

STATE OF NEW YORK

10454

IN ASSEMBLY

May 24, 2024

Introduced by COMMITTEE ON RULES -- (at request of M. of A. Gonzalez-Rojas) -- read once and referred to the Committee on Corporations, Authorities and Commissions

AN ACT to amend the public authorities law, in relation to establishing the green transition authority; to amend the tax law, in relation to establishing a for-hire vehicle improvement surcharge; and making an appropriation therefor

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

1 Section 1. Short title. This act shall be known and may be cited as
2 the "green transition authority act".

3 § 2. Legislative findings and declaration. The legislature finds and
4 declares that:

5 1. New York State's For-Hire Vehicle ("FHV") industry is at the center
6 of three interlinked crises that impact FHV drivers, people with disa-
7 bilities, and the environment. These issues are:

8 a. FHV driver poverty. Rideshare driver earnings are in the lowest 10%
9 of all occupations in the United States. This led the City of New York
10 to establish the first-ever pay regulations for app-based drivers, but
11 long hours and low pay remain the norm for most of the for-hire vehicle
12 industry's 91% immigrant, predominantly people of color workforce of
13 over 60,000 active drivers in NYC and for thousands more drivers across
14 the state. Earnings from trips are only half the problem. Union surveys
15 indicate that on average, each driver must spend \$31,000 per year for
16 the things they need to do their job: a vehicle, gas, repairs, and
17 insurance. Vehicle costs push drivers into poverty. Unfunded mandates
18 to transition to electric vehicles, such as that of the City of New
19 York's "Green Rides" program, risk deepening this crisis.

20 b. Climate change. New York's fleet of rideshare vehicles is a major
21 source of greenhouse gas emissions that drive climate change. In New
22 York City alone, a fleet of 109,000 gasoline-fueled rideshare vehicles
23 puts 1.4 million tons of CO2 into the atmosphere every year, a 62%
24 increase from 2013 to 2018 as the FHV fleet ballooned. Transportation
25 generates approximately 30% of New York City's total carbon emissions,

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

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1 with the FHV fleet responsible for a substantial portion of this total.
2 The massive increase in emissions from the FHV fleet has moved New York
3 City away from the goal established by the City Council of zero carbon
4 emissions by 2050. Statewide, rideshare vehicles are a disproportionate
5 driver of greenhouse gas emissions that cause climate change because
6 they are on the road more hours than privately used vehicles. Addi-
7 tionally, the State is far behind the curve in meeting its emissions
8 reductions and renewable energy production established by the Climate
9 Leadership and Community Protection Act (CLCPA).

10 c. Wheelchair accessibility. Very few rideshare vehicles are wheel-
11 chair accessible across New York State. In 2011, people with disabili-
12 ties launched a campaign to bring New York City's taxicab fleet into
13 line with the requirements of the Americans with Disabilities Act. In
14 2014, the campaign won a consent decree that mandated that half of the
15 taxicab fleet of 13,587 vehicles would be made up of Wheelchair Accessi-
16 ble Vehicles ("WAVs") by 2020. To fund this mandate, in 2015 the City of
17 New York created a 30-cent surcharge on all yellow and green cab rides
18 to establish a Taxicab Improvement Fund ("TIF") which would issue
19 grants of up to \$30,000 to medallion owners to buy vehicles. This
20 surcharge was recently increased to \$1/trip. To date, approximately
21 4,200 WAV vehicles have been purchased and deployed as taxis, less than
22 half the fleet of 13,587 taxis, and around half the medallion fleet has
23 not come back on the road since the start of the pandemic. As of the
24 most recent report, the Taxicab Improvement Fund held \$47 million
25 unspent while the program falls short of its goals of a 50% accessible
26 taxi fleet. With no funding available on the For-Hire Vehicle side of
27 the industry, the situation is even worse with only approximately 5,900
28 wheelchair-accessible vehicles out of a total of 94,000 FHVs in New York
29 City. Statewide there is no mandate for accessibility, and wheelchair-
30 accessible vehicles are even more scarce.

31 2. It is in the interest of the state to establish a dedicated public
32 authority, the Green Transition Authority, to address the three crises
33 of driver poverty, climate change and wheelchair accessibility in the
34 FHV industry. The Green Transition Authority will be able to manage
35 funding collected through a surcharge on FHV rides, additional govern-
36 ment appropriations, and bond issuances to:

37 a. Work with auto manufacturers and retrofitters to rapidly develop
38 and market vehicles that are both zero emissions and wheelchair accessi-
39 ble;

40 b. Establish a co-investment program to incentivize and enable FHV
41 drivers to purchase zero-emission and wheelchair-accessible vehicles;

42 c. Develop electric and zero-emission vehicle charging infrastructure
43 and maintenance facilities;

44 d. Establish a voluntary transition program for excess drivers to
45 receive paid training for employment in green jobs;

46 e. Fund other initiatives to advance economic development with the
47 goal of decarbonization of the economy and creating good, green jobs;
48 and

49 f. Improve paratransit service across New York State.

50 3. It is critical that the Green Transition Authority represent the
51 public, drivers, autoworkers, environmental justice advocates, and disa-
52 bility justice advocates, and be transparent and accountable to these
53 stakeholders in managing funding and programs.

54 § 3. Article 8 of the public authorities law is amended by adding a
55 new title 7 to read as follows:

TITLE 7

GREEN TRANSITION AUTHORITY

Section 1750. Definitions.

1751. Green transition authority.

1752. Members.

1753. Purposes, powers and duties of the authority.

1754. Additional powers of the authority.

1755. Green transition fund.

1756. Accounts and funding.

1757. Exemption from taxes, assessments and certain fees.

1758. Audit and annual report.

1759. Labor and procurement standards.

1760. Bonds and notes.

1761. Reserve funds and appropriations.

1762. Exemption from taxation of bonds and notes.

1763. Bonds and notes legal investments for fiduciaries.

1764. Right of state to require redemption of bonds.

1765. Rights and remedies of bondholders and noteholders.

1766. State not liable on bonds and notes.

§ 1750. Definitions. As used or referred to in this title, unless a different meaning clearly appears from the context:

1. "Authority" means the green transition authority established pursuant to section seventeen hundred fifty-one of this title.

2. "Disadvantaged communities" means communities that bear the burdens of negative public health effects, environmental pollution, and impacts of climate change, and possess certain socioeconomic criteria, as identified pursuant to section 75-0111 of the environmental conservation law, or as identified pursuant to the department of energy's Justice40 Initiative, including people with disabilities.

3. "Disadvantaged worker" means a resident of New York state who:

(a) is a woman, when considering construction and building contracts;

(b) has a household income of less than fifty percent of the area median income;

(c) is an individual residing in an area of concentrated poverty;

(d) is disabled;

(e) is a veteran;

(f) is a person previously incarcerated or convicted of a criminal offense; or

(g) is long-term unemployed.

