

STATE OF NEW YORK

S. 4008--C

A. 3008--C

SENATE - ASSEMBLY

February 1, 2023

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 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- 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 -- again reported from said committee with amendments, ordered reprinted as amended and recommitted to said committee -- again reported from said committee with amendments, ordered reprinted as amended and recommitted to said committee

AN ACT intentionally omitted (Part A); intentionally omitted (Part B); to amend part PP of chapter 54 of the laws of 2016, amending the public authorities law relating to the New York transit authority and the metropolitan transportation authority, in relation to extending provisions of law relating to certain tax increment financing provisions; to amend the public authorities law, in relation to contracts entered into by the metropolitan commuter transportation district; to amend the public authorities law, in relation to contracts for procurement for the New York city transit authority and 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 extending certain metropolitan transportation authority procurement provisions (Part C); to amend part UUU of chapter 58 of the laws of 2020 amending the state finance law relating to providing funding for the Metropolitan Transportation Authority 2020-2024 capital program and paratransit operating expenses, in relation to funding for net paratransit operating expenses and in relation to the effectiveness thereof (Part D); intentionally omitted (Part E); intentionally omitted (Part F); to amend chapter 929 of the laws of 1986

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

LBD12573-05-3

amending the tax law and other laws relating to the metropolitan transportation authority, in relation to extending certain provisions thereof applicable to the resolution of labor disputes (Part G); intentionally omitted (Part H); intentionally omitted (Part I); 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 effectiveness thereof (Part J); intentionally omitted (Part K); intentionally omitted (Part L); to amend the vehicle and traffic law, in relation to county clerk retention of fees (Part M); intentionally omitted (Part N); intentionally omitted (Part O); intentionally omitted (Part P); to amend the tax law, in relation to the metropolitan commuter transportation mobility tax rate; and providing for the repeal of certain provisions upon the expiration thereof (Part Q); to amend the racing, pari-mutuel wagering and breeding law, the state finance law and the public authorities law, in relation to the disposition of money from certain gaming activity (Part R); intentionally omitted (Part S); intentionally omitted (Part T); to amend chapter 495 of the laws of 2004, amending the insurance law and the public health law relating to the New York state health insurance continuation assistance demonstration project, in relation to the effectiveness thereof (Part U); intentionally omitted (Part V); intentionally omitted (Part W); to amend the public officers law, in relation to providing virtual meeting flexibility for public bodies serving individuals with disabilities (Part X); intentionally omitted (Part Y); intentionally omitted (Part Z); intentionally omitted (Part AA); to amend the public authorities law, in relation to requiring the dormitory authority to submit an annual report on the pilot program for the procurement of goods or services from, or for the construction, reconstruction, rehabilitation or improvement of facilities by small businesses and minority-owned and women-owned business enterprises; and to amend chapter 97 of the laws of 2019 amending the public authorities law relating to the award of contracts to small businesses, minority-owned business enterprises and women-owned business enterprises, in relation to extending the effectiveness thereof (Part BB); intentionally omitted (Part CC); to amend the New York state urban development corporation act, in relation to establishing a matching grant program for certain small businesses receiving funding under the federal small business innovation research program or the small business technology transfer program (Part DD); to amend the public authorities law, in relation to the Battery Park city authority (Part EE); to amend the state finance law, in relation to the excelsior linked deposit program (Part FF); 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 GG); intentionally omitted (Part HH); intentionally omitted (Part II); to amend the New York state 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 JJ); intentionally omitted (Part KK); to amend part BB of chapter 58 of the laws of 2012, amending the public authorities law, relating to authorizing the dormitory authority to enter into certain design and construction management agreements, in relation to the effectiveness thereof (Part LL); to amend the vehicle and traffic law and the parks, recreation and historic preservation law, in relation to fees for the registration of snowmobiles and fees collected for the

snowmobile trail and maintenance fund (Part MM); intentionally omitted (Part NN); to amend the general municipal law, in relation to purchase contracts for New York State grown, harvested, or produced food and food products (Part OO); intentionally omitted (Part PP); intentionally omitted (Part QQ); to amend the environmental conservation law and chapter 55 of the laws of 2021 amending the environmental conservation law relating to establishing a deer hunting pilot program, in relation to extending provisions of the youth deer hunting program (Part RR); to amend the environmental conservation law, in relation to pesticide registration timetables and fees and to amend chapter 67 of the laws of 1992, amending the environmental conservation law relating to pesticide product registration timetables and fees, in relation to the effectiveness thereof (Part SS); to amend the county law, in relation to enacting the "Suffolk county water quality restoration act", authorizing the county of Suffolk to establish a water quality restoration fund, and authorizing the county of Suffolk to form a county-wide sewer and wastewater management district and extend the existing one-quarter of one percent sales tax utilized to finance the county drinking water protection program until 2060; to amend the local finance law, in relation to the period of probable usefulness of septic systems funded by programs established by the county of Suffolk; and to amend the tax law, in relation to the Suffolk county water quality restoration fund (Part TT); to amend the local finance law, in relation to providing a period of probable usefulness for lead service line replacement programs as a capital asset (Part UU); to authorize utility and cable television assessments that provide funds to the department of health from cable television 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; and providing for the repeal of such provisions upon expiration thereof (Part VV); intentionally omitted (Part WW); intentionally omitted (Part XX); intentionally omitted (Part YY); in relation to authorizing the New York state 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 from an assessment on gas and electric corporations (Part ZZ); intentionally omitted (Part AAA); to amend the vehicle and traffic law, in relation to certain vehicle dealer registration certificates (Part BBB); to amend the public authorities law, in relation to requirements of the transportation authority regarding its capital program dashboard website, and to requirements of the metropolitan transportation authority regarding publishing certain financial reports on its website (Part CCC); to amend the labor law and the economic development law, in relation to establishing the New York youth jobs connector program; and requiring reporting from the office of strategic workforce development (Part DDD); to amend the waterfront commission act, in relation to the waterfront commission of New York harbor; and providing for the repeal of such provisions upon expiration thereof (Part EEE); to amend the executive law, in relation to the recommission of a statewide disparity study (Part FFF); to amend the economic development law and the New York state urban development corporation act, in relation to establishing a small business and entrepreneurs grant program; and providing for the repeal of such provisions upon expiration thereof (Part GGG); expanding eligibility

to the brownfield redevelopment tax credit to certain taxpayers (Part HHH); and to amend the general municipal law and the executive law, in relation to directing the state inspector general to appoint an independent monitor for the the Orange county industrial development agency; and providing for the repeal of such provisions upon the expiration thereof (Part III)

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

Section 1. This act enacts into law major components of legislation necessary to implement the state transportation, economic development and environmental conservation budget for the 2023-2024 state fiscal year. Each component is wholly contained within a Part identified as Parts A through III. The effective date for each particular provision contained within such Part is set forth in the last section of such Part. Any provision in any section contained within a Part, including the effective date of the Part, which makes a reference to a section "of this act", when used in connection with that particular component, shall be deemed to mean and refer to the corresponding section of the Part in which it is found. Section three of this act sets forth the general effective date of this act.

PART A

Intentionally Omitted

PART B

Intentionally Omitted

PART C

Section 1. Section 3 of part PP of chapter 54 of the laws of 2016, amending the public authorities law relating to the New York transit authority and the metropolitan transportation authority, as amended by section 1 of part J of chapter 58 of the laws of 2022, is amended to read as follows:

§ 3. This act shall take effect immediately; provided that the amendments to subdivision 1 of section 119-r of the general municipal law made by section two of this act shall expire and be deemed repealed April 1, [~~2023~~] 2024, and provided further that such repeal shall not affect the validity or duration of any contract entered into before that date pursuant to paragraph f of such subdivision.

§ 2. Subdivision 6 of section 1209 of the public authorities law, as amended by section 1 of subpart C of part ZZZ of chapter 59 of the laws of 2019, is amended to read as follows:

6. The provisions of subdivisions one, two, three and four of this section shall not be applicable to any procurement by the authority commenced during the period from the effective date of this subdivision until December thirty-first, nineteen hundred ninety-one or during the period from December sixteenth, nineteen hundred ninety-three until June thirtieth, two thousand [~~twenty-three~~] twenty-eight; and the provisions

1 of subdivisions seven, eight, nine, ten, eleven, twelve and thirteen of
2 this section shall only apply to procurements by the authority commenced
3 during such periods. The provisions of such subdivisions one, two, three
4 and four shall apply to procurements by the authority commenced during
5 the period from December thirty-first, nineteen hundred ninety-one until
6 December sixteenth, nineteen hundred ninety-three, and to procurements
7 by the authority commenced on and after July first, two thousand [~~twen-~~
8 ~~ty-three~~] twenty-eight. Notwithstanding the foregoing, the provisions of
9 such subdivisions one, two, three and four shall apply to (i) the award
10 of any contract of the authority if the bid documents for such contract
11 so provide and such bid documents are issued within sixty days of the
12 effective date of this subdivision or within sixty days of December
13 sixteenth, nineteen hundred ninety-three, or (ii) for a period of one
14 hundred eighty days after the effective date of this subdivision, or for
15 a period of one hundred eighty days after December sixteenth, nineteen
16 hundred ninety-three, the award of any contract for which an invitation
17 to bid, solicitation, request for proposal, or any similar document has
18 been issued by the authority prior to the effective date of this subdivi-
19 sion or during the period from January first, nineteen hundred nine-
20 ty-two until December fifteenth, nineteen hundred ninety-three.

21 § 3. Subdivision 1 of section 1265-a of the public authorities law,
22 as amended by section 1-a of subpart C of part ZZZ of chapter 59 of the
23 laws of 2019, is amended to read as follows:

24 1. The provisions of this section shall only apply to procurements by
25 the authority commenced during the period from April first, nineteen
26 hundred eighty-seven until December thirty-first, nineteen hundred nine-
27 ty-one, and during the period from December sixteenth, nineteen hundred
28 ninety-three until June thirtieth, two thousand [~~twenty-three~~] twenty-
29 eight; provided, however, that the provisions of this section shall not
30 apply to (i) the award of any contract of the authority if the bid docu-
31 ments for such contract so provide and such bid documents are issued
32 within sixty days of the effective date of this section or within sixty
33 days of December sixteenth, nineteen hundred ninety-three, or (ii) for a
34 period of one hundred eighty days after the effective date of this
35 section or for a period of one hundred eighty days after December
36 sixteenth, nineteen hundred ninety-three, the award of any contract for
37 which an invitation to bid, solicitation, request for proposal, or any
38 similar document has been issued by the authority prior to the effective
39 date of this section or during the period from January first, nineteen
40 hundred ninety-two until December sixteenth, nineteen hundred ninety-
41 three.

42 § 4. Section 15 of part 00 of chapter 54 of the laws of 2016, amending
43 the public authorities law relating to procurements by the New York City
44 transit authority and the metropolitan transportation authority,
45 as amended by section 1 of part YY of chapter 55 of the laws of 2021, is
46 amended to read as follows:

47 § 15. This act shall take effect immediately, and shall expire and be
48 deemed repealed [~~April 1, 2024~~] June 30, 2028.

49 § 5. This act shall take effect immediately.

50 PART D

51 Section 1. Section 5 of part UUU of chapter 58 of the laws of 2020,
52 amending the state finance law relating to providing funding for the
53 Metropolitan Transportation Authority 2020-2024 capital program and
54 paratransit operating expenses, is amended to read as follows:

§ 5. (a) Starting July 1, 2020, the city will fund a fifty percent share of the net paratransit operating expenses of the MTA, provided that such contribution shall not exceed \$215 million in 2020, \$277 million in 2021, \$290 million in 2022, and \$310 million in 2023. Net paratransit operating expenses shall be calculated monthly by the MTA and will consist of the total paratransit operating expenses of the program minus the six percent of the urban tax dedicated to paratransit services as of the date of this act and minus any money collected as passenger fares from paratransit operations.

(b) Notwithstanding subdivision (a) of this section, during the period from July first, two thousand twenty-three through June thirtieth, two thousand twenty-five, the city of New York shall fund eighty percent of the net paratransit operating expenses of the metropolitan transportation authority, provided that such contribution shall not exceed (1) for the twelve month period ending June thirtieth, two thousand twenty-four, the sum of: (i) fifty percent of the net paratransit operating expenses for such twelve month period; and (ii) one hundred sixty-five million dollars; and (2) for the twelve month period ending June thirtieth, two thousand twenty-five, the sum of: (i) fifty percent of the net paratransit operating expenses for such twelve month period; and (ii) one hundred sixty-five million dollars. Net paratransit operating expenses shall be calculated monthly by the MTA and will consist of the total paratransit operating expenses of the program minus the six percent of the urban tax dedicated to paratransit services as of the effective date of this subdivision and minus any money collected as passenger fares from paratransit operations.

§ 2. Subdivision (a) of section 7 of part UUU of chapter 58 of the laws of 2020, amending the state finance law relating to providing funding for the Metropolitan Transportation Authority 2020-2024 capital program and paratransit operating expenses, is amended to read as follows:

(a) Notwithstanding any provision of law to the contrary, in the event the city fails to certify to the state comptroller and the New York state director of the budget that the city has paid in full any payment required by section six of this act, the New York state director of the budget shall direct the state comptroller to transfer, collect, or deposit funds in accordance with subdivision (b) of this section in an amount equal to the unpaid balance of any payment required by section six of this act, and any such deposits shall be counted against the city's ~~[fifty percent share of the]~~ funding obligation for net paratransit operating expenses of the MTA pursuant to section five of this act. Such direction shall be pursuant to a written plan or plans filed with the state comptroller, the chairperson of the senate finance committee and the chairperson of the assembly ways and means committee.

§ 3. Section 9 of part UUU of chapter 58 of the laws of 2020, amending the state finance law relating to providing funding for the Metropolitan Transportation Authority 2020-2024 capital program and paratransit operating expenses, is amended to read as follows:

§ 9. This act shall take effect immediately; provided that sections five through seven of this act shall expire and be deemed repealed June 30, ~~[2024]~~ 2030; and provided further that such repeal shall not affect or otherwise reduce amounts owed to the metropolitan transportation authority paratransit assistance fund to meet the city's share of the net paratransit operating expenses of the MTA for services provided prior to June 30, ~~[2024]~~ 2030.

1 § 4. This act shall take effect immediately; provided, however, that
2 the amendments to sections 5 and 7 of part UUU of chapter 58 of the laws
3 of 2020, made by sections one and two of this act, shall not affect the
4 expiration and repeal of such part and shall be deemed repealed there-
5 with.

6 PART E

7 Intentionally Omitted

8 PART F

9 Intentionally Omitted

10 PART G

11 Section 1. Section 45 of chapter 929 of the laws of 1986 amending the
12 tax law and other laws relating to the metropolitan transportation
13 authority, as amended by chapter 120 of the laws of 2021, is amended to
14 read as follows:

15 § 45. This act shall take effect immediately; except that: (a) para-
16 graph (d) of subdivision 3 of section 1263 of the public authorities
17 law, as added by section twenty-six of this act, shall be deemed to have
18 been in full force and effect on and after August 5, 1986; (b) sections
19 thirty-three and thirty-four of this act shall not apply to a certified
20 or recognized public employee organization which represents any public
21 employees described in subdivision 16 of section 1204 of the public
22 authorities law and such sections shall expire on July 1, [~~2023~~ 2025
23 and nothing contained within these sections shall be construed to divest
24 the public employment relations board or any court of competent juris-
25 diction of the full power or authority to enforce any order made by the
26 board or such court prior to the effective date of this act; (c) the
27 provisions of section thirty-five of this act shall expire on March 31,
28 1987; and (d) provided, however, the commissioner of taxation and
29 finance shall have the power to enforce the provisions of sections two
30 through nine of this act beyond December 31, 1990 to enable such commis-
31 sioner to collect any liabilities incurred prior to January 1, 1991.

32 § 2. This act shall take effect immediately.

33 PART H

34 Intentionally Omitted

35 PART I

36 Intentionally Omitted

37 PART J

38 Section 1. Section 3 of part FF of chapter 55 of the laws of 2017,
39 relating to motor vehicles equipped with autonomous vehicle technology,

1 as amended by section 1 of part GG of chapter 58 of the laws of 2021, is
2 amended to read as follows:

3 § 3. This act shall take effect April 1, 2017; provided, however, that
4 section one of this act shall expire and be deemed repealed April 1,
5 ~~[2023]~~ 2024.

6 § 2. This act shall take effect immediately and shall be deemed to
7 have been in full force and effect on and after April 1, 2023.

