

STATE OF NEW YORK

9528

IN SENATE

May 16, 2024

Introduced by Sen. SALAZAR -- read twice and ordered printed, and when printed to be committed to the Committee on Finance

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

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

- 1 Section 1. Short title. This act shall be known and may be cited as
2 the "green transition authority act".
- 3 § 2. Legislative findings and declaration. The legislature finds and
4 declares that:
- 5 1. New York State's For-Hire Vehicle ("FHV") industry is at the center
6 of three interlinked crises that impact FHV drivers, people with disa-
7 bilities, and the environment. These issues are:
- 8 a. FHV driver poverty. Rideshare driver earnings are in the lowest 10%
9 of all occupations in the United States. This led the City of New York
10 to establish the first-ever pay regulations for app-based drivers, but
11 long hours and low pay remain the norm for most of the for-hire vehicle
12 industry's 91% immigrant, predominantly people of color workforce of
13 over 60,000 active drivers in NYC and for thousands more drivers across
14 the state. Earnings from trips are only half the problem. Union surveys
15 indicate that on average, each driver must spend \$31,000 per year for
16 the things they need to do their job: a vehicle, gas, repairs, and
17 insurance. Vehicle costs push drivers into poverty. Unfunded mandates
18 to transition to electric vehicles, such as that of the City of New
19 York's "Green Rides" program, risk deepening this crisis.
- 20 b. Climate change. New York's fleet of rideshare vehicles is a major
21 source of greenhouse gas emissions that drive climate change. In New
22 York City alone, a fleet of 109,000 gasoline-fueled rideshare vehicles
23 puts 1.4 million tons of CO2 into the atmosphere every year, a 62%
24 increase from 2013 to 2018 as the FHV fleet ballooned. Transportation
25 generates approximately 30% of New York City's total carbon emissions,
26 with the FHV fleet responsible for a substantial portion of this total.

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

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

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

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

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

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

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

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

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

48 f. Improve paratransit service across New York State.

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

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

55 TITLE 7

56 GREEN TRANSITION AUTHORITY

1 Section 1750. Definitions.

2 1751. Green transition authority.

3 1752. Members.

4 1753. Purposes, powers and duties of the authority.

5 1754. Additional powers of the authority.

6 1755. Green transition fund.

7 1756. Accounts and funding.

8 1757. Exemption from taxes, assessments and certain fees.

9 1758. Audit and annual report.

10 1759. Labor and procurement standards.

11 1760. Bonds and notes.

12 1761. Reserve funds and appropriations.

13 1762. Exemption from taxation of bonds and notes.

14 1763. Bonds and notes legal investments for fiduciaries.

15 1764. Right of state to require redemption of bonds.

16 1765. Rights and remedies of bondholders and noteholders.

17 1766. State not liable on bonds and notes.

18 § 1750. Definitions. As used or referred to in this title, unless a
19 different meaning clearly appears from the context:

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

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

28 3. "Disadvantaged worker" means a resident of New York state who:
29 (a) is a woman, when considering construction and building contracts;
30 (b) has a household income of less than fifty percent of the area
31 median income;

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

33 (d) is disabled;

34 (e) is a veteran;

35 (f) is a person previously incarcerated or convicted of a crim-
36 inal offense; or

37 (g) is long-term unemployed.

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

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

44 6. "Electric vehicle charging infrastructure" means any physical
45 infrastructure required for the construction of electric vehicle charg-
46 ing stations or any related equipment needed to facilitate charging
47 electric vehicles.

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

51 8. "Environmentally sustainable practices" means practices that prior-
52 itize the responsible use of natural resources to maintain ecological
53 balance and ensure the conservation of resources for future generations.

54 9. "For-hire vehicle" means any transportation network company vehicle
55 ("TNC vehicle") as defined in section sixteen hundred ninety-one of the

1 vehicle and traffic law and any for-hire vehicle as defined in section
2 19-502 of the administrative code of the city of New York.