4. "Downstate region" means that portion of the state that includes each of the following counties: Nassau, Suffolk, Putnam, Rockland, Westchester, Bronx, Kings, New York, Queens, and Richmond.

5. "Electric vehicle" means a vehicle powered only by an electric motor that draws current from rechargeable storage batteries, fuel cells, photovoltaic arrays, or other sources of electric current.

6. "Electric vehicle charging infrastructure" means any physical infrastructure required for the construction of electric vehicle charging stations or any related equipment needed to facilitate charging electric vehicles.

7. "Electric vehicle charging station" means stations that deliver electricity from a source outside an electric vehicle into one or more electric vehicles.

8. "Environmentally sustainable practices" means practices that prioritize the responsible use of natural resources to maintain ecological balance and ensure the conservation of resources for future generations.

1 9. "For-hire vehicle" means any transportation network company vehicle
2 ("TNC vehicle") as defined in section sixteen hundred ninety-one of the
3 vehicle and traffic law and any for-hire vehicle as defined in section
4 19-502 of the administrative code of the city of New York.

5 10. "For-hire vehicle improvement surcharge" means the surcharge on
6 for-hire vehicle transportation trips imposed under article
7 twenty-nine-E of the tax law.

8 11. "Green job" means employment within industries that employ envi-
9 ronmentally sustainable practices.

10 12. "Upstate region" means that portion of the state that includes
11 each and every county of the state not included in the downstate region.

12 13. "Wheelchair-accessible vehicle" means a vehicle equipped with a
13 hydraulic lift or ramps designed for the purpose of transporting persons
14 in wheelchairs or containing any other physical device or alteration
15 designed to permit access to and enable the transportation of persons
16 with disabilities.

17 14. "Zero-emission vehicle" means a vehicle that produces no direct
18 exhaust or tailpipe emissions and includes, but is not limited to, elec-
19 tric vehicles.

20 15. "President" means the chief executive officer of the authority.

21 16. "Paratransit" means transportation service required by the feder-
22 al Americans with disabilities act for individuals with disabilities who
23 are unable to use fixed route transportation systems as defined in 49
24 CFR § 37.3.

25 § 1751. Green transition authority. There is hereby created the green
26 transition authority. The authority shall be a body corporate and poli-
27 tic constituting a public benefit corporation.

28 § 1752. Members. 1. The authority shall consist of eleven voting
29 members, who shall be appointed as follows: two shall be representatives
30 of environmental justice organizations, one of whom shall be appointed
31 by the governor, and one of whom shall be appointed by the speaker of
32 the assembly; two shall be representatives of disability justice organ-
33 izations, one of whom shall be appointed by the governor, and one of
34 whom shall be appointed by the temporary president of the senate; one
35 shall be a representative of a New York state worker cooperative corpo-
36 ration owned by drivers licensed by the New York city taxi and limousine
37 commission and shall be appointed by the governor; one shall be a repre-
38 sentative of an organization with a track record of advocating for a
39 transition to electric and wheelchair-accessible vehicles in the for-
40 hire vehicle industry and shall be appointed by the speaker of the
41 assembly; one shall be a representative of a labor union that represents
42 paratransit drivers in New York state and shall be appointed by the
43 governor; one shall be a representative of an automotive workers' union
44 and shall be appointed by the temporary president of the senate; one
45 shall be a representative of an electrical workers' union and shall be
46 appointed by the governor; and two shall be appointed by the governor as
47 at-large representatives of the public. Five of the members shall
48 reside in the upstate region of the state and six of the members shall
49 reside in the downstate region. All of the appointed members shall have
50 relevant experience in any or all of the following areas: environmental
51 justice, disability justice, energy markets, energy systems, organized
52 labor, workforce development, sustainable land use, transportation, and
53 clean energy.

54 2. All members shall continue to hold office until their successors
55 are appointed and qualify. Of the appointed members, six of the members
56 appointed by the governor shall serve initial terms of four years, while

1 the remaining five members shall serve initial terms of three years.
2 Thereafter, all terms shall be for a period of four years.

3 3. Vacancies shall be filled in the manner provided for original
4 appointments. Members may be removed from office for the same reasons
5 and in the same manner as may be provided by law for the removal of
6 officers of a county.

7 4. The members of the authority shall designate the chair. The chair
8 shall preside over meetings of the authority and shall serve as the
9 primary liaison between the members and authority staff. A vice-chair
10 may be elected by the authority from among its other members to serve as
11 such at the pleasure of the authority. The vice-chair shall preside over
12 all meetings of the authority in the absence of the chair and shall have
13 such other duties as the authority may prescribe. The president shall be
14 the chief executive officer of the authority and shall be primarily
15 responsible for the discharge of the executive and administrative func-
16 tions of the authority.

17 5. The members of the authority shall receive no compensation for
18 their services but shall be reimbursed for all other actual and neces-
19 sary expenses incurred in connection with the carrying out of the
20 purposes of this title.

21 § 1753. Purposes, powers and duties of the authority. 1. The
22 purposes of the authority shall be to promote the transition of the
23 for-hire vehicle and other state industries to environmentally sustaina-
24 ble practices and increase universal accessibility of for-hire vehicles,
25 paratransit services, and taxi services statewide.

26 2. Except as otherwise limited by this title, the authority shall
27 have the power to:

28 (a) Sue and be sued;

29 (b) Have a seal or alter such seal at pleasure;

30 (c) Make and alter by-laws for its organization and management and to
31 make and alter rules and regulations governing the exercise of its
32 powers and fulfillment of its purposes under this title;

33 (d) Make rules and regulations governing the exercise of its corporate
34 powers and the fulfillment of its corporate purposes under this title
35 and title nine-A of this article, which shall be filed with the depart-
36 ment of state in the manner provided by section one hundred two of the
37 executive law;

38 (e) Appoint such officers, agents, and employees, without regard to
39 any personnel or civil service law, rule or regulation of the state and
40 in accordance with guidelines adopted by the authority, as it may
41 require for the performance of its duties and to fix and determine their
42 qualifications, duties and compensation;

43 (f) Acquire, lease, hold, and dispose of real and personal property,
44 whether tangible or intangible, or any interest therein, by any method;

45 (g) Make and execute agreements, contracts or other instruments neces-
46 sary or convenient for the exercise of its functions, powers and duties
47 under this title;

48 (h) Fix and collect fees, rentals and charges for the use of any prop-
49 erty or facility under its jurisdiction, or for the sale of any product,
50 by-product or service produced in or provided by any such facility, and
51 establish the rights and privileges created upon payment thereof. Such
52 fees, rentals and charges shall be established by the authority so as to
53 produce, in the judgment of the authority, revenues sufficient, together
54 with any other funds available to the authority, to meet the expenses of
55 maintenance and operation of the facilities of the authority, to repay
56 any moneys repayable to the state, to fulfill the terms of agreements

