

# STATE OF NEW YORK

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S. 2508--A

A. 3008--A

## SENATE - ASSEMBLY

January 20, 2021

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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 subdivi-  
31 sion 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,

1 commonly referred to as a "stretch limousine" and which is used in the  
2 business of transporting passengers for compensation; [~~and~~]

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

8 (iii) "Commercial global positioning system (GPS) technology" shall  
9 mean global positioning system (GPS) technology which has been specif-  
10 ically designed to assist in the navigation of commercial motor vehi-  
11 cles.

12 § 4. The vehicle and traffic law is amended by adding a new section  
13 509-vv to read as follows:

14 § 509-vv. The use of non-commercial global positioning systems. One  
15 year following the date upon which the national highway traffic safety  
16 administration promulgates final regulations establishing standards for  
17 commercial global positioning systems (GPS), the use of non-commercial  
18 global positioning systems (GPS) by any commercial driver or commercial  
19 motor carrier, while engaged in the operation or directing the operation  
20 of any commercial vehicle, is prohibited. For purposes of this section,  
21 non-commercial global positioning system (GPS) shall mean any global  
22 positioning technology which has not been specifically designed to  
23 assist in the navigation of commercial vehicles.

24 § 5. The vehicle and traffic law is amended by adding a new section  
25 509-vvv to read as follows:

26 § 509-vvv. Parkways notification. Commercial carriers must notify, in  
27 writing, all commercial drivers in their employ of the prohibition  
28 against operating commercial motor vehicles on parkways.

29 § 6. The vehicle and traffic law is amended by adding a new section  
30 509-ii to read as follows:

31 § 509-ii. The use of non-commercial global positioning systems. One  
32 year following the date upon which the national highway traffic safety  
33 administration promulgates final regulations establishing standards for  
34 commercial global positioning systems (GPS), the use of non-commercial  
35 global positioning systems (GPS) by any bus driver or motor carrier,  
36 while engaged in the operation or directing the operation of any bus, is  
37 prohibited. For purposes of this section, non-commercial global posi-  
38 tioning system (GPS) shall mean any global positioning technology which  
39 has not been specifically designed to assist in the navigation of  
40 commercial vehicles.

41 § 7. The vehicle and traffic law is amended by adding a new section  
42 509-iii to read as follows:

43 § 509-iii. Parkways notification. Motor carriers must notify, in writ-  
44 ing, all bus drivers in their employ of the prohibition against operat-  
45 ing commercial motor vehicles on parkways.

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

48 § 396-zz. Commercial vehicle owner notifications of parkway prohibi-  
49 tions. (a) All rental vehicle companies, as defined in section three  
50 hundred ninety-six-z of this article, must notify in writing all author-  
51 ized drivers or renters, as defined in section three hundred  
52 ninety-six-z of this article, of the prohibition against commercial  
53 motor vehicles operating on parkways for any rentals or leases of  
54 commercial motor vehicles. For purposes of this section "commercial  
55 motor vehicle" shall mean a motor vehicle or combination of vehicles  
56 having a gross combination weight rating of more than ten thousand

1 pounds used to transport property or persons and shall include a tow  
2 truck with a gross vehicle weight rating of at least eighty-six hundred  
3 pounds.

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

6 § 9. Severability. If any clause, sentence, subdivision, paragraph,  
7 section or part of this act be adjudged by any court of competent juris-  
8 diction to be invalid, or if any federal agency determines in writing  
9 that this act would render New York state ineligible for the receipt of  
10 federal funds, such judgment or written determination shall not affect,  
11 impair or invalidate the remainder thereof, but shall be confined in its  
12 operation to the clause, sentence, subdivision, paragraph, section or  
13 part thereof directly involved in the controversy in which such judgment  
14 or written determination shall have been rendered.

15 § 10. This act shall take effect on the one hundred eightieth day  
16 after it shall have become a law; provided, however, that this act shall  
17 be deemed repealed if any federal agency determines in writing that this  
18 act would render New York state ineligible for the receipt of federal  
19 funds or any court of competent jurisdiction finally determines that  
20 this act would render New York state out of compliance with federal law  
21 or regulation; and provided further that for sections four and six of  
22 this act, the commissioner of transportation shall notify the legisla-  
23 tive bill drafting commission upon the occurrence of the provisions of  
24 sections four and six of this act, in order that the commission may  
25 maintain an accurate and timely effective data base of the official text  
26 of the laws of the state of New York in furtherance of effectuating the  
27 provisions of section 44 of the legislative law and section 70-b of the  
28 public officers law. Effective immediately, the addition, amendment  
29 and/or repeal of any rule or regulation necessary for the implementation  
30 of sections four and six of this act on its effective date are author-  
31 ized to be made and completed on or before such effective date.

32 PART B

33 Section 1. This act enacts into law components of legislation which  
34 are necessary to implement legislation relating to the safety of trans-  
35 portation workers, pedestrians, and the traveling public. Each component  
36 is wholly contained within a Subpart identified as Subparts A through D.  
37 The effective date for each particular provision contained within such  
38 Subpart is set forth in the last section of such Subpart. Any provision  
39 in any section contained within a Subpart, including the effective date  
40 of the Subpart, which makes a reference to a section "of this act", when  
41 used in connection with that particular component, shall be deemed to  
42 mean and refer to the corresponding section of the Subpart in which it  
43 is found. Section three of this act sets forth the general effective  
44 date of this act.

45 SUBPART A

46 Section 1. Subdivisions 3 and 11 of section 120.05 of the penal law,  
47 subdivision 3 as amended by chapter 267 of the laws of 2016, and subdi-  
48 vision 11 as separately amended by chapters 268 and 281 of the laws of  
49 2016, are amended to read as follows:

50 3. With intent to prevent a peace officer, a police officer, prosecu-  
51 tor as defined in subdivision thirty-one of section 1.20 of the criminal  
52 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; ~~[e]~~

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 travel;  
10 or which obstructs or interferes with the construction, reconstruction  
11 or maintenance of such a highway; or which obstructs or interferes  
12 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 vehicle  
22 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 failing  
26 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 suspension  
42 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.

1

## SUBPART D

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

4 § 1221-a. Work zone safety and outreach. The governor's traffic safety  
5 committee, upon consultation with the commissioner of transportation,  
6 the superintendent of state police, the commissioner of motor vehicles,  
7 the chairman of the New York state thruway authority, local law enforce-  
8 ment agencies, and representatives for contractors and laborers, shall  
9 design and implement a public education and outreach program to increase  
10 motorist awareness of the importance of highway work zone safety, to  
11 reduce the number of work zone incidents, including speeding, unauthor-  
12 ized intrusions into work zones, and any conduct resulting in threats or  
13 injuries to highway workers, and to increase and promote work zone safe-  
14 ty.

15 § 2. This act shall take effect immediately.

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

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

28

## PART C

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

32 1. On assuming jurisdiction of a thruway section or connection or any  
33 part thereof, or of a highway connection, the authority shall proceed  
34 with the construction, reconstruction or improvement thereof. All such  
35 work shall be done pursuant to a contract or contracts which shall be  
36 let to the lowest responsible bidder, by sealed proposals publicly  
37 opened, or by electronically secure proposal submission as permitted by  
38 the authority and electronically posted for public view, after public  
39 advertisement and upon such terms and conditions as the authority shall  
40 require; provided, however, that the authority may reject any and all  
41 proposals and may advertise for new proposals, as herein provided, if in  
42 its opinion, the best interests of the authority will thereby be  
43 promoted; provided further, however, that at the request of the authori-  
44 ty, all or any portion of such work, together with any engineering  
45 required by the authority in connection therewith, shall be performed by  
46 the commissioner and his subordinates in the department of transporta-  
47 tion as agents for, and at the expense of, the authority.

48 § 2. This act shall take effect immediately.

49

## 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

1 instructions provided by the tolling authority. For purposes of this  
2 paragraph, "tolling authority" shall mean every public authority which  
3 operates a toll highway, bridge and/or tunnel or a central business  
4 district tolling program as well as the Port Authority of New York and  
5 New Jersey, a bi-state agency created by compact set forth in chapter  
6 one hundred fifty-four of the laws of nineteen hundred twenty-one, as  
7 amended.

8 § 3. Subdivision 8 of section 402 of the vehicle and traffic law, as  
9 amended by chapter 61 of the laws of 1989 and as renumbered by chapter  
10 648 of the laws of 2006, is amended to read as follows:

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

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

18 PART F

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

21 § 2. Paragraphs (a) and (b) of subdivision 7 of section 1209 of the  
22 public authorities law, as amended by section 3 of subpart C of part ZZZ  
23 of chapter 59 of the laws of 2019, are amended to read as follows:

24 (a) Except as otherwise provided in this section, all purchase  
25 contracts for supplies, materials or equipment involving an estimated  
26 expenditure in excess of one million dollars and all contracts for  
27 public work involving an estimated expenditure in excess of one million  
28 dollars shall be awarded by the authority to the lowest responsible  
29 bidder after obtaining [~~sealed~~] bids in the manner hereinafter set  
30 forth. The aforesaid shall not apply to contracts for personal, archi-  
31 tectural, engineering or other professional services. The authority may  
32 reject all bids and obtain new bids in the manner provided by this  
33 section when it is deemed in the public interest to do so or, in cases  
34 where two or more responsible bidders submit identical bids which are  
35 the lowest bids, award the contract to any of such bidders or obtain new  
36 bids from such bidders. Nothing in this paragraph shall obligate the  
37 authority to seek new bids after the rejection of bids or after cancel-  
38 lation of an invitation to bid. Nothing in this section shall prohibit  
39 the evaluation of bids on the basis of costs or savings including life  
40 cycle costs of the item to be purchased, discounts, and inspection  
41 services so long as the invitation to bid reasonably sets forth the  
42 criteria to be used in evaluating such costs or savings. Life cycle  
43 costs may include but shall not be limited to costs or savings associ-  
44 ated with installation, energy use, maintenance, operation and salvage  
45 or disposal.

46 (b) Section twenty-eight hundred seventy-nine of this chapter shall  
47 apply to the authority's acquisition of goods or services of any kind,  
48 in the actual or estimated amount of fifteen thousand dollars or more,  
49 provided that (i) a contract for services in the actual or estimated  
50 amount of one million dollars or less shall not require approval by the  
51 board of the authority regardless of the length of the period over which  
52 the services are rendered, and provided further that a contract for  
53 services in the actual or estimated amount in excess of one million  
54 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



1 posting have been adjourned by the authority. All bidders shall be noti-  
2 fied of the time and place of any such adjournment. The authority's  
3 designated officer or employee shall make a record of all bids in such  
4 form and detail as the authority shall prescribe.