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

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

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

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

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

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

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

23 § 1751. Green transition authority. There is hereby created the green
24 transition authority. The authority shall be a body corporate and poli-
25 tic constituting a public benefit corporation.

26 § 1752. Members. 1. The authority shall consist of eleven voting
27 members, who shall be appointed as follows: two shall be representatives
28 of environmental justice organizations, one of whom shall be appointed
29 by the governor, and one of whom shall be appointed by the speaker of
30 the assembly; two shall be representatives of disability justice organ-
31 izations, one of whom shall be appointed by the governor, and one of
32 whom shall be appointed by the temporary president of the senate; one
33 shall be a representative of a New York state worker cooperative corpo-
34 ration owned by drivers licensed by the New York city taxi and limousine
35 commission and shall be appointed by the governor; one shall be a repre-
36 sentative of an organization with a track record of advocating for a
37 transition to electric and wheelchair-accessible vehicles in the for-
38 hire vehicle industry and shall be appointed by the speaker of the
39 assembly; one shall be a representative of a labor union that represents
40 paratransit drivers in New York state and shall be appointed by the
41 governor; one shall be a representative of an automotive workers' union
42 and shall be appointed by the temporary president of the senate; one
43 shall be a representative of an electrical workers' union and shall be
44 appointed by the governor; and two shall be appointed by the governor as
45 at-large representatives of the public. Five of the members shall
46 reside in the upstate region of the state and six of the members shall
47 reside in the downstate region. All of the appointed members shall have
48 relevant experience in any or all of the following areas: environmental
49 justice, disability justice, energy markets, energy systems, organized
50 labor, workforce development, sustainable land use, transportation, and
51 clean energy.

52 2. All members shall continue to hold office until their successors
53 are appointed and qualify. Of the appointed members, six of the members
54 appointed by the governor shall serve initial terms of four years, while
55 the remaining five members shall serve initial terms of three years.
56 Thereafter, all terms shall be for a period of four years.

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

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

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

19 § 1753. Purposes, powers and duties of the authority. 1. The
20 purposes of the authority shall be to promote the transition of the
21 for-hire vehicle and other state industries to environmentally sustaina-
22 ble practices and increase universal accessibility of for-hire vehicles,
23 paratransit services, and taxi services statewide.

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

26 (a) Sue and be sued;

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

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

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

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

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

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

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

1 provide funds for such other corporate purposes as the authority may
2 deem appropriate;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

7 (y) Levy fines and fees;

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

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

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

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

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

25 § 1754. Additional powers of the authority. In addition to the powers
26 enumerated in section seventeen hundred fifty-three of this title, the
27 authority shall have the power and obligation to:

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

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

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

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

53 5. After zero-emission and wheelchair-accessible vehicle transition
54 goals are met, develop and administer a voluntary program for drivers of
55 for-hire vehicles to receive training and financial support to enter
56 into alternative employment in public service or green jobs;

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

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

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

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

23 § 1755. Green transition fund. 1. The authority shall create and
24 establish a fund to be known as the "green transition fund" which shall
25 be kept separate from and shall not be commingled with any other moneys
26 of the authority. The green transition fund shall consist of moneys
27 received by the authority pursuant to the provisions of section twelve
28 hundred ninety-nine-ff of the tax law in accordance with the provisions
29 thereof.

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

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

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

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

47 § 1756. Accounts and funding. 1. The programs administered by the
48 authority shall be funded in part by the green transition fund estab-
49 lished pursuant to section seventeen hundred fifty-five of this title
50 and any other moneys received by the authority, including payments,
51 gifts, or appropriations to the authority from any other source.

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

55 3. The authority shall have the power and is hereby authorized from
56 time to time to issue its negotiable bonds in conformity with applicable

1 provisions of the uniform commercial code for any purpose authorized by
2 this title.