1 with the holders of its bonds, notes, or other obligations, and to
2 provide funds for such other corporate purposes as the authority may
3 deem appropriate;

4 (i) Borrow money and issue such notes, bonds, or other obligations in
5 relation to such indebtedness, and secure any of its obligations by
6 mortgage or pledge of all or any of its property or any interest there-
7 in, wherever situated;

8 (j) Arrange for guarantees of its bonds, notes, or other obligations
9 by the federal government or by any private insurer or otherwise and to
10 pay any premiums therefor;

11 (k) Purchase bonds, notes, or other obligations of the authority at
12 such price or prices as the authority may determine;

13 (l) Lend money, invest and reinvest its funds, and take and hold real
14 and personal property as security for the payment of funds so loaned or
15 invested;

16 (m) Procure insurance or obtain indemnification from the federal
17 government or other persons against any loss in connection with its
18 properties or operations in such amount or amounts and from such insur-
19 ers, including the federal government, as it may deem necessary or
20 desirable, and to pay any premiums therefor;

21 (n) Accept any gifts or grants or loans of funds or property or finan-
22 cial or other aid in any form from the federal government or any agency
23 or instrumentality thereof, the state, or any other source, and to
24 comply with the provisions of this title and the terms and conditions
25 thereof;

26 (o) Engage the services of bond counsel, financial advisors, account-
27 ants, engineers, attorneys, and other private consultants on a contract
28 basis for rendering professional and technical assistance and advice;

29 (p) Create or acquire one or more wholly-owned subsidiaries as may be
30 necessary to carry out the provisions of this title;

31 (q) Negotiate and enter into agreements with trustees or receivers
32 appointed by United States bankruptcy courts or federal district courts
33 or in other proceedings involving adjustment of debts, and to authorize
34 legal counsel for the authority to appear in any such proceedings;

35 (r) File a petition under chapter nine of title eleven of the United
36 States bankruptcy code, or take other similar action for the adjustment
37 of its debts;

38 (s) Enter into management agreements for the operation of all or any
39 of the property or facilities owned by the authority;

40 (t) Maintain an office or offices at such place or places in the state
41 as it may determine;

42 (u) Make any inquiry, investigation, survey, or study which the
43 authority may deem necessary to enable it to effectively carry out the
44 provisions of this title and to require the production of records,
45 books, papers, accounts, and other documents, including public records,
46 and to make copies thereof or extracts therefrom;

47 (v) Adopt, revise, amend, and repeal rules and regulations with
48 respect to its operations, properties, facilities, and projects as may
49 be necessary or convenient to carry out the purposes of this title,
50 subject to the provisions of the state administrative procedure act;

51 (w) From time to time enter into agreements with the New York state
52 energy research and development authority, the department of environ-
53 mental conservation, the New York power authority, the department of
54 labor, the department of state, the metropolitan transportation authori-
55 ty, the taxi and limousine commission or any other relevant entity to
56 finance the capital costs of projects authorized pursuant to section

1 eighty-eight-b of the state finance law, and to issue bonds and notes
2 for capital projects approved by the board; provided, however, that each
3 provision of this title relating to bonds and notes which are not incon-
4 sistent with the provisions of this section shall apply to the bonds and
5 notes authorized by this section;

6 (x) Request support and services to the authority from any other state
7 agency or authority;

8 (y) Levy fines and fees;

9 (z) Establish and issue grants for programs, jobs, upgrades, or for
10 any other purpose within the scope of the authority; and

11 (aa) Prioritize granting funds to projects, programs and initiatives
12 in disadvantaged communities or disadvantaged workers.

13 3. (a) The authority shall not give, grant, gift, or loan money to any
14 projects, jobs, programs, or initiatives that further dependence on
15 fossil fuels.

16 (b) The authority shall not grant or gift money to any projects, jobs,
17 programs, or initiatives whose shares contain a fifty percent or greater
18 interest from a fossil fuel company or that are being led by a fossil
19 fuel company.

20 (c) The authority shall not give, grant, gift, or loan money to any
21 projects, jobs, programs or initiatives that use blue, turquoise,
22 brown/black, yellow, white or grey hydrogen, or any combination thereof,
23 or the production thereof in any amount. Any use of such colors of
24 hydrogen that are combined with green hydrogen shall not receive any
25 funding from the authority.

26 § 1754. Additional powers of the authority. In addition to the powers
27 enumerated in section seventeen hundred fifty-three of this title, the
28 authority shall have the power and obligation to:

29 1. Collect data from transportation network company providers operat-
30 ing in the state including, but not limited to: (a) the number of wheel-
31 chair-accessible and electric vehicles operating in each county or
32 region; (b) the number of trips, and mileage driven by TNC vehicles; and
33 (c) the annual estimated emissions of TNC vehicles statewide;

34 2. Conduct and publish annual studies of the for-hire vehicle industry
35 to set standards and goals for the transition of the for-hire vehicle
36 industry to the exclusive use of zero-emission and wheelchair-accessible
37 vehicles;

38 3. Convene a green and accessible vehicle taskforce, including envi-
39 ronmental justice, disability justice, and labor advocates to: (a)
40 assess the availability of zero-emission and wheelchair-accessible vehi-
41 cles; (b) work with government authorities and automakers to ensure that
42 vehicles meeting appropriate environmental and accessibility standards
43 are brought to market; and (c) vet vehicles eligible for inclusion in
44 the co-investment program pursuant to subdivision four of this section
45 based on their available features and the automakers' commitment to
46 labor, social and environmental benefits;

47 4. Administer a co-investment program for the purchase of qualifying
48 vehicles, under the terms of which for-hire vehicle drivers shall be
49 eligible for a voucher of an amount and under the terms to be determined
50 by the authority toward the purchase of zero-emission vehicles and
51 wheelchair-accessible vehicles approved for inclusion in the program by
52 the green and accessible vehicle taskforce pursuant to subdivision three
53 of this section;

54 5. After zero-emission and wheelchair-accessible vehicle transition
55 goals are met, develop and administer a voluntary program for drivers of

1 for-hire vehicles to receive training and financial support to enter
2 into alternative employment in public service or green jobs;

3 6. Fund the development of infrastructure required to support the
4 expanding use of zero-emission vehicles, including but not limited to
5 electric vehicle charging infrastructure;

6 7. Fund the purchase of accessible electric and zero-emission vehi-
7 cles, excluding any hydrogen-based vehicles that operate on any color of
8 hydrogen other than green hydrogen, and infrastructure needed to transi-
9 tion public paratransit services to zero-emission vehicles;

10 8. Any and all other activities that promote and help achieve green-
11 house gas reduction and compliance with the state's emissions reductions
12 mandates under the climate leadership and community protection act, the
13 city of New York's 80 x 2050 initiative and local law ninety-seven, or
14 future requirements for additional greenhouse gas emissions reductions
15 that the legislature may impose, and infrastructure to environmentally
16 sustainable practices, and in the public interest; and

17 9. Fund programs to expand and improve reliability of paratransit
18 services in the state including, but not limited to: (a) purchase and
19 operation of accessible zero-emission vehicles by paratransit agencies
20 and their contractors; (b) expansion of and ongoing support for on-de-
21 mand paratransit service; (c) expansion of paratransit service to broad-
22 er geographic areas; and (d) other innovative projects that seek to
23 enhance paratransit service quality through improved technology, educa-
24 tion, and other strategies.