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

8 (e) the item is available through an existing contract between a  
9 vendor and [~~(i) another public authority provided that such other~~  
10 ~~authority utilized a process of competitive bidding or a process of~~  
11 ~~competitive requests for proposals to award such contract or (ii) the~~  
12 ~~state of New York or the city of New York,~~] any department, agency or  
13 instrumentality of the United States government and/or any department,  
14 agency, office, political subdivision or instrumentality of any state or  
15 states provided that in any case when the authority under this paragraph  
16 determines that obtaining such item thereby would be in the public  
17 interest and sets forth the reasons for such determination. The authori-  
18 ty shall accept sole responsibility for any payment due the vendor as a  
19 result of the authority's order; or

20 § 5. The opening paragraph of subdivision 9 of section 1209 of the  
21 public authorities law is amended to read as follows: 9. Notwithstand-  
22 ing the foregoing, the authority may, by resolution approved by a two-  
23 thirds vote of its members then in office or by a majority vote of its  
24 members with respect to contracts proposed to be let pursuant to para-  
25 graph (a) of this subdivision, declare that competitive bidding is  
26 impractical or inappropriate because of the existence of any of the  
27 circumstances hereinafter set forth and thereafter the authority may  
28 proceed to award contracts without complying with the requirements of  
29 subdivision seven or eight of this section[+] provided that for any  
30 design-build contract to be awarded pursuant to paragraph (f) of this  
31 subdivision no such prior declaration that competitive bidding is  
32 impractical or inappropriate shall be required. In each case where the  
33 authority declares competitive bidding impractical or inappropriate, it  
34 shall state the reason therefor in writing and summarize any negoti-  
35 ations that have been conducted. Except for contracts awarded pursuant  
36 to paragraphs (a), (b), (c) and (e) of this subdivision, the authority  
37 shall not award any contract pursuant to this subdivision earlier than  
38 thirty days from the date on which the authority declares that compet-  
39 itive bidding is impractical or inappropriate. Competitive bidding may  
40 only be declared impractical or inappropriate where:

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

43 10. Upon the adoption of a resolution by the authority stating, for  
44 reasons of efficiency, economy, compatibility or maintenance reliabil-  
45 ity, that there is a need for standardization, the authority may estab-  
46 lish procedures whereby particular supplies, materials or equipment are  
47 identified on a qualified products list. Such procedures shall provide  
48 for products or vendors to be added to or deleted from such list and  
49 shall include provisions for public advertisement of the manner in which  
50 such lists are compiled. The authority shall review such list no less  
51 than [~~twice~~] once a year for the purpose of making modifications there-  
52 to. Contracts for particular supplies, materials or equipment identi-  
53 fied on a qualified products list may be awarded by the authority to the  
54 lowest responsible bidder after obtaining [~~sealed~~] bids in accordance  
55 with this section or without competitive [~~sealed~~] bids in instances when  
56 the item is available from only a single source, except that the author-

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

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

6 § 8. Paragraphs (a) and (b) of subdivision 2 of section 1265-a of the  
7 public authorities law, as amended by section 3-a of subpart C of part  
8 ZZZ of chapter 59 of the laws of 2019, are amended to read as follows:

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

31 (b) Section twenty-eight hundred seventy-nine of this chapter shall  
32 apply to the authority's acquisition of goods or services of any kind,  
33 in the actual or estimated amount of fifteen thousand dollars or more,  
34 provided (i) that a contract for services in the actual or estimated  
35 amount of one million dollars or less shall not require approval by the  
36 board of the authority regardless of the length of the period over which  
37 the services are rendered, and provided further that a contract for  
38 services in the actual or estimated amount in excess of one million  
39 dollars shall require approval by the board of the authority regardless  
40 of the length of the period over which the services are rendered unless  
41 such a contract is awarded to the lowest responsible bidder after  
42 obtaining [sealed] bids, and (ii) the board of the authority may by  
43 resolution adopt guidelines that authorize the award of contracts to  
44 small business concerns, to service disabled veteran owned businesses  
45 certified pursuant to article seventeen-B of the executive law, or  
46 minority or women-owned business enterprises certified pursuant to arti-  
47 cle fifteen-A of the executive law, or purchases of goods or technology  
48 that are recycled or remanufactured, in an amount not to exceed one  
49 million dollars without a formal competitive process and without further  
50 board approval. The board of the authority shall adopt guidelines which  
51 shall be made publicly available for the awarding of such contract with-  
52 out a formal competitive process.

53 § 9. Paragraphs (a) and (b) of subdivision 3 of section 1265-a of the  
54 public authorities law, paragraph (a) as amended by chapter 494 of the  
55 laws of 1990 and paragraph (b) as added by chapter 929 of the laws of  
56 1986, are amended to read as follows:

1 (a) Advertisement for bids, when required by this section, shall be  
2 published at least once in [~~a newspaper of general circulation in the~~  
3 ~~area served by the authority and in~~] the procurement opportunities news-  
4 letter published pursuant to article four-C of the economic development  
5 law provided that, notwithstanding the provisions of article four-C of  
6 the economic development law, an advertisement shall only be required  
7 for a purchase contract for supplies, materials or equipment when  
8 required by this section. Publication in [~~a newspaper of general circu-~~  
9 ~~lation in the area served or in~~] the procurement opportunities newslet-  
10 ter shall not be required if bids for contracts for supplies, materials  
11 or equipment are of a type regularly purchased by the authority and are  
12 to be solicited from a list of potential suppliers, if such list is or  
13 has been developed consistent with the provisions of subdivision six of  
14 this section. Any such advertisement shall contain a statement of: (i)  
15 the time [~~and place where~~] by which bids received pursuant to any notice  
16 requesting [~~sealed~~] bids [~~will be publicly opened and read~~] shall be  
17 submitted; (ii) the name of the contracting agency; (iii) the contract  
18 identification number; (iv) a brief description of the public work,  
19 supplies, materials, or equipment sought, the location where work is to  
20 be performed, goods are to be delivered or services provided and the  
21 contract term; (v) the [~~address where~~] manner in which bids or proposals  
22 are to be submitted; (vi) the date when bids or proposals are due; (vii)  
23 a description of any eligibility or qualification requirement or prefer-  
24 ence; (viii) a statement as to whether the contract requirements may be  
25 fulfilled by a subcontracting, joint venture, or co-production arrange-  
26 ment; (ix) any other information deemed useful to potential contractors;  
27 and (x) the name, address, and telephone number of the person to be  
28 contacted for additional information. At least [~~fifteen~~] ten business  
29 days shall elapse between the first publication of such advertisement or  
30 the solicitation of bids, as the case may be, and the date of opening  
31 and reading of bids.

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

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

48 (e) the item is available through an existing contract between a  
49 vendor and [~~(i) another public authority provided that such other~~  
50 ~~authority utilized a process of competitive bidding or a process of~~  
51 ~~competitive requests for proposals to award such contracts or (ii)~~  
52 ~~Nassau county, or (iii) the state of New York or (iv) the city of New~~  
53 ~~York~~] any department, agency or instrumentality of the United States  
54 government and/or any department, agency, office, political subdivision  
55 or instrumentality of any state or states, provided that in any case  
56 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.

1 (c) In reviewing the authority's design for the required city work, or  
2 in providing any permits or approvals for the required city work, the  
3 city of New York shall not create the need for a public service corpo-  
4 ration to remove or relocate its pipes, mains, conduits or other infras-  
5 tructure without the agreement of the authority.

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

13 § 2. This act shall take effect immediately.

14 PART H

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

18 12. The authority may, for itself or upon request of the New York city  
19 transit authority, upon suitable notice to and an offer to consult with  
20 an officer designated by the city of New York, occupy the streets of the  
21 city of New York for the purpose of doing any work either by itself  
22 directly or by another for its benefit via contract, easement agreement  
23 or other such agreement [~~any work~~] over or under the same in connection  
24 with the improvement, construction, reconstruction or rehabilitation of  
25 a transportation facility without the consent of or payment to such  
26 city[-], notwithstanding that the city has previously permitted any such  
27 portion of such streets to be occupied by another. For the purposes of  
28 this subdivision, a "transportation facility" shall include a stairway  
29 entrance, elevator, escalator or other vertical transportation connect-  
30 ing to a subway station or any other transit improvement that is being  
31 renovated, relocated or constructed for the benefit of and under a  
32 contract, easement agreement or other agreement with the authority or  
33 the New York city transit authority pursuant to the zoning resolution of  
34 the city of New York or otherwise.

35 § 2. This act shall take effect immediately.

36 PART I

37 Section 1. Subdivision 11 of section 120.05 of the penal law, as sepa-  
38 rately amended by chapters 268 and 281 of the laws of 2016, is amended  
39 to read as follows:

40 11. With intent to cause physical injury to a train operator, ticket  
41 inspector, conductor, signalperson, bus operator, station agent, station  
42 cleaner, terminal cleaner, station customer assistant; person whose  
43 official duties include the sale or collection of tickets, passes,  
44 vouchers, or other fare payment media for use on a train or bus; a  
45 person whose official duties include the maintenance, repair,  
46 inspection, troubleshooting, testing or cleaning of a transit signal  
47 system, elevated or underground subway tracks, transit station struc-  
48 ture, commuter rail tracks or stations, train yard, revenue train in  
49 passenger service, bus while on the road, or a train or bus station or  
50 terminal; or a supervisor of such personnel, employed by any transit or  
51 commuter railroad agency, authority or company, public or private, whose  
52 operation is authorized by New York state or any of its political subdi-

1 visions, a city marshal, a school crossing guard appointed pursuant to  
2 section two hundred eight-a of the general municipal law, a traffic  
3 enforcement officer, traffic enforcement agent, prosecutor as defined in  
4 subdivision 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, terminal cleaner, station  
11 customer assistant; person whose official duties include the sale or  
12 collection of tickets, passes, vouchers or other fare payment media for  
13 use on a train or bus; a person whose official duties include the main-  
14 tenance, repair, inspection, troubleshooting, testing or cleaning of a  
15 transit signal system, elevated or underground subway tracks, transit  
16 station structure, commuter rail tracks or stations, train yard, revenue  
17 train in passenger service, bus while on the road, or a train or bus  
18 station or terminal; or a supervisor of such personnel, city marshal,  
19 school crossing guard appointed pursuant to section two hundred eight-a  
20 of the general municipal law, traffic enforcement officer, traffic  
21 enforcement agent, prosecutor as defined in subdivision thirty-one of  
22 section 1.20 of the criminal procedure law, registered nurse, licensed  
23 practical nurse, public health sanitarian, New York city public health  
24 sanitarian, sanitation enforcement agent, New York city sanitation work-  
25 er, emergency medical service paramedic, or emergency medical service  
26 technician, while such employee is performing an assigned duty on, or  
27 directly related to, the operation of a train or bus, [~~including the~~]  
28 cleaning of a train or bus station or terminal, assisting customers, the  
29 sale or collection of tickets, passes, vouchers, or other fare media for  
30 use on a train or bus, or maintenance of a train or bus station or  
31 terminal, signal system, elevated or underground subway tracks, transit  
32 station structure, commuter rail tracks or stations, train yard, revenue  
33 train in passenger service or bus while on the road, or such city  
34 marshal, school crossing guard, traffic enforcement officer, traffic  
35 enforcement agent, prosecutor as defined in subdivision thirty-one of  
36 section 1.20 of the criminal procedure law, registered nurse, licensed  
37 practical nurse, public health sanitarian, New York city public health  
38 sanitarian, sanitation enforcement agent, New York city sanitation work-  
39 er, emergency medical service paramedic, or emergency medical service  
40 technician is performing an assigned duty; or

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

43 3-a. Strikes, shoves, kicks, or otherwise subjects another person to  
44 physical contact, which includes spitting on such other person, and such  
45 other person is an on-duty train operator; ticket inspector; conductor;  
46 signalperson; bus operator; station agent; station cleaner; terminal  
47 cleaner; station customer assistant; person whose official duties  
48 include the sale or collection of tickets, passes, vouchers or other  
49 fare payment media for use on a train or bus; person whose official  
50 duties include the maintenance, repair, inspection, troubleshooting,  
51 testing or cleaning of a transit signal system, elevated or underground  
52 subway tracks, transit station structure, commuter rail tracks or  
53 stations, train yard, revenue train in passenger service, bus while on  
54 the road, or train or bus station or terminal, or a supervisor of such  
55 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.

