

STATE OF NEW YORK

8308--B

IN SENATE

January 17, 2024

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

AN ACT to amend part PP of chapter 54 of the laws of 2016 amending the public authorities law and the general municipal 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 (Part A); intentionally omitted (Part B); to amend the public authorities law, in relation to enacting the "toll payer protection act"; to amend the vehicle and traffic law, in relation to penalties for concealing and obscuring license plates; and providing for the repeal of certain provisions upon expiration thereof (Part C); intentionally omitted (Part D); to amend part I of chapter 413 of the laws of 1999, relating to providing for mass transportation payments, in relation to the amount of payments in the Capital District Transportation District and adding Warren County to such District (Part E); to amend chapter 751 of the laws of 2005, amending the insurance law and the vehicle and traffic law relating to establishing the accident prevention course internet technology pilot program, in relation to the effectiveness thereof (Part F); to amend part U1 of chapter 62 of the laws of 2003, amending the vehicle and traffic law and other laws relating to increasing certain motor vehicle transaction fees, in relation to the effectiveness thereof; and to amend part B of chapter 84 of the laws of 2002, amending the state finance law relating to the costs of the department of motor vehicles, in relation to the effectiveness thereof (Part G); to amend the vehicle and traffic law, in relation to establishing an online insurance verification system for motor vehicle insurance; and to repeal certain provisions of such law relating to motor vehicle insurance and funds for a certain pilot database system (Part H); to amend the vehicle and traffic law, in relation to establishing speed limits in cities with populations in excess of one million people (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

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

LBD12673-03-4

thereof (Part J); to amend chapter 3 of the laws of 2020 relating to establishing the stretch limousine passenger safety task force, in relation to extending the provisions thereof (Subpart A); to amend the vehicle and traffic law, in relation to pre-trip safety briefings for drivers of stretch limousines (Subpart B); to amend the vehicle and traffic law, in relation to stretch limousine roll-over and anti-intrusion protection; and providing for the repeal of such provisions upon expiration thereof (Subpart C); to amend the transportation law and the vehicle and traffic law, in relation to penalties for violations of provisions related to stretch limousines (Subpart D); to amend the transportation law, in relation to requiring the department of transportation to provide information regarding federal safety fitness standards for certain motor carriers (Subpart E); to amend the vehicle and traffic law, in relation to additional equipment requirements for stretch limousines; and providing for the repeal of such provisions upon expiration thereof (Subpart F); and to amend the vehicle and traffic law, in relation to stretch limousine age and mileage parameters (Subpart G) (Part K); to amend part EEE of chapter 58 of the laws of 2023, amending the waterfront commission act relating to the waterfront commission of New York harbor, in relation to the effectiveness thereof (Part L); to amend part DDD of chapter 55 of the laws of 2021 amending the public authorities law relating to the clean energy resources development and incentives program, in relation to the effectiveness thereof; and to amend the public authorities law, in relation to exempting certain viable agricultural land from being designated as suitable for a build-ready site (Part M); intentionally omitted (Part N); to amend the public service law, the eminent domain procedure law, the energy law, the environmental conservation law, the public authorities law, and the education law, in relation to transferring the functions of the office of renewable energy siting to the department of public service and accelerating the permitting of electric utility transmission facilities; and to repeal certain provisions of the executive law and the public service law relating thereto (Part O); to amend the public service law, the public authorities law, the transportation corporations law and the labor law, in relation to aligning utility regulation with state climate justice and emission reduction targets; to repeal section 66-b of the public service law relating to continuation of gas service; and to repeal section 66-g of the public service law relating to the sale of indigenous natural gas for generation of electricity (Part P); 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 Q); to amend the agriculture and markets law, in relation to application fees for the licensing of weighmasters (Part R); to amend the environmental conservation law, in relation to authorizing state assistance payments toward climate smart community projects of up to eighty percent to municipalities that meet criteria relating to financial hardship or disadvantaged communities (Part S); to amend the environmental conservation law, in relation to air quality control program fees; and to repeal certain provisions of the environmental conservation law and the state finance law relating thereto (Part T); intentionally omitted (Part U); intentionally omitted (Part V); intentionally omitted (Part

W); intentionally omitted (Part X); to amend chapter 261 of the laws of 1988, amending the state finance law and other laws relating to the New York state infrastructure trust fund, in relation to the effectiveness thereof (Part Y); intentionally omitted (Part Z); intentionally omitted (Part AA); 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 BB); intentionally omitted (Part CC); to amend the insurance law, in relation to supplemental spousal liability insurance (Part DD); to amend the insurance law, in relation to cost sharing for covered prescription insulin drugs (Part EE); to amend the insurance law, in relation to affordable housing (Part FF); intentionally omitted (Part GG); to amend the insurance law, in relation to certain penalties (Part HH); intentionally omitted (Part II); to amend the general business law, agriculture and markets law, and the public health law, in relation to enacting the "Consumer and Small business Protection Act" (Part JJ); to amend the public officers law, in relation to lowering quorum requirements for meetings of community boards held by videoconferencing in cities with a population of one million or more; and to amend part WW of chapter 56 of the laws of 2022 amending the public officers law relating to permitting videoconferencing and remote participation in public meetings under certain circumstances, in relation to the effectiveness thereof (Part KK); to amend the insurance law, in relation to reinsurance, distribution for life insurers, and assessments; and to amend the tax law, in relation to the credit relating to life and health insurance guaranty corporation assessments (Part LL); intentionally omitted (Part MM); to amend the insurance law, in relation to rates for livery insurance (Part NN); to repeal subdivision 6 of section 51 of the public authorities law, relating to voting by members of the New York state authorities control board (Part OO); to amend the public authorities law, in relation to establishing a local authorities searchable subsidy and economic development benefits database; to amend the general municipal law, in relation to the obligations of certain industrial development agencies; and to amend the not-for-profit corporation law, in relation to the status of certain local development corporations (Subpart A); to amend the not-for-profit corporation law and the public authorities law, in relation to the applicability of open meetings and freedom of information laws to certain not-for-profit corporations (Subpart B); to amend the general municipal law, in relation to allowing for the examination of industrial development agencies and not-for-profit corporations by county comptrollers (Subpart C); and to amend the public authorities law and the not-for-profit corporation law, in relation to reviews by the authorities budget office and granting the authorities budget office the authority to commence an action or special proceeding to annul the corporate existence or dissolve a corporation that has acted beyond its capacity or power or to restrain it from carrying on unauthorized activities (Subpart D) (Part PP); to amend the environmental conservation law, in relation to establishing the position of Catskill park coordinator within the department of environmental conservation (Part QQ); to amend the executive law, in relation to establishing the office of flooding prevention and mitigation (Part RR); to amend the environmental conservation law, in relation to establishing the climate change adaptation cost recovery program; and to amend the state finance law, in relation to establish-

ing the climate change adaptation fund (Part SS); to amend the New York state urban development corporation act, in relation to internships for the regional economic development partnership program (Part TT); to amend chapter 537 of the laws of 1976, relating to paid, free and reduced price breakfast for eligible pupils in certain school districts, in relation to purchases of food products from New York state farmers, growers, producers or processors (Part UU); to amend the public authorities law, in relation to directing the Metropolitan Transportation Authority to expand the Fair Fares NYC program to include travel on the Long Island Rail Road or Metro-North Railroad within the city of New York (Subpart A); to amend the public authorities law, in relation to directing the Long Island Rail Road and Metro-North Railroad to offer a weekly ticket at a reduced rate, including free transfers to Metropolitan Transportation Authority subway and bus service, for trips within the city of New York (Subpart B); and to amend the public authorities law, in relation to directing the Long Island Rail Road and Metro-North Railroad to implement a half fare rate program for certain eligible individuals during morning peak fare time periods across the Metropolitan Transportation Authority's commuter rail system (Subpart C)(Part VV); to amend the transportation law, in relation to the purchase of zero-emission buses; to amend the public authorities law and the general municipal law, in relation to the procurement of electric-powered buses, vehicles or other related equipment; and to amend the public service law, in relation to infrastructure and capacity related to charging of electric buses and a tariff for zero-emission bus charging (Part WW); to amend the environmental conservation law and the state finance law, in relation to enacting the "harmful algal bloom monitoring and prevention act" (Part XX); to amend the insurance law, in relation to establishing a captive insurance program for commuter vans, black cars, ambulettes and paratransit vehicles, and small school buses (Part YY); to amend the tax law and the state finance law, in relation to imposing a supplemental state assessment fee on transportation network company prearranged trips that originate in the state outside the metropolitan commuter transportation district (Part ZZ); to amend the environmental conservation law and the state finance law, in relation to the disposition of certain fees and penalties (Part AAA); to amend the highway law, in relation to designating South Park Avenue and part of Ridge Road in the city of Lackawanna as a state highway (Part BBB); to amend the public service law, the environmental conservation law and the state finance law, in relation to reporting requirements and audits of private water companies (Part CCC); establishing a commission to determine what benefits a public bank or network of public banks owned by the state of New York or by a public authority constituted by the state of New York can provide; and providing for the repeal of such provisions upon expiration thereof (Part DDD); to amend the vehicle and traffic law, in relation to establishing scramble crosswalks leading to and from school buildings during times of student arrival and dismissal (Part EEE); to amend the canal law, in relation to directing the canal corporation to create a chart to identify, map and model normal and flood water flows in the Oswego river basin and the Mohawk river basin (Part FFF); to amend the vehicle and traffic law and the administrative code of the city of New York, in relation to the contents, and adjudication, of notices of violation returnable to a parking violations bureau, and to an increase in the fine for commercial vehicles that park on residential streets overnight (Part GGG);

to amend the New York state urban development corporation act and the tax law, in relation to enacting the "cannabis farmer rescue and relief act"; and providing for the repeal of certain provisions upon expiration thereof (Part HHH); and to amend the environmental conservation law, in relation to establishing the safe water infrastructure action program (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 2024-2025 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

Section 1. Section 3 of part PP of chapter 54 of the laws of 2016 amending the public authorities law and the general municipal law relating to the New York transit authority and the metropolitan transportation authority, as amended by section 1 of part C of chapter 58 of the laws of 2023, 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, [~~2024~~] 2025, 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. This act shall take effect immediately.

PART B

Intentionally Omitted

PART C

Section 1. This act shall be known and may be cited as the "toll payer protection act".

§ 2. Section 2985 of the public authorities law is designated to be in title 11-A of article 9 and a new title heading is added to read as follows:

TOLL COLLECTIONS

§ 3. The public authorities law is amended by adding a new section 2985-a to read as follows:

1 § 2985-a. Tolls by mail. 1. Applicability. This section shall apply to
2 the tolls by mail program and shall not apply to the payment of tolls by
3 means of an electronic toll device that transmits information through an
4 electronic toll collection system as defined in subdivision twelve of
5 section twenty-nine hundred eighty-five of this title.

6 2. Definitions. For purposes of this section, the following terms
7 shall have the following meanings:

8 (a) "Cashless tolling facility" shall mean a toll highway, bridge or
9 tunnel facility that does not provide for the immediate on-site payment
10 in cash of a toll owed for the use of such facility.

11 (b) "Cashless tolling monitoring system" shall mean a vehicle sensor
12 which automatically produces a recorded image of a vehicle and license
13 plate at the time it is used or operated at a cashless tolling facility
14 and whose owner has incurred an obligation to pay a toll through the
15 cashless tolling program.

16 (c) "Debt collection agency" shall mean a person, firm or corporation
17 engaged in business, the principal purpose of which is to regularly
18 collect or attempt to collect debts owed or due or asserted to be owed
19 or due to another and shall also include a buyer of delinquent debt who
20 seeks to collect such debt either directly or through the services of
21 another by, including but not limited to, initiating or using legal
22 processes or other means to collect or attempt to collect such debt.

23 (d) "Electronic means of communication" shall include but not be
24 limited to electronic mail and text messaging.

25 (e) "Electronic toll collection system" shall mean a system of
26 collecting tolls or charges which is capable of charging an account
27 holder the appropriate toll or charge by transmission of information
28 from an operable electronic device on a motor vehicle to the toll lane,
29 which information is used to charge the account the appropriate toll or
30 charge.

31 (f) "Lessee" shall mean any person, corporation, firm, partnership,
32 agency, association, or organization that rents, leases or contracts for
33 the use of one or more vehicles and has exclusive use thereof for any
34 period of time.

35 (g) "Lessor" shall mean any person, corporation, firm, partnership,
36 agency, association, or organization engaged in the business of renting
37 or leasing vehicles to any lessee under a rental agreement, lease or
38 otherwise wherein such lessee has the exclusive use of such vehicle for
39 any period of time.

40 (h) "Notice of violation" shall mean a notice sent to an owner notify-
41 ing such owner that a toll incurred at a cashless tolling facility by
42 the owner has not been paid at the place and time and in the manner
43 established for collection of such toll in the toll bill.

44 (i) "Operable electronic device" shall mean an electronic device that
45 successfully transmits information through an electronic toll collection
46 system.

47 (j) "Owner" shall mean any person, corporation, partnership, firm,
48 agency, association, lessor or organization who, at the time of incur-
49 ring an obligation to pay a toll at a cashless tolling facility, and
50 with respect to the vehicle identified in the notice of toll due: (i) is
51 the beneficial or equitable owner of such vehicle; or (ii) has title to
52 such vehicle; or (iii) is the registrant or co-registrant of such vehi-
53 cle which is registered with the department of motor vehicles of this
54 state or any other state, territory, district, province, nation or other
55 jurisdiction; or (iv) is subject to the limitations set forth in subdi-
56 vision ten of section twenty-nine hundred eighty-five of this title.

1 uses such vehicle in its vehicle renting and/or leasing business; or (v)
2 is a person entitled to the use and possession of a vehicle subject to a
3 security interest in another person.

4 (k) "Penalty" shall mean any late payment fees, charges, or monetary
5 penalties imposed by a public authority, exclusive of any toll or tolls
6 incurred at the cashless tolling facility, for failure to timely pay an
7 obligation to pay a toll.

8 (l) "Toll bill" shall mean a notice sent to an owner notifying such
9 owner that the owner's vehicle has been used or operated at a cashless
10 tolling facility, crossed a cashless tolling monitoring system without
11 an operable electronic device and has incurred an obligation to pay a
12 toll.

13 (m) "Tolls by mail program" shall mean any program operated by or on
14 behalf of a public authority to identify vehicles that cross through a
15 cashless tolling facility without an operable electronic device and to
16 send a toll bill or notice of violation to the owner of the vehicle.

17 (n) "Violation" shall mean the failure of the owner to timely respond
18 to a toll bill.

19 3. Authorization for cashless tolling. (a) Notwithstanding any other
20 provision of law, every public authority that operates a toll highway,
21 bridge and/or tunnel facility and is authorized pursuant to section
22 twenty-nine hundred eighty-five of this title to promulgate toll
23 collection regulations and to impose monetary liability for failure to
24 comply with such regulations is hereby authorized and empowered to oper-
25 ate a demonstration program for utilization of cashless tolling facili-
26 ties, cashless tolling monitoring systems, and a tolls by mail program
27 and to impose monetary liability on the owner of a vehicle for failure
28 to comply with the toll collection regulations of such public authority
29 so long as each public authority complies with the provisions of this
30 section. Such public authority shall promulgate regulations establishing
31 a demonstration program for the utilization of cashless tolling facili-
32 ties, cashless tolling monitoring systems, and a tolls by mail program
33 that comply with the provisions of this section. Such regulations may
34 impose monetary liability on the owner of a vehicle for failure to
35 comply with such regulations. No public authority shall own, operate or
36 otherwise facilitate a cashless tolling facility, cashless tolling moni-
37 toring system, or tolls by mail program without first promulgating regu-
38 lations pursuant to and in compliance with this section.

39 (b) Such demonstration program shall utilize necessary technologies to
40 ensure, to the extent practicable, that recorded images produced by such
41 cashless tolling monitoring systems shall not include images that iden-
42 tify the driver, the passengers, or the contents of a vehicle. However,
43 no toll bill or notice of violation issued pursuant to this section
44 shall be invalid solely because a recorded image allows for the iden-
45 tification of the contents of a vehicle, provided that such public
46 authority has made a reasonable effort to comply with the provisions of
47 this paragraph.

48 (c) Every public authority that operates a cashless tolling facility
49 shall undertake a public awareness campaign regarding the use of and
50 process involved with the payment of tolls at cashless tolling facili-
51 ties. Each public authority shall provide sufficient methods for owners
52 to obtain an operable electronic device for the electronic toll
53 collection system, including making such devices available at all rest
54 areas owned or operated by each authority.

55 (d) Every public authority that operates a cashless tolling facility
56 shall maintain a website and toll-free phone number for any person to

1 obtain current information on any outstanding tolls and shall implement
2 a system to notify those owners who so request by electronic means of
3 communication about tolls as they are incurred. Such website and phone
4 number shall be printed on any toll bill or notice of violation.

5 4. Owner liability. (a) Within the jurisdiction of every public
6 authority which has promulgated regulations pursuant to subdivision
7 three of this section: (i) the owner shall incur an obligation to pay a
8 toll when the owner's vehicle crosses through a cashless tolling facili-
9 ty pursuant to this section if such vehicle was used or operated with
10 the permission of the owner, express or implied, and such obligation is
11 evidenced by information obtained from the cashless tolling monitoring
12 system; or (ii) the owner of a vehicle shall incur an obligation to pay
13 a toll when such vehicle crosses a cashless tolling facility without an
14 operable electronic device and is identified by a cashless tolling moni-
15 toring system.

16 (b) The owner of a vehicle shall be liable for a civil penalty imposed
17 pursuant to this section if such owner incurred an obligation to pay a
18 toll and fails to timely pay or respond to such toll in the manner set
19 forth in the toll bill in accordance with this section and shall be
20 liable for penalties in accordance with the penalties set forth herein.
21 Provided, however, no owner of a vehicle shall be liable for a penalty
22 imposed pursuant to this section where the operator of such vehicle has
23 been convicted of a violation of toll collection regulations for the
24 same incident.

25 5. Toll bills and notices of violation. (a) Toll bill. The public
26 authority shall within thirty days of an owner incurring an obligation
27 to pay a toll send a toll bill by first-class mail to such owner. (i)
28 Within thirty days of the mailing of the toll bill the owner shall (A)
29 pay the toll, without liability for any penalty, or (B) contest such
30 toll bill. (ii) The toll bill shall include: (A) the date, time,
31 location, license plate number and vehicle registration for each toll;
32 (B) the total amount of the toll due; (C) the date by which the toll
33 must be paid; (D) the address for receipt of payment and methods of
34 payment for such toll bill; (E) the procedure for contesting any toll;
35 (F) information related to the failure to timely pay or respond to a
36 toll bill; (G) the website address or hyperlink for the owner to access
37 time-stamped photographs or footage of each toll incurred; and (H) any
38 other information required by law or by the authority. If an authority
39 fails to send a toll bill as set forth in this section, the owner shall
40 not be liable for payment of the tolls, or any penalty.

41 (b) Second toll bill. If an owner fails to respond to a toll bill
42 within thirty days of the mailing of such toll bill, the public authori-
43 ty shall send a second toll bill by first-class mail within thirty days
44 of the date the owner was required to respond to such toll bill. Such
45 second toll bill may include a penalty for late payment, which shall not
46 exceed five dollars and shall include all of the information required
47 for a toll bill pursuant to paragraph (a) of this subdivision. Within
48 thirty days of the mailing of the second toll bill the owner shall (i)
49 pay the assessed toll and any penalty provided in such notice, or (ii)
50 contest toll bill.

51 (c) Notice of violation. If an owner fails to respond to a second toll
52 bill within thirty days of the mailing of such second toll bill, the
53 public authority shall send by first-class mail a notice of violation
54 within thirty days of the date the owner was required to respond to such
55 second toll bill. (i) The notice of violation shall include: (A) the
56 date, time, location, license plate number and vehicle registration for

1 each toll; (B) the assessed toll and the total amount of all outstanding
2 tolls and penalties as authorized by this section; (C) the date by which
3 payment of such amounts are due; (D) the address for receipt of payment
4 and methods of payment for the amounts due; (E) the procedure for
5 contesting any such amounts; (F) information related to the failure to
6 timely pay or respond to a notice of violation; (G) the website address
7 or hyperlink for the owner to access time-stamped photographs or footage
8 of each toll incurred; and (H) any other information required by law or
9 by the authority. The notice of violation may include a penalty which
10 shall be twenty-five dollars or two times the toll evaded, whichever is
11 greater. If the authority fails to send a timely notice of violation as
12 set forth in this section, the owner shall not be liable for payment of
13 the alleged tolls or any penalty. (ii) The owner shall have thirty days
14 from the date such notice of violation was sent to (A) pay the assessed
15 toll and penalties, or (B) contest the notice. If an owner fails to
16 respond to the notice of violation, the owner shall be liable for the
17 assessed toll and any penalty as provided in such notice.

18 (d) Electronic notice. Any toll bill required by this section to be
19 sent by first-class mail may instead be sent by electronic means of
20 communication upon the affirmative consent of the owner in a form
21 prescribed by the authority. Provided that, notwithstanding this subdi-
22 vision, a toll bill sent by electronic means of communication shall be
23 sent within seventy-two hours of an owner incurring an obligation to pay
24 a toll. Any notice of violation required by this section to be sent by
25 first-class mail may in addition to first-class mail be sent by elec-
26 tronic means of communication upon the affirmative consent of the owner
27 in a form prescribed by the authority. A manual or automatic record of
28 electronic communications prepared in the ordinary course of business
29 shall be sufficient record of electronic notice. Any affirmative consent
30 to receive a toll bill or notice of violation by electronic means shall
31 be revocable by the owner at any time with notice to the public authori-
32 ty or its agent and shall automatically be deemed revoked if the author-
33 ity or its agent is unable to deliver two consecutive notices by elec-
34 tronic means of communication.

35 6. Procedure to contest. (a) Every public authority that operates a
36 cashless tolling facility, cashless tolling monitoring system, and tolls
37 by mail program shall promulgate regulations establishing a procedure by
38 which a person alleged to be liable for the payment of a toll or a
39 violation may (i) contest such alleged liability, (ii) submit the
40 contest to a hearing, and (iii) have the right to appeal.

41 (b) Every toll bill and notice of violation shall on its face advise
42 the owner of the manner and the time in which to contest the toll or any
43 violation and also contain a warning that failure to contest in the
44 manner and time provided shall be deemed an admission of liability and
45 that a default judgment may be entered thereon.

46 7. Adjudication of liability. Adjudication of an owner's liability
47 shall be by the entity having jurisdiction over the cashless tolling
48 facility or, where authorized, by an administrative tribunal; and all
49 such liability determinations shall be heard and determined either: (a)
50 in the county in which the obligation to pay a toll through the cashless
51 tolling program was alleged to occur, or (b) where the toll is alleged
52 to have been incurred in New York city and, upon the consent of both
53 parties, in any county within New York city in which the public authori-
54 ty operates or maintains a cashless tolling facility. Such adjudications
55 shall be heard and determined in the same manner as charges of other

1 regulatory violations of such public authority or pursuant to the rules
2 and regulations of such administrative tribunal as the case may be.

3 8. Evidence of obligation to pay a toll or violation. (a) A certifi-
4 cate sworn to or affirmed by an agent of the public authority which
5 charged that a liability for an obligation to pay a toll or a violation
6 has been incurred, or a facsimile thereof based upon inspection of
7 recorded images produced by a cashless tolling monitoring system shall
8 be prima facie evidence of the facts contained therein and shall be
9 admissible in any proceeding charging a liability for a toll or a
10 violation pursuant to this section.

11 (b) Any such recorded images and certificate evidencing such liability
12 shall be available to the owner upon request for inspection and admis-
13 sion into evidence in any proceeding to adjudicate such liability.

14 (c) Any liability imposed pursuant to this section shall be based upon
15 a preponderance of evidence as submitted.

16 9. Defenses. It shall be a valid defense to an allegation of liability
17 for a toll and/or violation that:

18 (a) the vehicle was not used or operated in violation of this section
19 or the regulations promulgated hereunder;

20 (b) the vehicle was used or operated without the permission of the
21 owner, express or implied;

22 (c) the recipient of a toll bill or notice of violation was not the
23 owner of the vehicle at the time the obligation to pay the toll
24 occurred;

25 (d) the vehicle had been stolen prior to the time the obligation was
26 incurred and was not in the possession of the owner at the time the
27 obligation was incurred. For the purposes of asserting this defense, it
28 shall be sufficient that a certified copy of the police report on the
29 stolen vehicle is submitted to the public authority, court or other
30 entity having jurisdiction;

31 (e) the vehicle had been leased at the time the obligation was
32 incurred. For the purpose of asserting this defense, it shall be suffi-
33 cient that a copy of the rental lease or other contract document cover-
34 ing the vehicle on the date and time the toll was incurred is submitted
35 to the public authority, court or other entity having jurisdiction with-
36 in thirty days of the lessor receiving the original toll bill or notice
37 of violation. Such document shall include the name and address of the
38 lessee. Failure to timely submit such information shall constitute a
39 waiver of this defense. Where the lessor complies with the provisions of
40 this section, the lessee shall be deemed to be the owner of the vehicle
41 for purposes of this section and shall be subject to liability pursuant
42 to this section, provided that the authority mails a toll bill to the
43 lessee within ten days after the court or other entity having jurisdic-
44 tion, deems the lessee to be the owner.

45 10. Finding of violation. (a) Any liability imposed pursuant to this
46 section shall not be deemed a conviction as an operator and shall not be
47 made part of the motor vehicle operating record, maintained by the
48 commissioner of motor vehicles pursuant to the vehicle and traffic law,
49 of the person upon whom such liability is imposed nor shall it be used
50 for insurance purposes in the provision of motor vehicle insurance
51 coverage.

52 (b) Notwithstanding the provisions of any other law, order, rule or
53 regulation to the contrary, no registration of any non-commercial motor
54 vehicle may be suspended, revoked or denied renewal resulting from an
55 obligation to pay a toll at a cashless tolling facility as described in
56 this section and the commissioner of motor vehicles shall not suspend,

1 revoke or deny renewal of the registration of a non-commercial motor
2 vehicle resulting from an obligation to pay a toll at a cashless tolling
3 facility as described in this section unless such owner is found liable
4 for failure to pay or respond to five or more notices of unrelated toll
5 bills or is liable for no less than one hundred fifty dollars in
6 outstanding toll bills within an eighteen month period.

7 11. Indemnification. Any owner who is found liable pursuant to this
8 section who was not the operator of the vehicle at the time the obli-
9 gation to pay the toll was incurred may maintain an action for indemni-
10 fication against the operator.

11 12. Data protection. (a) Notwithstanding any other provision of law,
12 all images, videos and other recorded images collected by the authority
13 pursuant to this section shall be for the exclusive use of such authori-
14 ty in the discharge of its duties under this section and shall not be
15 open to the public nor be used in any court in any action or proceeding
16 pending therein unless such action or proceeding relates to the imposi-
17 tion of or indemnification for liability pursuant to this section.

18 (b) The authority, including any subsidiary or contractor involved in
19 implementing or operating an electronic toll collection system or tolls
20 by mail program, shall not sell, distribute or make available in any
21 way, the names and addresses of any owner that participates in the tolls
22 by mail program, provided that the foregoing restriction shall not be
23 deemed to preclude the exchange of such information between any entities
24 with jurisdiction over or operating of a cashless tolling facility for
25 the purpose of administering such tolls by mail program.

26 13. Display of toll charges. Any toll that will be charged for the
27 usage of any bridge, tunnel, road, or any other entity by a passenger
28 motor vehicle shall be displayed conspicuously and prominently on
29 signage of a reasonable size in a manner reasonably calculated to
30 provide ample and adequate notice.

31 14. Debt collection. (a) On or after the effective date of this
32 section, no public authority which operates a cashless tolling facility
33 shall sell or transfer any debt owed to the public authority by an owner
34 for a violation of toll collection regulations to a debt collection
35 agency unless one year has passed from the date the owner was found
36 liable for the violation of toll collection regulations associated with
37 such debt, or the owner has a total debt owed to the public authority of
38 five hundred dollars or more. The authority shall not sell or transfer
39 any debt to a debt collection agency unless such authority has first
40 obtained a default judgment in a court or administrative tribunal with
41 jurisdiction over the assessed toll.

42 (b) A notice shall be sent by first-class mail advising the owner that
43 the debt described in paragraph (a) of this subdivision shall be sold or
44 transferred by the authority to a debt collection agency on a specified
45 date no less than thirty days prior to such sale or transfer.

46 15. Installment payment plan. Every public authority that operates a
47 cashless tolling facility, cashless tolling monitoring system, and tolls
48 by mail program shall promulgate rules and regulations that establish an
49 installment payment plan for the payment of any toll and penalty
50 incurred at a cashless tolling facility. Information related to such
51 plan shall be included in any toll bill and any notice of violation and
52 shall be displayed conspicuously on the authorities' websites. Each
53 owner, at their election, may participate in such plan. The public
54 authority shall not charge any additional fees or penalties for enroll-
55 ment in a payment plan.

1 16. Annual report. Every public authority that adopts a demonstration
2 program pursuant to subdivision two of this section shall submit an
3 annual report on the tolls by mail program to the governor, the tempo-
4 rary president of the senate and the speaker of the assembly and post on
5 its website on or before the first day of June succeeding the effective
6 date of this section and on the same date in each succeeding year in
7 which the demonstration program is operable. Such report shall include,
8 but not be limited to:

9 (a) the locations where vehicle sensors for cashless tolling monitor-
10 ing systems were used;

11 (b) the aggregate number of tolls paid at the locations where cashless
12 tolling facilities were used, including both through the use of an oper-
13 able electronic device and through the tolls by mail program;

14 (c) the number of owners that paid their toll through the tolls by
15 mail program;

16 (d) the number of owners that paid their toll upon receipt of the
17 first toll bill;

18 (e) the number of owners that paid their toll upon receipt of the
19 second toll bill;

20 (f) the number of owners that were charged a five dollar fee for late
21 payment and the aggregate amount of fees for late payment collected by
22 the authority;

23 (g) the number of owners that were charged a penalty, the amount of
24 the penalty charged to owners and the aggregate amount of penalties
25 collected by the authority;

26 (h) the number of owners that disputed the toll bill, the number of
27 owners that successfully disputed such toll bill and an itemized break-
28 down of the reasons for successfully disputed tolls;

29 (i) the number of owners that disputed the notice of violation and the
30 number of owners that successfully disputed such notice of violation;

31 (j) the number of owners that paid their toll upon receipt of the
32 notice of violation;

33 (k) the aggregate amount of penalties charged to owners;

34 (l) a copy of all regulations the reporting authority promulgated
35 pursuant to this section;

36 (m) the number of tolls adjudicated by every public authority and
37 court, including any appeal of such adjudications, and the results of
38 all adjudications including breakdowns of dispositions made for tolls
39 recorded by such systems;

40 (n) the total amount of revenue realized by such authority from such
41 adjudications;

42 (o) expenses incurred by such authority in connection with the tolls
43 by mail program;

44 (p) the nature of the adjudication process and its results; and

45 (q) the number of owners whose toll bills and violation notices were
46 returned to the public authority as undeliverable.

47 § 4. a. Within 90 days of the effective date of this act, the Tribor-
48 ough Bridge and Tunnel Authority organized pursuant to section 552 of
49 the public authorities law shall implement an amnesty program for non-
50 commercial motor vehicles owned by persons who, with respect to any toll
51 obligation incurred on or after November 1, 2016 and before May 1, 2022
52 at a cashless tolling facility operated by the authority, owe tolls,
53 fines, fees, or penalties exceeding the schedule established pursuant to
54 section 2985-a of the public authorities law; have been referred to a
55 debt collection agency; or (3) have had their vehicle registration
56 suspended. Such amnesty program shall be at least eight weeks in dura-

tion and shall provide that upon an owner's payment or contesting the outstanding toll balance during the amnesty period the authority shall waive all fees, fines, and penalties associated with the outstanding toll balance, and the authority shall advise the commissioner of motor vehicles, in such form and manner that such commissioner shall have prescribed, that such person has responded and any registration suspension shall be rescinded.

b. The Triborough Bridge and Tunnel Authority shall undertake a public awareness campaign for such amnesty program, maintain a public website for any person to obtain information on any outstanding tolls and no later than 30 days preceding the commencement of the amnesty period, notify by first-class mail all persons with outstanding toll balances of their eligibility for the amnesty program. The authority shall provide for sufficient methods to pay the outstanding toll balances, including but not limited to, by phone, by mail, or through the internet.

§ 5. Subdivision 8 of section 402 of the vehicle and traffic law, as amended by chapter 451 of the laws of 2021, is amended and a new section 402-b is added to read as follows:

8. A violation of this section shall be punishable by a fine of not less than twenty-five nor more than two hundred dollars, except that a violation of subparagraph (ii) or subparagraph (iii) of paragraph (b) of subdivision one of this section shall be punishable by a fine of not less than fifty nor more than three hundred dollars and shall be subject to the provisions of section four hundred two-b of this article and subdivision four-h of section five hundred ten of this chapter.

§ 402-b. Obscured and obstructed license plates; seizure and removal procedures. 1. (a) Upon making an arrest or upon issuing a summons or an appearance ticket for a violation of subparagraph (ii) or subparagraph (iii) of paragraph (b) of subdivision one of section four hundred two of this article committed in their presence, an officer may remove or arrange for the removal of any covering or coating with any artificial or synthetic material or substance affixed over the number plates which conceals or obscures the ability to easily read such number plates or that distorts or obstructs a recorded or photographic image. The owner of the vehicle who such number plates were issued to shall have one week from the date such violation is issued to remove any artificial or synthetic material or substance that conceals or obscures such number plates or to purchase new number plates. A summons shall not be issued if, in the discretion and at the request of such officer, the defect is corrected in the presence of such officer. The refusal of a police officer to permit the repair of any defect in their presence shall not be reviewable, and shall not be a defense to any violation charged in a summons issued pursuant to the provisions of this section.

(b) Any complaint issued for any violation of subparagraph (ii) or subparagraph (iii) of paragraph (b) of subdivision one of section four hundred two of this article in which the coating or covering was not seized may be dismissed by the court before which the summons is returnable if the violation as set forth in the summons is corrected not later than one-half hour after sunset on the first full business day after the issuance of the summons and proof of such correction is submitted to the court. For the purposes of this subdivision, "business day" shall mean any calendar day except Saturday and Sunday, or the following business holidays: New Year's Day, Washington's Birthday, Memorial Day, Independence Day, Labor Day, Columbus Day, Veterans' Day, Thanksgiving Day, and Christmas Day.

2. For purposes of this section:

1 (a) The term "owner" shall mean an owner as defined in section one
2 hundred twenty-eight and in subdivision three of section three hundred
3 eighty-eight of this chapter.

4 (b) The term "termination of the proceeding" shall mean the earliest
5 of (i) thirty-one days following the imposition of sentence; or (ii) the
6 date of acquittal of a person arrested for an offense or date of
7 dismissal of a complaint; or (iii) where leave to file new charges or to
8 resubmit the case is required and has not been granted, thirty-one days
9 following the dismissal of the last accusatory instrument filed in the
10 case, or, if applicable, upon expiration of the time granted by the
11 court or tribunal or permitted by statute for filing new charges or
12 resubmitting the case; or (iv) where leave to file new charges or to
13 resubmit the case is not required, thirty-one days following the
14 dismissal of the last accusatory instrument filed in the case, or, if
15 applicable, upon expiration of the time granted by the court or permit-
16 ted by statute for filing new charges or resubmitting the case; or (v)
17 the date when, prior to the filing of an accusatory instrument against a
18 person charged with a violation of subparagraph (ii) or subparagraph
19 (iii) of paragraph (b) of subdivision one of section four hundred two of
20 this article, the prosecuting authority elects not to prosecute such
21 person.

22 3. Any covering or coating with any artificial or synthetic material
23 or substance affixed over the number plates which conceals or obscures
24 the ability to easily read such number plates or that distorts or
25 obstructs a recorded or photographic image which has been or is being
26 used in violation of subparagraph (ii) or subparagraph (iii) of para-
27 graph (b) of subdivision one of section four hundred two of this article
28 may be seized by any peace officer, acting pursuant to his or her
29 special duties, or police officer, and forfeited as hereinafter provided
30 in this section.

31 4. Any covering or coating with any artificial or synthetic material
32 or substance affixed over the number plates which conceals or obscures
33 the ability to easily read such number plates or that distorts or
34 obstructs a recorded or photographic image may be seized upon service of
35 a notice of violation upon the owner or operator of a vehicle. The
36 seized covering or coating shall be delivered by the officer having made
37 the seizure to the custody of the district attorney of the county where-
38 in the seizure was made, except that in the cities of New York, Yonkers,
39 Rochester and Buffalo the seized covering or coating shall be delivered
40 to the custody of the police department of such cities and such covering
41 or coating seized by a member or members of the state police shall be
42 delivered to the custody of the superintendent of state police, together
43 with a report of all the facts and circumstances of the seizure. Within
44 one business day after the seizure, notice of such violation and a copy
45 of the notice of violation shall be mailed to the owner of the motor
46 vehicle on which the covering or coating was affixed at the address for
47 such owner set forth in the records maintained by the department of
48 motor vehicles or, for vehicles not registered in New York state, such
49 equivalent record in such state of registration.

50 5. (a) The attorney general, in seizures by members of the state
51 police, or the district attorney of the county wherein the seizure is
52 made if elsewhere than in the cities of New York, Yonkers, Rochester or
53 Buffalo, or where the seizure is made in such cities the corporation
54 counsel of the city, shall inquire into the facts of the seizure so
55 reported to them. If it appears that there is a basis for the commence-
56 ment and prosecution of a crime or traffic infraction pursuant to this

1 section, the covering or coating which is the subject of such
2 proceedings shall remain in the custody of such district attorney,
3 police department or superintendent of state police, as applicable,
4 pending the final determination of such proceedings.

5 (b) To the extent applicable, the procedures of article thirteen-A of
6 the civil practice law and rules shall govern proceedings and actions
7 under this section.

8 6. Notice of the seizure of the covering or coating shall be served by
9 personal service pursuant to the civil practice law and rules upon all
10 owners of the seized motor vehicle listed in the records maintained by
11 the department, or for vehicles not registered in New York state, in the
12 records maintained by the state of registration.

13 7. No action under this section for wrongful seizure shall be insti-
14 tuted unless such action is commenced within two years after the time
15 when the coating or covering was seized.

16 8. The municipal police training council as established pursuant to
17 article thirty-five of the executive law, and the superintendent of
18 state police, may develop, maintain and disseminate, a model law
19 enforcement property disposal policy setting forth recommended policies
20 and procedures regarding disposal of coatings or coverings seized pursu-
21 ant to this section.

22 § 6. Subdivision 7 of section 402 of the vehicle and traffic law, as
23 added by chapter 648 of the laws of 2006, is amended to read as follows:

24 7. It shall be unlawful for any person, firm, partnership, associ-
25 ation, limited liability company or corporation to sell, offer for sale
26 or distribute (a) any artificial or synthetic material or substance for
27 the purpose of application to a number plate that will, upon application
28 to a number plate, distort a recorded or photographic image of such
29 number plate, (b) any material for use to intentionally violate para-
30 graph (b) of subdivision one of this section, or (c) a material
31 purported to be a number plate but which has not been issued by the
32 commissioner or the equivalent official from another state, territory,
33 or country.

34 § 7. Section 510 of the vehicle and traffic law is amended by adding a
35 new subdivision 4-h to read as follows:

36 4-h. Suspension of registration for failure to comply with removing
37 any artificial or synthetic material or substance that conceals or
38 obscures number plates or the purchase of new number plates. Upon the
39 receipt of a notification from a court or an administrative tribunal
40 that an owner of a motor vehicle failed to comply with the provisions of
41 section four hundred two-b of this chapter or was convicted of an
42 offense involving use of a material purported to be a number plate that
43 was not issued by the commissioner or the equivalent official from
44 another state, territory, or country, the commissioner or such commis-
45 sioner's agent shall suspend the registration of the vehicle involved in
46 the violation and such suspension shall remain in effect until such time
47 as the commissioner is advised that the owner of such vehicle has satis-
48 fied the requirements of such section.

49 § 8. This act shall take effect on the one hundred twentieth day after
50 it shall have become a law; provided, however that sections two, three,
51 five and seven of this act shall expire 5 years after such effective
52 date when upon such date such provisions of such sections shall be
53 deemed repealed. Effective immediately, the addition, amendment and/or
54 repeal of any rule or regulation necessary for the implementation of
55 this act on its effective date are authorized to be made and completed
56 on or before such effective date.

1

PART D

2

Intentionally Omitted

3

PART E

4 Section 1. Section 1 of part I of chapter 413 of the laws of 1999,
 5 relating to providing for mass transportation payments, as amended by
 6 section 1 of part E of chapter 58 of the laws of 2022, is amended to
 7 read as follows:

8 Section 1. Notwithstanding any other law, rule or regulation to the
 9 contrary, payment of mass transportation operating assistance pursuant
 10 to section 18-b of the transportation law shall be subject to the
 11 provisions contained herein and the amounts made available therefor by
 12 appropriation.

13 In establishing service and usage formulas for distribution of mass
 14 transportation operating assistance, the commissioner of transportation
 15 may combine and/or take into consideration those formulas used to
 16 distribute mass transportation operating assistance payments authorized
 17 by separate appropriations in order to facilitate program administration
 18 and to ensure an orderly distribution of such funds.

19 To improve the predictability in the level of funding for those
 20 systems receiving operating assistance payments under service and usage
 21 formulas, the commissioner of transportation is authorized with the
 22 approval of the director of the budget, to provide service payments
 23 based on service and usage statistics of the preceding year.

24 In the case of a service payment made, pursuant to section 18-b of the
 25 transportation law, to a regional transportation authority on account of
 26 mass transportation services provided to more than one county (consider-
 27 ing the city of New York to be one county), the respective shares of the
 28 matching payments required to be made by a county to any such authority
 29 shall be as follows:

	Percentage of Matching Payment	
Local Jurisdiction	-----	
In the Metropolitan Commuter Transportation District:		
New York City	6.40	
Dutchess	1.30	
Nassau	39.60	
Orange	0.50	
Putnam	1.30	
Rockland	0.10	
Suffolk	25.70	
Westchester	25.10	
In the Capital District Trans- portation District:		
Albany	[55.27]	<u>54.05</u>
Rensselaer	[22.96]	<u>22.45</u>
Saratoga	[4.04]	<u>3.95</u>
Schenectady	[16.26]	<u>15.90</u>
Montgomery	[1.47]	<u>1.44</u>
<u>Warren</u>	<u>2.21</u>	

51

1	In the Central New York Re-		
2	gional Transportation Dis-		
3	trict:		
4	Cayuga	5.11	
5	Onondaga	75.83	
6	Oswego	2.85	
7	Oneida	16.21	
8	In the Rochester-Genesee Re-		
9	gional Transportation Dis-		
10	trict:		
11	Genesee	1.36	
12	Livingston90	
13	Monroe	90.14	
14	Wayne98	
15	Wyoming51	
16	Seneca64	
17	Orleans77	
18	Ontario	4.69	
19	In the Niagara Frontier Trans-		
20	portation District: Erie		89.20
21	Niagara	10.80	

22 Notwithstanding any other inconsistent provisions of section 18-b of
 23 the transportation law or any other law, any moneys provided to a public
 24 benefit corporation constituting a transportation authority or to other
 25 public transportation systems in payment of state operating assistance
 26 or such lesser amount as the authority or public transportation system
 27 shall make application for, shall be paid by the commissioner of trans-
 28 portation to such authority or public transportation system in lieu, and
 29 in full satisfaction, of any amounts which the authority would otherwise
 30 be entitled to receive under section 18-b of the transportation law.

31 Notwithstanding the reporting date provision of section 17-a of the
 32 transportation law, the reports of each regional transportation authori-
 33 ty and other major public transportation systems receiving mass trans-
 34 portation operating assistance shall be submitted on or before July 15
 35 of each year in the format prescribed by the commissioner of transporta-
 36 tion. Copies of such reports shall also be filed with the chairpersons
 37 of the senate finance committee and the assembly ways and means commit-
 38 tee and the director of the budget. The commissioner of transportation
 39 may withhold future state operating assistance payments to public trans-
 40 portation systems or private operators that do not provide such reports.

41 Payments may be made in quarterly installments as provided in subdivi-
 42 sion 2 of section 18-b of the transportation law or in such other manner
 43 and at such other times as the commissioner of transportation, with the
 44 approval of the director of the budget, may provide; and where payment
 45 is not made in the manner provided by such subdivision 2, the matching
 46 payments required of any city, county, Indian tribe or intercity bus
 47 company shall be made within 30 days of the payment of state operating
 48 assistance pursuant to this section or on such other basis as may be
 49 agreed upon by the commissioner of transportation, the director of the
 50 budget, and the chief executive officer of such city, county, Indian
 51 tribe or intercity bus company.

52 The commissioner of transportation shall be required to annually eval-
 53 uate the operating and financial performance of each major public trans-
 54 portation system. Where the commissioner's evaluation process has iden-
 55 tified a problem related to system performance, the commissioner may

1 request the system to develop plans to address the performance deficiencies. The commissioner of transportation may withhold future state operating assistance payments to public transportation systems or private operators that do not provide such operating, financial, or other information as may be required by the commissioner to conduct the evaluation process.

2 Payments shall be made contingent upon compliance with regulations deemed necessary and appropriate, as prescribed by the commissioner of transportation and approved by the director of the budget, which shall promote the economy, efficiency, utility, effectiveness, and coordinated service delivery of public transportation systems. The chief executive officer of each public transportation system receiving a payment shall certify to the commissioner of transportation, in addition to information required by section 18-b of the transportation law, such other information as the commissioner of transportation shall determine is necessary to determine compliance and carry out the purposes herein.

3 Counties, municipalities or Indian tribes that propose to allocate service payments to operators on a basis other than the amount earned by the service payment formula shall be required to describe the proposed method of distributing governmental operating aid and submit it one month prior to the start of the operator's fiscal year to the commissioner of transportation in writing for review and approval prior to the distribution of state aid. The commissioner of transportation shall only approve alternate distribution methods which are consistent with the transportation needs of the people to be served and ensure that the system of private operators does not exceed established maximum service payment limits. Copies of such approvals shall be submitted to the chairpersons of the senate finance and assembly ways and means committees.

4 Notwithstanding the provisions of subdivision 4 of section 18-b of the transportation law, the commissioner of transportation is authorized to continue to use prior quarter statistics to determine current quarter payment amounts, as initiated in the April to June quarter of 1981. In the event that actual revenue passengers and actual total number of vehicle, nautical or car miles are not available for the preceding quarter, estimated statistics may be used as the basis of payment upon approval by the commissioner of transportation. In such event, the succeeding payment shall be adjusted to reflect the difference between the actual and estimated total number of revenue passengers and vehicle, nautical or car miles used as the basis of the estimated payment. The chief executive officer may apply for less aid than the system is eligible to receive. Each quarterly payment shall be attributable to operating expenses incurred during the quarter in which it is received, unless otherwise specified by such commissioner. In the event that a public transportation system ceases to participate in the program, operating assistance due for the final quarter that service is provided shall be based upon the actual total number of revenue passengers and the actual total number of vehicle, nautical or car miles carried during that quarter.

5 Payments shall be contingent on compliance with audit requirements determined by the commissioner of transportation.

6 In the event that an audit of a public transportation system or private operator receiving funds discloses the existence of an overpayment of state operating assistance, regardless of whether such an overpayment results from an audit of revenue passengers and the actual number of revenue vehicle miles statistics, or an audit of private oper-

ators in cases where more than a reasonable return based on equity or operating revenues and expenses has resulted, the commissioner of transportation, in addition to recovering the amount of state operating assistance overpaid, shall also recover interest, as defined by the department of taxation and finance, on the amount of the overpayment.

Notwithstanding any other law, rule or regulation to the contrary, whenever the commissioner of transportation is notified by the controller that the amount of revenues available for payment from an account is less than the total amount of money for which the public mass transportation systems are eligible pursuant to the provisions of section 88-a of the state finance law and any appropriations enacted for these purposes, the commissioner of transportation shall establish a maximum payment limit which is proportionally lower than the amounts set forth in appropriations.

Notwithstanding paragraphs (b) of subdivisions 5 and 7 of section 88-a of the state finance law and any other general or special law, payments may be made in quarterly installments or in such other manner and at such other times as the commissioner of transportation, with the approval of the director of the budget may prescribe.

§ 2. This act shall take effect immediately and shall be deemed to have been in full force and effect on and after April 1, 2024.

PART F

Section 1. Section 5 of chapter 751 of the laws of 2005, amending the insurance law and the vehicle and traffic law relating to establishing the accident prevention course internet technology pilot program, as amended by section 1 of part O of chapter 58 of the laws of 2022, is amended to read as follows:

§ 5. This act shall take effect on the one hundred eightieth day after it shall have become a law and shall expire and be deemed repealed April 1, ~~2024~~ 2026; provided that any rules and regulations necessary to implement the provisions of this act on its effective date are authorized and directed to be completed on or before such date.

§ 2. This act shall take effect immediately.

PART G

Section 1. Section 13 of part U1 of chapter 62 of the laws of 2003, amending the vehicle and traffic law and other laws relating to increasing certain motor vehicle transaction fees, as amended by section 1 of part P of chapter 58 of the laws of 2022, is amended to read as follows:

§ 13. This act shall take effect immediately; provided however that sections one through seven of this act, the amendments to subdivision 2 of section 205 of the tax law made by section eight of this act, and section nine of this act shall expire and be deemed repealed on April 1, ~~2024~~ 2026; provided further, however, that the provisions of section eleven of this act shall take effect April 1, 2004 and shall expire and be deemed repealed on April 1, ~~2024~~ 2026.

§ 2. Section 2 of part B of chapter 84 of the laws of 2002, amending the state finance law relating to the costs of the department of motor vehicles, as amended by section 2 of part P of chapter 58 of the laws of 2022, is amended to read as follows:

§ 2. This act shall take effect April 1, 2002; provided, however, if this act shall become a law after such date it shall take effect immediately and shall be deemed to have been in full force and effect on and

1 after April 1, 2002; provided further, however, that this act shall
2 expire and be deemed repealed on April 1, ~~2024~~ 2026.

3 § 3. This act shall take effect immediately.

4 PART H

5 Section 1. Subdivision 1 of section 312-a of the vehicle and traffic
6 law, as amended by chapter 781 of the laws of 1983, is amended to read
7 as follows:

8 1. Upon issuance of an owner's policy of liability insurance or other
9 financial security required by this chapter, an insurer shall issue
10 proof of insurance in accordance with the regulations promulgated by the
11 commissioner ~~[pursuant to paragraph (b) of subdivision two of section~~
12 ~~three hundred thirteen of this article]~~.

13 § 2. The vehicle and traffic law is amended by adding a new section
14 312-b to read as follows:

15 § 312-b. Online insurance verification system of motor vehicle insur-
16 ance. 1. The commissioner may establish a system for the online verifi-
17 cation of insurance. Information available in the online insurance
18 verification system shall be provided by motor vehicle insurers pursuant
19 to rules and regulations promulgated by the commissioner, if he or she
20 determines establishment of such system would further the purposes of
21 this article as set forth in subdivision two of section three hundred
22 ten of this article.

23 2. The online insurance verification system shall include, at a mini-
24 mum, the ability to:

25 (a) send requests to insurers for verification of evidence of insur-
26 ance via web services, through the internet, or a similar proprietary or
27 common carrier electronic system, as well as receive from insurers
28 verification of evidence of insurance in a form and manner as determined
29 by the commissioner;

30 (b) include appropriate provisions to secure data against unauthorized
31 access;

32 (c) be utilized for verification of the evidence of mandatory liabil-
33 ity insurance coverage as prescribed by the laws of the state and shall
34 be accessible to authorized personnel of the department, the courts, law
35 enforcement and other entities authorized by the state as permitted by
36 any state or federal privacy laws, and the online insurance verification
37 system shall be interfaced, wherever appropriate, with existing or
38 future state systems, in a form and manner as determined by the commis-
39 sioner;

40 (d) include information which shall enable the department to make
41 inquiries to insurers for evidence of insurance including but not limit-
42 ed to vehicle identification numbers and policy numbers; and

43 (e) respond to each request for insurance information within an amount
44 of time determined by the commissioner.

45 The online insurance verification system shall be capable of respond-
46 ing within the time established.

47 3. The commissioner, in conjunction with the superintendent of state
48 police and local law enforcement officials, shall formulate a means to
49 allow the online insurance verification system to be easily accessible
50 to on-duty law enforcement personnel in the performance of their offi-
51 cial duties for the purpose of verifying whether an operator of a motor
52 vehicle maintains proper insurance coverage and to increase compliance
53 with the motor vehicle financial security laws under this article and
54 article eight of this title.

1 4. Nothing in this section shall prohibit the commissioner from
2 contracting with a private sector provider or providers to implement the
3 requirements of this section or to assist in establishing and maintain-
4 ing such system in the state.

5 5. If implemented, the online insurance verification system shall
6 undergo an appropriate testing and pilot period of not less than one
7 year, after which the commissioner may certify that such system is fully
8 operational.

9 § 3. The vehicle and traffic law is amended by adding a new section
10 312-c to read as follows:

11 § 312-c. Insurer responsibilities for the online insurance verifica-
12 tion system. 1. Insurers shall provide access to motor vehicle insur-
13 ance policy status information as provided by, and consistent with any
14 time frames established by, any rules and regulations promulgated by the
15 commissioner.

16 2. Every insurer that is licensed to issue motor vehicle insurance
17 policies or is authorized to do business in the state shall comply with
18 this section and section three hundred twelve-b of this article for
19 verification of evidence of vehicle insurance for every vehicle insured
20 by that insurer in the state as required by the rules and regulations
21 promulgated by the commissioner.

22 § 4. Subdivision 2 and paragraphs (a), (b), (c), (d), (f), (g), (h),
23 and (i) of subdivision 4 of section 313 of the vehicle and traffic law
24 are REPEALED.

25 § 5. The opening paragraph and paragraph (e) of subdivision 4 of
26 section 313 of the vehicle and traffic law, as amended by chapter 509 of
27 the laws of 1998, are amended to read as follows:

28 Notwithstanding any other provision of this article to the contrary,
29 the commissioner shall establish a pilot program to maintain an up-to-
30 date insured vehicle identification database to assist in identifying
31 uninsured motor vehicles. Such databases shall be implemented by the
32 department pursuant to standards prescribed by the commissioner or an
33 agent designated by the commissioner which shall seek technical assist-
34 ance from affected insurers and the New York Automobile Insurance Plan.
35 This program shall utilize all information collected pursuant to this
36 section and shall also include the following elements:

37 [~~(e)(1)~~] (a) Either simultaneously or after the up-dated database
38 system has been established, the commissioner shall develop a computer
39 indicator that can be imprinted on a vehicle registration sticker or on
40 a sticker to be affixed to the insured's license plate. Such indicator
41 system shall enable law enforcement personnel and other authorized
42 persons when acting in the course of their official duties to access the
43 department's database so that such persons can ascertain whether a vehi-
44 cle is properly insured or not insured;

45 [~~(2)~~] (b) Such computer indicator system shall enable authorized
46 persons in the performance of their official duties to access informa-
47 tion such as the registrant's name, vehicle identification number, name
48 of insurer, current status of insurance, vehicle registration number and
49 other information that the commissioner deems necessary to implement the
50 provisions of this section. The commissioner in developing such computer
51 indicator system shall enable authorized persons in the performance of
52 their official duties to access only such information that is necessary
53 to detect uninsured motor vehicles or accomplish other goals clearly
54 established and authorized by law. Such computer indicator system shall
55 be designed to protect the personal privacy interests of motorists;

§ 6. Subdivision 3 of section 313 of the vehicle and traffic law, as amended by chapter 781 of the laws of 1983, is amended to read as follows:

3. A cancellation or termination for which notice is required to be filed with the commissioner [~~pursuant to subdivision two of this section~~] shall not be effective with respect to persons other than the named insured and members of the insured's household until the insurer has filed a notice thereof with the commissioner or until another insurance policy covering the same risk has been procured, except that a notice filed with the commissioner, in the format prescribed by the commissioner [~~, within the period prescribed in subdivision two of this section~~] shall be effective as of the date certified therein, regardless of whether a suspension order is issued pursuant to section three hundred eighteen of this article. A receipt from the department stating that a notice of termination has been filed shall be deemed conclusive evidence of such filing. An insurer shall cooperate with the commissioner in attempting to identify persons not in compliance with this article in cases where the information reported by the insurer does not correspond with records maintained by the department.

§ 7. Paragraph (d) of subdivision 3 of section 317 of the vehicle and traffic law is REPEALED.

§ 8. This act shall take effect immediately; provided, however, sections one, four, six, and seven of this act shall take effect if and when the online insurance verification system is installed and fully operational pursuant to subdivision 5 of section 312-b of the vehicle and traffic law, as added by section two of this act, as certified by the Commissioner of the Department of Motor Vehicles. Effective immediately, the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of this act on its effective date are authorized to be made and completed on or before such date.

PART I

Section 1. Short title. This act shall be known and may be cited as "Sammy's law".

§ 2. Paragraphs 26 and 27 of subdivision (a) of section 1642 of the vehicle and traffic law, paragraph 26 as added and paragraph 27 as amended by chapter 248 of the laws of 2014, are amended to read as follows:

26. (a) With respect to highways (which term for the purposes of this paragraph shall include private roads open to public motor vehicle traffic) in such city, other than state highways maintained by the state on which the department of transportation shall have established higher or lower speed limits than the statutory fifty-five miles per hour speed limit as provided in section sixteen hundred twenty of this title, or on which the department of transportation shall have designated that such city shall not establish any maximum speed limit as provided in section sixteen hundred twenty-four of this title, subject to the limitations imposed by section sixteen hundred eighty-four of this title, establishment of maximum speed limits at which vehicles may proceed within such city or within designated areas of such city higher or lower than the fifty-five miles per hour maximum statutory limit. [~~No~~] Except for highways that consist of three or more through travel lanes in the same direction, no such speed limit applicable throughout such city or within designated areas of such city shall be established at less than [~~twenty-five~~] twenty miles per hour, [~~except~~] provided that this exception

1 shall not apply in a county with a population of no less than one
2 million six hundred ninety-four thousand and no more than one million
3 six hundred ninety-five thousand as of the two thousand twenty decennial
4 census, and provided, further, that school speed limits may be estab-
5 lished at no less than fifteen miles per hour pursuant to the provisions
6 of section sixteen hundred forty-three of this article.

7 (b) A city shall not lower or raise a speed limit [~~by more than five~~
8 ~~miles per hour~~] pursuant to this paragraph unless such city provides
9 written notice and an opportunity to comment to the community board or
10 community boards established pursuant to section twenty-eight hundred of
11 the New York city charter with jurisdiction over the area in which the
12 lower or higher speed limit shall apply. Such notice may be provided by
13 electronic mail and shall be provided sixty days prior to the establish-
14 ment of such lower or higher speed limit.

15 27. (a) Establishment of maximum speed limits below [~~twenty-five~~
16 twenty miles per hour at which motor vehicles may proceed on or along
17 designated highways within such city for the explicit purpose of imple-
18 menting traffic calming measures as such term is defined herein;
19 provided, however, that no speed limit shall be set below [~~fifteen~~ ten
20 miles per hour nor shall such speed limit be established where the traf-
21 fic calming measure to be implemented consists solely of a traffic
22 control sign. Establishment of such a speed limit shall, where applica-
23 ble, be in compliance with the provisions of sections sixteen hundred
24 twenty-four and sixteen hundred eighty-four of this [~~chapter~~ title.
25 Nothing contained herein shall be deemed to alter or affect the estab-
26 lishment of school speed limits pursuant to the provisions of section
27 sixteen hundred forty-three of this article. For the purposes of this
28 paragraph, "traffic calming measures" shall mean any physical engineer-
29 ing measure or measures that reduce the negative effects of motor vehi-
30 cle use, alter driver behavior and improve conditions for non-motorized
31 street users such as pedestrians and bicyclists.

32 (b) Any city establishing maximum speed limits below [~~twenty-five~~
33 twenty miles per hour pursuant to clause (i) of this subparagraph shall
34 submit a report to the governor, the temporary president of the senate
35 and the speaker of the assembly on or before March first, two thousand
36 fifteen and biannually thereafter on the results of using traffic calm-
37 ing measures and speed limits lower than [~~twenty-five~~ twenty miles per
38 hour as authorized by this paragraph. This report shall also be made
39 available to the public by such city on its website. Such report shall
40 include, but not be limited to the following:

41 (i) a description of the designated highways where traffic calming
42 measures and a lower speed limit were established [~~and~~];

43 (ii) a description of the specific traffic calming measures used and
44 the maximum speed limit established [~~and~~];

45 (iii) an explanation of the reasons for setting lower speed limits,
46 how those lower speed limits comply with engineering standards, and how
47 they will ensure that motor vehicles can operate at safe speeds in a
48 manner that optimizes all road users' safety and convenience; and

49 (iv) a comparison of the aggregate type, number, and severity of acci-
50 dents reported on streets on which street calming measures and lower
51 speed limits were implemented in the year preceding the implementation
52 of such measures and policies and the year following the implementation
53 of such measures and policies, to the extent this information is main-
54 tained by any agency of the state or the city.

55 § 3. 1. For the purpose of informing and educating persons who operate
56 motor vehicles in this state:

(a) Any law enforcement official authorized to issue appearance tickets pursuant to the vehicle and traffic law may, during the six-month period beginning on the effective date of this act, stop motor vehicles and issue verbal warnings to persons who are in violation of the maximum speed limits lowered by section two of this act, and who are traveling at a speed of less than fifteen miles per hour over such maximum speed limits.

(b) Any municipality authorized to issue appearance tickets by mail where a jurisdiction has installed a photo speed monitoring system pursuant to the vehicle and traffic law may, during the six-month period beginning on the effective date of this act, issue written warnings to persons who are in violation of the maximum speed limits lowered by section two of this act, and who are traveling at a speed of less than 15 miles per hour over such maximum speed limits.

2. The department of transportation for the city of New York shall implement an education campaign which shall, at a minimum:

(a) Alert drivers to the passage of this act;

(b) Educate drivers of the dangers of speeding, including the known increases of fatalities and serious injuries in crashes involving a vehicle traveling over 20 miles per hour; and

(c) Educate drivers of the dangers of crashes involving pedestrians.

3. The department of transportation for the city of New York shall install additional signage around school zones that notifies drivers of the speed limit.

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

PART J

Section 1. Section 3 of part FF of chapter 55 of the laws of 2017, relating to motor vehicles equipped with autonomous vehicle technology, as amended by section 1 of part J of chapter 58 of the laws of 2023, is amended to read as follows:

§ 3. This act shall take effect April 1, 2017; provided, however, that section one of this act shall expire and be deemed repealed April 1, ~~2024~~ 2029.

§ 2. This act shall take effect immediately and shall be deemed to have been in full force and effect on and after April 1, 2024.

PART K

Section 1. This part enacts into law components of legislation relating to stretch limousine safety. Each component is wholly contained within a Subpart identified as Subparts A through G. The effective date for each particular provision contained within such Subpart is set forth in the last section of such Subpart. Any provision in any section contained within a Subpart, including the effective date of the Subpart, which makes a reference to a section "of this act", when used in connection with that particular component, shall be deemed to mean and refer to the corresponding section of the Subpart in which it is found. Section three of this part sets forth the general effective date of this part.

SUBPART A

1 Section 1. Subdivision 8 of section 1 and section 2 of chapter 3 of
2 the laws of 2020 relating to establishing the stretch limousine passen-
3 ger safety task force, as amended by chapter 177 of the laws of 2022,
4 are amended to read as follows:

5 8. The task force shall, on or before October 1, 2022, issue a final
6 report and recommendations to the governor, the temporary president of
7 the senate, and the speaker of the assembly; provided that the task
8 force shall continue to hold public hearings and meetings as necessary
9 to review the actions taken by the state to implement the recommenda-
10 tions of such final report and shall publish a report of its findings on
11 or before April 15, 2025.

12 § 2. This act shall take effect on the thirtieth day after it shall
13 have become a law and shall expire and be deemed repealed [~~May 31, 2023~~]
14 December 31, 2025.

15 § 2. This act shall take effect immediately and shall be deemed to
16 have been in full force and effect on and after November 1, 2021;
17 provided, however, that the amendments to subdivision 8 of section 1 of
18 chapter 3 of the laws of 2020 relating to establishing the stretch
19 limousine passenger safety task force, made by section one of this act
20 shall not affect the expiration of such chapter and shall be deemed
21 repealed therewith.

22 SUBPART B

23 Section 1. Section 509-g of the vehicle and traffic law is amended by
24 adding a new subdivision 7 to read as follows:

25 7. In addition to any other provisions of this section, in the event
26 the commissioner requires the provision of live in-person pre-trip safe-
27 ty briefings, all motor carriers shall regularly require each driver who
28 operates altered motor vehicles commonly referred to as "stretch limou-
29 sines" to demonstrate their proficiency in providing pre-trip safety
30 briefings required pursuant to subdivision nine of section five hundred
31 nine-m of this article.

32 § 2. Section 509-m of the vehicle and traffic law is amended by adding
33 a new subdivision 9 to read as follows:

34 9. (a) Establish and regularly update the form and content of a pre-
35 trip safety briefing for motor carriers that operate altered motor vehi-
36 cles commonly referred to as "stretch limousines", which operators shall
37 provide to passengers prior to transporting any persons for hire in such
38 stretch limousine.