3 § 1757. Exemption from taxes, assessments and certain fees. It is
4 hereby determined that the creation of the authority and the carrying
5 out of its corporate purposes is in all respects for the benefit of the
6 people of the municipality and the state and is a public purpose and the
7 authority shall be regarded as performing a governmental function in the
8 exercise of the powers conferred upon it by this title and shall not be
9 required to pay any taxes, special ad valorem levies or special assess-
10 ments upon any property owned by it or under its jurisdiction, control
11 or supervision or upon its activities or any filing, recording or trans-
12 fer fees or taxes in relation to instruments filed, recorded or trans-
13 ferred by it or on its behalf. The construction, use, occupation or
14 possession of any property owned by the authority or the municipality,
15 including improvements thereon, by any person or public corporation
16 under a lease, lease and sublease or any other agreement shall not oper-
17 ate to abrogate or limit the foregoing exemption, notwithstanding that
18 the lessee, user, occupant or person in possession shall claim ownership
19 for federal income tax purposes. Mortgages made or financed, directly or
20 indirectly, by the authority shall be exempt from the mortgage recording
21 taxes imposed by article eleven of the tax law. The authority shall be
22 deemed a public authority for the purposes of section four hundred
23 twelve of the real property tax law.

24 § 1758. Audit and annual report. In conformity with the provisions of
25 section five of article ten of the constitution, the accounts of the
26 authority shall be subject to the supervision of the state comptroller
27 and an annual audit shall be performed by an independent certified
28 accountant. The authority shall annually submit to the governor, state
29 comptroller and state legislature a detailed report pursuant to the
30 provisions of section twenty-eight hundred of this chapter, and a copy
31 of such report shall be filed with every municipality included in the
32 report. The authority shall comply with the provisions of sections twen-
33 ty-eight hundred one, twenty-eight hundred two and twenty-eight hundred
34 three of this chapter.

35 § 1759. Labor and procurement standards. 1. Any project that is funded
36 by the authority shall:

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

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

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

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

52 (e) Require that all rights or benefits, including terms and condi-
53 tions of employment, and protection of civil service and collective
54 bargaining status of all existing public employees and the work juris-
55 isdiction, covered job titles, and work assignments, set forth in the

1 civil service law and collective bargaining agreements with labor organ-
2 izations representing public employees shall be preserved and protected.

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

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

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

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

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

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

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

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

43 (1) worker wages;

44 (2) worker benefits;

45 (3) worker safety;

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

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

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

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

55 (iv) compliance with local, state, and federal labor, civil rights,
56 and environmental laws and regulations. Violations of local, state, and

1 federal labor, civil rights, and environmental laws and regulations
2 shall be considered a negative factor in the authority's procurement
3 framework.

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

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

11 § 1760. Bonds and notes. 1. The authority shall have the power and is
12 hereby authorized to issue at one time or in series from time to time
13 its negotiable bonds and notes in conformity with applicable provisions
14 of the uniform commercial code in such principal amounts as, in the
15 opinion of the authority, shall be necessary to provide sufficient
16 moneys for achieving the authority's corporate purposes, including the
17 establishment of reserves to secure the bonds and notes and the payment
18 of interest on bonds and notes.

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

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

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

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

53 6. In the discretion of the authority any bonds or issue of bonds or
54 notes or issue of notes may be secured by such resolution or by a trust
55 indenture by and between the authority and a corporate trustee which may
56 be any trust company or bank having the powers of a trust company in the