8 PART K

9 Intentionally Omitted

10 PART L

11 Intentionally Omitted

12 PART M

13 Section 1. Subdivisions 3 and 3-a of section 205 of the vehicle and
14 traffic law, subdivision 3 as amended by section 3 of part G of chapter
15 59 of the laws of 2008, and subdivision 3-a as added by section 1 of
16 part F of chapter 58 of the laws of 2012, are amended to read as
17 follows:

18 3. Each such county clerk shall retain from fees collected for any
19 motor vehicle related service described in subdivision one of this
20 section processed by such county clerk an amount based on a percentage
21 of gross receipts collected. For purposes of this section, the term
22 "gross receipts" shall include all fines, fees and penalties collected
23 pursuant to this chapter by a county clerk acting as agent of the
24 commissioner, but shall not include any state or local sales or compen-
25 sating use taxes imposed under or pursuant to the authority of articles
26 twenty-eight and twenty-nine of the tax law and collected by such clerk
27 on behalf of the commissioner of taxation and finance. The retention
28 percentage shall be ~~[12.7]~~ 10.75 percent ~~[and shall take effect April~~
29 ~~first, nineteen hundred ninety-nine; provided, however, the retention~~
30 ~~percentage shall be thirty percent of the thirty dollar fee established~~
31 ~~in paragraph (c) of subdivision two of section four hundred ninety-one~~
32 ~~and paragraph f one of subdivision two of section five hundred three of~~
33 ~~this chapter]~~.

34 3-a. In addition to the fees retained pursuant to subdivision three of
35 this section, each county clerk acting as the agent of the commissioner
36 pursuant to subdivision one of this section shall retain ~~[four percent]~~
37 a percentage of "enhanced internet and electronic partner revenue"
38 collected by the commissioner. For the purposes of this subdivision,
39 "enhanced internet and electronic partner revenue" shall mean the amount
40 of gross receipts attributable to all transactions conducted on the
41 internet by residents of such county and by designated partners of the
42 department on behalf of such residents for the current calendar year
43 ~~[that exceeds the amount of such revenue collected by the commissioner~~
44 ~~during calendar year two thousand eleven]~~. The commissioner shall certi-
45 fy the amounts to be retained by each county clerk pursuant to this
46 subdivision. ~~[Provided, however, that if the aggregate amount of fees~~
47 ~~retained by county clerks pursuant to this subdivision in calendar years~~
48 ~~two thousand twelve and two thousand thirteen combined exceeds eighty-~~

~~eight million five hundred thousand dollars, then the percentage of fees to be retained thereafter shall be reduced to a percentage that, if applied to the fees collected during calendar years two thousand twelve and two thousand thirteen combined, would have resulted in an aggregate retention of eighty-eight million five hundred thousand dollars or 2.5 percent of enhanced internet and electronic partner revenue, whichever is higher. If the aggregate amount of fees retained by county clerks pursuant to this subdivision in calendar years two thousand twelve and two thousand thirteen combined is less than eighty-eight million five hundred thousand dollars, then the percentage of fees to be retained thereafter shall be increased to a percentage that, if applied to the fees collected during calendar years two thousand twelve and two thousand thirteen combined, would have resulted in an aggregate retention of eighty-eight million five hundred thousand dollars, or six percent of enhanced internet and electronic partner revenue, whichever is less. On and after April first, two thousand sixteen, the percent of enhanced internet and electronic partner revenue to be retained by county clerks shall be the average of the annual percentages that were in effect between April first, two thousand twelve and March thirty-first, two thousand sixteen.]~~ The retention percentage shall be 10.75 percent.

§ 2. This act shall take effect January 1, 2024.

PART N

Intentionally Omitted

PART O

Intentionally Omitted

PART P

Intentionally Omitted

PART Q

Section 1. Paragraph 1 of subsection (a) of section 801 of the tax law, as amended by section 1 of part N of chapter 59 of the laws of 2012, is amended to read as follows:

(1) (A) For employers who engage in business within the MCTD, in the counties of Dutchess, Nassau, Orange, Putnam, Rockland, Suffolk and Westchester, the tax is imposed at a rate of [~~(A)~~] (i) eleven hundredths (.11) percent of the payroll expense for employers with payroll expense no greater than three hundred seventy-five thousand dollars in any calendar quarter, [~~(B)~~] (ii) twenty-three hundredths (.23) percent of the payroll expense for employers with payroll expense greater than three hundred seventy-five thousand dollars and no greater than four hundred thirty-seven thousand five hundred dollars in any calendar quarter, and [~~(C)~~] (iii) thirty-four hundredths (.34) percent of the payroll expense for employers with payroll expense in excess of four hundred thirty-seven thousand five hundred dollars in any calendar quarter. If the employer is a professional employer organization, as defined in section nine hundred sixteen of the labor law, the employer's tax shall

1 be calculated by determining the payroll expense attributable to each
2 client who has entered into a professional employer agreement with such
3 organization and the payroll expense attributable to such organization
4 itself, multiplying each of those payroll expense amounts by the appli-
5 cable rate set forth in this paragraph and adding those products togeth-
6 er.

7 (B) For employers who engage in business within the MCTD, in the coun-
8 ties of Bronx, Kings, New York, Queens, and Richmond, the tax is imposed
9 at a rate of (i) eleven hundredths (.11) percent of the payroll expense
10 for employers with payroll expense no greater than three hundred seven-
11 ty-five thousand dollars in any calendar quarter, (ii) twenty-three
12 hundredths (.23) percent of the payroll expense for employers with
13 payroll expense greater than three hundred seventy-five thousand dollars
14 and no greater than four hundred thirty-seven thousand five hundred
15 dollars in any calendar quarter, and (iii) sixty hundredths (.60)
16 percent of the payroll expense for employers with payroll expense in
17 excess of four hundred thirty-seven thousand five hundred dollars in any
18 calendar quarter. If the employer is a professional employer organiza-
19 tion, as defined in section nine hundred sixteen of the labor law, the
20 employer's tax shall be calculated by determining the payroll expense
21 attributable to each client who has entered into a professional employer
22 agreement with such organization and the payroll expense attributable to
23 such organization itself, multiplying each of those payroll expense
24 amounts by the applicable rate set forth in this paragraph and adding
25 those products together.

26 § 2. Paragraph 2 of subsection (a) of section 801 of the tax law, as
27 amended by section 1 of part N of chapter 59 of the laws of 2012, is
28 amended to read as follows:

29 (2) (A) For individuals, the tax is imposed at a rate of thirty-four
30 hundredths (.34) percent of the net earnings from self-employment of
31 individuals that are attributable to the MCTD if such earnings attribut-
32 able to the MCTD, in the counties of Dutchess, Nassau, Orange, Putnam,
33 Rockland, Suffolk and Westchester, exceed fifty thousand dollars for the
34 tax year.

35 (B) For individuals, the tax is imposed at a rate of forty-seven
36 hundredths (.47) percent of the net earnings from self-employment of
37 individuals that are attributable to the MCTD, in the counties of Bronx,
38 Kings, New York, Queens, and Richmond, if such earnings attributable to
39 the MCTD exceed fifty thousand dollars for the tax year.

40 § 3. Subparagraph (B) of paragraph 2 of subsection (a) of section 801
41 of the tax law, as amended by section two of this act, is amended to
42 read as follows:

43 (B) For individuals, the tax is imposed at a rate of [~~forty-seven~~
44 ~~sixty~~ hundredths [~~(.47)~~] (.60) percent of the net earnings from self-em-
45 ployment of individuals that are attributable to the MCTD, in the coun-
46 ties of Bronx, Kings, New York, Queens, and Richmond, if such earnings
47 attributable to the MCTD exceed fifty thousand dollars for the tax year.

48 § 4. This act shall take effect immediately; provided, however, that:

49 (a) (i) section one of this act shall apply to tax quarters beginning
50 on or after July 1, 2023;

51 (ii) section two of this act shall apply to taxable years beginning on
52 or after January 1, 2023 and before January 1, 2024; and

53 (iii) section three of this act shall apply to taxable years beginning
54 on or after January 1, 2024; and

(b) section two of this act shall expire and be deemed repealed January 1, 2024, when upon such date the provisions of section three of this act shall take effect.

PART R

Section 1. Subdivisions 1 and 2 of section 1352 of the racing, pari-mutuel wagering and breeding law, as added by chapter 174 of the laws of 2013, are amended to read as follows:

1. (a) The commission shall pay into an account, to be known as the commercial gaming revenue fund as established pursuant to section ninety-seven-nnnn of the state finance law, under the joint custody of the comptroller and the commissioner of taxation and finance, all taxes and fees imposed by this article paid by a gaming facility licensed under title two of this article or title two-A of this article located within zone two; any interest and penalties imposed by the commission relating to those taxes; the appropriate percentage of the value of expired gaming related obligations; all penalties levied and collected by the commission; and the appropriate funds, cash or prizes forfeited from gambling activity.

(b) For any gaming facility that does not qualify under subdivision two of section thirteen hundred twenty-one-a of this article, is licensed under title two-A of this article, and is located within New York City, revenues shall be distributed in the following manner:

(i) fifty percent of the taxes imposed by this article, and any interest and penalties imposed by the commission relating to those taxes shall be deposited to a sole custody fund established under the gaming commission, and paid monthly, without appropriation, directly to the metropolitan transportation authority commercial gaming revenue fund established under section one thousand two hundred seventy-j of the public authorities law; and

(ii) fifty percent of the taxes imposed by this article, and any interest and penalties imposed by the commission relating to those taxes shall be deposited into the commercial gaming revenue fund established under section ninety-seven-nnnn of the state finance law by the commission and shall be appropriated or transferred only for elementary and secondary education or real property tax relief.

(c) For any gaming facility that does not qualify under subdivision two of section thirteen hundred twenty-one-a of this article, is licensed under title two-A of this article, and located within zone one but not located within New York City, revenues shall be distributed in the following manner:

(i) forty percent of the taxes imposed by this article, and any interest and penalties imposed by the commission relating to those taxes shall be deposited to a sole custody fund established under the gaming commission, and paid monthly, without appropriation, directly to the metropolitan transportation authority commercial gaming revenue fund established under section one thousand two hundred seventy-j of the public authorities law;

(ii) forty percent of the taxes imposed by this article, and any interest and penalties imposed by the commission relating to those taxes shall be deposited into the commercial gaming revenue fund established under section ninety-seven-nnnn of the state finance law by the commission and shall be appropriated or transferred only for elementary and secondary education or real property tax relief from the commercial gaming revenue fund;

1 (iii) five percent of the taxes imposed by this article, and any
2 interest and penalties imposed by the commission relating to those
3 taxes, shall be deposited into the commercial gaming revenue fund estab-
4 lished under section ninety-seven-nnnn of the state finance law by the
5 commission and shall be allocated to the host county for the purpose of
6 real property tax relief or for education assistance;

7 (iv) ten percent of the taxes imposed by this article, and any inter-
8 est and penalties imposed by the commission relating to those taxes
9 shall be deposited into the commercial gaming revenue fund established
10 under section ninety-seven-nnnn of the state finance law by the commis-
11 sion and shall be allocated to the host municipality for the purpose of
12 real property tax relief or education assistance; and

13 (v) five percent of the taxes imposed by this article, and any inter-
14 est and penalties imposed by the commission relating to those taxes,
15 shall be deposited into the commercial gaming revenue fund established
16 under section ninety-seven-nnnn of the state finance law by the commis-
17 sion and shall be allocated among counties within the region, as defined
18 by section one thousand three hundred ten of this article, for the
19 purpose of real property tax relief or education assistance. Such
20 distribution from the commercial gaming revenue fund established
21 under section ninety-seven-nnnn of the state finance law shall be made
22 among the counties on a per capita basis, subtracting the popu-
23 lation of host municipality and county.

24 (d) For any gaming facility that qualifies under subdivision two of
25 section thirteen hundred twenty-one-a of this article, is licensed under
26 title two-A of this article, and is located within zone one but not
27 located within New York City, revenues shall be distributed in the
28 following manner:

29 (i) Eighty percent of all deposits in a state fiscal year resulting
30 from taxes imposed by this article, and any interest and penalties
31 imposed by the commission relating to those taxes shall be directed to
32 the commercial gaming revenue fund until the total of such deposits for
33 the state fiscal year is equal to the education aid hold harmless
34 amount. The education aid hold harmless amount shall be equal to the
35 greater of (A) the revenue received from the facility for education aid
36 deposits into the state lottery fund as a video lottery gaming licen-
37 see pursuant to section sixteen hundred seventeen-a of the tax law for
38 the twelve months immediately preceding the date on which such facility
39 began operations as a commercial casino pursuant to title two-A of
40 this article, or (B) the revenue received from the facility for educa-
41 tion aid deposits into the state lottery fund as a video lottery
42 gaming licensee pursuant to section sixteen hundred seventeen-a of the
43 tax law for state fiscal year two thousand twenty-two. For the first
44 fiscal year of gaming facility operations, the hold harmless amount
45 shall reflect a pro-rata amount based on the opening date of the gaming
46 facility. Notwithstanding section ninety-seven-nnnn of the state
47 finance law, such deposits into the commercial gaming revenue fund
48 shall be available exclusively for elementary and secondary education.
49 Should these deposits resulting from taxes imposed pursuant to subdivi-
50 sion one-a of section thirteen hundred fifty-one of this article on
51 the operations of a qualifying gaming facility at the conclusion of a
52 given state fiscal year be less than the total required under this
53 paragraph, such gaming facility shall remit the necessary payment
54 accounting for the difference to the commission for deposit into the
55 commercial gaming revenue fund no later than the next occurring May
56 first.

1 (ii) Twenty percent of all deposits in a state fiscal year resulting
2 from taxes imposed by this article, and any interest and penalties
3 imposed by the commission relating to those taxes, shall be distributed
4 in the same manner as subparagraphs (iii), (iv), and (v) of paragraph
5 (c) of this subdivision.

6 (iii) Once the deposits from a qualifying gaming facility as
7 prescribed in subparagraph (i) of this paragraph exceed the education
8 aid hold harmless amount as determined in subparagraph (i) of this para-
9 graph in a given state fiscal year, eighty percent of all subsequent
10 deposits in such state fiscal year from taxes imposed by this article,
11 and any interest and penalties imposed by the commission relating to
12 those taxes shall be deposited to a sole custody fund established under
13 the gaming commission, and paid monthly, without appropriation, directly
14 to the metropolitan transportation authority commercial gaming revenue
15 fund established under section one thousand two hundred seventy-j of the
16 public authorities law and the remaining twenty percent shall continue
17 to be distributed in the same manner as subparagraphs (iii), (iv), and
18 (v) of paragraph (c) of this subdivision; provided however, that once
19 the dollar amount paid directly to the metropolitan transportation
20 authority commercial gaming revenue fund established under section one
21 thousand two hundred seventy-j of the public authorities law matches the
22 same dollar amount paid pursuant to the education aid hold harmless
23 amount as determined in subparagraph (i) of this paragraph in a given
24 state fiscal year, twenty percent of any excess dollar amounts shall be
25 distributed in the same manner as subparagraphs (iii), (iv), and (v) of
26 paragraph (c) of this subdivision, forty percent of any excess dollar
27 amounts shall be deposited to a sole custody fund established under the
28 gaming commission, and paid monthly, without appropriation, directly to
29 the metropolitan transportation authority commercial gaming revenue fund
30 established under section one thousand two hundred seventy-j of the
31 public authorities law, and forty percent of any excess dollar amounts
32 shall be deposited by the commission into the commercial gaming revenue
33 fund established under section ninety-seven-nnnn of the state finance
34 law for the sole purposes of education aid.

35 (e) For any gaming facility that qualifies under subdivision two of
36 section thirteen hundred twenty-one-a of this article, is licensed under
37 title two-A of this article, and is located within New York City,
38 revenues shall be distributed in the following manner:

39 (i) Eighty percent of all deposits in a state fiscal year resulting
40 from taxes imposed by this article, and any interest and penalties
41 imposed by the commission relating to those taxes, shall be deposited
42 in the same manner as in subparagraph (i) of paragraph (d) of this
43 subdivision. For the first fiscal year of gaming facility operations,
44 the hold harmless amount shall reflect a pro-rata amount based on the
45 opening date of the gaming facility.

46 (ii) Twenty percent of all deposits in a state fiscal year resulting
47 from taxes imposed by this article, and any interest and penalties
48 imposed by the commission relating to those taxes, shall be deposited
49 to a sole custody fund established under the gaming commission, and paid
50 monthly, without appropriation, directly to the metropolitan transporta-
51 tion authority commercial gaming revenue fund established under section
52 one thousand two hundred seventy-j of the public authorities law until
53 the applicable education aid hold harmless amount as prescribed in
54 subparagraph (i) of paragraph (d) of this subdivision has been met.

55 (iii) Once the deposits from a qualifying gaming facility as
56 prescribed in subparagraph (i) of this paragraph exceed the education

1 aid hold harmless amount as determined in subparagraph (i) of paragraph
2 (d) of this subdivision in a given state fiscal year, all subsequent
3 deposits in such state fiscal year from taxes imposed by this article,
4 and any interest and penalties imposed by the commission relating to
5 those taxes, shall be deposited to a sole custody fund established under
6 the gaming commission, and paid monthly, without appropriation, directly
7 to the metropolitan transportation authority commercial gaming revenue
8 fund established under section one thousand two hundred seventy-j of the
9 public authorities law; provided however, that once the dollar amount
10 paid directly to the metropolitan transportation authority commercial
11 gaming revenue fund established under section one thousand two hundred
12 seventy-j of the public authorities law matches the same dollar amount
13 paid pursuant to the education aid hold harmless amount as determined in
14 subparagraph (i) of paragraph (d) of this subdivision in a given state
15 fiscal year, fifty percent of any excess dollar amounts shall be depos-
16 ited to a sole custody fund established under the gaming commission, and
17 paid monthly, without appropriation, directly to the metropolitan trans-
18 portation authority commercial gaming revenue fund established under
19 section one thousand two hundred seventy-j of the public authorities
20 law, and fifty percent of any excess dollar amounts shall be deposited
21 by the commission into the commercial gaming revenue fund established
22 under section ninety-seven-nnnn of the state finance law for the sole
23 purposes of education aid.