5 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.

17 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.

29 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 [~~or~~], 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 (1) the name of the foreign limited liability company and, if applica-  
2 ble, the fictitious name the limited liability company has agreed to use  
3 in this state pursuant to section eight hundred two of this article;

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

6 (3) each change effected thereby,

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 liability company served upon him or her, and/or the  
10 email address to which the secretary of state shall email a notice of  
11 the fact that process against it has been electronically served upon the  
12 secretary of state, and/or the address of the registered agent, provided  
13 such address being changed is the address of a person, partnership or  
14 corporation whose address, as agent, is the address to be changed,  
15 and/or the email address being changed is the email address of a person,  
16 partnership or other corporation whose email address, as agent, is the  
17 email address to be changed, or who has been designated as registered  
18 agent for such limited liability company may 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 liability company by the party signing the certificate not less than  
23 thirty days prior to the date of delivery to the department of state and  
24 that such foreign limited liability company has not objected thereto;  
25 and that the party signing the certificate is the agent of such foreign  
26 limited liability company to whose address the secretary of state is  
27 required to mail copies of process, and/or the agent of such foreign  
28 limited liability company to whose email address the secretary of state  
29 is required to email a notice of the fact that process against it has  
30 been electronically served upon the secretary of state, or the regis-  
31 tered agent, if such be the case. A certificate signed and delivered  
32 under this subdivision shall not be deemed to effect a change of  
33 location of the office of the foreign limited liability company in whose  
34 behalf such certificate is filed.

35 § 25. Paragraph 6 of subdivision (b) of section 806 of the limited  
36 liability company 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 limited liability company may include an email  
40 address to which the secretary of state shall email a notice of the fact  
41 that process against it has been electronically served upon him or her.

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

44 § 807. Termination of existence. When a foreign limited liability  
45 company that has received a certificate of authority is dissolved or its  
46 authority to conduct its business or existence is otherwise terminated  
47 or canceled in the jurisdiction of its formation or when such foreign  
48 limited liability company is merged into or consolidated with another  
49 foreign limited liability company, (a) a certificate of the secretary of  
50 state or official performing the equivalent function as to limited  
51 liability company records in the jurisdiction of organization of such  
52 limited liability company attesting to the occurrence of any such event  
53 or (b) a certified copy of an order or decree of a court of such juris-  
54 diction directing the dissolution of such foreign limited liability  
55 company, the termination of its existence or the surrender of its  
56 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 [~~ex~~],  
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 [~~e~~], 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

1 domestic or authorized foreign limited partnership. Service of process  
2 on such limited partnership or authorized foreign limited partnership  
3 shall be complete when the secretary of state has reviewed and accepted  
4 service of such process. The secretary of state shall promptly send a  
5 notice of the fact that process has been served to such limited partner-  
6 ship at the email address on file in the department of state, specified  
7 for the purpose and shall make a copy of the process available to such  
8 limited partnership or authorized foreign limited partnership.

9 In any case in which a non-domiciliary would be subject to the  
10 personal or other jurisdiction of the courts of this state under article  
11 three of the civil practice law and rules, a foreign limited partnership  
12 not authorized to do business in this state is subject to a like juris-  
13 diction. In any such case, process against such foreign limited partner-  
14 ship may be served upon the secretary of state as its agent. Such proc-  
15 ess may issue in any court in this state having jurisdiction of the  
16 subject matter. Service of process upon the secretary of state shall be  
17 made [~~by personally~~] in the manner provided by paragraph one or two of  
18 this subdivision. (1) Personally delivering to and leaving with him or  
19 his deputy, or with any person authorized by the secretary of state to  
20 receive such service, at the office of the department of state in the  
21 city of Albany, a copy of such process together with the statutory fee,  
22 which fee shall be a taxable disbursement. (2) Electronically submit-  
23 ting a copy of the process to the department of state together with the  
24 statutory fee, which fee shall be a taxable disbursement, through an  
25 electronic system operated by the department of state. Such service  
26 shall be sufficient if notice thereof and a copy of the process are:

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

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

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

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

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

51 A certificate of limited partnership may be changed by filing with the  
52 department of state a certificate of change entitled "Certificate of  
53 Change of ..... (name of limited partnership) under Section 121-202-A of  
54 the Revised Limited Partnership Act" and shall be signed and delivered  
55 to the department of state. A certificate of change may (i) specify or  
56 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 [~~e\*~~], 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.

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

3 (a) Service of process on the secretary of state as agent of a regis-  
4 tered limited liability partnership or New York registered foreign  
5 limited liability partnership under this article shall be made [~~by~~  
6 ~~personally~~] in the manner provided by paragraph one or two of this  
7 subdivision. (1) Personally delivering to and leaving with the secretary  
8 of state or a deputy, or with any person authorized with the secretary of  
9 state to receive such service, at the office of the department of state  
10 in the city of Albany, duplicate copies of such process together with  
11 the statutory fee, which fee shall be a taxable disbursement. Service of  
12 process on such registered limited liability partnership shall be  
13 complete when the secretary of state is so served. The secretary of  
14 state shall promptly send one of such copies by certified mail, return  
15 receipt requested, to such registered limited liability partnership, at  
16 the post office address on file in the department of state specified for  
17 such purpose. (2) Electronically submitting a copy of the process to the  
18 department of state together with the statutory fee, which fee shall be  
19 a taxable disbursement, through an electronic system operated by the  
20 department of state, provided the registered limited liability partner-  
21 ship or New York registered foreign limited liability partnership has an  
22 email address on file in the department of state to which the secretary  
23 of state shall email a notice of the fact that process against such  
24 registered limited liability partnership or New York registered foreign  
25 limited liability partnership served has been electronically served on  
26 the secretary of state. Service of process on such registered limited  
27 liability partnership or New York registered foreign limited liability  
28 partnership shall be complete when the secretary of state has reviewed  
29 and accepted service of such process. The secretary of state shall  
30 promptly send a notice of the fact that process against such registered  
31 limited liability partnership or New York registered foreign limited  
32 liability partnership has been served electronically upon him or her, to  
33 such registered limited liability partnership or New York registered  
34 foreign limited liability partnership at the email address on file in  
35 the department of state, specified for the purpose and shall make a copy  
36 of the process available to such registered limited liability partner-  
37 ship or New York registered foreign limited liability partnership.

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

41 7. A designation of the secretary of state as agent of the corporation  
42 or board of managers upon whom process against it may be served and the  
43 post office address within or without this state to which the secretary  
44 of state shall mail a copy of any process against it served upon him or  
45 her. The designation may include an email address to which the secretary  
46 of state shall email a notice of the fact that process against it has  
47 been electronically served upon him or her. Service of process on the  
48 secretary of state as agent of such corporation or board of managers  
49 shall be made [~~personally~~] in the manner provided by paragraph (a) or  
50 (b) of this subdivision. (a) Personally delivering to and leaving with  
51 him or her or his or her deputy, or with any person authorized by the  
52 secretary of state to receive such service, at the office of the depart-  
53 ment of state in the city of Albany, duplicate copies of such process  
54 together with the statutory fee, which shall be a taxable disbursement.  
55 Service of process on such corporation or board of managers shall be  
56 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-

1 sions the number of renewable energy credits purchased by or on behalf  
2 of such owner associated with energy produced by a renewable energy  
3 resource that is eligible under tier 2 of the renewable energy standard  
4 (RES) adopted by the public service commission, or qualifying renewable  
5 energy credits made available through contracts with the New York state  
6 energy research and development authority and associated with energy  
7 produced by offshore wind energy resources delivering into the zone J  
8 load zone or energy resources subject to tier 4 of the RES; provided,  
9 however, that such building owner may only use tier 2 renewable energy  
10 credits for the purposes of this subdivision in the absence of the  
11 availability of such offshore wind or tier 4 renewable energy credits;  
12 and (2) renewable energy credits associated with energy produced by such  
13 offshore wind, tier 2 and tier 4 energy resources shall be treated the  
14 same with respect to the conversion of such credits into emissions that  
15 may be deducted by such building owner.  
16 § 2. This act shall take effect immediately and shall expire and be  
17 deemed repealed December 31, 2034.

18

## PART S

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

21 § 2564-a. Additional powers of the corporation. 1. For the purposes of  
22 this section, the following terms shall have the following meanings:

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

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

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

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

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

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

51 (a) when the corporation acts as the construction-permitting agency  
52 for the premises or any portion thereof, the corporation may elect, if  
53 deemed feasible and appropriate, to subject all or any part of such  
54 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

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

4 (iv) such premises and all buildings and structures constituting all  
5 or any part of such premises shall continue to be subject to the  
6 provisions of part twelve hundred four; provided, however, that for the  
7 purposes of applying part twelve hundred four, all references in part  
8 twelve hundred four to the uniform code shall be deemed to be references  
9 to the New York city codes; and

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

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

34 3. Nothing in this section shall prohibit the corporation from negoti-  
35 ating an agreement with the applicable municipal corporation to assume  
36 administration and enforcement of any applicable codes with respect to  
37 the premises or any individual project on the premises.

38 4. Nothing in this section shall prohibit the corporation from utiliz-  
39 ing the uniform code and the NYS energy code, as amended for any addi-  
40 tional work that requires a construction permit.

41 § 2. This act shall take effect immediately.

42 PART T

43 Section 1. Legislative Findings. The legislature hereby finds and  
44 determines that the establishment of the utility debt securitization  
45 authority under part B of chapter 173 of the laws of 2013, as amended,  
46 permitted the issuance of securitized restructuring bonds on favorable  
47 terms which resulted in lower aggregate distribution, transmission and  
48 transition charges to Long Island ratepayers, compared to other avail-  
49 able alternatives, and the purposes of such act will be further advanced  
50 by amending such act to permit the issuance of additional such bonds  
51 subject to a limit on the outstanding principal amount thereof and to  
52 allow such bonds to be issued to refund bonds of the utility debt secu-  
53 ritization authority. The legislature hereby further finds and deter-  
54 mines 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.~~

1 § 8. This act shall take effect immediately.

2 PART U

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

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

19 § 2. This act shall take effect immediately.