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

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

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

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

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

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

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

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

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

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

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

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

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

12 § 1761. Reserve funds and appropriations. 1. The authority may create
13 and establish one or more reserve funds to be known as debt service
14 reserve funds and may pay into such reserve funds (a) any moneys appro-
15 priated and made available by the state for the purposes of such funds,
16 (b) any proceeds of sale of bonds and notes to the extent provided in
17 the resolution of the authority authorizing the issuance thereof, (c)
18 any moneys directed to be transferred by the authority to such funds,
19 and (d) any other moneys which may be made available to the authority
20 for the purposes of such funds from any other source or sources. The
21 moneys held in or credited to any debt service reserve fund established
22 under this subdivision, except as hereinafter provided, shall be used
23 solely for the payment of the principal of bonds of the authority
24 secured by such reserve fund, as the same mature, required payments to
25 any sinking fund established for the amortization of such bonds (herein-
26 after referred to as "sinking fund payments"), the purchase or redemp-
27 tion of such bonds of the authority, the payment of interest on such
28 bonds of the authority or the payment of any redemption premium required
29 to be paid when such bonds are redeemed prior to maturity; provided,
30 however, that moneys in any such fund shall not be withdrawn therefrom
31 at any time in such amount as would reduce the amount of such fund to
32 less than the maximum amount of principal and interest maturing and
33 becoming due in any succeeding calendar year on the bonds of the author-
34 ity then outstanding and secured by such reserve fund, except for the
35 purpose of paying principal and interest on the bonds of the authority
36 secured by such reserve fund maturing and becoming due and sinking fund
37 payments for the payment of which other moneys of the authority are not
38 available. Any income or interest earned by, or increment to, any such
39 debt service reserve fund due to the investment thereof may be trans-
40 ferred to any other fund or account of the authority to the extent it
41 does not reduce the amount of such debt service reserve fund below the
42 maximum amount of principal and interest maturing and becoming due in
43 any succeeding calendar year on all bonds of the authority then
44 outstanding and secured by such reserve fund. In computing the amount
45 of any debt service reserve fund for the purposes of this section, secu-
46 rities in which all or a portion of such reserve fund are invested shall
47 be valued at par or, if purchased at less than par, at their cost to the
48 authority.

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

1 than the maximum amount of principal and interest maturing and becoming
2 due in any succeeding calendar year on the bonds then to be issued and
3 on all other bonds of the authority then outstanding and secured by such
4 reserve fund.

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

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

49 5. As used in this section, (a) the term "operating expenses" shall
50 mean ordinary expenditures for operation and administration of the
51 authority, including maintenance, repair and replacement of authority
52 property; and (b) the term "available operating revenues" shall mean all
53 amounts received on account of rentals and fees charged by the authori-
54 ty, if any, and income or interest earned or added to funds of the
55 authority due to the investment thereof, and not required under the
56 terms or provisions of any covenant or agreement with holders of any

1 bonds or notes of the authority to be applied to any purposes other than
2 payment of operating expenses of the authority.

3 § 1762. Exemption from taxation of bonds and notes. The state coven-
4 ants with the purchasers and with all subsequent holders and transferees
5 of bonds and notes, in consideration of the acceptance of and payment
6 for the bonds and notes, that the bonds and notes and the income there-
7 from, and all moneys, funds and revenues pledged to pay or secure the
8 payment of such bonds and notes shall at all times be free from taxa-
9 tion, except for estate and gift taxes and taxes on transfers.

10 § 1763. Bonds and notes legal investments for fiduciaries. The bonds
11 and notes are hereby made securities in which all public officers and
12 bodies of the state and all municipalities and municipal subdivisions,
13 all insurance companies and associations and other persons carrying on
14 an insurance business, all banks, bankers, trust companies, savings
15 banks, savings associations, including savings and loan associations and
16 building and loan associations, investment companies and other persons
17 carrying on a banking business, all administrators, guardians, execu-
18 tors, trustees and other fiduciaries, and all other persons whatsoever
19 who are now or who may hereafter be authorized to invest in bonds or
20 other obligations of the state, may properly and legally invest funds
21 including capital in their control or belonging to them. Notwithstanding
22 any other provisions of law, the bonds and notes of the authority are
23 also hereby made securities which may be deposited with and may be
24 received by all public officers and bodies of this state and all muni-
25 cipalities and municipal subdivisions for any purpose for which the depos-
26 it of bonds or other obligations of the state is now or may hereafter be
27 authorized.