24 (f) For a municipality that was appropriated video lottery terminal
25 aid in the year two thousand twenty-three pursuant to section fifty-
26 four-1 of the state finance law, the gaming facility licensed under
27 title two-A of this article that was previously authorized to operate
28 video lottery gaming pursuant to section one thousand six hundred seven-
29 teen-a of the tax law must hold the municipality harmless so that the
30 host municipality does not receive less money in any state fiscal year
31 under the provisions of subparagraph (ii) of paragraph (d) of this
32 subdivision than such host municipality received in annual video lottery
33 terminal aid in the year two thousand twenty-three. The provisions of
34 this paragraph shall apply as of the first full state fiscal year in
35 which video lottery terminal aid is not received by the municipality and
36 gaming facility operations have commenced.

37 2. The commission shall require at least monthly deposits by the
38 licensee of any payments pursuant to section one thousand three hundred
39 fifty-one of this article, at such times, under such conditions, and in
40 such depositories as shall be prescribed by the state comptroller. The
41 deposits shall be deposited to the credit of the commercial gaming
42 revenue fund as established by section ninety-seven-nnnn of the state
43 finance law or to the metropolitan transportation authority commercial
44 gaming revenue fund established under section one thousand two hundred
45 seventy-j of the public authorities law, according to the requirements
46 of subdivision one of this section. The commission may require a monthly
47 report and reconciliation statement to be filed with it on or before the
48 tenth day of each month, with respect to gross revenues and deposits
49 received and made, respectively, during the preceding month.

50 § 1-a. Subdivision 3 of section 1321-e of the racing, pari-mutuel
51 wagering and breeding law, as added by section 7 of part RR of chapter
52 56 of the laws of 2022, is amended to read as follows:

53 3. The board shall determine a licensing fee to be paid by a licensee
54 within thirty days after the [award] selection of the license [~~which~~
55 ~~shall be deposited into the commercial gaming revenue fund~~], provided
56 however that no licensing fee shall be less than five hundred million

1 dollars. The license shall set forth the conditions to be satisfied by
2 the licensee before the gaming facility shall be opened to the public.
3 All revenues collected from license fees from gaming facilities located
4 within zone one shall be deposited to a sole custody fund established
5 under the gaming commission, and paid monthly, without appropriation,
6 directly to the metropolitan transportation authority commercial gaming
7 revenue fund established under section one thousand two hundred seven-
8 ty-j of the public authorities law. All revenues collected from license
9 fees from gaming facilities located within zone two shall be deposited
10 to the commercial gaming revenue fund established under section nine-
11 ty-seven-nnnn of the state finance law. The commission shall set any
12 renewal fee for such license based on the cost of fees associated with
13 the evaluation of a licensee under this article which shall be deposited
14 into the commercial gaming fund. Such renewal fee shall be exclusive of
15 any subsequent licensing fees under this section.

16 § 2. Subdivision 2 of section 97-nnnn of the state finance law, as
17 added by chapter 174 of the laws of 2013, is amended and a new subdivi-
18 sion 6 is added to read as follows:

19 2. Such account shall consist of all revenues [~~from all taxes and fees~~
20 ~~imposed by article thirteen of the racing, pari-mutuel wagering and~~
21 ~~breeding law; any interest and penalties imposed by the New York state]~~
22 received from the gaming commission [relating to those taxes, the
23 percentage of the value of expired gaming related obligations, and all
24 penalties levied and collected by the commission. Additionally, the
25 state gaming commission shall pay into the account any appropriate
26 funds, cash or prizes forfeited from gambling activity] pursuant to
27 paragraphs (a), (b), (c), (d) and (e) of subdivision one of section
28 thirteen hundred fifty-two of the racing, pari-mutuel wagering and
29 breeding law.

30 6. Notwithstanding any provision of this section to the contrary, any
31 money deposited into this fund pursuant to section thirteen hundred
32 fifty-two of the racing, pari-mutuel wagering and breeding law shall be
33 distributed as specified in that section.

34 § 3. The public authorities law is amended by adding a new section
35 1270-j to read as follows:

36 § 1270-j. Metropolitan transportation authority commercial gaming
37 revenue fund. 1. The authority shall establish a fund to be known as the
38 "metropolitan transportation authority commercial gaming revenue fund"
39 which shall be kept separate from and shall not be commingled with any
40 other moneys of the authority.

41 2. The gaming commission shall deposit into the metropolitan transpor-
42 tation authority commercial gaming revenue fund, without appropriation,
43 the revenue including taxes collected in accordance with the relevant
44 provisions of paragraphs (b), (c), (d) and (e) of subdivision one of
45 section thirteen hundred fifty-two of the racing, pari-mutuel wagering
46 and breeding law and licensing fees collected in accordance with the
47 relevant provisions of subdivision three of section thirteen hundred
48 twenty-one-e of the racing, pari-mutuel wagering and breeding law.

49 3. Moneys in the fund may be used by the authority for payment of
50 operating costs of or for the authority, the New York city transit
51 authority and their subsidiaries as the authority shall determine,
52 including debt service. Monies in the fund shall not be pledged to
53 secure bonds, notes or other obligations of the authority, the New York
54 city transit authority and their subsidiaries.

55 4. Nothing contained in this section shall be deemed to restrict the
56 right of the State to amend, repeal, modify or otherwise alter statutes

imposing or relating to the taxes, interest and penalties, fees and charges producing revenues for deposit in the metropolitan transportation authority commercial gaming revenue fund or, if applicable, any appropriations relating thereto.

§ 4. Subdivision 2 of section 1321-a of the racing, pari-mutuel wagering and breeding law, as added by section 7 of part RR of chapter 56 of the laws of 2022, is amended to read as follows:

2. If any of the three additional gaming facility licenses are awarded to an entity that was licensed for video lottery gaming pursuant to section sixteen hundred seventeen-a of the tax law as of January first two thousand twenty-two~~[, the education aid for the state resulting from taxes imposed pursuant to subdivision one-a of section thirteen hundred fifty-one of this article on the gaming facility operations of any such entity in a given state fiscal year shall be no less than the total of education aid deposits into the state lottery fund from the video lottery gaming operations of such entity for the full twelve month period immediately preceding its opening date as a gaming facility, provided however, that the twelve month period education aid total shall not be less than the education aid total from the video lottery gaming operations of such entity for state fiscal year two thousand twenty-two. Should the education aid for the state resulting from taxes imposed pursuant to subdivision one-a of section thirteen hundred fifty-one of this article on the gaming facility operations of such entity at the conclusion of a given state fiscal year be less than the total required under this subdivision, such entity shall remit the necessary payment to the commission for deposit into the commercial gaming revenue fund no later than the next occurring May first. Notwithstanding section ninety-seven nnnn of the state finance law, such payment into the commercial gaming revenue fund shall be available only for elementary and secondary education.]~~, a hold harmless provision shall apply. For the purposes of this section, video lottery gaming operations of an entity shall include any hosted video lottery devices.

§ 5. This act shall take effect immediately.

PART S

Intentionally Omitted

PART T

Intentionally Omitted

PART U

Section 1. Section 4 of chapter 495 of the laws of 2004, amending the insurance law and the public health law relating to the New York state health insurance continuation assistance demonstration project, as amended by section 4 of part T of chapter 58 of the laws of 2022, is amended to read as follows:

§ 4. This act shall take effect on the sixtieth day after it shall have become a law; provided, however, that this act shall remain in effect until July 1, ~~[2023]~~ 2024 when upon such date the provisions of this act shall expire and be deemed repealed; provided, further, that a

1 displaced worker shall be eligible for continuation assistance retroac-
2 tive to July 1, 2004.

3 § 2. This act shall take effect immediately.

4 PART V

5 Intentionally Omitted

6 PART W

7 Intentionally Omitted

8 PART X

9 Section 1. Paragraph (c) of subdivision 2 of section 103-a of the
10 public officers law, as added by section 2 of part WW of chapter 56 of
11 the laws of 2022, is amended to read as follows:

12 (c) members of the public body shall be physically present at any such
13 meeting unless such member is unable to be physically present at any
14 such meeting location due to extraordinary circumstances, as set forth
15 in the resolution and written procedures adopted pursuant to paragraphs
16 (a) and (b) of this subdivision, including disability, illness, caregiv-
17 ing responsibilities, or any other significant or unexpected factor or
18 event which precludes the member's physical attendance at such meeting .
19 Notwithstanding the in person quorum requirements set forth in this
20 subdivision, the public body may determine, through its written proce-
21 dures governing member and public attendance established pursuant to and
22 consistent with this section, to allow for any member who has a disabil-
23 ity as defined in section two hundred ninety-two of the executive law,
24 where such disability renders such member unable to participate in-per-
25 son at any such meeting location where the public can attend, to be
26 considered present for purposes of fulfilling the quorum requirements
27 for such public body at any meetings conducted through videoconferencing
28 pursuant to this section, provided, however, that the remaining criteria
29 set forth in this subdivision are otherwise met; and provided, further,
30 that the public body maintains at least one physical location where the
31 public can attend such meeting;

32 § 2. This act shall take effect immediately; provided, however, that
33 the amendments to section 103-a of the public officers law made by
34 section one of this act shall not affect the repeal of such section and
35 shall be deemed repealed therewith.

36 PART Y

37 Intentionally Omitted

38 PART Z

39 Intentionally Omitted

40 PART AA

Intentionally Omitted

PART BB

Section 1. Subdivision 29 of section 1678 of the public authorities law is amended by adding a new closing paragraph to read as follows:

The authority shall submit a report, no later than September thirtieth, two thousand twenty-four, and annually thereafter, to the governor, the temporary president of the senate and the speaker of the assembly regarding procurements made pursuant to this subdivision. Such report shall include a description of each procurement made pursuant to this subdivision, information regarding the procurement process for each such procurement contract, including the list of responding entities that demonstrated the capability to meet the specifications and terms of the procurement made pursuant to this subdivision if such procurement did not use lowest responsible bidding, the project identification number and a description for each such project, the completion date or projected completion date as applicable for each such project, the status of each such project, the total cost or projected cost and cost modifications of each such project procured pursuant to this subdivision, indication of whether the party awarded a contract pursuant to this subdivision served as a general contractor or subcontractor in fulfilling the contract, and the total dollar value of monies paid to minority-owned and women-owned business enterprises pursuant to this subdivision itemized by year and including the total dollar values for the five years preceding the respective annual report's release date. For annual reports any new procurements and changes during the period covered by the report shall be identified separately.

§ 2. Section 2 of chapter 97 of the laws of 2019 amending the public authorities law, in relation to the award of contracts to small businesses, minority-owned business enterprises and women-owned business enterprises, is amended to read as follows:

§ 2. This act shall take effect immediately and shall expire July 1, ~~2023~~ 2027 when upon such date the provisions of this act shall be deemed repealed.

§ 3. This act shall take effect immediately; provided, however, that the amendments to subdivision 29 of section 1678 of the public authorities law made by section one of this act shall not affect the expiration of such subdivision and shall be deemed repealed therewith.

PART CC

Intentionally Omitted

PART DD

Section 1. Section 1 of chapter 174 of the laws of 1968, constituting the New York state urban development corporation act, is amended by adding a new section 52-a to read as follows:

§ 52-a. Small business innovation research and small business technology transfer matching grant program. 1. The corporation, subject to available appropriations and in consultation with the department of economic development's division for small business, shall establish a matching grant program to provide funds to small businesses who have

1 been awarded phase one or phase two grants under the federal small busi-
2 ness innovation research program or the small business technology trans-
3 fer program. Such grants shall be awarded based on a company's potential
4 for commercialization and job growth. As used in this section, "small
5 business" shall have the same meaning as provided for in section one
6 hundred thirty-one of the economic development law.

7 2. The funding amounts for such grant program shall be as follows:

8 (a) For small businesses that have been awarded phase one funding
9 under the federal small business innovation research program or the
10 small business technology transfer program, the amount shall be up to
11 one hundred thousand dollars.

12 (b) For small businesses that have been awarded phase two funding
13 under the federal small business innovation research program or the
14 small business technology transfer program, the amount shall be up to
15 two hundred thousand dollars.

16 (c) For small businesses that have been awarded phase three status
17 under the federal small business innovation research program or the
18 small business technology transfer program, such businesses shall be
19 provided access to technical assistance and outreach support through
20 relevant programs of the corporation or the division of economic devel-
21 opment best suited to foster such businesses continued success and
22 growth, including but not limited to the manufacturing extension
23 program, centers for advanced technology program, centers of excellence
24 program, the state small business credit initiative program, certified
25 innovation hot spots program, certified business incubator program,
26 entrepreneurial assistance centers, business competitions and acceler-
27 ators supported by the corporation or department of economic develop-
28 ment, and venture capital investments administered by the corporation or
29 department of economic development.

30 3. Small businesses applying to the federal small business innovation
31 research program or the small business technology transfer program may
32 apply to the corporation for a commitment letter that may be included in
33 their application to the federal programs named herein to demonstrate
34 contingent state support and therefore increase their likelihood of
35 receiving federal small business innovation research and small business
36 technology transfer matching grant program funding. State matching
37 grants shall only be provided to small businesses that are selected for
38 an award through the federal small business innovation research program
39 or the small business technology transfer program.

40 4. Such funds awarded pursuant to this section shall be used to expe-
41 dite commercialization and generally used to cover expenses not allowed
42 under the federal small business innovation research program or the
43 small business technology transfer program, including but not limited to
44 business planning, commercialization, patents and marketing studies in
45 sales efforts. Additionally, the corporation shall offer grantees
46 assistance with accessing existing resources offered through the corpo-
47 ration or the department of economic development that cover areas such
48 as business planning inclusive of business financial planning, commer-
49 cialization, intellectual property and patents, mentoring, international
50 trade and export development, and marketing studies in sales efforts
51 support to ensure the most efficient use of funds awarded through this
52 program.

53 5. Such funds shall be awarded on condition that the small business
54 recipient remains headquartered and operates or manufactures in the
55 state for at least two years following the successful commercialization
56 of the business's product or products. Any small business that has

1 received funding under this program that is not headquartered and oper-
2 ates or manufactures in the state for at least two years following the
3 successful commercialization of the business's product or products shall
4 return all grant awards to the state. If the small business ceases oper-
5 ations before five years after the commercialization of its product or
6 products, such business shall be eligible for a waiver of this clawback
7 provision, as determined by the corporation, in consultation with the
8 department of economic development's division for small business.

9 6. The corporation, in consultation with the department of economic
10 development's division for small business, shall establish the form and
11 manner in which applications for grant awards shall be submitted and
12 shall establish rules, regulations, or guidelines for the grant program.
13 The corporation shall endeavor to advance applicants that can demon-
14 strate the degree to which their small business or product advances a
15 green and sustainable economy, or supports traditionally disadvantaged
16 populations.

17 The corporation shall review each application for compliance with the
18 eligibility criteria and other requirements set forth in the program's
19 rules, regulations, or guidelines established by the commissioner. The
20 corporation may approve or reject each application or may return an
21 application for modifications, if necessary.

22 7. The corporation, beginning on June first, two thousand twenty-four,
23 and annually thereafter, provided program funds remain, shall submit a
24 report to the governor, the temporary president of the senate, and the
25 speaker of the assembly. Such annual report shall include, but need not
26 be limited to: the number of applicants by stage; the number of appli-
27 cants approved to receive grants; the total amount of grants awarded and
28 the average amount of such grants awarded; and such other information as
29 the corporation determines necessary and appropriate. Such report shall
30 be included on the corporation's website and any other publicly accessi-
31 ble state databases that list economic development programs, as deter-
32 mined by the corporation.

33 § 2. This act shall take effect immediately.

34 PART EE

35 Section 1. Paragraph (f) of subdivision 1 of section 1977-a of the
36 public authorities law, as added by chapter 628 of the laws of 2019, is
37 amended to read as follows:

38 (f) Additional authorizations. For the purpose of financing capital
39 costs in connection with a program of infrastructure construction,
40 improvements and other capital expenditures for the project area, the
41 authority may, in addition to the authorizations contained elsewhere in
42 this title, borrow money by issuing bonds and notes in an aggregate
43 principal amount not exceeding one billion five hundred million dollars,
44 plus a principal amount of bonds or notes issued (i) to fund any related
45 debt service reserve fund, (ii) to provide capitalized interest, and
46 (iii) to provide for fees and other charges and expenses including any
47 underwriters' discounts, related to the issuance of such bonds or notes,
48 all as determined by the authority, excluding bonds and notes issued to
49 refund outstanding bonds and notes issued pursuant to this section.