20 PART V

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

24 (e) "Industrial insured" means an insured:

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

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

28 (3) who is the metropolitan transportation authority and its statutory  
29 subsidiaries. When filing an application to form a pure captive insur-  
30 ance company the metropolitan transportation authority shall submit  
31 written notice of such filing to the governor, the temporary president  
32 of the senate and the speaker of the assembly; ~~[ex]~~

33 (4) who is the power authority of the state of New York and any statu-  
34 tory subsidiary or affiliate thereof. When filing an application to form  
35 a pure captive insurance company the power authority shall submit writ-  
36 ten notice of such filing to the governor, the temporary president of  
37 the senate and the speaker of the assembly; or

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

43 (g) "Industrial insured group" means any group of unaffiliated indus-  
44 trial insureds that are engaged in similar or related businesses or  
45 activities, however, the metropolitan transportation authority, the  
46 power authority of the state of New York and any statutory subsidiary or  
47 affiliate thereof and cities with a population of one million or more  
48 shall not be a member of an industrial insured group, and that collec-  
49 tively:

50 (1) own, control or hold with power to vote all of the outstanding  
51 voting shares of stock of a group captive insurance company incorporated  
52 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:

1 (a) In lieu of the taxes and tax surcharge imposed by sections fifteen  
2 hundred one, fifteen hundred two-a, fifteen hundred five-a, and fifteen  
3 hundred ten of this article, every captive insurance company licensed by  
4 the superintendent of financial services pursuant to the provisions of  
5 article seventy of the insurance law, other than the metropolitan trans-  
6 portation authority, the power authority of New York or any statutory  
7 subsidiary or affiliate thereof, and a public benefit corporation or  
8 not-for-profit corporation formed by a city with a population of one  
9 million or more pursuant to subsection (a) of section seven thousand  
10 five of the insurance law, each of which is expressly exempt from the  
11 payment of fees, taxes or assessments whether state or local, and other  
12 than combinable captive insurance company, shall, for the privilege of  
13 exercising its corporate franchise, pay a tax on (1) all gross direct  
14 premiums, less return premiums thereon, written on risks located or  
15 resident in this state and (2) all assumed reinsurance premiums, less  
16 return premiums thereon, written on risks located or resident in this  
17 state. The rate of the tax imposed on gross direct premiums shall be  
18 four-tenths of one percent on all or any part of the first twenty  
19 million dollars of premiums, three-tenths of one percent on all or any  
20 part of the second twenty million dollars of premiums, two-tenths of one  
21 percent on all or any part of the third twenty million dollars of premi-  
22 ums, and seventy-five thousandths of one percent on each dollar of  
23 premiums thereafter. The rate of the tax on assumed reinsurance premiums  
24 shall be two hundred twenty-five thousandths of one percent on all or  
25 any part of the first twenty million dollars of premiums, one hundred  
26 and fifty thousandths of one percent on all or any part of the second  
27 twenty million dollars of premiums, fifty thousandths of one percent on  
28 all or any part of the third twenty million dollars of premiums and  
29 twenty-five thousandths of one percent on each dollar of premiums there-  
30 after. The tax imposed by this section shall be equal to the greater of  
31 (i) the sum of the tax imposed on gross direct premiums and the tax  
32 imposed on assumed reinsurance premiums or (ii) five thousand dollars.  
33 § 5. This act shall take effect immediately.

34

## PART W

35 Section 1. Expenditures of moneys by the New York state energy  
36 research and development authority for services and expenses of the  
37 energy research, development and demonstration program, including  
38 grants, the energy policy and planning program, the zero emissions vehi-  
39 cle and electric vehicle rebate program, and the Fuel NY program shall  
40 be subject to the provisions of this section. Notwithstanding the  
41 provisions of subdivision 4-a of section 18-a of the public service law,  
42 all moneys committed or expended in an amount not to exceed \$22,700,000  
43 shall be reimbursed by assessment against gas corporations, as defined  
44 in subdivision 11 of section 2 of the public service law and electric  
45 corporations as defined in subdivision 13 of section 2 of the public  
46 service law, where such gas corporations and electric corporations have  
47 gross revenues from intrastate utility operations in excess of \$500,000  
48 in the preceding calendar year, and the total amount assessed shall be  
49 allocated to each electric corporation and gas corporation in proportion  
50 to its intrastate electricity and gas revenues in the calendar year  
51 2019. Such amounts shall be excluded from the general assessment  
52 provisions of subdivision 2 of section 18-a of the public service law.  
53 The chair of the public service commission shall bill such gas and/or  
54 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~~

~~1 article, subject, specifically, to the provisions of section 11-0929 of  
2 this article. It entitles such holder to possess firearms as provided in  
3 section 265.05 of the penal law.]~~

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

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

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

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

14 ~~A] , and~~

15 ~~(4) a~~ holder may take fish with a longbow as provided in titles 9 and  
16 13 this article.

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

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

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

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

35 (3) who is sixteen or seventeen years of age to exercise the same  
36 privileges subject to the provisions of section 11-0929 and subdivision  
37 3 of section 11-0713 of this article.

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

44 5. A non-resident bear tag entitles a person who has not been a resi-  
45 dent of the state for more than thirty days who also possesses a hunting  
46 license to hunt bear during the regular open season therefor or in an  
47 open season fixed by regulation pursuant to subdivision eight of section  
48 11-0903 of this article. It entitles a non-resident holder who also  
49 possesses a hunting license with bowhunting privilege to hunt bear with  
50 a longbow or crossbow during the open bear season. It entitles a non-re-  
51 sident holder who also possesses a hunting license with muzzle-loading  
52 privilege to hunt bear with a muzzleloader during the open bear season.

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

1 7. A one-day fishing license entitles the holder to exercise the priv-  
2 ileges of a fishing license on the day specified on the license.

3 8. A trapping license entitles the holder to trap beaver, otter, fish-  
4 er, mink, muskrat, skunk, raccoon, bobcat, coyote, fox, opossum, weasel,  
5 pine marten and unprotected wildlife except birds, as provided in title  
6 11, subject to the provisions of section 11-0713 of this article.

7 9. A muzzle-loading privilege when included on a hunting license enti-  
8 tles a holder who is [~~fourteen~~ twelve years of age or older to hunt  
9 wild deer and bear with a muzzle-loading firearm, as provided in title 9  
10 of this article, in a special muzzle-loading firearm season.

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

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

25 § 3. Subdivision 6 of section 11-0713 of the environmental conserva-  
26 tion law is REPEALED.

27 § 4. Paragraph c of subdivision 3 of section 11-0901 of the environ-  
28 mental conservation law, as amended by section 19 of part EE of chapter  
29 55 of the laws of 2014, is amended to read as follows:

30 c. Wild small game and wild upland game birds shall be taken only by  
31 longbow, crossbow or gun, or by the use of raptors as provided in title  
32 10 of this article, except that:

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

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

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

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

43 (9) with a crossbow unless such crossbow shall consist of a bow and  
44 string, either compound or recurve, that launches a minimum fourteen  
45 inch [~~belt~~ arrow, not including point, mounted upon a stock with a  
46 trigger that holds the string and limbs under tension until released.  
47 The trigger unit of such crossbow must have a working safety. [~~The mini-~~  
48 ~~imum limb width of such crossbow shall be seventeen inches,~~ The crossbow  
49 shall have a minimum peak draw weight of one hundred pounds [~~and a maxi-~~  
50 ~~imum peak draw weight of two hundred pounds. The~~ and the minimum overall  
51 length of such crossbow from buttstock to front of limbs shall be twen-  
52 ty-four inches.

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



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

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

14 13. Persons engaged in hunting deer and/or bear with a longbow or  
15 crossbow must possess a current bowhunting privilege or a valid certifi-  
16 cate of qualification in responsible bowhunting practices issued or  
17 honored by the department.

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

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

25 § 9. Subdivision 10 of section 11-0907 of the environmental conserva-  
26 tion law, as added by section 14 of part EE of chapter 55 of the laws of  
27 2014, is amended to read as follows:

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

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

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

53 § 11. Subparagraph 5 of paragraph b of subdivision 2 of section  
54 11-0929 of the environmental conservation law is REPEALED and subpara-  
55 graph 6 of paragraph b of subdivision 2 is renumbered subparagraph 5.

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

4 § 11-0933. Taking small game by crossbow.

5 Notwithstanding any provision of this chapter, or any prior notwith-  
6 standing language in this article, the department may, by regulation,  
7 authorize the taking of small game and wild upland game birds by the use  
8 of a crossbow by any licensed person [~~fourteen years of age or older~~],  
9 in any small game season[~~, in any area designated in items (a), (b),~~  
10 ~~(c), (d), (e), (f), (i), (k), and (l) of paragraph a of subdivision two~~  
11 ~~of section 11-0907 of this title in which a shotgun or muzzle loader is~~  
12 ~~permitted~~].

13 § 13. Subparagraph (i) of paragraph 4 of subdivision (a) of section 83  
14 of the state finance law, as amended by section 1 of part AA of chapter  
15 58 of the laws of 2015, is amended to read as follows:

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

33 § 14. This act shall take effect immediately.

34 PART Y

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

39 § 27-2701. Definitions.

40 As used in this title:

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

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

47 3. "Operator" means a person in control of, or having daily responsi-  
48 bility for, the daily operation of a store, which may include, but is  
49 not limited to, the owner of the store.

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

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

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

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

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

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

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

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

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

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

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

38 § 27-2703. Store operator responsibilities.

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

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

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

50 § 27-2705. Recycling program requirements.

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

53 1. [~~a plastic carryout bag provided by the store to have printed or~~  
54 ~~displayed on the bag, in a manner visible to a consumer, the words~~  
55 ~~"PLEASE RETURN TO A PARTICIPATING STORE FOR RECYCLING".~~ Provided, howev-  
56 er, such store shall be allowed for one year from the effective date of

~~1 this subdivision to use its existing stock of plastic carryout bags. A  
2 store may also apply to the commissioner for approval of an alternative  
3 plastic bag recycling message. The commissioner shall approve or reject  
4 the proposed message within forty-five days.~~

5 ~~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;

13 ~~[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;

21 ~~[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

28 ~~[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.

32 § 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:

35 § 27-2707. Manufacturer responsibilities.

36 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.

44 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.]~~

50 § 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:

52 § 27-2709. Department responsibility.

53 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.

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

5 § 6. Section 27-2713 of the environmental conservation law, as amended  
6 by chapter 481 of the laws of 2014, is amended to read as follows:  
7 § 27-2713. Preemption.

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

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

19 § 27-2801. Definitions.

20 As used in this title:

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

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

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

51 4. "Reusable bag" means a bag designed and manufactured for multiple  
52 reuse that: (a) is either made of ~~[cloth]~~ (i) hand washable or ~~[other]~~  
53 machine washable cloth or fabric ~~[that has handles], including woven or~~  
54 nonwoven polypropylene (PP), polyethylene- terephthalate (PET), polyes-  
55 ter, or nylon fabric, as well as fabric blends that include any such  
56 materials; or ~~[(b) a durable bag with handles that is specifically~~

1 ~~designed and manufactured for multiple reuse.~~ (ii) other non-film plas-  
 2 tic washable material; and

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

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

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

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

19 ~~[5.]~~ 6. "Person required to collect tax" means any vendor of tangible  
 20 personal property subject to the tax imposed by subdivision (a) of  
 21 section eleven hundred five of the tax law.

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

25 § 27-2803. Plastic carryout bag ban.

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

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

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

39 § 9. This act shall take effect immediately.