25 § 1755. Green transition fund. 1. The authority shall create and
26 establish a fund to be known as the "green transition fund" which shall
27 be kept separate from and shall not be commingled with any other moneys
28 of the authority. The green transition fund shall consist of moneys
29 received by the authority pursuant to the provisions of section twelve
30 hundred ninety-nine-ff of the tax law in accordance with the provisions
31 thereof.

32 2. Moneys in the fund shall be used for the exclusive purpose of
33 funding programs administered by the authority.

34 3. Any revenues deposited in the green transition fund pursuant to
35 subdivision one of this section shall be used exclusively for the
36 purposes described in subdivision two of this section. Such revenues
37 shall only supplement and shall not supplant any federal, state, or
38 local funds expended by the authority or such authority's affiliates or
39 subsidiaries for such purposes.

40 4. Any revenues deposited into the green transition fund pursuant to
41 subdivision one of this section shall not be diverted into the general
42 fund of the state, any other fund maintained for the support of any
43 other governmental purpose, or for any other purpose not authorized by
44 subdivision two of this section.

45 5. The authority shall report on the receipt and uses of all funds
46 received by the green transition fund to the director of the budget, the
47 temporary president of the senate, and the speaker of the assembly, on
48 an annual basis no later than the first day of February.

49 § 1756. Accounts and funding. 1. The programs administered by the
50 authority shall be funded in part by the green transition fund estab-
51 lished pursuant to section seventeen hundred fifty-five of this title
52 and any other moneys received by the authority, including payments,
53 gifts, or appropriations to the authority from any other source.

54 2. The authority shall be authorized to set a standard rate for vehi-
55 cle charging stations owned by the authority and to collect any revenue
56 generated from such charging stations.

1 3. The authority shall have the power and is hereby authorized from
2 time to time to issue its negotiable bonds in conformity with applicable
3 provisions of the uniform commercial code for any purpose authorized by
4 this title.

5 § 1757. Exemption from taxes, assessments and certain fees. It is
6 hereby determined that the creation of the authority and the carrying
7 out of its corporate purposes is in all respects for the benefit of the
8 people of the municipality and the state and is a public purpose and the
9 authority shall be regarded as performing a governmental function in the
10 exercise of the powers conferred upon it by this title and shall not be
11 required to pay any taxes, special ad valorem levies or special assess-
12 ments upon any property owned by it or under its jurisdiction, control
13 or supervision or upon its activities or any filing, recording or trans-
14 fer fees or taxes in relation to instruments filed, recorded or trans-
15 ferred by it or on its behalf. The construction, use, occupation or
16 possession of any property owned by the authority or the municipality,
17 including improvements thereon, by any person or public corporation
18 under a lease, lease and sublease or any other agreement shall not oper-
19 ate to abrogate or limit the foregoing exemption, notwithstanding that
20 the lessee, user, occupant or person in possession shall claim ownership
21 for federal income tax purposes. Mortgages made or financed, directly or
22 indirectly, by the authority shall be exempt from the mortgage recording
23 taxes imposed by article eleven of the tax law. The authority shall be
24 deemed a public authority for the purposes of section four hundred
25 twelve of the real property tax law.

26 § 1758. Audit and annual report. In conformity with the provisions of
27 section five of article ten of the constitution, the accounts of the
28 authority shall be subject to the supervision of the state comptroller
29 and an annual audit shall be performed by an independent certified
30 accountant. The authority shall annually submit to the governor, state
31 comptroller and state legislature a detailed report pursuant to the
32 provisions of section twenty-eight hundred of this chapter, and a copy
33 of such report shall be filed with every municipality included in the
34 report. The authority shall comply with the provisions of sections twen-
35 ty-eight hundred one, twenty-eight hundred two and twenty-eight hundred
36 three of this chapter.

37 § 1759. Labor and procurement standards. 1. Any project that is funded
38 by the authority shall:

39 (a) Be deemed a public work project subject to article eight of the
40 labor law;

41 (b) Require that any materials used in the project are produced or
42 made in whole or substantial part in the United States, its territories
43 or possessions; provided, however, that the authority shall establish a
44 waiver process authorizing the purchase of project materials that are
45 produced or made in whole or substantial part outside of the United
46 States, its territories or possessions when such materials are not read-
47 ily available or cost-effective;

48 (c) Require that any public owner or third party acting on the behalf
49 of a public owner enter into a project labor agreement as defined by
50 section two hundred twenty-two of the labor law for all construction
51 work;

52 (d) Require the payment of prevailing wage standards consistent with
53 article nine of the labor law for building services work; and

54 (e) Require that all rights or benefits, including terms and condi-
55 tions of employment, and protection of civil service and collective
56 bargaining status of all existing public employees and the work juris-

1 diction, covered job titles, and work assignments, set forth in the
2 civil service law and collective bargaining agreements with labor organ-
3 izations representing public employees shall be preserved and protected.

4 2. Any such project shall not result in the:

5 (a) Displacement of any currently employed worker or loss of position,
6 including partial displacement such as a reduction in the hours of non-
7 overtime work, wages, or employment benefits, or result in the impair-
8 ment of existing collective bargaining agreements;

9 (b) Transfer of existing duties and functions related to maintenance
10 and operations performed by existing employees of authorized entities to
11 a contracting entity; or

12 (c) Transfer of future duties and functions ordinarily performed by
13 employees of authorized entities to a contracting entity.

14 3. The authority shall include requirements in any procurement that:

15 (a) the materials, components, parts or vehicles be produced or made
16 in whole or substantial part in the United States, its territories or
17 possessions; provided, however, that the president of the authority, or
18 the president's designee may waive the procurement requirements set
19 forth in this paragraph if such official determines that: (i) the
20 requirements would not be in the public interest; (ii) the requirements
21 would result in unreasonable costs; (iii) obtaining such infrastruc-
22 ture-related materials, components or parts in the United States would
23 increase the cost of a project by an unreasonable amount; or (iv) any
24 such vehicles, parts, or components cannot be produced, made, or assem-
25 bled in the United States in sufficient and reasonably available quanti-
26 ties or of satisfactory quality. Determinations on waivers shall be made
27 on an annual basis no later than December thirty-first, after providing
28 notice and opportunity for public comment, and such determination shall
29 be made publicly available, in writing, on the authority's website with
30 a detailed explanation of the findings leading to such a determination.
31 If the president or the president's designee has issued determinations
32 for three consecutive years finding that no such waiver is warranted
33 pursuant to this paragraph, then the authority shall no longer be
34 required to provide the annual determination required by this paragraph.