50 § 2. This act shall take effect immediately.

51 PART FF

Section 1. Section 217 of the state finance law, as amended by section 1 of part H of chapter 60 of the laws of 2011, is amended to read as follows:

§ 217. Linked loans. Linked loans shall be made by lenders pursuant to the program only to eligible businesses in connection with eligible projects. A linked loan shall be limited to a maximum amount of ~~[two]~~ four million dollars. An eligible business may receive more than one linked loan. During the life of the linked loan program, the total amount of money that a business can borrow from the linked program is ~~[two]~~ six million dollars. The credit decision for making a linked loan shall be made solely by the lender. Notwithstanding the length of the term of a linked loan, the linked deposit relating to the linked loan shall be for a period of not more than four years.

§ 2. The act shall take effect immediately.

PART GG

Section 1. Section 2 of chapter 393 of the laws of 1994, amending the New York state urban development corporation act, relating to the powers of the New York state urban development corporation to make loans, as amended by section 1 of part Y of chapter 58 of the laws of 2022, is amended to read as follows:

§ 2. This act shall take effect immediately provided, however, that section one of this act shall expire on July 1, ~~[2023]~~ 2024, at which time the provisions of subdivision 26 of section 5 of the New York state urban development corporation act shall be deemed repealed; provided, however, that neither the expiration nor the repeal of such subdivision as provided for herein shall be deemed to affect or impair in any manner any loan made pursuant to the authority of such subdivision prior to such expiration and repeal.

§ 2. This act shall take effect immediately.

PART HH

Intentionally Omitted

PART II

Intentionally Omitted

PART JJ

Section 1. Subdivision 3 of section 16-m of section 1 of chapter 174 of the laws of 1968 constituting the New York state urban development corporation act, as amended by section 1 of part Z of chapter 58 of the laws of 2022, is amended to read as follows:

3. The provisions of this section shall expire, notwithstanding any inconsistent provision of subdivision 4 of section 469 of chapter 309 of the laws of 1996 or of any other law, on July 1, ~~[2023]~~ 2024.

§ 2. This act shall take effect immediately.

PART KK

Intentionally Omitted

1

PART LL

2 Section 1. Section 2 of part BB of chapter 58 of the laws of 2012
3 amending the public authorities law, relating to authorizing the dormi-
4 tory authority to enter into certain design and construction management
5 agreements, as amended by section 1 of part II of chapter 58 of the laws
6 of 2021, is amended to read as follows:

7 § 2. This act shall take effect immediately and shall expire and be
8 deemed repealed April 1, [~~2023~~] 2025.

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

25 § 3. This act shall take effect immediately and shall be deemed to
26 have been in full force and effect on and after April 1, 2023.

27

PART MM

28 Section 1. Subdivision 4-a of section 2222 of the vehicle and traffic
29 law, as amended by chapter 609 of the laws of 2005, is amended to read
30 as follows:

31 4-a. Additional fee. In addition to the other fees provided for in
32 paragraphs (a), (b) and (c) of subdivision four of this section the
33 commissioner shall, upon application in such cases for the registration
34 of a snowmobile or the renewal thereof, collect the annual [~~ninety~~] one
35 hundred twenty-five dollar fee for residents and [~~ninety~~] one hundred
36 twenty-five dollar fee for nonresidents [~~and~~] or a [~~thirty-five~~] fifty-
37 five dollar fee for residents and [~~thirty-five~~] fifty-five dollar fee
38 for nonresidents who provide proof, at the time of registration, that
39 such individual is a member of an organized New York state snowmobile
40 club that is a member of the New York state snowmobile association or is
41 a member of an organized New York state snowmobile club that is a trail
42 maintenance entity and a member of the New York state snowmobile associ-
43 ation which are imposed by section 21.07 of the parks, recreation and
44 historic preservation law. In the event that an individual seeking snow-
45 mobile club membership is unable, for any reason, to secure such club
46 membership, he or she may contact the New York state snowmobile associ-
47 ation, who shall secure such membership for such person. This fee shall
48 also be collected from dealers at the time of original registration and
49 at the time of each renewal. The commissioner shall effectuate regu-
50 lations regarding what is required as proof of membership in an organ-
51 ized New York state snowmobile club that is a trail maintenance entity
52 and a member of the New York state snowmobile association for the
53 purposes of this subdivision.

§ 2. Section 21.07 of the parks, recreation and historic preservation law, as amended by chapter 609 of the laws of 2005, is amended to read as follows:

§ 21.07 Fee for snowmobile trail development and maintenance. 1. A fee of ~~[ninety]~~ one hundred twenty-five dollars is hereby imposed upon the resident, and ~~[ninety]~~ one hundred twenty-five dollars upon the nonresident, owner of a snowmobile for the snowmobile trail development and maintenance fund to be paid to the commissioner of motor vehicles upon the registration thereof in addition to the registration fee required by the vehicle and traffic law, the payment of which fee hereby imposed shall be a condition precedent to such individual resident, individual nonresident or dealer registration.

2. Notwithstanding the fee as established in subdivision one of this section, an individual resident or nonresident registering a snowmobile who provides proof at the time of registration, that such individual is a member of an organized New York state snowmobile club that is a member of the New York state snowmobile association or is a member of an organized New York state snowmobile club that is a trail maintenance entity and a member of the New York state snowmobile association, shall pay ~~[thirty-five]~~ fifty-five dollars for each snowmobile for the snowmobile trail development and maintenance fund in addition to the registration required by the vehicle and traffic law. In the event that an individual seeking snowmobile club membership is unable, for any reason, to secure such club membership, he or she may contact the New York state snowmobile association, who shall secure such membership for such person.

§ 3. This act shall take effect one year after it shall have become a law.

PART NN

Intentionally Omitted

PART OO

Section 1. Subdivision 9 of section 103 of the general municipal law, as amended by chapter 90 of the laws of 2017, subparagraph (ii) of paragraph (a) as amended by section 1 of part JJ of chapter 58 of the laws of 2020, is amended to read as follows:

9. (a) Notwithstanding the foregoing provisions of this section to the contrary, a board of education, on behalf of its school district, or a board of cooperative educational services, may separately purchase eggs, livestock, fish, dairy products (excluding milk), juice, grains, and species of fresh fruit and vegetables ~~[directly from New York State producers or growers, or associations of producers and growers]~~, grown, produced or harvested, in New York State, provided that[+

~~(a) (i) such association of producers or growers is comprised of ten or fewer owners of farms who also operate such farms and who have combined to fill the order of a school district or board of cooperative educational services as herein authorized, provided however, that a school district or board of cooperative educational services may apply to the commissioner of education for permission to purchase from an association of more than ten owners of such farms when no other producers or growers have offered to sell to such school or board of cooperative educational services; or~~

~~(ii) such association of producers or growers is comprised of owners of farms who also operate such farms and have combined to fill the order of a school district or board of cooperative educational services, and where]~~ such order is for one hundred fifty thousand dollars or less as herein authorized, provided however, that a school district or board of cooperative educational services may apply to the commissioner of education for permission to purchase orders of more than one hundred fifty thousand dollars from an association of owners of such farms when no other producers or growers have offered to sell to such school[~~,~~

~~(b) the amount that may be expended by a school district in any fiscal year for such purchases shall not exceed an amount equal to twenty cents multiplied by the total number of days in the school year multiplied by the total enrollment of such school district,~~

~~(b-1) the amount that may be expended by a board of cooperative educational services in any fiscal year for such purchases shall not exceed an amount equal to twenty cents multiplied by the total number of days in the school year multiplied by the number of students receiving services by such board of cooperative educational services at facilities operated by a board of cooperative educational services,~~

~~(c) all].~~

(b) All such purchases shall be administered pursuant to regulations promulgated by the commissioner of education. Such regulations shall: be developed in consultation with the commissioner of agriculture and markets to accommodate and promote the provisions of the farm-to-school program established pursuant to subdivision five-b of section sixteen of the agriculture and markets law and subdivision thirty-one of section three hundred five of the education law as added by chapter two of the laws of two thousand two; ensure that the prices paid by a district or board of cooperative educational services for any items so purchased do not exceed the prices of comparable local farm products that are available to districts through their usual purchases of such items; ensure that all producers and growers who desire to sell to school districts or boards of cooperative educational services can readily access information in accordance with the farm-to-school law; include provisions for situations when more than one producer or grower seeks to sell the same product to a district or board of cooperative educational services to ensure that all such producers or growers have an equitable opportunity to do so in a manner similar to the usual purchasing practices of such districts or boards of cooperative educational services; ~~[develop guidelines for approval of purchases of items from associations of more than ten growers and producers,~~ and, to the maximum extent practicable, minimize additional paperwork, recordkeeping and other similar requirements on both growers and producers and school districts.

§ 2. Subdivision 10 of section 103 of the general municipal law, as added by chapter 848 of the laws of 1983, is amended to read as follows:

10. Notwithstanding the foregoing provisions of this section to the contrary, a board of education may, on behalf of its school district, separately purchase milk produced in New York State, directly from licensed milk processors ~~[employing less than forty people]~~ pursuant to the provisions of this subdivision. The amount that may be expended by a school district in any fiscal year pursuant to this section shall not exceed an amount equal to twenty-five cents multiplied by the total number of days in the school year multiplied by the total enrollment of such school district. All purchases made pursuant to this subdivision shall be administered pursuant to regulations promulgated by the commissioner of education. The regulations promulgated by the commissioner of

1 education shall ensure that the prices paid by a school district for
2 items purchased pursuant to this subdivision do not exceed the market
3 value of such items and that all licensed processors who desire to sell
4 to a school district pursuant to this subdivision have equal opportu-
5 nities to do so.

6 § 3. This act shall take effect immediately.

7 PART PP

8 Intentionally Omitted

9 PART QQ

10 Intentionally Omitted

11 PART RR

12 Section 1. The section heading of section 11-0935 of the environmental
13 conservation law, as added by section 1 of part ZZ of chapter 55 of the
14 laws of 2021, is amended to read as follows:

15 Deer hunting [~~pilot~~] program.

16 § 2. Section 2 of part ZZ of chapter 55 of the laws of 2021 amending
17 the environmental conservation law relating to establishing a deer hunt-
18 ing pilot program is amended to read as follows:

19 § 2. This act shall take effect June 1, 2021 and shall expire and be
20 deemed repealed December 31, [~~2023~~] 2025.

21 § 3. This act shall take effect immediately; provided, however that
22 the amendments to section 11-0935 of the environmental conservation law
23 made by section one of this act shall not affect the repeal of such
24 section and shall be deemed repealed therewith.

25 PART SS

26 Section 1. Section 33-0705 of the environmental conservation law, as
27 amended by section 1 of item NN of subpart B of part XXX of chapter 58
28 of the laws of 2020, is amended to read as follows:

29 § 33-0705. Fee for registration.

30 The applicant for registration shall pay a fee as follows:

31 a. [~~On or before July 1, 2023, six~~] Six hundred dollars for each
32 pesticide proposed to be registered, provided that the applicant has
33 submitted to the department proof in the form of a federal income tax
34 return for the previous year showing gross annual sales, for federal
35 income tax purposes, of three million five hundred thousand dollars or
36 less; and

37 b. [~~On or before July 1, 2023, for~~] For all others, six hundred twenty
38 dollars for each pesticide proposed to be registered[~~+~~

39 ~~c. After July 1, 2023, fifty dollars for each pesticide proposed to be~~
40 ~~registered~~].

41 § 2. Section 9 of chapter 67 of the laws of 1992, amending the envi-
42 ronmental conservation law relating to pesticide product registration
43 timetables and fees, as amended by section 2 of item NN of subpart B of
44 part XXX of chapter 58 of the laws of 2020, is amended to read as
45 follows:

1 § 9. This act shall take effect April 1, 1992 provided, however, that
2 section three of this act shall take effect July 1, 1993 [~~and shall~~
3 ~~expire and be deemed repealed on July 1, 2023~~].

4 § 3. This act shall take effect July 1, 2023.

5 PART TT

6 Section 1. Short title. This act shall be known and may be cited as
7 the "Suffolk county water quality restoration act".

8 § 2. Legislative intent. The county of Suffolk ("county"), with a
9 population of one million five hundred thousand persons, has in excess
10 of three hundred eighty thousand existing onsite wastewater disposal
11 systems, comprised mostly of cesspools and septic systems, with two
12 hundred nine thousand of these onsite systems in environmentally sensi-
13 tive areas which could benefit from nitrogen-reducing technologies. The
14 United States Environmental Protection Agency recognizes Long Island as
15 having a sole source aquifer system for its drinking water supply.
16 Suffolk county has an imminent need to preserve this valuable water
17 resource by reducing the amount of nitrogen discharged into the ground-
18 water by onsite systems. The full water cycle is impacted by increasing
19 quantities of nutrients, pathogens, pesticides, volatile organic contam-
20 inants and saltwater intrusion, as well as a number of emerging threats
21 such as prescription drugs and sea level rise.

22 The Suffolk county subwatersheds wastewater plan ("SWP"), certified by
23 the department of environmental conservation as a Nine Elements
24 Watershed (9E) plan, has documented the devastating effects of high
25 levels of nitrogen pollution, not only on the drinking water quality,
26 but also on coastal ecosystems, dissolved oxygen, water clarity,
27 eelgrass, wetlands, shellfish, coastal resilience and in triggering
28 harmful algal blooms. The SWP is a long-term plan to address the need
29 for wastewater treatment infrastructure throughout the county comprehen-
30 sively over a period of fifty years. The SWP delineates the source and
31 concentration of nitrogen loading in one hundred ninety-one subwat-
32 ersheds throughout the county, and establishes nitrogen reduction goals
33 for each watershed.

34 For many areas of the county, installing or connecting sewers is not a
35 practical or cost-effective method of treating wastewater. For that
36 reason, the SWP prescribes a hybrid approach that relies on sewerage
37 where feasible, and the replacement of cesspools and septic systems with
38 innovative/alternative onsite wastewater treatment systems. The consol-
39 idation of any or all of the twenty-seven county sewer districts, as
40 well as unsewered areas of the county, into a county-wide wastewater
41 management district, the establishment of a water quality restoration
42 fund, and a county board of trustees to monitor progress and the allo-
43 cation of resources consistent with the goals of the SWP would allow for
44 the implementation of a much needed integrated long-term wastewater
45 solution for the county through comprehensive planning and management to
46 improve water quality.

47 The purpose of this act is to create a water quality restoration fund
48 to finance projects for the protection, preservation, and rehabilitation
49 of groundwater and surface waters as recommended by the SWP. This act
50 would allow the funding of projects that will mitigate wastewater pollu-
51 tants utilizing the best available technology consistent with the SWP.
52 The water quality restoration fund would be financed with a dedicated
53 and recurring revenue source by the enactment of an additional sales and

1 compensating use tax at the rate of one-eighth of one percent until
2 2060. Such tax would be enacted pursuant to a mandatory referendum.

3 This act shall also provide Suffolk county with the authority to
4 create a county-wide wastewater management district through the consol-
5 idation of existing county sewer districts with currently unsewered
6 areas of the county. A county-wide wastewater management district will
7 provide an integrated and efficient approach to managing wastewater
8 services across the county; allow the county to enhance and expand its
9 incentive program to property owners to upgrade their wastewater treat-
10 ment systems; to manage, monitor and enforce nitrogen reduction programs
11 throughout the county; complete additional sewer extension projects;
12 improve the economic wellbeing of communities; and provide an opportu-
13 nity to consolidate and streamline the county's existing sewer district
14 system and normalize the inequitable rate structure that has long
15 existed.

16 In addition, this act will extend the existing one-quarter of one
17 percent sales tax utilized to finance the county drinking water
18 protection program until 2060.

19 § 3. The county law is amended by adding a new section 256-b to read
20 as follows:

21 § 256-b. Suffolk county wastewater management district. 1. (a)
22 Notwithstanding the provisions of any general, special or local law to
23 the contrary, including this article, the county legislature of Suffolk
24 county is hereby authorized to establish by resolution a Suffolk county
25 wastewater management district, hereinafter referred to in this section
26 as the "district", which shall include all powers of a sewer district
27 and a wastewater disposal district as provided in section two hundred
28 fifty of this article and as set forth in this subdivision, pursuant to
29 the procedure contained in this section.

