~~] less than twenty-five megawatts, which
40 produces electricity, gas or useful thermal energy.

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

49

PART R

50 Section 1. Notwithstanding any provision of law to the contrary,
51 general, special or local, (1) a building owner is authorized pursuant
52 to sections 28-320-3.6 and 28-320-3.6.1 of the administrative code of
53 the city of New York to deduct from the reported annual building emis-

sions 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

1 of the premises to the requirements of the New York city codes, as
2 amended, instead of the requirements of the uniform code and the NYS
3 energy code, as amended, for such premises; and

4 (b) Notwithstanding the fact that such premises and all buildings and
5 structures constituting all or any part of such premises shall be
6 subject to the requirements of the New York city codes instead of the
7 requirements of the uniform code and NYS energy code:

8 (i) the corporation shall be authorized to:

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

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

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

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

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

29 (ii) the corporation shall continue to act as the construction-permit-
30 ting agency for such premises and for all buildings and structures
31 constituting all or any part of such premises, and shall determine that
32 the design of any such building and structure, or, if applicable, the
33 design of any phase or portion of any such building or structure,
34 complies with the requirements of the New York city codes before issuing
35 a construction permit for such building or structure, or phase or
36 portion thereof, and shall determine that such building or structure,
37 or, if applicable, any phase or portion thereof, complies with the
38 requirements of the New York city codes before issuing a code compliance
39 certificate or temporary approval for occupancy for such building or
40 structure, or phase or portion thereof; and

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

51 (A) no such variance or modification shall be granted unless the
52 applicant establishes to the satisfaction of the department of state
53 that granting such variance or modification shall not materially affect
54 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

1 the Long Island Power Authority to increase resiliency and better with-
2 stand the effects of climate change are necessary, and that issuance of
3 securitized restructuring bonds by the Utility Debt Securitization
4 Authority may allow the funding of such improvements on more favorable
5 terms than if such bonds were issued by the Long Island Power Authority.

6 § 2. Subdivision 2 of section 2 of part B of chapter 173 of the laws
7 of 2013 relating to the issuance of securitized restructuring bonds to
8 refinance the outstanding debt of the Long Island power authority, is
9 amended to read as follows:

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

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

29 11. "Restructuring bonds" means bonds or other evidences of indebt-
30 edness that are issued pursuant to an indenture or other agreement of
31 the restructuring bond issuer under a restructuring cost financing order
32 (a) the proceeds of which are used, directly or indirectly, to recover,
33 finance, or refinance approved restructuring costs, (b) that are direct-
34 ly or indirectly secured by, or payable from, restructuring property,
35 and (c) that have a term no longer than thirty years ~~[and (d) that have~~
36 ~~a final scheduled maturity date no later than the final scheduled matu-~~
37 ~~rity date of the authority bonds purchased, redeemed or defeased with~~
38 ~~the proceeds of such restructuring bonds]~~.

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

43 17-a. "System resiliency costs" means, to the extent approved as such
44 under a restructuring cost financing order, costs of rebuilding, improv-
45 ing or constructing transmission and distribution system assets to
46 increase resiliency of such assets, better withstand changes in climate,
47 absorb impacts from outage-inducing events, and recover quickly from
48 outages including but not limited to, improvements to and replacement of
49 poles and wires, moving power lines underground, raising substations,
50 constructing flood barriers, and system automation and costs of purchas-
51 ing, redeeming or defeasing debt of the authority incurred to finance
52 such costs or reimbursing the authority for amounts already spent on
53 such costs.

54 § 5. Subdivision 1 of section 3 of part B of chapter 173 of the laws
55 of 2013 relating to the issuance of securitized restructuring bonds to

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

3 1. Standard. The authority may prepare a restructuring cost financing
4 order (a) for the purpose of issuing restructuring bonds to refinance
5 outstanding debt of the authority or the restructuring bond issuer based
6 on a finding that such bond issuance is expected to result in savings to
7 consumers of electric transmission and distribution services in the
8 service area on a net present value basis; or (b) for the purpose of
9 issuing restructuring bonds to finance system resiliency costs based on
10 a finding that funding of such system resiliency costs by the issuer
11 would result in lower costs to consumers of electric transmission and
12 distribution services in the service area on a net present value basis
13 than funding of such costs by the authority.

14 § 6. Paragraph (a) of subdivision 1 of section 4 of part B of chapter
15 173 of the laws of 2013 relating to the issuance of securitized restruc-
16 turing bonds to refinance the outstanding debt of the Long Island power
17 authority, as amended by section 3 of part W of chapter 58 of the laws
18 of 2015, is amended to read as follows:

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

39 § 7. Subparagraphs (i) and (iv) of paragraph (a) of subdivision 2 of
40 section 4 of part B of chapter 173 of the laws of 2013 relating to the
41 issuance of securitized restructuring bonds to refinance the
42 outstanding debt of the Long Island power authority, subparagraph (i) as
43 amended and subparagraph (iv) as added by section 4 of part W of chapter
44 58 of the laws of 2015, are amended to read as follows:

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

51 (iv) ~~[only]~~ issue restructuring bonds of which the final scheduled
52 maturity date of any series of restructuring bonds shall be no later
53 than ~~[the final scheduled maturity date of the authority bonds to be~~
54 ~~purchased, redeemed or defeased with the proceeds of such restructuring~~
55 ~~bonds]~~ thirty years from the date of issuance of such restructuring
56 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

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

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

5 28. The authority may establish a subsidiary corporation for the
6 purpose of forming a pure captive insurance company as provided in
7 section seven thousand two of the insurance law. The members of such
8 subsidiary corporation of the authority shall be the same persons hold-
9 ing the offices of members of the authority. Such subsidiary corporation
10 shall have all of the privileges, immunities, tax exemptions and other
11 exemptions of the authority and of the authority's property, functions
12 and activities. The subsidiary corporation of the authority shall be
13 subject to suit in accordance with section one thousand seventeen of
14 this title. The employees of any such subsidiary corporation, except
15 those who are also employees of the authority, shall not be deemed
16 employees of the authority.

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

20 (a) The term "insurance corporation" includes a corporation, associ-
21 ation, joint stock company or association, person, society, aggregation
22 or partnership, by whatever name known, doing an insurance business,
23 and, notwithstanding the provisions of section fifteen hundred twelve of
24 this article, shall include (1) a risk retention group as defined in
25 subsection (n) of section five thousand nine hundred two of the insur-
26 ance law, (2) the state insurance fund and (3) a corporation, associ-
27 ation, joint stock company or association, person, society, aggregation
28 or partnership doing an insurance business as a member of the New York
29 insurance exchange described in section six thousand two hundred one of
30 the insurance law. The definition of the "state insurance fund"
31 contained in this subdivision shall be limited in its effect to the
32 provisions of this article and the related provisions of this chapter
33 and shall have no force and effect other than with respect to such
34 provisions. The term "insurance corporation" shall also include a
35 captive insurance company doing a captive insurance business, as defined
36 in subsections (c) and (b), respectively, of section seven thousand two
37 of the insurance law; provided, however, "insurance corporation" shall
38 not include the metropolitan transportation authority, the power author-
39 ity of New York or any statutory subsidiary or affiliate thereof, or a
40 public benefit corporation or not-for-profit corporation formed by a
41 city with a population of one million or more pursuant to subsection (a)
42 of section seven thousand five of the insurance law, each of which is
43 expressly exempt from the payment of fees, taxes or assessments, whether
44 state or local; and provided further "insurance corporation" does not
45 include any combinable captive insurance company. The term "insurance
46 corporation" shall also include an unauthorized insurer operating from
47 an office within the state, pursuant to paragraph five of subsection (b)
48 of section one thousand one hundred one and subsection (i) of section
49 two thousand one hundred seventeen of the insurance law. The term
50 "insurance corporation" also includes a health maintenance organization
51 required to obtain a certificate of authority under article forty-four
52 of the public health law.

53 § 4. Subdivision (a) of section 1502-b of the tax law, as amended by
54 section 22 of part A of chapter 59 of the laws of 2014, is amended to
55 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

1 such amounts shall be paid to the New York state energy research and
2 development authority on or before September 10, 2021. Upon receipt, the
3 New York state energy research and development authority shall deposit
4 such funds in the energy research and development operating fund estab-
5 lished pursuant to section 1859 of the public authorities law. The New
6 York state energy research and development authority is authorized and
7 directed to: (1) transfer up to \$4 million to the state general fund for
8 climate change related services and expenses of the department of envi-
9 ronmental conservation, \$150,000 to the state general fund for services
10 and expenses of the department of agriculture and markets, and \$825,000
11 to the University of Rochester laboratory for laser energetics from the
12 funds received; and (2) commencing in 2016, provide to the chair of the
13 public service commission and the director of the budget and the chairs
14 and secretaries of the legislative fiscal committees, on or before
15 August first of each year, an itemized record, certified by the presi-
16 dent and chief executive officer of the authority, or his or her desig-
17 nee, detailing any and all expenditures and commitments ascribable to
18 moneys received as a result of this assessment by the chair of the
19 department of public service pursuant to section 18-a of the public
20 service law. This itemized record shall include an itemized breakdown
21 of the programs being funded by this section and the amount committed to
22 each program. The authority shall not commit for any expenditure, any
23 moneys derived from the assessment provided for in this section, until
24 the chair of such authority shall have submitted, and the director of
25 the budget shall have approved, a comprehensive financial plan encom-
26 passing all moneys available to and all anticipated commitments and
27 expenditures by such authority from any source for the operations of
28 such authority. Copies of the approved comprehensive financial plan
29 shall be immediately submitted by the chair to the chairs and secre-
30 taries of the legislative fiscal committees. Any such amount not commit-
31 ted by such authority to contracts or contracts to be awarded or other-
32 wise expended by the authority during the fiscal year shall be refunded
33 by such authority on a pro-rata basis to such gas and/or electric corpo-
34 rations, in a manner to be determined by the department of public
35 service, and any refund amounts must be explicitly lined out in the
36 itemized record described above.

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

39 PART X

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

45 § 11-0701. Definitions of licenses and privileges of licensees.

46 1. A hunting license[+
47 ~~a-~~] entitles a holder who is twelve [~~or~~], thirteen, fourteen or
48 fifteen years of age to hunt wildlife[~~, except big game,~~] as provided in
49 title 9 of this article subject, specifically, to the provisions of
50 section 11-0929 of this article. It entitles such holder to possess
51 firearms as provided in section 265.05 of the penal law. [~~A holder who~~
52 ~~is twelve or thirteen years of age shall not hunt with a crossbow.~~
53 ~~b. entitles a holder who is fourteen or fifteen years of age to hunt~~
54 ~~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 or crossbow, as provided in title 9 of this article, in a special archery 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, 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 ~~[belt]~~ arrow, not including point, mounted upon a stock with a trigger that holds the string and limbs under tension until released. The trigger unit of such crossbow must have a working safety. ~~[The minimum limb width of such crossbow shall be seventeen inches,]~~ 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, including woven or nonwoven polypropylene (PP), polyethylene-terephthalate (PET), cotton, jute, or canvas.

6. "Store" means a retail establishment that ~~[provides]~~ provides plastic carryout bags to its customers as a result of the sale of a product or provided such bags 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 ~~reusable~~ 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 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], 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 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,, 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. Part UU of chapter 58 of the laws of 2020, authorizing the county of Nassau, to permanently and temporarily convey certain easements and to temporarily alienate certain parklands, is amended to read as follows:

PART UU

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

1 reference to a section "of this act", when used in connection with that
2 particular component, shall be deemed to mean and refer to the corre-
3 sponding section of the Subpart in which it is found. Section three of
4 this act sets forth the general effective date of this act.

5 SUBPART A

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

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

33 § [~~3.~~] 2. TEMPORARY EASEMENT - Force main shaft construction area.
34 Parkland upon and under which a temporary easement may be established
35 pursuant to subdivision (b) of section one of this act is described as
36 all that certain plot, piece or parcel of land with buildings and
37 improvements thereon erected, situate, lying and being located at Bay
38 Park, Town of Hempstead, County of Nassau and State of New York being
39 more particularly bounded and described as follows: beginning at a point
40 on the northerly line of the Nassau County Sewage Treatment Plant prop-
41 erty, said Point of Beginning being South [~~68°00'~~] 68°06'12" East, as
42 measured along northerly line of said sewage treatment plant, [~~543~~]
43 535.50 feet plus or minus, from the intersection of the northerly line
44 Nassau County Sewage Treatment Plant with the westerly side of Compton
45 Street; running thence South [~~68°00'~~] 68°06'12" East, along the norther-
46 ly line of said sewage treatment plant, [~~247~~] 249.60 feet plus or minus;
47 thence South [~~07°04'~~] 07°20'58" West [~~196~~] 198.58 feet plus or minus;
48 thence North [~~78°37'~~] 78°30'32" West [~~33~~] 35.88 feet plus or minus;
49 thence North [~~06°10'~~] 06°10'23" East [~~105~~] 89.20 feet plus or minus;
50 thence North [~~30°53'~~] 33°17'21" West [~~56~~] 78.28 feet plus or minus;
51 thence North [~~64°27'~~] 66°13'52" West [~~190~~] 173.72 feet plus or minus;
52 thence North [~~20°21'~~] 19°56'50" East [~~49~~] 62.50 feet plus or minus, to
53 the northerly line of the Nassau County Sewage Treatment Plant, at the
54 Point of Beginning. Containing within said bounds [~~19,700~~] 23,089 square

1 feet plus or minus. The above described temporary easement is for the
2 construction of a [~~thirty-foot~~] fifty-foot diameter access shaft. The
3 location of said temporary access shaft is more particularly described
4 in section [~~four~~] three of this act. Said parcel being part of property
5 designated as Section: 42 Block: A Lots: 50, 57 on the Nassau County
6 Land and Tax Map.

7 § [~~4-~~] 3. [~~PERMANENT~~] TEMPORARY SUBSURFACE EASEMENT - Access shaft.
8 Parkland upon and under which a [~~permanent~~] temporary easement may be
9 established pursuant to subdivision (a) of section one of this act is
10 described as all that certain plot, piece or parcel of land with build-
11 ings and improvements thereon erected, situate, lying and being located
12 at Bay Park, Town of Hempstead, County of Nassau and State of New York
13 being more particularly bounded and described as follows: a circular
14 easement with a radius of [~~15~~] 25 feet, the center of said circle being
15 the following three (3) courses from the intersection of the northerly
16 line of the Nassau County Sewage Treatment Plant with the westerly side
17 of Compton Street: [~~running thence~~] South [~~68°00'~~] 68°06'12" East, along
18 the northerly line of said sewage treatment plant, [~~581~~] 573.10 feet
19 plus or minus to the centerline of the permanent easement for a force
20 main described in section five of this act; thence South [~~21°34'~~] 22°24'56"
21 West, along said centerline, [~~17~~] 19.74 feet plus or minus;
22 thence South [~~14°28'~~] 22°24'56" West, [~~continuing~~] along the production
23 of said centerline, [~~1,439~~] 5.25 feet [~~plus or minus~~], to the center of
24 the herein described circular easement. Containing within said bound
25 [~~707~~] 1,963 square feet plus or minus. Said [~~permanent~~] temporary ease-
26 ment is for an access shaft that extends from the surface of the ground
27 to an approximate depth of 70 feet. Any permanent surface improvements
28 for cathodic protection, if necessary, would be flush with the ground
29 surface or integrated into site landscaping. Said parcel being part of
30 property designated as Section: 42 Block: A Lots: 50, 57 on the Nassau
31 County Land and Tax Map.

32 § [~~5-~~] 4. PERMANENT SUBSURFACE EASEMENT - Force main. Parkland upon
33 and under which a permanent easement may be established pursuant to
34 subdivision (a) of section one of this act is described as all that
35 certain plot, piece or parcel of land with buildings and improvements
36 thereon erected, situate, lying and being located at Bay Park, Town of
37 Hempstead, County of Nassau and State of New York being a 20-foot wide
38 strip of land more particularly bounded and described as follows:
39 [~~beginning~~] Beginning at a point on the northerly line of the Nassau
40 County Sewage Treatment Plant property, said Point of Beginning being
41 South [~~68°00'~~] 68°06'12" East, as measured along northerly line of said
42 sewage treatment plant, [~~571~~] 563.10 feet plus or minus, from the inter-
43 section of the northerly line Nassau County Sewage Treatment Plant with
44 the westerly side of Compton Street; running thence South [~~68°00'~~] 68°06'12"
45 East, along the northerly line of said sewage treatment plant,
46 20.00 feet plus or minus; thence South [~~21°34'~~] 22°24'56" West [~~17~~] 19.15
47 feet plus or minus; thence South [~~14°28'~~] 14°35'11" West [~~1,463~~] 1446.44
48 feet plus or minus; thence North [~~75°32'~~] 75°24'49" West 20.00
49 feet plus or minus; thence North [~~14°28'~~] 14°35'11" East [~~1,464~~] 1447.81
50 feet plus or minus; thence North [~~21°34'~~] 22°24'56" East [~~18~~] 20.34 feet
51 plus or minus, to the northerly line of the Nassau County Sewage Treat-
52 ment Plant, at the Point of Beginning. Containing within said bounds
53 [~~29,600~~] 29,337 square feet. The above described permanent easement is
54 for the construction and operation of a six-foot diameter force main at
55 a minimum depth of fifteen feet below the ground surface. Said parcel

1 being part of property designated as Section: 42 Block: A Lots: 50, 57
2 on the Nassau County Land and Tax Map.

3 § ~~[6.]~~ 5. TEMPORARY EASEMENT - Force main shaft construction area.
4 Parkland upon and under which a temporary easement may be established
5 pursuant to subdivision (b) of section one of this act is described as
6 all that certain plot, piece or parcel of land with buildings and
7 improvements thereon erected, situate, lying and being located at the
8 hamlet of Wantagh, Town of Hempstead, County of Nassau and State of New
9 York being more particularly bounded and described as follows: beginning
10 at a point on the northwesterly line of the herein described temporary
11 easement for the force main shaft construction area, said Point of
12 Beginning being ~~[more particularly described as commencing at the]~~ North
13 44°03'41" East 50.26 feet plus or minus, from the intersection of the
14 ~~[southerly side of Sunrise Highway Street]~~ northerly line of lands
15 licensed to the County of Nassau, as described in deed dated December 5,
16 1977, recorded on January 13, 1978, at the Nassau County Clerk's Office
17 in Liber 9088 of Deeds at page 567, and as shown on map entitled Depart-
18 ment of Public Works Nassau County, N.Y., Map Showing Lands under the
19 Jurisdiction of the Long Island State Park Commission in Wantagh State
20 Park to be Licensed to the County of Nassau for Park and Recreational
21 Purposes in the Vicinity of Wantagh, Town of Hempstead, dated September
22 1976, and on file at the New York State Office of Parks, Recreation and
23 Historic Preservation as Map No. 21R-1860-1, with the southeasterly side
24 of Lakeview Road, formerly known as Old Mill Road; running thence
25 ~~[southerly]~~ along the southeasterly side of Lakeview Road ~~[243 feet plus~~
26 ~~or minus, to the centerline of the]~~ , North 44°03'41" East 237.63 feet
27 plus or minus; thence South 50°48'50" East 70.10 feet plus or minus;
28 thence partly through the aforementioned lands licensed to the County of
29 Nassau by the State of New York (Long Island State Park Commission),
30 South 43°39'59" West 239.51 feet; thence partially through a permanent
31 ~~[subsurface]~~ drainage easement ~~[for force main described in section~~
32 ~~eight of this act; thence South 60°06' East, along said centerline, 25~~
33 ~~feet plus or minus, to the northwesterly line of the temporary easement]~~
34 granted from the City of New York to the County of Nassau, as shown on
35 Map of Real Property to be Acquired for the ~~[force main shaft~~
36 ~~construction area]~~ Improvement of Bellmore Creek from Wilson Avenue to
37 Lakeview Road, Filed February 8, 1979, at the Nassau County Clerk's
38 Office as Map No. H-1841, and also through the aforementioned licensed
39 lands, North 49°12'28" West 71.62 feet plus or minus; to the southeast-
40 erly side of Lakeview Road, at the Point of Beginning. [Running thence
41 ~~North 39°06' East 111 feet plus or minus; thence South 55°47' East 70~~
42 ~~feet plus or minus; thence South 38°42' West 240 feet plus or minus;~~
43 ~~thence North 54°11' West 72 feet plus or minus; thence North 39°06' East~~
44 ~~127 feet plus or minus, to the Point of Beginning.]~~ Containing within
45 said bounds [16,900] 16,864 square feet plus or minus. The above
46 described temporary easement is for the construction of a ~~[thirty-foot]~~
47 forty-four-foot diameter permanent access shaft. The location of said
48 permanent access shaft is more particularly described in section ~~[seven]~~
49 six of this act. Said parcel being part of property designated as
50 Section: 56 Block: Y Lot: 259 on the Nassau County Land and Tax Map.

51 § ~~[7.]~~ 6. PERMANENT SUBSURFACE EASEMENT - Access shaft. Parkland upon
52 and under which a permanent easement may be established pursuant to
53 subdivision (a) of section one of this act is described as all that
54 certain plot, piece or parcel of land with buildings and improvements
55 thereon erected, situate, lying and being located at Hamlet of Wantagh,
56 Town of Hempstead, County of Nassau and State of New York being more

1 particularly bounded and described as follows: [~~a circular easement with~~
2 ~~a radius of 15 feet,~~] Beginning at a point on the [center] of southeast-
3 erly side of Lakeview Road, said [circle] Point of Beginning being [the
4 ~~following two (2) courses~~] North 44°03'41" East 170.39 feet plus or
5 minus, from the intersection of the [southerly side of Sunrise Highway]
6 northerly line of lands licensed to the County of Nassau, as described
7 in deed dated December 5, 1977, recorded on January 13, 1978, at the
8 Nassau County Clerk's Office in Liber 9088 of Deeds at page 567, and as
9 shown on map entitled Department of Public Works Nassau County, N.Y.,
10 Map Showing Lands under the Jurisdiction of the Long Island State Park
11 Commission in Wantagh State Park to be Licensed to the County of Nassau
12 for Park and Recreational Purposes in the Vicinity of Wantagh, Town of
13 Hempstead, dated September 1976, and on file at the New York State
14 Office of Parks, Recreation and Historic Preservation as Map No.
15 21R-1860-1, with the southeasterly side of Lakeview Road[~~+ Southerly~~],
16 formerly known as Old Mill Road; running thence, along the southeasterly
17 side of Lakeview Road [~~243 feet plus or minus, to the centerline of the~~
18 permanent subsurface easement for force main, described in section eight
19 of this act, South 60°06' East, along said centerline, 51], North
20 44°03'41" East 25.04 feet plus or minus, to the [center of the herein
21 ~~described circular easement,~~] beginning of a non-tangent curve; thence
22 111.59 feet plus or minus along said non-tangent circular curve to the
23 right that has a radius of 22.00 feet, subtends an angle of 290°37'31",
24 and has a chord that bears South 44°03'41" West 25.04 feet, to the Point
25 of Beginning. Containing within said bounds a surface area of [~~707~~]
26 1,454 square feet plus or minus. Said permanent easement is for an
27 access shaft that extends from the surface of the ground to an approxi-
28 mate depth of 70 feet. The permanent easement allows vehicular and
29 personnel access to the shaft and within the shaft for inspection, main-
30 tenance, repair and reconstruction. Any permanent surface improvements
31 for a manhole or for cathodic protection, if necessary, would be flush
32 with the ground surface or integrated into site landscaping. Said parcel
33 being part of property designated as Section: 56 Block: Y Lot: 259 on
34 the Nassau County Land and Tax Map.