40 PART Z

41 Section 1. Part UU of chapter 58 of the laws of 2020, authorizing the  
 42 county of Nassau, to permanently and temporarily convey certain ease-  
 43 ments and to temporarily alienate certain parklands, is amended to read  
 44 as follows:

45 PART UU

46 Section 1. This act enacts into law components of legislation which  
 47 are necessary to implement legislation relating to the Bay Park Convey-  
 48 ance Project. Each component is wholly contained within a Subpart iden-  
 49 tified as Subparts A through C. The effective date for each particular  
 50 provision contained within such Subpart is set forth in the last section  
 51 of such Subpart. Any provision in any section contained within a  
 52 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~~]  
 47 19.15 feet plus or minus; thence South [~~14°28'~~] 14°35'11" West [~~1,463~~]  
 48 1446.44 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.]~~

1 § ~~[3-]~~ 2. TEMPORARY EASEMENT - Force Main Shaft Construction Area.  
2 Parkland upon and under which a temporary easement may be granted pursu-  
3 ant to subdivision (b) of section one of this act is described as  
4 follows: all that certain plot, piece or parcel of land with buildings  
5 and improvements thereon erected, situate, lying and being located at  
6 Incorporated Village of East Rockaway, and the Hamlet of Oceanside, Town  
7 of Hempstead, County of Nassau and State of New York being more partic-  
8 ularly bounded and described as follows: [~~beginning~~] Beginning at a  
9 point on the westerly line of the herein described temporary easement  
10 for the force main shaft construction area, said Point of Beginning  
11 being more particularly described as commencing at the [~~intersection of~~  
12 ~~the northeasterly side of Long Island Railroad right of way with the~~  
13 ~~easterly side of Ocean Avenue, running thence North 12°34' East, along~~  
14 ~~the easterly side of Ocean Avenue, 92 feet plus or minus, to the north-~~  
15 ~~erly line~~] northeast corner of property [~~designated as Section 38 Block~~  
16 ~~E Lot 14, on the~~] described in deed dated September 16, 1964 from Mary  
17 T. Caretto to The Incorporated Village of East Rockaway, recorded  
18 September 18, 1964 at the Nassau County [~~Land and Tax Map,~~] Clerk's  
19 Office in Liber 7317 of Deeds at page 494, running thence South [~~74°46'~~  
20 76°23'40" East, [~~partly along said northerly line, 206~~] on the northerly  
21 property line produced, of property described in the aforesaid Liber  
22 7317 page 494, a distance of 53.41 feet plus or minus, to the westerly  
23 line of the herein described temporary easement[~~7~~] at the Point of  
24 Beginning. Running thence North [~~15°34'~~] 14°03'08" East [~~49~~] 42.21 feet  
25 plus or minus; thence South [~~67°33'~~] 67°25'43" East [~~238~~] 237.47 feet  
26 plus or minus; thence South [~~07°07'~~] 04°13'09" West [~~31~~] 35.58 feet plus  
27 or minus; thence South [~~86°06'~~] 86°58'21" West [~~161~~] 165.83 feet plus or  
28 minus; thence South [~~64°59'~~] 64°59'21" West [~~117~~] 106.15 feet [~~plus or~~  
29 ~~minus~~]; thence North [~~15°34'~~] 14°03'08" East [~~140~~] 143.63 feet plus or  
30 minus, to the Point of Beginning. Containing within said bounds  
31 [~~23,000~~] 23,103 square feet plus or minus. The above described temporary  
32 easement is for the construction of a [~~thirty-foot~~] forty-four-foot  
33 diameter access shaft. The location of said permanent access shaft is  
34 more particularly described in section [~~four~~] three of this act. Said  
35 parcel being part of property designated as Section: 38, Block: E, Lots:  
36 12, 14, 21A, 21B on the Nassau County Land and Tax Map.

37 § [~~4-~~] 3. PERMANENT SUBSURFACE EASEMENT - Access Shaft. Parkland upon  
38 and under which a permanent easement may be granted pursuant to subdivi-  
39 sion (a) of section one of this act is described as all that certain  
40 plot, piece or parcel of land with buildings and improvements thereon  
41 erected, situate, lying and being located at Incorporated Village of  
42 East Rockaway, and the Hamlet of Oceanside, Town of Hempstead, County of  
43 Nassau and State of New York being more particularly bounded and  
44 described as follows: a circular easement with a radius of [~~15~~] 22 feet,  
45 the center of said circle being the following [~~three (3)~~] two (2) cours-  
46 es from the [~~intersection of the northeasterly side of Long Island Rail-~~  
47 ~~road right of way with the easterly side of Ocean Avenue, North 12°34'~~  
48 ~~East, along the easterly side of Ocean Avenue, 92 feet plus or minus, to~~  
49 ~~the northerly line~~] northeast corner of property [~~designated as Section~~  
50 ~~38 Block E Lot 14 on the~~] described in deed dated September 16, 1964  
51 from Mary T. Caretto to The Incorporated Village of East Rockaway,  
52 recorded September 18, 1964 at the Nassau County [~~Land and Tax Map~~]  
53 Clerk's Office in Liber 7317 of Deeds at page 494; South [~~74°46'~~  
54 76°23'40" East, [~~partly along~~] on the [~~said~~] northerly property line[~~7~~  
55 333] produced, of property described in the aforesaid Liber 7317 page  
56 494, 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.

1 § ~~[6-]~~ 5. Should the lands described in sections [~~four~~] three and  
2 [~~five~~] four of this act cease to be used for the purposes described in  
3 section one of this act, the permanent easements established pursuant to  
4 section one of this act shall cease and such lands shall be restored and  
5 dedicated as parklands.

6 § ~~[7-]~~ 6. In the event that the village of East Rockaway received any  
7 funding support or assistance from the federal government for the  
8 purchase, maintenance, or improvement of the parklands set forth in  
9 sections [~~three~~] two through [~~five~~] four of this act, the discontinuance  
10 and alienation of such parklands authorized by the provisions of this  
11 act shall not occur until the village of East Rockaway has complied with  
12 any applicable federal requirements pertaining to the alienation or  
13 conversion of parklands, including satisfying the secretary of the inte-  
14 rior that the alienation or conversion complies with all conditions  
15 which the secretary of the interior deems necessary to assure the  
16 substitution of other lands shall be equivalent in fair market value and  
17 usefulness to the lands being alienated or converted.

18 § ~~[8-]~~ 7. This act shall take effect immediately.

19

## SUBPART C

20 Section 1. Subject to the provisions of this act, the village of Rock-  
21 ville Centre, in the county of Nassau, acting by and through the village  
22 board of such village, is hereby authorized to (a) discontinue perma-  
23 nently the use as parkland the subsurface lands described in sections  
24 [~~three, four~~] two and [~~six~~] five of this act and to grant permanent  
25 easements on such lands to the State of New York or county of Nassau for  
26 the purpose of constructing, operating, maintaining and repairing a  
27 subsurface sewer main, and (b) discontinue temporarily the use as park-  
28 land the lands described in sections [~~five~~] three, four and [~~seven~~] six  
29 of this act and grant temporary easements on such lands to the county of  
30 Nassau for the purpose of constructing a subsurface sewer main. Author-  
31 ization for the temporary easements described in sections [~~five~~] three,  
32 four and [~~seven~~] six of this act shall cease upon the completion of the  
33 construction of the sewer main, at which time the department of environ-  
34 mental conservation shall restore the surface of the parklands disturbed  
35 and the parklands shall continue to be used for park purposes as they  
36 were prior to the grant of the temporary easements. Authorization for  
37 the permanent easements described in sections [~~three, four~~] two and  
38 [~~six~~] five of this act shall require that the department of environ-  
39 mental conservation restore the surface of the parklands disturbed and  
40 the parklands shall continue to be used for park purposes as they were  
41 prior to the establishment of the permanent easements.

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

47 § ~~[3-]~~ 2. PERMANENT SUBSURFACE EASEMENT - Force Main. Parkland upon  
48 and under which a permanent easement may be established pursuant to  
49 subdivision (a) of section one of this act is described as all that  
50 certain plot, piece or parcel of land with buildings and improvements  
51 thereon erected, situate, lying and being located at Incorporated  
52 Village of East Rockaway, and the Incorporated Village of Rockville  
53 Centre, Town of Hempstead, County of Nassau and State of New York, being  
54 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 desig-  
 19 nated 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 easterly  
 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-

1 ularly described as commencing at the intersection of the northerly side  
 2 of South Park Avenue with the easterly side of [~~Oxford~~] Chester Road;  
 3 running thence [~~easterly~~] South 79°24'16" East, along the northerly side  
 4 of South Park Avenue, [~~203~~] 247.33 feet plus or minus, to the centerline  
 5 of the permanent subsurface easement for force main described in section  
 6 [~~six~~] five of this act; thence North [~~13°01'~~] 10°26'55" East, along said  
 7 centerline, [~~920~~] 920.41 feet plus or minus, to the southerly line of  
 8 the temporary easement, at the Point of Beginning. Running thence North  
 9 [~~76°19'~~] 76°19'09" West [~~136 feet plus or minus, to the easterly termi-~~  
 10 ~~nus of Merton Avenue (unopened); thence North 76°19' West, through the~~  
 11 ~~unopened part of Merton Avenue, 48~~] 185.92 feet plus or minus; thence  
 12 North [~~14°49'~~] 14°49'03" East [~~5' feet plus or minus, to the northerly~~  
 13 ~~side of Merton Avenue; thence North 14°49' East 27'~~] 31.83 feet plus or  
 14 minus; thence South [~~76°29'~~] 76°28'34" East [~~66~~] 65.98 feet plus or  
 15 minus; thence North [~~36°47'~~] 36°46'43" East [~~61~~] 60.84 feet plus or  
 16 minus; thence North [~~78°41'~~] 78°41'29" East [~~145~~] 145.19 feet plus or  
 17 minus; thence South [~~65°54'~~] 65°54'19" East [~~46~~] 45.62 feet plus or  
 18 minus; thence South [~~29°39'~~] 29°38'55" West 146.71 feet plus or minus;  
 19 thence North 76°19'09" West [~~147 feet plus or minus; thence North 76°19'~~  
 20 ~~West 42~~] 40.66 feet plus or minus, to the Point of Beginning. Containing  
 21 within said bounds [~~22,800~~] 22,827 square feet plus or minus. The above  
 22 described temporary easement is for the construction of a [~~thirty-foot~~]  
 23 forty-four-foot diameter access shaft. The location of said temporary  
 24 access shaft is more particularly described in section [~~four~~] three of  
 25 this act. Said parcel being part of property designated as Section: 38  
 26 Block: F [~~Lots: 39-42, 50C,~~] Lot: 50F and [~~Section: 38, Block: T, Lots:~~  
 27 ~~50A, 50B, 50C~~] part of Merton Avenue (not open) on the Nassau County  
 28 Land and Tax Map.

29 § [~~6-~~] 5. PERMANENT SUBSURFACE EASEMENT - Force Main. Parkland upon  
 30 and under which a permanent easement may be established pursuant to  
 31 subdivision (a) of section one of this act is described as all that  
 32 certain plot, piece or parcel of land with buildings and improvements  
 33 thereon erected, situate, lying and being located at Incorporated  
 34 Village of Rockville Centre, Incorporated Village of East Rockaway, and  
 35 Incorporated Village of Lynbrook, Town of Hempstead, County of Nassau  
 36 and State of New York being a 20-foot wide strip of land more partic-  
 37 ularly bounded and described as follows: [~~beginning~~] Beginning at a  
 38 point on the northerly side of South Park Avenue, said [~~Point of Begin-~~  
 39 ~~ning 193 feet plus or minus easterly, as measured~~] point being South  
 40 79°24'16" East, along the northerly side of South Park Avenue, 237.33  
 41 feet plus or minus, from the intersection of the northerly side of South  
 42 Park Avenue with the easterly side of [~~Oxford~~] Chester Road; running  
 43 thence North [~~13°01'~~] 10°26'55" East [~~956~~] 956.35 feet plus or minus;  
 44 thence North [~~44°00'~~] 40°12'27" East [~~446~~] 464.95 feet plus or minus, to  
 45 the [~~northeasterly line of property designated as Section 38 Block F Lot~~  
 46 ~~50F, on the Nassau County Land and Tax Map~~] westerly side of Mill River;  
 47 thence [~~South 53°10' East,~~] along [~~said northeasterly line, 20~~] the  
 48 westerly side of Mill River the following five (5) courses South  
 49 10°54'32" East 4.49 feet plus or minus; South 08°32'16" West 6.44 feet  
 50 plus or minus; South 17°55'44 West 8.24 feet plus or minus; South  
 51 10°55'50" West 4.90 feet plus or minus; South 07°44'20" West 14.16 feet  
 52 plus or minus; thence South [~~44°00'~~] 40°12'27" West [~~443~~] 427.49 feet  
 53 plus or minus; thence South [~~13°01'~~] 10°26'55" West [~~950~~] 951.08 feet  
 54 plus or minus[~~7~~] to the northerly side of South Park Avenue; thence  
 55 North [~~79°36'~~] 79°24'16" West, along [~~said~~] the northerly side of South  
 56 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-

1 rior that the alienation or conversion complies with all conditions  
2 which the secretary of the interior deems necessary to assure the  
3 substitution of other lands shall be equivalent in fair market value and  
4 usefulness to the lands being alienated or converted.