30 (b) In addition to the powers provided in section two hundred fifty of
31 this article, the district shall have the power, as determined by the
32 county legislature, to: (i) consolidate all of the original county sewer
33 districts within the county as well as unsewered areas of the county,
34 under the jurisdiction of the district; (ii) establish one or more zones
35 of assessment within the district, coterminous with the territorial
36 boundaries of the existing county sewer districts, consolidated pursuant
37 to this section, the method of wastewater collection, treatment and
38 disposal, existing or proposed, or both, and make changes to such zones
39 of assessments; (iii) acquire interests in real property which may be
40 completed by the transfer of property of original county sewer districts
41 to the district, necessary for the installation and maintenance of
42 district facilities; (iv) prioritize district projects in accordance
43 with the Suffolk county subwatershed wastewater plan (SWP) adopted by
44 the county legislature, and any amendments thereto; (v) receive funds
45 from the Suffolk county water quality restoration fund, as established
46 by section one thousand two hundred ten-F of the tax law, and distribute
47 grant proceeds within the district in accordance with the goals estab-
48 lished in the Suffolk county subwatershed wastewater plan; (vi) assume
49 and pay any remaining indebtedness of each original county sewer
50 district; (vii) within the zones of assessment, establish and provide
51 for the collection of charges, rates, taxes or assessments to provide
52 for the costs of operation, expenses, the sums sufficient to pay the
53 annual installment of principal of, and interest on, obligations for
54 improvements of the district, maintenance and improvements of the
55 district, including but not limited to: (A) special assessment as
56 defined in subdivision fifteen of section one hundred two of the real

1 property tax law; (B) special ad valorem levy as defined in subdivision
2 fourteen of section one hundred two of the real property tax law; (C)
3 sewer rent as provided under article fourteen-F of the general municipal
4 law; (viii) distribute grant proceeds within the district in accordance
5 with the goals established in the SWP; and (ix) adopt, amend and repeal,
6 from time to time, rules and regulations for the operation of a county
7 district. Nothing in this section shall be construed to permit the
8 collection of charges, rates, taxes, or assessments authorized by this
9 section outside of the established zones of assessment within the unsew-
10 ered portions of the district or within town or village sewer districts.

11 2. Boundaries. The boundaries of the district upon formation shall
12 include the boundaries of all county sewer districts consolidated into
13 the district and all unsewered areas of the county. Until such time as
14 a town or village sewer district is consolidated into the district as
15 set forth in subdivision ten of this section, the boundaries of the
16 district shall not include territorial boundaries of town or village
17 sewer districts located wholly or in part in the county of Suffolk.

18 3. County agency review and report. The county legislature may direct
19 the county agency, appointed or established pursuant to section two
20 hundred fifty-one of this article, to, or the county agency on its own
21 motion may, review and report thereon to the county legislature on the
22 creation of the district and the merger therewith of any or all existing
23 county sewer districts in accordance with this section and such other
24 details as may be directed by the county legislature consistent with
25 this article. When the agency has caused such report to be prepared, it
26 shall transmit it to the county legislature. Upon receipt of the report,
27 the county legislature shall call a public hearing pursuant to subdivi-
28 sion five of this section to create a Suffolk county wastewater manage-
29 ment district in accordance with this section. Such report shall be
30 filed in the office of the clerk of the legislature of Suffolk county.

31 4. Resolution. The county legislature of Suffolk county may adopt a
32 resolution calling a public hearing upon the proposed creation of the
33 district.

34 5. Notice. The clerk of the county legislature shall give notice of
35 the hearing described in subdivision four of this section in such news-
36 papers and within such time period as set forth in section two hundred
37 fifty-four of this article. Such notice shall specify the time, date
38 and location of such hearing and, in general terms, describe the
39 proposed establishment of the district and the proposed basis of the
40 future assessment of all costs of operation, maintenance and improve-
41 ments of the district.

42 6. Hearing and resolution to establish. The county legislature shall
43 meet at the time, date and location specified in such notice and hear
44 all persons interested in the subject matter thereof concerning the
45 same. If the county legislature determines that it is in the public
46 interest to establish the district as specified in such notice, it shall
47 further determine by resolution: (i) whether all property and property
48 owners within the proposed district are benefited thereby; and (ii)
49 whether all of the property and property owners benefited are included
50 within the limits of the proposed district, the county legislature may
51 adopt a resolution, subject to a permissive referendum, establishing the
52 district.

53 7. Notice of adoption of resolution. Within ten days after the
54 adoption by the county legislature of the resolution to establish the
55 district described in subdivision six of this section, the county legis-
56 lature shall give notice thereof, at the expense of the county, by the

1 publication of a notice in such newspapers and within such time period
2 as set forth in section one hundred one of this chapter. Such notice
3 shall set forth the date of adoption of the resolution and contain an
4 abstract of such resolution, describing, in general terms, the district,
5 the basis for the future assessment of all costs of operation, mainte-
6 nance and improvements, and that such resolution was adopted subject to
7 a permissive referendum.

8 8. Assessments, levies and charges. After the establishment of the
9 district in accordance with this section, the county is hereby author-
10 ized by resolution approved by majority vote of the total membership of
11 the county legislature to assess, levy and collect upon each lot or
12 parcel of land within the zones of assessment established by this
13 section: (a) special assessments as that term is defined in subdivision
14 fifteen of section one hundred two of the real property tax law; (b)
15 special ad valorem levy as that term is defined in subdivision fourteen
16 of section one hundred two of the real property tax law; and (c) sewer
17 rents as provided by article fourteen-F of the general municipal law.
18 Such costs and expenses may include, but shall not be limited to, the
19 amount of money required to pay the annual expenses of maintenance,
20 operation, personnel services of the district and the sums sufficient to
21 pay the annual installment of principal of, and interest on, obligations
22 for improvements of the district. Such sums so levied shall be
23 collected by the local tax collectors or receivers of taxes and assess-
24 ments and shall be paid over to the chief fiscal officer of the county,
25 in the same manner and at the same time as taxes levied for general
26 county purposes. The chief fiscal officer shall keep a separate account
27 of such moneys and they shall be used only for purposes set forth in
28 this section, and in addition, all monies collected from each zone of
29 assessment established or amended in accordance with this section shall
30 be further segregated and shall not be commingled with monies of other
31 zones of assessment except upon approval by resolution of the county
32 legislature upon recommendation of the board of trustees established in
33 accordance with the Suffolk county water quality restoration act. Noth-
34 ing in this section shall be construed to permit the collection of
35 charges, rates, taxes, or assessments authorized by this section outside
36 of the established zones of assessment within the unsewered portions of
37 the district or within town or village sewer districts.

38 8-a. Recording determination. The clerk of the county legislature
39 shall within ten days after the effective date of the resolution creat-
40 ing the district cause a certified copy to be recorded in the office of
41 the clerk of the county and when so recorded such order shall be
42 presumptive evidence of the regularity of the proceedings for the
43 creation of the district and of all other action taken by the county
44 legislature pursuant to this section. A certified copy shall also be
45 filed in the office of the state department of audit and control in
46 Albany, New York.

47 9. Other laws. All provisions of the real property tax law and the
48 Suffolk county tax act, as the same may be amended from time to time,
49 not inconsistent with the provisions of this article, relating to the
50 assessing, levy and collection and enforcement of special assessments,
51 ad valorem levies and sewer rents in the county shall apply and be of
52 equal force and applicability to special assessments, ad valorem levies
53 and sewer rents authorized pursuant to this section. Nothing in this
54 section shall be construed to permit the collection of charges, rates,
55 taxes, or assessments authorized by this section outside of the estab-

lished zones of assessment within the unsewered portions of the district or within town or village sewer districts.

10. Towns and villages. This section shall not be construed as merging the sewer districts of towns and villages within the county of Suffolk into the district created by this section, provided, however, that the merger of any town or village sewer district, or village sewerage system, with the district shall be upon petition of a town or village, in accordance with section two hundred seventy-seven of this article, and, upon the adoption of an order as set forth therein, the town or village sewer district, or village sewerage system, if so determined by the county legislature of Suffolk, shall be merged into and consolidated with the district, and the boundaries of the district shall be deemed extended.

11. Water quality restoration fund. (a) Notwithstanding any provision of law to the contrary, the county of Suffolk shall deposit the net collections from the sales and compensating use tax authorized by section one thousand two hundred ten-F of the tax law into the Suffolk county water quality restoration fund established in accordance therewith, and shall utilize all monies transferred from the fund consistent with this section. Nothing contained in this section shall be construed to prevent the financing in whole or in part, pursuant to the local finance law, of any project authorized pursuant to this section. Monies from the fund may be utilized to repay any indebtedness or obligations incurred pursuant to the local finance law consistent with effectuating the purposes of this section. Where Suffolk county finances a project, in whole, or in part, pursuant to the local finance law, the resolution authorizing such indebtedness shall be accompanied by a report from the county executive demonstrating how said indebtedness will be repaid by the fund. Said report shall include an estimate of projected revenues of the fund during the period of indebtedness. The report shall also provide an accounting of all other indebtedness incurred against the fund to be repaid for the same period. The county legislature shall make findings by resolution that there will be sufficient revenue to repay such indebtedness in its entirety from the fund before authorizing such indebtedness. Monies in said fund may be appropriated from or expended in any fiscal year to implement the powers set forth in this section and to repay any indebtedness or obligations incurred pursuant to the local finance law for the purposes authorized pursuant to this section.

(b) (i) Water quality improvement projects shall be eligible for funding pursuant to this section. For purposes of this section, "water quality improvement projects" shall mean the planning, design, construction, acquisition, enlargement, extension, or alteration of a county, town or village wastewater treatment facility, including individual hookups, or an individual septic system, including an alternative wastewater treatment facility or an individual septic system with active treatment, to treat, neutralize, stabilize, eliminate or partially eliminate sewage or reduce pollutants, including permanent or pilot demonstration wastewater treatment projects, or equipment or furnishings thereof. In the case of individual septic system projects, the funding of the operation and maintenance of such projects shall be included in the definition of "water quality improvement projects". Such projects shall have as their purpose the remediation of existing water quality to meet specific water quality standards consistent with the SWP. Projects consistent with or listed in the SWP that are part of a plan adopted by a local government resulting in a net nitrogen reduction shall be eligi-

1 ble for consideration by the board of trustees, established in accord-
2 ance with subparagraph (i) of paragraph (c) of this subdivision.

3 (ii) Of the annual collections of the fund, administration of the
4 county wastewater management district shall not exceed ten percent. Not
5 less than seventy-five percent of the remaining annual funds after
6 administration shall be used toward funding individual septic systems
7 projects. In addition to water quality improvement projects, other
8 eligible expenditures from the fund shall include the preparation of an
9 annual SWP implementation action plan to protect, preserve, and rehabil-
10 itate groundwater, surface water, and drinking water.

11 (iii) Other than for the payment of indebtedness or obligations
12 incurred as set forth in paragraph (a) of this subdivision, and except
13 for the preparation of the SWP implementation plan itself, no monies may
14 be expended until the SWP implementation plan has been prepared and
15 approved as provided for in this section.

16 (c) (i) Within the local law, ordinance or resolution establishing the
17 Suffolk county water quality restoration fund, pursuant to section one
18 thousand two hundred ten-F of the tax law, the county shall establish a
19 board of trustees of twenty-one members to prepare, review and approve
20 the SWP implementation plan for submission to the county executive and
21 county legislature and shall specify the powers and duties of the board
22 of trustees, including the procedures for appointment of a chairperson.
23 Such approval shall be in addition to all other approvals required by
24 law. The board of trustees shall consist of: (A) a representative from
25 the department of environmental conservation; (B) a representative from
26 the East End supervisors and mayors association; (C) a representative of
27 the Suffolk town supervisors association; (D) a representative of the
28 Suffolk County Village Officials Association; (E) a town representative
29 from the State Central Pine Barrens Joint Planning and Policy Commission
30 to be designated by the commission; (F) a municipal representative from
31 the Peconic Estuary Partnership; (G) a municipal representative from the
32 State South Shore Estuary Reserve; (H) a municipal representative from
33 the Long Island Sound Estuary; (I) a representative of the Long Island
34 Federation of Labor; (J) a representative of Building and Construction
35 Trades Council of Nassau & Suffolk counties; (K) a representative from a
36 regional environmental organization; (L) the chair of the Suffolk county
37 planning commission; (M) the county executive or designee; (N) the
38 presiding officer of the county legislature or designee; (O) the minori-
39 ty leader of the county legislature or designee; (P) the county depart-
40 ment of public works commissioner or designee; (Q) the county department
41 of health services commissioner or designee; (R) a representative from a
42 regional economic development organization; (S) a representative from
43 the liquid waste industry; (T) a representative from the Suffolk County
44 Alliance of Chambers, Inc.; and (U) a representative from the Long
45 Island Contractors Association.

46 (ii) The powers and duties of the board of trustees shall oversee the
47 annual audit pursuant to paragraph (e) of this subdivision, making
48 prudent recommendations for resource allocations for county-approved
49 alternative wastewater treatment technologies not contemplated in the
50 Suffolk county subwatersheds wastewater plan and long-term progress
51 monitoring of the implementation of the Suffolk county subwatersheds
52 wastewater plan regarding achievements of nitrogen load reductions and
53 ecological endpoints.

54 (d) Annual SWP implementation plan. The board of trustees shall
55 prepare, review and approve and submit to the county executive the SWP
56 implementation plan within one year of the effective date of this

1 section, and in every five years thereafter in a like manner. The board
2 of trustees shall conduct a public hearing on said plan before its
3 adoption or subsequent amendment. Said plan shall list every water qual-
4 ity restoration project which the county plans to undertake pursuant to
5 the fund and shall state how such project would improve existing water
6 quality. Funds may only be expended pursuant to this section for
7 projects which have been included in said plan. Said plan shall be
8 consistent with state, federal, county, and local government land use
9 and wastewater management plans. After submission and approval by the
10 county executive, such plan shall be submitted to the county legisla-
11 ture. Upon review, the county legislature shall determine, by local
12 law, whether to approve the proposed plan, if the plan is denied, the
13 plan shall be remanded to the board of trustees for further study. Such
14 plan shall not become effective until approved by local law. Projects
15 may be added or removed from the currently effective SWP implementation
16 plan in a like manner.

17 (e) Annual audit. The county shall annually commission an independent
18 audit of the fund. The audit shall be conducted by an independent certi-
19 fied public accountant or an independent public accountant. Said audit
20 shall be performed by a certified public accountant or an independent
21 public accountant other than the one that performs the general audit of
22 the county's finances. Such audit shall be an examination of the fund
23 and shall determine whether the fund has been administered consistent
24 with the provisions of this section and all other applicable provisions
25 of state law. Said audit shall be initiated within sixty days of the
26 close of the fiscal year of the county and shall be completed within one
27 hundred twenty days of the close of the fiscal year. A copy of the
28 audit shall be submitted annually to the state comptroller and the coun-
29 ty comptroller. A copy of the audit shall be made available to the
30 public within thirty days of its completion. A notice of the completion
31 of the audit shall be published in the official newspaper of the county
32 and shall also be posted on the internet website for the county. The
33 cost of the audit may be a charge to the fund.

34 (f) Annual report. In addition to any other report required by this
35 section, the board of trustees, through its chairperson, shall deliver
36 annually a report to the county legislature. Such report shall be
37 presented by May fifteenth of each year. The report shall describe in
38 detail the projects undertaken, the monies expended, and the administra-
39 tive activities of the water quality fund and district established in
40 accordance with this section, during the prior year. At the conclusion
41 of the report, the chairperson of the board of trustees shall be
42 prepared to answer the questions of the county legislature with respect
43 to the projects undertaken, the monies expended, and the administrative
44 activities during the past year.

45 § 4. Paragraph a of section 11.00 of the local finance law is amended
46 by adding a new subdivision 110 to read as follows:

47 110. Septic systems. The acquisition, construction, or reconstruction
48 of or addition to septic systems funded by programs established by the
49 county of Suffolk, twenty-five years.

50 § 4-a. Subdivisions (a) and (d) of section 1210-A of the tax law, as
51 amended by chapter 683 of the laws of 2007, are amended to read as
52 follows:

53 (a) In addition to the taxes imposed by section twelve hundred ten or
54 any other provision of this article, the county of Suffolk is hereby
55 authorized and empowered to adopt and amend a local law, ordinance or
56 resolution imposing within the territorial limits of said county an

1 additional sales and compensating use tax at the rate of one-quarter of
2 one percent for the period beginning December first, nineteen hundred
3 eighty-four and ending November thirtieth, two thousand [~~thirty~~] ~~sixty~~,
4 which tax shall be identical to the tax imposed by said county pursuant
5 to section twelve hundred ten of this article. Except as hereinafter
6 provided, all provisions of this article, including the definition and
7 exemption provisions and the provisions relating to the administration,
8 collection and distribution by the commissioner, shall apply for
9 purposes of the tax imposed by this section in the same manner and with
10 the same force and effect as if the language of this article had been
11 incorporated in full in this section and had expressly referred to the
12 tax imposed by this section; provided, however, that any provision
13 relating to a maximum rate shall be calculated without reference to the
14 additional sales and compensating use tax herein authorized. For
15 purposes of part IV of this article, relating to the disposition of
16 revenues resulting from taxes collected and administered by the commis-
17 sioner, the additional sales and compensating use tax herein provided
18 shall be deemed to be imposed under the authority of section twelve
19 hundred ten of this article and all provisions relating to the deposit,
20 administration and disposition of taxes, penalties and interest relating
21 to a tax imposed by a county under the authority of section twelve
22 hundred ten of this article shall, except as otherwise specifically
23 provided in this section, apply to the additional sales and compensating
24 use tax imposed pursuant to this section.