35 § [~~8-~~] 7. PERMANENT SUBSURFACE EASEMENT - Force main. Parkland upon
36 and under which a permanent easement may be established pursuant to
37 subdivision (a) of section one of this act is described as all that
38 certain plot, piece or parcel of land with buildings and improvements
39 thereon erected, situate, lying and being located at the Hamlet of
40 Wantagh, Town of Hempstead, County of Nassau and State of New York being
41 a 20-foot wide strip of land more particularly bounded and described as
42 follows: [~~beginning at a point on the southeasterly side of Lakeview~~
43 ~~Road, said Point of Beginning being southwesterly 222 feet plus or~~
44 ~~minus, as measured along the southeasterly side of Lakeview Road from~~
45 ~~the intersection of the southerly side of Sunrise Highway with the~~
46 ~~southeasterly side of Lakeview Road; thence South 60°06' East 49 feet~~
47 ~~plus or minus; thence South 32°15' East 1,759 feet plus or minus; thence~~
48 ~~South 16°16' West 53 feet plus or minus; thence North 32°15' West 1,785~~
49 ~~feet plus or minus; thence North 60°06' West 53 feet plus or minus, to~~
50 ~~the southeasterly side of Lakeview Road; thence North 48°13' East, along~~
51 ~~the southeasterly side of Lakeview Road, 42 feet plus or minus, to the~~
52 ~~Point of Beginning. Containing within said bounds 72,900 square feet~~
53 ~~plus or minus.~~] Beginning at the intersection of the southerly side of
54 the Wantagh State Parkway, also being the same as the southerly line of
55 a permanent easement granted by the State of New York (Long Island State
56 Park Commission) to the Town of Hempstead for Highway purposes shown as

1 Parcel E on Map No. 21R-1651, dated September 30, 1935 and on file at
2 the New York State Office of Parks, Recreation and Historic Preserva-
3 tion, with the easterly side of Linden Street, also being the westerly
4 side of Wantagh State Parkway; running thence South 87°54'31" West 16.42
5 feet plus or minus, along the southerly side of the Wantagh State Park-
6 way; thence through the aforementioned easement, North 49°40'30" West
7 172.07 feet plus or minus; thence partially through lands licensed to
8 the County of Nassau by the State of New York (Long Island State Park
9 Commission), as described in deed dated December 5, 1977, recorded on
10 January 13, 1978, at the Nassau County Clerk's Office in Liber 9088 of
11 Deeds at page 567, also as shown on map entitled Department of Public
12 Works Nassau County, N.Y., Map Showing Lands under the Jurisdiction of
13 the Long Island State Park Commission in Wantagh State Park to be
14 licensed to the County of Nassau for Park and Recreational Purposes in
15 the Vicinity of Wantagh, Town of Hempstead, dated September 1976, and on
16 file at the New York State Office of Parks, Recreation and Historic
17 Preservation as Map No. 21R-1860-1, North 32°14'44" West 1,935.06 feet;
18 thence North 60°00'15" West 18.68 feet plus or minus, to the southeast-
19 erly side of Lakeview Road; thence along the southeasterly side of Lake-
20 view Road, North 44°03'41" East 20.62 feet plus or minus; thence South
21 60°00'15" East 18.61 feet plus or minus; thence through the aforemen-
22 tioned licensed lands, South 32°14'44" East 1,936.94 feet; thence South
23 49°40'30" East 294.48 feet plus or minus, to the westerly side of the
24 Wantagh State Parkway, also being the same as the easterly side of
25 Linden Street; thence northwesterly along the westerly side of the
26 Wantagh State Parkway, being also the easterly side of Linden Street,
27 113.74 feet plus or minus along the arc of a non-tangent curve, bearing
28 to the left, having a radius of 1,233.00', a chord that bears North
29 54°10'34" West 113.70 feet plus or minus, to the southerly side of the
30 Wantagh State Parkway, at the Point of Beginning. Containing within
31 said bounds 43,088 square feet plus or minus. The above described perma-
32 nent easement is for the construction and operation of a six-foot diam-
33 eter force main at a minimum depth of fifteen feet below the ground
34 surface. Said parcel being part of property designated as Section: 56
35 Block: Y Lots: 259 on the Nassau County Land and Tax Map.

36 § ~~[9-]~~ 8. TEMPORARY EASEMENT - Force main shaft construction area.
37 Parkland upon and under which a temporary easement may be established
38 pursuant to subdivision (b) of section one of this act is described as
39 all that certain plot, piece or parcel of land with buildings and
40 improvements thereon erected, situate, lying and being located at the
41 hamlet of Wantagh, Town of Hempstead, County of Nassau and State of New
42 York being more particularly bounded and described as follows: [~~begin-~~
43 ~~ning~~] Beginning at a point on the northerly line of the herein described
44 temporary easement for [~~the force main shaft~~] construction [~~area~~] stag-
45 ing, said Point of Beginning being more particularly described as
46 commencing at the intersection of the southerly side of Byron Street
47 with the easterly side of Wantagh Parkway; running thence [~~southerly~~]
48 South 02°05'40" East, along the easterly side of Wantagh Parkway [~~319~~],
49 392.77 feet plus or minus, to the centerline of the permanent subsurface
50 easement for force main, described in section [~~eleven~~] ten of this act;
51 thence South [~~19°15'~~] 19°14'42" East, along said centerline, [~~257~~]
52 166.40 feet plus or minus, to the northerly line of the temporary ease-
53 ment for [~~the force main shaft~~] construction [~~area~~] staging, at the
54 Point of Beginning. Running thence North [~~87°25'~~] 87°24'47" East 122.41
55 feet plus or minus; thence [~~south 33°56'~~] South 33°56'04" East [~~68~~]
56 67.89 feet plus or minus; thence South [~~04°43'~~] 04°43'16" East [~~54~~] 53.69

1 feet plus or minus; thence South [~~86°38'~~] 86°37'33 West 78.30 feet plus
2 or minus; thence South [~~02°20'~~] 02°20'25 East 83.22 feet plus or minus;
3 thence South [~~47°04'~~] 47°03'34" West [~~103~~] 102.51 feet plus or minus;
4 thence South [~~86°22'~~] 86°22'25" West [~~28~~] 27.76 feet plus or minus;
5 thence North [~~08°39'~~] 07°01'12" West [~~264~~] 263.59 feet plus or minus;
6 thence North [~~87°25'~~] 87°24'47" East [~~53~~] 45.17 feet plus or minus, to
7 the Point of Beginning. Containing within said bounds [~~36,500~~] 35,505
8 square feet plus or minus. The above described temporary easement is for
9 the construction of a [~~thirty-foot~~] forty-four-foot diameter access
10 shaft. The location of said temporary access shaft is more particularly
11 described in section ten of this act. Said parcel being part of property
12 designated as Section: 63 Block: 261 Lots: 765G, 765H, 818A (Part of
13 Cedar Creek Park) on the Nassau County Land and Tax Map.

14 § [~~10-~~] 9. [~~PERMANENT~~] TEMPORARY SUBSURFACE EASEMENT - Access shaft.
15 Parkland upon and under which a permanent easement may be established
16 pursuant to subdivision (a) of section one of this act is described as
17 all that certain plot, piece or parcel of land with buildings and
18 improvements thereon erected, situate, lying and being located at Hamlet
19 of Wantagh, Town of Hempstead, County of Nassau and State of New York
20 being more particularly bounded and described as follows: a circular
21 easement with a radius of [~~15~~] 22 feet, the center of said circle being
22 the following two (2) courses from the intersection of the southerly
23 side of Byron Street with the easterly side of Wantagh Parkway: [~~South-~~
24 ~~erly~~] South 02°05'40" East along the easterly side of Wantagh Parkway
25 [~~319~~], 392.77 feet plus or minus, to the centerline of the permanent
26 subsurface easement for force main, described in section [~~eleven~~] ten of
27 this act; thence South [~~19°15'~~] 19°14'42" East, along said centerline,
28 [~~315~~] 224.60 feet plus or minus, to the center of the herein described
29 circular easement. Containing within said bounds a surface area of [~~707~~]
30 1,521 square feet plus or minus. Said [~~permanent~~] temporary easement is
31 for an access shaft that extends from the surface of the ground to an
32 approximate depth of 70 feet. Any permanent surface improvements for
33 cathodic protection, if necessary, would be flush with the ground
34 surface or integrated into site landscaping. Said parcel being part of
35 property designated as Section: 63 Block: 261 Lots: 765G, 765H, 818A
36 (Part of Cedar Creek Park) on the Nassau County Land and Tax Map.

37 § [~~11-~~] 10. PERMANENT SUBSURFACE EASEMENT - Force main. Parkland upon
38 and under which a permanent easement may be established pursuant to
39 subdivision (a) of section one of this act is described as all that
40 certain plot, piece or parcel of land with buildings and improvements
41 thereon erected, situate, lying and being located at the Hamlet of
42 Wantagh, Town of Hempstead, County of Nassau and State of New York being
43 a 20-foot wide strip of land more particularly bounded and described as
44 follows: beginning at a point on the easterly side of the Wantagh State
45 Parkway, said Point of Beginning being [~~southerly-285~~] South 02°05'40"
46 East 358.86 feet plus or minus[~~, as measured along the easterly side of~~
47 ~~Wantagh Parkway~~] from the intersection of the southerly side of Byron
48 Street with the easterly side of Wantagh Parkway; running thence South
49 [~~19°15'~~] 19°14'42" East [~~349~~] 258.49 feet plus or minus; thence South
50 [~~02°17'~~] 02°16'58" East [~~1,882~~] 1,725.93 feet plus or minus; thence
51 [~~South-09°25'~~ ~~East-1,202~~] southwesterly 43.40 feet plus or minus[~~,+~~
52 ~~thence South-80°35'~~] along the arc of a curve to the left having a radi-
53 us of 1,075.00 feet and a chord that bears South 25°09'48" West [~~20-feet~~
54 ~~plus or minus; thence North-09°25'~~ ~~West-1,203~~] 43.39 feet plus or minus;
55 thence North [~~02°17'~~] 02°16'58" West [~~1,880~~] 1,761.45 feet plus or
56 minus; thence North [~~19°15'~~] 19°14'42" West [~~281~~] 190.70 feet plus or

1 minus, to the easterly side of Wantagh Parkway; thence North [~~02°09'~~]
2 02°05'40" West, along the easterly side of Wantagh Parkway, [~~68~~] 67.82
3 feet plus or minus, to the Point of Beginning. Containing within said
4 bounds [~~68,000~~] 39,359 square feet plus or minus. The above described
5 permanent easement is for the construction and operation of a six-foot
6 diameter force main at a minimum depth of fifteen feet below the ground
7 surface. Said parcel being part of property designated as Section: 63
8 Block: 261 Lots: 765G, 818A (Part of Cedar Creek Park) on the Nassau
9 County Land and Tax Map.

10 § [~~12.~~] 11. Should the lands described in sections [~~four, five, seven,~~
11 ~~eight, ten~~] four, six, seven and [~~eleven~~] ten of this act cease to be
12 used for the purposes described in section one of this act, the perma-
13 nent easements established pursuant to section one of this act shall
14 cease and such lands shall be restored and dedicated as parklands.

15 § [~~13.~~] 12. In the event that the county of Nassau received any fund-
16 ing support or assistance from the federal government for the purchase,
17 maintenance, or improvement of the parklands set forth in sections
18 [~~three~~] two through [~~eleven~~] ten of this act, the discontinuance and
19 alienation of such parklands authorized by the provisions of this act
20 shall not occur until the county of Nassau has complied with any appli-
21 cable federal requirements pertaining to the alienation or conversion of
22 parklands, including satisfying the secretary of the interior that the
23 alienation or conversion complies with all conditions which the secre-
24 tary of the interior deems necessary to assure the substitution of other
25 lands shall be equivalent in fair market value and usefulness to the
26 lands being alienated or converted.

27 § [~~14.~~] 13. This act shall take effect immediately.

28 SUBPART B

29 Section 1. Subject to the provisions of this act, the village of East
30 Rockaway, in the county of Nassau, acting by and through the village
31 board of such village, is hereby authorized to (a) discontinue perma-
32 nently the use as parkland the subsurface lands described in sections
33 [~~four~~] three and [~~five~~] four of this act and to grant permanent ease-
34 ments on such lands to the State of New York or county of Nassau for the
35 purpose of constructing, operating, maintaining and repairing a subsur-
36 face sewer main, and (b) discontinue temporarily the use as parkland the
37 lands described in section [~~three~~] two of this act and grant temporary
38 easements on such lands to the county of Nassau for the purpose of
39 constructing a subsurface sewer main. Authorization for the temporary
40 easement described in section [~~three~~] two of this act shall cease upon
41 the completion of the construction of the sewer main, at which time the
42 department of environmental conservation shall restore the surface of
43 the parklands disturbed and the parklands shall continue to be used for
44 park purposes as they were prior to the grant of the temporary easement.
45 Authorization for the permanent easements described in sections [~~four~~]
46 three and [~~five~~] four of this act shall require that the department of
47 environmental conservation restore the surface of the parklands
48 disturbed and the parklands shall continue to be used for park purposes
49 as they were prior to the establishment of the permanent easements.

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

§ ~~[3-]~~ 2. 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~~] 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 [~~intersection of the northeasterly side of Long Island Railroad right of way with the easterly side of Ocean Avenue, running thence North 12°34' East, along the easterly side of Ocean Avenue, 92 feet plus or minus, to the northerly line~~] northeast corner of property [~~designated as Section 38 Block E Lot 14, on the~~] 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 [Land and Tax Map,] Clerk's Office in Liber 7317 of Deeds at page 494, running thence South [74°46'] 76°23'40" East, [partly along said northerly line, 206] 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[~~7~~] at the Point of Beginning. Running thence North [~~15°34'~~] 14°03'08" East [~~49~~] 42.21 feet plus or minus; thence South [~~67°33'~~] 67°25'43" East [~~238~~] 237.47 feet plus or minus; thence South [~~07°07'~~] 04°13'09" West [~~31~~] 35.58 feet plus or minus; thence South [~~86°06'~~] 86°58'21" West [~~161~~] 165.83 feet plus or minus; thence South [~~64°59'~~] 64°59'21" West [~~117~~] 106.15 feet [~~plus or minus~~]; thence North [~~15°34'~~] 14°03'08" East [~~140~~] 143.63 feet plus or minus, to the Point of Beginning. Containing within said bounds [~~23,000~~] 23,103 square feet plus or minus. The above described temporary easement is for the construction of a [~~thirty-foot~~] forty-four-foot diameter access shaft. The location of said permanent access shaft is more particularly described in section [~~four~~] three 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-~~] 3. 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 [~~15~~] 22 feet, the center of said circle being the following [~~three (3)~~] two (2) courses from the [~~intersection of the northeasterly side of Long Island Railroad right of way with the easterly side of Ocean Avenue, North 12°34' East, along the easterly side of Ocean Avenue, 92 feet plus or minus, to the northerly line~~] northeast corner of property [~~designated as Section 38 Block E Lot 14 on the~~] 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 [Land and Tax Map] Clerk's Office in Liber 7317 of Deeds at page 494; South [74°46'] 76°23'40" East, [partly along] on the [said] northerly property line[~~7~~ 333] produced, of property described in the aforesaid Liber 7317 page 494, a distance of 185.51 feet plus or minus[~~7~~]; to the centerline of

1 the permanent subsurface easement for force main, described in section
2 [~~five~~] four of this act; thence [~~South 19°04' West,~~] along said easement
3 centerline[~~, 16~~] South 19°04'18" West 22.47 feet plus or minus, to the
4 center of the herein described circular easement. Containing within said
5 bounds a surface area of [~~707~~] 1,521 square feet plus or minus. Said
6 permanent easement is for an access shaft that extends from the surface
7 of the ground to an approximate depth of 70 feet. The permanent ease-
8 ment allows vehicular and personnel access to the shaft and within the
9 shaft for inspection, maintenance, repair and reconstruction. Any perma-
10 nent surface improvements for a manhole or for cathodic protection, if
11 necessary, would be flush with the ground surface or integrated into
12 site landscaping. Said parcel being part of property designated as
13 Section: 38, Block: E, Lots: 12, 14, 21A, 21B on the Nassau County Land
14 and Tax Map.

15 § [~~5,~~] 4. PERMANENT SUBSURFACE EASEMENT - Force Main. Parkland upon
16 and under which a permanent easement may be granted pursuant to subdivi-
17 sion (a) of section one of this act is described as all that certain
18 plot, piece or parcel of land with buildings and improvements thereon
19 erected, situate, lying and being located at Incorporated Village of
20 East Rockaway, and the Hamlet of Oceanside, County of Nassau and State
21 of New York being a 20-foot wide strip of land more particularly bounded
22 and described as follows: [~~beginning~~] Beginning at a point on the
23 westerly line of the herein described permanent subsurface easement,
24 said Point of Beginning being more particularly described as commencing
25 at the [~~intersection of the northeasterly side of Long Island Railroad~~
26 ~~right of way with the easterly side of Ocean Avenue, running thence~~
27 ~~North 12°34' East, along the easterly side of Ocean Avenue, 92 feet plus~~
28 ~~or minus, to the northerly line~~] northeast corner of property [~~desig-~~
29 ~~nated as Section 38 Block E Lot 14 on the~~] described in deed dated
30 September 16, 1964 from Mary T. Caretto to The Incorporated Village of
31 East Rockaway, recorded September 18, 1964 at the Nassau County [~~Land~~
32 ~~and Tax Map, thence~~] Clerk's Office in Liber 7317 of Deeds at page 494;
33 running thence South [~~74°46'~~] 76°23'40" East, [~~partly along~~] on the
34 [~~said~~] northerly property line[~~, 323~~] produced, of property described in
35 the aforesaid Liber 7317 page 494, a distance of 175.47 feet plus or
36 minus, to the westerly line of the herein described permanent easement,
37 at the Point of Beginning. Running thence North [~~19°04'~~] 19°04'18" East
38 [~~73~~] 31.11 feet plus or minus, to the [~~northerly line of property desig-~~
39 ~~nated as Section 38 Block E Lot 21A on the Nassau County Land and Tax~~
40 ~~Map~~] southerly side of Mill River; thence South [~~60°10'~~] 67°42'35" East,
41 along [~~said northerly line~~] the southerly side of Mill River, [~~20~~] 20.03
42 feet plus or minus; thence South [~~19°04'~~] 19°04'18" West [~~82~~] 48.37 feet
43 plus or minus; thence South [~~15°40'~~] 15°40'03" East [~~116~~] 55.00 feet
44 plus or minus, to the [~~south line~~] northerly side of [~~property desig-~~
45 ~~nated as Section 38 Block E Lot 21A on the Nassau County Land and Tax~~
46 ~~Map~~] Mill River; thence North [~~88°09'~~] 84°40'35" West [~~21~~], along the
47 northerly side of Mill River, 20.33 feet plus or minus; thence North
48 [~~15°40'~~] 15°40'03" West [~~116~~] 57.60 feet plus or minus; thence North
49 [~~19°04'~~] 19°04'18" East [~~19~~] 24.64 feet plus or minus, to the Point of
50 Beginning. Containing within said bounds [~~4,100~~] 2,167 square feet plus
51 or minus. The above described permanent easement is for the construction
52 and operation of a six-foot diameter force main at a minimum depth of
53 fifteen feet below the ground surface. Said parcel being part of proper-
54 ty designated as Section: 38, Block: E, Lots: 12, 14, 21A, 21B on the
55 Nassau County Land and Tax Map.

§ ~~[6-]~~ 5. Should the lands described in sections ~~[four]~~ three and ~~[five]~~ four 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-]~~ 6. 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]~~ two through ~~[five]~~ four 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-]~~ 7. 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, four]~~ two and ~~[six]~~ 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 sections ~~[five]~~ three, four and ~~[seven]~~ six 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 ~~[five]~~ three, four and ~~[seven]~~ six 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, four]~~ two and ~~[six]~~ 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 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-]~~ 2. 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

1 follows: [~~the~~] Beginning at a point on the northerly side of Mill River
2 Avenue, said Point of Beginning being [~~at~~] South 74°20'24" East, as
3 measured along the northerly side of Mill River Avenue, 60.73 feet plus
4 or minus from the intersection of the northerly side of Mill River
5 Avenue with the easterly side of Riverside Road; running thence [~~north-~~
6 ~~erly along the easterly side of Riverside Road 346 feet plus or minus,~~
7 ~~thence South 13°01' West 346~~] North 10°26'55" East 461.31 feet plus or
8 minus, to the [~~northerly~~] southerly side of [~~Mill River~~] South Park
9 Avenue; thence [~~westerly~~] along the [~~northerly~~] southerly side of [~~Mill~~
10 ~~River~~] South Park Avenue, [~~17~~] South 79°11'54" East 20.00 feet plus or
11 minus, thence South 10°26'55" West 463.01 feet plus or minus, to the
12 [~~easterly side of Riverside Road, at~~] northerly side of Mill River
13 Avenue, thence along the northerly side of Mill River Avenue, North
14 74°20'24" West 20.08 feet plus or minus, to the Point of Beginning.
15 Containing within said bounds [~~3,100~~] 9,243 square feet plus or minus.
16 The above described permanent easement is for the construction and oper-
17 ation of a six-foot diameter force main at a minimum depth of fifteen
18 feet below the ground surface. Said parcel being part of property design-
19 ated as Section: 38 Block: 136 Lots: 231 on the Nassau County Land and
20 Tax Map.

21 § [~~4-~~] 3. [~~PERMANENT~~] TEMPORARY SUBSURFACE EASEMENT - Access Shaft.
22 Parkland upon and under which a [~~permanent~~] temporary easement may be
23 established pursuant to subdivision (a) of section one of this act is
24 described as all that certain plot, piece or parcel of land with build-
25 ings and improvements thereon erected, situate, lying and being located
26 at Incorporated Village of Rockville Centre, Incorporated Village of
27 East Rockaway, and Incorporated Village of Lynbrook, Town of Hempstead,
28 County of Nassau and State of New York being more particularly bounded
29 and described as a circular easement with a radius of [~~15~~] 22 feet, the
30 center of said circle being the following two (2) courses from the
31 intersection of the northerly side of South Park Avenue with the easter-
32 ly side of [~~Oxford~~] Chester Road: [~~Easterly~~] South 79°24'16" East, along
33 the northerly side of South Park Avenue, [~~203~~] 247.33 feet plus or
34 minus, to the centerline of the permanent subsurface easement for force
35 main described in section [~~six~~] five of this act; North [~~13°01'~~]
36 10°26'55" East, along said centerline, [~~953~~] 953.71 feet plus or minus,
37 to the center of the herein described circular easement. Containing
38 within said bounds a surface area of [~~707~~] 1,521 square feet plus or
39 minus. Said [~~permanent~~] temporary easement is for an access shaft that
40 extends from the surface of the ground to an approximate depth of 70
41 feet. Any permanent surface improvements for cathodic protection, if
42 necessary, would be flush with the ground surface or integrated into
43 site landscaping. Said parcel being part of property designated as
44 Section: 38 Block: F [~~Lots: 39-42, 50C,~~] Lot: 50F [~~and Section: 38,~~
45 ~~Block: T, Lots: 50A, 50B, 50C~~] on the Nassau County Land and Tax Map.

46 § [~~5-~~] 4. TEMPORARY EASEMENT - Force Main Shaft Construction Area.
47 Parkland upon and under which a temporary easement may be established
48 pursuant to subdivision (b) of section one of this act is described as
49 all that certain plot, piece or parcel of land with buildings and
50 improvements thereon erected, situate, lying and being located at Incor-
51 porated Village of Rockville Centre, Incorporated Village of East Rocka-
52 way, and Incorporated Village of Lynbrook, Town of Hempstead, County of
53 Nassau and State of New York being more particularly bounded and
54 described as follows: Beginning at a point on the southerly side of the
55 herein described temporary easement for [~~the force main shaft~~]
56 construction [~~area~~] staging, said Point of Beginning being more partic-

ularly described as commencing at the intersection of the northerly side of South Park Avenue with the easterly side of [~~Oxford~~] Chester Road; running thence [~~easterly~~] South 79°24'16" East, along the northerly side of South Park Avenue, [~~203~~] 247.33 feet plus or minus, to the centerline of the permanent subsurface easement for force main described in section [~~six~~] five of this act; thence North [~~13°01'~~] 10°26'55" East, along said centerline, [~~920~~] 920.41 feet plus or minus, to the southerly line of the temporary easement, at the Point of Beginning. Running thence North [~~76°19'~~] 76°19'09" West [~~136 feet plus or minus, to the easterly terminus of Merton Avenue (unopened); thence North 76°19' West, through the unopened part of Merton Avenue, 48~~] 185.92 feet plus or minus; thence North [~~14°49'~~] 14°49'03" East [~~5' feet plus or minus, to the northerly side of Merton Avenue; thence North 14°49' East 27'~~] 31.83 feet plus or minus; thence South [~~76°29'~~] 76°28'34" East [~~66~~] 65.98 feet plus or minus; thence North [~~36°47'~~] 36°46'43" East [~~61~~] 60.84 feet plus or minus; thence North [~~78°41'~~] 78°41'29" East [~~145~~] 145.19 feet plus or minus; thence South [~~65°54'~~] 65°54'19" East [~~46~~] 45.62 feet plus or minus; thence South [~~29°39'~~] 29°38'55" West 146.71 feet plus or minus; thence North 76°19'09" West [~~147 feet plus or minus; thence North 76°19' West 42~~] 40.66 feet plus or minus, to the Point of Beginning. Containing within said bounds [~~22,800~~] 22,827 square feet plus or minus. The above described temporary easement is for the construction of a [~~thirty-foot~~] forty-four-foot diameter access shaft. The location of said temporary access shaft is more particularly described in section [~~four~~] three of this act. Said parcel being part of property designated as Section: 38 Block: F [~~Lots: 39-42, 50C,~~] Lot: 50F and [~~Section: 38, Block: T, Lots: 50A, 50B, 50C~~] part of Merton Avenue (not open) on the Nassau County Land and Tax Map.