39 (b) The commissioner shall coordinate with the department of transpor-
40 tation and the division of state police in preparing the form and
41 content of such safety briefing, and may engage additional entities or
42 individuals the commissioner deems appropriate.

43 § 3. This act shall take effect on the one hundred eightieth day after
44 it shall have become a law. Effective immediately, the addition, amend-
45 ment and/or repeal of any rule or regulation necessary for the implemen-
46 tation of this act on its effective date are authorized to be made and
47 completed on or before such effective date.

48 SUBPART C

49 Section 1. Section 375 of the vehicle and traffic law is amended by
50 adding a new subdivision 55 to read as follows:

51 55. Stretch limousine anti-intrusion protection. (a) It shall be
52 unlawful to operate or cause to be operated a stretch limousine regis-

tered in this state on any public highway or private road open to public motor vehicle traffic unless such vehicle is equipped with roll-over protection devices such as cages or pillars and anti-intrusion bars for the purpose of protecting rear compartment passengers, which shall conform to standards prescribed by the commissioner of transportation in consultation with the commissioner.

(b) For the purposes of this subdivision:

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

(ii) "Stretch limousine" shall exclude a historical motor vehicle or any other motor vehicle which is owned and operated as an exhibition piece or collector's item, and is used for participation in club activities, exhibits, tours, parades, occasional transportation and similar uses, but not used in the business of transporting passengers for compensation.

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

§ 3. This act shall take effect two years after it shall have become a law. Provided, however, that this act shall be deemed repealed if any federal agency determines in writing that this act would render New York state ineligible for the receipt of federal funds or any court of competent jurisdiction finally determines that this act would render New York state out of compliance with federal law or regulation. The commissioner of motor vehicles or the commissioner of transportation shall notify the legislative bill drafting commission upon the occurrence of any federal agency determining in writing that this act would render New York state ineligible for the receipt of federal funds or any court of competent jurisdiction finally determines that this act would render New York state out of compliance with federal law or regulation in order that the commission may maintain an accurate and timely effective data base of the official text of the laws of the state of New York in furtherance of effectuating the provisions of section 44 of the legislative law and section 70-b of the public officers law. Effective immediately, the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of this act on its effective date are authorized to be made and completed on or before such effective date.

SUBPART D

Section 1. Subparagraph (i) of paragraph b of subdivision 9 of section 140 of the transportation law, as amended by chapter 9 of the laws of 2020, is amended to read as follows:

(i) Whenever an altered motor vehicle commonly referred to as a "stretch limousine" has failed an inspection and been placed out-of-service, the commissioner may direct a police officer or ~~his or her~~ an agent of such commissioner to immediately secure possession of the number plates of such vehicle and return the same to the commissioner of

1 motor vehicles. The commissioner shall notify the commissioner of motor
2 vehicles to that effect, and the commissioner of motor vehicles shall
3 thereupon suspend the registration of such vehicle until such time as
4 the commissioner gives notice that the out-of-service defect has been
5 satisfactorily adjusted. Provided, however, that the commissioner shall
6 give notice and an opportunity to be heard within not more than thirty
7 days of the suspension. Failure of the holder or of any person possess-
8 ing such plates to deliver to the commissioner or ~~his or her~~ **their**
9 agent who requests the same pursuant to this paragraph shall be a misde-
10 meanor. The commissioner of motor vehicles shall have the authority to
11 deny a registration or renewal application to any other person for the
12 same vehicle where it has been determined that such registrant's intent
13 has been to evade the purposes of this paragraph and where the commis-
14 sioner of motor vehicles has reasonable grounds to believe that such
15 registration or renewal will have the effect of defeating the purposes
16 of this paragraph. The procedure on any such suspension shall be the
17 same as in the case of a suspension under the vehicle and traffic law.
18 Operation of such motor vehicle while under suspension as provided in
19 this subdivision shall constitute a class A misdemeanor. Operating such
20 motor vehicle while under suspension as provided in this subdivision
21 shall be punishable by a fine of not less than ten thousand dollars and
22 assessed to the holder or of any person possessing such plates for each
23 offense committed, in addition to any other fines, penalties or actions
24 taken with respect to such conduct.

25 § 2. The vehicle and traffic law is amended by adding a new section
26 511-e to read as follows:

27 § 511-e. Seizure and redemption of unlawfully operated and unsafe
28 commercial motor vehicles. 1. Upon determining that a commercial motor
29 vehicle is operating with an out-of-service defect that is of a type
30 where pursuant to the department of transportation's regulations no
31 inspection would be issued until the defect is repaired and a re-inspec-
32 tion is conducted, or is related to its horn, and an officer, in consul-
33 tation with the department of transportation, determines that allowing
34 the commercial motor vehicle to continue operating would be contrary to
35 public safety, such officer may remove or arrange for the removal of the
36 vehicle to a garage, automobile pound, or other place of safety where it
37 shall remain impounded, subject to the provisions of this section. The
38 vehicle shall be entered into the New York statewide police information
39 network as an impounded vehicle and the impounding police department
40 shall promptly notify the owner and the local authority that the vehicle
41 has been impounded.

42 2. A commercial motor vehicle so impounded shall be in the custody of
43 the local authority and shall not be released unless:

44 (a) The person who redeems it has furnished satisfactory evidence of
45 registration and financial security;

46 (b) Payment has been made for the reasonable costs of removal and
47 storage of the commercial motor vehicle. The registered owner of the
48 vehicle shall be responsible for such payment provided. Payment prior to
49 release of the vehicle shall not be required in cases where the impound-
50 ed vehicle was stolen or was rented or leased pursuant to a written
51 agreement for a period of thirty days or less, however the motor carrier
52 who was operating such vehicle shall be liable for the costs of removal
53 and storage of the vehicle to any entity rendering such service.

54 (c) Where the commercial motor vehicle was operated by a person who at
55 the time of the offense was the owner thereof, (i) satisfactory evidence
56 that the registered owner or other person seeking to redeem the vehicle

1 has a license or privilege to operate a motor vehicle in this state, and
2 (ii)(A) satisfactory evidence that the out-of-service defect or defects
3 forming the basis for such seizure or impoundment have been repaired or
4 the registered owner has provided satisfactory evidence that the vehicle
5 will be permanently taken out of service, or (B) a certificate issued by
6 the court or administrative tribunal in which the seizure action was
7 commenced ordering release of the vehicle prior to the judgment or
8 compliance therewith in the interest of justice, or (C) a certificate
9 issued by the commissioner of transportation or other officer authorized
10 to enforce compliance with remedying out-of-service defects has waived
11 the authorization to hold the vehicle after finding that such release
12 would not be contrary to public safety.

13 3. When a commercial motor vehicle seized and impounded pursuant to
14 this section has been in the custody of the local authority for thirty
15 days, such authority shall make inquiry in the manner prescribed by the
16 commissioner as to the name and address of the owner and any lienholder
17 and upon receipt of such information shall notify the owner and the
18 lienholder, if any, at their last known address by certified mail,
19 return receipt requested, that if the vehicle is not retrieved pursuant
20 to subdivision two of this section within thirty days from the date the
21 notice is given, it may be forfeited. If the vehicle was registered in
22 New York state, the last known address shall be that address on file
23 with the commissioner. If the vehicle was registered out-of-state or
24 never registered, notification shall be made in the manner prescribed by
25 the commissioner.

26 4. A commercial motor vehicle that has been seized and not retrieved
27 pursuant to the foregoing provisions of this section may be forfeited to
28 the local authority upon expiration of the period of the notice set
29 forth in subdivision three of this section provided, however, in comput-
30 ing such period, the period of time during which a criminal prosecution
31 or administrative hearing is or was pending against the owner for poten-
32 tial violations shall be excluded. A proceeding to decree such forfei-
33 ture and to recover towing and storage costs, if any, to the extent such
34 costs exceed the fair market value of the vehicle may be brought by the
35 local authority in the court or administrative tribunal in which the
36 civil or criminal action was commenced by petition for an order decree-
37 ing forfeiture of the motor vehicle, accompanied by an affidavit attest-
38 ing to facts showing that forfeiture is warranted. If the identity and
39 address of the owner and/or lienholder is known to the local authority,
40 ten days' notice shall be given to such party, who shall have an oppor-
41 tunity to appear and be heard prior to entry of an order decreeing
42 forfeiture. Where the court or administrative tribunal is satisfied that
43 forfeiture of a motor vehicle is warranted in accordance with this
44 section, it shall enter an order decreeing forfeiture of such vehicle.
45 Provided, however, that the court or administrative tribunal at any time
46 prior to entry of such an order may authorize release of the vehicle in
47 accordance with subdivision two of this section upon a showing of good
48 cause for failure to retrieve same prior to commencement of the proceed-
49 ing to decree forfeiture, but if the court or administrative tribunal
50 orders release of the motor vehicle as herein provided and the vehicle
51 is not redeemed within ten days from the date of such order, the vehicle
52 shall be deemed to have been abandoned and the court or administrative
53 tribunal upon application of the local authority must enter an order
54 decreeing its forfeiture.

1 5. A motor vehicle forfeited in accordance with the provisions of this
2 section shall be and become the property of the local authority, subject
3 however to any lien that was recorded prior to the seizure.

4 6. (a) For the purposes of this section, the term "local authority"
5 means the municipality in which the commercial motor vehicle was seized;
6 except that if the vehicle was seized on property of the New York state
7 thruway authority or property under the jurisdiction of the office of
8 parks, recreation and historic preservation, the department of transpor-
9 tation, or a public authority or commission, the term "local authority"
10 means such authority, office, department, or commission. A county may
11 provide by local law that the county may act as the agent for a local
12 authority under this section.

13 (b) For the purposes of this section, the term "commercial motor vehi-
14 cle" shall mean a self-propelled or towed motor vehicle used on a high-
15 way in commerce to transport passengers or property as defined pursuant
16 to 17 NYCRR Part 820.

17 7. When a commercial motor vehicle has been seized and impounded
18 pursuant to this section, the local authority or any person having
19 custody of the vehicle shall make the vehicle available or grant access
20 to it to any owner or any person designated or authorized by such owner
21 for the purpose of (a) taking possession of any personal property found
22 within the vehicle, and (b) obtaining proof of registration, financial
23 security, title or documentation in support thereof, and (c) curing the
24 out-of-service defect or defects.

25 § 3. This act shall take effect one year after it shall have become a
26 law. Effective immediately, the addition, amendment and/or repeal of any
27 rule or regulation necessary for the implementation of this act on its
28 effective date are authorized to be made and completed on or before such
29 effective date.

30 SUBPART E

31 Section 1. Subdivision 9 of section 138 of the transportation law, as
32 amended by chapter 12 of the laws of 2020, is amended to read as
33 follows:

34 9. To maintain and annually update its website to provide information
35 with regard to each bus operator or motor carrier under subparagraphs
36 (ii) and (vi) of paragraph a of subdivision two of section one hundred
37 forty of this article requiring department operating authority that
38 includes the bus operator's or motor carrier's name, number of
39 inspections, number of out of service orders, operator identification
40 number, location and region of operation including place of address,
41 percentile to which an operator or motor carrier falls with respect to
42 out of service defects, the number or percentage of out of service
43 defects where pursuant to the commissioner's regulations no inspection
44 certificate shall be issued until the defect is repaired and a re-in-
45 spection is conducted, and the number of serious physical injury or
46 fatal crashes involving a for-hire vehicle requiring operating authority
47 pursuant to this article, and any additional publicly available informa-
48 tion provided in accordance with the safety fitness standards estab-
49 lished pursuant to part 385 of title 49 of the code of federal regu-
50 lations.

51 § 2. Subparagraph (iii) of paragraph (b) of subdivision 10 of section
52 138 of the transportation law, as added by chapter 5 of the laws of
53 2020, is amended to read as follows:

(iii) In consultation and cooperation with the commissioner of motor vehicles, the commissioner shall report on safety issues reported to such website, and toll-free hotline and related investigations summarizing (A) the total number of safety issue reports received and the type of safety issues reported; (B) the total number of safety issue reports received and the type of safety issues reported where the commissioner or the commissioner of motor vehicles, as applicable, verified the information provided; (C) enforcement actions and other responses taken by the commissioner or the commissioner of motor vehicles, as applicable, to safety issue reports received where the commissioner or the commissioner of motor vehicles, as applicable, has verified such information; and (D) the length of time between the receipt of safety issue reports from such website, or hotline and enforcement action or other response by the commissioner or the commissioner of motor vehicles, as applicable. Such report shall be made publicly available on the department's website in a searchable format, ~~and~~ shall be published no less than once annually, and shall compare the previous three years of report data to the extent applicable. Such report may also be included within the department's annual report submitted pursuant to subdivision thirteen of section fourteen of this chapter.

§ 3. This act shall take effect one year after it shall have become a law. Effective immediately, the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of this act on its effective date are authorized to be made and completed on or before such effective date.

SUBPART F

Section 1. Section 375 of the vehicle and traffic law is amended by adding a new subdivision 56 to read as follows:

56. Stretch limousine additional equipment requirements. (a) It shall be unlawful to operate or cause to be operated a stretch limousine registered in this state on any public highway or private road open to public motor vehicle traffic unless such vehicle is equipped with the necessary quantity of window break tools and operational fire extinguishers prescribed by the commissioner of transportation in consultation with the commissioner.

(b) For the purposes of this subdivision:

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

(ii) "Stretch limousine" shall exclude a historical motor vehicle or any other motor vehicle which is owned and operated as an exhibition piece or collector's item, and is used for participation in club activities, exhibits, tours, parades, occasional transportation and similar uses, but not used in the business of transporting passengers for compensation.

(iii) "Window break tool" shall mean a tool that can be used to open the windows of a stretch limousine in the event of an emergency, which can be safely stored when not in use.

§ 2. Severability. If any clause, sentence, subdivision, paragraph, section or part of this act be adjudged by any court of competent jurisdiction to be invalid, or if any federal agency determines in writing that this act would render New York state ineligible for the receipt of federal funds, such judgment or written determination shall not affect,

1 impair or invalidate the remainder thereof, but shall be confined in its
2 operation to the clause, sentence, subdivision, paragraph, section or
3 part thereof directly involved in the controversy in which such judgment
4 or written determination shall have been rendered.

5 § 3. This act shall take effect two years after it shall have become a
6 law; provided, however, that this act shall be deemed repealed if any
7 federal agency determines in writing that this act would render New York
8 state ineligible for the receipt of federal funds or any court of compe-
9 tent jurisdiction finally determines that this act would render New York
10 state out of compliance with federal law or regulation. The commissioner
11 of motor vehicles or the commissioner of transportation shall notify the
12 legislative bill drafting commission upon the occurrence of any federal
13 agency determining in writing that this act would render New York state
14 ineligible for the receipt of federal funds or any court of competent
15 jurisdiction finally determines that this act would render New York
16 state out of compliance with federal law or regulation in order that the
17 commission may maintain an accurate and timely effective data base of
18 the official text of the laws of the state of New York in furtherance of
19 effectuating the provisions of section 44 of the legislative law and
20 section 70-b of the public officers law. Effective immediately, the
21 addition, amendment and/or repeal of any rule or regulation necessary
22 for the implementation of this act on its effective date are authorized
23 to be made and completed on or before such effective date.

24 SUBPART G

25 Section 1. Section 375 of the vehicle and traffic law is amended by
26 adding a new subdivision 57 to read as follows:

27 57. Stretch limousine age and mileage parameters. (a) It shall be
28 unlawful to operate or cause to be operated a stretch limousine regis-
29 tered in this state on any public highway or private road open to public
30 motor vehicle traffic if the vehicle is more than ten years old or the
31 cumulative mileage registered on the vehicle's odometer exceeds three
32 hundred fifty thousand miles, whichever occurs first.

33 (b) For the purposes of this subdivision:

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

38 (ii) "Stretch limousine" shall exclude a historical motor vehicle or
39 any other motor vehicle which is owned and operated as an exhibition
40 piece or collector's item, and is used for participation in club activ-
41 ities, exhibits, tours, parades, occasional transportation and similar
42 uses, but not used in the business of transporting passengers for
43 compensation.

44 (c) After consultation with the commissioner of transportation, the
45 commissioner may provide for exceptions to paragraph (a) of this subdi-
46 vision for stretch limousines that were manufactured or modified by
47 coachbuilders and warrantied in accordance with the CMC or QVM process
48 or other comparable certification standards, or based upon demonstrated
49 safety record history of compliance with article nineteen-A of this
50 chapter and absence of out-of-service "A" defects pursuant to 17 NYCRR
51 720.11.

52 (d) (i) A stretch limousine with an odometer reading that differs from
53 the number of miles the stretch limousine has actually traveled or that
54 has had a prior history involving the disconnection or malfunctioning of

an odometer or which appears to the commissioner to have an inaccurate odometer reading based on prior inspection records, will be assigned an imputed mileage for each month from the last reliable odometer recording through the date of inspection, as provided in subparagraph (ii) of this paragraph. A motor carrier may seek review of the determination to assign imputed mileage as provided pursuant to article six of the transportation law and 17 NYCRR Parts 500 and 720.

(ii) The imputed mileage shall be calculated by adding the mileage of the stretch limousine recorded at the two most recent stretch limousine inspections, including roadside inspections conducted by the commissioner of transportation or division of state police, whichever is more recent, and dividing that sum by twenty-four. The quotient is the imputed monthly mileage.

(iii) Unless otherwise provided by the commissioner of transportation, a stretch limousine may not be introduced to transport passengers for compensation or continue transporting passengers for compensation if a reliable baseline odometer reading cannot be ascertained.

(iv) A motor carrier or operator who knows or has reason to believe that the odometer reading of a limousine differs from the number of miles the stretch limousine has actually traveled shall disclose that status to the commissioner or the department of transportation immediately.

§ 2. This act shall take effect two years after it shall have become a law. Effective immediately, the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of this act on its effective date are authorized to be made and completed on or before such effective date.

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

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

PART L

Section 1. Section 2 of part EEE of chapter 58 of the laws of 2023, amending the waterfront commission act relating to the waterfront commission of New York harbor, is amended to read as follows:

§ 2. This act shall take effect immediately, and shall expire June 30, ~~2024~~ 2025 when upon such date the provisions of this act shall be deemed repealed.

§ 2. This act shall take effect immediately.

PART M

Section 1. Section 2 of part DDD of chapter 55 of the laws of 2021 amending the public authorities law relating to the clean energy

resources development and incentives program, is amended to read as follows:

§ 2. This act shall take effect immediately and shall expire and be deemed repealed [~~three years after such date~~] April 19, 2027; provided however, that the amendments to section 1902 of the public authorities law made by section one of this act shall not affect the repeal of such section and shall be deemed repealed therewith.

§ 2. The opening paragraph of paragraph (a) and paragraph (b) of subdivision 1 of section 1902 of the public authorities law, as added by section 6 of part JJJ of chapter 58 of the laws of 2020, are amended to read as follows:

Locate, identify and assess sites within the state that appear suitable for the development of build-ready sites with a priority given to previously developed sites, provided that viable agricultural land shall not be deemed suitable for the development of a build-ready site. Such assessment may include but need not be limited to the following considerations:

(b) In making such assessment the authority shall give priority to previously developed sites, existing or abandoned commercial sites, including without limitation brownfields, landfills, former commercial or industrial sites, dormant electric generating sites, or otherwise underutilized sites, provided that the authority shall not deem any viable agricultural land to be an otherwise underutilized site for the purposes of this section;

§ 3. This act shall take effect immediately; provided, however, that the amendments to section 1902 of the public authorities law, made by section two of this act, shall not affect the repeal of such section and shall be deemed to be repealed therewith.

PART N

Intentionally Omitted

PART O

Section 1. Short title, legislative findings and declaration. This act shall be known and may be cited as the "renewable action through project interconnection and deployment (RAPID) act."

§ 2. Section 94-c of the executive law is REPEALED.

§ 3. Transfer of Office of Renewable Energy Siting. ORES, an office established in the Department of State by the Accelerated Renewable Energy Growth and Community Benefit Act, enacted under part JJJ of chapter 58 of the laws of 2020, is hereby transferred to and established within the DPS, and shall continue to have all existing functions, powers, duties and obligations of ORES together with the new additional functions, powers, duties and obligations set forth in this act.

§ 4. Continuity of existing functions, powers, duties and obligations. All of the existing functions, powers, obligations, and duties granted to ORES by section 94-c of the executive law now repealed, are hereby transferred, and shall be deemed to and held to constitute the continuation of such functions, powers, duties and obligations of ORES, and not a different agency, authority, department or office. All applications pending before ORES on the effective date of this act shall be considered and treated as applications filed pursuant to this act as of the date of filing of such applications.

§ 5. Transfer of employees. 1. Upon the transfer of such functions, powers, duties and obligations pursuant to this act, provision shall be made for the transfer of all employees of ORES situated within the department of state into DPS pursuant to subdivision 2 of section 70 of the civil service law. Employees so transferred shall be transferred without further examination or qualification to the same or similar titles, shall remain in the same collective bargaining units and shall retain their respective civil service classifications, status and rights pursuant to their collective bargaining units and collective bargaining agreements.

2. All employees hired after the effective date of this section shall, consistent with the provisions of article 14 of the civil service law, be classified in the same bargaining units. Employees other than management or confidential persons as defined in article 14 of the civil service law serving positions in newly created titles shall be assigned to the appropriate bargaining unit. Nothing contained herein shall be construed to affect:

(a) the rights of employees pursuant to a collective bargaining agreement; or

(b) the representational relationships among employee organizations or the bargaining relationships between the state and an employee organization.

§ 6. Transfer of records. All records, including but not limited to, books, papers, and property of ORES shall be transferred and delivered to DPS.

§ 7. Transfer and continuation of regulations; conforming changes. Notwithstanding any inconsistent provision of the state administrative procedure act: all rules and regulations of ORES adopted at 19 NYCRR part 900 in force at the time of the transfer of ORES to DPS shall continue in full force and effect as rules and regulations of the department until duly modified or abrogated by such department; 19 NYCRR part 900 shall be and hereby is transferred to 16 NYCRR part XXX, with such conforming changes as shall be required to reflect the transfer and relocation of ORES to DPS as provided in this act, without the need for additional proceedings under the state administrative procedure act, and shall continue in full force and effect; and notwithstanding article 8 of the environmental conservation law and its implementing regulations, the transfer of 19 NYCRR part 900 to 16 NYCRR part XXX as provided in this section shall be excluded from review for all purposes under the state environmental quality review act, and shall not be subject to review or otherwise actionable under article 78 of the civil practice law and rules.

§ 8. Intentionally omitted.

§ 9. Subdivisions 3, 4 and 13 of section 2 of the public service law, subdivisions 3 and 4 as amended by chapter 843 of the laws of 1981 and subdivision 13 as amended by chapter 375 of the laws of 2022, are amended and a new subdivision 2-e is added to read as follows:

2-e. The term "major renewable energy facility," when used in this chapter, means any renewable energy system, as such term is defined in section sixty-six-p of this chapter, with a nameplate generating capacity of twenty-five thousand kilowatts or more, and any co-located system storing energy generated from such a renewable energy system prior to delivering it to the bulk transmission system, including all associated appurtenances to electric plants, including electric transmission facilities less than ten miles in length in order to provide access to load

1 and to integrate such facilities into the state's bulk electric trans-
2 mission system.

3 3. The term "corporation," when used in this chapter, includes a
4 corporation, company, association and joint-stock association other than
5 a corporation, company, association or joint stock association generat-
6 ing electricity, shaft horsepower, useful thermal energy or gas solely
7 from one or more co-generation, small hydro or alternate energy
8 production facilities or distributing electricity, shaft horsepower,
9 useful thermal energy or gas solely from one or more of such facilities
10 to users located at or near a project site; provided, however, that
11 notwithstanding any other provision of law to the contrary, the term
12 "corporation" includes the holder of a certificate or permit issued
13 under article eight of this chapter, or a predecessor statute thereto,
14 for a major renewable energy facility with an electric generating capac-
15 ity between twenty-five and eighty megawatts or that otherwise opts into
16 article eight of this chapter for purposes of enforcement under sections
17 twenty-five and twenty-six of this article.

18 4. The word "person," when used in this chapter, includes an individ-
19 ual, firm or co-partnership other than an individual, firm or co-part-
20 nership generating electricity, shaft horsepower, useful thermal energy
21 or gas solely from one or more co-generation, small hydro or alternate
22 energy production facilities or distributing electricity, shaft horse-
23 power, useful thermal energy or gas solely from one or more of such
24 facilities to users located at or near a project site; provided, howev-
25 er, that an individual, firm or co-partnership generating or distribut-
26 ing electricity or gas solely from one or more co-generation, small
27 hydro or alternate energy production facilities shall nevertheless be
28 considered a person for purposes of commission jurisdiction under arti-
29 cle seven of this chapter; provided, however, that notwithstanding any
30 other provision of law to the contrary, the term "person" includes the
31 holder of a certificate or permit issued under article eight of this
32 chapter, or a predecessor statute thereto, for a major renewable energy
33 facility with an electric generating capacity between twenty-five and
34 eighty megawatts or that otherwise opts into article eight of this chap-
35 ter for purposes of enforcement under sections twenty-five and twenty-
36 six of this article.

37 13. The term "electric corporation," when used in this chapter,
38 includes every corporation, company, association, joint-stock associ-
39 ation, partnership and person, their lessees, trustees or receivers
40 appointed by any court whatsoever (other than a railroad or street rail-
41 road corporation generating electricity solely for railroad or street
42 railroad purposes or for the use of its tenants and not for sale to
43 others) owning, operating or managing any electric plant or thermal
44 energy network except where electricity or thermal energy is generated
45 or distributed by the producer solely on or through private property for
46 railroad or street railroad purposes or for its own use or the use of
47 its tenants and not for sale to others; or except where electricity is
48 generated by the producer solely from one or more co-generation, small
49 hydro or alternate energy production facilities or distributed solely
50 from one or more of such facilities to users located at or near a
51 project site; provided, however, that notwithstanding any other
52 provision of law to the contrary, the term "electric corporation"
53 includes the holder of a certificate or permit issued under article
54 eight of this chapter, or a predecessor statute thereto, for a major
55 renewable energy facility with an electric generating capacity between
56 twenty-five and eighty megawatts or that otherwise opts into article

eight of this chapter for purposes of enforcement under sections twenty-five and twenty-six of this article.

§ 10. The public service law is amended by adding a new section 3-c to read as follows:

§ 3-c. Office of renewable energy siting and electric transmission.
1. Definitions. For the purposes of this section, the following terms shall have the following meanings:

(a) "Executive director" or "director" shall mean the executive director of the office of renewable energy siting and electric transmission.

(b) "ORES" and "office" shall mean the office of renewable energy siting and electric transmission established pursuant to this section.

(c) "Siting permit" shall mean the major renewable energy facility siting permit or major electric transmission facility permit issued by the executive director pursuant to article eight of this chapter, and the rules and regulations promulgated by ORES.

2. General powers and responsibilities. (a) There is hereby established in the department an office of renewable energy siting and electric transmission.

(b) ORES shall accept applications and evaluate, issue, amend, and approve the assignment and/or transfer of siting permits pursuant to article eight of this chapter. ORES shall exercise its authority by and through the executive director.

(c) ORES, by and through the executive director, shall be authorized to conduct hearings and dispute resolution proceedings, issue permits, and adopt such rules, regulations and procedures as may be necessary, convenient, or desirable to effectuate the purposes of this section and article eight of this chapter; provided that the commission may examine and review any action of the office and the executive director and may repeal, or promulgate any modifications and changes to, any rule, regulation or procedure adopted by the office.

(d) ORES shall, among other things, continue unimpeded the work of the office of renewable energy siting established under the former section ninety-four-c of the executive law. All permits issued by the former office of renewable energy siting, established pursuant to former section ninety-four-c of the executive law, and all certificates of environmental compatibility and public need issued by the commission pursuant to article seven of this chapter shall be considered for all legal purposes to be permits issued by ORES.

(e) All final siting permits issued by ORES or heretofore issued by the office of renewable energy siting established pursuant to the former section ninety-four-c of the executive law are hereby enforceable by ORES and the department pursuant to section twenty-five and section twenty-six of this article as if issued by the commission, except that such permits issued to combination gas and electric corporations are also enforceable by ORES and the department pursuant to section twenty-five-a of this article.

(f) At the request of ORES, all other state agencies and authorities are hereby authorized to provide support and render services to the office within their respective functions.

§ 11. Articles 8 of the public service law, as added by chapter 708 of the laws of 1978 and as added by chapter 385 of the laws of 1972, are REPEALED and a new article 8 is added to read as follows:

ARTICLE VIII

SITING OF RENEWABLE ENERGY AND ELECTRIC TRANSMISSION SITING

1 Section 136. Purpose.

2 137. Definitions.

3 138. General provisions related to establishing standards
4 related to siting.

5 139. Applicability.

6 140. Application and notice.

7 141. Powers of municipalities and state agencies and authori-
8 ties; scope.

9 142. Fees; local agency account.

10 143. Judicial review.

11 144. Farmland protection working group.

12 145. Reports of the office.

13 § 136. Purpose. It is the purpose of this article to consolidate the
14 environmental review, permitting, and siting in this state of major
15 renewable energy facilities and major electric transmission facilities
16 subject to this article, and to provide ORES as a single forum for the
17 coordinated and timely review of such projects to meet the state's
18 renewable energy goals and ensure the reliability of the electric trans-
19 mission system, while also ensuring the protection of the environment
20 and consideration of all pertinent social, economic and environmental
21 factors in the decision to permit such projects as more specifically
22 provided in this article.

23 § 137. Definitions. Where used in this article, the following terms
24 shall have the following meanings:

25 1. "CLCPA targets" shall mean the public policies established in the
26 climate leadership and community protection act enacted in chapter one
27 hundred six of the laws of two thousand nineteen, including but not
28 limited to the requirement that a minimum of seventy percent of the
29 statewide electric generation be produced by renewable energy systems by
30 two thousand thirty, that by the year two thousand forty the statewide
31 electrical demand system will generate zero emissions, and the procure-
32 ment of at least nine gigawatts of offshore wind electricity generation
33 by two thousand thirty-five, six gigawatts of photovoltaic solar gener-
34 ation by two thousand twenty-five and to support three gigawatts of
35 statewide energy storage capacity by two thousand thirty.

36 2. "Dormant electric generating site" shall mean a site at which one
37 or more electric generating facilities produced electricity but has
38 permanently ceased operating.

39 3. "Major electric transmission facility" means an electric trans-
40 mission line of a design capacity of one hundred twenty-five kilovolts
41 or more extending a distance of one mile or more, or of one hundred
42 kilovolts or more and less than one hundred twenty-five kilovolts,
43 extending a distance of ten miles or more, including associated equip-
44 ment, but shall not include any such transmission line located wholly
45 underground in a city with a population in excess of one hundred twen-
46 ty-five thousand or a primary transmission line approved by the federal
47 energy regulatory commission in connection with a hydro-electric facili-
48 ty.

49 4. "Major renewable energy facility" means any renewable energy
50 system, as such term is defined in section sixty-six-p of this chap-
51 ter, with a nameplate generating capacity of twenty-five thousand kilo-
52 watts or more, and any co-located system storing energy generated from
53 such a renewable energy system prior to delivering it to the bulk
54 transmission system, including all associated appurtenances to electric
55 plants, including electric transmission facilities less than ten miles
56 in length in order to provide access to load and to integrate such

1 facilities into the state's bulk electric transmission system. "Major
2 renewable energy facility" shall include any qualified energy storage
3 system, as such term is defined in subdivision one of section seventy-
4 four of this chapter, with a nameplate capacity of more than five thou-
5 sand kilowatts and not co-located with a major renewable energy facility
6 inclusive of related electric transmission facilities less than ten
7 miles in length that provide access to load or integrate such systems
8 into the state's bulk electric transmission system.

9 5. "Landowner" means the holder of any right, title, or interest in
10 real property subject to a proposed site or right of way as identified
11 from the most recent tax roll of the appropriate municipality.

12 6. "Local agency" means any local agency, board, district, commission
13 or governing body, including any city, county, and other political
14 subdivision of the state.

15 7. "Local agency account" or "account" shall mean the account estab-
16 lished pursuant to section one hundred forty-two of this section.

17 8. "Municipality" shall mean a county, city, town, or village.

18 9. "Right-of-way" shall mean:

19 (a) real property that is used or authorized to be used for electric
20 utility purposes; or

21 (b) real property owned or controlled by or under the jurisdiction of
22 the state, a distribution utility, or a state public authority including
23 by means of ownership, lease or easement, that is used or authorized to
24 be used for transportation or canal purposes.

25 10. "ORES" shall mean the office of renewable energy siting and elec-
26 tric transmission established pursuant to section three-c of this chap-
27 ter.

28 11. "Executive director" or "director" shall mean the executive direc-
29 tor of the office of renewable energy siting and electric transmission.

30 12. "Siting permit" shall mean the major renewable energy facility
31 siting permit or major electric transmission facility permit issued by
32 the executive director pursuant to this article, and the rules and regu-
33 lations promulgated by ORES.

34 § 138. General provisions related to establishing standards related to
35 siting. 1. (a) ORES shall be authorized to establish and amend a set of
36 uniform standards and conditions for the siting, design, construction
37 and operation of each type of major renewable energy facility subject to
38 this article relevant to issues that are common for particular classes
39 and categories of major renewable energy facilities, in consultation
40 with other offices within the department, the New York state energy
41 research and development authority, the department of environmental
42 conservation, the department of agriculture and markets, and other rele-
43 vant state agencies and authorities with subject matter expertise.
44 Prior to adoption of any new uniform standards and conditions, the
45 office shall hold four public hearings in different regions of the state
46 to solicit comment from municipal, or political subdivisions, and the
47 public on proposed uniform standards and conditions to avoid, minimize
48 or mitigate potential adverse environmental impacts from the siting,
49 design, construction and operation of a major renewable energy facility.

50 (b) The uniform standards and conditions established pursuant to this
51 subdivision shall be designed to avoid or minimize, to the maximum
52 extent practicable, any potential significant adverse environmental
53 impacts and, to the maximum extent practicable, avoid, minimize, and
54 mitigate agricultural impacts to active agricultural lands, related to
55 the siting, design, construction and operation of a major renewable
56 energy facility. Such uniform standards and conditions shall apply to

1 those environmental impacts ORES determines are common to each type of
2 major renewable energy facility.

3 (c) In its review of an application for a permit to develop a major-
4 renewable energy facility, ORES, in consultation with the department of
5 environmental conservation, shall identify those site-specific adverse
6 environmental impacts, if any, that may be caused or contributed to by a
7 specific proposed major renewable energy facility and are unable to be
8 addressed by the uniform standards and conditions. ORES shall draft in
9 consultation with the department of environmental conservation site-spe-
10 cific permit terms and conditions for such impacts, including provisions
11 for the avoidance or mitigation thereof, taking into account the CLCPA
12 targets and the environmental benefits of the proposed major renewable
13 energy facility; provided, however, that ORES shall require that the
14 application of uniform standards and conditions and site-specific condi-
15 tions shall achieve a net conservation benefit to any impacted endan-
16 gered and threatened species.

17 2. (a) Within eighteen months of the effective date of this section,
18 ORES shall, in consultation with other offices within the department,
19 the New York state energy research and development authority, the
20 department of environmental conservation, the department of agriculture
21 and markets, and other agencies with subject matter expertise, establish
22 a set of uniform standards and conditions for the siting, design,
23 construction, and operation of major electric transmission facilities
24 subject to this article relevant to issues that are common to such
25 projects. Prior to adoption of uniform standards and conditions for
26 major electric transmission facilities, the office shall hold four
27 public hearings in different regions of the state to solicit comment
28 from municipal, or political subdivisions, and the public on proposed
29 uniform standards and conditions to avoid, minimize or mitigate poten-
30 tial adverse environmental impacts from the siting, design, construction
31 and operation of a major renewable energy facility.

32 (b) The uniform standards and conditions established pursuant to this
33 article shall be designed to avoid or minimize, to the maximum extent
34 practicable, any potential significant adverse environmental impacts
35 and, to the maximum extent practicable, avoid, minimize, and mitigate
36 agricultural impacts to active agricultural lands, related to the
37 siting, design, construction, and operation of a major electric trans-
38 mission facility. Such uniform standards and conditions shall apply to
39 those environmental impacts ORES determines are common to electric tran-
40 smission facilities.

41 (c) In its review of an application for a permit to develop a major
42 electric transmission facility, ORES, in consultation with the depart-
43 ment of environmental conservation, shall identify those adverse site-
44 specific environmental impacts, if any, that may be caused or contrib-
45 uted to by a specific proposed major electric transmission facility and
46 are unable to be addressed by the uniform standards and conditions. ORES
47 shall draft in consultation with the department of environmental conser-
48 vation site-specific permit terms and conditions for such impacts,
49 including provisions for the avoidance or mitigation thereof, taking
50 into account the CLCPA targets, the environmental benefits of, and
51 public need for the proposed major electric transmission facility;
52 provided, however, that ORES shall require that the application of
53 uniform standards and conditions and site-specific conditions shall
54 achieve a net conservation benefit to any impacted endangered and
55 threatened species.

1 (d) Upon the establishment of uniform standards and conditions
2 required by this section and the promulgation of regulations specifying
3 the content of an application for a siting permit for a major electric
4 transmission facility, an application for such siting permit for a major
5 electric transmission facility shall only be made pursuant to this arti-
6 cle.

7 3. To the extent that adverse environmental impacts are not completely
8 addressed by uniform standards and conditions and site-specific permit
9 conditions proposed by ORES, and ORES determines that mitigation of such
10 impacts may be achieved by off-site mitigation, ORES may require payment
11 of a fee by the applicant to achieve such off-site mitigation. If ORES
12 determines, in consultation with the department of environmental conser-
13 vation, that mitigation of impacts to endangered or threatened species
14 that achieves a net conservation benefit can be achieved by off-site
15 mitigation, the amount to be paid for such off-site mitigation shall be
16 set forth in the final siting permit. ORES may require payment of funds
17 sufficient to implement such off-site mitigation into the endangered and
18 threatened species mitigation fund established pursuant to section nine-
19 ty-nine-hh of the state finance law.

20 4. ORES shall identify the basis of the public need for a major elec-
21 tric transmission facility and shall grant permits to such projects that
22 demonstrate a qualified public need, so long as the adverse environ-
23 mental impacts of the facility are identified and addressed by the
24 uniform standards and conditions promulgated pursuant to this article
25 and any site-specific permit conditions applied to the facility, or
26 otherwise mitigated as provided in this article.

27 4-a. In its review of an application for a permit to develop a major
28 renewable energy facility or major electric transmission facility, the
29 office, in consultation with the department of agriculture and markets,
30 shall ensure that a critical mass of farmland within the designated
31 region is not threatened and ensure that solar development shall not
32 greatly hinder the amount of farmland within New York state or be a
33 potential threat to New York's food security. Two years after the effec-
34 tive date of this subdivision, the office, in conjunction with the
35 public service commission and the department of agriculture and markets,
36 shall reevaluate the efficacy of this subdivision and propose recommen-
37 dations to the legislature, including but not limited to, the consider-
38 ation of new pertinent technology or information.

39 5. ORES, in consultation with the department, shall promulgate rules
40 and regulations with respect to all necessary requirements to implement
41 the siting permit program established in this article and promulgate
42 modifications to such rules and regulations as it deems necessary;
43 provided that ORES shall promulgate regulations requiring the service of
44 applications on affected municipalities and political subdivisions
45 simultaneously with submission of an application; and provided further
46 that the commission may examine and review any such rules and regu-
47 lations and repeal, or promulgate any modifications and changes to, any
48 such rule and regulation adopted by the office.

49 6. The office shall establish and/or amend the rules and regulations
50 pertaining to any potential siting on farmland to include the following:

51 (a) the definition of prime farmland as defined in part 622.04 of the
52 USDA handbook and the definitions of unique farmland, specific charac-
53 teristics of unique farmland, additional farmland of statewide impor-
54 tance, and additional farmland of local importance as such terms are
55 defined in 7 CFR § 657.5;

56 (b)(i) preapplication procedures which require applicants to:

1 (1) submit a report delineating the impacts to prime agricultural land
2 and prime soils, unique farmland and farmland of statewide and local
3 importance, including Mineral Soils Group (MSG) 1-4 as defined by the
4 department of agriculture and markets;

5 (2) submit a cumulative impact study as to how the use of farmland for
6 solar siting will impact the regional food economy and regional overall
7 farmland protection plan; and

8 (3) ensure that a critical mass of farmland within the designated
9 region is not threatened. Two years after the effective date of this
10 subdivision, the office, in conjunction with the public service commis-
11 sion and the department of agriculture and markets, shall reevaluate the
12 efficacy of this clause and propose recommendations to the legislature,
13 including but not limited to, the consideration of new pertinent tech-
14 nology and/or information; and

15 (ii) preference to be given to sites for solar development that are on
16 brownfields, landfills, parking lots, rooftops, gravel pits and other
17 areas where disturbance to local ecosystems is minimized. Such sites
18 shall be granted expedited approval;

19 (c) application procedures for major renewable energy facility and
20 major electric transmission facility siting permits. Each application
21 for such permit shall require:

22 (i) the submission of a cumulative impact statement within the study
23 area which includes the following criteria:

24 (1) categories based on solar array size, specifying the array capaci-
25 ty and how much power or electricity is expected to be generated,
26 on-site or associated electric load, and the land use footprint, includ-
27 ing the acreage of land underlying the array;

28 (2) customer type by identifying the end-use entity consuming the
29 electricity or receiving the electric credits generated by the project
30 and how such end-user is classified in a utilities' established electric
31 rate structures for different customer classes, including residential,
32 commercial, industrial, agricultural or low-income;

33 (3) categories based on solar array location, specifying whether solar
34 arrays are roof-mounted, designating preferred sites for solar develop-
35 ment and ineligible sites;

36 (4) categories based on solar array design, including specifying
37 whether such solar array utilizes dual use or agrivoltaics; and

38 (ii) for major renewable energy facilities sited on prime soils or
39 farmlands, the applicant to submit decommissioning plans for arrays on
40 agricultural land and decommissioning bonds for commercial-scale
41 projects. Such applications shall require the applicant to:

42 (1) include a decommissioning plan in the application;

43 (2) show substantial evidence that all structures and materials will
44 be removed upon decommissioning of such facility and to ensure that
45 soils will be capable of agricultural production; and

46 (3) obtain decommissioning surety bonds or another form of insurance
47 to secure all or a part of decommissioning costs required at the conclu-
48 sion of the lease;

49 (d) requiring the submission of a farmland conservation fee of one
50 percent of the price per acre of prime soil or prime farmland which
51 solar is developed on. Such farmland conservation fee shall be deposited
52 in the agricultural and farmland viability protection fund established
53 pursuant to section ninety-nine-pp of the state finance law; and

54 (e) farmland protection and consideration of local economies. The
55 office shall take into account the regional impacts, based on the
56 regional economic development council region, on farmland preservation,

1 local food supply chains, and statewide food security; provided that the
2 office shall ensure that a critical mass of farmland within the desig-
3 nated region is not threatened. The office shall also require the
4 permittee to coordinate with county-level governments to ensure no more
5 land mass shall be developed for solar energy development than will
6 significantly negatively impact the local economy. Two years after the
7 effective date of this subdivision, the office, in conjunction with the
8 public service commission and the department of agriculture and markets,
9 shall reevaluate the efficacy of this paragraph and propose recommenda-
10 tions to the legislature, including but not limited to, the consider-
11 ation of new pertinent technology and/or information.

12 7. (a) The office, in consultation with the commission, shall post,
13 maintain, and regularly update on its website a statewide map with the
14 location, approximate acreage, and generation capacity of each approved
15 and proposed facility pursuant to this article or renewable electric
16 generating facility pursuant to article ten of this chapter for which
17 permitted, complete, or incomplete applications or notices of intent
18 have been received by the office or the public service commission. Such
19 statewide map shall include any additional information the office deems
20 necessary. The information required pursuant to this subparagraph shall
21 be updated upon the completion of each new or updated application for a
22 proposed facility. The map shall be updated immediately upon receipt of
23 permitted, complete, or incomplete applications or notices of intent for
24 the proposed project by the office or the public service commission.

25 (b) The office, in consultation with the commission, shall create an
26 informational tab, using previously established regional economic devel-
27 opment council regions, that calculates regional impacts of renewable
28 energy generation facilities for which permitted, complete, or incom-
29 plete applications or notices of intent have been received by the office
30 or the public service commission. Such impacts include, but are not
31 limited to, total acreage of:

32 (i) the proposed project;
33 (ii) the project's prime agricultural land and prime soils, unique
34 farmland, and farmland of statewide or local importance, including
35 Mineral Soils Group (MSG) 1-4, as defined by the department of agricul-
36 ture and markets;

37 (iii) the project's open space, as defined by section two hundred
38 forty-seven of the general municipal law; and

39 (iv) the project's forest land, as defined by section 9-0101 of the
40 environmental conservation law.

41 § 139. Applicability. 1. No person shall commence the preparation of a
42 site for, or begin the construction of, a major renewable energy facili-
43 ty in the state, or increase the capacity of an existing major renewable
44 energy facility, without having first obtained a siting permit pursuant
45 to this article. Except as provided in paragraph (d) of subdivision five
46 of this section, on and after eighteen months after the effective date
47 of this article, no person shall commence the preparation of a site for,
48 or begin construction of, a major electric transmission facility in the
49 state without having first obtained a siting permit issued with respect
50 to such facility pursuant to this article. Any major renewable energy
51 facility or major electric transmission facility subject to this article
52 with respect to which a siting permit is issued shall not thereafter be
53 built, maintained, or operated except in conformity with such siting
54 permit and any terms, limitations, or conditions contained therein,
55 provided that nothing in this subdivision shall exempt such facility
56 from compliance with federal laws and regulations.

2. A siting permit issued by ORES may be transferred or assigned, subject to the prior written approval of the office, to a person that agrees to comply with the terms, limitations and conditions contained in such siting permit.

3. ORES or a permittee may initiate an amendment to a siting permit under this section. An amendment initiated by ORES or permittee that is likely to result in any material increase in any adverse environmental impact or involves a substantial change to the terms or conditions of a siting permit shall comply with the public notice and hearing requirements of this section.

4. Any hearings or dispute resolution proceedings initiated under this section or pursuant to rules or regulations promulgated pursuant to this section may be conducted by the executive director of ORES or any person to whom the commission shall delegate the power and authority to conduct such hearings or proceedings at any time and place.

5. This section shall not apply:

(a) to any major electric transmission facility over which any agency or department of the federal government has exclusive jurisdiction, or has jurisdiction concurrent with that of the state and has exercised such jurisdiction, to the exclusion of regulation of the facility by the state; provided, however, nothing herein shall be construed to expand federal jurisdiction;

(b) to normal repairs, maintenance, replacements, non-material modifications and improvements of a major renewable energy facility or major electric transmission facility subject to this article, whenever built, which are performed in the ordinary course of business and which do not constitute a violation of any applicable existing permit;

(c) to a major renewable energy facility if, on or before the effective date of this article, an application has been made or granted for a license, permit, certificate, consent or approval from any federal, state or local commission, agency, board or regulatory body; and

(d) to a major electric transmission facility for which an application pursuant to article seven of this chapter and its implementing regulations is submitted on or before the establishment of the uniform standards and conditions required pursuant to subdivision two of section one hundred thirty-eight of this article.

6. After the effective date of this article, any person intending to construct a major electric transmission facility excluded from this section pursuant to paragraph (d) of subdivision five of this section may elect to become subject to the provisions of this section by filing an application for a siting permit pursuant to the regulations of ORES governing such applications.

§ 140. Application and notice. 1. (a) Notwithstanding any law to the contrary, ORES shall, within sixty days of its receipt of an application for a siting permit with respect to a major renewable energy facility subject to this article determine whether the application is complete and notify the applicant of its determination. If ORES does not deem the application complete, ORES shall set forth in writing delivered to the applicant the reasons why it has determined the application to be incomplete. If ORES fails to make a determination within the foregoing sixty-day time period, the application shall be deemed complete; provided, however, that the applicant may consent to an extension of the sixty-day time period for determining application completeness. Provided, further, that no application may be complete without proof of consultation with the municipality or political subdivision where the project is proposed to be located, or an agency thereof, prior to

1 submission of an application to ORES, related to procedural and substan-
2 tive requirements of local law.

3 (b) No later than sixty days following the date upon which an applica-
4 tion has been deemed complete, and following consultation with any rele-
5 vant state agency or authority, ORES shall publish for public comment
6 draft permit conditions prepared by the office, which comment period
7 shall be for a minimum of sixty days from public notice thereof, or
8 notice of intent to deny with reasons thereof. Such public notice shall
9 include, but shall not be limited to: (i) written notice to the munici-
10 palities or political subdivisions in which such project is proposed to
11 be located; (ii) publication in a newspaper or in electronic form,
12 having general circulation in such municipalities or political subdivi-
13 sions; and (iii) posting the notice on the office's and the department's
14 website.

15 (c) For any municipality, political subdivision or an agency thereof
16 that has received notice of the filing of an application, pursuant to
17 regulations promulgated in accordance with this article, the munici-
18 pality or political subdivision or agency thereof shall within the time-
19 frames established by this subdivision submit a statement to ORES indi-
20 cating whether the proposed project is designed to be sited, constructed
21 and operated in compliance with applicable local laws and regulations,
22 if any, concerning the environment, or public health and safety. In the
23 event that a municipality, political subdivision or an agency thereof
24 submits a statement to ORES that the proposed project is not designed to
25 be sited, constructed or operated in compliance with local laws and
26 regulations and ORES determines not to hold an adjudicatory hearing on
27 the application, ORES shall hold a non-adjudicatory public hearing in or
28 near one or more of the affected municipalities or political subdivi-
29 sions.

30 2. (a) Notwithstanding any law to the contrary, ORES shall, within one
31 hundred twenty days after its receipt of an application for a siting
32 permit with respect to a major electric transmission facility, determine
33 whether the application is complete and notify the applicant of its
34 determination. If ORES does not deem the application complete, it shall
35 set forth in writing delivered to the applicant the reasons why it has
36 determined the application to be incomplete. If ORES fails to make a
37 determination within the foregoing one hundred twenty day time period,
38 the application shall be deemed complete; provided, however, that the
39 applicant may consent to an extension of the one hundred twenty day time
40 period for determining application completeness. Provided, further,
41 that no application may be complete without proof of consultation with
42 the municipality or political subdivision where the project is proposed
43 to be located, or an agency thereof, prior to submission of an applica-
44 tion to ORES, related to procedural and substantive requirements of
45 local law.

46 (b) In addition to addressing uniform standards and conditions, the
47 application for a siting permit with respect to a major electric trans-
48 mission facility shall include, in such form as ORES may prescribe, the
49 following information: (i) the location of the site or right-of-way;
50 (ii) a description of the transmission facility to be built thereon;
51 (iii) a summary of any studies which have been made of the environmental
52 impact of the project, and a description of such studies; (iv) a state-
53 ment explaining the public need for the facility; (v) copies of any
54 studies of the electrical performance and system impacts of the facility
55 performed by the state grid operator pursuant to its tariff; and (vi)

1 such other information as the applicant may consider relevant or ORES
2 may by regulation require.

3 (c) To the greatest extent practicable, each landowner of land on
4 which any portion of such proposed facility is to be located shall be
5 served by first class mail with a notice that such landowner's property
6 may be impacted by a project and an explanation of how to file with ORES
7 a notice of intent to be a party in the permit application proceedings
8 and the timeframe for filing such application.

9 (d) No later than sixty days following the date upon which an applica-
10 tion has been deemed complete, and following consultation with any rele-
11 vant state agency or authority, ORES shall publish for public comment
12 draft permit conditions prepared by the office, which comment period
13 shall be for a minimum of sixty days from public notice thereof. Such
14 public notice shall include, but shall not be limited to: (i) written
15 notice to the municipalities and political subdivisions, in which the
16 major electric utility transmission is proposed to be located and to
17 landowners notified of the application pursuant to paragraph (c) of this
18 subdivision; (ii) publication in a newspaper or in electronic form,
19 having general circulation in such municipalities or political subdivi-
20 sions; and (iii) posting on the office's and the department's website.

21 3. For any municipality, political subdivision or an agency thereof
22 that has received notice of the filing of an application, pursuant to
23 regulations promulgated in accordance with this section or otherwise in
24 effect on the effective date of this article, the municipality or poli-
25 tical subdivision or agency thereof shall within the timeframes estab-
26 lished by this act submit a statement to ORES indicating whether the
27 proposed facility is designed to be sited, constructed and operated in
28 compliance with applicable local laws and regulations, if any, concern-
29 ing the environment, or public health and safety. In the event that a
30 municipality, political subdivision or an agency thereof submits a
31 statement to ORES that the proposed facility is not designed to be
32 sited, constructed or operated in compliance with local laws and regu-
33 lations and ORES determines not to hold an adjudicatory hearing on the
34 application, ORES shall hold a non-adjudicatory public hearing in the
35 affected municipality or political subdivision.

36 4. If public comments on a draft permit condition published by ORES
37 pursuant to this section, including comments provided by a municipality
38 or political subdivision or agency thereof, landowners, or members of
39 the public, raise a substantive and significant issue, as defined in
40 regulations adopted pursuant to this article, that requires adjudi-
41 cation, ORES shall promptly fix a date for an adjudicatory hearing to
42 hear arguments and consider evidence with respect thereto; provided,
43 however, that with respect to an application for a siting permit for a
44 major electric transmission facility, any portion of which is to be
45 located on the land of a landowner for which the applicant lacks a
46 right-of-way agreement, ORES shall provide such landowner with an oppor-
47 tunity to challenge the explanation for the public need given in such
48 application.

49 5. Following the expiration of the public comment period set forth in
50 this section, and following the conclusion of a hearing undertaken
51 pursuant to subdivision four of this section, ORES shall, in the case of
52 a public comment period, issue a written summary of public comments and
53 an assessment of comments received, and in the case of an adjudicatory
54 hearing, the executive officer or any person to whom the executive
55 director has delegated such authority shall issue a final written hear-
56 ing report. A final siting permit may only be issued if ORES makes a

1 finding that the proposed project, together with any applicable uniform
2 and site-specific standards and conditions, would comply with applicable
3 laws and regulations. In making a final siting permit determination with
4 respect to a major renewable energy facility or a major electric trans-
5 mission facility, ORES may elect not to apply, in whole or in part, any
6 local law or ordinance that would otherwise be applicable if it makes a
7 finding that, as applied to the proposed facility, it is unreasonably
8 burdensome in view of the CLCPA targets, the environmental benefits, and
9 in the case of a transmission facility, the public need for the proposed
10 project.

11 6. Notwithstanding any other deadline made applicable by this section,
12 ORES shall make a final decision on a siting permit within one year from
13 the date the application was deemed complete, or within six months from
14 the date the application was deemed complete if such application relates
15 to a major renewable energy facility that is proposed to be sited on an
16 existing or abandoned commercial use, including without limitation,
17 brownfields, landfills, former commercial or industrial sites, dormant
18 electric generating sites, and abandoned or otherwise underutilized
19 sites, as further defined by the regulations promulgated by or in effect
20 under this article. Unless ORES and the applicant have agreed to an
21 extension and if a final siting permit decision has not been made by
22 ORES within such time period, then such siting permit shall be deemed to
23 have been automatically granted for all purposes set forth in this arti-
24 cle and all uniform conditions or site specific permit conditions issued
25 for public comment shall constitute enforceable provisions of the siting
26 permit; provided, however, that with respect to a final siting permit
27 decision related to a major electric transmission facility, any portion
28 of which is to be located on the land of a landowner for which the
29 applicant lacks an existing right-of-way agreement, no such permit may
30 be automatically granted. The final siting permit related to a major
31 renewable energy facility shall include a provision requiring the
32 permittee to provide a host community benefit, which may be a host
33 community benefit as determined by the commission pursuant to section
34 eight of part JJJ of chapter fifty-eight of the laws of two thousand
35 twenty or such other project as determined by ORES or as subsequently
36 agreed to between the applicant and the host community.

37 7. ORES, in consultation with the department, may exempt from the
38 requirements of this article applications for a major electric trans-
39 mission facility that would be constructed substantially within existing
40 rights-of-way.

41 § 141. Powers of municipalities and state agencies and authorities;
42 scope. 1. Notwithstanding any other provision of law, including without
43 limitation article eight of the environmental conservation law and arti-
44 cle seven of this chapter, no other state agency, department or authori-
45 ty, or any municipality or political subdivision or any agency thereof
46 may, except as expressly authorized under this article or the rules and
47 regulations promulgated under this article, require any approval,
48 consent, permit, certificate, contract, agreement, or other condition
49 for the development, design, construction, operation, or decommissioning
50 of a major renewable energy facility or a major electric transmission
51 facility with respect to which an application for a siting permit has
52 been filed, provided in the case of a municipality, political subdivi-
53 sion or an agency thereof, such entity has received notice of the filing
54 of the application therefor. Notwithstanding the foregoing, the depart-
55 ment of environmental conservation shall be the permitting agency for

1 permits issued pursuant to federally delegated or federally approved
2 programs.

3 2. This section shall not impair or abrogate any federal, state or
4 local labor laws or any otherwise applicable state law for the
5 protection of employees engaged in the construction and operation of a
6 major renewable energy facility or major electric transmission facility.

7 3. ORES and the department shall monitor, enforce and administer
8 compliance with any terms and conditions set forth in a siting permit
9 issued pursuant to this article and in doing so may use and rely on
10 authority otherwise available under this chapter.

11 § 142. Fees; local agency account. 1. Each application for a siting
12 permit shall be accompanied by a fee in an amount equal to the follow-
13 ing:

14 (a) for a major renewable energy facility, one thousand dollars for
15 each thousand kilowatts of capacity of the proposed major renewable
16 energy facility;

17 (b) for a major electric transmission facility of one hundred twenty-
18 five kilovolts or more extending a distance of over one hundred miles,
19 four hundred fifty thousand dollars;

20 (c) for a major electric transmission facility of one hundred twenty-
21 five kilovolts or more extending a distance of over fifty miles to one
22 hundred miles, three hundred fifty thousand dollars;

23 (d) for a major electric transmission facility requiring a new right-
24 of-way and one hundred twenty-five kilovolts or more extending a
25 distance of ten miles to fifty miles, one hundred thousand dollars; and

26 (e) for a major electric transmission facility utilizing an existing
27 right-of-way and one hundred twenty-five kilovolts or more extending a
28 distance of ten miles to fifty miles, fifty thousand dollars.

29 2. Such fee is to be deposited in an account to be known as the local
30 agency account established for the benefit of local agencies and commu-
31 nity intervenors by the New York state energy research and development
32 authority and maintained in a segregated account in the custody of the
33 commissioner of taxation and finance. ORES, in consultation with the
34 department, may update the fee periodically solely to account for
35 inflation. The proceeds of such account shall be disbursed by the
36 office, in accordance with eligibility and procedures established by the
37 rules and regulations promulgated by ORES or the department pursuant to
38 this article or in effect as of the effective date of this article, for
39 the participation of local agencies and community intervenors in public
40 comment periods or hearing procedures established by this article,
41 including the rules and regulations promulgated hereto; provided that
42 fees must be disbursed for municipalities, political subdivisions or an
43 agency thereof, to determine whether a proposed project is designed to
44 be sited, constructed and operated in compliance with the applicable
45 local laws and regulations.

46 3. All funds so held by the New York state energy research and devel-
47 opment authority shall be subject to an annual independent audit as part
48 of such authority's audited financial statements, and such authority
49 shall prepare an annual report summarizing account balances and activ-
50 ities for each fiscal year ending March thirty-first and provide such
51 report to the office no later than ninety days after commencement of
52 such fiscal year and post on the authority's website.

53 4. To the extent an applicant submitted intervenor funds pursuant to
54 articles seven or ten of this chapter and has now filed an application
55 for a siting permit pursuant to this article, any amounts held in an
56 intervenor account established pursuant to articles seven and ten of

1 this chapter for that project shall be applied to the intervenor account
2 established by this section.

3 5. In addition to the fees established pursuant to this section, ORES
4 or the department, pursuant to regulations adopted pursuant to this
5 article, may assess a fee for the purpose of recovering costs incurred
6 by the office and may require any applications for a qualified energy
7 storage system submitted to be accompanied by a fee of fifty thousand
8 dollars; provided, however, that public utilities that are subject to
9 section eighteen-a of this chapter shall not be assessed a fee for such
10 costs.

11 6. In addition to the fees established pursuant to this section, ORES
12 or the department, pursuant to regulations adopted pursuant to this
13 article, may assess a fee for the purpose of recovering costs incurred
14 by the New York state energy research and development authority
15 pursuant to title nine-C of article eight of the public authorities
16 law; provided, however, that public utilities that are subject to
17 section eighteen-a of this chapter shall not be assessed a fee for such
18 costs.

19 § 143. Judicial review. 1. Any party aggrieved by the issuance or
20 denial of a siting permit under this article may seek judicial review of
21 such decision as provided in this section.

22 2. A judicial proceeding shall be brought in the third department of
23 the appellate division of the supreme court of the state of New York.
24 Such proceeding shall be initiated by the filing of a petition in such
25 court within ninety days after the issuance of a final decision by ORES
26 together with proof of service of a demand on ORES to file with said
27 court a copy of a written transcript of the record of the proceeding and
28 a copy of ORES's decision and opinion. ORES's copy of said transcript,
29 decision and opinion, shall be available at all reasonable times to all
30 parties for examination without cost. Upon receipt of such petition and
31 demand ORES shall forthwith deliver to the court a copy of the record
32 and a copy of ORES's decision and opinion. Thereupon, the court shall
33 have jurisdiction of the proceeding and shall have the power to grant
34 such relief as it deems just and proper, and to make and enter an order
35 enforcing, modifying and enforcing as so modified, remanding for further
36 specific evidence or findings or setting aside in whole or in part such
37 decision. The appeal shall be heard on the record, without requirement
38 of reproduction, and upon briefs to the court. The findings of fact on
39 which such decision is based shall be conclusive if supported by
40 substantial evidence on the record considered as a whole and matters of
41 judicial notice set forth in the opinion. The jurisdiction of the appel-
42 late division of the supreme court shall be exclusive and its judgment
43 and order shall be final, subject to review by the court of appeals in
44 the same manner and form and with the same effect as provided for
45 appeals in a special proceeding. All such proceedings shall be heard and
46 determined by the appellate division of the supreme court and by the
47 court of appeals as expeditiously as possible and with lawful precedence
48 over all other matters.

49 3. The grounds for and scope of review of the court shall be limited
50 to whether the decision and opinion of ORES are:

51 (a) In conformity with the constitution, laws and regulations of the
52 state and the United States;

53 (b) Supported by substantial evidence in the record and matters of
54 judicial notice properly considered and applied in the opinion;

55 (c) Within the statutory jurisdiction or authority of ORES and the
56 department;

1 (d) Made in accordance with procedures set forth in this section or
2 established by rule or regulation pursuant to this article;

3 (e) Arbitrary, capricious or an abuse of discretion; or

4 (f) Made pursuant to a process that afforded meaningful involvement of
5 citizens affected by the facility or project regardless of age, race,
6 color, national origin and income.

7 4. Except as herein provided article seventy-eight of the civil prac-
8 tice law and rules shall apply to appeals taken hereunder.

9 § 144. Farmland protection working group. 1. There is hereby created
10 in the executive department a farmland protection working group consist-
11 ing of appropriate stakeholders, including but not limited to:

12 (a) the commissioner of the department of agriculture and markets;

13 (b) the commissioner of the department of environmental conservation;

14 (c) the executive director of ORES;

15 (d) the chief executive officer of the department of public service;

16 (e) the president of the New York state energy research and develop-
17 ment authority;

18 (f) local government officials or representatives from municipal
19 organizations representing towns, villages, and counties; and

20 (g) representatives from at least two county agricultural and farmland
21 protection boards.

22 2. The working group shall, no later than one year after the effective
23 date of this section, recommend strategies to encourage and facilitate
24 input from municipalities in the siting process and to develop recommen-
25 dations that include approaches to recognize the value of viable agri-
26 cultural land and methods to minimize adverse impacts to any such land
27 resulting from the siting of major renewable energy facilities.

28 3. The working group, on call of the commissioner of the department of
29 agriculture and markets, shall meet at least three times each year and
30 at such other times as may be necessary.

31 § 145. Reports of the office. No later than one year after the effec-
32 tive date of this section and annually thereafter, the office shall
33 submit to the governor, the temporary president of the senate and the
34 speaker of the assembly, a report on the activities of the office. The
35 report shall, without limitation, include:

36 1. the number of applications received and permits approved by the
37 office for each type of major renewable energy facility or major elec-
38 tric transmission facility;

39 2. a description of the project of each permit granted by the office
40 for the preceding year including scale, location and capacity;

41 3. average time taken to make a decision on an application;

42 4. the number of cases that require dispute resolution or judicial
43 review;

44 5. the director's evaluation of overall public need for major renewa-
45 ble generation facilities and major electric transmission facilities;

46 6. the potential adverse environmental impacts of the facility are
47 identified and addressed by the uniform standards and conditions promul-
48 gated pursuant to this article;

49 7. the number and description of projects where site-specific permit
50 conditions were applied to the facility or where off-site mitigation
51 needed; and

52 8. total fees collected by the office and any fees collected specif-
53 ically for off-site mitigation.