25 (d) Notwithstanding any other provision of this article to the contra-
26 ry, the net collections from the tax imposed pursuant to subdivision (a)
27 of this section for the period beginning December first, nineteen
28 hundred eighty-eight and ending November thirtieth, two thousand [~~thir-~~
29 ~~ty~~] ~~sixty~~ shall, upon payment to the county of Suffolk, be deposited in
30 a special fund, to be designated as a drinking water protection reserve
31 fund, to be created by said county therefor separate and apart from any
32 other funds and accounts of the county. Moneys in such fund shall be
33 deposited in one or more of the banks or trust companies designated, in
34 the manner provided by law, as a depository of the funds of such county.
35 Pending expenditure from such fund, moneys therein may be invested in
36 the manner provided in section eleven of the general municipal law. Any
37 interest earned or capital gain realized on the moneys so deposited or
38 invested shall accrue to and become part of such fund. Moneys in said
39 fund may be appropriated from and transferred to or expended in any
40 fiscal year only for the purposes of making payments pursuant to subdi-
41 visions (b) and (c) of this section for the period beginning December
42 first, nineteen hundred eighty-eight, to the extent that moneys in said
43 fund are remaining, and if authorized by local law, for the following
44 purposes:

45 (i) for the purposes of specific environmental protection (acquisition
46 of: farmland development rights; open space, wetlands, woodlands, pine
47 barrens and other lands for passive recreational uses; lands for hamlet
48 greens, hamlet parks, pocket parks, historic parks, cultural parks and
49 other lands for active/parkland recreational uses; lands necessary for
50 maintaining and protecting the quality of surface water, groundwater and
51 coastal resources);

52 (ii) for a water quality protection and restoration program or
53 programs and land stewardship initiatives;

54 (iii) for the purposes of county-wide property tax protection; and

55 (iv) for the purpose of sewer taxpayer protection.

1 Notwithstanding any special or local law, resolution or charter
2 provision to the contrary, moneys in said fund which have not been
3 appropriated from and transferred to or expended in any fiscal year for
4 the purposes of making payments pursuant to subdivisions (b) and (c) of
5 this section, may alternatively be appropriated for the purposes of
6 paying debt service on any new indebtedness incurred after the effective
7 date of the chapter of the laws of two thousand one that enacted this
8 paragraph pursuant to the local finance law in order to effectuate the
9 purposes described in paragraph (i) or (ii) of this subdivision. For the
10 purpose of allocating moneys in said fund pursuant to local law among
11 the purposes described in paragraphs (i), (ii), (iii) and (iv) of this
12 subdivision, moneys applied to the payment of debt service under the
13 authority of the previous sentence shall be considered by said county to
14 have been expended for the purposes for which such indebtedness was
15 incurred.

16 § 4-b. The tax law is amended by adding a new section 1210-F to read
17 as follows:

18 § 1210-F. Sales and compensating use tax for purposes of the Suffolk
19 county water quality restoration fund. (a) In addition to the taxes
20 imposed by section twelve hundred ten, section twelve hundred ten-A, or
21 any other provision of this article, the county of Suffolk is hereby
22 authorized and empowered to adopt and amend a local law, ordinance or
23 resolution, subject to a mandatory referendum, in accordance with the
24 provisions set forth in section twenty-three of the municipal home rule
25 law, imposing within the territorial limits of said county an additional
26 sales and compensating use tax at the rate of one-eighth of one percent
27 for the period beginning March first, two thousand twenty-four and
28 ending February twenty-ninth, two thousand sixty, which tax shall be
29 identical to the tax imposed by said county pursuant to section twelve
30 hundred ten of this article. Provided, however, that such local law,
31 ordinance or resolution shall not take effect unless such county
32 complies with the provisions of subdivisions (d) and (e) of section
33 twelve hundred ten of this subpart and provides notice to the commis-
34 sioner in accordance with the provisions of subdivision (d) of such
35 section of the approval of such resolution by the electors. Except as
36 hereinafter provided, all provisions of this article, including the
37 definition and exemption provisions and the provisions relating to the
38 administration, collection and distribution by the commissioner, shall
39 apply for purposes of the tax imposed by this section in the same manner
40 and with the same force and effect as if the language of this article
41 had been incorporated in full in this section and had expressly referred
42 to the tax imposed by this section; provided, however, that any
43 provision relating to a maximum rate shall be calculated without refer-
44 ence to the additional sales and compensating use tax herein authorized.
45 For purposes of part IV of this article, relating to the disposition of
46 revenues resulting from taxes collected and administered by the commis-
47 sioner, the additional sales and compensating use tax herein provided
48 shall be deemed to be imposed under the authority of section twelve
49 hundred ten of this article and all provisions relating to the deposit,
50 administration and disposition of taxes, penalties and interest relating
51 to a tax imposed by a county under the authority of section twelve
52 hundred ten of this article shall, except as otherwise specifically
53 provided in this section, apply to the additional sales and compensating
54 use tax imposed pursuant to this section.

55 (b) Notwithstanding any other provision of this article to the contra-
56 ry, the net collections from the tax imposed pursuant to subdivision (a)

1 of this section for the period beginning March first, two thousand twen-
2 ty-four and ending February twenty-ninth, two thousand sixty shall, upon
3 payment to the county of Suffolk, be deposited in a special fund, to be
4 designated as the water quality restoration fund to be created by said
5 county therefor separate and apart from any other funds and accounts of
6 the county. Moneys in such fund shall be deposited and secured in the
7 manner provided by section ten of the general municipal law and in no
8 event shall moneys deposited be transferred to any other account. In
9 addition to the net collections from the tax, deposits into the fund may
10 include revenues of Suffolk county from whatever source and may include
11 the acceptance of gifts. Pending expenditure from such fund, moneys
12 therein may be invested in the manner provided in section eleven of the
13 general municipal law. Any interest earned or capital gain realized on
14 the moneys so deposited or invested shall accrue to and become part of
15 such fund. Moneys in said fund may be appropriated from and transferred
16 to or expended in any fiscal year only for the purposes authorized by
17 subdivision eleven of section two hundred fifty-six-b of the county law.

18 § 5. This act shall take effect immediately.

19 PART UU

20 Section 1. Paragraph (a) of section 11.00 of the local finance law is
21 amended by adding a new subdivision 109 to read as follows:

22 109. Lead service line replacement programs established by a munici-
23 pality, school district or district corporation, including, but not
24 limited to programs that inventory, design and replace publicly owned
25 and privately owned lead service lines within an established water
26 system, thirty years. As used in this subdivision, "lead service line"
27 means a service line made in whole or in part of lead, which connects a
28 water main to a building inlet. A lead service line may be owned by the
29 water system, a property owner, or both. A lead gooseneck, pigtail, or
30 connector shall be eligible for replacement regardless of the service
31 line material to which a lead gooseneck, pigtail, or connector is
32 attached. Gooseneck, pigtail, or connector means a short section of
33 pipng, typically not exceeding two feet, which can be bent and used for
34 connections between rigid service piping. A galvanized iron or steel
35 service line is considered a lead service line if it ever was or is
36 currently downstream of any lead service line or service line of unknown
37 material.

38 § 2. This act shall take effect immediately.

39 PART VV

40 Section 1. Expenditures of moneys appropriated in a chapter of the
41 laws of 2023 to the department of agriculture and markets from the
42 special revenue funds-other/state operations, miscellaneous special
43 revenue fund-339, public service account shall be subject to the
44 provisions of this section. Notwithstanding any other provision of law
45 to the contrary, direct and indirect expenses relating to the department
46 of agriculture and markets' participation in general ratemaking
47 proceedings pursuant to section 65 of the public service law or certif-
48 ication proceedings pursuant to article 7 or 10 of the public service
49 law, shall be deemed expenses of the department of public service within
50 the meaning of section 18-a of the public service law. No later than
51 August 15, 2024, the commissioner of the department of agriculture and
52 markets shall submit an accounting of such expenses, including, but not

1 limited to, expenses in the 2023-2024 state fiscal year for personal and
2 non-personal services and fringe benefits, to the chair of the public
3 service commission for the chair's review pursuant to the provisions of
4 section 18-a of the public service law.

5 § 2. Expenditures of moneys appropriated in a chapter of the laws of
6 2023 to the department of state from the special revenue funds-
7 other/state operations, miscellaneous special revenue fund-339, public
8 service account shall be subject to the provisions of this section.
9 Notwithstanding any other provision of law to the contrary, direct and
10 indirect expenses relating to the activities of the department of
11 state's utility intervention unit pursuant to subdivision 4 of section
12 94-a of the executive law, including, but not limited to participation
13 in general ratemaking proceedings pursuant to section 65 of the public
14 service law or certification proceedings pursuant to article 7 or 10 of
15 the public service law, and expenses related to the activities of the
16 major renewable energy development program established by section 94-c
17 of the executive law, shall be deemed expenses of the department of
18 public service within the meaning of section 18-a of the public service
19 law. No later than August 15, 2024, the secretary of state shall submit
20 an accounting of such expenses, including, but not limited to, expenses
21 in the 2023-2024 state fiscal year for personal and non-personal
22 services and fringe benefits, to the chair of the public service commis-
23 sion for the chair's review pursuant to the provisions of section 18-a
24 of the public service law.

25 § 3. Expenditures of moneys appropriated in a chapter of the laws of
26 2023 to the office of parks, recreation and historic preservation from
27 the special revenue funds-other/state operations, miscellaneous special
28 revenue fund-339, public service account shall be subject to the
29 provisions of this section. Notwithstanding any other provision of law
30 to the contrary, direct and indirect expenses relating to the office of
31 parks, recreation and historic preservation's participation in general
32 ratemaking proceedings pursuant to section 65 of the public service law
33 or certification proceedings pursuant to article 7 or 10 of the public
34 service law, shall be deemed expenses of the department of public
35 service within the meaning of section 18-a of the public service law. No
36 later than August 15, 2024, the commissioner of the office of parks,
37 recreation and historic preservation shall submit an accounting of such
38 expenses, including, but not limited to, expenses in the 2023-2024 state
39 fiscal year for personal and non-personal services and fringe benefits,
40 to the chair of the public service commission for the chair's review
41 pursuant to the provisions of section 18-a of the public service law.

42 § 4. Expenditures of moneys appropriated in a chapter of the laws of
43 2023 to the department of environmental conservation from the special
44 revenue funds-other/state operations, environmental conservation special
45 revenue fund-301, utility environmental regulation account shall be
46 subject to the provisions of this section. Notwithstanding any other
47 provision of law to the contrary, direct and indirect expenses relating
48 to the department of environmental conservation's participation in state
49 energy policy proceedings, or certification proceedings pursuant to
50 article 7 or 10 of the public service law, shall be deemed expenses of
51 the department of public service within the meaning of section 18-a of
52 the public service law. No later than August 15, 2024, the commissioner
53 of the department of environmental conservation shall submit an account-
54 ing of such expenses, including, but not limited to, expenses in the
55 2023-2024 state fiscal year for personal and non-personal services and
56 fringe benefits, to the chair of the public service commission for the

1 chair's review pursuant to the provisions of section 18-a of the public
2 service law.

3 § 5. Notwithstanding any other law, rule or regulation to the contra-
4 ry, expenses of the department of health public service education
5 program incurred pursuant to appropriations from the cable television
6 account of the state miscellaneous special revenue funds shall be deemed
7 expenses of the department of public service. No later than August 15,
8 2024, the commissioner of the department of health shall submit an
9 accounting of expenses in the 2023-2024 state fiscal year to the chair
10 of the public service commission for the chair's review pursuant to the
11 provisions of section 217 of the public service law.

12 § 6. Any expense deemed to be expenses of the department of public
13 service pursuant to sections one through four of this act shall not be
14 recovered through assessments imposed upon telephone corporations as
15 defined in subdivision 17 of section 2 of the public service law.

16 § 7. This act shall take effect immediately and shall be deemed to
17 have been in full force and effect on and after April 1, 2023 and shall
18 expire and be deemed repealed April 1, 2024.

19 PART WW

20 Intentionally Omitted

21 PART XX

22 Intentionally Omitted

23 PART YY

24 Intentionally Omitted

25 PART ZZ

26 Section 1. Expenditures of moneys by the New York state energy
27 research and development authority for services and expenses of the
28 energy research, development and demonstration program, including
29 grants, the energy policy and planning program, and the Fuel NY program
30 shall be subject to the provisions of this section. Notwithstanding the
31 provisions of subdivision 4-a of section 18-a of the public service law,
32 all moneys committed or expended in an amount not to exceed \$28,725,000
33 shall be reimbursed by assessment against gas corporations, as defined
34 in subdivision 11 of section 2 of the public service law and electric
35 corporations as defined in subdivision 13 of section 2 of the public
36 service law, where such gas corporations and electric corporations have
37 gross revenues from intrastate utility operations in excess of \$500,000
38 in the preceding calendar year, and the total amount assessed shall be
39 allocated to each electric corporation and gas corporation in proportion
40 to its intrastate electricity and gas revenues in the calendar year
41 2021. Such amounts shall be excluded from the general assessment
42 provisions of subdivision 2 of section 18-a of the public service law.
43 The chair of the public service commission shall bill such gas and/or
44 electric corporations for such amounts on or before August 10, 2023 and
45 such amounts shall be paid to the New York state energy research and

1 development authority on or before September 10, 2023. Upon receipt,
2 the New York state energy research and development authority shall
3 deposit such funds in the energy research and development operating fund
4 established pursuant to section 1859 of the public authorities law. The
5 New York state energy research and development authority is authorized
6 and directed to: (1) transfer up to \$4 million to the state general fund
7 for climate change related services and expenses of the department of
8 environmental conservation from the funds received; and (2) commencing
9 in 2016, provide to the chair of the public service commission and the
10 director of the budget and the chairs and secretaries of the legislative
11 fiscal committees, on or before August first of each year, an itemized
12 record, certified by the president and chief executive officer of the
13 authority, or his or her designee, detailing any and all expenditures
14 and commitments ascribable to moneys received as a result of this
15 assessment by the chair of the department of public service pursuant to
16 section 18-a of the public service law. This itemized record shall
17 include an itemized breakdown of the programs being funded by this
18 section and the amount committed to each program. The authority shall
19 not commit for any expenditure, any moneys derived from the assessment
20 provided for in this section, until the chair of such authority shall
21 have submitted, and the director of the budget shall have approved, a
22 comprehensive financial plan encompassing all moneys available to and
23 all anticipated commitments and expenditures by such authority from any
24 source for the operations of such authority. Copies of the approved
25 comprehensive financial plan shall be immediately submitted by the chair
26 to the chairs and secretaries of the legislative fiscal committees. Any
27 such amount not committed by such authority to contracts or contracts to
28 be awarded or otherwise expended by the authority during the fiscal year
29 shall be refunded by such authority on a pro-rata basis to such gas
30 and/or electric corporations, in a manner to be determined by the
31 department of public service, and any refund amounts must be explicitly
32 lined out in the itemized record described above.

33 § 2. This act shall take effect immediately and shall be deemed to
34 have been in full force and effect on and after April 1, 2023.

35 PART AAA

36 Intentionally Omitted

37 PART BBB

38 Section 1. Paragraph f of subdivision 7 of section 415 of the vehicle
39 and traffic law is amended by adding a new subparagraph (iv) to read as
40 follows:

41 (iv) Notwithstanding any other provision of this paragraph or any
42 provision of paragraph (bb) of subdivision two of section four hundred
43 sixty-three of this title, the commissioner may issue or renew any
44 certificate of registration to a franchisor, manufacturer, distributor,
45 distributor branch or factory branch, as such terms are defined in
46 section four hundred sixty-two of this title, or to any subsidiary,
47 affiliate or controlled entity thereof, that manufactures or assembles
48 buses exclusively; provided, however, that such certificate shall be
49 issued exclusively for the sale of buses to public transportation
50 providers; and provided further, however, that such franchisor, manufac-
51 turer, distributor, distributor branch or factory branch, or any subsid-

iary, affiliate or controlled entity thereof: (1) is a manufacturer that manufactures or assembles exclusively buses, or is a subsidiary, affiliate, or controlled entity of such a manufacturer; and (2) sells such buses under such certificate of registration solely to public transportation providers. For purposes of this subparagraph, the term "public transportation provider" shall mean public transportation systems eligible to receive operating assistance under the provisions of section eighteen-b of the transportation law, and the term "public transportation system" shall mean: (A) any public benefit corporation constituting a transportation authority, or a subsidiary thereof, or any public transportation corporation constituted as an instrumentality of the state, or a subsidiary thereof, directly or through a contract with another entity, that provides mass transportation services to the general public; or (B) any Indian tribe or any county, city, town or village that provides mass transportation services to the general public directly or through a contract with another entity pursuant to section one hundred nineteen-r of the general municipal law.

§ 2. This act shall take effect immediately.