§ [~~6~~] 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 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~~] Beginning at a point on the northerly side of South Park Avenue, said [~~Point of Beginning 193 feet plus or minus easterly, as measured~~] 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 [~~Oxford~~] Chester Road; running thence North [~~13°01'~~] 10°26'55" East [~~956~~] 956.35 feet plus or minus; thence North [~~44°00'~~] 40°12'27" East [~~446~~] 464.95 feet plus or minus, to the [~~northeasterly line of property designated as Section 38 Block F Lot 50F, on the Nassau County Land and Tax Map~~] westerly side of Mill River; thence [~~South 53°10' East,~~] along [~~said northeasterly line,~~ 20] 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 [44°00'] 40°12'27" West [443] 427.49 feet plus or minus; thence South [13°01'] 10°26'55" West [950] 951.08 feet plus or minus[7] to the northerly side of South Park Avenue; thence North [~~79°36'~~] 79°24'16" West, along [~~said~~] the northerly side of South Park Avenue, [~~20~~] 20.00 feet plus or minus, to the Point of Beginning[+]

1 ~~containing~~. Containing within said bounds [~~28,000~~] 28,014 square feet
2 plus or minus. The above described permanent easement is for the
3 construction and operation of a six-foot diameter force main at a mini-
4 mum depth of fifteen feet below the ground surface. Said parcel being
5 part of property designated as Section: 38 Block: F [~~Lots: 39-42, 50C,~~
6 Lot: 50F and Section: 38, Block: T, [~~Lots~~] Lot: 50A[~~, 50B, 50C~~] on the
7 Nassau County Land and Tax Map.

8 § [~~7,~~] 6. TEMPORARY EASEMENT - Force Main Shaft Construction Area.
9 Parkland upon and under which a temporary easement may be established
10 pursuant to subdivision (b) of section one of this act is described as
11 all that certain plot, piece or parcel of land with buildings and
12 improvements thereon erected, situate, lying and being located at Incor-
13 porated Village of Rockville Centre, Town of Hempstead, County of Nassau
14 and State of New York being more particularly bounded and described as
15 follows: [~~beginning~~] Beginning at a point on the northerly side of
16 Sunrise Highway (New York State Route [~~27A~~] 27), said [~~Point-of-Begin-~~
17 ~~ning~~] point being distant [~~254~~] 82.57 feet [~~plus or minus~~] westerly [~~as~~
18 ~~measured~~] along the northerly side of Sunrise Highway from the [~~inter-~~
19 ~~section-of~~] extreme westerly and of an arc of a curve connecting the
20 northerly side of Sunrise Highway with the westerly side of North Forest
21 Avenue[~~, running~~]. Running thence [~~North 86°15' West,~~] along the north-
22 erly side of Sunrise Highway the following three (3) courses: Southwes-
23 terly 250.24 feet plus or minus along the arc of a curve bearing to the
24 left having a radius of 862.00 feet and a chord that bears South
25 77°03'07" West 249.36 feet plus or minus, [~~175 feet plus or minus,~~
26 thence] South [~~68°26'~~] 68°43'30" West[~~, continuing along the northerly~~
27 side of Sunrise Highway, 111] 161.85 feet plus or minus; Southwesterly
28 20.44 feet plus or minus along the arc of a curve bearing to the right
29 having a radius of 592.00 feet and a chord that bears South 69°00'05"
30 West 20.44 feet plus or minus; thence North [~~14°47'~~] 14°30'46" West
31 [~~162~~] 215.45 feet plus or minus, to the southerly side of [~~the~~] Long
32 Island Rail Road [~~right-of-way~~]; thence [~~South 86°59' East,~~] along the
33 southerly side of the Long Island Rail Road, [~~479~~] South 87°41'41" East
34 469.93 feet plus or minus; thence South [~~01°59'~~] 02°13'26" West [75]
35 67.80 feet plus or minus, to the northerly side of [~~the travelled way~~
36 ~~of~~] Sunrise Highway, [~~then 160 feet plus or minus along the arc of a~~
37 ~~circular curve to the left that has a radius of 850 feet and a chord~~
38 ~~that bears South 80°03' West 160 feet plus or minus to]~~ at the Point of
39 Beginning. Containing within said bounds [~~50,300~~] 57,506 square feet
40 plus or minus. The above described temporary easement is necessary for
41 the construction of temporary access to the aqueduct below Sunrise High-
42 way area. Said parcel being part of property designated as Section: 38
43 Block: 291 Lot: 17 on the Nassau County Land and Tax Map.

44 § [~~8,~~] 7. Should the lands described in sections [~~three, four~~] two and
45 [~~six~~] five of this act cease to be used for the purposes described in
46 section one of this act, the permanent easements established pursuant to
47 section one of this act shall cease and such lands shall be restored and
48 dedicated as parklands.

49 § [~~9,~~] 8. In the event that the village of Rockville Centre received
50 any funding support or assistance from the federal government for the
51 purchase, maintenance, or improvement of the parklands set forth in
52 sections [~~three~~] two through [~~seven~~] six of this act, the discontinuance
53 and alienation of such parklands authorized by the provisions of this
54 act shall not occur until the village of Rockville Centre has complied
55 with any applicable federal requirements pertaining to the alienation or
56 conversion of parklands, including satisfying the secretary of the inte-

rior 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.~~ 9. 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.

§ 2. This act shall take effect immediately.

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 Invenenergy 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

1 land will revert back to the state of New York for state forest
2 purposes.

3 PART CC

4 Section 1. Section 12 of part F of chapter 58 of the laws of 2013
5 amending the environmental conservation law and the state finance law
6 relating to the "Cleaner, Greener NY Act of 2013", as amended by chapter
7 65 of the laws of 2019, is amended to read as follows:

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

13 § 2. This act shall take effect immediately.

14 PART DD

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

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

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

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

28 (c) The CLCPA recognizes the need to encourage and facilitate land use
29 and transportation planning strategies to reduce greenhouse gas emis-
30 sions from the transportation sector.

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

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

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

42 § 3. Definitions.

43 (a) [~~"Commissioner"~~] "Secretary" shall mean the [~~commissioner of envi-~~
44 ~~ronmental conservation or the commissioner's~~] secretary of state or the
45 secretary's designee.

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

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

51 (d) "Incremental parking decrease" shall mean, with respect to a rail
52 advantaged housing rezoning proposal, the percentage decrease in public-

1 ly accessible vehicle parking proximate to a commuter rail station that
2 such rezoning proposal would cause, if effective.

3 (e) "Incremental population increase" shall mean, with respect to a
4 rail advantaged housing rezoning proposal, the percentage by which the
5 population of a local jurisdiction including the property subject to
6 such rezoning proposal would increase if: (1) such rezoning proposal
7 were to become effective; (2) all of the housing permitted to be built
8 as a result of such rezoning proposal were to be built; and (3) all of
9 such housing were to be fully occupied.

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

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

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

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

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

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

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

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

31 § 4. Uniform standards and conditions.

32 (a) The ~~commissioner~~ secretary shall establish a set of uniform
33 standards and conditions for rail advantaged housing rezoning proposals
34 that are common for all rail advantaged housing rezoning proposals or
35 for particular classes and categories of rail advantaged housing rezon-
36 ing proposals.

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

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

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

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

1 4. Any other standards and conditions determined by the [~~commissioner~~]
2 secretary.

3 § 5. Expedited zoning review. Whenever a county legislature has
4 adopted a local law to permit rail advantaged housing as defined in
5 section three of this act, the uniform standards established pursuant to
6 section four of this act shall apply to such project if the project is
7 approved. Approval by a rezoning entity of a rail advantaged housing
8 rezoning proposal is contingent upon the approval of the chief executive
9 officer of any town, village or city and shall be deemed to not have a
10 significant effect on the environment under subparagraph (ii) of para-
11 graph (c) of subdivision 2 of section 8-0113 of the environmental
12 conservation law if prior to such approval:

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

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

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

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

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

28 § 6. This act shall take effect immediately.

29 PART EE

30 Section 1. Subdivision 5 of section 1902 of the public authorities
31 law, as added by section 6 of part JJJ of chapter 58 of the laws of
32 2020, is amended to read as follows:

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

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

51 PART FF

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

5 (p) The amendments to section 1809 of the vehicle and traffic law made
6 by sections three hundred thirty-seven and three hundred thirty-eight of
7 this act shall not apply to any offense committed prior to such effec-
8 tive date; provided, further, that section three hundred forty-one of
9 this act shall take effect immediately and shall expire November 1, 1993
10 at which time it shall be deemed repealed; sections three hundred
11 forty-five and three hundred forty-six of this act shall take effect
12 July 1, 1991; sections three hundred fifty-five, three hundred fifty-
13 six, three hundred fifty-seven and three hundred fifty-nine of this act
14 shall take effect immediately and shall expire June 30, 1995 and shall
15 revert to and be read as if this act had not been enacted; section three
16 hundred fifty-eight of this act shall take effect immediately and shall
17 expire June 30, 1998 and shall revert to and be read as if this act had
18 not been enacted; section three hundred sixty-four through three hundred
19 sixty-seven of this act shall apply to claims filed on or after such
20 effective date; sections three hundred sixty-nine, three hundred seven-
21 ty-two, three hundred seventy-three, three hundred seventy-four, three
22 hundred seventy-five and three hundred seventy-six of this act shall
23 remain in effect until September 1, ~~2021~~ 2023, at which time they
24 shall be deemed repealed; provided, however, that the mandatory
25 surcharge provided in section three hundred seventy-four of this act
26 shall apply to parking violations occurring on or after said effective
27 date; and provided further that the amendments made to section 235 of
28 the vehicle and traffic law by section three hundred seventy-two of this
29 act, the amendments made to section 1809 of the vehicle and traffic law
30 by sections three hundred thirty-seven and three hundred thirty-eight of
31 this act and the amendments made to section 215-a of the labor law by
32 section three hundred seventy-five of this act shall expire on September
33 1, ~~2021~~ 2023 and upon such date the provisions of such subdivisions
34 and sections shall revert to and be read as if the provisions of this
35 act had not been enacted; the amendments to subdivisions 2 and 3 of
36 section 400.05 of the penal law made by sections three hundred seventy-
37 seven and three hundred seventy-eight of this act shall expire on July
38 1, 1992 and upon such date the provisions of such subdivisions shall
39 revert and shall be read as if the provisions of this act had not been
40 enacted; the state board of law examiners shall take such action as is
41 necessary to assure that all applicants for examination for admission to
42 practice as an attorney and counsellor at law shall pay the increased
43 examination fee provided for by the amendment made to section 465 of the
44 judiciary law by section three hundred eighty of this act for any exam-
45 ination given on or after the effective date of this act notwithstanding
46 that an applicant for such examination may have prepaid a lesser fee for
47 such examination as required by the provisions of such section 465 as of
48 the date prior to the effective date of this act; the provisions of
49 section 306-a of the civil practice law and rules as added by section
50 three hundred eighty-one of this act shall apply to all actions pending
51 on or commenced on or after September 1, 1991, provided, however, that
52 for the purposes of this section service of such summons made prior to
53 such date shall be deemed to have been completed on September 1, 1991;
54 the provisions of section three hundred eighty-three of this act shall
55 apply to all money deposited in connection with a cash bail or a
56 partially secured bail bond on or after such effective date; and the

1 provisions of sections three hundred eighty-four and three hundred
2 eighty-five of this act shall apply only to jury service commenced
3 during a judicial term beginning on or after the effective date of this
4 act; provided, however, that nothing contained herein shall be deemed to
5 affect the application, qualification, expiration or repeal of any
6 provision of law amended by any section of this act and such provisions
7 shall be applied or qualified or shall expire or be deemed repealed in
8 the same manner, to the same extent and on the same date as the case may
9 be as otherwise provided by law;

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

13 8. The provisions of this section shall only apply to offenses commit-
14 ted on or before September first, two thousand [~~twenty-one~~]
15 twenty-three.

16 § 3. This act shall take effect immediately.

17 PART GG

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

20 § 1226. Control of steering mechanism. No person shall operate a motor
21 vehicle without having at least one hand or, in the case of a physically
22 handicapped person, at least one prosthetic device or aid on the steer-
23 ing mechanism at all times when the motor vehicle is in motion unless a
24 driving automation system, as defined in SAE J3016 as periodically
25 revised, is engaged to perform steering function.

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

30 a. Notwithstanding the provisions of section 1226 of the vehicle and
31 traffic law, the New York state commissioner of motor vehicles may
32 approve demonstrations and tests consisting of the operation of a motor
33 vehicle equipped with autonomous vehicle technology while such motor
34 vehicle is engaged in the use of such technology on public highways
35 within this state for the purposes of demonstrating and assessing the
36 current development of autonomous vehicle technology and to begin iden-
37 tifying potential impacts of such technology on safety, traffic control,
38 traffic enforcement, emergency services, and such other areas as may be
39 identified by such commissioner. [~~Provided, however, that such demon-~~
40 ~~strations and tests shall only take place under the direct supervision~~
41 ~~of the New York state police, in a form and manner prescribed by the~~
42 ~~superintendent of the New York state police. Additionally, a law~~
43 ~~enforcement interaction plan shall be included as part of the demon-~~
44 ~~stration and test application that includes information for law enforce-~~
45 ~~ment and first responders regarding how to interact with such a vehicle~~
46 ~~in emergency and traffic enforcement situations. Such demonstrations~~
47 ~~and tests shall take place in a manner and form prescribed by the~~
48 ~~commissioner of motor vehicles including, but not limited to: a require-~~
49 ~~ment that a natural person holding a valid license for the operation of~~
50 ~~the motor vehicle's class be present within such vehicle for the dura-~~
51 ~~tion of the time it is operated on public highways; a requirement that~~
52 ~~the motor vehicle utilized in such demonstrations and tests complies~~
53 ~~with all applicable federal motor vehicle safety standards and New York~~
54 ~~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

1 dedicated highway and bridge trust fund, established pursuant to section
2 eighty-nine-b of the state finance law.

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

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

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

35 (a) The special obligation reserve and payment account shall consist
36 (i) of all moneys required to be deposited in the dedicated highway and
37 bridge trust fund pursuant to the provisions of sections two hundred
38 eighty-nine-e, three hundred one-j, five hundred fifteen and eleven
39 hundred sixty-seven of the tax law, [~~section~~] sections two hundred twen-
40 ty-four-b and four hundred one and article [~~twelve-d~~] twelve-D of the
41 vehicle and traffic law, and section thirty-one of chapter fifty-six of
42 the laws of nineteen hundred ninety-three, (ii) all fees, fines or
43 penalties collected by the commissioner of transportation and the
44 commissioner of motor vehicles pursuant to section fifty-two, section
45 three hundred twenty-six, section eighty-eight of the highway law,
46 subdivision fifteen of section three hundred eighty-five of the vehicle
47 and traffic law, section fifteen of this chapter, excepting moneys
48 deposited with the state on account of betterments performed pursuant to
49 subdivision twenty-seven or subdivision thirty-five of section ten of
50 the highway law, and section one hundred forty-five of the transporta-
51 tion law, (iii) any moneys collected by the department of transportation
52 for services provided pursuant to agreements entered into in accordance
53 with section ninety-nine-r of the general municipal law, and (iv) any
54 other moneys collected therefor or credited or transferred thereto from
55 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:

1 In this ~~chapter~~ article:

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

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

6 § 5109. Unauthorized providers of health services. (a) ~~[The super-~~
7 ~~intendent, in consultation with the commissioner of health and the~~
8 ~~commissioner of education, shall by regulation, promulgate standards and~~
9 ~~procedures for investigating and suspending or removing the authori-~~
10 ~~zation for providers of health services to demand or request payment for~~
11 ~~health services as specified in paragraph one of subsection (a) of~~
12 ~~section five thousand one hundred two of this article upon findings~~
13 ~~reached after investigation pursuant to this section. Such regulations~~
14 ~~shall ensure the same or greater due process provisions, including~~
15 ~~notice and opportunity to be heard, as those afforded physicians inves-~~
16 ~~tigated under article two of the workers' compensation law and shall~~
17 ~~include provision for notice to all providers of health services of the~~
18 ~~provisions of this section and regulations promulgated thereunder at~~
19 ~~least ninety days in advance of the effective date of such regulations.]~~

20 As used in this section, "health services" means services, supplies,
21 therapies or other treatments as specified in subparagraph (i), (ii) or
22 (iv) of paragraph one of subsection (a) of section five thousand one
23 hundred two of this article.

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

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

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

45 ~~(3)]~~ (2) solicited, or [has] employed another person to solicit for
46 [himself or herself] the provider of health services or [for] another
47 person or entity, professional treatment, examination or care of [an
48 injured] a person in connection with any claim under this article; [or

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

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

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

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

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

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

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

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

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

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

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

45 (d) The chair of the workers' compensation board shall provide the
46 superintendent a list of the names of all providers of health services
47 which, in connection with any investigation, hearing, or findings pursu-
48 ant to section thirteen-d of the workers' compensation law, have volun-
49 tarily resigned or are disqualified from rendering health services under
50 the workers' compensation law. Such providers of health services shall
51 not be authorized to demand or request any payment for health services
52 in connection with any claim under this article, other than health
53 services rendered in the emergency department of a general hospital, as
54 defined in subdivision ten of section two thousand eight hundred one of
55 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

1 colleges in the state to enhance the quality of technical education in
2 the area or areas of technology involved;

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

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

10 (d) establish such procedures as it deems appropriate for the evalu-
11 ation of applications for designation as centers for advanced technolo-
12 gy, including the establishment of peer review panels composed of
13 nationally recognized experts in the technological areas and industries
14 to which the application is related.

15 (e) Notwithstanding the criteria set forth in this subdivision, or any
16 provision of law to the contrary, the universities, university-affiliat-
17 ed research institutes or a consortium of such institutions designated
18 as centers of excellence under section four hundred ten of the economic
19 development law on or before the effective date of the chapter of the
20 laws of two thousand twenty-one that amended this section shall be
21 designated as centers for advanced technology for a period of two years,
22 during which time a competition will be held to award ten year desig-
23 nations to applicants deemed to have significant economic impact poten-
24 tial. The number of awards made as a result of such competition shall be
25 at least equal to the number of centers of excellence. Centers of excel-
26 lence receiving a two year center designation shall include: Buffalo
27 Center of Excellence in Bioinformatics and Life Sciences; Syracuse
28 Center of Excellence in Environmental and Energy Systems; Albany Center
29 of Excellence in Nanoelectronics; Stony Brook Center of Excellence in
30 Wireless and Information Technology; Binghamton Center of Excellence in
31 Small Scale Systems Integration and Packaging; Stony Brook Center of
32 Excellence in Advanced Energy Research; Buffalo Center of Excellence in
33 Materials Informatics; Rochester Center of Excellence in Sustainable
34 Manufacturing; Rochester Center of Excellence in Data Science; Rensse-
35 laer Polytechnic Institute, Rochester Institute of Technology, and New
36 York University Center of Excellence in Digital Game Development;
37 Cornell University Center of Excellence in Food and Agriculture Inno-
38 vation; Albany Center of Excellence in Data Science in Atmospheric and
39 Environmental Prediction and Innovation; New York Medical College Center
40 of Excellence in Precision Responses to Bioterrorism and Disaster; and
41 Clarkson - SUNY ESF Center of Excellence in Healthy Water Solutions.

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

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

56 (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 than 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

1 apply to such reduced payment, and such provisions shall be subject to
2 the approval of the [~~foundation~~] department.

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

12 5. (a) From such funds as may be appropriated for the purpose of
13 incentive grants or other funds which may be available from the [~~founda-~~
14 ~~tion~~] department to enhance center activities in areas of crucial inter-
15 est in the state's economic development, the [~~foundation~~] department may
16 provide grants, on a competitive basis, to centers for projects includ-
17 ing, but not limited to, those which:

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

21 (ii) are aimed at enhancing or accelerating the process of bringing
22 new products, particularly those under development by new small busi-
23 nesses, to the marketplace; or

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

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

31 6. (a) The [~~foundation~~] department shall make an annual report of the
32 centers for advanced technology program to the governor and the legisla-
33 ture not later than September first of each year. Such report shall
34 include, but not be limited to, the results of the [~~foundation's~~]
35 department's evaluation of each center, a description of the achievement
36 of each center, any deficiencies in the operation of each center or its
37 research, education and technology commercialization activities, remedi-
38 al actions recommended by the [~~foundation~~] department, remedial actions
39 taken by each center, a description of the small business assistance
40 provided by each center, a description of any incentive grant program
41 awarded a grant by the [~~foundation~~] department and the achievements of
42 such program, and the amount of financial assistance provided by the
43 [~~foundation~~] department and the level of matching funds provided by each
44 center and the uses of such monies.

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

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

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

1 coverage period that is comparable to a three-month term in 2019, which
2 may be required to be proved by documentation;

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

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

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

21 Signed:

22 Printed name:

23 Date signed:

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

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

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

40 § 4. Prohibition on initiation of eviction proceeding. If there is no
41 pending eviction proceeding and a tenant provides a hardship declaration
42 to the landlord or an agent of the landlord, there shall be no initi-
43 ation of an eviction proceeding against the tenant until at least May 1,
44 2021, and in such event any specific time limit for the commencement of
45 an eviction proceeding shall be tolled until May 1, 2021.

46 § 5. Required affidavit. 1. No court shall accept for filing any peti-
47 tion or complaint or other filing to commence an eviction proceeding
48 unless the petitioner or an agent of the petitioner or plaintiff files
49 an affidavit of service, attesting to the service of both the eviction
50 papers and an unexecuted copy of the hardship declaration, and accompa-
51 nished by an affidavit by petitioner or plaintiff that:

52 a. at the time of filing, neither the petitioner or the plaintiff nor
53 any agent of the petitioner or plaintiff has received a hardship decla-
54 ration from the respondent or defendant, or

1 b. the respondent or defendant has returned a hardship declaration,
2 but the respondent or its licensees are persistently engaging in behav-
3 ior that infringes on the use and enjoyment of other tenants or occu-
4 pants or causes a substantial safety hazard to others, with a specific
5 description of the behavior alleged.

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

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

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

30 § 8. Translation of hardship declaration. The office of court adminis-
31 tration shall translate the hardship declaration, as defined in section
32 one of this act, into Spanish and the six most common languages in the
33 city of New York, after Spanish, and shall post and maintain such trans-
34 lations and an English language copy of the hardship declaration on the
35 website of such office beginning within fifteen days of the effective
36 date of this act. To the extent practicable, the office of court admin-
37 istration shall post and maintain on its website translations into such
38 additional languages as the chief administrative judge shall deem appro-
39 priate to ensure that tenants have an opportunity to understand and
40 submit hardship declarations pursuant to this act.

41 § 9. If any clause, sentence, paragraph, section, or part of this act
42 shall be adjudged by any court of competent jurisdiction to be invalid
43 and after exhaustion of all further judicial review, the judgment shall
44 not affect, impair or invalidate the remainder thereof, but shall be
45 confined in its operation to the clause, sentence, paragraph, section or
46 part of this act directly involved in the controversy in which the judg-
47 ment shall have been rendered.