5 § ~~[10.]~~ 9. This act shall take effect immediately.

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

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

18 § 2. This act shall take effect immediately.

19

#### PART AA

20 Section 1. Subparagraph (i) of paragraph 3 of subdivision (a) of  
21 section 21 of the tax law, as amended by section 17 of part BB of chap-  
22 ter 56 of the laws of 2015, is amended to read as follows:

23 (i) The tangible property credit component shall be equal to the  
24 applicable percentage of the cost or other basis for federal income tax  
25 purposes of tangible personal property and other tangible property,  
26 including buildings and structural components of buildings, which  
27 constitute qualified tangible property and may include any related party  
28 service fee paid; provided that in determining the cost or other basis  
29 of such property, the taxpayer shall exclude the acquisition cost of any  
30 item of property with respect to which a credit under this section was  
31 allowable to another taxpayer. A related party service fee shall be  
32 allowed only in the calculation of the tangible property credit compo-  
33 nent and shall not be allowed in the calculation of the site preparation  
34 credit component or the on-site groundwater remediation credit compo-  
35 nent. The portion of the tangible property credit component which is  
36 attributable to related party service fees shall be allowed only as  
37 follows: (A) in the taxable year in which the qualified tangible proper-  
38 ty described in subparagraph (iii) of this paragraph is placed in  
39 service, for that portion of the related party service fees which have  
40 been earned and actually paid to the related party on or before the last  
41 day of such taxable year; and (B) with respect to any other taxable year  
42 for which the tangible property credit component may be claimed under  
43 this subparagraph and in which the amount of any additional related  
44 party service fees are actually paid by the taxpayer to the related  
45 party, the tangible property credit component for such amount shall be  
46 allowed in such taxable year. The credit component amount so determined  
47 shall be allowed for the taxable year in which such qualified tangible  
48 property is first placed in service on a qualified site with respect to  
49 which a certificate of completion has been issued to the taxpayer, or  
50 for the taxable year in which the certificate of completion is issued if  
51 the qualified tangible property is placed in service prior to the issu-  
52 ance of the certificate of completion. This credit component shall only  
53 be allowed for up to one hundred twenty months after the date of the  
54 issuance of such certificate of completion, provided, however, that for

1 qualified sites to which a certificate of completion is issued on or  
2 after March twentieth, two thousand ten, but prior to January first, two  
3 thousand twelve, the credit component shall be allowed for up to one  
4 hundred forty-four months after the date of such issuance.

5 § 2. This act shall take effect immediately.

6 PART BB

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

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

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

20 (1) located underground for approximately 500 feet between turbines  
21 101 and 102 (which are sited on private land), and passing below a  
22 section of Farmersville State Forest in Cattaraugus County;

23 (2) located underground for approximately 1,600 feet on the south side  
24 of Hess Road along the Farmersville State Forest boundary in Cattaraugus  
25 County, turning southwest to follow an existing track for approximately  
26 420 feet, and continuing west along the northern parcel boundary for  
27 approximately 1,300 feet to the property line, to connect turbines 100  
28 and 104 (both sited on private land);

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

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

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

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

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

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

1 (b) An amount, not less than fair market value plus twenty percent of  
2 the value of the easements plus one hundred thousand dollars shall be  
3 used to obtain for the state an interest in real property for open space  
4 purposes in region 9 of the department of environmental conservation  
5 from the regional priority conservation projects list in region 9 as  
6 part of this state's open space conservation plan. The total payment for  
7 such acquisition or acquisitions shall not be less than the value of the  
8 easements to be conveyed by the state plus twenty percent of the value  
9 of such easements plus one hundred thousand dollars.

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

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

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

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

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

52 § 4. This act shall take effect immediately, and shall expire and be  
53 deemed repealed five years after such date; provided, however, should  
54 the easements be granted within the five years, the term of the ease-  
55 ments 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~~

1 ~~motor vehicle utilized in such demonstrations and tests has in place, at~~  
2 ~~a minimum, financial security in the amount of five million dollars] The~~  
3 ~~commissioner shall issue and promulgate rules and regulations for the~~  
4 ~~administration of this act.~~ Nothing in this act shall authorize the  
5 motor vehicle utilized in such demonstrations and tests to operate in  
6 violation of article 22 or title 7 of the vehicle and traffic law,  
7 excluding section 1226 of such law.

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

12 § 3. This act shall take effect April 1, 2017; provided, however, that  
13 section one of this act shall expire and be deemed repealed April 1,  
14 [~~2021~~] 2026.

15 § 4. There is hereby established a group to be known as the "Intera-  
16 gency Group on Autonomous Vehicle Technology". The group shall be  
17 composed of the following members: the commissioner of the department of  
18 transportation or his or her designee; the commissioner of the depart-  
19 ment of motor vehicles or his or her designee; the director of the New  
20 York State thruway authority or his or her designee; the chancellor of  
21 the state university of New York or his or her designee; and the direc-  
22 tor of the state police or his or her designee. The group shall be  
23 responsible for the coordination of all State policy with regard to  
24 autonomous vehicle and connected autonomous vehicle technology with the  
25 goal of providing quick and efficient modification of regulation in  
26 response to evolving industry trends. The group shall study, evaluate  
27 and develop recommendations relating to specific actionable measures  
28 that address how automated vehicle technology will transform the state's  
29 roadways, economy, education system, and society. The group shall study  
30 how to support safe testing, deployment and operation of automated vehi-  
31 cle technology on public highways. In doing so, the group shall take the  
32 following into consideration: (a) the measures necessary to successfully  
33 implement automated vehicles, including necessary legislative and regu-  
34 latory or administrative changes; (b) the difficulties and liabilities  
35 that could arise by allowing automated vehicles on public highways and  
36 proper mechanisms to manage risks and ensure adequate risk coverage; (c)  
37 how automated vehicle technology can promote research and development in  
38 this state; (d) potential infrastructure changes needed and capital  
39 planning considerations; and (f) any other issue the group deems rele-  
40 vant.

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

43 PART HH

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

46 § 224-b. Convenience fee. In addition to any other fees provided for  
47 in this chapter, a nonrefundable technology fee of one dollar shall be  
48 added to the applicable fee for any transaction for which a fee is  
49 charged by the department for: the registration, reregistration or  
50 renewal of a registration of a motor vehicle, motorcycle, historic  
51 motorcycle, snowmobile or vessel; and the issuance of any original,  
52 duplicate or renewal learner permit, driver's license or non-driver  
53 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.

1 § 4. This act shall take effect on the one hundred eightieth day after  
2 it shall have become a law and shall expire and be deemed repealed five  
3 years after such date; provided, however, that the amendments to para-  
4 graph (a) of subdivision 3 of section 89-b of the state finance law,  
5 made by section two of this act, shall be subject to the expiration and  
6 reversion of such paragraph pursuant to section 13 of part U1 of chapter  
7 62 of the laws of 2003, as amended, when upon such date the provisions  
8 of section three of this act shall take effect; provided further that  
9 the convenience fee authorized to be collected in connection with fee  
10 transactions relating to the registration of motor vehicles, motorcy-  
11 cles, historic motorcycles, vessels and snowmobiles shall apply to new  
12 registrations issued, reregistrations occurring, and to renewals of  
13 registrations expiring, on and after such date; and provided further  
14 that the technology fee authorized to be collected in connection with  
15 fee transactions relating to learner permits, driver licenses and iden-  
16 tification cards shall apply to new learner permits, driver licenses and  
17 identification cards issued, and to renewals of learner permits, driver  
18 licenses and identification cards expiring, on and after such date.  
19 Effective immediately, the addition, amendment and/or repeal of any rule  
20 or regulation and any changes in procedures and information technology  
21 systems necessary for the implementation of this act on its effective  
22 date are authorized to be made and completed on or before such effective  
23 date.

24

## PART II

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

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

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

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

50

## PART JJ

51 Section 1. The opening paragraph of section 5102 of the insurance law  
52 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[7] 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



1 providers of health services have voluntarily resigned or are disquali-  
2 fied from rendering health services under the workers' compensation law.

3 (e) The chair of the workers' compensation board shall maintain and  
4 regularly update a database containing a list of providers of health  
5 services which, in connection with any investigation, hearing, or find-  
6 ings pursuant to section thirteen-d of the workers' compensation law,  
7 have voluntarily resigned or are disqualified from rendering health  
8 services under the workers' compensation law, and shall make such infor-  
9 mation available to the public.

10 (f) The [~~commissioner of health and the commissioner of education~~]  
11 superintendent shall maintain [~~and regularly update~~] a database contain-  
12 ing a list of providers of health services prohibited by this section  
13 from demanding or requesting any payment for health services [~~connected~~  
14 to a claim] rendered under this article and shall make [~~such~~] the infor-  
15 mation available to the public [~~by means of a website and by a toll free~~  
16 number].

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

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

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

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

53 PART KK

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

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

7 § 3102-b. Centers for advanced technology. In order to encourage  
8 greater collaboration between private industry and the universities of  
9 the state in the development and application of new technologies, the  
10 [~~foundation~~] department is authorized to designate for advanced technol-  
11 ogy such areas as integrated electronics, optics, biotechnology, tele-  
12 communications, automation and robotics, electronics packaging, imaging  
13 technology and others [~~identified by the foundation~~] as determined by  
14 the department in accordance with the criteria set forth in section  
15 three of part T of chapter eighty-four of the laws of two thousand  
16 two, in areas identified by such department as having significant poten-  
17 tial for economic growth in New York, or in which the application of new  
18 technologies could significantly enhance the productivity and stability  
19 of New York businesses. Such designations shall be made in accordance  
20 with the standards and criteria set forth in subdivision two of this  
21 section. Centers so designated shall be eligible for support from the  
22 foundation in the manner provided for in subdivision three of this  
23 section, and for such additional support as may otherwise be provided by  
24 law.

25 1. As used in this section:

26 (a) "center for advanced technology" or "center" means a university or  
27 university-affiliated research institute or a consortium of such insti-  
28 tutions, designated by the [~~foundation~~] department, which conducts a  
29 continuing program of basic and applied research, development, and tech-  
30 nology commercialization in one or more technological areas, in collab-  
31 oration with and through the support of private business and industry;  
32 and

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

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

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

39 (a) identify technological areas for which centers should be desig-  
40 nated including technological areas that are related to industries with  
41 significant potential for economic growth and development in New York  
42 state and technological areas that are related to the enhancement of  
43 productivity in various industries located in New York state.