PART CCC

Section 1. The closing paragraph of paragraph (d) of subdivision 2-a of section 1269-b of the public authorities law, as added by section 1 of part LLL of chapter 58 of the laws of 2022, is amended and a new paragraph (f) is added to read as follows:

The status of projects shall be provided and state the current phase of the project, such as planning, design, construction or completion, and shall state how far the project has progressed as measured in percentage by expenditure. The dashboard shall measure progress based on original budgets at the time of project commitment when scope and budget are defined. At a minimum, all changes to planned budgets of greater than ten percent, significant project scope or a three month or more change in schedule shall be provided in narrative form and describe the reason for each change or amendment. The dashboard shall include a glossary or data dictionary which contains plain language descriptions of the data, including individual project data, and any other information provided on the dashboard. The authority shall provide a definition of resiliency in the glossary or data dictionary. The dashboard shall be updated, at a minimum, on a quarterly basis, and all data fields available on the dashboard shall be made available for download on the authority's website in a single tabular data file in a common, machine readable format. Capital dashboard data shall also be made available on the data.ny.gov website or such other successor website maintained by, or on behalf of, the state, as deemed appropriate by the New York state office of information technology services under executive order number ninety-five of two thousand thirteen, or any successor agency or order.

(f) The authority shall create and maintain a separate section on its capital program dashboard website for projects related to accessibility or resiliency. Information on this website shall be updated quarterly. For the purposes of this subdivision, "accessibility" shall mean projects regarding elevators, escalators, or other projects related to compliance with the federal Americans with Disabilities Act of 1990, as amended, and corresponding guidelines, and "resiliency" shall have the same meaning as defined by the authority in its twenty-year needs assessment as required by subdivision c of section twelve hundred sixty-nine-c of this title.

§ 2. Section 1276-b of the public authorities law is amended by adding two new subdivisions 6 and 7 to read as follows:

6. The authority shall publish all data pertaining to each authority's budget and financial plans as required by this section in a common, machine readable format on the authority's website as defined by executive order number ninety-five of two thousand thirteen, "Using Technology to Promote Transparency, Improve Government Performance and Enhance Citizen Engagement" or any successor order. Such data shall include, but not be limited to:

(a) estimates of projected operating revenues and expenses, including monthly projections for the current fiscal year of all revenues and expenses;

(b) quarterly revenue and expense targets;

(c) staffing for the authority and each of its agencies;

(d) a comparison of actual revenues and expenses, actual staffing and actual utilization to planned or projected levels for each of the authority's agencies that operate transportation systems;

(e) the status of each gap-closing initiative with a projected value greater than one million dollars in any given fiscal year; and

(f) the status of capital projects by capital element, including but not limited to commitments, expenditures and completions; and material variances from the plan, cost overruns and delays.

7. The data required to be published pursuant to this section shall be made in a single tabular data file in a common, machine readable format and shall be accessible on the authority's website and the website data.ny.gov or such other successor website maintained by, or on behalf of, the state, as deemed appropriate by the New York state office of information technology services under executive order number ninety-five of two thousand thirteen, or any successor agency or order.

§ 3. Section 1279-f of the public authorities law is amended by adding two new subdivisions 4 and 5 to read as follows:

4. Within one year of the effective date of this subdivision, the authority shall publish a report detailing the steps it has taken to implement the recommendations of the audit and the reviews, and provide estimates of the recurring and non-recurring cost savings and efficiencies that have been realized or are anticipated from implementing such recommendations. The authority shall also review its two thousand twenty to two thousand twenty-four capital plan for cost overages and duplication and include its findings in the report. The authority shall publish an additional updated report no later than July first, two thousand twenty-five.

5. To the extent practicable, the findings and recommendations made pursuant to this section and to section twelve hundred seventy-nine-g of this title shall be incorporated into any twenty-year capital needs assessment submitted prior to January first, two thousand twenty-five to the metropolitan transportation authority capital program review board pursuant to subdivision c of section twelve hundred sixty-nine-c of this title.

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

PART DDD

Section 1. The labor law is amended by adding a new article 35 to read as follows:

ARTICLE 35NEW YORK YOUTH JOBS CONNECTOR PROGRAMSection 1005. Administration and services.1006. Funding.1007. Public outreach.1008. Annual report.

§ 1005. Administration and services. 1. There is hereby established within the department a New York youth jobs connector program to connect unemployed and underemployed individuals between the ages of sixteen and twenty-four years with targeted educational, occupational, and training services to help prepare such individuals for employment and improve opportunities for such individuals to become employed. The New York youth jobs connector program shall be responsible for facilitating the coordination and delivery of existing programs and resources throughout the state which are designed to assist individuals identified in this article with opportunities for employment, skills development, job training, and the other related services described in subdivision two of this section.

2. The department shall coordinate with the office of strategic workforce development, the department of education, the state university of New York, the city university of New York, the office of temporary and disability assistance, the office of children and family services, the urban development corporation and its subsidiaries, and any other relevant agency or entity, to carry out the purposes of this article and leverage existing funds and programs for unemployed and underemployed youth consistent with the purposes described herein. Services provided by such programs may include, but are not limited to, high school equivalency, basic education, job skills training, English-as-a-second language, job readiness training, job placement services, case management, career counseling and assessment, pre-apprenticeships and apprenticeships, pre-vocational skills training, employability planning, supportive services, proactive outreach to unemployed and underemployed youths, skills and vocational programs leading to career pathways and gainful employment, and the development or promulgation of other resources and programs to assist youths between the ages of sixteen and twenty-four years, particularly at-risk youths in such category.

§ 1006. Funding. The department shall identify and leverage any available funds as necessary, including any private funds provided for the purpose of supporting this article, which may be used to subsidize the New York youth jobs connector program. The department may further identify any private or not-for-profit entities which currently provide job placement or training services, or other services described in section one thousand five of this article, whether as the entity's primary purpose or coincidental to such entities' operations. Such entities may include, but not be limited to, boys and girls clubs, local or state-wide affiliated young persons' organizations, and employer associations. The department may, to the extent practicable, contract with such entities for the explicit purpose of using their membership or staff to directly seek out and notify unemployed youths between the ages of sixteen and twenty-four years about the New York youth jobs connector program and the services offered thereunder.

§ 1007. Public outreach. 1. The department shall engage in outreach efforts to raise awareness about the New York youth jobs connector program and the services offered thereunder. Such outreach may include, but not be limited to:

1 (a) brochures and posters to be distributed to school districts,
2 boards of cooperative educational services, public libraries, community
3 colleges, trade schools, agricultural and technical colleges, and other
4 public institutions of higher education;

5 (b) use of social media, internet, radio, newspapers, and print adver-
6 tising;

7 (c) participation in, or organization of program and job fairs;

8 (d) posting easily accessible hyperlinks to such information on the
9 department's website;

10 (e) collaboration with employment agencies or unions; and

11 (f) recruitment of individuals to serve as visible public ambassadors
12 to promote the program.

13 2. The department, in consultation with the office of information
14 technology services, shall create publicly accessible online surveys to
15 assess the goals, eligibility, and job readiness of individuals served
16 by the program to match such individuals with a subset of relevant
17 programs and services for consideration. Such surveys shall be made
18 available on the department's website. The department shall also publish
19 an informational webpage to provide details on the program and outreach
20 events as well as information on and a hyperlink to the online surveys.

21 § 1008. Annual report. Not later than two years after the effective
22 date of this article, and annually thereafter, the commissioner shall
23 prepare and submit a report to the governor, the temporary president of
24 the senate, and the speaker of the assembly on the efficacy and progress
25 made by the New York youth jobs connector program. In preparing the
26 report, the commissioner may seek and include input from relevant stake-
27 holders, including participating youths, schools, programs, and employ-
28 ers. The report shall also include recommendations on further improve-
29 ments concerning outreach efforts to spread awareness of the program.

30 § 2. The economic development law is amended by adding a new section
31 100-b to read as follows:

32 § 100-b. Comprehensive report on the activities of the office of stra-
33 tegic workforce development. Beginning on February first, two thousand
34 twenty-four, and every February first thereafter, the department shall
35 prepare a comprehensive annual report on the activities and efficacy of
36 the office of strategic workforce development. In preparing the report,
37 the department shall coordinate with the department of labor, the
38 department of education, the state university of New York, the city
39 university of New York, the office of temporary and disability assist-
40 ance, the office of children and family services, the urban development
41 corporation and its subsidiaries, and any other relevant agency or enti-
42 ty. Such report shall include, but need not be limited to: aggregate
43 totals for each economic development program administered directly by
44 the office of strategic workforce development, and aggregate totals for
45 related programs in other agencies wherein such program funds are appro-
46 riated within the office of strategic workforce development, the number
47 of awards made since the last report as well as the number of awards
48 made to date, the number of business partners secured through such
49 awards, the dollar total of such awards, regional distribution of such
50 awards, the identified statewide and regional priority sectors as iden-
51 tified by the urban development corporation with input from the regional
52 economic development councils including a description of each such
53 sector, the number of trainees assisted through such awards, leveraged
54 matching funds associated with awards, program participation rates,
55 industry trends, and any other information deemed necessary by the
56 commissioner. The department shall prominently post the comprehensive

1 economic development report on its website no later than February first
2 of each year.

3 § 3. The opening paragraph of subdivision 15 of section 21 of the
4 labor law, as amended by chapter 40 of the laws of 2018, is amended and
5 a new subdivision 16 is added to read as follows:

6 Shall establish and maintain an online database to catalogue and make
7 available information on workforce development funding programs [~~and may~~
8 ~~publish any analysis conducted by the department on such data~~]. Such
9 catalogue shall be updated no less than annually. For purposes of this
10 subdivision, the term "workforce development funding program" shall mean
11 a program that funds or provides targeted educational, occupational or
12 training services for the purpose of effecting the employability of the
13 participant, provides training or employment services, supports an
14 economic development activity by enhancing the skills of the state's
15 workforce, prepares individuals for employment, improves opportunities
16 for individuals to become employed, or promotes understanding of the
17 state labor force market through statistical studies, including but not
18 limited to programs that fund or provide English as a second language
19 and adult literacy. For each workforce development funding program, the
20 online database shall include, but not be limited to, the following
21 information for each funding program:

22 16. Beginning on December first, two thousand twenty-four, and every
23 December first thereafter, the department shall prepare a report of the
24 catalogue of workforce development funding programs established
25 pursuant to subdivision fifteen of this section comprised of analysis
26 conducted by the agency or entity responsible for each workforce devel-
27 opment funding program on the outcomes and effectiveness of such
28 funding programs and the number of persons served by such funding.
29 Such analysis must be submitted to the department by a date specified by
30 the department each year. Such report shall be submitted to the gover-
31 nor, the temporary president of the senate, the speaker of the assembly,
32 the minority leader of the senate and the minority leader of the assem-
33 bly and shall be made publicly available on the department's website.

34 § 4. This act shall take effect immediately; provided, however, that
35 section one of this act shall take effect on the sixtieth day after it
36 shall have become a law. Effective immediately, the addition, amendment,
37 and/or repeal of any rule or regulation necessary for the implementation
38 of this act on its effective date are authorized to be made and
39 completed on or before such effective date.

40 PART EEE

41 Section 1. Section 6 of chapter 882 of the laws of 1953, constituting
42 the waterfront commission act, is amended to read as follows:

43 § 6. Commission established for New York state. A. Unless [~~and until~~]
44 the state of New Jersey concurs with the provisions of the compact
45 contained in [~~section one~~] parts I, II and III of this act [~~shall have~~
46 ~~been concurred in by the state of New Jersey~~], and the consent of
47 congress has been given thereto[, ~~and the commission, provided for ther-~~
48 ~~ein, established~~]:

49 1. [~~The~~] Notwithstanding any law, rule, or regulation to the contrary,
50 the provisions of such compact and [~~sections two, three, four and five~~]
51 parts I, II and III of this act shall apply to and be in full force and
52 effect within the state of New York, except as limited by this section,
53 and any violation of such compact or section shall be a violation of the

1 laws of the state of New York, provided, however, that (with respect to
2 the definitions contained in such compact):

3 (a) "The port of New York district" shall mean only that portion of
4 the district within the state of New York;

5 (b) The "commission", hereinafter referred to in this section as the
6 "New York commission", shall mean and consist of the member appointed by
7 the governor of this state by and with the advice and consent of the
8 senate, and ~~[he]~~ such member shall possess and exercise all the powers
9 and duties of the commission set forth in ~~[section one]~~ parts I, II and
10 III of this act and any other powers and duties conferred herein;

11 (c) The powers and duties of any other officer or agency of this state
12 prescribed by ~~[section one or otherwise by]~~ parts I, II and III of this
13 act shall be effective as if the provisions of the compact were effec-
14 tive as a law of this state; and

15 (d) The New York commission shall not be deemed to be a body corporate
16 and politic and shall be in the executive department of this state and
17 may request, receive, and utilize facilities, resources and data of any
18 department, division, board, bureau, commission, agency or public
19 authority of the state or any political subdivision thereof as it may
20 reasonably request to carry out properly its powers and duties pursuant
21 to this section; and

22 (e) A commissioner serving on the waterfront commission of New York
23 harbor who was appointed by the governor of New York to such position,
24 may serve as acting commissioner of the New York commission until such
25 time as a commissioner is appointed by the governor, with the advice and
26 consent of the senate, pursuant to this subdivision.

27 2. The New York commission is authorized to cooperate with a similar
28 ~~[commission of]~~ entity established in the state of New Jersey, to
29 exchange information on any matter pertinent to the purposes of this
30 act, and to enter into reciprocal agreements for the accomplishment of
31 such purposes, including but not limited to the following objectives:

32 (a) To provide for the reciprocal recognition of any license issued or
33 registration made by either commission;

34 (b) To give reciprocal effect to any revocation, suspension or reprimand
35 with respect to any licensee, and any reprimand or removal from a
36 longshoremen's register;

37 (c) To provide that any act or omission by a licensee or registrant in
38 either state which would be a basis for disciplinary action against such
39 licensee or registrant if it occurred in the state in which the license
40 was issued or the person registered shall be the basis for disciplinary
41 action in both states;

42 (d) To provide that longshoremen registered in either state, who
43 perform work or who apply for work at an employment information center
44 within the other state shall be deemed to have performed work or to have
45 applied for work in the state in which they are registered.

46 3. Notwithstanding any other provision of law, the officers, employees
47 and agents of the commission established by this section may be
48 appointed or employed without regard to their state of residence. Such
49 commission may appoint or employ the same person to a similar office or
50 employment in this state as ~~[he]~~ such person holds in a similar ~~[commis-~~
51 ~~sion or agency of]~~ entity established in the state of New Jersey.

52 B. Notwithstanding any other provision of this act, for the purpose of
53 providing for the commission's expenses of administration ~~[during the~~
54 ~~remainder of the calendar year following the effective date of this act,~~
55 ~~and]~~ until June thirtieth, ~~[nineteen hundred fifty-four]~~ two thousand
56 twenty-four the assessment for such expense shall be at the rate ~~[of one~~

~~and one-half per cent]~~ set by the New York commission, not to exceed the average rate of assessment by the waterfront commission of New York harbor, over the time period from two thousand sixteen until two thousand twenty-three. Such assessment shall be made, collected and enforced in accordance with ~~[article thirteen of the compact and section two]~~ parts I, II and III of this act.

C. Nothing in this section shall be read to confer any powers to the governor or legislature of the state of New Jersey on a New York commission established under paragraph one of subdivision A of this section. References in parts I, II and III of this act to the legislatures of New York and New Jersey shall mean only the legislature of New York, and references to the governors of New York and New Jersey shall mean only the governor of New York, as those powers relate to a New York commission, operating solely within the state of New York.

D. No provision shall be applied to the New York commission under this section unless such provision shall have been previously adopted by New York and New Jersey, with the consent of congress, and applied to the waterfront commission of New York harbor between January first, nineteen hundred fifty-four, and April thirtieth, two thousand twenty-three.

E. All rules and regulations of the waterfront commission of New York harbor, established by the state of New York and by the state of New Jersey shall continue in effect as the rules and regulations of the New York commission until amended, supplemented, or rescinded by the New York commission pursuant to the state administrative procedure act. Previously promulgated regulations inconsistent with the provisions of this act shall be deemed void.

§ 2. This act shall take effect immediately, and shall expire June 30, 2024 when upon such date the provisions of this act shall be deemed repealed.

PART FFF

Section 1. Section 312-a of the executive law, as amended by chapter 96 of the laws of 2019, is amended to read as follows:

§ 312-a. Study of minority and women-owned business enterprises. 1. The director of the division of minority and women-owned business development is authorized and directed to recommission a statewide disparity study regarding the participation of minority and women-owned business enterprises in state contracts since the amendment of this article to be delivered to the governor and legislature no later than August fifteenth, two thousand ~~twenty-three~~ twenty-four. The study shall be prepared by an entity independent of the department and selected through a request for proposal process. The purpose of such study is:

(a) to determine whether there is a disparity between the number of qualified minority and women-owned businesses ready, willing and able to perform state contracts for commodities, services and construction, and the number of such contractors actually engaged to perform such contracts, and to determine what changes, if any, should be made to state policies affecting minority and women-owned business enterprises;

(b) to determine whether there is a disparity between the number of qualified minorities and women ready, willing and able, with respect to labor markets, qualifications and other relevant factors, to participate in contractor employment, management level bodies, including boards of directors, and as senior executive officers within contracting entities and the number of such group members actually employed or affiliated with state contractors in the aforementioned capacities, and to deter-

1 mine what changes, if any, should be made to state policies affecting
2 minority and women group populations with regard to state contractors'
3 employment and appointment practices relative to diverse group members.
4 Such study shall include, but not be limited to, an analysis of the
5 history of minority and women-owned business enterprise programs and
6 their effectiveness as a means of securing and ensuring participation by
7 minorities and women, and a disparity analysis by market area and region
8 of the state. Such study shall distinguish between minority males,
9 minority females and non-minority females in the statistical analysis;
10 and

11 (c) such study shall also include an analysis of the utilization on
12 state agency contracts of businesses owned by an Indian nation or tribe,
13 as such term is defined in section two of the Indian law, whether a
14 disparity exists between availability of such businesses to participate
15 on state agency contracts and utilization, and, if so, the feasibility
16 of authorizing an Indian nation or tribe owned businesses to become
17 certified as a participant in the minority and women-owned business
18 enterprise program.