48 § 10. This act shall take effect immediately and sections one, two,
49 three, four, five, six, seven, and eight of this act shall expire May 1,
50 2021.

51 SUBPART B

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

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

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

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

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

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

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

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

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

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

48 () My tenant's business was subject to seating, occupancy or on-premis-
49 es presence limitations due to COVID-19 safety measures as required by
50 New York State Executive Orders and the business suffered a significant
51 loss or income or increase in cost which has resulted in the reduction
52 of a significant amount of rent payments, which may be required to be
53 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

1 authorities law, or the local industrial development agency established
2 pursuant to article eighteen-A of the general municipal law that such
3 cessation has resulted in a reduction in the real property tax
4 collections or payments in lieu of taxes, provided, however, that the
5 urban development corporation shall not provide assistance to such local
6 government entity for more than seven years, and shall award payments
7 reflecting the loss of revenues due to the cessation of operations as
8 follows:

9	Award Year	Maximum Potential Award
10	1	no more than eighty percent of loss of revenues
11	2	no more than seventy percent of loss of revenues
12	3	no more than sixty percent of loss of revenues
13	4	no more than fifty percent of loss of revenues
14	5	no more than forty percent of loss of revenues
15	6	no more than thirty percent of loss of revenues
16	7	no more than twenty percent of loss of revenues

17 A local government entity shall be eligible for only one payment of
18 funds hereunder per year. A local government entity may seek assistance
19 under the electric generation facility cessation mitigation fund once a
20 generator has submitted its notice to the federally designated electric
21 bulk system operator (BSO) serving the state of New York of its intent
22 to retire the facility or of its intent to voluntarily remove the facil-
23 ity from service subject to any return-to-service provisions of any
24 tariff, and that the facility also is ineligible to participate in the
25 markets operated by the BSO. The date of submission of a local govern-
26 ment entity's application for assistance shall establish the order in
27 which assistance is paid to program applicants, except that in no event
28 shall assistance be paid to a local government entity until such time
29 that an electric generating facility has retired or become ineligible to
30 participate in the markets operated by the BSO. For purposes of this
31 section, any local government entity seeking assistance under the elec-
32 tric generation facility cessation mitigation fund must submit an attes-
33 tation to the department of public service that a facility is no longer
34 producing electricity and is no longer participating in markets operated
35 by the BSO. After receipt of such attestation, the department of public
36 service shall confirm such information with the BSO. In the case that
37 the BSO confirms to the department of public service that the facility
38 is no longer producing electricity and participating in markets operated
39 by such BSO, it shall be deemed that the electric generating facility
40 located within the local government entity has ceased operation. The
41 department of public service shall provide such confirmation to the
42 urban development corporation upon receipt. The determination of the
43 amount of such annual payment shall be determined by the president of
44 the urban development corporation based on the amount of the differen-
45 tial between the annual real property taxes and payments in lieu of
46 taxes imposed upon the facility, exclusive of interest and penalties,
47 during the last year of operations and the current real property taxes
48 and payments in lieu of taxes imposed upon the facility, exclusive of
49 interest and penalties. The total amount awarded from this program shall
50 not exceed [~~\$69,000,000~~] ~~\$140,000,000~~.

51 § 2. This act shall take effect immediately; provided, however, that
52 the amendments to section 1 of subpart H of part C of chapter 20 of the
53 laws of 2015 made by section one of this act shall not affect the repeal
54 of such subpart and shall be deemed repealed therewith.

1

PART OO

2 Section 1. Section 5 of chapter 108 of the laws of 2020, amending the
3 public service law relating to issuing a moratorium on utility termi-
4 nation of services during periods of pandemics and/or state of emergen-
5 cies, as amended by section 2 of part B of chapter 126 of the laws of
6 2020, is amended to read as follows:

7 § 5. This act shall take effect immediately [~~and shall expire March~~
8 ~~31, 2021 when upon such date the provisions of this act shall be deemed~~
9 ~~repealed~~].

10 § 2. Subdivisions 6, 7, 8 and 9 of section 32 of the public service
11 law, subdivision 6 as amended and subdivisions 7, 8 and 9 as added by
12 chapter 108 of the laws of 2020, are amended to read as follows:

13 6. No utility corporation or municipality shall terminate or discon-
14 nect services to any residential customer or a small business customer
15 with twenty-five or fewer employees that is not a (i) publicly held
16 company, or a subsidiary thereof, (ii) seasonal, short-term, or tempo-
17 rary customer, (iii) high energy customer as defined by the commission,
18 or (iv) customer that the utility can demonstrate has the resources to
19 pay the bill, provided that the utility notifies the small business
20 customer of its reasons and of the customer's right to contest this
21 determination through the commission's complaint procedures, for the
22 non-payment of an overdue charge for the duration of [~~the~~] a state
23 disaster emergency declared pursuant to section twenty-eight of the
24 executive [~~order two hundred two of two thousand twenty (herein after~~
25 ~~"the COVID-19 state of emergency")~~] law issued in response to a state,
26 national, or global event that is deemed to have a significant negative
27 and long-term impact on the state's economic future, and not due to a
28 short-term weather-related disaster emergency.

29 Utility corporations and municipalities shall have a duty to restore
30 service, to the extent not already required under this chapter, to any
31 residential customer within forty-eight hours if such service has been
32 terminated for non-payment during the pendency of the [~~COVID-19~~] state
33 [~~of~~] disaster emergency.

34 7. [~~For a period of one hundred eighty days after the COVID-19 state~~
35 ~~of emergency is lifted or expires, no~~] No utility corporation or munic-
36 ipality shall terminate or disconnect the service of a residential or
37 small business customer because of defaulted deferred payment agreements
38 or arrears owed to the utility corporation or municipality when such
39 customer has experienced a change in financial circumstances as defined
40 by the department due to [~~the COVID-19~~] a state [~~of~~] disaster emergen-
41 cy[, ~~as defined by the department~~] as set forth in subdivision six of
42 this section. The utility corporation or municipality shall provide such
43 residential or small business customer with the right to enter into, or
44 restructure, a deferred payment agreement without the requirement of a
45 down payment, late fees, or penalties, as such is provided for in this
46 article with such prohibition on down payments, late fees, or penalties
47 applicable to all arrears incurred during the duration of the state
48 disaster emergency.

49 8. Every utility corporation or municipality shall provide notice to
50 residential and small business customers, in a writing to be included
51 with a bill statement or, when appropriate, via electronic transmission
52 the provisions of this section and shall further make reasonable efforts
53 to contact customers who have demonstrated a change in financial circum-
54 stances due to [~~the COVID-19~~] a state [~~of~~] disaster emergency as set
55 forth in subdivision six of this section for the purpose of offering

1 such customers a deferred payment agreement consistent with the
2 provisions of this article.

3 9. Implementation of the provisions of this section shall not prohibit
4 a utility or municipality from recovering lost or deferred revenues
5 after the lifting or expiration of [~~the COVID-19~~] a state [~~of~~] disaster
6 emergency as set forth in subdivision six of this section, pursuant to
7 such means for recovery as are provided for in this chapter, and by
8 means not inconsistent with any of the provisions of this article. Noth-
9 ing in this section shall prohibit a utility corporation or municipality
10 from disconnecting service necessary to protect the health and safety of
11 customers and the public.

12 § 3. Subdivision 6 of section 32 of the public service law, as added
13 by chapter 686 of the laws of 2002, is REPEALED.

14 § 4. Subdivisions 9, 10 and 11 of section 89-b of the public service
15 law, as added by chapter 108 of the laws of 2020, are amended to read as
16 follows:

17 9. [~~For a period of one hundred eighty days after the COVID-19 state~~
18 ~~of emergency is lifted or expires, no~~] No water-works corporation shall
19 terminate or disconnect the service of a residential customer account or
20 the account of a small business customer with twenty-five or fewer
21 employees that is not a (i) publicly held company, or a subsidiary ther-
22 eof, (ii) seasonal, short-term, or temporary customer, (iii) high usage
23 customer as defined by the commission, or (iv) customer that the utility
24 can demonstrate has the resources to pay the bill, provided that the
25 utility notifies the small business customer of its reasons and of the
26 customer's right to contest this determination through the commission's
27 complaint procedures, because of defaulted deferred payment agreements
28 or arrears owed to the water-works corporation when such customer has
29 experienced a change in financial circumstances, as defined by the
30 department, due to [~~the COVID-19~~] a state [~~of~~] disaster emergency[~~, as~~
31 ~~defined by the department~~] declared pursuant to section twenty-eight of
32 the executive law issued in response to a state, national, or global
33 event that is deemed to result in a significant negative and long-term
34 impact on the state's economic future, and not due to a short-term
35 weather-related disaster emergency. The water-works corporation shall
36 provide such residential or small business customer with the right to
37 enter into, or restructure, a deferred payment agreement without the
38 requirement of a down payment, late fees, or penalties, as such is
39 provided for in article two of this chapter with such prohibition on
40 down payments, late fees, or penalties applicable to all arrears
41 incurred during the duration of the state disaster emergency.

42 10. Every water-works corporation or small business shall provide
43 notice to residential customers, in a writing to be included with a bill
44 statement or, when appropriate, via electronic transmission, the
45 provisions of this section and shall further make reasonable efforts to
46 contact customers who have demonstrated a change in financial circum-
47 stances due to [~~the COVID-19~~] a state [~~of~~] disaster emergency as set
48 forth in subdivision nine of this section for the purpose of offering
49 such customers a deferred payment agreement consistent with the
50 provisions of this section and article two of this chapter.

51 11. Implementation of the provisions of this section shall not prohib-
52 it a water-works corporation from recovering lost or deferred revenues
53 after the lifting or expiration of the [~~COVID-19~~] state [~~of~~] disaster
54 emergency as set forth in subdivision nine of this section, pursuant to
55 such means for recovery as are provided for in this chapter, and by
56 means not inconsistent with any of the provisions of this article. Noth-

ing 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 89-1 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:

§ 89-1. 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 result in a significant negative and long-term impact on the state's economic future, and not due to a short-term weather-related disaster emergency. 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

1 three of this section. The municipality shall provide a residential or
2 small business service customer that has experienced a change in finan-
3 cial circumstances due to the [~~COVID-19~~] state [~~of~~] disaster emergency
4 with the right to enter into, or restructure, a deferred payment agree-
5 ment without the requirement of a down payment, late fees, or penalties,
6 as such is provided for in article two of this chapter, with such prohi-
7 bition on down payments, late fees, or penalties applicable to all
8 arrears incurred during the duration of the state disaster emergency.

9 5. Every municipality shall provide notice to residential and small
10 business customers in a writing to be included with a bill statement or,
11 when appropriate, via electronic transmission the provisions of this
12 section and shall further make reasonable efforts to contact customers
13 who have demonstrated a change in financial circumstances due to the
14 [~~COVID-19~~] state [~~of~~] disaster emergency as set forth in subdivision
15 three of this section for the purpose of offering such customers a
16 deferred payment agreement consistent with the provisions of this
17 section and article two of this chapter.

18 6. Implementation of the provisions of this section shall not prohibit
19 a municipality from recovering lost or deferred revenues after the lift-
20 ing or expiry of [~~the COVID-19~~] a state [~~of~~] disaster emergency,
21 provided that such means are not inconsistent with the provisions of
22 this article. Nothing in this section shall prohibit a municipality from
23 disconnecting service when it is necessary to protect the health and
24 safety of customers and the public.

25 7. Notwithstanding the provisions of subdivision one of this section,
26 for the purposes of subdivisions three, four, five and six of this
27 section, a "municipality" shall also include a public water authority
28 established pursuant to article five of the public authorities law.
29 Every municipality shall be subject to the jurisdiction of the commis-
30 sion for the purposes of enforcing the provisions of subdivisions three,
31 four, five and six of this section pursuant to sections twenty-four,
32 twenty-five and twenty-six of this chapter.

33 § 6. Subdivisions 9, 10, 11 and 12 of section 91 of the public service
34 law, subdivisions 9, 10 and 12 as amended by section 1 of part B of
35 chapter 126 of the laws of 2020, subdivision 11 as added by chapter 108
36 of the laws of 2020, are amended to read as follows:

37 9. No telephone corporation shall terminate or disconnect any services
38 provided by its infrastructure to a residential service customer or a
39 small business customer with twenty-five or fewer employees that is not
40 a (i) publicly held company, or a subsidiary thereof, (ii) seasonal,
41 short-term, or temporary customer, (iii) high usage customer as defined
42 by the commission, or (iv) customer that the utility can demonstrate
43 has the resources to pay the bill, provided that the utility notifies
44 the small business customer of its reasons and of the customer's right
45 to contest this determination through the commission's complaint proce-
46 dures, for the non-payment of an overdue charge for the duration of
47 [~~the~~] a state disaster emergency declared pursuant to section twenty-
48 eight of the executive [~~order two hundred two of two thousand twenty~~
49 ~~(hereinafter "the COVID-19 state of emergency")~~] law in response to a
50 state, national or global event that is deemed to result in a signif-
51 icant negative and long-term impact on the state's economic future, and
52 not due to a short-term weather-related disaster emergency. Telephone
53 corporations shall have a duty to restore service, to the extent not
54 already required under this chapter, at the request of any residential
55 or small business customer within forty-eight hours if such service has
56 been terminated during the pendency of the [~~COVID-19~~] state [~~of~~] disas-

1 ~~ter~~ emergency and disconnection of such service was due to non-payment
2 of an overdue charge.

3 10. ~~[For a period of one hundred eighty days after the COVID-19 state~~
4 ~~of emergency is lifted or expires, no]~~ No telephone corporation shall
5 terminate or disconnect ~~[the service]~~ any services provided by its
6 infrastructure of a residential or small business customer account
7 because of defaulted deferred payment agreements or arrears then owed to
8 the telephone corporation when such customer has experienced a change in
9 financial circumstances as defined by the department, due to ~~[the~~
10 ~~COVID-19]~~ a state [of] disaster emergency[, as defined by the depart-
11 ~~ment]~~ as set forth in subdivision nine of this section. The telephone
12 corporation shall provide such residential or small business customer
13 with the right to enter into, or restructure, a deferred payment agree-
14 ment without the requirement of a down payment, late fees, or penalties,
15 with such prohibition on down payments, late fees, or penalties applica-
16 ble to all arrears incurred during the duration of the state disaster
17 emergency.

18 11. Every telephone corporation shall provide notice to residential
19 customers, and to those small business customers set forth in subdivi-
20 sion nine of this section, in a writing to be included with a bill
21 statement or, when appropriate, via electronic transmission the
22 provisions of this section and shall further make reasonable efforts to
23 contact customers who have demonstrated a change in financial circum-
24 stances due to ~~[the COVID-19]~~ a state [of] disaster emergency as set
25 forth in subdivision nine of this section for the purpose of offering
26 such customers a deferred payment agreement consistent with the
27 provisions of this section and article two of this chapter.

28 12. Implementation of the provisions of this section shall not prohib-
29 it a telephone corporation from recovering lost or deferred revenues
30 after the lifting or expiration of ~~[the COVID-19]~~ a state [of] disaster
31 emergency as set forth in subdivision nine of this section, pursuant to
32 such means for recovery as are provided for in this chapter, and by
33 means not inconsistent with any of the provisions of this article. Noth-
34 ing in this section shall prohibit a telephone corporation from discon-
35 necting service at the request of a customer. Nothing in this section
36 shall prohibit a telephone corporation from disconnecting service when
37 it is necessary to protect the health and safety of customers and the
38 public.

39 § 7. Section 216 of the public service law is amended by adding five
40 new subdivisions 6, 7, 8, 9 and 10 to read as follows:

41 6. No cable television company shall terminate or disconnect services
42 provided over their infrastructure to a residential service customer or
43 a small business customer with twenty-five or fewer employees that is
44 not a (i) publicly held company, or a subsidiary thereof, (ii) seasonal,
45 short-term, or temporary customer, or (iii) customer that the cable
46 television company can demonstrate has the resources to pay the bill,
47 provided that the cable television company notifies the small business
48 customer of its reasons and of the customer's right to contest this
49 determination through the commission's complaint procedures, for the
50 non-payment of an overdue charge for the duration of a state disaster
51 emergency declared pursuant to an executive order issued in response to
52 a state, national, or global event that is deemed to result in a signif-
53 icant negative and long-term impact on the state's economic future, and
54 not due to a short-term weather-related disaster emergency. Cable tele-
55 vision companies shall have a duty to restore service, to the extent not
56 already required under this chapter, at the request of any residential

1 or small business customer within forty-eight hours if such service has
2 been terminated during the pendency of the state disaster emergency and
3 disconnection of such service was due to non-payment of an overdue
4 charge.

5 7. No cable television company shall terminate or disconnect services
6 provided over their infrastructure of a residential or small business
7 customer account because of defaulted deferred payment agreements or
8 arrears then owed to the cable television company when such customer has
9 experienced a change in financial circumstances, as defined by the
10 department, due to a state disaster emergency as set forth in subdivi-
11 sion six of this section. The cable television company shall provide
12 such residential or small business customer with the right to enter
13 into, or restructure, a deferred payment agreement without the require-
14 ment of a down payment, late fees, or penalties, with such prohibition
15 on down payments, late fees, or penalties applicable to all arrears
16 incurred during the duration of the state disaster emergency.

17 8. Every cable television company shall provide notice to residential
18 or small business customers in a writing to be included with a bill
19 statement or, when appropriate, via electronic transmission the
20 provisions of this section and shall further make reasonable efforts to
21 contact customers who have demonstrated a change in financial circum-
22 stances due to a state disaster emergency as set forth in subdivision
23 six of this section for the purpose of offering such customers a
24 deferred payment agreement consistent with the provisions of this
25 section and article two of this chapter.

26 9. Implementation of the provisions of this section shall not prohibit
27 a cable television company from recovering lost or deferred revenues
28 after the lifting or expiration of a state disaster emergency as set
29 forth in subdivision six of this section, pursuant to such means for
30 recovery as are provided for in this chapter, and by means not incon-
31 sistent with any of the provisions of this article. Nothing in this
32 section shall prohibit a cable television company from disconnecting
33 service at the request of a customer. Nothing in this section shall
34 prohibit a cable television company from disconnecting service when it
35 is necessary to protect the health and safety of customers and the
36 public.

37 10. Every cable television company shall be subject to the jurisdic-
38 tion of the commission for the purposes of enforcing the provisions of
39 subdivisions six, seven, eight and nine of this section pursuant to
40 sections twenty-four, twenty-five and twenty-six of this chapter, and
41 any other applicable provision of this chapter.

42 § 8. Subdivision 1 of section 1020-s of the public authorities law, as
43 amended by chapter 415 of the laws of 2017, is amended to read as
44 follows:

45 1. The rates, services and practices relating to the electricity
46 generated by facilities owned or operated by the authority shall not be
47 subject to the provisions of the public service law or to regulation by,
48 or the jurisdiction of, the public service commission, except to the
49 extent (a) article seven of the public service law applies to the siting
50 and operation of a major utility transmission facility as defined there-
51 in, (b) article ten of such law applies to the siting of a generating
52 facility as defined therein, (c) section eighteen-a of such law provides
53 for assessment for certain costs, property or operations, (d) to the
54 extent that the department of public service reviews and makes recommen-
55 dations with respect to the operations and provision of services of, and
56 rates and budgets established by, the authority pursuant to section

1 three-b of such law, ~~[and]~~ (e) that section seventy-four of the public
2 service law applies to qualified energy storage systems within the
3 authority's jurisdiction, and (f) subdivisions six, seven, eight, nine
4 and ten of section thirty-two of the public service law.

5 § 9. The general business law is amended by adding a new section 399-
6 zzzzz, to read as follows:

7 § 399-zzzzz. Prohibition of certain broadband terminations or discon-
8 nections. 1. For the purposes of this section, the term "broadband
9 service" shall mean a mass-market retail service that provides the capa-
10 bility to transmit data to and receive data from all or substantially
11 all internet endpoints, including any capabilities that are incidental
12 to and enable the operation of the communications service, and shall
13 include service provided by commercial mobile telephone service provid-
14 ers, but shall not include dial-up service.

15 2. No person, business, corporation, or their agents providing or
16 seeking to provide broadband service in New York state shall terminate
17 or disconnect services provided over their infrastructure to a residen-
18 tial service customer or a small business customer with twenty-five or
19 fewer employees that is not a (i) publicly held company, or a subsidiary
20 thereof, (ii) seasonal, short-term, or temporary customer, or (iii)
21 customer that the broadband service provider can demonstrate has the
22 resources to pay the bill, provided that the broadband service provider
23 notifies the small business customer of its reasons and of the custom-
24 er's right to contest this determination through the commission's
25 complaint procedures, for the non-payment of an overdue charge for the
26 duration of a state disaster emergency declared pursuant to section
27 twenty-eight of the executive law in response to a state, national, or
28 global event that is deemed to result in a significant negative and
29 long-term impact on the state's economic future, and not due to a short-
30 term weather-related disaster emergency. Such persons or entities shall
31 have a duty to restore service, to the extent not already required, at
32 the request of any residential or small business customer within forty-
33 eight hours if such service has been terminated during the pendency of
34 the state disaster emergency and disconnection of such service was due
35 to non-payment of an overdue charge.

36 3. No person, business, corporation, or their agents providing or
37 seeking to provide broadband service in New York state shall terminate
38 or disconnect services provided over their infrastructure to a residen-
39 tial or small business customer account because of defaulted deferred
40 payment agreements or arrears then owed to such persons or entities when
41 such customer has experienced a change in financial circumstances due to
42 a state disaster emergency as set forth in subdivision two of this
43 section. The person, business, corporation, or their agents providing or
44 seeking to provide broadband service in New York state shall provide
45 such residential or small business customer with the right to enter
46 into, or restructure, a deferred payment agreement consistent with the
47 provisions of article two of the public service law without the require-
48 ment of a down payment, late fees, or penalties, with such prohibition
49 on down payments, late fees, or penalties applicable to all arrears
50 incurred during the duration of the state disaster emergency.

51 4. Every person, business, corporation, or their agents providing or
52 seeking to provide broadband service in New York state shall provide
53 notice to residential or small business customers in a writing to be
54 included with a bill statement or, when appropriate, via electronic
55 transmission the provisions of this section and shall further make
56 reasonable efforts to contact customers who have demonstrated a change

1 in financial circumstances due to a state disaster emergency as set
2 forth in subdivision two of this section for the purpose of offering
3 such customers a deferred payment agreement consistent with the
4 provisions of article two of the public service law.

5 5. Implementation of the provisions of this section shall not prohibit
6 a person, business, corporation, or their agents providing or seeking to
7 provide broadband service in New York state from recovering lost or
8 deferred revenues after the lifting or expiration of a state disaster
9 emergency as set forth in subdivision two of this section, pursuant to
10 such means for recovery by means not inconsistent with any of the
11 provisions of this section. Nothing in this section shall prohibit a
12 person, business, corporation, or their agents providing or seeking to
13 provide broadband service in New York state from disconnecting service
14 at the request of a customer. Nothing in this section shall prohibit a
15 person, business, corporation, or their agents providing or seeking to
16 provide broadband service in New York state from disconnecting service
17 when it is necessary to protect the health and safety of customers and
18 the public.

19 6. Whenever there shall be a violation of this section, an application
20 may be made by the attorney general in the name of the people of the
21 state of New York to a court or justice having jurisdiction by a special
22 proceeding to issue an injunction, and upon notice to the defendant of
23 not less than five days, to enjoin and restrain the continuance of such
24 violation; and if it shall appear to the satisfaction of the court or
25 justice that the defendant has, in fact, violated this section, an
26 injunction may be issued by the court or justice, enjoining and
27 restraining any further violations, without requiring proof that any
28 person has, in fact, been injured or damaged thereby. In any such
29 proceeding, the court may make allowances to the attorney general as
30 provided in paragraph six of subdivision (a) of section eighty-three
31 hundred three of the civil practice law and rules, and direct restitu-
32 tion. Whenever the court shall determine that a violation of this
33 section has occurred, the court may impose a civil penalty of not more
34 than one thousand dollars per violation. In connection with any such
35 proposed application, the attorney general is authorized to take proof
36 and make a determination of the relevant facts and to issue subpoenas in
37 accordance with the civil practice law and rules.

38 § 10. This act shall take effect immediately; provided, however, that
39 this act shall be applicable to relevant executive orders issued on or
40 after the effective date of this act.