35 (b) the authority shall use a system for procurement that incorporates
36 a best-value contracting framework to consider the quality, cost and
37 efficiency of offerors when evaluating procurement contract proposals
38 for the purchase of zero-emission vehicles and charging equipment. Such
39 framework shall reflect, whenever possible, objective and quantifiable
40 analysis. Such framework shall identify a quantitative factor for offe-
41 rors that prioritize and include the following in such procurement
42 contract proposal:

43 (i) an employment plan which shall include but not be limited to:

44 (1) worker wages;

45 (2) worker benefits;

46 (3) worker safety;

47 (4) training, retraining, and registered apprenticeship programs; and

48 (5) a commitment to create high-quality jobs within the state to the
49 maximum extent practicable for disadvantaged or underrepresented indi-
50 viduals;

51 (ii) a commitment to consider the interests of members of the communi-
52 ty that surround such offeror's facility and the interests of members of
53 the community from which workers are recruited;

54 (iii) a description of efforts by the offeror to lower greenhouse gas
55 emissions and such offeror's impact on climate change; and

1 (iv) compliance with local, state, and federal labor, civil rights,
2 and environmental laws and regulations. Violations of local, state, and
3 federal labor, civil rights, and environmental laws and regulations
4 shall be considered a negative factor in the authority's procurement
5 framework.

6 4. The framework established pursuant to paragraph (b) of subdivision
7 three of this section shall include a notice to offerors stating that
8 the terms and conditions of employment and content of employment plans
9 and reports required by subdivision three of this section shall be
10 subject to disclosure under the freedom of information law; and

11 5. The final procurement contract and any compliance documents shall
12 be made available to the public on the authority's website.

13 § 1760. Bonds and notes. 1. The authority shall have the power and is
14 hereby authorized to issue at one time or in series from time to time
15 its negotiable bonds and notes in conformity with applicable provisions
16 of the uniform commercial code in such principal amounts as, in the
17 opinion of the authority, shall be necessary to provide sufficient
18 moneys for achieving the authority's corporate purposes, including the
19 establishment of reserves to secure the bonds and notes and the payment
20 of interest on bonds and notes.

21 2. The authority shall have power from time to time to renew bonds or
22 notes or to issue renewal bonds or notes for such purpose, to issue
23 bonds or notes to pay bonds or notes, and, whenever it deems refunding
24 expedient, to refund any bond or note by the issuance of new bonds or
25 notes, whether the bonds or notes to be refunded have or have not
26 matured, and may issue bonds or notes partly to refund bonds or notes
27 then outstanding and partly for any other corporate purpose of the
28 authority. Bonds or notes issued for refunding purposes shall be sold
29 and the proceeds applied to the purchase, redemption or payment of the
30 bonds or notes to be refunded.

31 3. Except as may otherwise be expressly provided by the authority,
32 every issue of bonds or notes shall be general obligations payable out
33 of any moneys or revenues of the authority, subject only to any agree-
34 ments with the holders of bonds or notes pledging any receipts or reven-
35 ues.

36 4. The bonds and notes shall be authorized by resolution of the
37 authority, shall bear such date or dates and mature at such time or
38 times as such resolution shall provide, except that notes and any
39 renewals thereof shall mature within five years from their respective
40 dates of issuance or renewal, as the case may be, and bonds shall mature
41 within forty years from their respective dates of issuance or renewal,
42 as the case may be. The bonds and notes shall bear interest at such rate
43 or rates, be in such denomination, be in such form, either coupon or
44 registered, carry such registration privileges, be executed in such
45 manner, be payable in such medium of payment at such place or places,
46 and be subject to such terms of redemption as such resolution or resol-
47 utions may provide.

48 5. Bonds and notes shall be sold by the authority, at public or
49 private sale, at such price or prices as the authority may determine.
50 Bonds and notes of the authority shall not be sold by the authority at
51 private sale unless such sale and the terms thereof have been approved
52 in writing by the comptroller, where such sale is not to the comp-
53 troller, or by the director of the budget, where such sale is to the
54 comptroller.

55 6. In the discretion of the authority any bonds or issue of bonds or
56 notes or issue of notes may be secured by such resolution or by a trust

1 indenture by and between the authority and a corporate trustee which may
2 be any trust company or bank having the powers of a trust company in the
3 state or by a secured loan agreement or other instrument. Such resol-
4 ution, trust indenture, loan agreement or other instrument may contain
5 any usual or customary provisions, covenants or limitations for bonds or
6 notes of similar nature which shall be a part of the contract with the
7 holders thereof, including such provisions for protecting and enforcing
8 the rights and remedies of bondholders and noteholders as may be reason-
9 able and proper and not in violation of law.

10 7. Any resolution or resolutions authorizing any notes or bonds or any
11 issue thereof may contain provisions, which shall be a part of the
12 contract with the holders thereof, as to:

13 (a) pledging all or part of the fees, charges, gifts, grants, rents,
14 revenues or other moneys received or to be received and leases or agree-
15 ments to secure the payment of the notes or bonds or of any issue there-
16 of subject to such agreements with bondholders and noteholders as may
17 then exist;

18 (b) the rates of the fees or charges to be established, and the
19 amounts to be raised in each year thereby and the use and disposition of
20 the fees, charges, gifts, grants, rents, revenues or other moneys
21 received or to be received;

22 (c) the setting aside of reserves or sinking funds, and the regulation
23 and disposition thereof;

24 (d) limitations on the purpose to which the proceeds of sale of any
25 issue of notes or bonds then or thereafter to be issued may be applied
26 and pledging such proceeds to secure the payment of the notes or bonds
27 or of any issue thereof;

28 (e) limitations on the issuance of additional notes or bonds; the
29 terms upon which additional notes or bonds may be issued and secured;
30 the refunding of outstanding or other notes or bonds;

31 (f) the procedure, if any, by which the terms of any contract with
32 bondholders or noteholders may be amended or abrogated, the amount of
33 notes or bonds the holders of which must consent thereto, and the manner
34 in which such consent may be given; and

35 (g) any other matters, of like or different character, which in any
36 way affect the security or protection of the notes or bonds.

37 8. It is the intention hereof that any pledge made by the authority
38 shall be valid and binding from the time when the pledge is made, that
39 the moneys so pledged and thereafter received by the authority shall
40 immediately be subject to the lien of such pledge without any physical
41 delivery thereof or further act, and that the lien of any such pledge
42 shall be valid and binding as against all parties having claims of any
43 kind in tort, contract or otherwise against the authority irrespective
44 of whether such parties have notice thereof. Neither the resolution nor
45 any other instrument by which a pledge is created need be recorded.

46 9. Neither the members of the authority nor any person executing the
47 bonds or notes shall be liable personally on the bonds or notes or be
48 subject to any personal liability or accountability by reason of the
49 issuance thereof.