19 2. The director of the division of minority and women's business
20 development is directed to transmit the disparity study to the governor
21 and the legislature not later than August fifteenth, two thousand [~~twen-~~
22 ~~ty-three~~] twenty-four, and to post the study on the website of the
23 department of economic development.

24 § 2. This act shall take effect immediately; provided, however, that
25 the amendments to section 312-a of the executive law made by section one
26 of this act shall not affect the repeal of such section and shall be
27 deemed repealed therewith.

28 PART GGG

29 Section 1. Subdivision 1 of section 211 of the economic development
30 law, as added by chapter 398 of the laws of 2018, is amended to read as
31 follows:

32 1. The department shall establish and support, within available appro-
33 priations, entrepreneurship assistance centers at career education agen-
34 cies, municipal agencies, and not-for-profit corporations including, but
35 not limited to, local development corporations, chambers of commerce,
36 community-based business outreach centers and other community-based
37 organizations. The purpose of such centers shall be to train minority
38 group members, women, individuals with a disability, dislocated workers
39 and veterans in the principles and practice of entrepreneurship in order
40 to prepare such persons to pursue self-employment opportunities and to
41 pursue a designation as a minority business enterprise or a women-owned
42 business enterprise. Such centers shall provide for training in all
43 aspects of business development and small business management as defined
44 by the commissioner. For purposes of this section, "career education
45 agency" shall mean a community college or board of cooperative educa-
46 tional services operating within the state.

47 § 2. Section 1 of chapter 174 of the laws of 1968, constituting the
48 New York state urban development corporation act, is amended by adding a
49 new section 16-hh to read as follows:

50 § 16-hh. Small business and entrepreneurs grant program. 1. The corpo-
51 ration shall establish and support, within available appropriations, the
52 small business and entrepreneurs grant program, as a two-year pilot
53 initiative of the corporation, to award grants of up to twenty-five
54 thousand dollars, but no less than five thousand dollars, to entrepre-

1 neurs and small business owners to cover start up costs of a new small
2 business, or to support or expand an existing small business in New York
3 state. The corporation shall establish criteria for selection and desig-
4 nation of awardees which shall include, without limitation, the follow-
5 ing requirements:

6 (a) any applicant for a grant under this program shall have success-
7 fully completed a training program at an entrepreneurship assistance
8 center established pursuant to section 211 of the economic development
9 law;

10 (b) an entrepreneur or small business owner shall not be eligible for
11 more than one award under this program for the same small business; and

12 (c) the recipient of the grant shall agree to maintain the operations
13 of the small business for which the grant was approved physically
14 located in the state for at least two years after receipt of the grant,
15 to the extent the business remains operational. Provided however that if
16 within two years of receiving the grant, such business is found to have
17 moved its operations outside the state, the department may seek to
18 recapture the funds or a portion thereof.

19 2. The corporation may promulgate guidelines necessary to effectuate
20 the purposes of this section including, but not limited to, guidelines
21 setting forth procedures for submission and processing of grant applica-
22 tions.

23 § 3. This act shall take effect on the sixtieth day after it shall
24 have become a law and shall expire 2 years after such effective date
25 when upon such date the provisions of this act shall be deemed repealed.

26 PART HHH

27 Section 1. Notwithstanding any provision of law to the contrary, for
28 the purposes of the site preparation credit component of the brownfield
29 redevelopment tax credit pursuant to section 21 of the tax law, as added
30 by chapter 1 of the laws of 2003, a taxpayer can claim a site prepara-
31 tion credit with respect to a site's qualification for a certificate of
32 completion in the taxable year following the taxable year where the
33 certificate of completion was issued by the commissioner of environ-
34 mental conservation pursuant to section 27-1419 of the environmental
35 conservation law, where the taxpayer did not own the qualified site
36 during the taxable year in which the certificate of completion was
37 issued, but became the owner of the qualified site and paid the site
38 preparation costs relevant to the credit claim in the taxable year after
39 the certificate of completion was issued.

40 § 2. A taxpayer that pays site preparation costs for the qualified
41 site cannot claim a site preparation credit if the taxpayer has been
42 identified by the administrator of the New York environmental protection
43 and spill compensation fund as a person responsible for the cleanup and
44 removal costs for the discharge of petroleum at or emanating from the
45 qualified site where it has not resolved an outstanding claim at such
46 site pursuant to article twelve of the navigation law or if the taxpayer
47 has been identified by the department of environmental conservation as a
48 responsible party for the disposal of hazardous waste at the qualified
49 site.

50 § 3. This act shall take effect immediately and shall apply to site
51 preparation credit components of brownfield redevelopment tax credit
52 claims filed for taxable years beginning on or after January 1, 2014 and
53 before January 1, 2023.

1

PART III

2 Section 1. Section 912 of the general municipal law, as added by chap-
3 ter 390 of the laws of 1972, is amended to read as follows:

4 § 912. Orange county industrial development agency. 1. For the benefit
5 of the county of Orange and the inhabitants thereof, an industrial
6 development agency, to be known as the ORANGE COUNTY INDUSTRIAL DEVELOP-
7 MENT AGENCY, is hereby established for the accomplishment of any or all
8 of the purposes specified in title one of this article [~~eighteen-A of~~
9 ~~this chapter~~]. It shall constitute a body corporate and politic, and be
10 perpetual in duration. It shall have the powers and duties now or here-
11 after conferred by title one of this article [~~eighteen-A of this chap-~~
12 ~~ter~~] upon industrial development agencies. It shall be organized in a
13 manner prescribed by and be subject to the provisions of title one of
14 this article [~~eighteen-A of this chapter~~]. Its members shall be
15 appointed by the governing body of the county of Orange. The agency, its
16 members, officers and employees and its operations and activities shall
17 in all respects be governed by the provisions of title one of this arti-
18 cle [~~eighteen-A of this chapter~~].

19 2. For purposes of this section, "financial assistance" shall mean
20 any financial assistance offered by the Orange county industrial devel-
21 opment agency for any project, including but not limited to, a payment
22 in lieu of taxes agreement, an agreement to waive sales tax, or an
23 agreement to waive mortgage recording taxes.

24 3. (a) In accordance with the powers of the office of the state
25 inspector general established by subdivision eight of section fifty-four
26 of the executive law, the state inspector general shall appoint an inde-
27 pendent monitor to carry out the provisions of this section including
28 but not limited to providing guidance and technical assistance related
29 to the policies, practices, programs and decisions of the Orange county
30 industrial development agency, including but not limited to decisions,
31 actions and policies related to contracts and financial assistance
32 agreements. The state inspector general shall appoint such monitor
33 within ninety days of the effective date of this subdivision or as soon
34 thereafter as is practicable. After such appointment, the inspector
35 general may only remove the monitor for violations of law.

36 (b) The reasonable and necessary expenses incurred by the monitor
37 while performing his or her official duties shall be paid by the indus-
38 trial development agency. Notwithstanding any other provision of law,
39 while acting within the scope of his or her authority, the monitor shall
40 not be subject to any liability resulting from carrying out any of the
41 powers expressly given in this section, and the monitor shall be enti-
42 tled to defense and indemnification by the industrial development agen-
43 cy.

44 (c) The monitor shall be entitled to attend all meetings of the indus-
45 trial development agency, including executive sessions; provided howev-
46 er, such monitor shall not be considered for purposes of establishing a
47 quorum of the board, provided further that the monitor may be excused
48 from executive sessions when proposed, pending or current litigation
49 involving the monitor or the office of the state inspector general are
50 being discussed. The industrial development agency shall cooperate with
51 any monitor with access, within forty-eight hours of such request from
52 the monitor, to any necessary documents and records of the industrial
53 development agency including but not limited to databases and planning
54 documents, financial assistance agreements, and contracts consistent
55 with all applicable state and federal statutes. The monitor shall

1 provide a copy of such request for any document or record to the indus-
2 trial development agency board.

3 (d) The board shall provide the monitor with copies of any meeting
4 agendas and all resolutions and motions on such agenda for each board
5 meeting no later than seventy-two hours prior to such board meeting. If
6 a proposed resolution or motion is for the purpose of approving a
7 contract or any financial assistance for a project, the board clerk
8 shall provide the monitor with copies of the proposed contract or finan-
9 cial assistance language at least seven days prior to such meeting.

10 (e) In the event the monitor is not provided with copies of proposed
11 resolutions or motions seventy-two hours prior to a board meeting or in
12 the case of a proposed motion or resolution for the purpose of approving
13 a contract or financial assistance, seven days prior to the next board
14 meeting, the monitor may, at their discretion, remove an item including
15 board resolutions or motions, from consideration by the board at such
16 meeting. Upon failure of the board to provide proposed resolutions or
17 motions as required by this section, the monitor shall provide notice of
18 failure to the board. An item removed from consideration by the monitor
19 may not be reconsidered by the board until the next board meeting.

20 (f) The monitor shall have the power to review any modification to the
21 industrial development agency's uniform tax exemption policy required by
22 section eight hundred seventy-four of this article, contract or finan-
23 cial assistance proposed for consideration by the industrial development
24 agency proposed by the board on or after the effective date of this
25 subdivision; provided however, that all such proposed modifications to
26 the industrial development agency's uniform tax exemption policy
27 required by section eight hundred seventy-four of this article,
28 contracts or agreements shall be provided by the industrial development
29 agency board to the monitor at least seven days prior to adoption.

30 (i) At least seventy-two hours prior to adoption by the board, the
31 monitor shall advise the board or employees of the industrial develop-
32 ment agency, in writing, of the existence of violations of the indus-
33 trial development agency's uniform tax exemption policy required by
34 section eight hundred seventy-four of this article, actual or potential
35 conflicts of interest, or violations of law arising from a proposed
36 contract or financial assistance agreement that the industrial develop-
37 ment agency shall consider before entering into any such contract or
38 agreement.

39 (ii) The board shall document for its own records the existence and
40 resolution of any actual or potential conflict of interest or other
41 violation identified by the monitor.

42 (iii) No such contract or agreement may be approved or entered into by
43 the industrial development agency unless such actual or potential
44 conflict of interest or violation has been resolved to the satisfaction
45 of the monitor.

46 (iv) At least seventy-two hours prior to adoption by the board, the
47 monitor shall advise the board or employees, in writing, of its disap-
48 proval of any changes to the industrial development agency's uniform tax
49 exemption policy; provided additionally, that within thirty days after
50 their appointment, the monitor shall advise such board or employees, in
51 writing, of its disapproval of any changes to the industrial development
52 agency's uniform tax exemption policy made by the board that were made
53 on or after the effective date of this subdivision until such monitor's
54 appointment. Any such change to the uniform tax exemption policy disap-
55 proved by the monitor shall not be effective, and may not be reconsid-
56 ered by the board for at least ten days or until the next board meeting;

1 provided, however, that any change to the uniform tax exemption policy
2 that was made by the board on or after the effective date of this subdi-
3 vision until such monitor's appointment that is disapproved by the moni-
4 tor shall not affect the validity of any prior agreement entered into
5 prior to the monitor's appointment.

6 (v) At least seventy-two hours prior to adoption by the board, the
7 monitor shall advise the board or employees, in writing, of its disap-
8 proval of any proposed contract or agreement with a project applying for
9 financial assistance that would permit a deviation from the industrial
10 development agency's uniform tax exemption policy required by section
11 eight hundred seventy-four of this article. Any such proposed contract
12 or financial assistance agreement that would permit a deviation from
13 such policy shall not be effective, and may not be reconsidered by the
14 board for at least ten days or until the next board meeting.

15 (vi) The monitor shall have seventy-two hours after any contract or
16 financial assistance is approved to review such financial assistance or
17 contract, and if a violation of policy related to the industrial devel-
18 opment agency's uniform tax exemption policy required by section eight
19 hundred seventy-four of this article, a conflict of interest, or a
20 violation of law is identified during such time period, the monitor
21 shall notify the industrial development agency in writing. Any such
22 contract or financial assistance so identified by the monitor shall not
23 be legally binding or effective, and may not be reconsidered by the
24 board for at least ten days or until the next board meeting.

25 (g) The board, in consultation with the monitor, shall adopt a
26 conflict of interest policy, or revise an existing conflict of interest
27 policy, that complies with all existing applicable laws, rules and regu-
28 lations, including article eighteen of this chapter. The conflict of
29 interest policy shall include, but not be limited to:

30 (i) a definition of the circumstances that constitute a conflict of
31 interest;

32 (ii) procedures for identifying, disclosing and resolving a conflict
33 of interest to the board;

34 (iii) a requirement that the person with the conflict of interest not
35 be present at or participate in board deliberations or votes on the
36 matter giving rise to such conflict, provided that nothing in this para-
37 graph shall prohibit the board from requesting that the person with the
38 conflict of interest present information as background or answer ques-
39 tions at a board meeting prior to the commencement of deliberations or
40 voting thereto;

41 (iv) a prohibition against any attempt by the person with the conflict
42 to influence improperly the deliberation or voting on the matter giving
43 rise to such conflict;

44 (v) compliance with all applicable state laws and regulations; and

45 (vi) a requirement that the existence and resolution of the conflict
46 be documented in the board's records, including in the minutes of any
47 meeting at which the conflict was discussed or voted upon.

48 (h) The monitor may advise the board and any industrial development
49 agency officers, employees or agents to undergo any training as deemed
50 necessary.

51 4. The monitor shall undertake an enhanced review of the budget deci-
52 sions and financial assistance agreements of the industrial development
53 agency.

54 (a) The board shall annually submit the industrial development agen-
55 cy's proposed budget for the next succeeding fiscal year to the monitor
56 no later than forty-five days prior to its adoption. The monitor shall

1 review the budget to ensure that it, to the greatest extent possible, is
2 consistent with purposes and necessary activities of the Orange county
3 industrial development agency, and that it does not substantially
4 conflict with the long term economic interests of Orange county and its
5 constituents.

6 (b) The board shall provide quarterly reports to the monitor and annu-
7 al reports to the state inspector general on the operational status of
8 the industrial development agency. In addition, the monitor shall
9 provide semi-annual reports to the state inspector general, the gover-
10 nor, the temporary president of the senate, and the speaker of the
11 assembly on the fiscal and operational status of the industrial develop-
12 ment agency. Such semi-annual report shall include a summary of all the
13 contracts that the board entered into throughout the year. All reports
14 shall be subject to review by the comptroller.

15 (c) The monitor shall advise the board in the development and revision
16 of the industrial development agency's goals, implementation of its
17 priorities and budgetary recommendations.

18 (d) The monitor may recommend, and the board may consider by vote of a
19 resolution at the next scheduled meeting of the board, cost saving meas-
20 ures including, but not limited to, shared service agreements.

21 5. Nothing in this section shall be construed to abrogate the duties
22 and responsibilities of the board consistent with applicable state law
23 and regulations.

24 § 2. Section 54 of the executive law is amended by adding a new subdivi-
25 sion 8 to read as follows:

26 8. Appoint an independent monitor to provide guidance and technical
27 assistance related to the policies, practices, programs and decisions of
28 the Orange county industrial development agency, as authorized in subdivi-
29 sions two, three, four and five of section nine hundred twelve of the
30 general municipal law.

31 § 3. This act shall take effect immediately; provided however, that
32 subdivisions two, three, four and five of section 912 of the general
33 municipal law, as added by section one of this act, and subdivision 8 of
34 section 54 of the executive law, as added by section two of this act,
35 shall expire and be deemed repealed three years after such effective
36 date.

37 § 2. Severability clause. If any clause, sentence, paragraph, subdivi-
38 sion, section or part of this act shall be adjudged by any court of
39 competent jurisdiction to be invalid, such judgment shall not affect,
40 impair, or invalidate the remainder thereof, but shall be confined in
41 its operation to the clause, sentence, paragraph, subdivision, section
42 or part thereof directly involved in the controversy in which such judg-
43 ment shall have been rendered. It is hereby declared to be the intent of
44 the legislature that this act would have been enacted even if such
45 invalid provisions had not been included herein.

46 § 3. This act shall take effect immediately provided, however, that
47 the applicable effective date of Parts A through III of this act shall
48 be as specifically set forth in the last section of such Parts.