41 PART PP

42 Section 1. The general obligations law is amended by adding a new
43 article 18-C to read as follows:

44 ARTICLE 18-C

45 LIBOR DISCONTINUANCE

46 Section 18-400. Definitions.

47 18-401. Effect of LIBOR discontinuance on agreements.

48 18-402. Continuity of contract and safe harbor.

49 18-403. Severability.

50 § 18-400. Definitions. As used in this article the following terms
51 shall have the following meanings:

52 1. "LIBOR" shall mean, for purposes of the application of this article
53 to any particular contract, security or instrument, U.S. dollar LIBOR
54 (formerly known as the London interbank offered rate) as administered by

1 ICE Benchmark Administration Limited (or any predecessor or successor
2 thereof), or any tenor thereof, as applicable, that is used in making
3 any calculation or determination thereunder.

4 2. "LIBOR discontinuance event" shall mean the earliest to occur of
5 any of the following:

6 a. a public statement or publication of information by or on behalf of
7 the administrator of LIBOR announcing that such administrator has ceased
8 or will cease to provide LIBOR, permanently or indefinitely, provided
9 that, at the time of the statement or publication, there is no successor
10 administrator that will continue to provide LIBOR;

11 b. a public statement or publication of information by the regulatory
12 supervisor for the administrator of LIBOR, the United States Federal
13 Reserve System, an insolvency official with jurisdiction over the admin-
14 istrator for LIBOR, a resolution authority with jurisdiction over the
15 administrator for LIBOR or a court or an entity with similar insolvency
16 or resolution authority over the administrator for LIBOR, which states
17 that the administrator of LIBOR has ceased or will cease to provide
18 LIBOR permanently or indefinitely, provided that, at the time of the
19 statement or publication, there is no successor administrator that will
20 continue to provide LIBOR; or

21 c. a public statement or publication of information by the regulatory
22 supervisor for the administrator of LIBOR announcing that LIBOR is no
23 longer representative. For purposes of this subdivision two, a public
24 statement or publication of information that affects one or more tenors
25 of LIBOR shall not constitute a LIBOR discontinuance event with respect
26 to any contract, security or instrument that (i) provides for only one
27 tenor of LIBOR, if such contract, security or instrument requires
28 interpolation and such tenor can be interpolated from LIBOR tenors that
29 are not so affected, or (ii) permits a party to choose from more than
30 one tenor of LIBOR and any of such tenors (A) is not so affected or (B)
31 if such contract, security or instrument requires interpolation, can be
32 interpolated from LIBOR tenors that are not so affected.

33 3. "LIBOR replacement date" shall mean:

34 a. in the case of a LIBOR discontinuance event described in paragraph
35 a or b of subdivision two of this section, the later of (i) the date of
36 the public statement or publication of information referenced therein;
37 and (ii) the date on which the administrator of LIBOR permanently or
38 indefinitely ceases to provide LIBOR; and

39 b. in the case of a LIBOR discontinuance event described in paragraph
40 c of subdivision two of this section, the date of the public statement
41 or publication of information referenced therein. For purposes of this
42 subdivision three, a date that affects one or more tenors of LIBOR shall
43 not constitute a LIBOR replacement date with respect to any contract,
44 security or instrument that (i) provides for only one tenor of LIBOR, if
45 such contract, security or instrument requires interpolation and such
46 tenor can be interpolated from LIBOR tenors that are not so affected, or
47 (ii) permits a party to choose from more than one tenor of LIBOR and any
48 of such tenors (A) is not so affected or (B) if such contract, security
49 or instrument requires interpolation, can be interpolated from LIBOR
50 tenors that are not so affected.

51 4. "Fallback provisions" shall mean terms in a contract, security or
52 instrument that set forth a methodology or procedure for determining a
53 benchmark replacement, including any terms relating to the date on which
54 the benchmark replacement becomes effective, without regard to whether a
55 benchmark replacement can be determined in accordance with such method-
56 ology or procedure.

1 5. "Benchmark" shall mean an index of interest rates or dividend rates
2 that is used, in whole or in part, as the basis of or as a reference for
3 calculating or determining any valuation, payment or other measurement
4 under or in respect of a contract, security or instrument.

5 6. "Benchmark replacement" shall mean a benchmark, or an interest rate
6 or dividend rate (which may or may not be based in whole or in part on a
7 prior setting of LIBOR), to replace LIBOR or any interest rate or divi-
8 dend rate based on LIBOR, whether on a temporary, permanent or indefi-
9 nite basis, under or in respect of a contract, security or instrument.

10 7. "Recommended benchmark replacement" shall mean, with respect to any
11 particular type of contract, security or instrument, a benchmark
12 replacement based on SOFR, which shall include any recommended spread
13 adjustment and any benchmark replacement conforming changes, that shall
14 have been selected or recommended by a relevant recommending body with
15 respect to such type of contract, security or instrument.

16 8. "Recommended spread adjustment" shall mean a spread adjustment, or
17 method for calculating or determining such spread adjustment, (which may
18 be a positive or negative value or zero) that shall have been selected
19 or recommended by a relevant recommending body for a recommended bench-
20 mark replacement for a particular type of contract, security or instru-
21 ment and for a particular term to account for the effects of the transi-
22 tion or change from LIBOR to a recommended benchmark replacement.

23 9. "Benchmark replacement conforming changes" shall mean, with respect
24 to any type of contract, security or instrument, any technical, adminis-
25 trative or operational changes, alterations or modifications that are
26 associated with and reasonably necessary to the use, adoption, calcu-
27 lation or implementation of a recommended benchmark replacement and
28 that:

29 a. have been selected or recommended by a relevant recommending body;
30 and

31 b. if, in the reasonable judgment of the calculating person, the
32 benchmark replacement conforming changes selected or recommended pursu-
33 ant to paragraph a of this subdivision do not apply to such contract,
34 security or instrument or are insufficient to permit administration and
35 calculation of the recommended benchmark replacement, then benchmark
36 replacement conforming changes shall include such other changes, alter-
37 ations or modifications that, in the reasonable judgment of the calcu-
38 lating person:

39 (i) are necessary to permit administration and calculation of the
40 recommended benchmark replacement under or in respect of such contract,
41 security or instrument in a manner consistent with market practice for
42 substantially similar contracts, securities or instruments and, to the
43 extent practicable, the manner in which such contract, security or
44 instrument was administered immediately prior to the LIBOR replacement
45 date; and

46 (ii) would not result in a disposition of such contract, security or
47 instrument for U.S. federal income tax purposes.

48 10. "Determining person" shall mean, with respect to any contract,
49 security or instrument, in the following order of priority:

50 a. any person specified as a "determining person"; or

51 b. any person with the authority, right or obligation to:

52 (i) determine the benchmark replacement that will take effect on the
53 LIBOR replacement date,

54 (ii) calculate or determine a valuation, payment or other measurement
55 based on a benchmark, or

1 (iii) notify other persons of the occurrence of a LIBOR discontinuance
2 event, a LIBOR replacement date or a benchmark replacement.

3 11. "Relevant recommending body" shall mean the Federal Reserve Board,
4 the Federal Reserve Bank of New York, or the Alternative Reference Rates
5 Committee, or any successor to any of them.

6 12. "SOFR" shall mean, with respect to any day, the secured overnight
7 financing rate published for such day by the Federal Reserve Bank of New
8 York, as the administrator of the benchmark (or a successor administra-
9 tor), on the Federal Reserve Bank of New York's website.

10 13. "Calculating person" shall mean, with respect to any contract,
11 security or instrument, any person (which may be the determining person)
12 responsible for calculating or determining any valuation, payment or
13 other measurement based on a benchmark.

14 14. "Contract, security, or instrument" shall include, without limita-
15 tion, any contract, agreement, mortgage, deed of trust, lease, security
16 (whether representing debt or equity, and including any interest in a
17 corporation, a partnership or a limited liability company), instrument,
18 or other obligation.

19 § 18-401. Effect of LIBOR discontinuance on agreements. 1. On the
20 LIBOR replacement date, the recommended benchmark replacement shall, by
21 operation of law, be the benchmark replacement for any contract, securi-
22 ty or instrument that uses LIBOR as a benchmark and:

23 a. contains no fallback provisions; or
24 b. contains fallback provisions that result in a benchmark replace-
25 ment, other than a recommended benchmark replacement, that is based in
26 any way on any LIBOR value.

27 2. Following the occurrence of a LIBOR discontinuance event, any fall-
28 back provisions in a contract, security, or instrument that provide for
29 a benchmark replacement based on or otherwise involving a poll, survey
30 or inquiries for quotes or information concerning interbank lending
31 rates or any interest rate or dividend rate based on LIBOR shall be
32 disregarded as if not included in such contract, security or instrument
33 and shall be deemed null and void and without any force or effect.

34 3. This subdivision shall apply to any contract, security, or instru-
35 ment that uses LIBOR as a benchmark and contains fallback provisions
36 that permit or require the selection of a benchmark replacement that is:

37 a. based in any way on any LIBOR value; or
38 b. the substantive equivalent of paragraph (a), (b) or (c) of subdivi-
39 sion one of section 18-402 of this article.

40 A determining person shall have the authority under this article, but
41 shall not be required, to select on or after the occurrence of a LIBOR
42 discontinuance event the recommended benchmark replacement as the bench-
43 mark replacement. Such selection of the recommended benchmark replace-
44 ment shall be:

45 (i) irrevocable;

46 (ii) made by the earlier of either the LIBOR replacement date, or the
47 latest date for selecting a benchmark replacement according to such
48 contract, security, or instrument; and

49 (iii) used in any determinations of the benchmark under or with
50 respect to such contract, security or instrument occurring on and after
51 the LIBOR replacement date.

52 4. If a recommended benchmark replacement becomes the benchmark
53 replacement for any contract, security, or instrument pursuant to subdivi-
54 sion one or subdivision three of this section, then all benchmark
55 replacement conforming changes that are applicable (in accordance with
56 the definition of benchmark replacement conforming changes) to such

1 recommended benchmark replacement shall become an integral part of such
2 contract, security, or instrument by operation of law.

3 5. The provisions of this article shall not alter or impair:

4 a. any written agreement by all requisite parties that, retrospective-
5 ly or prospectively, a contract, security, or instrument shall not be
6 subject to this article without necessarily referring specifically to
7 this article. For purposes of this subdivision, "requisite parties"
8 means all parties required to amend the terms and provisions of a
9 contract, security, or instrument that would otherwise be altered or
10 affected by this article;

11 b. any contract, security or instrument that contains fallback
12 provisions that would result in a benchmark replacement that is not
13 based on LIBOR, including, but not limited to, the prime rate or the
14 federal funds rate, except that such contract, security or instrument
15 shall be subject to subdivision two of this section;

16 c. any contract, security, or instrument subject to subdivision three
17 of this section as to which a determining person does not elect to use a
18 recommended benchmark replacement pursuant to subdivision three of this
19 section or as to which a determining person elects to use a recommended
20 benchmark replacement prior to the occurrence of a LIBOR discontinuance
21 event, except that such contract, security, or instrument shall be
22 subject to subdivision two of this section; or

23 d. the application to a recommended benchmark replacement of any cap,
24 floor, modifier, or spread adjustment to which LIBOR had been subject
25 pursuant to the terms of a contract, security, or instrument.

26 6. Notwithstanding the uniform commercial code or any other law of
27 this state, this title shall apply to all contracts, securities and
28 instruments, including contracts, with respect to commercial trans-
29 actions, and shall not be deemed to be displaced by any other law of
30 this state.

31 § 18-402. Continuity of contract and safe harbor. 1. The selection or
32 use of a recommended benchmark replacement as a benchmark replacement
33 under or in respect of a contract, security or instrument by operation
34 of section 18-401 of this section shall constitute:

35 a. a commercially reasonable replacement for and a commercially
36 substantial equivalent to LIBOR;

37 b. a reasonable, comparable or analogous term for LIBOR under or in
38 respect of such contract, security or instrument;

39 c. a replacement that is based on a methodology or information that is
40 similar or comparable to LIBOR; and

41 d. substantial performance by any person of any right or obligation
42 relating to or based on LIBOR under or in respect of a contract, securi-
43 ty or instrument.

44 2. None of: a. a LIBOR discontinuance event or a LIBOR replacement
45 date, b. the selection or use of a recommended benchmark replacement as
46 a benchmark replacement; or c. the determination, implementation or
47 performance of benchmark replacement conforming changes, in each case,
48 by operation of section 18-401 of this article, shall:

49 (i) be deemed to impair or affect the right of any person to receive a
50 payment, or affect the amount or timing of such payment, under any
51 contract, security, or instrument; or

52 (ii) have the effect of (A) discharging or excusing performance under
53 any contract, security or instrument for any reason, claim or defense,
54 including, but not limited to, any force majeure or other provision in
55 any contract, security or instrument; (B) giving any person the right to
56 unilaterally terminate or suspend performance under any contract, secu-

1 rity or instrument; (C) constituting a breach of a contract, security or
2 instrument; or (D) voiding or nullifying any contract, security or
3 instrument.

4 3. No person shall have any liability for damages to any person or be
5 subject to any claim or request for equitable relief arising out of or
6 related to the selection or use of a recommended benchmark replacement
7 or the determination, implementation or performance of benchmark
8 replacement conforming changes, in each case, by operation of section
9 18-401 of this article, and such selection or use of the recommended
10 benchmark replacement or such determination implementation or perform-
11 ance of benchmark replacement conforming changes shall not give rise to
12 any claim or cause of action by any person in law or in equity.

13 4. The selection or use of a recommended benchmark replacement or the
14 determination, implementation, or performance of benchmark replacement
15 conforming changes, by operation of section 18-401 of this article,
16 shall be deemed to:

17 a. not be an amendment or modification of any contract, security or
18 instrument; and

19 b. not prejudice, impair or affect any person's rights, interests or
20 obligations under or in respect of any contract, security or instrument.

21 5. Except as provided in either subdivision one or subdivision three
22 of section 18-401 of this article, the provisions of this article shall
23 not be interpreted as creating any negative inference or negative
24 presumption regarding the validity or enforceability of:

25 a. any benchmark replacement that is not a recommended replacement
26 benchmark;

27 b. any spread adjustment, or method for calculating or determining a
28 spread adjustment, that is not a recommended spread adjustment; or

29 c. any changes, alterations or modifications to or in respect of a
30 contract, security or instrument that are not benchmark replacement
31 conforming changes.

32 § 18-403. Severability. If any provision of this article or applica-
33 tion thereof to any person or circumstance is held invalid, the invalid-
34 ity shall not affect other provisions or applications of this article
35 that can be given effect without the invalid provision or application,
36 and to this end the provisions of this article shall be severable.

37 § 2. This act shall take effect immediately.

38 PART QQ

39 Section 1. The general business law is amended by adding a new
40 section 399-zzzzz to read as follows:

41 § 399-zzzzz. Broadband service for low-income consumers. 1. For the
42 purposes of this section, the term "broadband service" shall mean a
43 mass-market retail service that provides the capability to transmit data
44 to and receive data from all or substantially all internet endpoints,
45 including any capabilities that are incidental to and enable the opera-
46 tion of the communications service provided by a wireline, fixed wire-
47 less or satellite service provider, but shall not include dial-up
48 service.

49 2. Every person, business, corporation, or their agents providing or
50 seeking to provide wireline, fixed wireless or satellite broadband
51 service in New York state shall, no later than sixty days after the
52 effective date of this section, offer high speed broadband service to
53 low-income consumers whose household: (a) is eligible for free or
54 reduced-priced lunch through the National School Lunch Program; or (b)

1 whose annual gross household income is not in excess of one hundred
2 eighty-five percent of the federal poverty guidelines as updated period-
3 ically in the Federal Register by the United States Department of Health
4 and Human Services under the authority of 42 U.S.C. § 9902(2). Such
5 low-income broadband service shall provide a minimum download speed
6 equal to the greater of twenty-five megabits per second download speed
7 or the download speed of the provider's existing low-income broadband
8 service sold to customers in the state subject to exceptions adopted by
9 the Public Service Commission where such download speed is not reason-
10 ably practicable.

11 3. Broadband service for low-income consumers, as set forth in this
12 section, shall be provided at a cost of no more than fifteen dollars per
13 month, inclusive of any recurring taxes and fees such as recurring
14 rental fees for service provider equipment required to obtain broadband
15 service and usage fees. Broadband service providers shall allow low-in-
16 come broadband service subscribers to purchase standalone or bundled
17 cable and/or phone services separately. Broadband service providers may,
18 once every five years, and after thirty days' notice to its customers
19 and the department of public service, increase the price of this service
20 by the lesser of the most recent change in the consumer price index or a
21 maximum of two percent per year of the price for such service.

22 4. Every person, business, corporation, or their agents providing or
23 seeking to provide broadband service in New York state shall make all
24 commercially reasonable efforts to promote and advertise the availabili-
25 ty of broadband service for low-income consumers including, but not
26 limited to, the prominent display of, and enrollment procedures for,
27 such service on its website and in any written and commercial promo-
28 tional materials developed to inform consumers who may be eligible for
29 service pursuant to this section.

30 5. Every person, business, corporation, or their agents providing or
31 seeking to provide broadband service in New York state shall annually
32 submit to the department of public service, no later than November
33 fifteenth after the effective date of this act, and annually thereafter,
34 a compliance report setting forth: (a) a description of the service
35 offered pursuant to this section; (b) the number of consumers enrolled
36 in such service; (c) a description of the procedures being used to veri-
37 fy the eligibility of customers receiving such service; (d) a
38 description and samples of the advertising or marketing efforts under-
39 taken to advertise or promote such service; (e) a description of all
40 retail rate products, including pricing, offered by such person, busi-
41 ness, corporation, or their agents; (f) a description, including speed
42 and price, of all broadband products offered in the state of New York;
43 and (g) such other information as the department of public service may
44 require.

45 6. The department of public service shall, within two years of the
46 effective date of this section and at least every five years thereafter,
47 undertake a proceeding to determine if the minimum broadband download
48 speed in this section should be increased to the federal communications
49 commission's benchmark broadband download speed, or to another minimum
50 broadband download speed if the federal communications commission has
51 not increased its benchmark by such date. The department of public
52 service shall also: (a) undertake appropriate measures to inform the
53 public about available broadband products, including retail rate product
54 offerings and low-income offerings; and (b) periodically, but no less
55 than once every five years, review eligibility requirements for the

1 low-income service required pursuant to this section, and update such
2 requirements as may be necessary to meet the needs of consumers.

3 7. Whenever there shall be a violation of this section, an application
4 may be made by the attorney general in the name of the people of the
5 state of New York to a court or justice having jurisdiction by a special
6 proceeding to issue an injunction, and upon notice to the defendant of
7 not less than five days, to enjoin and restrain the continuance of such
8 violation; and if it shall appear to the satisfaction of the court or
9 justice that the defendant has, in fact, violated this section, an
10 injunction may be issued by the court or justice, enjoining and
11 restraining any further violations, without requiring proof that any
12 person has, in fact, been injured or damaged thereby. In any such
13 proceeding, the court may make allowances to the attorney general as
14 provided in paragraph six of subdivision (a) of section eighty-three
15 hundred three of the civil practice law and rules, and direct restitu-
16 tion. Whenever the court shall determine that a violation of this
17 section has occurred, the court may impose a civil penalty of not more
18 than one thousand dollars per violation. In connection with any such
19 proposed application, the attorney general is authorized to take proof
20 and make a determination of the relevant facts and to issue subpoenas in
21 accordance with the civil practice law and rules.

22 § 2. This act shall take effect immediately.

23 PART RR

24 Section 1. Section 1678 of the public authorities law is amended by
25 adding a new subdivision 30 to read as follows:

26 30. (a) To enter into loans with, and to provide services related to
27 planning, design, construction, renovation, reconstruction, furnishing
28 or equipping to, any school district, not-for-profit corporation or
29 group of not-for-profit corporations, for capital projects located in
30 New York state with an aggregate cost of not less than five million
31 dollars.

32 (b) To enter into loans with any school district or not-for-profit
33 corporation to fund their working capital needs, provided such loans
34 have been presented to the authority's board during the COVID-19 state
35 of emergency.

36 (c) For the purposes of this subdivision:

37 (i) "Not-for-profit corporation" shall mean a domestic or foreign
38 corporation as defined in section one hundred two of the not-for-profit
39 corporation law.

40 (ii) "School district" shall mean any school district located in the
41 state of New York.

42 (iii) "Working capital" shall mean funds used to pay operational
43 expenses, including but not limited to, salaries, accounts payable,
44 purchasing inventory and other operational obligations.

45 (iv) "COVID-19 state of emergency" shall mean the period in which
46 executive order two hundred two of two thousand twenty, as amended, is
47 in effect to address the outbreak of the novel coronavirus, COVID-19.

48 § 2. Nothing in this act is intended to limit, impair, or affect the
49 legal authority of the dormitory authority of the state of New York
50 under any other provision of law.

51 § 3. This act shall take effect immediately.

52 PART SS

1 Section 1. Paragraph (b) of subdivision 1 of section 7 of section 1 of
2 chapter 392 of the laws of 1973 constituting the New York State Medical
3 Care Facilities Finance Agency act, as amended by chapter 183 of the
4 laws of 2018, is amended to read as follows:

5 (b) The agency shall not issue hospital and nursing home project bonds
6 and hospital and nursing home project notes in an aggregate principal
7 amount exceeding [~~sixteen~~] seventeen billion [~~six~~] four hundred million
8 dollars, excluding hospital and nursing home project bonds and hospital
9 and nursing home project notes issued to refund outstanding hospital and
10 nursing home projects bonds and hospital and nursing home project notes;
11 provided, however, that upon any such refunding or repayment the total
12 aggregate principal amount of outstanding bonds, notes or other obli-
13 gations may be greater than [~~sixteen~~] seventeen billion [~~six~~] four
14 hundred million dollars only if the present value of the aggregate debt
15 service of the refunding or repayment bonds, notes or other obligations
16 to be issued shall not exceed the present value of the aggregate debt
17 service of the bonds, notes or other obligations so to be refunded or
18 repaid. For purposes hereof, the present values of the aggregate debt
19 service of the refunding or repayment bonds, notes or other obligations
20 and of the aggregate debt service of the bonds, notes or other obli-
21 gations so refunded or repaid, shall be calculated by utilizing the
22 effective interest rate of the refunding or repayment bonds, notes or
23 other obligations, which shall be that rate arrived at by doubling the
24 semi-annual interest rate (compounded semi-annually) necessary to
25 discount the debt service payments on the refunding or repayment bonds,
26 notes or other obligations from the payment dates thereof to the date of
27 issue of the refunding or repayment bonds, notes or other obligations
28 and to the price bid including estimated accrued interest or proceeds
29 received by the agency including estimated accrued interest from the
30 sale thereof. The agency shall not issue hospital and nursing home
31 project bonds at any time secured by the hospital and nursing home capi-
32 tal reserve fund if upon issuance, the amount in the hospital and nurs-
33 ing home capital reserve fund will be less than the hospital and nursing
34 home capital reserve fund requirement, unless the agency, at the time of
35 issuance of such bonds, shall deposit in such reserve fund from the
36 proceeds of the bonds so to be issued, or otherwise, an amount which
37 together with the amount then in such reserve fund, will be not less
38 than the hospital and nursing home capital reserve fund requirement.

39 § 2. This act shall take effect immediately.

40 PART TT

41 Section 1. This act enacts into law components of legislation relating
42 to the pandemic recovery and restart program. Each component is wholly
43 contained within a Subpart identified as Subparts A through C. The
44 effective date for each particular provision contained within such
45 Subpart is set forth in the last section of such Subpart. Any provision
46 in any section contained within a Subpart, including the effective date
47 of the Subpart, which makes reference to a section "of this act", when
48 used in connection with that particular component, shall be deemed to
49 mean and refer to the corresponding section of the Subpart in which it
50 is found. Section three of this act sets forth the general effective
51 date of this act.

52 SUBPART A

1 Section 1. The economic development law is amended by adding a new
2 article 24 to read as follows:

3 ARTICLE 24

4 SMALL BUSINESS RETURN-TO-WORK TAX CREDIT PROGRAM

5 Section 460. Short title.

6 461. Statement of legislative findings and declaration.

7 462. Definitions.

8 463. Eligibility criteria.