28 § 1764. Right of state to require redemption of bonds. Notwithstanding
29 and in addition to any provisions for the redemption of bonds which may
30 be contained in any contract with the holders of the bonds, the state
31 may, upon furnishing sufficient funds therefor, require the authority to
32 redeem, prior to maturity, as a whole, any issue of bonds on any inter-
33 est payment date not less than twenty years after the date of the bonds
34 of such issue at one hundred five percent of their face value and
35 accrued interest or at such lesser redemption price as may be provided
36 in the bonds in case of the redemption thereof as a whole on the redemp-
37 tion date. Notice of such redemption shall be published in at least two
38 newspapers published and circulating respectively in the cities of Alba-
39 ny and New York at least twice, the first publication to be at least
40 thirty days before the date of redemption.

41 § 1765. Rights and remedies of bondholders and noteholders. The hold-
42 ers of bonds and notes shall have the following rights and remedies,
43 subject to the terms of the resolution authorizing such bonds and notes
44 or any trust indenture, secured loan agreement or other instrument
45 related thereto:

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

1 manner as a deed to be recorded, may appoint a trustee to represent the
2 holders of such bonds or notes for the purposes herein provided.

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

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

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

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

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

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

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

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

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

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

51 § 1766. State not liable on bonds and notes. The bonds and notes shall
52 not be a debt of the state of New York nor shall the state be liable
53 thereon and such bonds and notes shall contain on the face thereof a
54 statement to that effect.

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

ARTICLE 29-EFOR-HIRE VEHICLE IMPROVEMENT SURCHARGESection 1299-aa. Definitions.1299-bb. Imposition of tax.1299-cc. Liability for surcharge.1299-dd. Returns and payment of surcharge.1299-ee. Records to be kept.1299-ff. Deposit and disposition of revenue.

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

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

(b) "Authority" means the green transition authority established pursuant to section seventeen hundred fifty-one of the public authorities law.

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

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

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

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

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

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

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

(2) Neither the failure of a regulatory agency to adjust fares nor the failure to adjust a meter or other instrument used in a for-hire vehicle to calculate fares shall relieve any person liable for the surcharge imposed by this article from the obligation to pay such surcharge.

1 § 1299-dd. Returns and payment of surcharge. (a) Every person liable
2 for the surcharge imposed by this article shall file a return with the
3 commissioner on a monthly basis. Each return shall show the number of
4 for-hire transportation trips subject to the surcharge imposed by this
5 article in the month for which the return is filed, along with such
6 other information as the commissioner may require. The returns required
7 by this section shall be filed within twenty days after the end of the
8 month covered thereby. If the commissioner deems it necessary to ensure
9 the payment of the surcharge imposed by this article, the commissioner
10 may require returns to be made for shorter periods than prescribed by
11 the provisions of this section, and upon such dates as may be specified.
12 The form of returns shall be prescribed by the commissioner and shall
13 contain such information as the commissioner may deem necessary for the
14 proper administration of this article. The commissioner may require that
15 returns be filed electronically.

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

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

31 § 1299-ee. Records to be kept. Every person liable for the surcharge
32 imposed by this article shall keep, and shall make available for review
33 upon demand by the commissioner:

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

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

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

42 § 1299-ff. Deposit and disposition of revenue. (a) Any surcharge,
43 interest, and penalties collected or received by the commissioner shall
44 be deposited daily with such responsible banks, banking houses, or trust
45 companies, as may be designated by the comptroller, to the credit of the
46 comptroller in trust for the green transition authority. An account may
47 be established in one or more of such depositories. Such deposits shall
48 be kept separate and apart from all other money in the possession of the
49 comptroller. The comptroller shall require adequate security from all
50 such depositories. Of the total revenue collected or received under this
51 article, the comptroller shall retain such amount as the commissioner
52 may determine to be necessary for refunds under this article. The
53 commissioner is authorized and directed to deduct from the amounts the
54 department receives under this article, before deposit into the trust
55 accounts designated by the comptroller, a reasonable amount necessary to
56 effectuate refunds of appropriations of the department to reimburse the

1 department for the costs incurred to administer, collect and distribute
2 the surcharge, interest, and penalties imposed by this article.

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

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

21 § 6. This act shall take effect immediately.