54 § 12. The public service law is amended by adding a new section 174 to
55 read as follows:

§ 174. Major steam electric generating facilities certificates. Any certificate of environmental compatibility and public need issued to a major steam electric generating facility under the former article eight of this chapter shall be treated for purposes of compliance and enforcement as if such certificate was issued under article ten of this chapter.

§ 13. Subdivision (B) of section 206 of the eminent domain procedure law is amended to read as follows:

(B) pursuant to article VII [~~or article VIII~~] of the public service law it obtained a certificate of environmental compatibility and public need or pursuant to article VIII of the public service law it obtained a siting permit with respect to a major electric transmission facility or;

§ 14. Subparagraph (g) of paragraph 3 of subdivision (B) of section 402 of the eminent domain procedure law is amended to read as follows:

(g) if the property is to be used for the construction of a major utility transmission facility, as defined in section one hundred twenty of the public service law [~~, or major steam electric generating facility as defined in section one hundred forty of such law~~] with respect to which a certificate of environmental compatibility and public need has been issued under such law, a statement that such certificate relating to such property has been issued and is in force, or if the property is to be used for the construction of a major electric transmission facility, as defined under article eight of the public service law, with respect to which a siting permit has been issued under such law, a statement that such permit relating to such property has been issued and is in force.

§ 15. Subdivision 7 of section 6-106 of the energy law, as added by chapter 433 of the laws of 2009, is amended to read as follows:

7. Any person who participated in the state energy planning proceeding or any person who sought an amendment of the state energy plan pursuant to subdivision six of this section, may obtain, pursuant to article seventy-eight of the civil practice law and rules, judicial review of the board's decision adopting a plan, or any amendment thereto, or of the board's decision not to amend such plan pursuant to subdivision six of this section. Any such special proceeding shall be brought in the appellate division of the supreme court of the state of New York for the third judicial department. Such proceeding shall be initiated by the filing of a petition in such court within thirty days after the issuance of a decision by the board. The proceeding shall have a lawful preference over any other matter, shall be heard on an expedited basis and shall be completed in all respects, including any subsequent appeal, within one hundred eighty days of the filing of the petition. Where more than one such petition is filed, the court may provide for consolidation of the proceedings. Notwithstanding the provisions of [~~article~~] articles seven and eight of the public service law, the procedure set forth in this section shall constitute the exclusive means for seeking judicial review of any element of the plan.

§ 16. Paragraph (b) of subdivision 5 of section 8-0111 of the environmental conservation law, as amended by section 1 of part BBB of chapter 55 of the laws of 2021, is amended to read as follows:

(b) Actions subject to the provisions requiring a certificate of environmental compatibility and public need in articles seven[~~7~~] and ten [~~and the former article eight~~] of the public service law or requiring a siting permit under [~~section ninety-four-c of the executive law~~] article eight of the public service law; or

§ 17. Paragraph (d) of subdivision 2 of section 49-0307 of the environmental conservation law, as added by chapter 292 of the laws of 1984, is amended to read as follows:

(d) where land subject to a conservation easement or an interest in such land is required for a major utility transmission facility which has received a certificate of environmental compatibility and public need pursuant to article seven of the public service law ~~[or is required for a major steam electric generating facility which has received a certificate of environmental compatibility and public need pursuant to article eight of the public service law]~~ or a major electric transmission facility which has received a siting permit pursuant to article eight of the public service law, upon the filing of such certificate or permit in a manner prescribed for recording a conveyance of real property pursuant to section two hundred ninety-one of the real property law or any other applicable provision of law.

§ 18. Paragraph (e) of subdivision 3 of section 49-0307 of the environmental conservation law, as amended by chapter 388 of the laws of 2011, is amended to read as follows:

(e) where land subject to a conservation easement or an interest in such land is required for a major utility transmission facility which has received a certificate of environmental compatibility and public need pursuant to article seven of the public service law ~~[or is required for a major steam electric generating facility which has received a certificate of environmental compatibility and public need pursuant to the former article eight of the public service law]~~, a major electric transmission facility which has received a siting permit pursuant to article eight of the public service law, or a major electric generating facility or repowering project which has received a certificate of environmental compatibility and public need pursuant to article ten of the public service law, upon the filing of such certificate or permit in a manner prescribed for recording a conveyance of real property pursuant to section two hundred ninety-one of the real property law or any other applicable provision of law, provided that such certificate or permit contains a finding that the public interest in the conservation and protection of the natural resources, open spaces and scenic beauty of the Adirondack or Catskill parks has been considered.

§ 19. Paragraph (p) of subdivision 27-a of section 1005 of the public authorities law, as added by section 1 of part QQ of chapter 56 of the laws of 2023, is amended to read as follows:

(p) Nothing in this subdivision or subdivision twenty-seven-b of this section, shall be construed as exempting the authority, its subsidiaries, or any renewable energy generating projects undertaken pursuant to this section from the requirements of ~~[section ninety-four-c of the executive law]~~ article eight of the public service law respecting any renewable energy system developed by the authority or an authority subsidiary after the effective date of this subdivision that meets the definition of "major renewable energy facility" as defined in ~~[section ninety-four-c of the executive law and section eight of part JJJ of chapter fifty-eight of the laws of two thousand twenty]~~ article eight of the public service law, as it relates to host community benefits, and section 11-0535-c of the environmental conservation law as it relates to an endangered and threatened species mitigation bank fund.

§ 20. Section 1014 of the public authorities law, as amended by chapter 388 of the laws of 2011, is amended to read as follows:

§ 1014. Public service law not applicable to authority; inconsistent provisions in other acts superseded. The rates, services and practices

1 relating to the generation, transmission, distribution and sale by the
2 authority, of power to be generated from the projects authorized by this
3 title shall not be subject to the provisions of the public service law
4 nor to regulation by, nor the jurisdiction of the department of public
5 service. Except to the extent article seven of the public service law
6 applies to the siting and operation of a major utility transmission
7 facility as defined therein, article eight of the public service law
8 applies to the siting and operation of a major electric transmission
9 facility as defined therein, and article ten of the public service law
10 applies to the siting of a major electric generating facility as defined
11 therein, and except to the extent section eighteen-a of the public
12 service law provides for assessment of the authority for certain costs
13 relating thereto, the provisions of the public service law and of the
14 environmental conservation law and every other law relating to the
15 department of public service or the public service commission or to the
16 environmental conservation department or to the functions, powers or
17 duties assigned to the division of water power and control by chapter
18 six hundred nineteen of the laws of nineteen hundred twenty-six, shall
19 so far as is necessary to make this title effective in accordance with
20 its terms and purposes be deemed to be superseded, and wherever any
21 provision of law shall be found in conflict with the provisions of this
22 title or inconsistent with the purposes thereof, it shall be deemed to
23 be superseded, modified or repealed as the case may require.

24 § 21. Subdivision 1 of section 1020-s of the public authorities law,
25 as amended by chapter 681 of the laws of 2021, is amended to read as
26 follows:

27 1. The rates, services and practices relating to the electricity
28 generated by facilities owned or operated by the authority shall not be
29 subject to the provisions of the public service law or to regulation by,
30 or the jurisdiction of, the public service commission, except to the
31 extent (a) article seven of the public service law applies to the siting
32 and operation of a major utility transmission facility as defined there-
33 in, (b) article eight of the public service law applies to the siting
34 and operation of a major electric transmission facility as defined ther-
35 ein, (c) article ten of such law applies to the siting of a generating
36 facility as defined therein, [~~(e)~~] (d) section eighteen-a of such law
37 provides for assessment for certain costs, property or operations, [~~(d)~~]
38 (e) to the extent that the department of public service reviews and
39 makes recommendations with respect to the operations and provision of
40 services of, and rates and budgets established by, the authority pursu-
41 ant to section three-b of such law, [~~(e)~~] (f) that section seventy-four
42 of the public service law applies to qualified energy storage systems
43 within the authority's jurisdiction, and [~~(f)~~] (g) that section seven-
44 ty-four-b of the public service law applies to Long Island community
45 choice aggregation programs.

46 § 22. Paragraph (b) of subdivision 1 of section 1020-ii of the public
47 authorities law, as amended by chapter 201 of the laws of 2019, is
48 amended to read as follows:

49 (b) "utility transmission facility" means any electric transmission
50 line operating at sixty-five kilovolts or higher in the service area,
51 including associated equipment. It shall not include any transmission
52 line which is an in-kind replacement or which is located wholly under-
53 ground. This section also shall not apply to any major [~~utility~~] elec-
54 tric transmission facility subject to the jurisdiction of article seven
55 of the public service law; and

§ 23. Paragraph c of subdivision 8 of section 1020-c of the public authorities law, as amended by chapter 388 of the laws of 2011, is amended to read as follows:

c. Article ~~[seven]~~ eight of the public service law shall apply to the authority's siting and operation of a major electric transmission facility as therein defined and article ten of the public service law shall apply to the authority's siting and operation of a major electric generating facility as therein defined.

§ 24. Subdivision 4 of section 18-a of the public service law, as amended by chapter 447 of the laws of 1972, is amended to read as follows:

4. In the case of the power authority of the state of New York, the ~~[chairman]~~ chairperson of the department shall ascertain from time to time, but not less than once in each fiscal year, all direct and indirect costs of investigating requests by the power authority of the state of New York to establish new, major ~~[utility]~~ electric transmission facilities ~~[as defined in article seven of this chapter]~~ and major renewable energy facilities or to establish new, major ~~[steam]~~ electric generating facilities ~~[as defined in article eight of this chapter]~~. The ~~[chairman]~~ chairperson shall for each such investigation assess such costs against the power authority of the state of New York. Bills for such an investigation may be rendered from time to time, but not less than once in each fiscal year, and the amount of such bills shall be paid by the power authority of the state of New York to the department within thirty days from the date of rendition.

§ 25. Subdivision 2 of section 160 of the public service law, as added by chapter 388 of the laws of 2011, is amended to read as follows:

2. "Major electric generating facility" means an electric generating facility with a nameplate generating capacity of twenty-five thousand kilowatts or more, including interconnection electric transmission lines that are not subject to review under article eight of this chapter and fuel gas transmission lines that are not subject to review under article seven of this chapter.

§ 26. Paragraph (e) of subdivision 4 of section 162 of the public service law, as added by section 3 of part JJJ of chapter 58 of the laws of 2020, is amended to read as follows:

(e) To a major renewable energy facility as such term is defined in ~~[section ninety-four-e of the executive law]~~ section eight of this chapter; provided, however, that any person intending to construct a major renewable energy facility, that has a draft pre-application public involvement program plan pursuant to section one hundred sixty-three of this article and the regulations implementing this article, which is pending with the siting board as of the effective date of this paragraph may remain subject to the provisions of this article or, may, by written notice to the secretary of the commission, elect to become subject to the provisions of ~~[section ninety-four-e of the executive law]~~ article eight of this chapter.

§ 27. Subdivision 3 of section 11-103 of the energy law, as amended by chapter 374 of the laws of 2022, is amended to read as follows:

3. Notwithstanding any other provision of law, the state fire prevention and building code council in accordance with the mandate under this article shall have exclusive authority among state agencies to promulgate a construction code incorporating energy conservation features and clean energy features applicable to the construction of any building, including but not limited to greenhouse gas reduction. Any other code, rule or regulation heretofore promulgated or enacted by any

1 other state agency, incorporating specific energy conservation and clean
2 energy requirements applicable to the construction of any building,
3 shall be superseded by the code promulgated pursuant to this section.
4 Notwithstanding the foregoing, nothing in this section shall be deemed
5 to expand the powers of the council to include matters that are exclu-
6 sively within the statutory jurisdiction of the public service commis-
7 sion, the department of environmental conservation, [~~the office of~~
8 ~~renewable energy siting~~] or another state entity.

9 § 28. Paragraph (d) of subdivision 27-a of section 1005 of the public
10 authorities law, as added by section 1 of part QQ of chapter 56 of the
11 laws of 2023, is amended to read as follows:

12 (d) No later than one hundred eighty days after the effective date of
13 this subdivision, and annually thereafter, the authority shall confer
14 with the New York state energy research and development authority, [~~the~~
15 ~~office of renewable energy siting,~~] the department of public service,
16 climate and resiliency experts, labor organizations, and environmental
17 justice and community organizations concerning the state's progress on
18 meeting the renewable energy goals established by the climate leadership
19 and community protection act. When exercising the authority provided for
20 in paragraph (a) of this subdivision, the information developed through
21 such conferral shall be used to identify projects to help ensure that
22 the state meets its goals under the climate leadership and community
23 protection act. Any conferral provided for in this paragraph shall
24 include consideration of the timing of projects in the interconnection
25 queue of the federally designated electric bulk system operator for New
26 York state, taking into account both capacity factors or planned
27 projects and the interconnection queue's historical completion rate. A
28 report on the information developed through such conferral shall be
29 published and made accessible on the website of the authority.

30 § 29. Subparagraph (i) of paragraph (e) of subdivision 27-a of section
31 1005 of the public authorities law, as added by section 1 of part QQ of
32 chapter 56 of the laws of 2023, is amended to read as follows:

33 (i) Beginning in two thousand twenty-five, and biennially thereafter
34 until two thousand thirty-three, the authority, in consultation with the
35 New York state energy research and development authority, [~~the office of~~
36 ~~renewable energy siting,~~] the department of public service, and the
37 federally designated electric bulk system operator for New York state,
38 shall develop and publish biennially a renewable energy generation stra-
39 tegic plan ("strategic plan") that identifies the renewable energy
40 generating priorities based on the provisions of paragraph (a) of this
41 subdivision for the two-year period covered by the plan as further
42 provided for in this paragraph.

43 § 30. Subdivision 1 of section 7208 of the education law, as amended
44 by section 15 of part A of chapter 173 of the laws of 2013, is amended
45 to read as follows:

46 1. The practice of engineering or land surveying, or using the title
47 "engineer" or "surveyor" (i) exclusively as an officer or employee of a
48 public service corporation by rendering to such corporation such
49 services in connection with its lines and property which are subject to
50 supervision with respect to the safety and security thereof by the
51 public service commission of this state, the interstate commerce commis-
52 sion or other federal regulatory body and so long as such person is thus
53 actually and exclusively employed and no longer[~~7-02~~]; (ii) exclusively
54 as an officer or employee of the Long Island power authority or its
55 service provider, as defined under section three-b of the public service
56 law, by rendering to such authority or provider such services in

1 connection with its lines and property which are located in such author-
2 ity's service area and so long as such person is thus actually and
3 exclusively employed and no longer; or (iii) exclusively as an officer
4 or employee of the department of public service by rendering to such
5 department such services in connection with reviewing the design,
6 construction and operation of utility infrastructure and so long as such
7 person is thus actually and exclusively employed and no longer;

8 § 31. The public service commission shall commence a proceeding within
9 ninety days of the effective date of this act to consider metrics
10 related to the timely interconnection of distributed generation
11 resources into the distribution system owned by an electric corporation,
12 as well as negative revenue adjustments related to such metrics.

13 § 32. Section 3 of the public service law, as amended by section 1 of
14 part A of chapter 173 of the laws of 2013, is amended to read as
15 follows:

16 § 3. Department of public service. There shall be in the state govern-
17 ment a department of public service. The chairman of the public service
18 commission shall be the chief executive officer of the department. [~~He~~
19 ~~or she~~] The chairman of the public service commission shall appoint and
20 shall have the power to remove, subject to the provisions of the civil
21 service law, all officers, clerks, inspectors, experts and employees of
22 the department, and to approve all contracts for special service,
23 provided that the executive director of the office of renewable energy
24 siting and electric transmission shall be appointed by and with the
25 advice and consent of the senate. The chairman shall designate one of
26 the commissioners in the department or an officer of the department to
27 act as deputy chairman during the absence or disability of the chairman
28 and during such times such deputy chairman shall possess all the powers
29 of the chairman as chief executive officer of the department.

30 § 33. This act shall take effect immediately; provided that the amend-
31 ments to paragraph (e) of subdivision 4 of section 162 of the public
32 service law made by section twenty-six of this act shall not affect the
33 repeal of such paragraph and shall be deemed repealed therewith.

34 PART P

35 Section 1. Short title. This act shall be known and may be cited as
36 the "NY Home Energy Affordable Transition Act".

37 § 2. Legislative findings. The legislature finds and declares that:

38 1. The Climate Leadership and Community Protection Act (the "CLCPA")
39 created legal mandates for dramatic greenhouse gas emission reductions
40 from all sectors of New York's economy. The CLCPA also emphasizes equity
41 in addressing climate change by requiring all state agencies and author-
42 ities to prioritize reductions of greenhouse gas emissions and co-pollu-
43 tants in disadvantaged communities and by mandating that certain state
44 investments deliver benefits to these communities.

45 2. Buildings are New York's largest source of greenhouse gas emis-
46 sions, accounting for approximately one-third of the greenhouse gas
47 emissions in our state. New York state's buildings also produce more
48 local air pollution than any other state in the country, resulting in
49 negative health outcomes such as increased rates of asthma, particularly
50 among children, and heart disease. Therefore, reducing greenhouse gas
51 emissions and toxic air pollution emitted from New York's buildings,
52 especially in disadvantaged communities, is necessary to meet the CLCPA
53 mandates.

3. To meet the state's bold climate and equity mandates, New York will need to update how it regulates gas utility service. Doing so will enable strategic planning and investments in neighborhood-scale building decarbonization and help bring the statewide gas distribution system into alignment with the two thousand thirty and two thousand fifty greenhouse gas emission reduction mandates in the CLCPA through an orderly and equitable process, coordinated with appropriate investments in the electric system to ensure all New Yorkers have non-discriminatory, affordable access to the energy needed for heating, cooling, and powering the buildings in which they live and work.

4. The New York public service law not only contains barriers to neighborhood-scale building decarbonization solutions such as thermal energy networks, but also works at cross purposes with the state's climate and affordability goals, by requiring and subsidizing the continued expansion of natural gas infrastructure.

a. The gas utility obligation to serve codified in the public service law is a major obstacle to utilities developing neighborhood-scale building decarbonization projects that would facilitate bringing the gas system into alignment with the two thousand thirty and two thousand fifty greenhouse gas emission reduction mandates in the CLCPA in a manner that can mitigate costs for all utility customers, reduces greenhouse gas emissions and co-pollutants impacting local air quality, and provides a transition for impacted workers.

b. Statutorily mandated utility system extension allowances require existing ratepayers to subsidize gas infrastructure hookups for new customers. According to a recent joint filing with the Public Service Commission by the New York state gas utilities, these required allowances cost gas utilities hundreds of millions of dollars per year. These costs are passed directly to existing gas customers.

c. Gas utilities in New York are on track to collectively spend \$150 billion to replace thousands of miles of leak prone pipe in the coming years. These investments pose a risk of becoming stranded assets, with \$77 billion of the total cost coming due after 2050, but can be avoided in many cases by strategically investing in neighborhood-scale decarbonization projects.

5. New Yorkers are suffering from dramatic fossil fuel price spikes driven by the increasingly integrated global commodity market, subject to the whims of foreign dictators such as Russia's Vladimir Putin or Saudi Arabia's Prince Mohammed bin Salman. Fossil fuel prices have spiked to historic high levels, making both electricity and gas utility service unaffordable for many New Yorkers. Decarbonizing buildings through the strategic development of neighborhood-scale building decarbonization projects, along with investing in energy efficiency and renewable electricity, will save New Yorkers money now and in the future, protect against price volatility, and promote true energy independence for New York state.

6. Fossil fuel price spikes are exacerbating the affordability impacts of the COVID-19 Pandemic. Over a million households in New York now struggle to pay their utility bills. The Public Service Commission has declared, but not yet achieved, a goal that customers should not pay more than 6% of their income for utility energy services, a number based on a nationally accepted standard.

7. Thus, it is the intent of the legislature to enact the NY Home Energy Affordable Transition Act for the following purposes:

a. to ensure that the public service law regarding regulation and oversight of gas utilities will provide for the timely and strategic

1 decarbonization and right-sizing of the gas distribution system in a
2 just and affordable manner as required to meet the climate justice and
3 emission reduction mandates of the CLCPA, appropriately balancing rate-
4 payers' needs and interests with the maintenance of financially sound
5 utilities, prioritizing low-to-moderate income customers and disadvan-
6 tagged communities, and encouraging neighborhood-scale transitions;

7 b. to provide the Public Service Commission with the statutory author-
8 ity and direction to align utility regulations and planning with the
9 CLCPA climate justice and emission reduction mandates and to require the
10 Public Service Commission to take a proactive role in the timely iden-
11 tification and amendment of such regulations or rulings as may pose an
12 impediment to achieving CLCPA mandates, and to identify any laws that
13 may pose an impediment;

14 c. to maintain the affordability of services for all utility custom-
15 ers, create good paying, family sustaining jobs, and facilitate achieve-
16 ment of the CLCPA climate justice and emission reduction mandates by
17 enabling gas utilities to minimize the need for new investments in gas
18 infrastructure;

19 d. to facilitate a well-planned and strategic downsizing of the gas
20 system by redirecting ratepayer funds that would have been spent on
21 costly new investments to maintain or expand the gas system to instead
22 fund job-creating neighborhood-scale decarbonization projects that
23 provide alternative clean energy solutions for efficient heating, cool-
24 ing, cooking, hot water, and other uses that effectively transition
25 customers away from dependence on fuels with greenhouse gas emissions
26 and equipment that produces on-site co-pollutant emissions;

27 e. to end statutorily mandated, ratepayer-subsidized incentives for
28 the expansion of fossil fuel infrastructure while maintaining the equi-
29 table provision of electric service for efficient heating, cooling,
30 cooking, hot water, and other uses;

31 f. to provide affordable access to electricity for heating and cooling
32 and to protect low-income and moderate-income customers from undue
33 burdens as they decarbonize their buildings; and

34 g. to clarify that municipal building codes regulating on-site emis-
35 sions are not preempted under New York state law.

36 8. Transitioning gas customers to alternative heating and cooling
37 services is likely to be most cost-effective from the perspective of
38 individual customers and New York state as a whole if undertaken as part
39 of a neighborhood-scale project. Such projects would help minimize
40 stranded costs in gas system infrastructure and support coordinated
41 investments on the part of customers, utilities, and others, potentially
42 including but not limited to electrification make-ready measures, equip-
43 ment located on the premises of customers, and thermal energy networks.

44 9. This legislation does not establish a ban on the use of gas. It is
45 neither the intent nor would it be the effect of this legislation to
46 require the immediate transition of existing gas customers to alterna-
47 tive heating and cooling services.

48 § 3. Subdivision 1 of section 4 of the public service law, as amended
49 by chapter 594 of the laws of 2021, is amended to read as follows:

50 1. There shall be in the department of public service a public service
51 commission, which shall possess the powers and duties hereinafter speci-
52 fied, and also all powers necessary or proper to enable it to carry out
53 the purposes of this chapter and to enable achievement of the climate
54 justice and emission reduction mandates in chapter one hundred six of
55 the laws of two thousand nineteen, and such successors in law and func-
56 tion as may arise from time to time. The commission shall consist of

1 five members, to be appointed by the governor, by and with the advice
2 and consent of the senate. A commissioner shall be designated as [~~chair-~~
3 ~~man~~] chairperson of the commission by the governor to serve in such
4 capacity at the pleasure of the governor or until [~~his~~] their term as
5 commissioner expires whichever first occurs. At least one commissioner
6 shall have experience in utility consumer advocacy. No more than three
7 commissioners may be members of the same political party unless, pursu-
8 ant to action taken under subdivision two of this section, the number of
9 commissioners shall exceed five, and in such event no more than four
10 commissioners may be members of the same political party.

11 § 4. Subdivisions 1 and 2 of section 5 of the public service law,
12 subdivision 1 as amended and subdivision 2 as added by chapter 155 of
13 the laws of 1970, paragraph i of subdivision 1 as added by chapter 375
14 of the laws of 2022, are amended to read as follows:

15 1. The jurisdiction, supervision, powers and duties of the public
16 service commission shall extend under this chapter:

17 [~~b.~~] a. To the manufacture, conveying, transportation, sale or
18 distribution of gas (natural or manufactured or mixture of both) and
19 electricity for light, heat, cooling, or power, to gas plants and to
20 electric plants and to the persons or corporations owning, leasing or
21 operating the same.

22 [~~c.~~] b. To the manufacture, holding, distribution, transmission, sale
23 or furnishing of steam for heat or power, to steam plants and to the
24 persons or corporations owning, leasing or operating the same.

25 [~~d.~~] c. To every telephone line which lies wholly within the state and
26 that part within the state of New York of every telephone line which
27 lies partly within and partly without the state and to the persons or
28 corporations owning, leasing or operating any such telephone line.

29 [~~e.~~] d. To every telegraph line which lies wholly within the state and
30 that part within the state of New York of every telegraph line which
31 lies partly within and partly without the state and to the persons or
32 corporations owning, leasing or operating any such telegraph line.

33 [~~f.~~] e. To the furnishing or distribution of water for domestic,
34 commercial or public uses and to water systems and to the persons or
35 corporations owning, leasing or operating the same.

36 [~~g.~~] f. To every stock yard within the state and to the stock yard
37 company owning, leasing or operating the same, to the same extent and in
38 respect to the same objects and purposes as such jurisdiction extends,
39 under this chapter, to depots, freight houses and shipping stations of a
40 common carrier, including the duty of such stock yard company to submit
41 reports and be subjected to investigation as if it were a common carri-
42 er, and the powers and duties of such commission to fix charges and make
43 and enforce orders relating to adequate service by such company.

44 [~~h.~~] g. A corporation or person owning or holding a majority of the
45 stock of a common carrier, gas corporation or electrical corporation
46 subject to the jurisdiction of the public service commission shall be
47 subject to the supervision of the public service commission in respect
48 of the relations between such common carrier, gas corporation or elec-
49 trical corporation and such owners or holders of a majority of the stock
50 thereof in so far as such relations arise from or by reason of such
51 ownership or holding of stock thereof or the receipt or holding of any
52 money or property thereof or from or by reason of any contract between
53 them; and in respect of such relations shall in like manner and to the
54 same extent as such common carrier, gas corporation or electrical corpo-
55 ration be subject to examination of accounts, records and memoranda, and
56 shall furnish such reports and information as the public service commis-

1 sion shall from time to time direct and require, and shall be subject to
2 like penalties for default therein.

3 [~~i~~] h. To thermal energy provided by gas corporations, electric
4 corporations, or combination gas and electric corporations.

5 2. The commission shall encourage all persons and corporations subject
6 to its jurisdiction to formulate and carry out long-range programs,
7 individually or cooperatively, for the performance of their public
8 service responsibilities, including the achievement of the climate
9 justice and emission reduction mandates in chapter one hundred six of
10 the laws of two thousand nineteen, and such successors in law and func-
11 tion as may arise from time to time, with economy, efficiency, and care
12 for the public safety, the preservation of environmental values and the
13 conservation of natural resources.

14 § 5. Section 30 of the public service law, as amended by chapter 686
15 of the laws of 2002, is amended to read as follows:

16 § 30. Residential gas, electric and steam service policy. 1. This
17 article shall apply to the provision of all or any part of the gas,
18 electric or steam service provided to any residential customer by any
19 gas, electric or steam and municipalities corporation or municipality.
20 It is hereby declared to be the policy of this state that the continued
21 provision of [~~all or any part of such gas,~~] electric and steam [~~service~~]
22 services to all residential customers without unreasonable qualifica-
23 tions or lengthy delays is necessary for the preservation of the health
24 and general welfare, is consistent with the achievement of the state's
25 climate justice and emission reduction mandates, and is in the public
26 interest. It is further the policy of this state that electric and
27 steam services to all residential customers, and gas service for exist-
28 ing residential customers must be provided in a manner that is safe and
29 adequate, not unjustly discriminatory or unduly preferential, and in all
30 respects just and reasonable, while providing for an orderly right-siz-
31 ing of the gas distribution system to achieve consistency with the
32 climate justice and emission reduction mandates in chapter one hundred
33 six of the laws of two thousand nineteen, and such successors in law and
34 function as may arise from time to time, encouraging neighborhood-scale
35 transitions and the elimination of on-site co-pollutants.

36 2. The commission shall regulate for the continued provision of gas
37 service to all existing residential customers who choose to continue
38 such service, unless such service is discontinued pursuant to a program
39 approved by the commission. Such programs shall ensure that any transi-
40 tioning customer has access to:

41 (a) safe and reliable substitutes for heating, cooling, cooking, and
42 water-heating prior to a cessation of gas service; and

43 (b) necessary and appropriate financial and technical support, includ-
44 ing for the purchase and installation of customer-owned equipment.

45 3. (a) It shall be a goal of the commission that all residential
46 customers be adequately protected from bearing an energy burden greater
47 than six percent of their household income, prioritizing low-to-moderate
48 income customers, including those who are already eligible for the
49 commission's energy affordability program. The commission may authorize
50 the use of reasonable per-customer caps on the amount of energy subject
51 to the affordability protections of this subdivision. The commission may
52 also establish a reasonable cap on collections from ratepayers to fund
53 the commission's energy affordability program or similar successor
54 programs provided such cap is not less than 3 percent of total electric
55 or gas revenues for sales to end-use customers for each utility.

(b) Within one year of the effective date of this subdivision, the commission shall develop a plan to implement the goal under paragraph (a) of this subdivision. In developing such plan, the commission shall evaluate available tools, including but not limited to bill discounts, bill credits, redirection of avoided costs of utility infrastructure, rate making strategies, energy efficiency, distributed renewable energy, and potential budgetary measures, prioritizing mitigation of rate increases on residential customers. Beginning in the calendar year following the effective date of this subdivision, and continuing annually on or before October first, the commission shall report to the governor and legislature on the actions it has taken, including the plan developed pursuant to this paragraph, and the progress that has been made toward achieving the goal laid out in paragraph (a) of this subdivision. Such report shall include but not be limited to recommendations regarding any additional legislative or budgetary measures necessary to achieve such goal. The annual report shall also be published on the commission's website.

4. For the purposes of this section, the term "low-to-moderate income customers" shall mean households with annual incomes at or below eighty percent of the state median income.

§ 6. Subdivision 1 of section 1020-cc of the public authorities law, as amended by section 11 of part A of chapter 173 of the laws of 2013, is amended to read as follows:

1. All contracts of the authority shall be subject to the provisions of the state finance law relating to contracts made by the state. The authority shall also establish rules and regulations with respect to providing to its residential gas, electric and steam utility customers those rights and protections provided in article two and sections one hundred seventeen and one hundred eighteen of the public service law and section one hundred thirty-one-s of the social services law. It shall be a goal of the authority that all residential customers be adequately protected from bearing an energy burden greater than six percent of their household income pursuant to subdivision three of section thirty of the public service law. The authority shall conform to any safety standards regarding manual lockable disconnect switches for solar electric generating equipment established by the public service commission pursuant to subparagraph (ii) of paragraph (a) of subdivision five and subparagraph (ii) of paragraph (a) of subdivision five-a of section sixty-six-j of the public service law. The authority shall let contracts for construction or purchase of supplies, materials, or equipment pursuant to section one hundred three and paragraph (e) of subdivision four of section one hundred twenty-w of the general municipal law.

§ 7. Subdivisions 1, 3 and 4 of section 31 of the public service law, as added by chapter 713 of the laws of 1981, are amended to read as follows:

1. Every gas corporation, electric corporation or municipality shall provide residential service upon the oral or written request of an applicant, provided that any residential gas service shall only be provided in accordance with section thirty of this article and is subject to any orders or regulations limiting or discontinuing gas service that are implemented by the commission to facilitate the achievement of consistency with the climate justice and emission reduction mandates in chapter one hundred six of the laws of two thousand nineteen, and such successors in law and function as may arise from time to time, and provided further that the commission may require that requests for service be in writing under circumstances as it deems

1 necessary and proper as set forth by regulation, and provided further
2 that the applicant:

3 (a) makes full payment for residential utility service provided to a
4 prior account in [~~his~~] the applicant's name; or

5 (b) agrees to make payments under a deferred payment plan of any
6 amounts due for service to a prior account in [~~his~~] the applicant's name
7 and makes a down payment based on criteria to be established by the
8 commission. No such down payment shall exceed one-half of any money due
9 from an applicant for residential utility service, or three months aver-
10 age billing, whichever is less; or

11 (c) is a recipient of public assistance, supplemental security income
12 or additional state payments pursuant to the social services law, or is
13 an applicant for such assistance, income or payments, and the utility
14 corporation or the municipality receives payment from, or is notified of
15 the applicant's eligibility for utility payments by the social services
16 official of the social services district in which such person resides
17 for amounts due for service to a prior account in the applicant's name,
18 together with guarantee of future payments to the extent authorized by
19 the social services law; and

20 (d) receives clear, timely information from the gas corporation, elec-
21 tric corporation, municipality, or retail energy service company, writ-
22 ten in plain language, available in the top twelve most common non-Engl-
23 ish languages spoken by limited English proficient New Yorkers, and
24 approved by the commission after stakeholder input, on incentives and
25 opportunities for installing, energy-efficient electric heating and
26 cooling technologies, weatherization, demand-side management, and
27 distributed energy resource programs.

28 (e) nothing in this subdivision shall be construed to prohibit exist-
29 ing gas customers, in accordance with section thirty of this article and
30 subject to any other regulations implemented by the commission, from
31 reconnecting to the gas distribution system following a gas interruption
32 due to emergency repairs or remediation of leaking equipment.

33 3. Subject to the requirements of subdivisions four and five of this
34 section, and in accordance with section thirty of this article, whenever
35 a residential customer moves to a new residence within the service
36 territory of the same utility corporation or municipality, [~~he~~] the
37 applicant shall be eligible to receive service at the new residence and
38 such service shall be considered a continuation of service [~~in all~~
39 ~~respects~~] as operationally feasible based on infrastructure and commod-
40 ity availability at the site of the new residence, with any deferred
41 payment agreement honored, and with all rights of such customer and such
42 utility corporation provided by this article unimpaired.

43 4. In the case of any application for service to a building which is
44 not supplied with electricity or gas, a utility corporation or munici-
45 pality shall be obligated to provide electric service to such a build-
46 ing, and to provide gas service for such a building in accordance with
47 commission regulation, provided however, that the commission may require
48 applicants for service to buildings [~~located in excess of one hundred~~
49 ~~feet from gas or electric transmission lines~~] to pay or agree in writing
50 to pay material and installation costs relating to the applicant's
51 proportion of the pipe, conduit, duct or wire, or other facilities to be
52 installed.

53 § 8. Section 12 of the transportation corporations law, as separately
54 amended by chapters 713 and 895 of the laws of 1981, is amended to read
55 as follows:

§ 12. Gas and electricity must be supplied on application in accordance with commission rules and regulations. Except in the case of an application for residential utility service pursuant to article two of the public service law, upon written application of the owner or occupant of any building [~~within one hundred feet of any main of a gas corporation or gas and electric corporation, or a line of an electric corporation or gas and electric corporation, appropriate to the service requested,~~] and payment by [~~him~~] the applicant of all money due from [~~him~~] the applicant to the corporation, it shall supply [~~gas or~~] electricity as may be required for [~~lighting~~] such building and it may provide gas for such building in accordance with commission regulation, notwithstanding there be rent or compensation in arrears for gas or electricity supplied, or for meter, wire, pipe or fittings furnished, to a former occupant thereof, unless such owner or occupant shall have undertaken or agreed with the former occupant to pay or to exonerate [~~him~~] such applicant from the payment of such arrears, and shall refuse or neglect to pay the same; and if for the space of ten days after such application, and the deposit of a reasonable sum as provided in the next section, if required, the corporation shall refuse or neglect to supply gas or [~~electric light~~] electricity as required, such corporation shall forfeit and pay to the applicant the sum of ten dollars, and the further sum of five dollars for every day thereafter during which such refusal or neglect shall continue; provided that no such corporation shall be required to lay service pipes or wires for the purpose of supplying gas or electric light to any applicant where the ground in which such pipe or wire is required to be laid shall be frozen, or shall otherwise present serious obstacles to laying the same; nor unless the applicant, if required, shall deposit in advance with the corporation a sum of money sufficient to pay the cost of [~~his proportion~~] the applicant's portion of the pipe, conduit, duct or wire required to be installed, and the expense of the installation of such portion.

§ 9. Subdivision 2 of section 66 of the public service law, as amended by chapter 877 of the laws of 1953, is amended and a new subdivision 12-e is added to read as follows:

2. Investigate and ascertain, from time to time, the quality of gas supplied by persons, corporations and municipalities; examine or investigate the methods employed by such persons, corporations and municipalities in manufacturing, distributing and supplying gas or electricity for light, heat, cooling, or power and in transmitting the same, and have power to order such reasonable improvements as will best promote the public interest, preserve the public health and protect those using such gas or electricity and those employed in the manufacture and distribution thereof, and have power to order reasonable improvements and extensions of the works, wires, poles, lines, conduits, ducts and other reasonable devices, apparatus and property of gas corporations, electric corporations and municipalities; and have power after an investigation and a hearing to order any corporation having authority under any general or special law or under any charter or franchise, to lay down, erect or maintain wires, pipes, conduits, ducts or other fixtures in, over or under the streets, highways and public places of any municipality for the purpose of supplying, selling or distributing natural gas, to augment its supply of natural gas, whenever the commission deems necessary and whenever artificial gas can be reasonably obtained, by acquiring by purchase, manufacture or otherwise a supply thereof to be mixed with such natural gas, in order to render adequate service to the customers of such corporation or to maintain a proper and uniform pres-

1 sure; and have power after an investigation and a hearing to order any
2 corporation having authority under any general or special law or under
3 any charter or franchise, to lay down, erect or maintain wires, pipes,
4 conduits, ducts or other fixtures in, over or under the streets, high-
5 ways and public places of any municipality for the purpose of supplying,
6 selling or distributing artificial gas, to augment its supply of artifi-
7 cial gas, whenever the commission deems necessary and whenever natural
8 gas can be reasonably obtained, by acquiring by purchase or otherwise a
9 supply thereof to be mixed with such artificial gas, in order to render
10 adequate service to the customers of such corporation or to maintain a
11 proper and uniform pressure; and to fix such rate for the supplying of
12 mixed gas as shall secure to such corporation a fair return; and may
13 order the curtailment or discontinuance of the use of natural gas for
14 manufacturing or industrial purposes, for periods aggregating not to
15 exceed four months in any calendar year, if it is established to the
16 satisfaction of the commission that the supply of natural gas is not
17 adequate to meet the reasonable demands of domestic consumption and may
18 ~~[prohibit the use of natural gas in wasteful devices and practices]~~
19 order the curtailment or discontinuance of the use of the distribution
20 system, where the commission has determined that such curtailment or
21 discontinuance is reasonably required to implement state energy policy,
22 provided that such curtailment or discontinuance shall be consistent
23 with programs approved by the commission pursuant to subdivision two of
24 section thirty of this chapter, and may prohibit the use of natural gas
25 in wasteful devices and practices, as defined by the commission, and
26 require conservation and efficiency in gas usage.

27 12-e. The commission shall review the capital construction plan of
28 each gas corporation and establish a process to examine feasible alter-
29 natives to such construction in order to achieve consistency with the
30 climate justice and emission reduction mandates in chapter one hundred
31 six of the laws of two thousand nineteen, and such successors in law and
32 function as may arise from time to time, encouraging neighborhood-scale
33 transitions and the elimination of on-site co-pollutant emissions. Such
34 process shall include thresholds and criteria for the types of projects
35 subject to such examination. The commission shall require participation
36 in such process by each electric corporation with a service area over-
37 lapping the service area of the gas corporation; and the commission
38 shall have the power to require any such electric corporation to partic-
39 ipate in alternatives to gas capital construction, including partic-
40 ipation in financing. Any costs incurred by such electric corporation
41 for such corporation's participation shall be subject to an opportunity
42 for full recovery, as determined by the commission.

43 § 10. Section 66-a of the public service law, as added by chapter 7 of
44 the laws of 1948, subdivision 1 as amended and subdivision 3 as added by
45 chapter 582 of the laws of 1975, and subdivision 2 as amended by chapter
46 722 of the laws of 1977, is amended to read as follows:

47 § 66-a. Conservation of gas, declaration of policy, delegation of
48 power. 1. It is hereby declared to be the policy of this state that
49 when there develops in any area a situation under which a gas corpo-
50 ration supplying gas to such area is unable to meet the reasonable needs
51 of its consumers and of persons or corporations applying for new or
52 additional gas service, the available supply of gas shall be allocated
53 among the customers of such gas corporation, in such manner as may be
54 necessary to protect public health and safety and to avoid undue hard-
55 ship, particularly for low-to-moderate income residential customers,
56 electric generation needed for electric system reliability, and custom-

ers with hard-to-electrify industrial and commercial uses, pursuant to rules and regulations as may be adopted by the commission, and that to carry out this declared policy the jurisdiction of the public service commission should be clarified. It is further declared to be the policy of this state that gas service to existing customers must be provided in a manner that is safe and adequate, not unjustly discriminatory or unduly preferential, and in all respects just and reasonable, subject to the provisions of section thirty of this chapter.

2. Notwithstanding the provisions of any statute or any franchise held by a gas corporation, the commission shall have power, upon the finding that continued gas service is not consistent with the achievement of the climate justice and emission reduction mandates in chapter one hundred six of the laws of two thousand nineteen, and such successors in law and function as may arise from time to time, or that there exists such a shortage of gas in any area in the state, that the gas corporation supplying such area is unable and will be unable to secure or produce sufficient gas to meet the reasonable needs of its customers and of persons or corporations applying for new or additional gas service, to require such corporation to immediately discontinue the supplying of gas to additional customers or of supplying additional service to present customers, for such purpose or purposes as may be designated by the commission, or to customers using gas for a purpose prohibited by the commission pursuant to this act, and that upon the finding that the supply of gas available is and will be insufficient to supply the demands of all consumers receiving service, to require such gas corporation to curtail or discontinue service to any or all classes of customers of such gas corporation. In imposing such a direction or requirement, the commission shall give consideration first to existing domestic uses and uses deemed to be necessary by the commission to protect public health and safety and to avoid undue hardship [~~and shall be limited to the period of the emergency provided that the gas corporation affected shall make such restriction, curtailing or discontinuance applicable to all customers or applicants for service in a like class. If the commission determines that good cause exists for supplying service to additional customers or for supplying additional service to some existing customers, notwithstanding the curtailment or discontinuance of service to other existing customers, it shall, to the extent feasible, allocate gas with equal priority to new or additional domestic uses of gas and commercial or industrial processes which require gas because there is no practical substitute for it in such proportion as the commission determines to be reasonable. Provided that the commission shall be permitted, after public hearing, to authorize any natural gas produced from lands under the waters of Lake Erie to be used for process or feedstock requirements~~]. The commission is authorized to adopt such rules, regulations and orders as are necessary or appropriate to carry out these delegated powers.

3. In carrying out the delegated powers provided for in this section, the commission shall, to the extent practicable, determine and establish gas conservation measures or standards, including energy efficient electrification of gas end uses. The commission may require compliance with such measures or standards as a condition of receiving service.

4. The commission shall determine conditions under which new or additional gas service is warranted notwithstanding the need to conserve resources for service to existing gas customers. Such determination shall be consistent with the achievement of the climate justice and emission reduction mandates in chapter one hundred six of the laws of

1 two thousand nineteen, and such successors in law and function as may
2 arise from time to time, and may take into account factors including
3 economic development, impacts on new and existing customers including
4 low-to-moderate income customers, impacts on system safety and adequacy,
5 equity toward existing customers with limited conversion alternatives,
6 and the feasibility of neighborhood-scale alternatives to usage of fuels
7 with greenhouse gas emissions and on-site co-pollutants, including ther-
8 mal energy networks.

9 5. The commission shall require gas and/or electric utilities to
10 provide coordination assistance and financial assistance, in such forms
11 as the commission deems reasonably required to implement state energy
12 policy, to identify and adopt alternatives where applications for new or
13 additional gas service are denied and encourage neighborhood-scale tran-
14 sitions.

15 § 11. Section 66-b of the public service law is REPEALED.

16 § 12. The public service law is amended by adding a new section 66-x
17 to read as follows:

18 § 66-x. Expansion of gas company service territories. Except as
19 provided in this section, and notwithstanding any other provision of
20 this chapter, after December thirty-first, two thousand twenty-four, the
21 commission shall not grant an amendment of a gas company's certificate
22 of public convenience and necessity that expands a gas company's service
23 territory in order to extend gas plant and the availability of gas
24 service into geographic areas where gas service was not available prior
25 to such date. The commission may authorize exceptions to the policy set
26 forth in this section on a case-by-case basis, provided that the commis-
27 sion finds that the amendment of the certificate of public convenience
28 and necessity is limited to a project that serves a compelling state
29 interest, alternatives to gas service are either not technically feasi-
30 ble or prohibitively expensive, and that the project will be completed
31 and put into service not later than December thirty-first, two thousand
32 twenty-seven.

33 § 13. Section 66-g of the public service law is REPEALED.

34 § 14. The public service law is amended by adding a new section 77-a
35 to read as follows:

36 § 77-a. Aligning utility regulation with climate justice and emission
37 reduction mandates. 1. Within three months of the effective date of
38 this section, the commission shall initiate a proceeding, or multiple
39 proceedings, as it deems appropriate, to consider and act on the matters
40 identified in this section in order to better align its regulation of
41 utility services with the timely achievement, of consistency with the
42 climate justice and emission reduction mandates in chapter one hundred
43 six of the laws of two thousand nineteen, and such successors in law and
44 function as may arise from time to time. If the commission is already
45 engaged in a proceeding addressing one or more of the matters identi-
46 fied in this section, it shall not be required to open a new proceeding
47 on that matter. Following completion of all proceedings initiated
48 pursuant to this section, the commission shall initiate regular subse-
49 quent proceedings, as it deems necessary, to ensure the achieve-
50 ment of the goals outlined in this section. The proceeding or
51 proceedings shall include:

52 (a) Within one year of the effective date of this section, a review of
53 the public service law and its current rules and policy guidance to
54 identify any law, rule, guidance, or lack thereof, that may inhibit
55 timely, equitable achievement of consistency with the climate
56 justice and emission reduction mandates in chapter one hundred six of

1 the laws of two thousand nineteen, and such successors in law and func-
2 tion as may arise from time to time. The commission shall report to the
3 legislature its progress and findings, identify subsequent actions it
4 will take, and make recommendations for any statutory amendments, or
5 budgetary or other actions that may be needed to facilitate the timely
6 achievement of such mandates.

7 (b) Within one year of the effective date of this section, a revision
8 of the commission's rules and regulations for determining appropriate
9 allowances for the extension of gas and electric utility services to
10 ensure that utility service is provided in a manner consistent with the
11 achievement of the climate justice and emission reduction mandates in
12 chapter one hundred six of the laws of two thousand nineteen, and such
13 successors in law and function as may arise from time to time. In estab-
14 lishing rules governing the allowance for the extension of gas service,
15 the commission shall eliminate all main and service line extension
16 allowances for gas service and may increase allowances for electric
17 service. The commission may establish rules that provide for distinct
18 electric allowances for all-electric customers and for dual-fuel custom-
19 ers and may provide additional electric allowances to buildings that are
20 made ready for beneficial electric loads such as those with electric
21 vehicle charging facilities and grid interactive buildings. The commis-
22 sion may also establish allowances for buildings seeking interconnection
23 with thermal energy networks.

24 (c) In order to minimize long-term costs and stranded assets, and
25 maximize savings and benefits for customers, within one year of the
26 effective date of this section the commission shall issue an order
27 requiring each gas corporation, within one hundred eighty days of the
28 issuance of such order, to restructure its plan for addressing the leak-
29 prone gas mains and service lines on its system to facilitate the order-
30 ly right-sizing of the gas distribution system to achieve consistency
31 with the climate justice and emission reduction mandates in chapter one
32 hundred six of the laws of two thousand nineteen, and such successors in
33 law and function as may arise from time to time, while maintaining safe-
34 ty and reliability of the gas system, subject to all relevant federal
35 laws and regulations. To accomplish this, the commission shall require
36 each gas corporation, in coordination with any and all electric corpo-
37 rations with overlapping service areas, to pursue programs pursuant to
38 subdivision two of section thirty of this chapter that minimize the
39 replacement of leak-prone gas mains and service lines. The commission
40 shall require each gas corporation, after notice and comment, to estab-
41 lish criteria for evaluating whether specific segments of leak-prone
42 mains and service lines are candidates for such programs and to evalu-
43 ate their entire inventory of leak-prone pipes to create a strategic
44 decommissioning ranking in which it ranks the segments in terms of the
45 ability to electrify all customers served by the segment and retire the
46 gas distribution infrastructure. The commission shall require each gas
47 corporation to file an annual report that provides a qualitative and
48 quantitative assessment of the reduction of leak-prone pipe inventory
49 and that updates the strategic decommissioning ranking from the prior
50 year. The commission shall establish notice requirements and consumer
51 and affordability protections in accordance with section thirty of this
52 chapter applicable to customers served by segments of the gas distrib-
53 ution system targeted for decommissioning.

54 (d) In order to maximize the cost savings and benefits of the transi-
55 tion of the electric system for the equitable, orderly, and affordable
56 achievement of consistency with the climate justice and emission

1 reduction mandates in chapter one hundred six of the laws of two thou-
2 sand nineteen, and such successors in law and function as may arise from
3 time to time, within one year of the effective date of this section the
4 commission shall issue an order requiring all electric corporations to
5 pursue all available electric energy efficiency and demand flexibility
6 measures that are cost-effective, reliable, and feasible. No less
7 frequently than every three years, the commission shall identify the
8 statewide achievable potential for energy efficiency and demand flexi-
9 bility measures for the subsequent ten-year period and establish annual
10 energy efficiency and demand flexibility targets for each electric
11 corporation that are no lower than its proportional share of the state-
12 wide achievable potential.

13 (e) Within one year of the effective date of this section, the commis-
14 sion shall complete a proceeding to develop and issue a report evaluat-
15 ing and considering rate making strategies to encourage and facilitate
16 achievement of the climate justice and emission reduction mandates in
17 chapter one hundred six of the laws of two thousand nineteen, and such
18 successors in law and function as may arise from time to time. The
19 report shall explore options for developing and assessing the impacts of
20 rates for electric, gas, steam, and thermal energy networks on total
21 customer energy costs, and shall explore options for integrating cost
22 sharing and recovery across utilities and services. The report shall
23 also identify statutory barriers to the implementation of such strate-
24 gies. In considering such rate making strategies, the commission shall
25 have a goal of ensuring that all residential customers be adequately
26 protected from bearing an energy burden greater than six percent of
27 their household income pursuant to subdivision three of section thirty
28 of this chapter.

29 (f) Within one year of the effective date of this section, the commis-
30 sion shall determine, based on the best available information, the
31 greenhouse gas emission reductions necessary to bring the statewide gas
32 distribution system into alignment with the statewide two thousand thir-
33 ty and two thousand fifty greenhouse gas emission reduction targets in
34 chapter one hundred six of the laws of two thousand nineteen, and such
35 successors in law and function as may arise from time to time, and set
36 interim emission reduction targets for each gas utility as well as
37 developing a periodic process to review and update such targets;

38 (g) Within one year of the effective date of this section, the commis-
39 sion shall revise its rules and regulations for conducting benefit-cost
40 analyses so that the methodology and the base financial and framework
41 assumptions for the analysis support achievement of the climate justice
42 and emission reduction mandates in chapter one hundred six of the laws
43 of two thousand nineteen, and such successors in law and function as may
44 arise from time to time. Such revisions shall include, but not be
45 limited to:

46 (1) Greenhouse gas emission reduction mandates shall be used as a
47 constraint in designing the scenarios to be analyzed such that all the
48 scenarios shall comply with the statutory greenhouse gas emission
49 requirements and any interim targets set by the department of environ-
50 mental conservation or the commission in order to internalize the cost
51 of achieving such targets in the benefit-cost analysis.

52 (2) Quantification of public health impacts from improvements in ambi-
53 ent and indoor air quality. When quantitative metrics are not possible,
54 qualitative analysis shall be included.

55 (3) Consideration of the significant uncertainties and risks associ-
56 ated with different scenarios, including the environmental impact of

1 leaked gas, the prolonged reliance on the gas system that results from
2 long-lived investments in gas infrastructure and gas-consuming equip-
3 ment, the positive option value associated with measures that can elimi-
4 nate or defer the need for investments in gas infrastructure and gas-
5 consuming equipment, and potential challenges associated with full
6 electrification.

7 (4) In instances where an alternative fuel has an environmental attri-
8 bute, only attribute alternative fuels with emission reduction benefits
9 under the benefit-cost analysis if the environmental attributes are
10 retained by the utility for the benefit of the utility's customers or by
11 the end-use customer.

12 (5) Use accurate depreciation schedules that assume the full value of
13 any new gas asset is fully depreciated no later than two thousand fifty,
14 absent demonstration that the specific asset will remain in service
15 beyond two thousand fifty, and earlier if it is likely that such asset
16 will need to be phased out or retired before two thousand fifty given
17 any interim greenhouse gas emission reduction targets or geographically
18 targeted strategic asset retirement.

19 (6) Assess demographic impacts by measuring with as much geographic
20 granularity as possible and considering different levels of exposure and
21 risk factors for impacts on disadvantaged communities and other popu-
22 lations with vulnerability to changes induced by regulation.

23 2. Nothing in this chapter or any other law of New York state shall be
24 interpreted or otherwise construed as preempting a municipality from
25 adopting building codes or other regulations regarding on-site emissions
26 for new and existing buildings within their localities.

27 § 15. The labor law is amended by adding a new section 224-g to read
28 as follows:

29 § 224-g. Wage requirements for neighborhood-scale decarbonization
30 projects. 1. For purposes of this section, the term "covered neighbor-
31 hood-scale decarbonization project" shall mean projects performed by
32 contractors or subcontractors hired directly by a public utility compa-
33 ny, as defined by subdivision twenty-three of section two of the public
34 service law, to ensure that customers permanently transitioning off
35 utility gas service have access to safe and reliable substitutes for
36 heating, cooling, cooking, and water-heating prior to a cessation of gas
37 service.

38 2. Notwithstanding the provisions of section two hundred twenty-four-a
39 of this article, a covered neighborhood-scale decarbonization project
40 shall be subject to prevailing wage requirements in accordance with
41 sections two hundred twenty and two hundred twenty-b of this article.
42 Provided that a neighborhood-scale decarbonization project which is not
43 considered to be covered by this section may still otherwise be consid-
44 ered a covered project pursuant to section two hundred twenty-four-a of
45 this article if it meets the requirements of such definition.

46 3. For purposes of this section, a covered neighborhood-scale decar-
47 bonization project shall not include:

48 a. projects performed under private contract with an entity other than
49 a public utility company, even if the building owner or the contractor
50 receives financial and technical support from a public utility company,
51 including for the purchase and installation of customer-owned equipment;

52 b. projects that meet exclusion criteria established by the public
53 service commission at its discretion to reasonably ensure the require-
54 ments of this section do not inhibit equitable and orderly achievement
55 of the climate justice and emission reduction mandates in chapter one

1 hundred six of the laws of two thousand nineteen, and such successors in
2 law and function as may arise from time to time; or

3 c. projects performed under a pre-hire collective bargaining agreement
4 between an owner or contractor and a bona fide building and construction
5 trade labor organization which has established itself, and/or its affil-
6 iates, as the collective bargaining representative for all persons who
7 will perform work on such a project, and which provides that only
8 contractors and subcontractors who sign a pre-negotiated agreement with
9 the labor organization can perform work on such a project, or projects
10 performed under a labor peace agreement, project labor agreement, or any
11 other project performed under an enforceable agreement between an owner
12 or contractor and a bona fide building and construction trade labor
13 organization.

14 4. For purposes of this section, the "fiscal officer" shall be deemed
15 to be the commissioner. The enforcement of any covered neighborhood-sca-
16 le decarbonization project pursuant to this section shall be subject to
17 the requirements of sections two hundred twenty, two hundred twenty-a,
18 two hundred twenty-b, two hundred twenty-three, two hundred
19 twenty-four-b and two hundred twenty-seven of this article and within
20 the jurisdiction of the fiscal officer; provided, however, nothing
21 contained in this section shall be deemed to construe any covered neigh-
22 borhood-scale decarbonization project as otherwise being considered
23 public work pursuant to this article.

24 5. The fiscal officer may issue rules and regulations governing the
25 provisions of this section. Violations of this section shall be grounds
26 for determinations and orders pursuant to section two hundred twenty-b
27 of this article.

28 § 16. This act shall take effect immediately.

29 PART Q

30 Section 1. Expenditures of moneys appropriated to the department of
31 agriculture and markets from the special revenue funds-other/state oper-
32 ations, miscellaneous special revenue fund-339, public service account
33 shall be subject to the provisions of this section. Notwithstanding any
34 other provision of law to the contrary, direct and indirect expenses
35 relating to the department of agriculture and markets' participation in
36 general ratemaking proceedings pursuant to section 65 of the public
37 service law or certification proceedings pursuant to article 7 or 10 of
38 the public service law, shall be deemed expenses of the department of
39 public service within the meaning of section 18-a of the public service
40 law. No later than August 15th annually, the commissioner of the depart-
41 ment of agriculture and markets shall submit an accounting of such
42 expenses, including, but not limited to, expenses in the prior state
43 fiscal year for personal and non-personal services and fringe benefits,
44 to the chair of the public service commission for the chair's review
45 pursuant to the provisions of section 18-a of the public service law.

46 § 2. Expenditures of moneys appropriated to the department of state
47 from the special revenue funds-other/state operations, miscellaneous
48 special revenue fund-339, public service account shall be subject to the
49 provisions of this section. Notwithstanding any other provision of law
50 to the contrary, direct and indirect expenses relating to the activities
51 of the department of state's utility intervention unit pursuant to
52 subdivision 4 of section 94-a of the executive law, including, but not
53 limited to participation in general ratemaking proceedings pursuant to
54 section 65 of the public service law or certification proceedings pursu-

1 ant to article 7 or 10 of the public service law, and expenses related
2 to the activities of the major renewable energy development program
3 established by section 94-c of the executive law, shall be deemed
4 expenses of the department of public service within the meaning of
5 section 18-a of the public service law. No later than August 15th annu-
6 ally, the secretary of state shall submit an accounting of such
7 expenses, including, but not limited to, expenses in the prior state
8 fiscal year for personal and non-personal services and fringe benefits,
9 to the chair of the public service commission for the chair's review
10 pursuant to the provisions of section 18-a of the public service law.

11 § 3. Expenditures of moneys appropriated to the office of parks,
12 recreation and historic preservation from the special revenue funds-
13 other/state operations, miscellaneous special revenue fund-339, public
14 service account shall be subject to the provisions of this section.
15 Notwithstanding any other provision of law to the contrary, direct and
16 indirect expenses relating to the office of parks, recreation and
17 historic preservation's participation in general ratemaking proceedings
18 pursuant to section 65 of the public service law or certification
19 proceedings pursuant to article 7 or 10 of the public service law, shall
20 be deemed expenses of the department of public service within the mean-
21 ing of section 18-a of the public service law. No later than August 15th
22 annually, the commissioner of the office of parks, recreation and
23 historic preservation shall submit an accounting of such expenses,
24 including, but not limited to, expenses in the prior state fiscal year
25 for personal and non-personal services and fringe benefits, to the chair
26 of the public service commission for the chair's review pursuant to the
27 provisions of section 18-a of the public service law.

28 § 4. Expenditures of moneys appropriated to the department of environ-
29 mental conservation from the special revenue funds-other/state oper-
30 ations, environmental conservation special revenue fund-301, utility
31 environmental regulation account shall be subject to the provisions of
32 this section. Notwithstanding any other provision of law to the contra-
33 ry, direct and indirect expenses relating to the department of environ-
34 mental conservation's participation in state energy policy proceedings,
35 or certification proceedings pursuant to article 7 or 10 of the public
36 service law, shall be deemed expenses of the department of public
37 service within the meaning of section 18-a of the public service law. No
38 later than August 15th annually, the commissioner of the department of
39 environmental conservation shall submit an accounting of such expenses,
40 including, but not limited to, expenses in the prior state fiscal year
41 for personal and non-personal services and fringe benefits, to the chair
42 of the public service commission for the chair's review pursuant to the
43 provisions of section 18-a of the public service law.

44 § 5. Notwithstanding any other law, rule or regulation to the contra-
45 ry, expenses of the department of health public service education
46 program incurred pursuant to appropriations from the cable television
47 account of the state miscellaneous special revenue funds shall be deemed
48 expenses of the department of public service. No later than August 15th
49 annually, the commissioner of the department of health shall submit an
50 accounting of expenses in the prior state fiscal year to the chair of
51 the public service commission for the chair's review pursuant to the
52 provisions of section 217 of the public service law.

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

§ 7. This act shall take effect immediately and shall be deemed to have been in full force and effect on and after April 1, 2024 and shall expire and be deemed repealed April 1, 2025.

PART R

Section 1. Subdivision 2 of section 195 of the agriculture and markets law, as amended by section 2 of part D of chapter 82 of the laws of 2002, is amended to read as follows:

2. Upon application, a weighmaster's license may be issued by the commissioner to an employee of a person, firm, partnership or corporation whose business requires, by contract or otherwise, that materials or commodities manufactured, produced, distributed, sold or handled by such person, firm, partnership or corporation be weighed by a licensed weighmaster; or such license may be issued to an individual engaged in the weighing of materials or commodities. The applicant shall furnish satisfactory evidence of good character and of ability to weigh accurately and to make correct weight tickets. ~~[He]~~ The applicant shall also furnish evidence that ~~[he]~~ such applicant owns, leases or has access to a stationary scale within the state suitable for weighing the materials or commodities to be weighed by ~~[him]~~ the applicant or that ~~[he]~~ the applicant is regularly employed by a person, firm, partnership or corporation who owns, leases or has access to such a scale which has been tested and sealed by the weights and measures official charged with such duty. The applicant shall pay ~~[a fee of fifteen dollars]~~ an appropriate fee commensurate with costs as established by regulation. A license shall be for a period not exceeding three years and may be renewed in the discretion of the commissioner upon payment of the fee aforesaid. Such license shall be kept at the place where the weighmaster is engaged in weighing and shall be open to inspection. An application may be denied or a license may be revoked by the commissioner, after a hearing upon due notice to the applicant or licensee, for dishonesty, incompetency, inaccuracy or a violation of the provisions of this article or the rules and regulations adopted pursuant thereto.

§ 2. This act shall take effect on the one hundred eightieth day after it shall have become a law. Effective immediately, the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of this act on its effective date are authorized to be made and completed on or before such effective date.

PART S

Section 1. Subdivision 3 of section 54-1511 of the environmental conservation law, as added by section 5 of part U of chapter 58 of the laws of 2016, is amended to read as follows:

3. State assistance payments shall not exceed fifty percent of the project cost or two million dollars, whichever is less, provided however if a municipality meets criteria established by the department relating to either financial hardship or disadvantaged communities pursuant to section 75-0101 of this chapter, the commissioner may authorize state assistance payments of up to eighty percent of the project cost or two million dollars, whichever is less. Such costs are subject to final computation and determination by the commissioner upon completion of the project, and shall not exceed the maximum eligible cost set forth in the contract.

§ 2. This act shall take effect immediately.

1

PART T

2 Section 1. Section 72-0302 of the environmental conservation law, as
3 amended by chapter 608 of the laws of 1993, the opening paragraph of
4 subdivision 1 and the closing paragraph as amended by chapter 432 of the
5 laws of 1997, and paragraph e of subdivision 1 as amended and paragraphs
6 f and g of subdivision 1 as relettered by chapter 170 of the laws of
7 1994, is amended to read as follows:

8 § 72-0302. State air quality control fees.

9 1. All persons, except those required to pay a fee under section
10 72-0303 of this ~~[article]~~ title, who are required to obtain a ~~[permit,~~
11 ~~certificate]~~ registration or other operating approval pursuant to the
12 state air quality control program and the rules and regulations adopted
13 by the department thereunder shall submit to the department a per emis-
14 sion point fee in an amount established as follows:

15 a. \$11,000.00 for a stationary combustion installation having a maxi-
16 mum operating heat input equal to or greater than fifty million British
17 thermal units per hour as stated on the most recent ~~[application for a~~
18 ~~permit to construct or]~~ application for a ~~[certificate]~~ registration to
19 operate and which emits or has the potential to emit equal to or greater
20 than any one of the following:

21 (i) one hundred tons per year of oxides of nitrogen, or if located in
22 a severe ozone nonattainment area, twenty-five tons per year; or

23 (ii) one hundred tons per year of sulfur dioxide; or

24 (iii) one hundred tons per year of particulates.

25 b. \$2,000.00 for all stationary combustion installations which are not
26 included under paragraph a of this subdivision and which have a maximum
27 operating heat input greater than fifty million British thermal units
28 per hour as stated on the most recent application for a ~~[certificate]~~
29 registration to operate.

30 c. \$100.00 for a stationary combustion installation having a maximum
31 operating heat input less than fifty million British thermal units per
32 hour as stated on the most recent application for a ~~[certificate]~~ regis-
33 tration to operate.