9 464. Application and approval process.

10 465. Small business return-to-work tax credit.

11 466. Powers and duties of the commissioner.

12 467. Maintenance of records.

13 468. Reporting.

14 469. Cap on tax credit.

15 § 460. Short title. This article shall be known and may be cited as
16 the "small business return-to-work tax credit program act".

17 § 461. Statement of legislative findings and declaration. It is hereby
18 found and declared that New York state needs, as a matter of public
19 policy, to create financial incentives for small businesses in indus-
20 tries that have suffered economic harm as a result of the COVID-19
21 pandemic to expeditiously rehire workers and increase total small busi-
22 ness employment. The small business return-to-work tax credit program is
23 created to provide financial incentives to economically harmed small
24 businesses to offer relief, expedite their hiring efforts, and reduce
25 the duration and severity of the current economic difficulties.

26 § 462. Definitions. For the purposes of this article:

27 1. "Accommodation sector" means establishments that provide lodging or
28 short-term accommodations for travelers, vacationers, and others.

29 2. "Arts, entertainment, and recreation sector" means establishments
30 that operate facilities or provide services to meet varied cultural,
31 entertainment, and recreational interests of their patrons. This sector
32 comprises: (a) establishments that are involved in producing, promoting,
33 or participating in live performances, events, or exhibits intended for
34 public viewing; (b) establishments that preserve and exhibit objects and
35 sites of historical, cultural, or educational interest; and (c) estab-
36 lishments that operate facilities or provide services that enable
37 patrons to participate in recreational activities or pursue amusement,
38 hobby, and leisure-time interests.

39 3. "Average full-time employment" shall mean the average number of
40 full-time equivalent positions employed by a business entity in an
41 eligible industry during a given period.

42 4. "Average starting full-time employment" shall be calculated as the
43 average number of full-time equivalent positions employed by a business
44 entity in an eligible industry between January first, two thousand twen-
45 ty-one, and March thirty-first, two thousand twenty-one.

46 5. "Average ending full-time employment" shall be calculated as the
47 average number of full-time equivalent positions employed by a business
48 entity in an eligible industry between April first, two thousand twen-
49 ty-one, and December thirty-first, two thousand twenty-one.

50 6. "Certificate of tax credit" means the document issued to a business
51 entity by the department after the department has verified that the
52 business entity has met all applicable eligibility criteria in this
53 article. The certificate shall specify the exact amount of the tax cred-
54 it under this article that a business entity may claim, pursuant to
55 section four hundred sixty-five of this article.

1 7. "Commissioner" shall mean the commissioner of the department of
2 economic development.

3 8. "Department" shall mean the department of economic development.

4 9. "Eligible industry" means a business entity operating predominantly
5 in one of the following business sectors:

6 (a) accommodations; or

7 (b) arts, entertainment, and recreation.

8 10. "Net employee increase" means an increase of at least one full-
9 time equivalent employee between the average starting full-time employ-
10 ment and the average ending full-time employment of a business entity.

11 § 463. Eligibility criteria. 1. To be eligible for a tax credit under
12 the small business return-to-work tax credit program, a business entity
13 must:

14 (a) be a small business as defined in section one hundred thirty-one
15 of this chapter and have fewer than one hundred full-time job equiv-
16 alents in New York state as of April first, two thousand twenty-one;

17 (b) operate a business location in New York state that charges admis-
18 sion and/or accepts payment for goods and/or services from in-person
19 customers;

20 (c) operate predominantly in an eligible industry as defined in subdivi-
21 sion nine of section four hundred sixty-two of this article; provided,
22 however, that the department, in its regulations promulgated pursuant to
23 this article, shall have the authority to list certain sectors of those
24 industries as ineligible;

25 (d) have experienced economic harm as a result of the COVID-19 emer-
26 gency as evidenced by a year-to-year decrease of at least forty percent
27 in New York state between the second quarter of two thousand nineteen
28 and the second quarter of two thousand twenty or the third quarter of
29 two thousand nineteen and the third quarter of two thousand twenty for
30 one or both of: (i) gross receipts or (ii) average full-time employment;
31 and

32 (e) have demonstrated a net employee increase.

33 2. A business entity must be in substantial compliance with any emer-
34 gency restrictions or public health orders impacting the industry sector
35 or other laws and regulations as determined by the commissioner. In
36 addition, a business entity may not owe past due state taxes or local
37 property taxes unless the business entity is making payments and comply-
38 ing with an approved binding payment agreement entered into with the
39 taxing authority.

40 § 464. Application and approval process. 1. A business entity must
41 submit a complete application as prescribed by the commissioner.

42 2. The commissioner shall establish procedures and a timeframe for
43 business entities to submit applications. As part of the application,
44 each business entity must:

45 (a) provide evidence in a form and manner prescribed by the commis-
46 sioner of their business eligibility;

47 (b) agree to allow the department of taxation and finance to share the
48 business entity's tax information with the department. However, any
49 information shared as a result of this program shall not be available
50 for disclosure or inspection under the state freedom of information law;

51 (c) agree to allow the department of labor to share its tax and
52 employer information with the department. However, any information
53 shared as a result of this program shall not be available for disclosure
54 or inspection under the state freedom of information law;

55 (d) allow the department and its agents access to any and all books
56 and records the department may require to monitor compliance;

1 (e) certify, under penalty of perjury, that it is in substantial
2 compliance with all emergency orders or public health regulations
3 currently required of such entity, and local, and state tax laws; and
4 (f) agree to provide any additional information required by the
5 department relevant to this article.

6 3. After reviewing a business entity's completed final application and
7 determining that the business entity meets the eligibility criteria as
8 set forth in this article, the department may issue to that business
9 entity a certificate of tax credit. A business entity may claim the tax
10 credit in the taxable year that includes December thirty-first, two
11 thousand twenty-one.

12 § 465. Small business return-to-work tax credit. 1. A business entity
13 in the small business return-to-work tax credit program that meets the
14 eligibility requirements of section four hundred sixty-three of this
15 article may be eligible to claim a credit equal to five thousand dollars
16 per each full-time equivalent net employee increase as defined in subdi-
17 vision ten of section four hundred sixty-two of this article.

18 2. A business entity, including a partnership, limited liability
19 company and subchapter S corporation, may not receive in excess of fifty
20 thousand dollars in tax credits under this program.

21 3. The credit shall be allowed as provided in section forty-five,
22 subdivision fifty-five of section two hundred ten-B and subsection (kkk)
23 of section six hundred six of the tax law.

24 § 466. Powers and duties of the commissioner. 1. The commissioner may
25 promulgate regulations establishing an application process and eligibil-
26 ity criteria, that will be applied consistent with the purposes of this
27 article, so as not to exceed the annual cap on tax credits set forth in
28 section four hundred sixty-nine of this article which, notwithstanding
29 any provisions to the contrary in the state administrative procedure
30 act, may be adopted on an emergency basis.

31 2. The commissioner shall, in consultation with the department of
32 taxation and finance, develop a certificate of tax credit that shall be
33 issued by the commissioner to eligible businesses. Such certificate
34 shall contain such information as required by the department of taxation
35 and finance.

36 3. The commissioner shall solely determine the eligibility of any
37 applicant applying for entry into the program and shall remove any busi-
38 ness entity from the program for failing to meet any of the requirements
39 set forth in section four hundred sixty-three of this article, or for
40 failing to meet the requirements set forth in subdivision one of section
41 four hundred sixty-four of this article.

42 § 467. Maintenance of records. Each business entity participating in
43 the program shall keep all relevant records for their duration of
44 program participation for at least three years.

45 § 468. Reporting. Each business entity participating in this program
46 must submit a performance report to the department at a time prescribed
47 in regulations by the commissioner.

48 § 469. Cap on tax credit. The total amount of tax credits listed on
49 certificates of tax credit issued by the commissioner pursuant to this
50 article may not exceed fifty million dollars.

51 § 2. The tax law is amended by adding a new section 45 to read as
52 follows:

53 § 45. Small business return-to-work tax credit. (a) Allowance of cred-
54 it. A taxpayer subject to tax under article nine-A or twenty-two of this
55 chapter shall be allowed a credit against such tax, pursuant to the
56 provisions referenced in subdivision (f) of this section. The amount of

1 the credit is equal to the amount determined pursuant to section four
2 hundred sixty-five of the economic development law. No cost or expense
3 paid or incurred by the taxpayer which is included as part of the calcu-
4 lation of this credit shall be the basis of any other tax credit allowed
5 under this chapter.

6 (b) Eligibility. To be eligible for the small business return-to-work
7 tax credit, the taxpayer shall have been issued a certificate of tax
8 credit by the department of economic development pursuant to subdivision
9 two of section four hundred sixty-four of the economic development law,
10 which certificate shall set forth the amount of the credit that may be
11 claimed for the taxable year. The taxpayer shall be allowed to claim
12 only the amount listed on the certificate of tax credit for that taxable
13 year. A taxpayer that is a partner in a partnership, member of a limited
14 liability company or shareholder in a subchapter S corporation that has
15 received a certificate of tax credit shall be allowed its pro rata share
16 of the credit earned by the partnership, limited liability company or
17 subchapter S corporation.

18 (c) Tax return requirement. The taxpayer shall be required to attach
19 to its tax return, in the form prescribed by the commissioner, proof of
20 receipt of its certificate of tax credit issued by the commissioner of
21 the department of economic development.

22 (d) Information sharing. Notwithstanding any provision of this chap-
23 ter, employees of the department of economic development and the depart-
24 ment shall be allowed and are directed to share and exchange:

25 (1) information derived from tax returns or reports that is relevant
26 to a taxpayer's eligibility to participate in the small business
27 return-to-work tax credit program;

28 (2) information regarding the credit applied for, allowed or claimed
29 pursuant to this section and taxpayers that are applying for the credit
30 or that are claiming the credit; and

31 (3) information contained in or derived from credit claim forms
32 submitted to the department and applications for admission into the
33 small business return-to-work tax credit program. Except as provided in
34 paragraph two of this subdivision, all information exchanged between the
35 department of economic development and the department shall not be
36 subject to disclosure or inspection under the state's freedom of infor-
37 mation law.

38 (e) Credit recapture. If a certificate of tax credit issued by the
39 department of economic development under article twenty-four of the
40 economic development law is revoked by such department, the amount of
41 credit described in this section and claimed by the taxpayer prior to
42 that revocation shall be added back to tax in the taxable year in which
43 any such revocation becomes final.

44 (f) Cross references. For application of the credit provided for in
45 this section, see the following provisions of this chapter:

46 (1) article 9-A: section 210-B, subdivision 55;

47 (2) article 22: section 606, subsection (kkk).

48 § 3. Section 210-B of the tax law is amended by adding a new subdivi-
49 sion 55 to read as follows:

50 55. Small business return-to-work tax credit. (a) Allowance of credit.
51 A taxpayer shall be allowed a credit, to be computed as provided in
52 section forty-five of this chapter, against the taxes imposed by this
53 article.

54 (b) Application of credit. The credit allowed under this subdivision
55 for the taxable year shall not reduce the tax due for such year to less
56 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:

<u>(xlvi) Small business</u>	<u>Amount of credit under</u>
<u>return-to-work tax</u>	<u>subdivision fifty-five</u>
<u>credit</u>	<u>of section two hundred ten-B</u>

§ 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.

1 § 472. Definitions. For the purposes of this article:

2 1. "Average full-time employment" shall mean the average number of
3 full-time equivalent positions employed by a business entity in an
4 eligible industry during a given period.

5 2. "Average starting full-time employment" shall be calculated as the
6 average number of full-time equivalent positions employed by a business
7 entity in an eligible industry between January first, two thousand twen-
8 ty-one, and March thirty-first, two thousand twenty-one.

9 3. "Average ending full-time employment" shall be calculated as the
10 average number of full-time equivalent positions employed by a business
11 entity in an eligible industry between April first, two thousand twen-
12 ty-one, and either August thirty-first, two thousand twenty-one, or
13 December thirty-first, two thousand twenty-one, whichever date the busi-
14 ness entity chooses to use.

15 4. "Certificate of tax credit" means the document issued to a business
16 entity by the department after the department has verified that the
17 business entity has met all applicable eligibility criteria in this
18 article. The certificate shall specify the exact amount of the tax cred-
19 it under this article that a business entity may claim, pursuant to
20 section four hundred seventy-five of this article.

21 5. "Commissioner" shall mean commissioner of the department of econom-
22 ic development.

23 6. "Department" shall mean the department of economic development.

24 7. "Eligible industry" means a business entity operating predominantly
25 in the COVID-19 impacted food services sector.

26 8. "Net employee increase" means an increase of at least one full-time
27 equivalent employee between the average starting full-time employment
28 and the average ending full-time employment of a business entity.

29 9. "COVID-19 impacted food services sector" means:

30 (a) independently owned establishments that are located inside the
31 city of New York and have been subjected to a ban on indoor dining for
32 over six months and are primarily organized to prepare and provide
33 meals, and/or beverages to customers for consumption, including for
34 immediate indoor on-premises consumption, as further defined in regu-
35 lations pursuant to this article; and

36 (b) independently owned establishments that are located outside of the
37 city of New York in an area which has been and/or remains designated by
38 the department of health as either an orange zone or red zone pursuant
39 to Executive Order 202.68 as amended, and for which such designation was
40 or has been in effect and resulted in additional restrictions on indoor
41 dining for at least thirty consecutive days, and are primarily organized
42 to prepare and provide meals, and/or beverages to customers for consump-
43 tion, including for immediate indoor on-premises consumption, as further
44 defined in regulations pursuant to this article.

45 § 473. Eligibility criteria. 1. To be eligible for a tax credit under
46 the restaurant return-to-work tax credit program, a business entity
47 must:

48 (a) be a small business as defined in section one hundred thirty-one
49 of this chapter and have fewer than one hundred full-time job equiv-
50 alents in New York state as of April first, two thousand twenty-one;

51 (b) operate a business location in New York state that is primarily
52 organized to accept payment for meals and/or beverages including from
53 in-person customers;

54 (c) operate predominantly in the COVID-19 impacted food services
55 sector; provided, however, that the department, in its regulations

1 promulgated pursuant to this article, shall have the authority to list
2 certain types of establishments as ineligible;

3 (d) have experienced economic harm as a result of the COVID-19 emer-
4 gency as evidenced by a year-to-year decrease of at least forty percent
5 in New York state between the second quarter of two thousand nineteen
6 and the second quarter of two thousand twenty or the third quarter of
7 two thousand nineteen and the third quarter of two thousand twenty for
8 one or both of: (i) gross receipts or (ii) average full-time employment;
9 and

10 (e) have demonstrated a net employee increase.

11 2. A business entity must be in substantial compliance with any public
12 health or other emergency orders or regulations related to the entity's
13 sector or other laws and regulations as determined by the commissioner.
14 In addition, a business entity may not owe past due state taxes or local
15 property taxes unless the business entity is making payments and comply-
16 ing with an approved binding payment agreement entered into with the
17 taxing authority.

18 § 474. Application and approval process. 1. A business entity must
19 submit a complete application as prescribed by the commissioner.

20 2. The commissioner shall establish procedures and a timeframe for
21 business entities to submit applications. As part of the application,
22 each business entity must:

23 (a) provide evidence in a form and manner prescribed by the commis-
24 sioner of their business eligibility;

25 (b) agree to allow the department of taxation and finance to share the
26 business entity's tax information with the department. However, any
27 information shared as a result of this program shall not be available
28 for disclosure or inspection under the state freedom of information law;

29 (c) agree to allow the department of labor to share its tax and
30 employer information with the department. However, any information
31 shared as a result of this program shall not be available for disclosure
32 or inspection under the state freedom of information law;

33 (d) allow the department and its agents access to any and all books
34 and records the department may require to monitor compliance;

35 (e) certify, under penalty of perjury, that it is in substantial
36 compliance with all emergency orders or public health regulations
37 currently required of such entity, and local, and state tax laws; and

38 (f) agree to provide any additional information required by the
39 department relevant to this article.

40 3. After reviewing a business entity's completed final application and
41 determining that the business entity meets the eligibility criteria as
42 set forth in this article, the department may issue to that business
43 entity a certificate of tax credit. A business entity may claim the tax
44 credit in the taxable year that includes December thirty-first, two
45 thousand twenty-one.

46 § 475. Restaurant return-to-work tax credit. 1. A business entity in
47 the restaurant return-to-work tax credit program that meets the eligi-
48 bility requirements of section four hundred seventy-three of this arti-
49 cle may be eligible to claim a credit equal to five thousand dollars per
50 each full-time equivalent net employee increase as defined in subdivi-
51 sion eight of section four hundred seventy-two of this article.

52 2. A business entity, including a partnership, limited liability
53 company and subchapter S corporation, may not receive in excess of fifty
54 thousand dollars in tax credits under this program.

1 3. The credit shall be allowed as provided in sections forty-six,
2 subdivision fifty-six of section two hundred ten-B and subsection (111)
3 of section six hundred six of the tax law.

4 § 476. Powers and duties of the commissioner. 1. The commissioner may
5 promulgate regulations establishing an application process and eligibil-
6 ity criteria, that will be applied consistent with the purposes of this
7 article, so as not to exceed the annual cap on tax credits set forth in
8 section four hundred seventy-nine of this article which, notwithstanding
9 any provisions to the contrary in the state administrative procedure
10 act, may be adopted on an emergency basis.

11 2. The commissioner shall, in consultation with the department of
12 taxation and finance, develop a certificate of tax credit that shall be
13 issued by the commissioner to eligible businesses. Such certificate
14 shall contain such information as required by the department of taxation
15 and finance.

16 3. The commissioner shall solely determine the eligibility of any
17 applicant applying for entry into the program and shall remove any busi-
18 ness entity from the program for failing to meet any of the requirements
19 set forth in section four hundred seventy-three of this article, or for
20 failing to meet the requirements set forth in subdivision one of section
21 four hundred seventy-four of this article.

22 § 477. Maintenance of records. Each business entity participating in
23 the program shall keep all relevant records for their duration of
24 program participation for at least three years.

25 § 478. Reporting. Each business entity participating in this program
26 must submit a performance report to the department at a time prescribed
27 in regulations by the commissioner.

28 § 479. Cap on tax credit. The total amount of tax credits listed on
29 certificates of tax credit issued by the commissioner pursuant to this
30 article may not exceed fifty million dollars.

31 § 2. The tax law is amended by adding a new section 46 to read as
32 follows:

33 § 46. Restaurant return-to-work tax credit. (a) Allowance of credit. A
34 taxpayer subject to tax under article nine-A or twenty-two of this chap-
35 ter shall be allowed a credit against such tax, pursuant to the
36 provisions referenced in subdivision (f) of this section. The amount of
37 the credit is equal to the amount determined pursuant to section four
38 hundred seventy-five of the economic development law. No cost or expense
39 paid or incurred by the taxpayer which is included as part of the calcu-
40 lation of this credit shall be the basis of any other tax credit allowed
41 under this chapter.

42 (b) Eligibility. To be eligible for the restaurant return-to-work tax
43 credit, the taxpayer shall have been issued a certificate of tax credit
44 by the department of economic development pursuant to subdivision two of
45 section four hundred seventy-four of the economic development law, which
46 certificate shall set forth the amount of the credit that may be claimed
47 for the taxable year. The taxpayer shall be allowed to claim only the
48 amount listed on the certificate of tax credit for that taxable year. A
49 taxpayer that is a partner in a partnership, member of a limited liabil-
50 ity company or shareholder in a subchapter S corporation that has
51 received a certificate of tax credit shall be allowed its pro rata share
52 of the credit earned by the partnership, limited liability company or
53 subchapter S corporation.

54 (c) Tax return requirement and advance payment option. (1) The taxpay-
55 er shall be required to attach to its tax return in the form prescribed

1 by the commissioner, proof of receipt of its certificate of tax credit
2 issued by the commissioner of the department of economic development.

3 (2) Taxpayers who choose to use August thirty-first, two thousand
4 twenty-one as the last date to calculate their average ending full-time
5 employment and have received their certificate of tax credit by November
6 fifteenth, two thousand twenty-one shall have the option to request an
7 advance payment of the amount of tax credit they are allowed under this
8 section. A taxpayer must submit such request to the department in the
9 manner prescribed by the commissioner after it has been issued a certifi-
10 cate of tax credit by the department of economic development pursuant
11 to subdivision two of section four hundred seventy-four of the economic
12 development law (or such certificate has been issued to a partnership,
13 limited liability company or subchapter S corporation in which it is a
14 partner, member or shareholder, respectively), but such request must be
15 submitted no later than November fifteenth, two thousand twenty-one. For
16 those taxpayers who have requested an advance payment and for whom the
17 commissioner has determined eligible for this credit, the commissioner
18 shall advance a payment of the tax credit allowed to the taxpayer.
19 However, in the case of a taxpayer subject to article nine-A of this
20 chapter, such payment shall be equal to the amount of credit allowed to
21 the taxpayer less twenty-five dollars. Such twenty-five dollars shall
22 represent a partial payment of tax owed by the taxpayer under article
23 nine-A, including any fixed dollar minimum owed under paragraph (d) of
24 subdivision one of section two hundred ten of this chapter. When a
25 taxpayer files its return for the taxable year, such taxpayer shall
26 properly reconcile the advance payment and any partial payment of fixed
27 dollar minimum tax, if applicable, on the taxpayer's return.

28 (d) Information sharing. Notwithstanding any provision of this chap-
29 ter, employees of the department of economic development and the depart-
30 ment shall be allowed and are directed to share and exchange:

31 (1) information derived from tax returns or reports that is relevant
32 to a taxpayer's eligibility to participate in the restaurant return-to-
33 work tax credit program;

34 (2) information regarding the credit applied for, allowed or claimed
35 pursuant to this section and taxpayers that are applying for the credit
36 or that are claiming the credit; and

37 (3) information contained in or derived from credit claim forms
38 submitted to the department and applications for admission into the
39 restaurant return-to-work tax credit program. Except as provided in
40 paragraph two of this subdivision, all information exchanged between the
41 department of economic development and the department shall not be
42 subject to disclosure or inspection under the state's freedom of infor-
43 mation law.

44 (e) Credit recapture. If a certificate of tax credit issued by the
45 department of economic development under article twenty-five of the
46 economic development law is revoked by such department, the amount of
47 credit described in this section and claimed by the taxpayer prior to
48 that revocation shall be added back to tax in the taxable year in which
49 any such revocation becomes final.

50 (f) Cross references. For application of the credit provided for in
51 this section, see the following provisions of this chapter:

52 (1) article 9-A: section 210-B, subdivision 56;

53 (2) article 22: section 606, subsection (111).

54 § 3. Section 210-B of the tax law is amended by adding a new subdivi-
55 sion 56 to read as follows:

1 56. Restaurant return-to-work tax credit. (a) Allowance of credit. A
2 taxpayer shall be allowed a credit, to be computed as provided in
3 section forty-six of this chapter, against the taxes imposed by this
4 article.

5 (b) Application of credit. The credit allowed under this subdivision
6 for the taxable year shall not reduce the tax due for such year to less
7 than the amount prescribed in paragraph (d) of subdivision one of
8 section two hundred ten of this article. However, if the amount of
9 credit allowed under this subdivision for the taxable year reduces the
10 tax to such amount or if the taxpayer otherwise pays tax based on the
11 fixed dollar minimum amount, any amount of credit thus not deductible in
12 such taxable year shall be treated as an overpayment of tax to be cred-
13 ited or refunded in accordance with the provisions of section one thou-
14 sand eighty-six of this chapter. Provided, however, the provisions of
15 subsection (c) of section one thousand eighty-eight of this chapter
16 notwithstanding, no interest will be paid thereon.

17 § 4. Section 606 of the tax law is amended by adding a new subsection
18 (111) to read as follows:

19 (111) Restaurant return-to-work tax credit. (1) Allowance of credit.
20 A taxpayer shall be allowed a credit, to be computed as provided in
21 section forty-six of this chapter, against the tax imposed by this arti-
22 cle.

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

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

32 <u>(xlvi) Restaurant return-to-work</u>	<u>Amount of credit under</u>
33 <u>tax credit</u>	<u>subdivision fifty-six of</u>
	34 <u>section two hundred ten-B</u>

35 § 6. This act shall take effect immediately.