50 10. Subject to such agreements with bondholders or noteholders as may
51 then exist, the authority shall have power out of any funds available
52 therefor to purchase bonds or notes at a price not exceeding (a) if the
53 notes or bonds are then redeemable, the redemption price then applicable
54 plus accrued interest to the next interest payment date thereon, or (b)
55 if the notes or bonds are not then redeemable, the redemption price
56 applicable on the first date after such purchase upon which the notes or

1 bonds become subject to redemption plus accrued interest to said date.
2 Bonds and notes so purchased shall thereupon be cancelled.

3 11. The state does hereby pledge to and agree with the holders of any
4 bonds or notes that the state will not limit or alter the rights and
5 powers vested in the authority by this title to fulfill the terms of any
6 contract made by the authority with such holders, or in any way impair
7 the rights and remedies of such holders until such bonds and notes,
8 together with the interest thereon, with interest on any unpaid install-
9 ments of interest, and all costs and expenses in connection with any
10 action or proceeding by or on behalf of such holders, are fully met and
11 discharged. The authority is authorized to include this pledge and
12 agreement of the state, insofar as it refers to holders of any bonds or
13 notes, in any contract with such holders.

14 § 1761. Reserve funds and appropriations. 1. The authority may create
15 and establish one or more reserve funds to be known as debt service
16 reserve funds and may pay into such reserve funds (a) any moneys appro-
17 priated and made available by the state for the purposes of such funds,
18 (b) any proceeds of sale of bonds and notes to the extent provided in
19 the resolution of the authority authorizing the issuance thereof, (c)
20 any moneys directed to be transferred by the authority to such funds,
21 and (d) any other moneys which may be made available to the authority
22 for the purposes of such funds from any other source or sources. The
23 moneys held in or credited to any debt service reserve fund established
24 under this subdivision, except as hereinafter provided, shall be used
25 solely for the payment of the principal of bonds of the authority
26 secured by such reserve fund, as the same mature, required payments to
27 any sinking fund established for the amortization of such bonds (herein-
28 after referred to as "sinking fund payments"), the purchase or redemp-
29 tion of such bonds of the authority, the payment of interest on such
30 bonds of the authority or the payment of any redemption premium required
31 to be paid when such bonds are redeemed prior to maturity; provided,
32 however, that moneys in any such fund shall not be withdrawn therefrom
33 at any time in such amount as would reduce the amount of such fund to
34 less than the maximum amount of principal and interest maturing and
35 becoming due in any succeeding calendar year on the bonds of the author-
36 ity then outstanding and secured by such reserve fund, except for the
37 purpose of paying principal and interest on the bonds of the authority
38 secured by such reserve fund maturing and becoming due and sinking fund
39 payments for the payment of which other moneys of the authority are not
40 available. Any income or interest earned by, or increment to, any such
41 debt service reserve fund due to the investment thereof may be trans-
42 ferred to any other fund or account of the authority to the extent it
43 does not reduce the amount of such debt service reserve fund below the
44 maximum amount of principal and interest maturing and becoming due in
45 any succeeding calendar year on all bonds of the authority then
46 outstanding and secured by such reserve fund. In computing the amount
47 of any debt service reserve fund for the purposes of this section, secu-
48 rities in which all or a portion of such reserve fund are invested shall
49 be valued at par or, if purchased at less than par, at their cost to the
50 authority.

51 2. The authority shall not issue bonds at any time if the maximum
52 amount of principal and interest maturing and becoming due in a succeed-
53 ing calendar year on the bonds outstanding and then to be issued and
54 secured by a debt service reserve fund will exceed the amount of such
55 reserve fund at the time of issuance, unless the authority, at the time
56 of issuance of such bonds, shall deposit in such reserve fund from the

1 proceeds of the bonds so to be issued, or otherwise, an amount which
2 together with the amount then in such reserve fund, will be not less
3 than the maximum amount of principal and interest maturing and becoming
4 due in any succeeding calendar year on the bonds then to be issued and
5 on all other bonds of the authority then outstanding and secured by such
6 reserve fund.

7 3. To assure the continued operation and solvency of the authority for
8 the carrying out of the public purposes of this title provision is made
9 in subdivision one of this section for the accumulation in each debt
10 service reserve fund of an amount equal to the maximum amount of princi-
11 pal and interest maturing and becoming due in any succeeding calendar
12 year on all bonds of the authority then outstanding and secured by such
13 reserve fund. In order further to assure the maintenance of such debt
14 service reserve funds, there shall be annually apportioned and paid to
15 the authority for deposit in each debt service reserve fund such sum, if
16 any, as shall be certified by the chair of the authority to the governor
17 and state director of the budget as necessary to restore such reserve
18 fund to an amount equal to the maximum amount of principal and interest
19 maturing and becoming due in any succeeding calendar year on the bonds
20 of the authority then outstanding and secured by such reserve fund. The
21 chair of the authority shall annually, on or before December first, make
22 and deliver to the governor and state director of the budget a certif-
23 icate stating the sum, if any, required to restore each such debt
24 service reserve fund to the amount aforesaid, and the sum or sums so
25 certified, if any, shall be apportioned and paid to the authority during
26 the then current state fiscal year. The principal amount of bonds
27 secured by a debt service reserve fund or funds to which state funds are
28 apportionable pursuant to this subdivision shall be limited to the total
29 amount of bonds and notes outstanding on the effective date of this
30 title, plus the total amount of bonds and notes contracted after the
31 effective date of this title to finance projects in progress on the
32 effective date of this title as determined by the New York state public
33 authorities control board created pursuant to section fifty of this
34 chapter whose affirmative determination shall be conclusive as to all
35 matters of law and fact solely for the purposes of the limitations
36 contained in this subdivision, but in no event shall the total amount of
37 bonds so secured by such a debt service reserve fund or funds exceed
38 nine million six hundred sixty thousand dollars, excluding bonds issued
39 to refund such outstanding bonds until the date of redemption of such
40 outstanding bonds. As outstanding bonds so secured are paid, the amount
41 so secured shall be reduced accordingly but the redemption of such
42 outstanding bonds from the proceeds of refunding bonds shall not reduce
43 the amount so secured.

44 4. All amounts paid over to the authority by the state pursuant to the
45 provisions of this section shall constitute and be accounted for as
46 advances by the state to the authority and, subject only to the rights
47 of the holders of any bonds or notes of the authority theretofore or
48 thereafter issued, shall be repaid to the state from all available oper-
49 ating revenues of the authority in excess of debt service reserve fund
50 requirements and operating expenses.

51 5. As used in this section, (a) the term "operating expenses" shall
52 mean ordinary expenditures for operation and administration of the
53 authority, including maintenance, repair and replacement of authority
54 property; and (b) the term "available operating revenues" shall mean all
55 amounts received on account of rentals and fees charged by the authori-
56 ty, if any, and income or interest earned or added to funds of the

1 authority due to the investment thereof, and not required under the
2 terms or provisions of any covenant or agreement with holders of any
3 bonds or notes of the authority to be applied to any purposes other than
4 payment of operating expenses of the authority.