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

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

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

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

53 (iv) the ability and willingness to cooperate with other institutions  
54 in the state in conducting research and development activities, and in  
55 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;

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

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

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

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

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

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

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

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

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

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

~~1 thousand dollars shall be matched by the center in amounts of at least  
2 two hundred percent.~~

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

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

28 (d) Each center shall report on its activities to the [foundation]  
29 department in a manner and according to the schedule established by the  
30 [foundation] department, and shall provide such additional information  
31 as the [foundation] department may require provided, that quantifiable  
32 economic development impact measures are not restricted to any period  
33 less than five years and that centers provide a full description of all  
34 non-quantifiable measures. The [foundation] department shall evaluate  
35 center operations using methods such as site visits, reporting of speci-  
36 fied information and peer review evaluations using experts in the field  
37 of technology in which the center was designated. The [foundation]  
38 department shall notify each center of the results of its evaluations  
39 and findings of deficiencies in the operation of such center or its  
40 research, education, or technology commercialization activities and  
41 shall work with such centers to remedy such findings. If such factors  
42 are not remedied, the [foundation] department may withdraw the state  
43 funding support, in whole or in part, or withdraw the center design-  
44 nation.

45 (e) In order to encourage that the results of center research benefit  
46 New York state, designation and continued funding of each center shall  
47 be contingent upon each center's establishing within its licensing  
48 guidelines the following: after payment of the inventor's share, a  
49 reduced payment due to the university of any royalty, income or other  
50 consideration earned from the license or sale of intellectual property  
51 rights created or developed at, or through the use of, the facilities of  
52 the center by any person or entity if the manufacturing or use resulting  
53 from such intellectual property rights occurs within New York state. The  
54 [foundation] department shall promulgate rules and regulations regarding  
55 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.

1 Section 1. Paragraph (a) of subdivision 1 of section 9-x of the bank-  
2 ing law, as amended by section 1 of part C of chapter 126 of the laws of  
3 2020, is amended to read as follows:

4 (a) "Covered period" means March 7, 2020 until the later of December  
5 31, 2021 or the date on which none of the provisions that closed or  
6 otherwise restricted public or private businesses or places of public  
7 accommodation, or required postponement or cancellation of all non-es-  
8 sential gatherings of individuals of any size for any reason in Execu-  
9 tive Orders 202.3, 202.4, 202.5, 202.6, 202.7, 202.8, 202.10, 202.11,  
10 202.13 or 202.14, as extended by Executive Orders 202.28 and 202.31 and  
11 as further extended by any future Executive Order, issued in response to  
12 the COVID-19 pandemic continue to apply in the county of the qualified  
13 mortgagor's residence;

14 § 2. This act shall take effect immediately.

15 PART MM

16 Section 1. This act enacts into law components of legislation relating  
17 to eviction and foreclosure protections for tenants and owners of  
18 commercial real property. Each component is wholly contained within a  
19 subpart identified as Subparts A through B. The effective date for each  
20 particular provision contained within such Subpart is set forth in the  
21 last section of such Subpart. Any provision in any section contained  
22 within a subpart, including the effective date of the subpart, which  
23 makes reference to a section "of this act", when used in connection with  
24 that particular component, shall be deemed to mean and refer to the  
25 corresponding section of the subpart in which it is found. Section five  
26 of this act sets forth the general effective date of this act.

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

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

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

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

42 3. The pandemic has further interrupted court operations, the avail-  
43 ability of counsel, the ability for parties to pay for counsel, and the  
44 ability to safely commute and enter a courtroom, settlement conference  
45 and the like.

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

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

53 SUBPART A

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

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

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

12 3. "Tenant" includes a commercial tenant, or any other person or enti-  
13 ty responsible for paying rent, use and occupancy, or any other finan-  
14 cial obligation under a lease for real property or tenancy agreement,  
15 but does not include a residential tenant of a dwelling unit.

16 4. "Hardship declaration" means the following statement, or a substan-  
17 tially equivalent statement in the tenant's primary language, in  
18 14-point type, published by the office of court administration, whether  
19 in physical or electronic form, regarding the financial hardship of the  
20 tenant and signed under the penalty of perjury by the tenant:

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

36 COMMERCIAL TENANT'S DECLARATION OF HARDSHIP DURING THE COVID-19 PANDEM-  
37 IC: I am a commercial tenant, lawful occupant, or other person respon-  
38 sible for paying rent, use and occupancy, or any other financial obli-  
39 gation under a commercial lease or commercial tenancy agreement at  
40 (address of commercial property).

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

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

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

53 ( ) My business has experienced a reduction in gross receipts by at  
54 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 nied 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 ejection 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;

1 ( ) I have suffered a significant reduction in revenue or increase in  
2 cost for any three-month period during the COVID-19 coverage period,  
3 which may be required to be proved by documentation.  
4 I attest that if my business was in receipt of federal, state, or local  
5 aid for businesses financially harmed by COVID-19, that such amount of  
6 \_\_\_\_\_ (fill in amount), was insufficient to cover my mortgage and my  
7 business still meets the criteria laid out above and I qualify for  
8 financial hardship under this section. I understand that I must comply  
9 with all the other lawful terms under my mortgage agreement. I further  
10 understand that lawful fees, penalties or interest for not having paid  
11 my mortgage in full as required by my mortgage agreement may still be  
12 charged or collected and may result in a monetary judgment against me. I  
13 also understand that my mortgage lender or other foreclosing party may  
14 pursue a foreclosure action against me on or after May 1, 2021, if I do  
15 not fully repay any missed or partial payments and lawful fees.

16 Signed:  
17 Printed name:  
18 Date signed:

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

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

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

38 § 6. No court shall accept for filing any action to foreclose a mort-  
39 gage unless the foreclosing party or an agent of the foreclosing party  
40 files an affidavit, of service demonstrating the service of a copy of  
41 the summons and complaint or notice of petition, along with an unexe-  
42 cuted copy of the hardship declaration; and an affidavit by the peti-  
43 tioner attesting that at the time of filing, neither the foreclosing  
44 party nor any agent of the foreclosing party has received a hardship  
45 declaration from the mortgagor. At the earliest possible opportunity,  
46 the court shall seek confirmation on the record or in writing that the  
47 mortgagor has received a copy of the hardship declaration and that the  
48 mortgagor has not returned the hardship declaration to the foreclosing  
49 party or an agent of the foreclosing party. If the court determines a  
50 mortgagor has not received a hardship declaration, then the court shall  
51 stay the proceeding for a reasonable period of time, which shall be no  
52 less than ten business days or any longer period provided by law, to  
53 ensure the mortgagor received and fully considered whether to submit the  
54 hardship declaration.

1 § 7. In any action to foreclose a mortgage in which a judgment of sale  
2 has been issued prior to the effective date of this act but has not yet  
3 been executed as of the effective date of this act, including actions  
4 filed on or before March 7, 2020, the court shall stay the execution of  
5 the judgment at least until the court has held a status conference with  
6 the parties. In any action to foreclose a mortgage, if the mortgagor  
7 provides a hardship declaration to the foreclosing party, the court, or  
8 an agent of the foreclosing party or the court, prior to the execution  
9 of the judgment, the execution shall be stayed until at least May 1,  
10 2021. If such hardship declaration is provided to the foreclosing party  
11 or agent of the foreclosing party, such foreclosing party or agent shall  
12 promptly file it with the court, advising the court in writing the index  
13 number of all relevant cases.

14 § 8. If any clause, sentence, paragraph, section, or part of this act  
15 shall be adjudged by any court of competent jurisdiction to be invalid  
16 and after exhaustion of all further judicial review, the judgment shall  
17 not affect, impair or invalidate the remainder thereof, but shall be  
18 confined in its operation to the clause, sentence, paragraph, section or  
19 part of this act directly involved in the controversy in which the judg-  
20 ment shall have been rendered.

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

23 § 4. Severability clause. If any clause, sentence, paragraph, subdivi-  
24 sion, section or part of this act shall be adjudged by any court of  
25 competent jurisdiction to be invalid, such judgment shall not affect,  
26 impair, or invalidate the remainder thereof, but shall be confined in  
27 its operation to the clause, sentence, paragraph, subdivision, section  
28 or part thereof directly involved in the controversy in which such judg-  
29 ment shall have been rendered. It is hereby declared to be the intent of  
30 the legislature that this act would have been enacted even if such  
31 invalid provisions had not been included herein.

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

35

## PART NN

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

40 Section 1. Contingent upon available funding, and not to exceed  
41 [~~\$69,000,000~~] \$140,000,000 moneys from the urban development corporation  
42 shall be available for a local government entity, which for the purposes  
43 of this section shall mean a county, city, town, village, school  
44 district or special district, where (i) on or after June 25, 2015, an  
45 electric generating facility located within such local government entity  
46 has ceased operations, and (ii) the closing of such facility has caused  
47 a reduction in the real property tax collections or payments in lieu of  
48 taxes of at least twenty percent owed by such electric generating facil-  
49 ity. Such moneys attributable to the cessation of operations, shall be  
50 paid annually on a first come, first served basis by the urban develop-  
51 ment corporation to such local government entity within a reasonable  
52 time upon confirmation from the state office of real property tax  
53 services or the local industrial development authority established  
54 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 munici-  
36 pality 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-



1 ing in this section shall prohibit a water-works corporation from  
2 disconnecting service when it is necessary to protect the health and  
3 safety of customers and the public.

4 § 5. Section 89-1 of the public service law, as added by chapter 715  
5 of the laws of 1931, subdivisions 3, 4, 5 and 6 as added by chapter 108  
6 of the laws of 2020, is amended to read as follows:

7 § 89-1. Municipal water systems. 1. For the purposes of this section,  
8 and for the purposes of any jurisdiction conferred by it upon the public  
9 service commission, a municipality is one which owns, maintains or oper-  
10 ates, or proposes to own, maintain or operate, a water system, or which  
11 sells, furnishes or distributes, or proposes to sell, furnish or  
12 distribute, water for domestic, commercial or public uses, whether  
13 provided by its own system or the system of a water-works corporation or  
14 another municipality. As so limited, the term "municipality" for the  
15 purposes of this section, means a city, town, village or public  
16 district; and a "public district," as here used, is a district or other  
17 territorial division, whether incorporated or not, whose affairs are  
18 managed by any officer or officers, person or persons, elected by voters  
19 or taxpayers or appointed by a public officer or officers, and includes,  
20 without excluding others, a water district, water supply district and a  
21 fire district. The other provisions of this chapter shall not apply to  
22 such a municipality, nor to its said business of owning, maintaining or  
23 operating a water system or of selling, furnishing or distributing  
24 water, except such provisions as are applied by this section by express  
25 reference. The jurisdiction of the public service commission, with  
26 respect to such a municipality or its said business, is that, and only  
27 that, provided for in this section.

28 2. Each such municipality shall file with the public service commis-  
29 sion a copy of the annual report of its division, bureau or department  
30 of water.

31 3. No municipality shall terminate or discontinue residential service  
32 or service to a small business with twenty-five or fewer employees that  
33 is not a (i) publicly held company, or a subsidiary thereof, (ii)  
34 seasonal, short-term, or temporary customer, (iii) high usage customer  
35 as defined by the commission, or (iv) customer that the utility can  
36 demonstrate has the resources to pay the bill, provided that the utility  
37 notifies the small business customer of its reasons and of the custom-  
38 er's right to contest this determination through the commission's  
39 complaint procedures, for the nonpayment of bills, taxes, or fees for  
40 the duration of [~~the~~] a state disaster emergency declared pursuant to  
41 [~~executive order two hundred two of two thousand twenty (hereinafter the~~  
42 ~~"COVID-19 state of emergency")~~] section twenty-eight of the executive  
43 law in response to a state, national, or global event that is deemed to  
44 result in a significant negative and long-term impact on the state's  
45 economic future, and not due to a short-term weather-related disaster  
46 emergency. Every municipality shall have a duty to restore service to

47 any residential customer within forty-eight hours of the effective date  
48 of this subdivision if such service has been terminated for non-payment  
49 during the pendency of [~~the COVID-19~~] a state [~~of~~] disaster emergency.