34 d. \$2,000.00 for a process air contamination source for an annual
35 emission rate equal to or greater than twenty-five tons per year of any
36 one of the following: sulfur dioxide, nitrogen dioxide, total particu-
37 lates, carbon monoxide, total volatile organic compounds and other
38 specific air contaminants. The annual emission rate shall be the actual
39 annual emission rate as stated on the most recent ~~[application for a~~
40 ~~permit to construct or]~~ application for a ~~[certificate]~~ registration to
41 operate. In the event that hours of operation have not been specified
42 on the ~~[applications]~~ application, then maximum possible hours of opera-
43 tion (8760 hours) will be used to calculate actual annual emissions.

44 e. \$160.00 for a process air contamination source, except a gasoline
45 ~~[dispensing]~~ dispensing site, for an annual emission rate less than
46 twenty-five tons per year of any one of the following: sulfur dioxide,
47 nitrogen dioxide, total particulates, carbon monoxide, total volatile
48 organic compounds and other specific air contaminants. The annual emis-
49 sion rate shall be the actual annual emission rate as applied for on the
50 most recent ~~[application for a permit to construct or application for a~~
51 ~~certificate]~~ registration to operate. In the event that hours of opera-
52 tion have not been specified on the ~~[applications]~~ application, then
53 maximum possible hours of operation (8760 hours) will be used to calcu-
54 late actual annual emissions.

f. \$2,000.00 for an incinerator capable of charging two thousand pounds of refuse per hour or greater. The charging capacity will be established in accordance with the ~~[application for the most recent permit to construct or]~~ application for a ~~[certificate]~~ registration to operate the incinerator source and will be calculated on an emission point basis.

g. \$160.00 for an incinerator with a maximum design charge rate of less than two thousand pounds of refuse per hour. The charging capacity will be established in accordance with the ~~[application for the most recent permit to construct or]~~ application for a ~~[certificate]~~ registration to operate the incinerator source and will be calculated on an emission point basis.

2. All persons, except those required to pay a fee under section 72-0303 of this title, who are required to obtain a permit pursuant to the state air quality control program and the rules and regulations adopted by the department thereunder, shall submit to the department an annual fee of \$5,000 for each state facility permit.

Provided, however, that where a city or county is delegated the authority to administer the state air quality control program, or any portion thereof, pursuant to paragraph p of subdivision two of section 3-0301 of this chapter and such city or county collects a fee in connection with the issuance of a permit, ~~[certificate]~~ registration or other operating approval ~~[for a combustion installation, incinerator or process air contamination source]~~ pursuant to the state air quality control program and the rules and regulations adopted by the department hereunder, no additional liability for fees under this section shall accrue for the particular combustion installation, incinerator or process air contamination source that is subject to the delegation.

§ 2. Subdivisions 1, 2 and 3 of section 72-0303 of the environmental conservation law, subdivisions 1 and 3 as amended by section 1 of part D of chapter 413 of the laws of 1999, the opening paragraph of subdivision 1 as amended by section 1 of part Y of chapter 58 of the laws of 2015 and subdivision 2 as added by chapter 608 of the laws of 1993, are amended to read as follows:

1. Commencing January first, two thousand ~~[fifteen]~~ twenty-seven and every year thereafter, all sources of regulated air contaminants identified pursuant to subdivision one of section 19-0311 of this chapter shall submit to the department an annual base fee of ~~[two]~~ ten thousand ~~[five hundred]~~ dollars per facility. This base fee shall be in addition to the fees listed below. Commencing January first, ~~[nineteen hundred ninety-four]~~ two thousand twenty-seven and every year thereafter, all sources of regulated air contaminants identified pursuant to subdivision one of section 19-0311 of this chapter shall submit to the department an annual fee not to exceed ~~[the]~~ two hundred forty-five dollars per ton ~~[fees described below. The per ton fee is assessed on each ton of emissions up to seven thousand tons annually of each regulated air contaminant as follows: sixty dollars per ton for facilities with total emissions less than one thousand tons annually, seventy dollars per ton for facilities with total emissions of one thousand or more but less than two thousand tons annually, eighty dollars per ton for facilities with total emissions of two thousand or more but less than five thousand tons annually, and ninety dollars per ton for facilities with total]~~ of emissions of [five thousand or more tons annually] regulated air contaminants. Such ~~[fee]~~ fees shall be sufficient to support an appropriation approved by the legislature for the direct and indirect costs associated with the operating permit program established in section 19-0311 of this

chapter. Such ~~[fee]~~ fees shall be established by the department and shall be calculated by dividing the amount of the current year appropriation from the operating permit program account of the clean air fund by the total tons of emissions of regulated air contaminants, including hazardous air pollutants, that are subject to the operating permit program fees from sources subject to the operating permit program pursuant to section 19-0311 of this chapter ~~[up to seven thousand tons annually of each regulated air contaminant from each source]~~; provided that, in making such calculation, the department shall adjust their calculation to account for any deficit or surplus in the operating permit program account of the clean air fund established pursuant to section ninety-seven-00 of the state finance law~~[, any loan repayment from the mobile source account of the clean air fund established pursuant to section ninety-seven-00 of the state finance law]~~, and the rate of collection by the department of the bills issued for the ~~[fee]~~ fees for the prior year.

Notwithstanding the provisions of the state administrative procedure act, such calculation and ~~[fee]~~ fees shall be established as a rule by publication in the Environmental Notice Bulletin no later than thirty days after the budget bills making appropriations for the support of government are enacted or July first, whichever is later, of the year such ~~[fee]~~ fees will be effective. In no event shall the ~~[fee]~~ fees established herein be any greater than the maximum fee identified pursuant to this section.

2. Bills issued for the ~~[fee]~~ fees established by subdivision one of this section shall be based on actual emissions for the prior calendar year, as demonstrated to the department's satisfaction, or in the absence of such demonstration, on permitted emissions, or, where there is no permit, on potential to emit. Persons required to submit an emissions statement to the department shall use such statement to demonstrate actual emissions under this section.

3. Effective January first, ~~[nineteen hundred ninety-seven through December thirty-first, nineteen hundred ninety-eight]~~ two thousand twenty-seven and each year thereafter, and notwithstanding the requirements of the state administrative procedure act, the ~~[cap of twenty-five dollars]~~ fee established by subdivision one of this section shall increase by the percentage, if any, by which the consumer price index exceeds the consumer price index for the ~~[calendar]~~ prior calendar year ~~[nineteen hundred eighty-nine]~~.

a. The consumer price index for any prior calendar year is the average of the consumer price index for all urban consumers published by the United States department of labor, as of the close of the twelve-month period ending on August thirty-first of each calendar year.

b. The ~~[revision of the]~~ department shall use the most recent consumer price index ~~[for the calendar year nineteen hundred eighty-nine shall be used in the event]~~ published by the department of labor ~~[revises its method of determining the consumer price index]~~.

§ 3. Subdivision 7 of section 72-0303 of the environmental conservation law is REPEALED.

§ 4. Subdivisions 8, 9 and 10 of section 72-0303 of the environmental conservation law are renumbered subdivisions 7, 8 and 9.

§ 5. Paragraph c of subdivision 2 of section 97-00 of the state finance law, as added by chapter 608 of the laws of 1993, is REPEALED.

§ 6. The environmental conservation law is amended by adding a new section 19-0328 to read as follows:

§ 19-0328. Fee programs.

1 1. The department may implement new or revise existing regulatory or
2 permitting fee programs to the extent necessary to comply with section
3 7511d of the Act.

4 2. Fees imposed pursuant to subdivision one of this section shall be
5 calculated in the manner set forth in the Act.

6 3. The department may further establish by rule or rules additional
7 procedures to the extent necessary for assessment of and collection of
8 such fees.

9 § 7. This act shall take effect immediately; provided, however, that
10 sections one, three, four, five, and six of this act shall take effect
11 January 1, 2025; and provided further, however, that section two of this
12 act shall take effect January 1, 2027.

13 PART U

14 Intentionally Omitted

15 PART V

16 Intentionally Omitted

17 PART W

18 Intentionally Omitted

19 PART X

20 Intentionally Omitted

21 PART Y

22 Section 1. The opening paragraph of subdivision (h) of section 121 of
23 chapter 261 of the laws of 1988, amending the state finance law and
24 other laws relating to the New York state infrastructure trust fund, as
25 amended by chapter 96 of the laws of 2019, is amended to read as
26 follows:

27 The provisions of sections sixty-two through sixty-six of this act
28 shall expire and be deemed repealed on December thirty-first, two thou-
29 sand [~~twenty-four~~] twenty-five, except that:

30 § 2. This act shall take effect immediately.

31 PART Z

32 Intentionally Omitted

33 PART AA

34 Intentionally Omitted

35 PART BB

1 Section 1. Section 4 of chapter 495 of the laws of 2004, amending the
2 insurance law and the public health law relating to the New York state
3 health insurance continuation assistance demonstration project, as
4 amended by section 1 of part U of chapter 58 of the laws of 2023, is
5 amended to read as follows:

6 § 4. This act shall take effect on the sixtieth day after it shall
7 have become a law; provided, however, that this act shall remain in
8 effect until July 1, ~~2024~~ 2025 when upon such date the provisions of
9 this act shall expire and be deemed repealed; provided, further, that a
10 displaced worker shall be eligible for continuation assistance retroac-
11 tive to July 1, 2004.

12 § 2. This act shall take effect immediately.

13 PART CC

14 Intentionally Omitted

15 PART DD

16 Section 1. Subsection (g) of section 3420 of the insurance law, as
17 amended by chapter 735 of the laws of 2022, is amended to read as
18 follows:

19 (g) (1) Except as otherwise provided in paragraph two of this
20 subsection, no policy or contract shall be deemed to insure against any
21 liability of an insured because of death of or injuries to ~~his or her~~
22 the insured's spouse or because of injury to, or destruction of property
23 of ~~his or her~~ the insured's spouse unless express provision relating
24 specifically thereto is included in the policy. This exclusion shall
25 apply only where the injured spouse, to be entitled to recover, must
26 prove the culpable conduct of the insured spouse.

27 (2) (A) ~~Every~~ (i) Upon payment of a reasonable premium established
28 in accordance with article twenty-three of this chapter, an insurer
29 issuing or delivering any policy that satisfies the requirements of
30 article six of the vehicle and traffic law and is subject to section
31 three thousand four hundred twenty-five of this article shall provide
32 coverage in such a policy issued to a first named insured who has indi-
33 cated that such insured has a spouse on the insurance application,
34 against liability of an insured because of death of or injuries to ~~his~~
35 ~~or her~~ the insured's spouse up to the liability insurance limits
36 provided under such policy even where the injured spouse, to be entitled
37 to recover, must prove the culpable conduct of the insured spouse,
38 unless ~~the~~ a first named insured elects, in writing and in such form
39 as the superintendent determines, to decline and refuse such coverage in
40 ~~his or her~~ the first named insured's policy. Such insurance coverage
41 shall be known as "supplemental spousal liability insurance".

42 (ii) Upon written request of an insured, and upon payment of a reason-
43 able premium established in accordance with article twenty-three of this
44 chapter, an insurer issuing or delivering any policy that satisfies the
45 requirements of article six of the vehicle and traffic law, other than
46 as specified in clause (i) of this subparagraph, shall provide coverage
47 in such a policy against liability of an insured because of death of or
48 injuries to the insured's spouse up to the liability insurance limits
49 provided under such policy even where the injured spouse, to be entitled
50 to recover, must prove the culpable conduct of the insured spouse.

(B) Upon issuance[~~, renewal or amendment~~] of a motor vehicle liability policy that satisfies the requirements of article six of the vehicle and traffic law and is subject to section three thousand four hundred twenty-five of this article, the insurer shall notify [~~the~~] a first named insured who has indicated that such insured has a spouse on the insurance application, in writing, that such policy shall include supplemental spousal liability insurance unless [~~the~~] a first named insured declines and refuses such insurance, in writing and in such form as shall be determined by the superintendent. Such notification shall be contained on the front of the premium notice in boldface type and include a concise statement that [~~supplementary~~] supplemental spousal coverage is provided unless declined by [~~the~~] a first named insured, an explanation of such coverage, and the insurer's premium for such coverage.

(C) A notification of the availability of supplemental spousal liability insurance shall be provided upon policy issuance, other than for the policies to which the notification requirement in subparagraph (B) of this paragraph applies, and at least once a year for all motor vehicle liability policies that satisfy the requirements of article six of the vehicle and traffic law, where the policy does not already provide supplemental spousal liability insurance. Such notice shall be contained on the front of the premium notice in boldface type and include a concise statement that supplemental spousal liability coverage is available, an explanation of such coverage, and the insurer's premium for such coverage.

§ 2. This act shall take effect on the one hundred eightieth day after it shall have become a law; provided, however that the amendments to subsection (g) of section 3420 of the insurance law made by section one of this act shall be subject to the expiration and reversion of such subsection pursuant to section 2 of chapter 735 of the laws of 2022, as amended.

PART EE

Section 1. Subparagraph (B) of paragraph 15-a of subsection (i) of section 3216 of the insurance law, as amended by section 1 of part DDD of chapter 56 of the laws of 2020, is amended to read as follows:

(B) Such coverage may be subject to annual deductibles and coinsurance as may be deemed appropriate by the superintendent and as are consistent with those established for other benefits within a given policy; provided, however, [~~the total amount~~] that [~~a covered person is required to pay out of pocket for~~] covered prescription insulin drugs shall [~~be capped at an amount not to exceed one hundred dollars per thirty day supply, regardless of the amount or type of insulin needed to fill such covered person's prescription and regardless of the insured's~~] not be subject to a deductible, copayment, coinsurance or any other cost sharing requirement.

§ 2. Subparagraph (B) of paragraph 7 of subsection (k) of section 3221 of the insurance law, as amended by section 2 of part DDD of chapter 56 of the laws of 2020, is amended to read as follows:

(B) Such coverage may be subject to annual deductibles and coinsurance as may be deemed appropriate by the superintendent and as are consistent with those established for other benefits within a given policy; provided, however, [~~the total amount~~] that [~~a covered person is required to pay out of pocket for~~] covered prescription insulin drugs shall [~~be capped at an amount not to exceed one hundred dollars per thirty day~~]

~~supply, regardless of the amount or type of insulin needed to fill such covered person's prescription and regardless of the insured's]~~ not be subject to a deductible, copayment, coinsurance or any other cost sharing requirement.

§ 3. Paragraph 2 of subsection (u) of section 4303 of the insurance law, as amended by section 3 of part DDD of chapter 56 of the laws of 2020, is amended to read as follows:

(2) Such coverage may be subject to annual deductibles and coinsurance as may be deemed appropriate by the superintendent and as are consistent with those established for other benefits within a given policy; provided, however, ~~[the total amount] that [a covered person is required to pay out of pocket for]~~ covered prescription insulin drugs shall ~~[be capped at an amount not to exceed one hundred dollars per thirty day supply, regardless of the amount or type of insulin needed to fill such covered person's prescription and regardless of the insured's]~~ not be subject to a deductible, copayment, coinsurance or any other cost sharing requirement.

§ 4. This act shall take effect January 1, 2025 and shall apply to any policy or contract issued, renewed, modified, altered, or amended on or after such date.

PART FF

Section 1. The insurance law is amended by adding a new section 3423 to read as follows:

§ 3423. Affordable housing underwriting and rating. (a) An insurer that issues or delivers in this state insurance covering loss of or damage to real property containing units used for residential purposes shall not inquire about on an application, nor shall an insurer cancel, refuse to issue, refuse to renew, or increase the premium of a policy based on, the following:

(1) the level or source of income of an individual or group of individuals residing or intending to reside upon the property to be insured, if the individual or group of individuals is not the owner of the real property;

(2) the real property containing any residential dwelling units that must be affordable to residents at a specific income level pursuant to statute, regulations, restrictive declaration, or pursuant to a regulatory agreement with a state or local government entity; or

(3) the real property owner or the residents therein receiving government housing subsidies, including the receipt of federal vouchers issued under section eight of the United States Housing Act of 1937 (42 U.S.C. § 1437f).

(b) Nothing in this section shall prohibit an insurer from refusing to accept an application for, canceling, refusing to issue, refusing to renew, or increasing the premium of, an insurance policy as a result of underwriting or rating factors, except as specified in subsection (a) of this section or as otherwise prohibited by this chapter or any other law.

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

PART GG

Intentionally Omitted

1

PART HH

2 Section 1. Paragraph 1 of subsection (c) of section 109 of the insur-
3 ance law, as amended by section 1 of subpart B of part AA of chapter 57
4 of the laws of 2022, is amended to read as follows:

5 (1) (A) If the superintendent finds after notice and hearing that any
6 authorized insurer, representative of the insurer, licensed insurance
7 agent, licensed insurance broker, licensed adjuster, or any other person
8 or entity licensed, certified, registered, or authorized pursuant to
9 this chapter, has willfully violated the provisions of this chapter or
10 any regulation promulgated thereunder or with respect to accident and
11 health insurance, any provision of titles one or two of division BB of
12 the Consolidated Appropriations Act of 2021 (Pub. L. No. 116-260), as
13 may be amended from time-to-time, and any regulations promulgated there-
14 under, then the superintendent may order the person or entity to pay to
15 the people of this state a penalty in a sum not exceeding one thousand
16 dollars for each offense.

17 (B) If the superintendent finds after notice and hearing that any
18 authorized insurer or representative thereof has willfully violated any
19 mental health or substance use disorder provision of this chapter or any
20 regulation promulgated thereunder, or the federal Paul Wellstone and
21 Pete Domenici Mental Health Parity and Addiction Equity Act of 2008 (29
22 U.S.C. § 1185a) or any regulation promulgated thereunder, then the
23 superintendent may order the authorized insurer or representative there-
24 of to pay to the people of this state a penalty in a sum not exceeding
25 two thousand dollars for each offense.

26 § 2. This act shall take effect immediately.

27

PART II

28

Intentionally Omitted

29

PART JJ

30 Section 1. This act shall be known and may be cited as the "Consumer
31 and Small business Protection Act (CSPA)".

32 § 2. Legislative findings and intent. The Legislature declares that
33 the State has a responsibility to protect individuals and businesses
34 within the State from unfair and abusive business acts and practices.
35 The Legislature further declares that the State's law, which guarded
36 only against deceptive business acts and practices, has been insuffi-
37 cient to meet this responsibility and has become out of date as other
38 states' laws provide far greater protections. Consumers and small busi-
39 nesses have long been vulnerable to unscrupulous business practices that
40 are unfair and abusive without being expressly deceptive. The State must
41 not allow bad actors to peddle predatory products and services as long
42 as they are clever enough not to get caught in a lie. To that end, and
43 to better level the playing field for the State's many honest busi-
44 nesses, this legislation defines unfair and abusive acts and practices
45 expansively.

46 The State must also ensure that this protection covers small busi-
47 nesses, which are frequent targets of predatory loans and other forms of
48 exploitation, along with all consumer transactions. This legislation
49 therefore rejects the limitation, imposed by courts, that prohibited
50 conduct be "consumer oriented," have an impact on the public at large,

1 or be part of a broader pattern. Consumers and small businesses are
2 entitled to redress whenever they are harmed by deceptive, unfair, or
3 abusive conduct.

4 For any of these protections to be meaningful, the State must ensure
5 that the remedies for prohibited conduct provide an effective deterrent.
6 This legislation therefore updates the statutory damages for violations
7 for the first time in decades, from \$50 to \$1,000, and allows meaningful
8 punitive damages for particularly egregious behavior. The Legislature
9 recognizes that unfair, deceptive, and abusive practices have a partic-
10 ular impact on poor individuals, people of color, and those affected by
11 natural disasters and health emergencies, including the COVID-19 pandem-
12 ic. For this reason, the State must ensure that limited resources not
13 prevent individuals and small businesses from seeking remedies. This
14 legislation therefore opens access to justice by making recovery of
15 attorney's fees mandatory for a prevailing plaintiff and authorizing
16 class actions.

17 Lastly, the legislature also finds that children are an inherently
18 vulnerable population, and that marketing unhealthy foods in a targeted
19 and persistent manner to this group is inconsistent with this state's
20 efforts to curb the disastrous health outcomes that follow the overcon-
21 sumption of these products. Such marketing is inherently misleading, as
22 children often lack the same ability to resist the rewarding cues
23 presented in unhealthy food marketing as adults. New York has a strong
24 and substantial interest in protecting our children from negative health
25 consequences. Additionally, the power of the state is at its greatest
26 when protecting the health and welfare of its citizens, especially those
27 most vulnerable. Thus, the legislature finds that unfair and deceptive
28 marketing targeted at children can mislead and manipulate children into
29 lifelong habits, and that such unfair and deceptive advertising should
30 be regulated accordingly.

31 § 3. Section 349 of the general business law, as added by chapter 43
32 of the laws of 1970, subdivision (h) as amended by chapter 157 of the
33 laws of 1984, and subdivision (j) as added by section 6 of part HH of
34 chapter 55 of the laws of 2014, is amended to read as follows:

35 § 349. [~~Deceptive acts~~] Unfair, deceptive, or abusive acts and prac-
36 tices unlawful. (a) [~~Deceptive~~] Any unfair, deceptive or abusive acts or
37 practices in the conduct of any business, trade or commerce or in the
38 furnishing of any service in this state are hereby declared unlawful.

39 (1) For the purposes of this section, an act or practice is unfair
40 when it causes or is likely to cause substantial injury, the injury is
41 not reasonably avoidable, and the injury is not outweighed by counter-
42 vailing benefits.

43 (2) For the purposes of this section, an act or practice is deceptive
44 when the act or practice misleads or is likely to mislead a person and
45 the person's interpretation is reasonable under the circumstances.

46 (3) For the purposes of this section, an act or practice is abusive
47 when:

48 (i) it materially interferes with the ability of a person to under-
49 stand a term or condition of a product or service; or

50 (ii) takes unreasonable advantage of:

51 (A) a person's lack of understanding of the material risks, costs, or
52 conditions of the product or service;

53 (B) a person's inability to protect such person's interests in select-
54 ing or using a product or service; or

55 (C) a person's reasonable reliance on a person covered by this section
56 to act in such relying person's interests.

(b) Whenever the attorney general shall believe from evidence satisfactory to ~~him~~ the attorney general that any person, firm, corporation or association or agent or employee thereof has engaged in or is about to engage in any of the acts or practices stated to be unfair, unlawful ~~he~~, deceptive or abusive, the attorney general may bring an action in the name and on behalf of the people of the state of New York to enjoin such unlawful acts or practices and to obtain restitution of any moneys or property obtained directly or indirectly by any such unlawful acts or practices. In such action preliminary relief may be granted under article sixty-three of the civil practice law and rules. Such actions may be brought regardless of whether or not the underlying violation is directed at individuals or businesses, is consumer-oriented, or involves the offering of goods, services, or property for personal, family or household purposes.

(c) Before any violation of this section is sought to be enjoined, the attorney general shall be required to give the person against whom such proceeding is contemplated notice by certified mail and an opportunity to show in writing within five business days after receipt of notice why proceedings should not be instituted against ~~him~~ such person, unless the attorney general shall find, in any case in which ~~he~~ the attorney general seeks preliminary relief, that to give such notice and opportunity is not in the public interest.

(d) In any such action it shall be a complete defense that the act or practice is, or if in interstate commerce would be, subject to and complies with the rules and regulations of, and the statutes administered by, the federal trade commission or any official department, division, commission or agency of the United States as such rules, regulations or statutes are interpreted by the federal trade commission or such department, division, commission or agency or the federal courts.

(e) Nothing in this section shall apply to any television or radio broadcasting station or to any publisher or printer of a newspaper, magazine or other form of printed advertising, who broadcasts, publishes, or prints the advertisement.

(f) In connection with any proposed proceeding under this section, the attorney general is authorized to take proof and make a determination of the relevant facts, and to issue subpoenas in accordance with the civil practice law and rules.

(g) This section shall apply to all ~~deceptive~~ unfair, deceptive, or abusive acts or practices ~~declared to be unlawful~~, whether or not subject to any other law of this state, and shall not supersede, amend or repeal any other law of this state under which the attorney general is authorized to take any action or conduct any inquiry.

(h) (1) In addition to the right of action granted to the attorney general pursuant to this section, any person who has been injured by reason of any violation of this section may bring an action in ~~his~~ such person's own name to enjoin such unlawful act or practice, an action to recover ~~his actual damages or fifty dollars, whichever is greater, or both such actions~~ one thousand dollars and such person's actual damages, if any, or both such actions. Such actions may be brought regardless of whether or not the underlying violation is consumer-oriented, has a public impact or involves the offering of goods, services or property for personal, family or household purposes. The court may, in its discretion, increase the award of damages ~~to an amount not to exceed three times the actual damages up to one thousand dollars,~~ if the court finds the defendant willfully or knowingly

1 violated this section. The court [~~may~~] shall award reasonable attorney's
2 fees and costs to a prevailing plaintiff.

3 [~~(j)~~] (i) For purposes of this section, a "person" is defined as an
4 individual, firm, corporation, partnership, cooperative, association,
5 coalition or any other organization's legal entity, or group of individ-
6 uals however organized;

7 (ii) For purposes of this section "non-profit organization" is defined
8 as an organization that is (A) not an individual; and (B) is neither
9 organized nor operating in whole, or in significant part, for profit;

10 (iii) Given the remedial nature of this section, standing to bring an
11 action under this section, including but not limited to organizational
12 standing and third-party standing, shall be liberally construed and
13 shall be available to the fullest extent otherwise permitted by law.

14 (2) Any individual or non-profit organization entitled to bring an
15 action under this article may, if the prohibited act or practice has
16 caused damage to others similarly situated, bring an action on behalf of
17 such individual or non-profit organization and such others to recover
18 actual, statutory and/or punitive damages or obtain other relief as
19 provided for in this article. Statutory damages under this section will
20 be limited to (i) such amount for each named plaintiff as could be
21 recovered under paragraph one of this subdivision; and (ii) such amount
22 as the court may allow for all other class members without regard to a
23 minimum individual recovery, not to exceed the lesser of one million
24 dollars or two per centum of the net worth of the business. Thus, any
25 action brought under this subdivision shall comply with article nine of
26 the civil practice law and rules.

27 (3) A non-profit organization may bring an action under this section,
28 on behalf of itself or any of its members, or on behalf of those members
29 of the general public who have been injured by reason of any violation
30 of this section, including a violation involving goods or services that
31 the non-profit organization purchased or received in order to test or
32 evaluate qualities pertaining to use for personal, household, or family
33 purposes. A non-profit organization may seek the same remedies and
34 damages that a person may seek under paragraph one of this subdivision.

35 (4) At least thirty days before any person other than the attorney
36 general may bring an action pursuant to paragraph one of subdivision (h)
37 of this section, such person shall send the party against whom any such
38 action is contemplated, the "respondent", notice by certified mail to
39 the respondent's place of business. Such notice must reasonably describe
40 the unfair, deceptive, or abusive acts or practices at issue, state a
41 demand for relief, and include the sender's mailing address or e-mail
42 address.

43 (5) A respondent receiving notice pursuant to paragraph four of this
44 subdivision may, within ten days of delivery of such notice, make a
45 written tender of settlement by certified mail or by e-mail, if provided
46 in the notice. If such relief is rejected, in any subsequent action on
47 the basis of the noticed conduct, the respondent may file the written
48 tender of settlement with an affidavit concerning its rejection and if
49 such settlement is deemed complete relief by the court or tribunal, the
50 court or tribunal may limit any recovery to the relief tendered therein.
51 A settlement shall be deemed complete only if the respondent provides
52 statutory damages, actual damages, if any, and corrects and permanently
53 ceases such acts or practices described in the notice as to all other
54 impacted persons, and if such settlement was filed with the attorney
55 general in accordance with paragraph seven of this subdivision.

1 (6) A notice pursuant to paragraph four of this subdivision shall not
2 be required prior to the filing of an action if:

3 (i) such action is brought as a counterclaim or crossclaim;

4 (ii) the sending of such notice would cause immediate and irreparable
5 injury, loss, or damages;

6 (iii) the person bringing the action is not represented by an attor-
7 ney;

8 (iv) a mailing address for the respondent is not reasonably discerna-
9 ble;

10 (v) filing suit is necessary to prevent the expiration of the statute
11 of limitations;

12 (vi) the respondent has previously been the subject of an action by
13 the attorney general for substantially similar conduct;

14 (vii) the respondent has already received a notice pursuant to para-
15 graph four of this subdivision for substantially similar conduct; or

16 (viii) there are other exigent circumstances.

17 (7) Any respondent seeking to tender settlement pursuant to paragraph
18 five of this subdivision shall file documentation of such offer, along
19 with the underlying notice provided to the respondent pursuant to para-
20 graph four, with the attorney general. The attorney general shall
21 promulgate regulations establishing the process for filing such notices
22 and responses in the state register. The attorney general may amend the
23 process for filing such notices and responses at any time.

24 (8) A failure by a respondent to file with the attorney general pursu-
25 ant to paragraph seven of this subdivision within seven days of deliver-
26 ing a response to a notice sent pursuant to paragraph four of this
27 subdivision shall itself be considered a violation of this section
28 subject to an action brought by the attorney general through subdivision
29 b of this section, provided, however, that any failure filed with the
30 attorney general prior to the attorney general having established a
31 process for such filing shall not be actionable. A violation for failure
32 to file on time shall be subject to a civil penalty not to exceed five
33 hundred dollars for each day such violation continues, in addition to
34 any other penalties available under this section for prohibited acts or
35 practices.

36 (i) Notwithstanding any law to the contrary, all monies recovered or
37 obtained under this article by a state agency or state official or
38 employee acting in their official capacity shall be subject to subdivi-
39 sion eleven of section four of the state finance law.

40 (j) This section is intended to expand and not take away existing
41 consumer rights.

42 § 4. Section 350-a of the general business law is amended by adding
43 three new subdivisions 4, 5 and 6 to read as follows:

44 4. In determining whether any advertising concerning a food or food
45 product is false or misleading, factors shall include, but not be limit-
46 ed to:

47 (a) Whether the advertisement targets a consumer who is reasonably
48 unable to protect their interests because of their age, physical infirm-
49 ity, ignorance, illiteracy, inability to understand the language of an
50 agreement, or similar factor.

51 (b) Whether the advertisement is an unfair, deceptive or abusive act
52 or practice pursuant to subdivision (a) of section three hundred forty-
53 nine of this article.

54 (c) For the purposes of this subdivision and subdivision five of this
55 section, a "consumer" is defined as a person who is targeted by an
56 advertisement, or those acting on such a person's behalf.

1 5. For purposes of paragraph (a) of subdivision four of this section,
2 special consideration shall be given to advertisements directed at a
3 child as defined in section three hundred seventy-one of the social
4 services law. In determining whether an advertisement concerning a food
5 or food product is directed at a child, factors shall include, but not
6 be limited to:

7 (a) Subject matter;

8 (b) Visual content;

9 (c) Use of animated characters or child-oriented activities and incen-
10 tives;

11 (d) Music or other audio content;

12 (e) Age of models;

13 (f) Presence of child celebrities or celebrities who appeal to chil-
14 dren;

15 (g) Language;

16 (h) Competent and reliable empirical evidence regarding audience
17 composition and evidence regarding the intended audience;

18 (i) Physical location of advertisement, including, but not limited to,
19 proximity to schools or other institutions frequented by children;

20 (j) Medium by which the advertisement is communicated, including, but
21 not limited to, social media; or

22 (k) Other similar factors.

23 § 5. Section 202-a of the agriculture and markets law is amended by
24 adding a new subdivision 4 to read as follows:

25 4. In determining whether a violation of this section has occurred,
26 the court shall consider factors and special consideration given to
27 advertising directed at a child pursuant to section three hundred
28 fifty-a of the general business law.

29 § 6. Subdivision 1 of section 2599-b of the public health law, as
30 amended by section 1 of part A of chapter 469 of the laws of 2015, is
31 amended to read as follows:

32 1. The program shall be designed to prevent and reduce the incidence
33 and prevalence of obesity in children and adolescents, especially among
34 populations with high rates of obesity and obesity-related health
35 complications including, but not limited to, diabetes, heart disease,
36 cancer, osteoarthritis, asthma, emphysema, chronic bronchitis, other
37 chronic respiratory diseases and other conditions. The program shall use
38 recommendations and goals of the United States departments of agricul-
39 ture and health and human services, the surgeon general and centers for
40 disease control and prevention in developing and implementing guidelines
41 for nutrition education and physical activity projects as part of obesi-
42 ty prevention efforts. The content and implementation of the program
43 shall stress the benefits of choosing a balanced, healthful diet from
44 the many options available to consumers[~~, without specifically targeting~~
45 ~~the elimination of any particular food group, food product or food-re-~~
46 ~~lated industry]~~ while specifically including education on access and the
47 nutritional value of locally grown foods and food products including,
48 but not limited to dairy, fruit and vegetable food products. The program
49 shall cooperate with the department of agriculture and markets to add
50 access to locally grown foods and food products including, but not
51 limited to dairy, fruit and vegetable food products within the guide-
52 lines and framework of the program.

53 § 7. Severability. If any part or provision of this act or its appli-
54 cation to a person is held invalid, the invalidity of that part,
55 provision or application does not affect other parts, provisions or

1 applications of this act that can be given effect without the invalid
2 provision or application.
3 § 8. This act shall take effect on the sixtieth day after it shall
4 have become a law.

PART KK

6 Section 1. The opening paragraph and paragraphs (h) and (i) of subdivi-
7 sion 2 of section 103-a of the public officers law, as added by
8 section 2 of part WW of chapter 56 of the laws of 2022, are amended and
9 a new paragraph (j) is added to read as follows:

10 A public body may, in its discretion, use videoconferencing to conduct
11 its meetings pursuant to the requirements of this article provided that
12 a minimum number of members are present to fulfill the public body's
13 quorum requirement in the same physical location or locations where the
14 public can attend, except that in the case of an advisory body, one
15 quarter of the members and the relevant presiding officer must be pres-
16 ent in such physical location or locations, and the following criteria
17 are met:

18 (h) if videoconferencing is used to conduct a meeting, the public body
19 shall provide the opportunity for members of the public to view such
20 meeting via video, and to participate in proceedings via videoconference
21 in real time where public comment or participation is authorized and
22 shall ensure that videoconferencing authorizes the same public partic-
23 ipation or testimony as in person participation or testimony; ~~and~~

24 (i) a local public body electing to utilize videoconferencing to
25 conduct its meetings must maintain an official website~~[-]; and~~

26 (j) for the purposes of this section, an "advisory body" shall be
27 defined as an entity that is involved in an advisory capacity only;
28 including but not limited to engagement in policy development, program
29 planning, and program evaluation, and that may or may not vote to deter-
30 mine a final policy or programmatic outcome, including but not limited
31 to a community board in a city with a population of one million or more.

32 § 2. Section 4 of part WW of chapter 56 of the laws of 2022 amending
33 the public officers law relating to permitting videoconferencing and
34 remote participation in public meetings under certain circumstances, is
35 amended to read as follows:

36 § 4. This act shall take effect immediately and shall expire and be
37 deemed repealed July 1, ~~2024~~ 2026.

38 § 3. This act shall take effect immediately; provided, however, that
39 the amendments to subdivision 2 of section 103-a of the public officers
40 law made by section one of this act shall not affect the repeal of such
41 section and shall be deemed repealed therewith.

PART LL

43 Section 1. Paragraph 2 of subsection (f) of section 1308 of the insur-
44 ance law, as amended by section 2 of chapter 802 of the laws of 1985, is
45 amended to read as follows:

46 (2) Any domestic life insurance company proposing to assume by rein-
47 surance all or any part of the business in force, other than portions of
48 individual risks, of any domestic, foreign or alien life insurance
49 company, fraternal benefit society or other organization having
50 outstanding policies or certificates of life insurance or accident and
51 health insurance or annuity contracts shall make written application to
52 the superintendent for permission to do so. If after due consideration

1 the superintendent is satisfied that the proposed reinsurance will not
2 prejudice the interests of the policyholders of either the applicant or
3 the companies ~~[which]~~ that are members of The Life Insurance Guaranty
4 Corporation or of The Life and Health Insurance Company Guaranty Corpo-
5 ration of New York, ~~[he]~~ the superintendent shall grant the permission.

6 § 2. Paragraph 1 of subsection (a) of section 7434 of the insurance
7 law, as amended by chapter 134 of the laws of 1999, is amended to read
8 as follows:

9 (1) Upon the recommendation of the superintendent, and under the
10 direction of the court, distribution payments shall be made in a manner
11 that will assure the proper recognition of priorities and a reasonable
12 balance between the expeditious completion of the liquidation and the
13 protection of unliquidated and undetermined claims. The priority of
14 distribution of claims from an insolvent ~~[property/casualty]~~ insurer
15 other than a life insurer in any proceeding subject to this article
16 shall be in accordance with the order in which each class of claims is
17 set forth in this paragraph and as provided in this paragraph. Every
18 claim in each class shall be paid in full or adequate funds retained for
19 such payment before the members of the next class receive any payment.
20 No subclasses shall be established within any class. No claim by a
21 shareholder, policyholder or other creditor shall be permitted to
22 circumvent the priority classes through the use of equitable remedies.
23 The order of distribution of claims shall be:

24 ~~[(i)]~~ (A) Class one. Claims with respect to the actual and necessary
25 costs and expenses of administration, incurred by the liquidator, reha-
26 bilitator or conservator under this article.

27 ~~[(ii)]~~ (B) Class two. All claims under policies including such claims
28 of the federal or any state or local government for losses incurred,
29 third party claims, claims for unearned premiums, and all claims of a
30 security fund, guaranty association or the equivalent except claims
31 arising under reinsurance contracts.

32 ~~[(iii)]~~ (C) Class three. Claims of the federal government except those
33 under class two above.

34 ~~[(iv)]~~ (D) Class four. Claims for wages owing to employees of an
35 insurer against whom a proceeding under this article is commenced for
36 services rendered within one year before commencement of the proceeding,
37 not exceeding one thousand two hundred dollars to each employee, and
38 claims for unemployment insurance contributions required by article
39 eighteen of the labor law. Such priority shall be in lieu of any other
40 similar priority which may be authorized by law.

41 ~~[(v)]~~ (E) Class five. Claims of state and local governments except
42 those under class two above.

43 ~~[(vi)]~~ (F) Class six. Claims of general creditors including, but not
44 limited to, claims arising under reinsurance contracts.

45 ~~[(vii)]~~ (G) Class seven. Claims filed late or any other claims other
46 than claims under class eight or class nine below.

47 ~~[(viii)]~~ (H) Class eight. Claims for advanced or borrowed funds made
48 pursuant to section one thousand three hundred seven of this chapter.

49 ~~[(ix)]~~ (I) Class nine. Claims of shareholders or other owners in their
50 capacity as shareholders.

51 § 3. Paragraphs 1 and 4 of subsection (a) of section 7435 of the
52 insurance law, as added by chapter 802 of the laws of 1985, are amended
53 to read as follows:

54 (1) Class one. Claims with respect to the actual and necessary costs
55 and expenses of administration, incurred by the liquidator, rehabilita-
56 tor, conservator or ancillary rehabilitator under this article, or by

1 The Life Insurance Guaranty Corporation or The Life and Health Insurance
2 Company Guaranty Corporation of New York, and claims described in
3 subsection (d) of section seven thousand seven hundred thirteen of this
4 chapter.

5 (4) Class four. All claims under insurance policies, annuity contracts
6 and funding agreements, and all claims of The Life and Health Insurance
7 Company Guaranty Corporation of New York or any other guaranty corpo-
8 ration or association of this state or another jurisdiction, other than
9 [~~(i)~~] claims provided for in paragraph one of this subsection[~~7~~] and
10 [~~(ii)~~] claims for interest.

11 § 4. Paragraph 2 of subsection (c) of section 7709 of the insurance
12 law, as amended by section 10 of subpart D of part Y of chapter 57 of
13 the laws of 2023, is amended to read as follows:

14 (2) The amount of any class B or class C assessment, except for
15 assessments related to long-term care insurance, shall be allocated for
16 assessment purposes among the accounts in the proportion that the premi-
17 ums received by the impaired or insolvent insurer on the policies or
18 contracts covered by each account for the last calendar year preceding
19 the assessment in which the impaired or insolvent insurer received
20 premiums bears to the premiums received by such insurer for such calen-
21 dar year on all covered policies. The amount of any class B or class C
22 assessment for long-term care insurance written by the impaired or
23 insolvent insurer shall be allocated according to a methodology included
24 in the plan of operation and approved by the superintendent. The meth-
25 odology shall provide for fifty percent of the assessment to be allo-
26 cated to health insurance company member insurers and fifty percent to
27 be allocated to life insurance company member insurers; provided, howev-
28 er, that a property/casualty insurer that writes health insurance shall
29 be considered a health insurance company member for this purpose. Class
30 B and class C assessments against member insurers for each account shall
31 be in the proportion that the premiums received on business in this
32 state by each assessed member insurer on policies covered by each
33 account for the three calendar years preceding the assessment bears to
34 such premiums received on business in this state for such calendar years
35 by all assessed member insurers. Class B and Class C assessments
36 against member insurers for the health insurance account shall be
37 further reduced for not-for-profit member insurers pursuant to a method-
38 ology included in the plan of operation and approved by the superinten-
39 dent. Such methodology shall offset the assessments imposed on not-for-
40 profit member insurers in a manner that has an equivalent impact as the
41 tax credits applicable to member for-profit insurers pursuant to this
42 article.

43 § 5. Section 7712 of the insurance law, as added by chapter 802 of the
44 laws of 1985, subsection (a) as amended by section 11 of subpart D of
45 part Y of chapter 57 of the laws of 2023, is amended to read as follows:

46 § 7712. Credits for assessments paid. (a) The superintendent shall
47 annually[~~, within six months following the close of each calendar year,~~
48 ~~furnish to the commissioner of taxation and finance and the director of~~
49 ~~the division of the budget a statement of operations for the life insur-~~
50 ~~ance guaranty corporation and the life and health insurance company~~
51 ~~guaranty corporation of New York. Such statement shall show the assess-~~
52 ~~ments, less any refunds or reimbursements thereof, paid by each insur-~~
53 ~~ance company pursuant to the provisions of article seventy-five or]~~
54 issue a certificate of tax credit for net class A assessments paid, and
55 a separate certificate of tax credit for total net class B and class C
56 assessments paid, as such assessments are described in section seven

1 thousand seven hundred nine of this article, [~~for the purposes of meet-~~
2 ~~ing the requirements of this chapter. Each statement, starting with the~~
3 ~~statement furnished in the year nineteen hundred eighty six and ending~~
4 ~~with the statement furnished in the year two thousand, shall show the~~
5 ~~annual activity for every year commencing from nineteen hundred eighty-~~
6 ~~five through the most recently completed year. Each statement furnished~~
7 ~~in each year after the year two thousand shall reflect such assessments~~
8 ~~paid during the preceding fifteen calendar years. The superintendent~~
9 ~~shall also furnish a copy of such statement to each such]~~ to an insur-
10 ance company that is required to file a tax return pursuant to article
11 thirty-three of the tax law. The superintendent shall issue such
12 certificates by January thirty-first of the year following the year in
13 which the class A, B, and C assessments are paid or to which they are
14 allocated pursuant to the provisions of subsection (c) of this section.
15 For the purposes of this section, an insurance company's "net class A
16 assessments paid" shall mean its gross class A assessments paid pursuant
17 to the provisions of article seventy-five or section seven thousand
18 seven hundred nine of this article, less any refunds, recoveries, or
19 reimbursements, and an insurance company's "total net class B and class
20 C assessments paid" shall mean its gross class B and class C assessments
21 paid pursuant to the provisions of article seventy-five or section seven
22 thousand seven hundred nine of this article, less any refunds, recov-
23 eries, or reimbursements.

24 (b) The [~~maximum authorized~~] certificates of tax credit [~~for each~~
25 ~~company in respect of the assessments paid during the most recent calen-~~
26 ~~dar year covered by such statement]~~ shall [~~be~~] set forth the amount of
27 tax credit an insurance company may claim as follows:

28 (1) [~~if the sum of the net assessments paid by all companies in the~~
29 ~~period reported on in the statement of operations required to be~~
30 ~~furnished by the superintendent pursuant to the provisions of subsection~~
31 ~~(a) of this section is less than one hundred million dollars, no such~~
32 ~~credits shall be authorized]~~ for net class A assessments, the eligible
33 credit amount shall be equal to the product of eighty per centum and the
34 company's net class A assessments paid; and

35 (2) [~~(A) if the sum of such net assessments exceeds one hundred~~
36 ~~million dollars, the maximum authorized credit for each company with~~
37 ~~respect to net assessments paid by such company in any year shall be the~~
38 ~~excess, if any, of (i) over (ii), where (i) is the sum of such company's~~
39 ~~tentative cross-over year credit and its tentative credits for subse-~~
40 ~~quent years, both as determined pursuant to subparagraphs (B) and (C) of~~
41 ~~this paragraph, and (ii) is the sum of the maximum credits theretofore~~
42 ~~authorized for the years covered by such statement, to and including the~~
43 ~~most recently completed year, determined with reference to the periods~~
44 ~~covered by all prior such statements.~~

45 ~~(B) Such company's tentative cross-over year credit shall be eighty~~
46 ~~per centum of the product of (i) and (ii), where (i) is the sum of~~
47 ~~assessments paid by such company during the cross-over year, and (ii) is~~
48 ~~a fraction, the numerator of which is the excess over one hundred~~
49 ~~million dollars of the sum of net assessments paid by all companies~~
50 ~~during such period and the denominator of which is the sum of net~~
51 ~~assessments paid by such companies during the cross-over year. For~~
52 ~~purposes of this paragraph, the cross-over year is the first year during~~
53 ~~the period covered by such statement in which the net assessments paid~~
54 ~~by all companies during such period exceeded one hundred million dollars~~
55 ~~in whole or in part.~~

~~(C) Such company's tentative credit for each year subsequent to the cross-over year shall be eighty per centum of the net assessments paid by such company during such year.~~

~~(3) For the purposes of this section, net assessments means gross assessments, less any recoveries or reimbursements, paid during the period covered by the most recent statement of operations furnished by the superintendent pursuant to the provisions of subsection (a) of this section]~~ for total net class B and class C assessments, the eligible credit amount shall be equal to the product of eighty per centum and the company's total net class B and class C assessments paid, subject to subsection (c) of this section.

(c)(1) The aggregate amount of tax credits pursuant to this section for total net class B and class C assessments in each calendar year shall not exceed one hundred fifty million dollars. The aggregate tax credit amount shall be allocated annually by the superintendent on a pro rata basis to each company required to file a tax return pursuant to article thirty-three of the tax law.

(2) The superintendent shall allocate any tax credit amount that exceeds the annual credit cap of one hundred fifty million dollars to the following calendar year and include such amount within the calculation of the eligible credit amount subject to the aggregate credit amount for the succeeding calendar year by the superintendent.

(3) For companies issued a certificate of tax credit for total net class B and class C assessments, such annual certificate shall set forth an amount equal to thirty-three and one-third per centum of the amount calculated under subsection (b) of this section and allocated pursuant to paragraph one of this subsection. The amount on the certificate of tax credit shall be eligible to be claimed in the taxable year that begins in the calendar year that such certificate is issued. Thirty-three and one-third per centum of such amount shall be eligible to be claimed in each of the two taxable years following such taxable year.

(d)(1) The superintendent shall, in consultation with the commissioner of taxation and finance, develop a certificate of tax credit for net class A assessments, and a certificate of tax credit for total net class B and class C assessments. Each certificate shall contain such information as required by the commissioner of taxation and finance, including a certificate date.

(2) The superintendent shall solely determine the tax credit eligibility of any insurance company and shall revoke any certificate of tax credit issued to an insurance company that no longer qualifies for a tax credit. The superintendent shall modify the amount of the credit shown on any such certificate if the superintendent determines that the amount certified under subsection (b) of this section was not computed properly pursuant to this section.

(3) To be issued a certificate of tax credit by the superintendent, each insurance company shall:

(A) agree to allow the department of taxation and finance to share the insurance company's tax information relevant to the administration of this section with the superintendent. However, any information shared with the superintendent as a result of this section shall not be available for public disclosure or inspection under article six of the public officers law;

(B) allow the superintendent and the corporation access to any and all books and records the superintendent or corporation may require to monitor compliance with this section; and

1 (C) agree to provide any additional information required by the super-
2 intendent relevant to this section.

3 § 6. Subdivision (f) of section 1511 of the tax law, as amended by
4 chapter 803 of the laws of 1985, paragraph 1 as amended by chapter 217
5 of the laws 2012, subparagraph (B) of paragraph 3 as further amended by
6 section 104 of part A of chapter 62 of the laws of 2011 and paragraph 5
7 as amended by section 9 of part H3 of chapter 62 of the laws of 2003, is
8 amended to read as follows:

9 (f) Credit relating to life and health insurance guaranty corporation
10 assessments. [A] (1) Allowance of credit. For taxable years beginning
11 on or after January first, two thousand twenty-four, a credit shall be
12 allowed against the tax imposed pursuant to this article (other than
13 section fifteen hundred five-a of this article)[~~, for a portion of the~~
14 ~~assessments paid by a taxpayer pursuant to article seventy-five or~~
15 ~~section seven thousand seven hundred nine of the insurance law. The~~
16 ~~credit shall be determined in accordance with the following provisions]~~
17 as hereinafter provided.

18 ~~[(1)]~~ (2) Amount of credit. The ~~[maximum authorized]~~ amount of the
19 credit for each taxpayer shall ~~[be determined as provided in]~~ equal the
20 amount shown on the certificate of tax credit, or the amounts shown on
21 such certificates, issued to such taxpayer pursuant to section seven
22 thousand seven hundred twelve of the insurance law. With respect to
23 each such certificate, the amount of the credit must be claimed in the
24 taxable year that begins in the calendar year that such certificate is
25 issued.

26 ~~[(2) Thirty-three and one third per centum of the maximum authorized~~
27 ~~credit for the second calendar year preceding the taxable year, plus any~~
28 ~~amount carried forward under subparagraph (C) of paragraph three of this~~
29 ~~subdivision or paragraph four of this subdivision, shall be allowed as a~~
30 ~~credit under this subdivision for such taxable year, and thirty-three~~
31 ~~and one third per centum of such maximum authorized credit for such~~
32 ~~second preceding calendar year, plus any amount carried forward under~~
33 ~~subparagraph (C) of this subdivision or paragraph four of this subdivi-~~
34 ~~sion, shall be allowed in each of the two taxable years following such~~
35 ~~taxable year.]~~

36 (3) ~~[(A) For each calendar year for which a credit has been authorized~~
37 ~~pursuant to section seven thousand seven hundred twelve of the insurance~~
38 ~~law, the commissioner of taxation and finance shall determine the total~~
39 ~~tax liability of all life insurance corporations under this article,~~
40 ~~other than under section fifteen hundred five-a of this article, before~~
41 ~~the application of any credits allowed pursuant to this section, for~~
42 ~~taxable years beginning in such calendar year. Such total tax liability~~
43 ~~shall be published in the state register on or before the thirtieth day~~
44 ~~of September of the next succeeding calendar year.~~

45 ~~(B) The credit allowed under paragraph two of this subdivision for~~
46 ~~each taxpayer shall not exceed the product of (x) and (y) where (x) is a~~
47 ~~fraction, the numerator of which is the sum of the gross assessments~~
48 ~~paid by the particular taxpayer during the calendar year for which the~~
49 ~~credit has been authorized and the denominator of which is the sum of~~
50 ~~the gross assessments paid by all companies during such year, both as~~
51 ~~shown in the most recent statement of operations furnished by the super-~~
52 ~~intendent of financial services under subsection (a) of section seven~~
53 ~~thousand seven hundred twelve of the insurance law and both the numera-~~
54 ~~tor and denominator being reduced, as appropriate, by any refunds or~~
55 ~~reimbursements and (y) is the greater of (i) forty per centum of the~~

~~total tax liability published by the commissioner pursuant to subparagraph (A) of this paragraph and (ii) forty million dollars.~~

~~(C) The amount by which the allowable credit computed without reference to the limitation contained in subparagraph (B) of this paragraph exceeds the allowable credit for such taxable year shall be carried forward as a credit under paragraph two of this subdivision.~~

~~(D) With respect to estimated taxes payable under section fifteen hundred fourteen of this article any increase in estimated taxes due to the limitation imposed by this paragraph shall be deemed timely paid if paid on or before the fifteenth day of December next following the date specified in subparagraph (A) of this paragraph.]~~

Carryover. The credit allowed under this subdivision for any taxable year shall not reduce the tax due for such year to less than the minimum fixed by paragraph four of subdivision (a) of section fifteen hundred two of this article or section fifteen hundred two-a of this article, whichever is applicable. However, if the amount of credit allowable under this subdivision for any taxable year reduces the tax to such amount, any amount of credit not deductible in such taxable year may be carried over to the following year or years and may be deducted from the taxpayer's tax for such year or years.

~~(4) [If for any taxable year the credits allowable under paragraph two of this subdivision determined without regard to this paragraph exceed the taxpayer's liability for taxes under this article for the taxable year after the allowance of all other credits under this section, then the sum of two hundred fifty dollars and the amount by which such credits under this subdivision exceed such tax liability shall be carried forward as a credit under paragraph two of this subdivision for the taxable year next following.]~~ Eligibility. To be eligible for the credit, the taxpayer shall have been issued a certificate, or certificates, of tax credit by the department of financial services pursuant to section seven thousand seven hundred twelve of the insurance law, each of which certificates shall set forth the amount of the credit that may be claimed and the certificate date. A taxpayer that is a partner in a partnership, member of a limited liability company or shareholder in a subchapter S corporation that has received a certificate, or certificates, of tax credit shall be allowed its pro rata share of the credit earned by the partnership, limited liability company or subchapter S corporation.

~~(5) [No credit allowed pursuant to this subdivision shall reduce the tax payable by any taxpayer under this article for any taxable year to an amount less than the minimum tax fixed by paragraph four of subdivision (a) of section fifteen hundred two of this article or section fifteen hundred two-a of this article, whichever is applicable.]~~ Tax return requirement. The taxpayer is required to include with its tax return in the form prescribed by the commissioner, proof of receipt of its certificate, or certificates, of tax credit issued by the department of financial services.

(6) Information sharing. Notwithstanding any provision of this chapter, employees of the department of financial services and the department shall be allowed and are directed to share and exchange:

(A) information regarding the credit allowed or claimed pursuant to this subdivision and taxpayers that are claiming the credit; and

(B) information contained in or derived from credit claim forms submitted to the department. All information exchanged between the department of financial services and the department shall not be subject

1 to public disclosure or inspection under article six of the public offi-
2 cers law.

3 (7) Credit recapture. If a certificate of tax credit issued by the
4 department of financial services under section seven thousand seven
5 hundred twelve of the insurance law is revoked by such department, the
6 amount of credit described in this subdivision and claimed by the
7 taxpayer prior to such revocation shall be added back to tax in the
8 taxable year in which any such revocation becomes final. If an amount of
9 credit on any such certificate of tax credit is modified by the depart-
10 ment of financial services, the difference between the amount of credit
11 described in this subdivision and claimed by the taxpayer prior to such
12 modification and the modified amount shall be added back to tax in the
13 taxable year in which any such modification becomes final.

14 (8) Net assessments. No amount of any net assessments paid by such
15 taxpayer included as the basis for the calculation of the amount shown
16 on any such certificate shall be the basis for any other tax credit
17 under this chapter.

18 § 7. Notwithstanding the provisions of sections one through six of
19 this act, in 2024, for the calendar year 2023, the superintendent of
20 financial services shall furnish the statement of operations for the
21 life insurance guaranty corporation and the life and health insurance
22 company guaranty corporation of New York as provided in subsection (a)
23 of section 7712 of the insurance law, as such provision of law was in
24 effect immediately prior to the effective date of this act.

25 § 8. Notwithstanding the provisions of sections one through seven of
26 this act, an insurance company allowed a tax credit pursuant to section
27 7712 of the insurance law and subdivision (f) of section 1511 of the tax
28 law, as such provisions of law were in effect immediately prior to the
29 effective date of this act, shall continue to be allowed the credit
30 relating to life insurance guaranty corporation assessments under such
31 subdivision (f), for assessments paid on or before December 31, 2023, as
32 follows:

33 (i) any amount of such credit that has not been claimed in a taxable
34 year beginning before January 1, 2024 shall be allowed as a credit
35 against the tax imposed pursuant to article 33 of the tax law, other
36 than section 1505-a of such article, in the taxable year beginning on or
37 after such date; and

38 (ii) any amount of credit allowed pursuant to the previous paragraph
39 shall be subject to the carryover provision of paragraph 3 of subdivi-
40 sion (f) of section 1511 of the tax law, as such subdivision has been
41 amended by section six of this act.

42 § 9. This act shall take effect immediately and shall apply to taxable
43 years beginning on or after January 1, 2024.

44 PART MM

45 Intentionally Omitted

46 PART NN

47 Section 1. Section 2328 of the insurance law, as amended by chapter
48 182 of the laws of 2023, is amended to read as follows:

49 § 2328. Certain motor vehicle insurance rates; prior approval. For the
50 periods February first, nineteen hundred seventy-four through August
51 second, two thousand one, and the effective date of the

1 property/casualty insurance availability act through June thirtieth, two
2 thousand twenty-six, no changes in rates, rating plans, rating rules and
3 rate manuals applicable to motor vehicle insurance, including no-fault
4 coverages under article fifty-one of this chapter, shall be made effec-
5 tive until approved by the superintendent, notwithstanding any incon-
6 sistent provisions of this article[, ~~provided, however, that changes in~~
7 ~~such rates, rating plans, rating rules and rate manuals may be made~~
8 ~~effective without such approval if the rates that result from such~~
9 ~~changes are no higher than the insurer's rates last approved by the~~
10 ~~superintendent~~]. This section shall apply only to policies covering
11 losses or liabilities arising out of ownership of a motor vehicle used
12 principally for the transportation of persons for hire, including a bus
13 or a school bus as defined in sections one hundred four and one hundred
14 forty-two of the vehicle and traffic law.

15 § 2. This act shall take effect immediately.

16 PART OO

17 Section 1. Subdivision 6 of section 51 of the public authorities law
18 is REPEALED.

19 § 2. This act shall take effect immediately.

20 PART PP

21 Section 1. Short title. This act shall be known and may be cited as
22 the "transparency in local economic development act".

23 § 2. This act enacts into law major components of legislation neces-
24 sary to implement the transparency in local economic development act.
25 Each component is wholly contained within a Subpart identified as
26 Subparts A through D. The effective date for each particular provision
27 contained within such Subpart is set forth in the last section of such
28 Subpart. Any provision in any section contained within a Subpart,
29 including the effective date of the Subpart, which makes a reference to
30 a section "of this act", when used in connection with that particular
31 component, shall be deemed to mean and refer to the corresponding
32 section of the Subpart in which it is found. Section four of this act
33 sets forth the general effective date of this act.

34 SUBPART A

35 Section 1. The public authorities law is amended by adding a new
36 section 8 to read as follows:

37 § 8. Local authorities searchable subsidy and economic development
38 benefits database. (1) For the purposes of this section, the following
39 terms shall have the following meanings:

40 (a) "Economic development benefits" shall mean:

41 (i) funds made available by a local authority, including without limi-
42 tation any entity created incorporated pursuant to section fourteen
43 hundred eleven of the not-for-profit corporation law, for economic
44 development, or job creation purposes including, but not limited to,
45 grants, loans, loan guarantees, loan interest subsidies, and subsidies;
46 and

47 (ii) tax credits, tax exemptions, reduced tax rates or other tax
48 incentives which are applied for and preapproved or certified by or on
49 behalf of a local authority, including without limitation any entity

1 created incorporated pursuant to section fourteen hundred eleven of the
2 not-for-profit corporation law, for economic development.

3 (b) "Additional state economic development benefits" shall mean those
4 economic development benefits made available to the local authority,
5 including without limitation any entity created incorporated pursuant to
6 section fourteen hundred eleven of the not-for-profit corporation law,
7 by a state entity to award such benefits to qualified recipients.

8 (c) "Qualified participant" shall mean a person, business, limited
9 liability corporation or any other entity that has applied for and
10 received benefits as defined in paragraph (a) of this subdivision.

11 (d) "Full-time equivalent" shall mean a unit of measure, which is
12 equal to one filled, full-time, annual-salaried position.

13 (e) "Project hires" shall mean a job in which an individual is hired
14 for a season or for a limited period of time.

15 (f) "Part-time job" shall mean a job in which an individual is
16 employed by a qualified participant for less than thirty-five hours a
17 week.

18 (g) "The office" shall mean the authorities budget office.

19 (i) "The database" or "the searchable database" shall mean the data-
20 base created pursuant to subdivision two of this section.

21 (j) "the project" shall mean specific work, action, endeavor, contract
22 or agreement for which any economic benefit as defined in paragraphs (a)
23 and (b) of this subdivision, is made available or awarded by a local
24 authority to, including without limitation any entity created incorpo-
25 rated pursuant to section fourteen hundred eleven of the not-for-profit
26 corporation law, to a person, business, limited liability corporation or
27 any other entity.

28 2. Notwithstanding any laws to the contrary, the office shall create a
29 searchable database, displaying data regarding economic development
30 benefits that a qualified participant has been awarded. Such database
31 shall also separately display data regarding additional state economic
32 development benefits and the aggregate total of benefits defined in
33 paragraph (a) of subdivision one of this section, to the extent that
34 such data has been made available to and is received by the office in
35 the form and manner prescribed by the office. Such searchable database
36 shall include, at a minimum, the following data, features and function-
37 ality to the extent practicable:

38 (a) the ability to search the database by each of the reported infor-
39 mation fields;

40 (b) the ability to be searchable, downloadable, and updated quarterly,
41 and posted on a publicly accessible website as well as referenced on the
42 office's website, with a direct link to the database;

43 (c) the following data on projects shall be included:

44 (i) a qualified participant's name and project, project location, the
45 project's complete address, including the postal code in a separate and
46 searchable field, and the economic region of the state;

47 (ii) the time span over which a qualified participant is to receive or
48 has received aggregate economic development benefits;

49 (iii) the type of such economic development benefits, as defined in
50 paragraph (a) of subdivision one of this section, provided to a quali-
51 fied participant, including the name of the program or programs through
52 which such benefits are provided, and details as to whether such
53 programs are grants or tax credit programs as a separate and searchable
54 field. Such data shall be provided to the extent practicable for all
55 contracts initiated six months after the effective date of this section;

(iv) the total number of employees at all entities utilizing such economic development benefits as defined in paragraph (a) of subdivision one of this section, at the time of the agreement, including the number of full-time equivalents, provided that any project hires or part-time jobs shall be displayed in separate fields and may be converted to full-time equivalents and denoted as such, to the extent practicable for all contracts initiated six months after the effective date of this section;

(v) for any economic development benefits as defined in paragraph (a) of subdivision one of this section that provides for job retention or job creation, that a qualified participant has been awarded, the total job creation commitments, job retention commitments, job creation actual number, and the job retention actual number, displayed in terms of full-time equivalents where any project hires or part-time jobs may be converted to full-time equivalents and denoted as such, the actual average wage by occupation or job classification and total payroll to be created as a result of the benefits, shall be provided, each displayed as separate and searchable fields;

(vi) the total and separate amount of economic development benefits defined in paragraph (a) of subdivision one of this section received by a qualified participant to date;

(vii) the total public-private investment made to a project, total public funding received by a project, and project status;

(viii) details related to individual project compliance indicating whether, during the current reporting quarter, the entity managing the award has reduced, cancelled, or recaptured any economic development benefits or additional state economic development benefits from a qualified participant, and, if so, the total amount of the reduction, cancellation, or recapture. Separately, a notation of penalties assessed shall be displayed in a separate and searchable field, as well as the reasons therefor in another separate and searchable field;

(ix) the ability to digitally select defined individual fields corresponding to any of the reported information from qualified participants to create unique database views;

(x) the ability to download the database in its entirety, or in part, in a common machine readable format;

(xi) a definition or description of terms for fields in the database;

(xii) a summary of each separate economic development benefit defined in paragraph (a) of subdivision one of this section awarded to qualified participants;

(xiii) a user-friendly guide to outline the features and functionality of the database; and

(xiv) a dedicated email account for the public to direct questions related to the database, and the office mailing address, office telephone number, and name of the chief officer of the granting body.

3. Data related to subparagraphs (i) through (vi) of paragraph (c) of subdivision two of this section shall be analyzed for quality and accuracy by the entity or authority providing such funding to qualified recipients and managing the contracts related thereto. Upon submission of such data to the office for inclusion in the database, all awarding entities shall certify to the office that each field of project data accurately summarizes project investments and amounts and contains no known misrepresentation of material facts.

4. Upon request the office shall provide, or direct to a source providing, in an electronically accessible and downloadable form, any contracts or award agreements for projects included in the database, to the extent such contracts or award agreements are available to the

1 public pursuant to article six of the public officers law or any other
2 law. Such contracts may, upon request from the office, be shared by the
3 entity holding and managing such contract.

4 5. The office may request any data from qualified participants that is
5 necessary and required in developing, updating, and maintaining the
6 searchable database. Such qualified participants shall provide any such
7 information requested by the office.

8 6. The office shall prescribe the form and manner in which a local
9 authority awarding other state agency economic development benefits
10 shall submit information and data regarding other state agency benefits
11 as required for developing, updating, and maintaining the database and
12 publish guidelines as needed to facilitate receipt of such data to
13 comply with the provisions of this section, including the submission
14 provisions of subdivision three of this section. The corporation, to the
15 extent practicable, shall note on the database where a state agency or
16 authority failed to submit the required data.