5 § 1762. Exemption from taxation of bonds and notes. The state coven-
6 ants with the purchasers and with all subsequent holders and transferees
7 of bonds and notes, in consideration of the acceptance of and payment
8 for the bonds and notes, that the bonds and notes and the income there-
9 from, and all moneys, funds and revenues pledged to pay or secure the
10 payment of such bonds and notes shall at all times be free from taxa-
11 tion, except for estate and gift taxes and taxes on transfers.

12 § 1763. Bonds and notes legal investments for fiduciaries. The bonds
13 and notes are hereby made securities in which all public officers and
14 bodies of the state and all municipalities and municipal subdivisions,
15 all insurance companies and associations and other persons carrying on
16 an insurance business, all banks, bankers, trust companies, savings
17 banks, savings associations, including savings and loan associations and
18 building and loan associations, investment companies and other persons
19 carrying on a banking business, all administrators, guardians, execu-
20 tors, trustees and other fiduciaries, and all other persons whatsoever
21 who are now or who may hereafter be authorized to invest in bonds or
22 other obligations of the state, may properly and legally invest funds
23 including capital in their control or belonging to them. Notwithstanding
24 any other provisions of law, the bonds and notes of the authority are
25 also hereby made securities which may be deposited with and may be
26 received by all public officers and bodies of this state and all muni-
27 cipalities and municipal subdivisions for any purpose for which the depos-
28 it of bonds or other obligations of the state is now or may hereafter be
29 authorized.

30 § 1764. Right of state to require redemption of bonds. Notwithstanding
31 and in addition to any provisions for the redemption of bonds which may
32 be contained in any contract with the holders of the bonds, the state
33 may, upon furnishing sufficient funds therefor, require the authority to
34 redeem, prior to maturity, as a whole, any issue of bonds on any inter-
35 est payment date not less than twenty years after the date of the bonds
36 of such issue at one hundred five percent of their face value and
37 accrued interest or at such lesser redemption price as may be provided
38 in the bonds in case of the redemption thereof as a whole on the redemp-
39 tion date. Notice of such redemption shall be published in at least two
40 newspapers published and circulating respectively in the cities of Alba-
41 ny and New York at least twice, the first publication to be at least
42 thirty days before the date of redemption.

43 § 1765. Rights and remedies of bondholders and noteholders. The hold-
44 ers of bonds and notes shall have the following rights and remedies,
45 subject to the terms of the resolution authorizing such bonds and notes
46 or any trust indenture, secured loan agreement or other instrument
47 related thereto:

48 1. In the event that the authority shall default in the payment of
49 principal of or interest on any issue of bonds or notes after the same
50 shall become due, whether at maturity or upon call for redemption, and
51 such default shall continue for a period of thirty days, or in the event
52 that the authority shall fail or refuse to comply with the provisions of
53 this title, or shall default in any contract made with the holders of
54 any issue of bonds or notes, the holders of twenty-five per centum in
55 aggregate principal amount of the bonds or notes of such issue then
56 outstanding, by instrument or instruments filed in the office of the

1 clerk in the county of Albany and approved or acknowledged in the same
2 manner as a deed to be recorded, may appoint a trustee to represent the
3 holders of such bonds or notes for the purposes herein provided.

4 2. Such trustee may, and upon written request of the holders of twenty-
5 five per centum in principal amount of such bonds or notes then
6 outstanding shall, in such trustee's or its own name:

7 (a) by suit, action or special proceeding, enforce all rights of the
8 bondholders or noteholders, including the right to require the authority
9 to collect fees, rentals and charges adequate to carry out any agree-
10 ments with the holders of such bonds or notes and to perform its duties
11 under this title;

12 (b) bring suit upon such bonds or notes;

13 (c) by action or suit in equity, require the authority to account as
14 if it were the trustee of an express trust for the holders of such bonds
15 or notes;

16 (d) by action or suit in equity, enjoin any act or things which may be
17 unlawful or in violation of the rights of the holders of such bonds or
18 notes; and

19 (e) declare all such bonds or notes due and payable, and if all
20 defaults shall be made good then with the consent of the holders of
21 twenty-five per centum of the principal amount of such bonds or notes
22 then outstanding, to annul such declaration and its consequences.

23 3. Such trustee, whether or not the issuance of bonds or notes repres-
24 ented by such trustee had been declared due and payable, shall be enti-
25 tled as of right to the appointment of a receiver of any property of the
26 authority, the fees, rentals, charges or other revenues of which are
27 pledged for the security of the bonds or notes of such issue and such
28 receiver may enter and take possession of such property, or any part or
29 parts thereof and operate and maintain the same and receive all fees,
30 charges, rentals and other revenues thereafter arising therefrom and
31 exercise such other powers of the authority as the court may deem advis-
32 able and perform the public duties and carry out the agreements and
33 obligations of the authority under the direction of the court. In any
34 suit, action or proceeding by the trustee the fees, counsel fees and
35 expenses of the trustee and of the receiver, if any, shall constitute
36 taxable disbursements and all costs and disbursements allowed by the
37 court shall be a first charge on any fees, charges, rentals and other
38 revenues derived from such properties.

39 4. Such trustee shall in addition to the foregoing have and possess
40 all of the powers necessary or appropriate for the exercise of any func-
41 tions specifically set forth herein or incident to the general represen-
42 tation of bondholders or noteholders in the enforcement and protection
43 of their rights.

44 5. The supreme court shall have jurisdiction of any suit, action or
45 proceeding by the trustee on behalf of such bondholders or noteholders.
46 The venue of any such suit, action or proceeding shall be laid in the
47 county of Albany.

48 6. Before declaring the principal of bonds or notes due and payable,
49 the trustee shall first give thirty days' notice in writing to the
50 governor, to the authority, to the comptroller and to the attorney
51 general of the state.

52 § 1766. State not liable on bonds and notes. The bonds and notes shall
53 not be a debt of the state of New York nor shall the state be liable
54 thereon and such bonds and notes shall contain on the face thereof a
55 statement to that effect.

1 § 4. The tax law is amended by adding a new article 29-E to read as
2 follows:

3 ARTICLE 29-E

4 FOR-HIRE VEHICLE IMPROVEMENT SURCHARGE

5 Section 1299-aa. Definitions.

6 1299-bb. Imposition of tax.

7 1299-cc. Liability for surcharge.

8 1299-dd. Returns and payment of surcharge.

9 1299-ee. Records to be kept.

10 1299-ff. Deposit and disposition of revenue.