50 4. [~~For a period of one hundred eighty days after the COVID-19 state~~  
51 ~~of emergency is lifted or expires, no~~] No municipality shall terminate  
52 or discontinue the service of a residential or small business customer  
53 because of bill arrears, taxes, or fees owed to the municipality when  
54 such customer has experienced a change in financial circumstances, as  
55 defined by the department, due to [~~the COVID-19~~] a state [~~of~~] disaster  
56 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 [e] 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 [e] 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 [e] 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

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

10 § 4. Section 606 of the tax law is amended by adding a new subsection  
 11 (kkk) to read as follows:

12 (kkk) Small business return-to-work tax credit. (1) Allowance of cred-  
 13 it. A taxpayer shall be allowed a credit, to be computed as provided in  
 14 section forty-five of this chapter, against the tax imposed by this  
 15 article.

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

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

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

28 § 6. This act shall take effect immediately.

29 SUBPART B

30 Section 1. The economic development law is amended by adding a new  
 31 article 25 to read as follows:

32 ARTICLE 25

33 RESTAURANT RETURN-TO-WORK TAX CREDIT PROGRAM

34 Section 470. Short title.

35 471. Statement of legislative findings and declaration.

36 472. Definitions.

37 473. Eligibility criteria.

38 474. Application and approval process.

39 475. Restaurant return-to-work tax credit.

40 476. Powers and duties of the commissioner.

41 477. Maintenance of records.

42 478. Reporting.

43 479. Cap on tax credit.

44 § 470. Short title. This article shall be known and may be cited as  
 45 the "restaurant return-to-work tax credit program act".

46 § 471. Statement of legislative findings and declaration. It is hereby  
 47 found and declared that New York state needs, as a matter of public  
 48 policy, to create financial incentives for restaurants that have  
 49 suffered economic harm as a result of the COVID-19 pandemic to expe-  
 50 ditiously rehire workers and increase total employment. The restaurant  
 51 return-to-work tax credit program is created to provide financial incen-  
 52 tives to economically harmed restaurants to offer relief, expedite their  
 53 hiring efforts, and reduce the duration and severity of the current  
 54 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 (xlvii) to read as  
 31 follows:

32	<u>(xlvii) 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.

1 2. The legislature further finds, determines and declares that a  
2 public purpose would be served and the interests of the people of the  
3 state would be served by creating pursuant to this act a public benefit  
4 corporation, known as the New York state canal system revitalization  
5 trust, to serve as a focal point for the receipt and administration of  
6 gifts, donations and grants of money, real and personal property and  
7 other things of value made for the purpose of supporting the revitaliza-  
8 tion of the New York state canal system, using the powers and authority  
9 delegated to it by this act, lessening the burdens of government and  
10 acting in the public interest.

11 3. The legislature further finds, determines and declares that the  
12 creation of the New York state canal system revitalization trust, and  
13 the exercise of its powers and authority and the carrying out of its  
14 corporate purposes is in all respects for the benefit of the people of  
15 the state of New York, and in furtherance of their welfare and prosper-  
16 ity.

17 § 3. The section heading and paragraph (a) of subdivision one of  
18 section 1005-c of the public authorities law, as added by section 23 of  
19 part TT of chapter 54 of the laws of 2016, are amended to read as  
20 follows:

21 Additional powers of the authority [~~to finance certain projects~~] in  
22 connection with the New York state canal system.

23 (a) The authority is hereby authorized, as an additional corporate  
24 purpose thereof, to issue its bonds, notes and other evidences of  
25 indebtedness in conformity with applicable provisions of the uniform  
26 commercial code for purposes of financing the construction, recon-  
27 struction, development and improvement of the New York state canal  
28 system, and the revitalization of the canal system and its use by the  
29 public.

30 § 4. Section 1005-c of the public authorities law is amended by adding  
31 a new subdivision 4 to read as follows:

32 4. The authority is authorized to:

33 (a) Subject to agreements with noteholders or bondholders, provide  
34 grants and other forms of financial support, as deemed feasible and  
35 advisable by the trustees, for projects, programs and purposes that in  
36 the trustees' judgment will promote the purposes of the New York state  
37 canal system revitalization act.

38 (b) Establish advisory committees and appoint members thereto for the  
39 purpose of providing the authority, canal corporation and New York state  
40 canal system revitalization trust with advice and recommendations on all  
41 matters submitted to such committees, soliciting input from stakeholder  
42 communities and other interested parties on canal system initiatives,  
43 and coordinating the activities of the authority, canal corporation and  
44 New York state canal system revitalization trust with stakeholder commu-  
45 nities and other interested parties. Members of any such advisory  
46 committee shall serve without salary but shall be entitled to reimburse-  
47 ment for their actual and necessary travel expenses incurred in the  
48 performance of their official duties.

49 (c) Provide advice to local governments and officials, including stra-  
50 tegies to leverage the value of canal system resources in local land use  
51 and planning and opportunities to partner with public and private stake-  
52 holders to achieve the objectives of local land-use goals and the New  
53 York state canal system revitalization act.

54 (d) Review and comment on the plans of federal, state, local and  
55 private entities and persons as they may relate to the canal system and  
56 the objectives of the New York state canal system revitalization act.

1 (e) Plan, establish and/or support the development and operation of  
 2 facilities within or outside the canal system that would in the authori-  
 3 ty's judgment promote use of the canal system by the public, including  
 4 without limitation tourism, educational, hospitality and recreational  
 5 facilities, and to fix and collect fees, rents and charges for the use  
 6 of such facilities.

7 (f) Design and implement volunteerism, fundraising, educational,  
 8 outreach and branding programs relating to the canal system, related  
 9 facilities and their potential uses.

10 § 5. Article 13-A of the canal law is REPEALED and a new article 13-A  
 11 is added to read as follows:

12 ARTICLE XIII-A

13 NEW YORK STATE CANAL SYSTEM REVITALIZATION TRUST

14 Section 138-a. Definitions.

15 138-b. New York state canal system revitalization trust.

16 138-c. Purposes and powers of the trust corporation.

17 138-d. Temporary assignment and transfer of employees and other  
 18 assistance.

19 138-e. Monies of the trust corporation.

20 138-f. Creation of trust a public purpose.

21 138-g. Payments in lieu of taxes.

22 138-h. Members and employees not to profit.

23 138-i. Actions against the trust.

24 § 138-a. Definitions. As used or referred to in this title, the  
 25 following terms shall have the following meanings unless the context  
 26 clearly requires otherwise:

27 1. The term "act" shall mean the New York state canal system revitali-  
 28 zation act which added this article.

29 2. The term "board" shall mean the members of the trust corporation.

30 3. The term "trust" or "trust corporation" shall mean the public bene-  
 31 fit corporation created by this article.

32 § 138-b. New York state canal system revitalization trust. 1. The New  
 33 York state canal system revitalization trust is hereby created. The  
 34 trust shall be a body corporate and politic constituting a public bene-  
 35 fit corporation and its existence shall commence upon the appointment of  
 36 the members as herein provided. The trust corporation shall consist of  
 37 the following members:

38 (a) the chief executive officer of the authority or his or her desig-  
 39 nee, the commissioner of economic development or his or her designee,  
 40 and the commissioner of environmental conservation or his or her desig-  
 41 nee; and

42 (b) nine individual members with knowledge of subject matter relevant  
 43 to canal system revitalization purposes, including, without limitation,  
 44 economic development and planning, tourism, engineering, outdoor recre-  
 45 ation, historic preservation, commercial farming and/or aquatic ecosys-  
 46 tems. The nine individual members shall be appointed by the governor, of  
 47 whom three shall be appointed on the recommendation of the temporary  
 48 president of the senate and three shall be appointed on the recommenda-  
 49 tion of the speaker of the assembly, and shall serve at the pleasure of  
 50 the governor; provided, however, that up to three of the initial  
 51 appointments to the trust may be reserved for persons who served as  
 52 members of the canal recreationway commission during the year preceding  
 53 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 subdi-  
36 vision 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~~].

1 § 13. Subdivision 1 of section 103 of the canal law, as amended by  
2 chapter 335 of the laws of 2001, is amended to read as follows:

3 1. The corporation shall have the power to impose tolls for the  
4 passage through locks and lift bridges by vessels which are propelled in  
5 whole or in part by mechanical power, and to collect such tolls by the  
6 sale of lock and lift bridge passes issued for such periods of time as  
7 the corporation shall determine. Tolls for such lock and lift bridge  
8 passes shall be established by regulation of the corporation [~~with the  
9 advice of the canal recreationway commission and following no fewer than  
10 two public hearings at geographically dispersed locations on the canal  
11 system. In addition, the corporation may provide by regulation for the  
12 sale of lock and lift bridge passes by any other entity, and may allow a  
13 charge for handling by such other entities not to exceed one dollar for  
14 each pass. No tolls shall be imposed or collected prior to the first day  
15 of April, nineteen hundred ninety three~~] or by formal action of the  
16 corporation board. Vessels owned by the United States, a state, or  
17 subdivision thereof shall be exempted from the tolls authorized by this  
18 section.

19 § 14. Paragraph 2 of subdivision (a) of section 168 of the economic  
20 development law, as amended by chapter 33 of the laws of 2006, is  
21 amended to read as follows:

22 (2) the chairman or his or her designated representative of the New  
23 York state thruway authority, the New York power authority, and the  
24 tourism advisory council, the New York state council on the arts, the  
25 canal corporation, [~~the canal recreationway commission,~~] the Olympic  
26 regional development authority, and the Hudson River park trust;

27 § 15. Paragraph (m) of subdivision 9 of section 1005-b of the public  
28 authorities law, as added by section 22 of part TT of chapter 54 of the  
29 laws of 2016, is amended to read as follows:

30 (m) [~~approve and implement the New York state canal recreationway plan  
31 submitted pursuant to section one hundred thirty eight c of the canal  
32 law. The canal corporation's review and approval of the canal recrea-  
33 tionway plan shall be based upon its consideration of a generic environ-  
34 mental impact statement prepared by the canal corporation in accordance  
35 with article eight of the environmental conservation law and the regu-  
36 lations thereunder. Prior~~] prior to the implementation of any substan-  
37 tial improvement by the canal corporation on canal lands, canal termi-  
38 nals, or canal terminal lands, or the lease of canal lands, canal  
39 terminals, or canal terminal lands for substantial commercial improve-  
40 ment, the canal corporation, [~~in addition to any review taken pursuant  
41 to~~] comply with section 14.09 of the parks, recreation and historic  
42 preservation law[, ~~shall conduct a reconnaissance level survey within  
43 three thousand feet of such lands to be improved of the type, location,  
44 and significance of historic buildings, sites, and districts listed on,  
45 or which may be eligible, for the state or national registers of histor-  
46 ic places. The findings of such survey shall be used to identify signif-  
47 icant historical resources and to determine whether the proposed  
48 improvements are compatible with such historic buildings, sites, and  
49 districts~~];

50 § 16. Subdivision 10 of section 1005-b of the public authorities law,  
51 as added by section 22 of part TT of chapter 54 of the laws of 2016, is  
52 amended as follows:

53 10. [~~(a) The canal corporation shall review the budget request submit-  
54 ted by the canal recreationway commission pursuant to section one  
55 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.