17 7. To effectuate the purposes of this section, the office may request
18 and shall receive from any department, division, board, bureau, commis-
19 sion or other agency of the state, or any state or local public authori-
20 ty such assistance, information and data as will enable the office to
21 carry out its powers and duties under this section.

22 § 2. Section 2807 of the public authorities law, as added by section 3
23 of part NNN of chapter 58 of the laws of 2022, is amended to read as
24 follows:

25 § 2807. Reporting for searchable state subsidy and aggregate economic
26 development benefits database. 1. Notwithstanding any other provision of
27 law to the contrary, every state authority shall submit to the urban
28 development corporation, and update quarterly, in the form and manner
29 prescribed by the urban development corporation, any and all data and
30 information as necessary for developing, updating, and maintaining the
31 database established in section fifty-eight of section one of chapter
32 one hundred seventy-four of the laws of nineteen hundred sixty-eight,
33 constituting the New York state urban development corporation act,
34 regarding economic development benefits, as such term is defined in such
35 section, awarded by such state authority. A state authority may request
36 and shall receive any data from an individual, business, limited liabil-
37 ity corporation or any other entity that has applied for and received
38 approval for, or is the beneficiary of, any such economic development
39 benefits, as is necessary and required to comply with this section.

40 2. Notwithstanding any other provision of law to the contrary, a local
41 authority shall submit to the authorities budget office, and update
42 quarterly, in the form and manner prescribed by the authorities budget
43 office, any and all data and information as necessary for developing,
44 updating, and maintaining the database established in section eight of
45 the public authorities law, regarding economic development benefits, as
46 the term is defined therein, awarded by such authority. A local authori-
47 ty may request and shall receive any data from a person, business,
48 limited liability corporation or any other entity that has applied for
49 and received approval for or is the beneficiary of, any such economic
50 development benefits, as is necessary and required to comply with this
51 section.

52 § 3. The general municipal law is amended by adding a new section
53 859-d to read as follows:

54 § 859-d. Reporting for the local authorities searchable subsidy and
55 economic development benefits database. Notwithstanding any other
56 provision of law to the contrary, an industrial development agency shall

1 submit to the authorities budget office, and update quarterly, in the
2 form and manner prescribed by the authorities budget office, any and all
3 data and information as necessary for developing, updating, and main-
4 taining the database established in section eight of the public author-
5 ities law, regarding economic development benefits, as the term is
6 defined therein, awarded by such industrial development agency. An
7 Industrial Development agency may request and shall receive any data
8 from a person, business, limited liability corporation or any other
9 entity that has applied for and received approval for or is the benefi-
10 ciary of, any such economic development benefits, as is necessary and
11 required to comply with this section.

12 § 4. Paragraph (i) of section 1411 of the not-for-profit corporation
13 law is amended and a new paragraph (j) is added to read as follows:

14 (i) Effect of section.

15 Corporations incorporated or reincorporated under this section shall
16 be organized and operated exclusively for the purposes set forth in
17 paragraph (a) of this section, shall have, in addition to the powers
18 otherwise conferred by law, the powers conferred by paragraph (c) of
19 this section and shall be subject to all the restrictions and limita-
20 tions imposed by paragraph (e) [~~and~~], paragraph (g), and paragraph (j)
21 of this section. In so far as the provisions of this section are incon-
22 sistent with the provisions of any other law, general or special, the
23 provisions of this section shall be controlling as to corporations
24 incorporated or reincorporated hereunder.

25 (j) Public authorities law.

26 Notwithstanding any other provision of law to the contrary, a corpo-
27 ration incorporated or reincorporated under this section shall be
28 considered a local authority under the public authorities law, and be
29 subject to the provisions of section twenty-eight hundred seven of the
30 public authorities law.

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

33 SUBPART B

34 Section 1. Section 104 of the not-for-profit corporation law is
35 amended by adding a new paragraph (h) to read as follows:

36 (h) The department shall transmit electronically to the authorities
37 budget office a copy of every certificate of incorporation filed or
38 delivered where the incorporator has indicated on the certificate that
39 he or she is filing said certificate on the behalf or at the behest of a
40 municipal corporation, state or local authority, or district.

41 § 2. Subparagraph 2-b of paragraph (a) of section 402 of the not-for-
42 profit corporation law, as added by chapter 23 of the laws of 2014, is
43 amended to read as follows:

44 (2-b) If it is not formed to engage in any activity or for any purpose
45 requiring consent or approval of any state official, department, board,
46 agency or other body, or does not require consent pursuant to paragraph
47 (w) of section 404 (Approvals, notices and consents) of this article a
48 statement that no such consent or approval is required. Such statement
49 shall be deemed conclusive for purposes of filing by the department of
50 state. If subsequent to submitting the certificate of incorporation for
51 filing, the corporation plans to engage in any activity requiring
52 consent or approval pursuant to section 404 [~~(approvals)~~] (Approvals,
53 notices and consents) of this [~~chapter~~] article, the corporation shall

1 obtain such consent or approval and accordingly amend its certificate of
2 incorporation pursuant to article eight of this chapter.

3 § 3. Paragraph (a) of section 402 of the not-for-profit corporation
4 law is amended by adding a new subparagraph 9 to read as follows:

5 (9) A statement whether the corporation is being incorporated on the
6 behalf or at the behest of any municipal corporation, state or local
7 authority, or district. If so, the incorporator shall identify such
8 municipal corporation, state or local authority, or district.

9 § 4. Section 404 of the not-for-profit corporation law is amended by
10 adding a new paragraph (w) to read as follows:

11 (w) Every certificate of incorporation which includes any of the
12 following shall have endorsed thereon or annexed thereto the consent of
13 the director of the authorities budget office:

14 (1) indicates that one or more individuals who serve as officers or
15 employees of any municipal corporation, state or local authority, or
16 district shall: (i) select either a majority of the corporation's board
17 of directors or the corporation's chief executive officer; (ii) consti-
18 tute a majority of the voting strength that selects either a majority of
19 the corporation's board of directors or the corporation's chief execu-
20 tive officer; or (iii) serve as: (A) a majority of the corporation's
21 board of directors; or (B) in his or her official capacity, the corpo-
22 ration's chief executive officer; or

23 (2) indicates that such corporation is being incorporated on the
24 behalf or at the behest of any municipal corporation, state or local
25 authority, or district.

26 The director shall make such inquiry into the purposes of the proposed
27 corporation as he or she shall deem advisable.

28 § 5. Paragraph (a) of section 1411 of the not-for-profit corporation
29 law, as amended by chapter 847 of the laws of 1970, is amended to read
30 as follows:

31 (a) Purposes.

32 This section shall provide an additional and alternate method of
33 incorporation or reincorporation of not-for-profit corporations for any
34 of the purposes set forth in this paragraph and shall not be deemed to
35 alter, impair or diminish the purposes, rights, powers or privileges of
36 any corporation heretofore or hereafter incorporated under this section
37 or under the stock or business corporation laws. Corporations may be
38 incorporated or reincorporated under this section as not-for-profit
39 local development corporations operated for the exclusively charitable
40 or public purposes of relieving and reducing unemployment, promoting and
41 providing for additional and maximum employment, bettering and maintain-
42 ing job opportunities, instructing or training individuals to improve or
43 develop their capabilities for such jobs, carrying on scientific
44 research for the purpose of aiding a community or geographical area by
45 attracting new industry to the community or area or by encouraging the
46 development of, or retention of, an industry in the community or area,
47 and lessening the burdens of government and acting in the public inter-
48 est, and any one or more counties, cities, towns or villages of the
49 state, or any combination thereof, or the New York job development
50 authority in exercising its power under the public authorities law to
51 encourage the organization of local development corporations, may cause
52 such corporations to be incorporated by public officers or private indi-
53 viduals or reincorporated upon compliance with the requirements of this
54 section, and it is hereby found, determined and declared that in carry-
55 ing out said purposes and in exercising the powers conferred by para-
56 graph (b) such corporations will be performing an essential governmental

1 function. A not-for-profit corporation may not incorporate or reincorpo-
2 rate under this section if its sole corporate purpose is for lessening
3 the burdens of government and acting in the public interest.

4 § 6. Subparagraph 2 of paragraph (d) of section 1411 of the not-for-
5 profit corporation law is amended to read as follows:

6 (2) Notwithstanding the provisions of any general, special or local
7 law, charter or ordinance to the contrary, such sale or lease may be
8 made without appraisal (except as may be necessary in regard to subpara-
9 graph (4) of this paragraph), public notice~~[,]~~ (except as provided in
10 subparagraph (4) of this paragraph), or public bidding for such price or
11 rental and upon such terms as may be agreed upon between the county,
12 city, town or village and said local development corporation; provided,
13 however, that in case of a lease the term may not exceed ~~[ninety-nine]~~
14 twenty-five years and provided, further, that in cities having a popu-
15 lation of one million or more, no such sale or lease shall be made with-
16 out the approval of a majority of the members of the borough improvement
17 board of the borough in which such real property is located.

18 § 7. Subparagraph 4 of paragraph (d) of section 1411 of the not-for-
19 profit corporation law is amended to read as follows:

20 (4) Notice of such hearing shall be published at least ~~[ten]~~ twenty-
21 one days before the date set for the hearing in such publication and in
22 such manner as may be designated by the local legislative body, or the
23 board of estimate as the case may be. Such notice shall also include: a
24 description of the property at issue; the value of the proposed consid-
25 eration to be received from the sale or lease; the estimated fair market
26 value of the asset; and a statement of the intended use or disposition
27 of the property by the local development corporation.

28 § 8. Paragraph (i) of section 1411 of the not-for-profit corporation
29 law, as amended by section 4 of subpart A of this part, is amended to
30 read as follows:

31 (i) Contracts between a municipal corporation, public authority, or
32 district and a local development corporation.

33 Any contract or other agreement between a local development corpo-
34 ration and a municipal corporation, state authority or local authority,
35 or district for one or more of the purposes enumerated in paragraph (a)
36 of this section shall: (1) cause the local development corporation to be
37 defined as a local authority pursuant to subdivision two of section two
38 of the public authorities law; (2) provide for the municipal corpo-
39 ration, state authority or local authority, or district to receive fair
40 and adequate consideration; (3) be subject to the requirements of arti-
41 cle five-A of the general municipal law; and (4) have a term not to
42 exceed twenty-five years, subject to one or more subsequent renewals for
43 a term not to exceed twenty-five years each upon the mutual consent of
44 the parties; provided however that a contract with a municipal corpo-
45 ration shall not be used to finance the municipal corporation's oper-
46 ations or to acquire or improve an asset for use of the municipal corpo-
47 ration.

48 (k) Effect of section.

49 Corporations incorporated or reincorporated under this section shall
50 be organized and operated exclusively for the purposes set forth in
51 paragraph (a) of this section, shall have, in addition to the powers
52 otherwise conferred by law, the powers conferred by paragraph (c) of
53 this section and shall be subject to all the restrictions and limita-
54 tions imposed by ~~[paragraph]~~ paragraphs (e), ~~[paragraph]~~ (g), ~~(i)~~ and
55 ~~[paragraph]~~ (j) of this section. In so far as the provisions of this
56 section are inconsistent with the provisions of any other law, general

1 or special, the provisions of this section shall be controlling as to
2 corporations incorporated or reincorporated hereunder.

3 § 9. Subdivision 2 of section 2 of the public authorities law, as
4 amended by chapter 257 of the laws of 2011, is amended to read as
5 follows:

6 2. "local authority" shall mean (a) a public authority or public bene-
7 fit corporation created by or existing under this chapter or any other
8 law of the state of New York whose members do not hold a civil office of
9 the state, are not appointed by the governor or are appointed by the
10 governor specifically upon the recommendation of the local government or
11 governments; (b) a not-for-profit corporation, other than a fire corpo-
12 ration, statewide association of local governments or local officials,
13 or business improvement district, affiliated with, sponsored by, or
14 created by a county, city, town or village government; (c) a local
15 industrial developmental agency or authority or other local public bene-
16 fit corporation; (d) an affiliate of such local authority; ~~or~~ (e) a
17 land bank corporation created pursuant to article sixteen of the not-
18 for-profit corporation law; or (f) a not-for-profit corporation, other
19 than a fire corporation or statewide association of local governments or
20 local officials, or business improvement district, that (i) has issued
21 or has the authority to issue tax exempt debt or (ii) provides state or
22 municipal tax exemptions through its participation in a project under-
23 taken in furtherance of its purposes.

24 For the purposes of paragraph (b) of the opening paragraph of this
25 subdivision, "affiliated with, sponsored by, or created by a county,
26 city, town or village government" shall also include, but not be limited
27 to, entities: (a) where one or more individuals who serve as officers
28 or employees of any county, city, town, village: (i) select either a
29 majority of the not-for-profit corporation's board of directors or the
30 not-for-profit corporation's chief executive officer; (ii) constitute a
31 majority of the voting strength that selects either a majority of the
32 not-for-profit corporation's board of directors or the corporation's
33 chief executive officer; or (iii) serve as: (1) a majority of the not-
34 for-profit corporation's board of directors; or (2) in his or her offi-
35 cial capacity, the not-for-profit corporation's chief executive officer;
36 or (b) which pay staff of a state or local government or state or local
37 authority to provide administrative or operational support.

38 § 10. The public authorities law is amended by adding a new section
39 2829 to read as follows:

40 § 2829. State and local authorities subject to the open meetings and
41 freedom of information laws. All state and local authorities, as such
42 terms are defined in section two of this chapter, as well as all subsid-
43 aries and affiliates of such state and local authorities, as such terms
44 are defined in section two of this chapter, shall be subject to the
45 provisions of articles six and seven of the public officers law relating
46 to the freedom of information and open meetings laws respectively. All
47 state and local authorities, as well as all subsidiaries and affiliates
48 of such state and local authorities, shall, to the extent practicable,
49 stream all open meetings and public hearings on its website in real-
50 time, post video recordings of all open meetings and public hearings on
51 its website within five business days of the meeting or hearing and
52 maintain such recordings for a period of not less than five years.

53 § 11. This act shall take effect on the thirtieth day after it shall
54 have become a law; provided, however, that the provisions of subpara-
55 graph 2 of paragraph (d) and paragraph (i) of section 1411 of the not-
56 for-profit corporation law, as amended by sections six and eight of this

1 act shall not apply retroactively to contracts or agreements between a
2 local development corporation and a municipal corporation, state or
3 local authority, or district entered into prior to the effective date of
4 this act.

5 SUBPART C

6 Section 1. The general municipal law is amended by adding a new
7 section 34-b to read as follows:

8 § 34-b. Examination of industrial development agencies and not-for-
9 profit corporations by county comptrollers. 1. Examination of industrial
10 development agency projects and actions by county comptrollers. (a) A
11 county comptroller may conduct an audit of a project and/or action of an
12 industrial development agency located within the county.

13 (b) In counties where there is no county comptroller, the chief
14 elected official of the county shall designate the budget director or
15 finance director to undertake such audits.

16 (c) For purposes of this section, industrial development agencies
17 include such public authorities defined in paragraph (c) of subdivision
18 two of section two of the public authorities law.

19 2. Examination of not-for-profit corporations by county comptrollers.
20 (a) A county comptroller may conduct an audit of a not-for-profit corpo-
21 ration affiliated with, sponsored by, or created by a county, city, town
22 or village government, located within the county.

23 (b) In counties where there is no county comptroller, the chief
24 elected official of the county shall designate the budget director or
25 finance director to undertake such audits.

26 (c) For purposes of this section, not-for-profit corporations include
27 such public authorities defined in paragraph (b) of subdivision two of
28 section two of the public authorities law.

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

31 SUBPART D

32 Section 1. The public authorities law is amended by adding a new
33 section 9 to read as follows:

34 § 9. Reports of public authorities by authorities budget office;
35 recommendations for corrective action. Whenever the authorities budget
36 office issues a letter or report regarding the activities and operations
37 of any public authority, the head of the public authority which the
38 letter or report was about shall submit a written response to the letter
39 or report within thirty days of the receipt of the letter or report. If
40 the letter or report makes recommendations for corrective action, such
41 head shall report within one hundred eighty days after receipt thereof
42 to the authorities budget office what steps were taken to implement such
43 recommendations, and, where recommendations were not implemented, the
44 reasons therefor. Failure to comply with the provisions of this section
45 shall make the authority delinquent in its reporting requirements.

46 § 2. Subdivision 3 of section 2800 of the public authorities law, as
47 amended by chapter 766 of the laws of 2005, is amended to read as
48 follows:

49 3. Every financial report submitted under this section shall be
50 approved by the board and shall be certified, under penalty of perjury,
51 in writing by the chief executive officer and the chief financial offi-
52 cer of such authority that based on the officer's knowledge (a) the

1 information provided therein is accurate, correct and does not contain
2 any untrue statement of material fact; (b) does not omit any material
3 fact which, if omitted, would cause the financial statements to be
4 misleading in light of the circumstances under which such statements are
5 made; and (c) fairly presents in all material respects the financial
6 condition and results of operations of the authority as of, and for, the
7 periods presented in the financial statements. A knowing and willful
8 violation of this section shall constitute perjury in the third degree.

9 § 3. Subdivision 2 of section 2824 of the public authorities law, as
10 added by section 766 of the laws of 2005, is amended to read as follows:

11 2. (a) Individuals appointed to the board of a public authority shall
12 participate in state approved training regarding their legal, fiduciary,
13 financial and ethical responsibilities as directors of an authority
14 within one year of appointment to a board. Board members shall partic-
15 ipate in such continuing training as may be required to remain informed
16 of best practices, regulatory and statutory changes relating to the
17 effective oversight of the management and financial activities of public
18 authorities and to adhere to the highest standards of responsible gover-
19 nance.

20 (b) Except as otherwise provided in this chapter, a member in non-com-
21 pliance with the requirements set forth in this section shall be subject
22 to the enforcement powers of the authorities budget office, including
23 but not limited to removal from the board of said public authority. If
24 an individual appointed to the board of a public authority does not
25 complete their state approved training pursuant to paragraph (a) of this
26 subdivision the authority budget office shall notify said individual of
27 their official suspension as a board member. The suspension shall be for
28 a period of three months and shall commence with receipt of official
29 notice of the suspension by the authorities budget office. The suspen-
30 sion shall be terminated if such individual completes the required
31 training within the three month suspension period. If such individual
32 fails to complete the required training within the three month suspen-
33 sion period, the authorities budget office may remove the individual
34 from the public authority board.

35 (c) An individual that has been removed from a public authority board
36 by the authorities budget office pursuant to paragraph (b) of this
37 subdivision, may only be reinstated to that public authority board once
38 they provide the authorities budget office with official notice confirm-
39 ing the training requirements set forth in paragraph (a) of this subdivi-
40 vision have been met.

41 § 4. Section 104 of the not-for-profit corporation law is amended by
42 adding a new paragraph (i) to read as follows:

43 (i) If an instrument which is delivered to the department of state for
44 filing relates to a not-for-profit corporation created pursuant to
45 section fourteen hundred eleven of this chapter or to an entity that may
46 be deemed a local authority as defined by subdivision two of section two
47 of the public authorities law, the department of state shall review,
48 make, certify and transmit electronically a copy of each such instrument
49 relating to local economic development to the authorities budget office.

50 § 5. Paragraphs (i) and (j) of subdivision 2 of section 6 of the
51 public authorities law, as added by chapter 506 of the laws of 2009, are
52 amended and a new paragraph (k) is added to read as follows:

53 (i) compel any authority which is deemed to be in non-compliance with
54 this title and title one of this article or article nine of this chapter
55 to submit to the authorities budget office a detailed explanation of
56 such failure to comply; ~~and~~

(j) commence a special proceeding in supreme court, when it does not receive from a state or local authority upon request information, books, records or other documentation necessary to perform its duties, seeking an order directing the production of the same[-]; and

(k) commence an action or special proceeding to annul the corporate existence or dissolve a corporation that has acted beyond its capacity or power or to restrain it from carrying on unauthorized activities.

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

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

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

PART QQ

Section 1. The environmental conservation law is amended by adding a new section 9-0115 to read as follows:

§ 9-0115. Catskill park coordinator.

1. The commissioner shall maintain in the department the position of Catskill park coordinator to assist the commissioner in the development and implementation of the public access plan for the Catskill park. The commissioner shall fix the Catskill park coordinator's compensation within the amounts appropriated therefor and prescribe the Catskill park coordinator's powers and duties, which shall be in addition to those contained in this section. The Catskill park coordinator shall build partnerships between the department and other state agencies, municipal governments, businesses and nonprofit entities that will develop a community-based tourism strategy for the forest preserve to help fortify the regional economy by scheduling and organizing forums and following up on future recommendations, actions, or concerns raised at such forums.

2. Duties of the Catskill park coordinator shall include, but not be limited to, the following:

a. coordinating implementation of the public access plan and other approved or adopted Catskill park-wide plans with all public and private stakeholders;

b. enhancing the ability of the department to respond to the needs of the public on a timely basis;

c. coordinating complex management issues and facilitating improved communication between programs within regions three and four of the department and between those regions and the central offices of the department;

d. seeking funding for and tracking implementation of the public access plan, unit management plans, and other approved and adopted Catskill park-wide plans;

e. providing continuity with future planning within the department and other state agencies, including, but not limited to, the Catskill association for tourism services;

f. maintaining a tracking system for department program activities, including facility development and resource management plan preparation and implementation for the Catskill region; and

g. providing for improved communications between the department and the public and building constituency support for departmental initiatives that benefit the Catskill region.

§ 2. This act shall take effect on the first of April next succeeding the date on which it shall have become a law.

PART RR

Section 1. The executive law is amended by adding a new article 26-A to read as follows:

ARTICLE 26-A

OFFICE OF FLOODING PREVENTION AND MITIGATION

Section 730. Declaration of findings and legislative intent.

731. Office of flooding prevention and mitigation.

732. Functions and duties of the office.

733. Support for counties and municipalities.

734. Government entity coordination; intragovernmental meetings.

735. Public availability of information; reporting.

736. Flooding resiliency.

§ 730. Declaration of findings and legislative intent. 1. The legislature finds that flooding events constitute a significant and ongoing threat to people and property in the state and that the threats of flooding are expected to be exacerbated by the increasing effects of climate change. The legislature further finds that there is a need for better coordination and direction of state and local efforts to prevent and mitigate flooding.

2. The legislature determines that there is a need for a new executive office to manage and coordinate the work of various existing task forces, commissions, and other bodies and programs tasked with examining issues related to flooding, to review and assess best practices and make recommendations regarding flood prevention and mitigation, and to assist municipalities in developing strategies and policies to combat flooding. Accordingly, it is the legislature's intent that a new office of flooding prevention and mitigation be created to accomplish these purposes.

§ 731. Office of flooding prevention and mitigation. There is hereby created an office of flooding prevention and mitigation in the executive department. For the purposes of this article, "the office" shall mean the office of flooding prevention and mitigation. The office shall be headed by a director, who shall be appointed by the governor by and with the advice and consent of the senate and shall hold office during the pleasure of the governor. The director shall have significant professional experience in flooding planning, prevention, mitigation, and resiliency. The director shall receive a salary to be fixed by the governor within the amount appropriated therefor. The director shall appoint staff and perform such other functions to ensure the efficient operation of the office within the amounts made available therefor by appropriation.

§ 732. Functions and duties of the office. The office shall have the following functions and duties:

1 1. To establish and maintain a principal office and such other offices
2 within the state as it may deem necessary.

3 2. To appoint a secretary, counsel, clerks and such other employees
4 and agents as it may deem necessary, fix their compensation within the
5 limitations provided by law, and prescribe their duties.

6 3. To require that state agencies and any other state or municipal
7 department, agency, public authority, task force, commission, or other
8 state or municipal government body, provide and the same are hereby
9 authorized to provide, such assistance, documents, and data as will
10 enable the office to carry out its functions and duties.

11 4. To establish and maintain a website which shall facilitate the
12 satisfaction of the functions and duties of the office.

13 5. To advise and assist the governor in developing policies designed
14 to prevent and mitigate flooding.

15 6. To coordinate state agencies, programs and activities responsible
16 for or relating to flooding, including, without limitation, the depart-
17 ment of environmental conservation, the department of financial
18 services, the division of homeland security and emergency services, the
19 department of state, resilient NY, the disaster preparedness commission,
20 the Rockland-Bergen flood mitigation council, the New York state 2100
21 commission, the sea level rise task force, the Delaware river basin
22 commission, the New York rising community construction program and the
23 upstate flood mitigation task force, to the extent such entity exists or
24 is presently convened, as applicable, and to require that such entities
25 or programs provide documents to the office.

26 7. To cooperate with, coordinate, encourage and assist counties and
27 municipalities in the development of local plans and policies for flood-
28 ing preparedness, prevention, and mitigation, to refer municipalities to
29 the appropriate departments and agencies of the state and federal
30 governments for advice, assistance and available services with respect
31 to flooding, and to advise municipalities in the solution of flooding-
32 related problems.

33 8. To study the operation of laws and procedures affecting flooding
34 and recommend to the governor and legislature proposals to improve the
35 administration and effectiveness of such laws.

36 9. To consult with and cooperate with municipalities and officers,
37 organizations, groups and individuals representing them, to the end of
38 more effectively carrying out the functions and duties of the office.

39 10. To undertake, promote and conduct studies, inquiries, surveys and
40 analyses of issues related to flooding and as necessary for performance
41 of the functions and duties of the office through the personnel of the
42 office or consultants, or in cooperation with any public or private
43 agencies, national associations, academic institutions, and not-for-pro-
44 fit organizations.

45 11. To serve as a clearinghouse for the benefit of municipalities
46 regarding information relating to flooding prevention and mitigation,
47 including flooding prevention and mitigation project funding programs,
48 and other information relating to their common problems with respect to
49 flooding and the state and federal services available to assist in solv-
50 ing such problems.

51 12. To render every third year to the governor and to the legislature,
52 on or before December first of each such year, a written report on the
53 office's activities including, but not limited to, specific information
54 on each of the subdivisions of this section. Such report shall also
55 include but not be limited to information regarding significant flooding
56 events during the intervening years and an assessment of the adequacy of

1 current flooding-related programs, policies, and state and local govern-
2 ment bodies.

3 13. To make publicly available information regarding the progress and
4 effectiveness of government-supported flood prevention and mitigation
5 efforts in the state.

6 14. To do all other things necessary or convenient to carry out the
7 functions and duties expressly set forth in this article or as may from
8 time to time be confirmed upon the secretary by the legislature of the
9 state.

10 § 733. Support for counties and municipalities. In furtherance of the
11 provisions of subdivision nine of section seven hundred thirty-two of
12 this article, the office shall encourage and assist local governments in
13 the development of plans and policies for flood prevention and miti-
14 gation. Such assistance shall be available upon request by the local
15 government. In furtherance thereof, the director shall:

16 1. Establish such programs and processes as are convenient or neces-
17 sary for:

18 (a) proactively engaging counties and municipalities in developing
19 flood prevention and mitigation strategies,

20 (b) providing flooding-related resources, including information
21 regarding financial assistance for flooding projects, and assistance in
22 applying for such financial assistance,

23 (c) coordinating and facilitating consultation and coordination among
24 local, county, regional, state and federal governmental bodies and
25 community-based groups, and

26 (d) soliciting input from counties and municipalities regarding flood-
27 ing-related concerns.

28 2. Develop and maintain forms of intermunicipal agreements and other
29 documents as may assist in facilitating cooperation between muni-
30 cipalities in addressing flooding issues that involve more than one muni-
31 cipality.

32 3. Promote flooding prevention and mitigation strategies, including,
33 without limitation, use of living shorelines and other nature-based
34 solutions, permeable surfaces, rain gardens, wetland restoration, waste-
35 water and stormwater infrastructure upgrades, alteration of flood-prone
36 structures, and other flood prevention, mitigation and resiliency
37 projects encompassed by subdivision one of section 54-1523 and subdivi-
38 sion one of section 58-0303 of the environmental conservation law.

39 4. Communicate and coordinate with the department of financial
40 services regarding flood insurance-related matters affecting muni-
41 cipalities to improve municipal participation and compliance with respect
42 to such relevant flood insurance programs.

43 § 734. Government entity coordination; intragovernmental meetings. 1.
44 The office shall regularly consult and coordinate its efforts with such
45 other state government bodies and other state, regional, or local
46 programs as is necessary or convenient to successfully fulfill its func-
47 tions and duties.

48 2. The office shall, on a biannual basis, convene a meeting of the
49 executive officers or similar officials or their representatives of the
50 department of environmental conservation, the department of financial
51 services, the division of homeland security and emergency services, the
52 department of state, resilient NY, the disaster preparedness commission,
53 the Rockland-Bergen flood mitigation council, the New York state 2100
54 commission, the sea level rise task force, the Delaware river basin
55 commission, the New York rising community construction program and the
56 upstate flood mitigation task force, to the extent such entity exists or

1 is presently convened, as applicable, to evaluate the effectiveness of
2 flooding prevention and mitigation throughout the state, to review and
3 assess the respective contributions of such entities and programs to
4 flooding prevention and mitigation, and to facilitate cooperation
5 amongst such entities and programs.

6 § 735. Public availability of information; reporting. 1. In further-
7 ance of the provisions of subdivision thirteen of section seven hundred
8 thirty-two of this article, the office shall collect and make publicly
9 available on its website reports, resources, descriptions of processes
10 and responsibilities of the office and other state governmental agen-
11 cies, entities and programs tasked with addressing flooding-related
12 issues, analyses regarding the effectiveness of such various govern-
13 mental entities and programs and other related and relevant information
14 from such governmental agencies, entities and programs. Such govern-
15 mental agencies, entities and programs shall include, without limita-
16 tion, the department of environmental conservation, the department of
17 financial services, the division of homeland security and emergency
18 services, the department of state, resilient NY, the disaster prepared-
19 ness commission, the Rockland-Bergen flood mitigation council, the New
20 York state 2100 commission, the sea level rise task force, the Delaware
21 river basin commission, the New York rising community construction
22 program and the upstate flood mitigation task force, to the extent such
23 entity exists or is presently convened, as applicable.

24 2. No later than December first, two thousand twenty-five, and by
25 November thirtieth of every third year thereafter, the office shall
26 transmit to the governor, the temporary president of the senate and the
27 speaker of the assembly a report containing:

28 (a) an assessment of the extent and magnitude of flooding risks,
29 including identifying those regions and populations most affected by
30 floodings;

31 (b) criteria and guidelines for identifying and prioritizing regions
32 and projects most in need of mitigation;

33 (c) identification of existing and emerging technologies, strategies
34 and policies which can mitigate the impact of flooding on populations
35 and infrastructure;

36 (d) identification of potential funding sources to support residen-
37 tial, commercial and public mitigation efforts;

38 (e) research projects or studies to better understand how flooding
39 affects the geography and the population of this state; and

40 (f) recommendations to the governor and the state legislature as to
41 the best use of state resources to assist flood-prone counties and muni-
42 cipalities to prevent or mitigate the effects of flooding.

43 § 736. Flooding resiliency. In fulfilling the provisions of this arti-
44 cle, the office shall incorporate into its policies, processes and deci-
45 sions consideration for the increased likelihood of flooding due to
46 climate change as compared to historic indicators and the need for long-
47 term resiliency against such increase in flooding. The office is author-
48 ized to and shall take actions and make recommendations which exceed
49 current best practices for flooding prevention and mitigation when such
50 current best practices do not sufficiently account for the likelihood of
51 increased flooding due to climate change.

52 § 2. Severability. If any clause, sentence, paragraph, subdivision,
53 section or part of this act shall be adjudged by any court of competent
54 jurisdiction to be invalid, such judgment shall not affect, impair, or
55 invalidate the remainder thereof, but shall be confined in its operation
56 to the clause, sentence, paragraph, subdivision, section or part thereof

1 directly involved in the controversy in which such judgment shall have
2 been rendered. It is hereby declared to be the intent of the legislature
3 that this act would have been enacted even if such invalid provisions
4 had not been included herein.

5 § 3. This act shall take effect immediately.

6 PART SS

7 Section 1. This act shall be known and may be cited as the "climate
8 change superfund act".

9 § 2. The environmental conservation law is amended by adding a new
10 article 76 to read as follows:

11 ARTICLE 76

12 CLIMATE CHANGE ADAPTATION COST RECOVERY PROGRAM

13 Section 76-0101. Definitions.

14 76-0103. The climate change adaptation cost recovery program.

15 76-0105. Labor and job standards and worker protection.

16 § 76-0101. Definitions.

17 For the purposes of this article the following terms shall have the
18 following meanings:

19 1. "Applicable payment date" means September thirtieth of the second
20 calendar year following the year in which this article is enacted into
21 law.

22 2. "Climate change adaptive infrastructure project" means an infras-
23 tructure project designed to avoid, moderate, repair, or adapt to nega-
24 tive impacts caused by climate change, and to assist communities, house-
25 holds, and businesses in preparing for future climate change-driven
26 disruptions. Such projects include but are not limited to restoring
27 coastal wetlands and developing other nature-based solutions and coastal
28 protections; upgrading storm water drainage systems; making defensive
29 upgrades to roads, bridges, subways, and transit systems; preparing for
30 and recovering from hurricanes and other extreme weather events; under-
31 taking preventive health care programs and providing medical care to
32 treat illness or injury caused by the effects of climate change; relo-
33 cating, elevating, or retrofitting sewage treatment plants vulnerable to
34 flooding; installing energy efficient cooling systems and other weather-
35 ization and energy efficiency upgrades and retrofits in public and
36 private buildings, including schools and public housing; upgrading parts
37 of the electrical grid to increase stability and resilience, including
38 supporting the creation of self-sufficient clean energy microgrids;
39 addressing urban heat island effects through green spaces, urban fores-
40 try, and other interventions; and responding to toxic algae blooms, loss
41 of agricultural topsoil, and other climate-driven ecosystem threats to
42 forests, farms, fisheries, and food systems.

43 3. "Coal" shall have the same definition as in section 1-103 of the
44 energy law.

45 4. "Controlled group" means two or more entities treated as a single
46 employer under section 52(a) or (b) or section 414(m) or (o) of the
47 Internal Revenue Code. In applying subsections (a) and (b) of section
48 52, section 1563 of the Internal Revenue Code shall be applied without
49 regard to subsection(b)(2)(C). For purposes of this article, entities in
50 a controlled group are treated as a single entity for purposes of meet-
51 ing the definition of responsible party and are jointly and severally
52 liable for payment of any cost recovery demand owed by any entity in the
53 controlled group.

1 5. "Cost recovery demand" means a charge asserted against a responsi-
2 ble party for cost recovery payments under the program for payment to
3 the fund.

4 6. "Covered greenhouse gas emissions" means, with respect to any enti-
5 ty, the total quantity of greenhouse gases released into the atmosphere
6 during the covered period, expressed in metric tons of carbon dioxide
7 equivalent, as defined in section 75-0101 of this chapter, including but
8 not limited to releases of greenhouse gases resulting from the
9 extraction, storage, production, refinement, transport, manufacture,
10 distribution, sale, and use of fossil fuels or petroleum products
11 extracted, produced, refined, or sold by such entity.

12 7. "Covered period" means the period that began January first, two
13 thousand and ended on December thirty-first, two thousand eighteen.

14 8. "Crude oil" means oil or petroleum of any kind and in any form,
15 including bitumen, oil sands, heavy oil, conventional and unconventional
16 oil, shale oil, natural gas liquids, condensates, and related fossil
17 fuels.

18 9. "Entity" means any individual, trustee, agent, partnership, associ-
19 ation, corporation, company, municipality, political subdivision, or
20 other legal organization, including a foreign nation, that holds or held
21 an ownership interest in a fossil fuel business during the covered peri-
22 od.

23 10. "Fossil fuel" shall have the same definition as in section 1-103
24 of the energy law.

25 11. "Fossil fuel business" means a business engaging in the extraction
26 of fossil fuels or the refining of petroleum products.

27 12. "Fuel gases" shall have the same definition as in section 1-103 of
28 the energy law.

29 13. "Fund" means the climate change adaptation fund established pursu-
30 ant to section ninety-seven-m of the state finance law.

31 14. "Greenhouse gas" shall have the same definition as in section
32 75-0101 of this chapter.

33 15. "Nature-based solutions" shall mean projects that utilize or mimic
34 nature or natural processes and functions and that may also offer envi-
35 ronmental, economic, and social benefits, while increasing resilience.
36 Nature-based solutions include both green and natural infrastructure.

37 16. "Notice of cost recovery demand" means the written communication
38 informing a responsible party of the amount of the cost recovery demand
39 payable to the fund.

40 17. "Petroleum products" shall have the same definition as in section
41 1-103 of the energy law.

42 18. "Program" means the climate change adaptation cost recovery
43 program established under section 76-0103 of this article.

44 19. "Qualifying expenditure" means an authorized payment from the fund
45 in support of a climate change adaptive infrastructure project, includ-
46 ing its operation and maintenance, as defined by the department.

47 20. "Responsible party" means any entity (or a successor in interest
48 to such entity described herein), which, during any part of the covered
49 period, was engaged in the trade or business of extracting fossil fuel
50 or refining crude oil and is determined by the department to be respon-
51 sible for more than one billion tons of covered greenhouse gas emis-
52 sions. The term responsible party shall not include any person who lacks
53 sufficient connection with the state to satisfy the nexus requirements
54 of the United States Constitution.

55 § 76-0103. The climate change adaptation cost recovery program.

1 1. There is hereby established a climate change adaptation cost recovery
2 program administered by the department.

3 2. The purposes of the program shall be the following:

4 a. To secure compensatory payments from responsible parties based on a
5 standard of strict liability to provide a source of revenue for climate
6 change adaptive infrastructure projects within the state;

7 b. To determine proportional liability of responsible parties pursuant
8 to subdivision 3 of this section;

9 c. To impose cost recovery demands on responsible parties and issue
10 notices of cost recovery demands;

11 d. To accept and collect payment from responsible parties;

12 e. To identify climate change adaptive infrastructure projects;

13 f. To disperse funds to climate change adaptive infrastructure
14 projects; and

15 g. To allocate funds in such a way as to achieve a goal that at least
16 forty percent of the qualified expenditures from the program, but not
17 less than thirty-five percent of such expenditures, shall go to climate
18 change adaptive infrastructure projects that benefit disadvantaged
19 communities as defined in section 75-0101 of this chapter.

20 3. a. A responsible party shall be strictly liable, without regard to
21 fault, for a share of the costs of climate change adaptive infrastruc-
22 ture projects, including their operation and maintenance, supported by
23 the fund.

24 b. With respect to each responsible party, the cost recovery demand
25 shall be equal to an amount that bears the same ratio to seventy-five
26 billion dollars as the responsible party's applicable share of covered
27 greenhouse gas emissions bears to the aggregate applicable shares of
28 covered greenhouse gas emissions of all responsible parties.

29 c. The applicable share of covered greenhouse gas emissions taken into
30 account under this section for any responsible party shall be the amount
31 by which the covered greenhouse gas emissions attributable to such
32 responsible party exceeds one billion metric tons.

33 d. Where an entity owns a minority interest in another entity of ten
34 percent or more, the calculation of the entity's applicable share of
35 greenhouse gas emissions taken into account under this section shall
36 include the applicable share of greenhouse gas emissions taken into
37 account under this section by the entity in which the responsible party
38 holds a minority interest, multiplied by the percentage of the minority
39 interest held.

40 e. In determining the amount of greenhouse gas emissions attributable
41 to any entity, an amount equivalent to nine hundred forty-two and one-
42 half metric tons of carbon dioxide equivalent shall be treated as
43 released for every million pounds of coal attributable to such entity;
44 an amount equivalent to four hundred thirty-two thousand one hundred
45 eighty metric tons of carbon dioxide equivalent shall be treated as
46 released for every million barrels of crude oil attributable to such
47 entity; and an amount equivalent to fifty-three thousand four hundred
48 forty metric tons of carbon dioxide equivalent shall be treated as
49 released for every million cubic feet of fuel gases attributable to such
50 entity.

51 f. The commissioner may adjust the cost recovery demand amount of a
52 responsible party refining petroleum products (or who is a successor in
53 interest to such an entity) if such responsible party establishes to the
54 satisfaction of the commissioner that a portion of the cost recovery
55 demand amount was attributable to the refining of crude oil extracted by
56 another responsible party (or who is a successor in interest to such an

1 entity) that accounted for such crude oil in determining its cost recov-
2 ery demand amount.

3 g. Payment of a cost recovery demand shall be made in full on the
4 applicable payment date unless a responsible party elects to pay in
5 installments pursuant to paragraph h of this subdivision.

6 h. A responsible party may elect to pay the cost recovery demand
7 amount in twenty-four annual installments, eight percent of the total
8 due in the first installment and four percent of the total due in each
9 of the following twenty-three installments. If an election is made under
10 this paragraph, the first installment shall be paid on the applicable
11 payment date and each subsequent installment shall be paid on the same
12 date as the applicable payment date in each succeeding year.

13 i. If there is any addition to the original amount of the cost recov-
14 ery demand for failure to timely pay any installment required under this
15 subdivision, a liquidation or sale of substantially all the assets of
16 the responsible party (including in a proceeding under U.S. Code: Title
17 11 or similar case), a cessation of business by the responsible party,
18 or any similar circumstance, then the unpaid balance of all remaining
19 installments shall be due on the date of such event (or in the case of a
20 proceeding under U.S. Code: Title 11 or similar case, on the day before
21 the petition is filed). The preceding sentence shall not apply to the
22 sale of substantially all of the assets of a responsible party to a
23 buyer if such buyer enters into an agreement with the department under
24 which such buyer is liable for the remaining installments due under this
25 subdivision in the same manner as if such buyer were the responsible
26 party.

27 4. a. Within one year of the effective date of this article, the
28 department shall promulgate such regulations as are necessary to carry
29 out this article, including but not limited to:

30 (i) adopting methodologies using the best available science to deter-
31 mine responsible parties and their applicable share of covered green-
32 house gas emissions consistent with the provisions of this article;

33 (ii) registering entities that are responsible parties under the
34 program;

35 (iii) issuing notices of cost recovery demand to responsible parties
36 informing them of the cost recovery demand amount; how and where cost
37 recovery demands can be paid; the potential consequences of nonpayment
38 and late payment; and information regarding their rights to contest an
39 assessment;

40 (iv) accepting payments from, pursuing collection efforts against, and
41 negotiating settlements with responsible parties; and

42 (v) adopting procedures for identifying and selecting climate change
43 adaptive infrastructure projects eligible to receive qualifying expendi-
44 tures, including legislative budget appropriations, issuance of requests
45 for proposals from localities and not-for-profit and community organiza-
46 tions, grants to private individuals, or other methods as determined by
47 the department, and for dispersing moneys from the fund for qualifying
48 expenditures. When considering projects intended to stabilize tidal
49 shorelines, the department shall encourage the use of nature-based
50 solutions. Total qualifying expenditures shall be allocated in such a
51 way as to achieve a goal that at least forty percent of the qualified
52 expenditures from the program, but not less than thirty-five percent of
53 such expenditures, shall go to climate change adaptive infrastructure
54 projects that benefit disadvantaged communities as defined in section
55 75-0101 of this chapter.

1 b. The department shall hold at least two public hearings, one in-per-
2 son and one virtual, on proposed regulations, with a minimum of thirty
3 days' public notice in compliance with the provisions of article seven
4 of the public officers law.

5 5. Within two years of the effective date of this article, the depart-
6 ment shall complete a statewide climate change adaptation master plan
7 for the purpose of guiding the dispersal of funds in a timely, effi-
8 cient, and equitable manner to all regions of the state in accordance
9 with the provisions of this chapter. In completing such plan, the
10 department shall:

11 a. collaborate with the department of state, empire state development,
12 the department of agriculture and markets, the New York state energy
13 research and development authority, the department of public service,
14 and the New York independent systems operator;

15 b. assess the adaptation needs and vulnerabilities of various areas
16 vital to the state's economy, normal functioning, and the health and
17 well-being of New Yorkers, including but not limited to: agriculture,
18 biodiversity, ecosystem services, education, finance, healthcare, manu-
19 facturing, housing and real estate, retail, tourism (including state and
20 municipal parks), transportation, and municipal and local government;

21 c. identify major potential, proposed, and ongoing climate change
22 adaptive infrastructure projects throughout the state;

23 d. identify opportunities for alignment with existing federal, state,
24 and local funding streams;

25 e. consult with stakeholders, including local governments, businesses,
26 environmental advocates, relevant subject area experts, and represen-
27 tatives of disadvantaged communities; and

28 f. provide opportunities for public engagement in all regions of the
29 state.

30 6. The department, the department of taxation and finance, and the
31 attorney general are hereby authorized to enforce the provisions of this
32 article.

33 7. The department or the department of taxation and finance shall
34 provide an opportunity to be heard to any responsible parties that seek
35 to contest a cost recovery demand. Determinations made in favor of a
36 petitioner after such hearing shall be final and conclusive. A determi-
37 nation in favor of the state may be appealed under article seventy-eight
38 of the civil practice law and rules.

39 8. Moneys received from cost recovery demands shall be deposited in
40 the climate change adaptation fund established pursuant to section nine-
41 ty-seven-m of the state finance law.

42 9. a. The department shall conduct an independent evaluation of the
43 climate change adaptation cost recovery program. The purpose of this
44 evaluation is to determine the effectiveness of the program in achieving
45 its purposes as defined in subdivision 2 of this section.

46 b. Such evaluation shall be provided to the governor, the temporary
47 president of the senate and the speaker of the assembly on or before
48 January first of the second calendar year following the year in which
49 this article is enacted into law, and annually on or before September
50 thirtieth thereafter.

51 c. Any entity contracted by the department to conduct such evaluation
52 shall receive prompt payment of all moneys due upon completion of such
53 evaluation.

54 § 76-0105. Labor and job standards and worker protection.

55 1. All public entities involved in implementing projects funded
56 through the climate change adaptation cost recovery program shall assess

1 and implement strategies to increase employment opportunities and
2 improve job quality. Within one hundred twenty days of the effective
3 date of this section, the governor shall publish a report, accessible on
4 the state's website, which provides:

5 a. steps that will be taken to ensure compliance with this section,
6 including the department or office, or combination thereof, charged with
7 implementation of the provisions of this section;

8 b. regulations necessary to ensure the prioritization of the statewide
9 goal of creating good jobs and increasing employment opportunities; and

10 c. steps that will be taken with all public entities, including local
11 and county level governments, to implement a system to track compliance,
12 accept reports of non-compliance for enforcement action, and report
13 annually on the adoption of these standards to the legislature starting
14 one year from the effective date of this section.

15 2. For purposes of this section, "public entity" shall include the
16 state and all of its political subdivisions, including but not limited
17 to counties, municipalities, agencies, authorities, public benefit
18 corporations, public trusts, and local development corporations as
19 defined in subdivision eight of section eighteen hundred one of the
20 public authorities law or section fourteen hundred eleven of the not-
21 for-profit corporation law, a municipal corporation as defined in
22 section one hundred nineteen-n of the general municipal law, an indus-
23 trial development agency formed pursuant to article eighteen-A of the
24 general municipal law or industrial development authorities formed
25 pursuant to article eight of the public authorities law, and any state,
26 local or interstate or international authorities as defined in section
27 two of the public authorities law; and shall include any trust created
28 by any such entities.

29 3. In considering and issuing permits, licenses, regulations,
30 contracts and other administrative approvals and decisions necessary for
31 implementation of projects funded in whole, or in part, through the
32 climate change adaptation cost recovery program, all public entities
33 shall apply the following standards:

34 a. For any construction work, the payment of no less than prevailing
35 wages for all employees of any contractors and subcontractors, consist-
36 ent with sections two hundred twenty, two hundred twenty-a, two hundred
37 twenty-b, two hundred twenty-i, two hundred twenty-three, and two
38 hundred twenty-four-b of the labor law, and building services, consist-
39 ent with article nine of the labor law; where a recipient of financial
40 assistance contracts building service work or operations and maintenance
41 work to a building service contractor, the contractor is held to the
42 same obligations with respect to prevailing wages as the recipient. The
43 recipient must include terms establishing this obligation within any
44 contract signed with a contractor.

45 b. (i) Any public entity receiving at least five million dollars from
46 funds allocated pursuant to the climate change adaptation cost recovery
47 program for a project which involves the construction, reconstruction,
48 alteration, maintenance, moving, demolition, excavation, development or
49 other improvement of any building, structure or land, shall be subject
50 to section two hundred twenty-two of the labor law.

51 (ii) Any privately owned project receiving funds allocated pursuant to
52 the climate change adaptation cost recovery program which utilizes a
53 project labor agreement on such project shall not be subject to article
54 eight of the labor law.

55 c. The inclusion of contract language requiring contractors to estab-
56 lish labor harmony policies. The public entity may require a private

1 owner, or a third party acting on such owner's behalf, as a condition of
2 receiving funds pursuant to the climate change adaptation cost recovery
3 program, to stipulate to the public entity that it will enter into a
4 labor peace agreement with at least one bona fide labor organization
5 either where such bona fide labor organization is actively representing
6 employees in such job-type or, upon notice, by a bona fide labor organ-
7 ization that is attempting to represent employees in such job-type. For
8 purposes of this section "labor peace agreement" means an agreement
9 between an entity and labor organization that, at a minimum, protects
10 the state's proprietary interests by prohibiting labor organizations and
11 members from engaging in work stoppages, boycotts, and any other econom-
12 ic interference with the relevant project or program.

13 d. (i) The inclusion of contract language with a provision that the
14 iron, steel, aluminum, glass, copper, manufactured products, and
15 construction products, including without limitation, vehicles, omnibus-
16 es, school buses, trucks, construction equipment, earth moving equip-
17 ment, cranes, drilling equipment, rolling stock, train control equip-
18 ment, communication equipment, traction power equipment, rolling stock
19 prototypes, rolling stock frames, rolling stock car shells, batteries,
20 charging equipment, fuel cells, fueling equipment, turbines, nacelles,
21 blades, rotors, generators, motors, hubs, cable, conduit, controllers,
22 towers, photovoltaic cells, solar panels, meters, inverters, pipe,
23 tubing, fittings, tanks, flanges, valves, concrete, rebar, brick, aggre-
24 gate, concrete block, cement, timber, lumber, tile, and drywall used or
25 supplied in the performance of the contract or any subcontract thereto,
26 shall be produced or made in whole or substantial part in the United
27 States, its territories or possessions. In the case of an iron, steel,
28 or aluminum product, all manufacturing must take place in the United
29 States, from the initial melting stage through the application of coat-
30 ings, except metallurgical processes involving the refinement of steel
31 additives.

32 (ii) The provisions of subparagraph (i) of this paragraph shall not
33 apply in any case or category of cases in which the head of the
34 contracting public entity finds that: (1) applying subparagraph (i) of
35 this paragraph would be inconsistent with the public interest; (2)
36 products are not produced in the United States in sufficient and reason-
37 ably available quantities and of a satisfactory quality; or (3) inclu-
38 sion of products produced in the United States will increase the cost of
39 the overall project by more than twenty-five percent. If the head of the
40 contracting public entity receives a request for a waiver under this
41 subdivision, he or she shall make available to the public on an informal
42 basis a copy of the request and information available to him or her
43 concerning the request, and shall allow for informal public input on the
44 request for at least fifteen days prior to making a finding based on the
45 request. The head of the contracting public entity shall make the
46 request and accompanying information available by electronic means,
47 including on the official public website of the public entity. The
48 provisions of subparagraph (i) of this paragraph shall not apply for
49 products purchased prior to the effective date of this article.

50 (iii) The head of the contracting public entity may, at his or her
51 sole discretion, provide for a solicitation of a request for proposal,
52 invitation for bid, or solicitation of proposal, or any other method
53 provided for by law or regulation for soliciting a response from offe-
54 rs intending to result in a contract pursuant to this paragraph
55 involving a competitive process in which the evaluation of competing
56 bids gives significant consideration in the evaluation process to the

1 procurement of equipment and supplies from businesses located in New
2 York state.

3 e. Apprenticeship and workforce development utilization: (i) wherever
4 possible, contractors and subcontractors should be required to partic-
5 ipate in apprenticeship programs, registered in accordance with article
6 twenty-three of the labor law, in the trades in which they are perform-
7 ing work; (ii) for industries without apprenticeship programs, the use
8 of workforce training, preferably in conjunction with a bona fide labor
9 organization, shall be required; and (iii) encouragement of registered
10 pre-apprenticeship direct entry programs for the recruitment of local
11 and/or disadvantaged workers.

12 f. Notwithstanding any provision of law to the contrary, all rights or
13 benefits, including terms and conditions of employment, and protection
14 of civil service and collective bargaining status of all existing public
15 employees shall be preserved and protected. Nothing in this section
16 shall result in the: (i) displacement of any currently employed worker
17 or loss of position (including partial displacement such as a reduction
18 in the hours of non-overtime work, wages, or employment benefits) or
19 result in the impairment of existing collective bargaining agreements;
20 (ii) transfer of existing duties and functions related to maintenance
21 and operations currently performed by existing employees of authorized
22 entities to a contracting entity; or (iii) transfer of future duties and
23 functions ordinarily performed by employees of authorized entities to a
24 contracting entity.

25 4. a. Any public entity requesting bids or awarding contracts for
26 renewable energy projects, energy efficiency projects, or other projects
27 funded by the climate change adaptation cost recovery program, except
28 for construction projects, shall require any applicant, bidder, or
29 responder to submit a New York jobs plan as part of its application, bid
30 or response. The department of environmental conservation, in consulta-
31 tion with the department of labor, shall develop all forms, procedures,
32 evaluation and scoring criteria, and guidance, necessary for the imple-
33 mentation of the New York jobs plan. To the extent feasible, the depart-
34 ment of environmental conservation, in consultation with the department
35 of labor, shall consider the input and recommendations of relevant
36 public entities on the development of the New York jobs plan.

37 b. The New York jobs plan shall require applicants, bidders, and
38 responders to provide information on jobs that would result from being
39 awarded the bid or contract for such projects. At a minimum, this shall
40 include the following information for nonsupervisory positions, broken
41 down by classification:

42 (i) The number of full-time non-temporary jobs retained, and the
43 number to be created.

44 (ii) The number of positions classified as employees, as defined in
45 section seven hundred forty of the labor law, and positions classified
46 as independent contractors.

47 (iii) The number of jobs to be specifically reserved for individuals
48 facing barriers to employment and the number to be reserved for individ-
49 uals from disadvantaged communities.

50 (iv) The minimum wages and fringe benefits amounts to be paid.

51 (v) The proposed amounts for worker training and information about any
52 existing apprenticeship program registered with the department or a
53 federally recognized state apprenticeship agency that complies with the
54 requirements under Parts 29 and 30 of title 29, code of federal regu-
55 lations.

1 (vi) In the event that a federal authority specifically authorizes use
2 of a geographic preference or when covered public contracts are funded
3 exclusively through state or local funds, the New York jobs plan shall
4 require information on the number of local jobs to be created.

5 c. Awarding public entities shall require the same New York jobs plan
6 information to be submitted from all known subcontractors at the time of
7 the solicitation or bid for the project is released.

8 d. New York jobs plan commitments shall be included in the contract
9 awarded by the public entity or its contractors as a material term.

10 e. For non-competitive public contracts awarded under this article,
11 applicants, bidders, or responders shall create a New York jobs plan as
12 set forth in this section. For competitive public contracts, public
13 entities shall award contracts using a competitive best-value bid
14 procurement process. The applicants', bidders', or responders' New York
15 jobs plan shall be scored as a part of the overall application for the
16 public contract, awarding additional consideration to applicants,
17 bidders, or responders who do any of the following:

18 (i) Have the greatest beneficial economic impact on the state and
19 local economies as a result of receiving the public contract, based on
20 the priority criteria outlined in its New York jobs plan.

21 (ii) Enhance the state's commitment to energy conservation, pollution
22 and greenhouse gas emissions reduction, and transportation efficiency.

23 (iii) Retain the greatest number of full-time, non-temporary employees
24 compensated at a wage rate for the project jurisdiction as established
25 in the living wage calculator published by the Massachusetts Institute
26 of Technology, using the living wage rate for a household of two working
27 adults with two children in the jurisdiction of the project.

28 (iv) Make concrete commitments to creating the greatest number of
29 full-time, non-temporary jobs compensating employees at a wage rate at
30 or above the living wage rate for the project jurisdiction as estab-
31 lished in the living wage calculator published by the Massachusetts
32 Institute of Technology, using the living wage rate for a household of
33 two working adults with two children in the jurisdiction of the project.

34 (v) Commit to at least ninety percent of the labor on the contract
35 being performed by workers classified as employees.

36 (vi) Offer targeted training and opportunities for individuals facing
37 barriers to employment and workers from disadvantaged communities.

38 f. The department, in consultation with the department of labor, shall
39 develop a web-based portal to track New York jobs plan commitments and
40 compliance.

41 (i) All New York jobs plan commitments and compliance reporting shall
42 be viewable by the public, through the web-based portal.

43 (ii) Recipients of public contracts shall, on an annual basis, be
44 required to upload progress reports on each of the commitments included
45 in their New York jobs plan application, for the duration of the covered
46 public contract.

47 g. Noncompliance with New York jobs plan commitments would violate the
48 terms of the public contract. At a minimum these commitments would be
49 enforceable through standard breach of contract remedies, including but
50 not limited to, termination of the public contract.

51 5. Nothing set forth in this section shall be construed to impede,
52 infringe, or diminish the rights and benefits which accrue to employees
53 through bona fide collective bargaining agreements, or otherwise dimin-
54 ish the integrity of the existing collective bargaining relationship.

1 6. Nothing set forth in this section shall preclude a public entity
2 from setting additional requirements or standards in addition to those
3 set forth in this article.

4 § 3. The state finance law is amended by adding a new section 97-m to
5 read as follows:

6 § 97-m. Climate change adaptation fund. 1. There is hereby established
7 in the custody of the comptroller and the commissioner of taxation and
8 finance a special revolving fund to be known as the "climate change
9 adaptation fund" for the purpose of receiving moneys through cost recov-
10 ery demands and issuing funds for qualifying expenditures pursuant to
11 the climate change adaptation cost recovery program established in arti-
12 cle seventy-six of the environmental conservation law.

13 2. No monies shall be expended from the fund for any project except
14 qualifying expenditures pursuant to the program, including their opera-
15 tion and maintenance.

16 3. Revenues in the fund shall be kept separate and shall not be
17 commingled with any other moneys in the custody of the comptroller or
18 the commissioner of taxation and finance. All deposits of such revenues
19 shall, if required by the comptroller, be secured by obligations of the
20 United States or of the state having a market value equal at all times
21 to the amount of such deposits and all banks and trust companies are
22 authorized to give security for such deposits. Any such revenues in such
23 fund may, upon the discretion of the comptroller, be invested in obli-
24 gations in which the comptroller is authorized to invest pursuant to
25 section ninety-eight-a of this article.

26 4. All payments of moneys from the fund shall be made on the audit and
27 warrant of the comptroller.

28 § 4. Availability of additional remedies. Nothing in this act shall be
29 deemed to preclude the pursuit of a civil action or other remedy by any
30 person. The remedies provided in this act are in addition to those
31 provided by existing statutory or common law.

32 § 5. Severability. If any word, phrase, clause, sentence, paragraph,
33 section, or part of this act shall be adjudged by any court of competent
34 jurisdiction to be invalid, such judgment shall not affect, impair, or
35 invalidate the remainder thereof, but shall be confined in its operation
36 to the word, phrase, clause, sentence, paragraph, section, or part ther-
37 eof directly involved in the controversy in which such judgment shall
38 have been rendered.

39 § 6. Construction. This act, being necessary for the general health,
40 safety, and welfare of the people of this state, shall be liberally
41 construed to effect its purpose.

42 § 7. This act shall take effect immediately.

43 PART TT

44 Section 1. Subdivision 20 of section 16-e of section 1 of chapter 174
45 of the laws of 1968, constituting the New York state urban development
46 corporation act, is amended by adding a new paragraph (f) to read as
47 follows:

48 (f) Each regional economic development council awardee shall certify
49 in writing to such regional economic development council that they main-
50 tain internship opportunities for individuals between sixteen and twen-
51 ty-four years of age, along with the number of opportunities, a
52 description of the work the interns will engage in, and descriptions of
53 any supplementary programming offered to the interns.

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

PART UU

Section 1. Subdivisions b and c of section 5 of chapter 537 of the laws of 1976, relating to paid, free and reduced price breakfast for eligible pupils in certain school districts, as amended by section 22-b of part A of chapter 56 of the laws of 2022, are amended to read as follows:

b. Notwithstanding any monetary limitations with respect to school lunch programs contained in any law or regulation, for school lunch meals served in the school year commencing July 1, 2022 and each July 1 thereafter, a school food authority shall be eligible for a lunch meal State subsidy of an additional twenty-five cents, which shall include any annual State subsidy received by such school food authority under any other provision of State law, for any school lunch meal served by such school food authority; provided that the school food authority certifies to the Department of Agriculture and Markets through the application submitted pursuant to subdivision c of this section that such food authority has purchased at least thirty percent of its total cost of food products for its school lunch service program from New York state farmers, growers, producers or processors in the preceding school year. Commencing July 1, 2024, and each July 1 thereafter, a school food authority shall be allowed to attribute moneys spent on purchases of food products from New York state farmers, growers, producers or processors made for its school breakfast program and school snack programs to the thirty percent of costs for school breakfast and lunch service programs.

c. The Department of Agriculture and Markets in cooperation with the State Education Department, shall develop an application for school food authorities to seek an additional State subsidy pursuant to this section in a timeline and format prescribed by the commissioner of agriculture and markets. Such application shall include, but not be limited to, documentation demonstrating the school food authority's total food purchases for its school breakfast, snack and lunch service program, and documentation demonstrating its total food purchases and percentages for such program, permitted to be counted under this section, from New York State farmers, growers, producers or processors in the preceding school year. The application shall also include an attestation from the school food authority's chief operating officer that it purchased at least thirty percent of its total cost of food products, permitted to be counted under this section, for its school breakfast, snack and lunch service program from New York State farmers, growers, producers or processors in the preceding school year in order to meet the requirements for this additional State subsidy. School food authorities shall be required to annually apply for this subsidy. After reviewing school food authorities' completed applications for an additional State subsidy pursuant to this section, the Department of Agriculture and Markets shall certify to the State Education Department the school food authorities approved for such additional State subsidy and the State Education Department shall pay such additional State subsidy to such school food authorities.

§ 2. This act shall take effect immediately.

PART VV

1 Section 1. Short title. This act shall be known and may be cited as
2 the "Farebox Assistance to Relieve Essential Straphangers Act" or the
3 "FARES Act".

4 § 2. This act enacts into law major components of legislation neces-
5 sary to implement the FARES Act. Each component is wholly contained
6 within a Subpart identified as Subparts A through C. The effective date
7 for each particular provision contained within such Subpart is set forth
8 in the last section of such Subpart. Any provision in any section
9 contained within a Subpart, including the effective date of the Subpart,
10 which makes a reference to a section "of this act", when used in
11 connection with that particular component, shall be deemed to mean and
12 refer to the corresponding section of the Subpart in which it is found.
13 Section four of this act sets forth the general effective date of this
14 act.

15 SUBPART A

16 Section 1. Legislative findings. The New York state legislature finds
17 that the City of New York's "Fair Fares" program, which provides reduced
18 fares on New York City Transit Authority subways and buses for individ-
19 uals earning under one hundred twenty percent of the poverty level, is a
20 tool that can help ensure that mass transit remains affordable for all
21 New Yorkers. However, Fair Fares does not currently apply to intracity
22 commuter rail trips taken in the City, and the legislature finds that
23 expanding this discount to include commuter rail could provide signif-
24 icant affordability benefits for New Yorkers below or near the poverty
25 level and improve the quality of life for many outer borough New Yorkers
26 lacking easy access to subways.

27 § 2. Section 1266 of the public authorities law is amended by adding a
28 new subdivision 16-a to read as follows:

29 16-a. (a) Notwithstanding any other provisions of law or the terms of
30 any contract, the authority, in consultation with the city of New York,
31 shall expand the Fair Fares NYC program to permit individuals who are
32 eligible for the program to receive a fifty percent discount on trips
33 using the Long Island Rail Road or Metro-North Railroad within the city
34 of New York.

35 (b) For purposes of this subdivision, "Fair Fares NYC program" shall
36 have the same meaning and eligibility standards as set forth in chapter
37 twelve of title sixty-eight of the rules of the city of New York, which
38 provides a fifty percent fare discount for designated transit options.

39 (c) Additionally, the authority shall consult with the city of New
40 York in conducting a public outreach campaign to increase public aware-
41 ness and expand usage of the Fair Fares NYC program by eligible individ-
42 uals.

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

45 SUBPART B

46 Section 1. Legislative findings. The New York state legislature finds
47 that the Metropolitan Transportation Authority's "City Ticket" which
48 provides reduced fares on commuter rail trips within New York City, has
49 been incredibly successful in promoting New Yorkers' use of the commuter
50 rail system, and has particularly helped the MTA fill seats during off-
51 peak trips. City Ticket is an important tool for ensuring that mass
52 transit remains affordable for New Yorkers, as well as improving the

1 quality of life for many outer borough New Yorkers lacking easy access
2 to subways. Additional analysis since City Ticket's implementation and
3 expansion has found that providing a weekly ticket option, similar to a
4 previous Atlantic Ticket option, could assist riders with financial
5 planning, ensure greater access to transit, and increase commuter rail
6 ridership.