36 SUBPART C

37 Section 1. The tax law is amended by adding a new section 24-c to read
38 as follows:

39 § 24-c. New York city musical and theatrical production tax credit.
40 (a) (1) Allowance of credit. A taxpayer that is a qualified New York
41 city musical and theatrical production company, or is a sole proprietor
42 of or a member of a partnership that is a qualified New York city
43 musical and theatrical production company, and that is subject to tax
44 under article nine-A or twenty-two of this chapter, shall be allowed a
45 credit against such tax, pursuant to the provisions referred to in
46 subdivision (d) of this section, and to be computed as provided in this
47 section.

48 (2) The amount of the credit shall be the product (or pro rata share
49 of the product, in the case of a member of a partnership) of twenty-five
50 percent and the sum of the qualified production expenditures paid for
51 during the qualified New York city musical and theatrical production's
52 credit period. Provided however that the amount of the credit cannot
53 exceed five hundred thousand dollars per qualified New York city musical
54 and theatrical production company.

1 (3) No qualified production expenditures used by a taxpayer either as
2 the basis for the allowance of the credit provided pursuant to this
3 section or used in the calculation of the credit provided pursuant to
4 this section shall be used by such taxpayer to claim any other credit
5 allowed pursuant to this chapter.

6 (b) Definitions. As used in this section, the following terms shall
7 have the following meanings:

8 (1) "Qualified musical and theatrical production" means a for-profit
9 live, dramatic stage presentation that, in its original or adaptive
10 version, is performed in a qualified New York city production facility,
11 whether or not such production was performed in a qualified New York
12 city production facility prior to March twelfth, two thousand twenty.

13 (2) "Qualified production expenditure" means any costs for tangible
14 property used and services performed directly and predominantly in the
15 production of a qualified musical and theatrical production within the
16 city of New York, including: (i) expenditures for design, construction
17 and operation, including sets, special and visual effects, costumes,
18 wardrobes, make-up, accessories and costs associated with sound, light-
19 ing, and staging; (ii) all salaries, wages, fees, and other compensation
20 including related benefits for services performed of which the total
21 allowable expense shall not exceed two hundred thousand dollars per
22 week; and (iii) technical and crew production costs, such as expendi-
23 tures for a qualified New York city production facility, or any part
24 thereof, props, make-up, wardrobe, costumes, equipment used for special
25 and visual effects, sound recording, set construction, and lighting.
26 Qualified production expenditure does not include any costs incurred
27 prior to March thirteenth, two thousand twenty.

28 (3) "Qualified New York city production facility" means a facility
29 located within the city of New York (i) in which live theatrical
30 productions are or are intended to be primarily presented, (ii) that
31 contains at least one stage, a seating capacity of five hundred or more
32 seats, and dressing rooms, storage areas, and other ancillary amenities
33 necessary for the qualified musical and theatrical production, and (iii)
34 for which receipts attributable to ticket sales constitute seventy-five
35 percent or more of gross receipts of the facility.

36 (4) "Qualified New York city musical and theatrical production compa-
37 ny" is a corporation, partnership, limited partnership, or other entity
38 or individual which or who (i) is principally engaged in the production
39 of a qualified musical or theatrical production that is to be performed
40 in a qualified New York city production facility, and (ii) has expended
41 at least one million dollars in qualified production expenditures on the
42 qualified musical and theatrical production at the time of its applica-
43 tion to the department of economic development for a tax credit certif-
44 icate authorized under this section.

45 (5) (i) "The credit period of a qualified New York city musical and
46 theatrical production company" is the period starting on the production
47 start date and ending on the earlier of December thirty-first, two thou-
48 sand twenty-one or the date the qualified musical and theatrical
49 production closes.

50 (ii) "The production start date" is the date that is six weeks prior
51 to the first performance of the qualified musical and theatrical
52 production.

53 (c) The credit shall be allowed for the taxable year beginning on or
54 after January first, two thousand twenty-one but before January first,
55 two thousand twenty-two.

1 (d) Cross-references. For application of the credit provided for in
2 this section, see the following provisions of this chapter:

3 (1) article 9-A: section 210-B: subdivision 57;

4 (2) article 22: section 606: subsection (mmm).

5 (e) Notwithstanding any provision of this chapter, (i) employees and
6 officers of the department of economic development and the department
7 shall be allowed and are directed to share and exchange information
8 regarding the credits applied for, allowed, or claimed pursuant to this
9 section and taxpayers who are applying for credits or who are claiming
10 credits, including information contained in or derived from credit claim
11 forms submitted to the department and applications for certification
12 submitted to the department of economic development, and (ii) the
13 commissioner and the commissioner of the department of economic develop-
14 ment may release the names and addresses of any qualified New York city
15 musical and theatrical production company entitled to claim this credit
16 and the amount of the credit earned by such company.

17 (f) Maximum amount of credits. (1) The aggregate amount of tax credits
18 allowed under this section, subdivision fifty-seven of section two
19 hundred ten-B and subsection (mmm) of section six hundred six of this
20 chapter shall be twenty-five million dollars. Such aggregate amount of
21 credits shall be allocated by the department of economic development
22 among taxpayers in order of priority based upon the date of filing an
23 application for allocation of the New York city musical and theatrical
24 production tax credit with such department.

25 (2) The commissioner of economic development, after consulting with
26 the commissioner, shall promulgate regulations to establish procedures
27 for the allocation of tax credits as required by this section. Such
28 rules and regulations shall include provisions describing the applica-
29 tion process, the due dates for such applications, the standards that
30 will be used to evaluate the applications, the documentation that will
31 be provided by applicants to substantiate to the department the amount
32 of qualified production expenditures of such applicants, and such other
33 provisions as deemed necessary and appropriate. Notwithstanding any
34 other provisions to the contrary in the state administrative procedure
35 act, such rules and regulations may be adopted on an emergency basis.

36 (g) Any qualified New York city musical and theatrical production
37 company that performs in a qualified New York city production facility
38 and applies to receive a credit under this section shall be required to:
39 (1) participate in a New York state diversity and arts job training
40 program; (2) create and implement a plan to ensure that their production
41 is available and accessible for low-or no-cost to low income New York-
42 ers; and (3) contribute to the New York state council on the arts,
43 cultural program fund an amount up to fifty percent of the total credits
44 received if such production company earns revenue prospectively after
45 receipt of the credit that is at least equal to two hundred percent of
46 its production costs, with such amount payable from twenty-five percent
47 of net operating profits, such amounts payable on a monthly basis, up
48 until such fifty percent of the total credit amount is reached. Any
49 funds deposited pursuant to this subdivision shall be used for arts and
50 cultural educational and workforce development programs in-school and
51 community-based organizations.

52 § 2. Section 210-B of the tax law is amended by adding a new subdivi-
53 sion 57 to read as follows:

54 57. New York city musical and theatrical production tax credit. (a)
55 Allowance of credit. A taxpayer shall be allowed a credit, to be

1 computed as provided in section twenty-four-c of this chapter, against
2 the taxes imposed by this article.

3 (b) Application of credit. The credit allowed under this subdivision
4 for the taxable year shall not reduce the tax due for such year to less
5 than the amount prescribed in paragraph (d) of subdivision one of
6 section two hundred ten of this article. However, if the amount of
7 credit allowed under this subdivision for the taxable year reduces the
8 tax to such amount or if the taxpayer otherwise pays tax based on the
9 fixed dollar minimum amount, any amount of credit thus not deductible in
10 such taxable year shall be treated as an overpayment of tax to be cred-
11 ited or refunded in accordance with the provisions of section one thou-
12 sand eighty-six of this chapter. Provided, however, the provisions of
13 subsection (c) of section one thousand eighty-eight of this chapter
14 notwithstanding, no interest shall be paid thereon.

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

17 (mmm) New York city musical and theatrical production tax credit. (1)
18 Allowance of credit. A taxpayer shall be allowed a credit, to be
19 computed as provided in section twenty-four-c of this chapter, against
20 the tax imposed by this article.

21 (2) Application of credit. If the amount of the credit allowed under
22 this subsection for the taxable year exceeds the taxpayer's tax for such
23 year, the excess shall be treated as an overpayment of tax to be credit-
24 ed or refunded in accordance with the provisions of section six hundred
25 eighty-six of this article, provided, however, that no interest shall be
26 paid thereon.

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

30 <u>(xlvi) New York city musical</u>	<u>Amount of credit under</u>
31 <u>and theatrical production</u>	<u>subdivision fifty-seven of</u>
32 <u>tax credit</u>	<u>section two hundred ten-B</u>

33 § 5. The state finance law is amended by adding a new section 99-ii to
34 read as follows:

35 § 99-ii. New York state arts and cultural programs fund. 1. There is
36 hereby established in the joint custody of the state comptroller and
37 commissioner of taxation and finance a special fund to be known as the
38 "New York state arts and cultural program fund".

39 2. Such fund shall consist of all revenues received by the state,
40 pursuant to the provisions of section twenty-four-c of the tax law and
41 all other moneys appropriated thereto from any other fund or source
42 pursuant to law. Nothing contained in this section shall prevent the
43 state from receiving grants, gifts or bequests for the purposes of the
44 fund as defined in this section and depositing them into the fund
45 according to law.

46 3. On or before the first day of February two thousand twenty-four,
47 the commissioner of education shall provide a written report to the
48 temporary president of the senate, the speaker of the assembly, the
49 chair of the senate finance committee, the chair of the assembly ways
50 and means committee, the chair of the senate committee on health, the
51 chair of the assembly health committee, the state comptroller and the
52 public. Such report shall include how the monies of the fund were
53 utilized during the preceding calendar year, and shall include:

54 (a) the amount of money dispersed from the fund and the award process
55 used for such disbursements;

56 (b) recipients of awards from the fund;

1 (c) the amount awarded to each;
2 (d) the purposes for which such awards were granted; and
3 (e) a summary financial plan for such monies which shall include esti-
4 mates of all receipts and all disbursements for the current and succeed-
5 ing fiscal years, along with the actual results from the prior fiscal
6 year.

7 4. Moneys shall be payable from the fund on the audit and warrant of
8 the comptroller on vouchers approved and certified by the commissioner
9 of education.

10 5. The moneys in such fund shall be expended for the purpose of
11 supplementing art and cultural programs for secondary and elementary
12 children, including programs that increase access to art and cultural
13 programs and events for children in underserved communities.

14 § 6. This act shall take effect immediately.

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

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

27 PART UU

28 Section 1. Chapter 124 of the laws of 1952 relating to the charter of
29 the college retirement equities fund, is REPEALED.

30 § 2. Definitions. For purposes of this act the following terms shall
31 have the following meanings:

32 (a) "CREF" shall mean the College Retirement Equities Fund, formed
33 pursuant to chapter 124 of the laws of 1952 as a companion organization
34 to TIAA (as defined in this act) for the issuance of variable annuity
35 contracts;

36 (b) "CREF Board of Overseers" shall mean the individuals designated as
37 overseers of CREF, pursuant to chapter 124 of the laws of 1952, who are
38 the sole members of CREF;

39 (c) "Plan of Combination" shall mean the agreement and plan of combi-
40 nation of TIAA and CREF adopted and approved in accordance with the
41 provisions of this act;

42 (d) "Superintendent" shall mean the superintendent of the New York
43 State department of financial services;

44 (e) "TIAA" shall mean the Teachers Insurance and Annuity Association
45 of America, an insurance company formed pursuant to the laws of New
46 York;

47 (f) "TIAA Board of Overseers" shall mean the corporation formed pursu-
48 ant to chapter 880 of the laws of 1937, which is the sole owner of the
49 issued and outstanding stock of TIAA; and

50 (g) "TIAA Separate Account" shall mean the separate account of TIAA
51 created pursuant to the Plan of Combination.

52 § 3. (a) Subject to the provisions of this act and the terms set forth
53 in the Plan of Combination, CREF is hereby authorized and empowered to
54 combine with TIAA, with TIAA continuing in existence as the surviving

1 entity following such combination and with CREF ceasing to be a corpo-
2 rate entity. TIAA shall continue to be an insurance company formed
3 pursuant to the laws of the State of New York. The TIAA Separate
4 Account shall be subject to the insurance law, and neither TIAA nor the
5 TIAA Separate Account shall be subject to the not-for-profit corporation
6 law. The TIAA board of overseers shall remain subject to the not-for-
7 profit corporation law.

8 (b) Such combination shall be deemed a merger under the laws of the
9 State of New York, and shall be approved by not less than two-thirds of
10 the individual overseers of the CREF Board of Overseers as the sole
11 members of CREF, and not less than two-thirds of the individual members
12 of the TIAA Board of Overseers as the sole shareholder of TIAA. There-
13 after, the Plan of Combination shall be submitted to the superintendent
14 for approval. Following the receipt of all necessary corporate and regu-
15 latory approvals, including authorization by the TIAA and CREF Boards of
16 Overseers and TIAA and CREF boards of trustees, a certified copy of the
17 Plan of Combination with the approval of the superintendent endorsed
18 thereon shall be filed in the office of the clerk of New York County,
19 and upon such filing the combination shall become effective.

20 § 4. (a) At the effective time of and pursuant to the Plan of Combina-
21 tion, all assets and liabilities of CREF including causes of action and
22 defenses thereto, shall vest by operation of law in TIAA, and all vari-
23 able annuity contracts and certificates issued by CREF and in force at
24 the effective time of the combination, shall be and become TIAA variable
25 annuity contracts and certificates as of the effective time of the
26 combination; provided, however, that at the effective time of the combi-
27 nation (i) without further act or deed, the assets and liabilities of
28 CREF relating to the outstanding variable annuity contracts and certif-
29 icates of CREF shall immediately be assets and liabilities of and allo-
30 cated to the TIAA Separate Account without such assets becoming general
31 account assets of TIAA; and (ii) each investment account of CREF imme-
32 diately prior to the combination shall comprise an investment sub-ac-
33 count of the TIAA Separate Account, with the assets and liabilities of
34 each such investment account vesting immediately and directly in that
35 investment sub-account.

36 (b) At the effective time, TIAA shall assume the obligations of the
37 CREF contracts and certificates, and all holders of CREF contracts and
38 certificates shall be notified of the combination.

39 (c) At all times the assets of the TIAA Separate Account, and of each
40 investment sub-account, shall be segregated from the assets of the
41 general account of TIAA and any other TIAA separate account and invest-
42 ment sub-account. That portion of the assets of the TIAA Separate
43 Account, and of each investment sub-account, not exceeding the reserves
44 and other contract liabilities with respect to the TIAA Separate Account
45 and each investment sub-account, shall not be chargeable with liabil-
46 ities arising out of any other business of TIAA. The income, gains and
47 losses, whether or not realized, from assets allocated to the TIAA Sepa-
48 rate Account, and each investment sub-account, shall be credited to or
49 charged against the TIAA Separate Account and each investment sub-ac-
50 count without regard to other income, gains or losses of TIAA.

51 § 5. This act shall take effect immediately; provided, however, that
52 section one of this act shall take effect at the effective time of the
53 combination, and provided further, that the superintendent shall notify
54 the legislative bill drafting commission upon the occurrence of such
55 effective time in order that the commission may maintain an accurate and
56 timely database of the official text of the laws of the State of New

1 York in furtherance of effectuating the provisions of section 44 of the
2 legislative law and section 70-b of the public officers law.

3 PART VV

4 Section 1. Short title. This act shall be known and may be cited as
5 the "New York state canal system revitalization act".

6 § 2. Legislative findings and statement of purposes. 1. The legisla-
7 ture hereby finds, determines and declares:

8 (a) that the New York state canal system, which once served as a vital
9 thoroughfare for freight and other commerce, supports virtually no
10 commercial shipping activity today;

11 (b) that much of the canal system's century-old infrastructure,
12 designed to accommodate the passage of large commercial vessels, is
13 antiquated and deteriorating;

14 (c) that despite the absence of commercial shipping traffic in almost
15 all portions of the canal system, the state and its instrumentalities
16 continue to expend substantial sums of money to maintain the canal
17 system and its aged water control infrastructure for the system's
18 original purpose;

19 (d) that flooding and ice jams within and around portions of the canal
20 system have caused substantial damage to nearby communities and the
21 canal system itself, and without appropriate intervention, such flooding
22 and ice jams, exacerbated by the effects of climate change and other
23 phenomena, will continue to pose a threat to property and people;

24 (e) that the canal system's water control infrastructure was never
25 intended to address such threats from flooding and ice jams;

26 (f) that aquatic invasive species have over time penetrated New York's
27 waterways and pose a serious and growing threat to recreational users,
28 fisheries, property owners, water supplies and waterbody ecosystems;

29 (g) that the absence of a natural aquifer and conditions related to
30 climate change have contributed to increasingly frequent droughts in the
31 western part of the state, impacting a vital part of the state's agri-
32 culture industry, inhibiting its competitive position and limiting the
33 type and amount of crops that can be reliably produced;

34 (h) that while the canal system has in recent years emerged as a
35 resource for recreation and tourism, the state has not exploited the
36 full potential of the canal system, its infrastructure and its unique
37 historic, cultural and water resources for the benefit of the people of
38 the state;

39 (i) that a public purpose would be served and the interests of the
40 people of the state would be promoted by reimagining and revitalizing
41 the New York state canal system, including the Erie canal, as a twenty-
42 first century waterway whose resources can be deployed to address crit-
43 ical issues of public importance, including without limitation, mitigat-
44 ing the occurrence of flooding, ice jams and drought and their
45 destructive impacts; protecting, restoring, creating and sustaining
46 aquatic habitat in the state; leveraging the canal system's unique
47 history, culture and natural resources to activate local and regional
48 economies and industries; expanding economic development opportunities
49 and stimulating job growth; and improving the quality of life of the
50 people of New York by, among other things, celebrating, connecting and
51 expanding canal-related destination points, such as parks, trails and
52 recreational activities as well as canal-side community amenities and
53 other attractions.

2. The legislature further finds, determines and declares that a public purpose would be served and the interests of the people of the state would be served by creating pursuant to this act a public benefit corporation, known as the New York state canal system revitalization trust, to serve as a focal point for the receipt and administration of gifts, donations and grants of money, real and personal property and other things of value made for the purpose of supporting the revitalization of the New York state canal system, using the powers and authority delegated to it by this act, lessening the burdens of government and acting in the public interest.

3. The legislature further finds, determines and declares that the creation of the New York state canal system revitalization trust, and the exercise of its powers and authority and the carrying out of its corporate purposes is in all respects for the benefit of the people of the state of New York, and in furtherance of their welfare and prosperity.

§ 3. The section heading and paragraph (a) of subdivision one of section 1005-c of the public authorities law, as added by section 23 of part TT of chapter 54 of the laws of 2016, are amended to read as follows:

Additional powers of the authority [~~to finance certain projects~~] in connection with the New York state canal system.

(a) The authority is hereby authorized, as an additional corporate purpose thereof, to issue its bonds, notes and other evidences of indebtedness in conformity with applicable provisions of the uniform commercial code for purposes of financing the construction, reconstruction, development and improvement of the New York state canal system, and the revitalization of the canal system and its use by the public.

§ 4. Section 1005-c of the public authorities law is amended by adding a new subdivision 4 to read as follows:

4. The authority is authorized to:

(a) Subject to agreements with noteholders or bondholders, provide grants and other forms of financial support, as deemed feasible and advisable by the trustees, for projects, programs and purposes that in the trustees' judgment will promote the purposes of the New York state canal system revitalization act.

(b) Establish advisory committees and appoint members thereto for the purpose of providing the authority, canal corporation and New York state canal system revitalization trust with advice and recommendations on all matters submitted to such committees, soliciting input from stakeholder communities and other interested parties on canal system initiatives, and coordinating the activities of the authority, canal corporation and New York state canal system revitalization trust with stakeholder communities and other interested parties. Members of any such advisory committee shall serve without salary but shall be entitled to reimbursement for their actual and necessary travel expenses incurred in the performance of their official duties.

(c) Provide advice to local governments and officials, including strategies to leverage the value of canal system resources in local land use and planning and opportunities to partner with public and private stakeholders to achieve the objectives of local land-use goals and the New York state canal system revitalization act.

(d) Review and comment on the plans of federal, state, local and private entities and persons as they may relate to the canal system and the objectives of the New York state canal system revitalization act.

(e) Plan, establish and/or support the development and operation of facilities within or outside the canal system that would in the authority's judgment promote use of the canal system by the public, including without limitation tourism, educational, hospitality and recreational facilities, and to fix and collect fees, rents and charges for the use of such facilities.

(f) Design and implement volunteerism, fundraising, educational, outreach and branding programs relating to the canal system, related facilities and their potential uses.

§ 5. Article 13-A of the canal law is REPEALED and a new article 13-A is added to read as follows:

ARTICLE XIII-A

NEW YORK STATE CANAL SYSTEM REVITALIZATION TRUST

Section 138-a. Definitions.

138-b. New York state canal system revitalization trust.

138-c. Purposes and powers of the trust corporation.

138-d. Temporary assignment and transfer of employees and other assistance.

138-e. Monies of the trust corporation.

138-f. Creation of trust a public purpose.

138-g. Payments in lieu of taxes.

138-h. Members and employees not to profit.

138-i. Actions against the trust.

§ 138-a. Definitions. As used or referred to in this title, the following terms shall have the following meanings unless the context clearly requires otherwise:

1. The term "act" shall mean the New York state canal system revitalization act which added this article.

2. The term "board" shall mean the members of the trust corporation.

3. The term "trust" or "trust corporation" shall mean the public benefit corporation created by this article.

§ 138-b. New York state canal system revitalization trust. 1. The New York state canal system revitalization trust is hereby created. The trust shall be a body corporate and politic constituting a public benefit corporation and its existence shall commence upon the appointment of the members as herein provided. The trust corporation shall consist of the following members:

(a) the chief executive officer of the authority or his or her designee, the commissioner of economic development or his or her designee, and the commissioner of environmental conservation or his or her designee; and

(b) nine individual members with knowledge of subject matter relevant to canal system revitalization purposes, including, without limitation, economic development and planning, tourism, engineering, outdoor recreation, historic preservation, commercial farming and/or aquatic ecosystems. The nine individual members shall be appointed by the governor, of whom three shall be appointed on the recommendation of the temporary president of the senate and three shall be appointed on the recommendation of the speaker of the assembly, and shall serve at the pleasure of the governor; provided, however, that up to three of the initial appointments to the trust may be reserved for persons who served as members of the canal recreationway commission during the year preceding the effective date of this article. In appointing members to the trust,

1 the governor shall ensure reasonable representation from regions adja-
2 cent to or in the vicinity of the canal system.

3 2. Members of the commission, except commissioners or chief executives
4 of public authorities, shall serve for a term of four years and may be
5 reappointed; provided, however, of those members appointed initially,
6 three such members, one appointed by the governor, one appointed on the
7 recommendation of the temporary president of the senate, and one
8 appointed on the recommendation of the speaker of the assembly shall be
9 appointed for terms of two years, and three such members, one appointed
10 by the governor, one appointed on the recommendation of the temporary
11 president of the senate, and one appointed on the recommendation of the
12 speaker of the assembly shall be appointed for terms of three years. Any
13 vacancy in the trust shall be filled for the unexpired term in the same
14 manner as the original appointment. The governor shall designate members
15 of the trust to serve as chair and vice-chair of the trust.

16 3. The powers of the trust shall be vested in and exercised by a
17 majority of the members thereof and each member of the trust shall be
18 entitled to one vote on all matters voted on by the trust.

19 4. Members of the trust shall serve without compensation but shall be
20 entitled to reimbursement of their actual and necessary expenses
21 incurred in the performance of their official duties. No member of the
22 trust shall be disqualified from holding any other public office or
23 employment, nor shall he or she forfeit any such office or employment,
24 by reason of his or her membership on the trust, notwithstanding the
25 provisions of any general, special or local law or local ordinance or
26 charter.

27 5. The trust and its corporate existence shall continue until termi-
28 nated by law, provided, however, that no such law shall take effect so
29 long as the trust shall have obligations outstanding, unless adequate
30 provision has been made for the payment thereof. Upon termination of
31 the existence of the trust, all its rights and properties shall vest in
32 the state.