11 § 1299-aa. Definitions. As used or referred to in this article, unless
12 a different meaning clearly appears from the context:

13 (a) "Person" means an individual, partnership, limited liability
14 company, society, association, joint stock company, corporation, estate,
15 receiver, trustee, assignee, referee or any other person acting in a
16 fiduciary or representative capacity, whether appointed by a court or
17 otherwise, any combination of individuals and any other form of unincor-
18 porated enterprise owned or conducted by two or more persons.

19 (b) "Authority" means the green transition authority established
20 pursuant to section seventeen hundred fifty-one of the public authori-
21 ties law.

22 (c) "For-hire vehicle" means any transportation network company vehi-
23 cle ("TNC vehicle") as defined in section sixteen hundred ninety-one of
24 the vehicle and traffic law and any for-hire vehicle as defined in
25 section 19-502 of the administrative code of the city of New York.

26 (d) "For-hire transportation trip" means transportation provided in a
27 for-hire vehicle as defined in subdivision (c) of this section, for
28 which a charge is made.

29 (e) "High-volume for-hire service" shall have the same meaning as
30 defined in section 19-502 of the administrative code of the city of New
31 York.

32 § 1299-bb. Imposition of tax. (a) In addition to any other tax or
33 assessment imposed by this chapter or other law, there is hereby imposed
34 a surcharge of one dollar for each for-hire transportation trip
35 conducted in a transportation network company vehicle or by a high-vo-
36 lume for-hire service.

37 (b) Receipts subject to tax under paragraph ten of subdivision (c) of
38 section eleven hundred five of this chapter shall be deemed to exclude
39 any surcharge imposed by this article.

40 § 1299-cc. Liability for surcharge. (a) Notwithstanding any provision
41 of law to the contrary, any person who dispatches a motor vehicle by any
42 means that provides transportation that is subject to a surcharge
43 imposed by this article shall be liable for the surcharge imposed by
44 this article.

45 (b) Notwithstanding any law to the contrary: (1) The surcharge imposed
46 by this article shall be passed along to passengers and separately stat-
47 ed on any receipt that is provided to such passengers. The passing along
48 of such surcharge shall not be construed by any court or administrative
49 body as the imposition of the surcharge on the person or entity that
50 pays for the for-hire transportation trip. All regulatory agencies shall
51 adjust any fares that are authorized by such agencies to include the
52 surcharge imposed by this article and shall require that any meter or
53 other instrument used in any for-hire vehicle regulated by such agency
54 to calculate fares be adjusted to include the surcharge.

55 (2) Neither the failure of a regulatory agency to adjust fares nor the
56 failure to adjust a meter or other instrument used in a for-hire vehicle

1 to calculate fares shall relieve any person liable for the surcharge
2 imposed by this article from the obligation to pay such surcharge.

3 § 1299-dd. Returns and payment of surcharge. (a) Every person liable
4 for the surcharge imposed by this article shall file a return with the
5 commissioner on a monthly basis. Each return shall show the number of
6 for-hire transportation trips subject to the surcharge imposed by this
7 article in the month for which the return is filed, along with such
8 other information as the commissioner may require. The returns required
9 by this section shall be filed within twenty days after the end of the
10 month covered thereby. If the commissioner deems it necessary to ensure
11 the payment of the surcharge imposed by this article, the commissioner
12 may require returns to be made for shorter periods than prescribed by
13 the provisions of this section, and upon such dates as may be specified.
14 The form of returns shall be prescribed by the commissioner and shall
15 contain such information as the commissioner may deem necessary for the
16 proper administration of this article. The commissioner may require that
17 returns be filed electronically.

18 (b) Every person liable for the surcharge imposed by this article
19 shall, at the time of filing such return, pay to the commissioner the
20 total amount of all surcharges due under this article. Such amount shall
21 be due and payable on the date specified for the filing of the return
22 for such period, without regard to whether a return is filed, or whether
23 the return that is filed correctly shows the correct number of for-hire
24 trips that are subject to the surcharge, or the correct surcharge amount
25 due thereon. The commissioner may require that the surcharge be paid
26 electronically.

27 (c) In addition to any other penalty or interest provided for under
28 this article or other law, and unless it is shown that such failure is
29 due to reasonable cause and not due to willful neglect, any person
30 liable for the surcharge imposed by this article that fails to pay such
31 surcharge when due shall be liable for a penalty in an amount equal to
32 two hundred percent of the total surcharge amount that is due.

33 § 1299-ee. Records to be kept. Every person liable for the surcharge
34 imposed by this article shall keep, and shall make available for review
35 upon demand by the commissioner:

36 (a) records of every trip provided or arranged by such person, or
37 provided through the use of a for-hire vehicle owned or leased by such
38 person, including all amounts paid, charged, or due thereon, in such
39 form as the commissioner may require;

40 (b) true and complete copies of any records required to be kept by any
41 applicable regulatory department or agency; and

42 (c) such other records and information as the commissioner may require
43 to perform their duties under this article.

44 § 1299-ff. Deposit and disposition of revenue. (a) Any surcharge,
45 interest, and penalties collected or received by the commissioner shall
46 be deposited daily with such responsible banks, banking houses, or trust
47 companies, as may be designated by the comptroller, to the credit of the
48 comptroller in trust for the green transition authority. An account may
49 be established in one or more of such depositories. Such deposits shall
50 be kept separate and apart from all other money in the possession of the
51 comptroller. The comptroller shall require adequate security from all
52 such depositories. Of the total revenue collected or received under this
53 article, the comptroller shall retain such amount as the commissioner
54 may determine to be necessary for refunds under this article. The
55 commissioner is authorized and directed to deduct from the amounts the
56 department receives under this article, before deposit into the trust

1 accounts designated by the comptroller, a reasonable amount necessary to
2 effectuate refunds of appropriations of the department to reimburse the
3 department for the costs incurred to administer, collect and distribute
4 the surcharge, interest, and penalties imposed by this article.

5 (b) On or before the twelfth day of each month, after reserving such
6 amount for such refunds and deducting such amounts for such costs, as
7 provided for in subdivision (a) of this section, the commissioner shall
8 certify to the comptroller the amount of revenues so received during the
9 prior month as a result of the surcharge, interest, and penalties so
10 imposed. Notwithstanding any provision of law to the contrary, after
11 deducting the amounts specified in this subdivision, the remaining funds
12 collected shall be deposited by the comptroller, without appropriation,
13 into the green transition fund established pursuant to section seventeen
14 hundred fifty-five of the public authorities law.

15 § 5. The sum of ten million dollars (\$10,000,000), or so much thereof
16 as may be necessary, is hereby appropriated to the green transition
17 authority from any moneys in the state treasury in the general fund to
18 the credit of the state purposes account not otherwise appropriated for
19 the purposes of carrying out the provisions of this act. Such sum shall
20 be payable on the audit and warrant of the state comptroller on vouchers
21 certified or approved by the secretary of state or such secretary's duly
22 designated representative in the manner provided by law.

23 § 6. This act shall take effect immediately.