7 § 2. Section 1266 of the public authorities law is amended by adding a
8 new subdivision 16-b to read as follows:

9 16-b. Notwithstanding any other provisions of law or the terms of any
10 contract, the authority, in consultation with the Long Island Rail Road
11 and Metro-North Railroad shall offer a weekly ticket at a reduced rate,
12 including free transfers to metropolitan transportation authority subway
13 and bus service, for trips within the city of New York.

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

16 SUBPART C

17 Section 1. Legislative findings. The New York state legislature finds
18 that the Metropolitan Transportation Authority's reduced commuter rail
19 fares for seniors and individuals with disabilities during off-peak and
20 evening peak hours have been successful in promoting mass transit
21 affordability and accessibility for some of the New Yorkers who rely on
22 the public transportation system the most. The state legislature addi-
23 tionally finds that it has been nearly thirty-five years since passage
24 of the Americans with Disabilities Act or "ADA". Finally, the state
25 legislature finds that it is an appropriate time for extending morning
26 peak fare discounts to seniors and individuals with disabilities, demon-
27 strating its respect and appreciation for their contributions to the
28 workforce and our communities.

29 § 2. Section 1266 of the public authorities law is amended by adding a
30 new subdivision 16-c to read as follows:

31 16-c. (a) Notwithstanding any other provisions of law or the terms of
32 any contract, the authority, in consultation with the Long Island Rail
33 Road and Metro-North Railroad, shall implement a half fare rate program
34 for eligible individuals during morning peak fare time periods across
35 the metropolitan transportation authority's commuter rail system.

36 (b) For purposes of this subdivision, "eligible individuals" shall
37 include customers who are sixty-five years of age or older, have a disa-
38 bility, or are Medicare recipients who are currently eligible for the
39 authority's half-fare programs on trips other than weekday morning
40 inbound peak trains.

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

43 § 3. Severability clause. If any clause, sentence, paragraph, subdivi-
44 sion, section, subpart or part of this act shall be adjudged by any
45 court of competent jurisdiction to be invalid, such judgment shall not
46 affect, impair, or invalidate the remainder thereof, but shall be
47 confined in its operation to the clause, sentence, paragraph, subdivi-
48 sion, section, subpart or part thereof directly involved in the contro-
49 versy in which such judgment shall have been rendered. It is hereby
50 declared to be the intent of the legislature that this act would have
51 been enacted even if such invalid provisions had not been included here-
52 in.

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

PART WW

Section 1. Legislative intent. In 2019, New York enacted the Climate Leadership and Community Protection Act to reduce the state's volume of greenhouse gas emissions by at least 85% as compared to 1990 levels by the year 2050. According to the Climate Action Council Scoping Plan, the transportation sector is responsible for approximately 28% of New York's total greenhouse gas emissions. Statewide conversion of public transit bus fleets is an important undertaking required to meet this emission reduction mandate.

The legislature recognizes that such a conversion will entail fiscal obligations on the part of transit systems and utility providers in order to purchase new buses, renovate or replace bus depots, expand utility infrastructure and generation capacity, and other necessary investments to ensure reliable delivery of zero-emission bus services. Furthermore, the legislature recognizes that there are existing revenue sources which currently fund public transit that rely on the consumption of fossil fuels and which will diminish as the number of gas-powered cars decreases.

It is the expectation of the legislature that there will be sufficient funding to support a statewide conversion of public transit bus fleets to zero-emission buses, including continued federal support such as what has been provided in the Inflation Reduction Act, the Bipartisan Infrastructure Law, the Low or No Emission Vehicle Program, the Diesel Emissions Reduction Act, and other federal funding programs, as well as state and miscellaneous funding such as the New York Truck Voucher Incentive Program and the Volkswagen Clean Air Act Civil Settlement.

Additionally, the legislature recognizes that current zero-emission bus technology is still developing, particularly with respect to travel range, cold weather performance, and bus availability. Technological advances will continue accelerating leading up to and during the covered period for zero-emission bus fleet conversion. Finally, one of the greatest harms to local communities are localized emissions which have an acutely negative impact, particularly to disadvantaged communities as defined in the Climate Leadership and Community Protection Act. Therefore a coordinated statewide effort to purchase, manufacture, and utilize zero-emission buses and paratransit vehicles will help facilitate technological advancement, reduce overall costs, and help reduce harm to our local communities.

§ 2. The transportation law is amended by adding a new section 17-c to read as follows:

§ 17-c. Zero-emission buses. 1. No later than January first, two thousand twenty-nine, every public transportation system eligible to receive operating assistance under the provisions of section eighteen-b of this article shall be required to purchase only zero-emission buses and related equipment and facilities as part of the normal replacement of its fleet. No later than January first, two thousand thirty-five, any hydrogen fuel cell zero-emission bus shall be powered by hydrogen derived from zero-emission electricity.

2. For purposes of this section "zero-emission bus" shall mean a motor vehicle that has a seating capacity of fifteen or more passengers in addition to the driver and used for the transportation of persons; is

1 propelled by an electric motor and associated power electronics which
2 provide acceleration torque to the drive wheels during normal vehicle
3 operation and draws electricity from a hydrogen fuel cell or from a
4 battery which is capable of being recharged from an external source of
5 electricity; or otherwise operates without direct emission of atmospher-
6 ic pollutants. Provided, however, that for purposes of this section,
7 zero-emission buses shall include paratransit vehicles specifically
8 designated by public transportation systems to serve the needs of
9 persons who cannot use fixed route transit buses, subways or rapid tran-
10 sit.

11 3. (a) Notwithstanding any provision of law to the contrary, all
12 rights or benefits, including terms and conditions of employment, and
13 protection of civil service and collective bargaining status of all
14 existing employees of authorized entities shall be preserved and
15 protected. Nothing in this section shall result in the: (i) displacement
16 of any currently employed worker or loss of position (including
17 partial displacement such as a reduction in the hours of non-overtime
18 work, wages, or employment benefits) or result in the impairment of
19 existing collective bargaining agreements; (ii) transfer of existing
20 duties and functions related to maintenance and operations currently
21 performed by existing employees of authorized entities to a contracting
22 entity; or (iii) transfer of future duties and functions ordinarily
23 performed by employees of authorized entities to a contracting entity.

24 (b) Upon the effective date of this section, the transit authority,
25 agency or municipality shall create and implement a workforce develop-
26 ment report that (i) forecasts the number of jobs provided by existing
27 omnibuses, rolling stock, vehicles or equipment that would be eliminated
28 or substantially changed after the purchase, as well as the number of
29 jobs expected to be created at the transit provider by the proposed
30 purchase over a six-year period from the date of the publication of the
31 workforce development report, (ii) identifies gaps in skills needed to
32 operate and maintain the new zero-emission buses, rolling stock, vehi-
33 cles or related equipment, (iii) includes a comprehensive plan to tran-
34 sition, train, or retrain employees that are impacted by the proposed
35 purchase, and (iv) contains an estimated budget to transition, train, or
36 retrain employees that are impacted by the proposed purchase.

37 (c) Nothing contained herein shall be construed to affect (i) the
38 existing rights of employees pursuant to an existing collective bargain-
39 ing agreement, or (ii) the existing representational relationships among
40 employee organizations or the bargaining relationships between the
41 employer and an employee organization. Prior to beginning the procure-
42 ment process for new zero-emission buses, rolling stock, vehicles or
43 related equipment, the transit authority, agency or municipality shall
44 inform the respective collective bargaining agent of any potential jobs
45 that may be affected, altered, or eliminated as a result of the
46 purchase, and it shall be a mandatory subject for collective bargaining.

47 4. (a) (i) Within six months of the effective date of this section,
48 the department and the New York State Energy Research and Development
49 Authority ("NYSERDA"), shall convene a working group made up of transit
50 agencies, other relevant public agencies, the department, the New York
51 power authority, educational institutions, relevant community organiza-
52 tions, and other necessary parties, to create a zero-emission roadmap
53 for the state which shall identify the actions needed to meet the tran-
54 sition goals established in subdivision one of this section. The road-
55 map shall include, but not be limited to:

1 (1) financial and technical guidance related to the purchasing, retro-
2 fitting, operation, and maintenance of zero-emission buses;

3 (2) an identification and siting plan for charging and fueling infras-
4 tructure;

5 (3) an identification of the necessary investments in the electric
6 transmission and distribution grid;

7 (4) an identification of how to ensure related facility upgrades are
8 coordinated to maximize the cost effectiveness and overall system reli-
9 ability;

10 (5) the available federal, state, and local funding to purchase or
11 lease zero-emission buses or convert existing buses to zero-emissions;

12 (6) an identification of new incentives and programs to advance the
13 deployment and adoption of zero-emission buses;

14 (7) streamlining actions to facilitate the conversion of public trans-
15 portation systems and bus fleets;

16 (8) strategies consistent with the Climate Leadership and Community
17 Protection Act enacted by chapter one hundred six of the laws of two
18 thousand nineteen, that ensure the deployment of zero-emission buses are
19 prioritized in disadvantaged communities, as defined in subdivision
20 five of section 75-0101 of the environmental conservation law;

21 (9) in consultation with the environmental justice working group and
22 the climate action council, shall, to the extent practicable, invest or
23 direct available and relevant programmatic resources in a manner
24 designed to achieve a goal for disadvantaged communities to receive
25 forty percent of overall benefits of spending consistent with section
26 75-0117 of the environmental conservation law;

27 (10) an estimation of the number of public operations and maintenance
28 jobs provided by existing omnibuses, rolling stock, vehicles or equip-
29 ment that would be eliminated or substantially changed by the transition
30 goals established in subdivision one of this section;

31 (11) identifies gaps in skills needed to operate and maintain the new
32 electric-powered omnibuses, rolling stock, vehicles or related equip-
33 ment; and

34 (12) development of a comprehensive plan to transition, train, or
35 retrain public transportation system employees impacted by the transi-
36 tion goals established in subdivision one of this section, including an
37 estimated budget for implementing this plan and the identification of
38 funding streams to fund this transition.

39 (ii) The department and NYSERDA shall convene a technical advisory
40 group made up of diverse stakeholders to provide the department and
41 NYSERDA with relevant technical, policy, and market expertise. The
42 department and NYSERDA shall further develop a stakeholder engagement
43 process to solicit feedback on the roadmap and raise consumer awareness
44 and education across the state.

45 (b) No later than one year after the convening of the working group
46 established by subparagraph (i) of paragraph (a) of this subdivision,
47 the department and NYSERDA shall report its findings and recommendations
48 to the governor, the temporary president of the senate, and the speaker
49 of the assembly. This report may be combined with the report required
50 under section eighteen hundred eighty-four of the public authorities
51 law.

52 (c) Following the submission of the report as required by paragraph
53 (b) of this subdivision, the department and NYSERDA shall solicit public
54 comment for thirty days in developing the roadmap, and are authorized to
55 hold public hearings and meetings in accordance with article seven of
56 the public officers law, and consult with any organization, educational

1 institution, or other government entity or person, to enable them to
2 accomplish their duties.

3 (d) No later than fifteen months after the convening of the working
4 group established by subparagraph (i) of paragraph (a) of this subdivi-
5 sion, DOT and NYSERDA shall publish a formalized roadmap along with all
6 necessary policies and procedures for implementation, to ensure public
7 transportation systems will be able to meet the transition goals estab-
8 lished in subdivision one of this section. DOT and NYSERDA shall publish
9 the roadmap, policies, and procedures, on either of their publicly
10 accessible websites, thirty days prior to the plans being finalized.

11 (e) No later than one year after the publication and implementation
12 of the roadmap established pursuant to paragraph (d) of this subdivi-
13 sion, public transportation systems eligible to receive operating
14 assistance under the provisions of section eighteen-b of this article,
15 must develop and implement their own transition plans, incorporating the
16 findings, policies, and procedures produced by the working group and
17 identifying possible barriers to implementing this transition, unless
18 granted an extension under subdivision five of this section. Public
19 transportation systems shall solicit public comment in developing tran-
20 sition plans, and are authorized to hold public hearings and meetings in
21 accordance with article seven of the public officers law, and consult
22 with any organization, educational institution, or other government
23 entity or person, to enable them to accomplish their duties. The depart-
24 ment shall publish transition plans on their publicly accessible website
25 within thirty days of the plans being finalized with the department.
26 Transition plans shall be updated every three years after the date they
27 are first published and updated plans shall be updated on the depart-
28 ment's website within thirty days of the updated plans being finalized.

29 (f) The working group shall provide technical assistance to public
30 transportation systems upon request, and shall provide assistance to
31 public transportation systems upon request for assistance in pursuing
32 state and federal grants and other funding opportunities. The working
33 group shall prioritize funding opportunity assistance to public trans-
34 portation systems implementing a zero-emissions purchase requirement
35 prior to January first, two thousand twenty-nine. The department shall
36 also facilitate the coordination of purchasing, installation and sharing
37 services between public transportation systems serving primarily outside
38 of cities with a population of one million or more.

39 5. (a) In order to obtain an extension of the attainment date beyond
40 the statutory date of January first, two thousand twenty-nine pursuant
41 to subdivision one of this section, the transportation system shall:

42 (i) apply for an extension and submit a complete application for such
43 extension attainment date by December thirty-first, two thousand twen-
44 ty-eight; and

45 (ii) demonstrate that the transition plan required pursuant to subdivi-
46 sion four of this section contains all of the required components of a
47 transition plan and includes a request for extension of the attainment
48 date.

49 (b) The department shall determine if the transportation system quali-
50 fies for an attainment date extension based on:

51 (i) whether the transportation system conducted at least a request for
52 information, request for proposal, or combination of both for paratran-
53 sit vehicles within three years of two thousand twenty-nine, proven that
54 such zero-emission paratransit technology is not attainable by two thou-
55 sand twenty-nine, and the department has determined that a good faith
56 effort has been made by the transportation system; and

1 (ii) whether the transportation system:

2 (1) purchased or installed equipment within the last ten years for the
3 purpose of reducing emissions and where buses reliant on such infras-
4 tructure constitute a majority of the in-use fleet; or

5 (2) has already received funds for such equipment and such equipment
6 has not yet reached the end of its useful life or through the lifetime
7 of any existing federal funding obligations for such infrastructure,
8 whichever comes first; and where buses reliant on such infrastructure
9 constitute a majority of the in-use fleet; or

10 (3) is an intercity bus service or bus service intended to satisfy
11 longer distance travel demand between cities, villages and unincorporat-
12 ed urban places and proven that such zero-emission transition is not
13 attainable by two thousand twenty-nine due to technology or infrastruc-
14 ture and the department has determined that a good faith effort has been
15 made.

16 (c) In order to obtain an exemption from the attainment date require-
17 ment pursuant to subdivision one of this section, the transition plan
18 shall include:

19 (i) a timeline for attainment demonstration;

20 (ii) efforts to maximize zero-emission bus purchases and purchase only
21 zero-emission buses prior to two thousand thirty-five;

22 (iii) year-by-year targets for zero-emission bus procurements and
23 infrastructure installation;

24 (iv) contingency measure provisions; and

25 (v) a detailed justification for nonattainment of zero-emission equip-
26 ment review plan provisions.

27 (d) Based on the department's assessment of the transportation
28 system's transition plan and extension request, the department may deny
29 the extension if it determines that an adequate attempt was not made or
30 that technology and infrastructure is available for the transportation
31 system to transition to zero-emission buses. Any determination by the
32 department to deny or grant an extension request shall be subject to
33 public notification and comment. Any applications for attainment date
34 extensions shall be subject to the freedom of information law and
35 published on the department's public website.

36 (e) Transportation systems that qualify for an extension pursuant to
37 this subdivision shall procure only zero-emission buses starting January
38 first, two thousand thirty-five or sooner once the exemption no longer
39 applies.

40 § 3. The transportation law is amended by adding a new section 18-c to
41 read as follows:

42 § 18-c. Capital plan requirements. In formulating the five-year
43 department of transportation capital plans, the department shall: (a)
44 consider the requirement of section seventeen-c of this article in its
45 disbursement of payment for the costs of mass transportation capital
46 projects and facilities and give preference in the form of payments to
47 public transportation systems eligible to receive operating assistance
48 under the provisions of section eighteen-b of this article that are able
49 to demonstrate commitments made towards purchasing and retrofitting
50 zero-emission buses and related equipment and facilities; and (b) facil-
51 itate for purposes of meeting the requirement of section seventeen-c of
52 this article the coordination of purchasing, installation and sharing
53 services between public transportation systems serving primarily outside
54 the city of New York.

55 § 4. Section 2878-a of the public authorities law is amended by adding
56 a new subdivision 3 to read as follows:

3. (a) A transportation authority established under this chapter may, by resolution approved by a two-thirds vote of its members then in office, or by a declaration that competitive bidding is impractical or inappropriate with respect to electric-powered omnibuses, rolling stock, vehicles or other related equipment because the item is available through an existing contract between a vendor and (i) another public authority provided that such other authority utilized a process of competitive bidding or a process of competitive requests for proposals to award such contracts, or (ii) the state of New York, or (iii) a political subdivision of the state of New York, provided that in any case when under this subdivision the authority determines that obtaining such item thereby would be in the public interest and sets forth the reasons for such determination. The authority shall accept sole responsibility for any payment due the vendor as a result of the authority's order. In each case where the authority declares competitive bidding impractical or inappropriate, it shall state the reason therefor in writing and summarize any negotiations that have been conducted. The authority shall not award any contract pursuant to this subdivision earlier than thirty days from the date on which the authority declares that competitive bidding is impractical or inappropriate. All procurements approved pursuant to this subdivision shall be subject to audit and inspection by the department of audit and control or any successor agencies. For purposes of this subdivision, "transportation authority" shall not include transportation authorities governed under titles nine, nine-A and eleven of article five of this chapter or title three of article three of this chapter. For the purposes of this subdivision, "electric-powered omnibuses" shall include any bus owned, leased, rented or otherwise controlled by the authority that otherwise meets the definition of bus provided in section five hundred nine-a of the vehicle and traffic law that is propelled by an electric motor and associated power electronics which provide acceleration torque to the drive wheels during normal vehicle operation and draws electricity from a hydrogen fuel cell or from a battery which is capable of being recharged from an external source of electricity; or otherwise operates without direct emission of atmospheric pollutants.

(b) (i) Notwithstanding any provision of law to the contrary, all rights or benefits, including terms and conditions of employment, and protection of civil service and collective bargaining status of all existing employees of authorized entities shall be preserved and protected. Nothing in this section shall result in the: (1) displacement of any currently employed worker or loss of position, including partial displacement such as a reduction in the hours of non-overtime work, wages, or employment benefits, or result in the impairment of existing collective bargaining agreements; (2) transfer of existing duties and functions related to maintenance and operations currently performed by existing employees of authorized entities to a contracting entity; or (3) transfer of future duties and functions ordinarily performed by employees of authorized entities to a contracting entity.

(ii) At least one year prior to the beginning of the procurement process for new electric-powered omnibuses, rolling stock, vehicles or related equipment, the authority shall create and implement a workforce development report that (1) forecasts the number of jobs provided by existing omnibuses, rolling stock, vehicles or equipment that would be eliminated or substantially changed after the purchase, as well as the number of jobs expected to be created at the authority by the proposed purchase over a six-year period from the date of the publication of the

1 workforce development report, (2) identifies gaps in skills needed to
2 operate and maintain the new electric-powered omnibuses, rolling stock,
3 vehicles or related equipment, (3) includes a comprehensive plan to
4 transition, train, or retrain employees that are impacted by the
5 proposed purchase, and (4) contains an estimated budget to transition,
6 train, or retrain employees that are impacted by the proposed purchase.

7 (c) Nothing contained herein shall be construed to affect (i) the
8 existing rights of employees pursuant to an existing collective bargain-
9 ing agreement, or (ii) the existing representational relationships among
10 employee organizations or the bargaining relationships between the
11 employer and an employee organization. Prior to beginning the procure-
12 ment process for new electric-powered omnibuses, rolling stock, vehicles
13 or related equipment, the transit agency or municipality shall inform
14 the respective collective bargaining agent of any potential jobs that
15 may be affected, altered, or eliminated as a result of the purchase, and
16 it shall be a mandatory subject for collective bargaining.

17 § 5. Section 104 of the general municipal law is amended by adding a
18 new subdivision 3 to read as follows:

19 3. (a) Notwithstanding the provisions of section one hundred three of
20 this article or of any other general, special or local law, any chief
21 executive officer of a political subdivision or agency which operates a
22 public transportation system is authorized to make purchases of elec-
23 tric-powered omnibuses or other related equipment upon a resolution
24 approved by a two-thirds vote of its board then in office because the
25 item is available through an existing contract between a vendor and (i)
26 a public authority of the state provided that such other authority
27 utilized a process of competitive bidding or a process of competitive
28 requests for proposals to award such contracts, or (ii) the state of New
29 York, or (iii) a political subdivision of the state of New York,
30 provided that in any case when under this subdivision the political
31 subdivision determines that obtaining such item thereby would be in the
32 public interest and sets forth the reasons for such determination. The
33 political subdivision shall not award any contract pursuant to this
34 subdivision earlier than thirty days from the date on which the poli-
35 tical subdivision declares that competitive bidding is impractical or
36 inappropriate. All purchases shall be subject to audit and inspection by
37 the political subdivision for which made, in addition to the department
38 of audit and control of New York state. For purposes of this subdivi-
39 sion, "political subdivision or agency which operates a public transpor-
40 tation system" shall not include transportation authorities governed
41 under titles nine, nine-A and eleven of article five of the public
42 authorities law or title three of article three of the public authori-
43 ties law. For the purposes of this subdivision, "electric-powered omni-
44 buses" shall include any bus owned, leased, rented or otherwise
45 controlled by the political subdivision that otherwise meets the defi-
46 nition of bus provided in section five hundred nine-a of the vehicle and
47 traffic law that is propelled by an electric motor and associated power
48 electronics which provide acceleration torque to the drive wheels during
49 normal vehicle operation and draws electricity from a hydrogen fuel cell
50 or from a battery which is capable of being recharged from an external
51 source of electricity; or otherwise operates without direct emission of
52 atmospheric pollutants.

53 (b) (i) Notwithstanding any provision of law to the contrary, all
54 rights or benefits, including terms and conditions of employment, and
55 protection of civil service and collective bargaining status of all
56 existing employees of authorized entities shall be preserved and

1 protected. Nothing in this section shall result in the: (1) displacement
2 of any currently employed worker or loss of position, including
3 partial displacement such as a reduction in the hours of non-overtime
4 work, wages, or employment benefits, or result in the impairment of
5 existing collective bargaining agreements; (2) transfer of existing
6 duties and functions related to maintenance and operations currently
7 performed by existing employees of authorized entities to a contracting
8 entity; or (3) transfer of future duties and functions ordinarily
9 performed by employees of authorized entities to a contracting entity.

10 (ii) At least one year prior to the beginning of the procurement proc-
11 ess for new electric-powered omnibuses, rolling stock, vehicles or
12 related equipment, the transit agency or municipality shall create and
13 implement a workforce development report that (1) forecasts the number
14 of jobs provided by existing omnibuses, rolling stock, vehicles or
15 equipment that would be eliminated or substantially changed after the
16 purchase, as well as the number of jobs expected to be created at the
17 transit provider by the proposed purchase over a six-year period from
18 the date of the publication of the workforce development report, (2)
19 identifies gaps in skills needed to operate and maintain the new elec-
20 tric-powered omnibuses, rolling stock, vehicles or related equipment,
21 (3) includes a comprehensive plan to transition, train, or retrain
22 employees that are impacted by the proposed purchase, and (4) contains
23 an estimated budget to transition, train, or retrain employees that are
24 impacted by the proposed purchase.

25 (c) Nothing contained herein shall be construed to affect (i) the
26 existing rights of employees pursuant to an existing collective bargain-
27 ing agreement, or (ii) the existing representational relationships among
28 employee organizations or the bargaining relationships between the
29 employer and an employee organization. Prior to beginning the procure-
30 ment process for new electric-powered omnibuses, rolling stock, vehicles
31 or related equipment, the transit agency or municipality shall inform
32 the respective collective bargaining agent of any potential jobs that
33 may be affected, altered, or eliminated as a result of the purchase, and
34 it shall be a mandatory subject for collective bargaining.

35 § 6. Section 104 of the general municipal law, as amended by section
36 27 of part L of chapter 55 of the laws of 2012, is amended to read as
37 follows:

38 § 104. Purchase through office of general services. 1. Notwithstanding
39 the provisions of section one hundred three of this article or of any
40 other general, special or local law, any officer, board or agency of a
41 political subdivision, of a district therein, of a fire company or of a
42 voluntary ambulance service is authorized to make purchases of commod-
43 ities and services available pursuant to section one hundred sixty-three
44 of the state finance law, may make such purchases through the office of
45 general services subject to such rules as may be established from time
46 to time pursuant to section one hundred sixty-three of the state finance
47 law or through the general services administration pursuant to section
48 1555 of the federal acquisition streamlining act of 1994, P.L. 103-355;
49 provided that any such purchase shall exceed five hundred dollars and
50 that the political subdivision, district, fire company or voluntary
51 ambulance service for which such officer, board or agency acts shall
52 accept sole responsibility for any payment due the vendor. All purchases
53 shall be subject to audit and inspection by the political subdivision,
54 district, fire company or voluntary ambulance service for which made. No
55 officer, board or agency of a political subdivision, or a district ther-
56 ein, of a fire company or of a voluntary ambulance service shall make

1 any purchase through such office when bids have been received for such
2 purchase by such officer, board or agency, unless such purchase may be
3 made upon the same terms, conditions and specifications at a lower price
4 through such office. Two or more fire companies or voluntary ambulance
5 services may join in making purchases pursuant to this section, and for
6 the purposes of this section such groups shall be deemed "fire companies
7 or voluntary ambulance services."

8 2. (a) Notwithstanding the provisions of section one hundred three of
9 this article or of any other general, special or local law, any chief
10 executive officer of a political subdivision or agency which operates a
11 public transportation system is authorized to make purchases of elec-
12 tric-powered omnibuses or other related equipment upon a resolution
13 approved by a two-thirds vote of its board then in office because the
14 item is available through an existing contract between a vendor and (a)
15 a public authority of the state provided that such other authority
16 utilized a process of competitive bidding or a process of competitive
17 requests for proposals to award such contracts, or (b) the state of New
18 York, or (c) a political subdivision of the state of New York, provided
19 that in any case when under this subdivision the political subdivision
20 determines that obtaining such item thereby would be in the public
21 interest and sets forth the reasons for such determination. The poli-
22 tical subdivision shall not award any contract pursuant to this subdivi-
23 sion earlier than thirty days from the date on which the political
24 subdivision declares that competitive bidding is impractical or inappro-
25 priate. All purchases shall be subject to audit and inspection by the
26 political subdivision for which made, in addition to the department of
27 audit and control of New York state. For purposes of this subdivision,
28 "political subdivision or agency which operates a public transportation
29 system" shall not include transportation authorities governed under
30 titles nine, nine-A and eleven of article five of the public authorities
31 law or title three of article three of the public authorities law. For
32 the purposes of this subdivision, "electric-powered omnibuses" shall
33 include any bus owned, leased, rented or otherwise controlled by the
34 political subdivision that otherwise meets the definition of bus
35 provided in section five hundred nine-a of the vehicle and traffic law
36 that is propelled by an electric motor and associated power electronics
37 which provide acceleration torque to the drive wheels during normal
38 vehicle operation and draws electricity from a hydrogen fuel cell or
39 from a battery which is capable of being recharged from an external
40 source of electricity; or otherwise operates without direct emission of
41 atmospheric pollutants.

42 (b) (i) Notwithstanding any provision of law to the contrary, all
43 rights or benefits, including terms and conditions of employment, and
44 protection of civil service and collective bargaining status of all
45 existing employees of authorized entities shall be preserved and
46 protected. Nothing in this section shall result in the: (1) displacement
47 of any currently employed worker or loss of position, including
48 partial displacement such as a reduction in the hours of non-overtime
49 work, wages, or employment benefits, or result in the impairment of
50 existing collective bargaining agreements; (2) transfer of existing
51 duties and functions related to maintenance and operations currently
52 performed by existing employees of authorized entities to a contracting
53 entity; or (3) transfer of future duties and functions ordinarily
54 performed by employees of authorized entities to a contracting entity.

55 (ii) At least one year prior to the beginning of the procurement proc-
56 ess for new electric-powered omnibuses, rolling stock, vehicles or

1 related equipment, the transit agency or municipality shall create and
2 implement a workforce development report that (1) forecasts the number
3 of jobs provided by existing omnibuses, rolling stock, vehicles or
4 equipment that would be eliminated or substantially changed after the
5 purchase, as well as the number of jobs expected to be created at the
6 transit provider by the proposed purchase over a six-year period from
7 the date of the publication of the workforce development report, (2)
8 identifies gaps in skills needed to operate and maintain the new elec-
9 tric-powered omnibuses, rolling stock, vehicles or related equipment,
10 (3) includes a comprehensive plan to transition, train, or retrain
11 employees that are impacted by the proposed purchase, and (4) contains
12 an estimated budget to transition, train, or retrain employees that are
13 impacted by the proposed purchase.

14 (c) Nothing contained herein shall be construed to affect (i) the
15 existing rights of employees pursuant to an existing collective bargain-
16 ing agreement, or (ii) the existing representational relationships among
17 employee organizations or the bargaining relationships between the
18 employer and an employee organization. Prior to beginning the procure-
19 ment process for new electric-powered omnibuses, rolling stock, vehicles
20 or related equipment, the transit agency or municipality shall inform
21 the respective collective bargaining agent of any potential jobs that
22 may be affected, altered, or eliminated as a result of the purchase, and
23 it shall be a mandatory subject for collective bargaining.

24 § 7. The transportation law is amended by adding a new section 18-d to
25 read as follows:

26 § 18-d. Zero-emission bus procurement contract proposals. 1. For the
27 purposes of this section, the following terms shall have the following
28 meanings:

29 (a) "Displaced worker" means any employee whose most recent separation
30 from active service was due to lack of business, a reduction in force,
31 or other economic, nondisciplinary reason related to the transition from
32 the fossil-fuel reliant buses to zero-emission buses.

33 (b) "Individual facing barriers to employment" means either of the
34 following:

35 (i) An individual facing barriers to employment as defined by the
36 commissioner or, otherwise

37 (ii) An individual from a demographic group that represents less than
38 thirty percent of their relevant industry workforce according to the
39 United States Bureau of Labor Statistics.

40 (c) "Non-temporary job" means a job other than those classified as
41 "temporary" as defined in article eleven of the general business law.

42 2. (a) Beginning January first, two thousand twenty-five, every public
43 transportation system eligible to receive operating assistance pursuant
44 to section eighteen-b of this article shall award contracts for zero-em-
45 ission buses and related equipment using a competitive best-value
46 procurement process; and shall require bidders to submit a United States
47 Jobs Plan as part of their solicitation responses.

48 (b) The United States Jobs Plan shall include the following informa-
49 tion:

50 (i) The number of full-time non-temporary jobs proposed to be retained
51 and created, including an accounting of the positions classified as
52 employees, as defined in section seven hundred forty of the labor law,
53 and positions classified as independent contractors;

54 (ii) The number of jobs specifically reserved for individuals facing
55 barriers to employment and the number reserved for displaced workers and
56 workers from disadvantaged communities;

1 (iii) The minimum wage levels by job classification for non-superviso-
2 ry workers;

3 (iv) Proposed amounts to be paid for fringe benefits by job classi-
4 fication and the proposed amounts for worker training by job classifica-
5 tion;

6 (v) In the event that a federal authority specifically authorizes use
7 of a geographic preference or when state or local funds are used to fund
8 a contract, proposed local jobs created in the state or within an exist-
9 ing facility in the state that are related to the manufacturing of zero-
10 emission buses and related equipment; and

11 (vi) Information on what steps have been taken and will be taken to
12 implement the workforce development report with respect to training and
13 retraining of existing maintenance, drivers and other identified
14 purchasing agency employees.

15 3. The requests for proposals established by subdivision two of this
16 section shall include notice to bidders stating that:

17 (a) the content of United States Jobs Plans shall be incorporated as
18 material terms of the final contract;

19 (b) the content of United States Jobs Plans and reports required by
20 this section shall be subject to disclosure under the Freedom of Infor-
21 mation Law; and

22 (c) the final contract and compliance documents shall be made avail-
23 able to the public.

24 4. The department shall promulgate regulations to establish the forms,
25 procedures, and processes necessary for impacted transit agencies to
26 implement the requirements of this section. This shall include a stand-
27 ard and consistent method, such as a workbook or worksheet, to track the
28 quantifiable information required in paragraph (b) of subdivision two of
29 this section and procedures to annually assess contracting entities
30 compliance with the United States Jobs Plan.

31 5. Contracting entities shall be required to submit annual United
32 States Jobs Plan reports to contracting public agencies demonstrating
33 compliance with their United States Jobs Plan commitments. The terms of
34 the final contract as well as all compliance reporting shall be made
35 available to the public online, either via the contracting agency's
36 website or the department's website, at the election of the contracting
37 agency.

38 6. The provisions of this section shall not apply to: (a) A contract
39 awarded before January first, two thousand twenty-five; or

40 (b) A contract awarded based on a solicitation issued before January
41 first, two thousand twenty-five.

42 § 8. The public service law is amended by adding a new section 66-x to
43 read as follows:

44 § 66-x. Public transportation systems zero-emission electricity
45 infrastructure. Every electric corporation which provides electric
46 service to a public transportation system, as defined in section eigh-
47 teen-b of the transportation law, shall ensure that such corporation has
48 the requisite and appropriate infrastructure, capacity, facilities, and
49 transmission and distribution systems needed to supply power for the
50 electric charging of zero-emission buses of a public transportation
51 system at the locations designated for charging by such public transpor-
52 tation systems. Within one year of the publication of the roadmap
53 required under subdivision four of section seventeen-c of the transpor-
54 tation law, an electric corporation shall have adopted finalized plans
55 and agreements to construct, install or upgrade the infrastructure
56 necessary to support to the deployment and operation of zero-emission

buses by a public transportation system by providing the required electric service to the locations designated for charging buses by such public transportation system. All costs associated with the mandates of this section shall be borne by an electric corporation. The commission shall not approve any increases in rates or charges for services of an electric corporation which has not complied with this section by the date set forth herein or pursuant to the roadmap under section seventeen-c of the transportation law.

§ 9. Section 66-s of the public service law is amended by adding a new subdivision 7 to read as follows:

7. The commission shall establish a separate tariff under this section for public transportation systems as defined in section eighteen-b of the transportation law for separately metered utilities for the purpose of charging zero-emission buses as defined in section seventeen-c of such law. The tariff shall provide a waiver of all secondary demand charges for charging zero-emission buses between the hours of ten o'clock p.m. and eight o'clock a.m., as well as low tension service for winter and summer months.

§ 10. Severability. The provisions of this act shall be severable, and if the application of any clause, sentence, paragraph, subdivision, section or part of this act to any person or circumstance shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not necessarily affect, impair or invalidate the application of any such clause, sentence, paragraph, subdivision, section or part of this act or remainder thereof, as the case may be, to any other person or circumstance, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section or part thereof directly involved in the controversy in which such judgment shall have been rendered.

§ 11. This act shall take effect immediately, provided, however, that section seven of this act shall take effect on the ninetieth day after it shall have become a law; provided, further, that the amendments to section 104 of the general municipal law made by section five of this act shall be subject to the expiration and reversion of such section pursuant to section 9 of subpart A of part C of chapter 97 of the laws of 2011, as amended, when upon such date the provisions of section six of this act shall take effect. Effective immediately, the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of this act on its effective date are authorized to be made and completed on or before such effective date.

PART XX

Section 1. Short title. This act shall be known and may be cited as the "harmful algal bloom monitoring and prevention act".

§ 2. Legislative findings and declarations. The legislature finds that the state of New York has a responsibility to maintain the health and safety of its abundant clean water resources, upon which the residents of New York state, as well as its many visitors, rely on for drinking, agriculture, tourism, recreation, and their livelihoods. Because the waters of the state are under threat by harmful algal blooms, which are known to be toxic and even fatal to humans, pets, and wildlife, the state has a responsibility to provide coordinated, statewide monitoring, evaluation, prevention and mitigation, going beyond water body-specific data collection and isolated mitigation efforts. While the causes of harmful algal blooms are complex and varied, with a coordinated and

1 standardized approach to monitoring and evaluation, patterns can more
2 readily be identified to isolate the combination of relevant causes
3 specific to different bodies of water across the state and determine the
4 most effective targeted interventions. To address this threat, the state
5 must develop and maintain a comprehensive state clearinghouse to bring
6 together existing and new available statewide cross-sectional and longi-
7 tudinal data and information on harmful algal blooms, potential and
8 known causes, best practice interventions, expertise, and funding
9 resources. This data and subsequent report will enable the state to
10 effectively and efficiently administer a central grant program support-
11 ing data-driven best practices in prevention and mitigation of harmful
12 algal blooms.

13 § 3. The environmental conservation law is amended by adding a new
14 section 15-0519 to read as follows:

15 § 15-0519. Harmful algal bloom monitoring and prevention program.

16 1. Definitions. For the purposes of this section, the following terms
17 shall have the following meanings:

18 a. "Harmful algal blooms" shall mean growths of blooms of algal
19 species present in fresh or salt water that can produce toxins that are
20 harmful to public health, the economy, or recreational enjoyment, or
21 that can impair water quality and the natural ecology therein.

22 b. "Municipality" shall mean a county, city, town, or village.

23 2. Comprehensive statewide data collection consolidation and analysis;
24 report. a. The commissioner shall develop a program to further the
25 comprehensive and consistent collection, consolidation, analysis and
26 meta-analysis of statewide data relating to the monitoring, evaluation,
27 prevention, and mitigation of harmful algal bloom outbreaks. The commis-
28 sioner shall provide guidelines for the submission of existing and
29 historical harmful algal bloom monitoring, evaluation, mitigation, and
30 prevention data and strategies from relevant institutions, organiza-
31 tions, and individuals with experience in peer-reviewed research, grant-
32 making, or other like activities in the area of water quality relating
33 to the monitoring, evaluation, prevention, and mitigation of harmful
34 algal bloom outbreaks, including but not limited to research programs,
35 clinics, labs, and project management.

36 b. The data collected, consolidated, and analyzed shall consist of
37 elements including but not limited to longitudinal data on the incidence
38 of harmful algal blooms, contextual factors thought to be associated
39 with the incidence of harmful algal blooms such as water temperature,
40 turbidity, flow rate, salinity, nutrient levels for phosphorus and
41 nitrogen, acidity (pH), dissolved oxygen levels, monitoring and evalu-
42 ation of waters of the state that do not contain harmful algal blooms,
43 and results of harmful algal bloom interventions in New York state.

44 c. The data collected, consolidated, and analyzed shall meet a stand-
45 ard that is consistent with the practices and expertise of institutions,
46 organizations, or individuals with experience in peer-reviewed research,
47 grantmaking, or other like activities in the area of water quality
48 relating to the monitoring, evaluation, prevention, and mitigation of
49 harmful algal bloom outbreaks, including but not limited to research
50 programs, clinics, labs, and project management.

51 d. The department shall annually publish and update a list of vetted
52 best practice strategies for harmful algal bloom monitoring, evaluation,
53 prevention, and mitigation, which shall be differentiated by region or
54 water body with unique confirmed causal pathways for the related harmful
55 algal bloom outbreak trends. Such strategies shall be supported by find-
56 ings of the harmful algal bloom database created pursuant to subdivision

1 three of this section, as well as external evaluation, including but not
2 limited to strategies approved by the federal environmental protection
3 agency, certification that such strategies meet or exceed the American
4 National Standards for health effects of drinking water treatment chemi-
5 cals (NSF/ANSI/CAN-60), or testing for efficacy by center of excellence
6 in healthy water solutions. The department shall publish such list and
7 findings supporting the strategies on such list on the department's
8 website.

9 e. No later than five years after the effective date of this section,
10 the commissioner, in consultation with the commissioner of agriculture
11 and markets, shall prepare a report providing comprehensive analysis and
12 meta-analysis of the data collected pursuant to this section, including
13 findings and recommendations for establishing, maintaining, and improv-
14 ing upon a coordinated system of monitoring, evaluation, prevention, and
15 mitigation of harmful algal bloom outbreaks across New York state. The
16 department shall:

17 i. update the report at least once every five years after the initial
18 completion of the report;

19 ii. make the report publicly available on the department's website;

20 iii. hold at least six regional public comment hearings on the draft
21 report and subsequent updates to the report, including three meetings in
22 the upstate region and three meetings in the downstate region, and shall
23 allow at least one hundred twenty days for the submission of public
24 comment;

25 iv. provide meaningful opportunities for public comment from all
26 segments of the populations that live near, or are reliant upon for
27 drinking, recreation, or economic activity, the waters of the state
28 included in the report;

29 v. seek out input from institutions or organizations with relevant
30 expertise, citizen scientists, and labs testing water quality in
31 relation to harmful algal blooms;

32 vi. identify the magnitude of harmful algal blooms across the state
33 and make recommendations on regulatory measures and other state or local
34 actions to monitor, evaluate, prevent, or mitigate harmful algal blooms,
35 including existing opportunities for coordination of federal, state,
36 municipal, and non-governmental organizations;

37 vii. identify best practices, technology, and available federal,
38 state, municipal, or private funding for and existing efforts in moni-
39 toring, evaluating, preventing, and mitigating harmful algal blooms; and

40 viii. identify the current need in specific bodies of water for the
41 establishment of programs or organizations to further the monitoring,
42 evaluation, prevention, and mitigation of harmful algal blooms, and the
43 costs therefor.

44 3. Harmful algal bloom database. a. The commissioner shall establish
45 and maintain a website providing public access to a harmful algal bloom
46 database which shall contain all relevant data, research, and reporting
47 required pursuant to subdivision two of this section.

48 b. Such database, and analysis of the comprehensive statewide data
49 therein, shall support the coordination of efforts across the state to
50 monitor, evaluate, prevent, and mitigate harmful algal blooms, and shall
51 include, but not be limited to:

52 i. the geolocation of harmful algal bloom outbreaks, and efforts to
53 monitor, evaluate, prevent, and mitigate such outbreaks;

54 ii. existing research, analysis, or reports relating to outbreaks of
55 harmful algal blooms in the waters of the state and the causes of such
56 outbreaks;

1 iii. known or developing strategies and best practices of state,
2 municipal, and non-governmental organizations that monitor, evaluate,
3 prevent, or mitigate harmful algal bloom outbreaks, the respective
4 waters of the state in which such strategies and best practices have
5 been conducted, and the geolocations of such waters;

6 iv. available sources of financing for algal bloom monitoring, evalu-
7 ation, prevention, and mitigation, including federal, state, municipal,
8 and/or private funding, grants, or other monies; and

9 v. information on institutions with expertise in peer-reviewed grant-
10 making and research in the area of water quality and/or harmful algal
11 blooms, including but not limited to the New York sea grant at Stony
12 Brook University, the New York water resource institute at Cornell
13 University, the center of excellence in healthy water solutions, the
14 bureau of water supply protection, the New York city department of envi-
15 ronmental protection, the department of agriculture and markets, commu-
16 nity-based nonprofit organizations with missions that specifically
17 involve monitoring, evaluating, mitigating, or preventing harmful algal
18 blooms, and any other institution or organization providing data
19 compiled pursuant to this section, and the contact information, relevant
20 research programs, clinics, labs, staff, and published research of such
21 institutions.

22 4. Rules and regulations. The commissioner shall, in a manner which is
23 coordinated with and supports efforts by federal, state, municipal, and
24 non-governmental organizations, promulgate rules and regulations to:

25 a. limit and eliminate the causes of harmful algal bloom outbreaks;
26 and

27 b. monitor and mitigate harmful algal bloom outbreaks.

28 5. Program development. The commissioner shall establish and support
29 new and existing programs and organizations relevant to the health of
30 waters of the state that have not implemented strategies to monitor,
31 evaluate, prevent, or mitigate harmful algal bloom outbreaks.

32 6. Harmful algal bloom grant program. In addition to the financing to
33 be identified pursuant to subparagraph iv of paragraph b of subdivision
34 three of this section:

35 a. The commissioner, in consultation with the commissioner of agricul-
36 ture and markets, the commissioner of health, and the president of the
37 empire state development corporation, shall establish a harmful algal
38 bloom grant program which shall provide funding to municipalities,
39 intermunicipal organizations, community-based nonprofits, or academic
40 institutions for the deployment of harmful algal bloom monitoring, eval-
41 uation, prevention, and mitigation strategies and best practices.

42 b. The program shall require that applicants for the harmful algal
43 bloom grant program conduct and submit a study, as part of their appli-
44 cation, assessing the most appropriate mitigation and prevention strate-
45 gies for relevant waters of the state and best practices therefor, as
46 informed by the harmful algal bloom database created pursuant to subdi-
47 vision three of this section.

48 c. In determining which applicants shall be awarded grants pursuant to
49 this subdivision, first preference shall be given to applicants who
50 propose strategies that incorporate principles of least harm and great-
51 est safety to applicators, the public, and the environment, and utilize
52 passive or non-chemical physical controls, including but not limited to:

53 i. aeration;

54 ii. hydrological manipulations;

55 iii. mechanical mixing;

56 iv. reservoir drawdown or desiccation;

1 v. surface skimming;
2 vi. ultrasound; or
3 vii. other emerging technologies, as approved by the department.
4 d. In determining which applicants shall be awarded grants pursuant to
5 this subdivision, second preference shall be given to applicants who
6 demonstrate expertise with previous experience treating water bodies in
7 the United States larger than one thousand acres, with proven success
8 using accepted strategies, including but not limited to strategies that:
9 i. are aimed at reducing cyanotoxins in the water to less than harmful
10 levels;
11 ii. employ ready-to-use technology that is means tested, reproducible,
12 and generalizable, without limitation of size or shape of the water
13 body;
14 iii. employ technology which allows for application under emergency
15 situations and within less than ninety-six hours from approval;
16 iv. utilize products that are modular and can be used as a preventa-
17 tive measure;
18 v. utilize products that are quick and easy to apply and are generally
19 recognized as safe to the applicator, public, and environment;
20 vi. utilize products that float on the surface of the water and do not
21 sink immediately to the bottom of the water column;
22 vii. utilize products that are distributed autonomously across the
23 water body after a localized application;
24 viii. utilize products with a time-release mechanism that applies
25 constant and prolonged oxidative stress of the cyanobacteria triggered
26 by the programmed cell death signaling cascade, resulting in their
27 collapse; and
28 ix. utilize products manufactured in the United States.
29 e. The commissioner shall make monies available from the harmful algal
30 bloom monitoring and prevention fund, as established pursuant to section
31 ninety-nine-rr of the state finance law, within amounts appropriated
32 therefor, pursuant to this section.

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

35 § 99-rr. Harmful algal bloom monitoring and prevention fund. 1. There
36 is hereby established in the joint custody of the state comptroller and
37 commissioner of taxation and finance a special fund to be known as the
38 "harmful algal bloom monitoring and prevention fund".

39 2. Such fund shall consist of all revenues received by the comptroller
40 and all other moneys appropriated, credited, or transferred thereto from
41 the general fund or any other fund or source pursuant to law. Nothing
42 contained in this section shall prevent the state from receiving grants,
43 gifts, or bequests for the purposes of such fund and depositing them
44 into such fund according to law.

45 3. Moneys shall be paid out of the fund on the audit and warrant of
46 the comptroller on vouchers certified or approved by the commissioner of
47 environmental conservation or his or her designee.

48 4. Moneys of the fund shall be available to the commissioner of envi-
49 ronmental conservation for the harmful algal bloom monitoring and
50 prevention program established pursuant to section 15-0519 of the envi-
51 ronmental conservation law.

52 § 5. This act shall take effect one year after it shall have become a
53 law. Effective immediately, the addition, amendment and/or repeal of any
54 rule or regulation necessary for the implementation of this act on its
55 effective date are authorized to be made and completed on or before such
56 effective date.

PART YY

Section 1. The insurance law is amended by adding a new section 7013 to read as follows:

§ 7013. Captive insurance program for commuter vans, pre-arranged for-hire vehicles, and accessible vehicles. (a) The superintendent shall utilize and implement a captive insurance program for commuter vans, pre-arranged for-hire vehicles, and accessible vehicles that are engaged in the business of carrying or transporting passengers for hire. The program shall include, but shall not be limited to:

(1) identifying and licensing a captive insurance company or companies to provide necessary insurance coverage to commuter vans, pre-arranged for-hire vehicles, and accessible vehicles;

(2) standards for enrollment of eligible commuter vans, pre-arranged for-hire vehicles, and accessible vehicles including mechanisms for determining eligibility; and

(3) standards for monitoring the performance of such captive insurance company or companies in providing affordable insurance coverage to commuter vans, pre-arranged for-hire vehicles, and accessible vehicles participating in the program pursuant to subsection (c) of this section.

(b) For the purposes of this section, the following terms shall have the following meanings:

(1) "commuter van" shall mean a commuter van service having a seating capacity of nine passengers but not more than twenty-four passengers or such greater capacity as the superintendent may establish by rule and carrying passengers for hire. The term "commuter van" shall include, but not be limited to, shuttles and transportation vans.

(2) "pre-arranged for-hire vehicle" shall mean a motor vehicle that is used in the business of transporting passengers for compensation on a pre-arranged basis, and operated in such business under a license or permit issued by a licensing jurisdiction. Such term shall include, but not be limited to, small school buses pursuant to section one hundred forty-two or sixteen hundred forty-two-a of the vehicle and traffic law. The term "pre-arranged for-hire vehicle" shall apply to vehicles as defined in this paragraph regardless of any other provision of local law or rule defining or describing such vehicles by any other terms such as school bus, charter bus, livery, taxi, black car, or luxury limousine.

(3) "accessible vehicle" shall mean a vehicle that:

(A) complies with the accessibility requirements of the Americans with Disabilities Act of 1990, as amended, and the regulations promulgated thereunder;

(B) is equipped with a lift, ramp or any other device, arrangement or alteration, so it is capable of transporting individuals who use wheelchairs, scooters, or other mobility aids while they remain seated in their wheelchairs, scooters, or other mobility aids;

(C) is equipped with an assistive listening system for persons with hearing impairments that is connected with any intercom, video or audio system, when such a system is installed or designed and approved to provide service to persons with disabilities;

(D) is equipped with standardized signs printed in: (i) braille; and (ii) large-print text so that such signs are visible to persons with low vision;

(E) provides sufficient floor space to accommodate a service animal;

(F) if powered by a hybrid-electric motor, is equipped with an appropriate device to enable persons who are blind to hear the approach of

1 the vehicle as readily as they can hear a conventional gasoline-powered
2 vehicle;

3 (G) shall include, but not be limited to, "ambulette" which shall have
4 the same meaning set forth in 17 NYCRR Part 720.8 or "paratransit" vehi-
5 cle which means a special-purpose vehicle, designed and equipped to
6 provide nonemergency transport, that has wheelchair-carrying capacity,
7 stretcher-carrying capacity, or the ability to carry disabled persons as
8 defined in section fifteen-b of the transportation law.

9 (c) Insurance companies shall maintain requirements in accordance with
10 section three hundred seventy of the vehicle and traffic law. In addi-
11 tion, all no fault insurance related to commuter vans, pre-arranged
12 for-hire vehicles, and accessible vehicles insured in this program will
13 rely on the medical treatment guidelines promulgated in existing work-
14 ers' compensation law.

15 § 2. This act shall take effect immediately.

16 PART ZZ

17 Section 1. Section 1292 of the tax law, as added by section 18 of part
18 AAA of chapter 59 of the laws of 2017, is amended to read as follows:

19 § 1292. Imposition. (a) There is hereby imposed on every TNC a state
20 assessment fee of 4% of the gross trip fare of every TNC prearranged
21 trip provided by such TNC that originates anywhere in the state outside
22 the city and terminates anywhere in this state.

23 (b) There is additionally imposed on every TNC a supplemental state
24 assessment fee of one dollar on every TNC prearranged trip provided by
25 such TNC that originates anywhere in the state outside the metropolitan
26 commuter transportation district established by section twelve hundred
27 sixty-two of the public authorities law and terminates anywhere in this
28 state.

29 § 2. Section 1298 of the tax law, as added by section 18 of part AAA
30 of chapter 59 of the laws of 2017, is amended to read as follows:

31 § 1298. Deposit and disposition of revenue. (a) All taxes, fees,
32 interest and penalties collected or received by the commissioner under
33 paragraph (a) of section twelve hundred ninety-two of this article shall
34 be deposited and disposed of pursuant to the provisions of section one
35 hundred seventy-one-a of this chapter.

36 (b) All taxes, fees, interest and penalties collected or received by
37 the commissioner under paragraph (b) of section twelve hundred ninety-
38 two of this article for every TNC prearranged trip provided by such TNC
39 that originates anywhere in the state outside the metropolitan commuter
40 transportation district as established by section twelve hundred sixty-
41 two of the public authorities law shall be deposited and disposed into
42 the public transportation systems operating assistance account estab-
43 lished by section eighty-eight-a of the state finance law.

44 § 3. Paragraph (a) of subdivision 5 of section 88-a of the state
45 finance law, as added by chapter 481 of the laws of 1981, is amended to
46 read as follows:

47 (a) The "public transportation systems operating assistance account"
48 shall consist of revenues required to be deposited therein pursuant to
49 the provisions of section one hundred eighty-two-a of the tax law,
50 section twelve hundred ninety-two of the tax law, and all other moneys
51 credited or transferred thereto from any other fund or source pursuant
52 to law.

§ 4. This act shall take effect the first of June next succeeding the date on which it shall have become a law and shall apply to prearranged trips provided by TNCs on or after such date.

PART AAA

Section 1. Subdivisions 1 and 2 of section 71-0211 of the environmental conservation law, subdivision 1 as amended by chapter 60 of the laws of 1993, subdivision 2 as amended by chapter 460 of the laws of 1991, are amended to read as follows:

1. Notwithstanding any other provisions of law to the contrary, all fines and penalties collected pursuant to title nineteen of this article, except amounts required to be paid into the conservation fund pursuant to subdivision two of section 71-1929 of such title; title twenty-one of this article; title twenty-seven of this article, except amounts required to be paid into the hazardous waste remedial fund pursuant to subdivision two of section 71-2725 of such title; and title forty-one of this article shall be paid into the ~~[general fund to the credit of the state purposes account]~~ conservation fund to the credit of the conservation enforcement account established pursuant to subdivision (k) of section eighty-three of the state finance law.

2. Unless otherwise provided in this chapter, not later than the tenth day of each month, all fines, penalties and forfeitures collected for violations of this chapter or rules, regulations, local laws or ordinances adopted thereunder under judgment of any town or village court, shall be paid over by such court to the comptroller of the state, with a statement accompanying the same, setting forth the action or proceeding in which such moneys were collected, the name and residence of the defendant, the nature of the offense, and the fines and penalty imposed. The comptroller shall pay these funds into the ~~[general fund of the state]~~ conservation fund to the credit of the conservation enforcement account established pursuant to subdivision (k) of section eighty-three of the state finance law.

§ 2. Section 83 of the state finance law is amended by adding a new subdivision (k) to read as follows:

(k) All moneys, revenue, and interest thereon received and collected pursuant to titles nineteen, twenty-one and twenty-seven of article seventy-one of the environmental conservation law, and pursuant to section 71-0211 of the environmental conservation law, other than those amounts prescribed by law to be directed into other funds, shall be deposited in a special account within the conservation fund to be known as the conservation enforcement account. All of such moneys, revenues and interest shall be available to the department of environmental conservation, pursuant to appropriation, exclusively for funding the enforcement of the environmental conservation law, including funding for scientists, environmental law enforcement officers, attorneys, administrative support, and such other expenses the commissioner deems necessary for such enforcement. Such money shall be used to supplement and not supplant funding for the enforcement of the environmental conservation law as of the effective date of this subdivision.

§ 3. Subdivision 1 of section 71-0213 of the environmental conservation law, as added by section 1 of part DDD of chapter 59 of the laws of 2009, is amended to read as follows:

1. Whenever proceedings result in a conviction for an offense under this chapter there shall be levied, in addition to any sentence required or permitted by law, the following mandatory surcharges: (a) in the

1 amount of twenty-five dollars for violations of sportfishing regulations
2 set forth in 6 NYCRR 10; (b) in the amount of [~~seventy-five dollars~~] one
3 hundred twelve dollars and fifty cents for all other offenses under this
4 chapter provided, however, that convictions for offenses under articles
5 seventeen, nineteen or twenty-seven of this chapter shall be subject to
6 a mandatory surcharge equal to the greater of [~~seventy-five dollars~~] one
7 hundred twelve dollars and fifty cents or [~~six~~] nine percent of any
8 penalty or fine imposed. The mandatory surcharge shall be paid to the
9 clerk of the court who shall remit such mandatory surcharge to the state
10 comptroller provided, however, that in cases where the conviction was
11 rendered by a town or a village justice court, the clerk of such court
12 shall pay twenty-five dollars of such surcharge to the chief fiscal
13 officer of the town or village in the case of surcharges resulting from
14 paragraph (b) of this subdivision and ten dollars in the case of
15 surcharges resulting from paragraph (a) of this subdivision and shall
16 pay the remaining amounts of such mandatory surcharges to the state
17 comptroller in the same manner as provided in section 71-0211 of this
18 article. The comptroller shall pay such monies into the state treasury
19 to the [~~credit of the general fund~~] conservation fund to the credit of
20 the conservation enforcement account established pursuant to subdivision
21 (k) of section eighty-three of the state finance law.

22 § 4. Section 71-0301 of the environmental conservation law, as amended
23 by chapter 400 of the law of 1973, is amended to read as follows:

24 § 71-0301. Summary abatement.

25 Notwithstanding any inconsistent provisions of law, whenever the
26 commissioner finds, after investigation, that any person is causing,
27 engaging in or maintaining a condition or activity which, in [~~his~~] the
28 judgment of the commissioner, presents an imminent danger to the health
29 or welfare of the people of the state or results in or is likely to
30 result in irreversible or irreparable damage to natural resources, and
31 relates to the prevention and abatement powers of the commissioner and
32 it therefore appears to be prejudicial to the interests of the people of
33 the state to delay action until an opportunity for a hearing can be
34 provided, the commissioner may, without prior hearing, order such person
35 by notice, in writing wherever practicable or in such other form as in
36 the commissioner's judgment will reasonably notify such person whose
37 practices are intended to be proscribed, to discontinue, abate or alle-
38 viate such condition or activity, and thereupon such person shall imme-
39 diately discontinue, abate or alleviate such condition or activity. As
40 promptly as possible thereafter, not to exceed fifteen days, the commis-
41 sioner shall provide the person an opportunity to be heard and to pres-
42 ent proof that such condition or activity does not violate the
43 provisions of this section. The commissioner shall adopt any other
44 appropriate rules and regulations prescribing the procedure to be
45 followed in the issuance of such orders. Any person who violates any of
46 the provisions of, or who fails to perform any duty imposed by this
47 section, or any rule, regulation or order promulgated by the commission-
48 er hereunder, shall be liable to a civil penalty of not more than [~~twen-~~
49 ~~ty-five hundred~~] three thousand seven hundred fifty dollars for each
50 such violation and an additional penalty of not more than [~~five~~] seven
51 hundred fifty dollars for each day during which such violation contin-
52 ues, and, in addition thereto, such person may be enjoined from continu-
53 ing such violation. Penalties and injunctive relief provided herein
54 shall be recoverable in an action brought by the attorney general at the
55 request and in the name of the commissioner.

§ 5. Subdivisions 3 and 4 of section 71-0507 of the environmental conservation law, subdivision 3 as amended by chapter 400 of the laws of 1973, are amended to read as follows:

3. Moneys received by a town justice or a village justice in any action for a penalty brought under the provisions of this chapter listed in section 71-0501 of titles 5 through 15 inclusive and title 33 or upon the settlement or compromise thereof, or a fine for a violation of the provisions of this chapter listed in section 71-0501 and titles 5 through 15 inclusive and title 33 of this article shall be paid to the State Comptroller as provided in section 27 of the Town Law and section 4-410 of the village law. From the moneys so received, the State Comptroller shall pay all lawful fees for services rendered in such actions when instituted by order of the department or upon information of a conservation officer, regional and assistant regional conservation officer, special game protector, district ranger, forest ranger, or member of the state police. The balance of such moneys arising from penalties under articles 11 or 13 or title 9 of this article or upon the settlement or compromise thereof or from fines for violations of any of the provisions of articles 11 or 13 or title 9 of this article after the payment of lawful fees shall be credited by the Comptroller to the conservation fund. The Comptroller shall adjust and settle ~~his~~ their account with the conservation fund in the manner provided by section 99-a of the State Finance Law. The balance of all other such moneys after payment of lawful fees shall be credited by the Comptroller to the ~~[general fund]~~ conservation fund to the credit of the conservation enforcement account established pursuant to subdivision (k) of section eighty-three of the state finance law.

4. All moneys received by any other person or court in an action for a penalty brought under the provisions of this chapter listed in section 71-0501 and titles 5 through 15 inclusive and title 33 of this article or upon the settlement or compromise thereof, or a fine for a violation of the provisions of this chapter listed in section 71-0501 and titles 5 through 15 inclusive and title 33 of this article, shall be paid by such person or court to the department within thirty days after receipt thereof. The department shall pay the expenses of collection and the lawful fees of magistrates and constables for services performed in criminal actions brought upon information of a conservation officer, regional and assistant regional conservation officer, special game protector, district ranger, forest ranger, or member of the state police. Such moneys derived from fines or penalties for violations of articles 11 or 13 or title 9 of this article or from the settlement or compromise thereof shall be paid by the department to the Commissioner of Taxation and Finance and credited to the conservation fund. All other moneys so received by the department shall be paid to the Commissioner of Taxation and Finance and credited to the ~~[general fund]~~ conservation fund to the credit of the conservation enforcement account established pursuant to subdivision (k) of section eighty-three of the state finance law.

§ 6. Subdivisions 1, 2, 6, 9 and 10 of section 71-0703 of the environmental conservation law, subdivisions 1, 2 and 6 as amended by chapter 602 of the laws of 2003, subdivision 9 as added by chapter 267 of the laws of 2012 and subdivision 10 as added by chapter 330 of the laws of 2014, are amended to read as follows:

1. Except as otherwise provided in subdivision 4, 5, 6 or 7 of this section, any person who violates any provision of article 9 or the rules, regulations or orders promulgated pursuant thereto or the terms of any permit issued thereunder, or who fails to perform any duty

1 imposed by any provision thereof shall be guilty of a violation, and,
2 upon conviction, shall be punished by a fine of not more than [~~two~~
3 ~~hundred-fifty~~] three hundred seventy-five dollars, or by imprisonment
4 for not more than fifteen days, or by both such fine and imprisonment,
5 and in addition thereto shall be liable to a civil penalty of not less
6 than ten nor more than one hundred fifty dollars.

7 2. The violation of any of the provisions of the following sections
8 shall subject the person guilty thereof to the following civil penalties
9 in addition to the liability prescribed in subdivision 1 of this
10 section:

11 a. Section 9-1113 of this chapter, [~~two~~] three dollars per tree;

12 b. Subdivision 3 of section 9-1105 of this chapter, [~~twenty-five~~]
13 thirty-seven dollars and fifty cents per day;

14 c. Subdivision 4 of section 9-1105 of this chapter, and subdivision 1
15 of section 9-1117 of this chapter, [~~ten~~] fifteen dollars per mile per
16 day;

17 d. Section 9-1115 of this chapter, [~~ten~~] fifteen dollars per mile;

18 e. Subdivision 2 of section 9-1117 of this chapter, one hundred fifty
19 dollars per each offense; and

20 f. Section 9-1119 of this chapter, one hundred fifty dollars per day
21 per locomotive.

22 With respect to the penalty for violation of subdivision 4 of section
23 9-1105 of this chapter, the owner and every person engaged in such
24 cutting shall be liable therefor; however, the liability for penalty
25 shall not arise until the expiration of twenty days after service,
26 personally or by mail upon the alleged violator at [~~his~~] their last
27 known place of residence of a written notice of failure to comply with
28 the requirements of subdivision 4 of section 9-1105 of this chapter.

29 6. (a) In addition to any other penalty provided by law, any person
30 who violates subdivision 1 of section 9-0303 of this chapter shall be
31 liable to a civil penalty of [~~two hundred-fifty~~] three hundred seventy-
32 five dollars per tree or treble damages, based on the stumpage value of
33 such tree or both. Where the order or decision finds that the defendant
34 established by clear and convincing evidence, that when such defendant
35 committed the violation, [~~he or she~~] they had cause to believe that the
36 land was [~~his or her~~] their own, or that [~~he or she~~] such defendant had
37 an easement or right of way across such land which permitted such
38 action, damages shall be awarded on the basis of the stumpage value of
39 such tree or trees in the market as if they were privately owned.
40 Notwithstanding the foregoing, this section shall not be construed to
41 authorize the cutting of timber or removal of trees where such action
42 would otherwise be violative of any provision of the state constitution
43 or law.