33 § 138-c. Purposes and powers of the trust corporation. The purpose of
34 the trust corporation shall be to serve as a focal point for the receipt
35 and administration of public and private gifts, devises and bequests of
36 money, rights and interests in real and personal property, and other
37 things of value donated to further the purposes of the act, specifically
38 the revitalization of the New York state canal system for the purposes
39 of addressing current issues of public importance, including without
40 limitation, mitigating the occurrence of flooding and ice jams and their
41 destructive impacts; protecting, restoring, creating and sustaining
42 aquatic habitat in the state; leveraging the canal system's unique
43 history, culture and natural resources to activate local and regional
44 economies and industries; expanding economic development opportunities
45 and stimulate job growth; and improving the quality of life of the
46 people of New York by, among other things, celebrating, connecting and
47 expanding canal-related destination points, such as parks, trails and
48 recreational activities as well as canal-side community amenities and
49 other attractions (collectively, "revitalization purposes"). In further-
50 ance of the revitalization purposes, the corporation is encouraged to
51 consider the contents of the canal recreationway plan existing as of the
52 effective date of this article; the adaptive reuse of canal system
53 infrastructure; the recovery and adaptive reuse of vacant and abandoned
54 structures and other property within or in close proximity to the canal
55 system; strategies that will serve to link canal system resources with
56 nearby communities, including without limitation underserved communi-

1 ties, existing parks, trails and other public areas for the purpose of
2 increasing access to and the enjoyment of canal-related resources,
3 creating multi-purpose venues for residents and visitors, and enhancing
4 tourism; and the use of public-private partnerships as a means to
5 achieve said revitalization purposes. To carry out said revitalization
6 purposes, the corporation shall have power to:

7 1. Accept gifts, devises and bequests, including money, rights and
8 interests in real and personal property, tangible or intangible, and
9 other things of value for any of its corporate purposes, and to adminis-
10 ter and disburse gifts, devises and bequests, money, rights and inter-
11 ests in real and personal property and other things of value for any
12 purpose that is consistent with the revitalization purposes.

13 2. Acquire rights and interests in real property by purchase, gift, or
14 bequest, or by exchange of real property previously acquired by the
15 trust and under its jurisdiction, and enter into agreements and other
16 authorizations, including leases and licenses, for the acquisition,
17 transfer, swap, management, or use of real property, for any purpose
18 that is consistent with the revitalization purposes.

19 3. Acquire rights and interests in personal property, tangible or
20 intangible, by purchase, gift, or bequest, or by exchange of personal
21 property previously acquired by the trust and under its jurisdiction,
22 and enter into agreements and other understandings for the acquisition,
23 transfer, swap, management, or use of personal property for any purpose
24 that is consistent with its corporate purposes.

25 4. Acquire, in the name of the people of the state of New York, rights
26 and interests in real property, including title by purchase, gift, or
27 bequest, or by exchange of lands previously acquired by the trust and
28 under its jurisdiction, or by easement for the conservation, management
29 and preservation of open space characterized by natural scenic beauty,
30 heritage, natural resource values or conditions enhancing regional qual-
31 ities of the canal system, for any purpose that is consistent with the
32 revitalization purposes.

33 5. Transfer jurisdiction and control of rights or interests in real or
34 personal property acquired by the trust to the canal corporation for
35 inclusion in the canal system, or to the office of parks, recreation and
36 historic preservation, the department of environmental conservation, the
37 secretary of state, or other public entity with its consent for any
38 purpose that is consistent with the revitalization purposes and with
39 prior approval of the director of the budget.

40 6. Accept the transfer of funds from, and transfer funds to, state
41 agencies and state public authorities for revitalization purposes.

42 7. To undertake any work, including the furnishing of services and
43 materials, required to manage, preserve, restore, maintain or improve
44 any real or personal property under its jurisdiction and, in its
45 discretion, at the request of the authority, canal corporation, office
46 of parks, recreation and historic preservation, department of state,
47 department of transportation, or the department of environmental conser-
48 vation, upon real or personal property under the jurisdiction of the
49 requesting agency, after prior approval of the director of the budget,
50 for any purpose that is consistent with the revitalization purposes.

51 8. To undertake research, studies and analyses, and make reports
52 relating to any of the revitalization purposes.

53 9. To sell and convey any real or personal property or rights or
54 interests therein acquired by and under the jurisdiction of the trust
55 and surplus to its needs, provided such sale and conveyance does not

1 contravene the terms or conditions of any gift, devise or bequest, and
2 to retain the proceeds derived therefrom for its corporate purposes.

3 10. To make grants of money, real and personal property and other
4 things of value to corporations, associations, non-profit organizations,
5 academic institutions, local governments and other persons under
6 programs created by trust for any purpose that is consistent with revi-
7 talization purposes.

8 11. Subject to available funds, to appoint and employ such officers,
9 employees and staff and to retain such professional and technical
10 assistance and advice as it deems necessary to carry out its corporate
11 purposes.

12 12. To participate and cooperate with public and private parties
13 having mutual interests in projects and programs intended to advance
14 revitalization purposes.

15 13. To make and execute contracts and all other instruments necessary
16 or convenient for the exercise of its powers and functions.

17 14. To apply to the federal government or any agency thereof for the
18 purpose of obtaining such status under the internal revenue code as the
19 corporation determines to be appropriate to support its corporate
20 purposes and the purposes of the act.

21 15. To administer, manage, or operate any property the rights or
22 interests of which have been acquired by the trust and to retain for its
23 corporate purposes any receipts, revenue or income derived therefrom
24 during the pendency of such transfer.

25 16. To establish a public website.

26 17. Create and administer programs that are designed to increase
27 public access to the canal system, including without limitation access
28 for disabled persons and residents of underserved communities in the
29 state.

30 18. To sue and be sued.

31 19. To have a seal and alter the same at pleasure.

32 20. To do all things necessary or convenient to carry out its corpo-
33 rate purposes.

34 § 138-d. Temporary assignment and transfer of employees and other
35 assistance. 1. Whenever in the opinion of the trust corporation it
36 would be in the public interest, the trust corporation may request the
37 canal corporation, the authority, or any state public authority or
38 public benefit corporation, and after prior approval of the director of
39 the budget, any board, commission, agency or department of the state or
40 any of its political subdivisions, for the temporary assignment and
41 transfer of employees to the trust corporation to help the trust corpo-
42 ration carry out its public purposes, and said entities may, if in its
43 opinion such transfer will not interfere with the performance of its
44 duties and functions, provide such temporary assignment and transfer of
45 said employees to the trust for the purposes described. Such assignment
46 and transfer or extension shall not in any way affect the civil service
47 status, continuity of service, retirement plan status, right to compen-
48 sation, grade or compensation or other rights or privileges of any
49 employee so transferred.

50 2. The authority, the canal corporation, and all other state officers,
51 departments, boards, divisions, commissions, public authorities, public
52 benefit corporations and political subdivisions are hereby authorized to
53 provide such assistance to the corporation within their respective
54 authority and functions as the corporation may request in order to carry
55 out its purposes and duties.

1 § 138-e. Monies of the trust corporation. 1. The moneys of the trust
2 shall be retained by it and deposited in a general account and such
3 other accounts as the trust may deem necessary for the transaction of
4 its business, and shall be paid out on checks or other authorizations
5 signed by the chairperson of the trust corporation and/or by such other
6 members or officers as the trust corporation may authorize.

7 2. The comptroller of the state and his or her legally authorized
8 representatives are hereby authorized and empowered from time to time to
9 examine the accounts and books of the trust including its receipts,
10 disbursements, contracts, investments and any other matters relating to
11 its financial standing.

12 3. The trust corporation shall submit to the governor, the chairperson
13 of the senate finance committee, the chairperson of the assembly ways
14 and means committee and the state comptroller, within ninety days after
15 the end of its fiscal year, a complete and detailed report of its oper-
16 ations and accomplishments, its receipts and disbursements and its
17 assets and liabilities, and shall publish a copy of such report on its
18 public website.

19 § 138-f. Creation of trust a public purpose. It is hereby found,
20 determined and declared that the creation of the New York state canal
21 system revitalization trust and the carrying out of its corporate
22 purposes is in all respects for the benefit of the people of the state
23 of New York, for the revitalization of the New York state canal system
24 and in furtherance of their welfare and prosperity, and is a public
25 purpose, in that the trust will be performing an essential governmental
26 function in the exercise of the powers conferred upon it by this title,
27 and in furtherance of same, the income, monies, operations and proper-
28 ties of the trust shall be exempt from taxation, including without limi-
29 tation any and all state and local income, franchise, transfer, record-
30 ing, real property and sales taxation and any assessments of payments in
31 lieu of taxes. In addition, all contributions of money, rights or inter-
32 ests in real and personal property and other things of value made to the
33 corporation whether by gift, devise or bequest shall qualify as
34 deductions in computing the net taxable income of the donor for the
35 purposes of any income tax imposed by the state or any political subdivi-
36 sion thereof and for federal income tax purposes to the extent permit-
37 ted under federal law or regulation.

38 § 138-g. Payments in lieu of taxes. The trust may, when funds are
39 available and the corporation's board finds it feasible and advisable,
40 and with the approval of the director of the budget, enter into an
41 agreement with a municipality or district within which real property has
42 been acquired by the trust, providing for the payment of moneys in lieu
43 of anticipated tax revenues for a period not to exceed five years when-
44 ever the trust shall determine that undue hardship justifying such
45 financial relief has been created by such acquisition.

46 § 138-h. Members and employees not to profit. No officer, member or
47 employee of the trust shall receive or may be lawfully entitled to
48 receive any pecuniary profit from the operation thereof except that
49 employees of the corporation, if any, may receive compensation for the
50 performance of their duties as an employee of the corporation.

51 § 138-i. Actions against the trust. Except in an action for wrongful
52 death, an action against the trust founded on tort shall not be
53 commenced more than one year and ninety days after the cause of action
54 therefor shall have accrued, nor unless a notice of claim shall have
55 been served on the trust within the time limited by, and in compliance
56 with all the requirements of section fifty-e of the general municipal

1 law. An action against the trust for wrongful death shall be commenced
2 in accordance with the notice of claim and time limitation provisions of
3 title eleven of article nine of the public authorities law.

4 § 6. Subdivision 20 of section 2 of the canal law, as added by chapter
5 766 of the laws of 1992 and as renumbered by chapter 335 of the laws of
6 2001, is amended to read as follows:

7 20. [~~"Commission" shall mean the canal recreationway commission~~
8 ~~created pursuant to section one hundred thirty-eight-a of this chapter~~]
9 "Trust corporation" shall mean the New York state canal system revitali-
10 zation trust.

11 § 7. Subdivision 2 of section 11 of the canal law, as added by chapter
12 167 of the laws of 2002, is amended to read as follows:

13 2. Notwithstanding any inconsistent provision of law, the corporation,
14 authority, and [~~commission~~] trust corporation, including any members,
15 officers or employees thereof, shall not be liable for damages suffered
16 by any persons and/or organizations resulting from any actions or activ-
17 ities of such volunteers and/or volunteer organizations.

18 § 8. Section 51 of the canal law, as amended by chapter 44 of the laws
19 of 2009, is amended to read as follows:

20 § 51. Method of abandonment. Prior to the exercising of such authority
21 of abandonment, however, the corporation shall cause a notice of any
22 proposed abandonment to be [~~transmitted to the commission and to be~~]
23 published once each week for three successive weeks in a newspaper
24 published in the county wherein such lands are located, except that such
25 publication shall appear in a newspaper published in the municipality or
26 locality wherein such lands are located when there is a newspaper
27 published in such municipality or locality. Such notice shall describe
28 the lands proposed to be abandoned with sufficient certainty to identify
29 them and invite interested parties to file written statements either
30 supporting or opposing the proposed abandonment. Upon the expiration of
31 the period of publishing said notice, when it is the case that the
32 assessment for such lands proposed for abandonment is equal to or great-
33 er than fifty thousand dollars, the corporation shall hold a hearing at
34 which evidence or further information may be submitted. A record shall
35 be made of all evidence submitted at such hearing. If no hearing shall
36 appear to the corporation to be warranted or subsequent to such hearing,
37 should one be held, the corporation may in its discretion declare such
38 lands abandoned for the purposes of the canal system. The corporation
39 shall thereupon issue an official order abandoning the lands for canal
40 purposes together with a map and description of the lands abandoned and
41 dispose of any portion of canal lands so abandoned. Any money realized
42 from the sale of such land shall be deposited into the canal fund.

43 § 9. Section 55 of the canal law, as amended by chapter 335 of the
44 laws of 2001, is amended to read as follows:

45 § 55. Authority to lease land. 1. The corporation is hereby author-
46 ized[~~, after review and comment by the commission as to consistency with~~
47 ~~the canal recreationway plan approved pursuant to section one hundred~~
48 ~~thirty-eight-c of this chapter and section three hundred eighty-two of~~
49 ~~the public authorities law,~~] to enter into leases of canal lands, canal
50 terminals, and canal terminal lands [~~which are consistent with the canal~~
51 ~~recreationway plan. Such review and comment shall be provided within the~~
52 ~~time period set forth in the procedures of the commission established~~
53 ~~pursuant to section one hundred thirty-eight-b of this chapter which~~
54 ~~shall be no more than sixty days~~]. The corporation shall give the New
55 York state canal system revitalization trust notice of any such lease

1 within sixty days of the date the lease is executed by the parties ther-
2 eto for the purpose of keeping such trust informed of such matters.

3 2. Lands to be leased shall be determined by the corporation to have
4 no essential purpose for navigation.

5 3. ~~[Leases of canal lands, canal terminals and canal terminal lands~~
6 ~~shall be for purposes which are consistent with the New York state canal~~
7 ~~recreationway plan approved pursuant to section one hundred thirty-~~
8 ~~eight-c of this chapter and section three hundred eighty-two of the~~
9 ~~public authorities law.]~~

10 [4.] The corporation shall consider fully completed applications for
11 leases of canal lands, canal terminals and canal terminal lands in such
12 form and manner as the corporation shall prescribe.

13 [5.] 4. Canal lands, canal terminals and canal terminal lands within
14 the Adirondack park shall not be leased.

15 [6.] 5. The corporation shall provide assistance, including reasonable
16 access to lands, as may be necessary to assist potential applicants in
17 preparing an application.

18 [7.] 6. The corporation may require an applicant for a lease to
19 provide necessary property surveys, environmental studies, maps and
20 photographs, site plans and such other documents and studies as the
21 corporation may determine to be necessary ~~[to ascertain the compatibili-~~
22 ~~ty of proposed development with the New York state canal recreationway~~
23 ~~plan]~~ and for the corporation to select a qualified lessee.

24 [8.] 7. Revenues realized from the lease of canal lands, canal termi-
25 nals and canal terminal lands shall be deposited into the canal fund.

26 § 10. Subdivision 6 of section 56 of the canal law, as amended by
27 chapter 335 of the laws of 2001, is amended to read as follows:

28 6. provisions providing a right of entry for ~~[commission and]~~ corpo-
29 ration members and personnel and equipment for canal purposes; and

30 § 11. Section 57 of the canal law is REPEALED.

31 § 12. Subdivision 24 of section 10 of the canal law, as amended by
32 chapter 335 of the laws of 2001, is amended to read as follows:

33 24. Prepare on an annual basis a detailed five-year capital plan for
34 the maintenance and improvement of canal infrastructure. Such plan shall
35 set system-wide goals and objectives for capital spending and~~[, commene-~~
36 ~~ing January first, nineteen hundred ninety-five]~~ after January first,

37 two thousand twenty-two, describe the compatibility of such plan ~~[to the~~
38 ~~canal recreationway plan approved pursuant to section one hundred thir-~~
39 ~~ty-eight-c of this chapter]~~ with canal system revitalization purposes as
40 stated in section one hundred thirty-eight-c of this chapter. Such plan

41 shall include but not be limited to such capital project categories as
42 locks, canal bridges, channels, shorelines, dams, guard gates, and other
43 structures necessary for safe and successful operation of the canal
44 system. The plan shall also include a detailed schedule of all capital
45 projects which the authority intends to undertake within the next five
46 years and shall provide the following information for each such capital
47 project: (a) a description of the project; (b) an indication of the
48 category into which the project has been classified in the capital plan;
49 (c) the estimated total cost of the project and expenditures by year for
50 such project; (d) the actual disbursements by project for the prior
51 year; and (e) the estimated dates of project initiation and completion.
52 The plan shall also include a statement of the mix of financing methods
53 to be used by the authority for financing the capital plan. The capital
54 plan shall be submitted to the governor, the temporary president of the
55 senate and the speaker of the assembly on the first day of January of
56 each year ~~[commencing in nineteen hundred ninety-three]~~.

§ 13. Subdivision 1 of section 103 of the canal law, as amended by chapter 335 of the laws of 2001, is amended to read as follows:

1. The corporation shall have the power to impose tolls for the passage through locks and lift bridges by vessels which are propelled in whole or in part by mechanical power, and to collect such tolls by the sale of lock and lift bridge passes issued for such periods of time as the corporation shall determine. Tolls for such lock and lift bridge passes shall be established by regulation of the corporation ~~[with the advice of the canal recreationway commission and following no fewer than two public hearings at geographically dispersed locations on the canal system. In addition, the corporation may provide by regulation for the sale of lock and lift bridge passes by any other entity, and may allow a charge for handling by such other entities not to exceed one dollar for each pass. No tolls shall be imposed or collected prior to the first day of April, nineteen hundred ninety-three]~~ or by formal action of the corporation board. Vessels owned by the United States, a state, or subdivision thereof shall be exempted from the tolls authorized by this section.

§ 14. Paragraph 2 of subdivision (a) of section 168 of the economic development law, as amended by chapter 33 of the laws of 2006, is amended to read as follows:

(2) the chairman or his or her designated representative of the New York state thruway authority, the New York power authority, and the tourism advisory council, the New York state council on the arts, the canal corporation, ~~[the canal recreationway commission]~~ the Olympic regional development authority, and the Hudson River park trust;

§ 15. Paragraph (m) of subdivision 9 of section 1005-b of the public authorities law, as added by section 22 of part TT of chapter 54 of the laws of 2016, is amended to read as follows:

(m) ~~[approve and implement the New York state canal recreationway plan submitted pursuant to section one hundred thirty-eight c of the canal law. The canal corporation's review and approval of the canal recreationway plan shall be based upon its consideration of a generic environmental impact statement prepared by the canal corporation in accordance with article eight of the environmental conservation law and the regulations thereunder. Prior]~~ prior to the implementation of any substantial improvement by the canal corporation on canal lands, canal terminals, or canal terminal lands, or the lease of canal lands, canal terminals, or canal terminal lands for substantial commercial improvement, the canal corporation, ~~[in addition to any review taken pursuant to]~~ comply with section 14.09 of the parks, recreation and historic preservation law~~[, shall conduct a reconnaissance level survey within three thousand feet of such lands to be improved of the type, location, and significance of historic buildings, sites, and districts listed on, or which may be eligible, for the state or national registers of historic places. The findings of such survey shall be used to identify significant historical resources and to determine whether the proposed improvements are compatible with such historic buildings, sites, and districts]~~;

§ 16. Subdivision 10 of section 1005-b of the public authorities law, as added by section 22 of part TT of chapter 54 of the laws of 2016, is amended as follows:

10. ~~[(a) The canal corporation shall review the budget request submitted by the canal recreationway commission pursuant to section one hundred thirty-eight b of the canal law.]~~

1 ~~(b)~~] The canal corporation, on or before the fifteenth day of Septem-
2 ber of each year, shall submit to the director of the budget a request
3 for the expenditure of funds available from the New York state canal
4 system development fund pursuant to section ninety-two-u of the state
5 finance law or available from any other non-federal sources appropriated
6 from the state treasury.

7 ~~[(c) In the event that the request submitted by the canal corporation~~
8 ~~to the director of the budget differs from the request submitted by the~~
9 ~~commission to the canal corporation, then the request submitted by the~~
10 ~~canal corporation to the director of the budget shall specify the~~
11 ~~differences and shall set forth the reasons for such differences.]~~

12 § 17. Construction. This act, being necessary for the welfare of the
13 state and its inhabitants, shall be liberally construed to effectuate
14 its purposes.

15 § 18. This act shall take effect immediately.

16 PART WW

17 Section 1. Expenditures of moneys appropriated to the department of
18 agriculture and markets from the special revenue funds-other/state oper-
19 ations, miscellaneous special revenue fund-339, public service account
20 shall be subject to the provisions of this section. Notwithstanding any
21 other provision of law to the contrary, direct and indirect expenses
22 relating to the department of agriculture and markets' participation in
23 general ratemaking proceedings pursuant to section 65 of the public
24 service law or certification proceedings pursuant to article 7 or 10 of
25 the public service law, shall be deemed expenses of the department of
26 public service within the meaning of section 18-a of the public service
27 law. No later than August 15, annually, the commissioner of the depart-
28 ment of agriculture and markets shall submit an accounting of such
29 expenses, including, but not limited to, expenses in the prior state
30 fiscal year for personal and non-personal services and fringe benefits,
31 to the chair of the public service commission for the chair's review
32 pursuant to the provisions of section 18-a of the public service law.

33 § 2. Expenditures of moneys appropriated to the department of state
34 from the special revenue funds-other/state operations, miscellaneous
35 special revenue fund-339, public service account shall be subject to the
36 provisions of this section. Notwithstanding any other provision of law
37 to the contrary, direct and indirect expenses relating to the activities
38 of the department of state's utility intervention unit pursuant to
39 subdivision 4 of section 94-a of the executive law, including, but not
40 limited to participation in general ratemaking proceedings pursuant to
41 section 65 of the public service law or certification proceedings pursu-
42 ant to article 7 or 10 of the public service law, and expenses related
43 to the activities of the major renewable energy development program
44 established by section 94-c of the executive law, shall be deemed
45 expenses of the department of public service within the meaning of
46 section 18-a of the public service law. No later than August 15, annu-
47 ally, the secretary of state shall submit an accounting of such
48 expenses, including, but not limited to, expenses in the prior state
49 fiscal year for personal and non-personal services and fringe benefits,
50 to the chair of the public service commission for the chair's review
51 pursuant to the provisions of section 18-a of the public service law.

52 § 3. Expenditures of moneys appropriated to the office of parks,
53 recreation and historic preservation from the special revenue funds-
54 other/state operations, miscellaneous special revenue fund-339, public

1 service account shall be subject to the provisions of this section.
2 Notwithstanding any other provision of law to the contrary, direct and
3 indirect expenses relating to the office of parks, recreation and
4 historic preservation's participation in general ratemaking proceedings
5 pursuant to section 65 of the public service law or certification
6 proceedings pursuant to article 7 or 10 of the public service law, shall
7 be deemed expenses of the department of public service within the mean-
8 ing of section 18-a of the public service law. No later than August 15,
9 annually, the commissioner of the office of parks, recreation and
10 historic preservation shall submit an accounting of such expenses,
11 including, but not limited to, expenses in the prior state fiscal year
12 for personal and non-personal services and fringe benefits, to the chair
13 of the public service commission for the chair's review pursuant to the
14 provisions of section 18-a of the public service law.

15 § 4. Expenditures of moneys appropriated to the department of environ-
16 mental conservation from the special revenue funds-other/state oper-
17 ations, environmental conservation special revenue fund-301, utility
18 environmental regulation account shall be subject to the provisions of
19 this section. Notwithstanding any other provision of law to the contra-
20 ry, direct and indirect expenses relating to the department of environ-
21 mental conservation's participation in state energy policy proceedings,
22 or certification proceedings pursuant to article 7 or 10 of the public
23 service law, shall be deemed expenses of the department of public
24 service within the meaning of section 18-a of the public service law. No
25 later than August 15, annually, the commissioner of the department of
26 environmental conservation shall submit an accounting of such expenses,
27 including, but not limited to, expenses in the prior state fiscal year
28 for personal and non-personal services and fringe benefits, to the chair
29 of the public service commission for the chair's review pursuant to the
30 provisions of section 18-a of the public service law.

31 § 5. Notwithstanding any other law, rule or regulation to the contra-
32 ry, expenses of the department of health public service education
33 program incurred pursuant to appropriations from the cable television
34 account of the state miscellaneous special revenue funds shall be deemed
35 expenses of the department of public service. No later than August 15,
36 annually, the commissioner of the department of health shall submit an
37 accounting of expenses in the prior state fiscal year to the chair of
38 the public service commission for the chair's review pursuant to the
39 provisions of section 217 of the public service law.

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

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

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

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