44 (b) In addition to any other penalty provided by law, a person who
45 violates section 9-1501 of this chapter shall be liable for a civil
46 penalty of [~~two hundred-fifty~~] three hundred seventy-five dollars per
47 tree or treble damages or both, based on the stumpage value of such tree
48 or trees. Where the order or decision finds that the defendant estab-
49 lished by clear and convincing evidence, that when such defendant
50 committed the violation, [~~he or she~~] they had cause to believe that the
51 land was [~~his or her~~] their own or that [~~he or she~~] such defendant had
52 an easement or right of way across such land which permitted such
53 action, damages shall be awarded on the basis of the stumpage value of
54 such tree or trees. Notwithstanding the foregoing, this section shall
55 not be construed to authorize the cutting of timber or removal of trees

1 where such action would otherwise be violative of any provision of the
2 state constitution or law.

3 (c) For purposes of this subdivision, "stumpage value" shall mean the
4 current fair market value of a tree as it stands prior to the time of
5 sale, cutting, or removal. Stumpage value shall be determined by one or
6 more of the following methods: the sale price of the tree in an arm's-
7 length sale, a review of solicited bids, the stumpage price report
8 prepared by the department of environmental conservation, comparison
9 with like sales on trees on state or private lands, or other appropriate
10 means to assure that a fair market value is established within an
11 acceptable range based on the appropriate geographic area.

12 9. a. Any person who transports, sells, imports or introduces invasive
13 species, in violation of the regulations promulgated pursuant to section
14 9-1709 of this chapter shall be subject to the following:

15 For any first violation in lieu of a penalty there may be issued a
16 written warning by the department and there may also be issued education
17 materials at the discretion of the department regarding requirements
18 related to invasive species. Such person shall, however, for any subse-
19 quent violation thereafter be subject to a fine of no less than [~~two~~
20 ~~hundred-fifty~~] three hundred seventy-five dollars.

21 b. Any nursery grower licensed pursuant to article fourteen of the
22 agriculture and markets law, any person who owns or operates a public
23 vessel as such term is defined in paragraph (a) of subdivision six of
24 section two of the navigation law, or any person who owns or operates a
25 commercial fishing vessel who transports, sells, imports or introduces
26 invasive species in violation of the regulations promulgated pursuant to
27 section 9-1709 of this chapter, shall be subject to a fine of not less
28 than [~~six~~] nine hundred dollars upon the first penalty. Upon the second
29 penalty such person shall be subject to a fine of not less than [~~two~~]
30 three thousand dollars. Upon a subsequent penalty and after a hearing or
31 opportunity to be heard upon due notice the following penalties may
32 apply: (i) such nursery grower may be subject to the revocation proce-
33 dures of section one hundred sixty-three-c of the agriculture and
34 markets law (ii) such person's vessel registration may be suspended or
35 (iii) such person's fishing permit may be revoked by the department.

36 10. Any person who violates section 9-1710 of this chapter shall be
37 guilty of a violation and shall be punishable and liable to a civil
38 penalty as provided in subdivision one of this section, provided, howev-
39 er, that for any first violation in lieu of a penalty there shall be
40 issued a written warning by the department and there shall also be
41 issued education materials at the discretion of the department regarding
42 requirements related to invasive species. Such person shall be subject
43 to a fine of up to [~~one hundred-fifty~~] two hundred seventy-five dollars
44 for a second offense, up to [~~two hundred-fifty~~] three hundred seventy-
45 five dollars for a third offense, and no less than [~~two hundred-fifty~~]
46 three hundred seventy-five dollars nor more than [~~one thousand~~] five
47 hundred dollars for a fourth or subsequent offense.

48 § 7. Section 71-0707 of the environmental conservation law is amended
49 to read as follows:

50 § 71-0707. Resisting or obstructing departmental agent or employee.

51 Any person who resists or obstructs an authorized agent or employee of
52 the department while [~~he~~] such agent or employee is engaged in carrying
53 out any provision of section 9-0305 shall be guilty of a violation which
54 shall be punishable by a fine not exceeding one hundred fifty dollars
55 and by an additional fine [~~of~~] not exceeding [~~twenty-five~~] thirty-seven

1 dollars and fifty cents for each additional day of such resistance or
2 obstruction.

3 § 8. Section 71-0709 of the environmental conservation law, as amended
4 by chapter 640 of the laws of 1977, is amended to read as follows:

5 § 71-0709. Injury to state lands.

6 Any person who intentionally or negligently causes a fire which burns
7 on or over state lands shall be liable to the state for treble damages
8 and, in addition, to a civil penalty of [~~ten~~] fifteen dollars for every
9 tree killed or destroyed by such fire. Damages to state lands and timber
10 shall be ascertained and determined at the same rate of value as if such
11 property were privately owned.

12 § 9. Section 71-0711 of the environmental conservation law, as amended
13 by chapter 640 of the laws of 1977, is amended to read as follows:

14 § 71-0711. Injury to municipal or private lands.

15 Any person who causes a fire which burns on or over lands belonging to
16 another person or to a municipality shall be liable to the party injured
17 (a) for actual damages in case of fire negligently caused or (b) for the
18 higher of actual damages or damages at the rate of [~~five~~] seven dollars
19 and fifty cents for each tree killed or destroyed in case of fire
20 wilfully caused.

21 § 10. Section 71-1105 of the environmental conservation law, as
22 amended by chapter 99 of the laws of 2010, is amended to read as
23 follows:

24 § 71-1105. Enforcement of subdivision 4 of section 15-0313.

25 Any violation of subdivision 4 of section 15-0313 shall be a
26 violation, punishable by a fine of not more than [~~one thousand eight~~]
27 two thousand seven hundred dollars, and in addition thereto, by a civil
28 penalty of not more than [~~one thousand eight~~] two thousand seven hundred
29 dollars.

30 § 11. Section 71-1107 of the environmental conservation law, as
31 amended by chapter 640 of the laws of 1977, is amended to read as
32 follows:

33 § 71-1107. Punishment for violations of title 5 of article 15.

34 1. A violation of section 15-0501, 15-0503 or 15-0505, shall consti-
35 tute a misdemeanor, punishable by a fine of not to exceed [~~ten~~] fifteen
36 thousand dollars, or by imprisonment not to exceed one year or by both
37 such fine and imprisonment and, in addition thereto, by a civil penalty
38 of not more than [~~five thousand~~] seven thousand five hundred dollars.

39 2. A subcontractor, employee or agent of such person or public corpo-
40 ration, or of a state department who knowingly and intentionally acts,
41 or a prime contractor of such person, public corporation or state
42 department who acts with or without an intention to violate the
43 provisions of title 5 of article 15, in disregard of specifications
44 provided in a construction contract protecting against stream damage,
45 shall be guilty of a violation punishable by a fine of not less than
46 [~~twenty-five~~] thirty-seven dollars and fifty cents, nor more than [~~two~~
47 ~~hundred-fifty~~] three hundred seventy-five dollars, or by imprisonment
48 for not more than fifteen days, or by both such fine and imprisonment,
49 and, in addition, thereto, by a civil penalty of not more than [~~five~~
50 ~~thousand~~] seven thousand five hundred dollars.

51 § 12. Section 71-1109 of the environmental conservation law, as
52 amended by chapter 364 of the laws of 1999, is amended to read as
53 follows:

54 § 71-1109. Enforcement of subdivisions 1 and 4 of section 15-0507.

55 1. Any owner violating subdivision 1 of section 15-0507 or any regu-
56 lations promulgated pursuant thereto may be liable for a penalty not to

1 exceed [~~five~~] seven hundred fifty dollars for each and every offense;
2 every violation of such subdivision shall be a separate and distinct
3 offense; and in case of a continuing violation, every day's continuance
4 thereof shall be deemed a separate and distinct offense.

5 2. Any owner violating subdivision 4 of section 15-0507 may be liable
6 for a penalty not to exceed [~~five-thousand~~] seven thousand five hundred
7 dollars for each and every offense; every violation of an order referred
8 to in such subdivision shall be a separate and distinct offense; and in
9 case of a continuing violation, every day's continuance thereof shall be
10 deemed a separate and distinct offense.

11 § 13. Section 71-1111 of the environmental conservation law, as
12 amended by chapter 364 of the laws of 1999, is amended to read as
13 follows:

14 § 71-1111. Enforcement of subdivision 3 of section 15-0511.

15 Any person or local public corporation violating subdivision 3 of
16 section 15-0511 may be liable for a penalty not to exceed [~~five-thou-~~
17 ~~sand~~] seven thousand five hundred dollars for each and every offense;
18 every violation of an order referred to in such subdivision shall be a
19 separate and distinct offense; and in case of a continuing violation,
20 every day's continuance thereof shall be deemed a separate and distinct
21 offense.

22 § 14. Subdivision 2 of section 71-1113 of the environmental conserva-
23 tion law, as added by chapter 356 of the laws of 1985, is amended to
24 read as follows:

25 2. Any person who violates the provisions of section 15-1506 of this
26 chapter or the rules, regulations, orders or determinations of the
27 commissioner promulgated thereto or the terms of any permit issued ther-
28 eunder, shall be liable for a civil penalty not less than [~~twenty-five~~]
29 three thousand seven hundred fifty dollars nor more than [~~ten~~] fifteen
30 thousand dollars per day of such violation.

31 § 15. Section 71-1115 of the environmental conservation law, as
32 amended by chapter 640 of the laws of 1977, is amended to read as
33 follows:

34 § 71-1115. Enforcement of section 15-1525.

35 Any person violating the provisions of section 15-1525 shall be guilty
36 of a violation punishable by a fine of not more than one thousand five
37 hundred dollars, and in addition thereto, shall be liable for a civil
38 penalty of not more than [~~fifteen-hundred~~] two thousand two hundred
39 fifty dollars.

40 § 16. Subdivisions 1 and 2 of section 71-1117 of the environmental
41 conservation law, as amended by chapter 640 of the laws of 1977, are
42 amended to read as follows:

43 1. Any person or public corporation violating subdivision 1 of section
44 15-1745, shall be guilty of a violation punishable by a fine of not more
45 than [~~five-thousand~~] seven thousand five hundred dollars.

46 2. In addition, the department may, in an action instituted by it in
47 any court of competent jurisdiction, recover from any such person or
48 public corporation the sum of [~~one-hundred-fifty~~] two hundred twenty-
49 five dollars per day for each day that such person or public corporation
50 continues to take, draw, divert or make use of any part or portion of
51 such waters.

52 § 17. Section 71-1121 of the environmental conservation law, as
53 amended by chapter 640 of the laws of 1977, is amended to read as
54 follows:

55 § 71-1121. Enforcement of subdivision 2 of section 15-1947.

1 Violation of subdivision 2 of section 15-1947 shall constitute a
2 violation, punishable by a fine of not more than one thousand five
3 hundred dollars, and in addition thereto, a civil penalty of not more
4 than [~~fifteen hundred~~] two thousand two hundred fifty dollars.

5 § 18. Section 71-1123 of the environmental conservation law, as
6 amended by chapter 640 of the laws of 1977, is amended to read as
7 follows:

8 § 71-1123. Enforcement of section 15-2133.

9 1. Any neglect of the provisions of section 15-2133 by any officer or
10 person in charge of any reservoir shall be a violation punishable by a
11 fine of not more than one thousand five hundred dollars, and in addition
12 thereto, by a civil penalty of not more than [~~fifteen hundred~~] two thou-
13 sand two hundred fifty dollars.

14 2. Any person violating the provisions of subdivision 3 of section
15 15-2133 shall be guilty of a violation punishable by a fine of not more
16 than one thousand five hundred dollars, and in addition thereto, shall
17 be liable for a civil penalty of not more than [~~fifteen hundred~~] two
18 thousand two hundred fifty dollars.

19 § 19. Section 71-1125 of the environmental conservation law, as
20 amended by chapter 640 of the laws of 1977, is amended to read as
21 follows:

22 § 71-1125. Enforcement of section 15-2315.

23 Any person who violates the provisions of the first sentence of
24 section 15-2315 shall be guilty of a violation punishable by a fine of
25 not more than one thousand five hundred dollars, and in addition there-
26 to, shall be liable for a civil penalty of not more than [~~fifteen~~
27 ~~hundred~~] two thousand two hundred fifty dollars.

28 § 20. Subdivision 1 of section 71-1127 of the environmental conserva-
29 tion law, as amended by chapter 401 of the laws of 2011, is amended to
30 read as follows:

31 1. Any person who violates any of the provisions of, or who fails to
32 perform any duty imposed by article 15 except section 15-1713, or who
33 violates or who fails to comply with any rule, regulation, determination
34 or order of the department heretofore or hereafter promulgated pursuant
35 to article 15 except section 15-1713, or any condition of a permit
36 issued pursuant to article 15 of this chapter, or any determination or
37 order of the former water resources commission or the department hereto-
38 fore promulgated pursuant to former article 5 of the Conservation Law,
39 shall be liable for a civil penalty of not more than [~~two thousand five~~]
40 three thousand seven hundred fifty dollars for such violation and an
41 additional civil penalty of not more than [~~five~~] seven hundred fifty
42 dollars for each day during which such violation continues, and, in
43 addition thereto, such person may be enjoined from continuing such
44 violation as otherwise provided in article 15 except section 15-1713.

45 § 21. Section 71-1131 of the environmental conservation law, as added
46 by chapter 640 of the laws of 1977, is amended to read as follows:

47 § 71-1131. Violations; criminal liability.

48 Except as otherwise specifically provided, any person who violates any
49 of the provisions of article 15 of this chapter, or any rule, regulation
50 or order promulgated pursuant thereto, or the terms of any permit issued
51 thereunder shall be guilty of a violation punishable by a fine of not
52 more than [~~five~~] seven hundred fifty dollars.

53 § 22. Section 71-1203 of the environmental conservation law, as added
54 by chapter 384 of the laws of 1983, is amended to read as follows:

55 § 71-1203. Penalties.

1 Any person who violates the provisions of article twenty-two of this
2 chapter shall be subject to a civil penalty not to exceed [~~ten~~] fifteen
3 thousand dollars for each day during which such violation occurred;
4 provided, however, that the total penalty to be imposed shall not exceed
5 one million five hundred thousand dollars.

6 § 23. Subdivisions 1 and 3 of section 71-1307 of the environmental
7 conservation law, as amended by chapter 99 of the laws of 2010, are
8 amended to read as follows:

9 1. Administrative sanctions. Any person who violates any provision of
10 article 23 of this chapter or commits any offense described in section
11 71-1305 of this title shall be liable to the people of the state for a
12 civil penalty not to exceed [~~eight~~] twelve thousand dollars and an addi-
13 tional penalty of [~~two~~] three thousand dollars for each day during which
14 such violation continues, to be assessed by the commissioner after a
15 hearing or opportunity to be heard. The commissioner, acting by the
16 attorney general, may bring suit for collection of such assessed civil
17 penalty in any court of competent jurisdiction. Such civil penalty may
18 be released or compromised by the commissioner before the matter has
19 been referred to the attorney general; and where such matter has been
20 referred to the attorney general, any such penalty may be released or
21 compromised and any action commenced to recover the same may be settled
22 and discontinued by the attorney general with the consent of the commis-
23 sioner. In addition, the commissioner shall have the power, following a
24 hearing conducted pursuant to rules and regulations adopted by the
25 department, to direct the violator to cease the violation and reclaim
26 and repair the affected site to a condition acceptable to the commis-
27 sioner, to the extent possible within a reasonable time and under the
28 direction and supervision of the commissioner. Any such order of the
29 commissioner shall be enforceable in any action brought by the commis-
30 sioner in any court of competent jurisdiction. Any civil penalty or
31 order issued by the commissioner under this subdivision shall be review-
32 able in a proceeding under article seventy-eight of the civil practice
33 law and rules.

34 3. Criminal sanctions. Any person who, having any of the culpable
35 mental states defined in sections 15.05 and 20.20 of the penal law,
36 violates any provision of article 23 of this chapter or commits any
37 offense described in section 71-1305 of this title shall be guilty of a
38 misdemeanor and, upon conviction thereof, shall be punished by a fine
39 not to exceed one thousand dollars for each day during which such
40 violation continues or by imprisonment for a term of not more than one
41 year, or by both such fine and imprisonment. If the conviction is for a
42 subsequent offense committed after a first conviction of such person
43 under this subdivision, punishment shall be by a fine not to exceed
44 [~~eight~~] twelve thousand dollars for each day during which such violation
45 continues or by imprisonment for a term of not more than one year, or by
46 both such fine and imprisonment.

47 § 24. Subdivision 1 of section 71-1707 of the environmental conserva-
48 tion law is amended to read as follows:

49 1. Any person who violates, disobeys or disregards any term or
50 provision of this chapter listed in section 71-1701, or of titles 17
51 through 21 inclusive of this article or of any lawful notice, order or
52 regulation pursuant thereto for which a civil penalty is not otherwise
53 expressly prescribed by law, shall be liable to the people of the state
54 for a civil penalty of not to exceed one thousand five hundred dollars
55 for every such violation.

1 § 25. Section 71-1711 of the environmental conservation law is amended
2 to read as follows:

3 § 71-1711. Willful violation of health laws.

4 1. A person who willfully violates or refuses or omits to comply with
5 any lawful order or regulation prescribed by any local board of health
6 or local health officer, is guilty of a misdemeanor; except, however,
7 that where such order or regulation applies to a tenant with respect to
8 ~~[his]~~ such tenant's own dwelling unit or to an owner occupied one or two
9 family dwelling, such person is guilty of an offense for the first
10 violation punishable by a fine not to exceed ~~[fifty]~~ seventy-five
11 dollars and for a second or subsequent violation is guilty of a misde-
12 meanor punishable by a fine not to exceed ~~[five]~~ seven hundred fifty
13 dollars or by imprisonment not to exceed six months or by both such fine
14 and imprisonment.

15 2. A person who willfully violates any provision of this chapter list-
16 ed in section 71-1701, or of titles 17 through 21 inclusive of this
17 article, or any regulation lawfully made or established by any public
18 officer or board under authority of such provisions, the punishment for
19 violating which is not otherwise prescribed by such provisions or any
20 other law, is punishable by imprisonment not exceeding one year, or by a
21 fine not exceeding ~~[two]~~ three thousand dollars or by both.

22 § 26. Section 71-1725 of the environmental conservation law, as
23 amended by chapter 400 of the laws of 1973, is amended to read as
24 follows:

25 § 71-1725. Assessment of Penalties.

26 The commissioner may assess any penalty prescribed for a violation of
27 or a failure to comply with any provision contained in this title or
28 listed in section 71-1701, or any lawful notice, order or regulation
29 prescribed by the commissioner under any such provision, one thousand
30 five hundred dollars for every such violation or failure, which penalty
31 may be assessed after a hearing or an opportunity to be heard.

32 § 27. Section 71-1905 of the environmental conservation law is amended
33 to read as follows:

34 § 71-1905. Enforcement of section 17-1705.

35 Any person violating any provision of section 17-1705 shall forfeit to
36 the county where the violation occurred the sum of ~~[fifty]~~ seventy-five
37 dollars for every such violation.

38 § 28. Subdivision 1 of section 71-1907 of the environmental conserva-
39 tion law is amended to read as follows:

40 1. Every person violating any provision of section 17-1707 shall
41 forfeit to the municipality having a local board of health where the
42 violation occurs the sum of ~~[twenty-five]~~ thirty-seven dollars and fifty
43 cents for the first day when the violation takes place, and the sum of
44 ~~[ten]~~ fifteen dollars for every subsequent day that such violation is
45 repeated or continued.

46 § 29. Subdivision 2 of section 71-1909 of the environmental conserva-
47 tion law, as amended by section 35 of part C of chapter 62 of the laws
48 of 2003, is amended to read as follows:

49 2. Any person violating any provision of section 17-1709 shall be
50 guilty of a misdemeanor, and punishable by a fine of not more than
51 ~~[seven hundred fifty]~~ one thousand one hundred twenty-five dollars or by
52 imprisonment for not more than one year or by both such fine and impri-
53 sonment.

54 § 30. Section 71-1911 of the environmental conservation law, as
55 amended by section 36 of part C of chapter 62 of the laws of 2003, is
56 amended to read as follows:

1 § 71-1911. Enforcement of section 17-1711.

2 Any person violating any provision of section 17-1711 shall be guilty
3 of an offense, and punishable by a fine of not more than [~~seventy-five~~
4 one hundred twelve dollars and fifty cents].

5 § 31. Subdivision 2 of section 71-1913 of the environmental conserva-
6 tion law is amended to read as follows:

7 2. Any person violating any provision of section 17-1713 shall be
8 guilty of a misdemeanor, and punishable by a fine of not more than
9 [~~five~~ seven hundred fifty dollars or by imprisonment for not more than
10 one year or by both such fine and imprisonment.

11 § 32. Subdivision 1 of section 71-1915 of the environmental conserva-
12 tion law is amended to read as follows:

13 1. Any person violating any provision of section 17-1715 shall be
14 guilty of a misdemeanor, and punishable by a fine of not more than
15 [~~five~~ seven hundred fifty dollars or by imprisonment for not more than
16 one year or by both such fine and imprisonment.

17 § 33. Subdivision 1 of section 71-1921 of the environmental conserva-
18 tion law is amended to read as follows:

19 1. Any person putting in or constructing or maintaining a conduit,
20 discharge pipe or other means of discharging or casting any refuse or
21 waste matter in violation of section 17-1729 shall forfeit to the people
22 of the state [~~five~~ seven dollars and fifty cents a day for each day the
23 same is used or maintained for such purpose, to be collected in an
24 action brought by the commissioner.

25 § 34. Subdivision 1 of section 71-1929 of the environmental conserva-
26 tion law, as amended by section 37 of part C of chapter 62 of the laws
27 of 2003, is amended to read as follows:

28 1. A person who violates any of the provisions of, or who fails to
29 perform any duty imposed by titles 1 through 11 inclusive and title 19
30 of article 17, or the rules, regulations, orders or determinations of
31 the commissioner promulgated thereto or the terms of any permit issued
32 thereunder, shall be liable to a penalty of not to exceed [~~thirty-seven~~
33 thousand five hundred] fifty-six thousand two hundred fifty dollars per
34 day for each violation, and, in addition thereto, such person may be
35 enjoined from continuing such violation as hereinafter provided.
36 Violation of a permit condition shall constitute grounds for revocation
37 of such permit, which revocation may be accomplished either as provided
38 in paragraph f of subdivision 4 of section 17-0303 or by order of judg-
39 ment of the supreme court as an alternate or additional civil penalty in
40 an action brought pursuant to subdivision 3 of this section.

41 § 35. Subdivision 1 and subparagraphs i, ii, iii and iv of paragraph b
42 of subdivision 8 of section 71-1933 of the environmental conservation
43 law, subdivision 1 as amended by section 38 and subparagraphs i, ii, iii
44 and iv of paragraph b of subdivision 8 as amended by section 39 of part
45 C of chapter 62 of the laws of 2003, are amended to read as follows:

46 1. Any person who, having any of the culpable mental states defined in
47 section 15.05 of the penal law, shall violate any of the provisions of
48 titles 1 through 5, 9 through 11 and 19 of article 17 or the rules,
49 regulations, orders or determinations of the commissioner promulgated
50 thereto, or the terms of any permit issued thereunder, shall be guilty
51 of a misdemeanor and, upon conviction thereof, shall be punished by a
52 fine of not less than [~~three thousand seven hundred fifty~~ five thousand
53 six hundred twenty-five dollars nor more than [~~thirty-seven thousand~~
54 five hundred] fifty-six thousand two hundred fifty dollars per day of
55 violation or by imprisonment for a term of not more than one year, or by
56 both such fine and imprisonment. If the conviction is for an offense

committed after a first conviction of such person under this subdivision, punishment shall be by a fine of not more than [~~seventy-five thousand~~] one hundred twelve thousand five hundred dollars per day of violation, or by imprisonment for not more than two years, or by both.

i. [~~\$750,000~~] \$1,125,000 for a class C felony committed by an organization as defined in section 71-1932 of this title;

ii. [~~\$375,000~~] \$562,500 for a class C felony;

iii. [~~\$75,000~~] \$112,500 per day of continuing violation for a class E felony defined under subdivision four of this section but in no event less than [~~\$7,500~~] \$11,250; and [~~\$15,000~~] \$22,500 for a class E felony defined under subdivision seven of this section;

iv. [~~\$37,500~~] \$56,250 per day of continuing violation for a class A misdemeanor but in no event less than [~~\$3,750~~] \$5,625.

§ 36. Paragraph b of subdivision 3 of section 71-1939 of the environmental conservation law, as added by chapter 543 of the laws of 2010, is amended to read as follows:

b. All fines and penalties collected pursuant to this subdivision shall be paid to the district or county, provided, however, that one-quarter of such fines and penalties received shall be paid to the [~~general fund to the credit of the state purposes account~~] conservation fund to the credit of the conservation enforcement account established pursuant to subdivision (k) of section eighty-three of the state finance law.

§ 37. Subdivision 1 of section 71-1941 of the environmental conservation law, as amended by section 40 of part C of chapter 62 of the laws of 2003, is amended to read as follows:

1. Except where the owner of or a person in actual or constructive possession or control of more than one thousand one hundred gallons, in bulk, of any liquid including petroleum which, if released, would or would be likely to pollute the lands or waters of the state including the groundwaters thereof can prove that the entry or presence of any part of such liquid onto such lands or into or in such waters causing or contributing to a condition therein in contravention of the standards adopted or deemed adopted by the water pollution control board or any of its legal successors was caused solely by (A) an act of God, (B) an act of war, (C) negligence on the part of the United States or New York State Government or (D) an act or omission of a third party without regard to whether any such act or omission was or was not negligent, or any combination of the foregoing clauses, such owner or person shall be liable for a penalty of not more than [~~three thousand seven hundred fifty~~] five thousand six hundred twenty-five dollars for an initial incident resulting in or contributing to such a contravention and for an additional penalty not to exceed [~~seven hundred fifty~~] one thousand one hundred twenty-five dollars for each day during which such contravention or contribution thereto continues, and in addition shall be liable to the people of the state of New York for the actual costs incurred by or on behalf of the people of the state for the removal or neutralization of such liquid and for any and all reasonable measures taken or attempted to reduce, limit or diminish the extent or effect of such contravention.

§ 38. Section 71-1943 of the environmental conservation law, as amended by section 41 of part C of chapter 62 of the laws of 2003, is amended to read as follows:

§ 71-1943. Enforcement of section 17-1743.

Any person who fails to so notify the department of such release, discharge or spill into the waters of the state as described in section

1 17-1743 of this chapter shall, upon conviction, be fined not more than
2 [~~three thousand seven hundred fifty~~] five thousand six hundred twenty-
3 five dollars or imprisoned for not more than one year, or both.

4 § 39. Section 71-1945 of the environmental conservation law, as added
5 by chapter 205 of the laws of 2010, is amended to read as follows:

6 § 71-1945. Enforcement of title 21 of article 17.

7 1. Except as otherwise provided in this section, any person who
8 violates any provision of title 21 of article 17 of this chapter or any
9 rule, regulation or order issued thereunder shall be liable to the
10 people of the state for a civil penalty not to exceed [~~five~~] seven
11 hundred fifty dollars for a first violation, and not to exceed one thou-
12 sand five hundred dollars for each subsequent violation, to be assessed
13 by the commissioner after a hearing or opportunity to be heard.

14 2. Any owner or owner's agent, or occupant of a household who violates
15 any provision of title 21 of article 17 of this chapter or any rule,
16 regulation or order issued thereunder shall, for a first violation be
17 issued a written warning and be provided educational materials. Upon a
18 second violation, the owner or owner's agent, or occupant of a household
19 shall be liable to the people of the state for a civil penalty not to
20 exceed one hundred fifty dollars, and for any subsequent violations
21 shall be liable to the people of the state for a civil penalty not to
22 exceed [~~two hundred fifty~~] three hundred twenty-five dollars. No owner
23 or owner's agent of a household shall be held liable for any violation
24 by an occupant. Such penalties may be assessed by the commissioner after
25 a hearing or opportunity to be heard.

26 § 40. Subdivision 1 of section 71-2103 of the environmental conserva-
27 tion law, as amended by chapter 99 of the laws of 2010, is amended to
28 read as follows:

29 1. Except as provided in section 71-2113, any person who violates any
30 provision of article nineteen or any code, rule or regulation which was
31 promulgated pursuant thereto; or any order except an order directing
32 such person to pay a penalty by a specified date issued by the commis-
33 sioner pursuant thereto, shall be liable, in the case of a first
34 violation, for a penalty not less than [~~five~~] seven hundred fifty
35 dollars nor more than [~~eighteen~~] twenty-seven thousand dollars for said
36 violation and an additional penalty of not to exceed [~~fifteen thousand~~]
37 twenty thousand five hundred dollars for each day during which such
38 violation continues. In the case of a second or any further violation,
39 the liability shall be for a penalty not to exceed [~~twenty-six~~] thirty-
40 nine thousand dollars for said violation and an additional penalty not
41 to exceed [~~twenty-two thousand five hundred~~] thirty-three thousand seven
42 hundred fifty dollars for each day during which such violation contin-
43 ues. In addition thereto, such person may be enjoined from continuing
44 such violation as hereinafter provided.

45 § 41. Subdivision 1 of section 71-2105 of the environmental conserva-
46 tion law, as amended by chapter 99 of the laws of 2010, is amended to
47 read as follows:

48 1. Except as provided in section 71-2113, any person who shall wilful-
49 ly violate any of the provisions of article 19 or any code, rule or
50 regulation promulgated pursuant thereto or any final determination or
51 order of the commissioner made pursuant to article 19 shall be guilty of
52 a misdemeanor, and, upon conviction thereof, shall be punished by a
53 fine, in the case of a first conviction, of not less than [~~five~~] seven
54 hundred fifty dollars nor more than [~~eighteen~~] twenty-seven thousand
55 dollars or by imprisonment for a term of not more than one year, or by
56 both such fine and imprisonment, for each separate violation. If the

conviction is for an offense committed after the first conviction of such person under this subdivision, such person shall be punished by a fine not to exceed [~~twenty-six~~] thirty-nine thousand dollars, or by imprisonment, or by both such fine and imprisonment. Each day on which such violation occurs shall constitute a separate violation.

§ 42. Section 71-2111 of the environmental conservation law, as added by chapter 400 of the laws of 1973, is amended to read as follows:

§ 71-2111. Enforcement of air pollution emergency rules and regulations.

Any person who violates any of the provisions of any regulation promulgated by the commissioner under authority of paragraph y of subdivision one of section 3-0301 shall be liable for a civil penalty of not more than [~~twenty-five~~] three thousand seven hundred fifty dollars for each such violation and an additional penalty of not more than [~~five~~] seven hundred fifty dollars for each day during which such violation continues, and, in addition thereto, such persons may be enjoined from continuing such violation. Penalties and injunctive relief provided herein shall be recoverable in an action brought by the attorney general at the request and in the name of the commissioner.

§ 43. Section 71-2113 of the environmental conservation law, as added by chapter 942 of the laws of 1984, subdivision 1 as amended by section 23 and subdivision 2 as amended by section 24 of part C of chapter 62 of the laws of 2003, is amended to read as follows:

§ 71-2113. Violations of section 19-0304 of article 19 of this chapter.

1. Civil and administrative sanctions. Any person who violates any of the provisions of, or who fails to perform any duty imposed by section 19-0304 of this chapter, or any rule or regulation promulgated pursuant thereto, or any term or condition of any certificate or permit issued pursuant thereto, or any final determination or order of the commissioner made pursuant to article 19 of this chapter concerning a violation of section 19-0304 of this chapter shall be liable in the case of a first violation, for a civil penalty not to exceed [~~thirty-seven thousand five hundred~~] fifty-six thousand two hundred fifty dollars and an additional penalty of not more than [~~thirty-seven thousand five hundred~~] fifty-six thousand two hundred fifty dollars for each day during which such violation continues, to be assessed by the commissioner after an opportunity to be heard pursuant to the provisions of section 71-1709 of this article, or by the court in any action or proceeding pursuant to section 71-2107 of this title, and, in addition thereto, such person may by similar process be enjoined from continuing such violation and any permit or certificate issued to such person may be revoked or suspended or a pending renewal application denied. In the case of a second and any further violation, the liability shall be for a civil penalty not to exceed [~~seventy-five~~] one hundred twelve thousand five hundred dollars for each such violation and an additional penalty not to exceed seventy-five thousand dollars for each day during which such violation continues.

2. Criminal sanctions. Any person who, having any of the culpable mental states defined in section 15.05 of the penal law, shall violate any of the provisions of or who fails to perform any duty imposed by section 19-0304 of this chapter, or any rules and regulations promulgated pursuant thereto, or any term or condition of any certificate or permit issued pursuant thereto, or any final determination or order of the commissioner made pursuant to article 19 of this chapter concerning a violation of section 19-0304 of this chapter shall be guilty of a misdemeanor and, upon conviction thereof, shall for a first conviction be punished by a fine not to exceed [~~thirty-seven thousand five hundred~~]

1 fifty-six thousand two hundred fifty dollars per day of violation or by
2 imprisonment for a term of not more than one year, or both such fine and
3 imprisonment. If the conviction is for an offense committed after a
4 first conviction of such person under this subdivision, punishment shall
5 be by a fine not to exceed [~~seventy-five~~] one hundred twelve thousand
6 five hundred dollars per day of violation, or by imprisonment for not
7 more than two years or by both such fine and imprisonment.

8 § 44. Section 71-2201 of the environmental conservation law, as added
9 by chapter 740 of the laws of 1978, the opening paragraph and subdivi-
10 sion 1 as amended and subdivision 3 as added by chapter 901 of the laws
11 of 1983, subdivision 4 as added by chapter 294 of the laws of 1991, is
12 amended to read as follows:

13 § 71-2201. Enforcement of title 23 of article 23 of this chapter.

14 Administrative and civil sanctions. 1. Any person who violates any of
15 the provisions of, or who fails to perform any duty imposed by title 23
16 of article 23 except the duty to accept used oil pursuant to section
17 23-2307 or any person subject to section 23-2308 or any rule or regu-
18 lation promulgated pursuant thereto, or any term or condition of any
19 certificate or permit issued pursuant thereto, or any final determi-
20 nation or order of the commissioner made pursuant to this section shall
21 be liable for a civil penalty not to exceed one thousand five hundred
22 dollars for each such violation and an additional penalty of not more
23 than [~~five~~] seven hundred fifty dollars for each day during which such
24 violation continues, to be assessed by the commissioner after a hearing
25 or opportunity to be heard pursuant to the provisions of section 71-1709
26 of this chapter, and, in addition thereto, such person may by similar
27 process be enjoined from continuing such violation and any permit or
28 certificate issued to such person may be revoked or suspended or a pend-
29 ing renewal application denied.

30 2. Any person who refuses to accept used oil as required pursuant to
31 subdivision two of section 23-2307 shall be liable for a civil penalty
32 not to exceed one hundred fifty dollars.

33 3. Any person who violates any provision of section 23-2308 of this
34 chapter shall be subject to a civil penalty not to exceed [~~two hundred~~
35 ~~fifty~~] three hundred seventy-five dollars for each violation.

36 4. Notwithstanding any other provision of law, any person who shall
37 violate the provisions of paragraph (c) of subdivision one of section
38 23-2307 or paragraph (d) of subdivision two of section 23-2307 of this
39 chapter shall be liable for a civil penalty of not more than [~~five~~]
40 seven hundred fifty dollars, and an additional civil penalty of not more
41 than [~~five~~] seven hundred fifty dollars for each day during which such
42 violation continues, not to exceed [~~ten~~] fifteen thousand dollars.

43 § 45. Section 71-2303 of the environmental conservation law, as
44 amended by chapter 99 of the laws of 2010, subdivisions 1 and 2 as
45 amended by section 15 of part QQ of chapter 58 of the laws of 2022, is
46 amended to read as follows:

47 § 71-2303. Violation; penalties.

48 1. Civil sanctions. a. Any person who violates, disobeys or disregards
49 any provision of article twenty-four, including title five and section
50 24-0507 thereof or any rule or regulation, local law or ordinance,
51 permit or order issued pursuant thereto, shall be liable to the people
52 of the state for a civil penalty of not to exceed [~~eleven~~] sixteen thou-
53 sand five hundred dollars for every such violation, to be assessed,
54 after a hearing or opportunity to be heard upon due notice and with the
55 rights to specification of the charges and representation by counsel at
56 such hearing, by the commissioner or local government or in an action

1 initiated by the attorney general pursuant to section 71-2305 of this
2 title or on the attorney general's own initiative. Each violation shall
3 be a separate and distinct violation and, in the case of a continuing
4 violation, each day's continuance thereof shall be deemed a separate and
5 distinct violation. Such penalty assessed by the commissioner or local
6 government may be recovered in an action brought by the attorney general
7 at the request and in the name of the commissioner or local government
8 in any court of competent jurisdiction. Such civil penalty may be
9 released or compromised by the commissioner or local government before
10 the matter has been referred to the attorney general; and where such
11 matter has been referred to the attorney general, any such penalty may
12 be released or compromised and any action commenced to recover the same
13 may be settled and discontinued by the attorney general with the consent
14 of the commissioner or local government. In addition, the commissioner
15 or local government shall have power, following a hearing held in
16 conformance with the procedures set forth in section 71-1709 of this
17 article, to direct the violator to cease violating the act and to
18 restore the affected freshwater wetland to its condition prior to the
19 violation, insofar as that is possible within a reasonable time and
20 under the supervision of the commissioner or local government. Any such
21 order of the commissioner or local government shall be enforceable in an
22 action brought by the attorney general at the request and in the name of
23 the commissioner or local government in any court of competent jurisdic-
24 tion. Any civil penalty or order issued by the commissioner or local
25 government pursuant to this subdivision shall be reviewable in a
26 proceeding pursuant to article seventy-eight of the civil practice law
27 and rules.

28 b. Upon determining that significant damage to the functions and bene-
29 fits of a freshwater wetland is occurring or is imminent as a result of
30 any violation of article twenty-four of this chapter, including but not
31 limited to (i) activity taking place requiring a permit under article
32 twenty-four of this chapter but for which no permit has been granted or
33 (ii) failure on the part of a permittee to adhere to permit conditions,
34 the commissioner or local government shall have power to direct the
35 violator to cease and desist from violating the act. In such cases the
36 violator shall be provided an opportunity to be heard within ten days of
37 receipt of the notice to cease and desist.

38 2. Criminal sanctions. Any person who violates any provision of arti-
39 cle twenty-four of this chapter, including any rule or regulation, local
40 law or ordinance, permit or order issued pursuant thereto, shall, in
41 addition, for the first offense, be guilty of a violation punishable by
42 a fine of not less than [~~two~~] three thousand nor more than [~~five~~] seven
43 thousand five hundred dollars; for a second and each subsequent offense
44 [~~he~~] such person shall be guilty of a misdemeanor punishable by a fine
45 of not less than [~~four~~] six thousand nor more than [~~ten~~] fifteen thou-
46 sand dollars or a term of imprisonment of not less than fifteen days nor
47 more than six months or both. In addition to these punishments, any
48 offender may be punishable by being ordered by the court to restore the
49 affected freshwater wetland or adjacent area to its condition prior to
50 the offense, insofar as that is possible. The court shall specify a
51 reasonable time for the completion of such restoration, which shall be
52 effected under the supervision of the commissioner or local government.
53 Each offense shall be a separate and distinct offense and, in the case
54 of a continuing offense, each day's continuance thereof shall be deemed
55 a separate and distinct offense.

1 3. All fines collected pursuant to this section shall be paid into the
2 environmental protection fund established pursuant to section ninety-
3 two-s of the state finance law.

4 § 46. Paragraph a of subdivision 1 and subdivision 2 of section
5 71-2503 of the environmental conservation law, as amended by chapter 666
6 of the laws of 1989, are amended to read as follows:

7 a. Any person who violates, disobeys or disregards any provision of
8 article twenty-five shall be liable to the people of the state for a
9 civil penalty of not to exceed [~~ten~~] fifteen thousand dollars for every
10 such violation, to be assessed, after a hearing or opportunity to be
11 heard, by the commissioner. Each violation shall be a separate and
12 distinct violation and, in the case of a continuing violation, each
13 day's continuance thereof shall be deemed a separate and distinct
14 violation. The penalty may be recovered in an action brought by the
15 commissioner in any court of competent jurisdiction. Such civil penalty
16 may be released or compromised by the commissioner before the matter has
17 been referred to the attorney general; and where such matter has been
18 referred to the attorney general, any such penalty may be released or
19 compromised and any action commenced to recover the same may be settled
20 and discontinued by the attorney general with the consent of the commis-
21 sioner.

22 2. Criminal sanctions. Any person who violates any provision of arti-
23 cle twenty-five shall, in addition, for the first offense, be guilty of
24 a violation punishable by a fine of not less than [~~five~~] seven hundred
25 fifty nor more than [~~five~~] seven thousand five hundred dollars; for a
26 second and each subsequent offense such person shall be guilty of a
27 misdemeanor punishable by a fine of not less than one thousand nor more
28 than [~~ten~~] fifteen thousand dollars or a term of imprisonment of not
29 less than fifteen days nor more than six months or both. In addition to
30 or instead of these punishments, any offender shall be punishable by
31 being ordered by the court to restore the affected tidal wetland or area
32 immediately adjacent thereto to its condition prior to the offense,
33 insofar as that is possible. The court shall specify a reasonable time
34 for the completion of the restoration, which shall be effected under the
35 supervision of the commissioner. Each offense shall be a separate and
36 distinct offense and, in the case of a continuing offense, each day's
37 continuance thereof shall be deemed a separate and distinct offense.

38 § 47. Section 71-2505 of the environmental conservation law, as
39 amended by chapter 249 of the laws of 1997, is amended to read as
40 follows:

41 § 71-2505. Enforcement.

42 The attorney general, on [~~his~~] their own initiative or at the request
43 of the commissioner, shall prosecute persons who violate article twen-
44 ty-five. In addition the attorney general, on [~~his~~] their own initi-
45 ative or at the request of the commissioner, shall have the right to
46 recover a civil penalty of up to [~~ten~~] fifteen thousand dollars for
47 every violation of any provision of such article, and to seek equitable
48 relief to restrain any violation or threatened violation of such article
49 and to require the restoration of any affected tidal wetland or area
50 immediately adjacent thereto to its condition prior to the violation,
51 insofar as that is possible, within a reasonable time and under the
52 supervision of the commissioner. In the case of a continuing violation,
53 each day's continuance thereof shall be deemed a separate and distinct
54 violation.

55 § 48. Subdivisions 1, 2 and 3 of section 71-2703 of the environmental
56 conservation law, subdivisions 1 and 2 as amended by chapter 508 of the

1 laws of 1995, paragraph a of subdivision 1 as amended by section 25,
2 subparagraphs i and ii of paragraph b of subdivision 1 as amended by
3 section 26, paragraph a and subparagraphs i and ii of paragraph b of
4 subdivision 2 as amended by section 27, subparagraphs i and ii of para-
5 graph c of subdivision 2 as amended by section 28 and subdivision 3 as
6 amended by section 29 of part C of chapter 62 of the laws of 2003, are
7 amended to read as follows:

8 1. Civil and administrative sanctions. a. Any person who violates any
9 of the provisions of, or who fails to perform any duty imposed by title
10 3 or 7 of article 27 of this chapter or any rule or regulation promul-
11 gated pursuant thereto, or any term or condition of any certificate or
12 permit issued pursuant thereto, or any final determination or order of
13 the commissioner made pursuant to this title shall be liable for a civil
14 penalty not to exceed [~~seven thousand five hundred~~] eleven thousand two
15 hundred fifty dollars for each such violation and an additional penalty
16 of not more than [~~one thousand five hundred~~] two thousand two hundred
17 fifty dollars for each day during which such violation continues, to be
18 assessed by the commissioner after an opportunity to be heard pursuant
19 to the provisions of section 71-1709 of this article, or by the court in
20 any action or proceeding pursuant to section 71-2727 of this title, and,
21 in addition thereto, such person may by similar process be enjoined from
22 continuing such violation and any permit or certificate issued to such
23 person may be revoked or suspended or a pending renewal application
24 denied.

25 b. i. Any person who violates any of the provisions of, or who fails
26 to perform any duty imposed by, title 3 or 7 of article 27 of this chap-
27 ter, or any rule or regulation promulgated pursuant thereto, or any term
28 or condition of any certificate or permit issued pursuant thereto and
29 thereby causes the release of solid waste into the environment, shall be
30 liable for a civil penalty not to exceed [~~eleven thousand two hundred~~
31 ~~fifty~~] sixteen thousand eight hundred seventy-five dollars for each such
32 violation and an additional penalty of not more than [~~eleven thousand~~
33 ~~two hundred fifty~~] sixteen thousand eight hundred seventy-five dollars
34 for each day during which such violation continues, to be assessed by
35 the commissioner after an opportunity to be heard pursuant to the
36 provisions of section 71-1709 of this article, or by the court in any
37 action or proceeding pursuant to section 71-2727 of this title, and, in
38 addition thereto, such person may by similar process be enjoined from
39 continuing such violation and any permit or certificate issued to such
40 person may be revoked or suspended or a pending renewal application
41 denied.

42 ii. Any person who violates any of the provisions of, or who fails to
43 perform any duty imposed by, title 3 or 7 of article 27 of this chapter,
44 or any rule or regulation promulgated pursuant thereto, or any term or
45 condition of any certificate or permit issued pursuant thereto and
46 thereby causes the release of more than ten cubic yards of solid waste
47 into the environment, shall be liable for a civil penalty not to exceed
48 [~~twenty-two thousand five hundred~~] thirty-three thousand seven hundred
49 fifty dollars for each such violation and an additional penalty of not
50 more than [~~twenty-two thousand five hundred~~] thirty-three thousand seven
51 hundred fifty dollars for each day during which such violation contin-
52 ues, to be assessed by the commissioner after an opportunity to be heard
53 pursuant to the provisions of section 71-1709 of this article, or by the
54 court in any action or proceeding pursuant to section 71-2727 of this
55 title, and, in addition thereto, such person may by similar process be
56 enjoined from continuing such violation and any permit or certificate

1 issued to such person may be revoked or suspended or a pending renewal
2 application denied.

3 c. The court in any action or proceeding pursuant to section 71-2727
4 of this chapter may exercise all powers exercisable by the commissioner.

5 2. Criminal sanctions. a. Any person who, having any of the culpable
6 mental states defined in section 15.05 of the penal law, shall violate
7 any of the provisions of or who fails to perform any duty imposed by
8 title 3 or 7 of article 27 of this chapter, or any rules and regulations
9 promulgated pursuant thereto, or any final determination or order of the
10 commissioner made pursuant to this title shall be guilty of a violation
11 and, upon conviction thereof, shall be punished by a fine of not less
12 than [~~one thousand five hundred~~] two thousand two hundred fifty dollars
13 nor more than [~~fifteen~~] twenty-two thousand five hundred dollars per day
14 of violation or by imprisonment for not more than fifteen days or by
15 both such fine and imprisonment.

16 b. i. Any person who shall violate paragraph a of this subdivision and
17 thereby causes or attempts to cause the release of more than ten cubic
18 yards of solid waste into the environment shall be guilty of a class B
19 misdemeanor and, upon conviction thereof, shall be punished by a fine of
20 not less than [~~three thousand seven hundred fifty~~] five thousand six
21 hundred twenty-five dollars per day nor more than [~~twenty-two thousand~~
22 ~~five hundred~~] thirty-three thousand seven hundred fifty dollars per day
23 of violation, or by imprisonment for a term in accordance with the penal
24 law, or by both such fine and imprisonment.

25 ii. Any person who shall violate paragraph a of this subdivision and
26 thereby causes or attempts to cause the release of more than ten cubic
27 yards of solid waste into the environment, after having been convicted
28 of a violation of this subdivision within the preceding five years,
29 shall be guilty of a class A misdemeanor and, upon conviction thereof,
30 shall be punished by a fine of not less than [~~three thousand seven~~
31 ~~hundred fifty~~] five thousand six hundred twenty-five dollars per day nor
32 more than [~~thirty-seven thousand five hundred~~] fifty-six thousand two
33 hundred fifty dollars per day of violation, or by imprisonment for a
34 term in accordance with the penal law, or by both such fine and impri-
35 sonment.

36 c. i. Any person who shall violate paragraph a of this subdivision and
37 thereby causes or attempts to cause the release of more than seventy
38 cubic yards of solid waste into the environment shall be guilty of a
39 class A misdemeanor and, upon conviction thereof, shall be punished by a
40 fine of not less than [~~three thousand seven hundred fifty~~] five thousand
41 six hundred twenty-five dollars per day nor more than [~~thirty-seven~~
42 ~~thousand five hundred~~] fifty-six thousand two hundred fifty dollars per
43 day of violation, or by imprisonment for a term in accordance with the
44 penal law, or by both such fine and imprisonment.

45 ii. Any person who shall violate paragraph a of this subdivision and
46 thereby causes or attempts to cause the release of more than seventy
47 cubic yards of solid waste into the environment, after having been
48 convicted of a violation of this subdivision within the preceding five
49 years, shall be guilty of a class E felony and, upon conviction thereof,
50 shall be punished by a fine of not less than [~~seven thousand five~~
51 ~~hundred~~] eleven thousand two hundred fifty dollars per day nor more than
52 [~~seventy-five~~] one hundred twelve thousand five hundred dollars per day
53 of violation, or by imprisonment for a term in accordance with the penal
54 law, or by both such fine and imprisonment.

55 3. Additional sanctions. Any person who violates any of the provisions
56 of, or who fails to perform any duty imposed by title 7 of article 27,

1 with regard to the construction and operation of facilities for the
2 disposal of construction and demolition debris or any rule or regulation
3 promulgated pursuant thereto, or any term or condition of any certifi-
4 cate or permit issued pursuant thereto or any final determination or
5 order of the commissioner made pursuant to this title shall be liable
6 for a civil penalty not to exceed [~~fifteen~~] twenty-two thousand five
7 hundred dollars and each day of such deposition shall constitute a sepa-
8 rate violation and said civil penalty is in addition to any other fines
9 or penalties which may be applied pursuant to this title.

10 § 49. Section 71-2705 of the environmental conservation law, as added
11 by chapter 550 of the laws of 1980, subdivision 1 as amended by section
12 30 and subdivision 2 as amended by section 31 of part C of chapter 62 of
13 the laws of 2003, is amended to read as follows:

14 § 71-2705. Violations of titles 9, 11 and 13 of article 27 of this chap-
15 ter.

16 1. Civil and administrative sanctions. Any person who violates any of
17 the provisions of, or who fails to perform any duty imposed by titles 9,
18 11 and 13 of article 27 or any rule or regulation promulgated pursuant
19 thereto, or any term or condition of any certificate or permit issued
20 pursuant thereto, or any final determination or order of the commission-
21 er made pursuant to this title shall be liable in the case of a first
22 violation, for a civil penalty not to exceed [~~thirty-seven thousand five~~
23 ~~hundred~~] fifty-six thousand two hundred fifty dollars and an additional
24 penalty of not more than [~~thirty-seven thousand five hundred~~] fifty-six
25 thousand two hundred fifty dollars for each day during which such
26 violation continues, to be assessed by the commissioner after an oppor-
27 tunity to be heard pursuant to the provisions of section 71-1709 of this
28 article, or by the court in any action or proceeding pursuant to section
29 71-2727 of this title, and, in addition thereto, such person may by
30 similar process be enjoined from continuing such violation and any
31 permit or certificate issued to such person may be revoked or suspended
32 or a pending renewal application denied. In the case of a second and any
33 further violation, the liability shall be for a civil penalty not to
34 exceed [~~seventy-five~~] one hundred twelve thousand five hundred dollars
35 for each such violation and an additional penalty not to exceed [~~seven-~~
36 ~~ty-five~~] one hundred twelve thousand five hundred dollars for each day
37 during which such violation continues.

38 2. Criminal sanctions. Any person who, having any of the culpable
39 mental states defined in section 15.05 of the penal law, shall violate
40 any of the provisions of or who fails to perform any duty imposed by
41 titles 9, 11 and 13 of article 27 or any rules and regulations promul-
42 gated pursuant thereto, or any term or condition of any certificate or
43 permit issued pursuant thereto, or any final determination or order of
44 the commissioner made pursuant to this title shall be guilty of a misde-
45 meanor and, upon conviction thereof, shall for a first conviction be
46 punished by a fine not to exceed [~~thirty-seven thousand five hundred~~] fifty-six thousand two hundred fifty dollars per day of violation or by
47 imprisonment for a term of not more than one year, or both such fine and
48 imprisonment. If the conviction is for an offense committed after a
49 first conviction of such person under this subdivision, punishment shall
50 be by a fine not to exceed [~~seventy-five~~] one hundred twelve thousand
51 five hundred dollars per day of violation, or by imprisonment for not
52 more than two years or by both such fine and imprisonment.

53 § 50. Subdivision 2 of section 71-2721 of the environmental conserva-
54 tion law, as amended by section 32 of part C of chapter 62 of the laws
55 of 2003, is amended to read as follows:
56

2. Fines. A sentence to pay a fine shall be a sentence to pay an amount fixed by the court, not exceeding the higher of:

- (a) ~~Three~~ Four hundred fifty thousand dollars for a class C felony;
- (b) ~~Two hundred twenty-five thousand~~ Three hundred thirty-seven thousand five hundred dollars for a class D felony;
- (c) ~~One hundred fifty thousand~~ Twenty-two thousand five hundred dollars for a class E felony;
- (d) ~~Thirty-seven thousand five hundred~~ Fifty-six thousand two hundred fifty dollars for a class A misdemeanor;
- (e) ~~Fifteen~~ Twenty-two thousand five hundred dollars for a class B misdemeanor; or

(f) Double the amount of the defendant's gain from the commission of the crime.

§ 51. Subdivisions 1, 2 and 5 of section 71-2722 of the environmental conservation law, subdivision 1 as amended by section 33 and subdivision 2 as amended by section 34 of part C of chapter 62 of the laws of 2003, and subdivision 5 as added by chapter 152 of the laws of 1990, are amended to read as follows:

1. Any person who knowingly or intentionally violates any of the provisions or fails to perform any duty imposed by section 27-1701 of this chapter, except the duty to accept a lead-acid battery pursuant to subdivision four of such section, shall be liable for a civil penalty not to exceed ~~seventy-five~~ one hundred twelve dollars and fifty cents for each violation, provided that such civil penalty shall be in addition to any other penalties authorized under other state or local laws governing the illegal disposal of lead-acid batteries.

2. Any retailer or distributor who refuses to accept a lead-acid battery as required pursuant to subdivision four of section 27-1701 of this chapter shall be liable for a civil penalty not to exceed ~~seven hundred fifty~~ one thousand one hundred twenty-five dollars.

5. All civil penalties and fines collected for any violation of such title seventeen shall be paid over to the commissioner for deposit in the ~~general fund~~ conservation fund to the credit of the conservation enforcement account established pursuant to subdivision (k) of section eighty-three of the state finance law; provided however, that all civil penalties collected for any violation of such title seventeen which have been imposed by the environmental control board of the city of New York, or a local adjudicatory body pursuant to subdivision four of this section, shall be paid into an environmental fund of such city or locality.

§ 52. Subdivisions 1 and 2 of section 71-2724 of the environmental conservation law, as amended by chapter 30 of the laws of 2020, are amended to read as follows:

1. Any person who knowingly or intentionally violates any provision of or fails to perform any duty pursuant to title twenty-one of article twenty-seven of this chapter, except subdivision one of section 27-2105 of this chapter, shall upon the first finding of such a violation be liable for a civil penalty not to exceed one hundred fifty dollars. Any person convicted of a second or subsequent violation shall be liable for a civil penalty not to exceed ~~five~~ seven hundred fifty dollars for each violation.

2. Any person who knowingly or intentionally violates or fails to perform any duty imposed by subdivision one of section 27-2105 of this chapter shall upon the first finding of such a violation be provided with educational materials describing the requirements for mercury disposal and the effects of improper mercury disposal, and be warned

1 that future violations shall result in the imposition of a fine. Any
2 person convicted of a second violation shall be liable for a civil
3 penalty not to exceed [~~fifty~~] seventy-five dollars. Any person convicted
4 of a third violation shall be liable for a civil penalty not to exceed
5 [~~seventy-five~~] one hundred twelve dollars and fifty cents. Any person
6 convicted of a fourth or subsequent violation shall be liable for a
7 civil penalty not to exceed one hundred dollars for each violation.

8 § 53. Subdivision 1 of section 71-2728 of the environmental conserva-
9 tion law, as added by chapter 641 of the laws of 2008, is amended to
10 read as follows:

11 1. Any person who knowingly or intentionally violates any provision of
12 or fails to perform any duty imposed pursuant to title 27 of article 27
13 of this chapter shall upon the first finding of such a violation be
14 provided with a warning that future violations shall result in the im-
15 position of a fine. Any person convicted of a second violation shall be
16 liable for a civil penalty not to exceed one hundred fifty dollars. Any
17 person convicted of a third or subsequent violation shall be liable for
18 a civil penalty not to exceed [~~five~~] seven hundred fifty dollars.

19 § 54. Section 71-2729 of the environmental conservation law, as added
20 by chapter 99 of the laws of 2010, is amended to read as follows:

21 § 71-2729. Enforcement of title 26 of article 27 of this chapter.

22 1. a. Any consumer, as defined in title twenty-six of article twenty-
23 seven of this chapter, who violates any provision of, or fails to
24 perform any duty imposed by, section 27-2611 of this chapter, shall be
25 liable for a civil penalty not to exceed one hundred fifty dollars for
26 each violation.

27 b. Any person, except a consumer, manufacturer, or an owner or opera-
28 tor of an electronic waste collection site, electronic waste consol-
29 idation facility, or electronic waste recycling facility as these terms
30 are defined in title twenty-six of article twenty-seven of this chapter,
31 who violates any provision, or fails to perform any duty imposed by
32 section 27-2611 of this chapter, shall be liable for a civil penalty not
33 to exceed [~~two hundred fifty~~] three hundred seventy-five dollars for
34 each violation.

35 c. Any manufacturer, or any person operating an electronic waste
36 collection site, an electronic waste consolidation facility, or an elec-
37 tronic waste recycling facility as those terms are defined in title
38 twenty-six of article twenty-seven of this chapter, who:

39 i. fails to submit any report, registration, fee, or surcharge to the
40 department as required by title twenty-six of article twenty-seven of
41 this chapter shall be liable for a civil penalty not to exceed one thou-
42 sand five hundred dollars for each day such report, registration, fee,
43 or surcharge is not submitted; and

44 ii. violates any other provision of title twenty-six of article twen-
45 ty-seven of this chapter or fails to perform any duty imposed by such
46 title, except for subdivision four of section 27-2603 of this chapter,
47 shall be liable for a civil penalty for each violation not to exceed one
48 thousand five hundred dollars for the first violation, [~~two thousand~~
49 ~~five hundred~~] three thousand seven hundred fifty dollars for the second
50 violation and [~~five~~] seven thousand five hundred dollars for the third
51 and subsequent violations of this title within a twelve-month period.

52 d. Any retailer, as defined by section 27-2601 of this chapter, who
53 violates any provision of title twenty-six of article twenty-seven of
54 this chapter or fails to perform any duty imposed by such title, shall
55 be liable for a civil penalty for each violation not to exceed [~~two~~
56 ~~hundred fifty~~] three hundred seventy-five dollars for the first

1 violation, [~~five~~] seven hundred fifty dollars for the second violation
2 and one thousand five hundred dollars for the third and subsequent
3 violations of this title in a twelve-month period.

4 e. Civil penalties under this section shall be assessed by the commis-
5 sioner after a hearing or opportunity to be heard pursuant to the
6 provisions of section 71-1709 of this article, or by the court in any
7 action or proceeding pursuant to this section, and, in addition thereto,
8 such person may by similar process be enjoined from continuing such
9 violation.

10 2. All penalties collected pursuant to this section shall be paid over
11 to the commissioner for deposit to the environmental protection fund
12 established pursuant to section ninety-two-s of the state finance law.

13 § 55. Subdivisions 1 and 3 of section 71-2907 of the environmental
14 conservation law, as amended by chapter 285 of the laws of 2000, are
15 amended to read as follows:

16 1. Administrative sanctions. Except as otherwise provided in this
17 subdivision, any person who violates any provision of article 33 of this
18 chapter or any rule, regulation or order issued thereunder or commits
19 any offense described in section 33-1301 of this chapter shall be liable
20 to the people of the state for a civil penalty not to exceed [~~five~~]
21 seven thousand five hundred dollars for a first violation, and not to
22 exceed [~~ten~~] fifteen thousand dollars for a subsequent offense, to be
23 assessed by the commissioner after a hearing or opportunity to be heard.
24 Notwithstanding any provision of law to the contrary, an owner or
25 owner's agent of a multiple dwelling or owner, owner's agent or a person
26 in a position of authority for all other types of premises, as such
27 terms are defined in paragraph d of subdivision five of section 33-0905
28 of this chapter, who violates any provision of a local law adopted
29 pursuant to subdivision one of section 33-1004 of this chapter relating
30 to paragraph b of such subdivision, and a person, who violates any
31 provision of a local law adopted pursuant to subdivision one of section
32 33-1004 of this chapter relating to paragraph c of such subdivision, and
33 a person who violates the provisions of subdivision three of section
34 three hundred ninety-c of the social services law shall, for a first
35 such violation, in lieu of a penalty, be issued a written warning and
36 shall also be issued educational materials pursuant to subdivision two
37 of section 33-1005 of this chapter. Such person shall, however, for a
38 second violation, be liable to the people of the state for a civil
39 penalty not to exceed one hundred fifty dollars, and not to exceed [~~two~~
40 ~~hundred-fifty~~] three hundred seventy-five dollars for any subsequent
41 violation, such penalties to be assessed by the commissioner after a
42 hearing or opportunity to be heard.

43 Notwithstanding any provision of law to the contrary, any person who
44 violates the provisions of a local law adopted pursuant to subdivision
45 one of section 33-1004 of this chapter relating to paragraph a of such
46 subdivision, shall be issued a warning for the first violation and shall
47 be provided seven days to correct such violation; and shall be liable to
48 the people of the state for a civil penalty not to exceed one hundred
49 fifty dollars for a second violation, and not to exceed [~~two-hundred~~
50 ~~fifty~~] three hundred seventy-five dollars for a subsequent violation, to
51 be assessed by the commissioner after a hearing or opportunity to be
52 heard. The commissioner, acting by the attorney general, may bring suit
53 for collection of such assessed civil penalty in any court of competent
54 jurisdiction. Such civil penalty may be released or compromised by the
55 commissioner before the matter has been referred to the attorney gener-
56 al; and where such matter has been referred to the attorney general, any

1 such penalty may be released or compromised and any action commenced to
2 recover the same may be settled and discontinued by the attorney general
3 with the consent of the commissioner. Any civil penalty assessed by the
4 commissioner under this subdivision shall be reviewable in a proceeding
5 under article 78 of the civil practice law and rules.

6 3. Criminal sanctions. Any person who, having the culpable mental
7 states defined in subdivision one or two of section 15.05 or in section
8 20.20 of the penal law, violates any provision of article 33 of this
9 chapter or any rule, regulation thereunder or commits any offense
10 described in section 33-1301 of this chapter, except an offense relating
11 to the application of a general use pesticide shall be guilty of a
12 misdemeanor and, upon conviction thereof, shall be punished by a fine
13 not to exceed [~~five~~] seven thousand five hundred dollars for each day
14 during which such violation continues or by imprisonment for a term of
15 not more than one year, or by both such fine and imprisonment. If the
16 conviction is for a subsequent offense committed after a first
17 conviction of such person under this subdivision, punishment shall be by
18 a fine not to exceed [~~ten~~] fifteen thousand dollars for each day during
19 which such violation continues or by imprisonment for a term of not more
20 than one year, or by both such fine and imprisonment. When a violation
21 consists of the manufacture or production of any prohibited article,
22 each day during which or any part of which such manufacture or
23 production is carried on or continued, shall be deemed a separate
24 violation. Any person who violates any provision of article 33 of this
25 chapter or any rule or regulation thereunder or commits any offense
26 described in section 33-1301 of this chapter relating to the use of a
27 general use pesticide shall be guilty of a violation and, upon
28 conviction thereof, shall be punished by a fine not to exceed [~~twenty-~~
29 ~~five hundred~~] three thousand seven hundred fifty dollars. If the
30 conviction is for a subsequent offense committed after the first such
31 conviction of such person under this subdivision, punishment shall be by
32 a fine not to exceed [~~five~~] seven thousand five hundred dollars. Prose-
33 cution hereunder may be conducted by either the attorney general or the
34 district attorney consistent with section 71-0403 of this article. With
35 respect to violations of section 33-1004 of this chapter, penalties
36 imposed pursuant to this subdivision may be assessed only against a
37 person providing a commercial lawn application.

38 § 56. Section 71-3103 of the environmental conservation law is amended
39 to read as follows:

40 § 71-3103. Enforcement of article 35.

41 Any person who violates any of the provisions of, or who fails to
42 perform any duties imposed by article 35 or any regulation promulgated
43 by the commissioner thereunder, shall be liable to a civil penalty of
44 not more than [~~twenty-five hundred~~] three thousand seven hundred fifty
45 dollars for each such violation and an additional penalty of not more
46 than [~~five~~] seven hundred fifty dollars for each day during which such
47 violation continues, and, in addition thereto, such person may be
48 enjoined from continuing such violation. Penalties and injunctive relief
49 provided herein shall be recoverable in an action brought by the Attor-
50 ney General at the request and in the name of the commissioner.

51 § 57. Subdivision 1 of section 71-3303 of the environmental conserva-
52 tion law, as added by chapter 617 of the laws of 1987, is amended to
53 read as follows:

54 1. Any person who violates any provision of, or fails to perform any
55 duty imposed by article forty-three of this chapter or any rule or regu-
56 lation promulgated pursuant thereto, or any term or condition of any

1 certificate or permit issued pursuant thereto, or any final determi-
2 nation or order of the Lake George park commission made pursuant to
3 article forty-three of this chapter shall be liable for a civil penalty
4 not to exceed [~~five~~] seven hundred fifty dollars for each such violation
5 and an additional penalty of [~~five~~] seven hundred fifty dollars for each
6 day during which such violation continues, to be assessed by the Lake
7 George park commission after an opportunity to be heard, or by the court
8 in any action or proceeding initiated by the attorney general in the
9 name of the Lake George park commission. In addition thereto, such
10 person may, by similar process, be enjoined from continuing such
11 violation, and any permit or certificate issued to such person may be
12 revoked or suspended, or a pending renewal application denied based upon
13 such violation.

14 § 58. Section 71-3307 of the environmental conservation law, as added
15 by chapter 617 of the laws of 1987, is amended to read as follows:

16 § 71-3307. Criminal sanctions.

17 Any person who, having any of the culpable mental states defined in
18 section 15.05 of the penal law, shall violate any of the provisions of
19 or who fails to perform any duty imposed by article forty-three of this
20 chapter or any rules or regulations promulgated thereto, or any final
21 determination or order of the Lake George park commission shall be guil-
22 ty of a violation, and, upon conviction thereof, shall be punished by a
23 fine not to exceed [~~five~~] seven hundred fifty dollars for each violation
24 and [~~five~~] seven hundred fifty dollars for each day such violation shall
25 continue.

26 § 59. Section 71-3501 of the environmental conservation law is amended
27 to read as follows:

28 § 71-3501. Putting noisome or unwholesome substances or maintaining
29 noisome business on or near highway.

30 A person, who deposits, leaves or keeps, on or near a highway or route
31 of public travel, either on the land or on the water, any noisome or
32 unwholesome substance, or establishes, maintains or carries on, upon or
33 near a public highway or route of public travel, either on the land or
34 on the water, any business, trade or manufacture which is noisome or
35 detrimental to public health, is guilty of a misdemeanor, punishable by
36 a fine of not less than one hundred fifty dollars, or by imprisonment
37 not less than three nor more than six months, or both.

38 § 60. Section 71-3703 of the environmental conservation law, as
39 amended by chapter 259 of the laws of 2011, subdivision 4 as amended by
40 chapter 44 of the laws of 2020, subdivision 5 as added by chapter 829 of
41 the laws of 2021, and subdivision 6 as added by chapter 111 of the laws
42 of 2023, is amended to read as follows:

43 § 71-3703. Enforcement of article 37.

44 1. Any person who violates any of the provisions of, or who fails to
45 perform any duty imposed by section 37-0107 or any rule or regulation
46 promulgated pursuant hereto, shall be liable for a civil penalty not to
47 exceed [~~two thousand five hundred~~] three thousand seven hundred fifty
48 dollars for each such violation and an additional penalty of not more
49 than [~~five~~] seven hundred fifty dollars for each day during which such
50 violation continues, and, in addition thereto, such person may be
51 enjoined from continuing such violation.

52 2. Any person who violates any of the provisions of, or who fails to
53 perform any duty imposed by section 37-0505 or any rule or regulation
54 promulgated pursuant hereto, shall be liable for a civil penalty not to
55 exceed one thousand five hundred dollars for each day during which such
56 violation continues, and in addition thereto, such person may be

1 enjoined from continuing such violation. Such person shall for a second
2 violation be liable to the people of the state for a civil penalty not
3 to exceed [~~two thousand five hundred~~] three thousand seven hundred fifty
4 dollars for each day during which such violation continues.

5 3. Any person who violates any of the provisions of, or who fails to
6 perform any duty imposed by section 37-0705 or any rule or regulation
7 promulgated pursuant hereto, shall be liable for a civil penalty not to
8 exceed one thousand five hundred dollars for each day during which such
9 violation continues, and in addition thereto, such person may be
10 enjoined from continuing such violation. Such person shall for a second
11 violation be liable to the people of the state for a civil penalty not
12 to exceed [~~two thousand five hundred~~] three thousand seven hundred fifty
13 dollars for each day during which such violation continues.

14 4. Any person who violates any of the provisions of, or who fails to
15 perform any duty imposed by section 37-0117 or any rule or regulation
16 promulgated pursuant hereto, shall be liable for a civil penalty not to
17 exceed one thousand five hundred dollars for each day during which such
18 violation continues, and in addition thereto, such person may be
19 enjoined from continuing such violation. Such person shall for a second
20 violation be liable to the people of the state for a civil penalty not
21 to exceed [~~two thousand five hundred~~] three thousand seven hundred fifty
22 dollars for each day during which such violation continues.

23 5. Any person who violates any of the provisions of or who fails to
24 perform any duty imposed by sections 37-1003 and 37-1007 of this chapter
25 or any rule or regulation promulgated pursuant hereto, shall be liable
26 for a civil penalty not to exceed one thousand five hundred dollars for
27 each day during which such violation continues, and in addition thereto,
28 such person may be enjoined from continuing such violation. Such person
29 shall for a second violation be liable to the people of the state for a
30 civil penalty not to exceed [~~two thousand five hundred~~] three thousand
31 seven hundred fifty dollars for each day during which such violation
32 continues.

33 6. Any person who violates any of the provisions of, or who fails to
34 perform any duty imposed by section 37-0121 of this chapter or any rule
35 or regulation promulgated pursuant hereto, shall be liable for a civil
36 penalty not to exceed one thousand five hundred dollars for each day
37 during which such violation continues, and in addition thereto, such
38 person may be enjoined from continuing such violation. Such person shall
39 for a second violation be liable to the people of the state for a civil
40 penalty not to exceed [~~two thousand five hundred~~] three thousand seven
41 hundred fifty dollars for each day during which such violation contin-
42 ues.

43 § 61. Section 71-3803 of the environmental conservation law, as added
44 by chapter 713 of the laws of 1975, is amended to read as follows:

45 § 71-3803. Enforcement of article thirty-eight.

46 Any person who violates any of the provisions of, or who fails to
47 perform any duty imposed by article thirty-eight or any regulation
48 promulgated by the commissioner thereunder, shall be liable to a civil
49 penalty of not more than [~~twenty-five hundred~~] three thousand seven
50 hundred fifty dollars for each such violation and an additional penalty
51 of not more than [~~five~~] seven hundred fifty dollars for each day during
52 which such violation continues, and, in addition thereto, such person
53 may be enjoined from continuing such violation. Penalties and injunctive
54 relief provided herein shall be recoverable in an action brought by the
55 attorney general acting alone or at the request of the commissioner.

1 § 62. Section 71-3903 of the environmental conservation law, as added
2 by chapter 732 of the laws of 1980, is amended to read as follows:

3 § 71-3903. Violations; penalties.

4 1. Administrative sanctions. Any person who violates, disobeys or
5 disregards any provision of article thirty-nine shall be liable to the
6 people of the state for a civil penalty of not to exceed [~~three~~] four
7 thousand five hundred dollars for every such violation, to be assessed
8 by the commissioner after a hearing or opportunity to be heard. The
9 penalty may be recovered in an action brought by the commissioner in any
10 court of competent jurisdiction. Such civil penalty may be released or
11 [~~comprised~~] compromised by the commissioner before the matter has been
12 referred to the attorney general; and where such matter has been
13 referred to the attorney general, any such penalty may be released or
14 [~~comprised~~] compromised and any action commenced to recover the same may
15 be settled and discontinued by the attorney general with the consent of
16 the commissioner. In addition, the commissioner shall have power,
17 following a hearing, to direct the violator to cease [~~his~~] their
18 violation of article thirty-nine and, where appropriate, to recall any
19 sewage system cleaners or additives sold or distributed in violation of
20 said article. Any such order of the commissioner shall be enforceable in
21 an action brought by the commissioner in any court of competent juris-
22 diction. Any civil penalty or order issued by the commissioner under
23 this subdivision shall be reviewable in a proceeding under article
24 seventy-eight of the civil practice law and rules commenced within thir-
25 ty days of such penalty or order.

26 2. Criminal sanctions. Any person who knowingly violates any provision
27 of section 39-0105 of this chapter shall, in addition to the sanctions
28 provided in subdivision one of this section, for the first offense, be
29 guilty of a violation punishable by a fine of not less than [~~five~~] seven
30 hundred fifty nor more than one thousand five hundred dollars; for a
31 second and each subsequent offense [~~he~~] such person shall be guilty of a
32 misdemeanor punishable by a fine of not less than one thousand five
33 hundred nor more than [~~three~~] four thousand five hundred dollars or a
34 term of imprisonment of not more than six months or both. In addition to
35 or instead of these sanctions, any offender shall be punishable by being
36 ordered by the court to recall any sewage system cleaners or additives
37 sold or distributed in violation of article thirty-nine. The court shall
38 specify a reasonable time for the completion of the recall. Each offense
39 shall be a separate and distinct offense and, in the case of a continu-
40 ing offense, each day's continuance thereof shall be deemed a separate
41 and distinct offense.

42 § 63. Section 71-3905 of the environmental conservation law, as added
43 by chapter 732 of the laws of 1980, is amended to read as follows:

44 § 71-3905. Enforcement.

45 The attorney general or a district attorney, at the request of the
46 attorney general or the commissioner, may prosecute persons who violate
47 article thirty-nine. In addition the attorney general, on [~~his~~] their
48 own initiative or at the request of the commissioner, shall have the
49 right to recover a civil penalty of not to exceed [~~three~~] four thousand
50 five hundred dollars for every violation of any provision of said arti-
51 cle, and to seek equitable relief to restrain any violation or threat-
52 ened violation of such article and to require the recall of any sewage
53 system cleaners or additives sold or distributed in violation of said
54 article.

§ 64. Section 71-4001 of the environmental conservation law, as amended by chapter 99 of the laws of 2010, is amended to read as follows:

§ 71-4001. General criminal penalty.

Except as otherwise specifically provided elsewhere in this chapter or in the penal law, (a) a person who violates any provision of this chapter, or any rule, regulation or order promulgated pursuant thereto, or the terms or conditions of any permit issued thereunder, shall be guilty of a violation; (b) each day on which such violation occurs shall constitute a separate violation; and (c) for each such violation the person shall be subject upon conviction to imprisonment for not more than fifteen days or to a fine of not more than ~~[nine]~~ one thousand three hundred fifty dollars, or to both such imprisonment and such fine.

§ 65. Section 71-4003 of the environmental conservation law, as amended by chapter 99 of the laws of 2010, is amended to read as follows:

§ 71-4003. General civil penalty.

Except as otherwise specifically provided elsewhere in this chapter, a person who violates any provision of this chapter, or any rule, regulation or order promulgated pursuant thereto, or the terms or conditions of any permit issued thereunder, shall be liable to a civil penalty of not more than one thousand five hundred dollars, and an additional civil penalty of not more than one thousand five hundred dollars for each day during which each such violation continues. Any civil penalty provided for by this chapter may be assessed following a hearing or opportunity to be heard.

§ 66. Section 71-4103 of the environmental conservation law, as amended by chapter 608 of the laws of 1993, is amended to read as follows:

§ 71-4103. Enforcement of article seventy-two.

Any person who violates any of the provisions of article seventy-two of this chapter or the regulations promulgated thereunder shall be liable for a civil penalty of up to one thousand five hundred dollars in addition to any amount assessed as a penalty pursuant to subdivision five of section 72-0201 of this chapter, except that any person who fails to pay fees required pursuant to section 72-0303 of this chapter shall be subject to penalty provisions pursuant to subdivision twelve of section 72-0201 of this chapter.

§ 67. Section 71-4303 of the environmental conservation law, as added by chapter 672 of the laws of 1986, is amended to read as follows:

§ 71-4303. Violations of article forty of this chapter.

1. Civil and administrative sanctions. Any person who violates any of the provisions of, or who fails to perform any duty imposed by, article forty of this chapter or any rule or regulation promulgated thereunder, or any terms or conditions of any certificate or permit issued pursuant thereto, or any final determination or order of the commissioner made pursuant to this title, shall be liable in the case of a civil penalty not to exceed twenty-five thousand dollars and an additional penalty of not more than twenty-five thousand dollars for each day during which such violation continues, to be assessed by the commissioner after an opportunity to be heard pursuant to the provisions of section 71-1709 of this article or by a court in any action or proceeding pursuant to this title, and, in addition thereto such person may by similar process be enjoined from continuing such violation. In addition, upon the provision of notice stating the grounds for its action and giving an opportunity for hearing, the commissioner may revoke, suspend or deny a certificate

1 or a renewal of a certificate issued pursuant to article forty of this
2 chapter. In the case of a second violation, the liability shall be for a
3 civil penalty not to exceed [~~fifty~~] seventy-five thousand dollars for
4 such violation and an additional penalty not to exceed [~~fifty~~] seventy-
5 five thousand dollars for each day during which such violation contin-
6 ues.

7 2. Criminal sanctions. Any person who, having any of the culpable
8 mental states defined in section 15.05 of the penal law, shall violate
9 any of the provisions of or who fails to perform any duty imposed by
10 article forty of this chapter or any rules or regulations promulgated
11 pursuant thereto, or any term or condition of any certificate or permit
12 issued pursuant thereto, or any final determination or order of the
13 commissioner made pursuant to this title shall be guilty of a misdemea-
14 nor and, upon conviction thereof, shall for a first conviction be
15 punished by a fine not to exceed [~~twenty-five~~] thirty-seven thousand
16 five hundred dollars per day of violation or by imprisonment for a term
17 of not more than one year, or by both such fine and imprisonment. If the
18 conviction is for an offense committed after a first conviction of such
19 person under this subdivision, punishment shall be by a fine not to
20 exceed [~~fifty~~] seventy-five thousand dollars per day of violation, or by
21 imprisonment for not more than two years or by both such fine and impri-
22 sonment.

23 § 68. Section 71-4402 of the environmental conservation law, as added
24 by chapter 180 of the laws of 1989, is amended to read as follows:

25 § 71-4402. Violations of title 15 of article 27 of this chapter.

26 1. Civil and administrative sanctions.

27 Any person who violates any of the provisions of, or who fails to
28 perform any duty imposed by title 15 of article 27 of this chapter, or
29 any rule or regulation promulgated pursuant thereto, or any term or
30 condition of any certificate or permit issued pursuant thereto, or any
31 final determination or order of the commissioner made pursuant to this
32 title shall be liable in the case of a first violation, for a civil
33 penalty not to exceed [~~twenty-five~~] thirty-seven thousand five hundred
34 dollars and an additional penalty of not more than [~~twenty-five~~] thir-
35 ty-seven thousand five hundred dollars for each day during which such
36 violation continues, to be assessed by the commissioner after an oppor-
37 tunity to be heard pursuant to the provisions of section 71-1709 of this
38 chapter, or by the court in any action or proceeding pursuant to section
39 71-2727 of this chapter, and, in addition thereto, such persons may by
40 similar process be enjoined from continuing such violation and any
41 permit or certificate issued to such person may be revoked or suspended
42 or a pending renewal application denied. In the case of a second and any
43 further violation, the liability shall be for a civil penalty not to
44 exceed [~~fifty~~] seventy-five thousand dollars for each such violation and
45 an additional penalty not to exceed [~~fifty~~] seventy-five thousand
46 dollars for each day during which such violation continues.

47 2. Criminal sanctions.

48 a. Any person who violates any of the provisions of or who fails to
49 perform any duty imposed by title 15 of article 27 of this chapter or
50 any rules and regulations promulgated pursuant thereto, or any term or
51 condition of any certificate or permit issued pursuant thereto, or any
52 final determination or order of the commissioner made pursuant to this
53 title shall be guilty of a violation and, upon conviction thereof, shall
54 be punished by a fine not to exceed [~~five~~] seven thousand five hundred
55 dollars per day of violation, or by imprisonment for a term of not more
56 than fifteen days, or by both such fine and imprisonment.

b. Any person who, intentionally, knowingly, or recklessly shall violate any of the provisions of or who fails to perform any duty imposed by title 15 of article 27 of this chapter or any rules and regulations promulgated pursuant thereto, or any term or condition of any certificate or permit issued pursuant thereto, or any final determination or order of the commissioner made pursuant to this title shall be guilty of a class B misdemeanor and, upon conviction thereof, shall for a first conviction be punished by a fine not to exceed [~~fifteen~~] twenty-two thousand five hundred dollars per day of violation or by imprisonment for a term of not more than ninety days, or both such fine and imprisonment. If the conviction is for an offense committed after a first conviction of such person under this paragraph, within the preceding five years, such person shall be guilty of a class A misdemeanor and upon conviction, punishment shall be by a fine not to exceed [~~fifty~~] seventy-five thousand five hundred dollars per day of violation, or by imprisonment for not more than one year or by both such fine and imprisonment.

§ 69. Subdivision 2 of section 71-4411 of the environmental conservation law, as added by chapter 180 of the laws of 1989, is amended to read as follows:

2. Fines. A sentence to pay a fine shall be a sentence to pay any amount fixed by the court, not exceeding the higher of:

(a) [~~one hundred fifty~~] two hundred twenty-five thousand dollars for a class D felony;

(b) one hundred thousand dollars for a class E felony;

(c) [~~fifty~~] seventy-five thousand dollars for a class A misdemeanor;

(d) [~~fifteen~~] twenty-two thousand five hundred dollars for a class B misdemeanor; or

(e) double the amount of the defendant's gain from the commission of the crime.

§ 70. This act shall take effect immediately.

PART BBB

Section 1. Paragraph 1 of subdivision 14 of section 341 of the highway law, as amended by chapter 639 of the laws of 1987, is amended to read as follows:

1. Beginning at a state highway in or near the hamlet of Collins, thence running generally easterly through or near the village of Springville to a state highway in or near the hamlet of Sardinia; beginning at a state highway in or near the village of Farnham, thence running generally easterly through or near the village of North Collins to a state highway in or near the hamlet of Langford; beginning at state highway two, thence running generally easterly through or near the villages of Orchard Park and East Aurora and the hamlet of Wales Center to the Erie-Wyoming county line; beginning at a state highway in or near the hamlet of Wales Center, thence running generally southeasterly to the Erie-Wyoming county line; Mile Strip road, beginning at a state highway in or near the hamlet of Woodlawn, thence running generally easterly to state highway nine thousand two hundred sixty-nine; beginning at the eastern city line of Buffalo near Seneca street, thence running generally southeasterly to state highway nine thousand three hundred eighty-one; beginning at the eastern city line of Buffalo near Clinton street, thence running generally easterly through or near the hamlet of Marilla to the Erie-Wyoming county line; beginning at the eastern city line of Buffalo near Broadway, thence running generally easterly through or near the

1 villages of Depew, Lancaster and Alden to the Erie-Genesee county line;
2 beginning at the eastern city line of Buffalo near Genesee street,
3 thence running generally easterly through or near the hamlets of
4 Bowmansville, Millgrove and Crittendon to the Erie-Genesee county line;
5 beginning at the eastern city line of Buffalo at the Kensington avenue
6 arterial, thence running generally easterly through or near the village
7 of Depew to a state highway in or near the hamlet of Millgrove, said
8 highway to be built with control of access as determined by the commis-
9 sioner; beginning at the northern city line of Buffalo near Main street,
10 thence running generally easterly through or near the village of
11 Williamsville to the Erie-Genesee county line near the village of Akron;
12 beginning at state highway one hundred twenty-nine near the Grand Island
13 bridge, thence running generally southeasterly and easterly to state
14 highway one hundred thirty; beginning at a point on state highway five
15 thousand one hundred seventy-two near Ellicott creek, thence running
16 generally easterly to a state highway in or near the hamlet of Getz-
17 ville; beginning at the West River parkway near Staley road, thence
18 running generally easterly to state highway nine hundred ninety-one;
19 beginning at state highway five thousand four hundred fifty-two in the
20 Cattaraugus Indian reservation, thence running generally northerly and
21 northeasterly through or near the villages of Farnham and Angola and the
22 hamlet of Athol Springs to the southern city line of Lackawanna; begin-
23 ning at the Erie-Chautauqua county line in the Cattaraugus Indian reser-
24 vation, thence running generally northeasterly to state highway nine
25 thousand two hundred seventeen; beginning at the Grand Island terminus
26 of the South Grand Island bridge, thence running generally northwesterly
27 to the Grand Island terminus of the North Grand Island bridge; beginning
28 at the Erie-Cattaraugus county line in or near the village of Gowanda,
29 thence running generally northerly, northeasterly and northwesterly to a
30 state highway in or near the hamlet of Athol Springs; beginning at state
31 highway one thousand sixty-seven, thence running generally northeasterly
32 to state highway one thousand eight hundred fifty-six in or near the
33 hamlet of Athol Springs; beginning at a state highway in or near the
34 hamlet of Collins Center, thence running generally northerly to a state
35 highway in or near the village of Hamburg; beginning at a state highway
36 in or near the village of Hamburg, thence running generally northerly to
37 the southern city line of the city of Lackawanna; beginning at a state
38 highway known as Mile Strip road, thence running generally northerly to
39 the southern city line of Lackawanna; that portion of South Park Avenue
40 beginning at the town line of the city of Buffalo south nine thousand
41 nine hundred twenty feet to the southern city line of the city of Lacka-
42 wanna; beginning at the northwesterly city line of Buffalo, thence
43 running generally northwesterly and northeasterly to the western city
44 line of Tonawanda; beginning at state highway twenty-three northwest of
45 the city of Buffalo, thence running generally northeasterly to state
46 highway nine thousand two hundred sixteen; beginning at the northern
47 city line of Buffalo, thence running generally northerly to the southern
48 city line of Tonawanda near Military road; beginning at state highway
49 nine thousand two hundred twenty-one, Military road, thence running
50 generally easterly to state highway nine thousand two hundred twenty,
51 Delaware avenue; beginning at the northern city line of Buffalo, near
52 Delaware avenue, thence running generally northerly to the southern city
53 line of Tonawanda; beginning at a point south of the city of Tonawanda
54 near an interchange with an interstate highway, thence running generally
55 northerly to the southern city line of Tonawanda near Eggert road;
56 beginning at the northern city line of Buffalo near Niagara Falls boule-

1 vard, thence running generally northerly to the Erie-Niagara county
2 line; beginning at a point on the northern city line of Buffalo, thence
3 running generally northeasterly to a state highway in or near the hamlet
4 of Millersport; beginning at a state highway south of the hamlet of
5 Getzville near Campbell boulevard, thence running generally northerly to
6 the Erie-Niagara county line; beginning at state highway sixty-seven or
7 state highway nine thousand two hundred nineteen near Slade avenue,
8 thence running generally northerly near the easterly city line of
9 Buffalo to state highway nine thousand two hundred sixteen; Southern
10 expressway, beginning at state highway one thousand three hundred thir-
11 ty-three near the village of Springville, thence running generally
12 northerly to the New York state thruway, Erie section, near the city of
13 Lackawanna, said highway to be built with control of access; beginning
14 at the Erie-Cattaraugus county line in or near the village of Spring-
15 ville, thence running generally northerly to a state highway in or near
16 the village of Hamburg; beginning at a state highway in or near the
17 hamlet of North Boston, thence running generally northeasterly, norther-
18 ly and northwesterly through or near the village of Orchard Park to the
19 eastern city line of Buffalo; beginning at state highway sixty-seven
20 north of the village of Orchard Park, thence running generally northerly
21 to state highway nine thousand two hundred sixteen, near Sheridan drive;
22 beginning at state highway one thousand sixty-six near the village of
23 Orchard Park, thence running generally northerly through the village of
24 Depew to the Erie-Niagara county line in or near the hamlet of Millers-
25 port; beginning at the Ontario section of the New York state thruway
26 near William street, thence running generally easterly to state highway
27 five hundred twenty-nine in or near the hamlet of Town Line; Aurora
28 expressway, beginning at the Seneca street interchange of the Erie
29 section of the New York state thruway, thence running generally easterly
30 and southeasterly, through or near the village of East Aurora to state
31 highway five thousand three hundred seventeen in or near the hamlet of
32 South Wales, said highway to be built with control of access; beginning
33 at a state highway in the village of East Aurora, thence running gener-
34 ally northerly to a state highway; beginning in or near the hamlet of
35 Glenwood, thence running generally northwesterly to a state highway in
36 or near the village of Orchard Park near Duells Corners; beginning at
37 the Erie-Cattaraugus county line in or near the hamlet of Chaffee,
38 thence running generally northwesterly through or near the hamlets of
39 Holland and South Wales to a state highway in the village of East Auro-
40 ra; beginning at a state highway west of the hamlet of Wales Center,
41 thence running generally northerly to state highway five hundred twen-
42 ty-nine; beginning at a state highway south of the village of Akron,
43 thence running generally northerly, westerly and northerly to the Erie-
44 Niagara county line west of the Tonawanda Indian reservation; beginning
45 at a point on the eastern city line of Buffalo at or near Walden avenue,
46 thence running generally easterly through or near the villages of Depew
47 and Lancaster to a point on a state highway northwest of the village of
48 Alden; beginning at or near Maple avenue in the town of Amherst, thence
49 running generally northerly to a point on state highway one thousand
50 four hundred ninety-two; beginning at or near the Southern expressway,
51 thence running generally easterly to state highway one thousand six
52 hundred sixty-five; beginning at the western line of the town of West
53 Seneca, thence running generally westerly on or near Ridge road through
54 the city of Lackawanna to a point on state highway five.

55 § 2. This act shall take effect immediately.

PART CCC

Section 1. Short title. This act shall be known and may be cited as the "small water utility transparency act".

§ 2. The public service law is amended by adding a new section 89-q to read as follows:

§ 89-q. Powers of the commission with respect to private water companies. 1. The commission, in coordination with the comptroller, shall conduct full audits of regulated private water companies with gross annual revenues below two hundred fifty thousand dollars on a three- to five-year cycle, as determined by the commission. Such audits shall focus on capital investment in the private water company, compliance with state and federal water safety regulations and laws, financial capacity of the private water company, management ability and function of the private water company, water adequacy and sufficiency of the private water system and affordability.

2. The commission shall require that any regulated private water company with gross annual revenues below two hundred fifty thousand dollars which is under investigation either by motion of the commission, pursuant to section eighty-nine-i of this article, or pursuant to an order to show cause shall file regular public updates on the status of compliance with such order. The commission shall promulgate rules and regulations regarding such requirement including, but not limited to, determining how often such public updates shall be provided and the manner in which such public updates shall be provided to the public. The commission shall be authorized to establish and collect fines for non-compliance with this subdivision. Such fines may be set at increased rates for repeated non-compliance.

3. The commission shall cooperate with the department of environmental conservation and shall provide any information or data compiled by or in the possession of the commission to the department of environmental conservation for the purposes of aiding the department of environmental conservation in carrying out audits of regulated private water companies with gross annual revenues below two hundred fifty thousand dollars. The commission shall coordinate such audits with the department of environmental conservation and shall issue joint audit reports that merge the separate audits of the commission and the department of environmental conservation.

§ 3. The environmental conservation law is amended by adding a new section 15-0319 to read as follows:

§ 15-0319. Powers and duties with respect to private water companies.

The department shall conduct full audits of private water companies with gross annual revenues below two hundred fifty thousand dollars which are regulated by the public service commission on a three- to five-year cycle, as determined by the department. Such audits shall focus on, but shall not be limited to, compliance with state and federal water safety regulations and laws, water quality, water adequacy, sufficiency of testing performed by the private water company. The department may seek the assistance of the public service commission in conducting such audits and may rely on information and data compiled or provided by the public service commission in the completion of such audits. The department shall coordinate such audits with the public service commission and shall assist the commission in issuing joint audit reports that merge the separate audits of the department and the public service commission.

§ 4. Section 8 of the state finance law is amended by adding a new subdivision 21 to read as follows:

21. Notwithstanding any inconsistent provision of law, audit regulated private water companies with gross annual revenues below two hundred fifty thousand dollars in accordance with section eighty-nine-q of the public service law.

§ 5. This act shall take effect immediately.

PART DDD

Section 1. A temporary state commission, to be known as the New York state commission on establishing a bank owned by New York state, hereinafter referred to as the commission, is hereby established to hire a consultant to study the feasibility of establishing a bank owned by the state of New York or by a public authority constituted by the state of New York for the public interest.

§ 2. (a) The commission shall consist of eleven members, to be appointed as follows: (i) five members shall be appointed by the governor, one of whom shall be a representative of the New York state department of financial services, one shall be a representative from the New York state department of taxation and finance, the remaining three governor's appointees shall not be employees of the executive branch and at least one member shall represent the banking and financial industries of the state including, but not limited to, the New York bankers association, at least one member shall represent community banking, and no more than one member may be a representative of any financial services firm located within the state, including, but not limited to, the New York state small business development center;

(ii) three members shall be appointed by the temporary president of the senate, one of whom shall be a member of the senate;

(iii) three members shall be appointed by the speaker of the assembly, one of whom shall be a member of the assembly.

(b) The majority of the members of the entire commission shall designate one of the commissioners to serve as the chair of the commission.

(c) The members of the commission shall be appointed no later than ninety days after the effective date of this act.

(d) The commission is directed to hire a reputable consultant that has the capacity, capability, and experience to conduct a feasibility study to evaluate and make recommendations concerning the formation and control of a state public bank. Consultants that have conducted a previous feasibility study of a public bank at the request of a government entity in the United States will be given preference. Such study shall make recommendations, with the advice of the department of financial services, including but not limited to, on the feasibility of establishing a state bank in New York and may recommend legislation for the legislature to consider in order to create a state public bank for New York.

§ 3. The scope of such study shall include, but shall not be limited to:

(a) the purposes of such public bank in the public interest;

(b) an analysis of cost savings, impacts on the state's finances, economic development and infrastructure, housing and additional needs of the state, including but not limited to:

(i) appropriate governance structures;

(ii) minimum capitalization requirements;

(iii) appropriate insurance and risk management tools;

(iv) charter requirements;
(v) financial and operations framework;
(vi) deposits;
(vii) permitted activities;
(viii) benefits;
(ix) potential challenges that such public banks may encounter;
(x) how the lack of accessible financial services contributes to the cycle of poverty;
(xi) barriers to small business formation and growth;
(xii) impacts of such public banks on small businesses, including minority- and women-owned business enterprises;
(xiii) impacts of such public banks on the unbanked, the underbanked and banking deserts; and
(xiv) how a state public bank may provide banking to the cannabis industry;
(c) a fiscal analysis of costs associated with formation;
(d) an analysis that considers the effects of an economic recession on the financial results of such public banks;
(e) a legal analysis of whether the proposed structure and operation of such public bank complies with the New York state constitution;
(f) an analysis of how the proposed governance structure of such public bank would protect such public bank from unlawful insider transactions and apparent conflicts of interest;
(g) a fiscal analysis of the benefits associated with the creation of such public bank, including, but not limited to, cost savings, jobs created, jobs retained, economic activity generated and private capital leveraged;
(h) a qualitative assessment of social and environmental benefits of such public bank;
(i) a review of feasibility studies on public banking, including the city of Philadelphia public bank feasibility study and the city of San Francisco public bank feasibility study; and
(j) a review of AB-857 (2019 Cal. Stats. Ch. 442).
§ 4. No earlier than six months and no later than seven months after the effective date of this act, the commission shall submit a report to the governor, the temporary president of the senate, the speaker of the assembly, the chair of the senate banks committee and the chair of the assembly banks committee on the findings and conclusions of the study conducted pursuant to sections two and three of this act and shall submit any legislative recommendations deemed to be necessary. Such report shall be contemporaneously published on the official website of the department of financial services.
§ 5. This act shall take effect immediately and shall expire and be deemed repealed one year after such effective date.

PART EEE

Section 1. The vehicle and traffic law is amended by adding a new section 1640-s to read as follows:

§ 1640-s. Scramble crosswalks in cities with a population of one million or more. 1. There shall be scramble crosswalks in cities with a population of one million or more leading to and from school buildings during times of student arrival and dismissal. Such scramble crosswalks shall include, but not be limited to, the following requirements:
(a) scramble crosswalks shall operate on weekdays between 8:00 A.M. and 4:00 P.M.;

(b) pedestrians shall wait until a pedestrian-control signal indicates a sign to walk;

(c) vehicles shall not turn right at the intersection while the traffic signal indicates a red light;

(d) bicyclists may proceed with pedestrians when a pedestrian-control signal indicates a sign to walk, provided however, such bicyclists shall yield the right of way to all pedestrians in the intersection;

(e) bicyclists may proceed with vehicular traffic while the traffic signal indicates a green light; and

(f) signs shall be erected at such intersections with a scramble crosswalk indicating that no person shall enter the intersection unless a pedestrian-control signal indicates that all pedestrians may walk.

2. For the purposes of this section, "scramble crosswalk" means a crosswalk with a traffic signal which temporarily stops all vehicular traffic while a pedestrian-control signal indicates that all pedestrians at the intersection shall cross the intersection at the same time.

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

PART FFF

Section 1. The canal law is amended by adding a new section 135 to read as follows:

§ 135. Upstate river basins chart. The canal corporation, in consultation with the department of environmental conservation, shall, by June thirtieth, two thousand twenty-five, create a chart to identify, map and model normal and flood water flows in the Oswego river basin and the Mohawk river basin, which shall mean a watershed in the state of New York comprised of all rivers, streams, creeks, lakes, reservoirs and the surrounding land areas or other drainage, including but not limited to canals, that drains or flows via the Oswego river into Lake Ontario and a watershed in the state of New York comprised of all rivers, streams, creeks, lakes, reservoirs and the surrounding land areas or other drainage, including but not limited to canals, that drains or flows via the Mohawk river into the Hudson river, respectively. The chart shall be created with the Hydrologic Engineering Center River Analysis System (HEC-RAS), and bathymetric and/or light detection and ranging (LiDAR) measurements, as applicable. The chart shall, in addition to such other data as the canal corporation may determine to be included, consist of the chart as created and required by this section, together with other available data on basins, whether assisted by the state of New York under a provision of the laws of the state of New York, or assembled by federal or local governmental or private agencies, all of which such information shall be assembled and integrated, as applicable, into a map and model of the Oswego river basin and the Mohawk river basin. Additionally, the canal corporation shall update the chart every five years and shall periodically review such chart to ensure that it effectuates the purposes of this section. As soon as practicable, the canal corporation shall make the chart available to the public for inspection and examination at every division office of the canal corporation located in a county in which the Oswego river basin or the Mohawk river basin is wholly or partially located in and on the corporation's website. Digital files of the chart, including the map and model, shall also be made available, upon request, to the clerk of each county, city, town or village in which the Oswego river basin or the Mohawk river basin or a portion thereof is located. The canal corporation shall, by July first,

two thousand twenty-five, submit a report of the findings of the chart, including normal and flood flows, to the governor, the temporary president of the senate, the speaker of the assembly, the minority leader of the senate and the minority leader of the assembly.

§ 2. This act shall take effect immediately.

PART GGG

Section 1. Subdivisions 2 and 8 of section 237 of the vehicle and traffic law, subdivision 2 as amended by chapter 458 of the laws of 2010 and subdivision 8 as amended by chapter 364 of the laws of 1978, are amended to read as follows:

2. To provide for penalties other than imprisonment for (a) parking violations in accordance with a schedule of monetary fines and penalties, provided however, that monetary penalties shall not exceed fifty dollars for each parking violation other than (i) in a city with a population of one million or more, violations committed in spaces where stopping or standing is prohibited for which monetary penalties shall not exceed one hundred dollars and, (ii) handicapped parking violations for which monetary penalties shall not exceed one hundred fifty dollars; and (b) abandoned vehicle violations, except in a city with a population of one million or more, provided however, that monetary penalties shall not be less than two hundred fifty dollars nor more than one thousand dollars for each abandoned vehicle violation; and (c) a city with a population of one million or more may impose a monetary penalty of up to ~~[two hundred fifty]~~ one thousand dollars for ~~[a first]~~ each offense ~~[and up to five hundred dollars for subsequent offenses within a six month period]~~ for tractor-trailer combinations, tractors, truck trailers ~~[and], semi-trailers, and semi-trailers without a towing vehicle attached~~ parked overnight on streets in residential neighborhoods;

8. To answer within a reasonable period of time all relevant and reasonable inquiries made by a person charged with a parking violation or ~~[his]~~ such person's attorney concerning the notice of violation served on that person. The bureau must also furnish within a reasonable period of time to the person charged ~~[on his]~~ upon request, and upon complying with the regulations of the bureau, a copy of the original notice of violation including all information contained thereon. Failure by the bureau to comply with the provisions of this subdivision or any part of the provisions of this subdivision, within forty-five days of such inquiry, forwarded to the bureau by certified or registered mail, return receipt requested, will result, upon the request of the person charged, in an automatic dismissal of all charges relating to and only to that notice of violation to which the inquiry was made. Provided, however, that in the event that a bureau operating in a city with a population of one million or more which operates in good faith fails to comply with the first sentence of this subdivision, that upon the request of the person charged such failure shall result in a postponement of the hearing, relating to and only to the notice of violation to which the inquiry was made, to a date within thirty days after the bureau's correction of such failure rather than an automatic dismissal of all charges;

§ 2. Subdivision 2 of section 238 of the vehicle and traffic law, as amended by chapter 224 of the laws of 1995, is amended to read as follows:

2. A notice of violation shall be served personally upon the operator of a motor vehicle who is present at the time of service, and ~~[his]~~ such

1 operator's name, together with the plate designation and the plate type
2 as shown by the registration plates of said vehicle and the expiration
3 date, provided that the vehicle identification number may be inserted in
4 such notice in place of the plate designation and plate type in the
5 event that no number plate is present or that all such number plate or
6 plates are concealed, obscured, or such number plate or plates have not
7 been issued by the commissioner or the equivalent official from another
8 state, territory, or country; the make or model, and, provided that a
9 body type is indicated on the registration sticker of said vehicle, the
10 body type of said vehicle; a description of the charged violation,
11 including but not limited to a reference to the applicable traffic rule
12 or provision of this chapter; information as to the days and hours the
13 applicable rule or provision of this chapter is in effect, unless always
14 in effect pursuant to rule or this chapter and where appropriate the
15 word ALL when the days and/or hours in effect are everyday and/or twenty-four hours a day; the meter number for a meter violation, where
16 appropriate; and the date, time and particular place of occurrence of
17 the charged violation, shall be inserted therein. A mere listing of a
18 meter number in cases of charged meter violations shall not be deemed to
19 constitute a sufficient description of a particular place of occurrence
20 for purposes of this subdivision. The notice of violation shall be
21 served upon the owner of the motor vehicle if the operator is not present, by affixing such notice to said vehicle in a conspicuous place.
22 Whenever such notice is so affixed, in lieu of inserting the name of the
23 person charged with the violation in the space provided for the identification of said person, the words "owner of the vehicle bearing
24 license" may be inserted to be followed by the plate designation and
25 plate type as shown by the registration plates of said vehicle together
26 with the expiration date, provided that in the event that no number
27 plate is present or that all such number plate or plates are concealed,
28 obscured, or such number plate or plates have not been issued by the
29 commissioner or the equivalent official from another state, territory,
30 or country, the vehicle identification number may be inserted in such
31 notice in place of the plate designation and plate type, and such notice
32 shall indicate the reasoning for insertion of the vehicle identification
33 number and may provide supporting photographic documentation; the make
34 or model, and, provided that a body type is indicated on the registra-
35 tion sticker of said vehicle, the body type of said vehicle; a
36 description of the charged violation, including but not limited to a
37 reference to the applicable traffic rule or provision of this chapter;
38 information as to the days and hours the applicable rule or provision of
39 this chapter is in effect unless always in effect pursuant to rule or
40 this chapter and where appropriate the word ALL when the days and/or
41 hours in effect are every day and/or twenty-four hours a day; the meter
42 number for a meter violation where appropriate; and the date, time and
43 particular place of occurrence of the charged violation. Service of the
44 notice of violation, or a duplicate thereof by affixation as herein
45 provided shall have the same force and effect and shall be subject to
46 the same penalties for disregard thereof as though the same was
47 personally served with the name of the person charged with the violation
48 inserted therein.

52 § 3. Paragraph (a) of subdivision 2-a of section 238 of the vehicle
53 and traffic law, as added by chapter 224 of the laws of 1995, is amended
54 to read as follows:

55 (a) Notwithstanding any inconsistent provision of subdivision two of
56 this section, where the plate type or the expiration date are not shown

on either the registration plates or sticker of a vehicle or where the registration sticker is covered, faded, defaced or mutilated so that it is unreadable, or cannot be located on such vehicle, the plate type or the expiration date may be omitted from the notice of violation; provided, however, ~~[such]~~ that the condition or absence of such plates or sticker must be so described and inserted on the notice of violation, and supporting photographic documentation may be provided.

§ 4. Subparagraph (ii) of paragraph (c) of subdivision 2-a of section 238 of the vehicle and traffic law, as added by chapter 409 of the laws of 2001, is amended to read as follows:

(ii) Notice shall be served on the owner by mail to the last known registered address within the greater of six years of the date of the dismissal or two years of the time that the enforcing authority discovers, or could with reasonable diligence have discovered, that the dismissal was procured due to the knowing fraud, false testimony, misrepresentation, or other misconduct, or the knowing alteration of a notice of parking violation, by the person so charged or ~~[his or her]~~ such person's agent, employee, or representative. Such notice shall fix a time when and place where a hearing shall be held before a hearing examiner to determine whether or not dismissal of a charged parking violation shall be set aside. Such notice shall set forth the basis for setting aside the dismissal and advise the owner that failure to appear at the date and time indicated in such notice shall be deemed an admission of liability and shall result in the setting aside of the dismissal and entry of a determination on the charged parking violation. Such notice shall also contain a warning that civil penalties may be imposed for the violation pursuant to this paragraph and that a default judgment may be entered thereon.

§ 5. Section 242 of the vehicle and traffic law is amended by adding a new subdivision 3-a to read as follows:

3-a. Notwithstanding any provision of this section to the contrary, in cities having a population of one million or more persons, an administrative appeal of a determination regarding a notice of violation that has been served on an owner or operator of a commercial vehicle, as such term is defined in section 4-01 of title 34 of the rules of the city of New York, shall be conducted only when an appellant has either:

(a) posted a bond in the amount of the determination appealed from; or
(b) paid to the parking violations bureau the following penalties and surcharges, as applicable:

(i) any penalty imposed pursuant to a notice of liability issued pursuant to a program authorized by section three hundred eighty-five-a, eleven hundred eleven-a, eleven hundred eleven-c, eleven hundred eleven-c-one, or eleven hundred eighty-b of this chapter, other than any additional penalty imposed for failure to respond to a notice of liability within the prescribed time period; and

(ii) any surcharge levied pursuant to a notice of violation issued in accordance with sections eighteen hundred nine-a and eighteen hundred nine-b of this chapter.

§ 6. Subdivision 6 of section 242 of the vehicle and traffic law, as amended by chapter 515 of the laws of 2004, is amended to read as follows:

6. When charges have been overturned by a court or any other administrative body or officer, the party in whose favor the appeal is decided shall be entitled to have returned an amount equal to any fine or penalty imposed and collected from the parking violations bureau, excluding any penalty collected under subparagraph (i) of paragraph (b) of subdi-

1 vision three-a of this section after which the period to contest the
2 notice of liability has expired, within thirty days of the entry of the
3 judgment; provided, however, that such court, administrative body or
4 officer shall have the authority to lessen from such amount any debt
5 owed by such party and shall apply this amount to any outstanding fines
6 and penalties owed by the same individual. If payment is not made within
7 thirty days, a penalty shall accrue at the same rate as that imposed for
8 failure to make timely payment of a fine and shall be paid by the park-
9 ing violations bureau. Provided, however, that in a city with a popu-
10 lation of one million or more a court may postpone a parking violation
11 bureau's obligation to return an amount equal to any fine or penalty
12 imposed and collected to a reasonable period of time in the event that
13 such bureau's obligation to repay pursuant to the appeal exceeds ten
14 thousand dollars.

15 § 7. Subdivision c of section 19-170 of the administrative code of the
16 city of New York, as amended by local law number 74 of the city of New
17 York for the year 2019, is amended to read as follows:

18 c. 1. Except as otherwise provided in paragraphs 2 and 3 of this
19 subdivision, a violation of this section shall be punishable by the
20 monetary fine authorized for violation of the rules and regulations of
21 the commissioner in paragraph 1 of subdivision a of section 2903 of the
22 charter.

23 2. A [~~first~~] violation of this section, when the commercial vehicle is
24 a tractor-trailer combination, tractor, truck trailer [~~or~~], semi-trail-
25 er, or semi-trailer without a towing vehicle attached, shall be punisha-
26 ble by a monetary [~~fine~~] penalty of [~~\$250~~] up to \$1,000. [~~Any such~~
27 ~~subsequent violation of this section by the same owner, as defined in~~
28 ~~paragraph a of subdivision 1 of section 239 of the vehicle and traffic~~
29 ~~law, within a six month period shall be punishable by a monetary fine of~~
30 ~~\$500.~~

31 ~~3. As an alternative to any other means of enforcement of this subdi-~~
32 ~~vision authorized by law, a first violation of subdivision b of this~~
33 ~~section, when the commercial vehicle is a tractor-trailer combination,~~
34 ~~tractor, truck trailer or semi-trailer, shall be punishable by a civil~~
35 ~~penalty of \$400. Any such subsequent violation of subdivision b of this~~
36 ~~section by the same owner, as defined in paragraph a of subdivision 1 of~~
37 ~~section 239 of the vehicle and traffic law, within a six month period~~
38 ~~shall be punishable by a civil penalty of \$800. Such civil penalties~~
39 ~~shall be recoverable in a proceeding before the office of administrative~~
40 ~~trials and hearings.]~~

41 § 8. Paragraph 2 of subdivision (b) of section 1204 of the vehicle and
42 traffic law, as amended by chapter 193 of the laws of 1974, is amended
43 and a new paragraph 3 is added to read as follows:

44 2. In any city with a population of one million or more, whenever any
45 police officer, or any person designated by the commissioner [~~of traf-~~
46 ~~fic~~], finds a tractor-trailer combination, tractor, truck trailer, semi-
47 trailer or trailer without a tractor or towing vehicle attached, parked
48 or unattended on any city street, such officer or person designated by
49 the commissioner [~~of traffic~~] is hereby authorized to provide for the
50 removal of such [~~semitrailer~~] vehicle or trailer to a garage, automobile
51 pound or other place of safety. The owner or other person lawfully
52 entitled to the possession of such vehicle or trailer shall be subject
53 to a fine of up to one thousand dollars.

54 3. If a tractor-trailer combination, tractor, truck trailer, semi-
55 trailer or trailer without a tractor or towing vehicle attached is
56 parked and left unattended while it is connected to a state sanctioned

film or television production, the owner or other person lawfully entitled to the possession of such vehicle or trailer shall not be subject to the one thousand dollar fine as provided in paragraph two of this subdivision.

§ 9. This act shall take effect immediately, except that section four of this act shall take effect and apply to any determination made on or after the first day of the first month succeeding the sixtieth day after it shall have become a law.

PART HHH

Section 1. This act shall be known and may be cited as the "cannabis farmer rescue and relief act".

§ 2. 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 60 to read as follows:

§ 60. Cannabis farmer rescue and relief fund. 1. The cannabis farmer rescue and relief fund is hereby created. The corporation is authorized and directed, within available appropriations of up to forty million dollars, to provide grants to cannabis farmers to cover actual losses resulting from the shortage of licensed cannabis retailers, pursuant to this section.

2. Any monies collected by the president pursuant to this section shall not be deemed state or corporation funds and shall be deposited in a bank or other depository of the corporation, approved by the president, allocated pursuant to this section. Monies in such fund shall consist of all monies appropriated for the purposes of such fund and all monies appropriated, credited or transferred thereto from any other fund or source pursuant to law. The corporation shall not commingle the monies of such fund with any other monies of the corporation or any monies held in trust by the corporation. Any and all monies appropriated for this fund that are not distributed to cannabis farmers within two years of the fund application being made available to cannabis farmers, shall be transferred to the general fund. Monies in the fund shall be used exclusively for the purpose of compensation for actual losses incurred by cannabis farmers for the period April first, two thousand twenty-one through January first, two thousand twenty-four.

3. Applicants shall be required to have possessed a conditional cultivator license as defined in section 68-c of the cannabis law from April first, two thousand twenty-one through January first, two thousand twenty-four. Applicants must submit the license granted by the office, along with other documents required by this section or the corporation, when submitting an application for relief under this section.

4. (a) To be awarded any funds available under this section, applicants must demonstrate actual losses incurred for the period of April first, two thousand twenty-one through January first, two thousand twenty-four. "Actual losses", shall mean verifiable and demonstrable losses incurred by the applicant, resulting from the loss of the cannabis crop due to the shortage of licensed cannabis retailers, and shall not include unrealized profits. The corporation, in consultation with the office of cannabis management, shall determine how such losses shall be verified and calculated for the purposes of the fund in a manner consistent with this section.

(b) Applicants under this section may be required, without limitation, to submit to the corporation the following relevant documents to satisfy the requirements of paragraph (a) of this subdivision:

1 (i) conditional cultivator license as defined in section 68-c of the
2 cannabis law;

3 (ii) application for a grant award from the cannabis farmer rescue and
4 relief fund;

5 (iii) application for cannabis farmer losses credit;

6 (iv) a profit and losses statement, provided that such profits and
7 losses statement may be submitted to the corporation for the purposes of
8 determining which expenses or losses are eligible;

9 (v) credit card statements;

10 (vi) delinquency notices from lenders of any line of credit, including
11 mortgage lenders;

12 (vii) personal guarantees to any investors;

13 (viii) demand letters for payment from any such investors described in
14 subparagraph (vii) of this paragraph;

15 (ix) demands for payment from vendors;

16 (x) federal or state tax returns;

17 (xi) evidence of receipt of any form of government assistance; and

18 (xii) any other documentation determined necessary by the corporation.

19 (c) The corporation in disbursing funds under this section shall
20 consider, in addition to the requirements of paragraph (a) of this
21 subdivision, any decrease in canopy or growth during the period of April
22 first, two thousand twenty-one through January first, two thousand twen-
23 ty-four, due to a lack of retail dispensaries licensed during such peri-
24 od.

25 (d) The corporation in determining awards of the fund shall consider
26 actual losses due to a lack of retail dispensaries and prioritize canna-
27 bis farmers that are experiencing the most financial hardship, such as
28 those who have defaulted on loans prior to the enactment of this fund or
29 those that took out mortgages on their homes to get into the industry.

30 (e) Applicants under this section shall not be eligible for relief in
31 excess of one hundred fifty thousand dollars.

32 5. The corporation shall establish application procedures which shall
33 include, but not be limited to:

34 (a) creating a user-friendly, and language-accessible website for
35 application to the program;

36 (b) providing notice to the public at least fourteen days prior to
37 closing the application process period to applicants;

38 (c) requiring that all applications for the program shall be processed
39 within four weeks of the receipt of a completed application. The corpo-
40 ration shall provide a response to each applicant on whether such appli-
41 cant is eligible for the program; and

42 (d) establishing procedures for denials and appeals which, at a mini-
43 mum, provide that:

44 (i) when an application is denied, the corporation shall include in
45 the notice of determination a specific explanation as to the reason for
46 the denial and detailed instructions as to what documentation or docu-
47 mented justification is needed to reverse the determination;

48 (ii) an applicant shall file an appeal within sixty days after receipt
49 of the notice of determination;

50 (iii) an applicant shall submit the appeals form provided by the
51 corporation pursuant to this paragraph, in addition to any additional
52 information or documentation required to support the applicant's posi-
53 tion in filing their appeal;

54 (iv) the corporation shall notify the applicant in writing of the
55 determination on the appeal or of the need for additional information
56 and the date by which the information must be provided. Such notifica-

tion shall be provided to the applicant within thirty days from the date the corporation receives the appeal and shall provide the applicant with at least twenty-one days' notice to provide additional information to the corporation; and

(v) the corporation shall notify the applicant in writing of its final determination on the appeal within thirty days following the receipt of any additional information or following expiration of the period for providing such information.

§ 3. 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 60-a to read as follows:

§ 60-a. Cannabis farmer loan program. 1. The corporation is authorized and directed to establish a fund to be known as the "cannabis farmer loan fund" which shall consist of available appropriations of up to sixty million dollars, for the promulgation of the cannabis farmer low-interest or zero-interest loan program. The monies held in or credited to the fund shall be expended solely for the purposes set forth in this section. The corporation shall not commingle the monies of such fund with any other monies of the corporation or any monies held in trust by the corporation.

2. The corporation shall allocate monies made available for such fund for the purpose of providing low-interest or zero-interest loans to cannabis farmers for the mitigation of the effects of actual losses resulting from the shortage of licensed cannabis retailers pursuant to this section. Any and all monies appropriated for this loan program that are not distributed to cannabis farmers within two years of the loan application being made available to cannabis farmers, shall be transferred to the general fund. Any principal repayments shall be deposited in the loan fund account; any interest earned by the corporation on loans will be deposited in a separate interest repayment account. Any interest earned from its loans may be used by the corporation for the cost of administering the loan program authorized by this section. Upon the final repayment of the loan program, any and all interest earned shall be transferred to the general fund.

3. Such loans may be awarded and distributed by the corporation to cannabis farmers that possessed a conditional cultivator license as defined in section 68-c of the cannabis law from April first, two thousand twenty-one through January first, two thousand twenty-four, for the mitigation of the effects of actual losses resulting from the shortage of licensed cannabis retailers pursuant to this section, such as lack of funds to purchase seed for the next planting season and to retain jobs that might otherwise be lost, and any other purpose as determined by the corporation. "Actual losses" shall mean the losses resulting from the loss of the cannabis crop due to the shortage of licensed cannabis retailers, and shall not include unrealized profits. The corporation shall consider, in addition to the requirements of this subdivision, any decrease in canopy or growth during the period of April first, two thousand twenty-one through January first, two thousand twenty-four, due to a lack of retail dispensaries licensed during such period. The corporation in consultation with the office of cannabis management shall determine how such losses shall be verified for the purposes of determining the effect of loss for the loan program in a manner consistent with this section.

4. Applicants under this section may be required, without limitation, to provide to the corporation for low-interest or zero-interest loan any of the following documents the corporation deems relevant:

1 (a) conditional cultivator license as defined in section 68-c of the
2 cannabis law;
3 (b) application for a grant award from the cannabis farmer rescue and
4 relief fund as established by section sixty of this act;
5 (c) application for cannabis farmer losses credit;
6 (d) a profit and losses statement, provided that such profits and
7 losses statement may be submitted to the corporation for the purposes of
8 determining which expenses or losses are eligible;
9 (e) credit card statements;
10 (f) delinquency notices from lenders of any line of credit, including
11 mortgage lenders;
12 (g) personal guarantees to any investors;
13 (h) demand letters for payment from any such investors described in
14 subparagraph (g) of this subdivision;
15 (i) demands for payment from vendors;
16 (j) federal or state tax returns;
17 (k) evidence of receipt of any form of government assistance; and
18 (l) any other documentation determined necessary by the corporation.
19 5. The corporation in determining loan awards shall consider whether
20 the loan would assist the cannabis farmer in maintaining business oper-
21 ations and would be able to maintain operations for several years;
22 provided however, the corporation may not award loans to cannabis farm-
23 ers that cannot establish that they would be able to maintain business
24 operations with a loan award, as determined by the president. Appli-
25 cants under this section shall not be eligible for a loan in excess of
26 two hundred fifty thousand dollars.
27 6. The corporation shall establish application procedures which shall
28 include, but not be limited to:
29 (a) creating a user-friendly, and language-accessible website for
30 application to the program;
31 (b) providing notice to the public at least fourteen days prior to
32 closing the application process period to applicants;
33 (c) requiring that all applications for the program shall be processed
34 within four weeks of the receipt of a completed application. The corpo-
35 ration shall provide a response to each applicant on whether such appli-
36 cant is eligible for the program;
37 (d) establishing procedures for denials and appeals which, at a mini-
38 mum, provide that:
39 (i) when an application is denied, the corporation shall include in
40 the notice of determination a specific explanation as to the reason for
41 the denial and detailed instructions as to what documentation or docu-
42 mented justification is needed to reverse the determination;
43 (ii) an applicant shall file an appeal within sixty days after receipt
44 of the notice of determination;
45 (iii) an applicant shall submit the appeals form provided by the
46 corporation pursuant to this paragraph, in addition to any additional
47 information or documentation required to support the applicant's posi-
48 tion in filing their appeal;
49 (iv) the corporation shall notify the applicant in writing of the
50 determination on the appeal or of the need for additional information
51 and the date by which such information must be provided. Such notifica-
52 tion shall be provided to the applicant within thirty days from the date
53 the corporation receives the appeal and shall provide the applicant with
54 at least twenty-one days' notice to provide additional information to
55 the corporation; and

1 (v) the corporation shall notify the applicant in writing of its final
2 determination on the appeal within thirty days following the receipt of
3 any additional information or following the expiration of the period for
4 providing such information.

5 § 4. The tax law is amended by adding a new section 49 to read as
6 follows:

7 § 49. Cannabis farmer losses credit. (a) Eligibility. An eligible
8 cannabis farmer shall be eligible for a credit against the tax
9 imposed under article nine-A or twenty-two of this chapter, pursuant
10 to the provisions referenced in subdivision (c) of this section.

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

13 (1) "Eligible cannabis farmer" means a corporation, including a New
14 York S corporation as defined in section two hundred eight of this chap-
15 ter, a sole proprietorship, a limited liability company or a partner-
16 ship who is also a cannabis farmer.

17 (2) "Cannabis farmer" means a taxpayer who was issued and had control
18 over a conditional cultivator license as defined in section
19 sixty-eight-c of the cannabis law.

20 (3) "Eligible cannabis farm losses" means real losses resulting from
21 the depreciation or loss of the cannabis crop due to the shortage of
22 possible licensed cannabis retailers, and shall not include unrealized
23 profits. The department shall issue emergency regulations in consulta-
24 tion with the office of cannabis management as to how such losses shall
25 be calculated for the purposes of this credit.

26 (c) Allowance of credit. For taxable years beginning on or after Janu-
27 ary first, two thousand twenty-two and ending before January first, two
28 thousand twenty-four, an eligible cannabis farmer shall be entitled to
29 claim a credit against their taxes for the value of their eligible
30 cannabis farm losses. The value of the credit will be capped at fifty
31 thousand dollars for each tax year the eligible cannabis farmer had
32 eligible cannabis farm losses.

33 (d) Claim form. The department shall develop a form to allow eligible
34 cannabis farmers who had already submitted returns for their two thou-
35 sand twenty-two and two thousand twenty-three taxes to claim this credit
36 without having to submit an amended return.

37 (e) Cross references. For application of the credit provided in this
38 section, see the following provisions of this chapter:

39 (1) article 9-A: section 210-B, subdivision 60.

40 (2) article 22: section 606, subsection (ppp).

41 § 5. Section 210-B of the tax law is amended by adding a new subdivi-
42 sion 60 to read as follows:

43 60. Cannabis farmer losses credit. (a) Allowance of credit. A taxpayer
44 shall be allowed a credit, to be computed as provided in section
45 forty-nine of this chapter, against the taxes imposed by this article.

46 (b) Application of credit. The credit allowed under this subdivision
47 for the taxable year shall not reduce the tax due for such year to less
48 than the amount prescribed in paragraph (d) of subdivision one of
49 section two hundred ten of this article. However, if the amount of cred-
50 it allowable under this subdivision for the taxable year reduces the tax
51 to such amount or if the taxpayer otherwise pays tax based on the fixed
52 dollar minimum amount, any amount of credit thus not deductible in such
53 taxable year shall be treated as an overpayment of tax to be credited or
54 refunded in accordance with the provisions of section one thousand
55 eighty-six of this chapter. Provided, however, the provisions of

subsection (c) of section one thousand eighty-eight of this chapter notwithstanding, no interest will be paid thereon.

§ 6. Section 606 of the tax law is amended by adding a new subsection (ppp) to read as follows:

(ppp) Cannabis farmer losses credit. (1) Allowance of credit. A taxpayer shall be allowed a credit, to be computed as provided in section forty-nine of this chapter, against the tax imposed by this article.

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

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

(li) Cannabis Farmer losses credit under subsection (ppp)

Amount of credit under subdivision sixty of section two hundred ten-B

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

1. section two of this act shall expire and be deemed repealed either when all the funds are exhausted or two years after the application becomes available when any undistributed funds are transferred to the general fund, whichever is earlier. The president of the New York state urban development corporation shall notify the legislative bill drafting commission upon the occurrence of all the funds being distributed or two years after the application becomes available in order that the commission may maintain an accurate and timely effective database of the official text of the laws of the state of New York in furtherance of effectuating the provisions of section 44 of the legislative law and section 70-b of the public officers law; and

2. section three of this act shall expire and be deemed repealed when all funds are repaid and any unused interest is transferred to the general fund. The president of the New York state urban development corporation shall notify the legislative bill drafting commission upon the occurrence that all funds are repaid and any unused interest being transferred to the general fund in order that the commission may maintain an accurate and timely effective database of the official text of the laws of the state of New York in furtherance of effectuating the provisions of section 44 of the legislative law and section 70-b of the public officers law.

PART III

Section 1. The environmental conservation law is amended by adding a new article 74 to read as follows:

ARTICLE 74

SAFE WATER AND INFRASTRUCTURE ACTION PROGRAM

Section 74-0101. Safe water and infrastructure action program.

§ 74-0101. Safe water and infrastructure action program.

1. Notwithstanding any other provisions of this chapter or any other law and subject to an appropriation made therefor and in accordance with the provisions of this section and with the rules and regulations promulgated by the commissioner in connection therewith, on and after

1 the first day of April, two thousand twenty-four, a consolidated local
2 infrastructure program is hereby established for the purpose of making
3 payments toward the replacement and rehabilitation of existing local
4 municipally-owned and funded drinking water, storm water and sanitary
5 sewer systems. For purposes of this section, such program shall apply to
6 any drinking water system, storm water system or sanitary sewer system
7 within the state that is under the maintenance and/or operational juris-
8 isdiction of a county, city, town, village or public authority; provided,
9 however, that such system shall not be under the maintenance and/or
10 operational jurisdiction of a private entity; and provided further, that
11 no more than ten percent of the moneys paid under the program shall be
12 paid toward replacement and rehabilitation of drinking water, storm
13 water and sanitary sewer systems under the maintenance and/or opera-
14 tional jurisdiction of any one county, city, town, village or public
15 authority. The commissioner, in conjunction with the environmental
16 facilities corporation, shall promulgate all necessary rules and regu-
17 lations to carry out the program so that an equitable distribution of
18 aid shall be made for the general operation and/or general maintenance
19 of any such existing drinking water system, storm water system or sani-
20 tary sewer system. Existing water infrastructure includes all the man-
21 made and natural features that move and treat water in terms of drinking
22 water, waste water, and storm water. Monies from this fund may be used
23 for maintenance and repairs of existing water infrastructure as well as
24 new water infrastructure expansion, but only into already developed
25 areas so as not to support sprawl and development of natural areas.
26 Already developed areas are those that are zoned/defined by munici-
27 palities as of January first, two thousand twenty-four as commercial and
28 residential use.

29 2. On or before the twenty-fifth day of April, June, September and
30 November of each state fiscal year commencing with the state fiscal year
31 beginning on April first, two thousand twenty-five, there shall be
32 distributed and paid to counties, cities, towns, villages and public
33 authorities an amount equal to the moneys appropriated for the purposes
34 of this section divided by the number of payment dates in that state
35 fiscal year. Such amounts shall be distributed and paid pursuant to
36 subdivision three of this section.

37 3. Amounts shall be distributed for local drinking water, storm water
38 and sanitary sewer systems based upon a funding formula that the depart-
39 ment and the department of health shall create taking into consideration
40 factors including but not limited to: the system's length and width of
41 pipes; other physical assets maintained by the system, including treat-
42 ment facilities and pumping stations; the age of the system's infras-
43 tructure; and relevant socioeconomic factors, including the presence of
44 disadvantaged communities within a system's service area, to achieve an
45 equitable distribution of aid.

46 4. Monies made available may be used to match other state and federal
47 funds made available for such projects. The remainder of the apportion-
48 ment may be used for any existing drinking water, storm water or sewer
49 system purchases, including but not limited to, the acquisition of mate-
50 rials for the replacement or rehabilitation.

51 5. For any city, town, village or public authority which proposes
52 infrastructure consolidation under this section or merges with another
53 municipality, the funds appropriated under this section may fund costs
54 associated with such consolidation.

1 6. For each fiscal year, starting in two thousand twenty-five, funds
2 are to be made available to the local infrastructure assistance account
3 of the general fund, and distributed from that account.

4 7. At the end of each fiscal year, each county, city, town, village
5 and public authority that receives funding pursuant to this section
6 shall submit an annual report to the department detailing how such money
7 was used. The department shall compile all reports and submit them to
8 the comptroller for their review. Once a report is finalized, it shall
9 be made publicly available on the department's website. The department
10 and the comptroller shall reserve the right to conduct site visits to
11 ensure the money is being used accurately.

12 § 2. This act shall take effect on the thirtieth day after it shall
13 have become a law.

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

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